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unconfirmed minutes

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Thursday, 25 August 2016 commencing at 5.30pm

The President opened the Meeting at 5.30pm

Acknowledgment of Country – Presiding Member

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

Attendance, Apologies and Leave of Absence

President	- Cr J Nicholas
Councillors	- J Boyle - S Hodson - D Mackman - J Moore - A Pratico - P Quinby - P Scallan - A Wilson
In Attendance	- M Larkworthy, Executive Manager Corporate Services - E Denniss, Executive Manager Community Services - S Donaldson, Manager Planning (retired 6.09pm) - M Richards, Grants & Services Manager - T Lockley, Executive Assistant

Attendance of Gallery

B Bebbington, C Allen (MB Times), M Lau (DB Mail)

Responses to Previous Questions Taken on Notice - Nil

Public Question Time

B Bebbington

1. Just in regard to the item from Standing Committee, Item C.12 – Review of Local Laws – so I can prepare a comment on agenda, will they be treated as one item for the purpose of comment on agenda as they were at Standing Committee, or will they be done as the nine separate local laws? How long am I allowed to talk for?

President's response - It will be as one item as it is on the Agenda

2. I just want to clarify, I think I've got a good understanding of the disclosure requirements of Councillors, I just want to check in relation to the Local Laws, have any of the Councillors made a declaration of proximity interest, financial interest or any other pecuniary interest in relation to these matters, and for

example would I be correct in saying that if a Councillor operated a cattery, being affected by the Cat Local Law, they would be required to disclose such interest. I just want to clarify my understanding.

President's response - Yes they would, and as far as I am aware we have had no declarations of interest for that item. There are three types of interest being financial, proximity and impartiality. If a financial or proximity interest is declared the Councillor must leave the Chamber and not participate in the debate. If the interest in an impartiality interest, the Councillor is permitted to remain and debate, noting that they will consider the item on its merits.

3. In regard to the Dogs Local Law which is one that the Standing Committee elected not to proceed with the review, the Schedule of Modified Offences refers to 2.4b and 2.4c, a penalty for interfering with any pound or vehicle used for the purpose of catching or holding dogs, can you tell me what the wording is for 2.4b and 2.4c because I cannot find it in the Local Law.

President's response - No I can't, I don't have the Local Law in front of me. I will take that question on notice.

4. Since I pointed out at Standing Committee that that was one of the errors, which Standing Committee determined wasn't sufficient to warrant a review of the Local Law for Dogs, the CEO's response during Standing Committee was that no review was required even after bringing that to your attention. I just want to confirm that if Council adopts the resolution tonight, doesn't that complete the Local Law review for the Dogs which means you would have to completely readvertise the whole process again if I am correct in saying that clause is missing?

President's response – I would have thought that that would be the case, yes we would have to review it all over again. What I think you have to understand is that the Local Laws can be reviewed at any time. Council makes a decision to review them on a regular basis, but if something was to happen for example if a State Statute was to change or something like that then the Local Law would have to be reviewed at that time.

5. In relation to the Pest Plants Local Law, again another element which Council decided there was no requirement for review, the CEO's advice was similar, the notice says 'You are hereby given notice under Bridgetown-Greenbushes Pest Plants Local Law of 2008'. The Local Law is the Pest Plant Local Law of 2009. Why isn't that being corrected?

President's response - I will take that question on notice.

6. In relation to the Fences Local Law as well where I outlined that it only included several types of fences, it does not include current fences such as plastic fencing and doesn't even allow the construction of a swimming pool fence which is required under State Law, again Standing Committee elected not to review it and the CEO said there was no need to review it because they can just give approval. Wouldn't it make sense to bring the policy up to date so that every person in this community who builds a fence is not unknowingly in breach of the Local Law?

President's response – I think what you are confusing is that the Local Law needs to duplicate what the State Law is, but that's not the case. The State Law covers issues of fencing such as a swimming pool fence, that's the law. The Local Law can't overrule that, we can't change that, and probably therefore remain silent on it. As it does with the Cat Act, as it does with the Dog Act, as it does with a whole range of things. The Local Law is predominantly bringing about those issues that are local, so if fencing for a pool is a State issue, that's how it would remain whether you are in Greenbushes, Bridgetown or Manjimup, that Law will still apply. We don't need to have a Local Law to prescribe what's already prescribed by State Law. That is the way I understand that our Local Laws work.

7. I would agree that the Local Law cannot override the State Pool Fencing Law, but that does not preclude it from being a permitted fence type. But, in regard to other fence types, which people in this community are building they are not aware they are prohibited fences they require a permit for, and the Shire knows these fences are being built, and are doing a review, why isn't it possible to do the review correctly and say these are the fences that are being built in 2016, let's bring the documentation up to date for what is currently happening.

President's response – The advice we have received from the CEO is that that particular Law does not need to be reviewed, and Council agreed with that recommendation. That is as far as I can answer that for you.

8. Is it reasonable as a rate payer to expect the documentation that is produced by the Shire, and approved by Councillors, is grammatically correct? And that we are conducting a review?

President's response – Yes.

9. And now is the time in which those typographical errors can be fixed, why is that opportunity not being taken by Council?

President's response – I'm not so sure that it's not being taken is it? I don't understand where these typographical errors are, there has been nothing specific given to us. You raised a number of issues last time about a previous Council President's name being on the law, quite clearly those things are on there because that's when the Law was passed, not because it's an oversight or not because it hasn't been updated. That's always going to be the case. Law doesn't change from the time its originally promulgated, that person's name, whomever the President might be will be on those Laws along with the CEO's name. Unless there are specific cases that you can actually document for us, I think the CEO would be more than happy to have a look at them, but they need to be documented in terms of exactly what the issues are if there are grammatical errors in them.

10. So you are saying that the responsibility falls upon me to point this out to the CEO?

President's response - The CEO has obviously given us advice that there are no issues. If you believe there are issues, I think you actually need to explain what they actually are.

11. Well I will do that during the comment on the agenda, but I just want to clarify, and the minutes will show that at the last Standing Committee I did say that I was prepared to work with the Shire, as I have said many a time, in getting the errors detected and fixed up and I have not had, and the Shire might wish to confirm this, has the Shire made any contact with me to fix up these errors that are now being put on me?

President's response – Well I don't know that, but what I am saying is, and I am not putting anything on you, but what I am saying is if there are these grammatical errors which you detected, then I think it wouldn't hurt to have them documented in chapter and verse, where they are, what they are, and what they should be. The CEO can actually have a look at them and respond to them accordingly, both to us and to you.

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest

B Bebbington - C.12/0816 - Statutory Review of Local Laws
Mr Bebbington spoke against the Committee Recommendation

Applications for Leave of Absence

Council Decision *Moved Cr Moore, Seconded Cr Pratico*
C.00/0816 *That Cr Scallan be granted leave of absence for September Standing Committee and Council Meetings, and October Standing Committee Meeting.*

Carried 9/0

Confirmation of Minutes

C.01/0816 **Ordinary Meeting held 28 July 2016**

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 28 July 2016 as a true and correct record.

Council Decision *Council Moved Cr Pratico, Seconded Cr Moore*
C.01/0816 *That the Minutes of the Ordinary Meeting of Council held 28 July 2016 be confirmed as a true and correct record.*

Carried 9/0

C.02/0816 Special Meeting held 11 August 2016

Attachment 1

A motion is required to confirm the Minutes of the Special Meeting of Council held 11 August 2016 as a true and correct record.

Council Decision Moved Cr Wilson, Seconded Cr Pratico

C.02/0816 That the Minutes of the Special Meeting of Council held 11 August 2016 be confirmed as a true and correct record.

