

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 October 2016** in the Council Chambers, commencing at 5.30pm.

Signed by T Clynch, CEO



Date

20 October 2016

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AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 27 October 2016 commencing at 5.30pm

Meeting to be opened by the President

Acknowledgment of Country – Presiding Member

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

Attendance, Apologies and Leave of Absence

President	- Cr J Nicholas
Councillors	- J Boyle
	- S Hodson
	- D Mackman
	- J Moore
	- A Pratico
	- P Scallan
	- A Wilson
In Attendance	- T Clynch, CEO
	- M Larkworthy, Executive Manager Corporate Services
	- E Denniss, Executive Manager Community Services
	- T Lockley, Executive Assistant
Leave of Absence	- Cr P Quinby

Attendance of Gallery

Responses to Previous Questions Taken on Notice

Public Question Time

Petitions/Deputations/Presentations

Comments on Agenda Items by Parties with an Interest

Applications for Leave of Absence

Confirmation of Minutes

C.01/1016 Ordinary Meeting held 29 September 2016

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 29 September 2016 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 - Nil

Reports of Officers

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Finance & Administration
- Planning & Environmental Services
- Works & Services
- Community Services

CEO's Office

ITEM NO.	C.02/1016	FILE REF.	
SUBJECT	Tweed Road Reinstatement Works		
OFFICER	Chief Executive Officer		
DATE OF REPORT	14 October 2016		

Attachment 1 Map and Photographs of Affected Section of Road

OFFICER RECOMMENDATION that Council:

- 1. Note that an application for emergency funding has been submitted to Main Roads Western Australia to cover a substantial portion of the costs of reconstructing the failed section of Tweed Road located 3.38 kilometres east of South Western Highway.*
- 2. Approve as unbudgeted expenditure an amount of \$100,000 for reconstructing the failed section of Tweed Road.*
- 3. Amend the 2016/17 budget to accept new revenue in the event of the Shire's application for emergency funding proving successful.*
- 4. Request the CEO to report back to Council in the event of the Shire's application for emergency funding proving to be unsuccessful. In this event the CEO is to identify commensurate savings elsewhere in the 2016/17 budget to balance the budget in light of the unbudgeted expenditure for Tweed Road.*

Summary/Purpose

In late September a catastrophic failure occurred to a localised section of Tweed Road approximately 3.38 kilometres from the South Western Highway. The estimated cost to reconstruct this section of road is \$100,000. An application for emergency funding assistance for this amount has been submitted to Main Roads Western Australia. If successful the funding would cover the majority of costs for reconstruction of the road however if the application is unsuccessful subsequent commensurate savings in the budget will have to be identified.

Background

The ongoing wet weather within the Shire of Bridgetown-Greenbushes has significantly contributed to a catastrophic failure of a localised section of Tweed Road approximately 3.38 kilometres from the South Western Highway. The 20 metre section of road commenced to breakup on 22 September 2016 and a few days later it collapsed. The section of road is impassable to all vehicles.

The Shire has received advice from a specialist consultant and the size and complexity of the repair needed to stabilise the site is significant. The solution to this problem involves excavating at least 6m down from the road surface and then installing a minimum one metre deep drainage and foundation course of rock to control the groundwater. Then suitable road construction material needs to be imported to rebuild the road pavement. This is estimated to be approximately 2000 cubic metres compacted volume.

There is also a Telstra cable on the northern boundary that needs to be temporarily relocated so that works can proceed, then reinstated back to its original alignment.

The detour for residents on the eastern side of the failure is approximately 30 kilometres. The detour for the School Bus tourists and emergency services via Carburn Brook Rd is approximately 19 kilometres.

The estimated repair cost for the road is currently estimated to cost in the order of \$100,000 and will take two to three weeks to complete.

A funding assistance request for \$100,000 has been requested from Main Roads Western Australia via the State Initiative funding arrangements. Local Member of Parliament the Hon Terry Redman has been asked to assist us with this request. In the meantime there is an urgent need to proceed with reconstruction of the failed section of road as its closure has caused significant degrees of inconvenience to residents, transport companies and other users of that road.

Council's 2016/17 budget contains funds for "storm damage" road works and work undertaken to date has been booked to that job number and will continue to do so. However the estimated cost of the road reconstruction is \$100,000 which significantly exceeds the budget allocations for storm damage works, in particular the use of contractors and significant expenditure on materials & contracts.

Notwithstanding the application for emergency funding has been submitted to Main Roads Western Australia there is a need to undertake the reconstruction of the road as soon as possible as its closure is proving a major inconvenience to affected residents and other road users.

Statutory Environment

Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Integrated Planning

➤ Strategic Community Plan

Objective 1 – a strong, resilient and balanced economy

Outcome 1.2 - Ensure infrastructure and services are provided for future development in keeping with the environment.

Outcome 1.5 - Maintain an appropriate standard of transport networks, roads and pathways.

➤ Corporate Business Plan - Nil

➤ Long Term Financial Plan - Nil

➤ Asset Management Plans - Nil

➤ Workforce Plan – Not Applicable

➤ Other Integrated Planning - Nil

Policy - Nil

Budget Implications

A new job number of the works on Tweed Road needs to be created as funds for this work aren't specifically provided for in the 2016/17 budget.

