Date: 20 November 2026

To: Shire President
Deputy Shire President
Councillors
Community

Notice of Agenda – Ordinary Council Meeting

An Ordinary Council Meeting of the Shire of Boyup Brook will be held in the Council Chambers on 26 November 2026 at 6:00pm to consider the matters set out in the attached agenda.



Leonard Long
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.

SHIRE OF BOYUP BROOK

Proactive, Leadership & Teamwork, Accountability & Integrity, Commitment, Engaging Community

Growing our community together

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Agenda

1. Declaration of Opening

The Presiding Member declared the meeting open at … pm.

Welcome to all Councillors, staff, and members of the public in attendance.

Acknowledgement of Traditional Custodians

We acknowledge the Kaniyang people as the Traditional Custodians of the land on which we meet.

We pay our respects to Elders past, present, and emerging.

Please ensure that mobile phones are switched off or placed on silent for the duration of the meeting.

This meeting will be audio recorded and made available for public access on the Shire website.

Members of the public are reminded that no other visual or audio recording of this meeting is allowed without the permission of the Presiding Member.

Councillors are reminded to declare any conflict of interest as they arise in accordance with the *Local Government Act 1995*.

2. Record of Attendance

2.1 Attendance

Shire President	Cr Helen O'Connell
Deputy Shire President	Cr Darren King
Councillors	Cr Philip Moore
	Cr Michael Wright
	Cr Helen Hack
	Cr John Matthews

Council Officers

Chief Executive Officer	Leonard Long
Executive Officer	Magdalena Le Grange
Executive Manager Operational Services	Jason Forsyth
Executive Manager Corporate Services	Carolyn Mallett
Executive Manager Governance and Community Services	Gordon MacMile

Observers / Public Members

2.2 Apologies

2.3 Approved Leave of Absence

Cr David Inglis

2.4 Request Leave of Absence

3. Deputations, Petitions and Presentations

3.1 Deputations

3.2 Petitions

3.3 Presentations

Glenda Moroni, President of Precious Waste Boyup Brook Inc, will deliver a presentation on the proposed future of Precious Waste.

4. Public Question Time

a. Public Question Time provides members of the public with an opportunity to ask questions of the Council. Questions must relate to the business of the Council and must not be statements or expressions of personal opinion.

b. Wherever possible, questions should be submitted in writing at least 48 hours before the meeting to allow sufficient time to prepare a response.

c. Public Question Time will be limited to a total of fifteen (15) minutes unless extended by the Presiding Member.

d. Before asking their first question, each person must state their name and locality. If a question relates to an agenda item, the relevant item number should also be stated.

e. Each speaker will generally be limited to three (3) minutes to ask their question unless the Presiding Member determines otherwise.

f. Questions must be directed through the Presiding Member. At a Special Council Meeting, only questions relating to the purpose of the meeting may be asked. Questions may be taken on notice and answered after the meeting at the discretion of the Presiding Member.

g. Once Public Question Time has concluded, members of the public must not interrupt or disrupt the proceedings of the meeting unless invited to do so by the Presiding Member.

4.1 Response to Previous Public Questions Taken on Notice

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. Previous Council Meeting Minutes

6.1 Ordinary Council Meeting Minutes – 29 October 2026

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

Officer Recommendation CM 26/11/…

That the minutes of the Ordinary Council Meeting held on 29 October 2026 be confirmed as being a true and accurate record.

.....
For:
Against:

6.2 Special Council Meeting Minutes – 19 November 2026

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

Officer Recommendation CM 26/11/…

That the minutes of the Special Council Meeting held on 19 November 2026 be confirmed as being a true and accurate record.

.....
For:
Against:

7. Presidential Communications

To be provided at the Ordinary Council Meeting.

8. Reports by Elected Members

Elected Members can provide a verbal report of meetings and events attended throughout the month.

9. Councillor Questions on Notice

10. Reports of Officers

10.1 Operational Services

10.1.1 Evacuation Centre and Sporting Hub Upgrade Report	
File Ref:	Projects/Evac Centre/Meetings
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Heidi Webb, Co-ordinator Infrastructure and Parks
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

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

Officer Recommendation CM 26/11/…

That Council receives the November 2026 quarterly report for the Evacuation Centre and Sporting Hub Upgrade.

.....
For:
Against:

Summary

This report provides Council with an update on the renovation project at the Evacuation Centre and Sporting Hub Upgrade.

Background

The Shire of Boyup Brook awarded the contract for the Evacuation Centre and Sporting Hub Upgrade to Barna Construction in November 2025.

The aging facility was no longer suitable for its intended purpose and required substantial redevelopment to meet modern community needs. The redevelopment will deliver a functional, multi-use community facility including inclusive amenities designed to meet the needs of the wider community. Importantly, the new building has been purpose designed to operate as an evacuation centre during emergencies, enhancing the shires emergency management capabilities and community resilience.

Funding for this project has been secured through a combination of state and regional grant programs, the BBSRA, with a significant financial contribution from the Shire of Boyup Brook. The redevelopment aligns with the broader Sport and Recreation Precinct Mater Plan and reflects the Shires commitment to providing resilient, accessible, and sustainable community infrastructure that delivers long term benefit for residents and visitors.

Report Detail

Construction of the Boyup Brook Sports Pavilion, which will provide an upgraded emergency evacuation centre and community sporting facility, continues to progress as of 19 November 2026. Barna Construction has submitted nine progress claims, with a total of $1,564,237.45.

The project has experienced delays, including issues with non-conforming concrete slab works and additional structural and roofing requirements. The revised approved practical completion date is 19 February 2027, following approval of a three-calendar-day extension of time. The project remains behind the original construction programme, and any further delays may affect the overall completion date.

Approved contract variations total $106,684.35, including asbestos removal, additional demolition, floor screeding, stormwater tank installation, structural steelwork and additional roof structure and brickwork.

