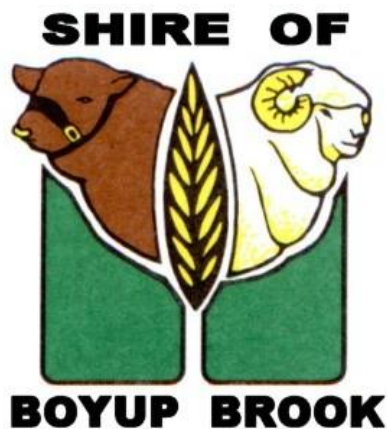


Minutes



ORDINARY MEETING

held

THURSDAY 19 March 2020

Commenced AT 5.15PM

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 H O'Connell
Cr T Oversby
Cr E Rear

STAFF: Mr Chris Smith (CEO)
Mr Peter Dittrich (Manager Governance)
Ms Vanessa Crispe (Coordinator Works, Projects and Assets)
Mrs Maria Lane (Executive Assistant)

Public: Mr T Wheeler (Manjimup Bridgetown Times)
Ms G Moroni
Ms C Baggaley
Mr C Westphal
Ms C Peterson
Mr & Mrs Desylva
Mr J Pottinger
Mr N Derrick

1.2 Apologies

Cr A Price

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

N Derrick

Q. Is the Shire buying a grader.

A. Yes.

Q. What is happening with Rylington Park.

A. The Shire has now formed a transitional committee which will comprise 3 from Rylington Park and 2 from the Shire to transition the farm back to the Shire.

Comment: Local businesses are expensive, and residents are shopping outside of town.

Comment: Roads works out near Harvey Dickson's (old section) has not been prepared properly.

J Pottinger

Q: The Spendmapp item was not advertised in the Gazette.

Reply: The CEO explained that the Spendmapp is an online application that allows users to view expenditure activity, with information based on EFTPOS credit and debit card transaction data.

J Pottinger read out a letter from an anonymous resident advising that the morale of the staff at the depot has been considerably low over the last few months.

The Secretary asked for a copy of the letter for records purposes.

C Westphal

Q. I am a business owner in Town and would like to know if the shire has any plans in relation to a new Doctor.

A. The Shire is currently looking for a Doctor, the Shire has employed a Broker who will handle the approaches to doctors in Collie, Bridgetown, Donnybrook and Bunbury.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Walker attended the Wilga Endurance Ride.

Cr Walker attended the WA Landcare network meeting.

Cr Oversby attended the Mayanup Camp Draft.

Cr Oversby advised Council that the Sandakan trip has been cancelled.

Cr Alexander attended the District High School BBQ.

Cr Alexander attended the Sport and Recreation meeting held on 4th March 2020.

Cr Moir attended the Wilga Show.

Cr Kaltenrieder attended the Sport and Recreation meeting held on 4th March 2020.

Cr Kaltenrieder attended the Rylington Park meeting held on 12th March 2020.

Cr Rear attended the Mayanup Campdraft (Double Duty).

Cr Rear attended the Sport and Recreation meeting on 4th March 2020.

Cr Rear attended the Boyup Brook Museum on 11th March 2020.

Cr Rear attended the Rylington Park meeting on 12th March 2020.

Cr Rear attended the Briefing session on 17 March 2020.

Cr O'Connell attended the Boyup Brook Tourism Association Management Committee on 24 February 2020.

Cr O'Connell attended the Rylington Park Management Committee meeting on 26th February 2020.

Cr O'Connell attended the Storm in a Teacup – Rylington Park Women's Field Day on 13th March 2020.

Cr O'Connell attended the CRC Management Committee meeting on 18 March 2020.

5 DISCLOSURE OF INTEREST

Cr Rear declared a financial interest in item 9.3.3.

6 CONFIRMATION OF MINUTES

6.1 Ordinary Council Minutes - 20 February 2020

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Alexander

That the Council adopts enbloc 6.1 and 6.2.

CARRIED BY ENBLOC 8/0

Res 24/20

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.1

That the minutes of the Ordinary Council Meeting held on Thursday 20 February 2020 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 25/20

6.2 Annual Electors Meeting - 20 February 2020

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 6.2

That the minutes of the Annual Electors Meeting held on Thursday 20 February 2020 be confirmed as an accurate record.

CARRIED BY ENBLOC 8/0

Res 26/20

7 PRESIDENTIAL COMMUNICATIONS

Attended the Sandakan Memorial Project meeting on 26 February 2020.
Met with the Regional Arts WA Board in relation to funding opportunities.
Met with Terry Redman on 27 February 2020 and discussed the Sandakan project.
Attended a South West Zone meeting on 28 February 2020 with the CEO.
Attended the LEMC meeting on 4 March 2020.
Attended the Sport and Recreation Master Plan meeting on 5 March 2020.
Attended a meeting with the Rylington Park Committee on 12 March 2020.
Attended the annual women's field day at Rylington Park on 13 March 2020.
Met with the WA Country Health Service on 13 March 2020.

8 COUNCILLORS QUESTIONS ON NOTICE

Nil

9 REPORTS OF OFFICERS

Change to Order of Business

That the order of business in the agenda to be changed to allow item 12.3 be brought forward and dealt with at this time.

