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MINUTES

For an Ordinary Meeting of Council held at the Greenbushes Community Resource Centre on Thursday 15 December 2022, commencing at 5.30pm.

Opening of Meeting

The Presiding Member opened the meeting at 5.30pm.

Acknowledgment of Country

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.

Attendance, Apologies and Leave of Absence

President	- Cr J Mountford
Councillors	- J Boyle - E Browne - M Christensen - T Lansdell - S Mahoney - A Pratico - P Quinby - A Rose
Officers	- T Clynch, Chief Executive Officer - P St John, Director Community, Infrastructure & Development - M Larkworthy, Director Corporate Services - E Matthews, Executive Assistant - M Richards, Manager Community Services

Attendance of Gallery

N. Ward, D. Roberts, L. Roberts, D Atkin, L. Goodill, J. Woods, I. Lachmund, M. Gale, T. Stallard, R. Parker, J. Hughes, J. Tuckwell, C. Crossan, P. Crossan, L. Perks, K. Bacci, M. White, M. Dilkes, M. Flemming, I. Vann, B. Redman.

Responses to Previous Questions Taken on Notice

November Ordinary Council Meeting – 24 November 2022

K. Watson

Question

My question relates to 70 Gleneagles Drive in Highland Estate. A shed was recently approved for this property that is 14m wide by 11m, making it a total of 154m². I feel that this seriously impacts on the visual amenity of the area with the structure akin to an industrial estate. Why was approval given to this enormously large shed right at the front of the block and have plans been submitted for a residence. I would also like to

know what Council's position is on sheds being lived in and why this has been allowed on an ongoing basis.

Response - Approval was granted to this shed for the reason that the proposed development complies with the applicable Town Planning Scheme provisions. No building plans have been submitted for a residence or an application made for temporary accommodation in accordance with Policy H.4 – Temporary Accommodation. Current council policy allows for the temporary occupancy of sheds during construction of a residence on the same site. The objective of this arrangement is to enable the land owner to construct their house and live onsite at the same time. This provides convenience and security for the landowner and this arrangement is adopted by many rural Shires and enshrined in policy. It is accepted that the time frames prescribed in the Policy have not been rigorously enforced, although it is open to the Council to consider action for non-compliance in this regard should it decide.

B. Bebbington

Question

Regarding the proposed exemption policy at Council tonight, points 4.0(a) and 5.0(a) refer to granting exemptions for incidental structures and the like, what is an incidental structure and the like?

Response - The term 'Incidental structure' is not defined in TPS 3 or TPS 4. The term 'incidental use' is defined in the Deemed Provisions (and consequently included in TPS 3 or TPS 4) as 'a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use'. It is reasonable to apply the meaning of the term 'incidental' to the policy in that same way as it is defined in relation to land use, and on this basis an incidental structure for the purposes of the Policy will be defined as a structure that is naturally attaching, appertaining or relating to, a single house.

In practice officers will form a judgement on this issue based on this interpretation and, should a more prescriptive policy provision be required, the Policy can be adjusted to reflect this.

Question

Can an outbuilding be any enclosed non habitable structure, have a verandah, patio or roof?

Response - Yes, although the area of the verandah or patio would be included in the area of the outbuilding for the purposes of interpretation of the policy.

Question

An arena for dressage or horse competitions can be a roof on uprights, therefore it's not considered an outbuilding under this policy. Under the proposal tonight an arena would be exempt from requiring planning approval, is that the intent of the policy?

Response - Using the definition provided in the answer above, a roofed dressage arena would not be considered to be an incidental structure for the purposes of this policy.

Question

That proposed policy refers to a floor area of 120m² rather than the roof area. Is that floor area the area within the walls of an enclosed building?

Response - Floor area refers to the area within the walls of a building. If the building is open sided in full or part then officers would interpret the floor area as if a wall that was aligned with the corners of the building existed on the open side(s).

Public Question Time

J Tuckwell

1. Where is the Mine Manager today?

Shire President Response – there's no Talison Lithium representative here today.

2. Why are trucks going down Jephson Street? This wasn't meant to happen. I am worried about safety

Shire President – we will take that question on notice so we can follow up.

3. When putting strychnine baits under the hall can you put signs out? I am concerned about pets getting poisoned.

CEO Response – I wasn't aware we were baiting Shire buildings for anything other than rodents such as rats but I will investigate and provide an answer back to you.

L Perks

With our population growth can we have at least two council meeting each year and as this time is difficult for many to attend can you consider having the meeting at a different time of the year?

Shire President Response – this is something that can be considered by council.

J Woods

I am becoming very concerned about traffic speeding on Blackwood Road, including trucks. I have spoken with the police and the mine manager.

CEO Response – we do meet the Officer in Charge of Bridgetown Police regularly and we can raise these concerns with him. Local government doesn't have a role in any powers to enforce speed limits enforcing speed limits as that is the police's role. Our role is to let them know of concerns from the community and we can do so in this case

T Stallard

1. There remain issues with lines of sight caused by vegetation at the intersections of Stanifer Street/Blackwood Road and Blackwood Road/Collins Street. I acknowledge there has been a lot of work done in Greenbushes lately but those and other jobs really do need to be actioned urgently. Is there a timeline of when these can be actioned?

CEO Response – Council has resolved to review its service levels for parks and gardens across the whole of the Shire with a particular emphasis on Greenbushes. This process has commenced. Council has requested this review be done under two options – one being service levels based on existing internal resources and the other service levels that can be achieved if one additional gardener was employed. Our aim is for that to come to Council in February.

2. Those line of sight problems are here now and need urgent fixing. I appreciate your forward planning and everything else but we do have some serious issues on certain corners like Galena Street/Diorite Street. They are just bushes but they keep growing especially in summer when they grow quicker.

CEO Response – those three intersections will be assessed and actioned where required.

J Tuckwell

What are you going to do about vehicles speeding in town and people doing burnouts and other behaviour? I would hate to see someone such as a child or elderly person killed or injured by such activity. We need a police station in Greenbushes.

Shire President Response – I don't think there's much chance of getting a police station here but we can raise these issues with the police.

R Parker

There is a very large pot hole at the intersection of Galena Street and Diorite Street. Vehicles have to go onto the other side of the road to avoid it. Is this a Council issue or Main Roads issue? There is also a problem with sightlines and gravel spread over these roads.

Shire President Response – these will be assessed and actioned. Council is very focused on Greenbushes at the moment.

N Ward

Today I was walking down the footpath and felt unsafe as the footpath was uneven. Some of this is caused by tree roots lifting slabs. I feel the standard of our footpaths is disgusting.

Shire President Response – these concerns have been noted by Council.

R Fryer

1. With respect to trucks using Stanifer Street can a sign be put up asking truck drivers to be quiet when driving through the town such as not using engine brakes? This is a noise that could be restricted. Who would be responsible for erecting such a sign?

CEO Response – this can be investigated.

2. Who is responsible for maintaining the laneways

CEO Response – the rear laneways are equivalent of a public road and are under the control of the Shire.

3. I'm not talking about the ones you drive on but the ones that can be walked on. These seem to be rather unnecessary.

CEO Response – to be honest I'm not sure if they are under the control of the Shire or are unallocated crown land. A lot of them are fenced into private properties. We can investigate and find out.

R Cross

Is there anything in place to have our fire water mains system upgraded? With our brigade's 3:4 truck, once that truck is empty it is a minimum of an hour and a half to fill 3,000 litres. If we're in a rush we have to get Bridgetown to send in a 12:2 appliance to fill us up as we can't rely on the mains water to fill it quickly enough. Is there anyway are tank can be fitted up with some sort of pump to give us a quicker turnaround?

CEO Response – that was going to be my suggestion as upgrading the town water pressure would be difficult. Whether we can put a pump on the existing tank or give the brigade a larger tank. That can be investigated and I will pass this matter on to our emergency services team.

D Atkin

Thank you for providing the community bus for the trial period. Last week there were four people waiting for the bus but it didn't turn up. We were waiting for half an hour. How come we weren't informed?

CEO Response – that's unacceptable and I apologise for that. We need to ensure it never happens again. People should never have to wait for a bus that never turns up.

No Name Recorded

I know this is a Main Roads issue but both our entrances to town from the highway are dangerous. If you have a big truck behind you and you are turning left into either entrance there isn't a slip lane to enter into.

CEO Response – this has been raised. We are assuming the northern entrance will be addressed when the mine access road is constructed and connects in. We can raise this again with Main Roads.

K Bacci

1. The path down to the sporting area has been cleaned up recently but there remains tree debris on the side of the road. Is this going to be picked up?

CEO Response – I will find out when this debris is to be tidied up.

2. Who is responsible for the maintenance of the sporting complex? Gates onto the courts and the oval have been left open and unlocked. The nets are hanging off and courts are mouldy. It needs some general maintenance.

CEO Response – if the gates are normally locked this can be attended to. To date maintenance of the barrier net between the basketball court and tennis court hasn't been a Shire responsibility but this can be investigated.

T Stallard

With declared plants is it a Shire responsibility to deal with them? At the top end of town and all down Woodward Street there is tagasaste which is a declared plant and it is multiplying at a great rate. Similar weeds exist near the water pipeline. There is also some on road verges. Is it a Shire responsibility or is there another department that should be dealing with it?

CEO Response – It is a Shire responsibility just as it would be a responsibility for any land owner - that is that if there are declared weeds on a property the landowner should deal with them. It isn't a Shire responsibility to deal with declared weeds on Government land, crown land or private land. But if it's on Shire land it's no different to tagasaste on your property - being that we should look after our weeds and you should look after yours. There is a lot of crown land in Greenbushes. DFES does have some responsibility in managing crown land for fire risk and weeds can be a big part of fire risk so this is something we can pass on. If the weeds are on road reserves it would be our responsibility. If they are on other land the responsibility rests with the owner of government agency to which the land is vested. If it isn't our land we can pass it on. If it is our land we can address this in future spraying programs.

M White

For the past year Bridgetown Roller Skating has run public roller skating sessions at the Bridgetown Recreation Centre. Due to the requirements and trends of various users we really need to use the double court. To date we have only been paying the fees for a single court hire however the Recreation Centre staff have advised that we will need to pay the fee for the double court or alternatively only use the single court. The single court doesn't provide enough space for speakers and lights as well as skaters and spectators. It isn't viable for Bridgetown Roller Skating to pay for the double court hire. Can the Council allow Bridgetown Roller Skating to use the double court at a single court hire fee?

CEO Response – I assume you are seeking a fee reduction for the rest of this financial year. I will look into your request and get back to you.

J Tuckwell

What is happening about the skate park in Thomson Park?

Shire President Response – it will be addressed in an item tonight.

