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unconfirmed minutes

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Thursday, 28 April 2016 commencing at 5.30pm

The President opened the Meeting at 5.30pm

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 - P Quinby - P Scallan - A Wilson
In Attendance	- T Clynch, CEO - M Larkworthy, Executive Manager Corporate Services - S Donaldson, Manager Planning (retired 6.18pm) - T Lockley, Executive Assistant (retired 6.28pm)
Apologies	- Cr A Pratico

Attendance of Gallery

C King, B Bebbington

Responses to Previous Questions Taken on Notice - Nil

Public Question Time

B Bebbington

1. In reference to Item C.02/0416, is it possible to have the correct street names in the motion. It is Little Basin 'Crescent' and 'Carbanup' is spelt 'Carbunup'. Can we have that reflected in the minutes please?

President's response – Yes we can.

2. Referring to the first 2 kms in the wording of that report, Little Basin Crescent is 2.65kms from South West Highway, whereas 2kms is where the main group of houses finishes. Can I just seek clarification whether that reference of the first 2kms is, you want to tie it down to 2kms or the intention was consistent with the wording of the motion that it's the 2 and a bit kms to Little Basin Crescent.

President's response - As the motion states, it will be to Little Basin Crescent.

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest

C King - C.05/0416 Proposed Afforestation – 48.9 ha Eucalyptus globulus (Blue Gum) Plantation

Ms King spoke in support of the motion and requested a minor change

Applications for Leave of Absence

Council Decision *Moved Cr Wilson, Seconded Cr Boyle*

C.00/0416 *That Council grant a Leave of Absence to Cr Pratico for the months of May and June 2016.*

Carried 8/0

Confirmation of Minutes

C.01/0416 Ordinary Meeting held 31 March 2016

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 31 March 2016 as a true and correct record.

Council Decision *Moved Cr Moore, Seconded Cr Quinby*

C.01/0416 *That the Minutes of the Ordinary Meeting of Council held 31 March 2016 be confirmed as a true and correct record.*

Carried 8/0

Announcements by the Presiding Member Without Discussion - Nil

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.

Nil

Questions on Agenda Items by Elected Members

Cr Scallan asked questions on Item C.03/0416

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.02/0416	FILE REF.	733
SUBJECT	Speed Limit – Tweed Road		
OFFICER	Chief Executive Officer		
DATE OF REPORT	18 April 2016		

OFFICER RECOMMENDATION that a request be submitted to Main Roads Western Australia seeking:

- 1. A reduction in the speed limit and erection of appropriate speed signage on Tweed Road from its intersection with South Western Highway to its intersection with Little Basin Crescent.*
- 2. A review of the current open speed limit from Little Basin Crescent to Carunup Brook Road.*

Summary/Purpose

At a public meeting held on 30 May 2016 a request was made for the Council to request Main Roads Western Australia review the speed limit on Tweed Road. Currently the speed limit is unrestricted.

Background

On 30 May 2016 a public meeting was facilitated by officers from the heavy haulage transport division of Main Roads Western Australia to discuss heavy haulage issues, with a focus on permit trucks.

At the meeting discussion was held on the current speed limit of Tweed Road. Currently there is no applied speed zoning on Tweed Road so State default speed limit (unrestricted) therefore applies, being 110km/h. Whilst items raised for discussion weren't the subject of any vote there appeared to be universal agreement to seek a review of the speed limit by Main Roads Western Australia.

The majority of Tweed Road is a typical sealed rural road and it is common for these types of road to have an unrestricted (default) speed limit. The request therefore for those road to be speed limit assessed should be based on its status as a heavy haulage route, tourist drive and the westernmost 2km being adjacent to a number of rural-residential properties. It is recommended that Council split its request for an assessment of a speed limit on Tweed Road into two requests – one for the whole of the road between South Western Highway and Carburnup Brook Road, and the other for the initial 2km between South Western Highway and Little Basin Crescent. This section of road is partly within Bridgetown Townsite and is adjacent to a number of rural-residential properties and thus may be more appropriate for the setting of a speed limit than the rest of the road.

Statutory Environment

Speed zones are a regulatory control and under the control of the State Government. Local Authority can request the installation or modification of any zoning but the final approvals must come from Main Roads Western Australia.

Integrated Planning

- Strategic Community Plan
Objective 4 – a collaborative and engaged community
Outcome 4.3 – To be strong advocates representing the community's interests
Strategy 4.3.1 – Lobby government and industry to represent the community's needs, as required.
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

Any costs associated with erection of new speed signs will be the responsibility of Main Roads Western Australia.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Upon request Main Roads Western Australia will assess the risks of existing speed limits and consider requests from a local government for the implementation of a reduced speed limit.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Boyle, Seconded Cr Scallan*

C.02/0416 That a request be submitted to Main Roads Western Australia seeking:

- 1. A reduction in the speed limit and erection of appropriate speed signage on Tweed Road from its intersection with South Western Highway to its intersection with Little Basin Crescent.***
- 2. A review of the current open speed limit from Little Basin Crescent to Carburnup Brook Road.***

Carried 8/0

Corporate Services

ITEM NO.	C.03/0416	FILE REF.	131
SUBJECT	March 2016 Financial Activity Statements and List of Accounts Paid in March 2016		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	19 April 2016		

Attachment 1 March 2016 Financial Activity Statements

Attachment 2 List of Accounts Paid in March 2016

OFFICER RECOMMENDATIONS

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

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 March 2016 and presented in the list of accounts paid, was allocated in the 2015/16 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

Council Decision Moved Cr Scallan, Seconded Cr Quinby

C.03/0416

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

Carried 8/0

Planning & Environmental Services

ITEM NO.	C.04/0416	FILE REF.	A43117
SUBJECT	Proposed Outbuilding (Setback Variation)		
PROPONENT	Outdoor World Wangara on behalf of R & E Malbalhin		
LOCATION	Lot 160 (49) Balmoral Drive, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	15 April 2016		

Attachment 3	Location Plan/Aerial Photograph
Attachment 4	Neighbour's Submission
Attachment 5	Proposed Plans/Applicant's Submission

OFFICER RECOMMENDATION: That Council noting the single objection received, as per Attachment 4, and pursuant to Clause 3.4.4 of Town Planning Scheme No. 4 varies the rear setback requirement under Clause 4.11.3 and grants development approval for the proposed outbuilding, as per Attachment 5, on Lot 160 (49) Balmoral Drive, Bridgetown, subject to the following conditions:

- 1. A reduced setback of 3.0 metres minimum and average setback of 4.5 metres to the eastern rear boundary for the proposed outbuilding is approved, as shown the approved plan. Any further setback variations will require a separate planning approval*
- 2. The outbuilding is to have a maximum area of 38.92m², wall height of 3.0 metres and ridge height of 3.8 metres, and be constructed using non-reflective materials.*
- 3. Fill is not to exceed 2.0m at any given point on the site and the top level of the fill is not to exceed 3.5m from the base of the fill.*
- 4. All exposed fill embankments will be required to be landscaped in accordance with an approved landscaping plan.*
- 5. Topsoil is to be stripped separately and stockpiled on site, to be re-spread during any landscaping.*
- 6. Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.*
- 7. Where a structure is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand. As an alternative, pile and beam foundations into natural uncut ground in the fill area are acceptable.*

Summary/Purpose

To consider a planning application for a proposed outbuilding with a rear setback variation at Lot 160 (49) Balmoral Drive, Bridgetown. Noting the objection raised by the landowners of one adjoining property, it is recommended that planning approval be granted subject to standard conditions.

Background

A planning application has been received seeking approval to erect an outbuilding with a rear setback variation at Lot 161 (49) Balmoral Drive, Bridgetown.

