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MINUTES

For an Ordinary Meeting of Council to be held in Council Chambers on 14 December 2023, commencing at 5.30pm.

Opening of Meeting

Meeting to be opened by the Presiding Member.

Acknowledgment of Country

We acknowledge the cultural custodians of the land on which we gather. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Attendance, Apologies and Leave of Absence

President - Cr J Mountford

Councillors - S Mahoney (Deputy)
- J Boyle
- M Christensen
- M Fletcher
- T Lansdell
- L Pearce
- A Pratico

Officers - N Gibbs, Chief Executive Officer
- M Larkworthy, Director Corporate Services
- P St John, Director Development, Community, and Infrastructure
- N Thompson, Infrastructure Services Administration Officer
- M Gillham – Principal Project Manager
- P Quinlivan – Projects Officer
- S Alexander, Manager Infrastructure & Works

Apologies - Cr R Redman
- M Richards, Manager Community Services

Attendance of Gallery

D Hocking, B Bebbington

Responses to Previous Questions Taken on Notice

B Longbottom

Question

Where is the evidence of reversing onto Stanifer Road dangerous?

Response - The evidence is contained in the October 2023 agenda item which referenced all the relevant Australian standards.

Question

Is that a decision that's been passed by the Council? What procedure do we have to go through to get this decision reversed?

Response - In order to do that, there are specific requirements set out in the local Government Administration Regulations 1996 that deal with the revocation, the revocation or change of a previous decision of the Council. Notice must be given of a motion to revoke or change a decision, and this must be signed by at least a third of the number by members of the Council inclusive of the Mover.

Question

What has happened with the speed limit on the road that was supposed to be brought down by main roads? It got changed in Bridgetown quickly why doesn't it get done in Greenbushes? This is in relation to the speed limit on Stanifer Street?

Response - We are still awaiting a formal response from Main Roads. Unfortunately, the Main Roads process is not expedient because they have many of these requests and there is a back log. If the response is negative, we will approach the Minister for Transport and ask for intervention.

Question

What about a school crossing? Has some consideration been given to that on Stanifer Street?

Response - The school is responsible for applying to the Education Department for a school crossing. The Shire is not permitted to do this. The school has submitted an application for a crossing and the Shire has now signed the school's application, confirming that we have no objection to the installation of the school crossing.

M Flemming

Question

The road behind the IGA and the creek is very badly broken at the edges and very dangerous. Is there any chance of that being done soon?

Response - Most of the land is private property. It's not a Shire-managed road.

Question

Does that mean that nobody is going to fix it because it's private property?

Response - We have sought professional advice on the power, if any, that local government has, over private car park and road space. We are still awaiting a response. In the new financial year, a thorough review of all the Bridgetown Greenbushes roads and car parks will be enforced.

P Crossan

Question

We've been told previously that they can't do anything about the pressure in the town water system. This is in Greenbushes. We brought up there is a 550-thousand-litre water tank there that could be flow fed from the fire hydrant line and have a standalone pump inside the station. So they pump from tank into truck.

Response - Water Corporation has advised that there is very little they can do with regards to the town pressure. At the completion of the new Greenbushes fire station, the old station will remain as a Shire asset with DFES utilising this station for State-managed response capabilities such as high season fires. This has operational benefit to the Shire and greater community, including neighbouring Shires. As for the tank, this will remain in situ and be plumbed to both stations to assist in filling fire units, with anticipation to have partial completion in the coming months and connected to town water to top up during the hot months.

Public Question Time

B Bebbington

Question

In relation to Town Planning Scheme Amendment 73, re advertising item. It has been confirmed this afternoon that it will be appearing, if it's approved, will be appearing on public notices and community consultation for the 42-day period. Will there be any changes to the document that was distributed to people previously or to that which appears on the website other than the amendment to the map?

Director Development, Community, and Infrastructure - I'm not anticipating any changes other than the changes to the map Councillors, but if there's another change that community members consider necessary, I'm happy to look at that, but at the moment we just anticipate changing the map.

Question

In relation to that, the main issue that I have is in relation to the statement that it only applies to the fringes of the central business district or the fringes of the Bridgetown town, when clearly commercial area impacted is the entire commercial sector of the town. I would like that to be amended in any future documentation to ensure that there can be no misconstruing by anyone.

Director Development, Community, and Infrastructure - The Shire will review the wording of the documentation when the amendment is further advertised to make it clear that it applies to the whole of the Commercial zone under Town Planning Scheme No 3.

Question

Could we also change reference to Hampton Road to Hampton Street? Could we, if there are changes being done, include a better description of the area that the other streets, because the commercial area does go right past Miter Ten. There are some

streets in Roe Street which possibly, again, nobody can say what people think when they see a document. But I would like to make sure that the Shire gives every possible opportunity for everyone to be fully informed. Would that be okay?

Director Development, Community, and Infrastructure - The Shire will review the description of the roads when the amendment is further advertised.

Petitions/Deputations/Presentations

Pat Quinlivan, Project Management Officer, provided a PowerPoint presentation on the concept plans for the new depot. The key points/slides included:

- Acknowledgement of Steele Alexander (Manager, Infrastructure) and his outside crew who provided a lot of input and contribution to the development of the concept plans.
- The first plan is the contour map, which is important for any building. The red area shows the fire zone, the highest risk area.
- The pink outline to the left is the old depot site.
- The proposed site plan shows the location of a new office building at the main entrance. Previously, the office was right down the back end of the site. When the fire came through and destroyed those buildings, it provided the opportunity to look at a more suitable site for the office building and the obvious location was somewhere close to the main entrance so that there could be visual surveillance of any vehicles entering and exiting the site.
- One of the issues with the current location of the main gate was that there were not clear sight lines to the left of vehicles sort of coming down this way. So, the concept plan proposes that we relocate the main gate from around about here, approximately 30 to 40 odd meters further up, where there are clear sight lines and a safer entry and exit to the site.
- We have a 20-bay staff car park adjacent to the proposed office building. That would provide a safe and secure parking arrangement for outside staff who will come to the depot in the morning and park their cars and then head off for their duties.
- There is an access roadway between the office and the replacement workshop building.
- The workshop building is designed to be a one-way sort of traffic flow. When there's servicing of vehicles, they will come in the front door and be able to drive out onto the ring access road. That is one of the features of the plan for improved safety, that it will be a one-way traffic flow around that central area.
- We have proposed a new water storage tank which would capture the water from the roofs of the new office building and the workshop and be available in the event of another fire, to access that water.
- There is a proposed realignment of the perimeter fencing along.

- At some point in the future there may be a need for additional storage/sheds.
- There are two sheds that are proposed on the western boundary for storage of heavy light vehicles (future development).
- A proposed new arrangement for the bulk materials (gravel and blue metal).
- The proposed floor plan for the office building is probably the highest priority of any of the works. The current situation where the outside workforce staff are operating from residential housing is inappropriate.
- A modest but functional office facility is proposed.
- A plan showing the footprint of the workshop building is provided.
- There will be a hoist located in the light vehicle area for servicing.
- The elevations show what the buildings will look like from the south, west and north elevations.

Questions

Shire President – I am assuming that this is going to be sufficient capacity for foreseeable future and is there capacity for further extensions if need to be, well into the future?

Response - In terms of the office space area, it has been designed to accommodate future growth. We think what is ahead now will probably last the Shire a very long time in terms of its design and capacity, but there is certainly the opportunity to look at expansion in the future if that was required. My thought is that it is probably a long way down the track before that would be required and this is a long-term investment for Council to get some fit for purpose facilities for the outside staff. It is a very important project for the Shire of Bridgetown - Greenbushes.

Cr Pratico - You mentioned the workshop, will that be high enough for them to have an eight-wheeler truck with the hoist up?

Response - The intention is to allow enough height that if we needed to get a heavy vehicle hoist, we could do that. Although in the short term we are not planning on doing that, we will have the capacity.

Cr Fletcher - I noticed on the plan public access will take them outside the fencing, is that right?

Response - Correct.

Cr Fletcher - You mentioned only one way, but I noticed the car park, once the people in the office come out of the car park, they can turn right. They don't have to go right around the facility.

Response - Formalising that traffic flow probably did happen as part of the detailed design. But the access there is really just for the outside staff to come in the morning, park and leave in the afternoon. There shouldn't be any real

conflict because of the almost non-existent traffic movement from behind there. There probably does need to be some consideration on how to manage that properly, however there is plenty of space there to handle that.

Cr Fletcher - Has it been designed so PV panels can be added at some point?

Response - The cost estimate will include provision for the PV panels and capacity for battery storage. We would like to think this building could run almost off-grid. Plus, there is plenty of roof space on top of the workshop building as well, to put additional panels if that should be required. We are certainly very keen to get the panels these days, they are quite reasonably priced in terms of the overall scheme of things, for example, \$20,000 would get you a ten-kilowatt system, which would be more than enough to run that office building. Very keen to include that as part of the design and I think it would be great if our depot was the first one in W.A that was off the grid.

Cr Mahoney - At what stage will there be consideration as to what materials are used so that the maintenance costs of the buildings are low long-term?

Response – We are looking at a steel or timber frame and; is it fibre cement panels on the external area?

Response – It will be corrugated tin on the outside of the office building.

Cr Mahoney – An orange office building?

Response – It will be Colourbond in some format or another.

Cr Mahoney - If it is under consideration, at some point, that doesn't look like that looks like large maintenance, ongoing maintenance of that building, but if it's going to be corrugated tin?

Response - Thank you for the question and we will check that out and provide all Councillors with a response to that.

Cr Pearce - We are always looking for a bit of space when we are having the ISG meetings. There is no space in the ICC to either push out to a level three ICC or to hold ISG's, which we need to when we get level two, level three fires.

Could consideration be given to things like cabling, generator back on etc.?

I don't want to steal the depot space, but just when we have the fires, we quite often need a facility. Last time we came down to the SES building, that was not appropriate at all. Having a facility like that would be quite handy, being so close as well.

Response – We can consider this.

There is a lot of similarities between the ICC building layout and the layout of the proposed depot, with the centralised open plan area, that's got the surrounding offices as well as that lunchroom area as well. Both of those

spaces can certainly function as one in the open area, with a very similar layout.

Cr Christensen - I just wanted to make a quick comment to mention when you were thinking of putting on batteries and solar panels. The roof as it stands, is actually tipped to the south, which is not going to be very useful for solar panels.

You'd have to rethink that if you want to do that. I know it's tipped up, so you get sunlight in, in winter, so not very compatible.

Response – To use the roof alignment for solar gain in the winter, pv panels can be uplifted and repositioned with support structures.

Response - We'll certainly have some discussion with the architect because it's a good point.

Cr Boyle - You said there were going to be water tanks and are they just to bring up mains water or are we also going to collect the roof? We don't see pipes to collect water.

Response - The idea was we will create quite a bit of additional roof space to collect water and if we can put that water into a storage tank, it could be used for different things, even if it's just only used to water the shrubs and things sort of around the building or whatever, but it certainly would be handy to have a full tank there if it was needed during fire season.

How that all might work is still to be worked through at the detailed design phase.

CEO Response - They are very much concept drawings. If you do think of anything else along those lines, feel free to email me for further exploration, but that's the technical detail that we would move into.

Cr Lansdell - But I think overall water efficiency, energy efficiency, load maintenance are the priorities.

Comments on Agenda Items by Parties with an Interest

B Bebbington - C.17/1223 - Amendment 73 to Local Planning Scheme No 3

B Bebbington claims:

- The process used for the Town Plan Scheme amendment.
- There are specific provisions in the Act that dictate process.
- The Minister may seek orders from the Council if they have not complied with the Act. Mr Bebbington has gone to the Minister with this issue.
- Council wasn't given the correct map. The map presented said the impact was restricted to the fringes of Bridgetown. That is not correct.
- The EPA was not provided with the correct map. This needs to happen before you can go to advertising.

- The advertising must be done for 42 days, and the documents must be available for the entire period.
- The current intention that the updated information is only going to be sent to the two landholders and not other affected landowners.
- Mr Bebbington's full submission was not included in the agenda.
- Mr Bebbington has repeatedly raised these issues but the organisation has not reacted to his advice.

Applications for Leave of Absence

Confirmation of Minutes

C.01/1223 Ordinary Council Meeting held 2 November 2023

That the Minutes of the Ordinary Meeting of Council held 2 November 2023 be confirmed as a true and correct record.

**Council Decision Moved Cr Lansdell, Seconded Cr Christensen
C.01/1223 That the Minutes of the Ordinary Meeting of Council held 2 November 2023 be confirmed as a true and correct record.**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

C.02/1223 Ordinary Council Meeting held 30 November 2023

That the Minutes of the Ordinary Meeting of Council held 30 November 2023 be confirmed as a true and correct record.

**Council Decision Moved Cr Pratico, Seconded Cr Boyle
C.02/1223 That the Minutes of the Ordinary Meeting of Council held 30 November 2023 be confirmed as a true and correct record.**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Announcements by the Presiding Member Without Discussion

As we commence our final Council meeting for the year tonight, I'm reflecting on the last twelve months with mixed feelings.

For many in our community there have been real challenges this year. Loss of loved ones, illness, home insecurity and financial pressures.

Global conflict concerns all of us. It's been a volatile year for the Shire and Council, with many difficult decisions to be made in the last twelve months.

A changing world brings such things and managing that change forms a large part of what we do as Council. The farewelling of a longstanding CEO and the recruiting of

a new one naturally has created upheaval and some uncertainty. A new regime brings a new approach and that needs to be navigated and given time to prove itself.

Council understands that change is difficult, but also that it's necessary. The organisation is being encouraged to evolve, become more contemporary, and provide increased levels of service to the community.

It cannot be instant, but I'm confident over the coming twelve months, you'll see more and more positive outcomes. We understand the community concerns around the encroachment of mining in our region, worries about the environment, fear of losing what is precious to us.

We know there are traffic and parking issues, road maintenance and footpath problems. We listen and understand and have been working towards solutions to many of these over the past year and beyond behind the scenes.

I look forward to being able to announce real initiatives to deal with these over the coming months - action because of informed planning. We'll also be seeking more clarity around the broad mining environment in the whole region so we can determine how to advocate for our unique needs and desires in our own Shire.

It can be hard to rise above the challenges of difficult times, but it's also an opportunity to clarify what we want and how we can create it. There'll be some great opportunities for consultation with the community around our future planning next year, and I hope you'll all embrace that chance to submit your views.

I've enjoyed all my chats on the bench with so many of you. The meetings, phone calls and emails, all coming from a place of caring about where we live. Thanks to my fellow Councillors for your support and for the professionalism you've brought to the task.

Thank you to the Shire staff who ably support us, and to our CEO, past and present.

I wish everyone a joyful Christmas season and an expansive and enriching 2024.

Notification of Disclosure of Interest

Part 5, Division 6 of the *Local Government Act 1995* requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

Questions on Agenda Items by Elected Members

Cr Mahoney

Question

In relation to C.13/1223 Standardised Acknowledgement of Country the agenda states the proponent, is the Cultural Awareness Advisory Committee. I can't find in the report any mention that any of those people had any contact with that

Committee. Can I ask whether that Committee is the proponent and is recommending it?

CEO Response - Unfortunately, Megan Richards is not with us today. However, my understanding is that because the advisory group did not meet over that period, she spoke individually to Aboriginal members of that group.

I think you're correct, Cr Mahoney. I don't think the proponent should be the Advisory Council, it should perhaps be Megan Regards.

Question

Is there any record of those meetings between Megan Richards and the Aboriginal members of the Committee? And secondly, did Megan Richards contact any other member from that Committee?

CEO Response - I would assume so given they were important meetings. But given I haven't seen that documentation myself, I'm hesitant to confirm without conferring with Megan.

Cr Lansdell

Question

Mr Bebbington sent an email out saying that his submission had been summarized or it wasn't completely full. I would like to know if that was the intention, why it was actually not the full submission in the agenda. Is that normal practice? And why?

Director Development, Community, and Infrastructure - What we did is because we were recommending a further advertising period, my judgment was, which is explained in the report, is that we would deal with procedural matters raised in the submissions and then the planning matters in the other.

There were several planning matters raised in Mr Bebbington's submission that we will report on when this comes back to Council to consider any other submissions received and any others which also raised planning considerations.

I thought considering the planning considerations in two chunks would have been helpful – it can be a bit confusing, so we dealt with procedural matters first.

Consideration of Motions of which Previous Notice has been Given

ITEM NO.	C.03/1223	FILE REF.	
SUBJECT	Appointment of Fire Control Officer		
ELECTED MEMBER	Cr Mike Fletcher		
DATE OF REPORT	1 December 2023		

ELECTED MEMBER RECOMMENDATION

Council approves the appointment of Kevin Wrightson to the position of Fire Control Officer for the Bridgetown Fire Brigade as approved by the BFAC on 15th November 2023.

Voting Requirements – Simple majority

Moved Cr Mountford, Seconded Cr Pratico
C.03/1223 Appointment of Fire Control Officer.
That Council approve the appointment of Kevin Wrightson to the position of Fire Control Officer for the Bridgetown Fire Brigade, as approved by the BFAC on 15th November 2023.

Amendment Moved Cr Pearce, Seconded Cr Fletcher
C.03/1223 That the words ‘approved by the BFAC’ be deleted and be replaced by ‘recommended by the BFAC.’

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

The amendment was incorporated into the substantive motion and was put.

**Council Decision Moved Cr Mountford, Seconded Cr Pratico
C.03/1223a Appointment of Fire Control Officer.**

That Council approves the appointment of Kevin Wrightson to the position of Fire Control Officer for the Bridgetown Fire Brigade as recommended by the BFAC on 15th November 2023.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil.

