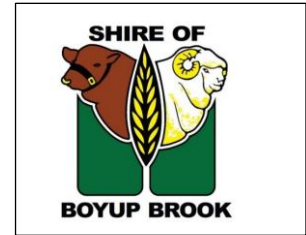


Date: 10 September 2025

To: Shire President
Deputy Shire President
Councillors
Community



Minutes – Ordinary Council Meeting

28 August 2025

A handwritten signature in blue ink, appearing to read "J Forsyth", with a long horizontal flourish extending to the right.

Jason Forsyth
Acting Chief Executive Officer

Shire of Boyup Brook Corporate Values



Proactive

Embrace creativity, adaptability and continuous improvement seeking new ideas and solutions to address challenges and seize opportunities to ensure sustainability.



Leadership & Teamwork

Lead through collaboration, promote diversity, have pride in our work and partner with the community to achieve shared visions and aspirations.



Accountability & Integrity

Demonstrate respect, transparency, honesty and inclusivity in all interactions with the community.



Commitment

Build and share knowledge, act professionally and develop relationships that make a positive contribution to our community.



Engaging Community

Show respect, understanding and compassion for others and work collaboratively with community for better outcomes.



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Agenda

1. Declaration of Opening

The Presiding Member declared the meeting open at 6:06pm.

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

Councillors

Cr Richard Walker

Cr Charles Caldwell

Cr Philippe Kaltenrieder

Cr David Inglis

Cr Michael Wright

Council Officers

Acting Chief Executive Officer
Executive Officer
Manager Financial Services
Manager Community Services

Jason Forsyth
Magdalena Le Grange
Malcolm Armstrong
Nicola Jones

Observers / Public Members

Nil

2.2 Apologies

Chief Executive Officer
Executive Manager Corporate Services

Leonard Long
Carolyn Mallett

2.3 Approved Leave of Absence

2.3.1 Councillor King approved leave of absence from the August 2025 Ordinary Council Meeting.

2.3.2. Councillor O'Connell approved leave of absence from the August 2025 Ordinary Council Meeting.

2.4 Request Leave of Absence

Nil

3. Deputations, Petitions and Presentations**3.1 Deputations**

Nil

3.2 Petitions

Nil

3.3 Presentations

Nil

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

Nil

5.2 Disclosures of Impartiality Interest that may cause Conflict

Nil

6. Previous Council Meeting Minutes**6.1 Special Council Meeting Minutes – 14 July 2025****Moved: Cr. Inglis****Seconded: Cr. Caldwell****Council Decision CM 25/08/154****That the minutes of the Special Council Meeting held on 14 July 2025 be confirmed as being a true and accurate record.****CARRIED 5/0****For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright
Against: Nil****6.2 Ordinary Council Meeting Minutes – 31 July 2025****Moved: Cr. Wright****Seconded: Cr. Inglis****Council Decision CM 25/08/155****That the minutes of the Ordinary Council Meeting held on 31 July 2025 be confirmed as being a true and accurate record.****CARRIED 5/0****For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright
Against: Nil****7. Presidential Communications****August**

Friday 22nd

- 9am attended South West Zone of West Australian Local Government Association meeting in Bridgetown where matters raised included Rating revenue from State owned Pine Plantations - negotiations to commence seeking an equitable solution.

The broader impact of 3G shutdown by Telstra on regional communications
- Telstra will assess on an individual case by case basis for those affected by

a decrease in service and individuals impacted should call the 3G Helpline on 1800 990 853.

8. Councillor Questions on Notice
Nil

9. Reports of Officers

9.1 Operational Services

Nil

9.2 Community Services

9.2.1 Sandakan Scholarship Program Representative	
File Ref:	Events - Sandakan Memorial Service - Sandakan Scholarship
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicola Jones, Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

Moved: Cr. Caldwell	Seconded: Cr. Inglis
Council Decision CM 25/08/156	
That Council:	
1. Endorses Cr Wright to represent the Shire on the interview panel for the Sandakan Scholarship on Monday 8 September 2025.	
CARRIED 5/0 For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright Against: Nil	

Summary

Council is requested to nominate a representative to join the interview panel for the 2025 Sandakan Scholarship Program, with interviews scheduled for Monday, 8 September 2025.

The program, delivered through Boyup Brook District High School's Humanities and Social Science curriculum, engages Year 9 and 10 students in learning about the history of Sandakan. Students' complete assignments, take part in interviews with RSL, Shire, and community representatives, and present creative works at the annual Sandakan Memorial Service.

The winning student travels to Borneo for Anzac Day to attend commemorations and visit memorial sites, helping to ensure Boyup Brook's and Australia's wartime history is remembered and honoured by future generations.

Background

The Sandakan Scholarship Program, established in 2002, is a collaborative initiative between the Boyup Brook Lions Club, the Boyup

Brook RSL Sub-Branch, and Boyup Brook District High School (BBDHS), with ongoing support from the Shire of Boyup Brook.

