

Council Minutes Index – 29 March 2018

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unconfirmed minutes

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Thursday, 29 March 2018 commencing at 5.30pm

The Presiding Member 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 A Pratico
Councillors	- J Bookless - J Boyle - D Mackman - J Moore - J Nicholas - C Wallace - A Wilson
In Attendance	- T Clynch, CEO - M Larkworthy, Executive Manager Corporate Services - S Donaldson, Manager Planning - T Lockley, Executive Assistant
Apologies	- Cr P Scallan

Attendance of Gallery

L & P Byrne

Responses to Previous Questions Taken on Notice - Nil

Public Question Time - Nil

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest

L Byrne - C.08/0318 - Proposed Building Envelope Relocation
Mrs Byrne spoke against the officer recommendation

Applications for Leave of Absence - Nil

Confirmation of Minutes

C.01/0318 Ordinary Meeting held 22 February 2018

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 22 February 2018 as a true and correct record.

Council Decision *Moved Cr Mackman, Seconded Cr Wilson*
C.01/0318 *That the Minutes of the Ordinary Meeting of Council held 22 February 2018 be confirmed as a true and correct record.*

Carried 8/0

Announcements by the Presiding Member Without Discussion

Roadwise's annual Blessing of the Roads ceremony was held at Memorial Park yesterday, where Cr Joann Moore was formally recognised for her commitment and dedication to the committee over the past several years.

Notification of Disclosure of Interest

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

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

Nil

Questions on Agenda Items by Elected Members

Cr Nicholas asked questions on Items C.03/0318 and C.08/0318
Cr Pratico asked questions on C.09/0318

Consideration of Motions of which Previous Notice has been Given

C.02/0318 Landgate Revaluation Timetable

Submitted by Cr Pratico

Motion

That Council submit the following motion to the South West Zone of WALGA:

That WALGA lobby Landgate to amend its timetable for completing annual revaluations of property rolls for all local governments by 30 April each year so that the timetables for adoption of local government annual budgets are not unduly hindered by delays in receiving valuation rolls.

Background/Reasons

The Shire of Bridgetown-Greenbushes has been advised by Landgate that its key performance indicator in 2017/18 for completion of revaluation rolls for our Shire is 31 May 2018. We aren't aware of what dates have been provided to other local governments.

Section 6.36 of the Local Government Act allows a local government to give notice of any differential rates up to 2 months prior to the commencement of the financial year to which the proposed rates are to apply (i.e. 1 May). Obviously if a local government is still awaiting receipt of a revaluation roll on 1 May it isn't able to commence the process for giving notice of proposed differential rates. This in effect delays the annual budget process - leading to later budget adoption dates.

In 2016/17 the Shire of Bridgetown-Greenbushes didn't receive its UV revaluation roll until mid-May and its Mining Tenement revaluation until June. In the case of the latter the Shire does have a Mining UV differential rate and therefore suffered considerable delays in being able to advertise its proposed differential rates.

For our Mining UV differential rate the approval of the Minister for Local Government is required under Section 6.33(3) of the Local Government Act. Due to the above delay in receiving the revaluation rolls and advertising proposed differential rates the approval of the Minister wasn't obtained until 8 August 2017 with the annual budget not being adopted until later that same month. Council has indicated a desire to adopt its annual budget earlier but unless Landgate provides the revaluation rolls earlier this cannot occur unless Council was to amend its rating structure to discontinue differential rates.

Officer Comment

Council has previously indicated a desire to adopt its annual budget earlier than the typical August date that has occurred in recent years. One of the main reasons why a July adoption date has been unachievable has been the lateness of receiving revaluation rolls from Landgate – for the 2017/18 budget some of this information wasn't received until June. Having a deadline of 30 April would provide all local governments more flexibility in planning its annual budget timetable.

Statutory Environment - Nil

Integrated Planning

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

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity - Nil

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management - Nil

Continuous Improvement

If a 30 April annual deadline was imposed on Landgate for completion of annual revaluations Council would be in a position to adopt the budget in July each year rather than the typical August adoption date that has occurred in recent years.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Boyle

C.02/0318 That Council submit the following motion to the South West Zone of WALGA:

- ***That WALGA lobby Landgate to amend its timetable for completing annual revaluations of property rolls for all local governments by 30 April each year so that the timetables for adoption of local government annual budgets are not unduly hindered by delays in receiving valuation rolls.***

Carried 8/0

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.03/0318	FILE REF.	101.3
SUBJECT	2017 Compliance Audit Return		
PROPONENT	Department of Local Government & Communities		
OFFICER	Chief Executive Officer		
DATE OF REPORT	6 March 2018		

Attachment 1 2017 Compliance Audit Return

OFFICER RECOMMENDATION that the Compliance Audit Return for the 2017 calendar year (Attachment 1) as endorsed by the Audit Committee be adopted by Council and forwarded to the Department of Local Government, Sport and Cultural Industries.

Summary/Purpose

Each year local governments are required to complete a mandatory Compliance Audit Return which must be submitted to Council for adoption prior to being forwarded to the Department of Local Government & Communities.

A statutory requirement was introduced in 2011 whereby the Return is to be reviewed by the Audit Committee prior to its presentation to Council.

Background

The Compliance Audit Return is completed for the previous calendar year and is one of the tools that allow Council to monitor how its organisation is functioning.

The Department of Local Government & Communities requires the Compliance Audit Return to be:

- a) Presented to Council at a meeting of the Council prior to 31st March;
- b) Adopted by the Council; and
- c) The adoption recorded in the Minutes of the meeting at which it is adopted.

Each year the Compliance Audit Return covers various categories and for the 2017 Return, the areas covered are:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosures of Interest
- Elections
- Finance

- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Tenders for Providing Goods and Services

After completing the responses to the questions contained in the 2017 Compliance Audit return it should be noted that compliance was achieved in all areas.

The Compliance Audit Return was presented to Council's Audit Committee at its meeting held on 26 February 2018 and following discussions it was recommended Council endorse the Compliance Audit Return without modification as follows:

“Committee Decision Moved Cr Moore, Seconded Cr Pratico AC.02/0218 That the Compliance Audit Return for the 2017 calendar year (Attachment 2) be endorsed by the Audit Committee and adopted by Council and forwarded to the Department of Local Government, Sport and Cultural Industries.”

Statutory Environment – Clauses 13 and 14 of the Local Government (Audit) Amendment Regulations 1999 apply.

Policy Implications – Nil

Integrated Planning

- Strategic Community Plan
Objective 5.2 – We maintain high standards of governance, accountability and transparency
Strategy 5.2.8 – Ensure compliance with relevant legislation
- Corporate Business Plan
Strategy 5.2.2 – Staff work in an ethical manner
Action 5.2.2.1 – Achieve full compliance in annual Compliance Audit Return
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Budget Implications – Nil

Fiscal Equity - Nil

Whole of Life Accounting - Nil

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Completion of the annual compliance return is essential for ensuring that the organization meets its statutory obligations in performing its functions.

Continuous Improvement

The contents of the compliance return are reviewed by the Department of Local Government, Sport and Cultural Industries each year.

Voting Requirements – Absolute Majority

Council Decision Moved Cr Mackman, Seconded Cr Bookless

C.03/0318 That the Compliance Audit Return for the 2017 calendar year (Attachment 1) as endorsed by the Audit Committee be adopted by Council and forwarded to the Department of Local Government, Sport and Cultural Industries.