12.3 Building Envelope (Vegetation Clearing, Single House, Outbuilding and Water Tank), Lot 7 Four Forty Road, Benjinup.

Location:	<i>Lot 7 Four Forty Road, Benjinup.</i>
Applicant:	<i>K Eykelenborg</i>
File:	<i>A3070</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 March 2020</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Chris Smith, Chief Executive Officer</i>
Attachments:	<i>Application for Development Approval (Includes Bushfire Assessment)</i>

SUMMARY

The purpose of this report is to request that Council agree to support development, which involves:

1. The clearing of vegetation within a nominated building envelope; and
2. The development of a 'Single House' and incidental infrastructure (outbuilding, water tank and access).

BACKGROUND

Lot 7 Four Forty Road is majority vegetated. The landholder of the subject lot wishes to clear vegetation in-order to accommodate development.

In 2004, amendments to the *Environmental Protection Act 1986* (EP Act) introduced provisions for regulating the clearing of native vegetation. If you intend to clear native vegetation, you need to apply for a permit from the Department of Water and Environmental Regulation (DWER), or otherwise an exemption must apply.

Clearing of native vegetation for the lawful construction of a building or other structure is exempt as long as other relevant approvals have been obtained, including any planning approvals and building licence.

The landholder of the subject lot, consulted with the *Department of Water and Environmental Regulation*, on the appropriate location and size of clearing, in-order to accommodate development. The *Department of Water and Environmental Regulation* decided that an area of approximately 1.4ha, located in the north western area of the subject lot, may be considered appropriate for clearing subject to planning approval.

COMMENT

The intention is to clear an area of vegetation (Building Envelope - 121m X121m), in-order to accommodate the development of a single house, a shed and a 200,000 litre water tank.

Proposed building envelope



Planning approval is required in-order to trigger an exemption to *Environmental Protection Act 1986* provisions, regulating the clearing of native vegetation.

A Single House and incidental infrastructure may be considered at a property zoned 'Rural' subject to the following matters being considered:

- Protecting environmental attributes;
- Planning for bushfire; and
- Achieving appropriate setbacks to boundaries.

Protecting environmental attributes

An officer from the *Department of Water and Environmental Regulation* advised the Shire that the location and size of the proposed building envelope is considered satisfactory.

Planning for Bushfire

A Bushfire Attack Level Assessment has been completed, determining that development can be achieved within the proposed building envelope, to achieve an acceptable heat rating (e.g. Less than or equal to 29kW/m²).

Achieving appropriate setbacks to boundaries

In accordance with the Shire's scheme, development is to be located at least 10m from property boundaries. Development is proposed to be located central to the building envelope in-order to achieve separation from bushfire hazard.

It is recommended that the Council agree to approve the application involving the clearing of vegetation, the development of a Single House, and the development of incidental infrastructure (Outbuilding and water tank).

STATUTORY OBLIGATIONS

The subject property is zoned 'Rural' in accordance with the Shire's Scheme.

The scheme intention is to protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas.

POLICY IMPLICATIONS

There are no policy implications that relate to the proposal.

The subject Lot is located within a bushfire prone area. A Bushfire Attack Level Assessment has been completed for the proposed Single House.

The assessment determined that, in the instance of a bushfire, the dwelling is expected to experience a radiant heat of 12.5kW/m². This means that the dwelling needs to be constructed in accordance with the Australian Standard 3959 – construction standards 3 and 5. It is proposed that the developer/landholder is advised of this requirement.

CONSULTATION

N/A

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.3

MOVED: Cr Rear

SECONDED: Cr O'Connell

That Council

Grants development approval involving the clearing of vegetation, the development of a Single House, and the development of incidental infrastructure (Outbuilding and water tank) at Lot 7 Four Forty Road, Benjinup, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 7 Four Forty Road, Benjinup.

Description of proposed development:

Vegetation Clearing

Single House

Outbuilding

200,000l tank

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

Conditions:

1. Development is to be carried out within the approved building envelope (dated March 2020), to achieve a maximum heat rating of 29kW/m².

Date of determination: 19 March 2020

Note 1: A Bushfire Attack Level Assessment determined that, in the instance of a bushfire, the dwelling is expected to experience a radiant heat of 12.5kW/m². This means that the dwelling needs to be constructed in accordance with the Australian Standard 3959 – construction standards 3 and 5.

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 8/0

Res 27/20

MOVED INTO COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

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

CARRIED 8/0

Res 28/20

MOVED OUT OF COMMITTEE

MOVED: Cr Walker

SECONDED: Cr O

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

CARRIED 8/0

Res 29/20

9.1 MANAGER WORKS & SERVICES

9.1.1 Jayes Road Numbering & Renaming

<i>Location:</i>	<i>Boyup Brook Town Site</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>N/A</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>11th March 2020</i>
<i>Author:</i>	<i>Steele Alexander - Manager Works & Services</i>
<i>Authorizing Officer:</i>	<i>Chris Smith - CEO</i>
<i>Attachments:</i>	<i>Policy P.08</i>

SUMMARY

The renaming of Jayes Road within the Boyup Brook town site in order to resolve a numbering issue and the issue of the duplicate Jayes Road name in the Shire was last brought to council at the 2020 February ordinary meeting. A single proposal on the matter is presented to Council for consideration.