ITEM NO.	C.04/1223	FILE REF.	
SUBJECT	Greenbushes Laneway Naming Project		
ELECTED MEMBER	Jenny Mountford		
DATE OF REPORT	23/11/23		

ELECTED MEMBER RECOMMENDATION

That Council:

- 1. Approve the new naming of laneways in Greenbushes honouring previous residents of the town.*
- 2. That local residents be given the opportunity to nominate names.*

3. *That volunteers of the Greenbushes Discovery Centre be delegated the task of gathering the nominations and completing the relevant research on names submitted.*
4. *That the Greenbushes Discovery Centre then provide Council with a laneway map showing the selected names for approval.*
5. *That Council budget for the laneway network to be rehabilitated as part of the project in the 2023/24 budget.*

Summary/Purpose

In our region, neighbouring Shires have implemented policies that involve naming laneways to pay tribute to past residents, with the public actively participating by providing nominations and suggestions. A volunteer from the Greenbushes Discovery Centre has identified an opportunity for this to be an affordable yet significant project for Greenbushes. This would add to the re-telling of the town's history whilst also creating another interesting walk trail as a tourist attraction.

Background

In the town of Greenbushes, the streets predominantly bear names associated with minerals such as Tourmaline, Telluride, and Galena, or are place-oriented like Spring Gully and Blackwood. Some streets do pay homage to early settlers and royalty, exemplified by names like Jephson and George.

It is important to recognize that Greenbushes, encompassing both the townsite and North and South Greenbushes, has been home to numerous significant families whose profound contributions have shaped the fabric of the town.

There is an existing laneway network of some 15 lanes in the town centre. One of the volunteers at the Greenbushes Discovery Centre - who has a keen interest in the town's history – has very kindly volunteered to manage the project of naming these laneways.

Once complete, the new walking "trail" could be promoted through the Greenbushes Discovery Centre and provide another activity for tourists to enjoy while they are visiting.

In recent years the laneway network in Greenbushes has become considerably overgrown and unkempt. As part of the project, these laneways could be rehabilitated and made clear for easy access providing benefit to locals as well as visitors.

Subject to an assessment of the work required to restore the laneways to good condition, the project could be completed in stages if necessary.

Officer Comment

Statutory Environment

Integrated Planning

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

Policy/Strategic Implications

Budget Implications

Whole of Life Accounting

Risk Management

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Mountford, Seconded Cr Lansdell
C.04/1223 Greenbushes Laneway Naming Project.**

That Council:

1. **Approve the new naming of laneways in Greenbushes honouring previous residents of the town.**

2. *That local residents be given the opportunity to nominate names.*
3. *That volunteers of the Greenbushes Discovery Centre be delegated the task of gathering the nominations and completing the relevant research on names submitted.*
4. *That the Greenbushes Discovery Centre then provide Council with a laneway map showing the selected names for approval.*
5. *That Council budget for the laneway network to be rehabilitated as part of the project in the 2023/24 budget.*

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Lansdell

Question

Just to clarify the wording of rehabilitated for the laneway network, can you clarify what rehabilitated would be?

Shire President - At the moment the laneways are fairly overgrown so I'm not suggesting that we seal them or anything like that. I think it's just a matter of being walkable, it's more of a maintenance issue.

ITEM NO.	C.05/1223	FILE REF.	
SUBJECT	Renewing of Greenbushes Cemetery Markers		
ELECTED MEMBER	Cr Jenny Mountford		
DATE OF REPORT	27/11/23		

ELECTED MEMBER RECOMMENDATION

That Council:

1. *That new metal grave markers for the Greenbushes Cemetery be designed and manufactured incorporating numbers which will be durable and unfading over a long period of time.*
2. *That once costing has been completed, the project be incorporated into the 2023/24 budget.*
3. *That all existing grave markers be removed, and the new markers be installed in accordance with the map located on the boards at the Cemetery entrance.*

Summary/Purpose

With current grave markers being in a very poor or in some cases illegible condition, new more durable markers be produced and installed in their place.

Background

In relatively recent years, new signs were installed at the entrance to the Greenbushes Cemetery, These attractive signs clearly map out all the numbers of the graves by section.

Unfortunately, the old wooden grave markers have not been renewed for a very long time. These markers are wooden stakes painted white and the numbers then hand-painted in black. A great number of these markers have faded very badly to the point where the numbers are barely visible, others have no paint left on them at all making the number of the plot unknown.

In order to make the markers durable and suitable for the long term it would be sensible to have new ones made of a non-corrosive metal and marked with non-fading numbers. Once completed, these markers would be low to no maintenance and renewal would not need to be re-visited for many decades.

The Bridgetown Cemetery is maintained in generally good order and resources are obviously put to it in the annual maintenance schedule. Whilst the character of the Greenbushes Cemetery is different, being more of a bush cemetery with it's own rustic charm, it is still important for the facility to be maintained with it's important infrastructure kept in good order.

Officer Comment

Statutory Environment

Integrated Planning

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

Policy/Strategic Implications

Budget Implications

Whole of Life Accounting

Risk Management

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Mountford, Seconded Cr Boyle
C.05/1223 Renewing of Greenbushes Cemetery Markers.**

That Council:

- 1. That new metal grave markers for the Greenbushes Cemetery be designed and manufactured incorporating numbers which will be durable and unfading over a long period of time.***
- 2. That once costing has been completed, the project be incorporated into the 2023/24 budget.***
- 3. That all existing grave markers be removed and the new markers be installed in accordance with the map located on the boards at the Cemetery entrance.***

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Reports of Officers

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Corporate Services
- Development, Community and Infrastructure

CEO's Office

ITEM NO.	C.06/1223	FILE REF.	LOCAL LAW 11
SUBJECT	Proposed New Local Law Relating to Fencing		
OFFICER	Manager Governance & Risk		
DATE OF REPORT	3 November 2023		

Attachment 3 Draft Fencing Local Law 2023

Attachment 4 Current Shire of Bridgetown-Greenbushes Local Laws Relating to Fencing

OFFICER RECOMMENDATION

That Council:

- 1. Pursuant to Section 3.12(3)(a) of the Local Government Act 1995, give local public notice of its intent to:
 - (a) repeal the existing Shire of Bridgetown-Greenbushes Fencing Local Laws Relating to Fencing; and*
 - (b) adopt the Shire of Bridgetown-Greenbushes Fencing Local Law 2023 as presented in Attachment 3.**
- 2. The purpose of the Shire of Bridgetown-Greenbushes Fencing Local Law 2023 is to prescribe a sufficient fence and the standard for the construction of fences throughout the district and the effect is to establish the minimum requirements for fencing within the district.*
- 3. Pursuant to Section 3.12(3)(b) of the Local Government Act 1995, give a copy of the proposed new local law and a copy of the notice to the Minister.*

Late Officer Recommendation: That Council defer the motion, subject to internal investigation into technical aspects of the report. The Item is so deferred.

Summary/Purpose

At its meeting on 29 June 2023 Council supported in principle the repeal of the existing Shire of Bridgetown-Greenbushes Local Law Relating to Fencing and the introduction of a new Fencing Local Law based on WALGA's model.

This report presents a draft Fencing Local Law for Council's consideration.

Background

Council, at its meeting on 29 July 2021 meeting resolved in part (C.02/0721):

“That in accordance with section 3.16(4) of the Local Government Act 1995 Council resolves to amend the following Local Laws with reports to be presented to future Council meetings presenting details of the proposed amendments for consideration:

- (i) Activities on Thoroughfares and Trading in Thoroughfares & Public Places Local Law*
- (ii) Cats Local Law*
- (iii) Fencing Local Law*
- (iv) Health Local Law*
- (iv) Standing Orders Local Law”*

Council, at its meeting on 31 March 2022 meeting resolved (C.10/0322a):

“That Council amends its Fencing Local Law to introduce a requirement for electrification of fencing along road reserves being inside of the fence line.”

Council, at its meeting on 27 October 2022 meeting resolved (C.02/1022):

“That Council give local public notice of its intention to make a Shire of Bridgetown-Greenbushes Amendment Local Law Relating to Fencing 2022 as contained in Attachment 1 and give notice of this intention to the Minister responsible for Local Government. The purpose of the Shire of Bridgetown-Greenbushes Amendment Local Law Relating to Fencing 2022 is to introduce new requirements for licensing of an electrified fence on a commercial or industrial lot and the effect is that any electrified fence on a commercial or industrial lot is to be located on the property side of the fence, and behind a sufficient fence.”

Council, at its meeting on 25 January 2023 resolved (C.06/0123):

“That Council approve the replacement of the previously endorsed Draft Amendment Local Law Relating to Fencing with the new Draft Amendment Local Law Relating to Fencing as per Attachment 4.”

Council, at its meeting on 25 May 2023 resolved (C.07/0523a):

“A report be presented to the June ordinary meeting proposing the repeal of the existing Shire of Bridgetown-Greenbushes Local Law Relating to Fencing and consideration of a new local law relating to fencing based on the current WALGA model.”

Council, at its meeting on 29 June 2023 resolved (C.11/0623):

“That Council:

- 1. Support in principle the repeal of the existing Shire of Bridgetown-Greenbushes Local Law Relating to Fencing and the introduction of a new Fencing local Law based on the WALGA model.*
- 2. Note a further report be presented to Council providing a new draft Fencing Local Law for consideration.”*

Officer Comment

Resulting from Council's previous resolution to provide a new draft Fencing Local Law for consideration, a draft has been developed and is attached to this report.

The proposed new local law is considerably different to the existing local law due to its contemporary nature and as such a tracked changed version has not been prepared. However, both versions have been provided for comparative purposes.

The major differences between the existing and the proposed local law (not including terminology and grammar) are detailed as follows with the clause references referring to the proposed local law:

Clause 1.2 - Commencement

Existing - No such provisions exist.

Proposed - The local law stipulates that it comes into operation 14 days after the date of its publication in the Government Gazette.

Clause 1.3 – Purpose and Effect

Existing - No such provisions exist.

Proposed – The purpose and effect are required to be included in the minutes of the meeting at which the local law is proposed. Contemporary practice now includes this in the local law itself as well as in the minutes of the meeting at which it is proposed.

Clause 1.6 - Definitions

This has been revised to reflect new terminology and requirements.

Clause 2.1(1) – Sufficient fences

Existing – The clause states - “A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence unless all owners of land which adjoins the relevant boundary agree to erect a fence which though different does not fail to comply with the requirements of a sufficient fence.”

Proposed – The clause states – “A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.”

Clauses 2.3 – Gates in fences, 2.4 – Depositing fencing material on public place, 2.5 – Fences on a rural lot, 2.7 – Fences across rights-of-way, public access ways or thoroughfares and 2.8 – General discretion of the local government

Existing – No such provisions exist.

Proposed – These clauses impose greater controls and enforcement provisions for the erection and maintenance of gates and fences.

Clause 2.11 – Electrified and razor wire fences

Proposed - Includes the amendment requested by Council in October 2022 to ensure that any electrified fence on a commercial or industrial lot is to be located on the property side of the fence, and behind a sufficient fence.

Clauses 3.1 – Application for approval, 3.2 – Decision on application for approval, 3.3 – Compliance with approval, and 3.4 – Duration of approval

Existing – Various clauses within the local law refer to seeking approval.

Proposed – Approval clauses in the existing local law have been consolidated into this clause and strengthened to provide greater requirements when seeking approval.

Clause 4.1 – False or misleading statement

Existing – No such provisions exist.

Proposed - New clause that places the onus on a person not to make a false or misleading statement.

Clause 5.1(4) – Notice of breach

Existing – Requires any breaches to be remedied within 28 days of the giving of a notice.

Proposed – Deleted the 28-day time frame and included a requirement that it be remedied within the time given in the notice.

Clause 6.2 (2)(3) – Modified penalties

Existing – The current local law provides that all breaches incur a penalty of \$125.

Proposed – Rather than a single penalty rate for all breaches, a schedule of fines is proposed, which introduces higher penalties of between \$200 and \$250.

Clause 6.3(b) – Form of notices

Existing – Only stipulates the form of an infringement notice.

Proposed –The clause also stipulates the form for withdrawing and infringement notice.

Clause 7.1 – Objections and review

Existing - No such provisions exist.

Proposed – Part 9, Division 1 of the Local Government Act provides that whenever a local government makes a decision under a local law made under the Act, a person has a right of objection or review if they consider the decision to be unfavourable. This clause states that requirement.

Schedule 1 – Offences and modified penalties

Existing – No schedule of penalties applies as all breaches have been set at \$125.

Proposed – Includes a table that specifies each breach of the local law with a corresponding penalty. The penalties have increased from \$125 to a range of between \$200 and \$250.

Schedule 2 – Specifications for a sufficient fence on a residential lot

Proposed - Most of the dimensions are different. All categories of fence are the same except that the section on colour bond or zincalume sheeting has been deleted and incorporated in the corrugated fence section.

Schedule 3 – Specifications for a sufficient fence on a commercial lot or an industrial lot

Proposed – Includes a requirement that the fence design must be certified by a practicing structural engineer for wind loadings in accordance with Australian Standards.

Schedule 4 – Specifications for a sufficient fence on a rural lot or special rural lot

Proposed – There are some variations in dimensions. This also includes a requirement that the fence design must be certified by a practicing structural engineer for wind loadings in accordance with Australian Standards.

Making the local law

The Shire must carefully comply with s3.12 of the *Local Government Act 1995* (Act) in order to repeal the existing local law and adopt a new local law. Whilst the Act provides that a failure to follow the procedure does not immediately invalidate a local law, there must be substantial compliance.

Once the Shire has resolved to give local public notice (not less than six (6) weeks for submissions), it must also provide a copy of the proposed local law to the Minister, as well as to any person requesting it. This process allows the Department to provide feedback to the Shire, and any requested amendments can be incorporated into the new Local Law.

Following the last day for submissions, the Shire is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed. This means if the Department has requested any simple grammatical amendments or the like, this would not be substantially different.

The Shire could also make substantial amendments following consideration of any submissions however in the event there are any substantial amendments, the process must be commenced again.

After making the local law, the Shire is required to publish the new Local Law in the Government Gazette and give a copy of it to the Minister. Local public notice is again required.

The Shire is to provide the new Local Law and relevant explanatory memorandum, with supporting documents to the Joint Standing Committee on Delegated Legislation (JSCDL). At this stage the JSCDL could:

- request amendments, requiring the Shire to make an undertaking; or
- disallow the local law should it not be supported, or the Shire has not substantially followed the prescribed process for making a local law under s.3.12 of the Act.

The process for making/amending a local law is a lengthy process and should everything progress smoothly will take approximately six (6) months, so if council were to endorse the attached draft local law now then it would be approximately mid 2024 before it would become operational.

Statutory Environment

3.12. Procedure for making local laws

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

* *Absolute majority required.*

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

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13. Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Integrated Planning

- Strategic Community Plan
 - Outcome 14 Effective governance and financial management
 - Objective 14.1 Achieve excellence in organisational performance and service delivery
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications

Council's 2023/24 budget contains an allocation for local law review advertising.

Whole of Life Accounting - Nil

Risk Management

The risk area identified according to Policy RM 1 – Risk Management is Compliance.

If council did not adopt the draft local law it runs the risk of having legislation that is outdated and doesn't reflect contemporary practices, given that the existing local law has been in operation since 2004 and has had very little changed to it in that time.

The overall risk has been assessed as LOW (Minor/Unlikely).

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Measures of Likelihood			
Rating	Detailed Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Voting Requirements – Simple Majority

The CEO advised that this item has been withdrawn from the Agenda for further Officer research.

ITEM NO.	C.07/1223	FILE REF.	203
SUBJECT	Review of Policy FM 4 – Purchasing		
OFFICER	Manager Governance & Risk/Chief Executive Officer		
DATE OF REPORT	2 November 2023		

- Attachment 5 Draft amended Policy FM 4 – Purchasing
- Attachment 6 Current FM 4 – Purchasing Policy
- Attachment 7 Supporting documents – Combined FM 3 – Regional Price Preference, FM 6 – Buy Local Purchasing and FM 13 – Budget Management Policy

OFFICER RECOMMENDATION

That Council:

1. *Adopt amended Policy FM 4 Purchasing Policy, as presented in Attachment 5.*
2. *Repeal the following policies:*
 - (a) *FM 3 – Regional Price Preference*
 - (b) *FM 6 – Buy Local Purchasing*
 - (c) *FM 13 – Budget Management Policy*

Summary/Purpose

The FM 3 – Regional Price Preference Policy, FM 4 – Purchasing Policy, FM6 Buy Local Policy and FM 13 – Budget Management Policy have been reviewed, amended and combined into the one Purchasing Policy to:

- Reduce the risk to Council of delays on:
 - The delivery of projects and programs;

- The potential inability to deliver on projects and programs;
- Potential inadequate services and/or service delivery;
- Increased costs in administration staff; and
- The consequential increased pressure and workload on staff.
- Reduce the risk of non-compliance with legislation assigning us with the responsibility of delivery on specific projects, programs and services.
- Reduce the risk of non-compliance with funding body requirements and the potential loss of grant funding for non-compliance with these requirements.
- Align the policy content with contemporary legislation and practice reflected across the sector (including providing for the mental health well-being of staff under Work Health & Safety legislation); and
- Align the policy content and practice with various advice provided from Bob Waddell (Bob Waddell & Associates), James McGovern (Governance Team, WALGA) and Allister Butcher (Rural Infrastructure Services).
- Align purchasing thresholds with the recommendation of our own auditors, who consider them to be very low. This is a highly unusual position for a financial auditor to take, which indicates our thresholds are significantly low.

The amended policy is now presented to Council for consideration.

Background

Council at its meeting on 30 June 2022 resolved in part (C.09/0622):
“That with respect to Section 3 (Finance) of the Policy Manual Council:

...4. Note that a separate review of Policy F.6 (Purchasing Policy) and Policy F.14 (Buy Local Policy) is to occur with both policies being incorporated into a new single policy...”

