

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 October 2019** in the Council Chambers, commencing at 5.30pm

T Clynch, CEO



Date

24 October 2019

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AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 31 October 2019 commencing at 5.30pm

Meeting to be opened by the Presiding Member

Acknowledgment of Country – Presiding Member

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

Attendance, Apologies and Leave of Absence

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

Attendance of Gallery

Responses to Previous Questions Taken on Notice

At the Council meeting held on 26 September 2019 two questions asked by Mrs N King were taken on notice. Responses to these questions are shown below.

Question

I do have the approval for the 17 May, with the submission that they did and the EHO at the time has put in there the two drains and to be semi subverted, there was no pump or anything in regard to the approval to construct?

Response

The plan and application that this approval was provided for specified that a pump was to be installed. The plan contains a notation that 1 x 900 tank w/ pump is to be installed and Section 5.1 of the application form dated 16 March 2017, signed by your builder, states that an extra tank is required, to be 900mm with pump. Therefore there wasn't a need for a specific condition requiring installation of a pump as it was already proposed in the application that was being approved.

Question

The initial permit to use was dated 17/10/17, I received the undercover of this letter from the MEH dated 21/11/17. Is a 4 week delay in receiving such advice acceptable to you?

Response

The permit to use is the final administrative task associated with approvals of wastewater disposal systems. The Manager Environmental Health inspects the completed system, provides a verbal consent to the plumber that the wastewater system has been installed correctly and is allowed to be used. The plumber then advises the client (builder and/or property owner) of this advice. With respect to your wastewater disposal system the Manager Environmental Health advises that as a Notice of Completion for the house hadn't been submitted at that time there wasn't any specific urgency to issue the permit to use as occupancy of the house isn't supposed to occur until a Notice of Completion has been lodged. There isn't a specific requirement for the property owner to wait until receiving the permit to use therefore the practice of the Manager Environmental Health is to issue these permits periodically, such as monthly or fortnightly based on volume. Administrative support isn't provided to the Manager Environmental Health therefore administrative arrangements such as this are required for him to deal with the workload of the position. On this basis I find the current practice acceptable. In our recent organizational restructure responsibility for building operations (i.e. cleaning) is being transferred to another position and this will free up some of the time of the Manager Environmental Health to deal with core environmental health functions and this may see some changes to the processes used in issuing permits to use wastewater systems.

Public Question Time

Petitions/Deputations/Presentations

Comments on Agenda Items by Parties with an Interest

Applications for Leave of Absence

Confirmation of Minutes

C.01/1019 Ordinary Meeting held 26 September 2019

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 26 September 2019 as a true and correct record.

C.02/1019 Special Meeting held 21 October 2019

Attachment 1

A motion is required to confirm the Minutes of the Special Meeting of Council held 21 October 2019 as a true and correct record.

Announcements by the Presiding Member Without Discussion

Notification of Disclosure of Interest

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

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

Questions on Agenda Items by Elected Members

Consideration of Motions of which Previous Notice has been Given

C.03/1019 Renaming of Gommess Lane

Submitted by Cr Pratico

Motion

That Council commence the process to change the name of 'Gommess Lane' to 'Gomms Lane' to reflect the correct spelling of the Gomm family it represents.

Background/Reasons

Gommess Lane was named after J.C. Gomm who settled the land on the corner of this road and South Western Highway in 1917. JC Gomm's granddaughter is still alive at 99 years of age and is hoping she may see the name change back to what was originally intended.

Officer Comment

It is confirmed that Gommess Lane was named after J.C. Gomm. Over the years the spelling of the road has been changed to "Gommess" no doubt by the adding of an "es" onto the end of "Gomm".

Historical correspondence on the road file contains a letter in 1955 that references the spelling of "Gomm's" but from the next item of correspondence contained in the file (1957) all correspondence uses the name "Gommess".

Council previously considered a similar request from descendants of J.C. Gomm in 1997 and resolved not to change the spelling of the road. Reasons given in supporting documents at that time was a view that property owners along the road would be unlikely to agree to such a change and that the use of the name "Gommess" had been occurring for a considerable period of time and that is the name the road is now known as.

In the 1997 resolution Council resolved to erect a small sign plaque on the street sign pole at the corner of this road and South Western Highway, explaining the

naming of the road after J.C. Gomm, an early land owner in the district. It is unclear if this plaque was erected as no such plaque exists on the pole today.

If Council was to agree with the proposition of changing the spelling of the road name it will first have to refer the proposal to all property owners along the road, advertise the proposed change publicly in a local newspaper and refer the proposal to specific Government agencies.

Statutory Environment

- Land Administration Act 1997

Under Part 2, Division 3 of the Land Administration Act 1997, section 26 states (in part):

- “(2) Subject to section 26A, the Minister may by order -
(c) name, rename and cancel the name of any topographical feature, road or reserve.
- (3) An order made under subsection (2) may include such matters enabled to be effected under an order made under another provision of this Act as the Minister thinks fit.

Furthermore, section 26A states (in part):

- “(5) A person must not –
a. assign a name to the area or road unless the name is first approved by the Minister;
b. alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.”

Section 26 of the Land Administration Act therefore provides the local government power to initiate road naming through a public consultation process. Following consultation the local government can then resolve to name a road through a formal request to the Minister for Lands. The final decision therefore for any road naming rests with the Minister for Lands, upon advice from Landgate’s Geographic Names Committee.

Integrated Planning

- Strategic Community Plan

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

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

➤ Other Integrated Planning - Nil

Policy Implications

- Landgate's Policies and Standards for Geographical Naming in Western Australia

Under section 2.4 Naming amendments, road names are intended to be enduring and the renaming of any road is discouraged unless there are good reasons for a change of name, such as (inter alia) property street addressing issues.

Where a change to the name of a road is proposed, the new name selected shall conform to all the necessary naming policies and standards. For regional roads the change of name must have broad community support, and for local roads, there must be majority support from the affected land owners and residents. The requirements of emergency services for clear, unambiguous road naming shall also be a consideration. Proposals normally require the support of local government, but the Minister is the final authority in all such matters.

Under Section 1.1.4 any change to an existing approved name is discouraged. As all official names are meant to be enduring, any proposals to change the name of a road must include evidence of a compelling reason for such a change, for example the proposal is deemed to be in the public interest for safety reasons. The changing of a name merely to correct or re-establish historical usage shall not be considered in itself a reason to change a name. Evidence of community consultation and feedback from all relevant agencies and jurisdictions must be included within the submission to Landgate.

Budget Implications

The cost of public advertising is estimated to be \$350 and can be costed to normal advertising accounts contained within the budget. Postage costs will also be incurred to all property owners and again can be funded under current budget allocations.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Any proposal to rename a road is referred to emergency service agencies to determine if the change incurs a risk in emergency response. In this case the change to road naming would retain a similar spelling to existing and wouldn't be expected to create a significant risk.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

C.04/1019 Pink & Grey Galah Control

Submitted by Cr Pratico

Motion

That Council request the Blackwood Biosecurity Group (BBG) investigate the possibility of reducing the numbers of the Pink & Grey Galahs in Bridgetown.

Background/Reasons

The number of these introduced birds continues to increase and take over food sources and habitat from native birds in the area.

Officer Comment

To date there haven't been requests for Council to take action on this issue. Anecdotally the presence of pink & grey galahs has become more apparent in Bridgetown in recent years. As numbers increase it is inevitable that the adverse impacts they cause will also increase, such as causing nuisance through excess noise and fouling, damage to playing surfaces, and to other infrastructure such as aerials and wiring.

Statutory Environment

As the motion is only requesting Blackwood Biosecurity Group (BBG) to investigate the possibility of reducing the numbers of the Pink & Grey Galahs there aren't any statutory implications in council considering the matter. Blackwood Biosecurity would determine whether any legal parameters exist around culling of these birds.

Integrated Planning

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

Policy Implications - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The motion is only requesting Blackwood Biosecurity Group (BBG) to investigate the possibility of reducing the numbers of the Pink & Grey Galahs. However there is the risk that some members of the public will be upset by any proposal to cull these birds and Council will have to be prepared to respond to such concerns. Conversely if the presence of these birds is having consequential impacts upon infrastructure (i.e. trees, parks, etc.) or native wildlife then not considering action could also cause reputational risk to the Council. The level of risk on both scenarios is considered low.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

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.05/1019	FILE REF.	
SUBJECT	Proposed Unbudgeted Expenditure – Electrical Charges at Catterick Hall		
PROPONENT	Catterick Progress Association		
OFFICER	Chief Executive Officer		
DATE OF REPORT	11 October 2019		

OFFICER RECOMMENDATION that Council amends its 2019/20 budget by including an expenditure allocation of \$600 in Account 1320220 – 03CA Building Operation Catterick Hall, to fund annual electrical charges for Catterick Hall.

Summary/Purpose

To consider an amendment to the 2019/20 Budget with Council funding the payment of annual electricity charges for Catterick Hall – estimated at \$600.

Background

Outside of the annual community grants/service agreements process and the process for development of the annual budget the Catterick Progress Association (CPA) is seeking a commitment from the Shire to pay its annual electricity charges – estimated at approximately \$600 per annum.

The CEO provided a donation for the last two electrical accounts, being payments of \$32.30 and \$109.15 but noted that under the nature of the CEO donations account repeated donations to the same group for the same purpose would fall outside the intent of the account. The CEO did indicate to the CPA the matter could be considered by Council as a budget item but by that time consideration of annual community grants, service agreements and donations had occurred. There was then some discussion about proposed fundraising events being held by the CPA to provide funds for operating the hall, including paying electricity accounts so the CEO didn't progress any budget consideration of the request.

Officer Comment

In August the CPA reactivated its request and the CEO raised the matter for discussion at that month's Concept Forum where in-principle support was indicated by councillors for this expenditure to be met. The purpose of this item is to formalize the matter via a resolution to incur unbudgeted expenditure.

Despite the hall being vested with the Shire electrical costs have historically been paid for by the CPA. The Shire does fund insurances, music licences and building maintenance at the hall.

On a related matter advice received in 2013 from the then Department of Local Government (DLG) caused a review of how the Catterick Hall is managed. Although the reserve is vested in the Shire the hall is community managed by the CPA. The then DLG advised that these arrangements weren't in accordance with the management of property requirements under the Local Government Act and a change to management practices should be considered. After considering options such as creating a hall management committee and leasing of the hall to the CPA, the preferred outcome of transferring the existing vesting and management order from the Shire of Bridgetown-Greenbushes to the Catterick Progress Association was determined. This option would clearly establish legally the Catterick Progress Association as the owner of the building and manager of the reserve (land) upon which it sits. Council resolved to initiate this process in 2014.

The application for re-vesting of the land was unfortunately not progressed by the now Department of Planning Lands and Heritage. After recent consultation with that Department a request to reactivate the matter has been submitted. If vesting of the land isn't acceptable to the department the secondary option of creating a lease for the land can be considered.

Statutory Environment

Section 6.8. of the Local Government Act - Expenditure from municipal fund not included in annual budget, states:

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

Integrated Planning

- Strategic Community Plan
Key Goal 3 - Our Built Environment is Maintained, Protected and Enhanced
Objective 3.2 - Outdoor spaces, places and buildings fit for purpose
Strategy 3.2.5 - Provide and maintain a range of facilities that cater for the community's needs
- 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

The addition of \$600 unbudgeted expenditure will not have a significant impact upon Council's 2019/20 budget with this expenditure being offset by other variations to be determined at the mid-year budget review.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority for unbudgeted expenditure

ITEM NO.	C.06/1019	FILE REF.	
SUBJECT	Completion of Horse Stalls Reconstruction Project		
PROPONENT	Bridgetown Harness Racing Club		
OFFICER	Chief Executive Officer		
DATE OF REPORT	15 October 2019		

OFFICER RECOMMENDATION that Council:

- 1. Accept the offer of \$20,000 from the Bridgetown Harness Racing Club to be put towards an upgrade and/or reconstruction of damaged horse stalls in the stable area of the Bridgetown Sportsground.*
- 2. Provide a financial contribution of \$10,000 towards the project with these funds being drawn from the Matched Grants Reserve.*
- 3. Authorise unbudgeted expenditure of \$30,000 (\$20,000 + \$10,000) for upgrade and/or reconstruction of damaged horse stalls in the stable area of the Bridgetown Sportsground and amend the budget (via Account 1345140 - 56BU) accordingly.*

Summary/Purpose

Over the last three years the Bridgetown Harness Racing Club has been implementing a progressive reconstruction of the horse stalls at the Bridgetown Sportsground.

The Bridgetown Harness Racing Club has successfully procured racing industry grant funding of \$10,000 to be put towards reconstruction of the remaining stalls that are in a poor condition. The Bridgetown Harness Racing Club has offered to match the \$10,000 funding on the proviso that Council provide a sum of \$10,000. It is recommended Council support this project and draw its \$10,000 contribution from the Matched Grants Reserve.

Background

In October 2016 significant storm damage occurred to the trotting stalls located at the Bridgetown Sportsground. A total of 22 stalls were destroyed by high wind gusts, and these were subsequently rebuilt in January 2017, funded by an insurance payout received by the Shire for the damage to the stalls.

Although not significantly damaged by the 2016 storm there remained 60 stalls in a poor condition, with rotting stumps and degraded timber cladding.

Since 2016 the Bridgetown Harness Racing Club has been in communication with Shire staff regarding a plan for upgrading of the horse stalls. The Club is required to meet safety standards specified by Racing and Wagering Western Australia and serious breaches of these standards can place at threat a club's ability to host harness race meetings.

In 2017 Racing and Wagering Western Australia provided a capital infrastructure grant of \$10,000 to the Bridgetown Harness Racing Club to be used to improve the stalls. These funds were matched by the Club and Council also provided funding of \$10,000 so that a total of \$30,000 was available to progress reconstruction of the damaged horse stalls.

The Bridgetown Harness Racing provided voluntary labour to assist contractors appointed to carry out the work resulting in significant savings that allowed a greater number of stalls to be reconstructed than if the work had been fully outsourced to a contractor.

Between the initial insurance payout and the aforementioned \$30,000 a total of 56 horse stalls have been reconstructed. There remains 26 stalls still in a poor condition.

The Bridgetown Harness Racing Club hosts two race meetings per annum. In addition to the stalls being used for race meetings they are also used by local harness racing trainers when working horses on the trotting track, generally on a daily basis.

Officer Comment

Council's 2019/20 budget doesn't contain any funding for this project as it wasn't expected that the Bridgetown Harness Racing Club would be able to secure racing industry grant funding until 2020/21. Council's Corporate Business Plan reflects this timeframe with \$10,000 of Council funds earmarked for the project in 2020/21.

As the Bridgetown Harness Racing Club has offered to provide \$20,000 funding towards the project (including the racing industry grant funding it has secured), Council could consider allocating its \$10,000 contribution from its Matched Grants Reserve. Alternatively as the stalls are Shire assets any contribution could be made from the Building Maintenance Reserve.

The purpose of the Matched Grants Reserve is "to provide a funding mechanism for grants that require a matched funding component".

The purpose of the Building Maintenance Reserve is "to be used to fund capital improvements to council buildings and facilities".

The basis of the officer recommendation is to:

- Accept the need to continue to carry out improvements to the damaged and degraded horse stalls and accordingly accept the offer from the Bridgetown Harness Racing Club of \$20,000 funding towards reconstruction of the remaining 26 horse stalls that are in a degraded condition;
- Council to match the \$20,000 offer with an allocation of \$10,000 Shire funds towards the project;
- Draw the \$10,000 contribution from the Matched Grants Reserve rather than the Building Maintenance Reserve as the Shire funding is partially matching the funding being provided by the Bridgetown Harness Racing Club; and

Statutory Environment

The horse stalls, like all infrastructure and buildings at the Bridgetown Sportsground are listed on the Shire's asset register and therefore are the property of the Shire.

The works are not funded in Council's 2019/20 budget. Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Integrated Planning

➤ Strategic Community Plan

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

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

Strategy 3.2.1 - Community spaces and buildings accommodate a wide range of interests and activities

Strategy 3.2.2 - Social and recreation programs make the most of existing built facilities

Strategy 3.2.5 - Provide and maintain a range of facilities that cater for the community's needs

Strategy 3.2.6 - Develop new facilities that provide for the identifiable needs of the community

Key Goal 4 - A community that is friendly and welcoming

Objective 4.1 - A cohesive community with a sense of pride

Strategy 4.1.1 - Deliver and support a wide range of community activities, events and associated infrastructure

➤ Corporate Business Plan

Strategy 3.2.1 - Community spaces and buildings accommodate a wide range of interests and activities

Action 3.2.1.8 - Upgrade horse stalls at Bridgetown Sportsground (\$30,000 expenditure in 2020/21 and 2022/23)

➤ Long Term Financial Plan

The Long Term Financial Plan (LTFP) identifies the \$30,000 expenditure proposed by the Corporate Business Plan in 2020/21 and 2022/23. If funded this year and the project completed this expenditure would be removed from the LTFP at its next review

An allocation of \$10,000 per year into the Matched Grants Reserve is provided for over the 15 year coverage of the Long Term Financial Plan.

➤ Asset Management Plans

Renewal and replacement expenditure is major work which does not increase the asset's design capacity but restores, rehabilitates, replaces or renews an existing asset to its original or lesser required service potential. Work over and above restoring an asset to original service potential is upgrade/expansion or new works expenditure.

➤ Workforce Plan – Not Applicable

➤ Other Integrated Planning

A new 5 Year Building Capital and Maintenance Plan is being prepared for Council consideration in February 2020. Under the original timeline Council's \$10,000 contribution to upgrade of the horse stalls would have been aligned with the contents of the Corporate Business Plan, being allocations in 2020/21 and 2022/23. If Council was to adopt the officer recommendation full completion of the horse stalls project would be achieved in 2019/20 negating the need to allocate funds for more works in later years.

Policy - Nil

Budget Implications

The Matched Grants Reserve has a budgeted balance of \$42,139. The Building Maintenance Reserve has a budgeted balance of \$149,462.

Fiscal Equity

The horse stalls (stables area) at the Bridgetown Sportsground are a Shire asset not the asset of the Bridgetown Harness Racing Club. The facilities can be used by any member of the public or for other events where a clash with the needs of the harness racing club doesn't occur. The race meetings held by the Club are well attended by locals and visitors.

Whole of Life Accounting

Funds for operational maintenance of the horse stalls are provided in annual budgets.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Racing and Wagering Western Australia conducts regular audits of racecourse infrastructure and if infrastructure poses a risk to users or patrons the future use of a racecourse can be reviewed. The provision of the \$10,000 grant by Racing and Wagering Western Australia has been made in recognition that improvements to infrastructure remain a critical issue in the racing industry.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.07/1019	FILE REF.	
SUBJECT	Variations to Cat and Dog Impound Fees		
OFFICER	Chief Executive Officer		
DATE OF REPORT	10 October 2019		

OFFICER RECOMMENDATION that Council varies the following fees/charges for 2019/20 with the variations to take effect from 6 November 2019:

1. Discontinue the following dog and cat fees:

- *Seizure & impounding of Registered Dog/Cat - \$104.70*
- *Seizure & impounding of Unregistered Dog/Cat - \$160.75*
- *Surrender/Destruction/Disposal of Dog/Cat - \$163.10*
- *Seizure and Vehicle Impound of Registered Dog/Cat - \$37.25*
- *Seizure and Vehicle Impound of Unregistered Dog/Cat - \$53.20*

2. Adopt the following new dog and cat fees:

- *Ranger Seizure & Impound of Dog/Cat - \$104.70*
- *Impound of Dog/Cat (3rd party drop off at kennel/pound) \$53.20*

- *Surrender/Destruction/Disposal of Dog/Cat - Kennel Fee Incurred to Date plus \$69.00*
- *Seizure and Vehicle Impound of Dog/Cat - \$53.20*

Summary/Purpose

In May 2019 Council adopted its 2019/20 Schedule of Fees & Charges and in June 2019 varied the dog and cat kennel fees after the Bridgetown Boarding Kennels & Cattery increased its daily kennel fees. Since those determinations some anomalies in dog and cat impound fees have been identified.