Further variations remain under consideration, including modifications to the septic tank and leach drain system to meet Environmental Health requirements, as well as rangehood compliance works. A quotation for the proposed wastewater system variation was presented to Council at the October Ordinary Council Meeting (OCM). The quotation remains under review by the project consultants to assess the proposed solution and ensure value for money.

The external building has been base rendered, with the topcoat currently underway. Upcoming works include floor screeding, further internal services prelays and internal wall cladding. Updated hydraulic drawings have been issued to address the wastewater system requirements. These changes are expected to result in further construction delays and may give rise to an additional extension of time claim.

The Shire will continue to monitor construction progress, project costs and outstanding variations in consultation with Barna Construction and H+H Architects, with a focus on managing project risks, minimising further delays and progressing the project towards practical completion.

Project Expenditure	**Amount (Paid to Date)**
Barna Construction	**$1,564,237.45**
Consultant Fees	**$197,873.27**
Total Paid to Date	**$1,762,110.72**

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	Increase safety, improve infrastructure.
	**Key Imperatives**	**Social and Community**
	Outcome	Encourage the preservation of our culture, heritage, and history.
	Objective	Support and promote community events and activities.
	**Key Imperatives**	**Governance and Organisation**
	Objective	Improve financial stability.
	Outcome	Improve short- and long-term financial management planning.
	**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. Improve business and asset management systems and processes to meet our audit compliance and the needs of the community.

Other Strategic Links

Nil

Statutory Environment

Nil

Sustainability and Risk Consideration

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

The Community Building Renovation Project will provide positive economic benefits to the Boyup Brook community through investment in local infrastructure and supporting ongoing community activity. The upgraded facility will improve the ability to host sporting events, community functions and regional activities, attracting visitors and supporting local businesses.

The project also provides opportunities for local contractors, suppliers, and service providers during construction, while delivering a modern, fit-for-purpose asset that supports the long-term sustainability and growth of the community.

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

The Community Building Renovation Project will deliver significant long-term social benefits for the Boyup Brook community. The new multi-purpose facility will provide modern, accessible amenities that support local sporting clubs, community groups, and events, while encouraging greater participation in recreation and strengthening community connections.

Importantly, the building has been designed to function as a purpose-built evacuation centre during emergencies, improving the Shire's resilience and emergency response capability. By replacing an ageing facility that was no longer fit for purpose, the project represents an investment in community wellbeing, safety, and the long-term sustainability of the town.

Policy Implications

Policy G6- Risk Management:

The Shire has a risk management policy to ensure that sound Risk Management practice and procedures are fully integrated into the Councils strategic and operational planning processes. In this policy, Council members are responsible for providing adequate budgetary provision for the maintenance of risk management plans and procedures.

It is a risk management objective to ensure community and employee health and safety within the Shire's authority is not compromised, to limit loss or damage to property and other assets and to limit interruption of business continuity.

Risk Management Implications

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

Risk Level	Comment
Moderate	The Community Building Renovation Project is currently under construction, with risks being actively managed throughout the delivery phase. The contractor continues to perform in accordance with the contract requirements, with regular site meetings, project management oversight and consultant inspections ensuring works meet the required standards for quality, safety, and compliance. Risks relating to time, cost and construction are monitored on an ongoing basis, with any issues identified addressed promptly to minimise impacts on the overall project schedule and successful delivery

Consultation

H & H Architects have been actively engaged in both the design and project management aspects of the development. They continue to work collaboratively with Shire staff throughout the duration of the project, providing oversight of the design and actively managing the building contractor to ensure the project is delivered to specification.

Resource Implications

Financial

The project is currently running within the adopted budget parameters.

Workforce

Nil

End

10.2 Governance and Community Services

10.2.1 Approval to Advertise Proposed Disposal by Lease – Lot 336 Jackson Street, Boyup Brook (Flax Mill Shed)	
File Ref:	Leases/Shire Properties
Previous Items:	Council Decision Res 13/18 – 15 February 2018 (Disposal by Lease)
Applicant:	Nil
Author and Title:	Gordon MacMile, Executive Manager Governance and Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	10.2.1A Market Rental Valuation – Lot 336 Jackson Street (Flax Mill Shed) (Dated 2026-09-01)

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

Officer Recommendation CM 26/11/…

That Council:

1. **Supports the disposal of property by lease being a portion of Lot 336 on Diagram 11985. Certificate of Title Volume 1337 Folio 838 (Jackson Street, Boyup Brook – Flax Mill Grain Shed).**

2. **Approves the advertising of the intended disposal via public notice and the seeking of expressions of interest to lease.**

   a. **Term of the potential lease would be an initial five (5) years with an option of a further five (5) years by mutual agreement.**

3. **Notes the current market rental valuation of Lot 336 Jackson Street, Boyup Brook – Flax Mill Grain Shed) is $11,400 per annum.**

.....
For:
Against:

Summary

The lease on the Flax Mill Grain Shed expired in 2021 with the Shire needing to follow legislative processes to again dispose of the property. The current tenant, Pratico Transport has indicated a preference to continue operating from the premises, however it is unclear whether any other interested parties exist.

Council is requested to approve an expression of interest process to gain clarity and further understanding on the level of interest in leasing the property.

Background

Built circa 1960's and known as the Flax Mill Grain Shed (Shed), the structure was understood to originally be used as a rain storage facility, located within the Flax Mill / Caravan Park complex.

The Shed was also used for markets around 2006.

Prior to an eventual disposal by lease in 2018, the Shire had been considering uses for the shed located on Lot 336 Jackson Street, Boyup Brook.

The Shed is metal framed and metal clad on the roof and northeastern side, with a concrete floor. The Shed is approximately 40m long and 30m wide with an overall gross lettable area of 1,140m². The Shed is located on property zoned Special Use under the Shire Local Planning Scheme No.2.

The (then) Shire received an enquiry whether the facility could be hired for storage, in a similar manner to the adjoining larger shed. Council resolved that the shed could be hired as part of the adjoining storage facility. While the shed was hired several times, no ongoing arrangements were established at the time.

