

MINUTES

MEETING HELD ON

**Thursday 30 June 2022**

Commenced at 6.18pm

Shire of Boyup Brook Council Chambers, Boyup Brook

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A handwritten signature in blue ink, appearing to read "Dale Putland", is positioned above the printed name and title.

Dale Putland  
Chief Executive Officer

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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 Walker
	Deputy Shire President	Helen O'Connell
	Councillor	Sarah Alexander
		Steele Alexander – Microsoft Teams
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
		Charles Caldwell
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE: Nil

APOLOGIES: Nil

MEMBERS OF PUBLIC: Nil

**3. PUBLIC QUESTION TIME**

Jess Harding

Q1 The Western Australia Government currently has programs to financially assist community groups for “sporting and recreation facilities”, can or have the Boyup Brook Shire applied for this major funding to build and renew the ageing sporting and recreational facilities we currently have.

We really need to get behind the youth in this community, the ageing residents are important but so are our younger generations, they are the workforce and drivers behind the economy in this community. If not already considered, could we please start forward planning to have incentives to keep the youth in this town i.e. new recreational and sporting facilities!

**3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

A1 The Shire of Boyup Brook was successful in receiving a grant to assist with the upgrade of lighting at the Boyup Brook Oval which has improved this facility immensely.

The Shire has recently commissioned a design for upgrades to the existing Football Club rooms including provision of female change rooms and is currently in the process of organizing a design for the sporting and recreational precinct and will continue to seek grant funding for a sporting facility.

#### 4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Nil

#### 5. DISCLOSURE OF INTEREST

Councillor	Report Number	Interest Type	Nature and if required extent of the Interest (Description)
Cr Kevin Moir	10.4.2	Financial	Land owner.
Cr Darren King	11.1	Impartiality	Ambulance Committee and Tonebridge Country Club Member
Cr Darren King	13.1	Impartiality	Ambulance Committee and Tonebridge Country Club Member
Cr Adrian Price	11.1	Impartiality	Member of the CRC, ComHat and Tourism Association
Cr Adrian Price	13.1	Impartiality	Member of the CRC, ComHat and Tourism Association
Cr Helen O'Connell	11.1	Impartiality	Member of the CRC Committee
Cr Helen O'Connell	13.3	Impartiality	Member of the CRC Committee

#### 6. CONFIRMATION OF MINUTES

##### 6.1 Ordinary Council Minutes – 26 May 2022

##### COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 6.1

**MOVED:** Cr Darren King

**SECONDED:** Cr Helen O'Connell

**That the minutes of the Ordinary Council Meeting held on Thursday 26 May 2022 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 22/6/66**

##### 6.2 Special Council Minutes – 9 June 2022

##### COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 6.2

**MOVED:** Cr Sarah Alexander

**SECONDED:** Cr Helen O'Connell

**That the minutes of the Special Council Meeting held on Thursday 9 June 2022 be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 22/6/67**

**7. PRESIDENTIAL COMMUNICATIONS**

Month of June

Wednesday 1st

1pm MOU launch with ECU / Rylington

Friday 3rd

12.30pm CEO and RDA Charles Jenkins and Fiona Fitzgerald site visits around town

Thursday 9th

8.30am ABC radio's Georgia Hargreaves interview and visit to Rylington Park

Tuesday 21st

8.40am X-ray team and CEO at Shire re WALGA BFB position

9.45am at UBAS Dinninup with CEO and Lyn Chambers

Wednesday 22nd

1.30pm AWI Craig French

Wednesday 29th

12.00 noon industry workshop on Shire Plantation Draft Policy at the Shire

**8. COUNCILLOR QUESTIONS ON NOTICE**

Nil

**9. REPORTS OF OFFICERS**

**10.1 Manager Works and Services**

Nil

## 10.2 FINANCE

### 10.2.1 List of Accounts Paid in May 2022

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14/06/2022</i>
<b>Author:</b>	<i>Ben Robinson – Finance Manager</i>
<b>Authorising Officer:</b>	<i>Dale Putland – CEO</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in May</i>

#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in May 2022 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 May 2022.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 May 2022.

#### **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 2021-22 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.1**

**MOVED: Cr Helen O’Connell**

**SECONDED: Cr Sarah Alexander**

**That at its June 2022 ordinary meeting Council receive as presented the list of accounts paid in May 2022, totalling \$859,056.51 from Municipal account, \$48,315.45 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:**

<b>Municipal Cheques</b>	<b>20558-20567</b>	<b>\$ 45,067.57</b>
<b>Municipal Electronic Payments</b>	<b>EFT12363– EFT12541</b>	<b>\$ 572,742.99</b>
<b>Municipal Direct Payments</b>		<b>\$ 241,245.95</b>
<b>Police Licensing Payments</b>		<b>\$ 48,315.45</b>
<b>BBELC Payments</b>		<b>\$ 0.00</b>

**CARRIED 9/0**

**Res 22/6/68**



### 10.2.2 31 May 2022 Statement of Financial Activity

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 June 2022</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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#### **SUMMARY**

The Monthly Financial Report for 31 May 2022 is presented for Councils 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.

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.

#### **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.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 31 May shows a closing surplus of \$3,221,401. A substantial amount of this surplus (\$1,206,369) is due to the advance paid general purpose and local road grants for 2022/2023 by the Commonwealth Government.

**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

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.2**

**MOVED: Cr Helen O’Connell**

**SECONDED: Cr Steele Alexander**

**That Council receive the Monthly Financial Report for 31 May 2022, as presented.**

**CARRIED 9/0**

**Res 22/6/69**

### 10.3 PLANNING

#### 10.3.1 Resolution to PREPARE Amendment to Scheme – Transferring various lots to the ‘Town Centre’ zone

<b>Location:</b>	<i>Boyup Brook townsite centre</i>
<b>Applicant:</b>	<i>Shire Boyup Brook</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>20 June 2022</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner</i>
<b>Authorizing Officer:</b>	<i>Dale Putland, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Scheme Amendment 22 Document</i>

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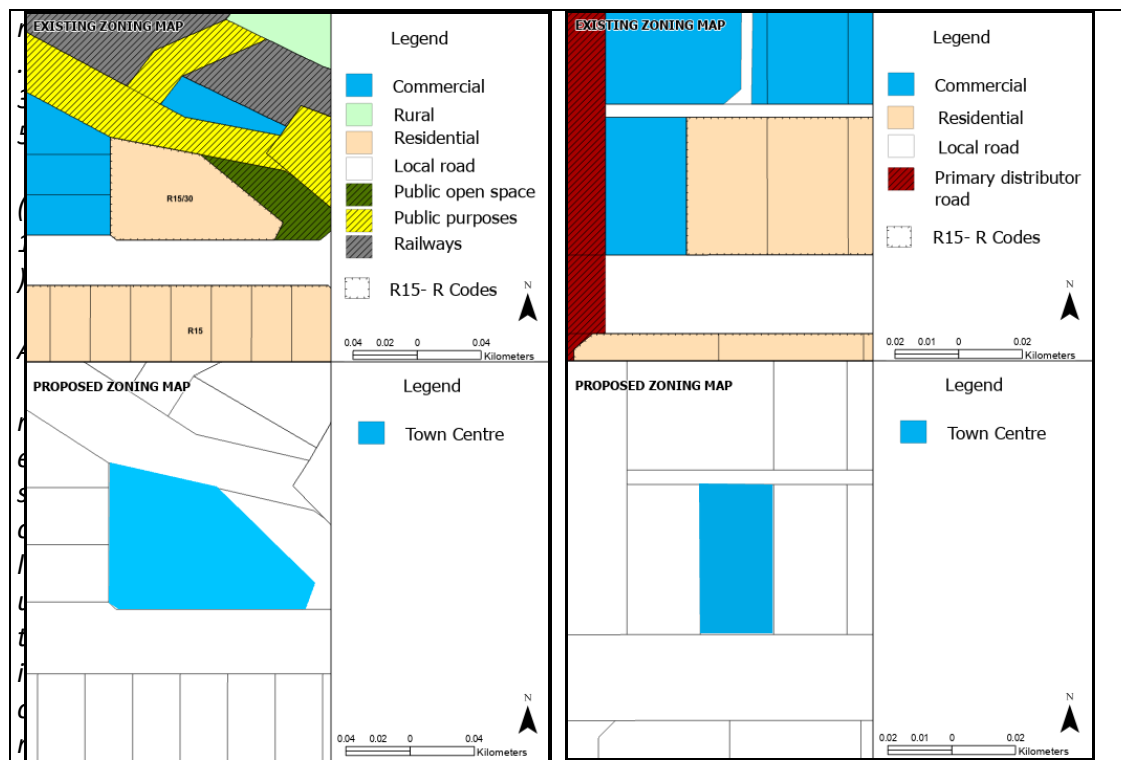
#### **SUMMARY**

The purpose of this report is to put before Council the request to resolve to PREPARE an amendment to the Shire of Boyup Brook *Local Planning Scheme No.2*.

The amendment involves changing the ‘Commercial’ zone classification, to the ‘Town Centre’ zone classification, and rezoning Lot 1 Forrest Street and Lot 35 Barron Street, from the ‘Residential’ zone to the ‘Town Centre’ zone.

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

Subject Lot 1 Forrest Street	Subject Lot 35 Barron Street
------------------------------	------------------------------



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

r.35 (2) A resolution must —

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

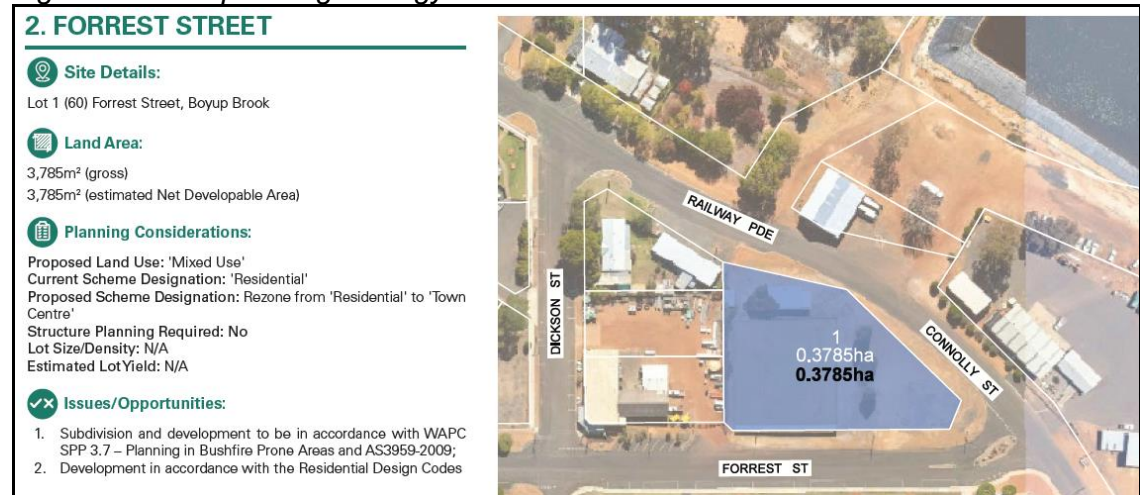
Subject zone classification change from 'Commercial' to 'Town Centre'.



