

Council Minutes Index – 17 December 2020

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Unconfirmed Minutes

MINUTES

Minutes of an Ordinary Meeting of Council held on Thursday, 17 December 2020 at the Greenbushes Community Resource Centre Meeting Room commencing at 5.30pm

The Presiding Member opened the meeting at 5.30pm

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional 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
	- G Arlandoo, Executive Manager Development & Infrastructure

Attendance of Gallery

L Eastcott, D Atkins, G Aldridge

Responses to Previous Questions Taken on Notice – Nil

Public Question Time

G Aldridge

Why isn't Perks Road being graded twice per year?

Response

The Presiding Member advised that this question would be taken on notice

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest - Nil

Applications for Leave of Absence - Nil

Confirmation of Minutes

C.01/1220 Ordinary Meeting held 26 November 2020

A Motion is required to confirm the Minutes of the Ordinary Meeting of Council held 26 November 2020 as a true and correct record.

Council Decision *Moved Cr Pratico, Seconded Cr Moore
C.01/1220 That the Minutes of the Ordinary Meeting of Council held 26 November 2020 are confirmed as a true and correct record.*

Carried 9/0

C.02/1220 Special Meeting held 3 December 2020

Attachment 1

A Motion is required to confirm the Minutes of the Special Meeting of Council held 3 December 2020 as a true and correct record.

Council Decision *Moved Cr Wilson, Seconded Cr Bookless
C.02/1220 That the Minutes of the Special Meeting of Council held 3 December 2020 are confirmed as a true and correct record.*

Carried 9/0

Announcements by the Presiding Member Without Discussion - Nil

Notification of Disclosure of Interest

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

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

Name	T Clynch – Chief Executive Officer
Type of Interest	Financial
Item No.	C.14/1220 – CEO Contract
Nature of Interest	The item concerns my contract of employment

Questions on Agenda Items by Elected Members

Cr Pratico asked a question on agenda item C.09/1220 Adoption of the 2021/22 to 2035/36 Long Term Financial Plan.

Consideration of Motions of which Previous Notice has been Given

C.03/1220 Footpath Sweeping in Greenbushes

Submitted by Cr Pratico

Motion

That footpath sweeping of all footpaths in Greenbushes including the path to the Sportsground be undertaken twice per annum.

Background/Reasons

Footpaths in Greenbushes have loose gravel on the surface making them hazardous. The pathway to the Sportsground has a lot of tree debris making it dangerous to walk on.

Officer Comment

Currently the only footpaths swept in the Shire are the Bridgetown CBD footpaths. This work is undertaken by a casual employee using the motorised footpath sweeper. Any change to the current service level as described above would incur costs over and above current budget allocations.

If Council was to resolve to undertake footpath sweeping in Greenbushes it should also consider whether there is also a need for this activity in Bridgetown. Council sets the service level for this type of activity and once that is set it funds the extent of the service level in its annual budget.

The current motorised footpath sweeper isn't able to effectively sweep the pathway on Blackwood Road that runs to Greenbushes Sportsground as the machine isn't designed to pick up tree debris. The machine is scheduled for changeover in 2020/21 and if Council wishes to change its scope and service level for path sweeping then a review of specifications for a new machine would occur. This could potentially have an impact on current budget allocations for the changeover if a higher cost machine is required.

Officers don't provide specific recommendations on notice of motions submitted by councillors. However in this case if councillors are supportive of the intent of Cr Pratico's motion a possible amendment to the motion is put forward, being:

That Council defer any further consideration of increasing its current service level for non-Bridgetown CBD footpath sweeping pending submittal of a report by the CEO identifying the costs of increasing its service level for such sweeping to twice per annum for all such footpaths with the report to also assess the suitability of the existing motorised footpath sweeper to effectively sweep all footpaths.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
Key Goal 5 – Our Leadership will be Visionary, Collaborative and Accountable
Objective 5.3 - We operate within the Integrated Planning Framework
Strategy 5.3.3 - Establish and review service levels
- Corporate Business Plan
Strategy 5.3.3 - Establish and review service levels
Action 5.3.3.1 - Prepare or review service levels of at least one service per annum
- Long Term Financial Plan
Any costs associated with a new service level are incorporated into the LTFFP at its next annual review
- Asset Management Plans - Nil
- Workforce Plan
Footpath sweeping is carried out by a dedicated casual worker and any change to the service level for this activity, particularly an increased service level, will require resourcing.
- Other Integrated Planning - Nil

Budget Implications

The 2020/21 budget for footpath sweeping was developed based on the current service level of only Bridgetown CBD footpaths being swept. If Council was to increase the service level mid-year the current budget allocations would be insufficient. Due to the lack of time between receipt of the notice of motion and preparation of the Council agenda the estimated cost implications are unknown but can be reported to a future Council meeting if so resolved by Council.

Whole of Life Accounting

Increased footpath sweeping would improve the condition and therefore the useable life of a footpath.

Risk Management

Increased footpath sweeping would mitigate potential risk to Council from slips and other accidents that may be caused by loose gravel or other debris being on the path.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Pratico, Seconded Cr Boyle
C.03/1220 That footpath sweeping of all footpaths in Greenbushes including the path to the Sportsground be undertaken twice per annum.**

Carried 8/1

Cr Nicholas voted against the motion

C.04/1220 Review of Speed Limit on Greenbushes Grimwade Road

Submitted by Cr Pratico

Motion

That Main Roads Western Australia be requested to review the current open speed limit on Greenbushes Grimwade Road between the timber mill and intersection with Forest View Court with specific consideration to be given to making this section of road a 60km/h speed limit.

Background/Reasons

This section of road is within the North Greenbushes townsite with dwellings on either side of the road. The road is also a school bus route.

Officer Comment

The Motion is supported. Main Roads Western Australia changed the speed limit from the timber mill eastward to an open speed limit some months ago. There isn't any record of the Shire requesting this change. Having an open speed limit on a road with multiple rural-residential properties with direct access to the road is considered unusual.

Statutory Environment

Speed zones are a regulatory control and under the control of the State Government. Local Authority can request the installation or modification of any zoning but the final approvals must come from Main Roads Western Australia.

Integrated Planning

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

Budget Implications

Any costs associated with erection of new speed signs will be the responsibility of Main Roads Western Australia.

Whole of Life Accounting – Not Applicable

Risk Management

Upon request Main Roads Western Australia will assess the risks of existing speed limits and consider requests from a local government for the implementation of a reduced speed limit.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Boyle

C.04/1220 That Main Roads Western Australia be requested to review the current open speed limit on Greenbushes Grimwade Road between the timber mill and intersection with Forest View Court with specific consideration to be given to making this section of road a 60km/h speed limit.

Carried 9/0

C.05/1220 Residential Road Verge Spraying in Greenbushes

Submitted by Cr Pratico

Motion

That weed spraying be undertaken on all road verges in Greenbushes other than on verges that are managed by the adjoining property owner.

Background/Reasons

If property owners manage their garden up to the road verge no spraying should be required but all other verges need spraying to prevent weeds encroaching onto the road surface.

Officer Comment

Discussion with Cr Pratico has indicated that his motion is principally directed at kerbed roads and that the spraying is to be done along kerbs so as to prevent weeds growing in the kerbs and encroaching into the sealed carriageway of the road.

Currently kerb spraying isn't conducted on a regular basis. A trial was conducted 3 years ago with the kerb and an approximate 200mm wide corridor back of the kerb being sprayed. This did lead to several complaints being received from property owners about the appearance (dead grass) of the spray line but it did prove effective in eliminating weeds from kerbs and the edges of the sealed pavement. Complaints are also common from property owners or residents concerned about spraying and spray drift in close proximity to dwellings and front gardens, including play spaces.

