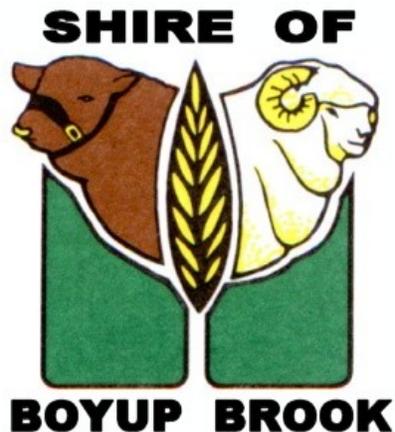


MINUTES



ORDINARY MEETING

HELD

THURSDAY 19 MAY 2011

COMMENCED AT 3.30PM

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 T Ginnane – Shire President
Cr M Giles – Deputy Shire President
Cr E Biddle
Cr T Doust
Cr E Muncey
Cr B O’Hare
Cr T Oversby

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Keith Jones (Manager of Finance)
Mr John Eddy (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)
Mr Geoffrey Lush (Council’s Consultant Planner)

1.2 Apologies

Cr P Marshall

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

MOVED: Cr Muncey

SECONDED: Cr Doust

That Cr Oversby be granted leave of absence for the June 2011 ordinary meeting of Council.

CARRIED 7/0

Res 71/11

MOVED: Cr O’Hare

SECONDED: Cr Muncey

That Cr Giles be granted leave of absence for the July 2011 ordinary meeting of Council.

CARRIED 7/0

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr O'Hare attended the Townsite Committee Meeting on 19 May 2011, currently only have 3 members on the committee, hoping to include a 4th member.

On 14th May 2011 Cr Biddle had a meeting regarding the "Future of Boyup Brook", 20 people attended the meeting which focused on an aged friendly community.

Cr Biddle spoke about "Growing Boyup Brook", two objectives raised included promotion via television and or website.

Cr Oversby attended the Blackwood River Valley Marketing Association (BRVMA) meeting which was held on 10 May 2011 and reviewed the need to have a Blackwood River Valley Marketing Association.

Cr Oversby mentioned that the (BRVMA) is the only Regional body in the district.

CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 21 April 2011

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 21 April 2011 be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Muncey

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 21 April 2011 be confirmed as an accurate record subject to the following amendments:

**At the conclusion of item 7.3.2 Cr Doust was reconnected via telephone at 4.52pm.
At the conclusion of item 7.3.2 Cr Marshall returned to the Chambers at 4.53pm.**

CARRIED 7/0

Res 72/11

5 PRESIDENTIAL COMMUNICATIONS

12th May 2011 – Attended a Local Government Forum presented by John Castrilli.

18th May 2011 – Hon Terry Redman attended the Boyup Brook Shire and spoke with the Shire President, CEO, Cr O'Hare, Cr Muncey and Cr Oversby.

3.53pm – Cr Giles left the Chambers.

The President and CEO spoke of the proposed delegation to Sandakan in August this year to further the student exchange discussions that had been commenced on previous visits and bolstered by the Boyup Brook District High School Principal's recent visit to Sandakan.

MOVED: Cr Oversby

SECONDED: Cr Muncey

That Council deal with late item 10.1.1 Sandakan Memorial Service Sandakan – Council delegation, at the end of the meeting.

CARRIED 6/0

Res 73/11

3.54pm – Cr Giles returned to the Chambers.

6 REPORTS OF OFFICERS

7.1 **MANAGER WORKS & SERVICES**

Nil

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>12 May 2011</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 April 2011.

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 2010/11 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

3.55pm – Cr Giles left the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr O’Hare

SECONDED: Cr Biddle

That the payment of accounts for April 2011 as presented totalling \$733,196.37 and as represented by cheque voucher numbers 18490 – 18536 totalling \$132,654.78, and accounts paid by direct electronic payments through the Municipal Account totalling \$600,541.59 be endorsed.

CARRIED 6/0

Res 74/11

3.56pm – Cr Giles returned to the Chambers.

7.2.2 April 2011 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>12 May 2011</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 month ended 30 April 2011 and Investment Schedule for the month ended 31 May 2011.

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 Doust

SECONDED: Cr Oversby

That the April 2011 Monthly Statements of Financial Activity as presented and as amended at the meeting be received.

CARRIED 7/0

Res 75/11

Declare an Interest

Cr Doust declared an interest in item 7.3.1 and left the Chambers at 4.01pm.

7.3 CHIEF EXECUTIVE OFFICER

7.3.1 Rezoning Request - Lot 734, Banks Road from 'Rural' zone to 'Special Rural'

Location:	<i>Lot 734 Banks Road</i>
Applicant:	<i>Harley Global</i>
File:	<i>AS4472</i>
Disclosure of Officer Interest:	
Date:	<i>11th April</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Proposed Subdivision Guide Plan 2 Modified Special Conditions 3 Applicant's Submission 4 Potential Outcomes 5 Alternative Recommendation</i>

SUMMARY

This report is presented to consider a request to rezone 734 Banks Road from 'Rural' zone to 'Special Rural' and to include special provisions into Schedule 3 'Special Rural' zones.

The subject land is owned by AJR Doust.

Council has previously resolved to initiate the amendment subject to a number of modifications. The applicant is unprepared to agree to these modifications and has requested further consideration by Council.

The bulk of the modifications proposed by the applicant have the effect of deferring issues to the subdivision stage, where the Western Australian Planning Commission would be solely responsible for determining these. The submission (see Attachment 3) also incorrectly asserts that these issues can also be dealt with by Council when a development application is lodged. This neglects that a single dwelling in the Special Rural zone is a "permitted (P)" which does not require any subsequent planning approval.

If Council wishes to support the applicant's submission, it should be aware of the potential outcomes which might occur as a result of this. These are summarized in Attachment 4.

An alternative recommendation which facilitates the applicant's submission is contained in Attachment 5.

Apart from some minor changes the bulk of the proposed modifications are not supported.

BACKGROUND

The subject land is lot 734 DP 100791 (Vol 1728 Fol 869) and it has an area of 64.75 hectares. Part of the site is leased to WA Chip & Pulp Co Pty Ltd.

The subject site is located approximately 1.8 kilometers from town.

The draft Subdivision Guide Plan is contained in Attachment 1. The aerial photograph has been removed from this to allow copying.

It is proposed to create sixteen (16) special rural lots. These range in size from 2.1 ha to 5.6 ha. Four of the lots are approximately 2ha in size, with two 3ha lots, five 4ha lots and five 5ha lots.

This matter was considered by Council at its Meeting of the 16th December 2010 at which time it resolved that;

- 1 *That Council resolve pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No 2 by rezoning Lot 734, Banks Road from 'Rural' zone to 'Special Rural'.*
- 2 *That the amendment report be modified by are to take into consideration the issues raised in this report and specifically:-*
 - a) *The upgrading of Banks Road to clearly nominate the applicant's and Council's responsibilities;*
 - b) *Section 4.1 be modified to make it consistent with Special Condition 1(b) which refers to a minimum 2ha lot size;*
 - c) *Section 4.5 be modified to reference the fire hazard rating of the plantation while noting the intention to harvest this before subdivision;*
 - d) *Section 4.6 include a paragraph relating to the future road connection along the western boundary. This should describe the intended vesting and management of the land as well as the applicant's responsibilities.*
 - e) *Section 4.0 include a sub section dealing with the building envelopes and identifies where any variations to the setbacks in the Scheme may occur. Such variations may mean less than or larger than those provided for in the Scheme. This should include a more detailed examination of Lots E and B to ensure that the location of the envelopes is suitable.*
- 3 *The subdivision guide plan be modified by:*
 - a) *Dimensioning the proposed building envelopes;*
 - b) *Including the setbacks of the building envelopes from the lot boundaries;*
 - c) *Providing a landscaping buffer along the frontage of Lot B; and*
 - d) *Showing landscaping / revegetation requirements along the creek line.*
- 4 *That the proposed Special Conditions be modified by:*
 - a) *Condition 9(b) delete the reference to "Ecomax" as this is a commercial trade name;*
 - b) *Condition 10(b) be revised to refer to preventing access until such time as the road is dedicated;*
 - c) *Condition 12(c) be renumbered as 12(a);*
 - d) *That Condition 15 be added as follows:*

Banks Road Upgrade

Council may request the Western Australian Planning Commission that any subdivision approval include a requirement that the applicant is to contribute to the upgrading of Banks Road to a sealed standard to access the subdivision.

e) *That Condition 16 be added as follows:*

Plantation Harvesting

Prior to the subdivision of the land the existing plantation, or parts thereof, shall be harvested and the land rehabilitated to the satisfaction of Council.

- 5 *That upon receipt of the revised documents and payment of the major application fee the proposal be further considered by Council for preliminary adoption and for the purpose of referral to the EPA and public advertising.*
- 6 *That the CEO and Council Planning Consultant meet with the applicant and his consultant to discuss matters of non-agreement.*

The draft special provisions which are proposed to be included in Schedule 3 'Special Rural' are included in Attachment 2. These include the above modifications.

CONSULTATION

The CEO has been liaising with the applicant regarding the matters of non agreement. The applicant's consultant has submitted a response to the proposed modifications requesting further consideration of this matter by the Council at the Council Meeting. This submission is contained as Attachment 3.

STATUTORY OBLIGATIONS

Town Planning Scheme

The subject land is included with a "Special Rural Policy Area" as depicted on the Scheme Maps. The purpose of this Policy Area is to identify the intended future development of the land within the area.

The provisions for the Policy area are contained in Clause 3.2.2.

Clause 5.3 of the Scheme contains the provisions for the Special Rural zone.

Clause 5.3.1 requires that before making provision for a Special Rural Zone Council will prepare or require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural Zone and such submission shall include:

- (i) Preparation of a structure plan demonstrating how the land is to be developed and that the subject proposal will not prejudice the future development of adjoining or surrounding land.
- (ii) The reasons for selecting the particular area of the proposed zone.
- (iii) A detailed land capability analysis of the site (to the satisfaction of the Department of Agriculture) demonstrating the land's suitability for rural residential development.
- (iv) A plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements.
- (v) Information regarding the method whereby it is proposed to provide a potable water supply and a secondary water supply to each lot.
- (vi) The proposed staging of the subdivision (where relevant).

- (vii) A schedule of permitted uses, development requirements and management provisions to be adopted by Council and incorporated into Schedule 3 of the Scheme Text.
- (viii) Any other matter Council considers to be relevant.

Clause 5.3.2 then sets out the matters for which the provisions of a Special Rural, as contained in Schedule 3) must address and in summary these include:

- a) A plan of subdivision specifying:
- b) The facilities which the purchasers of the lots will be required to provide
- c) Controls over land usage and development which will ensure that the purpose or intent of the Zone and the rural environment and amenity are not impaired.
- d) Any special provisions which Council considers appropriate to secure the objectives of the Zone.
- e) The measures proposed to control the threat of bush fires and methods of fire management and control.

