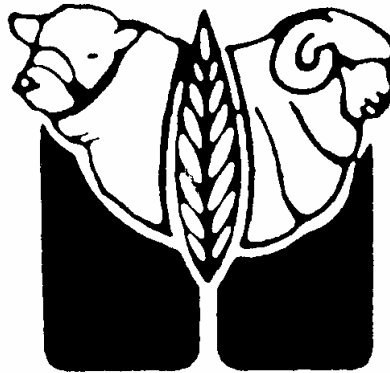


# MINUTES



## ORDINARY MEETING

HELD ON

THURSDAY, 16 SEPTEMBER 2004

AT

SHIRE OF BOYUP BROOK  
ABEL STREET – BOYUP BROOK  
COMMENCEMENT AT 3.32PM

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**Suspension of Standing Orders**

**MOVED: Cr Oversby**

**SECONDED: Cr Purse**

**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 J Mondy – Acting 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 (departed 5.05pm)

Cr T Ginnane – Observer (unable to participate in the meeting due to an illness)  
Ms S Becker (departed 4.43pm)  
Ms F Smith (departed 3.58pm)  
Mr B Anderson – Donnybrook/Bridgetown Mail

1.2 Apologies

Cr Terry Ginnane

**2 PUBLIC QUESTION TIME**

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

2.2.1 S Becker – Planning Application Appeal for Lot 10 Moore Road, Wilga

Ms Becker advised the Council to be aware that to construct the proposed shed in the location recommended in item 7.2.3 would be difficult due to the presence of leach drains and rainwater tank.

Ms Becker asked if the Council was aware of the petition signed by the vast majority of Wilga residents, which has been attached as supporting information for the application, supporting the appeal for the Council to reverse the setback standards for the proposed shed?

Cr Mondy acknowledged the petition and thanked Ms Becker and advised that the Council would be making a decision on this issue later in the meeting.

**2.2.2 F Smith – Removal of Box Trees in Abel Street Median Strip**

Why weren't the opinions of residents, whom Councillors represent, sought prior to making such a sensitive and pertinent decision, which was made behind closed doors, on behalf of the community?

Cr Mondy responded that the decision was not made behind closed doors as all Council and committee meetings are open to the public. The Townscape committee, consisting of Councillors and community members, recommended their removal to the Council which was accepted. The upgrading of the median strip has been a project that the committee has been working on for the last 12 months.

Ms Smith asked if the plans were put to the public prior to the Box Trees being cut down?

Cr Mondy responded that there was less than a two week period between approval and removal as the Council needed to get moving on the project due to make the most of the current season.

Cr Purse wished to add that the Council cannot consult the general public on every decision or issue as it would delay projects. The Councillors are elected by the ratepayers to make decisions and it also has committees with community members.

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

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

- 4.1 Petition – from Fiona Smith regarding the removal of the Queensland Box Trees in the Abel Street Median Strip (see appendix 1.1).

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

**That the petition objecting to the removal of the Queensland Box Trees in the Abel Street, from Inglis to Bridge Streets, median strip be received.**

**CARRIED 8/0**

Ms Smith departed the Chambers, the time being 3.58pm.

4.2 Cr Broadhurst – Blackwood Valley River Marketing Association

The entrance signs for the Blackwood Valley Region have been approved and a local business is producing these.

4.3 Cr Broadhurst – Course attended ‘Business of Local Government’

Cr Broadhurst felt that this course was very worthwhile. The presenter asked 10 questions of which Cr Broadhurst was only able to answer one. The questions are:-

1. What is the value of assets under the Shire’s management?
2. What income does the Shire earn?
3. What is the rates income?
4. What amount is put aside to service the Shire’s assets?
5. What should the Shire be putting aside to services these assets?
6. What is the percentage of seniors by population in the shire?
7. Single parents ?
8. Unemployed?
9. How many businesses within the Shire?
10. What debt does the Shire carry?

4.4 Cr Blackburn – Proposed Regional Model for Better Animal & Plant Management

Cr Blackburn believes that funding of this model should be by the State not locally. If the Shire accepts this model then it may be left to tackle the problem.

4.5 Cr Downing - South West Health Forum

Cr Downing attended the South West Health Forum on the 16<sup>th</sup> & 17<sup>th</sup> Sept in Busselton. The format was similar to the recent forum held at the Town Hall.

The main outcomes that the communities wanted was more input into the future plans for the Health Services and a major increase in communication to the people by the SW Health Services.

M Moodie met with the Shire Presidents or representatives of the Warren Blackwood Shires.

This was a relaxed meeting with all Shire Presidents being given an open invitation to email M Moodie whenever needed.

M Moodie believes that the local Health Service cannot exist without a full – time Health Service Manager. The Lodge Supervisor was also supported by Mr Moodie who indicated that this would happen.

Cr Downing also spent over an hour with A Donaldson, SW Health Services, discussing the Boyup Brook being only 1 of 2 health services that manages aged persons’ accommodation.

Cr Downing also spoke with Val Roche regarding helping the communities to become stronger and to rekindle community spirit.

A report and summary of the conference will be sent out to all local governments under the South West Health Service. A similar conference is planned for next year.

## **5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 Minutes of the Ordinary Meeting of the Council held on 19 August 2004.

**MOVED: Cr Oversby**

**SECONDED: Cr Downing**

**That the minutes of the previous Ordinary Meeting of the Council held on 19 August 2004 be confirmed as an accurate record subject to the following changes:-**

- **Page 9 'Mr Millington departed the Chambers, the time being 4.45pm' needs to be moved to page 11 after the resolution.**
- **Page 13 in the resolution for the Register of Sealed Documents that the word 'RECOMMENDATION' be deleted.**

**CARRIED 8/0**

## **6 PRESIDENTIAL COMMUNICATIONS**

6.1 Sandakan Memorial – 14 September 2004

Cr Mondy thanked those Councillors for attending the Sandakan Memorial.

Mr Richard Chung, representing the Sandakan Municipal Council, Sabah, Malaysia, spoke on how the community was affected by the atrocity. Cr Mondy advised that Mr Chung presented the Shire with photos and a crest from his Council.

Cr Mondy suggested that a letter of appreciation be sent to both Mr Chung and the Sandakan Council.

Cr Mondy also suggested that the Council come up with some ideas of a gift for the Sandakan Council to be presented by Miss B Ridout, winner of the 2004 Sandakan scholarship.

6.2 National Police Remembrance Day

Invitation extended to any Councillor who may be able to attend the National Police Remembrance Day in Bunbury on 29 September as Cr Mondy is unable to attend.

## 7 REPORTS OF OFFICERS AND COMMITTEES

### 7.1 WORKS AND SERVICES

#### 7.1.1 Authority to use Traffic Signs and Devices at Roadworks – New Instrument of Authorisation

<i>Proponent:</i>	<i>Main Roads WA</i>
<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>06 September 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RD/31/001</i>
<i>Appendices:</i>	<i>1.2 – Superseded 2001 Instrument of Authorisation</i> <i>1.3 – 2004 Instrument of Authorisation</i>

#### **BACKGROUND:**

The Commissioner of Main Roads has the authority to erect road signs, traffic control signals and other devices under Regulation 297(1) of the Road Traffic Code (RTC) 2000.

The Commissioner can delegate this authority to Authorised Bodies under Regulations 297(2) of the RTC 2000, subject to any conditions specified in the Instrument of Authorisation.

Unless it has been delegated to them, Local Governments do not have the authority to erect road signs, traffic control signals and other devices. This includes the use of traffic signs and devices at roadworks.

#### **DETAILS:**

In 2001 Main Roads offered an Instrument of Authorisation to all Local Governments which once executed, would enable them to use traffic signs and devices at roadworks without having to obtain further approvals from Main Roads, subject to the conditions attached (refer to attachment 1 – appendix 1.2).

