

## NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Bridgetown-Greenbushes will be held on **Thursday, 27 February 2020** in Council Chambers commencing at 5.30pm

T Clynch, CEO



Date

20 February 2020

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## **AGENDA**

For an Ordinary Meeting of Council to be held in Council Chambers on Thursday, 30 January 2020 commencing at 5.30pm

*Meeting to be opened by the Presiding Member*

### **Acknowledgment of Country – Presiding Member**

*On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.*

### **Attendance, Apologies and Leave of Absence**

President	- Cr J Nicholas
Councillors	- J Bookless
	- J Boyle
	- B Johnson
	- J Moore
	- J Mountford
	- A Pratico
	- P Quinby
	- A Wilson
In Attendance	- E Denniss, Acting Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- T Lockley, Executive Assistant

### **Attendance of Gallery**

### **Responses to Previous Questions Taken on Notice** - Nil

### **Public Question Time**

### **Petitions/Deputations/Presentations**

### **Comments on Agenda Items by Parties with an Interest**

### **Applications for Leave of Absence**

## **Confirmation of Minutes**

### **C.01/0220 Ordinary Meeting held 30 January 2020**

*A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 30 January 2020 as a true and correct record.*

## **Announcements by the Presiding Member Without Discussion**

### **Notification of Disclosure of Interest**

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allows a Member to speak, the extent of the interest must also be stated.

## **Questions on Agenda Items by Elected Members**

## **Consideration of Motions of which Previous Notice has been Given**

### **C.02/0220 Amendment to Policy TP.17 – Relocatable Storage Units**

*Submitted by Cr Pratico*

Attachment 1 – Relocatable Storage Units Policy TP.17

#### **Motion**

1. That Part 5 (Exemptions) of Policy 'TP.17 – Relocatable Storage Units' be amended to include storage of furniture and household effects in a relocatable storage unit to be exempt from having to obtain Planning Approval if the storage is related to the construction of a dwelling on the same lot and a building licence has been issued for that construction.
2. That advertising of the above policy amendment occur in accordance with the town planning schemes with any submissions to be presented to Council when considering final endorsement to the amendment.

#### **Background/Reasons**

Currently Policy TP.17 exempts the need for Planning Approval for placement of a relocatable storage unit is temporary in nature for storage of plant, machinery or building equipment on a building site where a building licence is current and construction is taking place.

It isn't uncommon for people in the process of building a house to be forced to downsize to smaller housing and this triggers a need for them to store furniture and household effects until their new house is ready to move into. If we are allowing a sea container (or other form of relocatable storage unit) to be sited on the house site for storage of building equipment without requiring approval then why wouldn't we allow the same for storage of personal items such as furniture? The impacts on amenity wouldn't be any greater.

I understand that as Policy TP.17 is a town planning scheme policy any proposed changes to the policy must be advertised. My motion has been worded so that this advertising can proceed immediately with any submissions coming back to Council when it is time to consider final adoption of the proposed amendment.

#### Officer Comment

The Relocatable Storage Units Policy T.17 was adopted in November 2011, replacing the former Sea Containers & Other Similar Relocatable Storage Units Policy.

Section 1 Introduction states "The purpose of this policy is to regulate the use of relocatable storage units and establish guidelines for the assessment of proposals to place such units on land within the Shire of Bridgetown-Greenbushes, to ensure that they do no detract from the visual amenity of an area."

Section 2 Policy Statement reads (in part) "*The use of relocated storage units may be an economical means of providing storage space with high level of security however due to the 'industrial' appearance and relatively large size of units such as sea containers, can detract from the visual amenity of an area. Such units are generally without architectural features such as pitched roofs or windows, they can appear to be out of place in a residential or semi-rural setting as they are inconsistent with general residential housing form.*"

It is clear therefore that the use of relocatable storage units within a residential environment is not supported due to potential impacts upon visual amenity.

Part 5 Exemptions of the Policy however provides an exemption from approval where a container is being used for the temporary storage of plant, machinery or building equipment on a building site where a building permit is current and construction is taking place. Exemptions are also in place for use similar units on a rural property for agricultural purposes.

Shire staff have generally observed however that most registered builders do not use sea containers or other large relocatable structures to store materials and equipment, and commonly use smaller relocatable sheds. It is generally only owner-builders that tend to use a large sea container for temporary storage on building sites.

The Notice of Motion proposes to advertise a potential modification to Part 5 of the current Policy to allow the temporary use of a relocatable storage unit by the landowner for storage of domestic or household items during the construction phase of a dwelling. This could be in addition to the use of a similar unit for storage of building supplies and equipment. Should the Motion be supported by Council, the

proposed change to the Policy will need further consideration by Council for final adoption, at which time any submissions and/or Shire comments can be presented.

Unlike many local governments the Shire of Bridgetown-Greenbushes allows the construction of an outbuilding on a vacant property for storage of household items. Whilst Shire staff are mindful that some landowners may not be in a position to build an outbuilding before the dwelling, other arrangements such as industrial self storage should be considered.

Shire staff take a tolerant approach to use of relocatable storage units such as sea containers and support residents using such units temporarily for a few weeks when either moving in or out of a dwelling. Where permitted under the Policy, landowners are encouraged to seek development approval should they wish to use a relocatable storage unit on an ongoing basis, with appropriate conditions imposed as required.