Carried 9/0

Announcements by the Presiding Member Without Discussion - Nil

Notification of Disclosure of Interest

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

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

Name	Cr Nicholas
Type of Interest	Proximity
Item No.	C.07/0816 – Review of Bridgetown Gardens Estate Survey Strata Management Statement
Nature of Interest	Resident of Bridgetown Gardens Estate and former Chair of Strata Council

Name	Cr Wilson
Type of Interest	Proximity
Item No.	C.07/0816 – Review of Bridgetown Gardens Estate Survey Strata Management Statement
Nature of Interest	Subject property is adjacent to my own property

Questions on Agenda Items by Elected Members - Nil

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

Reports of Officers

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Finance & Administration
- Planning & Environmental Services
- Works & Services
- Community Services

CEO's Office

ITEM NO.	C.03/0816	FILE REF.	750
SUBJECT	Special Inquiry into the January 2016 Waroona Fire		
PROPONENT	Government of Western Australia		
OFFICER	Chief Executive Officer		
DATE OF REPORT	12 August 2016		

Attachment 2 Copy of Shire Submission

OFFICER RECOMMENDATION that Council endorses the submission made on the Special Inquiry into the January 2016 Waroona Fire as contained in Attachment 2.

Summary/Purpose

The "Reframing Rural Fire Management" report authored by Mr. Euan Ferguson was released in June 2016. The report contains a number of recommendations and opportunities with comments on the Report sought by 12 August 2016.

The Chief Executive Officer provided a briefing on the recommendations and opportunities to councillors at the Standing Committee held on 11 August 2016 and prepared a submission based on the discussions held at that meeting. The submission was lodged on the closing date of 12 August 2016.

This report seeks Council's endorsement of the submission.

Background

The report of the special inquiry titled *Reframing Rural Fire Management: Report of the Special Inquiry into the January 2016 Waroona Fire*, was tabled in Parliament by the Premier on Thursday 23 June 2016.

Stakeholders and members of the public were invited to comment on the report's recommendations by a closing date of 12 August 2016.

At the Standing Committee meeting of 11 August 2016 the CEO provided a briefing on the 17 recommendations and 23 'agency opportunities for improvement' listed in the Report. As the closing date for submissions was the following day (12.8.16) the direction given to the CEO was to lodge a submission based on the discussions that occurred at the Standing Committee briefing with formal endorsement of the submission to occur at the August Council meeting.

A copy of the Shire's submission is contained as Attachment 2. The submission supports all the recommendations and 'agency opportunities for improvement' other than Recommendation 15 under 'Rural Fire Capability'.

Recommendation 15 reads:

The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

- *be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;*
- *have an independent budget;*
- *be able to employ staff;*
- *have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;*
- *be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;*
have responsibilities and powers relating to bushfire prevention, preparedness and response; and
- *operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.*

In creating the Rural Fire Service, the State Government to consider whether back office and corporate support services could be effectively provided by an existing Department, such as the Department of Fire and Emergency Services or the Department of Parks and Wildlife.

The State Government to review the creation of the Rural Fire Service two years after its establishment, to assess whether its structure and operations are achieving the intended outcome.

The submission questions the need and potential costs of creating and operating a separate rural fire service, expressing a view that the current systems under the Department of Fire and Emergency Services (DFES) need to be fixed rather than creating a new system.

The submission questions the cost of creating and operating a rural fire service and how will it be funded. The drawdown of ESL funds to meet the administrative costs of DFES has significantly increased since the initial establishment of the ESL. Initially most of the administrative costs of DFES were funded from the Government's consolidated revenue however over the years this has progressively transitioned to being ESL funded. The consequence has been a reduction in the amount of funding for plant and equipment, especially to volunteer bush fire brigades. The submission makes the assumption that the cost of creating and operating a rural fire service will not be simply be met by a consequent reduction in costs for the balance of DFES. Finally the submission states that if Recommendation 15 is accepted there needs to be more detail provided on how a rural fire service will be funded.

Statutory Environment

The Bush Fire Act 1954, Emergency Management Act 2005 and the Public Sector Management Act 1994 all have relevance to the Report of the Special Inquiry.

Integrated Planning

- Strategic Community Plan
Objective 2 – our unique natural and built environment is protected and enhanced
Outcome 2.5 - our communities are 'fire prepared'
Strategy 2.5.2 - Support community education and information programs in relation to fire protection.
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not Applicable
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning – Not Applicable

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

**Council Decision Moved Cr Hodson, Seconded Cr Pratico
C.03/0816 That Council endorses the submission made on the Special
Inquiry into the January 2016 Waroona Fire as contained in Attachment 2.**

Carried 9/0

ITEM NO.	C.04/0816	FILE REF.	
SUBJECT	Renewal of Memorandum of Understanding		
PROPONENT	Blackwood Environment Society		
OFFICER	Chief Executive Officer		
DATE OF REPORT	16 August 2016		

Attachment 3 Draft Memorandum of Understanding

OFFICER RECOMMENDATION that Council endorse the draft Memorandum of Understanding with the Blackwood Environment Society for the provision of a community landcare service for 3 years, from 1 July 2016 to 30 June 2019.

Summary/Purpose

Council has agreed to a three year funding commitment with the Blackwood Environment Society for the provision of a community landcare service and has resolved that a memorandum of understanding be entered into by both parties.

Background

Council, at its May 2016 meeting Council resolved (C.10/0516a) in part to allocate the sum of \$41,615 in 2016/17 as the first year of a guaranteed three year funding commitment to the Blackwood Environment Society for the continuation of the community landcare service.

Council also resolved (C.10/0516b):

That the Chief Executive Officer be directed to develop a new Memorandum of Understanding (MOU) specific to the allocation of funding for the Landcare Officer with the Blackwood Environment Society for a 3 year funding period with the draft MOU to be presented to Council for ratification.

Using the MOU for the preceding 3 year period a new draft MOU has been prepared and agreed to in-principle by the Blackwood Environment Society.

The draft MOU has an annual escalation clause for the Shire funding, using the annual CPI increase for Perth (December quarter). The draft MOU also sets out the reporting requirements from the Blackwood Environment Society to the Shire.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
Objective 2 – our unique natural and built environment is protected and enhanced
Outcome 2.9 - Increased community involvement in managing the natural environment
Strategy 2.9.1 - Support the community land care service
- Corporate Business Plan
Action 3.5.7.1 - Provide annual resources for Community Grants and Service Agreements up to \$160,000

- Long Term Financial Plan
The funding of the community landcare service is grouped with community grants and service agreements expenditure.
- Asset Management Plans – Not Applicable
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

The 2016/17 expenditure is provided for in the 2016/17 budget.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Failure of Council to fund the community landcare service would have compromised the continuation of this service. A 3 year funding commitment allows long term landcare projects to be planned and initiated.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

**Council Decision Moved Cr Mackman, Seconded Cr Moore
C.04/0816 That Council endorse the draft Memorandum of Understanding with the Blackwood Environment Society for the provision of a community landcare service for 3 years, from 1 July 2016 to 30 June 2019.**

Carried 9/0

ITEM NO.	C.05/0816	FILE REF.	005.2
SUBJECT	BBG – Call for Nominations for Vacant Position		
PROPONENT	Blackwood Basin Group (BBG)		
OFFICER	Senior Admin Officer		
DATE OF REPORT	8 August 2016		

OFFICER RECOMMENDATION that Council re-nominates Cr Doreen Mackman to fill the 'Middle Catchment Shires' position on the Blackwood Basin Group and advises the Blackwood Basin Group accordingly.

Summary/Purpose

Under the Blackwood Basin Group's (BBG) constitution, nomination bodies (of which our Shire is one) are required to nominate members to the BBG for the next two year period. The current "Shire" position is due to expire in October 2016.

Background

The Blackwood Basin Group is a non-profit, community based organisation that coordinates environmental management within the Blackwood River catchment. The catchment is divided into nine Landcare Zones and the NRM (Natural Resource Management) activities undertaken in these Zones are coordinated by Natural Resource Management Officers in direct collaboration with community groups and landholders.

The aim of the BBG is to work with the community and Landcare Zones to manage and maintain a balance between environmental protection, cultural diversity and economic productivity in the Blackwood.

The BBG Board consisting of 15 members is made up of representatives of Shires, Landcare Groups, Industry and Government Agencies across the 22,000sqkm Blackwood catchment area being:

- 3 Lower Catchment members including 1 local government member
- 3 Middle Catchment members including 1 local government member
- 4 Upper Catchment members including 1 local government member
- 1 Middle Catchment Industry member
- 1 Upper Catchment Industry member
- 1 Department of Water member
- 1 Department of Agriculture & Food member
- 1 Department of Environment & Conservation member

Nominations close on Wednesday, 31 August 2016.