A storage space hire agreement was subsequently established between the Shire and Pratico Transport for $360 per month from 1 December 2017 to 28 February 2018.

The Ordinary Council Meeting on 15 February 2018 resolved to lease the Flax Mill Shed at an annual rental of $6,000 for a term of five (5) years.

A lease was subsequently established for a term of three (3) years commencing on 2 November 2018 with Pratico Transport. The lease expired on 2 November 2021, and while a further three (3) year term extension existed, no records exist that this was executed. The lease has been continuing under a month-by-month holding over provision since.

Under the *Local Government Act 1995* a lease is considered a disposal of property and must be in accordance with section 3.58 of the Act, any associated regulations and Shire Policy G25 – Letting of Shire Properties (recently reviewed and updated).

The current tenant, Pratico Transport has been advised that, subject to Council approval, the Shire will commence processes to dispose of the property by lease.

Pratico Transport has indicated a desire to continue leasing the property, however it is not known whether other interest exists for the lease of the premise.

Report Detail

Detailed below are the particulars of the subject land.

Registered Proprietor/Owner	Legal Description
Shire of Boyup Brook.	Lot 336 on Diagram 11985. Certificate of Title Volume 1337 Folio 838.

1337/838

112 Jackson Street, BOYUP BROOK 6244

Title Details | Plan Details

General Details | Associated Documents | Ownership History

Certificate of Title	1337/838
Title Type	Certificate of title under the Transfer of Land Act
Parcel Identifier	Lot 336 On Diagram 11985 BOYUP BROOK Town Lot / Lot 336
Address Details	112 Jackson Street, BOYUP BROOK 6244
Dealing Status	Complete
Purchasers Caveat	N/A
Other Interests	N/A
Document Type	Application for Lost Duplicate Title (Section 75)
Document Number	O999263
Date of Execution	Refer Document
Consideration	Refer Document
Proprietor(s)	SHIRE OF BOYUP BROOK



Current and proposed leased portion (highlighted in blue).



Options for Disposal of Property by Lease

Section 3.58 of the *Local Government Act 1995* legislates how property can be disposed of. The two (2) main options are:

- By **Public Auction** (s3.58(2)(a)) or **Public Tender** (s3.58(2)(b)) – these options are most appropriate when there is confidence that there is reasonable commercial interest from several parties.

  or

- Giving **Public Notice** of the proposed disposition (including details of the property, the names of the parties concerned, the consideration / lease fee, and the market value) and then publicly advertising this intent (s3.58(3)(a) and (b)) – this option is most appropriate when there is only one (1) known interested party, or the Council intends to only lease the property to a specific party (without considering others).

Given the use of Shed is commercially focused, the public tender option is the most suitable. However, it is unclear how many parties may be interested in leasing the Shed aside from the current tenant, and the competitive nature of the market is unknown.

Council may therefore consider conducting an Expression of Interest (EOI) process under the *Local Government (Functions and General) Regulations 1996* (r21. Limiting who can tender, procedure of) to gain greater clarity on the level of interest and the competitiveness of the market.

Should Council support establishing a greater understanding of the level of interest via an EOI process, the required steps and potential timeline would be:

- Obtaining a current market rental valuation (complete).
- Obtaining authorisation from the Council to advertise the proposed disposal by lease (OCM November 2026).
- Publicly advertising the intention to lease and inviting submissions (EOIs) from interested parties (mid-December 2026 to mid-January 2027).

At the conclusion of the EOI process, Council may consider:

- Inviting a limited number of respondents to tender; or
- Advertising the intend to lease the property to a specific party using the public notice option detailed above.

Council would then be able to approve the disposition of property by lease to a specific party at the Ordinary meeting in February 2027.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

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

Other Strategic Links

Nil

Statutory Environment

***Local Government Act 1995* - 3.58 Disposing of Property**

In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not.
property includes the whole or any part of the interest of a local government in property but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - I. describing the property concerned; and
  - II. giving details of the proposed disposition; and
  - III. inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition —

I. as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
II. as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Local Government (Functions and General) Regulations 1996

r21. Limiting who can tender, procedure for

(1) If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.

(3) If a local government decides to seek expressions of interest before inviting tenders, Statewide public notice that expressions of interest are sought is to be given.

(4) The notice is required to include —
(a) a brief description of the goods or services required; and
(b) particulars identifying a person from whom more detailed information may be obtained; and
(c) information as to where and how expressions of interest may be submitted; and
(d) the date and time after which expressions of interest cannot be submitted.

Shire of Boyup Brook - Local Planning Scheme No.2

The Flax Mill is zoned ‘Special use’.

21 Special Use Zones

(1) Table 5 sets out –
a) special use zones for specified land that are in addition to the zones in the zoning table; and
b) the classes of special use that are permissible in that zone; and (c) the conditions that apply in respect of the special uses.

Table 5- Special Use Zones in Scheme Area

No.	Description of land	Special use	Conditions
SU1	Lot 336 Jackson Street	'P' uses on the site are – - Caravan Park - Camping Ground - Holiday Accommodation - Recreation - Private	Provides for special events and activities such as live music, short-term accommodation, food and drink stalls and bar sales. Uses to be contained within the former Flax Mill site.

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

2 Non-Conforming Uses

(1) Unless specifically provided, this Scheme does not prevent –

a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
b) the carrying out of development on land if –
   I. before the commencement of this Scheme, the development was lawfully approved; and
   II. the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if –

a) the non-conforming use of the land is discontinued; and
b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –

a) purchases the land; or
b) pays compensation to the owner of the land in relation to the nonconforming use.

Sustainability and Risk Consideration

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

Lease of the property allows for a company to operate a business within the district. The open and competitive process provides for equity, while ensuring a maximum return in line with market conditions.

A rental valuation (dated 1 September 2026) undertaken on Part of Lot 336 Jackson Street, Boyup Brook (Flax Mill Shed) identified a market rent of $11,400 per annum (Refer Attachment 10.2.1A Market Rental Valuation – Lot 336 Jackson Street (Flax Mill Shed) (Dated 2026-09-01).

