

Standing Committee Minutes Index – 9 June 2016

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Minutes of a Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held in the Council Chambers on Thursday, 9 June 2016 commencing at the conclusion of the Special Meeting of Council.

The Presiding Member opened the Meeting at 5.37pm

Acknowledgment of Country – Presiding Member

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

Attendance & Apologies

Presiding Member - A J Wilson
- J A Boyle
- S C Hodson
- D Mackman
- J R Moore
- J Nicholas
- A Pratico
- P Quinby
- P Scallan

In Attendance - T P Clynch, CEO
- M Larkworthy, Executive Manager Corporate Services
- E Denniss, Executive Manager Community Services
- S Donaldson, Manager Planning
- T M Lockley, Executive Assistant

Gallery

B Bebbington

Petitions/Deputations/Presentations - Nil

Comment on Agenda Items by Parties With an Interest

B Bebbington - SC.02/0616 (Extractive Industry Regulatory Review)
Mr Bebbington spoke against the officer recommendation

Confirmation of Minutes

SC.01/0616 Ordinary Meeting held 12 May 2016

A motion is required to confirm the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held 12 May 2016 as a true and correct record.

Committee Decision ***Moved Cr Pratico, Seconded Cr Nicholas***
SC.01/0616 That the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held 12 May 2016 be confirmed as a true and correct record.

Carried 9/0

Announcements/Briefings by Elected Members - Nil

Notification of Disclosure of Interests

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

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

Nil

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

Reports of Officers

Reports of Officers have been divided into the following Categories:

- Policy
- Local Laws
- Strategy
- Organisation Development

Policy - Nil

Local Laws

ITEM NO.	SC.02/0616	FILE REF.	LL10, 770
SUBJECT	Extractive Industry Regulatory Review		
PROPONENT	Shire of Bridgetown-Greenbushes		
OFFICER	Manager Planning		
DATE OF REPORT	1 June 2016		

- Attachment 1 - Submissions
- Attachment 2 - Schedule of Submissions
- Attachment 3 - Current Shire of Bridgetown-Greenbushes Extractive Industries Local Law 2002
- Attachment 4 - Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016
- Attachment 5 - Draft Shire of Bridgetown-Greenbushes Extractive Industry Town Planning Scheme Policy (As advertised)
- Attachment 6 - Revised Draft Shire of Bridgetown-Greenbushes Extractive Industry Town Planning Scheme Policy (2016)

In accordance with section 2.13(2) of the Local Government Act 1995, the Presiding Member is to read aloud the Purpose and Effect of the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016.

Purpose: To repeal the Shire of Bridgetown-Greenbushes Extractive Industries Local Law 2001 as published in the Government Gazette on 14 August 2001 and as amended in the Government Gazette on 15 February 2002.

Effect: That extractive industry within the Shire of Bridgetown-Greenbushes will no longer be regulated by a local law.

OFFICER RECOMMENDATION 1: That Council notes the content of the submissions received as per Attachment 1, and the Staff response in the Schedule of Submissions in Attachment 2, in relation to the Shire of Bridgetown-Greenbushes Extractive Industries Regulatory Review.

OFFICER RECOMMENDATION 2: That Council:

- 1. In accordance with Section 3.12 of the Local Government Act 1995, makes the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016, as per Attachment 4.***
- 2. Directs the Chief Executive Officer to publish the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016, as per Point 2. above, in the Government Gazette and provide copies of the local law to the Minister for Local Government.***
- 3. Give local public notice after gazettal of the local law advising the date on which the local law commences, being 14 days after the date of publication.***

4. *Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.*
5. *Authorise the affixing of the Common Seal to the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016.*

OFFICER RECOMMENDATION 3: That Council, pursuant to Clauses 6.7.2 and 6.7.3 of Town Planning Scheme No. 3 and Clauses 7.6.2 and 7.6.3 of Town Planning Scheme No. 4, adopts the revised draft Extractive Industry Town Planning Scheme Policy (2016), as per Attachment 6, to replace the current Extractive Industry Town Planning Scheme Policy TP.15, incorporating the following modifications:

1. *On Page 1, Section 1.0 Introduction – Modify text for basic raw materials to read “The extraction and supply of basic raw materials, such as clay, gravel, sand, stone, minerals, and other construction and road building materials, is recognised by the Shire of Bridgetown-Greenbushes ...”*
2. *On Page 2, Section 4.0 Objectives, Point (d) - Modify to read “... to ensure that extractive industries operate in an environmentally sustainable manner...”.*
3. *On Page 5, Section 5.4 Extractive Industry – Standard – Modify final paragraph to read “Whilst the application requirements for the three categories of ‘Extractive Industry – Standard’ are similar, this Policy ...”*
4. *On Page 8, Section 6.2 Site Plan, second dot point – Modify to read “where required, the initial survey plan ...”;*
5. *On Page 8, Section 6.2 Site Plan, fourth dot point – Modify to read “... set back a minimum of 20 metres from a property boundary, ...”.*
6. *On Page 8, Section 6.3 Survey Information – Modify to read “For ‘Standard’ operations the initial survey plan is to be certified by a licensed surveyor at the time of application, a progressive survey after five years of extraction (where applicable) and a final survey plan at the cessation of extraction. Surveys for ‘On Site Works’ are at the discretion of the CEO.”*
7. *On Page 12, Section 6.9 Environmental Impact Assessment, fifth dot point – Add notation “..., noting responsibilities under the Biodiversity and Agricultural Management Act 2007 and DAFWA guidelines for extractive industries”.*
8. *On Page 13, Section 6.11 Surface and Groundwater Assessment – Modify to read “... maximum seasonal groundwater table”.*
9. *On Page 14, Section 6.15 Basic Raw Materials Applicant’s Checklist – Add additional paragraph to read “Reference should be also made to WAPC’s State Planning Policy 2.5: Land Use Planning in Rural Areas in relation to basic raw materials.”*

10. *On Page 15, Section 7.1 Community Consultation – Add ‘NBN Co’ to the list of agencies/service providers.*
11. *On Page 17, Section 7.5 Operator Obligations, fifth dot point – Modify to read “...noting that dewatering of the extraction area may require authorisation in areas proclaimed under the Rights in Water and Irrigation Act 1914”.*
12. *On Page 17, Section 7.5 Operator Obligations, eighth dot point – Modify to read “advise the Shire of Bridgetown-Greenbushes in writing of any change in operator during the term of operation, providing contact details of the new operator and to organise an onsite meeting with Shire staff to discuss the term of the approval, and the new operator shall not commence operation unless authorised by the Shire of Bridgetown-Greenbushes”.*
13. *On Page 18, Section 7.6 Blasting – Add additional paragraph to read “Where blasting did not form part of the original development approval for the extractive industry, an application for blasting will be accompanied by supplementary reports as determined by the CEO.”.*
14. *On Page 22, Section 7.11 Standard Conditions, second set of conditions, eighth dot point – Modify to read “the depths below which a person shall not excavate, including the excavation depth above the maximum seasonal groundwater table”.*
15. *On Page 26, Appendix Extractive industry Application Management Report (Template) – For Criterion 6.4.3 replace ‘(highest winter water table)’ with ‘(maximum seasonal groundwater table)’.*
16. *On Page 26, Appendix Extractive industry Application Management Report (Template) – For Criteria 6.5.2 and 6.6.3 replace ‘Sensitive Sites’ with ‘Sensitive Land Uses’.*
17. *Replace the word ‘planning’ with ‘development’ where necessary to reflect the ‘development approval’ terminology pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015; use italics font for legislation; plus other minor corrections as marked in red.*

Summary/Purpose

In November 2015 Council commenced a new Extractive Industry Regulatory Review process, supporting in-principle to repeal the current Extractive Industries Local Law 2002 and adopt a draft Extractive Industry Town Planning Scheme Policy. The intent to repeal local law and to adopt the draft policy have been advertised for comment, and the submissions are now presented to Council for consideration.

