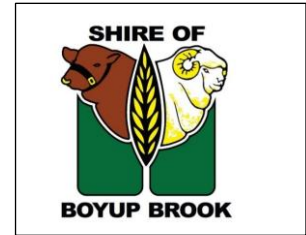


Date: 10 July 2025

To: Shire President
Deputy Shire President
Councillors
Community



Notice of Agenda – Special Council Meeting

A Special Council Meeting of the Shire of Boyup Brook will be held in the Council Chambers on 14 July 2025 at 12:00pm to consider the matter set out in the attached agenda.

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 ...pm.

Acknowledgement of Traditional Custodians

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

Council Meetings are public meetings.

The Council Chambers is 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 and made available for public access on the Shire Website.

2. Record of Attendance

2.1 Attendance

Councillors

Shire President

Deputy Shire President

Councillors

Cr Richard Walker

Cr Helen O'Connell

Cr Charles Caldwell

Cr Philippe Kaltenrieder

Cr Darren King

Cr David Inglis

Cr Michael Wright

Council Officers

Chief Executive Officer

Executive Officer

Executive Manager Corporate Services

Executive Manager Operational Services

Manager Financial Services

Manager Community Services

Rates Officer

Leonard Long

Magdalena Le Grange

Carolyn Mallet

Jason Forsyth

Malcolm Armstrong

Nicola Jones

Heather Marland

Observers / Public Members**2.2 Apologies****2.3 Request for Leave of Absence****3. Deputations, Petitions and Presentations****3.1 Deputations**

Nil

3.2 Petitions

Nil

3.3 Presentations

Nil

4. Public Question Time

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

The Presiding Member may shorten or lengthen this time at their discretion.

4.1 Response to Previous Public Questions Taken on Notice

Nil

4.2 Public Question Time

5. Declarations of Interest

5.1 Financial and / or Proximity Interest

5.2 Disclosures of Impartiality Interest that may cause Conflict

6. Reports of Officers

6.1 Corporate Services

6.1.1 Consideration of submissions on proposed Differential Rates and Minimum Rates 2025/2026	
File Ref:	FM/48/002
Previous Items:	6.1.1 SCM 9 May 2025 Resolution 25/05/084
Applicant:	Nil
Author and Title:	Carolyn Mallett Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	6.1.1A Rating Methodology and Differential Raing Proposal 2025/2026 Statement of Objects and Reasons of the Shire of Boyup Brook 6.1.1B Submissions on proposed 2025/2026 Differential Rates and Minimum Rates 6.1.1C Excerpt from Shire of Boyup Brook Local Planning Strategy April 2024

Moved: Seconded:

Officer Recommendation CM 25/07/

That Council:

- 1. Notes the submissions received regarding the proposed differential rates and minimum payments proposed for 2025/2026 financial year.**
- 2. Approve ___% increase in Rate in the dollar for UV-Plantation properties from the UV General rate, plus 7%** rate increase across all rates categories including minimums and request the Chief Executive Officer to include the differential rates and minimum payments for the 2025/2026 financial year in the Draft 2025/2026 Annual Budget.**

(**NOTE: Council when adopting the annual budget may vary the above proposed rate in the dollar and minimum payment.)

- 3. Request the Chief Executive Officer to advise submitters of the outcome of Council resolution regarding the proposed implementation of differential rate and minimum payment for a new UV rate category UV Plantation.**

4. Request the Chief Executive Officer to amend the Rating Methodology and Differential Rating Proposal 2025/2026 Statement of Objects and Reasons, should Council resolve to implement an alternate proposed differential rate and minimum payment than what was advertised.

.....
For:
Against:

Summary

The purpose of this item is for Council to consider the submissions received from the Differential Rating Proposal 2025/2026 and to determine what the percentage increase will be, Option 1 - 50%, Option 2 – 25% or Option 3 – 0% with respect to the Differential General Rates and the Minimum Rate for the 2025/2026 financial year.

Background

The Shire of Boyup Brook currently uses a Uniform General Rating model, where all properties in a valuation category are rated using the same rate in the dollar and the same minimum payment. The table below outlines the valuation categories, along with the rate in the dollar and minimum payment imposed for 2024/2025 financial year.

