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

1.1 <u>Attendance</u>

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

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

PUBLIC: Nil

1.2 <u>Apologies</u>

Nil

1.3 <u>Leave of Absence</u> 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

That Cr Biddle be granted leave of absence for the November 2013 ordinary meeting of Council.

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Biddle attended the Boyup Brook Tourism Association meeting and presented the Annual Report.

Cr Biddle attended a CEO Performance Appraisals course held at WALGA on 14 October 21013.

Cr Aird informed Council about a Silage trial being held at Rylington Park on the 18 October 2013.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 19 September 2013

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Kaltenrieder

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 19 September 2013 be confirmed as an accurate record.

Carried 9/0

Res 131/13

5.2 Special Council Meeting – Wednesday 28 August 2013

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr Aird

That the minutes of the Special Meeting of Council held on Wednesday 28 August 2013 be confirmed as an accurate record.

Carried 9/0

Res 132/13

6 PRESIDENTIAL COMMUNICATIONS

Attended a meeting with the Shadow Minister for Transport; Agriculture and Food; Infrastructure; Wheatbelt; Mid West, Hon Ken Travers MCL and his research Officer Emma Ramage, 9 October 2013.

Attended a Regional Road Group Meeting held on 23 September 2013.

7 COUNCILLORS QUESTIONS ON NOTICE

Standing orders provide as follows:

8. QUESTIONS

8.1 Questions of Which Due Notice Has to be Given

8.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.

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

8.2 Questions Not to Involve Argument or Opinion

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

7.1 Cr Moir

7.1.1 Planning Initiatives

Question

Could you provide a list of forward planning Initiatives undertaken by the Shire since January 2010 (e.g. Strategic Plan etc) including Title of Plan, Date Ordered, Date Received and is an electronic version available to councilors.

Answer

The following plans were produced, with the support of Department for Local Government funding:

- Strategic Community Plan
- Long Term Financial Management Plan
- Asset management plan
- Workforce Plan

All but the last plan, as listed, were started by Council accepting a proposal from a consultant at its May 2011 meeting. The timeframe in the proposal was amended (council resolution September 2011. Council adopted the Strategic Community Plan as presented, and received the Long Term Financial and Asset Management Plans as presented, at its June 2013 meeting. Non material armaments were required to the plans as part of the acquittal process (essentially wording to recognize the government funding) the acquittal process for each was completed at various dates in August. Electronic copies are available to Councilors.

The Workforce Plan was started by the engagement of a consultant in April 2013. The Plan was completed and lodged with the Department before 30 June, 2013 deadline. The grant funding allowed for further work in the area and this is expected to be completed by the required date in December 2013. An electronic copy of this plan is available to Councilors.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES Nil

8.2 FINANCE

8.2.1 List of Accounts Paid	
Location: Applicant:	Not applicable Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Date:	10th October 2013
Author:	Kay Raisin – Finance Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – List of Accounts Paid

SUMMARY

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

BACKGROUND

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

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 13 September 2013 to 11 October 2013.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. Payments from municipal fund or trust fund

(1) A payment may only be made from the municipal fund or the trust fund —

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds by the CEO; or
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
- 13. Lists of accounts
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a

list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name;
- (*b*) *the amount of the payment;*
- (c) the date of the payment; and
- (*d*) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

- *(i) the payee's name;*
- (ii) the amount of the payment; and
- *(iii) sufficient information to identify the transaction; and*

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2012/13 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Oversby

SECONDED: Cr Imrie

That the list of accounts paid in September and October 2013 as presented totalling \$349,248.38 and as represented by cheque voucher numbers 19361-19378 totalling \$52,919.58 and accounts paid by direct electronic payments through the Municipal Account totalling \$296,328.80 be received.

Carried 9/0

Res 133/13

8.2.2 Monthly Statements of Financial Activity

Location:	Not applicable	
Applicant:	Not applicable	
File:	FM/10/003	
Disclosure of Officer Interest:	None	
Date:	12 October 2013	
Author:	Consultant–Darren Long	
Authorizing Officer:	Alan Lamb – Chief Executive Officer	
Attachments:	Yes – Financial Reports	

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 30 September 2013.

BACKGROUND

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

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

The regulations also prescribe the content of the reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

COMMENT

It is a statutory requirement that the Financial Activities Report be presented for every month.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr Walker

SECONDED: Cr Aird

- (a) That the August and September 2013 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.
- (b) That the amounts listed as material variances be authorised.

Carried 9/0

Res 134/13

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Second Dwelling Lot 6665 Boyup Brook Kojonup Road

Location: Applicant: File:	Lot 6665 Boyup Brook Kojonup Road D Welch
Disclosure of Officer Interest:	None
Date:	8 th October 2013
Author:	Geoffrey Lush (Council Consultant)
Authorizing Officer:	A Lamb
Attachments:	1 Location Plan
	2 Site Plan

SUMMARY

This report is to consider a planning application for two dwellings on Lot 6665 Boyup Brook Kojonup Road.

The application is supported subject to conditions.

BACKGROUND

The subject land is Lot 6665 P82425 Boyup Brook Kojonup Road. It has an area of 78 hectares and it is situated approximately 3kms east of the town site opposite Asplin Siding Road (see attachment 1)

The subject land is cleared and used for general farming.

