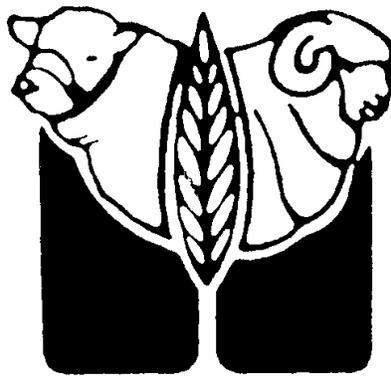


MINUTES



ORDINARY MEETING

HELD

THURSDAY, 19 FEBRUARY 2009

COMMENCED AT 3.44PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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

1.1 Attendance

Cr R Downing – Shire President
Cr P Marshall – Deputy Shire President
Cr S Broadhurst
Cr E Muncey
Cr A Piper
Cr M Giles
Cr B O’Hare
Cr T Ginnane

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Keith Jones (Manager of Finance)
Mr John Eddy (Manager of Works and Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr Geoffrey Lush – (Arrived 3.00pm)
Ms Kirsten Skraha (Arrived 3.30pm)
Mr Evan Meredith - (Arrived 4.48pm)

1.2 Apologies

Cr Kym Lamshed

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Kirsten Skraha – Water Polo Club

The Shire President recognised Kirsten for winning the Western Australian Rural Women of the Year Award 2009.

Kirsten informed the Council that the Water Polo Club has been successful in obtaining a grant for \$3,800 and it would be used to purchase 2 floating goals, 2 sets of caps, 2 ball games and 1 fridge. She indicated that the school students would be able to use the equipment. She went on to present the case on behalf of the Water Polo Club requesting Shire support for discounted pool hire fees.

4.02pm – Kirsten Skraha left the meeting.

5 CONFIRMATION OF MINUTES

5.1 Ordinary meeting of Council 18 December 2008.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.1

MOVED: Cr O’Hare

SECONDED: Cr Giles

That the minutes of the Ordinary Meeting of Council held on Thursday 18 December 2008, be confirmed as an accurate record.

CARRIED 8/0

Res 010/09

5.2 Special Council Meeting 15 January 2009.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 5.2

MOVED: Cr Giles

SECONDED: Cr Broadhurst

That the minutes of the Special Meeting of Council held on Thursday 15 January 2009, be confirmed as an accurate record.

CARRIED 8/0

Res 011/09

6 PRESIDENTIAL COMMUNICATIONS

09 Jan Attended BBCMC Function which included cheque presentation by Hon. Terry Redman.

23 Jan Represented Council and hosted the South-West Zone of WALGA meeting.

03 Feb Attended and hosted meeting of Warren Blackwood Strategic Alliance.
Attended Boyup Brook Telecentre for Hon. Brendon Grylls’ Ministerial announcement of regional funding.

I have had a number of Telephone conversations with Minister Redman and also with the EO of WBSA Tony Goode.

In the future the Council's Meeting Appendices will contain minutes of the meetings where Council is officially represented, so that Councillors can be more fully informed of happenings and plans involving our region.

7 REPORTS OF OFFICERS

COUNCIL DECISION

MOVED: Cr Marshall

SECONDED: Cr Piper

That the order of business in the agenda be changed to allow Item 7.3.8 and 7.3.9 to be brought forward and dealt with at this time.

CARRIED 8/0

Res 012/09

7.3 CHIEF EXECUTIVE OFFICER

7.3.8 Townsite Residential Survey
--

<i>Location:</i>	<i>Boyup Brook Townsite</i>
<i>Applicant:</i>	<i>Council</i>
<i>File:</i>	<i>EC/28/005</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>9th February 2009</i>
<i>Author:</i>	<i>Geoffrey Lush (Council's Consultant Planner)</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>1 – Development Areas 2 – Townsite Surrounds</i>

SUMMARY

Last year Council requested that Thompson McRobert Edgeloe to conduct a survey of residential development within the townsite. This arose because of concerns with the 2006 Census figures, showing an apparent significant decline in the number of existing dwellings.

This survey report has now been completed and lodged with Council.

BACKGROUND

Council's concern was that the 2006 Census figures showed a significant drop in the number of existing dwellings in the townsite since 2001. In 2001 the Census reported that

there were 282 dwellings within the townsite. The 2006 Census reported that this number had dropped to 208 dwellings. This figure has been disputed by Council as the loss of 74 dwellings (26%) would be obvious in the townsite.

In preparing the attached report we also reviewed the 2001 DPI Warren Blackwood Residential Land Release Plan which indicated that there were 275 dwellings in the residential zone.

Our 2008 survey confirms that there are approximately 325 existing allotments within the residential zone. These comprise of 291 dwellings and 34 vacant lots.

COMMENT

In addition to examining the current number of dwellings the investigation also considered:-

- The subdivision potential of the undeveloped land within the 'residential zone';
- Current State planning policies;
- Residential – rural residential lot mixture;
- Sewerage;
- Water Supply;
- Development Guide Plan zone
- Implications for the draft Rural Strategy.

Attachment 1 shows the potential areas which could be developed. However many of these areas have a number of limitations which reduces this potential.

While the potential supply of up to 159 new lots would seem to cater for many years urban growth, two thirds of this is confined to just two development areas. One of these is within the guided development zone which requires the provision of sewerage and co-ordination between several landowners.

There is a scattering of individual vacant lots in the town. A number of these form part of an adjoining residential property i.e. have gardens or sheds on them.

The delay in the provision of sewerage is a major concern and the Water Corporation has advised that the timing for the commencement of the construction of the sewerage scheme is tentatively 2011/12. The sewer requirement and potential servicing costs have been a major impediment to any development. As the town is presently not sewered the Health Department has advised that it would consider approving the use of onsite effluent disposal on lots larger than 1,000 sq.m in accordance with Clause 5.4 of the Country Sewer Policy (Health Department and Water Corporation).

For comparative purposes we also examined the capacity for potential rural residential lots in the surrounding area. We identified 16 'cells' as shown in Attachment 2 and examined the:-

- The existing lot size;
- Number of existing lots;
- Subdivision pattern;
- Potential constraints such as flooding, vegetation retention, access etc.

The summary of this analysis is contained in the following table (over page).

It is noted that the existing Special Rural Policy area within the Scheme does not include Special Rural Zones 1 or 3.

Reference to the 'committed' Special Rural areas means the combined Special Rural Policy Area and Special Rural Zones 1 and 3. These 'committed' Special Rural area have a total land area of approximately 717 hectares. There are 117 existing allotments of various sizes but which generally have a minimum size of 2 hectares.

Approximately 380 hectares of the 'committed' Special Rural is still to be subdivided. Based upon a minimum lot size of 2 hectares it is estimated that this land could potentially accommodate a further 154 allotments (acknowledging that there are 11 existing lots).

It is recognised that SPP 3 and other similar policies are promoting sustainable patterns of urban growth and settlement and this means that townsites should accommodate the majority of the population. The issue is to determine what is the appropriate balance between standard residential lots in existing townsites and low density 'lifestyle lots' on the fringes of these townsites. However there is no specific policy which can be referred to for guidance on what is the appropriate mix or ratio of rural residential to urban lots.

At present there are 441 existing lots in the residential and rural residential areas comprising of 325 residential lots and 116 rural residential lots. This means that at present 26% of total lots are rural residential. This could ultimately increase to 750 lots comprising of 481 residential lots and 270 rural residential lots if all the available land is subdivided. This means that ultimately 36% of total lots could be rural residential.

Area	Zoning	Area (ha)	Existing Lots	Potential Rural Residential Lots	Comment
1	Rural	255	6		Existing rural subdivision, 40 ha lot sizes. Undulating land with good road access.
2	Special Rural	180	64		SR Zones 4 & 6. Existing Ridgeview Estate.
3	Special Rural	97	3	42	Part of the site is within SR Zone 6. Current SGP shows 24 lots but this is being reviewed which should result in additional lots being available. Part of the site is subject of a current application (WAPC Ref 137819).
4	Rural	65	1	24	Land is within the existing SR policy area and could be rezoned. There is no existing SGP.
5	Special Rural	107	28		SR Zones 2 & 5.
6	Special Rural	127	2	53	Site is subject to Amendment 12 which is awaiting final approval.
7	Rural	510	7		Land is situated on the top of the primary river valley with good

					access.
8	Rural	57	1		Not within current policy area but the SGP for Area 8 extends over the site. As it is 'leapfrogged' by the policy area there is an argument for it to also be included in any review. This could provide approximately 25 lots.
9	Special Rural	90	5	35	Need to review SGP. Already includes some developed lots adjacent to the river.
10	Rural	279	13		Forms part of the Riverside Development Investigation Area. Contains a number of lots less than 40ha in size and is developing as a de facto hobby farm precinct. .
11	Rural	119	3		Identified for possible townsite expansion. Flood plain issue to be addressed.
12	Rural	209	9		Forms part of the Riverside Development Investigation Area
13	Rural	187	7		Area is already subdivided. Undulating land which is physically separated from the townsite.
14	Special Rural	51	14	0	SR Zone 1.
15	Rural	150	3		Isolated land with only a single access.
16	Rural	177	4		Proposed special residential development. Undulating land on the river the valley. Physically separated from the townsite by Area 11.
Total		2660	170	154	

It is not known how these percentages compare with other similar townsites. Given the location of the town and the promotion of rural 'lifestyle' issues there should be a greater percentage of rural residential compared to other locations. To put simply more people come to Boyup Brook looking for hobby farm lifestyles than do seeking traditional urban residential development.

Given the long term population projections for the townsite, there may be difficulty justifying the demand for new residential zones. The slow growth rates are also likely to jeopardise the viability of any multi lot residential subdivision i.e. over ten lots. Opportunities for urban consolidation by subdividing an existing lot into two lots can only proceed with reticulated sewerage.

The possible inclusion of Area 11 (Attachment 2) as a residential investigation area will provide for any long term growth scenarios.

The subdivision guide plan for the Guided Development Area should also be reviewed as the design is now out dated. It might also be feasible to revise or eliminate a number of the provisions relating to this zone in the Scheme.

CONSULTATION

Department of Planning and Infrastructure
Water Corporation
Health Department

STATUTORY OBLIGATIONS

None

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

Ultimately Council will need to prepare a Townsite Strategy to complement the Draft Rural Strategy. This investigation provides an initial starting point for the residential component.

The issues raised in this report also have implications for the BBR5 Townsite Surrounds Policy area within the Rural Strategy and this is the subject of a separate agenda item.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

- 4.26pm – Mr Keith Jones left the Chambers.
- 4.31pm – Mr Keith Jones returned to the Chambers.
- 4.40pm – Cr Muncey left the Chambers.
- 4.43pm – Cr Muncey returned to the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.8

MOVED: Cr O’Hare

SECONDED: Cr Muncey

That Council receives and notes the draft Townsite Residential Development Discussion Paper.

CARRIED 8/0

Res 013/09

7.3.9 Local Rural Strategy – Progress Report

Location: Boyup Brook
Applicant: Council
File: LN/42/004
Disclosure of Officer Interest: Nil
Date: 9th February 2009
Author: Geoffrey Lush (Council’s Consultant Planner)
Authorizing Officer: Alan Lamb, Chief Executive Officer
Attachments:
1- Modifications Schedule
2- BBR5 Townsite Surrounds Plan
3- Revised BBR5 Policy Statement

SUMMARY

The WAPC in July 2006 directed that a number of modifications be made to the draft Local Rural Strategy. These modifications are contained in Attachment 1.

Following several Council workshops and further discussions with the Department for Planning and Infrastructure the revised Draft Rural Strategy was submitted in February 2008. Since then the Department Officers have raised concern with the extent of the proposed development investigation areas within the BBR5 Townsite Surrounds Planning Precinct. This precinct extends for as 5km radius surrounding the townsite and includes the existing Special Rural Policy Areas and the proposed Riverside Development Investigation Area.

The concern was that the proposed development investigation areas (as shown in Attachment 2) provided too much land which might be considered for suitable for subdivision.

During this period The Western Australian Planning Commission had also been reviewing Development Control Policy 3.4 Subdivision of Rural Land. The revised Policy has provided both opportunities and constraints in relation to the various issues within the draft Rural Strategy; and

Council had requested that an examination of the residential land issue in the townsite be carried and this coincidentally complemented the land supply issues being raised by the Department.

BACKGROUND

The WAPC in July 2006 resolved that a number of modifications were required to be made to the draft Local Rural Strategy before it could be advertised for public comment. The Schedule of modifications are contained in Attachment 1.

Workshops were held with Council on the 24th April and 28th May 2007 to consider the issues associated with the modifications. As a result of this a process further negotiation occurred with the Department regarding the modification issues. The intention was that once agreement was reached then the revised Rural Strategy Report would be modified for checking prior to advertising.

Two issues remained unresolved being :-

1. Rural property boundary realignments; and
2. Policy Area BBR5 – Townsite Surrounds

In relation to rural property boundary realignments, the Department is agreeing with the 40ha minimum size (more than 10km from town) but is requiring that the normal subdivision criteria to the boundary realignment. That is the 40ha lot must contain at least 30ha of good farming land (Class 1 or 2). The issue with this has been that this criteria (WBRS) applies to greenfields subdivision for intensive agriculture. Where boundary realignment is proposed it is normally the 'poorer' land which is included in the smaller lot so that there is more 'good' left in the larger farming lot.

As it was proving difficult to negotiate this issue further with the Department it was informally agreed by Council that the Strategy be modified to reflect the Department's request. However it also intended that Council will make a submission to itself during the advertising period. The submission would need a more detailed explanation and examples to illustrate the issue.

The Department has also been concerned with concerned with Policy Area BBR5 – Townsite Surrounds and that the extent of the potential subdivision provided for in the Policy Plan is not justified in terms of demand. The draft Policy Plan is included as Attachment 2.