The lot is zoned 'Special Residential SRes2' under Town Planning Scheme No. 4 (TPS4) and has an approximate area of 2040m². A 'Single House' is listed under Table 1 of TPS4 as a 'P' permitted use within this zone, with the outbuilding being incidental to the existing single house.

The proposed outbuilding is to have a floor area of 38.92m², wall height of 3.0 metres and ridge height of 3.8 metres, constructed using metal sheeting with 'Classic Cream' walls and 'Deep Ocean' Blue roof, doors and trim.

Whilst the outbuilding complies with the required 4.0 metre side setbacks, the proposed setback of 3.0 metres from the eastern rear boundary is a variation to the required 12.0 metre setback. The applicant has submitted a supporting letter (see Attachment 5) demonstrating the reasons for the setback variation.

Public Consultation

The application was referred to the adjoining affected landowners for comment for a three week period, with the submission period closing on 24 March 2016. One submission was received (see Attachment 4) from the owners of 10 Manor Ridge to the rear, objecting to the proposed reduced setback arguing that the 12 metre setback should be complied with given the size of the properties and to reduce any impact on their land.

The objectors are concerned that the large outbuilding will have an enormous visual impact on the objector's future dwelling, which may be built at the rear of their property. The objector's are also concerned that the outbuilding will be used as a noisy workshop, possibly in the morning on weekends, affecting their amenity.

The objectors are also concerned that if they are unable to retire to their property the future sale of their land, the value and market appeal would be directly affected by such a large structure being so close to and towering over the rear boundary, looking directly onto any outside entering area. The objector's suggest the shed be located on the left (northern) side of the property due to the driveway.

In response, whilst the concerns of the neighbours are noted it is common and reasonable for rear and side boundary setbacks to be varied for incidental structures such as outbuildings, with delegated authority granted to staff to reduce setbacks by 75% where no objections are raised.

The proposed outbuilding is considered modest in size, being less than 40m² and wall and ridge heights of 3.0 metres and 3.8 metres respectively, using non-reflective metal sheeting. No windows are proposed on the eastern rear side of the outbuilding, with two roller doors facing north and a personal access (PA) door facing west. The potential impact upon amenity by the proposed outbuilding on the neighbour's property (which is currently vacant) is considered negligible. Any impact upon property values is not a valid planning matter.

The outbuilding is not shown as perpendicular to the rear boundary adjoining the objector's property, and instead is to be setback 3.0 metres at the closest point and approximately setback 6.0 metres at the furthest point. The landowner has indicated the outbuilding is generally to be used as a garage with access via the left side driveway.

Whilst the landowner has expressed an intention to plant fruit trees along the eastern boundary it is the view of Shire staff that the proposal will not have a detrimental impact upon the visual amenity of neighbours, given the modest size of the proposed structures and use of non-reflective materials, and that screen vegetation is not necessary.

Although noting the content of the neighbour's submission and insistence of the 12.0 metre setback, it is recommended that development approval be granted with the setback variation subject to standard conditions.

Statutory Environment

Clause 3.4.4 of TPS4 provides Council with the power to waive or modify a scheme development requirement (except for development in respect of the Residential Design Codes). *"The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development of the locality or the inhabitants of the locality or upon the likely future development of the locality."*

Under Clause 4.11.3, unless a specific building envelope has been declared for a lot, the minimum setback requirements shall be 12.0 metres from front and rear boundaries and 4.0 metres from a side boundary.

Noting the proposed rear setback variation and the content of the submission received, the proposed outbuilding is not expected to have a detrimental impact upon the amenity of surrounding properties or the wider locality.

Policy – Nil

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 applicable planning application fee has been paid.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity

The proposed outbuilding, noting the setback variation, is not expected to have any detrimental impacts on surrounding landowners.

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The content of the neighbour's objections has assisted consideration of the proposal.

Delegated Authority

Nil - Officers do not have delegated authority to approve the application due to the objection received and the application must therefore be determined by Council.

Voting Requirements – Simple Majority

Council Decision Moved Cr Wilson, Seconded Cr Hodson

C.04/0416 That Council noting the single objection received, as per Attachment 4, and pursuant to Clause 3.4.4 of Town Planning Scheme No. 4 varies the rear setback requirement under Clause 4.11.3 and grants development approval for the proposed outbuilding, as per Attachment 5, on Lot 160 (49) Balmoral Drive, Bridgetown, subject to the following conditions:

- 1. A reduced setback of 3.0 metres minimum and average setback of 4.5 metres to the eastern rear boundary for the proposed outbuilding is approved, as shown the approved plan. Any further setback variations will require a separate planning approval***
- 2. The outbuilding is to have a maximum area of 38.92m², wall height of 3.0 metres and ridge height of 3.8 metres, and be constructed using non-reflective materials.***
- 3. Fill is not to exceed 2.0m at any given point on the site and the top level of the fill is not to exceed 3.5m from the base of the fill.***
- 4. All exposed fill embankments will be required to be landscaped in accordance with an approved landscaping plan.***
- 5. Topsoil is to be stripped separately and stockpiled on site, to be re-spread during any landscaping.***

6. **Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.**
7. **Where a structure is to be constructed partially on cut and partially on fill, the excavated material is to be placed outside the building area to form batters and embankments and the platform is to be filled with sand. As an alternative, pile and beam foundations into natural uncut ground in the fill area are acceptable.**

Carried 6/2

Crs Nicholas and Boyle voted against the Motion

ITEM NO.	C.05/0416	FILE REF.	A29165
SUBJECT	Proposed Afforestation – 48.9 ha Eucalyptus globulus (Blue Gum) Plantation		
PROPONENT	Australian Forestry Services on behalf of M James		
LOCATION	Lot 6074 Huitson Road, Maranup		
OFFICER	Manager Planning		
DATE OF REPORT	18 April 2016		

Attachment 6 Locality Plan
Attachment 7 Neighbour Submissions
Attachment 8 Proposed Application

OFFICER RECOMMENDATION: That Council noting the two submissions received, as per Attachment 7, and pursuant to Clause 5.3.2 under Town Planning Scheme No. 4 grants development approval for the proposed Afforestation – 48.9ha Eucalyptus globulus (Blue Gum) Plantation on Lot 6704 Huitson Road, Maranup, as per Attachment 8, subject to the following conditions:

1. *Compliance with the Shire of Bridgetown-Greenbushes Firebreak Order.*
2. *Planting to be in accordance with the submitted plan, unless specifically otherwise stated.*
3. *Preparation and implementation of a Spray Management Plan to address ground and aerial spraying, to be conducted in accordance with the Code of Practice for Timber Plantations in Western Australia, and pursuant to the following:*
 - a. *due regard be given to weather conditions to avoid off-site spray drift;*
 - b. *notification of the land owners of Lot 15 (on Plan 10598) Huitson Road, Maranup at least 48 hours (two days) prior to undertaking spraying or fertilising;*
 - c. *no aerial spraying or fertilising within Compartment 1 as shown on the approved plan or within 100 metres of Lot 15 (on Plan 10598) Huitson Road, Maranup; and*
 - d. *only ground based spraying or fertilising by hand or machine is permitted within Compartment 1 as shown on the approved plan or within 100 metres of Lot 15 (on Plan 10598) Huitson Road, Maranup.*

