

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Bridgetown-Greenbushes will be held on **Thursday, 25 July 2019** in the Council Chambers, commencing at 5.30pm

T Clynch, CEO



Date

18 July 2019

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AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 25 July 2019 commencing at 5.30pm

Meeting to be opened by the Presiding Member

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.

Attendance, Apologies and Leave of Absence

President	- Cr A Pratico
Councillors	- J Bookless
	- J Boyle
	- D Mackman
	- J Moore
	- J Nicholas
	- P Scallan
	- A Wilson
In Attendance	- T Clynch, Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- E Denniss, Executive Manager Community Services
	- G Arlandoo, Executive Manager Development & Infrastructure
	- T Lockley, Executive Assistant

Attendance of Gallery

Responses to Previous Questions Taken on Notice

Public Question Time

Petitions/Deputations/Presentations

Comments on Agenda Items by Parties with an Interest

Applications for Leave of Absence

Confirmation of Minutes

C.01/0719 Ordinary Meeting held 27 June 2019

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 27 June 2019 as a true and correct record.

C.02/0719 Special Meeting held 11 July 2019

Attachment 1

A motion is required to confirm the Minutes of the Special Meeting of Council held 11 July 2019 as a true and correct record.

Announcements by the Presiding Member Without Discussion

Notification of Disclosure of Interest

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

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

Questions on Agenda Items by Elected Members

Consideration of Motions of which Previous Notice has been Given

Reports of Officers

Reports of Officers have been divided into Departments as follows:

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

CEO's Office

ITEM NO.	C.03/0719	FILE REF.	
SUBJECT	Proposed Lease – Portion of Greenbushes Shire Office Building		
PROPONENT	Cynthia Matthysen		
OFFICER	Chief Executive Officer		
DATE OF REPORT	16 July 2019		

OFFICER RECOMMENDATION That Council:

- 1. Offers to enter into a lease with Ms Cynthia Matthysen (lessee) for occupation of the former Greenbushes Shire Office building for a lease period of 8 months with the lease rental to be \$75 per week.*
- 2. Makes a determination that Regulation 30(2) of the Local Government (Functions and General) Regulations exempts the proposed lease with Ms Matthysen from having to comply with Section 3.58 of the Local Government Act as the lease is for less than 2 years and the lessee would not have exclusive use of the land.*
- 3. That subject to planning and health approvals being granted to the proposed use of beautician the CEO be authorised to finalise the lease documentation with the lessee.*
- 4. That the CEO be authorised to enter into discussions with the lessee after 6 months of commencement of the lease about renewal of the lease including an assessment of whether shared or exclusive use of the premises is sought in the new lease.*

Summary/Purpose

A proposal has been received from a prospective business proprietor (beautician) to share occupation of the former Greenbushes Shire Office building with the existing community uses, including the base of Grow Greenbushes. It is recommended that Council approve an 8 month lease with the proponent in order to determine whether the proposed shared use arrangement is workable.

Background

An enquiry has been received from a local resident of Greenbushes (Cynthia Matthysen) enquiring about the availability of leasing the former Greenbushes Shire Office building for the purpose of establishing a beautician business. The premises are currently used for community uses, predominantly being the meeting place and base (including storage of items) of Grow Greenbushes. The proposal by Ms Matthysen is to share the premises with Grow Greenbushes and other existing community uses for an initial period (suggestion is 6-12 months) in order to determine the viability of the proposed business.

The leasing or selling of a property owned by the Shire must occur in accordance with the Local Government Act and associated Regulations. Clause 3.58(2) & (3) of the Local Government Act states that a local government can only dispose (sell, lease) of property by auction, tender or by private treaty after giving public notice. The public notice is to stipulate the valuation of the property (ie; value of annual lease) and the consideration of the proposal (i.e. annual lease fee).

If Council was to resolve to proceed with the leasing of the property under Clause 3.58(3) of the Local Government Act a valuation of the annual lease would have to be obtained. However Clause 3.58(5)(d) of the Local Government Act states that Clause 3.58 does not apply if the proposed disposition is excluded by regulations from the application of that clause.

Regulation 30(2)(e) of the Local Government (Functions and General) Regulations 1996 state that a land disposition is exempt from the requirements of Clause 3.58 of the Local Government Act if “it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee exclusive use of the land”.

At its meeting held on 4 July 2019 Grow Greenbushes considered the proposal and determined to offer its support by resolving:

That Grow Greenbushes is prepared to share the use of the facilities with a proposed commercial operator, subject to the proposed operator and the Shire formulating an acceptable and agreed commercial arrangement.”

It is recommended Council agree to an 8 month lease arrangement with Ms Matthysen with the decision on whether to transfer to a new lease to commence after 6 months of the 8 month term. This will allow time for obtaining a valuation and advertising of the proposed disposition prior to expiry of the initial lease. This period will also allow assessment of whether a continuation of shared use of the premises should occur or whether the future lease would provide for exclusive use.

The proposal is for a weekly rent of \$75 to apply. The Shire as lessor will be responsible for meeting all utility costs.

Prior to the lease being confirmed the proposed use of a beautician will require planning and health approvals. Therefore it is recommended the CEO be granted delegated approval to prepare the lease documentation using the Shire’s standard lease template.

Statutory Environment

Section 3.58 of the Local Government Act concerns the disposition of land, including the leasing of Land or part thereof. Under this clause disposition of land can only occur via tender, auction or by other means after local public notice of the proposed disposition is given and any submissions considered.

Notwithstanding the above, Regulation 30(2) of the Local Government (Functions and General) Regulations exempts the proposed lease with Ms Matthysen from having to comply with Section 3.58 of the Local Government Act as the lease is for less than 2 years and Ms Matthysen would not have exclusive use of the land.

Integrated Planning

➤ Strategic Community Plan

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

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

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

Objective 1.2 - A proactive approach to business development.

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

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

Policy - Nil

Budget Implications

The proposed revenue from rent hasn't been included in the draft 2019/20 budget. The additional revenue will be taken into account in the mid year budget review process. The terms of the lease will require the Shire as lessor to pay all utility costs which can be expected to be higher (but less than the proposed income) for the use of beautician than occurs for the current community use of the building. An assessment of utility costs will be undertaken in the event of a lease renewal being proposed. The Shire will maintain responsibility for building maintenance.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.04/0719	FILE REF.	261.1
SUBJECT	Local Government Convention – WALGA AGM Motions		
PROPONENT	WALGA		
OFFICER	Chief Executive Officer		
DATE OF REPORT	11 July 2019		

OFFICER RECOMMENDATION That:

- 1. Voting delegates representing Council at the WALGA Annual General Meeting vote in accordance with the Officers recommendations outlined in the report, unless determined otherwise by Council.*
- 2. Notwithstanding Part 1, voting delegates be given authority to vote on Motions or Amendments contrary to the position determined by Council, where new information is provided in the debate. In the event of this happening a report is to be included in the August 2018 Councillor Information Bulletin explaining the reasons and circumstances for those decision(s).*

Background

The Agenda papers for the WALGA Annual General meeting, which forms part of the Local Government Convention, have now been received.

During the meeting, Council's voting delegates will be called upon to vote on the various Motions contained within the Agenda Papers.

Motions for consideration are listed below, together with comments from the Proposer local government or WALGA plus Officer Comments relating to either supporting or not supporting the proposed Motions.

Council's voting delegates at the AGM will be directed to vote in accordance with the directions provided by Council unless new information arises during the debate at the AGM which in the opinion of the voting delegates, changes the prospective position of Council (this also includes the consideration of any amendments moved at the AGM). In the event of Council's voting delegates voting contrary to the direction provided by Council, a report explaining the reasons and circumstances for those decision(s) will be included in the August Councillor Information Bulletin.

Item 3.1 – Coastal Erosion

Submitted by: Shire of Gingin

Motion

That WALGA advocate to the Federal and State Governments with respect to the importance of responding to the increasing challenges faced by Coastal Councils, and develop policy initiatives to include:

1. Introduction of a national funding formula to provide the resources necessary to manage and maintain the coast effectively on behalf of all Australians, including the funds needed to increase the adaptive capacity of Councils to address climate impacts.
2. Allocation of additional Financial Assistance Grants to address coastal hazards, and broadening of the range of 'disabilities' listed under Financial

Assistance Grants to include factors such as the vulnerability of coastal areas and communities to coastal hazards.

3. Development of an intergovernmental agreement on the Coastal Zone that will provide a co-ordinated national approach to coastal governance through and in cooperation with Australian state, territory and local governments and clearly define the roles and responsibilities of each tier of government in relation to coastal zone management.
4. Creation of a National Coastal Policy, the basis of which is formed by the intergovernmental agreement on the Coastal Zone, that outlines the principles, objectives and actions to be taken to address the challenges of integrated coastal zone management for Australia.
5. An increase in funding for Australian climate science research programs conducted by CSIRO and other research bodies, including the restoration of funding for the National Climate Change Adaption Research Facility or establishment of a similar body, and continuing support for *CoastAdapt*. This is essential to ensure that appropriate guidance in responding to coastal hazards is accessible by Australia's coastal Councils so that coastal communities and assets are adequately prepared to address the adverse effects of climate change impacts.

