

**NOTICE OF ORDINARY COUNCIL MEETING  
Thursday 29 April 2021**

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To be held on

**Thursday 29 April 2021**

Commencing at 5.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

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Dale Putland  
Chief Executive Officer

27 April 2021

**Disclaimer**

Please note the items and recommendations in this document are not final and are subject to change or withdrawal.

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

*We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.*

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O'Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Adrian Price
	Chief Executive Officer	Dale Putland
	A/Manager of Works & Services	Wayne Butler
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4. PUBLIC QUESTION TIME**

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the Shire of Boyup Brook has jurisdiction or involvement.

A person wishing to ask a question, must complete a question form which is available at the Administration Office and the Shire's website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

**6. DISCLOSURE OF INTEREST**

Members should fill in Disclosure of Interest forms for items in which they have a financial proximity interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A: "a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."

Section 5.60B: "a person has a proximity interest in a matter if the matter concerns –

- (a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
- (b) a proposed change to the zoning or use of land that adjoins the person's land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality): "interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."

**7. CONFIRMATION OF MINUTES**

<b>7.1 Ordinary Council Minutes – 25 March 2021</b>
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**OFFICER RECOMMENDATION – ITEM 7.1**

**That the minutes of the Ordinary Council Meeting held on Thursday 25 March 2021 be confirmed as an accurate record.**

**7.2 Special Council Minutes – 30 March 2021**

**OFFICER RECOMMENDATION – ITEM 7.2**

**That the minutes of the Special Council Meeting held on Tuesday 30 March 2021 be confirmed as an accurate record.**

**8. PRESIDENTIAL COMMUNICATIONS**

**9. COUNCILLOR QUESTIONS ON NOTICE**

**10.1 A/ Manager Works and Services**

Nil

**10.2 FINANCE**

<b>10.2.1 List of accounts paid in March 2021</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>15/04/2021</i>
<b>Author:</b>	<i>Carolyn Mallett –Senior Finance Officer</i>
<b>Authorising Officer:</b>	<i>Dale Putland – CEO</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid in March</i>

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**SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in March 2021 are presented to Council.

**BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 March 2021.

**COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 March 2021.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

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.*

**POLICY IMPLICATIONS**

Council's *Authority to Make Payments Policy* has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2020-21 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.1**

That at its April 2021 ordinary meeting Council receive as presented the list of accounts paid in March 2021, totalling \$999,493.16 from Municipal account, \$61,068.95 from Police Licensing account and \$4.46 from Boyup Brook Early Learning Centre account, as represented by:

<b>Municipal Cheques</b>	<b>20490 - 20497</b>	<b>\$ 5,247.02</b>
<b>Municipal Electronic Payments</b>	<b>EFT10551 – EFT10678</b>	<b>\$421,194,69</b>
<b>Municipal Direct Payments</b>		<b>\$573,051.45</b>
<b>Police Licensing Payments</b>		<b>\$ 61,068.95</b>
<b>BBELC Payments</b>		<b>\$ 4.46</b>



**10.2.2 28 February 2021 Statement of Financial Activity**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 April 2021</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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**SUMMARY**

The Monthly Financial Report for 28 February 2021 is presented for Councils consideration.

**BACKGROUND**

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

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

**COMMENT**

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

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves;
- (j) Loan Borrowings Statement; and
- (k) Trust Fund Statement.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material

variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 28 February shows a closing surplus of \$3,351,564.

**CONSULTATION** – Nil

**STATUTORY OBLIGATIONS**

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.

**POLICY IMPLICATIONS** – Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS** - Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.2**

**That Council receive the Monthly Financial Report for 28 February 2021, as presented.**

### 10.2.3 31 March 2021 Statement of Financial Activity

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 April 2021</i>
<b>Authors:</b>	<i>D Long – Finance Consultant</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>

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#### **SUMMARY**

The Monthly Financial Report for 31 March 2021 is presented for Councils consideration.

#### **BACKGROUND**

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

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

#### **COMMENT**

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

- (l) Statement of Comprehensive Income by Function/Program;
- (m) Statement of Comprehensive Income by Nature/Type;
- (n) Statement of Financial Activity;
- (o) Summary of Net Current Asset Position;
- (p) Statement of Explanation of Material Variances;
- (q) Statement of Financial Position;
- (r) Statement of Cash Flows;
- (s) Detailed Operating and Non-Operating Schedules;
- (t) Statement of Cash Back Reserves;
- (u) Loan Borrowings Statement; and
- (v) Trust Fund Statement.

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

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 31 March shows a closing surplus of \$3,538,450.

**CONSULTATION** – Nil

**STATUTORY OBLIGATIONS**

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.

