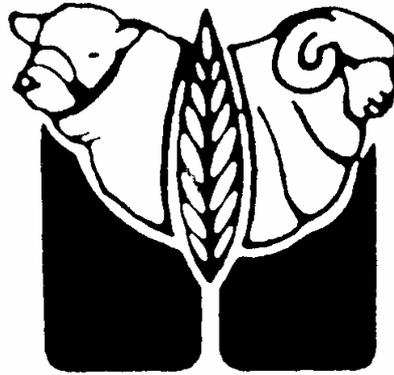


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 17 MAY 2007

AT

SHIRE OF BOYUP BROOK

ABEL STREET – BOYUP BROOK

COMMENCEMENT AT 3.30PM

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	3
2	PUBLIC QUESTION TIME.....	3
2	PUBLIC QUESTION TIME.....	3
3	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS	3
5	CONFIRMATION OF PREVIOUS MINUTES	3
6	PRESIDENTIAL COMMUNICATIONS	4
7	REPORTS OF OFFICERS AND COMMITTEES	4
7.1	WORKS AND SERVICES.....	4
7.1.1	AERIAL BUNDLING OVERHEAD POWER LINES – BRIDGE STREET BOYUP BROOK.....	4
7.2	DEVELOPMENT AND COMMUNITY SERVICES.....	6
7.2.1	UNALLOCATED CROWN LAND – BOYUP BROOK LOT 372	6
7.2.2	DEVELOPMENT OF INDUSTRIAL LAND – RESERVE 36325	8
7.2.3	SUBDIVISION APPLICATION – (WAPC REF 134345) LOTS 2898 AND 1535 ASPLIN SIDING ROAD, BOYUP BROOK	11
7.2.4	SUBDIVISION APPLICATION – (WAPC REF 134379) LOTS 3525, 2838 AND 2840 AREA ROAD, KULIKUP	14
7.3	CORPORATE SERVICES	18
7.3.1	ACCOUNTS FOR PAYMENT	18
7.3.2	MARCH 2007 MONTHLY STATEMENT OF FINANCIAL ACTIVITY	19
7.3.3	ANNUAL ELECTORS MEETING – 19 TH APRIL 2007	20
7.3.4	RECREATION & LEISURE ADVISORY COMMITTEE – ITEMS FOR BUDGETARY CONSIDERATION	22
7.3.5	FINANCIAL REVIEW 2006/07	23
8.	PETITIONS AND MEMORIALS.....	24
9.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	24
10.	URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT.....	25
11.	CONFIDENTIAL MATTERS	26
12..	CLOSURE OF MEETING	26

1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr T Ginnane – Shire President
Cr S Broadhurst
Cr R Downing
Cr J Florey
Cr P Marshall
Cr K Moir
Cr A Piper

Mr T Doust – Chief Executive Officer
Mr J Eddy – Manager of Works and Services

1.2 Apologies

Cr T Oversby

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

5 CONFIRMATION OF PREVIOUS MINUTES

5.1 Minutes of the Ordinary Meeting of the Council held on 19 April 2007.

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the minutes of the previous Ordinary Meeting of the Council held on Thursday 19 April 2007, be confirmed as an accurate record.

CARRIED 7/0

6 PRESIDENTIAL COMMUNICATIONS

The President acknowledged the recent funerals of David Miller past president (3) years, Councillor (15 years), Doug Cross past employee (28) years and Carmel Harris daughter of residents within the Shire.

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

Crs Ginnane and Florey declared a proximity interest in Item 7.1.1 as they both own/occupy premises adjoining the section of Bridge Street where the aerial bundling of overhead line was being considered. Both withdrew from the meeting at 3.40pm.

Cr Roger Downing in the chair.

7.1.1 **Aerial Bundling Overhead Power Lines – Bridge Street Boyup Brook**

<i>Location:</i>	<i>Bridge Street (Abel Street to Barron Street)</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>FM/25/033</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8th May 2007</i>
<i>Author:</i>	<i>Tony Doust – Chief Executive Officer</i>

SUMMARY

To consider the cost of undertaking the proposal to aerial bundle the existing power lines in the section of Bridge Street from Abel Street to Barron Street and determine whether to proceed with the project.

BACKGROUND

In September 2005 an application was made to the South West Development Commission (SWDC) to assist with the cost of providing overhead aerial bundling cable for the section of Bridge Street, from Abel to Barron Streets. The work was part of the total project for the redevelopment of this area. The application was not successful.

The application was resubmitted to the SWDC in September 2006. The 2006 application was based on a quotation provided by Western Power on the 22nd August 2005. The quote clearly shows that it was valid for (90) days from 22/9/2005. It would appear that no attempt was made in September 2006 to either verify the price quoted or obtain a new quotation.

The Minister for the South West approved the grant applied for in 2006 i.e \$39500 on the 12th December 2006. The South West Development Commission has confirmed the grant payable and an agreement has been completed.