On advice from the Chief Executive Officer (who had discussions with Cr Pratico), the Notice of Motion has been presented to Council in response to a landowner in the Highlands Estate who is in the process of building a single house with a registered builder. The owners have used a sea container on their property for approximately 10 months for the storage of household items. The container was brought onto the property without any approval, in breach of Town Planning Scheme No. 4, and months before a building permit was granted for the dwelling now under construction.

When initially approached by Shire staff to remove the container they claimed the ground was too wet for the removal truck to access the site. Shire staff reluctantly agreed to allow the container to remain temporarily until the end of October 2019 however the owners have made no efforts to remove the container since that time, despite verbal instructions from Shire staff.

Importantly the Highland Estate is zoned Special Residential SRes 2 under Town Planning Scheme No. 4 and pursuant to Clause 4.11.7 the use of second hand materials for visible structures is prohibited. Even if the owners had sought development approval for the container, approval could not have been granted under delegated authority or by Council.

#### Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3 and Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4

A new Town Planning Scheme Policy can only become operative after the policy has been advertised for public comment under Clause 6.7.2 of Town Planning Scheme No. 3 (TPS3) and Clause 7.6.2 of Town Planning Scheme No. 4 (TPS4). Council must then consider any comments received and decide whether to adopt the new policy with or without amendment and therefore to rescind the former policy, or to not proceed, pursuant to Clause 6.7.3 of TPS3 and Clause 7.6.3 of TPS4.

#### Integrated Planning

##### ➤ Strategic Community Plan

- Key Goal 1: Our economy will be strong, diverse and resilient
- Objective 1.2 A proactive approach to business development

- Strategy 1.2.1 Embrace a “can-do” approach to development
- Key Goal 2: Our natural environment is valued, conserved and enjoyed
- Objective 2.6 Development is sympathetic to the landscape
- Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities
  
- Key Goal 3: Our built environment is maintained, protected and enhanced
- Objective 3.1 Maintained townscape heritage and character
- Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities
  
- Key Goal 5 – Our leadership will be visionary, collaborative and accountable
- Objective 5.2 – We maintain high standards of governance, accountability and transparency
- Strategy 5.2.7 – Council’s policies and local laws are responsive to community needs
  
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

#### Policy Implications

The Notice of Motion relates directly to modifying the Shire’s Relocatable Storage Units Policy TP.17.

#### Budget Implications

The cost of public advertising is estimated to be \$400 and can be costed to normal advertising accounts contained within the budget.

#### Whole of Life Accounting – Not Applicable

#### Risk Management

No risk at this time, as the Notice of Motion seeks to advertise a revised Policy for public comment. Ongoing review of the Shire’s Policy Manual ensures that policies remain in keeping with community expectations, current trends and legal requirements.

#### Voting Requirements – Simple Majority

## **Reports of Officers**

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Corporate Services
- Development & Infrastructure
- Community Services

### **CEO's Office**

<b>ITEM NO.</b>	C.03/0220	<b>FILE REF.</b>	232
<b>SUBJECT</b>	Annual General Meeting of Electors – Receival of Minutes		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	19 February 2020		

Attachment 2          Minutes from the AGM of Electors - 6 February 2020

### **OFFICER RECOMMENDATION**

*That Council receives the Minutes of the Annual General Meeting of Electors held on 6 February 2020.*

### **Summary/Purpose**

For Council to formally 'receive' the Minutes of the Annual General Meeting of Electors held on 6 February 2020.

### **Background**

At the Annual General Meeting of Electors held on 6 February 2020, nine Electors were present and, apart from confirming the Minutes from the previous Annual General Meeting of Electors (held 7 February 2019), no resolutions were carried during General Business.

As the Minutes from the AGM of Electors will not be confirmed until the next AGM of Electors, it is prudent for Council to formally receive the Minutes so that they become a 'record of Council' through the Minutes.

### **Statutory Environment**

Sections 5.27, 5.29 and 5.33 of the Local Government Act 1995 require an Annual Electors Meeting to be held each year and for decisions made at such meeting to be considered by the Council. As mentioned in the report above, there were no decisions made that need to be considered by Council.

### **Integrated Planning**

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

**Policy Implications** – Not Applicable



Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.04/0220	<b>FILE REF.</b>	
<b>SUBJECT</b>	Review of Light Fleet Vehicle Purchasing Policy		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	18 February 2020		

Attachment 3      Current 'Light Fleet Vehicle Purchasing Policy' with proposed changes shown as "track changes"

**OFFICER RECOMMENDATION**

*That Council endorses the modifications to Policy A14 "Light Fleet Vehicle Purchasing" as shown in Attachment 1.*

**Summary/Purpose**

For a period of time Council has been reviewing the content of its light fleet and this has culminated in a review of the applicable policy - "Light Fleet Vehicle Purchasing".

