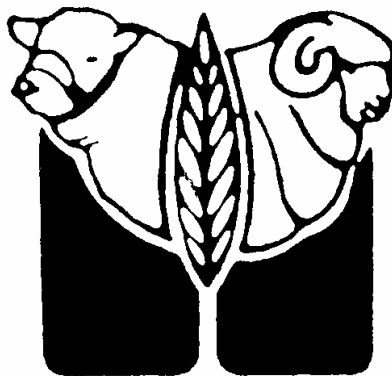


# MINUTES



ORDINARY MEETING

HELD

THURSDAY, 20 NOVEMBER 2008

COMMENCED AT 3.30PM

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 R Downing – Shire President  
Cr P Marshall – Deputy Shire President  
Cr S Broadhurst  
Cr E Muncey  
Cr A Piper  
Cr M Giles  
Cr B O'Hare  
Cr K Lamshed  
Cr T Ginnane

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mr Keith Jones (Manager of Finance)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Ms Catlyne Hos  
Ms Jacqueline Zanders  
Mr & Mrs Sutcliffe

**1.2 Apologies**

Mr John Eddy (Manager of Works and Services)

**1.3 Leave of Absence**

**2. PUBLIC QUESTION TIME**

Nil

**2.1 Response to Previous Public Questions Taken on Notice**

Nil

**2.2 Public Question Time**

Nil

**3. APPLICATIONS FOR LEAVE OF ABSENCE**

**4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

Ms Catlyne Hos and Ms Jacqueline Zanders gave a presentation on aged care needs and opportunities for Boyup Brook.

## **5. CONFIRMATION OF MINUTES**

### **5.1 Ordinary Council Meeting 16 October 2008.**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Ginnane**

**SECONDED: Cr O'Hare**

**That the minutes of the Ordinary Meeting of Council held on Thursday 16 October 2008, be confirmed as an accurate record.**

**CARRIED 9/0**

**Res 194/08**

## **6 PRESIDENTIAL COMMUNICATIONS**

Friday 17 October. Attended Funeral Service for Mrs Noel Waiter

17 and 18 November. Attended the Inaugural Meeting of The Australian Council of Local Government at Parliament House, Canberra.

I feel that it was worth the effort and expense of attending this function.

About 80% of the Local Government authorities were represented, and the Australian Government gave a strong indication of their desire to upgrade their communication and funding with Local Government.

The Welcoming Dinner on the Monday night was hosted by the Deputy Prime Minister Gillard, and tables of ten persons comprised nine Local Government representatives and a member of the Rudd Government.

The discussion sessions on Tuesday were of necessity a little formal and structured because of the number of attendees. However every elected Member of the Rudd Government who was in Australia attended one or more of the discussion panels.

We were told by the Meeting MC, Ellen Fanning (60 Minutes) that Mr Rudd had diverted his New York to Canberra flight, to inspect storm damage in his home area of Brisbane. He began his inspection at 6.15 am, and arrived at the Meeting by 11.30, and spent time in many of the discussion areas, participating in a straightforward way.

One result of this Inaugural Meeting is that Boyup Brook Shire is eligible for an extra \$100,000 of funding this year from Federal Government. The final detail of eligibility of programmes and timing of the funds and the projects are to be announced in the next two weeks, but from what the grapevine tells me we should be able to utilise this funding on some worthwhile projects in our area.

I am convinced that this is the start of a new relationship between Federal and Local Governments, and there will be more announcements in the near future to the advantage of Local Government.

## REPORTS OF OFFICERS

### 7.1 MANAGER WORKS & SERVICES

7.1.1	<b>Bridge Street and Abel Street Median Gardens</b>
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<b>Location:</b>	<i>Bridge Street &amp; Abel Street, Boyup Brook</i>
<b>Applicant:</b>	<i>Boyup Brook Shire</i>
<b>File:</b>	<i>PA/46/001</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>6 November 2008</i>
<b>Author:</b>	<i>John Eddy – Manager of Works &amp; Services</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – Horticultural Report – ‘Boyanup Botanical’ Horticultural Report – ‘All Seasons – Nursery &amp; Landscapes’.</i>

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#### **Proximity Interest**

Cr Ginnane declared a proximity interest in the item 7.1.1 and departed the Chambers the time being 4.02pm.

#### **SUMMARY**

At the October 2008 Meeting the Council resolved that the administration review the gardens in the Bridge Street and Abel Street medians and prepare a draft plan for the gardens, including pathways, for presentation to the Council.

This report will outline a draft plan for remedial works to be undertaken to the Bridge Street and Abel Street median strip gardens.

#### **BACKGROUND**

- **Abel Street Median**

In December 2003 Mr Greg Miller of ‘All Seasons Nursery and Landscapes’ was engaged by the Shire of Boyup Brook to produce a design for the landscaping of the Abel Street median strip between Inglis Street and Bridge Street.

Between the months of July 2004 and September 2004 the Abel Street median strip was prepared, planted and reticulated by Shire staff.

In September 2006 Mr Miller was requested to inspect and prepare a report on the slow development of the plants in the Abel Street median.

A copy of the report is provided for Councillors information (see *appendix 7.1.1*).

- Bridge Street Median

In August 2005 committee members of the Townscape and Waters Edge Committee produced a design for the landscaping of the Bridge Street median strip between Barron Street and Forrest Street.

Between the months of September 2005 and October 2005 the Bridge Street median strip was prepared, planted and reticulated by Shire staff.

In September 2008 'Boyanup Botanical' were requested to provide an independent report on the poor performance of plants in both the Bridge Street median strip and the Abel Street median strip.

A copy of the report is provided for Councillors information (*see appendix 7.1.1*).

### **COMMENT**

Investigations and reports by All Seasons Nursery and Boyanup Botanical identified the following possible causes for the prior performance of various plants in the Abel Street and Bridge Street median strips:-

- Poor soil conditions  
Hard and dry gravelly clay soil with poor drainage quality prevents root development.
- Lack of Water  
Because of fine clay soil reticulation drippers are often blocked or restricting water flow to plants.
- Nematodes  
Microscopic eel – like worms which cause damage to plant roots, stunting growth and reducing water and nutrient supply to plants.
- Residual Sprays  
Previous spraying of median strips with a residue spray may affect plant development.
- Fertilizers  
A lack of fertilizers suitable for native plants would affect plant development.

### **Proposed Remedial Works to the Bridge Street and Abel Street Median Strips**

Proposed works to be carried out by Shire Parks and Gardens staff prior to July 2009 include:-

- Remove poor performing under-story plants.
- Change reticulation drippers feeding trees to a higher discharge rate.
- Loosen soil within a 1.0m radius surrounding trees and infuse the soil with Gypsum as recommend in Boyanup Botanical report.
- Remove selected shrubs from median strips to reduce density of plants and provide access for maintenance.
- Replenish mulch to garden beds to reduce moisture loss from the soil and maintain tidy appearance.

Proposed works to be carried out by Shire Parks and Gardens staff after July 2009 subject to 2009/2010 budget consideration:-

- Remove existing Geraldton Wax shrubs and other non suitable plants.
- Preparation of soil with conditioners and native fertilizers as recommended in Horticultural reports.
- Parks and Gardens Supervisor to select and purchase replacement plants suited to soil conditions and low level maintenance.
- Replant garden beds as required.

### **CONSULTATION**

Parks and Gardens Supervisor  
Horticultural Reports.

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Consideration for 2009/2010 budget.

### **STRATEGIC IMPLICATIONS**

Action Plan No. 6.5 (106)  
Investigate and plan an upgrade of the town appearance.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no significant economic issues.
- **Social**  
More attractive for tourism.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Muncey**

**That the Council approves the proposed remedial works to be undertaken to the Bridge Street and Abel Street median strip gardens, subject to the approval of funding for works to be completed in the 2009/2010 financial year.**

**CARRIED 7/1**

**Res 195/08**

Cr Ginnane returned to the Chambers at 4.04pm.

## 7.2 MANAGER – FINANCE

7.2.1	<b>Accounts for Payment</b>
-------	-----------------------------

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14 November 2008</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid</i>

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### **SUMMARY**

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

### **BACKGROUND**

Invoices have been received during the month of October 2008.

### **COMMENT**

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

### **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 "Authorization to Make Payments" policy.

### **FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2008/09 or authorized by separate resolution.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority



## **OFFICER RECOMMENDATION**

That the accounts for payment for October 2008 as presented totalling \$570,159.85 and as represented by cheque voucher numbers 17129 – 17178 totalling \$81,595.59, and accounts paid by direct electronic payments through the Municipal Account totalling \$488,564.26 be endorsed.

## **COUNCIL DECISION**

MOVED: Cr O'Hare

SECONDED: Cr Giles

That the payment of accounts for October 2008 as presented totalling \$570,159.85 and as represented by cheque voucher numbers 17129 – 17178 totalling \$81,595.59, and accounts paid by direct electronic payments through the Municipal Account totalling \$488,564.26 be endorsed.

CARRIED 9/0

Res 196/08

7.2.2	<b>October 2008 Monthly Statements of Financial Activity</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>14 November 2008</i>
<b>Author:</b>	<i>Keith Jones – Manager of Finance</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – Financial Reports</i>

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## **SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 October 2008, and Investment Schedule for the month ended 31 October 2008.