Background

Council, at its May 2019 meeting resolved:

C.08/0519 That Council:

- 1. Adopt the 2019/20 Schedule of Fees & Charges as per Attachment 4 with the following minor changes:
 - a) Under 'Recreation & Culture' – 'Miscellaneous Fees' - retain Bond at \$100, with the standard Hall Hire Agreement being modified to pass liability on to the hall hirer for payment of any damages up to the amount of the insurance excess.*
 - b) Under 'Recreation & Culture' – 'Greenbushes Hall & Other Halls Hire' - the full day and half day hire of the Greenbushes Hall be equated to the same rate as the Bridgetown Main Hall hire fees.**
- 2. Determine the waste rate under Section 66 of the Waste Avoidance and Resource Recovery Act at the time of adoption of the 2019/20 budget.*
- 3. Determine the kerbside rubbish and recycling collection charges at the time of adoption of the 2019/20 budget.*

Shortly after the May Council meeting advice was received from Bridgetown Boarding Kennels & Cattery that its costs to the Shire for using its premises as a pound would increase for dogs from \$20.00 to \$30.00 per day, and for cats from \$10.00 to \$15.00 per day. In explanation the Bridgetown Boarding Kennels & Cattery advised that these increases were the first for seven years.

Accordingly Council, at its June 2019 meeting resolved:

C.04/0619 That Council, noting its determination of 2019/20 fees and charges made at its May 2019 meeting vary the following fees/charges for 2019/20:

- *Kennel fee of impounded dog - \$38.60 per day*
- *Kennel fee of impounded cat – \$23.20 per day*

Currently the following impound fees apply for dogs and cats:

- Seizure & impounding of Registered Dog/Cat \$104.70
- Seizure & impounding of Unregistered Dog/Cat \$160.75
- Surrender/Destruction/Disposal of Dog/Cat \$163.10
- Seizure and Vehicle Impound of Registered Dog/Cat \$ 37.25
- Seizure and Vehicle Impound of Unregistered Dog/Cat \$ 53.20

It is recommended that Council introduce a new fee to cover occasions where third parties pick up a wandering dog or cat and drop off at the kennels. This can happen on weekends when Rangers aren't on duty or when Rangers are committed to other duties and unable to collect a dog or cat from someone that has secured the animal. Currently the same fee in this circumstance as if the dog or cat was impounded by a Ranger even though the Shire's costs for the latter are much higher.

For explanation a 'seizure and vehicle impound fee' applies when a dog or cat is seized but is claimed by the owner before the animal is taken to the kennel/pound. This can apply when the animal is registered and contact is thus able to be made with the owner for collection. Often a pet owner will contact the Rangers explaining their animal is missing and in these circumstances it is preferable to return the dog or cat to the owner instead of impounding at the kennel where additional costs are incurred by the owner.

The 'seizure and impound fees' applies when a registered or unregistered dog or cat is seized and taken to the kennel/pound for impounding. It is recommended the current seizure and impound fees (both for vehicle impound and kennel/cattery impound) be removed and replaced with a single seizure and impound fee for dog and cats respectively that would apply regardless of whether the dog/cat is registered or not. Note when an unregistered dog or cat is seized it isn't released to the owner until animal registration is done.

Finally the 'Surrender/Destruction/Disposal of Dog/Cat' fee should be amended to a variable rather than a set fee so that dog or cat owners wishing to surrender ownership of their pet shortly after impounding pay a lesser fee than those owners that defer their decision until after the maximum 7 day impounding period is reached.

Below is a summary of the recommendations for amending these specific penalty fees and charges:

Description	Current Penalty Fee	New Penalty Fee	Explanation
Seizure & Impound of Registered Dog/Cat	\$104.70	-	Remove this fee as there is no cost difference to Shire in seizing and impounding a registered animal compared to an unregistered animal. Instead set a new fee that covers all dogs and cats.
Seizure & Impound of Unregistered Dog/Cat	\$160.75	-	As above
Surrender/Destruction/Disposal of Dog/Cat	\$163.10	Kennel Fee Incurred to Date plus \$69.00	The Shire is required to hold a seized dog or cat for 7 days. Imposing a set fee requires the Shire to estimate the average period a dog/cat is impounded whereas setting a new fee of kennel fees + \$53.20 (the latter to cover admin costs) is fairer to the owner, particularly if they determine to surrender, destruct

			or dispose of the dog/cat shortly after impounding commences.
Ranger Seizure & Impound of Dog/Cat	-	\$104.70	The costs to the Shire of impounding a dog or cat are not influenced by the registration or non-registration of the animal therefore a standard fee should apply. This fee covers where the Rangers seize a dog.
Impound of Dog/Cat (3 rd party drop off at kennel/pound)	-	\$53.20	On occasions members of the public pick up a wandering dog/cat and if unable to find the owner or contact the Rangers they can drop the dog/cat at the kennel/pound. The Shire incurs fewer costs in this situation therefore the fee charged to the dog/cat owner should be less than the standard charge imposed when Rangers seize and impound a dog/cat.
Seizure and Vehicle Impound of Registered Dog/Cat	\$37.25	-	Remove this fee as there is no cost difference to Shire in seizing and impounding a registered animal compared to an unregistered animal. Instead set a new fee that covers all dogs and cats.
Seizure and Vehicle Impound of Unregistered Dog/Cat	\$53.20	-	Remove this fee as there is no cost difference to Shire in seizing and impounding a registered animal compared to an unregistered animal. Instead set a new fee that covers all dogs and cats.
Seizure and Vehicle Impound of Dog/Cat	-	\$53.20	The costs to the Shire of impounding a dog or cat are not influenced by the registration or non-registration of the animal therefore a standard fee should apply.

Note when dogs or cats are seized and held at the kennel/cattery daily kennel fees are charged in addition to the above penalty fees.

The determination of new penalty fees has been done by estimating the average Ranger time required to deal with the various seizure and impounding categories and multiplying that by the salary and overheads of the Senior Ranger.

Statutory Environment

Section 6.16(1) and (2) of the Local Government Act states:

- (1) *A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*
- (2) *A fee or charge may be imposed for the following —*
 - (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) *supplying a service or carrying out work at the request of a person;*
 - (c) *subject to section 5.94, providing information from local government records;*
 - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*

Section 6.17(1) of the Local Government Act states:

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) *the cost to the local government of providing the service or goods;*
- (b) *the importance of the service or goods to the community; and*
- (c) *the price at which the service or goods could be provided by an alternative provider.*

Section 6.19 of the Local Government Act states:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

As the change to dog and cat fees is only a minor variance to the overall fees & charges adopted for 2019/20 by Council last month there isn't a requirement to revoke that resolution. As the fee is being determined by council prior to adoption of the 2019/20 budget there isn't a requirement to advertise these fees.

Policy Implications – Nil

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 5.2.6 Ensure the future financial sustainability of the organisation
- Corporate Business Plan
 - Action 5.2.6.2 Assess level of fees and charges to apply cost recovery principle where appropriate

- Long Term Financial Plan
Council's Long Term Financial Plan proposes an annual increase in fees and charges of CPI plus 2% from 2019/20 to 2032/33. However this doesn't factor in the cost-recovery principle where actual costs of delivering the service are calculated.
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Budget Implications

The recommendations may result in a reduction of revenue for dog and cat impound fees but an actual figure is difficult to estimate.

Fiscal Equity

Fees are determined having regard to the cost of providing the service, the scope of the service and the anticipated preparedness of a person to pay the fee.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.08/1019	FILE REF.	Rd.S15
SUBJECT	Classification of Brockman Highway Between Bridgetown and Nannup		
PROPONENT	Main Roads Western Australia		
OFFICER	Chief Executive Officer		
DATE OF REPORT	21 October 2019		

OFFICER RECOMMENDATION that Council supports the reclassification of Brockman Highway between Bridgetown and Nannup to a State Road and authorise the CEO to present a submission to Main Roads Western Australia supporting this proposal.

Summary/Purpose

Main Roads Western Australia (MRWA) is currently reviewing its road classification criteria which has led to a review of classification of several "regional" roads in the State that are currently under the control of local government but could be considered to be transferred to MRWA. One such road is Brockman Highway between Bridgetown and Nannup. It is recommended that Council support this

proposal noting that no commitment has been given by MRWA that such reclassification will actually occur.

Background

MRWA has been working with WALGA in reviewing the administrative road classification criteria for rural roads which has included identifying roads that may meet the road classification criteria to become state roads within the next 15 to 20 years.

The review has been undertaken to ensure a modern interpretation of the Main Roads Act 1930 in determining whether a road should come under the care and control of either State or Local Government.

Brockman Highway and Mowen Road have been jointly identified by MRWA for consideration as both roads form part of the Bridgetown-Nannup-Margaret River route. These are two of ten regional roads in the State currently being assessed by MRWA for potential transfer from Local Government to State Government control.

If the assessment conducted by MRWA determines that a road should be transferred to State control it will be identified as either a short term candidate (within 5 years) or long term (over 5 years) for transfer.

MRWA has advised the following constraints exist when determining whether a road should be transferred to State control:

- Even if a road has a score that exceeds the requirements of their assessment criteria the road must also be seen to perform an individual network role in the State Road network that isn't considered to be performed by an existing State Road.
- Any transfer of assets must also be approved by State Treasury as under the Main Roads Act (section 13) is states "the Commissioner shall take into account the moneys available or likely to be available for main roads or highways". Funds are deemed to be available, or likely to be available, if the asset transfer is approved by Treasury.

Officer Comment

Brockman Highway was previously assessed for possible transfer to State control in 2006 but was rejected as traffic counts at that time indicated that only a small proportion of traffic actually travelled between Bridgetown and Nannup indicating that its main function was as a local road. At the time the Shire questioned the validity of the traffic counts used by MRWA as once past the intersection with Mockerdillup Road anecdotal evidence was that the majority of traffic was regional.

It is recommended that Council supports the reclassification of Brockman Highway between Bridgetown and Nannup to a State Road. A submission can be presented to MRWA providing arguments in support of this reclassification including traffic counts. Consultation would also occur with the Shire of Nannup, for example a comparison of traffic counts as both ends may provide better indication of the "regional" nature of the road.

Statutory Environment
Section 13 Main Roads Act 1930

13. *Proclamation of highways and main roads*

- (1) On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be —
 - (a) a highway; or
 - (b) a main road,or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.
- (2) In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account —
 - (a) the moneys available or likely to be available for highways; and
 - (b) whether the road is or will be the direct connection between the capital of this and any other State; and
 - (c) whether the road is or will be the principal route between the capital and the major producing regions of the State; and
 - (d) whether the road is or will be the principal route between 2 or more of the major producing regions or major centres of population of the State; and
 - (e) whether the road is or will be the principal route for high volume traffic movements within large urban areas.
- (3) In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account —
 - (a) the moneys available or likely to be available for main roads; and
 - (b) whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest port or railway station; and
 - (c) whether the road is or will be the main route of intercommunication between 2 or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and
 - (d) whether the road is or will be a major route for high volume traffic movements within large urban areas.
- [(4) *deleted*]
- (5) A declaration under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.

Integrated Planning

➤ 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

Strategy 3.3.2 - Maximise funding opportunities to improve road safety

Strategy 3.3.3 - Provide and maintain a safe and efficient transport system

➤ 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 - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.09/1019	FILE REF.	
SUBJECT	Appointment of Fire Control Officers		
PROPONENT	Bush Fire Advisory Committee		
OFFICER	Community Emergency Services Manager		
DATE OF REPORT	7 October 2019		

OFFICER RECOMMENDATION That Council:

1. *Appoints Mr Martin Winchcombe Bush Fire Control Officer for the Sunnyside Bush Fire Brigade.*
2. *Appoints Mr Chris Doherty as the Senior Fire Control Officer for the Kangaroo Gully Bush Fire Brigade.*
3. *Appoints Mr Terry Flambard to the position of Fire Control Officer for the Kangaroo Gully Bush Fire Brigade.*
4. *Cancel the appointment as Fire Control Officers of Mr Eric Wheatley and Stuart Waters and thanks Mr Wheatley and Mr Waters for their contributions to community safety during their role as fire control officers.*

Summary/Purpose

For Council to appoint new Fire Control Officers for the Shire of Bridgetown Greenbushes.

Background

Eric Wheatley and Stuart Waters have relinquished their position as a Fire Control Officer for the Kangaroo Gully and Sunnyside Bush Fire Brigades respectively. The Kangaroo Gully Brigade has nominated Terry Flambard to replace Eric Wheatley, and Sunnyside Brigade has nominated Martin Winchcombe to replace Stuart Waters.

Officer Comment

At the recently held Bush Fire Brigades AGM, Stuart Waters stepped down as FCO for the Sunnyside Brigade with Martin Winchcombe nominated to replace him. Furthermore, Eric Wheatley stepped down as Fire Control Officer for the Kangaroo Gully Bush Fire Brigade.

Kangaroo Gully Brigade still has a Fire Control Officer (FCO), being Chris Doherty, and Terry Flambard was nominated to replace the outgoing FCO. Chris Doherty was recognized by the Brigade as the Senior FCO for the area. Note some brigades seek to appoint a Senior FCO and FCO to assist with succession planning and capacity building.

It is recommended that Council endorse these nominations.

Statutory Environment

Section 38 Bush Fires Act

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Integrated Planning

➤ Strategic Community Plan

Key Goal Area 4 – a community that is friendly and welcoming

Objective 4.5 – high levels of responsiveness to emergencies and emergency recovery

Strategy 4.5.1 – monitor risk management and emergency management profiles, procedures and preparedness

Objective 4.6 – fire prepared communities

Strategy 4.6.4 – bush fire brigades are resourced with adequate equipment, appliances, training and other operational requirements

Key Goal Area 5 – our leadership will be visionary, collaborative and accountable

Objective 5.2: We maintain high standards of governance, accountability and transparency

Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met

➤ Corporate Business Plan - Nil

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

Policy Implications – Nil.

Budget Implications

The cost of advertising (approximately \$250) these appointments can be accommodated within current budget accounts.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable.

Social Equity – Not Applicable.

Ecological Equity – Not Applicable.

Cultural Equity – Not Applicable.

Risk Management

Council is responsible for all fires outside of the Gazetted Fire District.

Continuous Improvement

The appointment of new Fire Control Officers builds the Shire and brigade's capacity and capability to manage incidents as they escalate. The appointment of a 2nd Fire Control Officers in some Brigades will ensure that a succession plan exists in those brigades. The workload on the Fire Control Officer can also be shared.

Voting Requirements – Simple Majority

ITEM NO.	C.10/1019	FILE REF.	
SUBJECT	New Policy – Issuing of Fire Permits		
PROPONENT	Bush Fire Advisory Committee		
OFFICER	Community Emergency Services Manager		
DATE OF REPORT	21 October 2019		

Attachment 2 Draft 'Fire Permit Issuing' Policy

OFFICER RECOMMENDATION That Council adopts the 'Fire Permit Issuing' Policy as shown in Attachment 2.

Summary/Purpose

For Council to adopt a policy on the issuing of Fire Permits during the Restricted Burning Period under the Bush Fires Act.

Background

Concern was raised by the Chief Bush Fire Control Officer in regards to other Fire Control Officers (FCO) issuing Permits outside their respective Brigade areas, albeit

with mutual agreement. This would usually only occur when the residing FCO was away or unavailable to issue permits in their area.

Council appoints a FCO for each Bush Fire Brigade, but does not limit their authority to just their Brigade area. This is to allow FCO's to exercise their powers throughout the Shire, which allows the closest FCO to respond and deal with matters as they arise. This may include issuing Permits

To formalize this issue, a draft Policy was resolved by the Shire's Bush Fire's Advisory Committee at its August 2019 meeting for adoption by Council.

Officer Comment

The Policy is very similar to what has been adopted by other Councils around the State to provide direction to their FCO's. The new Policy will ensure that that consultation with the FCO of the locality is required when issuing Permits outside of an FCO's ordinary area of responsibility.

Statutory Environment

Bush Fires Act 1954, section 18(6) and 38

(6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —

(a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and

(b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Integrated Planning

➤ Strategic Community Plan

Key Goal Area 4 – a community that is friendly and welcoming

Objective 4.5 – high levels of responsiveness to emergencies and emergency recovery

Strategy 4.5.1 – monitor risk management and emergency management profiles, procedures and preparedness

Objective 4.6 – fire prepared communities

Strategy 4.6.4 – bush fire brigades are resourced with adequate equipment, appliances, training and other operational requirements

Key Goal Area 5 – our leadership will be visionary, collaborative and accountable

Objective 5.2: We maintain high standards of governance, accountability and transparency

Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met

➤ Corporate Business Plan - Nil

➤ Long Term Financial Plan – Not Applicable

➤ Asset Management Plans – Not Applicable

- Workforce Plan – Not Applicable
- Other Integrated Planning – Not Applicable

Policy Implications

This item concerns the development of a new policy – to be inserted into ‘Section 9 – Other’ of the Policy Manual.

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable.

Social Equity – Not Applicable.

Ecological Equity – Not Applicable.

Cultural Equity – Not Applicable.

Risk Management

The new Policy proposes to address risk of issuing permits where an FCO may not be familiar with the terrain or the people concerned by ensuring consultation with the local FCO occurs first.

Continuous Improvement

The new Policy ensures all FCO’s are aware of their responsibility when issuing Permits.

Voting Requirements – Simple Majority

ITEM NO.	C.11/1019	FILE REF.	220
SUBJECT	Establishment of Committees		
OFFICER	Executive Assistant		
DATE OF REPORT	23 October 2019		

OFFICER RECOMMENDATION that Council establishes the following Committees for the two year term expiring 16 October 2019:

- *Audit Committee*
- *Bush Fires Advisory Committee*
- *Local Emergency Management Committee*
- *Roadwise Advisory Committee*
- *CEO Performance Review Committee*
- *Access & Inclusion Advisory Committee*
- *Sustainability Advisory Committee*
- *Trails Development Advisory Committee*
- *Youth Services Advisory Committee*

Background

A local government may establish Committees pursuant to Section 5.8 of the Local Government Act 1995 to directly assist the Council in a function, project or issue(s).

The function, project or issue(s) should be clearly specified by the Council and each Committee is to act in the best interests of the Council and conduct its affairs in accordance with the provisions of the Local Government Act and Council's Standing Orders.

Section 5.9 of the Local Government Act allows for a Committee to comprise –

- (a) Council members only
- (b) Council members and employees
- (c) Council members, employees and other persons
- (d) Council members and other persons
- (e) Employees and other persons; or
- (f) Other persons only

Establishing Committee

As mentioned above, Committees can comprise various groups. Where a Committee comprises Councillors only, Council can delegate any of its powers or duties except those requiring an '*Absolute Majority*' decision or those prescribed (and detailed) in the Local Government Act or Regulations.

Note – all delegations must be in writing and endorsed by an Absolute Majority decision.

Where a Committee comprises Councillors and staff only, Council can delegate any powers or duties it could otherwise delegate to the CEO.

Where a Committee's membership includes other persons, Council can delegate any of its powers or duties that are necessary or convenient for the proper management of the local government's property or an event in which the local government is involved.

An Efficient and Effective Committee System

A Committee system with maximum efficiency is one that contains justified Committees and establishes *Instruments of Appointment* to guide them. Committees not required to be adopted under section 5.9(2) of the Local Government Act 1995 shall not exist. They can however exist if required and supported by the community without Council involvement.

Community (External) Committee – one not recognised by Council under the Local Government Act but run independently by the community. The minutes are not automatically included in Council's Agenda nor the Councillor Information Booklet, i.e., they are independent of the Shire's organisation although Council may appoint a delegate(s). Should Councillors wish to avail themselves of the minutes they will do so at their own request. This may be a mechanism by which individual Councillors update themselves as to the sentiments of certain interest groups within the community.

Advisory Committee – one recognised by Council and run by the Shire in accordance with its Standing Orders and established under section 5.8 of the Local Government Act 1995. Recommendations are forwarded through the appropriate Shire Officer for inclusion in the Council Agenda as an item(s). The Standing Orders specify all members who have a vote shall vote; hence staff are to be non-voting

members. Staff will therefore act in an *advisory capacity* to the Committee as and when required.

