

**Council Minutes Index – 19 December 2019**

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Minutes of an Ordinary Meeting of Council to be held in the Meeting Room at the Greenbushes Community Resource Centre on Thursday, 19 December 2019 commencing at 5.31pm

*The Presiding Member opened the Meeting at 5.31pm*

**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 past, present and emerging.*

**Attendance, Apologies and Leave of Absence**

President	- Cr J Nicholas
Councillors	- J Bookless - J Boyle - B Johnson - J Moore - J Mountford - A Pratico - P Quinby - 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**

N Ward, P Scallan, K Lomas, B Moore, K Guthrie, G MacDonald, A Cornish, M&D Iacopetta, D Robertson, K Loney

**Responses to Previous Questions Taken on Notice** - Nil

**Public Question Time**

**K Guthrie**

1. The carpark situation (in relation to Bridgedale House), I want to know if any decision has been made on where that car park will be situated?

*CEO's response - The officer recommendation says there needs to be 8 car parking bays located centrally in the subject land, if it was to be approved with that condition, the applicant will have to come back with a plan showing where the parking would be.*

2. Is it going to be on the road verge? That turns it into a public car park?

*Presidents' response - It will certainly be a public car park, people that are visiting this establishment will park there. It won't be a public car park in the sense that Tom, Dick and Harry can park there, it's private land. We have no plans at this stage to see what that car park might look like, it's just subject to being on that land.*

*CEO's response - The plan shows seven bays reasonably close to the front of the property near Hampton street, and then one universal access parking bay closer to the homestead.*

3. The car park is right on the road verge?

*Yes, that is correct that's what the plan shows. Council can seek to modify that if they felt that was inappropriate.*

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

#### Presentation

Pat Scallan – Talison

Mr Scallan gave a presentation on the many functions and events held in Greenbushes for the 2019 year.

*On behalf of Councillors and Staff, the President accorded his deep appreciation to Pat Scallan for his 18 years of service on Council and his outstanding service to the community.*

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

K Guthrie – C.09/1219 Proposed Change In Use – Dwelling to Office/Educational Establishment (Bridgedale)

Mr Guthrie spoke against the officer recommendation

K Lomas – National Trust - C.09/1219 Proposed Change In Use – Dwelling to Office/Educational Establishment (Bridgedale)

Ms Lomas requested removal of Condition 3 of the Officer Recommendation

### **Applications for Leave of Absence - Nil**

### **Confirmation of Minutes**

#### **C.01/1219 Ordinary Meeting held 28 November 2019**

*A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 28 November 2019 as a true and correct record.*

#### **Council Decision Moved Cr Pratico, Seconded Cr Moore**

**C.01/1219 That the Minutes of the Ordinary Meeting of Council held 28 November 2019 be confirmed as a true and correct record.**

**Carried 9/0**

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

The Presiding Member announced that Shire officers and Councillors will be in Greenbushes on Thursday 23 January to officially commence consultation on the development of the Greenbushes Sports Ground and Dumping Gully Redevelopment Project. The Shire is seeking written comments from the community with regards to this project.

The consultation period will be for 7 weeks, and will allow community members to review the proposed concept plan and report.

The plans and report will be available (from 23 January) via the Shire's website, at the Greenbushes CRC and the Shire Administration building.

At the conclusion of the consultation period, Shire officers and Councillors will arrange a briefing in Greenbushes to provide an overview of the feedback received.

We look forward to receiving feedback on the concept plans to assist Council in future decision making.

### **Notification of Disclosure of Interest**

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

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

Nil

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

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

### **Reports of Officers**

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Corporate Services
- Development & Infrastructure
- Community Services

After receiving the concurrence of Members, the Presiding Member announced that in accordance with Clause 3.6 of the Standing Orders Local Law, Item C.09/1219 would be brought forward for consideration

<b>ITEM NO.</b>	C.09/1219	<b>FILE REF.</b>	A4337, A4355, A8894 & A31625
<b>SUBJECT</b>	Proposed Change In Use – Dwelling to Office/Educational Establishment (Bridgedale)		
<b>PROPONENT</b>	National Trust of Australia (WA) on behalf of Tender Care WA		
<b>LANDOWNER</b>	National Trust of Australia (WA)		
<b>LOCATION</b>	Lot 12 (RSN 24367) South Western Highway and Lots 6 to 9 (1 to 7) Hampton Street, Bridgetown		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	10 December 2019		

Attachment 16	Location Plan
Attachment 17	Public Submissions
Attachment 18	Schedule of Submissions
Attachment 19	Applicant's Submission/Proposed Plans
Attachment 20	Bushfire Management Plan

**OFFICER RECOMMENDATION**

*That Council noting the three submissions received, as per Attachment 17, and the staff responses in the Schedule of Submissions, as per Attachment 18, pursuant to Clause 7.2 of Town Planning Scheme No. 3 grants development approval for the proposed office/educational establishment for Lot 12 (RSN 24367) South Western Highway and Lots 6 to 9 (1 to 7) Hampton Street, Bridgetown, as per Attachments 19 and 20, subject to the following conditions:*

- 1. Approval is granted for use of the building as an office/educational establishment as defined under Town Planning Scheme No. 3.*
- 2. Any external or internal changes are to protect and complement any significant extant heritage fabric, in accordance with the applicant's Heritage Impact Statement.*
- 3. Provision of eight car parking bays, including one universal access parking bay, located centrally within the subject land, with provision of a new crossover and internal driveway from Hampton Street.*
- 4. Provision of pedestrian access path(s) from the car parking area(s) to the entrance of the building, and wholly located within the subject lot boundaries.*
- 5. Written confirmation and photographic records of the completed works to be provided to the Shire of Bridgetown-Greenbushes and Heritage Council of Western Australia, for updating of relevant historic records.*

### Summary/Purpose

A development application has been received from the National Trust of Australia (WA) Pty Ltd, for a change in use from a dwelling to an office/educational establishment of the historic Bridgedale house, to be used by disability provider Tender Care Pty Ltd. Noting the three submissions received, and the content of the applicant's submission and bushfire management plan, approval is recommended subject to conditions.

### Background

A development application has been received from the National Trust of Australia (WA) Pty Ltd, for a change in use from a dwelling to an office/educational establishment of the historic Bridgedale house, to be used by disability provider Tender Care Pty Ltd.

### Officer Comment

The development application relates to Lot 12 South Western Highway and Lots 6 to 9 Hampton Street, Bridgetown. The subject lots are zoned Residential R12.5/20 under Town Planning Scheme No. 3 (TPS3), and have a total area of 5,655m<sup>2</sup>. The subject Bridgedale house is located on Lot 12, a privately rented dwelling and 'Man's Room' are both located on Lot 9, with gardens on Lots 6, 7 and 8, including the Blue Atlas Cedar on Lot 6.

The application initially sought approval for a change of use to an Office, to provide an administrative base for disability services, with staff to meet with customers offsite. An Office is listed as an 'AA' discretionary use which under TPS3, and defined as:

*"Office – means the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services and services of a similar nature or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry."*

Following further liaison with the applicant, and advice from intended tenants Tender Care Pty Ltd, it is understood the building is also to be used for appointments by customers with disabilities, including small group workshops for learning activities such as craft, yoga/pilates, cooking, etc. Shire staff formed the view and agreed to by the applicant that the place should also be classed as an Educational Establishment, also listed as an 'AA' discretionary use under TPS3 and defined as:

*"Educational Establishment – means a school, college, university, technical institute, academy or other education centre, or a lecture hall, but does not include a reformatory institution or institutional home."*

The National Trust therefore provided a modified application in May 2019 (see Attachment 19) seeking approval for the office/educational establishment. The submission includes a Heritage Impact Statement having regard to the Conservation Management Plan 2013 and State Planning Policy 3.5 Historic Heritage Conservation.

The submission describes proposed works including universal access bathroom, accessible ramps and paths of travel, a small kitchenette, plus minor conservation repairs. A private building surveyor has been engaged by the National Trust to assess building compliance for the new uses. The Heritage Impact Statement demonstrates that the proposed changes will not have any detrimental impacts upon the important fabric and cultural heritage values of the place, which includes the grounds.

Importantly, the National Trust of Australia (WA) has delegated authority from the Heritage Council of Western Australia to undertake the Heritage Impact Assessment and provide a recommendation to the Shire regarding this site. The application has therefore not been referred to the Department of Planning, Lands and Heritage for comment.

Bridgedale and surrounding curtilage has been included on the Shire's Local Heritage List since March 1983, included on the State Heritage Register (Place 00241) since March 1997, included on the National Trust List of Classified Places since July 1997, and included the Shire's Local Heritage Survey since June 2001. Whilst used as a dwelling/museum for many years Shire records do not show any approvals being granted for that use so the original residential dwelling use can only be attributed to the building.

Shire staff undertook preliminary negotiations with National Trust regarding the location of staff and visitor car parking and pedestrian connection to the building, with the revised site plan submitted, showing seven compacted gravel bays on Lots 7 and 8 abutting the Hampton Street road reserve and one universal access parking bay located on Lot 7 in proximity to the building.

#### *Public Consultation*

The Shire undertook formal public consultation in accordance with Town Planning Scheme No. 4 and the Community Engagement/Consultation Policy. Correspondence and a copy of the application was forwarded to the landowners of ten surrounding private properties, plus Main Roads Western Australia, inviting written submissions up to and including 22 July 2019.

A letter of no objection was received from Main Roads WA, plus objections received from residents of two nearby properties (see Attachment 17), with one submitter providing two separate email submissions. The summarised comments and staff responses provided in the Schedule of Submissions (see Attachment 18). The main concerns raised by the residents of 10 Hampton Street and 12 Hampton Street, relate the potential detrimental impacts of the vehicular traffic accessing the site, and the location of parking bays adjacent to Hampton Street directly opposite their residences, and the impact upon amenity including the view through the grounds of Bridgedale.

In addressing the concerns of the submitters, the applicant provided sought comments from their tenant Tender Care and wished to be acknowledged that the Tender Care are very willing to work with the community and are not intending for the impact of the use to be anything but beneficial to the local area. The response from Tender Care was quoted as follows:

*“Generally, the building could be in use 8am – 5pm, Monday – Friday, but more usually it will be 9am – 4pm. As most of our work is in the community and out catchment area is large there may well be days when the building is not used at all, or only for an hour in the morning or later in the afternoon.*

*On a day-to-day basis there could be the 3 staff cars and maybe 6 people, including staff, if they are meeting one-to-one with clients, but it is more likely that it would only be 1 staff car and 2 people at any one time.*

*We will be holding a group craft activity on Tuesdays, from about 9am – 3.30pm. There will be 3 staff cars and possibly 2 client cars. The staff usually collect the other clients, and some will walk. There could be anywhere between 8-15 people there, including staff.*

*We intend to hold a 1hr yoga class there on Wednesdays. This is normally about 5 people including staff and there will be 1-2 cars.”*

In assessing the potential impacts of traffic movement, the WAPC released the Transport Impact Assessment (TIA) Guidelines (revised August 2016). Volume 4 Individual Developments is applicable to the subject proposal. Under ‘Section 6 Level of Assessment’ the size of development is critical to determine whether the development has a potential Low impact, Moderate Impact or High impact, to guide the necessary information. Pursuant to Volume 4, an individual development with less than 10 vehicle trips during a peak hour is classed as Low impact, and no transport information is normally required. An individual development with between 10 to 100 vehicles during a peak hour is classed as Moderate impact, with a transport impact statement required. An individual development with greater than 100 vehicles per peak hour is classed as High impact with a transport impact assessment required.

Additionally, under Volume 4 an office with a gross floor area between 500 to 5000m<sup>2</sup> is classed as having a Moderate Impact, and likewise a school with between 10 and 100 students would be classed as having a Moderate Impact. Bridgedale house has an approximate floor area of 140m<sup>2</sup> with less than 10 customers expected during normal working days, with the exception of a larger group once a week. The proposed use is best classified as Low impact, and a Transport Impact Statement is not considered necessary. The applicant states that vehicle trips are expected to be spread out during the working day, with approximately three staff and two client vehicles expected on a regular day. Whilst larger groups may attend occasionally, most clients will either walk or be driven by others.

Noting the circumstances of the case, the proposed use of Bridgedale for the office/educational establishment is best classed as having Low impact as an individual development. There are seven dwellings on Hampton Street in proximity to the development site that could also generate vehicle trips during the morning (7:30am to 8:30 am) or afternoon peak hour (4:30pm to 5:30pm), plus other local roads further east.



The expected traffic volumes for the individual site and surrounding roads are anticipated to be low, with onsite parking required for staff, customers and other visitors. Although noting the concerns raised by the submitters, the submission of a Transport Impact Statement is not considered necessary for a development of this scale.

In order to partially address the concerns of the submitters, Shire staff recommend however that the onsite parking bays would be better located on the western side of Lot 7, and possibly Lot 6, or at least centrally located on those lots, incorporating the universal parking bay as proposed.