Member Comment

Many Western Australian Local Governments attended the Australian Coastal Councils Conference in NSW earlier this year. From this conference it was clear that other State Governments are working more closely with Local Governments to provide guidance, advice and funding to help manage coastal hazards, including storm erosion, shoreline recession and coastal inundation.

This conference also clearly outlined the fact that there is no coordinated Federal, State and Local Government Policy outlining clear responsibilities, which essentially leaves Councils in a very uncertain situation with respect to how to deal with the coastal issues that they face.

The estimated cost of coastal hazards is unprecedented and yet there is no clear direction at the Commonwealth level as to responsibilities or action plans. In nearly all instances it is being advised/proposed that retreat is the preferred method of dealing with coastal hazards, yet the financial cost of this option eclipses the cost of performing minor works to alleviate the issue for the short to medium term.

Without entering into a debate about sea-levels rising, we all acknowledge that the climate is changing and all coastal Councils in WA are being affected in some way or another that is directly impacting their residents and ratepayers. It should be noted that this matter will not only affect coastal Councils but other Council that will be affected by the ingress of water such as those located on coastal estuaries.

As such, it is requested that WALGA, whilst continuing to work in this space, has a strong focus on the recommendation above which will provide coastal Councils with the necessary support, tools, advice, resources and financial backing to work through these issues in a coordinated manner.

WALGA Secretariat Comment

In 2013 the Western Australian Planning Commission (WAPC) adopted a significantly revised *State Planning Policy 2.6: State Coastal Planning Policy*. This policy was revised largely in response to a growing scientific consensus that increasing sea levels and storm intensities will cause more frequent coastal inundation, storm erosion and shoreline recession in coastal areas. A recent report published by the [Climate Council](#) emphasises these challenges.

In particular, the revised state coastal policy introduced new policy measures which require Local Governments to:

- a) Show due regard to coastal hazards when assessing new development proposals, or making or amending a new planning scheme
- b) Prepare strategies (Coastal Hazard Risk Management and Adaptation Plans) to preserve public interests in coastal areas, and
- c) Inform landholders of coastal hazard risks.

WALGA has been working with its members for a number of years to help Local Governments meet these responsibilities. Key activities include:

- Preparation of *Local Government and Coastal Land Use Planning: Discussion Paper* (2014)
- Preparation of *Disclosing Hazard Information: The Legal Issues* (2017)
- Establishment of the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) forum, which meets every three months to discuss common issues with member officers and progress key actions
- Submissions to the Department of Planning Lands and Heritage on the Draft Planned and Managed Retreat Guidelines (2017) and CHRMAP Guidelines (2019), and
- Preparation of *Local Government Coastal Hazard Planning Issues Paper* (in draft).

It is the secretariat's view that the requested advocacy activities, outlined in this motion, generally align with and are complementary to, the direction being pursued by members through the Local Government CHRMAP forum to seek additional resources and pursue collaborative approaches with other levels of government to manage coastal hazard risk.

The motion also aligns with:

1. Recommendations made by a [Commonwealth Government parliamentary inquiry](#) in 2009
2. Advocacy being pursued by the [Australian Coastal Councils Alliance](#)
3. WALGA's climate change advocacy, outlined in WALGA's [Policy Statement on Climate Change](#), adopted by WALGA State Council in 2018, and
4. The State Government's intent to formulate a new [climate change policy](#)

Officer Comment

Although not an issue of specific relevance to the Shire of Bridgetown-Greenbushes it is recommended this Motion be supported as the issues surrounding coastal erosion are of state wide significance.

Item 3.2 - Department of Housing Leasing Residential Property to Charitable Organisations

Submitted by: City of Kwinana

Motion

WALGA advocate to the Minister for Housing to:

1. Cease the policy of the Department of Housing leasing their housing assets to charitable/not for profit organisations who are then eligible for charitable Local Government rate exemptions; or
2. Provide Local Governments with a rate equivalent payment annually as compensation for the loss of rates income; or
3. Include in the lease agreements with charitable institutions that they must pay Local Government rates on behalf of the Department of Housing recognising the services Local Government provides to its tenants.

Member Comment

The Department of Housing contribute to Local Government rates and do not receive the charitable rate exemption outlined in the *Local Government Act 1995*. It should be noted however that land that is held by the Crown and used for public purposes, is not rateable in accordance with section 6.26(2)(a)(i) of the *Local Government Act 1995*.

The Department of Housing own a large residential housing portfolio in Kwinana and have been paying local government rates for the tenants to access services (such as Library, crèche services, Zone Youth Space, roads and footpaths, parks and reserves) and programs (through the Community Centres, Zone, Library, free events). The standard of services and programs that the City offer is in line with community expectations. A reduction in rate revenue, which is predominantly the revenue source that funds these services, will increase the cost burden onto the remaining ratepayers to pay for these services and programs or result in a reduced standard of service to the community.

Prior to May 2019, the Department of Housing had 13 properties that were exempt from rates due to the Department of Housing leasing these properties to charitable/not for profit organisations, which is estimated to cost the City around \$20,000 annually in lost rate revenue. At the 8 May 2019 Ordinary Council Meeting, Council approved rate exemptions for another 31 Department of Housing properties as a result of these being leased to charitable/not for profit organisations, which is estimated to result in approximately an additional \$85,000 annually in lost rate revenue.

City Officers have undertaken a preliminary review of the types of properties that the Department of Housing own and has estimated that there are 338 residential properties that could be leased to charitable/not for profit organisations. If the Department of Housing entered into an agreement with a charitable organisation to manage these 338 properties and they applied for a rate exemption, the estimated annual loss of rate revenue is \$585,000.

Overall, the potential annual loss of rates revenue from the Department of Housing continuing with this business practice could be up to \$690,000. If the City maintained the same level of service, programs and capital schedule, the

shortfall from the annual loss of rates revenue would equate to a 1.85% rate increase for the remaining ratepayers. A loss of this amount would be a major risk under the City's risk assessment framework.

The properties that have been granted charitable rate exemptions are still using the services and accessing programs that are being delivered, however they are not contributing towards this through rates. Each charitable rate exemption reduces the base for rates income and therefore increases the burden on other ratepayers to fund the services provided to the community by a local government. It is recommended that WALGA advocate to the Minister for Housing the negative financial impact that this current Department of Housing policy is having on Local Governments; that exempting these residential properties from rates is increasing the burden on other ratepayers; and that users of local government services should contribute towards the cost of these, including the State Government.

The City does not receive information from the Department of Housing in regards to the plans for leasing their properties until such time that a lease is entered into. The trend over recent years is that the Department of Housing owned properties are leased to charitable and/or not-for-profit organisations without any rate equivalent payment being made for the local government's loss of rates revenue.

Every Western Australian Local Government is required to apply the provisions of the *Local Government Act 1995* regarding exempt properties, including those for charitable rates exemptions and are potentially facing the same issues with the Department of Housing as the City of Kwinana.

WALGA Secretariat Comment

The issue of rate exemptions has been a high priority for the sector in the current Local Government Act Review.

This item from the City of Kwinana is consistent with the current advocacy positions of the Association.

The sectors current policy positions are as follows:

Rating Exemptions – Section 6.26

Position Statement: Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

Position Statement: Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; and either:

- amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or

- establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

Rating Exemptions – Rate Equivalency Payments

Position Statement: Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

Rating Restrictions – State Agreement Acts

Position Statement: Resource projects covered by State Agreement Acts should be liable for Local Government rates.

Officer Comment

It is recommended this Motion be supported. The issue of rate exemptions has been a high priority for the sector for a number of years.

Item 3.3 – Motorist Taxation Revenue and Spending in WA

Submitted by: Shire of Manjimup

Motion

To support the independent position of the RAC, that WALGA call on the State and Federal Government to:

1. Provide a fairer distribution of funding from revenue collected from Western Australian motorists (consistently a minimum of 50%) to remediate Western Australia's \$845m road maintenance backlog and tackle the increasing costs of congestion and road trauma, to deliver productivity and liveability outcomes; and
2. Hold an inquiry into road user pricing as part of a broader reform of motorist taxation that would remove revenue raising fees and charges, and / or hypothecate money collected for the provision of transport infrastructure and services.

Background

A 2018 report by Acil Allen Consulting called "Motorist Taxation Revenue and Spending in WA" commissioned by the RAC reveals that over the past twelve years Western Australia has only received back on average 34 cents in every dollar of motoring taxation collected by successive Federal Governments.

Motoring taxation is collected by the Federal Government through:

- GST;
- Luxury Car Tax;
- Excise on petrol and diesel; and
- Passenger motor vehicles customs duty.

In 2016 the Western Australian Auditor General identified that Western Australia was facing an \$845M road infrastructure maintenance backlog and it is widely recognised that the condition of many metropolitan, regional and rural roads are not up to an appropriate standard. Partly supporting this position is that the Western Australian road fatality rate that is 33% higher than the national average, and that Infrastructure Australia is projecting that by 2031 Western Australia will have seven of the top ten most congested roads in Australia.

