

PUBLIC AGENDA BRIEFING

BEING HELD ON

Thursday 23 September 2021

Commencing at 6.00pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

23 September 2021

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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
	Manager 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
5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS
6. DISCLOSURE OF INTEREST
7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 26 August 2021
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OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 26 August 2021 be confirmed as an accurate record.

7.2 Special Council Minutes – 31 August 2021

OFFICER RECOMMENDATION – ITEM 7.2

That the minutes of the Special Council Meeting held on Tuesday 31 August 2021 be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS
9. COUNCILLOR QUESTIONS ON NOTICE
- 10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in August 2021

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13/09/2021</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in August</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in August 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 August 2021.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 August 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 August 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 September 2021 ordinary meeting Council receive as presented the list of accounts paid in August 2021, totalling \$390,951.50 from Municipal account, \$33,318.50 from Police Licensing account and \$16.85 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20527 - 20528	\$ 4,145.65
Municipal Electronic Payments	EFT11206 – EFT11318	\$ 192,608.22
Municipal Direct Payments		\$ 194,197.63
Police Licensing Payments		\$ 33,318.50
BBELC Payments		\$ 16.85

10.2.2 31 August 2021 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>16 September 2021</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 31 August 2021 is presented for Council's 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; and
- (j) Loan Borrowings 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 August shows a closing surplus of \$2,032,532.

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 31 August 2021, as presented.

10.2.3 Amendment to Fees and Charges

Location:	N/a
Applicant:	N/a
File:	
Disclosure of Officer Interest:	None
Date:	16 September 2021
Author:	Ben Robinson – Finance Manager
Authorizing Officer:	Ben Robinson – Finance Manager
Attachments:	Nil

SUMMARY

The purpose of this report is for the Council to consider reducing the cost of the Flax Mill storage sheds, as adopted in the 2021-22 Schedule of Fees & Charges. The cost per metre squared, per annum, has been increased from \$3.60 to \$48.00. This was due to a clerical error in the preparation of the Schedule.

BACKGROUND

The Council held a meeting on 31 August 2021 to discuss the changes to the Fees & Charges for the 2021-22 financial year. During the course of these discussions, the following Fees & Charges related to Flax Mill Sheds Storage were implicitly approved:

	Statutory or Council	Legislation	GST Included	Proposed Fees & Charges 2021-2022 +3% & Rounded	Notes
<u>Flax Mill Sheds Storage</u>					
Storage keybond	Council		Yes	\$25.00	
Administration charge - First or initial hire agreement	Council		Yes	\$111.50	
Administration charge - Annual hire agreement renewal	Council		Yes	\$25.50	
Per square metre per month	Council		Yes	\$4.00 per m2	
Minimum Annual Charge	Council		Yes	\$463.50	
Completion of the Flax mill Storage Hire form is required before the commencement of storage and then on an annual basis					

Due to the mixing up of prior years' comments with the new pricing structure, whilst the previous \$3.60 charge was increased to \$4.00, a separate change in description from "per annum" to "per month" was not changed back.

COMMENT

Due to the application of the increase, the cost per square metre has increased from \$0.30 per month to \$4.00 per month. Alternatively, the cost has increased from \$3.60 per annum to \$48.00 per annum. This is an increase of 1333%.

CONSULTATION

Draft 2021-22 Fees & Charges Schedule presented to Council on 31 August 2021.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this stage as the current monthly charges for users of the Storage Sheds have been put on hold until this matter is resolved.

STRATEGIC IMPLICATIONS

Nil if motion is passed.

SUSTAINABILITY IMPLICATIONS

➤ **Environmental**

Nil

➤ **Economic**

Nil

➤ **Social**

Nil

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 10.2.3

That the Council agree to amend the 2021-22 Schedule of Fees and Charges, and change the charge of \$4.00 per month per square metre to read as follows:

	Statutory or Council	Legislation	GST Included	Proposed Fees & Charges 2021-2022 +3% & Rounded	Notes
<u>Flax Mill Sheds Storage</u>					
Storage key bond	Council		Yes	\$25.00	
Administration charge - First or initial hire agreement	Council		Yes	\$111.50	
Administration charge - Annual hire agreement renewal	Council		Yes	\$25.50	
Per square metre per month	Council		Yes	\$0.31 per m2	
Minimum Annual Charge	Council		Yes	\$463.50	

This updates the annual cost to \$3.72 per metre squared, representing an increase of 3.33% and is equally divisible by 12 months for ease of invoicing.

10.3 PLANNING

10.3.1 Development (Outbuildings) – Lot 108 Ridge View Avenue, Boyup Brook

Location:	<i>Lot 108 Ridge View Avenue, Boyup Brook</i>
Applicant:	<i>J Harding</i>
File:	<i>A3082</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>30 September 2021</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

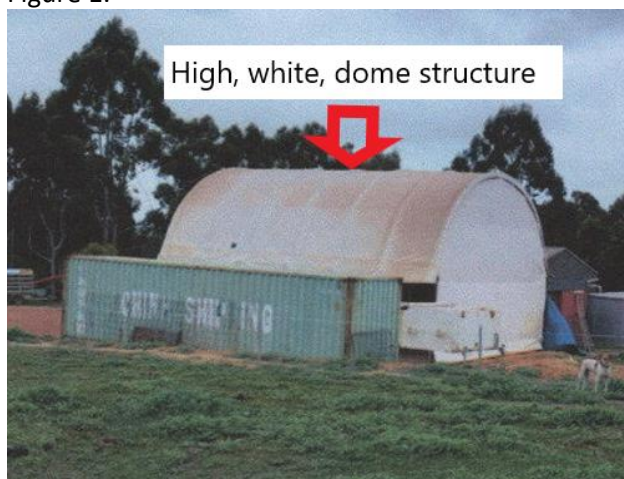
SUMMARY

The development of several outbuildings (two sea-containers, one lean-to and a dome structure) has occurred at Lot 108 Ridge View Avenue, without Shire planning or building approval.

The subject Lot 108 is zoned 'Special Rural' area No.6. In accordance with the Shire's Scheme, 'Special Rural' zones are intended primarily to accommodate residential purposes in a rural setting. Development at a 'Special Rural' zone property should have regard to the potential impact on the existing character of the area (i.e. development should be designed to blend with the natural landscape – not standout).

The Shire received a complaint regarding the development of one of the outbuildings developed at the subject Lot 108, being a high, white, dome structure.

Figure 1.



Following his complaint, Shire officers investigated and discovered the existence of unapproved buildings on the site. The applicant was advised that they must either remove the structures or request retrospective approval from Council. The applicant is now requesting that Council retrospectively approve the two sea-containers, the lean-to and the dome structure.

This report item recommends that the Council retrospectively approve the development of the lean-to and sea-containers and refuse the development of the dome structure.

The Shire's Outbuilding Policy states that:

- The maximum height permitted for an outbuilding at a 'Special Rural' zone property (>2ha), is 4.8m; and
- The following colours are to be avoided as they are considered highly reflective and deemed to detract from the landscape (Zincalume, Galvabond, White, Off-white, and Surfmist).

The dome structure has been developed to a height of 6.19m and with the use of white material. A neighbouring landholder has complained that the dome structure is too high and is unsightly, at variance from the design standards that were set for the area.

BACKGROUND

The Shire received a complaint regarding the development of a dome structure at Lot 108 Ridge View Avenue, Boyup Brook. The complainant alleged that the dome structure varied from design standards set for the 'Special Rural' area (height and colour) and therefore questioned whether or not approval had been obtained.