The primary purpose of this type of Committee will be to provide advice on issues as specified by Council. Minutes will be included as an attachment in the Councillors Information Booklet. Any issues arising from a meeting requiring Council decision will be brought to the attention of the Council via an Item from the appropriate Shire Officer.

This type of Committee will have no delegated authority and as such can legitimately meet behind closed doors.

Management Committee – similar to an Advisory Committee with one important distinction. This type of Committee will have delegated authority to act on (or manage) particular facilities, events or functions on Council's behalf. Delegated Authority must be in writing and may be as general or as otherwise provided by Council in the *Instrument of Appointment* (and delegation register). A Management Committee must be publicly advertised and meet in the public arena. Minutes from a Management Committee are included in the Council Agenda for receipt purposes however any issues arising from a meeting requiring a Council decision will be brought to the attention of the Council via an agenda item from the appropriate Shire Officer.

All delegations are to be kept in a register (section 5.18 of the LG Act) that is to be reviewed at least once every year by Council. Delegations can be specific or broad and may have time-lines or other conditions built in.

Note Council hasn't appointed a management committee for many years as the requirement to publicly advertise meetings, have the meetings open to the public and include a public question time period has been seen as too rigid a format for the types of discussions that occur at committees. Accordingly all committees have been established as advisory committees.

To assist Committees, Instruments of Appointment are required for each Advisory, Management and Standing Committee.

Council Policy M.20 – "Establishment of Council Committees" states that the justification for establishing/maintaining a Committee under the Local Government Act is to be:

- Council requires assistance on a project/issue that cannot be generated by administration or a consultant(s) including with the help of an identified group within the community in a timely fashion.
- The required expertise exists amongst those who are willing.
- Council can afford any necessary resources.
- Council can clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Committee Operations

The quorum for each Committee (unless otherwise authorised by Council) is at least 50%. No business shall be transacted without a quorum. Ex-officio members form part of the quorum.

Members of a Committee are to be appointed by Council by an Absolute Majority decision. Tenure for Committee membership ceases at least every two years coinciding with the Local Government elections. This allows the new Council to reassess the performance, appropriateness and purpose of having each Committee before re-establishing Committees and their new membership.

Each member of a Committee is entitled to one vote. Each member present at a meeting of a Committee that has a delegated power or duty is to vote.

The person presiding at the meeting is to cause Minutes to be taken – this need not be performed by a Councillor or staff member. A Committee member who has an interest in any matter to be discussed at a Committee meeting must disclose the nature of the interest before the matter is discussed. The disclosure must be included in the Minutes. This does not apply to Committees comprising other people only as this type of Committee has no delegable authority.

Employees who are members of Committees and who have an interest in any matter in respect of which they are providing advice or a report are to disclose the nature of their interest when giving the advice or the report.

Advisory Committees Operating during the Term of the Previous Council

During the period October 2017 – October 2019 the following advisory committees were established by Council:

- Audit Committee
- Bush Fire Advisory Committee
- Local Emergency Management (LEMC) Committee (Advisory)
- Emergency Planning & Preparedness Advisory Committee
- Roadwise Advisory Committee
- CEO Performance Review Committee
- Access & Inclusion Advisory Committee
- Sustainability Advisory Committee
- Trails Development Advisory Committee
- Youth Advisory Committee

Note – up until October 2018 Council did have another committee – being the Local Laws, Strategy, Policy & Organisation Development Standing Committee. The Standing Committee was disbanded by Council resolution at the October 2018 Council Meeting:

C.02/1018a That Council terminates (disbands) its Local Laws, Strategy, Policy & Organisation Development Standing Committee.

The Standing Committee was replaced with the Council Concept Forum. The Concept Forum isn't classified as a committee therefore isn't required to be re-established every 2 years.

Officer Comment

Council should now re-assess the appropriateness of re-establishing the above Advisory Committees.

To assist in this process of identifying committees to be re-established, Officers provide the following comments. Please note separate reports (Items) have been compiled relating to the “Instrument of Appointment & Delegation” and “Committee Membership Appointment”:

Audit Committee

It is a requirement of the *Local Government Act 1995* for local governments to establish an Audit Committee.

The objectives of this Committee during the 2017-2019 term were:

1. *To provide guidance and assistance to the local government in carrying out-*
 - a) *Its functions under Part 6 of the Local Government Act 1995 (Financial Management); and*
 - b) *Its functions relating to other audits and other matters related to financial management; and*
 - c) *The local government’s functions in relation to audits carried out under Part 7 of the Local Government Act 1995 (Audit).*
2. *To review a report given to it by the CEO under regulation 17(3) of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures), and to –*
 - a) *report to Council the results of that review; and*
 - b) *give a copy of the CEO’s report to Council.*
3. *To monitor and advise the CEO when the CEO is carrying out functions in relation to a review -*
 - a) *of systems and procedures in relation to risk management, internal control and legislative compliance in accordance with regulation 17(1) of the Local Government (Audit) Regulations 1996; and*
 - b) *of the local governments financial management systems in accordance with the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).*
4. *To support the auditor of the local government to conduct an audit and carry out the auditor’s other duties under the Act in respect of the local government.*
5. *To oversee the implementation of any action that the local government -*
 - a) *is required to take by section 7.12A(3) of the Act (Audit report); and*
 - b) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a) of the Act; and*

- c) has accepted it should be taken following receipt of a report of a review conducted under regulation 17(1) of the Local Government (Audit) Regulations; and*
- d) has accepted it should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c).*

It is a requirement under the *Local Government (Audit) Regulations 1996* for local governments to establish an Audit Committee.

Membership consisted of 4 elected members.

It is recommended this Committee be re-established for the 2019-21 term of Council.

Bush Fires Advisory Committee

The objectives of this Committee during the 2017-2019 term were:

- 1. To provide advice to Council in regard to all matters relating to bush fire control, prevention and management including recommendations on the annual firebreak requirements, capital (equipment) purchase, review of fire fighting/prevention practices, fire fighting training, etc.*

The Instrument of Appointment listed that membership to consist of a maximum 2 elected members, the Chief Fire Control Officer, Fire Control Officers (or his/her deputy) from each Bush Fire Brigade in the Shire and a representative from the Bridgetown Volunteer Fire & Rescue Service.

In addition to the membership invitations are issued to representatives from the Department of Fire and Emergency Services (DFES) and Department of Biodiversity Conservation and Attractions (DBCA) to attend the Committee meetings.

It is recommended this Committee be re-established for the 2019-21 term of Council.

Local Emergency Management Committee (LEMC)

The objectives of this Committee during the 2017-2019 term were:

- 1. To review and maintain the Community Emergency Management Arrangements.*
- 2. To review and maintain the Community Evacuation Plan.*
- 3. To review and maintain the Community Emergency Recovery Plan including documenting processes for the planning and management of recovery after a major disaster.*
- 4. To comply with the Emergency Management Act 2005 in meeting the business reporting requirements of the State Emergency Management Committee (SEMC).*

It should be noted that it is a requirement under the *Emergency Management Act 2005* that the emergency management arrangements for the local district are maintained.

Membership consisted of 3 elected members (one of which is the President who Chairs meetings), the Shire's Recovery Coordinator and Deputy Recovery Coordinator, the Shire's Chief Bush Fire Control Officer and 1 representative from each of the following agencies:

- Police Department
- State Emergency Service (SES)
- Bridgetown Volunteer Fire & Rescue
- St John Ambulance
- St John Ambulance Regional Community Paramedic
- Bridgetown Hospital
- Department of Fire & Emergency Services (DFES)
- Department of Biodiversity Conservation and Attractions (DBCA)
- Talison Lithium
- Red Cross
- Department for Communities
- Water Corporation
- Western Power
- Education Department
- State Emergency Management Committee (SEMC) – ex officio
- Community Emergency Services Manager – ex officio

Under the *Emergency Management Act 2005* it is a statutory requirement that a LEMC be established.

It is recommended this Committee be re-established for the 2019-21 term of Council.

Emergency Planning & Preparedness Advisory Committee

The objectives of this Committee during the 2017-2019 term were:

1. *To ensure the Shire as an organisation has the planning and processes in place that meet the Shire's obligations in the event of an emergency.*
2. *To document the Shire's role in the event of an emergency.*
3. *To act as a coordinated link between the Council and the Local Emergency Management (Advisory) Committee (LEMC).*
4. *To audit and test the Shire's preparedness to deal with emergencies.*
5. *To monitor the capacity of the Shire's resources (human & material) to respond to emergencies.*

Membership consisted of 3 elected members.

This Committee did not meet between October 2017 and October 2019 and it is suggested that the objectives and responsibilities of the Committee fall within the objectives of the Local Emergency Management Committee (LEMC).

Accordingly it is recommended this Committee not be re-established.

Roadwise Advisory Committee

The objectives of this Committee during the 2017-2019 term were:

1. Raise public awareness of road safety within the Shire.
2. Hosting of annual events such as 'Blessing of the Roads'; 'Mystery Tour of Life'; and 'Cop-it-Sweet Project'.

This Committee has been involved with various 'road safety awareness' programs since its establishment and works in liaison with the WALGA Roadwise Committee South West Officer.

Membership of the Committee consisted of 2 elected members and 1 representative from each of the following organisations:

- Country Women's Association, Bridgetown
- Bridgetown Volunteer Fire & Rescue
- Bridgetown Police
- Bridgetown Primary School
- Bridgetown High School
- St Brigid's Primary School
- Greenbushes Primary School
- St John Ambulance
- Community Representative

Ex-officio membership is provided to Roadwise Western Australia and Main Roads Western Australia.

It is recommended this Committee be re-established for the 2019-21 term of Council.

CEO Performance Review Committee

The objectives of this Committee during the 2017-2019 term were:

1. *As directed by Council from time to time, use the performance appraisal system to ensure that its objectives are achieved in a timely and efficient manner and proposes to use the system to recognise and reward high achievement.*

Section 5.38 of the Local Government Act requires the CEO to be reviewed at least once in each year of his/her employment. Local Government (Administration) Amendment Regulations 2005, clause 18D states –

“A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.”

Membership consists of three elected members and typically includes the Shire President.

The Committee has no delegated authority and hence a report is submitted to Council following each review. Re-establishing the Committee with the same structure will comply with the provisions of the Local Government Act and Regulations. It is noted that in the current review of the Local Government Act compulsory or standardised practices for CEO performance review may be introduced and this may, in due course require an amendment to the Committee's Instrument of Appointment.

Officers support re-establishment of this Committee.

Access & Inclusion Advisory Committee (AIAC)

The objectives of this Committee during the 2017-2019 term were:

1. *To advise Council on the establishment of priorities and review of progress on the implementation of the strategies identified in the relevant Disability Access and Inclusion Plan and the Age Friendly Community Plan.*
2. *To formally report to Council annually on the implementation of the Disability Access and Inclusion Plan and the Age Friendly Community Plan.*
3. *To carry out consultation with the community as part of the annual review of the Disability Access and Inclusion Plan and Age Friendly Community Plan.*
4. *To recommend to Council any changes to the priorities identified in the Disability Access and Inclusion Plan and Age Friendly Community Plan either as part of the annual review process, or if necessary at other times of the year.*

Membership consists of a minimum of 1 elected member and a maximum of 10 community/service agency representatives.

It is recommended this Committee be re-established for the 2019-21 term of Council.

Sustainability Advisory Committee (SAC)

The objectives of this Committee during the 2017-2019 term were:

1. *To provide advice to the Council on sustainable natural environment, social and economic issues such as:*
 - *Air Quality*
 - *Biodiversity*
 - *Land Degradation*

- *The Built Environment*
 - *Water*
 - *Waste Management*
 - *Community Infrastructure*
 - *Community Engagement*
2. *To provide advice to Council on the possible introduction of incentives, initiatives and recommendations which can be introduced into the daily operations of the Shire, Policy setting process, Strategic Plans and Town Planning Schemes to :-*
- *Reduce the impacts on the natural environment*
 - *Reduce the impacts on the climate*
 - *Initiate sustainable management of resources*
3. *To identify for the consideration of Council strategies which increase real and sustainable behaviour change in residents, businesses and other members of the community (including tourists) in order to improve environmental outcomes.*

Membership of this Committee consisted of 2 elected members and 7 community members.

It is recommended this Committee be re-established for the 2019-21 term of Council.

Trails Development Advisory Committee

The objectives of this Committee during the 2017-2019 term were:

1. *Implement Council's economic strategies via identified and proposed tasks.*
2. *To advise council on the establishment of priorities and review of progress on the implementation of the strategies identified in the relevant Local Trails Plan.*
3. *To formally report to Council annually on the implementation of the Local Trails Plan.*
4. *To recommend to Council any changes to the priorities identified in the Local Trails Plan either as part of the annual review process, or if necessary at other times of the year.*

Membership of this Committee consists of a minimum of one (1) elected member, up to 8 community members and one (1) representative from the Department of Biodiversity Conservation and Attractions (DBCA).

It is recommended this Committee be re-established for the 2019-21 term of Council.

Youth Services Advisory Committee

The objectives of the Committee during the 2017-2019 term were:

1. *To advise Council on the establishment of priorities and review of progress on the implementation of the strategies identified in the relevant Youth Plan.*
2. *To formally report to Council annually on the implementation of the Youth Plan.*
3. *To recommend to Council any changes to the priorities identified in the Youth Plan either as part of the annual review process, or if necessary at other times of the year.*

Membership of this Committee consists of up to two (2) elected members, a minimum of 1 representative from The Youth Leadership Team, 3 representatives from youth and a maximum of seven (7) service agency and community group representatives.

It is recommended this Committee be re-established for the 2019-21 term of Council.

Statutory Environment

- Establishment of Committees is pursuant to Section 5.8 – 5.18 of the *Local Government Act 1995*.
- Clause 5.10(2) of the *Local Government Act 1995* states:

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- Clause 5.10(4) of the *Local Government Act 1995* states:

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- Shire of Bridgetown-Greenbushes Standing Orders Clause 17.1 – 17.4.

17.1 Establishment and Appointment of Committees

A committee is not to be established except on a motion setting out the proposed objectives and duties, and any delegations proposed to be entrusted to the committee and either –

- (a) *the names of the Council members, employees and other persons to be appointed to the committee; or*
- (b) *the number of Council members, employees and other persons to be appointed to the committee and a provision that they be appointed by a separate motion.*

17.2 Appointment of Deputy Committee Members

- (1) *The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a member of a committee whenever that member is unable to be present at a meeting thereof and where 2 or more deputies are so appointed they are to have seniority in the order determined by the Council.*

- (2) *Where a member of a committee does not attend a meeting thereof a deputy of that member, selected according to seniority, is entitled to attend that meeting in place of the member and act for the member, and while so acting has all the powers of that member.*

17.3 Reports of Committees

Notwithstanding clauses 3.11 and 3.12, any action required by the Council from reports from committee meetings are to be presented as a separate Officers Item to an ordinary meeting of Council for consideration.

17.4 Standing Orders to Apply to Committees

Where not otherwise specifically provided, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee –

- (a) *clause 9.1 in respect of the requirement to rise;*
- (b) *clause 9.5 limitation on the number of speeches.*

Integrated Planning

➤ Strategic Community Plan

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.

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” as described earlier in this report.

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.12/1019	FILE REF.	220
SUBJECT	Audit Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	October		

Attachment 3 Instrument of Appointment & Delegation 2019-21 - Audit Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Audit Committee as shown in Attachment 3 subject to the following:

- 1. The membership of the Committee is to be four (4) elected members.*
- 2. The quorum for the Committee shall be 2.*
- 3. Meetings of the Committee shall be at least twice in a financial year.*
- 4. The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
- 5. The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
- 6. Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION Council to determine the elected member representation.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote and have an Instrument of Appointment & Delegation endorsed by Council.

Background

It is a requirement of the *Local Government Act 1995* for local governments to establish an Audit Committee.

The primary objective of the Audit Committee is to accept responsibility for the annual external audit and meet with the local government's auditor (at least once in every year) so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Officer Comment

Council is to determine Committee membership.

For the 2017-19 term elected member representatives were Crs Bookless, Moore, Pratico and Scallan.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25

- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.13/1019	FILE REF.	220
SUBJECT	Bush Fires Advisory Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	October		

Attachment 4 Instrument of Appointment & Delegation 2019-21 - Bush Fires Advisory Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Bush Fires Advisory Committee as shown in Attachment 4 subject to the following:

1. *The membership shall consist of:*
 - *Maximum of two (2) Elected Members*
 - *CEO (or his representative)*
 - *Chief Fire Control Officer*

- *Fire Control Officers (or his/her deputies) for each of the Shire's Bush Fire Brigades*
 - *Bridgetown Volunteer Fire & Rescue Service representative*
2. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*
 3. *Meetings of the Committee shall be held at least twice per year at dates to be determined by the Committee.*
 4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
 5. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
 6. *Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION Council to determine the elected member representation.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote and have an Instrument of Appointment & Delegation endorsed by Council.

Background

The establishment of the Bush Fires Advisory Committee is specifically for the ongoing task of providing advice to Council on all matters relating to bush fire control, prevention and management. This includes recommendations on annual firebreak requirements, review of firefighting/prevention practices, firefighting training, etc.

Due to the purpose of this Committee, the Committee may invite representatives from government agencies (such as DFES and DBCA) or private plantation companies to participate in meetings however such persons will not be entitled to vote on any matter brought before the Committee.

Officer Comment

Rather than listing FCO positions by personal name the updated Instrument of Appointment lists the position only. This negates the need to amend the Instrument of Appointment if an FCO change occurs and is reflected in the updated Instrument of Appointment that forms Attachment 15.

Committee membership, other than elected member representation, is proposed to be unchanged from the previous Bush Fire Advisory Committee that's term expired on 19 October 2019.

For the 2017-19 term elected member representatives were Crs Pratico and Wallace.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.14/1019	FILE REF.	220
SUBJECT	Local Emergency Management Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	October		

Attachment 5 Instrument of Appointment & Delegation 2019-21 - Local Emergency Management Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Local Emergency Management Committee (LEMC) as shown in Attachment 5 subject to the following:

This Committee is established as an Advisory Committee under Section 5.9(2)(d) of the Local Government Act 1995.

1. *The membership shall consist of:*
 - *Three (3) Elected Members, one being the President who will be Chairman of the Committee.*
 - *The Shire’s Recovery Coordinator and Deputy Recovery Coordinator.*
 - *The Shire’s Chief Bush Fire Control Officer.*
 - *One (1) representative from each of the following agencies:*
 - *Police Department (Deputy Chairman)*
 - *State Emergency Service (SES)*
 - *Bridgetown Volunteer Fire & Rescue*
 - *St John Ambulance*
 - *St John Ambulance Regional Community Paramedic*
 - *Bridgetown Hospital*
 - *Department of Fire & Emergency Services (DFES)*
 - *Department of Biodiversity Conservation and Attractions (DBCA)*
 - *Talison Lithium*
 - *Red Cross*
 - *Department of Communities*
 - *Water Corporation*
 - *Western Power*
 - *Education Department*
 - *Community Emergency Management Officer as an ex-officio member*
 - *State Emergency Management Committee (SEMC) Officer as an ex-officio member*
2. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*
3. *Meetings of the Committee shall be held during February, May, August and November each year.*
4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
5. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
6. *Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION Council note the Shire President as one of its two elected member representatives on the Committee and determine its other elected member representation. Furthermore Council is to appoint the Presiding Member and Deputy Presiding Member.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote and have an Instrument of Appointment & Delegation endorsed by Council.

Background

It should be noted that it is a requirement under the *Emergency Management Act 2005* that the emergency management arrangements for the local district are maintained and that a LEMC be established.

Although this Committee is proposed to be established as an “Advisory” Committee as per section 5.9(2)(d) of the Local Government Act, it is named according to the requirements of the Emergency Management Act.

Officer Comment

Committee membership is proposed to be unchanged from the previous LEMC that’s term expired on 19 October 2019.

