



AGENDA

MEETING TO BE HELD ON

**Thursday 15 December 2022**

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland  
Chief Executive Officer

---

## INDEX PAGE

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS .....	3
2.	RECORD OF ATTENDANCE .....	3
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	3
4.	PUBLIC QUESTION TIME.....	3
5.	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS .....	3
6.	DISCLOSURE OF INTEREST .....	3
7.	CONFIRMATION OF MINUTES .....	3
7.1	Ordinary Council Minutes – 24 November 2022 .....	3
8.	PRESIDENTIAL COMMUNICATIONS .....	3
9.	COUNCILLOR QUESTIONS ON NOTICE .....	3
10.	REPORTS OF OFFICERS.....	4
10.1	MANAGER WORKS AND SERVICES.....	4
10.2	FINANCE .....	5
10.2.1	List of Accounts Paid in November 2022.....	5
10.2.2	30 November 2022 Statement of Financial Activity .....	8
10.3	CHIEF EXECUTIVE OFFICER.....	10
10.4	PLANNING .....	11
10.4.1	Scheme Amendment 23 – Lot 7876 Terry Road, Boyup Brook .....	11
11	COMMITTEE MINUTES .....	16
11.1	Annual Awards Committee Minutes .....	16
12	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	16
13	URGENT BUSINESS MATTERS.....	16
13.1	Funding Reallocation .....	16
14	CONFIDENTIAL MATTERS.....	18
15	CLOSURE OF MEETING.....	18

**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**

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O’Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Charles A D Caldwell
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maria Lane
	Acting Executive Assistant	Maggie Le Grange

APOLOGIES: Adrian Price

LEAVE OF ABSENCE:

MEMBERS OF PUBLIC:

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. PUBLIC QUESTION TIME**

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

**6. DISCLOSURE OF INTEREST**

Cr Philippe Kaltenrieder – Proximity Interest - Item 10.4.1

**7. CONFIRMATION OF MINUTES**

**7.1 Ordinary Council Minutes – 24 November 2022**

**OFFICER RECOMMENDATION – ITEM 7.1**

**That the minutes of the Ordinary Council Meeting held on Thursday 24 November 2022 be confirmed as an accurate record.**

**8. PRESIDENTIAL COMMUNICATIONS**

**9. COUNCILLOR QUESTIONS ON NOTICE**

Nil

**10. REPORTS OF OFFICERS**

**10.1 Manager Works and Services**

Nil

## 10.2 FINANCE

### 10.2.1 List of Accounts Paid in November 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>05/12/2022</i>
<b>Author:</b>	<i>Ben Robinson, Finance Manager</i>
<b>Authorising Officer:</b>	<i>Dale Putland, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in November</i>

---

#### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in November 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 30 November 2022.

#### **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 November 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 2022-23 Annual Budget.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.1**

That at its December 2022 ordinary meeting Council receive as presented the list of accounts paid in November 2022, totalling \$655,728.74 from Municipal account, \$52,351.15 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

<b>Municipal Cheques</b>	<b>20587-20588</b>	<b>\$ 124.00</b>
<b>Municipal Electronic Payments</b>	<b>EFT13216 – EFT13347</b>	<b>\$ 386,005.68</b>
<b>Municipal Direct Payments</b>		<b>\$ 269,599.06</b>
<b>Police Licensing Payments</b>		<b>\$ 52,351.15</b>
<b>BBELC Payments</b>		<b>\$ 0.00</b>

**10.2.2 30 November 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>02 December 2022</i>
<b>Authors:</b>	<i>Darren Long, Finance Consultant</i>
<b>Authorising Officer:</b>	<i>Dale Putland, Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

---

**SUMMARY**

The Monthly Financial Report for 30 November 2022 is presented for Council's consideration.

**BACKGROUND**

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

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 Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity by Nature;
- (d) Statement of Financial Activity by Program;
- (e) Summary of Net Current Asset Position;
- (f) Material Variances Report;
- (g) Statement of Financial Position;
- (h) Statement of Cash Flows;
- (i) Report on Progress of Capital Expenditure Program;
- (j) Report on Major Business Units;
- (k) Statement of Cash Back Reserves;
- (l) Loan Borrowings Report; and
- (m) Detailed Operating and Non-Operating Schedules.



