

Council Minutes Index – 23 September 2020

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Minutes of an Ordinary Meeting of Council held in Council Chambers on Wednesday, 23 September 2020 commencing at 5.30pm

The Presiding Member opened the Meeting at 5.30pm

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional 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 - P Quinby - A Wilson
In Attendance	- T Clynch, Chief Executive Officer - M Larkworthy, Executive Manager Corporate Services - E Denniss, Executive Manager Community Services - T Lockley, Executive Assistant
Apologies	- Cr A Pratico

Attendance of Gallery

C Perkins, J Fletcher, T Wheeler (MB Times)

Responses to Previous Questions Taken on Notice - Nil

Public Question Time - Nil

Petitions/Deputations/Presentations

Presentation

Henry Nouwen House Inc.

Comments on Agenda Items by Parties with an Interest

C Perkins - C.08/0920 Application for Retrospective Approval for Cottage Industry (Woodcraft)
Mr Perkins spoke in support of the Officer Recommendation

Applications for Leave of Absence - Nil

Confirmation of Minutes

C.01/0920 Ordinary Meeting held 27 August 2020

A Motion is required to confirm the Minutes of the Ordinary Meeting of Council held 27 August 2020 as a true and correct record.

Council Decision *Moved Cr Wilson, Seconded Cr Quinby
C.01/0920 That the Minutes of the Ordinary Meeting of Council held 27 August 2020 be confirmed as a true and correct record.*

Carried 8/0

Announcements by the Presiding Member Without Discussion - Nil

Notification of Disclosure of Interest

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

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

Nil

Questions on Agenda Items by Elected Members - Nil

Consideration of Motions of which Previous Notice has been Given - Nil

Reports of Officers

Reports of Officers have been divided into Departments as follows:

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

CEO's Office

ITEM NO.	C.02/0920	FILE REF.	203
SUBJECT	Annual Review of Council Delegations		
OFFICER	Chief Executive Officer		
DATE OF REPORT	15 September 2020		

- Attachment 1 Current Delegation Register (Council to CEO) with proposed changes marked as track changes
- Attachment 2 Proposed (Updated) Delegation Register – Council to CEO

OFFICER RECOMMENDATION

That Council adopts the updated 'Delegation Register - Council to Chief Executive Officer' as shown in Attachment 2.

Summary/Purpose

Section 5.46(2) of the Local Government Act 1995 requires Council to review its delegations at least once every financial year.

Background

Section 5.16 of the Local Government Act allows a local government to delegate powers to Committees, other than the power of delegation. Similarly, Section 5.42 of the Local Government Act allows a local government the ability to delegate powers to its CEO.

A local government which delegates powers to its CEO or Committees is to carry out a review of all Delegations during each financial year.

➤ Delegations to Committees

There are currently no Delegations to Council Committees.

➤ Delegations to CEO

A comprehensive review of delegations has been conducted and this included liaison with WALGA and access to WALGA's template delegation register for use by local governments that prescribe to its Governance service.

This approach has led to a number of new delegations being proposed, removal of some existing delegations and amendments to some existing delegations. A list of these is shown below. Also the Delegation Register has been modified to add in new sections of 'Bush Fire Control' and 'Animal Control' rather than retaining those delegations in the 'Other' section.

Proposed New Delegations

- B.1 – Building and Demolition Permits
- B.2 – Occupancy Permits or Building Approval Certificates
- B.3 – Building Orders
- B.4 – Inspection and Copies of Building Records
- B.5 – Private Pool Barrier Alternative and Performance Solutions
- B.6 – Smoke Alarms Alternative Solutions
- BF.2 – Cost Recovery for Fires

- BF.3 – Works Orders for Properties Non-Compliant to Firebreak and Fuel Hazard Reduction Notice
- AC.1 – Cat Registrations
- AC.2 – Cat Control Notices
- AC.3 – Approval to Breed Cats
- AC.4 – Recovery of Costs – Destruction of Cats
- AC.5 – Application to Keep Additional Cats
- AC.6 – Dog Registrations
- AC.7 – Kennel Establishments
- AC.8 – Recovery of Moneys under the Dog Act
- AC.9 – Dispose of or Sell Dogs Liable to be Destroyed
- AC.10 – Declaration of a Dangerous Dog
- AC.11 – Objections to Dangerous Dog Declaration or Seizure
- AC.14 – Disposal of Sick or Injured Animals
- O.1 – Compensation of Seized Food Items
- O.2 – Food Business Prohibition Orders
- O.3 – Food Business Registrations
- O.4 – Food Act Debt Recovery and Prosecutions
- O.10 – Declaration of a Vehicle as an Abandoned Vehicle
- O.11 – Confiscated or Uncollected Goods
- O.15 – Removal of Graffiti