Absolute Majority 8/0

ITEM NO.	C.04/0318	FILE REF.	852
SUBJECT	Proposed New Policy - Disposal of Liquid Waste at Bridgetown Waste Management Facility		
OFFICER	Chief Executive Officer and Senior Engineering Technical Officer		
DATE OF REPORT	20 March 2018		

Attachment 2 Draft 'Disposal of Liquid Waste at Bridgetown Waste Management Facility Policy

OFFICER RECOMMENDATION that Council adopts Policy WS.20 – 'Disposal of Liquid Waste at Bridgetown Waste Management Facility' with the policy coming into effect on 9 April 2018.

Summary/Purpose

Due to the volume of liquid waste being disposed at the Bridgetown Waste Management Facility a draft policy has been prepared for the purpose of restricting the disposal of such waste to only that which is collected from properties within the boundaries of the Shire of Bridgetown-Greenbushes.

Background

Included at the Bridgetown Waste Management Facility are liquid waste ponds. The current ponds are in the process of being replaced with new ponds with this work expected to be completed by 30 June 2018. The Department of Water and Environmental Regulation has amended the licence to allow the current ponds to be used until such time as the new ponds are completed and operational.

The facility is licensed to accept up to 650 tonnes of liquid waste (septage waste, grease trap waste and fire debris/wash up water) per annum (calendar year). In 2017 a total of 576.89 tonnes of liquid waste was deposited at the facility which was a 19.5% increase from 2016 and 41% from 2015.

The 576.89 tonnes received in 2017 is approximately 89% of the maximum annual volume allowed to be accepted under the site's licence.

Analysis of controlled waste tracking forms completed by liquid waste contractors shows that a considerable amount of liquid waste is being delivered to the site from other local government areas. In 2017, 279 tonnes or 48.3% of all liquid waste originated from properties outside of the Shire of Bridgetown-Greenbushes. In order of highest to lowest volume this liquid waste was received from properties within the Shires of Boyup Brook, Manjimup, Donnybrook-Balingup, Nannup and other localities.

Both the Shires of Boyup Brook and Manjimup restrict the disposal of liquid waste at their sites to that waste collected from within their Shire boundaries only. It is recommended that Council introduce a similar restriction.

Exclusive use of the liquid waste facility for Shire ratepayers only will provide the following benefits:

Existing Liquid Waste Ponds

- The current capacity is close to the allowable freeboard level.
- 2017 has seen a significant increase in volumes received compared to previous years.
- Limiting the intake will provide assurance that the current facility will be able to cope and operate in the interim while the new facility is constructed and commissioned.

Proposed Liquid Waste Ponds

- Longer life of the new facility.
- Less frequent de-sludging (currently every five years).
- Operations can be maintained well within licence thresholds.
- The design for the new ponds was based on historical volumes and didn't account for the significant increase in volumes experienced in 2017. To design a facility to take these increased volumes on a permanent basis would require some redesign and amendment to applicable licenses. An increased construction cost would also be expected.
- Expansion of the liquid waste facility incorporating additional ponds will not be required in the near term.

It is recommended that Council adopt a policy restricting the disposal of such waste to only that which is collected from properties within the boundaries of the Shire of Bridgetown-Greenbushes. Included in the policy is discretion for the CEO to waive the limitations of the policy if it can be shown there are environmental health or environmental impacts on a regional scale that would justify a one-off acceptance of non-local liquid waste. In such a case a volumetric charge would be applied.

The implication of the proposed policy is that liquid waste contractors would, when collecting liquid waste from properties within the Shire of Bridgetown-Greenbushes, ensure that their waste tanks are empty before commencing such work. Currently a contractor may end the day in one district with a half full tank and proceed to another district the next day and work until the tank is full before proceeding to a licensed site (such as Bridgetown Waste Management Facility) to empty their tank.

With the Shires of Boyup Brook and Manjimup already prohibiting the acceptance of 'non-local' liquid waste at their disposal sites contractors will simply have to modify their practices in the Shire of Bridgetown-Greenbushes to match what they do in those Shire districts.

Liquid waste is a controlled waste therefore waste tracking forms must be kept by the contractor and provided to the Shire when disposing the waste into a licensed facility. This allows the Shire to track the origin of the liquid waste.

Currently Council's fee for liquid waste disposal is an annual charge of \$6,464.55 for unlimited disposal or a casual charge of \$10.75 per cubic metre of waste. With the introduction of the proposed policy it is proposed that these fees will be reviewed for 2018/19 and only a volumetric fee applied.

As the fee will have impact upon existing liquid waste contractors it is recommended that the policy not take effect until the week commencing 9 April 2018 which is just over two weeks' notice.

Normally items of policy are directed to Council via the Standing Committee however in this instance it has been determined that Council should implement the restrictions on accepting non-local liquid waste at its site as soon as possible. Adoption of the policy is formalisation of the decision to restrict disposal of liquid waste to only that which is collected from properties within the boundaries of the Shire of Bridgetown-Greenbushes.

Delaying the implementation of the proposed policy until 9 April 2018 will allow liquid waste contractors time to change their practices to meet the restrictions of the policy.

Statutory Environment

Whilst there isn't a statutory link to the proposed policy it is noted that the operations of the Bridgetown Waste Management Facility, including its liquid waste facility, must comply with the conditions contained in the licence issued to the site by the Department of Water and Environmental Regulation.

Integrated Planning

- Strategic Community Plan
 - Key Goal 2 – our natural environment is valued, conserved and enjoyed
 - Objective 2.5 – effectively managed waste services
 - Strategy 2.5.1 – identify long term waste disposal and recycle options for the Shire

- Corporate Business Plan
 - Strategy 2.5.1 – identify long term waste disposal and recycle options for the Shire
 - Action 2.5.1.3 – operate the Bridgetown Waste Management Facility within legislative standards
 - Action 2.5.1.6 – develop a new liquid waste disposal facility (2017/18)

- Long Term Financial Plan - Nil

- Asset Management Plans – Nil
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy

It is recommended that the restrictions on the origin of liquid waste allowed to be disposed of at the Bridgetown Waste Management Facility be enshrined in policy.

Budget Implications - Nil

Fiscal Equity

Whole of Life Accounting

Limiting the amount of liquid waste deposited at the site will in effect increase the life of the site and defer any requirements for extensions or replacement ponds for the foreseeable future.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

If unfettered access to the liquid waste facility is allowed to remain there is a risk that the Shire will be potentially in breach of its facility licence at the Bridgetown Waste Management Facility, specifically potentially exceeding the maximum amount of liquid waste able to be accepted in any given year.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Moved Cr Nicholas, Seconded Cr Wilson

Council adopts Policy WS 20 – Disposal of liquid waste at Bridgetown Waste Management Facility with Policy coming into effect on 9th April 2018 with the following amendments:

1. Para 1 Line 2 Delete “only waste that is” insert “only that waste”.
2. Para 2 Line 3 Delete “a” and Insert “that”.
3. Para 3 Line 2. Delete “non-Local” Insert after waste “from outside the boundaries of the Shire of Bridgetown-Greenbushes” Delete comma.
4. Para 3 Line 3 Delete “has discretion to” Insert “may”.