It is recommended that Council progress the making of the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016 and adopt the revised Extractive Industry Town Planning Scheme Policy (2016) subject to recommended modifications.

Background

The full background to the previous review of the extractive industries local law and extractive industry policy was presented to Council in November 2015 and has not been repeated for reasons of brevity.

Council at the Ordinary meeting on 26 November 2015 resolved:

“C.11/1115 That Council:

- 1. In accordance with Section 3.12 of the Local Government Act 1995, Council gives notice that it proposes to adopt a Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law. The purpose of the proposed repeal local law is to repeal the Shire of Bridgetown-Greenbushes Extractive Industries Local Law, adopted by Council on 26 July 2001, gazetted on 14 August 2001 and subsequently amended on 31 January 2002, gazetted on 15 February 2002, as per Attachment 1. The effect of the proposed local law is that extractive industries within the Shire district will no longer be regulated by a local law.*
- 2. Directs the Chief Executive Officer to undertake statutory public consultation in relation to Point 1 above, with a report to be presented to a future meeting of Council for further consideration.*

C.11/1115a That Council:

- 1. In accordance with Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, pursuant to both Town Planning Scheme No. 3 and Town Planning Scheme No. 4, adopts the proposed draft Extractive Industry Town Planning Scheme Policy, as per Attachment 2, for the purpose of public consultation and to replace the current Extractive Industry Town Planning Scheme Policy TP.15, as per Attachment 3.*
- 2. Directs the Chief Executive Officer to undertake statutory public consultation in relation to Point 1 above, with a report to be presented to a future meeting of Council for further consideration.”*

The Extractive Industry Regulatory Review was then advertised for public comment commencing on 9 December 2015 with the submission period closing on 22 February 2016. Correspondence was sent to previous submitters, industry stakeholders and relevant government authorities, advertisements published in the Manjimup-Bridgetown Times, and notices posted on the Shire’s website and noticeboards.

Seven submissions were received in total (see Attachment 1) from government authorities and one interested landowner, four being previous submitters. No submissions were received from industry stakeholders, other previous submitters or from new submitters.

Submissions from the Department of Fire and Emergency Services (DFES) and Shire of Manjimup indicated no comment on the regulatory review. The Department of Water (DoW), Department of Agriculture and Food WA (DAFWA) and the Department of Mines and Petroleum (DMP) raised no objection to the local law repeal and provided suggested changes to the draft policy, discussed below. Two

submissions were received from Mr Bruce Bebbington, one submission regarding the extractive industry policy review and the second regarding the local law repeal, discussed below.

Submitter 3 - Department of Water

The Department of Water (DoW) suggested minor improvements to the draft policy. Noting the submission, the three following changes are recommended:

1. On Page 2, Section 4.0 Objectives, Point (d) – Modify to read “... to ensure that extractive industries operate in an environmentally sustainable manner”.
2. On Page 8, Section 6.2 Site Plan, fourth dot point – Modify to read “... set back a minimum of 20 metres from a property boundary, ...”.
3. On Page 17, Section 7.5 Operator Obligations, fifth dot point – Modify to read “...noting that dewatering of the extraction area may require authorisation in areas proclaimed under the *Rights in Water and Irrigation Act 1914*”.

Submitter 4 - Department of Agriculture and Food WA

The Department of Agriculture and Food WA (DAFWA) provided guidelines for weed control procedures for extractive industries as information and suggested that a separate Weed Management Plan be provided. Noting the submission it is recommended that the following change be made to the policy:

1. On Page 12, Section 6.9 Environmental Impact Assessment, fifth dot point – Add notation “..., noting responsibilities under the Biodiversity and Agricultural Management Act 2007 and DAFWA guidelines for extractive industries”.

