

MINUTES

ORDINARY COUNCIL MEETING

Held on

**Thursday 16 February 2023**

Commenced at 6.05pm

Shire of Boyup Brook Shire Council Chambers, Boyup Brook

Athanasios Kyron  
Acting 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 .....	4
6.	DISCLOSURE OF INTEREST.....	6
7.	CONFIRMATION OF MINUTES .....	6
7.1	Ordinary Council Minutes – 15 December 2022.....	6
7.2	Special Council Minutes – 19 December 2022 .....	6
7.3	Special Council Minutes – 4 January 2023 .....	6
8.	PRESIDENTIAL COMMUNICATIONS .....	7
9.	COUNCILLOR QUESTIONS ON NOTICE .....	7
10.	REPORTS OF OFFICERS.....	7
10.1	MANAGER WORKS AND SERVICES.....	7
10.2	FINANCE .....	8
10.2.1	List of Accounts Paid in December 2022.....	8
10.2.2	31 December 2022 Statement of Financial Activity.....	11
10.3	CHIEF EXECUTIVE OFFICER.....	13
10.4	PLANNING .....	14
10.4.1	Development (Tree Farm – Pinus Radiata) – Lot 7 Bowelling McAlinden Rd, Boyup Brook .....	14
10.4.2	Development Application (Home Business) – Lot 2, #255 Abels Road, Boyup Brook.....	24
10.4.3	Scheme Amendment No. 24 – Lots 51, 1007 & 1118 Boyup Brook-Arthur Road .....	29
10.4.4	Development Application Transportable Unit and the Railway Carriage as a Youth Centre .....	35
11	COMMITTEE MINUTES .....	44
12	MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	44
13	LATE ITEM/URGENT BUSINESS MATTERS.....	44
13.1	31 January 2023 Statement of Financial Activity.....	44
14	CLOSURE OF MEETING .....	46

**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  
Deputy Shire President  
Councillor

Richard F Walker  
Helen C O'Connell  
Sarah E G Alexander  
Steele Alexander  
Charles A D Caldwell  
Philippe Kaltenrieder  
Darren E King  
Kevin J Moir  
Adrian Price

Acting Chief Executive Officer  
Deputy Chief Executive Officer  
Executive Assistant

Athanasios (Arthur) Kyron  
Carolyn Mallett  
Maggie Le Grange

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

MEMBERS OF PUBLIC:

Elizabeth Knapp  
Jo-Anne Melville  
Glenda Moroni  
Carol Baggaley  
Carina Wilson  
Mark Bombara  
Rayna Barr

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

Nil

**4. PUBLIC QUESTION TIME**

Opened 6.07pm

**Questions from Carina Wilson**

The following question was submitted prior to the meeting and, in accordance with current advertising of public question time, was read out by Carina Wilson at the meeting.

1. Will the Shire make the document Draft Local Planning Strategy 2021-2036 immediately available for the Boyup Brook community on the Shire website under the heading "Town Planning?"
2. Will Council immediately inform the public that the new Draft Local Planning Strategy 2021-2036 is in development and will be advertised to allow for community and stakeholder input prior to final consideration by Council and the WAPC?

**Response from Cr Walker**

The Local Planning Strategy amendments will be completed this Friday, and the Local Planning Strategy will be advertised in accordance with the obligations set out in the State Planning Legislation. However, in the first instance the amended Local Planning Strategy will have to be sent to the WAPC to certify that the modifications have been completed in accordance with the Commissions resolution. Advertising of the modified document will take place once the commission has certified the document. We will also place the Local Planning Strategy on the Shire webpage.

**Questions from Glenda Moroni**

Will Council consider implementing a Flax Mill and Caravan Park Working Group to assist Shire in developing this local heritage site and caravan park for the people of Boyup Brook and visitors to our town?

**Response from Cr Walker**

This question be taken on notice.

**Questions from Carol Baggeley**

Will Council commit to ensuring continued community access to the banks of the Blackwood River that has been in place since the Flax Mill was built 82 years ago?

**Response from Cr Walker**

This question be taken on notice.

**Question from Carina Wilson**

Will Council consider:

1. Formalising public pedestrian access to the riverbank at the Flax Mill Caravan Park using the existing paved entrance that has been used by the community for many decades; and
2. Using tree planning as an alternative to fencing to delineate the boundary for the new RV bays?

**Response from Cr Walker**

This question be taken on notice.

Closed 6.14pm

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

**Petition 1**

Cr Caldwell presented the following petition:

Before someone seriously injures themselves we desperately need to upgrade the Boyup Brook Cemetery.

An absolute disgrace:

- No shade
- No toilets
- No chairs
- No parking for the disabled down at the foothill
- Terribly designed and dangerous pathway for visiting funeral patrons

We, the undersigned ratepayers and residents of Boyup Brook DEMAND Boyup Brook Shire do something before someone seriously injures themselves. Boyup Brook is an aging community.

Stop wasting money on streetscapes and commit municipal and/or grant funding to address the above mentioned issues.

222 signatories

**MOVED: Cr Charles A D Caldwell**

**SECONDED: Cr Philippe Kaltenrieder**

**CARRIED 9/0**

**Res 23/02/008**

### **Petition 2**

Cr Caldwell presented the following petition:

Petition to the Boyup Brook Shire Council  
Community access to Blackwood River at the Flax Mill Caravan Park

We, the undersigned community members wish to inform the Boyup Brook Shire Council of our concern that the new managers of the Flax Mill Caravan Park CMCA are not allowing community access to the grassed area and Blackwood River immediately below the Flax Mill Caravan Park. This area has been used by generations of the Boyup Brook community for at least 70 years. We are not aware of any community consultation regarding this issue.

We ask that the Boyup Brook Shire Council ensure the continued community use of the grassed area and Blackwood River access immediately below the Flax Mill Caravan Park.

110 signatories

**MOVED: Cr Charles A D Caldwell**

**SECONDED: Cr Sarah E G Alexander**

**CARRIED 9/0**

**Res 23/02/009**

### **Petition 3**

Cr Caldwell presented the following petition:

Petition to the Boyup Brook Shire Council

We, the undersigned community members wish to inform the Boyup Brook Shire Council of our wish to Retain the words Flax Mill in the name of our Caravan Park

It has been renamed CMCA ECO RV PARK PLUS BOYUP BROOK without any consultation with the local community. This removes all acknowledgement of the importance the Flax Mill site has for our community as a significant part of our towns' agricultural history. This place has also been known as the Boyup Brook Flax Mill Caravan Park.

Removal of the words Flax Mill strips us of our cultural heritage and destroys the sense of place of our Flax Mill by the river.

88 signatories

**MOVED: Cr Charles A D Caldwell**

**SECONDED: Cr Adrian Price Kaltenrieder**

**CARRIED 9/0**

**Res 23/02/010**

**6. DISCLOSURE OF INTEREST**

Nil

Councillor	Item	Interest Type	Nature and if required extent of the Interest (Description)

**7. CONFIRMATION OF MINUTES**

**7.1 Ordinary Council Minutes – 15 December 2022**

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.1**

That the unconfirmed minutes of the Ordinary Council Meeting held on Thursday 15 December 2022 be confirmed as an accurate record.

**MOVED: Cr Sarah E G Alexander**

**SECONDED: Cr Helen C O’Connell**

**CARRIED 9/0**

**Res 23/02/011**

**7.2 Special Council Minutes – 19 December 2022**

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.2**

That the unconfirmed minutes of the Special Council Meeting held on Monday 19 December 2022 be confirmed as an accurate record.

**MOVED: Cr Darren E King**

**SECONDED: Cr Charles A D Caldwell**

**CARRIED 9/0**

**Res 23/02/012**

**7.3 Special Council Minutes – 4 January 2023**

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 7.3**

That the unconfirmed minutes of the Special Council Meeting held on Wednesday 4 January 2023 be confirmed as an accurate record.

