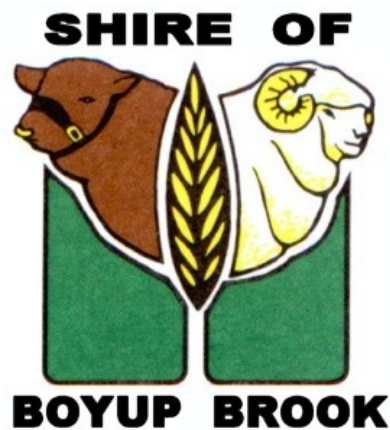


MINUTES



ORDINARY MEETING

HELD

THURSDAY 18 OCTOBER 2012

COMMENCED AT 3.42PM

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 K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr J Imrie
Cr P Kaltenrieder
Cr B O'Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)
Mr Geoffrey Lush (Planning Consultant)

PUBLIC: Shirley Broadhurst

1.2 Apologies

1.3 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

2.2.1 Banner Stands

Why do the banner stands remain empty almost all of the time.

2.2.2 Entry Signs

Where are the entry signs with "Country Music Capital of WA" on them?

Why are they not in place on the frames at each entry to town?

Responses from Chief Executive Officer

2.2.1 Banner stands remain empty almost all of the time because if the banners are left up, the wind blows out the eyelets and rips the banners. We also only have 3 banners left (damaged banners have been disposed of over the years) where as we have 7 banner locations:

- 3 on corner of Abel/Forrest St
- 3 on corner of Abel/Inglis St

- 1 on Tourist bureau post on Bridge St

2.2.2 Council Minute 7.1.1b attached. Signs are 900 x 300 beige sign hanging below main entrance statement sign. Location of 4 signs unknown.

“That the Council approve:-

- a. the provision of transitional ‘Boyup Brook’ signs to be in place when community signs are not erected;
- b. a 900mm x 300mm ‘Country Music Capital of WA’ sign with green lettering on a beige background be permanently fixed to the ‘Community’ sign framework at each town entrance”

Shirley Broadhurst left at 3.50pm

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Nil

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 20 September 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O’Hare

SECONDED: Cr Kaltenrieder

That the minutes of the Ordinary Meeting of Council held on Thursday 20 September 2012 be confirmed as an accurate record.

CARRIED 9/0

Res 135/12

5.2 Special Meeting of Council – Thursday 30 August 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Biddle

That the minutes of the Special Meeting of Council held on Thursday 30 August 2012 be confirmed as an accurate record.

CARRIED 9/0

Res 136/12

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 COUNCILLORS QUESTIONS ON NOTICE

Standing Orders provide as follows:

7. *QUESTIONS*

7.1 *Questions of Which Due Notice Has to be Given*

7.1.1 *Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours*

before publication of the business paper.

7.1.2 *All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.*

7.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

7.1.1 Asset Management Plan

Questions from Cr Walker

Has the consultant completed and delivered the “Asset Management Plan” for the Shire of Boyup Brook, if not can we have it please for the November council meeting?

7.1.2 Long Term Financial Plan

Has the consultant completed and delivered the “Long Term Financial Plan” for Shire of Boyup Brook, if not can we have it please for the November council meeting?

7.1.3 Workforce Plan

Does the Shire of Boyup Brook have a “Workforce Plan”?

Responses from the Chief Executive Officer

- 7.1.1 and 7.1.2 The consultant has not completed the asset or financial plans, they advised that they will be meeting with Council staff this month to refine the drafts they have with a view to presenting Council with drafts in November 2012.
- 7.1.3 The Workforce Plan is a component of the integrated planning that Councils are required to have in place by 1/7/2013. This Council has no such plan at this time however it is anticipated that funding will be provided to assist with the preparation of this plan.

7.1.4 Property Numbering System

Questions from Cr Biddle

7.1.4 When will the property numbering system be activated to replace RMB numbers?

Rationale:

- The property numbering system was introduced quite some time ago
- I've been informed – but have not had it substantiated – that neither Western Power nor St John's Ambulance will recognize anything but the new numbering system

Responses from the Chief Executive Officer

7.1.4 Rural numbering is a function of Landgate and that organization paid the Shire to assist with this initiative by placing rural numbering signage at locations set by Landgate.

The current position is that the last draft of the numbering is with Landgate pending the addition of a new road at Kulikup. Once accepted by Landgate the scheme will be activated by Landgate. Landgate will notify all addressees giving them twelve months to change over from their RMB. Landgate will also notify the various authorities and emergency services etc as part of this process.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1. Naming of Road Reserve	
Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	11 th of October, 2012
Author:	R Staniforth-Smith, Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Map

SUMMARY

The purpose of this report is to recommend the name for a road reserve to the Geographical Names committee, which is part of the Subdivision that the Lee Steere family did running of the Donnybrook – Boyup Brook Road (immediately west of Benjinup Siding Rd)

BACKGROUND

The Lee Steere Family subdivided a block of land containing the historical Greenfields house which was subsequently sold to Mr & Mrs Thompson. As Greenfields Road already exists, the Lee Steere family would like the road to be named after the Wingallup Spring, the reason why the Greenfield homestead was placed in this location when the land was taken up.

The Geographical Locations Committee policy states:

Selection of Names

Suitable Names - Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Unsuitable Names - Names characterized as follows are to be avoided given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialized names (unless in an historical context).

Name Duplication - Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names,

and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

Names of Living Persons - The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

COMMENT

The applicants have put forward the following name which is named after the Wingallup Spring in that location and the reason why the farm was first settled in the area. (It is noted that had Lee Steere or Greenfields Rds been able to be used then these would have been chosen)

- Wingallup Rd

CONSULTATION

W & V Lee Steere

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

P.08 Followed

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Biddle

That Council recommend “Wingallup Rd” as the name of the road constructed as part of the Lee Steere subdivision.

CARRIED 9/0

Res 137/12

8.2 FINANCE

8.2.1 List of Accounts Paid

Location:	Not applicable
Applicant:	Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Date:	11 October 2012
Author:	Kay Raisin – Finance Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – List of Accounts Paid

SUMMARY

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

BACKGROUND

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

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 13 September – 12 October 2012.

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 2012/13 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Oversby

That the list of accounts paid in September and October 2012 as presented totalling \$527,091.99 and as represented by cheque voucher numbers 19017-19046 totalling \$62,142.39 and accounts paid by direct electronic payments through the Municipal Account totalling \$464,949.60 be received.

CARRIED 9/0

Res 138/12

8.2.2 September 2012 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	11 October 2012
Author:	Consultant
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 30 September 2012.

BACKGROUND

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

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

The regulations also prescribe the content of the reports. A new sheet has been now included which lists the items of Material Variances.

The reports are attached.

COMMENT

As the 2012/13 Budget has only recently been adopted, then virtually no Capital purchases or activities have occurred, and only normal operating activities have mainly occurred.

It is a statutory requirement that the Financial Activities Report be presented for every month, but little variations to the adopted budget are projected to occur, at this time.

As at the close of the month Boyup Brook Shire Council had \$3,059,667 invested in "At Call" accounts with the Commonwealth Bank. The current annual interest rate on these investments is approximately 3.75%.

As previously verbally advised, certain incomes and costs may be moved between the last financial year of 2011/12, and that of the 2012/13 year depending on the determinations by Council's Auditor.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Biddle

That the September 2012 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

CARRIED 9/0

Res 139/12

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Workers Accommodation Lot 9836 Cranbrook Rd Tonebridge

Location:	<i>Lot 9836 P203180 Cranbrook Road</i>
Applicant:	<i>D Turner</i>
File:	<i>AS8510</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th October</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan</i>

SUMMARY

This report is to consider a planning application for farm workers accommodation at Lot 9836 Boyup Brook – Cranbrook Road Tonebridge.

The application is supported subject to conditions.

BACKGROUND

The subject land is Lot 9836 Boyup Brook – Cranbrook Road Tonebridge. It has an area of 378 hectares. It is situated on both sides of the road and fronts Tone River as shown in Attachment 1.

The subject land is cleared and used for farming. There are two existing dwellings on the site.

The application is for temporary accommodation for farm workers. This will be in the form of a one/two room donga/park home. The workers are on the site for approximately two months of the year and are presently accommodated in the owner's residence.