The Boyup Brook Council resolved to execute the Instrument of Authorisation at the Council meeting held on 19 July 2001.

#### **COMMENT:**

The version of the Instrument of Authorisation sent to Local Governments in 2001 required compliance with Main Roads 'Traffic Management Requirements for Work on Roads' which was a guideline outlining Main Roads requirements for use of road signs and traffic control devices for works on roads in Western Australia.

In consultation with the Institute of Public Works Engineering (WA section), Main Roads have revised and retitled the above guidelines to create the new 'Traffic Management for Works on Roads – Code of Practice'. (Copy tabled for Councillor's information).

The new Instrument of Authorisations refers to the 'current' version of the Traffic Management for Road works – Code of Practice' (the code) and need not be revised every time the code is revised.

All Local Governments are requested to execute this new Instrument of Authorisation (see appendix 1.3) which once fully executed will replace any previous authorization under the Road Traffic Code 2000.

It is suggested that the Council:-

1. Agrees to observe, perform and be bound by the conditions of the Western Australian Road Traffic Code 2000;
2. Resolves to affix the Common Seal of the Boyup Brook Council to the Instrument of Authorisation in accordance with Regulation 297(2) of the Road Traffic Code.

**MOVED: Cr Marshall**

**SECONDED: Cr Purse**

**That the Council:-**

1. **Agrees to observe, perform and be bound by the conditions of the Western Australian Road Traffic Code 2000;**
2. **Resolves to affix the Common Seal of the Boyup Brook Council to the Instrument of Authorisation in accordance with Regulation 297(2) of the Road Traffic Code.**

**CARRIED 8/0**

#### 7.1.2 Heavy Vehicle Access Project

<i>Proponent:</i>	<i>Main Roads WA</i>
<i>Location:</i>	<i>Shire of Boyup Brook</i>
<i>Reporting Officer:</i>	<i>John Eddy</i>
<i>Date Report Written:</i>	<i>07 September 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>RD/41/001</i>
<i>Appendices:</i>	<i>1.4 – Key Elements</i>
	<i>1.5 – Restricted Access Vehicles Class 2 and Class 3</i>
	<i>1.6 - Notice Network conditions</i>

#### **BACKGROUND:**

At the May 2004 Regional Road Group Meeting Main Roads WA advised that changes to the heavy vehicle permit system were being considered.

A series of stakeholder consultation workshops were to be held throughout the State to discuss the proposed changes. The South West Region workshop was held on Monday 14 June 2004.

Main Roads has initiated the Heavy Vehicle Access Project (HVAP) as a means for improving the delivery of heavy vehicle access to industry whilst still allowing for the safety of other road users and preservation of the road asset. The project is based on a three fold approach encompassing:-

- Development and delivery of 'Area Wide' notices where practical to replace permits;
- Short term initiatives aimed at improving and streamlining current permitting systems and practices; and



- A major review of the current approach and systems used by Main Roads to facilitate network access for heavy vehicles.

Appendix 1.4 gives the description of the key elements to be addressed by the Heavy Vehicle Access Project.

#### **DETAIL:**

Further to the HVAP workshop held on 14 June 2004, Main Roads WA have forwarded the following documents for review and Council approval –

- Reference chart detailing categories for vehicles and respective notice networks.
- Microsoft Excel spreadsheets detailing road listings for respective networks and associated conditions.
- B3 maps depicting the road networks in graphical form.
- Extract of instructions forwarded to Parliamentary Council for the formal drafting of the Notice detailing general conditions.

As part of the review process the Technical Committee of the South West Regional Road Group held a meeting on 25 August 2004 to determine a set of conditions and processes for extra mass vehicle permits in the South West Region.

The following is a summary of the comments and actions determined by the Technical Committee for the South West region for the Heavy Vehicle Access Project.

1. Main Roads WA Heavy Vehicle Access Project Team had forwarded direct to each Council lists and maps of the proposed Class 2 and 3 Notice Roads. The information provided for each Shire included roads that have been approved for use under the existing permit system including roads on the General Endorsement list. The information was reviewed and some anomalies were apparent. Class 2 Group 5 vehicles had been included with vehicle between 27.5m and 36.5m long. Local Authorities have generally only been requested to consider vehicle up to 27.5m. Later advice from MRWA indicated that the inclusion of Group 5 vehicles was due to limited information on the Main Roads WA permit system. Class 3 Group 2a vehicles also showed a total mass (GCM) of 67.5 tonnes. This was later clarified and should be 64 tonnes.
2. It was agreed that all Councils would consider vehicles up to 27.5m long and up to 84 gross combined mass (GCM). This would include Class 2 Groups 1 to 3 inclusive and Class 3 Groups 1 to 2 inclusive.
3. Councils have concerns with the Notice Roads in the following areas :-
  - School Bus Routes
  - Tree Plantation Haulage routes, campaign cartage
  - Lack of knowledge of who is operating on roads
  - Road conditions, particularly in wet weather
  - Numbers of rural roads not built to adequate standards for heavy vehicles
  - How to remove roads from Notice List

Main Roads WA advised that a Report on the Stakeholder Consultation Workshops had been received from the Heavy Vehicle Access Project Team which detailed similar concerns of Local Government across the State. The Report is expected to be sent to Councils shortly.

4. Information provided by the Main Roads WA Heavy Vehicle Access Project Team included a Summary of Conditions for the proposed Notice Network but they did not adequately cover situations for School Bus routes or for Tree Plantation Haulage routes.
5. It was confirmed that Notice Roads do not include applications for concessional loading. These will be dealt with via the permit system.
6. Shire representatives then reviewed roads with their adjoining Shires to ensure connectivity of the proposed Notice Network across Shire boundaries. Some Shire were not represented at the meeting. Adjoining Shires to make contact at a future time to ensure road connectivity.
7. Roads within Shires that have no connectivity are to be considered by their respective Council for inclusion in the Notice Network.
8. It was agreed Councils should forward 2 list of Notice roads to Main Roads WA. The initial list being roads on the Notice Network that do not require special conditions. The second list being roads that Councils would consider for the Notice Network if the issue of conditions including School Bus Routes and Tree Plantation Haulage routes can be adequately addressed.
9. The proposed Notice Network within each Shire to be considered by their respective Council prior to forwarding to Main Roads WA.
10. Issues associated with Permit approvals, conditions and fees to be considered by the Sub Committee following the adoption of the Notice Network system.

**COMMENT:**

Roads that currently operate as general endorsement routes under permit conditions within the Shire of Boyup Brook are as follows:-

RAV Notice Network 2

Road No	Road Name	Max Mass	Max Length	Max Width	Max Height
2180171	South Road	67.5t	27.5m	2.5m	4.3m
2180035	Howards Road	67.5t	27.5m	2.5m	4.3m
2180033	Greenbushes – Boyup Brook Rd	67.5t	27.5m	2.5m	4.3m
2180008	Jayes Road	67.5t	27.5m	2.5m	4.3m

RAV Notice Network 3

Road No	Road Name	Max Mass	Max Length	Max Width	Max Height
2180212	Wingebellup Road	84.0t	27.5m	2.5m	4.3m
2180210	Boyup Brook – Arthur River Road	84.0t	27.5m	2.5m	4.3m
2180120	Connolly Street	84.0t	27.5m	2.5m	4.3m
2180115	Beatty Street	84.0t	27.5m	2.5m	4.3m
2180108	Railway Parade	84.0t	27.5m	2.5m	4.3m
2180107	Bridge Street	84.0t	27.5m	2.5m	4.3m
2180106	Abel Street	84.0t	27.5m	2.5m	4.3m
2180033	Greenbushes – Boyup Brook Road	84.0t	27.5m	2.5m	4.3m
2180008	Jayes Road	84.0t	27.5m	2.5m	4.3m
2180002	Boyup Brook North Road	84.0t	27.5m	2.5m	4.3m
2180001	Area Road	84.0t	27.5m	2.5m	4.3m

See appendix 1.5 for details of Restricted Access Vehicles Class 2 and Class 3.

