

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, 28 November 2019** in the Council Chambers, commencing at 5.30pm

T Clynch, CEO



Date

21 November 2019

Council Agenda Index – 28 November 2019

Subject	Page No
Acknowledgment of Country	3
Attendance, Apologies & Leave of Absence	3
Attendance of Gallery	3
Response to Previous Questions Taken on Notice.....	3
Public Question Time.....	3
Petitions/Deputations/Presentations.....	3
Comment on Agenda Items by Parties with an Interest.....	3
Applications for Leave of Absence.....	3
Confirmation of Minutes	4
C.01/1119 Ordinary Meeting held 31 October 2019	4
Announcements by the Presiding Member without Discussion	4
Notification of Disclosure of Interest.....	4
Questions on Agenda Items by Elected Members	4
Consideration of Motions of which Previous Notice Has Been Given	4
C.02/1119 Review of Ward Boundaries	4
C.03/1119 Australia Day Official Proceedings.....	6
Reports of Officers.....	8
CEO's Office	8
C.04/1119 Local Government Legislation Amendment Act 2019 – Mandatory Code of Conduct for Council Members, Committee Members and Candidates, and Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination	8
C.05/1119 Annual Review of Council Delegations	24
C.06/1119 Annual Review of Policies.....	27
C.07/1119 Proposal to Remove Two Parking Bays in Steere Street.....	34
C.08/1119 Proposed Mine Access Road – Request for Reconsideration	40
C.09/1119 Development Assessment Panels – Local Government Nominations.....	48

C.10/1119	Vacancies – Local Government Representative - South West Development Commission Board	50
C.11/1019	Rolling Action Sheet	52
Corporate Services		53
C.12/1119	LGIS 2019 Surplus Distribution.....	53
C.13/1119	October 2019 Financial Activity Statements and List of Accounts Paid in October 2019	55
Development & Infrastructure		57
C.14/1119	Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update	57
Community Services.....		67
Receival of Minutes of Management Committees		67
Urgent Business Approved By Decision.....		67
Responses to Elected Member Questions Taken on Notice		67
Elected Members Questions With Notice.....		67
Notice of Motions for Consideration at the Next Meeting.....		67
Matters Behind Closed Doors		68
C.15/1119	Citizen of the Year Awards	68
Closure		68
List of Attachments.....		68

AGENDA

For an Ordinary Meeting of Council to be held in the Council Chambers on Thursday, 28 November 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 J Nicholas
Councillors	- J Bookless - J Boyle - B Johnson - J Moore - J Mountford - A Pratico - P Quinby - A Wilson
In Attendance	- T Clynch, Chief Executive Officer - M Larkworthy, Executive Manager Corporate Services - E Denniss, Executive Manager Community Services - G Arlandoo, Executive Manager Development & Infrastructure - T Lockley, Executive Assistant

Attendance of Gallery

Responses to Previous Questions Taken on Notice - Nil

Public Question Time

Petitions/Deputations/Presentations

Comments on Agenda Items by Parties with an Interest

Applications for Leave of Absence

Confirmation of Minutes

C.01/1119 Ordinary Meeting held 31 October 2019

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 31 October 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

C.02/1119 Review of Ward Boundaries

Submitted by Cr Boyle

Motion

That the CEO report back to Council on conducting a review of our ward boundaries, including an option of having no wards.

Background/Reasons

The need for a separate North Ward is queried as councillors represent the whole of the Shire. I understand that for Council to consider the removal of wards it must conduct a formal review of ward boundaries in accordance with the Local Government Act. Included in the review should be a “no wards’ option.

Currently our rural areas are within both North and South Wards therefore there doesn’t exist an argument that a specific ward is required for rural representation.

All electors in the Shire deserve equal representation – such as having access to all 9 councillors.

Officer Comment

Clause 7 of Schedule 2.2 of the Local Government Act 1995 states that before carrying out a review of ward boundaries and number of offices of councillor a local government is to give public notice advising that the review is to be carried out and that submissions may be made to the local government for a period of six weeks from the date of the public notice.

When considering changes to wards and representation, Schedule 2.2 of the Local Government Act specifies factors that must be taken into account by a local government as part of the review process:

- Community of interests;
- Physical and topographic features;
- Demographic trends;
- Economic factors; and
- The ratio of councillors to electors in the various wards.

If Council resolved to conduct such a review - to facilitate the community consultation process a discussion paper would be prepared. Council would be required to endorse the discussion paper prior to commencement of community consultation.

The discussion paper can include a number of options including the elimination of all wards, retention of two wards, or increasing the number of wards. Due to the requirement that all wards are to be within 10% of the average councillor/elector ratio in each ward the setting of appropriate ward boundaries can be challenging.

At the conclusion of the public consultation period the Council would determine its preferred position on wards, ward boundaries and councillor representation. The Local Government Advisory Board will consider the Council proposal and if it is satisfied that Council has correctly taken into account the factors of “community of interests”, “physical and topographic features”, “demographic trends”, “economic factors” and “the ratio of councillors (elected members) to electors in the various wards” it will recommend to the Minister for Local Government the making of an order under Schedule 2.2 of the Local Government Act.

If the Local Government Advisory Board is not satisfied that the above factors have been taken into account it may ask Council to reconsider its decision or to do a further review.

The Local Government Advisory Board must recommend to the Minister any proposal that in its opinion correctly takes account of the above criteria. The Minister may accept or reject the Board’s recommendation but cannot change it.

If Council was to resolve this notice of motion a discussion paper can be prepared and presented to Council by March 2020.

Statutory Environment

Schedule 2.2 of the Local Government Act 1995 contains provisions about the names, wards and representation of local government areas. Although the next statutory review of wards and councillor representation isn’t due until 2023 Council is able to commence such a review at any earlier intervals if it so resolves. It is also

noted the Local Government Advisory Board can direct a Council to conduct a review at any time.

Integrated Planning

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

Policy Implications - 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 - Nil

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

C.03/1119 Australia Day Official Proceedings

Submitted by Cr Pratico

Motion

That in 2020 the formal presentations for Australia Day, including citizenship awards, be held at the Greenbushes Australia Day event in recognition of the contribution Pat Scallan made in his years on Council.

Background/Reasons

Transferring the formal presentations of Australia Day to the Greenbushes event would be due recognition for the contribution Pat Scallan made to the community during his long period of service as a councillor.

Pat always treated the whole Shire as one and his patch at Greenbushes was very dear to his heart. This proposal should be seen as a one-off and is a suitable way to mark the contribution Pat made.

Officer Comment

Refer comments regarding 'Policy Implications' below. It is important to note that Policies are not legislatively binding and when good reasons prevail and are documented, can be set aside.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Key Goal 4: A community that is friendly and welcoming
 - Objective 4.4: Promoting Volunteerism
 - Strategy 4.4.1: Acknowledge volunteers and the contribution they make to our community
- Corporate Business Plan – Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning – Nil

Policy Implications

Policy O.14 'Australia Day Events' states in part:

- Council will recognise one official Australia Day event to be conducted in Bridgetown as its formal Australia Day ceremony for the presentation of Australia Day Awards to recognise outstanding community contributions by local residents.
- Council will financially support another Australia Day event, to be held in Greenbushes and managed/hosted by the Greenbushes Ratepayers & Residents Association. Although the formal Australia Day Awards will be presented at the Bridgetown event the Greenbushes Ratepayers & Residents Association is able to offer its own awards to local residents that have contributed to the development and capacity of Greenbushes and its surrounding districts.

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 - Nil

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Reports of Officers

Reports of Officers have been divided into Departments as follows:

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

CEO's Office

ITEM NO.	C.04/1119	FILE REF.	
SUBJECT	Local Government Legislation Amendment Act 2019 - Mandatory Code of Conduct for Council Members, Committee Members and Candidates, and Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination		
PROPONENT	Department of Local Government, Sport and Cultural Industries		
OFFICER	Chief Executive Officer		
DATE OF REPORT	20 November 2019		

Attachment 1	Draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates
Attachment 2	Draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
Attachment 3	Draft WALGA Submission - Code of Conduct Guidelines
Attachment 4	Draft WALGA Submission - CEO Standards and Guidelines
Attachment 5	LG Professionals Submission - Code of Conduct Guidelines and CEO Standards and Guidelines

OFFICER RECOMMENDATION That Council:

- 1. Request the Chief Executive Officer to prepare a submission response on behalf of Council to the surveys provided by the Department of Local Government, Sport and Cultural Industries on the 'Draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates' and the 'Draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination'. The survey responses are to be in accordance with the responses articulated in the body of the officer report.*

2. *Endorse the submissions made by the Western Australian Local Government Association and Local Government Professionals on the 'Draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates' and the 'Draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination'.*
3. *Include in its submission response comments expressing concern about the consultation methodology used by the Department of Local Government, Sport and Cultural Industries as the framework of the surveys presents limited opportunities to provide feedback outside of the recommendations contained in both draft guidelines.*

Summary/Purpose

For Council to consider lodging a submission and if so the contents of that submission on the proposals by the Department of Local Government, Sport and Cultural Industries (DLGSCI) for a draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates and draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

Background

In June 2019, the Western Australian Parliament passed the *Local Government Legislation Amendment Act 2019 (WA)* which introduced six key reforms to the *Local Government Act 1995 (WA)* (the Act). The reforms provide for:

- Universal training for council members;
- Treatment of gifts;
- Greater transparency of information;
- Changes to the Local Government Standards Panel;
- Council member behaviour and a new code of conduct; and
- Introduction of standards for CEO recruitment and performance reviews.

With respect to the last 2 dot points above, the Act includes a requirement for the introduction of:

- A mandatory code of conduct for council members, committee members and candidates (Code of Conduct); and
- Mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).

The proposed new Model Code and CEO Standards will detail the changes made through the Amendment Act to guide Councillors and Officers in their roles.

This matter was discussed at the Council Concept Forum held on 14 November 2019. In the agenda for that Forum councillors were provided with copies of the following documents:

- Draft Code of Conduct Guidelines
- Draft CEO Standards and Guidelines
- Draft WALGA Submission - Code of Conduct Guidelines
- Draft WALGA Submission - CEO Standards and Guidelines

- LG Professionals Submission - Code of Conduct Guidelines and CEO Standards and Guidelines

The DLGSCI is seeking feedback on the draft Code of Conduct and draft CEO Standards (and accompanying guidelines). Submissions close on 6 December 2019. The feedback received will inform the drafting of regulations.

At the November Concept Forum Councillors provided guidance to the CEO on how a Council submission could be developed for consideration at the November Council meeting.

Officer Comment

Based on councillor feedback provided to the November Concept Forum it is clear that the content of both the draft WALGA submissions and the LG Professionals submission reflects the likely position of the Shire of Bridgetown-Greenbushes.

It is recommended that in its submission to DLGSCI Council express its support to both the WALGA submissions and the LG Professionals submission in addition to providing its own specific comments/responses.

It is noted that the discussion that occurred at the November Concept Forum included concerns expressed by some councillors that the framework of the surveys released by DLGSCI can be viewed as being designed to achieve limited feedback outside of the recommendations contained in the draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates and draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

SECTION 1 - Consideration of draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates

Under the *Local Government Legislation Amendment Act 2019 (WA)*, Section 5.103(2) of the *Local Government Act 1995* (the Act) has been amended as follows:

- (2) *The model code of conduct must include-*
- (a) *general principles to guide behaviour;*
 - (b) *requirements relating to behaviour; and*
 - (c) *the rules of conduct.*

With reference to this amended section of the Act above, the draft Model Code has been constructed in three parts:

Part A – Principles

Council members, committee members and candidates are expected to adhere to and promote and support the principles contained within this section.

Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. All behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

Part B – Behaviours

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member’s conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- Negatively affect the honest or impartial performance of a council member;
- Involve a breach of trust placed in the council member; or
- Involve the misuse of information or material.

Alleged breaches of this Part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995*. A breach of this Part is a “minor breach”.

Local Governments will not be able to amend Parts A and C. Additional content may be included in Part B which is not inconsistent with the Model Code.

For the purposes of formulating Council’s submissions on the Model Code and CEO Standards, Council will note that the surveys for each document have been provided by DLGSCI for the purposes of informing their reconsideration of the draft. Questions 1 to 11 in both surveys are administrative (identity of respondent, contact details, etc.) and don’t require specific council consideration. Questions 12 to 27 and 36 to 37 from the Code of Conduct and Questions 12 to 33 from the CEO Standards have been extracted from these surveys, divided into their respective Parts, and officer comment on each has been provided below.

Responses to multiple choice questions are indicated by a √.

Part A – Principles

Question 12 – Please indicate your support of the following Personal Integrity Principles

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.5 Avoid damage to the reputation of the local government.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.6 Not be impaired by mind effecting substances while performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

Do you have any comments on these principles?

No - the principles are self-explanatory.

Question 13 - Please indicate your support of the following Relationships With Others Principles

- 1.7 Treat others with respect, courtesy and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.9 Respect and value diversity in the workplace and in the community.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

Do you have any comments on these principles?

No - the principles are self-explanatory.

Question 14 - Please indicate your support of the following Accountability Principles

- 1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 1.11 Be open and accountable to the public, represent all constituents and make decisions in the public.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

Do you have any comments on these principles?

No - the principles are self-explanatory.

Question 15 - Should any additional principles be incorporated in Part A?

No.

Part B – Behaviour

Question 16 - Please indicate your support for the following Personal Integrity Behaviours.

- 2.1 Act in line with the principles outlined in this Code when performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.3 Respect and comply with all council policies, procedures and resolutions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

2.5 Use all forms of media, including social media, in a way that complies with this Code.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

Do you have any comments on these behaviours?

No.

Question 17 - Please indicate your support for the following Relationships with Others Behaviours.

2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

2.7 Do not bully or harass council officers, other council members or members of the public in any form, including social media.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

2.9 While acting as a council member, do not:

- (i) Use offensive or pejorative language in reference to another council member, council employee or member of the public; or
- (ii) Disparage the character of any council member or council employee or impute dishonest or unethical motives to them in the performance of their duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

2.10 When attending a council or committee meeting, do not:

- (i) Behave in an abusive or threatening manner towards another council member or other person attending the meeting;
- (ii) Make statements that the person knows, or could be reasonably expected to know, that are false or misleading;
or
- (iii) Repeatedly disrupt the meeting

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

2.11 When attending a council or committee meeting:

- (i) Comply with the local law that relates to conduct of people at council or committee meetings;

- (ii) Promptly comply with any direction given by the presiding member at that meeting; and
- (iii) Immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.12 Direct all requests for work or actions by council officers to the CEO or the CEO's nominated delegate.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

Do you have any comments on these behaviours?

No.

Question 18 - Please indicate your support for the following Accountability Behaviours.

- 2.13 Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.14 Take responsibility for decisions and actions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.15 Abide by the decisions of council and publicly support the decisions even if of an alternative view.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

- 2.16 Adhere to the principles in the:

- (i) Occupational Safety and Health Act 1984(WA);
- (ii) Equal Opportunity Act 1984(WA);
- (iii) Racial Discrimination Act 1975(Cth); and
- (iv) Sex Discrimination Act 1984 (Cth).

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

Do you have any comments on these behaviours?

<p>Council would support minor breaches of the code being handled internally with appropriate findings being the offender being required to attend training, mediation, counselling or the issuing of an apology to the affected party. Where a person causes repeated breaches in a set period of time the complaint should be escalated to the Local Government Standards Panel.</p> <p>There needs to be a clear distinction between the Code of Conduct and the Rules of Conduct</p>
--

legislation together with clear advice on which Code is to apply.

Question 19 - Should any additional behaviours be incorporated in Part B?

No.

Question 20 - Part B of the Code includes a complaint management process. Should this part include a time period in which complaints must be lodged after the alleged breach occurred?

- No time period
- 1 month
- 3 months ✓
- 6 months
- Other (please specify)

Officer Comment

A period of three (3) months is considered a satisfactory and reasonable timeframe to lodge a complaint.

Question 21 - Who is the best person for Part B complaints to be directed to?

- Mayor or President ✓
- Deputy Mayor or President
- Presiding member
- Chief Executive Officer ✓
- Nominated local government employee
- Other (please specify)

Officer Comment

The Shire President and/or CEO are in the best position to manage a complaint dependent on the individual circumstances, due to their impartiality and knowledge.

Question 22 - What actions are appropriate for councils to impose if a Part B breach is found?

- Apology
- Training
- Mediation
- Counselling
- Other (please specify) ✓

All actions may be appropriate, dependent on the type and severity of the breach.

Question 23 - Do you have any suggestions for specific actions that could be incorporated into the guidelines?

No.

Question 24 - Should recurrent breaches of behaviour be referred to the Local Government Standards Panel?

- Yes ✓
- No

Please provide a reason(s) for your answer

Should recurrent breaches of behaviour be taking place, it is clear that the Council cannot easily remedy the issue, and that the Standards Panel should at this point take responsibility of the matter.

Question 25 - Should Council be required to develop an action plan and give the council member an opportunity to resolve their behaviour before a third complaint is referred to the Standards Panel under Part C?

- Yes ✓
- No
- Other (please specify)

Officer Comment

Yes. The opportunity to rectify a minor breach internally supported by an action plan is considered desirable. It is assumed that DLGSCI would prepare a suitable template for local governments to use when developing an action plan.

Question 26 - How beneficial would it be for local governments to engage an independent person to assist with the review of complaints?

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful
- Other (please specify) ✓

Officer Comment

The decision on whether to engage a third party, independent of both council and the DLGSCI, should be left to the discretion of the Council. Would the third party be engaged in an advisory role or would the third party have authority to arrive at determinations?

Question 27 - What should happen if a council cannot agree on an investigation or course of action following an alleged breach of Part B?

- An independent person should be engaged to conduct a review

- *The complaint should be dismissed*
- *The Mayor or President makes the decision*
- *The CEO makes the decision*
- *Other (please specify) ✓*

Should a council not be able to agree on an investigation or course of action following an alleged breach, the matter should be then referred to the Local Government Standards Panel to determine an appropriate course of action. The Standards Panel should act as the independent party in the objective assessment of the breach.

Part C – Rules of Conduct

Question 36 - *Do you have any comments or feedback on Part C?*

No

Question 37 - *Are the guidelines a useful tool to accompany the Code?*

- *Extremely useful*
- *Very useful ✓*
- *Somewhat useful*
- *Not so useful*
- *Not at all useful*

Please specify why:

The guidelines are effective in that they provide adequate explanation of the Model Code as proposed, and guide interpretation of the Model Code by the user.

Question 38 - *Do you have any suggestions for additional inclusions in the guidelines?*

No.

SECTION 2 - Consideration of draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination

Question 12 - *How frequently should a council be required to re-advertise the CEO position?*

- a. *At the conclusion of the term of the CEO's contract*
- b. *Where a person has occupied the CEO position for two (2) consecutive terms*
- c. *Where a person has occupied the CEO position for ten (10) consecutive years*
- d. *When council determines ✓*
- e. *Unsure*
- f. *Other (please specify)*

Question 13 - *To what extent do you support the following statement?*

“A local government should be required to undertake ‘blind CV recruitment’ (i.e. redacting personal details and any diversity specific information from curriculum vitae) to avoid bias in the early stages of the recruitment process.”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
√				

Employers use a variety of tools to assist in recruitment and identifying suitable candidates. Blind CV recruitment isn't a common practice in private enterprise so why should it be introduced for local government? Also the local government sector is quite small. Candidates with significant working experience in local government would probably be easily identified even with their personal details suppressed.

Question 14 - To what extent do you support the following statement?

"The selection panel must include at least one person who is independent of the council to assist the council in selecting the CEO"

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
	√			

This decision should be left up to the Council to determine whether it is required or not.

Question 15 - If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, who should the independent person be?

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input checked="" type="checkbox"/>	Other (please specify)

This decision should be left up to Council to determine.

Question 16 - To what extent do you support the following statement?

"If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, the independent person must not be a current council member or Officers member of any local government"

Not supported. This decision should be left up to Council to determine.

Question 17 - Should there be any other restrictions on who the independent person on a selection panel should be?

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
√				

This decision should be left up to Council to determine.

Question 18 - How frequently should a council review the performance of the CEO?

- a. Annually
- b. Twice annually
- c. Quarterly
- d. Every two years
- e. When Council determines a performance review is required ✓ (at a minimum – annually)

Question 19 - To what extent do you support the following statement?

“A local government should be required to establish a performance review panel, which must include at least one person who is independent of the council, to assist the council in assessing the performance of a CEO”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
✓				

This decision should be left up to Council to determine.

Question 20 - If a council is required to have an independent person assist them in assessing the performance of a CEO as part of a performance review panel, who should the independent person be?

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input checked="" type="checkbox"/>	Other (please specify)

This decision should be left up to Council to determine

Question 21 - Should there be any restrictions on who the independent person should be?

- a. Yes
- b. No ✓
- c. If yes, please specify

Question 22 - To what extent do you support the following statement:

“The legislation should provide a minimum notice period that the council provides to the CEO if the council terminates the CEO’s employment before the expiry date of the employment contract”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
			✓	

Question 23 - If the legislation required council to provide the CEO with a minimum notice period of the early termination of the CEO’s employment, what should the minimum notice period be?

- a. Two (2) weeks
- b. Four (4) weeks
- c. Other (please specify) ✓ - as per employment contract

This is the current standard applicable in the model CEO contract.

Question 24 - Who should be responsible for monitoring and enforcing the CEO standards?

- a. Public Sector Commission or other integrity agency
- b. Department of Local Government, Sport and Cultural Industries ✓
- c. Independent Office of Local Government Commissioner
- d. Joint Panel consisting of nominees from the WA Local Government Association (WALGA) and the Local Government Professionals WA (LGPro WA)
- e. Local Government Standards Panel (expanded role)
- f. Other (please specify)

Question 25 - To what extent do you support the following statement?

“If a Local Government Commissioner were to be established, local governments should be required to pay a levy to fund its establishment and operation”

Not supported. The cost should be borne by the State. Local government isn't seeking the establishment of this office.

Question 26 - What powers should the body responsible for monitoring and enforcing the standards have? (please choose one or more of the following options)

✓	To order a local government to restart a process (recruitment, selection, performance review or termination) or remedy a defect
<input type="checkbox"/>	To order that a third party be involved in the performance review process
✓	To order that a local government engages in mediation or arbitration to resolve a dispute (this could be disputes between council members or between council members and the CEO)
✓	To arbitrate or make a ruling on a matter
✓	To prepare a report on contract termination (for potential referral for industrial relations action)
✓	To provide a report to the Minister for Local Government or the Director General of the Department of Local Government, Sport and Cultural Industries for consideration in relation to powers to suspend, dismiss or order remedial action whether in regards to the entire council or individual council members
✓	To order that a local government seeks professional advice or assistance from an independent person
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

Question 27 - To what extent do you support the following statement?