Officer Comment

The proponent has advised that the next term of office for the Middle Catchment's Shire representative will expire at the Blackwood Basin Group's AGM in October 2018.

Accordingly, the Shires of Boyup Brook, Bridgetown-Greenbushes and Donnybrook-Balingup (who make-up the 'middle catchment) are invited to put forward nominations. If more nominations are received than are required to fill the vacant position a ballot will be held.

The current “Shire” representative is Cr Doreen Mackman, who has indicated she is willing to seek re-nomination.

Meetings are held every 2 months on the second Wednesday, normally at the BBG office in Boyup Brook commencing at 10.00am.

Statutory Environment – Constitution of the Blackwood Basin Group

Integrated Planning

- Strategic Community Plan – Nil for the nomination of a representative to the Blackwood Basin Group (BBG)
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications – Nil

Fiscal Equity – N/A

Whole of Life Accounting – N/A

Social Equity – N/A

Ecological Equity – N/A

Cultural Equity – N/A

Risk Management – N/A

Continuous Improvement – N/A

Voting Requirements – Simple Majority

**Council Decision Moved Cr Wilson, Seconded Cr Quinby
C.05/0816 That Council re-nominates Cr Doreen Mackman to fill the ‘Middle Catchment Shires’ position on the Blackwood Basin Group and advises the Blackwood Basin Group accordingly.**

Carried 9/0

Corporate Services

ITEM NO.	C.06/0816	FILE REF.	131
SUBJECT	List of Accounts Paid in July 2016		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	18 August 2016		

Attachment 4 List of Accounts Paid in July 2016

OFFICER RECOMMENDATION: That Council receives the List of Accounts Paid in July 2016 as presented in Attachment 4.

Summary/Purpose

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

Background

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

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

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

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

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

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

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

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

Statutory Environment

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

Integrated Planning

- Strategic Community Plan 2013
Objective 4: A collaborative and engaged community
Outcome 4.2: A high standard of governance and accountability
Strategy 4.2.3: Ensure compliance with relevant legislation
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy

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

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

Budget Implications

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

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Pratico, Seconded Cr Hodson*
C.06/0816 That Council receives the List of Accounts Paid in July 2016 as presented in Attachment 4.

Carried 9/0

Planning & Environmental Services

Cr Nicholas declared a Proximity Interest in Item C.07/0816 as he is a resident of Bridgetown Gardens Estate and former Chair of the Strata Council. Cr Nicholas vacated the Meeting at 5.59pm

Cr Wilson declared a Proximity Interest in Item C.07/0816 as the subject property is adjacent to his own property. Cr Wilson vacated the Meeting at 5.59pm

In accordance with Section 5.6 of the Local Government Act 1995, in the absence of both the Presiding Member and Deputy Presiding Member, the Executive Manager Corporate Services called for nominations for a Councillor to assume the role of Presiding Member for this Item.

Cr Pratico was nominated; no other nominations occurred therefore Cr Pratico assumed the Chair

ITEM NO.	C.07/0816	FILE REF.	302.15
SUBJECT	Review of Bridgetown Gardens Estate Survey Strata Management Statement		
PROPONENT	Shire of Bridgetown-Greenbushes		
OFFICER	Manager Planning		
DATE OF REPORT	16 August 2016		

Attachment 5 Revised Management Plans (Parts 1 to 8)

OFFICER RECOMMENDATION: That Council:

1. *Endorse the proposed modifications to Management Plans Parts 1 to 7 only, as per Attachment 5, of the Bridgetown Gardens Survey Strata Scheme Management Statement, subject to the following changes:*

- a) *For Part 1 Management of Common Property, 'Section 1.5.3 Telephone system', retain third paragraph to read "The strata company is responsible for maintenance of any of the internal phone reticulation using approved contractors."*
- b) *For Part 2 Managing for Public Safety, 'Section 2 Natural Hazards', delete the final sentence that reads "Children must be supervised by an adult at all times when in the vicinity of water bodies."*
- c) *For Part 3 Building and Fencing, 'Section 2 Strata company approval' delete second paragraph that currently reads "Under the provisions of the Management Statement approval in writing from the strata company will be required by the Shire before Planning Approval is given."*

- d) *For Part 3 Building and Fencing, 'Section 2 Strata company approval', third paragraph change the term 'planning approval' to 'development approval'.*
 - e) *For Part 3 Building and Fencing, 'Section 3 Design Requirements', delete clauses (3) and (4) and re-number all remaining clauses, and remove proposed Section 7 Construction Check List.*
 - f) *For Part 4 Community Centre and Recreational Facilities, 'Section 2.3 Operation as reception centre' reword the first sentence to read "The Function Centre building is defined as a 'reception centre' pursuant to the Shire of Bridgetown-Greenbushes operative local planning scheme."*
 - g) *For Part 5 Rural Pursuits and Enterprises, retain current 'Section 7 Animal Husbandry' and 'Section 8 Reduction in Stocking Rates', updating reference to the Department of Agriculture and Food WA in place of Agriculture Western Australia, with all sections re-numbered as required.*
 - h) *For Part 6 Estate Management, re-number all retained sections as required from new Section 4 onwards.*
 - i) *For Part 7 Landscape Management, 'Section 3.3 Existing arboretum planting' include an opening sentence to read "The original arboretum planting will be maintained by:"*
 - j) *For Part 7 Landscape Management, 'Section 5.1 Kangaroo Gully Road Frontage' the second sentence is re-worded as "Approval from the Shire of Bridgetown-Greenbushes will be required for any proposed activities in the Kangaroo Gully Road or Claret Ash Rise road reserves.*
 - k) *For Part 7 Landscape Management, re-number all retained sections from new Section 5.3 onwards, including 'Tree Groves – Cascades Area' as Section 5.6.1.*
 - l) *For Part 7 Landscape Management, rename and re-number the final paragraph as Section 6 Vineyard and Olives.*
2. *Invite the Bridgetown Gardens Strata Council to undertake a full review of Part 8 Fire Prevention and Management including Annexures A, B and C, for presentation to Council at a future meeting.*

Summary/Purpose

The Bridgetown Gardens Estate Strata Council has requested approval of modifications to the Management Plans Parts 1 to 8 that form part of the Bridgetown Gardens Estate Survey Strata Management Statement. Although noting some recommended changes, it is recommended that Council endorse the revised Management Plans Part 1 to 7 only, with Part 8 Fire Prevention and Management to be further reviewed.

Background

As part of the clearance of conditions for Stage 1 of the Bridgetown Gardens Estate subdivision, a Management Statement (including Management Plans Parts 1 to 8) was presented to Council for endorsement at the Ordinary Meeting held on 27 September 2001 whereby Council resolved:

“C.10/0901 That:

1. *Council endorse the Management Statement (including Management Plans Parts 1-8) for the proposed Bridgetown Gardens Estate survey strata subdivision, subject to the following modifications:*
 - (a) *A clause to be inserted into the Management Statement stating that in accordance with Clause 42(2)(d) of the Strata Titles Act, the approval of the Shire and WAPC (if relevant) will be required prior to any changes or modifications to the Management Statement occur.*
 - (b) *Modify Section 1.4.1 of Management Plan 1 (Management of Common Property) by inserting the following: “Management and operation of the community centre is to be in accordance with the requirements of the Health (Public Buildings) Regulations 1992.*
 - (c) *Modify Section 4.4.8.3 of Management Plan 8 (Fire Prevention and Management) by deleting reference to Section 4.8.3 and replacing it with reference to Section 6.1.7.*
 - (d) *Modify the wording of Section 6.2.2 of Management Plan 8 (Fire Prevention and Management) by stating that open camp fires are prohibited during the prohibited burning period and that restricted/prohibited burning periods may be subject to extension by the Shire (dependent upon seasonal conditions) and it is the responsibility of persons to check with the Shire to ascertain whether such extensions have occurred.*
 - (e) *Modify Section 7.3 of Management Plan 8 (Fire Prevention and Management) and Bylaw 21(8) of the Management Statement by including reference to the need to increase the size of the fire station lot to a minimum 500m², at no cost to the Shire.*
 - (f) *Include in Management Plan 7 (Landscape Management) and the Management Statement, reference to the restrictions on removals of trees and shrubs from the subject land.*
 - (g) *Include reference to the “right to farm” rights of the adjacent property to the in the Management Statement.*
 - (h) *Include in Management Plan 6 (Estate Management) reference to rubbish collection from the estate to the rubbish disposal site being undertaken by the Shire.*
2. *That the CEO (or his nominated officer) be granted delegated authority to approve minor modifications to the Management Statement or management plans where such variance does not alter the intent of the relevant document(s).”*