For the 2017-19 term elected member representatives were Crs Pratico, Wallace and Wilson

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

➤ Strategic Community Plan

Key Goal 4 – A Community that is Friendly and Welcoming

Objective 4.5 - High levels of responsiveness to emergencies and emergency recovery

Strategy 4.5.1 - Monitor risk management and emergency management profiles, procedures and preparedness

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.15/1019	FILE REF.	220
SUBJECT	Roadwise Advisory Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	October		

Attachment 6 Instrument of Appointment & Delegation 2019-21 - Roadwise Advisory Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Roadwise Advisory Committee as shown in Attachment 6 subject to the following:

1. *The membership shall consist of:*
 - *A minimum of one (1) elected member*
 - *One (1) representative in total from the local schools in Bridgetown or Greenbushes.*
 - *One (1) representative from each of the following organisations:*
 - *Country Women's Association, Bridgetown*
 - *Bridgetown Volunteer Fire & Rescue*
 - *Bridgetown Police*
 - *St John Ambulance*
 - *Community Representative*
2. *The quorum for the Committee shall be at least 50% of the offices of committee members, whether vacant or not. At least one Council representative must be present at all meetings.*
3. *The Committee should meet on at least five occasions each year.*
4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
5. *The Committee shall operate in strict accord with its governing Instrument of Appointment and Delegation.*
6. *Any change of Committee Membership will require endorsement by Council.*

OFFICER RECOMMENDATION Council to determine the elected member representation.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote and have an Instrument of Appointment & Delegation endorsed by Council.

Background

The Roadwise Advisory Committee has been involved with road safety education and awareness in the past including hosting the annual 'Blessing of the Roads' ceremony and the "Mystery Tour of Life" program with Year 10 High School students from Bridgetown and Boyup Brook schools.

Officer Comment

For the 2017-19 term elected member representatives were Crs Nicholas and Pratico.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

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

Policy/Strategic Implications

Council Policy M.20 – "Establishment of Council Committees" requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.16/1019	FILE REF.	220
SUBJECT	CEO Performance Review Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	October		

Attachment 7 Instrument of Appointment & Delegation 2019-21 - CEO Performance Review Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the CEO Performance Review Committee as shown in Attachment 7 subject to the following:

- 1. The membership of the Committee is to be 3 elected members.*
- 2. The quorum for the Committee shall be 2.*
- 3. Meetings of the Committee shall be held as required or determined by the Committee members.*
- 4. The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
- 5. The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
- 6. Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION Council to determine the elected member representation.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote and have an Instrument of Appointment & Delegation endorsed by Council.

Background

The CEO Performance Review Committee assists the Council in the annual review process of the CEO and the setting (and review) of Key Performance Indicators (KPI's) for the ensuing 12 month period that reflect the CEO's personal performance and also that for the organisation as a whole.

The contract of employment with the CEO sets out a procedure for performance review. Under that contract, Council can delegate the conduct of the performance review to nominated person(s) or alternatively to a Committee. Council needs to determine whether it wishes to delegate power to the Committee or restrict the role of the Committee to making recommendations to the Council.

Officer Comment

For the 2017-19 term elected member representatives were Crs Pratico, Mackman and Bookless.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.17/1019	FILE REF.	220
SUBJECT	Access and Inclusion Committee		
OFFICER	Manager Community Development		
DATE OF REPORT	October		

Attachment 8 Instrument of Appointment & Delegation 2019-21 - Access & Inclusion Advisory Committee

OFFICER RECOMMENDATION That Council endorse the Instrument of Appointment & Delegation for the Access & Inclusion Advisory Committee as shown in Attachment 8 subject to the following:

1. *The membership shall consist of:*
 - *A minimum of one (1) elected member*

- *A maximum of 11 community and service agency representatives*
- 2. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*
- 3. *The Committee shall meet on at least four occasions per year.*
- 4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
- 5. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
- 6. *Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION That Council determine the elected member representation on the Access and Inclusion Advisory Committee.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote and have an Instrument of Appointment & Delegation endorsed by Council.

Background

Section 28 of the *Disability Services Act 1993* requires a 'public authority' to have a Disability Access and Inclusion Plan. The Plan must be reviewed from time to time but not more than 5 years since it was lodged with the Disability Commission. In addition, a local government must include a report regarding the implementation of its Disability Access and Inclusion Plan in its Annual Report.

The Seniors Advisory Committee and the Disability Access and Inclusion Committee were combined due to the synergies in issues faced in each of the target groups.

Officer Comment

Rather than listing the names of the committee members and specific service agencies in the Instrument of Appointment, the updated Instrument of Appointment specifies a maximum number of community members and service agency representatives. The service providers operating within the Shire for seniors and people with disability change often. The amendments made to the Instrument of Appointment 2019-2021 negates the need to amend the Instrument of Appointment & Delegation when new agencies begin to service community members in the Shire or established agencies close down/merge with other service providers.

The community member names are not listed in the revised Instrument of Appointment but will be listed in the report to Council, this ensures that there is a limit on the number of committee members and members can be included or removed without revising the Instrument of Appointment & Delegation. Changes to committee membership will be presented to Council for consideration and endorsement via a report to Council, however, the Instrument of Appointment & Delegation will not require an amendment.

The community representatives on the Access and Inclusion Advisory Committee are proposed to be unchanged from the previous Access and Inclusion Committee (term expired on 19 October 2019). The eight (8) Community representatives, being:

- Bronwyn Mitchell
- Jana Mayhew
- Ursula Wade
- Joan Leader
- Harold Thomas
- Clare Quinn
- Jesse Donovan
- Warren Boggs

The two (2) service agency representatives will be from:

- Community Home Care
- Silverchain

Officers will continue to approach other service agencies to offer them the opportunity of representation on the Access and Inclusion Advisory Committee as there is a vacant position.

The 2017-19 term elected member representatives were Crs Mackman and Wilson.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

➤ Strategic Community Plan

Key Goal 4 – A Community that is Friendly and Welcoming

Objective 4.1 - A cohesive community with a sense of pride

Strategy 4.1.1 - Deliver and support a wide range of community activities, events and associated infrastructure

Strategy 4.1.2 - Deliver programs that encourage community interaction and participation

Objective 4.2 - Programs and facilities that encourage community resilience

Strategy 4.2.5 - Support initiatives that develop confidence, self-esteem and 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

Strategy 4.2.9 - Improve services and facilities for seniors and people with a disability

Action 4.2.9.1 - Implement the recommendations of the Access and Inclusion Plan

Strategy 5.5.1 - Lobby and advocate to represent the community's needs

Action 5.5.1.1 - Implement the findings of the Age Friendly Community Plan, Youth Community Plan, Access and Inclusion Plan and other Shire of Bridgetown-Greenbushes integrated planning strategies

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.18/1019	FILE REF.	220
SUBJECT	Sustainability Advisory Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	October		

Attachment 9 Instrument of Appointment & Delegation 2019-21 - Sustainability Advisory Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Sustainability Advisory Committee as shown in Attachment 9 subject to the following:

1. *The membership shall consist of two (2) elected members and a maximum of seven community members. The community members are to be:*
 - *Mikkel Christensen*
 - *Jenny Dewing*
 - *Adrian Williams*
 - *Hal Reid*
 - *Dennis Flockton*
 - *Geoff Bourgault*
 - *vacant*

2. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*
3. *The Committee shall meet on at least one occasion every four months.*
4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
5. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
6. *Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION Council to determine the elected member representation.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote.

Background

The primary role of the Sustainability Advisory Committee is developing a leadership role in the community and introducing incentives, initiatives and recommendations which can be introduced into the daily operations of the Shire, Policy setting process, Strategic Plans and Town Planning Schemes to :-

1. Reduce the impacts on the natural environment
2. Reduce the impacts on the climate
3. Initiate sustainable management of resources

Officer Comment

Recently community member Kylie Garde tendered her resignation from the committee meaning one vacancy now exists on the committee. The Committee will determine an appropriate person to take on this vacancy and will report to Council at such time seeking appointment of that person.

For the 2017-19 term elected member representatives were Crs Boyle and Mackman.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

➤ Strategic Community Plan

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

Objective 2.4 - An informed community on land management and sustainable living

Strategy 2.4.1 - Improve provision and distribution of land management information

Strategy 2.4.2 - Encourage the community to have sustainable lifestyles and inform the community on ways to use our environment sustainably

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

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.19/1019	FILE REF.	220
SUBJECT	Trails Development Advisory Committee		
OFFICER	Manager Community Development		
DATE OF REPORT	October 2019		

Attachment 10 Instrument of Appointment 2019-21 - Trails Development Advisory Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Trails Development Advisory Committee as shown in Attachment 10 subject to the following:

1. *The membership shall consist of:*
 - *A minimum of One (1) elected member;*
 - *One (1) representative from the Department of Biodiversity Conservation and Attractions (DBCA); and*
 - *A maximum of Eight (8) community members*

2. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*

3. *The Committee shall meet on at least one occasion every four months.*
4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
5. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
6. *Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION That Council determines the elected member representation for the Trails Development Advisory Committee.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote.

Background

The Trails Development Advisory Committee has been active in identifying and developing trails within the Shire, advocating on local trails development in regional and state forums as well as working with the Warren Blackwood Alliance member Councils in the development regional trails.

Officer Comment

Rather than listing the names of the committee members in the Instrument of Appointment, the updated Instrument of Appointment and Delegation specifies a maximum number of community members. The amendments made to the Instrument of Appointment & Delegation negate the need to amend the Instrument of Appointment & Delegation when committee membership changes allowing for a maximum number of committee members. Note the Instrument of Appointment will be recommended for amendment if in the future there is a need to exceed the maximum number of members. The committee member names and any subsequent changes will be listed in a report to Council for consideration endorsement.

There are currently 4 committee members on the Trails Development Advisory Committee, being;

- David Morton
- Wendy Menzie
- Paul Stephens
- Andrew Sandri (DBCA)

Nominations for the vacant positions (4) on the Trails Development Advisory Committee will be sought via advertising in Council's Insight newsletter and the Shire Facebook Page. The officer will report to Council to request endorsement of the new members after the process for nominations is complete.

The elected member representative for the 2017-19 term was Cr Scallan.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25

- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

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 1.1.8 - Develop trails – culinary, art, walk, mountain bike, canoe and bridle
- Corporate Business Plan – Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning – Nil

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.20/1019	FILE REF.	220
SUBJECT	Youth Services Advisory Committee		
OFFICER	Manager Community Development		
DATE OF REPORT	October		

Attachment 11 Instrument of Appointment 2019-21 – Youth Services Advisory Committee

OFFICER RECOMMENDATION That Council endorses the Instrument of Appointment & Delegation for the Youth Services Advisory Committee as shown in Attachment 11 subject to the following:

1. *The membership shall consist of:*
 - *A minimum of One (1) elected member;*
 - *A maximum of Seven (7) service agency and community group representatives.*
2. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*
3. *The Committee shall meet on at least four occasions per year..*
4. *The termination of the Committee shall be as at 16 October 2021 or otherwise as specified in the Local Government Act 1995.*
5. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
6. *Any change of Committee Membership will require endorsement by the Council.*

OFFICER RECOMMENDATION that Council to determine the elected member representation.

Summary/Purpose

Committees established under Section 5.9 of the Local Government Act are required to have their members appointed by an absolute majority vote.

Background

The Youth Services Advisory Committee was established in 2016 after adoption by Council of its Youth Plan.

During the 2017-19 term membership of this Committee consisted of 2 elected members, at least 1 representative from the Youth Leadership Team and 1 representative from each of the following organisations:

- Bridgetown High School
- Bridgetown Medical Centre/Health Professional
- Bridgetown Police
- Blackwood Youth Action Inc
- Blackwood Parent Support

Officer Comment

Rather than listing the names of the community groups and service agencies in the Instrument of Appointment, the updated Instrument of Appointment and Delegation specifies a maximum number of community group and service agency representatives. The amendment made to the Instrument of Appointment 2019-2021 negates the need to amend the Instrument of Appointment & Delegation when committee membership changes and allows a maximum number of committee members. The amendment also allows for flexibility when new service agencies begin operating within the Shire. The community group/service agency and committee member names and any subsequent changes to the committee will be presented to Council for consideration and endorsement.

There are currently 5 community Groups/service agencies representatives on the Youth Services Advisory Committee, being;

- Bridgetown Medical Centre Sarah Youngson
- Bridgetown Police Phil Nation
- Bridgetown High School Felicity Lukins
- Blackwood Youth Action Tanya Dennis
- Greenbushes CRC Nicola Ward

Officers will continue to approach other service agencies and community groups to offer them the opportunity of representation on the Youth Services Advisory Committee as there are currently 3 vacant positions.

The elected member representatives for the 2017-19 term were Crs Pratico and Bookless.

Statutory Environment

- Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25
- Shire of Bridgetown-Greenbushes Standing Orders, clause 17.1 – 17.4

Integrated Planning

➤ Strategic Community Plan

Key Goal 4 – A Community that is Friendly and Welcoming

Objective 4.1 - A cohesive community with a sense of pride

Strategy 4.1.1 - Deliver and support a wide range of community activities, events and associated infrastructure

Strategy 4.1.2 - Deliver programs that encourage community interaction and participation

Objective 4.2 - Programs and facilities that encourage community resilience

Strategy 4.2.1 - Encourage events, activities, programs and services relevant to, and accessible for local youth

Strategy 4.2.2 - Increase the awareness and acceptance of diversity and needs in local youth

Strategy 4.2.5 - Support initiatives that develop confidence, self-esteem and resilience

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 – N/A

Strategy 5.5.1 - Lobby and advocate to represent the community's needs

Action 5.5.1.1 - Implement the findings of the Age Friendly Community Plan, Youth Community Plan, Access and Inclusion Plan and other Shire of Bridgetown-Greenbushes integrated planning strategies

➤ Long Term Financial Plan – N/A

➤ Asset Management Plans – N/A

➤ Workforce Plan – N/A

➤ Other Integrated Planning – N/A

Policy/Strategic Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

Nil for the establishment of the Committee

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Absolute Majority

ITEM NO.	C.21/1019	FILE REF.	220
SUBJECT	Council Delegates to External Committees		
OFFICER	Executive Assistant		
DATE OF REPORT	23 October 2019		

OFFICER RECOMMENDATION that Council appoints delegates to the following Committees:

- South West WALGA Zone
- Regional Road Group (primary and deputy representative)
- Bridgetown Greenbushes Business & Tourism Association

OFFICER RECOMMENDATION that Council's representatives on the Board of the Warren Blackwood Alliance of Councils be the Shire President and Deputy President.

Summary/Purpose

Appoint elected member representatives to external Committees affiliated with local government.

Background

During the term of the previous Council, various external Committees requested the appointment of a Councillor delegate. An external Committee is one not established by Council (under the Local Government Act 1995), but run independently by another organisation. Minutes (if provided) are included in the Councillors monthly

Information Booklet and delegates are encouraged to provide a brief (dot point) report on any decisions the particular Committee may make which may impact on Council or the community as a whole.

Although there is no formal policy to guide appointments to external Committees, Council in the past has based its decision on the following guideline:

“Council must ascertain if it thinks it appropriate to have a delegate and if so, the delegate be given direction and any specific guidance regarding reporting back to Council”.

In addition, Council must be mindful that Councillors’ time is a precious (and often under-appreciated) resource. Council must therefore, when endorsing a nomination be mindful that it is satisfied that committing the resources will be of a benefit to the Shire.

Committees which had a delegate during the 2017-2019 period were:

Warren Blackwood Alliance of Councils

The “Alliance” consists of membership from the Shires of Bridgetown-Greenbushes, Manjimup and Nannup with the Shire of Donnybrook-Balingup joining recently on a 12 month trial. The constitution of the Alliance sets membership at 2 members from each Council. Meetings are held bi-monthly rotating amongst the four Councils.

The Alliance plays a strategic role in fostering relationships with the three other local governments, South West Development Commission and at times other departments/groups. Council’s position has always been to have the President and Deputy President as its representatives, however this isn’t mandated.

South West Zone of WALGA

The South West Zone of WALGA consists of membership of the twelve local governments of the South West region. Each Council appoints an elected member delegate to the Zone and he/she attends the bi-monthly meetings with the CEO.

The Zone meetings are normally held on the first Friday each second month on a rotating basis throughout the region. Meetings commence at 9am and conclude after lunch.

Cr Pratico has been the Shire’s elected member representative on the Zone for the past 11 years.

Regional Road Group (RRG)

The RRG is a sub-Committee of Main Roads WA with members consisting of Councillors and Officers from each of the Shires in the south west region and officers from MRWA. The group determines funding grants to each local authority on an annual basis and to ensure Bridgetown-Greenbushes attracts annual funding, it is important that a Council delegate with a keen interest in roads be appointed to this Committee.

Former Cr Scallan was the Shire’s elected member representative on the RRG for the past 6 years and Cr Nicholas (Deputy) for the past 2 years.

In seeking nominations for the 2019-21 term Main Roads Western Australia is seeking each Council to also nominate a deputy elected member representative to attend as a proxy to the primary representative.

Bridgetown Greenbushes Business & Tourism Association (BGBTA)

The BGBTA sees benefit in having an elected member representative on their Committee as two of their goals are the promotion of the Shire as a destination and growing of the local economy.

The previous elected member representative was Cr Bookless.

Statutory Environment – Nil

Integrated Planning

➤ Strategic Community Plan

Key Goal 5 – Our Leadership will be Visionary, Collaborative and Accountable

Objective 5.1 - Our community actively participates in civic life

Strategy 5.1.5 – Support groups that deliver programs, activities and services for the benefit of the community

Objective 5.4 - We participate in regional collaboration

Strategy 5.4.2 - Participate in local government collaborative groups

➤ Corporate Business Plan

Strategy 5.4.2 - Participate in local government collaborative groups

Action 5.4.2.1 - Maintain membership of the Warren Blackwood Alliance of Councils

➤ Long Term Financial Plan – Nil

➤ Asset Management Plans – Not applicable

➤ Workforce Plan – Not applicable

➤ Other Integrated Planning – Nil

Policy Implications – Nil

Budget Implications

Council delegates are able to use Council vehicles (if available) or receive payment for mileage (if using their own vehicle) when attending meetings.

Fiscal Equity - Not Applicable

Whole of Life Accounting - Not Applicable

Social Equity - Not Applicable

Ecological Equity - Not Applicable

Cultural Equity - Not Applicable

Risk Management - Not Applicable

Continuous Improvement - Not Applicable

Voting Requirements - Simple Majority

ITEM NO.	C.22/0919	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	23 October 2019		

Attachment 12 Rolling Action Sheet

OFFICER RECOMMENDATION that the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

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

Background

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

Statutory Environment – Nil

Policy/Strategic Plan Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Corporate Services

ITEM NO.	C.23/1019	FILE REF.	131
SUBJECT	September 2019 Financial Activity Statements and List of Accounts Paid in September 2019		
OFFICER	Senior Finance Officer		
DATE OF REPORT	18 October 2019		

Attachment 13 September 2019 Financial Activity Statements
Attachment 14 List of Accounts Paid in September 2019

OFFICER RECOMMENDATIONS

- 1. That Council receives the September 2019 Financial Activity Statements as presented in Attachment 13.*
- 2. That Council receives the List of Accounts Paid in September 2019 as presented in Attachment 14.*

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 September 2019 and presented in the list of accounts paid, was allocated in the 2019/20 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

Development & Infrastructure

ITEM NO.	C.24/1019	FILE REF.	A19221
SUBJECT	Proposed Additional Oversized Outbuilding (Policy Variation)		
LANDOWNERS	John and Rebecca Davison		
LOCATION	Lot 5 (22) Warner Street, Hester		
OFFICER	Manager Planning		
DATE OF REPORT	14 October 2019		

Attachment 15 Location Plan

Attachment 16 Proposed Plans/Applicant's Submission

OFFICER RECOMMENDATION: That Council, noting that no submissions were received from adjoining landowners, and pursuant to Clause 3.4.4 and Clause 7.6.4 under Town Planning Scheme No. 4 and Design Principle 5.4.3 of the Residential Design Codes of Western Australia, waives the provisions of the Shire's Outbuildings in the Residential Zone Policy and grants development approval for the proposed additional oversized outbuilding on Lot 5 (22) Warner Street, Hester, as per Attachment 16, subject to the following conditions:

- 1. Approval is granted for the proposed outbuilding with a floor area of 54m², wall height of 3.6 metres and ridge height of 4.26 metres, for the central bay only. Any increase in the floor area, wall or ridge heights of the outbuilding will require separate approval.*
- 2. The proposed outbuilding is to be clad using non-reflective wall and roof materials.*
- 3. The proposed outbuilding is to be used for domestic storage purposes only.*
- 4. The two existing outbuildings in the north-western corner of the property are to be removed no later than 30 days after the completion of the proposed outbuilding.*

Summary/Purpose

To consider a development application for an additional oversized outbuilding on Lot 5 (22) Warner Street, Bridgetown with variations to the maximum wall and roof heights, as required under Town Planning Scheme No. 4 and the Shire's Outbuildings in the Residential Zone Policy.