**POLICY IMPLICATIONS** – Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS** – Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION – Item 10.2.3**

**That Council receive the Monthly Financial Report for 31 March 2021, as presented.**

## 10.3 PLANNING

### 10.3.1 Development (Fence) – 9 Barron Street, Boyup Brook

<b>Location:</b>	9 Barron Street, Boyup Brook.
<b>Applicant:</b>	Oonagh Fitzgerald
<b>File:</b>	A1970
<b>Disclosure of Officer Interest:</b>	None.
<b>Date:</b>	29 April 2021
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Dale Putland, Chief Executive Officer.
<b>Attachments:</b>	Nil

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#### SUMMARY

The purpose of this report is to put before Council the request to develop a 1.8m high fence within the front setback area of a residential zone property, known as 9 Barron Street, Boyup Brook.

Council discretion is required in accordance with the Shire's *Local Laws Relating to Fencing (2005)*, which states:

*A person shall not, without the written consent...erect a free-standing fence greater than 1200mm in height, within the front set-back area of a Residential Lot within the district.*

This report item recommends that the Council agree to support the development of a 1.8m fence, at 9 Barron Street, for the following reasons:

1. In accordance with the Shire's *Local Laws Relating to Fencing (2005)*, the fence provides appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare;
2. In accordance with the Shire's *Local Laws Relating to Fencing (2005)*, the erection of the fence is not expected to have an adverse effect on the safe or convenient use of the land or the safety or convenience of any person.

#### BACKGROUND

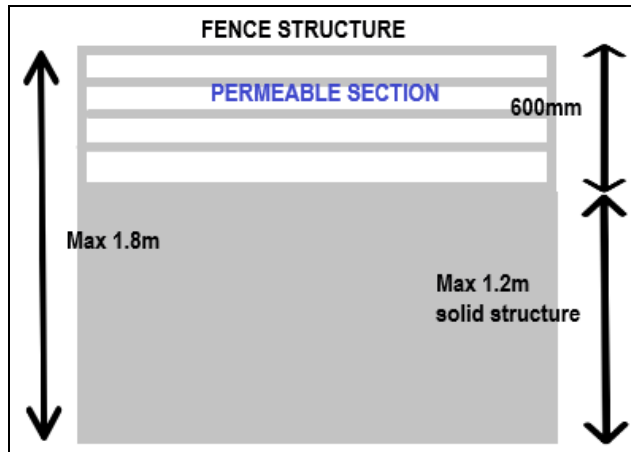
The landholder of 9 Barron Street contacted the Shire requesting information pertaining to developing a fence within the front setback area.

The landholder indicated the need to develop the fence, to a sufficient height, to contain two dogs.

In accordance with the Shire's *Local Laws Relating to Fencing (2005)*, Shire officers advised the landholder that a fence in the front setback area, should not exceed 1.2m in

height. In accordance with the Shire's *Local Laws Relating to Fencing (2005)*, Shire officers also advised the landholder that:

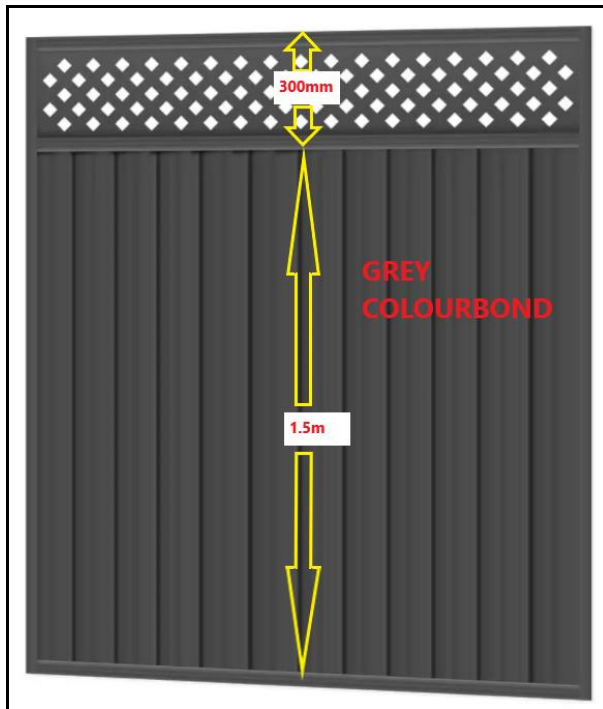
1. Council may consider the erection of a fence of a height greater than 1.2m in the front setback area of a Residential Lot, subject to the fence providing appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare; and
2. The fence should not exceed the following design parameters:



The landholder advised staff that the fence would be at least 3m back from the Inglis and Barron Street intersection and would not obstruct traffic in any way.

Based on Shire advice, the landholder consulted with Stratco (fencing contractor), on developing a colourbond fence to 1.2m in height, with a 600mm permeable lattice extension (total height 1.8m).

Stratco advised the landholder that a fence of this design, could not be made structurally sound, due to the height of the lattice on-top of the colourbond fence. Hence the landholder has submitted a request for a variation to the Shire's *Local Laws Relating to Fencing (2005)*, to construct a 1.5m high, grey colourbond fence, with a 300mm lattice extension, similar to the following design:



#### **COMMENT**

The application is proposing a fence within the front setback area of a Residential zone Lot, to a maximum height of 1.8m. The fence exceeds the Shire's *Local Laws Relating to Fencing (2005)*, recommended height limit of 1.2m, by 600mm.

