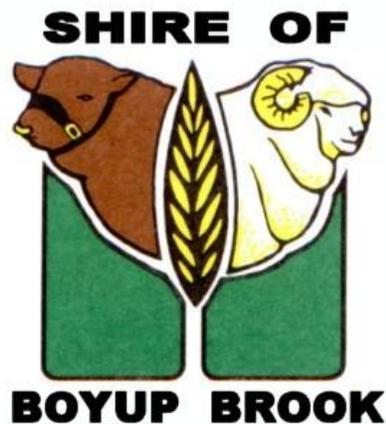


Minutes



ORDINARY MEETING

To be held

THURSDAY 20 November 2014
Commenced AT 5.13PM

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 M Giles – Shire President
Cr G Aird – Deputy Shire President
Cr N Blackburn
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr B O’Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Manager Corporate Services)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Tony Doust

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Questions posed by Mr Tony Doust at the November 2014 Council meeting and taken on notice.

2.1.1 Subdivision of Lot 734 Banks Road

Mr A Doust put the following question to the October 2014 Council meeting:

QUESTION

Mr Doust noted the response in the agenda and, in relation to the subdivisions of lots 1302, 1044 and part lots 1073 and 1302, asked if Council had sought conditions to be applied in relation to road upgrades and if not why not.

The CEO provided the following response at that time:

RESPONSE BY CHIEF EXECUTIVE OFFICER

The CEO responded that it may not be possible to establish “why” but would do the relevant research and respond to the balance of the question.

FURTHER RESPONSE BY CHIEF EXECUTIVE OFFICER

To this Council meeting:

Subdivision of lot 1302.

This relates to Town Planning Scheme Amendment Number 5 that created Special Rural Zone 4. Minutes of the April 1993 Council minutes show that the Council was grappling with the matter of a contribution to the upgrading of Abels Road, at the time it was dealing with the rezoning. A motion was put to that meeting calling for a contribution toward the construction, to a bitumen standard, of the section of Abels Road fronting the proposed subdivision. An amendment set the contribution at 50%, this was lost, then another amendment set the contribution at 25% and this was carried. A rescission motion was put to the July 1993 Council meeting but was lost. The Scheme amendment was approved by Council August 1993. At that same meeting a further rescission motion, regarding, among other things, the road contribution of 25% was put and carried. Also at this meeting, a resolution was made to form "a policy with regard to road classifications and contributions to roadworks on the fronting road to a subdivision". A motion was put to the September 1993 meeting of Council to "levy Barron's \$1,000 per block created, for the purpose of contributing to road maintenance on Abels Road". The motion was lost.

The Scheme amendment does not set a contribution toward the upgrading of Abels Road.

Council commenced work on a policy and resolved in October 1993 to "not ask for a contribution to existing external roads". At its August 1996 meeting Council resolved "That future subdivisions have a contribution paid by the developer of \$1,000 per lot for the first year for future upgrading of adjoining roads, with a review of this policy being conducted annually. An amendment to this motion was put, and lost, which took away the set value of the contribution. The minutes of the January 2001 Council meeting show that as at November 2000 Council had a road contribution policy in place that contained the following in relation to subdivisions and amalgamations:

- 3 *The Council may contribute up to a maximum of 50% towards the cost of upgrading an existing constructed road; where such upgrading is considered by the Council to be in the interests of the community and its road construction programme.*

The WAPC approved the subdivision November 1993 and there was no condition requiring the developer to pay a contribution toward the cost of upgrading the existing road (Council did not seek such a condition).

Subdivision of lot 1044.

This relates to Town Planning Scheme Amendment Number 7 that created Special Rural Zone 5 and 6, in particular, this relates to Zone 5. The minutes show that this rezoning commenced in 1995 but was not completed until 14/4/2000. The December 1996 minutes include a resolution to accept the offer by Mr Reid to clear the southern side of Banks Road with Council contributing \$500 in machinery and labour. In January 1997, Council resolved to request that Main Roads prepare drawings for a realignment of Banks Road.

The WAPC approved the subdivision 22 February 1996 and the approval contained the following note:

The Commission acknowledges that a corresponding rezoning of the land (Amendment Number 7 to the Shire of Boyup Brook Town Planning Scheme Number 1) has not yet been finalised but the Commission is satisfied, having regard to the progress on the rezoning and the merits of the case, that subdivision approval is warranted.

A condition was imposed regarding “satisfactory arrangements being made with MRWA regarding the relocation and upgrading of Banks road and Donnybrook-Kojonup Road intersection”. MRWA was the clearing agent. In notes to the conditions, the Commission provided that it “seeks suitable sight distances at the intersection of the proposed internal subdivisional road and Banks Road, with appropriate intersection design and the proposed internal sub divisional road being aligned to connect Lee-Steer Drive”.

Council does not appear to have sought conditions in relation to a contribution toward works on Banks Road.

Subdivision of lot part lots 1073 and 1302.

This relates to Town Planning Scheme Amendment Number 7 that created Special Rural Zone 5 and 6, in particular, this relates to Zone 5.

There appears to have been two stages with stage one being approved by WAPC in July 1997 and stage two in November 2004. Council resolved to support stage one in November 1998 and sought relevant conditions as follows:

- a) *Contribution of 50% toward the upgrade of Abels Road servicing stage 1 lots*
- b) *Construction to a bitumen standard of the section of Abels Road, Zig Zag Road and internal spine roads servicing stage 1 lots only.*
- c) *Construction to a bitumen standard of the section of internal spine road servicing stage 2 lots when 8 out of the eleven lots of stage 1 are sold or prior to the commencement of stage 2 being developed.*

WAPC imposed the following condition:

- 1 *Satisfactory arrangements being made with the Western Australian Planning Commission for the upgrading of Abel and Zig Zag Road (LG)*

Stage 2 was approved by WAPC November 2004 with the following relevant conditions:

- 1 *Abels Road, Zig Zag Road and the Bridgetown –Boyup Brook Road being widened in accordance with the plan submitted by the sub divider. (MRWA) (LG)*

- 2 Satisfactorily arrangements being made with the Western Australian Planning Commission for the upgrading of the Bridgetown –Boyup Brook Road. (MRWA)

Council dealt with the matter of stage 2 in September 2004 and resolved as follows:

That the Council confirms its item 7.2.5 July 2004 meeting resolution:-

“That the continued development of the NL 1073 and Pt 1302 Zig Zag Road ‘special rural’ subdivision and the:-

1. *reconfiguration of Stage 2 lots as presented;*
2. *link road construction to the Bridgetown Road being deferred subject to a bank guarantee to the full cost of the construction of the link road and the road being completed by 31 July 2006 thus allowing stage 1 lots and stage 2 lots (1-4 only) being released for sale forthwith;*
3. *link road to the Bridgetown Road being redirected with construction through the north-south section of Zig Zag Road as presented and the possible truncation of Nelson Location 1635 Boyup Brook to improve the safety aspects of this proposal, subject to compliance with environmental (land clearing) legislation; be supported.”*

It is apparent then that Council did seek conditions to be applied in relation to road upgrades.

2.2 Questions to this Council meeting

2.2.1 Mr Doust re Approved Subdivision of Lot 1284 Kaufmann Place Question

- a) **Does the approved subdivision include a legal road access to Banks Road?**
- b) **If the answer to point (a) is no, then is there to be an approved fire access to Banks Road?**
- c) **If a fire access is to be provided-**
 - **How wide is the fire access?**
 - **Will it be fenced on both sides?**
 - **Will gates be installed to ensure this is not used as a road access?**
- d) **What action will be taken by the Council to ensure that the fire access is not used for normal access to Boyup Brook because it is much shorter distance, i.e. including a notification on all the new titles ensuring the owners of the obligation not be use the access other than in a fire emergency.**

I note that the present access through the easement over lot 735 is being regularly used by the persons working on the site, and in making this statement I acknowledge that the subdivision has not been completed, however it is important that any prospective owner is aware that this will no

longer be permitted and of the obligation for legal access to properties in the development.

NOTE

Mr Doust emailed a copy of his questions prior to the meeting and so the CEO was able to prepare a detailed and written response. The Chief Executive Officer provided the following responses to Mr A Doust's questions:

Approved Subdivision of Lot 1284 Kaufmann Place.

a) Does the approved subdivision include a legal road access to Banks Road?

Response

Records include information, provided to the February 2009 meeting of Council (where Council dealt with a modified application to one that had been made in 2008 but refused by WAPC), in relation to the proposed subdivision of lot 1284, that appears to be an excerpt from Transfer c711737 that shows that a right of carriageway over a portion of lot 735 being granted to the "proprietor or proprietors for the time being of Nelson Location 1284.

Registered 16.2.84". Whilst there is nothing to show that the Shire conducted a title search to establish this right of carriageway, it is referred to in the developer's submission to SAT (May 2009), SAT's ORDER (8/10/2009), and WAPC's approval (the SAT approval expired in 2013 and the applicant reapplied to WAPC, the approval was in May 2014). It is apparent therefore that there is legal access through a portion of lot 735 to Banks Road.

(b) If the answer to point (a) above is no, then is there to be an approved fire access to Banks Road?

Response

See (a)

(c) If a fire access is to be provided-

- **How wide is the fire access?**
- **Will it be fenced on both sides?**
- **Will gates be installed to ensure this is not used as a road access?**

Response

WAPC's approval dated 14th May 2014, includes the following condition which uses the same wording as that set by SAT when it approved the subdivision previously:

Condition 9

"The existing easement across the north-west corner of Lot 735, together with the associated linkage, to connect with Banks Road carriageway and to be constructed in terms of condition 10 below, shall be made so as to function as a temporary fire and emergency access capable of ready usage by heavy fire

fighting vehicles as well as by two wheel drive passenger vehicles, inclusive of signage and measures to prevent general usage.”

Plans provided to WAPC and used by WAPC as part of the subdivisional approval, show that the area being the right of carriageway over a portion of lot 735, is 12m wide at the point where it meets the Banks Road Reserve and 12m wide at the eastern boundary of lot 1284. Condition 10 requires the emergency fire escape access to be constructed drained and sealed as a 4m wide road. It also requires the access link to Banks Road to be of a comparable standard with other roads in the subdivision. “In addition, all signage and measures to prevent general usage shall be provided at the cost of the applicant/owner”.