Delegations Recommended to be Removed

- Formerly F.8 – Budget Expenditure (reason: the subject matter is operational)
- Formerly F.9 – Acceptance of Tenders (reason: all tender requests will be presented to Council for determination)
- Formerly B.1 – Powers & Duties Building Act 2011 - CEO (reason: replaced by new building delegations)
- Formerly B.2 – Powers & Duties Building Act 2011 – Principal Building Surveyor (reason: replaced by new building delegations)
- O.3 – General Orders (reason: replaced by new Delegation BF.3)
- O.4 – Removal of Hazards (reason: replaced by new Delegation BF.3)
- O.11 – Administration of the Cat Act (reason: replaced by more specific delegations)
- O.12 – Administration of the Dog Act (reason: replaced by more specific delegations)
- O.14 – Impounding of Goods including Abandoned Vehicles (reason: replaced by new Delegations O.10 and O.11)
- O.16 – Administration of the Food Act (reason replaced by new Delegations O.2, O.3 and O.4)

Delegations Recommended for Amendment

- F.4 – Contract Variations (reason: include contract extensions where included in procurement process)
- F.5 – Tenders for Providing Goods & Services (reason: more thorough explanation of functions under this delegation)
- I.3 – Temporary Closure of Thoroughfares (reason: adding note that the delegation includes closure of a thoroughfare to particular classes of vehicles)

- P.6 – Subdivisional Road Names (reason: adding wording to confirm that this delegation is only applicable to new roads created via subdivision and not the naming/renaming of existing roads)
- BF 1 (formerly O.1) – Firebreak and Fuel Hazard Reduction Notice Variation (reason: change of title to reflect updated name of Firebreak and Fuel Hazard Reduction Notice)

A new section has been added to the header of each delegation setting out the record keeping requirements to be followed by each staff member provided on-delegation.

Statutory Environment

Local Government Act 1995 – Sections 5.42 – 5.48

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. * Absolute majority required.
- (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.

5.43. Limits on Delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of Delegation.
- (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its Delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a Delegation under this section.
- (5) In subsections (3) and (4) —

“conditions” includes qualifications, limitations or exceptions.

5.45. Other matters relevant to Delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a Delegation made under this Division has effect for the period of time specified in the Delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a Delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, Delegations to CEO's and employees

- (1) The CEO is to keep a register of the Delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, Delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Integrated Planning

- Strategic Community Plan
 - Key Goal Area 5 – Our leadership will be visionary, collaborative and accountable
 - Objective 5.2 - We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.3 - Ensure organisational capability
- 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

Many of the delegations contained within the Council Delegation Register relate back to Policy and Local Laws which have been set by Council to enable officers to work effectively in line with Council's requirements.

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management

Council needs to be satisfied that appropriate policy, strategy and direction have been provided to the CEO and staff for effective decisions to be made under delegated authority.

Voting Requirements – Absolute Majority

***Council Decision Moved Cr Moore, Seconded Cr Bookless
C.02/0920 That Council adopts the updated 'Delegation Register - Council to Chief Executive Officer' as shown in Attachment 2.***

Absolute Majority 8/0

ITEM NO.	C.03/0920	FILE REF.	206
SUBJECT	Wards And Representation Review		
PROPONENT	Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	11 September 2020		

Attachment 3 Ward & Councillor (Elected Members) Representation Discussion Paper 2020
Attachment 4 Public Submissions (x 3)

OFFICER RECOMMENDATION

That Council:

- 1. Note the three submissions received (Attachment 4) on the Wards and Representation Review 2020.*
- 2. Submit a proposal to the Local Government Advisory Board under Sections 2.2 and 2.18 and Schedule 2.2 of the Local Government Act seeking amendments to the boundaries of the existing Two-Ward system (North Ward and South Ward), as per Option A of the Wards And Representation Review Discussion Paper 2020.*
- 3. Retain the naming of the wards as North Ward and South Ward.*

Summary/Purpose

In March 2020 Council endorsed a Ward & Councillor (Elected Members) Representation Discussion Paper (refer Attachment 3) for the purpose of proceeding to the statutory community consultation period required for a review of ward boundaries and councillor representation.

Statutory advertising of the Ward and Representation Review occurred and a total of three submissions were received.

Background

Every local government is required to conduct a review of its ward boundaries and system of representation every eight years pursuant to the provisions of the Local Government Act 1995. The Shire of Bridgetown-Greenbushes last conducted a review in 2014/15 where a decision was made to retain the number of elected members as 9 and make minor changes to the boundaries of the North and South Wards in order to have a consistent ratio of electors to elected members in both wards.

Ordinarily Council wouldn't be required to carry out another review of its ward boundaries until 2022/23 however Council at its ordinary meeting held on 28 November 2019 resolved:

C.02/1119 That the CEO report back to Council on conducting a review of our ward boundaries, including an option of having no wards.

A Discussion Paper used to facilitate community engagement on such a review was presented to Council's ordinary meeting held on 26 March 2020 where the following was resolved:

C.06/0320 That Council endorses the Ward & Councillor (Elected Members) Representation Discussion Paper 2020 for the purpose of proceeding to the statutory six week community consultation period required for a review of ward boundaries and councillor representation.

Clause 7 of Schedule 2.2 of the Local Government Act 1995 states that before carrying out a review of ward boundaries and number of offices of councillor a local government is to give public notice advising that the review is to be carried out and that submissions may be made to the local government for a period of six weeks from the date of the public notice.

