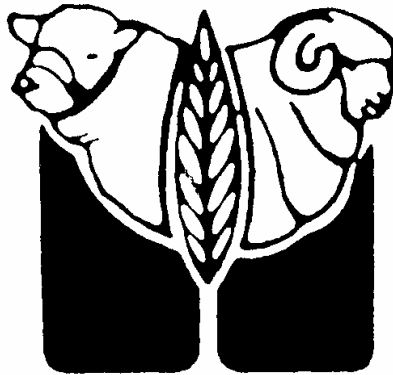


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 18th AUGUST 2005

AT

SHIRE OF BOYUP BROOK
ABEL STREET – BOYUP BROOK
COMMENCEMENT AT 3.30PM

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

1.1 Attendance

Cr T Ginnane – Shire President
Cr S Broadhurst
Cr R Downing
Cr J Florey
Cr P Marshall
Cr M Martin
Cr K Moir
Cr T Oversby
Cr A Piper

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works and Services

Mr N Parker (entered 3.30pm – departed 3.50pm)
Mr B Anderson
Mr O Deere (entered 3.25pm - departed 4.13pm)
Mr S Tohl (entered 3.25pm - departed 4.13pm)

1.2 Apologies

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time - Mr N. Parker

Mr Parker indicated he had accessed the Shire website to read the Agenda which was not available.

1. Why is the Council spending \$195,000 on the Pool and library when only used by 55% and 39% of the public are using them respectively? Why is it building an Office/Library extension when office works were only done several years ago?

The Shire President advised that these facilities are for the whole community.

2. Footpath Corner Abel and Bridge Streets – When will the ramp be widened for disabled access?

Speakers included Mr Mark Bagshaw addressing disability issues. Over 20% of the population has a disability of some kind and Professor Robert Putnam who spoke on Social capital and crime rates.

Local Government Week – Cr Downing

Saturday 6 August 2005

Mayors and Presidents Forum – John Bowler MLA Minister for Local Government – next local Government elections on 3rd Saturday October 2007 and two yearly from then on.

“Address by Dr Ian Reid – “Who leads the Leaders?”

Afternoon topics were ‘Financial Traps for experienced Councillors’, ‘Running effective meetings’ and ‘Tendering and Governance’.

Sunday 7 August

Elected members’ development session - Prof Tony Cooke – ‘Ethical Dilemmas - Grassroots or Gutters’.

Mark Bagshaw – Disability Advantage

WALGA AGM - Boyup Brook’s proposed amendment to motion 1.2 was not allowed to be heard due to technical difficulties caused by other delegates.

‘Banners on Terrace’ shown in short video clip. Boyup Brook noticed twice.

Monday 8 August

Address by Premier Dr Gallop –

Inspiring and motivating presentation by Dr Fiona Wood.

Keynote address – Prof R Putman – community participation and social capital – small is better.

Get people more involved with others in life in general

LG sustainability sessions - Economy, Squirrels or squanderers including –

Infrastructure Assets, External revenue generation, Internal revenue generation capacity. Future for Employers in attracting and retaining skilled people.

Local Government innovating for the common good.

Overall - a useful and productive learning experience.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 21 July 2005.

MOVED: Cr Martin

SECONDED: Cr Downing

That the minutes of the previous Ordinary Meeting of the Council held on 21 July 2005 be confirmed as an accurate record subject to the following changes:-

Page 7 – “Cr Martin requested that the vote for the above motion be recorded” deleted and replace with “Cr Moir requested that the vote for the above motion be recorded “

Page 15 – That the names of the mover and seconder be inserted to read “MOVED: Cr Marshall SECONDED: Cr Oversby”

Page 18- That the words, ‘Mr A Flottmann’ be inserted after the words ‘Mr D Winter’ appearing twice on this page.

CARRIED 9/0

6 PRESIDENTIAL COMMUNICATIONS

Nil

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

7.1.1 Townscape Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>09 August 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>
<i>Appendices:</i>	<i>1.1 - Minutes</i>

BACKGROUND:

A Townscape Advisory Committee meeting was held on 02 August 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.1).

MOVED: Cr Broadhurst

SECONDED: Cr Martin

That the:-

1. That the minutes of the Townscape Advisory Committee held on the 02 August 2005, be received;

2. **Cr Marshall, R Campbell and C Brown provide a landscape design and plant list for Abel Street Island (BP Corner) and Town Hall Townscape projects for preliminary costing;**
3. **Rob Campbell be endorsed as the Townscape Committee representative to the Country Music Club for the Landscaping of Music Park;**
4. **Country Music Club be invited to attend the next Townscape Meeting;**
5. **“Friends of the Cemetery” organisation be advised that they have a direct link with the Boyup Brook Shire Council through the Townscape Advisory Committee.**

CARRIED 9/0

Crs Ginnane and Florey declared a proximity interest in the following item and departed the Chambers the time being 4.33pm.