**MOVED: Cr Helen C O’Connell**

**SECONDED: Cr Sarah E G Alexander**

**CARRIED 9/0**

**Res 23/02/013**

**8. PRESIDENTIAL COMMUNICATIONS**

January 2023

Tuesday, 17 January 2023, 9am MS Teams meeting at Shire Offices with CEO and WAPC (Planning Commission) re the Boyup Brook Local Planning Strategy

Thursday, 19 January 2023, 2pm Shire Australia Day planning

Thursday, 26 January 2023, 7am Australia Day

4pm met with CEO and CoMHAT re donga site and amendment for Council

February 2023

Thursday, 2 February 2023, 5pm Rylington Committee Meeting

Friday, 3 February 2023, 8.30am met with community members at caravan park

2.30pm MS Teams meeting with CEO and Local Member Jane Kelsbie

Tuesday, 7 February 2023, 5pm Warren Blackwood Alliance at Shire of Boyup Brook

Thursday, February 2023, 10am LEMC Council Chambers

**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 December 2022

Location:	Not applicable
Applicant:	Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Author:	Ben Robinson, Finance Manager
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	List of Accounts Paid in December

### **SUMMARY**

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

### **COMMENT**

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

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

**Council receives as presented the list of accounts paid in December 2022, totalling \$1,362,584.66 from Municipal account, \$39,132.40 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:**

<b>Municipal Cheques</b>	<b>20589</b>	<b>\$ 5,317.46</b>
<b>Municipal Electronic Payments</b>	<b>EFT13348 – EFT13511</b>	<b>\$1,075,962.84</b>
<b>Municipal Direct Payments</b>		<b>\$ 281,304.36</b>
<b>Police Licensing Payments</b>		<b>\$ 39,132.40</b>
<b>BBELC Payments</b>		<b>\$ 0.00</b>

**MOVED: Cr Darren E King**

**SECONDED: Cr Helen C O’Connell**

**CARRIED 9/0**

**Res 23/02/014**

### 10.2.2 31 December 2022 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Authors:	D. Long, Finance Consultant
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	Statement of Financial Activity 31 December 2022

#### **SUMMARY**

The Monthly Financial Report for 31 December 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 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 31 December shows a closing surplus of \$3,763,006.

### **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**

**That Council receives the Monthly Financial Report for 31 December 2022, as presented.**

**MOVED: Cr Helen C O'Connell**

**SECONDED: Cr Sarah E G Alexander**

**CARRIED 9/0**

**Res 23/02/015**

**10.3 CHIEF EXECUTIVE OFFICER**

Nil

## 10.4 PLANNING

### 10.4.1 Development (Tree Farm – Pinus Radiata) – Lot 7 Bowelling McAlinden Rd, Boyup Brook

Location:	Lot 7 Bowelling-McAlinden Rd, Boyup Brook
Applicant:	Mitsui Bussan Woodchip Oceania Pty Ltd
File:	A4047
Disclosure of Officer Interest:	None
Author:	A. Nicoll, Town Planner
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	1. Plantation Management Plan 2. Submissions

#### **SUMMARY**

The purpose of this report is to put before Council the request to develop a 'Tree Farm' of Pinus Radiata trees, on land zoned 'Rural', in the McAlinden area.

The following map indicates the plantation area, which is located on the boundary between the Shire of Boyup Brook and West Arthur.



The tree plantation company is known as Mitsui, trading as Bunbury Fibre Exports. The area of plantation amounts to approximately 90 hectares.

In accordance with the Shire's *Local Planning Scheme No.2 (LPS2)*, 'Tree Farm' development is a use which Council, in exercising the discretionary powers available to it, may approve on land zoned 'Rural'.

A 'Plantation Management Plan' has been provided as part of the request for approval to develop a Tree Farm.

The 'Plantation Management Plan' includes the following:

1. Plantation Establishment Plan
2. Plantation Tending Plan
3. Fire Management Plan
4. Timber Harvesting Plan
5. Carbon Capture Plan

An economic and social impact assessment has also been provided to identify possible impacts on local economic activity, local employment opportunity and local household income culminating from tree farming. The report states that products produced from the proposed plantation are likely to be processed in South West WA and used by the WA building industry to build housing for West Australians. Shire staff note that the economic impact on the local area from conversion from a blue gum plantation to a pine plantation is unlikely to be significant.

It is recommended that the Council support the application subject to conditions to address recommendations raised in the submissions by the Department of Fire and Emergency Services (DFES). As the proposal is a continuation of an existing plantation use, which can be appropriately managed in accordance with an amended Plantation Management Plan that addresses the DFES recommendations and concerns.

## **BACKGROUND**

The Shire received a tree farm application involving converting an existing eucalypt plantation (20 years sold) to a pine plantation.

The application was advertised and three submissions were received with the following summarized comment:

- The neighbouring West Arthur Shire had no issues
- A neighbouring private property requested careful management around spraying including being notified when spraying is proposed
- The Department of Fire and Emergency Services indicated the need for compliance with State endorsed plantation fire protection guidelines, in particular:
  - 
  - Bushfire response
  - Appropriately sized planting areas
  - Suitable access and firebreaks
  - A min 50,000L accessible water tank

## **COMMENT**

The application involves the planting, maintenance and harvesting of pine trees encompassing an area of 90 ha within the Shire of Boyup Brook.

The land in question does not include any habitable structures or sheds. No native trees are proposed to be removed.

### **Spray Management**

As indicated by the submitted plantation management plan, the control (spraying chemicals) of weeds and insects is proposed to be carried out in accordance with the 'Code of Practice for Timber Plantations in Western Australia', by licensed contractors.

As requested by the neighbouring landholder, should the Council approve the tree farm, approval should be on the condition that:

*'Prior to undertaking spray management within the vicinity of the neighbouring Lot 3746, the landowner (Lot 3746) is to be given 24 hour notice'.*

### **Bushfire response**

The proponent states that the submitted plantation management plan identifies suitable firefighting infrastructure and trained personnel that will be made accessible via a plantation industry agreement.

DFES have identified six areas within the submitted plantation management plan that do not meet the **FESA Guidelines for Plantation Fire Protection 2011** (Details of the DFES concerns in Attachment 2) and recommended that the plantation management plan is amended to ensure compliance with the Guidelines.

In relation to Point 5 of the DFES submission (Table in Attachment 2), the Shire officers note that the Shire has been consulting with the plantation industry to develop local area responses to bushfire that envisages the plantation industry collaborating to allow shared use of properly equipped heavy fire fighting units between plantations in areas of the Shire, rather than individual plantations providing their own small units.

This response will also provide for the Shire's Local Bushfire Brigades to utilise the industry supplied heavy firefighting units in areas of the Shire where plantations are established.

The Forest Products Commission (FPC) has a heavy fire appliance that is situated in the McAlinden area that has been supplied to respond to bushfires in this area. The Shire understands that Bunbury Fibre Exports have an existing agreement to utilise this appliance. In addition, PF Olsen Australia (independent forestry and agribusiness service provider) has firefighting equipment and trained personnel available in Collie (30min travel time).