Due to cost this spraying hasn't been conducted since and therefore the activity isn't covered in existing budget allocations for roadside spraying. The focus of such spraying has been on rural road verges and bridge embankments for weeds such as blackberry.

If Council was to resolve to undertake this type of spraying in Greenbushes it should also consider whether there is also a need for this activity in Bridgetown. Council sets the service level for this type of activity and once that is set it funds the extent of the service level in its annual budget.

Setting a service level that precludes such spraying on “managed” verges does introduce an element of discretion to the person conducting the spraying. To some extent this could be mitigated by ensuring kerbs are only sprayed from the top of the kerb to the bottom where it adjoins the sealed pavement.

Officers don't provide specific recommendations on notice of motions submitted by councillors. However in this case if councillors are supportive of the intent of Cr Pratico's motion a possible amendment to the motion is put forward, being:

That Council defer any further consideration of increasing its current service level for urban road verge spraying pending submittal of a report by the CEO identifying the costs of increasing its service level for such spraying to include an annual spray of all urban kerbed roads.

Statutory Environment - Nil Integrated Planning

- Strategic Community Plan
Key Goal 5 – Our Leadership will be Visionary, Collaborative and Accountable
Objective 5.3 - We operate within the Integrated Planning Framework
Strategy 5.3.3 - Establish and review service levels
- Corporate Business Plan
Strategy 5.3.3 - Establish and review service levels
Action 5.3.3.1 - Prepare or review service levels of at least one service per annum
- Long Term Financial Plan
Any costs associated with a new service level are incorporated into the LTFFP at its next annual review
- Asset Management Plans - Nil
- Workforce Plan
Weed spraying is currently outsourced to a local contractor. Any change to the service level for this activity, particularly an increased service level, will require resourcing, be it more expenditure on contractors or additional staff – the latter assuming there aren't any current duties (service levels) that can be reduced to accommodate the additional work.
- Other Integrated Planning - Nil

Budget Implications

The 2020/21 budget for roadside spraying was developed with a focus on rural road verge spraying and it wasn't intended to conduct spraying of urban sealed roadsides. If Council was to increase the service level mid-year the current budget allocations would be insufficient. Due to the lack of time between receipt of the notice of motion and preparation of the Council agenda the estimated cost implications are unknown but can be reported to a future Council meeting if so resolved by Council.

Whole of Life Accounting

Kerb spraying would improve the condition and therefore the useable life of a sealed pavement and kerb.

Risk Management - Nil

Voting Requirements – Simple Majority

Moved Cr Pratico, Seconded Cr Quinby

That weed spraying be undertaken on all road verges in Greenbushes other than on verges that are managed by the adjoining property owner.

Amendment Moved Cr Pratico, Seconded Cr Quinby

That the weed spraying only apply for kerbed roads in Greenbushes Townsite

Carried 8/1

Cr Nicholas voted against the Amendment

The Amended Motion becomes the Substantive Motion - the Motion was put

Council Decision Moved Cr Pratico, Seconded Cr Quinby

C.05/1220 That weed spraying be undertaken on all kerbed roads in the Greenbushes town site, other than on verges that are managed by the adjoining property owner.

Carried 9/0

Reason for amending the motion

To better clarify the area to implement the weed spraying.

Reports of Officers

Reports of Officers have been divided into Departments as follows:

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

CEO's Office

ITEM NO.	C.06/1220	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	17 October 2020		

Attachment 2 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 Wilson, Seconded Cr Pratico*

C.06/1220 That the information contained in the Rolling Action Sheet be noted.

Carried 9/0

ITEM NO.	C.07/1220	FILE REF.	
SUBJECT	Warren Blackwood Alliance of Councils Climate Change Working Group – Nomination of Councillor Representatives		
PROPONENT	Warren Blackwood Alliance of Councils		
OFFICER	Chief Executive Officer		
DATE OF REPORT	9 December 2020		

Attachment 3 Terms of Reference for Working Group

OFFICER RECOMMENDATION

That Council:

- 1. Appoint the following two Councillors as members of the Warren Blackwood Alliance of Councils Climate Change Working Group:*
 - Cr _____*
 - Cr _____*
- 2. Note that the Chief Executive Officer will appoint a staff member to the Warren Blackwood Alliance of Councils Climate Change Working Group.*
- 3. Request the Warren Blackwood Alliance of Councils be requested to consider amending the working group's terms of reference by adding an additional function to read: "Develop a climate change declaration for each Council".*

Summary/Purpose

To nominate two Councillor Representatives and one Employee Representative as members of the newly formed Warren Blackwood Alliance of Councils Climate Change Working Group.

Background

At the Warren Blackwood Alliance of Councils (WBAC) meeting held in Bridgetown on 1 December 2020, the WBAC resolved to form a Climate Change Working Group in accordance with the Terms of Reference provided in Attachment 3.

The purpose of the Climate Change Working Group is to establish a sub-regional climate change policy that includes recommendations for practical and achievable adaptation and mitigation strategies applicable to Warren Blackwood Alliance of Councils (WBAC) and member local governments.

Meetings will be held bi-monthly and each participating local government is being requested to nominate two councillors as voting representatives and one officer as a non-voting representative.

The following local governments are members of the WBAC:

- Shire of Bridgetown Greenbushes
- Shire of Manjimup
- Shire of Nannup
- Shire of Donnybrook Balingup

The functions of the working group are proposed to be:

1. *To develop a draft regional climate change policy for consideration of the WBAC;*
2. *To provide recommendations to WBAC on practical and achievable climate change mitigation and adaptation strategies for incorporation into strategic plans applicable to the organisation;*
3. *To provide recommendations to member LGO's on practical and achievable climate change mitigation and adaptation strategies applicable to the LGO's for future consideration in strategic planning processes; and*
4. *Any other function as endorsed by the WBAC.*

Officer Comment

The establishment of a sub-regional climate change group was discussed with councillors at the June 2020 Concept Forum.

As background, Council, at its April 2020 meeting resolved to:

1. *Receive the 'Statement of Local Environmental Risks and their Mitigation' prepared by Sustainability Advisory Committee.*
2. *Consider in the upcoming review of the Corporate Business Plan the bringing forward the preparation of a climate change strategy to 2020/21.*
3. *Direct the CEO to prepare a scope for preparation of a climate change strategy and present back to Council by July 2020.*

As part of the research required for preparation of a scope for preparation of a climate change strategy the CEO contacted WALGA's Environmental Policy Section. That discussion led to a view being formed that a more effective strategy for addressing climate change would be for neighbouring local governments to work together on a sub-regional climate change strategy. Once that form of strategy was completed local implementation strategies could be considered/ developed for each Shire.

Following this advice the matter was discussed at the June 2020 meeting of the Warren Blackwood Alliance of Councils (WBAC). From this discussion it was proposed that a 'WBAC Sustainability Framework' be established to "enable four, possibly five, sub-regional councils to concentrate their shared environmental responsibilities embedded in each organisation's Strategic Community Plans in a partnership with each community to ensure our iconic landscapes, waterways and agricultural land are protected for current and future generations". The following was resolved by the WBAC:

WBAC to consider the establishment of a WBAC Sub-Regional Working Group, or similar governance model, with responsibility for establishing a Warren-Blackwood adaptation plan (embracing the Shires of Donnybrook Balingup, Nannup, Bridgetown-Greenbushes, Manjimup and possibly Boyup Brook) to mitigate the challenges of drought, water security and bush fire risk, while reducing dependence on non-renewable energy sources through, although not limited to, optimising waste to energy efficiencies.

