

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, 31 August 2017** in the Council Chambers, commencing at 5.30pm.

Signed by T Clynch, CEO



Date

24 August 2017

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AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 31 August 2017 commencing at 5.30pm

Meeting to be opened by the Presiding Member

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional 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

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

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.01/0817 Ordinary Meeting held 27 July 2017

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 27 July 2017 as a true and correct record.

C.02/0817 Special Meeting held 17 August 2017

Attachment 1

A motion is required to confirm the Minutes of the Special Meeting of Council held 17 August 2017 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

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.03/0817 | FILE REF. | 591 |
| SUBJECT | Busselton Margaret River Regional Airport – Future Airport Marketing Fund | | |
| PROPONENT | City of Busselton | | |
| OFFICER | Chief Executive Officer | | |
| DATE OF REPORT | 21 August 2017 | | |

OFFICER RECOMMENDATION that Council advises the City of Busselton that it is willing to commit to providing \$2,000 per annum for a five (5) year period commencing in 2018/19 to an Airport Marketing Fund for the Busselton Margaret River Regional Airport

Summary/Purpose

The City of Busselton has written to each Local Government in the South West seeking a contribution of \$2,000 per year for a five year period for an Airport Marketing Fund to assist in the attraction and retention of airlines to service the 'East Coast to South West' route, the outcomes of which will provide direct benefits to all regional South West Local Governments.

It is recommended that Council commit to the funds required from the 2018/19 financial year onwards.

Background

The correspondence from the City of Busselton provides the following information to enable all the South-West Councils to consider this request:

The City of Busselton has made significant progress on the project to date in terms of infrastructure development and airline engagement, resulting in positive responses from domestic airlines including interest to commence services by the end of 2017. The opportunity for an airline to be a first-mover into the South West region with a fully serviced terminal and ancillary services has been critical to this response. To assist in securing direct interstate and international flights into the South West region, the City has committed \$3.5 million over five years towards the Airline Marketing Fund, with the Margaret River Busselton Tourism Association (MRBTA) committing \$100,000 over two years. In addition, the City, in partnership with Tourism Western Australia, has engaged an Airline Engagement Consultant to assist in securing and retaining airlines to service the East Coast to South West route. These ongoing financial and in-kind commitments by stakeholders represent a significant commitment to the South West region and more importantly, to driving significant economic growth opportunities and expansive social benefits.

A redeveloped BMRRA capable of facilitating direct interstate and international flights is poised to play a key role in the increase of visitation to the region, bolstering the tourism industry, increasing occupancy and event attendance and providing incentive to invest in the development of major tourism infrastructure. The ability of the City of Busselton to secure a national carrier with the assistance of an Airport Marketing Fund will only further increase the profile of the South West region on the national and international stage.

The wider regional benefits of a developed airport include a construction workforce of 126; 94 new direct and indirect ongoing jobs over a 30 year period; \$95.5m in Gross Value Add to the South West region over a 30 year period; \$55m in additional income; and \$220m in additional economic output.

BMRAA also represents a significant opportunity for air freight cargo. The region is renowned as a producer of high calibre horticultural and agricultural produce and is a substantial contributor to Western Australia's export figures. It is estimated that well over half of all airfreight out of Perth Airport comes from the South West region and the South West region is poised to take advantage of maturing markets with a growing emphasis on effectively managing the supply chains and shortening time to markets. Establishing a 'Paddock to Plate' supply chain via underbelly cargo on domestic and international regular passenger transport (RPT) services will provide direct and indirect economic benefits for the whole region.

In addition, the prospect of residing in the idyllic South West region and maintaining a desirable work life balance presents opportunities for the entire South West region to diversify its current workforce and attract new residents. This can be achieved through the redevelopment of the BMRAA and increased FIFO services. As the amount of FIFO workers in Western Australia is expected to expand through newly commissioned projects and expansion of existing activities, a significant portion of this additional workforce demand will be met by skilled labour from towns in regional WA, presenting opportunities for the entire South West region to diversify its current workforce and attract new residents.

Officer Comment

The City of Busselton has requested each of the other 11 South-West local governments consider the financial request and provide a letter confirming a financial contribution toward the Airport Marketing Fund and the continued support for the BMRAA development project as one of the most regionally significant and transformational infrastructure projects in the South West.

A financial contribution of \$10,000 over 5 years to the Airport Marketing Fund (\$2,000 per annum) allows the Shire of Bridgetown-Greenbushes to contribute to the project that has the potential to provide significant tourism and other economic benefits, both regionally and locally.

The City of Busselton is committing significant funding of \$3.5 million over five years and the Margaret River Busselton Tourism Association \$100,000 over two years. Whilst the economic benefits will be most significant to the immediate Busselton and Margaret River areas there is potential for an economic injection across the whole of the South West region, both from a tourism and air freight perspective. The benefits may not be apparent in the short term, however, as it is generally acknowledged there will only be one regional airport established in the South West, it is important that this initiative is successful.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
- Key Goal 1 - Our economy will be strong, diverse and resilient
- Objective 1.1 - A diverse economy that provides a range of business and employment opportunities
- Strategy 1.1.2 - Develop and implement strategic plans and actions that attract economic development
- Key Goal 5 - Our leadership will be visionary, collaborative and accountable
- Objective 5.4 - We participate in Regional Collaboration
- Strategy 5.4.1 - Monitor opportunities for shared services in co-operation with regional partners

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

Policy - Nil

Budget Implications

Given that the request is not required to commence until the 2018/19 financial year there is no impact on the current, 2017/18 budget.

Given the small annual funding requests it is not expected to have any significant impacts on the long term financial planning of the Shire, but there will be a need to include the provision for an amount of \$2,000 for five years from 2018/19 to 2022/23.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

A reputational risk could occur if Council chooses to not make a contribution to a major Regional initiative such as the regional airport marketing fund. This reputational risk could be heightened in future if the marketing fund was successful in attracting passenger air services to the region.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

| | | | |
|-----------------------|------------------------------------|------------------|----------|
| ITEM NO. | C.04/0817 | FILE REF. | Lease 17 |
| SUBJECT | Renewal of Lease | | |
| PROPONENT | Blackwood Horse and Pony Club Inc. | | |
| OFFICER | Chief Executive Officer | | |
| DATE OF REPORT | 18 August 2017 | | |

Attachment 2 Draft Lease

OFFICER RECOMMENDATION that Council:

- 1. Endorse the terms of the lease agreement as detailed in Attachment 2 – 2017 Lease between Shire of Bridgetown-Greenbushes and Blackwood Horse and Pony Club Incorporated.*
- 2. Note that the Blackwood Horse and Pony Club Incorporated is an exempt body under Regulation 30 of the Local Government (Functions and General) Regulations, thus exempting the public consultation/advertising requirements under Section 3.58 of the Local Government Act.*
- 3. Authorise the Shire President and CEO to sign and seal the lease document.*

Summary/Purpose

The Blackwood Horse and Pony Club Incorporated is seeking renewal of its lease at Reserve 21272 Bridgetown-Boyup Brook Road. Council last renewed the lease for a five year period in 2012.

The new lease is simply a roll-over of the last lease with only the applicable dates being changed.

Background

Since 2004 the Shire has entered into leases with the Blackwood Horse and Pony Club Inc for the lease of Reserve 21272 Bridgetown-Boyup Brook Road for their use of the land as a gymkhana ground. The last lease, entered into for five years in 2012 has expired and the Blackwood Horse and Pony Club Inc have requested its renewal.

Terms of the lease include:

- Lease period is 5 years, from 1 September 2017 to 31 August 2022.
- Lease rental payable to the Shire is \$100 per annum.
- Lessee is to maintain fencing, remove all rubbish, maintain insurances, take fire prevention measures
- Lessee is no to undertake clearing of standing trees, other than seedling pines under 2m in height, without approval from the Lessor.
- Lessee is to allow pedestrian access on the land.
- Lessee is not to erect any buildings on the land without approval from Lessor.
- Horses are to be confined to defined horse trails and oval area.

Compliance to the conditions/terms of previous leases has occurred and it is recommended Council renew the lease for a further 5 year term.

