

MINUTES

For the Council Meeting held on

Thursday 24 November 2016

Commencing at 5:01pm

In the Council Chambers, Ravensthorpe.

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE
ON 24 NOVEMBER 2016, COMMENCING AT 5:01PM

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5.01pm, The Presiding person, Cr Dunlop, declared the meeting open.

2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Keith Dunlop (Shire President)
 Cr Peter Smith (Deputy Shire President)
 Cr Kerry Dickinson
 Cr Sharyn Gairen
 Cr Graham Richardson
 Cr Ken Norman

STAFF: Ian Fitzgerald (Chief Executive Officer)
 Jenny Goodbourn (Manager of Corporate and Community Services)
 Darryn Watkins (Manager Engineering Services)
 Hanneke Coetzee (Executive Assistant)

APOLOGIES: Cr Ian Goldfinch

ON LEAVE OF ABSENCE:

ABSENT:

3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

NIL

4. PUBLIC QUESTION TIME

NIL

5. APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST**5.1 DECLARATION OF INTEREST**

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Cr Ken Norman	10.4.1 (Citizen of the Year)	Impartiality pursuant to Regulation 11 – Rules of Conduct Regulations 2007.	One of the nominees for an Australia Day Award is a family member

6. PETITIONS/ DEPUTATIONS/ PRESENTATIONS

NIL

7. CONFIRMATION OF MINUTES**7.1 COUNCIL MEETING: 20 OCTOBER, 2016**

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 7.1
Moved: Cr S Gairen	Seconded: Cr P Smith
That the minutes of the meeting of council held on 20 October, 2016 be confirmed as a true and correct record of proceedings.	
Carried: 6/0	Res: 121/16

8. SUSPENSION OF STANDING ORDERS

NIL

9. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

NIL

10. REPORTS OF OFFICERS**10.1 MANAGER OF CORPORATE AND COMMUNITY SERVICES****10.1.1 SCHEDULE OF ACCOUNT PAYMENTS – OCTOBER 2016****File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 31 October, 2016**Author:** Eimear Guidera – Payroll/Creditors Officer**Authorising Officer:** Ashleigh Stade – Senior Finance Officer**Attachments:** Schedule of Payments to 31 October, 2016
Credit Card Transactions to 31 October, 2016**Summary:**

This item presents the schedule of payments for Council approval in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Background:**31 October 2016**

FUND	PAYMENT	VOUCHERS	AMOUNTS
Municipal Account	EFTs	EFT6283-EFT6398	\$367,523.72
	Municipal Fund	40306 – 40325	\$31,200.61
	Cheques		
Payroll	Dates	12/10/2016 20/10/2016 26/10/2016	\$170,558.03
Superannuation		Direct Debit	\$24,530.69
Bank Fees			\$72.64
Municipal Account Total			\$593,885.69
Shire Credit Card Facility	Westpac VISA	04/10/2016- 01/11/2016	\$5850.51

Trust Account Payments	EFTs	EFT6329 – EFT6399	\$21,078.45
	Cheques	1384 – 1384	\$20.00
Grand Total			\$620834.65

Comment:

This schedule of accounts as presented, submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costing's and the amounts shown have been paid.

Consultation:

N/A

Statutory Obligations:**Local Government (Financial Management) Regulations 1996****13. Lists of accounts**

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

- (i) the payee's name;
- (ii) the amount of the payment; and
- (iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Policy Implications:

N/A

Budget / Financial Implications:

This item address Council's expenditure from Trust and Municipal funds which have been paid under delegated authority.

Strategic Implications:

N/A

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1	
Moved: Cr S Gairen	Seconded: Cr K Dickinson
That pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996, the payment of accounts for the month of October 2016, be noted.	
Carried: 6/0	Res: 122/6

10.1.2 MONTHLY FINANCIAL REPORT - OCTOBER 2016**File Ref:**

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	11 TH November 2016
Author:	Jenny Goodbourn - M CCS
Authorising Officer:	Not applicable
Attachments:	Yes – Monthly Financial Report–October 2016

Summary:

This report presents the monthly financial reports for October 2016 to Council which is provided as an attachment to the agenda. The recommendation is to receive the October monthly financial reports.

Background:

As per the Financial Management Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d), for that month with the following detail

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

Comment:

To provide timely financial information to the Council this report is based on the 2016/2017 Budget adopted by Council on 18 August 2016. The report contains the budget amounts, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the draft budget and actual amounts where they are not

associated to timing differences for the purpose of keeping Council abreast of the current financial position.

Consultation:

Council Financial Records

Statutory Obligations:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month.

The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

Policy Implications:

Nil

Budget / Financial Implications:

As detailed within the attachments

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION		ITEM: 10.1.2
Moved: Cr P Smith	Seconded: Cr G Richardson	
That Council receive the Monthly Financial Reports for the period ending 31 st October 2016 in accordance with Section 6.4 of the Local Government Act 1995.		
Carried: 6/0	Res: 123/16	

10.1.3 FAIR VALUE POLICY – VALUATION THRESHOLD**File Ref:****Applicant:** Not applicable**Location:** Not applicable**Disclosure of Officer Interest:** None**Date:** 14th November 2016**Author:** Jenny Goodbourn - Acting Chief Executive Officer**Authorising Officer:** Ian Fitzgerald, Chief Executive Officer**Attachments:** Nil

Summary:

This item seeks the consideration and adoption of a policy that sets when council will get values for its assets as part of the Fair Value asset process.

Background:

The Local Government (Financial Management) Regulations were amended effective 1 July 2012, introducing Regulation 17A, which makes it mandatory for Councils asset values to be recorded at 'fair value' in the financial reports. The implementation of these amendments was phased in over three years.

The shire also has to abide by AASB13 which deals with the way the assets are to be measured for fair value. The shire has adopted the fair value hierarchy under this legislation. The basis is that all shire assets had to be shown as the fair value of the asset by 30th June 2016. All assets then have to be revalued on this basis every three years.

Plant and equipment was last re-valued at 30th June 2013 so it needed to be done again as at 30th June 2016 and the shire is currently in the process of finalising this.

To do this the Shire selects a valuation technique that is appropriate in the circumstances and for which sufficient data is available to measure fair value.

Comment:

Valuation techniques employed are either:-

Market Approach – Valuation techniques that use prices and other relevant information generated by market transaction for identical or similar assets.

Income Approach- Valuation techniques that convert estimated future cash flows or income and expenses into a single discounted present value.

Cost Approach – Valuation techniques that reflect the current replacement costs of an asset at its current service capacity.

Each valuation technique requires inputs that reflect the assumptions that buyers and sellers would use when pricing the asset or liability, including assumptions about risks.

When deciding the method to use the Shire gives priority to those techniques that maximise the use of observable inputs and minimise the use of unobservable.

For example when revaluing plant the shire could look up sales of similar plant or ask dealers for recent prices. For light vehicles we could use prices from Redbook. Alternatively we could employ an independent valuer as we did for our buildings in 2014.

As part of this process it is recommended that the council adopts a policy that sets the value for which items will be valued. Following discussion with Lincolns it is suggested that we set the value at \$15,000.

Proposed policy as follows:-

When deciding the basis of fair value revaluations the following parameters are adopted by the Shire of Ravensthorpe:-

1. Any asset that initially cost \$15,000 or over council will obtain a fair value valuation by utilising the most relevant valuation technique applicable to that asset.
2. For items under \$15,000 council will accept the written down value, as per the asset records, as the fair value at management discretion.
3. For assets purchased during the year of the fair value revaluation council will not seek valuation and will accept the depreciated cost as at the 30th June that year as reasonable fair value.

Consultation:

Lincoln's

Moore Stephens

Statutory Obligations:

Regulation 17A of the Local Government (Financial Management) Regulations 1996 states that:

17A . Assets, valuation of for financial reports etc.

*(1) In this regulation — **fair value**, in relation to an asset, means the fair value of the asset measured in accordance with the AAS.*

(2) Subject to sub regulation (3), the value of an asset shown in a local government's financial reports must be the fair value of the asset.

(3) A local government must show in each financial report —

(a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and

(b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government —

(i) that are plant and equipment; and

(ii) that are —

(I) land and buildings; or

(II) infrastructure; and

(c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.

(4) A local government must revalue all assets of the local government of the classes specified in column 1 of the Table to this sub regulation on the day specified in column 2 of the Table and at the end of each subsequent period of 3 years.

