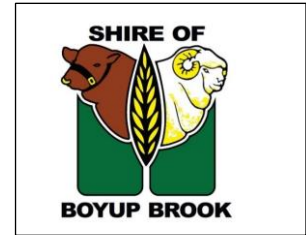


Date: 11 September 2024

To: Shire President  
Deputy Shire President  
Councillors  
Community



## MINUTES – ORDINARY COUNCIL MEETING

29 August 2024

A handwritten signature in black ink, appearing to read "Long", is written in a cursive style.

Leonard Long  
Chief Executive Officer

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## **AGENDA**

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

The Presiding Member declared the meeting open at 6:04pm.

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.

Please make sure your mobile phones are turned off or on silent for the duration of the Meeting.

This meeting will be audio recorded for minute taking purposes.

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

#### **2.1 ATTENDANCE**

##### **Councillors**

Shire President

Deputy Shire President

Councillors

Cr Richard Walker

Cr Helen O'Connell

Cr Sarah Alexander

Cr Charles Caldwell

Cr Philippe Kaltenrieder

Cr Darren King

Cr David Inglis

##### **Council Officers**

Chief Executive Officer

Executive Officer

Executive Manager Corporate Services

Manager Financial Services

Manager Community Services

Leonard Long

Magdalena Le Grange

Carolyn Mallett

Malcolm Armstrong

Nicki Jones

## **Observers / Public Members**

Geoff Downsborough left the Chambers at 6:37pm.

### **2.2 APOLOGIES**

Councillor

Cr Michael Wright (Approved  
Leave)

Executive Manager Operational Services

Jason Forsyth

### **2.3 REQUEST FOR LEAVE OF ABSENCE**

Nil

## **3. DEPUTATIONS, PETITIONS AND PRESENTATIONS**

### **3.1 DEPUTATIONS**

Nil

### **3.2 PETITIONS**

Nil

### **3.3 PRESENTATIONS**

To be rescheduled

Trish McCourt and Jason Dearle (Operations Manager) of Blackwood Biosecurity, will make a presentation on who they are, their structure, how they're funded, and their services to landowners.

## **4. PUBLIC QUESTION TIME**

### **4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

### **4.2 PUBLIC QUESTION TIME**

Nil

## **5. DECLARATIONS OF INTEREST**

### **5.1 FINANCIAL AND / OR PROXIMITY INTEREST**

- Cr O'Connell declared a Financial Interest in item 9.3.7 Request to Waive Development Application Fee for Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being an employee of the Blackwood Basin Group.
- Cr O'Connell declared a Financial Interest in item 9.4.1 Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being an employee of the Blackwood Basin Group.

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

- Cr Inglis declared an Impartiality Interest in item 9.3.6 Offer to Purchase Lot 13129Bridgetown-Boyup Brook Road, Boyup Brook as his wife if the treasurer of the Boyup Brook Cooperation.
- Cr King declared an Impartiality Interest in item 9.3.7 Request to Waive Development Application Fee for Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being a Committee Member of the Blackwood Basin Group.
- Cr King declared an Impartiality Interest in item 9.4.1 Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being Committee Member of the Blackwood Basin Group.

## **6. PREVIOUS COUNCIL MEETING MINUTES / OUT OF SESSION CONFIRMATIONS**

### **6.1 ORDINARY COUNCIL MEETING MINUTES – 25 JULY 2024**

**Moved: Cr. O'Connell**

**Seconded: Cr. Kaltenrieder**

#### **COUNCIL DECISION 24/08/165**

**That the minutes of the Ordinary Council Meeting held on 25 July 2024 be confirmed as being a true and accurate record.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

### **6.2 SPECIAL COUNCIL MEETING MINUTES – 30 JULY 2024**

**Moved: Cr. Alexander**

**Seconded: Cr. King**

#### **COUNCIL DECISION 24/08/166**

**That the minutes of the Special Council Meeting held on 30 July 2024 be confirmed as being a true and accurate record.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

### 6.3 CONFIDENTIAL SPECIAL COUNCIL MEETING MINUTES – 12 AUGUST 2024

**Moved: Cr. O'Connell**

**Seconded: Cr. Alexander**

**COUNCIL DECISION 24/08/167**

**That the minutes of the Confidential Special Council Meeting held on 12 August 2024 be confirmed as being a true and accurate record.**

Note: This Council Resolution will remain confidential in accordance with Regulation 14(2) of the *Local Government (Administration) Regulations 1996*.

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

## 7. PRESIDENTIAL COMMUNICATIONS

### August

Tuesday 6th

- 3.30pm CEO office, met with Leonard and Wade de Campo to discuss project funding opportunities.

Wednesday 7th

- 10am Local Emergency Management Committee meeting in Council Chambers.

Wednesday 14th

- 2.10am departure for Sandakan via Kuala Lumpur to attend the Memorial Service in Sandakan.
- 5pm attended Sabah Hotel, Sandakan City Council dinner with Robyn as VIP guests representing the Shire of Boyup Brook.

Thursday 15th

- 6am Memorial Service at the Sandakan Memorial Park followed by lunch, hosted by locals Alex and Winnie Khoo.

Friday 16th

- 9am official visit to the office of Sandakan City Council President Henry Idol where the long term relationship with Boyup Brook was evident from the photos and gifts from Boyup on display.
- 7pm dinner with DFAT representative Doris again hosted by Alex and Winnie Khoo.

Saturday 17th - Mon 19th

Kinabatangan River with STWA, the local guides looking after us.

Tuesday 20th return to Boyup Brook via KL and Perth, 5am arrived home.

Saturday 24th

- 1pm attended Sandy Chambers Memorial service at the Boyup Brook Town Hall.

**8. COUNCILLOR QUESTIONS ON NOTICE**  
Nil

**9. REPORTS OF OFFICERS**

**9.1 OPERATIONAL SERVICES**  
Nil

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## 9.2 CORPORATE SERVICES

9.2.1 LIST OF ACCOUNTS PAID IN JULY 2024	
<b>File Ref:</b>	FM/1/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Joanna Hales-Pearce, Finance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number:</b>	9.2.1A List of Accounts Paid in July 2024

**Moved: Cr. Kaltenrieder**

**Seconded: Cr. O'Connell**

### **COUNCIL DECISION 24/08/168**

**That Council:**

1. Receive the list of accounts paid in July 2024, totalling \$1,023,670.78 from Municipal account, and \$51,484.80 from Police Licensing account, as represented by:

<b>Municipal</b>	<b>Cheques</b>	<b>20659-20663</b>	<b>\$ 8,555.01</b>
	<b>EFT</b>	<b>EFT15942–EFT16080</b>	<b>\$ 712,812.08</b>
	<b>Direct Payments</b>		<b>\$ <u>302,303.69</u></b>
<b>Police Licensing</b>			<b>\$ 51,484.80</b>
<b>Grand Total</b>			<b>\$1,075,155.58</b>

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in July 2024 is 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 July 2024.

### **REPORT DETAIL**

**Attachment 9.2.1A** lists accounts/invoices the Shire paid by cheque or electronic means during the period 01 to 31 July 2024.

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

	<b>Key Imperatives</b>	<b>Governance and Organisation</b>
	<b>Objective</b>	Demonstrate effective leadership, advocacy and governance.
	<b>Outcome</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 CONSIDERATION**

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

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

## **POLICY IMPLICATIONS**

Council's *Register of Delegations 2.8.18 Payments from the Municipal or Trust Funds* and *Register of Sub Delegations 2.5.12 Payments from the Municipal or Trust Funds* has application.

## **RISK MANAGEMENT IMPLICATIONS**

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

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	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**

Account payments accorded with the adopted 2024/25 Annual Budget.

### **Workforce**

Nil

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End

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<b>9.2.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JULY 2024</b>	
<b>File Ref:</b>	FM/10/003
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Darren Long, Finance Consultant
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number:</b>	9.2.2A – Monthly Financial Report 31 July 2024

**Moved: Cr. Caldwell****Seconded: Cr. Alexander****COUNCIL DECISION 24/08/169****That Council:**

1. Receive the Monthly Financial Report for 31 July 2024, as presented (Attachment 9.2.2A).

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

The Monthly Financial Report for 31 July 2024 is presented to Council.

**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 material 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:

1. Statement of Comprehensive Income by Program.
2. Statement of Comprehensive Income by Nature/Type.
3. Statement of Financial Activity by Nature.
4. Statement of Financial Activity by Program.
5. Summary of Net Current Asset Position.
6. Material Variances Report.

7. Statement of Financial Position.
8. Statement of Cash Flows.
9. Report on Progress of Capital Expenditure Program.
10. Report on Major Business Units.
11. Statement of Cash Back Reserves.
12. Loan Borrowings Report; and
13. 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 31 July 2024 shows a closing surplus of \$3,524,060.

### **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	Key Imperatives	Governance and Organisation
	Objective	Demonstrate effective leadership, advocacy and governance.
	Outcome	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 CONSIDERATION**

**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 risk that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	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**

Nil

**Workforce**

Nil

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End

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### 9.3 CHIEF EXECUTIVE OFFICER

<b>9.3.1 BOYUP BROOK EARLY LEARNING CENTRE MONTHLY ACTIVITY REPORT FOR THE MONTH OF JULY 2024</b>	
<b>File Ref:</b>	A190
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Jimina Shaw-Sloan, Director Early Learning Centre
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number:</b>	Nil

**Moved: Cr. Inglis                      Seconded: Cr. Alexander**

#### **COUNCIL DECISION 24/08/170**

**That Council:**

- 1. Receive the monthly activity report for the Boyup Brook Early Learning Centre for the month of July 2024.**

**CARRIED 7/0**  
**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis, Cr King, Cr Caldwell**  
**Against: Nil**

#### **SUMMARY**

The monthly report is to provide Council with an update on the operations at the Boyup Brook Early Learning Centre.