2024/2025 Rate Category	Rate in the dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.16956	\$1,262
Unimproved Values (UV)		
UV General	0.004873	\$1,142

Section 6.33 of the *Local Government Act 1995* provides local government with the head of power to impose differential rates according to several characteristics. One of those characteristics is the purpose for which the land is held or used as determined by the local government.

The differential rates model proposed is based on the characteristic of the purpose for which land is held or used. It provides for differential rating categories in the unimproved valuation category by creating two UV valuation categories:

1. UV Rural General – for general rural properties; and
2. UV Plantations - for UV properties that are held or used for plantation purposes.

At its Special Council Meeting on 09 May 2025 Council endorsed the proposal to change its rating basis to a Differential General Rating model, based on the categories outlined in the table below.

Rate Category	Purpose land held or used for
Gross Rental Values (GRV)	
GRV General	Land used for non-rural purposes, including residential, rural-residential, commercial and industrial.
Unimproved Values (UV)	
UV General	Land held or used for broadacre farming, rural and special rural-residential, commercial, industrial or mining.
UV Plantations	Land held or used for plantation purposes.

The overall objective of the Shire's differential rates is to raise rates revenue in a manner that is simple, efficient, and equitable to all ratepayers within the district.

The reasons for each differential rate are as follows:

Differential Rates – Gross Rental Valuations (GRV)

GRV – General

The objective of this category is to apply a differential general rate and minimum payment to land zoned or used or held for residential, industrial, commercial and special rural purposes and to ensure that all ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Shire for the benefit of residents.

This category is to act as the Shire's base differential rate and minimum payment by which all other GRV rated properties are assessed and have a different demand on Shire services and infrastructure.

The reason for this rate is to ensure that all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of works, services, and facilities throughout the Shire.

Differential Rates – Unimproved Valuations

UV – General

The objective of this category is to apply a base differential general rate to land zoned or used or held typically for bona-fide broadacre farming UV rural, UV mining tenements, UV rural townsite properties used or held for residential, industrial or commercial purposes, and UV Special

Rural properties used or held for rural residential purposes, to ensure that all ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Shire for the benefit of residents.

This category is to act as the Shire's base differential rate by which all other UV rated properties are assessed.

The reason for this rate is to ensure that all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of works, services, and facilities throughout the Shire.

UV – Plantation

The objective of this category is to apply a base differential general rate and minimum payment to land used or held for the purpose of plantations within the local government.

The proposed rate is comparatively higher when compared to the UV-General category on the basis that plantations require additional ongoing maintenance and renewal of the road network that services this land use, along with additional costs associated with monitoring of land use/environmental impacts compared to UV General properties.

Report Detail

The change to a differential rating model provides Council with flexibility to raise rates in a manner that is simple, efficient and equitable to all ratepayers within the district.

The differential rating model proposes to create a new rating category under UV properties to separately rate Plantation properties from General UV properties. Plantation properties require additional ongoing maintenance and renewal of the road network that services this land use, along with additional administrative costs to ensure compliance of planning requirements. A separate differential rating category will assist in generating an appropriate level of rate revenue from this land use to assist to offset some of the additional annual costs.

At its Special Council Meeting on 09 May 2025 Council endorsed the public advertising of the below proposed Differential General Rates and Minimum Rate for the 2025/2026 financial year:

2025/2026 Rate Category	Rate in the dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.113911	\$1,350
Unimproved Values (UV)		
UV General	0.004313	\$1,222
UV Plantations	0.006469	\$1,833

(**NOTE: Council when adopting the annual budget may vary the above proposed rate in the dollar and minimum payment.)

The above model increases the new UV Plantation rating category Rate in the dollar and minimum rate by 50% from the UV General rate in the dollar and minimum rate, as well as indexing all rates in the dollar and minimum rates by 7% (7% is subject to final budget approval).