The building will be located between the two existing dwellings and setback some distance from the road.

CONSULTATION

- Applicant; and
- Council's Building Surveyor.

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is also generally zoned 'Rural'.

The application could fall under a number of definitions within the Scheme and it is noted that within the Rural zone a

- “single dwelling” is a Permitted (P) use;
- “grouped dwellings” are a Prohibited (-) use;
- “holiday cottage” is a Discretionary (AA) use; and
- “caretaker’s dwelling” is a Discretionary (AA) use.

Clause 5.17.1 of the Scheme stipulates that a relocated dwelling may not be transported to and placed on a lot without the approval of Council.

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

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District’s economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land’s suitability and capability for further development.

Rural Strategy

The Rural Strategy actively promotes the development of farming land.

Recommendation 16 states that the development of a second dwelling on rural land should comply with the following:

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
- b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.

COMMENT

Based upon the objectives in the Planning Scheme and Rural Strategy there is no objection to the proposal. The development of a park home, chalet, cottage etc will be considered as a dwelling under the Building Regulations.

It is also noted that Amendment 15 (Scheme Review) is introducing “farm workers accommodation” into the Scheme as a Discretionary (AA) use in the Rural zone.

While the proposal could be approved as holiday accommodation / chalet, that limits the occupation by a single person to a maximum period of three months. Approval of the proposal as a dwelling is consistent with how the Building and Health Regulations will deal with the application and it will also remove any issues with periods of occupation.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Imrie

That Council approve the use and development of Lot 9836 P203180 Boyup Brook - Cranbrook Road for the purpose of Farm Workers Accommodation (dwelling) subject to the following conditions:

- 1. The development hereby approved shall occur in accordance with the application submitted to Council and this shall not be altered or modified without the prior written approval of the Council.**
- 2. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.**
- 3. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.**

CARRIED 9/0

Res 140/12

Declare an Interest

Cr Moir declared a financial interest in the following item and departed the Chambers, the time being 4.00pm.

8.3.2 Subdivision Application (WAPC Ref 146746) Asplin Siding Road

Location:	<i>Lot 2043 Asplin Siding Road</i>
Applicant:	<i>K Moir</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8th October 2012</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan 2 Subdivision Plan</i>

SUMMARY

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

The subject land comprises of Lot 2043 Asplin Siding Road which is owned by Landwest Pty Ltd.

It is proposed to subdivide the land into two lots each having an area of 88 hectares.

The subject land has not been inspected in the preparation of this report.

The application is supported subject to conditions as it is considered to comply with the Scheme requirements in Clause 5.1 for subdivision within the Rural zone and with the Rural Strategy.

BACKGROUND

The subject land is located approximately 3 kms east of Boyup Brook on the Asplin Siding Road as shown in Attachment 1.

The subject land is Lot 2043 DP229142 Asplin Siding Road. It has an area of 212.75 hectares and is owned by Landwest Pty Ltd. Mr M Bombarra is the sole Director of the company.

The property has been developed as a plantation. It is bisected by the railway reserve and an unconstructed road. It also fronts the Blackwood River.

It is proposed to subdivide the site into two allotments as shown in Attachment 2 and the lots will have areas of 132 and 80 hectares.

CONSULTATION

Manager of Works

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is also generally zoned 'Rural'.

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

- i) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
- ii) the need to protect the area from uses which will reduce the amount of land available for agriculture;
- iii) the need to preserve the rural character and rural appearance of the area; and
- iv) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.

Rural Strategy

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

Recommendation 1 requires that lots in the rural zone shall have a minimum area of 80 hectares.

Recommendation 4 contains the matters that Council must consider for a subdivision application.

COMMENT

The application complies with the provisions of the Scheme and Rural Strategy and the design of the subdivision is appropriate.

The proposed subdivision boundary is a straight north – south line which does not have regard to the plantation. Council's Firebreak Notice requires that a plantation have 15 metres wide fire breaks on the boundaries of the property. Once the subdivision occurs this would apply to the new boundary.

It is also noted that there a section of remnant vegetation along the alignment of the proposed boundary which is bordered by an access track for the plantation. The creation of a fence and firebreak along the boundary would require the removal of part of this vegetation. This could be avoided by using the existing access track for the new boundary demarcation.

In relation to possible road upgrading requirements it is noted that:

- Asplin Siding Road already complies with the required standard being a six (6) metre formed gravel surface with roadside drains with a 20m wide road reserve; and
 - The requirement in table 2 of the Policy relating to a sealed road is in relation to the development of the Rural Small Holdings Policy Area on the western side of the road which does not apply to the subject land.
- Consequently no upgrading requirement would apply to this application.

POLICY IMPLICATIONS

Council's Policy W.07 – Road Contribution potentially applies to the application as two additional lots being created.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Oversby

SECONDED: Cr Walker

- 1 That Council advises the Western Australian Planning Commission that it supports the subdivision of Lot 2043 DP229142 Asplin Siding Road subject to the following conditions:
 - (a) Each lot shall be provided with a crossover located, designed and constructed to Council's satisfaction.
 - (b) That in accordance with Council's Fire Break Notice a 15m wide firebreak from the existing plantation is required on both sides of the new property boundary.
 - (c) That consideration be given to deviating the proposed boundary along the existing plantation access track to protect the remnant vegetation on Lot A.
- 2 That the applicant be advised of the above.

CARRIED 8/0

Res 141/12

Cr Moir returned to the Chambers at 4.02pm

8.3.3 Structure Plan – Rural Strategy Policy Area 7

Location:	<i>Fern Valley Road</i>
Applicant:	<i>MPM Development Consultants</i>
File:	
Disclosure of Officer Interest:	<i>G.Lush has previously worked for the landowner.</i>
Date:	<i>10th October 2012</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Draft Structure Plan 2 Modifications 3 W07 Policy Extract</i>

SUMMARY

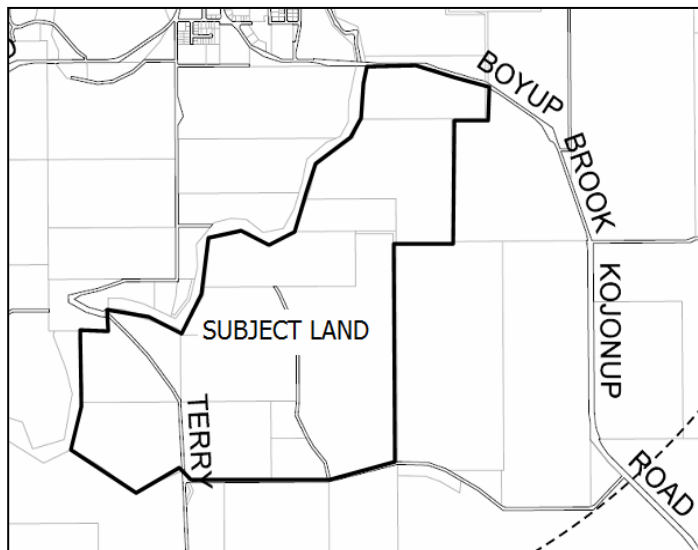
This report is to consider a draft structure plan for the Rural Strategy Policy Area No 7.

This report should be read in conjunction with the report considering Amendment No 14 to Town Planning Scheme No 2.

The draft structure plan is not considered suitable to be advertised until further details have been provided or modifications undertaken as outlined in the report.

BACKGROUND

The subject land is Policy Area No 7 within the Rural Strategy as shown below. It comprises of thirteen separate allotments with a total area of 452 hectares.