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

Nil

Policy Implications

Shire Policy G25 – Letting of Shire Properties.

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	Adherence to legislative and regulatory requirements when considering the disposal of property will ensure equity and fairness for all interest parties.

Consultation

Consultation has occurred with the current tenant – Pratico Transport.

Resource Implications

Financial

Should Council decide to undertake an Expression of Interest process, minor advertising costs will be incurred at the time.

Eventually minor legal cost will be incurred with the drafting of a lease agreement.

Workforce

Existing officer time has been used to date.

End

10.2.2 Veterans Facilities Fund 2026/27 - Sandakan War Memorial Upgrades – Support for Grant Application	
File Ref:	Buildings and Assets/Sandakan Park/Sandakan Memorial
Previous Items:	CM 25/05/067 – 1 May 2025 (ANZAC Trust application)
Applicant:	Nil
Author and Title:	Nicki Jones, Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	10.2.2A Sandakan Memorial Draft Plan

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

Officer Recommendation CM 26/11/…

That Council:

1. **Supports the Shire of Boyup Brook, in collaboration with the Boyup Brook RSL Sub-Branch, submitting a grant application for up to $200,000 through the 2026/27 Veterans Facilities Fund towards the Sandakan War Memorial Upgrade project.**

2. **Approves a financial contribution of $15,000 from the Sandakan Visit Reserve towards the project, subject to the grant application being successful and the availability of funds within the reserve.**

3. **Subject to a successful grant application outcome, requests that the Chief Executive Officer present a further report to Council for approval of the Sandakan War Memorial Upgrade project final plans, prior to commencing any procurement or engaging a contractor to undertake the works.**

.....
For:
Against:

Summary

The purpose of this report is to seek Council's support for the Shire of Boyup Brook, in partnership with the Boyup Brook RSL Sub-Branch, to submit a grant application for up to $200,000 through the 2026/27 Veterans Facilities Fund towards the Sandakan War Memorial Upgrade project.

The report also seeks Council's approval for a financial contribution of $15,000 from the Sandakan Visit Reserve towards the project.

The proposed works will refurbish and enhance the existing memorial site within Sandakan Park consistent with the approved masterplan, improving accessibility, safety and amenity while preserving the historical significance.

Background

The Sandakan War Memorial, located within Sandakan Park in Boyup Brook, commemorates the Australian prisoners of war (POWs) who suffered and died in Borneo during World War II.

The memorial holds significant historical and cultural importance to the Boyup Brook community and provides a place for reflection, remembrance, and education.

Concept plans for the proposed refurbishment and upgrade of the memorial were developed in 2020, with the aim of improving accessibility, safety and amenity while preserving the historical significance of the site.

Council previously considered the proposed Sandakan Memorial Upgrade at the Ordinary Council Meeting held on 1 May 2025, with the draft concept plan included as an Attachment. Council subsequently resolved (CM 25/05/067) to support a grant application to the JTSI ANZAC Trust Grant to progress the proposed upgrades. The application was unsuccessful; however, the concept plan remains the basis for the proposed project.

Council adopted the overall Sandakan Park Master Plan (CM 25/11/218) at the Ordinary Council Meeting held on 27 November 2025. The proposed memorial concept plan (May 2025) aligns with the broader vision and masterplan for Sandakan Park, contributing to the ongoing improvement of the precinct as an accessible and meaningful place of remembrance.

Report Detail

The existing Sandakan War Memorial presents several accessibility and safety challenges, particularly for older residents and visitors attending the annual Sandakan Memorial Service. The current pathway has a gradient that does not meet contemporary accessibility standards, while the surrounding gravel slopes create uneven surfaces and potential slip and trip hazards.

The proposed upgrade will refurbish and enhance the memorial at its existing location within Sandakan Park, improving accessibility, safety and amenity while preserving the historical significance of the site.

The proposed works include:

- Providing accessible pathways and levelled areas.
- Refurbishing the existing memorial and its immediate surrounds.
- Increasing seating capacity to accommodate attendees during commemorative services.
- Providing shade and shelter for visitor comfort.
- Improving pedestrian access and viewing areas.
- Enhancing the overall presentation and amenity of the memorial site.

The long-term vision for Sandakan Park is to establish a stronger connection between the Sandakan War Memorial, the existing World War I Memorial and the Avenue of Honour along Abel Street, creating opportunities for education, reflection, and a greater understanding of Australia's military history.

The importance of Boyup Brook's Sandakan commemorations has also received national recognition, with footage of the 2024 Boyup Brook Sandakan Memorial Service featured in the Places of Pride cinematic presentation at the Australian War Memorial in Canberra.

The 2026/27 Veterans Facilities Fund provides an opportunity to secure funding of up to $200,000 towards the proposed upgrade. The fund supports improvements to veterans' facilities and memorial sites, with a focus on accessibility, safety, and the preservation of wartime heritage.

The Shire of Boyup Brook will submit the grant application in partnership with the Boyup Brook RSL Sub-Branch. This collaboration demonstrates a shared commitment to preserving the memorial and ensuring it continues to serve as an important place of remembrance for the community and visitors.

Although a financial contribution is not mandatory under the grant guidelines, it is proposed that the Shire contribute $15,000 from the Sandakan Visit Reserve. This voluntary contribution will demonstrate Council's commitment to the project and may strengthen the competitiveness of the application.

Should the application be successful, the final plans will be presented to Council for approval prior to commencing any procurement or engaging a contractor to undertake the works.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

	**Key Imperatives**	**Built Environment**
	Outcome	Create a safe and inviting community for locals and visitors.
	Objective	Partner with key stakeholders to improve streetscapes and revitalise the town centre.
	**Key Imperatives**	**Built Environment**
	Outcome	Create a safe and inviting community for locals and visitors.
	Objective	Develop and activate nodes and precincts to support effective land management, town planning, and asset management.
	**Key Imperatives**	**Built Environment**
	Outcome	Preserve the history and heritage of our built environment.
	Objective	Improve management and maintenance of community, heritage and historic sites and facilities in the Shire.