The approved subdivision plan includes a gate, to be provided by the subdivider, and for the eastern boundary of the new lot 301 (on the western side of the emergency access), and the western boundary of lot 735 (on the eastern side of the access) to be fenced, to control access to Banks Road.

- (d) What action will be taken by the Council to ensure that the fire access is not used for normal access to Boyup Brook because it is much shorter distance, i.e. including a notification on all the new titles ensuring the owners are aware of the obligation not to use the access other than in a fire emergency.**

Response

Condition 11 requires that a notice be placed on all certificates of title, and notice of this notification is to be included on the diagram or plan of survey and the notification is to be as follows:

“The lot(s) is/are subject to a fire management plan”

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder attended Remembrance Day on 11th November 2013 at the Boyup Brook War Memorial

Cr Kaltenrieder attended the Blackwood Basin Group meeting held on 22 October 2014.

Cr Oversby attended the Upper Blackwood Agricultural Show and mentioned that the day was enjoyed by all and the numbers were up from last year.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 16 October 2014

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Imrie

That the minutes of the Ordinary Meeting of Council held on Thursday 16 October 2014 be confirmed as an accurate record.

Carried 9/0

Res 128/14

6 PRESIDENTIAL COMMUNICATIONS

Attended the Local Emergency Management Committee on 29th October 2014.
Attended the Upper Blackwood Agricultural Society Show.

7 COUNCILLORS QUESTIONS ON NOTICE

Nil

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Renaming of the Boyup Brook-Cranbrook Road to Cranbrook Road

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	10 th of November, 2014
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Letters from Mr Richard Turner, Email to and from Landgate's Geographical Names Committee

SUMMARY

Mr R Turner, the President of the Tonebridge Progress Association and a ratepayer has requested that the name of the "Boyup Brook-Cranbrook Road" be changed to the "Cranbrook Road"

BACKGROUND

Since the advent of the new "rural numbering" scheme whereby residents properties are addressed by the geographical location of their property, residents who face the Boyup Brook-Cranbrook Road now have a property address of Boyup Brook-Cranbrook Road instead of the old RMB system.

The Tonebridge residents, through Mr R Turner, have requested that the Boyup Brook-Cranbrook Road name be changed to the Cranbrook Road as the existing name is too long and clumsy and will not fit in the spaces provided on paper and electronic forms.

The Manager of Works and Services sort advice from Landgates Geographical Names Committee on whether they thought the proposal to change the road name to Cranbrook Road was viable. Landgate advised that it may be as long as prior to a decision being made the following information was provided:

- Evidence of broad community support (including affected residents and land owners) for the name change would be required.
- Endorsement by both the Shire of Boyup Brook and Cranbrook.
- Confirmation that the proposal is to rename the whole of Boyup Brook-Cranbrook Road. If however, only a portion is to be renamed, a plan showing the extent of the portion to be named would be required. Any address issues would need to be looked at.

8.1.2 Renaming of the Northern Portion of Jayes Road to the Boyup Brook-Arthur Road

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	10 th of November, 2014
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Email to and from Landgate's Geographical Names Committee

SUMMARY

The road from the CBH bridge through to just north of the transfer station is named Jayes Road. From this point through to Arthur River the road is named the Boyup Brook-Arthur Road. The intention of this item is to rename the northern portion of Jayes Road "Boyup Brook-Arthur Road" so as to avoid confusion and to allow landowners on this portion of road to get a rural number.

BACKGROUND

Currently

The portion of road from the CBH bridge through to the northern side of the transfer station is known as Jayes Road and is within the town limits, with the Boyup Brook-Arthur Road starting at the point north of the transfer station and finishing at the Albany Highway in Arthur River.

Properties fronting Jayes Road from the CBH bridge through to the current Boyup Brook-Arthur Road starting point are not able to get 'rural numbers' as Jayes Road contains 'house numbers' from the southern side of the town boundaries through to Railway parade. As such they have lot numbers however this is confusing as people trying to find these properties often go out to Jayes Bridgetown road (and vice a versa) and the lot numbers are not sequential.

Proposed

It is proposed to change the name of the portion of Jayes Road from the CBH bridge through to the current start of the Boyup Brook-Arthur Road to the Boyup Brook-Arthur Road and for the rural numbers to start at 0 at the northern side of the CBH bridge. To avoid renumbering the entire length of the Boyup Brook-Arthur Road from Boyup Brook to Arthur River, the numbers between the first "rural number" on the Boyup Brook-Arthur Road, 54, and the bridge would be rationalised out so that they would be sequential and follow the 'rural numbering' guidelines but would not represent the distance in 10's of meters up the road.

Upon the resolution to change the name being successful, Council will then survey the 5 affected properties on the current Jayes Road and if a majority agrees with the name change, then permission will be sought from Landgates Geographical Names Committee to formally change this portion of Jayes Road to Boyup Brook-Arthur Road. Upon their approval the request for rural numbers will then be put through to Landgates Location Knowledge Services and numbers will be issued.

COMMENT

The main reason for requesting the name change of the northern portion of Jayes Road to Boyup Brook-Arthur Road is to simplify addressing by giving properties fronting this portion of Jayes Road a Boyup Brook-Arthur Road 'rural number'. As you leave the town of Boyup Brook and cross the CBH bridge on the Boyup Brook-Arthur Road, the properties fronting the road will have sequential rural numbers that will then allow them to be located easily by emergency services and visitors to those properties.

CONSULTATION

Landgate Location Knowledge Services

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.1.2

That Council approves the change of name of the northern portion of Jayes Road, from the CBH bridge (Boyup Brook) through to the northern side of the transfer station, to the Boyup Brook-Arthur Road and that on approval Council will:

- 1. Survey the 5 affected properties on this portion of road and if a majority agree, will**
- 2. Seek approval from the Geographical Names Committee and if approved, will**
- 3. Seek formal approval and obtain rural numbers from Landgates Knowledge Location Services.**

Amended Recommendation

The Officer amended the recommendation at the meeting and the new recommendation was as follows:

That Council approves the change of name of the northern portion of Jayes Road, from the Abels Street intersection through to the northern side of the transfer station, to the Boyup Brook-Arthur Road and that on approval Council will:

1. Survey the affected properties on this portion of road.
2. Seek approval from the Geographical Names Committee.
3. Seek formal approval and obtain rural numbers from Landgates Knowledge Location Services.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2

MOVED: Cr Giles

SECONDED: Cr Oversby

That Council approves the change of name of the northern portion of Jayes Road, from the Abels Street intersection through to the northern side of the transfer station, to the Boyup Brook-Arthur Road and that on approval Council will:

1. Survey the affected properties on this portion of road.
2. Seek approval from the Geographical Names Committee.
3. Seek formal approval and obtain rural numbers from Landgates Knowledge Location Services.

Carried 9/0

Res 130/14

8.2 FINANCE

8.2.1 List of Accounts Paid

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 November 2014</i>
Author:	<i>Stephen Carstairs – Director Corporate Services</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid in October 2014 is presented to Council.

BACKGROUND

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

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 1 October to 31 October 2014.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

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

13. Lists of accounts

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

POLICY IMPLICATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2014-15 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr Oversby

SECONDED: Cr Imrie

That at its November 2014 ordinary meeting Council receive as presented the list of accounts paid in October 2014, and totalling \$244,758.74 and as represented by: cheque voucher numbers 19657-19670 totalling \$13,975.56; and accounts paid by direct electronic payments through the Municipal Account totalling \$130,425.89.

That at its November 2014 ordinary meeting Council receive as presented the list of accounts paid in October 2014, and totalling \$910.00 from Trust Account represented by cheque voucher 2044-2046.

Carried 9/0

Res 131/14

8.2.2 30 September 2014 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	13 November 2014
Author:	Stephen Carstairs – Director Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

This report recommends that Council receive Statement of Financial Activities and Net Current Assets for the month ended 30 September 2014.

BACKGROUND

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

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

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

Due to time constraints, presentation of the shire's 30 September 2014 statement of financial activity was deferred to the November 2014 ordinary meeting of Council.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

MOVED: Cr Walker

SECONDED: Cr O’Hare

1. That the 30 September 2014 Statement of Financial Activity and Statement of Net Current Assets as presented , be received.
2. That amounts listed as material variances be authorized.

Carried 9/0

Res 132/14

8.2.3 31 October 2014 Statement of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	13 November 2014
Author:	Stephen Carstairs – Manager Corporate Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	No

SUMMARY

This report recommends that Council defer to the December 2014 ordinary meeting of Council the receiving of the Statement of Financial Activities and the Net Current Assets for the month ended 31 October 2014.

BACKGROUND

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

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

The regulations also prescribe the content of the reports. Details of items of Material Variances are also listed.

COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

At the time of writing Corporate Services officer time was fully committed to compiling, among other things, the shire's substantial assets register, and the various notes to the 2013-14 Annual Financial Statements. Due to time constraints and human resource shortfalls, presentation of the shire's 31 October 2014 Statement of Financial Activity has been deferred to the December 2014 ordinary meeting.

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.3

MOVED: Cr O’Hare

SECONDED: Cr Oversby

That receipt by Council of the shire’s 31 October 2014 Statement of Financial Activity and Statement of Net Current Assets be deferred to Council’s December 2014 ordinary meeting.

Carried 9/0

Res 133/14

Declare an Interest

Cr Giles declared a financial interest in item 8.3.1 and 8.3.5 and departed the Chambers, the time being 5.39pm.

Cr Aird took the Chair.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Subdivision Application (WAPC Ref 150851) - Lot 11991 Gibbs Road, Dinninup

Location:	Lot 11991 Gibbs Road, Dinninup
Applicant:	Harley Dykstra
File:	A5720
Disclosure of Officer Interest:	None
Date:	11 November 2014
Author:	Town Planner
Authorizing Officer:	CEO
Attachments:	Application

SUMMARY

Council is requested to agree to advise the WAPC not to support the proposed 'Rural' Lot 11991 Gibbs Road, subdivision (1 lot into 2 lots) for the following reasons:

1. To maintain the productive capacity of the land and the economy of scale of operations, as required by Scheme 2; and
2. The creation of new or smaller rural lots for the subject land is unplanned and on an ad hoc basis. This is considerate of the Shire of Boyup Brook Local Rural Strategy, which states the following for the subdivision of the subject land: '*No specific guidelines apply*'. A review of the Shire's Local Rural Strategy or development of a Local Planning Strategy is required to provide clear guidance on whether subdivision in the locality should or should not be supported.