Class of asset	Day
<i>Plant and equipment</i>	<i>30 June 2016</i>
<i>Land, buildings and infrastructure for which the fair value was shown in the local government's annual financial report for the financial year ending on 30 June 2014</i>	<i>30 June 2017</i>
<i>All other classes of asset</i>	<i>30 June 2018</i>

AASB 13 – Fair Value Management.

Policy Implications:

Nil

Budget / Financial Implications:

There will be non-cash entries to Council's profit/loss accounts and accumulated depreciation accounts through this process. This will not have an impact though on the net cash position of the Shire of Ravensthorpe.

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.1.3
Moved: Cr K Dickinson	Seconded: Cr S Gairen
<p>That the Shire of Ravensthorpe adopts the following policy in connection with determining the basis of Fair Value revaluations:-</p>	
<p>When deciding the basis of fair value revaluations the following parameters are adopted by the Shire of Ravensthorpe:-</p>	
<ol style="list-style-type: none"> 1. Any asset that initially cost \$15,000 or over the council will obtain a fair value valuation by utilising the most relevant valuation technique applicable to that asset. 2. For items under \$15,000 the council will accept the written down value, as per the asset records, as the fair value at management discretion. 3. For assets purchased during the year of the fair value revaluation council will not seek valuation and will accept the depreciated cost as at the 30th June that year as reasonable fair value. 	
Carried: 6/0	Res: 124/16

10.2 MANAGER OF PLANNING AND DEVELOPMENT

10.2.1 AMENDED LOCAL PLANNING POLICY 6 SEA CONTAINERS

File Ref:	LU.PL.28
Applicant:	N/A
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	9 November 2016
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachment A:	Draft Sea Container policy with amendments marked in red.

Summary:

Council resolved to amend Local Planning Policy 6 at their meeting in August 2016 to allow for a single sea container in residential areas, provided it was clad in colourbond.

An amended policy was placed on advertising for public comment during which time only one informal comment was received.

This report recommends adopting an alternate approach requiring screening or locating a sea container out of sight from the surrounding streets.

Background:

Council considered an application for a sea container at 27 Chambers Street, Hopetoun at its meeting of 18th August 2016 where it was resolved (in part) as follows:

“...2. Amend Local Planning Policy No.6 - Sea Containers as follows:

Amend Table 1 as it relates to the 'Residential' zone to permit up to one (1) sea container, up to 6m in length, per property where:

- It is clad in colourbond and presents as an outbuilding. Use of a pitched or skillion roof profile is encouraged.*
- The doors of the sea container are to be clad in colourbond or not able to be seen from surrounding roads and footpaths.*
- The sea container is considered part of the permitted outbuilding floor space detailed in Local Planning Policy No.3 – Outbuildings.*

3. *Advertise the amended Local Planning Policy in accordance with Clause 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 by publishing a notice of the amended policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of:
 - i. *Where the draft policy may be inspected;*
 - ii. *The subject and nature of the Policy; and*
 - iii. *Inviting written submissions and nominating the advertising period (not less than 21 days).**
4. *Following advertising, a further report be referred to Council to consider any submissions lodged during the advertising period and to consider whether to finally adopt the amended Local Planning Policy (with or without modifications)."*

Comment:

This report recommends adopting an alternate approach to Local Planning Policy 6 – Sea Containers for final approval based in part on the content of the informal submission received during the advertising period.

Staff have been in discussions with the owner of a sea container at 8 Chittick Street, Hopetoun. Following Council's consideration of the sea container application at 27 Chambers Street staff advised the owner of the sea container at 8 Chittick Street that he should clad the sea container.

The owner (Len Shepherd) provided the following feedback:

To make the cladding option work in any way I would have to drill holes in my container which affects the integrity of the container and would reduce the value of it for resale. Also I couldn't work out a way to fix the steel sheet to the doors and still have access to the latch levers.

After cladding the container it is my opinion it won't look any more like a shed, it is still a rectangular box.

Second, upon the containers removal all the cladding would have to be removed so it can be transported which would leave holes exposed in the container rendering it no longer weather proof.

Despite this I made substantial effort into inquiring about Colourbond steel sheeting only to find out that the Wheat colour (which would match a majority of the existing surrounding roof and shed colours) was changed to a colour called Harvest. Both of which have been made obsolete. There is no equivalent colours made any more. I can't get the sheeting I would require in the appropriate colour.

My counter suggestion having learned this would be to let me go ahead with the painting option. The container already has vertical panelling similar to trim deck sheeting, especially if it was painted. I will also cover/block the lifting/container lock holes to reduce the industrial look then paint the whole container to match the surrounds as it is still possible to get the paint mixed in the old colourbond colours. After painting cover up the doors with split bamboo that comes in roles (and is much easier to fasten to the doors) to reduce the mechanical/industrial look of the latch system.

I delayed the painting option, spent a considerable amount of time researching the cladding option, I could have had the container cleaned up and the painting process well underway which would of had it in a much more aesthetically pleasing condition.

What the shire is asking me to do is an expensive, extensive and labour intensive task for a very temporary installation, which I intend to be there for the shortest time possible. Only to have to undo everything to have the container removed and be left with the used sheeting that won't be worth anything and a container with holes.

The information from Mr Shepherd is a reasonable summary of the issues with the proposed approach.

The information regarding cladding and the potential to damage the sea container was vetted and confirmed by the Shires Building Maintenance officer.

Options

Council clearly has at least three options in regard to dealing with sea containers in residential areas:

1. Refuse all sea containers as per previous policy;
2. Clad sea containers with colourbond in an effort to make them look more like sheds.
This acknowledges that sheds are an acceptable land use in residential areas and cladding would make sea containers less industrial and more residential in character;
or
3. Allow sea containers provided they are screened from the road and adjoining properties and they are painted a uniform colour that is sympathy with the existing buildings on the property.

Refuse all Sea Containers

Council has taken a position since at least 2008 where sea containers are prohibited in residential areas unless they are needed temporarily such as for unloading furniture or storing building materials whilst building a house.

This approach is based upon the idea that sea containers are industrial in character and do not belong in a residential area.

Points in favour of this approach include:

- It has been a consistent practice for many years and has been effective;
- It is a similar stance as many other local governments and it is likely to stand scrutiny if appealed; and
- Sea containers can have amenity issues being out of place in a residential setting if poorly located and maintained.

However, Ravensthorpe and Hopetoun are reasonably remote and building costs are higher than the metropolitan area. Sea containers can serve a useful purpose as they are easily transported, cheap and a secure method of storing goods.

Cladding Sea Containers

Cladding was seen as one way of making a sea container present more as a shed and therefore more in keeping with residential amenity. This approach has issues as described in Mr Shepherd's email including:

- Drilling into the sea container makes it less weather proof and harder to sell;
- The door mechanism is difficult to clad; and
- At the end of the day, it still doesn't present as nicely as a shed.

However, if someone wants to use a sea container as a permanent storage solution in lieu of building a shed it could be argued that they should make alterations to the structure to make it fit in. This could include the addition of a pitched roof.

Control quality, colours and location of sea containers

The Shire of Jerramungup adopted a policy in December 2011 that allows for a single sea container in a residential area provided it is out of sight, painted a suitable colour and is of a high quality. This approach has not resulted in significant amenity issues to date. The clauses used include:

- i) All sea containers are to be located in the following manner:
 - Shall be screened by landscaping, fencing or other means acceptable to Council, to ensure that storage areas are not exposed to view from nearby roads or other public places. If the container cannot be placed so as to be generally concealed from the street then the Shire will require the installation of screening to a minimum height equal to that of the container.
 - The normal Scheme setback requirements for the zone are applicable.

- ii) The sea container must be in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary and be appropriately screened (vegetation or otherwise), where considered necessary by Council.
- iii) The placement of any sea container in non-conformity with this policy may result in enforcement action being taken by the Shire that could involve removal and impoundment of the sea container at the cost to the landowner.
- iv) The Council reserves the right to rescind a planning approval and instruct a landowner to remove a sea container from land in the district if any or all of the conditions stipulated in this Policy are not carried out to the satisfaction of the Shire of Jerramungup.

The benefit of this approach is that allowing sea containers under controlled circumstances recognises the generic benefits of sea containers for storage as secure and cheap but some of the amenity concerns are alleviated.