Proposed modifications to the Management Statement for the Bridgetown Gardens Estate were then presented to the Shire in 2004, as set out in the following table:

Proposed Modification - 2004	Officer Comment - 2004
<p>Schedule 1: Clause 17(2) – Theme of Development</p> <p>Amend this clause to delete reference to the development of a golf course, indoor recreation centre and swimming pool.</p>	<p>Council last month endorsed modifications (refer Resolution C.15/0304) to TPS 4 – Amendment 47, one of which was the deletion of these proposed uses from the common land component of the Estate.</p>
<p>Schedule 1: Clause 23 – Buildings on Residential Lots</p> <p>It is proposed to delete part (e) relating to building guidelines and standards.</p>	<p>One of the special provisions relating to the subject land under Town Planning Scheme No. 4 requires building design guidelines being prepared for the Estate to the satisfaction of Council. Council is also obliged under that clause to ensure development conforms to the guidelines.</p> <p>The guidelines contained in Clause 23 are the only building guidelines endorsed for the Estate. To ensure compliance with the Town Planning Scheme the removal of the design guidelines from Clause 23 is not supported. If the strata company wishes to amend the guidelines (whilst still retaining some guidelines) it could make a separate application to the Council.</p>
<p>Schedule 1: Clause 24 – Fencing of Residential Lots</p> <p>It is proposed to delete part (1) of this clause that requires perimeter fencing of the side and rear boundaries of each lot to be constructed of treated pine posts/rails and linked chain wire fencing.</p>	<p>The fencing clause only relates to the boundaries of residential lots and common property. It does not concern boundary fencing of the overall property, therefore no objection is raised to deletion of this part of Clause 24.</p>
<p>Schedule 1: Clause 37 – Rural Pursuit Enterprises on Common Property</p> <p>Amend part (3) of this clause to remove the prohibition on intensive agriculture uses or uses requiring an intensive use of water.</p>	<p>The Management Statement doesn't provide a definition for "intensive agriculture". 'Rural Pursuit' is a permitted use under the zoning of the land. The definition of 'Rural Pursuit' includes the growing of vegetables, fruit, cereals or food crops, the rearing of various types of animals, and the growing of trees and shrubs. If the Town Planning Scheme allows the above uses why should the Management Statement (of which Council is not a party) disallow certain types of rural pursuit. Amendment of this clause is therefore supported.</p>
<p>Schedule 2: Clause 15 – Keeping of Animals on Residential Lots</p> <p>In Part 1(b) of this clause delete reference to the requirement to have any cat kept at a residential lot on the Estate spayed.</p>	<p>The requirement to have cats spayed was an initiative of the original developer of the Estate. Council has not adopted a Cat Local Law for the whole of the district, therefore why should special restrictions be placed on animals at this Estate. Therefore no objections to this proposal are offered.</p>

Renumbering of contents page of management Statement to reflect above modifications	Noted
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The CEO at that time determined that the proposed changes were more than ‘minor modifications’ to the Management Statement and was therefore presented to Council at the Ordinary Meeting on 29 April 2004 whereby Council resolved:

“C.13/0404 That Council endorse the proposed modifications to the Survey-Strata Management Statement for Bridgetown Gardens, excepting the proposed deletion of Clause 23(a) of Schedule 1, relating to the building guidelines and standards.”

Management Statement

As background for elected members who may be unfamiliar with a Strata Management Statement, Schedule 1 of the Strata Titles Act 1985 includes a number of standard by-laws relating to the establishment of the strata company, office bearers, and holdings of general meetings. The Management Statement for the Bridgetown Gardens Estate includes a number of by-laws in addition to Schedule 1 establishing rules to be adhered to by landowners for the overall management of the estate. The Management Statement implements and enforces the requirements of eight different Management Plans (Parts 1 to 8) as well as setting up a structure for management of the estate.

Schedule 2 of the Strata Titles Act lists a number of standard by-laws relating to management of the subject land and any requirements/restrictions that must be complied with by land owners. The Management Statement for the Bridgetown Gardens Estate repealed the standard by-law relating to minimum standards of floor coverings within buildings as it is not relevant to a rural-residential housing estate. Standard by-laws relating to garbage disposal and keeping of animals were deleted and replaced with new by-laws on these subjects. The keeping of animals by-law sets out various restrictions on the keeping of animals, whereas the standard by-law under the Strata Titles Act merely states that keeping of animals is permitted with the approval of the Strata Company.

The eight Management Plans form Appendix A to the Management Statement and specifically address the following:

- Part 1 - Management of Common Property
- Part 2 - Managing for Public Safety
- Part 3 - Buildings and Fencing
- Part 4 - Community Centre and Recreational Facilities
- Part 5 - Rural Pursuits and Enterprises
- Part 6 - Estate Management
- Part 7 - Landscape Management
- Part 8 - Fire Prevention and Management

Modified Management Statement

The Strata Council of Bridgetown Gardens Estate lodged a request for approval of revised Management Plans, contending that the original Management Plans were

prepared at the planning stage of the Bridgetown Gardens Estate development and many of the statements are now irrelevant or obsolete. The Strata Council argues that the revised Management Plans are more relevant and concise, correct grammatical errors and terminology, and remove out of date information regarding future development.

The revised Managements Plans Parts 1 to 8 are provided showing tracked changes, supported by a summary list showing the section, change and reason (see Attachment 5) prepared by the Strata Council. A brief summary of each Management Plan is provided below for context, followed by a brief discussion on the proposed modifications and staff recommendation.

Part 1 – Management of Common Property

Part 1 sets out the management responsibilities of the strata company for all common areas including open space, roads and tracks, recreational facilities, services and equipment, noting that the majority of infrastructure (reticulated water, power, irrigation systems, etc) is owned by the strata company.

Proposed Modifications - There are 32 listed changes to Part 1, all of which are agreed to by the Shire Staff, except for Section 1.5.3 Telephone system, where it is recommended that the third paragraph be retained and re-worded to read “The strata company is responsible for maintenance of any of the internal phone reticulation using approved contractors.”

Part 2 – Managing for Public Safety

Part 2 briefly discusses natural and man-made hazards (fire, traffic) and describes the responsibilities of the strata company to ensure the safety of proprietors, occupiers and visitors is protected at all times. Other than Claret Ash Rise (which is the entry road off Kangaroo Gully Road), the internal roads are on common property, so traffic management regulations for the private roads are the responsibility of the strata company

Proposed Modifications - There are 14 listed changes to Part 2 and all are supported, except it is recommended that the final sentence of Section 2 Natural Hazards should be deleted, not just the reference to water bodies.

Part 3 – Buildings and Fencing

Part 3 sets out a process for land owners to obtain the approval of the strata company for any building works, prior to granting of planning approval and/or applying to the Shire for planning approval or building permit. Shire decisions should not be held pending approval from the strata company approval, with the responsibility resting with the land owner. Building permit applications for lots within the estate will be processed by the Shire without regard to whether strata company approval has previously been obtained. This same principle should be applied to the development application process.

Architectural or design guidelines have been included in Section 4 of this management plan. It is a condition of the survey strata subdivisional approval and Town Planning Scheme No. 4 that building design guidelines be prepared. As the

strata company has to approve all building proposals the Shire merely note these guidelines and the Shire is not an enforcement body. Therefore any disputes between land owners and the strata company about compliance with the guidelines will be an internal matter and need not involve the Shire.

For 'Section 2 Strata Company' it is recommended that the second paragraph be deleted as the third paragraph requires lot proprietors to submit plans to the Strata Company before applying to the Shire for approvals. It is also recommended that in the third paragraph in Section 2 the term 'planning approval' be substituted with 'development approval' as per the new terminology in the Planning and Development (Local Planning Schemes) Regulations 2015.