In accordance with the Shire's *Local Laws Relating to Fencing (2005)* – Part 3, clause 7(2), the Council:

7(2)...may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

The following site plan illustrates the proposed location of the fence. As indicated, the proposed fence is well setback from access-ways and is therefore not expected to impact the vision of a motorist.





Council is requested to agree to support the development of a 1.8m fence, at 9 Barron Street, for the following reasons:

1. In accordance with the Shire's *Local Laws Relating to Fencing (2005)*, the fence provides appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare;
2. In accordance with the Shire's *Local Laws Relating to Fencing (2005)*, the erection of the fence is not expected to have an adverse effect on the safe or convenient use of the land or the safety or convenience of any person.

#### **STATUTORY OBLIGATIONS**

The Shire of Boyup Brook Local Laws Relating to Fencing states the following:

##### **Fences Within Front Setback Areas**

*A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1200mm in height, within the front set-back area of a Residential Lot within the district.*

*The Building Surveyor may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.*

#### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

**CONSULTATION**

The building surveyor was consulted on this matter.

**VOTING REQUIREMENTS**

Simple majority.

**OFFICER RECOMMENDATION – ITEM 10.3.1**

**That Council**

Grants development approval for the development of a 1.8m fence, at 9 Barron Street, subject to the following notice:

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: 9 Barron Street, Boyup Brook

Description of proposed development:

**1.8m high fence within the front setback area, of a Residential zone Lot.**

The application for development is approved subject to the following conditions.

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. An owner and occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.

Date of determination: 29 April 2021

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 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.

Note 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.

**Approved Plans  
Site Plans**



**10.3.2 Development (Advertisement x 1 – Pylon Sign) – Lot 1 (#61) Railway Parade, Boyup Brook**

<b>Location:</b>	Lot 1 (#61) Railway Parade, Boyup Brook
<b>Applicant:</b>	H & A Hayes.
<b>File:</b>	A20
<b>Disclosure of Officer Interest:</b>	None
<b>Date:</b>	29 April 2021
<b>Author:</b>	A. Nicoll, Town Planner
<b>Authorizing Officer:</b>	Dale Putland, Chief Executive Officer.
<b>Attachments:</b>	Nil

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**SUMMARY**

The purpose of this report is to put before Council the request to develop a Pylon Sign (advertisement) at Lot 1 (#61) Railway Parade, Boyup Brook.

Council discretion is required in accordance with the Shire's *Local Planning Scheme No.2*, which states:

*8.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council.*

This report item recommends that the Council support the proposed advertisement (Pylon Sign), which complies with regulatory standards.

**BACKGROUND**

The Lot 1 (#61) Railway Parade has been approved for use as an 'Exhibition Centre', which means:

*Premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery.*

The landholder proposes to utilise existing buildings to exhibit a collection of classic cars.

The Shire of Boyup Brook has now received an application to develop a free standing sign (Pylon Sign), adjacent to the front boundary, facing Railway Parade.

**COMMENT**

Design

The Pylon Sign is designed as follows:



- One (1) post, 3.9m high, bolted to a footing in the ground and holding a sign face with dimensions 2.4m long X 1m in depth.
- The total height of the sign is 4.9m.

The sign is proposed to be setback 2m from the front boundary facing Railway Parade and 4m from the entrance to the subject property.

The sign writing reads as follows:

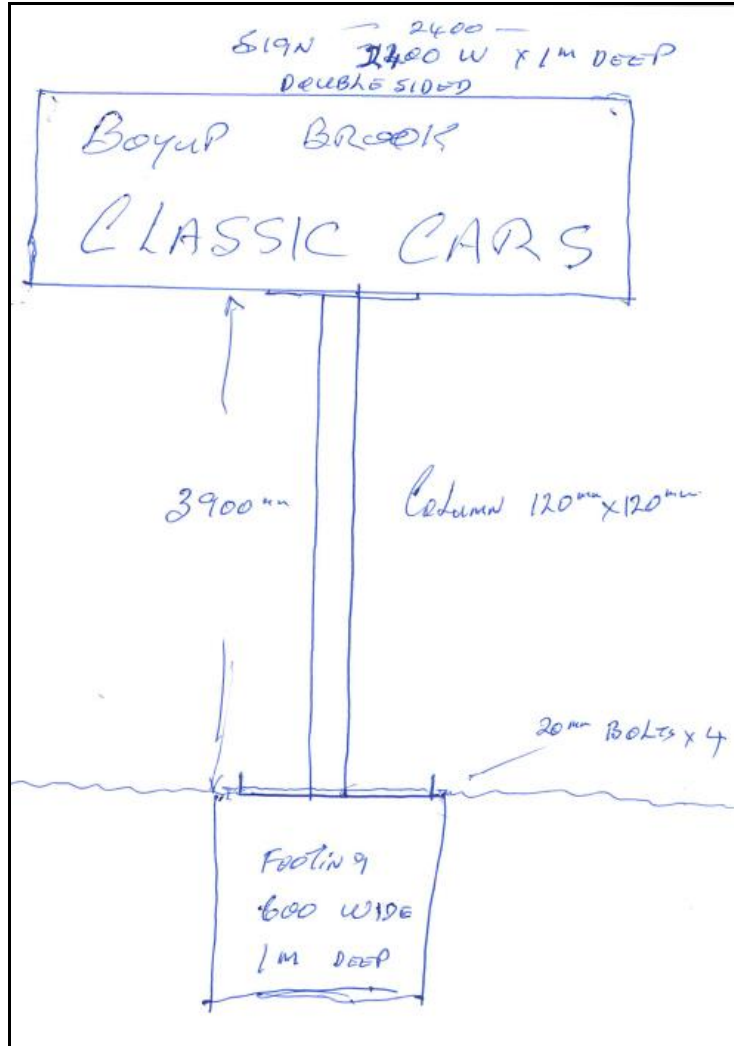
*'Boyup Brook'*

*'Classic Cars'*

Proposed Location of Sign



### Proposed Design of Sign



Council is requested to agree to approve the development of the Pylon Sign, which is proposed to be located on a 'Commercial' zone property, which is advertising an approved use, and which complies with statutory and policy standards.

### STATUTORY OBLIGATIONS

#### Shire's Local Planning Scheme No. 2

The Shire's Local Planning Scheme No.2 defines 'advertisement' as follows:

*any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.3:

*Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.*

The advertisement is proposed to be located on a property zoned 'Commercial'.

The proposed sign is not expected to conflict with the 'Commercial' zone objective, which is:

*The Commercial Zone is intended primarily to ensure that the Town Centre continues to function effectively as the location of the District's commercial and civic activity, that the uses approved therein will be compatible with the objectives and function, and with enhancement of the Centre's activity, appearance and movement systems.*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.6:

*Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-*

- i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*
- ii) remove the advertisement.*

As per the above clause 8.6, if approval is granted for the proposed advertisement, the following condition should be specified:

*The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.*

#### **POLICY IMPLICATIONS**

There are no policy implications relating to this item. The design of the proposed Pylon Sign complies with the *Local Government Model By-laws (Signs, Hoardings and Billposting)*, No. 13, Part II Signs, which states:

*(1) A pylon sign shall —*

*(a) not have any part thereof less than 2.75 metres or more than six metres above the level of the ground immediately below it;*

*(b) not exceed 2.6 metres measured in any direction across the face of the sign or have a greater superficial area than four square metres;*

*(c) not project more than 910 millimetres over any street;*

*(d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;*

*(e) not, as to any part thereof, project over any street at a height of less than 2.75 metres;*

*(f) subject to sub-bylaw (2) of this by-law, not be within 1.8 metres of the side boundaries of the lot on which it erected;*

*(g) not have any part thereof less than six metres from any part of another sign erected on the same lot.*

#### **CONSULTATION**

N/A

#### **VOTING REQUIREMENTS**

Simple majority.

#### **SUMMARY**

In accordance with *Local Planning Scheme No.2*:

- Development approval is required prior to developing an advertisement; and
- In considering an application for an advertisement, Council is to consider any potential impact to the character and the need to ensure that advertisements are properly maintained.

The advertisement is not expected to impact on the character of the area.

Approval of the advertisement should be on the condition that the advertisement is maintained to a reasonable standard.