Statutory Environment

Section 3.58 of the Local Government Act deals with disposition of local government property, including the leasing of property. Under this Section property can be disposed of by public auction, tender or by private treaty after a community consultation process however Regulation 30 of the Local Government (Functions and General) Regulations exempts the disposition of property from those processes if the land/property is disposed of to a body, whether incorporated or not –

- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
- (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.

The Blackwood Horse and Pony Club Incorporated would meet the above objectives and therefore Council can resolve to exempt the requirement for the proposed lease to be advertised for public consideration.

Policy/Strategic Implications - Nil

Budget Implications

The \$100 lease payment is recognised in the annual budget.

Fiscal Equity

Reserve 21272 is vested in the Shire of Bridgetown-Greenbushes for the purpose of a gymkhana ground therefore leasing the land to groups other than those of an equine nature would not be appropriate.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity

Under the terms of the lease the lessee is not permitted to graze the land or remove trees and horses must be confined to defined horse trails and the oval area.

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

| | | | |
|-----------------------|--------------------------------------|------------------|-----|
| ITEM NO. | C.05/0817 | FILE REF. | 555 |
| SUBJECT | Revocation of Westplan Dambreak | | |
| PROPONENT | State Emergency Management Committee | | |
| OFFICER | Senior Admin Officer | | |
| DATE OF REPORT | 22 August 2017 | | |

Attachment 3 State Dambreak Emergency Management Plan [please note this document is listed as Attachment 1 in the correspondence received from the SEMC]

OFFICER RECOMMENDATION that Council supports the Revocation of Westplan Dambreak.

Background

The State Emergency Management Committee plans to revoke Westplan Dambreak and as the Shire has a role or responsibility within Westplan Dambreak (refer attachment *) and in accordance with State Emergency Management (EM) procedures, the SEMC seeks the Shire's endorsement for this revocation to proceed.

By way of background prior to the introduction of the Emergency Management Act in 2005, emergency management in WA was guided by 'Policy Statement No. 7' which had no legislative basis. Westplan Dambreak was established under this policy statement and responsibility for the management of Dambreak was assigned to the Water Corporation. This arrangement was only in respect to public dams managed by the Water Corporation, and there were (and are) no specific arrangements in place for non-public dams within the State.

Following the introduction of the EM Act, hazards identified as posing a significant risk to the State were defined as a "hazard" and a Hazard Management Agency (HMA) was prescribed by regulations for emergency management for that hazard. As the Water Corporation designs, constructs and manages its dams in accordance with nationally accepted best practice in dam safety management, they did not support the inclusion of dambreak as a hazard or the organization being prescribed as an HMA in EM legislation. As such, Westplan Dambreak exists as a narrowly focused legacy document outside the current EM legislative and planning framework.

State EM Preparedness Procedure 3 – *Revocation of an EM Plan, including Hazard Specific Plans (Westplans)* requires endorsement from relevant stakeholders such as the Shire and that a risk assessment and gap analysis be undertaken prior to a revocation report being submitted to the SEMC for approval.

In 2015, the SEMC undertook an assessment of dambreak to ascertain the risk to the State. Six credible dambreak scenarios were used to undertake the risk assessment. These were divided into two groups, namely 'regulated' (self-regulated), such as public and tailing dams aligning with the ANCOLD Guidelines and 'non-regulated', for example private dams.

The resultant report, available on the OEM website, assessed that there are no 'intolerable' or 'extreme' risks related to dambreak at a State level. This report informed the SEMC's position that there is no longer a need for Westplan Dambreak. The report did, however, identify 'opportunities for improvement', particularly in relation to the management of dam safety in WA and the management of private and

‘gully’ dams at the local and district levels. Because Westplan Dambreak is not considered a suitable mechanism to address these concerns, the Department of Water convened a ‘Dam Safety Officers Working Group’ to consider these improvement opportunities.

In summary, the SEMC seeks endorsement to revoke Westplan Dambreak.

Officer Comment

As mentioned in the report, Westplan Dambreak only covers Water Corporation controlled dams only and as these dams now comply with the Australian Standards, the Westplan Dambreak is obsolete.

This matter was raised at the LEMC meeting held on 15 August whereby the LEMC recommended that Council supports the revocation of Westplan Dambreak.

Statutory Environment

Clause 19 of the Emergency Management Act 2005:

19. Reviewing State emergency management policies and State emergency management plans

(1) The SEMC may arrange for a State emergency management policy or a State emergency management plan to be reviewed, amended or replaced, whenever the SEMC considers it appropriate.

Policy - Nil

Integrated Planning

- Strategic Community Plan – N/A
- Corporate Business Plan – N/A
- Long Term Financial Plan – N/A
- Asset Management Plans – N/A
- Other Integrated Planning – N/A

Budget Implications - Nil

Fiscal Equity – N/A

Whole of Life Accounting – N/A

Social Equity – N/A

Ecological Equity – N/A

Cultural Equity – N/A

Risk Management – N/A

Continuous Improvement – N/A

Delegated Authority

As a stakeholder, the SEMC requires a decision made by Council.

Voting Requirements - Simple Majority

Corporate Services

| | | | |
|-----------------------|--|------------------|-----|
| ITEM NO. | C.06/0817 | FILE REF. | 131 |
| SUBJECT | July 2017 Financial Activity Statements and List of Accounts Paid in July 2017 | | |
| OFFICER | Senior Finance Officer & Executive Manager Corporate Services | | |
| DATE OF REPORT | 20 August 2017 | | |

Attachment 4 July 2017 Financial Activity Statements
Attachment 5 List of Accounts Paid in July 2017

OFFICER RECOMMENDATIONS

- 1. That Council receives the July 2017 Financial Activity Statements as presented in Attachment 4.*
- 2. That Council receives the List of Accounts Paid in July 2017 as presented in Attachment 5.*

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:

- 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;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- 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:

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

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

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

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

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

Statutory Environment

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

Integrated Planning

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

Policy

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 July 2017 and presented in the list of accounts paid, was allocated in the 2017/18 Budget adopted by Council at its meeting held 17 August 2017.

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.07/0817 | FILE REF. | A24327 |
| SUBJECT | Proposed Rural Industry (Mechanical Workshop) | | |
| PROPONENT | Naaman Brandt | | |
| LANDOWNER | Patricia Brandt, Naaman Brandt, Erin Brandt and Rebecca Westphal | | |
| LOCATION | Lot 1441 (RSN 140) Elwins Road, Kangaroo Gully | | |
| OFFICER | Manager Planning | | |
| DATE OF REPORT | 17 August 2017 | | |

Attachment 6 Location Plan
Attachment 7 Public Submission
Attachment 8 Applicant's Submission

OFFICER RECOMMENDATION: That Council notes the objection received, as per Attachment 7, and pursuant to Clause 5.3.2 of Town Planning Scheme No. 4 grants development for the proposed rural industry (mechanical workshop) on Lot 1441 (RSN 140) Elwins Road, Kangaroo Gully, as per Attachment 8, subject to the following conditions:

- 1. This approval allows activities to be undertaken in the proposed mechanical workshop pursuant to the classification of 'Industry – Rural', as defined under Town Planning Scheme No. 4, for the servicing of plant or equipment used for rural purposes in the locality, such as tractors, harvesters, trucks, utility vehicles, hay bale machines, and the like. In this regard, the servicing of domestic vehicles and other equipment unrelated to rural purposes is prohibited.*
- 2. Any outdoor servicing or storage of vehicles or equipment is to be located immediately adjacent to the workshop building.*
- 3. Customer visits and/or movement of customer vehicles to be serviced are limited to normal business hours being 8am to 6pm Monday to Saturday only, excluding Public Holidays. In this regard, the access or egress by the proponent to undertake mobile offsite servicing is excluded from this time prohibition.*
- 4. No more than three customer vehicles requiring servicing are to be located on the property at any one time.*

5. *All runoff from impervious surfaces that may contain chemical contaminants to be managed and disposed of appropriately.*
6. *The mechanical servicing is to be carried out only by the proponent, plus a maximum of two employees only if required.*
7. *The mechanical workshop does not involve the retail sale, display or hire of goods of any nature.*
8. *The mechanical workshop is not to cause injury to or prejudicially affect the amenity of surrounding properties including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.*
9. *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 workshop prior to or post occupation.*
10. *Any lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.*
11. *The existing crossover to be upgraded to a commercial sealed standard prior to occupation of the new workshop and thereafter maintained.*
12. *Approval is granted for the display of a sign not exceeding 0.2m² adjacent to the entrance to the property. Any additional signage will require separate development approval.*

Summary/Purpose

To consider a development application for a proposed rural based mechanical workshop at Lot 1441 (RSN 140) Elwins Road, Kangaroo Gully. Noting the content of the single objection received, it is recommended that development approval be granted subject to conditions.