It was acknowledged that the Council as part of the review of the Town Planning Scheme Council would need to prepare a Townsite Strategy to compliment the Local Rural Strategy. However in the interim period the relationship between the townsite development and the surrounding precinct must be recognised to some extent in the Rural Strategy.

In relation to the proposed Development Investigation Areas the revised Strategy recommendation states that:-

- 64 No major development or subdivision should commence in these areas until such time as the Townsite Strategy is completed. In the absence of the Townsite Strategy, any proponent shall undertake such investigations as required by Council to ensure that the development of the land:-
- Does not prejudice the development of the townsite;
 - Can be adequately serviced;
 - Can be provided with suitable community infra structure; and
 - Has regard to any other matters as defined by Council.

The Department has suggested that this needs to include comments relating to "justification as to the need for the proposal based upon agreed population projections" or similar.

COMMENT

The review of the townsite residential land provided an opportunity to also address the subdivision potential and issues associated with the balance of the with BBR5 – Townsite Surrounds Policy Area.

As indicated in the previous report 16 'cells' were identified within Townsite Surrounds Policy Area 2 and examined in terms of:-

- The existing lot size;
- Number of existing lots;
- Subdivision pattern;
- Potential constraints such as flooding, vegetation retention, access etc.

The summary of this analysis is contained in the previous report on the Townsite Survey. The existing 'committed' Special Rural comprises of the existing Special Rural Policy area and the land outside of this which is zoned Special Rural (SR zones No 1 and 3).

The existing 'committed' Special Rural area has a total of approximately 117 existing allotments. Approximately 380 hectares of the 'committed' Special Rural is still to be subdivided. Based upon a minimum lot size of 2 hectares it is estimated that this land could potentially accommodate a further 154 allotments.

It is noted that while a number of land owners have indicated that they have no wish to subdivide there are two present proposals being considered being:-

- Subdivision application (WAPC Ref 137819) Lot 1284 Banks Road; and
- Amendment 12 Lots 720 and 721 Bridgetown Road.

These two proposals account for approximately 73 lots of the above total of 154 lots.

In addition to this, the Strategy also provides for the development of rural small holdings within other portions of the BBR5 – Townsite Surrounds Policy Area. These are lots larger than 4 hectares in size.

The Planning Commission normally promotes that there should be sufficient zoned land to cater for a minimum of three years supply of various lots. This is because of the time delay in obtaining approvals to proceed with subdivision. Where a rezoning is required this period can be significantly extended.

It would appear that the land already committed for rural; residential development in the Scheme should meet any likely demand for some years.

Since the review of Development Control Policy 3.4 Subdivision of Rural Land the Commission has:-

1. Been promoting that there should be a stronger emphasis based upon the majority of the population being accommodated in townsites managed on a more sustainable basis. Conversely there has been a stronger resistance to ongoing rural residential strategy being promoted planning strategies.

2. Acknowledged that the requirement for the provision of a reticulated water supply for rural residential lots less than 4 hectares in size, needs some flexibility and consideration could be given to allowing smaller lots with no reticulated water supply (prior to 2001, two hectares was the normal cut off size for water supplies).

As a result we have been able to negotiate with the Department that the balance of the existing Special Rural areas should be allowed to be subdivided into 2 hectare lots with no requirement for a reticulated water supply. This is consistent with the existing subdivision in those areas.

As this effectively doubles the lot yield in these areas, less broad acre land is now required to accommodate the same population. Consequently less land in BBR5 – Townsite Surrounds Policy Area is required for subdivision.

As a result of these discussions and the completion of the Townsite Residential Survey, the BBR5 – Townsite Surrounds Policy Area has been revised and is included as Attachment 3. This revised Policy Statement reduces the subdivision potential within the policy precinct while still recognizing the main development issues raised by Council.

CONSULTATION

- Department of Planning and Infrastructure
- Water Corporation
- Health Department
- Landowners

STATUTORY OBLIGATIONS

None

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

The agreement of the revised BBR5 – Townsite Surrounds Policy Area statement is now the last matter to be resolved with the Planning Commission prior to commencing advertising. The draft Policy Statement has been forwarded to the Department for comment.

SUSTAINABILITY ISSUES

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.9

MOVED: Cr Giles

SECONDED: Cr Piper

1. That Council receives and notes this report.
2. That the outcome of the examination of the revised BBR5 – Townsite Surrounds Policy Area statement by the Department be reported back to Council prior to submitting the final Draft Strategy for advertising.
3. That a report be prepared for Council's consideration on the issue of the Department's requirements for rural property boundary realignments.

CARRIED 8/0

Res 014/09

4.50pm – Mr Geoffrey Lush left the meeting.

Evan Meredith, recipient of the McLaughlin Scholarship, addressed the Council meeting on the importance of Sandakan and what he expects to gain from his visit to Sabah.

4.58pm – Evan Meredith left the meeting.

4.58pm – Mr Alan Lamb left the Chambers.

5.00pm – Mr Alan lamb returned to the Chambers.

7.1. MANAGER WORKS & SERVICES

7.1.1 Proposed New Road Name

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>EW & LM Willett</i>
File:	<i>RD/35/006</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>3rd February 2009</i>
Author:	<i>John Eddy – MWKS</i>
Authorising Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Policy P.08 Naming New Roads</i>

SUMMARY

The applicants, EW & LM Willett have requested that the surname of 'Letchford' be considered by the Council as a future road/street name within the Shire of Boyup Brook and added to the schedule of suggested names.

BACKGROUND

The applicants have forwarded a brief summary of the Letchford family history in the Boyup Brook community:-

A short family history:

- Henry George Letchford purchased blocks in the Nelson Location on the Boyup Brook Bridgetown Road in September 1908.
- Sons, George and Percy purchased virgin blocks on Howard Road in the late 1930's.
- Sydney purchased virgin bush on Abel Road opposite the family farm in 1940's.
- Sydney purchased the family farm in 1950.
- Percy's son, Ken farms their family farm on Howard Road, Jeffery farms George's farm on Howard Road and Colin purchased a farm on Greenfields road, which is now farmed by son, Anthony.
- Daughter, Lyn and husband Ted now farm the original Family farm.
- In essences the name 'Letchford' abounds in this south west corner of the Boyup Brook Shire.

Henry George:

- Worked fencing, clearing land for other farmers, dug drains and carted gravel for the Boyup Brook Roads Board while developing his own blocks.
- Instigated the establishment of the Boronia Gully School for local children.
- Elder of the Bridgetown Methodist Church and worked hard to establish the Boyup Brook Methodist Church.
- President of the Soccer Association, which included Catterick, Greenfields, Rovers, Bridgetown and Boyup Brook. Umpired regularly and donated the perpetual trophy for the winning team.
- Secure the 'Eight Mile Well' as an 'A' class reserve for sporting activities. A soccer field and tennis courts were made. Now the Blackwood Pony Club.
- Very supportive of the Boyup Brook Co-op.
- Developed a top Jersey dairy herd and won several Champion trophies at local shows.

Sydney Walter:

- Respected for his Romney Marsh Stud and fat lambs produced.
- Became part of the new fledgling clover industry harvesting and selling seed.
- Community Achievements: P & C Member and School Bus representative, treasurer for the Boyup Brook Bowling Club for thirteen years, Foundation President of the Croquet Club, Life member of the Romney marsh British Breeds Society, Certificate of merit from the Heart, Cancer and Arthritis foundation for his thirteen year's work organising their appeal in this district, member of the volunteer fire brigade, volunteer at the Tourist Centre and Elder of the Uniting Church.

Blanche Myrtle

- Commission of the Girl Guides.
- Ladies Golf Captain and President and served on the Committee for many years.
- Bowls Captain and President and served on the Committee for many years.
- Instigator of the Bridge Club.
- Member of the Croquet Club.

Lynette Margaret

- Boyup Brook Women's Hockey Captain and President, Blackwood Hockey Association President, Life member BBWHC.
- President of the Boyup Brook Playgroup and instigator of the Family Stop Centre.
- President of Pre School Committee and member of P & C Association.

- Ladies Captain of the Boyup Brook Tennis Club and committee member for many years.
- Ladies Captain and secretary of the Boyup Brook Golf Club.
- Participant in local Marathon.

COMMENT

The 'Letchford' family name satisfies all the criteria in the Shire of Boyup Brook naming New Roads Policy and is considered suitable to be added to the schedule of suggested road names included in the policy.

(See appendix 7.1.1 – Policy P.08 Naming New Roads)

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

The Geographic Names Committee gives final approval of Street and Road names submitted by Local Authorities.

POLICY IMPLICATIONS

Compliance with Shire of Boyup Brook Policy No P.08.

BUDGET / FINANCIAL IMPLICATIONS

NIL

STRATEGIC IMPLICATIONS

NIL

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no significant economic issues.
- **Social**
The process of maintaining a register of names for selection of new road names is recognising the local identities and history of Boyup Brook.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1.1

MOVED: Cr Piper

SECONDED: Cr Broadhurst

That the Council approve the inclusion of the surname 'Letchford' to the schedule of suggested names in the Shire of Boyup Brook Naming New Roads Policy – P.08.

CARRIED 8/0

Res 015/09

MEETING ADJOURNMENT

MOVED: Cr Giles

SECONDED: Cr Ginnane

That the meeting be adjourned from 5.03pm

CARRIED 8/0

Res 016/09

RESUMPTION OF MEETING

MOVED: Cr Broadhurst

SECONDED: Cr Piper

That the meeting recommence at 5.14pm

CARRIED 7/0

Res 017/09

5:15pm - Cr Giles returned to the meeting.

Proximity Interest

5:18pm - Cr Ginnane declared a proximity interest in the item 7.1.2 and departed the Chambers.

7.1.2	Bridge Street Sculptures
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Location:	<i>Bridge Street Median – Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>PA/46/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10th February 2009</i>
Author:	<i>John Eddy – MWKS</i>
Authorising Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – (Sketch Plan) (Appendix 7.1.2)</i>

SUMMARY

Recommendation that the location of the two sculptures in the Bridge Street median strip, future paving and ground works be approved by the Council.

BACKGROUND

Resolution 009/09 of the Ordinary Meeting of Council held on 15 January 2009 directed that a report be presented to the February Ordinary Council Meeting indicating designs (see *appendix 7.1.2*) for the surrounds of the works of art in Bridge Street.

COMMENT

At the January Meeting of Council the Council decided to locate the sculptures in the Bridge Street median strip between Barron Street and Forrest Street.

The sculptures have been positioned to achieve the best results with regard to sight distance, access, photographic opportunity and power supply for future up-lighting. The location of the sculptures will require the re-locating of existing trees and ground works to be completed when conditions are suitable.

To maintain the character and natural materials of Boyup Brook the concrete base of the sculptures will be encased with ironstone rock and the surface of the base covered with gravel.

Access paths will be constructed as shown on sketch plan. (*See appendix 7.2.1*).

The estimated cost to provide up-lighting to the sculptures is \$2,500 plus Western Power costs.

An application has been made to Western Power for an un-metered power supply to the up-lights. This will involve an installation cost and then an annual fee to Western Power as per the current arrangement for structure lighting.

CONSULTATION

The author has consulted with:-

- Chief Executive Officer
- Parks and Gardens Supervisor
- Electrician D. Lloyd
- Western Power

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

NIL

BUDGET / FINANCIAL IMPLICATIONS

Nil at this time however there may be a need to amend the budget to approve any additional expenditure. This could be done once Western Power costs are provided.

STRATEGIC IMPLICATIONS

Compliance with Action Plan 6.5 – Action 120 as the sculptures were originally planned and purchased as entry statements.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Sculptures will enhance the cultural amenity of the townsite.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1.2

MOVED: Cr O’Hare

SECONDED: Cr Broadhurst

That the location of the two sculptures in the Bridge Street median strip, future paving and ground works be approved by the Council.

CARRIED 7/0

Res 018/09

5:19pm - Cr Ginnane returned to the meeting.

7.2. MANAGER – FINANCE

7.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11 February 2009</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

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

BACKGROUND

Invoices have been received during the month of January 2009.

COMMENT

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

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

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

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2008/09 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr Ginnane

SECONDED: Cr Giles

That the payment of accounts for December 2008 and January 2009 as presented totalling \$1,019,871.28 and as represented by cheque voucher numbers 17225 – 17341 totalling \$309,746.10, and accounts paid by direct electronic payments through the Municipal Account totalling \$710,053.68 be endorsed.

CARRIED 8/0

Res 019/09

7.2.2 December 2008 & January 2009 Monthly Statements of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 February 2009</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the months ended 31 December 2008 and January 2009, and Investment Schedule for the month ended 31 January 2009.

BACKGROUND

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

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

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

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

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2

MOVED: Cr Giles

SECONDED: Cr Piper

That the December 2008 and January 2009 Monthly Statements of Financial Activity as presented, be received.

CARRIED 7/1

Res 020/09

7.3. **CHIEF EXECUTIVE OFFICER**

7.3.1 Annual Report – 2007/08

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>CM/52/001</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 February 2009</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>N/A</i>
Attachments:	<i>Yes – 1.5 Draft Annual Report 2007/08</i>

SUMMARY

The purpose of this report is to present to Council the Annual Report for the year 2007/08 for their acceptance.

BACKGROUND

The Local Government Act 1995 sets out the requirement for the preparation of Annual Reports and the information to be included:

- A report from the mayor or president;
- A report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year;
- The financial report for the financial year;
- Such information as may be prescribed in relation to the payments made to employees;
 - i) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
 - ii) the number of employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000;
- the auditor's report for the financial year;
- a matter on which a report must be made under section 29(2) of the *Disability Services Act 1993*; and
- such other information as may be prescribed.

Council is required to accept the Annual Report when presented with or without modification:-

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* *Absolute Majority required.*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

CONSULTATION

Shire President, Manager of Finance, Manager of Works.

STATUTORY OBLIGATIONS

Local Government Act 1995 Sections 5.53 & 5.54 Annual Report, Sections 5.27 & 5.29
Electors Meeting
Local Government (Administration) Regulations 1996 Section 19B

COMMENT

The report presented has been prepared in accordance with the past format and includes the information required in the background section of this report.