“If the body responsible for monitoring and enforcing the CEO standards directed a local government to undertake mediation or arbitration to resolve a dispute, the costs of the dispute resolution should be borne by the local government.”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
			✓	

If a matter got to this point it is considered reasonable that a local government would be expected to pay.

Question 28 - To what extent do you support the following statement?

“If a council has not complied with the standard for a particular process, they should be required to recommence the process”.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
				√

If Standards are established it should be compulsory to comply.

Question 29 - To what extent do you support the following statement?

“Local governments should be subject to penalties if they do not comply with the CEO standards”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
			√	

If Standards are established it should be compulsory to comply.

Question 30 - Do you have any additional comments in relation to the CEO standards?

The '10 year rule' proposed for automatic advertising of a CEO position isn't supported as insufficient reasons have been provided in the guidelines to justify this requirement. Councils reserve the right to not renew a CEO's contract at the end of the contract period.

Question 31 - How useful are the proposed guidelines?

Extremely useful	Very useful	Moderately useful	Slightly useful	Not at all useful
		√		

Please specify why:

The information contained within the guidelines is a mixed bag. Some of the proposals have merit but others lack foundation and/or supporting information to justify the proposal.

Question 32 - Do you have any suggestions regarding any changes that need to be made to the proposed guidelines or is there anything else you think should be included in the guidelines? (please specify)

No

Question 33 - Do you have any additional comments in relation to the guidelines?

No.

Statutory Environment

Local Government Act 1995 and Local Government Legislation Amendment Act 2019.

Integrated Planning

- Strategic Community Plan - Nil
- Corporate Business Plan - Nil

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

Policy

The prospective actions and requirements of the Mandatory Code of Conduct for Council Members, Committee Members and Candidates will require the review and re-adoption by Council of a new Code of Conduct within 3 months of the Mandatory Code of Conduct being approved by the DLGSCI. It may also require the review of a number of Council policies to ensure any change is incorporated.

The prospective actions and requirements of the Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination may trigger amendments to existing policy or consideration of new policies.

Budget Implications – unknown at this time

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Some of the proposals or recommendations in the Mandatory Code of Conduct and/or CEO recruitment standards potentially reduce the autonomy of the Council to make decisions.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.05/1119	FILE REF.	203
SUBJECT	Annual Review of Council Delegations		
OFFICER	Chief Executive Officer		
DATE OF REPORT	19 November 2019		

Attachment 6 Delegation Register – Council to CEO

OFFICER RECOMMENDATION that Council:

1. *Notes and retains the contents all Delegations to the CEO contained in Attachment 6 without amendment except for Delegation A.2 – Authorisation of Officers.*
2. *Amends Delegation A.2 – Authorisation of Officers by adding the following Acts/Legislation under which authorised persons can be appointed to carry out functions under that legislation:*
 - *Liquor Control Act 1988 & Regulations*
 - *Freedom of Information Act 1992 & Regulations*
 - *Add Food Regulations to Food Act 2008*
3. *Change the title of the ‘Works & Services’ section of the Delegated Register to ‘Infrastructure’ and change the prefix numbering of each of the delegations in this section from ‘WS’ to ‘I’.*

Summary/Purpose

Section 5.46(2) of the Local Government Act 1995 requires Council to review its delegations at least once every financial year.

Background

Section 5.16 of the Local Government Act allows a local government to delegate powers to Committees, other than the power of delegation. Similarly, Section 5.42 of the Local Government Act allows a local government the ability to delegate powers to its CEO.

A local government which delegates powers to its CEO or Committees is to carry out a review of all Delegations during each financial year.

➤ **Delegations to Committees**

There are currently no delegations to Council Committees.

➤ **Delegations to CEO**

Officers have undertaken an internal review of all Delegations and it is recommended all existing delegations be retained without amendment except that Delegation A.2 (Authorisation of Officers) is recommended for amendment to add the following Acts/Legislation under which authorised persons can be appointed to carry out functions under that legislation:

- Liquor Control Act 1988 & Regulations
- Freedom of Information Act 1992 & Regulations
- Add Food Regulations to Food Act 2008

Statutory Environment

Local Government Act 1995 – Sections 5.42 – 5.48

5.42. Delegation of some powers and duties to CEO

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

5.43. Limits on Delegations to CEO's

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

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

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of Delegation.
- (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its Delegation to the CEO.
 - (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a Delegation under this section.
 - (5) In subsections (3) and (4) —
“conditions” includes qualifications, limitations or exceptions.
- 5.45. Other matters relevant to Delegations under this Division
- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a Delegation made under this Division has effect for the period of time specified in the Delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a Delegation by a local government under this Division is to be by an absolute majority.
 - (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.
- 5.46. Register of, and records relevant to, Delegations to CEO's and employees
- (1) The CEO is to keep a register of the Delegations made under this Division to the CEO and to employees.
 - (2) At least once every financial year, Delegations made under this Division are to be reviewed by the delegator.
 - (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Integrated Planning

- Strategic Community Plan
Key Goal 5 – Our leadership will be visionary, collaborative and accountable
Objective 5.2 - We maintain high standards of governance, accountability and transparency
Strategy 5.2.3 - Ensure organisational capability
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning – Nil

Policy/Strategic Implications

Many of the delegations contained within the Council Delegation Register relate back to Policy and Local Laws which have been set by Council to enable officers to work effectively in line with Council's requirements.

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

Council needs to be satisfied that appropriate policy, strategy and direction have been provided to the CEO and staff for effective decisions to be made under delegated authority.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

ITEM NO.	C.06/1119	FILE REF.	203
SUBJECT	Annual Review of Policies		
OFFICER	Chief Executive Officer		
DATE OF REPORT	18 November 2019		

Attachment 7

Policy Manual

<https://www.bridgetown.wa.gov.au/documents/council-policies-and-guidelines>

OFFICER RECOMMENDATION that Council:

1. *Endorse the following Policies with minor modifications as set out in the body of the report:*
 - *M.28 Decision Making*
 - *M.39 Election Caretaker Period*
 - *A.26 Salary Packaging*
 - *F.6 Purchasing*
 - *F.12 Accessing Water from Standpipes*
 - *F.15 Asset Management*
 - *F.16 Use of Corporate Credit Cards*
 - *F.19 Assets Financing and Borrowings*
 - *WS.2 Provision of Subdivisional Roads and Associated Civil Works*
 - *H.3 Blues Festival Trading*
 - *O.2 Policy for Allowing Functions in Shire Reserves or Parks*

2. *Change the title of Section 4 of the Policy Manual from ‘Works & Services’ to ‘Infrastructure’ and change the prefix numbering of each of the policies in this section from ‘WS’ to ‘I’.*
3. *Note and retain all other Policies without modification*

Background

Although not a requirement of the Local Government Act, Council has resolved to review its Policy Manual on an annual basis

In addition to the annual review, any changes in existing policies that are identified during the course of a year are presented through the appropriate meetings for Council consideration.

Policies Revised, Amended, Adopted or Revoked during past 12 months:

Policy No.	Name of Policy	Date
Members:		
M.15	Organisational Structure	Amended February 2019
M.21	Community Engagement/Consultation Policy replacing Policy M.21 - Community Consultation	Adopted November 2019
Finance:		
F.1	Shire Community Grants, Service Agreements, Donations and Contributions	Amended January 2019
F.23	Asset Management – Project Management Framework	Adopted December 2018

Policies recommended for minor amendment:

MEMBERS SECTION

M.28 Decision-Making

Delete the following “decision categories”: described in the Policy

- Fiscal Equity
- Social Equity
- Ecological Equity
- Cultural Equity
- Continuous Improvement

Reason for Amendment

This matter was the subject of discussion at the November 2019 Concept Forum where feedback from councillors was that the above decision categories were seldom relevant to the determination of an officer report and if there was information under these categories that an officer believed should be raised in the report then the officer could include such commentary under “officer comments”.

M.39 Election Caretaker Period

Amend Section 3.3 (Candidate Attendance at Meetings) to remove requirement for CEO to provide candidates a copy of the meeting agenda at the time it is distributed to Council Members

Reasons for Amendment

This requirement was overlooked by the CEO in the recent election. With Council agendas being uploaded to the Shire website the need to provide a copy of an agenda directly to all candidates is questioned.

ADMINISTRATION SECTION

A.26 Salary Packaging

Under Section titled “Remote Area Domestic Energy”:

- 1st paragraph – add the words “and gas” after “residential electricity” on 2nd line.
- 2nd paragraph - add the words “and gas” after “residential electricity” on 1st line.
- Delete 4th (last) paragraph that states that “domestic gas has not been included as a claimable item...”

Reason for Amendments

Update policy to include gas as an allowable domestic energy item. Advice has been received that valid tax invoices are now provided with gas purchases.

FINANCE SECTION

F.6 Purchasing

- Section 1.6 – Replace purchasing thresholds table as shown below:

Current:

Amount of Purchase	Requirements
Up to \$5,000	Direct purchase from supplier at purchaser’s discretion following one verbal or written quotation.
\$5,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations
\$40,000 - \$149,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$150,000 and above	Conduct a public tender process.

Proposed:

Amount of Purchase	Requirements
Up to \$2,500	Direct purchase from supplier at purchaser's discretion.
\$2,501 - \$5,000	Obtain at least two verbal or written quotations.
\$5,001 - \$39,999	Obtain at least three written quotations.
\$40,000 - \$149,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$150,000 and above	Conduct a public tender process.

- Section 1.6.1 – change heading to \$2,501 to \$5,000 and delete the sentence “record keeping requirements must be maintained in accordance with record keeping policies”.
- Section 1.6.2 – change heading to \$2,501 to \$5,000 and change requirement for three written or verbal quotes to two written or verbal quotes.
- Section 1.6.3 - change heading to \$5,001 to \$19,999 and delete the sentence “record keeping requirements must be maintained in accordance with record keeping policies”.

Reason for Amendments

To reflect that purchases up to a certain amount i.e. \$2,500 can be purchased without the requirement for quotations. This change will aid in purchasing efficiencies by removing an onerous record keeping requirement for minor purchases.

A new purchasing tier of \$2,501 to \$5,000 will now require two verbal or written quotations to ensure value for money is being tested at this purchasing level.

Verbal quotations are not considered adequate for purchases between \$5,001 and \$39,999, ensuring written quotations in this range will provide greater transparency and accountability.

F.12 Accessing Water from Standpipes

Reword to read:

“The Shire of Bridgetown-Greenbushes currently has five water standpipes located within the Shire for firefighting use and one commercial water standpipe in Rose Street, Bridgetown for commercial use by businesses and members of the public.

The five firefighting standpipes are restricted in use for firefighting purposes only with bush fire brigades provided with a coded key to unlock the standpipes.

The Rose Street standpipe is classified as a commercial standpipe with water able to be purchased by members of the public via purchase of a swipe card to unlock the electronic standpipe management system. Swipe cards are available for purchase at the Shire's administration office. These swipe cards can be credited by attending the Shire's administration building in person or by phoning the Shire and requesting

staff to credit your swipe card (credit card details will need to be given over the phone).

