



COUNCIL FORUM

Notes

6 December 2016

Preface

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council.

The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Program, in addition to those tabled at the Council Forum are put together as attachments to these Notes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as a separate Confidential Noted Program Item.

Unconfirmed Notes

These notes were approved for distribution on 7 December 2016.



Stan Scott
CHIEF EXECUTIVE OFFICER

Received Notes

These notes were received at an Ordinary Meeting of Council held on 20 December 2016.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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Shire of Toodyay

COUNCIL FORUM – 6 DECEMBER 2016

NOTES

1. DECLARATION OF OPENING

Cr Dow, Shire President, declared the meeting open at 4.10pm.

The Shire President advised those present that all mobile phones and recording devices be switched off and advised that the recording of any part of the meeting was not allowed.

The Shire President advised those present the location of the exit doors in case of an emergency.

2. RECORDS OF ATTENDANCE/APOLOGIES

Members

Cr D Dow	Shire President
Cr T Chitty	Deputy Shire President
Cr E Twine	
Cr J Dow	
Cr S Craddock	
Cr P Greenway	
Cr B Rayner	
Cr K Wood	

Staff

Mr S Scott	Chief Executive Officer
Mrs T Phillips	Acting Manager Community Development
Ms C Delmage	Manager Corporate Services
Mr G Bissett	Manager Planning & Development
Mr L Vidovich	Manager Works and Services
Mrs M Rebane	Executive Assistant

Visitors

P Barton

2.1 APOLOGIES

Cr R Welburn

3. DECLARATIONS OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4. PRESENTATIONS

Nil

5. PUBLIC QUESTIONS (relating to the contents of the program)

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the Council Forum held on 8 November 2016 there were no questions taken on notice.

5.2 PUBLIC QUESTION TIME

Nil

6. PUBLIC SUBMISSIONS (relating to the contents of the program)

Mr Barton addressed Council in respect to Program Item 8.1 - The Future of the Riverhills Estate Landscape Buffer regarding his submission which was tabled at 4.15pm.

7. AGENDA FORUM MATTERS

Nil

8. CONCEPT FORUM MATTERS

8.1 The Future of the Riverhills Estate Landscape Buffer

Clarification was sought.

Points raised as follows:

- Noise control issues – legal repercussions;
- Each title has a note in respect to noise;
- SAT ruling in respect to requirement for buffer; and
- Option preference.

Guidance from Elected Members

That a report be presented for consideration by Council at a forthcoming Council Meeting.

8.2 The Future of Connor's Cottage

Clarification was sought.

The Shire President ruled the meeting go behind closed doors.

The Council Chambers were closed to members of the public at 4.43pm.

9. CHIEF EXECUTIVE OFFICER'S UPDATE

The Shire President adjourned the meeting at 5.17pm.

The Shire President resumed the meeting at 5.26pm.

The CEO provided a confidential update.

The Shire President adjourned the meeting at 6.03pm.

The Shire President resumed the meeting at 6.38pm.

10. CONFIDENTIAL MATTERS

Note: The following reports were considered behind closed doors.

10.1 Avon Link Enhancement Project

10.2 Temporary Road Closure

10.3 Application of Council Forum Policy

The Shire President ruled the meeting come from behind closed doors.

The Council Chambers were re-opened to members of the public at 8.41pm.

11. SHIRE PRESIDENT'S UPDATE

The Shire President provided a verbal overview of public engagements, and meetings attended since the last Council Forum.

12. REPRESENTATIVE UPDATES

Note: These are verbal updates provided at the forum.

12.1 Cr D Dow

- Avon Midland Zone
- Rural Water Council
- Healthy Wheatbelt

12.2 Cr Greenway

- Toodyay Community Bus
- Toodyay Tidy Towns Committee
- Wheatbelt District Emergency Management Committee
- Toodyay Road Liaison Committee & Toodyay Roadwise Committee (Cr Greenway & Cr Welburn)

12.3 Cr Welburn

- Toodyay Chamber of Commerce Steering Committee

12.4 Cr Rayner

- Wheatbelt North Regional Road Group – Cr Rayner

12.5 Cr Twine

- Wheatbelt North Regional Road Group – Deputy Delegate
- General Update

12.6 Cr Wood

- Avon Tourism Board

12.7 Cr Chitty

- Butterly Cottages Association Inc Committee
- Toodyay Community Safety and Crime Prevention Association Inc

12.8 Cr J Dow

- General Update

12.9 Cr Craddock

- General Update

13. STATUS REPORTS

13.1 COMMITTEE MEETING STATUS REPORT

- **Clock donated to the Shire by the Toodyay Historical Society**
CEO to investigate a cabinet be made for display at the Visitors Centre or at Connor's Mill for benefit of public and attraction to Toodyay.

