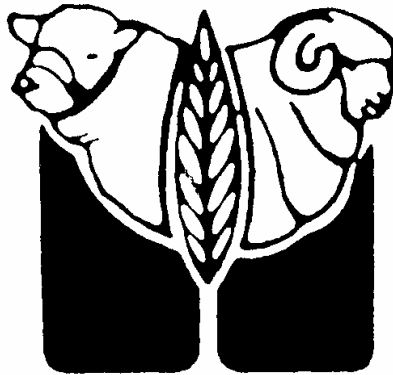


MINUTES



ORDINARY MEETING

HELD ON

THURSDAY, 15 JULY 2004

AT

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

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Suspension of Standing Orders

MOVED: Cr Blackburn

SECONDED: Cr Oversby

That the Order of Business for the Council Meeting, being Clause 5 of Standing Orders, Local Law No 1 be suspended.

CARRIED: 8/0

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

1.1 Attendance

Cr T Ginnane – Shire President
Cr N Blackburn
Cr S Broadhurst
Cr R Downing
Cr P Marshall
Cr K Moir
Cr T Oversby
Cr S Purse

Mr W Pearce – Chief Executive Officer
Mr K Jones – Manager of Finance and Administration
Mr J Eddy – Manager of Works & Services
Mrs G Wallace - Secretary

Mr M Murray MLA (departed 3.42pm)
Ms R Watts – Donnybrook/Bridgetown Mail (entered 3.43pm)

1.2 Apologies

Cr J Mondy

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

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Mick Murray MLA – Presentation of Lotterywest Cheque

Mick Murray presented a cheque to the Shire from Lotterywest for \$82,180 for the upgrade of Sandakan Park. Also a cheque was presented to the Shire to be passed on to Tonebridge Progress Association for \$1,320 for the 175th Anniversary grant.

Mick thanked the Shire for their support and lack of COMPLAINTS. Mick enjoyed both working and representing the Shire and with the changes to boundaries he felt that there may not be many future opportunities to visit the Shire.

M Murray departed the Chambers, the time being 3.42pm.

R Watts entered the Chambers, the time being 3.43pm.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5.1 Minutes of the Ordinary Meeting of the Council held on 17 June 2004.

MOVED: Cr Purse

SECONDED: Cr Oversby

That the minutes of the previous Ordinary Meeting of the Council held on 17 June 2004 be confirmed as an accurate record.

CARRIED 8/0

5.2 Minutes of the Special Meeting of the Council held on 24 June 2004.

MOVED: Cr Downing

SECONDED: Cr Marshall

That the minutes of the previous Special Meeting of the Council held on 24 June 2004, be confirmed as an accurate record (see appendices 1.1).

CARRIED 8/0

6 PRESIDENTIAL COMMUNICATIONS

7 REPORTS OF OFFICERS AND COMMITTEES

7.1 WORKS AND SERVICES

Nil

7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Nelson Location 7448 and 1905 Corbalup Road, Boyup Brook – Planning Application for a Plantation

<i>Proponent:</i>	<i>WA Plantation Resources (Simcock Property)</i>
<i>Location:</i>	<i>Nelson Location 7448 & 1905 Corbalup Rd, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>21 June 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS8270</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

The proponent is seeking approval to establish a plantation on Nelson Locations 7448 & 1905 Corbalup Road, Boyup Brook, located approximately 60km south of Boyup Brook.

The proponent has forwarded relevant details to support the application as required by the Shire's Town Planning Scheme No. 2. A detailed plan is laid on the table.

DETAIL:

The property has a gross land area is 635ha 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 47ha of plantations will occur in the year 2004;
- 2 planting density will be 800 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 has 3 heavy duty and 4 fast attack units located in Manjimup.

- 4 all remnant vegetation will be left in accordance with Agriculture Western Australia guidelines;
- 5 it is planned to harvest the plantation in the year 2014;
- 6 the proponent will wish to haul the timber from this property to Bunbury by road.

COMMENT:

It is suggested that the Council approve the proposal as reflected in the recommendation.

The Development Services Committee considered this issue at it's meeting held on 05 July 2004 and concurred with the Chief Executive Officer's recommendation.

MOVED: Cr Moir

SECONDED: Cr Blackburn

That the:-

- 1 **Council approves the planning application for a plantation to be located at Nelson Locations 7448 & 1905 Corbalup 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 2004/2005 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 8/0

7.2.2 Road Contribution Policy Review

<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>21 June 2004</i>

Enabling Legislation: *Local Government Act 1995*
File: *CM/43/001*
Appendices: *1.2 -Policies*

BACKGROUND:

At its June 2004 meeting, the Council requested that the 'Road Contribution' policy be reviewed.

DETAIL:

The current policy states:-

Objective

The following provisions will apply where a proposal is presented to the Council where that proposal be it subdivision, planning applications or other development will impact on local roads.