The application states that:

My proposed plan is put 2 dwellings on the property where indicated, for myself and family in one and my mother and partner in the other. Each house would be roughly 250 – 300sqm in size and both would be 4 bedroom 2 bathrooms, we are currently looking at building with Plunkett Homes and there estimate build time is 12 months. Our plan is to fence of roughly 5-10acres for the houses and the remainder would continue to be grazing.

A site plan is contained in Attachment 2 and both dwellings will be setback more than 100m from the Boyup Brook Kojonup Road.

The site is currently being purchased by the applicant and the owner's agent has signed the application form.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

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

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

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

Clause 5.2.6 states that not more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of bona fide agricultural activity.

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

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

Rural Strategy

The Rural Strategy actively promotes the development of farming land.

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

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
- b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and

c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.

COMMENT

Based upon the objectives in the Planning Scheme and Rural Strategy there is no objection to the proposal.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

There is no fee for the first dwelling as this does not require any approval under the Scheme. The application fee for the second dwelling is \$117.

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

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

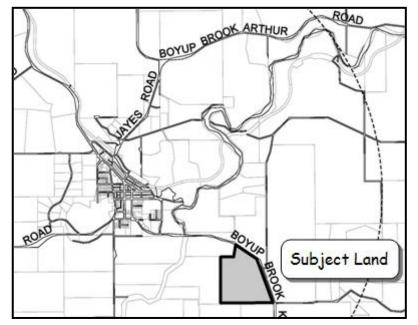
VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

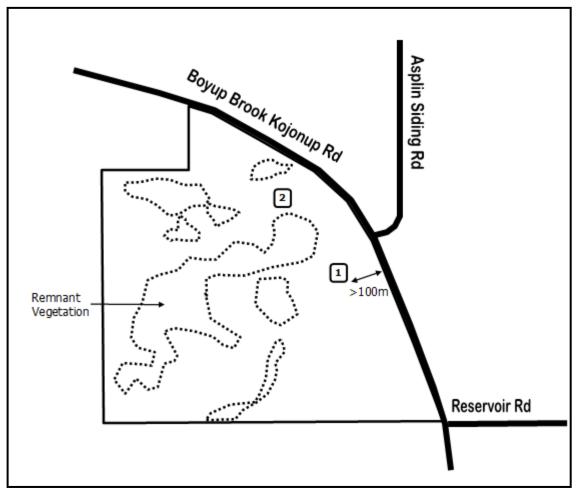
MOVED: Cr Oversby SECONDED: Cr Kaltenrieder That Council approve the use and development of a second dwelling (caretaker's residence) on Lot 6665 P82425 Boyup Brook Kojonup Road for subject to the following conditions:

- 1. Prior to construction commencing plans of the proposed dwellings and a site plan drawn to scale and dimensions shall be submitted to and approved by the Local Government Department.
- 2. Any new driveway access to the Boyup Brook Kojonup Road shall be approved by Main Roads Department.
- 3. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
- 4. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.



Attachment 1 Location Plan

Attachment 2 Site Plan



8.3.2 Subdivision Application (WAPC Ref 148768) Arthur Rd

Location:	Lots 744 & 1424 Boyup Brook Arthur Road
Applicant:	R Machin
File:	A6070
Disclosure of Officer Interest:	
Date:	8 th October 2013
Author:	Geoffrey Lush (Council Consultant)
Authorizing Officer:	A Lamb
Attachments:	1 Location Plan
	2 Existing Lots
	3 Proposed Lots

SUMMARY

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

The subject land comprises of Lots 744 and 1424 Boyup Brook Arthur Road Dinninup. The property is situated on both sides of the Boyup Brook Arthur Road Dinninup. It is proposed to realign the existing boundary so as to reflect the existing road. No additional lots will be created.

The application is supported.

BACKGROUND

The subject land comprises of Lots 744 and 1424 Boyup Brook Arthur Road Dinninup. The site is located approximately 15kms north east of Boyup Brook town site as shown in Attachment 1. The configuration of the existing lots is shown in Attachment 2.

Lot 744 P251147 has an area of 185 hectares and is situated on both sides of the Boyup Brook Arthur Road.

The northern section has an area of 53 hectares and adjoins the Blackwood River. It is vacant and used for general farming.

The southern section has an area of 132 hectares with an existing dwelling and outbuildings.

Lot 1424 P253709 is vacant and used for general farming. It has no frontage to Boyup Brook Arthur Road. An unconstructed road reserve adjoins the north eastern corner of the lot but the property is effectively "land locked."

The proposed boundary realignment is shown in Attachment 3 and proposes to create the land north of the Boyup Brook Arthur Road Dinninup as a separate lot of 53 hectares. The land south of the road will be amalgamated into a lot of 188 hectares.

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

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No 2.

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

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

Local Planning Strategy

Within the draft Local Planning Strategy the subject land is predominantly located within the BBR3 Eastern Policy area.

In relation to farm restructuring the Strategy recommends that:

- 8. Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots.
- 9. The smaller lots have sufficient size to allow for the construction of a dwelling and other small farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties.
- 10. The smaller lots are located to have minimal adverse impact on the viability and sustainability of the main farming property.
- 11. The total number of resulting lots is not greater than the original number of lots.