The Audit Committee at its meeting on 21 September 2023 recommended (AC.03/0923):

“That the Audit Committee approve the following broad local purchasing principles to be incorporated into a new draft Purchasing Policy for further consideration by Council:

- 1. Incorporate the existing Buy Local Purchasing, Regional Price Preference’ and Purchasing policies into one simplified document.*
- 2. Remove the terms ‘buy local’ and ‘regional price preference’ and replace with the term ‘local purchases’*
- 3. Definition of ‘local’ means business owned and/or physically operating within the Shire (this includes businesses which might be national companies but have physical premises that trade within the Shire e.g. Ampol or BP).*
- 4. Removal of policy provisions allowing for any regional price preference outside of the boundaries of the Shire of Bridgetown-Greenbushes.*
- 5. Remove mandated local purchasing requirements where the purchasing policy provides for direct procurement at purchaser’s discretion (i.e. purchase that do require the seeking of quotes in the procurement policy generally).*
- 6. For tender purchases above \$250,000 (currently dealt with under Regional Price Preference policy) include a 5% (to a maximum of \$50,000) price preference for local suppliers.*

7. For procurement where it incorporates the requirement to seek quotes or for tenders below \$250,000:
- Policy to require at least one quote from a local supplier and one other (to provide broad market comparison) where local supplier can supply the good or service as part of normal business (i.e. excluding suppliers who might be able to 'get the product in').
 - Maintain existing price preference thresholds as contained in Councils current Buy Local policy, being:
 - 10% on Shire purchases of a value up to \$5,000.
 - An amount of \$500 or 5% (whichever is the greater) on Shire purchases of a value between \$5,001 and \$25,000.
 - An amount of \$1,250 or 2.5% (whichever is the greater) on Shire purchases of a value between \$25,001 and \$249,999."

Council at its meeting on 29 June 2023 resolved (C.09/0623c):

- ‘1. That Council receive the Audit Regulation 17 Review Report June 2023, and adopt the recommended improvements contained within the report as presented at Attachment 10.
2. The CEO prepare and present to the Audit Committee a plan to specifically address the time frame for implementation of the recommended improvements numbered 3-5, 12, 16, 18, 22-30 and 44-46 including any other improvements considered to be apriority by the CEO.”

The quarterly risk report presented to Council identifies various risks to the Shire and provides treatments (Actions) to mitigate those risks.

The report identifies some of these treatments as follows:

1. Develop and Implement Contract Performance Review Methodology.
2. Develop a Contractor Management Framework and associated processes (including site inductions).
3. Implement a Contractor Management Process (including site inductions).
4. Develop a procedure for assessment of any proposed contract renewals including a documented assessment of current contractor performance which is to determine whether a contract renewal should be considered.
5. Develop a procedure providing guidance on what constitutes a contract variation and when a separate procurement process is required.
6. Develop checklist for new contracts to ensure the Shire's rights, obligations and risks are protected within the contract.

Budget Management Policy

On receipt of concerns from some managers that the Budget Management Policy may hinder some of their ability to perform work expediently on the Talison-funded projects, the CEO sought clarity on the purpose of the Policy from:

- Michelle Larkworthy (Director, Corporate Services, Shire of Bridgetown-Greenbushes);
- Bob Waddell (Bob Waddell and Associates);
- Allister Butcher (Rural Infrastructure Services); and
- James McGovern (Manager, Governance, WALGA).

Ms Larkworthy advised that it was unusual for such a policy document to exist and that she was comfortable for it to be repealed so far as other formal checks and balances were put in place in the new Purchasing Policy. Ms Larkworthy and the CEO conferred on the new Purchasing Policy until agreement was reached on the content.

Both Mr Waddell and Mr McGovern advised that no other local governments (that they were aware of) had such a policy in place and questioned why our Shire was not simply using 10% Variance on Budget. This 10% Variance Rule has now been incorporated into the new Purchasing Policy.

Both also advised that the reason other local governments did not have such a policy in place was because provisions within the *Local Government (Financial Management) Regulations 1996* govern the practice provided for in the Policy.

Mr Butcher was concerned that the Budget Management Policy was too restrictive and created an unnecessary risk to operations, in terms of having to cease work, reduce budget or reduce the scope of work subject to Council convening a Special Ordinary Council Meeting. Mr Butcher considered the Policy to be unworkable in the Infrastructure area. This is a particularly high risk at the moment because it is difficult to engage contractors and, if you send them home, pending the outcome of a Special Council Meeting, they may not return for 8 – 10 months.

The advice from WALGA is to have budget variance reported to Council through the monthly financial reports (as is currently the case in Bridgetown – Greenbushes). A budget amendment will not be required and to have budget amendments provided for through the six-month budget review process.

To be clear:

- If Council has adopted the budget;
- If Council has approved the project, program or service; and
- If there is a genuine underspend in one approved project, program or service,

Managers will be able to use the 10% Variance Rule to use that underspend to fund another approved project, program or service.

Managers are to be accountable for non-compliance with the new Policy and will face disciplinary action if they breach the new Policy.

Officer Comment

Currently Council has four policies relating to procurement, these being:

- FM3 – Regional Price Preference
- FM4 – Purchasing Policy
- FM6 – Buy Local Purchasing
- FM13 – Budget Management

Given that all four policies relate to purchasing it is more practical and efficient to incorporate them into one policy. Therefore, a single procurement policy has been developed to facilitate efficient and effective implementation of these four policies.

The existing purchasing Policy FM4 has been completely reviewed using the WALGA model purchasing policy as a guideline. Substantial changes are being recommended and as such a 'track changed' version has not been prepared as this may cause some confusion.

Supporting documents have been developed to enable this policy.

To assist in understanding the differences between the existing and proposed policies, details of the major changes are as follows. Clauses mentioned refer to the draft policy.

Objectives (Clause 1)

All new objectives have been included to better reflect contemporary practices.

Scope (Clause 2)

A scope has been added to the policy to apply to all workers involved in procurement.

Definitions (Clause 3)

Definitions have been included for clarity purposes.

Ethics and Integrity (Clause 5)

The previous content has been deleted and now just refers to the Code of Conduct.

Value for Money (Clause 6)

Further considerations have been included when assessing value for money.

Supplier Order of Priority (Clause 7.1)

A Supplier Order of Priority has been introduced to provide guidance on who to approach (where practicable) when purchasing goods or services.

Purchasing Thresholds (Clause 7.2)

The purchasing values have been amended to reflect a more practical purchasing arrangement that meets operational needs.

This section now includes exempt provisions from the purchasing threshold requirements for emergency purchases and insurances from LGIS.

The commentary for each threshold limit in the old policy has been deleted.

Purchase Orders (Clause 7.3)

This is a new provision and provides that purchase orders must be raised for all goods and services except under certain specific circumstances.

Emergency Purchases (Clause 7.4)

This is a new provision which provides clarity on what an emergency purchase is.

Other Purchasing Exemptions (Clause 7.6)

Certain circumstances may arise where it is not reasonably practicable to adhere to the purchasing thresholds therefore to provide clarity as to what these circumstances may be, they have now been listed.

Sole Source of Supplier (Clause 7.7)

More stringent requirements have been added to this section to provide greater accountability when seeking exemption for this purpose.

Contract Renewals, Extensions and Variations (Clause 7.9)

The draft policy now provides greater clarity in respect of the legislative requirements regarding variations and extensions both before and after a contract has been entered into.

Expressions of Interest (EOI) (Clause 7.10)

This is a new provision and although not extensively used provides clarity in relation to the EOI process.

Local Economic Benefit (Clause 8.1)

A new addition that promotes economic development through the encouragement of competitive participation in the delivery of goods and services firstly by local suppliers permanently located within the Shire, and secondly, those permanently located within the broader region.

Buy Local (Clause 8.2)

Encompasses the previous two policies of Buy Local Purchasing and Regional Price Preference. The following highlights the changes from these two policies:

Buy Local

1. Included a definition of 'Buy Local'.
2. Retained the existing price preferences.
3. Removed all other content.

Regional Price Preference

Removed all policy provisions including price preference and included a broad reference under Local Economic Benefit (clause 8.1).

Regulatory Compliance (Existing Policy)

The draft policy has removed clause 2.6 from the existing policy as these were matters that are already specified in legislation.

Purchasing From Environmentally and Socially Sustainable Businesses (Clause 8.3)

This is a new provision and commits the shire to sustainable procurement and must consider minimisation of environmental and negative social impacts as part of the selection process.

Purchasing Non-Compliance (Clause 10)

This is a new provision. It outlines the repercussions of failing to comply with legislative requirements and the Shire's policies and procedures.

Variance Provision (Clause 7.3)

A 10% Variance Provision has been inserted into the Policy.

Statutory Environment

Local Government Act 1995

s.3.57 – Tenders for providing goods or services

s.2.7(2)(b) – Role of Council – determine the local government’s policies.

Local Government (Functions and General) Regulations 1996

Part 4 – Provision of goods and services

Regulation 11A(1)

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
 - (a) *the form of quotations acceptable; and*
 - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
 - (b) *the recording and retention of written information, or documents, in respect of —*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

Part 4A – Regional price preference

Integrated Planning

- Strategic Community Plan
 - Outcome 14 Effective governance and financial management
 - Objective 14.1 Achieve excellence in organisational performance and service delivery

- Corporate Business Plan
 - Objective 10.3 Support local business to thrive
 - Action 10.3.1 Provide an audit of Shire buy local purchasing

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

Policy Implications

If Council adopt the amended policy FM 4 – Purchasing, then the following policies will need to be revoked:

- FM 3 – Regional Price Preference
- FM 6 – Buy Local Purchasing
- FM 13 – Budget Management Policy

Budget Implications - Nil

Whole of Life Accounting – N/A

Risk Management

The risk areas identified according to Policy RM 1 – Risk Management are Financial Impacts, Compliance, Service Interruptions, Reputational (External) and Property.

The amended policy provides greater mitigation of fraud and corruption and also strengthens the procurement processes to ensure compliance with legislation and the Shire’s policies and procedures.

The overall risk has been measured as High.

Measures of Likelihood			
Rating	Detailed Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

Morgan Gillham, Principal Project Manager, spoke of the need for this Motion to be passed to enable successful execution of Talison co-funded or funded projects on time.

**Council Decision Moved Cr Boyle, Seconded Cr Christensen
C.07/1223 Review of Policy FM 4 – Purchasing.**

That Council:

1. **Adopt amended Policy FM 4 Purchasing Policy, as presented in Attachment 5.**
2. **Repeal the following policies:**
 - a) **FM 3 – Regional Price Preference**
 - b) **FM 6 – Buy Local Purchasing**
 - c) **FM 13 – Budget Management Policy**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Christensen

Question

As far as I could tell, there's only an indirect definition of the term local supplier and no definition of what a regional supplier is. I would really like to see that included.

The CEO committed to inserting both respective definitions.

Cr Pearce

Question

Does this policy provide provision for, I couldn't find any references to it for corporate card?

CEO Response – There is a separate Corporate Card Policy.

ITEM NO.	C.08/1223	FILE REF.	440
SUBJECT	Replacement of Shire Depot Facilities		
OFFICER	Project Officer		
DATE OF REPORT	28 November 2023		

Attachment 8 Bridgetown Shire Depot Draft Concept Plan

OFFICER RECOMMENDATION

That Council:

1. *Subject to any further minor changes, approves the draft concept plan for the Bridgetown Shire Depot (Attachment 8) and the plan be used to guide the rebuild of facilities and future redevelopment of the site.*
2. *Accept the quote of \$149,140 (ex GST) from Willcox and Associates for Detailed Design and Documentation for the Shire Depot facilities rebuild and*

authorise the Chief Executive Officer to sign the Goods and/or Services Contract Conditions between the Shire of Bridgetown-Greenbushes and Willcox & Associates Pty. Ltd.

- 3. Receive a further report to the January 2024 Council Meeting that identifies funding and staging options for delivery of the project.*

Summary/Purpose

This report recommends that Council approve the draft concept plan for the Bridgetown Shire Depot subject to any further minor changes and accept the quote of \$149,140 from Willcox and Associates for detailed design and documentation of the Shire Depot facilities rebuild.

Background

In February 2022 a major bush fire destroyed the office building and various sheds at the Shire Depot. In the period since the fire, the Shire's outside workforce has been based at a Shire owned residential property in Gifford Road which is unsatisfactory and not fit for purpose.

Following consideration of a report to the Council Meeting held on 2 November 2023 it was resolved (C10/1123) as follows:

That Council:

- 1. Approve the design brief contained within the Request for Quotation document (Attachment 1) for Design and Documentation of Shire Depot Facilities Rebuild.*
- 2. Authorise the Chief Executive Officer to sign the Goods and/or Services Contract Conditions between the Shire of Bridgetown-Greenbushes and the successful quoter for Design and Documentation of the Shire Depot Facilities Rebuild.*
- 3. Receive a further report on completion of the draft concept plan for the Shire Depot Facilities Rebuild.*

Quotations for Design and Documentation for the Shire Depot Facilities Rebuild were invited from six consultants and four quotations were received by the closing date of 10 November 2023.

The Request for Quotation (RFQ) document required the consultants to submit separate prices for the two stages of the design process i.e.

Stage 1 – Concept Plan and cost estimate

Stage 2 – Detailed Design and Documentation

A panel comprising the following members was formed to assess the quotations and recommend the most advantageous quote.

- Director Development, Community and Infrastructure
- Manager Infrastructure and Works
- Project Officer

Following the assessment process, the quote of \$13,900 (plus GST) for Stage 1 submitted by Willcox and Associates was accepted. Willcox and Associates is a well-established and experienced architectural practice that is based in Margaret River and has designed many Local Government facilities including the Bridgetown Library.

A start-up meeting was held with the Architect on 20 November 2023 and 'first draft' sketch plans were received on 24 November 2023. Following a thorough review of the draft plans, the revised concept plans are presented for Council's consideration and approval (refer *Attachment 8*).

Officer Comment

The draft concept plan includes the following components:

- Floorplans and elevations for the proposed replacement office building and sheds.
- Perspective drawings of proposed buildings and structures.
- A Master Plan for the site which identifies current and future requirements and will help ensure that any future development of the site occurs in a planned and coordinated way; and
- Itemised cost estimates for proposed works.

A summary of the main features of the draft concept plan is provided below:

Relocation of the Main Entry

- The main entrance/exit is proposed to be relocated approximately 30 metres to the Northeast of the current position to provide clear sightlines and improved safety for vehicles exiting the site.

Replacement of Office Building

- A replacement office building is located adjacent to the main entry/exit to enable visual surveillance of vehicles entering and exiting the site.
- The new building provides a modest and functional office facility that meets modern standards, is fit for purpose and will adequately cater for the Shire's outside workforce for the expected 50-60-year lifespan of the building.
- The design provides sufficient office space to allow the Shire's Technical Services staff to relocate to the new Depot Office plus some additional office space to accommodate future growth. This would also benefit the Shire by freeing up space in the Shire's Administration building to accommodate future staffing requirements.

Replacement Workshop Shed

- A replacement workshop shed is proposed to be located adjacent to the Office building with a connecting walkway between the two buildings.
- The workshop shed will provide facilities for servicing Shire vehicles and heavy machinery, a hot works area and storeroom. These activities are currently outsourced to private operators at a significant cost to the Shire.

Car Parks

- A sealed staff car park with 20 bays is proposed on the western side of the Office building which would provide easy access to the Office from the car park and a secure parking facility for staff.
- A small Visitors car park (3 bays plus disabled access bay) is proposed outside the main entry with access to the Office via a pedestrian gate and walkway.

Storage Sheds

- A new heavy and light vehicle storage shed on the western side of the site is proposed to replace one of the sheds lost in the fire.
- An extension to the heavy machinery shed in the central area of the site is proposed as a future stage of the redevelopment of the site to provide secure storage for current and future heavy machinery.

Relocation of existing Sheds and Facilities

- The draft Master Plan proposes the relocation of a number of sheds and facilities currently located within the Fire Zone (BAL FZ) to low risk areas of the site.
- The Parks and Gardens area is proposed to be consolidated in the North-East area of the site along with the relocated chemical storage shed.

Site Planning for Vehicle Movement

- To improve the safety of vehicle movement within the site, the Master Plan proposes a one-way system of traffic flow into and out of the site.

Fencing

- The existing perimeter fence is in poor condition and needs to be replaced. The Master Plan proposes a realignment of fencing in the Northern area of the site and replacement of the existing fence with a Garrison style fence or similar, to provide good security for the site.

Cost Estimates

Itemised cost estimates for the proposed works have unfortunately been delayed and will be circulated to Councillors as soon as they become available.

Detailed Design and Documentation

Once the concept plan is approved by Council, the next stage of the planning process is detailed design and preparation of tender documents. Subject to Council being supportive of the concept plan, it is recommended that Council accept the quote of \$149,140 (ex GST) from Willcox and Associates for Detailed Design and Documentation for the Shire Depot facilities rebuild and authorise the Chief Executive Officer to sign the Goods and/or Services Contract Conditions between the Shire of Bridgetown-Greenbushes and Willcox & Associates Pty. Ltd.

Funding and Staging Options

As advised in the previous report to the Council Meeting on 2 November 2023, the insurance payment of \$633,176 is included in the Shire's 2023-24 Budget for the Depot Facilities rebuild. Given the need to replace the old sub-standard office with a new office building that meets modern work health and safety standards, it was identified that there was likely to be a shortfall in funding for the project.

A separate report to the Special Council Meeting held on 13 November 2023 identified the Shire Depot facilities rebuild as one of Council's priority projects for the 2024 Talison Community Investment Program with a requested contribution of \$1.2 million. The outcome of this submission is likely to be advised mid to late December following the Talison Board Meeting.

