

AGENDA

ORDINARY COUNCIL MEETING

BEING HELD ON

Thursday 26 August 2021

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

20 August 2021

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O'Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
	Chief Executive Officer	Dale Putland
	Finance Manager	Ben Robinson
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE:

APOLOGIES:	Manager of Works & Services	Wayne Butler
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MEMBERS OF PUBLIC:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 4. PUBLIC QUESTION TIME
- 5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS
- 6. DISCLOSURE OF INTEREST

Cr Philippe Kaltenrieder – Proximity interest in item 10.3.1.

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 29 July 2021

OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 29 July 2021 be confirmed as an accurate record.

- 8. PRESIDENTIAL COMMUNICATIONS
- 9. COUNCILLOR QUESTIONS ON NOTICE

10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in July 2021

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>09/08/2021</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in July</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in July 2021 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries, and wages, and the like which were paid during the period 01 to 31 July 2021.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 July 2021.

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 July 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 2020-21 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.1

That at its August 2021 ordinary meeting Council receive as presented the list of accounts paid in July 2021, totalling \$678,907.47 from Municipal account, \$48,452.00 from Police Licensing account and \$10.23 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20519 - 20526	\$ 7,650.34
Municipal Electronic Payments	EFT11094 – EFT11205	\$ 435,113.60
Municipal Direct Payments		\$ 236,143.53
Police Licensing Payments		\$ 48,452.00
BBELC Payments		\$ 10.23

10.2.2 31 July 2021 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>12 August 2021</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 31 July 2021 is presented for Council’s consideration.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

COMMENT

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves; and
- (j) Loan Borrowings Statement.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

As the 2021-22 budget has not yet been adopted, no comparatives are provided for this month's reporting.

The Statement of Financial Activity as at 31 July shows a closing surplus of \$1,706,023.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.2

That Council receive the Monthly Financial Report for 31 July 2021, as presented.

10.3 PLANNING

10.3.1 Development (Caravan Park - Nature Based Park) – Lot 7876 Terry Road, Boyup Brook

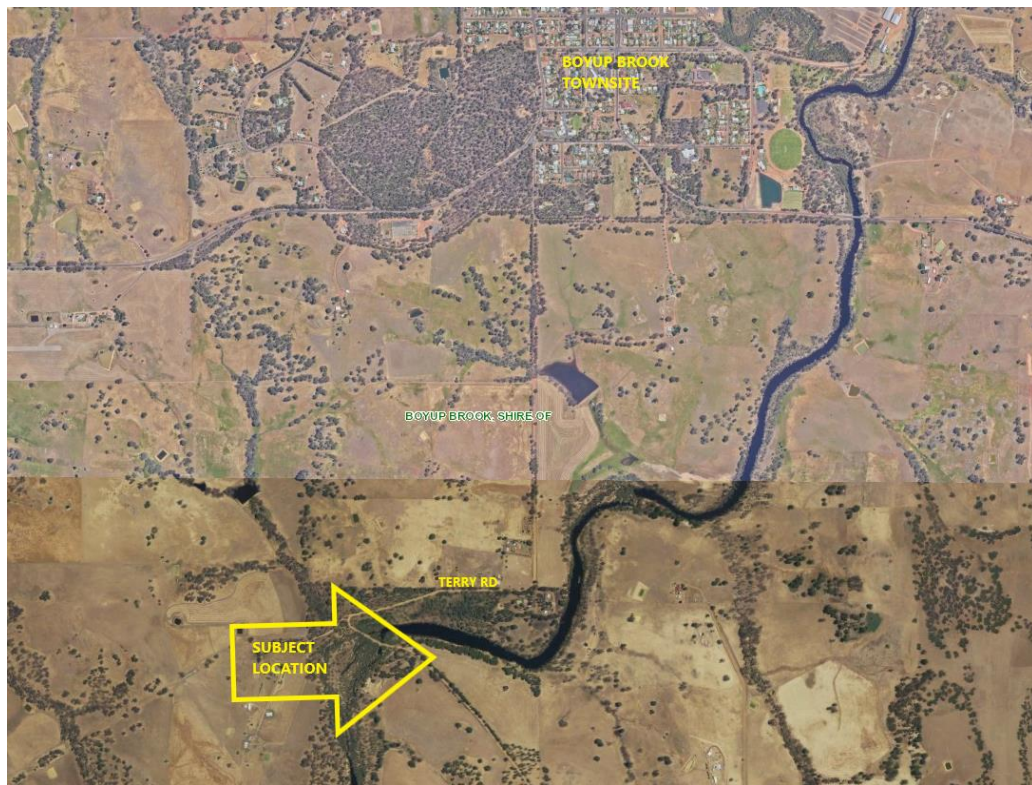
Location:	<i>Lot 7876 Terry Road, Boyup Brook.</i>
Applicant:	<i>R & C Harrison</i>
File:	<i>A9370</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>26 August 2021.</i>
Author:	<i>A. Nicoll, Town Planner.</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer.</i>
Attachments:	<i>1. Development Application:</i> <ul style="list-style-type: none">• <i>Accommodation Management Plan</i>• <i>Bushfire Management Plan</i>• <i>Emergency Evacuation Plan</i> <i>2. Public Submissions.</i>

SUMMARY

The Shire received an application to develop a Caravan Park (Nature Based Park) at Lot 7876 Terry Road, Boyup Brook.