Clauses 5.3.3 to 5.3.12 address general matters for the zone which are summarised as:

- Water supply of a minimum of 92,000L;
- Management of the land to protect vegetation;
- Removal of remnant vegetation requires Council approval;
- Minimum Building setbacks of 15m front and 10m for others;
- Application of Council's policy for relocated buildings and second materials;
- Protection of the visual appearance of the area;
- Buildings not to contain undesirable materials;
- Limitation of stocking rates; and
- Minimum fencing standard of 1.4m post and four strand wire.

Local Rural Strategy

Within the Rural Strategy the subject land is contained within Area 2 of Townsite and Surround Planning Precinct (BBR5).

The objective for this area is to encourage rural residential development. The Development Guidelines (Table 1 of the Strategy) recommends that:

- Development of the balance of the area for rural residential purposes.
- Consistent with the existing development.
- Minimum lot sizes of 2 hectares may be considered without a reticulated water supply.
- Proposals for rural pursuit and discretionary agricultural uses and animal keeping to address proposed water supply.

Recommendations 23 and 24 reinforce the need for detailed plans of the site addressing the same issues as Clause 5.3.1 of the Scheme.

COMMENT

The following comments are made in response to the applicant's submission following the December Council Meeting. Each issue has been summarized as a heading and Attachment 3 can be referred to for the full text.

Council is the Responsible Authority for the administration of Town Planning Scheme No 2 and this includes any amendments to the Scheme. Once the developer has completed the subdivision he is likely to have little further interest or involvement in the estate. As

Council is then solely responsible for the application of planning controls in the estate it is appropriate for it to determine what are relevant issues and considerations.

If the proponent is dissatisfied with this he can:

- a) Do nothing;
- b) Lodge a submission during the advertising; or
- c) Lobby the Department of Planning to subsequently alter the Amendment before final approval.

It is also preferable for the subdivision guide plan to show all of the elements which relate to the proposed development. It is cumbersome to have separate plans for various elements such as:

- A subdivision guide plan;
- A separate building envelope plan;
- A separate landscaping plan;
- A separate fire management plan.

This has the potential to lead to confusion and errors where each plan may be interpreted differently.

Ensure that the Scheme Amendment and draft Subdivision Guide Plan provisions are generic statements as opposed to specific requirements.

The general provisions for the Special Rural zone are contained in Clause 5.3 of the Scheme, while any Special Conditions relating to the development are contained in Schedule 3. The Special Provisions in Schedule 3 applies to the land irrespective of the subdivision guide plan.

The Special Provisions in Schedule 3 are conditions of development. As no development application is required for a single dwelling it is even more important to ensure that the Special Provisions address potential issues.

Both Special Conditions 15 (Banks Road) and 16 (Plantation) specifically relate to features which may affect the subdivision design or development.

Ensure that the Scheme Amendment proposal refers to 'a Subdivision Guide Plan' not 'the Subdivision Guide Plan'

The draft subdivision guide plan will be adopted in conjunction with the final approval of the Amendment. It is not a generic plan but is the specific plan that will be used as the base for any subsequent subdivision applications.

As Condition 3(a) – (See Attachment 2) already refers to “A Subdivision Guide Plan” it is unclear what is being disputed.

Exclude the requirement for a minimum lot size of 2ha

It is inherent in the provisions of Clause 5.3.2 that the Amendment include a subdivision plan which would define the minimum lot sizes. There are several issues with not including a minimum lot size including that:-

- In the absence of a minimum lot size there is less certainty as to what may happen in the future and
- The 2ha minimum lot size is the standard demarcation for Special Rural lots as recommended in the Rural Strategy and this is based upon water supply.

Exclude reference to 50% contribution to upgrade Banks Road as this matter can be dealt with during the formal subdivision and development approval process.

The Special Provisions do not make any reference to the proportion of the contribution. It is relevant for the Amendment report to document this issue, even if it is just to reflect the proposed modifications to Council's road contribution policy.

Exclude reference to the Bridgetown Road connection to vest and manage the land as this matter can be dealt with during the formal subdivision and development proposal.

Again it is appropriate for this issue to be addressed in the Amendment as it has been previously identified by the Minister.

The applicant is only being requested to provide the half the width of the land required for this and not to construct it.

There is adequate information with respect to the Bushfire Management and matters pertaining to bushfire management will be addressed through the preparation and implementation of a Fire Management Plan as a condition of subdivision or development approval.

Planning for Bush Fire Protection Guidelines require that a bush fire hazard assessment and analysis be conducted for scheme amendments.

The Amendment report states that:

“The fire risk of the subject site has been assessed in accordance with the Planning for Bush Fire Protection Guidelines – Edition 2. The majority of the site contains ‘Pasture’ which is designated as having a Low Bush Fire Attack Level (BAL).”

No evidence of this has been provided. While the pasture areas might have a low hazard rating the report has not provided any hazard rating for:-

1. Other areas of remnant vegetation;
2. The existing plantation; or
3. Vegetation on adjoining land.

The report suggests that the clearing of the plantation will reduce the hazard rating. As the harvesting of the plantation is a critical factor to the hazard rating for the development, it is entirely appropriate for the Special Conditions to require this. In the event that the plantation is not harvested the site would have a high to extreme hazard rating and the subdivision design would not comply with the Planning for Bush Fire Protection Guidelines.

Examples of fire management issues which, subject to the hazard rating that, will impact upon the proposed subdivision design are:-

- Inappropriate setbacks from the vegetated areas rendering the proposed building locations and lot boundaries unsuitable for development;
- Provision of a second access;

- The possible need to construct a fire accessway from the cul de sac head connecting to Lot 720 so as to provide for two exits;
- The cul de sac exceeding the recommended maximum length of 200m with 8 lots;
- Provision of a static water supply for fire fighting requiring to be on a Council reserve; and
- The incorporation of construction standards for dwellings.

Exclude the request for setback requirements to be illustrated on the draft Subdivision Guide Plan.

The building envelope plan needs to accurately define the setbacks and areas as there are often requests to relocate these which can cause concern to neighbours who have developed their land on the expectation of where the adjoining dwelling would be.

This plan can be submitted at subdivision providing that it is clear that suitable building sites are available in each lot. However Special Condition 6(a) would have to be modified as it presently refers to a defined "building envelope" rather than a building envelope plan being approved by Council.

As the Scheme Amendment identifies that the plantation will be cleared before any subdivision there is no need for Special Conditions 16.

The Amendment does not contain any obligation for the plantation to be harvested/cleared. As indicated above the clearing of the plantation is a vital issue in relation to the fire hazard assessment of the site and consequently the subdivision design.

To clearly recognise that Condition 16 relating to the harvest of the plantation relates to Fire Management it should be moved and be altered as follows.

"To provide appropriate fire management the existing plantation, or parts thereof, shall be harvested prior to the subdivision of the land."

Exclude the requirement for revegetation/landscaping to be nominated on the draft Subdivision Guide Plan.

The protection of waterways is a well established planning objective and the Minister has previously required that the subdivision guide plan show this.

Council has not objected to revegetation/landscaping along creeklines due to fire risks but rather has indicated that this must take into account fire management objectives as part of the overall balanced planning of the development.

Amendment Fee

In relation to the fees Council can reduce or discount however it wishes.

The fees include the advertising of the amendment which is required is as follows:

- Public notice in the local paper advising that the Amendment is available for public inspection;
- The notice of the final approval in the local newspaper; and
- The notice of the final approval and a copy of the Amendment Text are published in the Government Gazette. As this includes all the special conditions it can be expensive i.e. \$1,500.

Council's Budget sets Amendment fees of:

- \$3,000 for a minor amendment; and
- \$5,000 for a major amendment.

In accordance with the Planning and Development Regulations 2009, the fees are based upon an "estimate" of hourly charges in processing the Amendment and do not include the advertising costs.

There is no definition of major and minor and this generally relates to the complexity of the issues.

Land Uses

In addition to the above comments in reviewing the amendment documents further issues have been identified with the proposed land uses. The amendment proposes the following use classifications:

Permitted (P)	Single House Home Occupation
Discretionary (AA)	Home Occupation Cottage Industry Public Utility Craft Shop Bed and Breakfast Holiday Accommodation Home Office Home Business
Discretionary Advertised (SA)	Rural Pursuit Stables - Commercial

Home Occupation is repeated in both classes and the following uses are not defined in the Scheme.

- Craft Shop;
- Bed and Breakfast;
- Holiday Accommodation;
- Home Office; and
- Home Business

In order to introduce these uses into the Scheme via this Amendment, it would need to alter both the Interpretations Schedule and Zoning Table. As part of the review of the Town Planning Scheme, the land use definitions and zoning table for all zones is being updated and this will include the above uses.

To assist in the consideration of this issue the following table documents the present provisions in the other Special Rural zones.

Land Use	SR1	SR2	SR3	SR4	SR5	SR6	SR7
Caretaker's House					IP	IP	
Home Occupation	AA	AA	AA	AA	IP	IP	P
Industry- Cottage	AA	AA	AA	AA			
Industry - Light	SA						
Industry - Rural	SA						
Intensive Agriculture							SA
Market Gardens					AA	AA	
Public Recreation	P	P	P	P			
Public Utility	P	P	P	P			
Rural Pursuit	AA	AA	AA	AA	AA	AA	SA
Single House	P	P	P	P	P	P	P
Small Holding					P	P	P
Stables - Commercial	SA	SA	SA	SA	AA	AA	SA
Transport Depot	SA						
Veterinary Clinic					SA	SA	
Woodyard	SA						

It is noted that Bed & Breakfast is considered to be a Home Occupation and is dealt with under Council's Policy P.05 Bed and Breakfast Accommodation.

It is considered that there should be consistency between the Special Rural zones. Consequently the following classifications are suggested.

Permitted (P)

Single House

Home Occupation

Public Utility

Discretionary (AA)

Cottage Industry

Discretionary Advertised (SA)

Rural Pursuit

Stables - Commercial

POLICY IMPLICATIONS

These implications are addressed above.

BUDGET/FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.1

1 That the amendment report (dated November 2010) be modified by taking into consideration the issues raised in this report and specifically:-

- a) Update the Table of Contents to reflect the actual headings in Sections 4.0 and 5.0 of the Report.