For 'Section 3 Design Requirements' it is recommended that Clauses (3) and (4) be deleted given the bushfire prone mapping and bushfire risk management regulations are now in place for the whole of Western Australia. It is also recommended that in Section 3 that, noting clauses (1), (3), (4) and (6) are to be deleted, that the remaining clauses be re-numbered as required.

Part 4 – Community Centre and Recreational Facilities

Part 4 sets out management responsibilities for the strata company for the central community centre (ie. function centre) and other existing or planned recreational facilities, and eligibility of use by strata lot owners and their guests.

Proposed Modifications – There are 18 listed changes to Part 4 to change the terminology used for the function centre (instead of the community centre) and deleting reference to the large open dam for recreational use. Whilst the changes are supported, it is recommended that the first sentence in Section 2.3 be worded better and to read "The Function Centre building is defined as a 'reception centre' pursuant to the Shire of Bridgetown-Greenbushes operative local planning scheme."

Part 5 – Rural Pursuits and Enterprises

Part 5 sets out the approval requirements for rural pursuits as discretionary uses, relating to the keeping of animals, growing of plants, etc.

Proposed Modifications – There are 15 listed changes to Management Plan Part 5, generally to remove reference to horse agistment services and facilities on the common property, leasing of common property and deletion of animal husbandry, stocking rates and estate nursery. All changes are general supported however noting that section 4 Development by lessees is to be deleted, it is recommended subsequent sections be re-numbered as required. Furthermore it is recommended that current 'Section 7 Animal Husbandry' be retained and Section 8 Reduction in Stocking Rates be retained, including correct reference to the Department of Agriculture and Food WA instead of Agriculture Western Australia.

The submission refers to a new Section 5 Construction Check List as Addendum A but is not included in the submission, so any reference should be deleted at this time.

Part 6 – Estate Management

Part 6 sets out the responsibilities of the strata company in managing the estate and allows for appointment of an estate manager, recognising intended staging of the subdivision, plus rubbish collection by the Shire.

Proposed Modifications – There are 17 listed changes to Part 6, all of which are supported. Noting that Section 4 Liaison with developer is to be deleted, it is recommended that any subsequent sections be re-numbered as required.

Part 7 – Landscape Management

Part 7 sets out guidelines for planning and implementing landscape management by the strata company for the estate as a whole including 'character areas', with the objective to integrate the development of the subject land with its surroundings. The management plan address arboretum planting, landscaping design for different areas, Shire approvals for tree removal, strategies for chemical use and crop and pasture health, with most changes supported.

Proposed Modifications – Whilst 57 changes are listed including deletion of the contents page, there are more changes noted in the tracked change version of the Management Plan Part 7.

For Section 3.3 Existing Arboretum Planting it is recommended that an opening sentence be included to read "The original arboretum planting will be maintained by:" For 'Section 5.1 Kangaroo Gully Road Frontage' it is recommended that the second sentence be re-worded as "Approval from the Shire of Bridgetown-Greenbushes will be required for any proposed activities in the Kangaroo Gully Road or Claret Ash Rise road reserves.

As 'Section 5.3 Dam wall stabilisation' is to be deleted it is recommended that subsequent clauses be re-numbered as required, including 'Tree Groves – Cascades Area as Section 5.6.1 instead of Section 5.7.1. Furthermore as 'Section 6 Shire planning approval' and 'Section 7 Strategy for chemical use' are to be deleted, and Section 8 extensively reduced to one paragraph addressing vineyards and olives only, it is recommended new Section 6 be named Vineyard and Olives.

Part 8 – Fire Prevention and Management

Part 8 sets out fire prevention and management guidelines and responsibilities for residential lots and common property in the estate. Under the Management Statement, the strata company has the responsibility to implement this management plan.

Proposed Modifications – Whilst there are 69 changes listed including deletion of the contents page, there are more changes noted in the tracked change version of the Management Plan Part 8.

Under Section 4.4.8.3 and Section 6.1.6 Clause (c), higher construction standards are required for Strata Lots 91, 92, 94, 95 and 96 due to proximity to the 'Marri

Grove’, however these sections should be deleted given the new bushfire risk management regulations are now in place across Western Australia.

‘Annexure A Fire prevention guidelines for residential lots’, ‘Annexure B References’ and ‘Annexure C Glossary’ have not been reviewed and still contain outdated terminology and references, so a full review of these documents is recommended. Management Plan Part 8 requires it to be reviewed (and if necessary updated) annually, and reviewed every five years. It is recommended that Part 8 not be endorsed by Council at this time pending a full review including annexures, then presented separately to a future meeting of Council for consideration.

Conclusion

The Strata Council has undertaken a comprehensive review and proposed significant modifications to the Management Plans Parts 1 to 8 that form part of the Bridgetown Gardens Estate Survey Strata Management Statement. Although noting some recommended changes, it is recommended that Council endorse the revised Management Plans Part 1 to 7 only, with a further review of Part 8 Fire Prevention and Management to be undertaken and presented to Council at a future meeting.

Statutory Environment

The original Management Statement was been prepared in accordance with Section 5C of the Strata Titles Act 1985. Under Section 42 of that Act, a strata company may make by-laws, not inconsistent with this Act, for —

- (a) its corporate affairs;
- (b) any matter specified in Schedule 2A; and
- (c) other matters relating to the management, control, use and enjoyment of the lots and any common property.

The strata company is responsible to ensure requirements of the various Management Plans continue to be complied with. Failure to comply with these conditions (where they continue to be relevant over the life of the subdivision) could be a breach of the Planning and Development Act 2005 and relevant operative local planning scheme.

Policy Implications - Nil

Strategic Plan Implications

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

Budget Implications

The necessary fee for consideration of the revised Management Statement has been paid.

Fiscal Equity - Not applicable

Whole of Life Accounting – Not applicable

Social Equity - Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The background information provided by the Bridgetown Gardens Strata Council has assisted consideration of this matter.

Delegated Authority

The Chief Executive Officer has delegated authority (granted by Council in 2001) to consider 'minor variances' to the Management Statement where such variance does not alter the intent of the document(s). The CEO has determined however that the extent and importance of the proposed modifications are not minor and therefore endorsement by Council is required.

Voting Requirements – Simple Majority

Council Decision Moved Cr Scallan, Seconded Cr Moore

C.07/0816 That Council:

- 1. Endorse the proposed modifications to Management Plans Parts 1 to 7 only, as per Attachment 5, of the Bridgetown Gardens Survey Strata Scheme Management Statement, subject to the following changes:**
 - a) For Part 1 Management of Common Property, 'Section 1.5.3 Telephone system', retain third paragraph to read "The strata company is responsible for maintenance of any of the internal phone reticulation using approved contractors."**
 - b) For Part 2 Managing for Public Safety, 'Section 2 Natural Hazards', delete the final sentence that reads "Children must be supervised by an adult at all times when in the vicinity of water bodies."**
 - c) For Part 3 Building and Fencing, 'Section 2 Strata company approval' delete second paragraph that currently reads "Under the provisions of the Management Statement approval in writing from the strata company will be required by the Shire before Planning Approval is given."**
 - d) For Part 3 Building and Fencing, 'Section 2 Strata company approval', third paragraph change the term 'planning approval' to 'development approval'.**

- e) **For Part 3 Building and Fencing, ‘Section 3 Design Requirements’, delete clauses (3) and (4) and re-number all remaining clauses, and remove proposed Section 7 Construction Check List.**
 - f) **For Part 4 Community Centre and Recreational Facilities, ‘Section 2.3 Operation as reception centre’ reword the first sentence to read “The Function Centre building is defined as a ‘reception centre’ pursuant to the Shire of Bridgetown-Greenbushes operative local planning scheme.”**
 - g) **For Part 5 Rural Pursuits and Enterprises, retain current ‘Section 7 Animal Husbandry’ and ‘Section 8 Reduction in Stocking Rates’, updating reference to the Department of Agriculture and Food WA in place of Agriculture Western Australia, with all sections re-numbered as required.**
 - h) **For Part 6 Estate Management, re-number all retained sections as required from new Section 4 onwards.**
 - i) **For Part 7 Landscape Management, ‘Section 3.3 Existing arboretum planting’ include an opening sentence to read “The original arboretum planting will be maintained by:”**
 - j) **For Part 7 Landscape Management, ‘Section 5.1 Kangaroo Gully Road Frontage’ the second sentence is re-worded as “Approval from the Shire of Bridgetown-Greenbushes will be required for any proposed activities in the Kangaroo Gully Road or Claret Ash Rise road reserves.**
 - k) **For Part 7 Landscape Management, re-number all retained sections from new Section 5.3 onwards, including ‘Tree Groves – Cascades Area’ as Section 5.6.1.**
 - l) **For Part 7 Landscape Management, rename and re-number the final paragraph as Section 6 Vineyard and Olives.**
- 2. Invite the Bridgetown Gardens Strata Council to undertake a full review of Part 8 Fire Prevention and Management including Annexures A, B and C, for presentation to Council at a future meeting.**

Carried 7/0

6.02pm – Cr Nicholas and Cr Wilson returned to the Meeting

Cr Nicholas resumed the Chair.

