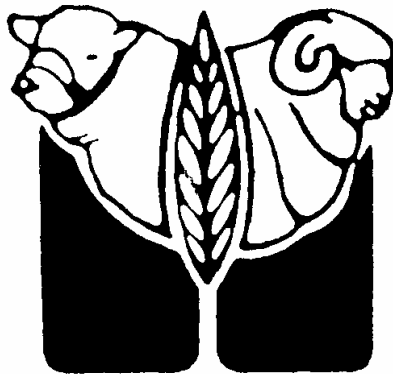


# MINUTES



**SPECIAL MEETING**

**HELD**

**THURSDAY, 7 AUGUST 2008**

**COMMENCED AT 5.00PM**

**AT**

**SHIRE OF BOYUP BROOK CHAMBERS**

**ABEL STREET – BOYUP BROOK**

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

5.03pm – The Presiding person, Cr Roger Downing, opened the meeting.

**1.1 Attendance**

Cr R Downing – Shire President  
Cr P Marshall – Deputy Shire President  
Cr S Broadhurst  
Cr K Lamshed  
Cr B O'Hare  
Cr E Muncey  
Cr A Piper  
Cr M Giles

STAFF: Mr Pascoe Durtanovich (Acting Chief Executive Officer)  
Mr John Eddy (Manager of Works and Services)  
Mr Keith Jones (Manager of Finance)

Ms Deanna Guimelli – South West Development Commission  
Mr Geoffrey Lush – TME Consultant  
Mr Grant Wardle – General Public

**1.2 Apologies**

**1.3 Leave of Absence**

Cr T Ginnane

**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**

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

Nil

**5. CONFIRMATION OF MINUTES**

Nil

**6. PRESIDENTIAL COMMUNICATIONS**

Nil

**7. REPORTS OF OFFICERS**

**7.1 MANAGER WORKS & SERVICES**

Nil

7.2 **MANAGER – FINANCE**

Nil

7.3 **ACTING CHIEF EXECUTIVE OFFICER**

7.3.1 **Residential Development Land**

<b>Location:</b>	<i>Shire of Boyup Brook</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>LN/42/004</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>29<sup>th</sup> July 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich – Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – Planning Precinct BBR5 (Draft Planning Strategy)</i>

5.06pm – Mr G Wardle entered the meeting.

**COUNCIL DECISION – MOVE INTO COMMITTEE**

MOVED: Cr Giles

SECONDED: Cr A Piper

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

CARRIED 8/0

Res 125/08

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

MOVED: Cr Giles

SECONDED: Cr Broadhurst

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

CARRIED 8/0

Res 126/08

5.25pm – Mr P Durtanovich left the meeting.

5.26pm – Mr P Durtanovich returned to the meeting.

**SUMMARY**

Council has previously discussed the issue of land availability for future residential development.

This report recommends an assessment of demand for such land be undertaken.

## **BACKGROUND**

At the July 2008 Briefing meeting Councillors discussed with Landcorp and the South West Development Commission representatives the need for additional land for residential use. It is understood also that Council has on previous occasions considered the same issue and has undertaken preliminary investigation into various options.

Following the most recent discussions Councillors requested that the process of identifying land for residential use start afresh.

## **COMMENT**

Following discussions with Council's Planning Consultants on this matter, the following is submitted for Council's consideration:-

Section 4.3.1 of the draft Rural Strategy does provide an over view of settlement within the Shire. This will be further reinforced by the proposed Policy Area around the townsite. Attached is a copy of the Policy Map agreed by Council which shows residential development investigation areas to the north and south of the town.

The Department for Planning and Infrastructure is not comfortable that these residential development investigation areas have been appropriately justified in terms of population growth and demand.

The justification for residential development must be supported by an examination of such issues as:-

1. an analysis of the past trends and forecasts on matters such as population by age and household structure, lifecycle changes and occupancy rates within the local authority area;
2. an evaluation of the existing housing stock to determine housing types, tenure, age and condition. This would also include an assessment of local building rates, trends and forecasts to ascertain the housing demand in terms of rental, owner-occupier, aged persons and other types of housing.
3. an assessment of the composition of existing residential areas, zonings and dwelling densities and the extent to which development potential has been taken up;
4. an assessment of the availability of public utilities, access to locations of employment,
5. an examination of recent trends in the demand for housing in the area, including the more varied types of housing for single persons, small households, and the elderly.