**Background**

The Light Fleet Purchasing Policy has been reviewed – refer Attachment 3 showing proposed modifications as track changes. Proposed changes to the policy include:

- Change from AWD to 2WD for a number of vehicles thus realising significant savings in capital acquisition. If AWD or 4WD drive is required by a staff member there will be at least two such vehicles in the fleet able to be used.
- Specification for EMDI (formerly EMWS) changed as no longer need extra space for survey equipment.
- General Operations Coordinator vehicle has been replaced with Building Assets Coordinator (BAC) vehicle.
- Change from space cab to standard cab for mechanic and depot store vehicles.
- Maximum capital outlay for standard cab utility increased by \$1,000 as purchases in 2019 were at limit of budget allocations.
- Non-standard inclusions amended to include roo/bull bars for all emergency vehicles, emergency light bar for emergency and ranger vehicles, roof rack for carrying of a ladder for Building Maintenance Officer vehicle and lockable external toolboxes for Works Supervisor and Rangers vehicle (note policy already allowed elsewhere this inclusion for the Building Maintenance Officer).
- Removal of the statement stating that Council may review its prohibition on novated lease vehicles. A review of vehicle ownership models was completed in November 2019, specifically comparisons between 3 vehicle ownership models, being 'capital acquisition', 'novated lease' and 'operating lease'. This review determined that retention of the current 'capital acquisition' model should occur as the only reason to transfer to one of the other models would

be due to prospective savings. As the cost comparisons made in the review clearly showed that no savings will occur in the novated lease or operating lease models then it was clear that the capital acquisition model remains most suitable.

- Reduction of light fleet by one vehicle as ‘waste ute’ identified for disposal. Currently this vehicle houses a fire fighting unit (required under waste site licence conditions) but this unit can instead be housed on a trailer.
- Note although the track changes shown in the attached draft policy also show the removal of the vehicle assigned to the General Operations Coordinator (position discontinued in restructure) it is in effect replaced by the vehicle for the Manager Building Assets & Projects (MBAP).

#### Officer Comment

The policy amendments were presented for discussion at the February Concept Forum and no concerns were raised.

#### Statutory Environment - Nil

#### Integrated Planning

- Strategic Community Plan  
Key Goal Area 5 – Our leadership will be visionary, collaborative and accountable  
Objective 5.2 - We maintain high standards of governance, accountability and transparency  
Strategy 5.2.3 - Ensure organisational capability  
Strategy 5.2.7 - Council’s policies and local laws are responsive to community needs
- Corporate Business Plan  
Strategy 5.2.7 - Council’s policies and local laws are responsive to community needs  
  
Action 5.2.7.1 - Annually review policies
- Long Term Financial Plan  
A light fleet replacement plan will be included in the Long Term Financial Plan using the changeover intervals and values contained in the policy
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning – Not Applicable

#### Policy Implications

This item concerns the review of a current Council Policy.

#### Budget Implications

A number of light fleet vehicles are scheduled for changeover in the current budget. If the policy amendments are endorsed those changeovers will proceed based on the contents of the revised policy and will see savings where the value of new vehicles has been reduced in the new policy.

Whole of Life Accounting

The vehicle selection criteria contained in the policy requires and assessment of whole of life costs based on 20,000km so that a cost comparison between potential vehicle purchases can be made.

Risk Management – Not Applicable

Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.05/0220	<b>FILE REF.</b>	209
<b>SUBJECT</b>	Rolling Action Sheet		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	20 February 2020		

Attachment 4          Rolling Action Sheet

OFFICER RECOMMENDATION

*That the information contained in the Rolling Action Sheet be noted.*

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the current status of Items/Projects that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an Attachment to this Agenda.

Statutory Environment – Nil

Integrated Planning

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

Policy Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

## **Corporate Services**

<b>ITEM NO.</b>	C.06/0220	<b>FILE REF.</b>	131
<b>SUBJECT</b>	January 2020 Financial Activity Statements and List of Accounts Paid in January 2020		
<b>OFFICER</b>	Senior Finance Officer		
<b>DATE OF REPORT</b>	18 February 2020		

Attachment 5      January 2020 Financial Activity Statements  
Attachment 6      List of Accounts Paid in January 2020

### **OFFICER RECOMMENDATION**

1. *That Council receives the January 2020 Financial Activity Statements as presented in Attachment 5.*
2. *That Council receives the List of Accounts Paid in January 2020 as presented in Attachment 6.*

### **Summary/Purpose**

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

### **Background**

In its monthly Financial Activity Statement a local government is to provide the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act;
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

Each of the Financial Activity Statements is to be accompanied by documents containing:

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the Local Government.

The information in a statement of financial activity may be shown:

- (a) according to nature and type classification;
- (b) by program; or
- (c) by business unit.

The Financial Activity Statement and accompanying documents referred to in sub-regulation 34(2) are to be:

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

#### Statutory Environment

Section 6.4 (Financial Report) and Section 6.8 (Expenditure from municipal fund not included in annual budget) of the Local Government Act 1995, and Regulations 13 (List of Accounts) and 34 (Financial activity statement report) of the Local Government (*Financial Management*) Regulations 1996 apply.

#### Integrated Planning

- Strategic Community Plan
  - Key Goal 5: Our leadership will be visionary, collaborative and accountable
  - Objective 5.2: We maintain high standards of governance, accountability and transparency
  - Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

#### Policy Implications

F.6. Purchasing Policy - To ensure purchasing is undertaken in an efficient, effective, economical and sustainable manner that provides transparency and accountability.