All water taken by members of the public is to be paid for at the rates stipulated in Council's annual schedule of fees and charges. All water must be paid for on a "per kilolitre" basis.

Under Council's "Property Local Law" standpipes are classified as "local government property". Failure to pay upfront for the taking of water will represent a breach of Clause 4.6 of the Property Local Law. Under the Local Law a fine of \$100 applies for such a breach and can be imposed for each occasion a person is proven to have taken water from a Shire standpipe without making the required payment".

Reason for Amendment

The current policy was worded several years ago when standpipes were being transitioned from open use to restricted use and therefore much of the explanatory background contained within the current policy is outdated. The proposed revised wording of the policy reflects the current management practices and operational agreements the Shire has with the Water Corporation for use of standpipes.

F.15 Asset Management

Second 'dot' point of 'Policy Statement', change the amount from "\$205,005,460" to "\$204,667,616" and the year from "2018" to "2019".

Reasons for Amendments

Update of figures quoted to align with Council's financial statements as at 30 June 2019.

F.16 Use of Corporate Credit Cards

Clause 3 – delete part (iv) that requires the credit card register to include a review date for continuing use of a card, not exceeding 24 months.

Reason for Amendment

Restricting use of a credit card to a maximum 24 months is questioned. The use of any credit card is subject to continual monitoring.

F.19 Assets Financing and Borrowings

- In the 'note' statement of the second 'dot' point of Clause 1.3.2, change "2018" to "2019"; "2017/2018" to "2018/2019" and "\$6.037m" to "\$6,037m". In the fourth paragraph, change "\$55,512" to "\$25,964" and "\$4,837m" to "\$5,152m".
- In the paragraph after the dot points in Clause 1.3.2 change the amount of \$25,964" to "\$17,627" and the amount of \$6,024m" to "\$5,144m".

Reasons for Amendment

Update of figures quoted to align with Council's financial statements as at 30 June 2019.

WORKS & SERVICES SECTION

Title of Section

Reword to “Infrastructure” Section

WS.2 Provision of Subdivisional Roads and Associated Civil Works

- Change title to “Provision of Roads and Associated Civil Works for Subdivisions and Developments”.

Reason for Amendment

The creation of new roads by third parties isn’t limited to subdivisions.

- Clause 1.6 – Change the words “bond to the value of 7.5%” to “defects liability bond to the value of 5%”

Reason for Amendment

The policy references the IPWEA Local Government Guidelines for Subdivisional Development” and the value of a defects liability bond under those guidelines (and thus the accepted industry standard) is 5%.

HEALTH SECTION

H.3 Blues Festival Trading

Under section titled “Policy – Location of Stallholders and Mobile Traders”, amend the 2nd dot point to change “the public portions of Memorial Park (not “Blues Owl Nest” venue area)” to “the section of Memorial Park east of Geegelup Brook”. This makes the wording of this dot point:

- The placement of stalls within section of Memorial Park east of Geegelup Brook is to be limited to community groups only. Under no circumstances will commercial traders or mobile traders be permitted in this area.

Reasons for Amendment

The intent of this restriction has always been to limit the placement of commercial traders in the playground part of Memorial Park. If Blues at Bridgetown wish to place commercial traders on the western side of Geegelup Brook adjacent (but outside) Blues Owl Nest this should be supported.

OTHER SECTION

O.2 Policy for Allowing Functions in Shire Reserves or Parks

- Under dot points listing the types of functions able to be approved add “festivals” and delete “any permission for alcoholic beverages to be sold or consumed on the nominated Reserve/Park”.
- Under “Guidelines for Functions”:
 - Reword sub-clause (ii) to “No action should be taken to enclose the entire reserve or to prevent public entry to a non-hire portion of the park”.
 - Reword sub-clause (iii) to: The convenors shall, prior to permission being granted to use the facility, nominate a person or persons to assume control and responsibility for the event.

- Sub-clause (iv) –insert the word “approved” after “licences”.

Reason for Amendment

To provide greater clarity and align policy with Council’s Property Local Law.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Key Goal Area 5 – Our leadership will be visionary, collaborative and accountable
 - Objective 5.2 - We maintain high standards of governance, accountability and transparency
 - Strategy 5.2.3 - Ensure organisational capability
 - Strategy 5.2.7 - Council’s policies and local laws are responsive to community needs
- Corporate Business Plan
 - Strategy 5.2.7 - Council’s policies and local laws are responsive to community needs
 - Action 5.2.7.1 - Annually review policies
- Long Term Financial Plan – Not Applicable
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning – Not Applicable

Policy Implications

This Item is the review of the Policy Manual

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

Regular review of policies represents good governance

Voting Requirements – Simple Majority

ITEM NO.	C.07/1119	FILE REF.	
SUBJECT	Proposal to Remove Two Parking Bays in Steere Street		
PROPONENT	Access & Inclusion Committee		
OFFICER	Chief Executive Officer		
DATE OF REPORT	15 November 2019		

Attachment 8 Copy of Submissions (5)

OFFICER RECOMMENDATION That Council:

- 1. Defer any consideration for removal of car parking bays in Steere Street pending investigations into possible redesign of the Civic Centre car park and conversion of Stewart Street into a one way thoroughfare.*
- 2. Request the CEO to investigate and report back on the possibility and practicalities of changing Stewart Street to a one way street, including an assessment of whether the Hampton Street end of the street can be retained as two way access.*
- 3. Request the CEO to investigate and report back on redesigning the Civic Centre car park including the possibility of making each entrance to the car park one-way only.*

Summary/Purpose

To consider submissions received on a draft proposal to remove two parking bays in Steere Street to improve sight distances at road intersections.

Background

In 2017 Council's Access & Inclusion Committee requested a safety assessment of Steere Street near the railway crossing be carried out, with particular attention to be paid to addressing the poor sight distances for vehicles exiting the civic centre car park (Civic Lane) and for vehicles trying to turn right from Stewart Street (railway station road) into Steere Street.

A safety assessment was done and this confirmed that the sight distances at both intersections are well below the minimum standards. Steere Street is a road under the control of Main Roads Western Australia and discussions with that agency determined that sight line improvements could be made by removing one parking bay on each side of the street. These bays are:

- On the north side - the single parking bay located between the two entrances to the civic centre car park; and
- On the south side - the easternmost parking bay in front of the newsagency – being the parking bay closest to the intersection with Stewart Street.

In August 2017 Council resolved (C.11/0817):

- 1. That Council direct the CEO to assess the safety of the intersection of Steere Street, the shire car park and Stewart Street.*
- 2. If the intersection requires modification to increase safe intersection sight distances, Council directs the CEO to explore possible solutions and present them to Council for consideration at a future Council meeting.*

In 2018 various discussions were held with Main Roads Western Australia and informal discussions held with councillors.

In March 2019 community consultation occurred via an article in that month’s Insight newsletter and also directly with business proprietors on Steere Street (between Hampton Street and Stewart Street) on a conceptual proposal to remove two parking bays in this section of Steere Street.

If removed both parking bays could be replaced by brick paving to form a widened footpath. Removal of the parking bays would allow vehicles exiting the two intersections to ease out to improve visibility without entering the lanes of traffic. In writing to business proprietors it was recognized that parking in the Bridgetown town centre can be limited and the removal of two on-street parking bays will further reduce parking opportunities. There is also the impact on nearby commercial businesses from the loss of the two parking bays.

Officer Comment

Letters were sent to eight business proprietors in the section of Steere Street and other members of the public were invited to provide feedback by a mid-April closing date. At the close of the submission period a total of five (5) submissions had been received. A summary of these submissions is set out in the table below:

Point in Submission	Officer Response
<i>Submission 1 – supports the proposal</i>	
Supports the removal of the parking bay on the (north) side as vehicles parked there, particularly 4WD vehicles make it difficult to see when exiting the car park	Noted. High 4WD vehicles parked in this bay can obstruct the view southwards for drivers exiting Civic Lane. In these circumstances drivers have to proceed cautiously into the road to determine whether it is safe to continue into the road carriageway. Although the speed limit is 50km/h anecdotal evidence suggests that vehicles are travelling slower than that in this area.
Suggests putting lines or cat’s eyes in the entrance to the car park as sometimes cars exiting the car park take up the width of the entrance	The width of the eastern entrance to the civic centre car park (Civic Lane) is approximately 5 metres which is narrow for two vehicles to pass.
Doesn’t believe the parking bay on the south side presents as much risk to vehicles exiting Stewart Street but if it is determined to be a safety concern no objection to its removal is offered	Noted
<i>Submission 2 – supports the proposal</i>	
Understands the difficulties at both intersections. Rather than removing the two parking bays could they not be made ACROD bays where the parking of large vehicles wouldn’t occur as often? Alternatively could the bays be reserved	Converting the parking bays to ACROD bays wouldn’t meet Australian Standards required for disability parking bays, specifically the standards relating to parallel parking (width, length, shared access area and kerbing/ramp requirements).

for motorcycle parking?	There are already 5 motorcycle bays provided on Hampton Street and it is questioned if more bays are required.
<i>Submission 3 – Objects to the proposal</i>	
Concern about losing 2 car parking bays close to businesses	Noted. The availability of nearby parking is an important driver for retail businesses.
Suggests converting the parking bay on the northern side to a disabled or Silver Chain parking bay	Refer comments above regarding ACROD bays. The former Silver Chain parking bay next to the lawyer’s office on Hampton Street has been converted to an ACROD bay as that vehicle is able to use such a bay.
Suggests changing Stewart Street to a one way road running in a southerly direction	This issue has been raised in the past and has always triggered a mix of responses as it is used equally in both directions. However it does warrant further investigation and a report can be presented back to Council, including recommendations on community consultation.
<i>Submission 4 – objects to the proposal</i>	
The two exits into Steere Street are no more a safety issue than the number of exists into Hampton Street where the volume of traffic is much greater. Example given is the exit from the access to parking behind IGA	Noted.
Bridgetown has limited parking and any loss of bays will have considerable impact upon nearby businesses.	Noted. The availability of nearby parking is an important driver for retail businesses.
The two intersections (Civic Lane and Stewart Street) with Steere Street can be used safely as before reaching the exit a clear view can be seen on either side when looking south towards Hampton Street	Commenting on the safety of these intersections is subjective. From both observations and driving of these intersections over many years it has been noticed that drivers seeking to enter Steere Street from Stewart Street or Civic Lane are required to use caution. It is common to observe vehicles edging into the road to gain a better view of oncoming traffic due to sight distances being blocked by parked vehicles. Whilst there are no statistics of traffic accidents at these intersections there have certainly been observations of traffic having to slow down to prevent accidents from vehicles entering Steere Street without sufficient separation distance to oncoming vehicles.
The Shire should meet individually with each business owner potentially affected.	The Shire engages in a significant amount of consultation. Meeting with

<p>This should be done before writing to them asking for written comment.</p>	<p>individuals prior to formally writing to them seeking comments would significantly lengthen the consultation process. Consultation doesn't only occur on Shire initiatives and proposals. A lot of consultation occurs on private development proposals and adding an 'in-person' component to the consultation process would increase timelines for assessing and determining proposals.</p> <p>In the case of this proposal letters were sent to 8 Steere Street businesses. Those businesses were able to contact the author of the letter if requiring more information.</p>
<p><i>Submission 5 – objects to the proposal</i></p>	
<p>Objects to the removal of the two parking bays in Steere Street and instead requests the Shire to consider changing Stewart Street to a one way road running in a southerly direction</p>	<p>Refer comments for same suggestion under Submission 3.</p> <p>Changing Stewart Street to a one-way street wouldn't address concerns about inadequate sight distances for traffic exiting the civic centre car park.</p>
<p>The one way section of Stewart Street could end at or near the right hand bend (behind tavern) with the road reverting to 2-way from there to Hampton Street to allow full access to the community garden and two businesses in this area</p>	<p>This issue could be addressed in any investigations into the possibility of converting Stewart Street to one-way.</p>
<p>Consider installing "no right turn" from Civic Lane into Steere Street</p>	<p>Regulatory traffic signage is the responsibility of Main Roads Western Australia although Council could request assessment of the intersection and determination of whether a "no right turn" sign is appropriate.</p> <p>If vehicles are prevented from turning right at this intersection they could seek to use the western entrance to the civic centre car park to turn right into Steere Street. This may cause other traffic conflict issues.</p> <p>It is recommended that the design of the Civic Centre car park be reviewed and this can include the design and signage of both entrances.</p>
<p>Suggests converting the parking bay on the northern side to motorcycle parking and revert motorcycle parking bays in Hampton Street to a parking bay.</p>	<p>The motorcycle bays were installed in Hampton Street in order to prevent a vehicle parking in first bay south of the Steere Street/Hampton Street</p>

	intersection as high vehicles parked in that bay restricted views of traffic driving northwards on Hampton Street.
--	--

It is evident that the risks of this section of Steere Street do exist but to date have been manageable more through drivers exercising caution rather than via appropriate road design.