Further to recommendations from the South West Regional Road Group Technical Committee it is recommended that the Council endorse the use by heavy vehicles up to 27.5m long and up to 84 tonne gross combined mass (Restricted Access Vehicles – Class 2 – Groups 1 to 3 and Class 3 – Groups 1 to 2 inclusive) on the following roads within the Shire of Boyup Brook.

Road No	Road Name	Max Mass	Max Length	Max Width	Max Height
2180212	Wingebellup Road	84.0	27.5m	2.5m	4.3m
2180211	Mayanup – Tonebridge Road	84.0	27.5m	2.5m	4.3m
2180210	Boyup Brook –Arthur River Road	84.0	27.5m	2.5m	4.3m
2180148	Boyup Brook – Cranbrook Road	84.0	27.5m	2.5m	4.3m
2180120	Connolly Street	84.0	27.5m	2.5m	4.3m
2180115	Beatty Street	84.0	27.5m	2.5m	4.3m
2180108	Railway Parade	84.0	27.5m	2.5m	4.3m
2180033	Greenbushes – Boyup Brook Road	84.0	27.5m	2.5m	4.3m
2180006	Wilga Road East	84.0	27.5m	2.5m	4.3m
2180005	Kulikup North Road	84.0	27.5m	2.5m	4.3m
2180002	Boyup Brook North Road	84.0	27.5m	2.5m	4.3m
2180001	Area Road	84.0	27.5m	2.5m	4.3m

The above listed roads are either regional distributor roads or local distributor roads within the Shire and have connectivity within the Shire or inter region.

Unsealed roads may be added to the list of Notice roads with network conditions applied by the Manager of Works and Services (see appendix 1.6 for Notice Network conditions.)

It is suggested that unsealed roads not be included on the Notice Network until the issues of plantation harvesting and school bus routes are addressed by Main Roads WA.

**MOVED: Cr Broadhurst**

**SECONDED: Cr Downing**

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

**CARRIED 8/0**

**MOVED: Cr Broadhurst**

**SECONDED: Cr Blackburn**

**That the Council close committee.**

**CARRIED 8/0**

**MOVED: Cr Oversby**

**SECONDED: Cr Blackburn**

**That the Council endorse the use by heavy vehicles up to 27.5m long and up to 84 tonne gross combined mass (Restricted Access Vehicles – Class 2 – Groups 1 to 3 and Class 3 – Groups 1 to 2 inclusive) on the following roads within the Shire of Boyup Brook -**

Road No	Road Name	Max Mass	Max Length	Max Width	Max Height
2180212	Wingebellup Road	84.0	27.5m	2.5m	4.3m
2180211	Mayanup – Tonebridge Road	84.0	27.5m	2.5m	4.3m
2180210	Boyup Brook –Arthur River Road	84.0	27.5m	2.5m	4.3m
2180148	Boyup Brook – Cranbrook Road	84.0	27.5m	2.5m	4.3m

2180120	Connolly Street	84.0	27.5m	2.5m	4.3m
2180115	Beatty Street	84.0	27.5m	2.5m	4.3m
2180108	Railway Parade	84.0	27.5m	2.5m	4.3m
2180033	Greenbushes – Boyup Brook Road	84.0	27.5m	2.5m	4.3m
2180006	Wilga Road East	84.0	27.5m	2.5m	4.3m
2180005	Kulikup North Road	84.0	27.5m	2.5m	4.3m
2180002	Boyup Brook North Road	84.0	27.5m	2.5m	4.3m
2180001	Area Road	84.0	27.5m	2.5m	4.3m

CARRIED 8/0

MOVED: Cr Oversby

SECONDED: Cr Blackburn

That the Manager of Works and Services be given delegated authority to add or remove roads from the Notice list.

Withdrawn with the acquiescence of the mover and seconder.

## 7.2 DEVELOPMENT AND COMMUNITY SERVICES

7.2.1 Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook – Planning Application for a Bed & Breakfast and a Farm Chalet

<i>Proponent:</i>	<i>LDF Joint Venture</i>
<i>Location:</i>	<i>Lot 5 Brown Seymour Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>31 August 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS9620</i>
<i>Appendices:</i>	<i>1.7 - correspondence &amp; plans</i>

### BACKGROUND:

The proponent is seeking to establish a Bed & Breakfast and Farm Chalets on Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook.

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

Floor, site and elevation plans are laid on the table.

The Council is requested to determine the advertising requirements for the proposal prior to formal consideration.

### DETAIL:

Lot 5 Brown Seymour Road, Boyup Brook is a vacant property with a gross area of 40.49 hectares zoned "Rural".

It is proposed to construct a new residential building incorporating 'bed and breakfast (B &B)' accommodation and 8 stand alone farm chalets.

The Council interprets 'farm chalets' as 'holiday cottages' under the Scheme which ... *"means a detached dwelling on one lot for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four months."*

The Scheme states that 'holiday cottages' are an "SA" use, being a use that... *"is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5",* in the "Rural" zone.

Clause 3.5 of the Scheme requires, in general terms, that the Council shall cause one (1) or more of the following to be carried out prior to considering the application stating that submissions may be forwarded to the Council:-

1. notice being served on owners and occupiers likely to be affected by the granting of planning approval,
2. notification to be published in a newspaper circulating within the Scheme area,
3. a sign displayed on the subject property giving notice of the proposed development.

The Council's 'Bed and Breakfast' policy states, in part:-

*'A Bed and Breakfast accommodation will be classified as a "home occupation" as prescribed in the Town Planning Scheme and shall be defined as an existing dwelling whereby the owner/occupier of an existing dwelling offers short-stay accommodation to the travelling public.*

*A short-term basis means that the accommodation may not be occupied by the same tenant/s for a continuous period of more than 4 months, or more than 4 months in a 12 month period.*

*A maximum of 6 guests shall occupy the premises at any one time dependent upon the maximum number of bedrooms approved by the Council.*

#### *Locations/Zones*

*Bed and Breakfast accommodation may only be located in the residential, urban, special rural or rural zones with the Council's approval.*

*Bed and Breakfast accommodation is a land use not listed in the Scheme. The Council in classifying this type of accommodation as a 'home occupation' deems such use to be an "SA" use under the scheme which is defined as 'a use that is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 3.5, which requires the following to be carried out:-*

- 1 *notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of planning approval stating that submissions may be made to the Council within 21 days of the service of such notice;*
- 2 *notice of the proposed development to be published in a newspaper circulating in the scheme area stating that submissions may be made to the Council within 21 days from the publication thereof.*

**Thompson McRobert Edgeloe, Council's town planning consultant, was requested to make preliminary comment on the proposal:-**

*“Further to your request Thompson McRobert Edgeloe is pleased to provide you with the following discussion regarding the planning issues that impact upon the above proposed application:*

**Council Scheme**

*The application appears not to substantially conflict with the broad objectives for the Rural zone. This is because the section of the property that is intended to be developed is not actively used for farming purposes.*

**Strategic Planning**

*As indicated previously we do not have a copy of the draft local planning strategy and cannot comment on this. The main issue is for Council to form a view on the development of tourist development along the Blackwood Valley as a natural feature of the Shire. This issue is being addressed in other Shires and also in the Region Plan / Regional Rural Strategy. I have included reference to these below.*