The program plays a significant role in the BBDHS curriculum, providing students with the opportunity to learn about the history and legacy of the Sandakan Death Marches during World War II.

Report Detail

As part of the Humanities and Social Science (HASS) curriculum, BBDHS includes Australia's involvement in the events at Sandakan during World War II. The school encourages all Year 9 and Year 10 students to participate in the Sandakan Scholarship Program, with relevant lessons incorporated into HASS studies.

With guidance from teaching staff, students submit their assignments to the scholarship program, attend an interview and make a presentation to the community.

The interview section is held with a panel comprising representatives from the Boyup Brook RSL Sub-Branch, a Boyup Brook Shire Councillor, and knowledgeable community members. This interview assesses each student's understanding of the events at Sandakan.

In addition, students produce a creative response such as a poem, speech, or artwork, expressing their personal reflections on Sandakan. These works are presented to peers and members of the public, enabling students to connect the historical events to the local community. This component is scheduled to coincide with the annual Sandakan Memorial Service in September, where the scholarship winner delivers their speech.

The winning student, accompanied by a parent or guardian, travels to Borneo for Anzac Day, attending commemorative services and visiting memorial sites. The scholarship provides a valuable educational experience, fostering continued awareness among local youth of both Boyup Brook's and Australia's wartime history.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

	Key Imperatives	Social and Community
	Outcome	Support a healthy, active, vibrant community.
	Objective	Promote community participation, interactions and connections.
	Key Imperatives	Social and Community
	Outcome	Promote quality education, health, childcare, aged care and youth services.

	Objective	Develop and maintain partnerships with schools and police.
	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.
	Key Imperatives	Governance and Organisation
	Outcome	Effectively communicate and engage the community.
	Objective	Partner with key stakeholders to deliver community projects.

Other Strategic Links

Nil

Statutory Environment

Nil

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

While the primary focus of the Sandakan Scholarship Program is educational and community-based, it may provide minor indirect economic benefits through local spending associated with student participation and related events.

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

The Sandakan Scholarship Program fosters intergenerational connections, encourages community participation in commemorative events, and strengthens local pride through shared remembrance of wartime history. It also develops students' confidence, public speaking skills, and empathy by engaging them with meaningful historical and cultural experiences.

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.

Risk Level	Comment
Moderate	There is no known risk.

Consultation

Nil

Resource Implications**Financial**

Nil

Workforce

Nil

End

9.3 Corporate Services

Nil

9.4 Chief Executive Officer

9.4.1 WALGA RoadWise Initiative	
File Ref:	WALGA-RoadWise Program
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Donna Forsyth, Emergency Services Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	9.4.1A WALGA RoadWise Initiative Report 2025 (3)

Moved: Cr. Inglis	Seconded: Cr. Caldwell
Council Decision CM 25/08/157	
That Council:	
1. Formally commit to road safety and regular engagement with WALGA's RoadWise program.	
CARRIED 5/0 For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright Against: Nil	

Summary

That Council formally commit to road safety and regular engagement with WALGA's RoadWise program.

Background

WALGA's RoadWise is Western Australia's dedicated Local Government road safety program, established in 1994 to significantly contribute to both National and WA road safety strategies. Funded by the Road Trauma Trust Account and State Road Funds, its primary objectives are to engage and support Local Governments in adopting safe system-aligned policies and practices, and to ensure accessible child car seat safety fitting services. RoadWise achieves these goals through initiatives like "RoadWise Councils," the "RoadWise Recognised" program, various tools, advocacy, and information dissemination, all guided by its structured "RoadWise Framework" for integrating road safety into local government operations

Report Detail

Objectives/Purpose

- WALGA RoadWise is WA's dedicated Local Government road safety program, aiming to significantly contribute to the National Road Safety Strategy and WA's Driving Change strategy.
- To engage and support Local Governments in developing their capacity to adopt and apply safe system-aligned road safety policies and practices.
- To ensure child car seat safety fitting services are accessible to parents and carers across the state.

Strategic Benefits for the Shire

- Provides the Shire with direct access to WALGA's comprehensive road safety services, specialised tools, resources, and dedicated Road Safety Advisors.
- Directly contributes to state targets for reducing killed and seriously injured individuals, alleviating the social and economic burden of crashes and enhancing community well-being.
- Offers eligibility for "RoadWise Recognised" (points and ribbons), publicly showcasing the Shire's commitment and fostering opportunities for leadership in road safety.

Getting Started on the RoadWise Program

- The Shire must formally commit to road safety and regular engagement with RoadWise through a CEO/President Declaration or Council Resolution.
- Nominate specific personnel (Elected Members and/or officers) as primary contacts for RoadWise matters.
- Express formal interest to WALGA RoadWise via email to begin direct collaboration with a Road Safety Advisor for tailored support.