Shire staff contacted the landowner of the subject Lot 108 and discovered that:

- 2X sea-containers, a lean-to and a dome structure have been developed without approval;
- All structures are located to comply with setback standards (min 20m from side boundary and min 25m from rear boundary);
- All structures comply with the maximum floor area limit for outbuilding structures located on a >2ha Special Rural zone property;
- The dome structure is over the maximum prescribed Outbuilding Policy height limit, by 1.39m; and
- In addition, the dome structure is constructed of a material/colour that is not recommended to be used in a 'Special Rural' zone.

Shire staff have requested the owner to consider reducing the height of the dome structure. However, the landholder has responded that they are not willing to reduce the height and have stated that the dome structure height is necessary to store machinery. Shire staff requested details of the machinery that was to be stored in the shed to verify the need for such a high structure. The landholder has not responded to this request and the Shire staff are unable to verify the need for such a tall structure.

However, the landholder has requested that the Council take into consideration earthworks undertaken at the site which effectively lowers the height of the dome structure relative to neighbouring properties.

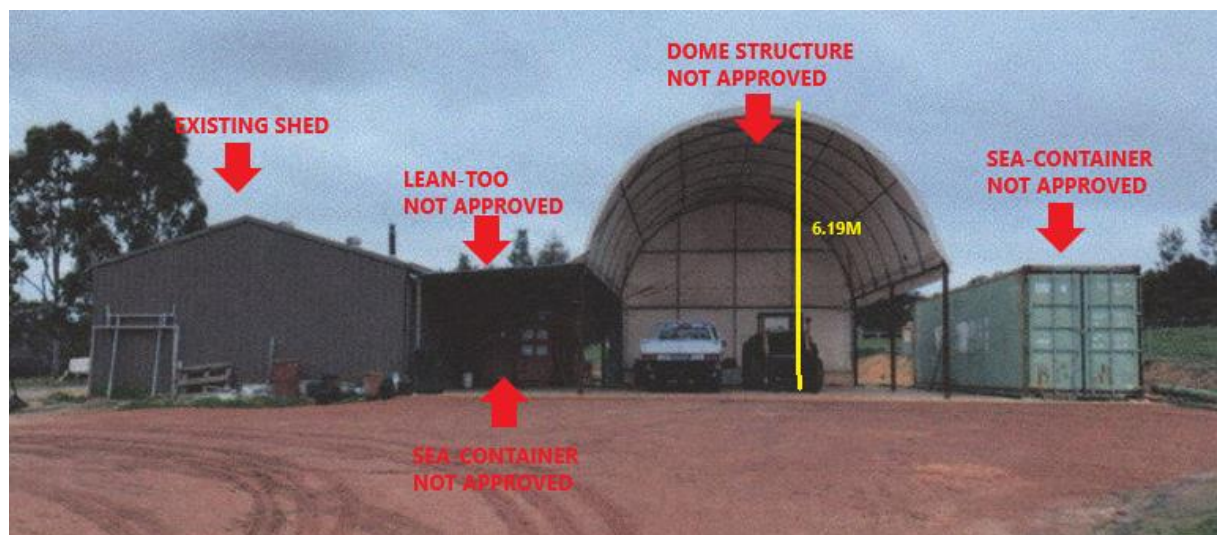
The landholder also indicated willingness to develop trees to the western boundary, to screen the view of the dome structure from the neighbouring dwelling.

Shire staff discussed the proposal to plant trees on the boundary to screen the view to the dome structure from the complainant's property with the complainant. However, the complainant believed that trees would take a long-time to grow and the unsightly view of the dome structure will remain for some time if this proposal is accepted.

COMMENT

The outbuildings developed at the subject Lot 108, include:

- An approved Colourbond shed (56m²). The shed has been designed to blend to the natural landscape (use of dark colour).
- A lean-too developed over a sea-container (29.7m²). This development does not have approval.
- A red sea-container located under the lean-too (14.7m²). This development does not have approval.
- A white dome structure (96m²). This development does not have approval. This development has been constructed to a height that exceeds the maximum limit set by the Shire's Outbuilding Policy. The use of white material also does not conform to Shire standards for a Special Rural zone property.
- A green sea-container (29.7m²) located alongside the dome structure. This development does not have approval.



In accordance with the Shire's *Local Planning Scheme No.2*:

To give full effect to the provisions and objectives of the Shire's Local Planning Scheme, all development, except as otherwise provided, requires the prior approval of the Council. Accordingly, no person shall commence or carry out any development, without first having applied for and obtained the planning approval of the Council. Matters that Council must take into account when considering approval include:

- All development within the subject Special Rural area No.6 is to be constructed of materials or be of a colour, which in the opinion of the Council, is not detrimental to the character of the natural landscape of the locality; and
- In considering a planning application in the Special Rural zone, the Council shall have regard to the potential impact of the proposed use on the existing character of the area.

Council's Outbuilding Policy allows that:

- Outbuildings exceeding 80m² shall be constructed out of low-reflective materials that blend with the landscape (e.g. dark blue, green, brown or red). The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zincalume, Galvabond, White, Off-white, and Surfmist.
- Outbuildings on Special Rural zone lots (>2ha), should not exceed a height of 4.8m.
- Where a landholder proves ownership of a vehicle and demonstrates that an over-height outbuilding is required to store the vehicle, the Shire's Outbuilding Policy gives the Council the discretion to consider approving a variation to the height of the outbuilding.

Shire staff believe that the lean-to and the two sea containers are not detrimental to the character of the area and may be considered for approval. Should Council approve the sea-containers, it is recommended that approval is on the condition that the sea-containers are painted a similar colour to that of the existing approved Colourbond shed.

Shire staff believe that the materials/colour of the dome structure, together with its overall height, make it substantially out of character with the natural landscape of the locality. Also, the applicant has failed to provide any evidence supporting their statement that the over-height is necessary to store a vehicle.

It is therefore recommended that the Council retrospectively refuse the development of the dome structure.

STATUTORY OBLIGATIONS

Local Planning Scheme No.2

The Shire's *Local Planning Scheme 2*, Clause 9.6.6 states:

A Policy shall not bind the Council in respect of any application for planning approval but the Council shall have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its decision.

Schedule 3, Special Rural Zone 6, of the Shire's *Local Planning Scheme No.2* states:

No building, outbuilding or fence shall be constructed of materials or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality

POLICY IMPLICATIONS

Outbuilding Policy

In accordance with the Shire's 'Outbuilding Policy', outbuildings are structures that are non-habitable and not attached to a dwelling and may include sheds, gazebos, carports, sea-containers and shade houses.

The objective of the Shire's 'Outbuilding Policy' is to minimise adverse impacts outbuildings may have on a locality.

The Shire's Outbuilding Policy states:

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

Sea containers may be considered where:

a) Plans indicate measures to make more visually appealing such as:

- Painting and/or re-cladding to a colour and design similar to surrounding development; and
- Screening by planting trees or shrubs or by locating behind other development.

Table 1: Outbuilding Specifications					
Zoning	Max. Wall Height	Max. Ridge Height	Maximum individual outbuilding area (m²)	Maximum total outbuilding area (m²)	Set-backs
Special Rural Zone (Lots 2ha and >)	4.2m	4.8m	200	400	Per Scheme Requirements

Where demonstrated proof of ownership of vehicle/vessel, a relaxation of the height of the wall and/or ridge may be supported.

CONSULTATION

Shire staff undertook consultation with the applicant and neighbouring landholders.

One of the neighbours believes that the dome structure is inappropriate for the Special Rural area.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.3.1

That Council

- 1) Approve the development of the lean-to and two sea-containers;
- 2) Refuse the development of the over-height, white, dome structure; and
- 3) Advise the landholder that the Shire may consider the development of an outbuilding, as a replacement to the dome structure, subject to a maximum height of 4.8m and use of materials/colour that blends to the natural surrounds (e.g. consistent with the approved Colourbond outbuilding – grey woodland/colour).

Subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

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

Location: Lot 108 Ridge View Avenue, Boyup Brook

Description of proposed development:

Outbuildings:

- **Lean-to developed over a sea-container (29.7m²);**
- **Sea-container (14.7m²);**
- **Sea-container (29.7m²); and**
- **Dome structure (96m²).**

The Lean-to and Sea-containers are approved subject to the following conditions:

Conditions:

1. The sea-containers shall be painted a colour to match the existing Colourbond shed (grey colour).
2. The sea-containers shall be maintained in good repair to the satisfaction of the Shire of Boyup Brook.

The Dome Structure is refused for the following reason:

1. The height of the dome structure, together with its white materials/colour, is out of character with the built form intended for the Special Rural zone.

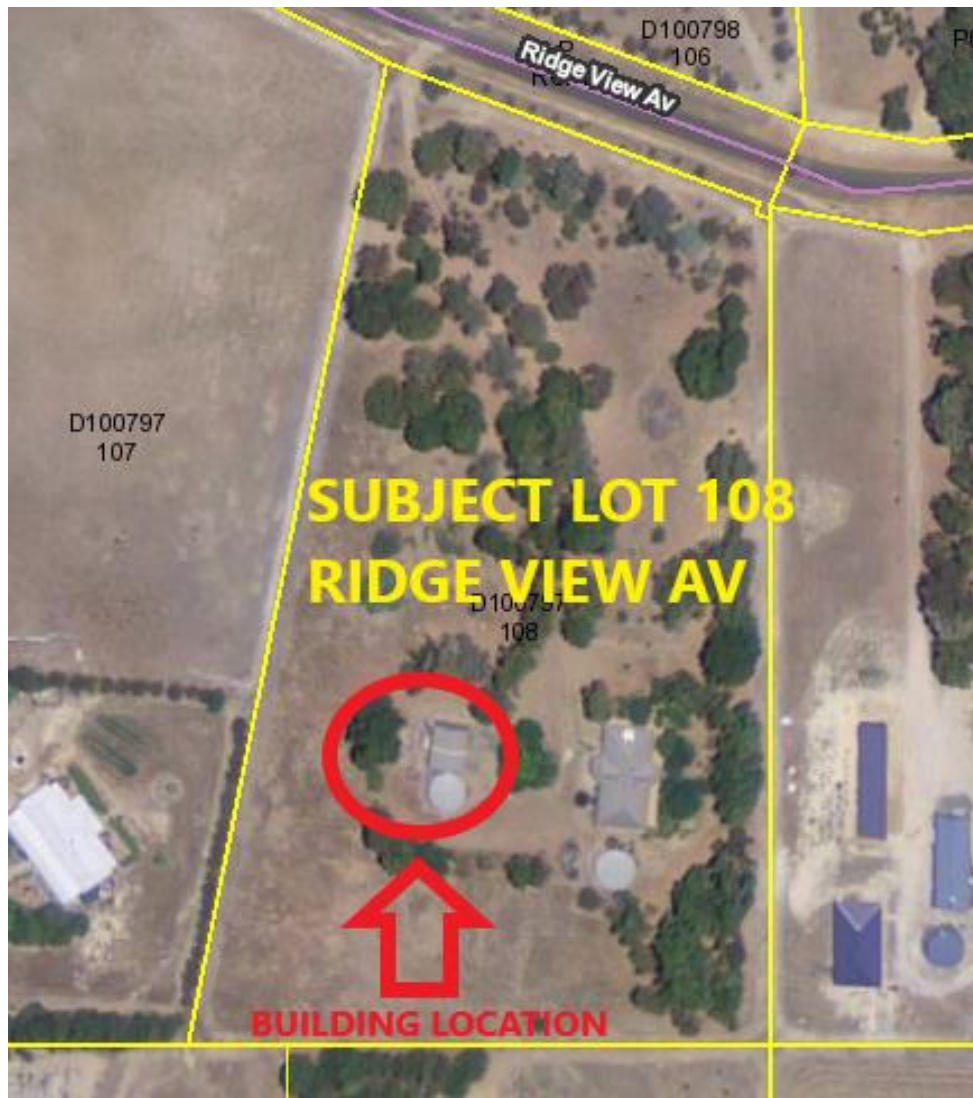
The landholder is advised to remove the dome structure within 6 months of the date of the Council determination.

The landholder is also advised that:

- The Shire may consider the development of an outbuilding, as a replacement to the dome structure, subject to a maximum height of 4.8m and use of materials/colour that blends to the natural surrounds (Note: The following colours are to be avoided as they are deemed to detract from the landscape and are considered highly reflective: Zinalume, Galvabond, White, Off-white, and Surfmist).

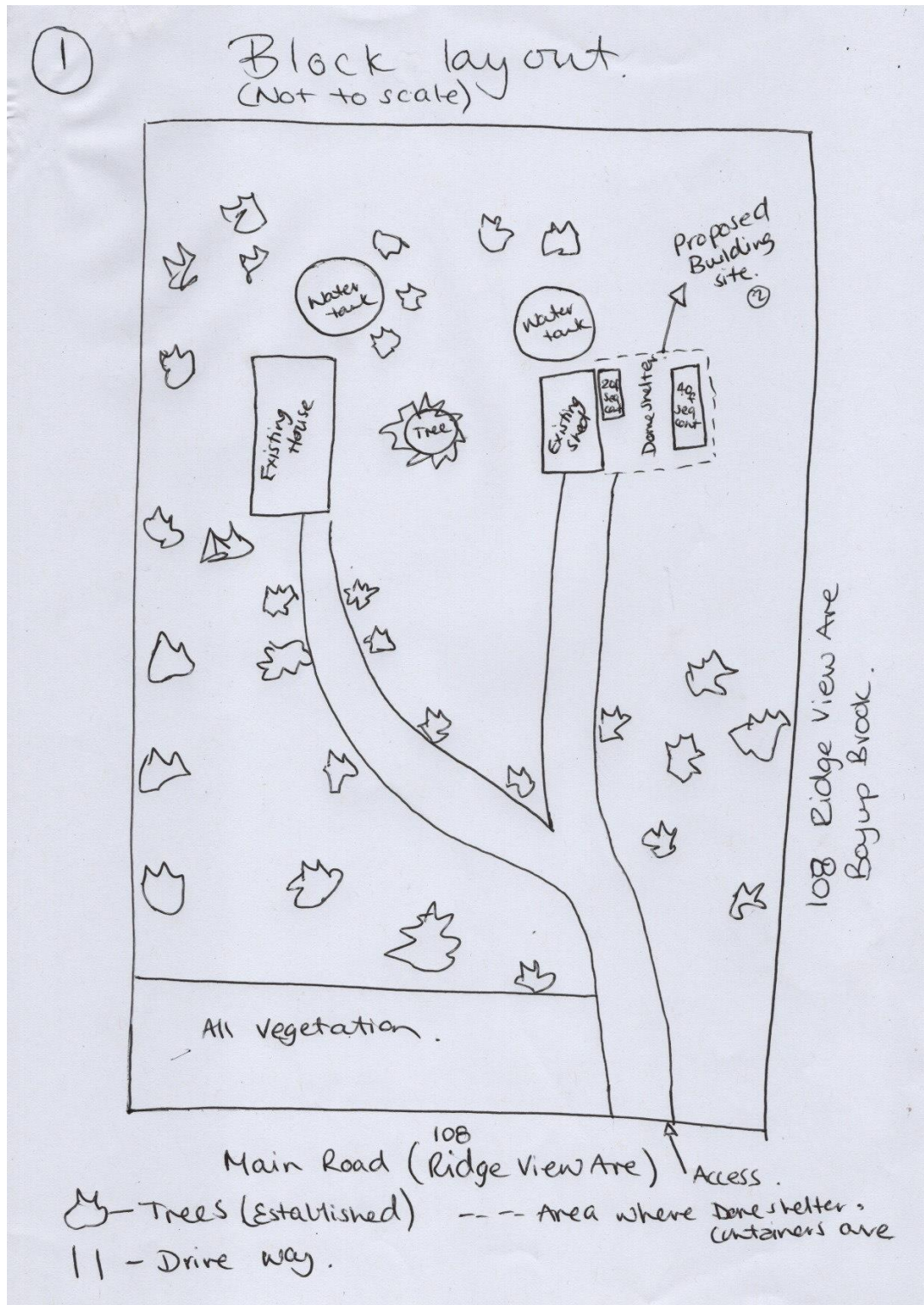
Date of determination: 30 September 2021

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.