BACKGROUND

The WAPC received an application to subdivide Lot 11991 from one lot into two lots. Lot sizes proposed are 338.9ha and 435.5ha - Gibbs Road being the new proposed shared boundary.

The justification provided by the applicant includes:

- Subdivision into two lots will allow better farm management and future expansion in land use and therefore increased agriculture potential.
- The land has a high capability as identified in the Warren Blackwood Rural Strategy and therefore expansion of land use is possible on two smaller lots.

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

COMMENT

Lot 11991 – Land Use

The property in question is located approximately 20km north east of the Boyup Brook Townsite and is 774.5ha in area. Gibbs Road (gravel Road) and the Kitchanning Brook dissect the property (North/South).

Approximately 20% of the property is remnant vegetation and the remaining land is cleared (recently harvested tree plantation) and used for cropping and livestock grazing.

A dwelling and five outbuildings are located on the western portion of the property.

Surrounding land uses include livestock grazing, broad acre cropping and tree plantations.

Rebuttal to Application

The following comment is proposed in response to the applicants reasoning:

Applicants Reasoning	Comment (Shire)
Creating an extra lot protects ongoing agricultural use and ensures viability.	To maintain the productive capacity of the land and the economy of scale of operations and to reduce the potential impacts of competing land uses, there is a clear presumption against creating extra lots (Chapter 5 - Warren-Blackwood Rural Strategy).
Gibbs Road is expected to form a new logical boundary.	The Western Australian Planning Commission 'DC Policy 3.4 Subdivision of Rural Land' supports boundary adjustments (not additional lots) to improve the management of a farm, such as a realignment to follow a natural or

	constructed feature (road).
The potential for agricultural activity will be strengthened by allowing better farm management and expansion in land use.	Better farm management and future expansion and therefore strengthening of potential agriculture can be achieved without having to create additional lots. The creation of additional lots does not necessarily secure increased agriculture productivity.
The land has a high capability as identified by the Warren-Blackwood Rural Strategy and therefore expansion of land use is possible on two smaller lots.	<p>The Warren-Blackwood Rural Strategy states for the subject area:</p> <p><i>The majority of the planning unit has a high to very high capability for annual or perennial horticulture, with waterlogging and salinity being the two principal land degradation constraints.</i></p> <p>The 'State Planning Policy 2.5 Land Use Planning in Rural Areas' states:</p> <p><i>The use of rural land for intensive or emerging primary production land uses does not warrant creation of new or smaller rural lots on an unplanned, ad hoc basis.</i></p> <p>The Shire's Town Planning Scheme 2 and Local Rural Strategy have not been planned to support the subdivision of the subject land.</p>
The Warren Blackwood Strategy implements a minimum lot size of 80ha for subdivision (section 5.7).	The 80ha min originates from the then Department of Agriculture (DoAg) who contest that, for high-capability land, 80ha will sustain intensive production (Warren

	<p>Blackwood Strategy, Pg 48).</p> <p>The Warren Blackwood Strategy merely suggests that there is a presumption, in favour of min 80ha lot sizes where it can be clearly demonstrated that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands.</p> <p>This presumption is not backed by the Western Australian Planning Commission DC Policy 3.4 or State Planning Policy 2.5 and in this instance; subdivision has not been clearly demonstrated as being beneficial, viable or sustainable to agriculture.</p>
<p>The existing rural use will be amplified by the subdivision as it will attract investment.</p>	<p>The notion that the existing rural use will be amplified by the subdivision, on the basis it will attract investment is unproven. The complete opposite is just as likely to occur, especially considering the constraints of the land, waterlogging and salinity, as identified by the Warren Blackwood Strategy.</p>

CONSULTATION

N/A

STATUTORY OBLIGATIONS

Town Planning Scheme 2

The subject land is zoned 'Rural' in the Town Planning Scheme 2.

As stated in the Scheme 2 (Section 5), the primary intent of the 'Rural' zone is for the preservation of agriculturally significant land for agricultural production. The Scheme states:

Council shall...seek to ensure that no action is taken to jeopardise that potential.

In considering applications for subdivision, the Scheme requires the Council to consider:

- Protecting agricultural practices in light of its importance to the District's economy; and
- Evidence outlining the land's suitability and capability to undertake agricultural activities once subdivided.

To maintain the productive capacity of the land and the economy of scale of operations, the Council is recommended not to support the proposed subdivision in line with their Scheme.

POLICY IMPLICATIONS

The WAPC DC Policy 3.4 Subdivision of Rural Land

DC Policy 3.4 supports boundary adjustments (no additional lots) to improve the management of a farm, such as a realignment to follow a natural or constructed feature (road).

DC Policy 3.4 supports additional lots in the following circumstances:

- To protect and actively conserve places of cultural and natural heritage and significant environmental features and remnant vegetation;
- To allow for the efficient provision of utilities and infrastructure and/or for access to natural resources; and
- In the Homestead Lot Policy area (includes Boyup Brook), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation.

In accordance with DC Policy 3.4, subdivision in the form proposed cannot be supported. Subdivision of the subject property may be supported in the form of a boundary adjustment or under the criteria set for the Homestead Lot Policy.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire Boyup Brook Local Rural Strategy

The Shire of Boyup Brook Local Rural Strategy states the following for the subject Lot, which is located in the BBR3 precinct: *3.3.4 Subdivision...No specific guidelines apply.*

A review of the Shire's Local Rural Strategy or development of a Local Planning Strategy is required to provide clear guidance on whether subdivision in the locality should or should not be supported.

Support for the creation of new or smaller rural lots on the basis that 'no specific guidelines apply' would be 'unplanned' and on an ad hoc basis.

Warren Blackwood Rural Strategy

The Warren Blackwood Rural Strategy places the subject Lot within precinct 'BR3 Tweed'. The objectives set for this precinct include:

- Promote and facilitate the diversification and intensification of sustainable agricultural production within the capacity of the land, and
- Manage conflicting land uses.

Subdivision criteria include:

In the Agriculture zone, apply the standard subdivision criteria from chapter 5.7.

Chapter 5.7 states for subdivision:

In order to protect the productive capacity of agricultural land and the basis of State, regional and local economies, there is a general presumption against the further subdivision of land in the Agriculture and Priority Agriculture zones, except where it can be clearly demonstrated that the subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands. Subdivision approved under this criterion shall have a minimum lot size of 80ha.

The above perception is not backed by the Western Australian Planning Commission DC Policy 3.4 or State Planning Policy 2.5 and in this instance; subdivision has not been clearly demonstrated as being beneficial, viable or sustainable to agriculture.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There is remnant vegetation, a foreshore (Kitchanning Brook) and the potential for waterlogging and salinity at Lot 11991 Gibbs Road. Approval for subdivision and any future development should seek to protect remnant vegetation and enhance the area (foreshore) influencing the Brook. Measures should be enforced and implemented to reduce salinity.
- **Economic**

Due to efficiencies associated with economies of scale, for most commodities, increasing farm size is linked to higher rates of return, making larger farms more economically viable than small farms (Australian Bureau of Statistics, 2003).

➤ **Social**

Farms in Australia have traditionally been family businesses, passed on to successive generations. However, since the 1950s, the introduction of new technologies, the globalisation of commodity markets, and the removal of protective tariffs, have contributed to the restructuring of the agricultural industry. The reduction in the number of farming families has been one contributor to the population declines in the small towns that have traditionally serviced the farm sector (Australian Bureau of Statistics, 2003).

For some farming families, farm income has reduced due to declining profit margins, and can be highly variable, requiring some farmers and family members to obtain off-farm employment to supplement and stabilise the family income (Australian Bureau of Statistics, 2003).

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – 8.3.1

That Council

Agree to advise the WAPC not to support the proposed ‘Rural’ Lot 11991 Gibbs Road, subdivision (1 lot into 2 lots) for the following reasons:

- 1. To maintain the productive capacity of the land and the economy of scale of operations, as required by Scheme 2; and**
- 2. The creation of new or smaller rural lots for the subject land is unplanned and on an ad hoc basis. This is considerate of the Shire of Boyup Brook Local Rural Strategy, which states the following for the subdivision of the subject land: ‘No specific guidelines apply’. A review of the Shire’s Local Rural Strategy or development of a Local Planning Strategy is required to provide clear guidance on whether subdivision in the locality should or should not be supported.**

And

If the Western Australian Planning Commission is of the view to support the application, the Shire of Boyup Brook requests the following conditions;

- 1. Suitable arrangements being made with the Shire Boyup Brook for the provision of vehicular crossover(s) to service the lots shown on the approved plan of subdivision.**

2. A foreshore management plan for the Kitchanning Brook being developed and implemented to the satisfaction of the Shire of Boyup Brook. Management may include fencing in appropriate locations, weed control and resource enhancement (planting of endemic species).

Council Decision

MOVED: Cr Moir

SECONDED: Cr Blackburn

That Council Agree to advise the WAPC that it supports the proposed 'Rural' Lot 11991 Gibbs Road, subdivision (1 lot into 2 lots) and seeks the following conditions:

1. Suitable arrangements being made with the Shire Boyup Brook for the provision of vehicular crossover(s) to service the lots shown on the approved plan of subdivision.
2. A foreshore management plan for the Kitchanning Brook being developed and implemented to the satisfaction of the Shire of Boyup Brook. Management may include fencing in appropriate locations, weed control and resource enhancement (planting of endemic species).

Carried 8/0

Res 134/14

NOTE

Council noted that the subdivision would create two lots, one being 435HA and the other 339HA, and that this was well in excess of the minimum rural lot size (80HA). It was also pointed out that the average rural zone lot size in the Dininnup Ward was 386HA and that the average rural lot size in the Shire was 295HA. It was felt that the size of the new lots was not exceptional in this Shire, Gibbs road, which dissected the original lot, represented a logical boundary to subdivide to, and that creation of an additional lot could bring more people to live in the Shire.

Change to Order of Business

Then Presiding Member, Councilor Aird, Deputy President, decided that the order of business in the agenda be changed to allow Item 8.3.5 to be brought forward and dealt with at this time (whilst the President, Cr Giles was out of the room), and there was no dissent.