**Warren Blackwood Rural Strategy:**

*The subject lot is contained within the Planning Unit BR3 – Tweed. Major issues that impact this unit and have relevance to the subject land include:*

- *Protection and Conservation of the Blackwood River riparian zone.*
- *Conflicting land uses and developments and ad hoc subdivisions restricting productions potential of agricultural land.*

*There is some allowance for low key tourist developments with the agriculture zone, however consideration needs to be given to the management of conflicting land uses in order to minimize restrictions on adjoining productive agricultural uses.*

**Local Strategy:**

*This strategy contains a section specific to the Blackwood River. Relevant policies include:*

- *No new buildings shall be constructed within 30 metres of the boundary of the river or adjoining foreshore/reserve.*
- *No development will be permitted on land identified as “Flood Risk Land”.*
- *For non-residential/rural development (e.g. tourist development) Council may impose restrictions on the planting of vegetation on order to retain important views and vistas of the Blackwood River from tourist drives.*
- *A Fire Management Plan and Weed Management Plan will be required for the subject land.*
- *The landowner and all future landowners shall enter into a legal agreement with the Council to ensure the specific conditions are adhered to. A caveat, recognizing this agreement is to be lodged on each certificate of title.*

*The above policies should be considered when assessing the proposed application.*

**Policy No. DC 3.7 – Fire Planning**

*A major issue with the application is fire management and this has not been addressed in the proposal.*

*Policy No. DC 3.7 seeks to ensure adequate fire protection for new subdivisions and related developments by proper strategic land use planning, good subdivisional layout and development criteria which ensure that least possible exposure to damage by fire and the best possible response should fire occur.*

*With the sloping land to the river and only one access point combined with the areas of remnant vegetation, the site appears to have a significant fire management issue. The application needs to address this issue.*

*As indicated Council can legitimately ask for information on how the application would meet the criteria and objectives of the Policy. It is clear even from a cursory look that the application would have trouble meeting the performance objectives of the Policy.*

*The main issue is having only a single access point with the sloping land from the river corridor.*

*It is difficult to determine from the site plan but it also appears that the chalets are within 100 meters of the bushland areas. It is normal for chalet developments wanting to take advantage of such locations, but they also need to be designed to acknowledge the fire risk. This can be done by a variety of measures including low fuel zones; improved construction methods and provision of fire fighting equipment.*

*It is strongly recommended that Council should consult with its Chief Bush Fire Control Officer regarding the application and request as a condition of approval that a Fire Management Plan be prepared.*

### **Road Upgrading**

*Council is entitled to request a contribution to the upgrading of Brown Seymour Road if this is required. Such upgrading has been the subject of previous policies of Council and do not need further discussion here.*

### **River Corridor**

*While the application addresses the flood issue it is unclear where the property boundary is located. Depending on the location of the title boundary for the subject lot, the proponent may need to implement a Foreshore reserve and/or a Foreshore Management Plan, to address development along the Blackwood River.*

*In relation to waster water disposal, the proposal states that no chalet or development will be located closer than 50m to the river reserve. Council should consider taking the 50 meter boundary from flood prone land (i.e. from the 100 year flood line) in accordance with the policies of the Water and Rivers Commission.*

### **Rezoning**

*The proposed application is for planning approval. Under other Town Planning Scheme – the development of chalets and a bed and breakfast facility would be defined as Holiday Accommodation. There is no restriction within the Scheme on the number of chalets that can be approved.*

*There is a general presumption in various documents, strategies and scheme that a rezoning is required. Generally this is when more than four chalets are proposed. The purpose of this is to provide a more detailed examination of the development by government agencies.*

*There is no reason for Council to require this if it is satisfied with the level of detail and the need or otherwise to refer the application to agencies for comment.”*

**These comments will be considered by the Council further following the advertising period.**

### **COMMENT:**

It is suggested that the Chief Executive Officer advertises the planning application for a proposed Bed & Breakfast and eight (8) Farm Chalets to be located at Nelson Location 1695 Brown Seymour Road, Boyup Brook, by causing the following to take place in accordance with the Scheme:-

1. notice being served on owners and occupiers likely to be to be affected by the granting of planning approval,
2. notification to be published in a newspaper circulating within the Scheme area.

The Development Services Committee considered this issue at its meeting held on 06 September 2004 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Blackburn**

**SECONDED: Cr Downing**

**That the Chief Executive Officer advertises the planning application for a proposed Bed & Breakfast and eight (8) Farm Chalets to be located at Lot 5 Nelson Location 1695 Brown Seymour Road, Boyup Brook, by causing the following to take place in accordance with the Town Planning Scheme:-**

1. **notice being served on owners and occupiers likely to be to be affected by the granting of planning approval,**
2. **notification to be published in a newspaper circulating within the Scheme area.**

**CARRIED 8/0**

#### 7.2.2 Draft Local Rural Strategy

*Proponent: Shire of Boyup Brook*  
*Location: -*  
*Reporting Officer: Will Pearce*  
*Date Report Written: 31 August 2004*  
*Enabling Legislation: Town Planning Scheme No 2*  
*File: LN/55/001*  
*Appendices: 1.8 – correspondence from Minister*

#### **BACKGROUND:**

The draft Local Rural Strategy (LRS) has been in dispute for several months between the Council and the Minister for Planning and Infrastructure over rural subdivision criteria.

The Council at its March 2004 meeting resolved, in part:-

*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’;*

The Council at its July 2004 meeting resolved:-



*'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.'*

**DETAIL:**

A response from the Minister was received on the 05 August 2004 and is attached - see appendix 1.8.

Yet again, the Minister 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.

WALGA have been requested to pursue the matter in accordance with the Council's July 2004 resolution. It has acknowledged receipt of the correspondence only at this point in time.

It is suggested that the response from the Minister for Planning and Infrastructure in relation to the rural subdivision criteria as presented be received.

The Development Services Committee considered this issue at its meeting held on 06 September 2004 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Purse**

**SECONDED: Cr Moir**

**That the response from the Minister for Planning and Infrastructure in relation to the rural subdivision criteria as presented be received.**

**CARRIED 8/0**

7.2.3 Lot 10 Moore Road, Wilga - Planning Appeal relating to a Shed

<i>Proponent:</i>	<i>M Kotulla</i>
<i>Location:</i>	<i>Lot 10 Moore Road, Wilga</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>30 June 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS12000</i>
<i>Appendices:</i>	<i>1.9 – correspondence &amp; petition</i>
	<i>1.10 - Petition</i>

**BACKGROUND:**

The proponent is appealing a condition of approval for a shed to be located at Lot 10 Moore Road, Wilga.

The Council at its July 2004 meeting resolved:-

*“That the Council approves the planning application for an oversized outbuilding 68.25m<sup>2</sup> in area proposed for Lot 10 Moore Road, Boyup Brook subject to a 6 metre setback from Moore Road.”*

The Council is requested to reconsider the setback requirement.

**DETAIL:**

Lot 10 Moore Road, Wilga is a property with a gross area of 1009m<sup>2</sup>, currently zoned ‘urban’.

The proposal involves the construction of a new 68.25m<sup>2</sup> steel framed (colorbond) shed with a maximum height of 5.0m.

The proponent initially requested locating the shed 1m from the rear and side boundaries. The side boundary is adjacent to Moore Road, the main road into Wilga.