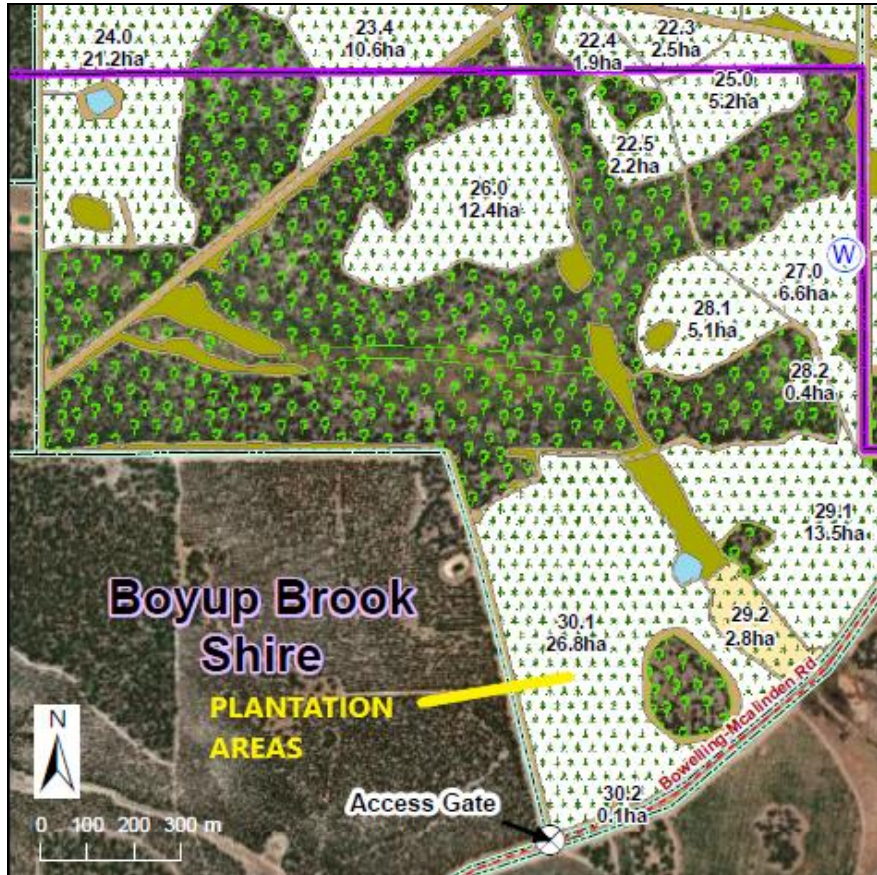
It is recommended that Council impose a condition to ensure that the Plantation Management Plan is modified to reflect the current approach to plantation fire management and reflects the agreement between Bunbury Fibre Exports and the FPC for shared use of the McAlinden based appliance.

### **Tree compartment size**



The FESA Guidelines for Plantation Fire Protection 2011 recommend the planting of trees in compartments, of a max 30ha size. The purpose of this is to allow for suitable firebreaks around plantation areas.

As illustrated in the below plan, the proposed plantation compartments for the Shire of Boyup Brook area, are compliant with the FESA Guidelines and include firebreaks surrounding each compartment.



#### Firebreaks and access

As indicated by the submitted Plantation Management Plan, firebreaks will be developed to comply with the Shire of Boyup Brook Fire Notice (min 15m width) and access tracks will be developed to comply with the FESA Guidelines (min 6m width).

The Plantation Management Plan notes that areas will be available throughout the plantation for trucks to pass and/or turn around.

It is recommended that the DFES advice regarding passing bays is included in the following condition:

“The Plantation Management Plan is modified to include provision for passing bays which are to be provided at 200 metre intervals and are a minimum of 20 metres long and 6 metres wide. This allows for emergency vehicle sufficient access to move along a fire line without the impediment of other vehicles”.

Water supply

Water supply will be available via existing dams and a water tank.

As requested by DFES, should the Council approve the tree farm, approval should be on the condition that:

*'A min 50,000L accessible water tank being developed to the satisfaction of the Shire of Boyup Brook.*

It is recommended that Council include an additional advice note:

“The applicant is advised that the Shire and Local Bushfire Brigades are available to assist in determining an appropriate location for the water tank”.

Government obligations

The DFES has also stated that:

*Every manager, owner and/or occupier has a legal responsibility to try and prevent fire from escaping from their land in line with the Bush Fires Act 1954.*

*The PMP (Plantation Management Plan) references a number of fire response activities to be undertaken by state and local government. It should be noted that responses cannot always be relied upon and that this is not taken to be an obligation on the local fire rescue teams. Modification to the PMP is required.*

As requested by DFES, should the Council approve the tree farm, approval should be on the condition that:

The plantation management plan is modified by deleting the following text at section 5.7:

~~*Brigade units will be the primary firefighting source supported by Department of Fire and Emergency Services (DFES) funded through the Western Australian Emergency Services levy.*~~

And replace it with:

“As the landowner, Bunbury Fibre Exports will be the primary firefighting source supported by other plantation industry operators through its plantation industry agreement and utilising the FPC McAlinden based fire appliance.

If available, the Shire Local Bushfire Brigades may provide secondary support and assistance including to prevent the spread of fires to outside of the plantation to surrounding pastureland. However, these brigades have limited capability to fight plantation fires as the Shire's Local Farm Response Bushfire Brigades are primarily equipped for pastureland fires utilising privately owned vehicles that are not equipped with the crew protection measures necessary for attending fires within plantations.

The Shire Local Bushfire Brigades will also work collaboratively with the applicant and other forest industry partners to address any deficiencies in fire equipment and trained personnel in the locality to provide an improved local fire response.”

## **STATUTORY OBLIGATIONS**

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

The Shire’s *Local Planning Scheme 2*, states:

*Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broadacre and intensive rural activities except in close proximity to the town where such activities, by their very nature, may detract from the residential and environmental quality within the town.*

*Council, in considering the granting of approval to plantations in the Rural Zone will take into account the landscape and amenity of the area, and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area and is not supported by adequate bushfire suppression measures.*

*With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities.*

*Tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5.*

### **Bush Fires Act 1954**

The *Bush Fires Act 1954* states (*Part III, Division 6, Reg 28*):

- (1) *Where a bush fire is burning on any land —*
- (a) *at any time in any year during the restricted burning times; or*
- (b) *during the prohibited burning times,*

*and the bush fire is not part of the burning operations being carried on upon the land in accordance with the provisions of this Act, the occupier of the land shall forthwith, upon becoming aware of the bush fire, whether he has lit or caused the same to be lit or not, take all possible measures at his own expense to extinguish the fire.*

## **POLICY IMPLICATIONS**

There are no policy implications.

## **CONSULTATION**

Consultation was undertaken and submissions considered.

### **ALTERNATIVE RECOMMENDATIONS**

Council may approve the application with or without conditions or may refuse the application.

Please note that if the local government does not make a determination, on this application, the applicant may have the right to commence SAT review proceedings. SAT review proceedings are generally available to the person who applied for the relevant planning decision in the following circumstances:

- Where an application was refused;
- Where an application was approved subject to conditions which are not satisfactory to the applicant; or
- Where the decision-maker has failed to make a decision within the prescribed time period (90 days for advertised application), and the relevant scheme states that such a failure amounts to a deemed refusal.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

There are no strategic implications directly relating to this item.

### **SUSTAINABILITY IMPLICATIONS**

#### **➤ Environmental**

Nil

#### **➤ Economic and social**

Nil

### **VOTING REQUIREMENTS**

Simple majority

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

That Council grants development approval for Lot 7 Bowelling-McAlinden Rd, Boyup Brook, for the purpose of Development (Tree Farm - Pinus), subject to the following Notice:

<i>Planning and Development Act 2005</i>	
<b>Shire of Boyup Brook</b>	
<b>NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL</b>	
Location:	Lot 7 Bowelling-McAlinden Rd, Boyup Brook.

Description of proposed development:

**Tree Farm (Pinus Radiata – 90ha)**

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

Conditions:

- 1) All development shall occur in accordance with the approved Plantation Management Plan (updated to the satisfaction of the Shire), unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Boyup Brook.
- 2) Prior to commencement of development, the plantation management plan is modified by:
  - a. Including changes to reflect the agreement between Bunbury Fibre Exports and the Forest Products Commission (FPC) for shared use of the McAlinden based appliance.
  - b. Deleting the following text at section 5.7:

*“Brigade units will be the primary firefighting source supported by Department of Fire and Emergency Services (DFES) funded through the Western Australian Emergency Services levy”.*

And replacing with the following text:

*“As the landowner, Bunbury Fibre Exports will be the primary firefighting source supported by other plantation industry operators through its plantation industry agreement and utilising the FPC McAlinden based fire appliance.*

*If available, the Shire Local Bushfire Brigades may provide secondary support and assistance including to prevent the spread of fires to outside of the plantation to surrounding pastureland. However, these brigades have limited capability to fight plantation fires as the Shire’s Local Farm Response Bushfire Brigades are primarily equipped for pastureland fires utilizing privately owned vehicles that are not equipped with the crew protection measures necessary for attending fires within plantations.*

*The Shire Local Bushfire Brigades will also work collaboratively with the applicant and other forest industry partners to address any deficiencies in fire equipment and trained personnel in the locality to provide an improved local fire response.”*

- c. Inclusion of provision for passing bays which are to be provided at 200 metre intervals and are a minimum of 20 metres long and 6 metres wide. This allows for emergency vehicle sufficient access to move along a fire line without the impediment of other vehicles.
- 3) As an ongoing condition, the plantation map, which shows the location of tanks, access and planting areas, is to be maintained on-site in red PVC tubes located at each access point.