Committing and Achieving Program Goals

- Integrate road safety as "business as usual" across all relevant Shire functions, ensuring systemic and long-term improvements.
- Consistently engage in RoadWise activities, including the "RoadWise Recognised" program, to measure progress and incentivise continuous improvement.
- Continuously utilise WALGA's comprehensive support, including advisors, tools, and professional development opportunities, to enhance internal capabilities.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

	Key Imperatives	Governance and Organisation
	Objective	Effective Emergency Management and Disaster Preparedness.
	Outcome	Increase road safety, improve community awareness regarding road safety.

Other Strategic Links

Social / Community

Statutory Environment

Local Government Act 1995.

National Road Safety Strategy 2021-2030.

WA's Driving Change strategy 2020-2030.

Sustainability and Risk Consideration

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

Alignment with state-funded initiatives (Road Trauma Trust Account, State Road Funds to Local Government Agreement) can potentially support local road safety projects.

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

Proactively reduces road trauma, addressing the social and economic burden of crashes, and improving overall community safety and quality of life.

Policy Implications

A core principle of RoadWise is to integrate safe system principles into the Shire's daily operations, making road safety "business as usual" across all relevant functional areas. This includes land use planning, community development, fleet operations, and the Shire's role as an employer. This cross-cutting responsibility necessitates inter-departmental collaboration, ensuring safety is a fundamental consideration in all relevant undertakings, leading to long-term, systemic improvements.

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
Low	Action poses a low risk because it does not directly impact the project's core objectives. Administrative action only.

Consultation

Recommended by the Shire of Boyup Brook Local Emergency Management Committee (LEMC) in the 21 May 2025 Meeting Minutes. Report for submission to council, tabled at the 06 August LEMC meeting.

Resource Implications

Financial

Nil

Workforce

After formal commitment, the Shire must nominate specific personnel (Elected Members and/or officers) as key contacts for RoadWise matters.

End

9.5 Planning

9.5.1 Development Application – Shipping Container – 41 Boyup Brook Cranbrook Road (Reserve 20039) Mayanup	
File Ref:	Reserve 20039
Previous Items:	Nil
Applicant:	Mobrup Riding School
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.5.1A Development Application

Moved: Cr. Caldwell

Seconded: Cr. Wright

Council Decision CM 25/08/158

- 1. Approve the development application for the proposed shipping container, at Reserve 20039, subject to the following conditions and advice notes:**

Conditions:

- a) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Chief Executive Officer, development shall occur in accordance with the approved plans.**
- b) Prior to occupancy of use, the shipping container being painted a colour to match the existing developed shipping container.**
- c) Prior to occupancy of use, the shipping container being anchored to the ground, to the satisfaction of the Chief Executive Officer.**
- d) If the development is not substantially commenced within a period of two (2) years, or another period specified in the approval, the approval will lapse and be of no further effect.**

Advice:

- 1. Prior to positioning the shipping container at the R20039, a Certified Building Permit is required.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**

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 5/0

**For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright
Against: Nil**

Summary

The Shire received an application, on behalf of the 'Mobrup Riding School', seeking approval to place a shipping container, at 41 Boyup Brook Cranbrook Road, MAYANUP (Reserve 20039).

The shipping container is proposed to be used to store equipment associated with the 'Mobrup Riding School'.

Background

In accordance with the Shire's *Local Planning Scheme No.2*, the subject land is zoned 'Rural'.

In accordance with Landgate Tenure data, the subject land is 'Reserved' for the purpose of 'Recreation'.

The Crown has granted the Shire management authority over the land, and the Shire has leased the land to the Mayanup Progress Association. The Mayanup Progress Association has agreed to the 'Mobrup Riding School' placing the shipping container at the subject Reserve.

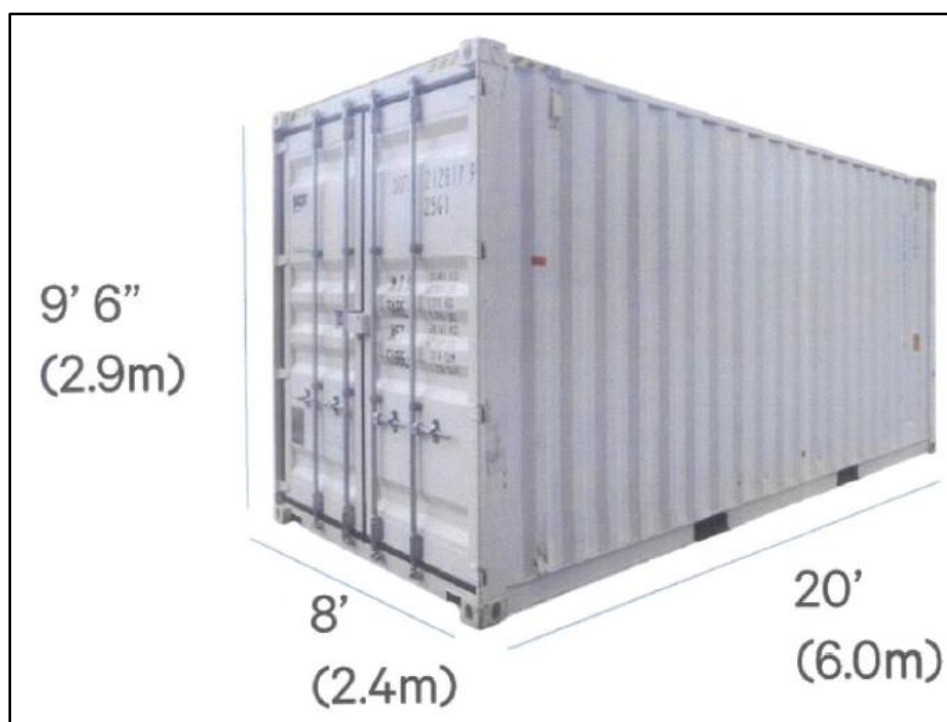
The proposed shipping container conforms with the purpose of the Reserve, which is for Recreation.