It is concerning that in 2021/22 the projection is that Western Australia motorists are expected to pay \$3.3b in motoring taxes however in the same year only \$562m is forecast to be returned to fund road and transport projects, a return of 17 cents in the dollar which is the lowest level since 2007/08.

WALGA Secretariat Comment

The \$845m road maintenance backlog identified by the Western Australian Auditor General in 2016 relates only to Main Roads WA controlled roads. Additionally there is consistently a shortfall in the amount that Local Governments are able to invest in road maintenance and renewal compared that required to maintain the asset in current condition.

Twenty percent of revenue collected by the State Government from Motor Vehicle Licencing is currently provided to Local Governments through the State Road Funds to Local Government Agreement. The balance of this revenue is hypothecated to Main Roads WA. Under earlier agreements between State and Local Governments up to 27% of motor vehicle licence fee revenue has been provided to Local Governments for the road network. This difference equates to \$67 million per year. Increased Federal funding for road infrastructure would not only result in higher levels of service from State roads but also create a more favourable environment for achieving higher levels of funding for Local Government roads.

Numerous inquiries into road user pricing and broad reform of motorist taxation have been completed including:

- Productivity Commission 2007 Road and Rail Freight Infrastructure Pricing
- Henry, K *et al* 2009 Australia's Future Tax System
- COAG Road Reform Plan 2013
- Heavy Vehicle Charging and Investment Reform 2014
- Harper, I. *et al* 2015 Competition Policy Review
- Infrastructure Australia 2016, Australian Infrastructure Plan

WALGA has actively contributed to these inquiries including formal submissions endorsed by State Council (for example 65.3/2011 and 249.4/2013).

Each of these inquiries conclude that the current way of funding road infrastructure is unsustainable and inefficient. Increasingly fuel efficient vehicles, and ultimately electric or hydrogen powered vehicles are undermining the revenue base from fuel excise. However, the Federal Government firmly asserts that there is no link or hypothecation of fuel excise revenue to road funding.

The Australian Government is continuing to investigate heavy vehicle road pricing reform through the Transport and Infrastructure Council, which comprises Transport, Infrastructure and Planning Ministers from all jurisdictions, Federal Ministers and the Australian Local Government Association. The current focus is on developing

nationally consistent service level standards for roads to provide an evidence base for investment decisions. Studies are also underway looking at independent price regulation and establishing a forward-looking cost base.

If roads are to become a priced utility (like power or water networks) an important consideration would be sustainable funding for low traffic volume roads, all of which are the responsibility of Local Governments. There remains an important role for all levels of government to support the provision of basic road services to ensure social mobility, economic welfare, road safety and public security. Any reforms to road investment and charging arrangements must be mindful of how best to integrate roads as an economic service with roads as a community service obligation.

Officer Comment

It is recommended that this Motion be supported. Whilst the Shire of Manjimup's Motion may not be the best solution to the road maintenance/funding backlog it will add to the debate on this increasingly vital issue for local governments across the country.

Item 3.4 – Biosecurity Groups (RBGs)

Submitted by: Shire of Bridgetown-Greenbushes

Motion

That WALGA revokes its current policy position of not supporting the establishment and operations of Recognised Biosecurity Groups (RBGs) and that the decision on whether to support RBGs is to rest with individual Local Governments.

Member Comment

A component of WALGA's current policy position on 'biosecurity' is that:
Local Government are not supportive of Recognised Biosecurity Groups (RBGs).

With the establishment of the Biosecurity and Agriculture Management Regulations in 2013 the State Government communicated a new policy setting, being a community coordinated approach to managing biosecurity. In Western Australia Recognised Biosecurity Groups (RBGs) were introduced as the key mechanism to deliver a community coordinated approach, and to manage widespread and established pests in WA.

The Shire of Bridgetown-Greenbushes recognises that when RBGs were initially being established in Western Australia the sector's preference was that the State Government maintains responsibility for the management of pests including providing assistance to land managers and establishment of a biosecurity network. However with the significant establishment of RBGs since 2013 the Shire of Bridgetown-Greenbushes believes it is timely for WALGA to review its current policy position.

Currently there are 16 RBGs established in Western Australia with more being considered for establishment. The 16 current RBGs have a footprint across 61 local governments in Western Australia. As the RBGs are established it is therefore appropriate and at times necessary for the affected local governments to work with the RBG to ensure that the services provided by the RBG are coordinated and

compatible with services, works, etc. that are provided by the local government. This working environment and partnership can be compromised by the existence of a sector-wide policy provision that states that Local Government isn't supportive of the existence of the RBG.

With 16 RBGs established and more likely to come it is unlikely that legislation is going to be amended to discontinue this approach to biosecurity management.

The Shire of Bridgetown-Greenbushes proposes that WALGA amend its current policy position by removing the specific part that states that the sector is not supportive of RBGs. Instead the decision on whether to support a RBG should rest with individual Local Governments.

The Blackwood Biosecurity Group (BBG) operates within the boundaries of the Shire of Bridgetown-Greenbushes. The Shire has chosen to recognise and respect the work being done by the BBG noting that the establishment of the BBG wasn't a Shire initiative.

The choice on whether to support the activities of the BBG was a decision that solely rested with the Shire of Bridgetown-Greenbushes. However this decision appears to have left the Shire open to criticism within the sector. In recent times, at various meetings where the subject of RBGs has been on the agenda, including those with WALGA representatives in attendance, there was a view expressed by some that by supporting the BBG the Shire of Bridgetown-Greenbushes is acting in contradiction of a sector policy provision, is therefore weakening the sector's position and could be seen to be encouraging the extension of RBGs or the establishment of more RBGs in Western Australia.

The Shire of Bridgetown-Greenbushes respects the rights of individual Local Governments to oppose the establishment of, or continuation of a RBG within their areas.

The WALGA policy position on biosecurity groups was determined before the growth in the number of RBGs in Western Australia and therefore it is timely to review that position. All other components of the WALGA policy position on 'biosecurity' can be retained.

Secretariat Comment

Correspondence received in May 2019 from the Minister for Agriculture has indicated that the review of the *Biosecurity and Agriculture Management Act (2007)* will occur in the second quarter of 2020.

It is envisaged that the current Policy Position will be reviewed in response to any proposed changes to the Act. The policy review will include the provision of a discussion paper on any potential changes to the Act, and a series of workshops for members across the State in order for members, the WALGA zones, and ultimately State Council, to make their respective determinations.

That said, the change proposed by the Shire of Bridgetown-Greenbushes asserts the primacy of each member to make its own decisions, in accordance with its community's desires and expectations.

Officer Comment

This motion will be moved and seconded by the voting delegates of the Shire of Bridgetown-Greenbushes.

Item 3.5 – WALGA Members Support for Waste to Energy

Submitted by: Shire of Dardanup

Motion

That WALGA continue to support Western Australia's Waste Avoidance and Resource Recovery Strategy 2030 and seek firm commitments from the State Government about how the waste avoidance, resource recovery and diversion from landfill targets will be achieved, including local options for reprocessing, recycling and waste to energy.

In particular these commitments should clearly indicate how the State Government will cease the proliferation of landfills in the non-metropolitan areas which are predominantly taking metropolitan waste or waste generated elsewhere in the state including mining and construction camps. These commitments should encourage alternative options and outline what incentives the Government will put in place to reduce, and eventually eliminate, our reliance on landfill.

Attachments

Attachment 1 – Waste Avoidance and Resource Recovery Strategy 2030

http://www.wasteauthority.wa.gov.au/media/files/documents/Waste_Avoidance_and_Resource_Recovery_Strategy_2030.pdf

Attachment 2 – Waste Avoidance and Resource Recovery Strategy Action Plan 2030

http://www.wasteauthority.wa.gov.au/media/files/documents/Waste_Avoidance_and_Resource_Recovery_Strategy_2030_Action_Plan.pdf

Attachment 3 – Waste to Energy Position Statement

https://www.wasteauthority.wa.gov.au/media/files/documents/W2E_Position_Statement.pdf

Attachment 4 – WALGA Waste to Energy Discussion Paper for Local Government

<https://www.dropbox.com/s/7ihc97m8p056nk1/Attachment%20%20-%20W2E%20Discussion%20Paper%20FINAL.pdf?dl=0>

Member Comment

- Currently the Strategy sets Targets for these outcomes but does not include a firm plan of how the State Government is going to actually implement and achieve these Targets. The Waste Avoidance and Resource Recovery Strategy Action Plan 2030 (**Attachment 2**) also does not provide clarity or concrete actions or incentives to address these targets.
- Building on and updating the first Western Australian Waste Strategy: Creating the Right Environment published in 2012, earlier this year (2019) the State Government released the West Australia's Waste Strategy (Waste Avoidance and Resource Recovery Strategy 2030). Previous State

Government Targets have included goals of towards zero waste to landfill by 2020. This may no longer be achievable, however there has been positive trends in waste figures as included in Table 1 on page 9 of the Waste Strategy:

Table 1: Changes in waste generation and landfill in Western Australia, 2010–11 and 2014–15 (Hyder, 2013 & ASK Waste Management, 2017)

	2010–11	2014–15	Percentage change
Generation – total	6.53 million tonnes	6.23 million tonnes	↓5%
Generation – per capita	2,764 kilograms	2,437 kilograms	↓12%
Waste to landfill	4.49 million tonnes	3.61 million tonnes	↓20%
Resource recovery	2.04 million tonnes	2.62 million tonnes	↑28%

- Increases in FOGO and other recycling efforts have improved resource recovery significantly up 28%, whilst per capita generation is down 12%. The knock on effect is that there was a fifth (20%) less waste going to landfill in 2014/15 than in 2010/11. However, there have been questions raised regarding the accuracy of this data and the Department of Water and Environmental Regulation are going to require mandatory reporting by Local Government and industry to address this issue. Even given questions about the data, there is still more than 3.6 million tonnes of waste going to landfill every year.