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

The Council’s “Outbuilding” policy states in part:-

*“Setbacks for outbuildings will be as follows:-*

<b>Residential &amp; Urban Zone</b>	<i>Front (m)</i>	<i>Side (m)</i>	<i>Rear (m)</i>
<i>Free standing Carport, Patio, Pergola</i>	<i>6.0</i>	<i>1.0</i>	<i>1.0*</i>
<i>Verandah or attached Patio, Pergola, Carport</i>	<b>6.0</b>	<i>1.0</i>	<i>6.0</i>
<i>Shed</i>	<i>6.0</i>	<i>1.0**</i>	<i>1.0*</i>
<i>Free Standing Garage</i>	<i>6.0</i>	<i>1.0**</i>	<i>1.0</i>
<i>Attached Garage</i>	<i>6.0</i>	<i>1.0</i>	<i>6.0</i>

***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.*

***Note - \*\* in the case of a corner block to be located no less than 6 metres from the secondary street.”***

The Council at its July 2004 meeting resolved to add to the policy the following requirement-

***“Note - \*\* in the case of a corner block to be located no less than 6 metres from the secondary street.”***

The Council's reasoning for the amendment being that sheds located so close to an adjacent road will create a potential negative visual impact on the surrounding area.

The Shire received correspondence from Mr Kotulla on 27 August 2004 (see appendix 1.9.) requesting the Council to reconsider the condition.

The Wilga community has also signed a petition in support of the proponent (see appendix 1.10)

**COMMENT:**

The local community has advised that they support the proposed shed being located 1.0 m off the Moore Road boundary of the property.

It is suggested that the Council reconsiders the planning approval setback condition for a proposed outbuilding at Lot 10 Moore Road, Boyup Brook.

The Development Services Committee considered this issue at its meeting held on 06 September 2004 and resolved:-

*'That the Council repeals the previously approved 6.0m setback condition for a proposed outbuilding at Lot 10 Moore Road, Wilga and approves a 1.0m setback from the property boundary along Moore Road.'*

**MOVED: Cr Blackburn**

**SECONDED: Cr Purse**

**That the Council repeals the previously approved 6.0m setback condition for a proposed outbuilding at Lot 10 Moore Road, Wilga and approves a 1.0m setback from the property boundary along Moore Road.**

**CARRIED 5/3**

7.2.4 Lot 361 Henderson Street, Boyup Brook - Planning Application for a Caretaker's House

<i>Proponent:</i>	<i>P Nissen</i>
<i>Location:</i>	<i>Lot 361 Henderson Street, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>31 August 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS12000</i>
<i>Appendices:</i>	<i>1.11 – letter &amp; plans</i>

**BACKGROUND:**

The proponent is seeking approval for a caretaker's house in an industrial shed on Lot 361 Henderson Street, Boyup Brook.

The proponent has forwarded all the relevant details to support the application as required by the Shire's Town Planning Scheme No. 2 (the 'Scheme'). A plan and supporting documentation is attached (see appendix 1.11).

The applicant advised previously when the Council approved the sheds on-site in 2001, that there will be future plans to incorporate an office area and to utilise the sheds as workshops for timber products. It is also the applicant's future intention to utilise the workshops as an 'innovation centre' for value-added timber products.

Although this future development was not clearly defined at the time, it is intended that the applicant aims to encourage local community members to utilise this facility for the purpose of economic and business development.

**DETAIL:**

Lot 361 Henderson Street, Boyup Brook is a property with a gross area of 3260m<sup>2</sup> and is currently zoned 'Industrial'.

The Scheme defines caretaker's house, which is an 'incidental purpose' in the industrial area, as ... 'a building or part of a building used as a residence by the proprietor or manager of an industry, business, office or recreation area carried on or existing on the same site'.

It is clear from the application that the accommodation will be used for short-term accommodation by persons who are neither owners nor managers of the premises.

**COMMENT:**

The design of the accommodation is also inappropriate opening directly in to an office space.

It is suggested that the planning application for a caretaker's house at lot 361 Henderson Street, Boyup Brook be rejected.

The Development Services Committee considered this issue at its meeting held on 06 September 2004 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Purse**

**SECONDED: Cr Broadhurst**

**That the planning application for a caretaker's house at lot 361 Henderson Street, Boyup Brook be rejected.**

**CARRIED 8/0**

**7.2.5      Lot 5 Jayes Road, Boyup Brook – Planning Application for a Farm Chalet**

<i>Proponent:</i>	<i>C &amp; A Hales</i>
<i>Location:</i>	<i>Lot 5 Jayes Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>31 August 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS12400</i>
<i>Appendices:</i>	<i>1.12 - plans</i>

**BACKGROUND:**

The proponent is seeking to establish a Farm Chalet on Lot 5 Jayes Road, Boyup Brook.

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

Floor, site and elevation plans are laid on the table(see appendix 1.12).

**DETAIL:**

Lot 5 Jayes Road, Boyup Brook is a property with a gross area of 40.49 hectares and zoned "Rural".

It is proposed to convert an existing two bedroom dwelling, built in 2002, to a farm chalet, having an area of 115 m<sup>2</sup>. The proponent has submitted a separate building application for a new residential dwelling.

The building is constructed of weatherboard walls and zincalume roofing. It is self-contained with kitchen, living area and ablution and laundry facilities.

The Scheme states that a single 'holiday cottage' is an "AA" use, being a use that... *means a detached dwelling on one lot for holiday purposes, which may not be occupied by the same tenant for a continuous period of more than four months.*"

General requirements under the Scheme included:-

- Carparking – the application does not nominate any carparking spaces for the proposed chalets. It is suggested that a minimum of two bays are provided.
- Access – the proponent has nominated the construction of a 3 metre wide gravel road.
- Landscaping – the Scheme states that... *"landscaping shall be undertaken and maintained to Council's satisfaction for all development unless, in the opinion of the Council, such landscaping is considered unnecessary"*. It is considered unnecessary to require landscaping on a rural lot.
- Vehicle crossover – compliance with the Council's "Crossover" policy will be required.
- Stormwater disposal – compliance with the Council's "Building Stormwater Drainage" policy will be required.
- Policy – the Council's 'Farm Chalet' policy provides for water supply volumes, minimum rural lot sizes (10ha), unit density (1 chalet per minimum 2ha) and firefighting protection.

#### **COMMENT:**

Overall, it is considered that the proposed development is acceptable and appropriate for approval. If the proposal is realised as presented, the farm chalet will be a welcome addition to the district creating additional holiday and short term accommodation for visitors.

It is suggested that the Council approves the planning application for a Farm Chalet to be located at Lot 5 Jayes Road, Boyup Brook, subject to the following conditions:-

1. the proponent complies with Town Planning Scheme No 2;
2. one carparking space being provided and constructed and properly drained to the satisfaction of the Manager of Works and Services;
3. access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels;
4. the proposal complies with the Council's "Farm Chalet" policy.

The Development Services Committee considered this issue at it's meeting held on 06 September 2004 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Moir**

**SECONDED: Cr Downing**

**That the Council approves the planning application for a Farm Chalet to be located at Lot 5 Jayes Road, Boyup Brook, subject to the following conditions:-**

- 1. the proponent complies with Town Planning Scheme No 2;**
- 2. one carparking space being provided and constructed and properly drained to the satisfaction of the Manager of Works and Services;**
- 3. access being approved by the Manager of Works and Services and crossovers constructed to the Council's design specifications and levels;**
- 4. the proposal complies with the Council's "Farm Chalet" policy.**

**CARRIED 8/0**

7.2.6 Nelson Location 7340, 7341, Lot 23 of Pt 7346, 7347 and 7348 Tonebridge Road, Tonebridge - Request for Exemption of a Planning Condition of Approval for a Plantation

<i>Proponent:</i>	<i>WA Plantation Resources</i>
<i>Location:</i>	<i>Lot 5 Jayes Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>31 August 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS8260</i>
<i>Appendices:</i>	<i>1.13 - correspondence</i>

**BACKGROUND:**

The Council at its 18 March 1999 meeting approved a planning application for a plantation at Nelson Locations 7340, 7341, Lot 23 of Pt 7346, 7347 and 7348 Tonebridge Road, Tonebridge.

