



BRIEFING AGENDA

BEING HELD ON

Thursday 21 October 2021

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

16 October 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 | To be confirmed |
| | Deputy Shire President | To be confirmed |
| | Councillor | To be confirmed |
| | | Steele Alexander |
| | | To be confirmed |
| | | Darren E King |
| | | Kevin J Moir |
| | | Adrian Price |
| | | Dinninup Ward (to be confirmed) |
| | Chief Executive Officer | Dale Putland |
| | Manager Works & Services | Wayne Butler |
| | Deputy Chief Executive Officer | Carolyn Mallett |
| | Finance Manager | Ben Robinson |
| | Executive Assistant | Maria Lane |

LEAVE OF ABSENCE:

APOLOGIES:

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
7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 30 September 2021

OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 30 September 2021 be confirmed as an accurate record.

7.2 Special Council Minutes – 7 October 2021

OFFICER RECOMMENDATION – ITEM 7.2

That the minutes of the Special Council Meeting held on Thursday 7 October 2021 be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS
9. COUNCILLOR QUESTIONS ON NOTICE

10.1 Manager Works and Services

10.1.1 Acquisition of Road Building Materials

| | |
|--|--|
| Location: | <i>Shire Boyup Brook</i> |
| Applicant: | <i>N/A</i> |
| File: | <i>W.16</i> |
| Disclosure of Officer Interest: | <i>None</i> |
| Date: | <i>28 October 2021</i> |
| Author: | <i>Wayne Butler (Manager Works and Services)</i> |
| Authorizing Officer: | <i>Dale Putland (Chief Executive Officer)</i> |
| Attachments: | <i>Yes: Proposed Acquisition of Road Building Materials Policy</i> |

SUMMARY

Council is requested to consider and adopt a new Works policy as follows:

- *W.16 Acquisition of Road building Materials.*

Policy W .16 is proposed to ensure that the Shire of Boyup Brook provides fair and equitable compensation to all landowners for the acquisition of road building materials and to formalize a procedure that has been in place for many years.

BACKGROUND

The Shire is experiencing some challenges in securing adequate gravel road building supplies from its own sources for the annual road construction and maintenance programs; this policy is a binding agreement that gives landowners confidence to work with the Shire for a mutual benefit.

COMMENT

When sourcing materials for construction and maintenance purposes from private land the Shire will do so in consultation with the landowner or his/her authorised representative as per Schedule 3.2 of the Local Government Act 1995.

CONSULTATION

Chief Executive Officer
Deputy Chief Executive Officer
Manager Works and Services

STATUTORY OBLIGATIONS

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

A. Section 3.27 of the Local Government Act 1995 states:

Particular things a Local Government can do on land that is not Local Government Property-

1. *A Local Government may, in performing its general functions, do any of the things prescribed in Schedule 3.2 even though the land in which it is done is not Local Government property and Local Government does not have consent to do it;*
2. *Schedule 3.2 may be amended by Regulation; and*
3. *If Schedule 3.2 expressly states that this subsection applies, subsection (1) does not authorise anything to be done on land that is being used as a site or curtilage of a building or has been developed in any other way or is cultivated.*

B. Schedule 3.2 of the Local Government Act 1995 states:

Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the Local Government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.

C. Schedule 3.6 of the Local Government Act 1995 states:

The Local Government may] Deposit and leave on land adjoining the thoroughfare any timber, earth, stone, sand, gravel and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence or gate do not, in the Local Government's opinion, require.

D. Schedule 3.22 of the Local Government Act 1995 stipulates that an owner or occupier of land is to be compensated by the Local Government for any damages sustained through the performance of its functions under this Act.

POLICY IMPLICATIONS

N/A

BUDGET/FINANCIAL IMPLICATIONS

Landowners will be compensated for road building materials extracted from there land at a rate of \$2.50 (ex GST) per tonne and costs will be included as part of the road construction or maintenance project budget.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – Item 10.1.1

That Council adopts the new policy, W.16 Acquisition of Road Building Materials.