Cr Downing took the Chair.

Change to Order of Business

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That the order of business in the agenda be changed to allow Items 9.2 to be brought forward and dealt with at this time.

CARRIED 6/1

Crs Ginnane and Florey returned to the chambers at 4.38pm

Cr Ginnane took the Chair.

Crs Ginnane and Florey declared a proximity interest in the following item 9.2 and departed the Chambers, the time being 4.41pm.

Cr Downing took the Chair.

9.2 **Cr Broadhurst – Bridge Street Median Strip Townscape Project**

Councilor's Comment

- A long term, far reaching decision that all Boyup Brook residents will have to live with for the foreseeable future.
- Those who feel strongly about either side of the argument have the right to feel satisfied that their opinion has been heard and considered.
- Being the incumbent representatives of the people does not give us the mandate to ignore their concerns and desire to be consulted on issues about which a significant number wish to be heard.
- The authority to make this decision is not a right to do it in a manner that is autocratic and dictatorial.
- 12 months ago this Council conveyed an undertaking to the community. To blindly adhere to that, in the face of other possibly better plans, would be abrogating of our responsibilities to

lead the people. However it is imperative that we first establish that the change is one that the majority endorses because we have provided sufficient opportunity to 'sell' the changes. Only the democratic process of informing the public can do this.

MOVED: Cr Broadhurst

SECONDED: Cr Martin

That clause 2 of item 7.1.1 above seeking endorsement from the Council for the planting guide and plan for the median strip in Bridge Street, between Forrest and Barron Streets, as recommended by the Townscape and Waters Edge Committee, be laid on the table until the September 2005 Council Meeting.

LOST 3/4

MOVED: Cr Oversby

SECONDED: Cr Marshall

That the Council accept the planting plan as presented for the landscaping of the Bridge Street Median between Forrest Street and Barron Street.

Amendment

MOVED: Cr Broadhurst

SECONDED: Cr Moir

Add the following words ' , subject to the proposed 1 metre high plants along the roadside edge of the median strip be relocated towards the centre of the strip by the Manager of Works and Services and replaced with lower growing species to prevent any potential pedestrian or traffic hazards'.

MOVED: Cr Moir

SECONDED: Cr Martin

That the amended motion be laid on the table.

Motion withdrawn with the acquiescence of the mover and seconder.

The amendment was then put and carried.

CARRIED 6/1

The original Motion was then put and carried.

That the Council accept the planting plan as presented for the landscaping of the Bridge Street Median between Forrest Street and Barron Street, subject to the proposed 1 metre high plants along the roadside edge of the median strip be relocated towards the centre of the strip by the Manager of Works and Services and replaced with lower growing species to prevent any potential pedestrian or traffic hazards'.

CARRIED 6/1

Cr Oversby and Keith Jones left the Chambers the time being 5.15pm.

Crs Ginnane, Florey and Oversby and Keith Jones returned to the Chambers the time being 5.16pm.

Cr Ginnane took the Chair.

7.1.2 Funding of Emergency Repairs to Bridge No. 270 on Mayanup – Tonebridge Road over Tone River

<i>Proponent</i>	<i>Shire of Boyup Brook</i>
<i>Location</i>	<i>Bridge No. 270 over Tone River</i>
<i>Reporting Officer</i>	<i>John Eddy</i>
<i>Date Report Written</i>	<i>8 August 2005</i>
<i>Enabling Legislation</i>	<i>Local Government Act 1995</i>
<i>File</i>	<i>ED/270</i>
<i>Appendices</i>	<i>-</i>

BACKGROUND:

Further to Main Roads W.A. being unable to secure a contractor to carry out emergency repair works to Bridge No. 270 over the Tone River, the Shire of Boyup Brook has the power under the Local Government Act to appoint a contractor to complete emergency works without calling tenders.

The Shire President has authorised the appointment of a contractor to complete the emergency bridge repairs.

A quote has recently been received for the works which now requires a contribution from the shire that had not been anticipated or budgeted.

This is due to the quote being approximately \$35,000 more than Main Roads initially anticipated.

It is necessary for the council to consider authorizing this extraordinary expenditure.

DETAIL:

Main Roads W.A. has negotiated a contract on behalf of the Shire with contractors 'Regional Bridging' to complete the emergency repairs to Bridge No. 270 over Tone River.