F.7. Reporting Forecast Budget Variations Policy - To set a level of reporting detail (in Financial Activity Statement) that ensures that the council is satisfied with the implementation of its annual budget.

#### Budget Implications

Expenditure incurred in January 2020 and presented in the list of accounts paid, was allocated in the 2019/20 Budget as amended.

Whole of Life Accounting – Not applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

## **Development & Infrastructure**

<b>ITEM NO.</b>	C.07/0220	<b>FILE REF.</b>	R48886
<b>SUBJECT</b>	Proposed Reserve Rationalisation		
<b>LOCATION</b>	Reserve 48886, Lot 1 Balmoral Drive, Bridgetown		
<b>PROPONENT</b>	Shire of Bridgetown-Greenbushes		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	14 February 2020		

Attachment 7            Location Plan  
Attachment 8            Reserve Rationalisation Plan

### **OFFICER RECOMMENDATION**

*That Council gives in-principle support to the proposed change in purpose from Public Recreation to Public Purpose and rationalisation of Reserve 48886, Lot 1 Balmoral Drive, Bridgetown, facilitated through partial road widening and closure of Balmoral Drive, as shown on Attachment 8, and directs the Chief Executive Officer to undertake necessary public consultation with a subsequent report presented to Council for further consideration.*

### **Summary/Purpose**

Shire staff are seeking to rationalise the purpose, size and function of Reserve 48886, Lot 1 Balmoral Drive, Bridgetown, facilitated through partial road widening and closure of Balmoral Drive. In-principle support from Council is sought prior to commencing public consultation.

### **Background**

Council in March 2016 considered the potential location of the satellite station for the Hester Brook Bush Fire Brigade in the Highlands subdivision estate, with Reserve 48886 being Option 2. Council resolved (C.04/0316) to support Option 1 and approved the station on Reserve 48883 Lot 207 Galloway Drive, Bridgetown (also in the Highland Estate subdivision), with the station constructed in 2016.

### **Officer Comment**

As background, the subject land parcel was identified as Public Open Space in the original Highland Estate Structure Plan (formerly known as a Development Guide Plan), with the land rezoned from 'Rural 2 – General Agriculture' to 'Parks & Recreation' as part of Amendment No. 40 to Town Planning Scheme No. 4, gazetted in 2002. The land was earmarked for landscape planting however only a small row of London Plane Trees was planted by the developer at the time of subdivision.

Subdivision approval was granted by the Western Australian Planning Commission on 30 January 2006 (WAPC 128056) for a significant portion of the Highlands Estate subdivision, with Condition 18 of the approval requiring the free-of-cost ceding of Lot 1 to the Crown as a Reserve for Recreation. Reserve 48886, Lot 1 Balmoral Drive, Bridgetown was then created in 2006 on Deposited Plan 50179.

The approved engineering plans for the subdivision stage allowed for the development of a fenced drainage compensation basin, approximately 400m<sup>2</sup> within the Balmoral Drive road reserve and approximately 200m<sup>2</sup> within Reserve 48886 (see Attachment 7). The basin serves the on-street stormwater drainage plus a drainage easement on the eastern boundary of adjoining Lot 63 Balmoral Drive.

In October 2019 the Department of Planning, Lands and Heritage wrote to the Shire of Bridgetown-Greenbushes requesting whether the Shire would be willing to accept a management order over Reserve 48886 for the purpose of “Public Recreation”. Shire staff responded in November 2019 indicating it was unwilling to accept the management order at that time due to the following reasons:

- The isolated location and small size of the reserve (being 903m<sup>2</sup>) would provide little value as a public park.
- The Highlands Estate subdivision includes Public Recreation Reserve 48833, which has an area of 9758m<sup>2</sup>, is centrally located and is being progressively developed for use by local residents.
- The constructed road surface of Balmoral Drive plus a portion of a fenced drainage compensation basin already encroach into Reserve 48886, further reducing useability for public recreation, with the drainage basin also encroaching into the road reserve.
- There is also evidence of unauthorised vehicular access through Reserve 48883 and across adjoining private land through to Laverty Street.
- The Shire is to consider a potential change in vesting to either Municipal Purpose or Drainage for Reserve 48886, including rationalisation of the road reserve to address the encroachments.

Whilst the north-eastern end of Balmoral Drive (which is the start of the road) adjoins the Laverty Street Road Reserve, the roads were purposely disconnected during the subdivision process, with the existing drainage basin providing the physical barrier to prevent both vehicular and pedestrian access. The proposed reserve rationalisation seeks to formalise the current use of the land.

This preliminary report is presented to Council seeking in-principle support for the potential change in vesting from Public Recreation to Public Purpose, and rationalisation of the reserve and road reserve to address the encroaching road surface and the fenced drainage compensation basin. Subject to Council’s support, the proposed rationalisation will be advertised for public comment, with a subsequent report to be presented to Council for further consideration. The ultimate decisions to change the vesting and parcel size of the reserve, plus the proposed road widening/closure will be at the discretion of the Minister for Lands.