14. MEETING CLOSURE

The Shire President declared the meeting closed at 9.02pm.



ATTACHMENTS

to Notes of

COUNCIL FORUM

6 December 2016

ATTACHMENTS
TO NOTES OF COUNCIL FORUM
HELD IN COUNCIL CHAMBERS ON 6 DECEMBER 2016

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SUBMISSIONS

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There are no attachments.	

STATUS REPORTS

Committee Meeting Status Report	19
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Public Forum 06 December 2016.

Paul & Irene Barton. A submission relating to item 8.1.

Introduction

The shire, its officers and elected representatives are to be commended for seeking a solution to what could become an ongoing problem for the shire and affected landholders. A solution suggested on the final page would reduce the level of involvement of councillors, officers and landholders.

As successful applicants for planning approval in the locality covered by this item we ask you to consider our attached comments. While we had a successful outcome it came at a cost to council officers, elected representatives and the applicant, not the least of which was a delay of approximately 6 weeks.

Riverhills Estate Landscape Buffer (page 1)

The existence of the buffer was not communicated to us as purchasers, and so in our planning it did not exist, regardless of how the shire perceives it.

However, as the tree plantings obviously do exist it would be more correct to refer to them as 'Landscape Plantings'. Any reference to a noise or dust control buffer is misleading, and indeed the word 'buffer' is unwise as there is nothing being buffered, and unlikely to be for many years as our research does not show bypass construction prior to 2030.

The requirement for noise control and mitigation is dealt with elsewhere, specifically the '*Foggarthorpe Design Guidelines (23 June 2015)*' and '*SPP 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (2009) (SPP 5.4)*'.

Neither of these documents mentions the tree plantings at Foggarthorpe.

Risk implications (page 3)

Consultation is the way forward not enforcement. Talk of enforcement is futile.

As to BAL ratings, our rating of 19 may have been due solely to the existence of the planted trees. However, blaming the trees for that rating could be a red herring as the noise control guidelines require similar conditions to a BAL greater than 12.5.

Option one (page 4)

Paragraph one gives the impression that this would only be an issue if the applicant sought advice in relation to modifying the trees. This is not correct as we did not seek advice but still had to make a submission when the shire's planning department referred it to a full council meeting after rejecting it on the basis we had to remove the trees to build our home. In our opinion, planning had no choice but to do what they did and acted correctly, but it still required a submission from us to the council.

Option two (page 4)

We consider this to be a reasonable option for some landholders and the shire.

Option three (page 5)

Our understanding is that when the bypass is built MRWA are required to install noise control measures one of which is the building of a solid structure along the rear boundaries of all the affected lots.

To require landholders to independently provide a solid structure to the rear of the boundary could result in structures being constructed of different materials which will result in an unattractive conglomeration when considered against a uniform MRWA structure. But of course, we come back to the fact that landholders are required to comply with the existing noise guidelines and those guidelines do not include a boundary structure (or trees).

Department of Planning (Attachment 2, page 9)

Dot point 2: Why did the WAPC endorse the FERSP Structure Plan that required a 10m landscape strip “within” the estate and not within the reserve?

Reading Condition 14, we see it contains the requirement for a “10m landscape strip along the proposed bypass and Goomalling – Toodyay road...”. Condition 14 does not mention placing the trees *within the estate* but clearly says “*along the proposed bypass....*”.

We believe that the intent of condition 14 was to plant trees on the eastern side of the boundary, within the road reserve, not on the freehold titles.

If the trees had been planted on the reserve there would have been no requirement to advise purchasers. As no advice was given to purchasers it supports the case that planting within the reserve was the intention.

Possible planning response (page 11)

Rather than comment on the possible responses, we suggest the following solution based on our experience of having been through the approvals process.

1. That the council, jointly with MRWA, plant a landscape strip and that the strip is planted in the road reserve as per condition 14. This is to the east of the Foggarthorpe lots’ boundary fences.