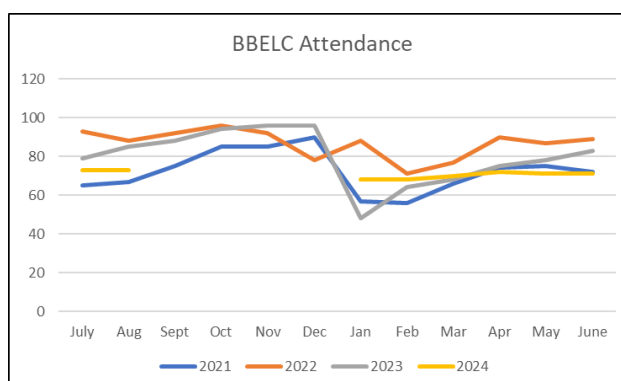
#### **BACKGROUND**

Boyup Brook Early Learning Centre is a multi-aged single space facility catering for children aged 0 – 7 years of age. Operating Tuesday to Friday from 8:15am to 5:15pm.


The centre offers a play-based program, with an emphasis on child led experiences within a natural environment and real-world resources.

## **REPORT DETAIL**

Average monthly attendance.



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

	<b>Key Imperatives</b>	<b>Social and Community</b>
	<b>Outcome</b>	Support a healthy, active, vibrant community.
	<b>Objective</b>	Facilitate access to health facilities, services and programs to achieve good general and mental health wellbeing in the community. Promote community participation, interactions and connections.

## **OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

Nil

## **SUSTAINABILITY AND RISK CONSIDERATIONS**

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

The Boyup Brook Early Learning Centre holds significant importance for the local economy, it provides a critical service for working parents, enabling them to continue their employment or education without the burden of childcare. This support is particularly crucial in rural areas, where access to childcare facilities might be limited. By ensuring that parents can work, the centre directly contributes to the economic activity and productivity of the town.

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

The Boyup Brook Early Learning Centre brings significant social benefits to the community. The centre offers a safe and nurturing environment for children, allowing parents, to pursue employment or education opportunities that were previously inaccessible due to childcare responsibilities.

**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.

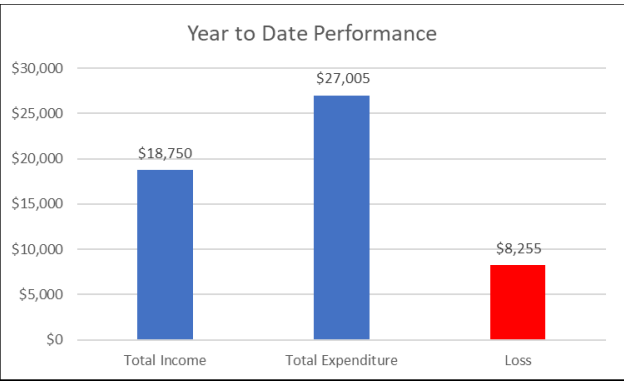
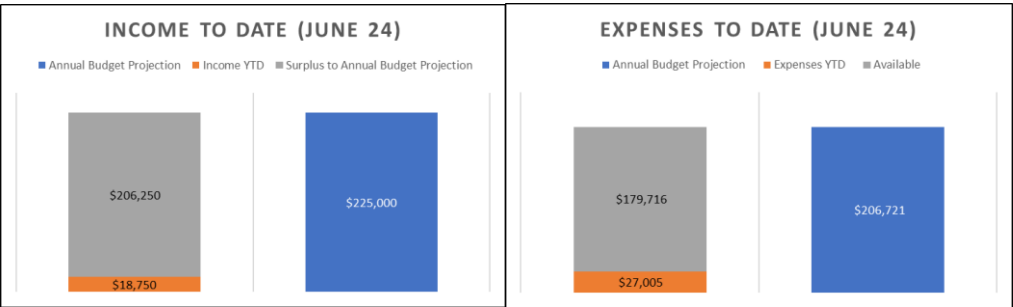
Risk Level	Comment
Moderate	The availability of early learning centres can be a factor in attracting and retaining young families in the area. Without such facilities, the Shire might experience a decline in population growth or struggle to attract new residents, which can have broader economic implications.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS**

**Financial**



**Workforce**

Nil

End

### 9.3.2 BOYUP BROOK MEDICAL SERVICES MONTHLY ACTIVITY REPORT FOR THE MONTH OF JULY 2024

<b>File Ref:</b>	A1270
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Janette Kuypers, Practice Manager
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number:</b>	Nil

**Moved: Cr. O'Connell**

**Seconded: Cr. Inglis**

#### **COUNCIL DECISION 24/08/171**

**That Council:**

1. Receive the monthly activity report for the Boyup Brook Medical Services for the month of July 2024.

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

#### **SUMMARY**

The monthly report is to provide Council with an update on the operations at the Boyup Brook Medical Services.

#### **BACKGROUND**

Boyup Brook Medical Services is an AGPAL (RACGP Standards) accredited practice. It provides general practice and nursing services to the community. Operating Monday to Friday from 8:00am to 4:30pm.

It is a mixed billing practice. Concession card holders and children under 16 are bulk billed. Appointment times are in 15-minute slots, however longer appointments can be requested. The practice also provides a room for visiting allied health practitioners (physio, osteo, podiatrist, dietician, phycologist OT and audiologist).


**REPORT DETAIL**

Monthly appointments.



*NOTE: This graph represents the total number of patients seen per month. Patients include hospital inpatients, ED patients, all patients seen at the practice plus scripts and referrals written without a consult.*

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

	<b>Key Imperatives</b>	<b>Social and Community</b>
	<b>Outcome</b>	Support a healthy, active, vibrant community.
	<b>Objective</b>	Facilitate access to health facilities, services and programs to achieve good general and mental health wellbeing in the community. Promote community participation, interactions and connections.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**SUSTAINABILITY AND RISK CONSIDERATIONS**

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

The Medical Centre offers several economic benefits to the community. It provides local access to healthcare, which can improve overall community health and productivity. It creates jobs, from medical staff to administrative roles. Employees and patients may spend locally, supporting other businesses.

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

The social benefits of having a medical centre in the community includes enhanced access to health services which can lead to earlier detection and treatment of diseases, improving overall community health. Local access to medical care is more convenient, especially for elderly, disabled, or those without transportation. These social benefits contribute to the well-being and quality of life in Boyup Brook.

**POLICY IMPLICATIONS**

Nil

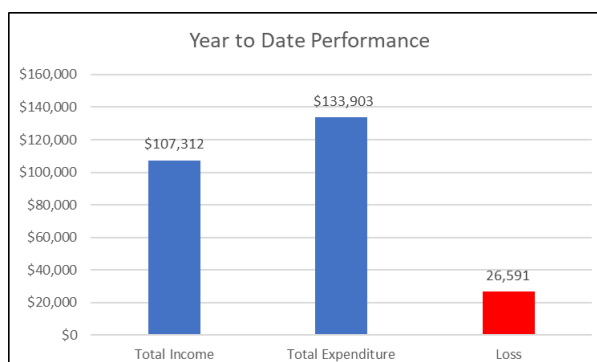
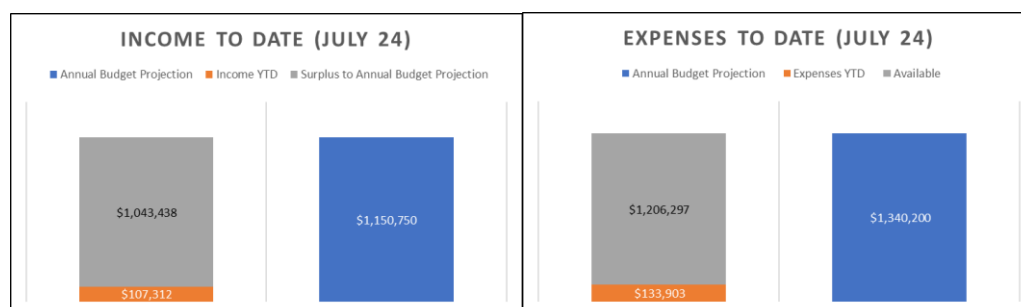
**RISK MANAGEMENT IMPLICATIONS**

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

Risk Level	Comment
<b>Moderate</b>	Not having a medical centre would result in residents having to travel significant distances for medical care. In emergencies, the lack of a local medical centre could lead to delayed treatment and potentially poorer health outcomes. Without local healthcare services, residents might leave for areas with better access, impacting local businesses and overall economy.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

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**Workforce**

With the departure of Dr. Kabindra the medical centre only has one (1) doctor. Recruitment of a second doctor has commenced. The Shire is currently negotiating with a doctor, once negotiations have reached a general agreement the potential appointment will be discussed with the Boyup Brook Medical Services Committee prior to the final appointment.

The Practice Manager has provided notice of her retirement effective from December 2024. Recruitment for this position will commence in the coming weeks.

