

Council Minutes Index – 31 March 2022

Subject	Page No
Opening of Meeting	3
Acknowledgment of Country	3
Attendance, Apologies & Leave of Absence	3
Attendance of Gallery	3
Response to Previous Questions Taken on Notice.....	3
Public Question Time.....	6
Petitions/Deputations/Presentations.....	8
Comment on Agenda Items by Parties with an Interest.....	8
Applications for Leave of Absence.....	9
Confirmation of Minutes	9
C.01/0322 Ordinary Meeting held 24 February 2022	9
Announcements by the Presiding Member without Discussion	9
C.02/0322 Suspension of Standing Orders	9
Notification of Disclosure of Interest.....	10
Questions on Agenda Items by Elected Members	10
Consideration of Motions of which Previous Notice Has Been Given	10
Reports of Officers.....	10
CEO's Office	
C.03/0322 Annual General Meeting of Electors – Receival of Minutes	11
C.04/0322 Consideration of Recommendation from Annual General Meeting of Electors – Bridgetown CBD Parking.....	13
C.05/0322 Consideration of Recommendation from Annual General Meeting of Electors – Peninsula Road Speed Limit.....	16
C.06/0322 Consideration of Recommendation from Annual General Meeting of Electors – Access to Rail Corridor.....	18
C.07/0322 Consideration of Recommendation from Annual General Meeting of Electors – Steere Street and Stewart Street Precinct	20
C.08/0322 Realignment and Reconstruction of Portion of Strathmore Road, Winnejupe.....	24
Item Brought Forward.....	27
C.16/0322 Proposed Glamping Camping Ground – 188 (Lot 3) Polina Rd, Kangaroo Gully	27
CEO's Office (Continued)	
C.09/0322 Pest Plant Repeal Local Law 2021.....	43
C.10/0322 Fencing Local Law.....	46
C.11/0322 Permission to Retain Gate within Road Reserve.....	49
C.12/0322 Project Scope - Art Exhibition, Event and Artist in Residence Space at Bridgetown Railway Station.....	53
C.13/0322 Rolling Action Sheet	55
Corporate Services	56
C.14/0322 February 2022 Financial Activity Statements and List of Accounts Paid in February 2022.....	56

Development & Infrastructure	60
C.15/0322 Dedication of Road Reserve – Portions of State Forest 37 adjoining South Western Highway Yornup	60
C.17/0322 Brockman Highway Regional Road Safety Improvements Project	62
Community Services	65
C.18/0322 CSRFF Grant – Cricket Nets and Storage Shed.....	65
C.19/0322 Recommendations from the Trails Development Advisory Committee	69
C.20/0322 Recommendations from the Cultural Awareness Advisory Committee.	72
C.21/0322 Review of Aquatic Season Dates.....	77
Receival of Minutes of Management Committees	80
Urgent Business Approved By Decision.....	80
Responses to Elected Member Questions Taken on Notice	80
Elected Members Questions With Notice.....	80
Notice of Motions for Consideration at the Next Meeting.....	80
Matters Behind Closed Doors	80
Closure.....	81
List of Attachments.....	81

MINUTES

For an Ordinary Meeting of Council held in Council Chambers on 31 March 2022, commencing at 5.30pm.

Opening of Meeting

The Presiding Member opened the meeting at 5.30pm.

Acknowledgment of Country

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

Attendance, Apologies and Leave of Absence

President	- Cr J Bookless
Councillors	- J Boyle
	- B Johnson
	- T Lansdell
	- S Mahoney (via Zoom)
	- J Mountford
	- A Pratico
	- P Quinby
	- A Rose
Officer	- T Clynch, Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- E Matthews, Executive Assistant

Attendance of Gallery

S Randazzo, F Randazzo, L Roberts, B Bebbington, N Maxfield

Responses to Previous Questions Taken on Notice

Annual General Meeting of Electors – 24 February 2022

B Bebbington

Question

Regarding the recent bushfire, there are 37 items listed on the program for the fire mitigation works for 2021/22. Had these all been completed by February 4 and if not, when will they be completed?

Response

For the period 1 July 2021 to 30 June 2022 the Shire of Bridgetown-Greenbushes has received Mitigation Activity Fund (MAF) grant funding to carry out 33 treatments. So far of those 33 treatments 13 have been completed, 10 as mechanical works and 3 as prescribed burns.

Mitigation is carried out for the whole of the year and taking into account the late end to wet conditions in 2021 the program is on track.

In addition to the MAF funded works Council also includes funds in the annual budget for a range of mitigation work outside the scope of the MAF funding.

Question

Were any of the outstanding listed fire mitigation projects in areas which were burnt in the February 5 fire?

Response

Five Prescribed Burn Treatments that were scheduled for this financial year were burnt out during the February 5th fire. These were three cells comprising the bush reserve adjacent to Les Woodhead Drive (entrance road to sportsground). It should be noted that notwithstanding the funding being received the Shire was only planning to do one of those cells in 2021/22 as it's not best practice to do all three at once. This would be communicated to DFES in annual reporting with a request to carry-forward the relevant funding component. The other two burn treatments were in the bush near the Bridgetown Waste Disposal Site.

Question

In relation to Council Policy M39, Election Caretaker Period, the policy states in 2.2 that each report included in the agenda for council's consideration during a caretaker period will include a statement that demonstrates due consideration of the requirement of this policy. The agenda for the special council meeting on September 9, 2021, which was during caretaker mode, which commenced at 4pm, makes no reference to caretaker mode, why did this not occur?

Response

The Special Council Meeting held on 9 September 2021 contained a single item of business, being Item SpC.01/0921 - Proposed Amendments to Conditions of Development Approval – Talison Lithium Workers Accommodation Camp. This item was a continuation of debate from the ordinary meeting of Council held on 26 August 2021 at which a procedural motion was carried seeking specified additional information to be provided before the debate could recommence. The effect of the procedural motion was to adjourn debate on the motion being considered at the 26 August Council meeting with debate on this same motion being resumed at the meeting held on 9 September. The Election Caretaker Policy wasn't relevant as the debate on the item of business had commenced prior to the election caretaker period commencing.

Question

The Special Council Meeting was held to discuss the proposed amendments the planning approval for the Talison camp. Would that not be considered a major policy decision?

Response

No, the subject matter of the item was determining a development application which isn't included in the description under the policy of what constitutes a Major Policy

Decision. There are statutory time periods in which a local government has to determine a development application.

Question

The (Election Caretaker Period) policy also refers to the fact that public consultation is not permitted to end immediately prior to caretaker, traverse over caretaker period, or end during the caretaker period and yet this (Exemptions from Development Approval policy was advertised on October 13, during the caretaker period.

Response

Notwithstanding the above, it is acknowledged that under the policy the definition of 'major policy decision' includes any decision "that initiates or adopts a new Local Planning Scheme, amendment to a Local Planning Scheme or Planning Policy". It was a mistake to commence advertising on 13 October and it should have been deferred by one week until after Election Day.

For the same reason it is now accepted that the report on the draft policy shouldn't have been presented to Council's ordinary September meeting. Notwithstanding this, the decision of Council to adopt Draft Local Planning Policy – 'Exemptions from Development Approval' for the purpose of public advertisement was a lawful decision and as the resolution was actioned (by undertaking the public advertisement) it can't be revoked. The report to Council summarising public submission(s) received on the draft policy is yet to be presented as there has been some considerable assessment of the points raised and consideration of whether major changes to the policy, or indeed cessation of the draft policy in favour of developing a new policy on the same subject should be recommended. That report is expected to be presented to Council in April.

Question

Were any other community consultations conducted contrary to policy M39 during that period?

Response

No.

Question

In relation to a matter I raised at the Special Council Meeting regarding audit review timeframes for presentation to the Minister and advertisement of the review, the 2019/20 audit review was passed by council on 28 February 2021, yet it was not advertised as being available until June 2021. When was it presented to the Minister? Was it advertised within 14 days under the Act? If there was a delay in sending it to the Minister, why was there a delay?

Response

The report presented to the Council meeting held on 25 February 2021 was on 'Significant Matters Raised in 2019/20 Audit Report' and was presented to Council in accordance with section 7.12A(4)(a) of the Local Government Act (the Act).

The Minister for Local Government was provided a copy of the report on 15 March 2021 in accordance with Section 7.12A(4)(b) of the Act. The report was required to be provided to the Minister within 3 months of the Audit report being received by the

Local Government. Council received the 2019/20 Annual Financial Statements and Audit Report at its meeting held 17 December 2020 therefore the report was received by the Minister within the legislated timeframe.

The report was published on the Shire's website on 19 March 2021 in accordance with Section 7.12A(5) that requires the report to be published on the website within 14 days of the report being given to the Minister.

There is no requirement under Section 7.12A of the Act to advertise the availability of the report. Section 7.12A only requires the report to be given to the Minister and published on the Shire's official website. All requirements of Section 7.12A(4) & (5) of the Act were complied with in relation to matters raised as significant in the 2019/20 Audit Report.

A number of changes were made to the Shire's website in June 2021 and this saw the notice relating to this report moved to a separate section of the website (from 'current notices' to 'past notices'. When this was done the date that the notice was moved was shown and not the date the report was originally updated.

It is noted that the description of the public notice was "2019/20 annual report" whereas a better description would have been "2019-20 report on significant adverse trends". This website has been updated this week to change this description.

Public Question Time

B Bebbington - Question

Did the Shire make an application under the Federal Government's STAND NBN WIFI Program which was to allocate NBN satellite at evacuation centres or fire stations?

Shire President Response

That question will be taken on notice.

B Bebbington - Question

In relation to the question I asked at the Annual Electors Meeting regarding the fire mitigation works, why have only 10 of the mechanical works funded been done by 4th February?

CEO Response

As I explained in my response at that meeting, mitigation works are done 12 months of the year. Summer is a period where we do less of this work due to the risk. The works are planned to be done over the whole year, it was only February at the time and there are still 4 months in the year after that. The intent is to get them all done. We would never get all mitigation works done by February in any year, they are planned to be done over the course of a financial year.

B Bebbington - Question

I'll just clarify that it is the mechanical works not the burning off works – the same applies

CEO Response

Yes, the same applies.

B Bebbington - Question

Regarding the motion from the electors meeting regarding the Public Transport Authority, can I just clarify that discussion at the meeting related to access along the fire track and that there was no hazard reduction along the railway reserve and no crossover points. Can I just confirm that this is what the Shire will be looking at as the agenda item seems to be more about whether access would be allowed noting the Shire does have padlocked gates within its reserve to which we have keys. Why can't that be part of the consideration? I just want to confirm that what was discussed at the electors meeting is what the Shire would be going to the PTA about?

CEO Response

I refer you to the motion that was carried at the AGM of Electors which was that the Shire engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes. That was the motion I believe you moved. I do remember you did talk about who is responsible and my response was that the user of the land is responsible, in this instance either Arc Infrastructure or Public Transport Authority is responsible for ensuring their land is mitigated as required. It isn't necessarily the Shire's responsibility. The motion that was carried was purely about access, it didn't talk about mitigation although I do remember you did mention it in discussion. In saying that we would be happy to raise with both Arc Infrastructure and the Public Transport Authority any concerns about bush fire hazards.

B Bebbington - Question

Have you Mr President had contact with Boyd Brown from Telstra as raised at the AGM of Electors?

Shire President Response

I have had preliminary contact with Boyd Brown.

B Bebbington - Question

At the meeting I asked about Four Seasons Estate, specifically about the issue we had there and the answer given was about Windy Hollow. Would it be possible to get the full answer in relation to Four Seasons Estate and whether it meets the requirements as far as fire access?

CEO Response

It's the same answer as given last time. It complies with the fire requirements at the time when the subdivision occurred which was a number of years ago. If that same subdivision was proposed today I wouldn't say it wouldn't be approved – there are only a few roads within the estate that are no through roads. Perhaps I would suggest that if it was done today the two roads off Whittells Road that aren't connected would be constructed to connect with Whittells Road rather than being dead-end roads. Rules concerning fire risk when that subdivision was approved were much different to today. Council could fund extending those roads to Whittells Road. There is another road running towards the railway reserve that doesn't

connect. There's no real possible way to connect that back in as you would have to cross private property. There's lots of examples of old subdivisions that don't comply with modern standards and it's very difficult to retro fit or retro design a subdivision to meet new standards.

B Bebbington - Question

On my query regarding Steere Street/Stewart Street response given was that you couldn't answer the question as you didn't have the information in front of you – yet it wasn't taken on notice. Should it have been taken on notice?

CEO Response

I think the question has been addressed in the agenda item tonight.

B Bebbington - Question

Regarding Steere Street/Stewart Street – the motion I put to the meeting was regarding the advertising on the website and newspaper but the agenda item tonight makes no reference to the newspaper – only the Shire website. Has the newspaper advertising been checked?

CEO Response

No that wasn't checked.

N Maxfield - Question

What was the cost of holding the electors meeting held at the recreation centre on Monday night particularly as it served no real purpose in terms of an outcome for either party?

CEO Response

An estimate would be \$1,000 to \$1,200 which covered hire of equipment and having staff in attendance. We did have to set up for a crowd of up to 500 persons.

Shire President Response

Philosophically the purpose that was served was that we live in a democracy and the people that called for the meeting were in their completely within their rights to do so and we really had no option but to accede to that request.

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest

S Randazzo - Item C.16/0322 Proposed Glamping Camping Ground

Spoke in support of the officer recommendation excepting seeking a change to Condition 4.

B Bebbington – Item C.07/0322 Consideration of Recommendation from Annual General Meeting of Electors – Steere Street and Stewart Street Precinct

Spoke against the officer recommendation

Applications for Leave of Absence - Nil

Confirmation of Minutes

C.01/0322 Ordinary Meeting held 24 February 2021

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

Council Decision *Moved Cr Pratico, Seconded Cr Rose*

C.01/0322 *That the Minutes of the Ordinary Meeting of Council held 24 February 2022 be confirmed as a true and correct record.*

Carried 9/0

Announcements by the Presiding Member Without Discussion - Nil

C.02/0322 Suspension of Standing Orders

At its December 2021 meeting Council resolved:

That Council:

- 1. That at an appropriate period after the commencement of each ordinary and special council meetings Council is to consider suspending Clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.*
- 2. That this procedure be conducted as a trial to determine whether a permanent change in the Standing Orders should be sought.*

Clause 18.1 of the Standing Orders states:

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of these Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of these Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension

The key words in clause 18.1 are “suspend temporarily” meaning that Council must resolve at each Council Meeting to suspend clause 9.1 of the Standing Orders for the duration of the meeting.

Motion

That Council suspend clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.

Council Decision *Moved Cr Rose, Seconded Cr Mountford*
C.02/0322 That Council suspend clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.

Carried 8/1

Cr Pratico voted against the motion

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 Pratico asked a question regarding Item C.06/0322

Cr Pratico asked a question regarding Item C.10/0322

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
- Development & Infrastructure
- Community Services

CEO's Office

ITEM NO.	C.03/0322	FILE REF.	232
SUBJECT	Annual General Meeting of Electors – Receival of Minutes		
OFFICER	Executive Assistant		
DATE OF REPORT	21 March 2022		

Attachment 1 Unconfirmed Minutes from the AGM of Electors – 24.2.22

OFFICER RECOMMENDATION

That Council:

- 1. Receives the Minutes of the Annual General Meeting of Electors held on 24 February 2022.*
- 2. Notes that the 4 motions carried at the Annual General Meeting of Electors held on 24 February 2022 have been referred to Council for consideration as separate agenda items in this Council Agenda.*

Summary/Purpose

For Council to formally 'receive' the Minutes of the Annual General Meeting of Electors held on 24 February 2022.

Background

At the Annual General Meeting of Electors held on 24 February 2022, 15 electors were present (as recorded on the attendance register) and apart from confirming the Minutes from the previous Annual General Meeting of Electors (held 4 March 2021) and receiving the Annual Report & Annual Financial Statement for the 2020/21 year, 4 resolutions were carried during General Business.

As the Minutes from the AGM of Electors will not be confirmed until the next AGM of Electors, it is prudent for Council to formally receive the Minutes so that they become a 'record of Council' through the Minutes.

There were 4 motions carried at the AGM of Electors. These were:

Moved B Moore, Seconded J Nicholas

E.03/0222 That Council:

- 1. Conducts a review of the parking situation in the Bridgetown CBD*
- 2. Reconsiders its decision regarding non monitoring of parking along Hampton St and conducts parking patrols on a regular but infrequent basis, with emphasis on illegal parking*
- 3. That the area in front of Westpac Bank be inspected and, if possible, provide it as a disabled or loading bay. If this is non-compliant then some means of barrier to prevent parking be installed*
- 4. Include in the review a determination as to whether there are sufficient loading bays spread along Hampton Street.*

Moved B Bebbington, Seconded Cr Pratico

E.04/0222 The Shire to engage with the Public Transport Authority with the view to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.