COMMENT

This grant process was being progressed by the Shire's Economic and Community Development Officer, Mr Mike Tomlinson up until his resignation in March 2007. Given the position the CEO contacted Western Power about the quotation provided in August 2005 of \$38029 and a revised quotation has now been received advising that the cost will be \$52869. The quotation is dated 23rd April 2007 and is valid for (60) days. On receipt of the revised quotation the CEO contacted Western Power Regional Representative who investigated the matter and informed the CEO that the costing is based on the current parameters used by Western Power and he was not in a position to make any adjustments. The CEO also contacted Terry Waldron MLA, Member for Wagin about the significant increase in costs. Mr Waldron has agreed to follow the matter up with Western Power.

Given the position Council will need to determine if they wish to proceed with the project and fund the shortfall (\$13,369) between the grant and revised estimated cost.

CONSULTATION

Western Power, Terry Waldron MLA

STATUTORY ENVIRONMENT

Unbudgeted expenditure – Local Government Act 1995 Section 6.8. Council will need to resolve for an absolute majority to approve the additional expenditure required to complete the project.

POLICY IMPLICATIONS

No specific policy

FINANCIAL IMPLICATIONS

Unbudgeted expenditure for the additional cost of Western Power completing the project. \$13,369 will need to be approved by Council.

STRATEGIC IMPLICATIONS

The provision of the overhead bundled power lines in lieu of the existing overhead wires will meet the objectives within the Shire's Plan for the Future:

“Planning and Infrastructure

To effectively manage, maintain and enhance the Shire's infrastructure assets.

1. Develop and implement a road preservation and replacement program
2. Develop and implement a footpath program
3. Develop and implement a bridge replacement program
4. Continue to implement and fund the plant replacement program
5. Upgrade depot – new shed, bituminize grounds
6. Townscape – Aerial bound cabling in Bridge Street
7. Prepare a Local Planning Strategy.”

VOTING REQUIREMENTS

Absolute Majority

MOVED: Cr Downing

SECONDED: Cr Piper

That Council move into Committee of the whole under Clause 15.6, Shire of Boyup Brook Standing Orders, Local Law 1.

CARRIED 5/0

MOVED: Cr Marshall

SECONDED: Cr Piper

That Council move out of Committee of the whole under Clause 15.6, Shire of Boyup Brook Standing Orders, Local Law 1.

CARRIED 5/0

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Downing

The Council approves the additional expenditure of \$13,369 to complete the Aerial Bundling of overhead power lines in the section of Bridge Street from Abel Street to Barron Street.

LOST 2/3

Crs Ginnane and Florey re-entered the meeting the time being 3.50pm

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Unallocated Crown Land – Boyup Brook Lot 372

<i>Location:</i>	<i>Boyup Brook Lot 372 Boyup Brook Donnybrook Road</i>
<i>Applicant:</i>	<i>Department for Planning & Infrastructure</i>
<i>File:</i>	<i>Ass 15103</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>7th May 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>
<i>Appendices:</i>	<i>1.1 Plan Lot 372 Boyup Brook</i>

SUMMARY

To obtain Council's position on an application by Coote Industrial to the Department of Planning & Infrastructure to lease or purchase Boyup Brook Lot 372 (vacant crown land north of Powertrak)

BACKGROUND

During the past years Council has considered the future use of the vacant crown land north of Powertrak, between the Boyup Brook Donnybrook Road and the Railway Reserve. In 2003/04 Council allocated \$10,000 towards an industrial land study to develop (10) industrial lots on the vacant crown land Lot 372. Thompson McRobert Edgeloe (TME) were appointed by Council to undertake this study. Council considered a report from TME at its meeting on 17th February 2005. TME advised that (10) lots could be created and that the development costs of the land would be a minimum of \$530,000, which included a 20% contingency. The lot sizes averaged 2000m2(approx) with one lot being 5082m2 however this lot was an irregular shape.

Council resolved accordingly on the 17th February 2005:

"That Council requests the South West Zone of WALGA to rigorously pursue with WALGA and South West Development Commission the unacceptably high infrastructure costs associated with industrial land developments in rural communities rendering such proposals financially unviable."

Whilst this matter was referred to the SW Zone of WALGA and the South West Development Commission, other than the establishment of a working group by the zone, which has met on several occasions the position has not changed, other than grant funding being made available by the Government to assist with infrastructure costs.

COMMENT

As the subdivision of Lot 372 as presented by TME in 2005 has not proceeded in view of the costs involved, alternative uses for this land are now been raised.

The Department for Planning and Infrastructure is currently considering a request from Coote Industrial Limited to lease or purchase Boyup Brook Lot 372. To enable further investigation of this matter the Manager of State Lands South West would appreciate Council's comments on the proposed use of the land by Coote Industrial for the purposes of a Biodiesel Production facility.

As the land is zoned Rural under the Shire of Boyup Brook Town Planning Scheme No 2, the proposed use would fall within the rural industry "Use Class" and is a permitted use within the Rural zone. It is recommended that Council support the proposal to use this land for the establishment of a Biodiesel plant, subject to the following requirements being provided for Council's consideration and approval:-

- Full details of the development of the land including proposed building / structural layout, fencing, access to and from the Boyup Brook – Donnybrook Road and Landscape/screening
- An environmental assessment of the proposed use and impact on adjacent properties and waterways.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2

As previously mentioned the land is zoned Rural and Rural Industry is a permitted use within the Rural Zone. The scheme defines Rural Industry as follows:-

"Means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality and a workshop, seeding plant or equipment used for rural purposes in the locality."