Investigation of the design of the Civic Centre car park and traffic direction of Stewart Street may in itself result in improvements to sight distances in Steere Street without needing to remove any parking bays. It is recommended that these investigations be commenced and no decisions be considered on possible changes in on-street parking until those investigations are completed.

Statutory Environment

Guidelines for safe intersection sight distance are clearly outlined in the Guide to Road Design – Part 4A and therefore the intersection of concern can be assessed against the measurements outlined as per the diagram below. The assessment would also take into account the Road Traffic Code 2000 Division 3 Reg 143, which refers to the legal requirements regarding parking and stopping on a carriageway and AS/NZS 2890.5 – On-Road Parking.

It should be noted that this section of Steere Street is under the care, control and management of Main Roads WA and therefore any modifications to intersections proposed to increase the safe intersection sight distance would need to be presented to Main Roads WA for approval prior to Council consideration.

Integrated Planning

➤ Strategic Community Plan

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

Objective 3.3 – Maintain an appropriate standard of transport networks, roads and pathways.

Strategy 3.3.1 – A well maintained local and regional transport network.

Key Goal 4 - A community that is friendly and welcoming.

Objective 4.2 - Programs and facilities that encourage community resilience.

Strategy 4.2.9 - Improve services and facilities for seniors and people with a disability.

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

Strategy 5.5.1 – Lobby and advocate to represent the community's needs

Action 5.5.1.1 – Implement the findings of the Age Friendly Community Plan, Youth Plan, Disability Access and Inclusion Plan and other Shire of Bridgetown-Greenbushes integrated planning strategies.

➤ Long Term Financial Plan - Nil

➤ Asset Management Plans

The principles of asset management would need to be addressed in any modifications to the parking bays either side of Steere Street and/or the shire car park as a result of the safety assessment of the intersection.

➤ Workforce Plan – Not Applicable

➤ Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity

The aim of the recommendations is to further investigate measures to make the Bridgetown CBD a safe and trafficable area for all community members, thereby achieving social equity principles.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Risk/safety assessments of the two intersections were previously conducted and determined that sight distances are inadequate. The recommendations propose further initiatives to investigate before a final design is made on possible removal of parking bays that currently hinder sight lines.

Continuous Improvement

Council can achieve continuous improvement in service provision by considering and implementing the recommendations identified in the Age Friendly Communities Plan and the Disability Access and Inclusion Plan. Principles of continuous improvement are also achieved by considering Council's (and the community's) exposure to risk and mitigating that risk by implementing/or lobbying for changes to ensure a safe and trafficable CBD for the community.

Voting Requirements – Simple Majority

ITEM NO.	C.08/1119	FILE REF.	
SUBJECT	Proposed Mine Access Road – Request for Reconsideration		
PROPONENT	Talison Lithium Pty Ltd		
OFFICER	Chief Executive Officer		
DATE OF REPORT	18 November 2019		

Attachment 9 Correspondence from Talison Lithium Pty Ltd
Attachment 10 Detailed Alignment Plan for Mine Access Road
Attachment 11 Extract from Council Minutes 15.8.19

Note: Under Regulation 10 of the Local Government (Administration) Regulations before a Motion can be considered for revoking of a previous Council decision (resolution), support must be given by at least 1/3 of the number of office (whether vacant or not) of members of the Council. Therefore with regard to the first officer recommendation - the Presiding Member will seek an indication of such support from councillors and if 3 or more councillors indicate support by a show of hands the Presiding Member will call for a mover and seconder for the motion proposing the revoking of Resolution SpC.01/0819a

OFFICER RECOMMENDATION 1

That Council revoke Resolution SpC.01/0819a resolved at its Special Meeting held on 15 August 2019 that reads:

- 1. That Council approve the detailed alignment plans for the proposed mine access road noting that construction drawings will be required for local government approval as an operational function subject to the following:*
 - That along the mine access road, suitable rope crossings for arboreal creatures be installed in conjunction with the two animal underpasses.*
 - That adequate swales and filtering reed beds be provided between the mine access road and main water bodies to filter water, placement of such to be in consultation with shire officers and the Landcare officer.*
- 2. At the time of submitting construction drawings the proponent is to submit an entry statement plan detailing any proposed landscaping and final details of the proposed location of the tin man sculpture and entry signage.*

OFFICER RECOMMENDATION 2

- 1. That Council approve the detailed alignment plans for the proposed mine access road noting that construction drawings will be required for local government approval as an operational function.*
- 2. At the time of submitting construction drawings the proponent is to submit an entry statement plan detailing any proposed landscaping and final details of the proposed location of the tin man sculpture and entry signage.*
- 3. That the proponent be advised that the engineering supervision fee and defects liability bond referenced in Policy WS.2 (Provision of Subdivisional Roads and Associated Civil Works) will apply to the construction of the proposed mine access road.*

Summary/Purpose

Talison Lithium Pty Ltd has requested reconsideration by Council of two conditions it imposed in the approval it granted at a Special Meeting held 15 August 2019 for the alignment and construction of the proposed mine access road between South Western Highway and the mine site as an alternative to using Stanifer Street through Greenbushes townsite as its principal access route.

Background

Council, at a Special Meeting held on 15 August 2019 resolved:

SpC.01/0819

That Council note the submission received on the revised mine access road proposal.

SpC.01/0819a

4. *That Council approve the detailed alignment plans for the proposed mine access road noting that construction drawings will be required for local government approval as an operational function subject to the following:*
 - *That along the mine access road, suitable rope crossings for arboreal creatures be installed in conjunction with the two animal underpasses.*
 - *That adequate swales and filtering reed beds be provided between the mine access road and main water bodies to filter water, placement of such to be in consultation with shire officers and the Landcare officer.*
5. *At the time of submitting construction drawings the proponent is to submit an entry statement plan detailing any proposed landscaping and final details of the proposed location of the tin man sculpture and entry signage.*

SpC.01/0819b

That Council:

1. *Notes that in addition to its approval the approval of relevant Government agencies will be required for this proposal to proceed, including excise of land from State Forest and creation of a gazetted road reserve.*
2. *Notes that Talison Lithium Pty Ltd is able to construct the mine access road as a mining proposal under its existing mining approvals. Until such time as the road is dedicated as a public road, public road access to the Greenbushes Sportsground and Greenbushes Pool is to be maintained.*
3. *Reaffirms its position resolved at its January 2019 meeting, noting the potential reopening of the rail line between Greenbushes and Picton is currently being investigated by State Government agencies, the rail corridor lessee and industry, including Talison Lithium. In-principle Council supports the reopening of the rail from Greenbushes northwards but acknowledges the need for a full business case to be developed to the satisfaction of all parties for this to be progressed.*

The Proponent, Talison Lithium Pty Ltd, submitted in writing 26 days after the above Council decisions a request for reconsideration of the two dot point conditions imposed by Council under part 1 of Resolution SpC.01/0819a. These two conditions are:

- *That along the mine access road, suitable rope crossings for arboreal creatures be installed in conjunction with the two animal underpasses.*
- *That adequate swales and filtering reed beds be provided between the mine access road and main water bodies to filter water, placement of such to be in consultation with shire officers and the Landcare officer.*

Council's decision of 15 August 2019 wasn't a statutory decision so unlike planning determinations or similar there isn't automatic appeal rights to the State Administrative Tribunal. Part 9 of the Local Government Act 1995 contains provisions relating to objections and review and whilst the circumstances of the mine access road approval doesn't fully fit into the descriptions contained in the provisions it is clear that the intent of Part 9 is for applicants or persons having a right of review for any authorisation made by the local government, including for the granting of a licence, permit, approval or other means of authorisation. On this basis the request for reconsideration is presented to Council for determination.

Officer Comment

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

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

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

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

The two conditions being requested for reconsideration by Talison Lithium Pty Ltd were not proposed in the officer recommendation presented to the Special Council meeting held on 15 August 2019. Instead the conditions were imposed as an amendment to the officer recommendation, moved by former Cr Mackman. The amendment was carried 5/1 and the amended substantive motion was subsequently carried 6/0.

In an oversight the minutes of the meeting don't contain an explanation for the decision being contrary to the officer recommendation. As the meeting was a Special Meeting of Council the "pulled items" procedure for ordinary Council meetings didn't apply therefore former Cr Mackman was able to move the amendment at the meeting without the need to provide supporting reasons in advance.

It is noted that the issues surrounding the need for rope crossings for arboreal creatures and the installation of swales and filtering reed beds were addressed in the officer report (agenda item) presented to the 15 August 2019 Special Council meeting. Both of these issues were raised in the single public submission received and the following extract from the officer report shows how these issues were assessed at that time:

Summary of Submission	Response
<p>Talison have made no efforts on their plans to show how they will minimise and reduce the road pollution runoff into the conservation water-shed area for the Schwenkes wetlands. Taking into account that this was a Federally funded 3-year effort with 1 million dollars from the federal government and substantial in-kind support and efforts from Talison, the local and wider communities and Blackwood Basin Group in creating this conservation area, I expected to see on their plan much more considered care & moral obligations to protect it.</p> <p>There are many ways road pollution runoff can be intercepted and thereby minimising any environmental impacts of potential gross pollutants, sediment, nutrients, heavy metals and hydrocarbons entering the wetlands water-shed area.</p> <p>Suggestion:</p> <p>a) Compensating basins and swales with extensive reed plantings to help bio-filter the water at the very least.</p>	<p>The distance from the proposed road to Schwenkes Dam is approximately 400 metres in which vegetation, albeit degraded vegetation exists. This is seen as being a suitable separation distance without the need for compensating basins or swales. If the Shire was constructing a road in the same circumstances it is unlikely that compensating basins or swales would be included in the design.</p>
<p>The inclusion of a wildlife underpass on the plan is helpful. Adding some rope ladder crossings for possums, phascogales and other nocturnal tree climbing marsupials would enhance these efforts. A study on efforts near Busselton has shown remarkably quick habituation and high use of rope bridges.</p>	<p>Wildlife crossings would only be effective if both sides of the road were to be fenced so that wildlife would be limited to using the crossings only. Noting that no other roads in the vicinity, including South Western Highway are fenced, there doesn't seem a need to impose such a requirement.</p> <p>Whilst it isn't recommended this be made a condition of approval the installation of rope ladder crossings can be considered by the proponent as part of its environmental management of its mining area.</p>

On both issues Shire officers based their comments against the imposition of such conditions on the basis that the installation of rope crossings for arboreal creatures and the installation of swales and filtering reed beds wouldn't normally be considered in the road design if the Shire was proposing to construct the road. Although there are a few examples of rope crossings above roads in the south-west region the installation of these is still considered a rare occurrence. With respect to the need for swales and filtering reed beds between the proposed road and Schwenkes Dam, it is

believed that the separation distance between the two (being approximately 400 metres) negates the need for them.