Given that the outcome of the Talison funding request won't be known until after the December Council Meeting, it is proposed that a further report be presented to the January Council Meeting that identifies funding and staging options for delivery of the project.

Conclusion

In conclusion, the draft concept plan addresses all known current and future requirements for the Shire Depot site and subject to any further minor changes, it is recommended that Council approves the concept plan and the plan be used to guide the rebuild of facilities and redevelopment of the site.

Statutory Environment

The concept design for the replacement Shire Depot office building and sheds must comply with the Work Health and Safety Act 2020, the Building Code of Australia 2012, the Disability Services Act 1993, Health (Miscellaneous) Act 1911, Public Health Act 2016, Food Act 2008 and all other relevant Standards and Codes that apply for facilities of this nature.

Integrated Planning

- Strategic Community Plan

Outcome 16 An engaged and effective workforce
Objective 16.1 Attract, train, develop and retain an effective workforce.

- Corporate Business Plan
Outcome 16 An engaged and effective workforce

- Long Term Financial Plan
Other than the funds allocated in the Shire's 2023-24 Budget from the insurance payout, there are no other additional funds allocated for the replacement of the Depot facilities lost in the fire.
- Asset Management Plans
The replacement office building and sheds will need to be included in the Shire's Asset Management Plans with provision for annual and long-term maintenance.

- Workforce Plan
Although not specifically included in the Shire's Workforce Plan 2018-2022, the replacement office building at the Depot will provide suitable long-term accommodation for the Shire's outside workforce.

- Other Integrated Planning - Nil

Policy/Strategic Implications

The Shire's Purchasing Policy FM4 requires at least three written quotations to be obtained for purchase of goods and services between \$5,001 and \$249,999. Six consultants were invited to quote, and four quotations were received.

Budget Implications

A capital budget allocation of \$633,176 has been provided in the Shire's 2023-24 Budget for the replacement of Depot facilities destroyed in the fire. This report recommends that a quote of \$143,190 be accepted for detailed design and documentation for the proposed replacement facilities and a further report be presented to the January 2024 Council Meeting that identifies funding and staging options.

Whole of Life Accounting

The replacement buildings and structures that are proposed in this report for the Shire Depot will be included on the Shire's Asset Register and funds included in the Shire's Long Term Financial Plans for routine and programmed maintenance and depreciation.

Risk Management

The main Risk identified in relation to this item is **Work Health and Safety**. The Consequence could be Reputational and/or Financial if a Work Health and Safety claim was made against the Shire for failing to provide a suitable workplace. The Risk Consequence is Major and the Likelihood Possible resulting in a High Level of Risk. The Risk is mitigated by adopting the recommendation contained in this report which

will lead to provision of a suitable and safe working environment for the Shire’s outside workforce staff.

In addition, as a legislative requirement, the Architect will produce a ‘Safety in Design’ report that will mitigate both construction risk and user risks during operation.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Christensen, Seconded Cr Pratico
C.08/1223 Replacement of Shire Depot Facilities.**

That Council:

- 1. Subject to any further minor changes, approves the draft concept plan for the Bridgetown Shire Depot (Attachment 8) and the plan be used to guide the rebuild of facilities and future redevelopment of the site.**
- 2. Accept the quote of \$149,140 (ex GST) from Willcox and Associates for Detailed Design and Documentation for the Shire Depot facilities rebuild and authorise the Chief Executive Officer to sign the Goods and/or Services Contract Conditions between the Shire of Bridgetown-Greenbushes and Willcox & Associates Pty. Ltd.**
- 3. Receive a further report to the January 2024 Council Meeting that identifies funding and staging options for delivery of the project.**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

ITEM NO.	C.09/1223	FILE REF.	
SUBJECT	Construction of Wandillup and Greenbushes Bush Fire Stations		
OFFICER	Project Officer		
DATE OF REPORT	4 December 2023		

OFFICER RECOMMENDATION

That Council;

- 1. Receives the information contained in the report on the status of the new Wandillup and Greenbushes Fire Stations.*
- 2. Requests the Chief Executive Officer, in consultation with the Shire President, the Brigade Captains and the Department of Fire and Emergency Services, to arrange suitable promotion of the additional funding for the new Wandillup and Greenbushes Bush Fire Stations.*

Summary/Purpose

This report provides an update on the status of the new Wandillup and Greenbushes Fire Stations and recommends that staff arrange for suitable promotion of the additional funding approved by the Department of Fire and Emergency (DFES) Services for the new facilities.

Background

At the Council Meeting held on 2 November 2023 tenders for the construction of the Wandillup and Greenbushes fire stations were awarded to BRC Building Solutions Pty. Ltd.

Although the tenders closed on 20 June 2023, the delay in awarding the tenders was due to insufficient funding being available. As advised in the earlier report, the following grants for the construction of two new Fire Station buildings at Greenbushes and Wandillup were approved by DFES in June 2021.

\$242,600 (ex GST)	Construction of Greenbushes Fire Station
\$271,100 (ex GST)	Construction of Wandillup Fire Station

To address the shortfall in funding for both the Wandillup and Greenbushes Fire Station buildings, staff contacted DFES and forwarded a copy of the preferred tenders for their assessment. A formal request was then made to DFES on 13 October 2023 seeking additional funding to make up the shortfall. On 19 October 2023 the Shire received email correspondence confirming that additional funding of \$686,678 had been approved for both the Wandillup and Greenbushes Fire Stations.

The required Shire contributions for siteworks have been included in Council's 2023-24 Budget which together with the additional DFES grants provide sufficient funds for both projects to proceed.

Officer Comment

A start up meeting was held with the builder on 8 November 2023 and project schedules for both buildings are currently being prepared. Siteworks are likely to commence mid-late January 2024 and construction completed by September 2024, prior to the start of the 2024-25 bush fire season.

A meeting with the Bush Fire Brigade Captains was held to exchange information and establish communication channels between the builder and the brigades. This will help to ensure that there is minimal disruption to normal Bush Fire Brigade operations during the current fire season.

In consultation with the Shire President, DFES and the two Brigades, it is also proposed to arrange for some media coverage and promotion of the additional DFES funding that will allow the new facilities to be built and generally promote the vital role played by the brigades in protecting our communities.

Statutory Environment

The new Wandillup and Greenbushes Bush Fire Stations must comply with the Work Health and Safety Act 2020, the Building Code of Australia 2012, the Disability Services Act 1993, Health (Miscellaneous) Act 1911, Public Health Act 2016, Food Act 2008 and all other relevant Standards and Codes that apply for facilities of this nature.

Integrated Planning

- Strategic Community Plan
Objective 5.1 Develop Community readiness to cope with natural disasters and emergencies.
- Corporate Business Plan
Objective 5.1 Develop Community readiness to cope with natural disasters and emergencies.
- Long Term Financial Plan - Nil
- Asset Management Plans
The new Bush Fire Stations will be constructed on Shire managed land and therefore will be included in the Shire's Asset Management and Building Maintenance Plans.
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy/Strategic Implications

The new Wandillup and Greenbushes Fire Stations will provide good standard facilities for the two brigades and help attract new members and increased capacity to respond to bush fires in their respective communities.

Budget Implications - Nil

Whole of Life Accounting

The design stages of project planning included an assessment of the maintenance requirements to identify the whole life cycle costings associated with infrastructure maintenance and the required workforce implications.

Risk Management

The main Risks identified in relation to this item are cost overruns and delays with construction. The Consequence could be Reputational and/or Financial if cost overruns and/or delays with construction were to eventuate. The Risk Consequence is considered to be Moderate and the Likelihood Possible resulting in a Moderate Level of Risk. The Risk of cost overruns is mitigated by a small contingency allowance being included in the budgets for both projects and DFES agreeing to fund unforeseen variations. The Risk of delays with construction is mitigated by establishing a Project Control Group to manage and monitor the project and avoid delays wherever possible.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements - Simple Majority

Council Decision Moved Cr Lansdell, Seconded Cr Pratico

**C.09/1223 Construction of Wandillup and Greenbushes Bush Fire Stations
That Council:**

- 1. Receives the information contained in the report on the status of the new Wandillup and Greenbushes Fire Stations.**
- 2. Requests the Chief Executive Officer, in consultation with the Shire President, the Brigade Captains and the Department of Fire and Emergency Services, to arrange suitable promotion of the additional funding for the new Wandillup and Greenbushes Bush Fire Stations.**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

ITEM NO.	C.10/1223	FILE REF.	
SUBJECT	Repeal 'Well Wishes from Council 'Policy		
OFFICER	Executive Assistant		
DATE OF REPORT	7 December 2023		

Attachment 9 G 12 – Well Wishes From Council Policy

OFFICER RECOMMENDATION

That Council repeal G 12 – Well Wishes From Council Policy as listed in Attachment 9.

Summary/Purpose

This Agenda Item proposes the repeal of the "Well Wishes from Council" policy, which allows for the acknowledgment of personal events in the lives of staff, Councillors, and affiliates through the sending of flowers, cards, small gifts, and notices in the local paper.

Background

This Agenda Item proposes the repeal of the "Well Wishes from Council" policy, allowing Council and Executive the discretion to determine the appropriateness of recognising personal events through flowers, small gifts, or acknowledgments in the local paper.

In place of the "Well Wishes from Council Policy," the decision-making process for gifts and newspaper advertisements will be guided by the CEO's delegated authority, the Purchasing Policy, the Conflict-of-Interest Policy, the Code of Conduct and the reasoned judgement of Elected Members. This will ensure that ethical standards are maintained in every recognition gesture.

The current "Well Wishes from Council" policy was implemented to express goodwill and recognition for personal events among Council members, staff, and affiliates. Recognising the need for flexibility in such matters, this proposal seeks to empower

Council and Executive with the authority to decide the appropriateness of acknowledging personal events.

Council and Executive are best positioned to assess the appropriateness of recognising personal events within the organisation. Repealing the policy enables a more flexible approach, allowing decisions to be made on a case-by-case basis.

The amounts associated with the policy fall within the CEO's delegated authority. Granting discretion to Council and Executive aligns with established governance structures and ensures efficient decision-making.

Officer Comment

Council is asked to consider the repeal of the "Well Wishes from Council" policy, granting Council and Executive the discretion to determine the appropriateness of recognising personal events through flowers, small gifts, or acknowledgments in the local paper.

Officers have been unsuccessful in finding another local government in Australia that retains such a policy.

Statutory Environment

Integrated Planning

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

Policy/Strategic Implications

Budget Implications

Whole of Life Accounting

Risk Management – Low.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Mahoney, Seconded Cr Pratico
C.10/1223 Repeal ‘Well Wishes from Council’ policy.**

That Council repeal G 12 – Well Wishes From Council Policy as listed in Attachment 9

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.

Against: Nil

ITEM NO.	C.11/1223	FILE REF.	230
SUBJECT	Proposed Ordinary Council Meeting dates for 2024		
OFFICER	Executive Assistant		
DATE OF REPORT	6 December 2023		

OFFICER RECOMMENDATION

That Council approve the following schedule of ordinary council meetings for 2024, to take place at 5.30pm in the Council Chambers, excepting the month of May and November, where the meetings are to be held at the Greenbushes Community Resource Centre;

Thursday 25 January 2024
 Thursday 29 February 2024
 Thursday 28 March 2024
 Thursday 25 April 2024
 Thursday 30 May 2024
 Thursday 27 June 2024
 Thursday 25 July 2024
 Thursday 29 August 2024
 Thursday 26 September 2024
 Thursday 31 October 2024
 Thursday 28 November 2024
 No Ordinary Council Meeting in December 2024

Summary/Purpose

The *Local Government (Administration) Regulations 1996*, s.12(2) require the CEO to publish the date, time and location of ordinary council meetings on the Shire's website prior to the commencement of the year in which the meetings are to be held.

Officer Comment

The proposed meeting structure is in accordance with Council Policy G 4 - Meetings of Council, where meetings are to be held on the last Thursday of each month commencing at 5.30pm (excepting December). The December meeting is to be held on the second Thursday of December, as is normal practice to hold the meeting earlier in the month.

Statutory Environment

Local Government (Administration) Regulations 1996, s.12(2)

- (1) In this regulation —
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

- (2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - (a) ordinary council meetings;

Integrated Planning

- Strategic Community Plan
 - Outcome 13 Proactive, visionary leaders who respond to community needs
 - Outcome 14 Effective governance and financial management
 - Objective 15.1 Engage the community in a meaningful and timely way using appropriate communication and consultation channels

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

Policy/Strategic Implications

G 4 - Meetings of Council

Ordinary Meetings of the Council will be held on the last Thursday of each month (excepting the month of December), commencing at 5.30pm. If Australia Day or Anzac Day falls on a normal Council Meeting Thursday, then the meeting be held on the Wednesday beforehand.

Budget Implications

Elected Members are paid council meeting attendance fees in accordance with Section 5.98(1)(b) of the *Local Government Act 1995* and Council Policy G 3 – *Members Allowances/Expenses*.

Room hire fees for the May and November ordinary meetings taking place at the Greenbushes Community Resource Centre is included in the annual budget.

Whole of Life Accounting - Nil

Risk Management

Failure to set and advertise Council meeting dates will contravene legislative requirements.

Measures of Likelihood			
Rating	Detailed Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements - Simple Majority

Moved Cr Christensen, Seconded Cr Pratico
C.11/1223 Proposed Ordinary Council Meeting dates for 2024.

Amendment Moved Cr Christen, Seconded Cr Pratico
C.11/1223 That

1. the April 2024 date be changed from Anzac Day Thursday 25 April 2024 to Thursday 18 April 2024.
2. the words from the Officer Comment 'The December meeting is to be held on the second Thursday of December, as is normal practice to hold the meeting earlier in the month'.

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

The amendment was incorporated into the substantive motion and was put.

**Council Decision Moved Cr Christensen, Seconded Cr Pratico
C.11/1223a Proposed Ordinary Council Meeting dates for 2024.**

That Council approve the following schedule of ordinary council meetings for 2024, to take place at 5.30pm in the Council Chambers, excepting the month of May and November, where the meetings are to be held at the Greenbushes Community Resource Centre;

**Thursday 25 January 2024
Thursday 29 February 2024
Thursday 28 March 2024
Thursday 18 April 2024
Thursday 30 May 2024
Thursday 27 June 2024
Thursday 25 July 2024
Thursday 29 August 2024
Thursday 26 September 2024
Thursday 31 October 2024
Thursday 28 November 2024
No Ordinary Council Meeting in December 2024**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

ITEM NO.	C.12/1223	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	23 November 2023		

Attachment 10 Rolling Action Sheet

OFFICER RECOMMENDATION

That Council acknowledge receipt of information contained in the Rolling Action Sheet as shown in Attachment 10.

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the status of previous resolutions/decisions that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an attachment to this agenda.

Statutory Environment - Nil

Integrated Planning

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

Policy/Strategic Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management

There are no risk areas identified in accordance with Council Policy RM 1 – Risk Management as the report is for Council’s information only.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Lansdell, Seconded Cr Fletcher
C.12/1223 Rolling Action Sheet.**

That Council acknowledges receipt of information contained in the Rolling Action Sheet as shown in Attachment 10.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Lansdell

Question

On the rolling action sheet for C.03/0623 - Which is the initials on the wall, it states that if all parties are happy with it for it to go ahead, are we part of that party?

CEO Response - Yes

Question

And if we're not happy with it, then what?

CEO Response - Council adopted a motion that it would be put back in a replica manner. That's our intention so unless that Motion is rescinded, hopefully Council will be comfortable.

Question

I think I'm just concerned with the chalk and how it's been done. I think it's too large.

CEO Response - we have a photograph of the original sketch and that's what's going to be done. My understanding was that the agreement was that the original initials would be inserted in the same manner and place they were previously.

Shire President - I believe Mr. Moyes has been involved in the location of it, helping with making sure that the location is correct, and the presentation is correct.

CEO Response - There's two up on the wall now, one in blue chalk and one in white. I don't know if it's bigger because I don't know if the chalk-up is reflective of the size of the point work. But I will double check.

ITEM NO.	C.13/1223	FILE REF.	860
SUBJECT	Standardised Acknowledgement of Country		
PROPONENT	Manager Community Services		
OFFICER	Manager Community Services		
DATE OF REPORT	December 2023		

Attachment 11 Tindale's Map of the South West
Attachment 12 Tindale's Map of Australia

OFFICER RECOMMENDATION:
That Council;

1. *Adopt the revised Acknowledgement of Country, which removes the socio-linguistic names Wadandi and Pibbulmun and replaces them with the Bibbulmun Nation. This refers to the Aboriginal name by which the Indigenous people of the Southwest recognised themselves, their language and their culture prior to European Settlement.*
2. *The revised Acknowledgement of Country is to replace the current Acknowledgement of Country and be used by shire staff as an email signature, at formal meetings and functions and offered for use to community groups, private residents and the business community for functions and formal occasions as written below:*

Acknowledgement of Country – Meetings and formal events/functions

'We acknowledge the cultural custodians of the land on which we gather, the Bibbulmun Nation. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Acknowledgement of Country – Emails and Communications

'We acknowledge the cultural custodians of the land, the Bibbulmun Nation. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

3. *Install the revised Acknowledgement of Country as a visual acknowledgement to be included on the main glass entrance doors of the Bridgetown Leisure Centre and the Bridgetown Library and the glass door of the customer support area of the administration building, reporting back to Council for design and installation method approval.*

Summary/Purpose

These recommendations seek to correct Council's Acknowledgement of Country and ensure Council is as technically correct as possible, negating issues associated with identifying specific socio-linguistic groups.

Background

In November 2021 (C.17/1121) Council establish a Bridgetown-Greenbushes Cultural Inclusion Advisory Committee for the two-year term expiring 21 October 2023, and endorsed the Instrument of Appointment & Delegation for the Bridgetown-Greenbushes Cultural Inclusion Advisory Committee.