Further discussion occurred at subsequent meetings of the WBAC leading to terms of reference for a working group being endorsed. It is now been referred back to the individual Councils to determine their interest in participating in the working group and if so to nominate representatives.

It should be noted that the April 2020 resolution of Council to prepare a scope for a Shire of Bridgetown-Greenbushes climate change strategy was a response by Council to the presentation by the Sustainability Advisory Committee of its 'Statement of Local Environmental Risks and their Mitigation'. That document listed local environmental risks (due to climate change) and identified possible ways to approach mitigation. The document was set up as a guide to make one aware of the local risks and possible ways to mitigate these. The document didn't provide hard and fast solutions; rather it was a means to start a process to change the way the Shire as an organisation and community leader thinks and how it provides leadership in moving forward to a more sustainable system.

It is the officer's view that there are benefits in developing a sub-regional approach (adaption plan or strategy) to climate change and this could be the starting point to developing a local climate change strategy.

It is recommended that Council suggest an addition to the working group's terms of reference by adding an additional function to read:

- *Develop a climate change declaration for each Council.*

A climate change declaration shouldn't be mistaken for a declaration of a climate change emergency. Instead it is simply a declaration setting out each council's position on climate change and outlines its commitments to address climate change.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Key Goal 2 – our natural environment is valued, conserved and enjoyed
 - Objective 2.1 – Value, protect and enhance our natural environment
 - Strategy 2.1.6 – Recognise and respond to the impacts of climate change
- Corporate Business Plan
 - Strategy 2.1.6 – Recognise and respond to the impacts of climate change
 - Action 2.1.6.1 – Prepare a climate change strategy (2020/21 and 2021/22)
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan
 - The timing of proposed working group meetings is yet to be determined but is assumed that staff attendance will occur during normal working hours therefore there would be no additional staff resourcing requirements.
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications

An amount of \$10,000 has been allocated in Council's 2020/21 budget for preparation of a climate change strategy. These funds won't be required for participation in the Warren Blackwood Alliance of Councils Climate Change Working Group but can be retained if there is identified a need to prepare a specific sub-regional strategy or to fund preparation of a local strategy once sub-regional issues have been identified.

Whole of Life Accounting - Nil

Risk Management

There is a growing expectation in local communities that local governments will investigate opportunities and means to achieve a reduction in greenhouse gas emissions to minimise the severity of climate change and to implement strategies to ensure the Shire is prepared and able to adapt to current and future impacts of climate change. Failure to address such expectation could cause reputational risk to the Council.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Boyle, Seconded Cr Pratico
C.07/1220 That Council:**

1. ***Appoint the following two Councillors as members of the Warren Blackwood Alliance of Councils Climate Change Working Group:***
 - ***Cr Boyle***
 - ***Cr Quinby***
2. ***Note that the Chief Executive Officer will appoint a staff member to the Warren Blackwood Alliance of Councils Climate Change Working Group.***
3. ***Request the Warren Blackwood Alliance of Councils be requested to consider amending the working group's terms of reference by adding an additional function to read: "Develop a climate change declaration for each Council".***

Carried 9/0

Corporate Services

ITEM NO.	C.08/1220	FILE REF.	131
SUBJECT	November 2020 Financial Activity Statements and List of Accounts Paid in November 2020		
OFFICER	Senior Finance Officer		
DATE OF REPORT	17 December 2020		

Attachment 4 – November 2020 Financial Activity Statements

Attachment 5 – List of Accounts Paid in November 2020

OFFICER RECOMMENDATION

1. That Council receives the November 2020 Financial Activity Statements as presented in Attachment 3.
2. That Council receives the List of Accounts Paid in November 2020 as presented in Attachment 4.

Summary/Purpose

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

Background

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

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

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

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

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

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

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

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

Statutory Environment

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

Integrated Planning

- Strategic Community Plan
Key Goal 5: Our leadership will be visionary, collaborative and accountable
Objective 5.2: We maintain high standards of governance, accountability and transparency
Strategy 5.2.8: Ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy

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

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

Budget Implications

Expenditure incurred in November 2020 and presented in the list of accounts paid, was allocated in the 2020/21 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Moore, Seconded Cr Bookless

C.08/1220

- 1. That Council receives the November 2020 Financial Activity Statements as presented in Attachment 3.**
- 2. That Council receives the List of Accounts Paid in November 2020 as presented in Attachment 4.**

Carried 9/0

ITEM NO.	C.09/1220	FILE REF.	108.2
SUBJECT	Adoption of the 2021/22 to 2035/36 Long Term Financial Plan		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	9 December 2020		

Attachment 6 Shire of Bridgetown-Greenbushes Long Term Financial Plan 2021/22 to 2035/36

OFFICER RECOMMENDATION

That Council adopt its 'Long Term Financial Plan 2021/22 to 2035/36', as presented in Attachment 6.

Summary/Purpose

In accordance with section 5.56 of the Local Government Act 1995 all local governments in Western Australia are required to effectively plan for the future as outlined in the Integrated Planning and Reporting Framework.

To retain alignment with the Corporate Business Plan, the Long Term Financial Plan (LTFP) is a rolling and iterative document that is reviewed annually, and provides robust financial projections.

The long term financial plan presented for Council's consideration will guide the development of Council's next Corporate Business Plan following a full review of its Strategic Community Plan due for completion in 2021.

Background

The Integrated Planning and Reporting Framework and Guidelines were introduced in Western Australia in 2010 as part of the State Government's Local Government

Reform Program. Integrated planning is the ongoing development and delivery of a Strategic Community Plan and a Corporate Business Plan.

The Long Term Financial Plan (LTFP) is one of the core components of the Department of Local Government, Sport and Cultural Industries (the Department) Integrated Planning and Reporting Framework. The LTFP functions as an informing strategy to the Corporate Business Plan. The plan details how the Shire will achieve its vision, aspirations and strategic priorities for the community and stakeholders through long term financial planning in a strategic manner. It is also an indicator of a local government's long term financial sustainability and allows early identification of financial issues and their longer term impacts.

Officer Comment

Long term financial planning is a key element of the Integrated Planning and Reporting Framework. This planning process enables local governments to set priorities, based on their resourcing capabilities, for the delivery of short, medium and long term community and stakeholder priorities.

The LTFP is a fifteen year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. Through these planning processes, annual budgets that align with strategic objectives are developed. The plan will continue to evolve as the shire responds to internal and external changes.

The LTFP is based on:

- an analysis of the internal and external environment(s);
- identifying economic, market and labour issues which impact on the shire's ability to deliver services and provide support to the community and civic infrastructure; and
- mapping the data in time to identify gaps and risks.

The LTFP also:

- indicates a local government's long term financial sustainability;
- allows early identification of financial issues and their longer term impacts;
- indicates the linkages between specific plans and strategies; and
- enhances the transparency and accountability of the Council to the community and stakeholders.

Council is currently reviewing its Strategic Community Plan, the new plan is to be finalised in the first half of 2021. In relation to development of the Strategic Community Plan, Regulation 19C(5) of the Local Government (*Administration*) Regulations provides that:

“(5) In making or reviewing a strategic community plan, a local government is to have regard to —

- (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
- (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
- (c) demographic trends.”*

Following adoption of the Strategic Community Plan in 2021 a new Corporate Business Plan will be developed that identifies and prioritises the principal strategies

and activities the council will undertake in response to the aspirations and objectives stated in the Strategic Community Plan.

To aid in the development of the Strategic Community Plan and Corporate Business plan the LTFP will provide information on Council's current and anticipated future resources capacity enabling development of an achievable and realistic Corporate Business Plan.