If the application to Main Roads Western Australia for funding the reconstruction works proves successful the 2016/17 budget will be amended to include that revenue. If no funding or insufficient funding is provided, Council will have to amend its budget by identifying an equivalent value in savings elsewhere in the budget.

Fiscal Equity

The proposed expenditure will reinstate the failed section of road to the standard that existed before it failed.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.03/1016	FILE REF.	
SUBJECT	Graffiti Vandalism Act 2016		
PROPONENT	Department of Local Government and Communities		
OFFICER	Chief Executive Officer		
DATE OF REPORT	14 October 2016		

OFFICER RECOMMENDATION that Council adopt Forms 4 and 6 in Schedule 1 of the Local Government (Functions and General) Regulations as the approved forms for use under the Graffiti Vandalism Act and that, when used for this purpose, these forms will be modified to refer to Section 29 of the Graffiti Vandalism Act.

Summary/Purpose

With the proclamation of the Graffiti Vandalism Act 2016 the powers of local governments to remove graffiti within their districts have been deleted from the Local Government Act 1995 and transferred to the GV Act. Existing forms (Forms 4 and 6) contained in the Local Government Act can be used for warrants and notices of objections against a local government decision subject to a Council decision to that effect.

Background

The *Graffiti Vandalism Act 2016* (GV Act) came into effect on 7 October 2016, having passed both Houses of Parliament on 30 June 2016.

The GV Act is a consolidated Act enabling police, public transit officers and the local government sector to deal with graffiti offences. The relevant powers of these agencies have been transferred from various Acts into the GV Act.

The GV Act:

- creates a new offence of damaging property by graffiti and allows for the costs of cleaning graffiti to be awarded against the offender;
- allows local governments to issue notices requiring the removal of graffiti and to enter properties under warrant to remove graffiti themselves; and
- Provides those persons issued with a notice (“affected persons”) the right to seek review of that decision with the State Administrative Tribunal or to object to the notice.

As a consequence of the passage of the GV Act, the powers of local governments to remove graffiti within their districts have been deleted from Schedules 3.1 and 3.2 of the Local Government Act 1995 and transferred to the GV Act.

Officer Comment

A local government's powers in relation to the treatment of graffiti have not changed with the introduction of the GV Act. However, the GV Act requires that objections to notices issued under it are to be treated as though they were objections to the decision of a local government under Part 9 of the LG Act.

This means that objections must be lodged in the approved form, with approval being by the local government. The existing Form 4 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996* (the Regulations) can be used provided the head of power, being Section 22 of the GV Act, is included at the top and the form is approved by a council resolution.

Warrants executed under the GV Act must also be in an approved form. Local Governments can use Form 6 of Schedule 1 to the Regulations for this purpose providing it is similarly approved. Form 6 should also be amended to refer to the relevant head of power granted by section 29 of the GV Act.

A Council decision is necessary to adopt Forms 4 and 6 as the approved forms for use under the GV Act. These must be modified to refer to the relevant sections of the GV Act as advised above.

Statutory Environment

The powers of local governments to remove graffiti within their districts have been deleted from Schedules 3.1 and 3.2 of the Local Government Act 1995 and transferred to the Graffiti Vandalism Act.

Integrated Planning

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil

- Asset Management Plans - Nil
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

The CEO, being the author of the agenda item declares a financial interest in the item due to the report dealing with a prospective benefit to be made available to all employees.
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ITEM NO.	C.04/1016	FILE REF.	
SUBJECT	Proposed Policy - Leisure Centre Discounted Membership for Employees		
OFFICER	Chief Executive Officer		
DATE OF REPORT	19 October 2016		

Attachment 2 Draft Leisure Centre Discounted Membership for Employees Policy

OFFICER RECOMMENDATION that Council adopt the Leisure Centre Discounted Membership for Employees Policy with the policy to take immediate effect.

Summary/Purpose

Earlier this year Council considered a request from staff for introducing discounted memberships at the Bridgetown Leisure Centre. Council, at the time, declined to include this benefit in the applicable Collective Agreement/EBA but indicated it would be prepared to consider this as a benefit once further advice on potential taxation liabilities was obtained.

Applicable advice has been received that confirms that specific types of leisure centre memberships could be offered to employees, either at no cost or at a

discounted rate, without triggering a fringe benefit tax liability to the employer. Accordingly a draft 'Leisure Centre Discounted Membership for Employees' Policy has been prepared for Council's consideration.

Background

Earlier this year, as part of the negotiations with staff for renewal of the Outside Workers Collective Agreement and the Inside Workers Enterprise Bargaining Agreement the staff requested Council consider including in the Agreements access by staff to discounted memberships at the Bridgetown Leisure Centre.

Council indicated at the time it was open to offering discounted memberships to staff if it could be shown that a fringe benefit tax liability wouldn't be accrued. As there was a need to finalise the Agreements before 30 June 2016 it was agreed by all parties that the matter would be considered outside of the Collective Agreement/EBA processes.

The provision of discounted leisure centre memberships to staff is a common benefit provided to staff by local governments and is part of a staff retention/attraction strategy. It is also a common benefit provided in the private sector. Many local governments provide memberships for free and others offer discounted memberships.