Report Detail

The Shipping Container is proposed to be developed in a cleared area, adjacent to an existing approved shipping container and within walking distance to recreation facilities.



The size and colour of the shipping container is as per the below diagram.



To ensure the shipping container does not detract from the amenity of the area, it is recommended that a condition of approval is included, requiring that the shipping container is painted a colour, to match the existing approved shipping container.

Council is recommended to approve the proposed Shipping Container at the subject location.

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

	Key Imperatives	Social and Community
	Outcome	Promote quality education, health, childcare, aged care and youth services.
	Objective	Improve support for youth and youth activities.

Other Strategic Links

Nil

Statutory Environment

Nil

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 the achievement of its business objectives.

Risk Level	Comment
Moderate	The proposed shipping container is proposed to be located in an area well setback from the main tourist route and is to be painted to blend with the surrounds.

Consultation

Nil

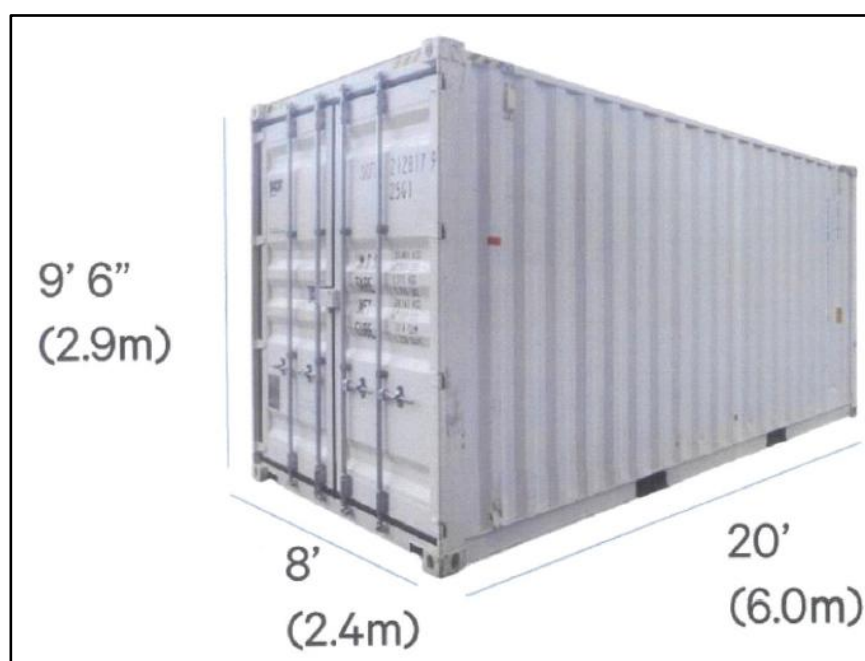
Resource Implications

Financial

Nil

Workforce

Nil

Approved Plans**Site Plan****Development Plan**

End

9.5.2 Development Application (Oversize Outbuilding) – Lot 220 (#13) Kaufmann Close, Boyup Brook	
File Ref:	A 11692
Previous Items:	Nil
Applicant:	M Wilkinson
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.5.2A Development Application

Moved: Cr. Kaltenrieder

Seconded: Cr. Inglis

Council Decision CM 25/08/159

1. Approve the development application for the proposed Outbuilding, at Lot 220 (#13) Kaufmann Close, subject to the following conditions and advice notes:

Conditions:

- a) Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Chief Executive Officer, development shall occur in accordance with the approved plans.
- b) The colour of the cladding for the development is to be 'Monument'.
- c) Prior to occupancy of use, trees are to be planted between the proposed development and the neighbouring property boundaries, as a means to provide some visual amenity and screening.
- d) Stormwater being managed to the satisfaction of the Chief Executive Officer.
- e) The Outbuilding is not to be used for human habitation.
- f) If the development is not substantially commenced within a period of two (2) years, or another period specified in the approval, the approval will lapse and be of no further effect.