Background

A development application has been received seeking approval to establish a rural based mechanical workshop at Lot 1441 (RSN 140) Elwins Road, Kangaroo Gully. The lot is zoned 'Rural 2 – General Agriculture' under Town Planning Scheme No. 4 (TPS4) and the lot has an area of 42.4414 hectares. The property contains an existing single house, incidental outbuildings, extensive paddocks, and a small dam adjacent to the northern boundary.

Under Schedule 1 – Interpretations of TPS4 "*Industry – Rural means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.*"

'Rural Industry' is listed as an 'AA' discretionary use under Table 1 – Zoning Table of TPS4, meaning that the use is not permitted unless development approval has been granted.

Public Consultation

Pursuant to Clause 5.2.2 of TPS4 the proposal was referred to landowners of seven surrounding properties, with the comment period ending on 20 July 2017. Only one submission was received raising objections to the proposal (see Attachment 7) from the landowner of RSN 133 Elwins Road, Kangaroo Gully. The content of the submission is summarised below, followed by officer comments.

Submitter Comments

- As a resident of Elwins Road and one of which will be impacted directly as the nearest property to the entrance and exit I hope my concerns will be taken into consideration.
- The use will have a detrimental effect on my life due to my severe and numerous medical conditions as stated to Council previously regarding other matters.
- I moved to the property for a quiet, peaceful, rural setting and a healthy environment, and did not move here to live in an industrial area and breathe in pollution.
- More trucks and farm machinery on this narrow busy road will cause traffic hazards, with gravel haulage trucks tearing up and down taking the majority of the road.
- This road is on the school bus route, horse riders will be at extra risk.
- Further deterioration of this road will require more maintenance at an added cost to the Shire and have an impact on all farmers and road users.
- Noise pollution from trucks, tractors, machinery plus work noise is an issue, and there should not be any industrial noise in a rural setting.
- There will be an impact on bird life and air quality from diesel pollutants.
- There will be a devaluation of local farming properties due to the substantial road usage, traffic hazard and industrial noise which will impact everyone on this road.

Officer Comments

The property has an area exceeding 40 hectares and operates as a modest sized grazing property on the periphery of Kangaroo Gully, north-west of Bridgetown Gardens estate (see Attachment 6).

Elwins Road is a significant local distributor road leading to and from the eastern side of Bridgetown to the farming areas east of Kangaroo Gully, connecting directly east to Winnejup Road, then north to Bridgetown-Boyup Brook Road.

Elwins Road is sealed from the junction with Kangaroo Gully Road for a length of approximately 1.6 kilometres, and sealed in front of the subject property and submitter's property. The gravel portion of Elwins Road commences approximately 300 metres east of the entrance to the subject property, and 340 metres east of the entrance to the submitter's property.

The road surface is considered suitable to cater for transportation of vehicles to and from the property, without creating any additional traffic hazard to other road users, and unlikely to cause any notable deterioration of the road surface. Upgrading of the crossover to a sealed standard is a recommended condition of approval to improve vehicular access and egress to the property.

Although difficult to estimate accurately, it is expected that the level of traffic to and from the property directly related to the proposed mechanical servicing may be around five vehicles per day (ie. 10 vehicle movements in and out per day). The proponent will also be undertaking off-site field servicing of machinery and these vehicle movements should not be attributed to the proposed onsite use.

The existing outbuilding to be used for the proposed mechanical workshop is setback approximately 300 metres from the northern boundary of the property, and approximately 370 metres from the submitter's dwelling. The level of noise or emissions (dust, fumes, etc) is expected to be low given the small scale of the proposed operation.

The Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land uses (June 2005) recommends buffer distance between 50 to 300 metres for various vehicle servicing activities, listed below:

- Automotive Spraying – 200m
- Motor Body Works (including panel beating) – 200m
- Service Station (including clearing and detailing) – 50m
- Transport Vehicles Depot (buses, trucks and other heavy vehicles) – 200m
- Wrecking (automotive, recycling parts) – 300m

The proposed mechanical workshop does not fit directly into one of these identified industrial uses, however if a 300 metre buffer is applied, the proposed workshop should have minimal impact in terms of noise, light, odours or other emissions, being separated from submitter's dwelling by 370 metres. The closest dwelling is located approximately 280 metres to the south-east on adjoining Lot 1205 Kangaroo Gully Road with no objections raised by those landowners.

The proposed operation is not expected to have any detrimental impact upon local birdlife or local air quality, as a result of noise or diesel emissions, and impacts on land values (if any) is not a valid planning consideration.

Noting the content of the submission received, the proposal is considered consistent with Town Planning Scheme No. 4 and no detrimental impacts upon on rural amenity is anticipated. As such, it is recommended that Council grant development approval subject to appropriate conditions.

Statutory Environment

- Town Planning Scheme No. 4

Part IV – Objectives, Policies and Development Requirements

Clause 4.1 General Objectives and Policies

Clause 4.1 of TPS4 sets the General Objectives and Policies being “*Council's general objective is to ensure that the Scheme protects the District's present economic base, whilst allowing where appropriate, for development of more intensive forms of agriculture, for growth of the District's tourist potential, and for increased settlement within certain areas of the District.*”

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

- (e) require development, under a Planning Consent procedure, to achieve and maintain satisfactory standards of amenity;*
- (f) protect, wherever possible and consistent with the General Objective, the District's landscape and rural character."*

Clause 4.3.2 Rural 2 Zone – General Agriculture

In regard to the 'Rural 2 – General Agriculture' zone Clause 4.3.2 states that "Council's objective, recognising that land within the Zone is by reason of its physical characteristics and location suited to the development of a wide range of uses appropriate to the growth of the District's economy and activity generally, will be to retain as far as possible, an agricultural base whilst assisting desirable changes in land use and activity through Planning Policies and Controls."

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

"(b) promote the introduction of new and/or improved agricultural practices;"

Clause 4.6 Building Setbacks in Rural Zones

Under Clause 4.6 buildings are to be setback 20 metres from 'Other' roads and boundaries, except that where in the opinion of Council, special circumstances exist, Council may permit relaxation of the above standards. The existing building to be used as the proposed mechanical workshop is setback approximately 205 metres to the closest southern side boundary, and approximately 300 metres from the northern front boundary.

Clause 4.10 Amenity and Development

Under Clause 4.10 of TPS4, *"Council's objective will be to ensure that the overall amenity of the district is retained and enhanced for the benefit of residents and in the interest of the District's tourist potential, and that the landscape values of the environment are maintained."*

The proposed location, scale and type of operation for the proposed rural industry are considered reasonable and no detrimental impacts upon rural amenity are anticipated.

Clause 5.3 Determination of Application

Pursuant to Clause 5.3.2, Council having regard to any matter required by the Scheme, may either refuse to grant approval, or grant approval subject to conditions or nil conditions as Council thinks fit. Under Clause 5.3.3, where Council approves an application a time limit may be imposed for which that consent remains valid.

It is recommended that noting the content of the submission received, Council grant development approval subject to appropriate conditions.

Policy

- State Planning Policy 2.5 Rural Planning

The Western Australian Planning Commission (WAPC) published SPP 2.5 Rural Planning in December 2016, together with the supporting Rural Planning Guidelines Version 3.

‘Policy Measure 5.12 Preventing and managing impacts in land use planning’, recognises one of the key elements in achieving the objectives of SPP 2.5 is to ensure that proposed land uses are suitable with appropriate management of offsite impacts and buffers if necessary. As discussed above, applying a 300 metre buffer (at worst) is acceptable, with only one dwelling to the south-east within that buffer range, albeit no objections raised by the landowners, and the submitters’ property is approximately 370 metres to the north.