Moved N Maxfield, Seconded Cr Pratico

E.05/0222 That Council seek the support of the Minister for Transport to review the decision by Main Roads Western Australia not to reduce the speed limit along Peninsula Road from South Western Highway to Maslin Reserve.

Moved B Bebbington, Seconded Cr Pratico

E.06/0222 The Shire to review the advertising (both newspaper and website), comments and submissions of the Steere Street, Stewart Street & Civic Lane Community Consultation to establish whether the advertising gave an indication of the addition of 5 parking bays in Steere Street rather than the intended 5 parking bays on Stewart Street and that if it is confirmed that it was incorrectly advertised, that Council prevents the work from commencing and readvertises to ensure the community is made aware of the correct proposal.

Due to the number of motions carried at the AGM of Electors these have been presented to Council elsewhere in this agenda as separate agenda items for consideration by Council.

Statutory Environment

Section 5.33 of the *Local Government Act 1995* states:

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,**whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Integrated Planning

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

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements - Simple Majority

Council Decision Moved Cr Quinby, Seconded Cr Boyle

C.03/0322 That Council:

- 1. Receives the Minutes of the Annual General Meeting of Electors held on 24 February 2022.**
- 2. Notes that the 4 motions carried at the Annual General Meeting of Electors held on 24 February 2022 have been referred to Council for consideration as separate agenda items in this Council Agenda.**

Carried 9/0

ITEM NO.	C.04/0322	FILE REF.	232
SUBJECT	Consideration of Recommendation from Annual General Meeting of Electors – Bridgetown CBD Parking		
OFFICER	Chief Executive Officer		
DATE OF REPORT	20 March 2022		

OFFICER RECOMMENDATION

That Council:

- 1. Conducts a review of the parking situation in the Bridgetown CBD, incorporating street parking and off-road parking, including loading bays.*
- 2. Request the CEO to assess the capacity of Ranger Services to conduct parking patrols on a regular but infrequent basis, with emphasis on illegal parking and report back via the review of the Workforce Plan due to be completed by June 2022.*
- 3. Request the CEO to investigate the area in front of Westpac Bank for provision of a disabled parking bay.*

Summary/Purpose

To consider one of four motions carried at the recent Annual General Meeting of Electors.

Background

The Annual General Meeting of Electors was held on 24 February 2022. Four decisions were made for referral to Council. These decisions are in the form of recommendations to Council. Council is not bound by the Local Government Act to accept the recommendations; it can amend them or reject them as it is able to do with an officer recommendation.

The four motions carried at the AGM of Electors are being presented to Council as individual reports. This item deals with the following motion:

Moved B Moore, Seconded J Nicholas

E.03/0222 That Council:

- 1. Conducts a review of the parking situation in the Bridgetown CBD*

2. *Reconsiders its decision regarding non monitoring of parking along Hampton St and conducts parking patrols on a regular but infrequent basis, with emphasis on illegal parking*
3. *That the area in front of Westpac Bank be inspected and, if possible, provide it as a disabled or loading bay. If this is non-compliant then some means of barrier to prevent parking be installed*
4. *Include in the review a determination as to whether there are sufficient loading bays spread along Hampton Street.*

Officer Comment

The reviews referenced in the motion from the AGM of Electors can be undertaken. Work has already commenced on investigating the potential to install an ACROD parking bay on the footpath outside the Westpac Bank and a draft plan will be presented to Council at a meeting in the near future.

A review of parking capacity in the Bridgetown CBD can be done. There are limitations in providing additional street parking and this can be reported in the review. Providing more loading bays could come at the cost of parking bays and the report will report on this.

Currently Ranger Services don't carry out regular patrols of parking, such as checking for compliance with time restrictions. The only exception is ACROD parking bays. This was in response to Council direction several years ago where the Council was of the view that this practice was unnecessary and counter-productive to the attraction of the CBD.

A review of Ranger Services was carried out by the CEO in 2020 and as part of that review a task assessment was undertaken to determine what resources were necessary to perform and meet the service levels identified for this area. Importantly, based on the direction previously provided by Council, the task of parking control wasn't assessed and therefore wasn't factored into the eventual decision of the review to transition from two part-time Rangers to a full-time Ranger.

An assessment of the resources required to undertake regular parking controls can be done but it is expected that the outcome will be a need for additional resourcing (hours) of Ranger Services. The appropriate mechanism to report back to council on this assessment is in the review of the Workforce Plan that is currently occurring and is due to be presented to Council by June. That way council can consider organisational resourcing issues at the same time, noting the new Workforce Plan is likely to address other possible changes to service delivery.

Statutory Environment

Section 5.33 of the Local Government Act states:

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,**whichever happens first.*

- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Integrated Planning

- Strategic Community Plan
 - Outcome 9 safe, affordable and efficient movement of people and vehicles
 - Objective 9.2 provide sufficient parking for all types of vehicles
- Corporate Business Plan - Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Not applicable
- Workforce Plan – as discussed in this report
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

The budget implications of introducing regular patrols of parking are unknown and can be presented to council in the new Workforce Plan.

Whole of Life Accounting – Not Applicable

Risk Management

In resolving to introduce a new service Council should be satisfied that the organisation has the capacity to deliver that service without having to reduce service delivery elsewhere.

Voting Requirements – Simple Majority

Council Decision *Moved Cr Quinby, Seconded Cr Boyle*

C.04/0322 That Council:

- 1. Conducts a review of the parking situation in the Bridgetown CBD, incorporating street parking and off-road parking, including loading bays.***
- 2. Request the CEO to assess the capacity of Ranger Services to conduct parking patrols on a regular but infrequent basis, with emphasis on illegal parking and report back via the review of the Workforce Plan due to be completed by June 2022.***
- 3. Request the CEO to investigate the area in front of Westpac Bank for provision of a disabled parking bay.***

Carried 9/0

ITEM NO.	C.05/0322	FILE REF.	232
SUBJECT	Consideration of Recommendation from Annual General Meeting of Electors – Peninsula Road Speed Limit		
OFFICER	Chief Executive Officer		
DATE OF REPORT	20 March 2022		

OFFICER RECOMMENDATION

That Council seek the support of the Minister for Transport to review the decision by Main Roads Western Australia not to reduce the speed limit along Peninsula Road from South Western Highway to Maslin Reserve.

Summary/Purpose

To consider one of four motions carried at the recent Annual General Meeting of Electors.

Background

The Annual General Meeting of Electors was held on 24 February 2022. Four decisions were made for referral to Council. These decisions are in the form of recommendations to Council. Council is not bound by the Local Government Act to accept the recommendations; it can amend them or reject them as it is able to do with an officer recommendation.

The four motions carried at the AGM of Electors are being presented to Council as individual reports. This item deals with the following motion:

Moved N Maxfield, Seconded Cr Pratico

E.05/0222 That Council seek the support of the Minister for Transport to review the decision by Main Roads Western Australia not to reduce the speed limit along Peninsula Road from South Western Highway to Maslin Reserve.

Officer Comment

Council, at its March 2021 meeting resolved:

C.06/0321 That Council direct the CEO to submit a request Main Roads Western Australia to consider a reduction of the speed limit on Peninsula Road between Hampton Street and Maslin Reserve.

This resolution followed a motion carried at the 2021 Annual General Meeting of Electors held on 4 March 2021 that read:

That the Council request Mainroads WA to consider reduction of the speed limit on Peninsula Road between Hampton Street and Maslin Reserve, to take effect on completion of the current road construction is completed.

Main Roads Western Australia (MRWA) are responsible for speed zones on all roads across the State. Requests for change in speed zones on local roads need to be submitted to the local government to assess the request and if supported, submit to MRWA.

Following the installation of traffic counters and eventual traffic data an application was submitted to MRWA. Advice was received back from MRWA that the request for a 50km/h speed limit was rejected as this speed limit only applies in built up areas and only one side of Peninsula Road between South Western Highway and Maslin Reserve is a built up area.

A 'built-up' area is any road:

- on which street lighting is at intervals not over 100m for 500m or more
- which is 'built up' with structures devoted to business, industry or dwelling houses at intervals of less than 100m for a distance of 500m or more

Clearly the southern side of Peninsula Road is a built up area but the northern side consists of rural land.

Council can seek a review of the MRWA decision by the Minister for Transport.

Statutory Environment

Section 5.33 of the *Local Government Act 1995* states:

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,**whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Integrated Planning

- Strategic Community Plan
 - Outcome 9 safe, affordable and efficient movement of people and vehicles
 - Objective 9.1 improve road safety and connectivity
- Corporate Business Plan - Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management - Nil

Voting Requirements – Simple Majority

Council Decision *Moved Cr Lansdell, Seconded Cr Mountford*

C.05/0322 *That Council seek the support of the Minister for Transport to review the decision by Main Roads Western Australia not to reduce the speed limit along Peninsula Road from South Western Highway to Maslin Reserve.*

Carried 9/0

ITEM NO.	C.06/0322	FILE REF.	232
SUBJECT	Consideration of Recommendation from Annual General Meeting of Electors – Access to Rail Corridor		
OFFICER	Chief Executive Officer		
DATE OF REPORT	20 March 2022		

OFFICER RECOMMENDATION

That Council direct the CEO to engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.

Summary/Purpose

To consider one of four motions carried at the recent Annual General Meeting of Electors.

Background

The Annual General Meeting of Electors was held on 24 February 2022. Four decisions were made for referral to Council. These decisions are in the form of recommendations to Council. Council is not bound by the Local Government Act to accept the recommendations; it can amend them or reject them as it is able to do with an officer recommendation.

The four motions carried at the AGM of Electors are being presented to Council as individual reports. This item deals with the following motion:

Moved B Bebbington, Seconded Cr Pratico

E.04/0222 *The Shire to engage with the Public Transport Authority with the view to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.*

Officer Comment

The rail corridor is under the control of Arc Infrastructure and is viewed as private property by that company. It will allow access for specific tasks but typically requires persons (usually contractors) to undertake an induction process before approval is granted. For this reason there are doubts if a blanket approval allowing access by emergency services would be granted. There would also probably be concerns that any access constructed to provide access to the rail corridor during emergencies

would be subject to unauthorised access at other times. Notwithstanding this, a formal request can be presented to Arc Infrastructure.

Statutory Environment

Section 5.33 of the Local Government Act states:

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,**whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Integrated Planning

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

Policy - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management - Nil

Voting Requirements – Simple Majority

Council Decision **Moved Cr Pratico, Seconded Cr Mountford**
C.06/0322 That Item C.06/0322 be discussed by Council.

Carried 9/0

Moved Cr Pratico, Seconded Cr Quinby
That Council direct the CEO to engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes.

Amendment **Moved Cr Pratico, Seconded Cr Mountford**
That a second point be added to the motion;

2. Request the Public Transport Authority conduct a higher degree of fire mitigation works on railway reserves within the Shire of Bridgetown-Greenbushes.

Carried 9/0

The amended motion became the substantive motion and was put.

Council Decision Moved Cr Pratico, Seconded Cr Quinby

C.06/0322a That Council:

1. ***Direct the CEO to engage with the Public Transport Authority requesting consideration towards introducing measures to increase fire access for fire crews along the railway corridor within the Shire of Bridgetown-Greenbushes***
2. ***Request the Public Transport Authority conduct a higher degree of fire mitigation works on railway reserves within the Shire of Bridgetown-Greenbushes.***

Carried 9/0

<u>Reason for changing the officer recommendation:</u> Councillors wish to see a higher degree of fire mitigation works along the railway corridor.

ITEM NO.	C.07/0322	FILE REF.	232
SUBJECT	Consideration of Recommendation from Annual General Meeting of Electors – Steere Street and Stewart Street Precinct		
OFFICER	Chief Executive Officer		
DATE OF REPORT	20 March 2022		

Attachment 2 News Story on Shire Website November 2020

Attachment 3 Detailed Information Provided on Shire Website November 2020

OFFICER RECOMMENDATION

That Council:

1. *Note the motion carried at the Annual General Meeting of Electors regarding the Steere Street and Stewart Street Precinct.*
2. *Acknowledge that an error in the website news story uploaded on 2 November 2020 did occur but that it is Council's view that it didn't impact the status of the consultation as the specific information provided with the website news story clearly provided the correct information about the additional 5 parking bays being in Stewart Street.*

Summary/Purpose

To consider one of four motions carried at the recent Annual General Meeting of Electors.

Background

The Annual General Meeting of Electors was held on 24 February 2022. Four decisions were made for referral to Council. These decisions are in the form of recommendations to Council. Council is not bound by the Local Government Act to accept the recommendations; it can amend them or reject them as it is able to do with an officer recommendation.

The four motions carried at the AGM of Electors are being presented to Council as individual reports. This item deals with the following motion:

Moved B Bebbington, Seconded Cr Pratico

E.06/0222 The Shire to review the advertising (both newspaper and website), comments and submissions of the Steere Street, Stewart Street & Civic Lane Community Consultation to establish whether the advertising gave an indication of the addition of 5 parking bays in Steere Street rather than the intended 5 parking bays on Stewart Street and that if it is confirmed that it was incorrectly advertised, that Council prevents the work from commencing and readvertises to ensure the community is made aware of the correct proposal.

Officer Comment

Consultation on the plans prepared for the Steere Street and Stewart Street precinct commenced in November 2020 as a follow up to earlier consultation that occurred in 2019. Note the plans the subject of consultation in 2020 differed from those prepared in 2019, in particular the addition of 5 new parking bays on the eastern side of Stewart Street, running from the last of the existing bays towards the railway station.

It is acknowledged that the news story uploaded on to the Shire website on 2 November 2020 (refer Attachment 2) contained an error in that it summarised the changes proposed by the plans for the Steere Street/Stewart Street precinct as:

- Widening vehicle access into the Shire car park
- Removal of 2 parking bays on Steere Street (to make it easier to view oncoming traffic when leaving Shire carpark and when entering or exiting from Steere Street into Stewart Street)
- Addition of 5 parking bays and semi-mountable kerbs on Steere Street
- Signage improvements

Clearly the description of an additional 5 parking bays and semi-mountable kerbs should have referenced Stewart Street and not Steere Street. Readers however were invited to click on a link for more detailed information (refer Attachment 3) and this information clearly explained that the 5 additional parking bays were proposed for Stewart Street and there would be a reduction of 2 parking bays on Steere Street. It can be assumed that any person reading the news story on the Shire website would have clicked on the link to read more detailed information and therefore wouldn't have been misled by the error.

There were two submissions received, one which was from Mr Bruce Bebbington. In his submission Mr Bebbington raised the issue of the error on the Shire website and expressed his hope that it hadn't impacted upon the number of responses received by the Shire on the proposal. Copies of the two submissions, including the one from

Mr Bebbington was included as an attachment in the June 2021 Council agenda where the proposal was presented back to Council. At this meeting Council resolved:

C.11/0621 That Council:

1. *Note the submissions received in 2019 as per Attachment 15 and 2020/21 as per Attachment 16.*
2. *Request the Chief Executive Officer to implement the design of Civic Centre Car Park, Steere Street and Stewart Street Precinct as per Attachment 13.*
3. *Authorise the Chief Executive Officer to execute any minor modifications as may be necessary to safely and efficiently implement the project.*

Funds have been included in the 2021/22 budget to implement the works shown in the design plans but the works are yet to commence.

If Council felt the error on the website was significant enough it could resolve to revoke Resolution C.11/0621 and recommence community consultation on the proposals. This would cause the deferral of the works until 2022/23 which in itself isn't considered to be a major issue.

The officer recommendation is for Council to simply acknowledge that an error in the website news story did occur but that it is of the view that it didn't impact the status of the consultation as the specific information provided with the website news story clearly provided the correct information about the additional 5 parking bays being in Stewart Street.

If Council disagrees with this view an alternative motion could be:

1. That Council revoke Resolution C.11/0621 that reads:

That Council:

1. *Note the submissions received in 2019 as per Attachment 15 and 2020/21 as per Attachment 16.*
2. *Request the Chief Executive Officer to implement the design of Civic Centre Car Park, Steere Street and Stewart Street Precinct as per Attachment 13.*
3. *Authorise the Chief Executive Officer to execute any minor modifications as may be necessary to safely and efficiently implement the project.*

2. That Council proceed to community consultation for a minimum 35 day submission period on the proposal to remove 2 parking bays in Steere Street and add 5 new parking bays in Stewart Street

Statutory Environment

Section 5.33 of the Local Government Act states:

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*

whichever happens first.

- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Integrated Planning

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

Policy - Nil

Budget Implications - Nil

Whole of Life Accounting – Not Applicable

Risk Management - Nil

Voting Requirements – Simple Majority

Council Decision Moved Cr Quinby, Seconded Cr Pratico

C.07/0322 That Council:

- 1. Note the motion carried at the Annual General Meeting of Electors regarding the Steere Street and Stewart Street Precinct.**
- 2. Acknowledge that an error in the website news story uploaded on 2 November 2020 did occur but that it is Council's view that it didn't impact the status of the consultation as the specific information provided with the website news story clearly provided the correct information about the additional 5 parking bays being in Stewart Street.**

Carried 5/4

Crs Bookless, Lansdell, Mountford and Mahoney voted against the motion

ITEM NO.	C.08/0322	FILE REF.	A29903
SUBJECT	Realignment and Reconstruction of Portion of Strathmore Road, Winnejup		
PROPONENT	J Bowie		
OFFICER	Chief Executive Officer		
DATE OF REPORT	15 March 2022		

Attachment 4 Plan of Subject Section of Strathmore Road

OFFICER RECOMMENDATION

That in the upcoming review of Councils 10 Year Strategic Works Plan consideration be given to funding the construction of as realigned section of Strathmore Road where the road currently runs through State Forest.

Summary/Purpose

The owner of a rural property has requested improvements to road access to his property. The current road access is little more than a track running through State Forest and the Shire is not permitted to clear alongside the track to improve access. The only alternative would be to construct a road within the existing road reserve noting that significant clearing would be required and the costs of construction would not be insignificant.

Background

Strathmore Road is a gazetted public road under the care and control of the Shire of Bridgetown-Greenbushes. The road is constructed to a 6 metre wide gravel formation from its commencement point at Winnejup Road for a distance of approximately 1.7kms but after that point the road becomes little more than a track but is used to access properties to the south.

For the first 200m the track is wholly within the road reserve but as the track turns southwards it leaves the road reserve, forking into two separate tracks. One is wholly within State Forest and isn't recognised as a Shire road but the other fork returns the track to the road reserve terminating at Lot 2 of Location 2266. This is the only legal access to Lot 2 owned by Mr J Bowie.

The owner of Lot 2 has been lobbying the Shire for some time seeking improvements to his access, in particular widening of the road to permit farm machinery and trucks to access the property. Widening of the road would require some clearing with the majority of clearing on the section of track that isn't within the road reserve.

In 2021 a written request was sent to the Department of Biodiversity, Conservation and Attractions (DBCA) enquiring if DBCA was prepared to consider initiating a process to either widen or realign the road reserve where the track is within State Forest. This would allow clearing to occur within a realigned road reserve to accommodate widening of the track.

Last month a response was received from DBCA advising it didn't support realignment of the road reserve noting that the process to excise a portion of State Forest would be lengthy and would require the approval of a number of agencies and

the Minister, culminating in the approval of State Parliament. DBCA also prefer the road being contain within the existing road reserve as it would provide benefits from an operational management boundary perspective, including for prescribed burning.

If realigned to the road reserve the new road would effectively only service one property. The track that runs through State Forest would still be used to access other properties to the south and east.

Officer Comment

As the current “track” is outside the road reserve and within State Forest and therefore the Shire is not permitted to clear existing vegetation to allow for access by larger vehicles, as was the original request from the owner of Lot 2.

Up until a few years ago when larger vehicles (trucks with trailers) needed to access Lot 2 they were able to access through the adjoining private land but that is no longer an option hence the request to improve access via the road.

On an annual basis Council reviews its 10 Year Strategic Works Plan with Year 1 of the Plan being used to inform the next Council budget and the other nine years being recognised in the Long Term Financial Plan and Corporate Business Plan.

The next annual review of the 10 Year Strategic Works Plan is scheduled to be presented to a Council Workshop scheduled for 7 April 2022. Cost estimates for constructing a road within the road reserve can be presented to that workshop however the costs of clearing approximately 570 metres and constructing a gravel road of that length are likely to be close to \$100,000.

Statutory Environment

Excising land from State Forest and creating it as a road reserve would require approval under a number of legislations including the Environmental Protection Act and Regulations, Land Administration Act and Conservation and Land Management Act.

Integrated Planning

- Strategic Community Plan
 - Outcome 9 safe, affordable and efficient movement of people and vehicles
 - Objective 9.1 improve road safety and connectivity
- Corporate Business Plan - Nil
- Long Term Financial Plan
 - The Long Term Financial Plan allocates a specific amount of funding each year for implementation of Council’s Strategic Works Plan.
- Asset Management Plans
 - If the road asset is improved it would be reflected in the Asset Management Plan.
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications

Nil for 2021/22 budget.

Whole of Life Accounting

The existing track is subject to minimal maintenance due to its location within State Forest. If a road was constructed within the road reserve it would be expected that increased maintenance would be programmed.

Risk Management

This matter is an example where Council is being requested to consider expending a significant sum of money to benefit a single property. This is countered by the argument that the current road access doesn't meet the specifications of a rural road and the owner of the single property is being constrained in maximising its agricultural use due to difficulties for large vehicles accessing the property.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Quinby

C.08/0322 That in the upcoming review of Councils 10 Year Strategic Works Plan consideration be given to funding the construction of as realigned section of Strathmore Road where the road currently runs through State Forest.

Carried 7/2

Crs Lansdell and Mahoney voted against the motion

Item Brought Forward

After receiving the concurrence of Members, the Presiding Member announced that in accordance with Clause 3.2(3) of the Standing Orders Local Law, Item C.16/0322 would be brought forward for consideration.

ITEM NO.	C.16/0322	FILE REF.	A39257 P132/2021
SUBJECT	Proposed Glamping Camping Ground – 188 (Lot 3) Polina Rd, Kangaroo Gully		
PROPONENT	Hallsall & Associates on behalf of Baihar Pty Limited		
OFFICER	Manager Development Services		
DATE OF REPORT	17 March 2022		

Attachment 16	Site Plan
Attachment 17	Bushfire Management Plan - Spatial Risk Management Measures
Attachment 18	Eco Tent Concept Plan
Attachment 19	Summary of Submissions

OFFICER RECOMMENDATION

That Council approve the use and development of 188 (Lot 3) DP69528 (Vol 1837 Fol 74) Polina Road, Kangaroo Gully for the purpose of a 'Glamping' Camping Ground subject to compliance with the following conditions:

- 1 This approval is for a maximum of five (5) camping sites accommodating a maximum of ten (10) persons at any one time.*
- 2 All development shall be in accordance with the approved development plans which form part of this development approval. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.*
- 3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval.*
- 4 A caretaker manager shall reside onsite at all times whilst the glamping sites are occupied and supervise the facility to the requirements of the approved Operational Management Plan and to the satisfaction of the Shire of Bridgetown-Greenbushes inclusive being contactable 24 hours per day.*
- 5 In the event that there are any changes to caretaker management arrangements and/or contact details, the applicant is to inform the Shire of the changes in the caretaker details.*
- 6 A sign with the owners and caretaker contact details is to be provided at the front entrance of the site.*

- 7 *Prior to the commencement of operations, an Operational Management Plan in shall be prepared and approved by the Shire of Bridgetown - Greenbushes prior to the commencement of the use hereby approved. The facility shall operate in accordance with the approved Operational Management Plan which shall address the following matters to the satisfaction of the Shire:*
 - (a) *Mitigation measures to control anti-social behaviour, noise and any other potential conflicts;*
 - (b) *Complaints management procedure;*
 - (c) *Guest check-in and check-out procedures;*
 - (d) *Environmental impact and sustainability;*
 - (e) *Waste management (liquid and solid);*
 - (f) *Traffic management;*
 - (g) *Risk management including for days with a severe Fire Danger Rating;*
 - (h) *The use of outside cooking facilities including BBQs, open fires, gas stoves at all times during the year;*
 - (h) *The location and size of the proposed storage sheds; and*
 - (i) *Length of stay of occupiers.*
- 8 *The Bushfire Management Plan prepared by Bushfire Smart (Feb 2022) is to be modified as follows:*
 - *To include mitigation strategies to the satisfaction of the Shire of Bridgetown - Greenbushes prior to occupation on days with a severe Fire Danger Rating or higher, or where the Fire Danger Index is equal to or greater than 50, or on total fire ban days, or if otherwise requested by the Shire of Bridgetown Greenbushes.*
 - *A nominated fire warden shall be contactable at all times on days with a severe Fire Danger Rating and be able to immediately attend the site to supervise campers and respond to any emergencies.*
- 9 *Prior to the commencement of operations, a Bushfire Emergency Evacuation Plan shall be prepared by an accredited Level 3 BPAD Practitioner and approved to the satisfaction of the Shire of Bridgetown - Greenbushes.*
- 10 *The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location for each camping site.*
- 11 *All Bushfire management measures identified in the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be undertaken prior to occupation and operations commencing, and thereafter maintained, to the satisfaction of the Shire of Bridgetown - Greenbushes.*
- 12 *Prior to the commencement of operations, Notifications under section 70A of the Transfer of Land Act shall be lodged with the Registrar of Titles at the Department of Land Information for endorsement on the Certificate of Title at the applicant's cost. The notifications shall state:*

“The land is located within an area designated by the Fire and Emergency Services Commissioner as a Bushfire Prone Area. Bushfire management measures are required in accordance with the approved Bushfire Management Plan and the Shire of Bridgetown - Greenbushes Annual Firebreak and Fuel Hazard Reduction Notice.”

“The land is located in an agricultural area and impacts from agricultural operations including smoke, dust, fumes, odour, noise and vibration may affect the amenity and enjoyment of the occupants within the tourist operations.”

ADVICE NOTE

- a) *This is a development approval and not a building approval of which a separate building approval from the Shire is required as per the Building Act 2011.*
- b) *An apparatus for the onsite treatment and disposal of wastewater, adequately sized to receive wastewater from the development shall be installed in accordance with the Health (Treatment of Sewerage and Disposal of Effluent & Liquid Waste) Regulations 1974 and to the satisfaction of the Local Government Environmental Health Officer prior to occupation of the camping sites.*
- c) *A potable water supply must be supplied to each camp site to the satisfaction of the Local Government Environmental Health Officer.*
- d) *In considering this application, Council has noted that the applicant’s bushfire consultant has stated that his Level 3 BPAD accreditation is pending approval and that he has the required professional indemnity and public liability insurance and so is qualified to make recommendations regarding the management of the bushfire risk associated with a vulnerable land use in this location*
- e) *The subject land is located in a bushfire prone location where fires occur on a regular basis occur and can pose a risk to life and property. The management of the risk posed by bushfires is a shared responsibility between landowners, government and industry. While state and local government undertakes bushfire prevention measures (e.g. planned burning), land use planning and emergency response (fire suppression); land owners in bushfire prone areas must take the necessary steps to prepare their property. They need to take the initiative in learning about, preparing for and responding to bushfires. It cannot be assumed that during a fire that the local Volunteer Bushfire Brigade will be able to attend the site.*
- f) *188 Polina Road is serviced by a rural road that is in part a gravel formation that is on average 6 metres wide. The Shire of Bridgetown-Greenbushes maintains Polina Road in accordance with its maintenance program that is typically graded twice per annum once in summer and once in winter. The Shire has no plans to upgrade the gravel section of Polina Road to a sealed standard.*

Summary/Purpose

The development application is to consider a camping ground (Glamping) at 188 (Lot 3) Polina Road, Kangaroo Gully. This will have five tent sites and accommodate a maximum of ten persons. The application proposes that there will not be any

resident caretaker on the site, but a caretaker will be contactable at all times to attend to site to manage any issues if and when they arise.

The site generally has an extreme bushfire hazard level however there are cleared areas within the site on slopes on less than 10 degrees have a moderate hazard level. A Bushfire Management Plan (BMP) and Emergency Evacuation Plan (BEEP) have been prepared for the facility. The primary risk mitigation measure is to evacuate the guests as the glamping tents would not be suitable to shelter in in case of fire.

It is noted that generally the lack of a resident caretaker may make it more difficult to take informed emergency evacuation decisions and may decrease situational awareness. In addition, the absence of an on-site caretaker may make it more difficult to supervise the general behaviour of guests.

Any approval for the application should at a minimum require the need for the caretaker to be available at short notice and also require appropriate management plans.

Background

Halsall and Associates have submitted a development application five (5) glamping tents at 188 Polina Road, Kangaroo Gully on behalf of the landowner Susan & Franco Randazzo (Baihar Pty Ltd). Glamping refers to a form of camping involving accommodation and facilities more luxurious than those associated with traditional camping. The maximum number of guests will be 10 persons.

The subject land is 188 (Lot 3) DP69528 (Vol 1837 Fol 74) Polina Road, Kangaroo Gully. It is located approximately 6.5kms from the Bridgetown CBD and it has an area of 193 hectares. The subject land is vacant and irregular in shape extending for approximately 1.8km from Polina Road. A large portion of the site is vegetated and it is situated on the ridge overlooking the Blackwood River. Access to the site is from Polina Road via Kangaroo Gully Road.

The camping sites will be located in the northern portion of the site where the land has more cleared areas as shown in Attachment 1. The camping sites are generally located on the edge of the bushland areas. The first stage comprising of three luxury eco (3) glamping tents with the balance being developed over the following five years. Each tent will incorporate a floor area of 34m² and additional decking area of 15m² which will incorporate a kitchenette, king size bed, full bathroom and will also include a bath on the external decking area.

The internal driveway system is a single access with passing bays and turning circles which overall will exceed 1km in length. It will be a gravel driveway suitable for 2WD vehicles.

Water supply will be by way of two water tanks of an acceptable capacity to cater for the number of glamping tents. Each water tank will be situated centrally to each cluster of glamping tents which will be provided with an underground point of connection. Power supply will be via solar supply system to each glamping tent. The proposal also includes two storage sheds.

It is proposed that there will not be any resident caretaker/manager residing on the site and management of the proposal will be undertaken remotely from off the site.

A Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) have also been prepared to support the application. The Spatial Risk Management Measures Plan from the BMP is as per Attachment 2. Some clearing of vegetation will be required to ensure an Asset Protection Zone (APZ) around the infrastructure to achieve a BAL 29 rating. The tents however are considered to be a tolerable loss in the event of fire and the objective is to ensure the safety of the occupants via evacuation from the site rather than stay and defend the structures.

Officer Comment

The application was advertised to the surrounding property owners, DFES and the Shire's Community Emergency Services Manager. Four (4) submissions were received which are summarised in Attachment 4. The issues raised in the submissions are addressed below.

Furthermore staff referred the application to Geoff Lush from Lush Fire to assist with the evaluation of the development application against the planning framework in relation to bushfire risk management. Bushfire risk management is the primary planning issue/constraint with this application. Details of this assessment is provided below.

Orderly and proper planning (cl 67(a) - (g) of the deemed provisions)

The term 'orderly and proper planning' is a common planning term and relates to the planning framework including the applicable State Planning Policies and Scheme Objectives and Provisions.

Clause 4.1(d) of the Scheme list as one of Council's general objectives is to permit, subject to adequate control, uses which add to and facilitate the District's potential for tourism and recreational use. Clause 4.8 then sets out general matters regarding holiday accommodation and tourist development. These are taken to provide direction to consider tourist development in Rural zones even though the zone objectives do not specifically include it. Given the size of the subject land, the scale of the proposal does not prevent the continued rural use of the property.

The Shire's Strategic Community Plan also promotes tourist activities. Hence the application is not considered to be inconsistent with the Shire's development objectives. The primary issue is whether the proposal has an inherent bushfire risk which cannot be adequately reduced and managed. Secondly is whether the proposal will create any land use conflict or loss of amenity.

Bushfire Management (cl 67(c), (g), and (r) of the deemed provisions)

Virtually all of the subject land is designated as being bushfire prone.

Clause 6.5 of the *State Planning Policy 3.7 - Planning in Bushfire Prone Areas* (SPP 3.7) requires that a BMP be prepared which is to include an assessment against the bushfire protection criteria. All tourist land uses are also classified as a 'vulnerable land use' where persons may be less able to respond in a bushfire emergency. In addition to a BMP, it is necessary for a vulnerable land use to have a BEEP and possible risk assessment.

It is noted that Version 1.4 of the *Guidelines for Planning in Bushfire Prone Areas* (The Guidelines) was published in December 2021 and that the transition period has now expired. The BMP was originally prepared under the previous version of the *Guidelines* but has since been updated.

