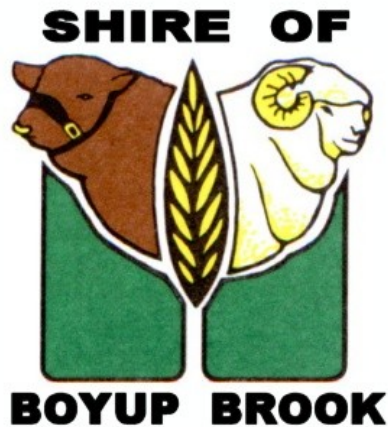


MINUTES



ORDINARY MEETING

HELD

THURSDAY 19 JULY 2012

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS

ABEL STREET – BOYUP BROOK

TABLE OF CONTENTS

1	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
1.1	Attendance	3
1.2	Apologies.....	3
1.3	Leave of Absence	3
2	PUBLIC QUESTION TIME	3
2.1	Response to Previous Public Questions Taken on Notice	3
2.2	Public Question Time	3
3	APPLICATIONS FOR LEAVE OF ABSENCE.....	3
4	PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS.....	4
5	CONFIRMATION OF MINUTES.....	4
6	PRESIDENTIAL COMMUNICATIONS.....	4
7	COUNCILLORS QUESTIONS ON NOTICE	4
8	REPORTS OF OFFICERS	6
8.1	MANAGER WORKS & SERVICES.....	7
8.2	FINANCE	7
	8.2.1 List of Accounts Paid	7
	8.2.2 June 2012 Monthly Statements of Financial Activity	9
8.3	CHIEF EXECUTIVE OFFICER	11
8.3.1	Amendment No 13 - Lot 734, Banks Road from 'Rural' zone to 'Special Rural'	11
8.3.2	Amendment No 14 – Rural Small Holdings Zone.....	16
8.3.3	Town Planning Scheme Review	30
9.1	COMMITTEE REPORTS	41
	9.1.1 Minutes of the WALGASW Zone – 29 June 2012.....	41
	9.1.2 Minutes of the Blackwood River Valley Marketing Association.....	41
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	42
11	URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT	42
	11.1.1 Forward Planning Committee	42
	11.1.2 2012/13 Budget preparation - Rubbish Collection Services.....	44
12	CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS.....	44
13	CLOSURE OF MEETING	44

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

1.1 Attendance

Cr K Moir – Deputy Shire President
Cr G Aird
Cr E Biddle
Cr J Imrie
Cr B O'Hare
Cr R Walker

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

CONSULTANT: Mr Geoffrey Lush, TME, Planning Consultant

PUBLIC: Nil

1.2 Apologies

Cr T Oversby

1.3 Leave of Absence

Cr M Giles, Shire President
Cr P Kaltenrieder

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Biddle informed Council that the Boyup Brook Tourist Centre has completed the Draft Business Plan and will present it to Council at the next Council meeting.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21 June 2012

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 21 June 2012 be confirmed as an accurate record.

CARRIED 5/1

Res 098/12

Request for Vote to be recorded

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

FOR AGAINST

Cr Moir Cr Biddle
Cr Aird
Cr O'Hare
Cr Imrie
Cr Walker

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 COUNCILLORS QUESTIONS ON NOTICE

Standing orders provide as follows:

8. *QUESTIONS*

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

8.1.1 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.

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

8.2 *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 Cr Biddle.

QUESTION 1

Effectiveness of solar panels at the swimming pool

Has installation of solar panels at the swimming pool reduced power consumption? If so, by what percentage?

Reason: If solar power has proved to result in significant savings, Council should consider similar installations on other Council buildings

ANSWER 1

Taking the billing period 19/3/2011 to 30/5/2011 and comparing it with 29/3/2012 to 30/5/2012 there was a 43% reduction in units used at peak rates and a reduction of 42.6% units used at off peak rates. It will be noted that the billing periods do not match exactly, that the period analysed is the pool off season and that the climatic conditions for each period may not have been the same. Archives will be accessed to produce a twelve month period comparison for tabling at the Council meeting.

QUESTION 2

Water tank at the Cemetery

Does provision and installation of a water tank at the cemetery remain a budgeted item? If so, when could it reasonably be expected to be done?

Reason: the matter was first raised late in 2010, and its potential advantages have been subsequently discussed and endorsed on several occasions

ANSWER 2

A budget figure of \$10,000 has been placed in the 2012/2013 draft budget to provide and install a water tank at the cemetery. The work would reasonably be expected to be commenced as soon as practicable after Council approves the budget.

QUESTION 3

Rest Room at Town Hall

Can replacement of the floor-covering in the rest room, and replacement of the hand basin in the Ladies' toilet area, be included in the maintenance budget for 2012-2013?

Reason: loose carpet tiles in the restroom could well be considered as an OHS risk; the condition of the hand-basin detracts from the otherwise well-maintained toilet area

ANSWER 3

Prices are being sought for appropriate floor coverings for budget purposes. The hand basin issue hasn't been raised previously but will be investigated with a view to it becoming a budget consideration.

QUESTION 4

Documentation distribution prior to Council Meetings,

Can Agendas and Attachments distributed to Councillors as hard copies prior to Council meetings also be transmitted to Councillors by electronic means?

Reason: makes storage of documents for future reference much easier (for those who wish to do so). I'm aware that these could be accessed on the Shire's website, but since the documents are prepared electronically, I don't believe the work involved in acceding to my request would be significant.

ANSWER 4

Agendas are prepared and stored electronically and so could be distributed via email prior to meetings. Attachments however are not at this stage, they are compiled as hard copies and photocopied then the documents are filed in their relevant subject file. The new computer system will include a records keeping module that will prompt change in the records keeping system which could facilitate the keeping of attachments as a separate record. In the interim, as a number of attachments come in an electronic format and others are scanned for records it would be possible to compile sets of attachments in an electronic format as a separate record.

The agenda preparation process is such that we meet the goal of having the hard copies delivered on the Friday before the Council meeting. Because this is the main priority it may not always be possible for electronic format agendas and attachments to be emailed on the Friday but we could aim for the next working day.

The additional task of sending agendas, compiling and sending attachments in an electronic format represents an additional work load.

QUESTION 5

Entry Statements

Is there any intention to deal with this issue in the new financial year? If so, will residents be given the opportunity to provide suggestions?

Reason: the draft strategic plan appears to suggest this is appropriate/desirable; the issue has been raised on several occasions over several years, but without any sort of decision or outcome.

ANSWER 5

The matter of entry statements has not been raised in recent times and so no provision has been made in the draft budget workings for new works in this area. Council has not completed the integrated planning process which includes putting the community's priorities, as expressed through the strategic community plan, into a ten year planning framework that includes a test of the affordability of current and new assets.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

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:	13 July 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 18 June and 3 July 2012.

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 18 June and 3 July 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 2011/12 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Aird

SECONDED: Cr Biddle

That the list of accounts paid-in June and July 2012 as presented totalling \$626,820.52 and as represented by cheque voucher numbers 13-51 totalling \$111,514.23 and accounts paid by direct electronic payments through the Municipal Account totalling \$515,306.29 be received.

CARRIED 6/0

Res 099/12

8.2.2 June 2012 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 July 2012</i>
Author:	<i>Kay Raisin – Finance Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

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

The reports are attached.