## BACKGROUND

The Shire of Boyup Brook Council has resolved to request the approval of the Commission, to advertise a draft Local Planning Strategy, which recommends that the Lot 1 Forrest Street is rezoned from 'Residential' to 'Town Centre'. The below is an extract from the draft Local Planning Strategy.

Figure 1 – local planning strategy recommendation



Originally, the Lot 1 Forrest Street was reserved for the purpose of 'Parks and Recreation' and used as a bowling green. To allow for the development of grouped housing for the purpose of aged persons, the land was rezoned to 'Residential'. The development of housing has not progressed, partly due to constraints associated with developing an on-site effluent disposal system, capable of servicing grouped housing.

Figure 2 –Boyup Co-op and Lot 35 Barron St





The rezoning from 'Residential' to 'Town Centre' would allow for a range of commercial activities and/or housing.

The Shire's *Local Planning Scheme No.2* does not have a 'Town Centre' zone classification. The draft strategy is suggesting that the scheme's 'Commercial' zone classification is transferred to the 'Town Centre' zone classification.

#### **COMMENT**

The change in zone classification from 'Commercial' to 'Town Centre' is simply a name change. It is considered that the 'Town Centre' classification, better reflects the location characteristic (centre of town) of the properties, which are currently classified as 'Commercial'.

The rezoning of the Lots 1 Forrest Street and 35 Barron Street, to the 'Town Centre' zone classification, would allow for the consideration of a mixture of uses at these Lots, including shop and/or housing type uses.

The Lots 1 Forrest Street and 35 Barron Street are suitably located to accommodate a mixture of land uses, for the following reasons:

- The sites are within walking distance to services and other established commercial activities located within the town centre;
- The sites not subject to environmental constraints (e.g. extreme bushfire hazard or flooding); and
- The sites connected to utilities including sealed roads, power and water.

The proposal to the change of Lots 1 Forrest St and 35 Barron St is justified on the grounds that, neighbouring properties have a similar zoning and are used for commercial activities. The amendment proposal provides a consistent approach to the zoning in the precinct.

The proposal to change the name classification from 'Commercial' to 'Town Centre' is considered consistent with the Western Australian Planning Commission Regulations 2015.

The Council is requested to agree to prepare the scheme amendment for advertising purposes. Post advertising, a schedule of submission is presented to the Council for final consideration.

#### **STATUTORY OBLIGATIONS**

Statutory procedures following Council resolution to resolve to prepare a scheme amendment include:

1. Finalise amendment document and refer to the Environmental Protection Authority for consideration;
2. Advertise proposed amendment for minimum period of 42 days;
3. Consider submissions on amendment;
4. Consider finally supporting amendment with or without modifications;
5. Provide amendment to commission for Minister Endorsement.

#### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

#### **CONSULTATION**

Community and agency consultation will occur post Council approval to 'prepare' the scheme amendment and post referral to the Environmental Protection Authority.

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

Nil

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this item.

The Shire's draft Local Planning Strategy has recommended the use of the term 'Town Centre', for properties currently classified as 'Commercial'. The draft Local Planning Strategy has recommended that the Lot 1 Forrest St is included as a 'Town Centre' zone property. Including the Lot 35 Barron St with a 'Town Centre' zone classification would provide additional opportunities for development of this Lot.

#### **VOTING REQUIREMENTS**

Simple majority



**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.1**

**MOVED:** Cr Charles Caldwell

**SECONDED:** Cr Adrian Price

**That Council**

Resolves to prepare an amendment to the *Local Planning Scheme No.2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

*Planning and Development Act 2005*

**RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME**

Local Planning Scheme No.2

Amendment No 22

Resolved that the local government pursuant to section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning Lot 1 Forrest Street, Boyup Brook from the 'Residential' zone classification to the 'Town Centre' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15/30.
2. Rezoning Lot 35 Barron Street, Boyup Brook from the 'Residential' zone classification to the 'Town Centre' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15.
3. Amending the scheme maps by replacing the 'Commercial' zone classification with the 'Town Centre' zone classification.
4. Deleting the clause 30(2) as follows:

*Where a lot has dual density coding R15/30, the local government may approve residential development at a higher code where development is connected to a Septic Tank Effluent Disposal (STED) community scheme; and*

5. Re-numbering subsequent sub-clauses accordingly.
6. Amend text in the "Table of Contents" by:
  - a. At Part 3, 28, replacing 'commercial' with 'Town centre'.
7. Amend text at Table 2 by:
  - a. Replacing the 'Commercial' zone classification with the 'Town Centre' zone classification.
8. Amend text at Table 3 by:
  - a. Replacing 'Commercial' (column 2) with 'Town Centre'.
9. Amending text at clause 28 and Table 6 by:
  - a. Replacing the words 'COMMERCIAL' and 'Commercial', with the words 'TOWN CENTRE' and 'Town Centre' respectively.

*10. Amending text at schedule 4, under column 1 (land use and/or development requiring advertisement), row 3 (Property Transactions) by:*

*a. Replacing the word 'Commercial' at b), with the words 'Town Centre'.*

The Amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

**CARRIED 9/0**

**Res 22/6/70**

**10.3.2 Development Application (Single Dwelling) – 57 Railway Parade, Boyup Brook**

<b>Location:</b>	<i>57 Railway Parade, Boyup Brook.</i>
<b>Applicant:</b>	<i>L Carlisle</i>
<b>File:</b>	<i>A270</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>30 June 2022</i>
<b>Author:</b>	<i>Town Planner (Adrian Nicoll)</i>
<b>Authorizing Officer:</b>	<i>Chief Executive Officer (Dale Putland)</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

The subject Lot, 57 Railway Parade, is a 'Commercial' zone property, located in the Boyup townsite.

The property was previously used for commercial activities including the wholesaling of wool and the sale of agricultural merchandise.

The landholder has made an application to convert a commercial building located at the property, into a 'Single House'.



In accordance with the Shire's Scheme, a 'Single House' is a use that can be considered for approval at a property zoned 'Commercial'.

### **BACKGROUND**

The Shire's environmental health officer and building surveyor were consulted regarding the proposal to convert a commercial building into a 'Single House'. The officers visited the subject property and have no fundamental issues with the proposal to convert the use of the existing structure(s) for use as a house.

The building surveyor advised that a building permit application will need to be submitted to the Shire, demonstrating compliance with the National Construction Codes, for a Class 1A building (single house).

### **COMMENT**

In accordance with the Shire's Scheme:

- The subject property is zoned 'Commercial'; and
- A 'Single House' is classified as a 'D' use for the 'Commercial' zone, which means the use is not permitted unless the local government has exercised its discretion by granting development approval.

In exercising discretion, the applicable criteria for consideration is the Residential Design Codes (R-Codes). The R-Codes provide a comprehensive basis for the control of residential

development, including a 'Single House'. The R-Codes seek to ensure designs respond to the natural and built features of the local context.

A neighbouring property to the east is also zoned 'Commercial' and is used to exhibit a collection of classic cars. Properties across the road to the west are developed for residential purposes. The land across the road to the north is predominantly parkland.

In accordance with the R-Codes, the following general standards apply for the development of a Single House':

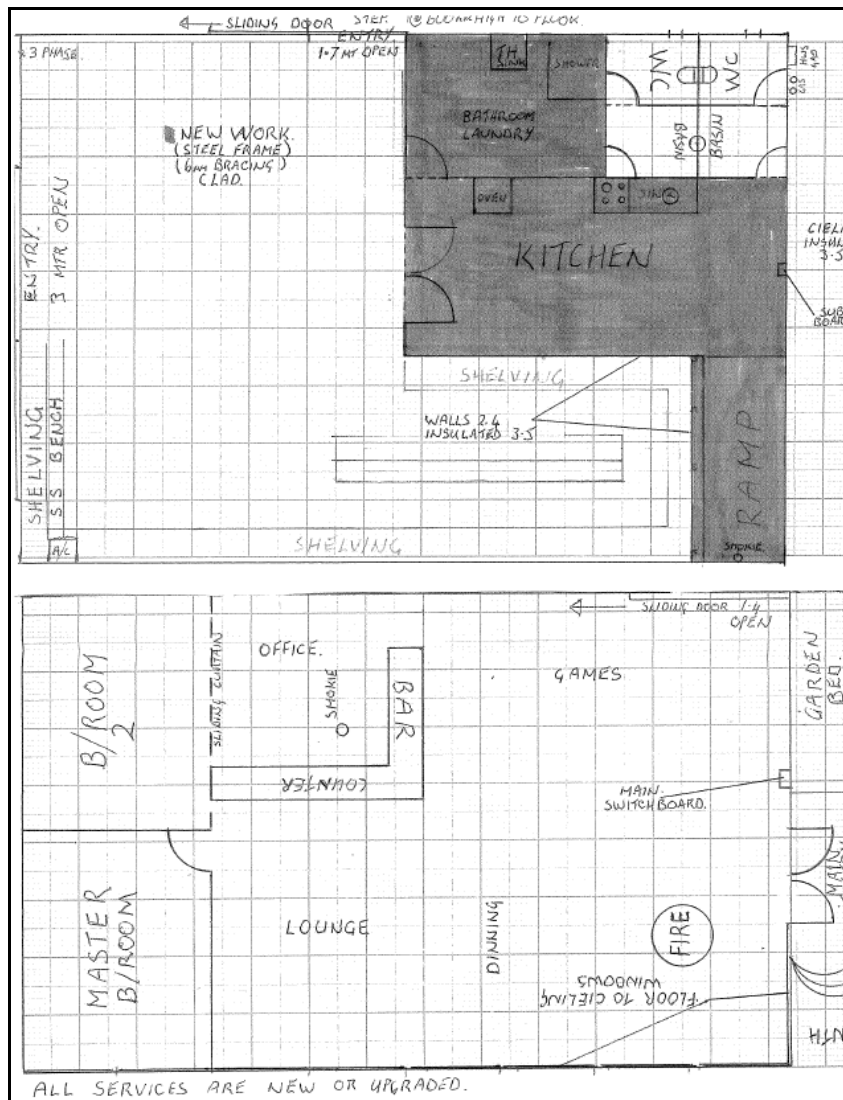
- Buildings setback from street boundaries an appropriate distance to ensure they contribute to, and are consistent with, an established streetscape.
- Development incorporates suitable open space.
- Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape.
- Buildings designed to provide for surveillance.
- Landscaping that contributes to the amenity of the area.
- Adequate car parking on-site (min 2 X car parks).
- Safe vehicle access.
- Appropriate stormwater management.