**OFFICER RECOMMENDATION – ITEM 10.3.2**

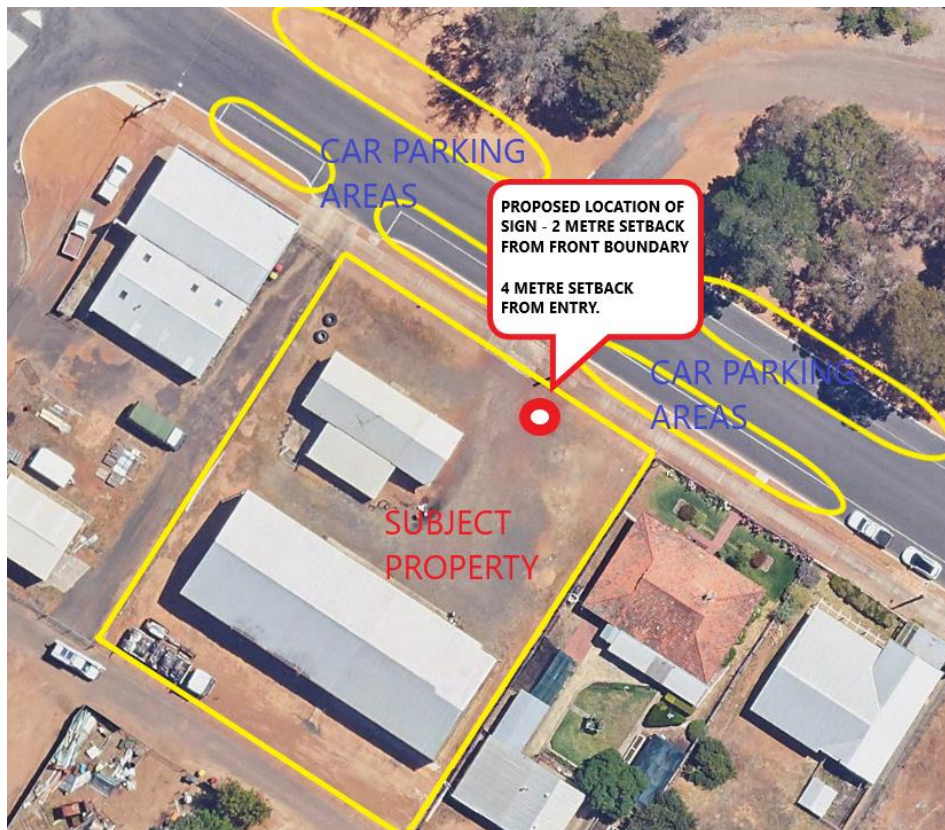
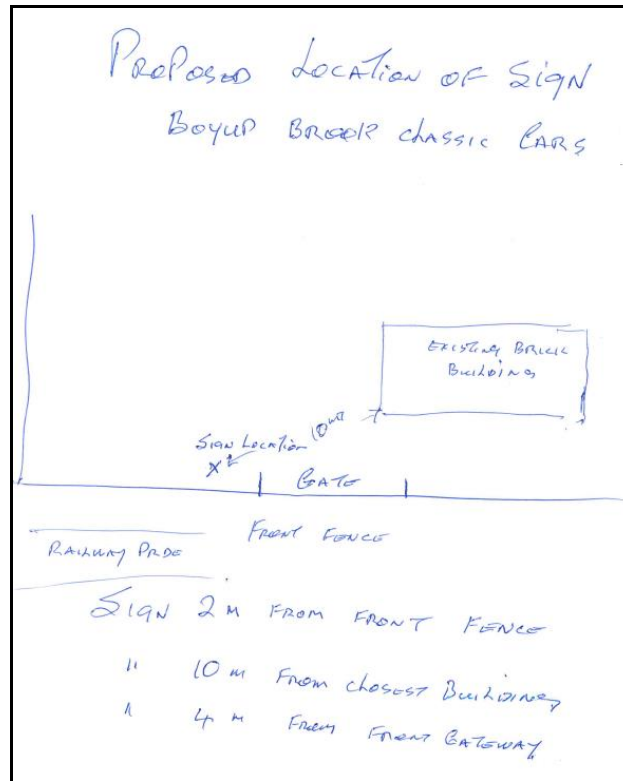
**That Council**

Grants development approval for an advertisement (Pylon Sign) at Lot 1 (#61) Railway Parade, Boyup Brook, subject to the following notice:

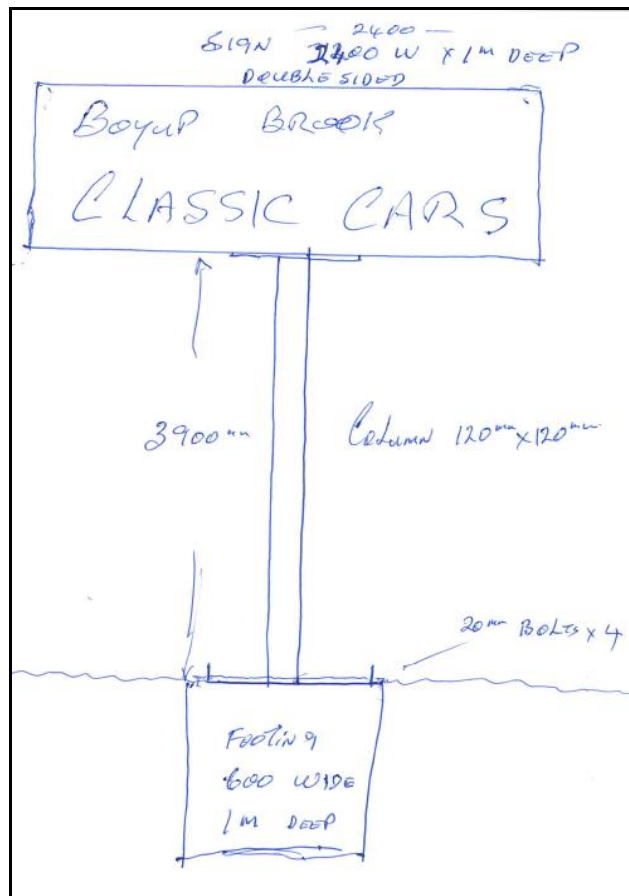
<p style="text-align: center;"><b><i>Planning and Development Act 2005</i></b> <b>Shire of Boyup Brook</b> <b>NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL</b></p>	
Location:	Lot 1 (#61) Railway Parade, Boyup Brook
Description of proposed development:	<b>Advertisement X 1 – Pylon Sign</b>
The application for development is approved subject to the following conditions. Conditions:	
<ol style="list-style-type: none"><li>1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.</li><li>2. The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.</li></ol>	
<p><u>Advice</u> <i>Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-</i></p> <p><i>i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or</i> <i>ii) remove the advertisement.</i></p>	
Date of determination: 29 April 2021	
Note 1:	If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
Note 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.
Note 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 <i>Planning and Development Act 2005</i> Part 14. An application must be made within 28 days of the determination.