Noting that no submissions were received from adjoining landowners, the rationale provided by the applicant and that the proposed outbuilding is to be clad using non-reflective materials, it is recommended that the provisions of the Shire's Policy be waived and approval be granted subject to conditions.

Background

A development application has been received seeking approval to erect an additional outbuilding on Lot 5 (22) Warner Street, Bridgetown. The lot is zoned 'Residential R10/20' under Town Planning Scheme No. 4 (TPS4) and has an area of 2023m². Given reticulated sewerage is unavailable to this property the lower R10 density code is applicable.

The existing house is located towards the front of the property, with an existing 54m² shed located in the rear south-western corner to be retained. Two existing outbuildings in the north-western corner of the property (approximate area of 40m²) are to be removed and replaced with the proposed outbuilding.

The proposed outbuilding will be 9.0 metres long and 6.0 metres wide with a floor area of 54m². The two outer bays will have wall heights of 2.49 metres however the central bay has a maximum wall height of 3.6 metres and ridge height of 4.26 metres. The outbuilding is to be clad with 'Forest Green' coloured walls, roof and trimming. The proposed outbuilding is to be located in the north-western rear corner of the property, and setback 6.5 metres to the western rear boundary and 1.5 metres to the northern side boundary, consistent with required setbacks.

Excluding the two small outbuildings which are to be removed, the aggregate floor area of the existing and proposed outbuilding will be 108m², which exceeds the 80m² maximum aggregate area under the Outbuilding in the Residential Zones Policy for a 'Standard' outbuilding. Under the Policy, where a lot is 1000m² or greater in size a larger sized outbuilding can be considered up to 10% of the lot area (up to maximum floor of 150m²). Given the subject lot has an area of 2023m², outbuildings with an aggregate area of 150m² could be considered for this property, subject to compliance with other policy requirements.

A wall height of 2.7 metres is permitted as a 'Standard' outbuilding under the Shire's Policy, with a 3.0 metre wall height possible as a 'Non-Complying' outbuilding. Furthermore, a maximum ridge height of 4.2 metres is possible as a 'Standard' or 'Non-Complying' outbuilding.

As stated above, the central bay has a proposed wall height of 3.6 metres and ridge height of 4.26 metres. The applicant has provided a rationale for the size of the proposed 'barn style' outbuilding (see Attachment 16) with the additional wall and ridge heights for the central bay needed to accommodate a car hoist for domestic vehicle repairs.

The application was referred to neighbours of both adjoining properties with the comment period ending on 24 September 2019, however no submissions were received.

Noting the above, and the terms of the Shire's Outbuildings in the Residential Zone Policy, Council could support the additional wall height and ridge height based on the following:

- The additional outbuilding is to be constructed using non-reflective ‘Forest Green’ cladding and trimming, and will complement the colour of the existing outbuilding in the south-western corner which is to be retained.
- The additional outbuilding is located at the rear of the property, well behind the existing single house, and will not have any detrimental impact upon the street.
- The proposed wall height of 3.6 metres for the central bay that exceeds the 3.0 metre permitted maximum is only 3.0 metres wide.
- The proposed ridge height of 4.26 metres exceeds the 4.2 metre permitted maximum right height by 0.06 metres.
- No objections were raised by adjoining landowners, and the proposed additional outbuilding is not expected to have a detrimental impact upon neighbouring properties or the broader landscape.

Noting that no objections were received from surrounding landowners, and that the proposed outbuilding is not expected to have any detrimental impact on the adjoining properties, it is recommended that the Shire’s Outbuildings in the Residential Zones Policy be waived and that development approval is granted subject to conditions.

Statutory Environment

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

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.”*

The proposed additional outbuilding, noting the additional wall and ridge heights, is not expected to have an adverse effect upon the residential amenity of surrounding properties.

Clause 7.6.4 of TPS4 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 the discretion to waive policy provisions where Council is satisfied that the objectives of the policy have been taken into account. The proposed outbuilding will exceed the 80m² area, 3.0 metre wall height and 4.2 metre under the ‘Standard’ and ‘Non-complying’ requirements of the Policy. Whilst the 108m² aggregate floor area can be considered under the Policy, waiving of the policy requirements for the wall and ridge heights is required and considered acceptable for the reasons discussed in this report.

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

Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	Noting the aggregate floor area and additional wall and ridge heights, the proposed outbuilding is consistent with the objective of the Residential Zone, under Town Planning Scheme No. 4.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	Noting the aggregate floor area and additional wall and ridge heights, the proposed outbuilding is consistent with the objective of the Residential Zone, under Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is currently being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas. Assessment is exempt for a non-habitable outbuilding. SPP 7.0 Design of the Built Environment. Complies with applicable design principles. SPP 7.3 Residential Design Codes of Western Australia (Volume 1). See below.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas. Assessment is exempt for a non-habitable outbuilding.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Outbuildings in the Residential Zone Policy. See below.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	Not applicable.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the local area are anticipated.
(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	No detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	No detrimental impacts upon the local environment or water resources are anticipated.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Not applicable.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The property is within the bushfire prone area however assessment against the SPP 3.7 and the associated Guidelines is exempt. There is no evidence of soil erosion, flooding risk, etc.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	See Point (q) above.
(s) the adequacy of: (i) the proposed means of access to and egress from the site, and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Access will be via the existing crossover to Gifford Road.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	No additional traffic is anticipated.

(u) the availability and adequacy for the development of the following: (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with a disability;	Not applicable.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(w) the history of the site where the development is to be located;	Not applicable.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Not applicable.
(y) any submissions received on the application;	Nil
(za) the comments or submissions received from any authority consulted under clause 66.	Not applicable.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

Policy

- State Planning Policy 7.3 Residential Design Codes of Western Australia (Volume 1)

Under Design Principle 5.4.3 Outbuildings, ‘P3 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties’ are compliant.

Under Deemed-to-comply requirement C3 outbuildings are permitted that are not attached to a dwelling, are non-habitable, do not exceed 60m² (or 10% aggregate site area), do not exceed respective wall or ridge heights 2.4 metres and 4.2 metres, not within the primary or secondary setback areas, and do not reduce the required amount of open space and setback in accordance with Tables 2a and 2b.

The proposed outbuilding satisfies setback requirements however exceeds the (aggregate) 60m² floor area, 2.7 metre wall height and 4.2 metre ridge height. As discussed below, the Shire’s Outbuildings in the Residential Zone Policy allows for larger outbuildings subject to certain criteria being met including compliance with maximum floor areas and building heights, use of non-reflective materials and compliance with required setbacks.

Although noting the aggregate floor area, wall height and ridge height exceeds the Deemed-to-comply requirements of the R-Codes, the proposed outbuilding is to be clad in medium green materials, well located at the rear of the property, and is unlikely to have a detrimental impacts upon neighbours or the streetscape.

Policy

- Shire's Outbuildings in the Residential Zone Policy

The Policy recognises the varying needs of families for outbuilding space for garaging vehicles, boats, caravans and other items, domestic workshops, games rooms, studios, etc. The Policy also recognises that most outbuildings are usually bland metal structures devoid of architectural features such as windows and verandahs and when incorporating reflective surfaces there is a greater potential for adverse impacts on the landscape and nuisance for neighbours.

The objective of the Policy *“is to achieve a balance between*

- *Providing for the legitimate garaging, storage and other domestic needs of people living in residential areas; and*
- *Minimising the adverse impacts outbuildings may have on the amenity (eg. peace and quiet), appearance and character of residential neighbourhoods, and on neighbours.”*

The Standard Requirements under the Policy allows for larger outbuildings than permitted under the R-Codes, with a floor area up to 80m², wall height of 2.7 metres and ridge height of 4.2 metres and setback in accordance with the Town Planning Scheme unless a variation is approved.

Applications for ‘Non-Complying Outbuildings’ with the above standards, such as the aggregate area, are to be assessed on a case by case basis and may be permitted subject to (inter alia) the following:

- “(b) Demonstration that the larger size is required to satisfy specific domestic needs as detailed on the application submitted;*
- (c) The lot being a minimum size of 1000m²;*
- (d) Must be sited behind the front setback line for the dwelling;*
- (e) Use of non-reflective materials or screening;*
- (f) The sizes not exceeding*
 - *Area on lot – 10% of the site area where the lot is less than 1500m² and lots over 1500m² have a maximum area on lot of 150m²;*
 - *Wall height of 3.0 metres*
 - *Ridge height of 4.2 metres.*
- [(g)] Screening from the street and neighbouring properties to the satisfaction of the Shire;*
- [(h)] No objections being received from the adjoining landowners.”*

Applications that do not meet the above requirements are to be determined by Council as ‘Non Permitted Outbuildings’.

The proposed outbuilding has a floor area of 54m² (aggregate of 108m²), wall height of 3.6 metres and ridge height of 4.26 metres for the central bay. Noting that no objections were received from surrounding landowners, and that the proposed outbuilding is not expected to have any detrimental impact on the adjoining

properties, it is recommended that the Shire’s Outbuildings in the Residential Zones Policy be waived and that development approval is granted subject to conditions. No screening of the proposed outbuilding is considered necessary as the outbuilding is to be clad in non-reflective materials and well located towards the rear of the property.

Integrated Planning

➤ Strategic Community Plan

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

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a “can-do” approach to development

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

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

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

Objective 3.1 Maintain townscape heritage and character

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

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

Objective 5.1 Our community actively participates in civic life

Strategy 5.1.1 The community is involved in local decision making

The proposed outbuilding represents modest variations to the Shire’s Outbuildings in the Residential Zone Policy, and noting no submissions were received from adjoining landowners, approval is recommended.

- 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 policy and setback variations.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management

As no submissions were received from surrounding landowners it is deemed they have no objections, and taken into consideration in assessment of the proposal.

Delegated Authority

Nil - Officers do not have delegated authority to approve the application as it requires waiving of a local planning policy and must therefore be determined by Council.

Voting Requirements – Simple Majority

ITEM NO.	C.25/1019	FILE REF.	A31657
SUBJECT	Application for Retrospective Approval for Relocatable Storage Unit (Policy Variation)		
PROPONENT	Jacqueline Jones		
LANDOWNERS	Edward and Allertina Williams		
LOCATION	Lot 1 (98) Steere Street, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	16 October 2019		

Attachment 17 Location Plan

Attachment 18 Applicant's Submission/Site Plan/Photographs

OFFICER RECOMMENDATION: That Council, noting that no submissions were received from adjoining landowners, pursuant to Clauses 3.4.8 and 6.7.4 of Town Planning Scheme No. 3 and Design Principle 5.4.3 P3 of the Residential Design Codes of Western Australia, waives the requirements of the Shire's Relocatable Storage Units Policy and grants retrospective development approval for the relocatable storage unit on Lot 1 (98) Steere Street, Bridgetown, as per Attachment 18, subject to the following conditions:

- 1. Retrospective approval is granted for the relocatable storage unit as shown on the approved plan.*
- 2. The western and northern sides of the relocatable storage unit shall be treated, painted or screened within 28 days of approval to complement the adjoining liquor store and thereafter maintained. In this regard the continued use of the advertising blackboard on the western end of the unit can be supported.*
- 3. The relocated storage unit is to be used for non-habitable, storage purposes only.*
- 4. The relocatable storage unit must rest directly on compacted, level ground and is not permitted to rest on sleepers or concrete skids, unless a building permit has been granted by the Shire of Bridgetown-Greenbushes.*
- 5. The relocated storage unit must not be located over any easements, effluent disposal system or utilities.*
- 6. The Shire of Bridgetown-Greenbushes reserves the right to instruct a landowner to remove an approved relocatable storage unit if any of the above conditions are not carried out to the satisfaction of the Shire.*

Summary/Purpose

To consider a development application seeking retrospective approval for a relocatable storage unit located adjacent at Lot 1 (98) Steere Street, Bridgetown, located between and used in conjunction with the Clovers General Store and Clovers Liquor Store.

Noting that no submissions were received from surrounding landowners, the rationale provided by the applicant, that the storage unit is already well treated and partly screened, it is recommended that the provisions of the Shire's Policy be waived and approval be granted subject to conditions.

Background

A development application has been received seeking retrospective approval for a relocatable storage unit (ie. sea container) at Lot 1 (98) Steere Street, Bridgetown. The lot is zoned 'Residential R12.5/20' under Town Planning Scheme No. 3 (TPS3) and has an area of 1409m².

The property contains two retail tenancies being Clovers General Store and Clovers Liquor Store which front the car park and Gifford Road. The property also contains a single house fronting Steere Street.

A 'Shop' is listed as an 'AA' discretionary use in the Zoning Table under TPS3. It is understood that a grocery store was operating on the site in 1941, and potentially renamed as Clovers General Store in 1948 when purchased by Mr Tom Clover. The land was previously zoned Commercial under superseded Town Planning Scheme No. 2 (gazetted in 1968). The land was then zoned to Residential under TPS3 in 1983 with the shop use remaining. Shire records show the Clovers Liquor Store was originally approved in November 2000, with extensions approved in 2003 and 2006. The property therefore has been used for commercial use for almost 80 years.

The proponent placed the storage unit on the property approximately two years ago unaware that approval was required, with Shire staff raising this matter earlier this year. The Shire's Relocatable Storage Units Policy prohibits the use of relocatable storage units on Residential zoned land. Given that the storage unit is used as part of the approved commercial activity, and not used in conjunction with the residential dwelling, waiving of the Shire's Policy is considered appropriate.

The application was received in late June 2019 including the proponent's rationale for the storage unit (see Attachment 18). The application was referred to the landowners of four nearby properties, with comment period ending on 24 September 2019, and no submissions were received.

Noting the above, and the terms of the Shire's Relocatable Storage Units Policy discussed below, Council could support approval for the storage unit based on the following:

- The storage unit is used in conjunction with the two retail outlets (Clovers General Store and Clovers Liquor Store) operating on the property.
- Whilst the storage unit is technically within the secondary street setback area to Gifford Road, the unit is well located between the two shops with screening already in place on the western end.

- The Gifford Road road reserve (which includes a parking area) is 40 metres wide, with the unit separated from the carriageway by approximately 25 metres.
- No submissions were received from surrounding landowners and the storage unit does not have a detrimental impact upon neighbouring properties or the local area.

Noting that no objections were received from surrounding landowners, and the storage unit is well located and already partially screened, it is recommended that the Relocatable Storage Units Policy be waived and retrospective development approval is granted subject to conditions.

Should Council resolve not to support the proposal the relocatable storage unit will need to be removed as unauthorised development.

Statutory Environment

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

Clause 3.4.8 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:*

- (c) 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;*
- (d) 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.”*

The existing storage unit, although located on Residential zoned land, has not had any adverse effects upon the residential amenity of surrounding properties, due in part to the location of the unit and partial screening already in place.

Under Clause 4.3 Residential Zone *“Council’s objective will be to ensure that the residential character and amenity of the zone is retained and enhanced and that any other uses approved within the Zone under the provisions of the Scheme are compatible with this basic objective.”*

Under sub-clause 4.3.1(c) of TPS3, a nil setback is applicable for commercial uses in the Residential zone, except the setback along Gifford Road may be increased at the discretion of Council.

Although the relocatable storage unit is located adjacent to the Gifford Road boundary, the road reserve is 40 metres wide (double the normal width) and the storage unit is separated from the carriageway by approximately 25 metres. Ongoing use of the storage unit is not expected to have any detrimental impacts upon the streetscape or adjoining properties, and as it is used in conjunction with approved commercial activities.

Clause 6.7.4 of TPS3 states “A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”

Clause 6.7.5 of TPS3 states “In determining an application for Planning Approval, Council shall have regard to any Town Planning Policy adopted under the powers of this Scheme, and may impose conditions of approval in conformity with the requirements of that policy.”

Council has the discretion to waive policy provisions where Council is satisfied that the objectives of the policy have been taken into account. Ongoing use of the storage unit is not expected to have any detrimental impacts upon the streetscape or adjoining properties, and as it is used in conjunction with approved commercial activities, waiving of the prohibition under the Relocatable Storage Units Policy is considered acceptable for the reasons discussed in this report.

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

Requirement	Comment
(z) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	Noting the location of the storage unit and use in conjunction with the approved commercial uses on the land, the proposal is consistent with the objective of the Residential Zone under Town Planning Scheme No. 3.
(aa) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	Noting the location of the storage unit and use in conjunction with the approved commercial uses on the land, the proposal is consistent with the objective of the Residential Zone under Town Planning Scheme No. 3. The draft Local Planning Strategy and Local Planning Scheme No. 6 is currently being prepared.
(bb) any approved State planning policy;	SPP 7.0 Design of the Built Environment. Complies with applicable design principles. SPP 7.3 Residential Design Codes (Volume 1). See below.
(cc) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(dd) any policy of the Commission;	Not applicable.
(ee) any policy of the State;	Not applicable.
(ff) any local planning policy for the Scheme area;	Relocatable Storage Units Policy. See below.

(gg) any structure plan, activity centre plan or local development plan that relates to the development;	Not applicable.
(hh) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(ii) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(jj) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(kk) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(ll) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the local area are observable.
(mm) the amenity of the locality including the following: (iv) environmental impacts of the development; (v) the character of the locality; (vi) social impacts of the development;	No detrimental impacts upon the local environment, character of the locality or adjoining land are observable.
(nn) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	Not applicable.
(oo) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Not applicable.
(pp) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	The property is not within the bushfire prone area and there is no evidence of soil erosion, flooding risk, etc.

(qq) the suitability of the land for the development taking into account the possible risk to human health or safety.	See Point (q) above.
(rr) the adequacy of: (iii) the proposed means of access to and egress from the site, and (iv) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Access doors of the container are on the eastern end fronting the internal yard, with external access via the existing crossovers to Steere Street and Gifford Road.
(ss) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	No additional traffic is anticipated.
(tt) the availability and adequacy for the development of the following: (vi) public transport services; (vii) public utility services; (viii) storage, management and collection of waste; (ix) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (x) access by older people and people with a disability;	Not applicable.
(uu) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(vv) the history of the site where the development is to be located;	Not applicable.
(ww) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Not applicable.
(xx) any submissions received on the application;	Nil
(za) the comments or submissions received from any authority consulted under clause 66.	Not applicable.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

Policy

- State Planning Policy 7.3 Residential Design Codes of Western Australia Volume

Under Design Principle 5.4.3 Outbuildings P3 ‘Outbuildings that do not detract from the streetscape or the visual amenity of resident or neighbour property’ are compliant.

Under Deemed-to-comply requirement C3 outbuildings are permitted that are not attached to a dwelling, are non-habitable, do not exceed 60m² (or 10% aggregate site area), do not exceed respective wall or ridge heights 2.4 metres and 4.2 metres, not within the primary or secondary setback areas, do not reduce the required amount of open space and setback in accordance with Tables 2a and 2b.

The relocatable storage unit is technically defined as an outbuilding and generally satisfies requirements of the R-Codes, except the unit is located within the secondary street setback area. As the storage unit is used in conjunction with the approved commercial activities on the property, satisfies the nil setback under Clause 4.3.1 c), and no detrimental impact upon local amenity is observable, approval is recommended pursuant to Design Principle 5.4.3 P3.

- Shire of Bridgetown-Greenbushes Relocatable Storage Units Policy

The purpose of the policy is to regulate the use of relocatable storage units (including sea containers) and guide the assessment of proposals to place such units on land to ensure that they do not detract from the visual amenity of an area.