The above can be done by use of ABS information, local sale figures and Councils rates and building records.

In conjunction with this it is necessary to examine all of the existing zoned undeveloped residential areas. In many instances there may be specific reasons why zoned residential land has not been developed.

The examination of the existing zoned undeveloped residential areas would make assumptions regarding:

- The appropriate size for lots in each area;
- The likely planning issues; and
- The limitations within each area.

The limitations for an area might include such factors as:

- a. Where the existing lot pattern would inhibit further subdivision making it less efficient;
- b. Where there are areas of remnant vegetation which need to be protected;
- c. Where the land is flood prone;
- d. Where there are other development issues associated with the land including slope, areas of rock, road access problems etc; or
- e. Where the land is affected by buffers, to potentially conflicting land uses.
- f. Where there maybe servicing constraints.

The net lot yields for the zoned land can then be estimated including making allowances for the roads and public open space.

The primary issue will be that as Boyup Brook is perceived to have a static or declining population, then there is little demand for new residential development.

It is feasible and quite practical for Council to undertake a preliminary examination of the above matters. This would benefit the completion of the Local Rural Strategy and assist Council in considering current development proposals and its discussions with other government agencies.

Mr Geoffrey Lush (TME Consultants) will attend the meeting to discuss this issue further with Council and will also give Councillors an update on the progress of the Rural Planning Strategy.

### **CONSULTATION**

Not applicable

### **STATUTORY OBLIGATIONS**

Town Planning Development Act.  
Shire of Boyup Brook Town Planning Scheme.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

The 2008/09 budget includes funds for the engagement of consultants to assist Council with Town Planning matters.

### **STRATEGIC IMPLICATIONS**

The Shire of Boyup Brook Draft Strategic Plan identifies the need for Council to facilitate the development of additional residential land. With the expected outcome being "To encourage new community members to invest in the Shire."



The Deputy Shire President, Cr Marshall assumed the chair.

**COUNCIL DECISION – MOVE INTO COMMITTEE**

MOVED: Cr Piper

SECONDED: Cr Broadhurst

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

CARRIED 7/0

Res 128/08

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

MOVED: Cr Giles

SECONDED: Cr O'Hare

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

CARRIED 7/0

Res 129/08

**SUMMARY**

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 1284 Banks Road, Boyup Brook.

The proposal is to subdivide the property for rural residential purposes into nineteen lots having a minimum area of 2 hectares. The subdivision plan is included as Attachment 1.

The subdivision proposes to extend Kaufman Close through to Banks Road. The subdivision plan provides for nineteen lots with minimum areas of 2 hectares. There are a number of elongated lots, with frontages of 80 meters and a depth of 250 meters.

The land is owned by EJC Civil Pty Ltd.

**BACKGROUND**

Lots 1284 has an area of 41.755 hectares and is located west of the townsite. It forms part of Special Rural zone No 6, which also includes the Ridge View Estate.

Special Rural zone No 6 is subject to the special conditions contained in Schedule 3 of the Scheme which were introduced by Amendment No 7. Condition 1 states that the subdivision of the land is to be generally in accordance with the Subdivision Guide Plan adopted by Council.

The subject land is presently used for general agriculture and contains a small olive plantation in the south western corner.

**COMMENT**

There are a number of issues associated with the development as summarized below. Further information on several of these is being sought and will be provided at the meeting.

### Subdivision Guide Plan

A copy of the approved subdivision guide plan is included as Attachment 2. This was endorsed by Council in March 1996.

The subdivision guide plan covers both Lots 1284 and 735. It shows fifteen lots wholly within Lot 1284 and one lot extending over the boundary to Lot 735.

The current subdivision application does not accord with this subdivision guide plan.

### Subdivision Road

The application proposes a 20m wide subdivision road reserve with a 6m carriageway.

There is an issue with this road as the subject land only has a corner frontage to Banks Road. As shown in Attachment 3 in order to be able to create the road, it will have to cross portions of the adjoining Lots 1957 and 735.

This requires both Lots 1957 and 735 to be part of the current subdivision application and for the adjoining landowners to consent to such an application. The applicant would be responsible for acquiring each portion of land from the adjoining landowners.

The application identifies that there is a 12m by 12m access easement on Lot 735 which benefits the subject land. This has been confirmed by a title search and is shown in Attachment 3.

