

Council Minutes Index – 27 April 2017

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Minutes of an Ordinary Meeting of Council held in the Council Chambers on Thursday, 27 April 2017 commencing at 5.30pm

The President opened the Meeting at 5.30pm

Acknowledgment of Country – Presiding Member

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

Attendance, Apologies and Leave of Absence

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

Attendance of Gallery

I James

Responses to Previous Questions Taken on Notice

Question taken on Notice from B Bebbington – March Council Meeting

At the 11 August 2015 Special Council Meeting for Adopting the Budget, seeing as budget matters are being addressed in part tonight, I raised the issue of a \$32.10 charge by the Shire for paying instalments. What is the actual cost to the Shire to issue a rates notice, what is the cost to the Shire to issue an instalment notice, and how many rates notices are issued by the Shire? Bearing in mind that if all rates were paid by second instalment by the rates payers and they're still charged the fee for the issue of the third and fourth notice which are not issued, can the Council take action to remove this fee from those rate payers?

Response

In 2017/18 a total of 3,218 rates notices have been issued. Of that 1,048 have elected to pay in instalments.

The Shire of Bridgetown-Greenbushes only offers a 4 instalment option. The instalment administration fee is automatically raised in full at the time a ratepayer elects to pay by the four instalment option. The Shire doesn't currently offer options for less or more instalments as that would require a manual

process for administering the instalments whereas the Shire's electronic rating module has a 4-instalment process built-in.

Shire staff have already commenced the process for reviewing 2017/18 fees and charges and this includes an assessment of fees against the cost of providing the relevant service. This process has included an assessment of the current rate instalment administration fee. Based on 2016/17 figures the estimated cost to the Shire of administering the rates instalment process equates to an amount of \$25.41 for each non-pensioner applicant (note pensioners are exempt from having to pay this fee). This cost covers the costs of consulting with affected applicants (in-person, telephone, email or written letter), printing instalment rates notices and specific rating information covering the subject of instalments, postage, receipting costs and minor administrative costs. All these costs are spread across the non-pensioner applicants and based on current costs a cost recovery fee of \$25.41 has been identified. Accordingly it is proposed to recommend this reduced fee to Council in its 2017/18 fees and charges review. The costs would be assessed annually as part of the annual fees and charges setting process and could vary each year based on the preceding year's take up of the instalment option.

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.01/0417 Ordinary Meeting held 30 March 2017

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 30 March 2017 as a true and correct record.

Council Decision Moved Cr Pratico, Seconded Cr Moore

C.01/0417 That the Minutes of the Ordinary Meeting of Council held 30 March 2017 be confirmed as a true and correct record.

Carried 9/0

Announcements by the Presiding Member Without Discussion

The President announced the Shire has just acquired our latest art purchase from the 2016 Bridgetown Landscape Exhibition by local artist Nik Fabizak, which has been on exhibition elsewhere. The piece is an aerial depiction of the main streets of Bridgetown and Greenbushes.

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

CEO's Office

| | | | |
|-----------------------|---------------------------------------|------------------|--|
| ITEM NO. | C.02/0417 | FILE REF. | |
| SUBJECT | Specifications of Mobile Phone Towers | | |
| PROPONENT | Mr B Bebbington | | |
| OFFICER | Chief Executive Officer | | |
| DATE OF REPORT | 3 April 2017 | | |

OFFICER RECOMMENDATION that Council:

- 1. Note the advice from Telstra that access to specific mobile phone tower configuration information is not publicly available.*
- 2. Continue to monitor mobile phone coverage blackspots and nominate such areas as blackspots when such opportunities arise.*

Summary/Purpose

At the recent Annual General Meeting of Electors a query was raised about the scope of access local governments have to antennae configuration and other specifications of individual mobile phone towers. Subsequently Council at its

February 2017 meeting resolved to seek information from mobile phone providers and the Blackspot Programme on this issue.

Background

Council, at its February 2017 meeting resolved (C.04/0217):

That Council:

- 1. Receives the Minutes of the Annual General Meeting of Electors held on 2 February 2017.*
- 2. Seeks to obtain information from mobile phone providers and the Blackspot Programme with a view to determine the location of mobile phone towers used for voice telephony within the Shire and whether the antennas are 360 degree or beam directional, with a report back to Council.*

The above resolution was referred to Council as a motion from the Annual General Meeting of Electors held on 2 February 2017. The discussion (raised by Mr Bruce Bebbington) preceding that motion at the AGM focused initially on the range of the Yornup tower being a north/south orientation rather than 360 degree, and does the Shire know the location of all the mobile phone towers that exist in the district and whether they are omnidirectional (360 degree), or whether they're direct beam in order to establish whether the future applications for the Blackspot Programme can involve either new installations or enhancement, for example, in the case of Yornup to make it 360 degree.