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End

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<b>9.3.3 RYLINGTON PARK MONTHLY ACTIVITY REPORT FOR THE MONTH OF JULY 2024</b>	
<b>File Ref:</b>	RP/01/002
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Peter Grainger, Working Farm Manager
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number:</b>	Nil

**Moved: Cr. King**

**Seconded: Cr. Inglis**

**COUNCIL DECISION 24/08/172**

**That Council:**

- 1. Receive the monthly activity report for the Rylington Park Farm for the month of July 2024.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

The monthly report is to provide Council with an update on the operations at the Rylington Park Farm.

**BACKGROUND**

The Rylington Park Institute for Agricultural Training and Research, known as Rylington Park, is a key agricultural asset located 27km from Boyup Brook, in Mayanup.

This 650-hectare property was donated to the Shire of Boyup Brook in 1985 by Mr. Eric Farleigh for agricultural research and training, aimed at the betterment of the Boyup Brook community. Managed by the Shire, the property runs various agricultural programs, including shearing schools and fertiliser and seed trials.

It also offers scholarships to youth in agriculture and has a strategic relationship with Edith Cowan University for research and education, with the intent to share findings with the local farming community. Rylington Park is committed to supporting the agricultural industry and the regional community through its various initiatives.

## **REPORT DETAIL**

### **Weed Control**

- Instituted comprehensive broad post emergence spraying for post emergence weeds.
- Sprayed 90 hectares of pasture to manipulate heavy Capeweed population.

### **Infrastructure and Equipment Maintenance**

- Repaired sheep yard fencing and replaced three gates.
- Ongoing fencing maintenance and cleared fallen branches from fences.
- Cleaned out machinery shed.
- Repaired boom spray again. The left-hand boom will need to be removed and major repairs done after spraying is completed.
- Repaired gates and fences on sheep yards lead up to crutching.
- Continued cleaning up workshop.
- Fixed oil leak on hydraulic break aways on JD 6125M tractor.
- Pruned and cleaned up around house.
- The excavator completed the dam cleaning of six dams.
- Blackwood Plant Hire graded contour drains.

### **Crop Management**

- Spreading up to date.
- Spraying up to date.
- Slight canola crop damage from Mateno reside in boom, has grown through it next time clean boom with chlorine.
- Finished rock picking.
- Monitored for bugs and slugs so far no baiting necessary.

### **Livestock Sales**

- None.

### **Feed on Hand**

- Barley 38 tonnes.
- Lupins 3 tonnes.
- Hay 25 bales.
- Barley straw 25 bales.

### **Feeding program**

- Barley straw was needed.
- Double calcium lick blocks.
- Hay to Hoggets when needed.

Livestock Handling and Management

- Crutched all Hoggets.
- Moved mobs as required to maximize paddock feed.
- Crutched Ewes mated to XB.
- Merino sheep count and merino lamb marking is due to be carried out mid-August.
- 30 deaths due to Pregnancy Toxemia.

Livestock Inventory as of 11/07/2024

- White Suffolk Rams: 19.
- XB Lambs: 31.
- Merino ewe lambs: 696.
- Merino rams: 26.
- Merino Wethers: 191.
- Merino Ewes: 1,776.
- Total: 2,739.
- All sheep numbers will be confirmed at lamb marking and when drafting blue tag hoggets for sale.


Wool Sales

- None.

Shearing Schools, events & trials

- NBN Landcare Camera still in place.
- Shearing Schools are due to start again on the 19<sup>th</sup> of September 2024.

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

	<b>Key Imperatives</b>	<b>Natural Environment</b>
	<b>Objective</b>	Manage natural resources sustainably.
	<b>Outcome</b>	Work with key stakeholders to manage land, fire disease, pest animals and weeds.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Nil

## **SUSTAINABILITY AND RISK CONSIDERATIONS**

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

Rylington Park Farm contributes economically to both the Shire and Region by providing education and skill development in agriculture which can enhance the workforce, leading to more efficient and innovative farming practices.

Conducting agricultural research can lead to better farming techniques and increased productivity, positively impacting the local economy. The farm also hosting field days, and the event draws visitors locally and regionally which can stimulate local spending.

Offering scholarships encourages local youth to pursue careers in agriculture, potentially leading to a more skilled labour pool. Shearing schools support the sheep industry, vital for the local economy. These activities can lead to job creation, increased productivity, and the overall growth of Boyup Brook's agricultural sector.

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

Rylington Park Farm can impact the quality of life in the Boyup Brook community by enhancing access to agricultural training and education, boosting local economy through job creation and agricultural advancements.

The farm also brings community members together during events and field days, and through its training encourages young people to consider futures in agriculture, aiding in community retention.

## **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.

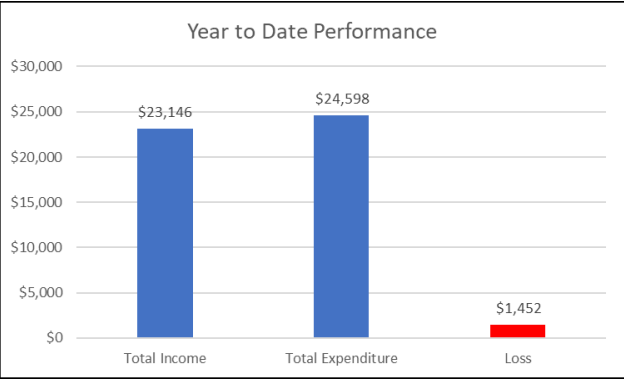
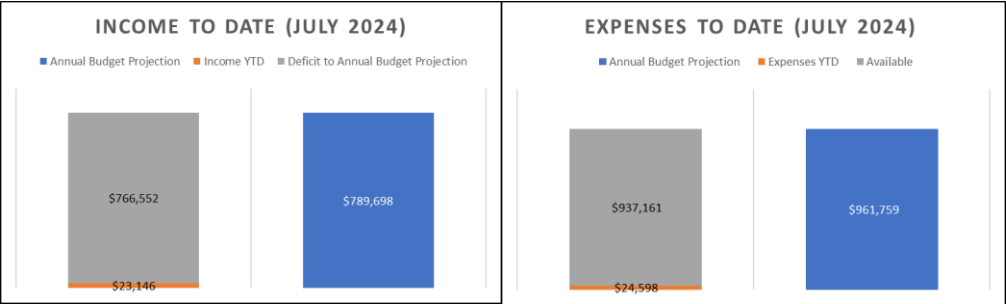
<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	<p>The Shire's risks regarding Rylington Park Farm include costs of operating the farm and funding programs may not always be covered by revenue or grants. Fluctuations in agricultural markets can affect the farm's economic viability.</p> <p>Extreme weather events could impact farm operations and ensuring all farming practices meet regulatory standards.</p>

## **CONSULTATION**

Nil

RESOURCE IMPLICATIONS

Financial



Workforce  
Nil

End

### 9.3.4 COMMITTEES OF COUNCIL – BOYUP BROOK DISTRICT PIONEERS MUSEUM COMMITTEE

<b>File Ref:</b>	GO/51/001
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Magdalena Le Grange, Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	Nil

**Moved: Cr. Caldwell      Seconded: Cr. O'Connell      Third: Cr. Inglis**

#### **COUNCIL DECISION (1) 24/08/173**

**That Council:**

1. Partially Rescind part (2(i)) of its Resolution 23/10/203, Ordinary Council Meeting of 26 October 2023, as follows:

***“i) Boyup Brook District Pioneers Museum***

***~~Cr King be appointed to BBMC, and Deputy Shire President Cr O'Connell as deputy.~~***

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**Moved: Cr. O'Connell      Seconded: Cr. King**

#### **COUNCIL DECISION 24/08/174**

**That Council suspend Standing Orders as per clause 15.6 of the Standing Orders Local Law No. 1 to allow free and open discussion on the matter.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**Moved: Cr. Kaltenrieder      Seconded: Cr. Alexander**

#### **COUNCIL DECISION 24/08/175**

**That Council resume Standing Orders as per clause 15.6 of the Standing Orders Local Law No. 1.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**Moved: Cr. O'Connell****Seconded: Cr. Alexander****COUNCIL DECISION (2) 24/08/176****That Council:**

- 1. Appoint Cr O'Connell to BBMC, and Cr Inglis as proxy.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

Council is requested to nominate an alternative Elected Member on the Boyup Brook District Pioneers Museum Committee.

**BACKGROUND**

At the Ordinary Council Meeting of 26 October 2023 Council resolved inter alia as follows:

- "2. Appoint the following Elected Members as a Delegate on the following external / internal committees / groups:*

- i) Boyup Brook Museum Committee (BBMC)*

*Cr King be appointed to BBMC, and Deputy Shire President Cr O'Connell as deputy.*


***CARRIED BY ABSOLUTE MAJORITY 8/0***

***For: Cr Walker, Cr O'Connell, Cr Kaltenrieder, Cr King, Cr Alexander, Cr Caldwell, Cr Inglis, Cr Wright  
Against: Nil"***

**REPORT DETAIL**

Cr. King formally resigned from the Boyup Brook District Pioneers Museum Committee as Shire representative on 23 July 2024. As a result, a new Elected Member needs to be nominated to represent the Shire of Boyup Brook together with Councillor O'Connell on the Boyup Brook District Pioneers Museum Committee.