Works & Services - Nil

Community Services

The Executive Manager Community Services tabled the following memo:

Due to late advice from the Department of Parks and Wildlife an amendment is required to the Draft Maintenance Guide for Bridgetown Walks and Trails (Attachment 7).

The amendment is a simple terminology adjustment so that the document refers the Department of Parks and Wildlife as “The Department” instead of “DPaW”.

Subsequently the following alternative recommendation is proposed:

OFFICER RECOMMENDATION that Council:

- 1) *Note the changes made to the Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk*
- 2) *Adopt the revised Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk with the change from the term “DPaW” to “The Department”.*
- 3) *Direct the CEO to investigate the most efficient method/schedule for maintenance of plaques along the little schools trail.*
- 4) *Direct the CEO to assess the resources required to incorporate the maintenance of the little school trail plaques into the 10 year works schedule and identify if/when the maintenance of the plaques can be included.*

ITEM NO.	C.08/0816	FILE REF.	500
SUBJECT	Draft Maintenance Guide for Bridgetown Walk Trails		
PROPONENT	Trails Development Advisory Committee		
OFFICER	Grants and Services Manager		
DATE OF REPORT	August 2016		

- Attachment 6 Summary of review to the Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk
- Attachment 7 The Revised Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk
- Attachment 8 Adopted (Feb 16) Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk
- Attachment 9 Trails Development Advisory Committee - July minutes

OFFICER RECOMMENDATION that Council:

- 1) *Note the changes made to the Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk.*
- 2) *Adopt the revised Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk.*
- 3) *Direct the CEO to investigate the most efficient method/schedule for maintenance of plaques along the little schools trail.*

- 4) *Direct the CEO to assess the resources required to incorporate the maintenance of the little school trail plaques into the 10 year works schedule and identify if/when the maintenance of the plaques can be included.*

Summary/Purpose

- 1) The changes to The Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk were made at the request of LGIS (Local Government Insurer) to reduce Council's exposure to risk and to identify, clarify and streamline Council's responsibilities associated with the maintenance and inspection of sanctioned walk trails.
- 2) The Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk outlines the inspection and maintenance responsibilities of the Shire, the Trails Development Advisory Committee and the Department of Parks and Wildlife in relation to two sanctioned walk trails on Department of Parks and Wildlife managed land within the Shire of Bridgetown-Greenbushes.
- 3) At the July 2016 Trails Development Advisory Committee it was recommended that Council include the Little Schools Plaques as part of Shire maintenance processes. The Little School Trail consists of 25 little school sites along a 212km drive throughout the shire. Plaques indicate the location of each of the little schools sites along the trail. The plaques require ongoing maintenance to ensure the sites can be located by tourist/locals driving the trail.
- 4) Investigation into the maintenance requirements and execution will need to be identified before workforce and budgetary planning requirements can be assessed to ensure workforce and budgetary resources are available and can be allocated to meet the short and long term plaque maintenance requirements, once identified.

Background

The Trails Development Advisory Committee Instrument of Appointment identifies the direction of the Committee as follows:

- 3.1 Implement Council's economic strategies via identified and proposed tasks.
- 3.2 The development of a mountain bike trail business and concept plan.
- 3.3 Adding value to existing canoe/kayak, walk, cycle and bridle trails including the Warren Blackwood Strategic Alliance's Regional Trails master plan project.
- 3.4 Identifying trail based tourism opportunities.

Recommendations 1&2

The Trails Development Advisory Committee has been working in partnership with Department of Parks and Wildlife Officer, Andrew Sandri, over the last 4 years to ensure that the walk trails on DPaW managed land, within the Shire meet the standards required to permit sanctioning by DPaW. Two walk trails have been sanctioned by DPaW, the Old Abattoir Walk and the Wandoo Walk.

In February 2016 (C.19/0216) Council adopted the draft “Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk”.

In April 2016 the LGIS, the Local Government Insurer expressed concerns regarding section 8 - Visitor Risk Management - of The Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk .

Given that changes to The Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk would need to be presented to Council for adoption, the Works and Services Executive Manager and the Grants and Services Manager decided to streamline the original DPaW draft document to remove the repetitive nature of the content and clarify processes. These changes can be seen in the attachment Schedule of Changes.

Recommendation 3&4

In March 2014 a community member approached the Trails Development Advisory Committee requesting the committee review the Little Schools Trail map and assist in locating the 25 little school sites identified on the original maps printed in the 1980's (last in existence).

After 2 years of work by the Trails Development Advisory Committee completed the Little Schools Trail including GPS plotting, locating, photographing and clearing plaques at each of the 25 sites and revising and printing the map, the Little Schools Trail and map was officially Launched at Bridgetown Pottery Restaurant in June 2016.

In July 2016 the Trails Development Advisory Committee recommended that the Little Schools Trail plaques be included on the Shires maintenance schedule to ensure the location of the plaques remains obvious to participating trail enthusiasts.

Officer Comment

The terms *sanctioned* and *unsanctioned* are DPaW specific terms relating to the trail approval status on DPaW managed land. The terms denote the use of an assessment standard to mitigate trail user risk and heighten trail safety (trail marking, visibility, removal of obstacles and risk factors, maintenance of infrastructure and interpretive signage). The Trails Development Advisory Committee has generalized these terms and the assessment criteria to all trails within the shire to ensure continuity of standards and quality trail experiences within the Shire.

Many trails are currently being used by local residents and tourists regardless of their sanctioned status. The consequences of using unsanctioned trails are two-fold. Firstly, unsanctioned trails have not been signed or assessed for safety and therefore hold an inherent risk associated with their use (safety and orientation). Sanctioned trails ensure the safety of the environment and the safety of the user. A sanctioned walk trail includes regular assessment of the trail, inspection of trees in close proximity to the trail, header signs, trail markers and trail classification.

Secondly, the Shire is unable to promote or market unsanctioned trails that exist on DPaW managed land. Trails tourism offers a significant economic development opportunity for this Shire given the unique natural environment. The potential flow-on effect of an active approach to the promotion of trails tourism for the local

economy has been recognized by Council in various strategic plans. Once sanctioned, walk trails can be broadly advertised through the regional and state websites to encourage trails based tourism. The well established economic benefits of trails tourism will only increase as trails development and sanctioning continues.

To promote trails tourism on an ongoing basis it is important to ensure the trails continue to be safe, well maintained and accessible. This requires ongoing maintenance and a breakdown of maintenance responsibilities, responsible parties and division of labor to facilitate the continued use of the sanctioned walk trails, whether located on DPaW, Shire managed land or both.

The Maintenance Guidelines forms an agreement and highlights the partnership between DPaW and Council for the ongoing maintenance of sanctioned trails. The Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk may be used as a model for the maintenance of future trails development on DPaW managed land so it is important to ensure the clarity and simplicity of the document and to confirm Council are satisfied with the breakdown of maintenance responsibilities, responsible parties and division of labor suggested in the guideline.

The maintenance of trails that traverse only shire managed land require maintenance for the same reasons and should be considered in the same light for reasons relating directly with tourism and trail user safety.