#### Statutory Environment

- Town Planning Scheme No. 4

Pursuant to Clauses 2.2 and 2.3 of Town Planning Scheme No. 4, development on a reserve requires development approval and regard must be given to the ultimate purpose intended for the reserve. As the ultimate purpose of Reserve 48886 is currently Public Recreation, the proposed rationalisation is considered necessary to better reflect the current use and site constraints.

Should the change in purpose ultimately be approved by the Minister for Lands then changes to the zoning of the modified reserve and road reserve can be made during preparation of draft Local Planning Scheme No. 6.

- Land Administration Act 1997

Under Section 51 of the Land Administration Act the local government can initiate the potential cancellation, change in purpose or amend the boundaries or parcels of a reserve. Following public consultation the local government can then make a formal request to the Minister for Lands upon advice from the Department of Planning, Lands and Heritage. As Reserve 48886 does not currently have a management order in place, if the change in purpose to Public Purpose is approved by the Minister for Lands, the Shire could then accept an appropriate management order for the reserve. If a change in vesting is not supported then the Shire could still accept the offered management order for the purpose of 'Public Recreation' although not recommended.

Under Section 58 of the Land Administration Act the government power can initiate a road closure through a public consultation process. Following consultation the local government can then resolve to close a road through a formal request to the Minister for Lands. Ordinarily any closed portion of road reserve may then be made available for purchase and amalgamated with adjoining subject lots, however in this case it is proposed the closed portion of road be added to Reserve 48886.

#### Strategic Plan Implications

- Strategic Community Plan 2017

Key Goal 2: Our natural environment is valued, conserved and enjoyed

- Objective 2.1 Value, protect and enhance our natural environment
- Strategy 2.1.1 Support and promote sound environmental management practices
- Strategy 2.1.6 Recognise and respond to the impacts of climate change
- Objective 2.2 Enhanced parklands, reserves and gardens
- Strategy 2.2.1 Prepare and implement strategies for development and maintenance of parklands and reserves

Key Goal 3: Our built environment is maintained, protected and enhanced

- Objective 3.2 Outdoor spaces, places and buildings are fit for purpose
- Strategy 3.2.5 Provide and maintain a range of facilities that cater for the community's needs

Key Goal 5: Our leadership will be visionary, collaborative and accountable

- Objective 5.1 Our community actively participates in civic life

Reserve 48886 does not currently have a management order in place. If the change in purpose is ultimately approved by the Minister for Lands, the Shire could then accept an appropriate management order for the reserve. If a change in vesting is not supported then the Shire could still accept the offered management order for the purpose of 'Public Recreation' although not recommended.

- Corporate Business Plan 2018/22

Key Goal 2 - Our Natural Environment is Valued, Conserved and Enjoyed

- Objective 2.1 Value, protect and enhance our natural environment
- Strategy 2.1.1 Support and promote sound environmental management practices



- Action Ref. 2.1.1.1 Prepare stormwater management plans for Bridgetown and Greenbushes
- Strategy 2.1.6 Recognise and respond to the impacts of climate change
- Objective 2.2 Enhanced parklands, reserves and gardens
- Strategy 2.2.1 Prepare and implement strategies for development and maintenance of parklands and reserves

Key Goal 3: Our built environment is maintained, protected and enhanced

- Objective 3.2 Outdoor spaces, places and buildings are fit for purpose

Key Goal 5: Our leadership will be visionary, collaborative and accountable

- Objective 5.1 Our community actively participates in civic life
- Strategy The community is involved in local decision making

Reserve 48886 does not currently have a management order in place. If the change in purpose is ultimately approved by the Minister for Lands, the Shire could then accept an appropriate management order for the reserve. If a change in vesting is not supported then the Shire could still accept the offered management order for the purpose of 'Public Recreation' although not recommended.

- Long Term Financial Plan

The proposed reserve rationalisation will not have any impacts upon the Shire's Long Term Financial Plan.

- Asset Management Plans

Although a Management Order is yet to be finalised, the proposed reserve rationalisation will have little impact to the existing road and drainage infrastructure management practices.

- Workforce Plan - Nil
- Other Integrated Planning - Nil

### Policy

Shire of Bridgetown-Greenbushes Natural Environment Strategy and Shire of Bridgetown-Greenbushes Local Planning Policy - Managing the Natural Environment

Both the Natural Environment Strategy and Managing the Natural Environment Policy identify protection of key natural assets such as biodiversity, water resources (quality and quantity), and soil and land. The proposed reserve rationalisation and change in purpose is not expected to have any detrimental environmental implications.

### Budget Implications

Nil costs at this stage.

### Whole of Life Accounting

Whilst no costs can be attributed to the proposed reserve rationalisation, no additional development or whole of life costs can be provided to Council at the appropriate time.

### Risk Management

Reserve 48886 is informally under the care and control of the Shire however a Management Order has yet to be issued to the Shire. The proposed reserve rationalisation will formalise the existing layout of road and drainage infrastructure, and will not increase the Shire's risk management profile.

### Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.08/0220	<b>FILE REF.</b>	A37253
<b>SUBJECT</b>	Proposed Holiday Accommodation (Conversion of Shed to Chalet)		
<b>PROPONENT</b>	Sam Caporn		
<b>LOCATION</b>	Lot 2 (RSN 25614) South Western Highway, Yornup		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	19 February 2020		

Attachment 9	Location Plan
Attachment 10	Applicant's Submission/Photographs
Attachment 11	Proposed Plans

### OFFICER RECOMMENDATION

*That Council noting that no submissions were received, pursuant to Clause 7.6.4 under Town Planning Scheme No. 4 waives the Conversion of Sheds to Dwellings Policy and approves the proposed single holiday accommodation chalet Lot 2 (RSN 25614) South Western Highway, Yornup as per Attachment 11, subject to the following conditions:*

- 1. Approval is granted for the conversion of the existing shearing shed into a single holiday accommodation chalet, with a maximum internal floor area of 140m<sup>2</sup>, and must be provided with a kitchen sink and facilities for the preparation and cooking of food, a bath or shower, a closet pan and washbasin and clothes washing facilities, with an outdoor drying area to be screened.*
- 2. Provision onsite of a minimum of two (2) car parking spaces prior to occupation of the units and thereafter maintained. In this regard the bays are to be constructed to a minimum gravel standard and appropriately signposted.*
- 3. Maintenance of the existing crossover and internal access road to a suitable gravel standard.*
- 4. No person shall occupy a holiday accommodation unit for an aggregate period of more than three months in any consecutive twelve month period.*
- 5. The accommodation unit must be provided with at least one dry chemical powder type fire extinguisher having a capacity not less than 4.5 kilograms and conforming with the requirements of the Australian Standard AS2444.*
- 6. All fire extinguishers must be maintained in proper working order and condition in accordance with the requirements of Australian Standard AS1851 and shall arrange with an approved contractor for the periodical inspection and testing of all extinguishers.*
- 7. Smoke alarms and emergency lighting activated by required smoke alarms must be installed in each accommodation unit as marked in red on the approved plan, and installed in accordance with Building Codes of Australia (BCA) Part 3.7.2 and AS 3786 for Class 1b buildings. Smoke alarms are*

*required to be connected to the consumer mains power and installed by licensed electrical contractors.*

8. *Signage to be erected within the accommodation unit advising patrons that the unit is located in proximity to agricultural activity that may create nuisance or inconvenience from time to time, but is essential for rural production.*
9. *No occupants are permitted to light outdoor fires other than in appropriate barbecues in accordance with the Shire's Annual Firebreak and Hazard Reduction Notice.*
10. *Provision of potable water supply to the unit prior to occupation, consisting of a rain water storage tank or tanks with a minimum 45,000 Litres and thereafter maintained.*
11. *Where the unit may accommodate more than six persons separate annual registration as a Lodging House will be required.*

*Advice Note: The dwelling conversion is to be re-classified as a 'Class 1b' habitable dwelling under the Building Code of Australia, to the satisfaction of the Shire of Bridgetown-Greenbushes.*

*Advice Note: In relation to Condition 10, stored rain water should be treated in line with the "Guidelines for Drinking Water Quality" (NHMRC) and tested annually to ensure a safe potable water supply.*

#### Summary/Purpose

To consider a development application to use a former shearing shed as a holiday accommodation chalet at Lot 2 (RSN 25614) South Western Highway, Yornup. The application is presented to Council for the recommended waiving of the Shire's Conversion of Sheds to Dwellings Policy and to approve the application subject to conditions.

#### Background

Nil

#### Officer Comment

A development application has been received to use a converted portion of a former shearing shed as a self-contained holiday accommodation chalet at Lot 2 (RSN 25614) South Western Highway, Yornup. The property is zoned Rural 1 – Extensive Agriculture under Town Planning Scheme No. 3 (TPS3) and has an approximate area of 21.3955 hectares. Holiday Accommodation is listed as an 'AA' discretionary use within the Rural 1 zone.

The existing shearing shed is located approximately 170 metres from the front boundary to South Western Highway, 130 metres to the closest western rear boundary and approximately 82 metres south of the main dwelling. The proponent lives on the small farm and also provides equine tuition onsite and offsite, with the proposed chalet to serve visiting customers and other tourists.

The existing shearing shed has a total area of approximately 141m<sup>2</sup> (excluding the timber stairs and landing ramp). The landowner has already undertaken construction of a 67.7m<sup>2</sup> self-contained chalet within the main shed structure, consisting of an open plan living/dining/kitchen plus two bedrooms with separate bathroom and toilet accessible via an exterior corridor under the main roof of the former shearing shed. The chalet opens to an undercover entertainment space within the former shearing shed. The plan provided does not show a laundry so a washing machine will need to be provided ideally within the bathroom. The existing

ramp and timber stairs may need upgrading to provide compliant access to the chalet.

The exterior of the former shearing shed remains largely unchanged, with small highlight windows added for the living room, one bedroom and toilet. An onsite effluent disposal system has yet to be installed so the chalet is not yet habitable, with one planned on the western side of the building.

The outbuilding was not constructed to satisfy the requirements of a habitable Class 1b building under the Building Code of Australia (BCA). A building permit application will also be required showing any necessary modifications to the building consistent with the National Construction Code including the Building Code of Australia.

An existing 54,500 Litre rainwater tank will serve the proposed chalet, with car parking for at least two vehicles available on the eastern side of the building and adjacent to the main driveway.