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

	<b>Key Imperatives</b>	<b>Governance and Organisation</b>
	<b>Objective</b>	Demonstrate effective leadership, advocacy and governance.
	<b>Outcome</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.
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## **OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

- *Local Government Act 1995*

### **5.8 Establishment of committees**

*A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

*\*Absolute majority required.*

### **5.9 Committees, types of**

- (1) *In this section —*  
**other person** means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
  - (a) *council members only; or*
  - (b) *council members and employees; or*
  - (c) *council members, employees, and other persons; or*
  - (d) *council members and other persons; or*
  - (e) *employees and other persons; or*
  - (f) *other persons only.*

### **5.10 Committee members, appointment of**

- (1) *A committee is to have as its members —*
  - (a) *persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
  - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

*\* Absolute majority required.*

- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
  - (a) *to be a member of the committee; or*
  - (b) *that a representative of the CEO be a member of the committee,**the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

#### **5.11 Committee membership, tenure of**

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) *the person resigns from membership of the committee; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,**whichever happens first.*
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the term of the person's appointment as a committee member expires; or*
  - (b) *the local government removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary election day,*

*Whichever happens first.*

**SUSTAINABILITY AND RISK CONSIDERATION****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 risk that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	Non-representation on the various committees / groups could result in the Council not being included in certain initiatives.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

Nil

**Workforce**

Nil

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End

<b>9.3.5 SANDAKAN SCHOLARSHIP PROGRAM REPRESENTATION</b>	
<b>File Ref:</b>	CR/26/006
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Nicki Jones, Manager Community Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	Nil

**Moved: Cr. Caldwell****Seconded: Cr. O'Connell****COUNCIL DECISION 24/08/177****That Council:**

- 1. Appoint Cr Wright to represent the Shire on the interview panel for the Sandakan Scholarship on Monday 9 September 2024.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

An Elected Member is invited to represent the Shire of Boyup Brook on the interview panel for the 2024 Sandakan Scholarship Program. The interviews will take place during the day on Monday 9<sup>th</sup> September 2024.

**BACKGROUND**

The Sandakan Scholarship Program commenced in 2002 and is a joint project between the Boyup Brook Lions Club, Boyup Brook RSL Sub-Branch and Boyup Brook District High School (BBDHS) with strong support from the Shire of Boyup Brook.

The scholarship forms an important part of the BBDHS curriculum with students learning the history of the Sandakan Death Marches in WWII.

**REPORT DETAIL**

As part of the teaching curriculum in Humanities and Social Science (HASS), BBDHS include Australia's involvement in the events that took place in Sandakan. The school requires all year 9 students to participate in the Sandakan Scholarship Program as part of the curriculum with year 10 students also encouraged to enter. Lessons about the events that took place in Sandakan are taught in HASS, and with the support from teaching staff, students enter their assignments into the scholarship program where a winner is selected.


Students are required to participate in an interview with a panel which includes representatives from the Boyup Brook RSL Sub-Branch, a Boyup Brook Shire Councillor, a community member, and a teacher from BBDHS who has not been

involved with the program. The interview process is held to determine the student's level of understanding of the events that took place.

In addition, students are required to write and deliver either a poem, speech or create a piece of art to express their personal views on what happened at Sandakan. This is delivered to their peers and members of the public and is an opportunity for students to relate the events to the local community. This is scheduled into the school curriculum to run in line with the Sandakan Memorial Service in September each year where the winner delivers their speech during the service.

The winning student and their parent/guardian travel to Borneo and experience the country on Anzac Day, attending services and visiting memorials. The scholarship is a great learning opportunity, ensuring our youth continue to be educated in both Boyup Brook's and Australia's wartime history.

### **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	<b>Key Imperatives</b>	<b>Social and Community</b>
	<b>Outcome</b>	Encourage the preservation of our culture, heritage and history.
	<b>Objective</b>	Partner with stakeholders to promote Boyup Brook, preserving our history for future generations and sharing the rich heritage of the Shire.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **SUSTAINABILITY AND RISK CONSIDERATION**

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

Nil

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

The Sandakan Scholarship Program is a great learning opportunity, ensuring our youth continue to be educated in both Boyup Brook's and Australia's wartime history.

### **POLICY IMPLICATIONS**

Nil

### **RISK MANAGEMENT IMPLICATIONS**

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

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<b>Risk Level</b>	<b>Comment</b>
<b>Low</b>	There is no known risk.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

Nil

**Workforce**

Nil

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End

## Impartiality Interest

Cr Inglis declared an Impartiality Interest in item 9.3.6 Offer to Purchase Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook as his wife if the treasurer of the Boyup Brook Cooperation.

<b>9.3.6 OFFER TO PURCHASE LOT 13129, (2730) BRIDGETOWN-BOYUP BROOK ROAD, BOYUP BROOK (SALEYARDS)</b>	
<b>File Ref:</b>	RESERVE 33552 & A40350
<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

**Moved: Cr. Caldwell**

**Seconded: Cr. Alexander**

### **COUNCIL DECISION 24/08/178**

**That Council:**

- 1. Acknowledge the 'Offer to Purchase' from the Boyup Brook Co-op for Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook for the price of \$300,000.**
- 2. Request the Chief Executive Officer to advice the Boyup Brook Co-op that the property will remain on the market until 31 October 2024 to allow for any other offers to be presented to Council.**
- 3. Subject to (2.) above request the Chief Executive Officer to advertise the potential sale of Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook, in accordance with s3.58(3) of the *Local Government Act 1995*.**
- 4. Subject to (2.) above request the potential purchaser to provide the Shire of Boyup Brook with a development plan prepared by a suitably qualified consultant indicating the potential development proposed.**
- 5. Following compliance with (2.), (3) and (4) above will formally consider the 'Offer to Purchase' Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

## **SUMMARY**

Council is requested to consider the potential disposal of Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook.

## **BACKGROUND**

Council at its Ordinary Council meeting of 30 November 2023, resolved as follows:

*“Moved: Cr King                      Seconded: Cr Caldwell*

### ***COUNCIL DECISION 23/11/228***

*That Council:*

- 1) Request the Chief Executive Officer to investigate the cost of subdividing Lot 13129 Bridgetown-Boyup Brook Road (Saleyards) into five (5) lots as well as any other associated cost.*
- 2) Request the Chief Executive Officer to report the findings requested in (1.) above back to Council to consider selling or subdividing Lot 13129 Bridgetown-Boyup Brook Road (Saleyards).*

***CARRIED 7/1***

*For: Cr Walker, Cr O’Connell, Cr Alexander, Cr Caldwell, Cr Wright, Cr King,  
Cr Inglis*

*Against: Cr Kaltenrieder”*

As per the resolution a further report was presented to Council outlining potential cost to develop the site. Subsequently the following resolution was passed at the 30 May 2024 Ordinary Council Meeting.

*“Moved: Cr. Inglis                      Seconded: Cr. Caldwell*

### ***COUNCIL DECISION 24/05/078***

*That Council:*

- 1. Approve the listing of Lot 13129 Bridgetown-Boyup Brook Road (old saleyards) for sale, subject to compliance with s3.58 of the Local Government Act 1995.*
- 2. Request the Chief Executive Officer to engage a Real Estate Agent to list the property in (1.) above for sale.*

***CARRIED BY ABSOLUTE MAJORITY 7/0***

*For: Cr Walker, Cr O’Connell, Cr Alexander, Cr Inglis, Cr King, Cr Caldwell,  
Cr Wright*

*Against: Nil”*

## **REPORT DETAIL**

Lot 13129 Bridgetown-Boyup Brook Road, Boyup Brook is the location of the old saleyards. There is currently an arrangement in place with a local trucking company to use the washdown bay located on the property.

The property is 4,0753ha in size, and in terms of the Boyup Brook Town Planning Scheme No. 2 zoned “Industry – Light” (Scheme Amendment 21).

The Objective of this zoning is:

- To provide for a range of industrial uses and service industries compatible with urban areas, which cannot be located in commercial zones.
- To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened, or otherwise treated so as not to detract from the residential amenity.

An ‘Offer to Purchase’ has been received from the Boyup Brook Co-op (**Attachment A**) to purchase the site for an amount of \$320,000 if the Shire undertake the cleanup of the site or alternatively \$300,000 and the property is purchased ‘As Is’.

In summary should the Boyup Brook Co-op be successful with the purchase, it is proposed to develop the site in three (3) stages.

Stage 1: development of a large goods shed 3 – 5-year plan.



Stage 2: development of a commercial property for lease 3 – 5-year plan.

Stage 3: development of a purpose-built rural retail shed 5 – 10 year plan.

The Shire has obtained a valuation from a registered valuer, who valued the property ‘As Is’ for \$400,000. It must be noted that the property has not yet been placed on the market with the final paperwork only completed in the past couple of weeks.

It is Shire officers’ opinion to ensure the potential sale of the property remains open and transparent the property as required by ‘*COUNCIL DECISION 24/05/078*’ remain on the market until 31 October 2024, after which the ‘Offer to Purchase’ from the Boyup Brook Co-op be progressed.