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 Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as at 30 November 2022 shows a closing surplus of \$4,517,512.

The Closing surplus figures brought forward from 30 June 2022 are interim only, and are subject to change due to any audit adjustments.

**CONSULTATION** – Nil

**STATUTORY OBLIGATIONS**

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

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

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

**POLICY IMPLICATIONS** – Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS** - Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.2**

**That Council receive the Monthly Financial Report for 30 November 2022, as presented.**

**10.3 CHIEF EXECUTIVE OFFICER**  
Nil

10.4 PLANNING

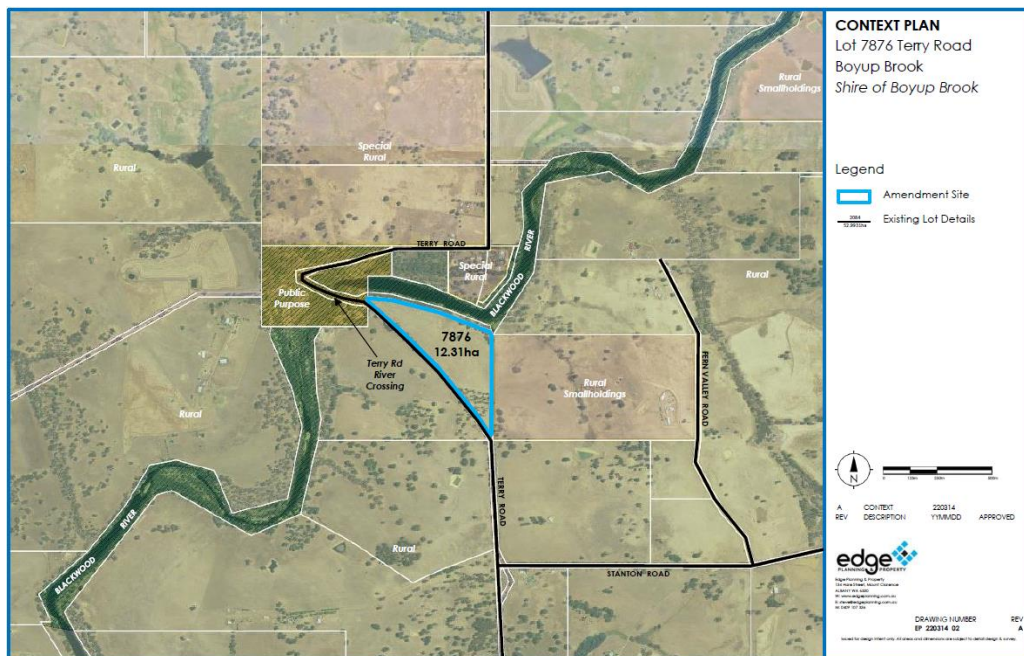
**10.4.1 Scheme Amendment 23 – Lot 7876 Terry Road, Boyup Brook**

<b>Location:</b>	Lot 7876 Terry Road
<b>Applicant:</b>	Edge Planning & Property
<b>File:</b>	A9370
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	8 December 2022
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorising Officer:</b>	Dale Putland, Chief Executive Officer
<b>Attachments:</b>	1. Scheme Amendment 23 – Advertised Document 2. Schedule of Submissions 3. Submissions 4. EPA Referral

**SUMMARY**

The purpose of this report is to put before Council the request to finally support the rezoning of Lot 7876 Terry Road from the 'Rural' zone to the 'Rural Small Holdings' zone.

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



The site is located approximately 2 kilometres directly south of the Boyup Brook townsite, adjacent to the Blackwood River. The site is bounded by Terry Road to the south-west, the

Blackwood River to the north and rural smallholding land to the east. The site has an area of 12.3417 hectares and is largely cleared with a small area of native vegetation in the south-east corner and along the northern boundary with the Blackwood River.