- To reduce this the Waste Strategy 2030 sets out the following targets:

VISION	Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.		
OBJECTIVES	Avoid Western Australians generate less waste.	Recover Western Australians recover more value and resources from waste.	Protect Western Australians protect the environment by managing waste responsibly.
TARGETS	<ul style="list-style-type: none"> 2025 – 10% reduction in waste generation per capita 2030 – 20% reduction in waste generation per capita 	<ul style="list-style-type: none"> 2025 – Increase material recovery to 70% 2030 – Increase material recovery to 75% From 2020 – Recover energy only from residual waste 	<ul style="list-style-type: none"> 2030 – No more than 15% of waste generated in Perth and Peel regions is landfilled. 2030 – All waste is managed and/or disposed to better practice facilities

- If these targets are achieved it would result in the following:
 - Total waste generated in 2030 reduced by 20% from 2014/15 figures to 4.98 million tonnes per annum.
 - Only 15% of total waste generated is landfilled (acknowledging that the target is only set for Perth and Peel), the total waste to landfill across the state will be 0.75 million tonnes.
 - Resource recovery is increased to 75%, resulting in 3.74 million tonnes being recovered.
 - That leaves 0.5 million tonnes potentially available for Waste to Energy – which the Strategy notes should only be generated from ‘residual waste’. The alternative is that waste to landfill will increase to 1.25million tonnes per annum.
- Whilst the targets are clear, the plan about how this will be implemented is yet to be developed and Local Government and industry will need long term

certainty to invest to achieve these targets. The Shire of Dardanup is therefore asking WALGA members to support WALGA to advocate to the State Government for more specific and firm commitments to divert waste from landfill through local options for reprocessing, recycling and waste to energy.

- In this regard, the Waste Authority recognises the benefits in siting waste infrastructure close to the source of waste generation. Benefits include reduced transport impacts from the movement of waste, such as greenhouse impacts, traffic congestion and community amenity (Waste Authority's Waste to Energy Position Statement, 2013 - **Attachment 3**). It is therefore important that **local options** for reprocessing, recycling and waste to energy are considered an essential component in achieving the Waste Strategy's targets. Not taking action and continuing with the status quo will mean waste is transported hundreds or even thousands of kilometres to be disposed of in the regions, rather than being dealt with at source. By considering smaller scale local options it would provide opportunities for reduction at source and also assist communities in the regions to reduce their waste to landfill.
- Considering the above, without Waste to Energy (WtE) and significant improvements in resource recovery, there would still be 25% or 1.25million tonnes state-wide of waste being sent to landfill. According to a 2013 discussion paper (**Attachment 4**) prepared for WALGA by the Municipal Waste Advisory Council (MWAC), a standing committee of the Association with delegated authority to represent the Association in all matters relating to solid waste management, WtE could reduce the weight of waste by 70-80% and the volume of waste by 90%.
- The Waste Authority considers best practice WtE processes to be a preferable option to landfill for the management of residual waste but not at the expense of reasonable efforts to avoid, reuse, reprocess or recycle waste. WtE has the potential to divert substantial volumes of waste from landfill (and thereby support the delivery of Waste Strategy targets) and produce a beneficial product (Waste Authority's Waste to Energy position Statement, 2013).
- To address this it is important that options for reduction in the amount of waste going to landfill also consider smaller waste to energy plants that could be located within regional areas to reduce reliance on landfill. Initial investigations indicate that current available technologies could provide opportunities for smaller plants to be established that would use about 500kg of Municipal Solid Waste per hour or about 4,400 tonnes per annum. Such facilities could be located across regional areas and reduce waste to landfill but also provide for energy generation.
- It is recommended that the alternative options outlined in this item be incorporated into the Waste Strategy's Action Plan 2030 with specific incentives put in place by the Government to ensure we reduce, and eventually eliminate, our reliance on landfill.

Secretariat Comment

The Shire of Dardanup should be commended for their initiative and identification of key issues such as the need to control the development of new landfills, to support the Strategy Targets, and to develop local solutions to divert material from landfill for material and energy recovery.

Officer Comment

It is recommended this motion be supported. Possible ‘waste to energy’ initiatives are currently being investigated by the South West Waste Group.

Item 3.6 – Membership of Development Assessment Panels

Submitted by: Shire of Mundaring

Motion

That WALGA investigate increasing Local Government membership in Development Assessment Panels.

Member Comment

At its meeting of 3 March 2018, the Shire of Mundaring Council resolved to:

“Advise WALGA that it recommends WALGA investigate increasing local government membership in Development Assessment Panels, rather than advocate for the introduction of Third Party Appeal Rights.”

The Shire will be reconsidering its position in relation to Third Party Appeal Rights at its meeting on the 11 June 2019; its position on seeking WALGA investigate increasing local members on DAP however remains unchanged.

The Department for Planning’s website states:

As a key component of planning reform in Western Australia, Development Assessment Panels (DAPs) are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge.

Development Assessment Panels (DAPs) comprise three technical experts in planning (one of whom chairs the meeting) and two elected members from the local government in which the DAP applies. This is not a balance and there could be various membership options that WALGA could explore, with some likely to be more palatable to the State than others.

For example, an equal number of local elected members and planning professionals on a DAP would demonstrate respect for the expertise of local members in applying planning regulations to a proposed development. It would demonstrate that local elected members have views of equal importance to those of the other Panel members.

Equal numbers of members could result in a tied vote with the Chairperson having a deciding vote. That would not diminish the importance of a balanced number of local representatives and planning experts participating in the decision making process.

DAPs are public meetings. Community members attend to take the opportunity to briefly address the Panel and to listen to the reasons why the decision is made.

Appointing additional elected member/s to DAPs means community members would have local experts and three planning experts explain how the proposed development would impact on a local area and what conditions, if any, are justifiably imposed. This would be educative for the community, strengthen transparency and increase public respect for the DAP process.

Secretariat Comment

The Minister for Planning initiated several amendments to Development Assessment Panels (DAPs) to improve their efficiency and operation. The majority of the changes were *“primarily administrative to ensure the system remains flexible and responsive, while more clearly communicating DAP decisions to the public”* ([*Changes-to-the-DAP-system-announced.aspx*](#)), and did not include changes to DAP membership.

A previous 2016 AGM resolution was for WALGA to advocate for consideration of a series of reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes. One of the reforms specifically sought a change that would require equal membership on the DAP between Local Government and Appointed Specialist members with an independent chair approved by both State and Local Governments.

At the same 2016 AGM, WALGA was also requested to advocate for an independent review of the decision making within the WA planning system, looking at the roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.

In December 2016, two reports were presented to WALGA's State Council, one on the review of the entire planning system (Resolution 108.6/2016), followed by one on the possible improvements to the DAPs system (Resolution 109.6/2016). The report on the review of Decision Making within the WA Planning System also resolved to undertake research on third party appeals around Australia and further consult with members regarding its current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the Local Government sector for comment and feedback during 2017.

At the May 2018 WALGA State Council meeting, it was resolved to amend the policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs) (Resolution 37.2/2018). The following resolutions were made: -

1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;
2. Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;
3. Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made

- by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and
4. Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.

At its May 2019 meeting (Resolution 44.4/2019), WALGA's State Council considered a 'Preferred Model' and resolved that WALGA: unnecessary complexity and red tape to the planning framework, contrary to the intent of the current planning reform process.

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels, and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.

The Shire of Mundaring proposal to have equal representation may achieve an actual balance between technical advice and local knowledge, as espoused as the objective of the DAP framework. This would be a beneficial improvement to the DAP system, particularly in the event that the State is unwilling to pursue any introduction of Third Party Appeal Rights to DAP decisions. The Minister for Planning has advised that Third Party Appeal rights would not be considered by the Government as it would add unnecessary complexity and red tape to the planning framework, contrary to the intent of the current planning reform process.