Advice:

1. 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.
2. 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 5/0
For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright
Against: Nil

Summary

The Shire received a development application involving an extension (lean-to) to an existing outbuilding located at 13 Kaufmann Close.

The proposed development does not comply with minimum setback and floor area standards, as defined by the Shire's Local Planning Scheme No.2 and Outbuilding Policy PD3.

Background

The Shire referred the proposed development to neighbours, seeking comments in-relation to the proposed setback and floor area variations. At the close of advertising, no comments were received.

Report Detail

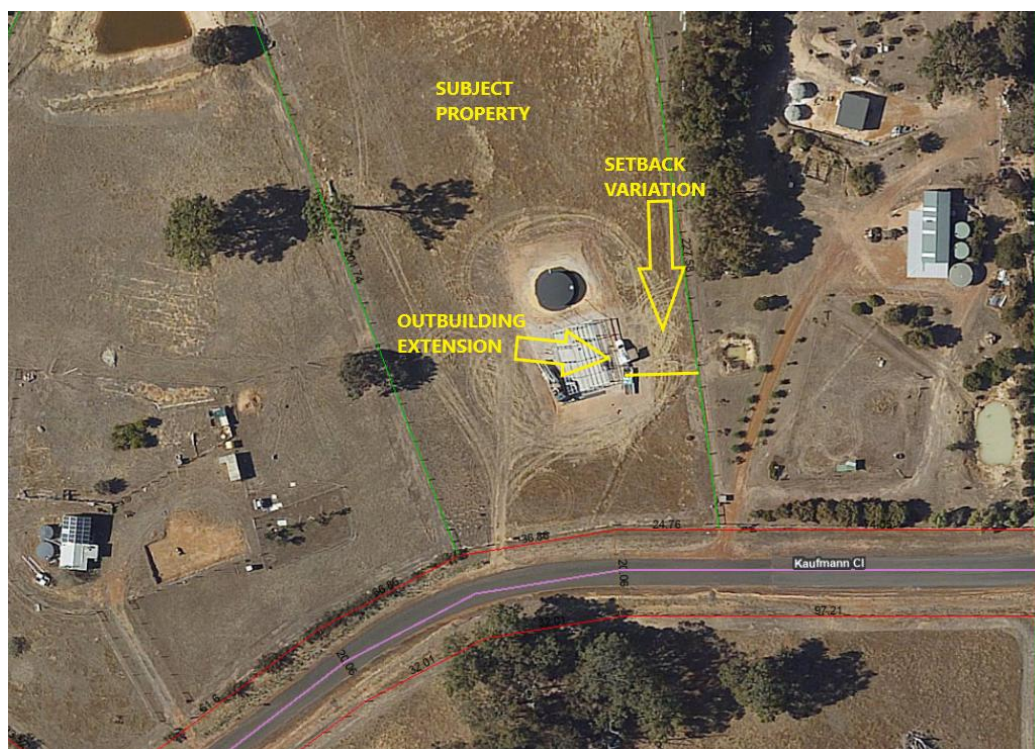
In accordance with the Shire's *Local Planning Scheme No.2*, the subject land is zoned 'Rural Residential' – area No.6.

In accordance with Scheme standards for the 'Rural Residential' – area No.6 zone, buildings may not be constructed within the 'building exclusion area' which is defined as being:

- 30m from road
- 20m from side boundaries
- 25m from rear boundaries

The proposed development does not comply with the above min side boundary setback standard. The proposed development is seeking a side boundary setback of 17.4m, which is a variation of 2.6m from the min scheme standard.

In accordance with the Shire's Outbuilding Policy, outbuildings in 'Rural Residential' zone areas should not exceed a floor area limit of 200m². The proposed development is seeking an outbuilding size of 225m², 25m² over the maximum floor area allowance.



The proposed development is not expected to impact on neighbouring properties. The Shire sought comment from neighbours on the proposed floor area and setback variations. At the close of advertising, no comments were received.

The proposed development is not expected to impact on the amenity of the area. The proposed variations are minor – 2.4m setback variation and 25m² floor area variation.

It is recommended that Council approved the proposed development, subject to a condition requiring the planting of trees between the development and the side and rear boundaries.

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

	Key Imperatives	Economic Development
	Outcome	Be a business friendly Shire and create conditions for economic growth.
	Objective	2.1 Reduce red tape and promote a supportive business friendly culture.

Other Strategic Links

Nil

Statutory Environment

In accordance with Scheme standards associated with the 'Rural Residential' – area No.6 zone, buildings may not be constructed within the 'building exclusion area' which is defined as being:

- 30m from road
- 20m from side boundaries
- 25m from rear boundaries.