With several variations in the contract due to site conditions the worst case funding scenario for emergency repairs to the bridge is that a total of one hundred and fifteen thousand dollars (\$115,000) will be required.

It is proposed to fund the emergency repairs as follows:-

• Federal Grants carried over by the Shire from 2004/05	\$ 32,000
• State funding carried over by Main Roads W.A. from 2004/05	\$ 34,000
• Main Roads W.A. held L.G.A. Emergency Funding (2/3 contribution)	\$ 32,667
• (Unbudgeted) Shire 1/3 contribution to L.G.A. Emergency Funding	<u>\$ 16,333</u>
	TOTAL
	<u>\$115,000</u>

COMMENT:

The State Advisory Committee would not approve one hundred percent (100%) funding from the Bridge Emergency Fund (BEF) for the emergency works.

Doing so would create a precedent for future emergency funding without a matching contribution from Local Government which would not be entertained by the state government.

The BEF criteria clearly states that Local Government is required to contribute one dollar (\$1) for every two dollars (\$2) from the State.

Please note that the negotiated contract price is a maximum cost.

The Shire contribution may be less if the works are completed with minimal contingency costs.

The 2004/05 budget indicates a Bridge Reserve balance as at 30 June 2006 of \$42,868.

It is suggested that the one-third shire contribution be funded through this reserve.

MOVED: Cr Martin

SECONDED: Cr Florey

That the Council approves by an ABSOLUTE MAJORITY the unbudgeted expenditure of sixteen thousand three hundred and thirty three dollars (\$16,333) for emergency repairs to Bridge No. 270 over Tone River funded from the Council's Bridge Reserve.

CARRIED 9/0

Adjournment

MOVED: Cr Moir

SECONDED: Cr Oversby

That the meeting be adjourned for an afternoon tea break, the time being 5.19pm.

CARRIED 9/0

Resumption

MOVED: Cr Moir

SECONDED: Cr Oversby

That the meeting resume, the time being 5.31pm.

CARRIED 9/0

The meeting resumed with the following persons in attendance.

Attendance

Cr T Ginnane – Shire President

Cr S Broadhurst

Cr R Downing

Cr J Florey

Cr P Marshall

Cr M Martin

Cr K Moir

Cr T Oversby

Cr A Piper

Mr W Pearce – Chief Executive Officer

Mr K Jones – Manager of Finance and Administration

Mr J Eddy – Manager of Works and Services

Mr B Anderson

Crs Moir and Martin each declared a financial interest in the following item and departed the Chambers, the time being 5.31pm.

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Loc. 3883 Asplin Siding Road, Boyup Brook – Subdivision/Amalgamation

Proponent: R Williams
Location: Loc. 3883 Asplin Siding Rd, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 04 August 2005
Enabling Legislation: Town Planning Scheme No 2
File: AS10016
Appendices: 1.2 - Attached Plan & Agricultural Report

BACKGROUND:

The proponent wishes to subdivide Loc. 3883 Asplin Siding Road into two new lots.

A plan of the proposal and agricultural report is attached (appendix 1.2).

DETAIL:

Loc 3883 Asplin Siding Road has an area of 91.7 ha. The new lots will be 41.5 ha and 50.2ha in area if approved.

The Council's 'Subdivisions and Amalgamations' policy states in part that:-

- "1 *In order to achieve the objectives contained in Clause 5.2 of the Scheme, the Council will not generally support the subdivision of land within the Rural Zone into lots having a minimum size of less than 40 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."*

COMMENT:

Asplin Siding Road has been inspected by the Manager of Works and Services. It is in a satisfactory condition in compliance with the Council's 'Road Contribution' policy. The area of each new lot complies with the Council's policy.

The CEO suggested that the proposal be supported. The Development Services Committee considered this issue at its meeting held on 11 July 2005 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Downing

SECONDED: Cr Piper

That the Council supports the proposed subdivision of Loc. 3883 Asplin Siding Road, Boyup Brook to create two new lots being 41.5 ha and 50.2ha in area.

CARRIED 7/0

Crs Moir and Martin returned to the Chambers the time being 5.32.

Cr Moir declared a financial interest in the following item and departed the Chambers, the time being 5.33pm.

7.2.2 Lot 199 Abel Street, Boyup Brook – Planning Application for a Food Processing Facility and Caretaker’s Residence

Proponent: T Woods & C Wilson
Location: Lot 199 Abel Street, Boyup Brook
Reporting Officer: Will Pearce
Date Report Written: 04 August 2005
Enabling Legislation: Town Planning Scheme No 2
File: AS613
Appendices: 1.3 - Plans and separate confidential letter

BACKGROUND:

The proponents are seeking to establish a food processing facility and reside on the premises (as caretakers) at Lot 199 Abel Street, Boyup Brook.