If the plantings are within the road reserve there will be no need for shire officers, elected representatives and landholders to go through the process we did to have planning applications approved. Landholders are then free to treat the trees on their lot as they wish. The saving in shire officers and elected members time would go some way to compensate for the cost of the new plantings.

Finally, we believe it is important to remember that these lots are town lots, not rural lots. For the shire, or the community, to expect these landholders to give up 20% of their freehold land and in some cases restricting the home they want to build, for the purpose of providing a landscape strip, is unreasonable and we believe unprecedented when a simple alternative exists.

Thank you for taking the time to read this submission.

Paul & Irene Barton

CONCEPT FORUM DISCUSSION PAPER

Date of Report:	23 November 2016
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference No.:	S132536
Author:	G Bissett - Manager of Planning and Development
Responsible Officer:	G Bissett - Manager of Planning and Development
Previously Before Council:	25 October 2016 OCM Res 198/10/16
Nature of Council's Role in the matter:	Legislative
Attachments:	<ol style="list-style-type: none">1. Map;2. Department of Planning Response; and3. Submission from Affected Landowner.

8.1 THE FUTURE OF THE RIVERHILLS ESTATE LANDSCAPE BUFFER

PURPOSE OF THE DISCUSSION PAPER

To consider the future of the Riverhills Estate Landscape Buffer.

BACKGROUND

The issue of this paper has arisen out of a problem identified by a Planning Application for a dwelling and water tank at 26 (Lot 313) Tomkins Bend, Nunile approved at the October 2016 Ordinary Meeting by Council, where the Officer's Report provided background on this matter.

In summary, while there was a requirement in place to establish a 10m planting landscape buffer in the location shown on **Attachment 1** which was part of the subdivision SAT outcome, no complimentary protection requirement measures were included in the approval issued.

The expected measure would have been the establishment of a separate reserve which would have been handed over to the Shire after a maintenance period. This would have put the responsibility onto the Shire to maintain it. Alternatively there could have been a covenant or notification on the Title with provisions in the Foggarthorpe Estate Local Planning Policy.

The planting buffer introduced was a 15m strip on private lots setback over 3m from the rear boundary to allow for an estate firebreak. The condition was then signed off as part of the subdivision clearance. While it was notated on the Foggarthorpe Estate Structure Plan (FESP), there was no mention made in the Foggarthorpe Guidelines, no mention on the Title and no mention of this issue as part of the land sale process.

CONSULTATION IMPLICATIONS

No formal consultation has occurred at this stage. The matter has been discussed with the Department of Planning in order to establish more background on the situation. Their response can be viewed in **Attachment 2**. This provides some

history of the landscape buffer formulation through SAT review and discusses a possible approach for Council to consider.

The point of view of an affected landowner (from the application approved in October 2016) is also offered once again (**Attachment 3**).

If Council decided to make a change to the Foggarthorpe Estate Design Guidelines (FEDG) to introduce some level of protection for the landscape buffer consultation the change would occur through the Town Planning Scheme process.

STRATEGIC IMPLICATIONS

There are no adverse strategic implications envisaged from this report.

POLICY IMPLICATIONS

State Planning Policy 3.1: Residential Design Codes

The proposed development meets the requirements of the R-Codes.

State Planning Policy 5.4 – The Road and Rail Transport Noise Considerations in Land Use Planning.

The Policy's objectives include protecting people from unreasonable noise impacts; protecting major transport corridors from urban encroachment; and encouraging best practice design and construction standards. The development occurs in the area defined by the Toodyay Road Bypass Special Control Area and has been identified in an area with the potential to be affected by noise impact – to which this policy applies. It is considered that the development is consistent with this policy.

Local Planning Policy No. LPP.5 – FEDG

The objective of this policy is to set out the standards and conditions under which residential development will be applied in the policy area. It is considered that the proposal meets the provisions of the policy including an assessment against the Road and Rail transport Noise and Freight Considerations in Land Use Planning Implementation Guidelines to State Planning Policy 5.4.

However, the lack of any protection built into this policy to retain the tree buffer means that their removal could set an undesirable precedent.

FINANCIAL IMPLICATIONS

There are no adverse financial implications envisaged from this report.

LEGAL AND STATUTORY IMPLICATIONS

The *Planning and Development Act 2005* and its Regulations provides for the creation of a Local Planning Scheme.