Nature based parks are intended for use by tourists who want to experience nature.

Figure 1: Location Plan



In accordance with the Shire’s Local Planning Scheme No.2, a Nature Based Park may-be considered for approval at the subject property, which is zoned ‘Rural’.

On review of the *Caravan Parks and Camping Grounds Act 1995* and comments received from neighbouring landholders, there are two factors of concern being:

- 1) The application does not involve a caretaker residing at the proposed Nature Based Park; and
- 2) The application does not propose to provide any toilets for the campers.

The landholder lives in the Boyup townsite and proposes to visit the park on a daily basis when guests are camping. It is proposed that campers are directed to bring their own facilities. If for example a camper does not have a toilet, then they are not welcome to stay.

The application proposes to make available 12 different camping areas, each capable of accommodating 5 persons (60 person capacity).

Allowing a Nature Based Park, where a caretaker is not accessible at all times in case of an emergency or to ensure campers have the necessary amenities, carries some level of risk, especially considering the available capacity of persons camping (60 persons) and the proposed location adjacent to an environmentally sensitive area (the Blackwood River).

It is recommended that the Council approve the proposed Nature Based Park, subject to:

- 1) A caretaker residing on-site;
- 2) Maximum 8 camping sites, each with a capacity of 5 persons; and
- 3) Advertising material notifying campers that the following facilities will not be provided at the Nature Based Park: toilets, showers, hand basins, washing-up facilities, laundry facilities, hot water for showering or for washing-up or laundry facilities, power points and lighting.

Alternatively (second preference), it is recommended that the Council approve the proposed Nature Based Park, as applied for (e.g. with caretaker located offsite in the Boyup townsite), subject to:

- 1) A temporary period of approval (24 months);
- 2) A maximum of three (3) available camping areas, each with a maximum capacity of 10 persons; and
- 3) Advertising material notifying campers that the following facilities will not be provided at the Nature Based Park: toilets, showers, hand basins, washing-up facilities, laundry facilities, hot water for showering or for washing-up or laundry facilities, power points and lighting.

BACKGROUND

The Shire of Boyup Brook received the Development Application for a Caravan Park – Nature Based Park, which proposes 12 individual camping areas (Max 5 persons per camping area – total 60), located within the Lot 7876 Terry Road, Boyup Brook and fronting the Blackwood River.

In accordance with the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*, Nature Based Parks within Western Australia are required to be licenced with the relevant local government authority.

Shire staff worked with the applicant to improve the information available to the Council, neighbouring landholders and potential campers. As such, the application includes an 'Accommodation Management Plan' (rules applicable to campers), a 'Bushfire Management Plan', and an 'Emergency Evacuation Plan'. These plans have been provided as attachments to this report item. Should the Council approve the application, it is proposed that these plans are made available to campers for information purposes.

The application was advertised and comments were received pertaining to the supervision of campers. It was commented that a caretaker should be located on-site to supervise campers on matters such as the use of camp fires, the disposal of rubbish, the management of effluent, boundaries to recreation and the containment of dogs. For further information on comments received, refer to the attached 'Submissions'.

The concerning comments were shared with the applicant/landholder who has since stated that:

"Our daily visit to the camp ground when guests are in, will always include respectful monitoring of our guest's behaviour and to ensure in particular that they do indeed have toilet facilities and they are managing their campfire correctly".

The applicant/landholder does not live at the site where the nature based park is proposed. The applicant/landholder lives in the Boyup townsite, approximately 3km from the proposed Nature Based Park.

COMMENT

As per the *Caravan Parks and Camping Grounds Regulations 1997*, a nature based park means a facility in an area that:

- a) *Is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 m for a distance of 500 m or more; and*
- b) *Has been predominantly formed by nature; and*
- c) *Has limited or controlled artificial light and noise intrusion.*

One of the key considerations in developing and licensing a Nature Based Park is to ensure there is minimal or no impact on the environment. As such, permanent or long-stay occupation is not appropriate and developed infrastructure should be limited.