Submitter 5 - Department of Mines and Petroleum

The Department of Mines and Petroleum (DMP) made no comment on the local law repeal, and suggested changes to the draft policy to address legislation, definitions, exemptions and buffers. Some of the suggestions have been previously considered based on previous DMP submissions, with some changes already incorporated into the draft policy. Noting the latest submission it is recommended the following changes be made:

1. On Page 14, Section 6.15 Basic Raw Materials Applicant’s Checklist – Add additional paragraph to read “Reference should be also made to WAPC’s State Planning Policy 2.5: Land Use Planning in Rural Areas in relation to basic raw materials.”
2. On Page 1, Section 1.0 Introduction – Modify text for basic raw materials to read “The extraction and supply of basic raw materials, such as clay, gravel, sand,

stone, minerals, and other construction and road building materials, is recognised by the Shire of Bridgetown-Greenbushes ...”

3. On Page 5, Section 5.4 Extractive Industry - Standard – Modify final paragraph to read “Whilst the application requirements for the three categories of ‘Extractive Industry – Standard’ are similar, this Policy ...”

Submitter 6 - Mr Bruce Bebbington

Bruce Bebbington, as an interested resident and previous submitter has two submissions on the extractive industry regulatory review, with copies of the submissions provided to all elected members.

The first submission raised detailed objections to the draft extractive industry policy, with a second part detailing the differences between the Shire’s current extractive industry local law and local laws from 30 other local government authorities in Western Australia. Copies of these local laws, plus other supporting documents referenced by Mr Bebbington were also provided in digital form.

A one page extract from the Shire of Esperance Council Agenda 28 May 2015 has been printed and the text on Extractive Industry local Law review highlighted and included as the last page of the submission, provided to Council as part of the attachments. Printed copies of the referenced local laws and other documents have not been included in the agenda as it is not deemed practical. These documents can be made available to elected members in digital format or printed if requested.

The second submission received from Mr Bebbington raised lengthy and detailed objections to the repeal of the extractive industry local law, again with a second part detailing the differences between the Shire’s current extractive industry local law and the local laws from 30 other local government authorities in WA. Noting a few additional points of discussion, the second submission repeats many of the points raised in the first submission.

Mr Bebbington has been a significant contributor to the extractive industry regulatory review over many years, providing substantial submissions on a number of occasions, attending many meetings of Council. Without diminishing the value of Mr Bebbington’s opinions and content of the submissions, due to the length of the submissions it is impractical to provide a response to every issue raised. The submissions share significant parts of repeated text, as stated above, and the main comments have been included in the Schedule of Submissions as Submitter No. 5, summarised into 135 points for discussion.

In summary Mr Bebbington has raised many, many reasons opposing the draft extractive industry policy and extractive industry local law repeal, drawing on and adding to the content of his previous submissions in 2015. He is opposed to the draft extractive industry policy as he believes it will not provide enough protection for residents, road users or the environment. He is of strong view that the Shire can only regulate extractive industry using a local law.

Mr Bebbington has also pointed out some other minor inconsistencies within the draft extractive industry policy and based on this feedback the following changes are recommended:

1. On Page 15, Section 7.1 Community Consultation – Add ‘NBN Co’ to the list of agencies/service providers.
2. On Page 17, Section 7.5 Operator Obligations, eighth dot point – Modify to read “advise the Shire of Bridgetown-Greenbushes in writing of any change in operator during the term of operation, providing contact details of the new operator and to organise an onsite meeting with Shire staff to discuss the term of the approval, and the new operator shall not commence operation unless authorised by the Shire of Bridgetown-Greenbushes”.
3. On Page 18, Section 7.6 Blasting – Modify to read “Where blasting did not form part of the original development approval for the extractive industry, an application for blasting will be accompanied by supplementary reports as determined by the CEO.”
4. On Page 22, Section 7.11 Standard Conditions, second set of conditions, eighth dot point – Modify to read “the depths below which a person shall not excavate, including the excavation depth above the maximum seasonal groundwater table”.
5. On Page 26, Appendix Extractive industry Application Management Report (Template) – For Criterion 6.4.3 replace ‘(highest winter water table)’ with ‘(maximum seasonal groundwater table)’, and for Criteria 6.5.2 and 6.6.3 replace ‘Sensitive Sites’ with ‘Sensitive Land Uses’.
6. On Page 8, Section 6.2 Site Plan, second dot point – Modify to read “where required, the initial survey plan ...”;
7. On Page 8, Section 6.3 Survey Information – Modify to read “For ‘Standard’ operations the initial survey plan is to be certified by a licensed surveyor at the time of application, a progressive survey after five years of extraction (where applicable) and a final survey plan at the cessation of extraction. Surveys for ‘On Site Works’ are at the discretion of the CEO.”