Amendment Moved Cr Mackman, Seconded Cr Nicholas

Reword the second paragraph to read: “The Shire will assess all controlled waste tracking forms and if any breaches of the policy occurs the Shire (via the CEO) reserves the right to suspend temporarily or permanently access to the site by any contractor who breaches the policy.”

Carried 8/0

**The Amended Motion becomes the Substantive Motion – The Motion was Put
Council Decision Moved Cr Nicholas, Seconded Cr Wilson**

C.04/0318 Council adopts Policy WS 20 – Disposal of liquid waste at Bridgetown Waste Management Facility with Policy coming into effect on 9th April 2018 with the following amendments:

- 1. Para 1 Line 2 Delete “only waste that is” insert “only that waste”.**
- 2. Para 2 Line 3 Delete “a” and Insert “that”.**
- 3. Para 3 Line 2. Delete “non-Local” Insert after waste “from outside the boundaries of the Shire of Bridgetown-Greenbushes” Delete comma.**
- 4. Para 3 Line 3 Delete “has discretion to” Insert “may”.**
- 5. Reword the second paragraph to read: “The Shire will assess all controlled waste tracking forms and if any breaches of the policy occurs the Shire (via the CEO) reserves the right to suspend temporarily or permanently access to the site by any contractor who breaches the policy.”**

Carried 8/0

Reason for amending the officer recommendation

Correcting some grammatical errors in the policy

ITEM NO.	C.05/0318	FILE REF.	LL.7
SUBJECT	Cemeteries Amendment Local Law 2017		
PROPONENT	Joint Standing Committee on Delegated Legislation		
OFFICER	Senior Admin Officer		
DATE OF REPORT	26 February 2018		

Attachment 3 Confidential Letter from Joint Standing Committee on Delegated Legislation (JSCDL) dated 8.11.17

Attachment 4 Letter from Shire President to JSCDL dated 27.11.17

OFFICER RECOMMENDATION that Council resolves to undertake as follows:

- 1. Within six (6) months, Council will undertake to amend clause 3.3(2) of the Cemeteries Amendment Local Law 2017 to remove the duplication of the reference to funeral directors issuing certificates.*
- 2. In the meantime the local law will not be enforced in a manner contrary to the undertakings given.*
- 3. Where the local law is made available to the public, whether in hard copy or electronic format, it will be accompanied by a copy of these undertakings.*

Summary

The Joint Standing Committee on Delegated Legislation (JSCDL) is seeking an undertaking from Council for Council to amend clause 3.3(2) of the Cemeteries Amendment Local Law to remove the duplication of the reference to funeral directors issuing certificates.

Background

In July 2017 Council adopted the Cemeteries Amendment Local Law 2017 and, as part of the requirements of the Local Government Act 1995, forwarded a copy to the JSCDL.

In November 2017 the JSCDL wrote to the President to advise the Committee considered the local law at a meeting held on 6 November and resolved to write to the President regarding a drafting issue in clause 3.3(2).

The JSCDL went on to say that in the Shire's attempt to reformulate the relevant clause, it had not deleted the final two lines of the clause which resulted in there being two (2) references to the requirement of a funeral director to complete a relevant certificate. In view of this the JSCDL requested an undertaking that Council would remove the duplication of the reference to funeral directors issuing certificates within six months.

Officer Comment

On 27 November 2017, the Shire President wrote to the JSCDL giving the undertaking as requested. However, correspondence has since been received from the JSCDL advising it is unable to accept the undertakings contained in the letter as any undertaking given by a Shire President must be given on behalf of the Shire Council. In other words, a Council resolution is required.

At a recent Cemeteries & Crematoria Association of WA (CCAWA) meeting, general discussion took place on some clauses contained in Cemetery Local Laws. Many local governments in WA including the Shire of Bridgetown-Greenbushes adopted the WALGA Model Cemeteries Local Law back in 2000 and although the basis of this Local Law is still very relevant today a few local governments have strengthened the wording of some clauses to provide more clarification to funeral directors, monumental masons and the general public. In view of this, the author of this report has taken the opportunity to make a further review of our Local Law (including addressing the drafting error in clause 3.3(2) and it is proposed to present an Item to the April Standing Committee meeting.

Statutory Environment - Nil

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 5.2.7 – 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

Strategy 5.2.7 – Council's policies and local laws are responsive to community needs

- Action 5.2.7.2 – Periodically review Local Laws to ensure compliance to Local Government Act

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

Policy/Strategic Implications - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Boyle, Seconded Cr Wilson*

C.05/0318 That Council resolves to undertake as follows:

- 1. Within six (6) months, Council will undertake to amend clause 3.3(2) of the Cemeteries Amendment Local Law 2017 to remove the duplication of the reference to funeral directors issuing certificates.***
- 2. In the meantime the local law will not be enforced in a manner contrary to the undertakings given.***
- 3. Where the local law is made available to the public, whether in hard copy or electronic format, it will be accompanied by a copy of these undertakings.***

Carried 8/0

Corporate Services

ITEM NO.	C.06/0318	FILE REF.	133
SUBJECT	Adoption of the 2017/2018 Budget Review		
OFFICER	Chief Executive Officer Executive Manager Corporate Services		
DATE OF REPORT	9 March 2018		

Attachment 5 2017/2018 Budget Review

Attachment 6 Minutes of Audit Committee Meeting held 26 February 2018

OFFICER RECOMMENDATION That Council:

1. *Adopt the budget review with the variations detailed at Note 2 of the Budget Review document (Attachment 5) for the period 1 July 2017 to 31 January 2018 and amend the budget accordingly.*
2. *Notes the budget review for the period 1 July 2017 to 31 January 2018 generates a budgeted surplus of \$11,510.*
3. *That the surplus of \$11,510 be allocated as follows:*
 - *\$7,010 be allocated to the Drainage Reserve*
 - *Increase the budget allocation of account '1065740 Fire Equipment – Shire' by \$4,500 to allow for a replacement liner or new strategic fire tank at Windy Hollow Estate.*

Summary/Purpose

To consider and adopt the Budget Review as presented in the Statement of Financial Activity (Budget Review) for the period 1 July 2017 to 31 January 2018 and accompanying notes.

The budget review was presented to the Audit Committee on 26 February 2018 for review and a summary of the main findings of the budget review is provided in this report.

Background

A Statement of Financial Activity (Budget Review) incorporating year to date budget variations and forecasts to 30 June 2018 for the period ending 31 January 2018 is presented for Council consideration. The Local Government (*Financial Management*) Regulations 1996, regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government and Communities within 30 days of the adoption of the review.

Officer Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (*Financial Management*) Regulations 1996 and Australian Accounting Standards. A budget review is a detailed comparison of the year to date (31 January 2018) actual results with the adopted or amended budget. The review process establishes whether a Local Government expects to meet its budget commitments i.e. is in receipt of income and incurs expenditure in accordance with the adopted budget.

Council's 'F.7 Reporting Forecast Budget Variations Policy' sets a minimum reportable variance of \$1,000. In determining items to be included in the budget review this limit has been used as a general guide. As a result of the proposed adjustments presented in Note 2 of the Budget Review document the estimated closing funds have increased from \$0 to \$11,510.