Taxation advice on this proposed benefit has been received and in summary:

- *The provision of a discounted membership for the leisure centre will be an exempt benefit under Section 47(2) Fringe Benefits Tax Assessment Act (FBTAA) 1986 if it consists of the provision or use of a recreational facility located on the Shire's business premises.*
- *The requirements to be satisfied for both the recreational facility and the business premises of the employer are as follows:*

Recreational Facility

There are two requirements to be satisfied for the facilities to qualify as a 'recreational facility'. The first requirement is that the facility is used for recreation. The second requirement is that the facility is not used for accommodation or for drinking or dining.

Business Premises

The definition of 'business premises' contains a two-fold test for determining whether the premises are 'business premises' for the purposes of the FBTAA. The first requirement is the premises, or part of the premises, are under the control of the Shire. The second requirement is the premises, or part of premises, must be used by the Shire, in whole or in part, for the purposes of their business operations.

Therefore, where the facility is owned and run by the Shire, it is likely these requirements will be met and the provision of free use of the gym and aquatic centre will be an exempt benefit under section 47(2) FBTAA 1986.

- *The exemption contained in section 47(2) can only be applied to employees. Therefore, if discounted membership is provided to employee's family*

members the in-house fringe benefit rules should be considered. Lastly, the exemption only extends to the membership and does not exempt classes and programs offered by the recreational facility.

Based on this advice discounted membership could be offered to employees for the following types of membership at the Leisure Centre:

- Pool Only
- Gym Only
- Gym and Pool

“Health & fitness” and “whole of leisure centre” memberships shouldn’t be eligible as they would attract a fringe benefit tax liability. Employees that wish to participate in health & fitness classes or programs would have to pay normal fees for those.

A draft ‘Leisure Centre Discounted Membership for Employees’ Policy has been prepared for Council’s consideration. It is acknowledged that normally items concerning policy development are presented to Council via the Standing Committee however it is felt that Council should determine its position on this matter prior the opening of the swimming pool season scheduled for 5 November 2016.

The draft policy proposes to offer all Shire staff (full-time, part-time and casual) access to a 50% discount on a single adult membership for the categories of ‘pool only’ (current full value is \$175), ‘gym only’ (current full value is \$229.25) or ‘gym and pool’ (current full value is \$362.60).

Provision of a discounted membership to staff instead of simply offering a free membership is preferred as:

- Payment of 50% of the membership cost by the employee shows a personal commitment to using the facility
- Payment of the 50% of the membership cost by the employee should result in increased membership revenue at the leisure centre. Currently only four of approximately 100 staff has a membership at the leisure centre.

The draft policy contains exclusions that prevent the benefit being transferred to anyone else, including a family member nor does it permit an employee to transfer the value of the discount for an individual adult membership towards any other classification of membership such as a family membership. This is because such actions would trigger a fringe benefits tax liability to the Shire and also would be contrary to the intent of the policy which is to promote physical activities which will contribute to productivity in the workplace and a healthy work/life balance for employees.

Statutory Environment

Section 47(2) Fringe Benefits Tax Assessment Act (FBTAA) 1986

Where:

- (a) *a residual benefit provided to a current employee in respect of his or her employment consists of:*
- (i) *the provision, or use, of a recreational facility; or*

- (ii) *the care of children of the employee in a child care facility; and*
- (b) *the recreational facility or child care facility, as the case may be, is located on business premises of:*
 - (i) *the employer; or*
 - (ii) *if the employer is a company, of the employer or of a company that is related to the employer;*

the benefit is an exempt benefit.

Integrated Planning

- Strategic Community Plan
Objective 4 – a collaborative and engaged community
Outcome 4.7 - A high standard of human resource management practices
Strategy 4.7.1 - Implement and periodically review the Workforce Plan, including a staff attraction and retention strategy
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans – Not Applicable
- Workforce Plan
Although employee benefits such as discounted leisure centre memberships aren't specifically referenced in the Workforce Plan there does exist a recommendation for the development of recruitment and retention systems. The provision of discounted leisure centre memberships is a common staff attraction/retention tool for local governments.
- Other Integrated Planning - Nil

Policy

The provision of leisure centre membership discounts to employees is proposed via a Council policy rather than inclusion in an employee collective agreement or enterprise bargaining agreement as it gives the Council flexibility to review the benefit in future, particularly if changes occur to applicable taxation rules.

Budget Implications

The provision of leisure centre membership discounts to employees will not have a direct effect on the 2016/17 budget. Revenue from leisure centre memberships may actually increase as currently only 4 staff have a membership at the facility and if approximately 8 staff (depending upon type of membership taken out) were to join under the discounted rates the effect on the budget would be marginal.

Fiscal Equity

The definition of fiscal equity is “no social group within the community is taxed or allocated benefits inequitably without a demonstrated reason”. Therefore Council will have to determine that a “demonstrated reason” exists to provide employees with

a discounted rate for leisure centre membership that isn't available to other members of the community.