Council will need to agree on a date to hold the Annual General Meeting of Electors which must be prior to 2nd April 2009 but not before (14) days local public notice is given.

It is recommended that Council accept the report as presented.

POLICY IMPLICATIONS

No specific policy in relation to the Annual Report and or Annual Electors Meetings.

BUDGET/FINANCIAL IMPLICATIONS

The costs associated with producing the Annual Report and holding Annual Electors meeting are provided for in the 2008/09 budget.

STRATEGIC IMPLICATIONS

The Annual Report provides information about the Shire for 2007/08 and the plan for the future.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Item 1
Simple Majority Item 2

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.1

MOVED: Cr Ginnane

SECONDED: Cr O’Hare

- 1, That Council accepts the Annual Report as presented for the 2007/08 financial year subject to minor alterations as agreed at the meeting.
2. That the Annual meeting of Electors for the year 2007/08 be held in the Council Chambers on Thursday 19th March 2009 at 7.30pm.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 021/09

FINANCIAL INTEREST

5.28pm Cr Downing declared a financial interest in item 7.3.2, Cr Marshall assumed the Chair.

7.3.2 Anzac Day - Sandakan

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>CR/26/006</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>10th February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The Shire President will be travelling to Sandakan to meet with the new President of the Sandakan Municipal Council and attend the Anzac Day ceremonies there. It is recommended that The Shire President’s costs be met.

BACKGROUND

This Shire has a long standing association with the Sandakan Council and community and there have been regular reciprocal visits by Presidents and other dignitaries. There has been a change in the Sandakan Council President position.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

COMMENT

This Council has a long and strong tie to the Sandakan community through the remembrance of terrible, and largely unknown, World War II (WWII) events in that region. Representatives from each municipality have honoured the supreme sacrifice that Australians and Sanakans made during this conflict by travelling to attend each others ceremonies held to commemorate the Sandakan march and Anzac Day.

Ceremonies held in Sandakan are attended by Australian Service personnel, Parliamentarians and others and the Shire President has made travel arrangements that will allow him to attend this years Anzac Day service in Sandakan.

It is suggested that Council has taken the course to strongly recognise the sad events in Sandakan in WWII and that the President's planned visit to meet with the new Council President and attend Anzac Day commemorative functions should be supported by Council.

POLICY IMPLICATIONS

Council's "Conferences – Attendances and Expenses by Councillors" policy has application

BUDGET/FINANCIAL IMPLICATIONS

Identified costs total to just over \$1,000 however there will be additional costs and it is estimated that the total cost would not exceed \$1,200.

Council budgeted \$11,500 for Conferences and Seminars and to date \$11,419.50 has been allocated to this account. Council also budgeted \$2,500 for Training and there has been no allocation to this account to date.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage.

- **Economic:**
There are no known economic issues at this stage.

- **Social:**
Council forged a link with Sandakan some years ago and the significance of the WWII tragedy that occurred there has become a part of the community's focus. The President's planned visit is designed to strengthen the links between the two communities.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr Piper

SECONDED: Cr Broadhurst

That Council support the Shire President’s planned trip to Sandakan to meet with that municipality’s new President and attend Anzac Day functions and that travel, accommodation and ancillary costs be met to a maximum of \$1,200.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 022/09

5.31pm – Cr Downing returned to the Chambers and assumed the Chair.

7.3.3 Donation Request – Boyup Brook Bowling Club

Location:	<i>Boyup Brook district</i>
Applicant:	<i>Boyup Brook Bowling Club</i>
File:	<i>FM/25/040</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>11 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Letter from Club</i>

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Muncey

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

CARRIED 8/0

Res 023/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Giles

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

CARRIED 8/0

Res 024/09

SUMMARY

The club seeks a grant of \$50,000 toward its synthetic turf project and the recommendation is that the request be dealt with in accordance with Council policy.

BACKGROUND

The club has been working on its synthetic green project for some time and now seeks financial assistance from Council.

COMMENT

The Royalties for Regions funding available to Council through the Country Local Government Fund is tied to Council owned assets and as the green is to be built on Boyup Brook Club owned land these funds could not be applied to this project.

Council has also reinforced its adherence to its Donation Policy in recent times and it may seem inconsistent if it were to deal with this request at this time.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's Donations Policy applies.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Marshall

SECONDED: Cr Ginnane

That Council request that the Boyup Brook Bowling Club make its donation application in accordance with Council's Donations Policy.

CARRIED 8/0

Res 025/09

7.3.4 DEC Focus Group – Shire Representative

Location:	<i>Boyup Brook district</i>
Applicant:	<i>DEC</i>
File:	<i>EN/31/002</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>11 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – DEC Letter</i>

SUMMARY

The Department of Environment and Conservation (DEC) is establishing a focus group and seeks a Shire representative.

BACKGROUND

The Department of Environment and Conservation (DEC) is establishing a focus group to provide community input and advice to DEC in preparing a management plan for the parks and reserves of the Lake Muir, Perup, Kingston, Tone and Unicup area. As much of this area is in the Boyup Brook Shire DEC seeks a Shire representative to work on this group. The first meeting was to be held in February and there would be 4 to 5 meetings in total.

DEC needed an early response and so the Shire President's name was put forward as the Shire representative with a note to advise that the matter would be put to this Council meeting and that there may then be a change.

COMMENT

This presents an opportunity for the Shire to have input into DEC management plans for parks and reserves in the Shire. It is understood that the first meeting will be a public meeting and that attendance is expected to be relatively high but that fewer numbers are expected at subsequent meetings. Also that there will be a reasonable work load for delegates.

CONSULTATION

The author has spoken with a DEC representative and the Shire President.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATION

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental:**
There are no known environmental issues at this stage.

- **Economic:**
There are no known economic issues at this stage.

- **Social:**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.4

That Council nominate Councillor as its representative on the Department of Environment and Conservation’s focus group for a management plan for its parks and reserves in the region.

COUNCIL DECISION – ITEM 7.3.4

MOVED: Cr Giles

SECONDED: Cr Marshall

That Council nominate Mr Kevin Henderson as its representative on the Department of Environment and Conservation’s focus group for a management plan for its parks and reserves in the region.

CARRIED 8/0

Res 026/09

7.3.5 Royalties for Regions – Country Local Government Fund

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>GR/31/001</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>11 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – DLGRD letter and Grant Guidelines</i>

SUMMARY

This Council's grant for 2008/09 is \$579,414 and it is recommended that the funds be applied to works at the Town Hall and the Shire Administration/library building.

BACKGROUND

Consistent with election promises, the State Government has announced its Royalties for Regions grant planning and in the current year Boyup Brook is entitled to \$579,414. The Country Local Government Fund (CLGF) is to be distributed direct to Councils in the current year and then, according to information provided by the Department of Local Government and Regional Development (DLGRD), "up to 50% of the Country Local Government Fund in years two, three and four will be allocated through existing and emerging regional governance groups of local governments".

COMMENT

The guidelines, as attached, restrict what the funds may be spent on. The funds may be applied to building and infrastructure assets. However, it is likely that the Grants Commission will take into account CLGF funds applied to road asset preservation and renewal which may adversely affect the financial assistance grant allocations. Because of this uncertainty and as there may be difficult to gear up for additional road works jobs (noting also that there may well be additional Federal Government funding for 2009/10 which, based on announcements, may well be aimed at infrastructure) it is suggested that the funds be applied to buildings.

Council has the Administration/Library building project that is pending, the Town Hall and Flax Mill which we are waiting for the completion of conservation plans, there are a number of community halls that could benefit from some expenditure, the airfield has been noted as perhaps needing to be extended, the combined sporting complex is in the feasibility stage, and a community group is desirous of capital improvements at the swimming pool. Council may seek to apply its 2008/9 allocation on some of these and to look to applying future years funds on others.

With regard to the Administration/library building project, we are going back to square one to establish more scientifically what floor space is required and then we will be asking the architect to apply this to the plan of the existing building to establish if the planned extension is the right size. This process is expected to be completed by the end of this month.

The Town Hall and Flax Mill study is in its final stages and the architect expects it to be completed by the end of March. Unfortunately estimated costs were not a part of the consultancy and so we will end up with detail of what is needed but no indicative costs.

The community has already highlighted a need for the hall to be air-conditioned and for the kitchen to be up graded but neither has been costed as yet as they will have to be in keeping with the conservation plan that is being done and costs will be affected by any constraints imposed by the plan.

Community groups are at various stages with maintaining their halls.

No work has been done in relation to the airfield extensions.

The combined sporting complex project's feasibility study is waiting for the architect to meet with the committee and then for the architect and CEO to meet with each sporting group to ascertain their requirements, hopes, plans etc.

The swimming pool group is working with a consultant on a feasibility study and the study is progressing.

Whilst none of the projects is ready for immediate work the Administration/Library, Town Hall and Flax Mill projects are well advanced. Both would also be candidates for additional grant funding (i.e. Admin/library should attract South West Development Commission grant funding for the library and the hall and Flax Mill should be eligible for Lotteries Commission grants).

Information provided by the DLGRD indicates there is no deadline for Council's to select projects and lodge forms. Also that there is provision for amendments to be made and funds can be carried forward past 30 June 2009. The options therefore include putting off a decision on how to apply the grant funds until the March meeting of Council when more information should be available or to send off the grant acceptance form now in the knowledge that it may be amended.

If the latter was chosen then it is suggested that the Administration/Library and Town Hall projects be funded with the current year's allocation with the split being \$400,000 for the former and \$179,414 for the latter.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Neither the income nor the expenditure of this grant is included in the budget.

STRATEGIC IMPLICATIONS

The grant is not in the plan but projects that might be funded are.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Marshall

SECONDED: Cr Piper

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

CARRIED 8/0

Res 027/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Giles

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

CARRIED 8/0

Res 028/09

OFFICER RECOMMENDATION – ITEM 7.3.5

That Council Authorise the Chief Executive Officer to complete the Royalties for Regions Country Local Government Fund Acceptance form with funding being provided for the Administration/Library building extensions (\$400,000) and Boyup Brook Town Hall conservation and improvements (\$179,414)

FINANCIAL/PROXIMITY INTEREST

6.04pm – Cr Marshall declared a proximity/financial interest in item 7.3.5 and left the Chambers.

COUNCIL DECISION – ITEM 7.3.5

MOVED: Cr Giles

SECONDED: Cr Ginnane

That the Chief Executive Officer prepare estimates and reports on funding the following projects:-

- **Heritage Buildings**
- **Sporting Complex**
- **Library/Office**
- **Telecentre**
- **Airstrip**

CARRIED 7/0

Res 029/09

6.08pm – Cr Marshall returned to the Chambers.
- K Jones left the chambers

7.3.6 Review of Delegations of Authority

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>GO/15/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – 1.6 current Register of Delegations of Authority Manual</i>

SUMMARY

This item reviews the existing Delegations of Authority and recommends that the existing delegations continue without change.

BACKGROUND

Local Government Act 1995 section 5.42(1) states a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

Local Government Act 1995 section 5.46(2) states At least once every financial year, delegations made under this Division are to be reviewed by the delegator. Council last reviewed its delegations at the December 2007 Council meeting.

COMMENT

An extensive review of the Shire of Boyup Brook Delegations of Authority conducted in December 2007 and it is suggested that no further changes are needed at this time.

CONSULTATION

Manager of Works and Services
Manager of Finance
Health & Building Officer

STATUTORY OBLIGATIONS

Local Government Act 1995 (various sections)
Local Government Act (Administration) Regulations 1996
Local Government Act (Functions and General) Regulations 1996
Occupational Safety and Health Act 1984 and Regulations 1986
Local Government (Financial Management) Regulations 1996
Local Government (Miscellaneous Provisions) Act 1960

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The adoption and implementation of this Delegations Authority will not require any additional expenditure.

STRATEGIC IMPLICATIONS

The Delegations of Authority will assist with the delivery of “Best Practice” within the industry.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.6

MOVED: Cr Giles

SECONDED: Cr O’Hare

That, following a review, Council adopt the Delegations of Authority as presented and the same be implemented as from 19 February 2009.

CARRIED 8/0

Res 030/09

6.11pm – Keith Jones returned to the Chambers.

7.3.7 FESA Review of Plantation Fire Guidelines

Location:	<i>Whole of Shire</i>
Applicant:	<i>FESA</i>
File:	<i>EM/31/001</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>9th February 2009</i>
Author:	<i>Geoffrey Lush</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>No</i>

SUMMARY

FESA has circulated a review of the 2001 "Guidelines for Plantation fire protection" and is seeking Council's comments on this matter.

BACKGROUND

The review of the FESA guidelines for plantation fire protection has been continuing for several years for the purpose of updating the 2001 "Guidelines for Plantation fire protection" to reflect the changing needs of the timber industry, local government and fire services in regards to plantations.

These guidelines are currently being rewritten to encompass a range of plantation species and conditions as relevant to the growing number and types of plantations across WA. Stakeholders from the plantation industry, DEC, Forest Products Commission, WALGA and local shires who have expressed an interest in the draft have received the document to provide comment.

The revised Guidelines address:-

2. Planning for Plantation Fire Management

- 2.1 External breaks and set back distances
- 2.2 Fuel load Reduction

3. Fire Management Plans

4. Plantation Fire Protection Specifications

- 4.1 Compartment size
- 4.2 Fire Breaks and Access
- 4.3 Water Supplies

5. Equipment and Training Standards

- 5.1 Equipment Standards
- 5.2 Training

6. Harvesting and Post plantation Management

- 6.1 Harvesting

6.2 Post Plantation Management

7. Plantation Life Cycles and Species specific information

7.1 Eucalyptus globulus

7.2 Pinus species

7.3 Santalum species

COMMENT

A summary comparison between the existing and revised Guidelines is shown in the following Table. The Guidelines promote many of the existing measures contained in Planning for Bushfire Protection and treat plantations as a high or extreme fire hazard.