Plantation manager, WA Plantation Resources (WAPRES), has recently advised the shire that the minimum plantation setback from a house on the property does not comply with the shire's Town Planning Scheme and the Guidelines for Plantation Fire Protection (the 'guidelines').

It is requested that the Council provides an exemption for the setback subject to conditions suggested by WAPRES.

**DETAIL:**

WAPRES has forwarded correspondence to the Council identifying the matter of non-compliance (see appendix 1.13).

The plantation is 5 years old and due for harvesting in a further 5 years.

In brief, the guidelines require a 50m setback from a plantation to a building. In this case, the plantation is approximately 20m from the house (which is occupied).

WAPRES is seeking support for a 'temporary' exemption for the next 5 years offering to carry out additional fire protection as offered in the submission.

**COMMENT:**

The Council has not encountered such a request in the past and therefore will need to treat this issue on its merits.

Approving such an exemption may create a precedent with significant negative ramifications in relation to plantation fire issues, both real and perceived. For example, companies may offer the reasons of 'oversight' for future plantings to receive the economic benefits of establishing additional trees within 50m exclusion zone.

It is suggested that WAPRES be given until 30 November 2004 to remove all plantation trees, established in 1999, within 50m of the house on Lot 23 Tonebridge Road.

The Development Services Committee at its meeting held on 06 September 2004 recommended that this item be referred to the Council for consideration.

The committee also requested the CEO to determine the Council's liability exposure should it resolve to support the exemption. In other words, should the 20m setback remain and the blue gum trees are subject to a major fire subsequently damaging or destroying the house, would the Council be responsible?

Mr P Liddle, Local Government Insurances Services, advised the CEO on 8 September 2004 that the Council would eliminate any exposure to a future damages claim by seeking correspondence from the company that signs off on the following –

*'WAPRES indemnifies the Shire of Boyup Brook harmless for any fire damage to the subject dwelling caused by the blue gum plantation located on lot 23 Tonebridge Road'.*

**MOVED: Cr Moir**

**SECONDED: Cr Blackburn**

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

**CARRIED 8/0**

S Becker departed the Chambers, the time being 4.43pm.

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

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

Cr Oversby departed the Chambers, the time being 4.53pm.

Cr Oversby returned to the Chambers, the time being 4.54pm.

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

**That the Council close committee.**

**CARRIED 8/0**

**MOVED: Cr Marshall**

**SECONDED: Cr Oversby**

**That the Council approves temporary building setback relaxation of the plantation on Lot 23 Tonebridge Road established in 1999 subject to **WA Plantation Resources indemnifying, in writing prior to the 30 November 2004, the Shire of Boyup Brook harmless for any fire damage to the subject dwelling caused by the blue gum plantation located on lot 23 Tonebridge Road.****

**MOVED: Cr Purse**

**SECONDED: Cr Oversby**

**That the item be laid on the table.**

**LOST 1/7**

The original motion was then put and carried.

That the Council approves temporary building setback relaxation of the plantation on Lot 23 Tonebridge Road established in 1999 subject to **WA Plantation Resources indemnifying, in writing prior to the 30 November 2004, the Shire of Boyup Brook harmless for any fire damage to the subject dwelling caused by the blue gum plantation located on lot 23 Tonebridge Road.**

**CARRIED 5/4**

The Acting Shire President made his casting vote in favour of the motion.

Cr Blackburn declared a proximity interest in the following item and departed the Chambers, the time being 5.00pm.

7.2.7 Lots 14, 15 & 16 Banks Road, Boyup Brook - Subdivision/Amalgamation

<i>Proponent:</i>	<i>Erujin Pty Ltd</i>
<i>Location:</i>	<i>Lots 14, 15 &amp; 16 Banks Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>31 August 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS7010</i>
<i>Appendices:</i>	<i>1.14 - plans</i>

**BACKGROUND:**

The proponent wishes to subdivide the existing property at Lots 14, 15 and 16 Banks Road, Boyup Brook to create six (6) new lots.

A plan is laid on the table and circulated (refer to appendix 1.14).

**DETAIL:**

The three existing lots have an area of 40ha each.

The subdivision will create 6 new 20ha lots. The new lots will have direct frontage on to Banks Road for access.

**COMMENT:**

The Council's 'Subdivision/Amalgamation' policy states in part:-

"1 In order to achieve the objectives contained in Clause 5.2 of Town Planning Scheme No 2, the Council will not generally support the subdivision of land within the Rural Zone into lots having a minimum size of less than 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.”

Clause (d) has not been complied with.

The Manager of Works and Services has inspected Banks Road, a road that does not comply with the Council's 'Road Contribution' policy as the road is only 4.0 metres in width for approximately 1.3km.

The policy states in part:-

“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. The Council may consider a reduced road width under extraordinary or special circumstances.
- 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 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.”

It is suggested that the Council does not support the proposed subdivision of Lots 14, 15 and 16 Banks Road, Boyup Brook to create six (6) new lots due to lack of supporting evidence as required under the Council's 'Subdivision/Amalgamation' policy.

The Development Services Committee considered this issue at its meeting held on 06 September 2004 and resolved:-

*‘That the Council supports the proposed subdivision of Lots 14, 15 and 16 Banks Road, Boyup Brook to create six (6) new lots subject to supporting evidence being provided as required under the Council's 'Subdivision/Amalgamation' policy clause (d).’*

**MOVED: Cr Moir**

**SECONDED: Cr Purse**

**That the Council supports the proposed subdivision of Lots 14, 15 and 16 Banks Road, Boyup Brook to create six (6) new lots subject to supporting evidence being provided as required under the Council's 'Subdivision/Amalgamation' policy clause (d).**

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

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

**CARRIED 7/0**

**Adjournment**

**MOVED: Cr Moir**

**SECONDED: Cr Oversby**

**That the meeting be adjourned for an afternoon tea break, the time being 5.04pm.**

**CARRIED 7/0**

**Resumption**

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

**That the meeting resume, the time being 5.20pm.**

**CARRIED 7/0**

The meeting resumed with the following persons in attendance.

Cr J Mondy – Acting Shire President  
Cr S Broadhurst  
Cr Downing  
Cr P Marshall  
Cr K Moir  
Cr T Oversby  
Cr S Purse

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

Mr T Ginnane  
Mr B Anderson – Donnybrook/Bridgetown Mail

**MOVED: Cr Purse**

**SECONDED: Cr Oversby**

**That the Council close committee.**

**CARRIED 7/0**

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

**That the Council supports the proposed subdivision of Lots 14, 15 and 16 Banks Road, Boyup Brook to create six (6) new lots subject to supporting evidence being provided as required under the Council's 'Subdivision/Amalgamation' policy clause (d) and compliance with the Council's 'Road Contribution' policy.**

**CARRIED 7/0**

Cr Blackburn returned to the Chambers, the time being 5.31pm.

***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'.***

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

<i>Proponent:</i>	<i>Gold Medal Management Pty Ltd</i>
<i>Location:</i>	<i>NL 1073 &amp; Pt 1302 Zig Zag Road, Boyup Brook</i>
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>31 August 2004</i>
<i>Enabling Legislation:</i>	<i>Town Planning Scheme No 2</i>
<i>File:</i>	<i>AS3090</i>
<i>Appendices:</i>	<i>1.15 - Plan</i>

**BACKGROUND:**

In July 1997, the Western Australian Planning Commission (WAPC) approved the NL 1073 and Pt 1302 Zig Zag 'special rural' subdivision

The proponent received approval to release stage 1 lots in 1998.

The Council has now received a formal subdivision application seeking support to release stage 2 lots. A plan is attached (see appendix 1.15)

**DETAIL:**

This issue was brought before Council for preliminary consideration in July 2004 – please refer to item 7.2.5.