8.3.5 13 Purse Terrace – Private Access-way

Location:	13 Purse Terrace, Boyup Brook
Applicant:	Mrs White
File:	A350
Disclosure of Officer Interest:	None
Date:	11 November 2014
Author:	Town Planner
Authorizing Officer:	CEO
Attachments:	Nil

SUMMARY

The purpose of this report is to put before Council the request to notify the property owner of 13 Purse Terrace that:

- The Shire is not willing to take on ownership or management of the private access-way at 13 Purse Terrace;
- The property owner is responsible for attenuating stormwater within a private property. Stormwater needs to be attenuated to reduce the volume of water and incidental impacts such as erosion and flooding, caused during storm events; and
- Shire staff are willing to provide advice on appropriate management practice of the access-way.

BACKGROUND

The Shire received a request from the owner of 13 Purse Terrace to gift the land comprising a private access-way, to the Shire.

At the Shire meeting dated 18 September 2014, the Council decided to defer a decision in relation to the request to take control of the access-way located at 13 Purse Terrace, and pave it, pending a study of the area and a report to Council.

COMMENT

The access-way is privately owned and fronts Purse Terrace.

The access-way is currently not attenuating stormwater appropriately and sediment is washing on-to Purse Terrace, blocking the stormwater drain, which may cause flooding issues to properties downhill.

The Shire may set an undesirable precedent by agreeing to take on ownership and costs incurred for the development of the private access-way, which services the one property. The precedent being; the Shire is obligating itself to take on responsibility and management of other private access-ways.

Due to sediment being deposited from a private access-way, the Shire needs to notify the owners of the access-way, as to their responsibility for the management of water and sediment on their property.

In considering current Shire practices and the likelihood of setting an undesirable precedent, a study of the area, as recommended at the September 2014 Council meeting is not necessary.

CONSULTATION

Staff held a meeting with the Manager of Works and concluded that; taking on the responsibility, development and maintenance of a private access-way that services one property would be a burden to the current and future Shire budget.

Staff held a meeting with the owner of 13 Purse Terrace and advised that:

- As a general principle, the Shire does not take on responsibility of private access-ways; and
- Responsibility for the maintenance of access-ways lies with the private property owner.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council has a policy (Policy No. W.08) in relation to the portion of crossover that joins a property and that's within the road reserve. The policy states that the Shire will not be responsible for maintenance of crossovers.

BUDGET/FINANCIAL IMPLICATIONS

If the Council resolves to take on ownership and development of the access-way, budgetary implications may arise.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.5

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That Council

Agree to notify the property owner of 13 Purse Terrace that:

- **The Shire is not willing to take on ownership or management of the private access-way at 13 Purse Terrace;**
- **The property owner is responsible for attenuating stormwater within a private property. Stormwater needs to be attenuated to reduce the volume of water and incidental impacts such as erosion and flooding, caused during storm events; and**
- **Shire staffs are willing to provide advice on appropriate management practices of the access-way.**

Carried 8/0

Res 135/14

Cr Giles returned to the Chambers at 5.56pm

8.3.2 Lot 3883 Asplin Siding Road – Caravan Park (Nature-Based) and Caretaker House

Location:	Lot 3883 Asplin Siding Road, Boyup Brook
Applicant:	P & S Sanderson
File:	A10061
Disclosure of Officer Interest:	None
Date:	11 November 2014
Author:	Town Planner
Authorizing Officer:	CEO
Attachments:	Application Details (as amended) Location Plan Submissions

SUMMARY

Council is requested to conditionally approve an application for a ‘Caravan Park’ (Nature-Based Park) and ‘Caretaker House’ at Lot 3883 Asplin Siding Road.

BACKGROUND

The Shire received an application for a ‘Caravan Park’ and a ‘Caretaker House’ at Lot 3883 Asplin Siding Road. The caretaker house and other activities such as walking, picnicking and quad biking are proposed as being incidental to the caravan park.

The application was advertised in the local newspaper, to neighbouring properties and to the Department of Water. Neighbours indicated concern that a caravan park would impact on the integrity of agriculture and the environment. The Department of Water recommended that potable water be provided, effluent be appropriately managed and that the Blackwood River and its area of influence (foreshore) be protected.

The Shire examined the *Caravan Parks and Camping Grounds Regulations 1997* and the *Nature-based Parks, Guidelines for Developers and Local Governments (Draft 2014)*, which suggest that caravan parks in non-urban areas, with natural elements, should be developed as Nature-Based Parks. The *Nature-based Parks, Guidelines for Developers and Local Governments (Draft 2014)* states that: *a natural landscape can include an agricultural setting.*

Based on comments received and relevant documentation, the Shire informed the applicant of concerns relating to a lack of detail on management of fire, traffic and the environment and opportunities relating to nature-based parks.

The applicant submitted an amended application for a 'nature-based park' with supporting management criteria.

COMMENT

The subject property is approximately 40 hectares in area, with Blackwood River frontage, an existing dwelling, access tracks and a large stance of remnant vegetation.

Accommodation

The proposed nature-based park consists of:

- Four nature-based sites (2500m²) in different locations capable of accommodating 32 persons (8/site). Each site has;
 - access, two bays for caravans and tents, an area for a fire and barbeque, solar lighting, a water tank, fire extinguisher, rubbish bin and a pergola for shade/cover;
- One site to accommodate a caretaker; and
- One site to accommodate a self-contained caravan.

Incidentals

Developments to support the caravan park include:

- Access lane with passing bays and easy access in-case of fire;
- Walking trails;
- Ablutions (2 toilets and showers – Min 90metres from each nature-based site);
- Septic disposal system;
- Mobile firefighting unit made available; and
- Muster point in case of fire.

Management Plan

The management criteria proposed includes:

- Bookings, arrivals and departures 10am-4pm;
- Speed limit along main access road 60km;
- Speed limit within and around park – walking pace;
- Visitors to be advised that:
 - the area is predominantly a farming district and all farming activities take precedent;
 - fire safety is paramount and in the case of a fire, residents are to evacuate.
- Rubbish to be removed from each site at the completion of camping.

Staff believe that, subject to stringent management criteria, the low key nature-based park, proposed within a natural agriculture setting, has the potential to offer holiday accommodation without impacting on the environment, neighbouring properties or budgetary constraints (road upgrades).

CONSULTATION

The application was referred to the Department of Water (DOW) and neighbouring properties. The DOW advised that:

- Drinking water is to be provided in accordance with DOW's Water Quality Protection Note 41 'Private Drinking Water Supplies', which seeks to ensure water is provided without contaminants;
- Effluent should be consistent with DOW's Water Quality Protection Note 70 'Wastewater Treatment and Disposal: Domestic Systems', which suggests the use of Alternative Treatment Systems; and
- Operation impacting the Blackwood River (e.g. access to the river) should occur in accordance with DOW's Operational Policy 4.3 'Identifying and Establishing Waterways Foreshore Areas', which aims to ensure foreshores are protected as a means to maintain water quality.

It is recommended that the applicant be advised to comply with DOW protection notes and operational policies.

Neighbouring properties (X2) made the following comments:

- Farming practices (e.g. spraying) may impact caravan park patrons;
- Dogs may pose a problem with livestock on adjoining land;
- The use of quad bikes and 4wd may increase risk of fire and spread of dieback and impact the quiet aspect;
- A 100m distance between proposed use and neighbouring boundaries is not enough;
- The use of the access-way will cause noise and dust impacting amenity;
- Visual screening along property boundary is necessary to improve amenity;
- Effluent from ablutions may impact the environment (pollute river).

It is recommended that conditions be imposed to adhere to neighbours concerns.

STATUTORY OBLIGATIONS

Caravan Parks and Camping Grounds Regulations 1997

The *Caravan Parks and Camping Grounds Regulations 1997* is the most relevant and up-to-date document governing the development and use of caravan parks with restrictions on:

- The type and amount of sites and park homes;

- The suitability of land for camping;
- Period of stay; and
- Duties to caravan-park operators (e.g. waste management).

It is recommended that conditions be imposed for compliance with the *Caravan Parks and Camping Grounds Regulations 1997*.

Scheme 2 - Requirements

Lot 3883 Asplin Siding Road is zoned 'Rural' in accordance with the Shire's Town Planning Scheme 2.

'Caravan Park' and 'Caretaker House' are uses which Council, in exercising the discretionary powers available to it, may approve under the rural zone.

"Caravan Park" means land and buildings used for the parking of caravans in conformity with the Caravan and Camp Regulations, 1961 made pursuant to the provisions of the Health Act, 1911 (as amended) and the Local Government Model By-law (Caravan Park) Act, 1960 (as amended) and any amendments to those Regulations or to that Model By-Law.

"Caretakers House" means a building or part of a building used as a residence by the proprietor or manager of an industry, business, office or recreation area carried on or existing on the same site.

The Rural Zone is intended primarily for the preservation of agriculturally significant land. It recommends that conditions be imposed to ensure that no action is taken to jeopardise that potential. The potential for agriculture to be carried out at Lot 3883 is constrained considering the majority of the property is remnant vegetation.

Development within the 'Rural' zone is to be setback 10 metres of any boundary. All development proposed by the application complies with this requirement.

Scheme 2 states that:

No land...shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant...in the vicinity.

It is recommended that the above requirement is stipulated as a condition to be adhered to.

POLICY IMPLICATIONS

The Shire's Outbuilding Policy stipulates the following for outbuildings on a 'Rural' zone: '*no maximum area*'; and '*no maximum height*'.

The Shire has a Policy (P.06) setting standards for farm chalets. The uses 'farm chalet' and 'caravan park' are similar in their intent, which is to

provide short term accommodation. The Policy (P.06) restricts the amount of chalets as follows to protect the integrity and character of agriculture areas:

- Farm chalets shall not be approved in a rural zone where that Lot is less than 10ha in area; and
- The property shall provide for a minimum of 2ha/chalet.

The property subject of this application is proposing to accommodate effectively 10 caravan bays, which equates to 4ha/site (40ha property).

The Chalet Policy makes the following additional requirements:

- Provision of an 80,000L tank for every chalet;
- A fire management plan being provided to the satisfaction of the Shire;
- Chalets being located 100m away from neighbouring rural property boundaries.

Water (Potable and for Fire-fighting)

Caravans are expected to use on average 25L of potable water per day (*caravanersforum.com*). The proposed nature-based park, at capacity (10 caravans) and for 8 months of the year, will require approximately 60,000L of potable water (@25L/bay/day). In addition, a 40,000L capacity tank for shower and ablution water and a 40,000L capacity tank for fire-fighting water are recommended as being necessary.