Plans and details have been submitted as required under the Shire’s Town Planning Scheme No. 2 (the ‘Scheme’).

DETAIL:

The subject property is zoned “Light Industrial” and has an area of 6,000m².

The food processing is defined under the Scheme as a “Service Industry” which is a permitted use in this zone.

A ‘Caretaker’s Residence’ is defined as ‘a building ... used as a residence by the proprietor or manager of an industry, business ... carried on or existing on the same site’ which is permitted at the discretion of the Council (“AA” use).

The existing building has until recently been used for commercial/light industrial purposes, that is the former ‘Stagline’ business.

The property has an approved steel framed building and provides adequate gravel parking space (although under the current Scheme the Council could require construction to its standard eg. bitumen) and landscaping.

Several new internal walls be constructed for the commercial food area and to create a domestic kitchen for the residence – Appendices 1.3 attached plan and letter.

The existing boundary fencing, which is in disrepair and consists of star pickets and wire, does not comply with the shire's 'Fencing in Industrial & Light Industrial Areas' policy which states-

"Fencing of all property boundaries shall be required as a condition of planning approval for developments within the 'Industrial' and 'Light Industrial' zones.

The standard of this fencing shall be a 2.1 metre link mesh security fencing with three barbs on top of the mesh and galvanised posts and shall also comply with the shire's Fencing Local Laws.

Any alteration to these requirements shall be subject to a planning application being forwarded to the Council for consideration."

The proponent has submitted an alternative fencing arrangement (see attached) incorporating 1.5m ringlock/pine posts to the greater length of the boundary and 1.0m post and rail for the main entrance to the property – see attached plan.

COMMENT:

The Council may deem it necessary to bring the property up to the standard that it would require if the proposal was for a new development. It may impose the construction of parking bays as per the Scheme and fencing of the property in compliance with its fencing policy above.

However, it would appear quite unnecessary and onerous to impose planning conditions on what is already an existing building for light industry use that does not require any further significant capital work.

The proposed fencing needs to be considered in light of the policy requirements. The fencing if approved would be quite aesthetically pleasing and not detract from the visual amenity of the locality.

It is suggested that the fencing material as presented be approved (the Council may recall that a planning application for the same site was approved at its June 05 meeting, item 7.2.1, that did not require any upgrading to the existing fencing).

If approved, the development needs to comply with various building and health regulations as a matter of course. These are regulations have been included in the recommendation above.

The caretaker's residence will be occupied by the two proponents only and would not appear to have any impact on the surrounds.

Future development, that is tourism and education, as alluded to by the proponents will be subject to further planning approval and does not need to be considered in this application.

The CEO suggested that the Council approves the planning application as reflected in the recommendation above.

The Development Services Committee considered this issue at its meeting held on 11 July 2005 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Florey

SECONDED: Cr Downing

That the Council approves the planning application for a Food Processing Facility and Caretaker's Residence as presented at Lot 199 Abel Street, Boyup Brook, subject to compliance with the:-

(a) Town Planning Scheme No. 2;

- (b) **Health (Food Hygiene) Regulations;**
- (c) **Shire of Boyup Brook Health Local Laws;**
- (d) **Health (Sewage Treatment) Regulations;**
- (e) **Building Code of Australia.**

CARRIED 8/0

Cr Moir returned to the Chamber the time being 5.37pm.

7.2.3 Loc 1073 and 1302 Zig Zag Road, Boyup Brook – Special Rural Subdivision

<i>Proponent:</i>	<i>Gold Medal Management P/L</i>
<i>Location:</i>	<i>Loc. 1073 and 1302 Zig Zag Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>04 August 2005</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS3090</i>
<i>Appendices:</i>	<i>1.4 -Attached Plans and Letters</i>

BACKGROUND:

The owner/developer wishes to amend the Subdivision Guide Plan for Loc. 1073 and 1302 Zig Zag Road, Boyup Brook.

The property is currently zoned Special Rural Zone No. 6 (SRZ 6) under the shire's Town Planning Scheme No 2 (the 'Scheme').

The plan requires advertising under the Scheme prior to endorsement from the WA Planning Commission (WAPC).

DETAIL:

The subject lots were zoned 'special rural' approximately 12 years ago. The Scheme has prescribed various conditions to control the development and use of the lots – see attached conditions for SRZ 6.

Clause i) states that the development shall be in accordance with the 'Subdivision Guide Plan' – see attached original plan.

An amended plan is presented for consideration and Appendices 1.4 plans and letters are attached. As indicated, the proponent has already developed 15 new lots varying between 2 – 4ha in area.

