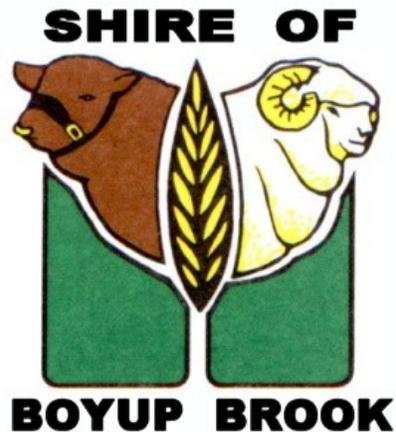


# MINUTES



ORDINARY MEETING

TO BE HELD

THURSDAY 15 SEPTEMBER 2011

COMMENCED

AT 3.30PM

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 T Ginnane – Shire President  
Cr M Giles – Deputy Shire President  
Cr E Biddle  
Cr T Doust - From 3.35pm  
Cr P Marshall  
Cr E Muncey  
Cr B O'Hare  
Cr T Oversby

STAFF: Mr Alan Lamb (Chief Executive Officer)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Graham Aird arrived at 3.30pm  
Mr Philippe Kaltenrieder arrived at 3.30pm

**1.2 Apologies**

Nil

**1.3 Leave of Absence**

Nil

**2 PUBLIC QUESTION TIME**

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

Nil

**2.2 Public Question Time**

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

3.36pm – Cr Doust entered the Chambers

Cr Biddle attended Sandakan Memorial Day Service in Sandakan, Sabah, Malaysia.  
Cr Biddle attended a Tourism Boost Workshop held on 12<sup>th</sup> September 2011.

**5 CONFIRMATION OF MINUTES**

**5.1 Ordinary Meeting of Council - Thursday 15 August 2011**

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1**

**MOVED:** Cr Muncey

**SECONDED:** Cr Biddle

**That the minutes of the Ordinary Meeting of Council held on Thursday 15 August 2011 be confirmed as an accurate record.**

**CARRIED 8/0**

**Res 171/11**

**6 PRESIDENTIAL COMMUNICATIONS**

Cr Ginnane attended Sandakan Memorial Day Service in Sandakan, Sabah, Malaysia.

The Sandakan visitors attended the Sandakan Service at Boyup Brook on 13<sup>th</sup> September 2011.

Cr Ginnane welcomed Mr Graham Aird and Mr Philippe Kaltenrieder who will be commencing as new Councillors on 20<sup>th</sup> October 2011.

**7 REPORTS OF OFFICERS**

**7.1 MANAGER – WORKS**

Nil

**7.2 MANAGER FINANCE**

<b>7.2.1 Accounts for Payment</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/1/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 September 2011</i>
<b>Author:</b>	<i>Kay Raisin – Finance Officer</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – List of Accounts Paid</i>

---

**SUMMARY**

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

**BACKGROUND**

Invoices have been received during the month of August 2011.

**COMMENT**

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

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

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

**POLICY IMPLICATIONS**

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

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments are in accordance with the adopted budget for 2011/12 or authorized by separate resolution.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1**

**MOVED: Cr O'Hare**

**SECONDED: Cr Muncey**

**That the payment of accounts for August 2011 as presented totalling \$22,543.62 and as represented by cheque voucher numbers 18649 – 18679 totalling \$66,334.74 and accounts paid by direct electronic payments through the Municipal Account totalling \$163,208.88 be endorsed.**

**CARRIED 8/0**

**Res 172/11**

## 7.2.2 August 2011 Monthly Statements of Financial Activity

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>FM/10/003</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 September 2011</i>
<b>Author:</b>	<i>Kay Raisin – Finance Officer</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>Yes – Financial Reports</i>

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### **SUMMARY**

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 31 August 2011 and Investment Schedule for the month ended 31 September 2011.

### **BACKGROUND**

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

### **COMMENT**

Nil

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

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

### **POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Marshall**

**That the August 2011 Monthly Statements of Financial Activity as presented, be received.**

**CARRIED 8/0**

**Res 173/11**

### 7.3 CHIEF EXECUTIVE OFFICER

#### Declare an Interest

Cr Doust declared a financial interest in item 7.3.1 as he is the owner of Lot 734 Banks Road.

3.46pm - Cr Doust left the Chambers.

<b>7.3.1 Rezoning Request – Lot 734 Banks Road from ‘Rural’ zone to ‘Special Rural’</b>
---

<b>Location:</b>	<i>Lot 734 Banks Road</i>
<b>Applicant:</b>	<i>Harley Global</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>none</i>
<b>Date:</b>	<i>7 September 2011</i>
<b>Author:</b>	<i>Geoffrey Lush (Council Consultant)</i>
<b>Authorizing Officer:</b>	<i>Alan Lamb – Chief Executive Officer</i>
<b>Attachments:</b>	<i>1 Proposed Subdivision Guide Plan 2 Submission Schedule</i>

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#### SUMMARY

This report is presented to consider a request to rezone 734 Banks Road from ‘Rural’ zone to ‘Special Rural’ and to include special provisions into Schedule 3 ‘Special Rural’ zones.