Prior to adoption and imposition of differential general rates, Section 6.36(1) of the *Local Government Act 1995* requires the differential rating proposal to be advertised for public comment for a period of 21 days. As part of the advertising period, submissions from ratepayers and electors are to be invited and if any submissions are received, Council is required to consider them and decide whether to impose the proposed rates and minimums with or without modification.

Accordingly, the Notice of Intention to Impose Differential Rates for 2025/2026 inviting submissions was advertised for more than the minimum period of 21 days with the closing date for submissions being Wednesday 04 June 2025.

Submissions were invited from any elector or ratepayer with respect to the proposed differential rate with advertising undertaken as follows:

- Shire of Boyup Brook (Shire) website, between 09 May and 04 June 2025,
- Shire's social media on 09 May 2025
- The West Australian on 15 May 2025
- Council Administration Building Notice Board between 09 May and 04 June 2025, and
- Boyup Brook Gazette on 01 June 2025.

Additionally, as there are fewer than 30 ratepayers affected in the proposed differential rate category, the Shire is required to contact the individual ratepayers directly, giving the ratepayer at least 21 days to make submissions.

The Shire provided a Notice of Intention to impose Differential Rates for 2025/2026 to 17 individual ratepayers (representing 51 properties), inviting ratepayers to provide feedback by way of submission to the Shire.

As a result of the notices issued to individual ratepayers, one submission was received requesting that the property be removed from the list of properties categorised as ‘UV Plantation’.

As a result of the advertising of the Invitation for Submissions to electors and ratepayers, one additional plantation property was identified as being categorised ‘UV Plantation’ and an individual letter of Notice was provided to the ratepayer on 03 June 2025, with a closing date for invitation of submission being Wednesday 25 June 2025.

Submissions

Section 6.36 (4) of the *Local Government Act 1995* states that:

“The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.”

In all, eleven (11) submissions were received with respect to the proposed ‘UV Plantation’ differential rate category, noting that two (2) of the submissions covered multiple properties. Of note, only six (6) of the eleven (11) submissions were from ratepayers, with the others being associated with plantation processing or management. There was one (1) submission which supported the implementation of differential rate proposal for 2025/2026.

Many of the submissions are comprehensive. A short summary of the key issues raised within the submissions received are outlined below, all submissions are attached to the agenda in Attachment 6.1.1B – “Submissions on proposed 2025/2026 Differential Rates and Minimum Rate” to allow a detailed review by Council:

1	<p>Formal objection to the application of higher differential general rates on land used for tree plantations compared with general agricultural land within the Shire of Boyup Brook and respectfully request that your office refuses to approve the current proposed increases to differential rating category that disproportionately burdens landowners engaged in plantation forestry.</p> <ul style="list-style-type: none">• Applying higher rates to land used for plantation forestry compared to broadacre farming, without evidence of increased service demand or cost to council, constitutes discriminatory treatment of a bona fide agricultural use.• Plantation land does not generally require greater services than other agricultural enterprises. A higher differential rate suggests an increased burden on local	Multiple property ratepayer
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	<p>government infrastructure or services relative to other industries, which is not supported by objective evidence.</p> <ul style="list-style-type: none"> Differential rates targeting plantation land will undermine the State's strategic goals on climate resilience, regional development, and responsible land stewardship. The process of deciding the appropriate rate to applied mixed use land will be burdensome to administer and likely to lead to many objections and appeals. 	
2	<ul style="list-style-type: none"> Respectfully submit that in the absence of supporting evidence of the higher administrative and roading costs (in particular, information on the quantum of the additional costs and calculations to support these statements) and evidence of a direct causal link with plantations, the Shire has not met its statutory obligation to provide reasons. Plantations play an important and valued role in providing much needed fibre products for the community and in achieving the community's desire for carbon neutrality. respectfully submits the Shire has not met its statutory duty to provide sound reasons for decision, that are transparent and supported by relevant information and evidence. In the absence of substantiating the imposition of a UV Plantation differential rate, we respectfully submit Council should oppose the imposition of a UV Plantation differential rate. 	Industry association
3	<p>This proposed differential rate on plantation land is not a fair apportioning of service costs. It is a thinly justified act of opportunistic revenue extraction - aimed not at balancing a budget but at singling out a class of landholder</p> <p>I recommend the creation of a Plantation Rate Oversight Committee, with representation from the plantation sector. This committee should:</p> <ul style="list-style-type: none"> Review and sign off on expenditure of all differential rate income. Ensure that all collected funds are spent on services exclusively benefiting the plantation sector or remedying damage or degradation directly attributable to it. 	Industry association
4	<p>We do not believe the Shire has met its statutory obligation to provide reasonable justification for this differential rate, nor has it substantiated its stated claim that plantations impose significantly greater costs on the Shire.</p> <p>If the Shire does persist in its differential rates regime, then we advocate that it should be applicable only to new developments, who can make their investment decisions in full knowledge of the operating environment.</p>	Industry association
5	<p>It is stated that the plantations require additional ongoing maintenance & renewal of the roads. In the case of blue gum plantations, it is once every 10 years they are harvested whereas pastoral farmers use the roads for grain harvesting & other general operating all year every year. When harvesting plantations the company usually look after the owner's roads</p>	Ratepayer