The Western Australian Planning Commission (WAPC) in 2019 published a Position Statement on tourism land uses in bushfire prone areas. This recognised that many tourism uses are intrinsically linked to the natural landscape values of an area which makes it difficult for them to comply with the current provisions of SPP 3.7 and the supporting *Guidelines for Planning in Bushfire Prone Areas*. The new Version 1.4 of the *Guidelines* incorporate specific measures for tourist development which distinguish between:

- Bed and Breakfast and Holiday House;
- Other short-term accommodation – including caravan park and camping grounds;
- Camping ground only (remote) or nature-based park;
- Day uses (with no overnight accommodation).

The *Guidelines* note that different tourism land uses demonstrate different characteristics and may require different levels of risk management including:

- a) That the presence of a resident/manager on site, improves the potential for informed emergency evacuation decisions;
- b) The AS3959 construction standards may not be applicable.
- c) Whether the proposal is remote or located in an existing residential built-out area;
- d) Whether the operation will occur during bushfire season or not; and
- e) Whether the land use involves overnight stay.

The prescribed mitigation measures are either:

- Early evacuation or closure of a tourism land use; or
- Shelter on-site in a nominated open space area.

There are a number of technical issues that need to be addressed in the BMP. The critical issue is the need for site supervision especially when there is an emergency or on high risk days where there is a severe fire danger rating, total fire ban etc.

Without site supervision, it is difficult to ensure that guests will not have open fires or be able to be advised of the bushfire warning levels. The application states that a manager will be on call 24 hours and that there will be a joint arrangement with the neighbouring property. The neighbour's arrangement cannot be specifically conditioned in any development approval. Rather this would have to stipulate that a manager be located within a fixed distance or time from the site.

In light of the above and noting the intrinsic link between needing a targeted management response for fire when operating tourist uses in a bushfire prone area it is necessary that permanent onsite caretaker arrangements is required. Accordingly the recommendation to this report is to require a permanent onsite caretaker for this proposal.

The DFES referral advice does not consider the DPLH's Position Statement on Tourism land uses in bushfire prone areas. The advice is restricted to the Bushfire Protection Criteria and it is well known that tourist development are unlikely to comply with the Acceptable Solutions, especially Element 1 Location and Element 3 Vehicular Access. However, the Council in determining the application is required to have "due regard" to the advice as part of the overall consideration of the application under Clause 67 of the Deemed Provisions. In this situation it must be satisfied that the level of risk associated with the proposal can be appropriately managed.

If this application is approved the BMP should be modified to include clear mitigation strategies to the satisfaction of the Shire for days with a severe Fire Danger Rating or higher, or where the Fire Danger Index is equal to or greater than 50, or on total fire ban days, or if otherwise requested by the Shire. This might include the closure of the facility when there will be a total fire ban.

The BMP also recommends that a 50,000L water supply tank for firefighting be provided. If part 4 of the officer recommendation requiring a caretaker manager to reside onsite is endorsed this water tank can remain as proposed in the centre of the property near some of the camping sites. However, if Council was to change the recommendation by removing the requirement for a caretaker manager onsite, then any person attending a fire would be travelling to the site and so the water tank should be located near the property entrance.

The principal bushfire management measure is simply to evacuate guests as early as possible. The glamping tents are not suitable shelters and there is no appropriate open space area for people to take shelter.

Amenity and compatibility (cl 67(c), (d), (m) and (n) of the deemed provisions)

Given the relatively small scale of the proposal and the size of the property, any potential amenity issues should be able to be managed.

The Department's Tourism Guidelines recommend that a management plan can be used to address potential amenity impacts arising from short-term rental accommodation and necessary emergency protocols including:

Mitigation plan	To control anti-social behaviour, noise and any other potential conflicts a mitigation plan may be appropriate. Anti-social behaviour should be dealt with by local governments/police in the same manner as a property being used as a residential dwelling.
Complaints management procedure	The manager of short-term accommodation should be contactable in the event that a complaint is made. The guest should have 24-hour access to the manager via phone, email or an online app.
Guest check-in and check-out procedures	Clear check-in and check-out procedures should be outlined in the management plan.

This also complements the management plan required under the *Caravan Parks and Camping Grounds Regulations 1997* which documents details about the following matters in relation to the facility:

- (a) Market segment;
- (b) The amenities that are proposed to be provided, or not provided, at the facility;
- (c) Site planning;
- (d) Environmental impact and sustainability;
- (e) Waste management;
- (f) Traffic management;
- (g) Risk management; and
- (h) Length of stay of occupiers.

The preparation and approval of an overall Operational Management Plan will provide improved surety in addressing the concerns raised in the submissions.

Statutory Environment

Planning Framework

The statutory planning framework is comprised of:

- State Planning Policies made under section 26 of the *Planning and Development Act 2005* ;
- Region planning schemes (not applicable to Bridgetown - Greenbushes);
- Schedule 2: Deemed provisions for local planning schemes in the Planning and Development (Local Planning Schemes) Regulations 2015 ('Deemed Provisions');
- Town Planning Scheme No 4 and local planning policies; and
- Policies and guidance notices of the WAPC.

Specific reference is made to the following provisions while other components are referenced in the discussion of the issues.

Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4

The subject land is included in the 'Rural 2 - General Agricultural' zone on Town Planning Scheme No 4 (The Scheme).

The proposal is defined as Camping Area meaning land used for the lodging of persons in tents or other temporary shelter. A Camping Area is not listed in the Scheme zoning table but this refers to 'Camping Grounds' which are an AA use in the Rural zone.

The objectives for the 'Rural 2 - General Agricultural' zone are contained in Clause 4.3.2 and state that:

Council's Objective, recognising that land within the Zone is by reason of its physical characteristics and location suited to the development of a wide range of uses appropriate to the growth of the District's economy and activity generally, will be to retain as far as possible, an agricultural base whilst assisting desirable changes in land use and activity through Planning Policies and Controls.

Council's Policies will therefore be to:

- a) support and assist in studies of land use and management which may be desirable and appropriate;
- b) promote the introduction of new and/or improved agricultural practices;
- c) permit, subject to adequate location and controls, establishment of uses of a tourist or recreational nature, and where appropriate, additional residential settlement;
- d) consider the establishment of Special Rural Zones within the defined Policy areas.

Within the Within the Rural 2 zone buildings are to be setback a minimum of 20m from the property boundaries.

Clause 4.8 of the Scheme relates to holiday accommodation and tourist development and states that:

4.8.1 Within the Rural Zones 1, 2, 3 and 4 Council may, subject to Planning Consent and the provisions of Table I and this clause, permit development of Holiday Accommodation and other facilities for the accommodation, recreation and use of tourists.

4.8.2 Development for Holiday Accommodation, Motels, Caravan Parks or Camping Grounds shall conform to the following site requirements:

- a) a site area of not less than 2 hectares;
- b) be sited and designed so as to minimise the risk from bush fires;
- c) the site shall in the opinion of Council contain tree cover adequate to provide visual screening and privacy and Council may require as a condition of Planning Consent additional planting and maintenance of trees where existing tree cover is considered deficient or inadequate;
- d) public road access to the site shall in the opinion of Council be adequate for the use which may be reasonably anticipated;
- e) site conditions of topography and soil shall be such as to ensure in the opinion of Council adequate effluent disposal and site drainage as a result of the development, and that the site is not susceptible to erosion;
- f) an adequate supply of potable water shall be available.

4.8.3 Development for a Caravan Park or a Camping Ground shall conform in all other respects to the provisions of the *Caravan Parks and Camping Grounds Regulations 1997*.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 of the Regulations contain the Deemed Provisions which apply to all planning schemes in the State. Of relevance to this application are:

- Clause 67 which documents the matters which Council is to have regard to in considering an application; and
- Part 10A relating to bushfire risk management.

Both of these provisions are addressed above.

WAPC Planning for Tourism

In December 2021 the WAPC released:

- A draft Position Statement for Planning for Tourism; and

- Draft Planning Guidelines for Tourism.

The intention of the Position Statement is to guide the appropriate location and management of tourism land uses through the planning framework. While this does not specifically reference glamping, it does highlight the difference between hosted and un-hosted facilities.

The draft Guidelines provide more details including that as referenced in section 5.3.2 of the Position Statement, where appropriate, local government may require the applicant to prepare a management plan to address potential amenity impacts arising from short-term rental accommodation and necessary emergency protocols.

Caravan and Camping Regulations 1997

The Regulations set out provisions for the development and operation of both camping grounds and caravan parks. The Regulations reference different forms of development including a camping ground and a nature based park.

A nature based park means a facility in an area that —

- (a) *is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 m for a distance of 500 m or more; and*
- (b) *has been predominantly formed by nature; and*
- (c) *has limited or controlled artificial light and noise intrusion.*

The proposal is considered a nature based park so the requirement to prepare an operations management plan in accordance with the Caravan and Camping Regulations and this has been conditioned accordingly.

Integrated Planning

- Strategic Community Plan
 - Outcome 5 shared responsibility for climate action to strengthen resilience against climate-related hazards and natural disasters.
 - Objective 5.1 develop community readiness to cope with natural disasters and emergencies
 - Objective 5.2 encourage the adoption of sustainable practices opportunities to meet current and future needs.
 - Outcome 12 Bridgetown Greenbushes is prepared to be a major tourist destination
 - Objective 12.1 reposition Bridgetown as a major tourist destination
 - Objective 12.2 improve tourism infrastructure and services
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning – Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications – Nil

Income: \$1111.40 Development Application Fees being received.

Whole of Life Accounting - Nil

Risk Management

A risk is often specified in terms of the likelihood of an event occurring and the consequences that may flow from it. In relation to the application the following risks may be applicable:

- Community Safety - if not managed appropriately the risk is considered to be high based on the likelihood of a damaging bushfire being possible and having major consequences.
- Health and Environment - the risk is considered low as there are appropriate control measures in the Act and Regulations.
- Legal and Compliance - the risk is considered low as Council has appropriately consider the statutory provisions. However, any decision may be challenged by an Appeal.
- Reputational Damage - the refusal of the application may have a moderate risk that would negatively impact on Council's strategic objectives to promote new businesses and tourism opportunities.
- Financial Impact - there is a low risk that Council's decision would have any major financial impact on its operations.

Voting Requirements - Simple Majority

Council Decision *Moved Cr Bookless, Seconded Cr Lansdell*
C.16/0322 That Item C.16/0322 be discussed by Council.

Carried 9/0

Moved Cr Pratico, Seconded Cr Johnson

That Council approve the use and development of 188 (Lot 3) DP69528 (Vol 1837 Fol 74) Polina Road, Kangaroo Gully for the purpose of a 'Glamping' Camping Ground subject to compliance with the following conditions:

- 1 This approval is for a maximum of five (5) camping sites accommodating a maximum of ten (10) persons at any one time.
- 2 All development shall be in accordance with the approved development plans which form part of this development approval. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
- 3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval.
- 4 A caretaker manager shall reside onsite at all times whilst the glamping sites are occupied and supervise the facility to the requirements of the approved Operational Management Plan and to the satisfaction of the Shire of Bridgetown-Greenbushes inclusive being contactable 24 hours per day.

- 5 In the event that there are any changes to caretaker management arrangements and/or contact details, the applicant is to inform the Shire of the changes in the caretaker details.
- 6 A sign with the owners and caretaker contact details is to be provided at the front entrance of the site.
- 7 Prior to the commencement of operations, an Operational Management Plan in shall be prepared and approved by the Shire of Bridgetown - Greenbushes prior to the commencement of the use hereby approved. The facility shall operate in accordance with the approved Operational Management Plan which shall address the following matters to the satisfaction of the Shire:
 - (a) Mitigation measures to control anti-social behaviour, noise and any other potential conflicts;
 - (b) Complaints management procedure;
 - (c) Guest check-in and check-out procedures;
 - (d) Environmental impact and sustainability;
 - (e) Waste management (liquid and solid);
 - (f) Traffic management;
 - (g) Risk management including for days with a severe Fire Danger Rating;
 - (h) The use of outside cooking facilities including BBQs, open fires, gas stoves at all times during the year;
 - (h) The location and size of the proposed storage sheds; and
 - (i) Length of stay of occupiers.
- 8 The Bushfire Management Plan prepared by Bushfire Smart (Feb 2022) is to be modified as follows:
 - To include mitigation strategies to the satisfaction of the Shire of Bridgetown - Greenbushes prior to occupation on days with a severe Fire Danger Rating or higher, or where the Fire Danger Index is equal to or greater than 50, or on total fire ban days, or if otherwise requested by the Shire of Bridgetown Greenbushes.
 - A nominated fire warden shall be contactable at all times on days with a severe Fire Danger Rating and be able to immediately attend the site to supervise campers and respond to any emergencies.
- 9 Prior to the commencement of operations, a Bushfire Emergency Evacuation Plan shall be prepared by an accredited Level 3 BPAD Practitioner and approved to the satisfaction of the Shire of Bridgetown - Greenbushes.
- 10 The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location for each camping site.
- 11 All Bushfire management measures identified in the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be undertaken prior to occupation and operations commencing, and thereafter maintained, to the satisfaction of the Shire of Bridgetown - Greenbushes.
- 12 Prior to the commencement of operations, Notifications under section 70A of the Transfer of Land Act shall be lodged with the Registrar of Titles at the

Department of Land Information for endorsement on the Certificate of Title at the applicant's cost. The notifications shall state:

"The land is located within an area designated by the Fire and Emergency Services Commissioner as a Bushfire Prone Area. Bushfire management measures are required in accordance with the approved Bushfire Management Plan and the Shire of Bridgetown - Greenbushes Annual Firebreak and Fuel Hazard Reduction Notice."

"The land is located in an agricultural area and impacts from agricultural operations including smoke, dust, fumes, odour, noise and vibration may affect the amenity and enjoyment of the occupants within the tourist operations."

ADVICE NOTE

- a) This is a development approval and not a building approval of which a separate building approval from the Shire is required as per the Building Act 2011.
- b) An apparatus for the onsite treatment and disposal of wastewater, adequately sized to receive wastewater from the development shall be installed in accordance with the Health (Treatment of Sewerage and Disposal of Effluent & Liquid Waste) Regulations 1974 and to the satisfaction of the Local Government Environmental Health Officer prior to occupation of the camping sites.
- c) A potable water supply must be supplied to each camp site to the satisfaction of the Local Government Environmental Health Officer.
- d) In considering this application, Council has noted that the applicant's bushfire consultant has stated that his Level 3 BPAD accreditation is pending approval and that he has the required professional indemnity and public liability insurance and so is qualified to make recommendations regarding the management of the bushfire risk associated with a vulnerable land use in this location
- e) The subject land is located in a bushfire prone location where fires occur on a regular basis occur and can pose a risk to life and property. The management of the risk posed by bushfires is a shared responsibility between landowners, government and industry. While state and local government undertakes bushfire prevention measures (e.g. planned burning), land use planning and emergency response (fire suppression); land owners in bushfire prone areas must take the necessary steps to prepare their property. They need to take the initiative in learning about, preparing for and responding to bushfires. It cannot be assumed that during a fire that the local Volunteer Bushfire Brigade will be able to attend the site.
- f) 188 Polina Road is serviced by a rural road that is in part a gravel formation that is on average 6 metres wide. The Shire of Bridgetown-Greenbushes maintains Polina Road in accordance with its maintenance program that is typically graded twice per annum once in summer and once in winter. The

Shire has no plans to upgrade the gravel section of Polina Road to a sealed standard.

Amendment Moved Cr Pratico, Seconded Cr Lansdell

That condition 4 be deleted from the motion;

4. A caretaker manager shall reside onsite at all times whilst the glamping sites are occupied and supervise the facility to the requirements of the approved Operational Management Plan and to the satisfaction of the Shire of Bridgetown-Greenbushes inclusive being contactable 24 hours per day.

The amended motion became the substantive motion and was put.

