

**Council Minutes Index – 25 January 2017**

<b>Subject</b>	<b>Page No</b>
<b>Acknowledgment of Country .....</b>	<b>2</b>
<b>Attendance, Apologies &amp; Leave of Absence .....</b>	<b>2</b>
<b>Attendance of Gallery .....</b>	<b>2</b>
<b>Response to Previous Questions Taken on Notice.....</b>	<b>2</b>
<b>Public Question Time.....</b>	<b>5</b>
<b>Petitions/Deputations/Presentations.....</b>	<b>5</b>
<b>Comment on Agenda Items by Parties with an Interest.....</b>	<b>5</b>
<b>Applications for Leave of Absence.....</b>	<b>5</b>
<b>Confirmation of Minutes .....</b>	<b>5</b>
C.01/0117 Ordinary Meeting held 15 December 2016 .....	5
C.02/0117 Special Meeting held 19 December 2016 .....	5
<b>Announcements by the Presiding Member without Discussion.....</b>	<b>6</b>
<b>Notification of Disclosure of Interest.....</b>	<b>6</b>
<b>Questions on Agenda Items by Elected Members .....</b>	<b>6</b>
<b>Consideration of Motions of which Previous Notice Has Been Given .....</b>	<b>6</b>
<b>Reports of Officers.....</b>	<b>6</b>
<b>CEO's Office .....</b>	<b>7</b>
C.03/0117 Local Government Elections - 2017 .....	7
C.04/0117 Development Assessments Panel – Local Government Nominations.....	10
<b>Corporate Services .....</b>	<b>13</b>
C.05/0117 November 2016 Financial Activity Statements, December 2016 Financial Activity Statements and List of Accounts Paid in December 2016.....	13
<b>Planning &amp; Environmental Services .....</b>	<b>16</b>
C.06/0117 Review of Relocated Dwellings Town Planning Scheme Policy .....	16
C.07/0117 Home Based Business Regulatory Review.....	18
<b>Works &amp; Services .....</b>	<b>31</b>
C.08/0117 Unbudgeted Expenditure – Purchase of Generator .....	31
<b>Community Services.....</b>	<b>32</b>
<b>Consideration of Standing Committee Recommendations .....</b>	<b>32</b>
<b>Receival of Minutes of Management Committees .....</b>	<b>33</b>
<b>Urgent Business Approved By Decision.....</b>	<b>33</b>
<b>Responses to Elected Member Questions Taken on Notice .....</b>	<b>33</b>
<b>Elected Members Questions With Notice.....</b>	<b>33</b>
<b>Notice of Motions for Consideration at the Next Meeting.....</b>	<b>33</b>
<b>Matters Behind Closed Doors .....</b>	<b>33</b>
<b>Closure .....</b>	<b>33</b>
<b>List of Attachments.....</b>	<b>33</b>

Minutes of the Ordinary Meeting of Council held in the Council Chambers on Wednesday, 25 January 2017 commencing at 6.00pm

*The President opened the Meeting at 6.00pm*

**Acknowledgment of Country – Presiding Member**

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

**Attendance, Apologies and Leave of Absence**

President	- Cr J Nicholas
Councillors	- J Boyle
	- S Hodson
	- D Mackman
	- J Moore
	- P Quinby
	- P Scallan
	- A Wilson
In Attendance	- E Denniss, Acting CEO
	- M Larkworthy, Executive Manager Corporate Services
	- G Norris, Senior Admin Officer
Apology	- Cr A Pratico

**Attendance of Gallery** - Nil

**Responses to Previous Questions Taken on Notice**

Cr Scallan

Question 1 - The Pool mosaic Grants have been returned...Why was this project not progressed. Initially I thought that there were a number of options that could have been progressed?

*Response - The project was initially intended to be conducted during the season the community did not have an aquatic facility, to generate ownership and engagement with the new facility. The project was originally delayed because the identified artist had an outstanding grant acquittal pending with Lotterywest (one of the funding bodies). Lotterywest would not provide the Shire with the funds until the artist acquitted the other (unrelated) grant. This impacted on the project timeline. Additional concerns arose regarding the artist who had undertaken a project at the primary school, which had some quality issues that were not rectified by the artist, which generated concerns with regard to the level of commitment/responsibility and the quality of the project outcomes. The artist also proved difficult to contact.*

6.03pm – Ms Denniss vacated the Meeting

*The full funding was not received, and a reduced scope of works was required to match the level funding received. This caused further delays in the project. Alternative artists could not easily be arranged or appointed due to the conditions of the grant funding, which revolved around this particular artist's expertise, experience and project budget. Grant extensions were applied for and received but the challenges relating to communicating with the artist continued. Shire staff eventually wrote to both funding bodies (Lotterywest and CANWA) seeking a grant variation for community art projects however due to the significant time line delays and other challenges, the grant variations were not approved. Both funding bodies requested their funding be returned as the Shire had not been able to meet the funding project milestones and outcomes. Returning grant funding is never a desired outcome, however there are instances where factors beyond the control of staff result in this occurring.*

*Question 2 - Is the depreciation allowance/annual depreciation amount suitable for the Shire vehicles? It appears that a number of the Shires vehicle resale values are below the written down value.*

*Response - With the implementation of the State Government's integrated planning framework the Shire was required to move away from straight line depreciation to Fair Value accounting for its assets.*

*Following the introduction of Fair Value accounting for Council's assets, annual depreciation amounts are assessed and calculated as follows:*

*Fair value less residual amount divided by the remaining useful life of the asset.*

*Both the residual value and remaining useful life are estimates only as included in the plant replacement program. Should a change in these assumptions occur it will impact the depreciation.*

*An assessment of this year's items where the net book value is greater than estimated proceeds has occurred due to changes in these assumptions during the last three years as follows:*

- For 1 vehicle a reduction in the residual value that was previously estimated*
- For 3 items replacement has been brought forward one year compared to original estimates made in 2014 following the introduction of fair value*

*The original assumptions relating to these items were done for the 2013/2014 financial year. In the intervening years, changes to these assumptions have occurred, resulting in the differences. It has not been the practice to annually review these assumptions due to the significant amount of resources required to do so.*

*As the industry is adjusting to fair value requirements it is becoming apparent that ongoing and additional efforts are required to assess these assumptions on an annual basis and adjust depreciation amounts accordingly. Officers are mindful that over depreciating a vehicle between fair value cycles can result in an asset being depreciated again if fair value assessment is greater than the current net book value WHICH will have an adverse impact on operating ratios.*

Question 3 - There appear to be numerous projects such as Hester Fire Shed, Administration Office, Yornup School, Greenbushes Golf Club, Railway Station that have not been progressed (according to comment for the variance in the finances). I am concerned that there is a lack of progress as with previous years. Will the Shire achieve these budgeted works and what has been planned to ensure that these works will be completed?