The draft LTFP incorporates a number of high level assumptions regarding ongoing operational expenditure and income sources. It includes funding allocations for asset renewal programs and one-off Corporate Business Plan projects of both an operational and capital nature. Councillors at the November Concept Forum and at a workshop held 3 December 2020 reviewed the assumptions along with the predicted ratio results and provided guidance as to the allocations to be incorporated in the draft LTFP for its ongoing capital works plans and one-off projects.

Some of the key strategic assumptions underpinning the draft LTFP are:

- Existing service levels will be maintained.
- Council will continue to fund its ongoing capital works plans at the funding levels established in 2019/20 indexed annually by a combination of the CPI and wage price index.
- The ongoing funding allocation for 'infrastructure' capital works has been split between asset renewal and upgrade/new at the rate of 75% renewal and 25% upgrade/new.
- The ongoing funding allocation for 'building' capital works has been fully allocated to building renewals.
- Year 1 of the plan incorporates funding of Corporate Business Plan (CBP) actions as identified in Council's current CBP. Year 2 includes an allocation of \$204,000 and from year 3 onwards an allocation of \$250,000 indexed annually by CPI for the remainder of the plan. Commencing in year 2 these allocations have been split between one-off projects of an operational nature and capital asset expenditure. 60% has been allocated to capital asset projects and 40% for operational projects. Operational projects can include items such as biannual election costs, development of strategic documents, concept plans, one off marketing and area promotion initiatives.
- Funding of the plant and light fleet replacement program is fully funded by the use of reserves to ensure a constant level of net funding each year.
- Provision of waste services will be fully funded by the raising of a waste rate under the provisions of the WARR Act. The rate will remain constant throughout the life of the plan with surplus funds being transferred to the Sanitation and Post Closure Reserves as loans are retired.

An annual rate increase of CPI plus 3% has been incorporated into the plan. This rate increase will ensure the above strategic assumptions are adequately funded with additional funds being generated to increase Council's commitment to asset renewals. One of the key financial performance indicators contained within the LTFP is the Asset Sustainability Ratio. This ratio is an approximation of the extent to which assets managed by the Shire are being replaced as they reach the end of their useful lives. Presently Council is not meeting the Department's benchmark for this ratio, as such all surplus revenue generated as a result of the rate increase

assumption incorporated into the plan have been allocated to renewal of Council's assets.

It is intended that the LTFP will be a high-level document that can be easily understood by the community. The attached LTFP includes fifteen year financial forecasts comprising:

- Statements of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity ;
- Statement of Funding and Net Current Asset Position;
- Statement of Movements in Fixed Assets and Capital Funding; and
- Forecast Ratio Analysis

These statements are supported by:

- Details of assumptions on which the plan has been developed;
- Projected income and expenditure; and
- Methods of measuring performance.

Statutory Environment

Section 5.56 of the Local Government Act 1995 – Planning for the Future

Integrated Planning

- Strategic Community Plan
Key Goal 5 - Our leadership will be visionary, collaborative and accountable
Objective 5.3 - We operate within the Integrated Planning Framework
Strategy 5.3.1 - Implement the Shire's Integrated Planning Review Cycle

- Corporate Business Plan
Action 5.3.1.4 – Annual review of Long Term Financial Plan

The Long Term Financial Plan will aid in the development of Council's Corporate Business Plan by providing information on Council's current and anticipated future resources capacity.

- Long Term Financial Plan
The Long Term Financial Plan is an informing document that presents a financial analysis of all strategic objectives and goals set out in Council's integrated planning documents.

- Asset Management Plans
The draft Long Term Financial Plan incorporates renewal expenditure for maintaining Council's assets. There are three financial ratio indicators contained within the LTFP that provide a measurement of Council's performance in relation to management of its assets.

- Workforce Plan – Nil

- Other Integrated Planning – Nil

Policy – Not applicable

Budget Implications

The LTFP is a guiding or informing document. Council and its officers will use this document as a guide in the preparation of future annual budgets.

Fiscal Equity – Not applicable

Whole of Life Accounting

The Long Term Financial Plan enshrines the principle of whole of life accounting costs to ensure assets are managed responsibly and cost effectively.

Risk Management

The Long Term Financial Plan is an informing strategy as part of the Integrated Planning and Reporting Framework. The framework mitigates business risk through links across Councils infrastructure, finances and workforce.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Johnson
C.09/1220 That Council adopt its 'Long Term Financial Plan 2021/22 to 2035/36', as presented in Attachment 6.

Carried 9/0

ITEM NO.	C.10/1220	FILE REF.	208
SUBJECT	Annual Report & Annual Financial Report 2019/2020		
OFFICER	Chief Executive Officer		
DATE OF REPORT	8 December 2020		

Attachment 7 Annual Report 2019/2020

Attachment 8 Auditor's Management Report for the 2019/2020 Financial Year

Attachment 9 Minutes of Audit Committee Meeting held 7 December 2020

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2019/2020 financial year and gives local public notice of its availability.*
- 2. Schedules the Annual General meeting of Electors to be held on Thursday, 4 February 2021 in the Council Chambers, commencing at 5.30pm.*
- 3. Note the Auditor's report includes 'significant adverse trends' in relation to Council's Asset Sustainability Ratio and Operating Surplus Ratio performance and acknowledges that Council has an existing 'Ratio Improvement Action Plan'.*

4. *Note Administration's comments in relation to the matters 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 2019/2020 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.

Officer Comment

Council's Audit Committee met with the Auditor and considered the draft Audit Report at its meeting held 7 December 2020. The final Audit Report was received on 7 December 2020. 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, 11 February 2021.

Taking into account the above it is recommended that the Annual General Meeting of Electors be held at 5.30pm on Thursday, 4 February 2021.

The audit of the Shire's 2019/20 Financial Statements has been conducted in accordance with Australian Auditing Standards and the Auditor has determined that:

"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 of Bridgetown-Greenbushes for the year ended 30 June 2020 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.”*

Unconfirmed Minutes

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 matters indicate significant adverse trends in the financial position or the financial practices of the Shire of Bridgetown-Greenbushes:
 - a. Asset sustainability ratio as reported in Note 33 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three years (2018: 0.50, 2019: 0.71 and 2020: 0.30); and*
 - b. Operating surplus ratio as reported in Note 33 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard of zero for the last three years (2018: -0.19, 2019; -0.35 and 2020; -0.31).**
- (ii) There were no instances of non-compliance with Part 6 of the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law identified during the course of my audit.*
- (iii) All required information and explanations were obtained by me.*
- (iv) All audit procedures were satisfactorily completed.*
- (v) In my opinion, the asset consumption ratio and the asset renewal ratio included in the annual financial report were supported by verifiable information and reasonable assumptions.”*

Two ratios have been reported as ‘significant adverse trends’ 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 2021 meeting following consideration of the report by the Audit Committee.

Two 'other' matters were raised by the Auditor in the Management Report as follows:

“High Annual Leave Accrual at Year End

Finding Rating: Moderate

Finding

During our review we identified 3 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 2019 and 30 June 2020 was reduced by 8.45% from 7,091.89 hours to 6,492.34 hours.

It is noted that three staff had in excess of 8 weeks accrued annual leave as at 30 June 2020. These 3 staff are a small proportion of the 66 full time or part time staff that are entitled to annual leave. Of these 3 staff, 2 did significantly decrease their accumulated leave in 2019/20 but due to workers compensation outside our control the other was unable to take leave. Liaison with those staff is ongoing leading to the identification of leave periods around operational demands and requirements.