The application proposes to modify the internal structure of the building(s) located at 57 Railway Parade. Modifications include the development of a kitchen, lounge, office, bathroom/toilet, two bedrooms and insulated walls. There are no modifications proposed for the external components of the building(s).

As advised by the Shire's Building Surveyor, the conversion will need to occur in accordance with the National Construction Codes for a Class 1A building. A Certified Building Permit will need to be submitted to prove design compliance.

The external features of the existing building(s) and including the fencing, is of a commercial design. In accordance with the general standards of the R-Codes, it is recommended that tree planting (landscaping) is undertaken on the property to enhance the amenity of the property and general area.

The following is the proposed internal modification/floor plan.



It is recommended that the Council approve the proposed conversion to 'Single House' on the conditions that, prior to occupation of use, stormwater management and landscaping is undertaken to the satisfaction of the Shire.

It is also recommended that the landholder is advised that prior to occupation of use, a building permit approval for a Class 1A structure is required.

### CONSULTATION

N/A

### STATUTORY OBLIGATIONS

A 'Single House' is identified in the Shire's *Local Planning Scheme No.2* as a use which Council, in exercising the discretionary powers available to it, may approve at a property zoned 'Commercial'.

**POLICY IMPLICATIONS**

There are no Policy implications.

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.2**

**MOVED:** Cr Helen O’Connell

**SECONDED:** Cr Sarah Alexander

**That Council**

Grants conditional Development Approval for a ‘Single House’ at 57 Railway Parade, subject to the following notice, which outlines development conditions and advice notes.

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: 57 Railway Parade, Boyup Brook

Description of proposed development: **Single House**

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

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. Stormwater being managed to the satisfaction of the Shire of Boyup Brook.
3. Prior to occupancy of use, landscaping (tree planting) being undertaken to the satisfaction of the Shire.

Date of determination: 30 June 2022

Note 1: Prior to occupation of use, a building permit approval for a Class 1A structure is required.

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.

**CARRIED 9/0**

**Res 22/6/71**

### 10.3.3 Scheme Amendment – Lot 13129 Bridgetown Boyup Brook Road, Boyup Brook

<b>Location:</b>	Lot 13129 Bridgetown Boyup Brook Road.
<b>Applicant:</b>	Shire of Boyup Brook
<b>File:</b>	Reserve 33552
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	26 May 2022
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Dale Putland, Chief Executive Officer
<b>Attachments:</b>	Scheme Amendment 21

## SUMMARY

The purpose of this report is to put before Council the request to prepare Amendment No.21 to the Shire's *Local Planning Scheme No.2* for the purpose of advertising.

The amendment is proposing to rezone land known as the Boyup Saleyards, to enable the development of light industrial activities.

Council discretion is required in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, which requires a local planning scheme amendment, to be prepared by a resolution of Council prior to being advertising.

The following map illustrates the Lot, subject to the scheme amendment proposal.



## BACKGROUND

The land the subject of this application was previously used for the yarding and sale of sheep. Portion of the land is currently developed and used for the washing of trucks.

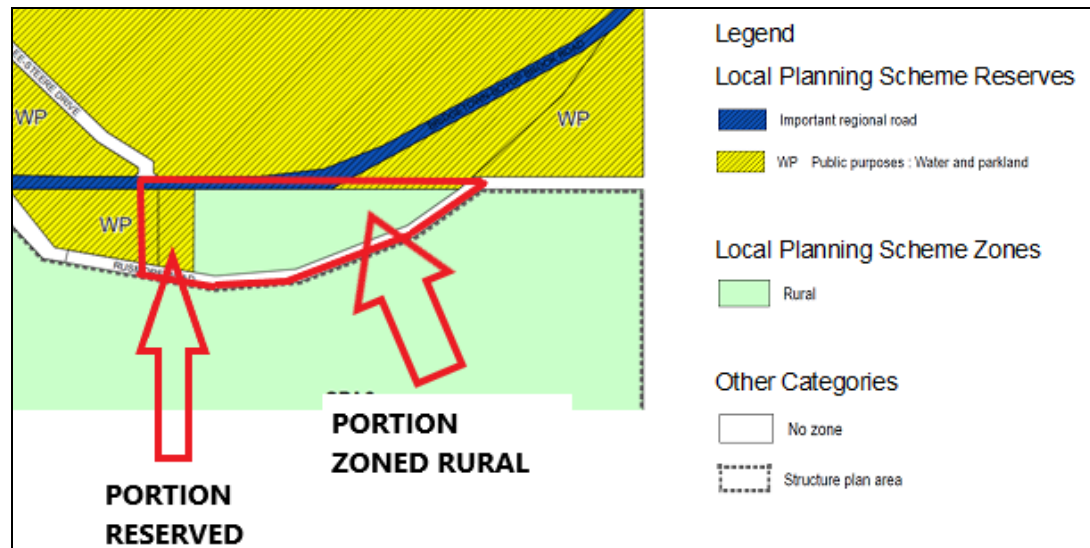


A portion of the subject land is zoned 'Rural' and a portion of the subject land is reserved for 'Public Use' (Water and Parkland).

In order to accommodate light industrial activities, the zone and reservation need to be changed to 'Light Industry'.

### COMMENT

The following illustrates the current scheme zone and reservation for the subject area.



The subject lot zone or reservation, current land use and proposed land use include:

Lot/Reserve No.	Zone/Reservation	Current Use	Proposed Use
Lot 13129 R33552	Portion 'Rural'  Portion 'Public Purpose' (Water & Parkland)	<ul style="list-style-type: none"> <li>• Sheep saleyards</li> <li>• Outbuilding</li> <li>• Truck wash facility</li> <li>• Access roads</li> <li>• Remnant vegetation (parkland cleared)</li> </ul>	<ul style="list-style-type: none"> <li>• Light industrial activities.</li> </ul>

Lot 13129 was predominantly used for the holding and selling of sheep (saleyards). The subject site is now:

1. Used for washing trucks - designated area with effluent management system;
2. Partly vacant – hardstand area and small building (old canteen) leftover from saleyards; and
3. Partly vegetated.

The proposal to transfer the Shire's Local Planning Scheme reservation and zoning, for Lot 13129, to make applicable (light industry) with current and proposed land use is justified on the following grounds:

1. The subject site is not used or intended to be used for the current dedicated reservation or zone;
2. The proposed 'Light Industry' zone will be appropriately serviced and developed considerate of bushfire and environmental parameters;
3. Development of the site will assist in the creation of local and regional wealth.

It is recommended that the Council agree to initiate the scheme amendment for advertising purposes. Post advertising, the amendment is then brought back to Council for consideration of landholder and agency submissions.

#### **STATUTORY OBLIGATIONS**

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

Section 75 of the *Planning and Development Act 2005* authorises a local government authority to amend its local planning scheme with the approval of the Minister for Planning.

#### **POLICY IMPLICATIONS**

There are no policy implications directly relating to this item.

#### **CONSULTATION**

The *Planning and Development (Local Planning Schemes) Regulations 2015* require that a local planning scheme amendment be adopted by a resolution of Council prior to the proposal being advertised for public comment.

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

There are no financial implications outside of the Shire's budget, relating to the proposal to amend the *Local Planning Scheme No.2*.

In-order to accommodate future development, vegetation clearing on the fringes of the existing developed saleyards may-be necessary in-order to comply with bushfire standards. Vegetation clearing may instigate the need for an environmental assessment, which may-be the responsibility of the Shire or the developer.

#### **STRATEGIC IMPLICATIONS**

There are no strategic implications directly relating to this item.

#### **SUSTAINABILITY IMPLICATIONS**

##### **➤ Environmental**

The proposal to amend the zoning and reservation is to be referred to the Environmental Protection Authority to determine if any environmental implications apply.

➤ **Economic and social**

The vision is the creation light industrial uses operating to provide services and employment opportunities to the community of Boyup Brook.

**VOTING REQUIREMENTS**

Simple majority

**SUMMARY CONCLUSION**

It is recommended that the Council agree to prepare the Local Planning Scheme Amendment No. 21 for the following reasons:

- 1) The proposal is consistent with the current strategic direction set within the draft Shire of Boyup Brook draft Local Planning Strategy; and
- 2) The site is physically suited to accommodating light industrial activities for the following reasons:
  - a) The site is currently utilised for industrial type activities (truck wash-down facility).
  - b) The site is flat, meaning extensive earthworks is not necessary to prepare the site for development;
  - c) The site is clear of environmental impediments; - the site is not susceptible to flooding, the site is majority clear of vegetation and the site is not contaminated.
  - d) The site is connected to utilities including sealed roads, power, telecommunications and water.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.3**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Charles Caldwell**

**THAT Council AGREE to:**

1. **Prepare Amendment No. 21 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**
  - a) **Rezoning Lot 13129 Bridgetown Boyup Brook Road, from the ‘Rural’ zone and the ‘Public purposes’ reserve (purpose: water and parkland), to the ‘Light Industry’ zone.**

**The Amendment is a ‘Standard’ amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):**

- a) **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
- b) **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

**Dated this 30 day of June 2022**

**CARRIED 9/0**

**Res 22/6/72**

#### 10.3.4 Development (Outbuilding) – Lot 108 Ridge View Avenue, Boyup Brook

<b>Location:</b>	<i>Lot 108 Ridge View Avenue, Boyup Brook.</i>
<b>Applicant:</b>	<i>J Harding</i>
<b>File:</b>	<i>A3082</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>30 June 2022</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner</i>
<b>Authorizing Officer:</b>	<i>Dale Putland, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Letter</i>

#### **SUMMARY**

In September 2021, Council resolved to retrospectively approve the development of a lean-to and two sea-containers and approve the development of an over-height, dome structure for a period of 18 months, at Lot 108 Ridgeview Avenue, Boyup Brook.

