

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, 31 January 2019** in the Council Chambers, commencing at 5.30pm

T Clynch, CEO



Date

24 January 2019

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AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 31 January 2019 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 Custodians of the land on which we are gathered, and pay my respects to their Elders both past, present and emerging.

Attendance, Apologies and Leave of Absence

President	- Cr A Pratico
Councillors	- J Bookless
	- J Boyle
	- D Mackman
	- J Moore
	- J Nicholas
	- P Scallan
	- A Wilson
In Attendance	- T Clynch, Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- E Denniss, 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.01/0119 Ordinary Meeting held 20 December 2018

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 20 December 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

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.02/0119	FILE REF.	
SUBJECT	Greenbushes Catchment Area Drinking Water Source Protection Review		
PROPONENT	Department of Water and Environmental Regulation		
OFFICER	Chief Executive Officer		
DATE OF REPORT	16 January 2019		

Attachment 1 - Draft Greenbushes Catchment Area Drinking Water Source Protection Review document

OFFICER RECOMMENDATION that Council note the findings of the Greenbushes Catchment Area Drinking Water Source Protection Review and recommend to the Department of Water and Environmental Regulation that the Greenbushes Catchment Area should be abolished under the Country Areas Water Supply Act 1947.

Summary/Purpose

The Department of Water and Environmental Regulation (DWER) is investigating if the Greenbushes Catchment Area should be abolished now that drinking water to Greenbushes is sourced from the Warren Blackwood Regional Water Supply Scheme instead of the catchment.

It is recommended Council support the abolishment of the Greenbushes Catchment Area so that the water from the catchment can be used for non-drinking water uses such as irrigation or recreation.

Background

The Greenbushes Catchment Area was gazetted on 10 May 1974 under the *Country Areas Water Supply Act 1947*.

Drinking water in the town of Greenbushes is no longer supplied from the Greenbushes Catchment Area. The Water Corporation now supplies the town from the Warren–Blackwood Regional Water Supply Scheme. There are nine surface water sources and one groundwater bore which make up the Warren–Blackwood Regional Water Supply Scheme.

The Greenbushes Catchment Area water supply tanks have already been decommissioned.

The ongoing management of the dams is under consideration by the Water Corporation, including possible options for transferring management to the Shire of Bridgetown-Greenbushes.

Given that this catchment is being proposed to be transferred, DWER will investigate if this catchment should now be abolished. This action would allow this catchment to be used for other uses that would not currently be consistent with the *Country Areas Water Supply By-laws 1957*, for drinking water protection.

If the source is not abolished (i.e. if it is determined that this source is required for future drinking water supply) then these by-laws will remain.

DWER's review document notes that evidence exists of a number of unauthorised activities occurring in the former water supply dams that are seen as water quality contamination risks. These include swimming, fishing, camping, off road vehicle use, firewood collection rubbish dumping and horse riding.

DWER's review document contains the following recommendations:

1. *After this report is published, DWER will investigate if the Greenbushes Catchment Area should be abolished under the Country Areas Water Supply Act 1947.*

If abolished this catchment will be available for increased recreation, tourism and customary activities. (DWER)

2. *If it is determined that this catchment is required to be maintained for future public drinking water supply then;*

- *A reservoir protection zone and amended boundary based on a hydrological assessment would need to be defined. (DWER)*
- *Further consultation regarding the proposed boundary amendment should be progressed. (DWER)*
- *The location of the Greenbushes Catchment Area (including its priority areas and protection zones), would need to be incorporated in the Shire of Bridgetown-Greenbushes local planning scheme in accordance with the WAPC's State planning policy no. 2.7: Public drinking water source policy.*

Refer development proposals within the Greenbushes Catchment Area that are inconsistent with DWER's WQPN no.25: Land use compatibility tables for public drinking water source areas would need to be referred to the DWER regional office for advice. (Shire of Bridgetown-Greenbushes)

3. *That the Greenbushes Catchment Area provides an example of water quality impacts from increased activities, such as unauthorised recreation, within a drinking water catchment area.*

Officer Comment

Council, in December 2016 resolved (C.02/1216):

That Council request the CEO to investigate the options of the Shire of Bridgetown-Greenbushes taking ownership of the Dumping Gully Dams (and associated area) commonly called the Dumping Gully Precinct to incorporate the area into a Shire Reserve which can be developed for both passive and active recreation activities for the community and to manage and protect the Wetlands and associated unique fauna and flora of the region.

De-proclamation of the former water supply dams as a drinking water source is the first step in the dams being eventually transferred to the Shire. Once this process is completed the land can be de-vested from State Forest and created as a crown reserve vested in the Shire.

Once the drinking water source status of the dams has been removed the Shire would be able to progress planning for future development of the Greenbushes Sportsground precinct, including the "free camping area". Noting the findings of

DWER's review document concerning E. coli counts in the water further assessment of ablution and waste water facilities in the precinct will be necessary so that recreational activities in the dams aren't compromised.

Statutory Environment

The Greenbushes Catchment Area is located within the Norilup Brook Surface Water Subarea which is proclaimed under the *Rights in Water and Irrigation Act (RIWI) 1914*.

Water abstraction in the region is licensed by the Department of Water and Environmental Regulation, under the *Rights in Water and Irrigation Act 1914*.

The Water Corporation was previously licenced for an annual abstraction for public water supply of 170 000kL to 31 December 2022. This allocation ceased being used by the Water Corporation in early 2017.

Any transfer of Water Corporation assets in the Greenbushes Catchment Area will not automatically include an allocation licence for the dams. Any other proponent to proposing to utilise the dams will need to apply to DWER for a RIWI allocation.

Integrated Planning

- Strategic Community Plan
Key Goal 2: Our natural environment is valued, conserved and enjoyed
Objective 2.2 - Enhanced parklands, reserves and gardens
Strategy 2.2.4 - Develop the Dumpling Gully waterbodies at Greenbushes
- Corporate Business Plan
Strategy 2.2.4 -Develop the Dumpling Gully waterbodies at Greenbushes
Action 2.2.4.1 - Acquire vesting of the Dumpling Gully waterbodies from the Water Corporation (2018/19)
Action 2.2.4.2 - Plan for future community recreational use of the Dumpling Gully waterbodies (2018/19)
- Long Term Financial Plan
No expenditure for the development of the Dumpling Gully waterbodies for recreational use is identified in the Long Term Financial Plan as the current focus has been on acquiring vesting of the land before planning is undertaken.
- Asset Management Plans - Nil
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.03/0119	FILE REF.	
SUBJECT	Proposed Mine Access Road		
PROPONENT	Talison Lithium Pty Ltd		
OFFICER	Chief Executive Officer		
DATE OF REPORT	22 January 2019		

Attachment 2	Concept Plan Mine Access Road
Attachment 3	Schedule of Submissions
Attachment 4	Copy of Submissions
Attachment 5	Greenbushes Infrastructure Corridors Detailed Flora and Vegetation Survey (Onshore Environmental)
Attachment 6	Level 1 Vertebrate Fauna Survey Greenbushes Infrastructure Corridors (Onshore Environmental)

OFFICER RECOMMENDATION that Council:

- 1. Note the submissions received on the mine access road proposal.*
- 2. Notes that in addition to its approval the approval of relevant Government agencies will be required for this proposal to proceed.*
- 3. Approve in principle the proposed route of the mine access road noting that detailed road design plans will be required for local government approval.*
- 4. Notes the potential reopening of the rail line between Greenbushes and Picton, with further upgrades to the line between Picton and the Bunbury Port, Picton and Kemerton complete with in-loading and out-loading facilities at Greenbushes, Bunbury Port, Kemerton and Kwinana, is currently being investigated by State Government agencies, the rail corridor lessee and industry, including Talison Lithium. In-principle Council supports the reopening of the rail from Greenbushes northwards but acknowledges the need for a full business case to be developed to the satisfaction of all parties for this to be progressed, and that the community impacts of the reopening of the line be evaluated against the potential benefits of mitigating some of the future truck movements.*
- 5. Delegates authority to the CEO to approve the detailed road design plans when submitted.*

6. *Requests the CEO to liaise with the proponent to ensure that the following areas of concern are addressed in the detailed design plans:*
- i. Pedestrian crossings near the Greenbushes Sportsground and any walk trail crossing points;*
 - ii. All intersection design and treatments;*
 - iii. The need for fencing in proximity to Greenbushes Pool; and*
 - iv. Noise attenuation design especially in proximity to Greenbushes Pool and Greenbushes Sportsground.*

Summary/Purpose

Talison Lithium has been investigating options for construction of a new access road between South Western Highway and the mine site as an alternative to using Stanifer Street through Greenbushes townsite as its principal access route. The road would be created as a public road under the control of the Shire of Bridgetown-Greenbushes and would be accessible by all licensed vehicles and not just mine traffic.