It is acknowledged that the plantation industry now contains a variety of species covering a large area and one set of criteria will not meet the needs of all the various plantation types. The Guide notes that every plantation grower must have the potential to attend a fire on their own plantation, and have a legal responsibility to try and prevent fire from escaping their land in line with the Bush Fires Act 1954.

The revised Guidelines state that:-

A statutory ability for Local Government Authorities (LGA's) to consider the impact of plantations and implement provisions of these guidelines may be achieved by their inclusion within a town planning scheme. This may be by the use of a policy statement and / or the consideration of tree plantations as a development requiring Local Government determination through town planning schemes.

The Guidelines reinforce the need for appropriate site selection for plantations including: the following separation distances:-

- A minimum distance of 100m between the plantation and an existing or approved habitable building. If a plantation is less than 100m from a habitable structure, the structure must be built to increased construction standards in accordance with Australian Standards -AS 3959 Construction of buildings in bush fire prone areas
- A minimum distance of 50m between the plantation and an existing or approved non-habitable structure (i.e. sheds and enclosed storage areas); and
- Plantations within 1 km of intensive development such as Urban, Special Residential, Residential Development, Special Rural, etc may be required to provide additional fire protection measures.

There is no specific reference to the separation from houses within the plantation property and it would be assumed that the above separation distances also apply to them.

In relation to firebreaks the revised Guidelines distinguish between various species such as eucalyptus, pine, mallee oil and sandalwood. It retains the 15m boundary firebreaks for Eucalyptus (the same as present) but it acknowledges that this may be a minimum of 10m. This effectively means that the boundary firebreaks can be reduced unless there are reasons not to do so.

The 2001 FESA Guidelines for Plantation Fire Protection recommended the following minimum equipment standards:

1. For plantations less than 100 ha – one fast attack unit;

2. For plantations between 100 and 1000 ha – one 2.4 medium duty appliance; and
3. For plantations greater than 1000 ha – one 3.4 heavy duty appliance.

The revised Guidelines has deleted the requirement for any specific equipment standards. The Guide notes that a mobile fire fighting unit should be in the plantation at the time of harvesting, during the restricted and prohibited burning periods and should remain on site immediately post harvest each day of harvest to ensure breakouts do not occur.

Standard / Requirement	Guidelines for Plantation Fire Protection 2001 (current)	FESA Standards for Plantation Fire Protection (proposed)
Plantation Setback Distances		
Existing structures	<ul style="list-style-type: none"> - No plantation trees planted within 50 metres of any existing or proposed structure and - A further 50 meters of plantation should be pruned and have ground fuels reduced to provide a minimum of a 100 metre low fuel area immediately surrounding the structure (p.5). 	<ul style="list-style-type: none"> - A minimum 100m wide 'hazard separation zone' to a habitable structure. Habitable structures will be subject to increased construction standards if located within the 100m wide 'hazard separation zone'. - A minimum 50m wide 'hazard separation zone' to non-habitable structures.
External Firebreak Requirements / Boundary Breaks	<ul style="list-style-type: none"> - A standard minimum boundary setback of fifteen (15) metres. - This section only relates to setbacks from boundaries. - A minimum 15m firebreak is to be provided to adjoining public roads. 	<ul style="list-style-type: none"> - Tabulated on page 7 and is based upon the type of tree species. - The minimum has been reduced to 10m for Eucalyptus and Oil Mallee plantations. - Other tree species retain a 15m wide firebreak. - The external setback requirements relate to roads, as well as, boundaries.
Other infrastructure	A brief section in the report that only related to setbacks to power lines, which referred the reader to contact Western Power.	New inclusions of new firebreak standards for a variety of infrastructure are tabulated in Section 2. Such infrastructure includes power, telecommunications and pipelines. The specifications are based upon the type of plantation.
Compartment Break / Internal Firebreaks	<ul style="list-style-type: none"> - Internal firebreaks measured between compartments of up to 30 hectares must be a minimum of 6 metres. - For compartments over 30 hectares, a minimum of 10 metres wide. - Horizontal clearing minimum of 5m and vertical clearing minimum of 4m. 	<ul style="list-style-type: none"> - Includes additional internal firebreak requirements for native vegetation. - Firebreaks for plantations have not changed. - Horizontal clearing minimum of 5m and vertical clearing minimum of 5m for plantations. - Maximum grade for firebreaks no greater than 1 in 8 slope.
Compartment layout	- Section 4.1 provides a brief summary of key points.	- Section 4.1 provides additional requirements to regulate the compartment size and layout.
Access	<ul style="list-style-type: none"> - No recommendations for passing bays provided. - Minimum trafficable surface (running surface) of 5m 	<ul style="list-style-type: none"> - Recommendation for passing bays to be provided at 200m intervals with a minimum length of 20m and a minimum width of 6m. - Recommended minimum trafficable surface (or running surface) of 6m in width.
Water Supply		
Water Supplies	Water supply facilities are	Section 4.3 states that it is the plantation growers'

Standard / Requirement	Guidelines for Plantation Fire Protection 2001 (current)	FESA Standards for Plantation Fire Protection (proposed)
	designed and constructed to Bush Fire Service or CALM specifications.	responsibility to provide water for fire fighting purposes. This section has been expanded upon to provide additional requirements.
Water Supply Standards	Are included within Appendix 2. The requirements for the location of Dams and Water Points are more detailed.	Are found in Appendix 1. The water supply standards are generally the same as the original water supply standards found within the Guidelines for Plantation Fire Protection document. The note section has been updated to reference the 'Planning for Bushfire Protection' document. This provides some confusion as the minimum discharge rate from standpipes and hydrants is 600 litres per minute in <i>Planning for Bush Fire</i> , whereas this document refers to 450 litres per minute as the minimum.
Equipment Standards and Training		
Equipment	Plantation growers required to supply fire fighting equipment to local brigades, if the plantation was located within a brigade area.	No contribution for fire fighting equipment required. Plantation growers are now responsible for attending to a fire on their own plantation, and have a legal responsibility to try and prevent fire from escaping their land in accordance with the <i>Bush Fires Act 1954</i> and subject to equipment standards listed in section 5.1.
Training	No section for training provided.	New recommendations are provided in section 5.2. These recommendations do not bind the plantation growers to committing to training their employees.
Fire Management Plans		
Fire Management Plan	A Model Fire Management Plan is found in Appendix 1. This Model provides a clear summary of what information is required to be included within a fire Management Plan.	Guidelines for the preparation of a Fire Management Plan are found in Section 7. These guidelines require additional fire protection measures relating to harvesting procedures and the preparation of a Fuel Reduction Program. The guidelines also require Fire Management Plans to provide information on surrounding remnant vegetation. Additional provisions for the preparation of Fire Management Maps are also included within the guidelines.
Additional Standards / Requirements		
Harvesting	Not provided.	Additional requirements found in Section 6, which relate to the FIFWAs 'Fire Season Requirements'. For example, harvesting operations (operation of machinery) in restriction periods.
Sign Posting/Maps	Section 4.4 lists several items that are required to be shown on Sign Postings and/or Maps.	Guidelines for maps, but not sign postings are provided in Section 7.
Post Plantation Management	Not provided.	Additional requirements found in Section 6, which bind the landowner to maintaining established firebreaks post harvesting.
Fuel Reduction	Not provided.	Recommendations for modifying and reducing fuel loads to increase the effectiveness of firebreaks.
Plantation Lifecycles	Not provided.	Refer to section 7, which provides an explanation of the changing fuel dynamics within the plantation cycle of four (4) tree species and the impacts on fire behaviour.

Standard / Requirement	Guidelines for Plantation Fire Protection 2001 (current)	FESA Standards for Plantation Fire Protection (proposed)
Glossary	Found at the beginning of the document in Section 2.	Found at the end of the document in Appendix 2 and has been elaborated upon to include additional definitions.

Town Planning Scheme No 2 already contains provisions for equipment standards in relation to plantations and the issue is further dealt with through Council's Local Planning Strategy.

Council 'standard' condition relating to equipment standards states that:-

Provision of a minimum manned fast attack fire fighting unit of a standard that complies with the guidelines for plantation fires that is available within (20) minute's response time of this plantation.

CONSULTATION

The draft revised guidelines were circulated to Councils in mid December with a request for comments by the 12th January. FESA has advised that it will receive additional comments.

The Shire of Plantagenet has also written to a number of Councils expressing its concern with the revised Guidelines and stated that:-

The existing 10 page Guidelines for Plantation Fire Protection (2001) is simple, precise and prescriptive. We firmly believe this document should remain in place as the industry guide with some minor amendments to update the document, these being:

- The inclusion of a Plantation Life Cycles brief for key plantation species including carbon and biomass plantations;
- Requirements during plantation harvesting, such as the presence of fire fighting units and consideration of vehicle and harvest movement bans. Reference will need to be made to individual Local Government requirements detailed in their Annual Firebreak Notice;
- Requirements for plantation harvest debris, for example coppice and trash heaps;
- Requirements for plantations post harvest;
- Review the minimum discharge rates h m standpipes and hydrants from 450 litres per minute to 600 litres per minute, in line with the Planning for Bush Fire Protection; and
- Training guidelines which include reference to existing Bush Fire Brigade structures, joint training initiatives and membership of the plantation companies on the relevant Bush Fire Brigades where possible, to foster a closer working relationship between plantation companies and local Brigades.

STATUTORY OBLIGATIONS

Section 5.18 of the Scheme deals with plantations and requires that:-

“In addition to those requirements detailed in Clause 3.4 of the Scheme, Council shall, when considering Plantations in the “Rural” zone, require the submission of a fire management plan and a plantation management plan prior to determining the application. In addition to those other matters contained Clause 5.2, Council shall, in considering applications for “Plantations” have regard to, the requirements established in Council’s Tree Plantations Policy and generally require compliance with the following:

- i) The Code of Practice for Timber Plantations in Western Australia;
- ii) Firebreak Order 1997/1998 (or subsequent variations thereof); and
- iii) The Lower Great Southern Plantation Fire Advisory Committee Guidelines for Plantation Fire Protection (Draft May 1997) or subsequent versions thereof.

The Lower Great Southern Plantation Fire Advisory Committee Guidelines for Plantation Fire Protection effectively became the FESA 2001”Guidelines for Plantation Fire Protection.”

As the revised Guidelines become the ‘subsequent version’ of these the reference to the specific equipment standards would fall away.

POLICY IMPLICATIONS

The revised Guidelines will have a potential impact upon Council’s Firebreak Notice.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Councils’ Draft Rural Strategy acknowledges plantations and agro forestry as a significant issue within the Shire and addresses:-

- Impact of haulage on local roads;
- Rural Population Decline;
- Fire Management; and
- The Draft Farm Forestry Policy

It recommends that:-

- 1 That Council approval for plantations in all areas will be required as a “discretionary” use in the General Agricultural zone.
- 2 That the draft Scheme contain provisions detailing requirements for; compliance with Code of Practice for Timber Plantations, a silviculture plan, a timber harvesting plan a local road transport strategy and compliance with the Guidelines for Plantation Fire Protection.

- 3 Allow 'agro-forestry' as a permitted use in recognition of environmental and social benefits to the community if forestry is integrated with, rather than replacement of, existing farming systems.
- 4 Continue to work with the South West TIRES Committee and lobby State and Federal Government to secure an adequate response to predicted impacts of log haul traffic from tree plantations on local roads.

The measures within the revised Guidelines can be considered within the above framework.

SUSTAINABILITY IMPLICATIONS

Plantations are a sustainable resource, their establishment and management provide regional employment and financial investment in smaller communities as well as environmental benefits such as aiding in salinity and erosion issues. They must be managed to limit the threat of bushfires to the community.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 7.3.7

- 1 That Fire and Emergency Services be advised that:
 - 1.1 Council wishes to be kept informed of the progress of the review of the Plantation Guidelines.
 - 1.2 If the equipment standards are to be removed they should be replaced by a stronger statement which acknowledges that Council may require specific equipment or water supplies on plantations either as a condition of its Development Approval, or as a condition within the Fire Management Plan.
 - 1.3 Council does not support the reduced boundary firebreak width of a minimum of 10 metres. This width should be established in Councils Annual Fire Break Order.
 - 1.4 The draft Guidelines should address the management of large scale revegetation (i.e. for Carbon Benefits Trading) which may or may not be harvested and hence may not require any Council approval or the preparation of a Fire Management Plan.
 - 1.5 Council's Town Planning Scheme already references the existing equipment standards.
2. That the revised Guidelines be referred to Council's Bush Fire Advisory Committee for comment and recommendations.
- 3 That the Shire of Plantagenet be thanked for bringing this matter to Council's attention.

COUNCIL DECISION – ITEM 7.3.7

MOVED: Cr Ginnane

SECONDED: Cr Muncey

- 1 That Fire and Emergency Services be advised that:**
 - 1.1 That the revised Guidelines be referred to Council’s Bush Fire Advisory Committee for comment and recommendations.**
 - 1.2 Council wishes to be kept informed of the progress of the review of the Plantation Guidelines.**
 - 1.3 If the equipment standards are to be removed they should be replaced by a stronger statement which acknowledges that Council may require specific equipment or water supplies on plantations either as a condition of its Development Approval, or as a condition within the Fire Management Plan.**
 - 1.4 Council does not support the reduced boundary firebreak width of a minimum of 10 metres. This width should be established in Councils Annual Fire Break Order.**
 - 1.5 The draft Guidelines should address the management of large scale revegetation (i.e. for Carbon Benefits Trading) which may or may not be harvested and hence may not require any Council approval or the preparation of a Fire Management Plan.**
 - 1.6 Council’s Town Planning Scheme already references the existing equipment standards.**
- 2 That the Shire of Plantagenet be thanked for bringing this matter to Council’s attention.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 031/09

7.3.10 Subdivision Application (WAPC Ref 139171) Gibbs Road

Location:	<i>Lots 11843 & 1223 Gibbs Road Dinninup</i>
Applicant:	<i>K Moir Surveyor</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>10th February 2009</i>
Author:	<i>Geoffrey Lush (Council Consultant) and Alan Lamb</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – Location Plan</i>
	<i>2 – Cadastral Plan</i>
	<i>3 – Proposed Subdivision</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 11843 & 1223 Gibbs Road (as shown in Attachment 1).