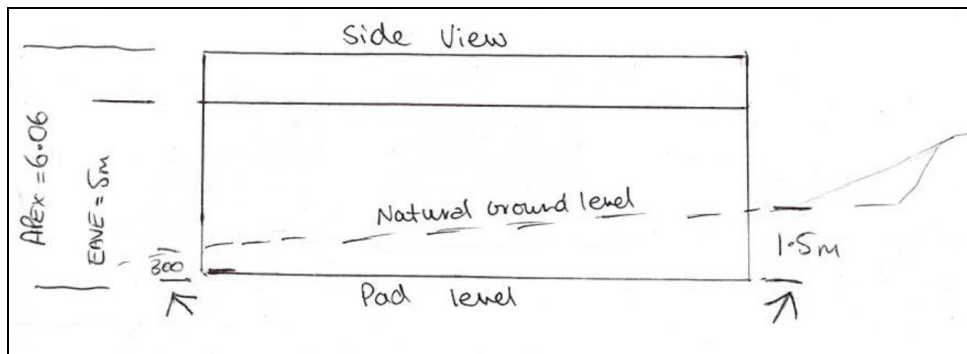
The Shire has now received an application for an outbuilding to replace the above approved developments.

The new proposed outbuilding exceeds the maximum wall and ridge height (measured from the natural ground level) standards set by the Shire's Outbuilding Policy. The proposed outbuilding also exceeds the maximum floor area for an individual outbuilding on a Special Rural zone property. The ridge height exceeds the max (4.8m) by 960mm and the wall height exceeds the max (4.2m) by 800mm. The floor area is calculated at 216m<sup>2</sup>, 16m<sup>2</sup> over the minimum standard set by the Outbuilding Policy.

This report item recommends that the Council approve the development of the over height and oversize outbuilding for the following reasons:

- The oversize is marginal and therefore is not expected to be of an impact to the amenity of the area.
- Due to the land sloping, the proposed development is cut into the landscape, meaning the height of the outbuilding to the neighbouring properties is not expected to be of an impact.
- In accordance with the Shire's Outbuilding Policy, where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported. The proposed outbuilding height is needed to house machinery.

Design showing cutting and height relative to natural ground level



### **BACKGROUND**

In September 2021, Council resolved to retrospectively approve the following:

- 1) *The development of the lean-to and two sea-containers;*
- 2) *The development of the over-height, white, dome structure for a period of 18 months.*

Approval was granted subject to the following conditions:

- 1) *The sea-containers shall be painted a colour to match the existing Colourbond shed (grey colour).*
- 2) *The sea-containers shall be maintained in good repair to the satisfaction of the Shire of Boyup Brook.*
- 3) *The Dome Structure is approved for a period of 18 months after which it must be removed as the height of the dome structure, together with its white materials*

The landholder has now decided to remove the lean-to, the two sea containers and the dome structure, and to replace with a colourbond shed.

### **COMMENT**

The colourbond outbuilding is proposed to be located alongside an existing outbuilding, to comply with boundary setback standards.

Although the proposed outbuilding marginally exceeds the min height and size standards of the Shire's Outbuilding Policy, the outbuilding is not expected to impact on neighbouring properties (due to proposed cutting into the landscape) and the outbuilding complies with the clause 7 of the Shire's Outbuilding Policy, which supports a variation in height where needed to house 'vehicle/vessel'.

Shire staff believe that the proposal is not expected to impact on the amenity of the area. It is recommended that the Council approve the proposed development.

### **STATUTORY OBLIGATIONS**

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

Schedule 2, Special Rural Zone 6, of the Shire's *Local Planning Scheme No.2* states:

*No building, outbuilding or fence shall be constructed of materials or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.*

### **POLICY IMPLICATIONS**

#### **Outbuilding Policy**

In accordance with the Shire's 'Outbuilding Policy', outbuildings are structures that are non-habitable and not attached to a dwelling and may include sheds, gazeboes, carports, sea-containers and shade houses.

The objective of the Shire's 'Outbuilding Policy' is to minimise adverse impacts outbuildings may have on a locality.

The Shire's Outbuilding Policy states:

*7. Where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.*

<b>Table 1: Outbuilding Specifications</b>					
<b>Zoning</b>	<b>Max. Wall Height</b>	<b>Max. Ridge Height</b>	<b>Maximum individual outbuilding area (m2)</b>	<b>Maximum total outbuilding area (m2)</b>	<b>Set-backs</b>
<i>Special Rural Zone (Lots 2ha and &gt;)</i>	4.2m	4.8m	200	400	<i>Per Scheme Requirements</i>

### **CONSULTATION**

N/A

### **VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.4**

**MOVED:** Cr Philippe Kaltenrieder

**SECONDED:** Cr Darren King

**That Council**

Approve the development of the over height and oversize outbuilding, subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 108 Ridge View Avenue, Boyup Brook

Description of proposed development:

**Outbuilding**

Conditions:

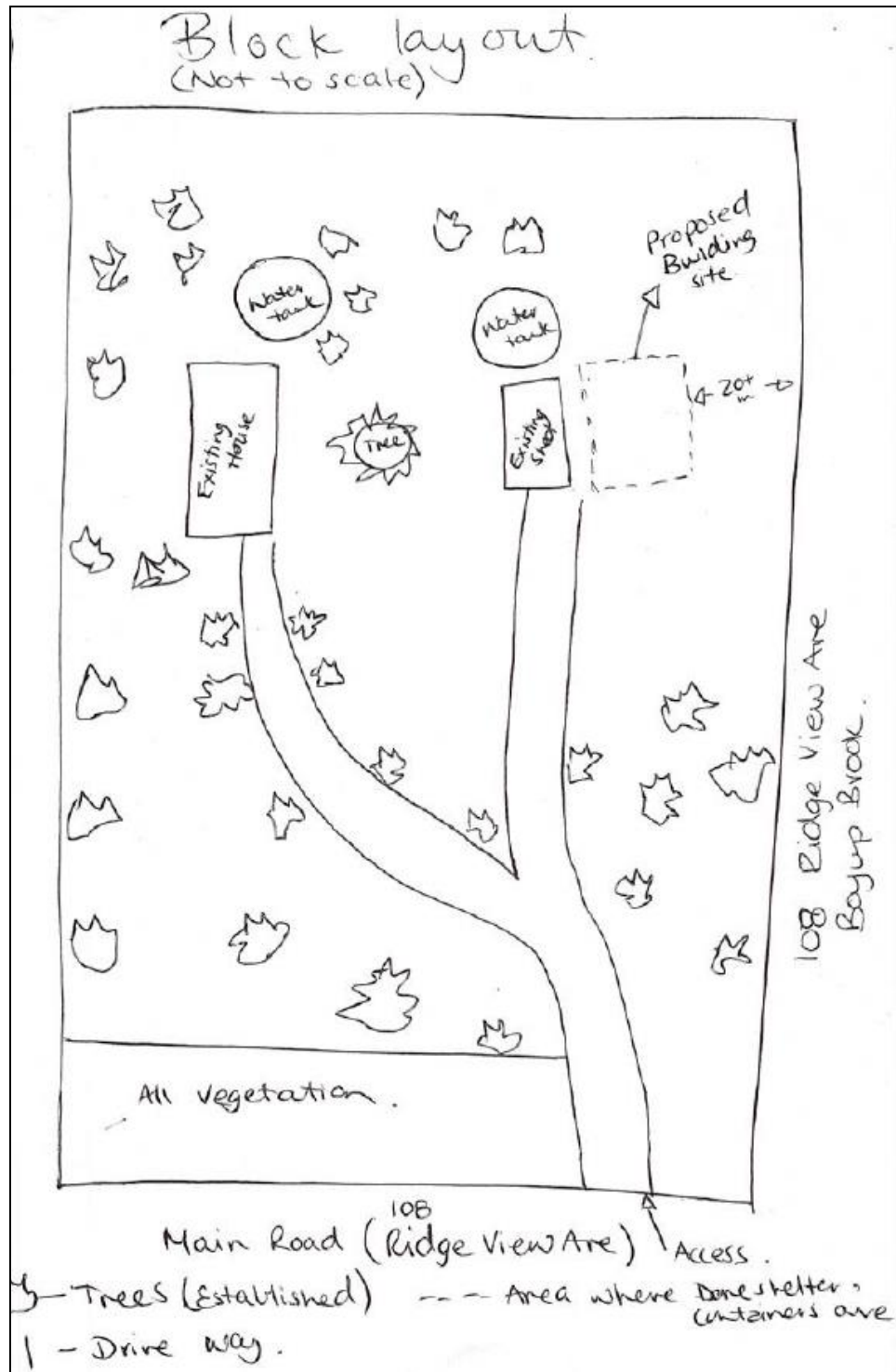
- 1) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
- 2) Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.

