

**NOTICE OF AN ORDINARY MEETING OF COUNCIL**

Dear Council Member

The next Ordinary Meeting of the Shire of Bridgetown-Greenbushes will be held on **Thursday, 26 April 2018** in the Council Chambers, commencing at 5.30pm.

Signed by T Clynch, CEO



Date

18 April 2018

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## **AGENDA**

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 26 April 2018 commencing at 5.30pm

*Meeting to be opened by the Presiding Member*

### **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 A Pratico
Councillors	- J Bookless - J Boyle - D Mackman - J Moore - J Nicholas - P Scallan - C Wallace - A Wilson
In Attendance	- T Clynch, CEO - M Larkworthy, Executive Manager Corporate Services - E Dennis, Executive Manager Community Services - T Lockley, Executive Assistant

### **Attendance of Gallery**

### **Responses to Previous Questions Taken on Notice**

### **Public Question Time**

### **Petitions/Deputations/Presentations**

### **Comments on Agenda Items by Parties with an Interest**

### **Applications for Leave of Absence**

## **Confirmation of Minutes**

### **C.01/0418 Ordinary Meeting held 29 March 2018**

*A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 29 March 2018 as a true and correct record.*

## **Announcements by the Presiding Member Without Discussion**

### **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.

## **Questions on Agenda Items by Elected Members**

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

### **Reports of Officers**

Reports of Officers have been divided into Departments as follows:

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

**CEO's Office**

<b>ITEM NO.</b>	C.02/0418	<b>FILE REF.</b>	
<b>SUBJECT</b>	Petition – Quality of Connell Road, Hester		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	12 April 2018		

Attachment 1      Petition

*OFFICER RECOMMENDATION that Council:*

- 1. Receive the petition.*
- 2. List the potential upgrading of Connell Road for consideration in future reviews of the 10 year Strategic works Program, noting that this isn't a commitment that the works will be included in the Program in future reviews.*

**Summary/Purpose**

A petition has been received signed by 50 persons requesting improvements to the quality of Connell Road, Hester.

Notwithstanding that the petition does not conform to the criteria for petitions listed in Council's Standing Orders Local Law it is recommended that Council receive the petition.

Connell Road isn't currently listed for improvements in Council's 10 year Strategic Works program but could be considered for inclusion in future reviews of that document. Maintenance of Connell Road is currently carried out to a standard typical of rural gravel roads, being graded twice per year.

**Background**

The petition has been signed by 50 persons, 49 of which have listed their address as being within the Shire of Bridgetown-Greenbushes. The Petition reads:

*To the Chief Executive Officer of the Council of the Shire of Bridgetown-Greenbushes.*

*We the undersigned, residents and/or users of Connell Road Hester are concerned with the lack of maintenance on this road that is having an impact in this area in regards to the safety of users and health of nearby residents.*

*We would be grateful if this road could be upgraded.*

*The road has the below conditions:*

- Large potholes during winter;*
- Loose gravel throughout summer and numerous corrugations;*
- Large amounts of dust for residents and vehicles during summer months;*
- Slippery/muddy during the wet/winter months.*

*Your petitioners therefore respectfully request the Council of the Shire of Bridgetown-Greenbushes to improve the quality of Connell Road, Hester, Bridgetown.*

Clause 3.4.1 of Council's Standing Orders sets out the requirements for a petition to be effective. These requirements are:

- (a) Is to be addressed to the Shire President;
- (b) Is to be made by electors of the district;
- (c) Is to state the request on each page of the petition;
- (d) Is to contain the names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) Is to contain a summary of the reasons for the request;
- (f) Is to state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) *Not relevant to this petition.*

The petition complies with Requirements (c) and (e), and partially complies with Requirements (b – not all signatories are electors) and (d – full addresses aren't listed in many instances), but does not comply with Requirements (a) and (f).

Connell Road has an approximate length of 3.7kms, running from its intersection with Hester Road in a generally northerly direction. In 2011 approvals were obtained to rename Connell Street, Hester North Road and Fairgreaves Road as Connell Road. The section of the road formerly known as Connell Street is the initial 850 metres north of Hester Road which is fully contained within the Hester Townsite and fronts rural-residential sized lots.

The carriageway of Connell Road is approximately 6 metres wide with table drains on each side.

Council annually adopts a 10 Year Strategic Works Program which sets out the draft works construction program for the following 10 years. Council annually reviews its 10 Year Roads Program by bringing forward Years 2-9 from the previous year's plan and adding in a new 10<sup>th</sup> year. It is also an opportunity for Council to bring in previously unidentified jobs ahead of the 10<sup>th</sup> year if considered urgent and advance some jobs from latter to earlier years due to a heightened priority. It also allows Council to delete projects if circumstances or priorities change or a new direction is taken.