Council considered this matter at its Meeting of the 12th April 2012 at which time it resolved in part:

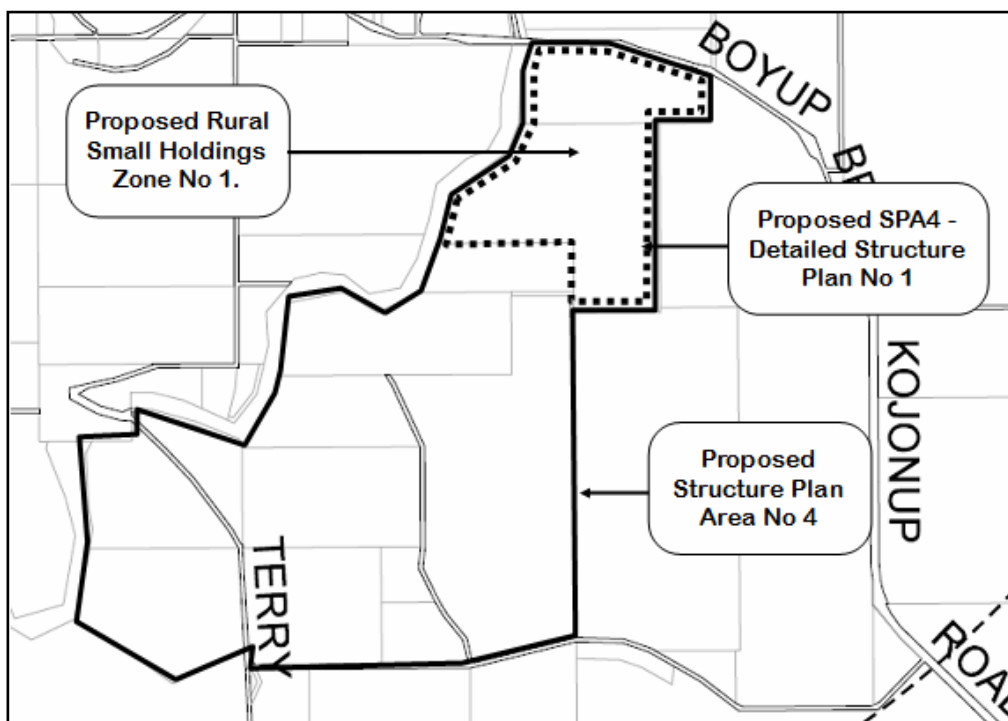
- 2 That the draft structure plan is to include an indicative road network for the whole of the Policy Area and identify road upgrading requirements; landowner contributions; major development opportunity and constraints. This should be prepared recognizing Recommendations 23 – 26 (inclusive) of the Rural Strategy.
- 3 That notice of the proposed preparation of the structure plan be sent to all landowners within the policy area and they be invited to make any comments to Council in relation to possible development within this area.
- 4 That a separate report be submitted to Council outlining the proposed general development and land use provisions which will be applied in the Rural Small Holdings zone.

Council considered the proposed general provisions for the Rural Small Holdings zone at its Meeting of the 19th July 2012.

Within Amendment No 14 the relevant Rural Strategy Policy Areas are classified as Structure Plan Areas as a pre cursor to the land being rezoned to Rural Small Holdings zone. Hence the subject land will be referred to as Structure Plan Area No 4 (SPA4).

Amendment No 14 also proposes to specifically include Lots 8 and 9 Boyup Brook – Kojonup Road in the Rural Small Holdings zone.

The relationship between the proposed Structure Plan Area No 4 in relation to the proposed Rural Small Holdings Zone No 1 and detailed structure plan are shown below.



There are four steps for the development of land within the Policy Areas. The term “subdivision guide plan” is no longer used by the Planning Commission as it now refers to all such documents as structure plans. As this has the potential to create confusion, it is important to define the characteristics and function of the different structure plans. The previous subdivision guide plan can be referred to as “Detailed Structure Plan”

Step 1 – Overall Structure Plan

The initial step is to prepare an overall structure plan for the whole of the Policy Area. This will simply be referred to as SPA4 Structure Plan. There will only be one overall structure plan for each Policy Area/ Structure Plan Area.

The SPA4 Structure Plan is primarily designed to identify issues which apply over all of the structure plan area and to give direction to the preparation of the Detailed Structure Plans for individual sites.

Step 2 – Site Rezoning

Once the overall structure plan has been approved an owner within a Structure Plan Area can proceed to rezone their land which in this case will be to Rural Small Holdings.

In this instance the rezoning relates only to Lots 8 and 9 Boyup Brook – Kojonup Road.

The rezoning will include Special Conditions which specifically apply to the subject land and are inserted in Schedule 3A

Recommendations 23, 24, 25 and 26 of the Strategy reinforce the need for detailed plans of the site addressing the same issues as is normally required for a Special Rural zone.

Step 3 – Detailed Structure Plan

A detailed structure plan will be required as part of the rezoning of each site. This should accompany the Scheme amendment. As there will potentially be more than one detailed structure plan in each Structure Plan Area they will need to be numbered and referenced.

In this instance the detailed structure plan which applies to Lots 8 and 9 Boyup Brook – Kojonup Road will be referenced as “SPA4 - Detailed Structure Plan No 1.”

The detailed structure plan would show all of the detail normally included in a subdivision guide plan and in particular that items in Recommendations 24 & 25 of the Strategy.

Step 4 – Subdivision

Following the rezoning of the site and the endorsement of the structure plans, the owner can apply for subdivision approval. Both the structure plan and the zoning Special Conditions may have recommendations for various management plans to be prepared as part of the subdivision.

It is anticipated that the zoning Special Conditions will focus on subdivision issues.

CONSULTATION

Applicant's consultant town planner.

Notice of the proposed structure plan has been sent to all landowners within the Policy Area but no queries have been received.

- Applicant's consultants; and
- Department of Planning

STATUTORY OBLIGATIONS

Town Planning Scheme (Amendment 14)

Amendment 14 is introducing the standard provisions for the preparation and approval of structure plans.

Clause 10.1.5.2 is proposed to state the following:

Upon receiving a Proposed Structure Plan, the local government is to either:

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

Local Rural Strategy

Within the Rural Strategy the subject land is contained within Area 7 of Townsite and Surround Planning Precinct (BBR5).

The objective for this area is to encourage the development of rural small holding subdivision in appropriate locations. The Development Guidelines (Table 1 of the Strategy) recommends that:

- Granite ridge areas are unlikely to be suitable for development, except as part of a larger lot.
- Requires an overall structure plan to identify appropriate development locations addressing:-
 - Land capability;
 - Flood levels, river corridor; and public access;
 - Possible road connection from Kojonup Road to Fern Valley Road.
 - Landscape protection and view sheds;

- Upgrading of the river crossing at Terry Road.
- Low key tourist development.

Recommendations 23, 24, 25 and 26 of the Strategy reinforce the need for detailed plans of the site addressing the same issues as is normally required for a Special Rural zone.

COMMENT

The draft structure plan is included as Attachment 1. This shows the general road layout and contains a number of recommendations for development within the area.

It is estimated that the structure plan area could ultimately contain 84 allotments with a minimum area of 4 hectares.

The structure plan report addresses:

- Road networks;
- Land capability and soils;
- Vegetation;
- Flood protection;
- Heritage;
- Bush fire;
- Water management; and
- Servicing

The structure plan report sets out the general framework for development and defers where possible any detailed investigations to the preparation of the Detailed Structure Plan for individual areas.

It is important to recognize that the land uses in SPA4 remain as per the provisions of the Rural zone. The land uses do not change until such time as the land is rezoned to Rural Small Holdings.

There has been extensive consultation with the applicant in the preparation of the structure plan provisions. A number of issues and queries still remain unresolved and the main issues are documented below.

A number of these are district level issues which Council must give some direction i.e.:

- Potentially not upgrading the Terry Road crossing;
- Staging and timing issues with the road contribution plan;
- Provision of a river access point/POS reserve within the structure plan area;
- Bush fire water supply locations.

Road Network

The structure plan shows a road connection from the Boyup Brook – Kojonup Road to Fern Valley Road. There are a number of new internal subdivision roads. The structure plan does not propose any upgrading of the Terry Road river crossing.

The structure plan contains a road contributions plan which reflects the Table in W07 (Appendix 2).

In order to require any contribution to the upgrading of the river crossing it is necessary to:

- a) Demonstrate that the subdivision within the SPA4 area requires an upgrading in terms of traffic flows;
- b) Define what the upgrading might consist of; and
- c) Develop a contributions plan.

The first question is whether any upgrading would just be to the existing culvert or would development of a year round access i.e. bridge be required. Second would either of these options require the realignment of the approaches to the crossing.

There is no defined increase in the traffic volumes which demand that the Terry Road crossing must be upgraded i.e. that a bridge might be required for X vehicles per day. There must be a clear connection between the upgrading and the subdivision. Where there is a wider community benefit then Council is required to contribute to the costs.