In summary the estimated surplus is represented as follows:

Increase in Operating Revenues (excluding non-cash items)	\$626,967
Increase in Operating Expenses (excluding non-cash items)	(\$173,918)
Increase in Capital Revenues	\$ 53,157
Increase in Capital Expenses	(\$794,659)
Increased Transfers from Reserves	\$319,354
Increased Transfers to Reserves	(\$ 34,374)
Increase in Opening Funds as at 1 July 2017	\$ 14,983
Closing Surplus as at 30 June 2018	\$ 11,510

Set out below is a list of significant variations included in the budget review:

Works Services

- Numerous movements between works and services jobs for wages, plant, overheads and materials/contracts that result in an overall cash savings of \$29,674. These movements include proposed changes of scope to the following capital works jobs:
 - DR21 Palmers Road Drainage reduced from \$58,700 to \$16,000 – This project was originally scoped to reduce the impact of stormwater from the Palmers Road reserve onto private property and to enlarge the open roadside drain upstream. The design was completed in-house and entailed construction of a rock lined open drain in an easement along the boundary of the affected property directing the stormwater away from the buildings. The owner did not accept this solution and requested the Shire look at alternatives. A consulting engineer was engaged for this purpose but could not find a practical alternative. The reduced budget will allow for the upstream open drain to be enlarged using rock breaking equipment.
 - DR26 Barlee Street Drainage reduced from \$16,000 to \$6,000 – The scope of works for this project has been downsized.
 - DR27 Forest View Court Drainage project deleted – This project has been deleted following a detailed review. The review has not supported the projects progression.
 - DR29 Forest St/Padbury Rd Drainage new project for \$10,000 – It is proposed to install drainage pits and pipework to connect to the existing system. Stormwater from approximately 500 metres of Forest St and adjacent properties collects on the road at this point, some of which flows into private property and it is dangerous to road users.

- DR30 Sunridge Drive Drainage new project for \$13,175 – It is proposed to install 150 metres of subsoil drainage collection pipes and associated pits and connect to existing system at the western end of Sunridge Drive. Significant ground water build-up surfaces at this location causing flooding to the roadway and associated dangers.
- DR31 Claret Ash Rise new project for \$9,000 – The surface and pavement of Claret Ash rise has broken up due to ground water issues. It is proposed that the section of road is to be excavated out, subsoil drainage installed and the road reinstated to an asphalt finish.
- Include a transfer of \$39,929 from the Sanitation Reserve to cover additional waste service operational costs including:
 - increase in cost of hard waste collection
 - increase in refuse site management costs due to greater wage and overhead allocations
 - decrease in user pay charges at waste site
- Savings in net change over costs of \$20,110 for identified plant items, these savings are offset by a reduction in the transfer of funds from the Plant Reserve
- Vehicle/plant parts and repairs increased by \$17,500 primarily due to major breakdown of the waste site traxcavator

Community Services

- Operation of the Bridgetown Leisure Centre is predicted to result in a net operating subsidy of \$459,196 which is an increase of \$19,102 from the original budget. As requested by Council the ongoing operational performance of the Bridgetown Leisure Centre will be the subject of a separate workshop in April when all aspects of the centre's operations will be presented.

CEO/Corporate Services/Planning & Environmental Services

- Council's General Purpose Funding Assistance Grant has seen a significant reduction of \$35,211 compared to budget estimates. The 2017/18 grant was adjusted by an amount of \$45,822 representing a reassessment of the 2016/17 grant paid as a result of new census data for Western Australia.
- Various reallocations of Administration wages and overheads for all departments – no impact on budget
- Expenditure and grant revenue of \$143,570 included for approved fire mitigation works being fully funded by the Office of Emergency Management
- Additional Fire Prevention expenditure of \$10,904 to be reimbursed by DFES (\$5,247 for CESM overtime and \$5,557 for approved additional costs)
- Increased income estimates for planning development applications and building approvals totalling \$49,500.

- The following significant adjustments to building capital works have been included:
 - Defer the surface redirect project at Greenbushes Hall as the design is still to be completed
 - Installation of new anchor points and roof access to facilitate roof repairs at the Bridgetown Leisure Centre
 - Electrical repairs/upgrade to the Shire Depot
 - Defer height safety assessments and reduction to termite prevention works
 - Reduction in asbestos works scheduled
- Increase in building control contractor costs by \$25,000 for proposed employment of a contract building surveyor for three days a week for four months.
- An overall increase in salaries and wages of \$20,794 due to the following variations:
 - \$5,000 additional salaries for leave relief at the Library
 - \$5,226 additional salaries for leave relief at the Visitor Centre
 - \$5,247 additional salaries for CESM overtime (fully reimbursement by DFES)
 - \$27,582 additional workers compensation payments (fully reimbursed by Council's insurer)
 - \$2,774 in wages associated with the bus trial (fully funded by grant revenue)
 - \$18,337 reduction in wages at the Bridgetown Leisure Centre
 - \$6,698 reduction in wages for plant maintenance
- An increase in workers compensation reimbursement income of \$27,582.

The report presented to the Audit Committee recommended that the estimated surplus of \$11,510 be allocated to the Drainage Reserve, however during the Audit Committee meeting, the CEO advised the Committee of an issue that has arisen since preparation of the Budget Review. For the Committee's consideration it was advised that the liner of the Windy Hollow Estate strategic fire tank is ripped beyond repair and needs to be replaced. The cost to supply and install a replacement liner is estimated at \$4,500.

The mid-year budget review was considered by the Audit Committee at its meeting held 26 February 2018 where the following recommendations were carried:

"Committee Decision

Moved Cr Pratico, Seconded Cr Bookless

AC.03/0218 That the Audit Committee:

- 1. Endorses the budget review for the period 1 July 2017 to 31 January 2018 as presented in Attachment 3 of the Committee agenda.*
- 2. Notes the budget review for the period 1 July 2017 to 31 January 2018 generates a budgeted surplus of \$11,510.*
- 3. Recommends to Council that the surplus of \$11,510 be allocated as follows:*
 - \$7,010 be allocated to the Drainage Reserve*

- *Increase the budget allocation of account '1065740 Fire Equipment – Shire' by \$4,500 to allow for a replacement liner or new strategic fire tank at Windy Hollow Estate."*

Notwithstanding the wording of Part 1 of the above Committee recommendation a slight amendment to the wording of Part 1 of the recommendation to Council has occurred to ensure that the statutory wording requiring "adoption of a budget review with the variations detailed at Note 2 of the Budget Review document for the period 1 July 2017 to 31 January 2018 and amend the budget accordingly" is contained in the Council resolution.

Statutory Environment

Regulation 33A of the Local Government (*Financial Management*) Regulations 1996 requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.*
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (4) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

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 – Not applicable

Budget Implications

Specific financial implications are as outlined in Note 2 to the Budget Review document.

Fiscal Equity

The budget has been reviewed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for Council and the community.