Council has already commenced the 2017/18 review of the 10 Year Strategic Works Program with a Council road tour and workshop being held on 1 March 2018. The current version of the 10 Year Strategic Works Program, endorsed in 2016/17, includes the sealing of the first 1km of Connell Road (from Hester Street) as a project scheduled for 2022/23. However at the Council workshop held on 1 March 2018 it was proposed that this project be deleted from the 10 year plan and replaced with various "renewal" works on other roads. It should be noted however that this plan hasn't been presented back to Council for consideration and this is proposed to occur initially at the first budget workshop scheduled to occur in May and subsequently presented to Council as part of the annual review of the Corporate Business Plan.

As part of the 2016/17 review of the 10 Year Strategic Works Program Council determined that from 2017/18 onwards the amount of funding for construction works would be reduced by approximately \$100,000 per annum with those savings redirected to the road and drainage maintenance budget. This resulted in a number of construction jobs being either pushed back or deleted from the 10 Year Strategic Works Program.

Since its review in 2016/17 the 10 Year Strategic Works Program also has a greater focus on “renewal” works as opposed to “new” or “upgrade” works. “Renewal” is restoration of a road (or footpath, drainage, etc.) to its original service potential; “upgrade” is work over and above restoring a road to its original condition and “new” is constructing a new road.

Connell Road is maintained to the standard of equivalent gravel roads in the Shire, examples being Warburton Road, Peninsula Road (gravel section), Crowd Wheatley Road and Huitson Road.

Shire records show that Connell Road is graded twice per annum with dates of grading in recent years being 12.3.18, 1.11.17, 15.2.17, 27.7.16, 4.1.16 and 11.6.15.

The most recent traffic count for Connell Road was conducted over 5 years ago and determined that the average number of vehicles per day was 46. The traffic counter was positioned at the southern end of Connell Road, within the Hester townsite boundary. There has been minimal residential development of the surrounding area in the last 5 years and it is assumed that the average daily traffic count wouldn't be significantly different from the aforementioned 46 vehicles per day.

The Australian Roads Research Board (ARRB) outlines key principles in applying economic evaluations as a method to justify the sealing of a road and shall be used as a guide. The principles demonstrate that it is generally not economically warranted to seal a gravel road carrying fewer than 100 vehicles per day, whereas if the road is carrying over 250 vehicles per day it will probably be justified. In between the 100 and 250 vehicles per day is where additional social, practical or maintenance criteria may influence the warrants of sealing of these roads even though the economic benefit falls short.

Upon receipt of the petition an inspection of Connell Road was conducted and inspections made with comparative roads. The inspection determined that the condition of Connell Road was good and appropriate for the traffic volumes the road carries. The condition of Connell Road was consistent with the condition of other gravel roads inspected at that time. No specific improvements to the road are considered necessary and the road will continue to be graded to the standard (twice per annum) expected for this type of gravel road in the district.

#### Statutory Environment

Clause 3.4.1 of Council's Standing Orders sets out the requirements for a petition to be effective and the process to be followed when receiving a petition.

Policy - Nil

## Integrated Planning

### ➤ Strategic Community Plan

Key Goal 3 – our built environment is maintained, protected and enhanced  
Objective 3.3 – maintain an appropriate standard of transport networks, roads and pathways.

Strategy 3.3.1 – a well maintained local and regional transport network.

Strategy 3.3.2 – maximise funding opportunities to improve road safety.

Strategy 3.3.3 – provide and maintain a safe and efficient transport system.

Key Goal 5 – our leadership will be visionary, collaborative and accountable

Objective 5.1 – our community actively participates in civic life.

Strategy 5.1.1 – the community is involved in local decision making.

### ➤ Corporate Business Plan

Strategy 3.3.1 – a well maintained local and regional transport network.

Action 3.3.1.1 – Annually review the 10 year strategic works program.

Action 3.3.1.2 – renew roads and drainage as identified under the 10 year strategic works program

Action 3.3.1.3 – upgrade roads and drainage as identified under the 10 year strategic works program

### ➤ Long Term Financial Plan

The 10 Year Strategic Works Program informs the annual review of the Long Term Financial Plan. Consideration of the 2017/18 review of the 10 Year Strategic Works Program is proposed to occur at the budget workshop scheduled to occur in May with the recommendations from that workshop to be presented to Council in June with recommendations for endorsement of the updated Long Term Financial Plan and Corporate Business Plan.