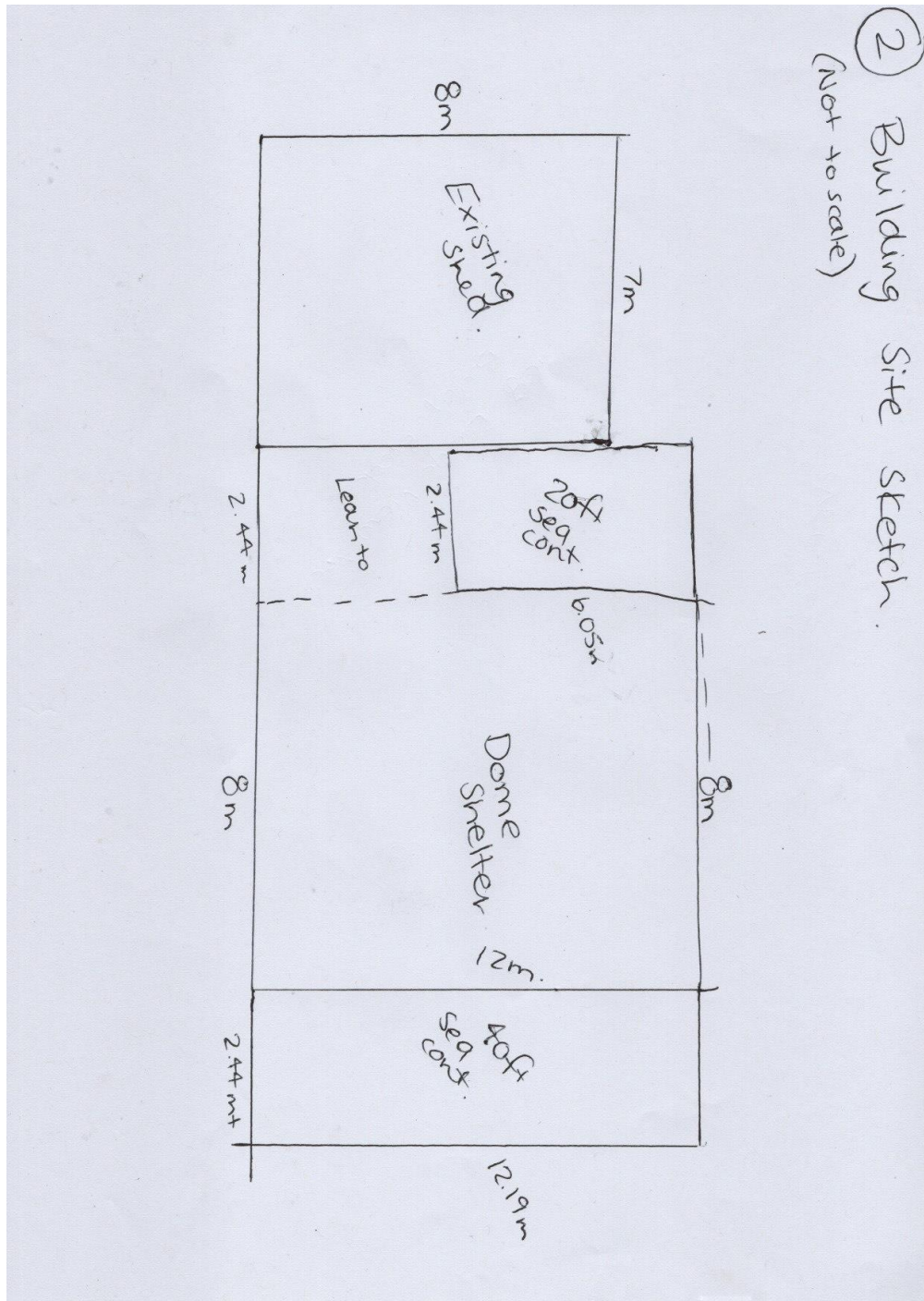
Plans

Site Plan



Floor Plan

② Building Site Sketch.
(Not to scale)



Elevations



View from the road, 20ft sea container is red to the left up against the existing shed under lean to, 40ft container is to the right. Dimensions as follows.

20ft container (Red under lean to)

W - 2.44m

L - 6.05m

H - 2.59m

40ft container (Green)

W - 2.44m

L - 12.19m

H - 2.59m

Dome Shelter

W - 8m

L - 12m

H - (arch way) 3.6m

The building site is 22m from the neighbouring boundary to the right and 40m plus from the neighbouring boundary behind. Please see sketched doc 2 with dimensions of lay out.



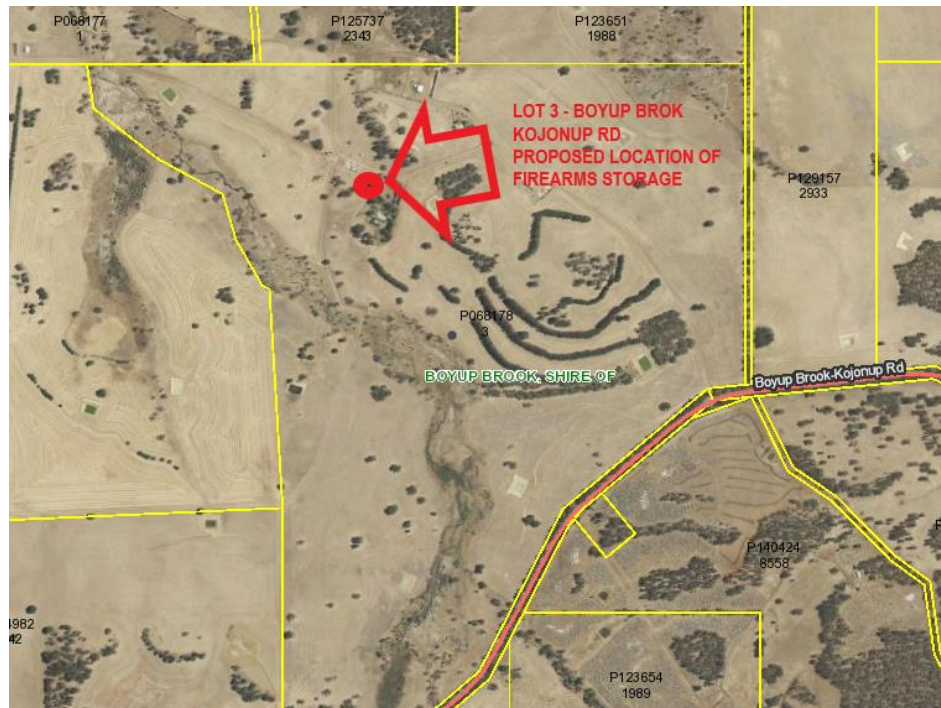


10.3.2 Development Application (Home Business – Firearms Dealership)

Location:	Lot 3 Boyup Brook-Kojonup Road Scotts Brook
Applicant:	Jamie Anderson
File:	A7970
Disclosure of Officer Interest:	None
Date:	30 September 2021
Author:	Town Planner (Adrian Nicoll)
Authorizing Officer:	Chief Executive Officer (Dale Putland)
Attachments:	Application Letter

SUMMARY

Council is requested to approve a 'Home Business' involving the storage and sale of firearms and ammunition, at Lot 3 Boyup Brook Kojonup Road, Scotts Brook.



