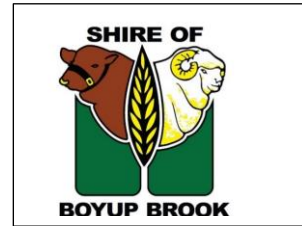


---

**Date:** 21 July 2023

**To:** Shire President  
Deputy Shire President  
Councillors  
Community



**NOTICE AND AGENDA – ORDINARY COUNCIL MEETING**

An Ordinary Council Meeting of the Shire of Boyup Brook will be held in the Council Chambers on 27 July 2023 at 6.00pm to consider and resolve the matters set out in the attached agenda.

A handwritten signature in black ink, appearing to read "Leonard Long". The signature is written in a cursive style with a large, looping initial "L".

**Leonard Long**

**Chief Executive Officer**

---

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## **AGENDA**

### **1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at \_\_\_\_pm.

Acknowledgement of Traditional Custodians

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

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privilege does not apply.

Elected Members and staff risk being held personally liable if their comments are defamatory, or breach any duty of confidentiality.

Statements made during Council meetings are solely those of the person making them. Nothing expressed at a Council Meeting can be attributed to the Shire, unless it is adopted by a resolution of Council.

The Confirmed Minutes of a Council Meeting are the official record of that Council meeting. Verbatim Minutes are not required.

May I ask everyone here today, to make sure your mobiles are turned off or on silent for the duration of the Meeting.

### **2. RECORD OF ATTENDANCE**

#### **2.1 ATTENDANCE**

##### **Councillors**

Shire President  
Deputy Shire President  
Councillors

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

##### **Council Officers**

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager Works and Services  
Urban & Regional Planner  
Manager Finance  
Executive Officer

Leonard Long  
Carolyn Mallett  
Jason Forsyth (Apology)  
Adrian Nicoll (Apology)  
Ben Robinson  
Maggie Le Grange

**Observers / Public Members****2.2 APOLOGIES****2.3 REQUEST FOR LEAVE OF ABSENCE****3. DEPUTATIONS, PETITIONS AND PRESENTATIONS****3.1 DEPUTATIONS****3.2 PETITIONS****3.3 PRESENTATIONS****4. PUBLIC QUESTION TIME**

- a. Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.
- b. During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.
- c. Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.
- d. All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary Council Meeting, and at a Special Council Meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the Presiding Member.
- e. The Presiding member will control Question Time and ensure each person wishing to ask a question states their name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask questions will be given two (2) minutes within which to address their question to Council. The Presiding Member may shorten or lengthen this time at their discretion.

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****4.2 PUBLIC QUESTION TIME**

**5. DECLARATIONS OF INTEREST**

**5.1 FINANCIAL AND PROXIMITY INTEREST**

- a) Cr O’Connell declared a financial interest in item 6.2 Blackwood Basin Group to utilise portion of the vacant area behind the Community Resource building for the purposes of a Community Garden, page 7, being employed by the Blackwood Basin Group.

**5.2 DISCLOSURES OF IMPARTIALITY INTEREST THAT MAY CAUSE A CONFLICT**

- a) Cr King declared an impartiality interest in item 6.2 Blackwood Basin Group to utilise portion of the vacant area behind the Community Resource building for the purposes of a Community Garden, page 7, being a Blackwood Basin Committee Member.
  
- b) Cr Price declared an impartiality interest in item 6.2 Blackwood Basin Group to utilise portion of the vacant area behind the Community Resource building for the purposes of a Community Garden, page 7, being the Shire Representative on the Blackwood Basin Group.

**6. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATION**

**6.1 ORDINARY COUNCIL MEETING MINUTES – 29 JUNE 2023**

<p><b><u>OFFICER RECOMMENDATION 23/07/124</u></b></p> <p><b>That the Minutes of the Ordinary Council Meeting held on 29 June 2023 be confirmed as being a true and accurate record.</b></p> <p><b>Moved:</b>            .....</p> <p><b>Seconded:</b>      .....</p> <p>.....</p>
---

**6.2 OUT OF SESSION CONFIRMATION – COUNCIL SUPPORT FOR THE COMMUNITY GARDEN LOCATED AT 86 ABEL STREET, BOYUP BROOK (CRC BUILDING)**

**OFFICER RECOMMENDATION 23/07/125**

That the following ‘Out of Session’ resolution was endorsed by the following Councillors:

- Cr R Walker
- Cr Sarah Alexander
- Cr A Price
- Cr C Caldwell
- Cr D King
- Cr P Kaltenrieder

That Council Resolves to:

- A. Request the Chief Executive Officer to provide the Blackwood Basin Group Inc approval to utilise portion of the vacant area behind the Community Resource building (previously used as the Community Gardens) for the purposes of a Community Garden.
- B. Request the Chief Executive Officer to advise the Blackwood Basin Group that the Council will cover the extra water consumption cost, subject to review every six months.