In March 2022 (C20/0322) Council;

1. *Endorse the change of name of this committee from the Cultural Awareness Committee to the Cultural Inclusion Committee.*

2. *Endorse the appointment of Jaye Herring as a representatives on the Cultural Awareness Advisory Committee to fill the position of a person that identifies as an Aboriginal and/or Torres Strait islander.*
3. *Endorse an annual budget allocation of \$10,000 to be used by the committee as seed funding for grants, projects, programs and events including Harmony Week and NAIDOC Week.*
4. *Direct the CEO to investigate the process and cost associated with dual naming of the Blackwood River (Goorbilyup) and report the findings back to Council at the April Council Meeting.*
5. *That the Shire provide a standard Acknowledgement of Country to be offered for use within the shire by community groups, private and business functions with Local Aboriginal Elder Sandra Hill and report back to Council.*

In September 2022 Council (c.13/0922) decided in part to:

1. Revoke Policy M.37 Acknowledgment of Country
2. Adopt the Acknowledgement of Country as recommended by the Cultural Inclusion Advisory Committee to be used by the Shire as an email signature, at formal meetings and functions and offered for use to community groups, private residents and the business community for functions and formal occasions as written below:
 - a. Acknowledgement of Country – Meetings and formal events/functions
‘We acknowledge the cultural custodians of the land on which we gather, the Pibulmun-Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps’
 - b. Acknowledgement of Country – Emails and Communications
‘We acknowledge the cultural custodians of the land, the Pibulmun-Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps’

In late November 2023 the CEO was contacted by an officer from the South West Land and Sea Council to inform the shire they were including incorrect language groups in our Acknowledgement of Country. Specifically, the Wadandi language group should not be included and the Kaneang group should be included. Officers then contacted Brad Goode, an Anthropologist that undertakes anthropological and archaeological Aboriginal Heritage Surveys throughout the South West to discuss the best way to navigate the issue without offending any specific socio-linguistic group or creating disagreement between elders of each language group.

Officer Comment

“Anthropological research suggests that prior to European settlement the South West and Western Australia was considered to form a distinct cultural bloc that was defined by the distribution of Noongar language groups. The work “Noongar” is a generic term used today to define those people of Indigenous descent whose ancestors originally occupied the whole of the Southwest (Bates 1985: 47; Collard 1994: 23). Before the word Noongar was used to denote a social-linguistic group, the Indigenous people of the Southwest recognised themselves, their language and culture as Bibbulmun (Bates 1985: 46).

Ethnologist Norman Tindale (1974) who built upon the work of Bates identified 13 ‘tribal groups’ based on socio-linguistic boundaries and minor dialect differences who inhabited an area to the west of a line drawn roughly from Jurien Bay in the north to Esperance in the Southeast. Tindale’s (1974) research identified three language groups occupying the upper Blackwood Area at Bridgetown. One of these groups were Kaneang, who reported to occupy the upper Blackwood area and east to a line joining Katanning, Cranbrook, and Tenterden; at Kojonup, Collie, Qualeup, Donnybrook, Greenbushes, Bridgetown. The group south of the Blackwood River were identified as Pibelmen and occupied an area on the Lower Blackwood River; chiefly between the hills in country between the Blackwood and Warren Rivers; East of the Gardener River and Brooke Inlet; along Scott River inland to Manjimup and Bridgetown Tindale 1974; 255). The third group north of the blackwood River towards the coast to the west was identified as Wadandi. Tindale (1974:259). Tindale describes the Wadandi territory as “From Bunbury to Cape Leeuwin, chiefly along the coast at Geographe Bay in the vicinity of Nannup and Busselton.” *Report of an Aboriginal Heritage Survey for the Proposed Blackwood River Foreshore, Development in Bridgetown, Western Australia* B Goode, Louise Huxtable, S Johnston December 2017.

SWALC provided a map to the CEO suggesting Wadandi territory came very close by not quite to the Bridgetown-Greenbushes shire boundary, however, these language based boundaries were not as precise as a shire boundary placed on a map today. This can be seen in attachment XX Tindale’s map of the Southwest of Western Australia. For these reasons the officer recommendation suggests Council err on the side of caution and acknowledge the Bibbulmun Nation rather than specific socio-linguistic groups.

Shire officers have recently been in contact with 3 Kaneang Elders interested in the Dual Naming of the Blackwood River project and other activities undertaken by Council relating to cultural inclusion. Mark Smith, Denise Smith-Ali and Beverly Rebbeck have offered their ongoing assistance. All three elders reside in Perth but are willing to review projects developed through the Cultural Inclusion Advisory Committee and provide feedback to Council. It is hoped that with the continued input of local Elder Sandra Hill (Pibelmen-Wadandi) and the support and possible inclusion of the Kaneang Elders into the cultural Inclusion Advisory committee, a balanced assessment of future cultural projects will be available to Council.

Statutory Environment

- Equal Opportunity

Integrated Planning

- Strategic Community Plan
 - Outcome 1 A growing community that is diverse, welcoming and inclusive
 - Objective 1.4 Grow recognition and respect for all cultures
 - Outcome 8 Local history, heritage and character is valued and preserved
 - Objective 8.1 Identify, preserve and showcase significant local history and heritage

- Corporate Business Plan
 - Action 1.4.1 provide a reconciliation action plan
 - Action 1.4.2 facilitate the collection and sharing of information and stories about local culture and history including NAIDOC Week and Harmony Week

 - Action 8.1.4 partner with the Historical Society to improve promotion of local history and heritage

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

Policy Implications - Nil

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management

The current recommendations address the following Risk Management Priority area identified according to Policy RM 1 – Risk Management is Reputational (External).

Reputational Risk (External)– the reputational risk is high and is relevant to all three recommendations given the likelihood that community and other members of the socio-linguistic groups located in the Southwest have already or will gain knowledge of the mistake and continued use of Council’s current Acknowledgement to Country.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements –Simple Majority

Moved Cr Pratico, Seconded Cr Boyle
C.13/1223 Standardised Acknowledgement of Country.

Council Decision *Moved Cr Boyle, Seconded Cr Pratico*
C.13/1223a *Standardised Acknowledgement of Country.*

That in accordance with clause 11.1(b) of the Standing Orders Local Law, debate on item C.13/1223 – Standardised Acknowledgement of Country be adjourned to a future ordinary meeting of Council to allow for further information to be obtained.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Fletcher

Question

Just in reference to where the actual acknowledgment will be placed. It's only a very minor one. It's just not going to mention that it would appear on the Shire website. It's going to be on all other correspondence, to the signatures, but not the Shire website. So please make sure it goes on there.

CEO Response - We'll make sure it does.

Cr Lansdell

Question

I am just concerned that the proponent is the Cultural Awareness Advisory Committee, which is the wrong title. We haven't met. I'm part of that committee. I wasn't part of these discussions. I just don't think the proponent should actually be that Committee. That's misleading.

CEO Response - I would agree. I didn't realise the Committee hadn't met. It may have just been an oversight.

Council could defer the Motion. Cr Mahoney has already queried whether we have in writing the meetings that we had with the Aboriginal representatives. Unfortunately I'm not able to confirm this because Megan Richard's not here. If Council would prefer to defer the Motion until Megan is able to attend the meeting, we are comfortable to do that.

ITEM NO.	C.14/1223	FILE REF.	
SUBJECT	Establishment of Work Health and Safety Officer		
OFFICER	Chief Executive Officer		
DATE OF REPORT	8 December 2023		

Attachment 13 Position Description – Work Health and Safety Officer

OFFICER RECOMMENDATION

That Council support the establishment of a new permanent position, being a Work Health & Safety Officer.

Summary/Purpose

The Shire of Bridgetown-Greenbushes, in conjunction with the Boyup Brook Local Government, recognises the paramount importance of ensuring the health and safety of its employees, residents, and visitors. As part of our commitment to fostering a safe and compliant working environment, we propose the establishment of a shared Work Health & Safety Officer position.

Background

Officers propose the creation of a shared Work Health & Safety Officer position, which will be jointly funded and shared between the Shire of Bridgetown-Greenbushes and the Boyup Brook Local Government. This position will be responsible for overseeing and implementing safety measures, promoting a culture of safety, and ensuring compliance with relevant regulations.

The primary purpose of this position is to enhance safety within our organisations, reducing the risk of workplace incidents, injuries, and accidents. A dedicated Work Health & Safety Officer will help ensure strict compliance with all relevant laws, regulations, and standards, reducing the potential for non-compliance fines and penalties. By sharing the position with Boyup Brook, we can pool resources, share expertise, and reduce costs, making it more financially feasible for both organisations. Having a dedicated officer will streamline safety-related tasks, making the workplace safer and more efficient, ultimately saving time and resources. The Officer will identify potential hazards, conduct risk assessments, and develop mitigation strategies, reducing the likelihood of costly incidents.

Employee safety and wellbeing are paramount. A dedicated Officer will provide support and resources to promote physical and mental health in the workplace. The initial funding for this shared position will be sourced from the Shire of Bridgetown-Greenbushes' underspend funds, resulting from vacancies in the first six months. This will cover the cost for the first six months of the shared position. After this initial period, we intend to embed the Work Health & Safety Officer position into our organisational structure and fund it through the established budget process for the

new year. This approach aligns with our long-term commitment to safety and sustainability.

Officer Comment

That Council support the establishment of a new permanent position, being a Work Health & Safety Officer.

Statutory Environment

Integrated Planning

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

Policy/Strategic Implications

Budget Implications

Whole of Life Accounting

Risk Management - Low

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Christensen, Seconded Cr Mahoney
C.14/1223 Establishment of Work Health and Safety Officer.**

That Council support the establishment of a new permanent position, being a Work Health & Safety Officer.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Fletcher

Questions

I have a couple of questions and one is obviously, what is the portion FTE that we are going to be sharing with Boyup Brook Shire and how much in Bridgetown, how much that person is there.

The second one, I'm just questioning why we might need a permanent position. Why can't it be a shorter term than that?

Number three, what is the cost to Shire? I know the first six months are covered by savings that have been made in reallocated funds, so I'd love to know that. Could the position be incorporated with existing part time employee that's already at the Shire.

CEO Response – We've had a couple of resignations on very good terms. Someone's husband has obtained a job up north and someone became very unwell and didn't want to resign but had to. This provides us with opportunity to repurpose positions.

Most organizations have a full-time Work Health and Safety Officer, due to high-level risk with the outside crew, and everything that we have to do in that regulatory space.

In a dream world, we'd have one five days a week, but unfortunately, we're not that financial, so we believe we can be on top of it three days a week.

I can confirm that we desperately need this position and that three days a week, they're going to have a lot of work to do in that time.

It would be difficult to entice anyone to that role if it's only temporary. We're in an employee's market and people aren't champing at the bit to take part time jobs for the local government when we can't offer housing. So we're already restricted to people that live in the immediate vicinity.

Question

I should of used the term fixed-term as well. Whether it'll be three years, if we've got a software package that's to go to do a lot of the work and every employee has an obligation under OHS. I was wondering whether we found also if we are struggling to get people to the position and we put someone in a permanent position that finds it difficult to function two years down the track or whatever. We now have a permanent position, could we be struggling as a Shire?

CEO Response - I like to provide the best terms and conditions for employees that I possibly can. I like to try and build a culture of mutual respect and if people are worried about contract length, they will resign.

Cr Pearce

Question

Just with the position description - I've noticed that it reports to Steele. Just confirming that the position is across the whole organisation. It reports to Steele, but it's obviously dealing with work health and safety across the whole organization.

CEO Response - The longer-term intention is that the Work Health and Safety Officer will be located at the depot because that's where our highest risk is, but the officer will operate across the whole organisation.

Cr Lansdell

Question

I noticed in the write-up that there was nothing under budget implications. Am I assuming that's because of their requirements?

CEO Response - With apologies, we should have put in the exact budget implications. We'll get better at that. At this point, there are none because I'm able to repurpose components of other positions and pull them together to be able to pay for three days a week for this year.

ITEM NO.	C15/1223	FILE REF.	
SUBJECT	Work Health and Safety Act 2020 – Obligations		
OFFICER	Chief Executive Officer		
DATE OF REPORT	December 2023		

OFFICER RECOMMENDATON

That Council acknowledge receipt of information contained in this report.

Summary/Purpose

To inform any Elected Members, who are not already aware, of their significant obligations under the *Work Health & Safety Act 2020* (the WHS Act). The WHS Act was passed through parliament in 2020 and took effect from 31 March 2022. Employers are largely expected to “hit the ground running” in compliance with the new laws. This Item highlights features of the new legislation with the potential to impact Council and the Shire in general.

Background

The WHS Act was passed through parliament in 2020 and took effect from 31 March 2022. Employers were expected to immediately comply with the new laws.

THE MOST SIGNIFICANT CHANGES

1. The WHS Act introduces the concept of a 'Person Conducting a Business or Undertaking' (PCBU), replacing the outdated concept of an 'employer' as the person with primary health and safety duties. A PCBU can be a sole trader, each partner within a partnership, a joint venture, a company, an unincorporated association, a not-for-profit organisation, a government department or a public authority (including a local government) whether or not they are operating for profit or gain.
2. There is now the inclusion of the new offence of 'Industrial Manslaughter.' Under the new laws, individuals can be charged with Class One or Class Two Industrial Manslaughter offences in the event of a workplace death. Class One Industrial Manslaughter covers conduct that is engaged in, with knowing disregard, that it is likely to cause death and carries a maximum jail term of 20 years. Class Two Industrial Manslaughter covers conduct that is a negligent breach of a duty owed by a PCBU that results in death and carries a maximum jail term of 10 years.
3. The concepts of Worker and Workplace have been expanded. Workers now include employees, contractors, sub-contractors, employees of contractors, employees of labour hire companies, apprentices, trainees, work experience students and, in certain situations, volunteers. Workplace is defined as a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. The term place includes vehicles, vessels, aircrafts or other mobile structures and extends to any waters and installation on land, including roads.
4. There has been a change to primary duty. The new laws require all PCBUs to ensure, so far as is reasonably practicable, while workers are at work in the PCBU, the health and safety of:
 - Workers engaged, or caused to be engaged by the person; and
 - Workers whose activities in carrying out the work are influenced or directed by the person.

This change drives a need to focus on the risks a hazard may pose and to manage those risks to a practicable level. The duty to ensure health includes a duty with respect to taking positive practicable steps to ensure the mental health of workers.

5. Penalties for WHS breaches are no longer insurable. Duty holders are no longer able to obtain insurance for a penalty imposed following a WHS prosecution. Individuals who breach this are liable for penalties of up to \$51,000 and body corporates are liable for penalties up to \$250,000. This change means that businesses need to ensure they are taking proactive steps

to develop procedures designed to meet their legal obligations and to ensure compliance with those procedures by their workforce. Duty holders should be aware that duties are not transferrable and cannot be contracted out of.

6. There is now a duty to consult with other duty holders and workers and their representatives. The new laws require duty holders with shared responsibilities to work together to make sure someone does what is needed. This requires consultation, co-operation and co-ordination between duty holders such as partners, joint venture partners, and principals and contractors. PCBUs are now also required, so far as is reasonably practicable, to consult with workers and health and safety representatives about matters that directly affect them. This duty extends to consulting with all kinds of workers, not just the PCBU's own employees. Meeting these consultation duties requires some planning as to how and when consultation will be undertaken.
7. There is now provision for officer due diligence. Officers of PCBUs now have personal obligations to demonstrate a proactive approach to workplace health and safety matters. Officer has the same meaning as defined in the *Corporations Act 2001* (Cth) and includes directors and/or any person who makes or participate in making decisions that affect the whole, or a substantial part, of the PCBU. Officers must now exercise due diligence to make sure the business meets its duties to protect workers and other people against harm to health and safety. All officers now need to be trained to ensure they fully understand these obligations and are taking all necessary steps to comply with them. There is an obligation on an officer to refuse work if it cannot be done safely.
8. CODE OF PRACTICE – WORKPLACE BEHAVIOUR

This Code aims to prevent and manage inappropriate or unreasonable behaviour that may occur in the workplace, encompassing all types of workplace behaviour that may create a risk to the personal health and safety of workers. Whilst the Code captures physical behaviours, it also extends to psychological and social conditions which may negatively impacts workers. It is the responsibility of PCBUs to ensure, so far as reasonably practicable, that workers and other people in a workplace are not exposed to psychological health and safety risks.

Inappropriate or unreasonable behaviour includes, but is not limited to:

- Bullying;
- Harassment;
- Sexual harassment;
- Racial harassment;
- Violence and aggression;
- Discrimination;

- Misconduct; and
- Escalated or unreasonable conflicts.

9. CODE OF PRACTICE – PSYCHOSOCIAL HAZARDS IN THE WORKPLACE

There is now provision for psychosocial hazards in the workplace. Penalties for contributing to mental health harm are now as severe as penalties for contributing to physical harm.

This Code captures hazards and conditions in workplaces that pose psychological and social risks to workers (as opposed to just physical risks). These include the obvious factors of bullying, harassment, violence and aggression, but also the less obvious issues of fatigue, stress and burnout that can compromise a worker's psychosocial wellbeing. Under this Code, it is the responsibility of PCBUs to facilitate a systematic approach to managing psychosocial hazards in order to meet their responsibilities under the WHS Act and to create a safe and healthy work environment for employees.

10. CODE OF PRACTICE – VIOLENCE AND AGGRESSION IN THE WORKPLACE

This Code captures any incident where a person is harassed, threatened, attacked or physically assaulted within a workplace, and includes any form of physical assault, sexual assault, verbal abuse, threats, intimidation and harassment (including sexual harassment).

Under this Code, PCBUs must consider violence and aggression risk management as part of an overall prevention plan. There are three key areas employers should focus on when implementing this plan, including managing violence and aggression in the workplace, responding to any type of abuse in the workplace and ensuring post-incident support services are available such as counselling or legal support should they arise.