Statement

Subdivision and Amalgamation

The Council will require the proponent of a subdivision/amalgamation to contribute towards the upgrading and construction of roads in the rural areas in accordance with the following: -

- 1 The minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains.
- 2 The minimum standard of road construction for Special Rural zones is a six (6) metre formed and sealed surface (two coat spray seal) with roadside drainage and cross overs.
- 2a The construction of a Special Rural (internal) road in point 2 above shall be at the full cost of the proponent.
- 3 The Council may contribute up to a maximum of 50% towards the cost of upgrading an existing constructed road; where such upgrading is considered by the Council to be in the interests of the community and its road construction programme.
- 4 Any contribution will have regard to the existing and other potential users of the road and will be based upon the following:-
 - Determine the standard to which the road is to be constructed
 - Determine the total cost of the upgrading
 - Calculate the total number and length of total road frontage of properties that will benefit from the upgrading. This can include both existing and potential properties.
 - Divide the total cost by the number of lots and length of total road frontage.
 - The proponent's relative proportion shall be the greater of the two calculations.

Note: This calculation may include a penalty amount where works are to be done outside of the Council's adopted construction programme. The Council will also consider the availability of local gravel supplies in calculating the cost of construction.

- 5 Where a subdivision/amalgamation requires the construction of a vacant road reserve the Council will require the proponent to pay the total cost.
- 6 The above provisions also apply where it is proposed to re-align existing property boundaries, in calculating the contribution pursuant to Point 4 the Council will assess the likely traffic increase from the application.
- 7 All contributions payable under this Policy shall be placed in a Trust Fund prior to expenditure.

- 8 That in determining subdivision applications, the Council will have regard to the access to the site; its current and required standard. Where it is considered that the road requires to be upgraded as a direct result of the development, the Council will consider refusing the proposal on the grounds that the development has inadequate access (unless the proponent agrees to pay the cost of this upgrading).
- 9 The Council may elect to require as a condition of approval, for the applicant to sign a declaration acknowledging that the Council has not given any undertaking to upgrade the road.

Unconstructed and Substandard Roads

Where the use of a lot is subject to a Shire planning approval and is modified or intensified such as to require the unconstructed or substandard road access to the lot to be constructed or improved:-

- 1 The minimum standard of road construction in a rural area is a six (6) metre formed gravel surface with roadside drains and may be reduced at the discretion of the Council in consultation with the Manager of Works and Services.
- 2 The Council may contribute up to a maximum of 50% towards the cost of upgrading an existing constructed road; where such upgrading is considered by the Council to be in the interests of the community and its road construction programme.
- 3 Any contribution will have regard to the existing and other potential users of the road and will be based upon the following:-
 - DETERMINE THE STANDARD TO WHICH THE ROAD IS TO BE CONSTRUCTED
 - DETERMINE THE TOTAL COST OF THE UPGRADING
 - Calculate the total number and length of total road frontage of properties that will benefit from the upgrading. This can include both existing and potential properties.
 - Divide the total cost by the number of lots and length of total road frontage.
 - The proponent's relative proportion shall be the greater of the two calculations.
- 4 Where the construction of a vacant road reserve is required the proponent shall pay the total cost.
- 5 All contributions payable under this policy shall be placed in a Trust Fund prior to expenditure.
- 6 That in determining development applications, the Council will have regard to the access to the site; its current and required standard. Where it is considered that the road requires to be upgraded as a direct result of the development, the Council will consider refusing the proposal on the grounds that the development has inadequate access (unless the proponent agrees to pay the total cost of this upgrading).

Harvesting of Plantations

The following statement shall be a development condition of approval:-

'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'

Background

In recent years, rural areas have been dominated by the rapid expansion of plantation farming, which is having and will have a major long term impact on traditional patterns of rural land use, local roads and traffic and land management within the Shire.

The general yield from blue gum plantations is ten times more than the equivalent cereal crop over a ten year period. Harvesting of plantations, approximately once every ten years, also results in a very intense period of activity on the site and local road use. Therefore, a higher standard of road is required for the removal of the product to its preferred market. This will require a large portion of the road network to be upgraded. Scattered locations of plantations throughout the Shire also adds to this problem.

As the Shire cannot afford to construct and maintain these special purpose roads, it will be necessary for the plantation companies to contribute to the road upgrading.

A combination of heavy haulage vehicles for plantation harvesting along with school bus and general vehicles on the Shire's road network has raised an increased concern over motorists' safety. Generally the Council will not support plantations where it considers public safety is or will be at risk due to heavy vehicles entering Shire roads creating potential serious conflict with local and visitor traffic. In determining the suitability of roads for plantation traffic Council will have regard to the current standard of the roads affected. Planning applications for plantations will also be referred to Main Roads Western Australia if considered necessary.

The Council will resolve specific road traffic and safety issues relating to individual plantations following the submission of harvesting plans."

The Council requested that similar policies of adjoining shires be provided for comparison. See appendix 1.2 - policies from the Shires of Bridgetown-Greenbushes, Donnybrook-Balingup and Busselton.

COMMENT:

The previous Manager of Works, Mr J Eddy, was requested to provide comment on the existing policy. He believes that the policy's standards are appropriate for subdivisions and upgrades.

The committee is invited to deliberate on the issue.

The Development Services Committee considered this issue at it's meeting held on 05 July 2004 and recommends:-

That the 'Subdivision and Amalgamation' section of the "Road Contribution' policy be amended to reflect the following:-

1. Clause 2 – add 'the Council may consider a reduced road width under extraordinary or special circumstances';
2. Clause 3 – delete the word 'constructed'.