Accrued Superannuation

Finding Rating: Minor

Finding

During the course of our audit, we identified that accrued superannuation was not raised as a part of the accrued wages calculation as at 30 June 2020.

Implication

Risk of material misstatement or omission within accounting records.

Recommendation

In future years, please ensure accrued superannuation is brought to account to ensure amounts payable as at year end are correctly disclosed within the financial statements

Management Comment:

It has been a long standing practice at this Shire to only include wages in the end of year 'accrued wages' calculation. The requirement to include accrued superannuation in the end of year calculation is noted and will be included in all future calculations.

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.02/1220 That the Audit Committee recommends that Council accept the 2019/20 Annual Financial Statements, and the Independent Auditor’s Report and Management Report for the 2019/20 financial year as presented by the Auditor General.

AC.02/1220a That the Audit Committee recommends that Council note the Auditor’s report includes ‘significant adverse trends’ in relation to Council’s Asset Sustainability Ratio and Operating Surplus Ratio performance and acknowledges that Council has an existing ‘Ratio Improvement Action Plan’.

AC.02/1220b That the Audit Committee recommends that Council note Administration’s comments in relation to the matters raised in the Auditor’s Management Report.”

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

Policy

Council’s ‘Advertising of Annual General Meeting of Electors’ Policy sets out the advertising requirements for the Annual General Meeting of Electors.

Budget Implications

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

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Absolute Majority to accept the Annual Report

**Council Decision Moved Cr Wilson, Seconded Cr Bookless
C.10/1220 That Council:**

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2019/2020 financial year and gives local public notice of its availability.**
- 2. Schedules the Annual General meeting of Electors to be held on Thursday, 4 February 2021 in the Council Chambers, commencing at 5.30pm.**
- 3. Note the Auditor's report includes 'significant adverse trends' in relation to Council's Asset Sustainability Ratio and Operating Surplus Ratio performance and acknowledges that Council has an existing 'Ratio Improvement Action Plan'.**
- 4. Note Administration's comments in relation to the matters raised in the Auditor's Management Report.**

**Carried 9/0
By Absolute Majority**

Development & Infrastructure

ITEM NO.	C.11/1220	FILE REF.	A36742
SUBJECT	Additions to Single House and Building Envelope Extension (Setback Variation)		
PROPONENT	Annette Brewer		
LOCATION	Lot 102 (RSN 57) Elwins Road, Kangaroo Gully		
OFFICER	Senior Planner		
DATE OF REPORT	2 December 2020		

Attachment 10	Locality Plan
Attachment 11	Neighbours' Submission
Attachment 12	Proposed Site Plan
Attachment 13	Proposed Floor Plan
Attachment 14	Proposed Elevation Plan

OFFICER RECOMMENDATION

That Council, noting the single submission 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, waives provisions of the Shire's Building Envelopes Policy TP.5 and grants

development approval for the proposed building envelope extension and setback variation for Lot 102 (RSN 57) Elwins Road, Kangaroo Gully, as per Attachment 11, subject to the following conditions:

1. Approval is granted for a 125m² building envelope extension with a reduced setback of 15 metres to the north-eastern side boundary.
2. All future development to be contained within the approved building envelope.

Summary/Purpose

A development application has been received for proposed Additions to Single House and Building Envelope Extension (Setback Variation) at Lot 102 (RSN 57) Elwins Road, Kangaroo Gully to accommodate additions to the single house. The proposed setback variation requires determination by Council and noting the single submission of support received from adjoining neighbours, it is recommended that approval be granted subject to conditions.

Background

A development application has been received seeking approval for a minor building envelope extension, with a setback variation to the north-eastern side boundary of 15 metres in lieu of 20 metres, with an area of 125m², to accommodate additions to the single house.

Officer Comment

The property is zoned 'Special Rural SR17' under Town Planning Scheme No. 4 and has an approximate area of 2.4182 hectares. The existing dwelling and outbuilding are located within the existing building envelope. The applicant intends to construct additions to the existing single house setback approximately 15 metres from the north-eastern boundary.

The application was referred by the applicant to landowners of one adjoining property for comment. One submission was received from the landowners of adjoining Lot 101 to the north-east, indicating no concerns (see Attachment 2).

The proposed building envelope extension with a setback variation from 15 metres in lieu of 20 metres to the north-eastern side boundary, to accommodate the additions to the single house, is not expected to have an adverse effect upon the amenity of surrounding properties or the wider locality.

Council has discretion to waive policy requirements where Council is satisfied that the provisions and objectives of the policy have been considered, see Policy Implications below.

Whilst the current building envelope is large, the proposed minor building envelope extension is modest in size and the setback variation is considered reasonable to accommodate the dwelling extensions, and approval is recommended.

Statutory Environment

- Shire of Bridgetown-Greenbushes 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 however has the power to extend the building envelope into the setback area.

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.*”

- Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 (Deemed Provisions)

Part 10A Local Planning Scheme Regulations 2015 relates to bushfire risk assessment. Whilst the subject property is wholly located within the bushfire prone area, the property already has a single house, and the proposed building envelope extension relates to a single house extension. Assessment pursuant to SPP 3.7 Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas is not considered necessary.

Should a habitable building be proposed within the new envelope then a BAL Assessment plus assessment against the bushfire protection criteria may be necessary at that time.

The following table addresses those applicable ‘Matters to be considered’ under Clause 67 of the Local Planning Scheme Regulations 2015.

Requirement	Comment
(a) the aims and provisions of this scheme and any other local planning scheme operating within the Scheme area;	The proposed building envelope extension, noting the setback variation, is consistent with the objective of the Special Rural zone 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;	The proposed building envelope modification, noting the 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 are currently being prepared.
(c) any approved State planning policy;	Assessment against SPP 3.7 Planning in Bushfire Prone Areas is not considered necessary in this case.
(e) any policy of the Commission;	Assessment against the Guidelines for Planning in Bushfire Prone Areas is not considered necessary in this case.
(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;	SR17 zone Structure Plan is applicable. Consistent noting the building envelope extension and setback variation.
(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.
(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;	Landscaping not considered necessary.

(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 or landslip issues.
(y) any submissions received on the application;	One submission from adjoining neighbours has been received indicating no objection.

Integrated Planning

- Strategic Community Plan
 - Key Goal 2 - Our natural environment is valued, conserved and enjoyed
 - Objective 2.6 - Development is sympathetic to the landscape
 - Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities
 - Key Goal 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
 - 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
 - Strategy 5.2.8 - Ensure all legislative responsibilities and requirements are met
 - Action 5.2.8.2 - Provide effective regulatory services
- 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 TP.5

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 envelope extension if Council 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 allow Council to approve the proposed building envelope including the 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 refuse the application, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal, additional staff time and potential legal costs are 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 refuse the application, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal.

Voting Requirements – Simple Majority

Council Decision Moved Cr Mountford, Seconded Cr Practico

C.11/1220 That Council, noting the single submission 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, waives provisions of the Shire's Building Envelopes Policy TP.5 and grants development approval for the proposed building envelope extension and setback variation for Lot 102 (RSN 57) Elwins Road, Kangaroo Gully, as per Attachment 11, subject to the following conditions:

- 1. Approval is granted for a 125m² building envelope extension with a reduced setback of 15 metres to the north-eastern side boundary; and***
- 2. All future development to be contained within the approved building envelope.***

Carried 9/0

ITEM NO.	C.12/1220	FILE REF.	
SUBJECT	Proposed Memorandum of Understanding (MOU) for Maintenance of the Greenbushes Town Square		
PROPONENT	Greenbushes Community Garden Committee		
OFFICER	Executive Manager Development & Infrastructure		
DATE OF REPORT	9 December 2020		

Attachment 15 - Revised MOU (DRAFT)

OFFICER RECOMMENDATION

That Council:

- 1. Endorses the draft revised Memorandum of Understanding (MOU) for maintenance of the Greenbushes Town Square as per Attachment 15.*
- 2. Instructs the Chief Executive Officer to execute the MOU on behalf of the Council with the Greenbushes Community Garden Committee.*
- 3. Continues allocating \$1,000 per annum towards the Greenbushes Community Garden Committee to assist with the purchase of reticulation, plants and seedlings.*

Summary/Purpose

To endorse a revised Memorandum of Understanding with the Greenbushes Community Garden Committee for maintenance of the Greenbushes Town Square.