*Response - An officer briefing is currently being prepared for the February Standing Committee (to be presented by the Building Assets Manager Mick Little) to provide Council with a comprehensive status update on each outstanding job. An additional briefing at the February Standing Committee (by the Executive Manager Community Services) will focus on the progress of the Railway Station redevelopment options. These briefings are intended to answer the intent and specific queries raised in this question – with insufficient timing to present the information this evening.*

6.06pm – Ms Denniss returned to the Meeting

Question 4 - It appears that the sports oval pump has not yet been purchased. Is this the case? If it has but not yet showing on the accounts when was it purchased and has it been commissioned and has the oval been repaired? There was a quite a bit of backlash from the community regards the poor condition of the oval and there were reasons why the delay in purchasing the pump however has the oval now been repaired and returned to a reasonable condition.

*Response - The sports ground pump was ordered on 18 November 2016 and installation is due within days. There was a delay in getting the pump from the supplier and then the wrong parts issued. Correct parts were scheduled to arrive in Melbourne on 17/01 with installation to happen on site here around mid to late January. The hand watering/flood irrigation is continuing as the best option in the interim. User groups have expressed no concerns to the Shire since the hand watering regime was implemented, which has been undertaken consistently and the oval is considered to be in quite good condition.*

Question 5 - What was the amount of money agreed by council for expending on the Tweed Road works? It appears that there has been \$170k spent on these works. What is the reason for the significant overrun of expected costs? Is the works completed or is there still more works to be done.

*Response - Item C.02/1016 was presented to Council on 14 October 2016 and included Officer Recommendation that Council “Approve as unbudgeted expenditure an amount of \$100,000 for reconstructing the failed section of Tweed Road.” The Executive Manager Works & Services advises that the figure was a very preliminary estimate as works had just commenced and the cause of the failure and the extent of the reinstatement were still being investigated. The works continued until 1 December 2016 and the final costs are expected to be around \$175,000 with bitumen surfacing still to be done. It was the intention of senior management to present an agenda report to Council this month with the full project costings and rationales included. While this report is 95% completed, there are still a number of outstanding purchase orders to be paid in relation to this job. It was considered prudent to wait until all invoices are received before reporting back to Council formally with regard to the cost of the overall project, and the areas of savings*

identified to offset this expenditure. This report will be included in the February Council Agenda.

Question 6 - Has the Shire investigated connecting power to waste disposal facility instead of using a generator? Initial upfront costs might be high however over the long term the NPV could be attractive.

Response - The Shire has not (in recent times) investigated the cost of connecting the Waste Facility site to Mains Power. It is estimated that the application to Western Power to prepare a design to do so would cost approximately \$8,000 (an application and an application fee is required to request a formal quote). The Executive Manager Works and Services advises that with the nearest connection point being the Sports Ground, the headworks costs of connecting could be in the vicinity of \$100,000. If Council wished to pursue this option, allocation of funding in the 2017-2018 could be considered. Council could also consider utilising funds in the Strategic Projects Reserve (now) to progress the design/planning/quote procurement to provide accurate budget figures for Mains Power connection in the 17/18 budget.

**Public Question Time** - Nil

**Petitions/Deputations/Presentations** - Nil

**Comments on Agenda Items by Parties with an Interest** - Nil

**Applications for Leave of Absence** - Nil

**Confirmation of Minutes**

**C.01/0117 Ordinary Meeting held 15 December 2016**

**Council Decision** Moved Cr Wilson, Seconded Cr Quinby

**C.01/0117** That the Minutes of the Ordinary Meeting of Council held on 15 December 2016 are confirmed as a true and correct record. Carried 8/0

**C.02/0117 Special Meeting held 19 December 2016**

Attachment 1 Minutes from Special Meeting

**Council Decision** Moved Cr Nicholas, Seconded Cr Moore

**C.02/0117** That the Minutes of the Special Meeting of Council held on 19 December 2016 are confirmed as a true and correct record with the following amendment:

1. **Public Question Time** - The wording of Mr Boyle's question be changed to read "Mr Boyle asked why Council had not consulted with the

***Blackwood Youth Action Group in the preparation of the Youth Action Plan”.***  
**Carried 8/0**

**Announcements by the Presiding Member Without Discussion**

During last week, myself, the Acting CEO, Cr Pratico and Cr Scallan, at different times, met with Terry Redman, MLA who advised that the Shire of Bridgetown Greenbushes had successfully applied for Royalties for Regions funding for new shade sails at Thomson Park in Greenbushes (\$13,000) and for the construction stage of the Regional Bridle Trail Project (\$220,000).

**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 Member** - 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
- Finance & Administration
- Planning & Environmental Services
- Works & Services
- Community Services

## CEO's Office

<b>ITEM NO.</b>	C.03/0117	<b>FILE REF.</b>	210.2
<b>SUBJECT</b>	Local Government Elections - 2017		
<b>PROPONENT</b>	Western Australian Electoral Commission		
<b>OFFICER</b>	Senior Admin Officer		
<b>DATE OF REPORT</b>	4 January 2017		

### *OFFICER RECOMMENDATION that Council:*

- 1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 Local Government Ordinary Elections together with any other elections or polls which may also be required.*
- 2. In accordance with Section 4.61(2) of the Local Government Act 1995, declare the method of conducting the 2017 Local Government Ordinary Elections be as a postal election.*

### Summary/Purpose

In accordance with Section 4.20 of the Local Government Act, the CEO is the Returning Officer for Local Government Elections unless other arrangements are made. For the 2017 elections, officers recommend that the election be 'postal' elections with the Western Australian Electoral Commissioner being appointed to conduct the elections.

### Background

The next ordinary elections are to be held on Saturday 21 October 2017.

The 2003, 2007, 2009, 2011, 2013 and 2015 ordinary elections were conducted by postal vote which resulted in a higher voter turnout overall than previous elections conducted "in-person".

In 2003 the ordinary elections were conducted by postal vote by the WAEC with only Central and West Wards being contested. Voter turnout resulted in 71.95% for Central Ward and 48.53% for West Ward. The 2006 Referendum also conducted by the WAEC achieved a 67.6% participation rate.

The 2005 ordinary elections were conducted as 'in-person' elections with only Central and East Wards being contested. The voter turnout resulted in 28.4% for Central Ward and 34.84% for East Ward.

The February 2007 extraordinary election for Central Ward was conducted 'in-person' and resulted in a 40.97% participation rate.

The 2007 ordinary elections were conducted by postal vote with elections being held in all four wards. Voter turnout was 50% for Central Ward, 58.8% for West Ward, 60.83% for North Ward and 69.72% for East Ward.

In 2009 ordinary elections were conducted in the Central, East and West Wards. Voter turnout was 47.9% for Central Ward, 41.7% for East Ward and 48.4% for West Ward. There was no election in the North Ward due to the candidate being elected unopposed.

In 2011 ordinary elections were conducted in both the North and South Wards. Voter turnout was 48.8% for North Ward and 49.7% for South Ward.

The 2013 extraordinary and ordinary elections were both conducted as postal elections. During the Ordinary election the North Ward saw Cr Pat Scallan returned unopposed however an election took place for the South Ward which resulted in a 43% turnout.

The 2015 ordinary (postal) election in the South Ward saw a drop in voter turnout from 2013 down to 39.9%. This turnout was disappointing and only marginally higher than the 2005 in-person election turnout. In 2015 there was no election in the North Ward as Cr Pratico was returned unopposed.