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Portions of the property are identified within the bushfire prone area however no additional buildings are proposed and the existing workshop building and vehicle access way are not within the bushfire prone area. Furthermore, the proposed use is not considered to be ‘minor development’ or a ‘vulnerable’ or ‘high risk’ land use as defined under SPP 3.7. The requirements of SPP 3.7 and associated Guidelines for Planning in Bushfire Prone Areas are therefore not considered applicable in this case.

Strategic Plan Implications

- Strategic Community Plan 2017

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

- *Objective [1.1] A diverse economy that provides a range of business and employment opportunities*
- *Strategy 1.1.1 Encourage long term growth in the district in order to retain and enhance services*
- *Objective [1.2] A proactive approach to business development*
- *Strategy 1.2.1 Embrace a “can do” approach to development*

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

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

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

- *Objective 5.1 Our community actively participates in civic life*
- *Strategy 5.1.1 The community is involved in local decision making*
- *Strategy 5.1.4 People receive Shire information, services and opportunities according to their needs*

The proposed rural industry will provide an important service for rural landholders, without having any detrimental impact upon rural amenity, local environment or local road network.

- 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 to consider the proposal.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity

The proposed development is not expected to create any significant social or amenity issues.

Ecological Equity

The proposed development is not expected to create any significant environmental issues.

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The content of the submission received has assisted consideration of various issues.

Delegated Authority

Nil - Officers do not have delegated authority to determine if the proposal as an objection has been received, so Council decision is required for the recommended approval.

Voting Requirements – Simple Majority

| | | | |
|-----------------------|---|------------------|--------|
| ITEM NO. | C.08/0817 | FILE REF. | A36332 |
| SUBJECT | Proposed Use Not Listed – Poultry Farm (Egg Production) | | |
| PROPONENT | Michael Read | | |
| LANDOWNER | Michael Read | | |
| LOCATION | Lot 3601 (RSN 305) Winnejug Road, Winnejug | | |
| OFFICER | Manager Planning | | |
| DATE OF REPORT | 17 August 2017 | | |

Attachment 9 Location Plan
Attachment 10 Applicant's Submission

OFFICER RECOMMENDATION: That Council:

- 1. Pursuant to Clause 3.2.5 and Clause 4.3.1 of Town Planning Scheme No. 4, determines that the proposed 'Use Not Listed – Poultry Farm (Egg Production)' is consistent with the objectives and purposes of the 'Rural 1 – Extensive Farming' zone and may be considered for development approval subject to public consultation and detailed assessment.*
- 2. Directs the Chief Executive Officer to undertake necessary public consultation in relation to Point 1. above, and subject to no objections being received grants delegated authority to the Chief Executive Officer to determine the development application subject to appropriate conditions.*

Summary/Purpose

To consider a development application for a proposed poultry farm using rotational pasture farming and mobile caravan units at Lot 3601 (RSN 305) Winnejug Road, Winnejug. It is recommended that Council determine that the 'Use Not Listed – Poultry Farm (Egg Production)' is consistent with the objectives and policies of the application 'Rural 1 – Extensive Farming' zone and the proposed development may be considered for development approval, and subject to no objections grants delegated authority to the Chief Executive Officer, to determine the application subject to appropriate conditions.

Background

A development application has been received seeking approval to establish a poultry farm on Lot 3601 (RSN 305) Winnejug Road, Winnejug. The lot is zoned 'Rural 1 – Extensive Farming' under Town Planning Scheme No. 4 (TPS4) and the lot has an area of 20.2343 hectares. The property contains an existing single house, incidental outbuildings, three paddocks and a small dam adjacent to the northern boundary.

Under Schedule 1 – Interpretations of TPS4 a "Poultry Farm – means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the Health Act, 19-11-1979 (as amended)."

Although defined under TPS4 the land use is not listed in Table 1 – Zoning Table. Development approval is required however an application can only be considered as a Use Not Listed pursuant to Clause 3.2.5 of TPS4.

Basic details of the proposed poultry farm have been provided by the applicant (see Attachment 10), including a desktop assessment of odour implications prepared

by environmental consultant Strategen. Additional information may be required as a result of detailed assessment.

The property fronts State Forest bushland to the west, north and south, with Pine plantation to the north-west, and Blue Gum plantations and pasture land to the east and south-east. The property includes three main paddocks named as the house, hayshed and northern paddocks. The applicant wishes to only use the house and hayshed paddocks (total area of 7.53 hectares), with the northern paddock (11.4 hectares) to be used only if necessary. The Strategen report assumes use of only the southern house paddock and central hayshed paddock will be used, and argues the proposed density of birds and expected levels of manure and odour would be acceptable.

The poultry farm is to accommodate up to 1800 chickens which is considered to be of a modest scale operation. For clarification, the proposed poultry farm is best classified as a Free to range Layer operation for egg production, as opposed to a Broiler operation which produces birds for meat.

Three groups of 600 birds are to be contained within fenced 'cells' of 2500m² for pasture foraging, equating to a density of 0.24 birds per square metre within each 'cell'. For comparison free-range legislation requires a maximum density of one bird per square metre, so the proposed density of birds will be approximately one quarter of the allowable density for a similar free range operation.

Within each cell a number of mobile 'chicken caravans' are to be provided for roosting and laying. The units have two large doors for access by the birds, with a mesh floor to promote ventilation and allow manure to fall through. Eggs are laid in the caravans and collected by hand. The doors open during daylight allowing the birds to range the 'cell' helping to distribute the manure broadly, assisting aerobic decomposition and odour reduction. The units provide shade and weather protection for the birds, and a refuge at night to protect them from predators such as foxes. The caravans are to be moved every two weeks or so, and the fenced 'cells' moved as required to provide better foraging and assist manure management.

Strategen estimates that a large scale free-range broiler farm (25,000 birds) could produce 120-220 odour units per second (OU/s), which at worst is 0.85% of emission rates from intensive shed operations. Similar odour emissions are expected from the proposal and readily managed by natural dispersion, with odour impacts on nearby sensitive receptors unlikely given the separation distances and expected modest levels of odour.

Strategen estimates the nearest dwelling is approximately 750 metres to the north-west. As prescribed in Policy Measure 5.12.2 (d) under 'State Planning Policy 2.5 Rural Planning' the extent of a sensitive land uses on rural land is the distance from the perimeter of the proposed use that provides a reasonable standard of amenity. The closest dwelling to the north measured to the central hayshed paddock is 1100 metres. The closest dwelling to the south is approximately 910 metres from the southern house paddock and the nearest dwelling to the north-east is approximately 100 metres to the central hayshed paddock.

Strategen estimates that odour impacts from an intensive free-range egg farm with 30,000 birds would be limited to within 500 metres, with concentrated accumulation

of manure and localised odour sources. For comparison the proposed poultry would have seventeen times less birds, allowing greater ranging by birds and distribution of manure, and therefore less substantial impacts of odour on nearby dwelling receptors.

The Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land uses (June 2005) recommends a buffer distance between 300 to 1000 metres (depending upon size) for intensive poultry farming.

If a 500 metre odour buffer was to be applied around the perimeter of the house paddock and hayshed paddock only, the 500 metre buffer would encroach upon Lot 2 Winnejup Road to the north-west, Lot 1993 Winnejup Road and Lot 2267 Strathmore Road to the east, and Lot 2228 Winnejup Road to the south (albeit marginally). Given the type of operation, detrimental impacts as a result of noise, dust and light are not anticipated. Consultation with the landowners of these surrounding properties will be required and any concerns or comments given due consideration.

A 300 metre odour buffer is considered more reasonable given the scale and type of operation. If a 300 metre odour buffer was to be applied around the perimeter of the house and hayshed paddocks only, then only Lots 1993 and 2267 to the east could potentially be affected by odour. Buffers to the State Forest bushland to the west and north are not considered relevant as they are not sensitive receptors, however consultation with the new Department of Biodiversity, Conservation and Attractions (DBCA) (formerly Department of Parks and Wildlife) may be appropriate.

Whilst there do not appear to be any watercourses within the property, the contours show a fall in a south-east direction to the headwater of a creekline, and possible spring, approximately 200 metres from the southern extent of the house paddock. Whilst no adverse impacts upon water are expected, consultation with the new Department of Water and Environmental Regulation may also be appropriate.