Whole of Life Accounting – Not applicable

Social Equity

The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement – Not applicable

Delegated Authority - Not applicable

Voting Requirements – Absolute Majority

Council Decision Moved Cr Wilson, Seconded Cr Nicholas

C.06/0318 That Council:

- 1. Adopt the budget review with the variations detailed at Note 2 of the Budget Review document (Attachment 5) for the period 1 July 2017 to 31 January 2018 and amend the budget accordingly.**
- 2. Notes the budget review for the period 1 July 2017 to 31 January 2018 generates a budgeted surplus of \$11,510.**
- 3. That the surplus of \$11,510 be allocated as follows:**
 - \$7,010 be allocated to the Drainage Reserve**
- 4. Increase the budget allocation of account '1065740 Fire Equipment – Shire' by \$4,500 to allow for a replacement liner or new strategic fire tank at Windy Hollow Estate.**

Absolute Majority 8/0

ITEM NO.	C.07/0318	FILE REF.	131
SUBJECT	February 2018 Financial Activity Statements and List of Accounts Paid in February 2018		
OFFICER	Senior Finance Officer		
DATE OF REPORT	21 March 2018		

Attachment 7 February 2018 Financial Activity Statements
Attachment 8 List of Accounts Paid in February 2018

OFFICER RECOMMENDATIONS

- 1. That Council receives the February 2018 Financial Activity Statements as presented in Attachment 7.*
- 2. That Council receives the List of Accounts Paid in February 2018 as presented in Attachment 8.*

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 February 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

Council Decision Moved Cr Mackman, Seconded Cr Wilson

C.07/0318

- 1. That Council receives the February 2018 Financial Activity Statements as presented in Attachment 7.**
- 2. That Council receives the List of Accounts Paid in February 2018 as presented in Attachment 8.**

Carried 8/0

Planning & Environmental Services

ITEM NO.	C.08/0318	FILE REF.	A50348
SUBJECT	Proposed Building Envelope Relocation		
PROPONENT	Danny Chadwick		
LOCATION	Lot 112 Henderson Road, Kangaroo Gully		
OFFICER	Manager Planning		
DATE OF REPORT	20 March 2018		

Attachment 9	Merged Structure Plan Extracts (SR2a & SR2b zones)
Attachment 10	Neighbour's Comments (excluding confidential submission)
Attachment 11	Proposed Site Plan/Applicant's Correspondence
Attachment 12	Confidential Submission

OFFICER RECOMMENDATION: That Council, noting the content of the neighbour's submissions, as per Attachment 10 plus the confidential submission, grants development approval for the proposed building envelope relocation for Lot 112 Henderson Road, Kangaroo Gully, as per Attachment 12, subject to the following conditions:

- 1. Approval is granted for relocation of the building envelope 7.5 metres westwards, with a setback of 42.5 metres to the western side boundary, in lieu of the proposed 35 metre setback. In this regard, a revised site plan is to be submitted showing the approved setback prior to granting development approval.*
- 2. All future development including a dwelling, outbuildings and water tanks are to be contained within the approved building envelope.*

- 3. Planting of suitable screen vegetation along the full length of the western edge of the approved building envelope, capable of growing to a height of at least 4.0 metres. In this regard, a landscaping plan is to be submitted for Shire approval prior to planting, detailing the proposed location, species and numbers of plants, with planting to be undertaken within 90 days of the date of this approval and thereafter maintained.*

Summary/Purpose

To consider a development application for a relocated building envelope at Lot 112 Henderson Road, Kangaroo Gully. Noting the content of the three submissions received, it is recommended that approval be granted subject to conditions including a setback of 42.5 metres to the western side boundary in lieu of the proposed 35 metre setback and planting of screen vegetation.

Background

A development application has been received seeking approval to relocate the building envelope on Lot 112 Henderson Road, Kangaroo Gully, moving the envelope 15 metres towards the western rear boundary.

The property is zoned 'Special Rural SR2a' under Town Planning Scheme No. 4 and has an approximate area of 2.5522 hectares. The current building envelope has dimensions of 50m by 50m (2500m² area), with setbacks of 50 metres to the western boundary, 30 metres to the southern boundary and approximately 120 metres to the front boundary.

The application seeks to relocate the envelope westwards by 15 metres, resulting in a 35 metre setback to the western rear boundary in lieu of the current 50 metre setback, with the envelope area to remain at 2500m².

As background, the subject property Lot 112 Henderson Road and adjoining Lot 111 Henderson Road to the south, were created in early 2015 as part of a two lot subdivision of original Lot 11, approved on 11 February 2012 by the Western Australian Planning Commission (WAPC 145318). A Fire Management Plan was approved by the Shire as per subdivision conditions for future use of the land, requiring ongoing management of fuel loads and appropriate location of habitable buildings to achieve necessary separation from bushfire risks.

The subdivision was in accordance with the original Structure Plan (previously called a Subdivision Guide Plan) approved in 1997, as part of Amendment No. 32 to TPS4 for the Special Rural 2b zone, which included the current building envelope for subject Lot 112. Adjoining Lot 111 to the south contains the existing dwelling, outbuildings and incidental structures, with the building envelope extended in December 2004.

Attachment 10 shows an extract of the Subdivision Guide Plan for the SR2b zone showing Lots 111 and 112, merged with an extract from the Subdivision Guide Plan for the adjoining SR2a zone showing the building envelopes for Lots 40 and 41 Winesap View.

Under Clause 4.5.6 of TPS4, all development including outbuildings and water tanks must be contained within a defined building envelope or outside of an approved building envelope with setback no closer than 25 metres to a front boundary or 20 metres to a side boundary. Under Schedule 3 of TPS4 and the Shire's Building Envelopes Policy however all development is to be contained within an approved building envelope. The proposed building envelope with a setback of 35 metres to the western rear boundary complies with the minimum 20 metre setback to the side and rear boundaries.

The applicant has provided a written submission (see Attachment 11) justifying the application, stating that the building envelope relocation is proposed to maximise use of the flatter portion of the property towards the rear, and to reduce clearing of existing vegetation. The applicant has offered to plant screen vegetation to help reduce any impacts on the neighbours to the west.

The application was referred to landowners of four surrounding properties with the submission period closing 13 March 2018, with two submissions received within this timeframe, and one late submission received on 14 March 2018. One submission was in support and two raised objections, with the submissions summarised and staff responses provided below.

Submitter 1 – Lot 111 (RSN 266) Henderson Road, Kangaroo Gully

One submission was received from the owners of Lot 111 to the south, indicating support with the following comments:

Comment 1 - Relocation will minimise any need to remove trees on the eastern side of the envelope. These trees will help to screen any building on Lot 112 from our property. Perhaps Council could consider approving the relocation subject to retention of trees.

Staff Response – The vegetation in the centre of the property is predominantly mature Acacia trees and not remnant vegetation. The clearing of vegetation within the current building envelope or proposed envelope does not require specific approval. The existing vegetation adjacent to the southern boundary of the lot located outside of the building envelope must be retained (other than for a firebreak, driveway, etc), unless development approval is granted for clearing outside of the envelope.

Comment 2 - The relocation will provide for a minimum 35 metres from the western boundary, which is substantially more than the clearance from the boundary to the adjacent property in Winesap View, and is also more than the Shire's standard clearance, understood to be 30 metres.

Staff Response – The proposed envelope is to be setback 35 metres from the western rear boundary, compared to the current 50 metre setback. Under Clause 4.5.6 of TPS4, all development must be contained within a defined building envelope or outside of an approved building envelope with setback no closer than 25 metres to a front boundary or 20 metres to a side boundary. Under the Shire's Building Envelopes Policy however all development is to be contained within an approved building envelope, with the setbacks prescribed in the scheme applied as the minimum requirements. The proposed building envelope complies with the minimum

20 metre setbacks to the side and rear boundaries, with a 35 metre setback to the rear boundary proposed.