Petitions/Deputations/Presentations

Ziggy Van and Rebecca Redman from Hemp Squared Pty. Ltd. provided a presentation on the growth of their business and the growth in popularity of using hemp based bricks used for residential houses and commercial buildings.

Comments on Agenda Items by Parties with an Interest - Nil

Applications for Leave of Absence - Nil

Confirmation of Minutes

C.01/1222 Ordinary Council Meeting held 24 November 2022

A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 24 November 2022 as a true and correct record.

Council Decision Moved Cr Pratico, Seconded Cr Browne

C.01/1222 That the Minutes of the Ordinary Meeting of Council held 24 November 2022 be confirmed as a true and correct record.

Carried 9/0

Announcements by the Presiding Member Without Discussion

As I speak a memorial service is being held in Bridgetown for former Shire employee, Michael Mills-Borley, who passed away recently. Michael, or Riff as he was affectionately known as by all and sundry, was employed as a Ranger at the Shire of Bridgetown-Greenbushes for 10 years from 2006 until his retirement in 2016. We recognise Michael's wonderful contributions to the Shire and pass on our condolences to his family, including partner Vicki.

I would like to take the opportunity to briefly reflect on the last year. It has certainly presented its challenges for us all. It started with a major bushfire event in February and the aftermath of that is still being dealt with to some extent. We then had a change of President on council in April when Cr Bookless left us and I was appointed to the position. We would like to thank John Bookless for his great service to council as a councillor and as Shire President. And I'd also like to thank Barbara Johnson, who also resigned this year, for her service on council. The challenges continued throughout the year with some very significant staff shortages which put a great deal of pressure on the organisation but gladly we seem to have got through that issue now with most of our vacancies now filled but I do thank the staff for their solid efforts through the workforce shortfalls. We had some time and budget overruns on large projects this year which council and administration have had to manage and find ways to pivot which led to some good outcomes. Despite the challenges we have had some achievements – the river walk and Rectory walk were completed, Bridgetown Youth Precinct Phase 1 was completed, the reactivation of the Youth Services Advisory Committee and the creation of the new Cultural Inclusion Advisory Committee. The Climate Change Strategy and Action Plan that was initiated by us was completed and adopted by all Shires in the Warren Blackwood Alliance of Councils. I'd like to thank the CEO, the executive team and staff for their hard work throughout the year and to council for always being proactive, so willing to work together and most importantly for always having the community wishes and wellbeing at the heart of every decision we make. Finally I would like to thank the community for being so passionate about where we live. You're keen to communicate with council and take an active role in what happens here. That triangle I always talk about is the one of collaboration between of council, administration and community, all equally important in the process of local government. So with that I wish everyone a safe and happy Christmas and look forward to 2023 where lots of exciting new developments about to happen and we keep enriching the life we have,

Notification of Disclosure of Interest

Section 5.65 or 5.70 of the *Local Government Act 1995* requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

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

Nil

Questions on Agenda Items by Elected Members

Cr Boyle asked questions regarding item C.15/1222.

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

Reports of Officers

Reports of Officers have been divided into Departments as follows:

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

CEO's Office

ITEM NO.	C.02/1222	FILE REF.	208
SUBJECT	Annual Report & Annual Financial Report 2021/22		
OFFICER	Chief Executive Officer		
DATE OF REPORT	9 December 2022		

Attachment 1 Annual Report 2021/22

Attachment 2 Minutes of Audit Committee Meeting held 8 December 2022

OFFICER RECOMMENDATION

That Council:

1. *Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2021/22 financial year and gives local public notice of its availability.*
2. *Schedules the Annual General Meeting of Electors to be held on Thursday, 2 February 2023 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.

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 2021/22 financial year and set a date for the Annual General Meeting of Electors.

Background/Officer Comment

The Local Government 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 2021/22 Annual Financial Statements at its meeting held 8 December 2022. The final Audit Report was received on 9 December 2022. Section 5.54 of the Local Government Act requires a local government to accept the Auditor's report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

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

Section 5.27 of the Local Government Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report for the previous financial year. Assuming Council accepts the annual report at its December meeting the latest date for the Annual General Meeting of Electors would be Thursday, 9 February 2023.

Taking into account the above it is recommended that the Annual General Meeting of Electors be held at 5:30pm on Thursday, 2 February 2023.

The audit of the Shire's 2021/22 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 2022 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."*

As part of the annual audit process an interim audit was conducted in May 2022 when the following internal control matter was reported:

Extract from Interim Audit Management Report – Auditor Finding

“Expenditure Not Supported by Purchase Order - From our sample testing of payments made during the period, we noted one instance where minor expenditure on food services was not supported by a purchase order. We note management indicated they were aware of the breach which had been identified through an internal review process.”

The Interim Audit Management Report addressing this issue was presented to the Audit Committee at its meeting held on 8 September 2022 where Managements’ comments and proposed actions were considered. In relation to this matter the final audit memorandum includes the following conclusion:

“Based on our testing completed during the year end audit, we are satisfied the Shire has appropriately addressed this matter.”

In summary the Auditor reported no matters in relation to other legal and regulatory requirements, key audit risks or focus areas, audit differences or other key matters.

The Audit Committee, following discussions with Ms Carly Meagher, Director Financial Audit, from the Office of the Auditor General WA and Mr Greg Godwin from Moore Australia determined the following recommendation:

“AC.02/1222 The Audit Committee:

- 1. Notes the Audit Concluding Memorandum that will form the basis of the Independent Auditor’s Report for the 2021/22 financial year.*
- 2. Recommends that Council accept the 2021/22 Annual Financial Statements (that will include the Independent Audit Report).*

Carried 3/0”

Statutory Environment

Local Government Act 1995

s.5.27(2) calling of Annual General Meeting of Electors

s.5.53 contents of Annual Report

s.5.54 acceptance of Annual Report

s.5.55 and s.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 Policy M.34 ‘Advertising of Annual General Meeting of Electors’ sets out the advertising requirements for the Annual General Meeting of Electors.

Budget Implications

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

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Absolute Majority

Council Decision Moved Cr Quinby, Seconded Cr Rose

C.02/1222 That Council;

- 1. Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2021/22 financial year and gives local public notice of its availability**
- 2. Schedules the Annual General Meeting of Electors to be held on Thursday, 2 February 2023 in the Council Chambers, commencing at 5:30pm.**

Carried by Absolute Majority 9/0

ITEM NO.	C.03/1222	FILE REF.	230
SUBJECT	Proposed Ordinary Council Meeting dates for 2023		
PROPONENT	Council		
OFFICER	Executive Assistant		
DATE OF REPORT	6 December 2022		

OFFICER RECOMMENDATION

That Council endorse the following schedule of 2023 ordinary council meetings, to take place in the Council Chambers, excepting the month of December where the meeting is to be held at the Greenbushes Community Resource Centre;

Wednesday 25 January 2023

Thursday 23 February 2023

Thursday 30 March 2023

Thursday 27 April 2023

Thursday 25 May 2023

Thursday 29 June 2023

Thursday 27 July 2023

Thursday 24 August 2023

Thursday 28 September 2023

Thursday 26 October 2023

Thursday 30 November 2023

Thursday 14 December 2023

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 M.6 '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 it is normal practice to hold the meeting earlier in the month. To avoid the January meeting falling on Australia Day, the meeting is to be moved to the Wednesday beforehand, as directed by Policy M.6.

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

M.6 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 Shire of Bridgetown-Greenbushes Policy M.4 – Members Allowances/Expenses.

Room hire for the December ordinary meeting 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.

Voting Requirements - Simple Majority

**Council Decision Moved Cr Mountford, Seconded Cr Rose
C.03/1222 That item C.03/1222 be debated.**

Carried 9/0

Moved Cr Rose, Seconded Cr Christensen

That Council endorse the following schedule of 2023 ordinary council meetings to take place in the Council Chambers, excepting the month of December where the meeting is to be held at the Greenbushes Community Resource Centre;

Wednesday 25 January 2023
Thursday 23 February 2023
Thursday 30 March 2023
Thursday 27 April 2023
Thursday 25 May 2023
Thursday 29 June 2023

Thursday 27 July 2023
Thursday 24 August 2023
Thursday 28 September 2023
Thursday 26 October 2023
Thursday 30 November 2023
Thursday 14 December 2023

Amendment Moved Cr Rose, Seconded Cr Pratico

That the number of meetings held at the Greenbushes Community Resource Centre be increased to two and the months changed to May and November.

Carried 9/0

Amendment Moved Cr Rose, Seconded Cr Pratico

That Policy M.6 'Meetings of Council' be amended to reflect this change.

Carried 9/0

The amendments were incorporated into the substantive motion and was put.

Council Decision Moved Cr Rose, Seconded Cr Christensen

C.03/1222a

1. That Council endorse the following schedule of 2023 ordinary council meetings to take place in the Council Chambers, excepting the months of May and November, where the meeting is to be held at the Greenbushes Community Resource Centre;

**Wednesday 25 January 2023
Thursday 23 February 2023
Thursday 30 March 2023
Thursday 27 April 2023
Thursday 25 May 2023
Thursday 29 June 2023**

**Thursday 27 July 2023
Thursday 24 August 2023
Thursday 28 September 2023
Thursday 26 October 2023
Thursday 30 November 2023
Thursday 14 December 2023**

2. That Policy M.6 'Meetings of Council' be amended to reflect this change.

Carried 9/0

<p>Reason for amending the officer recommendation: to host an additional meeting per year at the Greenbushes townsite. It was also noted that December is not an appropriate month to hold the meeting in Greenbushes.</p>
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ITEM NO.	C.04/1222	FILE REF.	261
SUBJECT	Western Australian Local Government Association Best Practice Governance Review		
PROPONENT	Western Australian Local Government Association (WALGA)		
OFFICER	Chief Executive Officer		
DATE OF REPORT	5 December 2022		

Attachment 3 Background Paper
Attachment 4 Consultation Paper – Model Options

OFFICER RECOMMENDATION

That Council advise the Western Australian Local Government Association that it supports as its preferred option the Two Tier Model identified by Option 1 in the WALGA Best Practice Review Consultation Paper - Model Options and as its 2nd preferred option the current Model identified by Option 5.

Summary/Purpose

The Western Australian Local Government Association (WALGA) is currently undertaking a governance review particularly focussed on organisation composition and structure. As a shareholder and member of WALGA, the Shire of Manjimup has been consulted on the proposed options.

A Background Paper (refer Attachment 3) and a Consultation Paper – Model Options (refer Attachment 4) are attached to assist in Council's understanding of the matter.

Both attachments should be read together to assist Council in their decision making and the purpose of this report is for Council to determine which governance model they support.