The applicant's preference is for parking as proposed so as not to impact upon the significance of the grounds. Importantly the Shire must have due regard to the National Trust's delegated advice pursuant to the Heritage Act 2018. An alternative could be to locate some parking on the western side of the building on Lot 12 with access from South Western Highway, however that is not recommended.

### *Bushfire Management Plan*

The majority of the subject lots are located within the designated bushfire prone area declared by the Fire and Emergency Services Commissioner, including most critically the subject building on Lot 12. Given that the proposed use will cater for some persons with a disability, with less capacity to respond in a bushfire emergency, the development is best defined as a Vulnerable Land Use pursuant to State Planning Policy 3.7 Planning in Bushfire Prone Areas.

A Bushfire Management Plan has been prepared by Ecosystem Solutions, as an accredited Level 3 Bushfire Practitioner. The BMP included a BAL Assessment using both Method 1 and Method 2 assessment, concluding that an acceptable Bushfire Attack Level rating of BAL-29 is applicable, noting the surrounding vegetation including the steep slopes of the Blackwood River foreshore. The BMP also generally demonstrates compliance with the Appendix Four Bushfire Protection under the Guidelines for Planning in Bushfire Prone Areas. The BMP also includes a Bushfire Emergency Evacuation Plan (BEEP) for users of the site.

As a Method 2 BAL Assessment was used (in part) and as the development is best defined as a Vulnerable Land Use, the BMP was referred to the Department of Fire and Emergency Services (DFES) for comment. A response was received in November 2019 questioning the validity of the Method 2 assessment, essentially due to the separation distance and ongoing management of vegetation on the steep bank of the Blackwood River, plus compliance with bushfire protection criteria Element 2 Siting & Design (related to Method 2 validation). Ecosystem Solutions have liaised with DFES directly and provided a final BMP (see Attachment 19) that generally satisfies DFES comments and is now supported by Shire staff. Importantly, Shire staff are comfortable that the majority of Reserve 25693 will be managed in a low fuel state, with the steep river bank vegetation managed where practical.

### *Conclusion*

The proposed change of use and proposed works are not considered to have a detrimental impact upon the visual amenity or heritage character/value of the historic building. Noting the content of the three submissions received, and in particular the

concerns relating to traffic movement and parking, it is recommended that development approval be granted subject to conditions including provision of onsite parking centrally within the land.

### Statutory Environment

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

#### *“Clause 4.1 Amenity and Tourist Development*

*Council’s Objectives will be to ensure that the overall amenity of the town is retained and enhanced for the benefit of residents and in the interests of the District’s tourist potential, and that the landscape values of the environment are maintained. Council’s Policies will therefore be to:*

- (a) require, by means of Scheme provisions, an appropriate standard of maintenance and visual appearance of buildings and properties within the town and its environs; and*
- (b) encourage and permit, subject to adequate conformity with Scheme provisions, uses and activities which add to and facilitate the District’s potential for tourism and recreational use.”*

#### *“Clause 4.1.1 Standard of Development*

*Notwithstanding that a proposed development conforms in all other respects with any provision of the Scheme or any by-law in force, Council may at its discretion, refuse to grant approval if it considers that such development would by its siting, design, construction or materials result in a significant deterioration of the landscape and amenity of the general locality.”*

#### *“Clause 4.3 Residential Zone*

*Council’s objectives will be to ensure that the residential character and amenity of the zone is retained and enhanced and that any other uses approved within the Zone under the provision of the Scheme are compatible with this basic objective.”*

#### *“Clause 4.3.1 Building Requirements*

*a) In conserving the granting of Planning Approval within the zone to a multiple dwelling or other use marked AA in Table 1, Council will consider the effect of the development on the residential amenity and the street system of the locality, and the suitability of the site for the disposal of effluent, and may impose such conditions of approval as it thinks fit.*

*c) For uses other than approved residential, the following minimum building setbacks from the street alignment shall apply.*

*Commercial Nil.”*

#### *“Clause 4.8 Car parking*

*Clause 4.8.1 Within the Scheme area development or redevelopment of land for any of the uses in Table II shall provide on-site car parking spaces constructed to the satisfaction of Council in accordance with the provisions of the Table, except that Council may accept a lesser number of spaces if it considers that the development by its nature would not require the provisions of the Table to be adhered to.”*

Table II Car Parking Provisions only stipulates 1 parking bay per 15m<sup>2</sup> of retail floor space so does not relate to the proposed use. The Table also states that for Private Recreation Institutional uses the number of car parking spaces to be provided is *“To be determined by Council after taking into consideration the proposed use and its location in relation to the road systems and other uses in the vicinity.”*

The proposed provision of eight onsite parking bays, including one universal access bay, is considered appropriate however the location of the bays needs further consideration, as discussed elsewhere in this report.

“Clause 7.2 Written Consent of Council

*“In addition to all other provisions of this Scheme, the approval of the Council is required for the following development on or in relation to any Schedule 4 place, building or object to:*

- (a) clear, excavate or rill any land;*
- (b) fell, remove, kill or irreparably damage any tree;*
- (c) erect any fence;*
- (d) commence or carry out any renovation, modification or demolition of any building;*
- (e) alter or remove any building or object or part thereof.”*

The proposed change of use of Bridgedale to an office/educational establishment is considered general consistent with applicable TPS3 provisions relating to land use, amenity and car parking, noting that only internal works are proposed to the existing building. Noting the concerns of residents of two nearby properties regarding amenity impacts related to traffic and car parking, the proposed use can be supported.

- Schedule 2, Part 3 Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)

“Clause 11 Heritage Assessment

*(1) Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development in a heritage area or in respect of a place entered in the heritage list.*

*(2) A heritage assessment must be in a form approved by the Heritage Council of Western Australia.*

Clause 12 Variations to local planning scheme provisions for heritage

*(1) The local government may vary any site or development requirement specified in this Scheme to –*

- (a) facilitate the built heritage conservation of a place entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990 or listed in the heritage list; or*
- (b) enhance or preserve heritage values in a heritage area.*
- (2) Any variation under subclause (1) may be unconditional or subject to any conditions the local government considers appropriate.*
- (3) If the local government is of the opinion that the variation of site or development requirements is likely to affect any owners or occupiers in the general locality of the place or the heritage area the local government must–*
- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64; and*
- (b) have regard to any views expressed prior to making its determination to vary the site or development requirements under this clause.”*

Bridgedale is listed as Place 241 in the State Heritage Register and as Place No. 9 in Schedule 4 (Local Heritage List) under Town Planning Scheme No. 3. A Heritage Impact Statement prepared by National Trust of Australia (WA), under delegated power from the Heritage Council of WA, concludes the proposed change in use to an office/educational establishment including internal fit out and minor conservation repairs will not have a detrimental impact upon the heritage fabric of the place.

- Heritage Act 2018 (WA)

Pursuant to s.73 and s.74 of the new Heritage Act 2018, a local government is required to seek and act on any advice from the Heritage Council of WA in relation to places on the State Register of Heritage Places.

Under Section 19 (1) of the new Act, the Heritage Council may delegate any of its powers and duties, except for the power to delegate, to any person. In this context, “person” refers to any legal entity such as a body corporate or a public authority.

On 24 September 2019 an Instrument of Delegation was gazette granting delegation to the National Trust of Australia (WA) all powers, functions and duties of the Heritage Council in respect of land entered in the Register of Heritage Places of which the National Trust is the owner.

As per the above, the National Trust of Australia (WA) has provided a detailed Heritage Impact Assessment confirming the proposal is suitable and the Shire is therefore bound to make a consistent decision. Approval is therefore recommended subject to relevant conditions, subject to parking bays being centrally located within the subject land.

#### Integrated Planning

##### ➤ Strategic Community Plan

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

Objective 1.2 - A proactive approach to business development

Strategy 1.2.1 - Embrace a “can-do” approach to development

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

Objective 2.6 - Development is sympathetic to the landscape

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

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

Objective 3.1 - Maintain townsite heritage and character

Strategy 3.1.1 - Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

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

Objective 5.1 - Our community actively participates in civic life

Strategy 5.1.1 - The community is involved in local decision making

➤ Corporate Business Plan

Strategy 1.2.1 - Embrace a “can do” approach to development

Action 1.2.1.2 - Development internal and external planning, building control and environmental health processes that have regard to the importance of business development and social capacity whilst ensuring regulatory compliance is met

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

Action 2.6.1.2 - Development application process allows a balance between sensitively developed places and progressive development.

➤ Long Term Financial Plan - Nil

➤ Asset Management Plans – Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning - Nil

#### Policy Implications

- Shire of Bridgetown-Greenbushes Local Heritage Survey

‘Bridgedale’ house and by association the ‘Man’s Room’ is included as Place B13 in the Shire’s Local Heritage Survey (formerly Municipal Heritage Inventory). The proposed development including change of use, internal modifications and minor conservation repairs considered consistent with the applicable Management Category A and objectives of the Shire’s Assessment of Cultural Heritage Significance Policy.

- State Planning Policy No. 3.5 – Historic Heritage Conservation

Clause 6.6 Development Control Principles states:

*“The following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.*

*The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social or environmental factors that may apply.*

*Alterations, extensions or change of use affecting a heritage place*

- *Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.*
- *Alterations and additions to a heritage place should not detract from its significant and should be compatible with the siting, scale, architectural style and form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.”*

The proposed change of use to office/educational establishment, internal works and minor conservation repairs are considered appropriate having regard to the principles of SPP 3.5.

Budget Implications

The required development application fee has been paid to consider the application including assessment of the bushfire management plan. Should Council approve the application subject to conditions opposed by the applicant or should Council issue refusal to the development, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal with additional staff and potential legal costs likely to be incurred.

Whole of Life Accounting – Not applicable

Risk Management – Not applicable

Voting Requirements - Simple Majority

**Council Decision Moved Cr Pratico, Seconded Cr Wilson**

***C.09/1219 That in accordance with Clause 3.9(1)(f) of the Standing Orders Local Law this Item be allowed full debate and consideration.***

***Carried 9/0***

**Moved Cr Pratico, Seconded Cr Wilson**

That Council noting the three submissions received, as per Attachment 17, and the staff responses in the Schedule of Submissions, as per Attachment 18, pursuant to Clause 7.2 of Town Planning Scheme No. 3 grants development approval for the proposed office/educational establishment for Lot 12 (RSN 24367) South Western Highway and Lots 6 to 9 (1 to 7) Hampton Street, Bridgetown, as per Attachments 19 and 20, subject to the following conditions:

1. Approval is granted for use of the building as an office/educational establishment as defined under Town Planning Scheme No. 3.

2. Any external or internal changes are to protect and complement any significant extant heritage fabric, in accordance with the applicant's Heritage Impact Statement.
3. Provision of eight car parking bays, including one universal access parking bay, located centrally within the subject land, with provision of a new crossover and internal driveway from Hampton Street.
4. Provision of pedestrian access path(s) from the car parking area(s) to the entrance of the building, and wholly located within the subject lot boundaries.
5. Written confirmation and photographic records of the completed works to be provided to the Shire of Bridgetown-Greenbushes and Heritage Council of Western Australia, for updating of relevant historic records.

**Amendment Moved** Cr Pratico, Seconded Cr Wilson

That condition 3 be amended to read:

"Provision of eight car parking bays, including one universal access parking bay, located as per the application plan, with provision of a new crossover and internal driveway from Hampton Street."

**Carried 8/1**

*Cr Nicholas voted against the Motion*

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

***C. 09/1219a That Council noting the three submissions received, as per Attachment 17, and the staff responses in the Schedule of Submissions, as per Attachment 18, pursuant to Clause 7.2 of Town Planning Scheme No. 3 grants development approval for the proposed office/educational establishment for Lot 12 (RSN 24367) South Western Highway and Lots 6 to 9 (1 to 7) Hampton Street, Bridgetown, as per Attachments 19 and 20, subject to the following conditions:***

- 1. Approval is granted for use of the building as an office/educational establishment as defined under Town Planning Scheme No. 3.***
- 2. Any external or internal changes are to protect and complement any significant extant heritage fabric, in accordance with the applicant's Heritage Impact Statement.***
- 3. Provision of eight car parking bays, including one universal access parking bay, located as per the application plan, with provision of a new crossover and internal driveway from Hampton Street.***
- 4. Provision of pedestrian access path(s) from the car parking area(s) to the entrance of the building, and wholly located within the subject lot boundaries.***
- 5. Written confirmation and photographic records of the completed works to be provided to the Shire of Bridgetown-Greenbushes and Heritage Council of Western Australia, for updating of relevant historic records.***

**Carried 9/0**

## CEO's Office

<b>ITEM NO.</b>	C.02/1219	<b>FILE REF.</b>	208
<b>SUBJECT</b>	Annual Report & Annual Financial Report 2018/2019		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	11 December 2019		

Attachment 1	Annual Report 2018/2019
Attachment 2	Auditor's Management Report for the 2018/2019 Financial Year
Attachment 3	Minutes of Audit Committee Meeting held 21 November 2019

### OFFICER RECOMMENDATION

*That Council:*

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2018/2019 financial year and gives local public notice of its availability.*
- 2. Schedules the Annual General meeting of Electors to be held on Thursday, 6 February 2020 in the Council Chambers, commencing at 5.30pm.*
- 3. Note the Auditor's report includes a 'significant adverse trend' in relation to Council's Operating Surplus Ratio performance and acknowledges that Council has an existing 'Ratio Improvement Action Plan'.*
- 4. Note Administration's comment in relation to the matter raised in the Auditor's Management Report.*

### Summary/Purpose

Following receipt of the Independent Audit Report and Management Report from the Office of the Auditor General, the Annual Report including the Annual Financial Report has been prepared in accordance with Section 5.54 of the Local Government Act.