The Council subsequently resolved:-

*“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.”*

**COMMENT:**

The subdivision and 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 Development Services Committee considered this issue at its meeting held on 06 September 2004 and concurred with the Chief Executive Officer's recommendation.

**MOVED: Cr Purse**

**SECONDED: Cr Moir**

**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.”**

**CARRIED 8/0**

**7.2.9            Economic Development Committee Minutes – 01 September 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>06 September 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GO/37/005</i>
<i>Appendices:</i>	<i>1.16- Minutes</i>

**BACKGROUND:**

An Economic Development Committee meeting was held on 01 September 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.16).

**MOVED: Cr Purse**

**SECONDED: Cr Moir**

**That the minutes of the Economic Development Committee meeting held on the 01 September 2004, be received.**

**CARRIED 8/0**

**MOVED: Cr Moir**

**SECONDED: Cr Downing**

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

**CARRIED 8/0**

**MOVED: Cr Purse**

**SECONDED: Cr Blackburn**

**That the Council close committee.**

**CARRIED 8/0**

**MOVED: Cr Purse**

**SECONDED: Cr Blackburn**

**Funding of \$1,200 be approved for up to 5 Economic Development committee members to visit several Shires over a 2 day period that have been successful in attracting business, implementing tourism initiatives and experiencing growth through community development subject to the committee to reporting the outcomes to the Council.**

**CARRIED 8/0**

7.2.10 Townscape Advisory Committee Minutes – 18 August 2004

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* John Eddy  
*Date Report Written:* 06 September 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* PA/37/001  
*Appendices:* 1.17 - Minutes

**BACKGROUND:**

A Townscape Advisory Committee meeting was held on 18 August 2004.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.17).

**MOVED: Cr Oversby**

**SECONDED: Cr Purse**

**That the minutes of the Townscape Advisory Committee held on the 18 August 2004, be received.**

**CARRIED 8/0**

7.2.11 Youth Advisory Committee Minutes

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Keith Jones  
*Date Report Written:* 09 September 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* IM/37/004  
*Appendices:* 1.18 - Minutes

**BACKGROUND:**

Meetings of the Youth Advisory Committee were held on the 17, 24 & 31 August and 07 September 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.18).

**MOVED: Cr Downing**

**SECONDED: Cr Purse**

**That the minutes of the Youth Advisory Committee on 17, 24 & 31 August and 07 September 2004, be received.**

**CARRIED 8/0**

7.2.12 Request to Purchase Lot 274 (Reserve 23853) Inglis Street, Boyup Brook

*Proponent:* J Mullen  
*Location:* Lot 274 Inglis Street, Boyup Brook  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 07 September 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* AS 30077  
*Appendices:* 1.19 - plan

**BACKGROUND:**

Mr J Mullen, who owns lot 273 Inglis Street, Boyup Brook wishes to purchase the adjacent lot 274 (reserve 23853) Barron Street.

The reserve is currently vested in the shire and has an area of 1158m<sup>2</sup>. See plan attached – appendix 1.19.

The Council is requested to consider the proposal.

**DETAIL:**

The proponent writes-

Dear Sir.

My wife and I are at present negotiating the purchase of the home at 9 Barron Street (Lot 273 ) in Boyup Brook. At this time we are reasonably certain that the transaction will be successful.

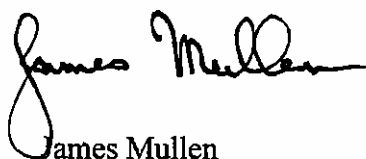
During our recent visits to the property we noticed that the adjoining block ( 274 ) was vacant and were advised by Mrs Babette Millar that it possibly was for sale and that we should make further enquiries through your office if this was in fact the case and what the cost of purchasing the block might be.

We would be interested in having it annexed to our block or alternatively as a separate unit. We would be obliged if you could consider this request and advise us of the availability and cost of our acquiring that block

We hope that our purchase of the property at 9 Barron Street will be finalised early in September and will be taking up residence soon thereafter and look forward to a long and happy stay in the town.

I trust this enquiry will not inconvenience you and look forward to your reply.

Yours sincerely

  
James Mullen

**COMMENT:**

The reserve would appear to be of no benefit to the Council.

If the Council does approve its conversion to freehold, it is advisable to require that the lot is amalgamated with the proponent's lot to ensure that there is no future pressure on the land being used for non-residential purposes.

It is suggested that the Department of Planning and Infrastructure be requested to convert Lot 274 (Reserve 23853) Inglis Street, Boyup Brook to a freehold lot for the purposes of selling to Mr J Mullen subject to the land being amalgamated with Lot 273 Barron Street, Boyup Brook.

**MOVED: Cr Purse**

**SECONDED: Cr Blackburn**

**That the Department of Planning and Infrastructure be requested to convert Lot 274 (Reserve 23853) Inglis Street, Boyup Brook to a freehold lot for the purposes of selling to Mr J Mullen subject to the land being amalgamated with Lot 273 Barron Street, Boyup Brook.**

**CARRIED 8/0**

**7.3 CORPORATE SERVICES**

7.3.1 Proposed Date of Future Local Government Elections – 3<sup>rd</sup> Saturday in October

<i>Proponent:</i>	<i>Western Australian Local Government Association</i>
<i>Location:</i>	-
<i>Reporting Officer:</i>	<i>Will Pearce</i>
<i>Date Report Written:</i>	<i>07 September 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File:</i>	<i>GR/31/002</i>
<i>Appendices:</i>	-

**BACKGROUND:**

The Western Australian Local Government Association (WALGA) is seeking further feedback from Councils on the proposed changes to Local Government election dates.

**DETAIL:**

The WALGA writes -

In April 2004 the Association canvassed members seeking an indication as to a possible change of date for the holding of Local Government Elections from May to October every two years. This request was after several of the Association's Zones requested that consideration be given to changing the date for the conduct of biennial Local Government elections. Currently all elections are held on the first Saturday in May each two years, with the next election due in 2005.

Responses were received from in excess of 100 member Councils and whilst there was not a specific date indicated it was clear from the consultation that over 60 members supported a broad change to the September/October period.

In working through the likely scenarios of a suitable date for the elections a number of points were considered including the following:

- Federal Elections – can be held anytime during this period but more often are held in November,
- School holidays – generally including the last Saturday in September for two weeks,
- Long weekend and Royal Show during the last week of September or the first week of October,
- AFL Grand Final on the last Saturday in September. It is also likely that during the later part of September many people are involved in the finals of various sporting events, which could impact on interest in the election process,
- If the election is held in September many candidates and sitting Councillors will be campaigning during the budget process and from an administration view point the electoral function will impact significantly upon Councils who may already be under pressure to complete the budget in a timely way. From an elected member point of view they may feel uncomfortable in standing for election immediately after adopting a budget, which may be causing concern in the community.
- A change to early September will still not overcome one of the main stated reasons for change being proposed and that is to be able to deal with the budget process.

The State Council in considering the report on the outcome of the request for comment from members noted that there was not a specific date proposed in the previous consultation process and as such felt that before adopting a position on a possible date the specific proposal of the 3<sup>rd</sup> Saturday in October should be canvassed with members.

Against that background members are asked to provide a response to the following question:

**Does your Council support a change of Election Day to the 3<sup>rd</sup> Saturday in October every two years?**

Could you please provide your response on the fax back sheet by Friday 15 October 2004?

**COMMENT:**

The comments made above appear to be logical but need to be considered according to Boyup Brook's needs and local circumstances.

It is suggested that the Council supports the proposal to hold Local Government elections being held on the 3<sup>rd</sup> Saturday of October every 2 years.