- b) The upgrading of Banks Road is to clearly nominate the applicant's and Council's responsibilities and reflect Council's Policy;
 - c) Section 4.1 be modified to make it consistent with Special Condition 1(b) which refers to a minimum 2ha lot size;
 - d) Section 4.5 be modified to reference the fire hazard rating of the plantation while noting the intention to harvest this before subdivision;
 - e) Section 4.6 includes a paragraph relating to the future road connection along the western boundary. This should describe the intended vesting and management of the land as well as the applicant's responsibilities.
 - f) Section 4.0 includes a sub section dealing with the building envelopes and identifies where any variations to the setbacks in the Scheme may occur. Such variations may mean less than or larger than those provided for in the Scheme. This should include a more detailed examination of Lots E and B to ensure that the location of the envelopes is suitable.
- 2 The subdivision guide plan be modified by:
- a) Dimensioning the proposed building envelopes;
 - b) Including the setbacks of the building envelopes from the lot boundaries;
 - c) Providing a landscaping buffer along the frontage of Lot B; and
 - d) Showing landscaping / revegetation requirements along the creek line.
- 3 That the proposed Special Conditions be modified by:
- a) Condition 4 "Permissibility of Land Uses" be altered as follows to provide consistency with the other Special Rural zones;
 - Deletion of Home Occupation as an (AA) as it is already listed as a (P) use;
 - Inclusion of Public Utility as a (P) use;
 - Deletion of Craft Shop; Bed and Breakfast; Holiday Accommodation; Home Office; and Home Business as these uses are not presently defined within the Scheme. Bed and Breakfast is considered to be a Home Occupation under Council Policy P.05.
 - b) Condition 9(b) delete the reference to "Ecomax" as this is a commercial trade name;
 - c) Condition 10(b) be revised to refer to preventing access until such time as the road is dedicated;
 - d) Condition 12(c) be renumbered as 12(a);
 - e) Including in Condition 3(b) Subdivision Guide Plan the following:
 - *Bushfire hazard and proposed fire management measures; and*
 - *Building envelopes;*
 - f) In Condition 9(b) deleting the reference to "Ecomax" as this is a commercial trade name;
 - g) Renumbering Condition 12(c) as 12(a);
 - h) That the following be inserted into Condition 11 Fire Management

“(c) To provide appropriate fire management the existing plantation, or parts thereof, shall be harvested prior to the subdivision of the land.”

- i) That Condition 15 be added as follows

Banks Road Upgrade

Council may request the Western Australian Planning Commission that any subdivision approval include a requirement that the applicant is to contribute to the upgrading of Banks Road to a sealed standard to access the subdivision.

- 4 That upon receipt of the revised documents and payment of the major application fee the proposal be further considered by Council for preliminary adoption and for the purpose of referral to the EPA and public advertising.

REVISED OFFICER RECOMMENDATION – 7.3.1

It was reported that revised documents had been lodged by the applicant and that these were generally in line with what Council had sought and so the officer revised the recommendation.

MOVED: Cr Biddle

SECONDED: Cr Muncey

- 1 That Council resolve pursuant to Section 75 of the Planning and Development Act 2005, to amend Local Planning Scheme No 2 by:
- (a) Rezoning Lot 734, Banks Road from ‘Rural’ zone to ‘Special Rural’ and amending the Scheme Maps accordingly; and
 - (b) Amending Schedule 3 and inserting new ‘Special Rural Zone No 8 and the associated provisions in the Scheme Text.
- 2 That Council adopt Amendment No 2 and the draft subdivision guide plan (Ref No 13594-02E) for the purpose of advertising and referral of the Amendment.
- 3 That in accordance with Section 81 of the Planning and Development Act 2005, the Amendment be referred to the Environmental Protection Authority for examination and assessment.
- 4 Upon receipt of advice from the EPA that the Amendment is not subject to a formal environmental assessment, the Amendment and draft subdivision guide plan shall be advertised and referred to government agencies for a period of 42 days in accordance with Section 83 of the Planning and Development Act 2005 and the associated regulations.

CARRIED 6/0

Res 76/11

4.07pm – Cr Doust returned to the Chambers.

Declare an Interest

Shire President Cr Ginnane and Cr Doust declared an interest in item 7.3.2 and left the Chambers at 4.14pm.

Deputy Shire President - Cr Giles took the Chair.

7.3.2 Town Planning Scheme Review – Rural Subdivisions and Roads

Location:	<i>General</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	<i>LN/42/005</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>11th April 2011</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 Revised Subdivisions and Amalgamations Policy 2 Revised Road Contributions Policy</i>

SUMMARY

With the approval of the Rural Strategy and as part of the review of the Town Planning Scheme it is considered a suitable time to review the following policies of Council:

- P.03 Subdivisions and Amalgamations (21st December 2007); and
- W.07 Road Contributions (21st December 2007)

The revised policies have been advertised for public comment and no submissions have been received.

It is recommended that Council adopt the revised policies.

BACKGROUND

The construction of roads in relation to subdivisions and developments has three current issues. These are:-

1. Road access and upgrading for rural subdivisions, including special rural (rural residential) lots;
2. Proposed road standards for future rural small holding subdivisions (greater than 4 hectares in size); and
3. Development of lots with no constructed road access.

Item 1 is dealt with via Council Policy P.03 Subdivisions and Amalgamations and also Policy W.07 Road Contributions.

Item 2 is not presently addressed by Council Policy but as rural small holdings have been introduced with the approval of the Rural Strategy, they need to be addressed.

Item 3 is dealt with by Policy B.06 Building Application – Land without Legal Access but is not addressed in the Planning Scheme. Council has resolved to amend the Planning Scheme to correct this.

The requirements for road construction, access and potential upgrading need to be clearly understood by Council, landowners and the Planning Commission. These are discussed below.

For the purposes of this report roads are defined as:

“Internal roads” Means newly created subdivision roads which are shown on the survey (subdivision) plan.

“External roads” Means existing road reserves either adjacent to or leading to a subdivision. They may be unconstructed or only partially constructed.

COMMENT

The issue being addressed is that of the construction of an external road to provide access to a proposed subdivision. Specifically what are the obligations of:

- The developer to fully construct this road; or
- The Council in contributing to this cost.

Internal Subdivision Roads

The Local Government Subdivisional Guidelines encompass current legislation and best practice minimum engineering standards. They are intended to guide local government and the development industry through engineering specification, construction and post construction subdivision approval.

The revised policy nominates the following construction standards.

Zone	Construction Standard	Reserve Width	Pavement Width	Shoulders
Residential (1) (2)	Asphalt	20m	6m	Mountable kerb
Special Rural (rural residential).	Two coat spray seal	20m	6m	1.2m
Rural small holdings	Two coat spray seal	20m	6m	1.2m
Rural (3)	Formed gravel	20m	6m	1.2m
Other (4)	As determined by Council			
Notes				
1 – Council may vary these having regard to the Liveable Neighbourhoods Policy				
2 - Council may elect to apply the Special Rural standards to low density residential lots greater than 2,000m ²				
3 - Subject to site conditions, slope etc				
4 - “Other” means all other zones within the Planning Scheme				

External Road Access for Rural Subdivisions

All rural properties (which may contain multiple allotments) should have appropriate all year access for 2WD vehicles and for emergency services. Policy W.07 Road Contributions defines that the minimum standard of road construction in a rural area is a six (6) metre formed gravel road.

In the general farming areas, rural properties must still have appropriate access. Where there is in appropriate access with little prospect of this being upgraded to a suitable standard then this is grounds for objecting to a subdivision application and this issue is recognised in the Rural Strategy.

The Rural Strategy identifies areas for rural residential or rural small holding development. The existing roads which border or provide access to the rural residential or rural small holding policy areas are:-

- Banks Road;
- Terry Road north and south of the river;
- Stanton Road;
- Fern Valley Road; and
- Asplin Siding Road.

The policy requires a contribution from the developer towards the construction of these roads.

CONSULTATION

Both policies were advertised in accordance with Clause 9.6 of the Scheme by means of a notice being published in the local newspaper for two consecutive weeks. In addition to this all the local surveyors were advised of the proposed modifications.

STATUTORY ENVIRONMENT

Clause 9.6 of Town Planning Scheme No 2 sets out the procedures for preparing and adopting local planning policies. In summary

- The draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area.
- The Council shall review the draft Policy in the light of any submissions which are made.
- Following final adoption of a Policy, notification shall be published once in a newspaper circulating within the Scheme Area.
- A copy of the Policy shall be kept with the Scheme documents for public inspection during normal office hours.
- Any modification to the Policy shall be made in the same manner as above.

These requirements are commonly accepted and should be followed even if the above are not local planning policies.

POLICY IMPLICATIONS

Relates to Council Policies

- Policy B.06 Building Application – Land without Legal Access;

- P.03 Subdivisions and Amalgamations; and
- W.07 Road Contributions.

FINANCIAL IMPLICATIONS

The need for Council to develop unconstructed road reserves has the potential impacts on Council's budget and road construction program which may be detrimental to the community.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.2

MOVED: Cr Oversby

SECONDED: Cr O'Hare

- 1 **That Council adopt Policies**
 - **P.03 Subdivisions and Amalgamations (Attachment 1); and**
 - **W.07 Road Contributions (Attachment 2).**
- 2 **That a notice advising of the adoption of the policies be published in the local newspaper.**

CARRIED 5/0

Res 77/11

4.14pm – Shire President Cr Ginnane and Cr Doust returned to the Chambers.

Deputy Shire President - Cr Giles vacated the Chair.

7.3.3 Subdivision Application (WAPC Ref 143773) Roland Road

Location:	<i>Lots 3926 and 6705 Roland Road Mayanup</i>
Applicant:	<i>Thompson Surveying</i>
File:	<i>AS9030</i>
Disclosure of Officer Interest:	
Date:	<i>8th November 2010</i>
Author:	<i>Geoffrey Lush (Council Consultant)</i>
Authorizing Officer:	<i>A Lamb</i>
Attachments:	<i>1 Location Plan</i>
	<i>2 Existing lots</i>
	<i>3 Subdivision Plan</i>
	<i>4 Alternative Recommendation</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 3926 and 6705 Roland Road Mayanup. The land is owned by R & E Ritson.

The application is for a boundary realignment of the existing lots no additional lots will be created.

The application is not supported as it does not provide permanent access to the new lot.

BACKGROUND

The subject land is located approximately 12 kms south east of Boyup Brook. It is situated between Ritsons and Roland Roads as shown in Attachment 1.

The subject land has an area of 258 hectares comprising of:

- Lot 3926 – 45.8 hectares; and
- Lot 6705 – 212.8 hectares;

The existing lots are shown in Attachment 2.

Lot 3926 is land locked and the existing dwelling has access to the site through adjoining land to Ritson Road. Lot 7605 fronts Roland Road which is only constructed to the south eastern corner of the site.

The application is to re-align the boundary of Lot 3926 as shown Attachment 3. It will have an area of 128 hectares but will still remain land locked. No alteration to the current access is proposed.

CONSULTATION

Department of Planning

STATUTORY OBLIGATIONS

Town Planning Scheme

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

Clause 5.1 of the Scheme sets out the matters to be considered for a subdivision in the Rural zone.