The subject land is owned by AJR Doust.

The Amendment was referred to the EPA which did not have any advice or recommendations. Consequently it has been advertised and referred to various agencies. Nine submissions were received and this includes an objection from FESA relating to fire management.

It is recommended that Council:

- Adopt the amendment for final approval subject to several modifications; and
- Defer adoption of the draft subdivision guide plan until the fire management plan has been submitted and approved by Council and FESA.

#### BACKGROUND

The subject land is lot 734 DP 100791 (Vol 1728 Fol 869) and it has an area of 64.75 hectares. The subject land is located approximately 1.8 kilometers from town.

The draft Subdivision Guide Plan is contained in Attachment 1. The aerial photograph has been removed from this to allow copying. It is proposed to create sixteen (16) special rural lots. These range in size from 2.1 ha to 5.6 ha. Four of the lots are approximately 2ha in size, with two 3ha lots, five 4ha lots and five 5ha lots.

Council at its Meeting of the 19<sup>th</sup> May resolved as follows:

- 1 That Council resolve pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No 2 by:
  - (a) Rezoning Lot 734, Banks Road from 'Rural' zone to 'Special Rural' and amending the Scheme Maps accordingly; and
  - (b) Amending Schedule 3 and inserting new 'Special Rural Zone No 8 and the associated provisions in the Scheme Text.
- 2 That Council adopt Amendment No 2 and the draft subdivision guide plan (Ref No 13594-02E) for the purpose of advertising and referral of the Amendment.
- 3 That in accordance with Section 81 of the Planning and Development Act 2005, the Amendment be referred to the Environmental Protection Authority for examination and assessment.
- 4 Upon receipt of advice from the EPA that the Amendment is not subject to a formal environmental assessment, the Amendment and draft subdivision guide plan shall be advertised and referred to government agencies for a period of 42 days in accordance with Section 83 of the Planning and Development Act 2005 and the associated regulations

The Amendment has now completed its advertising and referral process.

### **CONSULTATION**

The EPA by letter dated the 27 June advised

After consideration of the information provided by you, the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations.

The amendment was advertised between the 13<sup>th</sup> July and the 24<sup>th</sup> August by:-

1. Notice in the Manjimup Bridgetown Times;
2. Notifying adjoining land owners being 13, 14, 15 & 16 Lee Steere Crt lots 14, 15 and 735 Banks Road; and Lot 720 Boyup Brook Road;
3. Displaying a copy of the Amendment notice, report and subdivision guide plan in the Council Office foyer; and
4. Referral to the following agencies:
  - Department of Environment and Conservation;
  - FESA;
  - Department of Indigenous Affairs;
  - Department of Agriculture and Food;
  - Western Power;
  - Department of Water; and
  - Health Department

As a result of the advertising nine submissions were received and these are documented in Attachment 2.

## **STATUTORY OBLIGATIONS**

### ***Town Planning Scheme***

The subject land is included with a "Special Rural Policy Area" as depicted on the Scheme Maps. The purpose of this Policy Area is to identify the intended future development of the land within the area.

The provisions for the Policy area are contained in Clause 3.2.2.

Clause 5.3 of the Scheme contains the general provisions for the Special Rural zone.

Clause 5.3.1 documents the matters which must be addressed before making provision for a Special Rural Zone.

Clause 5.3.2 then sets out the matters for which the provisions of a Special Rural, as contained in Schedule 3) must address and in summary these include:

- a) A plan of subdivision specified features.
- b) The facilities which the purchasers of the lots will be required to provide
- c) Controls over land usage and development which will ensure that the purpose or intent of the Zone and the rural environment and amenity are not impaired.
- d) Any special provisions which Council considers appropriate to secure the objectives of the Zone.
- e) The measures proposed to control the threat of bush fires and methods of fire management and control.

Clauses 5.3.3 to 5.3.12 address general matters for the zone which are summarised as:

- Water supply of a minimum of 92,000L;
- Management of the land to protect vegetation;
- Removal of remnant vegetation requires Council approval;
- Minimum Building setbacks of 15m front and 10m for others;
- Application of Council's policy for relocated buildings and second materials;
- Protection of the visual appearance of the area;
- Buildings not to contain undesirable materials;
- Limitation of stocking rates; and
- Minimum fencing standard of 1.4m post and four strand wire.

### **Local Rural Strategy**

Within the Rural Strategy the subject land is contained within Area 2 of Townsite and Surround Planning Precinct (BBR5).

The objective for this area is to encourage rural residential development. The Development Guidelines (Table 1 of the Strategy) recommends that:

- Development of the balance of the area for rural residential purposes.
- Consistent with the existing development.
- Minimum lot sizes of 2 hectares may be considered without a reticulated water supply.
- Proposals for rural pursuit and discretionary agricultural uses and animal keeping to address proposed water supply.

Recommendations 23 and 24 reinforce the need for detailed plans of the site addressing the same issues as Clause 5.3.1 of the Scheme.