Fire Management

Bushfires are inevitable in Australia due to climate and flammable vegetation. Caravan parks offer many ignition sources and therefore the likelihood of a fire increases. The problem facing the area is the potential loss of vegetation and the caravan park operator's ability to protect assets and minimize damage. Basic strategies adopted by authorities to provide protection against fire include:

- Siting and layout of sites;
- Hazard reduction around sites;
- Means of escape;
- Training for evacuation to safer place;
- Extinguishers;
- On-site water supply; and
- Signage.

It is recommended that the above strategies are required and implemented.

Set-backs to foreshores

Setbacks of development to high water marks is required as a means to

- Protect and enhance the river ecosystem and landscape values;
- Maintain the function of the floodway.

It is recommended, that all development is setback 50m from the Lot boundary adjacent to the Blackwood River; or if the flood boundary encroaches within the confines of the property, a 50m setback from the flood boundary. This will ensure a buffer zone between the riparian zone of the river and development.

BUDGET/FINANCIAL IMPLICATIONS

Asplin Siding Road is a gravel road. Caravans have a tendency to degrade a gravel surface (corrugations).

The ten (10) bays being offered for accommodation at Lot 3883 Asplin Siding Road, which is isolated from Townsite amenities, is not expected to inherit enough traffic to warrant a need for maintenance over and above what is normally required.

The applicant is to be advised that; Asplin Siding Road is not a priority road for maintenance and that where maintenance is necessary to facilitate use of the caravan park; a differential rating may apply to Lot 3883 Asplin Siding Road.

STRATEGIC IMPLICATIONS

The Shire's Local Rural Strategy refers to the Western Australian Planning Commission Bulletin 83, which concludes that the extent of development should be based on the capability of the site.

The Shires chalet policy has been used as a model for determining the extent of development for caravan bays at Lot 3883 Asplin Siding Road.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The proposed intensified use has the potential to impact the environment, especially considering proximity to the Blackwood River and remnant vegetation.

Conditions are to be implemented to restrict the spread of disease, to limit noise and dust, to limit land degradation and to appropriately manage effluent.

- **Economic**
The proposed use may impact the viability of the Townsite Caravan Park located at the 'Flax-Mill'. Regulation 49 prohibits granting a licence for a transit park or a nature-based park if there is a caravan park or camping ground within 50 kilometres.

A National Competition Policy review found regulation 49 to be anti-competitive and recommended that it be removed. Following this finding, the repeal of regulation 49 was endorsed by the Caravan Parks and Camping Grounds Advisory Committee and approved by the Minister for Local Government.

➤ **Social**

Social issues have been known to arise from caravan parks, including excessive noise and over-stay. The following clauses are recommended to deal with offsite impact and unlawful accommodation:

No land shall be used in such a manner as to permit the escape there-from of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant in the vicinity.

Sites shall not be occupied by the same person or persons for more than 3 months in any 12 month period.

Additionally, the applicant is to be advised of the following scheme requirement:

9.2.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by Section 10 of the Act.

VOTING REQUIREMENTS

Simple majority

SUMMARY

In accordance with Scheme 2, a 'Caravan Park' and a 'Caretaker House' are uses that may be considered within a 'Rural' zone.

Efforts have been made to comply with comments received from Government agencies and neighbouring properties and requirements stipulated by relevant documentation.

Subject to conditions of operation, staff believe that a nature-based park can operate at Lot 3883 Asplin Siding Road, in conjunction with neighbouring agriculture activities and environmental protection values.

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.2

MOVED: Cr Moir

SECONDED: Cr Walker

That Council

1. **Approve the use of Lot 3883 Asplin Siding Road for ‘Caravan Park’ (nature-based park) and ‘Caretaker House’ subject to the following conditions:**
 - a) **The proposal is to comply with any details and/or amendments marked in red on plans (*as attached*);**
 - b) **All development and uses shall occur within the Lot 3883 Asplin Siding Road boundaries to the satisfaction of the Shire Boyup Brook;**
 - c) **All development is to be set-back min 50m from the Lot boundary fronting the Blackwood River. Where a known flood boundary encroaches within the confines of the Lot, the minimum 50m set-back is to be taken from the flood boundary;**
 - d) **The approved use ‘Caravan Park’ (nature-based park) is to be in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*;**
 - e) **Other than for the Caretaker House and Single House, no person is to stay on the premises for more than 3 months in any 12 month period;**
 - f) **Maximum of 4 persons per bay (bay - refers to the area(s) set aside for one caravan and one tent) at any one time (10bays – max 40 persons);**
 - g) **The property shall not be used in a manner as to permit the escape there-from of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, as in the opinion of the Shire, will create, or be a nuisance to, any inhabitant in the vicinity;**
 - h) **The level of noise emanating from the premises shall not exceed that prescribed in the Environmental Protection Act 1986, and the Environmental Protection (Noise) Regulations 1997;**
 - i) **Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries;**
 - j) **Firebreaks, fire fighting equipment and other appropriate fire protection measures shall be implemented and maintained to the satisfaction of the Shire of Boyup Brook. Protection measures shall include:**
 1. **Siting and layout of sites;**
 2. **Hazard reduction around sites;**
 3. **Means of escape;**
 4. **Training for evacuation to safer place;**
 5. **Extinguishers;**
 6. **On-site water supply; and**
 7. **Signage.**
 - k) **Refuse being disposed of to the satisfaction of the Shire of Boyup Brook;**
 - l) **An appropriate effluent disposal system (Alternative Treatment Unit), designed for long term usage, shall be installed to**

- manage effluent (from the ablution facility), to the satisfaction of the Shire of Boyup Brook;
- m) The proponent shall provide a minimum of 60,000L of potable water supply, 40,000L for showers and toilets and 40,000L for fire-fighting purposes;
 - n) Any wood for fires is to be sourced in accordance with the Department of Environment and Regulation; and
 - o) Prospective tourists are to be advised on booking of the following:
 - 1. Agricultural practices such as spraying occur in the locality and these practices have precedence over the caravan park operations;
 - 2. No person is to stay on the premises for more than 3 months in any 12 month period;
 - 3. Dogs are to be kept on a leash at all times;
 - 4. Fire's can only be lit during prescribed periods set by the Shire;
 - 5. In the instance where a fire is out of control, you are to evacuate as soon as possible-without delay;
 - 6. Importance of care to environment, especially the Blackwood River;
 - 7. Speed limit throughout the site is restricted to a maximum of 8km/hr;
 - 8. Do not collect wood for fire from the property. Use wood supplied by proprietor; and
 - 9. Access is limited to existing tracks.

Advice

- a) No clearing of any native vegetation is permitted without the prior approval from the Department of Environment and Conservation.
- b) Sign(s) shall not be erected without the prior approval of the Shire of Boyup Brook;
- c) Asplin Siding Road is not a priority road for maintenance and that where maintenance is necessary to facilitate use of the caravan park; a differential rating may apply to Lot 3883 Asplin Siding Road.
- d) Development and use is to consider the *Nature-based Parks, Guidelines for Developers and Local Governments (Draft 2014)*;
- e) Drinking water is to be provided in accordance with DOW's Water Quality Protection Note 41 'Private Drinking Water Supplies';
- f) Effluent should be managed via Alternative Treatment Units and should be consistent with DOW's Water Quality Protection Note 70 'Wastewater Treatment and Disposal: Domestic Systems';
- g) Operation impacting the Blackwood River (e.g. access to the river) should occur in accordance with DOW's Operational Policy 4.3 'Identifying and Establishing Waterways Foreshore Areas'; and
- h) Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by Section 10 of the Act.

Carried 9/0

Res 136/14

8.3.3 Shire Boyup Brook – Initiate Local Planning Strategy

Location:	Shire Boyup Brook
Applicant:	N/A
File:	LN/42/005
Disclosure of Officer Interest:	None
Date:	11 November 2014
Author:	Town Planner
Authorizing Officer:	CEO
Attachments:	Nil

SUMMARY

Council is requested to agree to develop a Local Planning Strategy (LPS) for the Shire of Boyup Brook.

Development of the LPS will involve analysis of key issues, amalgamating the Shire's Local Rural Strategy with the Shire's Draft Townsite Strategy and keeping brief and clear without overshadowing strategic conclusions.

BACKGROUND

The Shire endorsed a Local Rural Strategy (LRS) in 2009 and developed a Draft Townsite Strategy (TS) in 2014.

On review of the Draft Townsite Strategy, the Department of Planning suggested that one document, being a Local Planning Strategy, would benefit by taking away potential for contradiction between documents (TS and LRS) and to more clearly express the strategic vision, policies and proposals of the local government.

COMMENT

The Western Australian Planning Commission '*Guide to the Preparation of Local Planning Strategies (March 2010)*' emphasizes a need for a strategic planning focus for local planning schemes, with a local planning strategy providing the overarching framework.

A Local Planning Strategy will provide a means to apply state and regional policies at the local level (or provide the rationale for why not).

Rationale can be provided for zoning, reservation, scheme amendments, subdivision and development control.

The context for coordinated planning and programming of physical and social infrastructure at the local level can be identified.

In order to facilitate application and focus on outcomes, the strategy should be separated from the background information and analysis, comprising two parts:

Part 1– Strategy; and

Part 2 – Background information and analysis.

CONSULTATION

Regulation 12B of the Town Planning Regulations 1967 states that:

- 1. When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(1), advertise the Local Planning Strategy as if it were part of the Scheme.*
- 2. When the Commission has certified a Local Planning Strategy as being consistent with regulation 12A(3), the local government shall, in the case of a Local Planning Strategy prepared under regulation 12A(2) publish a notice of the Local Planning Strategy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of where the Local Planning Strategy may be inspected and in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*
- 3. After the expiry of the period within which submissions may be made and advice given, the local government shall review the Local Planning Strategy in the light of any submissions made and advice received adopt the Local Planning Strategy with such modifications as it thinks fit to give effect to the submissions and advice and submit a copy of the Local Planning Strategy to the Commission for its endorsement.*

STATUTORY OBLIGATIONS

Regulation 12A of the Town Planning Regulations 1967 states:

- 1. If a Scheme envisages the zoning or classification of land, the local government shall prepare the Scheme Report under regulation 12 in the form of a Local Planning Strategy and forward the Local Planning Strategy to the Commission.*
- 2. A Local Planning Strategy shall set out the long-term planning directions for the local government apply State and regional planning policies and provide the rationale for the zones and other provisions of the Scheme.*

POLICY IMPLICATIONS

The Local Planning Strategy will draw together several Council policies, strategies and related studies into a single overarching land use planning framework.