Code of Practice compliance centres around the implementation of a Risk Management Approach.

To comply with the above Codes, PCBUs must adopt a proactive risk management approach to prevent and reduce psychosocial risk in the workplace by:

- Identifying the hazards and risk factors;
- Assessing the risks;
- Controlling the risks by making the changes necessary to eliminate the hazards or risk factors, and if this is not practicable, then minimising the risk of harm; and
- Monitoring and reviewing the effectiveness of controls and adapt or improve the controls where necessary.

11. THE APPROACH THE REGULATOR TAKE TOWARD BREACHES

WorkSafe WA and Resources Safety have been consolidated into the Safety Regulation Group under the independent WorkSafe WA Commissioner. PCBUs may expect to be prosecuted in accordance with the WorkSafe WA Prosecution Policy.

The WHS Act will allow WorkSafe WA inspectors to issue PCBUs with consequences dependent on the circumstances and by applying a consistent approach to similar fact circumstances to achieve greater certainty and protection in the workplace. Where a breach has occurred, in addition to recommending prosecution, a WorkSafe inspector may issue PCBUs with:

- Advice on compliance;
- Assistance to mediate and resolve workplace disputes;
- Issuance of improvement notices;
- Issuance of prohibition notices;
- Revoking, suspending or cancelling authorisations;
- Enforcing criminal prosecutions; and
- Publishing enforcement actions and outcomes.

WorkSafe WA inspectors may conduct site visits either in response to an incident or a complaint or as part of a targeted compliance program. This means that inspectors may require the employer or persons involved to produce documents relevant to WHS and conduct interviews requiring these persons to answer. This may result in the inspector seizing information to use against the employer as evidence of an offence and may issue a notice of improvement or prohibition notice.

12. WHAT ELSE MAY LEAD TO A PROSECUTION?

- Failure to consult between multiple PCBUs where the risk is obvious;
- Failure to carry out due diligence;
- Labour hire employees working outside of their skill or scope;
- Taking on work contracts which ultimately lead to risks and safety issues;
- Contractors failing to be responsible for not only employees, but also the plant and equipment of the client; and
- Failure to audit to ensure safety procedures and systems are being complied with.

13. WHAT DO WE NEED TO DO NOW?

PCBUs and their officers were directed to take urgent steps to ensure they were compliant with the WHS Act from 31 March 2022. The Shire of Bridgetown was expected to:

- Understand how the WHS Act impacts on the Shire;
- Review and update systems and processes to ensure compliance with the WHS Act;
- Provide training to officers about the new obligations and what Courts and regulators are likely to consider is required for compliance;
- Develop evidence of daily compliance with the obligations under the WHS Act; and
- Implement audits to ensure ongoing compliance with the WHS Act.

Immediate action has been taken over the past month to ensure rapid implementation of initiatives intended to ensure compliance with the above.

14. APPLICABILITY TO LOCAL GOVERNMENT

The Shire of Bridgetown itself is a PCUB as a local government entity. However, the WHS Act and regulations identify specific organisations that are not considered to be a PCBU for the purposes of the WHS Act. These include (but are not limited to):

- Individuals engaged solely as a worker (such as an employee) and an officer (such as an executive manager) acting in that capacity alone.
- Local government members, who are acting in that capacity.

However, local government employees, executive managers and Elected Members, while exempt from being a PCUB, are not exempt from the WHS Act and their respective obligations under this Act. Worksafe is clear that failing to perform these obligations will potentially lead to prosecution.

Specifically, local government employees, executive managers and Elected Members are defined as 'Others.' Section 29 of the WHS Act refers to 'Duties of other persons at the workplace' and outlines the following obligations:

29. Duties of other persons at the workplace

A person at a workplace (whether or not the person has another duty under this Part) must —

- (a) take reasonable care for the person's own health and safety;*
and
- (b) take reasonable care that the person's acts or omissions do not adversely affect the health and safety of other persons; and*

- (c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.*

In addition, Section 31(2) states:

31. Failure to comply with health and safety duty — Category 1

- (2) A person commits an offence (a Category 1 offence) if —*
 - (a) the person has a health and safety duty otherwise than as a person conducting a business or undertaking; and*
 - (b) the person fails to comply with that duty; and*
 - (c) the failure causes the death of, or serious harm to, an individual.*

Penalty for this subsection:

- (a) for an individual, if the offence is committed by the individual as an officer of a person conducting a business or undertaking, imprisonment for 5 years and a fine of \$680 000;*
 - (b) for an individual, if paragraph (a) does not apply, imprisonment for 5 years and a fine of \$340 000;*
 - (c) for a body corporate, a fine of \$3 500 000.*
- (3) For the purposes of subsections (1)(c) and (2)(c), the failure causes serious harm to an individual if it causes an injury or illness to the individual that —*
 - (a) endangers, or is likely to endanger, the individual's life; or*
 - (b) results in, or is likely to result in, permanent injury or harm to the individual's health.*
 - (4) A person charged with a Category 1 offence may be convicted of a Category 2 offence or a Category 3 offence.*

15. PENALTIES

The WHS Act provides for three main categories of WHS offences (each with different 'fault elements'), along with a new offence of industrial manslaughter. A high-level overview of the maximum penalties for these offences for both PCBUs and officers is set out in the table further below.

A PCBU commits industrial manslaughter if it, in breach of its duties, engages in conduct that causes the death of an individual, knowing that the conduct is likely to cause the death of, or serious harm to, an individual, and in disregard of that likelihood.

An officer of a PCBU commits industrial manslaughter if a PCBU, in breach of its duties, engages in conduct that causes the death of an individual, and the

PCBU's conduct is attributable to any neglect on the part of the officer, or is engaged in with the officer's consent or connivance.

WHS offences and maximum penalties

Offence	Maximum Penalty – PCBU	Maximum Penalty – officer
Industrial manslaughter	<ul style="list-style-type: none">Individual: 20 years imprisonment and a fine of \$5,000,000.Body corporate: \$10,000,000	<ul style="list-style-type: none">20 years imprisonment and a fine of \$5,000,000.
Category 1 Offence	<ul style="list-style-type: none">Individual: 5 years imprisonment and a fine of \$680,000.Body corporate: \$3,500,000	<ul style="list-style-type: none">5 years imprisonment and a fine of \$680,000.
Category 2 Offence	<ul style="list-style-type: none">Individual: \$350,000.Body corporate: \$1,800,000.	<ul style="list-style-type: none">\$350,000.
Category 3 Offence	<ul style="list-style-type: none">Individual: \$120,000.Body corporate: \$570,000.	<ul style="list-style-type: none">\$120,000.

16. INSURANCE AND INDEMNITY ARRANGEMENTS

The new laws prohibit entering and receiving the benefit of insurance and other indemnity arrangements which cover WHS fines/penalties.

The prohibitions make it unlawful (for example) for a person to enter into an insurance policy that purports to indemnify a person for their liability to pay a fine for an offence under the WHS Act; or be indemnified, or agree to be indemnified, by another person for liability to pay a fine for an offence under the WHS Act.

Consequently, companies are no longer able to indemnify directors by paying fines on their behalf.

Officer Comment

Councillors requested that the CEO have confirmed that they could be prosecuted for negligence, as individuals, under the *Work Health and Safety Act 2020*.

In November 2023, the CEO confirmed that a WorkSafe Inspector had deemed the above information to be correct.

The CEO has now had confirmed by Taylor Smart Lawyers that the above information is correct. The legal advice arrived only hours before the November 2023 Ordinary Council Meeting, so the meeting was deferred to ensure proper consideration of the advice.

On advice from Cr Pearce that the WorkSafe Inspector had provided him with alternate information to the advice he had provided to the CEO with regard to Industrial Manslaughter, the CEO re-contacted WorkSafe for clarification this month and was told WorkSafe could not provide us with the clarification because this would be leaning towards 'legal advice.'

Regardless, the legal advice from Taylor Smart Lawyers confirmed that individual Councillors would not be prosecuted specifically under the Industrial Manslaughter provision.

To be clear, according to the external advice received:

- Elected Members and Executive Managers are not precluded from the WHS Act and can be prosecuted under the Act. However, they are not classified as a PCUB and so will not be prosecuted under the Industrial Manslaughter provisions.
- The Shire of Bridgetown-Greenbushes and the CEO are PCUBs and may be prosecuted under multiple provisions within the Act, including the Industrial Manslaughter provisions.
- It is the high-level responsibility of Elected Members and the Executive Team to ensure that the Shire is never subject to a successful Industrial Manslaughter charge, which would potentially prove catastrophic to the Shire's long-term viability.
- It is not the role of the CEO to interpret, rephrase, debate or defend external advice with Council, but to simply provide the advice to Council to assist with deliberations and decision-making.

Statutory Environment – Work Health & Safety Act 2020

Integrated Planning

- Strategic Community Plan
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans

- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy/Strategic Implications – Not applicable

Budget Implications

Potentially catastrophic if subject to prosecution for negligence as a PCUB (the organisation itself).

Whole of Life Accounting

Not applicable

Risk Management

Risk areas identified according to the Shires risk management policy, are Health, Financial Impact, and Reputational External.

Health:

Catastrophic (fatality, permanent disability) with a likelihood measure being unlikely, giving an overall risk rating of High.

Financial Impact:

Catastrophic (more than \$500,000) with a likelihood measure being unlikely, giving an overall risk rating of High.

Reputational External:

Dependent on the event. If one or more people die, the reputational damage could be Catastrophic.

Due to the current dissatisfaction amongst affected members of the public there is a risk the issue will be escalated and therefore Reputational External is considered Moderate (substantiated, public embarrassment, moderate impact, moderate news profile, requires social media response and monitoring (e.g. State News story) with a likelihood measure being Likely, giving an overall risk rating of High.

Measures of Likelihood			
Rating	Detailed Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic

Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Fletcher, Seconded Cr Pratico
C.15/1223 Work Health and Safety Act 2020 – Obligations.**

That Council acknowledge receipt of information contained in this report.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

CEO Response - If you look at section 15 of that agenda item, it talks about the penalties and provides you with a table.

Cr Fletcher

Question

The question was from that table, what is Category One, Two and Three offense?
What is the definition?

Cr Mahoney stated:

- *A Category One offense causes the death of or serious harm to an individual.*
- *A Category Two offense exposes an individual to a risk of death or of injury or harm.*
- *A Category Three offence is where a person fails to comply with a duty if they have a health and safety duty.*

Corporate Services

ITEM NO.	C.16/1223	FILE REF.	131
SUBJECT	List of Accounts Paid in November 2023		
OFFICER	Manager Finance		
DATE OF REPORT	05 December 2023		

Attachment 14 – List of Accounts Paid in November 2023

OFFICER RECOMMENDATION

That council receive the List of Accounts Paid in November 2023 as presented in Attachment 14.

Summary/Purpose

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. The regulations also require that 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 (Regulation 13).

Background

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

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

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

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

The information in a statement of financial activity is to be shown according to nature and type classification.

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.

Where the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, Regulation 13 requires that a list of accounts paid by the CEO is to be prepared each month showing for each account paid:

- (a) the payee's name; and
- (b) the amount of the payment; and
- (c) the date of the payment; and

- (d) sufficient information to identify the transaction.

The list of accounts is to be:

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

Officer Comment

At the time of agenda preparation for the December 2023 Council meeting, month end finance processes were ongoing, as such the monthly statement of Financial Activity for November 2023 will be presented to the January 2024 Council meeting.

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.

Regulation 35(5) of the Local Government (*Financial Management*) Regulations requires a local government to adopt a percentage or value to be used in statements of financial activity for reporting material variances. Council when adopting its 2022/23 budget resolved as follows:

“C.07/0823 That Council for the financial year ending 30 June 2024 adopt a percentage of plus or minus 5% at nature classification level to be used for reporting material variances of actual revenue and expenditure in the monthly financial reports. The exception being that material variances of \$10,000 or less are non-reportable.

The attached financial activity statements provide explanation of material variances in accordance with resolution C.07/0823.

Integrated Planning

- Strategic Community Plan
Outcome 14 – Effective governance and financial management
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy Implications

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

Budget Implications

Expenditure incurred in November 2023 and presented in the list of accounts paid, was allocated in the 2023/24 Budget.

Whole of Life Accounting – Not applicable

Risk Management

There are no risk areas identified according to Policy RM 1 – Risk Management, as Council have been asked to receive the reports only and no further decision of Council if required.

Measures of Likelihood			
Rating	Detailed Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Simple Majority

**Council Decision Moved Cr Boyle, Seconded Cr Fletcher
C.16/1223 List of Account paid in November 2023.**

That council receive the List of Accounts Paid in November 2023 as presented in Attachment 14.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Christensen

Question

Yes, I do because I'm on the committee together with Tracy, I had a question as to an amount paid \$52,000 to WBAC. I was just wondering what that breakdown is - what that is exactly for?

Director Corporate Services – Please see table below.

WARREN BLACKWOOD ALLIANCE OF COUNCILS (WBAC)	
Description	Amount
Annual Membership Fee	\$ 14,674
Climate Change Impact Group Contribution	\$ 2,640
Trails Development/Website Contribution	\$ 1,100
Regional Tourism Marketing Contribution	\$ 34,155
Total Paid EFT37975	\$ 52,569

Development, Community and Infrastructure

ITEM NO.	C.17/1223	FILE REF.	
SUBJECT	Amendment 73 to Local Planning Scheme No. 3 – amendment to clause 4.3.3 to provide discretion to permit higher density residential development in the Commercial zone		
OFFICER	Director Development, Community and Infrastructure		
DATE OF REPORT	1 December 2023		

Attachment 15 Copies of submissions received

Attachment 16 Map of Bridgetown townsite Commercial zoned land

OFFICER RECOMMENDATION

That Council advertise Amendment No. 73 to the Shire of Bridgetown-Greenbushes Local Planning Scheme No. 3 for an additional 42 days to commence on Friday 22 December 2023, by;

- 1. Including a notice on the Shire website advising of the further opportunity to make submissions and including explanatory mapping showing all the land zoned 'Commercial' and subject to the amendment,*
- 2. Writing to the owners of Lot 601 (No 183) and Lot 2 (No 179) Hampton Street*
- 3. Considering any further submissions received, and the submissions already received on Amendment No. 73, after the completion of the further advertising period.*

Summary/Purpose

The purpose of this report is to enable the Council to consider the submissions received on amendment No 73 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3. The purpose of this amendment to allow for increased residential density within the Commercial zone, by enabling the approval of development of residential density of R35 as opposed to R12.5/R20 which currently applies in the scheme area.

Background

On 29 June 2023 (refer item C.15/0623) Council resolved to adopt, for the purposes of public advertising, Amendment No. 73 to the Scheme No. 3. The amendment proposes to add text to the Scheme to as follows;

4.3.3. Notwithstanding clause 4.3.3 (d) Council may permit development for residential use which complies with the provisions of the Residential Design Codes as they apply to areas coded R35, within the Commercial zone, where:

- i. it is satisfied that the development is consistent with the amenity of the locality, and*
- ii. in the case of a development located on or adjoining a site listed in Schedule 4 of the Scheme, it is satisfied that the development enables the place, building or object listed in Schedule 4 is conserved and preserved, and*
- iii. the development can be connected to the reticulated sewerage system.*

Submissions received:

Seven (7) submissions (three (3) from state government agencies and four (4) from community members) have been received on the amendment, shown in Attachment 15.

One of the submissions received has raised a number of concerns about the compliance of the public advertising of the amendment with the relevant Regulations.

As this report recommends that a period of further advertising occur as a response to one of the issues raised in this submission, the planning issues raised in the submissions will be addressed in the officer report presented to Council following the additional advertising period recommended.

Officer Comment

Summary of the advertising related issues raised in public submissions.

1. Process of advertising of the amendment

Summary: The submission claims that the amendment has not been properly advertised on the basis that the amendment documents have not been made available as required by Regulation 76A of the Planning and Development (Local Planning Schemes) Regulations 2015.

Comment: The notifications on the website of the amendment were as follows;

- On 4 October 2023 a notice of the amendment was published under the 'public notices' section of the website. Notice of the amendment was also included under the 'Community Consultation' section of the website, which included a link that took the user to the 'public notices' section. This link took the user to the top of the Public notices page rather than to the specific notice for the scheme. The full notice was on this page, the user just had to scroll down the page to see it.
- On 30 October this notice was mistakenly moved to 'past public notices' section of the website and was put back in current public notices on 3rd November.
- On 2nd November following a letter from a member of the public, the notice on the Community Consultation page of the website was altered to replicate the post of the public notice page rather the user having click a link to see the full notice. Both posts included links that took the users directly to the details of the amendment documentation.

Although it would have been preferable and clearer if notice of the amendment had been confined to one part of the website, the core requirements of Reg 76A are considered to be satisfied, in that the amendment documents were available on the website, albeit in some times with some scrolling required to find the details of the amendment.

2. Inaccurate description of the land involved in the amendment in the June 2022 (sic) report

The submission claims that the land involved in the amendment in in the original officer report is inaccurate in that it refers to 'Hampton Road' as opposed to 'Hampton Street' and that it refers to Commercial zoned lots fronting Hampton Street and Steere Street without reference to those lots fronting other streets such as Roe or Rose Street.

Comment: It is correct that the officer report to Council of June 2023 inaccurately referred to 'Hampton Road' as opposed to 'Hampton Street' and did not refer by name to the Commercial zoned lots fronting other streets such as Roe or Rose Street. These errors / omissions are not considered to have a significant material impact on the advertising of the amendment.

3. Inaccurate map attached to the amendment documents.

The submission claims that the explanatory map attached to the amendment fails to include two lots which are zoned Commercial.