Council's Audit Committee has met to consider the annual financial statements and auditor's report and has provided recommendations to Council.

Council is requested to receive the Annual Report for the 2018/2019 financial year and set a date for the annual general meeting of electors.

### Background

The Local Government Act requires a local government to prepare an Annual Report each financial year.

Council's Audit Committee met with the Auditor and considered the draft Audit Report at its meeting held 21 November 2019. The final Audit Report was received on 22 November 2018. Section 5.54(2) of the Local Government Act requires a local government to accept the auditor's report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.



Assuming Council accepts the auditor's report and Annual Report it needs to determine a date for the Annual General Meeting of Electors. The CEO is required to provide sufficient public notice of the availability of the auditor's report and Annual Report, and the date of the Annual General Meeting of Electors.

Section 5.27 of the Local Government Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report for the previous financial year. Assuming Council accepts the annual report at its December meeting the latest date for the AGM would be Thursday, 13 February 2020.

#### Officer Comment

Taking into account the above it is recommended that the Annual General Meeting of Electors be held at 5.30pm on Thursday, 6 February 2020.

The audit has been conducted in accordance with Australian Auditing Standards and has determined that the Shire's 2018/19 Financial Statements were in accordance with the Local Government Act 1995 (as amended) and the Local Government (*Financial Management*) Regulations 1996 (as amended), including:

*"In my opinion the annual financial report of Shire of Bridgetown-Greenbushes:*

- i. is based on proper accounts and records; and*
- ii. fairly represents, in all material respects, the results of the operations of Shire for the year ended 30 June 2019 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards."*

The Auditor further reported on other legal and regulatory requirements as follows:

*"In accordance with Local Government (Audit) Regulations 1996 I report that:*

- i. In my opinion, the following material matter indicates a significant adverse trend in the financial position of the Shire:*
  - a. The operating surplus ratio as reported in Note 29 of the financial report is below the Department of Local Government, Sport and Cultural Industries' (DLGSCI) standard of zero for the last three financial years.*
- ii. All required information and explanations were obtained by me.*
- iii. All audit procedures were satisfactorily completed.*
- iv. In my opinion, the Asset Consumption Ratio and the Asset Renewal Funding Ratio included in the annual financial report were supported by verifiable information and reasonable assumptions."*

As in 2017/18 the Operating Surplus Ratio has been reported as a 'significant adverse trend' in relation to the Shire's financial performance. In December 2017 Council adopted its 'Ratio Improvement Action Plan', items contained in this plan are still being progressed and it has previously been acknowledged by Council and its Auditor that improving the Operating Surplus Ratio to meet the Department's benchmark is unlikely in the short term but Council should demonstrate improvement towards achieving the benchmark through its integrated planning processes.

Section 7.12A(4) of the Local Government Act 1995 requires that a local government must:

- (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
- (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*

Section 7.12A(5) further requires that:

*Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

A report in accordance with Section 7.12A(4) will be presented to Council at its January 2020 meeting following consideration of the report by the Audit Committee.

One 'other' matter was raised by the Auditor in the Management Report as follows:

***"High Annual Leave Accrual at Year End  
Finding Rating: Moderate***

*During our review we identified 4 instances where employees have annual leave accrued balances in excess of 304 hours (eight weeks) each.*

***Implication***

*Excessive accrued annual leave balances increases the risk of an adverse impact through excessive financial liabilities and may also indicate over-reliance on key individuals. As well as for managing leave liabilities, it is important for staff to take regular leave for their health and wellbeing, and to develop staff to perform the tasks of others. In addition, fraud can be more easily concealed by staff who do not take leave.*

***Recommendation***

*The Shire should continue to manage and monitor the excessive annual leave accruals to reduce the financial liability, risk of business interruption and fraud.*

***Management Comment***

*Excessive leave balances are continually reviewed by management as the issue has been raised in previous audit reports and risk reviews.*

*The annual leave liability between 30 June 2018 and 30 June 2019 was reduced by 18.86% from 8,740.39 hours to 7,091.89 hours.*

*It is noted that four staff had in excess of 8 weeks accrued annual leave as at 30 June 2019, of which one was only 1 day in excess of the 8 weeks. These 4 staff were a small proportion of the 56 full time or part time staff that are entitled to annual leave. On 30 June last year (2018) nine staff had in excess of 8 weeks accrued annual leave and the reduction to four staff demonstrates that significant improvement has occurred in this area.*

The Audit Committee, following discussions with Ms Carly Meagher, Director Financial Audit, from the Office of the Auditor General WA and Mr Partridge from AMD Chartered Accountants determined the following recommendations:

*“AC.02/1119 That the Audit Committee recommends that Council accept the 2018/19 Annual Financial Statements, and the auditor’s Independent Audit and Management Reports for the 2018/19 financial year as presented by the Auditor General.*

*AC.03/1119 That the Audit Committee recommends that Council note the Auditor’s report includes a ‘significant adverse trend’ in relation to Council’s Operating Surplus Ratio performance and acknowledges that Council has an existing ‘Ratio Improvement Action Plan’.*

*AC.04/1119 That the Audit Committee recommends that Council note Administration’s comment in relation to the matter raised in the Auditor’s Management Report.*

*AC.05/1119 That the Audit Committee acknowledges the work undertaken by the Corporate Services staff in preparing for the Audit and the achievement of a positive audit result.”*

#### Statutory Environment

- Section 5.27(2) for calling of Annual General Meeting of Electors;
- Section 5.53 for contents of Annual Report;
- Section 5.54 for acceptance of Annual Report;
- Section 5.55 for notice of Annual Report;

#### 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

#### Budget Implications

Funds are included in the current general advertising account for the purpose of advertising the Annual General Meeting of Electors.

#### Policy

Council’s ‘Advertising of Annual General Meeting of Electors’ Policy requires that:

- When setting the date of the Annual General Meeting of Electors Council is to have regard to the time required to implement the advertising stipulated in this Policy.
- The CEO is to give at least 14 days public notice of the meeting date, time and place with the advert appearing in the Manjimup Bridgetown Times newspapers.
- Notice of the Annual General Meeting of Electors is to be posted on the Shire website and social media (Facebook) page, and an email forwarded to participants of the 'Shire Bytes' email information service.
- Notices in other publications such as the Insight Newsletter, Mailbag and Balingup-Greenbushes Newsletter are also to occur, subject to the dates corresponding with publication of those newsletters.

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority to accept the Annual Report

**Council Decision Moved Cr Moore, Seconded Cr Bookless**

**C.02/1219 That Council:**

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2018/2019 financial year and gives local public notice of its availability.**
- 2. Schedules the Annual General meeting of Electors to be held on Thursday, 6 February 2020 in the Council Chambers, commencing at 5.30pm.**
- 3. Note the Auditor's report includes a 'significant adverse trend' in relation to Council's Operating Surplus Ratio performance and acknowledges that Council has an existing 'Ratio Improvement Action Plan'.**
- 4. Note Administration's comment in relation to the matter raised in the Auditor's Management Report.**

**Absolute Majority 9/0**

<b>ITEM NO.</b>	C.03/1219	<b>FILE REF.</b>	
<b>SUBJECT</b>	Flying of the Aboriginal Flag by Shire		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	9 December 2019		

### OFFICER RECOMMENDATION

That Council:

1. Endorse in principle a commitment to fly the aboriginal flag.
2. Consider funding of \$2,500 in the mid-year budget review for supply and installation of two new flag poles near the existing flag pole outside the civic centre.
3. That in the event of funds not being included for this purpose in the mid year budget review the \$2,500 be included in the 2020/21 budget.

### Summary/Purpose

Queries have recently been received asking why the Shire of Bridgetown-Greenbushes doesn't fly the aboriginal flag outside the civic centre where the Australian flag is flown. To fly the aboriginal flag and comply with the order of precedence under the Commonwealth Flags Act 1953 two additional flag poles would have to be installed. It is recommended Council endorse in principle a commitment to fly the aboriginal flag and set aside funds in either the mid year budget review or 2020/21 budget to purchase and install two new flag poles.

### Background

In recent months several queries have been received at the Shire administration office questioning why the Shire doesn't fly the aboriginal flag outside the civic centre where the Australian flag is flown. The response provided has been that only one flag pole is in place and under the Commonwealth Flags Act 1953 the Australian flag must be flown.

A search of Council minutes since 1999 didn't find any reference to previous Council decisions on this issue. Up until the late 1990's there were two flag poles on the balcony of the Council Chambers upon which an Australian flag and Western Australian flag were flown. These poles were removed due to safety hazards and the flagpole on the lawn area outside the Civic Centre is the only flagpole used and the Australian flag is flown each day the Shire administration office is open.

### Officer Comment

Given that the Commonwealth Flags Act 1953 recognises the Australian Aboriginal flag, and given that the Shire of Bridgetown-Greenbushes flies the Australian Aboriginal flag as directed by the Department of Premier and Cabinet it would appear reasonable that the Australian Aboriginal flag be flown at the same times.

There is an order of precedence of flags. The position of honour is always taken by the Australian National flag, then the National flag of other nations (if appropriate), State and Territory flags, followed by other Australian flags prescribed by the Flags Act 1953. Therefore, to fly the aboriginal flag the Western Australian flag must also be flown therefore two additional flagpoles would have to be installed.

Refer “budget implications” regarding estimated costs and options available for Council to fund such expenditure.

### Statutory Environment

The Governor-General proclaimed the Australian Aboriginal Flag under Section 5 of the Flags Act 1953 on 25 January 2008. Section 5 of that Act provides that:

‘The Governor–General may, by Proclamation, appoint such other flags and ensigns of Australia as he or she thinks fit’.

Consequently, the Australian Aboriginal flag is recognised under the Commonwealth Act relating to flags and is also recognised by the Western Australian Government. A protocol for the flying of the Australian Aboriginal flag has been developed by the Commonwealth.

### Integrated Planning

- Strategic Community Plan
  - Key Goal 4: A community that is friendly and welcoming
  - 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 – Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Not applicable
- Other Integrated Planning – Nil

### Policy Implications - Nil

### Budget Implications

The estimated cost for supply and installation of two flagpoles similar to the existing flagpole outside the civic centre is \$2,500. No funds are contained in the 2019/20 budget for this purpose.

If Council was to endorse the officer recommendation the funding of this amount could be addressed in the mid year budget review. If unable to be funded mid year the flagpoles could be included in Council’s 2020/21 budget.

### Whole of Life Accounting

Commercial quality flagpoles, capable of withstanding weather, specifically winds, would be purchased.

### Risk Management

Failure to acknowledge the status of the aboriginal flag by not having sufficient flag poles could cause reputational risk to the Council. Whilst some persons don’t accept the formal recognition of the aboriginal flag the reputational risk to Council in meeting the request to fly the flag would be much lower.

### Voting Requirements

Simple Majority decision if resolving in accordance with the officer recommendation. If Council was to resolve to purchase the flagpoles immediately as unbudgeted expenditure then an absolute majority decision would be required.

### **Council Decision Moved Cr Wilson, Seconded Cr Boyle**

#### **C.03/1219 That Council:**

- 1. Endorse in principle a commitment to fly the aboriginal flag.**
- 2. Consider funding of \$2,500 in the mid-year budget review for supply and installation of two new flag poles near the existing flag pole outside the civic centre.**
- 3. That in the event of funds not being included for this purpose in the mid year budget review the \$2,500 be included in the 2020/21 budget.**

**Carried 8/1**

Cr Quinby voted against the Motion

<b>ITEM NO.</b>	C.04/1219	<b>FILE REF.</b>	674
<b>SUBJECT</b>	Licence to Occupy – Bridgetown Railway Reserve		
<b>PROPONENT</b>	Arc Infrastructure		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	11 December 2019		

Attachment 4      Draft Licence to Occupy  
Attachment 5      Plan of Licence to Occupy Area

*OFFICER RECOMMENDATION that Council accept the offer from Arc Infrastructure to enter into an amended Licence to Occupy (Attachment 4) for community purposes for the land and buildings comprising the Bridgetown railway reserve (including town square and car park) as shown in Attachment 5.*

### Summary/Purpose

In 2008 a Licence to Occupy was created between the Shire of Bridgetown-Greenbushes and the Public Transport Authority for the permitted uses of 'car park' and 'community purposes'. The Licence to occupy has expired and renewal is recommended.

### Background

The area covered by the Licence to Occupy has been amended from the previous Licence to remove an area of 6459m<sup>2</sup> as that land is now gazetted as a road reserve for Stewart Street.