The amended plan provides for 58 lots in total. The original plan created 47.

Prior to releasing further lots, the developer needs to redirect the proposed link road between Abels Road and Bridgetown – Boyup Brook Road.

This is due to the original road alignment transversing through substandard sub-grade (natural ground) material that is subject to 'swampy' conditions.

The proponent has engaged WML engineering consultants to identify a new road alignment, also presented in the amended plan.

The Council at its September 2004 meeting was presented with a preliminary road realignment when requested to consider the subdivision of new lots 11 -14 Bridgetown Road.

The Council subsequently resolved:-

That the Council confirms its item 7.2.5 July 2004 meeting resolution:-

“That the continued development of the NL 1073 and Pt 1302 Zig Zag Road ‘special rural’ subdivision and the:-

- 1. reconfiguration of Stage 2 lots as presented;*
- 2. link road construction to the Bridgetown Road being deferred subject to a bank guarantee to the full cost of the construction of the link road and the road being completed by 31 July 2006 thus allowing stage 1 lots and stage 2 lots (1-4 only) being released for sale forthwith;*
- 3. link road to the Bridgetown Road being redirected with construction through the north-south section of Zig Zag Road as presented and the possible truncation of Nelson Location 1635 Boyup Brook to improve the safety aspects of this proposal, subject to compliance with environmental (land clearing) legislation; be supported.”*

The link road referred to in clause 3 above is indicated on the original guide plan attached.

Following input from WML, the proposed road now creates a T-junction with Zig Zag Road

The WAPC requires the proponent to submit the amended plan to the shire pursuant to Clause 9.6.2 of the Scheme which states:-

“A Policy shall become operative only after the following procedures have been completed:

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) Policies which the Council considers may be inconsistent with other provisions of the Scheme or with State and regional planning policies are to be submitted to the Commission for consideration and advice.*
- c) The Council shall review the draft Policy in the light of any submissions made and advice received and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- d) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.”*

In summary, the WAPC requires the Council to consider the plan, advertise it, consider submissions following the advertising period and either approve or reject the plan.

All costs associated with this process will be borne by the developer.

COMMENT:

The Manager of Works and Services (MWKS) has concerns with the proposed link road creating a T-junction at Zig Zag Road.

It would be appropriate for the link road to be a continuous road from Abels to Bridgetown Roads with a turn-off into Zig Zag Road

The MWKS will provide further detail on an alternative intersection arrangement following the close of the advertising period.

The plan as presented does not appear to cause any concerns, other than the T-junction alluded to earlier in the report, from a planning perspective.

It will create additional special rural lots in the district subject to planning controls that are already incorporated in the Scheme.

The CEO suggested that the Council approve the advertising of the amended plan as reflected in the recommendation above.

The Development Services Committee considered this issue at its meeting held on 11 July 2005 and concurred with the Chief Executive Officer's recommendation with the following additional wording ...', subject to the link road being continuous with Zig Zag Road instead of a proposed T- intersection'.

MOVED: Cr Moir

SECONDED: Cr Martin

That the Council authorises the Chief Executive Officer to advertise the amended Special Rural Subdivision Guide Plan as presented for Loc. 1073 and 1302 Zig Zag Road, Boyup Brook pursuant to clause 9.6.2 of the shire's Town Planning Scheme No 2, subject to the link road being continuous with Zig Zag Road instead of a proposed T- intersection.

CARRIED 9/0

7.2.4 Nelson Location 11008 Longs Road – Planning Application for a Plantation

<i>Proponent:</i>	<i>Timbercorp (Owner: J Letchford))</i>
<i>Location:</i>	<i>Nelson Locations 11008 Longs Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>04 August 2005</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS3400</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Location 11008 Longs Road located approximately 10km west of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2 (the 'Scheme'). Plans and details are laid on the table.

DETAIL:

The property has a gross land area is 79ha and is zoned 'Rural' and as such the Scheme allows 'plantations' at the discretion of the Council ('AA' use).

As required under the Scheme, the proponent has submitted a fire management plan and plantation management plan. The proponent is required to comply with the following (as per the Scheme): -

- 1 Code of Practice for Timber Plantations in WA;

- 2 Shire of Boyup Brook Firebreak Order;
- 3 Guidelines for Plantation Fire Protection.

The proponent has submitted supporting information that is summarised as follows: -

- 1 establishment of 52.8ha of plantations will occur in the year 2006;
- 2 planting density will be 833 stems per hectare;
- 3 the Guidelines for Plantation Fire Protection states:-

“Plantation growers must meet this increased need for firefighting equipment, either by providing the minimum equipment standards (for this size plantation a fast attack unit is require) or by contributing to community-based equipment through an agreement with the Local Government.”