- 12. In the case of lifestyle lots, the land is located within 10kms of a major townsite.
- 13. That for the purpose of the above provision a "lifestyle" lot is defined as having a minimum area of 20 hectares (being within 10kms of the town site.)

COMMENT

The subdivision meets the farm restructuring provisions of the Rural Strategy. As the proposed Lot B is less than 80 hectares in size it may be considered by the Planning Commission to be a lifestyle lot. However it is of a similar size to the existing Lot 1424.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

SUSTAINABILITY IMPLICATIONS

 Environmental There are no known significant environmental issues.
 Economic

There are no known significant economic issues.

 Social There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

MOVED: Cr Walker

SECONDED: Cr Oversby

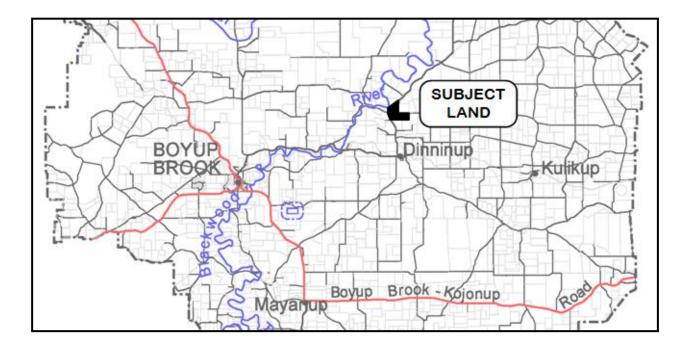
That Council advise the Western Australian Planning Commission that it supports the proposed boundary realignment Lots 744 and 1424 Boyup Brook Arthur Road Dinninup subject to the following condition being included on any approval:

a) Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the Lot B shown on the approved plan of subdivision. (Local Government)

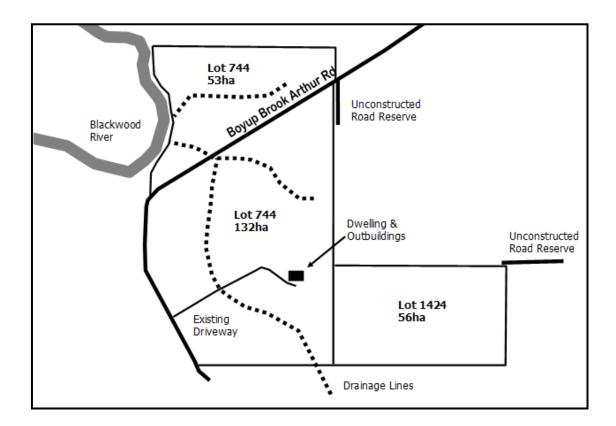
Carried 9/0

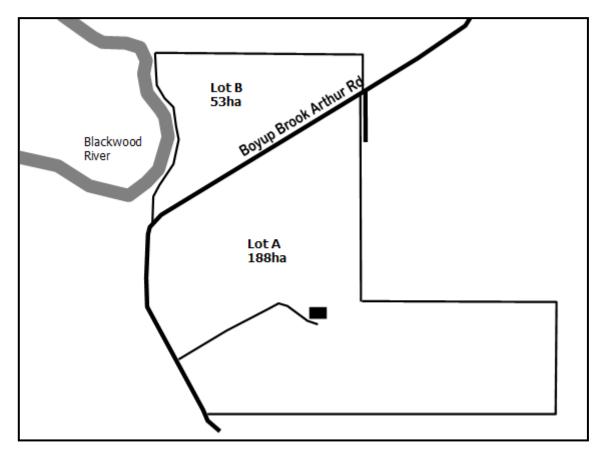
Res 136/13

Attachment 1 Location Plan



Attachment 2 Existing Lots





Attachment 3 Proposed Lots

8.3.3 Subdivision Guide Plan Lot 734, Banks Road

Location:	Lot 734 Banks Road
Applicant:	Harley Global
File:	
Disclosure of Officer Interest:	
Date:	8 th October 2013
Author:	Geoffrey Lush (Council Consultant)
Authorizing Officer:	A Lamb
Attachments:	1 Revised Subdivision Guide Plan

SUMMARY

A revised subdivision guide plan has been received from the landowner (A Doust) for Special Rural zone No 8. Council is required to determine if the plan is suitable for adoption.

It is recommended that Council adopt the revised plan with modifications

BACKGROUND

The subject land was rezoned to Special Rural by Amendment No 13 which was gazetted on the 26th October 2012.

While a draft structure plan (subdivision guide plan) was submitted with the Amendment, the Planning Commission did not endorse this and required it to be modified. These modifications were not acceptable to the landowner and consequently the Council resolved at its Meeting of the 19th July 2012 in part:

That Council notes that it is the applicant's decisions as to when or if he proceeds with the revised subdivision guide plan with the modifications requested by the West Australian Planning Commission.

The revised structure plan is contained as Attachment 1 and this provides for:

16 lots of between 2.1 and 5.2 hectares;

- An extension of the previous cul-de-sac so as to provide a connection to Lot 720 to the south;
- Removal of the 10m road reserve along the western boundary; and
- Staging of the subdivision as follows:
 - Stage 1 Lots A, B, C, M & P.
 - Stage 2 Lots D to J; and
 - Stage 3 Lots K, L, N & O.