There are two issue with this:-

1. As an easement the land is still part of Lot 735 and is still owned by JF & JE Fortune. An easement cannot become a public road.
2. As the subdivision road is centered on the corner apex of the subject land, it extends for 10 meters on either side into the adjoining lots. The right angled width of the easement at this point is only 8.485 meters and not 10m.

Additionally no information or details have been provided in relation to Lot 1957 owned by N Blackburn.

Lots 1957 is zoned 'Rural' and Lot 735 is zoned 'Special Rural'. As the road reserves are not always zoned, there is no zoning impediment to the portion of the road being within the 'Rural' zone.

### Intersection and Road Upgrading

The position of the road intersection on the apex of Banks Road also needs to be examined to confirm its suitability especially in terms of sight distance and if any additional works are required.

It may be necessary for additional vegetation to be removed in order to provide satisfactory sight distances. This could require the approval under the Environmental Protection Act, which would be the developer's responsibility.

Banks Road is presently a formed gravel road. Development of the subject land will increase the traffic flow from the subject land into the townsite. The extension of Kaufman Close from Ridge View Estate might also attract additional traffic.

Council will need to consider if any road upgrading is required and if so what contribution should be made.

### Fire Management

A subdivision application should be accompanied by a Fire Hazard Assessment report prepared in accordance with Planning for Bushfire Protection (FESA 2001). The original amendment may have addressed this but it predates the introduction of the guidelines.

The fire management issues can also be addressed as a condition of approval by the preparation of a fire management plan. However there are a number of issues which might affect the subdivision design including:

- Location of strategic firebreaks;
- Hazard separation and low fuel zones (which may affect the building envelopes); and
- Strategic water supplies.

The Planning for Bushfire Protection guidelines recommend that a 50,000L tank or 200 cubic meter dam be provided per every 25 allotments. Some Councils require this to be located on a public reserve excised from one of the lots and shown on the subdivision plan.

### Building Envelopes

No building envelopes have been shown on the plan. Special Condition (vi) does not require defined building envelopes but instead stipulates 'building exclusions areas' which are setback:-

- 30m from the road;
- 20m from side boundaries;
- 25m from rear boundaries; and
- 30m from water courses and heavily vegetated areas as defined by Council.

Special Condition (vii) also provides that Council may vary the above setbacks.

As there are a number of vegetated areas, it is appropriate to request as a condition of approval, that a definitive building setback plan be approved by Council. This will also provide security for prospective purchasers and subsequent landowners.

### Alteration of Subdivision Guide Plan

Once a subdivision guide plan has been approved it cannot normally be altered without amending the town planning scheme. This is because the subdivision design is an integral part of the approval of a special rural zone.

The wording of the Special Condition has now changed to reflect this as follows:

Subdivision of Special Rural Area No 7 shall be generally in accordance with the Subdivision Guide Plan No 06062P-09 attached to the Scheme Amendment Report (Amendment 12) and dated March 2007.

This clearly ties the subdivision guide plan back to the amendment report.

Condition 1 for Special Rural Zone No 6 has different wording and states that:-

Subdivision to be generally in accordance with Subdivision Guide Plan adopted for Special Rural zone no 6 by the Council.

As this does not refer back to the original amendment it can be argued that it allows Council to adopt a revised plan. Clause 5.3 of the Scheme also contains general provisions for the Special Rural, but none of these restrict the preparation of the revised plan.

It would be expected that any revised guide plan would have to be substantiated by the information requirements contained in Clause 5.3 including land capability etc.

**CONSULTATION**

Department for Planning and Infrastructure.

**STATUTORY OBLIGATIONS**

Compliance with Town Planning Scheme No 2.

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

- **Environmental:**  
There are no known significant environmental considerations
- **Economic:**  
There are no known significant economic considerations
- **Social:**  
There are no known significant social considerations

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

MOVED: Cr Giles

SECONDED: Cr B O'Hare

That Council advise the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 1284 Banks Road (Ref No 137819 because:

- 1 The proposed subdivision does not comply with the adopted subdivision guide plan for Special Rural Zone No 6; and
- 2 The proposed subdivision impinges onto the adjoining Lots 1957 and 735 and as such these lots should be part of the application, with the evidence of the consent of those landowners.

CARRIED 7/0

Res 130/08

5.55pm – Cr Downing returned to the meeting and resumed the chair.

5.56pm – Mr G Lush and Ms Deanna Giumelli left the meeting.