BACKGROUND

The Shire received an application to trade firearms, firearms parts, accessories, and ammunition from a 'Rural' zone property located approximately 35km east of the Boyup townsite.

It is proposed that the firearms and accessories are stored in a 6m x 2.4m (14.4m²) sea container, which has been modified to include a locking mechanism and which has been approved by the WA Police.

It is also proposed that sales of the firearms and accessories is undertaken over the internet and delivered to customers. There will be no customers coming to the property to view and purchase firearms and accessories.

COMMENT

The subject Lot 3 Boyup Brook-Kojonup Road, Boyup Brook is zoned 'Rural' in accordance with the Shire's Scheme.

In accordance with the Shire's Scheme, a 'Home Business' is a use which may be considered for approval at a property zoned 'Rural'.

In considering applications for a 'Home Business', the following parameters apply

- Business, service or profession carried out in a dwelling or on land or in buildings around a dwelling by an occupier of the dwelling which:
 - does not employ more than 2 people not members of the occupier's household;
 - will not cause injury to or adversely affect the amenity of the neighbourhood;
 - does not occupy an area greater than 50m²;
 - does not involve the retail sale, display or hire of goods of any nature;
 - in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - does not involve the use of an essential service of greater capacity than normally required in the zone.

The proposed application complies with the above standards as follows:

- The proposal does not involve the employment of personnel;
- The proposal is not expected to adversely affect the amenity of the area;
- The storage facility does not exceed 50m²;
- The retail sale and display of goods will not involve customers coming to the subject property. The retail sale and display of goods will occur on-line and goods will be delivered to customers;
- Traffic difficulties are not expected; and
- No essential services are necessary.

The following is a picture of the storage facility (sea-container) and internal locking mechanism.



It is recommended that the Council approve the proposed, 'Home Business – Firearms Dealership', as the proposed activity complies with standards prescribed for a 'Home Business'.

CONSULTATION

Due to the remote location of the 'Home Business' relative to neighbouring properties, it is considered that consultation is not necessary.

STATUTORY OBLIGATIONS

In accordance with the Shire's *Local Planning Scheme No.2*:

"home business" means a business, service or profession carried out in a dwelling or on land or in buildings around a dwelling by an occupier of the dwelling which –

- a) does not employ more than 2 people not members of the occupier's household;*
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) does not occupy an area greater than 50m²;*
- d) does not involve the retail sale, display or hire of goods of any nature;*
- e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.*

In considering applications for planning consent in the 'Rural' zone, Council shall have regard to:

- The need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy; and
- The need to preserve the rural character and rural appearance of the area.

POLICY IMPLICATIONS

There are no Policy implications.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.3.2

That Council

Grants Development Approval for a 'Home Business – Firearms Dealership' at Lot 3 Boyup Brook Kojonup Road, Scotts Brook which includes:

- Storage of firearms and accessories in a secure sea-container; and
- Delivery of goods to customers.

The approval is subject to the following notice, which outlines development conditions and advice notes.

<i>Planning and Development Act 2005</i>	
Shire of Boyup Brook	
NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL	
Location:	Lot 3 Boyup Brook Kojonup Road, Scotts Brook
Description of proposed development:	'Home Business – Firearms Dealership'
The application for development is approved subject to the following conditions.	
Conditions:	
1.Does not occupy an area greater than 50m ² .	
2.Does not employ more than 2 people not members of the occupier's household.	
3.The retail sale and display of goods is not to involve customers coming to the subject property. The retail sale and display of goods is to occur on-line and goods are to be delivered to customers.	

Date of determination: 30 September 2021

Note 1: If the development 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.

10.3.3 Development Application – Lot 12212 Boyup Brook-Arthur Road, Dinninup

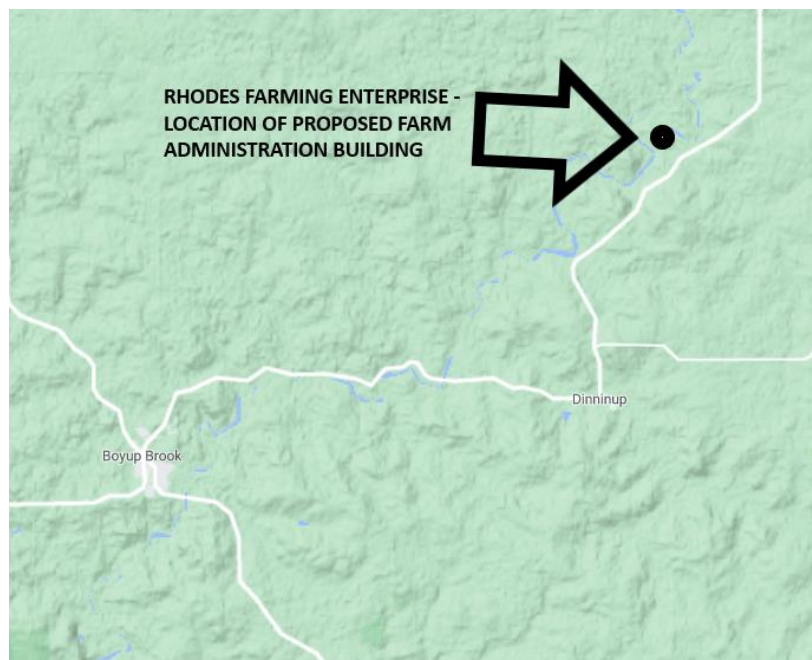
Location:	<i>Lot 12212 Boyup Brook-Arthur Road, Dinninup</i>
Applicant:	<i>MCG Architects Pty Ltd</i>
File:	<i>Lot 12212 Boyup Brook Arthur Rd, Dinninup</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>30 September 2021</i>
Author:	<i>Town Planner (Adrian Nicoll)</i>
Authorizing Officer:	<i>Chief Executive Officer (Dale Putland)</i>
Attachments:	<i>Nil</i>

SUMMARY

Council is requested to approve the development of a new building for 'Farm Administration' purposes, to support the operations of the Rhodes Ltd farming enterprise.

The Rhodes Ltd farming headquarters is located at Lot 12212 Boyup Brook-Arthur Road, Dinninup. The farming enterprise consists of a large 15,000ha farming operation and includes 20 employed personnel.

A new building for 'Farm Administration' purposes is needed for the farm owners and farm managers to undertake farm administrative functions.



BACKGROUND

Farm managers and employees currently undertake administrative functions remotely via computer laptops (in their vehicles), via the farm homestead and in an existing transportable donga, the circumstances of which are inadequate.

A new 'Farm Administration' building is greatly needed to benefit the functioning of the farming operations.

The Shire received a request to develop a building on the farming property, in-which farm administration functions can be undertaken.



It is proposed that the farm administration building is used by the landowner and farm managers to administer farming operations and including undertaking meetings as required.