- 4) Prior to the commencement of development, a min 50,000L water tank is to be established as a dedicated firefighting water supply adjacent to the main entrance to the site, in a location and of a design, to the satisfaction of the Shire of Boyup Brook.
- 5) As an ongoing condition, prior to undertaking spray management within the vicinity of the neighbouring Lot 3746, the landowner (Lot 3746) is to be given 24 hour notice.
- 6) The owner/operator is responsible for the repair of any undue damage to public roads caused by harvesting operations and or movement of machinery associated with the plantation operation.

Date of determination: 16 February 2023

Note 1: In accordance with the Shire of Boyup Brook Firebreak Notice:

- a) Clear a 15m wide bare earth firebreak immediately inside all external boundaries of the land by removing all inflammable matter and vegetation to a height of 5m;
- b) Where a plantation is divided into compartments –
  - (i) if the compartments do not exceed 30ha, a 6m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 6m firebreak between the ground and 5m above the ground;
  - (ii) if compartments exceed 30ha, a 10m wide bare earth firebreak between compartments must be cleared by removing all inflammable matter and vegetation within the 10m wide firebreak between the ground and 5m above the ground;
- c) Clear a 50m wide bare earth firebreak around all buildings and fuel storage areas by removing all inflammable matter and vegetation within the 50m firebreak between the ground and 5m above the ground;
- d) Where power lines pass through the plantation, clear firebreaks in accordance with Western Power specifications (consult Western Power – phone 13 10 87).

Note 2: The removal of any native vegetation will require the approval of the Department of Water and Environmental Regulation.

Note 3: “The applicant is advised that the Shire and Local Bushfire Brigades are available to assist in determining an appropriate location for the water tank”.

Note 4: 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 5: 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 6: 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.

**MOVED: Cr Steele Alexander**

**SECONDED: Cr Philippe Kaltenrieder**

**CARRIED 9/0**

**Res 23/02/016**

**10.4.2 Development Application (Home Business) – Lot 2, #255 Abels Road, Boyup Brook**

Location:	255 Abels Road, Boyup Brook
Applicant:	A Woodall
File:	A12310
Disclosure of Officer Interest:	None
Author:	A. Nicoll, Town Planner
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	Home Business Application

---

**SUMMARY**

Council is requested to approve a 'Home Business' involving the storage, maintenance and sales of firearms and water management systems, at 255 Abels Road, Boyup Brook.



**BACKGROUND**

The Shire received an application to undertake a business from the 'Rural Residential' zone property located at 255 Abels Road.

The business involves the sales and maintenance of water management systems (desalination and filtration) and firearms.



## **COMMENT**

The subject Lot 2 Abels Road is zoned 'Rural Residential', area No.4.

In accordance with the Shire's Scheme, a 'Home Business' is a use which may be considered for approval at properties within the 'Rural Residential' area No.4.

In considering applications for a 'Home Business', the following parameters apply

- Business, service or profession carried out in a dwelling or on land or in buildings around a dwelling by an occupier of the dwelling which:
  - does not employ more than 2 people not members of the occupier's household;
  - will not cause injury to or adversely affect the amenity of the neighbourhood;
  - does not occupy an area greater than 50m<sup>2</sup>;
  - does not involve the retail sale, display or hire of goods of any nature;
  - in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
  - does not involve the use of an essential service of greater capacity than normally required in the zone.

The proposed application complies with the above standards as follows:

- The proposal is not expected to adversely affect the amenity of the area (large property with substantial separation to adjoining households);
- As proposed, the storage facility does not exceed 50m<sup>2</sup>;
- The retail sale and display of goods will occur on-line;
- Traffic difficulties are not expected; and
- No essential services are necessary.

It is recommended that the Council approve the proposed, 'Home Business – Storage, Maintenance and Sales of Firearms and Water Management Systems', as the proposed activity complies with standards prescribed for a 'Home Business' and for the subject zone (Rural Residential – area 4).

## **CONSULTATION**

N/A

## **STATUTORY OBLIGATIONS**

In accordance with the Shire's *Local Planning Scheme No.2*:

*"home business" means a business, service or profession carried out in a dwelling or on land or in buildings around a dwelling by an occupier of the dwelling which –*

- a) does not employ more than 2 people not members of the occupier's household;*
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) does not occupy an area greater than 50m<sup>2</sup>;*

- d) does not involve the retail sale, display or hire of goods of any nature;*
- e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.*

### **POLICY IMPLICATIONS**

There are no Policy implications.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple majority

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

**That Council grants development approval for a ‘Home Business – Storage, Maintenance and Sales of Firearms and Water Management Systems’ at Lot 2 Abels Road, Boyup Brook.**

**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 2 Abels Road, Boyup Brook

Description of proposed development: **‘Home Business – Storage, Maintenance and Sales of Firearms and Water Management Systems’**

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

Conditions:

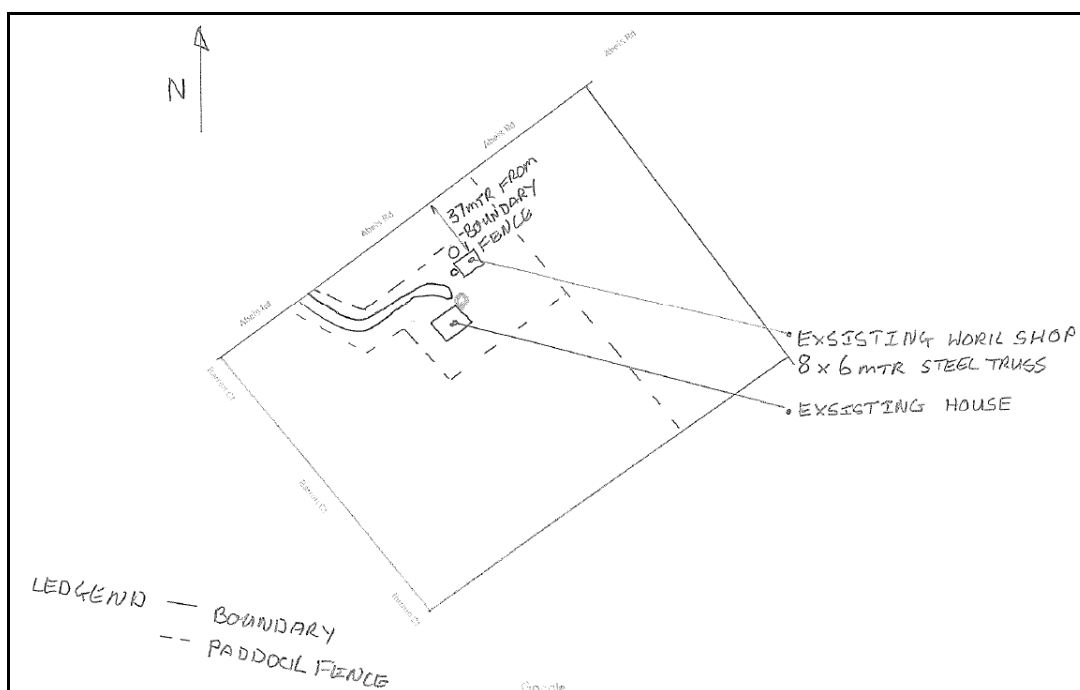
1. Development/Use is to occur in accordance with the approved plans.
2. The Home Business is not to occupy an area greater than 50m<sup>2</sup>.
3. The Home Business is not to employ more than 2 people not members of the occupier’s household.
4. The retail sale and display of goods is to occur on-line.
5. No discharge of firearms on-site in relation to operation of the Home Business.