The Shire of Toodyay Local Planning Scheme No. 4 (the Scheme) provides the mechanism for protecting and enhancing the environment of the district and its historical associations, controlling land and building development, setting aside land for future use as reserves and other matters authorised by the *Planning and Development Act 2005*.

The proposed single dwelling and water tanks are appropriate and permitted land uses for the Residential Development zone.

RISK IMPLICATIONS

With only a condition from a SAT order which was on the FESP and listed as a subdivision condition with no other requirements there is no formal protection or policy to deal with the tree buffer. Legal challenges to any requirement to protect the buffer are therefore possible. The implication of this it is possible that any current or future landowners may seek a SAT review if we seek to enforce any requirements in relation to the buffer. Consultation with current owners may reduce this if reasonable alternatives are put in place.

There has been no clear formal notification to any owners of the importance of the buffer which raises potential for claims against the Shire for enforcing protection that was not highlighted as an issue during pre-purchase or the sale process.

The landscape tree buffer requirement was also prepared prior to the recent changes with the State Planning Strategy (SPS) regarding bushfire protection. The vegetation buffer represents a sizeable portion of contiguous bush and this is a bushfire risk.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

There are no adverse economic implications envisaged from this report.

OFFICER COMMENT / DETAILS

At the time this requirement was put in place it was considered important in relation to noise and dust control relating to any future Toodyay Bypass. The planting area as it stands has no real protection or even awareness of its purpose among land owners. The result is that it has not been maintained and some cases even removed.

As indicated in the risk section, the buffer could create an artificial bushfire hazard to landowners and raise the Bushfire Attack Level Assessment, increasing building costs and risk. There have also been claims that the vegetation is of poor quality, sparse and poorly maintained. There are already gaps in the buffer where it has been removed in a few places.

The plantings, as is, encroach onto the useable building land, are located further forward than intended and are generally wider than specified at 15m (10m was the width specified). Without any modification the buffer ends over 18m forward of the rear boundary. The Residential design codes allow a 6m rear setback for this zoning, the design guidelines don't modify this.

As can be seen from **Attachment 1** the buffer goes along the whole of the north western boundary of what was the original super-lot from Goomalling Road to beyond Boyagerring Brook. This comprises the original 85 lots that are being sold, Lot 9013 that is yet to be subdivided, the lot that the Shire owns for the future Sport and Recreation Precinct and the land beyond Boyagerring Brook.

Protecting the buffer in its current form with a covenant or easement is assessed as neither possible nor reasonable.

Members are being asked to consider options as follows in relation to this matter:

1. Leave things as they are and deal with this matter on a case by case basis as needed.
2. Decide that the situation cannot be saved and allow the buffer to be removed
3. Consider a policy review in relation to the FEDG with some flexible alternatives to preserve some form of buffer or replace it with alternatives.

Option One

This involves no immediate policy work or further investigation. It acknowledges the buffer has some importance, if landholders want to work with the Shire. It could provide positive results in some cases. It also does not stop owners removing the buffer post approval if no consideration was given to it in the approval stage because the land owner did not need to seek advice in relation to modifying it.

It is not assessed as the most efficient or equitable in the long-term because it will require all affected applications to come back to Council for consideration and also gives no guidance to landholders. It would be up for challenge in SAT.

If Council pursued, enforcement claims could be established that it is not enforceable and this could lead to claims from owners who have worked to keep the buffer that they were treated unfairly.

The only basis for this Option is the subdivision condition and FESP requirement, both of which, no owner has been informed of.

While there is no policy work involved it would only be reasonable to notify any current or future landholders of this approach which could also raise objections and refusals to work with it.

Option Two

This Option is the 'do nothing' one which does not address the reason for the plantings. This exerts no control of the buffer with the result of some choosing to leave it and some choosing to either remove all or some of the buffer. Given that parts of the buffer are in poor condition there is a question of its usefulness.

Factors to be noted if endorsing this option are as follows:

- That there are noise design guidelines in the Foggarthorpe LPP for quiet house design;
- It is likely owners will establish some form of rear fence which would help;
- the current buffer is of questionable use due to size, location and quality; and
- the bypass would be likely to be both landscaped and have some noise attenuation when constructed.

Not fighting to maintain the buffer or some alternative could therefore be a reasonable way forward.

Option Three

This Option proposes a number of options for landowners to implement as follows:

- A rear fence that acts as a noise and dust barrier to replace the current buffer;
- The ability to reduce the size of the current buffer;
- The ability to remove the current buffer plantings fully and replace it with a reduced with fire resistant planting landscape buffer on the rear boundary; and
- The ability to propose an alternate that would address the noise/dust concerns.