MOVED: Cr Moir

SECONDED: Cr Oversby

That the 'Subdivision and Amalgamation' section of the "Road Contribution' policy be amended to reflect the following:-

- 1. Clause 2 – add 'the Council may consider a reduced road width under extraordinary or special circumstances';**
- 2. Clause 3 – delete the word 'constructed'.**

CARRIED 8/0

7.2.3 Draft Local Rural Strategy

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Will Pearce
Date Report Written: 30 June 2004
Enabling Legislation: Town Planning Scheme No 2
File: LN/55/001
Appendices: 1.3 -Response from the Office of the Minister for Planning
-Shire's response to Minister's letter

BACKGROUND:

The Council at its March 2004 meeting resolved:-

That the Western Australian Planning Commission is requested to approve the following modifications to the draft Shire of Boyup Brook Local Rural Strategy:-

1. *Farm Restructure Policy – shall apply anywhere in the shire ‘as-of-right’ subject to the area of the resultant lots being no less than the area of the smallest existing lot;*
2. *Subdivision and Amalgamation Policy – 40ha minimum lot size shall apply anywhere in the shire ‘as-of-right’ because -*
 - i. *SPP11 states that 80ha lot sizes apply only to ‘Agricultural Areas of State or Regional Significance’ (the WBRS does not identify any such areas in the Shire of Boyup Brook);*
 - ii. *SPP11 states that ‘... strategies should express the vision of the local government and identify proposals for the future development of the district ...’;*
 - iii. *The Supreme Court Case of Ingram & Anor v WAPC (2003) clearly states that the WAPC ‘erred in law by rigidly applying (state) planning policy that each of the proposed (rural) lots must be economically viable’;*
3. *Riverside Development/Protection Investigation Area – reword in accordance with the Department of Planning and Infrastructure recommendation as presented;*
4. *Industry Development Investigation Area –*
 - i. *reword in accordance with the Department of Planning and Infrastructure recommendation as presented;*
 - ii. *amend the investigation area to ‘10,000ha of rural land to the north, west and south-west of the Boyup Brook townsite (excluding Special Rural Policy Area and designated forest) from the Boyup Brook North Road and ‘arcing’ to Jayes Road’.*

The Minister's Chief of Staff has provided a response on behalf of the Minister to the resolution above - see attached.

DETAIL:

A further response to the Minister's office requesting that several points regarding the 80ha subdivision criteria made by the CEO demand a response as they were not addressed – see attached.

The Minister's Office has clearly not addressed the Council's most pivotal argument in relation to rural subdivision criteria in the State Governments State Planning Policy No 11 (SPP11) recommends that 80 hectare criteria be applied to "agricultural areas of State or Regional Significance".

The Boyup Brook Shire is clearly not identified as an area of significance therefore the policy does not apply.

COMMENT:

The State Government's planning authority from the Minister to the Department of Planning and Infrastructure continues to obstruct the Shire of Boyup Brook in its planning objectives for the future of its rural constituents.

It is most disappointing to be advised by the Minister, through her staff, that the 80 hectare rural subdivision criteria within the Warren Blackwood Rural Strategy will continue to be supported even though half of the Warren Blackwood Shires object (these being the Shire's of Boyup Brook and Manjimup who both support 40ha).

It is suggested that the Council pursue the issue with the Minister but also engage critical support from opposition parties to address the issue through Parliament.

Terry Waldron, MLC and Deputy Leader of the National Party, will likely become the Shire's lower house member following the next election. Mr Waldron will more than welcome the opportunity to raise these issues with the Government on our behalf.

It is therefore recommended that the Chief Executive Officer's response as presented to the Minister in relation to the rural subdivision criteria be endorsed and that the issue to be addressed politically.

The Development Services Committee at it's meeting held on 05 July 2004 recommended:-

That the Chief Executive Officer's response as presented to the Minister for Planning and Infrastructure in relation to the rural subdivision criteria as presented be endorsed and that the issue be raised politically by:-

1. seeking the support of the Western Australian Local Government Association (WALGA) for the Shire of Boyup Brook's position;
2. requesting WALGA to arrange for a delegation that includes representatives from the Boyup Brook Shire Council to meet with the Minister for Planning and Infrastructure to discuss the criteria.

MOVED: Cr Downing

SECONDED: Cr Moir

That the Chief Executive Officer's response as presented to the Minister for Planning and Infrastructure in relation to the rural subdivision criteria as presented be endorsed and that the issue be raised politically by:-

1. **seeking the support of the Western Australian Local Government Association (WALGA) for the Shire of Boyup Brook's position;**

2. requesting WALGA to arrange for a delegation that includes representatives from the Boyup Brook Shire Council to meet with the Minister for Planning and Infrastructure to discuss the criteria.

CARRIED 8/0

7.2.4 Lot 10 Moore Road, Wilga - Planning Application for an Oversized Shed

Proponent: M Kotulla
 Location: Lot 10 Moore Road, Wilga
 Reporting Officer: Will Pearce
 Date Report Written: 30 June 2004
 Enabling Legislation: Town Planning Scheme No 2
 File: AS12000
 Appendices: 1.4 - Plans, correspondence

BACKGROUND:

The proponent is seeking approval for an oversized shed to be located at Lot 10 Moore Road, Wilga.