### ➤ Asset Management Plans - Nil

### ➤ Workforce Plan – Not Applicable

### ➤ Other Integrated Planning

The 10 Year Strategic Works Program is an informing strategy for the Long Term Financial Plan and Corporate Business Plan.

## Budget Implications - Nil

### Fiscal Equity

Council needs to balance the request from the petitioners with the need for improvements of other roads in the district.

### 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

<b>ITEM NO.</b>	C.03/0418	<b>FILE REF.</b>	
<b>SUBJECT</b>	Submission – WALGA Draft Climate Change Policy Statement		
<b>PROPONENT</b>	Western Australian Local Government Association		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	17 April 2018		

Attachment 2      Draft WALGA Draft Climate Change Policy Statement  
Attachment 3      Draft Submission

*OFFICER RECOMMENDATION that Council endorses the draft submission on the WALGA Draft Climate Change Policy Statement as compiled by its Sustainability Advisory Committee.*

#### Summary/Purpose

The Western Australian Local Government Association (WALGA) is reviewing its existing Policy Statement on climate change (last endorsed in 2009) to ensure it reflects the contemporary views of the local government sector and takes into account the significant scientific, technological and political developments that have occurred since 2009.

Last year WALGA released a discussion paper and sought input from local governments on key advocacy priorities for the sector and on the preferred content of the policy statement. In November 2017 Council endorsed a recommendation from its Sustainability Advisory Committee and lodged a submission on the WALGA discussion paper on climate change.

Following on from the discussion on the discussion paper WALGA has prepared a draft Climate Change Policy Statement and has circulated it to the local government sector for comment. Council's Sustainability Advisory Committee has prepared for Council's consideration a draft submission to lodge with WALGA.

#### Background

WALGA has advised that the local government responses to the discussion paper were overwhelmingly supportive of producing a strong policy statement that reflects the scientific consensus, international developments and most importantly, the fact that local governments are already experiencing climate change, and taking mitigation and adaptation action.

The basis of the draft policy statement is:

#### **Local Government acknowledges:**

- I. The science is clear: climate change is occurring now, and human activities are the dominant cause.*
- II. Climate change threatens human societies and the Earth's ecosystems.*

- III. *Climate change requires urgent action to mitigate against catastrophic climate change and to adapt to the climate change that is now unavoidable.*
- IV. *Mitigation and adaptation strategies must be efficient, effective and equitable.*
- V. *A failure to adequately address this climate change emergency places an unacceptable burden on future generations.*

**Local Government is committed** to acting on climate change, and are already active in climate change mitigation and adaptation, but an effective response to climate change requires strong action, leadership and coordination at all levels of government.

**Local Government is calling for** adequate Commonwealth and State policies, programs and funding to underpin climate change action, in particular, for climate change adaptation.

The WALGA policy statement on climate change is used to inform WALGA's advocacy position on climate change matters and has been referenced in a number of WALGA submissions to the Australian Government. Once finalised and endorsed by WALGA State Council the policy statement will provide the basis for WALGA's climate change advocacy plan, which will further detail how WALGA will promote and prosecute local governments' key climate change priorities over the next one to three years.

Council's Sustainability Advisory Committee has prepared for Council's consideration a draft submission to lodge with WALGA. The submission is supportive of the contents of the draft policy statement and makes a number of suggestions to ensure the document is relevant and persuasive.

The closing date for submissions on the WALGA Draft Climate Change Policy Statement is 24 April 2018 which is two days before the April Council meeting. The CEO has forwarded the submission to WALGA prior to the closing date with a note explaining that the submission is subject to Council endorsement on 26 April 2018 and the Council reserves the right to withdraw or change the submission if so decided at that meeting.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan  
**Key Goal 2: Our natural environment is valued, conserved and enjoyed**  
Objective 2.1 - Value, protect and enhance our natural environment  
Strategy 2.1.1 - Support and promote sound environmental management practices  
Objective 2.4 - An informed community on land management and sustainable living  
Strategy 2.4.2 - Encourage the community to have sustainable lifestyles and inform the community on ways to use our environment sustainably
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil

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

### Policy

#### Policy O.10 – ‘Managing the Natural Environment’

The objectives of this policy are:

- within planning decisions promote conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;
- within planning decisions assist in the conservation and management of natural resources, including air quality, energy, waterways and water quality, landscape, agriculture and minerals to support both environmental quality and sustainable development over the long term;
- within planning decisions adopt a risk-management approach that aims to avoid or minimize environmental degradation and hazards;
- prevent or minimise environmental problems that might arise as a result of siting incompatible land uses together;
- outline what matters Council will address through the planning system and outline which matters are addressed through other legislation and other agencies; and
- within planning decisions encourage other stakeholders to fulfill their responsibilities to NRM through an environmentally sustainable approach.