## **COMMENT**

The main issues which have arisen from the advertising and referral process are summarized below.

### **Bush Fire Management**

FESA require that a fire management plan be prepared to:

- a) Ensure that the subdivision guide plan complies with the Planning for Bush Fire Protection Guidelines;
- b) Appropriate fire management measures are provided; and
- c) That the construction of dwellings is in accordance with Australian Standard AS3959. This will require an additional special condition in Schedule 3.

The above includes the harvesting of the plantation and ensuring that any coppice re-growth is also managed.

In discussion with officers FESA has accepted that the amendment can proceed with the subdivision guide plan being finalized at a later date once the fire management plan is approved.

The applicant has advised that the draft fire management plan should be ready in October. On this basis the Amendment can be forwarded to the Planning Commission and the subdivision guide plan and fire management plan can follow.

In order for the fire management plan to be able to assign the Building Attack Level (if required) for the construction of dwellings, it is necessary for the Special Conditions to reference Australian Standard AS3959. In the event that there is only a low fire hazard rating on the site then the BAL would be low which does not require any specific construction standard.

AS3959 can be referenced by inserting Special Condition 11(d) as follows:

*All dwellings shall be constructed in accordance with Australian Standard AS3959 (2009) as amended.*

### **Effluent Disposal**

The submissions from both the Health Department and Department of Water address effluent disposal.

The applicant has elected to require the use of Alternative Treatment Units (ATUs) for land between 50 and 100m of the drainage line. Normal septic tanks could then be used outside of this 100m setback.

Council's EHO has confirmed that there has not been issue with the operation of septic tanks systems for the other special rural lots within this area. While there is no Council policy on this issue it is considered that in the event of the septic system being located less than 50m, then it must be an ATU. It is also noted that Amendment No 12 was approved with a reference to a minimum setback of 50m without nominating what type of system is to be used.

Special Condition 9(c) requires a geotechnical report to be provided but this is only required in those areas where traditional septic tank and leach drains are proposed to be used and not for ATUs.

Special Condition 9(c) should be modified to read as follows:

*At subdivision a geotechnical report shall be provided to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.*

#### Building Envelopes

Two submissions raise concerns that the proposed building envelope for Lot J is located too close to the boundary and this will detract from their privacy and lifestyle.

As shown in Attachment 1 this building envelope will be setback 40m from the southern and eastern lot boundaries.

The minimum setbacks in the Special Rural zone are 15m from the front and 10m from the side boundary. However in two special rural zones this setback has been increased as follows:

- SRZ 4 - 20m from the front boundary and 15m from the side boundary. This zone has a minimum lot size of 7 hectares; and
- SRZ 6 - 30m from the front boundary and 20m from the side boundary and 25m from the rear boundary. This zone has a minimum lot size of 2 hectares

It is noted that is normal for landowners to plant trees around the dwelling as is evident in the existing subdivisions. Privacy can be further enhanced by providing planting along the property boundaries.

It is recommended that the building envelope for Lot J not be moved and that the concern of the adjoining owners be addressed by requiring a landscape buffer on the eastern and southern boundaries of Lot J.

#### Road Connection

In relation to the future road connection on the western boundary of the site, Special Condition 10(b) states that:

*No access shall be permitted to Access the 10m wide strip of land on the western boundary of an approved Subdivision Guide Plan unless for fire fighting purposes.*

The intention has always been that in the future this land will be dedicated as a public road in conjunction with the subdivision of the adjoining Lot 735. At that time it might be quite reasonable for Lots A, C, E and G to use this access. The above provision prohibits Lots A, C, E and G from having access and this is contrary to Council's resolution Res 293/10 at its December 2010 Meeting.

Similarly as the Special Conditions provide for possible alternative subdivision guide plans, then Lots A, C, E and G may be able to be further subdivided into 2 hectares lots in the future. This would absolutely need access via this strip but presently it would need an Amendment to alter Special Condition 10(b).

Special Condition 10(b) and the subdivision guide plan should be modified to read as follows:

*No vehicular access shall be permitted from the lots adjoining the 10m wide strip of land on the western boundary until such time as this land is dedicated as a public road*

*pursuant to Section 56 of the Land Administration Act 1997. This does not include access for fire fighting purposes.*

**Modification of the Subdivision Guide Plan**

The Special Conditions do not prevent the modification of the approved subdivision guide plan. To provide clarity on this issue the conditions should state that the subdivision guide plan may be modified.

It is noted that in relation to the modification of the subdivision guide plan for Special Rural Zone No 7, the Planning Commission advised Council that:

*"Whilst the Commission have resolved to endorse the revised SGP without advertising to surrounding landowners and relevant referral agencies, any future Structure Plans or revisions to existing Structure Plans (not considered to be minor by the Commission) will not be endorsed until this has been fulfilled. This process should reflect the Model Structure Planning provisions as outlined in Planning Bulletin 37 to ensure that all issues are addressed prior to subdivision and adjoining landowners are informed of any proposed changes to amenity."*

The proposed omnibus amendment to the Scheme will be introducing the provisions for structure plans as referenced above. These provisions will apply to the modification of any subdivision guide plan.