## **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 reports are attached – see appendix 7.2.2

## **COMMENT**

Nil

**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 & OFFICER RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr Muncey**

**That the October 2008 Monthly Statements of Financial Activity as presented, be received.**

**CARRIED 9/0**

**Res 197/08**

<b>7.2.3</b>	<b>Strategic Plan – Plan for the Future 2008 – 2013 Review</b>
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<b><i>Location:</i></b>	<i>Not applicable</i>
<b><i>Applicant:</i></b>	<i>Not applicable</i>
<b><i>File:</i></b>	<i>CM/42/002</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>31<sup>st</sup> July 2008</i>
<b><i>Author:</i></b>	<i>Keith Jones – Manager of Finance</i>
<b><i>Attachments:</i></b>	<i>Yes – Strategic Action Plan Summary</i>

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**SUMMARY**

The Shire of Boyup Brook Strategic Plan was adopted on 7<sup>th</sup> August 2008 and this is the first quarterly review by Councillors.

This report has comments inserted where actions have been taken and recommends that some items be deleted or amended - see appendix 7.2.3.

## **BACKGROUND**

The plan has been developed following input from Councillors, Staff and the community, through a series of workshops. Key Action 1.1A indicates

<i>Action:</i>	<b>Instigate quarterly Strategic Plan monitoring reporting</b>
<i>Reason:</i>	To see that budgeted strategies are being implemented and are still relevant
<i>Expected Outcome:</i>	Report to Council

## **COMMENT**

Under the Local Government Act 1995 Council is required to prepare a Plan for The Future and to review such plan every two years. The Council required the current plan to be monitored quarterly and as such the months have been identified as November, February, May and August.

Amendment recommendations are highlighted by white text on black background. Recommendations for deletions are highlighted by black text on grey background.

## **CONSULTATION**

The plan was developed in consultation with the Community, Councillors and Staff. The review has been done by the CEO and Manager of Finance.

## **STATUTORY OBLIGATIONS**

Local Government Administration Regulations 19 (C) and 19 (D) states:-

### **Planning for the future – s. 5.56**

- 1 In this regulation and regulation 19D-  
“plan for the future” means a plan made under section 5.56.
- 2 A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
3. A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
4. A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
5. A council is to consider a plan, or modifications, submitted to it and is to determine  
\* whether or not to adopt the plan, or the modifications, as is relevant.

\*Absolute majority required.

6. If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.

7. A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
8. A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.
9. A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

#### **19D Notice of plan to be given**

1. After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).
2. The local public notice is to contain –
  - a) notification that –
    - (i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
    - (ii) details of where and when the plan may be inspected;
  - or
  - b) where a plan for the future of the district has been modified –
    - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and
    - (ii) details of where and when the modified plan may be inspected.

#### **POLICY IMPLICATIONS**

Council does not have a policy on the preparation or review of the Plan for the Future.

Council does have a number of policies that would apply when actions in the Plan are implemented.

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

Appropriate budget allocations will be made in the next financial year to implement actions in the Plan. As is the case in the 2008/09 budget.

#### **STRATEGIC IMPLICATIONS**

The Plan outlines priority projects and services that Council will undertake over the next five years. It also outlines actions on various issues that impact on the future development of Boyup Brook and the community.

## **SUSTAINABILITY ISSUES**

- **Environmental**  
The Plan addresses natural resource management and required resources.
- **Economic**  
The Plan identifies Council's commitment to growth by the provision of industrial and residential land together with commitments to the Tourism Industry.
- **Social**  
The Plan identifies Council's commitment to youth development and the provision of services and facilities which will enhance the attractiveness of the Shire of Boyup Brook as a place to live.

## **VOTING REQUIREMENTS**

Absolute Majority

## **COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Ginnane**

**That the modifications to the Shire of Boyup Brook Strategic Plan – Planning for The Future 2008 – 2013, identified as attachment 7.2.3, be adopted and advertised for community notice, in accordance with statutory requirements.**

**CARRIED 9/0**

**Res 198/08**

### **7.3 CHIEF EXECUTIVE OFFICER**

<b>7.3.1</b>	<b>List Priorities that Council wishes to flag with the Hon Terry Redman</b>
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<b>Location:</b>	<i>Not Applicable</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>12 November 2008</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>None</i>

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## **COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED: Cr Marshall**

**SECONDED: Cr Piper**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 9/0**

**Res 199/08**

## **COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Muncey**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 9/0**

**Res 200/08**

### **SUMMARY**

A list of priorities to be passed to the Hon Terry Redman.

### **BACKGROUND**

Council met informally with the Hon Terry Redman 23 October 2008 and a number of matters were raised. At this meeting Council was asked to develop a list of priorities to be sent to Mr Redman.

The following items were discussed at the meeting:

- Infill sewerage for Boyup Brook.
- A consolidated sporting facility for Boyup Brook.
- Heritage buildings that need work done - Boyup Brook Town Hall, Flax Mill.
- Town planning/development issues –
  - Residential land
  - Light industrial land
  - Motel
  - Tree change impact
- More equitable distribution of regional funding – not just to regional centres.
- Public housing for the well aged.
- Important things to keep in town – Hospital, Doctor.
- WAPC growth predictions for Boyup Brook and Nannup.

Discussions with Mr Redman also included the move to decentralisation of industries, bio diesel initiatives, farm profitability (cost of production compared to farm income), power generation (via burning forestry harvest wastes etc) and additional funding for Local Government.

### **COMMENT**

The following is the suggested list of matters, in the suggested order of priority, to put to the Hon Terry Redman:

- Infill sewerage for Boyup Brook
- .A consolidated sporting facility for Boyup Brook
- Heritage buildings that need work done - Boyup Brook Town Hall, Flax Mill.
- Town planning/development issues –
  - Residential land
  - Light industrial land
  - Motel
  - Tree change impact
- More equitable distribution of regional funding – not just to regional centres.
- Public housing for the well aged.
- Important things to keep in town – Hospital, Doctor.
- WAPC's questionable growth predictions for Boyup Brook and Nannup.

It is recommended that Council review the foregoing list of matters, amends it as necessary and that the resulting list be forwarded to the Hon Terry Redman with some explanatory background on each matter.

### **CONSULTATION**

The author has consulted with Council and the local Member of Parliament.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Not known at this time. It is anticipated that the new State Government will increase direct funding to rural Local Governments and generally increase spending in the regions.

### **STRATEGIC IMPLICATIONS**

Council's Strategic Plan includes relevant actions that are or might be included in the listing such as;

- Facilitate development of additional residential land.
- Survey/Plan possible quality accommodation.
- Investigate/Promote a motel development.
- Plan for upgrade of recreation sporting precinct.
- Promote /Encourage holistic approach for Medical Centre.
- Investigate feasibility of biomass industry.
- Investigate all aspects re the Flax Mill.
- Investigate usage and possible development of the Shire's swimming complex.
- Investigate any developments of improvements sought at Wilga, Dinninup, Kulikup, Mayanup and Tonebridge.
- Investigate the town parking with the view to improve it.
- Investigate all aspects of the retention of the winter level of the Blackwood River.
- Investigate need and options for the library extensions.
- Investigate, plan and install power in the transfer station.
- Determine short, medium and long term plans for the delivery of services and facilities required by senior residents of the Shire.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues at this time however the additional funding will result in additional development which may have some impact.
- **Economic**  
There are no known significant economic issues at this time however the additional funding talked about should have a significant beneficial affect on the Shire.
- **Social**  
There are no known significant social issues at this time however assistance with progressing matters such as seniors accommodation will have a beneficial impact.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**MOVED: Cr Broadhurst**

**SECONDED: Cr O’Hare**

**That Council put the following list of matters, which are listed in order of priority, to the Hon Terry Redman as requested by him:**

- **Infill sewerage for Boyup Brook**
- **A consolidated sporting facility for Boyup Brook**
- **Heritage buildings that need work done - Boyup Brook Town Hall, Flax Mill.**
- **Town planning/development issues –**
  - **Residential land**
  - **Light industrial land**
  - **Motel**
  - **Tree change impact**
- **More equitable distribution of regional funding – not just to regional centres.**
- **Public housing for the well aged.**
- **Important things to keep in town – Hospital, Doctor.**
- **WAPC’s questionable growth predictions for Boyup Brook and Nannup**

**COUNCIL DECISION**

**MOVED: Cr Giles**

**SECONDED: Cr Muncey**

**That item 7.3.1 be deferred after 8.1 has been dealt with.**

**CARRIED 9/0**

**Res 201/08**

<b>7.3.2</b>	<b>New SSS Steering Committee</b>
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<b>Location:</b>	<i>Not Applicable</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>GR/31/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>12 November 2008</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>Not Applicable</i>
<b>Attachments:</b>	<i>None</i>

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**SUMMARY**

There are no elected members on the new SSS Steering Committee announced by the Minister for Local Government, Hon John Castrilli, and it is recommended that this “omission” be highlighted with the Minister. set up to consider and progress the actions contained in the SSS Report “The Journey: Sustainability into the Future”



## **BACKGROUND**

WALGA's Local Government News issue No 41.08 contained the following report;

### **MINISTER ANNOUNCES NEW SSS STEERING COMMITTEE**

Local Government Minister John Castrilli recently announced the formation of a new joint State and Local Government committee to consider and progress the actions contained in the SSS Report *The Journey: Sustainability into the Future*.

The committee - to initially run for 12 months - will include:

- Jenny Mathews, Director General of the Department of Local Government and Regional Development;
- Ricky Burges, Chief Executive Officer of WALGA;
- Michael Parker, President of Local Government Managers Australia WA and present Chief Executive Officer of the Shire of Harvey;
- Eric Lumsden, Director General of the Department for Planning and Infrastructure;
- Tim Shanahan, Director, Energy and Minerals Initiative at UWA, formerly the Chief Executive Officer of WALGA; and
- A Department of Treasury and Finance representative nominated by Treasurer Troy Buswell.