On the other hand, it is not always possible to fully screen a sea container, even when it is located in a backyard and amenity decisions are open to interpretation.

Conclusion

Cladding a sea container is possible but has detrimental effects upon the actual sea container making it less weather proof and harder to on sell. However, if someone is going to use a sea container as a permanent storage solution rather than build a shed, then maybe they need to make some sacrifices.

Any approach has arguments for it or against it. On balance this report recommends allowing a single sea container in a residential area provided it is:

- Fully enclosed within a building (*already in the current policy*); or
- Is in good repair with no visible rust marks, a uniform colour to compliment the building to which it is ancillary.
- Located at the rear of the property and suitably screened and/or fenced from the road frontage and neighbouring properties; and
- Where a sea container has fallen into disrepair or become unsightly at the discretion of the local government, they shall be removed from the lot or suitably upgraded.

Consultation:

An amended Local Planning Policy 6 'Sea Containers' was advertised for 21 days during which time one informal submission was received.

Statutory Obligations:

Local Planning Policy procedure is now addressed by the 'Deemed Provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015. Clause 5 of the Deemed Provisions establishes the procedure of amending local planning policies. It requires an amended policy to be advertised for 21 days.

Council is then required to consider any submissions received from the advertising of the draft policy and resolve to modify or not proceed with the policy.

Policy Implications:

As described in this report

Budget / Financial Implications:

None for Council

Strategic Implications:

The proposal aligns with theme of the Strategic Community Plan:

Theme 1:

A healthy, strong and connected community that is actively engaged and involved;
Outcome 1.2 "Vibrant & attractive town site".

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER'S ORIGINAL RECOMMENDATION

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr K Norman	Seconded: Cr P Smith
<p>THAT Council,</p> <ol style="list-style-type: none">1. Adopt the amended Local Planning Policy 6 – Sea Containers found at Attachment A of this report for final approval.2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 6 (in accordance with Schedule 2, Part 2 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015.	
Vote: 3/3	
The Presiding Person, Cr Dunlop, exercised his casting vote and voted against the recommendation:	
Vote Lost: 3/4	Res: 125/16

OFFICER'S AMENDED RECOMMENDATION

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.1
Moved: Cr K Dickinson	Seconded: Cr K Dunlop
THAT Council,	
<ol style="list-style-type: none"> 1. Adopt an amended Local Planning Policy 6 – Sea Containers with the only amendment being an increase in the time a sea container may be placed temporarily on a property from 7 days to 28 days for final approval. 2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 6 (in accordance with Schedule 2, Part 2 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015. 	
AMENDMENT	
Moved: Cr K Norman	Seconded: Cr S Gairen
That the Policy be amended to allow up to 3 sea containers in areas zoned General Agriculture before Planning Approval is required.	
Amendment was put and Carried: 6/0	Res: 126/16
Amendment became the motion and was put:	
THAT Council,	
<ol style="list-style-type: none"> 1. Adopt an amended Local Planning Policy 6 – Sea Containers with two (2) amendments: <ol style="list-style-type: none"> a) being an increase in the time a sea container may be placed temporarily on a property from 7 days to 28 days for final approval. b) In areas zoned General Agriculture up to three (3) sea containers be allowed without Planning Approval 2. Publish a public notice in an official newspaper circulating in the area to notify the public that Council has adopted Local Planning Policy No 6 (in accordance with Schedule 2, Part 2 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015 	
Carried: 6/0	Res127/16

Reason for amended recommendation:

Council feels that sea containers are inappropriate in residential areas as they are more industrial in character; domestic scale outbuildings are more appropriate for storage in residential areas.

The current policy lists the following exemptions that apply in residential areas:

- Sea container/s fully enclosed within a building does not require Planning Approval.
- Sea container/s placed temporarily on the property for the purposes of furniture and/or goods removal or delivery do not require Planning Approval where they are located on a property for seven (7) days or less.
- In all zones a sea container may be placed on a property temporarily, for a period of up to 12 months, for the storage of materials used to construct an approved dwelling or building.

A copy of the current policy (with one minor change) that would be retained as a result of the resolution above is attached.

APPLICATION HAS BEEN WITHDRAWN BY APPLICANT ON 24 NOVEMBER 2016

10.2.2 PROPOSED OVERSIZED OUTBUILDING 85 ESPLANADE, HOPETOUN

File Ref:	A744
Applicant:	Ms Isabelle O'Sullivan
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	7 November 2016
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Application plans and letter

Summary:

Council has received an application for an outbuilding at 85 Esplanade Hopetoun with a floor area of 227.5m², wall height of 4.0m and roof pitch of 5.0m. The shed would replace an existing shed in poor state and is required to house a boat, caravan, trailers, cars and accommodate a workshop and craft room. The application includes supporting letters from adjoining landowners and a written justification.

Council's Outbuildings policy allows for 60m² of shed, a wall height of 3.9m and roof pitch of 4.5m

This report acknowledges the need and the setting as being appropriate for a larger than usual shed, however recommends refusal due to the potential for precedent given the substantial additional floor area proposed.

Background:

Site Description

Lot 112 (#85) Esplanade, Hopetoun is 1012m² in area and developed with a single house and outbuilding.

Lot 112 has a residence constructed either side, has a rear laneway and looks across Esplanade to the foreshore reserve. The immediate area is characterised by sheds facing onto the rear laneway with houses facing out into the surrounding streets.



Lot 112 Esplanade, Hopetoun, edge in red (photo from 2015)

Zoning and Scheme Requirements

85 Esplanade is zoned 'Residential' under the Shire of Ravensthorpe Town Planning Scheme No.5.

The objective for the Residential Zone is:

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Planning Codes.

Outbuilding applications are guided by Local Planning Policy 3 – 'Outbuildings'.

Comment:

Proposal

Council has received an application for an outbuilding, proposed to be located across the length of the back yard of Lot 112 (#85) Esplanade, Hopetoun.

The proposed outbuilding has the following dimensions:

Floor area:	227m ²
Wall height:	4.0m
Roof pitch height:	5.0m

The outbuilding is proposed at the rear of the lot, partly screened from the road by the existing house. It is intended to house the applicant's boat, caravan, camper trailer, trailer, three cars, a workshop and craft area. The applicant has lodged supportive comments for the over-size outbuilding as follows:

My name is Isabelle O'Sullivan ,I am the sole owner of 85 Esplanade and I wish to apply for approval to build a craft room and shed on the property. The existing shed L8m x W13mx

H4m is well aged, extensively rusted and beyond repair ,I would like to replace this with a building L17.5mxW13m x H5m.

To support this proposal I include the following

- 1. Signed letters stating no objections from the neighbours.*
- 2. The existing house will screen the shed from the street.*
- 3. There are sheds on 3 sides of the proposed shed and laneway*
- 4. Dropped ground level will reduce the height of shed and make it compliant with Shire requirements if this is necessary.*
- 5. Craft room /Art Studio—sewing area for approximately 10people and storage of sewing materials and machines. This craft room will also be used as an art room with the necessary equipment.*
- 6. Workshop—I have a son and grandson who like to work on cars and do wood work*
- 7. Mezzanine – 8mx4m above art studio, for storage of various articles and materials.*
- 8. The other area are to house 3 cars, boat& trailer [L8.7m xH4mx W2.4] caravan [L8m xH2.6m xW2.4],small boat [3.5m]and 2x trailers [3.5m],they need to be out of the weather to protect from salt damage and rust this is essential when living in coastal areas. I've included diagram*

I hope that you will look favourably on my request and grant planning approval.

A copy of the planning application and the applicant's justification is attached to this report.

Local Planning Policy 3 – Outbuildings

Council adopted Local Planning Policy No 3 for final approval on the 27 June 2014.

The objective of this policy is to:

- (a) To provide clear guidelines for the development of outbuildings in the Residential, Town Centre, Rural Small Holdings, Rural Conservation and General Agriculture zones; and*
- (b) To achieve a balance between providing for the various legitimate needs for outbuildings, and minimizing any adverse impacts outbuildings have on the neighbours, the streetscape, the amenity of the neighbourhood or locality and of the Shire as a whole.*

The table below shows the applicable requirements.

	Max Wall Height (metres)	Max Ridge Height (metres)	Max floor area (aggregate)
Required for Residential	3.9	4.5	60m ²
Proposed	4.0	5.0	227m ²

Therefore the proposed outbuilding fails to comply with the floor area and height requirements of the policy.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the policy objectives, visual impact and streetscape.