The Shire of Bridgetown-Greenbushes has had limited discussions with mobile phone carriers regarding black spots and potential new towers. In the South West Region the South West Development Commission (SWDC) has taken the lead role in improving telecommunications across the region. The SWDC has liaised with stakeholders about telecommunications needs and put forward a set of priority mobile tower locations for funding consideration under the Regional Telecommunications Project and Mobile Black Spot Program.

The SWDC identifies mobile blackspots through feedback from the community. Local government is one of the key sources, along with emergency services, local MPs and community groups. The list is compiled and provided to the Department of Commerce to be fed into the tendering process. Final decisions on which sites are funded are generally based on an assessment of need however each site still needs to compete with others across the state for funding.

In response to the February 2017 Council resolution a request was submitted to Telstra via the SWDC on the access to details about specific towers and the coverage of the Yornup tower.

Telstra have advised it doesn't provide details around antenna configurations except when it works with Government departments around a specific location or sites. Telstra directs such enquirers to access the Radio Frequency National Site Archive (RFNSA) website <http://www.rfnsa.com.au/nsa/index.cgi> for frequency information and site coordinates.

An alternative website for information on specific towers is www.oztowers.com.au.

Information on the Australian Government's mobile blackspot program can be viewed at <https://www.communications.gov.au/what-we-do/phone/mobile-services-and-coverage/mobile-black-spot-program>.

Whilst access to specifications such as antennae configuration aren't publicly available if an area is considered to be a mobile phone blackspot it can be periodically nominated (at such time as applications are called) as such under the Australian Government's mobile blackspot program. If the solution to a blackspot is to reconfigure an existing antennae this can be considered for funding under that program.

With regard to the Yornup Tower Telstra advises that it was designed to provide mobile coverage along the South Western Highway between Bridgetown and Manjimup. At this stage Telstra hasn't any plans to augment mobile coverage in the Yornup area.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
Objective 4 – a collaborative and engaged community
Outcome 4.3 – To be strong advocates representing the community's interests
Strategy 4.3.1 - Lobby government and industry to represent the community's needs, as required
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Mackman, Seconded Cr Pratico

C.02/0417 That Council:

- 1. Note the advice from Telstra that access to specific mobile phone tower configuration information is not publicly available.**
- 2. Continue to monitor mobile phone coverage blackspots and nominate such areas as blackspots when such opportunities arise.**

Carried 9/0

| | | | |
|-----------------------|-------------------------|------------------|--|
| ITEM NO. | C.03/0417 | FILE REF. | |
| SUBJECT | Green Roof at Library | | |
| OFFICER | Chief Executive Officer | | |
| DATE OF REPORT | 8 March 2017 | | |

OFFICER RECOMMENDATION that Council note the recommendation from its Sustainability Advisory Committee however resolves to retain the green roof garden on the library building to enable the use of a mobile scaffold staircase for roof access to be trialled. In the event of the CEO determining the trial to be unsuccessful in providing suitable roof access the future of the green roof is to again be referred to Council for determination.

Summary/Purpose

Due to roof access limitations maintenance of the existing green roof on the Shire Library has been compromised. Council included funds in its current budget to install a platform and rail to facilitate access to the roof by an elevated work platform but since then an alternative access system (mobile scaffold staircase) has been identified for both the library roof and the many other Shire buildings that require access to the roof for maintenance work and inspections.

The Sustainability Advisory Committee has recommended removal of the vegetation comprising the green roof and the installation of root matting. However in light of the proposed new mobile scaffold staircase being acquired it is recommended the green roof be retained and a trial of using the new access system is implemented.

Background

Construction of the new Bridgetown Regional Library was completed in 2013. One of the features of the library was the creation of a “green roof”, being the establishment of a low maintenance garden on the roof of the building to improve thermal and acoustic insulation and to complement the building’s setting adjacent to Somme Creek. During the design process the project architect proposed the establishment of the green roof as an example of a local government demonstrating leadership in the area of environmental sustainability. After considerable and at times contentious consideration the Council accepted the recommendation of the project architect and incorporated a green roof into the library design.

The roof was planted in 2013. It was determined in the first year of operations that maintenance requirements of the green roof were greater than anticipated and this resulted in concerns being raised about the method of access to the roof.