Development approval is required under the Shire of Boyup Brook Town Planning Scheme No 2 and a formal application will be necessary for Council's consideration if the proposal to lease or buy the land progresses.

POLICY IMPLICATIONS

The draft Shire of Boyup Brook Local Rural Strategy identifies the land in area adjoining on the north and west side as an "Industry Development Investigation Area". The land on the south is zoned General Industrial and the east zoned Rural.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

The Shire's Strategic Plan covers such areas as education and youth, health, aged accommodation, recreation and leisure, community groups, heritage and the environment, the plan and recognizes five principle economic development objectives:

- Industrial development

- Agricultural resource development
- Tourism
- Residential land development
- Aged accommodation

In achieving the ultimate purpose of the Strategic Plan Council needs to consider its strategic objectives and implement its strategic initiatives. The proposal is considered to be consistent with this objective of the Strategic Plan as it seeks to use the land for Rural purposes in accordance with the Shire's Scheme.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Piper

The Department of Planning and Infrastructure be advised that Council supports the proposed use of Lot 372 Boyup Brook Donnybrook Road, Boyup Brook as a suitable site for a Bio Diesel Plant, subject to the following conditions:-

- 1. A detailed plan of the Development showing building/structure locations within the land, fencing, vehicle access to and from the Donnybrook – Kojonup Road and Landscaping/screening proposed.**
- 2. An environmental assessment of the proposal and the likely impact including noise levels, on the adjoining properties and waterways.**
- 3. Any development to be subject to the normal requirements under the Shire of Boyup Brook Town Planning Scheme No 2.**

CARRIED 7/0

7.2.2 Development of Industrial Land – Reserve 36325

<i>Location:</i>	<i>Boyup Brook Townsite Lot 359 (Reserve 36325)</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>EC/23/004, FM/25/030, FM/25/029, Res 36325</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>7th May 2007</i>
<i>Author:</i>	<i>Tony Doust, Chief Executive Officer</i>
<i>Appendices:</i>	<i>1.2 Map – Existing lots / areas Plans – proposed layout</i>

SUMMARY

To advise Council of the present position with the proposal to create (4) Industrial lots on land presently utilised for the Information Bay and part of the adjoining privately owned land and make a determination not to proceed in view of the viability.

BACKGROUND

For some time the Council has been considering a proposal to create (4) Industrial lots on land presently used for the Boyup Brook Information Bay/Drainage (Reserve 36325) and including the acquisition of part of the privately owned adjoining land from the owners of Lot 361 Henderson Street and Lot 360 Forbes Street. Grant funding to assist with the infrastructure headwork costs has been obtained from the South West Development Commission of \$15,000 and Department of Local

Government and Regional Development for \$52,500. A number of matters required attention to allow this project to proceed including:-

- The purchase cost of Lot 359 (Reserve 36325) from DPI to be confirmed. Confirmation was received on 11th December 2006 that the cost would be \$66,000 + \$3228 survey and lodgment fees.
- Confirmation from Cameron Atherton agreeing to sell part of Lot 360 to the Shire and the cost of the land involved. Mr Atherton advised on the 23rd April 2007 that he is not prepared to sell any land as he will require the whole of Lot 360 for his own use. Mr Peter Nissen, owner of Lot 361, had previously advised he did not wish to sell any of this land.
- Revised estimates of cost to fill the land in Reserve 36325 to make it suitable for Industrial use and the cost of relocating the Information Bay to a new site. Revised costs have now been obtained and they are \$86,240 and \$20,510 respectively. The cost of relocating the Information Bay does not include a land component for the new site and is based on a reasonably level area being available.
- Revised costs for the supply of water and power to the four new lots being obtained. The Water Corporation advised on 14th February 2007 that their cost would be \$15,188. The last costing obtained for the supply of three phase power to this area and adjoining land Lot 333 was approximately \$60,000. An updated cost will need to be obtained if this subdivision does proceed however given recent information for other projects it is more that likely the price will increase.

COMMENT

Given the above the cost of proceeding with the proposal excluding the land owned privately and bearing in mind that only two lots are possible as the lot size within the Industrial zoning is a minimum of 2000m².

The estimated cost to provide two lots in excess of 2000m² is as follows:-

	<u>Estimated</u>
Purchase of Land (DPI)	\$70,000
Fill for lot on southern/western end	\$20,000
Provision of water	\$ 8,000
Provision of power (to be confirmed)	\$30,000
Relocation of Information Bay (not including land)	\$21,000
Contingency (10%)	<u>\$15,000</u>
	\$164,000

Total subsidy available from SWDC and DLGRD is \$67,500.

Net cost assuming the total subsidy is available for two lots and not four as previously planned, is \$96,500. (Minimum net cost per lot \$48,000 approximately)

The lot sizes to be Lot "A" 2400m²
Lot "B" 2400m²

In view of the costs involved and that the area of the two lots is relatively small and not a desirable shape in comparison with other lots adjoining, it is recommended that the proposal not be proceeded with.

CONSULTATION

DPI, Water Corporation, Western Power, Cameron Atherton, Peter Nissen and Manager of Works

STATUTORY ENVIRONMENT

The subdivision/amalgamation of land is controlled by the Western Australian Planning Commission. Any proposal will require approval of WAPC and will need to comply with the Shire of Boyup Brook Town Planning Scheme No 2.