4. *Provision of two strategic fire fighting water points connected by internal roads and trafficable firebreaks, prior to commencement of planting. In this regard, where in-ground all year water supply can not be guaranteed a water tank with a minimum capacity of 20,000 Litres is to instead be provided prior to completion of planting.*
5. *Intact native vegetation within 20 metres of a permanent stream, swamp, or body of permanent water, and within ten metres of a temporary stream or drainage line must be retained to prevent sediment movement into water bodies.*
6. *Where there is no native vegetation adjacent to a stream, plantations may be established and harvested provided that water quality values are not compromised. Water quality should be protected by careful planning and control of the location and timing of machine operations during the site preparation and harvesting with the aim of minimising both disturbance of the water course itself and the chance of soil being transported into the water course.*
7. *Where it is necessary for a road to cross a stream or drainage line, it must be by means of a bridge, culvert or ford designed to meet the transport needs, minimise impact on water quality and riparian vegetation, and designed to cater for unusual flood events without damage to the structure or to the immediate environment.*
8. *All internal roads and trafficable firebreaks within the plantation are to be adequately signposted for direction to water points, plantation exits and any 'no through' roads.*
9. *The Shire is to be notified in writing of future harvesting at least 3 months prior to harvesting commencing to enable the inspection of roads prior to harvesting.*
10. *The plantation is approved for two rotations only. Any additional rotations or modifications to the approved plan will require a separate planning approval.*
11. *A copy of the fire control plan, including details showing water source(s) and firebreaks, is to be installed at the entrance to the property.*

Advice Note: In relation to Condition 1 the applicant is advised that the Shire of Bridgetown-Greenbushes Firebreak Order is subject to annual review and as such it should not be assumed that the standards contained therein will remain constant during the duration of the planting. All plantings are to comply with the Shire's Firebreak Order irrespective of detail shown on the approved plan.

Advice Note: In relation to Condition 3 the applicant is advised that compliance with the Shire's Pest Plants Local Law is required.

Advice Note: The applicant is advised that pursuant to the Local Government Act, the Shire will seek to recover the cost to repair excessive wear or specific damage to the local road network caused during harvesting.

Advice Note: In relation to Condition 8 the applicant is advised that approval from the Shire of Bridgetown-Greenbushes is required prior to the construction of the vehicle crossover, to be located in proximity to the proposed lot boundary and be designed to cross the existing deep roadside table drain.

Advice Note: The applicant should refer to the Shire's Dam Construction Guidelines during construction of any strategic water point dams.

Summary

A development application has been received seeking development approval for the establishment of a 48.9 hectare Eucalyptus globulus (Blue Gum) plantation on Lot 6704 Huitson Road, Maranup. Noting the issues raised by the landowners of two nearby properties, the application generally complies with the Plantation Applications Policy and it is recommended that Council grant development approval with special conditions relating to water points and spraying management.

Background

A development application has been received seeking approval for the establishment of a 48.9 hectare Eucalyptus globulus (Blue Gum) plantation on Lot 6704 Huitson Road, Maranup. The lot is zoned 'Rural 3 – Blackwood Valley' under Town Planning Scheme No. 4, has an area of 64.7497 hectares and was the site of a former pine plantation harvested in 2013 and 2014 after the 2013 Southhampton bushfire.

The proposed plantation consists of four compartments with areas of 6.7 ha, 17.1 ha, 8.8 ha and 16.3 ha, with native vegetation in Compartments 1 and 2 to be retained. The application states two coppice re-growth crops are intended however it is recommended that the plantation be limited to two rotations only as required by the Policy.

External firebreaks of 10 metres will surround the plantation with 6 metre wide internal firebreaks between compartments. An existing dam on the eastern side of Compartment 3 has been nominated as the water point however the management plan refers to the in the north-eastern corner of the property in Compartment 2.

Shire staff are concerned that the nominated water point will not be viable to service the plantation, with March 2010 aerial photography showing the dam being dry. The dam in Compartment 2 appears to hold water and is a more suitable water point. It is recommended however that both two water points be established and maintained, including the provision where necessary of water tanks.

Public Consultation

Afforestation is listed as an 'AA' discretionary use under the Rural 3 zone. The proposal was referred to neighbouring property owners for a period of 21 days with the submission period closing on 11 April 2016. Two submissions were received from landowners of surrounding properties, discussed below.

Submitter 1

The submission from Christine and Ronald King, residents and owners of Blue Sky Retreat (on Lot 15 (RSN 509) Huitson Road, Maranup to the south), raised concerns regarding the impact of Blue Gums trees and their management on their own rural property used for viticulture, horticulture, grazing and holiday/therapy retreat.

Whilst not strictly an objection to the proposed plantation, the submitter's have stated that Blues Gum trees release a gas that is detrimental to grapes and berries and have requested two special conditions, with the comments summarised and staff responses provided below.

Comment 1 - Although not noted on the application documentation and map there is a Water Corporation easement on Lot 6704 for the Greenbushes Water Main along the boundary adjacent to Huitson Road. This is an easement and not a firebreak. We request the required distance for the firebreak and planting of the tree plantation to be measured from the interior edge of the easement, furthest from Huitson Road, rather than from the road or fence line. This would allow more area between the plantation and our vineyard thus reducing the impact.

Staff Response - The applicant has confirmed in writing that there is an easement along Huitson Road within the proposed 10 metre wide firebreak. The easement is 8 metres wide (for a 20m length) then 5 metres wide for the remainder of the frontage to Huitson Road. The further setback of planting from Huitson Road beyond the proposed firebreak is not considered necessary.

Noting the above, the submitter has requested the 10 metre wide firebreak be increased to a 30 metre wide setback from the southern boundary, which will reduce the planting area of approximately 0.9 hectares. The submitter has provided no evidence to support their claim that gases from Blue Gum trees affect grapes and berries and it is not considered reasonable to impose an additional 20 metre buffer to reduce the proposed planting area.

Comment 2 - We have had a problem in the past with the aerial non organic fertilising of plantations being dropped onto our property which has the potential to affect our chemical free vines, olives, dams and paddocks. We therefore ask for strict control over fertilising and sprays to consider weather conditions and the possibility of overspray onto our property and dams.

Staff Response - The BlueSky Retreat is located on Lot 15 Huitson Road, directly opposite and to the south of subject Lot 6704 Huitson Road. The main dwelling on Lot 15 is approximately 190 metres from the southern edge of the proposed plantation, with the vineyard, closest dam and olive grove setback approximately 40 metres, 80 metres and 130 metres respectively from the proposed plantation.

Based on previous consideration of plantation proposals the Department of Agriculture and Food WA (DAFWA) has previously acknowledged that a plantation manager is permitted to use any agricultural chemical in accordance with State legislation and where consistent with its registration label and the Code of Practice, developed to minimise fallout between neighbouring land owners over this issue.

The use of chemicals however must be done to avoid potential contamination of adjoining land and water bodies, as spray drift has the potential to travel up to 5.0 kilometres dependent upon topography and wind strength/direction. Generally however the risk posed by chemicals applied on tree crops is low, provided that landowner/operators adopt best practice. For most Blue gum plantations insecticide is only used for the first four years and tend not to need spraying after five years because of poor cost benefit.

The Department of Health is responsible for licensing ground spraying operators however neither the Department of Health or Department of Agriculture and Food WA (DAFWA) took responsibility for licensing aerial spraying. Department of Health have previously advised that an aerial spraying buffer from sensitive watercourses would be appropriate however the distance could be anywhere from 500 metres to

1000 metres, and that a 'spray stop zone' could be implemented or special Spray Management Plan prepared and implemented.

The Department of Water (DoW) has previously advised that ground based spraying should have regard to the DoW Water Quality Protection Note – Vegetation Buffers to Sensitive Water Resources, calling for a 30 metre wide native vegetation buffer between watercourses (including dams) and plantations. Vegetation buffers provide the primary and most effective protection barrier for all waterways and provide screening protection from dust and spray drift during ground based chemical application.

It is therefore clear that a 20 metre increase in the setback of the proposed plantation from the southern boundary will do little to provide any additional protection to the submitter's property (Lot 15). The most practical control measure is to prepare and implement a detailed Spray Management Plan using responsible best practice methods, adjusting spray units and application techniques where needed, having regard to weather conditions, suitable buffers to sensitive areas and conducted in consultation with neighbours.

