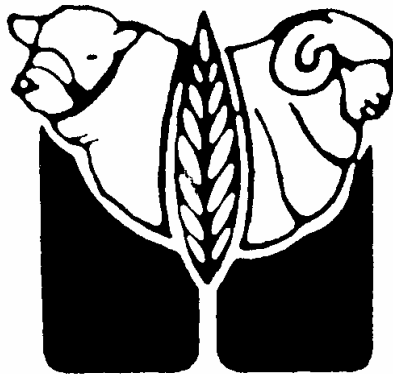


MINUTES



ORDINARY MEETING

HELD

THURSDAY, 19 JUNE 2008

COMMENCED AT 3.30PM

AT

SHIRE OF BOYUP BROOK CHAMBERS

ABEL STREET – BOYUP BROOK

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

3.30pm – 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 T Ginnane
Cr K Lamshed
Cr B O’Hare
Cr E Muncey
Cr A Piper (until 3.20pm)
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)

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

2. PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3. APPLICATIONS FOR LEAVE OF ABSENCE

Leave of absence for the July 2008 Ordinary Council meeting was requested by Cr O’Hare.

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That leave of absence be granted to Cr O’Hare for the July 2008 Ordinary meeting of council

CARRIED 9/0

Res 77/08

4. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Broadhurst

4.1 Tourism Report

The Tourist Association has been working on developing a new Logo for several reasons.

The current one is now politically unacceptable and dated in its format. Easily accessible new technology provides the opportunity to have a more up-to-date coloured design at minimal cost.

The new design is intended "To acknowledge our heritage while developing our future" by

- Retention of the grass tree as the main element.
- Utilizing an image already established as representing Boyup Brook.

4.2 Blackwood River Valley Marketing Association

Tourism South West is pursuing a proposal to reduce the number of sub regions from 7 to 3. Being:

- West Coastal.
- Forests and Valleys (this includes the Blackwood River Valley and very likely Collie River Valley together with Southern Forests.)
- All the rest (not yet given a proposed 'positioning' name)

Whether this will improve the financial support for smaller bodies remains to be seen.

Blackwood River Valley Marketing Association are urgently trying to raise funds for the reprint of the booklet (all centres are down to their last 100 copies or below) and each Tourism Association is looking within their own Shires in the hope of raising some donations from businesses that gain their income through-out the Blackwood River Valley region. The project will cost \$7000.00 for 10,000 copies. Providing the Shires support to the normal amount in their imminent budgetary decisions Blackwood River Valley Marketing Association can provide \$4000.00 but that leaves the committee with minimal funds in kitty so a need for additional funding is urgent.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting 15 May 2008.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr O'Hare

SECONDED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 15 May 2008, be confirmed as an accurate record.

CARRIED 9/0

Res 78/08

PRESIDENTIAL COMMUNICATIONS

Nil

6 REPORTS OF OFFICERS

7.1 MANAGER WORKS & SERVICES

Nil

7.2 MANAGER – FINANCE

7.2.1	Accounts for Payment
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Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 June 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of May 2008.

COMMENT

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2007/08 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr Giles

1. That the accounts for May 2008 as presented totaling \$606,780.51 as-cheque voucher numbers 16861 -16921 totaling \$82,936.51; and
2. accounts paid by direct electronic payments through the Municipal Account totaling \$523,844.00 be endorsed.

CARRIED 9/0

Res 79/08

7.2.2 April 2008 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>NA</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>13 June 2008</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 April 2008, and Investment Schedule for the month ended 31 May 2008.

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Broadhurst

SECONDED: Cr Giles

That the April 2008 Monthly Statements of Financial Activity as presented, be received.

CARRIED 9/0

Res 80/08

7.3 ACTING CHIEF EXECUTIVE OFFICER

7.3.1 Bushfires Act 1954 – Declaration of Approved Area – Sections 52 and 53

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>CM/29/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>29th May 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Letter from Insurance Council of Australia</i>

SUMMARY

Council has received a response concerning declaration of approved areas under the Bushfires Act for insurance purposes. This report recommends the Bushfire Advisory Committee be advised of the response and no further action be taken by Council.

BACKGROUND

At the Bushfire Advisory Committee meeting held on the 1st April 2008, members discussed sections 52 and 53 of the Bushfires Act and recommended to Council as follows:-

“That Council applies to the relevant Minister to have the district of the Shire of Boyup Brook declared an approved area under section 52 of the Bushfires Act.”

Council adopted the Advisory Committees recommendations on the 17th April 2008.

COMMENT

The issue was followed up with the Acting Legal and Legislation Officer from Fire and Emergency Services Authority of WA.

The following response was received:-

“You may recall that I wrote to the Insurance Council of Australia for their views on the above provisions of the Bush Fires Act 1954. I’ve attached a copy of their reply for your information.

As I said in my last email, I don’t see any problem with declaring Boyup Brook an approved area for the purposes of Sections 52 and 53 of the Bush Fires Act 1954, however, I was concerned as to how such an approval will be received by the insurers. The Insurance Council have confirmed their view that these provisions are redundant and were introduced for a specific purpose in the 50’s, namely the establishment of well equipped and trained bush fire brigades, which have long been satisfied.

I am also of the view that, since the 1950’s, all country Shires within Western Australia would have been declared approved areas to get the insurance benefits of Section 53. The only way to confirm this, however, would be to go through every Government

Gazette since 1950 to try and find a Gazettal for Boyup Brook. Unfortunately, we do not have the resources to do this.

Finally, please note that when FESA begins implementing the recommendations of the legislation review, which includes the modernization of the current legislation, FESA will not be including these provisions (52 and 53 of the Bush Fires Act 1954).

Thanks again for bringing this matter to our attention.”

A copy of the letter referred to from the insurance Council is attached.

Given that the provisions under section 52 and 53 of the Act are redundant and will be deleted as part of the Act review process there is no point in pursuing the matter.

CONSULTATION

The Bushfire Advisory Committee will be formally advised of the outcome.