BACKGROUND

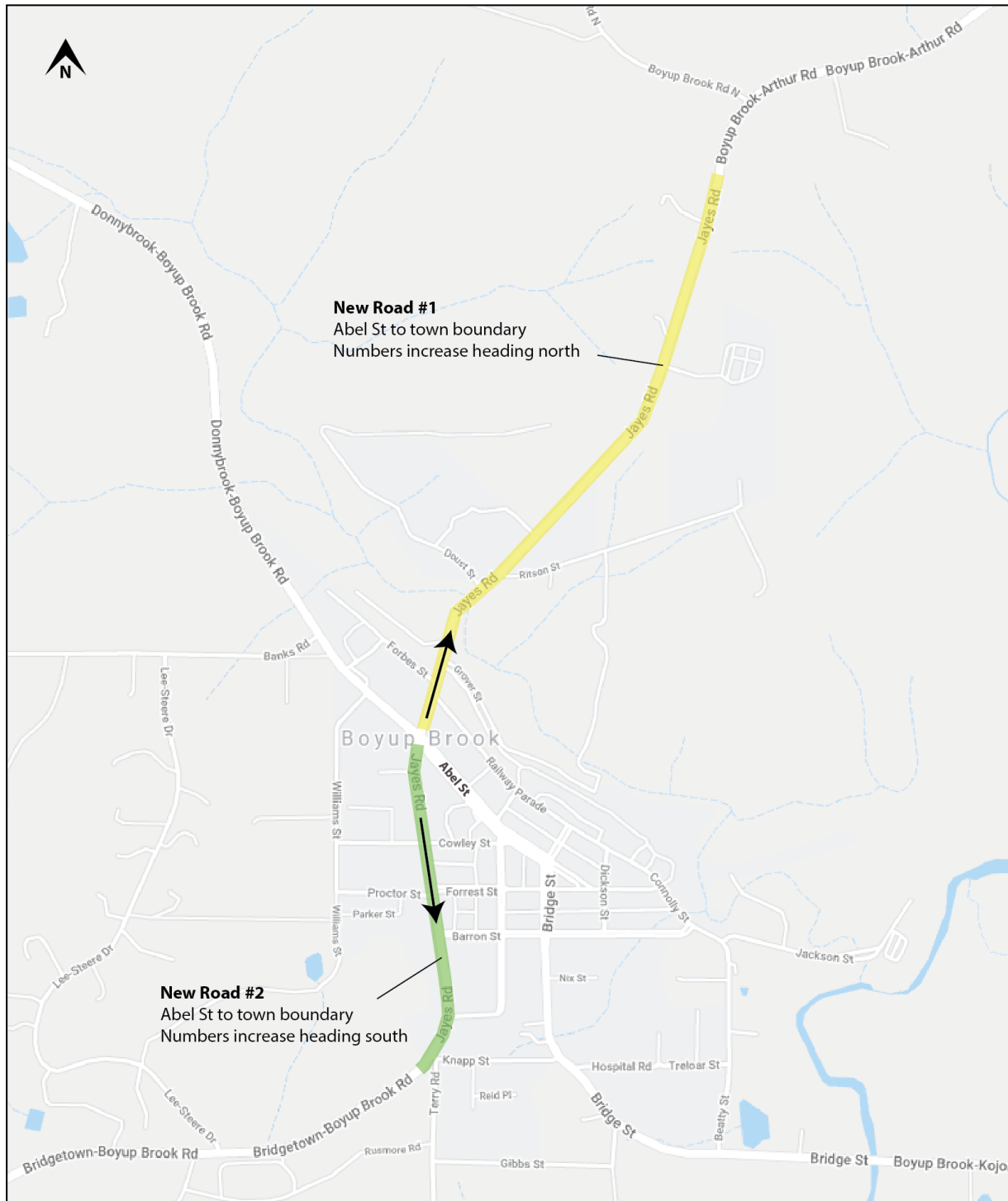
As previously reported, the renaming is required in order to address the following problems:

1. Properties on Jayes Rd north of Forbes St cannot be assigned a road number because numbering begins at Forbes St and increases heading south. Existing properties along this section of road use lot numbers for addressing which makes locating them difficult. This is particularly of concern for emergency services.
2. The Jayes Road name is used twice within the Shire; Jayes Road in the townsite and the rural Jayes-Bridgetown Road which is commonly just shortened to Jayes Rd. This duplication of names makes locating properties difficult and has caused emergency service delays in the past.

The proposed solution is to rename Jayes road within the town site and make a change to the numbering. The proposed changes are:

- Rename Jayes Road north from the Abel Street intersection (see New Road #1 on Figure 1). Property numbering would begin at the Abel St intersection and increase heading north.
- Rename Jayes Road south from the Abel Street intersection (see New Road #2 on Figure 1). Property numbering already increases heading south and would not be changed on this section of road. Addresses would change for road name only.

Figure 1: Proposed roads and numbering directions (indicated by arrows).



COMMENT

The proposed changes are required to improve navigation and safety within the Shire and have been determined to be the best solution to address the problems while minimising the impact on residents. This solution has been developed as a result of Council feedback from previous reports and after consultation with Landgate, emergency services, and the Shire of West Arthur.

Name Selection:

It is requested that at least three names be selected from policy P.08 in order of preference. Three names are required in case Landgate rejects a proposed name according to their policies and standards for geographical naming. It should be noted when selecting names that Landgate policy states naming must commemorate an individual with a demonstrated record of achievement. Policy P.08 currently contains a number of entries for families so these names would not be approved if put forward. Additionally, Letchford Rd and Sinnott Rd are already used within the Shire so should not be selected. It should also be noted that evidence of community consultation is a mandatory part of the road name application process.

Requests have been received to consider the names 'Bode', 'Cailes', and 'Hales' for the road.