CONSULTATION

The CEO and Council's Manager of Works & Services

The revised subdivision guide plan has been advertised to all adjoining owners and the following government agencies:

- DPaW;
- DFES;
- Department of Indigenous Affairs;
- DAFWA;
- Western Power;
- Department of Water; and
- Health Department

The advertising period closes on the 16th September. No submissions have been received at the time of preparing this report.

The Department of Fire and Emergency Services has objected to the revised structure plan until the fire management plan is updated to reflect the revised design and submitted to and approved by DFES.

The Department of Parks and Wildlife has also made a submission relating to the protection of vegetation on the site. Specifically the Department has raised concerns with the position of the building envelope on Lot B

Lot 734 contains areas of remnant vegetation. The remnant vegetation on the property is identified in Molloy 2009, as being part of and contributing to a core regional ecological linkage. Any development should aim to minimise the impacts and fragmentation of the vegetation within the property and to adjoining vegetated areas.

The proposed Lot B building envelope location for this current application has been relocated southward from the proposed Lot B building envelope location on the Subdivision Guide Plan attached to the scheme amendment documentation (with reference SDP 10/05/11) (see attached).

The new building envelope position has the potential to require some clearing of core regional ecological remnant vegetation. DPaW's preference would be for the Lot B building envelope, as shown in the Subdivision Guide Plan, to be retained for this current proposal.

STATUTORY OBLIGATIONS

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

The procedures for the approval of a structure plan are contained in Clause 10.1 of the Scheme. These are being introduced by Amendment No 14

which is currently with the Western Australian Planning Commission for final approval.

Following the advertising Council must consider any submissions and then resolve whether or not to endorse the structure plan. It is then submitted to the Planning Commission for final approval.

COMMENT

Plan Modifications

The modifications required by the Planning Commission to the original structure plan were:

- 1 Retitle the 'Subdivision Guide Plan' to 'Structure Plan'.
- 2 Provide a road linkage between the cul-de-sac road and the proposed (western) road reserve.
- 3 Delete the battleaxe access legs for proposed Lots C, E and G.
- 4 Review the need for the10rn wide easement for fire fighting purposes.
- 5 Modify the caption applicable to the proposed western road in recognition of No.3 above.

The Planning Commission further advised that:

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

While the revised design does not show the western boundary road, it does show the cul-de-sac extension.

Banks Road

There are six lots which will potentially have direct access to Banks Road. Banks Road does not have any posted speed restrictions as it is a gravel road.

There is a crest in the road near the boundary to Lots A & B which restricts the sight distance in both directions. As Lot C will now access Banks Road using a battle axe leg the access location has been inspected.

There are no clear guidelines in relation to the sight distance requirements for driveways, especially in rural areas with a gravel road.

Ausroads is the principle reference document for the design of roads and intersections but it is not clear if Council should apply this to new driveways. The relevant sight and stopping distances only apply on a sealed road.

Construction of Banks Road to a sealed standard is required in Council's in Council Policy W.07 Road Contribution and the applicant is responsible for half the cost of constructing Banks Road across the frontage of the subject land.

Once Banks Road is constructed then the speed limit could potentially be lowered to 80 kph. Where an 80 kph speed limit applies, then AS2890 requires a minimum stopping distance of 110m.

The need to potentially construct the full frontage of Banks Road for the first stage of the subdivision will potentially have financial implications for both the developer and Council.

Subdivision Road

The internal subdivision road will intersect with Banks Road adjacent to the existing drainage line.

Within the site it will be located between the drainage line and the existing dam on Lot O. The road reserve should not encroach on to the wall of the dam. However this may mean that it encroaches in to the drainage line which may need separate approval from the Department of Water.

It is up to the applicant to ensure that the road engineering design is appropriate and meets the specified standards.

Fire Management Plan

The applicant's consultant has been previously advised of the need to update the fire management plan. This is relevant to the current consideration of the structure plan if the fire management plan requires any further modifications to the revised subdivision design.

A similar submission was received when the amendment was advertised. In response to that Council resolved that: That adoption of the draft subdivision guide plan be deferred until the fire management plan has been submitted and approved by Council and FESA.

However given the length time which the Planning Commission will take to examine and approve the revised structure plan, this should be sufficient time for the applicant to submit the revised fire management plan.

Building Envelope Lot B

DPaW did not raise any issue relating to regional ecological linkages when the amendment was advertised. The information which has been provided confirms that the creek line vegetation is the main priority and that the trees in Lot B are on the edge of this.

When the Amendment was originally advertised the building envelope on Lot B was closer to Banks Road but was moved further back when the plan was modified. It is now setback 45m from Banks Road whereas the minimum setback is generally 30m.

As Lot B is already constrained by granite areas and the drainage line further restrictions on the position of the building envelope are not easily supported. In particular it is also noted that the developer must revegetate the Creek line which will enhance the regional linkage.

POLICY IMPLICATIONS

These implications are addressed above.

BUDGET/FINANCIAL IMPLICATIONS

Under the Planning and Development Regulations 2009 Council can charge a fee for the examination and approval of structure plans. These are based upon hourly rates and are generally the same as for amendments. A number of Councils charge a single fee with an additional fee for any advertising.