	**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	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**	**Social and Community**
	Outcome	Encourage the preservation of our culture, heritage, and history.
	Objective	Support and promote community events and activities.
	**Key Imperatives**	**Economic Development**
	Outcome	Support a strong and inclusive economy.
	Objective	Promote the town as a great place to visit, stay, and live.
	**Key Imperatives**	**Governance and Organisation**
	Objective	Effectively communicate and engage the community.
	Outcome	Partner with key stakeholders to deliver community projects.

Other Strategic Links

Sandakan Park Master Plan – Adopted by Council on 27 November 2025 (CM 25/11/218).

Statutory Environment

Nil

Sustainability and Risk Consideration

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

The proposed upgrade will enhance Sandakan Park as a heritage tourism destination, encouraging visitors to explore Boyup Brook and learn more about its connection to the Sandakan story.

Improved accessibility and visitor amenities may encourage longer visits to the town, providing opportunities for increased patronage of local businesses and supporting the local economy.

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

The Sandakan War Memorial is an important place of remembrance for the Boyup Brook community, particularly for veterans, their families and those attending annual commemorative services.

Improving accessibility and safety will ensure that people of all ages and abilities can participate in commemorations with dignity and independence.

The project will also strengthen community pride, preserve local military heritage, and provide opportunities for future generations to learn about the sacrifices made by Australian service personnel.

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
Low	The submission of a grant application does not commit the Shire to proceeding with the proposed works. Should the application be successful, the final plans will be presented to Council for approval prior to engaging a contractor. Any expenditure will be subject to the relevant funding agreement, approved budget, and procurement processes.

Consultation

Boyup Brook RSL Sub-Branch - The Boyup Brook RSL Sub-Branch will collaborate with the Shire in preparing the grant application, reflecting the shared commitment to preserving and enhancing the memorial.

In addition to the above, consultation will also be undertaken with a representative of the McLaughlin family.

Resource Implications

Financial

It is proposed that the Shire contribute $15,000 from the Sandakan Visit Reserve, which currently holds $8,088, with a further $8,000 budgeted to be transferred during the 2026/27 financial year.

Workforce

It is anticipated that the proposed works will be undertaken by external contractors, with project coordination and oversight managed by the Shire's Project Officer.

End

10.3 Corporate Services

Note:

In accordance with s.5.63(1)(h) of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* r.21, as follows, a Council Member is not required to disclose an interest or leave the Chamber relating to a payment listed in the list of accounts provided to Council.

21. Interests that need not be disclosed (Act s.5.63(1)(h))

The Interests prescribed for the purpose of section 5.63(1)(h) are as follows –

(a) An interest relating to an allowance to which section 5.98A or 5.99A refers.

(b) *An interest (not being an interest referred to in section 5.63(1)) relating to the payment by the local government of money that the local government is legally obliged to pay.*

10.3.1 List of Accounts Paid in October 2026	
File Ref:	FM/1/002
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Joanna Hales-Pearce, Finance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	10.3.1A List of Accounts Paid in October 2026

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

Officer Recommendation CM 26/11/…

That Council receives the list of accounts paid in October 2026, totaling $1,175,671.06 from Municipal account, and $47,298.95 from Police Licensing, as represented by:

Municipal		
EFT	**3223-3351**	**$ 855,730.20**
Cheques	**20733-20734**	**$ 2,217.65**
Direct Payments		**$ 317,723.21**
Municipal Total		**$1,175,671.06**
Police Licensing		**$ 47,298.95**
		……
Grand Total		**$1,222,970.01**

.....
For:
Against:

Summary

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in October 2026 are presented to Council.

Background

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 1 to 31 October 2026.

Report Detail

Attachment 10.3.1A lists accounts/invoices the Shire paid by cheque or electronic means during the period 1 to 31 October 2026.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

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

Other Strategic Links

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. Payments from municipal fund or trust fund

(1) A payment may only be made from the municipal fund or the trust fund —
(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Lists of accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name.
(b) the amount of the payment.
(c) the date of the payment; and
(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —
(i) the payee's name.
(ii) the amount of the payment; and
(iii) sufficient information to identify the transaction
and
(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub-regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

Sustainability and Risk Consideration

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

Nil

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

Nil

Policy Implications

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

Risk Management Implications

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

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

Consultation

Nil

Resource Implications

Financial

Account payments accorded with the adopted 2026/2027 Annual Budget.

Workforce

Nil

End

10.3.2 Monthly Statement of Financial Activity for the period ending 30 September 2026	
File Ref:	FM/10/003
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Carolyn Mallett, Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	10.3.2A – Monthly Financial Report 30 September 2026

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

Officer Recommendation CM 26/11/…

That Council receives the Monthly Financial Report for 30 September 2026, as presented (Attachment 10.3.2A).

.....
For:
Against:

Summary

The Monthly Financial Report for 30 September 2026 is presented to Council.

Background

The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and material variances can be commented on.

Report Detail

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

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

7. Statement of Financial Position.
8. Statement of Cash Flows.
9. Report on Progress of Capital Expenditure Program.
10. Report on Major Business Units.
11. Statement of Cash Back Reserves.
12. Loan Borrowings Report; and
13. Detailed Operating and Non-Operating Schedules.

Council adopted a material variance threshold of $10,000 or 10% at its budget meeting.

For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds $10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as of 30 September 2026 shows a closing surplus of $7,810,643.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

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

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
   (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c).
   (b) budget estimates to the end of month to which the statement relates.
   (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates.
   (d) material variances between the comparable amounts referred to in paragraphs (b) and (c).
   (e) the net current assets at the end of the month to which the statement relates.

Sub-regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Sustainability and Risk Consideration

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

Nil

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

Nil

Policy Implications

Council Policy F2 – Investment of Funds is applicable.