The above issues were similarly considered by Council in 2012 for re-establishment of a blue gum plantation on adjoining Lot 14 Huitson Road, Maranup (now owned by Submitter 2). The mediated conditions of approval through the State Administrative Tribunal and reconsidered by council resulted in a 100 metre buffer for aerial spraying to Lot 15 Huitson Road.

The applicant has confirmed in a subsequent email that they have spray management measures in place for their operations including notification of neighbours, recording any hazards, addressing water courses, environmental hazards, the chemicals being used, wind speed and direction, temperatures and potentially affected buildings. The applicant has offered in order not to undertake any aerial spraying in Compartment 1 (6.7 ha) adjacent to Huitson Road to provide some comfort to the concerned landowner. Compartment one is approximately 100 metres wide at the narrowest point, which would then provide a 130 metre buffer to the vineyard on Lot 15. It is therefore recommended that a Spray Management Plan be required as Condition 3 of approval to address this issue.

Notwithstanding the above, in the event that the plantation manager undertakes ground based or aerial spraying that potentially contaminates the adjoining land that is a civil matter between the parties and not a matter for the Shire involvement.

Submitter 2

The second submission was received from Gilbert Rowan-Robinson, the owner of Lot 14 Huitson Road, Maranup (to the south-west of the subject property) which also contains a Blue Gum Plantation approved by Council in 2012. The submitter made the comments in relation to sections of the applicant's Establishment and Management Plan and staff responses below:

Comment 1 – Number 2: Rabbit control. A) To include ripping as an option. B) These rules also apply to all adjoining neighbours.

Staff Response - Should the fumigation or baiting of rabbits is ineffective, the plantation manager also has the option to rip the soil however this is not considered necessary to impose as a special condition.

Comment 2 – Number 3: How is seedling specifications relevant to the neighbours?

Staff Response - The seedling specifications are included as normal practice, not to prove any relevant to neighbours.

Comment 3 – Number 12: Only grade annually if necessary, as it can increase erosion risk.

Staff Response - Section 12 Fire Equipment and Control of the applicant's management plan addresses the maintenance of firebreaks by the plantation manager to ensure compliance with the relevant bushfire regulations. It is not considered necessary to include a condition to limit grading of firebreaks.

Comment 4 – Number 14: Why would the tree farmer use the following roads? Grange Road Mockerdillup Road, Donnelly Mill Road.

Staff Response - The roads listed in the applicant's harvesting plan are clearly incorrect and must relate to another application inadvertently copied into this application. The applicant has been contacted and advised in writing that the intended haulage route will be Huitson Road and Maranup Ford Road (plus Stanifer Street through Greenbushes) to South Western Highway.

Comment 5 – Number 15: That it be the responsibility of tree grower to retain as much rainfall as possible on the tree farm. In particular where ground is bare, to divert moisture back into the plantation, to minimise erosion for adjoining landowners.

In relation to catchment of rainfall it is in the interest of the plantation manager to collect rainfall for growth of plants and to sustain water points. The management plan indicates rows are trees are to be aligned north/south where possible, or where orientated on the contours to prevent erosion. The recommended standard conditions of approval aim to ensure the establishment and harvesting operations do not adversely affect water quality within and beyond the plantation, plus require the provision of water points.

Conclusion

The application seeks to re-establish a new blue gum plantation on Lot 6407 Huitson Road, Maranup, previously used as a pine plantation. Noting the comments and concerns raised by the two submitters, it is recommended that planning approval be granted subject to standard and special conditions.

Statutory Environment

Clause 4.3.3 of Town Planning Scheme No. 4 states:

“Council’s Objective, recognising that the zone contains areas of major landscape and historical significance, areas suitable for agriculture, afforestation or horticulture, and considerable tourist potential, will be to ensure that future development is such as to preserve and enhance the natural attributes and the economic potential of the zone..”

Council’s Policies will therefore be to:

- (a) assist in the introduction of viable agricultural or horticultural practices;*
- (b) carefully assess development proposals, especially for tourist and recreational uses, in light of their effect on the area’s landscape and*

The proposal seeks approval for establishment of Blue Gum plantation in place of a former pine plantation harvested in 2013 and 2014. Afforestation is an important agricultural industry for the district and the proposal is consistent with the general objectives and polices specific to the Rural 3 zone under Town Planning Scheme No. 4.

Clause 7.6.4 of Town Planning Scheme No. 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.”

Council has discretion waive standard conditions or impose additional conditions pursuant to the Plantation Applications Policy.

Policy Implications

- Shire of Bridgetown-Greenbushes Plantation Applications Policy

The Plantation Applications Policy sets out the minimum standards and requirements for application to establish plantations in the Shire of Bridgetown-Greenbushes, plus sets out standard conditions that will be considered in assessment of plantation applications.

The proposed application is generally consistent with the application, noting the incorrect haulage plan information has been provided, and that only two water points are recommended.

- Shire of Bridgetown-Greenbushes Natural Environment Strategy

The Natural Environment Strategy provides the basis for promoting sustainable development and promoting natural resource management, during decision-making processes, having regard to biodiversity, waterways, water resources and remnant vegetation. Assessment of the proposal and the recommended conditions is considered consistent with the objectives of the Natural Environment Strategy.

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

The objectives of the Managing the Natural Environment Policy are to:

- within planning decisions promote conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;
- within planning decisions assist in the conservation and management of natural resources, including air quality, energy, waterways and water quality, landscape, agriculture and minerals to support both environmental quality and sustainable development over the long term;
- within planning decisions adopt a risk-management approach that aims to avoid or minimise environmental degradation and hazards;
- prevent or minimise environmental problems that might arise as a result of siting incompatible land uses together;
- outline what matters Council will address through the planning system and outline which matters are addressed through other legislation and other agencies; and
- within planning decisions encourage other stakeholders to fulfill their responsibilities to NRM through an environmentally sustainable approach.

The Policy includes measures under headings of Water Resources, Soil and Land, Biodiversity and Land Management. Assessment of the proposal and the recommended conditions is considered consistent with the objectives of the Managing the Natural Environment Policy.

Strategic Plan Implications

- Strategic Community Plan 2012

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

Outcome 2.4 Protect and better utilise the river and natural landscape as an asset to the Shire.

- 2.4.1 Identify opportunities for protecting and enhancing the health of the Blackwood River and its tributaries.
- 2.4.4 Support and promote sound environmental management practices.

The additional condition relating to water points and spray management will assist best environmental management.

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

Budget Implications

The applicable planning application fee has been paid.

Fiscal Equity – Not applicable

Whole of Life Accounting – Nil

Social Equity – Nil

Ecological Equity – Nil

Cultural Equity - Nil

Risk Management

Approval of the plantation proposal does not increase the Shire's risk management profile as the development is to be conducted on private land. Consideration must be given to the suitability of the road network to cater for harvesting traffic.

Continuous Improvement

The content of the submissions received has assisted consideration of relevant issues.

Delegated Authority

Nil - Officers do not have delegated authority to approve the application as the recommended conditions of approval do not reflect the concerns raised by surrounding landowners, and the application must therefore be determined by Council.