It is proposed to 're-align' the boundary of the two allotments to create lots with areas of 132 and 52 hectares. The subdivision concept is shown in Attachment 2. For clarity this is a prepared diagram and not the actual plan included with the application.

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

The subject land is owned by H Mitchell

BACKGROUND

The subject land is located approximately 25 kms north east of Boyup Brook. It is located both within the Shire of Boyup Brook and also the Shire of West Arthur (as shown in attachment 2).

The subject land has an area of 184 hectares comprising of:-

Lot 11843 – 83 hectares; and
Lot 1223 – 101 hectares.

Lot 1223 has frontage to the Blackwood River but is land locked with no legal road frontage.

There is an existing dwelling on Lot 11843 and this lot is also bisected by an un-constructed road reserve.

The property is used for general farming and grazing. It contains areas of remnant vegetation and steep rocky slopes.

The application states that:-

“The proposed new boundary is a cleared existing fence line with room for the provision of firebreaks.

The fence line follows the natural ridge line forming a catchment basin above the dam, located in the South Western corner of the proposed lot. The area of clearing above the dam contains approximately 11 ha and forms the main run off area into the dam. The soil type is deep sand and agriculturally is of a poor quality. The other area of clearing, north of the house amounts to approximately 8 ha and is steep in nature, with pockets of rock, soil type is gravel sand over clay.

The remainder of the proposed homestead lot is natural vegetation among rocky outcrops. The areas of bush are in a natural state other than the removal of fencing material in earlier years. The intention is to graze the cleared area for hazard reduction for fire prevention in the summer months.

Mr. Mitchell the current owner has a long history associated with this area. Mr. Mitchell's grandfather was an early surveyor, responsible for many of the surveys carried out both in the Boyup Brook and West Arthur Shires. Surveyor H. Mitchell acquired land in the 1900's and this land is still held by family members in this area.

The current Mr. H Mitchell and his wife are desirous of remaining in their existing accommodation, a relatively new brick and iron roofed house with all modern conveniences.”

COMMENT

The purpose of the application is to realign the boundary between the two existing lots. This is to allow the existing dwelling to be created on a 'homestead' lot and the larger balance lot to be sold for farming purposes.

The application can also be considered under the provisions for a homestead lot or a conservation lot.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

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

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

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

The application is considered to be consistent with these objectives.

Draft Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR3 Eastern Policy Area.

In relation to **boundary realignments** the draft Rural Strategy recommendations include:-

- 1 Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots.
- 2 In the case of lifestyle lots, the land is located within 10kms of a major townsite.
- 3 That for the purpose of the above provision a "lifestyle" lot is defined as having a minimum area of 20 hectares (being within 10kms of the townsite).

In relation to **homestead lots** the draft Rural Strategy recommendations include:-

That Council support subdivision of rural land where it is for the purpose of creating a 'Homestead Lot' subject to the following criteria.

- the land contains an existing habitable dwelling.
- legal road frontage to a constructed road.
- of sufficient size and configuration to provide an appropriate buffer from any adjacent existing intensive land use activities including chemical spraying
- have existing access to power, and a water supply sufficient for domestic and garden uses.
- encompass, as far as practical, any existing farm sheds and farm infrastructure.

In relation to **conservation lots** the draft Rural Strategy recommendations include:-

- 1 Council will support the creation of conservation lots where the proposals are consistent with the provisions of Commission Policy DC 3.4 and, where it is satisfied that such lots will provide a means of:
 - Protecting areas of remnant vegetation;
 - Implementing vegetation corridors in agreed locations; and
 - Encouraging the rehabilitation of selected areas and features
- 2 Where a lot is 40ha in area or larger, any proposal will need ensure that there are adequate management measures.
- 3 Lots less than 40ha should only be permitted in exceptional circumstances having regard to natural features, roads, boundaries etc. They should not in any case be smaller than 20ha in a 'Rural' zoning.
- 4 Where the lots are less than 20ha a rezoning will be required.

The application is considered to be consistent with these objectives.

POLICY IMPLICATIONS

Council Policy P.03 relates to Subdivisions and Amalgamations. It addresses the general matters contained within Clause 5.2 of the Scheme, the WAPC Policies, Warren Blackwood Rural Strategy and draft Local Rural Strategy

It does states that boundary realignments can be considered where no additional allotments are created.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

Western Australian Planning Commission

There are several WAPC Policies affecting boundary realignments for rural land including:-

- DC 3.4 – Subdivision of Rural Land; and
- Warren Blackwood Regional Rural Strategy.

The Warren Blackwood Regional Rural Strategy recommends in relation to farm rationalization that the principal issue will be improving the sustainability and long-term agricultural viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land.

The proposal is consistent with these provisions.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.10

MOVED: Cr Piper

SECONDED: Cr Ginnane

That Council advises the Western Australian Planning Commission that it supports the proposed boundary re-alignment of Lots 11843 & 1223 Gibbs Road.

CARRIED 8/0

Res 032/09

7.3.11 Subdivision Application (WAPC Ref 139083) Bridgetown Road

Location:	<i>Lots 16 & 17 off Boyup Brook Bridgetown Road</i>
Applicant:	<i>Harley Survey Group</i>
File:	<i>AS12315</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>10th February 2009</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – Proposed Plan 2 – Proposed Subdivision</i>

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 16 and 17 off the Boyup Brook Bridgetown Road (as shown in Attachment 1).

It is proposed to 're-align' the boundary of the two allotments to create lots with areas of 46 and 60 hectares. The subdivision concept is shown in Attachment 2. For clarity this is a prepared diagram and not the actual plan included with the application.

The subject land is owned by Samlinc Nominees Pty Ltd.

BACKGROUND

The subject land is located approximately 7 kms west of Boyup Brook between the Boyup Brook Bridgetown Road and Brown Seymour Road. It has an area of 155 hectares comprising of:-

Lot 16 – 62.76 hectares; and
Lot 17 – 43.386 hectares.

The property has been developed as a vineyard and contains areas of remnant vegetation.

COMMENT

The purpose of the application is to realign the boundary between the two existing lots. This is to reflect the boundary of the existing vineyard.

As a simple boundary re-alignment no specific conditions are required.

CONSULTATION

None

STATUTORY OBLIGATIONS

Town Planning Scheme

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

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

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

The application is considered to be consistent with these objectives.

Draft Local Rural Strategy

Within the draft Local Rural Strategy the subject land is situated in the BBR2 Western Policy Area.

In relation to boundary realignments the draft Rural Strategy recommendations include:-

- Council's objective is to encourage the redesign of existing (multiple lot) farms into a more appropriate configuration of lot boundaries relative to land management and land capability factors, subject to maintenance or reduction of the original number of lots.
- In the case of lifestyle lots, the land is located within 10kms of a major townsite.
- That for the purpose of the above provision a "lifestyle" lot is defined as having a minimum area of 20 hectares (being within 10kms of the townsite).

The application is considered to be consistent with these objectives.

POLICY IMPLICATIONS

Council Policy P.03 relates to Subdivisions and Amalgamations. It addresses the general matters contained within Clause 5.2 of the Scheme, the WAPC Policies, Warren Blackwood Rural Strategy and draft Local Rural Strategy

It does states that boundary realignments can be considered where no additional allotments are created.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

Western Australian Planning Commission

There are several WAPC Policies affecting boundary realignments for rural land including:-

- DC 3.4 – Subdivision of Rural Land; and
- Warren Blackwood Regional Rural Strategy.

The Warren Blackwood Regional Rural Strategy recommends in relation to farm rationalization that the principal issue will be improving the sustainability and long-term agricultural viability of the farming operation and observing the primary principle of protecting and enhancing the productive capacity of agricultural land.

The proposal is consistent with these provisions.

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.11

MOVED: Cr O’Hare

SECONDED: Cr Piper

That Council advises the Western Australian Planning Commission that it supports the proposed boundary re-alignment of Lots 16 and 17 DP 91354 off the Boyup Brook Bridgetown Road.

CARRIED 8/0

Res 033/09

Proximity Interest

Cr Roger Downing declared a proximity interest in the item 7.3.12 on the basis that he is an adjoining landowner.

6.20pm – Cr Downing left the Chambers and Cr Marshall assumed the Chair.

7.3.12 Subdivision Application (WAPC Ref 137819) Lot 1284 Banks Road, Boyup Brook

Location:	<i>Lot 1284 Banks Road</i>
Applicant:	<i>Civil Technology</i>
File:	<i>AS21666</i>
Disclosure of Officer Interest:	<i>Author acts for owner of adjoining property Lot 720 (C Barron) in relation to Amendment No 12.</i>
Date:	<i>12th February 2009</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>1 – Subdivision Guide Plan 2 – Revised Subdivision Plan 3 – SGP Potential Access Points 4 – Right of Carriageway</i>

SUMMARY

This report is to consider a “reconsideration” request for a subdivision application which has been refused by the Western Australian Planning Commission.

The subject land is Lot 1284 Banks Road, Boyup Brook and the proposal is to subdivide the property into nineteen rural residential lots having a minimum area of 2 hectares.

The subdivision proposes to extend Kaufman Close through to Banks Road. The subject land is owned by EJC Civil Pty Ltd.

BACKGROUND

By letter dated 12 November 2008, the WAPC refused permission for the proposed subdivision the land. The grounds of refusal were:

1. The proposed subdivision does not comply with the endorsed Subdivision Guide Plan in respect to:
 - i. Lot Yield
 - ii. Road connectivity to Bank Road
 - iii. Road connectivity with adjoining Lot 735
2. The proposal does not comply with provision (i) of Schedule 3 of the Boyup Brook Local Planning Scheme No. 2 applicable to Special Rural Zone No 6, given that the proposal does not comply with the applicable Subdivision Guide Plan.

Council considered this matter at its Meeting of the 7th August 2008 (Resolution No 130/08) at which time it resolved that:-

That Council advise the Western Australian Planning Commission that it does not support the proposed subdivision of Lot 1284 Banks Road (Ref No 137819 because:

- 1 The proposed subdivision does not comply with the adopted subdivision guide plan for Special Rural Zone No 6; and
- 2 The proposed subdivision impinges onto the adjoining Lots 1957 and 735 and as such these lots should be part of the application, with the evidence of the consent of those landowners.

The subdivision guide plan is included as Attachment 1 and the revised subdivision plan is included as Attachment 2.

Lot 1284 has an area of 41.755 hectares and with the Ridge View Estate it forms Special Rural zone No 6. Special Rural zone No 6 is subject to the special conditions contained in Schedule 3 of the Scheme which were introduced by Amendment No 7. Condition 1 states that the subdivision of the land is to be generally in accordance with the Subdivision Guide Plan adopted by Council.

COMMENT

Since consideration of the original application there have been a number of associated issues which have progressed further which now also need to be considered in conjunction with the revised application.

Regard to Scheme Provisions

Section 138 of the Planning and Development Act 2005 states that in considering a subdivision application that the Planning Commission is to have due regard to the provisions of any local planning scheme that applies to the land under consideration and is not to give an approval that conflicts with the provisions of a local planning scheme.

It provides that the Commission may approve a subdivision that conflicts with the provisions of a local planning scheme if :-

- in the opinion of the Commission —
 - (i) the conflict is of a minor nature; or
 - (ii) the approval is consistent with the general intent of the local planning scheme; and
- The Council has not objected to the application.

As Council objected to the previous application, then the Commission was required to refuse it on the basis that it did not comply with the approved Subdivision Guide Plan.

While the revised subdivision plan may not comply 100% with the current Subdivision Guide Plan; if the Council (after considering the following issues) resolves to support the application, then the Planning Commission has the power to consider the revised plan.

Review of the Subdivision Guide Plan (SGP)

While the present subdivision guide plan applies to Lots 1284 and the adjoining 735, Council is presently reviewing the overall guide plan requirements for the balance of the Special Rural Policy area.

This has come about due to:-

- i. Lots 1284 and 735 now being in separate ownership;
- ii. The WAPC directing that the SGP for Amendment 12 provide for a possible linkage between Banks Road and the Bridgetown Road;
- iii. Acknowledgement by the WAPC in the preparation of the Rural Strategy that it is appropriate for the balance of the Special Rural Policy area to be continued to be developed as two hectare lots without necessarily requiring a reticulated water supply; and
- iv. The WAPC promoting consolidated townsite development which means limiting the extent of rural residential development in the area surrounding the townsite.

The possible review of the SGP has been discussed with all the landowners. While the owners of both Lots 734 & 735 have advised that they don't presently have any desire or intention to subdivide they recognize the need for a coordinated plan.

The main issue for this review is to identify where any future road connections might be located. This is determined by the sight distances and the separation distances of intersections along Banks Road. While Banks Road is relatively straight it has a number of crests which reduce the sight distance.

The most feasible connection through to the Bridgetown Road would appear to be in the vicinity of the common boundary between Lots 734 and 735. This then allows for a further access point on the eastern side of Lot 734 and also reinforces the possible access at the western corner of Lot 735 as part of the existing SGP. These access points are shown on Attachment 3.

If the revised application is likely to comply with the proposed revised Subdivision Guide Plan; this can be used as justification for the application.

Subdivision Guide Plan – Road Layout

As indicated the most likely position for the revised road access points in this area are shown on Attachment 3.

The road layout on the application is generally consistent with the layout shown on the present SGP. The location of the access into Banks Road is also 'likely' to be generally consistent with the revised SGP.

The issue is that the subdivision application does not show this connection but instead shows a cul-de-sac adjacent to the boundary with Lot 735.