In accordance with the *Caravan Parks and Camping Grounds Regulations 1997*, the only buildings allowed on a nature based park are a manager's house, toilets, an ablution block, washing up facilities and a camper's kitchen (if approved) and there are to be no buildings allowed on an individual camp-site.

The *Caravan Parks and Camping Grounds Regulations 1997* (Regulations) also recommends limiting the amount of persons camping at a site at any one time as a means to limit the impact on the environment. The Regulations allow the Shire to approve a lesser number of people permitted to camp, in line with the environmental sustainability of the location and other relevant considerations.

The *Caravan Parks and Camping Grounds Regulations 1997* recommends the development of at least 2 toilets and two showers for every 20 camp sites being made available. Considering the intent to limit development within nature based parks, the Regulations allow for campers to supply their own facilities, subject to approval of the Shire. Should the Shire exempt the need for toilets and showers, all advertising material for nature based parks are to accurately identify the exemptions (e.g. toilets, showers, hand basins, washing up facilities, laundry facilities, hot water, lighting and power). This is to ensure that prospective users are aware of any key infrastructure or amenities that may not be provided to allow them to make an informed decision prior to planning a stay.

The *Caravan Parks and Camping Grounds Act 1995* (Act) states the following at Division 2, clause 13:

- 1) *A person licensed to operate a facility must ensure that —*
 - a) ***a manager or other responsible person —***
 - (i) ***resides in or near the facility; and***
 - (ii) ***is responsible for the supervision of the facility; and***
 - (iii) ***is accessible at all times in case of an emergency; and***
 - (iv) ***where the facility is a caravan park, is available at the office of the caravan park during normal office hours;***

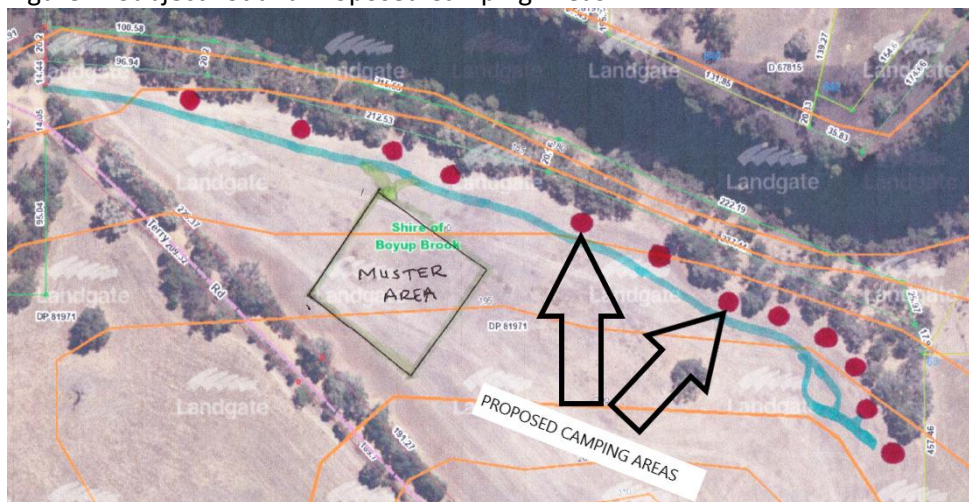
and

- b) a register of occupiers is maintained in the prescribed manner; and
- c) copies of this Act, any subsidiary legislation made under this Act, facility rules (if any) made by the licence holder and any special conditions imposed on the licence are readily available for inspection by the occupiers of the facility.

The application proposes 12 sites with the capability of accommodating 5 persons per site. At full capacity, the facility may accommodate 60 persons camping and recreating along the river. Additionally, the Nature Based Park proposes:

- Allowance for tents, vans, truck campers, trailers and RVs.
- A gravel constructed access to camping areas.
- Notice at the entry to the property with information to campers, including nearest location of potable water and human effluent dumping point.
- Use of the river and foreshore for recreation activities (e.g. canoeing).
- Booking of the sites and information to the campers via online application.
- Campers providing their own facilities and amenities, including their own tent or camper, their own firewood, their own toilet and their own washing apparatus and potable water.
- The applicant/landholder living offsite (Boyup Townsite) and undertaking daily visits to the camp ground when guests are at the site, to monitor activities and to ensure in particular that they do indeed have toilet facilities and they are managing their campfire correctly.
- Allowance for pets on leads and campfires in designated spots and outside of prohibited burning periods.
- In the instance of a bushfire, evacuation via Terry Road to the North or South or via an on-site refuge ('muster area' – maintained as a low fuel area).

Figure 2: Subject Lot and Proposed Camping Areas



Shire staff believe that the total proposed amount of campers (60), may have a detrimental impact on the environment, which defeats the purpose of a nature based park.

Shire staff recommend that the number of sites available for camping is reduced to a level that allows for sustainable access and recreation of the Blackwood River foreshore (e.g. 3 - 8 sites).