POLICY IMPLICATIONS

Council Policy – Subdivisions Drain – Fill conditions – Fill level
- Compaction
- Drainage

Although it is a Shire proposed subdivision the requirements of the above policy should apply.

FINANCIAL IMPLICATIONS

As outlined in the report section, the total Council contribution is \$96,500 and has partially been funded in the 2006/07 budget. The budget includes an amount of \$37,000 expenditure which is to be funded by a transfer from the Commercial Development Reserve.

STRATEGIC IMPLICATIONS

The Shire's Strategic Plan covers such areas as education and youth, health, aged accommodation, recreation and leisure, community groups, heritage and the environment, the plan and recognizes five principle economic development objectives:

- Industrial development
- Agricultural resource development
- Tourism
- Residential land development
- Aged accommodation

Although Council's Strategic Objectives includes Industrial Development, Council needs to consider that the result achieved is the most desirable outcome. Whilst two lots could be created the cost and potential sale/use must be considered.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Moir

SECONDED: Cr Piper

1. **That in view of land not being available from adjoining landowners the proposal to proceed with the creation of Industrial lots utilizing Reserve 36325 not be proceeded with.**
2. **The Department of Local Government and Regional Development and South West Development Commission be advised of the Councils decision and that the funding provided will not be required at this time, however the Council will be considering proposals in the future for the provision of Industrial Land and will be seeking assistance with the cost of infrastructure at that time.**

CARRIED 7/0

7.2.3 **Subdivision Application – (WAPC Ref 134345) Lots 2898 and 1535 Asplin Siding Road, Boyup Brook**

Location:	Lots 2898 and 1535 Asplin Siding Road, Boyup Brook
Applicant:	Harley Survey Group (Owner KA & JM Ritson)
File:	Ass 10060
Disclosure of Interest:	Nil
Date:	8 th May 2007
Author:	Tony Doust – Chief Executive Officer
Appendices:	1.3 Proposed Subdivision Plan

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 2898 and 1535 Asplin Siding Road, Boyup Brook.

The proposal is to amalgamate Lots 2898 and 1535 and re-subdivide the resulting lot into two lots of 129.66h and 22ha.

BACKGROUND

Lots 2898 and 1535 have an area of 113.72ha and 37.94ha respectively and are located approximately 5 km east of the Boyup Brook townsite. The total area of the subject land is 151.66 ha.

Access to the subject land is via Asplin Siding Road. The land adjoins the Blackwood River and the Boyup Brook to Katanning disused railway line passes through the northern portion of the property.

There is an existing dwelling and outbuildings on the property which is used for general farming purposes. The land is predominantly cleared and the adjoining land is used for general farming and also for plantation developments.

Lot 1535 has a corner (20 metre) frontage to an existing unmade road reserve.

COMMENT

The application is relying upon the farm restructuring/boundary adjustment criteria outlined in Section 5.7 of the Warren-Blackwood Rural Strategy, (Page 50) Recommendation 3 which is as follows:

“In the case of farm restructuring or boundary adjustment, the principal issue of consideration in assessment will be improving the sustainability and long-term agricultural viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land. Where a farm consists of multiple titles and the proposal is to consolidate the main operation into a single title, consideration will be given to the creation of lots smaller than the outlined criteria, provided that:

- *The smaller lots have sufficient size to allow for the construction of a dwelling and other small farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties.*
- *The smaller lots are located to have minimal adverse impact on the viability and sustainability of the main farming property.*
- *The total number of resulting lots is not greater than the original number of lots.*
- *In the case of lifestyle lots, the land is located within 10kms of a major townsite.”*

The applicant submits that the proposal complies with the above criteria given that:

- a) The proposed 22ha lot accommodates an existing dwelling and outbuildings and is sufficiently large enough to ensure minimal land use conflicts with the proposed 129.66ha

lot, by providing a substantial separation distance between the house and the proposed lot boundary (approximately 200 metres);

- b) No additional lots are created by the proposal;
- c) The proposal consolidates the farming operations onto a large lot of 129.66ha; and
- d) The land is relatively close to Boyup Brook townsite being only some 5.7km to the east of the townsite

The issue is whether the proposed 22 ha lot meets the criteria within the Warren Blackwood Rural Strategy, in relation to the proposed size.

While there are no specific reasons given for the proposal it does appear to alleviate potential access issues to Lot 2898 and also provides for the creation of a larger lot of 129 ha which is more likely to contribute to agricultural production.

It may also be considered as a Homestead Lot.

The application is considered to be consistent with the objectives of Town Planning Scheme No 2 as set out below.

No road upgrading is required as the number of lots does not alter.

CONSULTATION

Geoffrey Lush – TME

STATUTORY ENVIRONMENT

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The purpose of the 'Rural' zone is:

The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.

In considering any applications for subdivision, rezoning and planning consent in the Rural zone, Council is required to regard to the matters contained in Clause 5.2.1 of the Scheme as follows:

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) 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.