The architect based his design for access to the roof on an assumption that only periodical access would be required – in the form of 2-3 times per annum. However in the first year of operation it was determined that more frequent access to the roof was required. The access designed by the project architect involved hooking a ladder into a purpose built rail at the top of the wall. Worksafe became aware of this method of access and after investigating the type and frequency of access an order was issued to the Shire of Bridgetown-Greenbushes to either limit roof access to an infrequent nature or to design a safer form of access that would allow persons to safely access the roof whilst carrying tools or other items necessary for gardening and maintenance of the roof garden.

Via discussion between staff and Worksafe an alternative access system was identified where an elevated work platform would be used to provide access to the roof. This however would require installation of a landing platform and rail on the roof.

Council's 2016/17 budget contained funds of \$5,000 for installation of the platform and rail. At the Council budget workshop held on 16 June 2016 discussion on the proposed building maintenance/capital works budget occurred. At the workshop discussion occurred on the need for the roof access to the library required for ongoing maintenance of the roof garden. There was some discussion of the need to replant the roof garden with the consequence being that the roof access wouldn't be required as only periodic access to the roof could still occur by the existing "ladder" access. At the workshop it was agreed that the subject of the library green roof, the question of replanting a roof garden, and if so the type of plantings, would be referred to Council's Sustainability Advisory Committee for consideration and recommendation to Council.

The Sustainability Advisory Committee met on 20 July 2016 and discussed this issue and made the following recommendation:

Access is a problem and will continue to be a problem just to keep the central gutter clean and prevent flooding and consequential water damage to the building. As the Shire does not want the expense of correcting this Committee recommends:

- 1) *That the roof garden soil be covered by root matting and pegged down to obliterate the garden, and*
- 2) *That over this we recommend an appropriate sized photovoltaic system (60-80 panels) be installed to reduce the power costs of operating the library.*

The Shire's Parks & Gardens staff have expressed concerns about the effectiveness of root matting as typically it doesn't prevent growth - only suppresses growth. This would see vegetation growing through the root matting.

Installation of the platform and rail hasn't been progressed pending investigation of alternative roof access options and presentation of the Sustainability Advisory Committee recommendation to Council. A new option for accessing the library roof has been identified – being the use of a mobile scaffold staircase. This is a modular

kit scaffolding system that is currently in the process of being purchased with funds budgeted for this purpose in the 2016/17 budget. This scaffolding will enable easier access to the roofs of the many Shire buildings.

The mobile scaffold staircase would provide a stairway access to the roof of the building, suitable for persons carrying equipment and other items needed for the course of roof and garden maintenance. The scaffolding must be set up by a minimum of two qualified persons. The estimated cost of setting up and dismantling the scaffolding is \$1,000. It is proposed that the scaffolding would be set up twice per annum – spring and autumn – where the majority of garden related maintenance would be completed. At other times during the year if inspections or minor work (not requiring equipment or materials) is required the current ladder access system would be used.

With the past and current access restrictions maintenance of the green roof garden has been minimal and much work is required to transform it back to a healthy garden. As the mobile scaffold staircase is being purchased in any case it should be trialed to determine if it meets the access requirements for ongoing maintenance of the green roof of the library.

The green roof was a pivotal component of the library design and to simply remove it without fully investigating all cost-effective access issues would detract from the reasons Council had in the first place for including this in the building design.

Since the Committee recommendation staff has been working with a number of prospective providers on proposals for installation of a photovoltaic system or other energy efficient devices, both on the library and other Shire buildings. These discussions are nearing a conclusion with a proposal to be presented to Council in due course however prior to finalising those plans it is necessary to submit the Sustainability Advisory Committee recommendation on the green roof to Council for consideration as retention or removal of the green roof has an effect on the extent of energy efficiency proposals being considered.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Outcome 2.8 – Natural resources are used efficiently and effectively
 - Strategy 2.8.1 - Investigate retrofitting of Shire buildings for energy and water efficiency
 - Strategy 2.8.2 - Future development of Shire buildings incorporates environmentally sustainable design principles

- Corporate Business Plan
 - Strategy 2.8.1 - Investigate retrofitting of Shire buildings for energy and water efficiency
 - Action 2.8.1.1 - Consider the installation of energy and water efficiency fittings on Shire buildings

- Long Term Financial Plan - Nil

- Asset Management Plans - Nil
- Workforce Plan
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

There are no additional capital costs in acquiring the mobile scaffold staircase as it is already being purchased for other purposes. The cost of setting up and dismantling the mobile scaffolding on two occurrences per annum is approximately \$2,000. The alternative option of hiring an elevated work platform would also incur similar costs.