COMMENT

Please note that the statements may vary from the final annual statements due to end of year inclusions and adjustments and as the result of the audit process.

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

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr O’Hare

SECONDED: Cr Aird

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

CARRIED 6/0

Res 100/12

8.3 **CHIEF EXECUTIVE OFFICER**

8.3.1	Amendment No 13 - Lot 734, Banks Road from 'Rural' zone to 'Special Rural'
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Location:	<i>Lot 734 Banks Road</i>
Applicant:	<i>Harley Global</i>
File:	
Disclosure of Officer Interest:	
Date:	<i>10th July 2012</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Revised Special Conditions</i> <i>2 Original Subdivision Guide Plan</i>

SUMMARY

The West Australian Planning Commission has advised Council that no additional time can be granted in relation to the submittal of the revised amendment documents. Following a meeting with the Department of Planning the required modifications to the subdivision guide plan have been clarified.

The applicant is only prepared to agree to the modifications to the Amendment subject to receiving written guarantees from both the Council and the WAPC regarding his existing land uses. He still objects to the proposed modifications to the subdivision guide plan.

It is recommended that Council comply with the Minister's instruction and submit the revised amendment for final approval.

BACKGROUND

Council at its Meeting of the 19th April resolved (in summary) to:

1. Seek the Minister's approval to defer the time period for modifying the Amendment; and
2. Request that the West Australian Planning Commission reconsider the proposed modifications to the subdivision guide plan.

Consequently the Planning Commission has advised that it is unable to grant additional time or alter the Minister's decision. As such in accordance with the provisions of regulations 21 (2) and 25 of the *Town Planning Regulations, 1967* (as amended), Council is required to return the executed modified amending documents to the WAPC within 42 days of being notified of the Minister's decision.

A meeting was then held with the Department of Planning and the applicant's consultant to discuss the proposed modifications to the subdivision guide plan.

The applicant's consultant has since advised that:

Scheme Amendment

The client is willing to support the suggested modifications to the proposed Scheme Amendment pending the following being received:

- a) a written response being received by the Shire of Boyup Brook supporting the continued rural pursuits and/or activities on the property and acknowledging that the Amendment and associated provisions does not implicate these continued uses on the property in the future;
- b) a written response being received by the WAPC supporting the continued rural pursuits and/or activities on the property and acknowledging that the Amendment and associated provisions does not implicate these continued uses on the property in the future. It is understood that the WAPC would respond to either an email or letter correspondence received by the Shire to address this written response; and
- c) once the written responses from the Shire and WAPC are received by our office, we will undertake the necessary modifications to the Scheme Amendment documentation before it is issued to the Minister for Planning for final approval.

Structure Plan

The client has confirmed the following:

- d) Unless the west-east connection requirements (as requested by the WAPC) are removed from the Structure Plan, the client will not pursue the modifications to the Structure Plan;
- e) Further consideration and investigations may be undertaken to confirm alternative design options and these options will be discussed with the Shire and WAPC in due course; and
- f) The client does not support the modifications to the Structure Plan (particularly the west-east connection requirement) and until such time these matters are resolved (or distinguished from the requested modifications) no further action will be taken towards progressing this Structure Plan to final approval.

CONSULTATION

- Department of Planning;
- Applicant's consultants.

STATUTORY OBLIGATIONS

Amendment

In accordance with the provisions of regulations 21(2) and 25 of the Town Planning Regulations, 1967 (as amended), Council is required to return the executed modified scheme/amending documents to the Western Australian Planning Commission within 42 days of being notified of the Minister's decision.

Council was advised of the Minister's decision by a letter dated the 16th March.

Subdivision Guide Plan

Under Special Condition 3(a) a Subdivision Guide Plan is to be submitted to and approved by the Shire of Boyup Brook and WAPC prior to subdivision or development of the land.

COMMENT

Comments are provided below separately for the amendment and subdivision guide plan.

Amendment

The required modifications to the Amendment are as follows:

- 1 Re title the 'Subdivision Guide Plan' to 'Structure Plan' and replace all references on the amending text pages accordingly.
- 2 Reword Condition 3. a) to state:
 - a) "A Structure Plan is to be submitted to and approved by the Shire of Boyup Brook and endorsed by the WAPC prior to subdivision or development of the land."
- 3 Reword Condition 6. b) to state:
 - b) "All buildings and structures shall be located outside of the 'Remnant Vegetation Protection' areas marked on an approved Structure Plan."
- 4 Remove duplication of the word 'that' in Condition 9. a).
- 5 Delete Conditions 10. b) and 14.
- 6 Reword Condition 11. a) to state:
 - a) "A Fire Management Plan is to be prepared and implemented to the satisfaction of the Shire of Boyup Brook and FESA."

These modifications all relate to the Amendment text and do not require any alterations to the zoning plan. Consequently it is very straight forward to alter the Amendment.

In response to the qualifications that the applicant has sought on carrying out the Minister's instructions it is noted that:

- a) Irrespective of the rezoning, Clause 4.1 of the Planning Scheme protects any existing uses rights. The applicant when queried as to what these uses might be has replied that they relate to such uses as grazing, plantation and any other rural activities. It is noted that Rural Pursuit is a proposed SA use under the rezoning. Hence the only non conforming issue relates to the plantation.
- b) The Planning Commission may or may not respond to the applicant's request for a letter regarding the above uses. However the Commission has little involvement in the administration of the Planning Scheme.
- c) It is not necessary for the applicant to undertake the modifications as these are only text changes which can be done by Council. The modified Schedule 3 Conditions are enclosed as Attachment 1.

As the Council has a statutory obligation to comply with the Minister's direction; points (b) and (c) above are irrelevant.

Subdivision Guide Plan

The required modifications to the Subdivision Guide Plan are as follows:

- 1 Retitle the 'Subdivision Guide Plan' to 'Structure Plan'.
- 2 Provide a road linkage between the cul-de-sac road and the proposed (western) road reserve.
- 3 Delete the battleaxe access legs for proposed Lots C, E and G.
- 4 Review the need for the 10m wide easement for fire fighting purposes.
- 5 Modify the caption applicable to the proposed western road in recognition of No.3 above.

The original subdivision guide plan is contained as Attachment 2.

Following the Council's query on this matter the Planning Commission advised that:

- a) The western road is required to extend through to Banks Road.
- b) Once constructed, the western road will provide a direct connection between Lot 735 and Banks Road, obviating any access through the subject site.
- c) The WAPC's modifications do not require any change to the alignment of the western road, half of which will be located within the subject lot.
- d) There is a general presumption against long cul-de-sac roads and battleaxe legs where more appropriate alternative connections can be provided. The WAPC's preference in this case is to provide a permeable road network that connects with existing and planned roads.
- e) The WAPC's modifications rationalise the creek crossings from three to one. It is expected that the location of the public road crossing would be located on the narrow section of the creek and designed to minimise disturbance of native vegetation.

In the meeting with the Department of Planning it was clarified that the western access road can link through to the cul de sac. It was acknowledged that there has been no investigation regarding the suitability of the alignment down the western boundary and that this may precipitate a major revision of the subdivision design.

A potential concern is that the Department of Planning appeared to be comfortable with the revised design using only half of the road reserve if it is located on the common boundary i.e. a 10m road reserve.