Local Rural Strategy

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

Recommendation 4c relates to rural subdivision and states that:

The existing and proposed access to the subject land and to each lot. The Council will have regard to:-

- i) the provisions of the "Road Contribution" Policy;*
- ii) the likely impact of the proposal on the Council road construction program;*
- iii) the ability to reduce the potential upgrading of existing roads by utilising an alternative subdivision design or battleaxe access legs which shall be constructed and designed to the satisfaction of the Manager of Works and Services;*
- iv) sight distances; and*
- v) provision of school bus pick-up and let-down points.*

(Note: the Council will not necessarily support the subdivision of land which requires the use of unconstructed road reserves as the potential impact of this upon the Council budget and road construction program may be detrimental to the community).

COMMENT

The application raises similar issues to those considered in relation to application Ref No 141330 (Mondy) to the north of the subject land.

Upon receipt of the application it was noted that it indicated that access would from right of way or private and not to be provided from an existing right of way or public road. The Planning Commission was asked to confirm the proposed access arrangements for Lot 2.

It is noted that Planning Commission's general principles relating to the subdivision of land (Policy DC 1.1) requires that all new allotments have appropriate access and states that:-

New green title lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot.

Subsequently the Commission advised that:

DoP officers are of the view that Lot 2 requires a legal access leg (i.e. access leg to Roland Rd Res).

I can also confirm that the WAPC does not specifically require practical access to be provided via the 'legal access leg'; nor any unconstructed portion of Roland Rd, though would consider it, if the Shire requested it, on the understanding that the applicant would be required to construct the 'legal access leg' only and not contribute to the Roland Rd Res portion.

I'm reminded of the previous controversial proposal to the south, in which Council wished for the upgrading of a Road Res. at the applicants expense. In both circumstances DoP Officers are obligated to apply the nexus principal as, in both proposals, there is no additional lots proposed.

The conjecture surrounding the principals may be immaterial in the current proposal anyway as it is broadly accepted that the lots will continue to have practical access via existing means. Therefore the WAPC is satisfied if no road construction is required which suits the Shire and Applicant as this expenditure and environmental approvals process is avoided.

The easement option is not an option that the WAPC will require.

The present access to the existing dwelling goes through adjoining land (which is not part of this application) and connects to Ritson Road. The Commission is suggesting that it is appropriate for this arrangement to continue.

In the event that the land is sold and the access rights are not transferred then access would have to be provided via Roland Road.

The proposed "legal access leg" would be across the northern boundary of Lot 1. Alternatively it has been suggested that a right of carriageway could be provided through the southern portion of Lot 1 to link directly to the constructed portion of Roland Road on the south eastern corner of the property.

The Commission is unlikely to require any contribution from the applicant to the construction of Roland Road as no additional lots are being created. In any event it is not clear of Roland Road could be constructed as it is likely to require the removal of remnant vegetation. No assumption can be made that this approval will be given by either the EPA or DSEWPC.

If the existing driveway was protected by an easement in favour of Lot 2 then the problem would be solved. This is not possible as that land is not part of the application.

Consequently the application is not supported. If Council wishes to support the application an alternative recommendation is contained as Attachment 4.

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

Potential cost of constructing Roland Road.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.3

A That Council advise the Western Australian Planning Commission that it objects to the proposed re-subdivision of Lots 3926 and 6705 Roland Road Mayanup on the following grounds:

- (i) The current access to Lot 2 is through adjoining lots which are not part of this application. The access is an informal arrangement between the landowners and there is no permanently guaranteed access to proposed Lot 2. Alternative access via Roland Road is not practical as this is an unconstructed road reserve with remnant vegetation within it.**

B That the applicant be advised that Council would support the application if an easement is provided over the existing driveway.

MOVED INTO COMMITTEE

MOVED: Cr Muncey

SECONDED: Cr Oversby

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 7/0

Res 78/11

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Muncey

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

CARRIED 7/0

Res 79/11

COUNCIL DECISION – ITEM 7.3.3

MOVED: Cr Doust

SECONDED: Cr Muncey

A That Council advise the Western Australian Planning Commission that it objects to the proposed re-subdivision of Lots 3926 and 6705 Roland Road Mayanup on the following grounds:

- (i) The current access to Lot 2 is through adjoining lots which are not part of this application. The access is an informal arrangement between the landowners and there is no permanently guaranteed access to proposed Lot 2. Alternative access via Roland Road is not practical as this is an unconstructed road reserve with remnant vegetation within it.**

CARRIED 7/0

Res 80/11

Note: The CEO advised Council that the WA Planning Commission's applicant, Mr P Reid, had requested that this item be withdrawn from the Council agenda so that additional information could be provided. Also that Mr Reid support the alternative recommendation.

It was further indicated that WAPC had agreed to extend the statutory time period for the consideration of the application so as to allow Council to make a decision at its Meeting of the 19th May.

Declare an Interest

Cr Doust declared an interest in item 7.3.4 and left the Chambers at 4.30pm.

7.3.4 Subdivision Application (WAPC Ref 144120) Bridgetown Road

Location:	Lots 720 & 721 Bridgetown Road
Applicant:	MPM Development Consultants
File:	AS3100
Disclosure of Officer Interest:	
Date:	9 th May
Author:	Geoffrey Lush (Council's Consultant Planner)
Authorizing Officer:	
Attachments:	1 – Proposed Subdivision Plan 2 – Special Conditions

SUMMARY

This report is to consider a referral of a subdivision application from the Western Australian Planning Commission. The subject land comprises of Lots 720 and 721 Boyup Brook - Bridgetown Road. The land is owned by C Barron.

The application will create 53 lots with the minimum area of each lot being 2 hectares. The subject land is included in Special Rural Area No 7 which was introduced by Amendment No 12 to Town Planning Scheme No 2.

The application is supported as it complies with the approved subdivision guide plan.

BACKGROUND

A revised Subdivision Guide Plan depicting lots with a minimum area of 2 ha was endorsed by the WAPC in February, 2011. This application seeks to subdivide the land in accordance with the revised Subdivision Guide Plan and will create 53 allotments.

The subdivision plan is contained as Attachment 1.

The Special Conditions which apply to this zone are contained as Attachment 2.

It is noted that the vineyard has now been removed from the property.

COMMENT

Most of the design issues relating to this proposal have been dealt with through the amendment and the approval of the revised subdivision guide plan.

The applicant still needs to supply:-

- A building envelope plan (Condition 4);
- A landscaping plan (Condition 13); and

- A fire management plan (Condition 15).

In addition to the above it is normal to request that an information sheet is prepared for prospective purchasers advising them of the special conditions associated with the estate.

CONSULTATION

None

STATUTORY ENVIRONMENT

Town Planning Scheme No 2.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.4

MOVED: Cr Biddle

SECONDED: Cr Oversby

That Council advise the Western Australian Planning Commission that it supports the application to subdivide Lots 720 and 721 Boyup Brook - Bridgetown Road subject to the following conditions:

- 1 In accordance with Special Condition 3 a building envelope plan for each lot shall be submitted to and approved by Council.**
- 2 In accordance with Special Condition 13 a landscaping plan for the areas shown on the subdivision guide plan shall be submitted to and approved by Council.**
- 3 In accordance with Special Condition 15 a fire management plan shall be prepared and implemented in accordance with 'Planning for Bush Fire Protection', to the satisfaction of the Council and Fire and Emergency Services of Western Australia.**
- 4 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 to the requirements and satisfaction of Council.**

- 5 Pursuant to section 129BA of the Transfer of Land Act (as amended), a restrictive covenant preventing direct motor vehicle access onto the Boyup Brook – Bridgetown Road benefiting Main Roads WA being lodged on the Certificates of Title of the proposed lot, at the full expense of the applicant.**
- 6 The battleaxe access way (s) being constructed and drained at the applicant/owner's cost to the specifications of the local government.**
- 7 All existing buildings having the necessary clearance from the new boundaries as required by the Town Planning Scheme.**
- 8 Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that the subject land is contained in Special Rural Zone No 7 and the use and development of the land is restricted under provisions of the local government's Town Planning Scheme.**
- 9 Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that the subject land is subject to a fire management plan which has conditions relating to the management and the land and may require dwellings to be constructed to a specified standard.**
- 10 An information sheet shall be prepared to the requirements and satisfaction of Council advising prospective purchasers of the special zoning conditions applying to the subject land.**

CARRIED 6/0

Res 81/11

4.32pm – Cr Doust returned to the Chambers.

7.3.5 Town Planning Scheme Review – Townsite Strategy

Location:	<i>General</i>
Applicant:	<i>Shire of Boyup Brook</i>
File:	
Disclosure of Officer Interest:	
Date:	<i>9th May 2011</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

With the endorsement of the Rural Strategy, Council can now focus on the statutory review of the Town Planning Scheme. The potential preparation of a new Planning Scheme is required to be supported by a Local Planning Strategy which covers the entire municipality.

To achieve this, the Local Planning Strategy can be an amalgamation of the Rural Strategy and the proposed Townsite Strategy.

BACKGROUND

Town Planning Scheme No 2 was gazetted on the 7th November 1997. Council is required under the Planning and Development Act 2005 to review the Scheme every five years.

Specifically the Act provides:

- For the preparation of a consolidated version of the scheme incorporating all the amendments that have been made to the scheme;
- That a local government is not required to prepare a consolidation of the scheme if the local government resolves instead to prepare a new scheme;
- For the consolidated Scheme to be approved by the Commission and advertised for public comment;
- That within six months of the advertising the Council shall report and make recommendations as to whether or not the scheme —
 - is satisfactory in its existing form;
 - should be amended;
 - should be repealed and a new scheme prepared in its place; or
 - should be repealed.
- For the Minister to determine that the consolidated Scheme remains unchanged, or that the Council should undertake various amendments to it; or that a new Scheme be prepared.

Often, Councils will elect to short cut the above process by preparing a new Scheme. However this process in itself can often take more than five years and can be very costly.

The Town Planning Regulations contain the standard scheme provisions which are referred to as the Model Scheme Text (MST). Councils are expected to have regard to these provisions in formulating any amendment to the Scheme.

COMMENT

Discussions have occurred with the Department of Planning regarding the Scheme review and the officer's opinion is that it is likely that a new Scheme would be required to be prepared. The argument against preparing a new Scheme would be strengthened by updating the provisions of the current Scheme and completion of the Townsite Strategy.

There is no reason which prevents Council, as the responsible planning authority, from undertaking amendments to the Scheme to update it so that it is consistent with current policies and practices.

The Scheme Text has been examined to determine the most relevant issues which need to be addressed and also the most significant variations from the Model Scheme.

Land Use Table

The Land Use / Zoning Table is a key feature within the Local Planning Scheme. It is often the first point of reference within the Scheme that a person will examine in order to determine what land uses are permitted on a property. It is therefore imperative that great care is taken by Council in determining the provisions set out in the Land Use / Zoning Table.