The above issues can be addressed by including an additional Special Condition 3(c) as follows:

*Any modifications to the approved subdivision guide plan shall be approved by Council and endorsed by the Western Australian Planning Commission. Any major modifications to the subdivision guide plan shall be advertised in accordance with Clause 3.5 of the Scheme.*

**POLICY IMPLICATIONS**

These implications are addressed above.

**BUDGET/FINANCIAL IMPLICATIONS**

None

**STRATEGIC IMPLICATIONS**

None

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

1. That pursuant to Regulation 17 of the Town Planning Regulations 1967 Council determines the submissions in accordance with the Schedule contained in Attachment 2.
2. That pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17 Council resolves to adopt Amendment No 13 for final approval subject to the following modifications:
  - a) Include in Special Condition 3(b) Subdivision Guide Plan “- landscaping areas” as this references the provision in Condition 8(b).
  - b) Insert Special Condition 3(c) as follows:

Any modifications to the approved subdivision guide plan shall be approved by Council and endorsed by the Western Australian Planning Commission. Any major modifications to the subdivision guide plan shall be advertised in accordance with Clause 3.5 of the Scheme.
  - c) That Special Condition 9(c) should be modified to read as follows:

At subdivision a geotechnical report shall be provided to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.
  - d) Special Condition 10(b) be modified to read as follows:

No vehicular access shall be permitted from the lots adjoining the 10m wide strip of land on the western boundary until such time as this land is dedicated as a public road pursuant to Section 56 of the Land Administration Act 1997. This does not include access for fire fighting purposes.
  - e) Special Condition 11(d) be inserted as follows:

All dwellings shall be constructed in accordance with Australian Standard AS3959 (2009) as amended.
3. That the Amendment documents and a copy of the submissions be forwarded to the Western Australian Planning Commission for final approval.
4. That adoption of the draft subdivision guide plan be deferred until the fire management plan has been submitted and approved by Council and FESA.
5. That the draft subdivision guide plan be modified by modifying by:
  - a) Showing a landscape buffer along the eastern boundary of Lot J and along the portion of the southern boundary adjacent to Lot 7 Lee Steere Drive.
  - b) Modifying the notation for the future road connection to reflect Condition 10 (b) above.
6. That all persons and agencies who made a submission be advised of the above.

**COUNCIL DECISION**

**MOVED: Cr Giles**

**SECONDED: Cr Biddle**

1. That pursuant to Regulation 17 of the Town Planning Regulations 1967 Council determines the submissions in accordance with the Schedule contained in Attachment 2, except for submissions 8 and 9 which it disallows.
2. That pursuant to Section 75 of the Planning and Development Act 2005 and Regulation 17 Council resolves to adopt Amendment No 13 for final approval subject to the following modifications:
  - a) Include in Special Condition 3(b) Subdivision Guide Plan “- landscaping areas” as this references the provision in Condition 8(b).
  - b) Insert Special Condition 3(c) as follows:  
Any modifications to the approved subdivision guide plan shall be approved by Council and endorsed by the Western Australian Planning Commission. Any major modifications to the subdivision guide plan shall be advertised in accordance with Clause 3.5 of the Scheme.
  - c) That Special Condition 9(c) should be modified to read as follows:  
At subdivision a geotechnical report shall be provided to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.
  - d) Special Condition 10(b) be modified to read as follows:  
No vehicular access shall be permitted from the lots adjoining the 10m wide strip of land on the western boundary until such time as this land is dedicated as a public road pursuant to Section 56 of the Land Administration Act 1997. This does not include access for fire fighting purposes.
  - e) Special Condition 11(d) be inserted as follows:  
All dwellings shall be constructed in accordance with Australian Standard AS3959 (2009) as amended.
3. That the Amendment documents and a copy of the submissions be forwarded to the Western Australian Planning Commission for final approval.
4. That adoption of the draft subdivision guide plan be deferred until the fire management plan has been submitted and approved by Council and FESA.
5. That the draft subdivision guide plan be modified by modifying the notation for the future road connection to reflect Condition 10(b) above.
6. That all persons and agencies who made a submission be advised of the above.

**CARRIED 7/0**

**Res 174/11**

**Note: The forty metre setback was considered to be sufficient.**

3.59pm – Cr Doust returned to the Chambers.

### 7.3.2 Subdivision Application (WAPC Ref 143498) Hands Close

<b>Location:</b>	Lot 200 Hands Close
<b>Applicant:</b>	RJ Brown
<b>File:</b>	AS3360
<b>Disclosure of Officer Interest:</b>	
<b>Date:</b>	7 <sup>th</sup> September 2011
<b>Author:</b>	Geoffrey Lush (Council's Consultant Planner)
<b>Authorizing Officer:</b>	
<b>Attachments:</b>	1 – Draft Covenant

#### **SUMMARY**

This report is to consider the requirements to for fill conditions of a subdivision approval for Lot 200 Hands Close.