The proponent has forwarded all the relevant details to support the application as required by the Shire's Town Planning Scheme No 2.

Plans and correspondence are attached.

DETAIL:

Lot 10 Moore Road, Wilga is a property with a gross area of 1009m², currently zoned 'urban'.

The proposal involves the construction of a new 68.25m² steel framed (colorbond) shed with a maximum height of 5.0m to be located 1m from the rear and side boundaries. It will be the only outbuilding on the lot if approved.

The proponent advises that the purpose of the shed is for storage and parking of vehicles.

The Council's "Outbuilding" policy states:-

"MAXIMUM DIMENSIONS

Maximum permissible outbuilding area dimensions will be as follows: -

Zone	Maximum individual outbuilding area (m ²)	Maximum total outbuilding area (m ²)	Maximum height (m)
Residential/Urban Blocks 1012m ² or less	56.4	75	3.0
Residential/Urban blocks greater than 1012m ²	56.4	90	4.5
Special Rural	108	108	4.5
Rural	No maximum area	No maximum area	No maximum height

Structures outside the domain of the standard set above shall be subject to a planning application for the Council to consider on its merits.

OVERSIZED OUTBUILDINGS

For the purpose of calculating total outbuilding floor space, the Council only takes freestanding structures such as garages or sheds into consideration; any structure attached to the main building such as a verandah or carport would be excluded.

In assessing your request, Council will require that:

- *The proposed outbuilding(s) are of masonry construction or clad in factory applied colour finished sheet metal;*
- *The height of any opening to the outbuilding(s) is less than 3.0 metres;*
- *The ridge/gable height is less than 4.0 metres;*
- *The outbuilding(s) must be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity;*
- *Your proposal will not have a detrimental effect on your neighbours or on the street in general.*

For the Council to consider your application you must provide a written statement detailing why the additional outbuilding floor space is required and its intended use.”

The size of the shed therefore does not comply with the Council’s policy.

COMMENT:

However, the Scheme does allow the Council some discretion to relax its standards eg. as prescribed in the above policy, under clause 3.6 should it be satisfied that:-

- “(i) *approval of the proposed development would be consistent with the orderly and proper planning of the district and the preservation of the amenity of the district;*
- (ii) *the non-compliance will not have any adverse effect upon the occupiers or users of the development of the general population of the district, and;*
- (iii) *the spirit and purpose of the standard or requirement will not be unreasonably departed from.”*

The new shed, if approved, will be only 11.8m² in excess of the maximum individual area for this size lot. The shed would not be in excess of the total outbuilding area prescribed as 75m².

The height of 5.0m needs to be carefully considered in light of the policy only allowing for a maximum height of 4.0m. Even though the shed would comply with the 1.0m side setback, Council should also be mindful that the ‘side’ in this case is adjacent to the main road into Wilga.

The proponent’s reasons for the request for policy relaxation appear to be reasonable but the shed if built will have a visual impact (arguably neutral, others may believe it to be negative) due to its location adjacent to the main road entering Wilga.

The Chief Executive Officer suggested that the Council approves the planning application for an oversized outbuilding 68.25m² in area proposed for Lot 10 Moore Road, Wilga, Boyup Brook.

The Development Services Committee at it’s meeting held on 05 July 2004 recommended:-

That the Council approves the planning application for an oversized outbuilding 68.25m² in area proposed for Lot 10 Moore Road, Boyup Brook subject to a 6 metre setback from Moore Road.

MOVED: Cr Downing

SECONDED: Cr Blackburn

That the Council approves the planning application for an oversized outbuilding 68.25m² in area proposed for Lot 10 Moore Road, Boyup Brook subject to a 6 metre setback from Moore Road.

CARRIED 8/0

The CEO declares a financial interest in the following item as there may be a perception of bias with its content. The CEO may be a potential purchaser of property located within this subdivision and more specifically 'stage 2'.

The Manager of Works & Services declares a financial interest in the following item, being that he is a landowner in the subdivision.

7.2.5 Nelson Location 1073 & Pt 1302 Zig Zag Road, Boyup Brook – Special Rural Subdivision Amendment

<i>Proponent:</i>	<i>Gold Metal Management Pty Ltd</i>
<i>Location:</i>	<i>NL 1073 & Pt 1302 Zig Zag Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>01 July 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS3090</i>
<i>Appendices:</i>	<i>1.5 Plans, correspondence</i>

BACKGROUND:

In July 1997, the Western Australian Planning Commission (WAPC) approved the NL 1073 and Pt 1302 Zig Zag 'special rural' subdivision with, amongst others, the following conditions:-

- 1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Government the cost of such works as estimated by the Local Government subject to the Local Government giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission (LG).*
- 2. Satisfactory arrangements being made within the Western Australian Planning Commission for the upgrading of Abel and Zig Zag Road (LG).*

Condition 1 above was clarified further by the WAPC, following a request from the Boyup Brook Shire Council in 1998 that the internal road linking Abels and Bridgetown Roads be fully constructed prior to the inaugural lots being released for sale, when it was determined that-

'Construction of the internal road should be done when eight of the eleven lots are sold or when the second stage subdivision is developed. The subdivider is requested to make arrangements with Council on this matter. Upgrading of Zig Zag Road should be kept to a minimum to retain the "country lane" qualities.'