### Budget Implications

There aren't any budget implications associated with submitting a submission to WALGA on the discussion paper.

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

## **Corporate Services**

<b>ITEM NO.</b>	C.04/0418	<b>FILE REF.</b>	131
<b>SUBJECT</b>	March 2018 Financial Activity Statements and List of Accounts Paid in March 2018		
<b>OFFICER</b>	Senior Finance Officer		
<b>DATE OF REPORT</b>	26 April 2018		

Attachment 4      March 2018 Financial Activity Statements  
Attachment 5      List of Accounts Paid in March 2018

### ***OFFICER RECOMMENDATIONS***

- 1. That Council receives the March 2018 Financial Activity Statements as presented in Attachment 4.*
- 2. That Council receives the List of Accounts Paid in March 2018 as presented in Attachment 5.*

### **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:

- 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;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- 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:

- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- 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  
Key Goal 5: Our leadership will be visionary, collaborative and accountable  
Objective 5.2: We maintain high standards of governance, accountability and transparency  
Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

#### Policy

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

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

#### Budget Implications

Expenditure incurred in March 2018 and presented in the list of accounts paid, was allocated in the 2017/18 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

### **Planning & Environmental Services**

<b>ITEM NO.</b>	C.05/0418	<b>FILE REF.</b>	023
<b>SUBJECT</b>	Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review – Supplementary Report		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	17 April 2018		

Attachment 6 Department of Biodiversity, Conservation and Attractions Submission

Attachment 7 Adopted Place Record R21 Grevillea Fire Tower

*OFFICER RECOMMENDATION: That Council, noting the original submission from the Department of Biodiversity, Conservation and Attractions as per Attachment 6, supports modification of the Management Category from B to C for Place Record R21 Grevillea Fire Tower, with the adopted Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review (2018) to be updated.*

#### Summary/Purpose

To consider a supplementary report to modify the Place Record R21 Grevillea Fire Tower in the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review (2018).

#### Background

Following the public consultation period, Council at the Ordinary Meeting on 29 March 2018 adopted the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review 2018, whereby Council resolved:

*“C.13/0318 That Council:*

- 1. Notes the submissions received, as per Attachment 2, and the staff responses in the Schedule of Submissions, as per Attachment 3.*
- 2. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015 and the Heritage of Western Australia Act 1990, adopts the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review 2018, subject to the modifications highlighted in the Schedule of Submissions plus the following:*
  - a) For Place Record B30 St Brigid’s Roman Catholic Church, Convent of Mercy and School (Hall), Bridgetown, the Physical Description and Historical Notes be updated referencing the recent re-roofing of the Parish school hall and a new photo in Attachment 3 be added.*

- b) *For Place Record B40 Old Cider Factory the Gordon Holdsworth sketch in Attachment 3 be added.*
  - c) *For Place Record R19 Brooklyn School the new photograph in Attachment 3 be added.*
  - d) *For Place Record R22 Pensinsula House the Historical Notes be corrected to confirm that the current owners bought the property in 2004, and not 2007.*
3. *Grants delegated authority to the Chief Executive Officer to make minor corrections or updates to approved place records when appropriate in light of new information, however any significant changes such as changes to management categories or deletion of places will require Council approval.*
  4. *Directs the Chief Executive Officer to commence assessment of new nominations as part of the ongoing review of the Municipal Heritage Inventory, with new place records to be presented to future meetings of Council for preliminary consideration.”*

The submission received from the Department of Biodiversity, Conservation and Attractions (DBCA) (see Attachment 5) was summarised in the Schedule of Submissions as presented to Council in March 2018. The DBCA indicated support for inclusion of the Grevillea Fire Tower, Ross’ Swamp, New Zealand Gully and Dumpling Gully in the MHI, as Management Category C only and would not support a higher rating.

Shire staff incorrectly responded in the Schedule of Submissions that each of the four places on DBCA land were recognised in the MHI as Management Category C, whereas R21 Grevillea Fire Tower was given a Management Category B in the advertised version of the MHI (see Attachment 6), with a ‘High’ Level of Significance.