In conclusion the amendment can proceed to be approved and the revision to the subdivision guide plan can be done at a later date. Hence there is no decision required to be made by Council until a revised subdivision guide plan is submitted.

In relation to the applicant's comments regarding the modifications to the subdivision guide plan, it is entirely up to him as to whether he proceeds or not.

Once the Planning Scheme is amended to introduce the structure plan provisions (as proposed in Amendment 14) the applicant would be able to appeal against the Planning Commission's decision.

POLICY IMPLICATIONS

These implications are addressed above.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The outcome of this issue will determine the ultimate subdivision pattern in this area. Should the proposed subdivision not proceed it will limit the potential supply of special rural lots.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr O'Hare

1. That Council in accordance with the Minister's instructions adopt Amendment No 13 for final approval incorporating the Minister's modifications.
2. That the applicant be advised that Clause 4.1 of the Planning Scheme protects any existing uses rights.
3. That Council notes that it is the applicant's decisions as to when or if he proceeds with the revised subdivision guide plan with the modifications requested by the West Australian Planning Commission.

CARRIED 6/0

Res 101/12

8.3.2 Amendment No 14 – Rural Small Holdings Zone

Location:	N/A
Applicant:	Council
File:	
Disclosure of Officer Interest:	None
Date:	11 th July
Author:	Geoffrey Lush (Council Consultant)
Authorizing Officer:	A Lamb
Attachments:	1 Current Clause 5.3 Provisions 2 Structure Plan Provisions 3 Structure Plan Table

SUMMARY

This report is to consider the proposed development and land use provisions for the new Rural Small Holdings zone.

These provisions will form part of Amendment No 14 to the Scheme.

BACKGROUND

Council at its April meeting considered an application to rezone Lots 8 & 9 Boyup Brook – Kojonup Road from 'Rural' zone to 'Rural Small Holdings'. It resolved in part:

- 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

It also resolved

- "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."

This report was included in the agenda for the May Meeting but was withdrawn by the CEO on the basis that it requires clarification on Vegetation Clearing and Bush Fire Management.

CONSULTATION

Department of Planning

STATUTORY OBLIGATIONS

Planning and Development Act 2005

COMMENT

1 Proposed Scheme Provisions

The Rural Small Holdings zone was identified in the Rural Strategy for large semi rural lots of between 4 and 40 hectares in size. The zoning will be applied to the policy areas located on the eastern side of the river corridor.

In introducing the Rural Small Holding zone Council must determine the proposed development and land use provisions. These have already been discussed in general terms in the Planning Scheme review workshops. The proposed provisions also need to acknowledge the intended modifications to the Scheme Text as proposed in the Scheme review (Amendment No 15) which has not been adopted by Council.

The provisions for the Rural Small Holdings zone will operate in a similar manner to the current Special Rural zone and include a Schedule with special conditions for each subdivision. The main difference is that the lots are larger and that a greater range of land uses can potentially be considered.

In discussions with the Department of Planning it has been confirmed that there is no objection to combining the general provisions for both the Special Rural and Rural Small Holdings zones. This will simplify the Amendment and structure of the Scheme text.

The current Scheme provisions for the Special Rural zone (Clause 5.3) are contained as Attachment 1. In relation to their suitability for the Rural Small Holdings zone the following comments are provided:

Preamble

The provision needs to be changed to refer to:

- Include an objective for the Rural Small Holdings zone; and
- Reference the structure plan areas on the scheme map and provisions of Schedule 12.

5.3.1 Rezoning Submission

This provision can apply to both zones however it will be superseded by the general provisions relating to the preparation of a structure plan for each policy area.

5.3.2 Provisions for specific Special Rural Zone.

This can apply to both zones.

5.3.3 Water Supply

This can apply to both zones, but the Planning Commission is now requiring an increase in the minimum provision from 92,000 to 120,000L. Separate water supply requirements for stock and fire fighting can be dealt with in the schedule conditions.

5.3.4 Vegetation Protection

This can apply to both zones.

5.3.5 Vegetation Clearing Approval

This overlaps with Clause 5.3.4 but can still apply in both zones.

5.3.6 Boundary Setbacks

The minimum setbacks in the Special Rural zone are 15 metres from the front boundary and 10 metres from any other boundary. The boundary setbacks in the Rural Small Holdings zone should be greater as the lot sizes will be bigger.

The prescribed setbacks in the Rural zone are only 10 metres from any boundary. For comparison the setbacks in other SW Planning Schemes are:

- Augusta Margaret River LPS1 – 20m front; 20m side;
- Bridgetown Greenbushes TPS4 – 20m front, side and rear;
- Busselton TPS20 – 30m front, side and rear;
- Capel TPS7 – 20m front, side and rear;
- Collie LPS5 - – 30m front, 15m side and 30m rear;
- Dardanup - 20m front, side and rear;
- Donnybrook - 10m front, side and rear;
- Harvey TPS1 - 20m front, side and rear;
- Manjimup LPS4 - 30m front, 10m side and 30m rear; and
- Nannup TPS3 - 50m front, 20m side and 20m rear.

Based upon the above it is suggested that the Rural Small Holdings zone should have minimum setbacks of 20m from the front boundary and 20m from the side and rear boundaries.

The basis for a 20m setback from the side and rear boundaries is because each dwelling will have to provide a minimum 20m building protection zone for bush fire control and this must be wholly located within each property.

These setbacks can be varied (increased or decreased) by the approval of a building envelope plan for each subdivision.

5.3.7 Relocated Dwellings Policy

While this provision can be applied in both zones it is no longer an applicable provision in the Scheme. Relocated Dwellings are already controlled by Clause 5.17 of the Scheme and the policy is referenced by Clause 9.6.

5.3.8 Building Appearance

This can apply to both zones.

5.3.9 Building Materials

This can apply to both zones, but it overlaps with Clause 5.3.8.

5.3.10 Stocking Rates

This can apply to both zones however the consideration and approval of any application for rural pursuit or animal keeping can address this issue in its conditions.

5.3.11 Fencing

This can apply to both zones.

5.3.12 Special Conditions in the Schedule

This can apply to both zones while noting that there will be a separate schedule for the Rural Small Holdings zone.

Other Provisions

In addition to these provisions it is also considered that Clause 5.3 would be strengthened by a provision relating to the matters which are to be considered in determining an application i.e.

- (a) the objectives of the zone;
- (b) the potential impact of the proposed use on the existing character of the area;
- (c) the retention of existing remnant vegetation;
- (d) proposed water supplies;
- (e) potential bush fire hazards;
- (f) the capability of the land for the proposed use including stocking rates; and
- (g) the relevant provisions of Clause 3.4.4.

It is also considered that there should be a revised provision relating to bush fire management and the application of construction standards for dwellings.

Zoning Table

One major distinction between the Special Rural and Rural Small Holdings zones is that the land uses for the Rural Small Holdings zone are provided for within the Land Use (Zoning) Table rather than in the individual schedules. This means that the same land use classifications will apply in all Rural Small Holding zones.