STATUTORY OBLIGATIONS

Section 53. Reduction in insurance premium of crops in approved area

- (1) *Where a crop of any kind situated wholly or partly within an approved area is insured against loss or damage by fire, the rate of premium charged by the insurer in respect of the insurance shall not exceed 75% of the rate of premium charged by the insurer in respect of crops of that kind not situate within an approved area.*
- (2) *A person who charges a rate of premium in excess of that permitted by this section is guilty of an offence. Penalty: \$10,000.*
- (3) *For the purposes of this section "crop" includes any crop whether growing, standing, harvesting, cut, picked, collected, stacked, stooked, or packed, and grain, hay, chaff or other things produced from a crop, and bags and other containers and packing materials to be used in connection therewith, whilst on the land on which the crop is produced and whether in the open air or in a building on the land, or whilst being transported from the land to a railway siding or other receiving depot.*

52. Approved area may be declared

- (1) *For the purposes of this Act, where a bush fire brigade is established in the district of a local government the local government may apply to the Minister to have the district or part of it declared an approved area.*
- (2) *On receipt of the application the Minister may by notice published in the Gazette declare the district of the local government or part of it to be an approved area.*
- (3) *Before declaring the district or part of it to be an approved area the Minister may obtain a report as to the standard of efficiency of the bush fire brigade established in the district or the part.*
- (4) *The Minister may require the local government to pay the cost of any inspection made for the purposes of this section.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known 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 Ginnane

CARRIED: Cr Piper

That:-

The response from FESA and the Insurance Council of Australia, in respect to sections 52 and 53 of the Bushfires Act 1954 be noted and no further action be taken on the matter and the Shire of Boyup Brook Bushfire Advisory Committee be advised accordingly.

CARRIED 9/0

Res 81/08

7.3.2 Policy – Sandakan Relationship

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>Policy Manual</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>30th May 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>None</i>

Mr Keith Jones declared an impartiality interest on the basis that he is a member of the Boyup Brook Lions Club.

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Giles

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 9/0

Res 82/08

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Ginnane

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 9/0

Res 83/08

SUMMARY

Boyup Brook has been represented at the Anzac Day service and Sandakan Memorial Day Service in Sandakan over the past three years.

This report recommends a policy be adopted to formalize Council's involvement.

BACKGROUND

The Boyup Brook/Sandakan relationship has developed over a number of years. An important part of the relationship is the Memorandum of Friendship the two municipalities signed in October, 2007.

The aim of the Memorandum is to promote goodwill and understanding as well as favourable co-operation between the people of the two municipalities.

At the 15th May, 2008 meeting Council considered a draft policy and deferred the following motion for consideration at this meeting.

MOVED: Cr Ginnane

SECONDED: Cr Giles

That the following draft policy be adopted.

Objective

To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.

Statement

The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum is to improve the management of the two councils; to encourage commerce, trade and tourism, exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.

To uphold the memorandum-

- *the Council Representatives (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each year.*
- *the Boyup Brook Shire Council provide a scholarship to one Boyup Brook High School student nominated by the High School Principal, to attend the Anzac Day service each year.*

The scholarship includes return airfare accommodation and meals costs of the student.

- *the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.*

It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representatives and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

Implementation of this policy is subject to annual budget considerations.

COMMENT

The Memorandum of Friendship is specific in the following areas of co-operation:-

- The exchange of experts in order to improve the management of the two Council's,
- Commerce, trade and tourism.
- Administration and information.
- Culture, arts and relic of the war.
- Youth and sports

Visit to and visits from Sandakan are important in achieving the aims of the Memorandum of Friendship.

Council should also consider introducing some performance measurements to enable Council and the Community (both communities) to gauge the extent the aims of the Memorandum of Friendship are being achieved. A paragraph to this effect is included in the draft policy.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council does not have a formal policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

Funds would be budgeted each year.

The likely cost, including partners airfare and student scholarship is estimated at up to \$8,000 per annum.

STRATEGIC IMPLICATIONS

The draft policy outlines a process for addressing the intent of the Memorandum of Friendship.

SUSTAINABILITY ISSUES

- **Environmental**
There are no known significant environmental issues.
- **Economic**
Progressing the aims of the Memorandum of Friendship in particular in the area of Commerce, Trade and Tourism could achieve significant economic benefits to the Shire of Boyup Brook.

- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDED

That the following draft policy be adopted.

Objective

To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.

Statement

The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.

To uphold the memorandum-

- the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each year.
- the Boyup Brook Shire Council provide a scholarship to one Boyup Brook High School student nominated by the High School Principal, to attend the Anzac Day service each year.
The scholarship includes return airfare accommodation and meals costs of the student.
- the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.

It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

Implementation of this policy is subject to annual budget considerations.

COUNCIL DECISION

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

That the following draft policy be adopted.

Objective

To promote and develop the Memorandum of Friendship between the Sandakan Municipal Council and the Boyup Brook Shire Council.

Statement

The Memorandum of Friendship between the two Municipalities was signed in October 2007. The aims of the Memorandum are to improve the management of the two councils; to encourage commerce, trade and tourism; exchange of administration and information on culture, arts and relics of World War II; and exchange of youth and sport matters.

To uphold the memorandum-

- the Council Representative (usually the Shire President) and partner of the Shire of Boyup Brook attend either the Anzac Day Service or the Sandakan Memorial Day Service in Sandakan each year.
- Council offer financial assistance to the Boyup Brook Lions Club in their annual school scholarship programme to send a student to the Sandakan Anzac Day Ceremony.
- the Boyup Brook Shire Council invite representatives from the Sandakan Municipal Council and two High School students, nominated by the Sandakan Municipal Council, to attend the Boyup Brook Sandakan Memorial service each year.

It is Council policy that all reasonable and direct expenses incurred by the Shire Representative and partner are met by the Shire.