Background

The WALGA State Council commissioned the WALGA Best Practice Governance Review in March 2022 to ensure that WALGA's governance model is contemporary and agile and maximises engagement with members.

Governance Reviews allow organisations to re-examine their membership structure, constitution, board role, board composition, governance approach and policies.
















For WALGA, the Best Practice Governance Review represents an opportunity to review and reshape the governance model to ensure WALGA is well-placed to:

- Deliver strong, clear, focused, and consistent policy positions on strategic matters of the most importance to Local Governments in WA,
- Drive advocacy outcomes and impact on behalf of Local Government in WA, and the communities they serve, and
- Embed agility and responsiveness, ensuring member concerns are heard, respected, and represented in a timely, efficient, and effective manner.

There are several drivers for the review.

WALGA's Corporate Strategy 2020-2025 identifies the governance model as a key enabler of performance, with the following description: We have contemporary governance and engagement models.

Member and stakeholder feedback from a range of sources over several years has highlighted dissatisfaction with the governance model. Specifically, feedback relates

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	 Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	 Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	 Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	 State Council (25 members) 24 State Councillors 1 President
 Policy Council (25 members) 24 members plus President	 Regional Bodies (4 metro, 4 country)	 Zones (6 metro, 6 country)	 Policy Teams / Forums / Committees	 Zones (5 metro, 12 country)
 Zones (5 metro, 12 country)	 Policy Teams / Forums / Committees	 Policy Teams / Forums / Committees	 Regional Groups	 Policy Teams / Forums / Committees

to:

Structure – WALGA’s governance structure is seen by members and stakeholders as creating roadblocks, hindering decision-making, and holding WALGA back.

Responsiveness – there is a perception among members and stakeholders that WALGA’s governance model is slow and bureaucratic in an environment that requires agility.

Prioritisation and focus – members and stakeholders acknowledge the challenges of developing unified Local Government policy positions and advocacy priorities given the diversity of Local Government sector interests.

Transparency and accountability – feedback from members and stakeholders suggests that WALGA should be more transparent about its decision-making processes.

Zones – Feedback from members and stakeholders in relation to Zones and Zone meetings is mixed. A proportion of WALGA’s membership believes that Zones are not as representative, strategic nor effective as they potentially could be.

Officer Comment

There are five governance model options identified in the Consultation Paper and they are best summarised by an extract from the Consultation Paper.

Option 1 – Two Tier Model, Existing Zones

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. A Policy Council would be established under the same arrangements as State Council and the existing WALGA zones would be retained.

This model is considered to be more of a contemporary Board arrangement with a focus on WALGA strategy. The representation across the Local Government sector is retained as part of the Policy Council and the existing WALGA Zones would be

retained to enable the necessary local input. The Shire of Bridgetown-Greenbushes would retain direct representation as part of the South West Zone of WALGA as part of the third tier in the model.

Option 2 – Board, Regional Bodies

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. Differently this option creates four regional bodies with flexibility for individual Local Governments to join whichever body is most suitable for them. The third layer will be Policy Teams, Forums and Committees comprising membership from the Board, Regional Bodies and independent members.

Whilst this model creates a contemporary Board structure it is a very significant shift away from State Council and WALGA zones. This may lead to significantly less local representation and for this reason alone is not supported.

Option 3 – Board, Amalgamated Zones

This option creates a Board comprising 15 members that includes 6 metropolitan and 6 country elected from zones and up to 2 independent skills based members. The President is to be elected by the Board. Zones are retained but are amended into 6 metropolitan and 6 country zones. Under the draft proposal the Shire of Bridgetown-Greenbushes would be in an expanded zone comprising South-West and Great Southern Local Governments. The third layer will be Policy Teams, Forums and Committees comprising membership from the Board and independent members.

Whilst this model creates a contemporary Board structure, this option will retain some local representation but will increase the size of the current South-West zone comprising 12 member local governments by incorporating another 11 local governments from the Great Southern area to form a new zone with 23 member local governments. This is considered very problematic due to the actual number of members and the vast distances of travel would likely result in regular non-attendance or a transition to electronic zone meetings.

Option 4 – Member Elected Board, Regional Groups

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. It also utilises Policy Teams, Forums and Committees comprising membership from the Board and independent members. The third layer relies on Regional Groupings of Local Governments of many characteristics to feed upward in to the model.

The Shire of Bridgetown-Greenbushes is a member of the Warren Blackwood Alliance of Councils (WBAC) comprising the Shires of Bridgetown-Greenbushes, Manjimup, Nannup, Donnybrook-Balingup and Boyup Brook and under this model this would be the most likely Regional Group that would participate as the third tier in the model.

Whilst membership of the WBAC is important to its member local governments there are benefits in being a member of a larger south west local government group such as the current WALGA zone.

Option 5 – Current Model

Under this existing model, State Council comprises 24 members plus the President. Members of State Council are elected from the 5 metropolitan zones and the 12 country zones. 12 members from the metropolitan zones and 12 members of the country zones form the State Council plus the elected State Council President. The Shire of Bridgetown-Greenbushes is part of the 12 Local Government members of the South West Zone which elected Cr Tony Dean (Shire President of the Shire of Nannup) as the Zone's representative on State Council. The current model utilises Policy Teams, Forums and Committees made up of State Council members and independent members as the third tier in the model.

Generally, the current model works though it is likely that the State Council is unwieldy due to its membership size. However given the number of Local Government organisations in Western Australia (139) covering vast areas with many different complex issues to navigate, the current membership at least enables very strong representation equitably for all.

Conclusion

It is considered that options 2, 3 and 4 have a greater chance of reducing local government representation on WALGA and are not supported. Option 5 being the current model is effective but it is far from contemporary and possibly unwieldy due to its size. Option 1 creates a contemporary Board structure whilst retaining the most important representation attributes of the current model and for this reason it is recommended as the preferred option with Option 5 being the 2nd preferred option.

Statutory Environment

WALGA is currently recognised by the *Local Government Act 1995*. Under current Local Government reform proposal it is likely that this recognition will be removed however WALGA will still remain as the collective advocacy representative for Local Government members across Western Australia.

Integrated Planning

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

Policy Implications – Nil

Budget Implications

Unknown at this stage. Remuneration for Board Members under Options 1-4 isn't addressed in the WALGA papers and noting that these costs would typically be funded from local government member subscriptions there could be a future cost increase to member local governments.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements – Simple Majority

Council Decision Moved Cr Christensen, Seconded Cr Rose

C.04/1222 That Council advise the Western Australian Local Government Association that it supports as its preferred option the Two Tier Model identified by Option 1 in the WALGA Best Practice Review Consultation Paper - Model Options and as its 2nd preferred option the current Model identified by Option 5.

Carried 9/0

ITEM NO.	C.05/1222	FILE REF.	
SUBJECT	Draft Forest Management Plan 2024-2033		
PROPONENT	Department of Biodiversity, Conservation and Attractions		
OFFICER	Chief Executive Officer		
DATE OF REPORT	6 December 2022		

OFFICER RECOMMENDATION

That the CEO be authorised to lodge a submission on the draft Forest Management Plan 2024-2033 addressing the following points:

- 1. Request that the plan specifically refer to the maintenance of existing logging access roads, including bridges, for the purposes of fire mitigation; and*
- 2. The State give consideration to additional fire resources and mitigation budgets to ensure required firebreaks are established and maintained annually*
- 3. The State increase funding and actions for weed management in forest areas in order to control or eradicate localised weed invasion*
- 4. The State increase funding and actions for control/management of feral and pest animals within forest areas*
- 5. Recognise the need to expand Nature Based Tourism opportunities within the Warren Blackwood area.*

Summary/Purpose

For Council to determine if it wishes to lodge a submission on the draft Forest Management Plan 2024-2033 that is currently out for comment and if so the contents of the submission.

Background

The Department of Biodiversity, Conservation and Attractions (DBCA) has released the Draft Forest Management Plan 2024-2033 for public comment, with the comment period closing on 18 December 2022.

The draft Forest Management Plan 2024-2033 can be viewed at dbca.wa.gov.au/forest-management-plan.

Western Australia's south-west forests are managed under the WA Regional Forest Agreement (RFA), a 20-year agreement between the Western Australian and Australian Governments. Regional Forest Agreements are long-term plans for the sustainable management and conservation of Australia's native forests. RFAs seek to balance economic, social and environmental demands on forests by setting obligations and commitments for forest management that deliver:

- certainty of resource access and supply to industry – building investment confidence;
- ecologically sustainable forest management – ensuring forests are appropriately managed and regenerated; and
- an expanded and permanent forest conservation estate – to provide for the protection of Australia’s unique forest biodiversity.

The south-west forests, and the biodiversity they support are under increasing pressure from threats such as climate change, habitat loss and fragmentation, weeds and pest animals, altered hydrological regimes and inappropriate fire regimes.

Historically, the native timber industry has been one of the main forest-based industries in the south-west. The region’s forests have historically provided direct and indirect socio-economic benefits and jobs (BRM), pest management, floristry, bee keeping, revegetation, machinery, milling processing and other forest-based business activities (firewood, burls, cones, craft wood, seeds).

A forest management plan outlines the approach to protecting and managing forests in Western Australia’s south-west national parks, conservation parks, nature reserves, State forests and timber reserves, and provide direction on how new Government policy settings will be achieved.

The *Draft Forest Management Plan 2024-2033* was prepared by the Conservation and Parks Commission (through the Department of Biodiversity, Conservation and Attractions) in accordance with the *Conservation and Land Management Act 1984*.

This followed wide-ranging consultation with government agencies, key stakeholders and the community, and is informed by scientific research and management experience, input from technical experts and results from monitoring and evaluation processes.

Designed to be more concise and readable than the current FMP, the draft plan has an increased focus on Noongar values and the drying and warming climate of the south-west. It also provides for improved protection of our south-west forests, including at least an additional 400,000 hectares being included in national parks, conservation parks and nature reserves.

On 8 September 2021, the State Government announced native forest logging would end from 2024. The most significant change for forest management from 2024 will be the cessation of large-scale commercial timber harvesting in native forests. In future the only timber to be removed from native forests will be sourced from management activities that improve forest health (such as ecological thinning) or clearing for approved mining operations and infrastructure.

Officer Comment

As outlined within the draft Forest Management Plan 2024-2033, the new draft plan differs significantly from the previous plan in terms of its objectives and format. Preparation of the document by the State was preceded by two very strategic matters, being:

- a) The South West Native Title Settlement being operational in February 2021, reflecting the need for the State to partner with the traditional owners in managing the conservation estate; and
- b) The State Government announcing on 8 September 2021 that it was ending commercial timber harvesting from 2024.