The elevated work platform option required construction of a landing platform and rail on the roof at an estimated cost of \$5,000. Whilst some railing will still be required under the mobile scaffold staircase option this is estimated to be at a cost of approximately \$2,500 representing a saving of \$2,500 on the other option.

If the Sustainability Advisory Committee recommendation to remove the landscaping was accepted there would be fewer costs in maintaining the roof garden but this would be offset by the cost of installing, monitoring, maintaining and periodically replacing the root matting.

Fiscal Equity – Not Applicable

Whole of Life Accounting

The lifespan of root matting on a roof environment is unknown and may require regular replacement. Council's current budget allocations cover regular grounds maintenance of the green roof landscaping.

Social Equity – Not Applicable

Ecological Equity

The library design specifically included the green roof to enhance the visual attractiveness of the building, particular the view of the building from the road or footpath on Steere Street and from an environmental friendly design perspective. The enviro-friendly elements of a green roof include high thermal mass which creates a stable temperature and reduces heating and cooling loads (and costs). Removal of the landscaping but retention of the soil under root matting would likely retain the same thermal mass however this is only an assumption as Shire staff have no expertise in this area. Specialist advice on this subject could be obtained if the issue was to arise after the trial of the mobile scaffold staircase has ended.

Cultural Equity – Not Applicable

Risk Management

The trial of a mobile scaffold staircase will address the safety concerns about staff and/or contractors having to access the roof with equipment and materials. As erection of the scaffolding is a lengthy process it is likely to be restricted to two occurrences per annum thus most of the green roof maintenance will be done on those occurrences. Other maintenance activity not requiring the use of significant

materials or equipment can still occur with staff and/or contractors accessing the roof using the existing 'hooked ladder' system.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Nicholas, Seconded Cr Moore C.03/0417 That Council endorse the Sustainability Advisory Committee recommendation to remove the vegetation comprising the green roof and install roof matting.

Carried 5/4

Crs Wilson, Pratico, Scallan and Moore voted against the Motion

Reason for voting contrary to the Officer Recommendation

There appears to be no positive outcome from this recommendation as the Shire has already purchased the mobile scaffold staircase for other purposes. The revegetation of the library roof will create a further maintenance issues and costs which can be avoided by agreeing to the recommendation of the Shire's advisory committee. There appears little point in asking committees to investigate issues, to then not follow their advice.

Corporate Services

| | | | |
|-----------------------|--------------------------------------|------------------|-----|
| ITEM NO. | C.04/0417 | FILE REF. | 131 |
| SUBJECT | List of Accounts Paid in March 2017 | | |
| OFFICER | Executive Manager Corporate Services | | |
| DATE OF REPORT | 18 April 2017 | | |

Attachment 1 List of Accounts Paid in March 2017

OFFICER RECOMMENDATION that Council receives the List of Accounts Paid in March 2017 as presented in Attachment 1.

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 processing of budget review amendments currently being undertaken, preparation and presentation of the March 2017 Financial Activity Statement is to be deferred to Council's May 2017 ordinary meeting.

Council has delegated to the Chief Executive Officer the exercise of its power to make payment from the municipal and trust funds. In accordance with Regulation 13 of the of the Local Government (*Financial Management*) Regulations 1996 a list of accounts paid in March 2017 has been prepared and is presented to Council.

Statutory Environment

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

Integrated Planning

- Strategic Community Plan 2013
 - Objective 4: A collaborative and engaged community
 - Outcome 4.2: A high standard of governance and accountability
 - Strategy 4.2.3: Ensure compliance with relevant legislation

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

Policy

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

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

Budget Implications

Expenditure incurred in March 2017 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 Wilson, Seconded Cr Pratico

C.04/0417 That Council receives the List of Accounts Paid in March 2017 as presented in Attachment 1.

Carried 9/0

| | | | |
|-----------------------|---|------------------|-----|
| ITEM NO. | C.05/0417 | FILE REF. | 122 |
| SUBJECT | Acceptance of Grant Funding - Roads to Recovery Bridge Program – Hester Brook | | |
| OFFICER | Executive Manager Corporate Services | | |
| DATE OF REPORT | 19 April 2017 | | |

OFFICER RECOMMENDATIONS:

1. That Council accepts additional Roads to Recovery grant funding of \$681,000 for bridge works on Catterick Road at Hester Brook (Bridge No. 3703A).
2. Approves as unbudgeted expenditure the expenditure of \$681,000 for works on Bridge No. 3703A Hester Brook.

