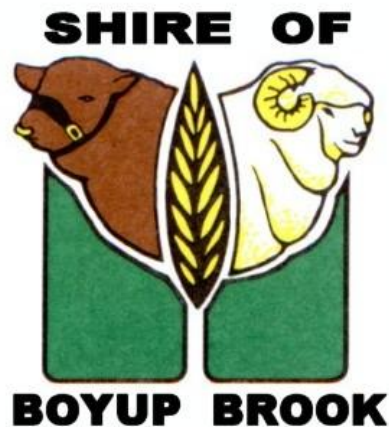


Minutes



ORDINARY MEETING

held

THURSDAY 17 July 2014
Commenced AT 5.08PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET - BOYUP BROOK

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

1.1 Attendance

Cr Moir – elected as Chairman
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr B O’Hare
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Manager Corporate Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Nil

NOTE

In accordance with Section 5.35 of the Local Government Act, Cr Moir was selected, by the assembled Councilors, to preside over this meeting in the absence of the President and Deputy President.

1.2 Apologies

Cr Oversby
Mr Rob Staniforth-Smith (Manager of Works & Services)

1.3 Leave of Absence

Cr M Giles – Shire President
Cr G Aird – Deputy Shire President

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

MOVED: Cr Imrie

SECONDED: Cr O’Hare

That Cr Walker be granted leave of absence for the August 2014 ordinary meeting of Council.

CARRIED 6/0

Res 77/14

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Imrie attended a meeting regarding the Fire Management Plan which will be presented to the Council meeting in August.

Cr Imrie asked for clarification about Ambulance cover within the Boyup Brook Shire.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 19 June 2014

OFFICER RECOMMENDATION

That the minutes of the Ordinary Meeting of Council held on Thursday 19 June 2014 be confirmed as an accurate record.

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 19 June 2014 be confirmed as an accurate record with the following to be included in item 8.3.8 above the Council Resolution:

OFFICER RECOMMENDATION – Item 8.3.8

That Council:

1. Appoint a committee to conduct the Chief Executive's annual performance and remuneration review;
2. Appoint Councillors _____, _____, and _____ to the Chief Executive's Annual Performance and Remuneration Review Committee.

OR

1. Conduct the Chief Executive's annual performance and remuneration review;
2. Commence the process of the Chief Executive Officer's Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.
3. Meet with the Chief Executive Officer, to discuss the process and timing of the review, _____ (insert date or the words at a time and date to be determined by the Shire President)

OR

1. Commence the process of the Chief Executive Officer's Annual Performance Review by discussing and determining the process and timing of the review with the Chief Executive Officer at the June 2014 Ordinary Council meeting;
2. Adopt the following process and timing of the review:
 - Process _____
 - Timing _____

CARRIED 6/0

Res 78/14

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc items 8.2.1 and 8.2.2.

CARRIED 6/0

Res 79/14

8.2 FINANCE

8.2.1 List of Accounts Paid

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 July 2014</i>
Author:	<i>Carolyn Mallett – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is presented to Council.

BACKGROUND

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period.

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 1 June to 30 June 2014.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

12. Payments from municipal fund or trust fund
 - (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
 - (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. Lists of accounts

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2013/14 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

That the list of accounts paid in June 2014 as presented totalling \$587,593.36 and as represented by cheque voucher numbers 19571-19597, 19603 totalling \$97,370.06 and accounts paid by direct electronic payments through the Municipal Account totalling \$490,223.30, as well as cheque voucher 2043 totalling \$1,620.00 paid through the trust account be received.

8.2.2 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	10 July 2014
Author:	Consultant–Darren Long
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 30 June 2014.

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 reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

COMMENT

It is a statutory requirement that the Financial Activities Report be presented for every month.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCILLOR DECISION & OFFICER RECOMMENDATION – Item 8.2.2

- (a) That the June 2014 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.**
- (b) That the amounts listed as material variances be authorised.**

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 10 Forrest Street – Premises a nuisance
--

Location:	<i>No 10 (Lot 223) Forrest Street, Boyup Brook</i>
Owner:	<i>Kevin Nash</i>
File:	<i>A2240</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>8th July 2014</i>
Author:	<i>Angela Hales – Environmental Health Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>yes – Letter to owner</i>

SUMMARY

A complaint was received from the Boyup Brook Police and HACC staff regarding the lack of basic sanitation & generally poor condition of the house and yard at 10 Forrest Street. Conditions were such that an order was issued under section 139 *Health Act 1911*.