Minor Modifications

The term ‘planning’ has been changed to ‘development’ to reflect the ‘development approval’ terminology to the Planning and Development (Local Planning Schemes) Regulations 2015. Other minor changes and corrections have been identified, such as using italics font for legislation, and incorporated into the final draft for Council adoption.

It is also recommended that on Page 13, Section 6.11 Surface and Groundwater Assessment that ‘maximum ground water table’ be modified to read “... maximum seasonal groundwater table” to reflect the other recommended modifications to the policy.

The recommended modifications as a result of comments made by submitters have been highlighted with a grey background in the Schedule of Submissions (see Attachment 2). All of the recommended modifications have been made in red in the revised version of the draft policy, as per Attachment 6.

Conclusion

Notwithstanding the first review of the extractive industry local law and extractive industry policy, which failed to achieve an Absolute Majority at the Special Meeting of 15 October 2015, the current extractive industry regulatory review process commenced in November 2015.

Following the latest round of public consultation which ended on 22 February 2016 and noting the content of the submissions received, it is recommended that Council proceed with repealing the extractive industries local law and adopt the revised draft extractive industry policy including recommended modifications.

Statutory Environment

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

Alteration of an adopted Town Planning Scheme Policy can only become operative after the draft policy has been advertised for public comment, and any submissions then considered by Council, where Council shall decide to adopt the draft policy with or without amendment, rescind the former policy or to not proceed, pursuant to Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Pursuant to Schedule 2, Part 2, Clause 4 of the 'Planning Regulations 2015':

"4. Procedure for making local planning policy

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
 - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *where the proposed policy may be inspected; and*
 - (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*

- (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must —*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government —*
 - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
 - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

5. Procedure for amending local planning policy

- (1) *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
- (2) *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*

6. Revocation of local planning policy

A local planning policy may be revoked —

- (a) *by a subsequent local planning policy that —*
 - (i) *is prepared in accordance with this Part; and*
 - (ii) *expressly revokes the local planning policy;*
- or*
- (b) *by a notice of revocation —*
 - (i) *prepared by the local government; and*
 - (ii) *published in a newspaper circulating in the Scheme area.”*

- *Shire of Bridgetown-Greenbushes Extractive Industries Local Law 2002*

This report recommends making the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016.

- *Local Government Act 1995*

The specific Head of Power for making Local Laws under the Local Government Act is s3.5 stating in sub-section (1) that *“A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary to be so prescribed, for it to perform any of its functions under this Act.”*

Section 3.12 Procedure for making local laws requires:

- “(1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.”*

Sections 3.12 (3a) requires the Statewide and local public notice for not less than a 42 day (six week) period inviting submissions on the intent to repeal a Local Law, excluding the day of publication and day of submission (essentially then a 44 day period applies), with a copy of the notice and proposed Local Law provided to the Minister for Local Government.

Sections 3.12 (4) to (8) further establishes the process for making the local law including gazettal, referral to the Minister for Local Government and public notification.

Policy

- WALGA Extractive Industries Model Local Law (2010)

The WALGA Extractive Industries Model Local Law, published in 2010, was considered when formulating the recommendation to repeal the current extractive industries local law.