Demonstrated reasons are to offer the benefit to aid in staff attraction and retention and also to encourage employees to use the facilities at the Bridgetown Leisure Centre in order to promote physical activities which will contribute to productivity in the workplace and a healthy work/life balance for all staff. Improved health and fitness for employees will also potentially improve manual handling work practices, lessen stress, improve resilience to minor illnesses and improve self-confidence. In addition to productivity improvements provided by a healthier and fitter workforce a consequent reduction in absenteeism and workplace injuries can be expected.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Participating staff will abide by the same membership rules and requirements as other members.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Corporate Services

ITEM NO.	C.05/1016	FILE REF.	131
SUBJECT	September 2016 Financial Activity Statements and List of Accounts Paid in September 2016		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	17 October 2016		

Attachment 3 September 2016 Financial Activity Statements
Attachment 4 List of Accounts Paid in September 2016

OFFICER RECOMMENDATIONS

- 1. That Council receives the September 2016 Financial Activity Statements as presented in Attachment 3.*
- 2. That Council receives the List of Accounts Paid in September 2016 as presented in Attachment 4.*

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 2013
 - Objective 4: A collaborative and engaged community
 - Outcome 4.2: A high standard of governance and accountability
 - Strategy 4.2.3: Ensure compliance with relevant legislation

- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy

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 September 2016 and presented in the list of accounts paid, was allocated in the 2016/17 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

Planning & Environmental Services

ITEM NO.	C.06/1016	FILE REF.	A30263
SUBJECT	Proposed Workshop Addition and Motor Repair Station (Tyre Service)		
PROPONENT	Veen's Design group on behalf of Lightview Enterprises		
LOCATION	Lot 51 (10) Bunbury Street, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	7 October 2016		

Attachment 5	Location Plan
Attachment 6	Public Submission
Attachment 7	Proposed Development Plans
Attachment 8	Bushfire Assessment/Management Reports

OFFICER RECOMMENDATION: That Council, noting the single submission received as per Attachment 6, and pursuant to Clause 4.8.2 under Town Planning Scheme No. 3 supports a reduction in onsite parking provision and grants development approval for the proposed Workshop Addition and Motor Repair Station (Tyre Service) at Lot 51 (10) Bunbury Street, Bridgetown, as per Attachments 7 and 8, subject to the following conditions:

- 1. This approval allows activities to be undertaken in the workshop addition and new building pursuant to the classification of Motor Repair Station, as defined under Town Planning Scheme No. 3, to the satisfaction of the Shire of Bridgetown-Greenbushes. Any other uses will require separate development approval.*
- 2. No processes being conducted in the approved premises or machinery installed, that may cause a significant detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit, to the satisfaction of the Shire of Bridgetown-Greenbushes.*
- 3. The noise generated by construction or operational activities must comply with the levels prescribed under the Environmental Protection (Noise) Regulations 1997. In this regard, internal noise abatement measures may need to be installed within the proposed new workshop prior to or post occupation.*
- 4. No goods or materials to be stored either temporarily or permanently within the parking or landscaping area, other than during the construction phase of the new development.*
- 5. Provision of a suitably screened outdoor storage yard and bulk bin for the proposed new workshop, with a minimum wall height of 1.8 metres and constructed to complement the development. The yard is to be provided with a permanent water supply and drainage facility for wash-down and accessible via a suitably constructed surface to allow heavy vehicle movement.*
- 6. Provision onsite of twenty four (24) car parking bays, including one disabled parking bay and shared space as shown on the approved plan. The existing parking area to be upgraded using compacted road base with the bays to be levelled, drained and marked, and prior to occupation of the premises, and thereafter maintained. In this regard, traffic control measures are required to*

ensure efficient flow of traffic and management of the car parking area, including marking of the staff bays and the delivery/reversing areas, plus barrier kerbing or similar along the southern and eastern sides of the parking area. Should the parking area significantly deteriorate the parking bays and manoeuvring area may need to be upgraded to a sealed standard.

- 7. The existing crossover to be upgraded to a commercial standard prior to occupation of the new workshop and thereafter maintained.*
- 8. Provision of landscaping and/or fencing along the northern front boundary to Bunbury Street to provide screening for the new workshop and outdoor storage area. In this regard, a detailed Landscaping Plan is to be submitted for approval of the Shire prior to the lodgment of a building permit application, with the approved landscaping and fencing to be installed prior to occupation and thereafter maintained. The landscaping plan must indicate the size, species, location of trees and shrubs to be planted or retained and the location and type of fencing.*
- 9. Provision and implementation of a Stormwater Management Plan addressing the catchment and disposal of stormwater. In this regard, a detailed Stormwater Management Plan is to be submitted for approval of the Shire prior to the lodgment of a building permit application, with the approved plan to be implemented, prior to occupation and thereafter maintained. The Plan must address appropriate Water Sensitive Urban Design Principles such as pollutant traps, rock pitching/riffles, landscaping and soakwells for onsite disposal, plus any suitable arrangements with adjoining landowners should offsite disposal of stormwater be necessary.*
- 10. The findings and recommendations of the Bushfire Attack Level Assessment (dated 23 September 2016) and approved Bushfire Management Statement (dated 20 September 2016) must be implemented to maintain the BAL-12.5 rating, prior to occupation of the new workshop, and thereafter maintained for the life of the development, including vegetation control and vehicular access.*
- 11. A section 70A Notification is to be registered on the Certificate of Title, prior to the lodgment of a building permit application. The notification is to advise prospective purchasers of the conditions of development approval and bushfire management reports.*
- 12. The proposed development being designed and constructed to allow easy access for persons with a disability, in accordance with the Building Code of Australia and Australian Standard 1428.1, prior to occupation of the premises.*
- 13. Prior to the erection of any advertising signage separate approval is required from the Shire of Bridgetown-Greenbushes.*
- 14. The proposed new motor repair station building is to be connected to reticulated water and an approved onsite wastewater system, prior to occupation of the premises.*

Advice Note: In respect to Condition 10, it is recommended that the proposed development meet BAL-12.5 construction requirements of 'Australian Standard 3959 Construction of Buildings in Bush-Fire Prone Areas' (AS 3959).