Moved: .....

Seconded: .....

.....

**6.3 OUT OF SESSION CONSIDERATION ENTERING INTO A CONTRACT TO FORWARD SELL FIFTY (50) TON OF CANOLA FROM RYLINGTON PARK**

**OFFICER RECOMMENDATION 23/07/126**

That Council Resolves to:

- A. Authorise the Chief Executive Officer to enter a contract to forward sell fifty (50) ton of canola at a rate of between \$805 and \$850 per ton from Rylington Park.

Moved: .....

Seconded: .....

.....

**7. PRESIDENTIAL COMMUNICATIONS**

July – TBC

**8. COUNCILLOR QUESTIONS ON NOTICE**

**9. REPORTS OF OFFICERS**

**9.1 Manager Works and Services**

Nil



## 9.2 Manager Finance

<b>9.2.1 LIST OF ACCOUNTS PAID IN JUNE 2023</b>	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Ben Robinson, Manager Finance
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	9.2.1 – List of Accounts Paid in June 2023

<b><u>OFFICER RECOMMENDATION 23/07/127</u></b>			
<b>That Council Resolves to:</b>			
<b>A. Receive the list of accounts paid throughout the month of June 2023:</b>			
<b>Municipal</b>	<b>Cheques</b>	<b>20604–20608</b>	<b>\$ 29,220.88</b>
	<b>EFT</b>	<b>EFT14168–EFT14300</b>	<b>\$600,889.15</b>
	<b>Direct Debit</b>		<b>\$280,216.49</b>
	<b>Police Licensing</b>		<b>\$ 62,854.95</b>
	<b>BBELC</b>		<b>\$ 0</b>
	<b>Grand Total</b>		<b>\$973,181.47</b>
<b>Moved:</b>	.....		
<b>Seconded:</b>	.....		.....

### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in June 2023 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 June 2023.

### **REPORT DETAIL**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 30 June 2023.

**SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*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.*

**SUSTAINABILITY AND RISK CONSIDERATIONS****Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

**POLICY IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
Medium	The reporting of the monthly spending by a local government is required to be presented to Council in terms of the relevant legislation. Not presenting this information to Council would be a breach of the <i>Local Government Act 1995</i> .

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

Funds used for account payments are included in the approved 2022/23 budget.

**Workforce**

Nil

---

 end

<b>9.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 JUNE 2023</b>	
<b>File Ref:</b>	FM/10/003
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Ben Robinson, Manager Finance Darren Long, Finance Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	9.2.2 – Monthly Financial Report 30 June 2023

**OFFICER RECOMMENDATION 23/07/128**

**That Council Resolves to:**

**A. Receive the Monthly Financial Report for 30 June 2023, as presented.**

**Moved:** .....

**Seconded:** .....

.....

**SUMMARY**

The Monthly Financial Report for 30 June 2023 is presented for Councils adoption.

**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.

**REPORT DETAIL**

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 of 30 June 2023 shows a closing surplus of \$2,658,732.

**SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Governance and Organisation
<b>Outcome</b>	Demonstrate effective leadership, advocacy, and governance
<b>Objective</b>	Provide transparent decision making that meets our legal and regulatory obligations, reflects the level of associated risk, and is adequately explained to the community.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*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.

**SUSTAINABILITY AND RISK CONSIDERATIONS**

**Economic –** (Impact on the Economy of the Shire and Region)

Nil

**Social –** (Quality of life to community and / or affected landowners)

Nil

**POLICY IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
Medium	The reporting of the monthly spending by a local government is required to be presented to Council in terms of the relevant legislation. Not presenting this information to Council would be a breach of the <i>Local Government Act 1995</i> .

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**

Funds used for account payments are included in the approved 2022/23 budget.