Council Decision Moved Cr Pratico, Seconded Cr Johnson

C.16/0322a That Council approve the use and development of 188 (Lot 3) DP69528 (Vol 1837 Fol 74) Polina Road, Kangaroo Gully for the purpose of a 'Glamping' Camping Ground subject to compliance with the following conditions:

- 1 This approval is for a maximum of five (5) camping sites accommodating a maximum of ten (10) persons at any one time.***
- 2 All development shall be in accordance with the approved development plans which form part of this development approval. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.***
- 3 This development approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval.***
- 4 In the event that there are any changes to caretaker management arrangements and/or contact details, the applicant is to inform the Shire of the changes in the caretaker details.***
- 5 A sign with the owners and caretaker contact details is to be provided at the front entrance of the site.***
- 6 Prior to the commencement of operations, an Operational Management Plan in shall be prepared and approved by the Shire of Bridgetown - Greenbushes prior to the commencement of the use hereby approved. The facility shall operate in accordance with the approved Operational Management Plan which shall address the following matters to the satisfaction of the Shire:***
 - (a) Mitigation measures to control anti-social behaviour, noise and any other potential conflicts;***
 - (b) Complaints management procedure;***
 - (c) Guest check-in and check-out procedures;***
 - (d) Environmental impact and sustainability;***
 - (e) Waste management (liquid and solid);***
 - (f) Traffic management;***

- (g) Risk management including for days with a severe Fire Danger Rating;**
- (h) The use of outside cooking facilities including BBQs, open fires, gas stoves at all times during the year;**
- (h) The location and size of the proposed storage sheds; and**
- (i) Length of stay of occupiers.**

7 The Bushfire Management Plan prepared by Bushfire Smart (Feb 2022) is to be modified as follows:

- To include mitigation strategies to the satisfaction of the Shire of Bridgetown - Greenbushes prior to occupation on days with a severe Fire Danger Rating or higher, or where the Fire Danger Index is equal to or greater than 50, or on total fire ban days, or if otherwise requested by the Shire of Bridgetown Greenbushes.**
- A nominated fire warden shall be contactable at all times on days with a severe Fire Danger Rating and be able to immediately attend the site to supervise campers and respond to any emergencies.**

8 Prior to the commencement of operations, a Bushfire Emergency Evacuation Plan shall be prepared by an accredited Level 3 BPAD Practitioner and approved to the satisfaction of the Shire of Bridgetown - Greenbushes.

9 The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location for each camping site.

10 All Bushfire management measures identified in the approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be undertaken prior to occupation and operations commencing, and thereafter maintained, to the satisfaction of the Shire of Bridgetown - Greenbushes.

11 Prior to the commencement of operations, Notifications under section 70A of the Transfer of Land Act shall be lodged with the Registrar of Titles at the Department of Land Information for endorsement on the Certificate of Title at the applicant's cost. The notifications shall state:

"The land is located within an area designated by the Fire and Emergency Services Commissioner as a Bushfire Prone Area. Bushfire management measures are required in accordance with the approved Bushfire Management Plan and the Shire of Bridgetown - Greenbushes Annual Firebreak and Fuel Hazard Reduction Notice."

"The land is located in an agricultural area and impacts from agricultural operations including smoke, dust, fumes, odour, noise and vibration may affect the amenity and enjoyment of the occupants within the tourist operations."

ADVICE NOTE

- a) This is a development approval and not a building approval of which a separate building approval from the Shire is required as per the Building Act 2011.**

- b) An apparatus for the onsite treatment and disposal of wastewater, adequately sized to receive wastewater from the development shall be installed in accordance with the Health (Treatment of Sewerage and Disposal of Effluent & Liquid Waste) Regulations 1974 and to the satisfaction of the Local Government Environmental Health Officer prior to occupation of the camping sites.**
- c) A potable water supply must be supplied to each camp site to the satisfaction of the Local Government Environmental Health Officer.**
- d) In considering this application, Council has noted that the applicant's bushfire consultant has stated that his Level 3 BPAD accreditation is pending approval and that he has the required professional indemnity and public liability insurance and so is qualified to make recommendations regarding the management of the bushfire risk associated with a vulnerable land use in this location**
- e) The subject land is located in a bushfire prone location where fires occur on a regular basis occur and can pose a risk to life and property. The management of the risk posed by bushfires is a shared responsibility between landowners, government and industry. While state and local government undertakes bushfire prevention measures (e.g. planned burning), land use planning and emergency response (fire suppression); land owners in bushfire prone areas must take the necessary steps to prepare their property. They need to take the initiative in learning about, preparing for and responding to bushfires. It cannot be assumed that during a fire that the local Volunteer Bushfire Brigade will be able to attend the site.**
- f) 188 Polina Road is serviced by a rural road that is in part a gravel formation that is on average 6 metres wide. The Shire of Bridgetown-Greenbushes maintains Polina Road in accordance with its maintenance program that is typically graded twice per annum once in summer and once in winter. The Shire has no plans to upgrade the gravel section of Polina Road to a sealed standard.**

Carried 9/0

<u>Reason for amending officer recommendation</u>

Council is satisfied that the fire mitigation measures outlined in the application are sufficient.
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Return to Order of Business in Agenda from C.09/0422

CEO Office (Continued)

ITEM NO.	C.09/0322	FILE REF.	105
SUBJECT	Pest Plant Repeal Local Law 2021		
PROPONENT	Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	24 February 2022		

Attachment 5 Pest Plants Repeal Local Law 2021

OFFICER RECOMMENDATION

That with respect to the Pest Plants Repeal Local Law 2021 Council:

- 1. Note the purpose of the Pest Plants Repeal Local Law 2021 is to repeal an obsolete local law and the effect is to revoke the provisions contained in it, which have now been superseded by State legislation.*
- 2. Resolve to make the Local Law as per Attachment 5*
- 3. Authorise the Shire President and CEO to sign and affix the common seal to the Local Law.*
- 4. Authorise the CEO to;*
 - a) Publish the Local Law in the Government Gazette and provide copies of the Local Law to the Minister for Local Government and Minister for Emergency Services;*
 - b) Give local public notice of the decision to make the Local Law; and*
 - c) Forward a copy of the gazetted Local Law, explanatory memorandum, and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.*

Summary/Purpose

1. The purpose of this report is for Council to consider making a new Local Law which will repeal an obsolete local law with respect to Pest Plants.
2. The statutory process commenced at the Ordinary Council Meeting of 30 September 2021 when Council resolved to give local public notice of its intention to make the new Local Law and seeking public submissions on the proposal.
3. It is recommended Council make the Local Law.

Background

Council, at its meeting held on 29 July 2021 considered a report on the statutory review of Local Laws and resolved in part (C.02/0721):

2. *That in accordance with section 3.16(4) of the Local Government Act 1995 Council resolves to repeal the Pest Plants Local Law.*

The report presented to the July 2021 Council meeting contained the following commentary with regard to the Pest Plant Local Law:

The comments provided in the submission from Council's Sustainability Advisory Committee does point out that the local law is ineffective and unenforceable. This isn't disputed and research into the development of the Local Law in 2009 indicate that its intent was focused on education of land owners with enforcement of this Local Law being a last resort when communication and education fail to produce results.

It is noted some of the most common weed species (i.e. blackberry) that cause disputes between adjoining property owners aren't listed in the local law.

Control of pest plants isn't considered to be a core local government responsibility. The State has established biosecurity groups (including Blackwood Biosecurity Inc.) under the Biosecurity and Agriculture Management Act and these groups have some powers to require land owners to manage declared weeds.

There doesn't exist staff resources to enforce the Local Law. Unless Council wishes to allocate funding to employ resources for this purpose it is recommended the Pest Plants Local Law be repealed.

A report was presented to Council's September 2021 meeting where Council resolved:

C.03/0921 That Council give local public notice of its intention to make the Pest Plants Repeal Local Law 2021 and also give notice of this intention to the relevant Ministers responsible for Agriculture and Local Government. The purpose of the Pest Plants Repeal Local Law 2021 is to repeal an obsolete local law and the effect is to revoke the provisions contained in it, which have now been superseded by State legislation.

Officer Comment

No public submissions were received in response to Council giving local public notice of its intention to make the Pest Plants Repeal Local Law 2021.

A response was received from the Department of Local Government, Sport and Cultural Industries (acting for the Minister for Local Government) recommending the following edits to the draft Local Law:

- Clause 1 – change the citation to italics
- Clause 2 – change “Government Gazette” to italics
- Clause 3 – after “*Local Law*” insert “2009”.

The above changes have been made and are included in the copy of the Local Law shown at Attachment 5.

Statutory Environment

The Local Government Act 1995 has the following relevant provisions:

- s.3.12 – Procedures for making local laws including:
 - Notice of purpose and effect of local law to be given by the person presiding;
 - Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks' notice;
 - Local Public notice also required to be given;
 - After notice period, all submissions to be considered, and local law may then be made by absolute majority;
 - Publication in Government Gazette required; and
 - Parliament to be advised within 10 working days of Gazettal.
- s.3.13 – Significant changes require recommencement of proposal;

- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal; and
- s.3.15 – local public notice of the final adoption/making of a local law to be given.

The Interpretations Act 1984 has the following relevant provision:

- s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt.

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
 - Enforcement of the Pest Plants Local Law doesn't occur therefore repeal of the Local Law will not impact staff resources.
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications

Council's 2021/22 budget contains an allocation of \$5,000 to cover advertising costs associated with any amendments to the local laws.

Whole of Life Accounting - Nil

Risk Management

The statutory review of local laws identified that the Pest Plants Local law should be revoked. Council could review this decision by revoking the previous resolution from July 2021. The level of risk to the Shire of Bridgetown-Greenbushes is in the areas of compliance and reputation and have been assessed as "insignificant consequence" with an "unlikely likelihood" giving a risk rating outcome of "low" in accordance with Council Policy F.21 'Risk Management'.

Voting Requirements – Absolute Majority

Council Decision Moved Cr Pratico, Seconded Cr Johnson

C.09/0322 That with respect to the Pest Plants Repeal Local Law 2021 Council:

- 1. Note the purpose of the Pest Plants Repeal Local Law 2021 is to repeal an obsolete local law and the effect is to revoke the provisions contained in it, which have now been superseded by State legislation.**
- 2. Resolve to make the Local Law as per Attachment 5**

- 3. Authorise the Shire President and CEO to sign and affix the common seal to the Local Law.**
- 4. Authorise the CEO to;**
- a) Publish the Local Law in the Government Gazette and provide copies of the Local Law to the Minister for Local Government and Minister for Emergency Services;**
 - b) Give local public notice of the decision to make the Local Law; and**
 - c) Forward a copy of the gazetted Local Law, explanatory memorandum, and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

Carried by Absolute Majority 9/0

ITEM NO.	C.10/0322	FILE REF.	105
SUBJECT	Fencing Local Law		
PROPONENT	Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	21 March 2022		

OFFICER RECOMMENDATION

That Council take no action in amending its Fencing Local Law to introduce requirements and specifications for electric fencing on rural lots.

Summary/Purpose

Council, in July 2021 sought a report on the possible amendment of its Fencing Local Law to introduce requirements and specifications for electric fencing on rural lots. After limited informal consultation with rural property owners it is recommended that Council not proceed with any amendment to this local law.

Background

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

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

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

As part of the process undertaken earlier this year for the statutory review of Council's local laws one submission provided comments on the Fencing Local Law. The submission referenced 'fencing standards' published by a number of

commercial fencing manufacturers (note the Australian Standards for fencing aren't referenced) raising concerns that a number of farmers in the district are electrifying barbed wire or razor wire fences with an energizer.

The submission quoted the “fencing standards” stating that “electric fences and their ancillary equipment shall be installed, operated and maintained in a manner that minimizes danger to persons, and reduces the risk of persons receiving an electric shock unless they attempt to penetrate the physical barrier, or are in a secure area without authority”. The submission stated that there are a number of examples in the Shire where barbed wire has been electrified or barbed wire has been mixed with electrified plain wire.

The submission recommends amendments to the Local Law to stipulate:

- Barbed wire shall not be electrified in any rural or other fence.
- Barbed wire shall not be mixed with electrified plain wire in a fence line, unless the electrified wire is carried on an outrigger positioned at a minimum distance of 150mm from the vertical plane of the non-electrified wires.

The author of the submission justified these recommendations by stating:

- Allowing electrified barb or razor wire to occur appears to be in breach of national standards. Unfortunately these practices do occur on certain farms within the Shire.
- Due to the dangers of serious injury or death to people and livestock, the practice of electrifying barbed wire or mixing barbed wire with electrified plain wire in the same fence is strongly frowned upon by industry.
- The only option that seems acceptable is to have an electrified ‘outrigger’ wire securely supported and extended horizontally out and away from the rest of the vertical fence material.
- Local government is expected to be in a position to quote [appropriate] fencing regulations. The current Fencing Local Law is silent on this issue.

The officer comment provided to the July 2021 Council meeting noted that the provisions relating to electrified and razor wire fences in Council's current Fencing Local Law don't apply on a rural lot, defined as a lot within the Rural or Special Rural Zone of a Town Planning Scheme. At the time it was recommended that a report be presented to Council on possible amendment to the Fencing Local Law to require approval to be obtained on all land where electrified or razor wire boundary fencing is to be erected.

After discussion with a number of rural property owners (farmers) it is recommended that Council not proceed with amending the Fencing Local Law. Reasons for this are provided in the officer comment below.

Officer Comment

The use of electrified fences for stock control is common on rural properties and hasn't ever required approval. Making rural property owners obtain approval for installing an electrical wire on a fence will add a level of compliance that doesn't exist at the moment. Promoting and educating rural property owners of the need to obtain approval for such fencing is likely to be problematic, potentially leading to high levels of non-compliance with the local law. If the local law is amended the need for

approval for electrified fences wouldn't be retrospective which would add to the difficulties in enforcement.

Shire officers have no record of ever receiving complaints or concerns from persons regarding electrified fences of their neighbour therefore the need for the amendment to the local law is questioned.

Statutory Environment

There aren't any statutory requirements if Council endorses the officer recommendation and doesn't proceed with any action to amend the Fencing Local Law. If Council was to proceed with amending the local law the process under section 3.12 of the Local Government Act (procedure for making local laws) would be followed.

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
 - If Council was to proceed with the proposal to amend the local law to make it a requirement for electrified or razor wire fencing to obtain approval on rural lots the impact on staff resourcing to enforce this requirement could be assessed.
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications - Nil

Whole of Life Accounting - Nil

Risk Management

The statutory review of local laws identified that amendments to the Fencing Local law should be investigated. Council never committed to actually amending the local law and the investigations have been undertaken and the recommendation is for Council to not amend the local law. There could be some criticism that the investigations haven't been comprehensive enough. The level of risk to the Shire of Bridgetown-Greenbushes is in the area of reputation and have been assessed as "insignificant consequence" with an "unlikely likelihood" giving a risk rating outcome of "low" in accordance with Council Policy F.21 'Risk Management'.

Voting Requirements – Simple Majority

Council Decision *Moved Cr Pratico, Seconded Cr Quinby*
C.10/0322 That Item C.10/0322 be discussed by Council.

Carried 9/0

Council Decision *Moved Cr Pratico, Seconded Cr Quinby*
C.10/0322a *That Council amends its Fencing Local Law to introduce a requirement for electrification of fencing along road reserves being inside of the fence line.*

Carried 8/1

Cr Mahoney voted against the motion

ITEM NO.	C.11/0322	FILE REF.	A37055
SUBJECT	Permission to Retain Gate within Road Reserve		
PROPONENT	Mr J Fredericks		
OFFICER	Chief Executive Officer		
DATE OF REPORT	6 December 2021		

Attachment 6	Location Plan
Attachment 2	Proponent's Submission
Attachment 3	Objection from Adjoining Property Owner

OFFICER RECOMMENDATION

That Council:

- 1. Reaffirm permission for the gate on Blackwood Park Road where the road separates Lots 25 and 27 (to be retained), on the condition that it only be closed a maximum of three times per annum (no more than 1 week each time) when stock are grazed within the road reserve for the purpose of hazard reduction.*
- 2. Advise the applicant/proponent that the gate is to remain unlocked at all times and that the gate be kept closed during any period when stock is within the road reserve.*

Summary/Purpose

Due to complaints received about a previous approval to allow a gate to be erected within the road reserve at Blackwood Park Road the approval for the gate was cancelled pending a new process being activated for consideration of the proposal. The proposal was referred to the adjoining property owner and an objection to the retention of the gate has been received.

It is recommended the gate be permitted subject to conditions.

Background

In September 2017 written permission was granted by the Chief Executive Officer to Mr J Fredericks to place a gate across a section of Blackwood Park Road, being the section that runs between Lots 25 and 27 owned by J Egerton-Warburton. The land owned by Mr Fredericks is the only other property serviced by this section of Blackwood Park Road.

The permission was granted subject to the gate being kept unlocked and also that the gate be kept closed during any period when stock is within the road reserve.

The reasons provided by the proponent in 2017 for seeking permission for the gate were:

- To allow livestock to be periodically placed within the road reserve in order to reduce bush fire hazards; and
- To discourage tourist traffic from using the road, indicating that on several occasions, vehicles, some towing caravans, had driven down the road to its end and found it difficult to turn around.

In granting the approval in 2017 these reasons were acknowledged and it was accepted that the erection of the gate was a reasonable solution.