CONSULTATION

Shire of West Arthur
Landgate
Ambulance Service

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

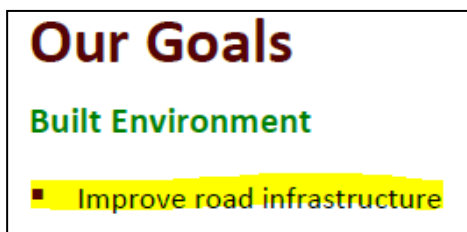
Nil

BUDGET/FINANCIAL IMPLICATIONS

Cost of under \$1,000 for new street signs and installation.

STRATEGIC IMPLICATIONS

With reference to the Strategic Community Plan 2017 - 2027



SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues.
- **Economic**
There are no known environmental issues.
- **Social**
With reference to the Strategic Community Plan 2017 - 2027

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.1.1

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That Council:

1. Approve the following road network and addressing changes:
 - Rename Jayes Road north from the Abel Street intersection. Property numbering to begin at the Abel St intersection and increase heading north. The names selected for the new roads from Policy P.08 in order of preference are Bode, Dent and Cailles.
 - Rename Jayes Road south from the Abel Street intersection. Property numbering to remain unchanged. The names selected for the new roads from Policy P.08 in order of preference are Cailles, Dent and Bode.
2. Direct the CEO to engage the community in a three-week consultation period with direct consultation undertaken with any ratepayers requiring an address change. Submissions to be reported to council at the April 2020 ordinary meeting.

CARRIED 8/0

Res 30/20

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc 9.2.1 and 9.2.2.

CARRIED 8/0

Res 31/20

9.2 FINANCE

9.2.1 List of Accounts Paid in February 2020

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>03/03/20</i>
<i>Author:</i>	<i>Carolyn Mallett - Accountant</i>
<i>Authorising Officer:</i>	<i>Peter Dittrich – Manager Governance</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid in February</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2020 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 29 February 2020.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 29 February 2020.

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 2019-20 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.1

That at its March 2020 ordinary meeting Council receive as presented the list of accounts paid in February 2020, totalling \$840,151.01 from Municipal account, \$123.30 from Trust account, \$61,326.10 from Police Licensing account and \$5.94 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20362 - 20369	\$ 44,289.04
Municipal Electronic Payments	EFT8956 – EFT9059	\$ 514,415.13
Municipal Direct Payments		\$ 281,446.84
Trust Cheques	2217 - 2218	\$ 123.30
Police Licensing Payments		\$ 61,326.10
BBELC Payments		\$ 5.94

CARRIED BY ENBLOC 8/0

Res 32/20

9.2.2 29 February 2020 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	11 March 2020
Authors:	Peter Dittrich – Manager Governance
Authorizing Officer:	Chris Smith - CEO
Attachments:	29 February 2020 Financial Reports

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 29 February 2020.

BACKGROUND

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

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

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

COMMENT

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

CONSULTATION - Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS - Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.2

That having had regard for any material variances, Council receive the 29 February 2020 Statements of Financial Activity and Statements of Net Current Assets, as presented.

CARRIED BY ENBLOC 8/0

Res 33/20

9.2.3 Adoption of the 2019-20 Budget Review

Location:	Not applicable
Applicant:	Not applicable
File:	
Disclosure of Interest:	Nil
Date:	11 March 2020
Author:	Peter Dittrich – Manager Governance
Authorizing Officer:	Christopher Smith – Chief Executive Officer
Attachments:	Yes – 2019-20 - Statement of Budget Review and Notes.

PURPOSE

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2019 to 29 February 2020.

BACKGROUND

A Statement of Budget Review incorporating year to date budget variations and forecasts to 30 June 2020 for the period ending 29 February 2020 is presented for council to consider. The *Local Government (Financial Management) Regulations 1996*, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

The budget review was prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. This annual budget review was conducted at an account level and income/expenditure code level.

Features of the budget review include:

Budget Review as at 29 February 2020

Cash Increases

Increase in surplus b/f	(3,860)	
Increase of BBELC income	(20,000)	
Decrease in Medical Centre Expenses	(100,000)	
Increase in Roads to Recovery Grant	(10,715)	
Sale of Isuzu Truck	(92,000)	
Sale of Hino Truck	(90,000)	
Trade in of Grader	(160,000)	
Deferred Plant Acquisitions	<u>(322,000)</u>	(798,575)

Decrease in Cash

Deferred Plant Trade-in	69,500	
Purchase of Side Tipper	40,000	
Purchase of Water Truck	140,000	
Purchase of Grader	450,000	
Purchase of 2nd Side tipper	50,000	
Purchase of Prime Mover	95,000	
Increase of R2R Expenditure	10,715	
Decrease in Medical Centre income	100,000	
Decrease in FAG General Purpose	5,380	
Increase in BBELC wages	15,000	
Boyup Brook Co-op Function	2,500	
Purchase of Street Trees	<u>5,000</u>	983,095

Transfers from Reserves

Transfer from Plant reserve	<u>(180,500)</u>	(180,500)
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Reallocations

Area Promotion	(65,000)	
Consultants - Recruitment	35,000	
Swimming Pool Employee Costs	47,000	
Reduction in Employee Provisions	(71,868)	
Bio Security	17,500	
Hire of Plant - capital works	<u>33,348</u>	(4,020)
		<u><u>0</u></u>

Depreciation

Non-cash off set in Statement of Budget Review	260,795
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CONSULTATION

Chris Smith – CEO, Steele Alexander – Manager Works & Services, and Daly Winter – Community Emergency & Regulation Services Manager.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS

The budget is based on the principles contained within the Community Strategic Plan and Plan for the Future.

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the above Table.

STRATEGIC IMPLICATIONS

The Budget Review has been developed based on existing strategic planning documents adopted by council.