Voting Requirements – Simple Majority

Moved Cr Boyle, Seconded Cr Wilson

That Council noting the two submissions received, as per Attachment 7, and pursuant to Clause 5.3.2 under Town Planning Scheme No. 4 grants development approval for the proposed Afforestation – 48.9ha Eucalyptus globulus (Blue Gum) Plantation on Lot 6704 Huitson Road, Maranup, as per Attachment 8, subject to the following conditions:

1. Compliance with the Shire of Bridgetown-Greenbushes Firebreak Order.
2. Planting to be in accordance with the submitted plan, unless specifically otherwise stated.
3. Preparation and implementation of a Spray Management Plan to address ground and aerial spraying, to be conducted in accordance with the Code of Practice for Timber Plantations in Western Australia, and pursuant to the following:
 - a. due regard be given to weather conditions to avoid off-site spray drift;
 - b. notification of the land owners of Lot 15 (on Plan 10598) Huitson Road, Maranup at least 48 hours (two days) prior to undertaking spraying or fertilising;
 - c. no aerial spraying or fertilising within Compartment 1 as shown on the approved plan or within 100 metres of Lot 15 (on Plan 10598) Huitson Road, Maranup; and
 - d. only ground based spraying or fertilising by hand or machine is permitted within Compartment 1 as shown on the approved plan or within 100 metres of Lot 15 (on Plan 10598) Huitson Road, Maranup.

4. Provision of two strategic fire fighting water points connected by internal roads and trafficable firebreaks, prior to commencement of planting. In this regard, where in-ground all year water supply can not be guaranteed a water tank with a minimum capacity of 20,000 Litres is to instead be provided prior to completion of planting.
5. Intact native vegetation within 20 metres of a permanent stream, swamp, or body of permanent water, and within ten metres of a temporary stream or drainage line must be retained to prevent sediment movement into water bodies.
6. Where there is no native vegetation adjacent to a stream, plantations may be established and harvested provided that water quality values are not compromised. Water quality should be protected by careful planning and control of the location and timing of machine operations during the site preparation and harvesting with the aim of minimising both disturbance of the water course itself and the chance of soil being transported into the water course.
7. Where it is necessary for a road to cross a stream or drainage line, it must be by means of a bridge, culvert or ford designed to meet the transport needs, minimise impact on water quality and riparian vegetation, and designed to cater for unusual flood events without damage to the structure or to the immediate environment.
8. All internal roads and trafficable firebreaks within the plantation are to be adequately signposted for direction to water points, plantation exits and any 'no through' roads.
9. The Shire is to be notified in writing of future harvesting at least 3 months prior to harvesting commencing to enable the inspection of roads prior to harvesting.
10. The plantation is approved for two rotations only. Any additional rotations or modifications to the approved plan will require a separate planning approval.
11. A copy of the fire control plan, including details showing water source(s) and firebreaks, is to be installed at the entrance to the property.

Advice Note: In relation to Condition 1 the applicant is advised that the Shire of Bridgetown-Greenbushes Firebreak Order is subject to annual review and as such it should not be assumed that the standards contained therein will remain constant during the duration of the planting. All plantings are to comply with the Shire's Firebreak Order irrespective of detail shown on the approved plan.

Advice Note: In relation to Condition 3 the applicant is advised that compliance with the Shire's Pest Plants Local Law is required.

Advice Note: The applicant is advised that pursuant to the Local Government Act, the Shire will seek to recover the cost to repair excessive wear or specific damage to the local road network caused during harvesting.

Advice Note: In relation to Condition 8 the applicant is advised that approval from the Shire of Bridgetown-Greenbushes is required prior to the construction of the vehicle crossover, to be located in proximity to the proposed lot boundary and be designed to cross the existing deep roadside table drain.

Advice Note: The applicant should refer to the Shire's Dam Construction Guidelines during construction of any strategic water point dams.

Amendment Moved Cr Mackman, Seconded Cr Boyle

Add a new dot point 3 as follows and renumber the remaining dot points and amend condition numbers in advice notes:

- Planting within Compartment 1 is to be setback 20 metres from the Huitson Road boundary, for a length of approximately 250 metres, to provide a 50 metre separation from the existing vineyard on Lot 15 (on Plan 10598) Huitson Road, Maranup.

Carried 8/0

The Amended Motion becomes the Substantive Motion – The Motion was Put Council Decision Moved Cr Boyle, Seconded Cr Wilson

C.05/0416 That Council noting the two submissions received, as per Attachment 7, and pursuant to Clause 5.3.2 under Town Planning Scheme No. 4 grants development approval for the proposed Afforestation – 48.9ha Eucalyptus globulus (Blue Gum) Plantation on Lot 6704 Huitson Road, Maranup, as per Attachment 8, subject to the following conditions:

- 1. Compliance with the Shire of Bridgetown-Greenbushes Firebreak Order.***
- 2. Planting to be in accordance with the submitted plan, unless specifically otherwise stated.***
- 3. Planting within Compartment 1 is to be setback 20 metres from the Huitson Road boundary, for a length of approximately 250 metres, to provide a 50 metre separation from the existing vineyard on Lot 15 (on Plan 10598) Huitson Road, Maranup***
- 4. Preparation and implementation of a Spray Management Plan to address ground and aerial spraying, to be conducted in accordance with the Code of Practice for Timber Plantations in Western Australia, and pursuant to the following:***
 - a. due regard be given to weather conditions to avoid off-site spray drift;***
 - b. notification of the land owners of Lot 15 (on Plan 10598) Huitson Road, Maranup at least 48 hours (two days) prior to undertaking spraying or fertilising;***
 - c. no aerial spraying or fertilising within Compartment 1 as shown on the approved plan or within 100 metres of Lot 15 (on Plan 10598) Huitson Road, Maranup; and***
 - d. only ground based spraying or fertilising by hand or machine is permitted within Compartment 1 as shown on the approved plan or within 100 metres of Lot 15 (on Plan 10598) Huitson Road, Maranup.***
- 5. Provision of two strategic fire fighting water points connected by internal roads and trafficable firebreaks, prior to commencement of planting. In this regard, where in-ground all year water supply can not be guaranteed a water tank with a minimum capacity of 20,000 Litres is to instead be provided prior to completion of planting.***
- 6. Intact native vegetation within 20 metres of a permanent stream, swamp, or body of permanent water, and within ten metres of a temporary stream or drainage line must be retained to prevent sediment movement into water bodies.***

7. **Where there is no native vegetation adjacent to a stream, plantations may be established and harvested provided that water quality values are not compromised. Water quality should be protected by careful planning and control of the location and timing of machine operations during the site preparation and harvesting with the aim of minimising both disturbance of the water course itself and the chance of soil being transported into the water course.**
8. **Where it is necessary for a road to cross a stream or drainage line, it must be by means of a bridge, culvert or ford designed to meet the transport needs, minimise impact on water quality and riparian vegetation, and designed to cater for unusual flood events without damage to the structure or to the immediate environment.**
9. **All internal roads and trafficable firebreaks within the plantation are to be adequately signposted for direction to water points, plantation exits and any 'no through' roads.**
10. **The Shire is to be notified in writing of future harvesting at least 3 months prior to harvesting commencing to enable the inspection of roads prior to harvesting.**
11. **The plantation is approved for two rotations only. Any additional rotations or modifications to the approved plan will require a separate planning approval.**
12. **A copy of the fire control plan, including details showing water source(s) and firebreaks, is to be installed at the entrance to the property.**

Advice Note: In relation to Condition 1 the applicant is advised that the Shire of Bridgetown-Greenbushes Firebreak Order is subject to annual review and as such it should not be assumed that the standards contained therein will remain constant during the duration of the planting. All plantings are to comply with the Shire's Firebreak Order irrespective of detail shown on the approved plan.

Advice Note: In relation to Condition 4 the applicant is advised that compliance with the Shire's Pest Plants Local Law is required.

Advice Note: The applicant is advised that pursuant to the Local Government Act, the Shire will seek to recover the cost to repair excessive wear or specific damage to the local road network caused during harvesting.

Advice Note: In relation to Condition 9 the applicant is advised that approval from the Shire of Bridgetown-Greenbushes is required prior to the construction of the vehicle crossover, to be located in proximity to the proposed lot boundary and be designed to cross the existing deep roadside table drain.