Inspection on Monday 7th July 2014, found that the toilet is now functional and faecal contamination has been removed. No other work has been undertaken by the owner. Where an order is not complied with section 140 of the *Health Act* provides for the Council to act in default of the owner and do the works specified, and recover all expenses from the owner.

The Environmental Health Officer recommends the above course of action.

BACKGROUND

Mr Nash is an 80 year old gentleman who lives alone in the house. The Boyup Brook Police have been involved with him over matters relating to attendance at court on various matters. After seeing the condition of the house during their visit the Police contacted HACC to see if they could offer Mr Nash some support. Mr Nash was uncooperative, which caused the police to make their report to the Shire.

Inspection found the premise to be in a condition that posed serious risk to the health of the occupant and surrounding homes, as well as a fire risk.

The EHO facilitated the pump out of the septic tank and unblocking of the toilet, however the owner has refused to attend to any other improvements required.

There is a history of similar notice being served on the owner in December 2000 in relation to both the fire risk and general state of repair. It would appear that some effort was made to clean up at the time.

COMMENT

The Environmental Health Officer has attended the house on various occasions to speak with Mr Nash about the condition of the premises' however he sees no need to make any improvements. Observations by both the Police and the EHO indicate that Mr Nash is not always rational or cooperative, and exhibits extremely poor standards of personal hygiene as a result of his living conditions which may directly impact on his health.

The house is located adjacent to the Lions Den in Forrest Street and is bounded by other homes. Access is also available by the right of way along the rear.

Mr Nash lives alone and has an estranged relationship with his family, none of which live in Boyup Brook.

Under S139 of the *Health Act 1911*:

"The Local Authority may, if it is of the opinion any house is unfit for human habitation by reason of cleanliness or want of repair, require the owner of such house by notice served on such owner to render clean or to repair such house within the time and manner specified."

Under S140 (1) of the *Health Act 1911*:

"Whenever any owner fails to comply with a notice served upon him under any of the forgoing provisions of this part, within a time therein specified, he commits an offence, and the local authority may carry out the terms of the notice and recover all expenses from the owner."

Action under the *Health Act* is likely to address most issues.

CONSULTATION

Relevant discussions have been held with the owners ex wife, sister and the Police in regard to the notice and condition of the property. Mr Nash will not accept any assistance from his family or health service providers.

STATUTORY OBLIGATIONS

Health Act 1911

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The Shire is likely to incur the costs of clean-up works at 10 Forrest Street; however power is accorded by the *Health Act* to recover costs.

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues.
- **Social**
Approval of the recommended course of action will ensure the occupant is not living in poor health conditions and alleviate the need to declare the premise unfit for habitation.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.1

MOVED: Cr O’Hare

SECONDED: Cr Blackburn

That Council confirms, that since the owner has defaulted on the order, the Shire should proceed immediately to ensure the works required in the attached letter are completed and that appropriate action is taken to recover the costs of the work from the owner, or secure a charge against the property.

CARRIED 6/0

Res 80/14

8.3.2 Application to have more than the prescribed amount of dogs on a property

Location:	<i>1 Glynn Street</i>
Applicant:	<i>Fiona Grounds</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>19 June 2014</i>
Author:	<i>Phillip Avery</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Letter's</i>

SUMMARY

Council has received a letter from Fiona Grounds advising of a third dog that has resided at 1 Glynn Street since December 2012. Mrs Grounds has requested the dog be allowed to continue to reside at the property in accordance with section 26 of the Dog Act 1976.

BACKGROUND

Mrs Grounds has two dogs that moved to 1 Glynn Street 9 years ago with her; they are now aged 13 and 11 years old. The additional dog was rescued from euthanasia in December 2012. All the dogs have been registered in accordance with the Dog Act 1976 as amended. The Shire Ranger has checked previous history on 1 Glynn Street and only found one complaint reported in April 2014,

COMMENT

The Applicant has advised that all dogs are kept inside the house when they are away from the premises, and the older dog spends most of its time inside. The fencing around the property is well secured to ensure all the dogs are suitably contained.

The Shires Ranger supports this application even though there has been one objection in writing and one formal complaint. The third dog has resided at the property for over 13 months, and there has been no further complaints made since April.