7.3.2	<b>Council Delegate – Rylington Park Management Committee</b>
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<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Rylington Park Management Committee</i>
<b>File:</b>	<i>CR/31/012</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>29<sup>th</sup> July 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich, Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>None</i>

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### **SUMMARY**

The Rylington Park Management Committee has invited Council to appoint a Council delegate to their Committee.

This report recommends an appointment be made.

### **BACKGROUND**

The Rylington Park farm is owned in freehold title by the Shire of Boyup Brook. The property is leased to the Rylington Park Management Committee. In previous times Council has had a Councillor represent Council on the Committee. Apparently this practice was discontinued some years ago.

### **COMMENT**

The lease document sets out the responsibilities of the Rylington Park Committee and as far as can be ascertained the management committee is managing the property appropriately and is achieving the intent of the asset, that is, providing agricultural training and education.

In inviting a Council representative on the Committee the Management Committee is keen to improve dialogue between the Committee and Council. Given that the farm is a community asset it is appropriate for Council to be represented on the committee.

The next meeting is at **7.30am** on the 12<sup>th</sup> August, 2008. This meeting will include the AGM and will be held in the Boyup Brook Telecentre.

### **CONSULTATION**

The Shire President, Cr Downing, Deputy Shire President, Cr Marshall and the Acting Chief Executive Officer met with the Chairman of the Rylington Park Committee. The question of a Council representative on the management committee was discussed at that time.

### **STATUTORY OBLIGATIONS**

Nil

### **POLICY IMPLICATIONS**

Council does not have a policy dealing with this issue.

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

A Council representative on the Committee will enhance communication between the two organizations.

### **SUSTAINABILITY ISSUES**

- **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 Broadhurst

SECONDED: Cr Marshall

That Cr Piper be nominated as Council's representative on the Rylington Park Management Committee.

CARRIED 8/0

Res 131/08

7.3.3

#### **Strategic Plan – Plan for the Future 2008 - 2013**

<b>Location:</b>	<i>Not applicable</i>
<b>Applicant:</b>	<i>Not applicable</i>
<b>File:</b>	<i>CM/42/002</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>31<sup>st</sup> July 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich, Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>None</i>

### **SUMMARY**

The final draft of the Shire of Boyup Brook Strategic Plan has been received by Councillors.

This report recommends that the plan be adopted as the Shire of Boyup Brook – Strategic Plan – Planning for the Future.

## **BACKGROUND**

The draft plan has been developed following input from Councillors, Staff and the community, through a series of workshops.

## **COMMENT**

Under the Local Government Act 1995 Council is required to prepare a Plan for The Future and to review such plan every two years.

The current plan was due for review by the 1<sup>st</sup> June, 2008. The development of the draft Strategic Plan satisfies the review requirements of the Act.

The construction of the Draft Strategic Plan satisfies the Acts requirements in terms of Sec 5.56 (Planning for the Future) therefore should be titled "Shire of Boyup Brook Strategic Plan – Planning for The Future."

Once adopted, it is required that notice of the Plan be given to the community.

## **CONSULTATION**

The plan was developed in consultation with the Community, Councillors and Staff.

## **STATUTORY OBLIGATIONS**

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

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

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

\*Absolute majority required.

6. If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.
7. A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
8. A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.

9. A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

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

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

#### **POLICY IMPLICATIONS**

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

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

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

It is intended that appropriate budget allocations will be made to implement actions in the Plan. As is the case in the 2008/09 budget.

#### **STRATEGIC IMPLICATIONS**

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

#### **SUSTAINABILITY ISSUES**

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

**VOTING REQUIREMENTS**

Absolute Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

MOVED: Cr K Lamshed

SECONDED: Cr Giles

That the Draft Shire of Boyup Brook Strategic Plan – Planning for The Future 2008 – 2013, identified as attachment 7.3.3, be adopted and advertised for community notice, in accordance with statutory requirements.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 132/08

7.3.4

**Submissions – Proposal for Panel and Paint/Aluminium Fabrication (Boat Building)**

<b>Location:</b>	<i>Corner Bridge and Barron Streets, Boyup Brook</i>
<b>Applicant:</b>	<i>Evolution Marine</i>
<b>File:</b>	<i>AS1801</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>31 July 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich, Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes - Submissions</i>

**COUNCIL DECISION – MOVE INTO COMMITTEE**

MOVED: Cr K Lamshed

SECONDED: Cr Piper

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

CARRIED 8/0

Res 133/08

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

MOVED: Cr K Lamshed

SECONDED: Cr O'Hare

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

CARRIED 8/0

Res 134/08

## **SUMMARY**

Council is required to consider submissions received to the proposal to establish a Panel and Paint and Aluminium Fabrication business on Lot 34 Corner Bridge/Barron Streets.