VOTING REQUIREMENT

Absolute Majority required: Yes.

Economic Implications

The budget has been reviewed based on tested financial management and accountability principles and is considered to deliver in 2017-18 a sustainable economic outcome for Council and the community.

Social Implications

The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Environmental Implications

The budget has been reviewed so as to consider key environmental strategies and initiatives as supported by the council.

COUNCIL DECISION & OFFICER RECOMMENDATION- ITEM 9.2.3

MOVED: Cr Rear

SECONDED: Cr O'Connell

That:

Council adopt the budget review for the period 1 July 2019 to 29 February 2020 (as attached) with variations as follows, and instruct the CEO to amend the budget accordingly:

Budget Review as at 29 February 2020

Cash Increases

Increase in surplus b/f	(3,860)	
Increase of BBELC income	(20,000)	
Decrease in Medical Centre Expenses	(100,000)	
Increase in Roads to Recovery Grant	(10,715)	
Sale of Isuzu Truck	(92,000)	
Sale of Hino Truck	(90,000)	
Trade in of Grader	(160,000)	
Deferred Plant Acquisitions	(322,000)	(798,575)

Decrease in Cash

Deferred Plant Trade-in	69,500	
Purchase of Side Tipper	40,000	
Purchase of Water Truck	140,000	
Purchase of Grader	450,000	
Purchase of 2nd Side tipper	50,000	
Purchase of Prime Mover	95,000	
Increase of R2R Expenditure	10,715	
Decrease in Medical Centre income	100,000	
Decrease in FAG General Purpose	5,380	
Increase in BBELC wages	15,000	
Boyup Brook Co-op Function	2,500	
Purchase of Street Trees	5,000	983,095

Transfers from Reserves

Transfer from Plant reserve	(180,500)	(180,500)
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Reallocations

Area Promotion	(65,000)	
Consultants - Recruitment	35,000	
Swimming Pool Employee Costs	47,000	
Reduction in Employee Provisions	(71,868)	
Bio Security	17,500	
Hire of Plant - capital works	33,348	(4,020)

0

Depreciation

Non-cash off set in Statement of Budget Review	260,795
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CARRIED BY ABSOLUTE MAJORITY 8/0

Res 34/20

9.3 CHIEF EXECUTIVE OFFICER

Change to order of business

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

Declare a Financial Interest

Cr Rear declared a financial interest in item 9.3.3 and left the Chambers at 6.29pm.

9.3.3 Approval request for demolition works at the Wilga Town Hall

Location:	N/A
Applicant:	N/A
Disclosure of Officer Interest:	
Author:	Daly Winter (Community Emergency and Regulation Manager and Chris Smith (Chief Executive Officer)
Authorizing Officer:	Chris Smith (Chief Executive Officer)
Attachments:	Pictures of Old Wilga Hall Kitchen

SUMMARY

This report is for Council to consider a request from Mr Bill Jacson, President of the Wilga Progress Association (WPA) to allow the demolition of the old Wilga Hall kitchen area. The old kitchen is situated at the rear of the building. In recent years this area has acted as a store room for the hall. The floor sits close to ground level with little clearance. White ants have previously infested the rear wall, base plate and wall timbers. Evidence of active white ants were found in the building timbers and these need to be treated. It has been recommended by the building contractor that this old addition be removed to facilitate the white ant treatment and protect the rest of the hall structure from future infestations. This demolition is supported by the WPA.

BACKGROUND

In October 2018 Council approved a request by the WPA to allow the re-cladding of the hall with jarrah weather boards. Work commenced on the renovation on the 4th of March 2020 and this is when the white ant damage to the back kitchen area was discovered.

Based on their lease, the WPC (the Lessee) must not make any alterations without obtaining prior written consent.

CONSULTATION

Bill Jackson, President WPA.

STATUTORY OBLIGATIONS

Building Code of Australia 2009

Excerpt from the Lease Section 10 Alterations.

10. Alterations

(1) The Lessee must not –

- (a) make or allow to be made any alteration, addition or improvements to or demolish any part of the Premises;
- (b) erect or construct any building on the Premises;
- (c) remove any flora, trees or fauna, alter or cut down any flora, or sell, remove or otherwise dispose of any flora, sand, gravel, timber or other materials from the Premises,

unless the Lessee has obtained the prior written consent –

- (d) of the Lessor;
- (e) of any other person from whom consent is required under this Lease; and
- (f) of any other person as may be required under any statute in force from time to time.

(2) If the Lessor –

- (a) and any other person whose consent is required under this Lease or at law consents to any matter referred to in **subclause (1)** the Lessor may –
 - (i) consent subject to conditions;
 - (ii) require that work be carried out in accordance with plans and specifications approved by the Lessor or any other person giving consent; and
 - (iii) require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant; and
- (b) consents to any matter referred to in **subclause (1)** –
 - (i) the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities or permits under any statute or policies for such matters; and
 - (ii) the Lessee must apply for and obtain all such consents, approvals, authorities or permits as are required at law before undertaking any alterations, additions, improvements or demolitions.

(3) All works undertaken under this clause will be carried out at the Lessee's expense.

(4) If any of the consents given by the Lessor or other persons whose consent is required under this Lease or at law require other works to be done by the Lessee as a condition of giving consent, then the Lessee must at the option of the Lessor either –

(a) carry out those other works at the Lessee's expense; or

(b) permit the Lessor to carry out those other works at the Lessee's expense,

in accordance with the Lessor's requirements.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

Our Goals

Built Environment

- Improve road infrastructure

Social

- Improve community safety.
- Promote outdoor activities, community participation, interactions and connections.
- Strengthen an active and vibrant community.