In accordance with the WAPC conditions the applicant is required to enter into a Restrictive Covenant with Council to limit any vehicle access to Bridgetown Road. The covenant has been lodged for Council's endorsement.

#### **BACKGROUND**

The subject land is Lot 200 Hands Close and fronts the Boyup Brook - Bridgetown Road. The Western Australian Planning Commission on the 3rd March 2011 issued a subdivision approval (ref 143498) to allow the subject to be subdivided into two lots.

The conditions of the approval require:

- A covenant to restrict vehicle access onto the Bridgetown Road;
- Removal of the existing crossover on the Bridgetown Road and reinstatement of road the verge; and
- Construction of the battle axe leg

Condition 1 of the Commission's approval states that:

*A Restrictive Covenant, pursuant to section 150 of the Planning and Development Act 2005 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) preventing motor vehicle access onto Bridgetown-Boyup Brook Road. Notice of this restriction to be included on the Deposited Plan. (Local Government)*

Lawyers acting on behalf of the owner have lodged a draft covenant for Council's Approval. A copy of this is contained as Attachment 1 and this is suitable for endorsement by Council.

Condition 2 of the Commission's approval states that:

*The existing vehicle crossover(s) to be removed and the verge reinstated with grass or landscaping to the specifications of the Local Government (Local Government)*

The reinstatement required following the removal of the crossover refers to this either being grass or landscaping. No detailed landscaping is required other than to make the area tidy by smoothing the road verge.

The applicant's lawyer has requested that Council enter into a formal Deed with the owner for the reinstatement works. This seems to be an excessive measure given if the only works which are need are to tidy the road verge.

### **CONSULTATION**

- Manager of Works and Services
- Applicant's Solicitor

### **STATUTORY ENVIRONMENT**

Planning and Development Act 2005

### **COMMENT**

As above.

### **POLICY IMPLICATIONS**

None

### **FINANCIAL IMPLICATIONS**

None

### **STRATEGIC IMPLICATIONS**

None

### **VOTING REQUIREMENTS**

Simple Majority

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

**MOVED: Cr Giles**

**SECONDED: Cr Doust**

- 1 That Council sign and seal the restrictive covenant contained as Attachment 1 in accordance with Condition 1 of WAPC subdivision approval (ref 143498).**
- 2 That the applicant be advised that its requirement for Condition 2 is for the road verge to be tidied by smoothing the area of the existing crossover so as to allow natural regeneration. As no detailed landscaping is required, there is no need to enter into a Deed for the completion of this condition.**

**CARRIED 8/0**

**Res 175/11**

### 7.3.3 Flax Mill - Baling Room Asbestos Works

<b>Location:</b>	N/A
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	11 August 2011
<b>Author:</b>	Geoff Carberry Senior Admin Officer
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Appendices:</b>	Photos 1-10, Baling Room Quote

---

#### **SUMMARY**

The condition of the roof and associated fitting on building 7 of the Flax Mill plan also known as the Baling Room is at a point where it is a public safety concern. Either replacement or demolition must be considered immediately.

#### **BACKGROUND**

During previous considerations where Council resolved to carry out the demolition of adjacent buildings it was noted that this building should be considered for demolition.

Re -roofing the building had been previously placed in the budget but was left out pending a full concept plan being prepared.

The author has recently been deemed competent in asbestos identification as part of the requirement to have such a person prepare the Shires Asbestos Register. This qualification also allows for assessment of the condition of the materials.

Original quotes to replace the roof or demolish the building were in the range of twenty thousand dollars (\$20000)

#### **COMMENT**

As the condition of the majority of the asbestos containing material on this building is "Friable" it is important that the situation is address with urgency. The condition and amount of material requires an unrestricted licence holder to carry out ANY works on this building.

If the asbestos containing materials were replaced the entire building will still have to have ALL REMAINING structure vacuumed to ensure no fibres remain.

Due to its condition the materials can not be treated in any way that would deem it safe.

Not carrying out remedial works would place the Shire in a vulnerable state being as the building is located in a public accommodation area.

There is evidence of Asbestos containing material around the building further indicating the poor state of the materials (Photo 4)

Council must consider if the building should remain as part of the Flax Mill precinct or be removed to allow longer term development of the area.

Should Council decide to proceed, the contractor, due to having all machinery available and in town, has offered a reduced cost to carry out the works being \$13610.40 excluding GST.

**CONSULTATION**

Shire Staff  
Keybrook Holdings  
LGIS Staff

**STATUTORY ENVIRONMENT**

The following Acts regulations and notes pertain to Asbestos  
Occupational Safety and Health Act 1984  
Occupational Safety and Health Regulations 1996  
Health (Asbestos) Regulations 1992  
Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];  
Code of Practice for the Management and Control of Asbestos in Workplaces  
[NOHSC:2018 (2005)]  
Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres  
2nd Edition [NOHSC:3003 (2005)]

**FINANCIAL IMPLICATIONS**

Nil funds have been allocated in the 2011/2012 budget for these works, hence funding would need to come from reserves or from the unallocated surplus from the 2010/2011 financial year.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION – ITEM 7.3.3**

1. That Council resolve to carry out the demolition of building 7 (Baling Room) as indicated on the Flax Mill Plan
2. That Funds be allocated from the 2010/2011 financial year surplus to carry out such works.