In order to consider any contributions Council must have defined the standard of the upgrade and prepared an initial design and costing for this. In the absence of this it is premature to attempt to impose any form of contributions plan.

Issue / Principles

- 1 That the connection of the main subdivision road to Fern Valley Road is rather than to Terry Road is acceptable.
- 2 That in the absence of Council being able to define what any upgrading of the Terry Road crossing would consist of and having any preliminary design or costing for this, then it is not possible to prepare a contributions plan for any future subdivision.

Kojonup Road Intersection

The structure plan nominates that the intersection on Kojonup Road will be a “simple intersection” and that the detailed traffic assessment can be deferred until subdivision.

When the Terry Road crossing is closed, then all traffic from the development will use the proposed subdivision road and new intersection of the Boyup Brook – Kojonup Road. As the main subdivision road will be sealed it is also anticipated that even in summer it might be the preferred route of residents in the southern part of SPA4.

It must be confirmed what is the traffic threshold for the upgrading of the Kojonup Road intersection above a “simple intersection” and whether any additional land from the two adjoining lots would be required for turning lanes etc. This needs to be reflected in the structure plan so that the land requirements are carried forward to the Detailed Structure Plan.

If this does not occur then there is no ability to acquire this land as a condition of subdivision for land in another portion of SPA4 at a later time.

Issue / Principles

- 3 That the structure plan must define if the Kojonup Road intersection will increase beyond a “simple intersection” for the ultimate development of SPA4. This must also include any future land requirements.
- 4 Any additional land requirements for the intersection must then be provided for in the Detailed Structure Plan for Lots 8 & 9.

Fern Valley Road

It is proposed that the ultimate development will require that Fern Valley Road will be upgraded to a 6m wide sealed pavement. The adjoining landowners would be responsible for 50% of the cost of this for the frontage of their property.

The first issue is that in the event that the land is subdivided out of sequence, then the intervening portion of Fern Valley Road may not be upgraded. This may require Council to contribute to the upgrading until it can recoup the cost from a subsequent subdivision.

The second issue is that if the developer only contributes 50% of the cost, then similarly to issue 1 Council may have to contribute the other 50% until the landowner opposite subdivides.

Issue / Principles

- 5 The draft Road Contributions Plan needs to generally reference Council’s W07 Road Contributions Policy and recognize that this will evolve over time.
- 6 That Council needs to further review and refine its W07 Road Contributions Policy to recognize potential cost implications for Council.

River Access

The structure plan shows the main subdivision road in close proximity to the river within Lot 696. The structure plan is not proposing to develop any public access, public open space or facilities along the river foreshore.

While Council has accepted that recreation facilities should be concentrated more centrally to the townsite portion of the river corridor, it may still be appropriate for some limited access to be provided to the river within the structure plan area.

This could take the form of a reserve being ceded by the subdivider. Council may then elect to develop this at some future time. Depending upon the size of the reserve this can be done without affecting any lot yields.

Issue / Principles

7 That the structure plan provide for public access to the river in an appropriate location with an associated POS reserve.

Bush Fire Management

A preliminary fire hazard assessment has been included in the structure plan report. The majority of the structure plan area is classified as having a low or moderate bush fire hazard rating.

A fire management plan will be required when areas are rezoned or subdivided. A strategic issue relates to the provision of water supplies for fire fighting. Normally FESA requires one 50,000L tank per 25 lots and many Councils are requiring these to be on separate reserves.

Council has not previously required this level of supply for Special Rural subdivisions.

The potential POS river reserve would be a suitable location for any static water supply as it is centrally located within the subdivision.

Issue / Principles

8 That the structure plan recognize that there should be an identified location for a strategic water supply for fire fighting.

Other Matters

The structure plan report and subdivision design have been reviewed with the applicant. There are a number of specific modifications and other queries which need to be addressed.

These are documented in Attachment 2.

POLICY IMPLICATIONS

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

Council Policy W07 Road Contributions applies.

It states that rural small holding subdivisions shall have:

- A road width a two coat spray seal;
- A reserve width of 20m;
- A pavement width of 6m; and
- Shoulders of 1.2m.

The relevant extracts which relate to the subject land are included in Attachment 3.

The exact nature of any upgrading and associated contributions will need to be addressed in the structure for the area.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

Proximity Interest

Cr Kaltenrieder declared a proximity interest in item 8.3.3 and departed the Chambers the time being 4.15pm.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr O'Hare

That Council determine that the proposed SPA4 Structure Plan as submitted by MPM Development Consultants dated 21st September 2012 is not to be advertised until further details have been provided or modifications undertaken as follows:

- 1 That the structure plan must define if the Kojonup Road intersection will increase beyond a "simple intersection" for the ultimate development of SPA4. This must also include any future land requirements.**
- 2 Any additional land requirements for the intersection must then be provided for in the Detailed Structure Plan for Lots 8 & 9.**
- 3 The draft Road Contributions Plan needs to generally reference Council's W07 Road Contributions Policy and recognize that this will evolve over time.**
- 4 That the structure plan provide for public access to the river in an appropriate location with an associated POS reserve.**
- 5 That the structure plans recognise that there should be an identified location for a strategic water supply for fire fighting.**
- 6 The issues and modifications as contained in Attachment 2.**

CARRIED 8/0

Res 142/12

Cr Walker left at 4.32pm

Cr Kaltenrieder returned at 4.32pm

Cr Walker returned at 4.32pm

8.3.4 Rezoning Request – Lots 8 & 9 Boyup Brook – Kojonup Road

Location:	<i>Lots 8 & 9 Boyup Brook – Kojonup Road</i>
Applicant:	<i>MPM Development Consultants</i>
File:	
Disclosure of Officer Interest:	<i>G.Lush has previously worked for the landowner.</i>
Date:	<i>10th October 2012</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Amendment Text and Map</i>

SUMMARY

This report is to consider an application to rezone Lots 8 & 9 Boyup Brook – Kojonup Road from ‘Rural’ zone to ‘Rural Small Holdings’ zone. The amendment will also:

Introduce the general provisions for the Rural Small Holdings zone; and for the preparation and approval of structure plans.

This report should be read in conjunction with the report considering the proposed SPA4 Structure Plan.

BACKGROUND

The subject land comprises of Lots 8 and 9 Boyup Book – Kojonup Road and it has a total area of 95.5 hectares.

Council at its Meeting of the 19th April resolved:

- 1 That Council resolve pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No 2 by:
 - a) Introducing provisions for the Rural Small Holdings zone into the Scheme;
 - b) Amending the Zoning Table to include the Rural Small Holdings zone;
 - c) Introducing provisions into the Scheme for Special Control Areas (Structure Plans);
 - d) Introducing Schedule 12 Structure Plan Areas;
 - e) Including the Special Rural and Rural Small Holdings policy areas from the endorsed Rural Strategy as Structure Plan Areas on the Scheme Maps;
 - f) Rezoning Lots 8 & 9 Boyup Brook – Kojonup Road from ‘Rural’ zone to ‘Rural Small Holdings’; and
 - g) Including appropriate special conditions into Schedule 3A Rural Small Holdings

- 2 That the draft structure plan is to include an indicative road network for the whole of the Policy Area and identify road upgrading requirements; landowner contributions; major development opportunity and constraints. This should be prepared recognising Recommendations 23 – 26 (inclusive) of the Rural Strategy.
- 3 That notice of the proposed preparation of the structure plan be sent to all landowners within the policy area and they be invited to make any comments to Council in relation to possible development within this area.
- 4 That a separate report be submitted to Council outlining the proposed general development and land use provisions which will be applied in the Rural Small Holdings zone.
- 5 That upon receipt of the draft amendment documents and payment of the major application fee of the \$5,000 the proposal be further considered by Council for preliminary adoption and for the purpose of referral to the EPA and public advertising.

Council at its Meeting of the 19th July then considered a report on the proposed general provisions for the Rural Small Holdings zone.

The proposed Amendment which reflects the above resolutions is contained as Attachment 1.

CONSULTATION

- Department of Planning; and
- Applicant's consultant town planner.

STATUTORY OBLIGATIONS

Planning and Development Act 1995 and Associated Regulations

Contains provisions for the preparation, advertising, adoption and approval of an amendment to the Scheme.