To assist Council and the Community to monitor the success of the relationship in respect to the aims of the Memorandum of Friendship the Council representative and the scholarship recipient provide a written report to Council outlining progress in the five key areas of the Memorandum of Friendship.

Implementation of this policy is subject to annual budget considerations.

CARRIED 5/4

Res 84/08

Cr Ginnane requested that all votes be recorded

For: Cr Downing, Cr Broadhurst, Cr Ginnane, Cr O'Hare and Cr Piper

Against: Cr Muncey, Cr Marshall, Cr Giles and Cr Lamshed

3.20pm – Cr Piper left the meeting.

7.3.3	Seminars and Training
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Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>Policy Manual</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>3rd June 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>None</i>

SUMMARY

Policy M.01 refers to attendance at conferences by elected members. This report recommends the policy be amended to include staff and to clarify reimbursement of expenses.

BACKGROUND

Council works within the following policy when determining attendance at conferences.

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

COMMENT

To include staff and to be more specific with reimbursement of expenses the following amended policy is recommended.

Seminars, Conferences and Training

Objective

To provide for the continuing professional development of Elected Members and Employees through attendance at appropriate seminars, conferences and other training opportunities.

Statement

It is Council policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district.

It is Council policy that:-

1. **Attendance**

The Shire President and or Chief Executive Officer may approve elected members and partners attendance at seminars, conferences and other training sources held intra and inter state, provided funds are available in the members conference/training budget.

The Chief Executive Officer may approve attendance and payment of associated costs at seminars, conferences and other training sources, within budget provision for all employees.

2. The following shall apply for Councillors authorized and/or appointed as delegates under this policy to attend Conferences:

a) Registration

The Council will pay all normal registration costs for Councillors and partners that are charged by organizers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

b) Accommodation

The Council will pay reasonable double room or twin share accommodation costs for Councillors and partners including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

c) Travel

All reasonable travel costs for Councillors to and from the conference location/venue will be met by the Council. Where appropriate, travel will be provided by air and will normally be at economy rates but may be upgraded to business class at the cost of the attendee. Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the CEO. The Council will reimburse the costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences.

Councillors using private vehicles in accordance with this Policy may claim the "kilometre" allowance payable under the Local Government

Officers Award, but subject to such cost not exceeding the normal full economy class air fares to and from the particular destination.

The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organizers/travel agent in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto may be paid in advance to the attendee for payment to the appropriate conference/training provider.

The Council may, in accordance with s5.102 of the Act, make a cash advance not exceeding one hundred dollars (\$100) per day per member, prior to an expense being incurred. The advance is made subject to an acquittal being completed upon the return of the member from the conference or training, fully accounting for the advance.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Policy M.01 to be repealed and substituted with new policy.

BUDGET/FINANCIAL IMPLICATIONS

An overall provision to be made for conference, seminars and training attendance.

STRATEGIC IMPLICATIONS

Continuing professional development of Councillors and staff.

SUSTAINABILITY ISSUES

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

That Policy M.01 be repealed and the following draft policy be adopted.

Seminars, Conferences and Training

Objective

To provide for the continuing professional development of Elected Members and Employees through attendance at appropriate seminars, conferences and other training opportunities.

Statement

It is Council policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district.

It is Council policy that:-

1. **Attendance**

The Shire President and or Chief Executive Officer may approve elected members and partners attendance at seminars, conferences and other training sources held intra and inter state, provided funds are available in the members conference/training budget.

The Chief Executive Officer may approve attendance and payment of associated costs at seminars, conferences and other training sources, within budget provision for all employees.

2. The following shall apply for Councillors authorized and/or appointed as delegates under this policy to attend Conferences:

a) **Registration**

The Council will pay all normal registration costs for Councillors and partners that are charged by organizers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

b) **Accommodation**

The Council will pay reasonable double room or twin share accommodation costs for Councillors and partners including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

c) **Travel**

All reasonable travel costs for Councillors to and from the conference location/venue will be met by the Council. Where appropriate, travel will be provided by air and will normally be at economy rates but may be upgraded to business class at the cost of the attendee. Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the CEO.

The Council will reimburse the costs of vehicle hire, taxi fares and parking which are reasonably required and incurred in attending conferences.

Councillors using private vehicles in accordance with this Policy may claim the "kilometre" allowance payable under the Local Government Officers Award, but subject to such cost not exceeding the normal full economy class air fares to and from the particular destination.

The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organizers/travel agent in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto may be paid in advance to the attendee for payment to the appropriate conference/training provider.

The Council may, in accordance with s5.102 of the Act, make a cash advance not exceeding one hundred dollars (\$100) per day per member, prior to an expense being incurred. The advance is made subject to an acquittal being completed upon the return of the member from the conference or training, fully accounting for the advance.

CARRIED 8/0

Res 85/08

7.3.4 **State Planning Policy 3.6 Development Contributions for Infrastructure (Draft)**

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/009</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>3rd June 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Draft Policy</i>

SUMMARY

The Western Australian Planning Commission is seeking comment on Draft State Planning Policy 3.6 – Development contributions for infrastructure.

This report recommends that Council support the policy and advise the West Australian Planning Commission accordingly.

BACKGROUND

Public infrastructure is funded through various sources including state government taxes, local government property rates, federal assistance grants, user and access charges, fees and charges, and development contributions. In Western Australia, development contributions for infrastructure have long been accepted as an essential

part of the planning system. Land developers are responsible for the provision of physical infrastructure including water supply, sewerage and drainage, roads and power and for some community infrastructure including public open space and primary school sites which are necessary for the development. The scope of such contributions is defined in a Western Australian Planning Commission (WAPC) policy adopted in 1997 which is set out in Planning Bulletin 18 Developer Contributions for Infrastructure.

In Western Australia, as in other Australian states, local governments face increasing pressures on the services they provide. These pressures arise from population and economic growth and increasing expectations of the community for new and upgraded infrastructure.