Once endorsed by the Council and the Commission, the strategy will become the document driving private sector investment and promoting sustainable development. It will also form the framework for legislative controls affecting development.

BUDGET/FINANCIAL IMPLICATIONS

Provision was made in the current budget for Town Planning support and for advertising. It is expected that costs will be kept within budget limits.

STRATEGIC IMPLICATIONS

The Shire currently does not have a Local Planning Strategy to guide developers and Councillors in making decisions and to provide direction for the Scheme 2.

SUSTAINABILITY IMPLICATIONS

The strategy can be developed to suit local circumstances and to address social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.3

MOVED: Cr Walker

SECONDED: Cr O’Hare

That Council

Agree to develop a Local Planning Strategy, which will replace the *Local Rural Strategy 2009* and include strategic planning for the Townsite.

Carried 9/0

Res 137/14

8.3.4 Bushfire Risk Management Plan Pilot project

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>EM/31/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>20 November 2014</i>
Author:	<i>Kanella Hope</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Bushfire Risk Management Plan Post Pilot Review paper</i>

SUMMARY

This report provides details about the Shire's ongoing participation in the Bushfire Risk Management Plan (BRMP) Pilot Project and makes recommendations arising from this.

BACKGROUND

The Shires of Collie and Boyup Brook jointly entered a Memorandum of Understanding with the Department of Fire and Emergency Services (DFES) in early 2014. In April 2014, a Bushfire Risk Planning Coordinator (BRPC) was appointed. This position was to deliver a pilot project aimed at testing and gaining understanding of the impacts of the proposed Bushfire Risk Management Plan (BRMP) framework on Local Government. The Shires of Nannup and Augusta-Margaret River have also participated in the BRMP pilot project and likewise have appointed a BRPC.

A Post Pilot Review paper is attached (see Attachment 1). This provides full detail about the background of the project, the various BRMP tools and elaborates jointly on the Shire of Collie and Shire of Boyup Brook pilot experience and the lessons learnt from this.

The BRMP project is one of many outcomes being pursued by the State Government with regard to improving bushfire preparedness and emergency management across the State. A BRMP is a written outcome of a process that aims to:

- Understand bushfire hazard and identify important assets within a Local Government area;
- Assess and prioritise the level of bushfire risk to these assets on a tenure blind basis;
- Identify treatments to reduce bushfire risk to these assets; and

- Encourage relevant land managers to work, ideally cooperatively, to carry out treatments on a planned 5 year basis.

The pilot experience has involved trialling all aspects of the new BRMP obligations on a Local Government (LG), including testing LG as the coordinator of this new process, alongside trialling the preparation of draft BRMP documents specific to areas of each of the four pilot LG's.

A Draft BRMP was submitted for each LG as part of the pilot. Work on these documents is ongoing, with more risk assessments added and planned to be completed within the Shire between now and the end of the project.

COMMENT

It is considered that the new BRMP process has high level potential to improve bushfire risk management for all stakeholders. In relation to LG's, this is particularly in relation to improved management of LG land and administering an LG's various bushfire related legislative responsibilities.

The BRMP process follows the principles for risk management specified in the International Standard ISO31000. This underlying approach is current and sound.

The pilot process has been extensive and involved considering all facets of the BRMP process, albeit due to time constraints with focus on the initial steps of the process and assessing human settlement and economic assets that are vulnerable to bushfire hazard ahead of environmental and cultural assets. Whilst there have been many positive outcomes from this experience, especially with regards to community and stakeholder engagement and communication, the pilot process has revealed concern with the detail of the BRMP framework and its execution. This particularly relates to:

- The effectiveness and accuracy of the underlying Risk Assessment method;
- That LG's will be required to coordinate this process across all stakeholders; and
- That more certainty is required about the proposed governance arrangements.

Alongside these concerns, it is also noted that throughout the pilot, the Shire has unfortunately had limited opportunity to inform the State Government through the DFES Project Team about its pilot experiences and the lessons learnt from this project.

The Pilot Reference Group, involving all four Pilot Shire's, the Department of Parks and Wildlife (DPaW) and the Western Australian Local Government Association (WALGA) was discontinued by the DFES Project Team in July. Other commitments made by the DFES Project Team to

meet regularly with us and for the BRPC's to be actively involved with the Project Team to overcome the concerns raised have also not eventuated.

Although we have provided extensive feedback and suggestions to the Project Team, some of which has been influential in driving a multitude of improvements to the content of the next version of the BRMP Guidelines, these improvements have been for minor and less critical matters and have not overcome the fundamental concerns that have been identified with the BRMP framework and its execution.

Risk Assessment method

At a high level, incorporating risk management principles and considerations into the way LG's operate with regard to bushfire risk mitigation is positive. Indeed, incorporating risk management approaches is now a general obligation on LG's through the Integrated Planning Framework. By understanding real risk, resources and operations can respond to matters of greatest importance. Risk assessment should provide robust prioritised actions which businesses can have confidence in.

The BRMP process does this at a high level however at a detail level, and as demonstrated through the various examples that were tested during the pilot, the BRMP method has not been proven to deliver accurate risk profiles. The detail within the risk method has proven to be subjective and open to interpretation so results from using it can vary significantly from one person to the next. This has meant uncertain and inconsistent results and a process that could be manipulated, either intentionally or unintentionally for gain or disadvantage if misapplied. This includes reducing or adding to the severity of risk and hence the type and importance of treatment being applied and when.

With these problems, the resultant risk profiles are inconsistent so are unable to be compared, either within the LG or for like situations in other LG's, whether by LG's, agencies or the State Government. This is especially an issue for agencies and the State Government that are presently unable to compare risk profiles between LG's and deciding where to spend money or to focus their efforts on bushfire treatments.

It is noted that during the Pilot, when the Risk Assessment method was proving difficult to use, that DFES condoned development of an alternative Risk Assessment method. This was largely prepared by the Bushfire Risk Management Officer (BRMO) supporting our Shire's, and was relied upon as the basis for the Draft Shire of Boyup Brook BRMP that was submitted to OBRM.

With the revised Risk Assessment method, accurate and realistic risk profiles were delivered. These were validated with site visits. To date, the DFES Project Team has been unwilling to advance consideration of the alternative Risk Assessment method.

The BRMS software that has been developed concurrently with the pilot project also has shortcomings. Commitments were made and timeframes for this agreed to as per Government tender requirements that ultimately became ahead of the pilot project and the trialling of the Guidelines. Unfortunately these BRMS commitments have driven the pilot process rather than the pilot outcomes being fed into and driving a user responsive software system. Being based on the Pilot Guidelines which have proven to be problematic and now somewhat superseded, is a serious concern for the BRMS and the project in general. This is a software system that is lacking and has not really been tested through a user pilot / trial.

These are major shortcomings of the BRMP process that are detailed in the attached Post Pilot Review paper. Although there is still time until the project ends, and some improvements have been achieved, to date, these major issues remain unresolved.

State led approach

Whilst there are many benefits from the BRMP model for LG's, the pilot project has demonstrated little benefit for LG's and their communities in leading coordination of the BRMP between all stakeholders. In fact it is considered that this could detract from the LG's key role of representing itself and its community in this process.

Some areas require a tailored approach that is different and separate to the LG, such as within the Collie Coal/Power basin and for other State wide assets such as water catchments and high voltage powerlines. These are complex assets generally on State owned land that benefit the State, and not just the LG within which they are located. LG's and local communities should not be penalised or have their BRPC resource taken up with resolving BRMP matters that concern the State or are common issues across regions or more than one LG.

It is noted that we have suggested to DFES that the Victorian model of delivery for BRMP's has some critical aspects that could be of benefit to WA, including management of the BRMP process by the State and a specialist and authorised Country Fire Authority (CFA - DFES equivalent) risk assessing team.

This team begins and coordinates the BRMP process with each LG, facilitates interaction with agencies at a State / regional level, and then initially executes the Risk Assessment process from which treatments and more extensive BRMP's can then be confidently developed at a local level through LG's, with eventual incorporation into their Local Emergency Management arrangements. This approach ensures that consistent, comparable and defensible risk profiles are delivered for every LG and that this data can then be confidently used in other ways, such as in Victoria by the CFA for incidence response. It is noted that the Victorian Emergency Management framework varies a little to the Western Australian model.

This alternative approach is considered to be a more cost effective and efficient approach, alongside some State Government funded BRPC's for LG's where the need is justified.

Other suggestions have also been made to DFES with regards to suggesting that DPaW, as the relevant subject matter expert, be responsible for Risk Assessing and coordinating treatment selection for Environmental assets, and that Heritage WA, Aboriginal authorities and WALGA should be involved to assist in the further development of the model for assessing Heritage and Aboriginal assets.

Governance

The remaining area of concern is in relation to governance of the BRMP process. Aside from the need for increased State government involvement and coordination of this process, certainty about the process for preparing a BRMP and how this links back to an authoritative head of power in legislation remains vague.

Alongside this, more tools are needed in the BRMP toolkit to precisely outline the steps to follow, at a minimum, when preparing a BRMP. Who to involve and when, including the establishment of important relationship and data arrangements at a State level with agencies and Land Managers that will be involved in BRMP's across the State is also required.

As this is a pilot, it is expected that issues unravel as the project evolves. It is acknowledged that the Project Team seem to be modifying elements of the BRMP process to reduce some expectations on LG's, however the actual details of this final model are yet to be revealed. The Pilot Guidelines document gave all coordination responsibility to LG's, completely removing DFES and OBRM from any of the practical day to day aspects of preparing a BRMP. This is untenable.

OBRM's ongoing involvement in this process is also vague. Whilst they are the standard making authority and responsible for ensuring BRMP's meet the Guideline standard, the OBRM review of our Draft pilot BRMP's only gave us feedback on the format, not on the content. Evaluating content is critical and not ensuring that this aligns with the BRMP purpose defies the whole point. Clarity and certainty about expectations, governance and roles / responsibilities is essential for all stakeholders moving into implementation of this new process. DFES and OBRM need to be clear about what this process is trying to achieve and then align the Risk Assessment method, process and governance model accordingly.

Likewise is the need to acknowledge, at least in the short term, the risk assessing and equivalent BRMP work being progressed by some LG's separate to and ahead of the State Governments BRMP pilot. It is considered that where these LG's are able to demonstrate that their

approach meets the BRMP purpose, albeit through an alternative method, that these approaches should also be evaluated and supported by OBRM.