**MOVED: Cr Downing**

**SECONDED: Cr Moir**

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

**CARRIED 8/0**

**MOVED: Cr Blackburn**

**SECONDED: Cr Oversby**

**That the Council close committee.**

**CARRIED 8/0**



**MOVED: Cr Blackburn**

**SECONDED: Cr Downing**

**That the Council supports the proposal to hold future Local Government elections on the 3<sup>rd</sup> Saturday of October every 2 years from 2005.**

**CARRIED 7/1**

7.3.2 Warren Blackwood Economic Alliance Minutes – 22 June 2004

*Proponent:* Warren Blackwood Economic Alliance  
*Location:* -  
*Reporting Officer:* Will Pearce  
*Date Report Written:* 09 September 2004  
*Enabling Legislation:* -  
*File:* GR/31/006  
*Appendices:* 1.20 - Minutes

**BACKGROUND:**

A meeting of the Warren Blackwood Economic Alliance was held on 27 July 2004.

Minutes of the meeting is laid on the table and circulated (refer to appendix 1.20).

**MOVED: Cr Moir**

**SECONDED: Cr Broadhurst**

**That the minutes of the Warren Blackwood Economic Alliance held on 27 July 2004 be received.**

**CARRIED 8/0**

7.3.3 Accounts for Payment and Financial Status

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Keith Jones  
*Date Report Written:* 10 September 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* FM/10/003  
*Appendices:* 1.21 - Payments

**BACKGROUND:**

The accounts for payment up to 31 August 2004 are attached.

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

Salaries for the months of August 2004	\$	59797.96
Lease of Photocopier	\$	415.06
Lease of Roller	\$	1,197.61
Internet Access Fee	\$	40.00
FlexiRent Computer	\$	2088.00
Rent MFA	\$	80.00
MFA Motor Vehicle	\$	10295.00
Ute for Depot	\$	10000.00
A Hales –Contractor	\$	1848.00

**The Account Balances for the various accounts as at 31 August 2004 are as follows:-**

Municipal Account	\$	1169777.74
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Shire Clerk Advance	\$	2701.59
Trust Account	\$	34808.00

**Investments secured 2 September 2004 are as follows:-**

Reserves Account Term Deposit	\$	684,597.96	@5.17%
Investment	\$	500,000.00	@5.17%

with Commonwealth Bank maturing 28/9/04

As at 9 September the following amount of rates were outstanding:-

- Boyup Brook Ward	\$	142408.29
- Benjinup Ward	\$	123804.81
- Dinninup Ward	\$	97274.91
- Scotts Brook Ward	\$	73122.65
<b>TOTAL</b>	<b>\$</b>	<b>436610.66</b>

Sundry Debtors at 9 September 2004 \$ 85444.50

Sundry Creditors at 9 September 2004 \$ NIL

**MOVED: Cr Downing**

**SECONDED: Cr Purse**

**That the accounts as:-**

- 1 presented totalling \$103389.47 voucher numbers for payment; 12344-12346, 12460,12471-12544, 1842-1850;
- 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

<b>8 PETITIONS AND MEMORIALS</b>
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Nil

<b>9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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9.1 Cr S Broadhurst - Signage for the Boundaries of the Shire.

**COUNCILLOR COMMENT:**

When the brochure for the Inland Loop to the Blackwood River Valley is completed and promoted within the tourist industry and when the Brand WA' Blackwood River Valley' signs are in place, Boyup Brook will become the inland **gateway to the Valley**. It is a well-known fact that first impressions are vital to future attitudes and it is time for Boyup Brook to show that it is proud of what it has to offer both the traveler and the potential future resident.

Currently our Shire Boundary signs are a small, formal copy of the Shire Crest. These signs blend beautifully with the surrounding scenery and are almost un-noticeable to the motorist and passengers traveling at the speed limit.

The Townscape and Waters Edge Committee wish to instigate a competition to encourage community input into this project. The intention is to recommend that the cost of manufacture be considered in the 2005/06 budgetary deliberations.

The envisaged rules of competition follow -

### **DESIGN A SIGN**

**WHY:** The Shire of Boyup Brook is considering the placement of new signage at the four boundaries of the Shire.

**WHAT:** The signs will be 2400mm x 1200 and will identify the boundaries of the Shire. They need to be powerful, unique and memorable and must contain:

1. The words '**Shire of Boyup Brook**'.
2. The elements of the Shire crest – i.e. **the ram, the bull and the grain**. These need not be in the formal arrangement of the crest and may be stylized or representative. Other appropriate elements may be included.

### **CONDITIONS OF ENTRY**

1. No entry fee.
2. Open to all persons of any age or experience.
3. No limit on number of entries per person.
4. The design may be created in any way available to the entrant. eg. a two dimensional piece of art (which will need to be photographed – digitally or otherwise) OR a computer generated product, etc.
5. IT MUST BE CLEAR, UNCOMPLICATED AND ABLE TO BE READ AT ROAD SPEED.
6. All lettering should be not less than 100mm in height on the finished sign.
7. Colours must be, in single-tone blocks and to a minimum in number. NB. no shading or textured areas.
8. The entry must be presented
  - (a) As a 240mm X 120mm **high quality print OR photo** with name, address and phone numbers of the entrant on the back.
  - (b) In an envelope labeled "Design a Sign Competition".
9. **CLOSING DATE: 4.00pm Monday 5 April 2005** at the BOYUP BROOK SHIRE OFFICE.
  - The Shire may choose one design or it may choose several.
  - A minimum number of entries must be received for the Shire to choose a winner.
  - **Each winning entrant will receive a certificate of recognition and a prize of \$100.00.**

The Chief Executive Officer departed the Chambers, the time being 5.59pm.

The Chief Executive Officer returned to the Chambers, the time being 6.03pm.

**MOVED: Cr Broadhurst**

**SECONDED: Cr Purse**

**That a competition be held in 2004/05 to allow community input into possible future new signage at the four main shire boundary entries with prizes of up to \$500.00 in total being funded under Economic Development.**

**CARRIED 7/1**

<p><b>10 URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT</b></p>
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10.1 Proposed Regional Model for Better Animal & Plant Management

**MOVED: Cr Blackburn**

**SECONDED: Cr Oversby**

**That the Council rejects the proposed Department of Agriculture model for Better Animal and Plant Management that proposes to pass State Government responsibilities on to landowners.**

**CARRIED 8/0**

10.2 Sandakan Gift

**MOVED: Cr Oversby**

**SECONDED: Cr Broadhurst**

**That the Chief Executive Officer investigates the provision of a gift to the Sandakan Municipal Council to be presented by Miss B Ridout, winner of the 2004 Ted McLaughlan Sandakan Scholarship, on her visit to Sabah, Malaysia on Anzac Day 2005.**

**CARRIED 8/0**

10.3 Cr Moir - Removal of Power Poles

**MOVED: Cr Moir**

**SECONDED:**

**That the Manager of Works and Services vigorously investigate the removal of power poles in the Abel Street median strip.**

**LAPSED FOR WANT OF A SECONDER**

10.4 Cr Marshall - Sponsorship for Plants in Abel Street

**MOVED: Cr Marshall**

**SECONDED:**

**That the Council sources corporate sponsorship of plants currently being established in the Abel Street median strip.**

**LAPSED FOR WANT OF A SECONDER**

Cr Marshall presented a cheque for \$1,000 from Dr & Mrs Arthur Newnham as a contribution towards the median strip upgrade.

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

**That a letter of appreciation be sent to Dr & Mrs Arthur Newnham for their generous donation of \$1,000 towards the beautification of the Abel Street median strip.**

**CARRIED 8/0**

## **11 CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 6:22pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 21 October 2004.

\_\_\_\_\_  
Cr Terry Ginnane, Shire President