In correspondence requesting reconsideration of the two conditions (refer Attachment 9) Talison Lithium Pty Ltd provides reasons in support of its request.

Representatives of Talison Lithium Pty Ltd may elect to attend the November Council meeting to present further information in support of its request for reconsideration. In the interests of fairness and balance the CEO will contact former Cr Mackman and author of the single public submission received that was presented to the Special Council meeting of 15 August 2019, and invite both to attend the Council meeting and present as “parties with an interest”.

Noting its request for reconsideration of the two conditions previously imposed, Talison Lithium is still intending to proceed with preparing detailed design plans and construction drawings for the road. These plans would be approved by the CEO and/or delegated officers as an operational task, similar to any other road construction drawing.

It is recommended that Council agree to the request and remove the two conditions from its approval of the mine access road. This will require revocation of Resolution SpC.01/0819a and endorsement of a replacement resolution as set out in the officer recommendation.

It is noted that the approval of other agencies will be required to excise the land from its current State Forest classification and to create and dedicate the road reserve as a local road. This process is likely to take some time to occur and the intention of Talison Lithium is to proceed with construction of the road as a mining proposal. This means that until creation of the road reserve occurs the road would have the status of a private road. Maintaining public road access to the Greenbushes Sportsground and Greenbushes Pool will be necessary during this period.

At this point in time the plan submitted by the proponent is conceptual (albeit detailed) in nature and if Council and relevant State Government agencies were to support the proposal construction drawings would be prepared. Construction drawings are an operational document and are approved at officer level. The CEO can keep Council informed of the status of the detailed design process via reports or briefings when necessary to Council’s monthly concept forum.

It isn’t common to revoke resolutions dealing with approvals granted. For example the Planning and Development Act has provisions that allow applicants to seek review of decisions, including the amendment of conditions imposed, without the need for the original resolution to be revoked. However in the case of the mine access road proposal it isn’t a proposal yet under any specific legislation and Council’s resolution to approve the detailed alignment plans is seen as a step in the process to create a new road reserve and construct the road. This is reflected in the wording of Resolution SpC.01/0819b which isn’t being put forward for revocation.

The request from the Proponent is for Council to reconsider the conditions it imposed on its approval of detailed alignment plans as set out in Resolution SpC.01/0819a. To do so will require Council to revoke this resolution however Council shouldn’t see this as an opportunity to now refuse the mine access road proposal as advice of the

approval has been conveyed to the Proponent. If Council isn't prepared to withdraw or amend the conditions it imposed in Resolution SpC.01/0819a it should simply reaffirm that decision as the Proponent isn't seeking a review of the decision to approve the proposal, just the conditions of approval.

Statutory Environment

Regulation 10 – Local Government (Administration) Regulations

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

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

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

Integrated Planning

➤ Strategic Community Plan

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

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

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

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

Objective 1.2 - A proactive approach to business development

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

Key Goal 2 - Our natural environment is valued, conserved and enjoyed
Objective 2.1 - Value, protect and enhance our natural environment
Strategy 2.1.1 - Support and promote sound environmental management practices

Key Goal 3 - Our built environment is maintained, protected and enhanced
Objective 3.3 - Maintain an appropriate standard of transport networks, roads and pathways
Strategy 3.3.3 - Provide and maintain a safe and efficient transport system

Key Goal 5 - Our leadership will be visionary, collaborative and accountable
Objective 5.1 - Our community actively participates in civic life
Strategy 5.1.1 - The community is involved in local decision making

➤ Corporate Business Plan - Nil

➤ Long Term Financial Plan

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

➤ Asset Management Plans

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

➤ Workforce Plan - Nil

➤ Other Integrated Planning - Nil

Policy

Policy M.21 - Community Engagement/Consultation:

The framework for conducting community consultation/engagement in 2018 on the mine access road proposal was developed in line with this policy.

Policy O.10 – Managing the Natural Environment:

The objectives of this policy include:

- Within planning decisions promote conservation of ecological systems and the biodiversity they support including ecosystems, habitats, species and genetic diversity;
- Within planning decisions assist in the conservation and management of natural resources, including air quality, energy, waterways and water quality, landscape, agriculture and minerals to support both environmental quality and sustainable development over the long term;
- Within planning decisions adopt a risk-management approach that aims to avoid or minimize environmental degradation and hazards;
- Prevent or minimise environmental problems that might arise as a result of siting incompatible land uses together;

Council will have to determine if removal of the two conditions meets the objectives of the policy. Talison has engaged consultants to undertake flora and fauna surveys of its proposed infrastructure corridors, including the route of the proposed mine access road. No significant environmental impacts have been identified.

Policy WS.2 – Provision of Subdivisional Roads and Associated Civil Works:

Although the current title of this policy suggests that it only applies where roads are constructed under a subdivision approval it also covers the construction of roads associated with development. Therefore the requirement for payment of engineering supervision fees and defects liability bonds will apply for the proposed mine access road. It is recommended that Council include reference to these requirements in any new resolution applying to the road.

Budget Implications

There are no budget implications associated with the current assessment of the proposal and the decision making process. Any income generated from engineering supervision fees would apply to future budgets and can't be determined until final road construction drawings have been prepared and contractors engaged.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity

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

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements

Absolute Majority decision required for revocation of previous Council resolution.
Simple Majority decision required for determination of other recommendations.

ITEM NO.	C.09/1119	FILE REF.	761/204
SUBJECT	Development Assessment Panels – Local Government Nominations		
PROPONENT	Development Assessment Panels		
OFFICER	Executive Assistant		
DATE OF REPORT	19 November 2019		

OFFICER RECOMMENDATION that Council nominate 2 Councillors as Members and 2 Councillors as Deputy Members of the Development Assessment Panel (DAP) representing the Shire of Bridgetown-Greenbushes.

Summary/Purpose

Correspondence has been received from the Director General, Development Assessment Panels requesting nominations of Councillors to become Development Assessment Panel (DAP) Members and Alternate (Deputy) Members.

Nominations were to be received by the Minister for Planning by 8 November 2019, however the Shire has been granted an extension to the end of November.

Background

On 1 July 2011, 15 new Development Assessment Panels came into operation in order to determine development applications that meet a certain threshold value. Each DAP comprises five members – three specialist members, one of which is the presiding member and two local government members.

Appointments of current local government DAP members expire on 26 January 2020 and members whose term will be expiring will be eligible for re-consideration at this time.

Shire of Bridgetown-Greenbushes current DAP members are:

- Local DAP Member 1 – Cr Tony Pratico
- Local DAP Member 2 – Vacant (previously ex Cr Hodson)

- Alternative Local DAP Member 1 – Vacant (previously ex Cr Mackman)
- Alternative Local DAP Member 2 – Cr Alan Wilson

Under Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the Shire of Bridgetown-Greenbushes is requested to nominate four elected members, comprising two ‘Local Members’ and two ‘Alternative Members’.

All nominees are required to provide their names, address, email, mobile and land line telephone numbers, date of birth, employer(s), position(s) and include a curriculum vitae.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for a two-year term, expiring on 26 January 2022. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It should be noted that training is a mandatory requirement before they can sit on a DAP and determine applications.

Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current Councillors, who are DAP members, are not re-elected. In this instance the local government will need to re-nominate for the Minister's consideration and appointment.

Statutory Environment

Section 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 states the following:

- (1) The Minister must cause to be established and maintained a register of local government members of DAPs.
- (2) Subject to subregulation (4), the register must include the names of 2 members of the council of each local government of a district for which a JDAP is established.
- (3) Whenever it is necessary to include a member of a council of a local government on a local government register under subregulation (2), the Minister must —
 - (a) in writing, request the local government to nominate a member of the council of the local government for inclusion on the register; and
 - (b) unless subregulation (4) applies, include on the register the name of the person nominated.
- (4) If, within 40 days after the date on which the Minister makes a request under subregulation (3) or such longer period as the Minister may allow, the local government fails to nominate a person for inclusion on the local government register in accordance with the request, the Minister may include on the register as a representative of the local government a person who —
 - (a) is an eligible voter of the district of the local government; and
 - (b) the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.
- (5) For the purposes of subregulation (4)(a) a person is an eligible voter of a district if that person is eligible under the *Local Government Act 1995* section 4.29 or 4.30 to be enrolled to vote at elections for the district.

Integrated Planning

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

Policy - Nil

Budget Implications

There are no budget implications for the Shire of Bridgetown-Greenbushes as DAP members are paid by the Development Assessment Panels for meeting attendance and training.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.10/1119	FILE REF.	261
SUBJECT	Vacancies – Local Government Representative - South West Development Commission Board		
PROPONENT	South West Development Commission		
OFFICER	Executive Assistant		
DATE OF REPORT	19 November 2019		

Attachment 12 SWDC Application Form

OFFICER RECOMMENDATION that Council considers any nominations received and recommends its preferred nominees to the Board of the South West Development Commission.

Summary/Purpose

The South West Development Commission is seeking nominations to fill a *Local Government* vacancy on the Board. Current local government representative is Lord Mayor of Bunbury, Cr Gary Brennan.

The successful applicant will serve a term of office of one, two or three years in duration, dependent on the Minister.

Background

The Commission's role is to coordinate and promote economic development in the South West Region. Its aims include maximising job creation, broadening local economies, identifying the need for infrastructure services, providing information and advice to business and ensuring access to government services.

The 6 member Board which meets every two months, sets policy, provides strategic guidance and makes decisions about a broad range of economic development projects and initiatives involving the Commission.

People nominated as prospective members should possess interest and knowledge relevant to regional communities. Relevant fields of involvement could include business and industry; employment, education and training; tourism and recreation.

Applicants will be assessed on their ability to make a significant contribution to a board of management, together with a demonstrated involvement in either the economic or social development of the region. It is important to note Board Members are required to represent the interests of the South West and not a particular locality.

Nominations for the vacancies close on Friday, 6 December 2019. All nominees will be required to complete an application form (refer Attachment 12) and provide a resume. As part of the application, candidates will need to be familiar with the South West Regional Blueprint, a copy of which can be found on the SWEC's website, www.sedc.wa.gov.au

Statutory Environment

The appointment to the South West Development Commission Board is a statutory appointment with the successful applicants being appointed by the Hon Alannah MacTiernan, MLC, Minister for Regional Development, in accordance with the *Regional Development Commissions Act 1993*.