Conclusion

The DFES Project Team have advised that they will be presenting their BRMP post pilot review report to the State Emergency Management Committee (SEMC) on 2nd December 2014.

The SEMC role is, amongst a range of matters, to advise Government on any matter in relation to emergency management. It is anticipated that this meeting will be crucial in determining the future roll out of the BRMP model across the State. It is anticipated that this will be followed by a SEMC and/or DFES / OBRM submission to the Government and Cabinet for final approval of the BRMP model alongside a request for an ongoing funding commitment.

The BRPC and Shire officers, including the CEO, are continuing to advocate to the DFES Project Team our feedback and to be involved as opportunities are given. We are also working closely with the Shire of Boyup Brook, as well as collectively as a group of four pilot Shires with the Shire of Nannup and the Shire of Augusta – Margaret River.

It is critical that the model of delivery and the BRMP framework is adequate before it is imposed upon stakeholders and particularly the Local Government sector.

For this reason, it is intended to provide this report and the Shire's recommendations to all relevant stakeholders in the BRMP pilot project. This feedback will enable the DFES Commissioner, WALGA, the SEMC and subsequently the State Government to be fully informed about the impacts of this new BRMP obligation on the LG sector as they make important decisions about its implementation.

CONSULTATION

Informal consultation has occurred as part of the Pilot process with many stakeholders. At a local level, this has included the Chief Bushfire Control Officer and volunteers, a range of Shire staff and various agencies including Western Power, Water Corporation and the Department of Parks and Wildlife. The community was also involved in a community meeting in Wilga.

Officers extend their sincere thanks to all that have contributed to and participated in the pilot BRMP process.

STATUTORY OBLIGATIONS

The BRMP process is referenced in the *State Emergency Management Plan No. 2.9 (Management of Emergency Risks)* and the *State Emergency Management Plan for Fire (Westplan – Fire)*.

These are policy documents that underpin the State Emergency Management Committee (SEMC) and its authority, all of which is outlined under the *State Emergency Management Act 2005*. This Act provides power to the SEMC to give roles and responsibilities to public authorities in relation to emergency risk management (ERM), including to prepare or assist the State to prepare an ERM plan.

The rationale for, and indeed the process by which SEMC or DFES/OBRM have decided that LG's should be the coordinator of the new BRMP process is unclear. Whilst there is record of some high level and broad industry consultation about LG's increasing role in emergency risk management and especially BRMP's, there does not appear to be widespread understanding of the affect of these changes in expectations, other than through this specific pilot project for bushfire risk.

In light of the BRMP references being within policy and not an Act per say, it could be arguable how obliged an LG authority is within the current emergency management legislation with regards to BRMP's, particularly as the coordinator of the BRMP process.

That said, it is anticipated that the BRMP responsibility will figure in the changes being sought by Government to consolidate the *Bushfires Act 1954*, the *Fire Brigades Act 1942* and the *Emergency Services Act 2005* into the one new Act, and that more detail will be revealed as the SEMC continues to evolve implementation of its policy No.2.9 as it pertains to other hazards as well as bushfire.

Pilot BRMP Guidelines

The Pilot BRMP Guidelines document has underpinned and guided the pilot project. These Guidelines were developed by the Office of Bushfire Risk Management (OBRM). OBRM was established in 2012 as part of the State Government response to the findings of the Keelty report into the Perth hills fire and is an independent office within DFES reporting directly to the DFES Commissioner.

The Pilot BRMP Guidelines set out a process for preparing a BRMP. Alongside the pilot, DFES has also been developing a Bushfire Risk Management Software (BRMS) system which automates some of the BRMP processes in conjunction with a GIS program.

Although the BRMP Guidelines are not currently referenced in any Act or policy, it is assumed that once finalised and in time, that these will become the Standard by which all BRMP's are prepared and then evaluated by OBRM. It is noted that as a result of the Pilot, the Pilot BRMP Guideline

document has now been superseded by a new draft version, which is still yet to be finalised.

POLICY IMPLICATIONS

See above comments under Statutory Obligations.

BUDGET/FINANCIAL IMPLICATIONS

The Bushfire Risk Planning Coordinator (BRPC) role that has managed the BRMP pilot on behalf of the two Shire's has been fully funded by DFES and this contractual arrangement completes by the end of December.

It is acknowledged that the pilot project has also involved considerable time of other Shire staff and that this has been accommodated around existing responsibilities. Cooperation has been willingly given by staff to capitalise on the opportunity afforded by participating in this important pilot.

Although the outcomes being delivered have changed from what was originally anticipated in the Memorandum of Understanding, the Shire of Boyup Brook has gained profile from its participation, has and will continue to have influence in the final product, and alongside the Draft BRMP already submitted to OBRM, will also have additional risk assessments completed by the end of the Project which provides valuable bushfire risk intelligence that is ahead of most other LG's.

The draft BRMP and the additional risk assessments that have been carried out post pilot with the DFES BRMO continue to provide valuable insight into bushfire hazard around the Boyup Brook and Wilga townsites. This is bushfire risk intelligence that can be used to inform some of the Shire's land manager and volunteer brigade mitigation priorities into the immediate future.

Other

The BRMP model originally proposed by DFES was for a BRPC and supporting DFES BRMO to be fully funded by the State for every 2 to 3 LG's that required a BRMP to be prepared. SEMC has identified 45 priority LG's in this regard, of which all four pilot LG's are included. This multi-million dollar request was rejected by Cabinet earlier this year on the basis that more information was required, particularly about the costs of treatments that might arise from BRMP's.

It is understood that a new funding submission will be made to Cabinet in early 2015, post SEMC considering the BRMP matter on 2nd December. We have not been advised how or even if the original model will change, but have made a series of suggestions about this and have requested opportunity to work with DFES to improve this model.

Aside from coordinating preparation of a BRMP, it has been highlighted through the pilot experience that the new BRMP process will also compel operational change within LG's, additional to the appointment of a BRPC

type role. The cost of this and the time it will take to implement these operational changes has not been adequately considered in the BRMP delivery model. Also not recognised is that smaller, more remote, less resourced LG's will find this much harder than larger, better resourced LG's to manage.

It is considered that the State should coordinate most of the BRMP model and that this is a more cost effective delivery model. This could be pursued with provision for support to LG's where there is demonstrated need, but not for all LG's, even if just for a shorter term capacity than what the original Cabinet submission advocated for and whilst the BRMP approach is being begun and established.

STRATEGIC IMPLICATIONS

Of relevance to the BRMP process in the Shire's Strategic Community Plan 2013-2023 are the following priorities:

- To increase volunteerism, to support volunteers and encourage community involvement;
- Implement Emergency Management and Disaster Recovery Planning;
- Advocate for improved hazard reduction in state forests, national parks and road reserves;
- Develop and implement service plans that detail aim of service, level and frequency of service, and the partnerships required to deliver services;
- Advocate for improved management of road and nature reserves, and for reduced restrictions relating to the control of road reserve vegetation;
- Develop and implement asset management plans for roads, footpaths, buildings and structures, and, develop and maintain strategic financial plan and asset management plans to inform decisions; and
- Develop partnerships with stakeholders to enhance community services and infrastructure.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues, however suggestion has been made through the pilot that the Department of Parks and Wildlife would be the appropriate authority for coordinating bushfire risk decisions about environmental assets.
- **Economic**
Without State funded support, it will be difficult for the Shire to implement BRMP obligations. Even without the obligation to coordinate the BRMP process, self funding a BRPC position to represent the Shire's interests and to integrate the BRMP approach into Shire operations will have a significant impact upon the shire's budget.
- **Social**

Improving the understanding and coordination of bushfire mitigation activities is considered to have positive benefits for the community and the Shire's operations.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.4

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council:

- 1. Adopt the attached Post Pilot Review paper in principle, as the Shire of Boyup Brook's position on the Bushfire Risk Management Plan pilot project.**
- 2. Support the following specific recommendations about the Bushfire Risk Management Plan model:**
 - a. That the principles of ISO31000 and the general aims and purpose underpinning the Bushfire Risk Management Plan model are supported. At a high level, a Bushfire Risk Management Plan has potential to benefit Local Governments managing bushfire hazard on land it is responsible for and in administering its various legislative obligations.**
 - b. That the detail of the Bushfire Risk Management Plan framework requires revision and improvement before it can be confidently implemented, particularly with regards to improving confidence and useability of the underlying Risk Assessment method.**
 - c. That an improved, relative and authoritative governance framework is required to support successful implantation of the Bushfire Risk Management Plan framework.**
- 3. Recommend to the Department of Fire and Emergency Services and the Office of Bushfire Risk Management that:**
 - a. The overarching coordination of the Bushfire Risk Management Plan process be carried out by the State Government rather than Local Governments. This is to ensure authoritative high level coordination between all stakeholders, particularly Government Agencies and Infrastructure providers as well as all Local Governments, to ensure consistent application of the Bushfire Risk method, and to appropriately manage State level issues and issues that are common to more than one Local Government area.**
 - b. Separate to the State level coordination role, that based on demonstrated need, Local Governments retain access to State Government funding to appoint Bushfire Risk Planning Coordinators. These Bushfire Risk Planning Coordinators will be required by some Local Governments to represent them and their community interests as a Stakeholder in this process, and to assist in the integration of the new bushfire risk approach into their day to day operations.**

Carried 8/1

Res 138/14

Request for Vote to be recorded

Cr Blackburn requested that the vote of all Councillors be recorded.

For

Cr M Giles
Cr G Aird
Cr J Imrie
Cr P Kaltenrieder
Cr K Moir
Cr B O'Hare
Cr T Oversby
Cr R Walker

Against

Cr N Blackburn

8.3.6 Lot 152 Ritson Street – Development - Light Industry (Outbuildings)

Location:	Lot 152 Ritson Street, Boyup Brook
Applicant:	Chris Taylor
File:	A40014
Disclosure of Officer Interest:	None
Date:	17 November 2014
Author:	Town Planner
Authorizing Officer:	CEO
Attachments:	Cover Letter Aerial/Zone Development Plans

SUMMARY

Council is requested to conditionally approve the use of Lot 152 Ritson Street for 'Light Industry', which includes the development of an oversize outbuilding (workshop).

Council is requested to refuse the development of two additional outbuildings (sea containers) at Lot 152 Ritson Street.