The proponent’s fire management plan indicates that the company does have a firefighting unit in the vicinity of the plantation, being a fast attack unit owned by Mr M Koster who is contracted to Timbercorp. The unit is located in Boyup Brook, a distance of approximately 15km.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines.

COMMENT:

The CEO suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at its meeting held on 11 July 2005 and concurred with the Chief Executive Officer’s recommendation.

MOVED: Cr Moir

SECONDED: Cr Martin

That the:-

- 1 **Council approves the planning application for a plantation to be located at Locations 11008 Longs Road, Boyup Brook, subject to the following conditions: -**
 - (a) **compliance with the Shire of Boyup Brook Town Planning Scheme No 2;**
 - (b) **compliance with the terms and conditions of the Code of Practice for Timber Plantations in Western Australia as amended from time to time with a harvesting management plan provided to the Shire, to the satisfaction of the Shire, two years prior to the harvesting event;**
 - (c) **provision of a minimum of a manned Fast Attack Firefighting Unit of a standard complying with the Guidelines for Plantation Fire on a strategically located plantation property within twenty (20) minutes response time of this plantation prior to the commencement of the 2006/2007 Fire Season and that this arrangement is confirmed in writing;**
 - (d) **installation of a 15 metre boundary firebreak is required to comply with the firebreak order;**

- (e) entering into an agreement with the Shire providing for the reimbursement of costs from the repair of damage of roads under the Shire's control, where such damage arises from the use of such roads by heavy vehicles used in conjunction with the plantation;

2 Manager of Works and Services undertakes an assessment at the time of harvesting of the condition of the anticipated proposed local road haulage route.

CARRIED 9/0

7.2.5 Youth Advisory Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 09 August 2005
Enabling Legislation: Local Government Act 1995
File: IM/37/004
Appendices: 1.5 - Minutes

BACKGROUND:

Meetings of the Youth Advisory Committee were held on 19 & 26 July and 2 & 9 August 2005.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.5).

MOVED: Cr Florey

SECONDED: Cr Downing

That the minutes of the Youth Advisory Committee on 19 & 26 July, 2 & 9 August 2005 be received.

CARRIED 9/0

7.2.6 Economic Development Committee Minutes

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 10 August 2005
Enabling Legislation: Local Government Act 1995
File: GO/37/005
Appendices: 1.6 Minutes

BACKGROUND:

A meeting of the Economic Development Committee was held on the 4 August 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.6).

MOVED: Cr Moir

SECONDED: Cr Marshall

That the:-

1. minutes of the Economic Development Committee Meeting held on 7 July 2005, be received;

2. Council delegates to the Chief Executive Officer the authority to:-

- a) negotiate with the lessee of lot 360 Forbes Street seeking 2,000m2 being excised for the purpose of amalgamating with R36325;
- b) consult with the Boyup Brook Tourist Association on a proposal to convert the Information Bay on R36325 to a new industrial lot;
- c) on confirmation of clauses 1 and 2 above, seek a purchase price from the Department of Planning and Infrastructure of a portion of R36325 (incorporating Information Bay) and portion of lot 360 Forbes Street as presented.

CARRIED 9/0

7.2.7 Recreation & Leisure Advisory Committee Minutes

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>10 August 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RE/37/001</i>
<i>Appendices:</i>	<i>1.7 Minutes & Plans</i>

Cr Piper declared an impartiality interest in the following item.

BACKGROUND:

A meeting of the Recreation & Leisure Advisory Committee was held on the 9 August 2005.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.7).

MOVED: Cr Moir

SECONDED: Cr Downing

That the:-

1. minutes of the Recreation & Leisure Advisory Committee held on 9 August 2005, be received;
2. Council approves an amount of \$3,000 to be taken from the Recreation Improvement Reserve to fund the establishment of the Boyup Brook motocross and BMX Club Incorporated and its activities being operated on the Reserve 11497 previously known as the Hot Rod Track;
3. Council approves the Chief Executive Officer being delegated authority to prepare and sign on behalf of the Shire of Boyup Brook an agreement to use Reserve 11497 Jayes Road, Boyup Brook to the Boyup Brook Junior Motocross and BMX Club Inc. incorporating the following general terms and conditions-
 - Rent – nil
 - Period – 5 years
 - Location – generally to be restricted within the wider area of the proposed two racing circuits as presented