Banks Road Connection

The concern with the previous application was that in order to create a road linkage into Banks Road it proposed to extend the subdivision road through the adjoining Lot 735. The owners of Lot 735 were not party to the application and indicated their objection to the proposal.

The application identified that there is a 12m by 12m access easement on Lot 735 which benefits the subject land. This has been confirmed by a title search and is shown in Attachment 4.

There are two issues with this:-

1. As an easement the land is still part of Lot 735 and is still owned by JF & JE Fortune. The easement cannot become a public road unless agreed to by the owners of Lot 735.
2. Will the present easement be 'carried forward' on the subdivision plan and hence also be favour of each of the 19 new lots once Lot 1284 is subdivided?

It must be remembered that it is beyond the powers of the applicant, to create or extend the subdivision road through to Banks Road as he has no power to acquire the land for this.

The question is then is the proposed subdivision "fatally flooded" without this connection being in place? In considering this it is noted that:-

- The existing SGP makes no reference to when this connection is required or if needed for the subdivision of Lot 1284.
- The connection should be created upon the eventual subdivision of Lot 735.
- If the existing easement carries forward to the new lot owners are they entitled to use this as a short cut to Banks Road.
- Who is responsible to the maintenance of the easement.
- If the road was extended through to Banks Road (as part of the subdivision) what responsibility would the owner of Lot 1284 have to the upgrading of Banks Road.

Council must avoid a situation where the subdivision is developed and new lot owners pressure Council into compulsory acquiring and constructing the road connection.

Intersection and Road Upgrading

Normally the development of this subdivision would require some upgrading of Banks Road in association with the construction of the intersection. This might be:-

- Extending the subdivision road seal at the intersection;
- Removal of vegetation to improve sight distances;
- Possible relocation of the existing power pole and lines;
- Removal of the crest in Banks Road to the east of the intersection point.

Council would normally require these works to be at the cost of the applicant and may recommend that a contribution also be made to the general upgrading of Banks Road as a result of the subdivision.

If the subdivision road does not connect through to Banks Road then Council cannot request such conditions.

Subdivision Guide Plan – Lot Design

The revised subdivision plan is similar to the lot design on the SGP except that:-

- The SGP shows fifteen lots wholly within Lot 1284 and one lot extending over the boundary of Lot 735. The subdivision application shows 19 lots wholly contained within Lot 1284.
- The SGP shows lots with areas ranging from 2 to 4 hectares. The subdivision application shows 2 hectare sized lots.

It is always preferable to avoid proposed lots extending over the boundary of the subject land. In effect the applicant cannot create this lot until the adjoining land is subdivided.

Schedule 3 of the Scheme provides for a minimum lot size of 2 hectares within Special Rural Zone No 6. There is no indication on the SGP why some larger lots have been requested.

No examination or assessment of the proposed new lot boundaries has been conducted on the site. The application does not provide any information justifying these boundary positions.

Of particular concern would be the proposed boundary locations in relation to the existing drainage lines and areas of remnant vegetation. The assessment of these boundaries can be considered in conjunction with identifying any building exclusion areas.

A Subdivision Guide Plan is a 'guide' and is not a definitive plan in terms of the subdivision design. It is unclear what level of site investigation occurred for the preparation of the plan. It would be expected that the subdivision application should have a more detailed site investigation that occurred for the SGP. Hence the Scheme refers to the subdivision being "generally in accordance" with the SGP which recognizes that some alterations may occur in the final design of the subdivision.

It is whether the creation of an additional three lots and a corresponding reduction in lot sizes is still considered to be "generally in accordance" with the SGP.

Building Envelopes

No building envelopes have been shown on the plan. Special Condition (vi) does not require defined building envelopes but instead stipulates 'building exclusions areas' which are setback:-

- 30m from the road;
- 20m from side boundaries;
- 25m from rear boundaries; and
- 30m from water courses and heavily vegetated areas (as defined by Council) and skylines.

Special Condition (vii) also provides that Council may vary the above setbacks for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate.

As there are a number of vegetated areas, it is appropriate to request as a condition of approval, that a definitive building setback plan be approved by Council.

Fire Management

A subdivision application should be accompanied by an initial Fire Hazard Assessment report prepared in accordance with Planning for Bushfire Protection (FESA 2001). Given that the site is predominantly cleared grazing land with remnant vegetation along the drainage line and in other isolated pockets, the site is likely to be classified as having a low to medium fire hazard rating.

A formal fire management plan is often required as a condition of subdivision approval to address the detailed fire management recommendations. There are a number of fire issues which might affect the subdivision design including:

- Location of strategic firebreaks;
- Hazard separation and low fuel zones (which may affect the building envelopes);
and
- Strategic water supplies.

The Planning for Bushfire Protection guidelines recommend that a 50,000L tank or 200 cubic meter dam be provided per every 25 allotments. Some Council's will require this to be located on a public reserve excised from one of the lots and shown on the subdivision plan.

The other potential main fire issue is the length of the cul-de-sac as it exceeds the recommended maximum length of 200 meters. However this can be addressed by designating the carriageway easement over Lot 735 as an "emergency access way" with appropriate gates and sign posting.

A fire access way requires a formed gravel surface having a minimum width of 4m with 1m shoulders and it must be suitable for 2WD access. This makes it more convenient for use by the new residents as a de facto everyday shortcut to Banks Road.

It might also require the Deed for the Right of Carriageway to be altered to specify that emergency access gates can be installed across the easement.

Summary

It must be acknowledged that Council is reviewing the SGP for this area and that the road layout for the proposed subdivision is in accordance with the present SGP and is likely to be in accordance with the revised SGP.

While the size and number of the allotments is not generally in accordance with the SGP, it is acknowledged that in the review of the SGP that 2 hectare sized lots are likely to be acceptable. The position of the proposed lot boundaries can be assessed and approved as a possible condition of subdivision.

The termination of the subdivision road as a cul-de-sac is undesirable, but is beyond the power of the applicant to address. It is likely that this connection will be completed as part of the subdivision of Lot 735.

It is expected that the right of carriageway will also benefit the subdivided lots. While it can be used for a fire emergency access way, it should not be used for general access as a private road.

It is considered that on the basis of the above that it is appropriate for Council to support the revised application.

CONSULTATION

Department for Planning and Infrastructure.
Applicant.
Adjoining landowners

STATUTORY OBLIGATIONS

Compliance with Town Planning Scheme No 2.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

- 6.22pm – Cr Giles left the Chambers.
6.30pm – Cr Giles returned to the Chambers.
- 6.45pm – Cr Giles left the Chambers.
6.48pm – Cr Giles returned to the Chambers.

OFFICER RECOMMENDATION – ITEM 7.3.12

- A That the Western Australian Planning Commission be advised that the revised subdivision application for Lot 1284 Banks Road (WAPC Ref 137819) is supported by Council as:-
- The conflict with the provisions of Town Planning Scheme No 2 (being the approved subdivision guide plan) is considered minor in terms of how the subdivision guide plan specifically applies to Lot 1284; and
 - The proposal is likely to be consistent with the general intent of the local planning scheme, given the progress of the review of the subdivision guide plan for this area, especially in relation to lot sizes.
- B That the Western Australian Planning Commission be requested to include the following conditions on any subdivision approval:-
1. That prior to commencement of site works, a detailed plan identifying:-
 - Building envelope(s) or building exclusion zones;
 - Areas of remnant vegetation;

- Drainage lines;
- Proposed landscaping; and
- Justification of all proposed lot boundaries.

Is to be prepared to the requirements and satisfaction of the Council. (Local Government)

2. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
3. The cul-de-sac heads being designed and constructed to the satisfaction of the local government. (Local Government).
4. The fire access way being designed and constructed to the satisfaction of the local government. (Local Government).
5. The battleaxe legs being designed and constructed to the satisfaction of the local government. (Local Government).
6. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
7. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted. (Local Government)
8. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)
9. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority (Local Government).
10. The existing right of carriageway over Lot 735 being amended to:-
 - Specify that this is only for emergency access until such time as a public road is constructed through Lot 735.
 - Allow for the provision of gates, signs and other measures necessary to prevent the general use of the carriageway.
11. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:-
 - *The subdivision is subject to specific land use and development provisions within Town Planning Scheme No 2.*
 - *The subdivision is subject to an approved Fire Management Plan.*

- *The right of carriageway over Lot 735 is designed for use for emergency access and not for general thoroughfare. Council will not be constructing or seeking its construction as a public road unless as part of the subdivision of Lot 735.*

COUNCIL DECISION – ITEM 7.3.12

MOVED: Cr Ginnane

SECONDED: Cr Muncey

A That the Western Australian Planning Commission be advised that the revised subdivision application for Lot 1284 Banks Road (WAPC Ref 137819) is supported by Council as:-

- **The conflict with the provisions of Town Planning Scheme No 2 (being the approved subdivision guide plan) is considered minor in terms of how the subdivision guide plan specifically applies to Lot 1284; and**
- **The proposal is likely to be consistent with the general intent of the local planning scheme, given the progress of the review of the subdivision guide plan for this area, especially in relation to lot sizes.**

B That the Western Australian Planning Commission be requested to include the following conditions on any subdivision approval:-

1. That prior to commencement of site works, a detailed plan identifying:-

- **Building envelope(s) or building exclusion zones;**
- **Areas of remnant vegetation;**
- **Drainage lines;**
- **Proposed landscaping; and**
- **Justification of all proposed lot boundaries.**

Is to be prepared to the requirements and satisfaction of the Council. (Local Government)

2. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the local government the cost of such road works as estimated by the local government subject to the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

3. The cul-de-sac heads being designed and constructed to the satisfaction of the local government. (Local Government).

4.1 The fire access way being designed and constructed to the satisfaction of the local government. (Local Government).

4.2 That the eastern boundary of lot 301 be modified to facilitate an access way.

4.3 That the access way be fenced and gated to limit public access.

5. **The battleaxe legs being designed and constructed to the satisfaction of the local government. (Local Government).**
6. **Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)**
7. **The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted. (Local Government)**
8. **All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)**
9. **A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority (Local Government).**
10. **The existing right of carriageway over Lot 735 being amended to:-**
 - **Specify that this is only for emergency access until such time as a public road is constructed through Lot 735.**
 - **Allow for the provision of gates, signs and other measures necessary to prevent the general use of the carriageway.**
11. **Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:-**
 - ***The subdivision is subject to specific land use and development provisions within Town Planning Scheme No 2.***
 - ***The subdivision is subject to an approved Fire Management Plan.***
 - ***The right of carriageway over Lot 735 is designed for use for emergency access and not for general thoroughfare. Council will not be constructing or seeking its construction as a public road unless as part of the subdivision of Lot 735.***
12. **Prepare a traffic management plan regarding access to Banks Road.**
13. **The applicant makes modifications to Banks Road at the intersection of the fire access way to the satisfaction of Local Government.**

CARRIED 6/1

Res 034/09

6.52pm – Cr Roger Downing returned to the Chambers and assumed the Chair.

7.3.13 Subdivision Application (WAPC Ref 138938) Six Mile Road – Review of Council resolution.

Location:	<i>Boyup Brook district</i>
Applicant:	<i>Mr Terry Mondy</i>
File:	<i>AS7960</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>11 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Yes – Letter from Mr Mondy, WAPC letter to Council re subdivision application 138938, Landgate map marked up with road names and indicating road reserves where there is no constructed road, from the December 2008 Council meeting minutes, Council’s Road Contribution Policy.</i>

SUMMARY

Council dealt with the subdivision application at its December 2008 meeting and made recommendation to the Western Australian Planning Commission (WAPC). The property owner requests that that Council further consider its Road Contributions Policy.

BACKGROUND

KJ Moir lodged an application with the WAPC to subdivide Lot 6 Six mile Road and Locations 2408, 2409 and 4355 Roland Road.

The WAPC sought comment from Council and Council, at its December 2008 meeting, Resolved as follows:

- A *That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 6 Six Mile Road (as shown on plan ref 3045 dated July 2008), locations 2408, 2409 and 4355 Roland Road on the basis that the application is considered to be consistent the provisions for rural subdivision outlined in:*
- the Shire of Boyup Brook Town Planning Scheme No.2*
 - WAPC DC 3.4 Subdivision of Rural Land; and*
 - The Warren Blackwood Rural Strategy.*
- B *That Council advise the WAPC that it does not consider that there will be increased or perceived land use conflict between the existing house on proposed Lot ‘A’ and the possible farming activities on Proposed Lot ‘B’. And;*
- C *The WAPC consider the application of the following Local Government conditions on any conditional approval issued by the Commission that may pertain to WAPC 138938;*

1. *The gazetted road access along the northern boundary with proposed lots B & C being constructed to Council's satisfaction and gazetted road access along the eastern boundary of proposed Lot 'A' being constructed to Council's satisfaction.*
2. *All buildings having the necessary clearance from all new lot boundaries.*
3. *Compliance with all relevant health and building requirements.*

And the applicant being advised that in relation to the construction of the road reserve that Council may consider a road upgrading and maintenance contribution being paid consistent with Council's adopted 'Road contribution Policy'.

Mr Mondy has made representation to WAPC Councillors and Council staff suggesting that application of Council's policy is inequitable.

Mr Mondy wrote to Council asking that the matter of the application of Council policy to his proposed subdivision be put on the Council agenda. In his letter he suggests that the policy is too onerous.

There are a number of road reserves in the area of the land that is to be subdivided but only one (Six Mile Road) is a constructed road. There may well be tracks on or in the vicinity of other road reserves but none are constructed roads. It is not clear who may have made the tracks mentioned but none are on Council's road inventory and as none appeared to have been maintained by Council in the last ten years. It is therefore assumed that it was not Council.

Council has made a practice of doing works in payment for gravel and so it is possible that Council machinery has been used to make or do maintenance on tracks but this could not be seen as anything other than private works.