CONSULTATION

Letters have been sent out to immediate neighbours of 1 Glynn St in May 2014, allowing 14 days to object or support this application. The Shire has received one objection to this application from a neighbour.

STATUTORY OBLIGATIONS

Dog Act 1976 (as Amended)

26. Limitation as to numbers

(1) A local government may, by a local law under this Act —

(a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or

(b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.

(2) A local law mentioned in subsection (1) —

(a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and

(b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and

(c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and

(d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).

(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and

(b) cannot authorise the keeping in or at those premises of —

(i) more than 6 dogs that have reached 3 months of age; or

(ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;

and

(c) may be revoked or varied at any time.

(5) Any person who is aggrieved —

- (a) by the conditions imposed in relation to any exemption under subsection (3); or
- (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,

may apply to the State Administrative Tribunal for a review of the decision.

Shire of Boyup Brook Dogs Local Law as Amended 20 November 2004

Limitations as to numbers

S26 (1) The provisions of this Part shall not operate to prevent the keeping on any

Premises of 2 dogs over the age of 3 months and the young of those dogs under that age.

- (2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number to dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.
- (3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of the Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —
 - (a) may be subject to conditions, including a condition that it applies only to the dogs specified therein;
 - (b) shall not operate to authorize the keeping of more than 6 dogs on those premises; and
 - (c) may be revoked or varied at any time.
- (4) Subject to provisions of subsection (3), a person who keeps on any premises, not being premises licenced as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

Penalty: \$1 000 and a daily penalty of \$100.

- (5) Any person who is aggrieved –
- (a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or
 - (b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,
- may appeal in writing to the Minister who may, after such inquiry as he thinks fit, give directions to the local government concerned and effect shall be given to any such direction.
- (6) An appeal under subsection (5) shall be lodged with the Minister not later than 28 days after the day on which a notice of the decision that is appealable is served on the person affected by that decision.
- [section 26 amended by No. 23 of 1987 s.22.]*

Note:

Regulation 13(1) prescribes a modified penalty of \$100 under section 26(4) for “Keeping more than prescribed number of dogs.”

If this modified penalty is to be imposed under the Regulations, the procedures contained within regulation 13 of the Regulations must be complied with.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
- (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of
- section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the
 - premises are situated within a town site; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the
 - premises are situated outside a town site.

Note

Council noted that there was a steady stream of complaints regarding dogs barking and attacks on farm animals, that the two dog limit set by the local law had been accepted and complied with by the majority of the town's residents for a number of years.

8.3.3 Growers Market

Location: *Lot 42 Forest Street*
Applicant: *Boyup Brook Growers Group*
File: *A560*
Disclosure of Officer Interest: *None*
Date: *9th July 2014*
Author: *Geoffrey Lush (Council Consultant)*
Authorizing Officer: *A Lamb*
Attachments:

SUMMARY

This report is to consider an application to conduct a grower's market at Lot 42 Forrest Street Boyup Brook.

The application is supported.

BACKGROUND

The subject land is Lot 42 P222159 Forrest Street Boyup Brook which has an area of 1,366 sqm.

There is an existing residence and hall on the property. Council at its meeting in December 2012 approved the development of a storage shed at the rear of the property for use in conjunction with the main Co-Operative building.

The current application seeks approval for the use of the CWA Hall as a venue for a weekly market. It will operate from 2.30pm - 4.00pm each Thursday and aim to buy, swap and sell fresh fruit and vegetables from local gardens.

The Boyup Brook Growers Group is a non profit organisation.

There are no proposed building works or alterations.

CONSULTATION

Environmental Health Officer

STATUTORY OBLIGATIONS

The subject land is zoned 'Commercial' in Town Planning Scheme No.2. The adjoining land to the east is zoned 'Residential.'

A shop is a 'P' (Permitted) use in the Commercial zone, while the use of the building as a hall predates the introduction of the Planning Scheme.

In accordance with Clause 3.3.1 Council approval is required for any development of land, unless such development is exempted under Clause 3.3.2. These exemptions include Permitted uses. However these uses must still comply with the provisions of the Scheme especially in relation to setbacks, car parking requirements, landscaping etc.

Hence while no planning approval is required for the future warehouse, an approval is required for the development of the retaining wall and associated filling.