SUSTAINABILITY IMPLICATIONS

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

Community Priorities against Key Areas

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

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 9.3.3

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

1. That Council approve the request of the Wilga Progress Association Inc to allow the demolition of the kitchen area at the rear of the Wilga Hall:
 - all works to comply with any relevant Standards;
 - works are carried out by a licensed builder.

CARRIED 7/0

Res 35/20

Cr Rear returned to the Chambers at 6.33pm.

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc 9.3.1, 9.3.2 and 9.3.4.

CARRIED BY ENBLOC 8/0

Res 36/20

9.3.1 Review of Occupational Safety and Health Policy

<i>Location:</i>	<i>N/A</i>
<i>Owner:</i>	<i>N/A</i>
<i>File:</i>	<i>Policy</i>
<i>Disclosure of Officer Interest:</i>	<i>none</i>
<i>Date:</i>	<i>10th March 2020</i>
<i>Author:</i>	<i>Angela Hales – Safety and Health Officer</i>
<i>Authorizing Officer:</i>	<i>Chris Smith - CEO</i>
<i>Attachments:</i>	<i>Yes</i> <i>Amended Occupational Health and Safety policy A.16</i> <i>Amended Smoke-free Workplace Policy</i> <i>Amended Children in the Workplace Policy</i>

SUMMARY

As part of the Shire of Boyup Brook's safety audit process, all policies are required to be reviewed to ensure compliance with Occupational, Safety and Health legislation, and consistency with AS4801 - Occupational Health and Safety Management Systems, that sets out best practice standards for safety management.

BACKGROUND

The Occupational Safety and Health Manual was reviewed in 2018, and all staff inducted to ensure an understanding of their legal responsibilities. Continuous improvement is part of the review process and includes amendments to establish a consistent template to be used for all policies in the manual.

COMMENT

Best practice includes having a policy that starts with a clear statement that demonstrates the Local Government's commitment to comply with legislation. It

should also identify a senior manager who is responsible for the implementation showing clear line management roles and responsibilities. The policy objectives must align with the legislative requirements to achieve the outcomes stated. Mechanisms for consultation should also be identified.

The Policy should be signed by the Chief Executive Officer.

CONSULTATION

Once approved by Council the Policies will be presented to the Shire of Boyup Brook's safety and health committee and placed in the safety and health manual.

STATUTORY OBLIGATIONS

Occupational Health and Safety Act 1984, as amended

POLICY IMPLICATIONS

NIL

BUDGET/FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.1

That Council adopt amended:

1. **Occupational Health and Safety Policy A.16, as presented.**
2. **Smoke Free Workplace Policy, as presented**
3. **Children in the Workplace Policy, as amended**

CARRIED BY ENBLOC 8/0

Res 37/20

9.3.2 CRT Trial at Rylington Park

Location:	<i>N/a</i>
Applicant:	<i>CRT Boyup Brook</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>20 February 2020</i>
Author:	<i>Maria Lane</i>
Authorizing Officer:	<i>Christopher Smith - CEO</i>
Attachments:	<i>Letter from CRT Boyup Brook.</i>

SUMMARY

The purpose of this report is for Council to consider supporting CRT Boyup Brook pasture trials at Rylington Park.

BACKGROUND

A letter was received from CRT Boyup Brook dated 18th February 2020 requesting that CRT Boyup Brook be granted access to 6 areas of 90mx45m to undertake pasture trials.

COMMENT

CRT has advised that there would be no cost to Council in the undertaking of the trials.

As the trials have previously been undertaken on the land it would seem that the support of the trials would not interfere with the usual operation of Rylington Park.

Council will need to consider this application in light of the current state of the review of the future operation of Rylington Park.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Good Governance

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.2

That Council support the access to 6 areas of 90mx45m to undertake pasture trials by CRT Boyup Brook subject to the requirements of Section 3.58 and Local Government (Functions & General) Regulations 1996 regulation 30.

CARRIED BY ABSOLUTE MAJORITY ENBLOC 8/0

Res 38/20

9.3.4 Audit Committee – Compliance Audit Return 2019

Location:	Not applicable
Applicant:	Not applicable
Disclosure of Interest:	Nil
Date:	13 March 2020
Author:	Peter Dittrich – Manager Governance
Authorizing Officer:	Christopher Smith – Chief Executive Officer
Attachments:	Yes – Shire of Boyup Brook Compliance Audit Return 2019

PURPOSE

To consider and adopt the Compliance Audit Return for the year ended 31 December 2019.

BACKGROUND

The Shire of Boyup Brook Audit Committee met on 19 March 2020 to review the 2019 compliance audit return (CAR), as attached and in the form approved by the Minister.

COMMENT

Section 14 of the Local Government (Audit) Regulations 1996 (the Regulations), requires local governments to carry out a compliance audit for the period 1st January to 31st December in each year (refer attached). Section 13 of the Regulations outlines the sections of the Act & Regulations that are subject to audit. Further, Section 14 requires local government audit committees to review the CAR prepared by the local government and report the findings to Council.

The Department of Local Government Sport Cultural Industries provided the electronic compliance form, approved by the Minister, for completion and presentation to Council for adoption. An important objective of the CAR process is to assist the shire with developing and enhancing its internal control processes.

The Audit and Finance Committee has discussed the 2019 Compliance Audit Return and has noted non-compliance or partial non-compliance matters identified by the Chief executive Officer.