Summary

An application has been received seeking development approval for an enclosed addition to the existing workshop plus a new tyre service workshop on Lot 51 (10) Bunbury Street, Bridgetown. The proponent has requested a significant reduction in the onsite provision of parking and noting that no objections were received from surrounding landowners to the proposal, it is recommended that approval be granted subject to standard and special conditions.

Background

A development application has been received seeking approval for workshop additions on Lot 51 (10) Bunbury Street, Bridgetown. The application seeks to erect a 114m² enclosed storage area to the southern side of the existing workshop, plus a new freestanding 197.6m² building adjacent to the northern front boundary to accommodate a tyre service workshop and office.

The property is zoned 'Service Industry' under Town Planning Scheme No. 3 (TPS3) and has an area of 3026m², with access via the existing crossover to Bunbury Street. The existing and proposed uses are best classified under TPS3 as Motor Repair Station, which is listed as an 'AA' discretionary use within the zone. Adjoining land is similarly zoned with land on the opposite northern side of Bunbury Street zoned Residential under TPS3.

Continuation of the existing mechanical repairs within the existing workshop and the proposed tyre service within the proposed workshop both fit under the Motor Repair Station land use. The proposed use therefore does not specifically require approval however approval is required for the proposed development and consideration of the parking reduction.

Proposed Development

The existing workshop located in the western portion of the property, was previously used as a motor repair station by the former owners, with the use continued by the new owners/operators. The existing workshop is constructed using grey concrete blocks, with a mid-green 'Trimdeck' walls and a low pitched roof using light grey coloured metal sheeting (possibly Trimdeck or Colorbond).

The proposed enclosed storage area is to be located on the southern side of the existing workshop, using dark grey coloured 'Trimdeck' wall cladding and 'Colorbond' roofing. A roller door is proposed facing east to provide direct access from the car park area, with four windows facing south.

The proposed workshop is to be located adjacent to the northern boundary, setback approximately 3.0 metres at the closest point at the eastern end of the building, consistent with the required setback under Clause 4.9 of TPS3. The building will have an area of 197.6m², wall height of 3.826 metres, with a low 10° pitched roof. The walls are to be clad using 'Trimdeck', with 'Colorbond' roofing, all in a dark grey colour which will compliment the existing workshop and proposed addition. Although

not proposed the walls of the existing workshop may also be re-clad using similar grey coloured materials, which is considered suitable.

A new outdoor storage area is proposed to the western side of the proposed new workshop, with a 2.1 metre high Colorbond fence along the northern side. The storage area will be set back approximately 7.0 metres from the front boundary and approximately 2.0 metres below the level of the road. The proposed plans show a cross-section elevation from Bunbury Street showing the height of the existing and proposed buildings relative to the natural ground level, with a portion of the proposed building plus the majority of the outdoor storage area to be well screened by existing ground and proposed landscaping.

The original layout for the proposed development showed the new workshop adjacent to the eastern boundary, however this posed some challenges for access, parking arrangement and most importantly potential impacts of noise on nearby residential properties. At the suggestion of Shire staff the new workshop was re-positioned to the proposed location, with the tyre service doors facing south away from the residential properties. It is still considered prudent that internal sound insulation be installed for the new workshop to further limit any potential noise impacts on surrounding properties.

Public Consultation

The application was forwarded to landowners of nine surrounding properties for comment with the submission period ending on 6 October 2016. Only one submission was received (see Attachment 6), from the landowner of the adjoining industrial property to the west, raising concerns regarding stormwater management. No objections were raised by surrounding landowners or the submitter regarding the proposed workshop addition, the new motor repair station and tyre service, or the reduction of onsite parking provision.

Whilst the neighbour does not oppose the proposed development, concerns were raised that the additional buildings may cause an increase in the uncontrolled flow of storm water onto their land below the development site (being 2 Bunbury Street). The submitter also advised that he has been in contact with the landowner of the development site, and one other adjoining property owner, with a view to contributing towards potential upgrades to drains on his land that currently handles water originating offsite.

Shire staff have already raised similar concerns with the proponent and requested information on stormwater management. The proponent has indicated they are seeking a formal agreement with the neighbour to continue current arrangements to allow the discharge from the development site. Should approval be granted it is recommended that a more detailed Stormwater Management Plan be provided and implemented including onsite disposal if practical and arrangements being made with adjoining property owners if necessary.

Car Parking

The existing workshop (327m²), proposed addition (114m²) and new workshop (197.6m²) will bring the total gross floor area to 639m² for the site. In accordance with Table II of TPS3, onsite parking bays should be provided at a ratio of 1 bay per

15m² of gross floor space, which would equate to 42 parking bays onsite, whereas only 24 bays have been provided onsite.

Preliminary layouts for the development showed that provision of the 42 bays onsite would be very difficult, due in part to the location of the existing workshop, the preferred orientation of the building with the new workshop doors facing south away from the residential street, and the existing batter slopes of land adjacent to the front and rear boundaries.