	<p>& grade them out to the main roads at the start & when they finish.</p> <p>Plantations are a good investment as you get older but still want to live on it & is a good way to stay in the district.</p>	
6	<p>The WA Government is committed to delivering a prosperous low-carbon future and creating climate-resilient communities an investment into plantations supports a significant investment into regional processing & manufacturing, producing products to meet consumer demands.</p> <p>We strongly encourage the Shire of Boyup Brook to support this initiative and not proceed with the Proposed Differential Rating.</p> <p>The proposal discourages investment, discourages suitable land use decisions and is contrary to Government policy objectives. Further it will impact on the Shire and the opportunity to benefit from commercial tree farming (environmental and economic).</p>	Ratepayer & Industry association
7	<p>While it is acknowledged that all landowners need to contribute fairly to the income of the local municipalities, it seems that Plantations have been unfairly targeted by a rate increase whilst general unimproved land has had a reduction in the amount per dollar that is calculated to determine the contribution required.</p> <p>Maybe a fairer means would be to increase the overall rates per land owner by the current CPI of 3.5% which would maintain the income to the shire and enable the plantations to be rated at a fair index?</p>	Ratepayer
8	<p>Shire should be reasonable in reducing the rate to match the previous years calculated amount due to property valuation increase and agricultural industry challenges. Differential rates represent an exorbitant increase.</p>	Personal Submission
9	<p>Imposition of a significantly increased differential rate on UV Plantations is:</p> <ul style="list-style-type: none"> • Inconsistent with state planning policy and ministerial direction; • Unsupported by transparent or detailed cost modelling; • Disproportionately burdens local landowners; • Detrimental to the viability of plantation forestry in the Shire. <p>We therefore respectfully request that the Shire reconsider its position, withdraw the proposed increase, and engage in further consultation with affected stakeholders, including plantation operators and local farmers.</p>	Multiple Property Ratepayer
10	<p>We support the proposed differential rate for the plantations. Plantation owners generally don't live in the area, don't contribute to the community. Plantations are a fire hazard. Decline of families also means less volunteers. Plantation companies have caused increase in land price, impossible for young farmers to expand.</p>	Personal Submission

	Plantation harvesting log trucks damage roads causing more cost to the Shire.	
11	Object to being charged the differential rate due to size and variety and purpose of crop	Ratepayer

A couple of key point submissions have focused on are addressed below:

Plantation-related activities, particularly harvesting and heavy haulage, place a disproportionately high level of wear and tear on not just the rural roads but all roads within the Shire compared to other land uses. Historically, some of the associated costs have been partially recovered through individual agreements. However, these arrangements have proven inconsistent, administratively burdensome, and difficult to enforce long-term.

Introducing a differential rate for plantation land ensures a fairer and more transparent approach, one that systematically captures a portion of the road maintenance burden from those whose land use generates higher road usage impacts. It spreads the cost more evenly across plantation operations and provides the Shire with a predictable revenue base to plan and maintain the road network sustainably.

Therefore, rather than eliminating previous cost sharing, the proposed differential rate formalises and standardises the plantation sector's ongoing contribution to the upkeep of local infrastructure.