The Grevillea Fire Tower is located in the Kingston State Forest, with the land and tower structure under the care and control of the DBCA – Parks and Wildlife, Warren Region. The Shire has no development control over works to the fire tower, hence Management Category B is considered unnecessary. It is therefore recommended that for Place Record R21 the Management Category be modified from B to C, with the Level of Significance of ‘High’ retained, which will recognise the importance of the place without placing impractical heritage protection. As a Management Category C the place will then also not be included in the Local Heritage List for Town Planning Scheme No. 4 (yet to be finalised).

This recommended approach is similar to that taken for B43 Bridgetown Road Bridge with Council in March 2018 supporting the request from Main Roads WA to lower the Management Category from B to C, with the Level of Significance retained as High.

Noting the above it is recommended that Council support modification to the Management Category from B to C for Place Record R21 Grevillea Fire Tower, with the final MHI Review (2018) document to be updated prior to circulation.

#### Statutory Environment

- Planning and Development (Local Planning Scheme) Regulations 2015

The Deemed Provisions under Schedule 2, Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, provide statutory power under local

planning schemes to reference a Local Heritage List and to designate Heritage Areas (or precincts), discussed further below.

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

The Municipal Heritage Inventory sits outside of the Shire’s operative local planning schemes and is adopted by Council directly as a statutory policy document. Part VII under Town Planning Scheme No. 3 (applicable to the Bridgetown townsite) already includes provisions for recognition and protection of places with cultural heritage significance, with Schedule 4 forming the statutory Local Heritage List.

Deemed Provisions from the Local Planning Scheme Regulations 2015 automatically apply to both Town Planning Scheme No. 3 (where any inconsistency applies) and to Town Planning Scheme No. 4 (applicable to the balance of the Shire district outside of the Bridgetown townsite).

- Heritage of Western Australia Act 1990

The Shire is required under the Act to compile an inventory of local heritage places then review the inventory every four years.

#### Policy Implications

- Shire of Bridgetown-Greenbushes Municipal Heritage Inventory

This supplementary report relates to the review of the Shire’s Municipal Heritage Inventory Review, adopted by Council in March 2018. It is recommended that Council support modification of the Management Category from B to C for Place Record R21 Grevillea Fire Tower, with the final MHI document to be updated prior to circulation.

- State Planning Policy 3.5 Historic Heritage Conservation

SPP 3.5 sets out the principles and sound responsible planning for the conservation and protection of Western Australia’s historic heritage. Due regard has been given to the content of SPP 3.5 in undertaking the MHI Review and this supplementary report.

#### Strategic Plan Implications

- Strategic Community Plan

*Key Goal 2: Our natural environment is valued, conserved and enjoyed*

- *Objective 2.6 Development is sympathetic to the landscape*
- *Strategy 2.6.1 Planning processes allow for a diverse range of land and development opportunities*

*Key Goal 3: Our built environment is maintained, protected and enhanced*

- *Objective 3.1 Maintained townsite heritage and character*
- *Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities*
- *Strategy 3.1.3 Work with community to identify and implement projects that promote the unique heritage and history of each town*



*Key Goal 5: Our leadership will be visionary, collaborative and accountable*

- *Objective 5.2 We maintain high standards of governance, accountability and transparency*
- *Strategy 5.2.7 Council's policies and local laws are responsive to community needs*
- *Strategy 5.2.8 Ensure all legislative responsibilities and requirements are met.*

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

Budget Implications

Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity

The recommended change in management category will still provide appropriate recognition of the subject heritage place, however a reduction in management category will ultimately remove any statutory protection of the place as it will no longer form part of the Local Heritage List to be adopted under Town Planning Scheme No. 4.

Risk Management - Not applicable

Continuous Improvement

The error in staff reporting to Council has been identified, hence the content of this report.

Delegated Authority

Nil. The report is presented to Council to seek a minor but important change to the Place Record R21 in the adopted MHI Review.

Voting Requirements – Simple Majority

<b>ITEM NO.</b>	C.06/0418	<b>FILE REF.</b>	344
<b>SUBJECT</b>	Proposed Road Closure for Amalgamation – Adjoining Roe Street, Bridgetown		
<b>PROPONENT</b>	Stephen Fenner and Tracey Gralton		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	17 April 2018		

Attachment 8	Proposed Plan (As Advertised)
Attachment 9	Site Inspection Photos
Attachment 10	Submissions
Attachment 11	Schedule of Submissions

*OFFICER RECOMMENDATION: That Council, in relation to the proposed closure for amalgamation of the road adjoining Roe Street, Bridgetown, as per Attachment 8:*