The proponent advises that 7 of the 8 lots have been sold and that an offer is pending on a further lot.

The WAPC subdivision's road construction condition requires that an internal road linking Abels and Bridgetown Roads be constructed in full when this 8th lot is sold.

The proponent is requesting that this condition be deferred to allow more than 8 lots to be sold and the approved location of the link road be redirected.

The proponent also wishes to reconfigure previously approved lots for releasing in to the market.

DETAIL:

The internal road was partly constructed in 1999 to service stage 1 lots 105-108.

Mr H Bombara and Mr J Pasqua of Gold Medal Management met with the CEO on the 14 June 2004 to discuss proposed amendments to the subdivision.

The developer has subsequently forwarded correspondence, detailed plans and consultant's advice further to the meeting – see attached.

A meeting will be held on-site at the start of the Development Services meeting with the developer to also discuss these proposals.

The developer's request to reconfigure stage 2 lots (see appendix 1.5 attachment 4 – purple lines lots 1 -12) would not appear to have any impact on the development.

The request to consider the redirection of Ridgeview Road is valid however the construction of the road within the existing north-south portion of Zig Zag Road (see appendix 1.5 attachment 4 – green line) is extremely environmentally sensitive that has been clearly identified by the WAPC in its 'condition 1 clarification' above in needing to protect 'country lane' qualities.

Zig Zag Road reserve with its native trees has also been designated a 'bridal path'.

The protection of the aesthetic value of the 'country lane' qualities of Zig Zag Road was strongly supported by the Council when the subdivision was originally considered.

The Council's 'Road Contribution' policy states in part-

"2 The minimum standard of road construction for Special Rural zones is a six (6) metre formed and sealed surface (two coat spray seal) with roadside drainage and cross overs.

2a The construction of a Special Rural (internal) road in point 2 above shall be at the full cost of the proponent."

The width of Zig Zag Road in some sections would be no greater than 4.5m due to the trees, some 1.5m narrower than Council policy would allow, and therefore would need to be removed under this proposal.

COMMENT:

The reconfiguration of Stage 2 lots should be supported but the timing of their release is dependent on the resolution of the road amendment request.

The first point in relation to the internal link road construction is that Zig Zag Road should be left as is except that southern portion previously approved in 1997.

However, there may be valid safety and engineering reasons for the construction of the road within the Zig Zag Road reserve which will be discussed at the on-site meeting.

Mr J Eddy, the shire's previous and newly appointed Manager of Works, will be attending the meeting to provide input into these discussions.

The second point is that support should be given for the redirection of the link road indicated in green (see appendix 1.5 attachment 4) but only to the previously approved link road indicated in blue.

The developer requests consideration of deferment of the link road construction to allow a number of lots in stage 2 to be sold.

The Council could consider a number of options including:-

1. enforcing the existing planning conditions ie. Construct the link road when the 8th lot of stage 1 is sold or prior to developing stage 2;
2. supporting the deferment subject to a bond being paid to the Council to the value, or portion thereof to be determined by the Council, of constructing the remainder of the link road at a time to be determined by the Council, for example when all 11 stage 1 lots and half of stage 2 lots (totaling 12) are sold, at the developer's expense;
3. supporting the deferment subject to the remainder of the link road being constructed at the developer's expense when all 11 stage 1 lots and X number of stage 2 lots, for example 6 being half the total number, being sold.

The developer or indeed elected representatives may put forward further options for consideration.

It is suggested 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 (condition to be recommended by the committee);
3. link road to the Bridgetown Road being redirected as presented excluding any intrusion into Zig Zag Road, except that southern portion of Zig Zag Road previously approved in 1997;

be supported.

The committee met Mr Bombara and Mr Pasqua, of Gold Medal Management, onsite to discuss the lot reconfiguration and link road.

Mr Bombara advised that in relation to the lot reconfiguration as presented for stage 2 the deletion of the proposed cul-de-sac for the original approved lots is necessary due to exorbitant construction costs. The road would need to be built through creek lines.

Enlarging the lots in stage 2 would however require them to have direct access from the Bridgetown Road. The committee raised this as a concern and requested that the developer liaise with Main Roads to comply with their standards.

The link road in green, from the constructed road in black to the proposed T-intersection (see appendix 1.5 attachment 4), is necessary to avoid building the road in low water affected areas. Again, the cost of construction would be exorbitant.

The committee agreed that there is scope for the road to be constructed using the Zig Zag Road reserve, as requested by the developer, instead of running parallel to the existing road, subject to minimum loss of native vegetation. Several trees would need to be removed.

This amendment should continue to retain the 'country lane' qualities of Zig Zag Road except that the road will be sealed.

The committee also suggested that a 'sweeping bend' instead of a T-intersection would be a safer alternative which would require a truncation encroaching into location 1635, subject to the landowner's approval.

The committee agreed with road being deferred subject to guarantees being made for its construction within a specified period of time.

The Chief Executive Officer suggested:-

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 (condition to be recommended by the committee);
3. link road to the Bridgetown Road being redirected as presented excluding any intrusion into Zig Zag Road, except that southern portion of Zig Zag Road previously approved in 1997;

be supported.