COMMENT

The subject land is owned by the Boyup Brook Co-Operative Company Ltd which has given permission for the market to be held.

Council's Environmental Health Officer has advised that the operation has been approved as a low risk food premises which will be restricted to fruit, vegetables and homemade jams etc.

There is potentially an issue with the market competing with existing businesses. However this is not a planning issue when considering the new commercial shop. Farmer's markets are proving to be popular and can potentially attract large numbers of customers which can create traffic and parking issues.

As there are no building works or alterations involved the proposal does not need approval under the Planning Scheme.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

➤ **Environmental**

There are no known significant environmental issues.

- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.3

MOVED: Cr Blackburn

SECONDED: Cr Kaltenrieder

That Council advise the Boyup Brook Growers Group that no planning approval is required to conduct the market at the CWA Hall, however it must still comply with all Health regulations.

CARRIED 6/0

Res 82/14

**8.3.4 Amendment No 14 – Rural Small Holdings Zone SPA4
Structure Plan**

Location:	<i>Rural Small Holdings policy areas.</i>
Applicant:	<i>Council and MPM Development Consultants</i>
File:	
Disclosure of Officer Interest:	<i>G.Lush has previously worked for some of the landowners</i>
Date:	<i>9th July 2014</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Revised Clause 5.3 Provisions</i>

SUMMARY

The WAPC has advised Council that the Minister for Planning has:

- Noted the submissions supporting the amendment,
- Dismissed those submissions opposing the amendment; and
- Requires Council to modify the amendment documents in accordance with the attached Schedule of Modifications before final approval is given.

The WAPC has also resolved to endorse District Structure plan SPA4 subject to modifications.

It is recommended that Council adopt the Amendment in accordance with the Minister's instructions and modifications negotiated with the Department of Planning.

BACKGROUND

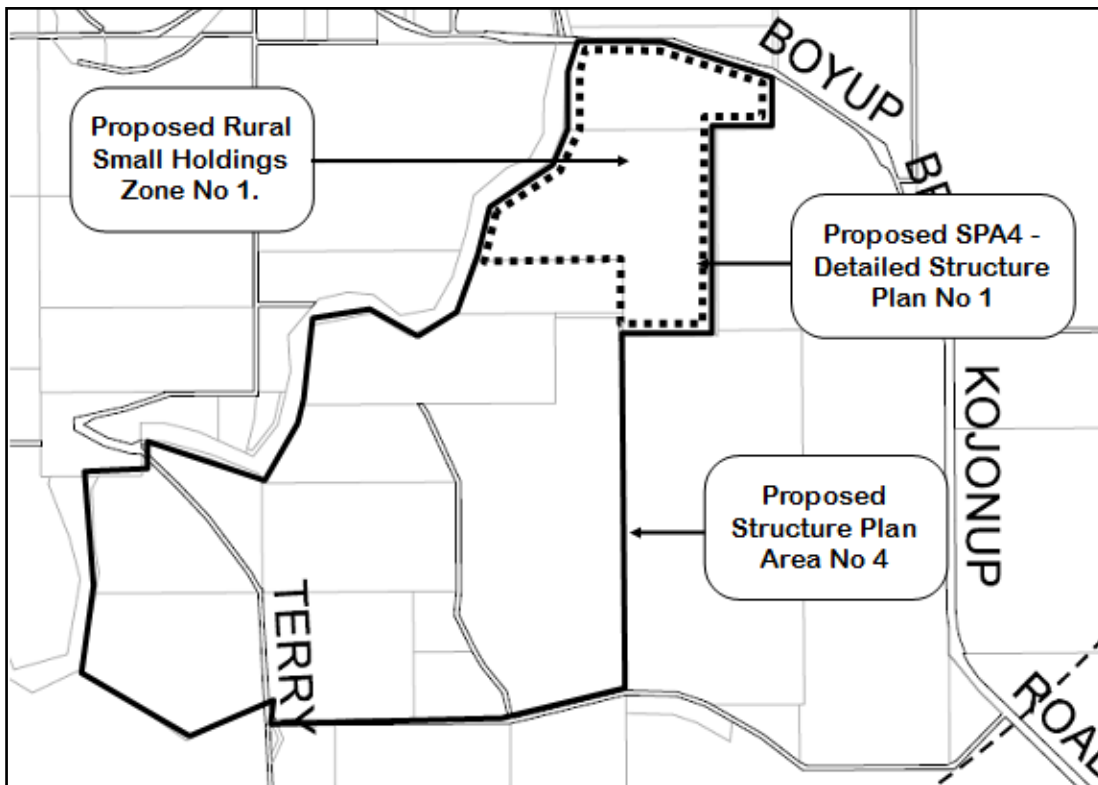
Amendment 14 proposes:

1. To introduce the Rural Small Holdings as a new zone into the Scheme with associated development provisions;
2. To include the Model Scheme Text general provisions for the preparation and approval of structure plans; and
3. To include Lots 8 and 9 Boyup Brook - Kojonup Road in the Rural Small Holdings zone.

In conjunction with the Amendment a District Structure Plan was prepared for the land contained in Policy Area No 4 in the Rural Strategy. The areas included in the Amendment and structure plan are shown below. This amendment complements Amendment 15 which is a broader omnibus amendment to the Scheme Text that updates many of the Scheme provisions in accordance with the Model Scheme Text.

The history of the Amendment and structure plan is as follows:

- Am 14 was initially adopted by Council at its Meeting of the 18th October 2012 and subsequently referred to the EPA. The EPA advised Council on the 26th November that the Amendment was classified as 'Not Assessed.'
- Council at its Meeting of the 13th December also adopted the SPA4 Structure Plan for advertising.
- The Amendment and Structure Plan were advertised between the 19th December and the 8th February 2013.
- The submissions received during the advertising were considered by Council at its Meeting of the 21st February 2013.
- February 2013 Council adopted the Amendment and Structure Plan and submitted them to the Commission for final approval.
- May 2014 the Minister's issued his advice and modifications schedule.



CONSULTATION

- Applicant; and
- Department of Planning

STATUTORY OBLIGATIONS

Planning and Development Act 2005 and the Town Planning Regulations.

COMMENT

Amendment Modifications

It must be remembered that the provisions for the Rural Small Holdings zone are contained in:

- Clause 5.3 of the Scheme has the general zone provisions;
- Schedule 3A has specific provisions for each area in the zone; and
- The local structure plan (subdivision guide plan) will also contain statutory provisions.

The majority of the modifications relate to wording, formatting, minor corrections and the relationship between the above mechanisms.

The Amendment consolidates the provisions for both the Special Rural and Rural Small Holdings into Clause 5.3. Council at its Meeting in July 2012 specifically reviewed the development provisions for the Special Rural and Rural Small Holdings zones and these addressed the following issues:

- Zone Objectives;
- Structure Plans;
- Special Conditions for each zone area;
- Consideration of Applications;
- Setbacks and Building Envelopes;
- Water Supply;
- Building Appearance;
- Fencing; and
- Bush Fire Management.

It is noted that Council resolved to remove the provision requiring approval for vegetation clearing.

The most significant modification is that the Minister has directed that the Council is to undertake a review of Clause 5.3 to the satisfaction of the Department so as to “provide a robust statutory framework to guide development and subdivision in the Special Rural and Rural Small Holding zones”.

This has been the subject of lengthy negotiations with the Department especially as:

- The officers could not articulate what provisions are required;

- There is a blinkered view from the Bunbury office that recent provisions approved in Scheme outside of the SW region are not relevant;
- There is a view that Boyup Brook should have the same provisions as other SW Councils such as Augusta Margaret River; and
- Officers were confusing the provisions in Amendment No 15 which relates to the Scheme review.

The Department has insisted that Council consider the following:

- a) Provisions outlining a requirement for development to be in compliance with a Structure Plan;
- b) Single Dwelling use class - permissibility of only one Single Dwelling in the zone.
- c) Provisions relating to ancillary development including Caretakers Dwelling.
- d) Development provisions regarding non-residential uses (i.e. requirement for a Single Dwelling to be developed first unless if agricultural pursuits are undertaken).
- e) Provisions regarding the agricultural use of land for intensive agricultural purposes and associated impacts (land use conflicts).
- f) Building materials (amenity related).
- g) A more comprehensive range of development setback provisions (i.e. corner lots; criteria to vary setbacks, including corner lots; development adjacent to extreme bushfire hazards, etc.).
- h) Expanded provisions in relation to clearing (controls).
- i) Tree preservation and landscape enhancement.
- j) Dams (retention/removal of existing dams or criteria for new dams).
- k) Stream Protection Areas - objective, buffers, need for rehabilitation and development setbacks.
- l) Provisions outlining how any inconsistencies between the Scheme and Schedules 3 and 3A is to be determined.
- m) Extending provisions in relation to Building Envelopes to include Building Exclusion Areas (required to be referenced as currently being provided for in Schedules 3, 3A and 12)