Officer Comment

It is recommended this Motion be supported. Although the Shire of Bridgetown-Greenbushes has yet to experience involvement in a Development Assessment Panel (DAP) process there has been considerable discussion in the local government sector that "local" considerations can often be pushed aside as the local government has a minor representation on the DAP. Increasing local government representation to 3 will increase DAP membership to 6 may result in tied votes but this can be determined by the Chair having a casting vote.

Item 3.7 – Review of the Mining Act 1978

Submitted by: Shire of Dundas

Motion

That:

1. WALGA requests that the Hon. Bill Johnston, Minister for Mines and Petroleum, undertakes a review of the outdated *Mining Act 1978* and that the revision address FIFO and DIDO, and its impact on local communities; and
2. The Mining application process includes a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project.

Member Comment

As a Local Government we have felt and seen the impact of mine closures and factors out of our control and how this can devastate a small community, This has significant flow on effects from lack of volunteers to support fighting bush fires in our 95,000 square kilometres of currently unmanaged, UCL land, lack of volunteers to support St Johns Ambulance services, to reducing the capacity of our school through a steady decline in numbers. Businesses have closed, as have Government Departments as the population declines.

We are not advocating a total elimination of FIFO and DIDO as this would be an unrealistic approach.

We seek the Minister's support as a matter of urgency to make our small communities sustainable.

Secretariat Comment

The Association provided an interim submission to the Education and Health Standing Committee Inquiry into mental health impacts of FIFO work in October 2014. This inquiry was in response to the suicides of nine FIFO lives in the Pilbara region of WA.

The submission reinforced support for the implementation of the key recommendations of the 2013 House of Representatives Standing Committee Senate Inquiry report, *Cancer of the bush or salvation for our cities*. That Inquiry recommended research to be undertaken by the Commonwealth Government to determine the socio economic impact of FIFO work practices, accurate measurement of the impact of FIFO on existing on infrastructure and services, and strategies to address current inequities in infrastructure and sustainability of regional medical services health service delivery.

Officer Comment

It is recommended that Council's voting delegates be given discretion to either support or not support the Motion based on the debate that occurs. Whilst it is recognised that many rural and regional towns are suffering population decline this can't be solely attributed to FIFO and DIDO structures associated with mining operations. Many mining companies already contribute to the development of local infrastructure and this has typically occurred without formal memorandums of understandings or agreements.

Item 3.8 – Financial Assistance Grant

Submitted by: Shire of Dundas

Motion

That WALGA requests the Hon. Minister of Local Government and Communities David Templeman to assist all Local Governments to Lobby the Federal Government to retain the Financial Assistance Grant at one percent of the of Commonwealth Taxation Revenue.

Member Comment

The Shire of Dundas feels the current funding arrangements for Local Government are no longer fit for purpose.

The roles and responsibilities of Local Government has grown significantly. The main funding available from the Australian Government (the Financial Assistance Grants) has consistently declined from a level equal to 1% of Commonwealth Taxation Revenue (CTR) in 1996 to just 0.55% of CTR today.

The Australian Government collects approximately 82% of Australia's tax revenue and is responsible for just one tenth of Australia's public infrastructure assets.

Local councils raise 3.6% of taxes and are responsible for 33% of public infrastructure, including 75% of Australia's roads.

3.6% of the tax take is not adequate funding to unlock the potential of our communities. The decline in the Financial Assistance Grants funding has left local councils worse off struggling to meet increasing demand on local infrastructure and services and impacting their ability to build and maintain essential infrastructure to the higher standard required today.

The result is increased pressure on rates and council budgets, making it harder to maintain community services and infrastructure.

There is a current infrastructure backlog of \$30+ billion dollars. The requirement to upgrade and renew infrastructure built during the 'baby boom' and rapid growth periods in the 60s and 70s is becoming a major problem. New infrastructure is also required to meet the needs of the growing population and to meet productivity and safety requirements.

There are also increasing community expectations related to the type and standards of services available to local communities. This is placing pressure on local governments particularly when they are required to provide services previously provided by the other spheres of government. This is particularly the case in thin markets such as rural and regional areas where, if federal or state governments withdraw services, local government must step in or no one will, as we have seen in recent years.

Secretariat Comment

WALGA supports the need for a review of the Financial Assistance Grants (FAGs) system, from the perspective of growing the overall size of the pool.

WALGA has consistently supported advocacy, through ALGA and other channels, for increases in funding from the Commonwealth Government to Local Government through Financial Assistance Grants. WALGA continues to work with ALGA to advocate to increase FAGS funding to 1% of taxation revenue.

ALGA's number one priority in their Federal Election advocacy strategy was to restore Financial Assistance Grant funding to one percent of Commonwealth taxation revenue. This remains an ongoing area of advocacy for ALGA.

Officer Comment

It is recommended that this Motion be supported.

Item 3.9 – Third Party Appeal Rights

Submitted by: City of Bayswater

Motion

1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.
2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

Member Comment

The Council has taken a particularly strong stand on this important issue and it is requested that this matter be given further consideration.

Secretariat Comment

At its May 2019 meeting, WALGA's State Council considered a 'Preferred Model' and resolved that WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels, and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.

(Resolution 44.4/2019)

The above resolution was sent to the Minister for Transport: Planning with a copy of the proposed model (as attached).

The May 2019 Agenda item sought to finalise a 'Preferred Model' for appeals on Development Assessment Panel decisions. WALGA's State Council considered several alternative WALGA Zone resolutions, as several Zones proposed alternative 'Preferred Models' for decisions made by DAPs, preferred types of Third Party Appeals and one Zone indicated its opposition to any Third Party Appeals model being introduced, as follows: -

SOUTH METROPOLITAN ZONE

That the Position Statement be referred back to WALGA officers to provide an evidence case to support the need for change, the expected benefits, and an analysis of the implications of change in terms of cost, resource and timeframes by utilising the experience of other States where third party appeals exist and applying that to the system proposed.

GREAT SOUTHERN COUNTRY ZONE

That the Zone opposes Third Party Appeals in relation to Item 5.2 in the May 2019 WALGA State Council Agenda.

EAST METROPOLITAN ZONE

That there be an amendment to the Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

CENTRAL METROPOLITAN ZONE

That WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and
2. Endorses the original December 2018 'Preferred Model' as the third party appeals process for decisions made by the Development Assessment Panels with the following amendments:
 - a) DOT POINT 1 "which could possibly be expanded later if it proves to be beneficial" to be removed
 - b) DOT POINT 4 to be replaced with "Other affected parties would be able to appeal a DAP decision"

Based on the formal resolutions received and members discussions at Zone meetings, there were a range of options available for State Council to consider at its meeting in May: -

1. Not adopt a Preferred Model until more information on cost and resource implications is provided;
2. Adopt the Preferred Model as presented in the May 2019 Agenda;
3. Adopt the Preferred Model as presented in the May 2019 Agenda, with the amendments suggested by the East Metropolitan Zone, ie ability to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels;
4. Adopt the Preferred Model as circulated to members in December 2018;
5. Adopt the Preferred Model as circulated to members in December 2018, with the amendments suggested by the Central Metropolitan Zone;
6. Adopt the Preferred Model with different amendments (any amendments discussed by State Council);
7. Not adopt any Preferred Model but still advocate for Third Party Appeal Rights for DAPs decisions
8. Adopt a different Third Party Appeal model (ie wider than just for DAPs);
9. Consult the sector again on what model of Third Party Appeal rights is considered acceptable given the wide range of views;
10. Return to the pre-May 2018 position, where any Third Party Appeal rights are not supported

The preferred approach by State Council was to adopt the Preferred Model as presented in the May 2019 Agenda, as it would provide the starting point for discussion with the State Government about the introduction of Third Party Appeals for Development Assessment Panel decisions.

WALGA provided this position to the Minister for Transport; Planning and the Minister's response was as follows:

I note WALGA's State Council endorsed Preferred Model on this matter, however I maintain concerns regarding the unnecessary complexity and red tape third party appeal rights would add to the planning system, which is contrary to the objectives of the Government's commitment to planning reform.

The Department of Planning, Lands and Heritage received 254 submissions in response to the Green Paper, including many which confirmed the issues and views identified in the Green Paper regarding the current DAP system.

An Action Plan for planning reform which contains a program of initiatives to address the concerns identified by the Green Paper and submissions is currently being finalised by the Department for consideration by Government.

I will make announcements regarding the content of the Action Plan and reform initiatives in the near future.

Officer Comment

It is recommended this Motion not be supported. This matter has recently been the subject of debate at WALGA Zone meetings and WALGA State Council with a position determined. It is interesting that the Motion wishes to introduce third party appeal rights to decisions made by Development Assessment Panels (DAPS) but there is currently no suggestion of extending third party appeal rights to local government planning determinations. Introducing third party appeal rights into DAPS could well increase debate on extending these rights to all planning determinations.