- 1. Notes the public submissions received, as per Attachment 10, and the Shire staff responses in the Schedule of Submissions, as per Attachment 11.*
- 2. Pursuant to s.58 of the Land Administration Act 1997 supports the proposed closure of unmade and unnamed road adjoining Roe Street, Bridgetown, between Lot 3 (99) and Lot 4 (101) Roe Street, Bridgetown, for amalgamation with adjoining land*
- 3. Directs the Chief Executive Officer to forward relevant information to the Department of Planning, Lands and Heritage seeking approval from the Minister for Lands in relation to Points 2.*

#### Summary/Purpose

At the request of the landowners of two adjoining properties, the Shire has initiated the proposed closure of an un-named and unmade road reserve, for amalgamation with adjoining land. Noting the submissions received including an objection from another adjoining landowner, it is recommended that Council give support to the proposed road closure for amalgamation with adjoining land and seek approval from the Minister for Lands through the Department of Planning, Lands and Heritage.

#### Background

The Shire of Bridgetown-Greenbushes received an initial written request from the landowners of Lot 4 (101) Roe Street, Bridgetown (co-signed by the owners of Lot 3 (99) Roe Street), for the closure of an unmade Right-of-Way (ROW) between the two properties, located opposite the Bridgetown Camp School site.

Further research and advice from Landgate's Geographic Names Team revealed that the subject land was previously a ROW and formally dedicated as a road in June 1991 (on Diagram 3863), despite never having been named or constructed since that time. The adjoining landowners were then contacted again and made payment of the necessary road closure application fee in February 2018 to initiate proceedings.

#### **Public Consultation**

The proposal was advertised for public comment, with the submission period closing on 14 March 2018. Correspondence was forwarded to the landowners of the three adjoining properties, plus the Department of Education (as owner of the Bridgetown

Camp School located opposite), plus other relevant State Government agencies. An advertisement was published in the local newspaper and notices posted on Shire's noticeboards and website.

Seven submissions were received (see Attachment 10), four from government agencies raising no objection, two from adjoining landowners supporting the proposal and one from another adjoining landowner objecting the road closure. The comments and Shire staff responses have been included in the Schedule of Submissions (see Attachment 11).

### **Officer Comment**

The subject road reserve commences at Roe Street between 99 and 101 Roe Street, heading westwards for approximately 70 metres (measured along the centre line). The road reserve ends at the north-eastern corner of Lot 210 (9) Brockman Street, Bridgetown.

Current cadastral boundaries and research shows that the former ROW turned southwards at the south-western corner of 101 Roe Street, running approximately 70 metres southwards along the rear of 9 Brockman Street, terminating at the north-western corner of 15 Phillips Street, to serve as the 'night cart' lane.

Information provided by Landgate shows that Lot 210 (9) Brockman Street, was originally Lots 271 and 270, with the former ROW come road reserve along the eastern boundary closed in May 1997 and amalgamated with the property to form new Lots 2 and 10. Under the Western Australian Planning Commission (WAPC 105657) subdivision application, the property was amalgamated in 1998 to form the current large land parcel being Lot 210.

Aerial photography from approximately 1996 clearly shows the retaining wall on the southern side of 101 Roe Street, and no clear evidence of a vehicle tracks, so it is estimated that the laneway leading westwards from Roe Street has not been in use for at least 25 years, and possibly much longer.

The subject road reserve (and the southern extent of the former ROW) is unzoned under Town Planning Scheme No. 3, similar to the adjoining public road network. Should the road closure and amalgamation with adjoining land proceed, the zoning can be addressed during preparation of new Local Planning Scheme No. 6.

The landowners of the three adjoining properties (being 99 and 101 Roe Street and 9 Brockman Street) and the general public technically have a right to use the land for access, however access is severely constrained due to encroachments and fencing into and across the road reserve.

Unlike a Right-of-Way where adjoining landowners have a perpetual right of access linked to their Certificate of Title, the general public and landowners have a right to use a dedicated road reserve where it remains open.

An inspection undertaken by Shire staff shows the driveway to 99 Roe Street and access to the rear shed partially encroaches into the road reserve, with a dividing hedge between 99 and 101 Roe Street.

A shed on 101 Roe Street is located in the south-eastern corner of the property, and may even encroach slightly into the road reserve. The established garden for 101 Roe Street significantly encroaches into the road reserve, with a terraced rock retaining wall below the large tree on the southern side of the house which appears to have been constructed many years ago. The garden for 101 Roe Street appears to even encroach into 99 Roe Street, with the 'dividing fence' appearing well inside the northern side boundary of 99 Roe Street.