The nature of plantation harvesting involves high-frequency heavy vehicle movements over relatively short periods, often on roads not constructed to heavy haulage standard.

For context, the Shires' road maintenance budget for the 2024/2025 financial year is estimated at \$2.4 million, of which a significant proportion is allocated to rural roads that service plantation areas. Engineering assessments estimate that heavy haulage contributes a large percentage of wear on certain unsealed routes, depending on conditions and load frequency.

For example, re-sheeting of a rural gravel road may cost \$80,000–\$120,000 per km, and a single plantation harvest can accelerate the frequency of such work by several years.

The lifecycle of a plantation includes periods of heavy machinery use for harvesting and haulage, often coinciding with wetter months, which can lead to damage to Shire managed roads, verge degradation, and sediment runoff into waterways. These activities require monitoring to ensure compliance with environmental standards and to protect shared public assets.

Unlike other land uses, plantations are also typically located in sensitive rural and natural resource areas, where long term cumulative environmental effects must be monitored over decades. As such, the Shire's oversight of plantations is not about singling out a particular industry, but ensuring that large scale and potentially high impact land uses are managed responsibly in the interests of the broader community and the local environment.

This additional oversight is consistent with the Shire's statutory responsibilities under planning and environmental legislation and supports sustainable land use practices across the district.

The Shire of Boyup Brook Local Planning Strategy April 2024 also highlights the key infrastructure issues associated with heavy haulage on the Shire's Transport Network and identifies the need to upgrade roads. Please refer excerpt Attachment 6.1.1C.

Conclusion

Since the Special Council Meeting held 09 May 2025, staff have also been looking at alternative Rating Models in view of the submissions received and a desire to ensure fairness and equity across ratepayers.

Council are mindful of the impact rate increases can have on the community. At the same time, it is essential that the Shire maintains its ability to deliver the services, facilities, and infrastructure needed for the community's wellbeing and development as identified in the Strategic Community Plan 2021-2031.

To balance these priorities, Council will consider the proposed rate yield increase be set at a level that supports the Shire's long term financial sustainability. This decision is accompanied by ongoing efforts to improve operational efficiency, invest in road maintenance and capital works, reduce costs where possible, and apply fair and equitable rating based on land use.

The proposed differential rate for the new UV Plantation category is intended to ensure that landowners engaged in high-impact activities make a fair contribution to the cost of local services and infrastructure.

In light of the submission received the administration has outlined a range of options for Council to consider regarding the proposed UV Plantation differential rate for the 2025/2026 financial year.

Potential Options for Consideration of Council:

Option One:

Advise the submitters that no changes are proposed to be made to the advertised differential rates and minimum payments.

Request the Chief Executive Officer include the following differential rates and minimum payments for 2025/2026 financial year in the Draft 2025/2026 Annual Budget:

50% increase in Rate in the dollar for UV-Plantation properties from the UV General rate, plus 7% rate increase across all rates categories including minimums.

It is anticipated that a 7% increase in general rates will provide a total rates yield of approximately \$4,094,700 for the 2025/2026 Budget, an increase of \$268,200 from 2024/2025. Of this, approximately \$273,945 represents rate income from properties classified as UV-Plantation. Imposition of a 50% Differential Rate for UV-Plantation properties would contribute approximately an additional \$142,800 toward maintenance and replacement of road networks and infrastructure.

The proposed differential general rates and minimum rate for the 2025/2026 financial year are as follows:

2025/2026 Rate Category	Rate in the dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.113911	\$1,350
Unimproved Values (UV)		
UV General	0.004313	\$1,222
UV Plantations	0.006469	\$1,833

(**NOTE: Council when adopting the annual budget may vary the above proposed rate in the dollar and minimum payment.)

Option Two:

Advise the submitters that the Shire intend to impose a differential rate and minimum payment on UV-Plantation properties and have considered a 50% reduction of that proposed.

Request the Chief Executive Officer include the following differential rates and minimum payments for 2025/2026 financial year in the Draft 2025/2026 Annual Budget:

25% increase in Rate in the dollar for UV-Plantation properties from the UV General rate, plus 7% rate increase across all rates categories including minimums.