Summary/Purpose

This recommendation seeks formal receipt of unbudgeted grant income and unbudgeted expenditure for works on Bridge No. 3703A Hester Brook.

Background

Correspondence has been received from the Department of Infrastructure and Regional Development advising of additional bridge funding that has been allocated to the Shire specifically for works on Bridge No. 3703A Hester Brook.

An amount of \$681,000 has been allocated for a reinforced concrete overlay, guardrail upgrade and repair works to the Hester Brook Bridge crossing on Catterick Road.

Officer Comment

The works being funded will be undertaken by Main Roads WA and associated costs on-charged to the Shire. There will be no impact on the Shire's scheduled works program as a result of these works. The additional grant funding has been allocated to the 2016/17 construction year requiring Council to amend it 2016/17 Budget accordingly.

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 2013
 - Objective 1: A strong, resilient and balanced economy
 - Outcome 1.5: Maintain an appropriate standard of transport networks, roads and pathways
 - Strategy 1.5.1: Maximise funding opportunities
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil

- Asset Management Plans
The value of these works will be reflected in Council's Transport Infrastructure Asset Management Plan.
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

There will be no adverse impact on the Shire's 2016/17 Budget as a result of accepting these grant funds and approving the associated expenditure.

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 – Absolute Majority

**Council Decision Moved Cr Mackman, Seconded Cr Moore
C.05/0417**

- 1. That Council accepts additional Roads to Recovery grant funding of \$681,000 for bridge works on Catterick Road at Hester Brook (Bridge No. 3703A).**
- 2. Approves as unbudgeted expenditure the expenditure of \$681,000 for works on Bridge No. 3703A Hester Brook.**

Absolute Majority 9/0

Planning & Environmental Services

| | | | |
|-----------------------|--|------------------|--------|
| ITEM NO. | C.06/0417 | FILE REF. | A27503 |
| SUBJECT | Proposed Ancillary Accommodation (Setback and Policy Variations) | | |
| PROPONENT | Ivon and Gillian James | | |
| LOCATION | Lot 27 (RSN 32) Scriven Road, Bridgetown | | |
| OFFICER | Manager Planning | | |
| DATE OF REPORT | 18 April 2017 | | |

| | |
|--------------|----------------------------|
| Attachment 2 | Location Plan |
| Attachment 3 | Applicant's Submission |
| Attachment 4 | Proposed Plans |
| Attachment 5 | Bushfire Assessment Report |

OFFICER RECOMMENDATION: That Council noting that no public submissions were received, and pursuant to Clause 3.4.4 and Clause 7.6.4 under Town Planning Scheme No. 4, varies the front setback and waives the Shire's Ancillary Accommodation Policy, and grants development approval for the proposed ancillary accommodation at Lot 27 (RSN 32) Scriven Road, Bridgetown, as per Attachments 4 and 5, subject to the following conditions:

- 1. Approval is granted for the ancillary accommodation and freestanding carport with a reduced front setback of 5.0 metres in lieu of the required 25 metre setback. Any further setback reduction will require separate development approval.*
- 2. The development is to be constructed in accordance with BAL-12.5 standards pursuant to Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas.*
- 3. The findings and recommendations of the Bushfire Attack Level Assessment Report (dated 19 April 2017) must be maintained for the life of the dwelling, including the provision of the asset protection zone.*
- 4. The external colours of the existing dwelling and ancillary are to be complementary, noting the use of variable external materials.*
- 5. The existing dwelling and proposed ancillary accommodation must utilise a shared vehicular access from the road.*
- 6. Provision being made for one car parking bay for use by the occupiers of the ancillary accommodation, plus two bays available for the occupiers of the dwelling, prior to occupation.*
- 7. The ancillary accommodation is not to be rented, leased or sold or otherwise occupied by persons other than a relative(s) of the occupiers of the main dwelling.*

8. *Should the ancillary accommodation be no longer required for familial ancillary accommodation the building is to be removed or converted to a non-habitable space.*
9. *No laundry facilities are permitted within the ancillary accommodation.*
10. *A Notification pursuant to section 70A of the Transfer of Land Act is to be registered on the Certificate of Title for the property, prior to occupation of the ancillary accommodation, within 28 days of the date of this approval, advising prospective purchasers of the conditions of development approval including restricted familial use of the ancillary accommodation and findings of the bushfire management report.*

Summary/Purpose

A development application has been received seeking approval for a new ancillary accommodation building to be erected at Lot 27 (RSN 32) Scriven Road, Bridgetown. Noting the reduced front setback and external materials and colours of the proposed building, and that no submissions from surrounding landowners were received, it is recommended that the minimum front setback and requirements of the Ancillary Accommodation Policy be varied, and development approval granted subject to conditions.