Advice Note: The applicant should refer to the Shire's Dam Construction Guidelines during construction of any strategic water point dams.

Carried 8/0

Reason for amending the officer recommendation

Increasing the setback within compartment 1 will offer more protection from spraying to the adjacent vineyard

ITEM NO.	C.06/0416	FILE REF.	A33534
SUBJECT	Bridgetown Railside Landscaping Project		
OFFICER	Manager Planning		
DATE OF REPORT	20 April 2016		

Attachment 9 Proposed Railside Landscaping Project
Attachment 10 Public Transport Authority Response

OFFICER RECOMMENDATION: That Council, notwithstanding preliminary support from the State Heritage Office, notes the most recent response from Burgess Rawson on behalf of Public Transport Authority and Brookfield Rail, as per Attachment 10, and resolves not to proceed with the proposed Bridgetown Railside Landscaping Project.

Summary/Purpose

Council in January 2011 resolved to instruct the Chief Executive Officer to investigate the potential landscaping of the railway land between the Town Square and Carpark and Stewart Street. Notwithstanding the support from the Public Transport Authority and the State Heritage Office for a very modest 'Bridgetown Railside Landscaping Project', landscaping within the operational rail corridor but outside of the Shire's lease area will not be supported by Brookfield Rail. It is therefore recommended that Council resolve not to proceed with the project.

Background

Council in January 2011 resolved:

"C.03/0111

- 1. That Council instruct the CEO to immediately make the necessary enquiries and arrangements needed to facilitate the landscaping of the strip of land between the Town Square and new carpark to the east and the railway station and Railway Street to the west, from Steere Street to the Goods Shed.*
- 2. That funding for this work be included for consideration in the draft 2011/12 Budget."*

As background, the reasons put forward by former Councillor Southwell, whom presented the motion to Council, was as follows:

"This area is currently an ugly wasteland bisected by a disused rail line. Levelling and grassing the area will provide an attractive, safe access for pedestrians moving between the CBD and the town square and carpark, whilst not affecting the rail line infrastructure and ensuring that the rail reserve remains intact should the railway ever be re-opened. It will also help to provide a more attractive setting for the railway station building and goods shed."

Noting the above resolution the Chief Executive Officer and Manager Planning made informal enquiries through the Public Transport Authority (PTA) and the State Heritage Office (SHO), with general support received for a narrow strip of landscaping on the eastern side of the railway tracks, consisting of grass or low level shrubs. Preliminary support was not given to broad landscaping of the land either side of the tracks as the resolution of Council sought. Shire staff then met with SHO representatives onsite in March 2012 again indicating some support subject to submission of a detailed landscaping plan.

Following lengthy delays the Shire prepared an alternative concept for erection of timber 'fences' for a 'Rose Walk' using creeping roses, in part due to concerns regarding the growing suitability of the soil. The 'Rose Walk' concept however was not supported by either PTA or SHO and therefore abandoned.

General funds were allocated in the 2015/16 budget under the CBD Parks & Gardens allocation however a specific line item was not allocated to the project. A final concept plan was to then be presented to Council before proceeding following firm support from PTA and SHO.

A draft concept plan was then prepared (as per Attachment 9) and forwarded to PTA and SHO in August 2015. Whilst support was received from SHO in October 2015, a formal response from the PTA was delayed as feedback from Brookfield Rail was required given the proposed landscaping was located in the operational rail corridor. Following meetings between PTA and Brookfield Rail, a representative from Burgess Rawson (Commercial Property Consultants) acting on behalf of Brookfield Rail visited the site in early 2016.

After a number of reminders an email response was finally received on 6 April 2016 (see Attachment 10) from Burgess Rawson on behalf of PTA confirming the initial response from Brookfield Rail as follows:

"Brookfield Rail after reviewing Shire of Bridgetown's request below grants approval for some landscaping to be carried out on the following basis in the rail corridor land at Bridgetown:

- *No trees only low shrubs (<1m high, non-deciduous plants)*
- *Maintained in perpetuity by the Shire of Bridgetown-Greenbushes (maintenance work to remain 10m from track)*
- *The planting cannot be within 10m of the track as it may impact on the track weed spray activities or rail operations if the line reopens.*
- *Any future complaints about the state of these shrubs by the public is the Shire's responsibility to rectify even if on rail corridor land*
- *Brookfield Rail to have the future rights to request Shire to remove and rehabilitate ground at their cost for any reason Brookfield Rail wishes (eg. If line opens or if they are causing Brookfield Rail other issues such as sight distance on pedestrian maze/level crossing etc).*
- *The pedestrian crossing would have to be removed if the line re-opened.*

Burgess Rawson questioned the distance from the railway tracks to the landscaping, as the landscaping was not permitted within 10 metres of the tracks without another lease being formulated.

A subsequent email was received on 6 April 2016 from Burgess Rawson stating:

“Brookfield Rail and PTA have further clarified a point regarding the proposed Landscaping Project. Attached is the copy of the plan for L7166 which confirms that in fact there is already some corridor land included within the area on the eastern side of the track leading off from the Steere Street level crossing (ie. area D on 1793m²).

Brookfield Rail has confirmed that its approval for the Landscaping is subject to the project being contained within the existing boundaries of L7166 to the Shire as no more corridor land will be made available.”

The initial support from Brookfield Rail (and by extension PTA) was for landscaping setback no closer than 10 metres from the rail line and within a new lease area. This support was then superseded by support for the landscaping within the existing lease area setback no closer than 7 metres from the rail line.

It is clear that Brookfield Rail did not understand that the proposed 3 metre wide landscaping was to be approximately 4 to 5 metres from the eastern side of the railway tracks, planted on the western side the town square and carpark retaining wall, and therefore located outside of the existing lease area. Any landscaping therefore in the intended area will not be supported by Brookfield Rail and PTA and it is recommended the project not be proceeded with.

Importantly the January 2011 resolution of Council required the CEO to make enquiries regarding the landscaping project, which have been made, so a resolution of Council is not required to rescind C.03/1111.

Shire staff wish to highlight the gravelled area at the southern end of the carpark within the lease area (adjacent to the caravan parking bays and opposite the railway station) has the potential for some landscaping. It is suggested however that landscaping of this area be investigated in conjunction with future redevelopment of the railway station.

Conclusion

Despite the preliminary support from PTA and SHO for some modest landscaping on the eastern side of the railway tracks, the ‘approval’ from Brookfield Rail would not allow any landscaping within the operational rail corridor outside of the Shire’s lease area, which has a 7 metre separation from the railway track. It is therefore recommended that Council not proceed with the landscaping project at this time.

Statutory Environment

Other than the operational rail corridor the whole of the railway reserve between Steere Street and Phillips Street is leased to the Shire by the Public Transport Authority.

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

Development approval would be required for any substantial landscaping works, pursuant to the Shire’s Town Planning Scheme No. 3 (TPS3) and Heritage Act of

Western Australia, in consultation with the Public Transport Authority and Heritage Council of WA.

- Heritage of Western Australia Act 1990

The Bridgetown Railway Precinct' is included on the State Register of Heritage Places under the Heritage of Western Australia Act, and development approval under TPS3 must have regard to advice from the State Heritage Office.

Policy Implications - Nil

Strategic Implications

- Strategic Community Plan

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

Outcome 2.1 Maintain the heritage and character of the main streets in Bridgetown and Greenbushes

Strategy 2.1.2 Endure the maintenance of the Town Centre achieves a high level of appearance and amenity.

Outcome 2.2 Recognition and retention of our cultural, indigenous and heritage assets.

Strategy 2.2.4 Work with the community to identify and assist in the implementation of projects that promote the unique heritage and history of each town.

Outcome 2.3 Improve parkland areas and public open spaces.