The revised draft provisions are contained in Attachment 1. It has been argued that:

- Provisions regarding land use conflicts for intensive agricultural purposes is already addressed in the Scheme under the matters to be considered by Council and this is reinforced in the Rural Strategy;
- Building materials is already addressed;
- More comprehensive range of development setback provisions are not required as each subdivision must have a structure plan which has building envelopes or building exclusion areas;
- That Council does not support provisions in relation to clearing (controls); and

- That Council does not support provisions in relation to dams.

The major changes from the original provisions are as follows:

- Reinforcing that development must comply with the approved structure plan;
- That only one dwelling will be permitted on any lot;
- That ancillary accommodation applications are not justification for any subdivision;
- Non-residential development will not be approved on any lot in the Rural Smallholdings zone unless a single dwelling exists on the lot;
- Stream Protection Areas are to be managed in accordance with approved management plans and provisions of any structure plan; and
- Council approval will be required to remove any vegetation just within the Stream Protection Areas.

There has also been discussion regarding the bushfire management provision as this was prepared prior to the preparation of SPP3.7, the revised Guidelines and announcements regarding the State Bushfire Prone Mapping. It was agreed that this will be left as an interim control pending the finalization of SPP3.7 and any general bushfire provisions which Council may introduce into the Scheme.

Structure Plan Modifications

There are only a few modifications which have been requested in relation to the District Structure Plan and these include:

- a) Amend Structure Plan map to incorporate the plan detail reflected on the "Opportunities and Constraints" map; and
- b) Amend Structure Plan in relation to Lot 696 to relocate the proposed road outside of the 1:100 year flood level and adjust river access area/POS area accordingly.

These matters have been referred to the applicant but no response has been provided. In this situation the Amendment can be approved separately to the structure plan.

POLICY IMPLICATIONS

The introduction of the Rural Small Holding zone is a major step forward for the planning of the municipality.

The approval of the structure plan will highlight a number of current policy issues, such as river management, which will require further consideration by Council.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The development of the structure plan area will require consideration in Council's forward planning and provision of services.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.4

MOVED: Cr Walker

SECONDED: Cr Imrie

- 1. That in accordance with Regulation 21(2) of the Town Planning Regulations 1967 Council adopt Amendment No 14 in accordance with the Minister's modifications and the provisions contained in Attachment 1.**
- 2 That the amendment be submitted to the Minister for final approval.**
- 3 That upon receipt of the approval notice all persons and agencies which made a submission on the amendment be notified of the Minister's decision.**

CARRIED 6/0

Res 83/14

**8.3.5 Recommendation to Bunbury Wellington Group of Councils –
Regional Waste Facility**

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 July 2014</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Item from Bunbury City Council minutes</i>

SUMMARY

The purpose of this report is to bring the matter of the regional waste facility before Council with the recommendation that Council support the City of Bunbury's draft recommendation on the South West Regional Waste Management Strategy that is to be submitted for consideration at the next Bunbury Wellington Group of Councils Meeting.

BACKGROUND

The Bunbury Wellington Group of Councils (BWGoC) was formed in 1998 and now consists of the following members:

- Shire of Boyup Brook
- City of Bunbury
- Shire of Capel
- Shire of Dardanup
- Shire of Collie
- Shire of Donnybrook-Ballingup
- Shire of Harvey

The group has been actively exploring the development of a Regional Waste Facility and in recent months, was successful in obtaining funding under the Council Local Government Funding to assist with the purchase of a site. As an outcome of the decision of the Shire of Dardanup to go to public tender for the sale of the Banksia Road land, there is a need to consider the implications in the longer term for the south west local governments in relation to waste management.

The attachment provides further background, comment and the City of Bunbury decision.

COMMENT

It will be noted that the thrust of the City of Bunbury decision is to seek to cease pursuing the Shire of Dardanup's Banksia Road site. To look at alternative sites and solutions that includes waste to energy. To cast the net further than just the Bunbury Wellington Group, in order to look to a more regional solution.