The capacity of local governments to provide the additional infrastructure and facilities necessary to accommodate future growth and change is limited by the available financial resources. As a result, local governments are increasingly seeking to apply development contributions for the provision of infrastructure and facilities such as local roads, car parking, community centres, recreation centres, sporting facilities, libraries, child care centres, public open space and other such facilities.

Local governments have indicated that they need more guidance on the scope and framework for development contributions of this nature. The development industry has also pointed to the need for greater consistency and transparency in charging developers because of the potential impacts on housing affordability and to avoid inequities arising from new residents subsidizing existing residents.

The draft policy follows a joint study into development contributions undertaken by the Urban Development Institute of Australia (UDIA), Western Australia Local Government Association (WALGA), and the Department for Planning and Infrastructure (DPI). It replaces Planning Bulletin 18 and sets out the standard development contributions for infrastructure applied by the WAPC on the subdivision of land. It also provides a

consistent, accountable and transparent system for local governments to plan and charge for development contributions over and above the standard provisions through development contribution plans.

COMMENT

A copy of the policy and appendices thereto is attached. The document is quite detailed however the basic thrust is that local governments will be able to use the policy to impose contributions for infrastructure requirements over and above those traditionally permitted.

The policy includes checks and balances to ensure accountability.

Whilst the impact on Boyup Brook is minimal at this point it is relevant to local government and could be beneficial to Boyup Brook in the future.

CONSULTATION

Local Government is invited to make comment on the policy, with submissions closing Wednesday 16th July, 2008.

STATUTORY OBLIGATIONS

Implementation of the policy by Local Government is not compulsory. Any contributions sought have to be planned and justified. There is the right of appeal.

SUMMARY

The purpose of this report is to respond to the Western Australian Planning Commission on an application to subdivide Lot 1741 Jayes Road, Boyup Brook into two lots.

BACKGROUND

Lot 1741 is zoned rural and is located approximately 10km South West of the Boyup Brook Townsite.

Land use is agriculture.

The applicant proposes a two lot subdivision of a 164.8ha lot into a 83.3ha lot and a 81.5ha lot.

Council records indicate the owner is Stephen R J Larkin. The property is serviced by Lodge Road and Jayes Road, both roads have a gravel surface.

COMMENT

The stated reason for the subdivision is to rationalize lot boundaries in relation to Lodge Road.

The proposed subdivision is supported on the grounds that it complies with the Shire of Boyup Brook Town Planning Scheme and State Planning Policy 2.5.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Planning and Development Act 2005.

Shire of Boyup Brook Town Planning Scheme No 2 State Planning Policy 2.5 "Agricultural and Rural Land Use Planning".

POLICY IMPLICATIONS

Council Policy P.03 states in part:-

1. In order to achieve the objectives contained in Clause 5.2 of Town Planning Scheme No 2, the Council will not generally support the subdivision of land within the Rural Zone into lots having a minimum size of less than 80 hectares except for:-
 - a) Amalgamation;
 - b) Boundary realignments provided no additional lots are created;
 - c) Any subdivision required for public works;
 - d) Where the proposal is accompanied with supporting evidence outlining a land suitability and capability study for further development.
2. In considering a plan of subdivision submitted to it for support, the Council shall have regard to the following matters:
 - a) The size, dimensions and shape of each lot;

- b) The situation and planning of each lot in relation to services, both present and prospective:-

Given that the two lots proposed exceed 80ha the above policy would not apply.

Policy W.07 refers to road upgrading contributions. In this instance Lodge Road and Jayes Road would not require upgrading simply because of the creation of an additional lot.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

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 Ginnane

That the proposed two (2) lot subdivision for lot 1741 Jayes Road be supported on the grounds that the proposal to create two (2) lots of 83.3ha and 81.5ha respectively complies with the Shire of Boyup Brook Town Planning Scheme No 2.

CARRIED 8/0

Res 87/08

7.3.6

Release of Residential Lots – Boyup Brook Townsite

Location:	<i>Lots 128, 265, 288 and Lot 385 – Various Streets</i>
Applicant:	<i>Department of Planning & Infrastructure</i>
File:	<i>LN/42/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>4 June 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Locality Plan</i>

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Broadhurst

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 6/2

Res 88/08

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Marshall

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 89/08

SUMMARY

Subject to Native Title clearance DPI intends to release three (3) residential lots for purchase and one residential lot for amalgamation with adjoining properties. This report recommends that Council supports the proposal

BACKGROUND

Nil

COMMENT

Lot 128 Proctor/Williams Street, Lot 288 Jayes Road and Lot 265 Abel Street appear suitable for release. Lot 385 is low lying with a substantial creek running through it. The proposal is to amalgamate this lot with Lot 15 Cowley Street and Lot 3 Mitchell Avenue therefore a dwelling would not be constructed on the land although the land would obviously be used in conjunction with the two adjoining properties.

There does not appear to be any reason why the proposal for this lot should not be supported, in fact in private ownership it may be better maintained and better managed in terms of fire.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

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

The Acting Chief Executive Officer read out a letter received from Mr Tim Renwick, 30 Mitchell Avenue, concerning the release of the land joining Lot 3 Mitchell Avenue.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Giles

SECONDED: Cr Broadhurst

1. That Council supports the proposal by the Department of Planning and Infrastructure to release Lot 128 cnr Proctor and Williams Streets, Lot 288 Jayes Road and Lot 265 Abel Street for residential use.
2. That Council supports the amalgamation of Lot 385 cnr Williams St and Mitchell Avenue with Lot 15 Cowley Street and Lot 3 Mitchell Avenue.

CARRIED 8/0

Res 90/08

7.3.7 Boyup Brook Entry Statements

Location:	<i>To be determined</i>
Applicant:	<i>Not applicable</i>
File:	<i>PA/46/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9th June 2008</i>
Author:	<i>Pascoe Durtanovich, Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>None</i>

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Ginnane

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 91/08

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Lamshed

SECONDED: Cr GILES

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

CARRIED 8/0

Res 92/08

SUMMARY

Council has budgeted for the provision of a second entry statement.