Council is requested to review its Outbuilding Policy.

BACKGROUND

Lot 152 Ritson Street is a Special Rural property created for living purposes and also incidental uses such as cottage, light and rural industry, transport depot and rural pursuit.

The Shire received and advertised an application to use Lot 152 for a light industrial activity involving the:

- development of an outbuilding (workshop) to be used for cabinet making;
- development of two additional outbuildings (sea containers) to be used for storage;
- sale of manufactured products offsite and not via direct visitation.

At the close of advertising, no comments were received.

Shire staff consulted with the applicant to determine reasons for exceeding standards set by Council's Outbuilding Policy.

COMMENT

The proposed workshop and sea containers are classified as 'Outbuildings', which are structures that are 'non-habitable' and 'not connected' to a dwelling.

'Light Industry' is a use that may be considered within the Special Rural 1 zone.

The proposed outbuildings are setback from property boundaries as required by standards set by the Shire's Scheme 2.

The proposal complies with the Shire's Outbuilding Policy for the following reasons:

- The proposed workshop is to be clad in colorbond (walls) and zinalume (roof);
- Landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity is proposed to be planted to screen the outbuilding(s);
- Neighbours have not objected to the proposal.

The proposal does not comply with the Shire's Outbuilding Policy for the following reasons:

- The workshop incorporates an area of 382m² and the two (2) sea containers an area of 119m². These proposed outbuildings together with an existing outbuilding (121m²) located adjacent to a dwelling, amount to 622m², 422m² over the maximum floor area permitted by the Council's Outbuilding Policy.
- The height of openings is 0.25m greater than the accepted limit (3m);
- The ridge/gable height is 0.6m greater than the accepted limit (4m);
- The proposed sea containers are not clad in colorbond or zinalume.

The applicant has provided the following justification and solutions to non-compliance:

- The area of workshop proposed is necessary to operate the cabinet making business, which includes a manufacturing area, processing area (rip-saw, band-saw, docking-saw, scribing-saw, buzzer, thicknesser, dust extraction unit, spray booth) and storage areas;
- An additional storage area in the form of two (2) sea containers is necessary to store timber in readiness for processing and manufacturing;
- Bush-poles and timber cladding on the veranda's (workshop) and tree plantings are proposed to improve the appeal of the larger than permitted outbuilding(s);
- The workshop is being relocated, hence the heights proposed. The variations in height proposed are marginal and enable the access of equipment in and out of the workshop;
- The sea containers are to be painted a colour to match the workshop and developed with a roof to enhance design.

CONSULTATION

The application was referred to neighbouring properties and advertised in the local newspaper inviting comment.

No comments were received.

STATUTORY OBLIGATIONS

Lot 152 Ritson Street is zoned Special Rural 1 in the Shire's Town Planning Scheme 2. The following Scheme requirements apply:

- Uses permitted within the zone include 'Industry – Light';
- No building shall be erected closer than 15m to any street or road boundary or 7.5m in respect of any other boundary.

POLICY IMPLICATIONS

The Shire's Outbuilding Policy limits the size of outbuildings in Special Rural areas as follows:

- 150m² per outbuilding;
- 200m² for combined outbuildings;
- 3m wall height;
- 4.5m ridge height.

Structures outside the domain of the standard set above shall be subject to a planning application for the Council to consider on its merits. In assessing a request, Council will require that:

- The proposed outbuilding(s) are of masonry construction or clad in factory applied colorbond or zincalume;
- The height of any opening to the outbuilding(s) is less than 3.0 metres;
- The ridge/gable height is less than 4m;
- The outbuilding(s) must be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity;

- The proposal will not have a detrimental effect on neighbours or on the street in general.

BUDGET/FINANCIAL IMPLICATIONS

If Council supports the proposal, which varies from Council's Outbuilding Policy, governance should enable a review of the Outbuilding Policy.

The Outbuilding Policy caters for design of outbuildings acting incidental to a dwelling. The Outbuilding Policy does not adequately deal with outbuildings proposed to accommodate industrial activities on Special Rural properties.

Review of the Outbuilding Policy will be a financial cost to Council.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Environmental includes the attractiveness of a place. Large and/or numerous built forms may detract from the existing Special Rural 1 character, which is predominantly un-developed.
- **Economic**
Small scale industry should be supported where appropriate to contribute to the economy of the region, which is in need of employment and service industry.
- **Social**
The sensitivity of society is a measure of its ability to accommodate change or intervention without suffering unacceptable effects. Considering the size and remote location of the subject property and the fact that no comments were received, there's an increased capacity to absorb a development in the locality that's over and above what's legally prescribed.

SUMMARY

The application is requesting the Council to support outbuildings with variations to height and floor area standards.

The variations for height are marginal and not expected to impact on the character of the area.

The variation in floor area is excessive, however a compromise should be reached considering the outbuilding policy does not cater for outbuildings for industrial activities at Special Rural properties.

Staff recommend that the over height and floor area workshop be approved.

Staff recommend that the sea containers be refused as their design and the total outbuilding floor area is too removed from the character of the area and standards prescribed.

If the Outbuilding Policy is reviewed, an opportunity may (may not) arise for development of outbuildings (including sea containers) to be considered in context with the size and use of a property.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 8.3.6

MOVED: Cr Walker

SECONDED: Cr Imrie

That Council

- 1. Approve development of an oversize outbuilding (workshop) for the use of ‘Light Industry’ (cabinet making) at Lot 152 Ritson Street subject to the following conditions;**
 - a. Walls and roof of the outbuilding being clad in colourbond or painted to the satisfaction of the Shire;**
 - b. The use of timber for verandah posts;**
 - c. Heights of the outbuilding are as per approved plans;**
 - d. The outbuilding being partially screened from the street by landscaping capable of reaching a height equivalent to the eave height of the outbuilding upon maturity;**
 - e. Sales to be undertaken via wholesale and not via visitation at the property.**
- 2. Refuse development of outbuildings (sea containers (X2) at Lot 152 Ritson Street for the following reasons:**
 - a. Development of the sea containers far exceeds Council’s maximum floor area stipulated in the Outbuilding Policy; and**
 - b. Development of the sea containers does not comply with design standards (clad in factory applied colorbond or zinalume) set by the Outbuilding Policy;**
- 3. Agree to review the Outbuilding Policy to enable development to accommodate industrial activities and outbuildings with a size and design relative to the size and use of a property.**

Motion Put

That the motion be put.

Moved: Cr Blackburn

Seconded: Cr Aird

Carried 9/0

Res 139/14

MOTION

The motion was put:

That Council

- 1. Approve development of an oversize outbuilding (workshop) for the use of 'Light Industry' (cabinet making) at Lot 152 Ritson Street subject to the following conditions;**
 - a. Walls and roof of the outbuilding being clad in colourbond or painted to the satisfaction of the Shire;**
 - b. The use of timber for verandah posts;**
 - c. Heights of the outbuilding are as per approved plans;**
 - d. The outbuilding being partially screened from the street by landscaping capable of reaching a height equivalent to the eave height of the outbuilding upon maturity;**
 - e. Sales to be undertaken via wholesale and not via visitation at the property.**
- 2. Refuse development of outbuildings (sea containers (X2) at Lot 152 Ritson Street for the following reasons:**
 - a. Development of the sea containers far exceeds Council's maximum floor area stipulated in the Outbuilding Policy; and**
 - b. Development of the sea containers does not comply with design standards (clad in factory applied colorbond or zinalume) set by the Outbuilding Policy;**
- 3. Agree to review the Outbuilding Policy to enable development to accommodate industrial activities and outbuildings with a size and design relative to the size and use of a property.**

LOST 4/5

Request for Vote to be recorded

For	Against
Cr Giles	Cr Imrie
Cr Kaltenrieder	Cr Moir
Cr Blackburn	Cr Walker
Cr Aird	Cr O'Hare
	Cr Oversby

Council Decision – Item 8.3.6

Moved: Cr O’Hare

Seconded: Cr Oversby

- 1 Approve development of an oversize outbuilding (workshop) for the use of ‘Light Industry’ (cabinet making) at Lot 152 Ritson Street subject to the following conditions;**
 - a. Walls and roof of the outbuilding being clad in colourbond or painted to the satisfaction of the Shire;**
 - b. The use of timber for verandah posts;**
 - c. Heights of the outbuilding are as per approved plans;**
 - d. The outbuilding being partially screened from the street by landscaping capable of reaching a height equivalent to the eave height of the outbuilding upon maturity;**
 - e. Sales to be undertaken via wholesale and not via visitation at the property.**
- 2 Agree to review the Outbuilding Policy to enable development to accommodate industrial activities and outbuildings with a size and design relative to the size and use of a property.**

CARRIED 5/4

Res 140/14

Request for Vote to be recorded

For	Against
Cr Imrie	Cr Giles
Cr Moir	Cr Kaltenrieder
Cr Walker	Cr Blackburn
Cr O’Hare	Cr Aird
Cr Oversby	

NOTE

Council agreed that the Outbuildings Policy needed to be reviewed and felt that this application may well comply under revised policy conditions. The lot size meant that the large shed space was not overly dominating and the sea containers would be disguised by the exterior wall treatment and roof structure.

Cr Blackburn left the Chambers at 6.54pm.

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc items 9.1.1, 9.1.2 and 9.1.3

CARRIED 8/0

Res 141/14

9 COMMITTEE REPORTS

9.1.1 Minutes of the Blackwood River Valley Marketing

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>11 November 2014</i>
<i>Author:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

BACKGROUND

The Blackwood River Valley Marketing Association meeting was held on 22nd October 2014.

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

OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the Blackwood River Valley Marketing Association be received.

9.1.2 Minutes of the Bunbury Wellington Group

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	11 November 2014
Author:	Alan Lamb - CEO
Attachments:	Yes – Minutes

BACKGROUND

The Bunbury Wellington Group of Councils meeting was held on 23rd September 2014.

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

OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Bunbury Wellington Group be of Councils be received.

9.1.3 Minutes of the Local Emergency Management Committee

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	11 November 2014
Author:	Alan Lamb - CEO
Attachments:	Yes – Minutes

BACKGROUND

The Local Emergency Management Committee meeting was held on 8th April 2014 and 29 October 2014.

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

OFFICER RECOMMENDATION – Item 9.1.3

That the minutes of the Local Emergency Management Committee be received.

Cr Kaltenrieder left the Chamber at 6.54pm

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 6.55pm.