#### **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	<b>Key Imperatives</b>	<b>Economic Development</b>
	<b>Outcome</b>	Be a business friendly Shire and create conditions for economic growth.
	<b>Objective</b>	Partner with key stakeholders and support development of industry/business incubation, innovation and entrepreneurship using a planned approach.
	<b>Key Imperatives</b>	<b>Governance and Organisation</b>
	<b>Objective</b>	Demonstrate effective leadership, advocacy, and governance.
	<b>Outcome</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*

The statutory requirements for the disposal of local government property are found in s3.58 of the *Local Government Act 1995*. Unless the sale is exempt, the Shire can dispose of the land on one (1) of the following three (3) ways:

- Public Auction.
- Public Tender.
- By 'private treaty' (i.e., a sale to an individual privately).

Public Auction – If the sale is conducted by auction, the land must be sold to the highest bidder. The *Auction Sales Act 1973* deals with the legalities of a sale by auction.

Public Tender – If the sale is conducted by public tender, the Shire may determine what is the 'most acceptable tender, whether or not it is the highest tender'. In the sale of land, generally, the highest tender would be the most acceptable, although there may be cases where the tender is conditional, and the Shire may consider that the terms of the condition(s) mean the tender is not the most acceptable. Part four (4) of the *Local Government (Functions and General) Regulations* deals with the requirements for public tenders where the local government calls for tender for the supply of goods or services under s3.57 of the Act.

Private Treaty – It requires (in summary):

- Ascertaining the market value of the property through a valuation carried out not more than 6 months before the proposed disposition.
- Reaching a conditional agreement with a proposed purchaser (which may or may not reflect the market valuation).
- Giving two (2) week's local public notice of the proposed disposition, describing the property concerned and the details of the proposed disposition (which must include the other party's details, the market valuation and the amount at which the Shire proposes to sell).

## **SUSTAINABILITY AND RISK CONSIDERATION**

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

The sale of the property will result in a positive impact on the local economy because of potential development. Any potential development will also provide employment opportunities for the Boyup Brook community.

### **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 risk that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	Advertising the property for sale on the open market until 31 October 2024 will ensure the sale is open and transparent.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

Shire would be required to obtain a valuation of the property if the sale is not completed by January 2025 due to legislative requirements, as well as undertake the required advertising.

This cost will be absorbed within the 2024/25 budget.

**Workforce**

Nil

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End

### Impartiality Interest

Cr King declared an Impartiality Interest in item 9.3.7 Request to Waive Development Application Fee for Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being a Committee Member of the Blackwood Basin Group.

### Financial Interest

Cr O'Connell declared a Financial Interest in item 9.3.7 Request to Waive Development Application Fee for Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being an employee of the Blackwood Basin Group.

Cr O'Connell left the Chambers at 6:30pm.

Cr O'Connell returned to the Chambers at 6:31pm.

<b>9.3.7 REQUEST TO WAIVE DEVELOPMENT APPLICATION FEE FOR DEVELOPMENT APPLICATION – (ADVERTISEMENT) – LOT 169 RAILWAY PARADE, BOYUP BROOK</b>	
<b>File Ref:</b>	RESERVE 11497
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Blackwood Basin Group Inc
<b>Author and Title:</b>	Magdalena Le Grange, Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number</b>	Nil

**Moved: Cr. Alexander**

**Seconded: Cr. Kaltenrieder**

#### **COUNCIL DECISION 24/08/179**

**That Council:**

- 1. Refuse the request from the Blackwood Basin Group to waive the development application fee of \$147 for the development application – (advertisement) – Lot 169 Railway Parade, Boyup Brook.**

**CARRIED BY ABSOLUTE MAJORITY 5/1**

**For: Cr Walker, Cr Alexander, Cr Kaltenrieder, Cr Inglis, Cr Caldwell  
Against: Cr King**

### **SUMMARY**

The purpose of this report is for Council to consider a request from the Blackwood Basin Group to waive the development application fee for the development application – (advertisement) – Lot 169 Railway Parade, Boyup Brook.

## **BACKGROUND**

As part of the Blackwood Basin Group's ongoing project that has seen the restoration of the Boyup Brook Billabong, they had an informative sign installed last November to the right of the pathway at the entrance of Kura Kartaga Langa Reserve approximately 70 meters up from the billabong.

## **REPORT DETAIL**

The Blackwood Basin Group is currently looking to install a second informative sign nearby the first sign. The second sign is intended to compliment the first and offer some indigenous cultural information to connect the community of Boyup Brook to some of the rich cultural heritage that the Billabong has.




The sign will be no more than 2.4m wide and will be installed on steel posts fixed into the ground as per the first sign.

'Interpretive signage' is often used in places to tell the stories of significant people, buildings and history. 'Interpretive Signage' helps to engage viewers, to encourage an emotive connection, to create a point of interest and to enhance the experience of a place. 'Interpretive Signage' also contributes to the cultural landscape and fosters a sense of identity and pride to the community.

Shire officers do not support the request for the following reason:

1. There is a cost involved in the processing and assessment of applications which if waived will need to be covered by the rate payers.

## **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	<b>Key Imperatives</b>	<b>Built Environment</b>
	<b>Outcome</b>	Preserve the history and heritage of our built environment.
	<b>Objective</b>	Improve management and maintenance of community, heritage and historic sites and facilities in the Shire.
	<b>Key Imperatives</b>	<b>Social and Community</b>
	<b>Outcome</b>	Encourage the preservation of our culture, heritage and history.
	<b>Objective</b>	Partner with stakeholders to promote Boyup Brook, preserving our history for future generations and sharing the rich heritage of the Shire.
	<b>Key Imperatives</b>	<b>Natural Environment</b>
	<b>Objective</b>	Manage responsible growth with respect to Boyup Brook's natural environmental heritage.
	<b>Outcome</b>	Preserve significant places of interest. Create attractive streetscapes, green spaces and riverside trails.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Nil

**SUSTAINABILITY AND RISK CONSIDERATION****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 risk that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	Shire is aware of the importance of heritage and the necessity of its conservation for the community. Conservation of heritage places are also considered a growth point for the heritage - based tourism that supports the community economy, including numerous cottage industries.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS****Financial**

Should Council resolve to waive the development application fee this will be loss of income which would then need to be offset by other funds.

**Workforce**

Nil

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End

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<b>9.3.8 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029</b>	
<b>File Ref:</b>	CR/31/015
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Angela Hales, Environmental Health Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Attachment Number:</b>	9.3.8A – Draft Disability and Inclusion Plan 2024-2029

**Moved: Cr. King****Seconded: Cr. O'Connell****COUNCIL DECISION 24/08/180****That Council:**

- 1. Adopt the Disability Access and Inclusion Plan (2024-2029) (Attachment 9.3.8A).**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

The purpose of this report is for Council to adopt the Disability Access and Inclusion Plan (DAIP) 2024-2029 in accordance with legislation.

**BACKGROUND**

Previous Shire DAIP's covered the period 2007-2012, 2013-2018, 2019-2023 with the plans being lodged with the Department by July 30th in the year of development.

Administration provides a yearly report to the Department of Communities on the progress of actions within the Plan across the seven mandated outcome areas which are:

- ☐ Services and Events
- ☐ Buildings and Facilities
- ☐ Information and Communication
- ☐ Quality Service
- ☐ Complaint Mechanisms
- ☐ Consultation Processes and
- ☐ Employment

The most recent report on the progress of our current Plan was submitted to the Department of Communities in July 2024. Some highlights from the most recent progress report include:

## **REPORT DETAIL**




Preparation of a Disability Access and Inclusion Plan is a legislative requirement under the *Disability Services Act 1993* (amended 2004).

The Shire's previous plan (2018-2023) has expired, and therefore requires renewing and updating to ensure it is relevant and reflects the strategic direction of the Shire.

The *Disability Services Act 1993* requires public authorities, which includes Local Governments, to review their DAIP's at least every five years.

The minimum requirements are that public authorities must call for submissions regarding DAIPs in a format that reflects the "normal" feedback methods for the community.

## **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	<b>Key Imperatives</b>	<b>Built Environment</b>
	<b>Outcome</b>	Provide sustainable infrastructure that serves the current and future needs of the community.
	<b>Objective</b>	Increase road safety, improve road infrastructure, networks and parking.
	<b>Key Imperatives</b>	<b>Built Environment</b>
	<b>Outcome</b>	Create a safe and inviting community for locals and visitors.
	<b>Objective</b>	Implement measures to maximise public health, safety and accessibility outcomes.
	<b>Key Imperatives</b>	<b>Governance and Organisation</b>
	<b>Objective</b>	Effectively communicate and engage the community.
	<b>Outcome</b>	Provide the community with relevant, timely information and effective engagement. Work with groups from across the community to address concerns regarding facilities and services. Partner with key stakeholders to deliver community projects.

## **OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

Under Part 5, Section 28 of the *WA Disability Services Act 1993*, public authorities are required to develop and implement a Disability Access and Inclusion Plan. This Plan must be reviewed at least every five years.

The current plan (2019-2023) has expired, and a revised Plan is required to be developed and adopted by Council before it is submitted to the Department of Communities.

### **SUSTAINABILITY AND RISK CONSIDERATION**

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

The plan will have a positive impact within our economy as it will make the space more accessible for community members and be inviting for visitors with disability.

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

The plan will have a positive effect on the social wellbeing and health factors of people with disability by supporting them in the community and encouraging when to participate in society.

### **POLICY IMPLICATIONS**

Nil

### **RISK MANAGEMENT IMPLICATIONS**

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

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	The Plan will reduce the risk to the Shire through compliance, and act as a framework for the implementation of strategies and initiatives to support people with disabilities.