Conducting the elections by the postal voting system gives ratepayers and residents more flexibility (and hopefully more incentive) to have their say by casting their vote. Since 1999 the WAEC has conducted postal elections across Western Australia and has (through the publication of results) been able to demonstrate that postal elections encourage a higher percentage of voter turnouts as opposed to 'in-person' elections.

The Western Australian Electoral Commission (WAEC) has submitted a quote to conduct a postal vote for the 2017 election. The estimated cost is \$19,000 + GST (an increase of \$500 from 2013) and is based on the following assumptions:

- 2,800 electors
- Response rate of approximately 45%
- 5 vacancies
- Count to be conducted at the Bridgetown-Greenbushes administration office/chambers
- Appointment of a local Returning Officer
- Regular Australia Post delivery service to apply (including the cost for a proposed increase in the postage rate effective from 4 January 2017)

Costs not incorporated in the estimate include:

- Non-statutory advertising (ie; additional advertisements in community newspapers and promotional advertising)
- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns
- One local government staff member to work in the polling place on election day
- Any additional postage rate increases by Australia Post



Under the Local Government Act the WAEC is required to conduct elections on a full cost recovery basis, therefore the above quote is an estimate only and may vary depending upon a number of factors.

If Council resolves to conduct the 2017 elections by postal voting, the following two resolutions will need to be passed:

1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may also be required.
2. Declare, in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

If Council elects not to declare the WA Electoral Commission responsible for the conduct of the 2017 elections, the election will be conducted as a “voting in person election” under section 4.61(1) of the Local Government Act 1995 with the CEO being the Returning Officer.

#### Statutory Environment

This proposal complies with the requirements of Sections 4.20(4) and 4.61(2) of the Local Government Act 1995 and the Local Government (Election) Regulations 1997.

#### Integrated Planning

- Strategic Community Plan
  - Objective 4: A collaborative and engaged community
  - Outcome 4.2: A high standard of governance and accountability
  - Strategy 4.2.3: Ensure compliance with relevant legislation
- Corporate Business Plan – N/A
- Long Term Financial Plan – N/A
- Asset Management Plans – N/A
- Workforce Plan – N/A
- Other Integrated Planning – N/A

#### Policy Implications - Nil

#### Budget Implications

The WAEC has provided the quote at this time to enable Council to allocate the funds in its 2017/2018 budget. If Council was to resolve to do an “in-person” election the costs (other than salaries expended by relevant officers in the course of normal duties) would be approximately \$12,500.

#### Fiscal Equity – Not Applicable

#### Whole of Life Accounting – Not Applicable

#### Social Equity

The postal vote is more user-friendly than the polling booth method in so much that electors receive their ballot package some time before Election Day giving them adequate time to research candidate’s information before casting their vote in the privacy of their home. In addition, there is no need for voters to have to travel to a

polling place on election day, this is of great benefit to those who will not be in the Shire on that day, for those who work on Saturdays as well as the elderly and disabled.

Ecological Equity – Not Applicable

Cultural Equity

Similar to comments provided for “Social Equity”.

Risk Management – Not Applicable

Continuous Improvement

The postal vote method of election is proven to obtain a higher voter turnout than the “in-person” method.

Voting Requirements

Absolute Majority if appointing the Electoral Commissioner to conduct the election, Simple Majority if the elections are conducted ‘in-person’.

**Council Decision** *Moved Cr Scallan, Seconded Cr Hodson*

**C.03/0117** *That Council:*

- 1. Declare, in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 Local Government Ordinary Elections together with any other elections or polls which may also be required.***
- 2. In accordance with Section 4.61(2) of the Local Government Act 1995, declare the method of conducting the 2017 Local Government Ordinary Elections be as a postal election.***

***Absolute Majority 7/1***

*Cr Boyle voted Against the Motion*

<b>ITEM NO.</b>	C.04/0117	<b>FILE REF.</b>	761/204
<b>SUBJECT</b>	Development Assessment Panels – Local Government Nominations		
<b>PROPONENT</b>	Development Assessment Panels		
<b>OFFICER</b>	Senior Admin Officer		
<b>DATE OF REPORT</b>	16 January 2016		

*OFFICER RECOMMENDATION that Council nominate 2 Councillors as Members and 2 Councillors as Deputy Members of the Development Assessment Panel (DAP) representing the Shire of Bridgetown-Greenbushes.*

Summary/Purpose

Correspondence has been received from the Director General, Development Assessment Panels requesting nominations of Councillors to become Development Assessment Panel (DAP) Members and Alternate (Deputy) Members.

Nominations must be received by the Minister for Planning by 28 February 2017.

### Background

On 1 July 2011, 15 new Development Assessment Panels came into operation in order to determine development applications that meet a certain threshold value. Each DAP comprises five members – three specialist members, one of which is the presiding member and two local government members.

Appointments of current local government DAP members expire on 26 April 2017 and members whose term will be expiring will be eligible for re-consideration at this time.

Shire of Bridgetown-Greenbushes current DAP members are:

- Local DAP Member 1 – Cr Tony Pratico
- Local DAP Member 2 – Cr Stephen Hodson
  
- Alternative Local DAP Member 1 – Cr Doreen Mackman
- Alternative Local DAP Member 2 – Cr Alan Wilson

Under Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the Shire of Bridgetown-Greenbushes is requested to nominate four elected members, comprising two 'Local Members' and two 'Alternative Members'.

All nominees are required to provide their names, address, email, mobile and land line telephone numbers, date of birth, employer(s), position(s) and include a curriculum vitae.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It should be noted that training is a mandatory requirement before they can sit on a DAP and determine applications.

Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current Councillors, who are DAP members, are not re-elected. In this instance the local government will need to re-nominate for the Minister's consideration and appointment.

### Statutory Environment

Section 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 states the following:

- (1) The Minister must cause to be established and maintained a register of local government members of DAPs.

- (2) Subject to subregulation (4), the register must include the names of 2 members of the council of each local government of a district for which a JDAP is established.
- (3) Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —
  - (a) in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and
  - (b) unless subregulation (4) applies, include on the register the name of the person nominated.
- (4) If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —
  - (a) is an eligible voter of the district of the local government; and
  - (b) the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
- (5) For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.

#### 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 - Nil

#### Budget Implications

There are no budget implications for the Shire of Bridgetown-Greenbushes as DAP members are paid by the Development Assessment Panels for meeting attendance and training.

#### 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

**Council Decision** *Moved Cr Mackan, Seconded Cr Hodson*  
**C.04/0117** *That Council nominates 2 Councillors as Members and 2 Councillors as Deputy Members of the Development Assessment Panel (DAP) representing the Shire of Bridgetown-Greenbushes.* **Carried 8/0**

**Council Decision** *Moved Cr Nicholas, Seconded Cr Moore*  
**C.04/0117** *That the Shire of Bridgetown-Greenbushes nominations be:*

- *Local DAP Member 1 – Cr Tony Pratico*
- *Local DAP Member 2 – Cr Stephen Hodson*
- *Alternative Local DAP Member 1 – Cr Doreen Mackman*
- *Alternative Local DAP Member 2 – Cr Alan Wilson*

**Carried 8/0**

### **Corporate Services**

<b>ITEM NO.</b>	C.05/0117	<b>FILE REF.</b>	131
<b>SUBJECT</b>	November 2016 Financial Activity Statements, December 2016 Financial Activity Statements and List of Accounts Paid in December 2016		
<b>OFFICER</b>	Senior Finance Officer & Executive Manager Corporate Services		
<b>DATE OF REPORT</b>	17 January 2017		

Attachment 2      November 2016 Financial Activity Statements  
Attachment 3      December 2016 Financial Activity Statements  
Attachment 4      List of Accounts Paid in December 2016

#### **OFFICER RECOMMENDATIONS:**

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

### **Summary/Purpose**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

### Background

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

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

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

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

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

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

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

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

Due to the timing of Council's December meeting presentation of the Shire's November 2016 Financial Activity Statements was deferred to the January 2017 ordinary meeting. Presented are the financial activity statements for both November and December 2016 along with the list of accounts paid in December 2016.