Date of determination: 30 June 2022

Note 1: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

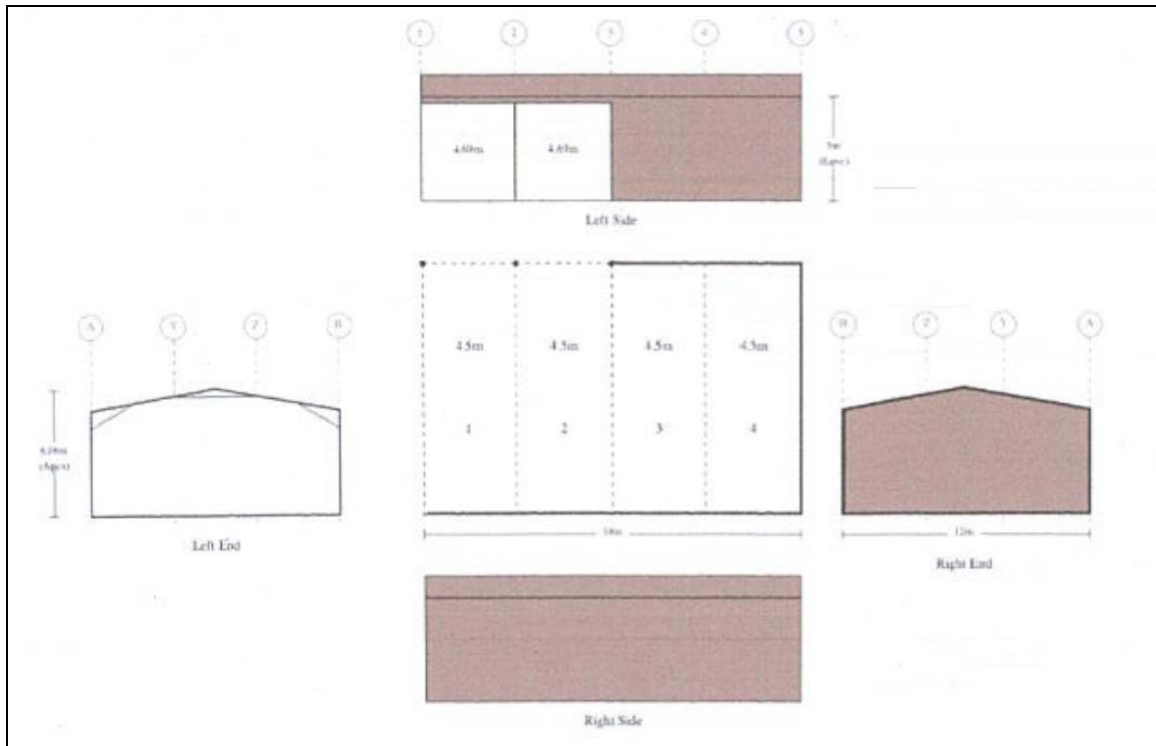
## Plans

### Site Plan

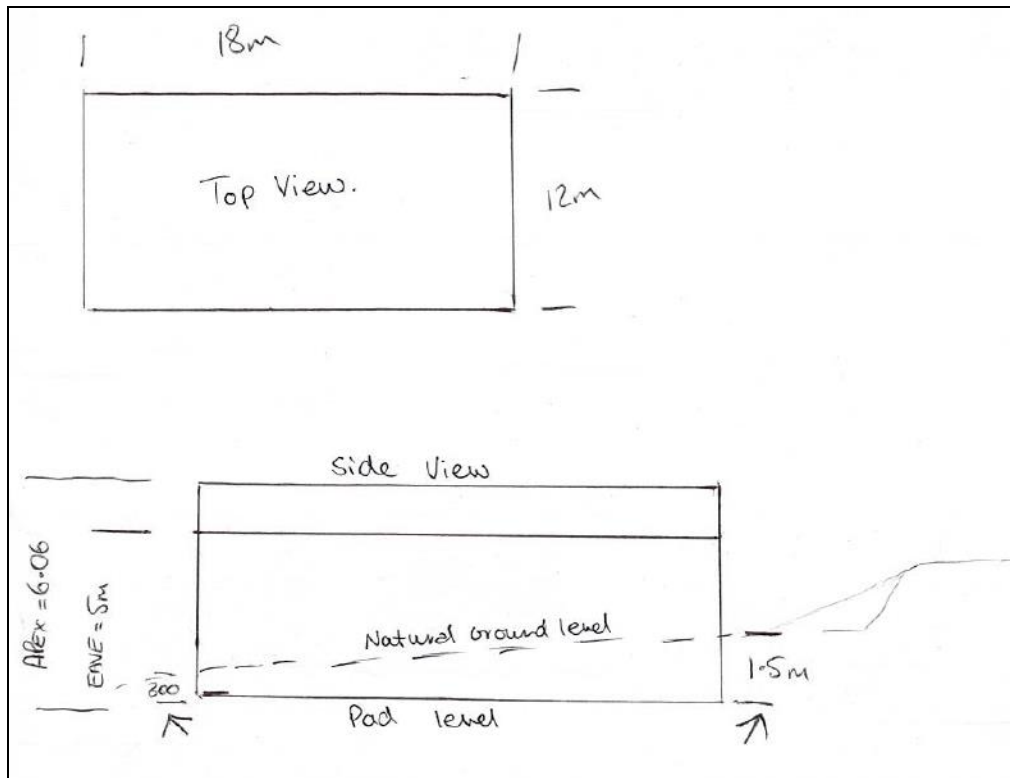




## Floor Plan



Elevations



CARRIED 9/0

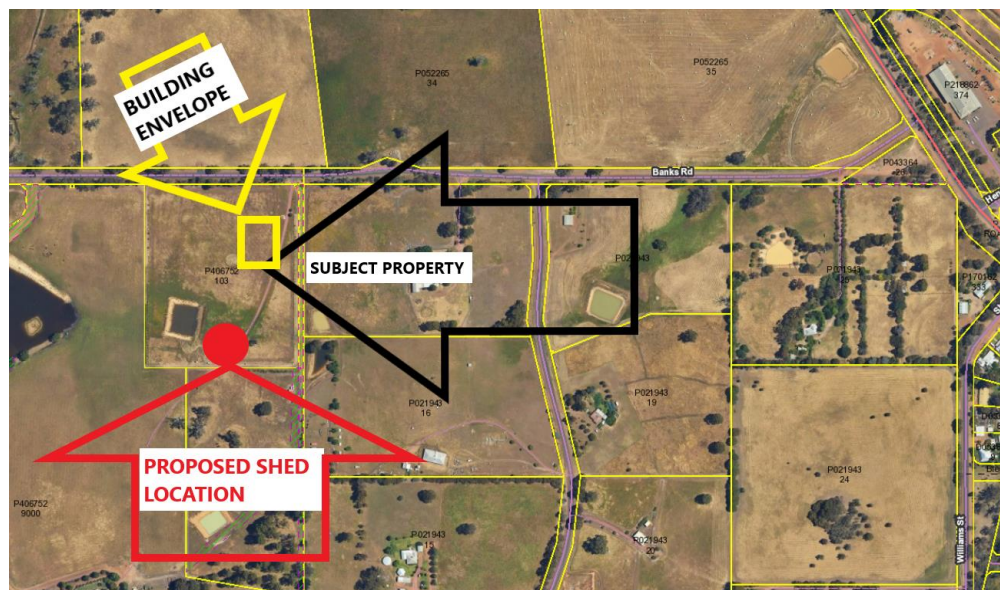
Res 22/6/73

### 10.3.5 Development (Outbuilding) – Lot 103 (#194) Banks Road, Boyup Brook

<b>Location:</b>	<i>Lot 103 (#194) Banks Road, Boyup Brook.</i>
<b>Applicant:</b>	<i>A &amp; H Harvey</i>
<b>File:</b>	<i>A40134</i>
<b>Disclosure of Officer Interest:</b>	<i>None.</i>
<b>Date:</b>	<i>14 June 2022</i>
<b>Author:</b>	<i>A. Nicoll, Town Planner.</i>
<b>Authorizing Officer:</b>	<i>Dale Putland, Chief Executive Officer.</i>
<b>Attachments:</b>	<i>Covering Letter Neighbours Comment</i>

#### **SUMMARY**

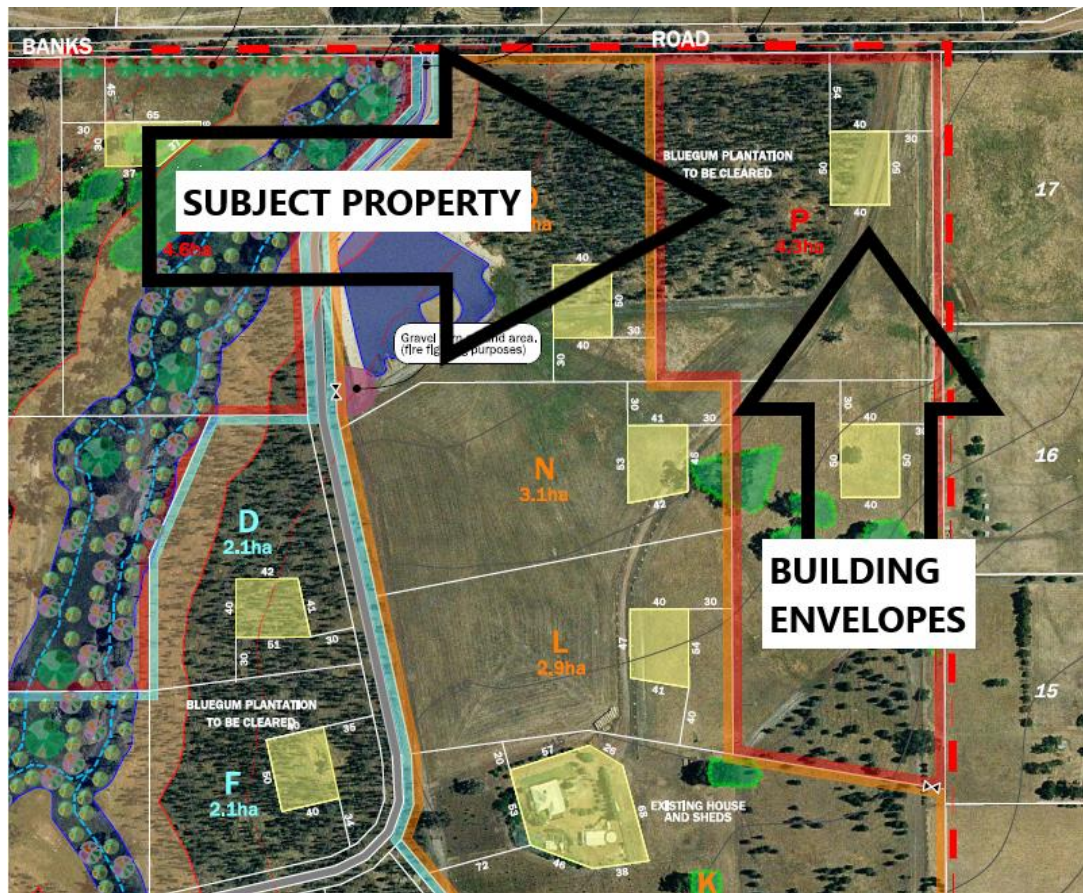
The Shire received an application, proposing to develop a shed outside of a dedicated building envelope.