Since the gazettal of the Scheme in 1997 there has been considerable evolution of land use definitions and classifications.

The Land Use / Zoning Table from the current Scheme is included in Attachment 1 and the symbols within the Table have the following meanings:-

- 'P' A use that is permitted subject to compliance with all requirements of this Scheme.
- 'AA' A use which Council, in exercising the discretionary powers available to it, may approve under this Scheme.
- 'SA' A use that is not permitted unless the Council has granted planning approval after giving notice in accordance with Clause 3.5.
- 'IP' A use that is not permitted unless such use is shown to be incidental to the predominant use of the land as may be determined by Council.
- '-' A use that is not permitted under this Scheme.

There are seventy five land uses listed in the Zoning Table and eighty three uses defined in Schedule 1 of the Scheme.

The complete list of possible land uses are contained in the Town Planning Regulations (Model Scheme Text). There is no specific requirement as to the number of land use classes which the Council must have in its Scheme. However it is appropriate for country Council's to incorporate more flexibility especially where development opportunities are limited.

In considering the above it is also noted that Clause 3.3.7 of the Scheme, states that:-

In respect of uses and development which are not specifically mentioned in the Zoning Table, and which could not be reasonably determined as falling within the interpretations of one of the use classes listed, the Council may:-

- a) *determine that the use is consistent with the objectives and purposes of the Zone and thereafter follow the 'SA' procedures of Clause 3.5 in considering an application for planning approval.*
- b) *determine that the use is not consistent with the objectives and purposes of the Zone and is therefore not permitted.*

Reviewing the Land Use Table should also reduce the likelihood of Council having to rely upon the above provisions in order to consider applications.

There are three (3) issues to be considered in relation to the Land Use Table being to:

1. Ensure consistency between the Land Use Table and Schedule 1;
2. Ensure that Council is satisfied with the classifications of each Use Class for each zone within the Scheme; and
3. Confirm any Use Classes that should be either included or omitted from the Land Use Table.

Every Use Class within Table 1 should have a corresponding definition within Schedule 1. The only uses for which this does not occur are those related to residential development, which would be expected to be provided for the R Codes. These are:

- Grouped Dwelling;
- Residential; and
- Single House

The "Residential" category is not defined anywhere and may well have been meant to refer to "Residential Building."

The following uses are defined in Schedule 1 but are not listed in the Land Use / Zoning Table.

- Infant Health Centre;
- Kindergarten;
- Private Recreation;
- Public Amusement - Place of;
- Public Worship - Place of;
- Residential Building;
- Small Holding; and
- Timber Mill.

There are a several uses which are included in both the Land Use Table and Schedule 1 but have inconsistent naming as follows:

Zoning Table Reference	Schedule 1 Definition
Industry Extractive	Extractive Industry
Industry General	General Industry
Industry Hazardous	Hazardous Industry
Industry Light	Light Industry
Industry Noxious	Noxious Industry
Industry Rural	Rural Industry
Industry Service	Service Industry
Place of Public Assembly	Public Assembly – Place of

Place of Public Worship Public Worship – Place of

This may appear to a minor matter but should be corrected as part of any review.

The following is a list of uses within the Model Scheme Text which should potentially be included in the Land Use Table.

Ancillary Accommodation	Residential unit less than 60 sqm in size for relatives of the occupiers of the main dwelling. Should be permitted anywhere in conjunction with a dwelling.
Aged or dependant person's dwelling	Retirement type unit less than 100 sqm in size. They have specific design requirements and there must be a minimum of five units in any development.
Agriculture extensive	Broad acre farming, cropping or grazing. Should be permitted in the Rural zone.
Home Business	Allows the employment of 2 people in an area of up to 50 sqm which is larger than for a home occupation. Potentially suitable in all zones where dwellings are permitted.
Home Office	Is simply an after-hours office at the proponent's residence and should be permitted in conjunction with any dwelling.
Home Store	Is a shop with an attached dwelling and is suitable in the commercial zone.
Reception Centre	Used for function and formal occasions. Are being located in rural areas in conjunction with tourist uses or wineries.
Recreation Private	Outdoor recreation areas where a fee is charged. Are being established in rural areas.
Rural Home Business	Is a larger form of home occupation allowing for other employees and an area of 200 sqm. Suitable for low density residential locations with larger lots or in rural areas.
Telecommunications Infrastructure	Should be discretionary in all zones.
Winery	Normally found in association with a vineyard the Rural zone. But can also be established as a separate use in either the Commercial or Industrial zone.

Holiday Accommodation

Planning Bulletin 83 Planning for Tourism sets out the interim policy of the Western Australian Planning Commission (WAPC) to implement the recommendations of the Tourism Planning Taskforce (the taskforce). The preparation of new or amended local planning schemes should reflect the recommendations of the taskforce.

The Report of the Ministerial Taskforce to the Minister for Planning and Infrastructure on Tourist and Permanent Residential Accommodation on Tourist Zoned Land 2003, recommends the following hierarchy of tourist uses:

- Bed & Breakfast;
- Cabin;
- Caravan & camping;
- Chalet;
- Farm stay;
- Guesthouse;
- Holiday home;
- Lodge;
- Park Home;
- Resort and
- Serviced apartment.

It contains definitions of these uses for inclusion within a Local Planning Scheme. It is proposed to include these definitions in Schedule 1 and in the Zoning Table.

Special Rural Zone

The land uses for the Special Rural zone are included in the schedule for each zone rather than in the Land Use Table.

These have been collated in the following table.

Land Use	SR1	SR2	SR3	SR4	SR5	SR6	SR7	SR8
Caretaker's House					IP	IP		
Cottage Industry								AA
Home Occupation	AA	AA	AA	AA	IP	IP	P	P
Industry- Cottage	AA	AA	AA	AA				
Industry - Light	SA							
Industry - Rural	SA							
Intensive Agriculture							SA	
Market Gardens					AA	AA		
Public Recreation	P	P	P	P				
Public Utility	P	P	P	P				P
Rural Pursuit	AA	AA	AA	AA	AA	AA	SA	SA
Single House	P	P	P	P	P	P	P	P
Small Holding					P	P	P	
Stables - Commercial	SA	SA	SA	SA	AA	AA	SA	SA
Transport Depot	SA							
Veterinary Clinic					SA	SA		
Woodyard	SA							

There is an obvious discrepancy with Home Occupation and Small Holdings is a definition rather than a use.

The review of the Land use Table should also include the Special Rural zones especially for the following uses:

- Ancillary Accommodation;
- Bed & Breakfast;
- Chalet;
- Home Business; and
- Home Office.

Clause 3.2.2 Policies

The townsite policies and policy map need to be updated to reflect the provisions of the Rural Strategy and the proposed Townsite Strategy. This can be done following the completion of the Townsite Strategy.

Clause 3.3.2 Permitted Development

This clause sets out the matters which do not require any approval under the scheme and include all 'P' uses.

The MST refines these provisions in relation to:-

- Inclusion of a Home Office, temporary works, certain forms of advertising and outbuildings which are ancillary to a dwelling.
- Exclusion (meaning a permit is required) for setback variations under the R Codes, development or demolition within a heritage area, and development of land without legal road frontage or access.

Clause 3.4.3 Matter to be considered

This clause sets out the matters which Council shall have regard to in considering an application. It contains 5 specific points including any other matter which Council considers relevant.

The MST contains 24 specific matters to be considered and while this may seem to be a burden, it makes it clear whenever a matter is subject to an Appeal as to what matters need to be addressed.

Clause 5.1.2 R Codes Variations and Exclusions

This clause provides for two variations to the R Codes being:

- a) In areas coded R15, the R10 standards will apply to single dwellings unless the development is connected to an ATU; and
- b) Two group houses may be permitted up to the R17.5 standard when connected to an ATU.

There has been an issue with the application of item (a) as the Scheme Map states that unless otherwise shown the R15 coding applies within the Residential zone. This then appears to conflict with Clause 5.1.2.1 which states that the R10 development standards apply in the areas coded R15.

As Council's practice has been to apply the R15 provisions, this item needs to be clarified.

It is common for item (b) provision to be conditioned by a minimum lot size i.e. "Where a lot is larger than 1,000 sqm two group houses may be permitted....."

This issue will be further address in the Townsite Strategy.

Clause 5.2.6 Second Dwelling

This clause limits the number of dwellings in the Rural zone. Council may approve a second dwelling in the Rural zone where this dwelling is for "bona fide agricultural activity."

This issue was addressed in the Rural Strategy and Recommendation 17 states that:

"That Council prepare a Local Planning Policy relating to second houses in rural areas and the processing of applications for these."

The WAPC generally favours the retention of this provision as it is considered to assist in the protection of agricultural land. The issue has been that second dwellings are seen as justification for future subdivision of land.

As Boyup Brook is defined as a Wheat belt municipality with a declining population, there is an argument that the restriction on the use of the second dwelling can be relaxed. Especially where this will encourage retention of family units on the property and where there is a specific provision reinforcing that no subdivision can occur. Other Wheat belt Scheme contains a less restrictive provision.

Clause 5.14 Flooding

This clause prohibits development on land which is liable to flooding.

This has caused some confusion as "land" is defined differently to a "lot" and there is no distinction between the active floodway and flood plain. It is now recognized that buildings can be developed on the outer edge of the flood plain provided that the floor level is raised to a suitable height.

The standard provisions now provide Council with the discretion to consider applications after consulting with the Department of Water. For example:

- A) *A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land, unless:*
 - (i) *where no works have been carried out to protect the land from flooding, the floor of any dwelling or other habitable building is, or will be, raised a minimum of 50 centimetres above the 1 in 100 flood level, as determined by the local government, or where a 1 in 100 flood level has not been determined, above the maximum recorded flood level; or*
 - (ii) *in any other case, the local government is satisfied that adequate measures have been taken to offset the likely effects of flooding on the development concerned.*

- B) *In considering an application the local government shall have regard to:*
 - (i) *the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;*
 - (ii) *the safety of the proposed development in time of flood; and*
 - (iii) *whether the proposed development involves any possible risk to life, human safety or private property in time of flood.*

- C) *For the purposes of sub-clause A and B, the local government may consult with, and take into consideration, the advice of the Department of Water, in relation to the delineation of flood ways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.*

Clause 5.17 Re-sited / Transportable Dwellings

This clause requires Council's approval for a relocated dwelling. A re-sited residence is defined in the Scheme as meaning a building which has been constructed prior to establishment on a lot.

The clause is designed to deal with the relocation of existing dwellings from one residential location to another.

In its current form it also captures pre fabricated new dwellings which are constructed elsewhere and transported to the site for construction. These are not intended to be removed from the site. These types of dwellings, such as T&R Homes, are becoming more popular and should be treated as a normal dwelling.