Background

Early in November 2020, the Greenbushes Community Garden Committee (GCGC) approached the Shire to review the maintenance responsibilities at the Greenbushes Town Square, situated next to the community garden. Some minor operational concerns were raised, which triggered a review of the current existing Memorandum of Understanding (MOU).

The GCGC organises a busy Tuesday every fortnight for the purpose of maintaining the community garden and the Greenbushes Town Square. However, there has been a reduction in the number of volunteers at the community garden able to undertake the day to day maintenance of the town square, thus generating the request for more assistance from the Shire's parks & gardens staff. It was mainly pointed out that not carrying out spraying was becoming impractical and it was requested that Shire's staff spray weeds on the roadside of the pathway from the Community Garden to protect the vegetable gardens and frog pond. It was highlighted that the children play area should not be sprayed. It was also requested that Shire staff supply and deliver mulch (if available) upon request to a convenient site location as specified by GCGC, who will spread the mulch with the help of the volunteers.

At the meeting, GCGC were advised that Shire's allocates up to \$1000 to assist with the purchase of reticulation, plants and seedlings upon production of invoices or receipts for record purposes. It was clarified that this amount could not be rolled over or accumulated if unused and that expenditures incurred in a previous financial year could not be claimed in the current year. GCGC were of the opinion that the existing gazebo, table and benches were gifted by Talison Lithium Australia Pty Ltd., and GCGC assume the maintenance and repair thereof.

Other one-off requests, such as removal of tree stumps and decommissioning of existing unused drinking fountain, were made at the meeting. However, these do not form part of the revised MOU.

Officer Comment

The current MOU has been reviewed for the purpose of setting out the parameters and conditions associated with the undertaking by the GCGC of a maintenance service of the Greenbushes Town Square. Its purpose is to establish a framework for a cooperative working relationship between the Shire and the GCGC. Contact details were exchanged between GCGC and Shire's staff for better communication and cooperation.

The timeframe of the revised document is open-ended but can be reviewed or discontinued by either party subject to three months' notice being provided.

The revised MOU sets out the responsibilities of each party. The Shire will:

- Assist with the costs for purchase of reticulation, seedlings and plants within the Greenbushes Town Square. A maximum amount of \$1,000 per annum will continue to be budgeted for these purposes.
- Supply mulch upon request from the Committee (when available) to keep the area covered, reduce evaporation and generation of weeds.
- Carry out large pruning such as lopping of trees on request from the committee, noting that these works are subject to funds being available in the Council Budget.
- Carry out weed spraying in the Town Square as part of Shire's Parks and Gardens works program.
- Pay the water accounts and on-charge 50% of the water consumption charges and service charges to the GCGC.

Under the MOU the Greenbushes Community Garden Committee will:

- Plant and maintain appropriate plantings (predominantly natives) to keep area filled, ensure visibility of the Town Square wall and ensure plantings are replaced when needed.
- Keep the plants pruned.
- Install and maintain reticulation off the Community Garden Building water supply.
- Spread the mulch supplied by the Shire.
- Keep the plants watered (initially with new seedlings and during dry periods).
- Keep the area weeded
- Maintain existing gazebo, table and benches.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Key Goal 4 – A community that is friendly and welcoming
 - Objective 4.4 – Promoting volunteerism

Strategy 4.4.1 – Acknowledge volunteers and the contribution they make to our community

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

Objective 5.1 – Our community actively participates in civic life

Strategy 5.1.5 – Support groups that deliver programs, activities and services for the benefit of the community.

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

Policy/Strategic Implications - Nil

Budget Implications

\$1,000 is included in annual budgets for purchase of seedlings, plants and reticulation.

Whole of Life Accounting - Nil

Risk Management – Nil

Voting Requirements – Simple Majority

Council Decision *Moved Cr Practico, Seconded Cr Boyle*

C.12/1220 *That Council:*

- 1. Endorses the draft revised Memorandum of Understanding (MOU) for maintenance of the Greenbushes Town Square as per Attachment 15.**
- 2. Instructs the Chief Executive Officer to execute the MOU on behalf of the Council with the Greenbushes Community Garden Committee.**
- 3. Continues allocating \$1,000 per annum towards the Greenbushes Community Garden Committee to assist with the purchase of reticulation, plants and seedlings.**

Carried 9/0

Community Services

ITEM NO.	C.13/1220	FILE REF.	Legal D138
SUBJECT	Greenbushes Community Resource Centre (CRC) Memorandum of Understanding (MOU) – Service Delivery		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	8 December 2020		

OFFICER RECOMMENDATION

That Council approve the updated Memorandum of Understanding outlining service delivery expectations, roles, responsibilities and payments, with the Greenbushes CRC and delegate the CEO to liaise with the Greenbushes CRC to finalize and sign the agreement.

Summary/Purpose

The purpose seeks to formalize a review of the existing Memorandum of Understanding that exists with the Greenbushes CRC as relates to that agency being a provider of identified services, on behalf of the Shire of Bridgetown-Greenbushes, to the Greenbushes community.

Background

A Memorandum of Understanding (MOU) has been in place since November 2007 between the Shire and Greenbushes Telecentre (now Community Resource Centre – CRC) for the provision of some Shire services to the residents of Greenbushes and surrounds.

The content of the MOU was reviewed by Council in February 2011 after an expansion of the services provided to the residents of Greenbushes and surrounds. This allowed for the provision of the following service delivery areas:

- Rates payments;
- Dog Licenses;
- Sundry Debtors;
- Greenbushes Town Hall & Roads Board Office bookings;
- Library services;
- Noticeboard (provision of Shire information in Greenbushes); and
- Community Development

Officer Comment

The officer and the CEO undertook several meetings with the (former) Greenbushes CRC Manager to progress the review of the MOU to ensure it is current, relevant and clarifies the required objectives of both stakeholders. Essentially the core content of the MOU remains unchanged.

During the review Shire officers identified that the payment for rate payments, dog licence, cat licence and sundry debtor transactions is considered minimal and that the existing \$7.50 fee payable to the Greenbushes CRC was excessive in terms of time taken to process such payments. It was also identified that the time taken to book and process payments for facility hire was more time consuming and subsequently should be increased from the existing \$7.50.

The key changes in the Draft MOU – Service Delivery (Attachment XX) are:

- The inclusion of reference to payment of cat (as well as dog) registrations (in line with the Cat Act 2011) – Part 2 Points 10 and 11
- Reduction of service delivery fee charge from \$7.50 per transaction to \$2.50 per transaction (to reflect minimal time required to process the transaction for

all rate payments, dog licence, cat licence and sundry debtor transactions – Part 2 Point 14)

- Increase of service delivery fee charge from \$7.50 to \$11.00 for Town Hall and Road Board building bookings (to reflect time required to process the booking and payment transaction– Part 3 Points 5 and 9).
- Clarification of the time frame for the Greenbushes CRC to deliver monies received for various payments to the Shire office (Part 3 Point 3)
- Removal of any reference to the now defunct Insight Newsletter

If Council endorse the officer recommendation, the Draft MOU will be presented formally to the Greenbushes CRC Manager for the CRC Board to consider and if agreeable to them, endorse.