Shire staff believe that facilities need not be provided at a Nature Based Park (e.g. camp kitchen or toilets), subject to all advertising material and other information sources about the facility, the content of which is controlled by the licence holder, specifying each of the following amenities that is not provided for occupiers at the facility: toilets, showers, hand basins, washing-up facilities, laundry facilities, hot water for showering or for washing-up or laundry facilities power points, and lighting.

As indicated by the application, a caretaker is not available at the site to supervise the facility and is not accessible at all times in case of an emergency. This proposal is contrary to the requirements of the Act and is of concern to the Shire and neighbouring landholders. Shire staff sought confirmation on this matter from other municipalities where it was confirmed that the general expectation is for a caretaker to be present in a dwelling on the property where the facility is located. Should the Council agree to approve the proposed Nature Based Park, Shire staff recommend that the approval is on the condition that a managers building is developed near the camping sites and that a supervisor is available at the park to respond to any emergencies and to check to ensure campers are following rules, including providing their own toilet.

Should the Council decide otherwise and agree that the caretaker can reside offsite (e.g. at the Boyup Townsite), Shire staff recommend that the number of campsites is limited to three (3) and the number of campers per site is limited to 10 (total capacity of 30 persons at any one time). Bear in-mind, such a decision would be contrary to the Act, to the Shire's current Policy position and to previous advice given to members of the public enquiring about developing a camping facility. The Shire's 'Caravan Park or Camping Ground' Policy reiterates the position of the Act by outlining that suitable on-site supervision must be provided when clients are booking-in (refer to the 'Policy' section of this report item).

STATUTORY OBLIGATIONS

In accordance with the Shire's *Local Planning Scheme No.2*, a Caravan Park (Nature Based Park) may be considered for approval at the subject property, which is zoned 'Rural'.

In accordance with the *Caravan Parks and Camping Grounds Act 1995*, a Caravan Park facility needs a license and a manager residing in or near the facility.

In accordance with the Caravan Parks and Camping Grounds Regulations 1997:

- 1) A local government may grant a temporary licence for a camping facility which is to remain in force for such period of less than one year, as is provided in the licence.
- 2) A nature based park is to have at least 2 toilets for every 20 sites, unless otherwise approved.
- 3) A nature based park is to have at least as many showers and hand basins, unless otherwise approved.
- 4) A nature based park is to have at least one extinguisher in an area accessible to all persons in the facility.

POLICY IMPLICATIONS

The Shire has endorsed its own Caravan Parks and Camping Grounds Policy (0.08), which states:

- Upon planning approval being given, a planning consent will be issued requiring the standards outlined in this policy and any other condition that the Council sees fit to impose shall be complied with prior to the grounds being occupied. The planning consent shall be regarded as the licence.
- A licence for a Temporary Caravan Park and Camping Ground shall be applied for on an annual basis.
- The Temporary Caravan Park or Camping Ground will be provided with suitable on-site supervision. As a minimum, supervision must be provided when clients are booking-in and a phone help/contact number, which is accessible throughout the license period, must be posted for the notice of all patrons.
- The supervisor must record the number of caravan and camping sites allocated and the number of vehicles with independent sanitary fixtures (see item 6 above).
- No more than ten people are to camp on a site at any one time.
- There is to be a least 3 metres between a caravan, annex or camp on a site.
- A tent or camping site must have a minimum area of 25 square metres.
- Access to all caravan or camping sites shall be at least 6 metres wide.
- There shall be an adequate volume of water on-site with appropriate appliances, or alternative arrangements for fire-fighting purposes.
- There is to be at least one rubbish bin with a capacity of not less than 80 litres for every five sites. Bins will be emptied as necessary to prevent overflow of refuse or a nuisance being created.
- For occupation beyond 3 consecutive nights, the number of toilet/ablution fixtures will be derived from Schedule 7 of the *Regulations*.

No. of sites	Toilets			No. of showers (each sex)	No. of hand basins (each sex)
	Male		Female		
	No. of pedestals	mm of urinal trough	No. of pedestals		
1-10	1	600	1	1	1
11-15	1	600	2	2	2

CONSULTATION

Shire staff consulted with surrounding landholders, and other local governments to identify a position on dealing with the proposed Nature Based Park.

It seems there is a need for local governments to make available the growing demand for nature based camping. In doing so, there is a need to ensure these parks are managed appropriately, such that the environment is not impacted (e.g. inappropriate disposal of human effluent and rubbish and the taking of timber from the environment as a fuel source for lighting fires) and unruly social behaviour does not lead to complaints to the local government.