Noting the comments from the owner of 9 Brockman Street to not close the road reserve (see Attachment 10), the requested construction of the road would require significant modifications to the southern garden area of 101 Roe Street, and the practicality of access along a moderate slope is questionable, particularly to serve three properties that already have direct frontage to constructed sealed roads. Should the road be constructed, only low traffic volumes would be expected, however it may impact upon the occupiers of 99 and 101 Roe Street.

Should the road reserve be retained, constructed to a suitable standard and ultimately widened to achieve a minimum width of 6.0 metres, the subdivision potential of adjoining properties may improve with new subdivided freehold lots permitted to front gazetted roads, albeit under-width in this case. The Shire would also then be responsible for ongoing maintenance of the public road, to be considered in the long term integrated planning process. Furthermore, increased use of the road may warrant a turnaround for vehicles (if practical) for rubbish trucks, emergency vehicles and the general public.

The two options available to Council are to support the proposed road closure and seek support from the Minister for Lands with the Department of Planning, Lands and Heritage to then negotiate the sale of the surplus land for amalgamation with adjoining properties. Alternatively, Council could reject the proposed road closure application and retain the status quo, leaving the 'right to use' by the public, albeit constrained by historic encroachments.

## **Conclusion**

Noting the above and the comments received, construction of the road reserve is considered impractical and unnecessary, and it is recommended that Council support the proposed road closure with the land to be amalgamated with adjoining land, with the request forwarded to the Minister for Lands for a final decision.

### Statutory Environment

- Land Administration Act 1997

Section 58 of the Land Administration Act 1997 (LA Act) requires local authority to advertise to adjoining affected landowners and service authorities any proposed road closure, and consideration of any objections received, prior to seeking a final decision from the Minister for Lands.

### ***“58. Closing roads***

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*
  - (a) *by order grant the request; or*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) —*
  - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road —*
  - (a) *becomes unallocated Crown land; or*
  - (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.”*

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

The subject road reserve is currently unzoned under Town Planning Scheme No. 3, similar to most road reserves and ROWs in the Shire. No change will be necessary if the road reserve remain open. Should the road be closed and the land amalgamated with adjoining properties, the land will need to be rezoned as part of the Local Planning Scheme No. 6 preparation.

Policy – Not applicable

#### Strategic Plan Implications

- Strategic Community Plan 2017

*Key Goal 3: Our built environment is maintained, protected and enhanced*

- Objective 3.3 Maintain an appropriate standard of transport networks, roads and pathways
- Strategy 3.3.1 A well maintained local and regional transport network

*Key Goal 5: Our leadership will be visionary, collaborative and accountable*

- Objective 5.1 Our community actively participates in civic life
- Strategy 5.1.1 The community is involved in local decision making

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

The subject road reserve is not identified as a current Shire asset so dependent upon the outcome of this process, retention of the road reserve will trigger inclusion in the asset register and management program.

- Workforce Plan - Nil
- Other Integrated Planning - Nil

#### Budget Implications

The proponents made payment of the \$388.80 application fee. The proposal was advertised utilising available funds in the budget. Should Council support proposed road closure then the proponent will be liable for payment of an additional \$255.40 for liaison with the Department of Planning, Lands and Heritage, with all other costs such as surveying and land transfer the responsibility of interested adjoining landowners.

#### Fiscal Equity

Should Council support closure of the road, all adjoining landowners should be given an opportunity to purchase a portion of the surplus land.

#### Whole of Life Accounting

Should the road reserve be retained, ongoing costs may be borne by the Shire for construction and maintenance of the road, with the extent of works and relative costs to be determined at a later time, consistent with normal road maintenance/construction practices.

Social Equity - Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

#### Risk Management

The current road reserve, although unconstructed, presents a minor risk to the Shire's risk profile. Should the road be constructed, and therefore useable by the general public, then the Shire's asset base and risk profile will increase. Should the road reserve be closed, as recommended, then the Shire's risk profile will decrease.

#### Continuous Improvement

The submissions received have assisted consideration of the proposal.

#### Delegated Authority

Whilst the Chief Executive Officer has delegation to commence the public consultation process for a road closure, a final decision by Council is required to close a road, prior to seeking a decision from the Minister for Lands.