This report recommends that approval for the Aluminium Fabrication activity not be granted and approval for the panel and paint business be rescinded.

## **BACKGROUND**

Lot 34 Barron/Bridge Streets is zoned commercial under the Shire of Boyup Brook Town Planning Scheme No 2. The building on the property is currently vacant and available for lease. Evolution Marine, currently working out of Mandurah/Port Kennedy with to establish a panel beating and boat building business on the property. Prior to committing to a lease the proponent is seeking Council approval, under the Town Planning Scheme, to utilize the premises for the purpose stated.

Council considered the application on the 19<sup>th</sup> June, 2008 and resolved as follows:-

“That

- 1) in accordance with the Shire of Boyup Brook Town Planning Scheme No 2 the proposal to establish a Panel and Paint business on lot 34 Corner Bridge and Barron Street be approved, subject to the following conditions:-
  - a) approval is for a period of twelve months.
  - b) a plan for advertising signs to be submitted for approval.
- 2) the Acting Chief Executive Officer be delegated authority to approve the signs plan.”

and

That:-

- 1) in respect to the application for approval to conduct an Aluminium Fabrication (Boat building) business on lot 34 Corner Barron and Bridge Streets.
  - a) Advertising be approved in accordance with clause 3.5.3 of the Shire of Boyup Brook Town Planning Scheme No 2 by way of a sign on the land advertising the proposal for 21 days for public information and comment and by way of notice of the proposal being served on adjoining owners and occupiers for information and comment within 21 days.
  - b) Applicable approval conditions to include:-
    - approval be for twelve months.
    - a plan for advertising signs to be submitted for approval.
- 2) the Acting Chief Executive Officer be delegated authority to grant planning approval for the proposal to establish an Aluminium fabrication (Boat building business) on lot 34 corner Barron and Bridge Street and the signs plan, if at the conclusion of the advertising period no objections to the proposal are received.

At the conclusion of the advertising period for the Aluminium Fabrication (Boat building) proposal four submissions objecting to both the Panel and Paint and the Aluminium Fabrication business were received.

A copy of the submissions is attached.

Given the number of objections and the issues raised in the submissions it is recommended that approval for the Panel and Paint proposal be withdrawn and the Aluminium Fabrication proposal not be approved.

If Council resolved not to approve the activities proposed on this site it would be appropriate to work with the proponent to find a suitable site so that the business proposed can be accommodated.

### **COMMENT**

Nil

### **CONSULTATION**

The proposal was advertised in accordance with Councils resolution of the 19<sup>th</sup> June, 2008.

### **STATUTORY OBLIGATIONS**

Under commercial zoning a panel and paint business is an "Authority Approval" use. A boat building business is not defined in the Town Planning Scheme but by its nature would be more suited in a light industry zone, however, there is the ability for Council to approve the proposed activity in a commercial zone under clause 3.3.7 of the Town Planning Scheme, which states:-

"In respect of uses and development which are not specifically mentioned in the Zoning Table, and which could not be reasonably determined as falling within the interpretations of one of the use classes listed, the Council may:-

- a) determine that the use is consistent with the objectives and purposes of the Zone and thereafter follow the 'SA' procedures of Clause 3.5 in considering an application for planning approval.
- b) determine that the use is not consistent with the objectives and purposes of the Zone and is therefore not permitted."

The boat building business involves building one 5.5m aluminium runabout per month. Operating hours would be 7am to 6pm Monday to Friday, with minimal work on weekends.

Approval is sought for a twelve month period, after which time the proponent will assess whether to continue the business.

In accordance with the Local Government Act Council would have to rescind Resolution 104/08, concerning the Panel and Paint proposal.

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

A high priority action in the Shire of Boyup Brook draft Strategic Plan is to encourage business development.

### **SUSTAINABILITY ISSUES**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
Additional industry, although small, will add to the economic return of the Shire.
- **Social**  
Increase in employment.  
Increase in population.

### **VOTING REQUIREMENTS**

Absolute majority for rescission motion.

Simple majority to deal with submission.

### **Rescind a motion – the support of 3 Crs**

Cr B O'Hare, Cr Broadhurst and Cr Giles indicated support for a rescission motion.