The purpose of the review is to assess the arrangements in place for the ward boundaries and representation that is most appropriate and best suits the characteristics of the Shire of Bridgetown-Greenbushes and its electors and residents. As a result of the Review, Council may propose any of the following:

- Creating new wards;
- Changing ward boundaries;
- Abolishing any or all wards;
- Changing the name of a district or a ward;
- Changing the number of Councillors; and/or
- Specifying or changing the number of offices of Councillor for a ward.

Council is to have regard to the following factors when determining its position:

- Community of interests;
- Physical and topographic features;
- Demographic trends;
- Economic factors; and
- The ratio of councillors to electors in the various wards.

The Local Government Advisory Board advises that the last factor, the ratio of councillors to electors, is always significant in the consideration of proposed changes. It further advises that it is expected that each local government will have similar ratios across its wards. The Minister for Local Government has indicated he will not consider changes to ward boundaries and councillor representation that result in representation where any ratio in a ward is greater than plus or minus 10% of the average councillor/elector ratio for that local government.

The Local Government Advisory Board views the other four factors as having less relevance to the particular situation of the local government so that it is for each local government to assess the relevance and weight of the other four factors in its consideration of the options.

On completing a review, the local government is to make a report in writing to the Local Government Advisory Board (LGAB) and may propose (requires Council resolution via Absolute Majority) to the LGAB the making of an order for the change of councillor numbers, change to ward boundaries and/or change to ward or district names. The LGAB reports to the Minister for Local Government.

After the last review of wards and representation and subsequent redistribution in 2015 the ‘councillors to elector ratios’ were:

Ward	No. of Councillors	No. of Electors	Ratio of Electors per Councillor	% Deviation
North	2	703	1:352	+0.99
South	7	2492	1:356	-0.28
Total	9	3195	1:355	

In the period from that redistribution in 2015 up to October 2019 the total number of electors in the Shire of Bridgetown-Greenbushes increased by 306 (3,195 to 3,501). The changes in ward electors were:

- North Ward – reduction by 6 electors
- South Ward – increase of 312 electors

Using the electoral roll from the 2019 local government elections the ‘councillors to elector ratios’ for the Shire of Bridgetown-Greenbushes were:

Ward	No. of Councillors	No. of Electors	Ratio of Electors per Councillor	% Deviation
North	2	697	1:349	+10.41
South	7	2804	1:401	- 2.97
Total	9	3501	1:389	

Once a Council initiates a review of ward boundaries the final decision rests with the Local Government Advisory Board.

A “Ward & Councillor (Elected Members) Representation Discussion Paper 2020” was prepared (refer attachment) to assist the community in the consultation phase of this issue.

The discussion paper identified five options for consideration:

- Option A – Retain existing 2 ward structure (North Ward 2 councillors and South Ward 7 councillors) with extension of North Ward to include sections of Maranup locality south of Blackwood River.
- Option B - Retain existing 2 ward structure (North Ward 2 councillors and South Ward 7 councillors) with extension of North Ward to include sections of Maranup locality south of Blackwood River and section of Hester Brook locality currently within the South Ward.

- Option C – Create new 2 ward structure with North Ward limited to localities of Greenbushes, North Greenbushes and Maranup (representation of 1 councillor) with Catterick, Hester, Hester Brook and Winnejup localities amalgamating into existing South Ward with representation of 8 councillors.
- Option D – Create new 3 ward structure with North Ward as per Option B (representation of 1 councillor), new Central Ward consisting of localities of Bridgetown, Kangaroo Gully, Hester and Glenlynn (representation of 7 councillors) and a new Rural Ward consisting of localities of Catterick, Yornup, Sunnyside, Kingston, Wandillup and Winnejup (representation of 1 councillor).
- Option E - Removal of wards altogether with all nine councillors (elected members) representing the whole of the Shire area.

Specific detail on each of these options was contained in the Discussion Paper.

The discussion paper didn't identify a preferred option and alternative proposals could have been raised for consideration via a formal written submission.

Community Consultation

Statutory advertising of the review of wards and representation occurred in the Manjimup-Bridgetown Times on 29 April 2020 with a seven week consultation period ending on 17 June 2020. In addition to the statutory advertising a news article was published on the Shire website and Facebook posts made.

Two submissions were received during the consultation period, being identical submissions from B & J Russell and R & J Hesketh (all residents of Greenbushes) and an additional submission was received after the close of the consultation period from 'Grow Greenbushes'.

Grow Greenbushes had planned on seeking an extension for preparation of a submission on the basis that COVID-19 was preventing their holding of meetings to determine the position of its members. Unfortunately due to an oversight Grow Greenbushes overlooked sending this request in and the oversight was only discovered after the closing date for submissions. After discussing the matter with Grow Greenbushes the Shire CEO advised Grow Greenbushes a late submission would be accepted.

The submissions from B & J Russell and R & J Hesketh state that the current ward structure is satisfactory but if changes are necessary Options C and E shouldn't be considered.

The submission from Grow Greenbushes states the importance of having local representation for the Greenbushes community and urges the retention of a separate ward with the name of the ward being retained as the 'North Ward'.

In its submission Grow Greenbushes lists its preferences in order as Option A, Option B and Option C. Options D and E aren't supported by Grow Greenbushes.