The Minister expressed his enthusiasm for progressing a reform agenda for Local Government. This, combined with the development of the R2Re fund promoted by Minister Grylls and the Nationals signals that this Government is committed to the future of Local Government.

The committee is expected to meet shortly to discuss how the 39 recommendations contained in the report might be implemented in regards to cost, timeframe and agencies responsible for their implementation.

*For further information, please contact WALGA Deputy CEO, Wayne Scheggia on 9213 2024 or email [wsheggia@walga.asn.au](mailto:wsheggia@walga.asn.au)*

## **COMMENT**

It has been noted that there is not one elected member on the new steering committee and it has been suggested that this imbalance needs to be addressed.

Whilst there may be a number of options open to Council to pursue this matter it is suggested that the most appropriate way maybe to bring the omission to the attention of the Minister for Local Government via letter from the Shire President.

## **CONSULTATION**

The author has spoken with some members of Council.

## **STATUTORY OBLIGATIONS**

Nil

## **POLICY IMPLICATIONS**

Nil

## **BUDGET/FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **SUSTAINABILITY ISSUES**

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

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER RECOMMENDATION**

**That the Shire President writes to the Minister for Local Government expressing Council's concerns that the new SSS Steering Committee does not include any elected persons.**

## **COUNCIL DECISION**

**MOVED: Cr Ginnane**

**SECONDED: Cr Lamshed**

**That the Shire President writes to the Minister for Local Government expressing Council's concerns that the new SSS Steering Committee does not include any elected persons.**

**That this matter be raised at the next WALGA zone meeting and at the next Warren Blackwood Strategic Planning Alliance.**

**CARRIED 9/0**

**Res 202/08**

<b>7.3.3</b>	<b>Plantation Application Newlgalup Road</b>
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<b><i>Location:</i></b>	<i>Lots 2687, 3494 and 3495 Newlgalup Road.</i>
<b><i>Applicant:</i></b>	<i>Forest Products Commission</i>
<b><i>File:</i></b>	<i>AS3560</i>
<b><i>Disclosure of Officer Interest:</i></b>	<i>None</i>
<b><i>Date:</i></b>	<i>12 November 2008</i>
<b><i>Author:</i></b>	<i>Geoffrey Lush (Council Consultant)</i>
<b><i>Authorizing Officer:</i></b>	<i>Alan Lamb, Chief Executive Officer</i>
<b><i>Attachments:</i></b>	<i>Yes</i> <i>1 Location Plan</i> <i>2 Development Plan</i>

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## **SUMMARY**

This report is to consider an application from the Forest Products Commission to develop a plantation on Lots 2687, 3494 and 3495 Newgalup Road.

The plantation will have an area of 65.4 hectares and will be developed with Eucalyptus saligna (Sydney Bluegum). This will be for a 25 year period.

The subject land is owned by M.Halden

## **BACKGROUND**

The subject land is located approximately 20km km north east of Boyup Brook as shown in Attachment 1.

The proposed Development Plan is contained as Attachment 2. The plantation will have two separate areas, which are then divided into further cells with areas ranging between 3.9ha and 18.9ha. The tree crop will be planted at 1000 trees per hectare and culled down to 300 trees at age 4. At age 6, another culling from 300 trees to 150 will occur. The area will be open parkland with branches being pruned from ages 4 - 7 and up to a height of 6 meters.

There are a number of waterways throughout the property some of which have vegetation buffers. A 20 meter buffer is provided from these as shown in the Development Plan. These areas are excluded from the planting area and will be left undisturbed.

A draft fire management plan has been submitted with the application.

The subject land has been previously developed as a plantation which was approved by Council in 2000. The proposed area was planted to Western bluegums which were harvested in March 2008.

## **COMMENT**

The area has been developed with plantations and the continued development of the subject land is supported.

The original plantation was developed with Western Bluegum (Eucalyptus globules) while the new plantation will comprise predominantly of Sydney Bluegum (Eucalyptus Saligna).

The draft fire management plan makes the following comment regarding equipment:-

All fire units that may be available are privately owned or Fire Brigade units derived from various locations in the area. The Shire houses 3 graders, 2 x 10,000 litre water tankers, 2 front-end loaders and 1 D4 traxcavator, all available for use in a fire emergency. The owner has a 600 litre fire unit. The Gibbs Rd Bush Fire Brigade is the nearest brigade.

As the plantation is less than 100ha only a single slip on fire unit is required. However this must be considered in relation with any remaining portions of the previous plantation. The previous Council approval required the provision of a fast attach unit and a permanent on site person to man the unit.

## **CONSULTATION**

None

## **STATUTORY OBLIGATIONS**

### Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No 2. A 'plantation' is an AA use in the Rural zone.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- 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.

Clause 5.8 of the Scheme specifically relates to Plantations and states that:-

In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the 'Rural' zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained in Clause 5.2, Council shall, in considering applications for 'Plantations' have regard to, the requirements established in Council's Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) the Lower Great Southern Plantation Fire Advisory Committees Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

The provisions referred to in the Lower Great Southern Plantation Fire Advisory Committees Guidelines for Plantation Fire Protection (Draft May 1997) are reflected in the 2001 FESA Guidelines for Plantation Fire Protection.

### Draft Local Planning Strategy

Within the draft Local Planning Strategy the subject land is situated in the BBR2 Western Policy Area. The revised objectives for this precinct include:-

- Provide for the sustainable use of land within the Rural zone for a range of rural pursuits.
- Support continuation of traditional broad acre farming while encouraging agricultural diversification and appropriately located and well managed rural settlement opportunities to stimulate/support the future growth of Boyup Brook.
- Facilitate co-existence of traditional farming, tree plantations and intensive agriculture, while providing for tourism and associated value adding opportunities.
- To provide a greater range of rural settlement opportunities close to Boyup Brook which capitalize on the attraction of the Blackwood River but also provide opportunities for enhanced protection of the watercourse and associated landscape values.

The Strategy general recommendations for rural subdivision reflect the above recommendation from the Warren Blackwood Regional Rural Strategy ie a minimum lot size of 80 hectares.

The Strategy recommendations for Plantations are now as follows:-

- 31 That Council approval for plantations in all areas will be required as a “discretionary” use in the General Agricultural zone.
- 32 That the draft Scheme contain provisions detailing requirements for; compliance with Code of Practice for Timber Plantations, a silviculture plan, a timber harvesting plan a local road transport strategy and compliance with the Guidelines for Plantation Fire Protection.
- 33 Allow ‘agro-forestry’ as a permitted use in recognition of environmental and social benefits to the community if forestry is integrated with, rather than replacement of, existing farming systems.
- 34 Continue to work with the South West TIRES Committee and lobby State and Federal Government to secure an adequate response to predicted impacts of log haul traffic from tree plantations on local roads.

In relation to fire management the Strategy also recognizes the 2001 FESA Guidelines for Plantation Fire Protection recommends the following minimum equipment standards:

1. For plantations less than 100 ha – one fast attack unit;
2. For plantations between 100 and 1000 ha – one 2.4 medium duty appliance; and
3. For plantations greater than 1000 ha – on 3.4 heavy duty appliance

### **POLICY IMPLICATIONS**

Council Policy WO7 on “Road Contribution” subsection “Harvesting of Plantations” states that the following statement shall be a development condition of approval:-

“Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire’s control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation’

The Council will resolve specific road traffic and safety issues relating to individual plantations following the submission of harvesting plans.”

### **BUDGET/FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

None

### **SUSTAINABILITY ISSUES**

- **Environmental**  
There are no known 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**

**MOVED: Cr Giles**

**SECONDED: Cr Piper**

**That the Planning Application to develop a plantation on Lots 2687, 3494 and 3495 Newlgalup Road, Boyup Brook, be approved subject to the following conditions:-**

- 1 Compliance with the requirements of the Shire of Boyup Brook Town Planning Scheme No 2.**
- 2 Compliance with the terms and conditions of the 2006 FIFWA Code of Practice for Timber plantations, as amended from time to time, includes providing the Shire with a Harvesting Management Plan, two years prior to harvesting commencing, for Shire consideration and approval.**
- 3 Provision of a minimum manned fast attack fire fighting unit of a standard that complies with the guidelines for plantation fires that is available within (20) minute's response time of this plantation.**
- 4 Annual compliance with the Shire of Boyup Brook Firebreak Order as it relates to plantations.**
- 5 Entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage to roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation. The use of any roads for harvesting and product transport to be determined prior to harvesting commencing and approved by the Shire of Boyup Brook.**

## **ADVICE NOTES**

- (I) It is a requirement of the Planning and Development Act 2005, that you comply with the terms and conditions both of this approval and the provisions and requirements of the Shire of Boyup Brook Town Planning Scheme No. 2 as amended or replaced from time to time. Failure to do so constitutes an offence under that Act; rendering the person responsible liable to prosecution and the penalties prescribed under that Act.**
- (II) Part 14 of the Planning & Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and you may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal within 28 days of the date on which notice of the decision is given.**

**CARRIED 9/0**

**Res 203/08**

**7.3.4 Town Planning Scheme No 2 – Amendment No 12**

<b>Location:</b>	<i>Lots 720 &amp; 721 Bridgetown Road</i>
<b>Applicant:</b>	<i>C &amp; C Barron</i>
<b>File:</b>	<i>AS3100</i>
<b>Disclosure of Officer Interest:</b>	<i>Author also acts for the owners of the subject land.</i>
<b>Date:</b>	<i>12 November 2008</i>
<b>Author:</b>	<i>Geoffrey Lush, (Council’s Consultant Planner)</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes</i>
	<i>1 – Original Subdivision Guide Plan</i>
	<i>2 – Schedule of Modifications</i>

**SUMMARY**

This report is to consider the final approval of Amendment No 12 to Town Planning Scheme No 2. The Western Australian Planning Commission has advised that the Minister for Planning has agreed to grant final approval to the amendment subject to a number of modifications being made.