**Approved Plans**

### Site Plans



### Design Plan



**10.3.3 Development Application (Animal Establishment) – Lot 23 Tuckett Rd, Chowerup**

<b>Location:</b>	<i>Lot 23 Tuckett Road, Chowerup.</i>
<b>Applicant:</b>	<i>B Watters and C Crouchley</i>
<b>File:</b>	<i>A8260</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>29 April 2021</i>
<b>Author:</b>	<i>Town Planner (Adrian Nicoll)</i>
<b>Authorizing Officer:</b>	<i>Dale Putland – Chief Executive Officer</i>
<b>Attachments:</b>	<i>1. Application Details 2. Standards and Guidelines - Health and Welfare of Dogs in WA (2020) 3. Submissions 4. Schedule of Submissions</i>

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**SUMMARY**

Council is requested to agree to refuse the use of land for an ‘Animal Establishment’ (dog breeding), at Lot 23 Tuckett Road, Chowerup.

The application involves the breeding of dogs, which are housed in caravans and fenced yards.

The proposed housing of the dogs is not in-keeping with prescribed standards, which require a weatherproof shelter, which:

- a) Offers access to a dry surface (raised platform);
- b) Provides sufficient heating in winter and cooling in summer;
- c) Is sufficiently designed to ensure air flow and quality to ensure levels of odours, dust, or heat do not pose a risk of harm to dog health or welfare; and
- d) Is sufficiently designed to avoid faeces, urine and spoiled food accumulating to such an extent that this poses a risk to the health or welfare of the dog.

**BACKGROUND**

The Shire received a request to keep 30 dogs at a farming property in Chowerup, for the purpose of breeding.

The Shire’s Environmental Health and Ranger Officers were consulted on the matter. A letter was sent to neighbouring landholders and an advert was placed in the local Gazette inviting comment on the proposal.

Submissions were received expressing concern regarding the design of housing, being inadequate for the health of the dogs.

### **COMMENT**

The application involves the keeping of 30 dogs for breeding purposes:

- 17 female dogs;
- 8 male dogs; and
- 5 boarding dogs.

The breed of dogs includes:

- Lhasa Apso/ Shih Tzu; and
- Schipperke.

The application involves the development of caravans and yards for the housing of the dogs. The housing and management of the dogs includes the following:

- Yards with slabs.
- Yard walls constructed with weld mesh.
- Yards covered for shade with tin or polycarbonate sheets.
- Housing of dogs in caravans.
- Cleaning of enclosures on a daily basis.
- Maximum of two dogs per yard for company.
- Washing of yards and caravans at least once a day.
- Fresh water provided daily for each dog.
- Feeding of dogs once a day.
- All dogs given flea and worm preventatives regularly.

The following illustrates the proposed design criteria.





The Lot 23 Tuckett Road is a large farming property, situated approximately 50km south east of the Boyup townsite and 10km north of the Tonebridge townsite. A 'Single House' and farming sheds are located at the subject property.

The following plan illustrates the proposed location of the 'Animal Establishment', which is at least 1.5km from the nearest neighbouring property dwelling.



The subject property is zoned 'Rural' in accordance with the Shire's *Local Planning Scheme No.2*. An 'Animal Establishment' is a use that is not permitted in the 'Rural' zone unless the Council has granted planning approval after inviting neighbouring landholders and the general public to make comment.

The application was advertised and a number of concerns were raised. For more information, refer to the attached written submissions and schedule of submissions. In particular, concerns were raised on the proposed design for housing of the dogs. It was commented that the use of caravans and make-shift yards and slab flooring was inadequate, which may be detrimental to the maintenance and tidiness of the establishment and ultimately the hygiene and welfare of the dogs.

In accordance with the Standards and Guidelines for the Health and Welfare of Dogs in WA (prepared by the Department of Primary Industries and Regional Development), a premises on which a dog is kept, must:

- a) Include a weatherproof area which adequately provides the dog with shelter, shade or other protection from the elements;

- b) Allow access to a dry surface which;
  - Offers sufficient thermal and physical comfort for the dog when resting, and is;
  - Suitable for the needs of the individual animal;
- c) Have sufficient air flow and quality to ensure levels of noxious gases, odours, dust, or heat do not pose a risk of harm to dog health or welfare; and
- d) Be maintained to avoid faeces, urine and spoiled food accumulating to such an extent that this poses a risk to the health or welfare of the dog.
- e) Be designed to allow enrichment and choice, such as raised platforms or sleeping quarters, and a separate exercise/activity area.