Comment: It is correct that the map attached to officer report to Council of June 2023 and subsequently included in the explanatory material advertised as part of the amendment did not include 2 two lots which are zoned Commercial. These 2 lots,

Lot 601 (No 183) and Lot 2 (No 179) Hampton Street should have been included in the map but were not included owing to a drafting error.

Although a relatively minor error and not having any material impacts on the content of the scheme amendment, it is considered possible that the omission of these lots from the plan could have had a material impact on the advertising. The reason for this is that interested persons may have viewed the plan and may have reasonably assumed that the amendment did not apply to these lots, when in fact it does.

On this basis, further advertising of the amendment, with a corrected version of the plan, is recommended.

Statutory Environment

Regulation 50 (3) of the Planning and Development (Local Planning Schemes) Regulations 2015 states as follows;

Before the end of the consideration period for a standard amendment to a local planning scheme, or a later date approved by the Commission, the local government must pass a resolution -

- (a) to support the amendment without modification; or***
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or***
- (c) not to support the amendment.***

A later date for compliance with the requirements of Regulation 50 (3) of 29th February 2024 has been approved by the WA Planning Commission.

Integrated Planning

- Strategic Community Plan
 - Outcome 7 Responsible and attractive growth and development.
 - Objective 7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs.

- Corporate Business Plan
 - Objective 7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs.
 - Action 7.1.1 Provide a Local Planning Strategy, in consultation with the community, to plan thoughtfully, creatively and sustainably for population growth, affordable housing and protection of environmental values.

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

Policy/Strategic Implications

The proposed amendment, if ultimately approved by the Minister for Planning, could assist in facilitating development that could contribute positively towards meeting Objective 7.1 of the Strategic Community Plan.

Budget Implications

There will be a cost of publishing the approved amendment in the Government Gazette, however this is not significant from a budget perspective.

Whole of Life Accounting - Nil

Risk Management

A risk assessment has been undertaken in accordance with Council Policy RM 1 (Risk Management). Possible risks include external reputation and compliance. Both these risks have been assessed as Low / Moderate.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements - Simple Majority

**Council Decision Moved Cr Fletcher, Seconded Cr Pratico
C.17/1223 Amendment 73 to Local Planning Scheme No. 3 – amendment to clause 4.3.3 to provide discretion to permit higher density residential development in the Commercial zone.**

That Council advertise Amendment No. 73 to the Shire of Bridgetown-Greenbushes Local Planning Scheme No. 3 for an additional 42 days to commence on Friday 22 December 2023, by;

- 1. Including a notice on the Shire website advising of the further opportunity to make submissions and including explanatory mapping showing all the land zoned ‘Commercial’ and subject to the amendment,***

2. **Writing to the owners of Lot 601 (No 183) and Lot 2 (No 179) Hampton Street**
3. **Considering any further submissions received, and the submissions already received on Amendment No. 73, after the completion of the further advertising period.**

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Shire President

Question

I'm assuming given Mr. Bebbington's point about the days that are to be removed from those 42 days, I assume we're going to do that?

Director Development, Community, and Infrastructure - I'm sure we'll check that and we'll advertise this for the required period of time.

ITEM NO.	C.18/1223	FILE REF.	
SUBJECT	Process and timing for the preparation of the Local Planning Strategy		
OFFICER	Director Development, Community and Infrastructure		
DATE OF REPORT	7 December 2023		

Attachment 17 WA Planning Commission Local Planning Strategy Guidelines
(not including appendices)

OFFICER RECOMMENDATION

That Council adopt the process and timing for the preparation of the Local Planning Strategy (Stage 2 of the Scheme review) as included in this report.

Summary/Purpose

The purpose of this report is to determine the high-level process and anticipated timing to prepare the new Shire of Bridgetown Greenbushes Local Planning Strategy. This Strategy is required to be prepared as part of the review of Town Planning Schemes 3 and 4 and is comprises stage 2 of the process as determined by Council in July 2022.

Background

The Councils Town Planning Schemes set out the future direction of growth for Shire, through zoning land for various purposes and providing for standards and requirements for the development and subdivision of land. The current two (2)

Planning Schemes have been in operation since the late 1980's and are outdated and long overdue for review.

In July 2022, the Council decided on an approach to the review that involves 3 stages.

- Stage 1 – Preparation of a new Local Planning Scheme No 6 text and maps as a simplification and administrative update of the current Schemes, with a focus on combining the two operational Schemes to provide for simplicity, clarity, and compliance with contemporary requirements of the State Government. This scope would not include any strategic or visionary changes.
- Stage 2 – Preparation of the Local Planning Strategy, this being a strategic planning document that captures the Councils aspirations for future long-term development of the Shire. The purpose of the Local Planning Strategy is to provide the strategic planning direction for the growth and development of the Shire.
- Stage 3 – Preparation of a series of logically grouped planning amendments to Local Planning Scheme 6 to enable the implementation of the Local Planning Strategy.

Stage 1 of the new Local Planning Scheme No 6 was adopted by the Council in March 2023. This is expected to be advertised for public comment in early to mid 2024.

This report deals with the process and anticipated timing of Stage 2 of the Scheme review process, namely the preparation of the Local Planning Strategy.

Officer Comment

Local Planning Strategy content

Before deciding on the detail process for stage 2 of the scheme review (the Local Planning Strategy) it is worth considering the role of Council and the WA Planning Commission / Minister for Planning in the process of Strategy and Scheme preparation and understanding the limitations on their content.

Regulation 11(2) of the Planning and Development (Local Planning Schemes Regulations 2015) requires that the Local Planning Strategy be approved by the WA Planning Commission, and that it must.

- (a) be prepared in a manner and form approved by the Commission.
- (b) set out the long-term planning directions for the local government.
- (c) apply any State or regional planning policy that is relevant to the strategy.
- (d) provide the rationale for any zoning or classification of land under the local planning scheme.

Furthermore, Regulation 12 provides the Commission with the power to require a local government to change its draft Local Planning Strategy in the event that it does not meet the requirements of 11 (2) above.

The WA Planning Commission published the Local Planning Strategy Guidelines in March 2023. These set out in detailed the process of preparation of and the content of a Local Planning Strategy. The Guidelines (not including appendices) are shown in Attachment 17.

The Scheme Text, which is the mechanism through which the strategy is implemented, is also subject to the approval of the Planning Commission and the Minister for Planning. Significant sections of Scheme content are prescribed via the Deemed Provisions (included in the 2015 Regulations and which are required to be read as part of the Scheme) and the Model Provisions (required to be included in the Scheme unless approval is granted by the Commission / Minister). Major state planning policies, most notably SPP 2.5 (Rural Planning), SPP 3.7 (Planning for Bushfire Prone Areas) and SPP 7.3 (Residential Design Codes) will all significantly impact on the content of the planning strategy and scheme text and will be required to be referenced in the scheme and strategy.

In essence, this means that a considerable amount of the content of the new scheme and strategy is prescribed by state planning requirements and falls outside of the Councils ability to control. The planning system in WA is somewhat centralised and the scope of the Council to include scheme content which is inconsistent with the policy requirements of the State is limited. This means that, to some extent, the Local Planning Strategy process needs to be tempered with pragmatism and management of expectations of the Councils capacity to include Scheme content which may not accord with the government requirements.

Community engagement on the Local Planning Strategy

Given the factors above, the Council faces a balanced decision on the extent of community engagement that should be undertaken as part of the Local Planning Strategy. Although, on the face of it, there is an argument that more engagement is always better and a strong and robust 'bottom up' engagement might at first seem a desirable process, the Council needs to be mindful of the resources involved and the capacity to create expectations within the community which cannot be fulfilled in the scheme. It is quite possible that a number of the issues that might be raised in the community engagement will be subjects on which the Council cannot have any meaningful response in a statutory planning sense.

This is not to say that such input would be without value, and Council could adopt some community feedback as advocacy positions if these cannot be included in the statutory planning regime.

A level of engagement that is commensurate with the level of influence and the issues involved is considered the preferred way to approach this issue, whilst being highly transparent with the community about the process of preparation of the Local Planning Strategy and the Scheme.

Concurrent Stage 1 process

It should be noted that the Stage 1 of the Scheme review process (the new Local Planning Scheme No 6 text and maps) is expected to be advertised for public comment

during the February – April 2024. The anticipated timing of this advertising works quite well with the timing of this Stage 2 of the Scheme review. Noting that the Stage 1 process is limited to legal, administrative, and state government required changes only, it is likely that some of the community responses received as part of the advertising of the Scheme Text during February – April will not be able to be accommodated in the scheme as part of that process. These responses could, however, be incorporated into the Local Planning Strategy community engagement process for consideration of more strategic changes to the planning regime as part of stage 2 of the review.

The recommended process for the preparation, community engagement and timing for Stage 2 of the Scheme review (Local Planning Strategy)

- 1) Research phase dealing with issues such as demographics, collation and mapping of land use and environmental data, growth and development trends, fire risk analysis, physical servicing issues, liaison with state agencies and examination of relevant key government policy positions. Development of brief discussion papers on key issues (Jan - June 2024)
- 2) Council high level vision and goal setting and development of preliminary positions on the key issues (July – Sept 2024)
- 3) Community engagement on the initial research results and key issues after the research phase by;
 - Incorporating community comments as part of the statutory advertising of the draft scheme text
 - Set up community steering group (Terms of reference and membership to be determined by the Council)
 - Holding open community information sessions with public displays and survey, informal discussions
 - On line survey on key policy questions
 - Briefing of key community groups (Sept – Oct 2024)
- 4) Development of Council position on key components of the Local Planning Strategy following community engagement (Nov / Dec 2024)
- 5) Preparation of draft Local Planning Strategy in accordance with the WAPC guidelines (Jan / April 2025)
- 6) Adoption of draft Local Planning Strategy by Council and submission to WAPC for advertising consent (May 2025)
- 7) Statutory advertising of draft Local Planning Strategy (July / August 2025) – methodology for this phase of the project to be developed at that time.
- 8) Final adoption by Council (October 2025)
- 9) Final approval by the WA Planning Commission (Dec 2025)

Risks and uncertainties

The primary unknown factor which might influence the timeline above is the extent to which the Local Planning Strategy might include content that is inconsistent with the requirements of the WA Planning Commission or other state agencies. Should this occur, the suggested timelines for approval by state agencies (which are out of the Councils control in any event) can change considerably.

A preliminary list of planning issues to be addressed is shown below. This list is not definitive, and other issues may arise as a result of the community engagement or research phases of this project.

1. Housing affordability

- Whether the scheme should allow for tiny houses and transportable buildings and if so how and where?
- Whether higher density and infill development be permissible, and if so, in which locations and under what circumstances?
- Whether unserviced 'rural clusters' be permissible within rural areas?

2. Lifestyle rural lots

- Whether existing estates should expand, whether new estates should be permitted and whether agricultural land should be lost for this purpose?

3. Bridgetown Main Street

- Whether the commercial areas should grow or consolidate ?
- Whether sufficient parking and amenities exist ?

4. Greenbushes and North Greenbushes townsites

- Whether and how these town sites can expand?

5. Tourism

- Whether agricultural land should be lost for this purpose and how potential land use conflict with more 'traditional' uses might be managed.
- Regulation of short-term rental accommodation under the new state government requirements.

6. New mixed business / Light industrial zone

- Where this might be located and serviced, and the range of land uses that might be permissible there?
- Consideration of risk that this might undermine the primacy of the Town Centre

Statutory Environment

Regulation 11(2) of the Planning and Development (Local Planning Schemes Regulations 2015) requires sets out the requirements for the content of the Local Planning Strategy, namely that it must;

1. be prepared in a manner and form approved by the Commission;
2. set out the long-term planning directions for the local government
3. apply any State or regional planning policy that is relevant to the strategy

4. provide the rationale for any zoning or classification of land under the local planning scheme.

Integrated Planning

- Strategic Community Plan
 - Outcome 7 Responsible and attractive growth and development
 - Objective 7.1 Plan for a diverse range of land, housing, and development opportunities to meet current and future needs
- Corporate Business Plan
 - Action 7.1.1 Provide a Local Planning Strategy, in consultation with the community, to plan thoughtfully, creatively, and sustainably for population growth, affordable housing and protection of environmental values
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy/Strategic Implications

The preparation and adoption of the Local Planning Strategy is a major policy development exercise by the Shire. The Strategy will provide a strategic plan for the future growth of the Shire over the next 10 years and will be used as the basis for the preparation of major amendments to the Scheme in accordance with the Council decision of July 2022.

Budget Implications

An amount of \$25,836 is included in the 2022-2023 budget for this project. This figure is based on an estimate from a few years ago that was carried forward into this year's budget. Once the scope of this project has been adopted by the Council, the anticipated consultant costs will be refined and an appropriate budget amendment report brought before Council, should this be necessary.

Whole of Life Accounting

Nil

Risk Management

A risk assessment has been undertaken in accordance with Council Policy RM 1 (Risk Management). Possible risks include external reputation and compliance. Both these risks have been assessed as Low / Moderate.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements - Simple majority

***Council Decision Moved Cr Boyle, Seconded Cr Lansdell
C.18/1223 Process and timing for the preparation of the Local Planning Strategy.***

That Council adopt the process and timing for the preparation of the Local Planning Strategy (Stage 2 of the Scheme review) as included in this report.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.

Against: Nil

Cr Fletcher

Question

I would hope that these processes take a long time and that we can actually have some form of updating people on our website as to what stage we are at through this process. So it's just like a monthly update to see where we're at, I believe, people like to know how much progress is being made.

CEO Response – We can do that.

ITEM NO.	C.19/1223	FILE REF.	280
SUBJECT	New Policy - Community Grants, Contributions and Donations		
OFFICER	Manager Community Services		
DATE OF REPORT	December 2023		

Attachment 18 Policy CS 6 - Service Agreements for Community Services Providers

Attachment 19 Policy FM 1 - Community Grants, Service Agreements, Donations and Contributions

Attachment 20 Proposed Policy CS 9 - Community Grants, Contributions and Donations

OFFICER RECOMMENDATION

That Council;

- 1. Repeal Policy CS 6 - Service Agreements for Community Services Providers.*
- 2. Repeal Policy FM 1 - Shire Community Grants, Service Agreements, Donations and Contributions.*
- 3. Adopt Policy CS 9 - Community Grants, Contributions and Donations.*
- 4. Adopt the amended delegation FM 4 to allow the CEO to waive fees and charges.*

Summary/Purpose

These recommendations seek to repeal two existing policies and combine into one policy. This will streamline the annual Community Grants, Contributions and Donations program including the introduction of funding limits to provide a framework for Council and offer potential community groups clarity regarding funding amounts available under the community grants program.

Background

Policy FM 1 was adopted in September 1999 to offer financial support to local community groups and not-for-profits to provide activities, events and services to the community. There have been several iterations over the many years since this policy has been first adopted, most notably to include service agreements (3-year grants), to change categories and to better meet the needs of the community.

Policy FM 1 was last reviewed in June 2022.

Policy CS 6 Service Agreements for Community Service Providers was adopted in November 2003. The objective of this policy is to provide Service Agreements (3 year grants) to community groups to cover the same operational costs over 3 consecutive

years to provide financial security for community groups, support their ability to plan for the future and continue to operate.

Policy CS 6 was last reviewed in November 2020.

During the Community Grants, Service Agreements, Contributions and Donations held in April 2023 attending Councilors expressed concern with the amounts being requested in the applications, which were often well above the amounts available. A maximum limit was suggested to provide guidance to community groups and enable to equitable provision of funds across a greater number of applicants.

In May 2023(C14/0523) Council agreed to allocated \$130,000 in the 2023-2024 budget for Community Grants, Service Agreements, Contributions and Donations:

- \$6,330 New service agreements
- \$15,852 Existing service agreements to be carried forward
- \$22,900 New community group grants
- \$2,835 New non-contestable annual community contributions
- \$25,580 Existing non-contestable annual community contributions
- \$1,500 Chief Executive Officer donations
- \$3,500 Chief Executive Officer hall hire donations
- \$680 Rubbish and recycling collection for community events
- \$200 Rubbish and recycling collection for Shire leased facilities
- \$45,508 Landcare Officer
- \$500 South West Academy of Sport Sponsorship
- \$250 Agricultural Society School Art Prize Sponsorship
- \$1,000 Manjimup Airfield Contribution
- \$2,000 Regional Airport Marketing (Busselton)
- \$1,000 Greenbushes' Australia Day Breakfast Event
- \$365 School Awards

The Community Grants and Service Agreements application process for 2023/24 was competitive with new applications received to the value of \$87,809, to be distributed from \$29,230 available funds, once the costs of ongoing funding including Non-Contestable funding, existing Service Agreements, Contributions and Donations were considered and taken into account.

Officer Comment

The main points of difference between Policy FM 1 Shire Community Grants, Service Agreements, Donations and Contributions, Policy CS 6 service agreements for Community Service Providers and proposed Policy CS 9 Community Grants Contributions and Donations include the following:

- Removal of CEO donations category (\$1,500)
- Changing the term Service Agreement to 3-year Community Grant
- Combining Contributions, Donations and Non-Contestable Funding into one category called Annual Contributions and Donations to be reviewed as part of the Community Grants approval process.
- Providing a \$5,000 maximum limit on 1- year grants

- Providing a \$5,000 per year maximum limit on 3-year grants (total \$15,000 over 3 years)
- That a request to the CEO to waive fees and charges or provide rubbish services will be made through an application process 12 weeks prior to the event or activity.
- The removal on businesses, commercial organisations from being eligible to apply for funding.

The ability for community to apply for 1- and 3-year grants and in-kind support from the shire will not change under the new policy. The ability for community to apply for in-kind support from the shire will also remain unchanged, however there will be a process by which this will happen.

Policy CS 9 will provide a way of streamlining and simplifying the process for community. The new Policy also provides transparency to Council and accountability and security for the CEO regarding CEO donations and in-kind support by instating a structured application process that will be reported to Council and removing the cash donation category from possible donations.