Background

A development application has been received seeking approval to erect a transportable ancillary accommodation building on Lot 27 (RSN 32) Scriven Road, Bridgetown. The property is zoned 'Special Rural SR4' under Town Planning Scheme No. 4 (TPS4) and has an area of 1.9800 hectares. Ancillary Accommodation is not listed under TPS4 and is best defined as an incidental use to a 'Single House' which is a Permitted use within the SR4 zone.

The subject property has a variety of managed vegetation including managed paddocks and orchards, plus a small stand of large trees in the north-east corner and a larger stand of trees in the southern end. The property is surrounded by similarly zoned special rural land to the north, west and south, with rural zoned farmland to the east. The property is located at the eastern end of Scriven Road, with access via Palmers Road to South Western Highway.

The landowners are seeking to erect the ancillary accommodation building for their own residential use, with the existing dwelling to then be occupied by the landowners' son and family. The ancillary building is to have a floor area of 48.8m² (excluding attached verandah/carport), consisting of a single bedroom, bathroom and open plan kitchen/living area.

The existing dwelling is located in the north-western corner of the property, setback approximately 12 metres from the northern front boundary, and 4.5 metres to the western side boundary. The proposed ancillary accommodation is to be located 20 metres to the east of the existing dwelling and setback only 5.0 metres from the front boundary, in lieu of the required 25 metre setback as required under Clause 4.5.6 of TPS4.

The ancillary building is to be constructed offsite then transported as a single module, fixed in place to new footings. The building is to be clad in Satin grey coloured 'Mitten' vinyl cladding, with a low pitched custom orb metal roof. The landowners have also provided some additional plans showing 3.0 metre wide full length verandah on the southern front side of the ancillary, plus a stand alone double carport, although these have not been shown on the overall site plan.

The existing home was constructed by the current landowners approximately 30 years ago, using a combination of dark grey/blue Basalt stones with grey custom orb metal cladding for the walls, with a high pitched galvanized iron roof.

The proponent has provided two letters (see Attachment 3) giving a rationale to support the proposal:

- There is a lack of flat levelled ground within 20 metres of the existing home, as required by the Shire's Policy.
- The proposed site is close to the drainage culvert on Scriven Road that the Shire constructed to protect our existing home from storm water flooding.
- The proposed site is higher than the septic system for the existing home which a plumber has suggested we could also use.
- The property is the last on Scriven Road cul-de-sac so there are no neighbours driving past.
- The existing home was built using Basalt rock and with a high pitched roof, whereas the granny flat is to have a satin grey coloured walls, which is the closest colour available. Due to budget and time limitations it is not practical to build the granny flat using Basalt rock.
- We have added a verandah and a pitched roof carport to the building which will better blend with the existing house.

Notwithstanding the 25 metre front setback requirement and the terms of the Ancillary Accommodation Policy, and noting the above comments from the proponent, circumstances exist that allow Council to approve this application including:

- The ancillary accommodation building is to be located on the low side of the road, modest in sized at only 48.8m², with a low skillion roof, so the reduced front setback will have minimal impact on the local road.
- The low pitched skillion roof and vinyl clad external walls will have minimal impact on the local area, with the existing dwelling substantially screened from view by existing vegetation.
- The proposed grey coloured walls, full length verandah and high pitched free standing carport will be complementary to the existing house.

The proposal was referred to surrounding landowners for comment with the submission period ending on 31 March 2017, however no submissions were received.

Noting the above, the building has been designed and located appropriately and is not considered to have a detrimental impact upon the amenity of the street nor the locality in which it is located. It is therefore recommended that approval be granted to the ancillary accommodation building subject to special and standard conditions.

Statutory Environment

- Town Planning Scheme No. 4

Clause 3.4.4 of TPS4 provides Council with the power to waive or modify a development requirement. *“The power conferred by this clause may only be exercised if the Council is satisfied that:*

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

The proposed variation to the front setback is considered reasonable, discussed further below.