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

MOVED: Cr O'Hare

SECONDED: Cr K Lamshed

That:-

Resolution 104/08 of the ordinary council meeting held on the 19<sup>th</sup> June, 2008 (Panel and Paint proposal) be rescinded.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 135/08

#### **OFFICER RECOMMENDATION**

That:-

- a) the submissions received in respect to the proposal to establish an Aluminium Fabrication (Boat Building) business on Lot 34 Corner Barron and Bridge Street be received and the objections therein be upheld.
- b) approval not be granted for the establishment of an Aluminium Fabrication (Boat Building) business on Lot 34 Corner Barron and Bridge Streets.
- c) the Acting Chief Executive Officer offer to work with the proponent to endeavour to identify a suitable site for the activities proposed.



**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

MOVED: Cr Giles

SECONDED: Cr Broadhurst

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

CARRIED 8/0

Res 138/08

**SUMMARY**

As part of the FESA funded AWARE project, a community survey was conducted by LEMC in January-February this year, in relation to emergency risk management. The LEMC has considered the outcomes of the Survey and the next steps necessary to complete the project and submits both for Council endorsement.

**BACKGROUND**

Funding was obtained from FESA under its AWARE program, for the Shire of Boyup Brook to complete an Emergency Risk Management project for the district. A significant part of the project was a Survey conducted earlier this year to canvass community views about the likelihood and consequences of hazards of greatest risk to the community.

Subsequently, the LEMC Working Group that was formed to provide direction for this project, considered/deliberated on the Survey at its meeting of 18<sup>th</sup> March, at which it analysed and evaluated the data through a nationally accepted process. It presented a report to the LEMC meeting of 6<sup>th</sup> May 2008, which recommended that arising from the Survey, the three major hazards facing the Boyup Brook district are:

- Rural Fire;
- Road Traffic Accident; and
- Storm/Tempest.

LEMC accepted the report and recommendation, and resolved to submit to Council that it consider adopting the outcomes from the Survey and the recommendation that the above hazards be accepted as the risks that the LEMC should address in its planning.

Also at the LEMC meeting of 6<sup>th</sup> May, the LEMC accepted a proposal by the Emergency Management Officer, in relation to the steps necessary to complete the project and resolved to submit those to Council for endorsement.

**COMMENT**

The above process reflects a standard approach for Emergency Risk Management under AS4360 and the recommended major hazards (risks) are a logical outcome of both the community views expressed in the Survey and that process.

The proposed “Next Steps” for the completion of the AWARE project are both logical and necessary. Given the time lapse since the May meeting, a number of the steps have already been commenced.

**CONSULTATION**

Community Survey and LEMC.

### **STATUTORY OBLIGATIONS**

The Emergency Management Act 2005 places an obligation on the Shire to ensure that suitable emergency management arrangements are in place for the district.

### **POLICY IMPLICATIONS**

There are no policy implications.

### **BUDGET/FINANCIAL IMPLICATIONS**

There are no financial implications.

### **STRATEGIC IMPLICATIONS**

The Shire has involved the community in this Survey and decision making process. The recommendations are solid as a result of the amount of time and number of participants involved.

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority

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

MOVED: Cr Marshall

SECONDED: Cr Giles

That Council adopts the recommendations made by the LEMC at its meeting of 6<sup>th</sup> May 2008.

CARRIED 8/0

Res 139/08

7.3.6

#### **Sheep Saleyards – Boyup Brook**

<b>Location:</b>	<i>Reserve 33552 Boyup Brook-Bridgetown Road</i>
<b>Applicant:</b>	<i>Shire of Boyup Brook</i>
<b>File:</b>	<i>AS1993</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>31 July 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich, Acting CEO</i>
<b>Authorizing Officer:</b>	<i>Not applicable</i>
<b>Attachments:</b>	<i>Yes – Letter from WALSA</i>

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**COUNCIL DECISION – MOVE INTO COMMITTEE**

MOVED: Cr Giles

SECONDED: Cr Marshall

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

CARRIED 8/0

Res 140/08

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

MOVED: Cr Lamshed

SECONDED: Cr Piper

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

CARRIED 8/0

Res 141/08

**SUMMARY**

The Western Australian Livestock Salesmen's Association has advised that they would prefer to remove all facilities from the Saleyard reserve not just the sheep yards Council does not wish to retain.

This report recommends that Council negotiate with WALSA to retain all the yards.