### **CONSULTATION**

The amendments to the *Disability Services Act 1993*, make community consultation mandatory.

Administration commenced the consultation process in April 2024, to ensure the process was collaborative, to track sentiment and obtain responses from the community. Consultation utilised a variety of methods, including advertisement in the local gazette, posters on notice boards around town in A3 format, use of social media platforms and direct contact with key stakeholders that work with people with disability.

Internal consultation has also occurred across the impacted business units to ensure budgetary considerations are included in planning.

Feedback and suggestions have been included as part of the review process and included in strategies where applicable, with the most noted change being the formation of a working group of local organisations with a vested interest and subject matter experts who work in the field and represent community members.

The draft plan has been reviewed by internal stakeholders as well as the Department of Communities who advised it is compliant with the Shire's obligations under the Act.

### **RESOURCE IMPLICATIONS**

#### **Financial**

Funding for implementation of the plan has been considered during the 2024-2025 budget process.

#### **Workforce**

Nil

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End

<b>9.3.9 OFFER TO PURCHASE LOT 1 (60) FORREST STREET, BOYUP BROOK</b>	
<b>File Ref:</b>	A2009 & A15327
<b>Previous Items:</b>	Item 9.3.5, OCM 30 November 2023
<b>Applicant:</b>	Smook Trust
<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

**Moved: Cr. Alexander**

**Seconded: Cr. O'Connell**

**COUNCIL DECISION 24/08/181**

**That Council:**

- 1. Acknowledges the “Offer to Purchase” from Smook Trust for Lot 1 (60) Forrest Street, Boyup Brook for the price of \$95,000.**
- 2. Request the Chief Executive Officer to obtain a valuation of Lot 1 (60) Forrest Street, Boyup Brook, in accordance with s3.58(4)(c)(i) of the *Local Government Act 1995*.**
- 3. Request the Chief Executive Officer to advertise the potential sale of Lot 1 (60) Forrest Street, Boyup Brook, in accordance with s3.58(3) of the *Local Government Act 1995*.**
- 4. Request the potential purchaser to provide the Shire of Boyup Brook with a development plan prepared by a suitably qualified consultant indicating the type of development proposed.**
- 5. Following compliance with (2), (3) and (4) above, will formally consider the ‘Offer to Purchase’ Lot 1 (60) Forrest Street, Boyup Brook.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

Council is requested to consider the potential disposal of Lot 1 (60) Forrest Street, Boyup Brook.

**BACKGROUND**

Lot 1 (60) Forrest Street, Boyup Brook was the location of the original bowling greens.

At the Ordinary Council Meeting of 25 July 2024, the applicant provided Council with a brief overview of a residential “Grouped Dwellings” proposal to be developed on Lot 1 (60) Forrest Street, Boyup Brook.

At the Ordinary Council Meeting of 30 November 2023, Council resolved as follows:

*“Council Resolution 23/11/229*

*That Council:*

1. *Approve the listing of the following lot for sale:*
  - a. *Lot 1 Forrest Street (old bowling green)*
2. *Request the Chief Executive Officer to engage a Real Estate Agent to list the properties in (1.) above for sale.*

**CARRIED BY ABSOLUTE MAJORITY”**

The property has since been listed with both Hardcourts Estate Agents as well as John Rich Real Estate.

### **REPORT DETAIL**

Lot 1 (60) Forrest Street, Boyup Brook was the location of the bowling greens prior to its relocation to the existing site. Since the bowling club has relocated the land has remained undeveloped and unused.

The property is 3,785m<sup>2</sup> in size, and in terms of the Boyup Brook Town Planning Scheme No. 2 zoned “Commercial” (Scheme Amendment 22). The Objective of this zoning is:



- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
- To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, material, street alignment and design of facades.
- To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.

The draft Local Planning Strategy also identifies the property for “Commercial” purposes.

In June 2021 the property was valued by Acumentis (Certified Practising Valuers) at \$70,000. This valuation was based on the property being zoned “Commercial”.

The proponent has indicated that they would like to develop the property with accommodation facilities which in terms of the scheme, depending on the type of use could be accommodated under the current zoning of “Commercial”.

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

	<b>Key Imperatives</b>	<b>Economic Development</b>
	<b>Outcome</b>	Be a business friendly Shire and create conditions for economic growth.
	<b>Objective</b>	Partner with key stakeholders and support development of industry/business incubation, innovation and entrepreneurship using a planned approach.
	<b>Key Imperatives</b>	<b>Governance and Organisation</b>
	<b>Objective</b>	Demonstrate effective leadership, advocacy and governance.
	<b>Outcome</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*

The statutory requirements for the disposal of local government property are found in s3.58 of the *Local Government Act 1995*. Unless the sale is exempt, the Shire can dispose of the land in one (1) of the following three (3) ways:

- Public Auction.
- Public Tender.
- By 'private treaty' (i.e., a sale to an individual privately).

**Public Auction** – If the sale is conducted by auction, the land must be sold to the highest bidder. The *Auction Sales Act 1973* deals with the legalities of a sale by auction.

**Public Tender** – If the sale is conducted by public tender, the Shire may determine what is the 'most acceptable tender, whether or not it is the highest tender'. In the sale of land, generally, the highest tender would be the most acceptable, although there may be cases where the tender is conditional, and the Shire may consider that the terms of the condition(s) mean the tender is not the most acceptable. Part four (4) of the Local Government (Functions and General) Regulations deals with the requirements for public tenders where the local government calls for tender for the supply of goods or services under s3.57 of the Act.

**Private Treaty** – It requires (in summary):

- Ascertaining the market value of the property through a valuation carried out not more than 6 months before the proposed disposition.
- Reaching a conditional agreement with a proposed purchaser (which may or may not reflect the market valuation).

- Giving two (2) week's local public notice of the proposed disposition, describing the property concerned and the details of the proposed disposition (which must include the other party's details, the market valuation and the amount at which the Shire proposes to sell).

### **SUSTAINABILITY AND RISK CONSIDERATION**

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

The sale of the property will result in a positive impact on the local economy because of potential development. Any potential development will also provide employment opportunities for the Boyup Brook community.

#### **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 risk that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
<b>Moderate</b>	Not progressing the 'Offer to Purchase' could result in the offer being withdrawn and the property remaining on the market. During this period the Shire is incurring costs to maintain the property.

### **CONSULTATION**

Nil

### **RESOURCE IMPLICATIONS**

#### **Financial**

Should the 'Offer to Purchase' be acknowledged, the Shire would be required to obtain a valuation of the property as well as undertake the required advertising.

This cost will be absorbed within the 2024/25 budget.

#### **Workforce**

Nil

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End

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<b>9.3.10 COMMUNITY SPORTING AND RECREATION FUND – RECREATION CENTRE GRANT APPLICATION</b>	
<b>File Ref:</b>	FM/25/085
<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>	9.3.10A – Approved floor plan

**Moved: Cr. Inglis**

**Seconded: Cr. Alexander**

**COUNCIL DECISION 24/08/182**

**That Council:**

- 1. Authorise the Chief Executive Officer to sign and submit a grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) – Community Sporting and Recreation Facilities Fund for the renovations / additions proposed for the Boyup Brook Recreation Centre (Attachment 9.3.10A).**
- 2. Commits as part of the Shire contribution to the Community Sporting and Recreation Facilities Fund Grant \$1,707,000, comprising of:**
  - a) \$813,000 Disaster Ready Fund grant.**
  - b) \$894,000 Shire own funds.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

Council is requested to consider the request for the Shire to submit an application for grant funding to the Department of Local Government, Sport and Cultural Industries – Community Sporting and Recreation Facilities Fund (CSRFF).

**BACKGROUND**

The purpose of the CSRFF program is to provide Western Australian Government financial assistance to develop basic infrastructure for sport and recreation.

The program aims to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

## **REPORT DETAIL**


The Shire is seeking a grant through the Department of Local Government, Sport and Cultural Industries (DLGSC) 'Community Sporting & Recreation Facilities Fund' (CSRFF) Forward Planning round for the upgrade and redevelopment of the Boyup Brook Sport & Recreation facility including Change rooms and ablutions, Sports storage, and Clubroom amenities to enable multi-purpose use and sharing of facilities by various sporting clubs and groups.

The DLGSC will provide 1/3 in grant funding for forward planning projects exceeding the cost of \$500,000 in the 2025/26 funding round. It should be noted that the project can be undertaken over three years from 2025/26 – 2027/28.

Grant application will include a thorough Needs Analysis, a Feasibility Study and a Management Plan.

The application is due at the end of September.

## **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	Key Imperatives	Governance and Organisation
	Objective	Demonstrate effective leadership, advocacy and governance.
	Outcome	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*

## **SUSTAINABILITY AND RISK CONSIDERATION**

**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 risk that may impact on the achievement of its business objectives.

<b>Risk Level</b>	<b>Comment</b>
<b>Low</b>	The Shire has a financial contribution available, there is minimal risk to the Shire to apply for the CSRFF grant.

### **CONSULTATION**

Shire officers have met with officials from the Department of Local Government, Sport and Cultural Industries on two (2) occasions to discuss the grant and submission requirements.

### **RESOURCE IMPLICATIONS**

#### **Financial**

The \$1,707,000 funds will be made up of the following, which have been approved by Council at its Ordinary Council Meeting of 25 January 2024, Council Decision 24/01/001.