Shire officers reviewed the Shire's Scheme and determined that the land use classification 'Farm Administration', is not defined as a specific use in the Scheme. It has also been determined that the 'Farm Administration' classification does not reasonably fall within the interpretations of one of the use classes listed in the Scheme. In accordance with the Scheme, the Council may consider a 'Use Not Listed', and determine that:

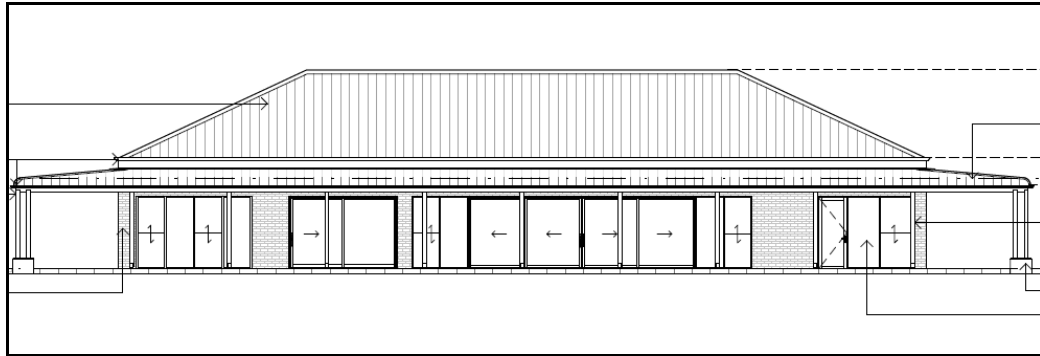
- a) The use is consistent with the objectives and purposes of the zone after giving notice of the application on any landholders as likely to be affected; or
- b) Determine that the use is not consistent with the objectives and purposes of the zone and is therefore not permitted.

COMMENT

The subject Lot 12212 Boyup Brook-Arthur Road is zoned 'Rural' in accordance with the Shire's Scheme.

The proposed farm administration building consists of a single storey brick building with sheet metal roofing and a veranda.

Northern elevation of proposed Farm Administration building.



The proposed 'Farm Administration' building occupies an area of approximately 300m². An area alongside the administration building has been set-aside for 19 car parking bays.

The floor layout of the building includes:

- Meeting rooms;
- Manager's office;
- Livestock managers office;
- Cropping managers office;
- Safety managers office; and
- Amenities area.

In accordance with the Shire's Scheme, the 'Rural' zone is intended primarily for the preservation of agriculturally significant land.

In considering applications for planning consent in the 'Rural' zone, Council shall have regard to the need to protect the agricultural practices in light of its importance to the district's economy. Council shall encourage the continued use of land within the 'Rural' zone for the entire spectrum of broadacre and intensive rural activities.

It is recommended that the Council approve the proposed, 'Use Not Listed - Farm Administration' building, as the development and use comply with the objectives and purposes of the 'Rural' zone, as follows:

- The farm administration building is proposed to be located on a farming property to support the functioning of the agricultural practices and ultimately the districts economy;

- The farm administrative activity will not cause injury to or adversely affect the amenity of the neighbourhood.

CONSULTATION

In accordance with the Shire's Local Planning Scheme No.2, where an application is made for planning approval to commence or carry out development of a 'Use Not Listed' in the Scheme, the Council is to consider giving notice of the application to neighbours likely to be affected.

Due to an approximate 1km setback between the proposed development and a neighbouring dwelling, the Council is requested to agree that consultation with neighbours is not necessary.



STATUTORY OBLIGATIONS

In accordance with the Shire's *Local Planning Scheme No.2*:

3.3.7 In respect of uses and development which are not specifically mentioned in the Zoning Table, and which could not be reasonably determined as falling within the interpretations of one of the use classes listed, the Council may:-

- a) Determine that the use is consistent with the objectives and purposes of the Zone.*
- b) Determine that the use is not consistent with the objectives and purposes of the Zone and is therefore not permitted.*

In considering applications for planning consent in the 'Rural' zone, Council shall have regard to:

- The need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy; and
- The need to preserve the rural character and rural appearance of the area.

POLICY IMPLICATIONS

There are no Policy implications.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.3.3

That Council

Grants Development Approval for a 'Use Not Listed – Farm Administration' at Lot 12212 Boyup Brook-Arthur Road, Dinninup, which includes:

- New farm administration building comprising approximately 300m²; and
- Car parking areas.

The approval is subject to the following notice, which outlines development conditions and advice notes.

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 12212 Boyup Brook-Arthur Road, Dinninup.

Description of proposed development: **Use Not Listed – Farm Administration**

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. The Farm Administration does not cause injury to or adversely affect the amenity of the neighbourhood.
3. The Farm Administration does not involve the retail sale, display or hire

of goods of any nature.

4. The car parking areas being adequately maintained to the satisfaction of the Shire.
5. Stormwater being managed to the satisfaction of the Shire of Boyup Brook.

Date of determination: 30 September 2021

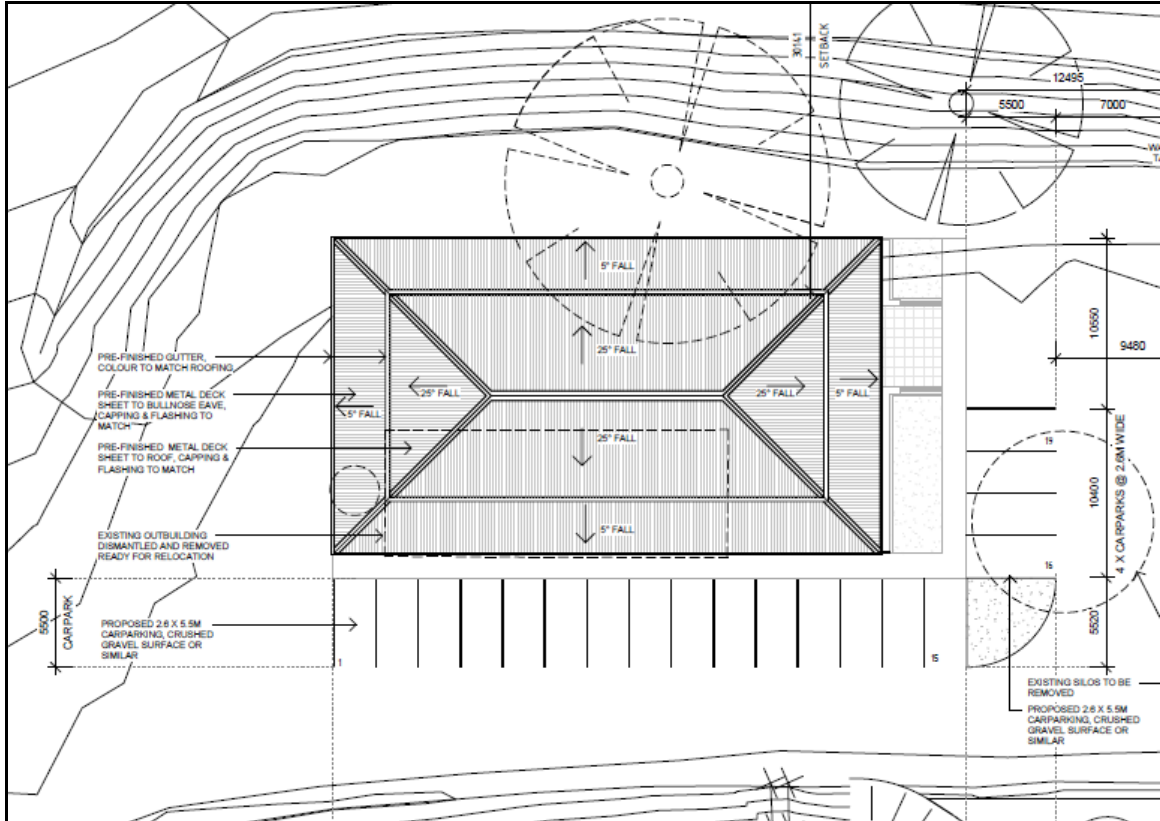
Note 1: If the development of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

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.