This can be addressed by:

- Modifying the Clause;
- Adding an explanatory note to the Clause; or
- Developing a Local Planning Policy.

Lots with No Access

The Scheme does not contain any requirement for Council approval of development on land where:

- It abuts an unconstructed road reserve and has no approved alternative means of access; or
- It is landlocked and has no approved alternative means of access.

While Council's Policy B.06 deals with this, it is now more common for the Scheme to contain a requirement for the development of such land to need Council's approval.

The proposed provisions would be as follows:

(a) *The approval of Council is required to use or develop land where:*

- *It abuts an unconstructed road reserve and no alternative means of access has been approved by Council; or*
- *It has no frontage to a road reserve and no alternative means of access has been approved by Council.*

(b) *In considering such an application the Council may either:*

- *refuse the application; or*
- *approve the application subject to a condition requiring the construction of the road to the local government's prescribed standard; or*

- *approve the application subject to a condition requiring such other arrangements to be made for permanent access to the land to the satisfaction of the Council*

Structure Plans

The MST contains detailed provisions for the preparation and approval of structure plans. These normally identify the structure plan areas and this also applies to subdivision guide plans.

The procedure mirrors the requirements for a Scheme Amendment and also has important provisions relating to the operation of a structure plan in conjunction with the Scheme.

It is noted that the Rural Strategy also contains requirements for structure plan in the proposed Rural Small Holdings areas around the townsite.

The Guided Development Area in the Scheme has a subdivision guide plan and in the Residential Development Discussion Paper it was highlighted that this plan is now outdated and needs to be reviewed. This can be done by also including this land in a structure plan area.

Inclusion of these provisions will significantly improve the potential development of these areas.

References

The Scheme contains a number of superseded references which need to be updated including:-

- The Residential R Codes are now the Residential design Codes;
- The Town Planning and Development Act 1928 was replaced by the Planning and Development Act 2005. Reference to the various sections has also now changed;
- Most Government Departments have new names; and
- References in a number of the definitions have now also changed.

CONSULTATION

Department of Planning;
Council Officers

STATUTORY ENVIRONMENT

- Planning and Development Act 2005
- Town Planning Regulations 1967

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

4.37pm – Cr Giles left the Chambers.

4.39pm – Cr Giles returned to the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.5

MOVED: Cr O’Hare

SECONDED: Cr Giles

- 1 That a formal Scheme Amendment be prepared in accordance with this report and submitted to Council for further consideration and adoption.**

CARRIED 7/0

Res 82/11

4.44pm – Cr Muncey left the Chambers.
4.45pm – Cr Muncey returned to the Chambers.

7.3.6 Development Assessment Panels

Location: N/A
Applicant: Department of Planning
File:
Disclosure of Officer Interest:
Date: 11th May 2011
Author: Geoffrey Lush (Council Consultant)
Authorizing Officer: A Lamb
Attachments: Letter from Minister for Planning & letter from Government of WA – Dept of Planning

SUMMARY

Council is required to nominate 2 members and 2 deputy members to sit on the local Development Assessment Panel.

These nominations must be submitted before the 13 June 2011 or the Minister can appoint any resident from the municipality.

BACKGROUND

The Planning and Development (Development Assessment Panels) Regulations 2011 were gazetted on the 2nd May.

The Development Assessment Panels (DAPs) will commence operation from the 1st July 2011. Fifteen regional DAPs have been established and Boyup Brook is in the South West Region.

DAPs are panels comprising a mix of technical experts and local government representatives with the power to determine applications for development approvals in place of the relevant decision-making authority.

An application for development where the estimated cost of development is more than \$7 million must be determined by a DAP.

Where an application for development with an estimated cost of development is between \$3 million and more than \$7 million, the applicant can elect to have it determined by a DAP.

CONSULTATION

None

STATUTORY OBLIGATIONS

The Planning and Development (Development Assessment Panels) Regulations 2011.

COMMENT

None

POLICY IMPLICATIONS

None

BUDGET/FINANCIAL IMPLICATIONS

Local DAP members are entitled to paid for their training and attendance at any hearing.

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.6

That Council nominate Cr Doust and Cr O’Hare as local members and Cr Ginnane as an alternate local member to sit on Council’s local Development Assessment Panel as required by the Regulations.

CARRIED 7/0

Res 83/11

4.48pm – Geoffrey Lush departed the Chambers.

7.3.7 Integrated Planning and Reporting

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	10 May 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Joint proposal for consultancy, Letter from Minister for Local Government, Asset Management planning grant budget.

SUMMARY

The purpose of this report is to bring the matter of appointing a consultant back to Council and recommend that DCA (Dominic Carbone and Associates) revised proposal be accepted.

BACKGROUND

Council dealt with this matter at its last meeting (April 2011) and Resolved as follows:

That Council

- 1. invite two of the consultants who lodged a proposal to assist Council with its integrated planning processes to meet with Council at its May meeting to discuss the process before making an appointment.**
- 2. that the two consultants be BHW Consulting and Dominic Carbone & Associates.**
- 3. that the funding offer from Department of Local Government for Asset Management Long Term Financial Planning and Strategic Planning be accepted.**

BHW and DCA were invited to make a presentation to the May Council meeting and subsequent to this they got together and proposed a joint consultancy under the banner of DCA.

COMMENT

The revised DCA proposal is essentially a joint proposal from DCA and BHW. DCA would be doing the asset management and financial planning aspects and BHW would do the strategic planning. This joining of resources will better enable the planning processes to flow and provide a broader set of skills and experience.

It is recommended that Council appoint DCA on the basis of its revised proposal that includes using BHW Consulting.

The Minister letter is attached for your information as is the budget for the asset management planning.

It will be noted from the budget that the Consultant's fees aligns with the revised estimates (including allowance for additional costs). Also that provision was made for the purchase of software and training. The DLG letter regarding the grant noted that it could be used for the purchase of relevant software and staff training and included examples of software that might be considered. The budget allowance should be sufficient to purchase either and have key staff trained in its use.

The budget shows the balance of the grant going to feature surveys of significant land assets. The rationale is that a feature survey is important for good management of an asset and vital for future development planning in that it provides an accurate plan showing boundaries, topography and significant features. Council has already identified the sporting precinct and flax mill caravan park areas for planning and so provision was made for feature surveys for these areas (estimated cost \$25,000). The balance could be used for the Cemetery Reserve to allow that to be better planned out and better managed, the Lodge lots to facilitate expansion should they be required and boundary adjustments with the adjoining Hospital Reserve again should this be required, and the Council Hall/Admin Reserve to facilitate planning.

CONSULTATION

The author has spoken with Council, DLG and consultants.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The consultant's fees and the other cash costs would be covered by grant funds. The grant funds will be received in 2010/11. It is expected that some costs will be incurred in the current year but that the majority will be expended in 2011/12 and so the unexpended grant funds will be carried forward. The grant budget shows an in-kind contribution of \$7,920 and this is made up of staff time that would be allocated to the asset management planning project over the two financial years.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues at this time however the planning process is bound to highlight the need for regular maintenance of assets and for planned replacement.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 7.3.7

That Council appoint DCA as the consultant to assist with its integrated planning process utilising Department for Local Government grant funding.

COUNCIL DECISION – ITEM 7.3.7

MOVED: Cr Giles

SECONDED: Cr Doust

That Council appoint DCA as the consultant to assist with its integrated planning process utilising Department for Local Government grant funding at an estimated minimum of \$60,000 and a maximum Council contribution of \$10,000.

CARRIED 7/0

Res 84/11

7.3.8 Boyup Brook St John Ambulance Association – Financial Contribution

Location:	N/A
Applicant:	Boyup Brook St John Ambulance Association
File:	
Disclosure of Officer Interest:	None
Date:	10 May 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Item 7.2.3 from April 2008 Council meeting minutes and copy of MOU

SUMMARY

The purpose of this report is to put before Council the renewal of the St John contribution agreement with the recommendation that it be extended for twelve months to allow completion of integrated planning processes.

BACKGROUND

Council passed the following resolution at its April 2008 meeting:

The 2007/08 budgeted amount of \$16,800 plus GST for residents ambulance cover be paid to the St John Ambulance Boyup Brook Sub Branch.

1. A three year arrangement, that is 2008/09, 2009/10 and 2010/2011 be entered into by way of a memorandum of understanding with the Boyup Brook sub branch of the St John Ambulance Association, for the payment by the Shire of Boyup Brook, of a contribution for Ambulance services cover for the ratepayers and residents of the Shire of Boyup Brook.

The Memorandum of Understanding to include:-

- Three year term.
 - Service provided by St John Ambulance.
 - An escape clause for both parties with six months notice.
 - A requirement for the Association to justify the level of contribution requested. Such justification to be provided to the Chief Executive Officer by the 30th June in 2008 and 30th April in subsequent years.
2. The community be advised of the details in the memorandum of understanding via the Boyup Brook Gazette.
 3. Council support the transfer of the vesting of reserve 29739 from the Shire of Boyup Brook to the St John Ambulance Association. The Association be responsible to progress the transfer.

A MOU was drawn up by the local St John group and signed 15 August 2008 and term was three financial years from 2008/09 to 2010/11.

COMMENT

The reserve issue is being resolved as part of the asset management planning process.

The MOU regrading funding ends this June and so needs to be renewed in order for the contribution to continue. It is suggested that with the current integrated planning processes being undertaken Council may wish to extend the current agreement for another year and review it as part of the planning process. Alternatively Council may wish to enter into another three year agreement now.

It is noted that the attached report puts the arguments for continuing the contribution scheme which has been going for a number of years.

CONSULTATION

The author has spoken with a Boyup Brook St John Ambulance Association representative.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil for the current budget but there would be an impact on the 2011/12 budget and budgets going forward if another three year agreement was entered into. An amount of \$18,180 has been provided for in the draft budget for 2011/12.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
This subsidy is a significant benefit to residents of the Shire.

VOTING REQUIREMENTS

Absolute majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.8

MOVED: Cr Giles

SECONDED: Cr Biddle

That Council extend the current Memorandum of Understanding with the Boyup Brook St John Ambulance Association, for an annual contribution, to include the 2011/12 financial year and that the amount of the contribution be determined through the budget process.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 85/11

Proximity Interest

Cr Giles declared a proximity interest in the item 7.3.9 and departed the Chambers the time being 5.12pm.

7.3.9 Renaming of Road Reserve – Condinup Road

Location: N/A
Applicant: N/A
File:
Disclosure of Interest: Nil
Date: 10 May 2011
Author: Geoff Carberry Senior Admin Officer
Authorizing Officer: Alan Lamb – Chief Executive Officer
Appendices: Maps - Cond 1, Cond 2 & Cond 3

SUMMARY

Renaming of Road Reserve

Due to discrepancies in road layouts within road reserves and the provision of the Rural Numbering Scheme there is a requirement to formally recognise the extents of Condinup Road and in doing so name sections not included being the section of road running in a westerly direction from Boyup Brook North Road.