COMMENT

Council's policy in relation to putting the construction of roads as a requested condition on subdivisions is a standard requirement. When the State was divided up into locations, road reserves were created to provide access. As locations were subdivided (and lots created) further road reserves were added. Roads were not constructed on all of these road reserves probably because of limited resources and ownership of multiple locations and lots resulted in a reduced need. There is no requirement for Councils to construct roads on road reserves. Grants are given to Council's based on their road inventory data and no funding is provided for unmade roads.

Whilst it is not possible to have a separate location or lot that does not front a road reserve, there are a number of examples where, for what ever reason, land locked locations, or lots, have slipped through the system. Mr Mondy's location 2409 is an example (this location does not front a road reserve). The WAPC has taken the opportunity presented by the proposed subdivision to address this and have required that the all of the new lots created have a road reserve frontage. Similarly, Local Governments use such opportunities to get roads constructed or upgraded so that when and if access along these roads is required (i.e. when lots are sold off) there will already be a constructed road. Rightly or wrongly, the system has been developed to trigger standard conditions for subdivisions. This is probably based on the assumption that there will ultimately be a financial gain from the process and so the owner should meet all ancillary costs not the general community.

In this case Council's Road Contribution Policy applies. This policy requires that a 6 meter wide formed gravel surface road with roadside drains be constructed. The policy provides

for Council to contribute up to a maximum of 50% toward the cost of road construction “where such upgrading is considered by the Council to be in the interests of the Community and its construction program”.

In this case the road would service a number of lots but all are owned by the applicant. There is no provision in the construction program to build any of the roads that may provide access to the lots that would be created by Mr Mondy’s subdivision.

Mr Mondy notes that there is an access track to location 2408 that he suggests is partly on a road reserve and partly on adjoining land. This track is not on Council’s road inventory and there is no record that could be found, of it having been maintained. In the event this road had been constructed and maintained by Council but did not meet its current standards then the policy would still apply and the applicant would be required to upgrade the road to the current standard.

Council’s policy has been applied several times and any decision made would have to take this into account. Based on Council’s policy and past decisions it is recommended that the requested conditions of subdivision not be amended.

CONSULTATION

The author has spoken with the applicant, Manager of Works and the Shire President.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council’s Road Contribution Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Marshall

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

CARRIED 8/0

Res 035/09

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Giles

SECONDED: Cr Ginnane

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

CARRIED 5/3

Res 036/09

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.13

MOVED: Cr Muncey

SECONDED: Cr Ginnane

That Council reaffirm its resolution made at the December 2008 Council meeting in relation to Western Australian Planning Commission application 138938.

CARRIED 8/0

Res 037/09

7.3.14 Appointment of an Emergency Recovery Coordinator

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>10th January 2009</i>
Author:	<i>Wayne Jolley – Emergency Risk Management Project Coordinator</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The Emergency Management Act 2005 requires each local government to appoint an Emergency Recovery Coordinator. Accordingly, it is recommended that the Shire Chief Executive Officer, Alan Lamb is so appointed.

BACKGROUND

Clause 36 of the Emergency Management Act states:

It is a function of a local government –

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) to manage recovery following an emergency affecting the community in its district;*
- (c)*

Clause 41 goes on to state:

- (1) A local government is to ensure that arrangements (local emergency management arrangements) for emergency management in the local government’s district are prepared.*
- (2)*
- (3)*
- (4) Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery coordinator.*

Emergency Management Arrangements and a Recovery Plan have been prepared and adopted by Council at its December 2008 meeting but an Emergency Recovery Coordinator has not yet been appointed. The name and details of the appointed Emergency Recovery Coordinator will be recorded in both of the above documents.

COMMENT

Emergency recovery management is about returning a community to normality in the wake of an emergency. It includes functional, financial and social recovery. Since local governments are at the forefront of providing major infrastructure and public services/support for a community, it stands to reason that it will be a leader in recovering from any damage to infrastructure or disruption of services arising from an emergency.

FESA provides no guidance in terms of the type of person or position that should be considered for the office of Emergency Recovery Coordinator.

However, the issue was considered at a recent meeting between the LEMC Chairman (Cr Roger Downing), the CEO (Alan Lamb), the Senior Administration Officer (Jim Ferguson) and the AWARE Project Coordinator (Wayne Jolley). It was agreed that the CEO should be recommended to Council for appointment as the Emergency Recovery Coordinator because:

- He has authority to access all Shire resources;
- He has the authority to call on Shire officers assist him or assign staff to whatever tasks are necessary; and
- He has authority to engage individuals or groups (external to the Shire) as required.

While the position of LEMC Chairman was considered for the appointment, it was reasoned that in the event of a significant emergency, he or she would assume the role of Chairman of the Recovery Committee, a role that is itself demanding.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Emergency Management Act 2005 - Clause 41(4)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

There are no known budget/financial implications

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.14

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That Council appoint the Chief Executive Officer, Mr Alan Lamb as the Emergency Recovery Coordinator.

CARRIED 8/0

Res 038/09

7.3.15 Application for a Traders Permit

<i>Location:</i>	<i>Boyup Brook district (Town-site)</i>
<i>Applicant:</i>	<i>Albert Rhodes (trading as "Mr Wave")</i>
<i>File:</i>	<i>PH/6/001</i>
<i>Disclosure of Interest:</i>	<i>None</i>
<i>Date:</i>	<i>11 February 2009</i>
<i>Author:</i>	<i>Wayne Jolley Environmental Health Officer</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – Shire of Boyup Brook Activities in Thoroughfares and Public Places Local Law, parts 6 & 7.</i>

SUMMARY

Mr. Mark Rhodes from Collie wishes to sell soft serve ice creams from his ice cream van, within the Boyup Brook district (town-site). The vehicle has been inspected and is suitable for the purpose.

Before he can commence operations, he must obtain a 'traders permit' under the Shire's Activities in Thoroughfares and Public Places and Trading Local Law, and has accordingly submitted an application.

BACKGROUND

Mr. Rhodes has a soft serve ice cream van identified as "Mr Wave", which he proposes to operate in the Boyup Brook district, principally in the Boyup Brook town-site, although not within 300m of any shop selling ice creams. He seeks approval to operate on any day of the week between the hours of 10.00am and dark.

The author inspected the ice cream van on 18 November 2008. It was found to comply with the Food Act 2008 (Food Safety Standards). The van currently operates with permits in several local government areas.

COMMENT

Ice cream vans of this kind are often licensed as Itinerant Food Vendors under local government Health Local Laws. Such a Local Law does not exist in this Shire. However the intended nature of the operation constitutes 'trading' and is consequently captured by Council's Activities in Thoroughfares and Public Places and Trading Local Law.

The Local Law requires that an application is on a prescribed form and provides certain information. Although there is no appropriate Shire form, Mr. Rhodes has submitted the required information on an existing 'Temporary Food Stall Application' form, together with the prescribed fee (Shire Budget) of \$100.00.

In considering an application, the Local Law (6.5) requires that a number of matters be considered, including:

- Any relevant policies of the local government; (*There are no such policies.*)
- The desirability of the proposed activity;
- The location of the proposed activities;
- The principles set out in the Competition Principles Agreement.

The Local Law enables a local government to refuse an application, on the basis that:

- The needs of the district or the part, for which the permit is sought, are adequately catered for by established shops or by persons who have a valid permit to carry on trading or to conduct a stall. *(There are no other such trader permits).*
- Such other grounds as the local government may consider to be relevant in the circumstances of the case.

In approving an application, the Local Law enables the local government to set certain conditions, including:

- The place, the part of the district, or the thoroughfare to which the permit applies; *(While 300m from any shop selling the same goods is required by the Local Law and appears to be an accepted standard, Council could impose greater limitations).*
- The days and hours during which a permit holder may conduct a stall or trade; *(If Council is concerned about any impact to established shops, it could stipulate trading only outside of normal shopping hours).*

The Local Law also sets out requirements for the conduct of a Trader under clause 6.8.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

- Food Act (Food Safety Standards)
- Shire of Boyup Brook - Activities in Thoroughfares and Public Places and Trading Local Law

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no known strategic issues

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There may be an impact on the sale of ice creams by established shopkeepers should the application be approved.
- **Social**
Approval of the application would lead to an additional service being provided in Boyup Brook.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.15

MOVED: Cr Marshall

SECONDED: Cr Muncey

That Council approve Mr. Rhodes' application for a Traders Permit, within the parameters set by the Shire's Activities in Thoroughfares and Public Places and Trading Local Law, and with the following conditions:

- 1 May operate on any day of the week between the hours of 10.00am and dark only.**
- 2 May not operate within 300 metres of any shop that is open, selling similar goods.**

CARRIED 7/1

Res 039/09

7.3.16 Planning Application – Oversized Outbuilding on Residential Lot – Boyup Brook

<i>Location:</i>	<i>Lot 24 Bridge Street, Boyup Brook</i>
<i>Applicant:</i>	<i>Richard and Raema Chudziak</i>
<i>File:</i>	<i>AS410</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>11th February 2009</i>
<i>Author:</i>	<i>Wayne Jolley – Building Surveyor</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – Plans of proposed building</i>

SUMMARY

The owners of this property, Mr and Mrs Chudziak propose to construct an open carport between a recently constructed shed and a previously existing garage, for the purpose of parking vehicles. Additionally, it is proposed to remove existing brick arches of the previously existing garage and replace the skillion roof with a gable roof, in order to ensure a more visually pleasing connection of the three structures. This report recommends that the application be approved.

BACKGROUND

The subject land is situated on Bridge Street within the town-site Residential zone and is used as both a residence and for Bed & Breakfast accommodation. The area of the lot is 1.1194ha and is bounded by other residential lots.

In June 2008, Mr and Mrs Chudziak obtained conditional planning approval to build a shed on their property that was larger than Council Policy P.04 allowed. The condition (i.e. obtaining consent from all of their neighbours) was subsequently met and the shed constructed.

Mr and Mrs Chudziak now wish to construct an 8.72m x 6.65m (58m²) carport between the existing garage and recently constructed colorbond shed, and modify the appearance of the pre-existing garage to create a visually pleasing connection of the three structures (see attached elevations).

It is intended to use the carport for parking of the owners and guests vehicles.

COMMENT

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

This proposal does not comply with the Policy because the total outbuilding area will exceed the permitted 120m² by 113m².

The proposal meets other requirements of the Policy such as ridge/eave heights and boundary setbacks. Ridge and eave heights of the proposed carport are to approximately match the adjacent garage (when modified) and shed, to create a relatively horizontal vista across the three gabled rooflines.

The land area of Lot 24 is very much larger than that of surrounding Residential lots, which accommodates the generous 11m set-back between the proposed carport and the nearest boundary. The area, positioning, colour and indicated use of the proposed carport are such that it is very unlikely to have any visual or amenity impact on neighbours.

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

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

These additional requirements are met by the proposal with the exception of dot-point 2. When taken from the existing sloping ground level to the underside of the ridge, the actual opening height indicated on the drawings, scales to around 3.7m, whereas the Policy maximum is stipulated as 3.0m. This is a result of creating horizontal unity with the adjacent garage and carport rooflines, which in this case is considered more visually relevant than the opening height. There is little or no aesthetic advantage to reducing opening heights, because the carport is totally behind the house and at 90° to the property frontage. Nevertheless, the opening heights could be reduced with the provision of a gable at each end of the carport.

As was pointed out in June 2008, there is potential in the future for the land to be subdivided into small residential lots. Even so, the positioning of the proposed carport would meet minimum side and rear boundary setbacks (1m) for Residential areas.

It is recommended that planning approval be granted to build the proposed carport in accordance with the site plan and elevations submitted with this application.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Shire of Boyup Brook Town Planning Scheme No 2

POLICY IMPLICATIONS

Council Policy No P.04 - Outbuildings

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.16

MOVED: Cr Piper

SECONDED: Cr O'Hare

That planning approval be granted to Mr and Mrs R Chudziak to erect an additional outbuilding (carport) on Lot 24 Bridge Street, in accordance with the plans submitted with this planning application.

CARRIED 7/1

Res 040/09

7.3.17 Boyup Brook Pistol Club

Location:	<i>Boyup Brook Town Lot 336</i>
Applicant:	<i>Boyup Brook Pistol Club</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>13 February, 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Nil</i>

SUMMARY

The Boyup Brook Pistol Club seeks to make improvements to its facilities on lot 336 and it is recommended that Council approves this being done.

BACKGROUND

The Pistol Club occupies a portion of Boyup Brook Town Lot 336 which is owned (freehold title) by the Shire and seeks to make improvements to its range and clubhouse.

COMMENT

The club wants to extend a shed on its range and to build a new kitchen attached to its clubhouse. It has been working with Council's Building Surveyor and an architect to ensure its plans will meet all relevant requirements.

Council is the land owner and so its approval, as the owner, is required before any more work is done on progressing plans to Building license stage. Plans of what the club wants to do will be tabled at the Council meeting.

CONSULTATION

The author has spoken with representatives of the club and Council staff.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY ISSUES

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

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.17

MOVED: Cr O’Hare

SECONDED: Cr Muncey

That the request from the Boyup Brook Pistol Club to extend a shed on its range and make improvements to its clubhouse, in line with plans provided, be approved.

CARRIED 8/0

Res 041/09

8 COMMITTEE REPORTS

8.1.1 Youth Advisory Committee Minutes

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>IM/37/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 February 2009</i>
Author:	<i>Annie Jones</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Yes - Minutes</i>

BACKGROUND:

A Meeting of the Youth Advisory Committee was held on 10 February 2009. (refer to appendix 8.1.1).

Minutes of the meetings are laid on the table and circulated (refer to appendix 8.1.1).

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.1

MOVED: Cr Ginnane

SECONDED: Cr Broadhurst

That the minutes of the Youth Advisory Committee held on 10 February 2009 be received.