Talison Lithium undertook to carry out community consultation on the proposal and the Shire determined to carry out its own consultation exercise so that persons could lodge submissions on the proposal.

The Shire's community consultation period ended on 19 December 2018. A total of 21 submissions (including one submission received after the closing date) were received.

It is recommended that Council grant approval in principle to the proposed mine access road noting that the approval of other agencies will be required to excise the land from its current State Forest classification and to create and dedicate the road reserve as a local road. The submissions have raised some areas of concern that will need to be assessed and addressed at the detailed road design stage. Typically detailed road design plans are approved at officer level and it is recommended Council formalise this by granting delegated authority to the CEO to approve the detailed design plans in due course.

Background

The current and future expansion of the Talison Lithium mine at Greenbushes will increase the production of spodumene ore and mineral concentrate from the mine which in turn will result in an increase in traffic movements to and from the mine.

The mining rate will increase to an annual average of approximately 16 million bank cubic metres (Mbcm) because of the expansion and may reach up to 25 Mbcm. Processing of the ore is expected to produce between 2.3 and 2.7 million tonnes per annum (Mtpa) of lithium bearing mineral concentrate.

Lithium mineral concentrates from the Mine will continue to be transported to both the Ports of Bunbury and Fremantle (limited volumes) for export as per current arrangements and will also be transported to provide feedstock supply to the Tianqi Lithium Process Plant under construction in Kwinana and the Albemarle Lithium Process Plant which is proposed for construction in the Kemerton Strategic Industrial Area located to the north of Bunbury.

Talison Lithium Pty Ltd engaged a civil consultant to investigate options to provide mine access for trucks accessing the mine which did not require them to traverse through the Greenbushes townsite. Two alternate options were initially identified:

1. Northern Alignment - utilising an alignment based on a previous mine haul road via a connection to Blackwood Road; and
2. Southern Alignment - based on extending Forrest Park Road to Maranup Ford Road.

Talison also engaged specialist consultants to carry out Flora, Fauna and Heritage surveys along the above routes to understand potential impacts.

After further investigations including consultations with Main Roads Western Australia (MRWA) and staff from the Shire of Bridgetown-Greenbushes Talison determined that the southern alignment was not suitable as an alternative concentrate haulage truck route to the Mine due to:

- a. the access onto South West Highway could not be designed to achieve the sight distances required by MRWA and the Austroads Design Guidelines for vehicles of this size; and
- b. the route would also result in additional truck traffic on the hilly section of South West Highway between Forest Park Road and Stannifer Street.

However, it is considered feasible to extend Forest Park Road through to Maranup Ford Road as a rural access road. This can be achieved with minimal clearing by following the alignment of the required new Western Power 132kV distribution line to the Mine. The new road would provide an alternative access from the Maranup locality which would be a valuable asset for fire management and provide an alternative route for local traffic. The extension of Forest Park Road through to Maranup Ford Road isn't part of the current proposal and will be subject to its own assessment and potential approval processes in the future.

At the end of the preliminary investigations the proposed northern alignment was considered suitable as an alternative concentrate haulage truck route due to:

- a. access onto South West Highway could be safely designed to meet MRWA standards and the Austroads Design Guidelines;
- b. an alignment which achieves safe design can be provided within predominantly previously cleared or regrowth zones, thus not affecting old growth forest; and
- c. it reduces the distance that trucks are required to travel on the South West Highway.

The above investigations led to a route being identified for a new road commencing near the Greenbushes Sportsground and ending opposite the mine entrance on Maranup Ford Road. Importantly this is the proposal presented to Council for determination and Council doesn't have the authority to direct Talison to consider the above mentioned southern alignment or any other potential route. Council could however refuse to approve the proposed northern alignment and recommend alternatives for Talison to consider noting such recommendations are not binding on the company.

Although still a conceptual design the new road would intersect with South Western Highway near the existing northern town entrance with a new slip lane being constructed on the highway to tie into the existing passing lane further north. The existing access road into Greenbushes Sportsground would be removed with a new entrance road into the Sportsground to run off mine access road. From the sportsground to Maranup Ford Road the new mine access road would generally follow the alignment of an existing old haul road with minor deviations/modifications to take account of geometric safety concerns and higher value vegetation. At the Maranup Ford Road end the mine access road would intersect at the mine entrance.

Following is a detailed description of the conceptual road design:

- Starting at Maranup Ford Road opposite the Mine administration office entrance (Gate 1), the proposed Mine Access Road (MAR) route attempts to follow existing cleared areas as much as possible within geometric design safety constraints. It passes through the current gravel stockpile area to the west of the entrance and attempts to miss an old landfill site, passing to the north of it;
- The new MAR then crosses Spring Gully Road. A staggered T-intersection would be created, again for safety reasons, so that drivers cannot drive straight across the MAR when travelling along Spring Gully Road. There are short sections of un-cleared vegetation to the east and west of Spring Gully Road that will require clearing to accommodate the revised alignment;
- From Spring Gully Road the aim is to follow the existing old haul road alignment as closely as possible. The consultant engaged by Talison considered that the safest solution would be to provide a single radius alignment passing to the west of the Greenbushes Pool area;
- There are several existing walk trails in the Greenbushes Pool area that have been accommodated for in the proposed design with road crossings. This may require some trails to be re-aligned slightly to achieve safer crossing points in terms of vehicular sight distances;
- As part of the work, the entrance to the pool and camping facilities will be upgraded and formalised to provide a single point of entry from Spring Gully Road. The current entry from the old haul road will be blocked off for safety reasons;
- Directly to the north of the pool, the existing haul road alignment becomes geometrically un-satisfactory. Maintaining the existing alignment would have required substantial slowing down of vehicles due to sharp curves resembling a more urban environment. The sharp curves also pose safety risks for truck operators due to trailer drag envelopes when they have to pass each other in opposite directions. It was therefore considered that re-aligning the new MAR from here on provided opportunities to straighten larger sections resulting in better sight distance and safety;
- At the Greenbushes Sportsground a new access road to the oval is proposed further away from the South Western Highway and Blackwood Road intersection. This again provides for safer sight distance when entering into the truck vehicle stream after events. A right turn pocket from the MAR into the sportsground will be provided to shelter right turners from through traffic on the MAR. The existing entrance will be changed to accommodate a cul-de-sac;
- Blackwood Road will be re-aligned to a T-intersection configuration becoming secondary to the MAR. A right turn pocket will be provided for turning into

Blackwood Road from the MAR to shelter right turners from through traffic on the MAR;

- The new MAR intersection with the South Western Highway will be provided with a left turn slip lane that becomes an acceleration lane, continuing to tie in with the current passing lane on South Western Highway north of Greenbushes Grimwade Road;
- The existing south bound right turn lane into Blackwood Road on South Western Highway will be lengthened to provide safer deceleration and more stacking space. A new north bound left turn lane into the MAR will be provided on the South Western Highway to provide for a safer left turn action; and
- Current tracks (New Zealand Gully walk) from the sportsground crossing South Western Highway near Grimwade Road will be slightly re-aligned to the north of Grimwade Road to be able to utilise median gore marking as pedestrian refuge and requiring less lanes to be crossed at one time than if the crossing is attempted anywhere else.

A concept plan of this proposed route forms an attachment to this agenda item. A larger version of the plan will be on display in the Council Chambers at the Council meeting.

The proposed mine access road is proposed to be a public road and would not be restricted to mine trucks/vehicles only. The road would be created as a public road reserve under the care and control of the Shire noting however that construction of the road would be fully funded by Talison Lithium Pty Ltd.

Upon receipt of the concept plan from Talison Lithium it was determined that the Shire should run its own community consultation in conjunction with the community engagement being undertaken by the company. In running its own community consultation process the Shire was aware that the proposal may divide the community and it was important for people with an interest in the proposal to have the opportunity to express their views to the Shire and not just to the proponent, being Talison Lithium.

The community consultation commenced on 22 November 2018 and concluded on 19 December 2018. The following consultative methods were used by the Shire to inform the community about the proposal:

- An article was included in the December issue of the Shire's 'Insight' newsletter that is distributed by mail to all postal addresses in the Shire. It is acknowledged that absentee land owners without a local property or post box address don't receive this publication.
- A public notice document was uploaded to the Shire's website on 22 November 2018.
- A post was made on the Shire's Facebook page on 22 November informing readers of the opportunity to comment on the proposal and with a link to the public notice document on the Shire website.
- An email was sent on 22 November to all members of the 'Shire Bytes' email service advising of the road proposal and the opportunity to comment. The Shire regularly communicates about the existence of this service and encourages new members to register to receive these emails.
- A large aerial photograph and supporting information display was erected in the foyer of the Shire Administration Office in Bridgetown and at the

Greenbushes Community Resource Centre for the duration of the consultation period.