It is anticipated that a 7% increase in general rates will provide a total rates yield of approximately \$4,094,700 for the 2025/2026 Budget, an increase of \$268,200 from 2024/2025. Of this, approximately \$273,945 represents rate income from properties classified as UV-Plantation. Imposition of a 25% Differential Rate for UV-Plantation properties would contribute approximately an additional \$73,300 toward maintenance and replacement of road networks and infrastructure.

The proposed differential general rates and minimum rate for the 2025/2026 financial year are as follows:

2025/2026 Rate Category	Rate in the dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.113911	\$1,350
Unimproved Values (UV)		
UV General	0.004313	\$1,222
UV Plantations	0.005391	\$1,527

(**NOTE: Council when adopting the annual budget may vary the above proposed rate in the dollar and minimum payment.)

Option Three:

Advise the submitters that the Shire do not intend to impose a differential rate and minimum payment on UV-Plantation properties.

Request the Chief Executive Officer include the following rate in the dollar and minimum payments for 2025/2026 financial year in the Draft 2025/2026 Annual Budget:

0% increase in Rate in the dollar for UV-Plantation properties from the UV General rate, plus 7% rate increase across all rates categories including minimums.






It is anticipated that a 7% increase in general rates will provide a total rates yield of approximately \$4,094,700 for the 2025/2026 Budget, an increase of \$268,200 from 2024/2025. Of this, approximately \$273,945 represents rate income from properties that were proposed to be classified as UV-Plantation. As there will not be an imposition of a Differential Rate, there will be no additional funds raised from these properties.

The proposed general rates and minimum rate for the 2025/2026 financial year are as follows:

2025/2026 Rate Category	Rate in the dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.113911	\$1,350
Unimproved Values (UV)		
UV General	0.004313	\$1,222

(**NOTE: Council when adopting the annual budget may vary the above proposed rate in the dollar and minimum payment.)

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

	Key Imperatives	Built Environment
	Outcome	Provide sustainable infrastructure that serves the current and future needs of the community.
	Objective	Construct/redevelop community and sporting facilities in a manner that maximises their life span, capacity and function.
	Outcome	Provide sustainable infrastructure that serves the current and future needs of the community.
	Objective	Increase road safety, improve road infrastructure and networks.
	Key Imperatives	Economic Development
	Outcome	Support a strong and inclusive economy.
	Objective	Maintain road networks to attract investment that will create jobs and support growth.
	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.
	Key Imperatives	Governance and Organisation
	Objective	Improve financial stability.
	Outcome	A rate yield increase supports financial sustainability to enable the Shire to continue offering the services, facilities and infrastructure required for the community to thrive.

Other Strategic Links

- Long Term Financial Plan 2017-2027.
The financial principles and strategies identified on page 22 and 28 of the 2013-2023 LTFP.
- Strategic Community Plan 2021-2031.
- Local Planning Strategy 2023-2038.

Statutory Environment

Section 6.32 of the *Local Government Act 1995* provides that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.

Section 6.33 of the *Local Government Act 1995* provides that a local government may impose differential general rates according to a number of characteristics.

Section 6.33 (1) of the *Local Government Act 1995* outlines “A local government may impose differential general rates according to any, or a combination, of the following characteristics:

- a. the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
- b. a purpose for which the land is held or used as determined by the local government; or
- c. whether or not the land is vacant land; or
- d. any other characteristic or combination of characteristics prescribed.”

Section 6.33 (3) of the *Local Government Act 1995* outlines “In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.”

As the highest UV sub-category rate is less than twice the lowest, Ministerial approval is not required.

Section 6.34 states that a local government cannot without the approval of the Minister raise an amount of general rates that exceeds 110% of the budget deficiency or is less than 90% of the budget deficiency.

“ 6.35. Minimum Payment

(1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

(2) A minimum payment is to be a general minimum but, subject to subsection (3), a less minimum may be imposed in respect of any portion of the district.

(3) In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than –

(a) 50% of the total number of separately rated properties in the district; or

(b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.