This report recommends a location for the entry statement and options for the relocation of the Donnybrook/Boyup Brook Road entry statement.

BACKGROUND

The Boyup Brook Townscape Committee has recommended the provision of entry statements on the-

Bridgetown Road	-	Farmer and Family
Donnybrook Road	-	Farmer, Dog, Sheep
Kojonup Road	-	Farmer and Canoe
West Arthur Road	-	Kangaroo

The Artist is Len Zuks.

To date an entry statement has been erected at the Donnybrook Road entrance and Council has approved the purchase of a second entry statement, but has not identified a location for same.

The entry statement on the Donnybrook Road is not in the best location and should be relocated closer to town.

At the meeting on the 15th May 2008 Council resolved as follows:-

“That the Acting Chief Executive Officer report to the June 2008 Ordinary Meeting of Council on a recommended site for the relocation of the Donnybrook/Boyup Brook Road entry statement”.

COMMENT

The Council resolution only refers to the relocation of the Donnybrook/Boyup Brook Road entry statement however the second entry statement has been purchased therefore a location for this piece is also considered in this report.

Council also needs to determine if the statues are to be used as town entry statements or as town features.

Under the circumstances the exercise has been approached addressing both options.

Criteria used is visibility, traffic/pedestrian safety and accessibility.

Entry Statements

Relocation of the Donnybrook/Boyup Brook Road Statue

There is only one alternative to the existing site and that is at the rammed earth entry statements, on the right hand side, entering town.

Visibility is good from at least 150 metres. The information bay on the opposite side provides safe parking for those wishing to inspect the statue and being in a 50km speed zone pedestrian access is safe.

Bridgetown/Boyup Brook Road

Again there is only one suitable location. The recommended site is between the 60km and 50km speed zones, just forward of the 50km sign on the left hand side, entering the town. This offers a safe parking area and safe pedestrian access.

Townsite Locations

Criteria used – Town centre location, visible and safely accessible.
Suggested locations-

Locations	For	Against
Tourist Centre lawned area	Parking Pedestrian access	Sculptures too large for site. New leach drain.
Abel Street medium strip	Central location Pedestrian access	Congested area, signs and power poles.
Abels/Inglis/Cowley Streets	Visible central location	New site required for Banner frame limited pedestrian access
Sandakan Park	Public access	Vandalism. Potential for inappropriate use by young people using the park.
Corner of Knapp and Bridge Street	Flat, visible site	Not in town centre No safe pedestrian access

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Main Roads WA requirements will have to be adhered to in respect to the location/positioning of the entry statements.

POLICY IMPLICATIONS

Council does not have a formal policy on this matter.

BUDGET/FINANCIAL IMPLICATIONS

The cost for each location is similar.

STRATEGIC IMPLICATIONS

There are no strategic implications.

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

OFFICER RECOMMENDATION

For consideration.

COUNCIL DECISION

MOVED: Cr Ginnane

SECONDED: Cr Giles

That the Len Zucks sculptures be acknowledged as works of art and not be classified as town entry statements.

CARRIED 6/2

Res 93/08

MOVED: Cr Marshall

SECONDED: Cr Broadhurst

That Mr Len Zucks be invited to assist Council in identifying a suitable location for the sculptures, within the town precinct.

CARRIED 8/0

Res 94/08

7.3.8

Conservation Plans for the Boyup Brook Flax Mill and Town Hall

Location:	<i>Jackson Street and Abel Street, Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>FM/25/038 and FM/25/039</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>6th June 2008</i>
Author:	<i>Jim Ferguson – Senior Administration Officer</i>
Authorising Officer:	<i>Pascoe Durtanovich – Acting CEO</i>
Attachments:	<i>None</i>

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Lamshed

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 5/3

Res 95/08

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Ginnane

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 96/08

SUMMARY

To consider written quotes from Architects for the completion of Conservation Assessments and Plans for the Boyup Brook Flax Mill and Town Hall and to select the most suitable consultant to complete the work.

BACKGROUND

The future of the Flax Mill is presently under consideration by Council with several alternative plans being considered. In mid 2007 it was decided to apply for grants to provide funding for the preparation of Conservation Plans for the Flax Mill and Town Hall. This innovation was to some degree influenced by the Heritage Council of Western Australia South West Manager, Annette Green.

It was suggested these plans would provide Council with a more informed perspective of the overall condition of these buildings and address the nature of restoration work required to take place to sustain their structural longevity.

Two grants were submitted to, and approved by, Lotterywest. One grant was submitted for each building. The amounts of the grants are as follows;

Boyup Brook Flax Mill	-	\$20,350.00
Boyup Brook Town Hall	-	\$16,750.00

Once approved by Council these projects can commence and, after completed, further grant applications in the future can be made to cover the costs of work required on the buildings.

COMMENT

This is a timely opportunity for Council to recognize the need to have Conservation Plans completed on these Shire owned buildings. In particular the Flax Mill, the future of which is presently subject to Council consideration. The plans will provide Council with an accurate assessment of the condition of both buildings, especially the Flax Mill, ultimately providing Council will quality information to assist it in the decision making process.

Council is required to consider the quotes and select an Architect to complete the plans.

Quotes have been received as follows:-

Flax Mill

(1)	Lynne Farrow Fraia (Architect), Albany	-	\$23,163 (Inc GST)
(2)	Kent Lyon (Architect), Bunbury	-	\$21,945 (Inc GST)

Town Hall

(1)	Howard + Heaver (Architects), Albany	-	\$20,575 (Inc GST)
(2)	Kent Lyon (Architect), Bunbury	-	\$17,985 (Inc GST)

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy F.03 – Purchasing Policy applies Purchasing Thresholds – requirements to obtain two written quotes has been met.

BUDGET/FINANCIAL IMPLICATIONS

This will be a cost effective strategy in having these plans funded by Lotterywest Grants. There will be no cost to the Shire.