The Development Services Committee at it's meeting held on 05 July 2004 recommended:-

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.

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Blackburn

SECONDED: Cr Broadhurst

That the Council close committee.

CARRIED 8/0

MOVED: Cr Downing

SECONDED: Cr Moir

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.

CARRIED 8/0

7.2.6 Youth 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>07 July 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>IM/37/004</i>
<i>Appendices:</i>	<i>1.6 Minutes</i>

BACKGROUND:

Meetings of the Youth Advisory Committee were held on the 15 & 22 June 2004.

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

MOVED: Cr Oversby

SECONDED: Cr Purse

That the minutes of the Youth Advisory Committee on 15 & 22 June 2004, be received.

CARRIED 8/0

7.2.7 Townscape Advisory Committee Minutes – 23 June 2004

<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>28 June 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>PA/37/001</i>
<i>Appendices:</i>	<i>1.7 Minutes</i>

BACKGROUND:

A Townscape Advisory Committee meeting was held on 23 June 2004.

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

MOVED: Cr Broadhurst

SECONDED: Cr Oversby

That:-

1. the minutes of the Townscape Advisory Committee held on the 23 June 2004, be received;
2. up to 250m² of paving be laid adjacent to the building, within the new gazebo and to create a pathway to bus stop/toilets as soon as possible;

CARRIED 8/0

7.2.8 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>08 July 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RE/37/001</i>
<i>Appendices:</i>	<i>1.8 Minutes</i>

BACKGROUND:

A Meeting of the Recreation & Leisure Advisory Committee was held on the 16 June 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.8).

MOVED: Cr Purse

SECONDED: Cr Broadhurst

That:-

1. the minutes of the Recreation & Leisure Advisory Committee held on 16 June 2004, be received;
2. a \$3,000 in-kind be allocated towards creating a bridle path suitable for horses along a portion of disused railway line;
3. the proposed Volunteer Expo not be held;
4. letters go to the 5 groups that responded thanking them and explaining the decision of Council;
6. \$5,000 be allocated in the 2004/2005 Budget to fund a one third contribution towards the construction of cricket training nets;
7. a grant be sought through the Community Sport Recreation Facilities Funds or other sources for the construction of a shelter/storeroom at the edge of the hockey grounds (in 2005/2006);
8. a grant be sought for the construction of public ablution facilities to replace the deteriorated buildings adjacent to the hockey grounds;

9. the Boyup Brook Lions Club be approached to see if they are willing to assist in the repairs to the support walls of the skateboard ramps.

CARRIED 7/1

7.3 CORPORATE SERVICES

7.3.1 Townscape Committee - Community Member Nomination

<i>Proponent:</i>	<i>Shire of Boyup Brook</i>
<i>Location:</i>	<i>General</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>08 July2004</i>
<i>Enabling Legislation:</i>	<i>-</i>
<i>File:</i>	<i>GO/51/001</i>
<i>Appendices:</i>	<i>-</i>

BACKGROUND:

It is usual to review annually the necessity for and participation by Councillors on several Council established Committees, together with various organisations in the community which require, by their constitutions or tradition, representation by the Council which was done at the June 2004 meeting.

DETAIL:

Since the June meeting a nomination has been received from Graham Rayner to be a community member.

As the committee allows up to 4 community representatives and only 3 were appointed in June 2004, the Council may wish to consider Mr Rayner who has shown a willingness to contribute to the group's objectives.

COMMENT:

It is suggested that Mr Graham Rayner be appointed as a community delegate to the Townscape Committee.

MOVED: Cr Broadhurst

SECONDED: Cr Downing

That Mr Graham Rayner be appointed as a community delegate to the Townscape Committee.

CARRIED 8/0

MOVED: Cr Marshall

SECONDED: Cr Blackburn

That the order of business in the agenda be changed to allow Item 9.1 to be brought forward and dealt with at this time.

CARRIED 8/0

MOVED: Cr Marshall

SECONDED: Cr Downing

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

Cr Oversby departed the Chambers, the time being 4.46pm.

Cr Oversby returned to the Chambers, the time being 4.48pm.

MOVED: Cr Purse

SECONDED: Cr Oversby

That the Council close committee.

CARRIED 8/0

9.1 Cr Marshall – Housing Incentive Policy

That the Council amend the 'Housing Incentive Policy' with the following:-

- house must be minimum 150 square metres in size. (This is the size of an average to small project home)
- House must be minimum value of \$125,000 (Building costs in Boyup Brook are \$800 to \$900 per square metre.)
- Structure of Resited/Transportable Residences must be less than 5 years old.
- Only new residents coming from outside the Shire will be eligible.
- Applicants should be means tested.
- Applicable only to Boyup Brook townsite and Special Rural lots.

CEO's comment

The policy currently reads:-

"HOUSING INCENTIVE POLICY

Objective

To provide incentives to owners of vacant residential land in selected areas to build residential dwellings for boosting housing stocks.

Statement

Increasing the Shire's population is very important and beneficial to everyone. According to the 2001 Census figures, the Shire of Boyup Brook has lost 46 people since the 1996 Census. We need to do all we can to gain people, not lose them.

Availability and choice of residential-type land is a very important part of helping gain new people into the district. Two of the major determining factors in making a housing decision are a:

- person's financial situation, and;
- the competition from other areas to attract the new home builder.