Risk Management Implications

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

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

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

End

10.3.3 Monthly Statement of Financial Activity for the period ending 31 October 2026	
File Ref:	FM/10/003
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Carolyn Mallett, Executive Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	10.3.3A – Monthly Financial Report 31 October 2026

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

Officer Recommendation CM 26/11/…

That Council receives the Monthly Financial Report for 31 October 2026, as presented (Attachment 10.3.3A).

.....
For:
Against:

Summary

The Monthly Financial Report for 31 October 2026 is presented to Council.

Background

The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and material variances can be commented on.

Report Detail

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

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

8. Statement of Cash Flows.
9. Report on Progress of Capital Expenditure Program.
10. Report on Major Business Units.
11. Statement of Cash Back Reserves.
12. Loan Borrowings Report; and
13. Detailed Operating and Non-Operating Schedules.

Council adopted a material variance threshold of $10,000 or 10% at its budget meeting.

For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds $10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as of 31 October 2026 shows a closing surplus of $6,835,034.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

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

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
   (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c).
   (b) budget estimates to the end of month to which the statement relates.
   (c) actual amounts of expenditure, revenue, and income to the end of the month to which the statement relates.
   (d) material variances between the comparable amounts referred to in paragraphs (b) and (c).
   (e) the net current assets at the end of the month to which the statement relates.

Sub-regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Sustainability and Risk Consideration

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

Nil

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

Nil

Policy Implications

Council Policy F2 – Investment of Funds is applicable.

Risk Management Implications

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

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

Consultation

Nil

Resource Implications

Financial

Nil

Workforce

Nil

End

10.3.4 Overview of Default Ratepayers	
File Ref:	FM/48/008
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Heather Marland, Rates Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	Nil

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

Officer Recommendation CM 26/11/…

That Council notes the report on the statistics of default rate payers as of 11 November 2026, with a current outstanding Rate Debt of $1,691,457.81 which includes all overdue and instalment amounts.

.....
For:
Against:

Summary

The aim of this report is to inform Council of the status of the rates as of 11 November 2026. The second instalment was issued on 29 October 2026 with a due date of 03 December 2026. The final/overdue notices were also issued at that time, with 118 overdue notices issued. There has been a positive result with the overdue notices with a pleasing amount now paid in full.

Background

The Shire of Boyup Brook engages AMPAC Debt Recovery for any debt collection needs.

As a fully licensed commercial collection agency, AMPAC offers a comprehensive suite of debt recovery services across the nation, leveraging state-of-the-art collection technologies. It is recognised as a preferred supplier for local government procurement and the Western Australian Local Government Association (WALGA), underscoring its reliability and effectiveness in the field.

AMPAC offer 2 packages to local governments:

Traditional Package: Email or letter issued by AMPAC, at no cost, directing payments and contact to your Town/ Shire/ City.

AMPAC will then contact you after 7 days to seek your instructions for legal action against those ratepayers who have failed to pay or agreed to suitable terms of repayment.

LGAD Package: $90.00 AMPAC LGAD fee applicable for each rateable property. Email and Letter of Demand issued by AMPAC directing payments and contact to AMPAC. A phone campaign, utilizing SMS and phone calls will then be initiated by AMPAC against those ratepayers who have failed to pay or respond within 7 days of our email and letter demands. Following our phone campaign AMPAC will then seek instructions for legal action against those ratepayers who have failed to pay or agreed to suitable terms of repayment.

The Shire again choose the Traditional Package, being conscious of the economic climate and not wanting to add extra fees to those already struggling to pay their rates.

Report Detail

A list of rate payers will be provided to AMPAC by 30 November of those who have not paid/responded to the overdue notices, for action utilizing the Traditional Package (as above). As in previous years those that owe 2 or more years will be the focus for debt collection.

The total overdue amount of $1,691,457.81 includes the instalment amounts and the overdue amounts.

Excluding the items listed below this year we have had a collection rate of 70%, being those that have paid in full, 1st instalment or have individual payment arrangements in place, compared to approx. 60% for last year.

Outstanding Rates:

Status	Number of Assessments	Outstanding Amount	Notes
2 Years +	16	$142,104.66	Can be pursued
3 Years +	2	$14,760.42	Can be pursued
Forest Product Commission	14	$137,302.90	Can not be pursued
Deferred Rates	25	$44,371.91	Can not be pursued
Significant Debt Payment Plan	1	$11,469.72	Will continue to pay $1,000 per month
Business Default	1	$45,346.45	Will need council consideration long term.

NB: there are some in the 2 Years + category that are on individual payment plans that will not be referred to the debt collectors.

Shire of Boyup Brook Strategic Community Plan 2021 - 2031

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

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995

6.56(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, in a court of competent jurisdiction.

6.64 Actions to be taken.

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

(a) from time to time lease the land; or
(b) sell the land; or
(c) cause the land to be transferred to the Crown; or
(d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Sustainability and Risk Consideration

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

The failure to collect budgeted rates negatively impacts the budget, hindering the Shire's ability to meet its financial commitments.

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

The inability to collect the anticipated rate funds may impede the Shire's execution of budgeted items, adversely affecting the quality of services and facilities provided to the community.

Policy Implications

Nil

Risk Management Implications

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

Risk Level	Comment
High	If rates are not collected, the council faces significant financial risk, compromising its ability to deliver essential services and maintain infrastructure. This shortfall in revenue can lead to budget deficits, forcing the council to either cut services, delay projects, or increase rates and fees in the future to compensate for the loss. Such outcomes not only strain the council's financial health but also impact the community's quality of life and satisfaction with local governance.

Consultation

- Executive Manager Corporate Services.
- Rates Officer.
- Manager Financial Services.