Statutory Environment – Association Constitution & Standing Orders

Policy Implications – Nil

Integrated Planning

- Strategic Community Plan
Key Goal 5: Our leadership will be visionary, collaborative and accountable
Objective 5.5 - We are strong advocates for our community
Strategy 5.5.1 - Lobby and advocate to represent the community's needs
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Budget Implications – Nil

Fiscal Equity - Nil

Whole of Life Accounting - Nil

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.05/0719	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	18 July2019		

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

Policy/Strategic Plan Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Corporate Services

ITEM NO.	C.06/0719	FILE REF.	131
SUBJECT	June 2019 Financial Activity Statements and List of Accounts Paid in June 2019		
OFFICER	Senior Finance Officer		
DATE OF REPORT	17 July 2019		

Attachment 3 June 2019 Financial Activity Statements
Attachment 5 List of Accounts Paid in June 2019

OFFICER RECOMMENDATIONS

- 1. That Council receives the June 2019 Financial Activity Statements as presented in Attachment 3.*
- 2. That Council receives the List of Accounts Paid in June 2019 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:

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

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

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

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

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

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

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

This is a preliminary report to 30 June 2019 and is subject to change as end-of-year figures are finalised including transfers to and from reserves, final calculation of depreciation and asset revaluations. Council will receive a final report following completion of the annual audit due to commence 7th October 2019.

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 June 2019 and presented in the list of accounts paid, was allocated in the 2018/19 Budget as amended.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not Applicable

Continuous Improvement – Not applicable

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.07/0719	FILE REF.	134
SUBJECT	Significant Matter Raised in Audit Report		
OFFICER	Chief Executive Officer		
DATE OF REPORT	17 July 2019		

Attachment 5 Auditor's Report for the 2017/2018 Financial Report

OFFICER RECOMMENDATION That Council:

- 1. Receives this report on the significant matter of an adverse (but improving) trend in the Operating Surplus Ratio raised in the 2017/2018 Audit Report;*
- 2. Acknowledges Council has previously adopted a Ratio Action Improvement Plan; and*
- 3. Authorises the CEO to forward a copy of this report to the Minister and publish the report on Council's official website.*

Summary/Purpose

To provide Council with a report regarding the matter identified as "significant" in the 2017/2018 Audit Report, pursuant to Section 7.12A of the Local Government Act 1995.

Background

Section 7.2 of the Local Government Act 1995 requires that the accounts and annual financial report of a local government for each financial year are to be audited by an auditor appointed by the local government.

An amendment to Section 7.12A(4) of the Local Government Act 1995 in August 2017 now 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.”

On 28 June 2019, the Department of Local Government, Sport and Cultural Industries (the Department) contacted the Shire to advise that to date a report in accordance with Section 7.12A(4) of the act had not yet been received from this Shire in relation to the significant adverse trend in the financial position as contained in the 2017/2018 Audit Report.

Officer Comment

It was unclear to officers that the reporting of an adverse trend in financial ratios contained in the Auditor’s report triggered the process referred to in section 7.12A(4) and (5) of the Local Government Act 1995. The significant adverse trend contained in the 2017/2018 Audit Report in relation to the financial position of the Shire of Bridgetown-Greenbushes referred to:

“(i) Operating surplus ratio as reported in Note 26 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSC) standard of zero for the last three years (2016: -0.51, 2017: -0.21 and 2018: -0.19).”

Commencing in 2017/18 the Auditor General has instructed Auditors to report in the Audit Report (rather than the Management Report as previously done) when Council does not meet Department ratio benchmarks for a period of three consecutive years. While the Operating Surplus Ratio has been reported as a ‘significant adverse trend’ in relation to the Shire’s financial performance it should be noted that the ratio has improved over the three year period quoted in the audit report.

Council is very aware of its ratio performance in relation to benchmarks set by the Department. In December 2017 Council adopted the following ‘Ratio Improvement Action Plan’:

- *A full review of Council’s asset depreciation expenditure is undertaken. Specifically, a review of each individual Council asset (at component level) of its condition, useful life, remaining useful life and residual value.*
- *An assessment as to whether the Shire is revenue short or expenditure long by undertaking a comparison of neighbouring and similar sized Shires in relation to the level of own source revenue (i.e. rates, fees and charges) compared to expenditure.*
- *Develop a policy to guide future Council decisions in relation to the allocation of funds to renewal works versus upgrade works.*
- *That various scenarios are modelled during the next review of Council’s Long Term Financial Plan in relation to achieving minimum ratio benchmarks. The results of these scenarios to be workshopped with Council.*

Items contained in the above 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 to medium term but Council should demonstrate improvement towards achieving the benchmark through its integrated planning processes.

The Operating Surplus Ratio requires Council to ensure that its own revenue sources grow at the same or a greater rate than its operating expenses, including depreciation. It is well known that most country local governments struggle to fully fund asset depreciation via its own revenue sources and there is a reliance on grant funding such as Regional Road Group and Roads to Recovery to assist with asset renewal expenditure.

It is understood that the majority of rural local governments have not had an Operating Surplus Ratio that met the standards set by the Department, and there is an indication by the Auditor General that this benchmark may need review.

Council will shortly be undertaking the annual review of its Long Term Financial Plan and will again discuss strategies to improve this ratio. It is quite possible, however, that the Operating Surplus Ratio will remain at levels below the “standard”, due to cost pressures and limited revenue sources.

This report regarding the significant adverse trend identified for Council’s Operating Surplus Ratio in the 2017/2018 Audit Report was considered by the Audit Committee at its meeting held 16 July 2019 where the following recommendations were carried:

Committee Recommendation *Moved Cr Moore, Seconded Cr Pratico*
AC.02/0719 That the Audit Committee recommends that Council receives this report on the significant matter of an adverse (but improving) trend in the Operating Surplus Ratio raised in the 2017/2018 Audit Report.
Carried 4/0

Committee Recommendation *Moved Cr Moore, Seconded Cr Pratico*
AC.02/0719a That the Audit Committee recommends that Council acknowledges Council has previously adopted a Ratio Action Improvement Plan.
Carried 4/0

Committee Recommendation *Moved Cr Moore, Seconded Cr Pratico*
AC.02/0719b That the Audit Committee recommends that Council authorises the CEO to forward a copy of this report to the Minister and publish the report on Council’s official website.
Carried 4/0

Statutory Environment

Section 6.4 of the Local Government Act 1995 requires a local government to prepare financial reports including an annual financial report. Regulation 50 of the Local Government (Financial Management) Regulations 1996 specifically requires the inclusion of seven financial ratios as developed by the Department to be included in the annual financial report. These statutory ratios are also included in Council’s long term financial plan and are key sustainability measures. The Department’s Integrated Planning and Reporting Advisory Standard includes benchmarks in relation to the ratios that sets minimum regulatory requirements that ensure an acceptable minimum standard of practice.

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 5.2.6 – Ensure the future financial sustainability of the Organisation

- Corporate Business Plan
5.2.6.2 – Implement the Council endorsed action plan designed to achieve compliance to financial ratios
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management

Failure to meet the Department's financial ratio benchmarks may put the Council at risk of being classified as unsustainable particularly if it cannot demonstrate improvement in ratio performance over the medium to long term.

Continuous Improvement

Implementation of the actions contained within the Ratio Improvement Action Plan will aid Council in its endeavour to meet the Department's financial ratio benchmarks.

Voting Requirements – Simple Majority

Planning & Environmental Services - Nil

ITEM NO.	C.08/0719	FILE REF.	023
SUBJECT	Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update		
OFFICER	Manager Planning		
DATE OF REPORT	11 July 2019		

Attachment 6 Draft Place Records

OFFICER RECOMMENDATION: That Council adopt the 28 draft place records for updating of the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory, as per Attachment 6, and directs the Chief Executive Officer to undertake public advertising including direct consultation with landowners of recognised places, with a subsequent report to be presented to a future meeting of Council.

Summary/Purpose

To consider adoption of the 28 draft place records for updating of the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory, for the purpose of public advertising, with a subsequent report to be presented to a future meeting of Council.

Background

A comprehensive review of the Shire's Municipal Heritage Inventory (MHI), originally adopted in 1995 and reviewed in 2001, was undertaken by Shire staff primarily to update the thematic framework and to update existing place records. The draft MHI was adopted by Council in November 2017, then advertised for public comment in January 2018. Following the closure of submissions in February 2018, the final MHI was presented to Council in March 2018 whereby Council resolved:

"C.13/0318 That Council:

- 1. Notes the submissions received, as per Attachment 2, and the staff responses in the Schedule of Submissions, as per Attachment 3.*
- 2. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015 and the Heritage of Western Australia Act 1990, adopts the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review 2018, subject to the modifications highlighted in the Schedule of Submissions plus the following:*
 - a) For Place Record B30 St Brigid's Roman Catholic Church, Convent of Mercy and School (Hall), Bridgetown, the Physical Description and Historical Notes be updated referencing the recent re-roofing of the Parish school hall and a new photo in Attachment 3 be added.*
 - b) For Place Record B40 Old Cider Factory the Gordon Holdsworth sketch in Attachment 3 be added.*
 - c) For Place Record R19 Brooklyn School the new photograph in Attachment 3 be added.*
 - d) For Place Record R22 [Peninsula] House the Historical Notes be corrected to confirm that the current owners bought the property in 2004, and not 2007.*
- 3. Grants delegated authority to the Chief Executive Officer to make minor corrections or updates to approved place records when appropriate in light of*

new information, however any significant changes such as changes to management categories or deletion of places will require Council approval.