In accordance with the Shire's local planning scheme, the subject property is zoned Special Rural (No.8). An endorsed structure plan pertaining to the Special Rural zone, shows a dedicated building envelope. The purpose of the building envelope is to confine development to one area, to maintain rural amenity.

The Shire's scheme states that Council may approve a variation to the building envelope plan for any particular lot subject to giving notice to adjoining landowners. Neighbouring properties have been notified and have no objection to the proposed shed location.

The below figure shows building envelopes for lots in the area, as endorsed by a Structure Plan.



It is recommended that the Council approve the development of an outbuilding, which is proposed to be located outside of a dedicated building envelope. The following reasons for approval apply:

- The small 6 x 4, skillion shed, is proposed to be located adjacent to a dam for equipment storage and will be fitted with a solar array to provide power to water pumps on a timer, which will provide irrigation, fill tanks, and help to move water around the property for other purposes.
- The proposed development location does not impact on any remnant vegetation protection areas.
- In accordance with the Shire's scheme, Council may approve a variation to the building envelope plan for any particular lot subject to giving notice to adjoining landowners. Neighbouring properties have been notified and have no objection to the proposed shed location.

### **BACKGROUND**

The subject area was transferred from the 'Rural' zone to the 'Special Rural' zone, a Structure Plan was approved to show development criteria and the subject land was then subdivided to create Lot 103 Banks Road.

The Shire then received a development application for a shed, which seeks to vary from the Council endorsed structure plan, which defines where development should be located on the property.



### **COMMENT**

The proposed outbuilding is 6m long, 4m wide and is 3.48m at the highest point. The size of the shed complies with the minimum standards set by the Council's Outbuilding Policy.

The proposed outbuilding also complies with minimum standards for materials and colour (proposed to be clad in Pale Eucalypt colourbond material) and with minimum boundary setbacks stipulated for the Special Rural area (min 30m from lot boundaries).

The following figure illustrates design criteria for the proposed shed.



### **STATUTORY OBLIGATIONS**

The Shire's *Local Planning Scheme 2* states the following for development in the Rural Residential zone No.8:

#### *3. Structure Plan*

*(a) A Structure Plan is to be submitted to and approved by the Shire of Boyup Brook and endorsed by the WAPC prior to the subdivision or development of the land.*

#### *6. Location of Buildings and Structures*

*(a) All buildings shall be located within the defined "building envelope". Council may approve a variation to the building envelope plan for any particular lot subject to giving notice to adjoining landowners*

*(b) All buildings and structures shall be located outside of the 'Remnant Vegetation Protection' areas marked on an approved Structure Plan.*

*(c) All buildings are to be setback a minimum of 15 metres from Banks Road and 30 metres from all other lot boundaries, unless depicted otherwise on an approved Structure Plan.*

#### *7. Building Design, Materials and Colour*

(a) Dwellings and outbuildings shall be designed and constructed of materials, which allow them to blend into the landscape of the site. Walls and roofs shall not be constructed of reflective materials such as unpainted 'zincalume' and 'offwhite' colours. Council will be supportive of walls and roofs with green, brown or red toning in keeping with the amenity of the area.

### **POLICY IMPLICATIONS**

In accordance with the Shire's 'Outbuilding Policy', outbuildings are structures that are non-habitable and not attached to a dwelling and may include sheds, gazeboes, carports, sea-containers and shade houses.

The objective of the Shire's 'Outbuilding Policy' is to minimise adverse impacts outbuildings may have on a locality.

The Shire's Outbuilding Policy states:

*With the exception of 'Rural' zone properties, outbuildings exceeding 80m<sup>2</sup> shall be constructed out of low-reflective materials that blend with the landscape (dark blue, green, brown or red). The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zincalume' Galvabond, White, Off-white, and Surfmist.*

<b>Table 1: Outbuilding Specifications</b>					
<b>Zoning</b>	<b>Max. Wall Height</b>	<b>Max. Ridge Height</b>	<b>Maximum individual outbuilding area (m2)</b>	<b>Maximum total outbuilding area (m2)</b>	<b>Set-backs</b>
Special Rural Zone (Lots 2ha and >)	4.2m	4.8m	200	400	Per Scheme Requirements

### **CONSULTATION**

Neighbouring properties within the Special Rural No.8 zone were consulted and have no issues with the proposed development.

### **VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3.5**

**MOVED:** Cr Sarah Alexander

**SECONDED:** Cr Helen O’Connell

**That Council**

Grants development approval for an outbuilding proposed to be located outside of a dedicated building envelope. The approval is subject to the following notice, which outlines development conditions and advice notes.

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: Lot 103 Banks Road, Boyup Brook

Description of proposed development:

**Outbuilding:**

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. Stormwater from the lot shall be managed to the satisfaction of the Shire of Boyup Brook.

Date of determination: 30 June 2022

Note 1: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

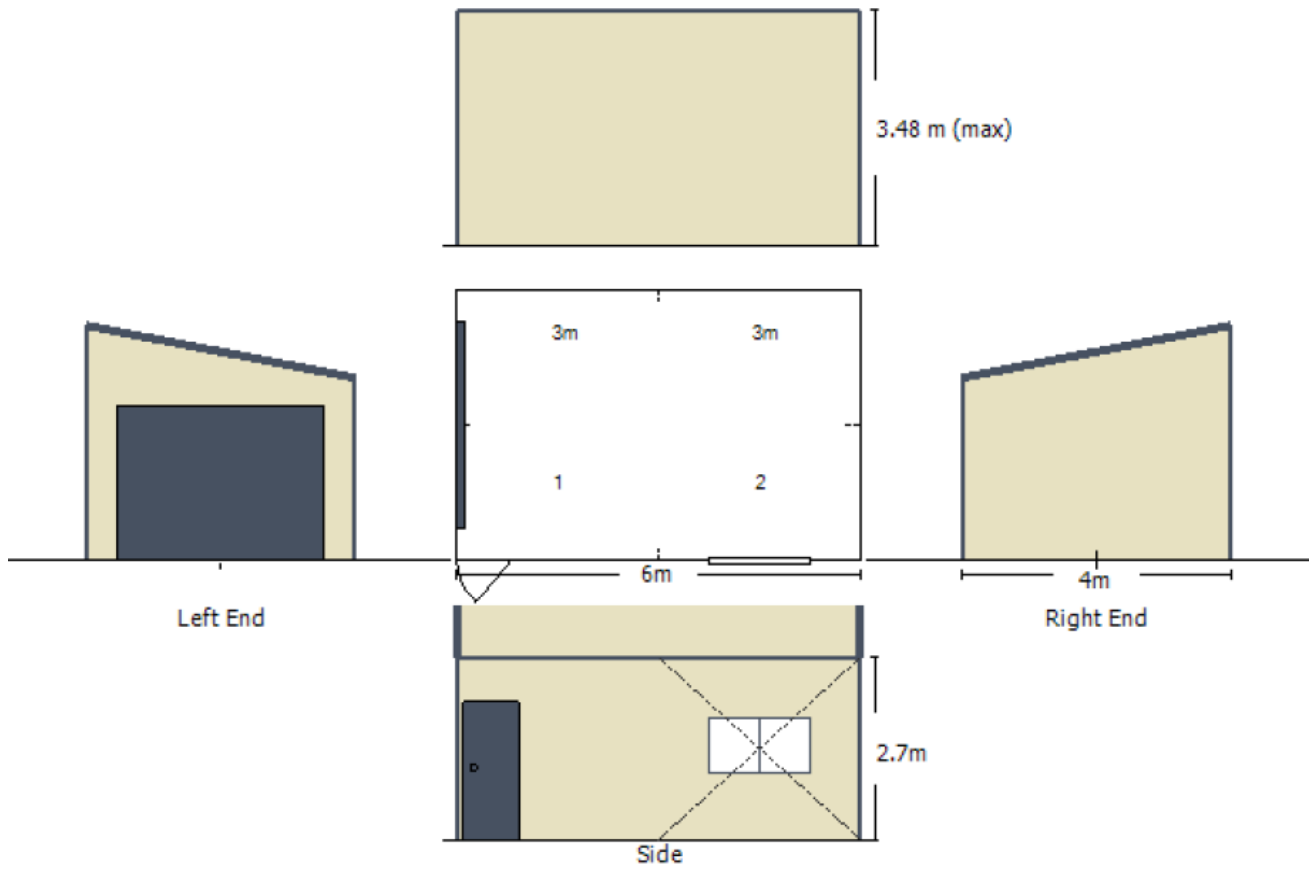
**Plans**

**Site Plan**





Elevations



CARRIED 9/0

Res 22/6/74

## 10.4 Chief Executive Officer

### 10.4.1 Climate Change Policy and Action Plan

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 June 2022</i>
<b>Author:</b>	<i>Maria Lane – Executive Assistant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Draft Subregional Climate Change Policy &amp; draft Subregional Climate Change Action Plan 2022-32</i>

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#### **SUMMARY**

Climate change is a key issue for the Warren Blackwood Alliance of Councils (WBAC) that impacts almost all aspects of our responsibilities and goals.

This Policy Statement (*refer to attachment 10.4.1a*) has been prepared by the WBAC Climate Change Impact Reference Group for endorsement by each of the member Councils.

The draft Subregional Climate Change Action Plan (*refer to attachment 10.4.1b*) has been developed to assist the Warren Blackwood Alliance of Councils (WBAC) to establish climate change actions that improve the resilience of their operations, and their communities, to the impacts of climate change, at the subregional scale.

#### **BACKGROUND**

In early 2021 the WBAC established a Climate Change Impact Reference Group (CCIRG) for the purpose of establishing a subregional climate change impact policy that includes recommendations for practical and achievable adaption and mitigation strategies applicable to WBAC and member Shires.

An Executive Officer (EO) was appointed to the CCIRG in October of 2021. Since then, the EO has met with senior staff of all WBAC Shires, each of which have undertaken a baseline assessment of current and potential future climate actions.

These assessments, and the draft documents resulting (a draft Subregional Climate Change Policy and a draft Subregional Climate Change Action Plan), have been developed using tools developed by WALGA, in partnership with DWER, DFES, DLGCI, the Bom and Ey (Ernest and Young).