The permanent use of a relocatable storage unit in a residential and special residential area is prohibited however can be considered in a rural, special rural, commercial or industrial zone. Approval is not required to use a relocatable storage unit on a rural property, where the unit is used for farming purposes, meets setback requirements and is not visible from public view.

Under Section 3.0 Policy Requirements a proposed relocatable storage unit will:

- “i) not be located within a Residential, Residential Development, Special Residential or Community zone, where defined under the relevant Town Planning Scheme;*
- ii) not result in a detrimental impact on the amenity of the land or any adjoining land or development;*
- iii) not impinge on any boundary setbacks, as required by the relevant Town Planning Scheme or be located in front of the boundary line or outside of a building envelope (where relevant);*
- iv) not compromise any associated approved development or use by:
 - a) impinging on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development or use;*
 - b) locating within in an existing service yard or bin storage area;*
 - c) obstructing any existing access or visual truncation provided to an access way, pedestrian or traffic;**
- v) be in good repair with no visual rust marks; and*
- vi) be appropriately screened with vegetation or other means, in order to meet the aims of point ii) above.”*

The relocatable storage unit has been onsite for approximately two years and only recently made permanent with screening and roof being attached. Retrospective

approval has now been sought for ongoing storage purposes, in conjunction with the two retail uses of the land.

Importantly, if the property was zoned Commercial then Shire staff could exercise delegated authority to determine the application however as the land is zoned Residential the proposed is inconsistent with the Relocatable Storage Units Policy.

Noting that no objections were raised by surrounding landowners, it is recommended that the Shire's Relocatable Storage Units Policy be waived and retrospective approval granted subject to conditions.

Integrated Planning

➤ Strategic Community Plan

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

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a "can-do" approach to development

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

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

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

Objective 3.1 Maintain townsite heritage and character

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

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

Objective 5.1 Our community actively participates in civic life

Strategy 5.1.1 The community is involved in local decision making

The ongoing use of a relocatable storage unit on the Residential zoned property requires waiving of the Shire's Relocatable Storage Units Policy, and noting no objection from surrounding landowners, approval is recommended.

- 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 application including the policy variation.

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

As no submissions were received from surrounding landowners it is deemed they have no objections, and taken into consideration in assessment of the proposal.

Delegated Authority

Nil - Officers do not have delegated authority to approve the application as it requires waiving of a local planning policy and must therefore be determined by Council.

Voting Requirements – Simple Majority

ITEM NO.	C.26/1019	FILE REF.	A32708
SUBJECT	Proposed Afforestation – 41.9 Ha Eucalyptus Globulus (Blue Gum) Plantation		
LANDOWNERS	T Cottee and J Dale (on behalf of the late G Dale)		
PROPONENT	Ents Forestry (on behalf of M Hughes)		
LOCATION	Lot 12 (RSN 876) Glentulloch Road, Sunnyside		
OFFICER	Manager Planning		
DATE OF REPORT	16 October 2019		

Attachment 19	Location Plan
Attachment 20	Neighbour's Submission
Attachment 21	Applicant and Landowner Submissions
Attachment 22	Proposed Application

OFFICER RECOMMENDATION: That Council, notes single neighbour's submission as per Attachment 20, and additional submissions from the landowners and applicant as per Attachment 21, and pursuant to Clause 5.3.2 under Town Planning Scheme No. 4 grants development approval for the proposed Afforestation – 41.9 Ha Eucalyptus globulus (Blue Gum) Plantation on Lot 12 (RSN 876) Glentulloch Road, Sunnyside, as per Attachment 22, subject to the following conditions:

- 1. Planting to be in accordance with the submitted plan, unless specifically otherwise stated.*
- 2. The plantation is approved for two rotations. Any additional rotations or modifications to the approved plan will require a separate planning approval.*
- 3. Compliance with the Shire of Bridgetown-Greenbushes Firebreak and Fuel Hazard Reduction Notice 2019/2020.*
- 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. 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 and Fire Hazard Reduction Notice 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 and Fire Hazard Reduction Notice 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: The applicant should refer to the Shire's Dam Construction Guidelines during construction or modifications to any strategic water point dams.

Summary/Purpose

A development application has been received seeking development approval for the re-establishment of a 41.9 hectare Eucalyptus globulus (Blue Gum) plantation, including 2.5 hectares of new planting, on Lot 12 Glentulloch Road, Sunnyside. Noting the issue raised by the adjoining landowners, the application generally complies with the Shire's Plantation Applications Policy and it is recommended that Council grant development approval subject to standard conditions.

Background

A development application has been received seeking development approval for a 41.9 hectare Eucalyptus globulus (Blue Gum) plantation, on Lot 12 (RSN 876) Glentulloch Road, Sunnyside, including 39.4 hectares of coppice re-growth and 2.5 hectares of new planting.

The lot is zoned 'Rural 2 – General Agriculture' under Town Planning Scheme No. 4, has an area of 49.7680 hectares and is the site of a former Blue Gum plantation recently harvested in June 2019.

Shire records show that approval was granted by Council in March 1993 for a 100 ha Blue Gum plantation on Nelson Locations 237, 282, 705, 1187 and Pt Location 1176, which included subject Lot 12 forming part of Locations 1187 and 1176. A subsequent inspection by Council's Plantation Inspection Sub-Committee in July 1993 indicated that further conditions were required to the original approval, with

planting then undertaken in 1993. On advice from the proponent it is understood that the Blue Gum plantation was re-established with seedlings in 2007.

The proposed plantation consists of four compartments across the site with a total area of 41.9 hectares of Blue Gum trees. Three coppice regrowth compartments are proposed being Compartments 1 (2019), 2 (2019) and 3 (2019) with respective areas of 12.3 ha, 25.9 ha and 1.2 ha. New planting is proposed for Compartment 1 (2020) with an area of 2.5 hectares, replacing a compartment of pine trees felled in approximately 2017. A 0.4 hectare compartment of pine trees in the north-western corner has recently been felled, with the area to remain unplanted.

Coppice Compartments 1, 2 and 3 (2019) are to be felled in nine years time, and new Compartment 1 (2020) felled in ten years, with an additional coppice rotation proposed for further ten year growth for felling in approximately 2040. Some native vegetation is to be retained, primarily on the eastern boundary adjacent to Compartment 2 (2019) at the head of the spring (discussed below) and in the south-western corner adjacent to Compartment 3 (2019).

A 15 metre wide firebreak will be established along the northern boundary to Glentulloch Road, with 10 metre wide external firebreaks. The width of internal firebreaks has not been nominated however 6 metre wide breaks are required in accordance with the Shire's Firebreak and Fuel Hazard Reduction Notice 2019/2020. Existing dams in the north-western and south-western corners of the property have been nominated as the water points, considered suitable for a plantation of this size.

Public Consultation

Afforestation is listed as an 'AA' discretionary use under the Rural 2 zone. The proposal was referred to neighbouring property owners for a period of 21 days with the submission period closing on 1 October 2019. One submission was received (see Attachment 20) from the owners of adjoining Lot 13 (RSN 980) Glentulloch Road, summarised and discussed below. Although the submission was received on 2 October 2019 the Shire is bound to consider the submission as the application had not yet been determined.

The applicant was advised that a submission had been raised objecting to the proposal with concern raised regarding water flow from the spring and that a substantial buffer was requested. The name and location of the submitter was not released to the applicant. Additional submissions were received from the applicant and the current landowners of the property (see Attachment 21) in response to the neighbours, discussed further below.

Neighbours Submission – Sue Barnett, Partner, Hazeloak Farm

The partners of Hazeloak Farm are opposed to the application. The main agricultural enterprise on Hazeloak Farm is the production of truffles with irrigation required during the Summer months, with water sourced from the dams on the property that fill with run off from rainfall. These dams had previously been spring fed with the source beginning on the adjoining property of the proposed afforestation.

The adjoining property has just been cleared of Blue Gums and during their growth there has been a significant impact on the spring source, as it no longer flows and the run off into Lot 13 has been negligible.

The partners of Hazeloak Farm hoped recent removal of the Blue Gum and return to pasture would allow the spring to flow. The area and creekline that is the source of the spring has had all native vegetation removed which also impacts on the function of the spring.

The applicant states that the spring area has been dry in all inspections however the partners of Hazeloak Farm declare that the spring has only been dry since the existence of the plantation and prior to that time the area was fed by the permanent spring.

The applicant states the average rainfall is 823mm/annum however Hazeloak Farm records since 2014 show annual rainfall varying from 488.5mm in 2015 to 999.4mm in 2016, with 483mm as at 19 September 2019.

It is the preference of Hazeloak Farm that the proposal not be approved, however if approved a substantial buffer should be required around the spring to help with restoration of the original spring.

Applicant's Submission – Ents Forestry

The applicant accepts that the plantation will negligibly affect a 'spring' coming from the intermittent stream arising on Lot 12 and passing through Lot 13, however the flow will not be 'sensibly diminished', which is acceptable in a non-proclaimed water source area.

Continuous use of the property as a tree plantation for the past 26 years has not sensibly diminished the stream flows. Aerial photography show the three dams on Lot 13 to have constant full mid-summer/early autumn water supply for the duration of the plantation use, and the proposed plantation will not sensibly diminish stream flow to Lot 13.

The applicant states that most water discharges to a stream from groundwater, rather than overland flow, with recharge areas on the upper slopes percolating through the groundwater table. The stream has had a plantation and native forest in the recharge zone for at least 26 years and is considered to be in a steady state. Creating a treeless buffer zone around the stream will not influence stream flows.

The applicant rejects the assertion that creating a buffer around the stream will protect the current stream flow, arguing that plantation trees in the buffer zone will positively influence the water quality for downstream users, by slowing overland flow and mitigating stream bank erosion and turbidity.

Landowners Submission – Tom Cottee and Jennifer Dale (on behalf of the late Graham Dale)

An offer to purchase Lot 12 has been made on the condition the property be used for a tree plantation, with the purchase intending to coppice the trees and regrow the plantation following recent harvest. We understand the neighbour opposes the

plantation on the grounds of water run off onto the adjoining property would be reduced.

The neighbours purchased Lot 13 after the plantation was well established in the knowledge of the tree farm. Prior to listing the property with an agent the neighbour was given first option to purchase Lot 12.

The existing 10 metre firebreak and 0.5 hectare of native forest already provides a significant buffer to the boundary. An increased buffer would considerably impact the economic value of the tree farm and the potential purchaser will not proceed.

The source of water in the gully is a spring filled creek that rises on adjoining Lot 13, with the plantation trees reducing salinity in this gully. Lot 12 has been used for forestry since 1993 and water run-off has and will not be altered from status quo with continuation of the plantation.

To deny the established land use of forestry on the grounds of unproven water run-off, would set a precedent and greatly reduce this legitimate land use in the whole district. Council is urged to approve the application by the purchase for continuation of the current land use without an increased buffer zone.

Officer Comments

The objection to the plantation from the owners of adjoining Lot 13 is noted, primarily on the grounds of blue gum trees diminishing downstream water flow from the spring on the eastern boundary, needed for irrigation of the truffle farm on their property. The objectors have stated that if approved, a substantial buffer (i.e. no blue gum trees) should be imposed around the spring however provided no evidence or commentary on what a substantial buffer would be.

Shire records show that the original Blue Gum Plantation on Lot 12 was approved and planted in 1993. The applicant has advised Blue Gum replanting was undertaken in 2007 and then harvested in June 2019. The Shire has no records of the 2007 crop, or the two small compartments of pine trees in the north-east and north-west corners, that have been subsequently felled. It is evident however that Lot 12 has been used as a plantation for the past 26 years.

The applicant and landowner argue that the spring on Lot 12 has continued to allow downstream flow for the 26 years that the plantation has been in place, with a small buffer area already in place around the spring.

The objector operates a truffle farm on Lot 13 and need to irrigate a woodlot of cultivated trees, with the feeder roots serving a symbiotic relationship with a soil fungi to produce the fruiting bodies called truffles. Truffle farming is best defined as Silviculture (ie. growing or cultivating trees) and not intensive agriculture.

Importantly, the landowners of adjoining Lot 13 purchased the property in December 2010 and would have been fully aware of the adjoining plantation at that time. Shire's aerial photography dated November 2007, December 2013 and December 2017 show the three dams on adjoining Lot 13 to be generally full of water. Aerial photography provided by the applicant dated April 2000, December 2004, January 2009, January 2014 and December 2017 also show the dams on Lot 13 to be full.

Aerial photos provided by the applicant show the oak tree woodlot on Lot 13 (assumed to serve the truffle farm operation) were planted between April 2000 and December 2004. Council should note that a woodlot (approximately 0.4 hectares) of Blue Gum trees is located on adjoining Lot 13 in proximity to and within the catchment of the subject creekline.

A buffer area of approximately 0.5 hectares is already in place around the spring and proposed to be retained as part of the proposed plantation, plus a 10 metre wide firebreak along the eastern boundary of the property. A small exclusion area along the alignment of the natural depression is already proposed connecting a former water point to the spring.

A similar issue regarding a spring fed water supply was considered by Council between July and December 2008 for the establishment of a Blue Gum plantation on Location 3676 MacDonald Road, Maranup, in response to a variety of concerns raised by an adjoining landowner. Advice was received from both the former Department of Water (DoW) and former Department of Agriculture and Food WA (DAFWA) at that time. Comments below have been formulated using those presented to Council in December 2008, with Council ultimately granting development approval for the plantation with modified standard conditions to address water quality. Recommended conditions for a stormwater management plan, revegetation plan and contained refueling station were removed by Council.

The source of water for the spring on subject Lot 12 Glentulloch Road is most likely fed by groundwater discharge from the upslope catchment, likely confined to the southern half of Compartment 2 (2019), Lot 11 to the south and State Forest to the south-east. The spring may exist because of shallow basement rock crossing the gully and with recharge volumes increasing following initial clearing of native vegetation.

The Soil Commissioner from former DAFWA in 2008 advised that where replacement of shallow rooted pasture with deep rooted perennial vegetation with very high leaf area (ie. blue gum trees) will inevitably reduce run off and groundwater recharge under the plantation area. Any expected fall in the groundwater table beneath a plantation area will be largely confined to the footprint of the plantation and will not extend to any great distance away from it. In this case, subject Lot 12 has been used for plantation for at least 26 years as shallow rooted pasture is not being replaced, the recharge of the spring or creekline experienced over that time is unlikely to be further diminished.

A Plantation Issues Paper prepared in 2007 by the Shire of Manjimup noted advice from the former Department of Environment (DoE) that there is no landowner 'right' to receive water from off-site sources via non-defined watercourses. Even within defined watercourses no guarantee can be given to the availability or quantity of water to landowners.

Three important points were made in the issues paper being that landowners will need to adjust their expectations regarding the 'right' to receive water, the (former) Department of Water needs to further investigate cumulative impacts of tree crops on a catchment basis, and that the issue of surface water is a natural resource management issue rather local government issue at the development application stage. The Issues Paper concluded that the former Department of Environment did

not raise any objection relating to individual tree plantations or cumulative impacts of additional tree crops in the Shire of Manjimup.

The former Department of Water or DoW (now Department of Water and Environmental Regulation or DWER) is responsible for ensuring that water quantity within watercourses and groundwater supplies are sustainable (economically, socially and environmentally) and the key issue is the possible effect of tree crops reducing surface runoff to dams in horticultural areas.

There seems to be a general acceptance that plantations intercept rainfall percolating down to the groundwater table, or limits the flow of surface water across land, and can affect the amount of water than can be collected for intensive agriculture activities. This impact is difficult to quantify but also has not been adopted as a basis for opposing the establishment of plantations.

Having regard to the *Rights in Water & Irrigation Act 1914* and the *Country Area Water Supply Act 1947*, neither Lot 12 nor Lot 13 are located within a Public Drinking Water Supply Area or an area with clearing restrictions. The subject spring and creekline feeds into Caribunup Brook, which traverses Lot 12 and Lot 13 and is a tributary to the Blackwood River, with Caribunup Brook identified as an Aboriginal Site of Significance.

As such, the taking of water for commercial purposes cannot sensibly diminish stream flows or impact on the riparian rights of others, and groundwater extraction is subject to licensing. DWER is not required to licence water use from tree crops or native vegetation where water is captured from overland flow. Water that is taken directly from on-stream dams or watercourses and is then used for commercial purposes does require a licence. The proposed plantation does not seek to take surface water nor extract groundwater and therefore is not subject to licensing.

Council could through the Planning and Development Act 2005 and Town Planning Scheme No. 4, impose measures to provide the adjoining landowner with a level of security with regard to their current water quantity. Consideration must be given to the WAPC Statement of Planning Policy 2.9 – Water Resources which supports and guides land use planning and assist protection, conservation, management and enhancement of the State’s water resources, discussed below.

Under this Policy buffer setbacks can be set based on a number of guiding principles but no quantitative formula has yet to be developed to guarantee there will be no impacts upon water supply downstream. The proposed plantation includes a 0.5 hectare buffer around the spring headwater, with an additional 10 metre firebreak along the eastern boundary separating the plantation trees from the creekline.

For the MacDonald Road, Maranup plantation approved by Council in 2008, the former DoW recommended adhering to ‘Water Quality Protection Note – Vegetation Buffers to Sensitive Water Resources’, and that a 30 metre wide native vegetation buffer around the spring being developed to slow stormwater runoff velocity and protect against erosion, plus act as a sediment, nutrient, dust and chemical spray filter. The former DoE recommended a 10 metre firebreak plus 30 metre wide vegetation buffer, separating the spring by 40 metres to the plantation trees. Council resolved to remove recommended conditions for buffer planting.

In 2008 DAFWA advised that a spring may cease flowing either permanently or over the summer and autumn periods, should a whole catchment be planted. DAFWA indicate that CSIRO and DoW published research indicates that only where tree planting covers in excess of 70% of a surface catchment will groundwater levels be significantly reduced, and this impact is most pronounced on local-scale aquifers.

The catchment for the spring on Lot 12 extends approximately 800 metres upslope in a south west direction, potentially of 50 to 60 hectares in area, fully vegetated with either plantation trees or State Forest vegetation. Approximately 25 hectares of the proposed plantation sits within the assumed catchment area.

The critical issue regarding water quantity requires further consideration by DWER through increased research including catchment modelling to determine possible future cumulative impacts of plantations. Plantation proposals need to be assessed against current locations within their sphere of influence and approved only where it can be demonstrated that there will be no negative impact on established intensive agricultural activities especially in areas of priority agricultural value.

Conclusion

The application seeks to re-establish a new blue gum plantation on Lot 12 which has been used as a tree plantation since 1993. Pockets of existing native vegetation are to be retained, particularly surrounding the spring with a 0.5 hectare buffer excluding plantation trees around the spring. Consideration has been given to the importance of the spring and advice previously received from relevant government agencies. Noting the concerns and comments raised by the adjoining neighbours, plus the additional comments provided by the applicant and landowners, it is recommended that development approval be granted subject to standard 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 environment.*

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 policies 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 to waive standard conditions or impose additional conditions pursuant to the Plantation Applications Policy.

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

Requirement	Comment
(yy) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed plantation is consistent with the objective and policies of the Rural 2 – General Agriculture zone under Town Planning Scheme No. 4.
(zz) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed plantation is consistent with the orderly and proper planning of Town Planning Scheme No. 4, and well located within an agricultural area previously used for afforestation. The draft Local Planning Strategy and Local Planning Scheme No. 6 are being prepared.
(aaa) any approved State planning policy;	SPP 2.5 Rural Planning and associated Rural Planning Guidelines are applicable, with the proposed plantation consistent with Policy Objectives 5.6 Tree Farming and Policy Measure 5.12. SPP 2.9 Water Resources is applicable, and noting the comments in the main report, the proposal is generally consistent with relevant policy measures. SPP 3.7 Planning in Bushfire Prone Areas is applicable however appropriate separation to habitable buildings on surrounding properties is satisfied, with bushfire control measures proposed including water points, firebreaks and access tracks.
(bbb) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(ccc) any policy of the Commission;	The proposal is generally consistent with the Warren-Blackwood Regional Planning Strategy and the Warren Blackwood Rural Strategy.
(ddd) any policy of the State;	Not applicable.
(eee) any local planning policy for the Scheme area;	Plantation Applications Policy, see below.