- Pay all outgoings
- Provide public liability insurance of not less than ten million dollars (\$10,000,000)
- Must be affiliated with Motorcycling Western Australia and thereafter comply with their policies and guidelines
- Compliance with health and building legislation/ requirements, that is provision of toilets and bins, public safety, seeking Council approval prior to construction of buildings
- Responsible for all repairs
- Provide own building and contents insurance
- Maintain in a clean and tidy condition at all times
- Removal of trees only with the Council's approval
- Motocross hours to be restricted from 9am – 5.30pm (and in compliance with local fire restrictions)

CARRIED 9/0

MOVED: Cr Marshall

SECONDED: Cr Downing

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

CARRIED 9/0

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

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

7.2.8 Proposed Shelter – Reserve 23783 Jackson Street, Boyup Brook

<i>Proponent</i>	<i>Boyup Brook Country Music Club:</i>
<i>Location:</i>	<i>Reserve 23783 Jackson Street, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>12 August 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File</i>	<i>AS30073</i>
<i>Appendices:</i>	<i>1.8 - Plans & letter</i>

BACKGROUND:

The Boyup Brook Country Music Club (the 'club') has in recent times been able to access grant funding to develop infrastructure on Reserve 23783 for their Annual Country Music Festival.

The Club now wishes to erect a permanent shelter on the reserve. Plans and details are attached (see Appendix 1.8).

DETAIL:

The 8 x 11m shelter will be constructed of timber poles, zincalume roof and a stud walls. From the club's perspective, the main purpose for the shelter is to provide an undercover bar area.

The club advises that the shelter can be used by community groups and members of the public.

The cost of the project is \$10,590.00 and is seeking a contribution from the Council towards the project due to it being a future public facility.

COMMENT:

The shelter would appear to be a welcome addition to the overall reserve in view of the development of the "Music Park".

The Council's 'Donations' policy generally does not allow for contributions to be made following the adoption of its budget. In fact the policy states '*The CEO shall reject all other requests throughout the year outside the donation funding program.*'

The Council can of course consider any request for support where it deems it to be 'extraordinary'.

Should the Council wish to contemplate making a donation towards the project, it may wish to consider funding the project from the 'Commercial' reserve which will have a balance of \$165,695.00 at 30 June 2006.

It is suggested that the Council adopts the recommendation above.

MOVED: Cr Marshall

SECONDED: Cr Downing

That the Council approves the proposed shelter as presented at Reserve 23783 Jackson Street, Boyup Brook subject to the setback being a minimum of 10 metres from the road reserve and the structure complying with the Building Code of Australia.

CARRIED 6/3

7.3 CORPORATE SERVICES

7.3.1 Roads to Recovery Expenditure Report

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>10 August 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RD/45/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

Federal Roads to Recovery (R2R) funding was structured to be received over a four year period from July 2001 to June 2005.

Annual grant funding was received from R2R but not always fully expended during the particular year. The unexpended funds received from R2R should have, in hindsight, been set aside into a reserve especially for this purpose.

A reserve had not been created. An unbudgeted amount of \$145,000, that was received in the first 3 years of R2R, was actually expended in the 2004/05.

DETAIL:

From 2001/02 to 2003/04 surplus monies were available and set aside into various reserves. The majority of these surpluses were placed into the following reserves:

Year		
2001/02	80,000	plant reserve
	5,000	depot reserve
	<u>10,000</u>	emergency services reserve
total	95,000	

Year		
2002/03	80,000	plant reserve
	10,000	depot reserve
	<u>20,000</u>	commercial reserve
total	110,000	

Year		
2003/04	25,000	commercial reserve

TOTAL \$230,000

In addition to the above reserves loan 111 for the Transfer Station was paid out to the value of \$72,427.

A total surplus of \$302,427 occurred during this 3 year period.

The actual 'surplus' should have been reduced by \$145,000 being the R2R funds received during the first 3 years but not expended until June 2004.

COMMENT:

The unbudgeted expenditure of \$145,000 in 2004/05 contributed to the financial year's deficit of \$12,753.

Unexpended R2R funding will be placed in reserves at the end of each future financial year commencing 2005/06.

It is suggested that the above information be received.

MOVED: Cr Moir

SECONDED: Cr Martin

That the 2001 – 2005 Roads To Recovery expenditure/income update be received.

CARRIED 9/0

7.3.2 Strategic Planning for the Shire of Boyup Brook

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>10 August 2005</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File</i>	

Appendices:

BACKGROUND:

The Boyup Brook Shire Council has for many years been developing and utilising strategic planning to set out its vision for the district.

Previously there was a 1999/2004 Strategic Plan and currently there is a draft 2003/08 Strategic Plan.

The latter plan has yet to be adopted by Council due to proposed legislation on planning for the future.

The Shire President has requested an update on the Local Government Act 1995 requirements for strategic planning.