**Current status:** A second draft of the policy and action plan has been prepared by the CCIRG and is currently available for comment by member Shire sub-committees (e.g. the Shire of Bridgetown Greenbushes Sustainability Advisory Committee). Noting the documents are the confidential property of the WBAC, the CCIRG consider it beneficial to have input from relevant formal groups of individual Shires, where they exist.

**Issues for Consideration:** It is important to recognise that the draft documents will make non-binding recommendations for the WBAC and individual Shires.

CCIRG acknowledges it is the prerogative of the WBAC and its members Shires to accept, edit or delete any or all action plan recommendation and policy content, as suites their respective requirements.

The WBAC will need to consider the degree to which community consultation (if any) would occur on the Subregional Climate Change Policy and the Subregional Climate Change Action Plan.

#### **COMMENT**

To provide the WBAC with an update on the progress of the Climate Change Impact Reference Group (CCIRG).

#### **CONSULTATION**

Warren Blackwood Alliance of Councils

#### **STATUTORY OBLIGATIONS**

N/A

#### **POLICY IMPLICATIONS**

By endorsing the Policy and Action Plan, Council is adopting a strategic and proactive approach to respond to Climate Change.

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

N/A

#### **STRATEGIC IMPLICATIONS**

## **1**

### **Manage natural resources**

- 1.1 Manage and conserve the natural environment, lands and water
- 1.2 Mitigate climate change and natural disaster risk
- 1.3 Improve water security and drought proofing measures
- 1.4 Works with key stakeholders to manage land, fire, disease, pest animals and weeds

**SUSTAINABILITY IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Simple Majority

**MOVED INTO COMMITTEE**

**MOVED: Cr Charles Caldwell**

**SECONDED: Cr Kevin Moir**

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

**CARRIED 9/0**

**Res 22/6/75**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Helen O’Connell**

**SECONDED: Cr Darren King**

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

**CARRIED 9/0**

**Res 22/6/76**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.1**

**MOVED: Cr Philippe Kaltenrieder**

**SECONDED: Cr Adrian Price**

**That Council endorse the Draft Warren Blackwood Subregional Climate Change Policy and Draft Subregional Action Plan.**

**CARRIED 8/1**

**Res 22/6/77**

### **Declare an Interest**

Cr Kevin Moir declared a financial interest in the following item and departed the Chambers, the time being 7.03pm.

#### **10.4.2 Shire of Donnybrook Balingup/Shire of Boyup Brook**

<b>Location:</b>	<i>N/a</i>
<b>Applicant:</b>	<i>N/a</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 June 2022</i>
<b>Author:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Submission to the Local Government Advisory Board – Joint proposal by the Shire of Donnybrook Balingup and Shire of Boyup Brook to change the district boundary</i>

### **SUMMARY**

The purpose of this report is to seek a joint Council resolution between the Shire of Donnybrook Balingup and Shire of Boyup Brook to endorse the formal submission document to the Local Government Advisory Board (The Board).

Seven individual lots have been identified as being bisected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary.

**Table 1 Affected Properties**

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

The proposed boundary change is to permanently resolve the situation of the Shire of Donnybrook Balingup and Shire of Boyup Brook district boundary bisecting individual lots.

This anomaly results in landowners having a single lot of land located in two local government districts.

### **BACKGROUND**

The Board is the body established by the Local Government Act 1995 (the Act) to provide advice to the Minister for Local Government (The Minister) on local government constitutional matters. It has five members and four deputy members.

The Minister appoints the chair of the board and a member from the department, as well as two members from nominations supplied by the Western Australian Local Government Association (WALGA) and one member from nominations supplied by Local Government Professionals Western Australia (LG Pro).

The Board's major function is to assess proposals to change local government boundaries and then make recommendations to the Minister.

For a proposal to be assessed as valid it must:

1. Set out the nature of the proposal and its effects on local government
2. Have a plan showing the proposal and its relation to existing boundaries
3. Comply with any regulations

If the proposal is assessed as valid, then a recommendation is presented to the Board on the nature of the assessment. The Board can either:

- Reject the proposal (unanimous decision required)
- Undertake an informal assessment (unanimous decision required)
- Undertake a formal assessment

Some factors which may render a proposal invalid could include, but are not limited to:

- Insufficient information included in the proposal
- Not adequately addressing the eight guiding principles
- Unclear maps or plans which do not plainly show the affected area

The Board has developed eight guiding principles for the prescribed matters to be considered in its assessment of any proposal. Each of these principles should be appropriately addressed in the proposal. The Board will assess the merits of the proposal against the eight prescribed matters:

1. community of interest
2. physical and topographical features
3. demographic trends
4. economic factors
5. the history of the area
6. transport and communication
7. matters affecting the viability of local governments
8. the effective delivery of government services.

This does not limit the factors which can be taken into consideration.

Where local governments are seeking minor amendments to boundaries, the Board requests that they attempt to reach agreement with the other affected local government and submit a joint proposal to the Board.

All proposals should be signed by the Mayor or President and the Chief Executive Officer. The Board will inform affected local governments of proposals which impact them when it has made a decision on the level of assessment.

After it has been determined that a formal assessment is appropriate, the Board will advise affected local governments of the following before the commencement of the inquiry:

- that there will be a formal inquiry; and
- the scope of the inquiry.

At the completion of its assessment the Board will complete a comprehensive formal report which is forwarded to the Minister. The report may recommend that the Minister:

- accept the proposal and make orders in accordance with the proposal
- reject the proposal
- make some other order which is not significantly different from the original proposal.

The Minister can either:

- Accept the Board's recommendation
- Reject the Board's recommendation
- The Minister will also request the Board to give notice of its recommendation(s).

The Minister then advises the Department of Local Government, Sport and Cultural Industries and the affected local governments of the decision.

At the Ordinary Meeting of Council on 26 May 2022 Council of the Shire of Boyup Brook resolved unanimously to support a joint submission to change the boundary.

**COUNCIL RESOLUTION 22/5/58**

**MOVED: Cr Darren King**

**SECONDED: Cr Philippe Kaltenrieder**

**That Council:**

**1. Endorses a proposed district boundary adjustment for the following properties:**

Land ID	VEN	Assess No	Cert of Title	Lot	Address	Proposed district that the property to be wholly located
4522P162073/2	1076360	A2491	2215/767	4522	3853 Donnybrook-Boyup brook Rd Noggerup	Shire of Donnybrook Balingup
11P20750/1	1075849	A1732	2048/547	11	3851 Boyup Brook Rd Noggerup	Shire of Donnybrook Balingup
3804P153547/2	1076419	A2671	1897/282	3804	3905 Donnybrook-Boyup Book Rd Noggerup	Shire of Donnybrook Balingup
11859P157909/2	1630596	A4390	1245/290	11859	Lot 11859 Walker Rd Wilga	Shire of Boyup Brook
12087P163478/2	1630597	A4389	1328/357	12087	199 Walker Rd Wilga West	Shire of Boyup Brook

10833P140931/2	1076069	A1393	1039/55	10833	118 Walker Rd, Wilga West	Shire of Boyup Brook
11287P159733/2	1076069	A1393	1175/249	11287	118 Walker Rd, Wilga West	Shire of Boyup Brook

- 2. Subject to the Council of the Shire of Donnybrook Balingup resolving to support the proposed boundary adjustment in accordance with Resolution 1, request the Chief Executive Officer to:**
- a) Prepare a joint submission document to the Local Government Advisory Board in conjunction with the Shire of Donnybrook Balingup.**
  - b) Present the joint submission document to Council for endorsement.**

**CARRIED 8/0**

**Res 22/5/58**

**COMMENT**

Circumstances where an individual property is bisected by a district boundary is considered burdensome for both the landowner and government agencies.

- Rating is managed independently by two local governments
- Landowner receives two rate notices
- Landowner is subject to dual rating conditions
  - Rates due dates
  - Instalment options
  - Penalty and Instalment interest charges
- Dual management of processes by local governments and the Office of State Revenue, where a landowner is an eligible recipient of a concession under the Rates and Charges (Rebates and Deferments) Act 1992
- Land valuations require dual management by the Valuer General
- Land information requires dual management by Landgate
- Landowner eligible to vote in two local governments
- Subject properties require specific management by Department of Fire and Emergency Services for the purposes of the Emergency Services Levy
- Land use on affected properties is subject to dual local government statutory licenses and approval processes
- Land use on affected properties is subject to dual Town Planning Schemes
- Dual local government property settlement / change of ownership processes

It is recommended that the proposed district boundary change be supported to permanently resolve this long-standing boundary irregularity.

**CONSULTATION**

In accordance with joint resolutions of the Shires of Donnybrook Balingup and Boyup Brook, consultation was undertaken with affected landowners.

Landowner consultation was undertaken for a period of 6 weeks, commencing on 1 December 2021, and concluding on 14 January 2022.



Consultation consisted of:

- a) advising landowners of the Shires' intention to submit a boundary change proposal.
- b) surveying respective landowners to obtain a preference for the alignment of a future.

Of the seven subject properties, five survey responses were received.

**Table 2 Submissions**

Support	Oppose	No Response	Total
5	0	2	7

**STATUTORY OBLIGATIONS**

Schedule 2.1 of the Local Government Act 1995 prescribes the requirements for changing boundaries of a local government district

2. *Making a proposal*

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister; or*
- (b) *an affected local government; or*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who —*
  - (i) *are at least 250 in number; or*
  - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

**POLICY IMPLICATIONS**

N/A

**BUDGET/FINANCIAL IMPLICATIONS**

Based on assessments, loss of rates would be \$2975.44 per financial year based on our current rate in the dollar. Area reduction on A3210, based on 21/22 valuation would be approximately \$656.00.