- Shire of Bridgetown-Greenbushes Extractive Industry Policy

The Shire of Bridgetown-Greenbushes Extractive Industry Town Planning Scheme Policy TP.15, which is to be revoked, was considered in preparation of and to be replaced by the new draft Extractive Industry Town Planning Scheme Policy.

- WAPC Basic Raw Materials Applicants' Manual

The Western Australian Planning Commission (WAPC) published the Basic Raw Materials Applicants' Manual in February 2009 and is referenced in the new draft Extractive Industry Town Planning Scheme Policy.

- WAPC State Planning Policy 2.5 - Land Use Planning in Rural Areas

The Western Australian Planning Commission (WAPC) published the Land Use Planning in Rural Areas Policy in May 2012 and is referenced in the revised draft Extractive Industry Town Planning Scheme Policy.

Strategic Plan

- Strategic Community Plan

Economic Objective 1: A strong, resilient and balanced economy.

- Outcome 1.5 – Maintain an appropriate standard of transport networks, roads and pathways.

Environment Objective 2: Our unique natural and built environment is protected and enhanced.

- Outcome 2.8 – Natural resources are used efficiently and effectively.
- Outcome 2.8.5 – Support and promote sound environmental management practices.

Civic Leadership Objective 4: A collaborative and engaged community

- Outcome 4.4 The Shire provides a can-do approach within the regulatory framework.
 - Outcome 4.1.1 Review existing policies to determine if the regulatory framework is aligned to the needs of the broader community.
- Corporate Business Plan - Nil
 - Long Term Financial Plan - Nil
 - Asset Management Plans - Nil
 - Workforce Plan - Nil
 - Other Integrated Planning - Nil

Budget Implications

Costs associated with finalising the extractive industries repeal local law and adoption of the revised extractive industry policy can be met within the current budget allocation.

Fiscal Equity – Not applicable

Social Equity

Content of the revised draft policy seeks to improve protection of rural and landscape amenity.

Ecological Equity

Content of the revised draft policy seeks to improve protection of the natural environment.

Cultural Equity

Content of the revised draft policy seeks to improve protection of heritage values.

Risk Management

Content of the revised draft policy seeks to improve protection of road users through better assessment and regulation of resource haulage.

Continuous Improvement

The issues raised in the previous review of the extractive industry local law and extractive industry policy, and those raised in the recent public comment period, has assisted finalisation of the extractive industry regulatory review.

Delegated Authority

Nil – The decisions rest with Council to note the submissions received, to make the Extractive Industries Repeal Local Law 2016 and to adopt the new revised Extractive Industry Town Planning Scheme Policy (2016).

Voting Requirements

Recommendation 1 – Simple Majority

Recommendation 2 - Absolute Majority

Recommendation 3 - Simple Majority

In accordance with section 2.13(2) of the Local Government Act 1995, the Presiding Member read aloud the Purpose and Effect of the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016.

Purpose: To repeal the Shire of Bridgetown-Greenbushes Extractive Industries Local Law 2001 as published in the Government Gazette on 14 August 2001 and as amended in the Government Gazette on 15 February 2002.

Effect: That extractive industry within the Shire of Bridgetown-Greenbushes will no longer be regulated by a local law.

Committee Recommendation Moved Cr Scallan, Seconded Cr Mackman SC.02/0616 That Council notes the content of the submissions received as per Attachment 1, and the Staff response in the Schedule of Submissions in Attachment 2, in relation to the Shire of Bridgetown-Greenbushes Extractive Industries Regulatory Review.