STRATEGIC IMPLICATIONS

The Shire will be viewed as being proactive in the Heritage field and be seen to be promoting the retention of old buildings steeped in local culture and history. The plans will provide the Shire with sound indications on the viability of maintaining all, or part thereof the Flax Mill and maintenance requirements for the Town Hall.

These plans will be precursors for further grant funding towards ongoing works as recommended in the plans.

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 O'Hare

SECONDED: Cr Broadhurst

That Kent Lyon (Architects) be appointed to undertake and complete conservation plans as follows:-

Boyup Brook Town Hall	-	\$17,985 (Inc GST)
Flax Mill	-	\$21,945 (Inc GST)

Procedural motion

MOVED: Cr Marshall

SECONDED: Cr Giles

That the motion be dealt with in two parts

CARRIED 6/2

Res 97/08

Part 1

MOVED: Cr Marshall

SECONDED: Cr Ginnane

That Kent Lyon (Architects) be appointed to undertake and complete the following conservation plan:-

Boyup Brook Town Hall	-	\$17,985 (Inc GST)
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CARRIED: 8/0

Res 98/08

Part 2

MOVED: Cr Broadhurst

SECONDED: Cr O'Hare

That Kent Lyon (Architects) be appointed to undertake and complete the following conservation plan:-

Flax Mill	-	\$21,945 (Inc GST)
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CARRIED 5/3

Res 99/08

7.3.9

Planning Application – Oversized Outbuilding on Residential Lot – Boyup Brook

Location:	<i>Lot 24 Bridge Street, Boyup Brook</i>
Applicant:	<i>Richard and Raema Chudziak</i>
File:	<i>AS410</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5th June 2008</i>
Author:	<i>Wayne Jolley – Building Surveyor</i>
Authorising Officer:	<i>Pascoe Durtanovich – Acting CEO</i>
Attachments:	<i>Yes – Plans of proposed building</i>

SUMMARY

The owners of the above lot propose to build a 120m² shed on their property. This report recommends that the application be approved.

BACKGROUND

The land is situated on Bridge Street within the town-site Residential zone. The area of the lot is 1.1194ha and is bounded by other residential lots. The owner wishes to construct a 16m x 7.5m x 3.93m high, 120m² colorbond shed, 11m from the nearest boundary. A 55m² shed already exists on the property, just behind the house.

It is intended to use the new shed for storage, hobby woodworking and vehicle parking.

COMMENT

Under Council Policy No P.04 – Outbuildings, a Residential/Urban block greater than 1,012m, is permitted a total outbuilding area of 120m² with any individual outbuilding no more than 100m².

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

- The total outbuilding area will exceed the permitted 120m² by 55m², and
- The individual outbuilding area will exceed the permitted 100m² by 20m².

The proposal does meet other requirements of the Policy such as height and boundary setbacks. The land area of Lot 24 is very much larger than that of surrounding Residential lots, which accommodates the generous 11m set-back between the proposed new shed and the nearest boundary. The area, height, positioning, colour and indicated use of the proposed shed are such that it is unlikely to create any visual or amenity impact for neighbours.

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

- The proposed outbuilding(s) are of masonry construction or clad in factory applied colorbond or zinalume;
- The height of any opening to the outbuilding(s) is less than 3.0 metres;
- The ridge/gable height is less than shown in the table (4.5m);
- The outbuilding(s) must be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity;
- Your proposal will not have a detrimental effect on your neighbours or on the street in general.

All of these additional requirements are met by the proposal.

There is potential in the future for the land to be subdivided into small residential lots. Even so, the positioning of the proposed shed could easily meet minimum side and rear boundary setbacks (1m) for Residential areas.

It is recommended that planning approval be granted to build the proposed shed in accordance with the site plan and shed plans/specifications submitted with this planning application.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2

POLICY IMPLICATIONS

Council Policy No P.04 - Outbuildings

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
Key criteria for economic development is land availability, both residential and industrial.
- **Social:**
There are no known significant social considerations

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That planning approval be granted to Mr and Mrs R Chudziak to erect an additional outbuilding (shed) or 120m² on Lot 24 Bridge Street, in accordance with the site plan and shed plans/specifications submitted with this planning application.

COUNCIL DECISION

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That planning approval be granted to Mr and Mrs R Chudziak to erect an additional outbuilding (shed) or 120m² on Lot 24 Bridge Street, in accordance with the site plan and shed plans/specifications submitted with this planning application, subject to no reasonable objection being received from adjoining land owners.

CARRIED 8/0

Res 100/08

7.3.10 Planning Application – Fence on light industrial lot – Boyup Brook

Location:	<i>Lot 333 Short Street, Boyup Brook</i>
Applicant:	<i>Darren Peck</i>
File:	<i>AS1</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>5th June 2008</i>
Author:	<i>Wayne Jolley – Building Surveyor</i>
Authorizing Officer:	<i>Pascoe Durtanovich – Acting CEO</i>
Attachments:	<i>Yes – Site plan of Lot 333</i>

SUMMARY

The owner of the above lot proposes to construct a non-complying 1.2m high timber post and box-wire fence along the Abel and Short street boundaries of the above lot (as highlighted on attached site plan). The officer recommendation is that Council permits the proposed fence to be erected.

BACKGROUND

The land is a triangular shaped lot situated at the junction of Abel and Short Streets and is zoned Light Industrial, although there is also a residence on the site. The area of the lot is 4957m² and is bounded at the rear by rural zoned property. The owner wishes to construct a 1.2m high timber post and box-wire fence along the Abel and Short street boundaries to complement the existing rural fence at the rear boundary. The fence will be in the order of 200m total length.

COMMENT

The specifics of the proposal are that the fence will be constructed of 125mm x 75mm timber posts with whitegum strainers, using pignetting and two gates, all to a height of 1200mm.

Shire Local Laws Relating to Fencing state at clause 6(2):

“Subject to sub-clauses (3) and (4):

(a) on a Residential Lot is a dividing or a boundary fence.