### **BACKGROUND**

In accordance with the Shire's Local Planning Scheme No. 2, the site is currently zoned 'Rural' and is within the structure plan area number four (4), which recommends the use of the land for 'Rural Small Holdings'.

In August 2022, Council resolved to initiate the Scheme Amendment No.23, which seeks to make available the legitimate use of the land for rural small holdings (min 4ha lots).

Following Council resolution, the amendment was referred to the Environmental Protection Authority (EPA) where it was decided that the scheme amendment does not require assessment under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

Following the EPA decision, the scheme amendment was advertised and at the close of advertising, 7 submissions were received (not including EPA referral).

The submissions and a schedule summarising the submissions are attached to this report item for the Council to review. The schedule delivers information on:

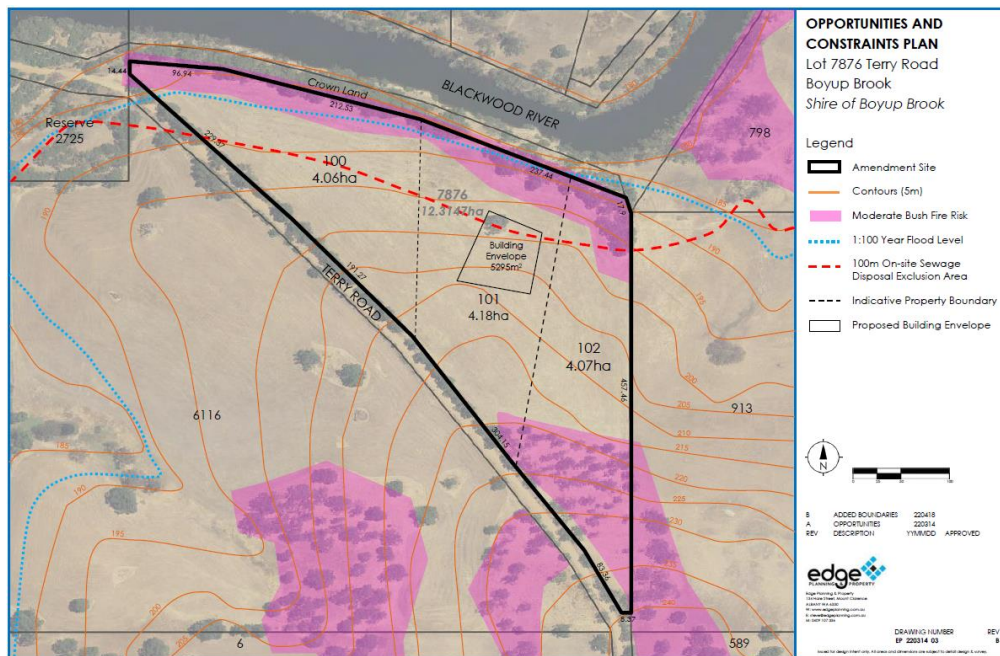
- Authorities making a submission;
- A summary of comments made by each submission; and
- Recommendations.

The Council is recommended to consider the submissions and to agree that matters raised can be appropriately dealt with at the development stage of the process, in accordance with scheme provisions, which are in-place to ensure development is appropriate.

### **COMMENT**

The purpose of the 'Rural Small Holdings' zone, is to accommodate rural living land parcels from 4 to 40 hectares in size.

The amendment proposes to facilitate future subdivision/development to create 3 lots which are a minimum lot size of 4 hectares, as indicated by the following figure:



Submissions were received from surrounding properties expressing support for the proposal.

Submissions were received from government agencies recommending compliance with regulatory standards, including the Government Sewerage Policy and the Planning for Bushfire Guidelines. The factors raised by the agencies can be addressed at the subdivision or development stages in the planning process, in accordance with state planning policy and procedural practices (i.e. requirement for effluent disposal systems to be formally assessed).

The physical attributes of the site (e.g. majority cleared), allow for rural small holding subdivision and development, without impacting on the existing amenity of the area.

It is recommended that the Council agree to finally support the scheme amendment. The proposal complies with the Shire’s scheme, which recommends the area be used for rural smallholdings.