Statutory Environment

The clear articulation of the management and administrative requirements that the CRC must follow in providing the various services will ensure that the Shire meets its statutory responsibilities for revenue receipting.

Integrated Planning

- Strategic Community Plan
 - Key Goal 5 - Our leadership will be visionary, collaborative and accountable
 - Objective 5.1 - Our community actively participates in civic life
 - Strategy 5.1.4 - People receive Shire information, services and opportunities according to their needs
 - Objective 5.2 - We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.3 - Maintain a strong customer focus
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management

The recommendation seeks to mitigate the low exposure to risk the MOU presents by ensuring both stakeholders have clarity regarding roles, responsibilities, expectations and fees/payments for service delivery. Further, the MOU contains

detailed management and administrative procedures for CRC staff to follow when providing the various services on behalf of the Shire, including receipt of revenue.

Voting Requirements – Absolute Majority (for delegation to the CEO)

***Council Decision Moved Cr Johnson, Seconded Cr Moore
C.13/1220 That Council approve the updated Memorandum of Understanding outlining service delivery expectations, roles, responsibilities and payments, with the Greenbushes CRC and delegate the CEO to liaise with the Greenbushes CRC to finalize and sign the agreement.***

***Carried 9/0
By Absolute Majority***

Receival of Minutes from Management Committees - Nil

Urgent Business Approved by Decision

ITEM NO.	C.15/1220	FILE REF.	
SUBJECT	Proposed Amendment to Policy M.6 – Meetings of Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	15 December 2020		

Reason for Urgent Business: Amendment of the Policy will ensure that in future the date of the December Council meeting is set thus allowing advertising of 2021 meeting dates to occur in January.

OFFICER RECOMMENDATION

That Council amend Policy M.6 – ‘Meetings of Council’ by rewording the first paragraph to read:

It is Council’s policy that Ordinary Meetings of the Council will be held on the last Thursday of each month (excepting the month of December where it will be held on the 3rd Thursday of that month), commencing at 5.30pm.

Summary/Purpose

To approve a minor variation to a Council Policy.

Background

In responding to a query late last week about the date of the December Council meeting it became apparent that a change to Policy M.6 – ‘Meetings of Council’ is required.

Officer Comment

Policy M.6 – ‘Meetings of Council’ sets the monthly ordinary council meeting date as the last Thursday of the month excepting December. The current wording of the policy doesn’t specify the December meeting date but it has been held on the 3rd Thursday for many years.

Statutory Environment

Regulation 12 of the Local Government (Administration) Regulations requires a local government, at least once each year to give local public notice of the dates on which and the time and place at which ordinary council meetings are to be held.

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

This item recommends a minor amendment to Policy M.6

Budget Implications

Approximately \$300 for advert in local newspaper that can be accommodated in current advertising budget allocation.

Whole of Life Accounting - Nil

Risk Management

Amendment of the policy will ensure that the December meeting date is locked in and thus can be included in the local public notice advertising that is scheduled to occur in January.

Voting Requirements – Simple Majority

Council Decision Moved Cr Wilson, Seconded Cr Moore
C.15/1220 That Item C.15/1120a be accepted as urgent business.

Carried 9/0

Moved Cr Boyle, Seconded Cr Johnson
That Council amend Policy M.6 – ‘Meetings of Council’ by rewording the first paragraph to read:

It is Council’s policy that Ordinary Meetings of the Council will be held on the last Thursday of each month (excepting the month of December where it will be held on the 3rd Thursday of that month), commencing at 5.30pm.

Amendment Moved Cr Boyle, Seconded Cr Bookless
That the policy reflect that the December Meeting of Council is to be held in Greenbushes

Carried 8/1

Cr Nicholas voted against the Amendment

The Amended Motion becomes the Substantive Motion - the Motion was put

***Council Decision Moved Cr Boyle, Seconded Cr Johnson
C.15/1220a That Council amend Policy M.6 – ‘Meetings of Council’ by
rewording the first paragraph to read:***

***It is Council’s policy that Ordinary Meetings of the Council will be held
on the last Thursday of each month (excepting the month of December
where it will be held on the 3rd Thursday of that month), commencing at
5.30pm in Greenbushes.***

Carried 9/0

Reason for amending the officer recommendation

To include the proposed location of the Council Meeting in December.

ITEM NO.	C.16/1220	FILE REF.	
SUBJECT	Revocation of Council Resolution for Calling of Special Meeting of Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	16 December 2020		

Reason for Urgent Business: Feedback from a tender briefing held today for Tender RFT02-20/21 has raised the need to extend the tender closing date to factor in the Christmas/New Year. If this is to occur the tender couldn't be considered at the Special Council Meeting called for 14 January 2021.

OFFICER RECOMMENDATION

That Council revoke Part 3 of Resolution SpC.01/1220a that reads:

- That Council notes the closing date for RFT 02-20/21 is 2pm, Tuesday 5th January 2021 and calls a Special Meeting of Council for 5.30pm, Thursday 14th January 2021 for the purpose of considering tenders received for Tender 02-20/21 Blackwood River Foreshore Project.*

Summary/Purpose

Due to a proposed change to the closing date for Tender RFT 02-20/21 it is recommended that the Special Council Meeting called for 14 January 2021 for the purpose of considering tenders received not be held. If so this will require revocation of Part 3 of Council Resolution SpC.01/1220a.

Background

Feedback from a tender briefing held today for Tender RFT02-20/21 has raised the need to extend the tender closing date to factor in the Christmas/New Year period. If this is to occur the tender couldn't be considered at the Special Council Meeting called for 14 January 2021.

Officer Comment

Under Regulation 10 of the Local Government (Administration) Regulations before a Motion can be considered for revoking of a previous Council decision (resolution), support must be given by at least 1/3 of the number of office (whether vacant or not) of members of the Council. Therefore the Presiding Member will seek an indication of such support from councillors and if 3 or more councillors indicate support by a show of hands the Presiding Member will call for a mover and seconder for the motion proposing the revoking of Part 3 of Council Resolution SpC.01/1220a.

Advice from some of the interested tenderers is that they will be shutting down between Christmas and New Year thus hindering their ability to prepare a suitable tender for consideration. Therefore acting under delegated authority an extension to the tender closing date is being considered but before making a decision on that matter it has to be determined whether the previously called Special Meeting of Council will still be held.

It is recommended Council revoke Part 3 of Council Resolution SpC.01/1220a. This would mean that the report on possible awarding of Tender RFT02-20/21 would be presented to the January ordinary meeting of Council.

Statutory Environment

Regulation 10 – Local Government (Administration) Regulations

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Integrated Planning

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

Policy Implications - Nil

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management

Revoking Part 3 of Council Resolution SpC.01/1220 will allow for the closing date for Tender RFT02-20/21 to be extended thus increasing the likelihood of receiving multiple tenders to assess.

Voting Requirements – Absolute Majority

**Council Decision Moved Cr Moore, Seconded Cr Wilson
C.16/1220 That Item C.16/1120a be accepted as urgent business.**

Carried 9/0

**Council Decision Moved Cr Bookless, Seconded Cr Moore
C.16/1220a**

**Carried 9/0
By Absolute Majority**

ITEM NO.	C.17/1220	FILE REF.	
SUBJECT	Temporary Variation to Delegation P.4 – Development Applications		
OFFICER	Chief Executive Officer		
DATE OF REPORT	17 December 2020		

Reason for Urgent Business: To clear pending development applications before the end of the calendar year an amendment to Delegation P.4 is recommended.