A search of parking requirements for industrial development used by some other South West local authorities shows a range of between 1 bay per 25m² up to 1 bay per 50m² Gross Floor Area (GFA). The TPS3 requirement of 1 bay per 15m² is considered too high by current parking standards. The proposed provision of 24 parking bays onsite equates to a parking ratio of 1 bay per 26m², which is considered very reasonable and almost half of what many other local authority apply through the local planning schemes.

Under Clause 4.8.1 of TPS3 discussed below, Council has the discretion to accept a lesser number of parking spaces if it considers that the development by its nature would not require parking standards to be adhered to. Under Clause 4.8.2 discussed below, where on-site parking in accordance with Clause 4.8.1 cannot reasonably be provided, Council may also accept a cash payment in lieu of providing car parking bays, although not recommended in this case.

It should also be acknowledged that the existing and proposed workshops will be able to cater for approximately six to ten vehicles total when being serviced, so in theory raising the onsite provision up to approximately 34 bays. For comparison, should the development be classified as a 'Service Industry' use (ie. Bridgetown Glass), then substantially less car parking would be required, being one bay per employee plus one per expected visitor. On that basis approximately 10 to 15 bays only would be required.

The provision therefore of 24 bays, plus internal parking within the workshops, is expected to easily serve the needs of the current and new businesses. It is therefore recommended that Council support a reduction in parking, without payment of cash-in-lieu, from 42 bays down to 24 bays, which equates to a more reasonable ratio of 1 bay per 26m².

Conclusion

Noting that no objections were raised to the proposal by surrounding landowners with regard to the proposed development, and notwithstanding the reduction in onsite parking requirement, it is recommended that approval be granted subject to standard and special conditions.

Statutory Implications

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

Under Clause 1.6 Interpretations of TPS3 a *“Motor Repair Station – means land and buildings used for or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.”*

Continuation of the existing mechanical repairs within the existing workshop and the proposed tyre service within the proposed workshop both fit under the Motor Repair Station land use. The proposed use therefore does not specifically require approval however approval is required for the proposed development and consideration of parking reduction.

Clause 4.8.1 states that *“Within the Scheme area development or redevelopment of land for any of the uses in Table II shall provide on-site car parking spaces constructed to the satisfaction of Council in accordance with the provisions of the Table, except that Council may accept a lesser number of spaces if it considers that the development by its nature would not require the provisions of the Table to be adhered to.”*

Clause 4.8.2 states *“Where on-site parking in accordance with the requirement of Clause 4.8.1 cannot reasonably be required, Council may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:*

- (a) a cash in lieu payment shall not be less than the estimated cost of providing and constructing the parking spaces required by the Scheme plus the value as estimated by the Chief Valuer of the Department of State Taxation of that area of land which might have been occupied by the parking spaces; and*
- (b) any monies required to be paid to Council under this clause shall be paid into a special fund to be applied solely to the provision, construction and maintenance of further car parking facilities in reasonable proximity to the premises from which the monies were derived.”*

Under Table II – Car Parking Provisions of TPS3, an Industrial premise requires 1 parking bay per 15m² of gross floor space, which means 42 bays would be required for the proposed development. The proposed provision of 24 bays, plus internal parking within the workshops, is expected to easily serve the needs of the current and new businesses. It is therefore recommended that Council support a reduction in parking, without payment of cash-in-lieu.

Council has discretion to waive the full requirement for additional parking, if Council considers the development provides sufficient parking onsite to accommodate the proposed activities. Any shortfall in the provision of parking though could be satisfied by way of a cash-in-lieu payment by the proponent the Shire to provide additional parking nearby, pursuant to Clause 4.8.2 of the Scheme, although not recommended.

Cash-in-lieu for parking is calculated by per square metre value for each bay (based on unimproved value of the site) plus construction costs. Given each bay has an area of approximately 14m² the land component cost would be approximately \$2,000 to \$3,000 per bay, plus an estimated construction cost of \$2,000 to \$3000 per bay. Should Council impose a cash-in-lieu payment, detailed valuation and cost estimate would be required prior to accepting any offered monies.

Policy Implications

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

A portion of the property has been identified within the bushfire prone area and as such a Bushfire Attack Level (BAL) Assessment has been prepared, declaring the site as a moderate rating of BAL-12.5. A Bushfire Management Statement has also been prepared demonstrating compliance with the Guidelines for Planning in Bushfire Prone Areas, as required under (SPP 3.7).

Under the Bushfire Policy Framework some industrial buildings are required to be constructed to the declared BAL rating under AS 3959. The proposed development is not considered to be high risk or vulnerable, and the BAL-12.5 rating is at the lower end of the moderate risk category, so it is only recommended that the proposed development be constructed to relevant BAL-12.5 rating. Ongoing management of the property however is recommended to maintain the BAL-12.5 rating to prevent an increase in the bushfire risk to the property, occupants and visitors.

Strategic Plan Implications

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Budget Implications

The required development application fee has been paid for the application and consideration by Council of the car parking variation. Should a car parking cash-in-lieu payment be required by Council, any funds received must be held in trust then directed to providing parking in proximity to the subject land.

Fiscal Equity

The proposed reduction in parking provision without the provision of cash-in-lieu payment is considered reasonable.