Statutory Environment - Nil

Integrated Planning

Strategic Community Plan

Objective 1 – A strong resilient and balanced economy.

Outcome 1.1 - A diverse range of employment opportunities

Strategy 1.1.1 – Develop the Shire as a centre for natural trails such as multi-use walk, bike, kayak and bridle trails

Outcome 1.2 – Ensure infrastructure and services are provided for future development in keeping with the environment.

Strategy 1.2.9 – Improve facilities for tourists.

Objective 2 – Our unique natural and built environment is protected and enhanced.

Outcome 2.4 – Protect and better utilize the river and natural landscape as an asset to the Shire

Strategy – Implement the Regional Trails Master plan.

Objective 3 – our community enjoys a high quality of life

Outcome 3.1 – Maintain a high standard of lifestyle, recreation and cultural facilities.

Strategy 3.1.7 – Implement the Regional trails Master plan

Corporate Business Plan

The Corporate Business Plan identifies, as an ongoing action, the need to identify opportunities for the development of nature trails such as multi-use walk, bike, kayak and bridle trails for implementation in the regional Trails Master plan.

Long Term Financial Plan

Capital expenditure is proposed in the Long Term Financial Plans for trails projects until 2016/17.

Asset Management Plans

Not applicable as the Walk Trail Maintenance Guide is not associated to Council owned assets (trails transverse land managed by DPaW).

Workforce Plan

Assessment of the current and future capacity of the workforce to absorb the maintenance requirements of trails should be identified and included as part of the ongoing integrated planning process.

Other Integrated Planning

10 year works program - If the reviewed Maintenance Guideline for Walk Trails is adopted Council would be required to undertake an ongoing commitment to maintain the identified trails that traverse DPaW managed land which would be reflected in the 10 year works program, in relation to maintenance.

Budget Implications

All trail maintenance will require Council to undertake an ongoing financial commitment to reflect the officer time required to undertake the agreed trails maintenance outlined in the both the Maintenance Guideline and newly developed trails.

Fiscal Equity – Not Applicable

Whole of Life Accounting

Council has invested in the development of trails through the Trails Advisory Committee and the ongoing annual trails budget allocation. These resources have been partially utilised to develop and sanction the walk trails implicated in the Draft Maintenance Guideline for Walk Trails. Whole of life accounting principles are considered by preserving Councils investment in trail development and ensuring the continued maintenance, use and promotion of sanctioned trails.

Social Equity – Not Applicable

Ecological Equity

The principles of ecological equity are considered by providing well managed and maintained trails that protect natural environments by minimising the impact of trail users.

Cultural Equity – Not Applicable

Risk Management

In working in partnership with DPaW to sanction local walk trails Council have mitigated risk to users of the trail through formalising the assessment process. Continued maintenance of trails will provide risk mitigation. Ensuring clear and documented roles and responsibilities between ongoing project partners and Council is also considered essential to mitigate Council's exposure to potential risk (financial and reputation).

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Nicholas, Seconded Cr Pratico*
C.08/0816 *That in accordance with Clause 3.9(1)(f) of the Standing Orders*
Local Law this Item be allowed full debate and consideration.

Carried 9/0

Moved Cr Pratico, Seconded Cr Scallan

That Council:

- 1) Note the changes made to the Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk
- 2) Adopt the revised Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk
- 3) Direct the CEO to investigate the most efficient method/schedule for maintenance of plaques along the little schools trail
- 4) Direct the CEO to assess the resources required to incorporate the maintenance of the little school trail plaques into the 10 year works schedule and identify if/when the maintenance of the plaques can be included.

Amendment Moved Cr Nicholas, Seconded Cr Pratico

Amend dot point 2 to read: Adopt the revised Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk with the change from the term “DPaW” to “The Department”.

Carried 9/0

The Amended Motion becomes the Substantive Motion – The Motion was Put

Council Decision *Moved Cr Pratico, Seconded Cr Scallan*

C.08/0816a *That Council:*

- 1) ***Note the changes made to the Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk***
- 2) ***Adopt the revised Maintenance Guidelines – Bridgetown Walk Trails - Encompassing Old Abattoir Trail and Wandoo Valley Walk with the change from the term “DPaW” to “The Department”.***
- 3) ***Direct the CEO to investigate the most efficient method/schedule for maintenance of plaques along the little schools trail***
- 4) ***Direct the CEO to assess the resources required to incorporate the maintenance of the little school trail plaques into the 10 year works schedule and identify if/when the maintenance of the plaques can be included.***

Carried 9/0

Consideration of Standing Committee Recommendations

Items adopted by Council using the en bloc system were:

- C.10/0816 Revised Cut & Fill Town Planning Scheme Policy
- C.11/0816 Draft Assessment of Cultural heritage Significance Policy
- C.13/0816 Rolling Action Sheet

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

C.09/0816	Standing Committee Minutes – 11 August 2016 – Attachment 10
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Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.

C.10/0816	Revised Cut & Fill Town Planning Scheme Policy
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Committee Recommendation Moved Cr Quinby, Seconded Cr Nicholas
SC.02/0816 That Council notes the two submissions received, as per Attachment 1, and pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4 resolves to adopt the modified revised Cut & Fill Town Planning Scheme Policy, as per Attachment 4, incorporating modified policy requirements including submission of a post-landscaping plan and reduced earthworks bond.

Council Decision Moved Cr Scallan, Seconded Cr Pratico

****C.10/0816 That Council notes the two submissions received, as per Attachment 1, and pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4 resolves to adopt the modified revised Cut & Fill Town Planning Scheme Policy, as per Attachment 4, incorporating modified policy requirements including submission of a post-landscaping plan and reduced earthworks bond.***

Carried 9/0

C.11/0816	Draft Assessment of Cultural Heritage Significance Policy
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Committee Recommendation Moved Cr Nicholas, Seconded Cr Pratico
SC.03/0816 That Council, noting the submission from the State Heritage Office, per Attachment 5, adopts the draft Assessment of Cultural Heritage Significance Policy, as per Attachment 6, pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4, subject to the following changes:

1. Reword Section 8.0 Heritage Places, second paragraph (page 6) to read: "Places in both the 'Exceptional Significance' and 'High Significance' categories will include those already in TPS3 Schedule 4 or considered worthy of protection under a Local Heritage List. Places in the 'Exceptional Significance' category are further considered to be essential to the heritage of the locality and are rare and/or outstanding examples, which may also be considered for assessment for entry in the State Register of Heritage Places (RPH)."

2. Reword Table 1: Levels of Heritage Significance for Individual Heritage Places, Exceptional Significance, third column, second sentence to read: “If not already, to be included on the Local Heritage List and considered for assessment for entry in the RHP”.

Council Decision Moved Cr Scallan, Seconded Cr Pratico

***C.11/0816 That Council, noting the submission from the State Heritage Office, per Attachment 5, adopts the draft Assessment of Cultural Heritage Significance Policy, as per Attachment 6, pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4, subject to the following changes:**

1. **Reword Section 8.0 Heritage Places, second paragraph (page 6) to read: “Places in both the ‘Exceptional Significance’ and ‘High Significance’ categories will include those already in TPS3 Schedule 4 or considered worthy of protection under a Local Heritage List. Places in the ‘Exceptional Significance’ category are further considered to be essential to the heritage of the locality and are rare and/or outstanding examples, which may also be considered for assessment for entry in the State Register of Heritage Places (RPH).”**
2. **Reword Table 1: Levels of Heritage Significance for Individual Heritage Places, Exceptional Significance, third column, second sentence to read: “If not already, to be included on the Local Heritage List and considered for assessment for entry in the RHP”.**

Carried 9/0

C.12/0816	Statutory Review of Local Laws
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Committee Recommendation Moved Cr Pratico, Seconded Cr Quinby

SC.04/0816 That Council:

1. Resolves to amend the following Local Laws and request the CEO to provide a report and draft amendment local law for each proposed amendment to the October 2016 meeting of the Standing Committee:
 - Cemeteries
 - Keeping & Welfare of Cats
 - Parking and Parking Facilities
2. Resolves to remake the Health Local Law and that the CEO be requested to provide a report and draft new local law to the Standing Committee no later than March 2017.
3. Resolves to make no amendments and thus retains without modification the following current local laws:
 - Activities in Thoroughfares and Trading in Thoroughfares and Public Places
 - Bush Fire Brigades
 - Dogs
 - Fencing
 - Local Government Property
 - Pest Plants