CONSULTATION

The Shire President, Administration, Corporate Services and Works and Services staff.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996 - Sections 13, 14 and 15

13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

Table

Local Government Act 1995		
s. 3.57	s. 3.58(3) and (4)	s. 3.59(2), (4) and (5)
s. 5.16	s. 5.17	s. 5.18
s. 5.36(4)	s. 5.37(2) and (3)	s. 5.42
s. 5.43	s. 5.44(2)	s. 5.45(1)(b)
s. 5.46	s. 5.67	s. 5.68(2)
s. 5.69(5)	s. 5.70	s. 5.71B(5) and (7)
s. 5.73	s. 5.75	s. 5.76
s. 5.77	s. 5.88	s. 5.89A
s. 5.103	s. 5.120	s. 5.121
s. 7.1A	s. 7.1B	s. 7.3
s. 7.6(3)	s. 7.9(1)	s. 7.12A
Local Government (Administration) Regulations 1996		
r. 18A	r. 18C	r. 18E
r. 18F	r. 18G	r. 19
r. 19C	r. 19DA	r. 22
r. 23	r. 28	r. 34B
r. 34C		
Local Government (Audit) Regulations 1996		
r. 7	r. 10	
Local Government (Elections) Regulations 1997		
r. 30G		
Local Government (Functions and General) Regulations 1996		
r. 7	r. 9	r. 10
r. 11A	r. 11	r. 12

<i>r. 14(1), (3) and (5)</i>	<i>r. 15</i>	<i>r. 16</i>
<i>r. 17</i>	<i>r. 18(1) and (4)</i>	<i>r. 19</i>
<i>r. 21</i>	<i>r. 22</i>	<i>r. 23</i>
<i>r. 24</i>	<i>r. 24AD(2), (4) and (6)</i>	<i>r. 24AE</i>
<i>r. 24AF</i>	<i>r. 24AG</i>	<i>r. 24AH(1) and (3)</i>
<i>r. 24AI</i>	<i>r. 24E</i>	<i>r. 24F</i>
Local Government (Rules of Conduct) Regulations 2007		
<i>r. 11</i>		

[Regulation 13 inserted: Gazette 23 Apr 1999 p. 1722-4; amended: Gazette 1 Jun 2004 p. 1917; 31 Mar 2005 p. 1042-3; 30 Sep 2005 p. 4418-20; 21 Dec 2010 p. 6758-61; 30 Dec 2011 p. 5579-80; 18 Sep 2015 p. 3813; 26 Jun 2018 p. 2386; Gazette 18 Oct 2019 p. 3683.]

14. Compliance audits by local governments

(1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.

(2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.

(3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —

- (a) presented to the council at a meeting of the council; and*
- (b) adopted by the council; and*
- (c) recorded in the minutes of the meeting at which it is adopted.*

[Regulation 14 inserted: Gazette 23 Apr 1999 p. 1724-5; amended: Gazette 30 Dec 2011 p. 5580-1.]

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
- (b) any additional information explaining or qualifying the compliance audit,*

is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation —

certified in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

[Regulation 15 inserted: Gazette 23 Apr 1999 p. 1725; amended: Gazette 26 Jun 2018 p. 2386.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority required: Yes.

Economic Implications

Nil

Social Implications

Nil

Environmental Implications

Nil

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 9.3.4

That:

1. Council note that the Audit and Finance Committee has reviewed the 2019 Compliance Audit Return and has noted non-compliance or partial non-compliance matters identified by the Chief executive Officer.
2. Council adopts the 2019 Annual Compliance Return, and that the Shire President and CEO certify the return for submission to the Executive Director (Department of Local Government Sport and Cultural Industries) by 31 March 2020.

CARRIED BY ENBLOC 8/0

Res 39/20

10 COMMITTEE MINUTES

Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12.1 Rylington Park Transitional Committee

Location:	Not applicable
Applicant:	Not applicable
File:	
Disclosure of Interest:	Nil
Date:	16 March 2020
Author:	Peter Dittrich – Manager Governance
Authorizing Officer:	Christopher Smith – Chief Executive Officer
Attachments:	Nil

PURPOSE

Council to consider the establishment of the Rylington Park Transitional Committee.

BACKGROUND

The Shire of Boyup Brook met with members of the Rylington Park Management Committee Inc. on Thursday 12 March 2020 to discuss the transfer of the management of Rylington Park to the Shire.

COMMENT

At the meeting of the 12 March 2020 it was agreed that the establishment of the Rylington Park Transitional Committee would be put to Council, for its consideration, at its March 2020 Ordinary Meeting.

The purpose of the committee is to manage the transition of Rylington Park operations from the Rylington Park Management Committee Inc. to management of the facility by the Shire.

The proposed membership of the committee is Cr G Aird, Cr H O'Connell, Mr H Wass, Mr M Chambers and Mr R Turner.

CONSULTATION

The Shire Council, Rylington Park Management Committee Inc., and the CEO.

STATUTORY ENVIRONMENT

Local Government Act 1995 - Sections 5.8 to 5.10

5.8. *Establishment of committees*

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and*

discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*
- (f) other persons only.*

5.10. Committee members, appointment of

(1) A committee is to have as its members —

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

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

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

(5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

- (a) *to be a member of the committee; or*
- (b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

[Section 5.10 amended: No. 16 of 2019 s. 18.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority required: Yes.