Based upon the current zoning table the following uses are considered to be appropriate discretionary uses within the Rural Small Holdings zone:

- Agro Forestry;
- Alley Farming;
- Cottage Industry;
- Group Dwelling;
- Holiday Cottage;
- Holiday Cottages;
- Home Occupation;
- Market Garden;
- Office;
- Parking - Commercial Vehicles;
- Parking - Heavy Haulage Vehicles;
- Plant Nursery;
- Plantation;
- Public Utility;
- Radio/TV Installation;
- Residential;
- Rural Industry;
- Rural Pursuit;
- Single House;
- Stables – Commercial;
- Transport Depot;
- Veterinary Clinic;
- Wayside Stall; and
- Wood yard.

The Scheme review (Amendment No 15) also proposes to introduce a number of new land use classifications. The following uses are considered suitable within the Rural Small Holdings zone:

- Ancillary Accommodation;
- Bed & Breakfast;
- Cabin;
- Caretaker's House;
- Chalet;
- Farm Stay;
- Guesthouse;
- Holiday Home;
- Home Business;
- Home Occupation; and
- Home Office.

2 Structure Plans

The introduction of the provisions for the Rural Small Holdings zone will include the general provisions for the preparation and approval of structure plans.

These are in accordance upon the Model Scheme Text and are contained as Attachment 3.

The structure plan areas are shown on the Scheme Map and designated in a new Schedule in the Scheme. This is contained as Attachment 4 and this duplicates Policy Area Table from the Rural Strategy.

Policy Areas 6 and 11 have not been included in the structure plan areas. These were nominated for potential town site expansion and their inclusion is subject to the finalization of the town site strategy.

These two areas are comprised as follows:

- Policy Area 6 - Lots 709, 710 and 711 Terry Road
- Policy Area 11 – Lots 1, 51, 1007, and 118 Boyup Brook - Arthur Road.

3 Vegetation Clearing and Bush Fire Management.

Clause 5.3.5 of the Scheme currently requires Council's approval for the clearing of vegetation within the Special Rural zone. This is a standard provision which is typical in Special Rural zones, although it is not known if Council has ever received such an application.

It is proposed that this provision be included in the Rural Small Holdings zone.

There is more discretion as to whether the Rural Small Holdings zone must have such a provision as the lots are larger. However the original formulation of the Rural Strategy promoted the establishment of Rural Small Holdings on the basis of providing improved environmental benefits along the river corridor. In accordance with this it is recommended that the provision remain.

Clause 5.3.10 relates to the preparation of fire management plans. It stipulates that any fire management plan must be prepared in accordance with the Planning for Bush Fire Protection Guidelines (as amended).

The term "(as amended)" is used to ensure that the provision refers to the current version of the Guidelines. These were originally published in 2001 and modified in 2009. They are now under further review following the Keelty Inquiry.

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

OFFICER RECOMMENDATION

That Amendment 14 include the following general provisions relating to the Rural Small Holdings zone

A Replace Clause 5.3 Special Rural Zone with:

5.3 SPECIAL RURAL AND RURAL SMALL HOLDING ZONES

5.3.1 Objectives

The Special Rural Zone is intended primarily to accommodate lots generally of 1 – 4 ha where the primary use is for residential purposes in a rural setting. The Rural Small Holdings zone is intended to accommodate lots generally of 4 – 40 ha where the land used for minor rural pursuits, hobby farm, conservation lots and alternative residential life style purposes.

Council's objective within the Special Rural and Rural Small Holdings zones is to permit the progressive rezoning and subdivision of land included within the Policy Areas as defined in Schedule 12 and the associated Structure Plan Area as shown on the Scheme Map.

5.3.2 Structure Plan

Before making provision for a Special Rural or Rural Small Holdings zone the local government will prepare or require the owner(s) of the land to prepare a structure plan and endorsed in accordance with Clause 10.1.

5.3.3 Special Conditions

Subdivision and Development shall comply with the provisions applicable to each relevant area as set out in Schedule 3 (Special Rural zones) and 3A (Rural Small Holdings).

5.3.4 Consideration of Applications

In considering any planning application in the Special Rural and Rural Small Holdings zones the local government shall have regard to:

- (a) the objectives of the zone;**
- (b) the potential impact of the proposed use on the existing character of the area;**
- (c) the retention of existing remnant vegetation;**
- (d) proposed water supplies;**
- (e) potential bush fire hazards;**
- (f) the capability of the land for the proposed use including stocking rates; and**
- (g) the relevant provisions of Clause 3.4.4.**

5.3.5 Setbacks and Building Envelopes

(a) Unless approved by the local government no building or development shall be located within:

- (i) 15 metres of the front boundary and within 10 metres of any other boundary for any Special Rural lot; or**
- (ii) 20 metres of the front boundary and within 20 metres of any other boundary for any Rural Small Holdings lot.**

(b) Where a building envelope is defined for a lot on a structure plan, the dwelling and any outbuilding(s) shall be confined to that envelope. The local government may permit:

- (i) a variation of the location of the building envelope; and/or**
- (ii) minor outbuildings and shelters to be located outside of the building envelope**

if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the zone or the amenity of the area.

5.3.6 Water Supply

Except where a reticulated water supply is provided, a person shall not construct a dwelling unless a roof water storage tank of minimum capacity of 92,000 litres or other type of domestic water supply approved by the Council is incorporated in the approved plans and constructed at the same time as the dwelling. No dwelling shall be considered fit for human habitation unless a tank has been installed and is operating.

5.3.7 Vegetation Clearing

A person shall not, without the prior consent of the Council, remove, cut down, lop (other than for pruning) or damage a tree or shrub on any land within a Special Rural or Rural Small Holdings zone including street verges unless:

- (a) The trees are dead, diseased or dangerous;**
- (b) The clearing is for the purpose of a firebreak or for approved fuel reduction purposes; and**
- (c) The clearing is required for any approved development or works.**

Where the Council grants its consent, it may impose conditions requiring the planting of suitable replacement mature trees or shrubs at the cost of the applicant.

5.3.8 Building Appearance

Notwithstanding that a building or works may conform in all respects to the provisions of this Scheme, the local government may require alterations to the proposed building if it considers that the proposed building or works would be likely to seriously impact upon the amenity or the visual appearance of the area.

5.3.9 Fencing

The minimum standard of fencing in the Special Rural and Rural Small Holdings zones shall be 1.4 metre post and 4 strand wire or such similar materials as approved by the local government. Fencing design and materials shall not be inconsistent with the rural character of the area as defined by the local government.

5.3.10 Bush Fire Management

Prior to any subdivision a fire management plan shall be approved by Council and FESA. This plan shall be prepared in accordance with the Planning for Bush Fire Protection Guidelines (as amended) and shall define:

- (a) bush fire prone areas; and
- (b) associated Bushfire Attack Levels.