**STATUTORY OBLIGATIONS**

Regulation 50 of the *Planning and Development Regulations 2015* states:

(1) *In this regulation —*

*consideration period, in relation to a standard amendment to a local planning scheme, means the period ending on the latest of the following days —*

- a) *the day that is 60 days after the end of the submission period for the amendment;*
- b) *the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48F(2)(a) of the EP Act;*

- c) *the day that is 21 days after the receipt of a statement in respect of the amendment delivered under section 48G(3) of the EP Act if that statement is in response to a request by the local government made under section 48G(1) of the EP Act before the later of the days set out in paragraphs (a) and (b);*
- d) *a day approved by the Commission.*

Regulation 53 of the *Planning and Development Regulations 2015* states:

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

- a) *a schedule of submissions made on the amendment;*
- b) *the response of the local government in respect of the submissions;*
- c) *particulars of each modification to the amendment proposed by the local government in response to the submission;*
- d) *a copy of the resolution passed under regulation 50(3).*

Section 35A of the *Planning and Development (Local Planning Schemes) Regulations 2015* makes the following requirement:

*35A. Amendment to local planning scheme affecting area to which structure plan relates*

*If an amendment to a local planning scheme affects the area to which a structure plan approved under the scheme relates, the amendment must include a statement that, when the amendment takes effect —*

- (a) *the approval of the structure plan is to be revoked; or*
- (b) *the structure plan is to be amended in accordance with the statement; or*
- (c) *the approval of the structure plan is not affected.*

### **POLICY IMPLICATIONS**

There are no policy implications directly relating to this item. A bushfire hazard level assessment was undertaken as part of a District Structure Plan endorsed for the area. The bushfire hazard level is mostly 'low' for nearly all of the site (see figure below). The lot and surrounding locality is predominantly cleared and has two-way public road access to two different destinations via Terry Road to the north and via Stanton Road to the south east.

### **CONSULTATION**

The Amendment 23 was referred to the Environmental Protection Authority, advertised and reviewed in accordance with the *Planning and Development Regulations 2015*.

### **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*.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications directly relating to this item.

### **SUSTAINABILITY IMPLICATIONS**

➤ **Environmental**

The proposal to amend the zoning has been assessed by the Environmental Protection Authority (EPA). The EPA decided that the scheme amendment does not require assessment under Part IV Division 3 of the Environmental Protection Act 1986 and that it is not necessary to provide any advice or recommendations.

➤ **Economic and social**

The vision is the creation of rural living lots on the fringe of the Boyup Brook townsite.

### **VOTING REQUIREMENTS**

Simple majority.

### **SUMMARY CONCLUSION**

It is recommended that the Council agree to adopt the Local Planning Scheme Amendment No. 23 for the following reasons:

- 1) The proposal is consistent with the current strategic direction set by the Shire's Local Planning Scheme No.2 (structure plan area recommending rural small holdings);
- 2) The site is physically suited to accommodating rural living and is located alongside land already zoned for 'Rural Small Holdings'.

### **OFFICER RECOMMENDATION – ITEM 10.4.1**

**THAT Council RESOLVE to:**

1. **Adopt Amendment No. 23 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**
  - a) **Rezoning Lot 7876 Terry Road, Boyup Brook from the 'Rural' zone to the 'Rural Small Holdings' zone.**
  - b) **Inserting 'and Lot 7876 Terry Road' into Schedule 3 - Rural Small Holdings Zones after 'Road' for Rural Small Holdings Zone 2 (RSH2).**
  - c) **Amending the Scheme Map accordingly.**
2. **Determines Amendment No. 23 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
  - a) **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
  - b) **The amendment is not a basic or complex amendment.**
3. **Determines that, when the amendment takes effect, the approval of the structure plan, pertaining to the subject area, is not affected.**

**11 COMMITTEE MINUTES**

**11.1 Annual Awards Committee Minutes**

**OFFICER RECOMMENDATION – ITEM 11.1**

That the confirmed minutes of the Annual Awards Committee held on Thursday, 17 November 2022 be received.