This will be subject to consultation and give guidance to both landowners and the administration. If member's guidance is to pursue this option a draft modification to the Foggarthorpe Estate LPP can be brought to a Future Council Meeting for consideration and endorsement with or without modification to allow for public consultation.

Members need to be aware that this matter will arise again as part of the any future subdivision of the next adjoining Lot 9013 and any other land affected by the bypass on the FESP. This can however be considered as part of any future subdivision application so does not need to be decided now.

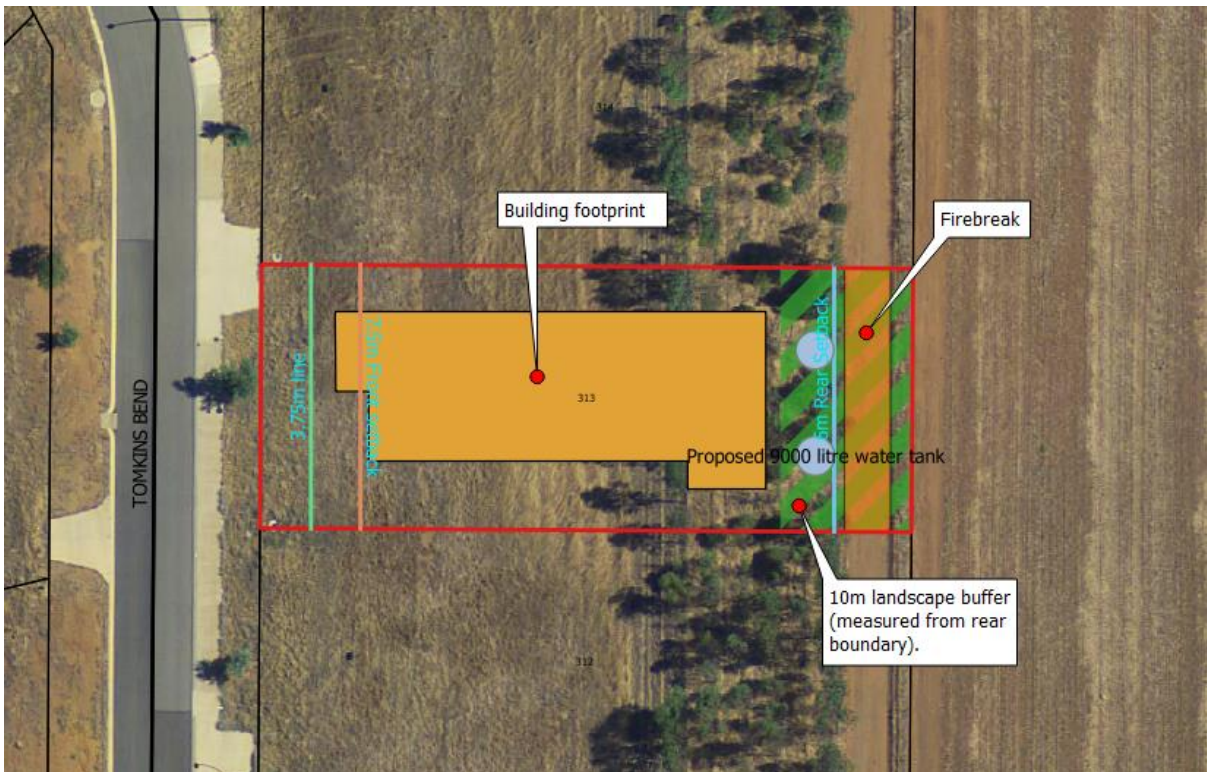
Lastly there is also the section of buffer which is located on the Shire's recreational land. This is not currently in the way of any proposed site development so can be left as is.

OFFICER'S RECOMMENDATION

That Elected Members give guidance on the preferred way to deal with what now is seen as a mostly untenable Landscape Buffer which was required by the WAPC Approval No 132536 as notated on the Structure Plan for:

1. The current Riverhills Estate;
2. The adjoining land subdivision Lot 9013 and any other affect land covered by the Foggarthorpe Structure Plan for this area; and
3. The section of buffer on 'Shire Recreation Lot 9508' also covered by the Foggarthorpe Structure Plan.