Responding to these matters, climate change and a desire to enhance the conservation reserve system (consistent with the WA Regional Forest Agreement), the revised approach is incorporated within the following strategic goals as outlined in the plan:

1. *To value and protect Noongar cultural heritage and support Noongar Traditional Owner involvement*
2. *To conserve biodiversity and support ecosystem resilience*
3. *To maintain or improve forest health and enhance climate resilience; and*
4. *To deliver social and economic benefits through the provision of goods and services.*

No longer is the maintenance of productive capacity (as outlined in the current plan) a primary focus of the management document, although section 5.6.3 relates to forest based resources.

Whilst inviting comments on the future management of south-west forests, the document advises that for submissions to be effective, they need to be clear and concise, refer to page number or specific sections of the plan, clearly state reasons for agreeing with or disagreeing with the plan, provided sources for information in support of the comments and suggest alternatives for those aspects of the plan with which you disagree. The Plan furthermore states that:

1. The plan may be modified if a submission provides additional information of direct relevance to management, indicates or clarifies a change in legislation or management policy or indicates omissions, inaccuracies or a lack of clarity; and
2. The Plan will not be modified if submissions support the plan, makes general or neutral statements, refers to issues beyond the scope of the plan, refers to matters already included or considered during its preparation, is one among several widely divergent viewpoints on the topic, contributes options that are not feasible or based on unclear or factually incorrect information.

Given the above, it is clear that to have effect, any submission from the Shire must be clear, specific and supported in fact.

Proposed Shire Submission

It is recommended that a submission is made by the Shire on the following sections of the plan:

1. Fire Management

The objectives of the plan are to manage fire in the planning area, protect life, communities and assets from the impacts of bushfire and to use and respond to fire to promote the maintenance of forest health, the conservation of biodiversity and mitigate the risk of bushfire in the planning area. The Management Activities state that there is a need to maintain capacity in fire management including prescribed fire, bushfire mitigation, detection and suppression.

In a drying climate, it is recommended that any submission from the Shire:

- a) Request that the plan specifically refer to the maintenance of existing logging access roads, including bridges, for the purposes of fire mitigation; and
- b) The State give consideration to additional fire resources and mitigation budgets to ensure required firebreaks are established and maintained annually.

2. Weed Management

The Plan makes the statement that for most weed species their control, or eradication is expensive, so preventing their introduction is a more cost effective option. Current recommendations in the plan do not address the need to increase efforts to control or eradicate weed species although the preceding text refers to management goals for localised eradication, density reduction and containment.

Weeds can have a significant impact on the health, environment and the biodiversity of the conservation estate and adjacent lands. It is regularly observed that weed species are located within the conservation estate on both private property and other crown reserves. It is recommended that the Shire submission urge for the Management activity to include a recommendation for increased actions in terms of weed management.

3. Pest Animals

The document recognises that feral fox and cats are the most significant pests due to their impact on native flora, fauna. The Management Plan also recognises pigs, stating that the potential for effective management with localised eradication is feasible and that deer populations are small and localised so the opportunity exists to control or eradicate them.

The effects on flora from introduced species such as pigs, deer, goats and horses has the ability to result in increased weed invasion due to denuding of native vegetation and transfer of weeds.

Whilst acknowledging there can be significant costs associated with addressing feral and pest animals increased management activities in this space are necessary.

4. Nature Based Tourism and Recreation

The Management Plan recognises the potential for social and economic benefits of nature based tourism. This is seen to be an opportunity to offset some of the impacts associated with the cessation of commercial logging.

Currently the document contains a number of generalised management activities around quality recreation and tourism based facilities in suitable locations. With Nature Based Tourism being seen as a major opportunity to reduce the impact of the State Government decision to end native forest logging, it is recommended that the need to expand Nature Based Tourism opportunities within the Warren Blackwood area needs to be recognised within the draft management plan. Obviously these tourism opportunities will need to be sympathetic to the forest environment.

The Shire submission would refrain from providing commentary on the decision of the State Government to end commercial timber harvesting from 2024 nor the impact upon

business as those impacts are being addressed and mitigated to some degree by the State Government's Native Forest Transition process.

Statutory Environment

The Forest Management Plan is reviewed under the *Conservation and Land Management Act 1984*.

Integrated Planning

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

Policy Implications – Nil

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management – Nil

Voting Requirements – Simple Majority

Council Decision Moved Cr Quinby, Seconded Cr Browne

C.05/1222 That the CEO be authorised to lodge a submission on the draft Forest Management Plan 2024-2033 addressing the following points:

- 1. Request that the plan specifically refer to the maintenance of existing logging access roads, including bridges, for the purposes of fire mitigation; and***
- 2. The State give consideration to additional fire resources and mitigation budgets to ensure required firebreaks are established and maintained annually***
- 3. The State increase funding and actions for weed management in forest areas in order to control or eradicate localised weed invasion***
- 4. The State increase funding and actions for control/management of feral and pest animals within forest areas***
- 5. Recognise the need to expand Nature Based Tourism opportunities within the Warren Blackwood area.***

Carried 9/0

ITEM NO.	C.06/1222	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Executive Assistant		
DATE OF REPORT	8 December 2022		

Attachment 5 Rolling Action Sheet – December 2022

OFFICER RECOMMENDATION

That the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

The presentation of the Rolling Action Sheet allows Councillors to be aware of the current status of Items/Projects that have not been finalised.

Background

The Rolling Action Sheet has been reviewed and forms an Attachment to this Agenda.

Statutory Environment – Nil

Integrated Planning

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

Policy Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Browne, Seconded Cr Lansdell*

C.06/1222 *That the information contained in the Rolling Action Sheet be noted.*

Carried 9/0

Corporate Services

ITEM NO.	C.07/1222	FILE REF.	131
SUBJECT	List of Accounts Paid in November 2022		
OFFICER	Manager Finance		
DATE OF REPORT	08 December 2022		

Attachment 6 List of Accounts Paid in November 2022

OFFICER RECOMMENDATION

That Council receive the List of Accounts Paid in November 2022 as presented in Attachment 6.

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

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

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

The information in a statement of financial activity 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 2022 Council meeting, month end finance processes were ongoing, as such the monthly statement of Financial Activity for November 2022 will be presented to the January 2023 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.06/0822n That Council for the financial year ending 30 June 2023 adopt a percentage of plus or minus 5% at nature or type 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.06/0822n.

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 2022 and presented in the list of accounts paid has been allocated in the 2022/23 Budget.

Whole of Life Accounting – Not applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

**Council Decision Moved Cr Pratico, Seconded Cr Boyle
C.07/12222 That Council receive the List of Accounts Paid in November 2022 as presented in Attachment 6.**

Carried 9/0

ITEM NO.	C.08/1222	FILE REF.	224
SUBJECT	Budget Management Policy		
OFFICER	Executive Manager Corporate Services		
DATE OF REPORT	6 December 2022		

Attachment 7 Draft Budget Management Policy

OFFICER RECOMMENDATION

That Council;

- 1. Revoke Policy F.6 'Reporting Forecast Budget Variations Policy' and renumber all remaining policies accordingly*
- 2. Adopt Policy F.23 'Budget Management Policy' as shown in Attachment 7.*

Summary/Purpose

This item seeks endorsement of a new budget management policy to replace Councils existing policy that focusses on reporting of budget variations. The new draft Budget Management Policy has been developed to provide management with a framework to operate within in regard to the following:

- the scope and conditions associated with the CEO approving budget overspends without obtaining Council approval;
- budget overspends requiring prior Council approval; and
- the reporting requirements associated with budget overspends and budget amendments.

Background

At the Concept Forum held 12 May 2022 Council undertook an informal review of the Finance Section of its Policy Manual. It was identified during the review that policy F.7 – Reporting Forecast Budget Variations Policy be subject to a stand-alone review. Council at its meeting held 30 June 2022 resolved in part to:

salaries and wages are within budget. This ensures the CEO can direct employees as required to manage the day-to-day operations of the Shire and implement Council decisions.

Statutory Environment

Local Government Act 1995

s.6.2 (1) Local Government to prepare annual budget

The Council is required to prepare and adopt, by Absolute Majority, an annual budget for its municipal fund by 31st August each year.

s.6.8 Expenditure from municipal fund not included in annual budget

- (1) The Council cannot incur expense from its municipal fund for a purpose for which no expense estimate is included in the annual budget (known as an 'additional purpose') except where the expense —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) is authorised in advance by resolution by Absolute Majority; or
 - (c) is authorised in advance by the mayor or president in an emergency.
- (2) Where expense has been incurred;
 - (a) under s6.8 (1)(a) it is required to be included in the annual budget for that financial year; and
 - (b) under s6.8 (1)(c), it is to be reported to the next ordinary meeting of the council

Local Government (Financial Management) Regulations 1996

r.33A

A formal review of the annual budget is to be presented and adopted by Council, by Absolute Majority, between 1st January and 31st March each year.

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 – Nil

Whole of Life Accounting – Not applicable

Risk Management

The proposed budget management policy will provide for efficient and effective delivery of Council priorities while managing the risk of a negative impact on Council's financial position.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Lansdell, Seconded Cr Browne
C.08/1222 That Council;**

- 1. Revoke Policy F.6 'Reporting Forecast Budget Variations Policy' and renumber all remaining policies accordingly**
- 2. Adopt Policy F.23 'Budget Management Policy' as shown in Attachment 7.**

Carried 9/0

Community, Development & Infrastructure

ITEM NO.	C.09/1222	FILE REF.	072.5
SUBJECT	Bridgetown Railway Station - Expression of Interest		
PROPONENT	Council		
OFFICER	Manager Community Development		
DATE OF REPORT	December 2022		

OFFICER RECOMMENDATION

That Council;

- 1. Note that no Expressions of Interest submissions were received for a commercial use of the Bridgetown Railway Station.*
- 2. Consider the matter of the long term use of the renovated Bridgetown Railway Station at the January Concept Forum.*

Summary/Purpose

To inform Council regarding the outcome of the Bridgetown Railway Station Expression of Interest process, and to propose a time for councillors to consider the long term use of the Railway Station.

Background

In November 2021 a project brief was completed to attract a consultant to undertake a feasibility study and develop a business case for the Bridgetown Railway Station as an art exhibition, event and artist in residence space.

The consulting firm, Economic Transitions, were engaged to undertake to feasibility study and business case and an initial meeting was undertaken in February of 2022 including a site visit.

A stakeholder meeting was held on 28 July 2022 with artists and representatives of art groups invited to join. The consensus arising from the stakeholders meeting was that the artist in residence concept would duplicate a significant function of 'The Rabbit Hole'. The consensus was also that the 'residence' component of the railway station brief was unlikely to attract artists, impacting the operations of the proposed gallery.