In addition to the above Talison Lithium held 2 community information sessions in Greenbushes – on 21 November and 5 December.

A total of 21 submissions (including one submission received after the closing date) were received.

The submissions have been summarised into a schedule (refer attachment) with officer comments being made against each point in the submissions. In addition a copy of each submission also forms an attachment to this report/agenda item. In accordance with Council's 'Community Engagement/Consultation' Policy authors of submissions were advised they could have personal information (name & address) suppressed from the schedule of submissions and the public copies of submissions included as attachments in the Council agenda. Some authors of submissions have requested these details be suppressed and this has been done by marking a black line through the relevant part of the submission.

The 21 submissions can be broken down into 12 that object or oppose the proposal and 9 that support the proposal.

A number of the submissions opposed to the proposal suggest alternatives to the road such as reopening the rail line or constructing a road on another alignment. Council is limited in its considerations of these alternative suggestions. The proponent (Talison Lithium Pty Ltd) has submitted the current road proposal to the Shire for consideration. Council can either approve or reject the proposal. If rejecting the proposal it doesn't have any power to direct Talison to investigate alternative road options such as on cleared land or to reject the proposal so that the use of rail can occur.

Whilst Council could refuse the proposal and could make suggestions such as the use of rail or investigation of alternative road alignments Talison wouldn't be obliged to consider those alternatives and could instead simply decide to retain Stanifer Street as its access route from South Western Highway to the mine site.

Council did receive a briefing from Talison Lithium in late 2018 on the status of the current investigations into the reopening of the rail line and the CEO did attend a meeting in November with other local government representatives and relevant State Government agencies to receive an update. The investigations are continuing with the estimated costs being determined for the reopening the rail line to Picton and improving capacity on some sections north of Picton. A business case for funding of these works and for the cost of using the rail line is currently being developed however no guarantees have been provided by either government or industry that the rail line will be reopened from Greenbushes.

Even if the rail line from Greenbushes was to be reopened there would still be a need to transport the product from the mine site to the rail head noting that it is unlikely that a rail spur would be constructed to the mine. Therefore the need for a transport route to bypass the townsite would still be desirable.

Councillors will gain a full understanding of the issues raised in the submissions by reading each submission and the schedule of submissions. However a simple listing of the main areas of support and objection for the proposal are:

Support

Removal of trucks from the townsite, specifically Stanifer Street

Objection

Environmental impacts (flora and fauna) associated with clearing for road

Pedestrian safety near Sportsground

Noise impacting camping area at Sportsground

Need for wildlife crossings

Impacts upon safety and amenity at Greenbushes Pool

Need for more community consultation on the proposal

Some of the concerns may be addressed at the detailed design stage of the proposal. At this point in time the plan submitted by the proponent is conceptual in nature and if Council and relevant State Government agencies were to support the proposal detailed design plans would be prepared. In particular the road design in proximity to the Sportsground and Greenbushes Pool would address the issues of pedestrian crossings, intersection treatments, fencing and noise attenuation design.

Typically detailed road design plans are approved at officer level and it is recommended Council formalise this by granting delegated authority to the CEO to approve the detailed design plans in due course. The CEO can keep Council informed of the status of the detailed design process via reports or briefings to Council's monthly concept forum.

Statutory Environment

For this current consideration there are no statutory implications as it is only Council's approval in principle for creation of the mine access road that is being sought. The approval of other agencies will be required to excise the land from its current State Forest classification and to create a new road reserve. If these approvals are obtained the approval of Council would be necessary for dedication of the road as a local road.

Integrated Planning

➤ Strategic Community Plan

Key Goal 1 - Our economy will be strong, diverse and resilient

Objective 1.1 - A diverse economy that provides a range of business and employment opportunities

Strategy 1.1.1 - Encourage long term growth in the district in order to retain and enhance services

Strategy 1.1.5 - Pursue improvements to infrastructure and services, including utilities

Objective 1.2 - A proactive approach to business development

Strategy 1.2.2 - Design and implement business retention strategies and initiatives for support of existing and potential new businesses

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

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 3.3.3 - 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 - Nil

➤ Long Term Financial Plan

The road would be funded by Talison Lithium. If approvals are granted for the proposal cost estimates for construction of the road would be prepared and the income and expenditure and timing for the project would be inserted into the Long Term Financial Plan at the subsequent annual review of the document.

➤ Asset Management Plans

The road would become a local government asset and would be recognised in asset management planning.

➤ Workforce Plan - Nil

➤ Other Integrated Planning - Nil

Policy

Policy M.21 - Community Engagement/Consultation: The framework for conducting community consultation/engagement on the mine access road proposal was developed in line with this policy.

Policy O.10 – Managing the Natural Environment: The objectives of this policy include:

- 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;

Council will have to determine if the proposed mine access road meets the objectives of the policy whilst at the same time assessing the social and public safety consequences of mine traffic continuing to use Stanifer Street as its access between

the mine site and South Western Highway. Talison has engaged consultants to undertake flora and fauna surveys of its proposed infrastructure corridors, including the route of the proposed mine access road. No significant environmental impacts have been identified.

Budget Implications

There are no budget implications associated with the current assessment of the proposal and the decision making process.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity

The road proposal will be subject to some form of environmental assessment by Government agencies. There will be clearing to accommodate the proposed road and the clearing and the presence of the road will have some impacts upon local flora and fauna. Some of these impacts can be potentially mitigated through the detailed design process for the road however as with any development proposal or road construction project there will be impacts on the environment.

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.04/0119	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	21 January 2019		

Attachment 7 Rolling Action Sheet

OFFICER RECOMMENDATION that the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the current status of Items/Projects that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an Attachment to this Agenda.

Statutory Environment – Nil

Policy/Strategic Plan Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.05/0119	FILE REF.	LL.14
SUBJECT	Final Adoption of Cats Local Law 2018		
PROPONENT	Council		
OFFICER	Senior Admin Officer		
DATE OF REPORT	29 October 2018		

Attachment 8	Comments from the Department of Local Government, Sport and Cultural Industries
Attachment 9	Submission from Mr B Bebbington
Attachment 10	Response to Submission from Mr Bebbington
Attachment 11	Draft Cats Local Law 2019 incorporating minor modifications recommended by Department of Local Government, Sport and Cultural Industries

OFFICERS RECOMMENDATION That Council:

1. Notes the comments from the Department of Local Government, Sport and Cultural Industries contained in Attachment 8.
2. Notes the comments contained in the submission from the single public submission received.
3. Adopts (makes) the “Cats Local Law 2019” as per Attachment 11 and proceeds with the approval and gazettal process in accordance with Section 3.12 of the Local Government Act. 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 2019 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.

Summary

To provide final adoption of the Draft “Cats Local Law 2019” which was advertised as “Cats Local Law 2018” in accordance with Section 3.12 of the *Local Government Act 1995*.

Background

In August 2018 Council adopted the ‘Cats Local Law 2018’ for advertising purposes:

C.06/0818 That Council:

- 1. Notes the submissions received from Mr B Bebbington and the Department of Local Government, Sport and Cultural Industries.*
- 2. Resolves not to proceed with the Cats Local Law 2018 that was advertised on 11 April 2018.*
- 3. In accordance with Section 3.12 of the Local Government Act 1995, Council gives notice that it proposes to make a new Shire of Bridgetown-Greenbushes Cats Local Law 2018 as per Attachment 4. 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.*

The proposed Cats Local Law covers:

- a) The standard number of cats – being no more than 3 at any one premises.
- b) The process associated with owners applying for a permit and the process for determining such applications for the keeping of more than the prescribed number of cats at any one premises.

Section 3.12 of the Local Government Act sets out the procedure for the making of a Local Law, requiring a local government to give Statewide public notice stating that it proposes to make a Local Law, giving details of where the proposed Local Law may be inspected or obtained, and stating the date by which submissions can be made.

The advert for the proposed local law appeared in the West Australian and the Manjimup Bridgetown Times newspapers on 12 September 2018 seeking comments from the public. A copy of the proposal was also forwarded to the Department of Local Government, Sport and Cultural Industries.

At the close of the advertising period, one (1) submission had been received, that being from Mr Bruce Bebbington. The submission received from Mr Bebbington appears as Attachment 9 whilst Attachment 10 contains officer responses to the issues raised by Mr Bebbington.

In addition the Department of Local Government, Sport and Cultural Industries provided some minor edits being:

1. Clause 2.4(2) – Replace the dash with “to”.
2. Clause 2.3:

- Remove the single quote marks from the clause title'
 - In the clause text, italicize "*standard number of cats*" for consistency.
3. Clause 2.8 – Delete the duplication of the clause number "2.8".

Attachment 11 contains the minor edits as suggested by the Department.