Date of determination: 16 February 2023

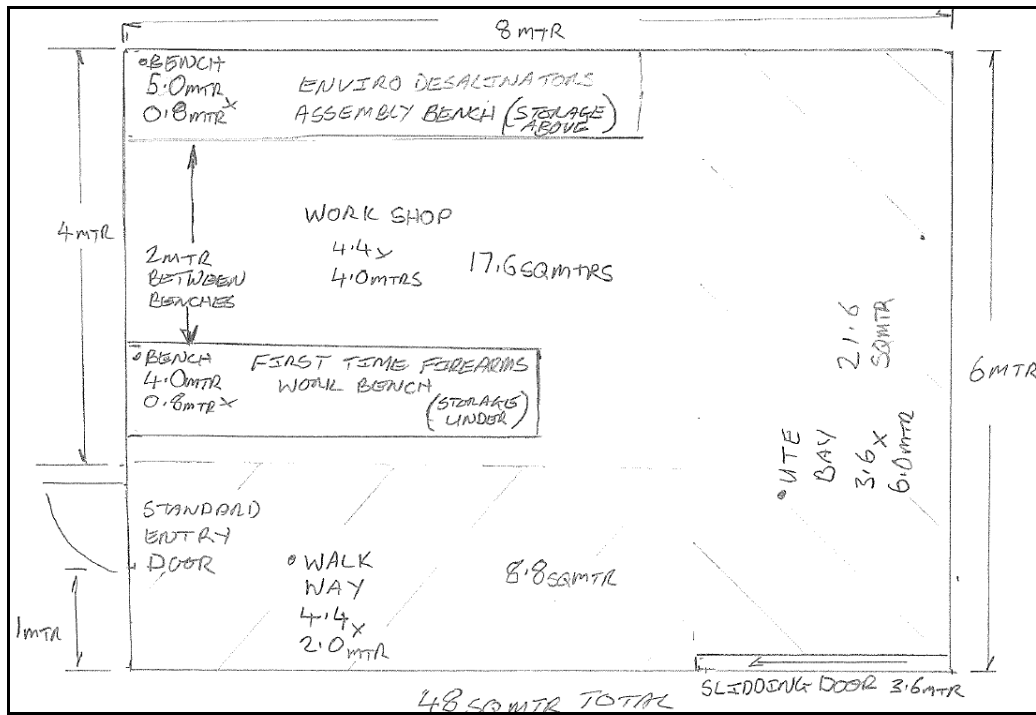
- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

## APPROVED PLANS

## Site Plan



### Business Area Plan



MOVED: Cr Kevin Moir

SECONDED: Cr Sarah E G Alexander

CARRIED 9/0

Res 23/02/017

#### 10.4.3 Scheme Amendment No. 24 – Lots 51, 1007 & 1118 Boyup Brook-Arthur Road

Location:	Lots 51, 1007 & 1118 Boyup Brook-Arthur Rd
Applicant:	Shire of Boyup Brook
File:	A15294
Disclosure of Officer Interest:	None
Author:	A. Nicoll, Town Planner
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	Scheme Amendment No. 24

#### **SUMMARY**

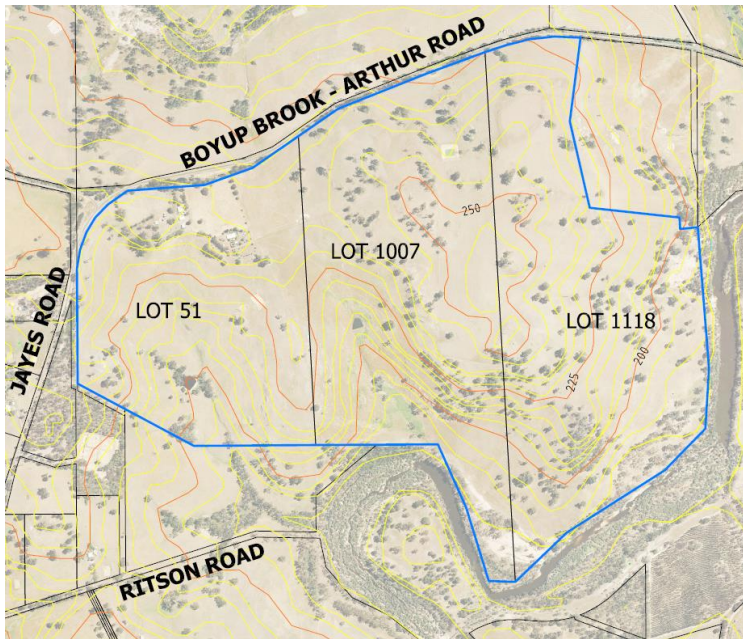
The purpose of this report is to put before Council the request to adopt Amendment No.24 to the Shire's *Local Planning Scheme No.2* for the purpose of advertising.

The amendment is proposing to rezone Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, from the 'Rural' zone to the 'Special Use (SU2)' zone.

The 'Special Use' zone seeks to allow for 'residential' (2000m<sup>2</sup> lots) and 'rural residential' (1ha lots) uses.

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 adopted by a resolution of Council prior to being advertising.

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



## **BACKGROUND**

The land the subject of this application is currently used for food production (agriculture).

In order to accommodate residential and rural residential land uses, the zone of the land needs to be amended.

## **COMMENT**

It's proposed that the future use of the land (residential and rural residential) is controlled by existing and additional scheme provisions plus provisions of a future endorsed Local Structure Plan.

Provisions are proposed in-order to address subdivision, development and land use, servicing requirements, bushfire management and purchaser notification.

The full extent of land use and proposed provisions are as follows:

No.	Description of land	Special use	Conditions
SU2	Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook	<p>A future residential estate, contemplating both residential and rural residential zones, where the mix of lots is to be addressed via a structure plan.</p> <p>Permissibility:</p> <p>Uses permitted within the areas designated as 'Residential' are as per the Zoning Table.</p> <p>Uses permitted within the areas designated as 'Rural Residential' are:</p> <p>Ancillary Dwelling 'P'</p> <p>Art Gallery 'D'</p> <p>Bed &amp; Breakfast 'D'</p> <p>Dams 'D'</p> <p>Community Purpose 'D'</p> <p>Family Day Care 'A'</p>	<p><b>General application</b></p> <ol style="list-style-type: none"> <li>The conditions in this schedule apply to SU2 in addition to all other relevant provisions in the Scheme.</li> <li>If there is a conflict between any other provision in the Scheme, this Schedule prevails.</li> </ol> <p><b>Structure Plan</b></p> <ol style="list-style-type: none"> <li>Prior to subdivision and development, a structure plan is to be prepared and endorsed by the WAPC.</li> <li>Proposed future zones and reserves in the structure plan are to accord with the zones and reserves of the Scheme.</li> <li>In addition to the matters required in clause 16 of the deemed provisions, the structure plan is to address: <ol style="list-style-type: none"> <li>Service arrangements, including <ol style="list-style-type: none"> <li>Arrangements for an electricity supply;</li> <li>Provision of a licensed water supply for lots designated for residential purposes; or</li> <li>If a licensed water supply is not to be provided, lots are to be designated as rural residential with a minimum lot size of 1ha;</li> <li>Site and Soil Evaluation to demonstrate a suitable approach to wastewater disposal.</li> <li>Drainage and water management as per a Local Water Management Strategy.</li> </ol> </li> <li>Access and egress for bushfire safety, in accordance with State Policy.</li> <li>Foreshore management, including: <ol style="list-style-type: none"> <li>Allocation and design of Foreshore reserves and areas of public open space;</li> <li>Proposed arrangements for weed control, revegetation, fencing, pedestrian access and restrictions on vehicular access.</li> </ol> </li> <li>Traffic Impact Assessment, including potential upgrades to existing roads and intersections servicing the proposed estate.</li> <li>A movement network that provides suitable transport options for vehicle, bicycles and pedestrians.</li> </ol> </li> </ol>