Incentive grants are limited and will be allocated on a first-come, first-serve basis.

The Housing Incentive Program consists of:

1. A \$4,500 cash incentive - grant is available to any person, corporate entity or organisation, that builds a house; is owner-occupied or for rental purposes applicable only to the Boyup Brook townsite or subdivided (as per the Shire of Boyup Brook Town Planning Scheme No. 2 minimum lot sizes) 'Special Rural' lots.
2. Fee Reimbursements - the Shire of Boyup Brook will reimburse shire building and septic tank application fees only for houses built under this policy.
3. Fast Approvals - in addition, the Shire of Boyup Brook will process building applications within 10 working days, 5 working days faster than the standard approval timeframes, subject to all required information being submitted. Staff will approve corrected plans within 5 working days.

Review times are suspended when variances are required and when the applicant fails to respond to comments in a timely manner.

Conditions

- The new house must be built by a registered builder or by an owner-builder. It may be a modular/ transportable house that sits on a permanent foundation (second hand housing may be approved where the structure is less than 5 years old, written proof required, and complies with the shire's 'Resited/Transportable Residences' policy).
- The house must be at least 150 square metres in size.
- The house must have a minimum value of \$70,000 (including GST).
- The \$4,500 incentive is for building materials/ goods or items/ labour, etc purchased from established businesses operating from a premises within the Shire of Boyup Brook. Receipts must be provided and attached to a signed statutory declaration confirming that the payments are for materials or labour purchased for the house.
- The \$4,500 cash incentive and fee reimbursement will be awarded to the new home owner at lock-up stage which includes full connection to power, water supply and septic system. The onus is on the applicant to advise the shire of the building's completion.
- GST implications will be determined by the Australian Taxation Office which the shire will comply with. The shire will not provide incentives of more than \$5,000 inclusive or exclusive of GST.
- That the State Government be excluded from claiming on the "Housing Incentive" policy.

Assessment

The Chief Executive Officer shall be the approving officer under this program. An aggrieved applicant has a right of appeal to the Council. The Council's decision is final.

The Program is applicable to building applications approved from 1 September 2003 and will be in effect for as long as funds are available.

This is a win-win initiative for the Shire of Boyup Brook:

- The population base will increase.

- New houses will increase the Shire's rate base.
- Our employers will have a larger labour base.
- Our schools, churches and organisations will have more members.
- Our retail and service businesses should gain economically."

The CEO advises that in relation to the value of buildings, the Council receives many applications for houses valued are far less than \$125,000 for many reasons including:-

- low cost of a second hand house,
- construction carried out by owner as an 'owner-builder' (thus savings being incurred),
- the exclusion of the cost of various non-structural items eg. Carpets, curtains, etc. when applying for a building license,
- the exclusion of the cost of building requirements from the building value due to being a separate licensing matter eg. Septic tank and leach drain apparatus, and the type of materials used.

MOVED: Cr Moir

SECONDED: Cr Purse

That the Council amend the first bullet point of 'Conditions' of the 'Housing Incentive Policy' by adding the following after the word 'policy':-

- ,or if more than 5 years old, then external walls and roof shall be replaced with new materials unless Council approval given for an exemption.

LOST 3/5

7.3.2 Adoption of 2004/2005 Budget

<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>08 July 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	
<i>Appendices:</i>	<i>Separate attachment</i>

BACKGROUND:

The 2004/2005 Budget is presented for consideration and adoption by the Council (separate document).

COMMENT:

The increase in rate income required over the previous financial year requires a 6.12% increase in rate yield. Upon adoption and imposition of the Rates and Service charges levied, preparation will commence for the dispatch of rate notices in late July.

Promotion of the contents of the Budget will include an information folder accompanying the Rate Notice, together with a media release.

A complete copy of the Budget will be available for inspection in the Library following adoption.

MOVED: Cr Oversby

SECONDED: Cr Downing

That :-

1. the rates and charges as specified hereunder be imposed for the 2004/2005 financial year on all rateable property within the district of the Shire of Boyup Brook in accordance with the provisions of the Local Government Act 1995 and Health Act 1911 :-

(a) General Rate

Residential	12.3841 cents in the dollar on Gross Rental Values
Industrial	12.3841 cents in the dollar on Gross Rental Values
Commercial	12.3841 cents in the dollar on Gross Rental Values
Rural	0.6737 cents in the dollar on Unimproved Values
Special Rural	0.6737 cents in the dollar on Unimproved Values
Special Rural (Town)	12.3841 cents in the dollar on Gross Rental Values
Outside Town	0.6737 cents in the dollar on Unimproved Values

(b) Minimum Rates

\$445 per assessed Lot, Location or other piece of land on Gross Rental Values in the Residential, Commercial and Industrial areas.

\$445 per assessed Lot, Location or other piece of land on Gross Rental Values in the Special Rural Townsite area.

\$445 per assessed Lot, Location or other piece of land on Unimproved Values in the Rural and Mining areas.

\$375 per assessed Lot, Location or other piece of land on Unimproved Values in the Outside Townsite (Rural) area.

\$445 per assessed Lot, Location or other piece of land on Unimproved Values in the Special Rural area.