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

Policy PD3 – Outbuildings

The Shire's Outbuilding Policy states:

With the exception of 'Rural' zone properties, outbuildings exceeding 80m² shall be constructed out of low-reflective materials that blend with the landscape (dark blue, green, brown or red). The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zincolume, Galvabond, White, Off-white, and Surfmist.

The colour proposed for the development is 'Monument'.

The design and location of outbuildings shall comply with the following Table 1.

TABLE 1: OUTBUILDING SPECIFICATIONS

Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m²)	Maximum total outbuilding area (m²)	Set-backs
Special Rural Zone (Lots 2ha and >)	4.2m	4.8m	200	400	Per Scheme Requirements

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
Low	Consultation was undertaken on the proposed development and no comments were received. A condition of approval is proposed, requiring the planting of vegetation for improved amenity.

Consultation

The application was referred to neighbours on 7 July 2025 and no comments were received by 7 August 2025.

Resource Implications

Financial

Nil

Workforce

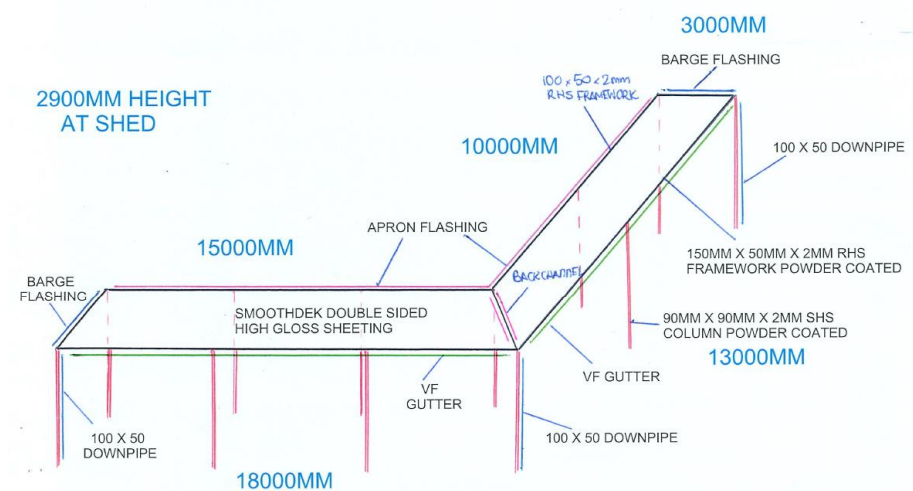
Nil

Approved Plans

Site Plan



Development Plan



End

9.5.3 Draft new Local Planning Scheme No.3 and Resolution to proceed to advertise	
File Ref:	Town Planning-Local Planning Scheme #3
Previous Items:	Nil
Applicant:	Shire of Boyup Brook
Author and Title:	A. Nicoll, Urban and Regional Planner
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number	9.5.3A Draft new Local Planning Scheme No.3 Text 9.5.3B Draft new Local Planning Scheme No.3 Maps 9.5.3C Current Local Planning Scheme No.2 9.5.3D New Scheme Adoption Process – Flow Chart

Moved: Cr. Inglis

Seconded: Cr. Wright

Council Decision CM 25/08/160

1. Pursuant to Section 72 of the *Planning and Development Act 2005* and Regulation 21(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **PROCEED TO ADVERTISE** the draft new Local Planning Scheme No. 3 (LPS3) included in Attachments 1 and 2.
2. In accordance with the requirements of Regulation 21 and 22 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **DELEGATE** the Chief Executive Officer to:
 - a) Refer LPS3 to the Environmental Protection Authority to consider if LPS3 needs to be assessed pursuant to Section 48A of the Environmental Protection Act 1986;
 - b) Provide a copy of LPS3 to the Commission, and seek the Commission's advice on LPS3 and if it considers that any modification to the new scheme text and mapping is required prior to advertising;
 - c) Make any necessary modifications to LPS3 to the satisfaction of the Environmental Protection Authority and/or Commission prior to commencement of advertising; and
 - d) Provide public notice of LPS3 and ensure arrangements are in place for LPS3 to be made available for inspection by the public for a period of not less than 90 days.

CARRIED 5/0

For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright

Against: Nil

Summary

The purpose of this report is for Council to consider proceeding to advertise the draft new Local Planning Scheme No. 3 (LPS3), without modification, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

The draft new LPS3 seeks to:

- Ensure consistency with the state planning framework, including reflecting any recent changes to the Regulations, state planning policies, guidelines and state policy direction;
- Implement the aims and strategic direction of the Shire's Local Planning Strategy 2023-2038 (Strategy);
- Ensure consistency with the local planning framework, including existing local planning policies and local structure plans.

Once finalised, the draft new LPS3 will replace the existing Local Planning Scheme No. 2 (LPS2). The draft new LPS3 is available for review as the Attachment 1.