A In the Zoning Table insert Column 10 as follows:

Use Class	10 Rural Small Holdings
Residential Uses	
Single House	P
Group Dwelling	AA
Caretaker's House	
Home Occupation	P
Residential	AA
Tourist Uses	
Camping Area	
Caravan Park	
Holiday Cottage	AA
Holiday Cottages	SA
Motel	
Commercial Uses	
Car Park	
Consulting Room	
Dry Cleaning Premises	
Fast Food Outlet	
Funeral Parlour	
Hotel	
Laundromat	
Liquor Store	
Medical Clinic	

Use Class	10 Rural Small Holdings
Office -	IP
Plant Nursery	
Professional Office	
Restaurant	
Service Station	
Shop	
Showroom	
Tavern	
Trade Display	
Vehicle Sales Premises	
Wayside Stall	AA
Industrial Uses	
Cottage Industry	AA
Factory Unit	
Fuel Depot	
Industry -	
Extractive	
General	
Hazardous	
Light	
Noxious	
Rural	AA
Service	
Milk Depot	
Motor Vehicle Repairs	
Motor Vehicle Wrecking	
Parking - Commercial Vehicles	AA
Parking - Heavy Haulage Vehicles	SA
Transport Depot	SA
Warehouse	
Wood yard	AA
Public & Community Uses	
Art Gallery	
Cemetery	
Civic Building	
Child Care Centre/Kindergarten	
Educational Establishment	
Health Centre/Studio	
Hospital	
Museum	
Place of Public Assembly	
Place of Public Worship	
Private Club	
Public Amusement	
Public Utility	P
Radio/TV Installation	AA
Rural Uses	
Agro Forestry	AA
Alley Farming	AA

Use Class	10 Rural Small Holdings
Intensive Agriculture	
Kennels	
Market Garden	
Piggery	
Plantation	SA
Poultry Farm	
Rural Pursuit	AA
Stables- Commercial	SA
Veterinary Clinic	SA
Veterinary Hospital	
Intensive Stock Rearing	

COUNCIL DECISION

MOVED: Cr Walker

SECONDED: Cr Biddle

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- (d) proposed water supplies;
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 - (ii) minor outbuildings and shelters to be located outside of the building envelope

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The minimum standard of fencing in the Special Rural and Rural Small Holdings zones shall be 1.4 metre post and 4 strand wire or such similar materials as approved by the local government. Fencing design and materials shall not be inconsistent with the rural character of the area as defined by the local government.

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Motel	
Commercial Uses	
Car Park	
Consulting Room	
Dry Cleaning Premises	
Fast Food Outlet	
Funeral Parlour	
Hotel	
Laundromat	
Liquor Store	
Medical Clinic	
Office -	IP
Plant Nursery	
Professional Office	
Restaurant	
Service Station	
Shop	
Showroom	
Tavern	
Trade Display	
Vehicle Sales Premises	
Wayside Stall	AA
Industrial Uses	
Cottage Industry	AA
Factory Unit	
Fuel Depot	
Industry -	
Extractive	
General	
Hazardous	
Light	
Noxious	
Rural	AA
Service	
Milk Depot	

Use Class	10 Rural Small Holdings
Motor Vehicle Repairs	
Motor Vehicle Wrecking	
Parking - Commercial Vehicles	AA
Parking - Heavy Haulage Vehicles	SA
Transport Depot	SA
Warehouse	
Wood yard	AA
Public & Community Uses	
Art Gallery	
Cemetery	
Civic Building	
Child Care Centre/Kindergarten	
Educational Establishment	
Health Centre/Studio	
Hospital	
Museum	
Place of Public Assembly	
Place of Public Worship	
Private Club	
Public Amusement	
Public Utility	P
Radio/TV Installation	AA
Rural Uses	
Agro Forestry	AA
Alley Farming	AA
Intensive Agriculture	
Kennels	
Market Garden	
Piggery	
Plantation	SA
Poultry Farm	
Rural Pursuit	AA
Stables- Commercial	SA
Veterinary Clinic	SA
Veterinary Hospital	
Intensive Stock Rearing	

CARRIED 6/0

Res 102/12

Note: Vegetation Clearing (5.3.7) been removed from the recommendation.

DECLARATION OF INTEREST

Councillors discussed the possible conflict of interest some Councillors, who owned or leased land in the Shire, could be seen to have with some aspects of the matter before Council. It was noted that some had land that was either land locked or adjoining an unmade road, some of their land may be subject to flooding, some Councillors may at some time wish to seek approval for planning consent for developments on land and the like, but that that these interest were common to all rural land holders. Further it was noted that the proposed amendment was designed to update the Town Planning Scheme for recommendations made in the Rural Strategy which had already been before Council and the community before being adopted by Council. Also that some of the changes were designed to better align the Scheme with the Model Scheme Text and current Planning Commission Policies.

Based on these factors it was considered that whilst some Council members might have an interest in the matter to hand it was an interest that most land holders would have and so Council passed the following motion.

MOTION

MOVED: Cr Walker

SECONDED: Cr O'Hare

That Council believes that the matters contained in 8.3.3 are matters that are in common to most land holders within the Shire and therefore it is an interest in common.

CARRIED 6/0

Res 103/12

8.3.3 Town Planning Scheme Review

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	10 th July 2012
Author:	Geoffrey Lush (Council Consultant)
Authorizing Officer:	A Lamb
Attachments:	1 Rural Strategy Recommendations 2 Schedule I Definitions & Recommendations 3 Revised Land Use Table 4 Draft Amendment NO 15 Text

SUMMARY

Consideration of Amendment No 15 to the Scheme which proposes to update the Scheme Text in accordance with the recommendation of the Rural Strategy, Model Scheme Text and current Planning Commission policies.

BACKGROUND

Councillors have been previously provided with a copy of the Explanatory Report for the Scheme Review which proposes to:

- a) Implement the recommendations of Council's approved Rural Strategy;
- b) Review the Land Use / Zoning Table and associated definitions in Schedule 1;
- c) Review provisions within the Scheme Text to bring it closer in alignment with the Model Scheme Text;
- d) Update references and terminology;
- e) Introduce provisions for the preparation, adoption and approval of structure plans; and
- f) Designate structure plan areas on the Scheme Map.

This was previously referred to as Amendment No 14.

However as an application to rezone Lots 8 & 9 Kojonup Road to Rural Small Holdings zone has been received this becomes Amendment 14. The review of the Scheme Text becomes Amendment 15.

Council at its April meeting resolved to initiate an amendment to rezone Lots 8 & 9 Boyup Brook – Kojonup Road from 'Rural' zone to 'Rural Small Holdings. It also resolved:

"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."

That report was presented to Council at its May Meeting but it was subsequently deferred by Council. It is now represented in this Agenda. It is noted that the proposed provisions for Amendment No 14 include those required for the approval of structure plans and these are an important component of the updating of the Scheme Text.

CONSULTATION

Department of Planning

STATUTORY OBLIGATIONS

Under the provisions of the Planning and Development Act 2005, Council is required to review the Scheme every five years. Town Planning Scheme No 2 was gazetted on the 7th November 1997 and no formal review of its operation has occurred.

The Act specifically provides:

- For the preparation of a consolidated version of the scheme incorporating all the amendments that have been made to the scheme;
- That a local government is not required to prepare a consolidation of the scheme if the local government resolves instead to prepare a new scheme;
- For the consolidated Scheme to be approved by the Commission and advertised for public comment;
- That within six months of the advertising the Council shall report and make recommendations as to whether or not the scheme —
 - is satisfactory in its existing form;
 - should be amended;
 - should be repealed and a new scheme prepared in its place; or
 - should be repealed.
- For the Minister to determine that the consolidated Scheme remains unchanged, or that the Council should undertake various amendments to it; or that a new Scheme be prepared.

COMMENT

The Town Planning Regulations (1967) contain the standard scheme provisions which are referred to as the Model Scheme Text (MST). Councils are expected to have regard to these provisions in formulating any amendment to the Scheme Text.