The permitted use under the Licence to occupy for the whole of the Licence Area has been amended to be solely "community purposes" as the car park fits that purpose.

Retained in the Licence Area is the railway station building, goods shed and community garden.

Remaining excluded from the Licence Area is the operational rail corridor leased to Arc Infrastructure. This includes the areas marked “freight” on the Licence to Occupy Plan. Arc Infrastructure is the manager of the rail freight network in Western Australia under a long term lease from the State Government and as part of its management of the network it is also the licensee of all the rail corridor land adjoining the rail freight tracks.

As the use of the land is consistent with “community purposes” the annual licence fee has been set at \$1.00 payable of and when demanded.

#### Officer Comment

The licence area is still required and therefore it is recommended Council agree to enter into the new licence to occupy.

#### Statutory Environment

The licence to occupy secures the Shire’s right to use the land.

#### 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 2.2.1 - Prepare and implement strategies for development and maintenance of parklands and reserves

##### ➤ Corporate Business Plan - Nil

##### ➤ Long Term Financial Plan - Nil

##### ➤ Asset Management Plans

The proposed terms of the Licence to Occupy will require the Shire to undertake maintenance of the land, similar to what it has been doing for the land since 1986.

##### ➤ Workforce Plan – Not applicable

##### ➤ Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

#### Risk Management

If Council declines to enter into the proposed licence to occupy the land would be returned to the Public Transport Authority and Council would have to fund removal of the car park, town square and community garden as well as give up access to the railway station and goods shed.

Continuous Improvement – Not Applicable



Voting Requirements – Simple Majority

**Council Decision** *Moved Cr Quinby, Seconded Cr Boyle*  
**C.04/1219** *That Council accept the offer from Arc Infrastructure to enter into an amended Licence to Occupy (Attachment 4) for community purposes for the land and buildings comprising the Bridgetown railway reserve (including town square and car park) as shown in Attachment 5.*

*Carried 9/0*

<b>ITEM NO.</b>	C.05/1219	<b>FILE REF.</b>	209
<b>SUBJECT</b>	Rolling Action Sheet		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	12 December 2019		

Attachment 6 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

**Integrated Planning**

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

**Policy Implications** – Not Applicable

**Budget Implications** – Not Applicable

**Whole of Life Accounting** – Not Applicable

**Risk Management** – Not Applicable

Voting Requirements – Simple Majority

**Council Decision** *Moved Cr Pratico, Seconded Cr Mountford*  
**C.05/1219** *That the information contained in the Rolling Action Sheet be noted.*  
*Carried 9/0*

## Corporate Services

<b>ITEM NO.</b>	C.06/1219	<b>FILE REF.</b>	131
<b>SUBJECT</b>	November 2019 Financial Activity Statements and List of Accounts Paid in November 2019		
<b>OFFICER</b>	Senior Finance Officer		
<b>DATE OF REPORT</b>	05 December 2019		

Attachment 7            November 2019 Financial Activity Statements  
Attachment 8            List of Accounts Paid in November 2019

### OFFICER RECOMMENDATION

1. That Council receives the November 2019 Financial Activity Statements as presented in Attachment 7.
2. That Council receives the List of Accounts Paid in November 2019 as presented in Attachment 8.

### Summary/Purpose

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

### Background

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

- (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 Implications

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 November 2019 and presented in the list of accounts paid, was allocated in the 2019/20 Budget as amended.

Whole of Life Accounting – Not applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

**Council Decision Moved Cr Bookless, Seconded Cr Moore**

**C.06/1219**

- 1. That Council receives the November 2019 Financial Activity Statements as presented in Attachment 7.**
- 2. That Council receives the List of Accounts Paid in November 2019 as presented in Attachment 8.**

**Carried 9/0**

**Development & Infrastructure**

<b>ITEM NO.</b>	C.07/1219	<b>FILE REF.</b>	A48022
<b>SUBJECT</b>	Proposed Building Envelope Extension (Setback Variation)		
<b>PROPONENT</b>	Outdoor World (on behalf of Cairan Lucey)		
<b>LOCATION</b>	Lot 224 Henderson Road, Kangaroo Gully		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	10 December 2019		

Attachment 9      Locality Plan  
Attachment 10     Neighbour Submissions  
Attachment 11     Proposed Site Plan/Applicant's Submission

**OFFICER RECOMMENDATION**

*That Council, noting the two neighbour submissions of support received as per Attachment 10, and pursuant to Clause 3.4.4 and Clause 4.5.6(b) of Town Planning Scheme No. 4 and provisions of the Shire's Building Envelopes Policy, grants development approval for the proposed building envelope extension and setback variation for Lot 224 Henderson Road, Kangaroo Gully, as per Attachment 11, subject to the following conditions:*

- 1. Approval is granted for a 105m<sup>2</sup> building envelope extension with a reduced setback of 13 metres to the northern side boundary, as shown on the approved plan.*
- 2. All future development to be contained within the approved building envelope.*

**Summary/Purpose**

A development application has been received for a proposed building envelope extension to rectify a building encroachment at Lot 224 Henderson Road, Kangaroo Gully. The proposed setback variation requires determination by Council. Noting the two submissions of support received from adjoining neighbours, it is recommended that approval be granted subject to conditions.

**Background**

The property is zoned 'Special Rural SR2' under Town Planning Scheme No. 4, with Amendment No. 3 to Town Planning Scheme No. 4 originally gazetted in September 1990, with the original subdivision guide plan (now structure plan) showing a building envelope for the subject lot. Subdivision approval was granted by the Western Australian Planning Commission in October 2006 with the late created in early 2009.

### Officer Comment

A development application has been received seeking approval for a minor building envelope extension, with a setback variation to the northern side boundary of 13 metres in lieu of 20 metres, to accommodate an existing outbuilding encroaching beyond the current building envelope.

The property is zoned 'Special Rural SR2' under Town Planning Scheme No. 4 and has an approximate area of 2.4302 hectares. The building envelope generally excludes the existing dam in the north-western corner of the lot, has 25 metre setbacks to the Henderson Road and Winesap View boundaries, and 20 metres to the other side and rear boundaries. The existing dwelling and water tank are located within the building envelope, however the existing outbuilding encroaches beyond the envelope and into the 20 metre setback area.

The property has recently sold and during the settlement process Shire staff became aware that the existing outbuilding was located partially outside of the building envelope, and setback approximately 13.5 metres from the northern side boundary. The location of the outbuilding represents a significant variation to the building permit approval granted by the Shire in October 2012 to Outdoor World and for the previous landowner.

The applicant on behalf of the new landowner has provided justification (see Attachment 11) and is seeking approval for a minor building extension and setback variation from 20 metres to 13 metres to the northern boundary. The proposed envelope extension is for a length of only 15 metres to accommodate the outbuilding, and therefore area of 105m<sup>2</sup> only.

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 13 metre setback to the northern side boundary in lieu of the required 20 metre setback.

The application was referred to landowners of three adjoining properties for comment with the submission period closing on 13 December 2019. Two submissions of support were received from adjoining neighbours of Lots 223 Henderson Road (to the north) and Lot 43 Winesap View (to the east). These submissions were received on 6 December 2019 via the applicant (see Attachment 10).

At the time of writing this report a submission had not been received from the owners of adjoining Lot 201 Henderson Road (to the north east). The neighbours dwelling is approximately 240 metres to the east of the subject envelope modification and screened by existing vegetation so no adverse response is anticipated. Should a submission be received prior to the Council meeting the submission can be tabled to Council for consideration.

Whilst the current building envelope is large, the proposed envelope extension is modest in size and setback variation is considered minor and necessary to address the non-compliant location of the existing outbuilding. Noting that 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:*

- (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.”*

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 13 metres in lieu of 20 metres to the northern 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.

- Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 67, Schedule 2 (Deemed Provisions)

<b>Requirement</b>	<b>Comment</b>
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed building envelope extension is consistent with the objective of the Special Rural zone under Town Planning Scheme No. 4, noting the minor setback variation.

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The proposed building envelope modification, noting the minor setback variation, is consistent with the orderly and proper planning of Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is currently being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas is not applicable, see above.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Guidelines for Planning in Bushfire Prone Areas is not applicable, see above.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Building Envelopes Policy, see below.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	SR2 zone Structure Plan is applicable. Consistent noting the setback variation.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.
(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the local area are anticipated.

<p>(n) the amenity of the locality including the following:            (i) environmental impacts of the development;            (ii) the character of the locality;            (iii) social impacts of the development;</p>	<p>No detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated.</p>
<p>(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;</p>	<p>No detrimental impacts upon the local environment or water resources are anticipated.</p>
<p>(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p>	<p>Not applicable.</p>
<p>(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;</p>	<p>See bushfire issues above. No evidence of flooding, soil erosion or landslip issues.</p>
<p>(r) the suitability of the land for the development taking into account the possible risk to human health or safety.</p>	<p>Not applicable.</p>
<p>(s) the adequacy of:            (i) the proposed means of access to and egress from the site, and            (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</p>	<p>Access to the property via the existing road network is adequate.</p>
<p>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p>	<p>Not applicable.</p>
<p>(u) the availability and adequacy for the development of the following:            (i) public transport services;            (ii) public utility services;            (iii) storage, management and collection of waste;            (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);            (v) access by older people and people with a disability;</p>	<p>Mains power and reticulated water available. Not applicable to the proposed building envelope modification.</p>



(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(w) the history of the site where the development is to be located;	Not applicable.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Not applicable.
(y) any submissions received on the application;	Two submissions from adjoining neighbours have been received indicating support.
(za) the comments or submissions received from any authority consulted under clause 66.	Not applicable.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

### Integrated Planning

#### ➤ Strategic Community Plan

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

Objective 1.2 - A proactive approach to business development

Strategy 1.2.1 - Embrace a “can-do” approach to development

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

Objective 2.6 - Development is sympathetic to the landscape

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

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

Objective 3.1 - Maintain townscape heritage and character

Strategy 3.1.1 - Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities

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

Objective 5.1 - Our community actively participates in civic life

Strategy 5.1.1 - The community is involved in local decision making

#### ➤ Corporate Business Plan

Strategy 1.2.1 - Embrace a “can do” approach to development

Action 1.2.1.2 - Development internal and external planning, building control and environmental health processes that have regard to the importance of business development and social capacity whilst ensuring regulatory compliance is met

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

Action 2.6.1.2 - Development application process allows a balance between sensitively developed places and progressive development.

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

#### 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 required development application fee has been paid to consider the application including the setback variation.

Should Council approve the application subject to conditions opposed by the applicant or should Council issue refusal to the development, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal with additional staff and potential legal costs likely to be incurred.

Whole of Life Accounting – Not applicable

#### Risk Management

No risks to the Shire, the landowner or adjoining property owners are evident should Council resolve to support the proposal. Should Council approve the application subject to conditions opposed by the applicant or should Council issue refusal to the development, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal. Should Council refuse the application the existing outbuilding will need to be modified or removed enforced through applicable regulations.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Wilson, Seconded Cr Pratico**

**C.07/1219 That Council, noting the two neighbour submissions of support received as per Attachment 10, and pursuant to Clause 3.4.4 and Clause 4.5.6(b) of Town Planning Scheme No. 4 and provisions of the Shire's Building Envelopes Policy, grants development approval for the proposed building envelope extension and setback variation for Lot 224 Henderson Road, Kangaroo Gully, as per Attachment 11, subject to the following conditions:**

**1. Approval is granted for a 105m<sup>2</sup> building envelope extension with a reduced setback of 13 metres to the northern side boundary, as shown on the approved plan.**

**2. All future development to be contained within the approved building envelope.**

**Carried 9/0**

<b>ITEM NO.</b>	C.08/1219	<b>FILE REF.</b>	158594
<b>SUBJECT</b>	Proposed Fifteen Lot Subdivision		
<b>PROPONENT</b>	LPD Surveys on behalf of Bridgetown Property Pty Ltd Investments Pty Ltd		
<b>LANDOWNERS</b>	J Fredericks and S Lowe		
<b>LOCATION</b>	Lot 20 (RSN 54) Hester Road, Bridgetown		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	10 December 2019		

Attachment 12	Locality Plan
Attachment 13	Special Rural SR12 Structure Plan
Attachment 14	Proposed Subdivision Plan
Attachment 15	Bushfire Management Plan

**OFFICER RECOMMENDATION**

*That Council gives 'in-principle' support for the proposed fifteen lot subdivision of Lot 20 (RSN 54) Hester Road, Bridgetown, as per Attachment 14, and grants delegated authority to the Chief Executive Officer to provide a final recommendation to the Western Australian Planning Commission subject to applicable conditions pending submission of a satisfactory Soil and Site Evaluation Report and further investigation into vegetation protection.*

**Summary/Purpose**

The Western Australian Planning Commission (WAPC) is seeking a recommendation from the Shire of Bridgetown-Greenbushes in relation to the proposed fifteen lot subdivision of Lot 20 (RSN 54) Hester Road, Bridgetown. The application proposed some variations to the provisions of Town Planning Scheme No. 4 and the approved Structure Plan that requires consideration by Council.