**BACKGROUND**

Amendment 12 proposes to rezone Lots 720 and 721 DP 100786, Boyup Brook – Bridgetown Road, Boyup Brook – from ‘Rural’ zone to ‘Special Rural’ and to include special provisions into Schedule 3 ‘Special Rural’ zones. The Amendment proposed 28 lots each having a minimum area of four hectares.

The Amendment was adopted by Council for Final Approval at its Meeting of the 19<sup>th</sup> July 2007. This was subject to a number of modifications including:-

- I. Proposed Lot 7244 being modified to locate the ‘drainage line’ in a position that is less central to the lot;
- II. Inclusion of a Policy Statement that provides for the notification of the operation of the existing vineyard should subdivision take place while the vineyard is still operating;
- III. An additional Policy Statement be included that states that the design and construction of all battle-axe access shall be to the satisfaction of the Shire; and
- IV. The ‘Fire Fighting’ Policy Statement be modified to refer to access to the strategic water supply to be clarified at the time of subdivision to the satisfaction of the Shire.

One of the submissions considered by Council from the advertising of the amendment was Main Roads WA. In summary this submission recommended that:-

1. The development plan show future road connections to the north (Banks Road) and to the east (Lee Steere Drive).
2. The access onto the Boyup Brook – Bridgetown Road be constructed to Mains Road’s specifications.
3. A nominal 10m road widening be provided along the Boyup Brook – Bridgetown Road.
4. Tree pruning occur near the proposed intersections to improve site distances.
5. The existing cross-overs be closed.
6. The lots adjacent to Boyup Brook – Bridgetown Road be subject to noise mitigation measures.

The Council resolved to advise the Western Australian Planning Commission that it does not support the requirements of items 1, 3 and 6 as outlined above.

The schedule of the required modifications is contained as Attachment 1.

### **COMMENT**

While the delay since Council adopted the Amendment in July 2007 has been unusually lengthy it has also allowed for a number of issues to be negotiated and clarified. These include:-

1. The applicant reviewing the operations of the vineyard and now considering its removal;
2. Recognition of the need to review the existing subdivision guide plan for the land to the north of the site in Banks Road;
3. Any road connection through to Banks Road must also be reflected in the existing subdivision guide plan for that area;
4. That the subdivision guide plans for the surrounding areas have been previously modified without needing a further amendment to the scheme and so a consistent approach should be applied to the subject land; and
5. An acknowledgement by the Department that its current policy requirement for lots less than 4 hectares in size to have a reticulated water connection is not practical in situations such as occur on the subject, particularly recognizing that the surrounding subdivisions are generally 2 hectares in size.

As a result the proposed modifications inherently provide for the opportunity to review the current subdivision guide plan following the approval of the Amendment. This will potentially allow for:-

- Minimum 2 hectare sized lots without a reticulated water connection;
- Incorporation of road widening and landscaping measures; and
- A future road connection to Banks Road.

### **CONSULTATION**

- Department of Planning and Infrastructure;
- Applicant; and
- Adjoining landowners.

The applicant supports the proposed modifications while noting that he does not consider that the proposed 10m road widening along the Boyup Brook – Bridgetown Road is practical given the existing infrastructure located along the northern side of the road. This includes the water supply pipeline and the optic fibre cable.

This issue will be pursued further at the time of subdivision.

### **STATUTORY OBLIGATIONS**

Council is required to endorse the modified Scheme documents and to return these to the Minister for final approval.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil



## **STRATEGIC IMPLICATIONS**

Nil

## **SUSTAINABILITY ISSUES**

- **Environmental**  
There are no known 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**

**MOVED: Cr Giles**

**SECONDED: Cr Marshall**

- 1 That Council to endorse the modifications (as directed by the Minister for Planning and contained in Attachment 2) to Amendment No 12 of Town Planning Scheme No 2 adopted for final approval by Council at its Meeting of the 19<sup>th</sup> July 2007.
- 2 That Council endorse the modifications to the Subdivision Guide Plan.
- 3 That Council sign and seal the modified Amendment documents.

**CARRIED 9/0**

**Res 204/08**

7.3.5

### **Development Application – Denninup Vale, Kojonup Road**

<b>Location:</b>	<i>Lot 1983 P1236540 Kojonup Road</i>
<b>Applicant:</b>	<i>Westside Cattle Co</i>
<b>File:</b>	<i>AS57970</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>12 November 2008</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>
	<i>1. Location Plan</i>
	<i>2. Site Plan</i>

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## **SUMMARY**

This report is to consider an application to develop a feedlot at Denninup Vale, Boyup Brook - Kojonup Road (see Attachment 1).

The maximum capacity of the feedlot will be less than 500 head.

The subject land forms part of a larger farming operation and the feedlot will be used to 'condition' existing cattle on the property. In this regard it is different to a traditional feedlot where cattle are imported from other areas and kept only in the confinement area and not in paddocks.

The feedlot will be located in the middle of the property with setbacks of more than 1 kilometer to the surrounding farms.

The subject land is owned by P Reilly.

### **BACKGROUND**

The subject land is located approximately 32 kms east of Boyup Brook on the Kojonup Road.

The feedlot will be located on the southern portion of Lot 1983 has an area of 242 hectares. It forms part of the Denninup Vale farm which comprises of approximately 1280 hectares. The subject land fronts Wahkinup Road and is gently undulating with a minor drainage line extending through the middle of the property in a north south direction.

The site is predominantly cleared and used for cattle farming. Remnant vegetation is clustered in various areas including around the proposed site of the feedlot. The applicant's farm house is the closest dwelling to the site.

A basic site plan is included as Attachment 2.

The feedlot will be located on a slightly elevated ridge with a gentle slope of less than 1:20 towards the drainage line. It is situated more than 3.0 m vertically above the drainage line and set back approximately 100 m horizontally. The area between the pens and the drainage line will have an interceptor surface drain to divert any run off to a pond area. The area below the drain will be planted appropriately.

The feedlot will comprise of up to eight yards each being approximately 30m by 40m. The cattle will be kept in the pens for up to two months.

### **COMMENT**

The subject land has been inspected with the applicant.

Where a feedlot is proposed to contain more than 500 head of cattle it requires a license from the EPA and is required to be referred to that agency. The application is for a smaller number of cattle.

The development of feedlots is subject to the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2004. These have been prepared jointly by the EPA and DAFWA and address a wide range of matters including the design and operational requirements:-

These have been discussed with the applicant and he is aware of the various requirements of the Guidelines.

Given the relatively small size of the proposal and the large size of the farming property it is considered that the operation should be able to be managed in a sustainable manner. This includes the management of waste water and composting of solid waste.

Further support for this is also found in State Planning Policy 2.5 Agriculture and Rural Land Use which defines a feedlot as:-

Premises which are used for the rearing or fattening of stock fed entirely or largely on prepared or manufactured feed; and designed to accommodate at any one time more than 500 animals in a confinement area, with no access to pasture or crops.

This simply illustrates that operations of less than 500 head are considered to be of a low intensity.

### **CONSULTATION**

- Department of Agriculture and Food WA – Bunbury
- Department of Agriculture and Food WA – Kojonup
- Surrounding landowners.

No objections have been received.

### **STATUTORY OBLIGATIONS**

#### Town Planning Scheme

Lot 1983 is zoned 'Rural' and the surrounding area is generally zoned 'Rural'.

The application is defined as 'Intensive Stock Rearing' in Town Planning Scheme No 2 meaning:

"... land and buildings which are used for the keeping, breeding and rearing of any species of farm animals at intensities well in excess of the stocking rate recommended by the Department of Agriculture."

Intensive Stock Rearing is a 'SA' use meaning that Council must advertise the application before granting approval.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- 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.

#### Draft Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR3 Eastern Policy Area. The objective for this Policy Area is:

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.

Section 5.2.3 of the Strategy promotes the diversification of the agricultural base of the Shire while Section 5.8 raises the need to ensure that there is no land use conflict and recognizes the need for some applications to be referred to the EPA.

### **POLICY IMPLICATIONS**

Council's Policy P.07 relating to Feedlots reflects many of the issues addressed in the Guidelines.

The application complies with Council's policy in relation to the setbacks and stockings rates.

In accordance with the policy the application was discussed with the Kojonup Office of the Department of Agriculture and Food WA and formally referred to the Bunbury Office for comment. No objections or comments have been received.

### **BUDGET/FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

The application accords with Council strategic objectives as contained in the Draft Local Rural Strategy.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Provided the operations comply with the management guide lines there should not be any adverse environmental issues.
- **Economic**  
The application will further promote the Shire's agricultural base and provide positive economic benefits.
- **Social**  
The further diversification of the Shire's agricultural base will assist in maintaining and promoting a strong rural community.