Voting Requirements – Simple Majority

Works & Services - Nil

Community Services - Nil

**Consideration of Standing Committee Recommendations**

C.07/0418	Standing Committee Minutes – 12 April 2018 – Attachment 12
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<i>Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.</i>
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C.08/0418	Proposed Policy - Method of Valuation of Rateable Properties
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Committee Recommendation      Moved Cr Mackman, Seconded Cr Bookless  
Sc.02/0418 That Council:

1. Revoke existing Policy F.10 – “GRV/UV Rating”.
2. Adopt new Policy F.10 - “Method of Valuation of Rateable Properties”.
3. Discontinue from 2018/19 the provision of a UV Urban Farmland Rate.
4. Direct the CEO that for preparation of the draft 2018/19 budget a 15% concession to current Urban Farmland rate assessments be included in lieu of a UV Urban Farmland Rate.
5. That assuming the adopted 2018/19 budget contains the above 15% concession the amount of the Urban Farmland Concession be progressively reduced to 10% in 2019/20, 5% in 2020/21 with the concession being discontinued from 2021/22 onwards.

C.09/0418	Proposed Amendment to Cemeteries Local Law
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Committee Recommendation      Moved Cr Boyle, Seconded Cr Pratico  
SC.03/0418 In accordance with Section 3.12 of the Local Government Act 1995, Council gives notice that it proposes to make a Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2018 as per Attachment 3. The purpose and effect of the proposed Local Law is to provide additional clarification to Funeral Directors, Monumental Masons and the general public on Council’s requirements in relation to funerals and monumental works as well as correcting a duplication error in clause 3.3(2).

C.10/0418	Trial Period – Cessation of Standing Committee Meetings and Replacement with Concept Forums
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Committee Recommendation Moved Cr Mackman, Seconded Cr Bookless

SC.04/0418 That Council:

1. Endorse for a 6 month trial period, commencing May 2018 and ending November 2018, replacing the Standing Committee meeting with a Concept Forum.
2. Endorse the scheduling of the Concept Forums to be held on the 2<sup>nd</sup> Thursday of each month during the trial period, commencing at 5.30pm.
3. Suspend the operations of its Local Laws, Strategy, Policy & Organisation Development Standing Committee for a period of 6 months, commencing May 2018 and ending November 2018.
4. Adopt Policy M.38 - Concept Forums, with the following minor changes:
  - Dot point 3 – Reword first sentence to read: “Concept Forums are to be chaired by the Deputy Shire President as a professional development opportunity.”
  - Dot point 4 – Reword second sentence to read: “Councillors should declare a conflict of interest as they would for a Council or Committee Meeting.”
  - Dot point 5 – Insert after the first sentence: “The CEO will ensure notes are distributed to elected members, noting they are not to be released for public viewing.”

C.11/0418	Information Statement
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Committee Recommendation Moved Cr Pratico, Seconded Cr Bookless

SC.05/0418 That Council adopts the Shire of Bridgetown-Greenbushes 2018 Information Statement as presented in Attachment 7.

C.12/0418	Shuttle Bus Pilot Program
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Committee Recommendation Moved Cr Moore, Seconded Cr Pratico

SC.06/0418 That Council:

1. Notes the results of the Shuttle Bus pilot program outlined in this report.
2. Determines to permanently discontinue an intra-shire bus service post funding period based on the findings of the pilot.

C.13/0418	Rolling Action Sheet
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Committee Recommendation Moved Cr Pratico, Seconded Cr Mackman

SC.07/0418 That the information contained in the Rolling Action Sheet be noted.

C.14/0418	Adoption of En Bloc Items
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*A motion is required to adopt the En Bloc items.*



**Receival of Minutes from Management Committees** – Nil

**Urgent Business Approved by Decision**

**Responses to Elected Member Questions Taken on Notice** - Nil

**Elected Members Questions With Notice**

**Notice of Motions for Consideration at the Next Meeting**


**Matters Behind Closed Doors (Confidential Items)**

**Closure**

*The President to close the Meeting*

**List of Attachments**

Attachment	Item No.	Details
1	C.02/0418	Petition
2	C.03/0418	Draft WALGA Draft Climate Change Policy Statement
3	C.03/0418	Draft Submission
4	C.04/0418	March 2018 Financial Activity Statements
5	C.04/0418	List of Accounts Paid in March 2018
6	C.05/0418	Department of Biodiversity, Conservation and Attractions Submission
7	C.05/0418	Adopted Place Record R21 Grevillea Fire Tower
8	C.06/0418	Proposed Plan (As Advertised)
9	C.06/0418	Site Inspection Photos
10	C.06/0418	Submissions
11	C.06/0418	Schedule of Submissions
12	C.07/0418	Standing Committee Minutes – 12 April 2018

Agenda Papers checked and authorised by T Clynch, CEO		18.4.18
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