Integrated Planning

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

Policy - Nil

Budget Implications

Nil (It should be noted that Board Members are paid a remuneration, consisting of sitting fees, travel and accommodation allowances)

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management – Not applicable

Continuous Improvement – Not applicable

Voting Requirements - Simple Majority

ITEM NO.	C.11/1119	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	21 November 2019		

Attachment 13 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.12/1119	FILE REF.	261
SUBJECT	LGIS 2019 Surplus Distribution		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	19 November 2019		

OFFICER RECOMMENDATION that Council directs the CEO to inform the Western Australian Local Government Association (WALGA) that the Shire's share of the Local Government Self Insurance Scheme (LGIS) surplus for 2019 be refunded to the Shire via electronic transfer.

Summary/Purpose

To consider the Shire's preferred application of the 2019 Local Government Self Insurance Scheme (LGIS) surplus.

Background

WALGA has established self-insurance schemes for local government including the LGIS Liability Scheme, LGIS WorkCare Scheme, LGIS Property Scheme and the LGIS Bushfire Volunteers Scheme. Jardine Lloyd Thompson Pty Ltd (JLT) has been appointed by WALGA as the scheme manager for the self-insurance schemes known collectively as LGISWA.

The Shire maintains a comprehensive insurance portfolio for the protection against loss of assets and liability claims with these insurance policies procured through LGISWA.

The WALGA LGIS service is governed on behalf of WALGA by a board that comprises independent directors; representatives of officers and Elected Members from metropolitan and rural Councils; and the WALGA President and CEO.

It was the decision of the LGIS board, endorsed by State Council that each Local Government should be given the opportunity to decide on how they wished to apply any surplus share by determination of an ordinary Council meeting so as to ensure that all Elected Members were involved in the process.

The LGIS 2018/19 results have been finalised and a surplus distribution is available to Member Local Governments. The Shire's share of the surplus funds is \$27,150.

WALGA has written to the Shire in accordance with the LGIS board decision seeking a formal resolution from Council on the preferred application of the LGIS surplus for 2019.

Officer Comment

This year's surplus was due to a lower than anticipated number of claims in Property and WorkCare; a better than expected performance in investments; and a reduced requirement of the capital needed to be carried by the Scheme.

The Shire's share of the 2018 LGIS surplus was \$19,536 and automatically allocated as an offset against the 2019/2020 insurance contributions. With the LGIS board's

decision Council has the following three options in relation to how it wishes to receive the 2019 surplus:

- Receive an immediate refund via electronic transfer;
- opt for LGIS to retain the funds to offset the Shire's 2020/21 insurance contributions; or
- for LGIS to hold the amounts in trust for risk mitigation activities.

It is recommended that Council opt to receive the 2019 surplus distribution as an immediate refund thus giving Council greater flexibility in deciding how these funds are best utilised with the funds being reallocated at the next budget review.

Statutory Environment

Section 5.49(2) of the Local Government Act 1995 requires WALGA to establish and manage, for the benefit of itself and any eligible body that chooses to participate, a group self-insurance arrangement against liability to pay compensation under the Workers' Compensation and Injury Management Act 1981.

Section 9.58(6)(b) of the Act also provides for WALGA, with the approval of the affected members, to arrange contracts of insurance on behalf of all or any of its members for any purpose.

Policy Implications – Nil

Integrated Planning

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

Budget Implications

Should Council resolve as per the officer's recommendation the surplus of \$27,150 will be received as a refund with the funds being reallocated at the next budget review.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

ITEM NO.	C.13/1119	FILE REF.	131
SUBJECT	October 2019 Financial Activity Statements and List of Accounts Paid in October 2019		
OFFICER	Senior Finance Officer		
DATE OF REPORT	15 November 2019		

Attachment 14 October 2019 Financial Activity Statements

Attachment 15 List of Accounts Paid in October 2019

OFFICER RECOMMENDATIONS

- 1. That Council receives the October 2019 Financial Activity Statements as presented in Attachment 14.*
- 2. That Council receives the List of Accounts Paid in October 2019 as presented in Attachment 15.*

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

- (c) such other supporting information as is considered relevant by the Local Government.

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

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

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

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

Statutory Environment

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

Integrated Planning

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

Policy

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

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

Budget Implications

Expenditure incurred in October 2019 and presented in the list of accounts paid, was allocated in the 2019/20 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

Development & Infrastructure

ITEM NO.	C.14/1119	FILE REF.	023
SUBJECT	Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update		
OFFICER	Manager Planning		
DATE OF REPORT	20 November 2019		

Attachment 16 Submissions
Attachment 17 Schedule of Submissions
Attachment 18 Final Place Records

OFFICER RECOMMENDATION: That Council:

- 1. Notes the submissions received, as per Attachment 16, and the staff responses in the Schedule of Submissions, as per Attachment 17.*
- 2. Adopts the place records for the 27 nominated places, as per Attachment 18, for inclusion into the Municipal Heritage Inventory, including revisions to the Bridgetown Drive-In Cinema, Hot Rod track and BMX Track and the Bridgetown Agricultural Showgrounds.*
- 3. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, the Heritage Act 2018 and Heritage Regulations 2019 supports formal renaming of the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory as the Shire of Bridgetown-Greenbushes Local Heritage Survey, and directs the Chief Executive Officer to make necessary changes to the document including allocation of sequential numbers for new place records.*
- 4. Adopts places in either Management Category A and B to form the Local Heritage List by reference under Town Planning Scheme No. 3 and Town Planning Scheme No. 4, and directs the Chief Executive Officer to present a scheme amendment to a future meeting of Council to make any necessary changes to Town Planning Scheme No. 3.*

Summary/Purpose

To note the public submissions received and adoption of 27 new place records for updating of the Shire's Municipal Heritage Inventory, to formally rename the

inventory as the Local Heritage Survey, and to include places in Management Category A or B to form the Local Heritage List by reference under relevant local planning schemes.

Background

As background, a comprehensive review of the current 99 places in the Shire's Municipal Heritage Inventory (MHI) was undertaken and following public consultation 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."

As reported to Council in July 2019, following adoption of the MHI Review, 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. Pursuant to the Shire's Assessment of Cultural

Heritage Significance Policy, with oversight from heritage consultant Greeweward Consulting, an assessment and draft place records were prepared for 28 new places, and presented to Council in July 2019 whereby Council resolved:

“C.08/0719 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.”

Public Consultation

Pursuant to the resolution of Council, the public advertising period commenced on 4 September 2019 with correspondence sent directly to landowners of all affected properties (excluding Shire owned nominated properties). Correspondence was also sent to the Greenbushes Golf Club and Bridgetown Historical Society (as tenants of Shire properties), plus the Department of Planning, Lands and Heritage (DPLH).

The advertised comment period ended on 3 October 2019 with a number of submissions received in that time. Notices were posted on the Shire noticeboards and website, at the Bridgetown Public Library and at the Greenbushes Community Resource Centre, with digital copies made available at those locations for inspection. An advertisement was also published in the Manjimup Bridgetown Times on 4 September 2019.

During the advertising period Council held a Special Meeting on 19 September 2019 and resolved *“SpC.01/0919 That Council cease consideration for nomination of the Greenbushes Mill for inclusion in the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update.”* No further action has therefore been taken regarding the Greenbushes Mill nomination.

Shire staff have been liaising with a number of stakeholders during and post the formal advertising period, with a supplementary submission received from the Bridgetown Agricultural Society and a late submission received from the Girl Guides Association of Western Australia. Other submissions have been received from stakeholders even prior to formal advertising regarding a small number of places already on the MHI, with further research still required.

Nine submissions were received in total (see Attachment 16) in relation to eight nominated places, including general comments from the Department of Planning, Lands and Heritage, with the staff responses included in the Schedule of Submissions (see Attachment 17).

In summary, the owners of the Bridgetown Medical Centre objected to the nomination; the Water Corporation preferred that Reserve 46684 only be referenced in the Site of Bridgetown Drive-In, Hot Rod Track and BMX Track place record; and the owner of 1 Ethel Street preferred a Management Category C be applied instead of Category B to the former Bridgetown Railway Station Master’s House. See further discussion below.

Support and/or comments were received in relation to the Bridgetown Agricultural Showgrounds, the former Western Australian Bank in Greenbushes, the former

Knapton's Guesthouse in Greenbushes and the Bridgetown Girl Guide Headquarters. Comments were also received in relation to the former Wesfarmers Building in Bridgetown and the Bridgetown Drive-In, Hot Rod and BMX track. Verbal feedback from the President of the Bridgetown Club indicated support for the proposed nomination.

No responses were received from the landowners/tenants of the following twenty places, five being Shire owned:

- The Western Australian Bank Fmr, Bridgetown – 124 Hampton Street, Bridgetown
- Wesfarmers Building Fmr – 17 Steere Street, Bridgetown
- Blechynden Butchers – 121 Hampton Street, Bridgetown
- Belvedere – 1 Smith Street, Bridgetown
- Apple Workers Quarters Fmr – 8 Steere Street, Bridgetown
- Bridgetown Infant Health Centre Fmr – 173 Hampton Street, Bridgetown
- Bridgetown CWA Hall – 171 Hampton Street, Bridgetown
- Bridgetown Club – 13 Pioneer Street, Bridgetown
- Doctor's Residence & Surgery Fmr– 64 Steere Street, Bridgetown
- Zinnecker's Garage Fmr – 154 Hampton Street, Bridgetown
- Bridgetown Fire Station – 175 Hampton Street, Bridgetown
- Bridgetown Ambulance Hall Fmr – 179 Hampton Street, Bridgetown
- Blackwood Maternity Hospital Fmr – 66 Steere Street, Bridgetown
- Bridgetown Cemetery – Lot 873 Eastcott Avenue, Bridgetown
- Bridgetown Golf Course and Clubhouse – RSN 39 Bill Baldock Drive, Hester Brook
- Bridgetown Repertory Theatre – 185 Hampton Street, Bridgetown
- Greenbushes Golf Course and Clubhouse – RSN 72 Greenbushes-Boyup Brook Road, North Greenbushes
- Woodlands - RSN 24122 South Western Highway, Bridgetown
- Yornup School Hall – 5 Civic Lane, Bridgetown
- Greenbushes Cemetery – RSN 18 Stinton Avenue, Greenbushes

Based on the information provided, improvements have been made to the Bridgetown Drive-In Cinema, Hot Road Track & BMX Track place record to show the alignment of the 1991 track, plus reference to the earlier track located on adjoining Lot 13003 to the north-east; and significant improvements to the Bridgetown Agricultural Showgrounds place record have been made in consultation with the Bridgetown Agricultural Society.

It is recommended that all 27 new nominations (excluding the Greenbushes Mill already removed from consideration) be adopted for inclusion in the MHI, with the CEO directed to list them sequentially in Table 6.1 Bridgetown, Table 6.2 Greenbushes and Table 6.3 Rural, and insert place records into the respective Section 7.1 Bridgetown, Section 7.2 Greenbushes and Section 7.3 Rural.

Bridgetown Medical Centre

In relation to the Bridgetown Medical Centre, the concerns raised by the landowners have been summarised and detailed staff responses included in the Schedule of Submissions. The place record for the Bridgetown Medical Centre clearly

demonstrates the aesthetic value of the building, and the historic and social importance to the Bridgetown community, with an assessed High Level of Significance.

The proposed nomination recognises the cultural heritage significance of a place. Development approval is exempt for internal modifications of external like-for-like maintenance based on local heritage significance. Likewise maintenance of historic buildings using like-of-like materials is exempt from development approval.