**Background**

The subject property was rezoned from 'Rural 2 – General Agriculture' to 'Special Rural SR12' in January 1993 under Town Planning Scheme No. 4, with the approved subdivision guide plan showing subdivision into six lots (varying in size from 4.4ha to 6.6ha), one Public Purpose Reserve for telecommunications (now Lot 1) and one Public Open Space (POS) corridor (now Recreation Reserve 44116).

In 2008 and 2009 the Shire processed a scheme amendment request and revised subdivision guide plan (submitted on behalf of the current landowners) to increase the subdivision potential from six to fifteen lots, varying in size from 1.83 to 2.9 hectares. Council in October 2008 resolved (C.8/1008) to initiate a scheme amendment and revised subdivision guide plan subject to payment of fees and changes addressing building envelopes, fire access track easement, battleaxe legs, water supply reserve, vehicular access, road design and a fire management plan addressing strategic fire access track design, water supply and fencing.

Modified documentation was received addressing the necessary changes however the applicant sought a reduction in the required 1000m<sup>2</sup> water supply reserve to 100m<sup>2</sup> only. Council in December 2008 resolved (C.13/1208) to formally adopt Town Planning Scheme No. 4 - Amendment No. 67 and revised subdivision guide plan, and to proceed to public advertising.

Important features of the revised subdivision guide plan (see Attachment 13), discussed further below, include a 650 metre long cul-de-sac with access via Hester Road, a 200 metre long strategic fire access easement from the cul-de-sac to Hester Road, a strategic fire fighting water tank reserve adjacent to the cul-de-sac, a native vegetation protection area over Lots 12 and 13, and a perimeter strategic firebreak/bridle track easement along all boundaries (except for the western boundary adjoining Reserve 44116). Amendment No. 67 was also appended by a Remnant Native Vegetation Management Plan, in relation to Lots 12 and 13.

Amendment No. 67 was referred to the Environmental Protection Authority (EPA), with the EPA confirming that the amendment should not be formally assessed and provided advice and recommendations supporting the scheme provisions to protect the remnant native vegetation, and to re-vegetate the area using locally native species as fauna habitat, particularly given the presence of threatened fauna species such as cockatoos.

The EPA also recommend that given potential soil and groundwater contamination from previous tree cropping, sawmilling and timber stockpiling activities undertaken on the site, a condition of subdivision should require a preliminary site investigation to determine the extent and severity of any contamination of the proposed lots, with a 'Site Remediation and Validation Report' produced if necessary to the satisfaction of the Contaminated Sites Branch of the (then) Department of Environment and Conservation (DEC).

Following formal advertising and noting no objections and supportive submissions from five government agencies, Council in April 2009 resolved (C.20/0409) to adopt Amendment No. 67 and revised subdivision guide plan, subject to a new provision for uniform fencing along the western boundary of the subject lot to prevent direct access to the adjoining POS reserve (as recommended by Main Roads WA), plus a new provision requiring a preliminary site investigation to determine the extent and severity of any contamination of the proposed lots (as recommended by the EPA). Amendment No. 67 was then presented to the WAPC, with the modified amendment approved by the Minister for Planning in September 2009 and gazetted in October 2009, with the structure plan endorsed by the WAPC in October 2009.

### Officer Comment

The WAPC is now seeking the Shire's recommendation in relation to the proposed fifteen lot subdivision of Lot 20 (RSN 54) Hester Road, Bridgetown (see Attachment 14). As stated above, the property is zoned 'Special Rural SR12' (SR12) under the Town Planning Scheme No. 4 (TPS4), has an area of 32.178 hectares, with an approved subdivision guide plan in place, now known as a structure plan.

### *Previous Subdivision Approval*

As background, the WAPC in August 2010 sought the Shire's recommendation in relation to a proposed fifteen lot subdivision of the subject land (WAPC 142716), which reflected the approved structure plan. Shire staff under delegated authority recommended support subject to a range of conditions. Approval was granted by the WAPC on 15 October 2010 subject to twenty three conditions, with no action taken and approval expiring on 15 October 2014.

Those conditions relevant to the Shire generally included the provision of sealed roads and constructed battleaxe legs, removal of the sawmill and soil remediation, restrictive covenants preventing vehicular access to South Western Highway and Hester Road, reciprocal easements for shared battleaxe legs, submission and implementation of a Fire Management Plan, fencing adjoining Reserve 44416 and the strategic fire access/bridle track, ceding of a water supply reserve, and preparation and implementation of a Landscape Management Plan.

Importantly, the Fire Management Plan was to include a 20 metre building protection zone; dwellings to meet AS3959 Construction in bush prone area standards; a 4 metre wide gravel fire access track; provision of the bridle path to also function as a firebreak; and provision of 20,000 Litre fire fighting water tank. In relation to the fencing condition, fencing was required along the internal boundary of the entire length of the strategic bridle path easement; fencing along the boundary with Reserve 44116, plus unlocked gates at each lot boundary and at the northern end of the emergency access track fronting Hester Road.

### *Subdivision Proposal*

The WAPC is now seeking the Shire's recommendation in relation to the proposed fifteen lot subdivision, varying in lot size from 1.88 to 2.50 hectares, and is generally in accordance with the approved structure plan for the Special Rural SR12 zone.

### *Road Layout*

The structure plan shows a 650 metre long cul-de-sac with access/egress via Hester Road adjacent to Lots 1 and 15, on the eastern side of the subject land, with all lots fronting this new internal no through road. The proposed subdivision shows a U-shaped internal road with two junctions to Hester Road, the eastern entrance consistent with the structure plan, and the new western entrance in lieu of the fire access track shown on the structure plan. With respect to bushfire risk issues, the proposed layout provides two points of access/egress from the subdivision and is considered a better outcome in terms of bushfire risk management than the cul-de-sac and fire access track.

The alignment of the western road connection to Hester Road traverses through a section of remnant vegetation however an inspection shows little native understorey, with approximately 20 trees of varying sizes requiring removal to accommodate the proposed road. Should approval be granted, the Shire can liaise with the applicant through detailed engineering design to maximise tree retention.

A copy of correspondence from the Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (DBCA) was received by the Shire on 10 December 2019, confirming that vegetation within Lot 20 is habitat for three threatened species of black cockatoo.

DBCA has advised that the new north/south road between Lots 12 and 13 and east/west road alignment will require clearing of bushland habitat, and that these roads could curve around or be realigned to avoid the need to clear significant vegetation. DBCA recommends the north-south road be angled further west to skirt most of the forest and the east/west road be modified to go around the bushland on Lots 6 and 7. Shire staff support the principle of the suggested changes, and detailed site investigation can be undertaken in preparation of the Landscape Management Plan and civil engineering plans.

#### *Bushfire Management Plan*

The majority of the subject site is within the designated bushfire prone area declared by the Fire and Emergency Services Commissioner. A Bushfire Management Plan prepared by Lush Fire & Planning has been submitted (see Attachment 4) generally demonstrating compliance with the Appendix Four Bushfire Protection Criteria under the Guidelines.

The building envelopes for all fifteen proposed lots will have achievable Bushfire Attack Level ratings of BAL-29 or below, with some potential minor vegetation clearing outside of the building envelope required for Lots 13, 14 and 15, depending upon the specific location of the future dwelling.

The BMP demonstrates that the internal road layout with two frontages to Hester Road as shown on the subdivision plan is a more suitable design than the original cul-de-sac and fire access track as shown in the approved structure plan. Importantly the BMP states that a strategic perimeter firebreak is not required and has therefore not been included. As such, the dual purpose strategic firebreak/bridle trail has not been provided along the southern, eastern and northern boundaries and adjoining the telecommunications reserve in the north-western corner.

#### *Strategic Water Tank*

A 100m<sup>2</sup> portion of road reserve has been set aside for the strategic fire fighting water tank, in lieu of a reserve for water supply, and whilst the final location still needs to be negotiated with the applicant for best fire appliance access, this land tenure arrangement is generally supported by Shire staff.

### *Strategic Fire Access/Bridle Track*

A key feature of the approved structure plan is a shared strategic firebreak and bridle trail track along the southern, eastern and northern boundaries, plus along the boundaries with the adjoining telecommunications reserve, and joined through Reserve 44116. The proposed subdivision and supporting Bushfire Management Plan has omitted the strategic firebreak, due in part to all lots having direct road frontage to the new internal road and two connections to Hester Road. The shared bridle trail therefore has not been proposed as part of the subdivision.

As part of Amendment No. 67 adopted by Council and the WAPC in 2009, the shared strategic firebreak and bridle trail also sought to provide recreational opportunities for residents with horses. Shire staff are now of the opinion that the bridle trail would have little strategic recreational value as it does not connect to any trail network; it would encourage riding of horses through the Shire's Recreation Reserve 41166 and potentially along South Western Highway and Hester Road, and may create privacy, security and maintenance issues for landholders and the Shire. It is therefore recommended that Council support the proposed subdivision without provision of the strategic firebreak and bridle track.

### *Transport Impact Assessment*

A Transport Impact Statement report plus correspondence from a consultant engineer have been provided to assist consideration of the proposed subdivision, available to elected members upon request. The findings demonstrate the suitability of the proposed subdivision and two new road junctions with Hester Road, addressing expected traffic volumes and movements, sightlines, and potential road treatments to ensure safe access and egress to the subdivision.

Under State Planning Policy 5.4 Road and Rail Noise, the potential impacts of freight noise must be assessed to determine the appropriateness of development for the amenity of residents and protection of freight corridors. Whilst Main Roads WA raised no objections to the subdivision proposal, given the slope of South Western Highway and proximity of future dwellings to the highway and Hester Road (which is a recommended alternative heavy haulage route), a detailed noise investigation should have been provided with the initial application.

At the Shire's direction, an updated report was prepared and received on 10 December 2019 confirming that acceptable noise impacts on proposed Lots 10, 11 and 12 in proximity to South Western Highway, and Lots 1, 12, 13, 14 and 15 in proximity to Hester Road. Noise bunds aren't considered necessary, however it is recommended that notifications be registered on the titles of Lots 10, 11 and 12 to advise prospective purchasers of the potential impacts of transport noise from South Western Highway.

### *Building Envelopes*

An existing overhead powerline traverses proposed Lots 1, 14 and 15, before crossing north over Hester Road. Whilst the powerline alignment is well outside of the building envelope for Lots 14 and 15, the powerline encroaches into the building envelope for proposed Lot 1 and raises amenity and safety concerns. The building envelope for Lot 1 is setback 25 metres from the new internal road and Hester Road,

20 metres to the southern side boundary (to Lot 2) and 115 metres to the eastern rear boundary.

Shire staff are not aware if the powerline is to remain in place post the subdivision, as that will be determined by the WAPC on advice from Western Power. Should the overhead powerline remain in place, it is suggested that the building envelope be repositioned, with a reduced set back of 10 metres to the southern boundary. Shire staff can address this matter directly with the applicant prior to providing a formal response to the WAPC.

DBCA also made comments regarding the building envelopes for Lots 13, 14 and 15, concerned that the envelope for Lot 14 is larger than the others proposed with the vegetated portion. DBCA's preference is for the Lot 14 building envelope to be reduced in size and relocated slightly northwards to avoid bushland/habitat clearing. Conversely, DBCA suggest the Lot 13 building envelope shape be modified and the Lot 15 building envelope moved northwards to avoid bushland clearing outside of the envelopes needed for bushfire protection.

The vegetation in Lots 14 and 15 is essentially non-native vegetation and could be argued has little habitat value. Changes to the envelopes for Lot 14 and 15 are not considered necessary. Relocating the building envelope for proposed Lot 13 further east and south, perhaps with 10 to 15 metre setbacks to the nearby boundaries is considered prudent. The final building envelopes for Lots 1 and 13 can be negotiated with the applicant, with reduced setbacks if necessary.

#### *Onsite Wastewater Disposal*

Pursuant to the State Government Sewerage Policy, discussed further below in Policy/Strategic Implications, a Soil and Site Evaluation Report is required, to determine the capacity of the site and each lot to handle the hydraulic load and nutrient output of the waste water.

A preliminary geotechnical investigation has been undertaken by the applicant. The Shire's Manager Environmental Health has noted the findings and is generally satisfied that the lots will likely be capable of onsite water disposal. At the time of writing this report, the final SSE Report has not been received however will be further considered by Shire staff prior to providing a formal response to the WAPC.

#### *Conclusion*

Noting that a Site and Soil Evaluation Report is still to be submitted by the applicant, it is recommended that Council provide 'in-principle' support for the proposed subdivision, with delegated authority granted to the Chief Executive Officer to provide a final recommendation to the Western Australia Planning Commission and negotiated conditions.

#### Statutory Environment

- Town Planning Scheme No. 4



Clause 4.5.4 Application for Subdivision states an “Application for subdivision following rezoning shall be generally in accordance with the plan forming part of the amendment, or any variation therefrom as may be agreed upon.”