10.2 FINANCE

10.2.1 List of Accounts Paid in September 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>15/10/2021</i> |
| Author: | <i>Ben Robinson – Finance Manager</i> |
| Authorising Officer: | <i>Dale Putland – CEO</i> |
| Attachments: | <i>Yes – List of Accounts Paid in September</i> |

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in September 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 30 September 2021.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 September 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 September 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 2021-22 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.1

That at its October 2021 ordinary meeting Council receive as presented the list of accounts paid in September 2021, totalling \$574,612.13 from Municipal account, \$46,016.55 from Police Licensing account and \$10.21 from Boyup Brook Early Learning Centre account, as represented by:

| | | |
|--------------------------------------|----------------------------|----------------------|
| Municipal Cheques | 20529 - 20532 | \$ 2,239.76 |
| Municipal Electronic Payments | EFT11319 – EFT11417 | \$ 272,210.52 |
| Municipal Direct Payments | | \$ 300,161.85 |
| Police Licensing Payments | | \$ 46,016.55 |
| BBELC Payments | | \$ 10.21 |

10.2.2 31 September 2021 Statement of Financial Activity

(Will be provided once completed)

10.2.3 Annual Financial Report 2019/20, Independent Auditor's Report and Management Report for 2019/20

| | |
|--|--|
| Location: | <i>N/A</i> |
| Applicant: | <i>N/A</i> |
| File: | <i>FM/9/004</i> |
| Disclosure of Officer Interest: | <i>none</i> |
| Date: | <i>14 October 2021</i> |
| Author: | <i>Maria Lane – Executive Assistant</i> |
| Authorizing Officer: | <i>Dale Putland – Chief Executive Officer</i> |
| Attachments: | <i>Annual Report 2019/20</i> <i>Auditor's Report for the 2019/20</i> <i>Minutes of Audit Committee Meeting held on 21 October 2021</i> |

SUMMARY

Following receipt of the Independent Audit Report, Annual Report and Management Report from the Office of the Auditor General, the Annual Report including the Annual Financial Report has been prepared in accordance with Section 5.54 of the Local Government Act.

BACKGROUND

The Local Government Act requires a local government to prepare an Annual Report each financial year.

COMMENT

The final audit Report was received on 21 September 2021. Section 5.54(2) of the Local Government Act requires a local government to accept the auditor's report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Assuming Council accepts the Auditor's report and Annual Report it needs to determine a date for the Annual General Meeting of Electors. The CEO is required to provide sufficient public notice of the availability of the Auditor's Report and Annual Report, and the date of the Annual General Meeting of Electors.

Section 5.27 of the Local Government Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report as its October meeting the latest date for the AGM would be 21 November 2021.

Taking into account the above it is recommended that the Annual General Meeting of Electors be held at 6.00pm on Wednesday, 21 October 2021.

The audit of the Shire's 2019/20 Financial Statements has been conducted in accordance with Australian Auditing Standards and the Auditor has determined that:

"In my opinion, except for the effects of the matter described in the Basis for Qualified Opinion section of my report, the annual financial report of the Shire of Boyup Brook:

- (i) is based on proper accounts and records; and*
- (ii) fairly represents, in all material respects, the result of the operations of the Shire for the year ended 30 June 2020 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.*

The Auditor further reported on other legal and regulatory requirements as follows:

In accordance with the Local Government (Audit) Regulations 1996 I report that:

- (i) In addition to the effects of the matter described in the Basis for Qualified Opinion section of my report, the following material matters indicating non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law were identified during the course of my audit:*
- (ii) In my opinion, the following material matters indicate significant adverse trends in the financial position of the Shire:*
 - a. The Current Ratio as reported in Note 32 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three years*
 - b. The Operating Surplus Ratio as reported in Note 32 of the annual financial report is below the DLGSCI standard for the last three years; and*
 - c. The Asset Sustainability Ratio as reported in Note 32 of the annual financial report is below the DLGSCI standard for the last three years.*
- (iii) Except for the effects of the matter described in the Basis for Qualified Opinion section of my report, all required information and explanations were obtained by me.*
- (iv) Except for the effects of the matter described in the Basis for Qualified Opinion section of my report, all audit procedures were satisfactorily completed.*
- (v) In my opinion, the Asset Consumption Ratio included in the annual financial report was supported by verifiable information and reasonable assumptions.*

Four 'other' matters were raised by the Auditor in the Management Report as follows:

Verification of Biological Assets – Livestock

Finding Rating: Significant

Finding

We note that the Shire has acquired \$480,894 of biological assets (sheep) as part of transferring the agriculture operations of Rylington Park from the Rylington Park Management Committee Incorporation. We understand that a physical stocktake was completed by the farm manager on 30 June, however there was no independent verification of stock on hand or adequate records to verify these counts at either of the transfer or reporting date.