(4) A minimum payment is not to be imposed on more than the prescribed percentage of –

(a) the number of separately rated properties in the district; or

(b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsection (2), (3) and (4) in respect of each of the following categories –

(a) to land rated on gross rental value; and

(b) to land rated on unimproved value; and

(c) to each differential rating category where a differential general rate is imposed.

[Section 6.35 amended by No.49 of 2004 s. 61s]

Section 53 of the Local Government (Financial Management) Regulations 1996 sets the Prescribed amount in Relation to Minimums.

53. Amount prescribed for minimum payment (Act s. 6.35(4))

The amount prescribed for the purposes of section 6.35(4) is \$200.”

Section 6.36(1) of the Local Government Act 1995 (Act) states:

"Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so."

The Act prescribes the information to be included in the public notice and requires a local government to consider any submissions received before imposing the proposed rates.

Section 6.36(4) of the *Local Government Act 1995 (Act)* states:

"The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification."

Section 6.36(5)(b) of the *Local Government Act 1995 (Act)* states:

*"(5) Where a local government —
(b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment."

Section 6.36 of the *Local Government Act 1995*.

Sustainability and Risk Considerations

The financial sustainability principles and strategies identified on page 30 of the 2013-2023 LTFP have been adhered to.

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

Failing to maintain Shire-owned assets and infrastructure will result in higher costs over time. Funding maintenance is essential not only to preserve the structural integrity of the assets but also to safeguard their functionality and usability. This includes road networks, bridges and drainage.

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 the achievement of its business objectives.

Risk Level	Comment
Moderate	<ul style="list-style-type: none">* Council would be contravening the <i>Local Government Act 1995</i> and <i>Local Government (Financial Management) Regulations 1996</i> if this item was not presented to Council.* An adverse reaction from ratepayers regarding the percentage rate increase and the variation in the rate in the dollar.

Consultation

Darren Long, DL Consulting.

Kim Dolzadelli, Executive Manager Corporate Services, Shire of Nannup.

The proposed 2025/2026 rate in the dollar and Objects and Reasons Statement for Differential Rates was advertised for a minimum of 21 days in accordance with the statutory requirements. Results of the public submissions are considered by Council following the advertising process. Eleven (11) submissions were received.

Resource Implications

Financial

The decision around increases or decreases to the rates model will directly influence Council's ability to fund expenditure requirements proposed in the 2025/2026 budget and the Long Term Financial Plan. Expenses will be incurred in relation to advertising the proposed differential rates, which are accommodated within the 2024/2025 budget.

Upon adoption of the 2025/2026 Annual Budget, the rate model will generate sufficient rate revenue to deliver a balanced budget.

Workforce

The administrative requirements of the recommendation will be carried out within current workforce resources.

End

6.2 Chief Executive Officer

6.2.1 Attendance of the Annual Sandakan Memorial Service in Sandakan Sabah, Malaysia	
File Ref:	CR/26/006
Previous Items:	9.3.6 OCM 27 March 2025, 9.4.7 OCM 26 June 2025
Applicant:	Nil
Author and Title:	Magdalena Le Grange, Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	6.2.1A – Memorandum of Understanding

Moved:	Seconded:
Officer Recommendation CM 25/07/	
That Council:	
<ol style="list-style-type: none"> 1. Send a Council Representative and partner to attend the Sandakan Memorial Service in Sandakan Sabah, Malaysia every second year (in the year between local government elections). 2. Commit to budget \$8,000 annually and use the funds on the year not travelling to the Sandakan Memorial Service in Sandakan Sabah, Malaysia to refurbish/upgrade the Boyup Brook Sandakan Memorial. 3. Request the Chief Executive Officer to create a reserve for the refurbishment/upgrade of the Boyup Brook Sandakan Memorial if no refurbishment/upgrade is required for the particular year. 4. Request the Chief Executive Officer to advise the Chairman / Chief Executive Officer of the Sandakan Municipality of (1.), (2.) and (3.) above. 	
<p style="text-align: right;">..... For: Against:</p>	

Summary

Council is requested to consider the frequency of attending and nominating a Council Representative and partner of the Shire of Boyup Brook to attend the Sandakan Memorial Day Service in Sandakan Sabah, Malaysia this year.