(b) on a Commercial Lot and on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;”

The Second Schedule – Specifications for a Sufficient Fence on a Commercial Lot and an industrial Lot states:

“Each of the following is a “sufficient fence” on a Commercial Lot and an Industrial Lot:

A. A fence constructed of galvanized or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications:

(a) corner posts to be minimum 50mm normal bore x 3.5mm and with footings of a 225mm diameter x 900mm;

- (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5m centres and with footings of a 225mm diameter x 600mm;
- (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
- (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
- (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 12(3) of these Local Laws; and
- (f) galvanized link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.4mm galvanized iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry

gates shall provide an opening of not less than 3.6m and shall be

constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanized link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.

- B. A fence of fibre reinforced cement sheet or steel sheeting constructed to the minimum specifications referred to in item B of the First Schedule.
- C. A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.
- D. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in the First Schedule.”

This proposal does not comply with the Second Schedule in two respects:

- It does not meet the height stipulation of 2000mm for a mesh wire fence; and
- Timber posts are not contemplated in the Schedule.

Council is empowered to consent to a request to construct a fence not complying with these Local Laws at clause 10:

“(1) Notwithstanding clause 6, the local government may consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws.

- (2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorized to consider, whether the erection or retention of the fence would have an adverse effect on:
 - (a) the safe or convenient use of any land; or
 - (b) the safety or convenience of any person.”

The proposed fence compliments the existing fence at the rear boundary of the property, which abuts rural land. Lot 333 abuts no other Lots and therefore is not adjacent other Industrial Zoned properties with complying fences. The proposed fence

will neither adversely affect the convenient use of the land nor safety or convenience of any person.

Given that there is a residence on-site and the rear boundary fence is an existing rural style fence, this proposal will compliment the site and its use.

It is therefore recommended that Council supports this request.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Shire of Boyup Brook – Local Laws Relating to Fencing (2004)

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

5:35 Cr Giles left the meeting

COUNCIL DECISION & OFFICER RECOMMENDATIONS	
MOVED: Cr Broadhurst	SECONDED: Cr Lamshed
That Council gives consent to Mr Peck to construct a fence on the Abel Street and Short Street boundaries of Lot 333 Short Street as submitted in his application.	
CARRIED 7/0	Res 101/08

5:37 Cr Giles returned to the meeting

7.3.11 **Town Planning Scheme No 2 – Amendment No. 12**

Location:	<i>Lots 720 and 721 Boyup Brook/Bridgetown Road</i>
Applicant:	<i>TME Planning Consultants</i>
File:	<i>AS3100</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>9th June 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – subdivision guide plan and proposed vineyard extension</i>

SUMMARY

The owners of Lots 720 and 721 wish to consider the option of potentially providing for an expansion of the existing vineyard by up to a further 12 hectares as shown on the attached plan.

This report recommends that Council modify Town Planning Scheme Amendment No 12 to accommodate the change.

BACKGROUND

The proposal to rezone the lots was considered by Council on the 19th April, 2007. At that meeting Council resolved to adopt the draft amendment, with modifications, for public advertising. On the 19th July, 2007 Council considered submissions received and resolved to adopt the Town Planning Scheme amendment to rezone Lots 720 and 721.

COMMENT

A feature of the amendment is the presence of the existing vineyard on the property. The amendment was specifically designed to have regard to the ongoing operation of the vineyard while the first stage of the subdivision occurs. This was by:

- Designing the lots to have a physical separation to the vineyard;
- Preparing a vineyard management plan (included with the amendment documents);
- Inclusion of special conditions in the amendment.

The owner's have imported a variety of white wine grape of which there are no commercial plantings in Western Australia. The stock is currently in quarantine in Perth.

There have been expressions of interest in buying the fruit however the only way that they would consider planting more vines is if they can secure an 8 to 10 year contract for the new block as well as buy all of the existing fruit for the same period.

This would be the final vineyard extension as it would use all the available water on the property. Even so it would still be three to four years before the rootstock is propagated.

The extension could be a similar size planting area as the existing vineyard. That is approximately 12 hectares located on the eastern side of the property as shown on the

attached plan. This is further away from the first stage of any subdivision and can be setback 100m from the eastern property boundary.

The approved subdivision guide plan makes reference to “vineyard” lot and Special Condition 3 restricts further subdivision of the “vineyard lot” to until such time as the existing vineyard use has ceased. The condition states:-

1. 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.
2. The minimum lot size shall be 4 ha. No further subdivision of the “vineyard lot” as depicted on the Subdivision Guide Plan may occur until such time as the existing vineyard use has ceased.

In terms of possibly allowing for the expansion of the vineyard the simplest method is to amend the subdivision guide plan so that the “vineyard lot” is expanded to include all of the land which is not part of Stage 1.

The establishment of the vineyard would need Council’s approval and Special Conditions 3, 4 and 5 would apply. These being:

3. The following uses are not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 3.5 (SA)
 - Rural Pursuit
 - Intensive Agriculture
 - Stables – Commercial
4. Intensive Agriculture shall only be permitted on the “vineyard lot” as shown on the Subdivision Guide Plan.
All other uses not mentioned above are used which are not permitted under the Scheme.
5. In considering any application for an “SA” use the Council will have specific regard to:
 - The objective of Special Rural Area No 7;
 - The likely effect on adjoining properties;
 - The capability of the land for the proposed use; and may impose such conditions as it considers necessary to ensure that this objective is complied with.

However given the time period involved to establish the additional planting area and changing nature of housing market the owners would like to build some flexibility into the provisions. Specifically this would be to allow further subdivision of the “vineyard lot” whilst the vineyard is operating provided appropriate buffers and management measures are agreed too. The present subdivision maintains an average setback of 150m to any building envelopes and landscape buffers in conjunction with management techniques. These matters could be built in a revised provision and be subject to further assessment at the time of subdivision.

CONSULTATION

The modifications will have to be submitted to the Western Australian Planning Commission and the amendment would most likely require re-advertising. Council could request, as a condition of support, that the amendment be readvertised.

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2.