The housing proposed does not offer access to a dry raised platform surface.

The housing does not provide sufficient heating in winter and cooling in summer.

The housing is not sufficiently designed to avoid faeces, urine and spoiled food accumulating to such an extent that may pose a risk to the health or welfare of the dogs.

Shire officers consulted with the applicants on the concerns raised and recommended that the proposed design is modified as an enclosure with suitable heating and cooling, recreation areas and flooring for easy hygiene maintenance. As per the below illustration.



The applicants have indicated willingness to modify their design by locating the dogs in an existing hay shed with loosely laid slab flooring and fenced enclosures. Shire staff believe that modification proposed is inadequate. Shire staff believe that the housing should be purpose built and should include sufficient flooring (not loosely laid slabs) and heating and cooling apparatus.

Shire staff visited a purpose built boarding kennel developed at the Shire of Plantagenet (Halsey Hounds). This is a model kennel, which is purpose built to provide comfortable housing with easy maintenance to ensure suitable dog welfare. The following illustrates the internal closure of the Shire of Plantagenet Boarding Kennel. Note the central access

and cement floor for easy access and cleaning and the individual enclosed dog kennels for comfort and privacy. The structure is well ventilated to provide warmth and cooling and includes outdoor recreation areas.



It is recommended that the Council agree to refuse the application for the following reason:

1. The design for the housing of the dogs is not in-keeping with the Standards and Guidelines for the Health and Welfare of Dogs in WA, which require:
  - a) Housing which offers access to a dry surface (raised platform);
  - b) Housing with sufficient ventilation (heating in winter and cooling in summer);
  - c) Housing which is sufficiently designed to avoid faeces, urine and spoiled food accumulating to such an extent that this poses a risk to the health or welfare of the dog.

Should the Council decide otherwise, it is recommended that an approval is subject to a temporary period of five years and on the condition of a compliance check one month post occupation of use and annually from then onwards.

### **CONSULTATION**

The application was advertised via a notice published on the Shire website and in the local gazette.

At the close of advertising, six submissions were received, all objecting to the proposed animal establishment (refer to schedule of submissions).

### **STATUTORY OBLIGATIONS**

In accordance with the Shire's scheme, an 'Animal Establishment' may only be considered for approval at a 'rural' or 'light industrial' zone property.



‘Animal Establishment’ means premises used for the breeding, boarding and training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre.

The Shire’s Environmental Health Officer advised of the following compliance measures:

Shire of Boyup Brook Health Local Law

Cleanliness

*cl.5.2.2*

*An owner or occupier of premises, in or on which an animal or bird is kept shall —*

- a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;*
- b) when so directed by an Environmental Health Officer, clean and disinfect the premises;*
- c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means;*
- d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.*

Animal Enclosures

*cl.5.2.3*

- 1) A person shall not keep or cause or permit to be kept any animals or birds on premises, which are not effectively drained.*
- 2) The owner or occupier of premises where animals or birds are kept shall, when directed by the local government, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.*

**POLICY IMPLICATIONS**

There are no policy implications relating to the proposal.

**BUDGET/FINANCIAL IMPLICATIONS**

Should the Council approve the application, it is recommended that officers visit the site on a regular basis to determine compliance.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION – ITEM 10.3.3**

That Council

Issues a refusal notice for the proposed 'Animal Establishment' at Lot 23 Tuckett Road, Chowerup. The refusal is subject to the following notice, which outlines the reason for refusal.

***Planning and Development Act 2005***

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT  
APPROVAL**

Location: Lot 23 Tuckett Road, Chowerup

Description of proposed development: **Animal Establishment**

The application for development is Refused for the following reason:

1. The design for the housing of the dogs is not in-keeping with the Standards and Guidelines for the Health and Welfare of Dogs in WA, which require:
  - a) Housing which offers access to a dry surface (raised platform);
  - b) Housing with sufficient ventilation (heating in winter and cooling in summer);
  - c) Housing which is sufficiently designed to avoid faeces, urine and spoiled food accumulating to such an extent that this poses a risk to the health or welfare of the dog.

Date of determination: 29 April 2021

Note 1: 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.

## 10.4 CHIEF EXECUTIVE OFFICER

### 10.4.1 Library Relocation

<b><i>Applicant:</i></b>	<i>N/A</i>
<b><i>File:</i></b>	<i>CR/31/013</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>12 April 2021</i>
<b><i>Author:</i></b>	<i>Nicki Jones – Administration Officer</i>
<b><i>Authorizing Officer:</i></b>	<i>Dale Putland - Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>Yes</i>

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#### **SUMMARY**

The outcome of relocating the library from the Shire Administration Office to the Boyup Brook Community Resource Centre (BBCRC) would be to create more space within the Shire Administration Office leaving room for a compliant record keeping room and other vital storage space. This would also alleviate reception of library duties giving them much needed time to complete their day to day tasks. The library would also be located centrally in the town site making it more accessible to the community.