The Rural Strategy contains a number of recommendations which relate to the Planning Scheme. These are contained in Attachment 1.

These have been provided for in the Amendment. While noting:

- That the proposed Rural Small Holding zone and associated provisions can only be introduced when Council rezones land within the policy area. This would normally be initiated by a landowner as is occurring with Amendment No 14; and
- Local Planning Policies will be needed to be prepared or reviewed for a several recommendations.

Updated References

A number of the existing references and definitions need to be updated as they have been superseded or now refer to different Acts.

Clause 1.7 Interpretations

This needs to be updated to reference the Planning and Development Act and MST.

Clause 2.1.4 Reserved Land

This relates to the use of reserved land and stipulates the “specific matters” that Council must have regard to in considering an application on reserved land. This omits the provisions of Clause 3.4.3 which documents the “general matters” that Council must also consider in determining an application.

Clause 3.2.2.2 Boyup Brook Townsite – West Policy Area

This policy statement is no longer relevant as:-

- The Rural Strategy policy areas now take precedence; and
- Most of this land has already been developed in to Special Rural lots.

Clause 3.2.2.2(iii) can be replaced with a provision referencing the Rural Strategy policy areas.

Clause 3.2.2.4 Special Rural Policy Area

This relates to the Special Rural Policy Areas as shown on the Scheme Map. It can be deleted as

- The Rural Strategy policy areas now take precedence; and
- The existing Rural Strategy policy areas, as shown on the Scheme Maps do not correlate to the areas shown on the Townsite Policy Map in the Scheme.

Clause 3.3.2 Permitted Development

This defines development which does not require planning approval.

Paragraph (iv) relates to single dwellings and outbuildings. It stipulates where this exemption does not apply i.e. where a permit is required. The recommended change reflects the MST and other modifications to the Scheme.

Paragraph (vi) relates to the interior of the building or works which do not materially affect the exterior of the building. This needs to be qualified so as to exclude heritage buildings.

Clause 3.4.4 Matters to be considered in determining an application

This is to be reviewed to be more consistent with the MST which provides a more detailed list of matters for Council to consider and these also reference State Planning Policies.

Clause 3.4.5 Time Limits for Considering an Application

This contains the provisions the time limits for considering an application. Once these expire the application is deemed to be refused and the applicant may lodge an appeal. These need to be updated as per the MST and clarify the additional time provided for when an application is advertised.

Clause 5.1.2.1 R Codes Variations and Exclusions

There has been an issue with this clause as the Scheme Map states that unless otherwise shown the R15 coding applies within the Residential zone. This then appears to conflict with Clause 5.1.2.1 which states that the R10 development standards apply in the areas coded

R15. As Council's practice has been to apply the R15 provisions, this item needs to be clarified.

Clause 5.2.6 Rural Zone

This requires that a second dwelling in the rural zone must be for bona fide agricultural activity. The issue in relation to this relates to the use of the second dwelling by a family member.

This will be addressed by including a definition of farm worker's accommodation in Schedule 1 Definitions, and also in the Zoning Table as this provides for accommodation of family members.

Clause 5.3 Special Rural Zone

This refers to the Special Rural Policy Area as being defined on the Scheme Maps. The Rural Strategy now supersedes this and the Policy Map (Figure 3) shows several additional locations (Areas 4 and part of area 5).

These areas will now become Structure Plan Areas as defined by the table proposed in Schedules 12 (Structure Plan Areas) and shown revised Scheme Map.

The revisions to Clause 5.3 are now included in Amendment No 14.

Clause 5.14 Land Liable to Flooding

This clause prohibits development on land which is liable to flooding.

The Scheme Interpretations do not define flooding and Council does not have any policy which defines flooding or inundation. However the Building Code of Australia and Health Act also have provisions relating to flood prone land which restrict development in those areas.

The standard classification of flood prone land is the 1:100 year flood level as defined by the Department of Water. However this information is only generally available for the major rivers.

There has also been some confusion regarding the definition of land which is defined differently to a "lot." There is also a distinction between the active floodway and flood plain. It is now recognized that buildings can be developed on the outer edge of the flood plain provided that the floor level is raised to a suitable height.

The standard provisions now provide Council with the discretion to consider applications after consulting with the Department of Water.

Clause 5.17 Re-sited / Transportable Dwellings

This requires Council's approval for a relocated dwelling. A re-sited residence is defined in the Scheme as meaning a building intended for residential use which has been constructed in a wholly of substantially completed form prior to establishment on a lot.

The clause is designed to deal with the relocation of existing dwellings from one residential location to another. In its current form this also captures pre fabricated new dwellings which are constructed elsewhere and transported to the site for assembly. These are not intended to be removed from the site and include kit type homes. These types of dwellings, such as T&R Homes, are becoming more popular and should be treated as a normal dwelling.

The key issue here relates to dwellings which have been established and inhabited in a different location rather than to purpose built kit or transportable homes.

The definition of Residence - Resited or Transportable is to be updated to address this.

Clause 5.18 Plantations

Clause 5.18 deals with plantations and was introduced into the Scheme in 1998 by Amendment No 5. Since that time there has been significant updating of the normal provisions and requirements for plantations.

The current definition refers to a whole block, 20 hectares and larger.

The MST definition relates to the Code of Practice for Timber Plantations in Western Australia (1997) which defines a plantation as a stand of trees 10 hectares or larger that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantations will be harvested.

Hence the MST definition captures smaller plantations for the purpose of requiring Council's approval.

Recommendation 28 of the Rural Strategy states that the draft Scheme contain provisions detailing requirements for; compliance with Code of Practice for Timber Plantations, a silviculture plan, a timber harvesting plan a local road transport strategy and compliance with the Guidelines for Plantation Fire Protection.

A revised definition of plantation will be included in Schedule 1.

Council also needs to revise its Local Planning Policy for plantations and carbon planting developments.

Clause 5.21 Lots with No Access

The Scheme does not contain any requirement for Council approval of development on land where:

- It abuts an unconstructed road reserve and has no approved alternative means of access;
or
- It is landlocked and has no approved alternative means of access.

Council's Policy B.06 identifies this issue but does not address it in any meaningful manner. It is now more common for the Scheme to contain a requirement for the development of such land to need Council's approval.

A new Clause 5.21 will be inserted to stipulate that Council's approval is required for development on land with no constructed access.

Tourist Developments

The Rural Strategy recognises the provisions of Planning Bulletin 83 Planning for Tourism which sets out the interim of the Western Australian Planning Commission (WAPC) to implement the recommendations of the Tourism Planning Taskforce. The preparation of new or amended local planning schemes should reflect the recommendations of the taskforce and specifically include the proposed definitions of tourist uses:

- Bed & Breakfast;
- Cabin;
- Caravan & Camping;

- Chalet;
- Eco Tourist Facility;
- Farm Stay;
- Guesthouse;
- Holiday Home;
- Lodge;
- Park Home;
- Resort; and
- Serviced apartment.

It is proposed to include these definitions in Schedule 1 and in the Zoning Table.

Clause 5.22 will be inserted to nominate the matters for Council to consider in determining applications for the above uses.

Policies P.06 and P.07 will need to be updated to reflect the above.