CARRIED 8/0

Res 042/09

8.1.2 Annual General Meeting of the Boyup Brook Local Drug Action Group Inc.

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>IM/37/004</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>11 February 2009</i>
Author:	<i>Annie Jones</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Yes - Minutes</i>

BACKGROUND:

A Meeting of the Local Drug Action Group Inc was held on 10 February 2009.

Minutes of the meetings are laid on the table and circulated (*refer to appendix 8.1.2*).

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.2

MOVED: Cr O’Hare

SECONDED: Cr Muncey

That the minutes of the Local Drug Action Group Committee held on 10 February 2009 be received.

CARRIED 8/0

Res 043/09

8.1.3 Bushfire Advisory Committee Meeting

Location:	N/A
Applicant:	N/A
File:	RS/37/001
Disclosure of Officer Interest:	Nil
Date:	12 February 2009
Author:	Keith Jones
Authorizing Officer:	Not Applicable
Attachments:	Yes - Minutes

BACKGROUND:

A Meeting of the Bushfire Advisory Committee was held on 10 February 2009.

There are five recommendations for Council to consider, that is:

- Item 6.3 Hazard Reduction Burns – roadside verges
- Item 6.3 Hazard Reduction Burns – townsite areas
- Item 6.3 Hazard Reduction Burns – Main Roads roadside burns
- Item 6.8 Special Rural Firebreaks – access gates
- Item 6.12 Slip-On fire fighting units – lobby FESA and Minister

The recommendations are administrative in nature and should be supported by Council.

COMMITTEE RECOMMENDATIONS – ITEM 8.1.3

1. That the Shire roadside verges be cleaned up in the autumn period.
2. That the townsite private, shire and crown land blocks be cleaned up in the autumn period.
3. That the Shire write a letter to Main Roads Department requesting the Donnybrook-Kojonup Road be prioritised for removing fire fuel from the roadside verges.
4. That the Shire require small land holdings in future subdivisions to install access gates between properties to allow fire fighting personnel better access to a fire.
5. That the Shire writes to the minister and the CEO of FESA expressing the need for more slip-on appliances for rural brigades and that the FESA policy of not providing them is changed.

OFFICER RECOMMENDATION – ITEM 8.1.3

- 1 That the Minutes of the Shire of Boyup Brook Bushfire Advisory Committee meeting, held on Tuesday 10th February, 2009 be received.
- 2 That in relation to the Committee Recommendations:

- 2.1 Boyup Brook Bushfire Brigades be asked to conduct road verge clean ups in the autumn period each year with costs being met from Emergency Services Levy funding.
- 2.2 Administration work toward having all townsite blocks, including those owned privately, owned and/or managed by the Shire, Reserves managed by others and Unallocated Crown Land cleaned up in the autumn period each year.
- 2.3 Administration write to Main Roads Western Australia requesting that the Donnybrook-Kojonup Road be prioritised for removing fire fuel from road side verges.
- 2.4 Administration prepare a draft planning policy, for consideration by Council, requiring that all small land holdings in future subdivisions be required to install access gates between properties to allow fire fighting personnel better access to a fire.
- 2.5 Administration writes to the Minister and Chief Executive Officer of the Fire and Emergency Services Authority expressing the need for more slip-on appliances for rural brigades and requesting that the Authorities policy of not providing them be reviewed and changed.

COUNCIL DECISION – MOVE INTO COMMITTEE

MOVED: Cr Ginnane

SECONDED: Cr Piper

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

CARRIED 8/0

Res 044/09

7.23pm – Cr Muncey left the Chambers.

7.25pm – Cr Muncey returned to the Chambers.

COUNCIL DECISION – MOVE OUT OF COMMITTEE

MOVED: Cr Piper

SECONDED: Cr Ginnane

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

CARRIED 8/0

Res 045/09

COUNCIL DECISION – ITEM 8.1.3

MOVED: Cr Ginnane

SECONDED: Cr Piper

- 1 **That the Minutes of the Shire of Boyup Brook Bushfire Advisory Committee meeting, held on Tuesday 10th February, 2009 be received.**

CARRIED 8/0

Res 046/09

MOVED: Cr Ginnane

SECONDED: Cr Muncey

2 That in relation to the Committee Recommendations:

- 2.1 Boyup Brook Bushfire Brigades be asked to conduct road verge clean ups in the autumn period each year with costs being met from Emergency Services Levy funding.**
- 2.2 Administration work toward having all townsite blocks, including those owned privately, owned and/or managed by the Shire, Reserves managed by others and Unallocated Crown Land cleaned up in the autumn period each year.**
- 2.3 Administration write to Main Roads Western Australia requesting that the Donnybrook-Kojonup Road be prioritised for removing fire fuel from road side verges.**
- 2.4 Administration prepare a draft planning policy, for consideration by Council, requiring that the developer of all small land holdings in future subdivisions be required to install access gates between properties to allow fire fighting personnel better access to a fire.**
- 2.5 Administration writes to the Minister and Chief Executive Officer of the Fire and Emergency Services Authority expressing the need for more slip-on appliances for rural brigades and requesting that the Authorities policy of not providing them be reviewed and changed.**

CARRIED 8/0

Res 047/09

8.1.4 Audit Committee Minutes

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.4

That the Minutes of the Audit Committee meeting, held on Thursday 19th February, 2009 be received.

MOVED: Cr O’Hare

SECONDED: Cr Muncey

CARRIED 8/0

Res 048/09

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

10.1 Shared Environmental Officer

Location	Not Applicable
File:	FM/25/042
Disclosure of Interest:	Nil
Date:	17 February 2009
Author:	John Eddy – Manager Works & Services
Authorizing Officer:	Alan Lamb, Chief Executive Officer
Attachments:	Yes

SUMMARY

This report recommends that the Council commit to a three (3) year contract between the Shires of Manjimup, Bridgetown-Greenbushes, Nannup and Boyup Brook to employ an Environmental Officer on a shared basis.

BACKGROUND

The amount of \$8,250 was allocated in the 2008/2009 budget for the employment of a shared Environmental Officer, for one day per fortnight.

The Bridgetown based Environmental Officer was to be shared between the Shire of Manjimup (3 days/fortnight), Shire of Bridgetown-Greenbushes (3 days/fortnight), Shire of Nannup (1day/fortnight) and Shire of Boyup Brook (1 day/fortnight).

Further to grant funding received from the South West Development Commission (SWDC) and the unavailability of the Environmental Officer until the 23 February 2009 the Shire of Boyup Brook's financial commitment for the 2008/2009 financial year is \$1,811.00

COMMENT

The Shire of Bridgetown/Greenbushes have negotiated a new contract with the Environmental Officer and would like the Shires participating in the shared arrangement to commit for a three (3) year period. As the South West Development Commission will not be contributing to the shared Environmental Officer arrangement after this financial year the 2009/2010 estimated contribution for the Shire of Boyup Brook will be \$8,438.00. (See attached e-mail from Tim Clinch detailing the estimated contributions). The benefits for the Shire of Boyup Brook to continue the shared employment of an Environmental Officer are as follows:-

- Preparation of documentation for the clearing of native vegetation within road reserves.
- Preparation of 'offset proposals' associated with clearing of native vegetation permits.
- Assistance with advice and submissions of grant funding for climate change.
- Advice and preparation of water and energy audits.
- Preparation of funding applications for water initiative grants.

- Assistance with Blackwood Valley Landcare projects and assessments of Boyup Brook Shire reserves.
- General liaison with Department of Environment and Conservation.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Allocation of funding in the 2009/2010 budget.

STRATEGIC IMPLICATIONS

Compliance with the Shire of Boyup Brook 2008-2013 Strategic Plan – Action Plan No 7.1. ‘Establish natural resource values and balanced conservation/development goals (including environmental focus)’.

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.1

MOVED: Cr Giles

SECONDED: Cr Muncey

That the Council commit to a three (3) year contract between the Shires of Manjimup, Bridgetown-Greenbushes, Nannup and Boyup Brook to employ an Environmental Officer on a shared basis for the period from 1st July 2009 to 30th June 2012.

CARRIED 8/0

Res 049/09

10.2 Bushfire Radios

<i>Location</i>	<i>Shire of Boyup Brook</i>
<i>File:</i>	<i>CR/26/001</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>19 February 2009</i>
<i>Author:</i>	<i>Keith Jones – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Not Applicable</i>
<i>Attachments:</i>	<i>Nil</i>

SUMMARY

Members of the Bushfires X-RAY Team met on 18 February and identified a response to FESA was required by the end of February 2009 in regard to the new two-way radios being supplied by FESA.

BACKGROUND

FESA are intending to change the radio frequency of the Bush Fire Radio network over the next 3 years. The result being a requirement to change all the current TAIT style radios to new radios that work on the new frequency.

The Shire must advise FESA of the local requirement for new radios by the end of February 2009.

COMMENT

The following notes from the X-RAY Team Meeting indicate the clear requirements according to the Boyup Brook brigades.

New Radio Allocation

- The CBFCO went to a meeting with FESA in Bunbury on 17/2/09 and brought back a list of numbers which represented the allocation of new radios that FESA were intending to provide to Boyup Brook Brigades. 17 base radios – 23 mobile radios – 6 hand held radios. The CBFCO indicated that this was not sufficient and the types of radios should be split based on our local requirements.*
- Merv McNamara asked the CBFCO to take the list back to Boyup Brook and let him or Tony Moran know what our requirements were by the end of February 2009.*
- He indicated that our current TAIT radios will be available for the next 3 years and they would then be discontinued.*
- The Chairman informed the meeting that there is a Council Meeting tomorrow the 19/2/09 and he would bring the matter up as a late item.*
- It was agreed that our local requirements are 6 base radios – 98 mobile radios – 3 hand held radios.*

CONSULTATION

X-Ray Team
Chief Bush Fire Control Officer
FESA – Merv McNamara

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Bushfire Control – Operational Issues – Policy No. A.05

BUDGET/FINANCIAL IMPLICATIONS

Costs for the provision of two-way radios are in accordance with the Emergency Services Levy Grants received from FESA and are being provided by FESA at no charge to the Shire.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.2

MOVED: Cr Giles

SECONDED: Cr Piper

That a letter be written to FESA requesting the provision of 98 mobile radios, 6 base radios and 3 hand-held radios.

CARRIED 8/0

Res 050/09

10.3 Royalties for Regions - South West Regional Grants Scheme

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>20 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>Literature provided by SWDC</i>

SUMMARY

The South West Development Commission (SWDC) announced Realties for Regions (R4R) grant funding and called for applications. This report deals with a potential application.

BACKGROUND

SWDC emailed information on the grant funding late on 16 February 2009 following an announcement of the funding made by the Government 12 February 2009. Applications close 25 March 2009. Details of the funding opportunity are attached and SWDC will be conducting a community information session on the grants at the Boyup Brook Telecentre at 5.30pm on Wednesday 25 February 2009 to provide more information on this grant opportunity.

Funding relates to the current financial year and it is understood that the grant opportunity will be offered in subsequent years during the current term of the current State Government.

COMMENT

Whilst the application period closes after the next Council meeting there will be little time in which to put together well prepared applications. Therefore, this matter is brought to Council as a late item now so that approval may be given for some projects to be included in an application. The idea is that additional projects may be put to Council in March for inclusion also.

Two matters that have been pending funding to further are the town drainage and an industrial subdivision. Both require studies before they could be project ready.

Council has funded a pick up of the existing town drainage system and funding will be required for the next step (ie to design a drainage system). The Manager of Works has estimated the cost of this at \$40,000 which is considerable and may well be prohibitive unless grant funding could be found. It is therefore recommended that SWDC R4R funding be sought for this project.

Council has looked at opportunities for an industrial development and SWDC assisted with a feasibility study. It is understood that the land looked at was deemed unsuitable. It is

recommended that SWDC R4R funding be sought to conduct a study to identify suitable land and assess the feasibility of Council acquiring, subdividing and developing it.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Both projects are included in the strategic plan

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.3

MOVED: Cr Broadhurst

SECONDED: Cr O'Hare

That Administration make application to the South West Development Commission for funding under the Royalties for Regions program for:

- **Consultants costs for a drainage design for the town of Boyup Brook**
- **Consultants cost for a study to identify suitable land and assess the feasibility of Council acquiring, subdividing and developing industrial land.**

CARRIED 8/0

Res 051/09

10.4 Local Government Response to Minister for Local Government's Amalgamation Proposal

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>20 February 2009</i>
Author:	<i>Alan Lamb, Chief Executive Officer</i>
Authorizing Officer:	<i>Not Applicable</i>
Attachments:	<i>information supplied by WALGA</i>

SUMMARY

A special meeting of the WALGA South West Zone is being held Monday 23 February to address the Minister's stated position.

BACKGROUND

WALGA's State Council is to meet 4 March to address the Minister's amalgamation proposal and so each of the Zones is meeting to provide input into the eventual position and actions of WALGA.

COMMENT

Attached is a WALGA report that includes a recommendation that will be considered at the Zone meeting and it is suggested that Council provide guidance to its delegate on this matter.

It is recommended that the WALGA recommendation be supported.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4

MOVED: Cr Ginnane

SECONDED: Cr Muncey

That Council indicate its support of the WALGA Recommendation as follows to its Delegate to the South West Zone of WALGA in the knowledge that additional information provided at the meeting, to be held 23 March, may influence the delegates vote on the matter:

That WALGA:

- 1. Lobby all Members of State Parliament seeking opposition to forced amalgamations of Local Governments and a commitment to the Principles and Actions of the Systemic Sustainability Study (SSS) Report.**
- 2. Coordinate a Local Government response to the State Government's reform proposals**
- 3. Endorse the reformation of the State Council SSS Taskforce to oversee Local Government's response to this issue**
- 4. Advise the State Government of Local Government's commitment to work together with the State Government towards a voluntary reform process.**

CARRIED 8/0

Res 052/09

11 CONFIDENTIAL MATTERS

Nil

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Roger Downing, sincerely thanked Councillors and Staff for their attendance and declared the meeting closed at 7.41pm.