### **VOTING REQUIREMENTS**

Simple Majority

### **COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr Piper**

**That Council approve the use and development of Lot 1983 P1236540 Boyup Brook – Kojonup Road for the purpose of 'Intensive Stock Rearing' subject to the following conditions.**

- 1. The use and development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- 2. The maximum number of cattle shall not exceed 500 head and the maximum stocking rate of any yard shall not exceed 1 head per 25 square meters.**
- 3. The management of the feedlot shall be in accordance with the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia 2004.**

4. A re-vegetation buffer shall be planted between the feedlot and the nearby drainage line to the requirements and satisfaction of Council.
5. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
6. No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.
7. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
8. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
9. Firebreaks, fire fighting equipment and other appropriate fire precautions being maintained to the satisfaction of Council and in accordance with the Bush Fires Act
10. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.

CARRIED 9/0

Res 205/08

7.3.6	<b>Subdivision Application (WAPC Ref 138709) Jayes Road</b>
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<b>Location:</b>	<i>Lots 7918 and 11253 Jayes Road</i>
<b>Applicant:</b>	<i>Harley Survey Group</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>9<sup>th</sup> October 2008</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes</i>
	<i>1. Location Plan</i>
	<i>2. Proposed Lots</i>

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### **SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 9718 and 11253 Jayes Road Benjinup (as shown in Attachment 1).

It is proposed to 're-align' the boundary of the two allotments to create lots with areas of 74 and 62 hectares. The subdivision concept is shown in Attachment 2. For clarity this is a prepared diagram and not the actual plan included with the application.

The subject land is owned by DJ and RJ Gibbs.

## **BACKGROUND**

The subject land is located approximately 11 kms south west of Boyup Brook on the corner of Jayes Road and Flax Road. It has an area of 136 hectares and is used for general farming.

Lot 11253 is an unmade road reserve that has been converted into a freehold lot. Pt Location 7918 is severed by this unmade road reserve. This land is not required for access to the subject land or the surrounding lots.

The subject land lies in a valley containing a tributary of the Blackwood River. This tributary runs from southwest to northeast. The land slopes up from approximately 193m AHD at the lowest point of the tributary to approximately 240m AHD and 250m AHD in the northwest and southeast property corners respectively.

The site is predominantly cleared and used for farming. Remnant vegetation is clustered around the creek line, with paddock trees spread sporadically.

The application states that:-

“The purpose of this boundary realignment is to rationalise the lot boundaries of the subject land to reflect the natural environmental features and improve management of the land.

Both of the proposed lots will have access to a constructed road and a portion of the creek will fall into each lot. Management of the creek would fall evenly between both lots through the boundary arrangement.”

The lot sizes in the vicinity of the subject land vary between 40ha and 350ha.

## **COMMENT**

There are three primary issues associated with the application:-

1. The application is based upon the assumption that the conversion of the unmade ‘road reserve’ to a freehold lot (Lot 11253) gives it the same status as other surrounding lots;
2. This status confers the right to build a dwelling on Lot 11253; and
3. This justifies the proposed boundary realignment.

### Conversion of the Road Reserve

There are many situations within the Shire where road reserves have been closed and converted to a freehold lot.

Normally the closure of a road reserve is done on the assumption that the land would be amalgamated into the adjoining properties. However this process is done under the Land Administration Act and is outside of Council's control.

The history of this particular case has not been researched through the titles office. However Section 5.6 of the Crown Land Administration and Registration Practice Manual confirms the above and states that:-

The Minister has discretion as to whether or not to approve the closure of the road. Where the closure is approved and there are interested adjoining owners, the Minister's approval is subject to and conditional upon:

- agreement by adjoining owners to pay the purchase price and all costs and fees for the closed road,
- approval by WAPC of the survey plan for the closure and amalgamation with adjoining land,
- all easements required by public utility service providers to be prepared and agreed, and
- all land the subject of the proposed closure being amalgamated into adjoining land.

Road reserves are not 'zoned' as such within the Town Planning Scheme. Therefore the use of the land does not technically fall the scope of the Land Use Table in terms of what use it may be used for.

Local road reserves are also not listed in Part 2 of the Scheme as reserved land.

The WAPC Guide to the Model Scheme Text indicates that 'local roads' should be shown on the legend of the Scheme Map as a 'reserve' with no colour associated with it.

This is a common 'drafting' problem with many Schemes and creates confusion regarding the status of these areas.

#### Rights for a Dwelling

The application does not specifically address this issue, but it would normally be expected that as a result of the boundary realignment that a dwelling would be permitted on each lot.

In effect this is 'transferring' an existing right to develop two dwellings on the property, one on each of the existing allotments.

There is substantial argument that there is no existing right to construct a dwelling on Lot 11253 because:-

- If the land is considered to be zoned Rural then Clause 5.2.5 effectively prohibits a dwelling from being developed as it must be setback a minimum of 10 meters from each boundary;
- If the land is not considered to be zoned Rural then it could be either a local planning reserve or have no zone. In either situation the Scheme does not provide for the development of such land for a dwelling; and
- Even if the Scheme provided for Council to consider an application for a dwelling on Lot 11253 this is potentially unlikely to be approved because Lot 11253 is only 20 meters wide it is unlikely that a 'rural' dwelling with associated infrastructure could be developed.

If there is no clear development right to develop a dwelling on Lot 11253, then a new development right should not be created by a boundary realignment. This underpins the policies relating to boundary realignments not creating additional allotments.

The alternative is for the realignment to be approved subject as an agricultural trade lot which prohibits the development of a new dwelling.

#### Justification of the Proposed Boundary Realignment

The purpose of the application is to rationalise the lot boundaries of the subject land and create two parcels suitable for continued agriculture and states that:

An 80ha minimum lot size is identified in the Strategy under the abovementioned criteria. Although the proposed lot sizes will be slightly smaller than this minimum, the boundary realignment is in keeping with the average size of lots in the locality. These lots are being viably used for agricultural uses as outlined in the Strategy. This proposal forms a boundary realignment of two existing titles and does not propose to create new titles.

The proposed boundary realignment follows the natural boundaries of the site by aligning the boundary with the creekline. This ensures that the management of the creekline is distributed between both land parcels and that each parcel has access to the creek.

It is contended that the realignment meets the objectives and criteria for subdivision contained in the Strategy as the lot sizes, land capability and intended use is consistent with the premise of maintaining the viability of rural land use in the area, whilst promoting diversification.

The proposed realignment is designed to reflect the natural environmental features of the land, being the existing creek line. The creek represents an environmental asset on this property that should be better protected. The proposed lot layout will remove the continued damage caused by regular crossing and prevent damage caused by stock grazing and movement.

In this regard there is merit in the application and it provides the opportunity to seek improved land management measures especially in relation to the drainage line.

### **CONSULTATION**

None

### **STATUTORY OBLIGATIONS**

#### Town Planning Scheme

Lot 7918 is zoned 'Rural' and Lot 11253 is classified as 'No Zone' in Town Planning Scheme No.2. The surrounding area is generally zoned 'Rural'.

Clause 5.2.5 of the Scheme states that no building development shall be located within 10 meters of any boundary of a lot in the Rural zone.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- 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.

#### Draft Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR2 Western Policy Area.

In relation to boundary realignments the draft Rural Strategy recommendations include:-



- Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots.
- In the case of lifestyle lots, the land is located within 10kms of a major townsite.
- That for the purpose of the above provision a "lifestyle" lot is defined as having a minimum area of 20 hectares (being within 10kms of the townsite).

The Strategy general recommendations for rural subdivision reflect the above recommendations from the Warren Blackwood Regional Rural Strategy.

The Planning Commission is also requesting that where the "smaller lot" has an area for less than 80 hectares then it should contain a minimum of 30ha of Class 1 or 2 agricultural land. This originates from the recommendations of the WBRSS for subdivisions relating to intensive agriculture.

### **POLICY IMPLICATIONS**

Council Policy P.03 relates to Subdivisions and Amalgamations. It addresses the general matters contained within Clause 5.2 of the Scheme, the WAPC Policies, Warren Blackwood Rural Strategy and draft Local Rural Strategy

It does not provide any clear guidance to the issue of closed road reserves.

It does states that boundary realignments can be considered where no additional allotments are created.

### **BUDGET/FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

#### Western Australian Planning Commission

There are several WAPC Policies affecting boundary realignments for rural land including:-

- DC 3.4 – Subdivision of Rural Land; and
- Warren Blackwood Regional Rural Strategy.

Policy DC 3.4 was reviewed in January 2008 and Section 4.6 relates to Farm Rationalizations. It states that:-

Multiple lots in one ownership may be rationalised through boundary realignments to improve farm management and/or to provide access to landlocked lots provided that:

- (a) the new lot pattern is consistent with the objectives of the policy;
- (b) no additional lots are created;
- (c) the new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses.

The Warren Blackwood Regional Rural Strategy recommends in relation to farm rationalization that the principal issue 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.

The other recommendations are reflected in the Draft Local Planning Strategy (as outlined above).

### **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

### **OFFICER RECOMMENDATION**

That Council advise the Western Australian Planning Commission that it does not support the proposed re-subdivision of Lots 7918 and 11253 Jayes Road because Lot 11253 is a previous road reserve; and

- It could not reasonably be developed for a dwelling; nor
- Could it be used for rural purposes in its own right.

### **WITHDRAWAL OF ITEM**

Item 7.3.6 was withdrawn by the CEO and will be resubmitted to the December Ordinary Meeting of Council.

### **NOTE**

Additional information being obtained.