### Statutory Environment

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

### Integrated Planning

- Strategic Community Plan 2013  
Objective 4: A collaborative and engaged community  
Outcome 4.2: A high standard of governance and accountability

Strategy 4.2.3: Ensure compliance with relevant legislation

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

#### Policy

F.6. Purchasing Policy - To ensure purchasing is undertaken in an efficient, effective, economical and sustainable manner that provides transparency and accountability.

F.7. Reporting Forecast Budget Variations Policy - To set a level of reporting detail (in Financial Activity Statement) that ensures that the council is satisfied with the implementation of its annual budget.

#### Budget Implications

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

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

#### **Council Decision Moved Cr Mackman, Seconded Cr Boyle**

**C.05/0117 That:**

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

**Carried 8/0**

## **Planning & Environmental Services**

<b>ITEM NO.</b>	C.06/0117	<b>FILE REF.</b>	767
<b>SUBJECT</b>	Review of Relocated Dwellings Town Planning Scheme Policy		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	11 January 2016		

Attachment 5      Revised Relocated Dwellings Policy (As Advertised)

*OFFICER RECOMMENDATION That Council, noting that no submissions were received, adopts the revised Relocated Dwellings Town Planning Scheme Policy TP.1, as per Attachment 5 as advertised, pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4.*

### **Summary/Purpose**

A review of the Relocated Dwellings Policy was undertaken with a draft revised policy presented to Council in October 2016 for adoption. Following the completion of public advertising whereby no submissions were received, the revised Policy as advertised is presented to Council for final adoption.

### **Background**

Council at its meeting on 27 October 2016 adopted the revised Relocated Dwellings Policy which incorporated significant changes to improve the formatting and background to the Policy and to simplify the applicable conditions, with Council resolving:

*“C.09/1016 That Council adopt the draft revised Relocated Dwellings Town Planning Scheme Policy TP.1, as per Attachment 2, and direct the Chief Executive Officer to proceed to public consultation in accordance with Clause 6.7.2 of Town Planning Scheme No. 3 and Clause 7.6.2 of Town Planning Scheme No.4, with a report and feedback to be presented to a future meeting of Council.”*

The background to the Policy was presented to Council in October 2016 and has not been repeated for reasons of brevity.

The revised Policy was advertised for public comment for a period of 21 days, with the submission period ending on Thursday 8 December 2016. Notices were posted on the Shire’s noticeboards and website and two advertisements published in the Manjimup-Bridgetown Times, however no submissions were received.

Noting that no submissions were received it is therefore recommended that Council adopt the revised Relocated Dwellings Policy as advertised without further modification.

### **Statutory Environment**

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3 and Town Planning Scheme No. 4



Alteration of an adopted Town Planning Scheme Policy can only become operative after the draft policy has been advertised for public comment and that any comments be considered along with the Policy by Council where it shall decide to adopt the draft policy with or without amendment, rescind the former Policy or to not proceed, pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4.

- Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 provide statutory power and the procedure for amending a local planning policy.

#### Policy Implications

This item concerns the review of the current Relocated Dwellings Town Planning Scheme Policy TP.1.

#### Strategic Plan Implications

- Strategic Community Plan

#### *Civic Leadership Objective 4: A collaborative and engaged community*

Outcome 4.4 The Shire provides a can-do approach within the regulatory framework.

Outcome 4.1.1 Review existing policies to determine if the regulatory framework is aligned to the needs of the broader community.

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

#### Budget Implications

If Council decides to adopt the draft Policy costs of approximately \$300 will be incurred for public notification, with funds currently available.

#### 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

Improvements to the Policy have been identified during use of the Policy however no submissions were received during the public consultation period.

Delegated Authority

Nil – Approval from Council is required to adopt the revised Policy for the purpose of public consultation.

Voting Requirements – Simple Majority

**Council Decision** *Moved Cr Wilson, Seconded Cr Moore*

**C.06/0117** *That Council, noting that no submissions were received, adopts the revised Relocated Dwellings Town Planning Scheme Policy TP.1, as per Attachment 5 as advertised, pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4.*

**Carried 8/0**

6.23pm – Ms Denniss vacated the Meeting

<b>ITEM NO.</b>	C.07/0117	<b>FILE REF.</b>	770
<b>SUBJECT</b>	Home Based Business Regulatory Review		
<b>PROPONENT</b>	Shire of Bridgetown-Greenbushes		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	17 January 2017		

Attachment 6	Proposed Town Planning Scheme No. 3 - Amendment No. 72
Attachment 7	Proposed Town Planning Scheme No. 4 - Amendment No. 70
Attachment 8	Proposed Draft Home Based Business Policy
Attachment 9	Current Home Occupation & Cottage Industry Policy TP.20

**OFFICER RECOMMENDATION:** *That Council:*

- 1. Pursuant to section 75 of the Planning and Development Act 2005 and regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts Town Planning Scheme No. 3 Amendment No. 72 as per Attachment 6 as a 'Standard' amendment, as the amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area, and is not a complex or basic amendment.*
- 2. Pursuant to section 75 of the Planning and Development Act 2005 and regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts Town Planning Scheme No. 4 Amendment No. 70 as per Attachment 7 as a 'Standard' amendment, as the amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area, and is not a complex or basic amendment.*
- 3. Directs the Chief Executive Officer to concurrently commence advertising of Town Planning Scheme No. 3 - Amendment No. 72 and Town Planning Scheme No. 4 - Amendment No. 70, in accordance with regulation 47 of the Planning and Development (Local Planning Scheme) Regulations 2015, then presented to a future meeting of Council for consideration of any submissions received.*
- 4. Pursuant Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the draft Home Based Business Policy, as per Attachment 8, to expressly supersede the current Home Occupation & Occupation Town Planning Scheme Policy TP.20, as per Attachment 9, and*

*directs the Chief Executive Officer to commence advertising in accordance with Clause 6.7.2 of Town Planning Scheme No. 3 and Clause 7.6.2 of Town Planning Scheme No.4, in concurrence with Point 3 above, then presented to a future meeting of Council for consideration of any submissions received.*

#### Summary/Purpose

The purpose of this report is for Council to adopt amendments to the two operative local planning schemes and a new draft town planning scheme policy related to home based businesses, for the purpose of public consultation.