Submitter 2 – Lot 40 (RSN 44) Winesap View, Kangaroo Gully (Confidential)

Comment 1 - We write in reference to and object to the proposed building envelope relocation at Lot 112 Henderson Road, Kangaroo Gully due to impacts on the amenity of our property, and request that our details be kept confidential where possible.

Staff Response – Noted. The submission is confidential to avoid publication of contact details, and is presented to Council for consideration.

Comment 2 - Noise – The closeness of the proposed building envelope is within easy audible range of conversations and movement noise from outside and around both homes.

Staff Response – The current envelope on Lot 112 is setback 50 metres from shared western rear boundary with Lot 40, with the building envelope and house on Lot 40 setback 20 metres from the shared boundary. The two envelopes are therefore separated by 70 metres currently. The proposed building envelope is to be setback 35 metres from the shared boundary, providing a 55 metre separation, which is still considered a significant distance. Pursuant to Town Planning Scheme No. 4, the envelopes for both lots could have been setback only 20 metres from the boundary, providing a 40 metre separation.

Whilst the land within the current envelope on Lot 112 slopes moderately north-eastwards, any domestic noise produced on Lot 112 will be easily heard on adjoining Lot 40, plus other surrounding properties. A 15 metre reduction in the separation distance from 70 metres down to 55 metres as proposed is unlikely to create any additional noise impacts.

The applicant has indicated an intention to lower the ground level in the south-western corner of the envelope to accommodate a large shed, and to construct two water tanks in the north-western corner of the new envelope, to help screen the future house to be built in the north-eastern corner of the envelope. Whilst the Shire can not condition placement of buildings within the current or proposed envelope, it is anticipated that the ancillary buildings will help screen the future house from the objector's property.

Shire staff met with the applicant and as a compromise it is recommended that the proposed building envelope be moved only 7.5 metres westwards instead, being half of the proposed 15 metre relocation. A reduced relocation will result in a 42.5 metre separation of the proposed envelope to the rear boundary (instead of a 35 metre setback) and overall a 62.5 metre separation to the dwelling on the adjoining property.

Comment 3 - Overlooking – The placement of the proposed building envelope includes a sloping landform in which the higher gradient overlooks our home, courtyard, sheds and outside movements.

Staff Response – See Comment 2 above. Relocation of the building envelope westwards by 15 metres is unlikely to have any significant impact upon visual privacy. The applicant could construct a dwelling within the north-western current envelope, on a raised level 2.0 metres higher than the natural ground level, and have a clear view westwards to the dwelling on the adjoining property. The applicant however intends to build a dwelling in the north-eastern corner of the proposed envelope, and ancillary buildings along the western side of the envelope plus planting to provide screening. Preventing overlooking of non-habitable structures or the general outdoor areas of the property is not considered reasonable.

The building envelope for Lot 40 (see Attachment 9) is roughly 12000m² in area, setback 25 metres from the front corner and 20 metres to side and rear boundaries, substantially larger than the 2500m² area of the envelope for subject Lot 112. The owners of Lot 40 chose to build on the rear edge of the envelope and directly opposite the building envelope for the future Lot 112, albeit with a 70 metre separation between the envelopes. The proposed reduction in separation distance to 55 metres is still considered reasonable, however it is recommended as a compromise that the proposed envelope be restricted only to a 7.5 metre relocation rather than the proposed 15 metre relocation.

Comment 4 - Privacy – Our main outside living area and view into inside kitchen/living area would be compromised. In addition, the possibility of placing infill in the lower area of the proposed building envelope (eg. for a level site or more extensive view) will accentuate this issue.

Staff Response – See Submitter 2, Comments 2 and 3 above.

Comment 5 - The land is a special rural subdivision and we purchased the block twelve years ago for the lifestyle and relaxed “out of town” atmosphere it provides. We have previously collaborated with other neighbours to achieve this great lifestyle where everyone is comfortable with new changes. It must be noted, we are willing to continue to do so while not forgoing our selected lifestyle.

Staff Response – Noted. See Submitter 2, Comments 2 and 3 above.

Taking the above points into consideration, we believe the closeness of the proposed building envelope will encroach on our privacy and lifestyle significantly (please see attached plan). We therefore object to the above proposed relocation of the building envelope.

Staff Response – Noted. See Submitter 2, Comments 2 and 3 above.

Submitter 3 – Lot 41 (RSN 42) Winesap View, Kangaroo Gully

Comment 1 - My apology for not responding to your letter in a timely manner.

Staff Response – The submission was received on 14 March 2018 via email, only one day after the closing date for submissions. The submission has been noted and comments addressed.

Comment 2 – We own Lot 41 Winesap View and while the abovementioned proposal won't affect us specifically, I would like to make the general point that when considering the purchase of our lot, apart from the size, visual amenity, etc, we also took into consideration the placement of the building envelopes of the adjoining blocks. This was important to us since it could impact on the intended placement of our own future house, especially when considering privacy issues.

Staff Response – It is noted that the submitters are not objecting directly to the proposal and indicate the envelope relocation will not directly affect their property at Lot 41 (located to the north-west of the subject lot).

Comment 3 – One of the main drivers in purchasing a block such as ours is the ability to build a home and control, to a certain extent, the amount of privacy we could garner from the placement of the building. Once built however, movement of the building envelope from an adjoining block could for instance, have a dramatic effect on privacy. Once placed, the house cannot be moved. While it may be suggested that trees are planted as a screen, these take time to establish, and may impart a considerable cost as well.

Staff Response – Comments noted. The owners of Lot 40 themselves have planted screen vegetation to the north of their dwelling and the applicant has offered to plant screen vegetation, which is a reasonable and acceptable planning condition.

Comment 4 - The purchasers of the subject block knew exactly where the building envelope was when they made the decision to purchase. Now they expect to be able to move it, and in doing so impinge on the privacy of a long established property of my neighbours at Lot 40, and to my mind is completely unreasonable. In this instance, when there are established properties around, if the owners of those properties object, I would hope that significant weight would be given to their position.

Staff Response – See Submitter 2, Comments 2 and 3 above. The Shire receives many applications to extend, modify or relocate building envelopes, plus many applications to vary town planning scheme and policy requirements including minimum setbacks. Provisions of Town Planning Scheme No. 4 allow Council to set an alternative building envelope where justified. The Shire's Building Envelopes Policy allows for 20 metre extensions to building envelopes which are fairly common, which the applicant could have sought in the case instead. The policy also allows for relocation of building envelopes where justified and importantly whilst neighbour's comments are to be taken into consideration, the decision to modify a building envelope rests with the Shire. Interestingly, out of the 23 development approvals issued to date in 2018, three related to building envelope modifications and three related to setback variations.

Conclusion

The proposed building envelope relocation is proposed to take advantage of more levelled ground and reduce filling and tree clearing within the current envelope. Noting the comments raised by surrounding landowners the proposed envelope relocation of 15 metres as advertised is considered reasonable and unlikely to have any detrimental impacts upon surrounding landowners, with the envelope setback 35 metres from the rear boundary in lieu of the current 50 metre setback. As a

compromise however it is recommended that approval be granted for the building envelope relocation subject to a reduced relocation distance of only 7.5 metres and therefore setback 42.5 metres from the rear boundary, with planting of screen vegetation along the western side of the envelope.