**COUNCIL DECISION**

**MOVED: Cr Marshall**

**SECONDED: Cr Giles**

**That Council approve the demolition of building 7 (Baling Room) as indicated on the Flax Mill Plan and approve the unbudgeted expenditure up to \$15,000.**

**NOTE**

It was noted that a recision motion was required before this motion could be dealt with.

**MOVED: Cr Giles**

**SECONDED: Cr Marshall and Cr Muncey**

**That Council rescind the portion of resolution 044/10 of March 2010 that relates to building number 7 (the bailing room) at the flax mill, that requires that this building be considered for upgrading for conversion to higher quality accommodation and for this building to be listed in the asset management plan with provision being made for maintenance and replacement.**

**MOVED: Cr Marshall**

**SECONDED: Cr Giles**

**That the motion be put**

**CARRIED 8/0**

**Res 176/11**

**The motion was put**

**That Council rescind the portion of resolution 044/10 of March 2010 that relates to building number 7 (the bailing room) at the flax mill, that requires that this building be considered for upgrading for conversion to higher quality accommodation and for this building to be listed in the asset management plan with provision being made for maintenance and replacement.**

**CARRIED BY ABSOLUTE MAJORITY 5/3**

**Request for Vote to be recorded**

**Cr Doust requested that the vote of all Councillors be recorded.**

<b>FOR</b>	<b>AGAINST</b>
<b>Cr Oversby</b>	<b>Cr Doust</b>
<b>Cr Giles</b>	<b>Cr Biddle</b>
<b>Cr Marshall</b>	<b>Cr O'Hare</b>
<b>Cr Muncey</b>	
<b>Cr Ginnane</b>	

**MOVED: Cr Marshall**

**SECONDED: Cr Giles**

**That Council approve the demolition of building 7 (Baling Room) as indicated on the Flax Mill Plan and approve the unbudgeted expenditure up to \$15,000.**

**MOVED: Cr Oversby**

**SECONDED: Cr O'Hare**

**That the matter lay on the table**

**Vote 4/4**

**Carried on Presidents casting vote.**

**Res 177/11**

**7.3.4 Boyup Brook District High School – Early Start Program – Contribution Request**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>Boyup Brook District High School</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>7 September 2011</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Email from School</i>

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**SUMMARY**

The purpose of this report is to put before Council a request from the Boyup Brook District High School for an annual contribution toward its new Early Start initiative.

**BACKGROUND**

The School is embarking on a new program to provide a learning experience at the School to preschool (0 to 4) children. The School has conducted a community consultation process to establish the need/support for the program and to ensure it does not conflict with exiting services provided in the community.

**COMMENT**

It is apparent from a meeting attended by mothers who had young children and people who provided services to this group, that there was a need for structured education opportunities for preschool children to set them up better for starting school. The first program is aimed at reading and others would follow. The School puts forward the following aims for the program:

- Provide information and assistance in Early Years milestones
- Support parents and children in the Early Years
- Develop important social skills
- Access to key agencies e.g. Speech pathologists

The estimate annual cost of running the program is \$4,840 and Council is being asked to contribute \$1,200 per year.

It is recommended that Council agree to support this program this year and that it consider ongoing support as part of the review of the Donations Policy which will be the subject of a future report to Council.

**CONSULTATION**

The author attended a community consultation session conducted by the School

**STATUTORY OBLIGATIONS**

No provision was made in the Budget for this expense and, if the recommendation is supported the motion will require an absolute majority.

**POLICY IMPLICATIONS**

Council's Donations Policy has application.

**BUDGET/FINANCIAL IMPLICATIONS**

No funding was provided in the current budget for this contribution of \$1,200 for this purpose and so a budget amendment would be required as would an absolute majority. The budget provides for a surplus at the end of 2011/12 and it is recommended that this additional expense come from the projected surplus.

**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 other than the opportunity for more preschool children to be better prepared for their early school years.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION**

**That Council:**

- 1. amend the 2011/12 Budget to increase the provision made in Schedule 8 Education and Welfare, Donations and Assistance, account number E081025 by \$1,200**
- 2. approve expenditure of \$1,200 as a contribution to the Boyup Brook District High School's Early Start Program.**

**COUNCIL DECISION**

**There was no support for this recommendation.**

### 7.3.5 Constable Care Child Safety Foundation - Boyup Brook Program

<b>Location:</b>	<i>Boyup Brook</i>
<b>Applicant:</b>	Constable Care Child Safety Foundation
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>7 September 2011</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Email from Foundation</i>

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#### **SUMMARY**

The purpose of this report is to put before Council the request that it again sponsors a Constable Care program in Boyup Brook schools this year with the recommendation that Council agrees to it.