Implication

Without appropriate and independent evidence to confirm the biological asset count at reporting date, there is an increased risk that the financial report is materially misstated.

Recommendation

We recommend a stocktake be performed for all livestock on hand each year and stock count sheets be independently verified to support stock on hand at year end.

Management Comment

The 2019/2020 financial year was the first year the Shire assumed controlling ownership over Rylington Park Agricultural Operations, which brought with it the introduction of two new accounting standards, AASB 3 and AASB141 that Shire Staff were unfamiliar with. The application of these standards require different approaches to accounting for stock as to the application of other standards. Now that Shire staff are familiar with the new standard requirements, processes are currently being put in place to ensure all compliance requirements will be met at year end.

Shire staff will organise for accurate and verifiable counts to be made of biological assets on Rylington Park at mutually acceptable times that meet the OAG auditing requirements without jeopardising key farm operations or putting livestock to unnecessary risk of harm.

Submission of Annual Financial Report

Finding Rating: Moderate

Finding

The Annual Financial Report was not submitted to the Local Government's auditors by 30 September or by the approved extension date (submitted 23 March 2021), which is contrary to Division 3 of the *Local Government Act 1995*.

Implication

Non-compliance with Division 3 of the *Local Government Act 1995*.

Recommendation

We recommend, in accordance with Division 3 of the Local Government Act 1995, the draft Annual Financial Report be submitted to the Local Government's Auditors by 30 September each year.

Management Comment

Sufficient resources and appropriate mechanisms have been put in place to ensure Council meets this requirement in future years.

Bank Access

Finding Rating: Moderate

Implication

Where employee bank access is not removed on a timely basis upon termination, there is an increased risk of unauthorised access that could result in a financial loss to the Shire.

Recommendation

We recommend the bank be contacted and the list of authorities be updated to ensure they are current, and reflect authorities approved by Council and / or the CEO.

Management Comment

The Shire has reviewed and implemented a staff exit procedure to ensure that all appropriate actions are taken upon the termination and exit of senior employees from the organization, including bank access.

Excessive Leave Balances

Finding Rating: Minor

Implication

The cost to the Shire is greater if annual leave is not paid out on a regular basis due to:

- The cumulative effect of salary increases over a period of time;
- Recreational leave enhances employee performance; and
- It is fundamental principle of good internal control that all employees take regular leave.

Recommendation

We recommend employees take regular leave through ongoing management of leave scheduling and leave liabilities.

Management Comment

The Shire Executive Management Team is aware of the excessive leave balances held by certain employees. Limited staff resources have impacted on the ability of these staff to take leave over the last couple of financial year periods. The Senior Executive Team will review and continue to monitor leave balances, with a view to keeping them within acceptable levels.

CONSULTATION

AMD
Office of the Auditor General

STATUTORY OBLIGATIONS

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council's 'Advertising of the Annual General Meeting of Electors'.

STRATEGIC IMPLICATIONS

The Shire to improve the governance and administration services.
The Shire to provide strong collaborative leadership and display a commitment to progress.

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 10.2.3

That Council:

1. Approves the Annual Report including the Annual Financial Report and Audit Report for the 2019/2020 financial year and gives local public notice of its availability.
2. Schedules the Annual General Meeting of Electors to be held on Wednesday, 27th October 2021 in the Council Chambers, commencing at 6.00pm.
3. Note the Auditor's report includes findings identified during the final audit (*please refer to attachment 10.4.3.*)
4. Note Management comments in relation to the matter raised in the Auditor's Report.

10.3 PLANNING

Nil

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Upper Blackwood Agricultural Society

| | |
|--|---|
| Location: | <i>Dinninup Show Grounds</i> |
| Applicant: | <i>David Corker</i> |
| File: | <i>FM/25/008</i> |
| Disclosure of Officer Interest: | <i>Nil</i> |
| Date: | <i>4 October 2021</i> |
| Author: | <i>Maria Lane – Executive Assistant</i> |
| Authorizing Officer: | <i>Dale Putland – Chief Executive Officer</i> |
| Attachments: | <i>Yes</i> |

SUMMARY

This report is for Council to consider a request from the Upper Blackwood Agricultural Society (UBAS) to further contribute towards the new ablutions at the Dinninup Show Grounds.

In 2020/21 Council contributed \$27,000 and \$13,000 in 2021/2022 towards the Show Grounds Ablutions Block.

BACKGROUND

The Upper Blackwood Agricultural Society received a grant fund from the Federal Government to build new ablutions at the Dinninup Show Grounds.