The applicant has previously been charged for a major amendment and associated advertising.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

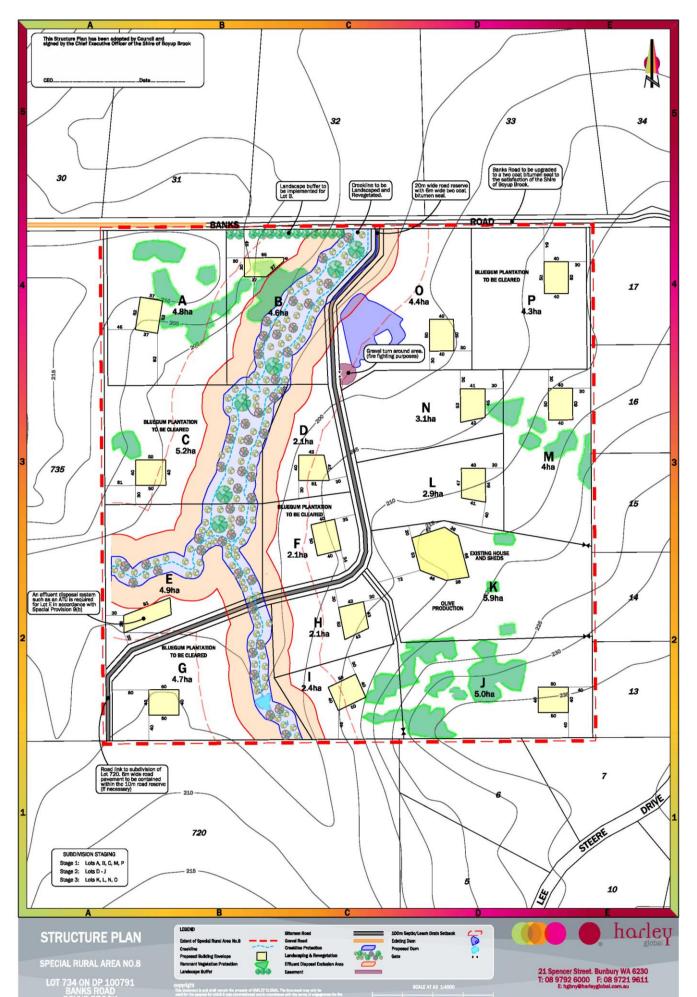
MOVED: Cr Kaltenrieder

SECONDED: Cr Aird

- 1 That Council resolve to adopt structure plan (Ref 13954-02H) pursuant to Special Condition 3(a) of Schedule 3 - Special Rural Zone No 8 dismissing the submissions from DFES and DPaW on the basis that:
- The ecological linkage primarily relates to Creek line vegetation which will be subject to a rehabilitation plan; and
- The revised fire management plan can be submitted and approved while the Planning Commission examines the revised structure plan.
- 2 That the structure plan be submitted to the Western Australian Planning Commission for endorsement.
- 3. That the applicant be advised of the above and that:
- That in order to provide appropriate safe egress to Banks Road, Council at the time of subdivision will request the WAPC to require the construction of Banks Road for the full frontage of the subject land for which the applicant is responsible for half the cost in accordance with Council's Policy W.07 Road Contribution Policy as stated in Special Condition 14(a) of Schedule 3 - Special Rural Zone No 8.
- The fire management plan is to be updated and approved by DFES.
- The creation of driveway crossovers onto Banks Road requires Council's approval and this approval will be based on the premise that Banks Road will be sealed and a reduced speed limit applied.
- 4. The application be lodged with Main Roads Western Australia for a reduced speed limit for the section of Banks Road that is now sealed and the section that is to be sealed as part of this subdivision process.

Carried 9/0

Res 137/13



8.3.4 Transwa Bus Service - Planned Closure

Location:	N/a
Applicant:	N/a
File:	
Disclosure of Officer Interest:	None
Date:	10 October 2013
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Transwa bus service timetable, copy of a letter from the local Member to the Minister.

SUMMARY

The purpose of this report is to put the matter of the planned closure of the Transwa bus service to Boyup Brook with the recommendation that Council resolve to oppose the move.

BACKGROUND

The current five day per week bus service that links Bunbury and Perth with Boyup Brook, has its roots in the old WAGR road Services Division's rural bus service that provided rural communities that did not have a passenger rail service, public transport to a rail service, major centre of Perth.

The Minister for Transport recently announced the closure of a number of services where costs exceeded income and where passenger numbers were considered to be low, to achieve a saving of half a million dollars per year.

COMMENT

The President has been actively opposing the planned closure of the Boyup Brook service and, at least in part as a result, the local Member has written to his Cabinet colleague, the Minister for Transport. The local Member's letter will carry great weight and might well be enough but it would be advantageous if the President and others could say that Council is firmly opposed to the move, and a specific resolution will help in this regard.

The Local Government Act provides that the President is the spokesperson for the Council and so there is no need for Council to specify the mode or wording of any letter, press release or the like, that the President may employ but a specific resolution opposing the move would assist. It is felt that there is no need to elaborate on the need for or benefits of the service here, because they are widely known, but these will be provided verbally if required.