Apart from the minor edits, officers recommend the Local Law proceed with one other minor edit, that being changing the year from "2018" to "2019" to reflect that the local law was adopted in 2019.

Statutory Environment

To amend a local law the process as outlines in the Local Government Act 1995, section 3.12 which reads:

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* *Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law; and
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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

Sufficient funding is provided in the 2018/19 budget to cover advertising and gazettal costs for amending Local Laws.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.06/10119	FILE REF.	242
SUBJECT	Australian Citizenship Ceremonies Code		
PROPONENT	Hon David Coleman MP, Minister for Immigration, Citizenship & Multicultural Affairs		
OFFICER	Senior Admin Officer		
DATE OF REPORT	15 January 2019		

Attachment 12 Australian Citizenship Ceremonies Code

OFFICER RECOMMENDATION that Council endorse a submission on the draft Australian Citizenship Ceremonies Code with the contents as the submission being in line with the officer comments set out in this Item.

Summary/Purpose

The purpose of this Item is to provide feedback to the Minister for immigration, Citizenship and Multicultural Affairs on the proposed changes to the Australian Citizenship Ceremonies Code.

Background

The Minister for Immigration, Citizenship & Multicultural Affairs has reported the Australian Government has for some time now been reviewing the *Australian Citizenship Ceremonies Code* and as a result is proposing changes to the Code to ensure it reflects the expectations of the Australian community and provides clear guidance to Councils on hosting citizenship ceremonies.

A full copy of the Australian Citizenship Ceremonies Code appears as Attachment *
The key changes proposed are as follows:

- Local Government Councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September).
- Federal members of Parliament, if attending a ceremony, should read the Minister's message at citizenship ceremonies.
- There will be a recommended standard of dress for ceremonies, which will be set by Councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish.
- Ceremonies must be scheduled to avoid parliamentary sitting days.

Officer Comment

In assisting Council to provide feedback to the Government (which is required by 28 February), officers provide the following comments:

Dot Point 1: Our local government has always held our Australia Day event on the actual Australia Day and not on any public holiday which may, or has occurred, when a weekend is involved.

In saying this however, a citizenship ceremony can only be conducted if in the first instance we have been advised by the Department that approval has been provided to confer Australian status on applicants; and secondly, any approved applicants agree to have their ceremony conducted on Australia Day.

Over the years there have been occasions where approved applicants have requested a different date for various reasons.

Dot Point 2: It would be very rare for a Federal member to attend a citizenship ceremony conducted by our Council. Our current process (apart from on Australia Day) is to have our current Citizen of the Year or in his/her absence, the Senior Citizen of the Year read the Minister's message.

Our ceremony is all about welcoming our 'newest Australian' as a member of our community and involving our Citizen of the Year or Senior Citizen of the Year in the ceremony adds the 'home-grown' inclusive element into what is a very formal event.

At our Australia Day ceremonies the Deputy President has normally read the Minister's speech as the citizenship ceremony takes place prior to the presentation of our Australia Day Awards.

Dot Point 3: The citizenship ceremony is a formal affair and people who have made the choice to apply to become an Australian have not taken this decision lightly and respect the process of the ceremony, especially when it is held in the Council Chambers. In the past 30 odd years there has only been one occasion when a conferee has not come dressed in what may be considered 'formal' or 'dressy casual' attire and on that particular occasion, the conferee came dressed in Aussie branded clothing, thongs and a hat, being proud that he was about to become an Australian citizen.

Officers don't believe a dress code needs to be set by Council as the significance of the ceremony is taken into consideration by conferees. There may also be the odd occasion when a conferee has had to come straight from his/her work place and therefore may be in their workplace uniform.

Dot Point 4: Federal sitting dates during 2019 do not conflict with Council meeting dates however some State Parliament meeting dates may. Again, it would be very rare for a member of Parliament to attend any ceremony we plan which is always done in consult with the conferee. On occasions we have had to conduct ceremonies on non-Council days due to the urgency attached to the conferee needing to apply for an Australian passport or not being able to attend on a Council meeting date due to work or other circumstances.

Therefore, although it may be preferable not to hold ceremonies on parliamentary sitting days, it is felt the final decision should rest with the local government conducting the ceremony so as to fit in with the conferees circumstances.

As mentioned above, the Minister is seeking feedback by 28 February 2019.

Statutory Environment

- Australian Citizenship Act 2007
- Australian Citizenship Regulation 2016

Integrated Planning

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

Policy

M.16 – Australian Citizenship Ceremonies

Budget Implications - Nil

Fiscal Equity - Not applicable

Whole of Life Accounting - Not applicable

Social Equity - Not applicable

Ecological Equity - Not applicable

Cultural Equity - Not applicable

Risk Management - Not applicable

Continuous Improvement - Not applicable

Voting Requirements - Simple Majority

ITEM NO.	C.07/0119	FILE REF.	210
SUBJECT	Extraordinary Election – South Ward		
OFFICER	Chief Executive Officer		
DATE OF REPORT	22 January 2019		

OFFICER RECOMMENDATION that notes the resignation of Cr Wallace and seeks approval from the Electoral Commissioner to allow the vacancy to remain unfilled until the Ordinary Election day scheduled for Saturday, 19 October 2019.

Summary

Cr Chris Wallace has tendered his resignation effective from 22 January 2019.

This resignation leaves a vacancy in the South Ward and Council needs to decide if it is to conduct an extraordinary election to fill the vacancy or request the approval of the Electoral Commissioner to allow the vacancy to remain unfilled until the Ordinary election day scheduled for 19 October 2019.

If Council resolves to hold an extraordinary election prior to the October ordinary election day, Council will also have to determine whether to run it as an in-person election or appoint the Electoral Commissioner as Returning Officer to run it as a postal election.

Background

Although we are nine (9) months away from the ordinary election day Council has in past years worked effectively with reduced elected member numbers due to resignations.

If Council resolves to conduct an extraordinary election the costs involved will be slightly less than what is estimated for the conduct of the ordinary elections in October being conducted by the WA Electoral Commission due to the statutory processes that need to be adhered to.

The cycle for conducting an election takes 80 days, and if Council did decide to conduct an extraordinary election outside of the ordinary election date, officers recommend the most suitable date for the election would be either Saturday 4 May or Saturday 11 May 2019. The earliest date the election could be held is Friday, 12 April however as this is the start of the school holidays and Easter public holidays occur in the following two weeks, May would be the best option to encourage as many electors as possible to participate in the election.

Additionally, if Council were to decide to hold an extraordinary election prior to the October election date, it is recommended this be conducted 'in-house' with the CEO being the Returning Officer.

In 2013 an extraordinary election was held to fill two vacancies that had occurred. At that time discussions were held with a representative from the WAEC to obtain a costing estimate if the election was to be conducted as a 'postal' election. The WAEC estimated the cost to conduct the election would be approximately \$14,000 based on the number of electors in the South Ward. As elector numbers have increased since 2013 in the South Ward and taking into consideration the WAEC's estimate for the October 2019 ordinary elections, it is anticipated their cost would be around \$16,000 - \$17,000 dependent on the number of election packages that are returned for counting of votes.

There is a small budget allocation in the 2018/19 budget for holding of an extraordinary election which if Council was to resolve to hold such an election would be increased at the mid-year budget review.

Statutory Environment

Sections 4.9 and 4.16 of the Local Government Act are applicable.

4.9 Election Day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed -
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or

- (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to -
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

4.16 Postponement of elections to allow consolidation

- (1) This section modifies the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.
- (2) If a member's office becomes vacant under section 2.32 (otherwise than by resignation) on or after the third Saturday in July in an election year and long enough before the ordinary elections day in that year to allow the electoral requirements to be complied with, any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (3) In the case of a member's office becoming vacant under section 2.32 by resignation, if —
 - (a) the resignation takes effect, or is to take effect, on or after the third Saturday in July in an election year but not later than one month after the ordinary elections day in that year; and
 - (b) the CEO receives notice of the resignation long enough before that ordinary elections day to allow the electoral requirements to be complied with,any poll needed for the extraordinary election to fill the vacancy is to be held on that ordinary elections day.
- (4) If a member's office becomes vacant under section 2.32 —
 - (a) after the third Saturday in January in an election year; but
 - (b) before the third Saturday in July in that election year,the council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

Integrated Planning

- Strategic Community Plan
 - Objective 5: We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.1: Councillors provide strong and ethical leadership
 - Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan
 - Action 5.2.1.5: Consider method of conducting ordinary and special council elections
- Long Term Financial Plan – N/A

- Asset Management Plans – N/A
- Workforce Plan – N/A
- Other Integrated Planning – N/A

Policy Implications – Nil

Budget Implications

The 2018/19 budget contains a small allocation (\$880) for the holding of an extraordinary election. If Council was to resolve to hold an extraordinary election a cost review will be undertaken and if necessary a budget amendment can be considered in the mid-year budget review.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

There are not considered to be any organisational risks with running for 9 months with one less councillor as in the South Ward there will still be 6 councillors providing representation to that ward.