Under Clause 4.5 of TPS4 in relation to the Special Rural Zones, *“Council’s Objective is to ensure that the establishment of Special Rural Zones within the Scheme area will provide for adequate accessibility and proximity to the District’s Urban Areas and result in minimal detriment to the District’s agricultural production and rural landscape.”*

The Special Rural SR4 zone has already been subdivided and most lots developed including the subject lot. The proposed ancillary accommodation, notwithstanding the proximity to the front boundary, is considered reasonable and consistent with the objective.

Under Clause 4.5.6 (ii) of TPS4 requires development to be contained within a defined building envelope lodged under the provisions of Clause 4.5.5 of TPS4. Council may permit construction of buildings in areas other than the building envelope if it is satisfied that the proposed location thereof will not be detrimental to the landscape or the environment but in any case the distance from a lot boundary will not be less than 25 metres to a road frontage or 20 metres from the side or rear boundaries of a lot.

The subject lot is located within a rural subdivision that precedes TPS4 and building envelopes were not defined for the lots. A setback of 25 metres is therefore applicable to the front boundary, whereas the application seeks approval for a reduced setback of 5.0 metres from the front boundary. The existing dwelling is built with reduced front and rear setbacks. Given the modest size of the proposed ancillary accommodation building, and being located on the lower side of the road, the reduced front setback is not expected to have any detrimental impact on the local rural amenity.

Clause 7.6.4 of TPS4 states *“A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.”*

Council has discretion to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been considered.

Whilst the design and materials of the proposed ancillary accommodation will differ from the existing dwelling, such differences are not expected to have any detrimental impact on the local amenity and waiving that requirement of the Ancillary Accommodation Policy is recommended.

Policy Implications

- Ancillary Accommodation Policy

Under the Shire's ancillary Accommodation Policy TP.6, Council recognises the *"genuine need for accommodation of relatives is often demonstrated, be it for aged or disabled relatives or dependents desiring semi-independent accommodation. Such accommodation permits extended families to live in close proximity but with some autonomy from each other."*

Under the Policy, ancillary accommodation is defined as *"self contained living accommodation on the same lot as a single house that may be attached or detached from the single house existing on the lot."* One of the principal requirements is the ancillary accommodation is to be an appearance and style similar to the main dwelling and shall endeavour to appear from the roadside viewpoint as a single residence and not a grouped dwelling.

Noting the justification provided by the proponent, the location and modest size of the ancillary accommodation, and the attempt to use external colours where possible that are complementary to the existing dwelling, approval is recommended for the proposal with a minor variation to the Policy.

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

The whole property has been identified within the bushfire prone area and as such a Bushfire Attack Level (BAL) Assessment Report has been prepared by Bushfire Ready, declaring a moderate rating of BAL-12.5. The BAL Report also includes a Bushfire Management Statement demonstrating compliance with the Guidelines for Planning in Bushfire Prone Areas, as required under (SPP 3.7). Ongoing management is required to maintain the BAL-12.5 rating for the life of the ancillary building.

Budget Implications

The applicable development application fee has been paid including for consideration of the setback and policy variations.

Strategic Plan Implications

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil

- Workforce Plan - Nil
- Other Integrated Planning - Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement – Not applicable

Delegated Authority

Shire staff do not have delegated authority to approve the proposed setback variation or waive the ancillary Accommodation Policy, so Council approval is therefore required.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Hodson

C.06/0417 That Council noting that no public submissions were received, and pursuant to Clause 3.4.4 and Clause 7.6.4 under Town Planning Scheme No. 4, varies the front setback and waives the Shire's Ancillary Accommodation Policy, and grants development approval for the proposed ancillary accommodation at Lot 27 (RSN 32) Scriven Road, Bridgetown, as per Attachments 4 and 5, subject to the following conditions:

- 1. Approval is granted for the ancillary accommodation and freestanding carport with a reduced front setback of 5.0 metres in lieu of the required 25 metre setback. Any further setback reduction will require separate development approval.***
- 2. The development is to be constructed in accordance with BAL-12.5 standards pursuant to Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas.***
- 3. The findings and recommendations of the Bushfire Attack Level Assessment Report (dated 19 April 2017) must be maintained for the life of the dwelling, including the provision of the asset protection zone.***
- 4. The external colours of the existing dwelling and ancillary are to be complementary, noting the use of variable external materials.***
- 5. The existing dwelling and proposed ancillary accommodation must utilise a shared vehicular access from the road.***