<b>7.3.7</b>	<b>Lease of Sheep Saleyards – Boyup Brook</b>
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<b>Location:</b>	<i>Bridgetown Road</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>AS1993</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>13 November 2008</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Nil</i>

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### **SUMMARY**

This matter is back before Council following the statutorily required advertising with the recommendation that Council proceed with the planned lease.

### **BACKGROUND**

At its special meeting held 7 August 2008 Council resolved as follows:  
That Council give local public notice of its intention to dispose of reserve 33552 (Saleyards) by lease to Mead Transport and the lease agreement to include the following conditions:-

- I. *The use being restricted to the yards/land being used only for the purpose of 'Stock Holding Yards' or 'Stock Transit Yards' and 'Vehicle Wash Down Facility'.*
- II. *Liability Insurance of \$10 million with the Shire of Boyup Brook being named as an Interested Party.*
- III. *Clear responsibility of the Lessee for the ownership of the improvements (subject to point II above), maintenance and removal at the conclusion of any lease period. The Shire of Boyup Brook will reserve the right to retention of the improvements at the end of any lease period should it perceive an advantage to do so.*
- IV. *The Lessee will be responsible for weed control and eradication.*
- V. *The Lessee being responsible for compliance with requirements of the Department of Agriculture for stock movements and the National Livestock Identification System including a Property Identification Code.*
- VI. *The Lessee will be responsible for maintaining stock welfare in accordance with the Stock Transporters Code of Practice.*
- VII. *The Lessee will be responsible for*
  - *A payment of \$350 per year for a Lease period of 3 years*
  - *Annual Rates (currently \$525.00 per annum)*
  - *Any other outgoings of the land (reserve) and its use*

### **COMMENT**

The required advertising has been done and no submissions were received. On the basis of this it is recommended that Council now proceed to draw up a lease document that includes the conditions as set out in the 7 August resolution on this matter and the Shire President and CEO be authorised to execute the document provided it is in line with standard lease agreements and does not deviate substantially with the previously mentioned conditions. It is expected that the listed conditions have been passed by Council's lawyer but if they have not it is possible the lawyer might suggest minor amendments.

### **CONSULTATION**

The author has spoken with Meads Transport and the Mr Hugh Harding of the WA Livestock Salesmen's Association.

### **STATUTORY OBLIGATIONS**

Local Government Act 1995 – Sec 3.58 disposal of land, section 5.25 (e)

Land Administration Act 1997 – Reserve vesting/management order purpose and power to lease.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil other than previously reported.

### **STRATEGIC IMPLICATIONS**

There is no mention of the sale yards in the strategic plan however the retention of this facility in the manner planned will provide a benefit to farmers in the district.

### **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**

Absolute majority.

### **COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr Ginnane**

**That Council resolve;**

- 1. to lease the Sheep Saleyards on Reserve 33552 to Mead Transport**
- 2. that the lease conditions be substantially as follows;**
  - I. The use being restricted to the yards/land being used only for the purpose of 'Stock Holding Yards' or 'Stock Transit Yards' and 'Vehicle Wash Down Facility'.**
  - II. Liability Insurance of \$10 million with the Shire of Boyup Brook being named as an interested party.**
  - III. Clear responsibility of the Lessee for the ownership of the improvements (subject to point II above), maintenance and removal at the conclusion of any lease period. The Shire of Boyup Brook will reserve the right to retention of the improvements at the end of any lease period should it perceive an advantage to do so.**
  - IV. The Lessee will be responsible for weed control and eradication.**
  - V. The Lessee being responsible for compliance with requirements of the Department of Agriculture for stock movements and the National Livestock Identification System including a Property Identification Code.**
  - VI. The Lessee will be responsible for maintaining stock welfare in accordance with the Stock Transporters Code of Practice.**
  - VII. The Lessee will be responsible for -**
    - A payment of \$350 per year for a Lease period of 3 years.**
    - Annual Rates (currently \$525.00 per annum).**
    - Any other outgoings of the land (reserve) and its use.**
- 3. The Shire President and CEO be authorised to execute the document provided it is in line with standard lease agreements and does not deviate substantially with the foregoing conditions.**

**CARRIED 9/0**

**Res 206/08**

**7.3.8 Administration / Library Building Extensions**

<b>Location:</b>	<i>Abel Street Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>AS2008</i>
<b>Disclosure of Officer Interest:</b>	<i>Nil, however the author makes a declaration of impartiality as he is an officer of the Council who works in the facility being improved.</i>
<b>Date:</b>	<i>13 November 2008</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Nil</i>

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**SUMMARY**

It is recommended that the planned building extensions and modifications be deferred till 2009/10.

**BACKGROUND**

Prior to the current CEO commencing duties a working group of consisting of Councillors Broadhurst, Muncey and O'Hare has been working with the Acting CEO on this project. Council made provision in the current budget to extend the administration/ library building and a local architect was engaged to draw up plans. Arrangements were made with a local builder to oversee the building work.

Subsequently the architects plans were shown to administration staff and they appeared to have had little prior knowledge of the proposed layout of area that it was planned they would work in and so early in September the plans were taken to a staff meeting to ensure staff had input. Around this time it was established that earthworks would be required to be done at the rear of the building and that there appeared to have been no allowance for these in the cost estimates. The working group met with the CEO 10 September and it was noted that the staff had made some suggestions about an alternative office layout arrangement and the group agreed that it would be best for staff to complete their review of the plans before the layout was finalised. It was also noted that the rock pitch covered embankment at the rear of the building may be more costly that a retaining wall and would result in greater encroachment into the park and so the group indicated a favour for a retaining wall.

It was established that there was a possibility of grant funding for the library part of the works and noted that whilst the plans may address current needs they did not appear to make any provision for possible future needs. It was also thought that provision should have been made for an office for the President/Councillors and for the Works Manager, and that it may be prudent to seek grant funding to assist with the library costs and use Council funds to increase the size of the extension to accommodate these and possible future needs. Plans showing a revised office layout and a possible additional extension were produced in house and this was put to a staff meeting 20 October with the intention that staff have till the next meeting to assess the plans and come up with any further modifications they thought might work better. The next meeting is planned for late November. The working group met 23 October, was appraised of the current situation, alerted to the fact that there was some concern that the originally proposed works might cost more than the current budget provision and agreed with the proposal the project be deferred to 2009/10 to allow more time for planning and to coincide with funding opportunities. The group did recommend though that the rear retaining wall be built in the current financial year because, apart from other factors, this would tidy the area up.

At its special meeting held 7 August 2008 Council resolved as follows:

1. *the building plans for the extensions and alterations to the Shire Administration Centre/Library identified as attachment 7.3.7 be adopted subject to minor internal alterations.*
2. *Mr Gary Chambers be appointed Building Supervisor for the project.*

*That the Chief Executive Officer be delegated authority to determine contract conditions for the Building Supervisor, including a defects liability clause.*

### **COMMENT**

The current budget contains the following provisions;

	\$
• Capital Expenditure – Admin office additions to Library	250,000
• Capital Expenditure – Library Furniture & Shelving	5,000
• Operating Expenditure – New waste Disposal System	10,000
• Operating Expenditure - Carpet Replacement	8,000
• Operating Expenditure - Painting	<u>10,000</u>
Total	<u>283,000</u>

The architect estimated the cost of new building work to be \$1,500 per M3 (based on residential developments and not including air-conditioning etc) and it is estimated that other substantial internal works would cost in the order of \$500 per m3. Based on this the estimated cost would be in the order of \$240,000 plus the cost of air-conditioning etc (with the old state of some existing air-conditioner units and the additional space it may be worth looking at a ducted system and so the cost would depend on of what is done but an allowance of \$12,000 appears prudent, plus \$6,000 for window treatments and other incidentals), painting and carpeting to areas not otherwise accounted for (estimate based on budget provision \$18,000), new waste disposal system (based on budget provision \$10,000), retaining wall and associated drainage (allowance only \$10,000), earth works (allowance \$2,000). The foregoing totals \$298,000 and added to this is new furniture and fixtures for the library (estimate based on budget provision \$5,000), and it is expected there would need to be a need for some additional office furniture (allowance \$5,000). Also it would be prudent to allow a contingency of between 5% and 10%, based on a 5% contingency it is expected that the total budget figure should be in the order of \$323,400.

The local builder engaged to supervise the building estimated that the building arrangement as set out in the plans that went before Council in August, would cost in the order of \$230,000 not including floor and window treatments, air-conditioning, landscaping and earth works, furniture and fittings, and work on the waste system. Based on this the total cost estimate is \$10,000 less than the forgoing and it is note that the latter may not include minor amendments made to the plans after they went to Council. Based on both methods of arriving at a budget estimate for the works the cost is expected to be in excess of \$310,000 and the budget provision totals to \$283,000.

At is suggested that as it appears that the cost to do the works will exceed the budget provision, there is some question as to whether or not the internal layout is the best to meet all needs, and grant funding might be available in 2009, the project be put off at this time.

The working party saw merit in going ahead with the retaining wall and associated drainage works and it is proposed that this be put into the current works program. There would be advantages in getting this work done well before the extension is done as it will enable a practical assessment, during the next winter, of drainage works.

### **CONSULTATION**

The author has consulted with the Council working group, the local builder engaged to supervise the building works and Council staff.

### **STATUTORY OBLIGATIONS**

Building Code of Australia  
Occupational Health and Safety requirements.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Council has budgeted \$283,000 for the Administration Centre extensions, \$55,000 from the Administration Building reserve fund and \$200,000 by way of loan funds and \$28,000 from municipal fund. It is anticipated that if works were to go ahead in the current year cost would exceed the provision by in excess of \$30,000. If Council agrees with the recommendation it is proposed that the planned loan not be raised and that the retaining wall and drainage works planned for the current year be paid for from the Municipal Fund provision.