		<p>Holiday House 'D'</p> <p>Holiday Accommodation 'A'</p> <p>Home Business 'D'</p> <p>Home Occupation 'P'</p> <p>Home Office 'P'</p> <p>Home Store 'D'</p> <p>Industry – Cottage 'D'</p> <p>Recreation – Private 'A'</p> <p>Repurposed Dwelling 'D'</p> <p>Residential Building 'A'</p> <p>Rural Home Business 'A'</p> <p>Second Hand Dwelling 'D'</p> <p>Single House 'P'</p> <p>Telecommunications Infrastructure 'D'</p> <p>Wayside Stall 'D'</p> <p>All other uses are 'X' (prohibited).</p>	<p>Subdivision</p> <p>6. Future subdivision shall generally be in accordance with a Structure Plan endorsed by the WAPC.</p> <p>7. Aboriginal heritage protection as per an ethnographic and archaeological survey by a qualified consultant.</p> <p>8. Based on site conditions, at subdivision stage, the Commission may impose added conditions relating to:</p> <p>(a) Revegetation and landscape planning addressing:</p> <p>i. Buffer strip planting adjoining Boyup Brook – Arthur Road/Bode Street and surrounding rural use land.</p> <p>ii. Ongoing separation of lots to remaining rural use land within the structure plan area to be staged as applicable.</p> <p>iii. Protection of high value native vegetation to maintain rural landscape character.</p> <p>(b) Restrictive covenants for prevention of direct vehicular access between lots and Boyup Brook – Arthur Road/Bode Street.</p> <p>(c) Notifications on Title relating to:</p> <p>i. Nuisance impact to residential amenity from adjacent rural operations; or</p> <p>ii. The Shire's resource recovery centre.</p> <p>Note: Structure plan areas are to be zoned progressively, as land is subdivided, and when opportunities arise for scheme amendments.</p>
--	--	--	--

The amendment document considers that the land is suitable for residential and rural residential subdivision/development and gives the following reasons:

- The site is near the town's associated educational, medical, community, recreational and retail services
- The proposal will deliver new investment and population growth
- The proposal complements the Boyup Brook townsite with lot sizes that are appropriate for a country town
- The site provides a suitable interface between the Boyup Brook townsite and agricultural areas
- Appropriate buffers can be provided to adjoining and nearby uses
- Most the site has been previously cleared. Remaining environmental assets, focused on riparian vegetation and water resources, can be appropriately conserved
- Subdivision/development will address on-site sewage disposal requirements and bushfire risks
- The soil types for suitable for development
- Land use and development will be appropriately serviced in accordance with local government and State Government guidelines
- Traffic impacts will be manageable

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*.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications directly relating to this item.

The Commission has agreed to include the site within a draft Shire of Boyup Brook Local Planning Strategy.

### **VOTING REQUIREMENTS**

Simple majority

### **SUMMARY CONCLUSION**

It is recommended that the Council adopt the Local Planning Scheme Amendment No. 24.



**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.3**

**That Council:**

- 1. Adopts Amendment No. 24 to amend Shire of Boyup Brook *Local Planning Scheme No. 2* by:**
  - a) Rezoning Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook from the ‘Rural’ zone to the ‘Special Use (SU2)’ zone.**
  - b) Inserting the following provisions in Table 5 - Special Use Zones in Scheme Area:**

No.	Description of land	Special use	Conditions
SU2	Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook	<p>A future residential estate, contemplating both residential and rural residential zones, where the mix of lots is to be addressed via a structure plan.</p> <p>Permissibility:</p> <p>Uses permitted within the areas designated as ‘Residential’ are as per the Zoning Table.</p> <p>Uses permitted within the areas designated as ‘Rural Residential’ are:</p> <p>Ancillary Dwelling ‘P’</p> <p>Art Gallery ‘D’</p> <p>Bed &amp; Breakfast ‘D’</p> <p>Dams ‘D’</p> <p>Community Purpose ‘D’</p> <p>Family Day Care ‘A’</p> <p>Holiday House ‘D’</p> <p>Holiday Accommodation ‘A’</p> <p>Home Business ‘D’</p> <p>Home Occupation ‘P’</p>	<p><b>General application</b></p> <ol style="list-style-type: none"> <li>1. The conditions in this schedule apply to SU2 in addition to all other relevant provisions in the Scheme.</li> <li>2. If there is a conflict between any other provision in the Scheme, this Schedule prevails.</li> </ol> <p><b>Structure Plan</b></p> <ol style="list-style-type: none"> <li>3. Prior to subdivision and development, a structure plan is to be prepared and endorsed by the WAPC.</li> <li>4. Proposed future zones and reserves in the structure plan are to accord with the zones and reserves of the Scheme.</li> <li>5. In addition to the matters required in clause 16 of the deemed provisions, the structure plan is to address: <ol style="list-style-type: none"> <li>a. Servicing arrangements, including <ol style="list-style-type: none"> <li>i. Arrangements for an electricity supply;</li> <li>ii. Provision of a licensed water supply for lots designated for residential purposes; or</li> <li>iii. If a licensed water supply is not to be provided, lots are to be designated as rural residential with a minimum lot size of 1ha;</li> <li>iv. Site and Soil Evaluation to demonstrate a suitable approach to wastewater disposal.</li> <li>v. Drainage and water management as per a Local Water Management Strategy.</li> </ol> </li> <li>b. Access and egress for bushfire safety, in accordance with State Policy.</li> <li>c. Foreshore management, including: <ol style="list-style-type: none"> <li>i. Allocation and design of Foreshore reserves and areas of public open space;</li> <li>ii. Proposed arrangements for weed control, revegetation, fencing, pedestrian access and restrictions on vehicular access.</li> </ol> </li> <li>d. Traffic Impact Assessment, including potential upgrades to existing roads and intersections servicing the proposed estate.</li> <li>e. A movement network that provides suitable transport options for vehicle, bicycles and pedestrians.</li> </ol> </li> </ol> <p><b>Subdivision</b></p> <ol style="list-style-type: none"> <li>6. Future subdivision shall generally be in accordance with a Structure Plan endorsed by the WAPC.</li> <li>7. Aboriginal heritage protection as per an ethnographic and archaeological survey by a qualified consultant.</li> <li>8. Based on site conditions, at subdivision stage, the Commission may impose added conditions relating to: <ol style="list-style-type: none"> <li>(a) Revegetation and landscape planning addressing:</li> </ol> </li> </ol>

		<p>Home Office 'P'</p> <p>Home Store 'D'</p> <p>Industry – Cottage 'D'</p> <p>Recreation – Private 'A'</p> <p>Repurposed Dwelling 'D'</p> <p>Residential Building 'A'</p> <p>Rural Home Business 'A'</p> <p>Second Hand Dwelling 'D'</p> <p>Single House 'P'</p> <p>Telecommunications Infrastructure 'D'</p> <p>Wayside Stall 'D'</p> <p>All other uses are 'X' (prohibited).</p>	<p>i. Buffer strip planting adjoining Boyup Brook – Arthur Road/Bode Street and surrounding rural use land.</p> <p>ii. Ongoing separation of lots to remaining rural use land within the structure plan area to be staged as applicable.</p> <p>iii. Protection of high value native vegetation to maintain rural landscape character.</p> <p>(b) Restrictive covenants for prevention of direct vehicular access between lots and Boyup Brook – Arthur Road/Bode Street.</p> <p>(c) Notifications on Title relating to:</p> <p>i. Nuisance impact to residential amenity from adjacent rural operations; or</p> <p>ii. The Shire's resource recovery centre.</p> <p>Note: Structure plan areas are to be zoned progressively, as land is subdivided, and when opportunities arise for scheme amendments.</p>
--	--	--	---

**c) Amending the Scheme Map accordingly.**

2. **Determines Amendment No. 24 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
  - **An amendment relating to a zone that is consistent with the objectives in the scheme for that zone;**
  - **The amendment is consistent with the draft Local Planning Strategy;**
  - **The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
  - **The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**
3. **Supports the concurrent public release of the Local Structure Plan for Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook when Scheme Amendment No. 24 is advertised for comment.**

**MOVED: Cr Helen C O'Connell**

**SECONDED: Cr Sarah E G Alexander**

**CARRIED 9/0**

**Res 23/02/018**

#### **10.4.4 Development Application Transportable Unit and the Railway Carriage as a Youth Centre**

Location:	110 Jackson Street, Boyup Brook
Applicant:	R Knapp
Disclosure of Officer Interest:	None
Author:	A. Nicoll, Town Planner
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	CoMHAT Letter

---

#### **SUMMARY**

Council approved an application in May 2022 from the 'Community Mental Health Action Team' (CoMHAT) to develop a Transportable Unit and a Railway Carriage, at 110 Jackson Street, Boyup Brook (adjacent to the swimming pool).