#### **BACKGROUND**

The feasibility of relocating the library has been discussed between the Shire and the BBCRC for a number of years. In the last year a more concentrated effort has been applied with meetings and site visits taking place along with a formal written proposal from the BBCRC.

#### **COMMENT**

The proposal from the BBCRC sets out how they will engage the community and expand on the library services that are currently provided by the Shire. The Shire Administration Office is limited as it does not have the space or dedicated library staff to engage the community in library activities other than the limited book borrowing service that is currently offered. The BBCRC has the capacity to deliver an expanded library service and has identified sufficient space and staff to enable it to offer complimentary services benefiting the entire community. The library will operate in standard BBCRC business hours of 9.00am – 4.00pm, Monday to Friday excluding public holidays (BBCRC Library Proposal, Capacity to Deliver, page 2 paragraph 2).

The new Public Library Funding Allocation Model is due to be implemented from July 2021 – see attached letter dated 17 November 2020. Current allocations are calculated using the funding model endorsed by WALGA State Council and the Library Board of Western Australia in March 2012. A handover period will also be required during which Shire staff will need to provide short term support to BBCRC both at the BBCRC and over the telephone.

The BBCRC has advised that their current trainee has recent qualifications in Library Services which suggest that the on-site handover period could be minimal (BBCRC Library Proposal, Capacity to Deliver, page 2 paragraph 6). The proposed annual cost has the capacity to be reduced as the BBCRC states *‘The BBCRC will seek opportunities that could assist with funding projects and programs associated with the library, which could in the future, reduce this component of the fee paid by the Shire’* (BBCRC Library Proposal, Financial Details, page 4, paragraph 1).

If Council resolves to proceed with transfer of the library services to the BBCRC, the Shire and BBCRC will make application to the State Library Board for transfer of the services.

#### **CONSULTATION**

Jodi Nield  
Boyup Brook Community Resource Centre (BBCRC)

#### **STATUTORY OBLIGATIONS**

Library Act 1951

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET/FINANCIAL IMPLICATIONS**

The BBCRC propose an annual cost of \$20,000 ex GST per annum to the Shire (BBCRC Library Proposal, Financial Details page 3).

The Library currently has operating costs budgeted at \$55,984 per annum. However, this budget allocation also includes funding to meet the costs of some non-library services, such as planning and rates enquiries and general customer services.

Shire library operating costs include customer service staff wages, electricity, IT support, and administrative overheads that will need to be budgeted for after the library is relocated and cannot be removed from the budget.

## **STRATEGIC IMPLICATIONS**

Shire of Boyup Brook Strategic Community Plan states:

### **Social: Sense of Community**

Sustainable Community

Ensure a safe, secure community with access to services and facilities as needed

- *Continue to encourage initiatives that provide employment opportunities.*

Promote community participation, interactions and connections

- *Continue to support community groups and clubs*
- *Partner with key stakeholders on community needs driven projects*

### **Economic Development: Maximise Business and Employment Opportunities**

Economic Growth

Support new and existing businesses

- *Support existing businesses through advocating for a sewage scheme, tailored parking controls and other initiatives.*

Increased visitors and residents

Attract Permanent Residents

- *Continue to promote the family friendly lifestyle of Boyup Brook.*

### **Governance: Strengthen Local Leadership**

Council and Community Leadership

Provide leadership on behalf of the community

- *Lobby and advocate for improved services, infrastructure and services to.*
- *Develop partnerships with stakeholders to enhance community services and infrastructure.*

Foster community participation and collaboration

- *Support volunteers and encourage community involvement in community groups and organisations*
- *Partner in specific projects including community contributions.*

Sustainable Governance

Manage resources effectively

- *Strive to deliver services to the level needed/wanted by the community funding dependent.*

## **SUSTAINABILITY IMPLICATIONS**

### ➤ **Environmental**

N/A

### **Economic**

Refer to the *Strategic Implications* section in this report.

### ➤ **Social**

Refer to the *Strategic Implications* section in this report.

### ➤ **Governance**

Refer to the *Strategic Implications* section in this report.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION – ITEM 10.4.1**

**That Council:**

- 1. Accept the proposal from the BBCRC to relocate the library to their premises.**
- 2. Allocate \$20,000 in the 2021/2022 and ongoing budgets to fund the transfer of the Boyup Brook library services to the Boyup Brook Community Resource Centre.**

**11 COMMITTEE MINUTES**

<b>11.1 Rylington Park Transitional Committee</b>
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**OFFICER RECOMMENDATION - Item 11.1**

**That the minutes of the Rylington Park Transitional Committee Meeting held on Wednesday 10 March 2021 be received by Council.**

**12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

**14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

**15 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at ....