Background

The Regulations require local governments to review their local planning scheme every 5 years. Review of a scheme needs to comply with the state's 'Model Provisions', which are contained in the Regulations.

The Shire's current LPS2 was originally gazetted in 1997. Amendments to the LPS2 have been implemented since its gazettal, including significant changes that were required following gazettal of the Regulations in 2015.

In 2024, the Shire commenced a process to develop a new LPS3, to implement the strategic direction and aims set out under its Strategy. The draft new LPS3 seeks to ensure alignment between the strategic and statutory aspects of the state planning framework and the Shire's local planning framework (Strategy and Policy).

The Shire's Strategy defines the direction of the Shire for the next 10-15 years, with its primary aim being to achieve residential and industrial development through limited fronts.

Report Detail

The process for the preparation, advertising, modification and approval of a local planning scheme is set out in the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

See Attachment 4 for a simplified flowchart for the preparation of a new local planning scheme.

The draft new LSP3 involves the following key changes, which are proposed to ensure alignment with strategic direction and legislative requirements:

- Modifying the aims of the scheme to align with the Shire's Strategy
- Introducing new reserve classifications to align with state legislation (e.g. Drainage / Waterway)
- Combining the zone objectives in Table 2, with the standards applicable to each zone classification
- Modifying the land use classifications in the Zoning Table, to align with the Model Scheme
- Modifying permissibility's in the Zoning Table, to allow for more flexibility
- Allowing high-density (R60) development for aged person housing in the Residential zone, as instigated by the Shire's Strategy
- Introducing new standards dealing with:
 - Modifications to the Residential Design Codes (e.g. for ancillary dwellings and outbuildings)
 - Matters associated with the environment (e.g. development of access roads and intensive agricultural industries)
 - Caravan parks and holiday accommodation developments
 - Extractive industries
 - Outbuildings and shipping containers
- Introducing a new Special Control Area, to deal with areas that may be subject to inundation
- Introducing new development exemptions for the erection of a single house, outbuilding and ancillary dwelling, for land where the Residential Design Codes do-not apply (e.g. Rural and Rural Residential land).
- Deleting schedules in the scheme dealing with structure plans, rural residential development, rural smallholdings development and non-conforming uses. Standards for these are dealt with elsewhere in the scheme or as a guide document adopted under the scheme.
- Map zone and reserve changes where necessary to align with the Shire's Strategy and Regulations. In particular:
 - Some reserve classifications have been changed to align with the underlying reserve purpose (E.g. Introduction of 'Environmental conservation' reserve classification for conservation reserves and 'Civic and Community' for community areas)
 - Crown reserves with a zone classification, have been transferred to a reserve classification
 - The land adjacent to Williams Street has been rezoned from Rural Residential to Residential, as recommended by the Shire's

Strategy.

- Lots on the corner of Short Street and Abel Street have been transferred to the Light Industry zone to reflect their current use.

The changes proposed in the new scheme are expected to provide sufficient dwelling density, development control, land use permissibility, and other essential details to allow for growth and development within the Shire of Boyup Brook.

This report item is requesting the approval of the Council to forward copies of the draft new Scheme to the Commission for certification to advertise, and to refer the draft Scheme to the Environmental Protection Authority (EPA) to consider if the Scheme requires formal environmental assessment.

Subject to favourable advice from the EPA and the Commission, the Shire can proceed to advertise the draft LPS3 in accordance with the Regulations. Following closure of advertising, the draft LPS3, along with public and agency submissions, will be referred back to Council requesting final approval, with or without modifications.

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

	Key Imperatives	Economic Development
	Outcome	Be a business friendly Shire and create conditions for economic growth.
	Objective	2.1 Reduce red tape and promote a supportive business friendly culture.

Other Strategic Links

Nil

Statutory Environment

A local planning scheme comes into force in a similar manner to an Act of Parliament.

A local planning scheme must therefore receive the consent of the Minister for Planning before it becomes a legal document.

Once a scheme is gazetted, it sets up a statutory framework for the development of the Municipality and becomes the primary tool to guide private sector investment

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

There are no policy implications relating to the proposal to introduce a new local planning scheme.

Provisions from a number of local planning policies are proposed to be consolidated into the draft LPS3 (e.g. outbuildings).

In accordance with Part 5, s.77A of the *Planning and Development Act 2005*, the Minister may, on the recommendation of the Commission, order a local government to prepare and submit for the approval of the Minister an amendment to a local planning scheme for the purpose of rendering the local planning scheme consistent with a specified State planning policy.

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
Low	Not updating the Shire's Local Planning Scheme to conform with the Shire's Strategy and state Regulation may result in decision making that is not in line with community and state expectations.