The view of the stakeholder group was that the building should be changed from being an artist in residence to a commercial offering. At the August Concept Forum councillors were supportive of the shift in focus and discussed;

- That a survey was not required
- That Council review the vision for the Bridgetown Railway Station

- That Council undertake an Expression of Interest process and the opportunity would be available to local businesses inviting interested businesses to consider submitting an EOI proposal

At the September Council meeting (C.11/0922) Council resolved to;

1. *Call for Expressions of Interest for the use of the Railway Station for possible commercial use.*
2. *Approve the draft Expression of Interest (EOI) assessment criteria.*
3. *Approve the Expression of Interest process as follows;*
 - a) *Council Approval of EOI Assessment Criteria*
 - b) *Advertise the EOI*
 - c) *Council decision to endorse the proposed preferred tenant*
 - d) *CEO to negotiate the details of the lease etc. with preferred tenant.*
 - e) *Council consideration and approval of lease*
 - f) *Minister of Lands approval of lease*
4. *Request approval from the Department of Planning, Lands and Heritage to change the purpose of the Management Order for the Bridgetown Railway Station, Reserve no: 53863 from “community use only” to “community and commercial use”.*

The Expression of Interest was advertised from 28 October 2022 to the 18 November 2022 (three weeks). Four packs were sent to interested proponents however, no submissions were received.

Officer Comment

As the renewal of the Railway Station building progresses it is important to establish the intended use of the building, consider the sustainability of the end use and support the activation of the area.

Given there were no submissions by potential proponents to provide a commercial offering at the Bridgetown Railway Station, Council will need to reconsider an end use for the building once renewal works are complete. If Council support the second recommendation of this report, further exploration of the potential end use of the Railway Station building can be discussed at the January Concept Forum where Councillors can consider financially viable and sustainable options before engaging stakeholders and community.

The completion date for the Bridgetown Railway station renewal works is estimated at late February 2023.

Statutory Environment – Nil

Integrated Planning

- Strategic Community Plan
 - 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 8.1.2 Provide implementation of the Bridgetown and Greenbushes Railway Stations Revitalisation Project

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

Policy Implications - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management

A discussion regarding potential end uses of the Bridgetown Railway Station and their financial viability and sustainability prior to community and stakeholder engagement supports the principles of risk mitigation by considering the financial implications for Council associated with each option before raising community expectations relating to a specific option.

Voting Requirements – Simple Majority

Council Decision Moved Cr Christensen, Seconded Cr Rose C.09/1222 That Council;

- 1. Note that no Expressions of Interest submissions were received for a commercial use of the Bridgetown Railway Station**
- 2. Consider the matter of the long term use of the renovated Bridgetown Railway Station at the January Concept Forum.**

Carried 9/0

ITEM NO.	C.10/1222	FILE REF.	451.2.6
SUBJECT	Leisure Centre Weekly Gym Membership Fee		
PROPONENT	Council		
OFFICER	Coordinator Recreation & Leisure		
DATE OF REPORT	6 December 2022		

OFFICER RECOMMENDATION

That Council Approve a new weekly (7 day) gym membership fee of \$20.00 to be introduced in the current 2022/23 fees and charges.

Summary/Purpose

The Bridgetown Leisure Centre (BLC) has received an increase in requests for one-week gym memberships (7 days) from fly in-fly out (FIFO) workers, Greenbushes mine site drive in-drive out (DIDO) staff and visitors to the region. A new weekly gym membership category has been proposed to meet this community need.

Background

The gymnasium is forever evolving to meet the needs of the community. Informal feedback from community members and visitors to the region has led to a one-week gym membership option.

Current adult membership options are:

- Casual (day entry no registration required) \$16.70
- 1 Month \$31.90
- 3 Month \$85.90
- 6 Month \$152.05
- 12 Month \$278.90
- Emergency Service 12 Month membership 50% discount.
- 24 Hour Access Fobs \$25.00 (each)

Officer Comment

The one-week option will provide an entry point for potential new members to access the gymnasium for a trial period. At the completion of the one-week option, members will be alerted via text and/or email that the membership has ended and provide the member with the available gym membership options. Communication with these members will also provide an opportunity to ask for feedback, which will provide information to evaluate and continue to improve the services provided by the Bridgetown Leisure Centre.

The one-week (7 day) membership will allow DIDO personnel and other FIFO workers the opportunity to access flexible membership options that will fit with roster rotations and ensure these potential members only pay for the time they are able to use the gym.

Patrons that opt for the one-week membership will also have the option to purchase an access fob to the Gymnasium (\$25 each) that will provide them with 24/7 access. At the completion of the one-week gym membership, the access fob will be suspended until the membership is reactivated.

Statutory Environment

2022/23 Fees & Charges – Shire of Bridgetown-Greenbushes

Integrated Planning

- Strategic Community Plan
 - Outcome 2 Good health and community wellbeing
 - Objective 2.2 Provide quality sport leisure and recreation services
- Corporate Business Plan
 - Action 2.2.9 Provide an expanded range of activities at the Bridgetown Leisure Centre
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications

Any additional income will be recognised in the 2022/23 Budget Review.

Whole of Life Accounting - Nil

Risk Management

Risk management implications associated with these recommendations will be minimal as the financial and operational changes associated with these recommendations align with current risk management plans and practices.

Voting Requirements – Absolute Majority

Council Decision Moved Cr Rose, Seconded Cr Christensen

C.10/1222 That Council approve a new weekly (7 day) gym membership fee of \$20.00 to be introduced in the current 2022/23 fees and charges.

Carried by Absolute Majority 9/0

ITEM NO.	C.11/1222	FILE REF.	
SUBJECT	Updated MOU between Shire of Bridgetown-Greenbushes and Greenbushes Community Garden Committee		
PROPONENT	Council		
OFFICER	Manager Community Services		
DATE OF REPORT	6 December 2022		

Attachment 8 Draft Revised MOU with track changes

OFFICER RECOMMENDATION

That Council;

- 1. Adopt the updated draft Memorandum of Understanding (MOU) between the Shire of Bridgetown-Greenbushes and Greenbushes Community Garden Committee as per Attachment 8*
- 2. Instruct the Chief Executive Officer to execute the MOU on behalf of the Council with the Greenbushes Community Garden Committee*
- 3. Continues allocating \$1,000 per annum towards the Greenbushes Community Garden Committee to assist with the purchase of reticulation, plants and seedlings.*

Summary/Purpose

To work in partnership with Greenbushes Community Garden Committee (GCGC) to ensure the maintenance of the Greenbushes Town Square is undertaken on a regular basis and the responsibilities of both parties are clearly outlined through the revised draft Memorandum of Understanding (MOU).

Background

A long standing MOU has existed between the GCGC and the Shire of Bridgetown-Greenbushes that outlines both parties' responsibilities for the upkeep, watering, weeding and general maintenance of the Greenbushes Town Square. The last review of MOU between the Shire and the GCGC, prior to the current undertaking, was adopted at the December 2020 Council Meeting

At the November 2022 meeting, (C.14/1122c) a draft revised MOU was presented to Council for consideration. On this occasion Council agreed to defer their consideration of the recommendations (above) pending further discussion with the GCGC regarding their capacity to undertake the responsibilities outlined in the draft MOU.

The decision to defer consideration of the draft Memorandum of Understanding was made because Council was concerned that GCGC did not currently have the capacity within their membership to keep up with the ongoing maintenance requirements of the Town Square and greater support from the Shire may be needed.

Officer Comment

After consultation with GCGC regarding the ongoing maintenance requirements of the Town Square the committee has agreed to a shared approach to these tasks. The tasks requiring further support from the Shire include annual weeding and whipper snipping of the Town Square and regular pruning of the large round shrub at the front corner of the town square. GCGC will continue to undertake weeding and pruning of the Town Square but will also have support from the Shire Parks and Gardens as part of the annual gardens maintenance program.

Prior to the February 2022 fire, Shire staff supplied and delivered mulch stored behind the Shire Depot to the GCGC upon request, however this is no longer possible as these stores perished in the fire event.

Other proposed changes to the MOU as set out in Attachment 8, will allow Shire staff to use prunings from local native flora, obtained from the Greenbushes area, as mulch for the GCGC to use on the Greenbushes Town Square garden beds. In addition, clarification around weed spraying requirements as part of the Shires normal spraying programme has been added along with the updated contact details of the Manager Works as requested by the committee.

The time-frame of the MOU between the Shire and GCGC has been previously opened. It is anticipated that this document will now be reviewed biennially with any changes to be presented to Council at the following council meeting. The MOU can be discontinued by either party subject to three months' notice being provided.

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

1. Assist with the costs for purchase of reticulation, seedlings and plants within the Greenbushes Town Square. A maximum amount of \$1,000 per annum will continue to be budgeted for these purposes.
2. Supply mulch upon request from the Committee (when available) to keep the area covered and reduce water evaporation and the generation of weeds. In the event mulch stores are unavailable, Shire staff will use cuttings and prunings of local native flora derived from the Greenbushes area to be converted to mulch and deposited at the GCGC when required.
3. Carry out large pruning such as lopping of trees on request from the committee, noting that these works are subject to funds being available in the Council Budget.
4. Carry out weed spraying on the Stanifer Street roadside verge adjacent to the Town Square as part of the Shire's Parks and Gardens program.

5. Carry out weed removal (no spraying) and whipper snipping throughout the Greenbushes Town Square as part of the Shire's Parks and Gardens maintenance program.
6. Regularly prune the round hedge on the corner of the town square as part of the Shire's Parks and Gardens maintenance program.
7. Pay the water accounts and on-charge 50% of the water consumption charges and service charges to the GCGC
8. All works provided by Shire staff will be subject to works schedules, programs and availability.
9. Provide updated contact details of the Manager Works to the Coordinator of GCGC.

Under the revised MOU the responsibilities of the GCGC will remain the same:

1. Plant and maintain appropriate plantings (predominantly natives) to keep the Town Square filled, ensure visibility of the Town Square wall and replace plants when needed.
2. Keep the plants in the Town Square pruned with the exception of the round hedge on the corner.
3. Install and maintain reticulation to the Town Square off the Community Garden Building water supply.
4. Keep the Town Square plants watered (initially with new seedlings and during dry periods).
5. Keep the Town Square weeded throughout the year as committee availability and capacity allows.
6. Spread the mulch supplied by the Shire around the Town Square as required.
7. Maintain existing gazebo, table and benches.