Clause 4.5.5 [Lodgment] of Plan states “Prior to final approval of [a] subdivision a copy of the plan of subdivision must be lodged with Council on which is shown:

- a) a building envelope for each lot;
- b) tree preservation areas;
- c) strategic firebreaks or other bush fire control measures;
- d) any other matter required to be shown by the [Western Australian] Planning Commission or the Council as a condition of subdivision.

and upon adoption by Council the plan will form part of this Scheme for the purpose of determining an application for Planning Consent within the area.”

Clause 4.5.6 Building Envelopes and Setbacks states (inter alia) “a) Where considered desirable or prudent to ascertain suitability for building, Council may require competently prepared analyses of slope, ground conditions and soil stability as a condition of agreement to proposed lots and building envelopes.”

Clause 4.5.7 Tree Preservation states “Within a Tree Preservation area defined on the plan lodged with Council under the provisions of Clause 4.5.5 no indigenous tree or other substantial vegetation may be felled or removed except:

- a) trees which are dead, diseased or are dangerous;
- b) for the purpose of a firebreak required by a regulation or by-law;
- c) for the purpose of access to a lot;
- d) a fence.”

Provisions under Schedule 3 – Special Rural Zones that specifically relate to the SR12 zone and proposed subdivision are listed below:

- “(a) Subdivision to be generally in accordance with the Subdivision Guide Plan endorsed by the Local Government and Western Australian Planning Commission.
- (e) Landowners are required to provide their own liquid and solid wastes disposal system to Council’s specification and satisfaction.
- (g) no dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.
- (h) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.
- (i) The Local Government may at the subdivision stage request the Western Australian Planning [Commission] to impose a condition requiring the subdivider to prepare and implement a Landscape Management Plan to the satisfaction of the Local Government. The Plan is to include the measures outlined in the Remnant Native Vegetation Management Plan which is appended to Scheme Amendment No. 67.

- (j) *No vegetation shall be cleared within an allotment except for the purposes of:*
- *compliance with the requirements of the Bushfire Fire Act 1954 (as amended);*
  - *compliance with an approved Fire Management Plan;*
  - *constructing vehicular access way(s), the location of which is to be approved by the Local Government;*
  - *clearing an approved building envelope; and*
  - *removing dead, diseased or dangerous trees.*
- (k) *The Local [Government] may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to enter into a restrictive covenant for the purposes of restricting access onto Hester Road. The cost of preparing the restrictive covenant is to be borne by the subdivider.*
- (l) *The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to inform prospective purchasers of the provisions relating to the land and such other provisions of the Scheme that may affect it.*
- (n) *The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to install uniform fencing along the western boundary of the subject lot to prevent direct vehicular access to the adjoining Public Open Space reserve and access to the South Western Highway, to the satisfaction of the Main Roads Western Australia.*
- (o) *The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to undertake a preliminary site investigation of the subject lot, prior to any ground disturbing activities, to determine the extent and severity of any contamination of the proposed lots and if the site is found to be contaminated as a result of this investigation, then a ‘Site Remediation and Validation Report’ should be prepared and implemented to the satisfaction of the Department of Environment and Conservation Contamination Sites Branch.”*
- **Planning and Development (Local Planning Schemes) Regulations 2015 – Part 10 Bushfire Risk Management (Deemed Provisions)**

The majority of the subject site is within the designated bushfire prone area declared by the Fire and Emergency Services Commissioner. As required under State Planning Policy 3.7 Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas, a Bushfire Management Plan prepared by Lush Fire & Planning was submitted with the application generally demonstrating compliance with the Appendix Four Bushfire Protection Criteria under the Guidelines. See Officer Comment above for further discussion.

The building envelopes for all fifteen proposed lots will have achievable Bushfire Attack Level ratings of BAL-29 or below, with some potential minor vegetation clearing outside of the building envelope required for Lots 13, 14 and 15 depending upon the specific location of the future dwelling.

The BMP demonstrates that the internal road layout with two frontages to Hester Road as shown on the subdivision plan is a more appropriate design than the original cul-de-sac and fire access track as shown in the approved structure plan. Importantly the BMP states that a strategic perimeter firebreak is not required and has therefore not been included. As such, the dual purpose strategic firebreak/bridle trail has not been provided along the southern, eastern and northern boundaries and adjoining the telecommunications reserve in the north-western corner.

- Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 67, Schedule 2 (Deemed Provisions)

<b>Requirement</b>	<b>Comment</b>
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed fifteen lot subdivision is generally in accordance with the Objective and Policies under Town Planning Scheme No. 4.
(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	Although noting the proposed minor variations relating to road layout and omission of the bridle trail, the proposed fifteen lot subdivision is generally in accordance with scheme provisions and associated structure plan for the Special Rural SR12 zone, and is consistent with the orderly and proper planning of Town Planning Scheme No. 4. The draft Local Planning Strategy and Local Planning Scheme No. 6 is currently being prepared.
(c) any approved State planning policy;	SPP 3.7 Planning in Bushfire Prone Areas is applicable, see above. SPP 5.4 Road and Rail Noise, see above. SPP 2.0 Environmental and Natural Resource and SPP 5.4 Soil and Land Quality are relevant to the possible soil and groundwater contamination of the sawmill operation.
(d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d);	Not applicable.
(e) any policy of the Commission;	Government Sewerage Policy is applicable. See below.
(f) any policy of the State;	Not applicable.
(g) any local planning policy for the Scheme area;	Provision of Subdivisional Roads and Civil Works Policy. Generally compliant with detailed engineering drawings to be provided should approval be granted.
(h) any structure plan, activity centre plan or local development plan that relates to the development;	SR12 zone Structure Plan is applicable. Complies noting variations to the internal road layout and omission of the strategic fire access/bridle track.
(i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> ;	Not applicable.

(j) in the case of land reserved under this scheme, the objectives for the reserve and the additional permitted uses identified in this Scheme for the reserve;	Not applicable.
(k) the built heritage conservation of any place that is of cultural significance.	Not applicable.
(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;	Not applicable.
(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	No detrimental impacts upon the local area are anticipated.
(n) the amenity of the locality including the following: (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	No detrimental impacts upon the local environment, character of the locality or adjoining land are anticipated. A Landscape Management Plan will be recommended for protection and improvement of the remnant native vegetation area with Lots 12 and 13, with most lots then requiring planting of 30 native trees and shrubs at the development stage of each lot.
(o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;	Having regard to the Shire's Natural Environment Strategy and Managing the Natural Environment Policy, no detrimental impacts upon the local environment or water resources are anticipated, subject to adequate protection of significant vegetation and management of appropriate onsite waste water disposal.
(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;	Noting the findings of the Remnant Native Vegetation Management Plan that was appended to Amendment No. 67, provision and implementation of a Landscape Management Plan can be recommended to address protection of and additional planting, having regard of course to bushfire protection.
(q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;	See bushfire issues above. No evidence of flooding, soil erosion, landslip or other issues. A Soil and Site Evaluation Report is still required demonstrating the suitability of each lot for onsite wastewater disposal.

(r) the suitability of the land for the development taking into account the possible risk to human health or safety.	A soil contamination investigation is required and potential remediation action potentially required in relation to the sawmill operation on the property.
(s) the adequacy of: (i) the proposed means of access to and egress from the site, and (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;	Access to Hester Road at two junctions via the proposed internal subdivision road can be supported, having regard to the traffic impact studies provided. Provision of the perimeter strategic firebreak/bridle track is not considered necessary.
(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	Noting Comment s) above, external vehicular traffic will be via Hester Road and is acceptable noting the findings of the Transport Impact Statement submitted by the applicant.
(u) the availability and adequacy for the development of the following: (i) public transport services; (ii) public utility services; (iii) storage, management and collection of waste; (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities); (v) access by older people and people with a disability;	Mains power and telecommunications will be available. Reticulated water and sewer are not available, with onsite potable water supply required and wastewater disposal generally considered acceptable.
(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;	Nil.
(w) the history of the site where the development is to be located;	The existing sawmill operation is to cease, structures and materials removed and the site remediated if necessary.
(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;	Nil.
(y) any submissions received on the application;	Public submissions are not sought by the DLPH or relevant agencies in relation to subdivision proposals.
(za) the comments or submissions received from any authority consulted under clause 66.	DPLH confirmed that Main Roads Western Australia raised no objection to the proposed subdivision.
(zb) any other planning consideration the local government considers appropriate.	Not applicable.

### Integrated Planning

#### ➤ Strategic Community Plan

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

Objective 1.2 - A proactive approach to business development

Strategy 1.2.1 - Embrace a “can-do” approach to development

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

Objective 2.6 - Development is sympathetic to the landscape

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

#### ➤ Corporate Business Plan

Strategy 1.2.1 - Embrace a “can do” approach to development

Action 1.2.1.2 - Development internal and external planning, building control and environmental health processes that have regard to the importance of business development and social capacity whilst ensuring regulatory compliance is met

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

Action 2.6.1.2 - Development application process allows a balance between sensitively developed places and progressive development.

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

### Policy Implications

- State Government Sewerage Policy

Under the State Government Sewerage Policy, published by the Western Australian Planning Commission in September 2019, the provision of reticulated sewerage is mandatory. Where such service is impractical, as in the case for this subdivision, the proponent must demonstrate the suitability of each proposed lot and the broader landscape for onsite waste water disposal. As such, Soil and Site Evaluation Report is required as described in Australian Standard AS1547, based upon the capacity of the site and each lot to handle the hydraulic load and nutrient output of the waste water and to determine the best practice to be applied.

A preliminary geotechnical investigation has been undertaken by the applicant. The Shire’s Manager Environmental Health has noted the findings and is generally satisfied that the lots will likely be capable of onsite water disposal. At the time of writing this report, the final SSE Report has not been received however will be further considered by Shire staff prior to providing a formal response to the WAPC.

### Budget Implications

The Shire does not receive any application fees for consideration of the subdivision proposal. Ultimately if approved and actioned, the Shire will receive statutory condition clearance fees and then later rates for future lots.

### Risk Management

The findings of the Bushfire Management Plan, draft Geotechnical Report and preliminary Traffic Impact Statement have been taken into consideration. Appropriate measures are to be implemented to reduce related risks to future residents, emergency services and road users, with the two road junctions to Hester Road a better option than a cul-de-sac and fire access track. Should Council require the shared strategic fire access/bridle track, it may potentially expose the Shire and landowners to conflicts of use. Depending upon the findings of the Site and Soil Evaluation, specific requirements may be necessary for onsite wastewater disposal. Repositioning of the building envelope for proposed Lot 1 for separation to existing powerline may reduce potential safety risks.

Voting Requirements – Simple Majority

***Council Decision Moved Cr Moore, Seconded Cr Bookless  
C.08/1219 That Council gives 'in-principle' support for the proposed fifteen lot subdivision of Lot 20 (RSN 54) Hester Road, Bridgetown, as per Attachment 14, and grants delegated authority to the Chief Executive Officer to provide a final recommendation to the Western Australian Planning Commission subject to applicable conditions pending submission of a satisfactory Soil and Site Evaluation Report and further investigation into vegetation protection.***

***Carried 9/0***

<b>ITEM NO.</b>	C.09/1219	<b>FILE REF.</b>	A4337, A4355, A8894 & A31625
<b>SUBJECT</b>	Proposed Change In Use – Dwelling to Office/Educational Establishment (Bridgedale)		
<b>PROPONENT</b>	National Trust of Australia (WA) on behalf of Tender Care WA		
<b>LANDOWNER</b>	National Trust of Australia (WA)		
<b>LOCATION</b>	Lot 12 (RSN 24367) South Western Highway and Lots 6 to 9 (1 to 7) Hampton Street, Bridgetown		
<b>OFFICER</b>	Manager Planning		
<b>DATE OF REPORT</b>	10 December 2019		

Refer to Page 5

## Community Services

<b>ITEM NO.</b>	C.10/1219	<b>FILE REF.</b>	281
<b>SUBJECT</b>	Water Corporation Art Project		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Executive Manager Community Services		
<b>DATE OF REPORT</b>	14 November 2019		

Attachment 21 Public Art Concept Designs

Attachment 22 Correspondence from Water Corporation

### OFFICER RECOMMENDATION

*That Council:*

- 1. Note receipt of the artistic designs proposed for the Water Corporation funded art project on the sewerage pump station, and surrounding area, behind the Mini Mart on the corner of Hampton Street and Loftie Street.*
- 2. Direct the CEO to write to Ms Trudy Clothier, Bridgetown Art Trail Coordinator, and advise her of the need to ensure that the location of the sculpture is on land owned by the Water Corporation.*
- 3. That on receipt of the quotes from both artists involved in the project, the artworks be formally commissioned by the standard purchasing process.*

### Summary/Purpose

This recommendation seeks to progress the Water Corporation funded art project located at the sewerage pump station and surrounding area behind the Mini Mart on the corner of Hampton Street and Loftie Street.