Ablutions Building Funding as at 26/09/21

| | |
|---|-----------|
| Federal Government Grant | \$206,566 |
| Shire Grants (27,000 + \$13,000) | \$40,000 |
| Current Building Fund (UBAS) | \$47,400 |
| Total | \$293,966 |
| Less accounts paid (Drafting & Engineer) | \$6,400 |
| Final Build Price inc GST | \$327,420 |
| Shortfall | \$39,854 |
| GST to claim | \$29,765 |
| Funds to find | \$10,089 |

COMMENT

As President of the Upper Blackwood Agricultural Society, David Corker presented to Council at the Ordinary Council Meeting on Thursday, 30th September 2021, requesting the shire contribute a further \$10,000 towards the completion/construction of the ablutions at the Dinninup Show Grounds. David mentioned that the community have already raised more than \$47,400 as their contribution.

This is a huge community project that will improve the grounds to a point where other events will be attracted to its use. It is a goal of UBAS to hold at least three other major events per year at the show grounds. Each of these will bring a spending public to Boyup Brook and increase the profile of the town in Western Australia.

CONSULTATION

David Corker – Upper Blackwood Agricultural Society

STATUTORY OBLIGATIONS

S 6.8(1)(b) of the Local Government Act 1995 – A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

It is recommended that \$10,000 from this account be reallocated to 113124.

STRATEGIC IMPLICATIONS

N/A

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – Item 10.4.1

That Council

1. **Reallocate \$10,000 from 146500 (Administration Pooled Vehicle) expenses to 113124, contribution for UBAS ablutions at the Dinninup Show Grounds.**
2. **Contribute a further \$10,000 towards the new ablutions block at the Dinninup Show Grounds.**

10.4.2 Membership – Bunbury Wellington Group of Councils

| | |
|--|---|
| Location: | <i>N/a</i> |
| Applicant: | <i>N/a</i> |
| File: | <i>BWGC</i> |
| Disclosure of Officer Interest: | <i>None</i> |
| Date: | <i>October 2021</i> |
| Author: | <i>Ben Robinson – Finance Manager</i> |
| Authorizing Officer: | <i>Dale Putland – Chief Executive Officer</i> |
| Attachments: | <i>No</i> |

SUMMARY

Council is requested to re-consider membership to the Bunbury Wellington Group of Councils (BWGC) and commit to continuing membership with the Warren Blackwood Alliance of Councils (WBAC). This report recommends that the Shire of Boyup Brook formally withdraw from the

BACKGROUND

The Shire of Boyup Brook first joined the BWGC since December 2011. The Shire is due to pay a renewal fee for the annual membership to the Bunbury Wellington Group of Councils (BWGC).

Until recently, the BGWC has comprised the City of Bunbury and Shires of Capel, Dardanup, Harvey, Collie and Donnybrook-Balingup. However, the Shire of Donnybrook-Balingup has recently withdrawn from the BWGC, severing the direct road link between the Shire of Boyup Brook and the Bunbury based councils.

The Shire of Boyup Brook formally became a member of the Warren Blackwood Alliance of Councils (WBAC) on 1 July 2021 as it provided greater strategic alignment in terms of economic and tourism promotion.

Council did not allocate any funds for membership of the BGWC in the 2021-2022 budget.

COMMENT

While the BGWC and WBAC are both organisations focused on advocating for regional development in the South West of WA through stakeholder engagement and partnerships, the WBAC is more aligned to the Shire of Boyup Brook in terms of aims and objectives than the BBGC.

The BWGC is largely focused on the economic development of LGAs geographically aligned with the greater Bunbury area. Proximity to the metro area and its positioning near the Bunbury port and Kemberton Industrial Area are directly related to the benefits gained

from the membership. This focus largely ignores the unique issues affecting the economy and lifestyle of the Boyup Brook region, which is situated much further inland than the other members of BWGC.

In addition, due to the two-monthly meetings held in Bunbury, the Shire President and CEO are required to travel at cost and bear a significant impost on their availability to Council. Overall, management is not convinced that the arrangement as it stands represents good value for money.

This stands in contrast to the potential benefits of membership to WBAC. The WBAC is concerned with issues related to primary industry and tourism in the more regional councils in the South-West, with the existing members being the Shires of Manjimup, Nannup Bridgetown-Greenbushes and Donnybrook-Balingup.