Officer Comment

Taking into account the current ‘councillors to elector ratios’ for the Shire of Bridgetown-Greenbushes it is considered very unlikely that Council could simply resolve to retain existing ward boundaries as the elector to councillor ratio for the current North Ward is greater than plus or minus 10% of the average councillor/elector ratio for the whole district.

In using the data from the 2019 electoral roll it was determined that the transfer of only 4 electors from the South Ward to the North Ward would bring the ratio of elected members to electors to within 10% of the average for both wards combined. However, as stated in the Discussion Paper prepared for this review, it is known that the majority of future population growth will be in the South Ward so it is recommended that if the boundaries of the North Ward are to be changed this should seek to achieve a lesser deviation so as to avoid the need for short-term reviews of the ward and councillor representational structure.

Notwithstanding only three submissions were received the consensus from those submissions is that only Options A or B should be considered. The details of these options are:

Option A

This Option proposes to transfer the following land from the South Ward to the North Ward:

- Portion of Maranup locality, being the land south of Blackwood River (19 electors). This would result in the whole of the Maranup locality being in the North Ward as currently portions of that locality are in both existing wards.

The ratio variables associated with this Option are shown in the following table:

Ward	No. of Councillors	No. of Electors	Ratio of Electors per Councillor	% Deviation
North	2	716	1:358	+7.97
South	7	2785	1:398	-2.28
Total	9	3501	1:389	

Option B

This Option proposes to transfer the following land from the South Ward to the North Ward:

- Portion of Maranup locality, being the land south of Blackwood River (19 electors). This would result in the whole of the Maranup locality being in the North Ward as currently portions of that locality are in both existing wards.
- Portion of Hester Brook locality meaning that the whole of this locality would be within the same ward – North Ward.

The ratio variables associated with this Option are shown in the following table:

Ward	No. of Councillors	No. of Electors	Ratio of Electors per Councillor	% Deviation
North	2	759	1:380	+2.44
South	7	2742	1:392	-0.70
Total	9	3501	1:389	

Under Option A (and Option B) the existing ward representation (7 councillors in South Ward and 2 councillors in North Ward) is retained, negating the need to reallocate offices of councillors from one ward to another.

Noting that the order of preference in the submission from Grow Greenbushes is Option A ahead of Option B it is the officer recommendation that Option A be endorsed. Although Option B provides a more even ratio of electors to councillors it does propose the transfer of land close to Bridgetown (Hester Brook locality) into the North Ward where it is evident there is little community of interest between that locality and the current North Ward. On the contrary there is a community of interest between the Maranup locality and the current North Ward, particularly Greenbushes.

Assessment of Option A against the Local Government Advisory Board criteria or factors is shown below:

- Community of Interests – this option retains a ward for Greenbushes and North Greenbushes and the Catterick area that has an historical relationship with Greenbushes. Areas of the Maranup locality also have strong links to Greenbushes via Maranup Ford Road. Whilst the community of interest between Winnejup and Greenbushes is not as strong the land uses within Winnejup are similar to that of Catterick and other rural areas within the proposed enlarged North Ward.
- Physical and topographic features - physical and topographic features are not seen as influencing social infrastructure and hence bear no relationship to elected member representation within the Shire. However it is noted that the southern boundary of the enlarged North Ward would be Brockman Highway in the Maranup locality and the Blackwood River in the Winnejup locality.
- Demographic trends - there is a danger that growth in the South Ward will be far greater than the North Ward thus triggering the need for a further review prior to the statutory review in eight years time. If this proves to be the case new options can be considered at that time.
- Economic factors - it is not considered that any economic factors within the Shire would have a bearing on ward boundaries or distribution of elected member representation.
- The ratio of councillors to electors in the various wards – all of the options presented in the Discussion Paper, including Option A, achieve ratios for their wards within the 10% maximum.

The Local Government Advisory Board will consider the Council proposal and if it is satisfied that Council has correctly taken into account the factors of “community of interests”, “physical and topographic features”, “demographic trends”, “economic factors” and “the ratio of councillors (elected members) to electors in the various

wards” it will recommend to the Minister for Local Government the making of an order under Schedule 2.2 of the Local Government Act.

If the Local Government Advisory Board is not satisfied that the above factors have been taken into account it may ask Council to reconsider its decision or to do a further review.

The Local Government Advisory Board must recommend to the Minister any proposal that in its opinion correctly takes account of the above criteria. The Minister may accept or reject the Board’s recommendation but cannot change it.

Only one submission provided comments on the naming of wards and it recommended retaining the name of the North Ward therefore no changes to ward names are recommended.

Statutory Environment

Schedule 2.2 of the Local Government Act 1995 contains provisions about the names, wards and representation of local government areas.

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 – Not applicable
- Other Integrated Planning - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management

Council resolved on its own accord to review its wards and representation. If resolving not to make changes to the existing structure, or recommending changes that in the opinion of the Local Government Advisory Board do not correctly take into account the factors prescribed in the legislation the risk is that the Council will be directed to undertake another review or the Board could present its own recommendations on wards and representation to the Minister for Local Government and Communities.

Voting Requirements – Absolute Majority

Moved Cr Nicholas, Seconded Cr Boyle

That Council:

1. Note the three submissions received (Attachment 4) on the Wards and Representation Review 2020.
2. Submit a proposal to the Local Government Advisory Board under Sections 2.2 and 2.18 and Schedule 2.2 of the Local Government Act seeking the elimination of wards as per Option E of the Wards And Representation Review Discussion Paper 2020.