**Workforce**

Nil

---

end

**9.3 Chief Executive Officer**  
Nil

**9.4 Planning**

<b>9.4.1 DEVELOPMENT APPLICATION (OVER-HEIGHT OUTBUILDING) –58 ABEL STREET, BOYUP BROOK</b>	
<b>File Ref:</b>	A1860
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	P Braccia
<b>Author and Title:</b>	A. Nicoll, Urban and Regional Planner
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	9.4.1 (2 of 2) – Site Plan, Floor Plan & Elevations

**OFFICER RECOMMENDATION 23/07/129**

**That Council Resolves to:**

- A. Approve the Development Application for the proposed over-height Outbuilding, at 58 Abel Street, subject to the following conditions and advice notes:**

**Conditions:**

- 1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Chief Executive Officer, all development shall occur in accordance with the approved plans.**
- 2. All stormwater is to be managed and contained on-site, to the satisfaction of the Chief Executive Officer.**
- 3. No processes being conducted on the property that may cause a detriment to the amenity of that area by reason of contamination, noise, vibration, smell, fumes, dust or grit.**

**Advice:**

- 1. Outbuildings are structures that are non-habitable.**
- 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.**
- 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.**



**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.**

**Moved:**           .....  
**Seconded:**       .....

.....

**SUMMARY**

The purpose of this report is to put before Council the request to develop an over-height Outbuilding (shed), on a 'Residential' zone Lot (58 Abel Street).

The application proposes a maximum wall height of 3.5m. The Shire's Outbuilding Policy limits the wall height of outbuildings on 'Residential' zone properties to 3m (taken from natural ground level).

The proposed variation (500mm) is not expected to impact the amenity of the area.

This report item recommends that the Council support a variation to Council Policy and agree to approve the application for the proposed over-height outbuilding at 58 Abel Street.



**BACKGROUND**

A Building Permit application requesting approval to develop an outbuilding at 58 Abel Street, was lodged with the Shire.

The Shire contacted the landholder and advised that the application does not comply with Council Policy and that planning approval needs to be submitted requesting support from Council to vary from their adopted Policy.

The proposal was presented to neighbouring properties, requesting comment. No objections were received.

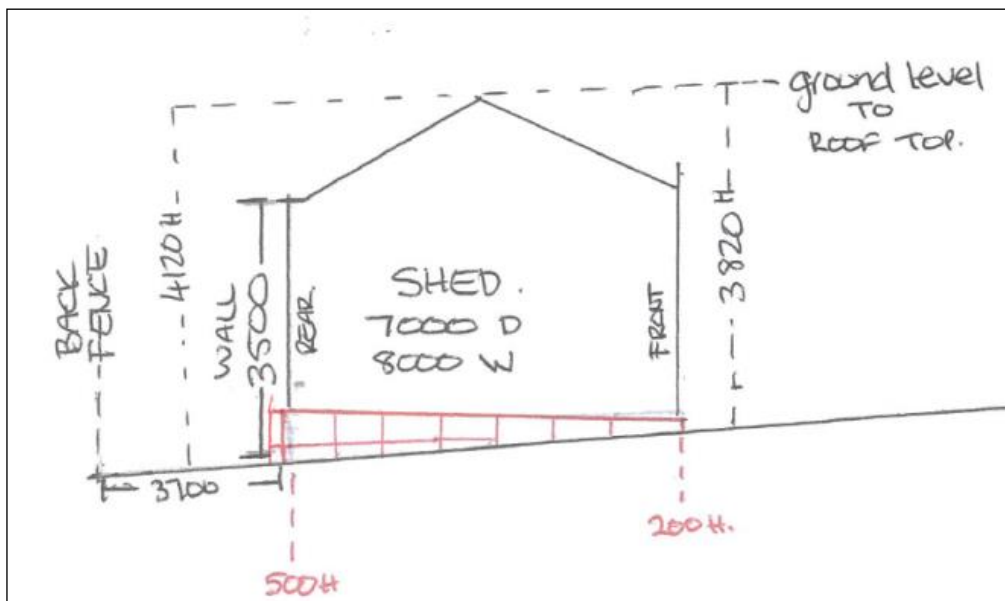
**REPORT DETAIL**

Council discretion is required due to non-compliance with Council Policy. The Shire’s Outbuilding Policy states:

*The design and location of outbuildings shall comply with the following Table 1. Relaxations for setbacks may be considered subject to written confirmation by the adjoining landowner/s that they have no objection to the proposal.*

TABLE 1: OUTBUILDING SPECIFICATIONS					
Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m <sup>2</sup> )	Maximum total outbuilding area (m <sup>2</sup> )	Set-backs
Residential and Urban Zone (Lots 500m <sup>2</sup> – 1000m <sup>2</sup> )	3m	4.2m	100	120	6m – Front & Secondary 1m – Side & Rear

The 58 Abel Street is a sloping property. In-order to develop a horizontal finished floor level, fill and retaining needs to occur. Fill and retaining means the max wall height of the outbuilding increases by 500mm to 3.5m.