Voting Requirements – Simple Majority

Corporate Services

ITEM NO.	C.08/0119	FILE REF.	131
SUBJECT	December 2018 Financial Activity Statements and List of Accounts Paid in December 2018		
OFFICER	Senior Finance Officer		
DATE OF REPORT	18 January 2019		

Attachment 13 December 2018 Financial Activity Statements
Attachment 14 List of Accounts Paid in December 2018

OFFICER RECOMMENDATIONS

1. *That Council receives the December 2018 Financial Activity Statements as presented in Attachment 13.*
2. *That Council receives the List of Accounts Paid in December 2018 as presented in Attachment 14.*

Summary/Purpose

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further,

where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

Background

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

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

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

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

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

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

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

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

Statutory Environment

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

Integrated Planning

- Strategic Community Plan

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 December 2018 and presented in the list of accounts paid, was allocated in the 2018/19 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

ITEM NO.	C.09/0119	FILE REF.	A47741
SUBJECT	Proposed Outbuilding (Setback Variation)		
PROPONENT	Marius and Roisin Olsen		
LOCATION	Lot 333 (24) Stirling Street, Bridgetown		
OFFICER	Manager Planning		
DATE OF REPORT	21 January 2019		

Attachment 15	Location Plan/Aerial Photograph
Attachment 16	Neighbours' Submissions
Attachment 17	Proposed Plans/Applicant's Submission

OFFICER RECOMMENDATION: That Council noting the content of the two submissions received, as per Attachment 16, and pursuant to Clause 3.4.4 of Town Planning Scheme No. 4 varies the rear setback requirement under Clause 4.11.3 and grants development approval for the proposed outbuilding, as per Attachment 17, on Lot 333 (24) Stirling Street, Bridgetown, subject to the following conditions:

- 1. A reduced setback of 9.0 metres to the eastern rear boundary for the proposed outbuilding is approved, as shown on the approved plan. Any further setback variations will require a separate development approval.*
- 2. The outbuilding is to have a maximum floor area of 54m², wall height of 3.4 metres and ridge height of 4.04 metres, and be constructed using non-reflective 'Woodland Grey' coloured external materials.*
- 3. Fill is not to exceed 2.0m at any given point on the site and the top level of the fill is not to exceed 3.5m from the base of the fill.*
- 4. Topsoil is to be stripped separately and stockpiled on site, to be re-spread during any landscaping.*
- 5. Water discharge from the site during development is to be controlled by the use of ripping, contour banks or grade banks and sumps to attenuate turbid and/or nutrient rich water leaving the site.*

Summary/Purpose

To consider a development application for a proposed outbuilding with a rear setback variation at Lot 333 (24) Stirling Street, Bridgetown. Noting the two submissions received including one objection from nearby landowners, it is recommended that development approval be granted subject to standard conditions.

Background

A development application has been received seeking approval to erect an outbuilding with a rear setback variation at Lot 133 (24) Stirling Street, Bridgetown, corner of Lakeview Crescent.

The lot is zoned 'Special Residential SRes2' under Town Planning Scheme No. 4 (TPS4) and has an approximate area of 2047m². A 'Single House' is listed under Table 1 of TPS4 as a 'P' permitted use within this zone, with the outbuilding being incidental to the single house currently under construction.

The proposed outbuilding is to have a floor area of 54m², wall height of 3.4 metres and ridge height of 4.04 metres, and to be constructed using metal sheeting with 'Woodland Grey' coloured walls, roof and trimming.

The proposed outbuilding is to be located to the rear of the property, with access via Lakeview Crescent. The outbuilding is to be setback 6.0 metres from the Lakeview Crescent side boundary, compliant with the required 4.0 metre setback. The proposed outbuilding however is to be setback 9.0 metres to the eastern rear boundary, in lieu of the required 12.0 metre setback.

The applicant has submitted a supporting letter (see Attachment 17) demonstrating the reasons for the setback variation.

Public Consultation

The application was referred to the adjoining affected landowners for comment for a four week period (due to Christmas holiday period), with the submission period closing on 17 January 2019. Two submissions were received (see Attachment 16) including a letter of support from the owners of 11 Haig Street, Bridgetown (south-east of the subject site).

A submission was also received from the owner of 93 Lakeview Crescent, opposite and directly north of the proposed outbuilding, objecting to the street looking like a factory site instead of a simple garage, with the outbuilding to be setback 3 metres closer to the road and therefore assumed to be quite large and therefore a possible eyesore for a residential street.

In response to the objector's concerns the proposed outbuilding is considered modest in size with a floor area of only 54m², wall height of 3.4 metres and ridge height of 4.04 metres. There are many examples in the Highlands Estate of much larger outbuildings some with approved setback variations, including a 73m² outbuilding on the adjoining property directly east and a 75m² outbuilding on the adjoining property directly south.

Contrary to the objector's submission, the proposed outbuilding is not to be located 3.0 metres closer to Lakeview Crescent. The outbuilding is to be setback 6.0 metres from the side street boundary, 2.0 metres more than the required 4.0 metre minimum. The proposed 3.0 metre setback variation is to the eastern rear boundary, with a setback of 9.0 metres proposed in lieu of the required 12.0 metre setback. A letter of no objection was received from the landowners to the south-east, and no submissions received from the other landowners directly to the east or south.

The proposed outbuilding will be located directly forward of the objector's vacant property, notwithstanding whether the outbuilding is be setback 9.0 metres or 12.0 metres from the eastern rear boundary.

A roller door is to be located facing northwards to Lakeview Crescent with a personal access (PA) door and window facing westwards. The potential impact upon amenity of the neighbour's property (which is currently vacant) by the proposed outbuilding is considered minimal. The applicant has located the proposed shed to enable access between and retention of the existing London Plane 'street trees' which will reduce any potential visual impacts.

Whilst the concerns of the neighbours are noted it is common and reasonable for rear or side boundary setbacks to be varied for incidental structures such as outbuildings, with delegated authority granted to staff to reduce setbacks by 75% where no objections are raised.

Noting the content of the neighbours' submissions including the objection, it is recommended that development approval be granted with the setback variation subject to standard conditions.

Statutory Environment

Clause 3.4.4 of TPS4 provides Council with the power to waive or modify a scheme development requirement (except for development in respect of the Residential Design Codes). *"The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) 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;*
- (b) 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."*

Under Clause 4.11.3, unless a specific building envelope has been declared for a lot, the minimum setback requirements shall be 12.0 metres from front and rear boundaries and 4.0 metres from a side boundary.

Noting the proposed rear setback variation and the content of the submission received, the proposed outbuilding is modest in size and well located on the property, and is not expected to have a detrimental impact upon the amenity of surrounding properties or the wider locality.

Policy – Nil

Strategic Plan Implications

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

Budget Implications

The applicable development application fee has been paid.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity

The proposed outbuilding, noting the setback variation, is not expected to have any detrimental impacts on surrounding landowners.

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement

The content of the neighbours' submissions has assisted consideration of the proposal.

Delegated Authority

Nil - Officers do not have delegated authority to approve the application due to the objection received and the application must therefore be determined by Council.

Voting Requirements – Simple Majority

ITEM NO.	C.10/0119	FILE REF.	A48004
SUBJECT	Proposed Building Envelope Extension (Setback Variation)		
PROPONENT	Angus Meredith		
LOCATION	Lot 222 (RSN 80) Henderson Road, Kangaroo Gully		
OFFICER	Manager Planning		
DATE OF REPORT	21 January 2019		

Attachment 18 Locality Plan

Attachment 19 Proposed Site Plan/Applicant's Submission

OFFICER RECOMMENDATION: That Council, noting no submissions were received, and pursuant to Clause 3.4.4 and Clause 4.5.6(b) of Town Planning Scheme No. 4 and provisions of the Building Envelopes Policy, grants development approval for the proposed building envelope extension and setback variation for Lot 222 (RSN 80) Henderson Road, Kangaroo Gully, as per Attachment 19, subject to the following conditions:

- 1. Approval is granted for a 2500m² building envelope extension with a reduced setback of 15 metres to the southern side boundary, as shown on the approved plan.*
- 2. All future development to be contained within the approved building envelopes.*

Summary/Purpose

To consider a development application for a proposed building envelope extension with a setback variation at Lot 222 (RSN 80) Henderson Road, Kangaroo Gully. Noting that no submissions were received it is recommended that approval be granted subject to conditions.

Background

A development application has been received seeking approval for a minor building envelope extension, with a setback variation to the southern side boundary of 15 metres in lieu of 20 metres to accommodate a future water tank and outbuilding addition.