Economic Implications

Nil

Social Implications

Nil

Environmental Implications

Nil

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 12.1

MOVED: Cr Oversby

SECONDED: Cr Kaltenrieder

That:

- 1. Council establish the Rylington Park Transitional Committee to manage the transition of Rylington Park operations from the Rylington Park Management Committee Inc. to management of the facility by the Shire.**
- 2. Council appoints the following persons to the Rylington Park Transitional Committee:**
 - a. Cr G Aird**
 - b. Cr H O'Connell**
 - c. Mr H Wass**
 - d. Mr M Chambers**
 - e. Mr R Turner**
- 3. Council authorise the following transitional budget amendments:**
 - a. Other Property – Rylington Park Income \$99,100**
 - b. Other Property – Rylington Park Expenditure \$144,347**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 40/20

12.2 Special Rural Properties – ensuring predominantly non-rural land is rated on its GRV

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 March 2020</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Chris Smith, Chief Executive Officer</i>
Attachments:	<i>Landgate – Rating and Taxing Brochure</i>

SUMMARY

Special Rural zone properties in the Shire of Boyup Brook are currently rated using the 'Unimproved Value' method.

The definition of Unimproved Value (UV): *Means the capital amount that an estate of fee simple in the land might reasonably be expected to realize upon sale, assuming that any improvements to the land had not been made.*

Council is requested to agree to consult with landholders of Special Rural zone properties, on the notion of applying the 'Gross Rental Value' (GRV) method as a basis for a rate application.

The definition of a Gross Rental Value (GRV): *Means the gross annual rental that the land might reasonably be expected to realize if let on tenancy from year to year, upon condition that the landlord were liable for all rates, taxes, insurance, and other outgoings necessary to maintain the value of the land.*

Should the Council agree that the GRV rating method should apply to properties zoned Special Rural, then the Shire might realise an increase in the rates pool.

BACKGROUND

The Shire is required, pursuant to Section 6.28 of the *Local Government Act 1995*, to review and make recommendations to the Minister for Local Government, as to the method of valuation to be used for rating purposes.

At the Council meeting dated 20 September 2018, Council decided that:

- 1) *In keeping with the rating principles of the Local Government Act 1995, determines that where it is assessed that the predominant use of Special Rural*

land in the district is non-rural in nature, the land shall be rated on its Gross Rental Value (GRV).

COMMENT

Shire staff have determined that Special Rural zone properties in the Shire of Boyup Brook are used predominantly for non-rural purposes and therefore, in accordance with the *Local Government Act 1995*, the method of valuation of land should be based on the Gross Rental Value and not the Unimproved Value.

Exemption to the above, applies to properties that are zoned Special Rural, however have not yet been subdivided from the mother (original) lot. There are properties within the Shire, which are zoned 'Special Rural', however, they have not yet been subdivided into smaller life-style properties. These properties are currently being used (predominantly) for rural activities (broad-acre farming) and therefore should not be rated under the GRV method.

The Local Government Act 1995 states:

6.28. Basis of rates...(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be — (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

The following justification applies to the notion that Special Rural zone properties are predominantly used for non-rural purposes:

- 1) Within the Shire of Boyup Brook, Special Rural properties are generally used as small life-style properties, on-which the following non-rural activities may be considered in accordance with the Shire's Scheme:
 - a. Single House;
 - b. Ancillary Accommodation;
 - c. Bed & Breakfast;
 - d. Home Occupation; and
- 2) In accordance with the Shire's Scheme, the following rural type activities may be considered on 'Rural' zone properties and not 'Special Rural' zone properties.
 - a. Plantation;
 - b. Agroforestry;
 - c. Farm workers accommodation;
 - d. Animal establishment; and
 - e. Agricultural extensive.

Council is requested to agree on the notion that Special Rural zone properties (with exceptions) should be rated based on the Gross Rental Value and that the Shire write to affected Special Rural property owners informing them:

- Of proposed changes to the method of valuing their properties;
- The reason(s) for seeking to change the method of valuation;
- Any exempted properties;
 - Lots 711 (45ha) and 695 (34ha) Terry Rd;
 - Lots 720 (66ha) and 721 (62 ha) Bridgetown, Boyup Brook Road; and
 - Lots 735 (40ha) and 9000 (41ha) Banks Road.
- Of the overall likely impact of such changes; and
- Of how to comment on the proposed changes.

STATUTORY OBLIGATIONS

Local Government Act 1995

6.28. Basis of rates

(1) The Minister is to —

(a) determine the method of valuation of land to be used by a local government as the basis for a rate; and

(b) publish a notice of the determination in the Government Gazette.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —

(a) where the land is used predominantly for rural purposes, the unimproved value of the land; and

(b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

POLICY IMPLICATIONS

Council's Rating Strategy applies, as currently it does not recognize that the valuation method of Special Rural UV properties would be different from Rural UV properties.

CONSULTATION

It is proposed that the Shire write to affected landholders and report any comments back to Council. The Council may then be requested to finally decide on the method for applying rates to Special Rural zone properties.

Other regional areas, including the City of Albany, the Shire of Manjimup, the Shire of Augusta/Margaret River and the Shire of Denmark, use the GRV method for rate assessments of rural lifestyle properties (Special Rural and Rural Residential zones).

BUDGET/FINANCIAL IMPLICATIONS

This report may have significance for the 2021-22 rating period.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.2

MOVED: Cr Kaltenrieder

SECONDED: Cr Rear

That Council:

Agree to consult with landholders of Special Rural zone properties (other than nominated exempted lots) on the notion of applying the ‘Gross Rental Value’ (GRV) method as a basis for applying rates.

CARRIED 8/0

Res 41/20

13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 6.50pm.