These changes were made in close consultation and agreement with the GCGC.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Outcome 2 Good health and community wellbeing
 - Objective 2.4 Build community capacity by supporting community organisations and volunteers
 - Outcome 7 Responsible and attractive growth and development
 - Objective 7.3 Create vibrant, attractive and welcoming towns
 - Objective 7.5 Provide attractive and sustainable parks, playgrounds, reserves
- Corporate Business Plan – Not Applicable
- Long Term Financial Plan – Not Applicable
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning

Policy Implications – Not Applicable

Budget Implications

An allocation of \$1,000 is included in Council's annual budget for purchase of seedlings, plants and reticulation.

Whole of Life Accounting - Nil

Risk Management

Developing an MOU through consultation with GCGC supports risk management principles by clearly outlining the responsibilities and expectations for both parties.

Voting Requirements – Simple Majority

Council Decision Moved Cr Lansdell, Seconded Cr Boyle

C.11/1222 That Council;

- 1. Adopt the updated draft Memorandum of Understanding (MOU) between the Shire of Bridgetown-Greenbushes and Greenbushes Community Garden Committee as per Attachment 8**
- 2. Instruct the Chief Executive Officer to execute the MOU on behalf of the Council with the Greenbushes Community Garden Committee**
- 3. Continues allocating \$1,000 per annum towards the Greenbushes Community Garden Committee to assist with the purchase of reticulation, plants and seedlings.**

Carried 9/0

ITEM NO.	C.12/1222	FILE REF.	
SUBJECT	Budget Amendment –Powerline Pruning		
PROPONENT	Shire of Bridgetown Greenbushes		
OFFICER	Waste and Environmental Officer		
DATE OF REPORT	7 December 2022		

OFFICER RECOMMENDATION

That Council;

- 1. Amend the 2022/23 budget by increasing the expenditure allocation in 'Verge Maintenance – built up areas' (Job No. ZB06) by \$15,059, from \$25,900 to \$40,959*
- 2. Fund the additional expenditure allocation by;*
 - i. reducing the budgeted expenditure allocation in account 'Footpath Maintenance' (Job No. ZB02) by \$7,500, from \$15,000 to \$7500*
 - ii. reducing the budgeted income allocation in account ZA07 'Line marking built up areas' by \$7,559, from \$12,559 to \$5000.*

Summary/Purpose

To enable consideration of a budget amendment to enable greater progress of under powerline pruning.

Background

Council has obligations under Section 54 (1) of the Energy Operators (Powers) Act 1979 to manage trees on its property where they might impact on power transmission lines, and regularly receives notices from Western Power requiring pruning of trees.

The cost of obtaining contractors to undertake this pruning has significantly increased recently.

Officer Comment

There are a number of outstanding Western Power notices to prune trees and there is not sufficient budget to cover the cost of works to a total of 160 trees. This review also identified 88 trees which were sent back to Western Power, for reasons ranging from; no trees at that location, no branches close to the powerlines and trees that are not Shire managed.

A more comprehensive budget amendment to address this emerging issue will be considered as part of the mid-year budget review. However it is prudent to propose a minor budget amendment at this time to provide greater capacity to deal with higher risk trees prior to the onset of the fire season.

An additional budget amount of approximately \$15,000 will provide greater capacity in the short term prior to this issue being addressed more comprehensively at the mid-year budget review.

The source budget accounts are not expected to be fully spent this financial year.

Statutory Environment

Western Power (in accordance with the *Energy Operators Act 1979*).

Integrated Planning

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

Policy Implications - Nil

Budget Implications

Use up remaining \$25,900 in ZB06 Tree Verge Maintenance (built up).

Additional \$7500 from ZB02 Footpath Maintenance.

Additional \$7559 from ZA07 Line Marking – built up areas.

Whole of Life Accounting - Not applicable

Risk Management - Not applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Boyle, Seconded Cr Pratico

C.12/1222 That Council;

- 1. Amend the 2022/23 budget by increasing the expenditure allocation in 'Verge Maintenance – built up areas' (Job No. ZB06) by \$15,059, from \$25,900 to \$40,959**

- 2. Fund the additional expenditure allocation by;**
- i. reducing the budgeted expenditure allocation in account 'Footpath Maintenance' (Job No. ZB02) by \$7,500, from \$15,000 to \$7500**
 - ii. reducing the budgeted income allocation in account ZA07 'Line marking built up areas' by \$7,559, from \$12,559 to \$5000.**

Carried 9/0

ITEM NO.	C.13/1222	FILE REF.	350
SUBJECT	Budget Amendment – 2022/23 Plant Replacement		
PROPONENT	Shire of Bridgetown Greenbushes		
OFFICER	Acting Manager Infrastructure		
DATE OF REPORT	6 December 2022		

OFFICER RECOMMENDATION

That Council amend the 2022/23 budget by;

- 1. Account 1400040, Job No. PL09 Road Grader – increase expenditure by \$127,500 from \$300,000 to \$427,500*
- 2. Account 1400040, Job No. PL20 Mono Roller (Towed) – reduce expenditure by \$15,000 from \$15,000 to \$0*
- 3. Account 1400040, Job No. PL21 Excavator – reduce expenditure by \$120,000 from \$120,000 to \$0*
- 4. Account 1400450 Sale of Road Plant – increase revenue by \$5,000 from \$107,000 to \$112,000 to recognize new revenue from trade-in of current grader offset by reduction of revenue due to retention of 13 tonne tip truck previously proposed for disposal in 2022/23*
- 5. Transfer the overall savings of \$12,500 (sum of parts 1-4 above) to the Plant Reserve.*

Summary/Purpose

To enable consideration for proposed changes to the budgeted Plant Replacement Program to facilitate the purchase of a new grader.

Background

Council's 2022/23 budget contains the following plant changeovers/purchases:

- Rebuild of CAT 120M grader (expenditure of \$300,000)
- Changeover of new footpath sweeper (net cost \$158,000)
- Changeover of skid steer loader (net cost \$105,000)
- Purchase of excavator (expenditure of \$120,000)
- Purchase of Mono towed roller (expenditure of \$15,000)
- Disposal of 13 tonne tip truck (revenue of \$100,000)

The decision to rebuild the current grader instead of trading in that grader and purchasing a new grader was made in consideration of supply issues at the time and was also based on a condition assessment of the current grader. Since that decision a further condition assessment has been done and the market for supply of new graders has improved.

Some recent staff movements triggered a recruitment process for a new construction grader operator and the successful candidate for that position has had input into the

assessment of the current grader and the specifications for potential purchase of a new grader.

The outcomes of the review propose the following changes to the plant replacement program:

<i>Plant Item</i>	<i>Change</i>	<i>Budget Implications</i>
Rebuild of CAT 120M grader	Discontinue – purchase new grader instead	Additional cost of \$127,500 offset by trade in revenue of \$105,000 for current grader. Net cost \$22,500
Changeover of new footpath sweeper	No change	Nil
Changeover of skid steer loader	No change	Nil
Purchase of excavator	Defer pending further review of the expected use of this machine versus contractor supplied options	Savings of \$120,000
Purchase of Mono towed roller	Defer pending further review once new construction grader operator commences	Savings of \$15,000
Disposal of 13 tonne tip truck	Defer pending completion of current reviews into parks and gardens service levels and minor restructuring of outside works crew into distinct reactive and planned maintenance teams	Foregone revenue of \$100,000

The above changes result in overall savings of \$12,500 which can be transferred back to the Plant Reserve.

Officer Comment

This review identified that rebuilding the current 2008 CAT 120 grader is no longer the preferred option and that it would be more beneficial to sell this one and purchase a new grader. With a new construction grader operator to commence employment shortly this will provide an opportunity for a further review of the benefits of purchasing a tow behind roller and if determined to be an appropriate purchase this can be rescheduled into the Plant Replacement Plan.

Currently, as a means to address the rapidly increasing number of customer service requests some internal restructuring of the outside works crew is being considered in order to form distinct teams each for reactive maintenance and planned maintenance. Also a review of parks and gardens service levels has commenced. For these reasons disposal of the existing 2013 Isuzu Tip Truck should be deferred as the truck may be required once these reviews are completed.

Statutory Environment

As the 2022/23 budget specifically stipulates the expenditure for the grader is for a rebuild and not purchase of a new grader any decision to change this expenditure to purchase instead of rebuild would be termed as unbudgeted expenditure. Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Integrated Planning

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

Policy Implications - Not applicable

Budget Implications

The table below breaks down the proposed budget amendments. The overall savings of \$12,500 constitute \$7,500 savings in capital expenditure and \$5,000 increased revenue from trade-in of current plant items.

2022/23 Budget - Plant Purchases and Sale

Item	Existing Budget	Proposed	Difference
<u>Plant Purchases</u>			
Road Grader (Rebuild)	\$ 300,000	\$ -	-\$ 300,000
New Road Grader	\$ -	\$ 427,500	\$ 427,500
New Mono Roller (Tow Behind)	\$ 15,000	\$ -	-\$ 15,000
New Excavator	\$ 120,000	\$ -	-\$ 120,000
	\$ 435,000	\$ 427,500	-\$ 7,500
<u>Plant Sales</u>			
Isuzu 13 tonne tipper	-\$ 100,000	\$ -	\$ 100,000
Road Grader (trade in)	\$ -	-\$ 105,000	-\$ 105,000
	-\$ 100,000	-\$ 105,000	-\$ 5,000
	\$ 335,000	\$ 322,500	-\$ 12,500

Whole of Life Accounting

The current CAT grader is 14 years old and whilst a rebuild would essentially result in a renewed grader the reality is that some components will remain of that age and increase risk of breakdowns when compared to the risks associated with operating a newer grader.