CONSULTATION

The matter of the planned closure has been discussed widely and there is substantial opposition locally and around the state.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

> Environmental

Closing the service will increase light vehicle movements and so should result in greater volumes of emissions.

Economic

Closing the service will be a significant economic issue for some members of the community. The service is not very well promoted, if it was more people might take advantage of it to visit the town and region generally.

Social

Closing the service will result in significant social issues. It is the only public transport option for Boyup Brook residents, it provides an important linkage for local's friends a relative to visit, school students boarding in Bunbury, or Perth, to come home periodically, it enables people to keep medical appointments in Bunbury and Perth, and, very importantly, it is the only transport opportunity for some people.

The resulting increase in light vehicle movements will result in an increase in the incidence of vehicular accidents.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Oversby SECONDED: Cr Imrie That Council strongly oppose to the Public Transport Authority's move to close the Transwa bus service servicing Boyup Brook.

Carried by Absolute Majority 9/0

Res 138/13

8.3.5 Reserve 16012 – Mayanup Progress Association lease

Location:	Reserve 16012, lot 35, house number 33 Boyup Brook Cranbrook Road.	
Applicant:	Mayanup Progress Association	
File:		
Disclosure of Officer Interest:	None	
Date:	10 October 2013	
Author:	Alan Lamb	
Authorizing Officer:	Not applicable	
Attachments:	Confidential attachments showing the Mayanup town site, surrounding locations and a listing of propert owners.	

SUMMARY

The purpose of this report is to put before Council the Mayanup Progress Association's (MPA) request for Reserve 16012 to be included in its lease with Council, with the recommendation that Council seek management of this Reserve in order to meet the request.

BACKGROUND

MPA has been using Reserve 20039 (managed by the Shire) for many years and Council recently commenced the process to formalise the arrangements with a lease agreement. During this process it came to light that an area of land the MPA had been using, and was integral to its activates, was an unmanaged reserve (Reserve 16012).

COMMENT

Reserve 16012 was set aside in 1915 for the purpose of Water and it contains a dam. It is possible that this was one of the many stock watering points set around the state in the early years of development to facilitate the movement of animals, and animal powered freight, or perhaps more likely, given its proximity to the town site, it may have been a town water supply. In any event it has not been used for either purpose in recent times.

The boundary is not defined on the ground by a fence or the like and so it looks like it was assumed to have been part of the Shire managed reserve and so used by MPA as such.

Whilst the Landgate on line enquiry show the Reserve is managed by the Water Corporation, State Land Services advised that it is an unmanaged reserve and as such may be subject to native title claim.

In any event, the MPA needs this piece of land as part of its operation and so has asked Council include this in the lease arrangement. Council first needs to obtain a management order for the reserve, and so the recommendation is that Council apply to State Land Services to have management of Reserve 16012 with power to lease with the intention that the land be leased to MPA.

CONSULTATION

The author has spoken with MPA, Council and State Land Service on the matter.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.5

MOVED: Cr Kaltenrieder

SECONDED: Cr Biddle

That Council apply to State Land Services to have management of Reserve 16012 with power to lease with the intention that the land be leased to the Mayanup Progress Association.

Carried by Absolute Majority 9/0

Res 139/13

MOVED: Cr Aird

SECONDED: Cr Oversby

That the Council adopts enbloc items. 9.1.1 and 9.1.2.

CARRIED 9/0

Res 140/13

9 COMMITTEE REPORTS

9.1.1 Minutes of the Bunbury Wellington Group of Councils

Location:	Shire of Boyup Brook
Applicant:	N/A
File:	
Disclosure of Officer Interest:	Nil
Date:	9 October 2013
Author:	Alan Lamb - CEO
Attachments:	Yes – Minutes

BACKGROUND

The Bunbury Wellington Group of Councils meeting was held on 9 September 2013.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.1

That the minutes of the Bunbury Wellington Group of Councils meeting held on 9 September 2013 be received.

Carried 9/0

9.1.2 Minutes of the Blackwood River Valley Marketing Assoc

Location:	Shire of Boyup Brook	
Applicant:	N/A	
File:		
Disclosure of Officer Interest:	Nil	
Date:	9 October 2013	
Author:	Alan Lamb - CEO	
Attachments:	Yes – Minutes	

BACKGROUND

A Blackwood River Valley Marketing meeting was held on 17 September 2013.

Minutes of the meeting are laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.1.2

That the minutes of the Blackwood River Valley Marketing Assoc meeting held on 17 September 2013 be received.

Carried 9/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion from Cr Giles – Shire President

10.1.1 Rylington Park

NOTICE OF MOTION & COUNCIL DECISION

Moved: Cr Giles

Seconded: Cr Kaltenrieder

- 1. That the CEO contact the Management of Rylington to discuss possible ideas for the future ownership of Rylington.
- 2. That the CEO investigate and seek advice on a possible transfer of ownership.

Carried 9/0

Res 141/13

CEO Comment

With the stronger rumblings of forced amalgamations of Local Governments, it would be advisable for Council to bring forward any "big picture" planning such as this matter. Council has the opportunity to make decisions about this important and significant community asset now; where as local input into any future decisions may well be diluted with the advent of an amalgamation.