#### Background

At the Ordinary Meeting of Council held on 28 May 2015, a motion was moved directing the CEO to investigate a possible amendment to Town Planning Scheme No. 4 to introduce a new 'Home Business' discretionary use class for the Rural zones, to potentially allow a small motor vehicle repair/servicing business to be conducted from a rural property. Noting the officer comments provided and discussion at the meeting, Council resolved:

*"C.02/0515 That:*

- 1. The CEO present a report back to Council on the possible amendment to Town Planning Scheme No. 4, to introduce into a new use of "Home Business" with 'AA' use applicability in the Rural zones of the Scheme.*
- 2. The report to Council also address allowing uses already listed in the zoning table to be approved as a Home Business subject to such businesses meeting the restrictions (floor area, restriction on employees, etc.) of a home business.*
- 3. A review of the Home Occupation Cottage Industry Policy be undertaken in conjunction with the above report to Council."*

A subsequent report was then presented to the Ordinary Meeting of Council held on 24 November 2016 whereby Council resolved:

*"C.08/1116 That Council:*

- 1. Gives 'in-principle' support for following changes to Town Planning Scheme No. 3 and Town Planning Scheme No. 4:*
  - a) Introduce 'Home Office' as defined in the Planning Regulations 2015, subject to supplemental provisions limiting the use to 20m<sup>2</sup> only, and to be conducted by the resident(s) of the dwelling only; with a 'Home Office' listed as a 'P' permitted use in the Commercial, Residential, Residential Development, Rural, Special Residential, Special Restricted Use and Special Rural zones under Town Planning Scheme No. 3; and listed as a 'P' permitted use in the Commercial, Residential, Rural 1, Rural 2, Rural 3, Rural 4, Special Residential, Special Rural and Special Use zones under Town Planning Scheme No. 4.*
  - b) The definition of 'Home Occupation' be modified to reflect the model definition in the Planning Regulations 2015, which includes the prohibition of fuelling, repair or maintenance of motor vehicles.*
  - c) Introduce 'Home Business' as defined in the Planning Regulations 2015, subject to a supplemental provision to prohibit the fuelling, repair or maintenance of motor vehicles; with a 'Home Business' listed as an 'AA'*

*discretionary use in the Commercial, Residential, Residential Development, Rural, Special Residential, Special Restricted Use, and Special Rural zones under Town Planning Scheme No.3; and listed as a 'AA' discretionary use in the Commercial, Residential, Rural 1, Rural 2, Rural 3, Rural 4, Special Residential, Special Rural and Special Use zones under Town Planning Scheme No. 4.*

- d) Modify the permissibility of 'Cottage Industry' as an 'AA' discretionary use in the Commercial, Residential, Residential Development, Rural, Special Rural and some Special Restricted Use zones under TPS3; as a 'P' permitted use in the Industrial and Service Industry zones in TPS3; and as a 'P' permitted use in the Industrial zone in TPS4.*
  - e) Introduce 'Rural Home Business' as defined in the Planning Regulations 2015, and listed as an 'SA' special approval use in the Rural 1, Rural 2, Rural 3 or Rural 4 zones only of TPS4.*
- 2. Directs the Chief Executive Officer to prepare necessary scheme amendment documentation reflecting Point 1. above, for presentation at a future meeting of Council.*
  - 3. Notes the content of the draft Home-Based Business Policy, as per Attachment 2, with the final draft policy to be presented to Council in conjunction with Point 2. above for future public consultation."*

#### **Officer Comment**

The operation of home based businesses is regulated by the Shire's Town Planning Scheme No. 3 (TPS3) relating to the Bridgetown Townsite, and Town Planning Scheme No. 4 (TPS4) relating to balance of the Shire outside of the Bridgetown Townsite. The Shire's Home Occupation & Cottage Industry Town Planning Scheme Policy No. 20 also provides specific guidance for those two listed uses.

The purpose of controlling home based business activities within dwellings and ancillary outbuildings is to ensure that any such activities remain incidental to the primary residential use of the property, and that the amenity of surrounding properties is protected, particularly amenity of nearby residential dwellings or other sensitive land uses (ie. schools, hospitals, child care centres, etc).

There are a variety of home based business land uses applicable to the Shire of Bridgetown-Greenbushes, with a number already defined in TPS3 and TPS4, plus others defined in the 'Model provisions' in Schedule 1, Part 6, Division 1 of the Planning and Development (Local Planning Scheme) Regulations 2015 (Planning Regulations 2015).

A review of the other local planning schemes and the Planning Regulations 2015 has been undertaken, demonstrating the five types of home based business uses (in order of size) as Home Office, Home Occupation, Home Business, Cottage Industry and Rural Home Business, discussed below.

The following discussion essentially repeats information presented to Council in November 2016 with similar comments included in the two amendment reports that relate specifically to TPS3 or TPS4.

### 3.1 Home Office

Under the Planning Regulations 2015 a Home Office *“means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —*

- (a) is solely within the dwelling; and*
- (b) does not entail clients or customers travelling to and from the dwelling; and*
- (c) does not involve the display of a sign on the premises; and*
- (d) does not require any change to the external appearance of the dwelling.”*

A Home Office is typically a permitted use under most zones where a dwelling is permitted. Development approval would typically be exempt where located within the dwelling, no customers will be visiting the property, no signage is displayed and no works or changes in the building are proposed. This use class could apply to a mobile business (ie. plumber), an online business (ie. marketing consultant) or service business (ie. book keeper).

A Home Office is not currently listed or defined in TPS3 or TPS4 however the current Home Occupation & Cottage Industry Policy recognises that mobile businesses do not require approval to use their home for administrative purposes. This unofficial exemption however does not technically apply to a person working from home, even where consistent with the home office definition.

It is recommended that ‘Home Office’ be incorporated into TPS3 and TP4 including supplemental provisions limiting the use to 20m<sup>2</sup> only, and to be conducted by the resident(s) of the dwelling only. A Home Office is to be listed in Table 1 (Zoning Table) as a ‘P’ permitted use in the Commercial, Residential, Residential Development, Rural, Special Residential and Special Rural zones.

It is also recommended that for TPS3 a ‘Home Office’ be listed in Schedule 2 – Special Use Zones as a ‘P’ permitted use applicable to the Special Restricted Use R1, R5, R8 and R10 zones only, with the subject properties as follows:

- R1 - Lot 887 (RSN 24339) South Western Highway, Bridgetown
- R5 - Lot 4 (RSN 11749) Brockman Highway, Bridgetown
- R8 - Lots 548-567, 575 – 578 and 5741 Brockman Highway, Smith Street and Farrell Road, Bridgetown (future Penola Hills subdivision)
- R10 - Lot 5 (RSN 11719) Brockman Highway, Bridgetown

Importantly, the following Special Restricted Use zones have not been listed in the Amendment No. 72 to TPS3, as a Home Office is not considered necessary for these properties:

- R2 - Lot 77 (24429) South Western Highway, Bridgetown (Bowling Club)
- R3 - Lots 78 & 878 (RSN 24431) South Western Highway, Bridgetown (Caravan Park and Camping Area)
- R4 - Lot 600 (184) Hampton Street, Bridgetown (Repertory Theatre)

- R6 - Lot 61 Allnutt Street, Bridgetown (former Education Endowment Land reserve)
- R7 - Lot 9371 South Western Highway, Bridgetown (former Waste Facility)
- R9 - Lot 13003 & Portions of Lots 13098, 11988, 900 and 926 Bridgetown-Boyup Brook Road, Bridgetown (Bridgetown Sportsground Light Industrial Area)

It is also recommended that for TPS4 a 'Home Office' be listed in Schedule 6 – Special Use Zones as a 'P' permitted use applicable to the Special Use SU1 and SU3 zones. The SU1 and SU3 zones respectively apply to the Bridgetown Gardens Estate and the Windy Hollow Estate, which already contain a number of residential dwellings potentially suitable for Home Office activities.