### Background

During 2018 the Water Corporation completed construction of the Infill Sewerage Area Bridgetown 1F as part of the State Government's Infill Sewerage Program. This connected an additional 266 lots in the eastern portion of Bridgetown to sewer. The project allowed for the transfer of wastewater from these residential properties via a network of buried pipes for safe treatment and disposal at the water treatment facility north of the Bridgetown Golf Course. The original time frame for this project was 3 months. Due to a range of issues regarding provision of service by Water Corporation and their contractors, the project took over 18 months.

The Water Corporation recognised that the works were very disruptive to the community. In post-project discussions with Shire officers the opportunity for the Water Corporation to contribute towards a suitable community project was raised, leading to the identification of the proposed art project on and around the Water Corporation Pump Station on Loftie Street.

At the May 2019 Meeting, Council resolved (C.17/0519) as follows:



- *That Council accepts \$15,000 (ex GST) unbudgeted income from the Water Corporation in the 2018-2019 financial year and associated expenditure on a community art project in the 2019-20 financial year.*
- *That the artists and Bridgetown Landcare provide details, including design work, to Council for formal endorsement prior to the development being commissioned.*

Despite the assurance of receipt of grant funding from Water Corporation, invoices issued to that agency for this sum had not been received by 30 June 2019 (end of financial year). The Co-ordinator of the Bridgetown Art Trail Project had advised that the project expenditure was:

- \$4,000 (ex GST) Landscaping
- \$11,000 (ex GST) 2 Pieces of Public Art being one mural and one sculpture.

The \$4,000 (ex GST) landscaping budget was further broken down as follows:

- \$500 (ex GST) Landscape Design
- \$968 (ex GST) Purchase of Plants
- \$2,532 (ex GST) Earthworks, Mulch, Soil & Supervision of Early Release Program Volunteers (conducting the planting works)

Ms Clothier further advised that the artists are Jean Barret (mural) and John Sanders (sculpture). The officer was, and remains, unaware of the selection process undertaken to identify these artists, or the exact costs associated with their individual artwork pieces.

Ms Clothier has also advised that the mural will be painted on the white and green electrical cabinets on site, with all sides being covered with the mural. The exact location and selection of the sculpture was to be determined.

At a Special Meeting held on 11 July 2019 Council resolved (SpC.01/07/19) Council resolved:

1. *Note receipt of the landscaping plan and concept plans for 2 pieces of artwork comprising the 'Water Corporation Art Project' at Attachments 1 and 2.*
2. *Endorse the plan for a mural as per Attachment 1. Request the Coordinator of the Bridgetown Art Trail to seek formal endorsement by Council of the final sculpture selection prior to installation.*
3. *Endorse the landscape design at Attachment 2.*
4. *Direct the CEO to enter into a formal agreement with Ms Trudy Clothier whereby she will underwrite the \$4,000 expenses association with the landscaping element of the Water Corporation Art Project pending receipt of project funding from this agency.*

5. *Direct the CEO to proceed with commissioning the artwork immediately on receipt of payment of the invoice issued to Water Corporation in June 2019 for the \$15,000 funding for this project.*

The funding from Water Corp was received in late July 2019, alleviating the need for a formal underwriting agreement with Ms Clothier to be entered into. Landscaping works were subsequently progressed via the Shire's standard purchasing process.

#### Officer Comment

The officer notes that the management of this project is an unusual combination of community and local government, due to the need for the funding to be received by a legal entity, while the project is being coordinated by a community volunteer on state government owned land.

Water Corporation, as the owner of the land and assets being developed through this project have confirmed ownership of the artwork and identified insurance and risk matters arising during the installation and life of the artwork. This will mitigate any ongoing cost and exposure to liability for the art

The attached concepts have been received from Ms Clothier, with a request to commission the artworks. No information regarding the exact location of the sculpture has been provided nor the use of materials. The officer has advised Ms Clothier if the sculpture is to be located in proximity to Geegeelup Brook consultation with the Department Planning, Land and Heritage will be required. This is because Geegeelup Brook is a registered site of cultural significance for the Aboriginal people and there are parameters, approvals and processes which must be addressed prior to conducting earth works within proximity to a site of cultural significance. Subsequently it is considered prudent that Ms Clothier be advised of the need to ensure that the location of the sculpture might require her to liaise with the Department Planning, Land and Heritage to ensure compliance.

#### Statutory Environment – Not applicable

#### Integrated Planning

##### ➤ Strategic Community Plan

Objective 1.1.1 - A diverse economy that provides a range of business and employment opportunities.

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

Strategy 1.1.10 - Deliver or support a range of events where a demonstrable community benefit can be shown.

Objective 4.1 - A cohesive community with a strength of pride

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

Strategy 4.1.2 - Deliver programs that encourage community interaction and participation.

##### ➤ Corporate Business Plan

Action 1.1.2.3 – Improve promotion of the Shire as a tourism destination

Action 1.1.10.1 – Support festivals and events that promote local businesses and encourage community participation.

Action 4.1.1.1 – Support the development of externally funded public art

Action 4.1.2.1 – Support a community based approach to the provision of art and culture development

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

Council's Public Art Strategy identifies key areas which reflect Council's preference for the installation of artwork in Bridgetown. While the location of the proposed artwork is not one of the identified areas in the Strategy, the site has been identified in consultation with Water Corporation representatives. The site is considered to be highly visible and will complement existing art in the area - being the mural on the wall of the Mini Mart.

#### Budget Implications

There are no budget implications arising from the recommendations.

#### Whole of Life Accounting

The principles of Whole of Life Accounting are met by engaging in discussions with Water Corp, the artists and Landcare regarding the ongoing maintenance of the art installations and surrounds to ensure that Council funds will not be required in the future to 'touch up' or maintain the works or surrounding landscaping. Along with the rest of the Bridgetown Art Trail the intent is for the art works to fade with the passage time (where the art is a mural). Water Corp, as land owner, has confirmed responsibility for the site and liability associated with anything related to this project.

#### Risk Management

Ensuring that the project funding was received prior to commissioning any works mitigates Council's exposure to potential risk, should anything unforeseen impact on the receipt of the grant funding. Further, ensuring clarity as to ownership of the art and any relevant insurance and legal liability has further mitigated Council's exposure to risk should there be any public liability or volunteer claims made during the installation, or life, of the art.

Voting Requirements – Simple Majority

#### **Council Decision Moved Cr Johnson, Seconded Cr Boyle**

**C.10/1219 That Council:**

- 1. Note receipt of the artistic designs proposed for the Water Corporation funded art project on the sewerage pump station, and surrounding area, behind the Mini Mart on the corner of Hampton Street and Loftie Street.**
- 2. Direct the CEO to write to Ms Trudy Clothier, Bridgetown Art Trail Coordinator, and advise her of the need to ensure that the location of the sculpture is on land owned by the Water Corporation.**

- 3. That on receipt of the quotes from both artists involved in the project, the artworks be formally commissioned by the standard purchasing process.**

**Carried 9/0**

<b>ITEM NO.</b>	C.11/1219	<b>FILE REF.</b>	
<b>SUBJECT</b>	Town Hall and Civic Centre Revitalization Project		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Manager Community Development		
<b>DATE OF REPORT</b>	December 2019		

Attachment 23 Correspondence from Lotterywest

**OFFICER RECOMMENDATION**

*Council accepts \$204,148 (ex GST) unbudgeted income from Lotterywest and associated expenditure for the Town Hall and Civic Centre Revitalization Project.*

**Summary/Purpose**

This recommendation seeks formal receipt of unbudgeted income from Lotterywest in alignment with correspondence at Attachment 23 and endorsement of related expenditure associated with the Town Hall and Civic Centre Revitalization Project which aligns with the Town Hall and Civic Centre Conservation Plan and Council's Growth Strategy.

**Background**

Councillors are aware that with the growth of the Talison Lithium mine in Greenbushes continuing over coming years, the Shire has prepared a growth strategy to maximise the opportunities presented by the mine's recent and projected expansion. The strategy contains key projects identified by the community over recent years as being highly valuable - and necessary - to improve and enhance quality of life in both Bridgetown and Greenbushes. These key projects are not 'stand-alone' projects. They have been identified as part of a growth strategy which aims to encourage a residential rather than a drive in/drive out workforce associated with the proposed mine expansion (noting the estimated 500 additional jobs the proposed mine expansion will create). Council is using the Growth Strategy to actively lobbying the State Government to ensure continued prosperity and liveability for Shire residents, as well promoting greater tourism and local business investment by providing funding to progress key projects

The Town Hall and Civic Centre Revitalization Project is one of the key projects. Each key project has been identified in community consultation over the past 4 – 5 years through a variety of forums and are reflected in the Shire's Strategic Community Plan, Corporate Business Plan and current financial year budget.

Key projects fall within 1 of 4 primary development categories that align with population growth associated with the mine expansion, these are:

1. Economic development
2. Improving opportunities for our youth and lifestyle
3. Preserving our heritage and boosting tourism

#### 4. Improving safety and supporting industry

The Town Hall redevelopment project fits within category 3, preserving our heritage and boosting tourism.

Other projects within these categories include the development of a light industrial area in Greenbushes; redevelopment of the Blackwood River Foreshore, the Greenbushes Recreation Precinct and Bridgetown Youth Precinct; the restoration of the Greenbushes and Bridgetown Railway stations; the revitalization of the Bridgetown Town Hall; and CBD parking and safety enhancements in both Greenbushes and Bridgetown.

Lobbying of relevant State Government Ministers will continue leading into the 2020-2021 state budget preparation with a viewing to seeking appropriate State Government investment in the Shire that aligns with the largest economic development project in the region, being the expansion of the Talison mine and the significant employment growth this will generate. Because these projects are already identified within Council's Strategic Community Plan, Corporate Business Plan and current budget, staff will also continue to actively seek grant funding via competitive grant application processes.

#### Officer Comment

The future of regional town halls in many rural towns across Australia is being revised as life in the twenty-first century and challenges to community life are matched with innovative community responses.

The Town Hall and Civic Centre Revitalization Project will revive the heritage of the Bridgetown Town Hall and Civic Centre, restoring it to its former glory with the addition of modern technology and servicing to develop a building capable of hosting a range of contemporary visual and performance arts events, gallery exhibitions, community and civic uses whilst maintaining its historical importance and heritage values.

Bridgetown-Greenbushes has a strong and vibrant arts and creative community and there is great interest in the community to engage with and attend arts events including dance, music, performance recitals, exhibitions and public speaking/storytelling. However, there isn't a modern venue within the Shire (or regional) for use by local, regional or touring artists that is capable of accommodating arts events.

The Blues at Bridgetown, Bridgetown Winter Festival and the local schools use the Town Hall annually; however, there have been many missed opportunities to support local and touring artists and events due to the condition of the Town Hall and Civic Centre and its technical capacity.

Consultation has been undertaken with the leading arts/creative bodies within the community which will continue throughout the project's implementation. Detailed project planning has been undertaken, including reference to the detailed Conservation Management plan for the heritage listed building.

An outline of the proposed budget is included below, noting that advice regarding the Regional Economic Development Scheme (REDS) grant application is still pending. The Shire contribution is reflected in the 2019-2020 budget. Should the REDS grant not be successful, the project scope/budget and timeline will need to be revised.

<b>BUDGET AND FUNDING BREAKDOWN</b>				
Town Hall & Civic Centre Revitalization Project				
<b>Expenditure Item</b>	<b>Funding By</b>			
<b>Construction - Hall</b>	<b>Total Costs</b>	<b>REDS</b>	<b>Lotterywest</b>	<b>Shire</b>
Ceiling removal/replacement and painting	\$191,506.00	\$191,506.00		
stage storage doors				
Floor sand /oil	\$16,800.00			\$16,800.00
Floor repairs	\$1,500.00			\$1,500.00
Painting - Town Hall and Ceiling (\$6000 - ceiling)	\$20,090.00			\$20,090.00
<b>Construction - Foyer and Lesser Hall</b>				
Painting Lesser Hall Toilets	\$3,180.00			\$3,180.00
Painting Foyer and Passage	\$2,000.00			\$2,000.00
Window treatments Lesser Hall	\$4,820.00			\$4,820.00
<b>Electrical upgrade - Hall</b>				
remove lights and fans Hall	\$18,000.00		\$15,000.00	\$3,000.00
wire for 8 pendant lights Hall				
20 LED down lights - Hall				
replace light fittings - art deco pendant	\$25,000.00			\$25,000.00
removal of gas heaters	\$300.00			\$300.00
exhibition lighting removable	\$20,000.00		\$20,000.00	
Air conditioning	\$14,900.00			\$14,900.00
<b>Electrical upgrade - Foyer and lesser Hall</b>				
replace light fittings	\$10,000.00			\$10,000.00
light switches	\$1,190.00			\$1,190.00
<b>Equipment Upgrade</b>				
Lighting and audio	\$121,386.00	\$40,462.00	\$80,924.00	
Stage Curtains replacement	\$26,787.00		\$26,787.00	
back stage curtain replacement	\$12,487.00		\$12,487.00	
Venue chairs/padded and stackable	\$28,950.00		\$28,950.00	
Art hanging system -removable	\$20,000.00		\$20,000.00	
Audit	\$2,000.00			\$2,000.00
<b>Other</b>				
Project Management	\$10,107.50			\$10,107.50
<b>Total Expenditure</b>	<b>\$551,003.50</b>	<b>\$231,968.00</b>	<b>\$204,148.00</b>	<b>\$114,887.50</b>

## Statutory Environment

### Integrated Planning

#### ➤ Strategic Community Plan

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

Objective 3.1. – Maintained town site heritage and character

Strategy 3.1.2. – Ensure town centres achieve a high standard of appearance and amenity

Strategy 3.1.3 – Work with community to identify and implement projects that promote the unique heritage and history of each town.