#### **BACKGROUND**

Constable Care is a program designed to teach “children essential life lesson in tackling issues that so many of our children face: bullying, substance abuse, sexual abuse, domestic violence, road safety. Stranger danger and other crime prevention issues”.

Council has previously supported this program but no provision was made in the current budget to continue this support.

#### **COMMENT**

Constable Care has been run in schools throughout the state for many years now and is well supported by schools and local Police.

The program is supported by both schools and the local Police. Apart from the stated aims of the Foundation, this program offers the local Police the opportunity to interact with local children in a fun but instructional manner as part of the program.

Council’s financial contribution is used to pay for prizes/giveaways which have the Constable Care and Shire details/logo on them. These items (water bottles, hats etc) are practical things that the children can use and, from experience, are good quality products that tend to be durable. In past years Council budgeted to contribute \$500 to this program and Administration selected Constable Care merchandise up to this provision, it is proposed that a similar amount be provided this year.

#### **CONSULTATION**

The author has consulted with the coordinator of the Foundation and the local Police.

#### **STATUTORY OBLIGATIONS**

Nil

## **POLICY IMPLICATIONS**

Council's Donations policy applies, in particular the following section:

### **General**

The Chief Executive Officer may in consultation with the Shire President approve extraordinary donation requests up to \$100.00 in cash, or \$500.00 in-kind (excluding administrative support eg. photocopying), to local community groups throughout the year when requested.

The Annual Budget to include \$500.00 per year in cash for this purpose.

Extraordinary in-kind support may be carried out during normal working hours where there is no impact on work programs.

The CEO shall reject all other requests throughout the year outside the donation funding program.

It is understood that Council has budgeted annually an amount of \$500 for the Constable Care program in past years and that it was omitted from the draft budget papers put to Council, this and last year, in error.

## **BUDGET/FINANCIAL IMPLICATIONS**

No funding was provided in the current budget for this contribution of \$500 for this purpose and so a budget amendment would be required as would an absolute majority. The budget provides for a surplus at the end of 2011/12 and it is recommended that this additional expense come from the projected surplus.

## **STRATEGIC IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
There are no known significant economic issues.
- **Social**  
The Constable Care Program is aimed at providing a fun learning experience that provides children with important life lessons.

## **VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Biddle**

**SECONDED: Cr Muncey**

**That Council:**

- 1. amend the 2011/12 Budget to increase the provision made in Schedule 8 Education and Welfare, Donations and Assistance, account number E081025 by \$500.**
- 2. approve expenditure of up to \$500 on Constable Care merchandise for Constable Care programs in Boyup Brook schools.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 178/11**

**7.3.6 South West Zone – WALGA – Meeting dates**

<b>Location:</b>	<i>N/A</i>
<b>Applicant:</b>	<i>N/A</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>6 September 2011</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Email from Zone EO</i>

**SUMMARY**

The purpose of this report is to put before Council a proposal for changes to the South West Zone of Western Australian Local Government Association (SWALGA) meeting dates with the recommendation that Council supports the changes.

**BACKGROUND**

WALGA seeks to have the various Zones meetings to better line up with the State Council meeting schedule. This matter will come up for discussion and a decision at the next SWALGA meeting and Council's delegate will need an indication from Council as to how they should vote.

**COMMENT**

WALGA seeks to have the Zone meeting dates amended so that they allow for State Council agenda items to be included in the Zone agendas and for Zone minutes to be received by WALGA in time for Zone decision to be considered by State Council.

As will be seen from the attached schedule, the preferred dates for Zone meetings do not clash with this Council's ordinary meeting dates for 2012 (assuming that Council does not deviate from its normal third Thursday in the month meeting date).

It is recommended that Council supports changes to SWALGA meeting dates provided these do not conflict with its ordinary meeting dates.

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

**MOVED: Cr Biddle**

**SECONDED: Cr O'Hare**

**That Council supports changes to South West Zone of Western Australian Local Government Association meeting dates provided they do not conflict with Boyup Brook Shire Council ordinary meeting dates.**

**CARRIED 8/0**

**Res 179/11**

### **Declare an Interest**

Cr Oversby made a declaration of impartiality re item 7.3.7 as he is the Vice President of the Upper Blackwood Agricultural Society.

<b>7.3.7 Upper Blackwood Agricultural Society (Inc) - Request for review of donation Request</b>
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<b>Location:</b>	<i>Reserve 23243</i>
<b>Applicant:</b>	<i>Upper Blackwood Agricultural Society (Inc)</i>
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>8 September 2011</i>
<b>Author:</b>	<i>Alan Lamb</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Copy of letter and donation application package</i>

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### **SUMMARY**

The purpose of this report is to put before Council the Upper Blackwood Agricultural Society's (UBAS) request for its donation application to be reviewed with the recommendation that Council review its decision to not make the donation.

### **BACKGROUND**

As part of the budget preparation and adoption process, Council reviewed all donation requests made under Council's Donations Policy. During this process the decision was that no donation be made to the UBAS.