Statutory Environment

- Town Planning Scheme No. 4

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

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

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

The proposed building envelope relocation as advertised would be setback 35 metres from the western rear boundary and 30 metres to the closest southern side boundary, consistent with scheme requirements, and is not expected to have an adverse effect upon the amenity of surrounding properties or the wider locality. As a compromise it is recommended the relocated envelope be setback 42.5 metres from the western rear boundary, in lieu of the current 50 metre setback, still consistent with scheme requirements.

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

Council has discretion to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been considered. No variations to the policy are being sought and the proposal is considered reasonable.

Under Schedule 3 – Special Rural Zones, in relation to Special Rural SR2b zone, Condition of Development No. 11 states that *“No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.”*

Furthermore, Condition 12 states *“Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an [alternative] building envelope.”*

Acknowledging the applicant’s intent to limit the removal of the trees, albeit non-native trees, and to take advantage of the less sloping land towards the rear of the property, it is recommended Council approve a minor relocation of the building envelope, maintaining a 42.5 metre setback to the western rear boundary.

Policy Implications

- Shire of Bridgetown-Greenbushes Building Envelopes Policy

Under the Shire’s Building Envelopes Policy TP.5, the purpose of a building envelope is to ensure buildings are sited on a suitable location on a lot taking into account topography, vegetation, amenity, watercourses, physiographic features and access.

The policy provides scope for minor alterations of a building envelope of no more than 20 metre extensions to cater for unforeseen physiographic constraints or other circumstances. The Policy states that no intrusion into the specific setback area is permitted however Council may vary the 25 and 20 metre setbacks required by TPS4, therefore permitting the proposed relocation if it is satisfied that the proposal will not have a detrimental impact upon the landscape or the environment.

Given the terms of the policy, circumstances exist that could allow Council to approve the proposed envelope relocation as proposed with the 35 metre setback to the western boundary. No setback variations have been sought and no detrimental impacts upon surrounding properties are anticipated. Noting the concerns of the neighbours, as a compromise it is recommended the relocated envelope be setback 42.5 metres from the western rear boundary, in lieu of the current 50 metre setback, still consistent with scheme requirements.

Budget Implications

The applicable development application fee has been paid.

Strategic Plan Implications - Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity

The proposed building envelope relocation is not anticipated to have any adverse impacts on surrounding landowners.

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The content of the three submissions received has been taken into consideration.

Delegated Authority

Shire staff do not have delegated authority to approve the proposed building envelope relocation given the objections received, so determination by Council is required.

Voting Requirements – Simple Majority

Council Decision Moved Cr Moore, Seconded Cr Bookless

C.08/0318 That Council, noting the content of the neighbour's submissions, as per Attachment 10 plus the confidential submission, refuses to grant development approval for the proposed building envelope relocation for Lot 112 Henderson Road, Kangaroo Gully.

Carried 6/2

Crs Pratico and Mackman voted against the Motion

Reason for resolving contrary to the officer recommendation

The current building envelope is appropriately placed

Works & Services

ITEM NO.	C.09/0318	FILE REF.	
SUBJECT	Budget Amendment – 2017/18 Works Program		
OFFICER	Executive Manager Works & Services		
DATE OF REPORT	29 March 2018		

OFFICER RECOMMENDATION that Council amends the 2017/18 budget by:

- (i) Job RT75 Hornby Street – increase expenditure by \$2,653 from \$0 to \$2,653.*
- (ii) Job RT80 Hester Street – reduce expenditure by \$1,631 from \$7131 to \$5,500*
- (iii) Job RT52 Tweed Road – reduce expenditure by \$1,002 from \$136,100 to \$135,098*

Summary/Purpose

Due to an error in detailing the 2017/18 road works program for the 2017/18 budget the works associated with laying a second coat seal on Hornby Street was overlooked. As the primer seal for this section of road was constructed last year it is necessary to undertake the second coat seal work this year for asset preservation purposes.

Some savings in other road works jobs have been identified to allow the Hornby Street works to proceed without a material change to the overall budget.

Background

With respect to the savings identified to fund the second coat seal work on Hornby Street, the following applies:

- Hester Street – the programmed works have been completed and some savings occurred which can be reinvested in other works.
- Tweed Road – more detailed scoping of this job has led to a revised estimate with a small (~\$1,000) saving identified.

Statutory Environment

Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Integrated Planning

- Strategic Community Plan
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
- Corporate Business Plan
Strategy 3.3.1 - A well maintained local and regional transport network
Action 3.3.1.2 - Renew roads and drainage as identified under the 10 year strategic road works plan
Action 3.3.1.3 - Upgrade roads and drainage as identified under the 10 year strategic road works plan
- Long Term Financial Plan - Nil
- Asset Management Plans
The annual road works program is derived from the 10 year strategic works program which is compiled having regard to the renewal and upgrade requirements of the Shire's road and drainage networks
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Budget Implications

The recommendations will have no net effect on the 2017/18 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

Voting Requirements – Absolute Majority

Council Decision Moved Cr Wilson, Seconded Cr Boyle

C.09/0318 that Council amends the 2017/18 budget by:

(i) Job RT75 Hornby Street – increase expenditure by \$2,653 from \$0 to \$2,653.

(ii) Job RT80 Hester Street – reduce expenditure by \$1,631 from \$7131 to \$5,500

(iii) Job RT52 Tweed Road – reduce expenditure by \$1,002 from \$136,100 to \$135,098

Absolute Majority 8/0

Community Services

ITEM NO.	C.10/0318	FILE REF.	281
SUBJECT	Aquatic Centre Seating – Unbudgeted Expenditure		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	20 March 2018 2018		

Attachment 13 Letter from Country Women's Association

OFFICER RECOMMENDATION that Council approves unbudgeted expenditure of \$1,000 for purchase of a seat at the Bridgetown Aquatic Centre and accordingly amends the 2017/18 budget by:

- Transferring an amount of \$1,000 from the Bridgetown Leisure Centre Reserve*
- Increase expenditure of Account 1346120.11 Minor Equipment Purchases & Services (Bridgetown Leisure Centre) by the sum of \$1,000.*

Summary/Purpose

This recommendation seeks Council approval to expend funds on the construction of a uniquely designed and built seat for installation at the Aquatic Centre.

Background

In 2016 the Bridgetown Country Women's Association (CWA) donated \$1,000 to the swimming pool fund raising endeavour. This donation was made on the understanding that it would be expended on the procurement of a seat designed and constructed by Bridgetown Grumpy Old Men in Sheds members with a plaque noting the donation by CWA, to compliment another donation of seating received from Bridgetown Garden Club. The officer has recently identified that the CWA seat was

not in fact commissioned or purchased. This recommendation seeks Council endorsement to approve the expenditure

Officer Comment

In speaking with the Country Women's Association Treasurer, it has been identified that there was some confusion between the two donating groups as to who would procure the seating. The Bridgetown Garden Club procured their donated bench seat from Perth, and the CWA were of the understanding a second bench seat was procured at that time. It has now been identified that this did not occur. The \$1,000 funding donated by CWA forms part of the Bridgetown Leisure Centre Reserve (balance \$130,548). The recommendation seeks Council endorsement to spend unbudgeted expenditure which will include a reserve transfer of \$1,000.

Statutory Environment

The proposed expenditure is currently unbudgeted. Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Integrated Planning

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

Policy - Nil

Budget Implications

The recommendation relates to an unbudgeted item of expenditure to the value of \$1,000.