In 2021 the Shire received complaints about the existence of the gate and so as to conduct a fair and comprehensive review of the situation correspondence was forwarded to the adjoining property owner and Mr Fredericks, seeking written comments on whether the gate should be permitted to remain.

Regulation 9 of the Local Government (Uniform Local Provisions) Regulations 1996 allow a local government to grant permission for person to have a gate or other device across a public thoroughfare that enables motor traffic to pass across the public thoroughfare and prevent livestock from straying.

The same Regulation allows a local government to cancel a previously issued permission for a gate or other device across a public thoroughfare.

Officer Comment

The submissions from the applicant/proponent and adjoining owner form attachments to this report. Note the objection was received as part of a freedom of information applicant submitted by the adjoining property owner seeking copies of documents relating to the erection of the gate and also the removal of topsoil from within the road reserve some years before.

The applicant/proponent submission provides information in support of allowing the gate to remain, principally to periodically allow cattle to be grazed within the road reserve for hazard reduction.

The adjoining property owner has objected to the gates being permitted to remain, stating that bushfire hazard within the road reserve is minimal due to a scarcity of vegetation, and that in the last 17 years there isn't any evidence of tourists or caravans using the road reserve. The adjoining property owner claims the existence of the gate causes great inconvenience to their staff and to management of the property on both sides of the road reserve and that the infrastructure supporting the gates detract from their property value.

It isn't uncommon to allow gates to be erected on low use rural roads. The Shire maintains a register of gates across public roads and currently 54 gates are listed in that register. Allowing a gate across a low used road saves the adjoining property owner from having to erect a fence and also allows for hazard reduction activities such as grazing to occur within the road reserve. Note this activity is only allowed where minimal properties are serviced by a public road.

The applicant/proponent advises that the gate is typically only closed 2-3 times per year and if that is the case the inconvenience to the adjoining property owner is considered minimal. Also the impact on property values caused by a normal item of rural infrastructure (i.e. a gate post and gate) is considered negligible and in itself isn't considered a reason to disallow the gate.

Noting the applicant/proponent states the gate is only used 2-3 times per year any approval for retention of the gate can be conditioned to only allow it to be closed that number of times. This would ensure the inconvenience to the adjoining property owner is minimised.

Preparation of this item was delayed as the adjoining property owner did lodge a freedom of information (FOI) request for historical information relating to the erection of the gate and also the removal of topsoil from within the road reserve. As that FOI application was responded to there appears no reason for the matter to not be put to Council for determination.

Statutory Environment

Local Government (Uniform Local Provisions) Regulations 1996

9. Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
 - (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.
 - (3) Permission granted by the local government under this regulation —
 - (a) must be in writing; and
 - (b) must specify the period for which it is granted; and
 - (c) must specify each condition imposed under subregulation (4); and
 - (d) may be renewed from time to time; and
 - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
 - (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.
 - (5) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.
 - (6) The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.
 - (7) A person to whom a request is made under subregulation (6) must comply with the request.
- Penalty: a fine of \$5 000.

- (8) A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.

Note for this regulation:

This regulation is of a kind prescribed in the Local Government Act 1995 Schedule 3.1 Division 2 item 1A. This means that an offender might be given a notice under section 3.25(1)(b) of the Act and if the notice is not complied with the local government may, under section 3.26, itself do what the notice required and recover the cost from the offender.

10. Gate across thoroughfare not to be left open — Sch. 9.1 cl. 5(2)

A person who is responsible for a gate registered under regulation 9(8) must ensure that the gate is not left open.

Penalty: a fine of \$1 000.

Integrated Planning

- Strategic Community Plan
 - Outcome 9 safe, affordable and efficient movement of people and vehicles
 - Objective 9.1 improve road safety and connectivity
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications - Nil

Whole of Life Accounting – Nil

Delegated Authority

Although the CEO has delegated authority to determine the application the receipt of the objection to the gate from the adjoining property owner has caused the proposal to be submitted to Council for determination.

Risk Management

For Council to refuse the use of the gate on such a low utilised road would raise questions of why any gates would be permitted within road reserves. To require removal of the gate Council would have to accept the reasons put forward in the adjoining property owner's submission. The level of risk to the Shire of Bridgetown-Greenbushes is in the area of reputation and have been assessed as "insignificant consequence" with an "unlikely likelihood" giving a risk rating outcome of "low" in accordance with Council Policy F.21 'Risk Management'

Voting Requirements – Simple Majority

The CEO advised a request had been received from the property owners adjacent to the gate and author of a submission for Council to defer consideration of this item until next month as they are unable to attend tonight's meeting.

Council Decision *Moved Cr Pratico, Seconded Cr Johnson*
C.11/0322 *That consideration of this item be deferred to the April 2022 Council Meeting.*

Carried 9/0

ITEM NO.	C.12/0322	FILE REF.	072.5
SUBJECT	Project Scope - Art Exhibition, Event and Artist in Residence Space at Bridgetown Railway Station		
PROPONENT	Council		
OFFICER	Chief Executive Officer		
DATE OF REPORT	22 March 2022		

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the project scope for the business case for the Bridgetown Railway Station to be operated as an art exhibition, event, and artist in residence space.*
- 2. Amend Account 1370060 – Job No. PJ100 'Bridgetown Arts Centre Business Plan' by increasing the budget allocation by the sum of \$2,000, from \$20,000 to \$22,000.*

Summary/Purpose

For Council to endorse the project scope for development of a business case to determine the costs and framework for operating a space for art exhibitions, events and artist in residence from the Bridgetown Railway Station once current renovation works are completed.

Background

Council's Corporate Business Plan contains an action for 2021/22 that requires the development of a business plan for a 'Bridgetown Arts Centre and Gallery' to display local art and provide creative workshops/art classes.

Consultant services have been sought to assist Council to assess the feasibility and framework (business case) for proposal. Five consultants were approached of which two submitted proposals. An assessment has identified the preferred proposal.

The Historic Bridgetown Railway Station is currently undergoing significant redevelopment works and will be a bright, modern, accessible space in proximity to the central business district.

Key requirements (scope) of the project are:

- Consultation with the local artistic, wider Bridgetown-Greenbushes community and identified key agencies (local, regional, and state) to explore the vision, ideas and aspirations of all relevant stakeholders regarding the proposal.
- Gap analysis and identification of need for the proposal.

- Identification of potential models for management of the proposal (i.e. business; local government; community).
- Analysis of strengths, weakness, opportunities, and threats associated with each model to inform a recommendation of a preferred management model.
- Economic modelling that identifies the short and long term impacts and implications for the community
- 5 year operating financials for the recommended management option
- Identification of any internal fit out requirements to progress the proposal based on the recommended management option
- Capital budget to reflect the costs of any internal fit out requirements to the proposal based on the recommended management option

Officer Comment

Proposals have been sought from consultants using the above scope and a preferred consultant has been identified however noting that the consultant's fee is \$2,000 greater than the budget allocation. In seeking endorsement of the scope the approval for a budget variation to increase funding of the project by \$2,000 is sought.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Outcome 2 good health and community wellbeing
 - Objective 2.3 become a hub of excellence in art, culture and community events
- Corporate Business Plan
 - Objective 2.3 become a hub of excellence in art, culture and community events
 - Action 2.3.1 provide development of a Business Case for a Bridgetown Arts Centre and Gallery to display local art and provide creative workshops/art classes.
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications

Account 1370060 – Job No. PJ100 'Bridgetown Arts Centre Business Plan has an allocation of \$20,000 and the recommendation is seeking to increase the allocation to \$22,000.

Whole of Life Accounting - Nil

Risk Management

Council's endorsement of the scope will ensure that Council is supportive of the framework of the business case. The completed business case will be presented to Council for consideration.

Voting Requirements – Simple Majority

Council Decision *Moved Cr Mountford, Seconded Cr Quinby*

C.12/0322 *That Council:*

- 1. Endorse the project scope for the business case for the Bridgetown Railway Station to be operated as an art exhibition, event, and artist in residence space.**
- 2. Amend Account 1370060 – Job No. PJ100 'Bridgetown Arts Centre Business Plan by increasing the budget allocation by the sum of \$2,000, from \$20,000 to \$22,000.**

Carried 8/1

Cr Boyle voted against the motion

ITEM NO.	C.13/0322	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Executive Assistant		
DATE OF REPORT	21 December 2021		

Attachment 9 Rolling Action Sheet

OFFICER RECOMMENDATION

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

Summary/Purpose

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

Background

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

Statutory Environment – Nil

Integrated Planning

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

Policy Implications – Not Applicable

Budget Implications – Not Applicable

Whole of Life Accounting – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Simple Majority

Council Decision *Moved Cr Pratico, Seconded Cr Mahoney*
C.13/0322 *That the information contained in the Rolling Action Sheet be noted.*

Carried 9/0

Corporate Services

ITEM NO.	C.14/0322	FILE REF.	131
SUBJECT	February 2022 Financial Activity Statements and List of Accounts Paid in February 2022		
OFFICER	Senior Finance Officer		
DATE OF REPORT	21 March 2022		

Attachment 10	February 2022 Financial Activity Statements
Attachment 11	List of Accounts Paid in February 2022
Attachment 12	List of Expenditure Authorised in Advance by the Shire President in an Emergency

OFFICER RECOMMENDATION

- 1. That Council receives the February 2022 Financial Activity Statements as presented in Attachment 10.*
- 2. That Council receives the List of Accounts Paid in February 2022 as presented in Attachment 11.*
- 3. That Council receives the List of Expenditure Authorised in Advance by the Shire President in an Emergency, being the Bridgetown/Hester fire that commenced on 5 February 2022 as presented in Attachment 12.*
- 4. That Council authorise additional unbudgeted expenditure for replacement of Shire assets damaged beyond repair in the Bridgetown/Hester fire where approval is provided by the Shire's insurer or where an insurance reimbursement is received.*

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 may be shown:

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

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

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

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

Following the bushfire incident that damaged Shire infrastructure at the Shire Depot and Waste Site facility on 5 February the Shire President authorised unbudgeted expenditure deemed necessary by the Chief Executive Officer to re-establish Shire operations and assets.

A report as required by Section 6.8(2)(b) of the Local Government Act is provided of expenditure incurred under this authorisation noting that it is anticipated that the majority of this expenditure will be submitted to Council's insurers for reimbursement.

A recommendation is required of Council to authorise a continuation of the expenditure to re-establish Shire assets to ensure business continuity. Expenditure will only be incurred once approval has been received by the Shire's insurer.

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.

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

- (1) *A local government is not to incur expenditure from its municipal fund for an **additional purpose** except where the expenditure —*
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) is authorised in advance by resolution*; or*
 - (c) is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

- (1a) *In subsection (1) —*
additional purpose *means a purpose for which no expenditure estimate is included in the local government's annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

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.

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

Budget Implications

Expenditure incurred in February 2022 and presented in the list of accounts paid, was allocated in the 2021/22 Budget or authorised in advance by the Shire President as expenditure required in an emergency.

Whole of Life Accounting – Not applicable

Risk Management – Not Applicable

Voting Requirements – Absolute Majority

Council Decision Moved Cr Pratico, Seconded Cr Johnson

C.14/0322

- 1. That Council receives the February 2022 Financial Activity Statements as presented in Attachment 10.**
- 2. That Council receives the List of Accounts Paid in February 2022 as presented in Attachment 11.**
- 3. That Council receives the List of Expenditure Authorised in Advance by the Shire President in an Emergency, being the Bridgetown/Hester fire that commenced on 5 February 2022 as presented in Attachment 12.**
- 4. That Council authorise additional unbudgeted expenditure for replacement of Shire assets damaged beyond repair in the Bridgetown/Hester fire where approval is provided by the Shire's insurer or where an insurance reimbursement is received.**

Carried by Absolute Majority 9/0

Development & Infrastructure

ITEM NO.	C.15/0322	FILE REF.	RDH9
SUBJECT	Dedication of Road Reserve – Portions of State Forest 37 adjoining South Western Highway Yornup		
PROPONENT	Main Roads Western Australia		
OFFICER	Senior Planner		
DATE OF REPORT	10 March 2022		

Attachment 13	Land Dealings Plan
Attachment 14	Aerial Overview Plan
Attachment 15	Correspondence Main Roads WA

OFFICER RECOMMENDATION

That Council, pursuant to Section 56 of the Land Administration Act 1997, dedicate portion of State Forest 37 as road reserve for the purpose of road widening of South Western Highway as indicated on Main Roads WA Land Dealing Plans numbered 202002-0670.

Summary/Purpose

To dedicate portions of State Forest 37 as road reserve to facilitate road widening and upgrades to South Western Highway in Yornup.

Background

An application has been received from Main Roads WA (MRWA), requesting a resolution of Council to dedicate land for widening of the South Western Highway road reserve to be excised from State Forest 37 to facilitate northbound and southbound passing lanes in Yornup. MRWA letter of application is as per Attachment 3.

Officer Comment

The reason for the road widening and associated road upgrade is that there are limited overtaking opportunities between Bridgetown and Manjimup. MRWA advises that by providing a passing lane at 3.5m wide with sealed shoulder, will reduce the likelihood and severity of crashes resulting in fatal injuries by up to 50%. The timing of the capital works is detailed in the MRWA letter of application as per the Attachment 3.

It is a requirement of the *Land Administration Act 1997* that Council resolve to dedicate the new sections of road reserve.

Statutory Environment

Section 56(1) of the *Land Administration Act 1997*, states in part:

56. Dedication of land as road

(1) *If in the district of a local government-*

(a) *Land is reserved or acquired for use by the public, or is used by the public, as a road under the care, control and management of the local government;*

and that land is described in a plan of survey, sketch plan or document, the local government may request the Minister to dedicate that land as a road”.

Integrated Planning

- Strategic Community Plan
 - Outcome 9 safe, affordable and efficient movement of people and vehicles
 - Objective 9.1 improve road safety connectivity
- Corporate Business Plan - Nil
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy/Strategic Implications – Nil

Budget Implications – Nil

Whole of Life Accounting – Not applicable

Risk Management – Not applicable

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Johnson

C.15/0322 That Council, pursuant to Section 56 of the Land Administration Act 1997, dedicate portion of State Forest 37 as road reserve for the purpose of road widening of South Western Highway as indicated on Main Roads WA Land Dealing Plans numbered 202002-0670.

Carried 9/0

ITEM NO.	C.16/0322	FILE REF.	A39257 P132/2021
SUBJECT	Proposed Glamping Camping Ground – 188 (Lot 3) Polina Rd, Kangaroo Gully		
PROPONENT	Hallsall & Associates on behalf of Baihar Pty Limited		
OFFICER	Manager Development Services		
DATE OF REPORT	17 March 2022		

Refer Page 27.

ITEM NO.	C.17/0322	FILE REF.	123.6
SUBJECT	Brockman Highway Regional Road Safety Improvements Project		
PROPONENT	Shire of Bridgetown Greenbushes		
OFFICER	Coordinator Infrastructure Services		
DATE OF REPORT	22 March 2022		

OFFICER RECOMMENDATION

That Council:

- 1. Note the increased cost estimates for the Brockman Highway Safety Improvements project, increasing the cost of the project by the sum of \$550,449.*
- 2. Accept the funding offer from Main Roads Western Australia to contribute \$349,000 towards the \$550,449 cost increase, leaving an amount of \$201,449 for Council to fund.*
- 3. Approve the following 2021/22 budget amendments:*
 - (i) Increase the total expenditure for Job No. RS03 Brockman Highway from \$1,168,482 to \$1,717,931;*
 - (ii) Decrease the total expenditure for Job No. RC55 Hester Cascades Road from \$35,475 to \$0*
 - (iii) Decrease the total expenditure for Job No. RC56 Polina Road Resheet from \$108,328 to \$0*
 - (iv) Increase the total revenue for Account 1380430 Regional Roads Safety Program from \$1,035,000 to \$1,384,000*
- 4. Note the savings from not proceeding with the Hester Cascades Road and Polina Road jobs totals an amount of \$143,803, leaving a shortfall of \$57,646 which is to be expended as over-budget expenditure. The balancing of this over-expenditure with savings elsewhere in the budget is to be addressed in the mid-year budget review to be presented to the April 2022 Council meeting.*

Summary/Purpose

Due to significant and unexpected contractor price increases, there is a budget shortfall for the Brockman Highway capital works under the Regional Road Safety Program. Approval is sought to reallocate funds within the budget to enable the project to proceed.

Background

In February 2021 an application was submitted to Main Roads WA (MRWA) for funding under the Regional Road Safety Program (RRSP) for safety improvements to Brockman Highway. Improvements consisted of sealing the road shoulders and install of audible edge lines (rumble strips) in order to reduce the incidence of run-off crashes. Run-off crashes are the most common crash type in rural areas and these treatments have been shown to reduce the incidence by 35%. Audible edge lines serve to warn drivers when their vehicle is drifting out of lane and the sealed shoulders provide an opportunity to safely react and return to the lane.