Objective 3.2. – Outdoor spaces, places and buildings are fit for purpose

Strategy 3.2.1. – Community spaces and buildings accommodate a wide range of interests and activities.

➤ Corporate Business Plan – Nil

➤ Long Term Financial Plan

If Council accepts the grant funding the project budget would be incorporated into the Long Term Financial Plan at its next annual review.

➤ Asset Management Plans

Infrastructure upgrades on Shire assets will be included in Council's Property Infrastructure Asset Management Plan once the development is complete.

➤ Workforce Plan - Nil

➤ Other Integrated Planning - Nil

#### Policy/Strategic Implications

External funding for individual projects identified in the Growth Strategy will support the implementation of the strategy whilst emphasising Council's commitment to the Growth Strategy projects which aligns with the Strategic Community Plan and Corporate Business Plan.

All work will be planned and undertaken with regard to the Town Hall and Civic Centre Conservation Plan.

#### Budget Implications

Should Council endorse the officer recommendation it is proposed that the 2019 - 2020 budget will reflect the stated grant income and related expenditure.

The 2019/20 budget has an allocation of \$114,887 towards this project which is identified as the Shire contributions towards the project in the above table.

#### Whole of Life Accounting

Whole of life accounting principles are achieved through completing a detailed planning processes for infrastructure developments. This enables whole of life cycle accounting considerations to be assessed allowing for capital and maintenance costs to be identified during planning and implementation.

#### Risk Management

The principles of risk management are achieved by ensuring projects are well planned, including detailed costings of both development and maintenance prior to construction commencing. This ensures all relevant legislative requirements are fulfilled and exposure to financial risk is mitigated.

Voting Requirements – Absolute Majority

**Council Decision Moved Cr Pratico, Seconded Cr Johnson  
C.11/1219 Council accepts \$204,148 (ex GST) unbudgeted income from Lotterywest and associated expenditure for the Town Hall and Civic Centre Revitalization Project.**

**Absolute Majority 9/0**

<b>ITEM NO.</b>	C.12/1219	<b>FILE REF.</b>	
<b>SUBJECT</b>	CCTV Review Report and Plan		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Manager Community Development		
<b>DATE OF REPORT</b>	December 2019		

Attachment 24 Redfish CCTV Surveillance System Plan

**OFFICER RECOMMENDATION**

*That Council endorse the Redfish Technologies CCTV System design for Bridgetown CBD area and other identified Shire owned facilities.*

**Summary/Purpose**

The recommendation seeks to progress a review of the Shire's current CCTV system and plan for an improved system that covers identified areas and provides improved vision, both day and night.

**Background**

The current CCTV surveillance system was fully commissioned in May 2013 with 4 external and 2 internal systems being installed.

Cameras were installed in 4 external locations:

- Memorial Park (to view the cenotaph, toilet block and gate house)
- Skate Park (to view the Skate Park precinct and a portion of the car park)
- Exterior walls of Library to cover the external entry to the Library and portions of the car park
- Shire Administration Building (to cover intersection of Hampton Street and Steere Street)

Cameras were also installed in 2 internal locations:

- Inside the BLC (to cover the gym and the double court)
- Inside the Library (to view the internal entrance and administration desk)

**Officer Comment**

The Shire of Bridgetown-Greenbushes Audit Regulation 17 Review - Risk Dashboard Report identifies the need to review the current CCTV plan with a view to improving coverage and vision, to better protect Shire assets and to undertake an investigation into possible funding opportunities.

Redfish Technologies Pty Ltd is a specialist audio visual integration organisation with a dedicated focus on installed sound, vision and CCTV for local government.



A Redfish Technologies Pty Ltd consultant completed site visits to review the current CCTV surveillance system and design/refine the system using the latest technology to ensure that images are clearer and can be better utilised to identify offenders, number plates and specific details of incidents.

A number of issues were identified during the assessment of the current system including poor location of cameras and line of site, lack of infrared to allow for night vision and hardware and software set-up which has not provided optimum use of the current system.


Acknowledging that CCTV systems require review and replacement every 5 to 7 years, the current CCTV system is at the end of its technological lifespan, however the current internal (Library and BLC) cameras may be able to be used within the new system.

The existing system is not set up to record on a motion sensitive trigger. This essentially means that the camera constantly recording. The new system would be set to record only when movement activates the camera. This allows for quick and easy review of the incidents (not requiring officers to search through hours of footage to locate an incident) and reduces the amount of memory taken up by continuous recording.

Installation of the new light sensitive technology, known as starlight technology, is extremely light sensitive and allows for light adjustment for each site, would ensure the correct light exposure for each site so that vision is clear enough to identify offenders during night hours.

The proposed system highlighted in the plans (Attachment 24) ensures there is thorough coverage of Council's assets and extends the system to the Depot, Bushfire Headquarters, Bridgetown Sports Ground, Skate Park and Tennis Club/Repertory Theatre (a continued hot spot for vandalism and break-and-enter) as well as improving coverage for the administration building, under-croft (stall and toilets on Hampton Street) Library and Bridgetown Leisure Centre, (including aquatic complex and gym expansion).

The CCTV costs of purchase and installation (not including electrician) is outlined in the table below.

		Quotation: CCTV equipment supply and installation		
Area	CCTV System Equipment	Installation	Total per area	
Main/Undercroft	\$ 19,300	\$ 10,500	\$ 29,800	
Memorial Park	\$ 26,400	\$ 12,300	\$ 38,700	
Rec/Skate/Library	\$ 23,600	\$ 14,200	\$ 37,800	
Depot/Fire/Sports	\$ 32,500	\$ 16,200	\$ 48,700	
Tennis/Theatre	\$ 10,900	\$ 9,600	\$ 20,500	
<b>Total Cost</b>	<b>\$ 112,700</b>	<b>\$ 62,800</b>	<b>\$ 175,500</b>	

If Council endorses the CCTV Surveillance System design recommended in this report, officers will begin investigating funding opportunities to support the implementation of the revised CCTV Surveillance System Plan.

### Statutory Environment

Federal - Privacy Act 1988

State - Surveillance Devices Act 1998

### Integrated Planning

➤ Strategic Community Plan

Key Goal 4 – A community that is friendly and welcoming

Objective 4.7 – A safe area.

Strategy 4.7.3 – Develop and implement crime prevention strategies

➤ Corporate Business Plan

Strategy 4.7.3 – Develop and implement crime prevention strategies

Action 4.7.3.1 – Develop a CCTV plan for Bridgetown CBD

➤ Long Term Financial Plan – Not Applicable

➤ Asset Management Plans

Although this recommendation does not impact the asset management plans at this stage, the purchase, installation and maintenance of CCTV equipment will be included in the asset management plans.

➤ Workforce Plan

Proposed infrastructure development plans will require an assessment of the capacity of the workforce to absorb any construction and maintenance requirements once the plan had been endorsed and is being implemented. This will be undertaken as part of the annual maintenance budget allocations and service level planning.

➤ Other Integrated Planning - Nil

### Policy Implications

O.13 Closed Circuit Television (CCTV) will continue to provide guidance for the operation of CCTV operated and controlled by the Shire of Bridgetown-Greenbushes

- Within, on or around Shire buildings;
- Installed in public spaces; and
- Future acquisition and implementation of CCTV within the Shire.

Budget Implications – not applicable

### Whole of Life Accounting

Whole of life accounting principles are achieved through completing a detailed planning processes for infrastructure developments. This enables whole of life cycle accounting considerations to be assessed allowing for capital and maintenance costs to be identified during planning and implementation.

### Risk Management

The principles of risk management are achieved by ensuring projects are well planned, including detailed costings of both development and maintenance prior to construction commencing. This ensures all relevant legislative requirements are fulfilled and exposure to financial risk is mitigated.

### Voting Requirements – Simple Majority

#### **Council Decision Moved Cr Quinby, Seconded Cr Moore**

**C.12/1219 That Council endorse the Redfish Technologies CCTV System design for Bridgetown CBD area and other identified Shire owned facilities.**

**Carried 9/0**

<b>ITEM NO.</b>	C.13/1219	<b>FILE REF.</b>	228
<b>SUBJECT</b>	Access and Inclusion Advisory Committee Membership		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Manager Community Development		
<b>DATE OF REPORT</b>	December 2019		

Attachment 25 Instrument of Appointment and Delegation

#### **OFFICER RECOMMENDATION:**

*That Council appoints Tanya Dennis from Advanced Personnel Management as a member of the Access and Inclusion Advisory Committee.*

#### **Summary/Purpose**

The recommendation seeks to broaden the agency representation on the Access and Inclusion Committee within the parameters of the Instrument of Appointment (Attachment 25).

#### **Background**

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 Instrument of Appointment and Delegation for the Access and Inclusion Advisory Committee consists of:

- 4.1 Council will appoint a minimum of one (1) elected member as Council's representative(s) on the Committee.
- 4.2 Council will appoint a maximum of Eleven (11) community and service agency representatives.
- 4.3 One CEO appointed shire representative shall be an ex-officio member of the committee and will not be permitted to vote on matters considered by the Committee.

The current membership includes 2 Councilors, 7 community members and 1 service provider representative;

- Cr Alan Wilson
- Cr Barbara Johnson
- Cecilia Aldridge (Community Home Care)
- Bronwyn Mitchell (Community Member)
- Clare Quinn (Community Member)
- Harold Thomas (Community Member)
- Joan Leader (Community Member)
- Warren Boggs (Community Member)
- Ursula Wade (Community Member)
- Jana Mayhew (Community Member)

The addition on another service provider representative as a member of the Access and Inclusion Committee assists in fulfilling the identified membership criteria of the current Instrument of Appointment and Delegation. The term of office for the current Committee expires in 16 October 2021.

#### Officer Comment

Advanced Personnel Management is an agency which only recently began offering services in this area. Advanced Personnel Management – Community Capacity Building Team - works in partnership with the Federal Government to deliver the National Disability Insurance Scheme to community members within the Shire of Bridgetown-Greenbushes and other areas across the South West.

As part of the Community Capacity Building team Tanya Dennis works regionally with community organisations and Councils to encourage greater inclusion for people with disability and to identify any gaps where there may be capacity to work on identified projects with stakeholders.

The inclusion of Tanya Dennis, as a representative of Advanced Personnel Management, on the Access and Inclusion Committee will provide Council with valuable input and a different perspective than that of the current membership of the committee.

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

Policy Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management - Not Applicable

Voting Requirements – Absolute Majority

**Council Decision** *Moved Cr Bookless, Seconded Cr Pratico*

***C.13/1219 That Council appoints Tanya Dennis from Advanced Personnel Management as a member of the Access and Inclusion Advisory Committee.***

***Absolute Majority 9/0***

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

**Urgent Business Approved by Decision** - Nil

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

**Elected Members Questions With Notice** - Nil

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


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

**Closure**

*The Presiding Member closed the Meeting 6.30pm*

**List of Attachments**

Attachment	Item No.	Details
1	C.02/1219	Annual report 2018/19
2	C.02/1219	Auditor's Management Report for the 2018/2019 Financial Year
3	C.02/1219	Minutes of Audit Committee Meeting held 21 November 2019
4	C.04/1219	Draft Licence to Occupy
5	C.04/1219	Plan of Licence to Occupy Area
6	C.05/1219	Rolling Action Sheet
7	C.06/1219	November 2019 Financial Activity Statements
8	C.06/1219	List of Accounts Paid in November 2019
9	C.07/1219	Locality Plan
10	C.07/1219	Neighbour Submissions
11	C.07/1219	Proposed Site Plan/Applicants Submission
12	C.08/1219	Locality Plan
13	C.08/1219	Special Rural SR12 Structure Plan
14	C.08/1219	Proposed Subdivision Plan
15	C.08/1219	Bushfire Management Plan
16	C.09/1219	Location Plan
17	C.09/1219	Public Submissions
18	C.09/1219	Schedule of Submissions
19	C.09/1219	Applicant's Submission/Proposed Plans
20	C.09/1219	Bushfire Management Plan
21	C.10/1219	Public Art Concept Designs
22	C.10/1219	Correspondence from Water Corporation
23	C.11/1219	Correspondence from LotteryWest
24	C.12/1219	Redfish CCTV Surveillance System Plan
25	C.13/1219	Instrument of Appointment and Delegation

Minutes checked and authorised by T Clynch, CEO		12.12.19
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As Presiding Member, I certify that the Minutes of the Council Meeting held 19 December 2019 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 30 January 2020.

..... 30 January 2020