Disaster Ready Fund grant for Upgrades to club rooms to serve as an evacuation centre	(\$813,000)
Transfer from Reserve – Rylington Park Community Projects Reserve	(\$447,000)
Transfer from Reserve – Building Reserve	(\$447,000)
Total	(\$1,707,000)

#### **Workforce**

Nil

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End

<b>9.3.11 TENDER EVALUATION REPORT (TENDER RFT 24/002) DESIGN AND CONSTRUCT – SANDAKAN PARK PLAYGROUND</b>	
<b>File Ref:</b>	FM/25/092
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Nil
<b>Author and Title:</b>	Nicki Jones, Manager Community Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	Nil

**Moved: Cr. King**

**Seconded: Cr. O'Connell**

**COUNCIL DECISION 24/08/183**

**That Council:**

- 1. Awards Tender 24/002 Design and Construct – Sandakan Park Playground to Active Discovery – Option 1.**

**CARRIED 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**SUMMARY**

This report is for Council to consider and award RFT 24/002 request for tender to Design and Construct Sandakan Park Playground.

**BACKGROUND**

The Sandakan Park Playground, located within Sandakan Park in Boyup Brook, serves as the town's main playground and recreational space for both the local community and visitors.

After years of being in disrepair, the Shire has successfully secured \$1.716,000 in funding from the local mining company Talison Lithium to transform the Playground into a new inclusive all-ages playground at Sandakan Park.

This redevelopment will create a safe and accessible play space for all ages, combining traditional playground features with nature play elements and an all-ages play area.

**REPORT DETAIL**

Five (5) tenders were received with a total of eight (8) options between them as indicated below:

<b>Tenderer</b>
Active Discovery – Option 1
Active Discovery – Option 2
Active Discovery – Option 3
CRS Creative – Concept 1
CRS Creative – Concept 2
LD Total
Nature Playgrounds
Phase 3 Landscape Constructions Pty Ltd

The following assessment matrix was used by the evaluation panel when assessing the individual tenders.


<b>Tender Assessment Matrix</b>		
1	Design	40%
2	Relevant experience, expertise and project team	20%
3	Methodology	20%
4	Past performance	10%
5	Budget	10%
		100%

Each of the tenderers offered a design they felt encapsulated the history and culture of Boyup Brook.

The evaluation panel's recommendation to engage Active Discovery is supported by:

- The design is encompassing of all age groups
- The design includes play spaces and equipment which is disability friendly
- The design is within the budgeted amount
- The design has a projected maintenance schedule within the Shire's long term financial plan
- Active Discovery have a proven track record.

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

	<b>Key Imperatives</b>	<b>Governance and Organisation</b>
	<b>Objective</b>	Demonstrate effective leadership, advocacy and governance.
	<b>Outcome</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*

*Local Government (Functions and General) Regulations 1996 – Part 4 – Provision of goods and services.*

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

Building the all-ages playground near the town centre can generate positive economic effects by drawing more visitors and residents to the area, which in turn boosts local businesses. The rise in foot traffic typically leads to increased sales for nearby shops and cafes, contributing to a more lively and economically prosperous town centre.

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

An all-ages playground provides substantial social benefits by creating a shared space where individuals and families can gather, socialise, and participate in recreational activities. It enhances community cohesion, promotes healthy lifestyles, and serves as a natural gathering place for people from various backgrounds, fostering inclusivity and strengthening social bonds within the community.

**POLICY IMPLICATIONS**

Shire of Boyup Brook – Policy G9 - Purchasing

**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>
<b>Low</b>	The project does pose very little risk to Council, with the project fully funded through the 2024-25 budget.

**CONSULTATION**

- Tenders were advertised in the West Australian on 6<sup>th</sup> July 2024 and closed at 3:00pm on 2<sup>nd</sup> August 2024 with an extension until 3:00pm 9<sup>th</sup> August 2024.
- Sandakan Playground Working Group.

**RESOURCE IMPLICATIONS****Financial**

A grant of \$1,716,000 ex GST has been awarded from Talison Lithium. The preferred option comes in under this amount. Subsequently, Shire officers will be required to work with the consultant to bring the amount up to the grant amount. This will be achieved by including additional features in the overall plan, following consultation with the working group.

**Workforce**

Nil

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End

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## 9.4 PLANNING

### Impartiality Interest

Cr King declared an Impartiality Interest in item 9.4.1 Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being Committee Member of the Blackwood Basin Group.

### Financial Interest

Cr O'Connell declared a Financial Interest in item 9.4.1 Development Application – (Advertisement) – Lot 169 Railway Parade, Boyup Brook being an employee of the Blackwood Basin Group.

Cr O'Connell left the Chambers at 6:34pm.

Cr O'Connell returned to the Chambers at 6:35pm.

<b>9.4.1 DEVELOPMENT APPLICATION – (ADVERTISEMENT) – LOT 169 RAILWAY PARADE, BOYUP BROOK</b>	
<b>File Ref:</b>	RESERVE 11497
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Blackwood Basin Group Inc.
<b>Author and Title:</b>	Adrian Nicoll, Urban and Regional Planner
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Attachment Number</b>	Nil

**Moved: Cr. Alexander**

**Seconded: Cr. Inglis**

### **COUNCIL DECISION 24/08/184**

**That Council:**

**A. Approve the Development Application for the proposed Advertisement, at Lot 169 Railway Parade, Boyup Brook, 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 Shire of Boyup Brook, all development shall occur in accordance with the approved plans.**
- 2. The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.**

**Advice Notes:**

- 1. Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it**

was erected or displayed, Council may, by notice in writing, require the advertiser to:-

- Repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or
  - Remove the advertisement.
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. 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.
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.

**CARRIED 6/0**

**For: Cr Walker, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

### **SUMMARY**

The purpose of this report is to put before Council the request to develop an Advertisement (sign on poles), fronting the 'Boyup Brook Billabong', which is located behind the old Boyup Brook Railway Station.

Council discretion is required in accordance with the Shire's *Local Planning Scheme No.2* (clause 46), which requires development approval for Advertisements, unless exempted in accordance with the scheme.

This report item recommends that the Council support the proposed Advertisement (Pylon Sign), subject to a condition ensuring ongoing maintenance.

### **BACKGROUND**

Behind the old Railway Buildings located off Railway Parade, a short trail leads to a tranquil rock pool, which is known as the 'Boyup Brook Billabong'. The Billabong is a place of special memories to the Noongar people.

The 'Blackwood Basin Group' (a community-based organisation that coordinates environmental management within the Blackwood River Catchment) is undertaking a project to restore the 'Boyup Brook Billabong' and to develop paths and an interpretive sign.

## **REPORT DETAIL**

The purpose of the sign is to provide indigenous cultural information, to connect the community of Boyup Brook to some of the rich cultural heritage associated with the Billabong located along the 'Boyup Brook'.

The following site plan illustrates the proposed location of the sign. The sign is proposed to be located at the entrance to the bush reserve area and a path that leads to the Billabong.



The sign is approximately 2.4m in length, 1.2m in width and is proposed to be developed 1 to 2m off ground level (eye level). The following is the proposed sign and including proposed literature, which includes respect to the Aboriginal People and information around flora and fauna.



The sign is expected to contribute to the heritage precinct and is not expected to impact on the natural landscape, native vegetation and pedestrian or vehicular movement.

Council is requested to approve the development of the Advertisement (Pylon Sign), subject to a condition requiring the maintained to the satisfaction of the Shire of Boyup Brook.

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

	<b>Key Imperatives</b>	<b>Social and Community</b>
	<b>Outcome</b>	Develop a vibrant inviting town with a strong community spirit, welcome new people to town, promote Boyup Brook as a safe and inclusive place to live.
	<b>Objective</b>	Encourage the preservation of our culture, heritage and history.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

The Shire's *Local Planning Scheme No.2* states the following at clause 46:

*All advertisements require an application for development approval, unless exempted in Schedule A - Supplemental Provisions to the Deemed Provisions or Schedule 4 – Exempted Advertisements of this Scheme.*

The development exemptions identified in Schedule A and Schedule 4 do not apply to the proposed sign.

## **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>
<b>Moderate</b>	<p>In accordance with the <i>Planning and Development Act 2005</i>, if a development has been undertaken in contravention of planning requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development —</p> <p>(a) to remove, pull down, take up, or alter the development; and</p> <p>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</p> <p>Unless otherwise provided, a person who commits an offence under the <i>Planning and Development Act 2005</i> is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.</p>

## **CONSULTATION**

The Boyup Brook Tourism Association (BBTA) have an interest in the precinct from a heritage and tourism perspective. The BBTA have no issues with the proposed sign design, sign location and sign writing.