Carried 9/0

Committee Recommendation Moved Cr Scallan, Seconded Cr Pratico SC.02/0616a That Council:

- 1. In accordance with Section 3.12 of the Local Government Act 1995, makes the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016, as per Attachment 4.***
- 2. Directs the Chief Executive Officer to publish the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016, as per Point 2. above, in the Government Gazette and provide copies of the local law to the Minister for Local Government.***
- 3. Give local public notice after gazettal of the local law advising the date on which the local law commences, being 14 days after the date of publication.***
- 4. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.***

5. Authorise the affixing of the Common Seal to the Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016.

Carried 8/1

Cr Boyle voted against the Motion

Committee Recommendation Moved Cr SCallan, Seconded Cr Moore

SC.02/0616b That Council, pursuant to Clauses 6.7.2 and 6.7.3 of Town Planning Scheme No. 3 and Clauses 7.6.2 and 7.6.3 of Town Planning Scheme No. 4, adopts the revised draft Extractive Industry Town Planning Scheme Policy (2016), as per Attachment 6, to replace the current Extractive Industry Town Planning Scheme Policy TP.15, incorporating the following modifications:

- 1. On Page 1, Section 1.0 Introduction – Modify text for basic raw materials to read “The extraction and supply of basic raw materials, such as clay, gravel, sand, stone, minerals, and other construction and road building materials, is recognised by the Shire of Bridgetown-Greenbushes ...”**
- 2. On Page 2, Section 4.0 Objectives, Point (d) - Modify to read “... to ensure that extractive industries operate in an environmentally sustainable manner...”.**
- 3. On Page 5, Section 5.4 Extractive Industry – Standard – Modify final paragraph to read “Whilst the application requirements for the three categories of ‘Extractive Industry – Standard’ are similar, this Policy ...”**
- 4. On Page 8, Section 6.2 Site Plan, second dot point – Modify to read “where required, the initial survey plan ...”;**
- 5. On Page 8, Section 6.2 Site Plan, fourth dot point – Modify to read “... set back a minimum of 20 metres from a property boundary, ...”.**
- 6. On Page 8, Section 6.3 Survey Information – Modify to read “For ‘Standard’ operations the initial survey plan is to be certified by a licensed surveyor at the time of application, a progressive survey after five years of extraction (where applicable) and a final survey plan at the cessation of extraction. Surveys for ‘On Site Works’ are at the discretion of the CEO.”**
- 7. On Page 12, Section 6.9 Environmental Impact Assessment, fifth dot point – Add notation “..., noting responsibilities under the Biodiversity and Agricultural Management Act 2007 and DAFWA guidelines for extractive industries”.**
- 8. On Page 13, Section 6.11 Surface and Groundwater Assessment – Modify to read “... maximum seasonal groundwater table”.**
- 9. On Page 14, Section 6.15 Basic Raw Materials Applicant’s Checklist – Add additional paragraph to read “Reference should be also made to WAPC’s State Planning Policy 2.5: Land Use Planning in Rural Areas in relation to basic raw materials.”**

- 10. On Page 15, Section 7.1 Community Consultation – Add ‘NBN Co’ to the list of agencies/service providers.**
- 11. On Page 17, Section 7.5 Operator Obligations, fifth dot point – Modify to read “...noting that dewatering of the extraction area may require authorisation in areas proclaimed under the Rights in Water and Irrigation Act 1914”.**
- 12. On Page 17, Section 7.5 Operator Obligations, eighth dot point – Modify to read “advise the Shire of Bridgetown-Greenbushes in writing of any change in operator during the term of operation, providing contact details of the new operator and to organise an onsite meeting with Shire staff to discuss the term of the approval, and the new operator shall not commence operation unless authorised by the Shire of Bridgetown-Greenbushes”.**
- 13. On Page 18, Section 7.6 Blasting – Add additional paragraph to read “Where blasting did not form part of the original development approval for the extractive industry, an application for blasting will be accompanied by supplementary reports as determined by the CEO.”.**
- 14. On Page 22, Section 7.11 Standard Conditions, second set of conditions, eighth dot point – Modify to read “the depths below which a person shall not excavate, including the excavation depth above the maximum seasonal groundwater table”.**
- 15. On Page 26, Appendix Extractive industry Application Management Report (Template) – For Criterion 6.4.3 replace ‘(highest winter water table)’ with ‘(maximum seasonal groundwater table)’.**
- 16. On Page 26, Appendix Extractive industry Application Management Report (Template) – For Criteria 6.5.2 and 6.6.3 replace ‘Sensitive Sites’ with ‘Sensitive Land Uses’.**
- 17. Replace the word ‘planning’ with ‘development’ where necessary to reflect the ‘development approval’ terminology pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015; use italics font for legislation; plus other minor corrections as marked in red.**