Under the Shire's 'TP.11 Conversion of Sheds to Dwellings Policy' Council has confirmed its position that the conversion of sheds to dwellings or dwellings based on a shed frame construction often results in substandard housing being provided and that this housing can be detrimental to the amenity of the area in which it is located. This issue is less significant however within a farming area and on larger properties such as the subject property, with existing vegetation screening and separation to the highway and other properties. The current shearing shed building presents well and the proposed conversion will result in minimal external changes. The main dwelling is located nearby and in view of the highway.

The application was referred for comment to landowners of four surrounding properties plus Main Roads Western Australia, with the submission period closing on 18 February 2020, however no submissions were received at the time of writing this report.

Given the merits of the application, setbacks to and nature of surrounding properties, and noting that no submissions were received from surrounding landowners, the proposed conversion of the former shearing shed into a holiday accommodation chalet is not expected to have an adverse effect upon the rural amenity of the surrounding properties or the wider locality. It is therefore recommended that the Conversion of Sheds to Dwelling Policy be waived in this case and approval be granted subject to conditions.

#### Statutory Environment

- Town Planning Scheme No. 4

Clause 4.3.1 states *"Council's objective, recognising the physical characteristics and location of land within the Zone are conducive to agriculture on an extensive basis and that this constitutes a major component of the District's economy, will be to give priority to the continued viability of this activity."*

*Council's Policies will therefore be to (inter alia):*

*(b) permit a range of uses reasonably appropriate to the objective."*

The proposed conversion of the former shearing shed into a holiday chalet will not have a detrimental impact on the agricultural use of property and surrounding land, and is therefore consistent with the objective and policies of the land being a discretionary use within the zone.

Clause 4.8.2 states *“Development for Holiday Accommodation, Motels, Caravan Parks or Camping Grounds shall conform to the following site requirements:*

- a) a site area of not less than 2 hectares;*
- b) be sited and designed so as to minimise the risk from bush fires;*
- c) the site shall in the opinion of Council contain tree cover adequate to provide visual screening and privacy and Council may require as a condition of Planning Consent additional planting and maintenance of trees where existing tree cover is considered deficient or inadequate;*
- d) public road access to the site shall in the opinion of Council be adequate for the use which may be reasonably anticipated;*
- e) site conditions of topography and soil shall be such as to ensure in the opinion of Council adequate effluent disposal and site drainage as a result of the development, and that the site is not susceptible to erosion;*
- f) an adequate supply of potable water shall be available.”*

The subject site and nature of the proposed holiday accommodation chalet is consistent with the above requirements and no additional screening planting is considered necessary.

Clause 7.6.4 states *“A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

Clause 7.6.5 states *“In determining an application for Planning Approval, Council shall have regard to any Town Planning Policy adopted under the powers of this Scheme, and may impose conditions of approval in conformity with the requirements of that Policy.”*

Council has discretion to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been taken into account. It is recommended that the Conversion of Sheds to Dwelling Policy be waived in this case and approval be granted subject to conditions pursuant to the Holiday Accommodation Policy.

- Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 67, Schedule 2 (Deemed Provisions)

Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed conversion of the former shearing shed into a single chalet is generally consistent with the objective of the Rural 1 – Extensive Farming zone under Town Planning Scheme No. 4.

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed conversion of the former shearing shed into a single chalet is generally consistent with the orderly and proper planning of Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is currently being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas. Not applicable.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas. Not applicable.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Holiday Accommodation Policy, Conversion of Sheds to Dwellings Policy and Barn Style Dwellings Policy. See below.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	Not applicable.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the local area are anticipated.

(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	No detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	No detrimental impacts upon the local environment or water resources are anticipated.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Not applicable.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See bushfire issues above. There is no evidence of soil erosion, flooding risk, etc.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	Acceptable.
(s) the adequacy of: (i) the proposed means of access to and egress from the site, and (ii) arrangements for the loading, unloading, maneuvering and parking of vehicles;	Access to the property via the existing road network is adequate utilising the existing crossover and internal driveway.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	Modest additional traffic levels are anticipated.
(u) the availability and adequacy for the development of the following: (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with a disability;	Reticulated power is available however reticulated water is not, with onsite water supply required. A new onsite effluent disposal system is to be installed for the proposed chalet.

(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(w) the history of the site where the development is to be located;	Not applicable.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Nil
(y) any submissions received on the application;	None
(za) the comments or submissions received from any authority consulted under clause 66.	None
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

#### Policy Implications

- State Planning Policy 3.7 Planning in Bushfire Prone Areas

Whilst portions of the subject land are within the designated bushfire prone area, the proposed development site is not in the bushfire prone area, so assessment against SPP 3.7 and the associated Guidelines for Planning in Bushfire Prone Areas is exempt.

- Shire of Bridgetown-Greenbushes Holiday Accommodation Policy

*Policy Objective – “Holiday Accommodation development needs to be compatible and integrated with surrounding land use and the natural and built environment. The challenge for the Shire, developers and holiday accommodation operators is to achieve (and maintain) a delicate balance between tourism, the environment, and protecting the amenity of surrounding residents and holiday accommodation occupants.”*

The Holiday Accommodation Policy lists specific Site Requirements, Development Requirements, Classification of Units, Fire Safety, Water Supply and Maximum Length of Occupancy. The proposal is compliant with the applicable Policy requirements with required conditions recommended.