## **RESOURCE IMPLICATIONS**

### **Financial**

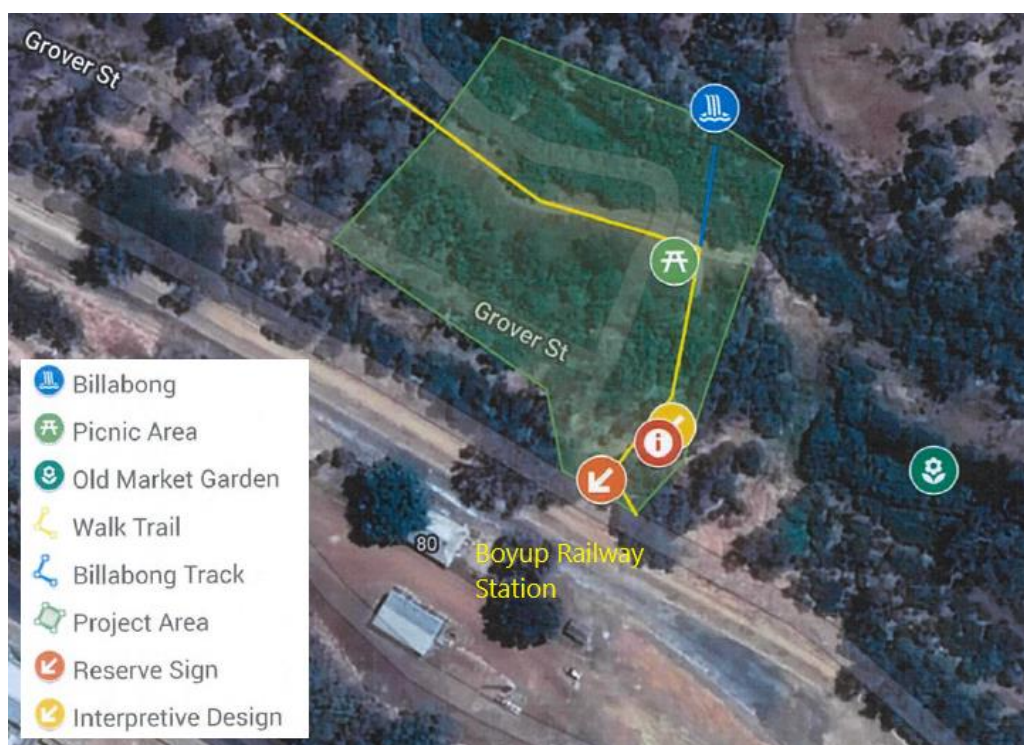
Nil

### **Workforce**

Nil

## Approved Plans

### Site Plan



### Development Plan



End

## 10. MINUTES OF COMMITTEES

### 10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES – 7 AUGUST 2024

Moved: Cr. King

Seconded: Cr. Caldwell

#### COUNCIL DECISION 24/08/185

That Council:

1. Receive the unconfirmed minutes of the Local Emergency Management Committee Meeting held on 7 August 2024.

CARRIED 7/0

For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil

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

Nil

### 12. LATE ITEMS / URGENT BUSINESS MATTERS

Nil

### 13. CONFIDENTIAL ITEMS OF BUSINESS

Moved: Cr. Alexander

Seconded: Cr. Inglis

#### COUNCIL DECISION 24/08/186

That Council suspend Standing Orders as per clause 15.6 of the Standing Orders Local Law No. 1 to allow free and open discussion on the matter.

CARRIED 7/0

For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil

Moved: Cr. Kaltenrieder

Seconded: Cr. O'Connell

#### COUNCIL DECISION 24/08/187

That Council resume Standing Orders as per clause 15.6 of the Standing Orders Local Law No. 1.

CARRIED 7/0

For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil

**13.1. CLOSURE OF MEETING TO THE PUBLIC**

**Moved: Cr. King                      Seconded: Cr. Kaltenrieder**

**COUNCIL DECISION 24/08/188**

1. 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 6:36pm.

**CARRIED BY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

**13.1.1 NAMING OF THE MAIN ENTRANCE TO THE BOYUP BROOK OVAL**

<b>File Ref:</b>	RESERVE 1454
<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

**Moved: Cr. Alexander                      Seconded: Cr. King**

**COUNCIL DECISION 24/08/189**

**That Council:**

1. Approved the naming of the main entrance to the Boyup Brook Oval to be known as the Sandy Chambers Entrance.
2. Request the Chief Executive Officer to obtain written permission from the Chambers family (wife) to name the main entrance to the Boyup Brook Oval in commemoration of Sandy Chambers.
3. Requests the Chief Executive Officer to undertake Community Consultation allowing for a minimum of 28 business days for lodging an objection to the proposed naming.
4. Subject to no objections being received, request the Chief Executive Officer, to arrange for the name on the main entrance as approved in (1.) above.

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,  
Cr King, Cr Caldwell  
Against: Nil**

## **SUMMARY**

In recognition of the contribution made by Leslie Martin Edward (Sandy) Chambers, Council is requested to consider naming the main entrance to the Boyup Brook Oval the Sandy Chambers entrance.

## **BACKGROUND**

Sandy Chambers is a highly esteemed artist and sculptor who made Boyup Brook his home since emigrating from the UK in 1964. Over the years, Sandy has contributed significantly to the local community through his diverse artistic works, which include sand sculptures, murals, and innovative holographic statues. His artwork is a familiar sight around Boyup Brook, reflecting his deep connection to the area.

Sandy's contributions to the arts have not gone unnoticed. Along with his wife Jacqui, he played a pivotal role in establishing the Boyup Brook Autumn Art Affair, a prominent event that ran for 23 years and was instrumental in fostering the local arts scene. His dedication to his craft and his community earned him the prestigious title of Honorary Freeman of the Shire of Boyup Brook, a rare honour that recognises outstanding service to the community.


## **REPORT DETAIL**

Sandy has a close connection to the Boyup Brook Oval particularly the stone entrance which Sandy design and constructed.



In recognition of the lifelong commitment Sandy had made to Boyup Brook it is considered to be appropriate to name the main entrance to the Boyup Brook Oval after Sandy Chambers to ensure his legacy will remain known in the Town.

## **SHIRE OF BOYUP BROOK STRATEGIC COMMUNITY PLAN 2021 – 2031**

	Key Imperatives	Governance and Organisation
	Objective	Demonstrate effective leadership, advocacy and governance.
	Outcome	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**

Although Landgate has no authority over building / structure names under the Land Administration Act 1997, it is suggested that Council consider following the criteria within the Geographic Names Policy.

*Policies and Standards for Geographical Naming in Western Australia.*

### ***“1.4.1 New commemorative naming proposals***

*Landgate recognises the significance of historic commemorative naming and encourages the continued recognition of outstanding achievements, contributions to the community and significant events.*

*The following policies shall apply to all commemorative naming proposals:*

- all commemorative name proposals shall meet the same criteria required of any other name proposal*
- all commemorative naming proposals must include evidence of support by the wider community and reach beyond a single local government, person or special interest group*
- a commemorative name shall not be used to commemorate victims of, or mark the location of, accidents or tragedies*
- prior or current ownership of land does not confer the right or entitlement to apply a commemorative name*
- the use of unofficial commemorative names in publications, or in landscape dedications or markers, is no assurance that they will be adopted into official names records*
- a commemorative name shall not be considered for adoption if a well-established and acceptable name already exists for the feature.*

### ***1.4.2 Use of personal names***

*Landgate will not accept a commemorative naming proposal of a person whilst they are still alive for a road or locality.*

*Requests to approve names that commemorate, or that may be construed to commemorate, living persons will also not be accepted.*

*The approval of a name to commemorate an individual will only be considered;*

- posthumously*
- permission of the immediate family must be obtained. Where the person has been deceased for more than 10 years and contact with the immediate family could not be established appropriate consultation must be carried out*
- based on a demonstrated record of achievement*

- *having had a direct and long-term association with the location and made a significant contribution to the area*
- *the proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located*
- *such application is in the public interest*
- *there is evidence of broad community support for the proposal.*

*The following will not be considered as appropriate grounds for a commemorative naming request:*

- *current or past ownership of the land is not considered sufficient grounds*
- *precedence of existing names*
- *past or ongoing public service within all levels of government • names will not be supported after a person who has sponsored the development of the area, or was a commercial developer.*

*Use of nicknames, epithets or informal names, nicknames or other informal names may also be used but only in combination with the surname, for example, Snow Bennett Park.*

### **STATUTORY ENVIRONMENT**

Nil

### **SUSTAINABILITY AND RISK CONSIDERATION**

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

Nil

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

Naming a feature after a prominent community member can have a significant social impact by recognising their contributions, preserving their legacy, and reinforcing community identity. It's a way to publicly acknowledge their service, foster civic pride, and encourage others to make positive contributions.

### **POLICY IMPLICATIONS**

Nil

### **RISK MANAGEMENT IMPLICATIONS**

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

<b>Risk Level</b>	<b>Comment</b>
<b>Low</b>	The contribution made by Sandy Chambers may be forgotten to future generations.

**CONSULTATION**

Should Council approve the naming proposal community consultation will need to be done prior to applying to Landgate.

**RESOURCE IMPLICATIONS****Financial**

The cost of the proposed plaque can be absorbed into the adopted 2024/2025 budget.

**Workforce**

Nil

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End

**13.2 PROCEED WITH THE MEETING IN PUBLIC**

Moved: Cr. Kaltenrieder

Seconded: Cr. King

**COUNCIL DECISION 24/08/190**

**That Council:**

**1. Proceed with the meeting in public, the time being 6:58pm.**

**CARRIED 7/0**  
**For: Cr Walker, Cr O'Connell, Cr Alexander, Cr Kaltenrieder, Cr Inglis,**  
**Cr King, Cr Caldwell**  
**Against: Nil**

**14. CLOSURE**

There being no further business the meeting closed at 6:58pm.

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Presiding Member

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Date