**BACKGROUND**

At the 20<sup>th</sup> March 2008 Council meeting, it was resolved that the sand yards and wash down facility be leased to Meads Transport and WALSA be requested to remove the remainder of the yards, concrete etc.

**COMMENT**

Correspondence received from WALSA (copy attached) confirms that they wish to remove all structures from the reserve.

Under the circumstances Council needs to decide whether to withdraw the offer to lease portion of the yards and truck wash facility and accept WALSA's decision to remove all the structures or negotiate with WALSA for Council to accept responsibility for all the yards and truck wash facility and lease the entire facility.

If Council supports the latter option Council's resolution of the 20<sup>th</sup> March 2008 (item 7.2.4 Resolution 3) will have to be rescinded.

Meads Transport have indicated that they would be agreeable to leasing all the facilities, under the arrangements previously agree to.

The main issue for Council to consider is that if Council accepts ownership of the yards Council will ultimately be responsible for the removal of same. An estimate of cost, at today's rates, is between \$15,000 to \$20,000. Some of the cost may be offset by the sale of yard material, again depending when and if the yards were removed, and by the receipt of lease fees, rates and any contribution from WALSA.

The potential cost of retaining all the yards in Council ownership is not significant when assessed against the community benefit.

### **CONSULTATION**

The proposal to lease by private treaty will have to be advertised in accordance with the Local Government Act 1995.

### **STATUTORY OBLIGATIONS**

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

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

### **POLICY IMPLICATIONS**

Nil

### **BUDGET/FINANCIAL IMPLICATIONS**

As noted in the report for the removal of the yards.

### **STRATEGIC IMPLICATIONS**

The retention of the yards and truck wash facility will benefit the Boyup Brook farming community.

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Absolute majority for rescission motion.  
Simple majority to advertise leasing proposal.

6.38pm – Mr Pascoe Durtanovich left the meeting.

6.40pm – Mr Pascoe Durtanovich returned to the meeting.

### **Rescind a motion – the support of 3 Crs**

Cr Piper, Cr Marshall and Cr Giles indicated support for a rescission motion.

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr Piper

SECONDED: Cr K Lamshed

That Council resolution (3) page 17 of the Council Meeting held on the 20<sup>th</sup> March 2008 be rescinded.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 142 /08

**COUNCIL DECISION AND OFFICER RECOMMENDATION**

MOVED: Cr Marshall

SECONDED: Cr O'Hare

That Council give local public notice of its intention to dispose of reserve 33552 (Saleyards) by lease to Mead Transport and the lease agreement to include the following conditions:-

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

CARRIED 8/0

Res 143 /08

**COUNCIL DECISION**

MOVED: Cr Marshall

SECONDED: Cr Piper

That the CEO be delegated authority to resolve the removal of the Saleyards, Clause III with Mead Transport.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 144/08

**7.3.7 Administration Centre and Library**

**Location:** Reserve 21532 – Abel Street  
**Applicant:** Shire of Boyup Brook  
**File:** AS2008  
**Disclosure of Officer Interest:** None  
**Date:** 3<sup>rd</sup> August 2008  
**Author:** Pascoe Durtanovich, Acting CEO  
**Authorizing Officer:** Not applicable  
**Attachments:** Yes – Building Concept Plans

7.06pm – Cr Giles left the meeting.

**COUNCIL DECISION – MOVE INTO COMMITTEE**

MOVED: Cr Muncey

SECONDED: Cr O'Hare

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

CARRIED 8/0

Res 145/08

7.12pm – Cr Giles returned to the meeting.

7.13pm – Cr Piper left the meeting.

7.14pm – Cr Piper returned to the meeting.

**COUNCIL DECISION – MOVE OUT OF COMMITTEE**

MOVED: Cr Piper

SECONDED: Cr Lamshed

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

CARRIED 8/0

Res 146/08

**SUMMARY**

Plans have been prepared for extensions and alterations to the Administration Centre/Library.

This report recommends the concept plans be adopted and Council undertake the works on a subcontract basis and Mr Gary Chambers be engaged as building supervisor.

**BACKGROUND**

The Administration Centre extensions have been planned for some time, previously the initiative was to create additional office and library space. For various reasons, in the past twelve months the non availability of tradesmen, the project has not proceeded.

Council considered the matter at its April 2008 meeting and resolved to establish a Working Group to investigate the project, based on an increased scope of works.

### **COMMENT**

Following the Working Groups deliberations the attached plans were prepared.