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The content of the submission received and of the bushfire assessment reports has assisted consideration of the proposal.

Delegated Authority

Nil - Given the proposed car parking reduction as a variation to Table II of TPS3, a decision of Council is required.

Voting Requirements – Simple Majority

Works & Services - Nil

Community Services

ITEM NO.	C.07/1016	FILE REF.	500
SUBJECT	Draft Western Australian Strategic Trails Blueprint 2016		
PROPONENT	Trails Development Advisory Committee		
OFFICER	Grants and Services Manager		
DATE OF REPORT	November 2016		

Attachment 9	Draft Western Australian Strategic Trails Blueprint 2016 - Draft for comment
Attachment 10	Schedule of Comments – Draft Western Australian Strategic Trails Blueprint 2016 - Draft for comment
Attachment 11	Trails Development Advisory Committee Minutes October 2016

OFFICER RECOMMENDATION that Council:

- 1. Note the Draft Western Australian Strategic Trails Blueprint 2016-2021.*
- 2. Lodge a submission in response to the Draft Western Australian Strategic Trails Blueprint 2016 -2021 based on the schedule of comments (Attachment 9) from the Trails Development Advisory Committee.*

Summary/Purpose

The Department of Sport and Recreation has released a draft Western Australian Strategic Trails Blueprint 2016 -2021 for comment. The Blueprint is a potential decision making tool and support for future trails development within the State.

Council's Trails Development Advisory Committee has recommended Council lodge a submission on the draft Blueprint.

Background

The Western Australian Strategic Trails Blueprint 2016-2021 will replace the earlier Western Australian Trails Strategy 2009-2015.

The Western Australian Trails Strategy 2009-2015 has been implemented over the past 5 years and used extensively as a guiding document for trails planning and development on a local, regional and state level. The strategy embraced the various sector participants by articulating high-level principles, direction and outcomes rather than prescriptive action. In this context, the strategy has been flexible and adaptive. However, due to the rapid growth and development of the trail sector new challenges have been identified that require a state wide strategic approach including centralized promotion and data collection and specific guidelines for development

and management of trails assets to support and guide the growth of a sustainable trails sector over the coming 5 years.

The Blueprint will build upon the achievements of the earlier Western Australian Trails Strategy 2009-2015. It will seek to develop further the strengths of the State's trail sector while addressing trail development and management challenges and emerging trends in trail use.

The Blueprint seeks to achieve outcomes that benefit the whole community through trails used by local residents and visitors that deliver a wide range of benefits to people, the economy and the environment.

The Blueprint is being developed by the Western Australian Government to provide an overarching guide for consistent and coordinated planning, development and management of quality trails and trail experiences across the State. It aims to assist the wide range of organizations and groups that are involved in developing and delivering trails and trail experiences – State, regional and local government; land and resource managers; trail managers and organizations; trail user groups; the tourism industry; community groups and the wider community.

The Blueprint will provide a vision, guiding principles, strategic directions and actions for consideration across the State (as relevant) by government, trail managers and landholders, trail support groups and the community for the next 5 years. It is imperative that the opportunity to comment on the Blueprint is used to highlight current local and regional information, developments, considerations and challenges not currently included in the draft Blueprint.

Officer Comment

The Trails Development Advisory Committee met on 19 October 2016 and recommended that a submission be lodged. The Committee identified the main points for the submission as:

- The requested inclusion of the Warren Blackwood Stock Route as one of the iconic trails of Western Australia currently in development (other trails currently being developed have been included).
- Request the inclusion of the Blackwood River Canoe Trail as one of the iconic trails within WA.
- Request regional representation on the WA Trails Reference Group.
- Highlight the need to recognize the unique considerations required when developing trails to suit different disciplines.

The potential inclusion of two regional trails (Blackwood Canoe Trail and Warren Blackwood Stock Route) as part of the identified iconic suite of trails in Western Australia would attract support for the development and promotion of these trails to both interstate and international markets as a means of showcasing WA and spearheading growth in visitor economy throughout the region.

Statutory Environment - Nil

Integrated Planning

Strategic Community Plan

Objective 1 – A strong resilient and balanced economy.

Outcome 1.1 - A diverse range of employment opportunities

Strategy 1.1.1 – Develop the Shire as a centre for natural trails such as multi-use walk, bike, kayak and bridle trails

Outcome 1.2 – Ensure infrastructure and services are provided for future development in keeping with the environment.

Strategy 1.2.9 – Improve facilities for tourists.

Objective 2 – Our unique natural and built environment is protected and enhanced.

Outcome 2.4 – Protect and better utilize the river and natural landscape as an asset to the Shire

Strategy – Implement the Regional Trails Master plan.

Objective 3 – our community enjoys a high quality of life

Outcome 3.1 – Maintain a high standard of lifestyle, recreation and cultural facilities.

Strategy 3.1.7 – Implement the Regional trails Master plan

Corporate Business Plan

The Corporate Business Plan identifies, as an ongoing action, the need to identify opportunities for the development of nature trails such as multi-use walk, bike, kayak and bridle trails and implementation of the regional Trails Master plan.

Long Term Financial Plan

Not applicable as there are no financial requirements associated with the submission.

Asset Management Plans - Not applicable

Workforce Plan

Assessment of the current and future capacity of the workforce to absorb the maintenance requirements of trails should be identified and included as part of the ongoing integrated planning process.