The Policy states that *'Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.'*

Assessment

Part (b) of the objective of the outbuilding policy is to *"achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole."*

This is the statement that everything else in the policy is trying to achieve. In this case there appears to be a 'legitimate need' to house a variety of vehicles, boat, caravan and have space for a workshop and craft activities. It could be argued that a property looks neater when all of these various vehicles are out of sight. Also being so close to the ocean there is a greater need to keep vehicles out of the sea air to prevent rusting.

The roof height and floor areas still exceed Council policy. The applicant has provided some information as to why these requirement could not be met.

Wall & Roof Height

The property slopes up to the back boundary which allows for the outbuilding to be cut into the slope of the land. A site visit shows that it may be possible to cut the shed into the ground by ~ 500mm and comply with the policy's height requirements.

Floor Area

The application is for an outbuilding with a floor area of 227m² required in order to house multiple cars, a caravan, boat and trailers, plus workshop and craft area.

This is an additional 167m² over the regular 60m² maximum is being applied for as part of this application. This allows sufficient room to house the items mentioned above as described in the supporting letter attached to this report.

Points in favour of the greater floor area include:

- The outbuilding is screened from the road by the existing house;
- The immediate area around the rear laneway is mostly developed with outbuildings, some of which exceed the maximum floor area permitted by the policy;
- No neighbour has objected;
- There seems to be a need to store multiple vehicles, caravans, etc and these would be best kept out of sight and out of the salt air; and
- 68m² of the outbuilding would be used for craft activities and a meeting place for a local craft group and could effectively be defined as other than an outbuilding.

However, the policy has recommended a maximum of a 60m² floor area in order to retain the residential scale of an outbuilding. Almost quadrupling the floor area has the potential to set a substantial precedent throughout Hopetoun.

Many of the larger outbuildings in the immediate area appear to have used a combination of enclosed outbuilding and an open 'lean to' to achieve greater storage area as open-sided buildings are not considered in the floor area restrictions for outbuildings.

Conclusion

With a reduction in roof pitch and/or change to natural ground level and the reduction in floor area if the craft area is discounted, the proposal is would be:

	Max Wall Height (metres)	Max Ridge Height (metres)	Max floor area (aggregate)
Required for Residential	3.9	4.5	60m ²
Proposed	3.5	4.5	159m ²

Although the applicant has justified the need and the shed would be difficult to see from the street, on balance, it is recommended that Council refuse the outbuilding application based on the floor area being too far beyond the recommended limit.

An outbuilding being ~160m² in area could be considered to be beyond what is a residential scale.

Consultation:

Variations to the Outbuildings Policy usually require referral to neighbouring landowners for comment. In this case the applicant sought and provided these comments. There are no objections.

Statutory Obligations:

N/A

Policy Implications:

N/A

Budget / Financial Implications:

None for Council.

Strategic Implications:

The proposal is to do with the following theme of the Strategic Community Plan:

Theme 1:

A healthy, strong and connected community that is actively engaged and involved;

Outcome 1.2 “Vibrant & attractive townsite”.

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION

ITEM 10.2.2

THAT Council refuse the application for an oversize outbuilding at Lot 112 (#85) Esplanade, Hopetoun for the following reasons:

- a) The proposed floor area of the outbuilding substantially exceeds that recommended in Council’s Local Planning Policy No 3 and will create an undesirable precedent for other similar applications.
- b) The outbuilding is of a size that is out of scale in a residential setting.

APPLICATION HAS BEEN WITHDRAWN BY APPLICANT ON 24 NOVEMBER 2016

10.2.3 PROPOSED TWO GROUPED DWELLINGS AT LOT 65 (#47) VEAL STREET, HOPETOUN

File Ref:	A1089
Applicant:	Wells Building Designers and Consultants
Location:	Lot 65 (#47) Veal Street, Hopetoun
Disclosure of Officer Interest:	None
Date:	10 November 2016
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Planning application including plans and supporting letter

Summary:

Council has received an application to develop two grouped dwellings at Lot 65 (#47) Veal Street, Hopetoun.

Lot 65 is zoned 'Town Centre', grouped dwellings are a 'discretionary' land use in this zone. Refusal of the application is recommended based on the applications inconsistency with the objective of the zone and the need to secure the frontage to Veal Street for commercial development into the future.

Background:***Lot Description***

Lot 65 (#47) Veal Street is 1013m² in area and currently developed with a single house.

Lot 65 is a corner site that fronts both Canning Boulevard and Veal Street. A laneway runs down the western boundary and the property on the southern boundary is undeveloped. Lot 65 is across Veal Street from the Hopetoun Community Centre.



Subject site edge in red

Scheme Requirements

Lot 65 is zoned 'Town Centre' by the Shire of Ravensthorpe Town Planning Scheme No.5 (the Scheme). The Scheme Map does not apply a density coding to the site.

The proposal is for a grouped dwelling, that is two dwellings on the one property. A 'grouped dwelling' a discretionary land use in the 'Town Centre' zone; to be decided by Council following public advertising for comment.

The objective of the Town Centre zone is "to provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole."

Clause 4.8.5 of the Scheme discusses residential development in the Town Centre zone and states:

... residential development shall be developed in the following manner:

- (i) As caretaker's accommodation where it is either located above or to the rear of the commercial development and is incidental to the commercial use of the land.
- (ii) Where caretaker's accommodation is located behind the commercial development, the building shall be restricted to a maximum internal floor area of 120m² and shall be located in such a way that it does not impede the possible future extension of the commercial development.
- (iii) For the purpose of considering development of multiple dwellings above the commercial development and grouped dwellings on the same lot as an existing or proposed commercial development, the density of the residential development in the Town Centre Zone shall not exceed R50 and the relevant development requirements

of the Residential Design Codes of Western Australia may be applied by the local government.

In considering an application for development approval clause 67 of the Planning Regulation Deemed Provisions lists the matters to be considered by a local government. Matters of relevance to the current proposal include:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*

Local Planning Strategy

Council recently finalised its review of the Local Planning Strategy; the 20 year guide to land use in the Shire. The relevant comments regarding the town centre in Hopetoun include:

It is recommended that the Town Centre zone be reduced to those lots fronting Veal Street from Canning Boulevard in the north through to the Esplanade in the south. The consolidation of this precinct will lead to the creation of an easily identifiable town centre and will enable Council to focus on developing a cohesive Main Street, adding both vibrancy and viability to the town centre. Commercial and retail/office development should be the preferred land use in the Town Centre. Any proposed residential development would need to incorporate a retail/ commercial component addressing the primary street. (emphasis added)

Planning Considerations – Town Centre:

- There should be a focus on creating a cohesive Main Street for Hopetoun.*
- Commercial and retail/office development should be encouraged as the preferred land use in the town centre.*
- Residential development in the town centre can be supported as an ancillary use to the preferred land use.*

These recommendations are reflected in the draft Local Planning Scheme No.6 currently on advertising. This draft Scheme proposes the following clauses related to residential development in the Town Centre:

Residential development within the Rural Townsite (currently Town Centre zone) and Mixed Use Zones is only permitted where it is proposed in conjunction with a non-residential land use or where an existing non-residential land use is operating. The local government may consider a standalone residential development where it can be demonstrated that it will not prejudice the primary street frontage to be used for non-residential land uses.

Comment:

Proposal

Council has received an application for 2x two storey grouped dwellings at Lot 65 (#47) Veal Street, Hopetoun. The proposal would involve the demolition of the existing house and its replacement with two units facing Canning Boulevard.

The applicant explains and supports the proposal as follows:

Our client has chosen to develop the property by way of two residential buildings in a grouped dwelling situation. The reasons behind this are as follows:

- *Possible use of 1 unit as a future residence for the client.*
- *Possible use of units for holiday accommodation for the client's family.*
- *Possible use of the units as short term accommodation for tourists.*
- *Existing residential dwellings within the town centre zone.*
- *The adjacent lot to the West is zoned R25. The proposed development complies with the R25 requirements of the R-codes in terms of minimum lot area.*

The client has decided not to develop the property using a permitted construction such as an office or shop as these types of developments would not be feasible in the current economic climate within the Hopetoun region. We feel that a neat coastal looking grouped dwelling development would be more beneficial to the Hopetoun community. The possibility of being able to rent out the units as short term accommodation would provide economic benefits to the region...