POLICY IMPLICATIONS

The application does not conflict with Council's Future Directions Plan which states

AGRICULTURAL RESOURCE DEVELOPMENT

To identify and progress opportunities for the intensification and diversification of agricultural resources to create a sustainable and expanding agricultural industry.

Pursue agricultural intensification and diversification research and implementation (regional) and provide funding.

Strengthen the relationship with the Rylington Park Management Committee for the purpose of research.

Continue to support the development of an olive oil processing plant in Boyup Brook.

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

Within the draft Rural Strategy the subject land is situated in Planning Precinct BBR2, which states that:

On individual farming properties this enables creation of small rural lots (minimum size of 20 ha) subject to the re-design of existing lot boundaries achieving practical management and access benefits, and no net increase in the number of lots.

The subject land is also situated immediately outside of the boundary of the proposed Riverside Development Protection Investigation Area.

The draft Rural Strategy provides for:

- Farm restructuring stipulating a minimum 20ha lot size within the BBR2 Precinct; and
- Creation of a "Homestead Lot."

The Planning Commission has requested that the Draft Rural Strategy be modified to:

1. Include the re-structuring criteria from the Warren Blackwood Rural Strategy;
2. To limit restructuring which creates a "lifestyle" lot to within 10kms of the townsite;
3. To limit rural small holdings to within 5kms of the townsite; and
4. To provide for homestead lots with a minimum lot size of 10ha.

While these matters are still subject to negotiation and approval of the Western Australian Planning Commission, the application is considered to meet the intention of these modifications.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Broadhurst

SECONDED: Cr Florey

- 1 **That Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 2898 and 1535 Asplin Siding Road, Boyup Brook on the basis that the application is considered to be consistent with:**
 - (a) **The provisions of the Warren Blackwood Rural Strategy; and**
 - (b) **The draft Rural Strategy and associated modifications requested by the Commission to this as:**
 - **The subject land is within the 10km distance of the townsite requested by the Commission for the creation of "lifestyle" lot resulting from a farm re-structuring (boundary re-subdivision) where no additional lots are created;**
 - **The application resolves potential access issues;**
 - **The application will create a larger balance lot which can be used for rural production;**

- The proposed Lot B can be considered as a Homestead Lot and it exceeds the 10 ha minimum lot size requested by the Commission; and
- The subject land is within the 5km distance of the townsite requested by the Commission (measured in a straight line) for the creation of rural small holdings.

2 That the Commission be requested to include a condition on the approval to require a Section 70A Notification to be placed on the Certificate of Title of the proposed Lot B as follows:

The property is located in an area where traditional farming practices are occurring which may at times affect the amenity of the subject land.

CARRIED 7/0

7.2.4 **Subdivision Application – (WAPC Ref 134379) Lots 3525, 2838 and 2840 Area Road, Kulikup**

Location:	Lots 3525, 2838 and 2840 Area Road, Kulikup
Applicant:	Harley Survey Group (Owner DJ Gibbs)
File:	Ass 5530
Disclosure of Interest:	Nil
Date:	8 th May 2007
Author:	Tony Doust
Appendices:	1.4 Proposed Subdivision Plan

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission.

The subject land comprises of Lots 3525, 2838 and 2840 Area Road, Kulikup. The proposal is to re-subdivide the subject land in to three lots with areas of 18.29, 102.51 and 80.96 hectares.

BACKGROUND

The subject land is located approximately 22km east of the Boyup Brook townsite. It is situated at the intersection of Area and Craige Roads.

The subject land has a total area of 201.76 hectares and comprises of:

- Lot 3525 - 16.20ha;
- Lot 2838 - 64.76ha; and
- Lot 2840 - 120.8ha.

Lot 3525 is landlocked and a significant portion of the lot is low lying land associated with the Boree Gully Creek. A portion of Lot 3525 has been revegetated. It is unclear how much of Lot 3525 is outside of the drainage system and would be suitable for the development of a dwelling. It is estimated from aerial photography that this could be approximately 2 to 3 hectares of land.

Lot 2838 has an outbuilding and other infrastructure located upon it. A tributary of Boree Gully Creek bisects the property.

Lot 2840 is severed by Area Road and is used for general farming. The portion of Lot 2840 situated on the northern side of Area Road (the proposed Lot A) has a dam with catchment drains and associated revegetation occupying a significant portion of the land.

COMMENT

The proposal seeks to provide each proposed lot with gazetted road access and overcome the severance of Lot 2840 by Area Road. However the applicant has not indicated what the actual severance issues are.

The proposal does not increase the number of proposed lots and results in the creation of three lots with areas of similar size to the existing lots of 80.96ha, 102.51ha and 18.29ha.

The proposal may be justified by the boundary relocation criteria outlined in Section 3(e) of the Western Australian Planning Commission's Policy DC 3.4 'Subdivision of Rural Land' given that:

- The new boundaries reflect good environmental and land management practices;
- No additional dwelling entitlements are created; and
- The proposal does not compromise the ability of the land being used for agricultural purposes.

The applicant has submitted that the subdivision has merit because:

- it is a boundary relocation application that will not increase the number of proposed lots;
- the proposal will remove the severance of Lot 2840 by Area Road and any associated constraints to the use of Lot 2840 for agricultural purposes caused by the severance; and
- the proposal will provide each proposed Lot with gazetted road access.