Clause 6.2 Heritage List

This provides that the Heritage List for the municipality is the adopted Municipal Inventory. The MST and Heritage of Western Australia Act provides for the Heritage List to be separate more concise list which is adopted from the Municipal Inventory.

The current Municipal Inventory was adopted in 1995. It contains 44 entries but some of these are unclear and in need of being reviewed.

Clause 6.2 is to be updated to reflect the MST and to provide for the approval of heritage lists.

Guided Development Area

Part 7 of the Scheme relates to a Guided Development Area, which is intended to facilitate, coordinate and promote the progressive subdivision of the subject land. The Townsite Residential discussion Paper (TME) noted that the adopted subdivision guide plan is outdated and that there may there are a number of issues associated with Development Area which may hinder its attraction for development.

Clause 7.3.1(ii) of the Scheme provides for the subdivision guide plan to be reviewed provided that it can be demonstrated that the alternative form of subdivision will not prejudice the proper and/or orderly subdivision of the remainder of the land within the Development Area. Any review of the guide plan should be approved in the same manner as a structure plan.

Clause 7.3.1 is to be amended to allow for structure plans.

Part 10 – Special Control Areas

The MST contains detailed provisions for the preparation and approval of structure plans. These normally identify the structure plan areas and this also applies to subdivision guide plans within special rural areas. It is noted that the Rural Strategy also contains requirements for structure plan in the proposed Rural Small Holdings areas around the townsite.

The procedure for the approval of a structure plan mirrors the requirements for a Scheme Amendment and also have important provisions relating to the operation of a structure plan in conjunction with the Scheme. All structure plans or variations to them ultimately require the approval of the Planning Commission.

The Guided Development Area in the Scheme has a subdivision guide plan and in the Residential Development Discussion Paper it was highlighted that this plan is now outdated and needs to be reviewed. This can be done by also including this land in a structure plan area.

Inclusion of these provisions will significantly improve the potential development of these areas.

These provisions are being introduced by Amendment No 14 as they are necessary for the first Rural Small Holdings zone.

Interpretations and Zoning Table

The Land Use / Zoning Table is a key feature within the Local Planning Scheme. It is often the first point of reference within the Scheme that a person will examine in order to determine what land uses are permitted on a property. It is therefore important that care is taken by Local government in determining the provisions set out in the Land Use / Zoning Table.

There are seventy five uses listed in the current Land Use Table. A more complete list of possible land uses are contained in the Town Planning Regulations (Model Scheme Text). There is no specific requirement as to the number of land use classes which the Local government must have in its Scheme. However it is appropriate for country Local Governments to incorporate more flexibility especially where development opportunities are limited.

There are three issues to be considered in relation to the Land Use Table being to:

1. Ensure consistency between the Land Use Table and Schedule 1;
2. Ensure that Local government is satisfied with the classifications of each Use Class for each zone within the Scheme; and
3. Confirm any Use Classes that should be either included or omitted from the Land Use Table.

Every Use Class within Table 1 should have a corresponding definition within Schedule 1.

The following uses are defined in Schedule 1 but are not listed in the Land Use / Zoning Table.

- Child Care Centre;
- Infant Health Centre;
- Kindergarten;
- Private Recreation;
- Public Worship - Place of;
- Residential Building;
- Small Holding; and
- Timber Mill.

(Child Care Centre and Kindergarten are shown in the Zoning Table as a combined use).

It is apparent that there are many uses which have inconsistent naming order i.e. "Industry – Extractive" compared to "Extractive Industry." In these situations the name as shown in the Model Scheme Text should be used.

Attachment 2 lists all the current definitions in Schedule 1 of the Scheme with associated recommendations. It is proposed that a number of these definitions will remain unaltered

while consideration needs to be given to the proposed changes to such definitions as plantations and Residence - resided or transportable.

The Residential Design Codes also contain detailed definitions for a range of matters. Those which potentially relate specifically to land uses are as include:

- Aged Persons Dwellings;
- Ancillary Accommodation;
- Dwelling;
- Grouped Dwelling;
- Multiple Dwelling;
- Residential Building;
- Serviced Apartment;
- Single Room Dwelling; and
- Single House.

It is noted that an Aged Persons Dwelling; Ancillary Accommodation and Single Room Dwelling all have special provisions within the Residential Design Codes. Both an Aged Persons Dwelling and a Single Room Dwelling can be considered as a form of Grouped Dwellings.

All of the above will be referenced in the revised Schedule 1.

Ancillary Accommodation should be included in the Zoning Table as these are intended to be provided as an ancillary use to an existing dwelling. This includes zones where only a single dwelling would normally be permitted.

In addition to the above matters there is a range of other uses which are now recognised and are potentially suitable for inclusion in the Scheme. These include:

- Home Business
Allows the employment of 2 people in an area of up to 50 sqm which is larger than for a home occupation. Potentially suitable in all zones where dwellings are permitted.
- Home Office
This is simply an ancillary office at the proponents residence and should be permitted in conjunction with any dwelling.
- Home Store
Is a shop with an attached dwelling and is suitable in the commercial zone.
- Reception Centre
Used for function and formal occasions. Are being located in rural areas in conjunction with tourist uses or wineries.
- Recreation Private
Outdoor recreation areas where a fee is charged. Are often established in rural areas.
- Rural Home Business
Is a larger form of home occupation allowing for other employees and an area of 200 sqm suitable for low density residential locations with larger lots or in rural areas.
- Telecommunications Infrastructure
Should be discretionary in all zones.
- Winery
Normally found in association with a vineyard the Rural zone. But can also be established as a separate use in either the Commercial or Industrial zone.

The revised Zoning / Land Use Table is provided in Attachment 3.

Special Rural Land Uses

The special rural zones in the Scheme are as follows:-

- SR Zone 1 - Doust Street and Jayes Road
- SR Zone 2 – Lots 1005 & 799 Bridgetown Rd. (Lee SteereCrt southern portion)
- SR Zone 3 - NL 711, 695 & 8391 Terry Road.
- SR Zone 4 - Lot 1 of Nelson Location 1302 Abels Road, Boyup Brook
- SR Zone 5 – NL 1044 Banks Road, (Lee SteereCrt northern portion)
- SR Zone 6 – NL 735 and 1284 Banks Road,
- SR Zone 7 – Lots 720 and 721 Boyup Brook - Bridgetown Road, and
- SR Zone 8 – NL 734 Banks Road.

The land uses for the Special Rural zones are contained in Schedule 3 rather than the zoning table. These have been consolidated into a combined table for comparison purposes.

The existing land use classifications are as follows

Land Use	SR1	SR2	SR3	SR4	SR5	SR6	SR7	SR8
Caretaker's House					IP	IP		
Home Occupation	AA	AA	AA	AA	IP	IP	P	P
Industry- Cottage	AA	AA	AA	AA				AA
Industry - Light	SA							
Industry - Rural	SA							
Intensive Agriculture							SA	
Market Gardens					AA	AA		
Public Recreation	P	P	P	P				
Public Utility	P	P	P	P				P
Rural Pursuit	AA	AA	AA	AA	AA	AA	SA	SA
Single House	P	P	P	P	P	P	P	P
Small Holding					P	P	P	
Stables - Commercial	SA	SA	SA	SA	AA	AA	SA	SA
Transport Depot	SA							
Veterinary Clinic					SA	SA		
Woodyard	SA							

It is proposed that the land uses in the Special Rural zones should be consistent with the same approaches used for the other zones. Allowing home business type uses and some forms of tourist accommodation should also promote additional employment opportunities while still maintaining amenity values.