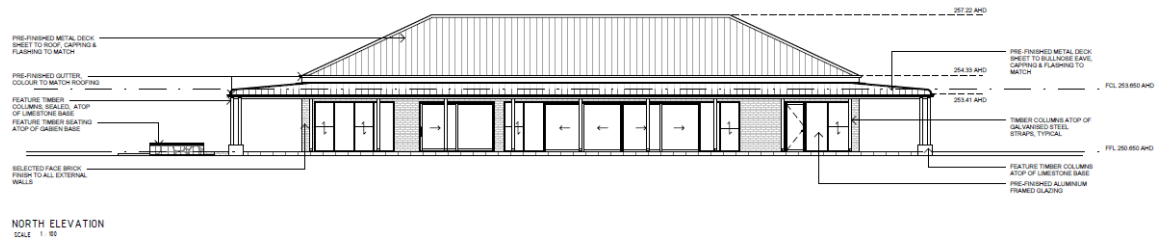
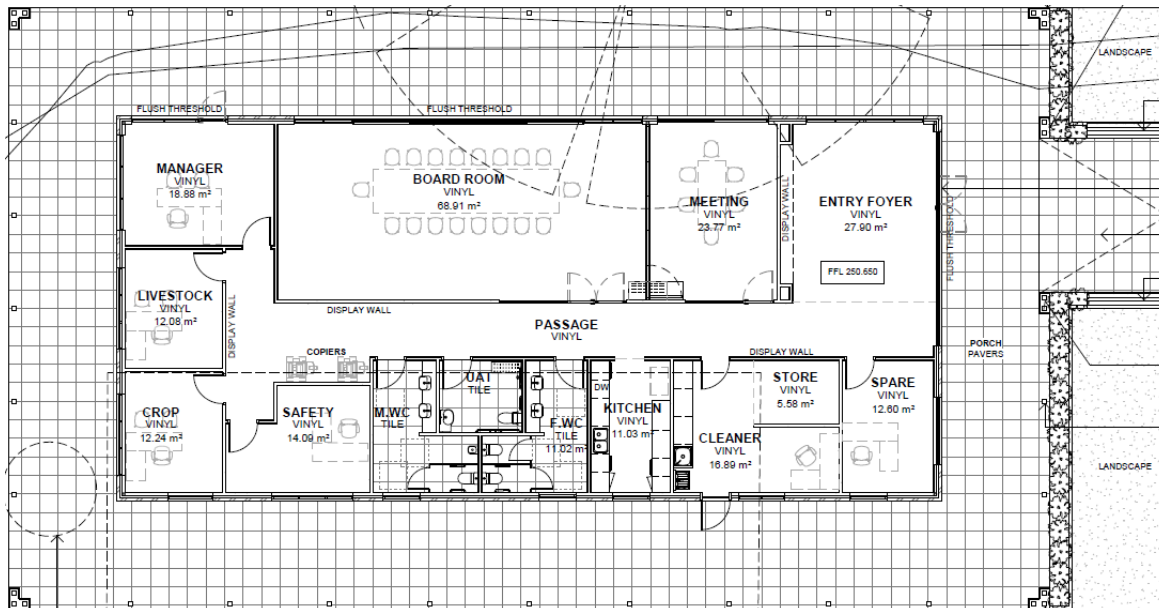
Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

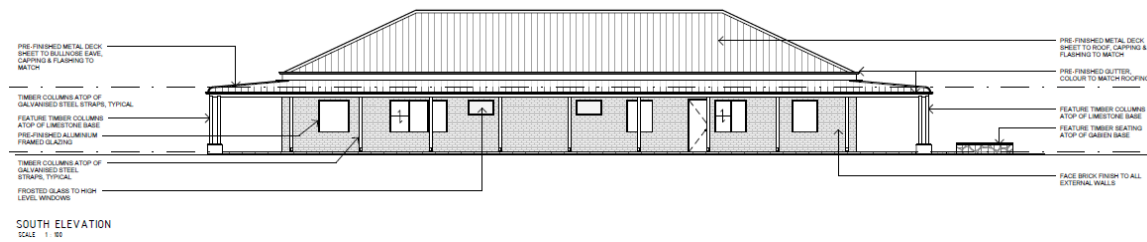
APPROVED PLANS

Site Plan



Floor Plan and Elevations





10.3.4 Subdivision Application (WAPC Ref 161238) Lots 235, 1996 & 2401 Bowelling-McAlinden Road, McAlinden

Location:	<i>Lots 235, 1996 & 2401 Bowelling-McAlinden Road, McAlinden</i>
Applicant:	<i>Harley Dykstra Pty Ltd</i>
File:	<i>WAPC 161238</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>30 September 2021</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer</i>
Attachments:	<i>Plan of Subdivision</i>

SUMMARY

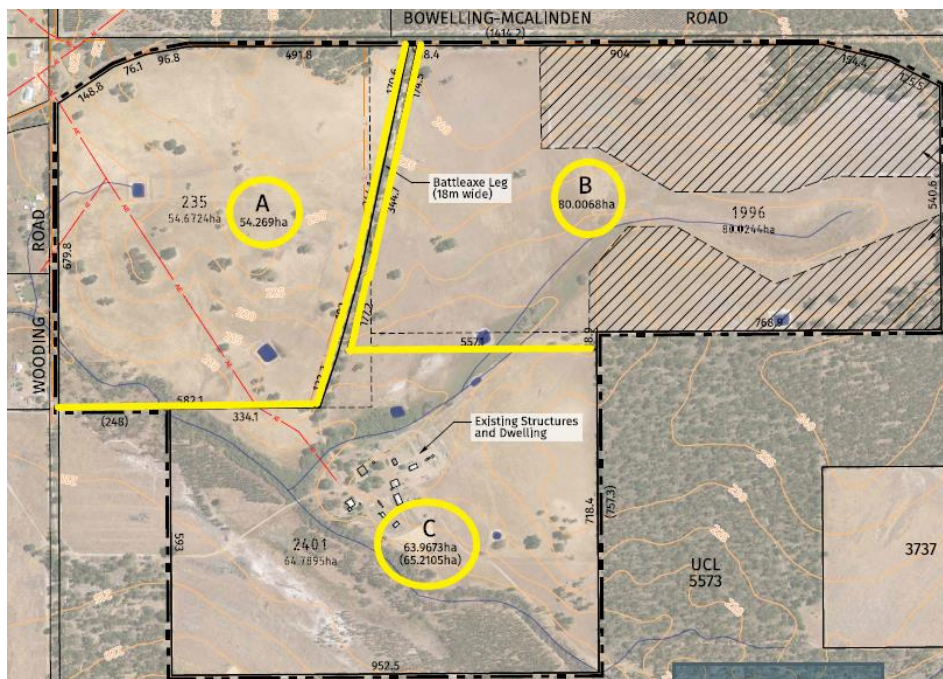
Council is requested to advise the Western Australian Planning Commission (WAPC) to support the proposed 'Rural' Lots 235, 1996 & 2401 Bowelling-McAlinden Road, McAlinden subdivision (3 lot into 3 lots), with no conditions.

The subdivision simply involves adjusting internal lot boundaries to enable access between one lot and the public road. The proposal does not create any additional lots.

Existing Lot boundaries (Lots 235, 1996 & 2401)



Proposed new boundaries – enables access between proposed Lot C and the public road.



BACKGROUND

The WAPC received an application to modify internal lot boundaries associated with the Lots 235, 1996 & 2401 Bowelling-McAlinden Road, McAlinden.

The WAPC forwarded the application to the Shire of Boyup Brook requesting information, comment or recommended conditions.

The subdivision (boundary adjustment) represents land rationalisation to allow for legal road frontage to a land locked lot.