A full copy of the applicant's letter and plans are attached to this report.

Assessment

A Grouped Dwelling is a discretionary land use in the Scheme. It is assessed against any specific Scheme clauses (i.e. 4.8.5) and the 'matters to be considered' listed above.

Clause 4.8.5

In this case, clause 4.8.5 lists circumstances where residential development may be considered in the Town Centre zone. To summarise 4.8.5 these circumstances appear to be:

- As a caretakers unit, with a maximum floor space; or
- As multiple dwellings above a commercial unit; or
- As a grouped dwelling on the same lot as a commercial development.

This is consistent with the objective of the zone and the recommendations of the Local Planning Strategy. The fact that the Scheme Map does not apply a density coding to the Town Centre zone would indicate that it leaves the application of a density code to clause 4.8.5.

Therefore, grouped dwellings may only be considered in conjunction with a commercial development.

However, it is acknowledged that this clause can be read a number of ways and Council has the ability to disregard this clause if they feel there are overriding circumstances. So the matter is considered further detail below.

Matters to be considered

The Scheme, through the Deemed Provisions in the Planning Regulations, lists the matters that the Council can consider when assessing a development application. Of relevance to this application are the current Scheme, Strategy (see point (i)) and the *potential loss of any community service or benefit*.

The aim of the Local Planning Strategy is to develop *a cohesive Main Street, adding both vibrancy and viability to the town centre*.

To sterilise a section of the main street with a grouped dwelling the fronts Canning Boulevard and treats the area facing Veal Street as a side yard will compromise the development of the main street into the future.

The applicant was made aware of this early in their development process and chose to apply for straight residential development (that may also be used for holiday accommodation). Their decision appears to have been based on the fact that there are other reasonably recent residential developments on this side of Veal Street and that there is not a market for commercial development at this time.

It is acknowledged that there is not likely to be a market for further commercial development at this time. However, the zoning of a piece of land sets the Shire's intention for that land. It controls the land use with the bigger picture in mind.

Whilst there are other houses fronting Veal Street, some of which are quite new, it is not the direction that the Shire has set for the 'Town Centre' zone.

Options

Council has a number of options in determining this application:

1. Approve the application despite the Scheme and recommendations of the Strategy. There is the ability to interpret the Scheme in an alternative manner than that represented in the majority of this report. Council can consciously choose to relax the requirements of clause 4.8.5 and could even choose to remove Lot 65 from the Town Centre zone in the coming review of the Scheme;
2. Recommend refusal based on the Scheme clause and recommendations of the Local Planning Strategy but indicate that given the current lack of demand for commercial development the Council may consider an alternate application that either:
 - i) Sets aside a suitable amount of land for future commercial development; or
 - ii) Designs one of the buildings to be able to be easily converted to commercial uses at some time in the future but including features such as 3.0m high ceilings, universal access, glass facades to Veal Street and room for on-site parking; or
 - iii) Proposes a commercial development fronting Veal Street.

All of these options meet the objective of the residential development being incidental to the commercial development that contributes to the main street environment and assist including creating a vibrant and prosperous main street environment.

Conclusion

Veal Street is Hopetoun's main commercial centre that services the town and a wider catchment. Refusal is recommended for the grouped dwellings as they would effectively sterilise a part of the main street from commercial development for many years.

It is also recommended that options be provided to the applicant that allow for the site's development for residential purposes but that accommodate future commercial development fronting Veal Street at some time in the future.

Lastly, in order to provide clarity around this issue for other landowners, staff and Council into the future Council should consider the development of a local planning policy on Town Centre development to clarify the circumstances where residential development may be considered.

Consultation:

The application was referred to the adjoining landowner for comment, closing on the 4th November 2016. No comments were received.

Statutory Obligations:

The proposed grouped dwellings are considered 'development' under Town Planning Scheme No.5 and require planning approval and a building permit.

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

Policy Implications:

A Local Planning Policy could be drafted for the town centre that provides design guidelines and establishes Council's intentions for the 'Town Centre' zone in more detail.

Budget / Financial Implications:

None for Council.

Strategic Implications:

The proposal is to do with the following theme of the Strategic Community Plan:

Theme 1:

A healthy, strong and connected community that is actively engaged and involved;

Outcome 1.2 "Vibrant & attractive townsite".

Sustainability Implications:

- **Environmental:**

There are no known significant environmental considerations.

- **Economic:**

There are no known significant economic considerations.

- **Social:**

There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.3
Moved: Cr K Dickinson	Seconded: Cr G Richardson
THAT Council,	
<ol style="list-style-type: none"> 1. Refuse the application for two grouped dwellings at Lot 65 (#47) Veal Street, Hopetoun for the following reasons: <ol style="list-style-type: none"> c) The proposed grouped dwelling is contrary to the objective of the 'Town Centre' zone to <i>"to provide for retail shopping, office and commercial development, and social, recreational and community activities servicing the town as a whole."</i> d) The proposed grouped dwellings fail to meet the requirements of clause 4.8.5 of Town Planning Scheme No.5 being grouped dwelling development not related to commercial development and will set an undesirable precedent for other similar applications. e) The residential development of a portion of land fronting Hopetoun's main street in a manner contrary to the recommendations of the Local Planning Strategy for Hopetoun Town Centre that would result in the loss of land available for commercial development in Hopetoun's town centre. 2. Advise the applicant that Council may consider an alternate application that either: <ol style="list-style-type: none"> i) Sets aside a suitable amount of land for future commercial development; or ii) Designs one of the buildings to be able to be easily converted to commercial uses at some time in the future but includes features such as being built up to Veal Street, has 3.0m high ceilings, universal access, glass facades to Veal Street and room for on-site parking; or iii) Proposes a commercial development fronting Veal Street. 3. Require staff to prepare a Local Planning Policy that clarifies the circumstances where residential development would be acceptable in the 'Town Centre' zone. 	
Carried: 6/0	Res: 128/16

10.2.4 DRAFT LOCAL PLANNING POLICY 15 – DEVELOPING IN BUSHFIRE PRONE AREAS

File Ref:	LU.ZO.10
Applicant:	N/A
Location:	Shire-wide
Disclosure of Officer Interest:	None
Date:	9 November 2016
Author:	Craig Pursey, Planning Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachment A:	Draft Local Planning Policy 15
Attachment B:	Townsites BAL Contour Plans report
Attachment C:	BAL Contour Maps Information Pack

Summary:

The state government adopted a new Bushfire Planning Framework that applies to all new development in areas declared bushfire prone from April 2016.

Essentially this framework:

- i) Identifies and declares areas within 100m of bushland as 'bushfire prone'; and
- ii) Requires that new development within an area declared bushfire prone engage a professional to:
 - Prepare an assessment of the bushfire risk to the building (BAL Assessment);
 - Propose how the development will comply with the new State Planning Policy 3.7 and associated Guidelines by providing a Bushfire Management Plan; and
 - Establish the construction standard for the new building in accordance with Australian Standard 3959 (AS3959) *Construction of Buildings in Bushfire Prone Areas*.

This report recommends adopting a draft local planning policy that:

- Recognises the requirements of the new Bushfire Planning Framework;
- Acknowledges the cost and difficulty in getting fire professionals to come to the Shire of Ravensthorpe;

- Adopts a BAL Contour Plan for the Hopetoun and Ravensthorpe townsites that assigns a BAL rating to a property (rather than each landowner engaging a separate professional); and
- Provides a standard 'Bushfire Management Statement' template for development in a non-residential area.

Background:

Large areas of the Shire of Ravensthorpe are prone to bushfires due to topography, vegetation and climate. In 2015 the state government released a suite of reforms in response to the Keelty Report 2011 that apply across the state and elevate bush fire issues to the highest level of planning policy.