The 'Community Mental Health Action Team' proposed to utilise the Transportable Unit and the Railway Carriage as a Youth Centre, for mentoring persons with mental health related issues.

Following discussions with Shire staff and Councillors, CoMHAT have requested that Council approve a change in location of the transportable unit and railway carriage to an area adjacent to the main entrance to the football oval (Attachment 1).

In accordance with the Shire's *Local Planning Scheme No.2*, the subject land is 'Reserved' for the purpose of Recreation. The proposal to utilise the land as a Youth Centre, complies with the purpose of the subject 'Reserve' (Recreation).

Council is requested to approve the development of the Transportable Unit and the Railway Carriage at the subject site.

#### **BACKGROUND**

The 'Community Mental Health Action Team' received grant funding, which is proposed to be utilised for the development of a Transportable Unit and a Railway Carriage.

The transportable unit and Railway Carriage were proposed to be located at the Jackson Street recreation precinct area, however, a more desirable location has been identified in the vacant area next to the basketball courts.

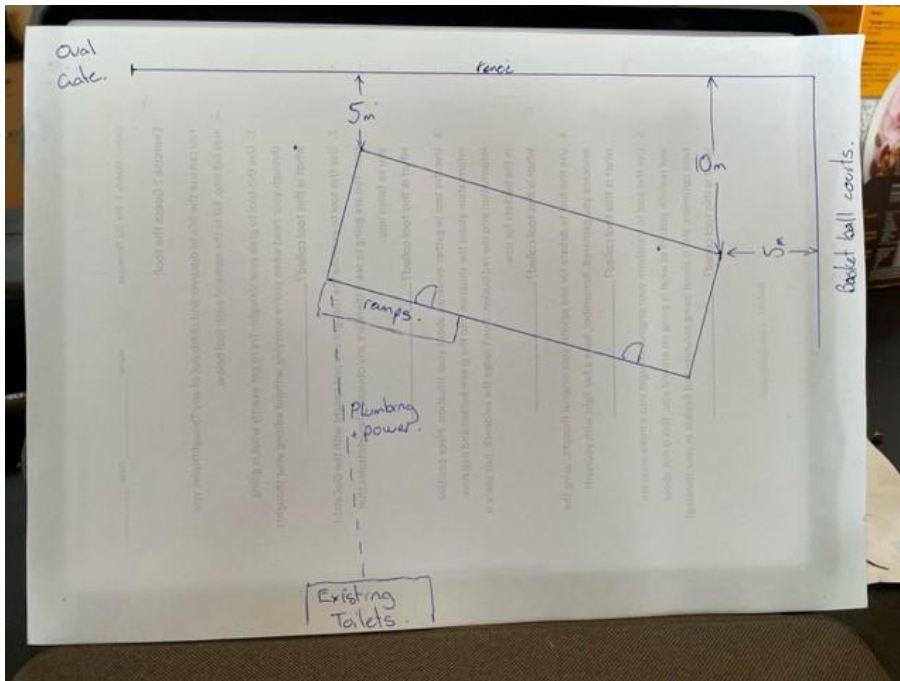
#### **COMMENT**

The subject property is a Reserve (No.1454) for the purpose of Recreation. The reserve is vested with the Shire of Boyup Brook, with the power to lease.

The Transportable Unit and Railway Carriage are proposed to be developed in an existing cleared area, as illustrated in the below figure.



Location – Transportable Unit



The Transportable Unit is 12m long, 4.37m wide and 2.9m high. The floor area consists of two (2) meeting rooms, two (2) storage rooms and includes a wash basin. The roof is constructed using zincalume steel sheeting. It is proposed that a mural is painted on the walls of the Transportable Unit, to enhance its appearance to the street frontage.

The Railway Carriage is featured in the following photo and is proposed to be used for storage purposes (i.e. storage of mountain bikes). While the location will be in the general area, a specific site has not yet been identified.



An existing car parking area is located alongside the proposed Youth Centre. It has been considered that there is a suitable number of existing carparking spaces available to accommodate patrons using the proposed Youth Centre.

The proposed development is not expected to impact on the environmental attributes of the area and complies with the purpose of the subject 'Reserve'.

It is proposed that the Shire will organise for groundworks to provide a level site for installation of the Transportable Unit and Railway Carriage. CoMHAT will be responsible for placement of the Transportable Unit on site and connection to power, water and the toilet block septic system.

CoMHAT request permission to connect to the Shire's electricity, water and sewage services that are located at the public toilet block.

It is recommended that Council approve the proposed Transportable Unit and Railway Carriage at the subject location, for the purpose of a Youth Centre and approve connection to the services subject to the following 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. The Transportable Unit and the Railway Carriage being installed to the satisfaction of the Shire of Boyup Brook.
3. Stormwater and connection to water, electricity and sewage services being managed to the satisfaction of the Shire of Boyup Brook.

### **CONSULTATION**

N/A

### **STATUTORY OBLIGATIONS**

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the objective of a 'Recreational' reserve is for:

*Public Purposes which specifically provide for a range of public recreational facilities.*

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple majority

### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.4**

**That Council grants development approval for 110 Jackson Street, Boyup Brook (R1454), for the purpose 'Community Purpose', subject to the following notice:**

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: 110 Jackson Street, Boyup Brook (R1454)

Description of proposed development:

**Transportable Unit and Railway Carriage (Community Purpose – Youth Centre)**

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. The Transportable Unit and the Railway Carriage being installed to the satisfaction of the Shire of Boyup Brook.
3. Stormwater and connection to water, electricity and sewage services and ongoing maintenance be the responsibility of CoMHAT and be managed to the satisfaction of the

Shire of Boyup Brook.

4. The transportable unit is painted within two (2) months from the date of installation.

Date of determination: 16 Feb 2023

Note 1: Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

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.

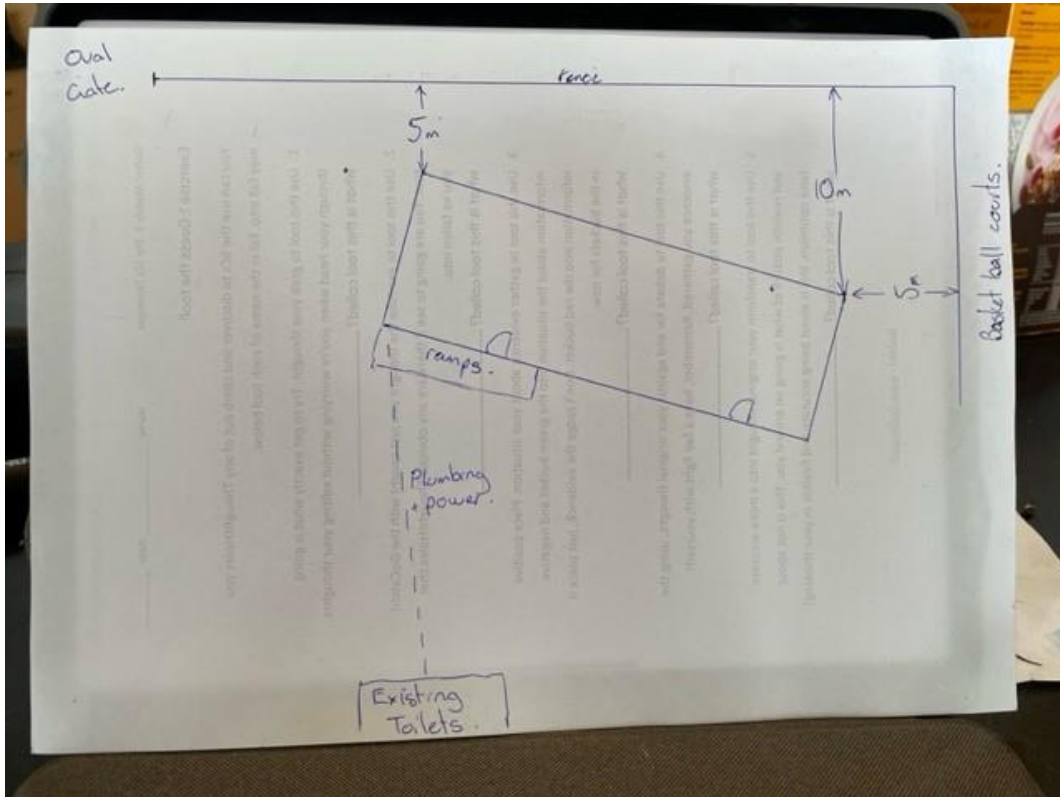
Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

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.