Importantly the Special Use SU2 zone under TPS4 applies to a tourist lot in the Highlands Estate with an Office already listed as a Permitted use, so a Home Office is not considered necessary.

### 3.2 Home Occupation

Under the Planning Regulations 2015, a Home Occupation *"means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —*

- (a) *does not involve employing a person who is not a member of the occupier's household; and*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) *does not occupy an area greater than 20 m<sup>2</sup>; and*
- (d) *does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and*
- (e) *does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (f) *does not —*
  - (i) *require a greater number of parking spaces than normally required for a single dwelling; or*
  - (ii) *result in an increase in traffic volume in the neighbourhood; and*
- (g) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (h) *does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (i) *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."*

Under TPS3 and TPS4 a Home Occupation *"means a business carried on with the permission of the responsible authority within a house or the curtilage of a house that:*

- (a) *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 noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;*
- (b) *does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person;*

- (c) *does not occupy an area greater than 20 square metres;*
- (d) *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*
- (e) *is restricted in advertisement to a sign not exceeding 0.2 square metres in area.”*

A Home Occupation is already listed in TPS3 and TPS4 as a discretionary use in the Commercial, Residential, Residential Development, Rural and Special Residential zones, plus some Special Restricted Use and Special Rural zones.

This activity could apply to people running a business service (ie. accountancy, graphic designer) or one-on-one personal or educational service (ie. hairdresser, music lessons). A Home Occupation could also include other services such as goods production (ie. florist, food), or perhaps group educational services (ie. cooking or gardening classes). An important restriction is the 20m<sup>2</sup> area to run the business activity, plus available onsite parking for any customers. Depending upon the type and scale of activity, some may be better suited to the Home Business use or Cottage Industry use, discussed further below.

As a discretionary use a Home Occupation may only be conducted with approval from the Shire, often subject to public advertising, particularly where the use may potentially generate noise and/or visitor traffic.

Pursuant to the model definition in the Planning Regulations 2015, the fuelling, repair or maintenance of motor vehicles (ie. home based mechanic), which have a propensity to create noise, fumes, increased traffic, etc, can be prohibited for a Home Occupation, which is an important distinction. As such it is recommended that definition of Home Occupation is to be modified to reflect the model definition in the Planning Regulations 2015 stated above.

The Home Occupation use is broadly listed for most zones however it is recommended that the use is specifically added to Schedule 2 – Special Use Zones for Special Restricted Use R1, R5, R8 and R10 zones only. Importantly, a Home Occupation is broadly listed for most zones in TPS4 including the SU1 and SU3 zones, so modification to Table 1 – Zoning table is not considered necessary for TPS4.

### **3.3 Home Business**

Under the Planning Regulations 2015, a Home Business “*means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession —*

- (a) *does not involve employing more than 2 people who are not members of the occupier’s household; and*
- (b) *will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) *does not occupy an area greater than 50 m<sup>2</sup>; and*
- (d) *does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (e) *does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*

- (f) *does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*
- (g) *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.”*

A Home Business is typically a discretionary use under most zones where a dwelling is permitted, subject to development approval and public advertising. This use could apply to larger scale home based businesses such as pet grooming, plant nursery or fitness classes for small groups.

A Home Business is not currently listed or defined in TPS3 or TPS4, limiting the ability for residents to undertake business activities from home that require more space. As a discretionary use a Home Business may only be conducted with approval from the Shire, subject to mandatory public advertising, as the use may potentially generate noise and/or visitor traffic.

Although the model definition in the Planning Regulations 2015 does not include the restriction of fueling, repair or maintenance of motor vehicles (as recommended for a Home Occupation), the same restriction is necessary to prohibit the establishment of home based mechanics in urban and semi-rural areas.

It is recommended that the model definition of Home Business is to be incorporated into TPS3 and TPS4, supplemented by the additional provision to exclude fuelling, repair or maintenance of motor vehicles. The Home Business use is to be added to Table 1 (Zoning Table) of TPS3 as an ‘AA’ discretionary use in the Commercial, Residential, Residential Development, Rural, Special Residential and Special Rural zones; and specifically added to Schedule 2 – Special Uses Zones for Special Restricted Use R1, R5, R8 and R10 zones only.

It is also recommended that the Home Business use is to be added to Table 1 - Zoning Table in TPS4 as an ‘AA’ discretionary use in the Commercial, Residential, Rural 1, Rural 2, Rural 3, Rural 4, Special Residential and Special Rural; and specifically added to Schedule 6 – Special Uses Zones for Special Use SU1 and SU3 zones.

### **3.4 Cottage Industry**

Under TPS3 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:*

- (a) *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;*
- (b) *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;*
- (c) *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;*
- (d) *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*
- (e) *does not display a sign exceeding 0.2 square metres in area.”*



A Cottage Industry is typically a permitted or discretionary use under most zones where a dwelling is permitted, often subject to development approval and public advertising. This use generally applies to the production of arts and crafts goods such as furniture, toys, pottery, etc.

Under TPS3, Cottage Industry is a permitted or discretionary use in the Commercial, Industrial, Residential, Residential Development, Rural, and some Special Restricted Use and Special Rural zones. Although Cottage Industry is not currently defined in the Planning Regulations 2015, as a permitted use, development approval may be exempt where consistent with scheme and policy provisions, meaning Shire approval may not be required for a Cottage Industry within the Bridgetown townsite.

Given the maximum allowable area of 55m<sup>2</sup> and the potential for noise impacts, it is recommended that for TPS3 that the permissibility of Cottage Industry is to be modified in Table 1 (Zoning Table) from 'P' permitted to an 'AA' discretionary use in the Commercial, Residential, Residential Development, Rural and Special Rural zones. Cottage Industry is already listed as an 'AA' discretionary use in the R7, R8 and R10 zones under Schedule 2 – Special Use Zones, and is to be specifically added to the R1 and R5 zones only.

Under TPS4 a Cottage Industry is already an 'AA' discretionary use in the Residential, Rural 1, Rural 2, Rural 3, Rural 4 and Special Residential zone, plus some Special Restricted Use and Special Rural zones. Cottage Industry however is not listed in the Industrial zone so it is recommended that Table 1 – Zoning Table be modified to list 'Industry – Cottage' as a 'P' permitted use in the Industrial zone.