Resource Implications

Financial

Nil

Workforce

Nil

End

10.4 Chief Executive Officer

10.4.1 Proposed Disposal of Lot 1 (34) Bridge Street, Boyup brook – Final Approval following Statutory Advertising	
File Ref:	A40307
Previous Items:	Council Resolution CM 26/10/224
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachment Number:	10.4.1A Independent Market Valuation 10.4.1B Statutory Notice

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

Officer Recommendation CM 26/11/…

That Council:

1. **Receives the independent market valuation of $300,000 for Lot 1 (34) bridge Street, Boyup Brook.**

2. **Approves the disposal of Lot 1 (34) Bridge Street, Boyup Brook, by private treaty to Andrew Smart for a purchase price of $299,000, in accordance with section 3.58(3) of the *Local Government Act 1995*.**

3. **Authorises the Chief Executive Officer to execute the contract of sale and all associated documentation necessary to complete the disposal, including any minor amendments to the settlement arrangements that do not materially alter the approved purchase price or other substantive terms of sale.**

4. **Authorises the affixing of the Common Seal of the Shire of Boyup Brook to the Transfer of Land documentation and any other documents requiring execution under the Common Seal necessary to complete the disposal, in accordance with Policy G1 – Execution of Documents and section 9.49A of the *Local Government Act 1995*.**

5. **Confirms, in accordance with Council Decision CM 26/07/159, that the net proceeds of the sale, following deduction of all associated disposal costs, are to be transferred to the Building Maintenance Reserve.**

.....
For:
Against:

Summary

The purpose of this report is to seek Council's final approval for the disposal of Lot (1) 34 Bridge Street, Boyup Brook, following completion of the statutory public notification process required under section 3.58 of the *Local Government Act 1995*.

Council considered an offer of $299,000 from Andrew Smart to purchase the property at the Ordinary Council Meeting held on 29 October 2026.

Council resolved to receive the offer, obtain an independent market valuation, undertake the required statutory advertising, and receive a further report before determining whether to proceed with the disposal.

An independent market valuation has subsequently been obtained, assessing the property's market value at $300,000.

The proposed sale price of $299,000 represents a difference of $1,000, or approximately 0.33%, below the independent valuation.

In accordance with the requirements of section 3.58(3), local public notice of the proposed disposal commenced on 5 November 2026, with the submission period closing on 20 November 2026.

No submissions were received during the statutory advertising period.

Background

In November 2021, the Shire of Boyup Brook purchased Lot 34 Bridge Street, Boyup Brook, for $149,000.

The property was acquired with the intention of developing independent living accommodation to address the future accommodation needs of older residents within the community.

Subsequent investigations into the proposed development identified significant costs associated with developing the property, raising concerns regarding the financial viability of proceeding at this location.

Consequently, the Shire has been investigating alternative opportunities for the development of independent living accommodation on vacant land surrounding the existing Boyup Brook Citizens Lodge.

Council resolved to (CM 26/07/159 – 30 July 2026):

1. Authorise the Chief Executive Officer to commence the disposal process in accordance with section 3.58 of the *Local Government Act 1995* for:

    - Lot 32 Bridge Street, Boyup Brook; and
    - Lot 34 Bridge Street, Boyup Brook.

2. Determine that the net proceeds from the sale of the properties, after deduction of all costs associated with the disposal, be transferred to the Building Maintenance Reserve.

Following this decision, the Shire commenced marketing the properties.

A cash offer of $299,000 was subsequently received from Andrew Smart to purchase Lot 1 (34) Bridge Street, with a proposed settlement date on or before 21 December 2026.

Council considered the offer at the Ordinary Council Meeting held on 29 October 2026 and resolved (CM 26/10/224) to:

1. Receive the offer of $299,000.
2. Authorise the CEO to obtain an independent market valuation.
3. Authorise the CEO to negotiate with the prospective purchaser regarding the purchase price and terms.
4. Authorise the CEO to undertake the statutory public notification process under sections 3.58(3) and (4).
5. Require a further report following the notification process for Council's final determination.
6. Note that net sale proceeds would be transferred to the Building Maintenance Reserve.
7. Confirm that the resolution did not constitute acceptance of the offer or an agreement to dispose of the property.

The resolution was carried by absolute majority, 7/0.

The statutory notification process has now been completed, and the matter is presented to Council for a final decision.

Report Detail

Following the October Council resolution, the Chief Executive Officer arranged for an independent market valuation of Lot 1 (34) Bridge Street.

The valuation assessed the current market value of the property at $300,000.

The offer received from Andrew Smart is $299,000, representing a difference of $1,000 below the independent market valuation.

Description	Amount
Original purchase price – November 2021	$149,000
Independent market valuation – 2026	$300,000
Offer received	$299,000
Difference below valuation	$1,000
Difference below valuation (%)	0.33%
Gross increase over original purchase price	$150,000

The proposed purchase price represents approximately 99.67% of the independently assessed market value.

Given the minor difference between the offer and valuation, the proposed sale price is considered reasonable and consistent with the property's current market value.

The offer also represents a substantial increase over the original purchase price paid by the Shire in November 2021.

However, it is acknowledged that the difference between the original purchase price and the proposed sale price does not represent the net financial return to the Shire, as consideration must be given to acquisition, holding, valuation, marketing, and disposal costs.

The prospective purchaser has indicated an intention to construct a family residence on the property.

The purchaser has also expressed an interest in the potential future subdivision of the property to accommodate additional family residences.

Any future subdivision or development would remain subject to the relevant planning and statutory approval processes.

The intended residential development is consistent with Council's broader objective of encouraging residential development and increasing housing availability within Boyup Brook.

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.

Other Strategic Links

Nil

Statutory Environment

Local Government Act 1995:

Section 3.58 – Disposing of property.

Section 3.58 establishes the statutory requirements for the disposal of property owned by a local government.

Under section 3.58(2), property may be disposed of through public auction or public tender.
Section 3.58(3) permits a local government to dispose of property by another method, including private treaty, provided the required statutory process is undertaken before the local government agrees to dispose of the property.

This includes:

- Giving local public notice describing the property and the proposed disposition.
- Inviting public submissions before a date not less than two weeks after the notice is first given.
- Considering any submissions received before making a final decision.
- Recording the decision and reasons in the Council minutes.