Section 81 requires the Amendment be referred to the Environmental Protection Authority for examination and assessment.

Town Planning Scheme No 2.

There are presently no provisions within the Scheme which relate to the amendment.

Local Rural Strategy

Within the Rural Strategy the subject land is contained within Area 7 of Townsite and Surround Planning Precinct (BBR5).

The objective for this area is to encourage the development of rural small holding subdivision in appropriate locations. The Development Guidelines (Table 1 of the Strategy) recommends that:

- Granite ridge areas are unlikely to be suitable for development, except as part of a larger lot.
- Requires an overall structure plan to identify appropriate development locations addressing:-
 - Land capability;
 - Flood levels, river corridor; and public access;
 - Possible road connection from Kojonup Road to Fern Valley Road.
 - Landscape protection and view sheds;
 - Upgrading of the river crossing at Terry Road.
- Low key tourist development.

Recommendation 24 of the Strategy states that before making provision for a Rural Small Holdings zone the local government will prepare, or require the owner(s) of the land to prepare a submission supporting the creation of the Rural Small Holdings zone and such submission shall include:

- a) a statement as to the purpose or intent for which the zone is being created;
- b) the reasons for selecting the particular area as the subject of the proposed zone with particular reference as to how this relates to the local government's Local Planning Strategy (and Policy Areas) and the capability of the land for such use;
- c) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing development, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements;
- d) information regarding the method whereby it is proposed to provide potable water supply to each lot;
- e) the proposed staging of the subdivision and development and the criteria to be met before successive stages are implemented; and
- f) any other information which the local government considers relevant to the land.

Recommendation 25 states that for each Rural Small Holdings zone the local government will prepare, or require the owner(s) of the land to prepare, a subdivision concept plan:

- a) To be used as a guide to future subdivision.
- b) Showing areas to be set aside for public open space, pedestrian access ways, horse trails, community facilities and such other features as may be considered appropriate.
- c) Showing the physical features it is intended to conserve.
- d) The proposed staging.
- e) Where the subdivision concept plan over covers a portion of land identified within the Rural Strategy, the local government may request further information and plans demonstrating on how the balance of the Policy Area could be developed in the future.

COMMENT

The general matters pertaining to the development of the site are being examined as part of SPA4 Structure Plan.

Normally it would be expected that the proponents would lodge a draft subdivision guide plan with the Amendment in accordance with Recommendation 25 above. The Planning Commission is now referring to subdivision guide plan as structure plans and requires these to be approved under the proposed general provisions.

A major difference between a subdivision guide plan and a structure plan is that the structure plan can contain more detailed statutory provisions.

The proposed subdivision guide plan for the subject land will be referenced as SPA4 – Detailed Structure Plan No 1.

In this instance the applicant has elected not to submit the proposed detailed structure plan based upon advice from the Department of Planning that it would prefer this to be lodged at a later date. This will require additional advertising to be undertaken.

The most important issue which has been identified in the draft overall structure plan for SPA4 is the standard of the proposed intersection with Kojonup Road and any associated land requirements for this.

POLICY IMPLICATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Council has previously resolved that an application fee of the \$5,000 be applied to the Amendment as a major proposal.

No separate fee has been required for the consideration of the SPA4 Structure Plan which is intended to be advertised concurrently with this Amendment. However as the applicant

has elected to submit the SPA4 – Detailed Structure Plan No 1 for Lots 8 & 9 separately, then this will be required to be advertised separately.

The applicant should be responsible for those additional advertising costs.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Imrie

1. That Council adopt Amendment No 14 as contained in Attachment 1 for the purpose of advertising and referral.
2. 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.
3. 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.
4. That the applicant be advised that as they have elected to submit the Detailed Structure Plan for the subject land separately to the Amendment that they are responsible for the cost of the additional advertising which will be required.

CARRIED 9/0

Res 143/12

Geoffrey Lush left at 4.35pm

Impartiality Interest

Cr Biddle declared an impartiality interest in the following item due to being a member of the Boyup Brook Tennis Club.

8.3.5 Approval for shade sail – Boyup Brook Tennis Club
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Location:	<i>Part Lot 189 Reserve 1454</i>
Applicant:	<i>Boyup Brook Tennis Club</i>
File:	<i>LS6229</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>9th October 2012</i>
Author:	<i>Wayne Jolley (EHO/Building Officer)</i>
Authorizing Officer:	<i>Alan Lamb (CEO)</i>
Attachments:	<i>- Site plan showing position of shade sail</i> <i>- Plan of shade sail</i> <i>- Letter from the Tennis Club</i>

SUMMARY

The Boyup Brook Tennis Club has submitted an application for building permit to construct a shade sail framework. It has also submitted a letter seeking Council's permission to construct the shade sail.

This item recommends that Council permit the erection of the shade sail.

BACKGROUND

This site is owned by Council but is occupied and managed by the Boyup Brook Tennis Club. The Club proposes to construct a shade sail, the fabric of which can be put up or taken down according to needs. Because Council owns the land, the Club seeks permission to proceed.

COMMENT

The erection of a shade sail is in keeping with the activities of the Tennis Club. Location of the shade sail is appropriate and the structural plans, which are certified by an engineer are suitable.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Not applicable

POLICY IMPLICATIONS

Council building fees will be waived in accordance with its Policy B.01

BUDGET/FINANCIAL IMPLICATIONS

Negligible

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There is no known economic significance.
- **Social**
The use of shade sails is in keeping with the activities of the Tennis Club and promotes sun-smart principles.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Kaltrenrieder

That Council permits the erection of the shade sail at the Boyup Brook Tennis Club in the location indicated on the plan.

CARRIED 9/0

Res 144/12

8.3.6 Independent Living – preliminary study to increase development density

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 October 2012</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to seek funding approval to leverage support from the South West Development Commission (SWDC) to conduct a study on sewerage system options that will allow a higher density level of independent living units within the town site.

BACKGROUND

The Town Planning Scheme provides that, for the residential zone, the Residential Design Code R10 (average lot size of 1,000m²) applies unless there is a sewerage scheme and then R15 (average lot size of 666m²) applies.

This requirement in the Scheme reflects constraints imposed by the Health Department and WAPC in relation to onsite disposal in residential areas.

It appears that there is an ability to increase the density of development where a group dwelling type development is employed rather than separate titled lots.

The SWDC has been working with the CEO in relation to the matter of contains on higher density development for some time and recently advised that there may be an opportunity to conduct a study into a potential solution.

Council may need to look at rezoning when and if a solution is found to the onsite disposal dilemma.

COMMENT

Any independent living development in town would benefit from a higher density of development than the current restrictions allow. This is from an economic perspective (ie more units on less land) and a social/practical perspective (people moving to retirement villages and the like generally want less land to look after and so small lot developments are attractive)

Higher density of development is unlikely due to on site disposal constraints. The proposed study will look at a properly engineered and costed solution that may have wider

benefits. The proposal is that Council commit \$10,000 toward this project subject to SWDC committing the balance of the estimated study costs.

CONSULTATION

The author has spoken with the SWDC, relevant firms and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council set aside \$170,000 in the budget for unspecified forward plans and it is recommended that the \$10,000 come from this provision.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The proposed study may well lead to an improved method of dealing with sewerage than the current onsite disposal arrangements.
- **Economic**
The study should result in the ability to increase density of any independent living development.
- **Social**
The study should lead to the opportunity for small lot developments which would be more in line with the trend for independent living units.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Biddle

SECONDED: Cr Oversby

That Council approve the expenditure of \$10,000 on a jointly funded study to devise and cost a system that will allow higher density development in Boyup Brook for independent living type accommodation.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 145/12

8.3.7 Flax Mill Bailing Room – Boyup Brook Men’s Association’s lease application

Location:	Lot 336 Plan 16791Bpyup Brook
Applicant:	Boyup Brook Men’s Association (inc)
File:	
Disclosure of Officer Interest:	None
Date:	10 October 2012
Author:	Alan lamb
Authorizing Officer:	Not applicable
Attachments:	Letter from applicant and copy of engineer’s report 2007

SUMMARY

The purpose of this report is to put the Boyup Brook Men’s Association’s application for use of the Bailing Room shed with the recommendation that Council agree to the notion of leasing and authorise funds for required works subject to the lease going ahead.