Strategy 2.3.3 Prepare a Parkland Improvement Strategy.

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

Budget Implications

General funding for the project was incorporated into Bridgetown CBD Parks & Gardens budget allocation. Should the project not proceed, as recommended, the funding will be spent during normal operations.

Fiscal Equity - Not Applicable

Whole of Life Accounting - Nil

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity

Due regard has been given to cultural heritage issues with the State Heritage Office confirming that the proposed landscaping project would not have any detrimental impacts upon cultural heritage significance of the area.

Risk Management

The proposed landscaping may have improved pedestrian safety by forcing pedestrian to cross the railway tracks either at the Steere Street level crossing or pedestrian crossing adjacent to the railway station platform.

Continuous Improvement

The responses from State Heritage Office and Public Transport Authority have assisted consideration of the proposal.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Scallan, Seconded Cr Wilson
C.06/0416 That Council seek a review of the decision by Brookfield Rail regarding the proposed Bridgetown Railside Landscaping Project and seeks the assistance of the Minister for Transport and Minister for Regional Development in facilitating this review.**

Carried 8/0

Reason for resolving contrary to the officer recommendation

What is a simple proposal has been caught up in a bureaucratic process. There is no obvious reason why some low key landscaping would interfere with any possible use of the non-operational rail corridor.

Works & Services – Nil

6.18pm – Mr Donaldson retired from the Meeting

Community Services

ITEM NO.	C.07/0416	FILE REF.	
SUBJECT	Grant Variation Request		
PROPONENT	Blackwood Valley Arts Alliance		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	18 April 2015		

OFFICER RECOMMENDATION that Council endorses the request from the Blackwood Valley Arts Alliance Inc to roll over the remaining 50% (\$2,500) of their 2015-2016 community grant to the 2016-2017 financial year.

OFFICER RECOMMENDATION that Council retain the existing condition that this sum (\$2,500) is to be utilised as seeding (matched) funding for projects (not events) that enhance the sustainability of the Blackwood Valley Arts Alliance Inc.

Summary/Purpose

This item seeks to progress the implementation of Council's decisions regarding funding allocations for the 2015-2016 Community Group Grants and Service Agreements.

Background

Applications for the 2015-2016 Community Group Grant and Service Agreements closed on 27 February 2015. These applications were assessed by a Working Group of interested Councillors. The members of the Community Group Grant and Service Agreement Working Party were Crs Mackman, Quinby, Pratico, Nicholas and Wilson. The Chief Executive Officer, Executive Manager Community Services and Executive Manager Corporate Services also attended the meeting. The recommendations of the Working Group were endorsed at the May 2014 Council meeting.

The Blackwood Valley Arts Alliance Inc was awarded \$5,000 in the form of a community grant. The conditions of this funding included provision of 50% of the grant (\$2,500) to be utilised for administrative and operational costs. The remaining 50% of the grant (\$2,500) was to be accessed/utilised as seeding funding to attract additional grants from art and cultural funding bodies to enhance the sustainability of the Blackwood Valley Arts Alliance Inc. The officer has received verbal requests (via attendance at Blackwood Valley Arts Alliance Inc meetings) for 50% of the grant to be rolled over to the 2016-2017 financial year. This is the portion of the funding that was to be utilised as seeding funding to attract additional grant funding.

In awarding the \$5,000 grant, the Working Group identified that Council has, in preceding years, invested significant sums in the employment of an Art and Cultural Officer (fixed term) whose primary goals included working with the community to identify the need for, and capacity to develop, an independent, incorporated arts group. The intention behind this goal was to support community driven art and cultural development in the community by the establishment of a community driven art group (who would have access to considerably more funding opportunities than are available for a local government authority). It was considered that this was a more sustainable and viable model for the ongoing development of art and cultural programs within the community.

The provision of the \$5,000 funding was considered a “pilot program” to see if the Blackwood Valley Arts Alliance Inc had the capacity to continue to grow, develop and expand the cultural and artistic goals of the community. This was done in alignment with the Community Services Strategy which identifies Council’s commitment to consider providing funding to a representative art and cultural group(s) to drive art and cultural initiatives at the community level, rather than the local government level.

It may appear that in requesting 50% of the grant (\$2,500) be rolled over into the new financial year that Blackwood Valley Arts Alliance Inc does not have capacity to attract external grant funding. However, the Blackwood Valley Arts Alliance Inc committee has made significant progress in consolidating an annual program of artistic events in the community, has worked in collaboration with Shire officers and Pip and Bevan Mills with the annual Archie and Landscape art exhibitions, worked with the South West Development Commission to develop a strategic plan and is growing in capacity in the areas of governance and grant funding. The existing committee were elected late in 2015 (November) and in that time frame have undertaken significant work to ensure their sustainability moving forward.

The existing committee determined not to submit a new application for funding in the 2016-2017 financial year as they are still finalising and developing their strategic direction. The request to roll over the 50% of the 2015-2016 community grant (\$2,500) is supported by the officer as these funds will assist the Blackwood Valley Arts Alliance Inc to continue to build on the foundation that has been progressively laid over the past 2 – 3 years.

Statutory Environment – Not applicable

Integrated Planning – Not applicable

Strategic Community Plan

Outcome 3.1 – maintain a high standard of lifestyle, recreational and cultural facilities
Objective 3.1.6 – continue to support arts, culture and recreation

Corporate Business Plan

This plan reflects a commitment to annual funding to assist community groups via community group grants and service agreements.

Long Term Financial Plan

This plan reflects a commitment to annual funding to assist community groups via community group grants and service agreements.

Asset Management Plans –not applicable

Workforce Plan – not applicable

Other Integrated Planning

Community Services Strategy identifies the need to provide services to promote an inclusive approach to life in the community via the Youth, Seniors and Access and Inclusion Plans. The Community Services Strategy also identifies Council’s commitment to consider providing funding to a representative art and cultural group(s) to drive art and cultural initiatives at the community level, rather than the local government level.

Budget Implications

The 2015-2016 annual budget demonstrates an allocation of \$5,000 as a community grant to the Blackwood Valley Arts Alliance Inc, \$2,500 of this has been expended and if Council endorses the officer recommendation the balance (\$2,500) will be rolled over into the budget for the 2016-2017 financial year.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity

The requesting and approval (or otherwise) of grant variations is a common and accepted practice within local government, state government and non-government organizations. Any group receiving funding from the Shire of Bridgetown-Greenbushes is able to request a grant variation (to the purpose and timing) of funded projects. The funding body has discretion to approve (or otherwise) such requests.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

In considering the recommendations, Council may be mitigating financial risk associated with community expectation that budget provisions be made for the purpose of art and cultural development.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Mackman, Seconded Cr Boyle

C.07/0416 That Council endorses the request from the Blackwood Valley Arts Alliance Inc to roll over the remaining 50% (\$2,500) of their 2015-2016 community grant to the 2016-2017 financial year.

Carried 6/2

Crs Quinby and Scallan voted against the Motion

Council Decision Moved Cr Boyle, Seconded Cr Wilson

C.07/0416a That Council retain the existing condition that this sum (\$2,500) is to be utilised as seeding (matched) funding for projects (not events) that enhance the sustainability of the Blackwood Valley Arts Alliance Inc.

Carried 8/0

Consideration of Standing Committee Recommendations

Items adopted by Council using the en bloc system were:

C.10/0416	Statutory Review of Local Laws
C.11/0416	Municipal Inventory Review and Draft Assessment of Cultural Heritage Significance Policy
C.12/0416	Bridgetown Leisure Centre
C.13/0416	Rolling Action Sheet

To allow for numerical follow through of Reports/Items, the above Council Decisions are marked with an *

C.08/0416	Standing Committee Minutes – 14 April 2016 – Attachment 11
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Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.