Background

At the Ordinary Council Meeting held on 26 June 2025, the following officer recommendation was presented:

That Council:

“1. Nominates Cr..... and partner to attend the Sandakan Day Memorial Service to be held on 15 August 2025 in Sandakan Sabah, Malaysia.”

Notwithstanding the Officer recommendation Council resolved to:

‘Moved: Cr. King

Seconded: Cr. Inglis

Council Decision CM 25/06/131

- 1. In terms of Clause 15.9 of the Standing Orders Local Law 1, lay Item 9.4.7 on the table to allow the Chief Executive Officer to consult with the Sandakan Memorial Committee.*
- 2. This item is to be brought back to the Special Council Meeting to be held on 14 July 2025 for further consideration once the Chief Executive Officer had consulted with the Sandakan Memorial Committee.*

CARRIED 6/0

*For: Cr Walker, Cr O’Connell, Cr Inglis, Cr Kaltenrieder, Cr King,
Cr Wright
Against: Nil’*

The Shire President has been in contact with a Representative of the Sandakan Memorial Service advising of Councils potential decision to attend the ceremony every 2nd year and to fund upgrades to the memorial every other year. Unfortunately, the Chief Executive Officer has not been able to contact the Chairman/Chief Executive Officer of the Sandakan Municipality due to his attendance at 16th State Assembly Meeting in Kota Kinabalu and then being on annual leave.

The Sandakan Day Memorial service is held annually in Sandakan Sabah, Malaysia. Council has a Memorandum of Understanding with the Sandakan Municipal Council (Attachment 6.2.1A).

The Sandakan Day Memorial service is held annually in Sandakan Sabah, Malaysia. Council has made a practice of sending a Council Representative to Sandakan annually.

It also invites the Sandakan Municipal Council President, and other dignitaries, to the annual service in Boyup Brook.

Report Detail

The 29th of January marked the 80th anniversary of the First Sandakan Death March to Ranau.

A Memorandum of Friendship, established between the Shire of Boyup Brook and Sandakan Municipal Council in October 2007, seeks to bolster council management, promote commerce, trade, and tourism, and facilitate cultural exchanges and information sharing on World War II history, arts, and relics, as well as encourage youth and sports interactions.


Whilst the language, customs and predominant religion are not shared by both, the common bond of loss resulted in annual recognition services in both communities, and the pledge for the two Councils to work together.

Given the importance of the two Council relationship, recognition of the losses, and the opportunities that the MOU may bring, it is fitting that Council has a policy of sending its leader each year.

It is suggested that the remembrance of those who died is sufficient cause to delegate a representative of Council to attend services. And that the spirit of the MOU beckons delegates to stay on, or visit on other occasions, in order to pursue cooperation in the agreed fields.

It is noted that it is customary for attendees at the Sandakan Day Memorial Service to be accompanied by their partners. It is suggested that Shire delegates be encouraged to also take their partners, just as the Sandakan Council delegates do when they attend the Boyup Brook service, as this will better show respect and add to the overall opportunity to further ideals of the MOU.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

	Key Imperatives	Social and Community
	Outcome	Encourage the preservation of our culture, heritage, and history.
	Objective	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)

Complete absence from highly significant memorials like Sandakan can lead to social and reputational consequences, especially in communities with strong military or historical ties. Active participation helps reinforce respect, unity, and cultural memory.

Failing to attend important commemorations risks disconnecting younger generations from the past and reducing the cultural transmission of important national narratives. It can suggest that these moments are no longer valued or prioritised.

Policy Implications

Policy C12 – Sandakan Municipality Friendship

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.

Risk Level	Comment
Moderate	Not delegating anyone from the Shire to attend the ceremony would not impact the council but could impact the relationship with Sandakan Municipal Council.

Consultation

Nil

Resource Implications

Financial

The cost of the attendance of the ceremony will be incorporated into the applicable year's budget.

Workforce

Nil

End

7. Closure

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

Presiding Member

Date