Support for the application appears to be also contained in the farm restructuring/boundary adjustment criteria outlined in Section 5.7 of the Warren-Blackwood Rural Strategy. However the issue in contention is that if the proposed Lot A (18.29ha) is defined as a "lifestyle lot" then it is outside of the 10km distance stipulation from a townsite.

There is further justification for the proposal on the basis of undertaking measures to protect the existing stream corridors.

The application is considered to be consistent with the objectives of Town Planning Scheme No 2 as set out below. The main issues are:

- Agreeing that Lot 3525 is suitable to have a house constructed upon it and hence that entitlement can be "transferred" to the re-structured lot;
- If "environmental benefit" of improving the drainage lines is used as justification for the proposal then there will have to be further replanting and rehabilitation; and
- That proposed Lot A is suitable for as a rural small holding.

No road upgrading is required as the number of lots does not alter.

CONSULTATION

Geoffrey Lush - TME

STATUTORY ENVIRONMENT

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The purpose of the 'Rural' zone is

The Rural Zone is intended primarily for the preservation of agriculturally significant land. Land within the Scheme Area is capable of high levels of agricultural production and is therefore a valuable resource worthy of protection. Council shall therefore seek to ensure that no action is taken to jeopardise that potential.

In considering any applications for subdivision, rezoning and planning consent in the Rural zone, Council is required to regard to the matters contained in Clause 5.2.1 of the Scheme as follows:

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) 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.

POLICY IMPLICATIONS

The application does not conflict with Council's Future Directions Plan which states

AGRICULTURAL RESOURCE DEVELOPMENT

To identify and progress opportunities for the intensification and diversification of agricultural resources to create a sustainable and expanding agricultural industry.

Pursue agricultural intensification and diversification research and implementation (regional) and provide funding.

Strengthen the relationship with the Rylington Park Management Committee for the purpose of research.

Continue to support the development of an olive oil processing plant in Boyup Brook.

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

Within the draft Rural Strategy the subject land is situated in Planning Precinct BBR3, which has the following objective:

Continuation of traditional broad-acre agriculture as the primary use of rural land use, with minor intensive agriculture (animal industries and horticulture / viticulture) activities where potential for conflict between agricultural industries is adequately considered.

The Subdivision and Development Guidelines for this Precinct recommend

- Maintain a general presumption against subdivision given the trend for increasing farm sizes for grazing enterprises and the generally low potential for intensive agricultural activities.
- Support subdivision of rural land where it is in accordance with the generic requirements and exclusion criteria of WAPC Policy No DC3.4.
- As an additional exception and to encourage the retention of rural population and farming infrastructure (house, sheds water supply etc), support the creation of 'Homestead lots' (10 ha minimum size) where it can be shown that a farm amalgamation process has occurred.
- Apply generic guidelines in relation to tourism, farm forestry and avoidance of land use conflict.
- Apply generic guidelines in relation to catchments and land management.

The "generic guidelines" in relation to catchments and land management include:

Encourage development proposals that offer tangible measures to protect and enhance the remaining native vegetation within freehold land, particularly within strategically important riparian zones.

The specific “environmental measures” that Council might request have not been formulated within the Draft Rural Strategy. It is assumed that in this situation such measures might include the continuation of the replanting of stream side areas within the property.

It is noted that Council’s Farm Re-structuring Policy is only applicable in the BBR2 Precinct and not to the subject land. However at a recent workshop of the Development Services Committee it was indicated that the policy should apply to a wider area of the Shire still with a 20ha minimum lot size. This issue is still be agreed to by the Planning Commission.

In addition the more general provisions of the Planning Commission’s Policy DC 3.4 Subdivision of Rural Land also apply to the proposal. Section 3.2.1 provides that the Commission may approve may approve subdivision of rural land for specific purposes including:

- (e) For the relocation of boundaries where:
 - (i) the new boundaries reflect good environmental and land management practices;
 - (ii) no additional dwelling entitlements are created or where the dwelling entitlements are removed or reduced; and
 - (iii) the proposal is intended to facilitate the ongoing agricultural usage on all of the lots.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Piper

SECONDED: Cr Florey

- 1 **That Council advise the Western Australian Planning Commission that it supports the proposed re-subdivision of Lots 3525, 2838 and 2840 Area Road, Kulikup on the basis that the application is considered to be consistent with:**
 - (a) **The boundary relocation criteria outlined in Section 3(e) of the Western Australian Planning Commission's Policy DC 3.4 'Subdivision of Rural Land';**
 - (b) **Council’s draft Rural Strategy Subdivision and Development Guidelines for this Precinct BBR3 which support subdivision of rural land where it is in accordance with the generic requirements and exclusion criteria of WAPC Policy No DC3.4; and**
 - (c) **The generic guidelines in relation to catchments and land management contained in Section 6.1 of the Draft Rural Strategy relating to Generic Guidelines for Local Government Action (Catchment and Land Management) as it will recognise the existing drainage lines and facilitate the continued rehabilitation of these.**
- 2 **That the Commission be requested to include conditions on the approval to require:**
 - (a) **A Section 70A Notification to be placed on the Certificate of Title of the proposed Lot A as follows:**

The property is located in an area where traditional farming practices are occurring which may at times affect the amenity of the subject land.