(c) Due dates for payment of 2004/2005 Rates and services charges levied

30 August 2004, or, where the installment option is chosen, 30 August 2004, 01 November 2004, 13 January 2005 and 14 March 2005.

(d) Installment Plan Interest Rate

A charge of 5.5% per annum calculated daily by simple interest will be applied to all rates paid by installment as from 35 days of date of notice.

(e) Late Payment Interest Rate

A charge of 11% per annum calculated daily by simple interest as from 30 August 2004.

(f) Installment Administration Fee

A \$7.50 administration charge applies for rates and service charges levied for installments 2, 3 and 4.

(g) Rubbish Removal Charges

\$130.00 for one collection per week of a 240 Litre Mobile Garbage Bin.

2. the fees and charges contained in Schedule One be imposed for the 2004/2005 financial year;
3. the 2004/2005 Budget for the Shire of Boyup Brook, be adopted.

CARRIED 6/2

7.3.3 Accounts for Payment and Financial Status

Proponent: Shire of Boyup Brook
Location: -
Reporting Officer: Keith Jones
Date Report Written: 07 July 2004
Enabling Legislation: Local Government Act 1995
File: FM/10/003
Appendices: 1.9 Payments

BACKGROUND:

The accounts for payment up to 30 June 2004 are attached.

The payments made directly through the Municipal Account are as follows:-

Salaries for the months of June 2004	\$	65918.71
Lease of Photocopier	\$	333.17
Lease of Roller	\$	1,197.61
Internet Access Fee	\$	40.00
FlexiRent Computer	\$	1284.00
C Lee Rent Doctors Surgery	\$	1000.00
Rent MFA	\$	80.00

The Account Balances for the various accounts as at 30 June 2004 are as follows:-

Municipal Account	\$	66936.40
Shire Clerk Advance	\$	1403.44
Trust Account	\$	34808.00

Investments secured 30 June are as follows:-

Reserves Account Term Deposit \$ 744234.35 @ 4.95%
 with Commonwealth Bank maturing 30/6/04

As at 10 June 2004 the following amount of rates were outstanding:-

- Boyup Brook Ward	\$	30,238.18
- Benjinup Ward	\$	10,933.53
- Dinninup Ward	\$	3468.20
- Scotts Brook Ward	\$	10217.16
TOTAL	\$	54857.07

Sundry Debtors at 8 July 2004 \$ 114366.27

Sundry Creditors at 8 July 2004 \$ NIL

MOVED: Cr Blackburn

SECONDED: Cr Purse

That the accounts as:-

- 1 presented totalling \$158773.56 voucher numbers for payment; 12131-12132,12217-12220, 12222-12226, 12228-12240, 12244-12336, 1826-1829
- 2 paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust,

be endorsed for payment.

CARRIED 8/0

8 PETITIONS AND MEMORIALS

Nil

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9.2 Outbuilding Policy Amendment

Councillor's Comment

Increasing the setbacks for sheds and garages to 6m will ensure consistency with the policy where it states that "garden sheds of a maximum area not exceeding 9 square metres are exempt from building license provisions subject to:-

- in the case of a corner block to be located no less than 6 metres from the secondary street"

MOVED: Cr Downing

SECONDED: Cr Blackburn

That the 'Outbuildings' policy be amended as highlighted:-

SETBACKS

Setbacks for outbuildings will be as follows:-

RESIDENTIAL & URBAN ZONE	Front (m)	Side (m)	Rear (m)
Free standing Carport,Patio,Pergola	6.0	1.0	1.0*
Verandah or attached Patio,Pergola,Carport	6.0	1.0	6.0
Shed	6.0	1.0**	1.0*
Free Standing Garage	6.0	1.0**	1.0
Attached Garage	6.0	1.0	6.0

The proponent may apply for a setback reduction by forwarding the following to the Council for consideration:-

- (i) Planning application form, plans and details as required by the Scheme;
- (ii) Written confirmation by the adjoining landowner/s that they have no objection to the proposal (not required for reduction of the front setback).

* Nil setback is allowed where structure is made of steel and the rear boundary is adjacent to a road or right-of-way or reserve.

- Add: ** in the case of a corner block to be located no less than 6 metres from the secondary street

CARRIED 8/0

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

10.1 Cr Purse – Encouraging General Public to Attend Council Meetings

MOVED: Cr Purse

SECONDED: Cr Moir

That expressions of interest be called from interested members of the public to attend Briefing and Council meetings (including lunch) for the months of September, October and November 2004, subject to one visitor per meeting.

CARRIED 8/0

10.2 Cr Marshall – Community Foundation

MOVED: Cr Marshall

SECONDED: Cr Downing

That the Council go into a committee to allow members free discussion on the matter.

CARRIED 8/0

MOVED: Cr Blackburn

SECONDED: Cr Broadhurst

That the Council close committee.

CARRIED 8/0

MOVED: Cr Downing

SECONDED: Cr Moir

That the Council supports in-principle the formation of a local 'Community Foundation' and the public be encouraged to become involved by attending a future meeting presented by the WA Community Foundation.

CARRIED 8/0

11 CLOSURE OF MEETING

There being no further business the Chairman declared the meeting closed at 5.45pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 19 August 2004.

Cr Terry Ginnane, Shire President