Attachment 1 Maps



Attachment 1 Maps





Toodyay Bypass Landscape Buffer

Background

- In 2006 two subdivision applications were concurrently lodged, (WAPC Ref: 132135 and 132536). These applications were refused by the WAPC primarily because of the lack of a structure plan/ comprehensive planning for the area.
- The applicant subsequently lodged a SAT review (reference DR396 of 2006 and DR397 of 2006). To support the SAT review, the applicant prepared the Foggarthorpe Estate Residential Structure Plan which was approved by the Shire in July 2007 and endorsed by the WAPC in October 2007. The Structure Plan depicts a 10m wide landscape strip within the Foggarthorpe Estate along its eastern boundary (ie outside the reserve for the Toodyay Bypass Road).
- Upon the endorsement of the Structure Plan, the subdivision applications were approved through the issuing of consent orders by the SAT on 14 November 2007. Regarding the Toodyay Bypass and landscape buffer, the following conditions were included:

7. A Notification pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the Certificates of Title for the proposed Lots 246-262, 284, 285, 290, 291, 299-371, 498-518 and 531-541 advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:

"This lot is situated in the vicinity of the proposed Toodyay Bypass, may in future be affected by noise from this road and is subject to Quiet House Design guidelines as per the Foggarthorpe Residential Structure Plan endorsed by the Western Australian Planning Commission on 26 October 2007" (Local Government)

14. A landscaping plan relating to the planting of street trees and treatment of 10m landscape strip along the proposed bypass and Goomalling - Toodyay Road, and the drainage sites in conjunction with the Foreshore Management Plan, being prepared and implemented. (Local Government)

- By letter dated 15 January 2009, the Shire provided the WAPC with a clearance for Condition 14, noting that: *"In order to satisfy the condition of subdivision approval, the measures within the landscaping plan are now required to be implemented"*

Date	Owner
17/10/2016	Wheatbelt Region, Department of Planning



Issues

- At subdivision stage, no mechanism was put in place to ensure the ongoing protection of the vegetation that comprises the landscape buffer. Landowners are currently not prevented from clearing the vegetation on their private property.
- The landscape buffer was established on freehold lots, not on land ceded as a reserve. Compliance and enforcement is likely to be an obstacle for any planning response aimed at protecting the landscape buffer on private land.
- There is a 5m wide gap between the rear boundary and the landscape buffer. For most of its length the landscape buffer is 15m in width. This means that the landscape buffer occupies approximately 400m² of the R10 sized lots (40%). This has a significant impact on the useability of each lot.
- Under the Shire of Toodyay Firebreak Order 2016/17, the subject lots are required to be fire hazard reduced only (meaning that vegetation does not require removal). A firebreak is not required. Therefore the current 20m wide combined firebreak and landscape buffer could potentially be reduced to a 10m landscape buffer only, from the rear boundary of the subject lots. This would reduce the affected area to 20% of the total lot size.

SPP 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning (2009) (SPP 5.4)

- The WAPC's SPP 5.4 was gazetted in 2009, after creation of the land parcel for the Toodyay Bypass (Lot 29384 on Plan 024478) and the approvals for the Foggarthorpe Estate.
- SPP 5.4 addresses transport noise from within major transport corridors, and its impact on nearby noise-sensitive land uses. The policy is relevant when there is-
 1. a proposed new noise-sensitive development in the vicinity of an existing or future major road; and
 2. a proposed new major road in the vicinity of existing or future noise-sensitive land uses.
- Regarding point 2 above, s.5.3.2 places an emphasis on the transport infrastructure provider to undertake a noise assessment and/or implement design measures to meet noise targets.
- For the future construction of the Toodyay Bypass, Main Roads WA would be required to undertake reasonable and practicable measures for the management of transport noise. Under Section 5.8, considerations would include; noise benefit, cost, feasibility, community preferences, amenity impacts, safety, security and conflict with other policies.

Date	Owner
17/10/2016	Wheatbelt Region, Department of Planning



Possible planning response

- If the Shire is of the view that a 10m wide landscape buffer along the freehold lots is required, a possible approach is as follows:
 1. Shire of Toodyay prepares a Landscape Plan with specifications for the landscape buffer including width, suitable species, management arrangements, protection measures etc.
 2. LPS No.4 is amended to insert a provision requiring development in the Toodyay Bypass Special Control Area to be consistent with the Shire's Landscape Plan.
 3. Development approvals on the subject lots are conditioned to require the Shire's Landscape Plan be implemented through the establishment and maintenance of the landscape buffer.
 4. Suitable arrangements being made to ensure prospective purchasers are advised of the requirement to maintain the landscape buffer.