In relation to alternative sites, Councillors will be aware that the Western sector of the Boyup Brook Shire has been suggested as being worth looking at. Based on the Bunbury Harvey tip site operation, such a facility would employ 6 or more people, and so provides an avenue to meet the goal of attracting families to town.

There is clearly a need to devise long term solutions to waste management, and to make it a value added activity through waste to energy opportunities. The other major factor is quantity, it is clear that economies of scale allow for sophisticated and effective processes where there is enough volume to allow costs to meet, or exceed, costs. So opening the regional facility to more Councils, especially those that have large populations, should be beneficial.

To date, the need for a regional solution has largely been driven by Bunbury and Harvey because their, jointly run, site is on the Swan Coastal Plain and so cannot be re-licenced. Boyup Brook, like others in the group, has a land fill site that has capacity, is off the Swan Coastal Plain and so should be able to retain its licence for a longer term. However increasing costs and constraints will force these Councils into a regional solution also.

The rule of thumb is that it takes five years to get a site licensed for waste disposal, and it is not hard to see that many Local Governments, including Boyup Brook, will be in need of a regional solution within that timeframe.

CONSULTATION

The matter of a regional waste facility has been before Council a number of times.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

A regional waste facility will enable waste to energy opportunities that are denied to small operations.

Natural Environment: Preserve and Sustain our Natural Environment

Our Vision:

Our environment will be preserved, enhanced and we will retain our ‘river and forest’ identity.

We will value our natural resources, managing our use of water and energy.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable resources	Support the use of sustainable and renewable resources.	✦ Support the use of renewable energy resources.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Moving to a regional waste disposal model will include waste to energy initiatives and recycling opportunities that should reduce the volume of waste going to landfill.
- **Economic**
The regional facility should be more cost effective than separate operations throughout the region. If the facility was to be sited in, or near this Shire, there would be the opportunity to attract workers to live here.
- **Social**
The possibility of a new industry in or near the Shire may increase the population and result in better unitization of schools and other facilities.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.5

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That Council support the City of Bunbury’s draft recommendation on the South West Regional Waste Management Strategy that is to be submitted for consideration at the next Bunbury Wellington Group of Councils Meeting.

CARRIED 6/0

Res 84/14

**8.3.6 Local Government Amendment (Regional Subsidiaries) Bill
2014 – request for support Terry Redman MLA**

Location:	<i>N/A</i>
Applicant:	<i>Hon Terry Redman</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>copy of letter</i>

SUMMARY

The purpose of this report is to bring the matter before Council with the recommendation that Council support the adoption of a regional subsidiary model.

BACKGROUND

The attachment contains the detail. In summary, Councils can now join together to form Regional Councils to perform tasks, provide services etc. This requires the setting up of separate body that is akin to a Local Government, with all of the constraints and costs.

Councils can also form voluntary regional Councils where constraints and costs are low, but the body is not a legal entity and so has no power or responsibility.

This National Party Bill is aimed at a model that provides the legal entity, in the form of a subsidiary of the constituent Councils, without the burden of separate regulatory and compliance requirements (that is, the individual Councils would be subject to these controls as a part of their usual operation, but there would be no need to duplicate this through a Regional Council).

COMMENT

From an officer perspective, the proposed amendment to the Local Government Act offers the opportunity for working regionally without the burden of forming a Regional Council, but still having some structure and recognition.

CONSULTATION

This idea has been around for some time and has been before the State Government in the past.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.3.6

MOVED: Cr Walker

SECONDED: Cr O’Hare

That Council support the adoption of a regional subsidiary model, as put forward by the Hon Terry Redman MLA.

Votes 3/3

Res 85/14

Carried on the Presiding Member’s casting vote.

9 COMMITTEE REPORTS

9.1.1 Minutes of the South West Zone Meeting

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>8 July 2014</i>
Author:	<i>Alan Lamb - CEO</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND

The South West Zone meeting was held on 20th June 2014 and 2nd July 2014.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.1

MOVED: Cr Imrie

SECONDED: Cr Kaltenrieder

That the minutes of the South West Zone meeting held on 20th June 2014 and 2nd July 2014 be received.

CARRIED 6/0

Res 86/14

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS
Nil

13 CLOSURE OF MEETING

There being no further business the Chairman, Cr Moir thanked all for attending and declared the meeting closed at 6.36pm.