The property is zoned 'Special Rural SR2' under Town Planning Scheme No. 4 and has an approximate area of 2.2096 hectares. The original building envelope forms the majority of the lot with setback of 25 metres to the front boundary, and 20 metres to the other side and rear boundaries. The existing dwelling, outbuilding and water tank are located centrally within the property, with the outbuilding already setback 20 metres from the side boundary.

The applicant has provided justification (see Attachment 19) and is seeking approval for a minor building extension and setback variation from 20 metres to 15 metres to the southern boundary, for a length of only 50 metres and therefore area of 2500m², for installation of an additional 135,000 Litre water tank and lean to addition to the existing shed that can not be located within the current building envelope.

Under Clause 4.5.6 of TPS4, all development including outbuildings and water tanks must be contained within a defined building envelope and the envelope should be setback no closer than 20 metres to a side boundary. The proposed envelope has a 15 metre setback to the southern side boundary in lieu of the required 20 metre setback.

The application was referred to landowners of two adjoining affected properties for comment for a four week period (due to Christmas holiday period), with the submission period closing on 16 January 2019, however no submissions were received.

Whilst the current building envelope is very large, and although noting the minor setback variation, the proposed envelope extension is modest in size and could be supported. Noting no objections were raised by surrounding landowners, and the location and size of the proposed building envelope extension, it is recommended that approval be granted.

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:*

- (c) 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;*
- (d) 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 (b) 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 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. Council therefore has the power to extend the building envelope with a setback variation.

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.”*

The reduced setback of the building envelope extension at 15 metres in lieu of 20 metres to the southern side boundary, to accommodate the future outbuilding and water tank, is not expected to have an adverse effect upon the amenity of surrounding properties or the wider locality.

Council has discretion to waive any policy requirements where Council is satisfied that the provisions and objectives of the policy have been considered. A variation to the policy is required to consider the minor setback variation however the proposal is considered reasonable.

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 building envelope including the minor setback variation, as no objections were received from surrounding landowners and no detrimental impacts upon surrounding properties are anticipated following future construction within the proposed envelope.

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 modification 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 – Not applicable

Delegated Authority

Shire staff do not have delegated authority to approve the proposed building envelope extension given the proposed setback variation, so determination by Council is required.

Voting Requirements – Simple Majority

Works & Services - Nil

Community Services

ITEM NO.	C.11/0119	FILE REF.	281
SUBJECT	Shire Community Grants, Service Agreements, Donations and Contributions		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	22 January 2019		

Attachment 20 Policy F.1 Shire Community Grants, Service Agreements, Donations and Contributions

OFFICER RECOMMENDATION That Council endorses Policy F.1 Shire Community Grants, Service Agreements, Donations and Contributions at Attachment 20, noting the inclusion of Assessment of Projects for Non Contestable Funding.

Summary/Purpose

The recommendation seeks to progress Council's direction regarding the assessment of non-contestable funding allocations in alignment with relevant Council Policy.

Background

At the December 2017 meeting, Council determined (C.03/1217):

That Council request the Community Group Grants and Service Agreement Assessment Working Group to consider identification and recommendation of appropriate groups within the community it wishes to fund on a recurring basis (subject to annual budget processes) from "Other Donations & Contributions" funding

allocations within the \$160,000 annual provision for Community Group Grants, Service Agreements and Other Donations and Contributions.

At the May 2018 meeting, Council determined, in part, (C.15/0518):

OFFICER RECOMMENDATION – that Council direct the CEO to revise Council Policy F.1 Community Grants/Donations, Funding & Acquittals to include reference to, and selection guidelines, for the allocation of funding to Council identified and endorsed groups or projects outside of the competitive community group grant and service agreement process.

Officer Comment

Policy F.1 Shire Community Grants, Service Agreements, Donations and Contributions has been revised to align with Council's request to have provision to assess specific projects outside of the contestable (competitive) annual application process.

The intent of the Non Contestable Funding is to:

1. Provide a process whereby projects which have significant community benefit can be repeated for recurring purpose (noting that the guidelines for Contestable Funding disallow repeat allocation of funding for recurring purposes).
2. Be reviewed annually at the same time as the Contestable Funding (Community Grants and Service Agreements) by the Working Group established to do so.

It is not intended that projects which Council determines to fund via the Non Contestable funding option will be 'open' for applicants to apply for. The determination of this funding allocation will rest with Council's assessment of existing and new projects. Policy F.1 has been updated to include the following:

Assessment of Projects for Non Contestable Funding

A Working Group comprising elected member (Councillor) representation will assess all of the eligible projects for non-contestable funding and will make recommendations to Council in accordance with the following assessment criteria:

1. *The Working Group will assess each project (application based or otherwise) received in the Contestable Funding process or throughout the year via alternative process, on its merit, and determine the value of the project in relation to whole of community benefit. This assessment will be undertaken annually, at the same time as the assessment of the contestable funding applications.*
2. *The Working Group will review projects on an annual basis that are not new, but are existing projects within the Shire's operating budget to determine ongoing community benefit and funding provision. This will include the budget allocation for CEO Donations.*
3. *Projects can be service delivery or event based activities.*

4. *Projects which demonstrate a strong ability to assist Council deliver strategic objectives and actions (as identified in the Strategic Community Plan and Corporate Business Plan) will generally be assessed as having higher merit than projects that do not.*
5. *The Working Group will consider funding projects which do not have direct links to Council deliver strategic objectives and actions (as identified in the Strategic Community Plan and Corporate Business Plan) based on the applicants ability to explain why their project will benefit the community, or other rationale as to why their project should be funded.*

The existing projects in the Non-Contestable funding allocations (2018-19 Budget) are:

CONTRIBUTIONS & NON CONTESTIBLE ALLOCATIONS

CEO Donations	\$7,380
Landcare Officer	\$41,822
South West Academy of Sport	\$500
Agricultural Society School Art Prizes	\$250
Shire of Manjimup Airfield Contribution	\$1,000
Greenbushes' Australia Day Breakfast Event	\$1,000
High School Awards	\$365
Total	\$52,317

These allocations were reviewed by the Working Group in the 2017-18 financial year during the annual contestable funding application assessments and were endorsed by Council May 2018. This is the process which would continue to apply, with Council determining each year whether existing, and/or any new, projects will be included in the allocations.

Statutory Environment – Not Applicable

Integrated Planning

- Strategic Community Plan 2017

Objective 4.1 - A cohesive community with a sense of pride

Strategy 4.1.1 - Deliver and support a wide range of community activities, events and associated infrastructure

- Corporate Business Plan 2018

Action 4.1.1.2 - Fund community grants, service agreements and donations to a maximum value of \$160,000 per annum

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

Policy/Strategic Implications

Council Policy F.1 Community Grants/Donations, Funding & Acquittals outlines the Guidelines and Conditions of grant funding and assessment processes. This item relates to the review of this policy.

Budget Implications – Not Applicable

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement

The recommendation achieves continuous improvement principles by ensuring the recurring projects, identified as essential or highly valued to the community which it wishes to continue to support can be done, without contravening the Contestable Funding Guidelines.

Voting Requirements - Simple Majority

ITEM NO.	C.12/0119	FILE REF.	494
SUBJECT	Southern Forests and Blackwood Valley Visitor Guide		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	22 January 2019		

OFFICER RECOMMENDATION That Council determines not to financially contribute to the 2018-19 review and reprint of the Southern Forests and Blackwood Valley Regional Visitor Guide.

Summary/Purpose

The recommendation seeks to progress Council's identified direction to refrain from expenditure on marketing activities in the 2018-19 financial year due to the \$30,800 budget allocation to support the Local Tourism Organization in the 2018-19 budget.

Background

The original edition of the Southern Forests Visitor Guide was printed approximately 4 years ago. There has been 1 review since that time. In 2016-17 the Shire of Bridgetown was invited to participate in the expansion of the Southern Forests Visitor Guide (now including the Blackwood Valley). The financial contribution at that time was \$3,000. This was funded via the Visitor Centre marketing allocation (previously \$9,000 per annum). This project was coordinated by the Shire of Manjimup and the Shire of Nannup was also a project partner (and financial contributor).

In July 2018 the officer was contacted by the Shire of Manjimup with regard to the pending review of the Visitor Guide. This review will result in the third edition of the publication. While this project was not progressed in 2018 it is progressing in 2019.

At the 2018-19 Budget Workshop (held on 17 May 2018) discussions were held with Councillors where it was identified that the annual marketing allocation of \$9,000 for the Visitor Centre would not be included in the 2018-19 budget to offset the \$30,800 new budget allocation to assist with funding the Local Tourism Organization.

Officer Comment

The requested contribution for the Shire of Bridgetown-Greenbushes to participate is \$6,000.