The original budget allocation for Account 1346120.11 Minor Equipment Purchases & Services has been fully expended.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The recommendation seeks to avoid reputational risk associated with the option of not utilising the donation for the original purpose identified.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

Council Decision Moved Cr Bookless, Seconded Cr Moore

C.10/0318 That Council approves unbudgeted expenditure of \$1,000 for purchase of a seat at the Bridgetown Aquatic Centre and accordingly amends the 2017/18 budget by:

- **Transferring an amount of \$1,000 from the Bridgetown Leisure Centre Reserve**
- **Increase expenditure of Account 1346120.11 Minor Equipment Purchases & Services (Bridgetown Leisure Centre) by the sum of \$1,000.**

Absolute Majority 8/0

Consideration of Standing Committee Recommendations

Items adopted by Council using the en bloc system were:

C.13/0318 Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review
C.15/0318 Rolling Action Sheet

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

C.11/0318	Standing Committee Minutes – 8 March 2018 – Attachment 15
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Note: All Attachments referenced in the Standing Committee Recommendations below are as per the Standing Committee Agenda.

C.12/0318	Cats Local Law 2018
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Committee Recommendation Moved Cr Scallan, Seconded Cr Boyle

SC.02/0318 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 Cats Local Law 2018, as per Attachment 1 with the following minor amendment:

- Clause 3.2(1)(a) – change ‘4’ to ‘3’.

The purpose of the proposed Local Law is to repeal the Shire of Bridgetown-Greenbushes Keeping and Welfare of Cats Local Law and to provide Council under the proposed Cats Local Law 2018 with measures in addition to those under the Cat Act 2011 to control the keeping of cats. The effect of the proposed Local Law is to control the number of cats that can be kept, the places where cats can be kept and to control the activity of cats where a nuisance is caused.

Council Decision Moved Cr Wilson, Seconded Cr Boyle

C.12/0318 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 Cats Local Law 2018, as per Attachment 1 with the following minor amendment:

- **Clause 3.2(1)(a) – change ‘4’ to ‘3’.**

The purpose of the proposed Local Law is to repeal the Shire of Bridgetown-Greenbushes Keeping and Welfare of Cats Local Law and to provide Council under the proposed Cats Local Law 2018 with measures in addition to those under the Cat Act 2011 to control the keeping of cats. The effect of the proposed Local Law is to control the number of cats that can be kept, the places where cats can be kept and to control the activity of cats where a nuisance is caused.

Absolute Majority 8/0

C.13/0318	Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review
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Committee Recommendation Moved Cr Boyle, Seconded Cr Pratico

SC.03/0318 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.

Council Decision Moved Cr Wilson, Seconded Cr Moore

***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.**

Carried 8/0

C.14/0318	Strategic Projects Reserve Expenditure
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Committee Recommendation Moved Cr Moore, Seconded Cr Boyle

SC.04/0318 That Council:

1. **Endorse the proposal to reallocate existing funds in the 2017/18 budget to conduct a Solar Assessment Review and Energy Audit for all Shire owned facilities.**
2. **Amends the 2017/18 budget by:**
 - **Capital Account 1790140 Energy & Water Efficiency Fittings – reduce from \$10,000 to \$0.**
 - **New Operating Account (number to be determined) - Energy & Water Efficiency Investigations - \$14,980.**
 - **Transferring an amount of \$4,980 from the Strategic Projects Reserve to fund the shortfall in the existing budget allocations.**

Council Decision Moved Cr Wilson, Seconded Cr Boyle

C.14/0318 That Council:

- 1. Endorse the proposal to reallocate existing funds in the 2017/18 budget to conduct a Solar Assessment Review and Energy Audit for all Shire owned facilities.**

- 2. Amends the 2017/18 budget by:**
 - **Capital Account 1790140 Energy & Water Efficiency Fittings – reduce from \$10,000 to \$0.**
 - **New Operating Account (number to be determined) - Energy & Water Efficiency Investigations - \$14,980.**
 - **Transferring an amount of \$4,980 from the Strategic Projects Reserve to fund the shortfall in the existing budget allocations.**

Absolute Majority 8/0

C.15/0318	Rolling Action Sheet
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Committee Recommendation Moved Cr Pratico, Seconded Cr Bookless
SC.05/0318 That the information contained in the Rolling Action Sheet be noted.

Council Decision Moved Cr Wilson, Seconded Cr Moore

***C.15/0318 That the information contained in the Rolling Action Sheet be noted.**

Carried 8/0

C.16/0318	Adoption of En Bloc Items
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Council Decision Moved Cr Wilson, Seconded Cr Moore

C.16/0318 That Council adopts Items C.13/0318 and C.15/0318 of the Local Laws, Strategy, Policy & Organisation Development Standing Committee and hereby resolves in the terms of each of the Committee Recommendations.

Carried 8/0

Receival of Minutes from Management Committees – Nil

Urgent Business Approved by Decision - Nil

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice

Cr Wallace

Question

Payment EFT25457 annual service of Kangaroo Gully 2.4 \$11,505.47, is the high cost of this service due to damage caused from operational fire fighting or is this the regular cost? If this is the regular cost is the shire obligated to use “South West Fire Units” as the service provider under warranty?

Response

The cost was approximately \$5,000 for the annual service of the vehicle and on board equipment such as hose branches, standpipes, etc. The balance of the invoice covered the cost of repairs, primarily damage from operational use of the vehicle. A total of 33 separate repairs were done with the biggest single repair expenses being the replacement of a primer motor and an overhaul of rear wheel cylinders. A total of 58.25 hours were expended on the service and repairs. The Shire isn't contractually obligated to use South West Fire Units to carry out this work but does choose to use this provider as the services conducted are very thorough and comprehensive. The service costs for Emergency Services Levy (ESL) funded vehicles are covered by the ESL funding allocation and this funding is managed to ensure the fire fighting response fleet is maintained to the necessary standard.

Notice of Motions for Consideration at the Next Meeting - Nil

Matters Behind Closed Doors (Confidential Items) - Nil


Closure

The President closed the Meeting at 6.20pm

List of Attachments

Attachment	Item No.	Details
1	C.03/0318	2017 Compliance Audit Return
2	C.04/0318	Draft 'Disposal of Liquid Waste at Bridgetown Waste Management Facility Policy
3	C.05/0318	Confidential letter from Joint Standing Committee on Delegated Legislation (JSCDL) dated 8.11.17
4	C.05/0318	Letter from Shire President to JSCDL dated 27.11.17
5	C.06/0318	2017/2018 Budget Review
6	C.06/0318	Minutes of Audit Committee Meeting held 26 February 2018 Meeting
7	C.07/0318	February 2018 Financial Activity Statements
8	C.07/0318	List of Accounts Paid in February 2018
9	C.08/0318	Merged Structure Plan Extracts (SR2a & SR2b zones)
10	C.08/0318	Neighbour's Comments (excluding confidential submission)
11	C.08/0318	Proposed Site Plan/Applicant's Correspondence
12	C.08/0318	Confidential Submission

13	C.10/0318	Letter from Country Women's Association
14	C.11/0318	Standing Committee Minutes – 8 March 2018

Agenda Papers checked and authorised by T Clynch, CEO		4.4.18
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CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Council Meeting held 29 March 2018 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 29 March 2018

..... 26 April 2018

unconfirmed minutes