The general consensus amongst local governments is that a caretaker should be available on-site to supervise campers. Notably the Department of Biodiversity, Conservation and Attractions (DBCA) make available camp sites, some of which do not have a caretaker on-site (e.g. Ningaloo). Note the DBCA is exempt from having to comply with the *Caravan Parks and Camping Grounds Act 1995*.

The application received four (4) submissions from the general public, which included surrounding landholders. There was resounding concern due to the application not making available a caretaker living at the facility. The public is concerned that issues may arise (fires, rubbish, noise, dogs) if a caretaker is not located at the site.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications relating to this item.

STRATEGIC IMPLICATIONS

Economic:

Facilitate the strengthening and growth of our visitor experience.

Environment:

Strive to achieve a balance between the preservation of our unique environment and the delivery of sustainable economic growth.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.3.1

That Council

Grants development approval for Lot 7876, Terry Road, Boyup Brook, for the purpose of a Caravan Park (Nature Based Park), subject to the following notice:

<i>Planning and Development Act 2005</i>	
Shire of Boyup Brook	
NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL	
Location:	Lot 7876, Terry Road, Boyup Brook.
Description of proposed development:	
Caravan Park (Nature Based Park)	
The application for development is approved subject to the following conditions.	
Conditions:	
1.	Prior to occupancy of use of the Nature Based Park, a caretakers dwelling being approved and constructed at the subject Lot 7876 and a manager or other responsible person residing in the caretakers dwelling and being responsible for the supervision of the Nature Based Park and being accessible at all times in case of an emergency and maintaining a register

of occupiers.

2. A register of occupiers is to be maintained in such a form that it is possible to readily ascertain the:
 - a) Name and principal place of residence of an occupier for each site occupied; and
 - b) The dates on which an occupier, or group of occupiers, arrives at, and departs from, a site.
3. An approved 'Accommodation Management Plan, 'Bushfire Management Plan' and 'Emergency Evacuation Plan' being made available to campers on or prior to arrival at the facility.
4. Prior to occupancy of use, the 'Accommodation Management Plan' and plan showing sites (as attached), being updated to reflect that:
 - a) A caretaker is available onsite for supervision and in-case of an emergency (show location of caretaker on site plan);
 - b) Each of the following amenities is not provided for occupiers at the facility: toilets, showers, hand basins, washing-up facilities, laundry facilities, hot water for showering or for washing-up or laundry facilities, power points, and lighting;
 - c) Potable water is available at the Boyup townsite (map showing location);
 - d) A sewage dump point is available at the Boyup townsite (map showing location);
 - e) The number of available sites is reduced from 12 to 8, with a 5 person capacity (modify site plan).
5. Prior to occupancy of use, the 'Emergency Evacuation Plan' being updated to show on a map, access routes in-case of an emergency
6. Prior to occupancy of use, signage is to be developed on-site, advising visitors of the environmental attributes of the area and including the need to manage rubbish, not to take any dead wood from the environment and to keep to designated pedestrian paths within the foreshore area of the Blackwood River. Prior to the occupancy of use, a limited number of access routes to the river are to be identified and appropriately signposted. The development hereby permitted shall not erect any advertising or signage at the site without the prior approval of the local government.
7. All wastewater, rubbish, human effluent and dog effluent is to be collected and removed from site to be disposed of at an approved waste dump point.
8. Prior to occupancy of use, the vehicle crossover to the subject Lot is to be constructed and drained to the satisfaction and specifications of the Shire. Prior to occupancy of use, the entrance road being developed to a standard that enables safe access to camp sites (e.g. Gravel base, 6 metres wide). All vehicle access ways shall be maintained for their stated purpose

at all times.

9. The development hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants.
10. Camp sites are to be maintained in such a condition that it is not a hazard to safety or health.
11. A person who owns, or has the care or control of a dog, is to ensure that while at the facility, the dog is to be kept on a leash under the control of a person.
12. At least one extinguisher being made available in an area accessible to all persons in the facility.

Date of determination: 26 August 2021

Advice 1: The approved development must comply with all relevant provisions of the *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Grounds Regulations 1997*.

Advice 2: Operators should be aware of and inform occupiers at the park of any regional media health warnings relating to mosquito-borne diseases and other health issues that are sent out by the Department of Health.

Note 1: 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 2: 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 3: 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.

10.4 CHIEF EXECUTIVE OFFICER

11 COMMITTEE MINUTES

11.1 Local Emergency Management Advisory Committee

OFFICER RECOMMENDATION - Item 11.1

That the minutes of the Local Emergency Management Advisory Committee held on Wednesday 4 August 2021 be received by Council.