The previous 2 publications have both had a 100,000 print volume and there are 30,000 left from the second print run. It is estimated that 3,000 will be distributed prior to the new print run.

It is proposed that this review there will be a print run of 75,000 copies.

The Shire of Manjimup has coordinated this project in the past, and is anticipating this will be the last time prior to the Local Tourism Organization being established and taking on this project and the coordinating role.

The project (design, advertising, production and 75,000 copies) is estimated to be \$93,600. The aim is to break even and if advertising sales exceed expectations then partner contributions (Shire contribution) will be reduced or fully refunded accordingly.

The Shire of Manjimup proposed project budget is as follows:

EXPENDITURE

Design	23,400
Advertising Procurement	17,800
Proofing	1,800
Printing	46,000
Distribution	5,000
<u>Total</u>	<u>\$94,000</u>

INCOME

Advertising Sales	\$70,000
Partner Income (VC's & Shire's)	\$24,000
<u>Total</u>	<u>\$94,000</u>

The Guides are distributed throughout the State (Norseman, Kalgoorlie, Albany, Denmark, Geraldton, Bunbury, Collie, Mandurah, Perth, Busselton, Margaret River, Denham and throughout the Great Southern and South West). They are also distributed to tourism operators, accommodation providers and the like on demand.

Statutory Environment – Not Applicable

Integrated Planning

➤ Strategic Community Plan 2017

Goal 1.2 – A proactive approach to business development

Strategy 1.1.2 – Develop and implement strategic plans and actions that attract economic development

➤ Corporate Business Plan 2018

Action 1.1.2.8 Support the promotion of the Shire as a tourist destination.

➤ Long Term Financial Plan - Nil

➤ Asset Management Plans – Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning – Nil

Policy/Strategic Implications – Not Applicable

Budget Implications

There are no budget implications arising from the officer recommendation. If Council determines to fund the project, identification of appropriate funding will be required as the item relates to unbudgeted expenditure.

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

ITEM NO.	C.13/0119	FILE REF.	494
SUBJECT	Funding Concept Plans – Visitor Centre and Library Co-location		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	22 January 2019		

OFFICER RECOMMENDATION That Council approves unbudgeted expenditure of up to \$7,000 with the funds to be transferred from the Strategic Projects Reserve to fund the development of concept plans and preliminary costings to proceed exploring the possible relocation and co-location of visitor information services to the Library facility.

Summary/Purpose

The recommendation seeks to pursue Council preference to explore the possibility of co-locating library services and visitor information services in a single facility, being the Library building.

Background

In July 2017 the officer presented at briefing at the meeting of the Standing Committee to provide an overview and update on the progression of the Local Tourism Organization Development, Visitor Information Service Delivery and 8 models for ongoing service delivery for Council's consideration.

In December 2018, at a Councillor Workshop to discuss the Workforce Plan and Organizational Structure, informal direction was given to the CEO to progress one of the 8 models contained in the July 2017 briefing, being the co-location of library and visitor information services in the Library building. At this time it was noted that there would be a need to explore building extension of the Library to accommodate the Jigsaw Gallery by developing concept plans and preliminary cost estimates to do so. It was further noted that community consultation on the proposal (concept) would be required prior to Council making a final decision to proceed with the detailed design, tender and construction stages.

It is recommended the expenditure be funded from the Strategic Project Reserve.

Officer Comment

In order to investigate the co-location of visitor information and library services at the Library facility, building modifications will be required to accommodate the Jigsaw Gallery.

In alignment with Council's Project Management Framework Policy, the first step to assess the viability of a new project is to prepare concept plans and preliminary cost estimates. This information can then inform Council's decision making process as to the viability of proceeding to the detailed design/costing stage (and in turn the tender and construction stages).

The purpose of this recommendation is to seek Council's approval to expend unbudgeted funds on appointing an architect to prepare 3 options for Council to review and identify a preferred option to base the development of concept plans and preliminary costings on.

These 3 options are not yet finalized, but preliminary discussion with a local architect has identified:

1. Modify (enclose) the deck at the western end (Barlee Street end) of the existing facility to create a gallery space.
2. Modify (enclose) the deck on the northern side (Somme Creek side) of the existing facility to create a gallery space.
3. Modify the existing gallery space and meeting room in the Library to be exclusive gallery space and modify (enclose) the deck at the western end (Barlee Street end) of the existing facility to create meeting room space.

The recommendation seeks approval to expend unbudgeted funds. Quotations for the work will be required should Council approve the recommendation, therefore an indicative figure is provided, being an upper level limit on the anticipated expenditure.

Statutory Environment – Not Applicable

Integrated Planning

➤ Strategic Community Plan 2017

Goal 1.2 – A proactive approach to business development

Strategy 1.1.2 – Develop and implement strategic plans and actions that attract economic development

➤ Corporate Business Plan 2018

Action 1.1.2.2 Review visitor centre/information service delivery

➤ Long Term Financial Plan

Should the project progress to the detailed design and detailed price stage, the cost estimates prepared including the income, expenditure and timing for the project would be inserted into the Long Term Financial Plan at the relevant annual review of the document.

➤ Asset Management Plans – Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning – Nil

Policy/Strategic Implications

Policy F.23 Project Management Framework outlines the procedures and processes relating to the best practice approach to new projects. The recommendation aligns with this policy.

Policies F.5 and F.6 being Regional Price Preference and Purchasing Policy will be applied with regard to seeking quotes and appointing a service provider (architect).

Budget Implications

The recommendation seeks approval to expend unbudgeted funds. Quotations for the work will be required should Council approve the recommendation, therefore an indicative figure is provided, being an upper level limit on the anticipated expenditure.

The current balance of the Strategic Project Reserve is \$65,199.

Fiscal Equity – Not Applicable

Whole of Life Accounting

The principles of whole of life accounting are being achieved by the recommendation due to the procurement of factual information (regarding construction and whole of lifecycle costings) to inform Council's decision on capital projects.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The principles of risk management are being achieved by the recommendation due to alignment of best practice project management principles outlined in this report and the relevant policies.

Continuous Improvement

The principles of continuous improvement are being achieved by the recommendation due to the procurement of factual information (regarding construction and whole of lifecycle costings) to inform Council's decision on capital projects.

Voting Requirements - Absolute Majority

ITEM NO.	C.14/0119	FILE REF.	494
SUBJECT	Exclusive Leasing Agreement – Bridgetown Leisure Centre Health & Fitness Room		
PROPONENT	Health on Hampton		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	23 January 2019		

OFFICER RECOMMENDATION That Council:

- 1. Approves in principle the leasing of the Health & Fitness Room at the Bridgetown Leisure Centre to Health on Hampton for its exclusive use for a period of 3 years for an annual lease payment of \$16,320 in year 1 increasing by either 1.5% or CPI per annum, whichever is the lesser amount.*
- 2. Notes that the proposed lease represents a disposition of property under section 3.58 of the Local Government Act and accordingly the proposal is to be advertised for public consultation.*
- 3. Endorses a 28 day public consultation period for the proposal.*
- 4. Directs the CEO to report back to Council's March 2019 meeting with any submissions received on the proposal and a draft lease for council's final considerations on whether to enter into the proposed lease.*

Summary/Purpose

The recommendation seeks to pursue Council's advice to staff at the November Concept Forum to investigate the viability of leasing the Mezzanine Level Health & Fitness Room at the Bridgetown Leisure Centre (BLC) to private service provider Health on Hampton.

The proposed lease represents a disposition of property under section 3.58 of the Local Government Act and accordingly the proposal must be advertised for public consultation before a decision is made to enter into the lease.

In advertising the proposal to lease the Health & Fitness Room exclusively to Health on Hampton any submissions received during the advertising period along with a draft 3 year lease agreement would be brought back to Council for final decision prior to an agreement being finalised and entered into. The aim is to have this documentation to Council at the March 2019 Council Meeting.

Background

In October 2018 a proposal was received from a private operator to run health and fitness programs not offered by the Shire from the Bridgetown Leisure Centre. This proposal was raised for discussion at the November Concept Forum where councillors indicated broad support for the proposal, noting at the time that more detailed information was to be obtained on the proposed financial arrangements, confirmation on whether the room will be a dedicated space solely for use by the private operator or shared with Shire classes, any impacts on existing health and fitness classes run by the BLC, and legal requirements associated with 'disposition of property' under the Local Government Act.

The officer subsequently met with the proponent (Health on Hampton Proprietor) to discuss the viability of this proposal and clarify key elements of the intent and preferences of the proponent. The additional information is contained in the Officer Comment section of this report.

Officer Comment

The officer has met with the proponent and with current BLC instructors (providers of the Fit 50's Classes) to determine the impact on the operations of the BLC should the Health & Fitness Room be leased exclusively to Health on Hampton.