Section 3.58(4) requires the notice to include:

- The names of the parties involved.
- The consideration to be received by the local government.
- The market value of the proposed disposition, established by a valuation undertaken within the preceding six months, or otherwise determined in accordance with section 3.58(4)(c)(ii).

Sustainability and Risk Consideration

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

The proposed disposal will generate gross capital proceeds of $299,000, subject to completion of settlement.

The sale will also facilitate potential residential development, support local construction activity, and potentially increase the availability of housing within Boyup Brook.

The net proceeds from the disposal will be transferred to the Building Maintenance Reserve, supporting the maintenance and renewal of existing Shire assets.

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

The property was originally acquired for the development of independent living accommodation.

While the proposed disposal means the property will no longer be available for this purpose, the Shire continues to investigate alternative opportunities for independent living accommodation, including vacant land surrounding the existing lodge.

The proposed sale may also contribute to the availability of additional residential accommodation within Boyup Brook through the purchaser's intended development of the property.

Policy Implications

The following Shire of Boyup Brook policies are relevant to the proposed disposal.

Policy G10 – Disposal of Property

This policy specifically excludes land from its prescribed disposal procedures. Accordingly, the proposed disposal of Lot 34 Bridge Street is being undertaken in accordance with section 3.58 of the *Local Government Act 1995*.

Policy G1 – Execution of Documents

This policy establishes the requirements for the execution of documents on behalf of the Shire. Landgate Transfer of Landforms are classified as Category 1 documents and require execution under the Shire's Common Seal, as authorised by Council.

Policy C11 – Assets Management

The proposed disposal is consistent with the policy's principles relating to financially sustainable asset management, including consideration of ongoing costs, strategic value, and opportunities for rationalisation of Shire-owned assets.

Policy G6 – Risk Management

The risks associated with the proposed disposal have been considered in accordance with this policy, including statutory compliance, financial implications, and completion of the sale.

Risk Management Implications

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

Risk Level	Comment
Low	The proposed disposal of Lot 34 Bridge Street presents a low level of risk to the Shire. Compliance with section 3.58 of the *Local Government Act 1995* has been addressed through the statutory public notification process, with no submissions received. An independent market valuation of $300,000 confirms that the proposed sale price of $299,000 represents a reasonable financial outcome. The disposal will also reduce the Shire's exposure to ongoing holding costs and potential development expenses associated with retaining the property. Any remaining risks associated with the sale will be managed through appropriate contractual and settlement arrangements.

Consultation

The Shire has completed the statutory public notification process required under section 3.58(3) of the *Local Government Act 1995.*

The Shire gave local public notice on 5 November 2026, with submissions closing on 20 November 2026.

No submissions were received during the advertising period.

Council is therefore able to consider the proposed disposal without any public submissions requiring further assessment.

Resource Implications

Financial

The proposed disposal will generate gross sale proceeds of $299,000.

The independent valuation assessed the property at $300,000, with the proposed sale price representing approximately 99.67% of the assessed market value.

The Shire purchased the property in November 2021 for $149,000.

The proposed sale price represents a gross increase of $150,000 over the original purchase price.

This amount does not represent a net gain, as acquisition, holding and disposal costs must be taken into consideration.

Costs associated with the disposal may include the independent market valuation, real estate agent commission, legal and conveyancing expenses, statutory advertising, and other transaction expenses.

In accordance with Council Decision CM 26/07/159, the net proceeds following deduction of all disposal costs will be transferred to the Building Maintenance Reserve.

The sale proceeds will be recognised upon settlement, with the associated financial transactions and reserve transfer to be undertaken in accordance with the Shire's applicable budget and financial management requirements.

Workforce

The Chief Executive Officer and relevant administration officers will coordinate the execution of the contract of sale and settlement requirements in consultation with the appointed selling agent and settlement representative.

End

10.5 Planning Services

Nil

11. Minutes of Committees

11.1 Independent Living Unit Development Committee Meeting Minutes, 12 November 2026

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

Officer Recommendation CM 26/11/…

That Council receives the unconfirmed minutes of the Independent Living Unit Development Committee Meeting held on 12 November 2026.

.....
For:
Against:

11.2 Medical Services Governance Committee Meeting Minutes, 19 November 2026

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

Officer Recommendation CM 26/11/…

That Council receives the unconfirmed minutes of the Medical Services Governance Committee Meeting held on 19 November 2026.

.....
For:
Against:

12. Motions of which previous notice has been given

Nil

13. Late Items / Urgent Business Matters

Nil

14. Confidential Items of Business

14.1 Proceed behind closed doors.

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

Officer Recommendation CM 26/11/…

1. **That Council in accordance with Clause 15.10 of the Local Law No.1 - Standing Orders proceed behind closed doors as per Section 5.23(4) of the *Local Government Act 1995*, to consider Agenda item 14.1.1, the time being …. pm.**

.....
For:
Against:

14.1.1 CONFIDENTIAL ITEM - Annual Community Awards 2027	
File Ref:	Events/Australia Day/ Awards
Previous Items:	Nil
Applicant:	Nil
Author and Title:	Nicki Jones - Manager Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Attachment Number:	14.1.1A Nomination Forms

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

Officer Recommendation CM 26/11/…

That Council:

1. **Review and consider the nominations received for the 2027 Shire of Boyup Brook Community Awards.**

2. **Select one recipient for each of the following categories:**
   - **Citizen of the Year**
   - **Kevin Henderson Memorial Award**
   - **Sports Person of the Year**
   - **Young Achiever of the Year.**

.....
For:
Against:

14.2 Proceed with the meeting in public

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

Officer Recommendation CM 26/11/…

That Council:

1. Proceed with the meeting in public, the time being ……pm.

.....
For:
Against:

The Presiding Members to summarise the outcome of the Council decision in relation to Confidential Item 14.1.1, while maintaining the required confidentiality.

15. Closure

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

_____ _____
Presiding Member Date