### **STRATEGIC IMPLICATIONS**

The Strategic Plan calls for (6.5-203) "investigate need and options for the library extensions".

It is understood that Council, may have looked at options such as relocating the library to the Telecentre and if it has done so but not completely discounted the notion it is suggested that this option be revisited at least in broad terms over the next few months so that costs and opportunities may be compared with the currently planned building works.

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
There are only positive social benefits that may eventuate from an improved library facility.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

**That Council approve the deferral of the planned Administration Centre and Library works till 2009/10 with the relevant retaining wall and drainage works being done in the current financial year.**

**COUNCIL DECISION**

**MOVED: Cr Ginnane**

**SECONDED: Cr Lamshed**

**That Council approve the deferral of the planned Administration Centre and Library works for consideration in the 2009/10 budget deliberation with the relevant retaining wall and drainage works being considered in the current financial year.**

**Motion withdrawn**

**MOVED: Cr Marshall**

**SECONDED: Cr Broadhurst**

**That item number 7.3.8 lie on the table until the December Ordinary Meeting of Council pending further information on costs for retaining walls and drainage works.**

**CARRIED 9/0**

**Res 207/08**

<b>7.3.9</b>	<b>Temporary Caravan Parks for the Country Music Festival 2009</b>
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<b>Location:</b>	<i>Not Applicable</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>Policy Manual 0.08</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>8 November 2008</i>
<b>Author:</b>	<i>Wayne Jolley – Environmental Health Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>None</i>

**SUMMARY**

A review of the Shire Policy on Temporary Caravan Parks and Camping Grounds has revealed that while standards prescribed may be appropriate, some administrative elements do not fit with the current Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulations 1997.

It is proposed that Temporary Caravan Parks and Camping Grounds used during the 2009 Country Music Festival be licensed by the Shire in accordance with the Act and the Regulations. No immediate change to the Policy is required for this purpose although it is intended to propose amendments in the wake of the 2009 Festival.

**BACKGROUND**

The Shire Policy O.08 deals with Shire approval of temporary caravan parks for short periods (e.g. 3-4 days or more). It sets standards for facilities to be provided. The approval process and exemptions stipulated are based on the Boyup Brook Town Planning Scheme.

The Policy does not acknowledge an overriding requirement of the Act for any caravan park or camping ground (temporary or permanent) to be licensed (by the Shire) in accordance with the above legislation.



The author has initiated discussions with both the Country Music Club and with community groups which establish temporary facilities for the Festival. Standard information sheets and prescribed forms have been circulated to those groups with an invitation to submit application (with basic site plans) to the Shire for approval prior to the Festival in February 2009. The application must be accompanied by a fee of \$100.00 which is prescribed by the Regulations.

### **MEETING ADJOURNMENT**

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That the meeting be adjourned for an afternoon tea break, the time being 5.05pm.

CARRIED 9/0

Res 208/08

### **RESUMPTION OF MEETING**

MOVED: Cr Giles

SECONDED: Cr Ginnane

: That the meeting be resumed at 5.19pm

CARRIED 9/0

Res 209/08

### **COMMENT**

Shire Policy O.08 is out of step with the Caravan Parks and Camping Grounds Act and its Regulations, in terms of approving temporary caravan parks and camping grounds. Clearly the Act must be observed in the matter of approving (licensing) temporary caravan parks and camping grounds. However, the substance of the Policy does set out a raft of quite appropriate standards for such facilities. The Regulations provide the Shire with discretion in relation to these standards.

The Policy is based on town planning requirements that are problematic given that the facilities under consideration are temporary, the term of which is completely at the discretion of the Shire. For instance, does it matter that a temporary facility might be

located in a zone that would not ordinarily permit the establishment of a permanent caravan park or camping ground?

Under the Regulations, an application for a temporary facility must be accompanied by a fee of \$100.00. In previous years no fees have been charged in relation to this matter but of course Council may choose to refund all or part of the fees in the future.

In view of the above, it is proposed to:

- Commence licensing temporary caravan parks and camping grounds in accordance with the Act and the Regulations;
- Review prescribed standards in the Policy in the wake of the 2009 Country Music Festival; and
- Submit and amended Temporary Caravan Parks and Camping Grounds Policy to Council for its approval in March or April 2009.

### **CONSULTATION**

- Country Music Club;
- Relevant community groups;
- Department of Local Government.

### **STATUTORY OBLIGATIONS**

- Caravan Parks and Camping Grounds Act 1995
- Caravan Parks and Camping Grounds Regulations

### **POLICY IMPLICATIONS**

Policy O.08 – Temporary Caravan Parks and Camping Grounds.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **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 at this stage.
- **Social**  
The approval of temporary caravan parks and camping grounds is an important issue in terms of supporting major community event/s. The proposals set out will ensure that Council can continue its support in this regard while observing statutory requirements.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION**

1. That Council endorse the actions proposed above, in terms of:
  - Licensing temporary caravan parks and camping grounds;
  - Reviewing prescribed standards in the Policy during the Festival;
  - Submission of a proposal Council to amend the Policy.

### **COUNCIL DECISION**

**MOVED: Cr O'Hare**

**SECONDED: Cr Giles**

1. **That Council endorse the following proposed actions:**
  - **Commence licensing temporary caravan parks and camping grounds in accordance with the Act and the Regulations;**
  - **Review prescribed standards in the Policy in the wake of the 2009 Country Music Festival; and**

- **Submit and amended Temporary Caravan Parks and Camping Grounds Policy to Council for its approval in March or April 2009.**
- 2. **That the Council refund license fees charged under the Caravan Park and Camping Ground Regulations for temporary caravan parks set up as part of the 2009 Country Music Festival.**

CARRIED 8/1

Res 210/08

7.3.10	<b>Council Meeting Dates for 2009</b>
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<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not Applicable</i>
<b>File:</b>	<i>N/A</i>
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>17 November 2008</i>
<b>Author:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Authorizing Officer:</b>	<i>N/A</i>
<b>Attachments:</b>	<i>Nil</i>

### **SUMMARY**

The purpose of this report is to put before Council proposed meeting times and dates for the Ordinary Council meetings for the 2009 year.

### **BACKGROUND**

At the Chief Executive Officer's review last year it was recommended that regular Council briefing sessions be conducted before Ordinary Council Meetings.

### **COMMENT**

Nil

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

The following sections of the Local Government Act have relevance:

#### **5.3. Ordinary and Special Council Meetings**

- 1) A council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart.
- 3) If a council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

#### **5.4. Calling Council Meetings**

An ordinary or a special meeting of a council is to be held –

- (a) if called for by either-
  - (i) the mayor or president; or
  - (ii) at least 1/3 of the councillors;  
in a notice to the Chief Executive Officer setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council

## **5.5. Convening Council Meetings**

- (1) The Chief Executive Officer is to convene an ordinary meeting by giving each Council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The Chief Executive Officer is to convene a special meeting by giving each Council member notice, before the meeting, of the date, time, place and purpose of the meeting.

The Local Government (Administration) Regulations provide:

### **12. Public notice of Council or Committee Meetings – s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the Chief Executive Officer's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the Chief Executive Officer's opinion, is practicable.

The Local Government Act provides that local public notice is as follows;

### **1.7. Local Public Notice**

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be –
  - (a) published in a newspaper circulating generally throughout the district;
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is –
  - (a) published under subsection (1) (a) on at least once occasion; and

- (b) exhibited under subsection (1) (b) and (c) for a reasonable time, being not less than –
- (i) the time prescribed for the purpose of this paragraph; or
- (ii) if no time is prescribed, 7 days.

**POLICY IMPLICATIONS**

Council Policy

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known environmental issues at this stage.
- **Economic**  
There are no known economic issues at this stage.
- **Social**  
There are no known social issues at this stage.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr Broadhurst**

**That the following meeting dates and times apply for the 2009 year:**

**Council Meeting Dates 2009  
Held at 3.30pm in the Boyup Brook Chambers**

**19 February 2009  
19 March 2009  
16 April 2009  
21 May 2009  
18 June  
16 July 2009**

**20 August 2009  
17 September 2009  
15 October 2009  
19 November 2009  
17 December 2009**

**CARRIED 9/0**

**Res 211/08**

7.3.11 **Boyup Brook Swimming Pool – Water Polo Club – Request for fee reduction**

**Location:** *Not applicable*  
**Applicant:** *Boyup Brook Water Polo Club*  
**File:** *RE/45/002*  
**Disclosure of Officer Interest:** *Nil*  
**Date:** *18 November 2008*  
**Author:** *Alan Lamb – Chief Executive Officer*  
**Authorizing Officer:** *N/A*  
**Attachments:** *Yes - Briefing note from Water Polo Club*

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**COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED:Cr Lamshed**

**SECONDED: Cr Marshall**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 7/2**

**Res 212/08**

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED:Cr Piper**

**SECONDED:Cr Ginnane**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 9/0**

**Res 213/08**

**SUMMARY**

The purpose of this item is to put before Council the Boyup Brook Water Polo Club's application for a fee reduction with the recommendation that the full fee be charged and that a donation be made.

**BACKGROUND**

The (BBWPC) holds, on average, 8 games per season. Players range in age from 16 to later 30's and there are 10 to 12 people attending each game.