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

13.1 Rylington Park Future Management Arrangements

<i>Location:</i>	Rylington Park
<i>Applicant:</i>	Not applicable
<i>File:</i>	LS/62/009
<i>Disclosure of Interest:</i>	Nil
<i>Date:</i>	16 March 2020
<i>Author:</i>	Dale Putland – Chief Executive Officer
<i>Authorizing Officer:</i>	Dale Putland– Chief Executive Officer
<i>Attachments:</i>	Attachment 1: Conditions for release of Rylington Park Assets Attachment 2: Rylington Park submissions.

PURPOSE

Council to consider future management arrangements for Rylington Park, including:

1. Abolishing the Rylington Park Transitional Committee as it has fulfilled its terms of reference.
2. Commencing consultation with the Rylington Park Management Committee Inc and the broader community to develop a charter for Rylington Park.
3. Authorising the CEO to enter into negotiations with Edith Cowan University (ECU) to develop an MOU or other partnership agreement that facilitates the use of Rylington Park by ECU for research and training for presentation to Council for its approval.

4. Including statements in any agreement that Rylington Park host events and field days and to ensure that learnings from this research are shared with farmers in the Boyup Brook Shire and the broader agricultural community.
5. Authorise the CEO to enter into arrangements with AWI to ensure that shearing schools will continue to be run at Rylington Park in future years

BACKGROUND

Early History

Rylington Park was gifted to the Shire of Boyup Brook by Mr Eric Farleigh in 1985 for training and research and for the benefit of the Boyup Brook community. Land records show that the parcels of land that comprise Rylington Park were transferred to the Shire of Boyup Brook on the 11th of October 1985.

Shire records indicate that transfer of the farm was officially announced on the 2nd November 1985 in order to coincide with a visit by the Governor of Western Australia.

On 11th November 1985, the Shire President welcomed a Dr Mossenson to a special meeting of the Boyup Brook Council and thanked him for his consideration of Council's request to prepare a study and feasibility on Council's proposal to establish an Agricultural School at Boyup Brook. A motion to appoint Dr Mossenson to conduct the study was carried by Council.

On 26th November 1985, a Special Council meeting was held to further discuss establishment of an agricultural college with representatives from the South West Development Commission and Muresk. The meeting was adjourned to allow the meeting to be joined by the Minister for Education, local MLC and Deputy Director South West Development Authority.

Following further discussions with representatives from the Education Board, Muresk and Bunbury College of Advanced Education in late 1985 or early 1986, the Boyup Brook Shire Council wrote to the Bunbury College of Advanced Education with a formal offer for the College to lease Rylington Park for an initial period of 20 years.

On 17th January 1986, Council was advised by Mr Strapp, Deputy Director, South West Development Authority that the Government had agreed to provide \$107,000 to the Bunbury Institute to assist with purchase of sheep and machinery for Rylington Park. Council was also advised that the salary of the manager would be provided by the Education Department and that this would permit the Bunbury Institute to commence use of the farm from the 1st April 1986. Mr Strapp advised that Council should form a management committee as soon as possible and finalize their agreement for use of Rylington Park with the Bunbury Institute. Council made resolutions to this effect and also resolved that the existing lessees at Rylington Park be advised that they would be required to vacate the property by 1st April 1986.

On 26th March 1986, minutes of the "Adhoc Committee dealing with Rylington Park" show that during a meeting which was held with the Minister of Education, Superintendent Agricultural Education and other State Government representatives, several matters of concern were raised regarding the proposed lease and that a board of management was proposed, including 3 representatives from the Bunbury Institute, 2 representatives from the Shire of Boyup Brook, 1 representative from TAFE and 1 representative from the Agricultural Education and Training Council.

During April and May 1986, Council received reports that the Bunbury Institute was reconsidering its position regarding leasing Rylington Park. Notwithstanding this, the Shire purchased stock and machinery using the funds provided for this purpose.

On 12 June 1986, the Shire President informed Council's Rylington Park Committee that the Shire Clerk had expressed concerns regarding the Shire's ability to operate the farm on a day to day basis under the provision of the *Local Government Act*. The President suggested that Council form a Management Committee which could become a corporate body and run the property to ensure that the purpose of agricultural education and research was achieved.

On the 15th July 1986, Council formally resolved to appoint a Management Committee for care, control and management of Rylington Park and delegated to the Committee authority to make management decisions and expend funds within the Rylington Park Budget. Membership of the Committee comprised:

- 4 Councillors from the Shire of Boyup Brook
- 1 representative from the Bunbury Institute of Advanced Education
- 1 representative from the Education Department Technical and Further Education Division
- 1 representative from the West Australian Agricultural and Training Council

On 10th September 1986, at the inaugural meeting of the Boyup Brook Shire Council's Rylington Park Management Committee, the Committee was advised that the South West Development Authority intended to transfer ownership of 3200 sheep that it owned on Rylington Park to the Committee as soon as it was incorporated.