Procedural Motion Moved Cr Moore, Seconded Cr Quinby

That under Standing Order 11(1b), debate on the matter be adjourned to another meeting with additional information being provided by the CEO in respect to the final report of the Local Government Review Panel and the recommendation contained therein.

Lost 4/4

Crs Nicholas, Wilson, Mountford and Boyle voted against the Motion

In accordance with Section 5.21(3) of the Local Government Act 1995, the Presiding Member cast a second vote – the Motion is Lost.

Council Decision Moved Cr Nicholas, Seconded Cr Boyle

C.03/0920 That Council:

1. **Note the three submissions received (Attachment 4) on the Wards and Representation Review 2020.**
2. **Submit a proposal to the Local Government Advisory Board under Sections 2.2 and 2.18 and Schedule 2.2 of the Local Government Act seeking the elimination of wards as per Option E of the Wards And Representation Review Discussion Paper 2020.**

Absolute Majority 8/0

Reason for amending the officer recommendation

To permit the significant advantages detailed in the discussion paper to be realised without disadvantaging any particular elector or group of electors, and to take account of recommendations made by the Review Panel into Local Government.

ITEM NO.	C.04/0920	FILE REF.	
SUBJECT	Unbudgeted Expenditure – Funding for Construction of Ablutions at Hester Brook Satellite Bush Fire Station		
PROPONENT	Western Australian Government		
OFFICER	Community Emergency Services Manager		
DATE OF REPORT	7 September 2020		

OFFICER RECOMMENDATION

That Council accept grant funding of \$20000 under the State Government WA Recovery Plan and approves associated unbudgeted expenditure of \$20,000 for construction of ablutions at the Hester Brook Satellite Fire Station in Highlands Estate.

Summary/Purpose

To accept unbudgeted income and expenditure via a Western Australian Government grant for installation of ablutions, including septic and leach drain system, at the Hester Brook satellite bush fire station in Highlands Estate.

Background

The Hester Brook Bush Fire Brigade has a satellite station in Highland Estate to house their 2.4 appliance. The Station was built to improve response to the district and was intended to only house the vehicle, with the Hester Brook (town site) Station, being the Brigade headquarters.

Since construction of the Satellite Station, Brigade membership has more than doubled, with an additional 46 members joining from the western part of the Brigade District. The brigade has 90 members in total, and the Station is used extensively for not only training and response, but also for Community Education programs such as 'Bush Fire Ready'.

The Brigade had sourced a porta – toilet for its use at the Satellite Station to meet immediate needs. A water tank and pump are already installed to provide water to the facility. In the Shire's 2020-21 ESL application, a request was made to fund an abluion block to the value of \$20000 at the facility. Although not approved under the ESL the request has subsequently been approved under funding provided by the State Government WA Recovery Plan Initiative.

Statutory Environment

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

Policy/Strategic Implications - Nil

Integrated Planning

- Strategic Community Plan -
 - Key Goal 4 - A community that is friendly and welcoming
 - Objective 4.6 - Fire prepared communities
 - Strategy 4.6.4 - Bush fire brigades are resourced with adequate equipment, appliances, training and other operational requirements

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

Budget Implications

The \$20,000 income and expenditure isn't reflected in the 2020/21 budget and is therefore unbudgeted expenditure.

Whole of Life Accounting – Not Applicable

Voting Requirements – Absolute Majority

Council Decision Moved Cr Wilson, Seconded Cr Bookless

C.04/0920 That Council accept grant funding of \$20,000 under the State Government WA Recovery Plan and approves associated unbudgeted expenditure of \$20,000 for construction of ablutions at the Hester Brook Satellite Fire Station in Highlands Estate.

Absolute Majority 8/0

ITEM NO.	C.05/0920	FILE REF.	
SUBJECT	Appointment of Fire Control Officers		
PROPONENT	Bush Fire Advisory Committee		
OFFICER	Community Emergency Services Manager		
DATE OF REPORT	17 September 2020		

OFFICER RECOMMENDATION

That Council:

- 1. Appoints Mr Tim Hingson Bush Fire Control Officer for the Greenbushes Bush Fire Brigade.*
- 2. Appoints Ms Annette Curry Bush Fire Control Officer for the Yornup Bush Fire Brigade.*

Summary/Purpose

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

Background

Greg Kennedy was appointed as Chief Fire Control Officer at the June 2020 Council Meeting and as a result, relinquished his position as the Fire Control Officer for Greenbushes Bush Fire Brigade. Lyndon Pearce relinquished his position of Fire Control Officer for the Yornup Bush Fire Brigade after his recent appointment to the Shire as Community Emergency Services Manager and Deputy Bush Fire Control Officer.

Officer Comment

The Greenbushes Brigade has nominated Tim Hingson to replace Greg Kennedy, and Yornup Brigade has nominated Annette Curry to replace Lyndon Pearce.

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.