The objective of the Shire’s ‘Outbuilding Policy’ is to minimise adverse impacts outbuildings may have on a locality. An over-height outbuilding has the potential to

adversely impact on the amenity of the locality. Generally, outbuildings are basic in design and therefore are not appealing to neighbours or the street.

The outbuilding is proposed to be constructed using colourbond material ('surfmist' colour).

The neighbours were consulted on the over-height outbuilding and no objections were received.

It is recommended that the Council support a variation to Council Policy and approve the proposed over-height outbuilding for the following reasons:

- The height variation is minor (500mm) and is therefore not expected to impact on the amenity of the area.
- Neighbours had no objection.

**SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 - 2031**

<b>Key Imperatives</b>	Economic Development
<b>Outcome</b>	Make land available for economic growth, development and improvement
<b>Objective</b>	Increase land availability for industry, housing, visitor accommodation and tourism.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

*The Planning and Development (Local Planning Schemes) Regulations 2015 states:*

*(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

**SUSTAINABILITY IMPLICATIONS**

**Economic** – (Impact on the Economy of the Shire and Region)

Nil

**Social** – (Quality of life to community and / or affected landowners)

Nil

**POLICY IMPLICATIONS**

Policy P.04 – Outbuildings

Objective

1. This policy seeks to guide the development of outbuildings proposed to be used for:
  - a. Domestic storage incidental to a dwelling; and

- b. Where appropriate in accordance with Scheme 2, intensive uses such as cottage industry, commercial, rural industry, light industry, transport depot and stables.
2. This policy also seeks to minimise adverse impacts outbuildings may have on a locality.

**RISK MANAGEMENT IMPLICATIONS**

Shire of Boyup Brook’s commitment to the identification and management of risks that may impact on the achievement of its business objectives.

Risk Level	Comment
Low	The proposal was referred to neighbouring landholders for comment and no objections were made.

**CONSULTATION**

A copy of the application was circulated to the adjoining owners, with no objections being received.

**RESOURCE IMPLICATIONS**

**Financial**

Nil

**Workforce**

Nil

---

end

**10. COMMITTEE MINUTES OF COUNCIL FOR ADOPTION**

**10.1 Rylington Park Committee Minutes – 12 July 2023**

**OFFICER RECOMMENDATION 23/07/130**

**A. That the unconfirmed Minutes of the Rylington Park Committee Meeting held on 12 July 2023 be received.**

**Moved:**           .....

**Seconded:**       .....

.....

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Motion has been received from Cr P Kaltenrieder

**11.1 Electric Vehicle Charging Facility**

**OFFICER RECOMMENDATION 23/07/131**

**That Council directs the Chief Executive Officer to report to Council on cost analysis, technical options including timeframe for provision and commissioning of public accessible Electric Vehicles (EV) charging facility in Boyup Brook Shire.**

**Moved:**           .....

**Seconded:**       .....

.....

**12. LATE ITEMS / URGENT BUSINESS MATTERS**

Nil

**13. CONFIDENTIAL ITEMS OF BUSINESS**

<b>13.1.1 <u>CONFIDENTIAL</u>: CAVEAT OVER PROPERTY (A5900) FOR DEFAULT RATES PAYMENT</b>	
<b>File Ref:</b>	A5900
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Leonard Long, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	Nil

**OFFICER RECOMMENDATION 23/07/132**

That Council Resolves to:

**A. Proceed behind closed doors as per Section 5.23(2) of the *Local Government Act 1995*, to consider item 13.1.1, the time being .....pm.**

Moved:           .....  
 Seconded:       .....

.....

Note: Council Resolution for item 13.1.1 (Council Resolution 23/07/133) remains confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*.

**OFFICER RECOMMENDATION 23/07/133**

That Council Resolves to:

**A. Proceed with the meeting in public, the time being .....pm.**

Moved:           .....  
 Seconded:       .....

.....

**14. CLOSURE**

There being no further business the meeting closed at .....pm.

\_\_\_\_\_  
 Presiding Member

\_\_\_\_\_  
 Date