Date	Owner
17/10/2016	Wheatbelt Region, Department of Planning

Paul & Irene Barton (applicants)

Document to support the submission to Council, 25 October 2016 Subject – Removal of planted trees on Lot 313, Tomkins Bend, Nunile.

The applicants currently have an application to council for planning approval to construct a dwelling at Lot 313, (26) Tomkins Bend, Nunile, WA, 6566. The Landgate image, right, shows this lot. The application has not been approved due to the existence of trees on the lot.



This lot is not a rural lot with multiple options to site a house. It is a 'town' block, less than 1000 sq metres, and should be treated as such. This submission explains why the existing trees on this lot need to be removed and the lot replanted with new trees.

As to the actual existence of the plantings the following points are made:

1. When this lot was purchased, enquiries were made concerning these planted trees. The conclusion is they are not 'a buffer' but ornamental plantings for marketing,
2. There is no caveat or restriction placed on the title regarding these trees,
3. The Local Planning Policy No 5 – Foggarthorpe Design Guidelines, does not contain a requirement relating to the retention of the trees nor states their purpose.

As to the area given over to planting the following points are made (see Landgate image):

1. If the intention was to plant trees along the rear boundary of the subdivision, the contractor failed miserably with an almost 5 metre gap between the rear boundary and the trees. This is lost and wasted space as shown in photo 1,
2. The tree belt, defined by contour survey, covers a depth of approximately 13 metres.
3. There is a need for a 4 metre gap between the rear of the house and the tree belt to aid in controlling the water content of the clay soils plus siting of rainwater tanks.
4. Points 1, 2 & 3 add up to around 22 metres of unuseable space from the rear boundary to the rear of the house.
5. Now add a 7.5 metre front setback and we are at almost 30 metres lost space. With a side boundary of 50 metres that leaves a 20 x 20 metre space available to build on.

As to the condition of these planted trees, the following points are made:

1. The trees are not remnant vegetation but planted by the developer in straight rows. They are considered by us to be of a cheap and inferior assortment showing poor rates of growth with many having a sick, stick-like appearance,
2. Many of the surviving plantings are in poor condition and not the best choice for that location, see photo 2 and photo 3 below,
3. The intention to remove the trees also comes with the intention to replace them with species more appropriate to a small, town lot. The number eventually planted will at the least, equal the number removed and probably exceed them,
4. The following photos illustrate the planting and condition of the existing trees.

The applicant may need to remove all trees, not just those in the building envelope. Removed trees will be replaced by plantings in other areas. It is possible, but not guaranteed, that some existing plantings will remain. The new plantings will extend along the side and rear lot boundaries including the wasted 100 metres in photo 1.



Photo 1: A wasted 5 metres, or 100 sq metres, on the rear boundary. This is not a lovely, ecologically diverse environment. The ground has been left in an uneven and unsafe condition. Levelling the ground by machine in this area to make it useable will inevitably result in the loss of some trees regardless of the best efforts to save them.



Photo 2: Sticks or trees? Not a very appealing area with little shade cover, close to the ground, to encourage fauna habitats. The uneven ground makes it unuseable for recreation.



Photo 3: Sparse area of sticks with more wasted space between plantings. Are these images applicable to a desirable residential garden on a 'town' lot or a rural landholding?

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CONCEPT FORUM DISCUSSION PAPER

Date of Report:	28 November 2016
Name of Applicant / Proponent/s:	Shire of Toodyay
File Reference No.:	FIN 11/BLD 6/3PIE
Author:	G Bissett – Manager Planning & Development
Responsible Officer:	S Scott - Chief Executive Officer
Previously Before Council:	Item 8.2 12 July 2016 Forum. 26/07/16 OCM 9.2.5 Res No 108/07/16
Nature of Council's Role in the matter:	Executive.
Attachments:	Nil

8.2 THE FUTURE OF CONNORS COTTAGE

PURPOSE OF THE DISCUSSION PAPER

To seek Council's guidance on the use of Connors Cottage post-advertising.

BACKGROUND

Council resolved in relation to this property the following at its July 2016 OCM:

That Council seek expressions of interest for the commercial leasing of Connor's Cottage located at 5 (Lot 3) Piesse Street for a period of up to five years with the option to negotiate an extension of said lease and that this matter be brought back to Council for a final decision.