10.2 Notice of Motion from Cr Biddle

10.2.1 Town site Committee

NOTICE OF MOTION & COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr Kaltenrieder

That a Town site Committee be formed, comprising two (2) councillors and four (4) other community members approved by Council, to provide advice and recommendations to Council on enhancing environs of the town site.

Its purpose will be to:

- serve as a "..... community engagement strategy and provide opportunities for community participation" [Boyup Brook Strategic Community Plan, May (?), 2013, p15]
- Improve resident enjoyment, convenience and comfort
- Stimulate civic pride and involvement
- Encourage and facilitate a "Buy Local" campaign
- Impress and engage visitors, encouraging them to stay longer, and spend more

Its responsibilities would include recommendations and advice on:

- Median strips
- Footpaths and undeveloped road reserves
- Reserves, parks, gardens, cemeteries
- Entrance statements
- Signage
- Parking
- River banks
- Streetscape

Carried 7/2

Res 142/13

Request for Vote to be recorded

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

For Cr Biddle, Cr Walker, Cr Aird, Cr Oversby and Cr O'Hare

Against Cr Giles and Cr Kaltenrieder

CEO Comment

The recommendation is that this motion not be supported because:

Council had a Streetscape Committee for a number of years and, it appears, that this heighted community expectation beyond Council's capacity and/or will to deliver. The committee ran for a number of years and no doubt was a good avenue for community input but there appears to have been a lot of frustration over the level of involvement and unfulfilled expectations. In all things there are limitations and it is suggested that it is far better to pull broad concepts together, that have already discounted the impossible or impractical, and present the, then limited but achievable, options to the community for comment and choice. An example of this is the funding Council has provided to look at reserves planning. The starting point is to establish which areas the Shire has management of, define these on the ground (it is obvious that this was not done when the various walking trails were established around town), establish what the constraints are, and then add some expertise into the options. This process focuses

the choices on what can be achieved and what can only be achieved with a significant, and perhaps lengthy, change (such as transferring Reserve Management Orders between entities or having Unallocated Crown Land reserved and then put into the Shire's management. The latter will almost certainly entail Native Title considerations and so could take 5 years, or more, and will come at a reasonable cash cost).

- There is no funding in long term planning for any initiatives that the committee may come up with and it appears to make more sense to take a strategic view, look at the long term plans for funding opportunities and make adjustments to the plan to allow for initiatives that may arise (it is noted that the Long Term Financial Plan shows that the first few years as running at a deficit or small surplus but that the annual surpluses then start to increase fairly dramatically and so, unless there is an adjustment to the plan to take funds from another area, there is capacity going forward for initiatives but not at this time.)
- The Corporate Plan is still being developed (the draft should be before Council before the end of the calendar year) and this is the document that will set a course for the next 5 years (the legislation requires a 4 year plan but, as Council will be aware, the consultant is working on a 5 year plan as this fits better with, the more broader, 10 year planning). Council should wait to complete this and either put funding toward opportunities or not before developing the detail of initiatives and raising expectation.
- Much of what is proposed for this committee appears to be a duplication of what the Tourism Association does, and does very well. Council already supports this committee with direct funding, the Community Development Officer for one day per week, subsidized accommodation and the like and, it is suggested, this organization is more than capable of providing nonelected Member input into the decision making process.
- All long term planning was based on no increase in staff levels and, as
 previously reported, there is limited capacity. Any new committee,
 especially one where there may well be numerous meetings, research and
 the like will require a change in focus or additional resources. Council has
 already set a focus on the main areas of priority for the community, being
 roads, aged accommodation and medical, and it is, respectfully, suggested
 that there is still a very lot to do in these areas. There is provision in the
 long term planning for initiatives in these areas and so, logically this is
 where the effort should go at least in the short term.

Impartiality Interest

Cr Oversby declared an impartiality interest in the following item due to being a Member of the Boyup Brook Lions Club.

10.2 Notice of Motions from Cr Biddle

10.2.2	Sandakan Memorial area	
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MOTION

Moved: Cr Biddle

Seconded: Cr Oversby

That the CEO liaise with the Lions' Club re their requirements, and at the March, 2014 meeting of Council present a report indicating the costs of making improvements to the Sandakan memorial area with a view implementing them before the 2014 service.

- Install a temporary/permanent handrail beside the path leading to the memorial (to provide assistance to wreath layers, should they require it)
- Extend the level section of the pathway directly in front of the memorial (wreath layers may currently step backwards onto a down slope)
- Create a/ level, firm (pave/cement slab/artificial grass) presentation area/s which can accommodate
 - \circ sound desk
 - microphone and lectern
 - o choir
 - o speakers' chairs
 - school groups (choir and school groups to be seated behind or to the side of the presentation area when not performing}
- pathway access to presentation area

AMENDMENT

Moved: Cr Giles

Seconded: Cr Imrie

That the CEO liaise with the Lions' Club re their requirements, and at the March, 2014 meeting of Council present a report indicating the costs of making improvements to the Sandakan memorial area with a view to implementing them before the 2014 service.

Carried 9/0

Res 143/13

NOTICE OF MOTION & COUNCIL DECISION

Moved: Cr Giles

Seconded: Cr Imrie

That the CEO liaise with the Lions' Club re their requirements, and at the March, 2014 meeting of Council present a report indicating the costs of making improvements to the Sandakan memorial area with a view implementing them before the 2014 service.