Exclusive lease was identified as the preference for both Health on Hampton and BLC from an operational perspective. This creates clear delineation between the operations of the BLC and private operation of Health on Hampton.

In 2018 Council determined the cessation of BLC based Health & Fitness memberships after extensive financial analysis and monitoring of classes. The BLC focus is now primary on 'gym and swim' memberships as well as programs for seniors and youth (Living Longer Living Stronger, Fit 50's, Teen Fit and Kid Fit). Health on Hampton is focused on providing a range of health and fitness classes which do not conflict with the programs and focus of the BLC.

The main impact on the preferred exclusive use will be additional time (and salary spend) of approximately 3 hours per week for BLC staff to set up and set down the Fit 50's Circuit Class on the courts (based on the current class roster). The Circuit Class is currently held in the Health & Fitness Room, with the circuit set up

and ready to go (without staff time set up and set down each class). The circuit cannot be set up anywhere else in the facility on a 'permanent' basis as the courts are required for the court based activities such as basketball, netball etc. This means there could be an increase in salary expenditure of up to \$5,000 per annum (for Recreation Officers to set up and set down 3 classes per week; being salaries plus superannuation costs for casual officers). Due to rostering limitations there are not always two Recreation Officers on duty at the time a class would need to be set up and set down and officers would look at rostering of class times and staff times to minimize this expenditure, however it is a consideration in the financial impact of the proposal.

The proponent has proposed an annual lease payment figure of \$16,320 with an annual increase over the term of the proposed lease of 1.5% or the December Perth CPI Index (whichever is the lower figure).

A rental valuation report prepared by LMW South West identifies the current market value of \$15,000 per annum for the Health & Fitness Room. In determining that value, the LMW representative was advised that a separate charge for utilities would not be required, therefore while the proponent's proposed figure is higher than the valuation report figure, it is considered a fair and equitable rate of payment as the additional income will offset the additional electricity usage and other on-costs.

The main additional on-cost would be the installation of a new keypad and security code access alarm at the BLC. This would allow for the provision of each staff member to have a designated access code (BLC and Health on Hampton) to ensure monitoring of who is in the BLC and when. This will be required due to the shared access of the main facility (noting that Health on Hampton will be operating outside of the BLC standard operating hours, particularly in winter when the aquatics complex is not open and winter hours of the indoor facility are subsequently reduced). At the time of writing this report, quotes had not been sought on the cost of the required equipment to facilitate this. This information will be procured prior to the March 2019 Council Meeting and included in the subsequent Agenda Item Report on this matter.

The proponent currently sublets existing Health on Hampton space to other instructors and service providers in town, and would like to continue to do this. Because the use of the space is also for the provision of Health & Fitness classes this is seen as acceptable to continue within the proposed exclusive lease agreement and would be documented accordingly.

Statutory Environment

Section 3.58 of the Local Government Act 1995 details the requirements regarding Disposing of Property:

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or

- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Integrated Planning

➤ Strategic Community Plan 2017

Goal 4.1 – A cohesive community with a sense of pride

Strategy 4.1.2 – Deliver programs that encourage community participation and interaction

➤ Corporate Business Plan 2018

Action 4.1.2.2 – Deliver programs at the BLC that cater for the community's demographic needs

➤ Long Term Financial Plan

Should the project progress, the cost estimates prepared including the income and any expenditure would be inserted into the Long Term Financial Plan at the relevant annual review of the document.

➤ Asset Management Plans – Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning

The BLC Business Plan identifies the capacity to maximize the use and rental income of the Health & Fitness room through private rental and/or leasing and the benefit of having increased patronage on BLC programs and Café sales that may result.

Policy/Strategic Implications - Nil

Budget Implications

There are no budget implications arising directly from the recommendations.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Risk management principles are being achieved by the adherence to relevant Council Policy's, Informing Strategies and Statutory requirements to ensure the agreement, should it proceed, is transparent and equitable.

Continuous Improvement

The principles of continuous improvement are being achieved exploring the opportunities to maximize use of Council's facilities to generate income and provide services to the community.

Voting Requirements - Simple Majority

ITEM NO.	C.15/0119	FILE REF.	228
SUBJECT	Change to Membership Structure and Appointment of Blackwood Parent Support Group representative to the Access and Inclusion Advisory Committee		
PROPONENT	Access and Inclusion Advisory Committee		
OFFICER	Grants and Services Manager		
DATE OF REPORT	January 2019		

Attachment 21 Instrument of Appointment Access & Inclusion Committee

OFFICER RECOMMENDATION that Council

- 1. Amends the Instrument of Appointment for the Access and Inclusion Advisory Committee by changing the membership structure of the Committee to include a representative of the Blackwood Parent Support Group.*
- 2. Endorse the appointment of Lisa MacDonald as the Blackwood Parent Support Group representative to the Access and Inclusion Advisory Committee.*

Summary/Purpose

The Access and Inclusion Advisory Committee (AIC), at its meeting held 5 December 2018, requested that Council create a new organisational position on the committee to include the Blackwood Parent Support Group and appoint Lisa Macdonald as their representative on the committee.

To change the number of “organisational” representative positions requires an amendment to the Committee’s Instrument of Appointment. It is recommended that Council review the membership structure of the committee in include one representative from the Blackwood Parent Support Group.

Background

Blackwood Parent Support Group is an active community group consisting of parents/guardians of children with disabilities. The group’s main focus is to advocate for, and support children with disabilities in the community and their families.

Membership of the AIC currently consists of:

Appointed Members are:

- Two (2) elected members (Crs Mackman and Wilson)
- One (1) representative from Silver Chain
- Eight (8) Community representatives, being:
 - Bronwyn Mitchell
 - Jana Mayhew
 - Ursula Wade
 - Joan Leader
 - Harold Thomas
 - Clare Quinn
 - Jesse Donovan
 - Warren Boggs

Although all positions on the AIC are currently filled, the members believe that the input from a representative of the Blackwood Parent Support Group would offer Council valuable input from a different perspective than that of the current membership of the committee and therefore warrants a review of the Instrument of Appointment membership structure to include a representative from the Blackwood Parent Support Group.

The objectives and role of the Access and Inclusion Advisory Committee are:

1. To advise Council on the establishment of priorities and review of progress on the implementation of the strategies identified in the relevant Disability Access and Inclusion Plan and the Age Friendly Communities Plan.
2. To formally report to Council annually on the implementation of the Disability Access and Inclusion Plan and the Age Friendly Communities Plan.
3. To carry out consultation with the community as part of the annual review of the Disability Access and Inclusion Plan and Age Friendly Communities Plan.
4. To recommend to Council any changes to the priorities identified in the Disability Access and Inclusion Plan and Age Friendly Communities Plan either as part of the annual review process, or if necessary at other times of the year.

The term of office for the current Committee expires on 19 October 2019.

Statutory Environment

Section 5.10 of the Local Government Act 1995 for the appointment of a member to a Council Committee

Integrated Planning

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

Policy/Strategic Implications – Not Applicable

Budget Implications – Not Applicable

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

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 Presiding Member to close the Meeting

List of Attachments

Attachment	Item No.	Details
1	C.02/0119	Draft Greenbushes Catchment Area Drinking Water Source Protection Review Document
2	C.03/0119	Concept Plan Mine Access Road
3	C.03/0119	Schedule of Submissions
4	C.03/0119	Copy of Submissions
5	C.03/0119	Greenbushes Infrastructure Corridors Detailed Flora and Vegetation Survey (Onshore Environmental)
6	C.03/0119	Level 1 Vertebrate Fauna Survey Greenbushes Infrastructure Corridors (Onshore Environmental)
7	C.04/0119	Rolling Action Sheet
8	C.05/0119	Comments from the Department of Local Government, Sport and Cultural Industries
9	C.05/0119	Submission from Mr B Bebbington
10	C.05/0119	Response to Submission from Mr Bebbington
11	C.05/0119	Draft Cats Local Law 2019 incorporating minor modifications recommended by Department of Local Government, Sport and Cultural Industries
12	C.06/0119	Australian Citizenship Ceremonies Code
13	C.08/0119	December 2018 Financial Activity Statements
14	C.08/0119	List of Accounts Paid in December 2018
15	C.09/0119	Location Plan/Aerial Photograph
16	C.09/0119	Neighbours' Submissions
17	C.09/0119	Proposed Plans/Applicant's Submission
18	C.10/0119	Locality Plan
19	C.10/0119	Proposed Site Plan/Applicant's Submission
20	C.11/0119	Policy F.1 Shire Community Grants, Service Agreements, Donations and Contributions
21	C.15/0119	Instrument of Appointment Access & Inclusion Committee

Agenda Papers checked and authorised by T Clynych, CEO		24.1.19
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