This has been carried out and at the end of the consultation period no applications were received.

CONSULTATION IMPLICATIONS

Consultation was carried out in accordance with the requirements of Section 3.58 of the *Local Government Act 1995* provisions. This matter was also put on the Shire's website.

STRATEGIC IMPLICATIONS

A key point of both the Shire's Strategic Community Plan and Shire's Corporate Business Plan is developing Asset plans which include Council's land and building holdings.

The rationalisation of building assets has important strategic implications because it can make the use of buildings more efficient, dispose of buildings excess to needs, align them to strategic purposes and assist in helping Council to focus on core strategic goals and free up resources.

This matter is very much about considering the rationalisation of assets.

POLICY IMPLICATIONS

There are no adverse policy implications envisaged from this report.

FINANCIAL IMPLICATIONS

Based on recent rentals the weekly return expected would be between \$260 and \$360pw if a tenant could be found. If it were leased as a residence the return would be expected to be towards the lower end of this range.

LEGAL AND STATUTORY IMPLICATIONS

The disposal of any property must be done in accordance with Section 3.58 the *Local Government Act 1995* provisions.

RISK IMPLICATIONS

There are no adverse risk implications envisaged from this report.

SOCIAL IMPLICATIONS

There are no adverse social implications envisaged from this report.

ENVIRONMENTAL IMPLICATIONS

There are no adverse environmental implications envisaged from this report.

ECONOMIC IMPLICATIONS

Economic impacts are that while this building is not being used it is not producing a financial return.

OFFICER COMMENT / DETAILS

While no applications to lease this property were received there were two parties that did show some interest. One showed interest in using it as a restaurant and the other as office accommodation with some meeting usage.

Guidance is now sort on how members would like to proceed in this matter. One option could be to seek expressions of interest for use as a private dwelling. Alternatively it could also be readvertised as a commercial premises with a wider publication radius, including the Gazette and an internet based publication.

OFFICER'S RECOMMENDATION

That Elected Members give guidance on the proposal to seek fresh expressions of interest in relation to the leasing of 5 (Lot 3) Piesse Street Toodyay under the provisions of Section 3.5 of the *Local Government Act 1995* for not only commercial purposes but also residential for up to five years.

COMMITTEE MEETING STATUS REPORT

Containing any recommendations made to Council by all Committees

Committee Meeting Date	Item No	Title / Description of Item	Responsible Officer	Recommendation by Committee	Council Resolution No & detail
20/10/2016 WORKS MTG	N/A	No recommendations made at meeting.	MWS		
27/10/2016 CDMAC MTG	N/A	No recommendations made at meeting.	MCD		
1/11/2016 BFAC MEETING	5.1.1	Voting and Non-Voting Membership to BFAC	CESM	'That Council review the BFAC membership to remove such that DFES and DPAW representatives are nonvoting members.'	This is going to December 2016 OCM
1/11/2016 BFAC MEETING	2.2.1	Recommendations to Council	CESM	'That Council authorise the CEO to write to appointed FCOs advising of any outstanding training, and that those who require training undertake training at the earliest available opportunity.'	This is currently being undertaken by the CESM.
17/11/2016 MAC Meeting	8.1	Unaccessioned material – November 2016	MCD	The Museum Advisory Committee recommends to the CEO to accession as part of the Museum collection the Westralia Gift Book 1916 and the set of four prints showing the construction in 1931 of the original	CEO can do this without it needing to go to Council

COMMITTEE MEETING STATUS REPORT

Containing any recommendations made to Council by all Committees

Committee Meeting Date	Item No	Title / Description of Item	Responsible Officer	Recommendation by Committee	Council Resolution No & detail
17/11/2016 MAC Meeting	8.3	Strategic Planning – Museum Vision and Mission	MCD	The Museum Advisory Committee recommends to Council the following: That Council endorses the Vision and Mission Statements for the Shire of Toodyay Museum stated as follows: 'Vision Statement: The Museum is a welcoming place where the community conserves and shares Toodyay's unique heritage. Mission Statement: The Museum conserves, interprets and promotes Toodyay's unique cultural and environmental heritage by using a range of technologies and active public programs to attract and engage visitors of all ages.'	This will need to go to Council so it has been put onto the OML on 18/11/2016