Carried 9/0

Res 144/13

RATIONALE:

The Annual memorial service has become part of Boyup Brook culture, and attracts visitors from many other communities. It's an opportunity to showcase our community which should not be missed. The suggested actions will improve the comfort and convenience of spectators and participants, and give the service the professionalism it deserves.

CEO Comment

The reserve that Sandakan Park sits on is on the list of reserves to be looked at to develop a plan during the current financial year. This reserve, along with other significant landholdings, was part of the feature survey work done with the asset management planning last year. So we now have good base data to work with. It is suggested that any detailed planning for the Sandakan memorial area should be incorporated into the overall planning exercise because works done, say to level the area where the ceremonies are conducted, will have an impact on pathways and the like, which may need to be modified to meet access requirements. It is recommended that the planning be completed before any costing and works planning is contemplated.

10.2.3 Caravan Parking

NOTICE OF MOTION & COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That the CEO investigate the potential advantages of signing and marking an area on the railway side of Railway Parade as a dedicated area for short-term caravan parking, and report the result to Council.

Carried 9/0

Res 145/13

Rationale:

- A significant number of caravanners visit Boyup Brook, and that number is expected to increase
- Parking for caravans within walking distance of the town centre is in short supply
- The proposed kerbside area of Railway Parade is currently used very little, so any disadvantage/inconvenience to locals/other vehicular traffic would be minimal
- The distance from that area of Railway Parade to the main shopping area is not great
- Parking towing vehicles and caravans in the designated area would decrease the likelihood of them creating traffic hazards that parking of them in the town centre sometimes creates

CEO Comment

The matter of a need for caravan parking in town was raised by the Tourism Association some time ago and the President asked that the matter be looked at. Increased Ranger hours this financial year have provided the opportunity to finally get this matter attended to. As Councilor Biddle is aware, the Ranger met with the Association and together they developed a broad plan for a parking facility in Railway Parade. The next step already in train, is to review opportunities in terms of exact location, what and where various facilities could go, and to set a staged development that takes into account planned works on Railway Parade, a sewerage scheme (which would make a dump point possible), funding opportunities and the like. The proposal was to liaise with the Association before putting the matter to Council for inclusion in its long term planning.

10.3 Notice of Motions from Cr Moir

10.3.1 Councillor Workshop

NOTICE OF MOTION & COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Walker

That an informal meeting of councilors be scheduled, before the 1st of November 2013, to discuss major projects, e.g. park homes sewerage or any other projects that councilors may wish to bring forward, that could have a significant impact, on the Shire of Boyup Brook.

Carried 9/0

Res 146/13

CEO Comment

It will be noted from the Briefing Session notes, that it is proposed that a Special Meeting of Council be held Wednesday, 23 October 2013 at 6pm to deal with the elections, committees and the like. It is suggested that Councilors may wish to take the opportunity of having a workshop style of get together, after the Special Meeting has closed, to informally discuss the matters Cr Moir has raised and perhaps Rylington Park. It is noted that any such gathering is not a decision making forum and that anything that requires a decision would have to be brought before a Council meeting. However the suggested get together would provide an informal opportunity for workshop issues and matters, as suggested by Cr Moir.

Adjournment

That the meeting be adjourned for a 10 minute break, the time being 6.30pm.

Rob Staniforth-Smith left the Chambers at 6.30pm. Maria Lane left the Chambers at 6.30pm

Resumption

That the meeting resume, the time being 6.50pm. The meeting resumed with the following persons in attendance. Cr M Giles – Shire President Cr Moir – Deputy Shire President Cr G Aird Cr E Biddle Cr Imrie Cr P Kaltenrieder Cr P Kaltenrieder Cr B O'Hare Cr T Oversby Cr R Walker Mr Alan Lamb

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

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

12.1.1 Confidential Item – Chief Executive Officer – Performance Criteria

MOVED: Cr Overby

SECONDED: Cr Walker

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 147/13

Councillor Oversby left the meeting at 7.20pm and did not return.

MOVED OUT OF COMMITTEE

MOVED: Cr Moir SECONDED: Cr Aird

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 148/13

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1.1

MOVED: Cr Giles

SECONDED: Cr Walker

That the following Chief Executive Performance Criteria apply for the year to 18 August 2014:

- Provide accurate and timely advice to the Council.
- Annual review of all relevant long term plans, as part of the budget preparation process and to add the new tenth year, to Council for adoption by 30 June each year.
- Draft budget to Council for adoption by 31st July each year.
- Maintain a high level of financial control and reporting as assessed by periodic audits and financial systems reviews.
- Ensure progress of projects identified in the Corporate Business plan i.e. achievement of specific milestones as they appear in the Strategic, Business and Long Term Financial Plans.

CARRIED 8/0

Res 149/13

13 CLOSURE OF MEETING

Prior to closing the meeting the President sough agreement as to the date and time for the planned Special Meeting to deal with the swearing in of newly elected Councilors, election of office bearers and appointment of committees and delegates. This is based on the indication of availability of Members the President announce that the meeting would be held Wednesday 30 October 2013, commencing at 6pm also that a workshop would be held following this meeting in accordance with resolution 146/13.

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 8.20pm