### 3.5 Rural Home Business

Under the Planning Regulations 2015, a Rural Home Business *“means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —*

- (a) does not involve employing more than 2 people who are not members of the occupier’s household; and*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- (c) does not occupy an area greater than 200 m<sup>2</sup>; and*
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.”*

A Rural Home Business with a generous area of 200m<sup>2</sup> could allow for a range of rural based businesses or trades that require substantially more work and/or storage area, such as small scale manufacturing (ie. wholesale bakery), storage yard (ie. earthmoving contractor) or supply yard (ie. rural supplies). Whilst some similar uses may already be defined in TPS3, and limited to appropriate commercial, industrial and rural zones, there may be scope for support of a range of rural home businesses.

A Rural Home Business with a generous area of 200m<sup>2</sup> could allow for a range of rural based businesses or trades that require substantially more work and/or storage area, such as small scale manufacturing (ie. wholesale bakery), storage yard (ie. earthmoving contractor) or supply yard (ie. rural supplies). Whilst some similar uses may already be defined in TPS3, and limited to appropriate commercial, industrial and rural zones, there may be scope for support of a range of rural home businesses.

To assist with discussion, a 'Rural Industry' under TPS3 and RPS4 is defined as *"means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality."*

A 'Rural Industry' is a permitted use in the Rural zone and a discretionary use in the Industrial zone within TPS3, and as a discretionary use in the Industrial, Rural 1, Rural 2, Rural 3 and Rural 4 zones of TPS4. An example of a rural industry could be a vineyard or orchard with a processing facility, and a workshop to service plant or equipment, whether used on or offsite. The generation of noise and traffic therefore associated with a rural industry would be significant in most cases, subject to compliance with relevant regulations. Importantly a Rural Industry would not need to be associated with a dwelling and therefore not defined as a Rural Home Business.

A Rural Home Business is not currently listed in TPS3 or TPS4 and depending upon the nature of the proposed use could therefore be considered a 'Use Not Listed'. As the name suggests a Rural Home Business should only be permitted on Rural zoned land, as such activities may have a propensity to generate noise, traffic, etc, and the establishment of a Rural Home Business in an urban area or in a Special Rural or Special Use zone is not considered appropriate.

Council in November 2016 resolved to support the staff recommendation to prohibit Rural Home Business across all zones in the Bridgetown townsite under TPS3. There are many properties within the Bridgetown townsite zoned Rural under TPS3, and of variable sizes ranging from approximately 4000m<sup>2</sup> up to 8 hectares. As a result of further investigation there may be opportunities to cater for such activity on larger Rural zoned lots within the Bridgetown townsite, with a recommended minimum of 2.0 hectares. There are many farming properties in TPS4 outside of the Bridgetown townsite suitable for conducting a rural home business.

As such, it is recommended that Rural Home Business use class be defined in TPS3 pursuant to the Planning Regulations 2015 and listed in Table 1 (Zoning Table) as an 'SA' special approval use only in the Rural zone (Column 6) and as an 'X' prohibited use in all other zones. It is also recommended that a Rural Home Business use class be defined in TPS4 pursuant to the Planning Regulations 2015, then listed in Table 1 – Zoning Table as an 'SA' special approval use in the Rural 1, Rural 2, Rural 3 and Rural 4 zones only, therefore prohibited in all other zones.

Part IV, Clause 4.1 Amenity and Tourist Development of TPS3 and Part IV Clause 4.10 Amenity and Development of TPS4, include provisions to recognise and protect amenity of land. It is important however that properties surrounding a Rural Home Business have adequate separation. As such it is recommended that a minimum lot size of 2.0 hectares is included in the new Home Based Business Policy for Rural Home Business uses.

### 3.6 Policy Review

A review of the Shire's current Home Occupation & Cottage Industry Policy has been undertaken in conjunction with preparation of this amendment. Whilst the current Policy is limited to home occupations and cottage industry, the draft Home Based Business Policy includes all five categories of home based businesses (in order of scale and permissible area) being Home Office, Home Occupation, Home Business, Cottage Industry and Rural Home Business.

The aim of the draft 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."* The draft Policy seeks to provide Council, Shire staff and the general community with a clear process for the assessment and operation of home based businesses throughout the Shire on the presumption that home based businesses will be supported where it can operate without impact on the amenity of the locality.

It is suggested that advertising of the draft Home Based Business Policy will be undertaken in conjunction with advertising of the two scheme amendments, then if supported, come into affect on or about the expected gazettal dates for the amendments.

### 4.0 Conclusion

The resolution of Council made in November 2016 seeks to update and broaden the range of business activities available to residents that are incidental to a residential dwelling, with the proposed changes generally in accordance with the model definitions from the Planning and Development (Local Planning Schemes) Regulations 2015.

It is therefore recommended that Council give support and adopt the amendments to both Town Planning Scheme No. 3 and No. 4 to introduce new use classes of Home Office, Home Business and Rural Home Business, and to modify the permissibility and definitions of Home Occupation and Cottage Industry. It is also recommended that Council adopt the draft Home Based Business Policy for public advertising concurrently with the two amendments, to supersede the current Home Occupation and Cottage Industry Policy.

#### Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3 and No. 4

Amendments to both Town Planning Scheme No. 3 and Town Planning Scheme No. 4 are required to introduce new or modified definitions, use classes and permissibility in the zoning tables.

Schedule 2, Part 7 of the Regulations 2015 cites 'Deemed provisions for local planning schemes' that automatically form and/or override any inconsistency in TPS3 and TPS4. Under Clause 61 (2), development approval of the local government is not required for the following (inter alia):

- “(b) development that is a use identified in this Scheme as a use that is permitted in the zone in which the development is located and –
  - (i) the development has no works component; or

- (ii) *development approval is not required for the works component of the development;*
- (c) *the use of premises as a home office;*
- (e) *any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;*
- (f) *use of a type identified elsewhere in this Scheme as a use that does not require development approval.”*

Under sub-clause (3) however the exemption may not apply to land in a special control area or land designated as being bush fire prone. Development approval is therefore exempt, in most cases, for development listed as a ‘P’ permitted use under TPS3 and TPS4, and clarification on appropriate permissibility of the various home based business uses will be required.

Alteration of an adopted Town Planning Scheme Policy must be progressed pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4, and Part 2 of the Planning Regulations discussed below.

- Planning and Development Act 2005

An amendment to a Local Planning Scheme must be processed in accordance with Section 75 of the Planning and Development Act 2005. After public advertising, Council will consider any issues and determine the appropriateness of the proposal and whether to adopt the amendment for final approval. The final decision on whether to grant final approval to an amendment rests with the Minister for Planning, acting upon recommendation from the WAPC.

- Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 of the Planning Regulations 2015 sets out the procedure for amending a local planning scheme. The recommended changes to TPS3 and TPS4 are likely to be defined as a ‘Standard Amendment’ with the process prescribed under Division 3 of the Planning Regulations 2015.

Furthermore, Schedule 2, Part 2 of the Planning Regulations 2015 provides the statutory power and procedure for amending or preparing a new planning policy.

#### Policy

- Shire of Bridgetown-Greenbushes Home Occupation & Cottage Industry Policy

The Shire of Bridgetown-Greenbushes Home Occupation & Cottage Industry Policy TP.20 was last reviewed in October 2010 prior to preliminary review and consideration by Council in November 2016. A full review of the current Policy has been undertaken and a new draft Home Based Business Policy presented to Council for consideration, in light of the recommended changes to permissible land uses.