The Department of Fire and Emergency Services (DFES), Building Commission and Western Australian Planning Commission (WAPC) collectively released:

- State Planning Policy 3.7 'Planning in Bushfire Prone Areas';
- Amendments to Planning Regulations;
- Amendments to Building Regulations;
- An order by the Fire & Emergency Services Commissioner designating bushfire prone areas;
- Published the Map of Bushfire Prone areas; and
- Published the Guidelines for Planning in Bushfire Prone Areas

The intention of this policy framework is to *"implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure."*

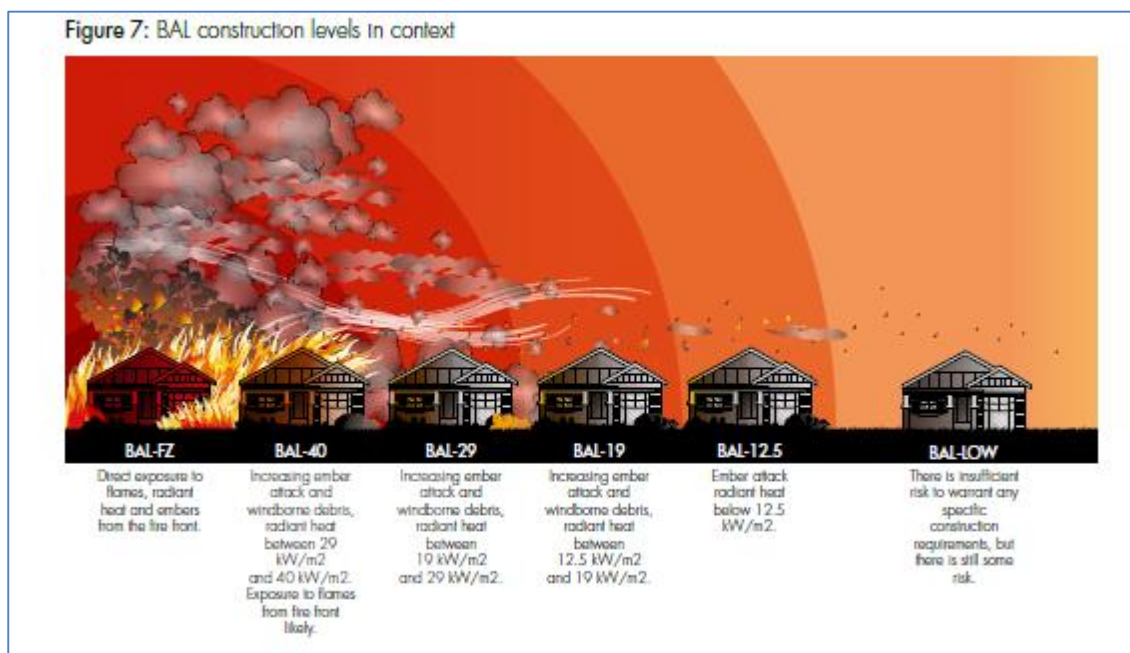
The assessment measure used in determining bushfire threat to a building is the Bushfire Attack Level (BAL) which is based on the heat flux exposure thresholds. The BAL levels range from:

BAL LOW where the risk is considered to be very low and there is insufficient risk to warrant any specific construction requirements but there is still some risk; to

BAL-Flame Zone (Fz) where the risk is considered to be extreme. There is an extremely high risk of ember attack, burning debris, radiant heat and direct flame contact with the building.

In regard to residential development applications the intention is to ensure that all development is BAL29 or less.

The image below explains the BAL construction standards in context.

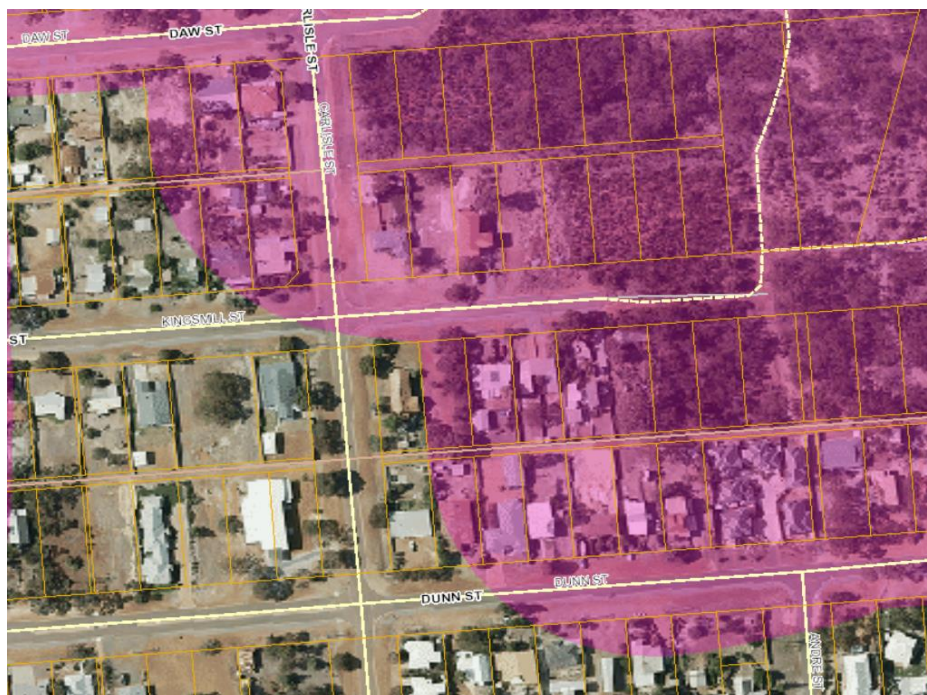


Extract from Guidelines for Planning in Bushfire Prone Areas

Development Assessment process

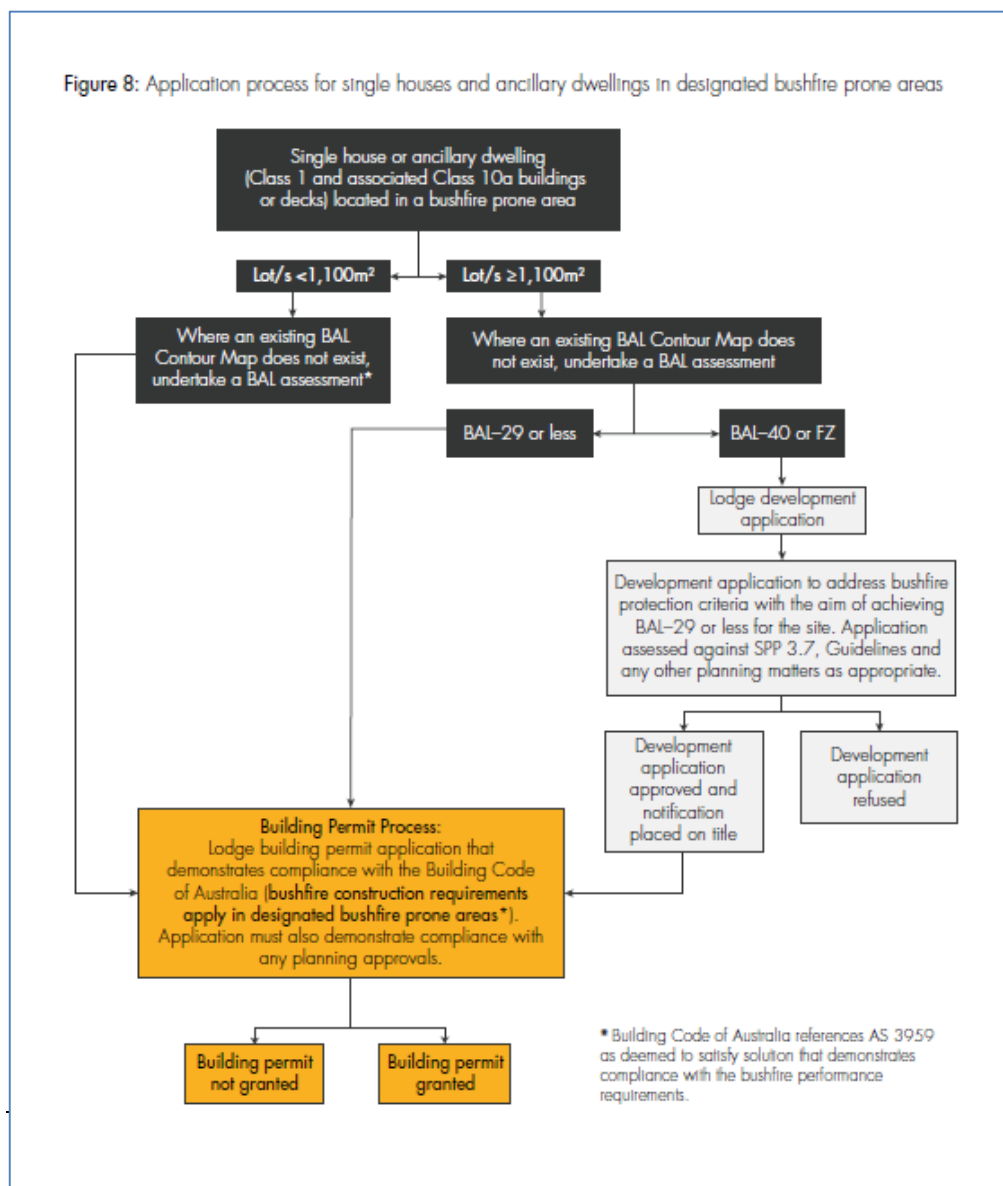
The Bushfire Policy Framework effectively raises this importance of fire management in the planning and building assessment process to the highest level of consideration. Fire Management must be considered at every level of planning from Local Planning Strategies through to development applications.