Consultation

Pursuant to r. 22 of the Planning Regulations, the local government must advertise the draft local planning scheme for public inspection as follows:

- a) Publish in accordance with r. 76A:
 - the notice; and
 - the draft local planning scheme
- b) Give a copy of the notice to each public authority that the local government considers is likely to be affected by the draft local planning scheme
- c) Advertise the draft local planning scheme as directed by the WAPC and in any other way the local government considers appropriate.
- d) The period for making submissions on a draft local planning scheme is:

- the period of 90 days after the day on which the notice is first published; or
- a longer period approved by the WAPC.

The purpose of the engagement is to inform stakeholders and the community about the changes that are introduced with draft LPS3 and to provide an opportunity for the Shire to answer questions and address concerns.

Pursuant to r. 25 of the Regulations, the local government must consider all submissions on a draft local planning scheme lodged with the local government within 120 days after the end of the submission period for the draft scheme.

Resource Implications

Financial

The proposal is within Planning Budget.

Workforce

Nil

End

10. Minutes of Committees

10.1 South West Regional Road Group Meeting Minutes – 28 July 2025

Moved: Cr. Inglis	Seconded: Cr. Caldwell
Council Decision CM 25/08/161	
That Council:	
1. Receive the <u>unconfirmed</u> minutes of the South West Regional Road Group Meeting held on 28 July 2025.	
CARRIED 5/0	
For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright	
Against: Nil	

10.2 Local Emergency Management Advisory Committee Meeting Minutes – 6 August 2025

Moved: Cr. Wright	Seconded: Cr. Caldwell
Council Decision CM 25/08/162	
That Council:	
1. Receive the <u>unconfirmed</u> minutes of the Local Emergency Management Advisory Committee Meeting held on 6 August 2025.	
CARRIED 5/0	
For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Calwell, Cr Wright	
Against: Nil	

11. Motions of which previous notice has been given

Nil

12. Late Items / Urgent Business Matters

12.1 Consideration of Late Item

12.1.1 Sale of Lot 13129, (2730) Bridgetown-Boyup Brook Road, Boyup Brook (saleyards)	
File Ref:	A40350
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Magdalena Le Grange, Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number	Nil

Moved: Cr. Caldwell

Seconded: Cr. Inglis

Council Decision CM 25/08/163

That Council:

- 1. Delegates by Absolute Majority to the Acting Chief Executive Officer the authority to conclude the contract of sale.**
- 2. Authorise that the net proceeds from the sale of the Land be applied to the Building Reserve GL 300101.**

CARRIED BY ABSOLUTE MAJORITY 5/0

**For: Cr Walker, Cr Inglis, Cr Kaltenrieder, Cr Caldwell, Cr Wright
Against: Nil**

Summary

Council is requested to approve the sale of Lot 13129 (2730) Bridgetown-Boyup Brook Road, Boyup Brook.

Background

Council at its Ordinary Council meeting of 19 December 2024, resolved as follows:

“Moved: Cr. O’Connell

Seconded: Cr. Kaltenrieder

Council Resolution 24/12/267

That Council:

1. *Accept the “Offer to Purchase” from the Boyup Brook Cooperative Company Ltd for Lot 13129 (2730) Bridgetown-Boyup Brook Road, Boyup Brook for the amount of \$300,000.*
2. *Allocate the net income from the sale of the property in (1.) above to the Building Reserve GL 300101.*

CARRIED BY ABSOLUTE MAJORITY 5/0

For: Cr Walker, Cr O’Connell, Cr Kaltenrieder, Cr King, Cr Caldwell

Against: Nil”

Council at its Ordinary Council meeting of 29 August 2024, resolved as follows:

“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 advise 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”

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 Cooperative Company Ltd 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 Cooperative Company Ltd 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 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 Cooperative Company Ltd be progressed.

Notice of disposal of the land was advertised in The West Australian Newspaper on 7 November 2024 in accordance with Section 3.58 of the *Local Government Act 1995*. Written comments in relation to the

proposed disposal were requested to be lodged by 4:30pm on Thursday 21 November 2024. No comments were received.

Shire of Boyup Brook Strategic Community Plan 2021 – 2031

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

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.

Proceeding with the sale of land surplus to the Shire's needs will reduce the 'holding' cost of such land. The sale of the land will also contribute to funding other projects within the Shire.

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

Funds received through the sale of the property will be put towards the development of a project approved by Council.

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.

Risk Level	Comment
Moderate	Not proceeding with the potential sale would result in continued unnecessary holding cost for land surplus to the shires needs.

Consultation

As per the *Local Government Act 1995* (s3.58) the proposed sale of the property was advertised on 7 November 2024 in The West Australian Newspaper. The advertisement called for comments on the proposed sale to be submitted no later than 21 November 2024, no submissions were received.

Resource Implications

Financial

There will be some costs associated with the sale of the property but will be absorbed in the adopted 2025/2026 annual budget.

The funds received through the sale of the property will be placed in Building Reserve GL300101.

Workforce

Nil

End

13. Confidential Items of Business

Nil

14. Closure

There being no further business the meeting closed at 6:21pm.

Presiding Member

Date