The Rylington Park Management Committee was incorporated in February 1987, following which an application was made for Rylington Park Management Committee Inc to lease Rylington Park from the Shire of Boyup Brook.

In March 1987, Council resolved that the need for a Rylington Park Committee under the Local Government Act was no longer necessary and this Committee was abolished.

In February 1988, at Council's Annual Electors Meeting, the Shire President reported that Council had continued to pursue development of an agricultural research and development facility at Rylington Park and advised that the Rylington Park Management Committee had become incorporated and that membership comprised of 3 Council nominees, a representative from the South West Development Authority, the Bunbury College of Advanced Education, TAFE and the Agricultural Education and Training Council.

At the December 1988 Annual Electors Meeting, the Shire President announced that accommodation was being built, funded by the SW College. Also that new sheep yards were being constructed by the Prisons Department and negotiations for a TAFE shed were underway. The Shire President thanked Councillors for the time and effort that they had put into this worthwhile project.

At the November 1989 Annual Electors Meeting, the Shire President advised that Council had continued to pursue development of the Agricultural Research and Development Facilities at Rylington Park and that accommodation for 16 people had been constructed that year. A large new shed and lecture room had also been constructed and several new research trials were underway. The President also advised that in November 1988,

Council had won a National Innovation Award for the Economic Development of Rylington Park.

In December 1991, the Rylington Park Management Committee noted a change of name was necessary from the Bunbury College of Advanced Education to the Edith Cowan University (ECU) Bunbury Campus to recognise amalgamation of the College into the newly formed ECU.

Records from December 1991 meeting of the Rylington Park Management Committee also show that the Committee membership had dropped to six members and indicate that two of the institution memberships were no longer involved in the Management Committee. The minutes also show that the Committee was proposing to lease Rylington Park from the Shire for a further 5 years and that the Management Committee was considering asking for representatives from the Department of Agriculture, CSBP and the Association of Livestock Consultants to join the Rylington Park Management Committee.

During the period between 1987 and 2020, the Shire of Boyup Brook entered into 4 leases with the Rylington Park Management Committee Inc. (1987, 1992, 1997 and 2001), who continued to successfully run Rylington Park, hosting trials, field days and events. Notable events established during this time were the Rylington Park field day, AWI shearing schools and "Storm in a Teacup" ladies' day. Rylington Park was the site of many agricultural trials, including tree cropping, viticulture, crop and pasture trials, and continued to deliver outcomes to the Boyup Brook community.

However, between December 1991 and the termination of the latest lease with Rylington Park Management Inc, on the 14th March 2020, the involvement and membership of all educational institutions and State Government agencies had ceased.

Agreement with Eric Farleigh

While the Shire has been unable to obtain documents that clearly express Mr Farleigh's wishes at the time that the farm was gifted, Mr Farleigh's will, dated 8th June 1988 contains a paragraph that clearly expressed his wishes for Rylington Park.

"WITHOUT creating any specific trust it is my wish that my farming property be retained by the Shire of Boyup Brook for the benefit of persons within the Shire and for research purposes and that my farming records and other records are kept with my farming property"

Paragraph 10, The Last Will and Testament of Eric Farleigh, 8th June 1988. Registered with the Supreme Court of Western Australia 24th January 1989.

Mr Farleigh continued to live on Rylington Park after gifting the farm to the Shire and died on the 11th November 1988.

Lease Termination and Establishment of Rylington Park Transitional Committee

At the Rylington Park Management Committee meeting held on the 12 March 2020 it was agreed that the establishment of a Rylington Park Transitional Committee would be put to Council for its consideration, at its March 2020 Ordinary Meeting. The purpose of the Rylington Park Transitional Committee was to manage the transition of Rylington Park operations from the Rylington Park Management Committee Inc to management of the facility by the Shire.

On 19th March 2020, Council resolved to 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. Appointments to the Committee included a mix of Councillors and representatives from Rylington Park Management Committee Inc.

On 16th April 2020, Council authorised the Shire President and CEO to sign the "Agreement to Assume Agricultural Operations" under the Shire of Boyup Brook seal.

Following this Council decision, the Agreement to Assume Agricultural Operations" was signed by the Shire President and CEO under the Shire of Boyup Brook's Common Seal, and by Mr Peter Reid (Committee Member) and Mr Matthew Chambers (Committee Member) under the Rylington Park Management Committee Inc.'s Common Seal.

This effectively transferred the Rylington Park agricultural assets and operations to the Shire of Boyup Brook subject to the agreement and 15 conditions proposed by the Rylington Park Management Committee Inc. (Attachment 1)

COMMENT

For several years after Eric Farleigh gifted Rylington Park to the Shire of Boyup Brook, significant efforts were made to establish a formal training and research institution at the "Rylington Park Institute for Training and Research". The early efforts were made during Eric Farleigh's lifetime, during which time he remained living in the Rylington Park farmhouse. Shire records show that a formal agreement existed with Eric Farleigh and this included provision for him to live on the farm rent free for the remainder of his life. Mr Farleigh attended Council meetings at least once during this period and it is a reasonable assumption that he was aware and supportive of the Shire's efforts.