- Shire of Bridgetown-Greenbushes Conversion of Sheds to Dwellings Policy

Under the Shire’s ‘TP.11 Conversion of Sheds to Dwellings Policy’ Council has confirmed its position that the conversion of sheds to dwellings often results in substandard housing being provided and that this housing can be detrimental to the amenity of the area in which it is located.

Shed to dwelling conversions are not permitted by Council as such developments are often unsightly and present a poor appearance from adjoining streets and



properties. The granting of approval of substandard residential development such as a shed conversion will likely result in increased opposition from landowners (particularly in a residential area) and thus Council has adopted the Policy for a blanket prohibition on such developments.

Given the setbacks of the former shearing shed to and use of surrounding farming properties, the external changes of the converted shed to a holiday accommodation chalet will be minimal, and is not expected to have an adverse effect upon the rural amenity of the surrounding properties or the wider locality.

- Shire of Bridgetown-Greenbushes Construction of Barn Style Dwellings Policy

Under the Shire's TP.19 Construction of Barn Style Dwellings Policy Council has confirmed its position that the development of 'barn style' dwellings and other types of dwellings based on a shed design or frame will not be permitted in the Residential or Special Residential Zones of Bridgetown.

Approval for this type of construction can be supported for larger Special Rural or Rural zones where the impact on surrounding properties can be minimized.

Given the setbacks of the former shearing shed to and use of surrounding farming properties, the external changes of the converted shed to a holiday accommodation chalet will be minimal, and is not expected to have an adverse effect upon the rural amenity of the surrounding properties or the wider locality.

#### Budget Implications

The applicable development application fee has been paid.

#### Strategic Plan Implications

- Strategic Community Plan 2019

Key Goal 1: Our economy will be strong, diverse and resilient

- Objective 1.1 A diverse economy that provides a range of business and employment opportunities
- Strategy 1.1.8 Develop trails – culinary, art, walk, mountain bike, canoe and bridle
- Strategy 1.1.9 Support tourism activities that focus on events, adventure, agriculture, good, heritage and the natural environment
- Objective 1.2 A proactive approach to business development
- Strategy 1.2.1 Embrace a "can do" approach to development
- Strategy 1.2.2 Design and implement business retention strategies and initiatives for support of existing and potential new businesses

Key Goal 2: Our natural environment is valued, conserved and enjoyed

- Objective 2.6 Development is sympathetic to the landscape
- Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

Key Goal 3: Our built environment is maintained, protected and enhanced

- Objective 3.1 Maintained townscape heritage and character

- Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

Key Goal 5: Our leadership will be visionary, collaborative and accountable

- Objective 5.1 Our community actively participates in civic life
  - Strategy 5.1.1 The community is involved in local decision making
  - Objective 5.2 We maintain high standards of governance, accountability and transparency
  - Strategy 5.2.8 Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan 2019/23 – Nil
  - Long Term Financial Plan - Nil
  - Asset Management Plans - Nil
  - Workforce Plan - Nil
  - Other Integrated Planning - Nil

Whole of Life Accounting – Not applicable

Risk Management

No risks to the Shire, the landowner or adjoining property owners are evident should Council resolve to support the proposal. Should Council approve the application subject to conditions opposed by the applicant or should Council issue refusal to the development, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal. Should Council refuse the application the unauthorised works would need to be modified or removed enforced through applicable regulations.

Voting Requirements – Simple Majority

**Community Services** - Nil

**Receival of Minutes from Management Committees** – Nil

**Urgent Business Approved by Decision**

**Responses to Elected Member Questions Taken on Notice** - Nil

**Elected Members Questions With Notice**

**Notice of Motions for Consideration at the Next Meeting**

### **Matters Behind Closed Doors (Confidential Items)**

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.
- A matter that if disclosed, would reveal –
  - A trade secret;
  - Information that has commercial value to a person; or
  - Information about the business, professional, commercial or financial affairs of a person.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties


<b>ITEM NO.</b>	C.09/0220	<b>FILE REF.</b>	
<b>SUBJECT</b>	Request for Tender 02-19/20 – Design and Construction of Greenbushes Fire Station		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	20 February 2020		

### **Closure**

*The Presiding Member to close the Meeting*

### **List of Attachments**

<b>Attachment</b>	<b>Item No.</b>	<b>Details</b>
1	C.02/0220	Relocatable Storage Units Policy TP.17
2	C.03/0220	Minutes from the AGM of Electors - 6 February 2020
3	C.04/0220	Current 'Light Fleet Vehicle Purchasing Policy' with proposed changes shown as "track changes"
4	C.05/0220	Rolling Action Sheet
5	C.06/0220	January 2020 Financial Activity Statements
6	C.06/0220	List of Accounts Paid in January 2020
7	C.07/0220	Location Plan
8	C.07/0220	Reserve Rationalisation Plan
9	C.08/0220	Location Plan
10	C.08/0220	Applicant's Submission/Photographs
11	C.08/0220	Proposed Plans

Agenda Papers checked and authorised by T Clynch, CEO		20.2.20
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