Noting the above, it is therefore recommended that Council determines the proposed poultry farm is consistent with the objective and policies of TPS4 applicable to the 'Rural 1 – Extensive Farming' zone, and that development approval may be considered, and subject to no objections delegated authority be granted to the Chief Executive Officer to determine the application and apply appropriate conditions.

Statutory Environment

- Town Planning Scheme No. 4

Part III - Zones

Clause 3.2.5 Zoning Table

In relation to a 'Use Not Listed', Clause 3.2.5 of TPS4 states that *"If the land use for a particular purpose is not specifically referred to in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes shown, Council may:*

- (i) *determine that the use is not consistent with the objectives and purposes of the particular zone, and is therefore not permitted; or*
- (ii) *determine by absolute majority that the proposed use is consistent with the objectives and purposes of the Zones and thereafter follow the ‘SA’ procedures of **Clause 5.2** in considering an application for Planning Consent.”*

Part IV – Objectives, Policies and Development Requirements

Clause 4.1 General Objectives and Policies

Clause 4.1 of TPS4 sets the General Objectives and Policies being “*Council’s general objective is to ensure that the Scheme protects the District’s present economic base, whilst allowing where appropriate, for development of more intensive forms of agriculture, for growth of the District’s tourist potential, and for increased settlement within certain areas of the District.*”

Council’s General Policies will therefore be to (inter alia):

- (e) *require development, under a Planning Consent procedure, to achieve and maintain satisfactory standards of amenity;*
- (f) *protect, wherever possible and consistent with the General Objective, the District’s landscape and rural character.”*

Clause 4.3.1 Rural 1 Zone – Extensive Farming

In regard to the ‘Rural 1 – Extensive Farming’ zone Clause 4.3.1 states that “*Council’s objective, recognising that the physical characteristics and location of land within the Zone are conducive to agriculture on an extensive basis and that this constitutes a major component of the District’s economy, will be to give priority to the continued viability of this activity.*”

Furthermore, Council’s Policies will therefore be to (inter alia):

“(b) Permit a range of uses reasonably appropriate to the objective.”

Clause 4.6 Building Setbacks in Rural Zones

Under Clause 4.6 buildings are to be setback 20 metres from ‘Other’ roads and boundaries, except that where in the opinion of Council, special circumstances exist, Council may permit relaxation of the above standards. No additional buildings are proposed with the ‘chicken caravans’ considered mobile units.

Clause 4.10 Amenity and Development

Under Clause 4.10 of TPS4, “*Council’s objective will be to ensure that the overall amenity of the district is retained and enhanced for the benefit of residents and in the interest of the District’s tourist potential, and that the landscape values of the environment are maintained.*”

The location, scale and type of operation for the proposed poultry farm is considered reasonable and subject to further assessment prior to determination.

Part V – Planning Consent

Clause 5.2 Advertising of Applications

Pursuant to Clause 5.2.1 of TPS4, development approval can not be granted for an application unless notice of the application is first given in accordance with the provisions applicable to an 'SA' Special Approval use. Pursuant to Clause 5.2.3 the Shire can give notice by correspondence direct to owners or occupiers of land likely to be affected by the granting or approval; publication of a notice in the local newspaper; and display of onsite signage; all inviting submissions within a 21 day period. Pursuant to Clause 5.2.4 following the submission period, the application must then be determined, having regard to the submissions.

Council has the discretion, by Absolute Majority, to determine that the proposed 'Use Not Listed – Poultry Farm (Egg Production)' is consistent with the general and specific objectives of TPS4 and the 'Rural 1 – Extensive Farming' zone and that development approval may be granted.

Should Council determine that the proposed use is not consistent with the general and specific objectives and policies of TPS4, the proposal is therefore not permitted and must be refused.

Noting the modest scale of the proposed operation, the use of surrounding land and separation from sensitive land uses, there is minimal impact expected upon surrounding properties, the local environment and the local road network.

It is therefore recommended that Council support the proposal as a 'Use Not Listed' for the purpose of public consultation, and grant delegation to the Chief Executive Officer to determine the application should no objections be received as a result of public consultation.

Clause 5.3 Determination of Application

Pursuant to Clause 5.3.2, Council having regard to any matter required by the Scheme, may either refuse to grant approval, or grant approval subject to conditions or nil conditions as Council thinks fit. Under Clause 5.3.3, where Council approves an application a time limit may be imposed for which that consent remains valid.

It is recommended that following public consultation and subject to no objections that delegated authority be granted to the Chief Executive Officer to determine the application and apply appropriate conditions.

Policy

- State Planning Policy 2.5 Rural Planning (SPP 2.5)

The Western Australian Planning Commission (WAPC) published SPP 2.5 Rural Planning in December 2016, together with the supporting Rural Planning Guidelines Version 3, and the content must be considered during assessment of relevant development applications. Under Policy Measure 5.7 Animal Premises, which specifically mentions poultry farms, WAPC policy is:

- “(a) animal premises are a rural land use, and are generally supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed;*
- (b) animal premises that require large sites or buffers, and could limit existing or potential industrial land uses, should generally not be located in State strategic industrial areas or within their buffers;*
- (c) expansion of existing animal premises may be supported where off-site impacts (such as odour, dust or noise) are mitigated or managed to achieve maintenance or reduction of impacts, in accordance with an accepted code of practice;*
- (d) in addition to environmental issues, planning decision-makers must consider the following matters in assessing proposals –*
 - (i) the staging of the proposal and ultimate design capacity;*
 - (ii) the transport of animals to and from the site;*
 - (iii) the handling and disposal of deceased or ‘retired’ animals on or off-site;*
 - (iv) the transport, handling and/or disposal of animal feed and/or waste on or off-site;*
 - (v) outdoor pens or roaming areas for animals;*
 - (vi) the potential impacts of operating hours;*
 - (vii) shed configuration, including rotation and/or automation;*
 - (viii) servicing, including location and size of effluent disposal ponds; and*
 - (ix) biosecurity (based on advice from the industry);**and*
- (e) where an animal premises proposal may affect the nutrient load of a river, estuary or associated tributary and the system and/or its receiving water body has no further capacity to assimilate nutrients without an adverse impact on ecosystem health, a reduction in nutrient export is to be demonstrated.”*

Whilst sub-clauses (b), (c) and (e) are not applicable, the proposed location, scale and type of operation seems reasonable and no significant detrimental environmental impacts are anticipated from odour, dust, noise or local contamination. Further information may be sought from the applicant in the form of an Environmental Management Plan if necessary, to address the issues raised above, particularly sub-clause (d), prior to determination of the application.

‘Policy Measure 5.12 Preventing and managing impacts in land use planning’, recognises one of the key elements in achieving the objectives of SPP 2.5 is to ensure that zones, sites and land uses are suitable with appropriate management of offsite impacts and buffers if necessary. As discussed above, applying a 300 metre odour buffer is considered reasonable, or perhaps a 500 metre buffer for greater surety, no residential dwellings are located within these buffer areas.

The WAPC released in December 2016 a Poultry Farm Fact Sheet, in conjunction with SPP 2.5 and associated Rural Planning Guidelines, to highlight important issues to be considered such as scale, access to water, vehicle access, visual impacts, buffers, waste management, bio-security and environmental licensing, with a management plan recommended to accompany all poultry farm applications. Shire staff will work with the applicant to address relevant issues prior to determination of the application.

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Portions of the property are identified within the bushfire prone area however no additional buildings are proposed, and the proposed use is not considered to be minor development or a vulnerable or high risk land use. Therefore the requirements of SPP 3.7 and associated Guidelines for Planning in Bushfire Prone Areas are not considered applicable in this case.

- Shire's Natural Environment Strategy

The Shire of Bridgetown-Greenbushes Natural Environment Strategy was adopted by Council in July 2008. The purpose of the Strategy is to ensure that proposed developments are environmentally sustainable and consideration of relevant general principles, water resources, air quality and the landscape will be undertaken during further assessment.

- Shire of Bridgetown-Greenbushes Managing the Natural Environment Policy

The Shire of Bridgetown-Greenbushes Managing the Natural Environment Policy was adopted by Council in October 2008, and is to be read in conjunction with the Natural Environment Strategy. Consideration of the relevant objectives and policy measures including water resources & soil and land, will be undertaken during further assessment.