Other Integrated Planning –not applicable

Budget Implications

There are no budgetary implications associated with including the submission to the WA Trails Reference Group regarding the Western Australian Strategic Trails Blueprint 2016-2021.

Fiscal Equity – Not Applicable

Whole of Life Accounting

Council has invested in the development of trails through the Trails Advisory Committee and the ongoing annual trails budget allocation. These resources have been utilised to develop trails locally and regionally. Whole of life accounting principles are considered by preserving Councils investment and working to increase tourism/visitor economy by enhancing local, regional, state, interstate and international awareness of the trails sector in the south west.

Social Equity – Not Applicable

Ecological Equity

The principles of ecological equity are considered by providing well managed and maintained trails that protect natural environments by minimising the impact of trail users.

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement

The principles of continuous improvement are considered by supporting state and regional strategic documents that work to formalise planning, development, centralise data collection, maintenance support and trail promotion to provide ongoing support and guidance to trail development state wide.

Voting Requirements – Simple Majority

Consideration of Standing Committee Recommendations

C.08/1016	Standing Committee Minutes – 13 October 2016 – Attachment 12
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<i>Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.</i>

C.09/1016	Review of Relocated Dwellings Town Planning Scheme Policy
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Committee Recommendation Moved Cr Boyle, Seconded Cr Pratico
SC.02/1016 That Council adopt the draft revised Relocated Dwellings Town Planning Scheme Policy TP.1, as per Attachment 2, and direct the Chief Executive Officer to proceed to public consultation in accordance with Clause 6.7.2 of Town Planning Scheme No. 3 and Clause 7.6.2 of Town Planning Scheme No.4, with a report and feedback to be presented to a future meeting of Council.

C.10/1016	Proposed Amendment to Keeping and Welfare of Cats Local Law
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Committee Recommendation Moved Cr Pratico, Seconded Cr Boyle
SC.03/1016 That Council:

1. In accordance with Section 3.12 of the Local Government Act 1995, gives notice that it proposes to adopt a Shire of Bridgetown-Greenbushes Keeping and Welfare of Cats Amendment Local Law, as per Attachment 3. The purpose and effect of the proposed Amendment Local Law is to remove clauses that are no longer relevant to the Principal Local Law and to amend a typographical error.
2. Directs the CEO to undertake statutory public consultation in relation to Point 1 above, with a report to be presented to a future meeting of Council for further consideration.

C.11/1016	Proposed Amendment to Cemeteries Local Law
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Committee Recommendation Moved Cr Moore, Seconded Cr Nicholas

SC.04/1016 That Council:

1. In accordance with Section 3.12 of the Local Government Act 1995, gives notice that it proposes to adopt a Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law, as per Attachment 5. The purpose and effect of the proposed Amendment Local Law is to rename the title of clause 8.6 to a more appropriate title and to correct a grammatical error in clause 3.3.
2. Directs the CEO to undertake statutory public consultation in relation to Point 1 above, with a report to be presented to a future meeting of Council for further consideration.

C.12/1016	Proposed Amendment to Parking and Parking Facilities Local Law
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Committee Recommendation Moved Cr Mackman, Seconded Cr Nicholas

SC.05/1016 That Council:

1. In accordance with Section 3.12 of the Local Government Act 1995, gives notice that it proposes to adopt a Shire of Bridgetown-Greenbushes Parking and Parking Facilities Amendment Local Law, as per Attachment 7. The purpose and effect of the proposed Amendment Local Law is to provide further definition to clause 1.3(1) under “sign” interpretation.
2. Directs the CEO to undertake statutory public consultation in relation to Point 1 above, with a report to be presented to a future meeting of Council for further consideration.

C.13/1016	Rolling Action Sheet
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Committee Recommendation Moved Cr Mackman, Seconded Cr

SC.06/1016 That the information contained in the Rolling Action Sheet be noted.

C.14/1016	Adoption of En Bloc Items
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A motion is required to adopt the En Bloc Items.

Receival of Minutes from Management Committees - Nil

Urgent Business Approved by Decision

Responses to Elected Member Questions Taken on Notice

Elected Members Questions With Notice

Notice of Motions for Consideration at the Next Meeting


Matters Behind Closed Doors (Confidential Items)

Closure

The President to close the Meeting

List of Attachments

Attachment	Item No.	Details
1	C.02/1016	Map and Photographs of Affected Section of Road
2	C.04/1016	Draft Leisure Centre Discounted Membership for Employees Policy
3	C.05/1016	September 2016 Financial Activity Statements
4	C.05/1016	List of Accounts Paid in September 2016
5	C.06/1016	Location Plan
6	C.06/1016	Public Submission
7	C.06/1016	Proposed Development Plans
8	C.06/1016	Bushfire Assessment/Management Records
9	C.07/1016	Draft Western Australian Strategic Trails Blueprint 2016 - Draft for comment
10	C.07/1016	Schedule of Comments – Draft Western Australian Strategic Trails Blueprint 2016 - Draft for comment
11	C.07/1016	Trails Development Advisory Committee Minutes October 2016
12	C.08/1016	Standing Committee Minutes – 13 October 2016

Agenda papers checked and authorised by T Clynch, CEO		20.10.16
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