4. *Directs the Chief Executive Officer to commence assessment of new nominations as part of the ongoing review of the Municipal Heritage Inventory, with new place records to be presented to future meetings of Council for preliminary consideration.”*

A supplementary report was presented to Council in April 2018 whereby Council resolved:

“C.05/0418 That Council, noting the original submission from the Department of Biodiversity, Conservation and Attractions as per Attachment 6, supports modification of the Management Category from B to C for Place Record R21 Grevillea Fire Tower, with the adopted Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review (2018) to be updated.”

The re-named Municipal Heritage Inventory was adopted as a ‘live’ document, enabling Shire staff to periodically make minor modifications to add or correct information or photos, at the discretion of the Chief Executive Officer, with minor changes made over the past twelve months. Changes to approved management categories, substantial changes to existing place records or adoption of new places still require approval by Council.

Following adoption of the MHI, Shire staff have continued to assess the cultural heritage significance of other places previously nominated by Council, Shire staff or the public, and in consultation with affected landowners where practical. Draft place records for 28 new places have been prepared (see Attachment 6), categorised into the three divisions of Bridgetown (21 places), Greenbushes (5 places) and Rural (2 places). The 28 places are listed below (in no particular order) including the proposed Level of Significance and Management Category, discussed below.

#	Place Name/Address	Level of Significance	Management Category
1.	Wesfarmers (Fmr) Lot 21 (17) Steere Street, Bridgetown	Exceptional	A
2.	The Western Australian Bank Bridgetown (Fmr) Lot 3 (122 & 124) Hampton Street, Bridgetown	High	B
3.	Blechynden Butcher Shop Lot 10 (121) Hampton Street, Bridgetown	High	B
4.	The Western Australian Bank Greenbushes (Fmr) Lot 66 (46) Blackwood Road, Greenbushes	Exceptional	A
5.	Belvedere Lot 2 (1) Smith Street, Bridgetown	High	B
6.	Apple Worker’s Quarters (Fmr) Lot 527 (10) Dreyfus Street, Bridgetown	Medium	C
7.	Bridgetown Infant Health Centre (Fmr) Lot 22 (173) Hampton Street, Bridgetown	High	B
8.	Bridgetown CWA Hall Lot 19 (171) Hampton Street, Bridgetown	Medium	C

9.	Bridgetown Club Lot 21 (13) Pioneer Street, Bridgetown	High	B
10.	Bridgetown Medical Centre Lot 104 (88) Steere Street, Bridgetown	High	B
11.	Doctor's Residence and Surgery (Fmr) Lot 3 (64) Steere Street, Bridgetown	Medium	C
12.	Zinnecker's Garage (Fmr) Lot 230 (154) Hampton Street, Bridgetown	Medium	C
13.	Bridgetown Fire Station Lot 151 (175) Hampton Street, Bridgetown	High	B
14.	Bridgetown Ambulance Hall (Fmr) Lot 2 (179) Hampton Street, Bridgetown	Medium	C
15.	Blackwood Maternity Hospital (Fmr) Lot 1 (66) Steere Street, Bridgetown	Medium	C
16.	Bridgetown Agricultural Showgrounds Lot 915 (38) Peninsula Road, Bridgetown	High	B
17.	Bridgetown Cemetery Lot 873 Eastcott Avenue, Bridgetown	High	B
18.	Bridgetown Girl Guide Headquarters Lot 73 (63) Steere Street, Bridgetown	High	B
19.	Bridgetown Golf Course and Clubhouse Lots 6799 and 10164 (RSN 69) Bill Baldock Drive, Hester	Medium	C
20.	Bridgetown Repertory Theatre Lot 600 (185) Hampton Street, Bridgetown	Medium	C
21.	Greenbushes Golf Course and Clubhouse Lot 500 (RSN 72) Greenbushes-Boyup Brook Road, North Greenbushes	Medium	C
22.	Greenbushes Mill Lot 5 (145) Greenbushes-Grimwade Road, North Greenbushes	Medium	C
23.	Site of Bridgetown Drive In Cinema, Hot Rod Track & BMX Track Lot 927 (2) and 926 (8) Les Woodhead Avenue, Bridgetown	Low	D
24.	Woodlands Lot 751 (RSN 24122) South Western Highway, Bridgetown	High	B
25.	Knapton's Guesthouse (Fmr) Lot 12 (17) Jephson Street, Greenbushes	High	B
26.	Yornup School Classroom (Fmr) Lot 896 (5) Civic Lane, Bridgetown	Medium	C
27.	Station Master's House (Fmr) Lot 798 (1) Ethel Street, Bridgetown	High	B
28.	Greenbushes Cemetery Reserve 10819 (RSN 18) Stinton Avenue, Greenbushes	High	B

The draft place records have been assessed against the Shire's Assessment of Cultural Heritage Significance Policy TP.26, which was adopted by Council in August 2016 C.11/0816) incorporating modifications suggested by the State Heritage Services. The Policy was prepared to guide the Shire and landowners in assessing the cultural heritage significance of places and allocate appropriate management categories. The Policy also assists the identification, conservation and protection of

selected heritage places by recommended inclusion on a statutory ‘Local Heritage List’ and the contribution of individual places to a Heritage Area.

As stated in the Policy, the overall ‘Level of Significance’ of a ‘Place’ (which can include an associated group of buildings or structures within a landscape setting) in the MHI, as determined by a heritage assessment of the place pursuant to Sections 5.0, 6.0 and 7.0 of the Policy, is to be categorised as Exceptional, High, Medium or Low. Table 1 describes each particular level, assigns a related Management Category and provides the Desired Outcomes for a ‘Place’ within that category, with Table 1 shown below for easy reference.

Table 1: Levels of Heritage Significance for Individual Heritage Places

Level of Significance	Description	Management Category and Desired Outcome
Exceptional Significance	<p>Very high contribution to the heritage of the locality.</p> <p>High level of aesthetic, historic, research and / or social value.</p> <p>A rare or outstanding example of its type, typically with a high degree of authenticity.</p>	<p>Management Category A – Conservation of the place is essential.</p> <p>If not already, to be included on the Local Heritage List and recommended for assessment for entry into the RHP.</p> <p>Development proposals to be assessed pursuant to SPP 3.5 Historic Heritage Conservation; a Conservation Management Plan (if one exists); and to reinforce the significance of the place.</p> <p>Places entered on the RHP are protected under the <i>Heritage of Western Australia Act 1990</i>. Development applications will require referral to the State Heritage Office, unless exempt.</p>
High Significance	<p>Important contribution to the heritage of the locality.</p> <p>High level of aesthetic, historic, research and / or social value.</p> <p>A rare or key representative example of its type, typically with a moderate to high degree of authenticity.</p>	<p>Management Category B – Conservation of the place is highly desirable.</p> <p>If not already, to be included on the Local Heritage List.</p> <p>Development proposals to be assessed pursuant to State Planning Policy 3.5 Historic Heritage Conservation; a Conservation Management Plan (if one exists); and to reinforce the significance of the place.</p> <p>Record prior to redevelopment, recognise and interpret if possible.</p>
Medium Significance	<p>Moderate contribution to the heritage of the locality.</p> <p>The built fabric helps to illustrate an important aspect of the area’s history, but it is not a rare or key representative example of its type.</p>	<p>Management Category C - Conservation of the place is desirable but not essential.</p> <p>Development proposals should reinforce the significance of the place, and original fabric should be retained wherever feasible. Record important elements prior to redevelopment or demolition, recognise and interpret if possible.</p>
Low Significance	<p>Makes some contribution to the heritage of the locality,</p>	<p>Management Category D – Conservation of the place is not essential.</p> <p>Record any elements prior to redevelopment or</p>

	<p>however (for example):</p> <ul style="list-style-type: none">- Has undergone major alterations over time, which has diminished its authenticity/integrity.- Is an historic site with little or no apparent physical evidence of its former use.	<p>demolition, recognise and interpret if possible.</p> <p>Archaeological investigation of historic sites may be prudent (if possible) if the place is believed to have important potential research value for the community.</p>
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The draft place records are to be read in conjunction with the Thematic History (where applicable) which provides a summary outline of the development of the Shire of Bridgetown-Greenbushes (and Nelson District) through time and across a number of themes, in accordance with the Heritage Council Guidelines, being Demographic settlement and mobility; Transport and communications; Occupations; Social and civic activities; Outside influences; and People.

The draft place records, particularly the level of significance or management categories, may change should further information be provided by the respective landowner or other members of the public, through the advertising process.

The new place records have been researched comprehensively, incorporating as much history, physical detailing and assessment methodology as possible, with oversight from heritage consultant Annette Green of Greenward Consulting. The place records were prepared with the help of current/previous owners and interested community members (where possible), as well as the use of online sources such as old newspapers (www.trove.nla.gov.au), Census and Voting data (www.ancestry.com.au) and the State Library of Western Australia online collections.