POLICY IMPLICATIONS

Draft Shire of Boyup Brook rural strategy.

Western Australian Planning Commission Planning Policy 2.5 – Agriculture and Land Use Planning.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
The impact of a rural industry on rural residential land-use will be minimized by buffer requirements.
- **Economic:**
Additional vineyard area has the potential to generate economic benefits.
- **Social:**
There are no known significant social considerations

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That Town Planning Scheme Amendment No 12 be modified by:-

1. Amending the subdivision guide plan to extend the vineyard area, as per the attached plan.
2. Deleting special condition 3 and substitute a new special condition 3 as follows:-

“The minimum lot size shall be 4 ha. In considering the further subdivision of the “vineyard lot” (as depicted on the Subdivision Guide Plan) regard shall be given to ensuring that there is an adequate separation distance between the proposed lots and the vineyard. The Council may recommend to the Western Australian Planning Commission that any conditions of subdivision approval include appropriate measures including management restrictions, title notifications, landscaping etc.”

CARRIED 8/0

Res 102/08

7.3.12 **Acrod Companion Card**

Location:	Shire of Boyup Brook
Applicant:	Shire of Boyup Brook
File:	CR/31/007
Disclosure of Officer Interest:	None
Date:	30 th May 2008
Author:	Jim Ferguson – Senior Administration Officer
Authorizing Officer:	Pascoe Durtanovich – Acting CEO
Attachments:	None

SUMMARY

To consider making application to the ACROD WA Division for a Companion Card, in support of disabled people and their carers throughout the Community.

BACKGROUND

The *Companion Card* is a credit card sized card issued to some people with disabilities. The Companion Card has a photograph of the cardholder and identifies that person as someone who requires attendant care support from a companion.

The *Companion Card* has been developed to promote the existing right of people with a disability to fair ticketing. It is not a discount, concession or benefit scheme, and is an easy way for organisations and businesses to comply with some of their obligations under disability anti-discrimination legislation.

Participating organisations and businesses will recognize the Companion Card and issue the cardholder with a second ticket for their companion at no extra charge.

A *Companion Ticket* is the second ticket or admission issued for a companion, free of charge, for the cardholder to receive attendant care support in order to participate at an affiliate venue or activity.

Affiliate is the term used to describe an organization, business or venue outlets that charge an admission or participation fee and have officially registered with the Companion Card program by completing an Affiliation Form.

COMMENT

This is a timely opportunity for Council to recognize the benefit of registering the Shire of Boyup Brook as an affiliate organization in support of disabled people and their carers.

This will permit disabled people to attend fare paying events held by the Shire of events held in Shire Facilities, in company with carers who are admitted free of charge to the event.

This strategy will indirectly support the introduction of the Disability Access and Inclusion Plan presently being undertaken.

It is recommended that Council considers this initiative and supports it.

CONSULTATION

Disability Services Commission WA

STATUTORY ENVIRONMENT

There is a Legislative requirement under the Disability Services Act 1993 in providing an element of safe access for disabled people to community facilities, and a safer option is for them to be accompanied by carers.

POLICY IMPLICATIONS

There are no policy implications covering this particular situation.

BUDGET/FINANCIAL IMPLICATIONS

This would be a cost effective strategy in having disabled people attend and pay for admission to events, with a carer being admitted free. Without the assistance of a carer the disabled person may not have been able to attend the event.

Otherwise, there is no cost to the Shire.

STRATEGIC IMPLICATIONS

The Shire will be viewed giving support to disabled members within the Community and will indirectly be complimenting the theme of our Disability Access and Inclusion Plan. "Outcome 1: People with disabilities have the same opportunities as other people to access the services of, and any events organized by, the Shire of Boyup Brook."

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
There are no known significant economic considerations.
- **Social:**
All members of the community will have the opportunity to attend public functions held in Council facilities.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Marshall

SECONDED: Cr O'Hare

That Council make application to Acrod to become an Affiliate Organisation of the Companion Card Program.

CARRIED 8/0

Res 103/08

7 COMMITTEE REPORTS

Nil

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The Shire President, Cr Roger Downing, approved consideration of the following urgent business.

9.1 Proposal for Panel and Paint Shop and Aluminium Fabrication (Boat Building)
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Location:	<i>Corner Bridge Street and Barron Street, Boyup Brook</i>
Applicant:	<i>Evolution Marine</i>
File:	<i>AS1801</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>17th June 2008</i>
Author:	<i>Pascoe Durtanovich – Acting CEO</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>None</i>

SUMMARY

Council has received an application for approval to establish a Panel and Paint and Aluminium Fabrication (Boat building) business on lot 34 corner Bridge and Barron Streets. This report recommends approval be granted, with conditions.

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 wish 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.

COMMENT

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.

If Council supports the application the requirements of clause 3.3.7 should be met by advertising in accordance with clause 3.5.3 (A) and (C) of the Town Planning Scheme, that is, advising adjoining landowners and occupiers and placing a notice on the property.

There is adequate parking onsite and given the approval be reviewed in twelve months time further conditions may be unnecessary at this time.

CONSULTATION

Notice of the proposal to be served on adjoining landowners and inviting written comment within 21 days.

A sign displaying notice of the proposed activity to be erected on site.

STATUTORY ENVIRONMENT

Town Planning Scheme No 2.

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 IMPLICATIONS

- **Environmental:**
There are no known significant environmental considerations
- **Economic:**
Additional industry, although small, will add to the economic return of the Shire.

- **Social:**
The proponent has a family.
- increase in population
 - increase in school numbers

VOTING REQUIREMENTS

Simple Majority and absolute majority for delegation.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Giles

SECONDED: Cr Lamshed

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.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 104/08

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Giles

SECONDED: Cr Lamshed

That:-

- 1) in respect to the application for approval to conduct a 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 a 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.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 105/08

10 CONFIDENTIAL MATTERS

Nil

11 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, thanked Councillors and staff for their attendance and declared the meeting closed at 6.05pm.