The submitter's statements that Council can dictate the standard or use of the place, that the building can not be used as the owners may require in the future, or that it can not be demolished or replaced, are not accurate. A medical centre is a commercial public building and the responsibility to maintain safety and accessibility is regulated by a range of Federal, State and local legislation. Town Planning Scheme No. 3 regulates the appropriate use of the place pursuant to the objectives and policies within the applicable Residential zone, with any recognised cultural heritage significance one of many factors for consideration. The submitters have provided no justification for their claim that inclusion in the MHI and in the Local Heritage List will somehow inhibit use or redevelopment of the site. Heritage regulations and policies provide flexibility to ultimately ensure the protection and active use of places with heritage significance, with discretion available to Council to even vary development standards such as car parking, setbacks, etc, for active use and/or redevelopment of heritage places.

The proposed nomination recognises the history of the site including the original and current uses, the scale and architectural importance of the building, plus the social significance to the community as a medical centre. Inclusion in the MHI makes no implication for required conversion back to a residence. Should the recommended Management Category B be supported by Council, redevelopment of the site must have regard to important extant fabric. Internal changes would be exempt from development approval pursuant to relevant legislation and a change of use to an office would be unlikely to require development approval.

Council could resolve not to adopt the proposed nomination reflecting the objection from the landowner, or perhaps adopt the nomination with a lower Medium Level of Significance and/or lower Management Category C. It is recommended however that Council adopt the nomination as advertised with a High Level of Significance (Management Category B) and to include the place on the Local Heritage List under Town Planning Scheme No. 3.

Site of Bridgetown Drive-In Cinema, Hot Rod Track and BMX Track

In relation to the Site of Bridgetown Drive-In Cinema, Hot Rod Track and BMX Track, the place record demonstrates the varied and significant recreational uses undertaken over time on both Reserves 25978 and 46684.

It is understood that the Water Corporation would prefer exclusion of Reserve 46684 from the place record to make disposal of the land more straightforward if and when the reserve was no longer needed. It is considered very unlikely that Reserve 46684 would be sold given the substantial water supply investment.

Council could resolve to adopt the proposed nomination and only reference the Water Corporation Reserve 46684, being the preference of the Water Corporation. Although there is little extant fabric on Reserve 46684 it is recommended the place record be adopted to include both Water Corporation Reserve 46684 and Shire Reserve 25978.

Bridgetown Station Master's House (Fmr)

In relation to the former Bridgetown Station Master's House at 1 Ethel Street, the landowner has not objected to inclusion of the former Bridgetown Station Master's House (fmr) in the MHI, the assessed High Level of Significance, or any of the information provided. Inclusion of the place in the MHI is therefore recommended.

The landowner would prefer Management Category C (instead of Category B) be applied, therefore excluding the place from the Local Heritage List. The purpose built former station master's house has some aesthetic value and important historic value as an associated part of the larger railway station complex.

Council could resolve to adopt the proposed nomination and retain the High Level of Significance (or lower Medium Level of Significance) with a Management Category C only, meaning the place would not be on the Local Heritage List. It is recommended however that Council adopt the nomination and retain the High Level of Significance and Management Category B.

Local Heritage Survey and Local Heritage Lists

As reported to Council in July 2019, and as confirmed in the submission from the Department of Planning, Lands and Heritage, it is recommended that the Municipal Heritage Inventory be formally renamed as the Shire's Local Heritage Survey to reflect requirements of the new Heritage Act 2018.

As discussed below in Statutory Implications, the Local Planning Scheme Regulations 2015 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). Places with an Exceptional level of significance (Management Category A) or High level of significance (Management Category B) are to form by reference the statutory local heritage lists under Town Planning Scheme No. 3 and Town Planning Scheme No. 4. A scheme amendment will be required for Town Planning Scheme No. 3 to delete Schedule 4, with a subsequent report to be presented to Council to a future meeting.

Ongoing Modifications

As reported to Council in July 2019 much of the initial preparation was based on information provided by landowners through site visits, plus online research of historic newspapers and local publications in relation to events in the Warren-Blackwood district. Where considered appropriate, new information can be used to correct, update and/or add to respective place records. Maintenance and renovation of buildings is always ongoing, and as such information will be updated periodically when verifiable information is received or discovered.

Council in March 2018 granted 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. Further research of information already presented on current places is to be undertaken in the coming months, with those changes likely to be made under the current delegated authority granted to the CEO.

A new Section 6.4 Schedule of Modifications is to be inserted into the document to track the changes approved by Council and the CEO. A small number of other places with potential cultural heritage significance have already been identified and will be assessed in time for presentation to future meetings of Council.

Conclusion

Noting the content of the nine submissions received, it is recommended that Council adopt the 27 place records for inclusion in the Municipal Heritage Inventory Update, with changes to the Bridgetown Drive-In Cinema, Hot Road track and BMX Track, and Bridgetown Agricultural Showgrounds records; that Council formally rename the document as the Shire of Bridgetown-Greenbushes Local Heritage Survey; and Council adopts places in either Management Category A and B to form the Local Heritage List by reference under Town Planning Scheme No. 3 and Town Planning Scheme No. 4, directing the Chief Executive Officer to present a scheme amendment to a future meeting of Council to make any necessary changes to Town Planning Scheme No. 3.

Statutory Environment

- Planning and Development (Local Planning Scheme) Regulations 2015

The Deemed Provisions under Schedule 2, Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, provide statutory power under local planning schemes to reference a Local Heritage List and to designate Heritage Areas (or precincts).

As discussed below, Town Planning Scheme No. 3 already includes a local heritage list being 'Schedule 4 – Places Of Natural Beauty, Historic Buildings And Objectives of Historic Or Scientific Interest'. TPS3 also recognises the 'Bridgetown Special Design Heritage Precinct' as a Heritage Area.

Council can now adopt places in Management Category A and Management Category B to form the Local Heritage List by reference under Town Planning Scheme No. 3 and No. 4, with Schedule 4 needing to be removed through a formal scheme amendment process.

- 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 and is adopted by Council directly as a statutory policy document, as required under the (former) Heritage Act of Western Australia 1990, now to be renamed as a Local Heritage Survey under the new Heritage Act 2018.

Part VII under Town Planning Scheme No. 3 (applicable to the Bridgetown townsite) already includes provisions for recognition and protection of places with cultural heritage significance, with 'Schedule 4 – Places Of Natural Beauty, Historic Buildings And Objectives of Historic Or Scientific Interest' forming the statutory Local Heritage List. Town Planning Scheme No. 3 also recognises the 'Bridgetown Special Design Heritage Precinct' as a Heritage Area.

Deemed Provisions from the Local Planning Scheme Regulations 2015 automatically apply to both Town Planning Scheme No. 3 (where any inconsistency applies) and to Town Planning Scheme No. 4 (applicable to the balance of the Shire district outside of the Bridgetown townsite).

As outlined in the MHI, places with a Management Category A or B are to form the Local Heritage List. Council can now adopt places in Management Category A and Management Category B to form the Local Heritage List by reference under Town Planning Scheme No. 3 and No. 4, with Schedule 4 needing to be removed through a formal scheme amendment process.

- 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.”*

Pursuant to the Heritage Act 2018 and Heritage Regulations 2019 the Shire is required to compile a Local Heritage Survey and then to review the survey every four years. The original Municipal Inventory was adopted by Council in 1995 then reviewed in 2001 with no changes. The comprehensive Municipal Heritage Inventory Review was most recently adopted in early 2018. As part of this update, 27 new places are recommended for inclusion, plus renaming as a Local Heritage Survey, undertaken in accordance with the Heritage Act.

Policy Implications

- Shire of Bridgetown-Greenbushes Municipal Heritage Inventory

This report relates to the update of the Shire’s Municipal Heritage Inventory, most recently reviewed in 2018. It is recommended that Council adopt the MHI Update and include the 27 new places, including changes discussed in the report and Schedule of Submissions, and to be renamed as the Shire of Bridgetown-Greenbushes Local Heritage Survey.

- 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

- Strategic Community Plan

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

Objective 3.1 Maintained townsite heritage and character

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

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

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.

- Long Term Financial Plan - Nil

- Asset Management Plans – Nil

- Workforce Plan - Nil

- Other Integrated Planning - Nil

Budget Implications

If Council decides to adopt the MHI Update costs of approximately \$400 will be incurred for advertising, with funds currently available. Significant officer time will also be required to finalise the new document and to update the Department of Planning, Lands and Heritage online ‘inHerit’ database.

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity

Adoption of the nominated places for inclusion in the Municipal Heritage Inventory will improve identification of the cultural heritage significance of each place, and the

ongoing conservation of extant fabric worthy of protection and/or identification of places.

Risk Management

Places with an Exceptional Level of Significance (Management Category A) or with a High Level of Significance (Management Category B), and included by reference in the Local Heritage List under the relevant Town Planning Scheme, will have statutory protection. Council has power to consider redevelopment or even demolition of such a place through the development application process, even if initially deemed contrary to relevant scheme or policy requirements.

Should Council resolve to allocate a Medium Level of Significance (Management Category C) or a Low Level of Significance (Management Category D), or to not even include a nominated place, there will be no statutory protection for conservation of important fabric or formal recognition of the place.

Continuous Improvement

The content of submissions received plus liaison with some stakeholders has assisted consideration of relevant issues.

Delegated Authority

Nil. Council consideration of the submissions received, proposed updating and renaming of the MHI document, and adoption of places to form the local heritage list is required.

Voting Requirements – Simple Majority

Community Services - Nil

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)

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended Items C.13/1212 and C.14/1212 be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- The personal affairs of any person.

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

ITEM NO.	C.15/1119	FILE REF.	244
SUBJECT	Citizen of the Year Awards		
PROPONENT	Council		
OFFICER	Executive Assistant		
DATE OF REPORT	8 November 2019		

Attachment 19 Confidential Information on Nominees for the ‘Citizen of the Year Awards’

*OFFICER RECOMMENDATION that Council goes behind closed doors to consider Item C.15/1119 at ****pm.*

OFFICER RECOMMENDATION that Council considers all nominations and selects a successful candidate for Award categories where nominations were received.


Closure

The Presiding Member to close the Meeting

List of Attachments

Attachment	Item No.	Details
1	C.04/1119	Draft Mandatory Code of Conduct for Council Members, Committee Members and Candidates
2	C.04/1119	Draft Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination
3	C.04/1119	Draft WALGA Submission - Code of Conduct Guidelines
4	C.04/1119	Draft WALGA Submission - CEO Standards and Guidelines
5	C.04/1119	LG Professionals Submission - Code of Conduct Guidelines and CEO Standards and Guidelines
6	C.05/1119	Delegation Register – Council to CEO
7	C.06/1119	Annual Review of Policies
8	C.07/1119	Copy of Submissions

9	C.08/1119	Correspondence from Talison Lithium Pty Ltd
10	C.08/1119	Detailed Alignment Plan for Mine Access Road
11	C.08/1119	Extract from Council Minutes 15.8.19
12	C.10/1119	SWDC Application Form
13	C.11/1119	Rolling Action Sheet
14	C.13/1119	October 2019 Financial Activity Statements
15	C.13/1119	List of Accounts Paid in October 2019
16	C.14/1119	Submissions
17	C.14/1119	Schedule of Submissions
18	C.14/1119	Final Place Records
19	C.15/1119	Confidential Information on Nominees for the 'Citizen of the Year Awards'

Agenda Papers checked and authorised by T Clynch, CEO		21.11.19
--	---	----------