When assessing a development application the first step is to ascertain if the property has been declared bushfire prone by the DFES Commissioner through the 'Map of Bushfire Prone Areas'. The Map of Bush Fire Prone Areas provides a single means of identifying whether a site is designated under law as being bushfire prone at the state level.



Extract of Map of Bush Fire Prone Areas

Identification as bushfire prone triggers the assessment requirements of the bushfire policy framework shown in the flow chart below:



Development application**Bushfire Attack Level (BAL) Assessment**

As can be seen in the flowchart above a BAL Assessment is required for every development proposal in areas designated 'bushfire prone'. This can be achieved through the preparation of site specific BAL Assessment or the preparation of a BAL Contour Plan that covers all properties in a subdivision.

Planning Applications

Where a planning application is required for development in a bushfire prone area, which includes residential development above BAL29 and all rural residential development, then not only is a BAL rating required but also a Bushfire Management Plan (BMP).

The Guidelines for Planning in Bushfire Prone Areas recommends the use of accredited bushfire consultants to prepare a BMP that describes how the development application addresses the requirements of "SPP3.7, the Guidelines and any other planning matters as appropriate".

AS3959

Lastly, all buildings in a bushfire prone area must be constructed in accordance with Australian Standard 3959 'Construction of buildings in bushfire prone areas'.

Comment:

The group of policies, guidelines and standards for developing in bushfire prone areas are collectively known as the *Bushfire Policy Framework*. Like anything new this framework has teething problems including issues with fairness, additional cost for both building and preparing applications and additional complexity and assessment time in the assessment process. The policies and guidelines have been constantly reviewed and refined since their release.

If applied with discretion and some common sense the Bushfire Policy Framework appears to be working well. However, there are a number of shortcomings as they particularly apply to the Shire of Ravensthorpe including:

- The Shire's townsites are remote to professional services; any service usually comes with considerable travel costs added. This may be seen as a minor disincentive to develop in the Shire;
- The changes have increased the level of complexity when lodging development applications. The majority of landowners and developers are 'owner builders' or reasonably unfamiliar with the development process and requirements;
- There has been numerous examples of inconsistent application of AS3959 by different fire consultants (due to the nature of AS3959); and

- Large areas of the townsites are required to prepare a BAL Assessment being identified as 'bushfire prone' resulting in nearly a majority of development applications being affected.

Two actions have been identified that could simplify and streamline the development process for applicants and Council:

1. Preparation of BAL Contour Plans for the Ravensthorpe and Hopetoun townsites; and
2. Preparation of a Bushfire Management Statement template in lieu of a full blown Bushfire Management Plan (BMP).

Both of these measures are proposed in draft Local Planning Policy 15 – Developing in Bushfire Prone Area (LPP15) found at **Attachment A** of this report.

BAL Contour Plans

A BAL Contour Plan is described as follows:

“What is a Bushfire Attack Level (BAL) Contour Map?”

A Bushfire Attack Level (BAL) Contour Map is a scale map of a development site, including the proposed lot layout, which shows indicative BAL ratings across the site and within the immediate surrounding area.

... If you are proposing to build or develop in a designated bushfire prone area you may be able to use a BAL Contour Map in place of a BAL assessment. Where a BAL Contour Map and accompanying compliance certificate/report exist for your property, you can obtain a copy from the developer of the subdivision or a previous owner.”

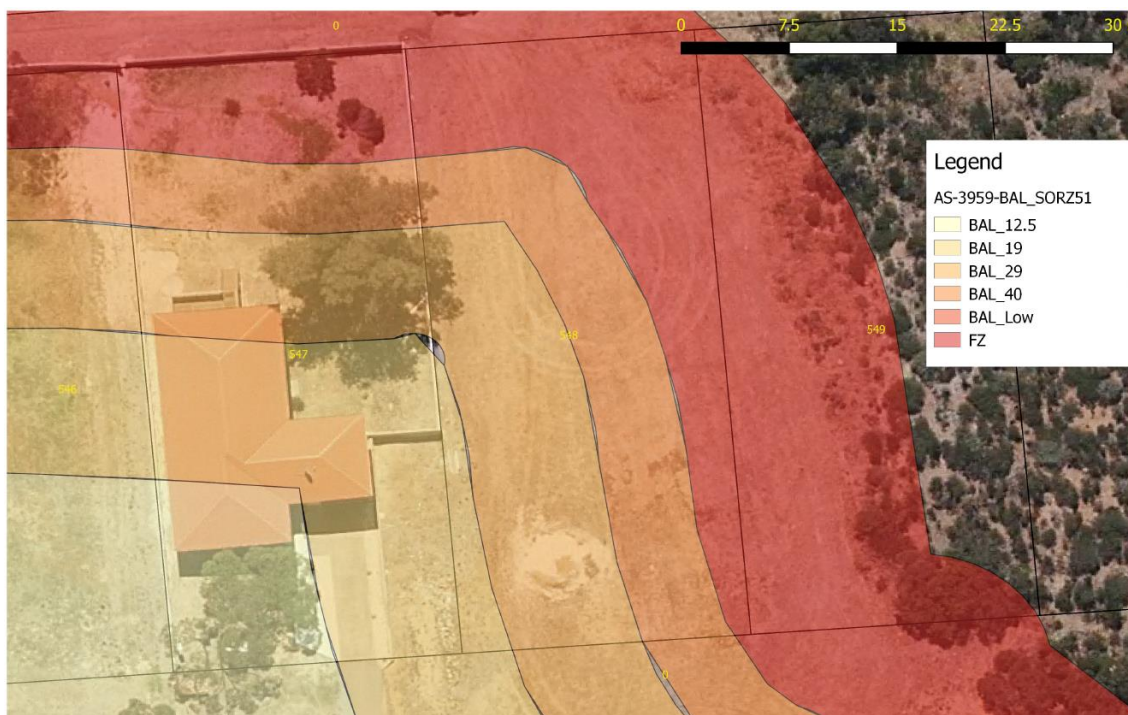
An information pack on BAL Contour Plans is provided at **Attachment C**.

In this case it is proposed to adopt a BAL Contour Plan over the Ravensthorpe and Hopetoun townsites and effectively treat the townsites as a 'subdivision'. It is a reasonably innovative idea proposed with the intention of:

- Informing landowners of the applicable BAL rating that applies to their property and inform the assessment process by the local government;
- Achieve a consistent application of AS3959 across the townsites;
- Save costs, time and reduce the complexity of development applications in recognition of the need to support and encourage development in the Shire's townsites;
- Use the BAL Contour Map as an education tool in bushfire awareness and inform landowners of the development expectations early in the development process; and
- Inform the townsite mitigation planning by highlighting areas with high BAL ratings.

The draft policy simply references the report the Shire has had prepared by Bio-Diverse Solutions, found at **Attachment B**. This report includes plans that apply a BAL rating to all properties capable of residential development. It classifies the vegetation, assesses the slope of land immediately around the townsites, discusses the potential fire impacts and the assumptions around the report and assigns a BAL rating.

The information is available in the report, in a JPEG image or as shape file for use in a GIS system. An example of a BAL Contour Plan as it applies to a specific property is shown below.



Outside of these two townsites it is proposed to continue to use accredited fire professionals to prepare site specific BAL Assessments. Most development will be in Rural Conservation and Rural Small Holdings zones, some of which have serious issues with remnant vegetation and access.

Bushfire Management Statement

The 'Guidelines for Planning in Bushfire Prone Areas' state that development applications in bushfire prone areas should include the following information:

- "A *BAL Contour Map or BAL Assessment*;
- *The identification of any issues arising from the BAL Contour Map or BAL Assessment*;
- *An assessment against the bushfire protection criteria contained within these Guidelines demonstrating compliance within the boundary of the development application.*"

Appendix four of these Guidelines list four elements which development must comply:

Location, Siting & Design of Development, Vehicular Access and Water.