It is suggested that the project be undertaken on a subcontract basis to help reduce the costs. Mr Gary Chambers, a qualified builder, is available to supervise the project.

Under the subcontract option Council, through the Chief Executive Officer, will manage the project, engage tradesmen and administer all financial aspects.

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

Building Code of Australia  
Occupational Health and Safety requirements.

### **POLICY IMPLICATIONS**

Council does not have a policy as such but has previously committed to the project.

### **BUDGET/FINANCIAL IMPLICATIONS**

Council has budgeted \$283,000 for the Administration Centre extensions, \$55,000 from the Administration Building reserve fund and \$200,000 by way of loan funds and \$28,000 from municipal fund.

### **STRATEGIC IMPLICATIONS**

There are no significant strategic implications.

### **SUSTAINABILITY IMPLICATIONS**

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

### **VOTING REQUIREMENTS**

Simple Majority for adoption of plans and appointment of Building Supervisor.  
Absolute Majority for delegation to Chief Executive Officer.

### **OFFICER RECOMMENDATION**

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

**OFFICER RECOMMENDATION**

That the Chief Executive Officer be delegated authority to determine contract conditions for the Building Supervisor.

\* Absolute Majority required.

**COUNCIL DECISION**

MOVED: Cr Broadhurst

SECONDED: Cr Marshall

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

CARRIED 7/1

Res 147/08

**COUNCIL DECISION**

MOVED: Cr O'Hare

SECONDED: Cr Piper

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

CARRIED BY ABSOLUTE MAJORITY 7/1

Res 148/08

**7.3.8 Upper Blackwood Men's Association**

<b>Location:</b>	<i>Flax Mill</i>
<b>Applicant:</b>	<i>Upper Blackwood Men's Association</i>
<b>File:</b>	<i>CR/31/007</i>
<b>Disclosure of Officer Interest:</b>	<i>None</i>
<b>Date:</b>	<i>3<sup>rd</sup> August 2008</i>
<b>Author:</b>	<i>Pascoe Durtanovich – Acting CEO</i>
<b>Authorising Officer:</b>	<i>not applicable</i>
<b>Attachments:</b>	<i>None</i>

**SUMMARY**

The Upper Blackwood Men's Association have requested approval to use portion of the Flax Mill building as the association's headquarters.

This report recommends approval be granted.

**BACKGROUND**

The Upper Blackwood Men's Association has formed over the past four to five months.

The Association currently has 11 financial members and many others have shown a willingness to join.

Mr Ralph Knapp is the elected President.

Mr Brian Mudge is the Secretary

Mr John Rich is the Treasurer.

The main object of the club is to provide a place where men can get together to socialize, relax and unload the burdens of everyday life in a warm and friendly atmosphere.

Members also hope to participate in local and community projects where they may be able to offer manpower and knowledge.

### **COMMENT**

The area the Association has identified as suitable for their needs is in the building alongside the office. Some work is required to make the room serviceable, this will be undertaken by the association.

Given that Council will over the next twelve months be considering the future of the Flax Mill buildings, it is suggested that approval be on a twelve monthly basis.

### **CONSULTATION**

Not Applicable

### **STATUTORY ENVIRONMENT**

Nil

### **POLICY IMPLICATIONS**

Council does not have a policy on this matter but does make the Flax Mill buildings available for use by community groups.

### **BUDGET/FINANCIAL IMPLICATIONS**

The 2008/09 budget includes an amount of \$2,000 to assist with establishment costs of the Association.

### **STRATEGIC IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

- **Environmental:**  
There are no known significant environmental considerations
- **Economic:**  
There are no known significant economic considerations
- **Social:**  
Organizations such as the Upper Blackwood Men's Association are common and provide an avenue for senior retired men to socialize and continue to be active.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION**

MOVED: Cr O'Hare

SECONDED: Cr Muncey

That approval be granted for the Upper Blackwood Men's Association to use portion of the Flax Mill buildings, in accordance with the following:-

- A) Approval be for a twelve month period.
- B) The area to be used be designated by the Chief Executive Officer.
- C) A hire fee not be imposed.

CARRIED 8/0

Res 149/08

**8. COMMITTEE REPORTS**

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

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

**11. CONFIDENTIAL MATTERS**

Nil

**12. CLOSURE OF MEETING**

Their being no further business the Shire President, Cr Roger Downing, thanked Councillors and Staff for their attendance and declared the meeting closed at 7.25pm.