Strategic Plan Implications

- Strategic Community Plan 2017

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

- *Objective [1.1] A diverse economy that provides a range of business and employment opportunities*
- *Strategy 1.1.1 Encourage long term growth in the district in order to retain and enhance services*
- *Objective [1.2] A proactive approach to business development*
- *Strategy 1.2.1 Embrace a "can do" approach to development*

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

- *Objective 2.1 Value, protect and enhance our natural environment*
- *Strategy 2.1.1 Support and promote sound environmental management practices*
- *Objective 2.6 Development is sympathetic to the landscape*
- *Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities*

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

- *Objective 5.1 Our community actively participates in civic life*
- *Strategy 5.1.1 The community is involved in local decision making*
- *Strategy 5.1.4 People receive Shire information, services and opportunities according to their needs*

The proposed poultry farm will provide additional employment opportunities and a locally based food producer. The proposed poultry farm is not expected to have any significant detrimental impacts upon the local environment or rural amenity. The

proposed development must be advertised for public comment and any submissions duly considered prior to determination.

- 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 to consider the proposal.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity

The proposed development is not expected to create any significant social or amenity issues.

Ecological Equity

The proposed development is not expected to create any significant environmental issues.

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement – Not applicable

Delegated Authority

Nil - Officers do not have delegated authority to determine if the proposal is consistent with the objectives and policies of the particular zone, and whether development approval can be considered. A decision of Council by Absolute Majority is therefore required.

Voting Requirements – Absolute Majority

| | | | |
|-----------------------|--|------------------|--------|
| ITEM NO. | C.09/0817 | FILE REF. | A46325 |
| SUBJECT | Building Envelope Extension and Single House | | |
| PROPONENT | WA Country Builders | | |
| LANDOWNERS | Bruce and Melissa Landsdowne | | |
| LOCATION | Lot 2 Windy Hollow Vale, Kangaroo Gully | | |
| OFFICER | Manager Planning | | |
| DATE OF REPORT | 22 August 2017 | | |

| | |
|---------------|---------------------------------------|
| Attachment 11 | Location Plan |
| Attachment 12 | Neighbour's Submission |
| Attachment 13 | Landowner's Submission/Proposed Plans |
| Attachment 14 | Bushfire Assessment/Statement Reports |

OFFICER RECOMMENDATION: That Council noting the single submission received, as per Attachment 12, and pursuant to Clause 5.3.2 and Clause 7.6.4 of Town Planning Scheme No. 4 grants development approval for the proposed building envelope extension and single house at Lot 2 Windy Hollow Vale, Kangaroo Gully, as per Attachments 13 and 14, subject to the following conditions:

- 1. Approval is granted for the 20 metre extension of the building envelope, with all development including the proposed single house, to be wholly contained within the approved building envelope.*
- 2. 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.*
- 3. All exposed fill embankments are to be stabilised to prevent erosion using retaining walls or landscaping, with a post-landscaping plan detailing the type and location of planting, to be submitted to the Shire once completed.*
- 4. Where a retaining wall or landscaping is required for the purposes of managing fill post construction of the building, an 'earthworks bond' of \$600 shall be lodged prior to the issue of a building permit application.*
- 5. Topsoil is to be stripped separately and stockpiled on site, to be re-spread during landscaping.*
- 6. Access tracks are to be located in such a manner as to minimise the required earthworks.*
- 7. 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.*
- 8. Where a residence 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.*
- 9. Where an unprotected embankment is proposed no retaining will be required where it is in accordance with BCA Volume 2 Part 3.1.1 – Earthworks.*
- 10. Provision of a water storage tank with a minimum capacity of 135,000 Litres*

and linked to a suitable rainfall catchment with a surface area of not less than 150m², fitted with valve for fire fighting purposes, the tank to be painted green and screen vegetation planted prior to the occupation of the dwelling.

- 11. The single house is to be constructed in accordance with BAL-29 standards pursuant to Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas.*
- 12. The findings and recommendations of the Bushfire Attack Level Assessment (dated 22 August 2017) and approved Bushfire Management Statement (dated 22 August 2017) must be implemented to achieve the BAL-29 rating, within 42 days from the date of this approval, and thereafter maintained for the life of the dwelling, including the provision of the asset protection zone, vegetation control, vehicular access, firebreaks and water supply.*
- 13. A section 70A Notification is to be registered on the Certificate of Title, within 28 days of the date of this approval. The notification is to advise prospective purchasers of the conditions of development approval and bushfire management reports.*

Advice Note: With regard to Condition 10, the proposed water tank must be fitted with a coupling at the bottom of the tank, to allow a supply of a minimum 10,000 Litres of water for structural or bush fire fighting purposes as required. This coupling is compatible with the majority of new Bush Fire Brigade appliances coming into service. The tank is to be constructed with a hardstand and turnaround area and be accessible for fire fighting appliances.

Advice Note: The proponents are to contact Shire staff to make arrangements for allocation of a Rural Street Number.

Summary/Purpose

A development application has been received seeking approval for a proposed building envelope extension and single house at Lot 2 Windy Hollow Vale, Kangaroo Gully. Noting the content of the single submission received, the proposed extension to the building envelope and the location of the proposed single house are considered reasonable, and it is recommended that approval be granted subject to conditions.

Background

A development application has been received seeking approval for a 20 metre minor extension to the building envelope to accommodate the proposed single house on Lot 2 Windy Hollow Vale, Kangaroo Gully.

The property is zoned 'Special Use SU3' under Town Planning Scheme No. 4 (TPS4) and has an approximate area of 1.2606 hectares. The proposed 'Single House' is listed as a 'P' permitted use under Schedule 6 of TPS4. The subject property has a significant stand of remnant vegetation, with approximately one half of the property cleared of trees, with the whole property in the designated bushfire prone area.

The current building envelope has an area of 1000m² with dimensions of 40 metres by 25 metres, and setback 10 metres from both the western rear and northern side

boundaries, as part of the Windy Hollow Estate Building Management Plan approved in 2008. The application seeks approval for a 20 metre extension of the envelope to the east, to accommodate the proposed dwelling and waste disposal system, with a water tank and future shed to be located at the rear of the current envelope.

The landowner has provided written justification for the proposed extension (see Attachment 13), arguing more space for parking is needed to the rear of the house and for future structures; the current envelope restricts vehicle access between the house, future shed and earthworks; and building in the extended envelope would limit the required cut and fill.

Pursuant to Clause 5.2.2 of TPS4 the proposal was referred to landowners of five surrounding properties (excluding the farmland to the west), with the comment period ending on 20 July 2017. One submission was received (see Attachment 12) from the landowner of adjoining Lot 3 to the north. Whilst the submitter does not raise any objection to the proposed building envelope extension, the submitter requested the 10 metre setback of the envelope to the shared northern boundary be increased to 20 metres, therefore being conditional support only.

In response, the proposed dwelling is to be setback 13.9 metres from the shared northern boundary. The submitter's requested change would require the proposed dwelling to be located southwards by at least 6.1 metres and therefore closer to the bushfire prone vegetation. Based on the BAL Assessment and Bushfire Management Statement provided (see Attachment 14), a 17 metre wide Asset Protection Zone is required to achieve the declared rating of BAL-29. Re-positioning the dwelling further southwards may increase the bushfire risk to the proposed dwelling, or require additional clearing of vegetation outside of the building envelope, which is not generally supported.

The proposed dwelling is to be separated by 23.9 metres from the southern edge of the building envelope approved for adjoining Lot 3, which is currently vacant. The proposed location of the dwelling within the proposed extended building envelope is considered reasonable and approval is recommended without further changes.

The proposed building envelope extension and single house are consistent with relevant provisions of TPS4 including Schedule 6 specific to the SU3 zone, plus the Shire's Building Envelopes Policy and Cut & Fill Policy and the Windy Hollow Estate Design Guidelines.

Noting the content of the submission received, the proposed building envelope extension and development of the single house is not expected to have an adverse effect upon the local rural amenity. It is therefore recommended that approval be granted subject to conditions.