Voting Requirements – Simple Majority

Council Decision Moved Cr Moore, Seconded Cr Johnson

C.05/0920 That Council:

- 1. Appoints Mr Tim Hingson Bush Fire Control Officer for the Greenbushes Bush Fire Brigade.**
- 2. Appoints Ms Annette Curry Bush Fire Control Officer for the Yornup Bush Fire Brigade.**

Carried 8/0

ITEM NO.	C.06/0920	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	17 September 2020		

Attachment 5 Rolling Action Sheet

OFFICER RECOMMENDATION

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

Summary/Purpose

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

Background

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

Statutory Environment – Nil

Integrated Planning

- Strategic Community Plan – Nil

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

Policy Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

***Council Decision Moved Cr Johnson, Seconded Cr Quinby
C.06/0920 That the information contained in the Rolling Action Sheet be noted.***

Carried 8/0

Corporate Services

ITEM NO.	C.07/0920	FILE REF.	131
SUBJECT	July and August 2020 Financial Activity Statements and List of Accounts Paid in August 2020		
OFFICER	Senior Finance Officer		
DATE OF REPORT	14 September 2020		

Attachment 6 July 2020 Financial Activity Statements
Attachment 7 August 2020 Financial Activity Statements
Attachment 8 List of Accounts Paid in August 2020

OFFICER RECOMMENDATIONS

1. *That Council receives the July 2020 Financial Activity Statements as presented in Attachment 6.*
2. *That Council receives the August 2020 Financial Activity Statements as presented in Attachment 7.*
3. *That Council receives the List of Accounts Paid in August 2020 as presented in Attachment 8.*

Summary/Purpose

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further,

where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

Background

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

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

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

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

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

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

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

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

Statutory Environment

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

Integrated Planning

- Strategic Community Plan

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

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

Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met

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

Policy

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 August 2020 and presented in the list of accounts paid, was allocated in the 2020/21 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Quinby, Seconded Cr Johnson

C.07/0920

- 1. That Council receives the July 2020 Financial Activity Statements as presented in Attachment 6.**
- 2. That Council receives the August 2020 Financial Activity Statements as presented in Attachment 7.**
- 3. That Council receives the List of Accounts Paid in August 2020 as presented in Attachment 8.**

Carried 8/0

Development & Infrastructure

ITEM NO.	C.08/0920	FILE REF.	A2789
SUBJECT	Application for Retrospective Approval for Cottage Industry (Woodcraft)		
PROPONENT	Colin Perkins		
LOCATION	Lot 7 (15) Phillips Street, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	15 September 2020		

Attachment 9	Locality Plan
Attachment 10	Neighbours' Submissions
Attachment 11	Proposed Site Plan/Applicant's Submission

OFFICER RECOMMENDATION

That Council, noting the two neighbour's submissions received including one objection, as per Attachment 10, grants retrospective approval for the proposed cottage industry (woodcraft) at Lot 7 (15) Phillips Street, Bridgetown, as per Attachment 11, subject to the following conditions:

- 1. The cottage industry is restricted to production of woodcraft items only such as individual furniture, toys and small items, and does not include uses of a general industrial nature.*
- 2. The cottage industry is to be wholly contained within the existing outbuilding or any future enclosed addition, with a maximum area not exceeding 55m² with the outbuilding no more than 20 metres from the dwelling. Under no circumstance can an extension of the floor area for the proposed business use be permitted and use of the unenclosed covered area on the northern side of the outbuilding is prohibited.*
- 3. The use of power tools defined as specified equipment is restricted between the hours of 1pm to 3pm only on Monday to Saturday, or other time as agreed to by the Chief Executive Officer, and prohibited on Sundays and Public Holidays.*
- 4. The outbuilding doors are to be fully closed when using power tools defined as specified equipment.*
- 5. The cottage industry is not to entail the employment of any person not a member of the occupier's family.*
- 6. No customers are to visit the premises for viewing or collection of products, with all products to be sold or delivered offsite.*
- 7. The home occupation is restricted to a sign not exceeding 0.2m² in area, clearly stating no customer visits.*
- 8. The cottage industry does not involve the retail sale, display or hire of goods of any nature, unless conducted using telephone or online ordering and offsite delivery or postage.*
- 9. The cottage industry does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight;*

10. *The cottage industry does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.*
11. *The cottage industry is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products.*
12. *In the event of valid complaints being received about noise or other nuisances generated by the business, the Shire reserves the right to withdraw the development approval.*

Summary/Purpose

To consider a development application seeking retrospective approval for a cottage industry being the production of woodcraft at Lot 7 (15) Phillips Street, Bridgetown. Noting the two submissions received including an objection from one adjoining neighbour, it is recommended that Council grant approval subject to appropriate conditions.

Background

A development application has been received seeking retrospective development approval for a Cottage Industry being the production of woodcraft items at Lot 7 (15) Phillips Street, Bridgetown.

As background, the Shire received noise complaints in early 2020 regarding alleged activities undertaken on the subject property. Shire staff have been in contact with the applicant since May 2020, concluding woodcraft items such as 'mud kitchens' for children, outdoor mobile kitchens, timber fridge magnets and wooden toys are being produced from the property. The scale of activity however could not be classed as a hobby, with the applicant advised to lodge a development application seeking retrospective approval for a Cottage Industry, or to cease the activity.