#### Strategic Implications

- Strategic Community Plan 2012

*Economic Objective 1 – A strong, resilient and balanced economy.*

- Outcome 1.1 A diverse range of employment opportunities.
- Outcome 1.1.3 Support value-add and service industries.

*Civic Leadership Objective 4 – A collaborative and engaged community*

- Outcome 4.4 – The Shire provides a can-do approach within the regulatory environment.
- Outcome 4.4.1 – Review existing policies to determine if the regulatory framework is aligned to the needs of the broader community.

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

Budget Implications

Other than officer time to prepare scheme amendment and policy documentation, costs of approximately \$500 are expected to concurrently advertise the two proposed scheme amendments and draft Home Based Business Policy, with funds available in the current budget.

Fiscal Equity

Facilitating home based business is considered to be fundamental to ensuring a full range of services are provided throughout the Shire, particularly in areas with limited commercial and industrial land and/or businesses.

Whole of Life Accounting – Not applicable

Social Equity

Appropriate controls will need to be included in the draft Policy to ensure local amenity is adequately considered.

Ecological Equity

Appropriate controls will need to be included in the draft Policy to ensure the local environment is adequately considered.

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement

A review of schemes and policies used by other local authorities has assisted consideration of the issues and potential alternatives.

Delegated Authority

*Nil – Noting the previous resolutions from Council in May 2015 and November 2016, determination by Council is required to adopt the scheme amendments and the draft policy for the purpose of public consultation.*

Voting Requirements – Simple Majority

**Council Decision** *Moved Cr Hodson, Seconded Cr Boyle*

**C.07/0117** *That Council:*

- 1. Pursuant to section 75 of the Planning and Development Act 2005 and regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts Town Planning Scheme No. 3 Amendment No. 72 as per Attachment 6 as a 'Standard' amendment, as the amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area, and is not a complex or basic amendment.**
- 2. Pursuant to section 75 of the Planning and Development Act 2005 and regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts Town Planning Scheme No. 4 Amendment No. 70 as per Attachment 7 as a 'Standard' amendment, as the amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area, and is not a complex or basic amendment.**
- 4. Directs the Chief Executive Officer to concurrently commence advertising of Town Planning Scheme No. 3 - Amendment No. 72 and Town Planning Scheme No. 4 - Amendment No. 70, in accordance with regulation 47 of the Planning and Development (Local Planning Scheme) Regulations 2015, then presented to a future meeting of Council for consideration of any submissions received.**
- 5. Pursuant Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopts the draft Home Based Business Policy, as per Attachment 8, to expressly supersede the current Home Occupation & Occupation Town Planning Scheme Policy TP.20, as per Attachment 9, and directs the Chief Executive Officer to commence advertising in accordance with Clause 6.7.2 of Town Planning Scheme No. 3 and Clause 7.6.2 of Town Planning Scheme No.4, in concurrence with Point 3 above, then presented to a future meeting of Council for consideration of any submissions received.**

**Carried 8/0**

6.25pm – Ms Denniss returned to the Meeting

## **Works & Services**

<b>ITEM NO.</b>	C.08/0117	<b>FILE REF.</b>	133
<b>SUBJECT</b>	Unbudgeted Expenditure – Purchase of Generator		
<b>OFFICER</b>	General Operations Coordinator and Chief Executive Officer		
<b>DATE OF REPORT</b>	22 December 2016		

*OFFICER RECOMMENDATION that Council approves unbudgeted expenditure of \$6,000 for the purchase of a new 11kVa generator at the Bridgetown Waste Site.*

### **Summary/Purpose**

A replacement generator is required at the Bridgetown Waste Site to replace a failed generator. The generator is required to effectively operate the waste site in compliance with licence conditions. As the purchase of a new generator isn't included in the 2016/17 budget, Council approval for unbudgeted expenditure is required.

### **Background**

Several months ago the generator at the Bridgetown Refuse Disposal Site broke down and repairs were unsuccessful. The advice from repairers is that the parts required for the generator are no longer available and it cannot be returned to an operable condition.

With power not supplied to the refuse disposal site a generator is required to run all electrics at the site. A smaller generator is used for degassing of refrigerators and as an interim measure it is being used as the primary generator at the refuse disposal site. However it has insufficient capacity to run the high pressure cleaner to properly clean the tracks of the traxcavator machine which is a requirement of our works licence at the site. The recommended size of a new generator is an 11 kVa, 3 phase, portable generator and has an estimated cost of \$6,000.

Council is requested to approve this purchase as unbudgeted expenditure as the generator is an essential item required for the operation of the waste site.

As part of the investigations into the purchase of a generator for the waste site consideration was given to increasing its size so it could also serve as a generator that could be transported to the Bridgetown Leisure Centre during its use as an evacuation centre in emergencies. The cost of a 50kVa generator is only approximately \$5,000 more than a 11kVa generator however consultation with specialist electricians and suppliers confirmed that running a 50kVa generator at the waste site when its draw down load is only a fraction of that capacity would severely lessen the life of the generator.

Staff will complete investigations into a suitable emergency generator setup at the Bridgetown Leisure Centre in time for 2017/18 budget considerations.

### Statutory Environment

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

### Integrated Planning

- Strategic Community Plan  
Objective 2 – our unique natural and built environment is protected and enhanced  
Outcome 2.7 – efficient and effective waste management services
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy - Nil

### Budget Implications

The purchase of a generator at the waste site has not been provided for in the 2016/17 budget. The cost of a new 3-phase generator is approximately \$6,000

The waste budget is considered independent of the balance of the Shire budget in that any under or over waste expenditure (surplus or deficit) is quarantined from the rest of the budget with the surplus or deficit being addressed at the end of the financial year by an equivalent transfer to, or transfer from, the Sanitation Reserve.

The 2016/17 budgeted balance of the Sanitation Reserve is currently \$63,364.

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 larger replacement generator is critical to ensuring that the Shire meets its licence conditions for operation of the waste site.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

### **Council Decision Moved Cr Boyle, Seconded Cr Wilson**

***C.08/0117 That Council approves unbudgeted expenditure of \$6,000 for the purchase of a new 11kVa generator at the Bridgetown Waste Site.***

***Absolute Majority 8/0***



**Community Services** - Nil

**Consideration of Standing Committee Recommendations** – 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 President closed the Meeting at 6.29pm*

**List of Attachments**

Attachment	Item No.	Details
1	C.02/0117	Minutes from Special Meeting
2	C.05/0117	November 2016 Financial Activity Statements
3	C.05/0117	December 2016 Financial Activity Statements
4	C.05/0117	List of Accounts Paid in December 2016
5	C.06/0117	Revised Relocated Dwellings Policy (As Advertised)
6	C.07/0117	Proposed Town Planning Scheme No. 3 - Amendment No. 72
7	C.07/0117	Proposed Town Planning Scheme No. 4 - Amendment No. 70
8	C.07/0117	Proposed Draft Home Based Business Policy
9	C.07/0117	Current Home Occupation & Cottage Industry Policy TP.20

Minutes checked and authorised by E Denniss, Acting CEO		27. 1.17
--	--	----------

CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Council Meeting held 25 January 2017 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 23 February 2017.

..... 23 February 2017

unconfirmed minutes