The principal purpose of membership to the BWAC in recent years for the Shire of Boyup Brook has been to promote the Bunbury – Albany link through Boyup Brook. However, the BWAC has shown little interest in promoting the road link and with the recent withdrawal of the Shire of Donnybrook-Balingup, there is little advantage remaining to the Shire from continuing membership.

CONSULTATION

None.

STATUTORY OBLIGATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET/FINANCIAL IMPLICATIONS

Already included in 2021/22 Budget.

STRATEGIC IMPLICATIONS

Greater alignment of strategic values in the Shire with the benefits of the membership. More potential for economic development and activation of the Shire as a direct result of membership.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Nil

- **Economic**
Nil

- **Social**
Nil

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION – ITEM 10.4.2

That the Council resolves to formally advise the Bunbury Wellington Alliance of Councils that it is terminating its membership to the BWAC and will not be financially contributing to the BWAC in the 2021/22 financial year.

10.4.3 Application to keep more than 2 dogs

Location: 19 Inglis St, Boyup Brook
Applicant: Jackson Flett
File: RS/5/001
Disclosure of Officer Interest: none
Date: 30 Sept 2021
Author: Donna Forsyth – Ranger
Authorizing Officer: Council
Attachments: Application to keep more than 2 dogs on premises
Property Inspection Report
Photos taken 22/9/21 – dogs and confinement.

SUMMARY

To inform Council of an application received from the landowner of 19 Inglis Street, Boyup Brook to keep more than the prescribed number of dogs.

BACKGROUND

The current application is to keep three (3) dogs at the property. The reason for the application to keep more than the prescribed number of dogs as stated in writing by the applicant is that: *“I am currently looking after Chewie and Ollie for Will while he is away and until he finds somewhere to live and I think it would make sense in the mean-time to have them both registered to my property.”*

The dogs relating to this application are:

| REG # | NAME | BREED | SEX | DESEXED? | MICROCHIP # |
|--------|-------|------------------------------------|-----|----------|-----------------|
| 21/076 | Squid | Bull Arab Cross | F | No | 953010004905301 |
| 21/086 | Chewy | German Wirehaired Pointer Cross | F | Yes | 953010002774243 |
| 21/087 | Ollie | Wolf Hound Cross | M | Yes | 900979000270274 |

HISTORY

One incident where the dogs were found to be wandering. Fencing has been improved as recommended.

COMMENT

Property fenced with additional electronic boundary fence. Plenty of shade and sturdy fencing. Dogs' demeanour is contented – seemed friendly and not over excited by visitors.

CONSULTATION

On 28 July 2021 letters and feedback requests were sent to five neighbouring residents and land owners by the Shire to advise them that the Shire had received an application to keep more than the prescribed number of dogs at 19 Inglis Street, Boyup Brook, seeking their comments of any objection or no objection to this application with any conditions they wish the Shire to impose.

Of the five feedback requests sent, there was one response received which was a no objection.

STATUTORY OBLIGATIONS

Dog Act 1976 Part V — the keeping of dogs

S. 26. Limitation as to numbers

(1) A local government may, by a local law under this Act — (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.

(2) A local law mentioned in subsection (1) — (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).

(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

(b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and

(c) may be revoked or varied at any time.

Shire of Boyup Brook Dog Local Law – Gazetted Feb 2004 (amended 2003)

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been -

(a) licensed under Part 4 as an approved kennel establishment; or

(b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises, is for the purpose of section 26(4) of the Act –

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite;
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite in the Rural zone.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Application Fee \$80.00

STRATEGIC IMPLICATIONS

This is in line with the Shire of Boyup Brook Strategic Community Plan.

Governance & Organisation

1.2 Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community

TOWN PLANNING SCHEME

Assessment #A10830, 19 Inglis Street, Boyup Brook WA 6244 is situated within the town-site under the Town Planning Scheme.

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.4.3

That Council approve the application to have more than the prescribed number of dogs with the following conditions:

- 1. In the event that the applicant relocates to another address within the Shire, a new application will be required.**
- 2. This exemption only applies to the dogs listed in the application.**
- 3. The Dog Act 1976, Dogs Local Law and Animal Welfare Act 2002 are to be complied with at all times.**
- 4. This exemption maybe revoked or varied at any time.**

11 COMMITTEE MINUTES

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

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| 14.1 Chief Executive Officers Performance Review |
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(Will be provided once completed)

15 CLOSURE OF MEETING

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