(fff) any structure plan, activity centre plan or local development plan that relates to the development;	Not applicable.
(ggg) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(hhh) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(iii) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(jjj) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	The spring on the eastern boundary flows through adjoining Lot 12 and connects with Caribunup Brook, which is a tributary to the Blackwood River, both named watercourses having Aboriginal Heritage significance. No detrimental effect on the Caribunup Brook or Blackwood River are anticipated.
(kkk) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposed plantation is well located within a rural farming area, and the site of a former plantation, and no detrimental impacts upon local rural amenity are anticipated.
(lll) the amenity of the locality including the following: (vii) environmental impacts of the development; (viii) the character of the locality; (ix) social impacts of the development;	The proposed plantation is well located within a rural farming area, and the site of a former plantation, and no detrimental impacts upon local area are anticipated.
(mmm) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	Noting comments in the main report, no detrimental impacts upon the local environment are anticipated. Having consideration to the Shire's Natural Environment Strategy and Managing the Natural Environment Policy, the proposed development is supported.
(nnn) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Areas of native vegetation have been identified and to be retained.

(ooo) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See bushfire risk above. Noting comments in the main report, there is no evidence of risk by flooding, soil erosion, subsidence or land degradation.
(ppp) the suitability of the land for the development taking into account the possible risk to human health or safety.	Other than operational activities and bushfire issues, no additional risks to human health or safety are anticipated as a result of the plantation.
(qqq) the adequacy of: (v) the proposed means of access to and egress from the site, and (vi) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Glentulloch Road is a good quality gravel road and serves the local district, primarily connecting westwards to South Western Highway, or eastwards to Carburnup Brook Road then north to Tweed Road.
(rrr) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	The expected levels of traffic will be modest during ongoing management, with a high volume of traffic expected during the harvesting periods, which will be in approximately 10 year rotations.
(sss) the availability and adequacy for the development of the following: (xi) public transport services; (xii) public utility services; (xiii) storage, management and collection of waste; (xiv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (xv) access by older people and people with a disability;	Onsite facilities are not considered necessary.
(ttt) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(uuu) the history of the site where the development is to be located;	Noting comments in the report, the subject property has been used as a plantation since 1993.
(vvv) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	No additional impacts are anticipated.
(www) any submissions received on the application;	The objection and concerns raised by the adjoining landowner and additional submissions from the applicant and landowner have been taken into consideration.

(za) the comments or submissions received from any authority consulted under clause 66.	No government agencies were consulted directly regarding this application, however comments regarding a similar issue received in 2008 were reviewed and summarised in the report.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

Policy

- 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 only two water points are proposed to serve the plantation, instead of one water point per compartment.

- 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.

Integrated Planning

➤ Strategic Community Plan

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

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a “can-do” approach to development

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

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

Key Goal 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

Noting the concerns and comments raised by the adjoining neighbours, plus the additional comments provided by the applicant and landowners, it is recommended that development approval be granted subject to standard conditions.

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

Budget Implications

The applicable development application fee has been paid for consideration of this application.

Should Council resolve to determine the application by way of refusal or impose recommended additional conditions and the applicant seeks review through the State Administrative Tribunal, legal costs would be incurred in defence of such decision.

Fiscal Equity – Not applicable

Whole of Life Accounting – Nil

Social Equity – Nil

Ecological Equity

The proposed plantation has the potential to impact upon water quality and quantity of the spring located adjacent to the eastern boundary, and likewise downstream flow. Climate change and a falling rainfall may have a cumulative impact on water resources and survivability of plantation trees. The recommended conditions requiring stormwater management and revegetation buffer planting will limit potential impacts of the plantation proposal.

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 has been given to the suitability of the road network to cater for harvesting traffic.

Should Council resolve to determine the application by way of refusal or impose recommended additional conditions, the applicant may seek review through the State Administrative Tribunal.

Continuous Improvement

The content of the submissions from the neighbours, applicant and landowner has assisted consideration of relevant issues. Review of previous Council decisions and advice provided by relevant government agencies has also assisted consideration of this application.

Delegated Authority

Nil - Officers do not have delegated authority to approve the application as an objection has been received and the recommended conditions of approval do not reflect the concerns raised by the submitter, and the application must therefore be determined by Council.

Voting Requirements – Simple Majority

ITEM NO.	C.27/1019	FILE REF.	A47331
SUBJECT	Proposed Extractive Industry – Large Operation (Gravel)		
PROPONENT	Lundstrom Environmental on behalf of B & J Catalano Pty Ltd		
LANDOWNERS	J & E Gifford		
LOCATION	Lots 963 and 1400 South Western Highway, Glenlynn		
OFFICER	Manager Planning		
DATE OF REPORT	23 October 2019		

- Attachment 23 Locality Plan
- Attachment 24 Submissions
- Attachment 25 Schedule of Submissions
- Attachment 26 Extractive Industry Application/Environmental Management Plan
(Revised Version)

OFFICER RECOMMENDATION: That Council, in relation to the proposed extractive industry – large operation (gravel) on Lots 963 and 1400 South Western Highway, Glenlynn:

1. *Notes the submissions received as per Attachment 24, and staff responses in the Schedule of Submissions as per Attachment 25.*
2. *Notes the content of the Extractive Industry Application and Environmental Management Plan as per Attachment 26, and pursuant to Clause 3.4.2 and Clause 7.6.4 of Town Planning Scheme No. 4 waives provisions of the Shire’s Extractive Industry Policy in relation to operating hours and grants development approval subject to the following conditions:*

Terms of Approval

- (i) This development approval is valid for two years from the date of approval within such time substantial commencement must be undertaken.*
- (ii) This development approval is valid for a total period of five (5) years from commencement of works.*
- (iii) The development must at all times comply with the Shire of Bridgetown-Greenbushes Extractive Industry Policy.*
- (iv) The development must at all times comply with the Extractive Industry Application and Environmental Management Plan, unless otherwise amended by specific conditions included herein.*
- (v) This approval is applicable for the extraction and removal of 193,000m³ of bank gravel, conducted in four stages each not exceeding 5.7 hectares, with four sub-stages each not exceeding 2.0 hectares. It should not be assumed that approval will automatically be issued for subsequent stages outside of this area as such applications will be subject to separate development approval under the Shire of Bridgetown-Greenbushes operative Local Planning Scheme.*

Hours of Operation

- (vi) The hours of operation and movement of haulage trucks in or out of the site shall be limited to Monday to Saturday, 7:00am to 5:30pm only, with no activity or haulage on Sundays or Public Holidays. The operator is responsible to ensure that no plant or equipment including trucks, are turned on or operational (including by way of warm up, cool down or making residual noise after turn-off), outside of these hours, except in exceptional circumstances such as bushfire or another emergency. The Shire reserves the right to impose restrictions on hours of operations in event of valid complaints about noise, dust or other nuisances being received. Any increase in working hours will require specific approval from the Shire of Bridgetown-Greenbushes.*

Excavation and Rehabilitation

- (vii) The average depth of excavation must not exceed 1.25 metres as detailed in the application, is not to intersect the highest known level of ground water, and is to be carried out in accordance with the staging regime shown on the plan.*
- (viii) No onsite blasting is to occur without specific written approval from the Shire of Bridgetown-Greenbushes. Prior to issuing approval for blasting, the Shire will refer the proposal to nearby landowners for comment. The operator is to be aware of the time requirements to obtain Shire approval for blasting.*
- (ix) Rehabilitation to be undertaken in sub-stages of no greater than 2.0 hectares in accordance with the application.*
- (x) Fencing of the extractive areas or property boundaries where applicable to a minimum 4-strand wire standard is to be completed prior to commencement of operations.*
- (xi) Rehabilitation of the land is to occur in accordance with the requirements of the Shire's Extractive Industry Policy and approved application including the Environmental Management Plan.*
- (xii) A rehabilitation bond or other security to the value of \$4,000 (based on \$2,000 per hectare and 2.0 hectare operating sub-stages) is to be*

provided to the Shire of Bridgetown-Greenbushes prior to commencement of excavation operations. This security is to be in accordance with the Shire's Schedule of Fees & Charges applicable at the time of payment and may therefore vary from the quoted figure.

Haulage

- (xiii) Transport of the material off-site is restricted via Lynam Road only and in accordance with the submitted application.*
- (xiv) The operator is to prepare and enter into a legal agreement with the Shire of Bridgetown-Greenbushes, prior to commencement of extraction activity, to ensure the operator agrees to make good any damage or pay any extraordinary expenses incurred by the Shire in repairing damage to Lynam Road caused by haulage of excavated material from the licensed area. The agreement is to be assessed by the Shire's solicitor at the cost of the operator.*
- (xv) The operator shall install and maintain road signs on Lynam Road, warning other road users of trucks entering and using the public road system, prior to commencement of extraction.*
- (xvi) Haulage vehicles to use silencers and air brakes to limit the impact of noise along the haulage route and within built up residential areas.*
- (xvii) At any time in the life of the approval, upon evidence of material being deposited on public roads, the Shire of Bridgetown-Greenbushes reserves the right to require the operator to construct a vehicle wash down pit near the boundary of the subject land and Lynam Road.*
- (xviii) The main internal access road is to be maintained to a sealed standard in good repair, with other internal access tracks constructed and maintained to a gravel standard in good repair.*

Noise Management and Bunds

- (xix) The pit operations are to comply with the Environmental Protection (Noise) Regulations 1997 (WA). A Noise Management Plan and Monitoring Program to be developed and implemented.*
- (xx) Provision of 7.0 metre high bunds for the northern and southern crushing plant locations, as shown in the application and Environmental Management Plan, prior to staged commencement of crushing activities.*
- (xxi) Subject to the construction of a habitable dwelling or other noise sensitive premises being undertaken on any adjoining or nearby land in the vicinity of the operation, the operator must construct an earth bund(s) around the excavation area or crushing plant locations, pursuant to specific professional acoustic advice relative to such premises, to ensure compliance with the Environmental Protection (Noise) Regulations 1997 (WA).*
- (xxii) Unless otherwise approved by the Shire of Bridgetown-Greenbushes the noise bund(s) must be fully constructed within six months from the commencement of construction of such nearby premises, subject to any necessary vegetation clearing approvals being obtained and appropriate dust and noise management compliance.*
- (xxiii) In addition to any other condition, if an officer of the Shire of Bridgetown-Greenbushes inspects the site and is satisfied that any of the operations on the site are generating an unreasonable amount of noise, or that any of those operations are not compliant with any of the conditions relating to noise emissions, the Shire may direct in writing that the activities on*

the site are brought into compliance with this approval, as the case may be. In this condition 'an unreasonable amount of noise' means noise which exceeds the levels assigned by the Environmental Protection (Noise) Regulations 1997 (WA).

Dust Management

- (xxiv) The control of dust emissions from the pit operations is to be in accordance with the application and Environmental Management Plan.*
- (xxv) The operator must undertake, and ensure, that:*
 - (a) all stockpiles of materials, and unsealed access roads or trafficable areas on the site, are watered down or treated and maintained in a manner which minimise the generation of airborne dust;*
 - (b) sufficient water is available on-site to undertake dust suppression and, if necessary, by means of water transported by tanker onto the site;*
 - (c) when winds are sufficiently strong to negate the effects of the dust management, suppression and mitigation measures contained in this condition, the operator must cease operations on the site until conditions improve and compliance can be achieved;*
 - (d) all vehicle loads leaving the site are covered and treated in a manner which minimises the generation of airborne dust particles; and*
 - (e) the speed of trucks moving within the subject property on gravel internal access tracks is limited to 20 kilometres per hour at all times.*
- (xxvi) In addition to any other condition, if an officer of the Shire of Bridgetown-Greenbushes inspects the site and is of the opinion that any of the excavation operations on the site or resource haulage are generating an unreasonable amount of dust, or that any of those operations are not compliant with any of the conditions relating to dust emissions, the Shire of Bridgetown-Greenbushes may direct in writing that the activities on the site and haulage are brought into compliance with this approval, as the case may be. In the above conditions 'an unreasonable amount of dust' means visible dust crossing the site's boundary and visibly excessive dust on the site from the operation, or visibly excessive dust causing a nuisance for road users or nearby residents.*

Other Environmental Management

- (xxvii) Any remnant vegetation outside the excavation area is to be protected from the extraction operations and transport movement at all times.*
- (xxviii) A vegetation clearing permit from the Department of Water and Environmental Regulation (DWER) in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA) must be obtained where necessary, prior to felling of onsite vegetation.*
- (xxix) Any stockpiling of vegetation resulting from clearing of the land and the construction of the bunds shall be classified as trade waste. The cutting, grinding, chipping or mulching of trade waste vegetation to be utilised for soil stabilisation and/or dust suppression onsite must occur behind vegetation screening or bunds (if required) and thereafter maintained. Trade waste vegetation not utilised onsite must be disposed of at an approved landfill site or to licensed timber operators only.*

- (xxx) *Implementation of the Weed Management Plan in accordance with the application and Environmental Management Plan, including compliance with the Shire's Pest Plants Local Law.*
- (xxxi) *No dewatering of the extraction area is permitted without prior approval of the Department of Water and Environmental Regulation.*
- (xxxii) *Implementation of stormwater and drainage management measures as recommended by the Department of Water and Environmental Regulation as detailed in the application and Environmental Management Plan.*
- (xxxiii) *Planting and maintenance of vegetation strips downslope of the proposed detention basins for filtering of dust, sediments and to slow the movement of surface water and prevent erosion, prior to the commencement of extraction.*
- (xxxiv) *Implementation of the Bushfire Management Plan in accordance with the application and Environmental Management Plan.*

Ongoing Reporting and Directions

- (xxxv) *The operator of the site must:*
 - (a) *cause to be kept a complaints log in which the following is to be recorded:*
 - (i) *the date and time, where relevant, of each complaint made and received;*
 - (ii) *the means (telephone, email or mail) by which the complaint was made;*
 - (iii) *any personal details of the complainant that were provided or, if no details were provided, a note to that effect;*
 - (iv) *the nature of the complaint*
 - (v) *the steps or actions taken in, and the timing of, the response to each complaint, including any follow-up contact with the complainant; and*
 - (vi) *if no actions or steps were taken in relation to the complaint/enquiry, the reason(s) why no actions or steps were taken;*
 - (b) *respond as soon as practical, and in any event within three working days, to any complaint received;*
 - (c) *provide the complaints log to the Shire of Bridgetown-Greenbushes upon request.*
- (xxxvi) *The operator must alter the operation of the site or the manner in which the use is carried out as reasonably directed in writing by the Shire of Bridgetown-Greenbushes, in response to any comments and recommendations agreed to between the operator and the Shire, and the operation of the site or the use shall thereafter be carried out in accordance with any such reasonable direction.*
- (xxxvii) *Where the carrying on of an extractive industry on the site permanently ceases or the term of approval expires or is cancelled, the proponent must lodge correspondence with the Shire of Bridgetown-Greenbushes and the following information demonstrating compliance with the approval:*
 - (a) *Fee as per the Shire's Schedule of Fees and Charges*
 - (b) *A survey plan and licensed surveyor's certificate showing the contours of the excavation carried out to the date of that application, and the*

volume of material extracted, stockpiled and/or transported from the site.

(c) Details of the works, excavation and rehabilitation stages reached, and timing for completion of rehabilitation.

Advice Note: The provision of onsite ablution facilities for staff is suggested or alternative arrangements made for the convenience of staff.

Advice Note: A building permit may be required from the Shire of Bridgetown-Greenbushes prior to construction of any onsite amenities buildings.

Advice Note: The proponent is to liaise with the Public Transport Authority regarding any requirements for use of Lynam Road and the existing railway level crossing.

Advice Note: Applicants are advised that the CEO reserves the right to undertake random monitoring from time to time during the operational life of extractive industry and during the rehabilitation phase; use a 'call in' power to require the submission of additional information where legitimate issues arise (ie. survey to confirm volumes of extraction, noise assessment report, traffic impact study, etc); and issue infringements, initiate compliance action or seek prosecution against the applicant, operator or landowner where a breach of the development approval or operative local planning scheme is substantiated. Where an operator is found to have breached elements of the approval, such as the progressive and final maximum approved areas and/or volumes of extraction for example, maximum penalties and/or infringements may be applied pursuant to the Planning and Development Act 2005.

Advice Note: DWER advises that if any interception of groundwater occurs at anytime during the extractive industry operation, work shall cease immediately and on advice provided to the Shire within 48 hours, followed by agreed remedial action.

Advice Note: The proponent is to contact DWER regarding any necessary Works Approval for a 'prescribed premises' pursuant to Part V Division 3 of the Environmental Protection Act 1986.

Summary

An application has been received from Lundstrom Environmental, on behalf of proponents B & J Catalano Pty Ltd, seeking development approval to continue an extractive industry on Lot 1400 South Western Highway, Glenlynn, plus expand the operation into adjoining Lot 963. The application seeks approval for the extraction and removal of 193,000m³ bank gravel from four stages over a five year period. The application also seeks approval for a start time of 7:00am, as a variation to start time of 7:30am prescribed in the Shire's Extractive Industry Policy.

Noting the content of submissions received from adjoining landowners and government agencies, and the content of the supporting application and revised Environmental Management Plan, it is recommended that Council grants development approval for the proposed extractive industry subject to standard and special conditions including a variation to the operating hours.

Background

In relation to Lot 1400 only, Council in December 2001 resolved to support development approval and an extractive industry licence (issued on 7 January 2002) for the extraction of up to 100,000m³ bank (in ground) gravel over a ten year period. Council in August 2012 then resolved to support development approval and an

extractive industry licence (issued on 11 September 2012) for the extraction of 105,000m³ of bank gravel over a five year period. That approval lapsed on 11 September 2017 with 27,636m³ of stockpiled loose gravel plus 7,500m³ of bank gravel remaining.

Most recently, Council in June 2018 resolved to support development approval (issued on 6 July 2018) for the extraction and removal of 166,500m³ bank gravel plus removal of 27,636m³ of stockpiled loose gravel over a five year period. The approval also permitted an earlier operating time commencing at 6:30am as a variation to the 7:30am start time prescribed in the Shire's Extractive Industry Policy. This approved operation is continuing on Lot 1400 and is valid until 6 July 2023.

The applicant in late 2018 approached the Shire seeking to lodge an amended proposal to expand the operation on Lot 1400 and on adjoining Lot 963, for an additional 193,000m³ of bank gravel. Shire staff advised that a new development application was required given the size of the proposed extraction and that the operation related to an adjoining separate parcel of land.

The development application was lodged by Lundstrom Environmental in December 2018, on behalf of proponents B & J Catalano Pty Ltd, seeking approval for a five year period and extraction and removal of 193,000m³ bank gravel. Shire staff worked with the applicant over the intervening period to modify the application to address the requirements in the Extractive Industry Policy, prior to commencement of public consultation, discussed below.

The properties are zoned 'Rural 2 – General Agriculture' under the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4 (TPS4) and have a total lot area of approximately 151.7009 hectares. Extractive Industry is listed as an 'AA' use within this zone, meaning that the use is not permitted unless development approval is granted following public consultation where considered necessary.

The applicant has submitted a detailed application including an Environmental Management Plan (see Attachment 26) as required by the Shire's Extractive Industry Policy, including supporting information on surface and ground water, dust, visual amenity, traffic and noise impacts, plus management plans addressing weeds, spills and bushfire risk.

Public Consultation

The proponent undertook preliminary consultation with Main Roads WA with supportive comments received in October 2018 (see Appendix 5 in the application) prior to lodgement.

The Shire undertook formal public consultation in accordance with Town Planning Scheme No. 4, the Shire's Extractive Industry Policy and Community Engagement/Consultation Policy. Correspondence and a full copy of the application report was forwarded to the landowners of thirteen surrounding private properties, plus four government agencies being DWER, Western Power, Public Transport Authority (PTA) and Main Roads. An advertisement was published in the Manjimup-Bridgetown Times on 7 August 2019 and notices displayed on the Shire's website and noticeboards, inviting written submissions up to and including 29 August 2019.