Officer Comment

The property is zoned 'Residential R12.5/20' under TPS3, with a Cottage Industry listed as an 'AA' discretionary use, meaning development approval is required. The lot contains an existing house, ancillary accommodation (occupied by the applicant), and an outbuilding used for the cottage industry activity.

The application was referred to landowners of five surrounding properties (excluding the Department of Education as owner of the nearby Bridgetown Camp School), with the submission period closing on 24 August 2020. Two submissions were received, one from the owner of 93 Roe Street (Submitter 1) and the second submission from the owner of 24 Phillips Street (Submitter 2), discussed below (see Attachment 10).

Submitter 1, as the original complainant, has raised detailed objections to the proposal regarding excessive noise from the use of power tools, impacting the submitter's normal day to day activities and amenities, and causing physical, emotional and mental distress.

The submitter suggests the use is light industrial and has no place in a residential area and should be relocated elsewhere. The submitter believes the use may devalue her home should she need to sell the property due to the noise issues. The submitter therefore objects to the application and requests that the application not be approved.

Submitter 2 states she has not experienced high levels of noise from the subject property or any inconvenience.

In response to the objection received, Shire staff have investigated the cottage industry activities and the critical issue is the power tool noise (and to a lesser extent noise from hand tools) and the level of acceptable impact upon the amenity of surrounding residents. Importantly, any impact upon property values is not a valid planning issue and this assessment does not take this into consideration.

The Department of Water and Environment Regulation have provided a Noise Regulation Fact Sheet to provide guidance for users of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) in relation to noise emitted from the use of 'specific equipment' on residential premises.

The Regulations set assigned (allowable) noise level for noise received at various types of premises, plus special cases where noise emissions may not be required to meet those assigned levels, such as 'specified equipment' used on a residential premises in a reasonable manner and within certain timeframes between particular hours.

'Specified equipment' may include a hand drill, drop saw, electric sander, etc, known to be used by the applicant. Under Regulation 14(2) the assigned (allowable) noise levels do not apply to noise emitted from residential premises from 'specified equipment' if the following four requirements are met:

- “1. *The specified equipment is used in a reasonable manner.*
2. *The specified equipment has not been used:*
 - *for more than two hours since 7am on that day; or*
 - *if it is a musical instrument, for more than one hour since 7am on that day.*
3. *The noise resulting from the use of that specified equipment on those premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of premises receiving the noise.*
4. *The specified equipment is used between:*
 - *7am and 7pm on Monday to Saturday inclusive; or*
 - *9am and 7pm on a Sunday or public holiday.”*

What defines reasonable manner or unreasonably interfering with the amenity of premises receiving the noise is at the discretion of the local government Environmental Health Officer. That officer can also determine whether a level of interference is unreasonable by having regard to the specified equipment being used and the purpose, reasonable and practical methods to reduce the impact, and the frequency of the noise emissions.

The Shire’s Environmental Health Officer has formed the view, and provided such advice previously to the applicant and Submitter 1, that the use of power tools for the Cottage Industry must be limited to no more a single maximum period of two hours per day. The potential impact of noise on the submitters and other residents therefore comes down to interpretation and judgement by Shire staff and likely in consultation with the applicant and neighbours (if amenable to negotiation).

Noting the content of submissions received, it is recommended that approval be granted subject to special conditions including the restricted use of noise generating power tools.

Statutory Environment

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

Clause 1.6 Interpretation – “Cottage Industry - *means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a “Home Occupation” and that:*

- does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing), injury, or prejudicial affection due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;*
- where operated in a Residential zone, does not entail the employment of any person not a member of the occupier’s family normally resident on the land;*
- is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55 square metres;*
- does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and*
- does not display a sign exceeding 0.2 square metres in area.”*

Clause 4.3 – Residential Zone states “*Council’s objectives 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 this Scheme are compatible with this basic objective.*”

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.*”

The proposal is considered generally consistent with the objective of the Residential zone and applicable Policy (discussed further below), however based on complaints regarding excessive noise and nuisance it is recommended that if supported conditions be imposed to control the use of power tools.

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

Part 10A Local Planning Scheme Regulations 2015 relates to bushfire risk assessment. Assessment of bushfire risk is relevant, discussed below in the Policy Implications.

The 'Matters to be considered' under Clause 67 of the Local Planning Scheme Regulations 2015

CLAUSE 67, SCHEDULE 2 OF LPS REGULATIONS 2015	
Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	Noting the neighbour's objection, the proposed cottage industry is consistent with the objectives of the Residential zone under Town Planning Scheme No. 3.
(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 neighbour's objection, the proposed cottage industry is consistent with the orderly and proper planning of Town Planning Scheme No. 3. The draft Local Planning Strategy and Local Planning Scheme No. 6 are being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas is applicable however assessment is not required. SPP 7.3 Residential Design Codes is not applicable as no construction is proposed.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas is applicable however assessment is not required in this case.
(g) any local planning policy for the Scheme area;	The proposal is consistent with the Shire's Home Based Business Policy, noting prohibition of unenclosed storage area.
(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;	The proposed cottage industry will be incidental to the main dwelling and ancillary accommodation, modest in scale, no customers will be attending the site, and the operation is not expected to have any detrimental impacts upon surrounding land noting recommended conditions.
(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.