Each of these elements is broken down into 'performance principle' and 'acceptable solutions'; if the development application can meet each of the relevant 'acceptable solutions' then approval is granted.

In the 'General Agriculture', 'Rural Conservation' and 'Rural Small Holding' zones the acceptable solutions from the Guidelines are reasonably straight forward to interpret given guidance. Rather than have an accredited fire professional prepare a site specific bushfire management in every instance, it is recommended that as "Bushfire Management Statement" be included in LPP15 that clearly sets out the Council's expectations. Failure to meet these requirements, leads to a proponent having to engage an accredited fire professional and prepare a full Bushfire Management Plan.

A template that lists the requirements is included as appendix 1 of draft LPP15 at **Attachment A**.

Draft Policy

Draft Local Planning Policy 15 – 'Developing in a Bushfire Prone Area' basically proposes to:

1. Assign a BAL rating to each property capable of residential development in Ravensthorpe and Hopetoun townsites;
2. Offer the landowner the choice of accepting the BAL Contour Plan BAL rating or allow them to have their own BAL Assessment prepared by an accredited fire consultant; and
3. Provide a Bushfire Management Statement to guide development in the General Agriculture, Rural Conservation and Rural Small Holdings zones.

A copy of the draft policy is found at **Attachment A** of this report.

Consultation:

If LPP15 is adopted as a draft policy it will be advertised for public comment for as minimum of 21 days.

Early discussions with the bushfire officers at the Department of Planning gained support for the concept but they qualified this by requiring that any draft policy be referred to both Department of Planning and Department of Fire and Emergency during the public advertising period.

Statutory Obligations:

The Department of Planning have prepared a suite of information sheets, the sheet '*Information for Local Governments*' summarises the statutory situation as follows:

Areas within Western Australia have now been designated as bushfire prone by the FES Commissioner. This order was gazetted in tandem with the Planning and Development (Local Planning Scheme) Amendment Regulations 2015 and new State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) which together form the State Government's bushfire planning reforms.

The Map of Bush Fire Prone Areas identify the parts of the State that are designated as bushfire prone and come into effect on 8 December 2015.

The Planning and Development (Local Planning Scheme) Amendment Regulations 2015 (LPS Amendment Regulations 2015) introduce deemed provisions relating to bushfire at Part 10A and came into effect on 8 December 2015. Due to the transitional arrangements provided by the LPS Amendment Regulations 2015, some provisions will not become operational until 8 April 2016.

SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas were released and took effect on the 7 December 2015. SPP 3.7 provides the foundation for land use planning decisions in designated bushfire prone areas and local governments need to give due regard to the policy provisions.

Policy Implications:

As described in this report.

Budget / Financial Implications:

There will a cost in keeping the BAL Contour Mapping up to date, with a review undertaken annually by staff in consultation with the local brigades to determine what mitigation has been undertaken over the last year. The plans would then require updating to remain current.

There will be savings for landowners as they will not have to engage fire professionals to prepare BAL Assessments within townsites or highly accredited fire consultants to prepare bushfire management plans for relatively straight forward rural and rural residential development.

Strategic Implications:

There does not appear to be any strong direct link to the Community Strategic Plan.

The Local Planning Strategy and Scheme are to be consistent with State Planning Policies, of which State Planning Policy 3.7 - Planning in Bushfire Prone Areas is an important policy.

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.2.4
Moved: Cr S Gairen	Seconded: Cr G Richardson
<p>THAT Council,</p> <ol style="list-style-type: none"> 1. Adopt Local Planning Policy 15 – Developing in Bushfire Prone Areas as shown at Attachment A of this report. 2. Advertise the draft Local Planning Policy in accordance with Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 publishing a notice of the policy once a week for two consecutive weeks in a newspaper circulating in the area, giving details of: <ol style="list-style-type: none"> iv. Where the draft policy may be inspected; v. The subject and nature of the Policy; and vi. Inviting written submissions and nominating the advertising period (not less than 21 days). 3. Following advertising, a further report be referred to Council to consider any submissions lodged during the advertising period and to consider whether to finally adopt the draft Local Planning Policy (with or without modifications).” 	
Carried 6/0	Res: 129/16

10.3 MANAGER OF ENGINEERING SERVICES

NIL

10.4 CHIEF EXECUTIVE OFFICER

5.16pm - Prior to any consideration of Item 10.4.1 (Citizen of the Year), Cr Ken Norman made the following declaration:

I am a family member of one of the nominees and as a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will not vote on that particular award.

<h3>10.4.1 SHIRE OF RAVENSTHORPE, PREMIERS AUSTRALIA DAY, CITIZENSHIP AWARDS</h3>

File Ref:

Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	16 November 2016
Author:	Hanneke Coetzee – Executive Assistant
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes - Nominations provided under separate cover

Summary:

Council to consider the Australia Day Award Nominations received.

Background:

A part of the Australia Day awards, the Premier's Australia Day Active Citizenship Awards focuses on community contribution and participation rather than personal achievement.

The awards highlight active citizenship, outstanding contribution to the local community and Australian pride and spirit. There are four categories;

- Active Citizen – Group/Event
- Citizen of the Year – Senior
- Citizen of the Year – Youth
- Citizen of the Year

Comment:

Councillors have been provided with a copy of the nominations. Council is now required to determine recipients of the awards for presentation on Australia Day.

Consultation:

Advertised in the Community Spirit, at the Ravensthorpe and Hopetoun Resource Centres and on the Shire of Ravensthorpe website. Nomination forms were also sent to Community Groups and Organisations.

Statutory Obligations:

Nil

Policy Implications:

Nil

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.1
That the Premier's Australia Day Active Citizenship (Group or event), be awarded to _____.	
Moved: Cr P Smith	Seconded: Cr K Dickinson
Carried: 4/2	Res: 130/16
That the Premier's Australia Day Senior Citizen of the Year Award, be awarded to _____.	
Moved: Cr G Richardson	Seconded: Cr K Dickinson
Carried: 6/0	Res: 131/16
That the Premier's Australia Day Youth Citizen of the Year Award, be awarded to _____.	
Moved: Cr S Gairen	Seconded: Cr P Smith
Carried: 6/0	Res: 132/16
That the Premier's Australia Day Citizen of the Year Award, be awarded to _____.	
Moved: Cr G Richardson	Seconded: Cr S Gairen
Carried: 5/0	Res: 133/16

NOTE: Names of award winners are embargoed until announced at the Australia Day event on 26th January 2017.

10.4.2 RAVENSTHORPE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

File Ref:	
Applicant:	Not applicable
Location:	Not applicable
Disclosure of Officer Interest:	None
Date:	10 th November 2016
Author:	Ashley Peczka – Community Emergency Services Officer
Authorising Officer:	Ian Fitzgerald – Chief Executive Officer
Attachments:	Yes – Minutes are attached

Summary:

The minutes of the Shire of Ravensthorpe Local Emergency Management Committee meeting held on 7th September 2016 are presented for the information of Councillors. There are no recommendations for Council to consider.

Background:

Nil.

Comment:

The Local Emergency Management Committee made no recommendations for Council to consider at this meeting. The Minutes are presented to Council to be received

Consultation:

Nil

Statutory Obligations:

Emergency Management Act, 2005

Policy Implications:

Shire of Ravensthorpe Local Emergency Management Committee operational guidelines.

Budget / Financial Implications:

Nil

Strategic Implications:

Nil

Sustainability Implications:

- **Environmental:**
There are no known significant environmental considerations.
- **Economic:**
There are no known significant economic considerations.
- **Social:**
There are no known significant social considerations.

Voting Requirements:

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	ITEM 10.4.2
Moved: S Gairen	Seconded: Cr G Richardson
That the Minutes of the Shire of Ravensthorpe Local Emergency Management Committee meeting held on 7 th September, 2016 be received.	
Carried: 6/0	Res: 134/16

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1 ELECTED MEMBERS

NIL

12.2 OFFICERS

NIL

13. MATTERS BEHIND CLOSED DOORS

NIL

14. CLOSURE OF MEETING 5:31pm

These minutes were confirmed at the meeting of the _____

Signed: _____
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: _____