The proposed scope of work was to widen the existing road seal where necessary to create a consistent 8.0m wide seal and use audible edge lines to delineate 3.5m

lanes and 0.5m sealed shoulders. MRWA and a number of contractors were approached for pricing in order to determine an accurate project cost. Ultimately a figure of \$1.035 million was determined and approval for this fully funded amount was granted in April 2021.

In addition to the RRSP works, a requirement for vegetation clearing and formation widening was identified. This work could not be funded according to the grant conditions and was an additional cost of \$133,482 on the basis it would be undertaken by the Shire. This additional cost resulted in an overall project budget of \$1,168,482.

In June 2021, WALGA approached South West Local Governments with approved RRSP projects and proposed a joint RFT process with the aim of achieving better pricing from industry. This resulted in the Shire of Bridgetown-Greenbushes joining with Collie and Augusta-Margaret River for a WALGA coordinated RFT. Preparation of the RFT was somewhat complicated by the joint approach which slowed the process. The RFT ultimately opened at the end of July 2021. The RFT closed after 3 weeks with only one response received.

The RFT specified a lump-sum price was to be provided for the scope of works however the submission only supplied a schedule of rates for much of the work. Given no other submissions were received, each Shire decided to undertake individual price negotiations with the contractor. In order to accurately determine a total price, the contractor undertook detailed survey and testing of the road and determined the total cost to be over \$2 million. This situation was not unique to the Shire of Bridgetown-Greenbushes with rapidly increasing market costs resulting in pricing well over budget for RRSP projects in other South West Local Governments. In those cases, a reduced scope of works was negotiated with MRWA in order to lower cost. This approach was used for Brockman Highway with approval from MRWA given to reduce the target lane widths from 3.5m to 3.1m and therefore reduce overall seal width from 8.0m to 7.2m. This approach was approved on the grounds that the 0.5m sealed shoulders are still provided and therefore the overall safety improvement is still achieved.

In addition to the reduced scope, an agreement was reached whereby the Shire would supply gravel for the works instead of the Contractor as originally planned. This change was made due to the Shire being able to source gravel at significantly lower cost and thereby reduce overall project cost. Gravel cost would therefore be removed from the contractor pricing and included as part of the Shire conducted pre-works. Overall cost for the pre-works would remain largely unchanged due to the gravel cost being offset by savings from the reduced scope.

These changes resulted in a new contractor price of \$1,585,430. Given this figure was still well over budget, a request was placed with MRWA for additional funding. The request included a breakdown of the pricing which MRWA confirmed to be value for money in the current market. Based on this, MRWA agreed to contribute an additional \$350,000 bringing the total grant amount to \$1,384,000 with the remainder to be funded by the Shire.

Total project cost, consisting of the pre-works, gravel supply, and RRSP works is now at \$1,717,931. Total current funding, consisting of RRSP grant and original

other budgeted sources is now at \$1,517,482. This leaves a funding shortfall of \$201,449 proposed to be funded by the following:

- Deferring the Polina Road gravel resheet project into next financial year. Current budget of \$108,328 consisting of \$98,328 Roads to Recovery funding and \$10,000 Council funds
- Deferring the Hester Cascades Road project pending the outcome of drainage maintenance works being planned that could possibly amend the scope of works for the project. Current budget of \$35,475 being 100% Council funded.
- Remaining \$57,646 to be funded by projected budget savings to be identified in mid-year budget review.

Officer Comment

State funded road project grants are typically a 2/3:1/3 arrangement whereby Local Government is required to source a minimum 1/3rd of the project cost. With regard to the Brockman Highway project, when comparing the grant amount to the total project cost, this represents a more favourable 80.56%:19.44% arrangement.

It should be noted that lane width over much of the road is currently less than the proposed 3.1m and therefore the change in project scope from 3.5m to 3.1m wide lanes will still be an improvement.

Statutory Environment

Nil

Integrated Planning

- Strategic Community Plan
 - Outcome 9 Safe, affordable and efficient movement of people and vehicles.
 - Objective 9.1 Improve road safety and connectivity.
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans
 - Moving the Polina Rd project into year 2 of the 10-year Works Plan will require revision of the plan. 10-year Works Plan is revised annually to account for necessary changes.
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Not Applicable

Budget Implications

An amount of \$56,646 is unbudgeted and is to be funded by projected budget savings.

Whole of Life Accounting - Not Applicable

Risk Management - Not Applicable

Voting Requirements - Absolute Majority

Council Decision *Moved Cr Boyle, Seconded Cr Quinby*

C.17/0322 *That Council:*

- 1. Note the increased cost estimates for the Brockman Highway Safety Improvements project, increasing the cost of the project by the sum of \$550,449.**
- 2. Accept the funding offer from Main Roads Western Australia to contribute \$349,000 towards the \$550,449 cost increase, leaving an amount of \$201,449 for Council to fund.**
- 3. Approve the following 2021/22 budget amendments:**
 - (i) Increase the total expenditure for Job No. RS03 Brockman Highway from \$1,168,482 to \$1,717,931;**
 - (ii) Decrease the total expenditure for Job No. RC55 Hester Cascades Road from \$35,475 to \$0**
 - (iii) Decrease the total expenditure for Job No. RC56 Polina Road Resheet from \$108,328 to \$0**
 - (iv) Increase the total revenue for Account 1380430 Regional Roads Safety Program from \$1,035,000 to \$1,384,000**
- 4. Note the savings from not proceeding with the Hester Cascades Road and Polina Road jobs totals an amount of \$143,803, leaving a shortfall of \$57,646 which is to be expended as over-budget expenditure. The balancing of this over-expenditure with savings elsewhere in the budget is to be addressed in the mid-year budget review to be presented to the April 2022 Council meeting.**

Carried by Absolute Majority 9/0

Community Services

ITEM NO.	C.18/0322	FILE REF.	904.1
SUBJECT	CSRFF Grant – Cricket Nets and Storage Shed		
PROPONENT	Council		
OFFICER	Manager Community Development		
DATE OF REPORT	22 March 2022		

OFFICER RECOMMENDATION

That Council note that the single Community Sport and Recreation Facilities Fund (CSRFF) grant application, submitted by the Shire of Bridgetown-Greenbushes, is for the installation of practice cricket nets and a storage shed at the Bridgetown Sports Ground, and advise the Department of Local Government, Sport and Cultural

Industries that Council ranks this application as Priority 1 of 1 for the current funding round for this Shire.

Summary/Purpose

As part of the process for the Department of Local Government, Sport and Cultural Industries' Community Sport and Recreation Facilities Fund (CSRFF) the applicable local government is asked to prioritize all applications received for its district before they are lodged. Only one application exists for the 2021/22 CSRFF Small Grants funding round, being the installation of practice cricket nets and a storage shed.

Background

The Department of Local Government, Sport and Cultural Industries (DLGSC) provides funding to local governments and community sporting groups to assist in the construction of sport and recreation infrastructure through CSRFF.

DLGSC will provide a maximum of one third of the total project costs. It is the applicant's responsibility to then obtain the remaining two thirds of the total funding required to implement the project.

DLGSC, as part of their application and assessment process, seek input from local government authorities in this process, via a request to prioritize projects for the relevant local government area.

This is considered beneficial as a method of informing local government authorities about infrastructure development proposals within the area and also as a means for the local government to prioritize the projects in line with their strategic objectives.

Only one CSRFF application exists for the 2021/22 funding round, being the Shire of Bridgetown-Greenbushes' proposal for the installation of practice cricket nets and a storage shed at the Bridgetown Sports Ground. This negates the need for Council to prioritize applications as the application will automatically be ranked 1 of 1.

Officer Comment

The Shire of Bridgetown-Greenbushes application is seeking to install practice cricket nets and a storage shed. The need for publicly accessible cricket nets was identified through community engagement that informed Council's 2015-2025 Sport and Recreation Plan which clearly states the need to "provide an opportunity for community to practice and enjoy cricket in a public space close to the CBD and enhance the use/add value to the Somme Creek Recreation Precinct". The project is also listed as an action (2.2.14) in Council's Corporate Business Plan.

Although the location has changed over the past 6 years (from Somme Creek to the Bridgetown Sports Ground), the need for the construction of practice nets and some infrastructure to support the Bridgetown Cricket Club has increased. The Bridgetown Cricket Club has a long history and its home ground is, and all ways has been, the Bridgetown Sports Ground. Installing the nets and storage shed at the Bridgetown Sports Ground will allow the cricket clubs full use of the nets during pre-season training and throughout the season.

The Cricket Club currently uses the old and dilapidated cricket nets at the school. The members gain access through an agreement with the principal, however, should there be a change in education department policy or school principal access could

be denied to the clubs. If this happens there are no other practice nets available in the Shire.

Publicly accessible Cricket nets will support the juniors and seniors development and support a potential increased interest in cricket more generally throughout the community. Currently there are no nets available and accessible for the community to enjoy. Nets at the Bridgetown Sports Ground would be open for public use, with the exception of cricket training times.

The scope of works for the construction of practice cricket nets and the storage shed at the Bridgetown Sports Ground includes:

- The construction of cricket practice nets;
 - One central run of 22m
 - Sides of 12m
 - Roof 9m length - flat
 - Rear partitions of 3.6m each
 - 3600H Black PVC chainmesh 50x50x2.5
 - End posts of 50NB medium - Black Powder coated
 - Intermediate posts of 40NB at 3m centres - Black Powder coated.
 - Top and Bottom rails of 32NB - Black Powder coated
 - Three Black Helicoil strainer wires evenly spaced
 - 9.5mm Insertion Rubber to Rear and insides of practice nets, 1200H.
 - 40NB rail to secure top of rubber., as per cricket Australia specifications
- Supply of an 8 metre x 6 metre x 2.8 metre storage shed

The total project cost is estimated at \$105,783 ex GST. The contributing partners will be;

<u>Project Partners</u>	<u>Amount</u>
Council	\$35,260.00
Bridgetown Cricket Club	\$8,260.00
Shed Construction (BCC In-kind)	\$2,000.00
CSRFF	\$35,260.00
WA Cricket	\$20,000.00
Talison	\$5,000.00
Total	\$105,780.00

The Budget Outline:

<u>Job Description</u>	<u>Total</u>	
Earth Works and Concreting	\$54,270.00	
Practice Nets	\$24,630.00	
Shed Kit	\$9,520.00	
Synthetic Turf	\$15,360.00	
Shed Construction	\$2,000.00	In Kind
Total	\$105,780.00	

This application does require a contribution from Council of 1/3 of the total project cost (\$35,620). The contribution of WA Cricket has not been confirmed and, if the funding application is unsuccessful Council may decide to contribute a further \$25,000 to complete the project or seek external funding opportunities, noting the grounds are Council owned and managed.

The submission and ranking of the CSRFF application will reflect Council's commitment to improving community health and wellbeing by providing facilities that have the potential to attract new members and increase physical activity levels across the community.

Statutory Environment - Nil

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 2 good Health and community wellbeing
 - Objective 2.2 provide quality sport, leisure and recreation services
- Corporate Business Plan
 - Action 2.2.14 partner with Bridgetown Cricket Club to prepare a grant submission for new or improved cricket training nets.
- Long Term Financial Plan – Nil
- Asset Management Plans
 - Infrastructure upgrades on Shire assets will be included in Council's Property Infrastructure Asset Management Plan once the development is complete.
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy Implications - Nil

Budget Implications

Should council endorse the officer recommendation and the funding application is successful, the 2022/23 budget would reflect the income of \$35,260 from the CSRFF grant and expenditure of \$70,520 to cover 2/3 of the cost of the construction of cricket practice nets and storage shed at the Bridgetown Sports Ground. The final 1/3 of the funds will be provided by the Bridgetown Cricket Club through cash, in-kind labour and funding from WA cricket and Talison.

Whole of Life Accounting

Whole of life accounting principles are achieved through completing a detailed planning processes for infrastructure developments. This enables whole of life cycle accounting considerations to be assessed allowing for capital and maintenance costs to be identified during planning and implementation.

Risk Management

Whilst the current situation does not necessarily represent a risk to the Shire, new practice nets and a storage shed will mitigate the community risk that potential participants/members of the Bridgetown Cricket Club will be discouraged from participating due to the lack of facilities.

Voting Requirements - Simple majority

Council Decision *Moved Cr Mountford, Seconded Cr Boyle*

C.18/0322 That Council note that the single Community Sport and Recreation Facilities Fund (CSRFF) grant application, submitted by the Shire of Bridgetown-Greenbushes, is for the installation of practice cricket nets and a storage shed at the Bridgetown Sports Ground, and advise the Department of Local Government, Sport and Cultural Industries that Council ranks this application as Priority 1 of 1 for the current funding round for this Shire.

Carried 9/0

ITEM NO.	C.19/0322	FILE REF.	223.1
SUBJECT	Recommendations from the Trails Development Advisory Committee		
PROPONENT	Trails Development Advisory Committee		
OFFICER	Manager Community Services		
DATE OF REPORT	March 2022		

Attachment 20 Instrument of Appointment

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the appointment of Ben Ducker and Alexa Tunmer as community representatives on the Trails Development Advisory Committee.*
- 2. Note the resignation of Nick Maxwell from the Trails Development Advisory Committee.*
- 3. Direct the CEO to investigate the cost, application and impact of developing a local tourism App and report the findings to Council by the May 2022 Council meeting.*

Summary/Purpose

This recommendation seeks to broaden the community representation on Councils Trails Development Advisory Committee within the current parameters of the Instrument of Appointment and Delegation.

The development of a local tourism App, similar to those developed in the Shires of Collie and Nannup, could support economic development and tourism within the Shire. However an assessment of its cost, application and impact should be

undertaken as a first step in the planning process to allow Council to consider its development with the knowledge of its potential effectiveness and budget implications.

Background

In October 2019 (C.11/1019) Council endorsed the Instrument of Appointment & Delegation for the Trails Development Advisory Committee:

The Membership shall consist of:

- 4.1 A minimum of 1 Elected Member*
- 4.2 One (1) representative of the Department of Biodiversity, Conservation and Attractions*
- 4.3 Eight (8) Community Representatives*
- 4.4 A CEO appointed Shire representative shall be an ex-officio member of the Committee and will not be permitted to vote on matters considered by the Committee.*

The Membership shall consist of:

- 4.1 A minimum of 1 Elected Member*
- 4.2 One (1) representative of the Department of Biodiversity, Conservation and Attractions*
- 4.3 Eight (8) Community Representatives*
- 4.4 A CEO appointed Shire representative shall be an ex-officio member of the Committee and will not be permitted to vote on matters considered by the Committee.*

Council also determined the elected member representative to be Councillor Mountford.

Officer Comment

The Trails Development Advisory Committee is a Committee which considers the development and maintenance of trails within the Shire through the implementation of the Local Trails Plan and Corporate Business Plan.

The Trails Development Advisory Committee is made up of community members and stakeholder representatives from a variety of trails activities, interests, disciplines and organisations. The focus for the Committee is to develop trails opportunities for local enthusiasts and to encourage visitors to the Shire through the development of trails based tourism, in alignment with the Instrument of Appointment (Attachment 20).

The maximum number of community members on the Trails Development Advisory Committee is 8, as identified in the Instrument of Appointment. The inclusion of Ben Ducker and Alexa Tunmer as a community representatives on the Trails Development Advisory Committee will increase the community membership from 2 to 4 and the total number of committee members to 6. These being:

- Cr Mountford
- Dave Morton (Community Member - Mountain Bike and Walk Trails)
- Paul Stephens (Community Member – Walk Trails)
- Andrew Sandri (DBCA Representative)
- Ben Ducker

- Alexa Tunmer

Nominations for the vacant positions (4) on the Trails Development Advisory Committee will be sought via advertising on the Shire Facebook Page. The officer will report to Council to request endorsement of new members as the process for nominations continues.

The development of a local tourism App to provide information to visitors and provide directions to walk, mountain bike, art and heritage trails, café's, restaurants and farm visits could be beneficial to increase tourism visitation, length of stay and visitor spend, however it is important to ascertain the effectiveness of similar apps, the cost associated with its development and ongoing maintenance and ease of use. If an app is inaccurate, difficult to use or expensive to keep up to date it can have a detrimental impact on visitors experience and organisational reputation.