Council Decision Moved Cr Scallan, Seconded Cr Moore

C.12/0816 That Council:

- 1. Resolves to amend the following Local Laws and request the CEO to provide a report and draft amendment local law for each proposed amendment to the October 2016 meeting of the Standing Committee:**
 - Cemeteries
 - Keeping & Welfare of Cats
 - Parking and Parking Facilities

- 2. Resolves to remake the Health Local Law and that the CEO be requested to provide a report and draft new local law to the Standing Committee no later than March 2017.**

- 3. Resolves to make no amendments and thus retains without modification the following current local laws:**
 - Activities in Thoroughfares and Trading in Thoroughfares and Public Places
 - Bush Fire Brigades
 - Dogs
 - Fencing
 - Local Government Property
 - Pest Plants

Absolute Majority 9/0

C.13/0816	Rolling Action Sheet
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Committee Recommendation Moved Cr Pratico, Seconded Cr Boyle
SC.05/0816 That the information contained in the Rolling Action Sheet be noted.

Council Decision Moved Cr Scallan, Seconded Pratico

***C.13/0816 That the information contained in the Rolling Action Sheet be noted.**

Carried 9/0

C.14/0816	Adoption of En Bloc Items
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Council Decision Moved Cr Scallan, Seconded Cr Pratico

C.14/0816 That Council adopts Items C.10/0816, C.11/0816 and C.13/0816 of the Local Laws, Strategy, Policy & Organisation Development Standing Committee and hereby resolves in the terms of each of the Committee Recommendations.

Carried 9/0

Receival of Minutes from Management Committees - Nil

6.09pm – Mr Donaldson retired from the Meeting

Urgent Business Approved by Decision

ITEM NO.	C.15/0816	FILE REF.	904.1
SUBJECT	Community Sport and Recreation Facilities Small Grants Fund (Department of Sport and Recreation)		
PROPONENT	Bridgetown Lawn Tennis Club		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	23 August 2016		

Reason for Urgent Business – The Department of Sport and Recreation requires applicants for its winter 2016/17 small grants funding round by 31 August 2016. The Bridgetown Lawn Tennis Club hadn't completed its funding application by the agenda closing date. All CSRFF applications require submittal to the relevant local government prior to submittal.

OFFICER RECOMMENDATION that Council accept Item C.15/0816 as urgent business.

OFFICER RECOMMENDATION That Council note that the Community Sport and Recreation Facilities Fund (CSRFF) grant application submitted by the Bridgetown Lawn Tennis Club for resurfacing and upgrade of its two hard courts is the sole CSRFF Small Grants application for the Shire district and therefore advises the Department of Sport and Recreation that it ranks this application as Priority 1 of 1 for the current funding round.

Summary/Purpose

As part of the process for the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund (CSRFF) the applicable local government is to prioritize all applications received for its district before they are lodged. Only one application exists for the 2016/17 CSRFF Small Grants winter funding round, being the Bridgetown Lawn Tennis Club's proposal for resurfacing and upgrade of its two hard courts.

Council has already approved a community grant of \$5,500 towards the project.

Background

The Department of Sport and Recreation provides funding to local governments and community sporting groups to assist in the construction of sport and recreation infrastructure through the CSRFF.

The Department for Sport and Recreation will provide a maximum of one third of the total project costs. It is the applicant's responsibility to then obtain the remaining two thirds of the total funding required to implement the project.

The Department for Sport and Recreation, as part of their application and assessment process, seek input from local government authorities in this process, via a request to prioritize projects for the relevant local government area.

This is considered beneficial as a method of informing local government authorities about infrastructure development proposals within the area and also as a means for the local government to prioritize the projects in line with their strategic objectives.

Only one application exists for the 2016/17 winter funding round, being the Bridgetown Lawn Tennis Club's proposal for resurfacing and upgrade of its two hard courts. This negates the need for Council to prioritize applications as the application will automatically be ranked 1 of 1.

Officer Comment

The Bridgetown Lawn Tennis Club application is seeking to resurface and upgrade its two hard courts. The length of the courts will be extended to provide more run-off area behind the baselines of each court and the courts are proposed to be resurfaced to plexipave. The fenceline at the northern end of the two hard courts will be relocated to include the extension area and drainage from the hard courts will be improved.

The estimated total project cost is \$38,422 ex GST. The funding sources for the project are:

Shire Community Grant (secured)	\$ 5,500
Commonwealth Stronger Communities Grant (secured)	\$ 8,000
Tennis Australia Court Subsidy Scheme (pending)	\$ 7,000
CSRFF Grant (pending)	\$12,807
Bridgetown Lawn Tennis Club (secured)	\$ 5,115

In its application the Bridgetown Lawn Tennis Club notes that the hard courts are available for day time use free of charge by any member of the public (no requirement to be a club member) and the courts are well used for social play as well as club activities.

The proposal has merit with regard to improving the long term viability of sporting facilities in the Shire. The application reflects a commitment to improving physical activity through improved facilities that have the potential to attract new members and increase physical activity levels.

Statutory Environment – Not Applicable

Policy/Strategic Implications

Strategic Community Plan 2016

Objective 3 – our community enjoys a high quality of life

Outcome 3.1 – maintain a high standard of lifestyle, recreational and cultural facilities

Strategy 3.1.4 –implement the Sport and Recreation Strategic Plan

Sport and Recreation Strategic Plan

Although the project is not specifically referenced in the Plan the concept of upgrading an existing facility fits into the ethos of asset management and is consistent with club sustainability.

Budget Implications - Nil

Fiscal Equity

Any member of the public is able to join the tennis club as a member. Also the current practice of the tennis club is to not lock the hard courts thus allowing any member of the public to use the facility. This however is a practice carried out at the sole discretion of the tennis club.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Whilst the current condition of the hard courts is degraded they don't necessarily represent a risk to the Shire. However there is a potential community risk in that potential participants in sports will be discouraged from participating due to the poor condition of these facilities.

Continuous Improvement

Encouraging community and sporting groups to undertake thorough planning in relation to both grant preparation and planning approval process is considered a mechanism to achieve continuous improvement. A well planned project will be more likely to achieve all the required outcomes of the proposal.

Voting Requirements - Simple Majority

**Council Decision Moved Cr Mackman, Seconded Cr Pratico
C.15/0816 That Council accept Item C.15/0816 as urgent business.**

Carried 9/0

**Council Decision Moved Cr Pratico, Seconded Cr Wilson
C.15/0816a That Council note that the Community Sport and Recreation Facilities Fund (CSRFF) grant application submitted by the Bridgetown Lawn Tennis Club for resurfacing and upgrade of its two hard courts is the sole CSRFF Small Grants application for the Shire district and therefore advises the Department of Sport and Recreation that it ranks this application as Priority 1 of 1 for the current funding round.**

Carried 9/0

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Notice of Motions for Consideration at the Next Meeting - Nil

Matters Behind Closed Doors (Confidential Items) - Nil

Closure

The President to close the Meeting 6.13pm

List of Attachments

Attachment	Item No.	Details
1	C.02/0816	Special Meeting Minutes - 11 August 2016
2	C.03/0816	Copy of Shire Submission
3	C.04/0816	Draft Memorandum of Understanding
4	C.06/0816	List of Accounts Paid in July 2016
5	C.07/0816	Revised Management Plans (Parts 1 to 8)
6	C.08/0816	Summary of review to the Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk
7	C.08/0816	The Revised Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk
8	C.08/0816	Adopted (Feb 16) Maintenance Guidelines for Bridgetown Walk Trails Encompassing Old Abattoir Trail and Wandoo Valley Walk
9	C.08/0816	Trails Development Advisory Committee - July minutes
10	C.09/0816	Standing Committee Minutes – 11 August 2016

Agenda papers checked and authorised by M Larkworthy, Executive Manager Corporate Services		26.8.16
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CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Council Meeting held 25 August 2016 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 29 September 2016.

..... 29 September 2016