The club seeks a 50% fee reduction for the coming season. Games are held outside of normal pool hours and Council has set a fee of \$75 per hour for such hirings. The attachment provides further background information.

**COMMENT**

Water polo offers a healthy sporting outlet for a number of members of the community. It appears that if the full fee was charged the sport may not be as well attended. It is possible the "Private Hire of Facilities" fee as set out in the budget was set for larger and perhaps more commercial hirings.

It is recommended that rather than reduce the hire fee Council donates back to the club 50% of the hire fee in order to show the process more clearly in its books of accounts.

## **CONSULTATION**

The author has spoken with a representative of the BBWPC and other Council staff.

## **STATUTORY OBLIGATIONS**

Council's Standing Orders Local Law provides that:

### **2.3 Business to be Specified on Notice Paper**

No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the President or the approval of the majority of Councillors present determined by vote.

## **POLICY IMPLICATIONS**

Council's Donation Policy has application. It is noted that a request for a fee reduction is a request for a donation.

## **BUDGET/FINANCIAL IMPLICATIONS**

The fee set in the budget is \$75.00 per hour and so based on the 8 times the club hires the pool the income would be \$600. The requested fee reduction is 50% or \$300.

No provision has been made in the budget for this.

## **STRATEGIC IMPLICATIONS**

Nil

## **SUSTAINABILITY ISSUES**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
The BBWPC provides an important social and sporting outlet in the community.

## **VOTING REQUIREMENT**

Simple majority to deal with the matter and absolute majority for the donation/fee reduction.

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Agree to deal with the late item as presented.**
- 2. make a donation of \$300 to the Boyup Brook Water Polo Club to offset private hire fee for the Boyup Brook Swimming Pool.**

***Councillors decided to deal with the following two items separately.***

**COUNCIL DECISION**

**MOVED: Cr Ginnane**

**SECONDED: Cr Marshall**

Agree to deal with the late item as presented.

**CARRIED 8/1**

**Res 214/08**

**MOVED: Cr Piper**

**SECONDED: Cr Muncey**

Make a donation of \$300 to the Boyup Brook Water Polo Club to offset private hire fee for the Boyup Brook Swimming Pool.

**LOST 2/7**

**Res 215/08**

**8 COMMITTEE REPORTS**

<b>8.1 Consolidation of Sporting Facilities in the Recreational Precinct Committee – 22 October 2008</b>
--

Copy of Minutes Attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr Broadhurst**

That the Minutes of the Consolidation of Sporting Facilities in the Recreational Precinct Committee held on the 22 October 2008 be received.

**CARRIED 9/0**

**Res 216/08**

**COMMITTEE RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr Muncey**

1. That the target date for Action Plan 6.5-119 of the Strategic Plan (“Plan for the upgrade of the sporting precinct – Utilise the 2003 Feasibility Study as a reference”) be amended by deleting “June 2007” and inserting “June 2009”.

**CARRIED 9/0**

**Res 217/08**

<b>8.2 Consolidation of Sporting Facilities in the Recreational Precinct Committee – 12<sup>th</sup> November 2008</b>
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**COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED: Cr Lamshed**

**SECONDED: Cr Piper**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.

**CARRIED 7/2**

**Res 218/08**



**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Lamshed**

**SECONDED: Cr Ginnane**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 9/0**

**Res 219/08**

Copy of Minutes Attached.

**OFFICER RECOMMENDATION**

**MOVED: Cr Marshall**

**SECONDED: Cr O’Hare**

**That the Minutes of the Consolidation of Sporting Facilities in the Recreational Precinct Committee held on the 12<sup>th</sup> November 2008 be received.**

**CARRIED 9/0**

**Res 220/08**

**COMMITTEE RECOMMENDATION**

**That it be recommended to Council that;**

- 1. on balance it appears that the notion of a Consolidated Sporting Complex at the Boyup Brook Recreational Precinct is worth pursuing.**
- 2. \$10,000 be allocated, and that additional external funding be sought, to employ a consultant to assist the Consolidation of Sporting Facilities in the Recreational Precinct Committee with a critical review of the 2003 Feasibility Study and establishing the feasibility, based on current factors, of a consolidated sporting facility at the Recreational Precinct.**

**COUNCIL DECISION**

**MOVED: Cr Marshall**

**SECONDED: Cr Ginnane**

- 1. On balance it appears that the notion of a Consolidated Sporting Complex at the Boyup Brook Recreational Precinct is worth pursuing.**
- 2. Committee be given authority to pursue the viability of the consolidated Sporting facility.**
- 3. Cr Downing be appointed a member of the Consolidated Sporting Committee.**
- 4. Cr Lamshed be appointed as a Deputy Member of the Consolidated Sporting Committee.**

**CARRIED 8/1**

**Res 221/08**

## 7 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1	<b>Sculpture</b>
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### **Proximity Interest**

Cr Ginnane declared a proximity interest in the item 9.1 and departed the Chambers the time being 6.31pm.

### **Notice of Motion**

Cr Giles put forward the following notice of motion:-

That the Len Zuks 'family sculpture' be repainted to match the existing 'man & dog'.

That the sculpture be placed in the Bridge Street Island, between Terry's Engineering and the Boyup Brook Co- Op.

The position be determined by all interested Councillors on the day suitable and convenient to the Manager of Works and at least three Councillors.

That a suitable plaque be arranged to outline its features.

Manager of Works be requested to get a quote to provide up-lighting on the sculpture.

### **Councillors Comment**

Council has already determined that the sculptures are too valuable to be entry statements and are 'works of art'.

The Man & Dog sculpture has been tried in several places, all of which seem not to have been appropriate.

This will send the signal to ratepayers that Council does not know what it is doing.

Positioned in the main street it will allow residents and visitors the opportunity to stop in town, walk around and take photographs etc. It will also allow the sculpture to be seen for what it is rather than be lost in the background.

### **COUNCIL DECISION**

**MOVED: Cr Giles**

**SECONDED: Cr Muncey**

**That the Len Zuks 'family sculpture' be repainted to match the existing 'man & dog'.**

**That the sculpture be placed in the Bridge Street Island, between Terry's Engineering and the Boyup Brook Co- Op.**

**The position be determined by all interested Councillors on the day suitable and convenient to the Manager of Works and at least three Councillors.**

**That a suitable plaque be arranged to outline its features.**

**Manager of Works be requested to get a quote to provide up-lighting on the sculpture.**

**Amendment**

**MOVED: Cr Broadhurst**

**SECONDED: Cr O'Hare**

1. That the 'Farmer and Dog' sculpture be placed in the Bridge Street Island between Barron Street and Forrest Street for a period of not less than two weeks at each end of the said Island for assessment as possible permanent siting for the sculpture in accordance with the process instigated at the September Council Meeting.
2. That a decision on a final position for the 'Man and Dog' and any accompanying enhancements be made at the first Council Meeting after the assessment criteria has been met and completed.
3. That a decision on a final position for the 'Family' sculpture and any accompanying enhancements be made at the first Council Meeting after the assessment criteria, as instigated at the September Council Meeting, has been met and completed.

**CARRIED 6/2**

**Res 222/08**

**Substantive Motion**

The amendment became the substantive motion.

**MOVED: Cr Broadhurst**

**SECONDED: Cr O'Hare**

1. That the 'Farmer and Dog' sculpture be placed in the Bridge Street Island between Barron Street and Forrest Street for a period of not less than two weeks at each end of the said Island for assessment as possible permanent siting for the sculpture in accordance with the process instigated at the September Council Meeting.
2. That a decision on a final position for the 'Man and Dog' and any accompanying enhancements be made at the first Council Meeting after the assessment criteria has been met and completed.
3. That a decision on a final position for the 'Family' sculpture and any accompanying enhancements be made at the first Council Meeting after the assessment criteria, as instigated at the September Council Meeting, has been met and completed.

**Vote 4/4**

**Res 223/08**

**Carried on the President's Casting vote**

Cr Giles asked that the vote be recorded:

For: Cr Broadhurst, Cr O'Hare, Cr Muncey, Cr Downing.  
Against: Cr Piper, Cr Lamshed, Cr Giles, Cr Marshall.  
Cr Ginnane returned to the Chambers at 6.55pm.

**7.3.1 List Priorities that Council wishes to flag with the Hon Terry Redman**

This matter was deferred till items 8.1 and 8.2 had been dealt with.

**COUNCIL DECISION – MOVE INTO COMMITTEE**

**MOVED: Cr Marshall**

**SECONDED: Cr Ginnane**

That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.

**CARRIED 9/0**

**Res 224/08**

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

**MOVED: Cr Ginnane**

**SECONDED: Cr Marshall**

That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.

**CARRIED 9/0**

**Res 225/08**

**MOVED: Cr Giles**

**SECONDED: Cr Marshall**

That Council put the following list of priority matters to the Hon Terry Redman as requested by him:

<b><u>Priorities – outside of Councils control</u></b>	<b><u>Priorities – within Council’s control but requiring external funding.</u></b>
<b>Infill Sewerage</b>	<b>Consolidated Sporting Complex</b>
<b>Town Planning/Development Issues –</b>	<b>Heritage Buildings</b>
<ul style="list-style-type: none"> <li>• Residential Land</li> <li>• Light Industrial Land</li> </ul>	
<ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul>	
<b>Public Housing</b>	<b>Town Drainage System</b>

**CARRIED 9/0**

**Res 226/08**

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

Nil

**9 CONFIDENTIAL MATTERS**

Nil

**10 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for their attendance and declared the meeting closed at 7.12pm.