These efforts included an offer to lease Rylington Park to what is now the Edith Cowan University (ECU) then the Bunbury College of Advanced Education for establishment of an agricultural college. Notwithstanding that these efforts eventually proved unsuccessful with the State Government finally making a decision not to fund establishment of another Agricultural School, Rylington Park has continued to offer training and research opportunities through field days, trials, shearing schools and other activities.

However, investment into essential maintenance and upgrades to training facilities on the Rylington Park farm has diminished over the years with the buildings that were constructed by the State Government currently requiring substantial maintenance and upgrades to maintain their functionality as training facilities.

Submissions on Rylington Park

During January 2020, the Shire of Boyup Brook received 55 formal submissions on Rylington Park (Attachment 2).

These submissions contain a range of views regarding the future of Rylington Park, with strongest support for retention of the farm as a Training and Research facility.

Edith Cowan University (ECU) visit

In August 2021, the Shire was visited by representatives from Edith Cowan University on two occasions to discuss potential for Rylington Park to be used by ECU as a research and training facility. The discussions identified a broad range of research activities that could be conducted on site without diminishing current farm operations, training, events or

activities that are currently occurring on the farm. Discussions identified strong potential for the proposed research activities, to add value to Rylington Park training and operations and to broader Boyup Brook farming community. There is also potential for ECU to conduct local training short courses on site.

The visits from ECU have established potential for the Shire to develop a partnership with one of the original educational partners that will assist to achieve Mr Farleigh's objectives for Rylington Park to be established as the Rylington Park Institute for Training and Research.

Rylington Park Charter

When the Rylington Park Management Committee Inc relinquished the Rylington Park assets to the Shire of Boyup Brook, the Shire agreed to 15 conditions. One of these conditions was to develop a Charter for Rylington Park on the wishes of Eric Farleigh with submissions from the community. This Charter was to be approved by the Rylington Park / Shire Committee (Commitment 14, Attachment 2)

It is recommended that the Shire commence preparation of this charter using the submissions made in January 2020, and further consults with the community and the Rylington Park Management Committee Inc to ensure that the Charter accords with Mr Farleigh's wishes.

Rylington Park Transitional Advisory Committee and Rylington Park Committee

The Rylington Park Transitional Committee was established by Council on the 19th March 2020 to manage the transition of Rylington Park operations from the Rylington Park Management Committee Inc to management of the facility by the Shire. The objectives for this committee have now been achieved.

However, ongoing management of the Rylington Park Institute operations and potential negotiations with Edith Cowan University and / or other potential research and training partners would benefit from the advice and input of a dedicated Rylington Park Institute Council Committee.

It is proposed that Council abolish the Rylington Park Transitional Management Committee and form a Rylington Park Committee, nominating 4 to 5 Councillors and the CEO as members of the Committee.

CONSULTATION

Shire Councillors
Edith Cowan University

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

Investment into necessary upgrades to training facilities on the Rylington Park farm has diminished over the years since the State Government made this decision, and the buildings that were constructed by the State Government currently require substantial maintenance and upgrades to maintain their functionality as training facilities.

It is recommended that the Shire develop a future management strategy and long term financial plan for Rylington Park Institute to ensure that sufficient funds are invested into the farm for its continued use as a high value training and research establishment.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENT

Absolute Majority required: Yes.

Economic Implications

Establishment of the Rylington Park Institute as centre for research with a Western Australian based university will likely lead to increased economic opportunities for farmers and associated industries in the Boyup Brook Shire.

Social Implications

Nil

Environmental Implications

Nil

OFFICER RECOMMENDATION - ITEM 13.1

That Council resolve to:

1. Abolish the Rylington Park Transitional Committee.
2. Commence consultation with the Rylington Park Management Committee Inc. and the broader community to develop a Charter for Rylington Park.
3. Authorise the CEO to enter into negotiations with Edith Cowan University (ECU) for development of a MOU or other partnership agreement that facilitates the use of Rylington Park by ECU for research and training for presentation to Council for its approval.
4. Ensure that any partnership agreement shall include provisions for Rylington Park to host events and field days and to ensure that learnings from research conducted on Rylington Park are shared with farmers in the Boyup Brook Shire and the broader agricultural community.
5. Authorise the CEO to enter into arrangements with AWI to ensure that shearing schools will continue to be run at Rylington Park in future years.

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

15 CLOSURE OF MEETING

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at