**12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13 URGENT BUSINESS MATTERS**

**13.1 Funding Reallocation**

<b><i>Location:</i></b>	<i>Not applicable</i>
<b><i>Applicant:</i></b>	<i>Not applicable</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>7 December 2022</i>
<b><i>Author:</i></b>	<i>Lauren Carlin, Project Officer</i>
<b><i>Authorizing Officer:</i></b>	<i>Dale Putland, Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>No</i>

---

**SUMMARY**

Proposed reallocation of LRCI Phase 3 funding money within LRCI projects to facilitate delivery of approved projects.

**BACKGROUND**

The Phase 3 LRCI grant round commenced in July 2022, with the Shire receiving funding for renovation works to the Town and Lesser Hall, Sandakan Park playground, new accessible doors at the swimming pool and renovation works to community halls throughout the Shire.

The Shire has now firmed up cost estimates for the planned LRCI Phase 3 projects and it is now apparent that the Sandakan Park playground cannot be delivered within the current budget allocation.

Detailed costings for several other projects have identified shortfalls in the allocated project budgets and where additional funds can be used to achieve beneficial outcomes.



Indications from Regional Development Australia are that Phase 4 of the LRCI funding will continue for the 2023/24 financial year.

It is proposed that the Sandakan Playground project is deferred to the Phase 4 LRCI funding round and that the funds allocated to this project is reallocated within the already approved LRCI projects.

### **COMMENT**

The allocated budget for the Sandakan Park playground is currently \$100,000. Firms who were requested to quote on the project have advised that there will be significant cost savings if replacement of the play equipment and Softfall are together. Cost estimates for this indicate that the total cost will be approximately \$300,000. It is therefore proposed that the Sandakan Park playground is deferred to the Phase 4 LRCI project round.

It is anticipated that in addition to the Sandakan Park playground, installation of a toilet at the cemetery will be funded from the Phase 4 LRCI funding round. The Shire's Works Department are planning to install some kerbing at the cemetery to assist to control erosion in the short term and plan to progress works to improve the maintenance and appearance of the cemetery from the current maintenance budget over time.

The funds can then be allocated to other LRCI Phase 3 projects to assist in their delivery.

For example, the Phase 3 Town & Lesser Hall works are currently out for tender but initial feedback is that the work required will exceed the allocated \$665,000, the Tone Bridge Hall works have exceeded the budget due to increased costs for the asbestos removal, and the McAlinden Hall requires power and water.

Additionally, there have been savings of \$10,000 from the Swimming Pool project that can be reallocated into the other LRCI projects.

Council is therefore requested to reallocate \$100,000 from the Sandakan Park playground and \$10,000 from the Swimming Pool automatic doors to the following LRCI Phase 3 projects:

- \$18,000 reallocated to the Tonebridge Hall renovations.
- \$20,000 allocated to McAlinden Hall for works including reconnection of power, installation of a water tank and gutters to building. Note, this hall was not included in the original small hall allocation.
- The remainder of the funds to be reallocated into the Town Hall Precinct Project.

### **CONSULTATION**

N/A

**STATUTORY OBLIGATIONS**

If Council approves the funding reallocation, the Shire will lodge an application with the funding body to approve an amendment to the Shire’s funding agreement to reflect the above changes. As the projects have already been approved, Shire officers do not foresee any difficulties gaining this approval.

**POLICY IMPLICATIONS**

N/A

**BUDGET/FINANCIAL IMPLICATIONS**

The proposed reallocation of LRCI funds is within the existing LRCI budget.

**STRATEGIC IMPLICATIONS**

N/A

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION – ITEM 13.1**

**Council approve reallocation of \$100,000 from the Sandakan Park playground and \$10,000 from the Swimming Pool automatic doors to the following LRCI Phase 3 projects:**

- **\$18,000 reallocated to the Tonebridge Hall renovations.**
- **\$20,000 allocated to McAlinden Hall for works including reconnection of power, installation of a water tank and gutters to building. Note, this hall was not included in the original small hall allocation.**
- **The remainder of the funds to be reallocated into the Town Hall Precinct Project.**

**14 CONFIDENTIAL MATTERS**

Nil

**15 CLOSURE OF MEETING**

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