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.2**

**MOVED: Cr Darren King**

**SECONDED: Cr Charles Caldwell**

**That Council**

- 1. Endorse the document “Submission to the Local Government Advisory Board – Joint proposal by the Shire of Donnybrook Balingup and Shire of Boyup Brook to change the district boundary” with the following additions**
  - a) Signatures of the Shire Presidents and Chief Executive officers (page 3)**
  - b) Copy of this resolution from both Councils (Appendix 2 – Council Resolutions)**
- 2. Subject to the Council of the Shire of Boyup Brook resolving to endorse resolution 1 above, authorise the Chief Executive Officer to lodge the submission with the Local Government Advisory Board.**

**CARRIED 8/0**

**Res 22/6/78**

Cr Moir returned to the Chambers at 7.08pm

#### 10.4.3 Sculptures – Sandy Chambers

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>27/04/2022</i>
<b>Author:</b>	<i>Maria Lane (Executive Officer)</i>
<b>Authorising Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

#### **SUMMARY**

Sandy Chambers offered to sell the 2 sculptures (***refer to attachment 10.4.3***) to the Shire during a meeting with the Shire President and Chief Executive Officer.

The “*Mermaid*” could be located to the Swimming Pool and “*A Man Down on his Luck*” could be located to the Town Hall or Shire Chambers/foyer for other community members to view. (Attachment 10.4.3)

#### **BACKGROUND**

Sandy Chambers is 94 years old and still creating today. He immigrated from England to Western Australia in 1964 and resides in Boyup Brook. He is highly skilled and has contributed to many public artworks including murals, and sculptures, indigenous animal sculptures, logos, entry statements, gnomon, and unique holograms telling the stories of traditional owners, pioneer women and today’s residents.

He opens his home and garden as a tourism attraction in Boyup Brook to display his numerous artworks. Together with his wife, Jacqui, he was the originator of the Boyup Brook Autumn Art Affair that started in 1980 and continued for 18 years. For a number of years this was the biggest event that showcased local artists and makers in the region and brought in crowds of 3000 people to the small town of Boyup Brook.

#### **COMMENT**

Sandy has created many public artworks, murals and sculptures and contributes to tourism attractions and community projects over the years. He is definitely a Boyup Brook icon, and a State Cultural Treasure.

The sculptures are representative of Sandy’s work and will complement the Shire’s collection of Sandy Chambers art.

#### **CONSULTATION**

Sandy Chambers

**STATUTORY OBLIGATIONS**

N/A

**POLICY IMPLICATIONS**

N/A

**BUDGET/FINANCIAL IMPLICATIONS**

\$1,250 for each sculpture.

**STRATEGIC IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – ITEM 10.4.3**

**MOVED: Cr Sarah Alexander**

**SECONDED: Cr Steele Alexander**

**That Council authorize purchase of the 2 sculptures from Sandy Chambers and locating them at suitable locations for the community to view.**

**AMENDMENT**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Philippe Kaltenrieder**

**That the 2 sculptures be dealt with individually.**

**CARRIED 9/0**

**Res 22/6/79**

**MOTION**

**MOVED: Cr Sarah Alexander**

**SECONDED: Cr Helen O’Connell**

**That Council authorize purchase of “A Man Down on his Luck” sculpture for \$1,250.00 and locate it at a suitable location for the community to view.**

**CARRIED 9/0**

**Res 22/6/80**

**MOTION**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Philippe Kaltenrieder**

**That Council authorize purchase of the “Mermaid” for \$1,250.00 and locate it at a suitable location for the community to view.**

**LOST 1/8**

**Res 22/6/81**

## 11 COMMITTEE MINUTES

### 11.1 Community Grant Committee Minutes - Confidential

#### COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1

MOVED: Cr Helen O’Connell

SECONDED: Cr Sarah Alexander

That the confirmed minutes of the Community Grants Committee held on Thursday, 2 June 2022 be received.

CARRIED 9/0

Res 22/6/82

### 11.2 Rylington Park Committee Minutes

#### COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.2

MOVED: Cr Helen O’Connell

SECONDED: Cr Sarah Alexander

That the confirmed minutes of the Rylington Park Committee held on Thursday, 12 May 2022 be received.

CARRIED 9/0

Res 22/6/83

## 12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

## 13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT/CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

### Behind Closed Doors

MOVED: Cr Helen O’Connell

SECONDED: Cr Sarah Alexander

That pursuant to Section 5.23 (2) (b) of the *Local Government Act 1995*, Council move Behind Closed Doors.

CARRIED 9/0

Res 22/6/84

**13.1 Doubtful Debts (Rates) – Write-off**

**Location:** *Shire of Boyup Brook*  
**Applicant:** *N/A*  
**Disclosure of Officer Interest:** *None*  
**Date:** *30 June 2022*  
**Author:** *Ben Robinson – Finance Manager*  
**Authorising Officer:** *Dale Putland – Chief Executive Officer*  
**Attachments:** *Nil*

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**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.1**

**MOVED: Cr Philippe Kaltenrieder**

**SECONDED: Cr Charles Caldwell**

That the Council resolve to write off the following rates debts totalling \$2,834.99 (inc. GST) in the 2021/22 financial year:

Code	Location	Amount	Description	Reason
Confidential	Confidential	\$2,345.65	Rates	Confidential
Confidential	Confidential	\$ 261.84	Rates	Confidential
Confidential	Confidential	\$ 227.50	Rates	Confidential
	TOTAL	\$2,834.99		

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 22/6/85**

**13.2 Doubtful Debts (Sundry & Medical Centre) – Write-off**

**Location:** Shire of Boyup Brook  
**Applicant:** N/A  
**Disclosure of Officer Interest:** None  
**Date:** 30 June 2022  
**Author:** Ben Robinson – Finance Manager  
**Authorizing Officer:** Dale Putland – Chief Executive Officer  
**Attachments:** N/A

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 13.2****MOVED: Cr Helen O’Connell****SECONDED: Cr Adrian Price**

That the Council resolve to write off the following sundry debts totalling \$7,832.00 (inc. GST) in the 2021/22 financial year:

Departments	Code	Amount	Description	Reason
Admin	61554	\$ 274.00	Impoundment Fees (Oct 2016)	Confidential
Admin	61963	\$2,145.00	Impoundment Fees (May 2018)	Confidential
Admin	2215	\$1,155.00	Hanger Hire (2016-17)	Confidential
Admin	61804	\$2,623.00	Flax Mill Storage Shed Administration Charges (Dec 2017 – Sep 2018). Inv 1081	Confidential
Admin	62501	\$1,185.00	Flax Mill Storage Shed Administration Charges (Dec 2017 – Sep 2018). Inv 1082	Confidential
	<b>TOTAL</b>	<b>\$7,382.00</b>		

**CARRIED 9/0****Res 22/6/86**

**13.3 Community Grants Assessment 2022/23**

**Location:** N/A  
**Applicant:** Various  
**File:** FM/25/008  
**Disclosure of Officer Interest:** None  
**Date:** 28 June 2022  
**Author:** Grace Borrello, Community, Tourism & Economic Development Officer  
**Authorizing Officer:** Dale Putland, Chief Executive Officer  
**Attachments:** Summary – excel spreadsheet (3.1a)  
Community Grants - \$1000 – (3.1b)  
Community Grants over \$1000 – (3.1c)  
F.02 Guidelines for Community Grants Policy (attachment 3.1d)

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**COMMITTEE RECOMMENDATION – Item 13.3**

**Moved:** Cr Charles Caldwell

**Seconded:** Cr Sarah Alexander

**That Council includes the following allocations in the 2022/2023 budget and authorize the CEO to supply in-kind support as identified in the below tables:**



Organisation Name	Requested Purpose	Requested Amount \$	Request in-kind	Allocated Amount \$	Approved in-kind
<b>Community grant requests over \$1,001.00</b>					
CoMHAT	Contribution towards running of Boyup Brook Community Wellness Festival	\$5,500.00		\$5,500.00	
Boyup Brook Club Inc	Assistance in-kind from Shire for maintenance of lawns and gardens		\$2,750.00		\$2,750.00
Upper Blackwood Agricultural Society	Upgrade of northern boundary fencing	\$5,770.00		\$5,770.00	
Dinninup Volunteer Bushfire Brigade	Assist in development of BFB auxiliary unit	\$7,670.00		\$7,670.00	
Country Music Club of Boyup Brook	Funds to assist with administration costs in the planning for the BBCMF and in-kind support (fuel, mowing, sand etc. approx \$6,000).	\$15,000.00	\$6,000.00	\$15,000.00	\$6,000.00
<b>Subtotal</b>		<b>\$33,940.00</b>	<b>\$8,750.00</b>	<b>\$33,940.00</b>	<b>\$8,750.00</b>

Organisation Name	Requested Purpose	Requested Amount \$	Request in-kind	Allocated Amount \$	Approved in-kind
<b>Donation Requests up to \$1,000.00</b>					
Boyup Brook Cricket Club	Purchase of new cricket equipment for players (both seniors and juniors)	\$1000.00		\$1,000.00	
Boyup Brook Tourism Association	Advertising in the printed media for the 'Walk on the Wild Side' event	\$1000.00		\$1,000.00	
Tonebridge Country Club	Insurance and operating costs	\$1000.00		\$1000.00	
Blackwood River Art Trail	The Blackwood River Arts Trail committee is asking for support from the Shire for \$1000 - funding is needed for advertising in print and social media	\$1000.00		\$1000.00	
<b>Subtotal</b>		<b>\$4000.00</b>		<b>\$4000.00</b>	
Organisation Name	Requested Purpose	Requested Amount \$	Request in-kind	Allocated Amount \$	Approved in-kind
<b>On-going funding arrangements</b>					
Boyup Brook District High School	Shire Presidents Scholarship	\$200.00		\$200.00	
Playgroup	Assist ongoing operations i.e., cover hire fees and general maintenance	\$1000.00		\$1000.00	
Rylington Park	Agricultural School Scholarships to be determined annually through the budget	\$		\$	
<b>Subtotal</b>		<b>\$1200.00</b>		<b>\$1200.00</b>	
<b>Extraordinary Requests</b>					
	Extraordinary Grant Requests per policy F.02.	\$1000.00		\$1000.00	
<b>Subtotal</b>		<b>\$1000.00</b>		<b>\$1000.00</b>	
<b>TOTAL</b>		<b>\$41,340.00</b>	<b>\$8,750.00</b>	<b>\$41,340.00</b>	<b>\$8,750.00</b>

CARRIED 9/0

Res 22/6/87

**MOVED: Cr Philippe Kaltenrieder**

**SECONDED: Cr Helen O'Connell**

That is accordance with Section 5.23(1) (a) of the Local Government Act 1995, Council come out from Behind Closed Doors.

**CARRIED 9/0**

**Res 22/6/88**

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 7.37pm.