Risk Management - Not applicable

Voting Requirements – Absolute Majority

Council Decision Moved Cr Rose, Seconded Cr Browne

C.13/1222 That Council amend the 2022/23 budget by;

- 1. Account 1400040, Job No. PL09 Road Grader – increase expenditure by \$127,500 from \$300,000 to \$427,500***
- 2. Account 1400040, Job No. PL20 Mono Roller (Towed) – reduce expenditure by \$15,000 from \$15,000 to \$0***
- 3. Account 1400040, Job No. PL21 Excavator – reduce expenditure by \$120,000 from \$120,000 to \$0***
- 4. Account 1400450 Sale of Road Plant – increase revenue by \$5,000 from \$107,000 to \$112,000 to recognize new revenue from trade-in of current***

grader offset by reduction of revenue due to retention of 13 tonne tip truck previously proposed for disposal in 2022/23

- 5. Transfer the overall savings of \$12,500 (sum of parts 1-4 above) to the Plant Reserve.**

Carried by Absolute Majority 9/0

ITEM NO.	C.14/1222	FILE REF.	A15273
SUBJECT	Amendment No 71 to Town Planning Scheme No 4 – Proposed Additional Use – Motor Vehicle Repairs – Lot 48 (37) Jephson Street Greenbushes		
PROPONENT	Initiated by the Shire of Bridgetown-Greenbushes		
OFFICER	Manager Development Services		
DATE OF REPORT	6 December 2022		

OFFICER RECOMMENDATION

That Council:

- 1. Resolve to initiate and advertise Amendment No. 71 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4 to include “Additional Use A7” into ‘Schedule 4 Additional Uses’ to make Motor Vehicle Repair Station a discretionary use on Lot 48 Jephson Street, Greenbushes and amend the Scheme Map accordingly.*
- 2. Instruct the CEO to prepare amendment documents for Amendment No. 71 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4.*
- 3. When the amendment is advertised, in addition to the other forms of advertising, a notification letter be sent to all owners and occupiers of properties falling within a 200 metre radius of the boundary of the subject land.*
- 4. Determine that the amendment is a “Standard Amendment” pursuant to Part 5, Division 1, 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the Amendment is not a complex or basic amendment for the reason that the Amendment that would have minimal impact on land in the scheme area that is not the subject of the Amendment and does not result in any significant environmental, social, economic or governance impacts on land in the scheme area, on the basis that the additional use being proposed is one that can be considered at the Council’s discretion.*

Summary/Purpose

The purpose of this report is to enable the Council to resolve that Amendment No 71 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No 4 (TPS4) is a ‘standard’ amendment and provide justification for same in accordance with regulation 34 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*.

Background

At its July 2022 ordinary meeting, Council resolved to amend TPS4 as follows:

- 1. Resolves to initiate and advertise Amendment No. 71 to the Shire of*

Bridgetown-Greenbushes Town Planning Scheme No. 4 to include "Additional Use A7" into 'Schedule 4 Additional Uses' to make Motor Vehicle Repair Station a discretionary use on Lot 48 Jephson Street, Greenbushes and amend the Scheme Map accordingly.

2. *Instruct the CEO to prepare amendment documents for Amendment No. 71 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No.4*
3. *Advise the applicant that Council's support to initiate the amendment is subject to payment of the application fees of \$5,285.70 prior to the commencement of advertising.*
4. *Determines that the amendment is a "Standard Amendment" pursuant to Part 5, Division 1, 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the Amendment is not a complex or basic amendment.*
5. *When the amendment is advertised, in addition to the other forms of advertising, a notification letter be sent to all owners and occupiers of properties falling within a 200 metre radius of the boundary of the subject land.*

Officer Comment

Part 5, Division 1, regulation 34 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015* (The Regulations) include criteria to be used by the Council and the WA Planning Commission to determine whether an amendment is 'basic', 'complex' or 'standard'.

At its July 2022 meeting Council determined that Amendment 71 is 'standard' for the purposes of the *Regulations*.

The basis for the categorisation as 'standard' was that amendment 71 meets the criteria (e) and (f) in the *Regulations*, which state as follows;

- e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area

Although the introduction of the land use 'Motor Vehicle Repair Station' may have potential to impact on other land within the area, the proposed amendment seeks to include this use as a 'discretionary' land use on the subject lot subject to the Applicant submitting a development application at the development stage where land use controls can be imposed.

The recommendation to this report contains the reasons why Council determine the Amendment to be a standard Amendment as required by the *Planning and Development Act (Local Planning Schemes) Regulations 2015*.

Statutory Environment

Section 75 of the *Planning and Development Act 2005* provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

Section 81 of the *Planning and Development Act 2005* details the need for an Environmental Decision by the EPA prior to formal public advertising commencing.

Part 5, *Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015* outlines the processes and requirements for undertaking an Amendment.

The Regulations identify 3 different scheme amendment streams:

- Basic Amendment – a streamlined process for predominantly administrative scheme amendments;
- Standard Amendment – for scheme amendments of less strategic significance or complexity that are neither a basic or complex amendment; and
- Complex Amendment – for scheme amendments that are significant in scale and/or inconsistent with the planning framework.

The process for processing a standard amendment includes the following steps:

1. Council resolves to initiate the amendment;
2. Council resolves to advertise the amendment;
3. Council refers amendment to EPA for environmental assessment;
4. Council advertises amendment to the public and government agencies;
5. Council to consider submissions and make a recommendation to the Western Australian Planning Commission (WAPC);
6. The WAPC makes a recommendation to Minister for Planning;
7. Minister for Planning makes decision; and
8. If approved, the amendment is gazetted and becomes law

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

Policy Implications - Nil

Budget Implications

The recommendation classifies the Amendment as being a standard amendment and the Application is required to pay \$5,285.00 in fees as per its Schedule of Fees and Charges. The costs associated with advertising the gazettal are also taken from this fee.

The fees pay for staff time for preparing and assessing the Amendment. Staff are required to keep time sheets to account for staff time and any funds remaining at the conclusion of the Amendment assessment process are returned to the Applicant.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements – Simple Majority

Council Decision Moved Cr Quinby, Seconded Cr Christensen

C.14/1222 That Council:

- 1. Resolve to initiate and advertise Amendment No. 71 to the Shire of Bridgetown- Greenbushes Town Planning Scheme No. 4 to include “Additional Use A7” into ‘Schedule 4 Additional Uses’ to make Motor Vehicle Repair Station a discretionary use on Lot 48 Jephson Street, Greenbushes and amend the Scheme Map accordingly**
- 2. Instruct the CEO to prepare amendment documents for Amendment No. 71 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4**
- 3. When the amendment is advertised, in addition to the other forms of advertising, a notification letter be sent to all owners and occupiers of properties falling within a 200 metre radius of the boundary of the subject land**
- 4. Determine that the amendment is a “Standard Amendment” pursuant to Part 5, Division 1, 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 as the Amendment is not a complex or basic amendment for the reason that the Amendment that would have minimal impact on land in the scheme area that is not the subject of the Amendment and does not result in any significant environmental, social, economic or governance impacts on land in the scheme area, on the basis that the additional use being proposed is one that can be considered at the Council’s discretion.**

Carried 9/0

ITEM NO.	C.15/1222	FILE REF.	
SUBJECT	Yornup Quarry – Proposed Transfer of Portion of State Forest No 9 to Freehold.		
PROPONENT	Department of Biodiversity Conservation and Attractions		
OFFICER	Manager Development Services		
DATE OF REPORT	6 December 2022		

Attachment 9 Plan of the Excision of Land from State Forrest No 9

OFFICER RECOMMENDATION

That Council advise the Department of Biodiversity Conservation and Attractions that the Shire of Bridgetown-Greenbushes offer no objections to a 23.7 hectare portion of land encapsulating the Yornup Basalt Quarry to be excised from State Forest 9 to Freehold Fee Simple as per Attachment 9, subject to the land being connected to the local road network.

Summary/Purpose

The Department of Biodiversity Conservation and Attractions is seeking comment from relevant stakeholders for transferring a portion of land from state forest No 9 into freehold.

Background

The Department of Biodiversity Conservation and Attractions (DBCA) has referred a proposal to the Shire of Bridgetown-Greenbushes where a portion of land of 23.7 hectares known as Yornup Quarry will be removed from state forest No 9 and transferred into freehold as part of a land exchange of 35.7 hectares on the Whicher Scarp.

Officer Comment

The subject land identified for freehold contains an existing quarry contained within a Mining Lease M70/1350. There are no identified impacts on the local government by this proposal as the land use of a basalt quarry already exists and is managed through an existing mining lease administered through the Department of Mines, Industry Regulation and Safety (DMIRS).

The recommendation is to offer no objection to the proposed land transfer and request that DBCA ensure that the proposed subject lot have frontage to formal legal road access.

Statutory Environment

Land excisions from State Forest are processed in accordance with the *Conservation and Land Management Act 1984*

Integrated Planning

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

Policy Implications - Nil

Budget Implications

Once the freehold title is created the local government will have capacity to rate the new title.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements – Simple Majority

**Council Decision Moved Cr Boyle, Seconded Cr Pratico
C.15/1222 That item C.15/1222 be debated.**

Carried 9/0

**Council Decision Moved Cr Christensen, Seconded Cr Boyle
C.15/1222a That Council advise the Department of Biodiversity Conservation and Attractions that the Shire of Bridgetown-Greenbushes offer no objections to a 23.7 hectare portion of land encapsulating the Yornup Basalt Quarry to be excised from State Forest 9 to Freehold Fee Simple as per Attachment 9, subject to the land being connected to the local road network.**

Carried 6/3

Crs Lansdell, Mountford and Boyle voted against the motion

ITEM NO.	C.16/1222	FILE REF.	A19352
SUBJECT	Land Untidy – Lot 32, 12 Connell Street Hester		
PROPONENT	Shire of Bridgetown-Greenbushes		
OFFICER	Manager Development Services		
DATE OF REPORT	5 December 2022		

OFFICER RECOMMENDATION

That Council authorise the CEO to;

- 1. Serve notice in accordance with the Local Government Act 1995 to clean up and remediate Lot 32, 12 Connell Street Hester from all miscellaneous building debris contaminated by asbestos containing material resulting from fire*
- 2. In the event that the notice is not complied with, take all necessary steps to ensure that clean up and remediation of Lot 32, 12 Connell Street Hester is undertaken*
- 3. Recover all costs from the owner incurred by the Local Government in executing part 2 of this resolution.*

Summary/Purpose

A resolution of Council is required to authorise the CEO to take legal action against the Owner of Lot 32, 12 Connell Street Hester to clean up the land resulting from fire destroying a structure that is contaminated with asbestos containing material.

Background

On 5 February 2022, a dilapidated dwelling was destroyed by fire. The burnt remains of the structure includes asbestos containing material (ACM). Shortly after the fire event the burnt building material was encapsulated by Thuroona Services to minimise the risk of any potential release of airborne asbestos fibres.

Thuroona Services were engaged by DFES to do these works and several other potential hazardous material sites within the fire footprint as a result of the Hester Fire incident as Thuroona Services are accredited hazardous material removal and management contractors.

The burnt debris from the structure remains onsite and given that ACM has contaminated the burnt material it will pose an ongoing risk to human health until clean-up is executed.

Officer Comment

The Owner has met with Shire staff on several occasions to discuss options on how the site will be cleaned up.

Staff have investigated options for external funding through DFES to fund the clean-up through the 'uninsured clean-up program' but preliminary assessment and advice suggests that in this case the owner will not be eligible given that the owner did not use this structure as his principle place of residence and was not displaced by the Fire.

Staff intend to exhaust all avenues of assistance for the land owner, however if external financial assistance cannot be sourced, the owner will have an obligation to remediate the site and the recommendation to this report will enable the CEO to utilise powers under the *Local Government Act 1995* to clean-up the site.