DETAIL:

Recent amendments to the Local Government Act 1995 are summarised –

“Section 5.56 Planning for the Future

- Principal Activity Planning deleted
- Budget under s.6.2 to have regard to plan for the future.
- Operates from 31 March 2005
- Administration Regulation 19C to prescribe requirements for plans-
 - Minimum period of two financial years (with review every two years)
 - Set out broad objectives
 - Absolute majority decision to adopt plan
 - Electors to be consulted during development of plan (good practice for early involvement)
 - Plan to include description of how electors have been involved
- These regulations not mandatory for budget setting process for 2005/06 (applies to later budgets)
- Plan for the future for 2005/06 budget is not prescribed (can continue Principal Activity Plan or other)
- Reg 19D prescribes method of giving notice of plan –
 - Local public notice advising of adoption of plan and where plan may be inspected”

COMMENT:

The Council has budgeted \$5000 for the 2005/06 financial year to engage a facilitator to provide support in developing a future plan for the Shire of Boyup Brook.

The Department of Local Government advise that the new regulations will be gazetted by the end of December 2005.

This will give the Council enough time to prepare its plan in compliance with the act and regulations commencing 2006/07.

It is suggested that the Strategic Planning for the Shire of Boyup Brook be deferred until Regulation 19C of the Local Government (Administration) Regulations is promulgated to prescribe the plan's broad objectives.

MOVED: Cr Downing

SECONDED: Cr Piper

That the Strategic Planning for the Shire of Boyup Brook be deferred until Regulation 19C of the Local Government (Administration) Regulations is promulgated to prescribe the plan's broad objectives.

CARRIED 9/0

7.3.3 Warren Blackwood Economic Alliance Minutes

Proponent: Warren Blackwood Economic Alliance
Location: -
Reporting Officer: Will Pearce
Date Report Written: 10 August 2005
Enabling Legislation: -
File: GR/31/006
Appendices: 1.9 - Minutes

BACKGROUND:

Meetings of the Warren Blackwood Economic Alliance were held on 28 June and 26 July 2005.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.9).

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That the minutes of the Warren Blackwood Economic Alliance held on 28 June and 26 July 2005 be received.

CARRIED 9/0

7.3.4 Quarterly Financial Report for June 2005

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 10 August 2005
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.10 - Quarterly Figures

BACKGROUND:

The quarterly financial statements, including comments on variances, for the June 2005 period are laid on the table and circulated (refer to appendix 1.10).

MOVED: Cr Downing

SECONDED: Cr Martin

That the Financial Statements for the June 2005 quarter be received.

CARRIED 9/0

7.3.5 Accounts for Payment and Financial Status

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 12 August 2005
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.11 - Payments

BACKGROUND:

A monthly report is presented for consideration.

DETAIL:

The accounts for payment up to 12 August 2005 are attached (see appendix 1.11).

The Account Balances for the various accounts as at 30 July 2005 are as follows:-

- Municipal Account \$ 68,476.42
- Shire Clerk Advance \$ 1,279.45
- Shire Medical Account \$ 61,637.26
- Trust Account \$ 30,257.59
-

Investments secured with the Commonwealth Bank maturing 2005 are as follows:-

- Reserves Account Term Deposit \$ 538,788.49 @5.35%
- Investment \$ Nil

Sundry & Rates Debtors at 12 August 2005 \$ 1,658,791.96

Sundry Creditors at 12 August 2005 \$ NIL

MOVED: Cr Florey

SECONDED: Cr Downing

That the accounts as:-

- 1 presented totalling \$223660.79 voucher numbers 2005-2008, 14090-14162 & Direct Debits for payment;
- 2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust, be endorsed for payment.

CARRIED 9/0

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.1 Cr Ginnane – Amalgamation of Shires

MOVED: Cr Martin

SECONDED: Cr Oversby

That the Strategic and Finance Occasional Committee, prior to June 2006, develop two new policies on-

1. Amalgamation / Resource Sharing

2. Financial Sustainability

CARRIED 9/0

Councillor's Comment

The CEO recently brought to my attention 2 articles under the heading of Survival Strategies in the 05 edition of the LGMA Managers' Resource Book, copies attached (see appendix 1.12).

I believe they are both pertinent to Boyup Brook and to stay ahead of the game it is necessary to consider our position and establish policies and drive them hard with our adjoining Shires.

In particular I support the paper by Professor Brian Dollery and the facts he brings to light take the hysteria out of the subject and points to the belief that efficient Councils gain no benefit from amalgamation.

The article on financial independence by Associate Professor Graham Sansom is provocative but should stimulate debate and serious consideration.

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

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 6.15pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 2005.

Cr Terry Ginnane, Shire President