Correspondence was received from four surrounding landowners, one in objection, two with concerns and one in support. In general the issues or concerns raised related to the potential impacts of traffic, noise, dust, operating times and views upon local amenity and environment; compliance of the current operation; and perceived lack of accountability. The comments are summarised and staff responses included in the Schedule of Submissions (see Attachment 25).

Correspondence was received from Main Roads WA and Western Power raising no objection to the proposal. A late submission was received from DWER (with agreement by Shire staff) on 11 September 2019, with DWER liaising directly with the applicant to assist with modifications to the application to address best practice surface water management.

Western Power provided standard advice that any works in high risk areas near transmission or communication assets act in a safe manner in accordance with applicable requirements.

Correspondence from DWER (South West Region office) has been summarised in the Schedule of Submissions (see Attachment 3). Generally, DWER considers any risk to groundwater resources as negligible, however the risk to surface water resources is adjudged as moderate, particularly from turbid runoff with potential for sedimentation downstream, with best management practice supported.

The comments are noted with the responsibility for compliance resting with the operators and enforcement by the Shire and a copy of the submissions are available for the proponent either through the Shire's website or upon request.

Officer Comments

Lots 963 and 1400 are located approximately 5 kilometres by road south of Bridgetown, owned by J & E Gifford. The proposal seeks to excavate the stony gravel deposit at the top of the hill, and crush it on-site using a mobile crushing plant in four annual staged campaigns. Transport of the crushed material via an internal haulage road through adjoining Lot 4 (also owned by J & E Gifford) to Lynam Road, connected by a 130 metre section of sealed road to South Western Highway. The internal haulage road is a private road and has been constructed to a sealed standard. Loading and offsite cartage north or south via South Western Highway will occur as demand warrants.

Haulage trucks will consist of 14 tonne standard rigid trucks, 24 tonne semi-loader trucks, 40 tonne truck and dog combination, and 50 tonne road trains, with the 40 tonne and under trucks constituting approximately 70% of the vehicle movements. The proposed operation is expected to generate on average 10 loaded movements per day (or 20 in total in and out). The combined total extraction including the current operation is estimated to be 71,900m³ (147,000 tonnes) per year. Based on 24 working days a month, an average of 36 truck movements (in and out) per day is estimated, dependent upon demand.

Operating times are proposed on Monday to Saturday between 7:00am to 5:30pm, with no work conducted on Sundays or Public Holidays. Under the Extractive Industry Policy operating hours are to be limited to 7:30am to 5:30pm, however the application is seeking a policy variation to commence operations at 7:00am, and

finish at the regular 5:30pm. This variation to the operating hours was highlighted in the public notice and referral letters, with only one objection raised from a nearby landowner to the earlier start time and operation on Saturday afternoons, discussed in the Schedule of Submissions and below.

As stated above, the current operation on Lot 1400 only has approved operating times of 6:30am to 5:00pm Monday to Saturday, with no objections received when advertised prior to determination by Council in June 2018. Under Town Planning Scheme No. 4 and the Extractive Industry Policy the Shire can impose restrictions or vary operating time on the extractive industry licence pertaining to hours during which excavation work or processing plant may be carried out, such as the restricted carting during periods of heavy fog. It is considered reasonable to prohibit excavation and carting on Sundays and Public Holidays, unless special one-off approval is granted by the Shire in advance, with the 7:00am start time also considered reasonable.

The application seeks approval for extraction in four stages (labelled as Stages 5 to 8 in Figure 4 of the application), each between 4.0 ha to 5.7 ha, with an estimated yield between 40,000m³ to 57,000m³ of gravel. Each stage is divided into two or three sub-stages of 1.8 ha to 2.0 ha each, with progressive rehabilitation to occur as each sub-stage is extracted.

Topsoil and overburden will be stockpiled separately in sub-stages to be used during staged rehabilitation. Following extraction and rehabilitation the finished surface will be on average 1.0 metre lower than original ground level, returned to pasture for grazing. Rehabilitation will be progressive and no more than 2.0 ha will be open at one time, with rehabilitation using stockpiled topsoil and re-sowing of pasture. A rehabilitation bond of \$2,000 per hectare must be paid by the proponent should approval be granted, in accordance with the Shire's Schedule of Fees and Charges.

As detailed in the Environmental Management Plan (EMP), the project seeks to manage storm water run-off through use of containment bunds, detention ponds and contour drains/banks, to alleviate any impacts on nearby watercourses and ultimately the Blackwood River. No abstraction of groundwater is proposed and the extraction depth will be approximately 1.25 metres below the current ground surface. Given the depth of groundwater table is estimated to be 15 to 20 metres below the surface, that no fuel or lubricants will be stored onsite, and that refuelling will take place using a mobile vehicle, there are no anticipated detrimental impacts upon groundwater levels or contamination. A Weed Management Plan, Spill Management Plan and Bushfire Management Plan have also been included in the EMP.

Table 1 of the EMP shows the staged extraction, crushing and removal of resource and follow up rehabilitation, ending in 2024 if commencement is undertaken in 2019. There will be no blasting, and crushing and screening will be undertaken in four campaigns of approximately 48,250m³ depending upon demand, once each year and for an approximate six week period. Machines onsite will consist of crushers, screening plants, front-end loaders or dozers, generators, haulage trucks and utilities/cars. One northern and one southern crusher locations have been nominated, with a 7.0 metre high bund proposed for both crusher sites.

The expected noise from crushing will be for only short periods of time, and noise from general extraction and earthmoving activities is expected to be low. A new

Noise Assessment (Appendix Four in Attachment 26) was finalised in June 2019, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997, with noise bunding required for the northern and southern crusher sites to mitigate noise impacts on nearby residents. Importantly, based on findings from an earlier noise assessment undertaken in November 2018 the footprint of the intended extraction area was reduced as installation of noise bunds along the steeper slopes of the western boundary was deemed impractical to satisfy the noise regulations.

The operation will be generally screened from South Western Highway due to the natural topography, with the activities generally on the western side of the plateau/hill. Little vegetation screening exists within the property on the western, northern or southern sides of the proposed excavation site. Some vegetation screening is located within South Western Highway reservation to the north and north-east. Given the short time frame for each stage of extraction (approximately 12 to 18 months only) planting of screen vegetation around the perimeter of extraction areas and on the overburden noise bunds is not considered necessary.

Whilst the Shire's Extractive Industry Policy stipulates a maximum 3.0 metre height for overburden mounds and stockpiles, and 2.0 metres for top soil mounds and stockpiles, the Policy does not regulate the height of noise bunds. Whilst the proposed 7.0 metre height noise bunds for the northern and southern crusher sites will consist of stockpiled materials, the bunds serve a specific purpose to reduce the noise impacts during the expected annual six week crusher programs. Whilst the noise bunds will be noticeable in the landscape they are necessary to comply with the noise regulations should onsite crushing ultimately be supported.

Section 5.6 Landscape Impact of the application states that local topography and roadside vegetation renders the majority of the proposed extraction area largely not visible from South Western Highway and nearby residences. The applicant does acknowledge that the proposal may create some minor short-term visual amenity impacts in a few areas, however following rehabilitation there will be little evidence of the extraction.

A detailed landscape impact assessment has been undertaken by the applicant as required under the Shire's Policy. Computer modelling created six topographic profile views (see Figures 5, 6 and 7 in the EMP) to assist assessment of potential visual impacts upon residences within 1000 metres of the proposed operation. Furthermore, six view areas were chosen along the highway marked on Figure 5 in the application, plus twelve photographs or 'plates' taken from Google Earth along South Western Highway (see Appendix 8 of the EMP).

Table 4 in the application concludes that there may be some minor visual impact to the local area and existing residences, with activity partly screened by existing roadside vegetation, natural topography or proposed noise bunds. The applicant states that due to the earthy red colour of stockpile bunds, they only represent a minor visual disturbance.

Table 5 in the application concludes that the majority of the extraction area will not be in the line of sight to nearby residences, although the stockpile noise bunds will be visible from some residences. Minor visual impact has been identified for Residence 3 (Lot 1 Rifle Range Road, Submitter 5 in the Schedule of Submissions). The dwelling on Lot 1 is separated by approximately 830 metres from final Stage 8

and the northern crusher noise bund, with a height difference of approximately 50 metres relative to the Australian Height Datum. There is also a row of native trees within an unconstructed road reserve along the southern boundary of Lot 1 helping to provide screening of the subject operation.

Minor visual impact has also been assessed for Residence 7 (Lot 78 South Western Highway, Submitter 4 in the Schedule of Submissions) with the closest dwelling on the property separated by approximately 800 metres to the final Stage 8 and the northern crusher noise bund. Submitter 4 has not raised any objection to the proposal. Whilst Residence 1 on subject Lot 963 may also be affected it has been classed a caretaker residence and any impacts generally dismissed.

DWER recommended changes to the EMP to better address storm water management and surface water protection. The applicant has already provided a revised EMP with Section 5.3 Water updated using runoff coefficients to calculate detention pond storage compliant with the new Water Quality Protection Note No. 15. Given the depth of groundwater table is estimated to be 15 to 20 metres below the surface, the proposed 1.5 metre deep extraction is unlikely to intercept the groundwater. DWER also advised that the proponent will need to obtain a Works Approval from DWER under the Environmental Protection Act 1986 for a prescribed premises, with the approval to regulate the emissions associated with the crushing and screening operations (such as dust, noise and contaminated storm water).

Section 5 Potential Environmental Impacts and Proposed Management in the EMP, and specifically 5.3 Water, has already been modified to reflect advice from the Department of Water and Environmental Regulation (DWER), with the final EMP presented to Council (see Attachment 26).

No impacts on threatened or rare flora/fauna are envisaged and a rare fauna or flora survey is not considered necessary for this proposal. The spread of dieback is not considered to be a concern as there is no onsite evidence nor has DWER indicated the need for any dieback control in previous applications.

Conclusion

Although noting the concerns raised by three surrounding landowners, and comments from relevant government agencies, given the details in the revised Environmental Management Plan and recommended conditions the expected impacts of the proposed gravel extraction can be addressed appropriately. The proposed earlier operating start time of 7:00am in lieu of the required start time of 7:30am under the Extractive Industry Policy is considered reasonable, and it is therefore recommended that development approval be granted subject to standard and special conditions.

Statutory Environment

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

Clause 4.3.2 of Town Planning Scheme No. 4, applicable to the Rural 2 zone states: *“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 Control.

Council’s Policies will therefore be to (in part):

- (c) support and assist in studies of land use and management which may be desirable and appropriate;*
- (d) promote the introduction of new and/or improved agricultural practices;*
- (e) permit, subject to adequate location and controls, establishment of uses of a tourist or recreational nature, and where appropriate, additional residential settlement;”*

The objectives and policies applicable to the zone would allow a variety of rural uses including extractive industry, residential and tourist uses, where the location of such uses is considered appropriate. The proposed extractive industry is suitably located without having detrimental impacts upon surrounding rural landholdings.

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 to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been considered. A minor variation to the Extractive Industry Policy to permit the earlier start time of 7:00am in lieu of the start time of 7:30am is considered reasonable in this case.

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

Requirement	Comment
(xxx) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed extractive industry is consistent with the objective and development policies of the Rural 2 – General Agricultural zone under Town Planning Scheme No. 4.
(yyy) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed extractive industry is reasonably located, noting proximity to and potential minor visual impact to nearby dwellings. The proposal is generally consistent with the orderly and proper planning of Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is currently being prepared.
(zzz) any approved State planning policy;	SPP 2.5 Rural Planning and Rural Planning Guidelines are applicable with the proposal consistent.
(aaaa) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(bbbb) any policy of the Commission;	Basic Raw Materials Fact Sheet and Basic Raw Materials Applicant’s Checklist. Noted.

(cccc) any policy of the State;	Not applicable.
(dddd) any local planning policy for the Scheme area;	Both the Natural Environment Strategy and Managing the Natural Environment Policy identify environmental issues to be considered and addressed including water quality and quantity, air quality, etc. Based on the application and EMP the proposal is considered consistent with the objectives of the Strategy and Policy. The Shire's Extractive Industry Policy is also applicable. See below.
(eeee) any structure plan, activity centre plan or local development plan that relates to the development;	Not applicable.
(ffff) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(gggg) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(hhhh) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(iiii) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(jjjj) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	Noting the content of the application and conditions to be applied the proposal is acceptable.
(kkkk) the amenity of the locality including the following: (x) environmental impacts of the development; (xi) the character of the locality; (xii) social impacts of the development;	Noting the content of the application and conditions to be applied no detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated, and the proposal is acceptable.
(llll) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	Noting the content of the application and conditions to be applied, no detrimental impacts upon the local environment are anticipated, and the proposal is acceptable.
(mmmm) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Landscaping of the noise bunds is not considered necessary, with rehabilitation of extraction areas back to grazing land a condition of approval.

<p>(nnnn) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</p>	<p>Portions of the subject lots and access road through adjoining Lot 4 to the east are within the designated bushfire prone area. The proposed extractive industry operation does not include a habitable structure onsite, nor is it classified as minor development or a vulnerable land use. Assessment therefore under SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas is not applicable. A Bushfire Management Plan has been included in the application to address the escape of onsite workers during a bushfire emergency.</p> <p>There is no evidence of flooding, landslip or other environmental risks. Noting the content of the application and conditions to be applied, no detrimental impacts upon the local environment are anticipated, the proposal is acceptable.</p>
<p>(oooo) the suitability of the land for the development taking into account the possible risk to human health or safety.</p>	<p>Noting the content of the application and conditions to be applied, no unsurmountable risks to human health or safety are anticipated, and the proposal is acceptable.</p>
<p>(pppp) the adequacy of: (vii) the proposed means of access to and egress from the site, and (viii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>Noting the content of the application the direct access through the adjoining property to Lynam Road and South Western Highway is acceptable.</p>
<p>(qqqq) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>Noting the content of the application the direct access through the adjoining property to Lynam Road and South Western Highway, the expected level of traffic is acceptable.</p>
<p>(rrrr) the availability and adequacy for the development of the following: (xvi) public transport services; (xvii) public utility services; (xviii) storage, management and collection of waste; (xix) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (xx) access by older people and people with a disability;</p>	<p>Not applicable.</p>
<p>(ssss) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p>	<p>Noting the content of the application, no loss of any community service or benefit is anticipated.</p>
<p>(tttt) the history of the site where the development is to be located;</p>	<p>The previous use of the site for gravel extraction since 2002 is acknowledged.</p>

(uuuu) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Noting the content of the application and conditions to be applied, no detrimental impacts upon the local environment are anticipated, and the proposal is acceptable.
(vvvv) any submissions received on the application;	Four submissions were received from surrounding landowners, one in objection, two with concerns and another in support. See Schedule of Submissions.
(za) the comments or submissions received from any authority consulted under clause 66.	Three submissions were received from relevant authorities, two with support and one with recommended conditions.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

- Environmental Protection (Noise) Regulations 1997

The proponent must comply with the Environmental Protection (Noise) Regulations 1997, as confirmed in the EMP. An updated Noise Assessment (June 2019) has been provided to address issues identified in an earlier report (November 2018), taking into consideration existing dwelling, locations of crusher plants and overburden noise bunds, and minor reduction in the operational area to ensure compliance. Should new noise sensitive premises (ie. dwellings) be constructed in proximity to the operation, and unduly affected by noise, it is the responsibility of the operator to modify the activities or implement measures to ensure compliance with the regulations.

Policy Implications

- Shire of Bridgetown-Greenbushes Extractive Industry Policy

The proposal is consistent with the requirements for Standard – Large Operation extractive industry application with all necessary information provided within the Extractive Industry Application and Environmental Management Plan.

- Shire of Bridgetown-Greenbushes Natural Environment Strategy

The Strategy identifies environmental issues to be considered and addressed including water quality and quantity, air quality, etc. Based on the application and EMP the proposal is considered consistent with the objectives of the Strategy.

- Shire of Bridgetown-Greenbushes Managing the Natural Environment Policy

The Policy identifies environmental issues to be considered and addressed including water quality and quantity, air quality, etc. Based on the application and EMP the proposal is considered consistent with the objectives of the Policy.

Integrated Planning

- Strategic Community Plan 2017

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

Objective 1.2 A proactive approach to business development

Strategy 1.2.1 Embrace a “can-do” approach to development

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

Objective 2.6 Development is sympathetic to the landscape

Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities

Key Goal 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

The proposed extractive industry operation will provide additional employment opportunities and supply an important construction resource within the Shire and surrounding region. The proposed extractive industry is not expected to have any significant detrimental impacts upon the local environment or rural amenity.

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

Budget Implications

- The development application fee and policy variation fee for the application has been received.
- Should approval be granted a Rehabilitation Bond of \$2,000 per hectare of extraction area (total \$4,000) will be required.

Fiscal Equity – Not applicable

Whole of Life Accounting

The proponent would be responsible to maintain Lynam Road for the term of extractive activities. Post closure of the operation, the Shire would then be responsible to maintain any new assets, no different to any other sealed road of that length.

Social Equity – Not applicable

Ecological Equity

The proposal has potential to impact the local environment due to dust emissions, noise and surface water run off. Implementation of appropriate management measures as detailed in the EMP can ameliorate or limit any potential impacts.

Cultural Equity – Not applicable

Risk Management

Approval of the extractive industry proposal does not increase the Shire's risk management profile as the development is to be conducted on private land. Consideration has been given to the suitability of the road network to cater for haulage traffic, with maintenance the responsibility of the operator.

The proposal appears compliant with the Environmental Protection (Noise) Regulations 1997 (WA) and other relevant regulations, with a separate prescribed premises Works Approval likely required from the Department of Water and Environmental Regulation.

Should Council resolve to determine the application by way of refusal or impose recommended additional conditions, the applicant may seek review through the State Administrative Tribunal.

Continuous Improvement

The submissions received during the public consultation processes demonstrate the limited level of opposition to the proposal, plus comments from service agencies assisted application of conditions.

Delegated Authority

Nil. Given the objection and comments received from surrounding landowners, plus the proposed policy variation regarding operating times, Council determination is required.

Voting Requirements – Simple Majority

Community Services - Nil

Receival of Minutes from Management Committees – Nil

Urgent Business Approved by Decision

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice

Notice of Motions for Consideration at the Next Meeting

Matters Behind Closed Doors (Confidential Items)


Closure

The Presiding Member to close the Meeting

List of Attachments

Attachment	Item No.	Details
1	C.02/1019	Special Meeting Minutes – 21 October 2019
2	C.10/1019	Draft 'Fire Permit Issuing' Policy
3	C.12/1019	Instrument of Appointment & Delegation 2019-21 - Audit Committee
4	C.13/1019	Instrument of Appointment & Delegation 2019-21 - Bush Fires Advisory Committee

5	C.14/1019	Instrument of Appointment & Delegation 2019-21 - Local Emergency Management Committee
6	C.15/1019	Instrument of Appointment & Delegation 2019-21 - Roadwise Advisory Committee
7	C.16/1019	Instrument of Appointment & Delegation 2019-21 - CEO Performance Review Committee
8	C.17/1019	Instrument of Appointment & Delegation 2019-21 - Access & Inclusion Advisory Committee
9	C.18/1019	Instrument of Appointment & Delegation 2019-21 - Sustainability Advisory Committee
10	C.19/1019	Instrument of Appointment 2019-21 - Trails Development Advisory Committee
11	C.20/1019	Instrument of Appointment 2019-21 – Youth Services Advisory Committee
12	C.22/1019	Rolling Action Sheet
13	C.23/1019	September 2019 Financial Activity Statements
14	C.23/1019	List of Accounts Paid in September 2019
15	C.24/1019	Location Plan
16	C.24/1019	Proposed Plans/Applicant's Submission
17	C.25/1019	Location Plan
18	C.25/1019	Applicant's Submission/Site Plan/Photographs
19	C.26/1019	Location Plan
20	C.26/1019	Neighbour's Submission
21	C.26/1019	Applicant and Landowner Submissions
22	C.26/1019	Proposed Application
23	C.27/1019	Locality Plan
24	C.27/1019	Submissions
25	C.27/1019	Schedule of Submissions

Agenda Papers checked and authorised by T Clynych, CEO		24.10.19
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