Statutory Environment

- Town Planning Scheme No. 4

Part IV – Objectives, Policies and Development Requirements

Clause 4.1 General Objectives and Policies

Clause 4.1 of TPS4 sets the General Objectives and Policies being “*Council’s general objective is to ensure that the Scheme protects the District’s present economic base, whilst allowing where appropriate, for development of more intensive forms of agriculture, for growth of the District’s tourist potential, and for increased settlement within certain areas of the District.*”

Council’s General Policies will therefore be to (inter alia):

- (e) require development, under a Planning Consent procedure, to achieve and maintain satisfactory standards of amenity;*
- (f) protect, wherever possible and consistent with the General Objective, the District’s landscape and rural character.”*

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.*”

The proposed minor extension to the building envelope is consistent with the Shire’s Building Envelopes Policy, discussed below.

Policy Implications

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

The whole property has been identified within the bushfire prone area and as such a revised Bushfire Attack Level (BAL) Assessment has been prepared, noting preliminary (albeit unauthorised) vegetation clearing undertaken by the landowner, confirming the development site is subject to a moderate rating of BAL-29.

A revised Bushfire Management Statement has also been prepared demonstrating compliance with the bushfire protection criteria in the Guidelines for Planning in Bushfire Prone Areas, as required under SPP 3.7. Under SPP 3.7 and the Guidelines the proposed single house can be defined as ‘minor development’. Noting previous advice from the Department of Fire and Emergency Services (DFES) the Shire can take a pragmatic view to assessment of minor residential developments on existing ‘legacy lots’ against SPP 3.7 and the Guidelines. Given the development site has an acceptable moderate rating of BAL-29, with nearby adequate water supply and reasonable vehicular access, approval is recommended.

- Shire of Bridgetown-Greenbushes Building Envelopes Policy

Under the Shire’s Buildings Envelopes Policy, the Policy Statement reads:

“The relocation of building envelopes will not generally be permitted. However there does exist some scope for minor alterations of building envelopes to cater for unforeseen physiographic constraints (ie; rock outcrops, areas subject to inundation). Complete relocations of building envelopes are not generally permitted but minor alterations restricted to no more than 20 metre extensions from the nominated building envelope may be permitted with Shire approval. No intrusion into the specific setback area is permitted. The Shire may, in extenuating or special

circumstances, approve the complete relocation of a building envelope subject to suitable neighbour consultation. The approval of all neighbours will not necessarily be required for the Shire to approve a total relocation.”

The current building envelope is very modest in size at 1000m², with the Policy acknowledging that most building envelopes have an area of 2500m² (50m x 50m). The proposed minor extension of 20 metres is consistent with the Policy and although noting the comment from the adjoining landowner approval is recommended.

Budget Implications

The applicable development application fee has been paid to consider both the proposed building envelope extension and single house.

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

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity

Vegetation to the southern side of the dwelling has already been undertaken to create the necessary Asset Protection Zone to achieve an acceptable rating of BAL-29. Notwithstanding, the lot contains a significant stand of remnant bushland which is to be retained and no detrimental impacts upon the local environment are anticipated.

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The content of the single submission received and the revised BAL and BMS reports has assisted consideration of the development application.

Delegated Authority

Noting the content of the submission received indicating conditional support, Shire staff can not use delegated authority to determine the application, therefore a decision by Council is required.

Voting Requirements – Simple Majority

Works & Services - Nil

Community Services

| | | | |
|-----------------------|--|------------------|-----|
| ITEM NO. | C.10/0817 | FILE REF. | 281 |
| SUBJECT | Service Agreement Grant Variation Request | | |
| PROPONENT | Bridgetown-Greenbushes Business and Tourism Associations | | |
| OFFICER | Executive Manager Community Services | | |
| DATE OF REPORT | 18 April 2015 | | |

OFFICER RECOMMENDATION that Council endorses the request from the Bridgetown-Greenbushes Business and Tourism Association for a grant variation that reflects a breakdown of the funding elements as follows:

- *Traffic Management Plan & Requirements \$1928*
- *Wages and Materials - Bonfire \$1946*

Summary/Purpose

This item seeks to support the requirements of the Bridgetown-Greenbushes Business and Tourism Association (BGBTA) “Bridgetown in the Winter Festival” in alignment with existing budget allocations and Council’s strategic objectives.

Background

The BGBTA is in the final year of a 3 year service agreement valued at \$3874. The existing service agreement was approved by Council was broken down as follows:

- Traffic Management Plan & Requirements \$1928
- Venue Hire \$\$1946

The Traffic Management Plan & Requirements relate to the closure of Steere Street for the opening of the “Bridgetown in the Winter Festival”.

Due to changes in the format of the Festival, where the Winter Wonderland exhibition in the Town Hall is no longer featured, a request has been received to instead utilise \$1,946 for wages and materials relating to the Festival Bonfire. The request is for the provision of bonfire materials and site preparation and clean up post event.

It is standard practice for funding bodies to allow for variances and extensions of funded projects through the mechanism of a grant variation, subject to the approval of the decision making body which is, in this instance, Council.

Officer Comment

The Senior Management Group has discussed the requested grant variation and determined it can be facilitated within the expenditure allocation of \$1,945. It is noted that the Bonfire is scheduled to be held on XXX. Therefore a relevant Works & Services staff member will action the outcome, should Council endorse the

recommendation, is a timely fashion to facilitate the variation as it relates to the Bonfire and closing activities associated with the “Bridgetown in the Winter Festival”

Statutory Environment – Not applicable

Integrated Planning – Not applicable

Strategic Community Plan

- Objective 1.1.1 - A diverse economy that provides a range of business and employment opportunities.
 - Strategy 1.1.9 Support tourism activities that focus on events, adventure, agriculture, food, heritage and the natural environment.
 - Strategy 1.1.10 Deliver or support a range of events where a demonstrable community benefit can be shown.
- Objective 4.1 A cohesive community with a strength of pride
 - Strategy 4.1.1 Deliver and support a wide range of community activities, events and associated infrastructure.

Corporate Business Plan

- Action 1.1.10 – Support festivals and events that promote local businesses and encourage community participation.

Long Term Financial Plan – not applicable

Asset Management Plans –not applicable

Workforce Plan – not applicable

Other Integrated Planning

The 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. Events such as the “Bridgetown in the Winter” Festival meets the social needs of residents, as well as acting as a tourism drawcard.

Budget Implications

The 2017/2018 annual budget demonstrates an allocation of \$3,874 as a service agreement allocation for the Bridgetown-Greenbushes “Bridgetown Winter Festival” event and this will not be varied, therefore there are no budget implications.

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 – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

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| ITEM NO. | C.11/0817 | FILE REF. | 228 |
| SUBJECT | Road Safety – Steere Street | | |
| PROPONENT | Access and Inclusion Advisory Committee | | |
| OFFICER | Grants and Services Manager | | |
| DATE OF REPORT | August 2017 | | |

Attachment 15 Minutes - Access and Inclusion Advisory Committee August 2017

OFFICER RECOMMENDATION

- 1. That Council direct the CEO to assess the safety of the intersection of Steere Street, the shire car park and Stewart Street.*
- 2. If the intersection requires modification to increase safe intersection sight distances, Council directs the CEO to explore possible solutions and present them to Council for consideration at a future Council meeting.*

Summary/Purpose

- The recommendation seeks to address the number of complaints n made by community members to the Access and Inclusion Committee, during consultation for the Age Friendly Community Plan regarding driver safety when pulling out onto Steere Street from either Stewart Street or the Shire car park.
- The recommendation seeks to identify possible solutions to increase the safe intersection sight distance at the intersection of Stewart Street, Steere Street and shire car park, if the assessment highlights a safe intersection sight distance below that recommended in the AUSTRROAD Guide to Road Design Part 4A: Unsignalised and Signalised Intersections and Main Roads WA Supplement to Austroads Road Design – Part 4A. The proposed solutions would be presented to Council for consideration.

Background

The final draft of the Age Friendly Communities Plan 20126-2020 (C.18/0616) was adopted by Council in June 2016 where Council resolved (in part) to: *adopt the revised draft Age Friendly Community Plan 2016-20 as per Attachment 9, to replace the current Age Friendly Community Plan 2011-2015.*

During the community consultation, undertaken as a part of the review of the Age Friendly Community Plan, it became apparent that the intersection of Stewart Street, the Shire car park and Steere Street was considered hazardous by many seniors within the community. The consultation results are reflected in the Age Friendly Communities Plan regarding the safety of the intersection.