COMMENT

The three lots are located approximately 35km north of the town of Boyup Brook. The lots are zoned 'Rural' and are used for agricultural purposes.

Of the three lots, the Lot 2401 (64.7895ha) does not have legal access to a constructed public road. The proposed boundary realignment aims to provide road frontage to the Lot 2401 via an 18m wide battle-axe leg, which follows an existing access track and crossover. The battle-axe leg forms part of the proposed Lot C.

The proposed boundary realignment will result in the following lot configuration:

- Lot A: 54.269ha (current lot size 54.67ha);
- Lot B: 80.0068ha (current lot size 80.02ha); and
- Lot C: 65.2105ha (current lot size 64.78ha).

It is recommended that the Shire Council agree to advise the Western Australian Planning Commission to support the proposed subdivision as it complies with the Shire's Scheme and the Commissions Development Control Policy 3.4.

The Development Control Policy 3.4 supports the subdivision of 'Rural' zone land, which proposes to realign boundaries and which does not propose additional lots.

CONSULTATION

Consultation of the proposed home business with neighbouring landholders, is not considered necessary due to the remoteness of its location.

STATUTORY OBLIGATIONS

Shire of Boyup Brook Local Planning Scheme No.2

Pursuant to clause 5.2.1 of the Shire of Boyup Brook *Local Planning Scheme No. 2* the following is outlined in respect to subdivision:

In considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- a) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;*
- b) the need to protect the area from uses which will reduce the amount of land available for agriculture;*
- c) the need to preserve the rural character and rural appearance of the area;*
- d) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.*

The proposed subdivision does not inherently change or impact on existing land uses or the rural character of the area.

POLICY IMPLICATIONS

The Development Control Policy 3.4 - Rural Subdivision outlines the requirements for rural subdivision within Western Australia. Specifically, section 6 of DCP3.4 outlines the following for which rural subdivision may be considered:

In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:

- a) To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect the rural land uses;*
- b) To protect and actively conserve place of cultural and natural heritage;*
- c) To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- d) In the Homestead lot policy (Appendix 2)1 allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation: and*
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

Subdivision of the rural land, in the form proposed, is in accordance with the Western Australian Planning Commissions *Development Control Policy 3.4 Subdivision of Rural Land*, which supports the realignment of boundaries.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 10.3.4

That Council

Agree to advise the Western Australian Planning Commission to support the proposal to subdivide Lots 235, 1996 & 2401 Bowelling-McAlinden Road, McAlinden, for the following reason and with no conditions.

Reason for support

- 1) The subdivision is in accordance the State's *Development Control Policy 3.4 Subdivision of Rural Land*, which limits subdivision potential to the following criteria:
 - a) *To realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect the rural land uses.*
- 2) The subdivision is in accordance with the Shire's Scheme and therefore is not expected to impact on existing land uses or the rural character of the area.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Submission to The Board for District Boundary Adjustment with Shire of Donnybrook Balingup

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>Property files</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>30 September 2021</i>
Author:	<i>Dale Putland, Chief Executive Officer</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer</i>
Attachments:	<i>Making a submission for a district boundary change Local Government Advisory Board – October 2017 Guiding Principles. Proposal to create, change the boundaries of or abolish a local government district.</i>

SUMMARY

The purpose of this report is to seek a joint Council resolution with the Shire of Donnybrook to initiate a submission to the Local Government Advisory Board (The Board) for a district boundary change.

The Board is the body established by the Local Government Act 1995 (the Act) to assess proposals for changes to local government district boundaries. A proposal submitted to The Board is required to meet specific requirements for it to be deemed a valid submission (attachment 1 and 2).

The proposed boundary change is to permanently resolve issues relating to the Shire of Donnybrook Balingup and Shire of Boyup Brook shared boundary dissecting individual lots. This anomaly results in landowners having a single lot of land located in two local government districts.

It is proposed that a similar anomaly relating to one land parcel with the Shire of Bridgetown Greenbushes be dealt with as a separate process should the Shire of Bridgetown Greenbushes be receptive to a district boundary change.

BACKGROUND

Seven individual lots have been identified as having the shared boundary dissect the Shire of Donnybrook Balingup / Shire of Boyup Brook boundary.

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

In 2013, the Shire of Boyup Brook and Shire of Donnybrook Balingup applied a 50% rating concession and a 50% concession on any waste management charges levied on the affected properties.

In December 2019, the CEO and Shire President met with the CEO Shire of Donnybrook Balingup to reach agreement for commencement of a boundary adjustment process to move properties into one or the other Shire.

COMMENT

A joint approach for a formal boundary adjustment with Shire of Donnybrook Balingup has received CEO level support. It is intended that the same resolution will be presented to the Shire of Donnybrook Balingup by its officers for its consideration.

It is proposed that the following plan guide the joint submission to The Board by the Shire of Donnybrook Balingup and Shire of Boyup Brook.

The resolution that is the subject of this report relates to stage 1a and 1b only.

Stages - Boundary Change		Council Decision Required	Landowner Consultation
1	Joint Council resolution with Shire of Donnybrook Balingup		
	a. Endorse boundary change process	√	
	b. Endorse initiating consultation with affected landowners	√	
2	Letter to landowners advising process - Include a return form where landowner indicates preferred district for the affected lot		√
3	Joint Council resolution with Shire of Donnybrook Balingup		

	a. Endorse proposed changes to boundary alignment	√	
	b. Authorise CEOs to prepare a submission for a district boundary change to Local Government Advisory Board	√	
4	Officers prepare Local Government Advisory Board submission report		
5	Joint Council resolution with Shire of Donnybrook Balingup adopting the submission report for a district boundary change to Local Government Advisory Board	√	
6	Submit to Local Government Advisory Board		
7	Resolve matters raised from the Local Government Advisory Board assessment process		
8	Local Government Advisory Board considers proposal and makes recommendation to Minister for Local Government		
9	Minister makes determination on proposal and advises proponent via Local Government Advisory Board		

CONSULTATION

In March 2021, joint correspondence from the Shires of Donnybrook Balingup and Boyup Brook was sent to property owners affected by the Shire of Donnybrook Balingup / Shire of Boyup Brook boundary to advise of a joint intent to permanently resolve the boundary issue. No objections were received.

Should both Councils resolve to progress a joint submission to The Board, a formal consultation process with affected landowners shall be undertaken to determine a preferred alignment of the district boundary.

STATUTORY OBLIGATIONS

Schedule 2.1 of the Local Government Act 1995 prescribes the requirements for changing boundaries of a local government district

2. Making a proposal

(1) *A proposal may be made to the Advisory Board by —*

- (a) *the Minister; or*
- (b) *an affected local government; or*
- (c) *2 or more affected local governments, jointly; or*
- (d) *affected electors who —*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*

(2) *A proposal is to —*

- (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
- (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
- (c) *comply with any regulations about proposals.*

POLICY IMPLICATIONS

Not Applicable

BUDGET /FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 10.4.1

That Council

1. **Endorse support for a joint submission to the Local Government Advisory Board with the Shire of Donnybrook Balingup for a district boundary adjustment on the following properties where the Shire of Donnybrook-Balingup / Shire of Boyup Brook boundary dissects the individual lot.**

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

2. **Subject to the Council of the Shire of Donnybrook Balingup resolving to support a joint submission in accordance with resolution 1, endorse the Chief Executive officer to undertake consultation with landowners resolved in Resolution 1 to determine the preferred district for each affected lot.**
3. **That the Chief Executive Officer reports back to Council following the completion of landowner consultation undertaken in accordance with Resolution 2.**

11 COMMITTEE MINUTES

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

15 CLOSURE OF MEETING

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