Statutory Environment

s.3.25 (1) of the *Local Government Act 1995* states:

A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that — (a) is prescribed in Schedule 3.1, Division 1;

Schedule 3.1, Division 1 (that provides powers under notices to owners or occupiers of land to local government) of the *Local Government Act 1995* states:

s.5A(1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.

Section 3.26 of the *Local Government Act 1995* states:

(2) If the person who is given the notice (notice recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subsection as a debt due from the person who failed to comply with the notice.

Integrated Planning

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

Policy Implications - Nil

Budget Implications

Costs associated with any legal action and potentially undertaking the clean-up of the site on the owner's behalf by default. A quote has been sought for the clean-up by a contractor that can remove the burnt building material contaminated by friable asbestos containing material for \$69,800.00 (EX-GST).

If the Shire was unsuccessful in compelling the Owner to clean up the site through legal action then it could authorise the clean up on the owners behalf and recover the costs through Court.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements – Simple Majority

Council Decision Moved Cr Rose, Seconded Cr Pratico

C.16/1222 That Council authorise the CEO to;

- 1. Serve notice in accordance with the Local Government Act 1995 to clean up and remediate Lot 32, 12 Connell Street Hester from all miscellaneous building debris contaminated by asbestos containing material resulting from fire**
- 2. In the event that the notice is not complied with, take all necessary steps to ensure that clean up and remediation of Lot 32, 12 Connell Street Hester is undertaken**
- 3. Recover all costs from the owner incurred by the Local Government in executing part 2 of this resolution.**

Carried 9/0

Receival of Minutes from Management Committees - Nil

Urgent Business Approved by Decision

Council Decision Moved Cr Quinby, Seconded Cr Browne

C.17/1222 That Council accept item C.17/1222 as urgent business.

Carried 9/0

ITEM NO.	C.17/1222	FILE REF.	500
SUBJECT	Greenbushes Youth Precinct Concept Design		
PROPONENT	Council		
OFFICER	Manager Community Services		
DATE OF REPORT	December 2022		

Attachment 10 Greenbushes Youth Precinct Concept Design Report 2022

OFFICER RECOMMENDATION

That Council;

- 1. Adopt the Greenbushes Youth Precinct Concept Design Report 2022.*
- 2. Having regard to funding timelines split the Greenbushes Youth Precinct project into two stages;*
 - a. Stage 1 - the skate park, court, shelter and landscaping*
 - b. Stage 2 - the pump track*
- 3. Note the CEO will submit a Lotterywest funding application to cover the costs associated with the construction of Stage 2 of the Greenbushes Youth Precinct project.*
- 4. Note the CEO will be calling tenders for the design of the whole project and construction of Stage 1 of the project.*

Summary/Purpose

These recommendations seek to progress the development of the Greenbushes Youth Precinct within the designated timeframe of current funding allocated to this project. This necessitates the staging of the project into two stages.

Background

Planning for redevelopment of the Greenbushes skate park and surrounds commenced in 2021.

Skate Sculpture were appointed to lead the community engagement process and Grow Greenbushes, Blackwood Youth Action, Greenbushes Community Resource Centre and Greenbushes Primary School were invited to become involved in the engagement process.

The initial community consultation was facilitated on 26 November 2021 and included two community engagement sessions to inform future planning for the Greenbushes Youth Precinct. The day commenced with a workshop at Greenbushes Primary School attended by students from Years 3-6. The engagement process was repeated after school at Thomson Park, adjacent to the proposed site. This session allowed Skate Sculpture to engage with a larger sector of the Greenbushes community including parents, business owners, Councillors, local residents and high school students.

In total, 48 people participated in the survey and design activities. Based on a points system, participants were asked to rank their top three youth elements to be included in the Greenbushes Youth Precinct, the resulting ranked findings were;

1. A skatepark (80 points)
2. A pump track (64 points)

3. Basketball court (40 points)
4. Parkour (23 points),
5. Water play (14 points)
6. A jump track (7 points)

Council formally adopted the Greenbushes Youth Precinct Community Consultation Report in February 2022. The report included a basic layout of the Greenbushes Youth Precinct that corresponded with the findings of community consultations, designated area and budget constraints.

A second community engagement was held on 10 November 2022 in Greenbushes to review the draft concept plan for the Greenbushes Youth Precinct. Skate Sculpture proprietor Mat de Koning led the consultation

At the most recent community consultation event held on 10 November 2022 it became apparent that there was a need to fine-tune several elements of the original draft design to meet community need.

These changes included:

- increasing the size of the shelter;
- investigate the benefits of relocating the shelter or including sections of wall to protect users from the rain and wind;
- consider an increased difficulty, dual path section of the pump track; and
- review the landscaping to include ground covers rather than lawn

Construction costs were then recalculated to include the changes (above), increasing the total budget beyond the original \$450,000 budget ceiling. As a result, Skate Sculpture were invited to present the concept design, community feedback and updated cost estimates to a Councillor workshop held on 5 December 2022. The purpose of the workshop was to request guidance from councillors on how to progress the project.

The feedback from councillors that attended was to seek additional project funding to increase the size, scope and overall appeal of the Greenbushes Youth Precinct. The proposed upgrade would require a total budget of \$600,000.

Officer Comment

To meet contractual obligations to federal funding bodies and provide time enough to seek external funding to cover the increased cost of the total project, a two-stage approach to construction is recommended.

Stage 1

This stage would include the detailed design of the entire youth precinct, plus construction of the skatepark, basketball court, shade shelter, paths and landscaping. Construction of this stage would be scheduled for completion before the end of June 2022, meeting the acquittal requirements of the federal funding agreement.

Stage 1 has an estimated budget of \$440,000 ex GST.

The projected timeline is:

January/February: RFQ released & awarded

March: Detailed design complete

April: Construction to commence.
June: Stage 1 construction complete.

Stage 2

This stage would include the construction of the pump track / jump track.

Stage 2 has an estimated budget of \$160,000 ex GST.

Council could choose to progress only Stage 1 of the project and not include the pump track. This would allow the project to be completed within the original budget and within the prescribed time-line without the need to seek external funding. There may be a reputational risk given the pump track was presented at the community consultation as part of the concept plan and was one of the most requested elements of the precinct during the initial consultation. The cost estimates had not been recalculated until after the second consultation (concept plan) therefore the increased funding was not taken into consideration at the concept plan consultation.

Initial discussions have been held with Lotterywest regarding potential funding of the project. An application can't be submitted until final concept plans (as per Attachment 10) have been endorsed by Council. Assuming the officer recommendation is endorsed this application will be submitted immediately. Noting that the average time period for Lotterywest to determine an application is 4-6 months, and the deadline for expenditure of Australian Government funding is 30 June 2023 it is apparent that the project needs to be staged. This will allow the Australian Government funding to be spent on Stage 1 before the funding acquittal deadline.

Statutory Environment - Not Applicable

Integrated Planning

- Strategic Community Plan
 - Outcome 1 A growing community that is diverse, welcoming and inclusive
 - Objective 1.1 Improve family and youth services and facilities to attract and retain families
 - Outcome 13 Proactive, visionary leaders who respond to community needs
 - Objective 13.1 Strengthen leadership and advocacy

- Corporate Business Plan
 - Objective 1.1 Improve family and youth services and facilities to attract and retain families
 - Action 1.1.1 Provide a Youth Services Delivery Statement describing the shire's roles and responsibilities in relation to youth services, facilities and events
 - Action 1.1.7 Provide engagement with local youth in Greenbushes on short term provision of a new skate ramp at Thompson Park and long-term further development of the Greenbushes Youth Precinct.
 - Action 13.1.2 Provide a strategic approach to seeking Government funding and support for Growth Strategy projects

- Long Term Financial Plan
 - The Long Term Financial Plan incorporates the expenditure identified under the Corporate Business Plan.

- Asset Management Plans - Not applicable
- Workforce Plan – Not Applicable

Policy Implications - Nil

Budget Implications

Council's 2022/23 budget contains an allocation of \$450,000 for this project made up of \$300,000 Australian Government funding (secured), \$125,000 Lotterywest funding (not yet secured) and \$25,000 Council funds. Recent discussions with an additional 3rd party funding source have tentatively identified possible additional funding of \$160,000.

Subject to Council endorsing the officer recommendation it is intended to run a Request for Tender process for the design of the whole project (Stages 1 and 2) and construction of Stage 1. By the time that tenders are assessed confirmation of 3rd party additional funding should be known.

Should Council endorse the recommendations of this report any budget amendments will be made to accurately reflect the project when the tender is awarded.

Whole of Life Accounting

During the design stage of this project, an assessment of the maintenance requirements of the precinct will be undertaken to identify the ongoing whole of life cycle costings associated with maintenance and the required workforce implications.

Risk Management

The most significant current risk to this project is the funding shortfall if the 3rd party additional funding fails to materialise and/or the Lotterywest grant is unsuccessful. That would impact the delivery of Stage 2 works. With a deadline of 30 June 2023 to fully expend the \$300,000 Australian Government funding there is a need to progress the planning and procurement phases so that construction of Stage 1 can be completed by that date.

Voting Requirements - Simple Majority

Council Decision Moved Cr Boyle, Seconded Cr Browne

C.17/1222 That Council;

- 1. Adopt the Greenbushes Youth Precinct Concept Design Report 2022**
- 2. Having regard to funding timelines split the Greenbushes Youth Precinct project into two stages;**
 - c. Stage 1 - the skate park, court, shelter and landscaping**
 - d. Stage 2 - the pump track**
- 3. Note the CEO will submit a Lotterywest funding application to cover the costs associated with the construction of Stage 2 of the Greenbushes Youth Precinct project**

4. **Note the CEO will be calling tenders for the design of the whole project and construction of Stage 1 of the project.**

Carried 9/0

Responses to Elected Member Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Notice of Motions for Consideration at the Next Meeting - Nil

Matters Behind Closed Doors (Confidential Items) - Nil

Closure

The Presiding Member closed the meeting at 7.12pm.

List of Attachments

Attachment	Item No.	Details
1	C.02/1222	Annual Report 2021/22
2	C.02/1222	Minutes of Audit Committee held 8 December 2022
3	C.04/1222	Background Paper
4	C.04/1222	Consultation Paper – Model Options
5	C.06/1222	Rolling Action Sheet – December 2022
6	C.07/1222	List of Accounts Paid in November 2022
7	C.08/1222	Draft Budget Management Policy
8	C.11/1222	Draft Revised MOU with track changes
9	C.15/1222	Plan of the Excision of Land from State Forrest No 9
10	C.16/1222	Greenbushes Youth Precinct Concept Design Report 2022

Minute Papers prepared and recommended by E Matthews, Executive Assistant

23 December 2022

Minute Papers authorised by T Clynch, CEO

23 December 2022