BACKGROUND

The introduction of the rural numbering scheme has highlighted several discrepancies of the way roads have been formed within road reserves. The road reserve containing Condinup Road extends from the Donnybrook - Boyup Brook Road in an easterly direction to a point 713.28 east of Gibbs Road.

The section between Donnybrook - Boyup Brook Road and Boyup Brook North Road has never been officially constructed, although a section of this reserve has been used and improved by a property owner to the extent that it is now treated as a part of Condinup Road.

Between Boyup Brook North Road and Gibbs Road lies a constructed and maintained surface which is officially known as Condinup Road.

The section of the reserve east of Gibbs is also maintained by the Shire.

COMMENT

As the section between Donnybrook - Boyup Brook Road and Boyup Brook North Road is not likely to be fully completed it would be difficult to have the starting point for rural numbering beginning half way through a reserve.

Landgate has suggested the following

- Starting point of Condinup Road be North Boyup Brook Road travelling in an easterly direction until the end of the reserve.
- The section west of Boyup Brook North road be separately named, to reduce confusion it is suggested to use Condinup West as the road name.
- The start of the road for rural numbering be Boyup Brook North Road intersection.

CONSULTATION

Stephen Millar - Geographical Officer Landgate
John Eddy - Manager of Works

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.9

1. That the extent of Condinup Road be between Boyup Brook North Road and the end of the road reserve being 723.28m east of Gibbs Road.
2. That the section of the road west be between Boyup Brook North Road located within the road reserve be separately named.
3. That "Condinup West Road" be recommended to the geographical committee as the preferred name of this road.

COUNCIL DECISION – ITEM 7.3.9

MOVED: Cr Doust

SECONDED: Cr Oversby

1. That the Chief Executive Officer write to the Department for Regional Development and Lands to request:

- 1.1 **that the extent of Condinup Road be between Boyup Brook North Road and the end of the road reserve being 723.28m east of Gibbs Road.**
- 1.2 **That the constructed section of the road west Boyup Brook North Road to a point 230 metres east of the western boundary of lot 8542 on plan 140385 located within the road reserve be separately named.**
2. **That "Condinup West Road" be recommended to the geographical committee as the preferred name of this road.**

CARRIED 6/0

Res 86/11

5.14pm – Cr Muncey left the Chambers.

5.14pm – Cr Giles returned to the Chambers.

5.15pm – Cr Muncey returned to the Chambers.

7.3.10 Renaming of Road Reserve – Elliott Road & Old Mail Road

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	10 May 2011
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Maps - Old Mail, Elliott

SUMMARY

Renaming of Road Reserve

Due to discrepancies in road layouts within road reserves and the provision of the Rural Numbering Scheme. With further building taking place requiring numbering the extent of Old Mail Road requires to be formally recognised. In addition this may require the naming of a second reserve.

BACKGROUND

The introduction of the rural numbering scheme has highlighted several discrepancies of the way roads have been formed within road reserves. Currently Old Mail Road extends from Balgarup Road in a north westerly direction until it meets the intersection of two road reserves point A on the map, at this point the formed surface turns right into the reserve that runs into the Elliotts property.

The other reserve contains only a track. According to locals this track is also known as Old Mail Road and the road in to the Elliotts property is unnamed.

Rural numbering is required for three properties along the "track" section of this road reserve.

COMMENT

Taking into consideration the lay out of the road reserves being that the "track" is a continuance of the constructed road and the "Elliott" reserve is a t right angles to the constructed road it would be appropriate to include the tracked section of the road reserve as part of "Old Mail Road". The reserve servicing the Elliott's property and others could be named.

Whilst Council policy is to name roads from the approved list of names none of theses names have a direct link with the area concerned. Local comment indicates an appropriate naming would be "Elliott Road" with the following being provided as evidence in support of this name.

Chillingham Estate was settled by Charles Joseph Elliott and his children Ralph, Jack and Lizzie in 1908. Charles raised his children on the farm before he passed away in 1939. The Old Mail Road was constructed by Ralph and two of his mates by using axes to cut back the scrub, blackboys and small trees. They then shovelled gravel by hand into a

horse drawn cart to cover the sandier sections of the road to enable the mail to be delivered. These road works were completed prior to Ralph's marriage to Minnie in 1942. Ralph and Minnie had two children, Beth and Les who they raised on the farm. Minnie was an active member of the Kulikup CWA for many years. Ralph's brother Jack went to France and served in World War 1. He lost his life in 1916 and remains buried in a war cemetery near La Fromais, France. Ralph lived on the farm all his life until passing away in 1970.

Ralph's son Les married Helen in 1981 and raised their three children Rachael, Jessica and Christopher on the farm. Les is a committee member for the Upper Blackwood Agricultural Society and with the help of his family has organised the Shearing Competition at the local show for more than 11 years.

Les has also been involved with the Kulikup Bushfire Brigade for more than 20 years, having held many positions including a Fire Control Officer for many years. Les was a committee member and player for the Boyup Brook Football Club, playing over 100 league games for the club.

Les, Helen and Chris have also volunteered and assisted in the setting up of the Country Music Festival weekend.

CONSULTATION

Stephen Millar - Geographical Officer Landgate
John Eddy - Manager of Works
Elliott Family

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.10

- 1 That the extent of Old Mail Road be declared as starting at Balgarup Road and ceasing at Kulikup North Road.**
- 2 That the section of road north of Old Mail Road located within the road reserve be separately named.**
- 3 That the name of Elliott be added to the approved list for naming of roads.**
- 4 That "Elliott Road" be recommended to the geographical committee as the preferred name of this road.**

COUNCIL DECISION – ITEM 7.3.10

MOVED: Cr Oversby

SECONDED: Cr Doust

- 1. That the Chief Executive Officer write to the Department for Regional Development and Lands to request**
 - 1.1 That the extent of Old Mail Road be declared as starting at Balgarup Road and ceasing at Kulikup North Road.**
 - 1.2 That the section of north road off Old Mail Road located within the road reserve be separately named.**
- 2. That the name of Elliott be added to the approved list for naming of roads.**
- 3. That 'Elliott Road' be recommended to the geographical committee as the preferred name of the road.**

CARRIED 7/0

Res 87/11

7.3.11 Railway Asset Relocation

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	10 February 2011
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Nil

SUMMARY

report to Council regarding relocation of assets owned by the Shire of Boyup Brook currently located in the railway precinct.

BACKGROUND

In October 2010 Council resolved as follows:

That Council:

- 1. not seek a new lease for the Boyup Brook Railway Station Reserve.**
- 2. direct Administration to prepare a report on alternative sites for Council owned structures on the Reserve, with relevant costs, and that the current month by month lease with the Public Transport Authority be continued in the interim.**

Assets located on the railway precinct are

1. Transportable Building (15m x 7.4m) currently being used by the Blackwood Basin Group (BBG)
2. Three VFA class rail wagons - One leased to the Blackwood Wine Association although it is not known to what extent the wagon is used.
 - One used by the Tourist Association (No lease)
 - One used as storage by BBG (being emptied)

Blackwood Basin Group have agreed to relocate to the "Roomerz" building on Bridge Street. This relocation is progressing with an end of June completion target.

The other users have been advised of the intended relocation of the wagons.

COMMENT

Suggested uses for the transportable building_

- Relocate to Shire works depot as office for manager of Works

*For: Increased office space for Manager of Works
Greater privacy,
Provides access to Public without entering work area
Improved conditions - less noise affecting office area*

Against: Requires demolition of old tool shed

- Relocate to behind Administration building for joint use by Manager of Works and Shire President.

*For: Provides office area for Shire President
Improves noise levels for Manager of Works.*

*Against: More difficult to fit building in available space
Manager of Works remote from staff
Additional cost to make access available between buildings*

- Relocate building to Flax Mill for accommodation.

For: Could be treated as a trial for cabin style accommodation in the future

*Against: Difficulty in transporting building in current form over bridge/flood way
Shires policy not to allow buildings in the 100 year flood zone
Concept plan for area hasn't been finalised.*

The most common suggestion for the VFA class rail wagons is relocation to the Flax Mill area for accommodation. Whilst this seems like a practicable solution the cost of making the wagons meet, if possible, the Buildings Code Australia standards for accommodation and disability access would be well in excess providing a new building of similar size. Again the Shires policy of not allowing building in the one hundred year flood zone would not allow this option.

However the wagons could be stored behind the grain shed until a more appropriate location could be found.

It is important to note that the "music shell" was allowed to be build even though it is located in the flood zone

CONSULTATION

Building Movers
BBG Plumbing
Agrelec
Building codes Australia

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

No funding for the relocation has been allocated in the 2010/2011 budget. Funds would require to be provided for in the 2011/2012 budget with the continuance of the lease until the assets have been relocated. Costs provided include transportation and relocation costs but do not include reconnection of services at the new site as this will be dependant on which site is chosen.

STRATEGIC IMPLICATIONS

By relocating these assets the control and continued ownership will be maintained by the Shire of Boyup Brook

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 7.3.11

- 1 That the transportable building currently located within the Railway precinct be relocated to the Shire depot.
- 2 That "The three VFA class wagons currently located within the railway precinct be placed in outside storage at the Flax Mill complex.
- 3 That Council approve funds to the value of twenty five thousand (\$25,000) in the 2011/2012 budget to facilitate the relocations.

COUNCIL DECISION – ITEM 7.3.11

MOVED: Cr Doust

SECONDED: Cr O'Hare

- 1 That the transportable building currently located within the Railway precinct be relocated to the Shire depot.
- 2 That the three VFA class wagons currently located within the railway precinct be placed in outside storage at the Flax Mill complex.
- 3 That a \$25,000 provision be made in 2011/12 budget estimates to relocate the transportable building.

CARRIED BY ABSOLUTE MAJORITY 6/1

Res 88/11

7.3.12 Local Government Convention and Exhibition

Location:	<i>Perth Convention Exhibition Centre</i>
Applicant:	<i>Not applicable</i>
File:	<i>GR/31/002</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>6 May 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Convention Program</i>

SUMMARY

The 2011 Local Government Convention and Exhibition will be held on the 4th August to 6th August 2011. This report recommends that Council be represented at the convention and nominate delegates accordingly.

BACKGROUND

The Local Government Convention is the premier event for Elected Members and Officers within Local Government.

The Association's Annual General Meeting is part of the convention program.

In accordance with Western Australian Local Government's constitution, member Councils are entitled to have two voting delegates. Registration of the voting delegates is required prior to the 11 July 2011.

Member Councils are invited to submit motions for the Annual General Meeting, the closing date is **14th June 2011**.

Elected member development program training is being offered during the lead up to the convention and also immediately afterwards.