OFFICER RECOMMENDATION

- 1. That Council amend its Council to CEO Delegation P.4 'Development Applications' by delegating the CEO to approve development applications in cases where an objection has been lodged by a Government agency as part of a development referral process.*
- 2. That this amendment to Delegation P.4 cease as at 24 December 2020.*

Summary/Purpose

To approve a temporary variation to an existing Council to CEO delegation - in order to allow approval of specific development applications prior to Christmas shutdown.

Background

Some existing Government grants and subsidies for new housing developments expire on 31 December 2020. There is a large number of pending development applications currently being considered, including for new dwellings, some which due to bush fire risk or location require referral to specific Government agencies. Some responses from these Government agencies are expected between now and 24 December 2020 and if they contain objections to the proposed development assessment of the applications would be held up as under Council to CEO Delegation P.4 'Development Applications' any application that is subject to an objection from a development referral cannot be processed for approval unless the objection can be satisfied by conditions of planning consent.

In cases where the objection from the referral agency raises questions of interpretation it is not always possible to satisfy the agency's concerns by conditions of planning consent. In those situations a report is prepared for Council's consideration and Council could overrule any of the concerns or objections being raised. For current applications this would mean presentation to the next ordinary meeting of Council to be held on 28 January 2021. For those applications requiring an approval prior to 31 December 2020 to meet grant/subsidy requirements it would mean those grants would be forfeited.

To overcome this inconvenience to applicants a temporary variation to Delegation P.4 is recommended.

Officer Comment

Noting that the Shire Administration Office is closed between 25 December 2020 and 3 January 2021 it is intended to process as many development applications as possible up to that date.

If Delegation P.4 is varied as per the officer recommendation the relevant officers, if dealing with an objection from a Government referral agency, would exercise caution and fairness in assessing the objection and making a determination.

Statutory Environment

Local Government Act 1995 – Sections 5.42 – 5.48

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. * Absolute majority required.
- (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.

5.43. Limits on Delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
or
- (i) such other powers or duties as may be prescribed.

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of Delegation.

- (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its Delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a Delegation under this section.
- (5) In subsections (3) and (4) —

“conditions” includes qualifications, limitations or exceptions.

5.45. Other matters relevant to Delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a Delegation made under this Division has effect for the period of time specified in the Delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a Delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, Delegations to CEO's and employees

- (1) The CEO is to keep a register of the Delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, Delegations made under this Division are to be reviewed by the delegator.

- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Integrated Planning

- Strategic Community Plan
 - Key Goal Area 5 – Our leadership will be visionary, collaborative and accountable
 - Objective 5.2 - We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.3 - Ensure organisational capability
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements – Absolute Majority

Council Decision Moved Cr Wilson, Seconded Cr Moore
C.17/1220 That Item C.17/1120a be accepted as urgent business.

Carried 9/0

Council Decision Moved Cr Wilson, Seconded Cr Johnson
C.17/1220a

Carried 9/0
By Absolute Majority

Responses to Elected Member Questions Taken on Notice – Nil

Elected Members Questions With Notice

Cr Pratico

Question

Stinton Aged Housing has transferred its asset to Access Housing to manage on the understanding that this would deliver better and quicker growth for the settlement.

Unconfirmed Minutes

Response

Access Housing has been funded by the South West Development Commission to develop aged care housing in the south west. The first housing developments have been undertaken in Donnybrook and Boyup Brook. Some of that housing built in those two towns has been made available for aged citizens to rent, some of it is available to purchase. Under the funding agreement with the South West Development Commission, a portion of the sale/purchase price of the saleable homes is required to be 'on invested' in other towns. Both Greenbushes and Bridgetown are earmarked as the next towns. When the sale of homes in the first 2 towns has generated sufficient capital to commence the construction of the additional units will commence in Greenbushes (first) and Bridgetown second. Land is required to be identified and purchased by Access Housing for Bridgetown housing developments. The transfer of the management of the asset was undertaken to allow for the development once capital funding was available to commence works. This arrangement is still in place.

Question

There are lost dog signs all over the Shire. Can these be removed?

- Dog lost in January 2020
- Dog lost in the Shire of Nannup
- Tracey (and a contact mobile)

Response

These signs technically require local government approval but typically persons that erect them don't seek that approval. This is understandable if the signs are temporary in nature. Removal of such signage typically only occurs if it is unsightly or impacts on sight lines at intersections. We could remove these "lost dog" signs but we would need to be consistent and remove similar signs. Is this something council would like done? This can be discussed further in February if councillors wish.

Notice of Motions for Consideration at the Next Meeting - Nil

Matters Behind Closed Doors (Confidential Items)

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- A matter affecting an employee or employees;
- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

The CEO, T Clynch, as author of the report/agenda item, declares a financial interest as the subject of the report/agenda item concerns the terms of his new contract of employment.

ITEM NO.	C.14/1220	FILE REF.	
SUBJECT	CEO Contract		
OFFICER	Shire President		
DATE OF REPORT	10 December 2020		

Council Decision *Moved Cr Johnson, Seconded Cr Wilson*
C.14/1220 *That Council goes behind closed doors to consider Item*
C.13/1220 at 6.17pm.

Carried 9/0

Council Decision *Moved Cr Nicholas, Seconded Cr Wilson*
C.14/1220a *That Council acknowledge that the Chief Executive Officer has met his contractual key performance indicator (contained in Schedule 3 of his contract of employment) and accordingly the two year option specified in Item 7 of Schedule 2 of the contract has been triggered.*

Carried 9/0

Council Decision *Moved Cr Nicholas, Seconded Cr Wilson*
C.14/122b *That Council consider offering the Chief Executive Officer, Mr Tim Clynych, a new contract of employment for a period of 5 years with the term of the new contract to commence on 5 January 2021.*

Lost 0/9

Reason

In resolving as per Part a of the Shire President's recommendation councillors felt it premature to consider Part b..

Council Decision *Moved Cr Johnson, Seconded Cr Moore*
C.14/1220c *That Council come out from behind closed doors at 6.48pm.*

Carried 9/0

Note: No members of the public returned to the meeting

Closure

The Presiding Member closed the meeting at 6.50pm.

List of Attachments

Attachment	Item No.	Details
1	C.02/1220	Minutes Special Council Meeting 3 December 2020
2	C.06/1220	Rolling Action Sheet
3	C.07/1220	Terms of Reference for Working Group
4	C.08/1220	November 2020 Financial Activity Statements
5	C.08/1220	List of Accounts Paid in November 2020
6	C.09/1220	Long Term Financial Plan 2021/22 to 2035/36
7.	C.10/1220	Annual Report 2019/20
8.	C.10/1220	Auditor's Management Report 2019/20 Financial Year
9.	C.10/1220	Minutes Audit Committee Meeting 7 December 2020
10.	C.11/1220	Locality Plan
11.	C.11/1220	Neighbours' Submission
12.	C.11/1220	Proposed Site Plan
13.	C.11/1220	Proposed Floor Plan
14.	C.11/1220	Proposed Elevation Plan
15.	C.12/1220	Revised MOU (draft)
16.	C.13/1220	Draft MOU – Service Delivery

Agenda Papers checked and authorised by T Clynych, CEO		10.12.20
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As Presiding Member, I certify that the Minutes of the Council Meeting held 17 December 2020 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 28 January 2021.

..... 28 January 2021