BACKGROUND

In March 2010 the Forward Planning Committee resolved as follows:

Recommended to Council that buildings numbered 1, 2, 7, 8, 9 and 10 on the attached plan (page 97 of the Boyup Brook Flax Mill Conservation plan) be considered for upgrading for conversion to higher quality accommodation and that these buildings be listed in the asset management plan with provision being made for maintenance and removal.

(Note the Bailing Room is building number 7)

That same month Council endorsed this recommendation as follows:

That the Committee Recommendation from the Forward Planning Committee meeting held on 4th March 2010 be adopted En-Bloc in item 8.1.4.

In December 2010 the Forward Planning Committee resolved as follows:

That the Forward Planning Committee recommend to Council that the 2010/11 Budget be amended by reapplying the \$40,000 provision for Drainage Study Consultancy Fees (account E108005) to the following projects:

- ***Sporting Complex Development Planning - \$10,000***
- ***Flax Mill Caravan Park Planning - \$10,000***
- ***Infrastructure Projects Planning - \$20,000***

At its December 2010 meeting Council endorsed the committee's recommendation.

In July 2011 the Forward Planning Committee met to conduct a workshop type session on Sporting and Flax Mill area planning and the committee resolved as follows:

That the project /proposal as presented has not been given a priority by Council at this time and in view of this the matter be held in abeyance until the Council has consulted with the community during its proposed strategic planning review.

Council passed the following resolution at its September 2011 meeting:

That Council rescind the portion of resolution 044/10 of March 2010 that relates to building number 7 (the baling 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.

At the same meeting and following the preceding resolution the following motion was moved and seconded and debate had commenced:

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.

During the debate, the following procedural motion was put and passed:

That the matter lay on the table

The following resolution was passed at the February 2012 meeting of Council:

That as the membership of Council has changed since this matter was debated no action be taken on the original motion moved by Cr Marshall and seconded by Cr Giles and the matter of the future of the Baling Room be reconsidered at the next meeting of the Council.

The following resolution was passed at the 15 March 2012 meeting of Council:

- 1. That the fate of the building 7 (Baling Room) be considered in conjunction with the results of the Strategic Plan Survey.***
- 2. That immediate works be carried out to remove the asbestos roof and asbestos fibres from the building.***
- 3. That funding for the removal of asbestos come from the Flax Mill reserve fund.***
- 4. All care to be taken to ensure no damage is made to the remaining structure and is left in a stable condition.***

The asbestos material was subsequently removed.

Council has no plan in place for the flax mill area.

Statistical information gathered from the community survey and provided by the consultant assisting Council with strategic planning, shows that, in terms of the existing service, the flax mill caravan park rates as being of moderate importance with a low level of satisfaction. In terms of planning for the future, improvement/maintenance of the flax mill caravan park rated as being of moderate importance and a low priority. It should be noted that the matter before Council relates to the flax mill and not the caravan park as such. Also that the survey put these two areas together so it is not clear how respondents felt about the flax mill alone or this particular building.

The Boyup Brook Men's Association has occupied a portion of the two story building currently used as the caravan park office, storeroom etc, for a few years now on a pepper corn rental and seek to use the Bailing Room for their activities, on a similar basis.

COMMENT

The structural engineer Council employed to assess buildings at the flax mill in 2007 reported that:

- “Essentially a process needs to be worked through to determine the future of the facility.”
- “The general level of architectural finish and maintenance is generally not good and the Shire needs to determine what options for the maintenance or upgrading of the complex align with the Shire's strategic planning.”
- “in most cases it would not be possible to bring the buildings up to a level complying with the Building Code of Australia. Thus major redevelopment or change of class of individual buildings is not likely to be an option.”

In relation to the bailing room building the consultant commented:

- The building is heavy timber framed with timber trusses typical of the complex. Walls are mounted on concrete plinths. Floor is reasonable condition.”
- “Generally the structure is in good condition, but there are problems with the cladding.”
- “The east wall has weathered and sections have been replaced or patched with corrugated iron. Other walls are in reasonable condition.”
- Under the heading of “Work required”
 - “Repair east wall as necessary”
 - “Consider replacement of the asbestos cement roof cladding and accessories.” – This work has been done.
- “The building is quite suited for its present purpose provided the asbestos risk is mitigated and the exterior wall cladding repaired or replaced as necessary. It would not be practical to carry out a major refurbishment or change in use as it would not be possible to comply with the Australian Building Code. A ball park estimate for removal of the asbestos roof could be about \$12,000. To supply and fix zincanneal custom orb roofing with accessories could cost a further \$8,000 - \$10,000.”

The current position is:

- There is no overall plan for the flax mill caravan park,
- The building will certainly deteriorate further without a roof or use,
- Council has an offer from a community group that has established in town and appears to be operating well.

Among the various options open to Council there are the options to note the request and get on with planning for the facility or work with the community group to bring the building up to a suitable standard for its use. In looking at these options it should be noted that the group is prepared to fund raise to assist with the required works. Their occupation and activities should ensure the building has a longer life (occupied buildings tend to last longer than derelict ones).

It is estimated that it would cost in the order of \$30,000 to \$35,000 to reroof the building, attend to electrical issues and wall cladding issues. Speaking with the group, they would deal with all internal requirements so Council would only need to attend to cladding and electrical matters.

In an ideal world, it would be better to devise a plan for the facility then deal with requests such as is before Council now but the reality is that the flax mill caravan park is not high on the list of priorities set by the community survey and Council is likely to have its hands full over the next few years dealing with higher priorities. The required expenditure to get this building up to a usable standard for the group is relatively low and the reality is that without a roof and use the building will deteriorate a rapid rate and will need demolishing in the not too distant future.

The Men's Association is relatively new and so is likely to continue for some time. Its members are also keen to find a "home" and it's probable that a new initiative such as fitting out the shed and the like, will encourage existing and new members. So the requested shed would help this group in a more holistic way than just providing accommodation.

It is recommended that Council agree to lease the Bailing Room shed at the flax mill to the Boyup Brook Men's Association subject to a suitable lease being drawn up at Council's expense. That Council approve up to \$35,000 being spent on cladding and electrical improvements contingent on a suitable, to the Council, lease being negotiated.

It is noted that the Group has offered to fund raise to assist Council with cost of getting the required works done but it is suggested that it will have its hands full, in terms of cost and the like, with the interior improvements they will need and want to do. On this, as with any Council building, the tenant is required to seek approval for any works and this process would be followed. The Group is fully aware of the potential for the area to be flooded and the lease would record this and seek to indemnify Council against any future claim the Group may make in this regard. In terms of town planning, the structure is now a shed and there is no plan to change the use so there is no planning implication. Any internal work the Group does will be non-structural and so no building licensing is envisaged.

It is anticipated that when and if we enter into discussions with the Group over a lease other matters may arise (such as there are no wet areas in the shed at this time and the group may seek to include some. If so we will have to deal with connections of services in and effluent out and the like). However at this stage we cannot enter into those discussions unless Council agrees to the notion of a lease for this building.

CONSULTATION

The author has spoken with the Group regarding its accommodation needs over a number of years, also with Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There is no provision in the current budget for the proposed works.

In researching this report it was noted that there is a Flax Mill Sheds Reserve (balance at 30/6/2012 \$29,630) and a Caravan Park Reserve (balance at 30/6/2012 \$109,627). That the budget provides for \$8,000 to be drawn from the Flax Mill Sheds Reserve for capital works that relate to the caravan park. Further that the purpose of the Flax Mill Sheds Reserve is "to be used to fund future requirements relating to maintenance and upgrade of the large sheds (storage) at the Flax Mill complex." It is therefore recommended that the budget be amended so that funding for the planned expenditure at the caravan park be drawn from the Caravan Park Reserve.

Whilst it may appear opportune to use the Flax Mill Sheds Reserve for the purposes of repairing the Baling Room shed it is not in line with the purpose the reserve was set up for and so could not be done without first changing the purpose of the reserve.