COMMENT

Convention Registration deadline is **11th July 2011**.

In previous years Boyup Brook has been well represented with at least three Councillors and the Chief Executive Officer attending.

The estimated cost per attendee could be up to \$2,500, depending on accommodation requirements and involvement with member development programs.

CONSULTATION

Not applicable

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Council's policy on conferences – attendances and expenses by Councillors is as follows:-

Objective

To determine the procedures for attendance at conferences and seminars by Councillors.

Statement

It is Council's policy to have the Shire of Boyup Brook represented at any conference or seminar where it is evident that some benefit will accrue to the Council and/or the district. Attendance at conferences and seminar, etc is to be determined by the Shire President in consultation with the Chief Executive Officer. All Councillors are to be given the opportunity to attend conferences and seminars etc when they are available.

It is Council policy that all reasonable and direct expenses incurred by delegates and partners attending conferences, seminars, etc are to be met by the Shire.

Funds are to be listed annually for Budget consideration to enable the Shire President together with up to 50% of Councillors to attend Local Government Week.

Where possible, attendance at Conferences is to be on a rotation basis.

BUDGET/FINANCIAL IMPLICATIONS

Expenditure will be incurred in 2010/11 and would be budgeted accordingly.

STRATEGIC IMPLICATIONS

The Convention program will enable delegates to gain information that will benefit local government in Boyup Brook, as will interaction with elected members from throughout Western Australia.

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 7.3.12

MOVED: Cr Doust

SECONDED: Cr Giles

That:-

- 1 That Cr Oversby and Cr Biddle attend the 2011 Local Government convention and exhibition and expenses incurred be paid by the Shire, as per Council Policy M.01.**
- 2 That Cr Oversby and Cr Biddle be appointed as voting delegates for the Western Australian Local Government Association Annual General Meeting.**

CARRIED 7/0

Res 89/11

MOVED: Cr Doust

SECONDED: Cr Oversby

That Council deal with Items 8.1.1, 8.1.2, 8.1.3 and 8.1.4 en bloc and receive the minutes of the Youth Advisory Committee meetings held 5th and 12 April, 2011, Blackwood River Valley Marketing Association meeting held 12th April 2011, Boyup Brook Tourism Association meeting held 15th April 2011 and Blackwood Basin Group meeting held 6th April 2011.

CARRIED 7/0

Res 90/11

8.1 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>06 May 2011</i>
Author:	<i>Annie Jones – Youth Officer</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A meeting of the Youth Advisory Committee was held 5th and 12th April 2011.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

OFFICER RECOMMENDATION – ITEM 8.1.1

That the minutes of the Youth Advisory Committee Minutes held on 5th and 12th April 2011.

8.1.2 Minutes of the Blackwood River Valley Marketing Association

Location:	<i>Boyup Brook Shire Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>5 May 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Blackwood River Marketing Association Meeting was held on 12th April 2011. Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.2*)

OFFICER RECOMMENDATION – ITEM 8.1.2

That the minutes of the Blackwood River Valley Marketing Association Meeting held on 12th April 2011 be received.

8.1.3 Minutes of the Boyup Brook Tourism Association

Location: Boyup Brook Shire Chambers
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 5 May 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

A Boyup Brook Tourism Meeting was held on 15th April 2011. Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.3*)

OFFICER RECOMMENDATION – ITEM 8.1.3

That the minutes of the Boyup Brook Tourism Association Meeting held on 15th April 2011 be received.

8.1.4 Minutes of the Blackwood Basin Meeting

Location: Boyup Brook Shire Chambers
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 5 May 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

A Blackwood Basin Group Meeting was held on 6th April 2011.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.3*)

OFFICER RECOMMENDATION – ITEM 8.1.4

That the minutes of the Blackwood Basin Group Meeting held on 6th April 2011 be received.

8.1.5 Minutes of the AGM – Bushfire Advisory Committee

Location: Town Hall
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 12 May 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

A Bushfire Advisory Committee was held on 10th May 2011
Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.5*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.5

MOVED: Cr Giles

SECONDED: Cr Muncey

That the minutes of the Bushfire Advisory Committee Meeting held on 10th May 2011 be received.

CARRIED 7/0

Res 91/11

MOTION

MOVED: Cr Biddle

SECONDED: Cr Ginnane

That the following persons be appointed in the positions as shown for the year 2011/12:-

Chief Bushfire Control Officer	K Henderson
1st Deputy	G Robertson
2nd Deputy	R Bingham
Communications Officer	To remain vacant
Fire Weather Officer	M Wright
Training Officer	R Gifford
Delegates to Advisory Committee Meetings (one Member (FCO) and one Deputy per Brigade)	

Brigade	Member	Deputy
Benjinup	D INGLIS	D GUAZELLI
Chowerup	G MEADE	R FRASER
Dinninup	W WHITE	T MEADE
East Boyup Brook	W GORDON	J RITSON
Gibbs Road	R BINGHAM	M GILES
Kenninup	N BAGSHAW	B SKRAHA
Kulikup	B FAIRBRASS	L ELLIOTT
Mayanup	J FORTUNE	P LLOYD
McAlinden	S HARLEY	D FORTUNE
Mickalarup/Dwalganup	R FORBES	K LLOYD
Nollajup	M GIFFORD	R INTROVIGNE
North Dinninup	M WRIGHT	N CHAMBERS
Scotts Brook	P BROOCKMANN	C KNAPP
Tonebridge	R TUCKETT	D TURNER
Tweed	M WALLACE	C CONNOP
West Boyup Brook	G HALES	B CAILES

CARRIED 7/0

Res 92/11

MOTION

MOVED: Cr Giles

SECONDED: Cr Biddle

That the Chief Executive Officer investigate the Bushfire Advisory Committee's recommendation that "the Boyup Brook Shire make it compulsory for there to be a break clear of Native Vegetation around any future dwellings being built in Native Bush blocks within the Boyup Brook Shire and that the break be 100m for lots of 10ha or more and a 50m for lots that are less than 10ha" and report back to Council on opportunities, options and the like.

CARRIED 7/0

Res 93/11

MOTION

MOVED: Cr Giles

SECONDED: Cr Muncey

That the Chief Executive Officer look into the opportunities for simplified signage, along the lines of DEC standards, for road side burns and report back to Council.

CARRIED 7/0

Res 94/11

5.43pm – Cr Oversby left the Chambers.

5.44pm – Cr Oversby returned to the Chambers.

MOTION

MOVED: Cr Giles

SECONDED: Cr Muncey

That the Chief Executive Officer write to FESA asking for improvements to the 2 way radio coverage in the south east sector of the Shire.

CARRIED 7/0

Res 95/11

MOTION

MOVED: Cr Doust

SECONDED: Cr Oversby

That provision be made in the 2011/12 budget estimates for the Bush Fire Brigade Volunteers debrief/recognition function.

CARRIED

Res 96/11

8.1.6 Minutes of the Audit and Finance Committee

Location: Boyup Brook Shire Chambers
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 2 May 2011
Author: N/A
Authorizing Officer: Alan Lamb – Chief Executive Officer
Attachments: Yes – Minutes

BACKGROUND:

Audit and Finance Committee was held on 2nd May 2011.
Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.6*)

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.1.6

That the minutes of the Audit and Finance Committee meeting held on 2nd May 2011 be received.

CARRIED 7/0

Res 97/11

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of motion from Cr Biddle – 03/11, 9.1.1 to 9.1.4

9.1.1 Boyup Brook Tourism Association & Boyup Brook District High School – funding assistance

That the Boyup Brook Tourism Association and the Boyup Brook District High School be permitted to apply for funding assistance on a triennial basis, but that if either wishes to vary the amount for which they have applied in the first instance, then they be required to submit a separate application.

Rationale: *The BBDHS annually applies for funding for a student award for achievement to be presented in the Shire Council's name. Acceptance of the motion would allow the school to apply only once every three years. This would be more convenient for the school and would assist the Shire's budgeting process*
The Tourism Association annually applies for financial assistance to facilitate management of the Tourist Centre, and to support its plans for promotion of the community. Acceptance of the motion would assist the group's – and the Shire's- budgeting processes.

COUNCIL DECISION – ITEM 9.1.1

MOVED: Cr Biddle

SECONDED: Cr O'Hare

That the matter be referred to the Chief Executive Officer to investigate and report a three year funding agreement with the Boyup Brook Tourism Association and the Boyup Brook District High School.

CARRIED 7/0

Res 98/11

9.1.2 Recognize the contribution of Volunteers to the community

That the Chief Executive Officer be requested to have a plan prepared for Council consideration - to recognize the contribution of Volunteers in the community.

Rationale: *2011 has been designated as the Year of the Volunteer – an opportunity to acknowledge and celebrate the contributions of volunteers. Boyup Brook is fortunate to have a huge number of residents willing to contribute their time and expertise towards enriching the Boyup Brook lifestyle. A case could be made to make this an annual event.*

MOVED INTO COMMITTEE

MOVED: Cr Giles

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 7/0

Res 99/11

MOVED OUT OF COMMITTEE

MOVED: Cr Oversby

SECONDED: Cr Muncey

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

CARRIED 7/0

Res 100/11

COUNCIL DECISION – ITEM 9.1.2

MOVED: Cr Biddle

SECONDED: Cr Doust

That the Chief Executive Officer be requested to have a plan prepared for Council consideration - to recognize the contribution of Volunteers in the community.

CARRIED 7/0

Res 101/11

9.1.3 Working Party

That a working Party be established to investigate, and then recommend to Council, ways whereby Council policies can be regularly reviewed to ensure they guide and reflect current requirements and practices, and that they are presented in a professional and user-friendly format.

***Rationale:** Policies should form an up-to-date, accurate, professional and easily accessible reference for Council staff, elected members, and rate-payers. This requires at least an annual commitment to ensure this is the case.*

MOVED: Cr Biddle

MOTION LAPSED FOR WANT OF A SECONDER

9.1.4 Calendar for Councillors

That the CEO be requested to produce a calendar identifying major tasks which must be addressed annually by Council, with suggested time frames for their consideration and completion.

***Rationale:** Such a document should ensure that all requirements are addressed, and that this is achieved in a timely manner. It should also be helpful to councillors in their planning and preparation.*

COUNCIL DECISION – ITEM 9.1.4

MOVED: Cr Biddle

SECONDED: Cr Oversby

That the CEO be requested to produce a calendar identifying major tasks which must be addressed annually by Council, with suggested time frames for their consideration and completion.

CARRIED 7/0

Res 102/11

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

10.1.1 Sandakan Memorial Service Sandakan – Council delegation

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Oversby

SECONDED: Cr Muncey

That Council delegate the Shire President and one Councillor to attend the Sandakan Memorial Ceremony in Sandakan August 2011 with relevant expenses for them and their partners being authorized.

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 103/11

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

Nil

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 6.02pm.