- (b) That a stream side tree replanting management plan be submitted and approved by Council.

Advice Note: *The objective of this plan is to document the existing and proposed replanting on Lot C as part of the rehabilitation of the existing drainage lines and continuation of farming operations on the property.*

CARRIED 7/0

7.3 CORPORATE SERVICES

7.3.1 Accounts for Payment

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>EM/51/003</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>17 May 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance and Administration</i>
<i>Appendices:</i>	<i>1.5 - Cheque Listings</i>

SUMMARY

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

BACKGROUND

Invoices have been received during the month of April 2007.

COMMENT

Accounts are presented for consideration (see appendix 1.5) or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

Cheques cancelled during the month were-

- Chq 15894 Boyup Brook Co-op for \$2133.78 issued 12/04/07. The Shire received a Trading Discount for 2005/2006 of \$3519, no payment was required.
- Chq 15965 Australian Taxation Office issued 30/04/07. Cheque drawn for incorrect amount. Chq 15966 issued with the correct amount.
- Chq 14888 to Reckon for \$499 issued 20/04/06. This account was also paid by Chq 14777 in March 2006.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3)(a)(b); 13(1); and 13(4).

POLICY IMPLICATIONS

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorisation to Incur Debts and Make Payments" policy.

FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2006/07 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Downing

SECONDED: Cr Moir

1. That the accounts for April 2007 as presented totalling \$399,469.40 as-
- a.. cheque voucher numbers 15965 - 16049 be approved for payment;
 - b.. paid by-
 - i. direct electronic payments through the Municipal Account;
 - ii. cheque voucher number 2108 paid through the Chief Executive Officer's Advance Account;
- be endorsed.

CARRIED 7/0

7.3.2 **March 2007 Monthly Statement of Financial Activity**

<i>Location:</i>	NA
<i>Applicant:</i>	NA
<i>File:</i>	EM/51/003
<i>Disclosure of Interest:</i>	Nil
<i>Date:</i>	11 April 2007
<i>Author:</i>	Keith Jones – Manager of Finance & Administration
<i>Appendices:</i>	1.6 - Financial Report

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 March 2007, and Investment Schedule for the month end 31 May 2007.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the report.

The report is attached – see appendix 1.6

COMMENT

It is suggested that the recommendation be considered.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996, s34(1)(a)
Local Government (Financial Management) Regulations 1996, s19(1)(2)(a)(b)
Local Government (Financial Management) Regulations 1996, s34(2)(a)(b)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Marshall

That the March 2007 Monthly Statement of Financial Activity as presented, be received.

CARRIED 7/0

7.3.3 **Annual Electors Meeting – 19th April 2007**

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>8th May 2007</i>
<i>Author:</i>	<i>Tony Doust – Chief Executive Officer</i>
<i>Appendices:</i>	<i>1.7 Minutes AGM Electors 19/4/2007</i>

SUMMARY

To consider the decisions made at the Annual Electors Meeting held on 19th April 2007.

BACKGROUND

The Annual General Meeting of Electors for the year ending 30th June 2006, was held on 19th April 2007. The meeting was attended by (8) electors, (7) Councillors and (3) staff members.

The Local Government Act 1995 requires Council to consider any decisions made at the meeting at the first ordinary Council Meeting after the AGM

COMMENT

Only two formal decisions were made, one to confirm the previous AGM minutes and the other to receive the Annual Report for the year ending 30th June 2006. No further action is required as a result of these decisions.

Several matters were raised in general business (without notice), however there was no motion resulting from the item raised. Although this was the position the Chief Executive Officer has written to the South West Country Health Board about the need to review the level of accommodation at the Aged Persons Hostel.

Other matters raised about dogs, fire maps and Rural street addressing, will be considered and acted on by the CEO bearing in mind the level of resources available and during the preparation of the 2007/08 budget estimates.

The position of the rammed earth structure on the east side of the approach to the Boyup Brook Townsite from the Boyup Brook Donnybrook Road will be considered by the Works Manager and a report submitted to the Townscape Committee on the action required.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 5.33

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Nil

COUNCIL DECISION AND OFFICER RECOMMENDATIONS

MOVED: Cr Piper

SECONDED: Cr Broadhurst

That the Minutes of the Annual Electors Meeting held on the 19th April 2007 be received.

CARRIED 7/0

7.3.4 **Recreation & Leisure Advisory Committee – Items for Budgetary Consideration**

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>RE/37/001</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>9 May 2007</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance & Administration</i>
<i>Appendices:</i>	<i>1.8 Minutes of the Recreation & Leisure Committee Meeting 3/5/2007</i>

SUMMARY

To consider a recommendation by the Recreation and Leisure Committee for Council approval to include potential future projects in the Council Budgetary Process.

BACKGROUND

Two potential future projects are being suggested, the first being an application for Grant funding to the Department of Sport and Recreation (DSR). This project relating to change room facilities in the hockey/basketball precinct was submitted to DSR last year but was unsuccessful due to the Department's low priority compared to other applicants. It was also suggested that the change rooms were of insufficient size to accommodate users and hence more planning was required. The committee feels that this project is still of importance and wishes to look at this project in more detail before submitting another grant application using Community Sporting & Recreation Facilities Fund (CSRFF). As the applications are required in October each year, the Council would need to include this project in the financial budget for the year 2007/2008 if supported.