Council could look to the Commercial Reserve (projected balance at 30/6/2013 \$780,000) to fund the Baling Room works.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
It is suggested that using the Bailing Room shed will work to preserve this structure. Also that having a periodic presence after hours will add to the security of the whole facility (not that there is a problem now but who knows what the future holds and disused buildings tend to attract unwanted attention.)
- **Social**
Men's sheds play an important role in the community by providing meeting places where men can find social support and camaraderie. The group is also involved in a number of community initiatives.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Oversby

That Council

- 1. agree to lease the Bailing Room shed at the flax mill to the Boyup Brook Men's Association subject to a suitable, to the Council, lease being drawn up at Council's expense.**
- 2. approve up to \$35,000 being spent on cladding and electrical improvements contingent on a suitable, to the Council, lease being negotiated, with the funds coming from the Commercial Reserve.**
- 3. amend the 2012/13 to the funding for improvements to the water supply to the overflow caravan park and improve lighting in the main caravan site, a total of \$8,000, to come from the Caravan Park Reserve and not the Flax Mill Sheds Reserve.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 146/12

8.3.8 Forward Capital Works Plan and Country Local Government Fund

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	11 December 2012
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

The purpose of this report is to put before Council amendments to the Forward Capital Works Plan, which includes the application of the direct portion of the Country Local Government Fund (CLGF) grant for 2012/13 as set out in the current budget, and the projects being worked on by the Bunbury Wellington Group of Councils for the regional portion of the CLGF, with the recommendation that the amendments be approved and application be made for the direct portion of the grant.

BACKGROUND

The direct portion of the CLGF grant for 2012/13 is \$321,085 and Council's 2012/13 Budget provided as follows:

- Railway Parade Reconstruction \$161,085
- Depot Improvements \$100,000
- Saleyards upgrades \$60,000

COMMENT

The guidelines for the direct portion of the CLGF provide as follows:

Individual local governments should revise their FCWP. The required documentation must be submitted between 30 October and 30 December 2012 to RDL who will assess projects against the CLGF guidelines.

Failure to meet the 30 December 2012 deadline may result in a local government being excluded from 2012-13 funding and their 2012-13 notional allocation being re-distributed to other eligible recipients.

Councillor's attention is drawn to the inclusion of the Bunbury Wellington Group of Councils' (BWGC) projects for the regional portion of the CLGF grant. The regional group is working on applying the regional funding as follows:

- Purchase of Lot 1 Banksia Road Dardanup – Licensed landfill site as a regional waste sorting and disposal site for all of the Councils in the BWGC - \$4.1m
- Regional animal pound facility - \$200,000

Both projects are subject to the completion of business cases that will not be completed until 2013. The position is though that the group projects must be in each Council's FCW plan in order to gain the funding and the plans have to be updated before the application for the direct portion of the grant is made. The application has to be in by the end of 2012.

The applications for the group funding close in 2013. Essentially the position is then that the projects go into each Council's FCW plans with the knowledge that the FCW plan may have to be modified pending the outcome of the business planning and each Council agreeing to go ahead with those projects.

It recommended that Council accept the amendments to the FCW plan and authorise the application for the direct portion of the CLGF in line with the plan.

CONSULTATION

The author has spoken with Council, BWGC, and members of staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council needs to comply with the CLGF guidelines. Provision was made in the budget for the income and expenditure of these grant funds.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The planned saleyards and depot improvements include works on wash-down facilities.
- **Economic**
The planned saleyards improvements will allow better use of this facility by a wider range of local businesses. The proposed regional waste disposal initiative should reduce costs and improve services.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

That Council:

- 1. amend the Forward Capital Works plan by adding the following Country Local Government funded projects for 2012/13:**

Direct Portion:

- Railway Parade Reconstruction \$161,085**
- Depot Improvements \$100,000**
- Saleyards upgrades \$60,000**

Regional Portion in conjunction with the Bunbury Wellington Group of Councils:

- Purchase of Lot 1 Banksia Road Dardanup – Licensed landfill site as a regional waste sorting and disposal site for all of the Councils in the BWGC - \$4.1m**
- Regional animal pound facility - \$200,000**

- 2. authorise application being made for the direct portion of the 2012/13 Country Local Government Fund in line with the revised Forward Capital Works Plan.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 147/12

8.3.9 Potential purchase of land for development

Location:

Applicant:

File:

Disclosure of Officer Interest: None

Date:

Author: Alan Lamb

Authorizing Officer: Not applicable

Attachments: Nil

SUMMARY

The purpose of this report is to put before Council the process and opportunity to purchase land for future development with the recommendation that Council receive the report.

BACKGROUND

Council passed the following resolution at its September meeting:

That Council instruct the Chief Executive Officer to further investigate various sources of funds for land acquisition and report back to the October Council meeting.

The process to purchase land is constrained by the Local Government Act and regulations where the purchase cost is the lesser of \$2m or 10% of the operating expenditure, from the municipal fund, for the preceding completed year.

The operating expenditure for 2010/11 as shown in the Rate Setting Statement of the audited annual reports was \$5,023,684. The forecast operating expenditure for 2011/12 as shown in the 2012/13 budget was \$4,620,032.

The most recent rate quoted by the Treasury Corporation is 4.2% for a 20 year loan. Based on a 4.4% rate the annual repayment costs would be \$30,280.04, the total payment for the loan (interest and principal) would be \$605,600.80 making the cost of financing \$205,600.80.

Council has funds in its Commercial Reserve that could be applied to the acquisition of land. The forecast balance in this account as at 30/6/2013, as shown in the budget, is \$780,000. Reserve funds are generally held in term deposits and the current rate being received is 4.15%.

COMMENT

Based on the foregoing information, Council would not need to follow the major land transaction process for the purchase of land where the price is \$400,000.

Loan funds have become attractive with the current low interest rates. Alternatively, Council could use some of its Commercial Reserve funds to make a purchase but it may be better to keep this to apply to development costs and the like.

Council does not hold a lot of land in or near the town site with which it can stimulate development. Land generally escalates in value over time and the potential use of the land to address the overall objective of creating more independent living opportunities in Boyup Brook makes the investment worthy of consideration.

If Council chooses to use loan funds to finance a purchase it will need to give one month's notice of the proposal.

If Council wants to make an offer on a lot then it should consider closing the meeting so that the lot details and amount to be offered are kept confidential because that information would have a commercial value.

CONSULTATION

The matter of purchasing a lot has been before Council previously

STATUTORY OBLIGATIONS

The following sections of the Local Government Act have application

3.59. Commercial enterprises by local governments

(1) *In this section —*

acquire has a meaning that accords with the meaning of ***dispose***;

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

land transaction means an agreement, or several agreements for a common purpose, under which a local government is to —

(a) *acquire or dispose of an interest in land; or*

(b) *develop land;*

major land transaction means a land transaction other than an exempt land transaction if the total value of —

(a) *the consideration under the transaction; and*

(b) *anything done by the local government for achieving the purpose of the transaction, is more, or is worth more, than the amount prescribed for the purposes of this definition;*

major trading undertaking means a trading undertaking that —

- (a) in the last completed financial year, involved; or
- (b) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed for the purposes of this definition, except an exempt trading undertaking;

trading undertaking means an activity carried on by a local government with a view to producing profit to it, or any other activity carried on by it that is of a kind prescribed for the purposes of this definition, but does not include anything referred to in paragraph (a) or (b) of the definition of **land transaction**.

(2) Before it —

- (a) commences a major trading undertaking; or
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction, a local government is to prepare a business plan.

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

- (a) its expected effect on the provision of facilities and services by the local government; and
- (b) its expected effect on other persons providing facilities and services in the district; and
- (c) its expected financial effect on the local government; and
- (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

- (a) give statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and

- (iii) *submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

- (b) *make a copy of the business plan available for public inspection in accordance with the notice.*

- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

** Absolute majority required.*

- (5a) *A notice under subsection (4) is also to be published and exhibited as if it were a local public notice.*
- (6) *If the local government wishes to commence an undertaking or transaction that is significantly different from what was proposed it can only do so after it has complied with this section in respect of its new proposal.*
- (7) *The local government can only commence the undertaking or enter into the transaction with the approval of the Minister if it is of a kind for which the regulations require the Minister's approval.*
- (8) *A local government can only continue carrying on a trading undertaking after it has become a major trading undertaking if it has complied with the requirements of this section that apply to commencing a major trading undertaking, and for the purpose of applying this section in that case a reference in it to commencing the undertaking includes a reference to continuing the undertaking.*
- (9) *A local government can only enter into an agreement, or do anything else, as a result of which a land transaction would become a major land transaction if it has complied with the requirements of this section that apply to entering into a major land transaction, and for the purpose of applying this section in that case a reference in it to entering into the transaction includes a reference to doing anything that would result in the transaction becoming a major land transaction.*
- (10) *For the purposes of this section, regulations may —*
 - (a) *prescribe any land transaction to be an exempt land transaction;*
 - (b) *prescribe any trading undertaking to be an exempt trading undertaking.*

[Section 3.59 amended by No. 1 of 1998 s. 12; No. 64 of 1998 s. 18(1) and (2).]