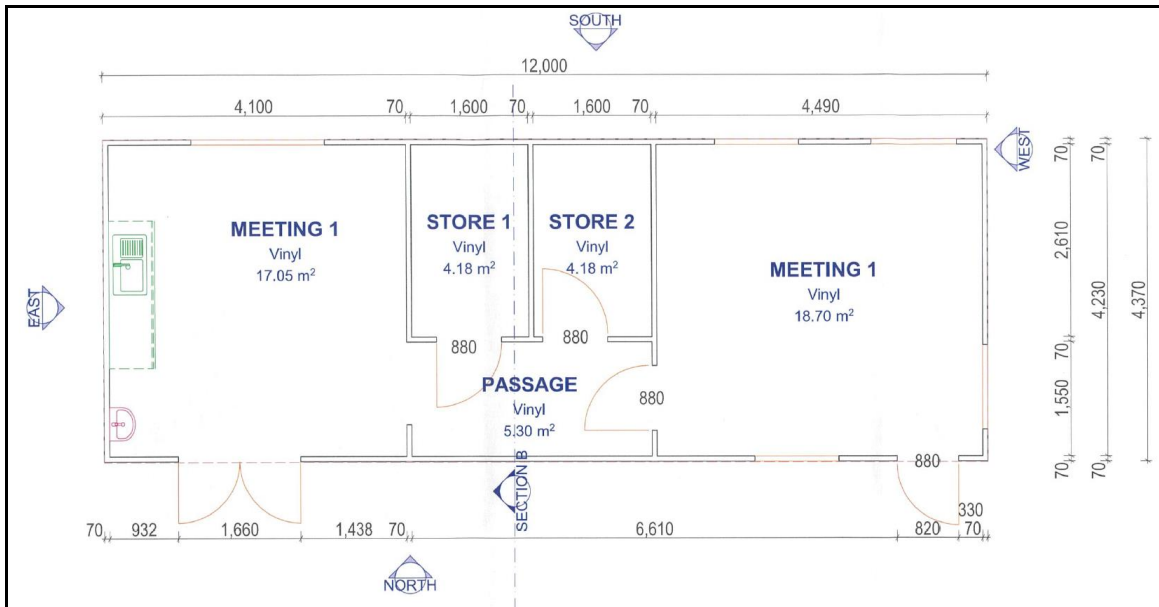


## APPROVED PLANS

### Site Plan

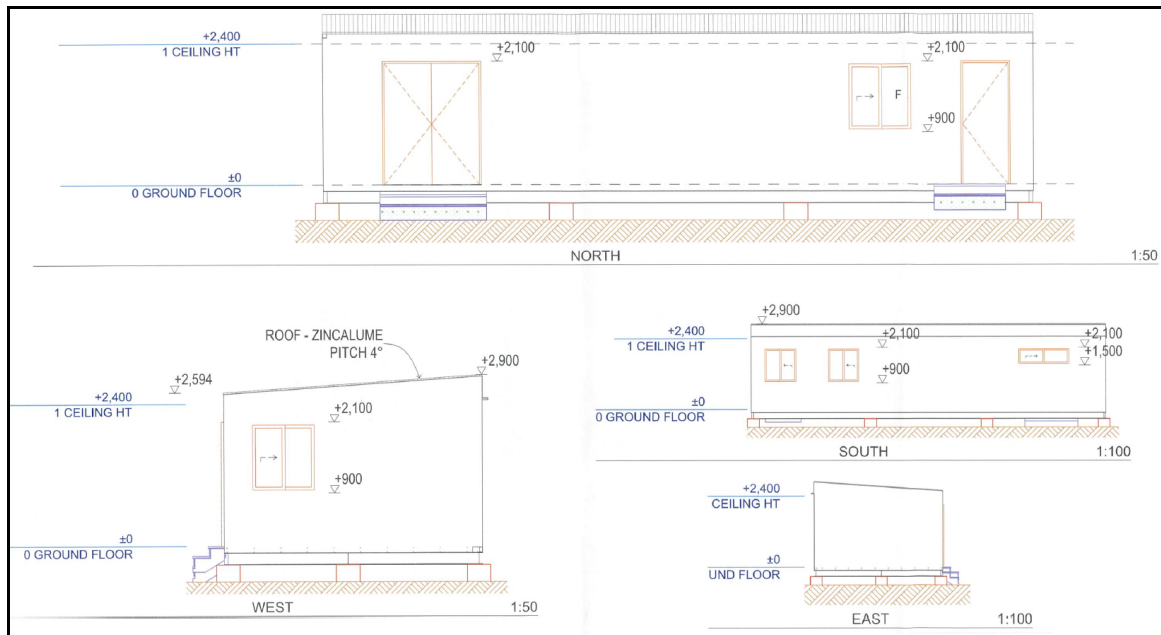


### Transportable Unit - Floor Plan





### Transportable Unit - Elevations



### Railway Carriage



**MOVED: Cr Helen C O'Connell**

**SECONDED: Cr Sarah E G Alexander**

### AMENDMENT

**Include Condition point 5:**

**The visual representation of the artwork on the building is presented to the Chief Executive Officer prior to commencement of artwork on the building.**

**MOVED: Cr Helen C O'Connell**

**SECONDED: Cr Darren E King**

**CARRIED 9/0**

**Res 23/02/019**

**AMENDED MOTION 10.4.4**

**That Council grants development approval for 110 Jackson Street, Boyup Brook (R1454), for the purpose ‘Community Purpose’, subject to the following notice:**

***Planning and Development Act 2005***

**Shire of Boyup Brook**

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

Location: 110 Jackson Street, Boyup Brook (R1454)

Description of proposed development:

**Transportable Unit and Railway Carriage (Community Purpose – Youth Centre)**

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. The Transportable Unit and the Railway Carriage being installed to the satisfaction of the Shire of Boyup Brook.
3. Stormwater and connection to water, electricity and sewage services and ongoing maintenance be the responsibility of CoMHAT and be managed to the satisfaction of the Shire of Boyup Brook.
4. The transportable unit is painted within two (2) months from the date of installation.
5. Visual representation of the artwork on the building is presented to the Chief Executive Officer.

Date of determination: 16 Feb 2023

Note 1: Sign(s) shall not be erected on the lot without the prior approval of the Shire of Boyup Brook.

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 23/02/020**

**11 COMMITTEE MINUTES**

Nil

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

Nil

**13 LATE ITEM/URGENT BUSINESS MATTERS**

**13.1 31 January 2023 Statement of Financial Activity**

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Authors:	D Long, Finance Consultant
Authorising Officer:	Dale Putland, Chief Executive Officer
Attachments:	Statement of Financial Activity 31 January 2023

---

**SUMMARY**

The Monthly Financial Report for 31 January 2023 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 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 31 January shows a closing surplus of \$3,516,042.

### **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 13.1**

That Council receives the Monthly Financial Report for 31 January 2023, as presented.

**MOVED: Cr Helen C O’Connell**

**SECONDED: Cr Darren E King**

**CARRIED 9/0**

**Res 23/02/021**

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 6.45pm.