(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See bushfire comments above. No evidence of soil erosion, landslip, etc.
(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	Acceptable.
(s) the adequacy of: (i) the proposed means of access to and egress from the site, and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Access to the site will be via sealed roads for use by the owners with no customers to visit the property.
(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;	The expected levels of traffic will be modest and acceptable for a low key home business.
(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;	Mains power and reticulated water available. Toilet and shower available in the main house for visitors.
(y) any submissions received on the application;	The two submissions from nearby neighbours are noted, including the objection.

Integrated Planning

➤ Strategic Community Plan 2019

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

Objective 2.1 - A diverse economy that provides a range of business and employment opportunities

Objective 2.1.2 - 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

➤ Corporate Business Plan 2020-2024

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

- Long Term Financial Plan - Nil
- Asset Management Plans - Nil

- Workforce Plan - Nil

- Other Integrated Planning - Nil

Policy Implications

- State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

The subject property is within the designated bushfire prone area however having given that the single house, ancillary accommodation and subject outbuilding are existing, and that no customers are to be visiting the premises, assessment against SPP 3.7 and the bushfire protection criteria in the Guidelines can be exempted. This exemption is also applicable to Clause 4.6.6 of the Shire's Home Based Business Policy.

- Shire of Bridgetown-Greenbushes Home Based Business Policy TP.20

The Aim of the Home Based Business Policy is *"To enable low scale businesses the opportunity to be conducted from home without having a detrimental impact on the amenity of the local area."*

Furthermore, under the Shire's Home Based Business Policy a Cottage Industry is limited to production of arts and crafts goods only such as making furniture, toys, pottery, clothes, etc, with a Cottage Industry to also meet the criteria in Section 4.4 Cottage Industry and Section 4.6 General Requirements.

The applicant advises that all products are to be sold online and delivered or sold at the Bridgetown Markets, with no customers coming to the property, with the activities conducted within the existing 36m² shed plus 12m² lean-to.

Pursuant to Clause 4.6.4, the storage of materials and/or equipment associated with a home based business must be located within the approved indoor workspace. Use of the covered but open lean-to on the northern side of the outbuilding would be in breach of the Policy, so it is recommended that all production and storage be located within the existing outbuilding only.

Noting the concerns of Submitter 1 regarding noise and the unauthorised activity, and the comments from Submitter 2, the proposal generally satisfies the requirements of the Home Based Business Policy and approval is recommended subject to conditions.

Budget Implications

The required development application fee has been paid to consider the application. Should Council grant approval subject to conditions not supported by the applicant or should Council ultimately refuse the application, the applicant may exercise a right of review (ie. appeal) at the State Administrative Tribunal, with additional staff time and potential legal costs are likely to be incurred.

Whole of Life Accounting – Not applicable

Risk Management

The Shire faces reputational risks whether Council approves or refuses the application in light of the objection received, however the decision must ultimately be based on the merits of the proposal including the issues raised in the submission period. Should Council grant approval subject to conditions not supported by the applicant or should Council ultimately refuse the application, the applicant may exercise a right of review (ie. appeal) at the State Administrative Tribunal, with additional staff time and potential legal costs are likely to be incurred.

Voting Requirements – Simple Majority

Council Decision Moved Cr Moore, Seconded Cr Johnson

C.08/0920 That Council, noting the two neighbour’s submissions received including one objection, as per Attachment 10, refuses to grant retrospective approval for the proposed cottage industry (woodcraft) at Lot 7 (15) Phillips Street, Bridgetown, as per Attachment 11, on the grounds that the proposed business will have a detrimental impact upon local amenity. Furthermore the applicant/proponent be advised of his right of appeal against this decision.

Carried 6/2

Crs Nicholas and Wilson voted against the Motion

Reason for resolving contrary to the officer recommendation

The proposed business will have a detrimental impact upon local amenity, including nearby residents.

Community Services - Nil

Receival of Minutes from Management Committees – Nil

Urgent Business Approved by Decision - Nil

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Notice of Motions for Consideration at the Next Meeting - Nil


Matters Behind Closed Doors (Confidential Items) - Nil

Closure

The Presiding Member closed the Meeting at 6.11pm

List of Attachments

Attachment	Item No.	Details
1	C.02/0920	Current Delegation Register (Council to CEO) with proposed changes marked as track changes
2	C.02/0920	Proposed (Updated) Delegation Register – Council to CEO
3	C.03/0920	Ward & Councillor (Elected Members) Representation Discussion Paper 2020
4	C.03/0920	Public Submissions (x 3)
5	C.06/0920	Rolling Action Sheet
6	C.07/0920	July 2020 Financial Activity Statements
7	C.07/0920	August 2020 Financial Activity Statements
8	C.07/0920	List of Accounts Paid in August 2020
9	C.08/0920	Locality Plan
10	C.08/0920	Neighbours' Submissions
11	C.08/0920	Proposed Site Plan/Applicant's Submission

Minutes checked and authorised by T Clynch, CEO		24.9.20
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As Presiding Member, I certify that the Minutes of the Council Meeting held 23 September were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 29 October 2020.

..... 29 October 2020