### **COMMENT**

Attached is a copy of the donation request together with all supporting information which had not previously been put before Council.

The following is added for additional information. Council has directed a portion of the Government Dry Seasons Grant to assist the community to attend the show this year (essentially saving patrons the entry fee). Whilst the funds will be going to UBAS they will not be benefiting it. The funds requested, \$2,350, are for plans and materials to erect additional roofing to provide more shade for an exhibition pavilion to better protect produce on exhibit. The UBAS contribution to the proposed project has not been quantified in terms of dollars but the applicant estimates the voluntary labour component to erect the structure to be 50 hours and in addition to this there is the engineer's preliminary drawing.

It is recommended that Council review its determination based on the details previously supplied by the applicant but not presented to Council and the foregoing.

If there is support for the donation it is recommended that the resolution be as follows:

*That Council;*

- 1. amend the 2011/12 Budget to make a \$2,350 provision in Schedule 11 Recreation and Culture for Donations- Upper Blackwood Agricultural Society*

2. approve the requested donation of \$2,350 to the Upper Blackwood Agricultural Society for its Gibbs Pavilion Share Project.

### **CONSULTATION**

The author has spoken with the UBAS President.

### **STATUTORY OBLIGATIONS**

Nil unless Council resolves to make the donation and if it does the resolution will have to be supported by an absolute majority.

### **POLICY IMPLICATIONS**

Council's Donation Policy applies.

### **BUDGET/FINANCIAL IMPLICATIONS**

No provision was made in the budget for the requested donation and so Council would need to amend the budget to make the donation. If Council chooses to make the donation the funds could come from the projected surplus in the 2011/12 Budget.

### **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**

Absolute majority if Council chooses to make a donation.

### **OFFICER RECOMMENDATION**

**That Council review its decision regarding the Upper Blackwood Agricultural Society's donation application as requested by the applicant.**

### **MOVED INTO COMMITTEE**

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

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

**CARRIED 7/1**

**Res 180/11**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

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

**CARRIED 8/0**

**Res 181/11**

**COUNCIL DECISION**

**MOVED: Cr Marshall**

**SECONDED: Cr Biddle**

**That Council review its decision regarding the Upper Blackwood Agricultural Society's donation application as requested by the applicant and provide \$2,350 from unbudgeted expenditure.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Res 182/11**

## **8.1 COMMITTEE REPORTS**

### **8.1.1 Minutes of the Boyup Brook Tourism Association**

<b>Location:</b>	Visitor Centre
<b>Applicant:</b>	N/A
<b>File:</b>	
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 September 2011
<b>Author:</b>	N/A
<b>Authorizing Officer:</b>	Alan Lamb – Chief Executive Officer
<b>Attachments:</b>	Yes – Minutes

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#### **BACKGROUND:**

A Boyup Brook Tourism Association meeting was held on 19<sup>th</sup> August 2011. Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1**

**MOVED:** Cr Doust

**SECONDED:** Cr O'Hare

That the minutes of the Boyup Brook Tourism Association meeting was held on 19<sup>th</sup> August 2011 be received.

**CARRIED 8/0**

**Res 183/11**

## **9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## **10 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

That Council consider late item 10.1.1

### **10.1.1 Integrated Planning**

**MOVED:** Cr Doust

**SECONDED:** Cr Biddle

1. That the revised time frame and budget for the Strategic Community Plan, Financial Plan and Asset Management Plan as presented by Dominic Carbone & Associates be accepted.
2. We express our concern with there request for variation to the original time frame

**CARRIED 8/0**

**Res 184/11**

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

**11.1.1 Chief Executive Officer – Annual Performance Review**

5.04pm – Maria Lane, Graham Aird and Philippe Kaltenrieder left the Chambers.

**Behind Closed Doors**

**MOVED: Cr Muncey**

**SECONDED: Cr Marshall**

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to staff and members of the public to allow the Council to consider a matter dealing with the personal affairs of a person and the Council go into committee to allow members free discussion on the matter, the time being 5.04pm.

**CARRIED 8/0**

**Res 185/11**

5.25 pm – the meeting reopened with Councillors and the CEO present.

**MOVED Cr Muncey**

**SECONDED: Cr Marshall**

That the meeting be reopened to the public and that Standing Orders be resumed.

**CARRIED 8/0**

**Res 186/11**

**MOVED: Cr Giles**

**SECONDED: Cr Oversby**

That Council accept the assessment of the Chief Executive Officer's Performance as being more than satisfactory and that the remuneration package be increased by the June quarter CPI (ABS, All Groups Percentage changes Perth) plus \$1,500.

**CARRIED 8/0**

**Res 187/11**

**MOVED: Cr Doust**

**SECONDED: Cr Giles**

That the performance criteria as discussed with the Chief Executive Officer be set subject to a review following completion of the Integrated Planning process.

**CARRIED 8/0**

**Res 188/11**

12 CLOSURE OF MEETING

There being no further business the President thanked all for their attendance and declared the meeting closed at 5.30pm