3.60. *No capacity to form or acquire control of body corporate*

A local government cannot form or take part in forming, or acquire an interest giving it the control of, an incorporated company or any other body corporate except a regional local government unless it is permitted to do so by regulations.

The following Regulations from the Local Government Functions and General Regulations have application:

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

- (1) *The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —*
- (a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) *\$10 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*
 - or*
 - (b) *if the land transaction is entered into by any other local government, the amount that is the lesser of —*
 - (i) *\$2 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*
- (2) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —*
- (a) *the total value of —*
 - (i) *the consideration under the transaction; and*
 - (ii) *anything done by the local government for achieving the purpose of the transaction,**is more, or is worth more, than the amount prescribed under subregulation (1); and*
 - (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —*
 - (i) *the total value of the transaction; or*
 - (ii) *variations throughout the State in the value of land.*

[Regulation 8A inserted in Gazette 27 Sep 2011 p. 3844.]

8. Exempt land transactions prescribed (Act s. 3.59)

- (1) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —*
- (a) *without intending to produce profit to itself; and*

- (b) *without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.*
- (2) *For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).*
- (3) *A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —*
 - (a) *all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and*
 - (b) *although the total value referred to in the definition of **major land transaction** in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a).*

[Regulation 8 amended in Gazette 29 Aug 1997 p. 4867-8.]

The following sections of the Local Government Act relate to borrowings:

Subdivision 3 — Borrowings

6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
 - (a) *borrow or re-borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (**power to borrow**) and details of that proposal have not been included in the annual budget for that financial year —*
 - (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
 - (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*

- (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*

the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*

** Absolute majority required.*

- (4) *A local government is not required to give local public notice under subsection (3) —*
 - (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

6.21. Restrictions on borrowing

- (1) *Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —*
 - (a) *by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or*
 - (b) *by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or*
 - (c) *by a participant giving security over its general funds to the extent agreed by the participant.*
- (1a) *Despite subsection (1)(a) and (c), security cannot be given over —*
 - (a) *the financial contributions of a particular participant to the regional local government's funds; or*
 - (b) *the general funds of a particular participant,*

if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) *Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.*
- (3) *The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1)*

either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.

(4) *In this section and in section 6.23 —*

general funds *means the revenue or income from —*

- (a) *general rates; and*
- (b) *Government grants which were not given to the local government for a specific purpose; and*
- (c) *such other sources as are prescribed.*

[Section 6.21 amended by No. 49 of 2004 s. 59.]

The following section of the Local Government Act relates to meetings being open to the public:

5.23. Meetings generally open to public

(1) *Subject to subsection (2), the following are to be open to members of the public —*

- (a) *all council meetings; and*
- (b) *all meetings of any committee to which a local government power or duty has been delegated.*

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government; and

(f) *a matter that if disclosed, could be reasonably expected to —*

- (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

Nil at this time.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
The purchase of land could be used to stimulate development and increase population..
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority unless Council decides to purchase land and/or finance this with loan funds.

OFFICER RECOMMENDATION

That Council receive the report.

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Walker

That Council proceed to advertise, in accordance with section 6.20 (2) of the Local Government Act, the intension to borrow an amount of \$400,000 in order to purchase suitable land for development.

CARRIED 9/0

Res 148/12

8.3.10 Planning Application – Oversized Outbuilding on Special Rural Lot

<i>Location:</i>	<i>Lot 4 Barron Court, Boyup Brook</i>
<i>Applicant:</i>	<i>Gordon & Patricia Ross</i>
<i>File:</i>	<i>AS 2015</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>12 October 2012</i>
<i>Author</i>	<i>Wayne Jolley Building Surveyor</i>
<i>Authorising Officer:</i>	<i>Alan Lamb CEO</i>
<i>Attachments:</i>	<i>Site Plan of Lot 4 Barron Court</i>

SUMMARY

The owners of the above lot propose to extend an existing shed, plus build a free-standing carport, the area of which would not comply with Council's Policy P.04 on Outbuildings.

This report will recommend that the proposal is approved.

BACKGROUND

The land is situated at Barron Court in a Special Rural zoned area and comprises 9.8ha. At present, the only outbuilding on site is a freestanding shed of 108m² area. The owners now wish to extend the shed by 14m x 14m + 5m x 3m (211m²) plus construct a freestanding carport 9m x 7m (63m²).

It is intended to use the new shed extension for storage of two tractors and implements, lawn mowers, trailers, garden equipment and firewood, while the carport will accommodate a vehicle and a caravan.

A building permit application has been lodged with the Building Surveyor and is awaiting the outcome of this agenda item.

COMMENT

Under Council Policy No P.04 – Outbuildings, a Special Rural block is permitted a total outbuilding area of 200m² with any individual outbuilding no more than 150m².

This proposal does not comply with the Policy in two respects:

- The total outbuilding area will be 382m² (exceeding the Policy limit by 182m²); and
- The largest individual outbuilding area will be 319m² (exceeding the Policy by 169m²).

The Policy permits Council to consider a planning application outside the domain of the standards stipulated in the Policy but states that Council will require that:

- *The proposed outbuilding(s) are of masonry construction or clad in factory applied colorbond or zinalume;*
- *The height of any opening to the outbuilding(s) is less than 3.0 metres;*
- *The ridge/gable height is less than shown in the table (4.5m);*
- *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;*
- *Your proposal will not have a detrimental effect on your neighbours or on the street in general.*

All of these requirements are met by the proposal. The proposal meets boundary setback requirements, in fact the shed will be located a substantial 250m and 200m from western (Barron Court) and northern boundaries respectively. At 9.8ha, the land area of site is significantly larger than most Special Rural lots (usually a minimum of 2ha) and the size of outbuildings will certainly not dominate the landscape.

In terms of:

- Height of structures at a maximum of 3.9m and door height 3m;
- Positioning of shed extensions behind the existing shed from Barron Court;
- Zinalume cladding to match existing structures; and
- Indicated use of the proposed shed, the proposed structures are unlikely to create any visual or amenity impact from the roadway or for neighbors.

It is recommended that planning approval be granted to build the proposed shed extension and the carport in accordance with the application and the site plan.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2

POLICY IMPLICATIONS

Council Policy No P.04 - Outbuildings

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Compliance with adopted policies and Shire Boyup Brook Town Planning Scheme No 2 will ensure Council's objectives for the Residential Zone are maintained.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATIONS

MOVED: Cr Kaltenrieder

SECONDED: Cr Biddle

That planning approval be granted to Mr and Mrs Ross to extend their existing shed and erect a carport, on Lot 4 Barron Court, in accordance with their planning application and this report.

CARRIED 9/0

Res 149/12

9 COMMITTEE REPORTS

Nil

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The Shire President approved of the following item being dealt with as urgent business:

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Biddle

That Council accepts the request of the Chief Executive Officer to amend clause 5 of his contract to read 8 months instead of 9 months in relation to further contracts.

CARRIED 9/0

Res 150/12

Rob Staniforth-Smith left at 5.53pm

Cr Biddle left at 5.56pm

Cr Biddle returned at 5.58pm

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Item 12.1.1 withdrawn by the Chief Executive Officer

12.1.1 Purchase of motor vehicle

12.1.2 Development of Ablution Facility – Recreation Grounds/Music Park

COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr Oversby

Council approve the Chief Executive Officer to negotiate with a local supplier to cost a new ablution facility in line with Council's adopted design and report back to Council.

CARRIED BY ABSOLUTE MAJORITY 9/0

Res 151/12

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles declared the meeting closed at 6.24pm.