C.09/0416	Amendment to Policy A.4 – Facility Opening Hours to the Public
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Committee Recommendation Moved Cr Scallan, Seconded Cr Hodson
SC.02/0416 That Council amends Policy A.4 – Facility Opening Hours to the Public by adding the following under Part 5 – Integrated Recreation Facility:

During the course of the swimming pool season there are occasions where the aquatic facility is booked for a school swimming carnival (generally 4-6 times per season). On these occasions access to the 25 metre pool and other facilities may be prohibited to the general public therefore members of the public will not be charged an entry fee to attend the facility. Note this waiving of entry fee doesn't apply to spectators of the school swimming carnival.

Council Decision Moved Cr Nicholas, Seconded Cr Hodson

C.09/0416 That Council amends Policy A.4 – 'Facility Opening Hours to the Public' by:

1. Adding the following under Part 5:

During the course of the swimming pool season there are occasions where the aquatic facility is booked for a school swimming carnival (generally 4-6 times per season). On these occasions access to the 25 metre pool will be prohibited. Access to other facilities may be available to the general public therefore members of the public will not be charged an entry fee to use these facilities. Note this waiving of entry fee does not apply to spectators of the school swimming carnival.

2. Under Part 4 delete "Good Friday" in point 4(b).

Carried 8/0

Reason for amending the Committee recommendation

Policy documentation should not be ambiguous misleading or bring criticism upon the Council. The rewording of this amendment and other information included in the policy is all of these things and should be amended

C.10/0416	Statutory Review of Local Laws
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Committee Recommendation Moved Cr Mackman, Seconded Cr Quinby

SC.03/0416 That Council:

1. Notes the legislative requirement within Section 3.16 of the Local Government Act 1995 and proceeds to undertake a review of its existing Local Laws, excepting the Extractive Industries Local Law and Standing Orders Local Law.
2. In accordance with section 3.16(2) of the Local Government Act 1995, gives State wide public notice of its intention to undertake a review of its Local Laws, excepting the Extractive Industries Local Law and Standing Orders Local Law.
3. That the CEO be requested to submit a report back to Council on the review of its Local Laws at the conclusion of the statutory advertising period.

Council Decision Moved Cr Scallan, Seconded Cr Wilson

***C.10/0416 That Council:**

- 1. Notes the legislative requirement within Section 3.16 of the Local Government Act 1995 and proceeds to undertake a review of its existing Local Laws, excepting the Extractive Industries Local Law and Standing Orders Local Law.**
- 2. In accordance with section 3.16(2) of the Local Government Act 1995, gives State wide public notice of its intention to undertake a review of its Local Laws, excepting the Extractive Industries Local Law and Standing Orders Local Law.**
- 3. That the CEO be requested to submit a report back to Council on the review of its Local Laws at the conclusion of the statutory advertising period.**

Carried 8/0

C.11/0416	Municipal Inventory Review and Draft Assessment of Cultural Heritage Significance Policy
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Committee Recommendation Moved Cr Scallan, Seconded Cr Quinby

SC.04/0416 That Council:

1. Notes the appointment of Ms Annette Green from Greenward Consulting, under the Heritage Council of Western Australia's Heritage Advisory Service Funding Agreement, to assist with the review of the Municipal Inventory and related heritage policies.
2. Notes the three examples of the reviewed draft place records, as per Attachment 13, and supports renaming of the Municipal Inventory as the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory.
3. Supports the draft Assessment of Cultural Heritage Significance Policy, as per Attachment 14, and directs 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.

Council Decision Moved Cr Scallan, Seconded Cr Wilson

***C.11/0416 That Council:**

- 1. Notes the appointment of Ms Annette Green from Greenward Consulting, under the Heritage Council of Western Australia's Heritage Advisory Service Funding Agreement, to assist with the review of the Municipal Inventory and related heritage policies.**
- 2. Notes the three examples of the reviewed draft place records, as per Attachment 13, and supports renaming of the Municipal Inventory as the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory.**
- 3. Supports the draft Assessment of Cultural Heritage Significance Policy, as per Attachment 14, and directs 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.**

Carried 8/0

C.12/0416	Bridgetown Leisure Centre
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Committee Recommendation Moved Cr Mackman, Seconded Cr Scallan
SC.05/0416 That Council determine Concept 2A to be the preferred logo for the Bridgetown Leisure Centre.

Council Decision Moved Cr Scallan, Seconded Cr Wilson

***C.12/0416 That Council determine Concept 2A to be the preferred logo for the Bridgetown Leisure Centre.**

Carried 8/0

C.13/0416	Rolling Action Sheet
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Committee Recommendation Moved Cr Boyle, Seconded Cr Scallan
SC.06/0416 That the information contained in the Rolling Action Sheet be noted.

Council Decision Moved Cr Scallan, Seconded Cr Wilson

***C.13/0416 That the information contained in the Rolling Action Sheet be noted.**

Carried 8/0

C.14/0416	Adoption of En Bloc Items
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Council Decision Moved Cr Scallan, Seconded Cr Wilson

C.14/0416 That Council adopts Items C.10/0416, C.11/0416, C.12/0416 and C.13/0416 of the Local Laws, Strategy, Policy & Organisation Development Standing Committee and hereby resolves in the terms of each of the Committee Recommendations.

Carried 8/0

Receival of Minutes from Management Committees - Nil

Urgent Business Approved by Decision - Nil

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice

Cr Scallan

1. Can you please give us an update on the Visitor Centre repairs and where we are with opening up the Jigsaw Gallery?

Response

Works at the visitor centre are complete and the jigsaw gallery has been operational for several weeks. All that remains at the former community services office space is the installation of a rear external door and then the Blackwood Environment Society will be able to move in.

2. Can you please give us an update on the progress of the Sports Ground Change Rooms costs and timing and release of staff to carry out some works to minimise the further impact of inclement weather on Shire assets.ie Greenbushes Golf Course, Greenbushes District Hall.

Response

The change rooms will be completed to a standard sufficient for the first home football games on 7 May. There will however be several outstanding items to complete. The use of the Building Maintenance Officer on this project will conclude at the end of next week so that he can be freed up to attend to a number of outstanding works on other buildings. There have been a number of unforeseen variances to the change rooms projects that will result in expected budget over expenditure. I have discussed this matter with the Shire President and he has agreed to call a special meeting of council to be held after the May Standing Committee meeting so that the funding of this over expenditure can be considered.

Notice of Motions for Consideration at the Next Meeting - Nil

6.28pm Mrs Lockley retired from the Meeting

Matters Behind Closed Doors (Confidential Items)

Council Decision *Moved Cr Moore, Seconded Cr Boyle*
C.15/0416 *That Council go behind closed doors at 6.28pm.*

Carried 8/0

Council Decision *Moved Cr Moore, Seconded Cr Wilson*
C.15/0416a *That Council come out from behind closed doors at 6.42pm.*

Carried 8/0

No decisions were made behind closed doors.

It is noted no members of the Gallery returned to the Meeting

Closure

The President closed the Meeting 6.42pm

List of Attachments

Attachment	Item No.	Details
1	C.03/0416	March 2016 Financial Activity Statements
2	C.03/0416	List of Accounts Paid in March 2016
3	C.04/0416	Location Plan/Aerial Photograph
4	C.04/0416	Neighbour's Submission
5	C.04/0416	Proposed Plan/Applicant's Submission
6	C.05/0416	Locality Plan
7	C.05/0416	Neighbour Submissions
8	C.05/0416	Proposed Application
9	C.06/0416	Proposed Railside Landscaping Project
10	C.06/0416	Public Transport Authority Response
11	C.08/0416	Standing Committee Attachments – 14.4.16

Minutes checked and authorised by T
Clynch, CEO



29.4.16