The Shire's current statutory 'Local Heritage List' includes 31 places, only within the Bridgetown townsite, listed in 'Schedule 4 – Places of Natural Beauty, Historic Buildings and Objects of Historic or Scientific Interest' under Town Planning Scheme No. 3 (TPS3). These places are noted on the TPS3 scheme maps, and recognised as being worthy of conservation and protection under provisions of Part VII of TPS3. Interestingly, there is no 'Local Heritage List' included in Town Planning Scheme No. 4 (TPS4) for land outside of the Bridgetown townsite.

New place records have been prepared for The Western Australian Bank Bridgetown (Fmr) listed as No. 23 Country Roses Café & Hairdresser in Schedule 4; and the Blechynden Butcher Shop listed as No. 25 Butcher Shop in Schedule 4. Should Council adopt the place records for these two sites, then all places currently listed in Schedule 4 of TPS3 will then be included in the MHI.

Of particular note, the Wesfarmers (Fmr) and The Western Australia Bank Greenbushes (Fmr) have been allocated Exceptional levels of significance and Management Category A. The Wesfarmers (Fmr) building is currently being assessed for inclusion on the State Register of Heritage Places (with final registration on hold pending resolution of matters with Main Roads WA). The Western Australian Bank Greenbushes, currently occupied by the Greenbushes Community Resource Centre, is considered worthy of the highest protection and nomination for inclusion on the State Register of Heritage Places.

There are numerous anomalies in Schedule 4 including place names, addresses and construction dates. Any substantial changes or even minor corrections to Schedule 4 however would require a formal amendment to TPS3, so it is suggested that a scheme amendment be actioned in time to formally remove the Schedule 4 from TPS3, with new provisions added to provide statutory protection to places of Exceptional or High Significance assigned a Management Category A or B under the MHI and pursuant to the Policy.

Alternatively, provisions could be included in the new Local Planning Scheme No. 6 (LPS6), which is to replace current TPS3 and TPS4, however given the expected timeframe for preparation, advertising and adoption of LPS6, immediate changes to TPS3 (and to TPS4) are considered prudent as the statutory protection will apply only to those places listed in TPS3 Schedule 4 in the interim. This matter will be progressed at a future meeting of Council and pending formal adoption of the new place records following public consultation.

Noting the above, it is recommended that Council adopt the 28 draft place records for inclusion and updating of the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory, for the purpose of public advertising including direct consultation with landowners of recognised places, with a subsequent report to be presented to Council for further consideration.

Statutory Environment

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

The Municipal Heritage Inventory sits outside of the Shire's operative local planning schemes however amendments to both schemes may be necessary to improve the statutory recognition and protection of important heritage places, notwithstanding the Deemed Provisions in the Local Planning Scheme Regulations 2015 discussed below.

- Planning and Development (Local Planning Scheme) Regulations 2015

The Local Planning Scheme Regulations 2015 also provide statutory power under local planning schemes to protect places of recognised cultural heritage significance, to reference a Local Heritage List and to designate Heritage Areas (or precincts). TPS3 already includes Schedule 4 as the 'Local Heritage List' and formally recognises the 'Bridgetown Special Design Heritage Precinct' as a Heritage Area. Following conclusion of the MHI update, the current Schedule 4 in TPS3 will need to be formally removed from the scheme text, and a resolution of Council made to adopt Management Categories A and B to form the Heritage List under both TPS3 and TPS4, to be actioned following public advertising of the new draft place records.

- Heritage Act 2018

As of 1 July 2019, the *Heritage of Western Australia Act 1990* was replaced by the *Heritage Act 2018* and pursuant to Part 8 a Municipal Heritage Inventory is now known as a Local Heritage Survey.

"s.103 Local heritage survey"

- (1) A local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.”*
- (2) In preparing, or reviewing and updating, a local heritage survey, a local government must have regard to –*
 - (a) the purposes set out in section 104; and*
 - (b) guidelines published under section 105.*
- (3) Nothing in subsection (2) —*
 - (a) derogates from the duty of the local government to exercise its discretion in a particular case; or*
 - (b) precludes the local government from taking into account matters not set out in the guidelines.*
- (4) After preparing a local heritage survey, or reviewing and updating, a local heritage survey, a local government must —*
 - (a) provide the Council with a copy of the local heritage survey; and*
 - (b) make the local heritage survey available to the public*

s.104 Purposes of local heritage survey

The purposes of a local heritage survey by a local government include —

- (a) identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) providing a cultural and historical record of its district; and*
- (d) providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*

s.105 Guidelines for local heritage surveys

- (1) The Council must issue guidelines about the preparation, review and periodic updating of local heritage surveys, including guidelines about the following —*
 - (a) criteria for the inclusion of places in the survey;*
 - (b) assessment processes;*
 - (c) processes for consultation with interested parties and with the public;*
 - (d) processes for reviewing and updating the survey, and the frequency of reviews;*
 - (e) processes and mechanisms for making surveys available to the public;*
 - (f) any other matter the Council considers appropriate.*
- (2) The guidelines must be published in the prescribed way.*
- (3) The Council may amend or revoke the guidelines.*
- (4) An amendment or revocation under subsection (3) must be published in the prescribed way.*

(5) The guidelines are not subsidiary for the purposes of the Interpretation Act 1984.”

The draft place records and process for updating the Municipal Heritage Inventory complies with the Heritage Act 2018, with re-naming as a Local Heritage Survey to be considered by Council at a subsequent meeting following public advertising of the draft place records.

Policy Implications

- Shire of Bridgetown-Greenbushes Municipal Heritage Inventory

This report relates to the update of the Shire’s Municipal Heritage Inventory Review, adopted by Council in March and April 2018. It is recommended that the 28 draft place records be adopted for the purpose of public advertising, including direct consultation with landowners of recognised place, with a subsequent report to be presented to a future meeting of Council, whereby the re-naming as a Local Heritage Survey can be considered.

- Assessment of Cultural Heritage Significance Policy

The Assessment Cultural Heritage Significance Policy TP.26, adopted by Council in August 2016, has been used to assess the Level of Significance of individual heritage places according to assessment criteria and allocation of recommended Management Categories reflecting the desired outcomes for each place.

- State Planning Policy 3.5 Historic Heritage Conservation

SPP 3.5 sets out the principles and sound responsible planning for the conservation and protection of Western Australia’s historic heritage. Due regard has been given to the content of SPP3.5 in undertaking the MHI Update.

Strategic Plan Implications

- 10+ Year Strategic Community Plan 2017

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

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

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

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

- Corporate Business Plan 2019-2023

Key Goal 1 – Our Economy will be Strong, Diverse and Resilient

- Objective 1.2 A proactive approach to business development
- Strategy 1.2.1 Embrace a “can do” approach to development

Key Goal 3 – Our Built Environment is Maintained Protected and Enhanced

Objective 3.1 Maintained townscape heritage and character

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

Action 3.1.1.1 Prepare a new Municipal Heritage Inventory.

Key Goal 5 – Our Leadership will be Visionary, Collaborative and Accountable

Objective 5.1 Our community actively participates in civic life

Strategy 5.1.1 The community is involved in decision making

Objective 5.2 We maintain high standards of governance, accountability and transparency

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

Action 5.2.7.1 Annually review policies

Strategy 5.2.8 Ensure all legislative responsibilities and requirements are met

- Long Term Financial Plan - Nil
- Asset Management Plans

The cultural heritage significance of any Shire owned places will be given due regard as part of maintenance works or redevelopment projects.

- Workforce Plan - Nil
- Other Integrated Planning - Nil

Budget Implications

If Council decides to adopt the 28 draft place records for the purposes of public advertising, costs of approximately \$400 will be incurred for advertising, plus officer time, with funds currently available.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity

Adoption of the 28 draft place records for the purpose of public consultation will improve identification, protection and conservation of cultural heritage places.

Risk Management - Not applicable

Continuous Improvement

Detailed assessments by Shire staff has assisted the accountable and accurate determination of the Level of Significance and recommended Management Categories for places of cultural heritage, with oversight by the Shire's heritage consultant.

Delegated Authority

Nil. The report is presented to Council to seek adoption of 28 draft place records for updating of the Shire's Municipal Heritage Inventory, for the purpose of public advertising.

Voting Requirements – Simple Majority

Works & Services - Nil

Community Services

Receival of Minutes from Management Committees – Nil

Urgent Business Approved by Decision

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice

Notice of Motions for Consideration at the Next Meeting


Matters Behind Closed Doors (Confidential Items)

Closure

The Presiding Member to close the Meeting

List of Attachments

Attachment	Item No.	Details
1	C.02/0719	Special Meeting Minutes – 11 July 2019
2	C.05/0719	Rolling Action Sheet
3	C.06/0719	June 2019 Financial Activity Statements
4	C.06/0719	List of Accounts Paid in June 2019
5	C.07/0719	Auditor's Report for the 2017/2018 Financial Report
6	C.08/0719	Draft Place Records

Agenda Papers checked and authorised by T Clynch, CEO		18.7.19
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