On further investigation it became apparent that a number of complaints have been made by community members regarding the issue of driver ability to see on-coming traffic when pulling out of the shire car park or Stewart Street onto Steere Street to Works and Services.

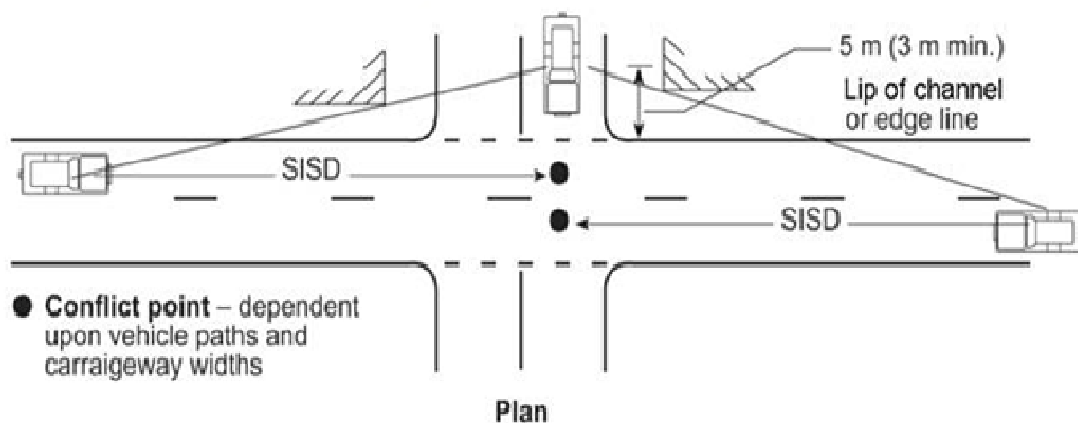
This has prompted the Access and Inclusion Advisory Committee to recommend an assessment of the intersection to ascertain whether sight distances sit within the guidelines proposed by the Department of Main Roads WA and Austroads Guide to Road Design – Part 4A.

Officer Comment

Guidelines for safe intersection sight distance are clearly outlined in the Guide to Road Design – Part 4A and therefore the intersection of concern can be assessed against the measurements outlined as per the diagram below. The assessment would also take into account the Road Traffic Code 2000 Division 3 Reg 143, which refers to the legal requirements regarding parking and stopping on a carriageway and AS/NZS 2890.5 – On-Road Parking.

Guide to Road Design Part 4A: Unsignalised and Signalised Intersections

Figure 3.2: Safe intersection sight distance (SISD)



It should be noted that this section of Steere Street including the intersection with Stewart Street is under the care, control and management of Main Roads WA and therefore any modifications to the intersection proposed to increase the safe intersection sight distance would need to be presented to Main Roads WA for approval prior to Council consideration.

Statutory Environment -

- Australian Standard AS/NZS2890.5-2009
- Austroads Guide to Road Design Part - 4A
- Main Roads WA Supplement to Austroads Guide to Road Design Part - 4A

- The Road Traffic Code 2000 Division 3 Reg. 143

Integrated Planning Implications

- Strategic Community Plan

Key Goal 3 – Our built environment is maintained, protected and enhanced.
Objective 3.3 – Maintain an appropriate standard of transport networks, roads and pathways.
Strategy 3.3.1 – A well maintained local and regional transport network.

Key Goal 4 - A community that is friendly and welcoming.
Objective 4.2 - Programs and facilities that encourage community resilience.
Strategy 4.2.9 - Improve services and facilities for seniors and people with a disability.

Key Goal 5 – Our leadership will be visionary, collaborative and accountable.
Objective 5.5 – We are strong advocates for our community.
Strategy 5.5.1 – Lobby and advocate to represent the community’s needs

- Corporate Business Plan

Action 3.3.1.1 – Annually review the 10 year strategic road works plan.
Action 4.2.9.1 – Consider recommendation for improvements from the Access and Inclusion Committee.
Action 5.5.1.1 – Implement the findings of the Age Friendly Community Plan, Youth Plan, Disability Access and Inclusion Plan and other Shire of Bridgetown-Greenbushes integrated planning strategies.

- Long Term Financial Plan

The draft Long Term Financial Plan incorporates the expenditure identified under the Corporate Business Plan.

- Asset Management Plans

The principles of asset management would need to be addressed in any modifications to the parking bays either side of Steere Street and/or the shire car park as a result of the safety assessment of the intersection.

- Workforce Plan – Not Applicable

- Other Integrated Planning

Age Friendly Communities Plan Priority Objectives are – Transport – T8 - Review individual items raised during this project regarding safety, signage and maintenance issues.

Policy - Nil

Budget Implications

As the area identified in the recommendation is under the care, control and management of Main Roads WA (other than the foot paths and shire car park), the implications of an assessment resulting in suggested modifications to the intersection will focus on negotiations with Main Roads WA rather than budget implications for Council.

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity

The aim of the recommendations is to ensure the Bridgetown CBD is a safe and trafficable area for all community members, thereby achieving social equity principles.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Risk management principles are addressed by undertaking a risk management process which is commenced by identifying and assessing the risk. This recommendation seeks to initiate the risk management process.

Continuous Improvement

Council can achieve continuous improvement in service provision by considering and implementing the recommendations identified in the Age Friendly Communities Plan and the Disability Access and Inclusion Plan. Principles of continuous improvement are also achieved by considering Council's (and the community's) exposure to risk and mitigating that risk by implementing/or lobbying for changes to ensure a safe and trafficable CBD for the community.

Voting Requirements - Simple Majority

Consideration of Standing Committee Recommendations

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| C.12/0817 | Standing Committee Minutes – 10 August 2017 – Attachment 16 |
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| <i>Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.</i> |
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|-----------|---------------------------------|
| C.13/0817 | Draft Gravel Procurement Policy |
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Committee Recommendation Moved Cr Nicholas, Seconded Cr Quinby
SC.02/0817 That Council adopt Policy WS20 – Gravel Procurement.

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| C.14/0817 | Proposed Amendment to Keeping and Welfare of Cats Local Law |
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Committee Recommendation Moved Cr Quinby, Seconded Cr Hodson
SC.03/0817 That Council:

1. Notes the contents of the single submission received and resolves not to proceed with the proposed "Keeping and Welfare of Cats Amendment Local Law 2016".
2. Directs the CEO to develop a draft "Keeping and Welfare of Cats Local Law" for presentation to the October 2017 Meeting.

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| C.15/0817 | Local Trails Plan |
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Committee Recommendation Moved Cr Scallan, Seconded Cr Nicholas
SC.04/0817 That Council notes the draft Local Trails Plan 2017-2022 (Attachment 5 of the Standing Committee Agenda) and determine to seek community comment on the document for a period of 6 weeks prior to formal endorsement.

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| C.16/0817 | Rolling Action Sheet |
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Committee Recommendation Moved Cr Pratico, Seconded Cr Boyle
SC.05/0817 That the information contained in the Rolling Action Sheet be noted.

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| C.17/0817 | 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 - Nil

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.02/0817 | Special Meeting Minutes – 17 August 2017 |
| 2 | C.04/0817 | Draft Lease |
| 3 | C.05/0817 | State Dambreak Emergency Management Plan [please note this document is listed as Attachment 1 in the correspondence received from the SEMC] |
| 4 | C.06/0817 | July 2017 Financial Activity Statements |
| 5 | C.06/0817 | List of Accounts Paid in July 2017 |
| 6 | C.07/0817 | Location Plan |
| 7 | C.07/0817 | Public Submissions |
| 8 | C.07/0817 | Applicant's Submission |
| 9 | C.08/0817 | Location Plan |
| 10 | C.08/0817 | Applicant's Submission |
| 11 | C.09/0817 | Location Plan |
| 12 | C.09/0817 | Neighbour's Submission |
| 13 | C.09/0817 | Landowner's Submission/Proposed Plans |
| 14 | C.09/0817 | Bushfire Assessment/Statement Reports |
| 15 | C.11/0817 | Minutes – Access and Inclusion Advisory Committee August 2017 |
| 16 | C.12/0817 | Standing Committee Minutes – 10 August 2017 |

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| Agenda Papers checked and authorised by T Clynch, CEO |  | 24.8.17 |
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