The land use classifications are as follows

Land Use	SR1	SR2	SR3	SR4	SR5	SR6	SR7	SR8
Ancillary Accommodation	P	P	P	P	P	P	P	P
Bed & Breakfast	AA	AA	AA	AA	AA	AA	AA	AA
Cabin	AA	AA	AA	AA	AA	AA	AA	AA
Caretaker's House					IP	IP		
Chalet	SA	SA	SA	SA	SA	SA	SA	SA
Guesthouse	SA	SA	SA	SA	SA	SA	SA	SA
Holiday Home	P	P	P	P	P	P	P	P
Home Business	AA	AA	AA	AA	AA	AA	AA	AA
Home Occupation	AA	AA	AA	AA	IP	IP	P	P
Home Office	P	P	P	P	P	P	P	P
Industry- Cottage	AA	AA	AA	AA	AA	AA	AA	AA
Industry - Light	SA							
Industry - Rural	SA							
Intensive Agriculture							SA	
Market Gardens					AA	AA		
Public Recreation	P	P	P	P				
Rural Pursuit	AA	AA	AA	AA	AA	AA	SA	SA
Single House	P	P	P	P	P	P	P	P
Transport Depot	SA							
Veterinary Clinic					SA	SA		
Woodyard	SA							

POLICY IMPLICATIONS

The review of the Scheme will have significant policy implications and require the revision and introduction of new policies.

BUDGET/FINANCIAL IMPLICATIONS

The advertising and publication of approved amendment in the Government Gazette will cost in the order of \$5,000.

STRATEGIC IMPLICATIONS

The preparation of the amendment is an important update and consolidation of the Scheme provisions and review of the Planning Scheme. It incorporates the recommendations of the Rural Strategy which provides the basic strategic framework for the development of the Shire.

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 Aird

SECONDED: Cr Walker

- 1 That Council resolve pursuant to Section 75 of the Planning and Development Act 2005, to amend Town Planning Scheme No 2 by:
 - a) Implement the recommendations of Council's approved Rural Strategy;
 - b) Reviewing the Land Use / Zoning Table and associated definitions in Schedule 1;
 - c) Review provisions within the Scheme Text to bring it closer in alignment with the Model Scheme Text;
 - e) Modifying Schedule 3 Special Rural zones to provide consistent land use designations and to include tourist and other ancillary uses
 - d) Update references and terminology; and
 - e) Revising the following Clauses
 - 1.7 Definitions;
 - 2.1.4 relating to Reserved Land;
 - 3.2.2.2(iii) Boyup Brook Townsite – West Policy Area;
 - Deleting Clause 3.2.2.4 Special Rural Policy Areas;
 - 3.3.2 relating to Permitted Development;
 - 3.4.3 Matters to be Considered;
 - Inserting clauses 3.4.6 and 3.4.7 and renumber the existing clause 3.4.6 as 3.4.8;
 - 5.1.2.1 relating to R10/15 development standards;
 - 5.14 Land Liable to Flooding;
 - 5.18 Plantations;
 - Inserting Clause 5.21 Development of Land with No Access;
 - Inserting Clause 5.22 Tourist Accommodation and Facilities;
 - 6.2 Heritage Lists; and
 - 7.3.1 relating to subdivision in the Guided Development Area;
- 2 That Council adopts Amendment No 15 as contained in Attachment 4 for the purpose of advertising and referral.
- 3 That in accordance with Section 81 of the Planning and Development Act 2005, the Amendment be referred to the Environmental Protection Authority for examination and assessment.
- 4 Upon receipt of advice from the EPA that the Amendment is not subject to a formal environmental assessment, the Amendment 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.

CARRIED 6/0

Res 104/12

Geoffrey Lush left the Chambers at 5.25pm.

9.1 COMMITTEE REPORTS

9.1.1 Minutes of the WALGASW Zone – 29 June 2012

Location:	<i>Shire Donnybrook/Balingup</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 July 2012</i>
Author:	<i>WALGASW Zone Executive Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Table of contents of Minutes</i>

BACKGROUND:

A WALGASW Zone meeting was held on 29 June 2012
Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

MOVED: Cr Walker

SECONDED: Cr Biddle

That the minutes of WALGASW Zone meeting held on 29 June 2012 be received.

CARRIED 6/0

Res 105/12

9.1.2 Minutes of the Blackwood River Valley Marketing Association

Location:	<i>Bridgetown</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 July 2012</i>
Author:	<i>BRVMA Secretary</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A BRVMA meeting was held on 12 June 2012
Minutes of the meeting are attached.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

MOVED: Cr Walker

SECONDED: Cr Biddle

That the minutes of BRVMA meeting held on 12 June 2012 be received.

CARRIED 6/0

Res 106/12

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 Deputy Shire President approved of these late items of business to be dealt with.

11.1.1 Forward Planning Committee

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>18 July 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 recommend to Council that the Forward Planning Committee meet to discuss forward plans.

BACKGROUND

The Forward Planning Committee previously 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 is still waiting for the consultants' final draft of the strategic community plan but the consultant has reported to Council on the survey results, a preliminary plan and provided all completed surveys for Councillors view.

COMMENT

It is suggested that whilst Council does not have a final draft of the strategic plan as yet it does now have a good indication of community services requirements and priorities, and so is in a good position to start the looking at potential opportunities for the future. Whilst it will be necessary to ensure that any new assets created to provide or improve services fit within long term financial plans, and Council is still waiting for the consultant to report back with draft plans, it is also necessary to get moving with projects for the 2012/13 Country Local Government Fund. It is also important to start developing some project priorities so that projects can be worked up during the coming months ready for 2013/14 funding rounds.

The suggestion is that the committee meets monthly in the evening and prior to the monthly Council meetings so that minutes and recommendations may be dealt with by Council in a timely manner.

Council could instruct the committee to meet on certain days and times, but it has operated as an occasional committee to date and, as all Members of Council are also Members of the committee, Council might wish to call on the committee to meet in August and then leave it for the committee to set future meeting dates as it has done in the past.

It is therefore recommended that Council resolve that the Chief Executive Officer call a meeting of the Forward Planning Committee for 7pm Wednesday 8 August 2012, and issue agenda papers for that meeting

CONSULTATION

The author has spoken with the President and Deputy President.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 11.1.1

MOVED: Cr Biddle

SECONDED: Cr Aird

That the Chief Executive Officer call a meeting of the Forward Planning Committee for 7pm Wednesday 15 August 2012, and issue agenda papers for that meeting.

CARRIED 6/0

Res 107/12

ITEM 11.1.2 WITHDRAWN BY THE CEO

11.1.2 2012/13 Budget preparation - Rubbish Collection Services
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<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>18 July 2012</i>
<i>Author:</i>	<i>Alan Lamb</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Attachments:</i>	<i>Nil</i>

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

13 CLOSURE OF MEETING

There being no further business the Deputy Shire President, Cr Moir thanked all for attending and declared the meeting closed at 5.49pm.