The second item relates to the area between the two Hockey fields. This is an open drain currently and the committee feels that if it were filled in, it would eliminate safety concerns, reducing potential Public Liability claims and also allow a better access into the Music Park precinct from the hockey/basketball precinct. This project would need a costing by the Manager of Works & Services to identify budget figures.

COMMENT

The fact that the Senior Ladies Hockey is played in Bunbury now, only Junior Hockey is played in Boyup Brook may mean less use of the area.

CONSULTATION

Recreation & Leisure Advisory Committee members

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.2 Annual Budget

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

- Long Term Financial Plan (sustainable financial ability)
- Asset Management (overall/present position of all fixed assets)
- Budget – for the ensuing (12) months (not completed/unknown)

STRATEGIC IMPLICATIONS

It is necessary to identify these projects in priority with all other future projects.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND COMMITTEE RECOMMENDATION

MOVED: Cr Florey

SECONDED: Cr Piper

That the Council include the following items in the 2007/08 Budget estimates for consideration for budgetary consideration:-

- 1. the provision of a change rooms facility in the hockey/basketball precinct at an approximate cost of \$65,000 and the funding of the project one third CSRFF grant from Department of Sport and Recreation and two thirds by the Shire.**
- 2. making the drain between the two hockey fields safe by filling it in.**

CARRIED 7/0

7.3.5 Financial Review 2006/07

<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Applicant:</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>-</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>9th May 2007</i>
<i>Author:</i>	<i>Tony Doust –Chief Executive Officer</i>

SUMMARY

The purpose of this report is to consider the decision of Council on 15th February 2007 relating to the financial review for the period ended 31st December 2006.

BACKGROUND

On the 15th February 2007 the Council was presented with a comprehensive review on the financial position of the Shire as at 31st December 2006.

In summary the review indicated an estimated deficit of \$174,378. This was based on the actual income/expenditure to 31/12/2006 and projections in accordance with the works and services within the 2006/07 adopted budget (including amendments made since.) A number of changes have occurred since this review was conducted and several projects/works have not proceeded for various reasons.

Council resolved on 15th February 2007:-

- “1. Council adopts the review as presented;*
- 2. That the Acting Chief Executive Officer/Chief Executive Officer review future expenditure proposed for all Works & Services prior to Officers programming items within the budget, to ensure the same is necessary or can be deferred;*
- 3. That the position relating to transfers to and from Reserves be reviewed again prior to the conclusion of the financial year, but no later than the 31st May 2007.”*

COMMENT

The CEO is very mindful of the projected position and works and services in accordance with the budget are being monitored to ensure expenditure is essential to complete programmed items.

With regard to item (3) of the Council's decision on 15th February 2007, as several projects utilizing Reserve funds are under review it is recommended that this be considered at the Special Meeting proposed to consider the first draft 2007/08 budget prior to the 30th June 2007.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION AND OFFICER RECOMMENDATION

MOVED: Cr Downing

SECONDED: Cr Broadhurst

That the position relating to transfers to and from Reserves be reviewed at the Special Meeting of Council to be held to consider the 1st draft of the 2007/08 budget, prior to the 30th June 2007.

CARRIED 7/0

8. PETITIONS AND MEMORIALS

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10. URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT

10.1 Administration Priorities and Workload

A discussion was held during the Briefing Session about the present position/backlog of administration items requiring attention, compliance requirements/plans, 2007/08 budget and preparation, consideration of financial sustainability issues, strategic planning, asset management planning, long term financial planning, review of existing delegation and policies. The following motion was put forward:-

MOVED: Cr Downing

SECONDED: Cr Marshall

That meetings of committees of Council be deferred until the end of October 2007, with the exception of LEMC, Audit and Bush Fire Advisory.

MOVED: Cr Moir

SECONDED: Cr Florey

That Council go into Committee as a whole under Clause 15.6 Shire of Boyup Brook Standing Orders Local Law 1

CARRIED 7/0

MOVED: Cr Broadhurst

SECONDED: Cr Marshall

That Council come out of Committee as a whole under Clause 15.6 Shire of Boyup Brook Standing Orders Local Law 1

CARRIED 7/0

AMENDMENT

MOVED: Cr Moir

SECONDED: Cr Broadhurst

That meetings of Committees of Council be deferred until the end of October 2007, except when approved by the Shire President after consultation with the Chairman of the Committee and Chief Executive Officer.

AMENDMENT PUT AND CARRIED 6/1

Cr Ginnane, Cr Downing, Cr Moir, Cr Marshall, Cr Broadhurst, Cr Piper voted for the amendment.

Cr Florey voted against the amendment

THE AMENDMENT WAS PUT AS THE MOTION AND CARRIED 6/1

Cr Ginnane, Cr Downing, Cr Moir, Cr Marshall, Cr Broadhurst, Cr Piper voted for the amended motion.

Cr Florey voted against the amended motion.

11. CONFIDENTIAL MATTERS

12.. CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 4.35pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 2007.

Cr Terry Ginnane, Shire President