The inclusion of a structured process including time frame for venue hire fee waiving and rubbish collection will also provide officers that work in areas that are impacted by events, the time to plan for the preparation of shire facilities and the inclusion of extra officer time for cleaning or rubbish pickup. This will improve service provision to the community.

The removal of CEO cash donations protects the CEO from perceived nepotism, offering a transparent and Council determined grant funding structure. The removal of this category also supports CEO accountability in terms of spending public funds due to the lack of formal processes or reporting. If the recommendations in this report are supported the \$1,500 currently allocated to CEO donations can be included into the other categories in the Community Grants, Contributions and Donations allocations and provided to community within a framework with clear and established reporting requirements.

Statutory Environment - Nil

Integrated Planning

➤ Strategic Community Plan

Outcome 2 Good Health and community wellbeing

Objective 2.4 Building community capacity by supporting community organisations and volunteers

Outcome 13 Proactive, visionary leaders who respond to community needs

Objective 13.2 Embrace innovation and a 'can do' attitude

Outcome 14 Effective governance and financial management

Objective 14.1 Achieve excellence in organizational performance and service delivery.

➤ Corporate Business Plan

Action 2.4.1 Fund community grants, service agreements and donations.

Action 13.2.1 Provide a review of policies, systems and processes to introduce innovations to improve business efficiencies and the customer experience.

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

Policy/Strategic Implications

Council Policy FM 1 Community Grants/Donations, Donations and Contributions is recommended to be repealed.

Council Policy CS 6 Service Agreements for Community Services is recommended to be repealed.

Proposed Policy CS 9 Community Grants, Contributions and Donations is recommended to be adopted.

Budget Implications

Council allocates funding annually as part of the community grants and budgetary processes. If the recommendations are supported, Council may choose to include the \$1,500 no longer available under the CEO cash donations to another category within the Community Grants, Contributions and Donations program when the allocations are decided.

Whole of Life Accounting - Nil

Risk Management

The current recommendations address the following Risk Management Priority area identified according to Policy RM 1 – Risk Management is Compliance, Reputational (External).

Compliance – the compliance risk is high and relevant to recommendation 3 and 4 as both of these recommendations include the adoption of the delegations required to waive fees and charges or approve/reject variations in grant funds.

Compliance – the compliance risk is moderate and relevant to recommendation 2 given the potential lack of transparency and reporting requirements associated with the CEO donations category.

Reputational Risk (External)– the reputational risk is extreme and relevant to recommendation 2 given the potential of perceived nepotism by providing the CEO an allocation of cash funding to provide to individuals or groups without a clear procedure to guide the decision-making process or the inclusion of a formal reporting requirement to Council.

Reputations Risk (External) – the reputational risk is high and relevant to recommendation 2 given the lack of clarity associated with the amount of funding available to each applicant. The inclusion of a maximum limit of funding per category and per organisation provides community groups with an understanding of the potential value of their funding from Council allowing expectations to be managed and applicants to undertake financial planning.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Absolute Majority

Moved Cr Pratico, Seconded Cr Fletcher
C.19/1223 New Policy - Community Grants, Contributions and Donations.

Council Decision ***Moved Cr Christensen, Seconded Cr Lansdell***
C.19/1223a New Policy - Community Grants, Contributions and Donations.

That in accordance with clause 11.1(b) of the Standing Orders Local Law, debate on item C.19/1223 – New Policy - Community Grants, Contributions and Donations be adjourned to a future ordinary meeting of Council to allow for further information to be obtained.

Carried 8/0

For: Crs Boyle, Browne, Christensen, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Cr Pratico - I think the service agreements really needs an overhaul. It's nearly got to the point now that community groups are hesitant in applying because they're so rarely approved.

Cr Fletcher - Yes. Looking at the new policy, I would like to agree with Cr Pratico in relation to the transparency of contestable and non-contestable grants. I for one are very unsure of who has the non-contestable grants in Bridgetown and how long they've had them for. I know the purpose, but I think we need to be very

public and transparent about making sure everyone knows who gets the grants, how much they're for on an annual basis, how long those groups have had them.

One of my concerns is that if we are giving grants to community organizations or groups or that somehow those organizations actual activities should become sustainable so that they can go on and what we're doing is helping them in the first place.

I know the contestable grants do that. With the new changes, with the \$5,000 limit for one year or up to three years. What I would seriously like to see is that made public that the organizations become sustainable. I know when you apply for a grant from Talison, they will not pay wages, whereas we as a Shire do, through the contestable and non-contestable grant stream, pay wages of employees in organisations which we fund.

CEO Response - We left in there that we pay the staff wages, but I was quite surprised myself to find that we do. I've never come across a grant anywhere that doesn't exclude staff wages. However, we didn't want to pull the rug out from underneath everyone for a long-standing arrangement until we really look a bit further into it.

We did leave that in there for that reason, because it is established. There are community groups that depend on it at the moment. I agree with you completely about the transparency. We're talking to Jen about how to do better in that space.

You will notice I took out the CEO discretion fund because I was very uncomfortable with that. It had no eligibility criteria, had three groups come in and ask me for money on my second day here, and I actually had no grounds to say no because there was no eligibility criteria and I don't necessarily support the applications, but I had no means of turning them down. So that's why we removed that CEO discretion fund.

Cr Christensen - I actually totally agree with both Cr Fletcher and Cr Pratico on this one because there are some quite large amounts in the non-contestable allocations and other contributions in allocation sections granted. \$8,000, \$12,000, \$45,000, which is salaries and wages. There are good reasons for that. This really worries me that if we've not included some kind of grants policy, that people will be, there will be a lot of confusion in the community.

What I'd really like to propose is actually to defer this item to a concept forum where the Council discuss this with the Officers and really go into this in a bit more detail and make those recommendations as to how we would like to see this whole grants process going forward. I am really uncomfortable with this item as it stands.

Cr Pratico - I think it's very difficult to support deferring it when we've already opened the round of applications. I'm all in favour of having a concept forum item, but it's just about impossible to do it in this year.

CEO Response - It's a very good point Cr Pratico. However, just reminding Councillors that the original policy stays in place. This is the amended policy, so you can defer the amended policy and we still keep operating under the old policy, which will support this year's round if you like.

Cr Lansdell – The feel in the room is that I actually just don't think that there's enough communication to the community about this. I've been on only two of these now, and I don't recall actually the conversation in the last one was that we were saying that there needs to be a limit to what they can actually apply for. The conversation was what needs to be put out to community is that this is the amount, this is the contestable. So that there were realistic expectations of if one grant is for \$30,000 and there's only \$24,000 contestable, then that community group understanding that they are actually asking for more than what's available. So it's more about the communication to the community about these.

Cr Fletcher - Yes, I agree with Cr Lansdell on that. Going under the current arrangements, there's only about 30% of that 130,000 that's a bit over. That's available for contestable grants, which really, the new policy is trying to put some top limits on it. For each group, it's about up to 5,000. That means four groups will get a grant under the contestable scheme and the non-contestable grant groups.

Receival of Minutes from Management Committees

Nil

Responses to Elected Member Questions Taken on Notice

Elected Members Questions With Notice

Notice of Motions for Consideration at the Next Meeting

Matters Behind Closed Doors (Confidential Items)

Council Decision *Moved Cr Boyle, Seconded Cr Mahoney*
C.20/1223 *That Council go behind closed doors to consider Item C.20/1223*
at 7.23pm.

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

ITEM NO.	C.20/1223	FILE REF.	244
SUBJECT	2024 Community Citizen of the Year Awards		
OFFICER	Executive Assistant		
DATE OF REPORT	30 November 2023		

Attachment 21 2024 Community Citizen of the Year Awards report (Confidential)

A confidential report will be circulated to Elected Members under separate cover.

OFFICER RECOMMENDATION

That Council consider all nominations received and select a successful candidate for the following award categories;

- *Community Citizen of the Year*
- *Senior Community Citizen of the Year*
- *Young Community Citizen of the Year*
- *Active Community Citizen Award*

Council Decision Moved Cr Pratico, Seconded Cr Lansdell

C.20/1223a That Council invoke clause 18.1 of the Standing Orders at 7.25pm to allow for informal discussion.

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Council Decision Moved Cr Pratico, Seconded Cr Lansdell

C.20/1223b That application of clause 18.1 of the Standing Orders cease at 7.31pm.

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Council Decision Moved Cr Lansdell, Seconded Cr Pratico

C.20/1223c That Council come out from behind closed doors at 7.33pm.

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Council Decision Moved Cr Lansdell, Seconded Cr Pratico

C.20/1223d That Council nominate;

- ***Lyn and Barry Perks - Community Citizen of the Year***
- ***Glen Norris - Senior Community Citizen of the Year***
- ***Adia Leary - Young Community Citizen of the Year***

- ***Irma Lachmund - Active Community Citizenship Award subject to the nominator accepting shifting them to Active Community Citizenship Award***

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Urgent Business Approved by Decision

**Council Decision Moved Cr Mahoney, Seconded Cr Pratico
That Item C.21/1223 be accepted as urgent business.**

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

ITEM NO.	C.21/1223	FILE REF.	208
SUBJECT	Annual Report & Annual Financial Report 2022/23		
OFFICER	Chief Executive Officer		
DATE OF REPORT	11 December 2023		

Attachment 21 Annual Report 2022/23

Reason for Urgent Business: Council's audit report was received 8 December 2023. In accordance with Section 5.54 of the *Local Government Act 1995* a local government is required to accept the Annual Report by 31 December with an exception being if the audit report is not available in time for that date to be met.

OFFICER RECOMMENDATION

That Item C.21/1223 be accepted as urgent business.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2022/23 financial year and gives local public notice of its availability.***
- 2. Schedules the Annual General Meeting of Electors to be held on Thursday, 1 February 2024 in the Council Chambers, commencing at 5:30pm.***

Summary/Purpose

Following receipt of the Independent Audit Report from the Office of the Auditor General, the Annual Report including the Annual Financial Statements has been prepared in accordance with Section 5.53 of the *Local Government Act 1995* (the Act).

Council's Audit Committee has met with the Auditor and considered the annual financial statements.

Council is requested to receive the Annual Report for the 2022/23 financial year and set a date for the Annual General Meeting of Electors.

Background/Officer Comment

The Act requires a local government to prepare each financial year an Annual Report that includes the Annual Financial Statements.

Council's Audit Committee met with the Auditor and considered the 2022/23 Annual Financial Statements at its meeting held 7 December 2023. The final Audit Report was received on 8 December 2023. Section 5.54 of the Act requires a local government to accept the Auditor's report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

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

Section 5.27 of the Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report for the previous financial year. Assuming Council accepts the annual report at its December meeting the latest date for the Annual General Meeting of Electors would be Thursday, 8 February 2024.

Considering the above it is recommended that the Annual General Meeting of Electors be held at 5:30pm on Thursday, 1 February 2024.

2022/23 Financial Statements

The audit of the Shire's 2022/23 Financial Statements has been conducted in accordance with Australian Auditing Standards and the Auditor has determined that:

"In my opinion, the financial report is:

- *based on proper accounts and records*
- *presents fairly, in all material respects, the results of the operations of the Shire for the year ended 30 June 2023 and its financial position at the end of that period*
- *in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards."*

The audit report does not identify any matters or issues that are to be raised in relation to significant audit and accounting issues, audit adjustments or other key matters.

The Audit Committee, following discussions with Mr Louis De Robillard, Assistant Director, from the Office of the Auditor General WA, Mr Greg Godwin, Audit Partner from Moore Australia and Mr Rohan Nagaich, Senior Manager from Moore Australia passed the following recommendation:

“AC.02/1223 That the Audit Committee:

1. Note the Audit Concluding Memorandum and Draft Independent Auditor’s Report for the 2022/23 financial year.

2. Recommend that Council accept the 2022/23 Annual Financial Statements (that will include the Independent Audit Report).”

Statutory Environment

Section 5.27(2) for calling of Annual General Meeting of Electors

Section 5.53 for contents of Annual Report

Section 5.54 for acceptance of Annual Report

Section 5.55 and 5.55A for notice and publication of Annual Report

Integrated Planning

Strategic Community Plan

- Outcome 14 – Effective governance and financial management
Objective 14.1 – Achieve excellence in organisational performance and service delivery

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

Policy

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

Budget Implications

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

Whole of Life Accounting – Not Applicable

Risk Management

It is a statutory requirement for Council to accept the Annual Report and set a date for the holding of the Annual General Meeting in accordance with the timelines outlined in the legislation. Should Council fail to adopt the annual report and hold the Annual General Meeting of Electors in accordance with the statutory timeframes the following risks areas have been identified in accordance with Policy RM 1 – Risk Management:

Compliance Risk – assessed as a moderate risk i.e. temporary non-compliance is almost certain.

Reputational Risk (external) – assessed as a moderate risk i.e. there is a possibility of local news and social media attention.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Voting Requirements – Absolute Majority to accept the Annual Report

**Council Decision Moved Cr Christensen, Seconded Cr Fletcher
C.21/1223a Annual Report & Annual Financial Report 2022/23**

That Council:

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2022/23 financial year and gives local public notice of its availability.**
- 2. Schedules the Annual General Meeting of Electors to be held on Thursday, 1 February 2024 in the Council Chambers, commencing at 5:30pm.**

Carried by Absolute Majority 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Shire President - I must commend staff because it was put together in a very short space of time, to come up with a terrific report like that.

CEO Response - Can I particularly thank Jen Birkhead, who put an annual report together in five days. She did an amazing job.

**Council Decision Moved Cr Mahoney, Seconded Cr Christensen
C.22/1223 That Council go behind closed doors to consider Item C.22/1223
at 7.36pm.**

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended Item C.22/1223 be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

(b) The personal affairs of any person

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

ITEM NO.	C.22/1223	FILE REF.	
SUBJECT	Committee Nomination – Access and Inclusion Advisory Committee		
OFFICER	Executive Assistant		
DATE OF REPORT	12 December 2023		

Attachment 22 Nomination form for Access and Inclusion Advisory Committee

Attachment 23 Access and Inclusion Advisory Committee - IoA

OFFICER RECOMMENDATION 1

That Council appoint Jillian Neave as community representative on the Access and Inclusion Advisory Committee, in accordance with the Instrument of Appointment presented in Attachment 23.

**Council Decision Moved Cr Mahoney, Seconded Cr Christensen
C.22/1223a That Council appoint Jillian Neave as community representative
on the Access and Inclusion Advisory Committee, in accordance
with the Instrument of Appointment presented in Attachment 23.**

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

OFFICER RECOMMENDATION 2

That Council appoint Martin Cable as community representative on the Access and Inclusion Advisory Committee, in accordance with the Instrument of Appointment presented in Attachment 23.

**Council Decision Moved Cr Mountford, Seconded Cr Christensen
C.22/1223b That Council appoint Martin Cable as community representative
on the Access and Inclusion Advisory Committee, in accordance
with the Instrument of Appointment presented in Attachment 23.**

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

**Council Decision Moved Cr Mahoney, Seconded Cr Lansdell
C.22/1223c That Council come out from behind closed doors at 7.38pm.**

Carried 8/0

For: Crs Boyle, Christensen, Fletcher, Lansdell, Mahoney, Mountford, Pearce and Pratico.
Against: Nil

Responses to Elected Member Questions Taken on Notice

Cr Lansdell - Greenbushes depot - in Rolling Sheet – what happened with petition and outcome? Wasn't enough maintenance being done. What communication will now go out to the original person who put the petition forward - CEO will communicate this to the original petitioner.

Nicole has actioned and notified the petition accordingly.

Cr Lansdell - Acquisition of Dumpling Gully Precinct - Community concern of Talison pumping from Dumpling gully water – do we need to be more proactive? Greenbushes need to have that water not pumped out. Was a plan being developed?

CEO Response – I will take the question on notice because I have not spoken to Talison on this matter.

NOTE AFTER SPEAKING WITH TALISON: Talison is not pumping water out of Dumpling Gully Precinct for its own purposes, it is doing so at its own cost to water the golf course.

Closure

The Presiding Member closed the meeting at 7.42pm.

List of Attachments

Attachment	Item No.	Details
1	C.01/1223	Ordinary Council Meeting held 2 November 2023
2	C.02/1223	Ordinary Council Meeting held 30 November 2023

3	C.06/1223	Draft Fencing Local Law 2023
4	C.06/1223	Fencing Local Laws – Current 2023
5	C.07/1223	FM 4 - Draft Amended Purchasing Policy
6	C.07/1223	Current FM 4-Purchasing-Policy
7	C.07/1223	Supporting documents - Combined FM 3 - Regional Price Preference, FM 6 - Buy Local Purchasing and FM 13 - Budget Management Policy
8	C.08/1223	Bridgetown Shire Depot Draft Concept Plan
9	C.10/1223	G 12 – Well Wishes From Council Policy
10	C.12/1223	Rolling Action Sheet
11	C.13/1223	Tindale’s Map of the South West
12	C.13/1223	Tindale’s Map of Australia
13	C.14/1223	Position Description - Work Health and Safety Officer
14	C.16/1223	List of Accounts Paid in November 2023
15	C.17/1223	Copies of submissions received
16	C.17/1223	Map of Bridgetown townsite Commercial zoned land
17	C.18/1223	A Planning Commission Local Planning Strategy Guidelines (not including appendices)
18	C.19/1223	Policy CS 6 - Service Agreements for Community Service providers
19	C.19/1223	Policy FM 1 - Shire Community Grants Service Agreements Donations and Contributions
20	C.19/1223	Proposed Policy CS9 - Community Grants Policy

Minutes Papers prepared and recommended by L Taramoeroa, Executive Assistant

20 December 2023

Minutes Papers authorised by N Gibbs, CEO

20 December 2023