Statutory Environment

Appointment of Committee Members - Section 5.9 of the *Local Government Act 1998*

Integrated Planning

- Strategic Community Plan
 - Outcome 2 good Health and community wellbeing
 - Objective 2.2 provide quality sport, leisure and recreation services
 - Outcome 9 safe affordable and efficient movement of people and vehicles
 - Objective 9.3 develop a safe, well connected network of paths and trails for all users
 - Outcome 12 Bridgetown Greenbushes is regarded to be a major tourist destination
 - Objective 12.1 reposition Bridgetown as a major tourist destination.
- Corporate Business Plan
 - Action 9.3.1 provide a review of the local trails Masterplan including a costed implementation schedule in accordance with Councils project framework
- Long Term Financial Plan – not applicable
- Asset Management Plans –not applicable
- Workforce Plan – not applicable
- Other Integrated Planning
 - Shire of Bridgetown Greenbushes Local Trails Plan 2017-2022 (under review)

Budget Implications - Nil

Whole of Life Accounting

The principles of Whole of Life Accounting are met by engaging skilled and knowledgeable community members to ensure all trail developments are fit for purpose and fulfilling a need in the community.

Risk Management

Risk is mitigated by increasing Council's understanding of community need through ensuring a diverse membership on Council's advisory committees and adhering to the Project Management Framework by undertaking a thorough investigation into all proposals to support an informed decision making processes.

Voting Requirements –Absolute Majority

Council Decision Moved Cr Mountford, Seconded Cr Boyle

C.19/0322 That Council:

- 1. Endorse the appointment of Ben Ducker and Alexa Tunmer as community representatives on the Trails Development Advisory Committee.**
- 2. Note the resignation of Nick Maxwell from the Trails Development Advisory Committee.**
- 3. Direct the CEO to investigate the cost, application and impact of developing a local tourism App and report the findings to Council by the May 2022 Council meeting.**

Carried by Absolute Majority 9/0

ITEM NO.	C.20/0322	FILE REF.	860
SUBJECT	Recommendations from the Cultural Awareness Advisory Committee		
PROPONENT	Cultural Awareness Advisory Committee		
OFFICER	Manager Community Services		
DATE OF REPORT	24 March 2022		

Attachment 21 Instrument of Appointment

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the change of name of this committee from the Cultural Awareness Committee to the Cultural Inclusion Committee.**
- 2. Endorse the appointment of Jaye Herring as a representatives on the Cultural Awareness Advisory Committee to fill the position of a person that identifies as an Aboriginal and/or Torres Strait islander.**
- 3. Endorse an annual budget allocation of \$10,000 to be used by the committee as seed funding for grants, projects, programs and events including Harmony Week and NAIDOC Week.**
- 4. Direct the CEO to investigate the process and cost associated with dual naming of the Blackwood River (Goorbilyup) and report the findings back to Council by the May Council Meeting.**

5. *That the Shire provide a standard Acknowledgement of Country to be offered for use within the shire by community groups, private and business functions.*

Summary/Purpose

These recommendations seek to fill the membership criteria outlined in the Instrument of Appointment and Delegation for the Cultural Awareness Advisory Committee, to rename the committee in alignment with the committee members perception of the intent of the committee and to begin actioning the projects identified by the committee as important to raise the awareness of cultural inclusion within the Shire.

Background

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

- i. *The membership shall consist of:*
 - *2 elected member representatives*
 - *1 representative from the Bridgetown Historical Society*
 - *2 representatives from culturally and linguistically diverse populations*
 - *2 persons that identify as a person of Aboriginal and/or Torres Strait Islander descent*
 - *1 general community representative*
- ii. *The quorum for the Committee shall be at least 50% of the number of offices of committee members, whether vacant or not.*
- iii. *Meetings of the Committee shall be held bi-monthly at dates to be determined by the Committee.*
- iv. *The termination of the Committee shall be as at 21 October 2023 or otherwise as specified in the Local Government Act 1995.*
- v. *The Committee shall operate in strict accord with its governing Instrument of Appointment & Delegation.*
- vi. *Any change of Committee Membership will require endorsement by the Council.*
- vii. *The CEO will ensure a staff member is available to administer and support the Committee.*

Council also endorsed the elected member representation on the Committee to be Cr Rose, Cr Mountford and Cr Lansdell.

In January 2022 (C.07/0122b) Council endorsed the name change of the Cultural Inclusion Advisory Committee to the Cultural Awareness Advisory Committee.

Officer Comment

The objectives of the Cultural Awareness Advisory Committee is to advise Council on ways to;

- Grow recognition and respect for all cultures.
- Develop and implement reconciliation actions and strategies.
- Facilitate the collection and sharing of information and stories about local and culture and history including NAIDOC week events and Harmony Week activities and events.
- Develop cultural inclusion events and events calendar.
- Identify, preserve and showcase significant local history and heritage including promotion of indigenous history.

The Cultural Awareness Advisory Committee is made up of community members and stakeholder representatives from a variety cultural backgrounds and organisations. The endorsement of Jaye Herring as a committee member representing people who identify as Aboriginal or Torres Strait Islander will complete the specified membership composition outlined by Council when considering the establishment of the Cultural Awareness Committee and developing the Instrument of Appointment and Delegation.

Within the first meeting, the committee identified a number of projects they felt required immediate action, these include the renaming of the committee, the investigation into the dual naming of the Blackwood River and the development of a standardised Acknowledgement of Country for community use.

The renaming of the committee to the Cultural Inclusion Advisory Committee was proposed by a number of committee members as they felt the word “inclusion” better reflected the intent of the committee, rather than raising community awareness.

Dual naming of the Blackwood River (Goorbilyup) would be seen by community and local elders as an important step in the acknowledgement of local indigenous culture and history given the importance of the Blackwood River as a sacred site to local Noongar language groups.

Landgate have published a dual naming framework to support local governments in progressing an application for dual naming of geographical features. The framework outlines the procedures required for the formal approval of submissions seeking the use of Aboriginal and dual names.

Landgate strongly support this process as *“part of preserving the history of Western Australia, it is important we, as a community, acknowledge and embrace the history and continued endurance of Western Australian Aboriginal languages and cultures. By acknowledging this continued existence and the survival and adaptation of Western Australian Aboriginal peoples, we recognise the Aboriginal history and ongoing connection to our landscape. Geographical features and places in Western Australia were named by Aboriginal peoples long before the arrival of non-Aboriginal people. The names are not arbitrary: they are intrinsically attached to an Aboriginal group’s understanding of its history, culture, rights, and responsibilities to the lands.”*

Providing a standardised Acknowledgement of Country ensures that community groups, functions and gatherings have available to them, a culturally sensitive,

accurate and locally specific Acknowledgement of Country to use. Users will know they are providing a respectful and accurate recognition of culture. The standardised Acknowledgement of Country would require the engagement of a local elder to develop a culturally accurate and sensitive Acknowledgement that can be offered to the community for use at all events, gatherings, and functions.

Both of these projects and the development of a NAIDOC week project will require a financial commitment from Council. The committee have requested an annual budget allocation of \$10,000 that would be used by the committee to complete these projects, without having to request unbudgeted funds or seek external funding without a confirmed financial commitment from Council, in the form of seed funding.

The financial resourcing of advisory committees for projects and programs occurs for the Trails Development Advisory Committee (\$8,000/annum), the Access and Inclusion Advisory Committee (\$5,000/annum) and the Roadwise Committee (\$1,500).

Statutory Environment

Appointment of Committee Members - Section 5.9 of the *Local Government Act 1998*

Integrated Planning

- Strategic Community Plan
 - Outcome 1 A growing community that is diverse, welcoming and inclusive
 - Objective 1.4 Grow recognition and respect for all cultures
 - Outcome 2 Good health and community wellbeing
 - Objective 2.3 Become a hub of excellence in art, culture and community events
 - Outcome 8 Local history, heritage and character is valued and preserved
 - Objective 8.1 Identify, preserve and showcase significant local history and heritage
- Corporate Business Plan
 - Action 1.4.1 provide a reconciliation action plan
 - Action 1.4.2 facilitate the collection and sharing of information and stories about local culture and history including NAIDOC Week and Harmony Week
 - Action 2.3.2 facilitate development of a local community events calendar
 - Action 8.1.4 partner with the Historical Society to improve promotion of local history and heritage
- Long Term Financial Plan
 - If approved by Council the \$10,000 funding for the Committee would be annual expenditure and reflected in the LTFP.
- Asset Management Plans – Not applicable
- Workforce Plan – as discussed in body of report
- Other Integrated Planning - Nil

Policy Implications

Council Policy M.20 – “Establishment of Council Committees” requires Council to clearly articulate a tight, well understood brief or set of deliverables which are achievable in any necessary timeframe. These shall be incorporated into an Instrument of Appointment. Every Committee will be guided by such a document.

Budget Implications

If the officer recommendations are endorsed the 2022/23 budget will reflect the annual allocation of \$10,000 to be used by the committee for seed funding, projects, programs and events to fulfil the objectives of the committee.

Any longer term staff resourcing implications will be assessed in the forthcoming review of the Workforce Plan and may impact future annual budgets.

Whole of Life Accounting - Nil

Risk Management - Nil

Voting Requirements –Absolute Majority

Moved Cr Rose, Seconded Cr Lansdell

That Council:

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

Amendment Moved Cr Lansdell, Seconded Cr Rose

That point 5 of the motion be amended to read;

5. That the Shire provide a standard Acknowledgement of Country to be offered for use within the Shire by community groups, private and business functions in consultation with Local Aboriginal Elder Sandra Hill and report back to Council.

Carried 9/0

The amended motion became the substantive motion and was put.

Council Decision Moved Cr Rose, Seconded Cr Lansdell

C.20/0322 That Council:

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

Carried by Absolute Majority 9/0

Reason for Amending Officer Recommendation Consultation with Local Aboriginal Elder is necessary.
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ITEM NO.	C.21/0322	FILE REF.	460
SUBJECT	Review of Aquatic Season Dates		
PROPONENT	Council		
OFFICER	Executive Manager Community Services		
DATE OF REPORT	22 March 2022		

Attachment 22 Options for Extension of Annual Aquatic Centre Season

OFFICER RECOMMENDATION

That Council not proceed with any further reviews of annual seasonal dates at the aquatic centre.

Summary/Purpose

In September 2021 Council resolved to consider options to change the 2022/23 aquatic season dates, specifically to extend the season in 2022/23.

Informal discussion on possible options to present to the community for feedback were discussed at the Concept Forum held on 10 March 2022. The purpose of this report is to obtain a formal Council decision on the matter.

Background

Council, at its March 2021 meeting resolved to extend the hours at the swimming pool (aquatic centre) to a maximum of 4 hours a day until the end of school holiday period, 18 April 2021 with the expenditure being as unbudgeted expenditure.

Furthermore at the same meeting Council also resolved to direct the CEO to prepare a report for Council on the actual patronage and effectiveness on opening the pool over the extended period.

Key findings of the report were:

- Total cost of extending the aquatics season from 1 April 2021 to 17 April 2021 was \$8,311. Total revenue was \$388.08 meaning that a loss of \$7,922.92 was incurred for the period.
- 186 patrons attended the pool in this period at an average of 17 patrons per day. Of these an average of 8 per day were casual entries.

It should be noted that due to staff unavailability the pool wasn't able to open between 1 April and 5 April therefore it was only open for 11 days, between 6 and 17 April 2021 (for 4 hours per day).

The number of patrons during this trial was less than previous years when the aquatics season was extended past 31 March 2021 noting however that in those previous years the pool was open at its normal opening hours and not the reduced 4 hours per day as occurred in the 2021 trial.

The patronage post 31 March in 2016, 2017 and 2018 was:

1-25 April 2016	Average 30 patrons per day of which 20 were casual entries and 10 were members
1-17 April 2017	Average 13 patrons per day of which 12 were casual entries and 1 were members
1-20 April 2018	Average 24 patrons per day of which 15 were casual entries and 9 were members

The weather in the period 6 April 2021 to 17 April 2021 was typical for April in Bridgetown with maximum temperatures ranging between 20 and 25 degrees.

Councillors discussed the issue of aquatic centre season dates at Concept Forums held in June 2021 and August 2021 noting that these discussions were for information only and didn't constitute formal decision-making. The purpose of the discussions was to provide direction for the staff to inform reporting to Council in due course.

The informal direction provided by councillors at the June 2021 and August 2021 Concept Forums was:

June 2021

- Ideally the pool season should be extended into April each year to coincide with school holidays. End date to be last day of school holidays.
- The CEO is to come back to a future Concept Forum with options to amend opening hours to achieve the extension to the pool season at no increase to

the annual costs to run the facility. For example the start of the season could be pushed back or the facility could be closed some mornings when patronage is historically low.

- If multiple models are presented Council could refer these to the community for feedback prior to final determination.

August 2021

- Any extension of the aquatic season is to be absorbed into the existing aquatics budget

Formal reporting occurred to the September 2021 Council meeting where Council resolved:

C.08/0921 That Council:

1. *Note the results of the recent community survey on aquatics complex seasonal dates and confirm to make no change to the existing seasonal dates of 1 November to 31 March.*
2. *Direct the CEO to assess other feedback received from survey respondents and report back no later than February 2022 on options to change the 2022/23 aquatics complex season to extend the seasonal dates including estimated costs. At such time as receiving that report the Council is to determine the community engagement and consultation process to allow community input into such a decision.*

Officer Comment

Discussion on the various options for extension of future seasons at the aquatic centre occurred at the Concept Forum held on 10 March 2022. The consensus from Councillors at the Concept Forum was that no further consultation should occur for the following reasons:

- No option was cost neutral with the costs of the current aquatic centre season dates.
- Whilst 2 options only incurred additional costs of \$1,603 and \$3,193 both these options involved a latter commencement date of the season which would impact on school swimming lessons.

Noting this feedback was informal there is a need for Council to formally determine its position.

Statutory Environment - Nil

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 2 | good health and community wellbeing |
| Objective 2.2 | provide quality sport, leisure and recreation services |

➤ Corporate Business Plan

- | | |
|---------------|--|
| Objective 2.2 | provide quality sport, leisure and recreation services |
|---------------|--|

Action 2.2.10 provide an expanded range of activities at Bridgetown Leisure Centre

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

Policy Implications

Policy A4 – Facility Opening hours to the Public states that the swimming season at the Bridgetown Leisure Centre shall run annually from 1 November to 31 March with the CEO having discretion to extend the season to at least Easter each year depending on expected patronage and weather forecasts.

Note in accordance with the policy the 2021/22 season will be ending 31 March and if the officer recommendation is endorsed this would apply for future seasons unless Council was to subsequently resolve differently.

Budget Implications

There are no budget implications associated with the officer recommendation. If Council was to determine to consult with the community on various options these may include additional expenditure to operate the aquatic centre.

Whole of Life Accounting - Nil

Risk Management

There are no risk management implications associated with the officer recommendations as the financial and operational risks for the status quo aligns with current risk management plans and practices.

Voting Requirements – Simple Majority

Council Decision Moved Cr Pratico, Seconded Cr Boyle

C.21/0322 That Council not proceed with any further reviews of annual seasonal dates at the aquatic centre.

Carried 8/1

Cr Mountford voted against the motion

Receival of Minutes from Management Committees - Nil

Urgent Business Approved by Decision - Nil

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 6.53pm.

List of Attachments

Attachment	Item No.	Details
1	C.03/0322	Unconfirmed Minutes from the AGM of Electors – 24.2.22
2	C.07/0322	News Story on Shire Website November 2020
3	C.07/0322	Detailed Information Provided on Shire Website November 2020
4	C.08/0322	Plan of Subject Section of Strathmore Road
5	C.09/0322	Pest Plants Repeal Local Law 2021
6	C.11/0322	Blackwood Park Road Location Plan
7	C.11/0322	Proponent's Submission
8	C.11/0322	Objection from Adjoining Property Owner
9	C.13/0322	Rolling Action Sheet
10	C.14/0322	February 2022 Financial Activity Statements
11	C.14/0322	List of Accounts Paid in February 2022
12	C.14/0322	List of Expenditure Authorised in Advance by the Shire President in an Emergency
13	C.15/0322	Land Dealings Plan
14	C.15/0322	Aerial Overview Plan
15	C.15/0322	Correspondence Main Roads WA
16	C.16/0322	Site Plan
17	C.16/0322	Bushfire Management Plan - Spatial Risk Management Measures
18	C.16/0322	Eco Tent Concept Plan
19	C.16/0322	Summary of Submissions

20	C.19/0322	Trails Development Advisory Committee - Instrument of Appointment
21	C.20/0322	Cultural Inclusion Committee – Instrument of Appointment
22	C.21/0322	Options for Extension of Annual Aquatics Season at Bridgetown Leisure Centre

Minute Papers checked and authorised by T Clynch, CEO		11 April 2022
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