6. **Provision being made for one car parking bay for use by the occupiers of the ancillary accommodation, plus two bays available for the occupiers of the dwelling, prior to occupation.**
7. **The ancillary accommodation is not to be rented, leased or sold or otherwise occupied by persons other than a relative(s) of the occupiers of the main dwelling.**
8. **Should the ancillary accommodation be no longer required for familial ancillary accommodation the building is to be removed or converted to a non-habitable space.**
9. **No laundry facilities are permitted within the ancillary accommodation.**
10. **A Notification pursuant to section 70A of the Transfer of Land Act is to be registered on the Certificate of Title for the property, prior to occupation of the ancillary accommodation, within 28 days of the date of this approval, advising prospective purchasers of the conditions of development approval including restricted familial use of the ancillary accommodation and findings of the bushfire management report.**

Carried 9/0

Works & Services - Nil

Community Services - Nil

Consideration of Standing Committee Recommendations

Items adopted by Council using the en bloc system were:

- C.08/0417 Independent Aged Care Unit
- C.09/0417 Minor Amendments to the Local Emergency Management Arrangements (LEMA)
- C.10/0417 Rolling Action Sheet

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

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| C.07/0417 | Standing Committee Minutes – 13 April 2017 – Attachment 6 |
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Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.

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| C.08/0417 | Independent Aged Care Unit Development |
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Committee Recommendation Moved Cr Pratico, Seconded Cr Boyle
SC.02/0417

1. That Council endorses the transfer of the joint venture agreement from the Shire of Bridgetown-Greenbushes to Access Housing Australia Ltd.
2. That Council endorses the transfer of the current vesting of the Crown Reserve Land from the Shire of Bridgetown-Greenbushes to Access Housing Australia Ltd.

Council Decision Moved Cr Scallan, Seconded Cr Quinby

***C.08/0417**

1. ***That Council endorses the transfer of the joint venture agreement from the Shire of Bridgetown-Greenbushes to Access Housing Australia Ltd.***
2. ***That Council endorses the transfer of the current vesting of the Crown Reserve Land from the Shire of Bridgetown-Greenbushes to Access Housing Australia Ltd.***

Carried 9/0

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| C.09/0417 | Minor Amendments to the Local Emergency Management Arrangements (LEMA) |
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Committee Recommendation Moved Cr Scallan, Seconded Cr Hodson
SC.03/0417 That the proposed amendments (as outlined in the Report) to the Shire of Bridgetown-Greenbushes Local Emergency Management Arrangements be adopted by Council and forwarded to the South West District Emergency Management Committee prior to 2 May 2017 for acceptance.

Council Decision Moved Cr Scallan, Seconded Cr Quinby

C.09/0417** ***That the proposed amendments (as outlined in the Report) to the Shire of Bridgetown-Greenbushes Local Emergency Management Arrangements be adopted by Council and forwarded to the South West District Emergency Management Committee prior to 2 May 2017 for acceptance.

Carried 9/0

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| C.10/0417 | Rolling Action Sheet |
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Committee Recommendation Moved Cr Pratico, Seconded Cr Mackman
SC.04/0417 That the information contained in the Rolling Action Sheet be noted.

Council Decision Moved Cr Scallan, Seconded Cr Quinby

C.10/0417** ***That the information contained in the Rolling Action Sheet be noted.

Carried 9/0

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| C.11/0417 | Adoption of En Bloc Items |
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Council Decision *Moved Cr Scallan, Seconded Cr Quinby*
C.11/0417 That Council adopts Items C.08/0417, C.09/0417 and C.10/0417 of the Local Laws, Strategy, Policy & Organisation Development Standing Committee and hereby resolves in the terms of each of the Committee Recommendations.

Carried 9/0

Receival of Minutes from Management Committees - Nil

Urgent Business Approved by Decision - Nil

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Notice of Motions for Consideration at the Next Meeting - Nil

Matters Behind Closed Doors (Confidential Items) - Nil

Closure

The President closed the Meeting 6.01pm

List of Attachments

| Attachment | Item No. | Details |
|------------|-----------|--|
| 1 | C.04/0417 | List of Accounts Paid in March 2017 |
| 2 | C.06/0417 | Location Plan |
| 3 | C.06/0417 | Applicant's Submission |
| 4 | C.06/0417 | Proposed Plans |
| 5 | C.06/0417 | Bushfire Assessment Report |
| 6 | C.07/0417 | Standing Committee Minutes – 13 April 2017 |

Minutes checked and authorised by T
Clynch, CEO



28.4.17

CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Council Meeting held 27 April 2017 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 25 May 2017.

..... 25 May 2017

unconfirmed minutes