Carried 8/1

Cr Boyle voted against the Motion

Strategy

ITEM NO.	SC.03/0616	FILE REF.	108
SUBJECT	Review of the Age Friendly Community Plan		
OFFICER	Grants and Services Manager		
DATE OF REPORT	2 June 2016		

Attachment 7 - Written Submissions
Attachment 8 - Submission Schedule
Attachment 9 - Revised Draft Age Friendly Communities Plan

OFFICER RECOMMENDATION That Council:

- 1. Notes the content of the submissions received as per Attachment 7 and the officer responses as per Attachment 8, in relation to the revised draft Age Friendly Community Plan 2016-2020.*
- 2. Adopts the revised draft Age Friendly Community Plan 2016-20 as per Attachment 9, to replace the current Age Friendly Community Plan 2011-2015.*

Summary/Purpose

This recommendation seeks to endorse the revised Age Friendly Community Plan 2016-2020.

Background

In March 2012, Council decided (C.18/0312) in part to adopt the attached Draft Age Friendly Communities Plan 2011 – 2015

With the development of the Access and Inclusion Committee (combination of the Disability Access and Inclusion Committee and a Seniors Advisory Committee) many of the actions outlined in the Age Friendly Communities Plan 2011 – 2015 had been explored and/or achieved. The plan had completed its designated time span and required a comprehensive review.

In May 2015 Council (C.11/05151) accepted \$10,000 (ex GST) income from the Department of Local Government and Communities and associated expenditure for the comprehensive review of the Age Friendly Communities Plan 2011 – 2015 including extensive community consultation.

Council also endorsed the provision of \$4,730 as Council's contribution to the review of the Age Friendly Communities Plan 2011 - 2015 and authorized the transfer of Council's contribution (\$4,730) from the Matched Grants Reserve.

The comprehensive review of the Age Friendly Communities Plan included:

- Internal review by Shire officer and progress against actions identified
- Facilitated discussion with the Shire of Bridgetown-Greenbushes' Access and Inclusion Committee
- Review of 8 focus areas – discussion regarding progress against actions
- Agreement on relevant inclusions for the new plan
- Pilot testing of community survey

In March 2016 (C.09/0316) Council noted the draft Age Friendly Communities Plan 2016-2020 and determined to seek community comment on the document for a period of 4 weeks prior to presentation back to Council for consideration of formal endorsement.

Officer Comment

The revised Draft Age Friendly Community Plan provides a clear snapshot of the current socio-economic and physical wellbeing of members of the community aged 60 years and over and has been compiled to aid Council's decision making regarding the current and future needs and concerns of this demographic of the community over the next 4 years.

The draft Age Friendly Community Plan has been available to the community for comment for the approved time frame of 4 weeks ending the 6 May 2016. During the time 3 submissions were received. These submissions have been assessed (refer Attachment 8) and have led to the following changes (highlighted in red in the body of the Age Friendly Community Plan 2016-2020 – Attachment 9) being recommended:

1. On Page 27, paragraph 2 a note to balance community view to read "Talison Lithium owns 13 houses in Greenbushes and Global Advanced Metals owns 3 houses. All houses are currently occupied with people working at the mine. Both companies have a "Distance from Work" policy which stipulates that employees must live within an 80km radius from Greenbushes (particularly related to fatigue management of employees). On a number of occasions accommodation has been leased to house mining employees."
2. On Page 28, in the table "Summary of community and service provider feedback – HOUSING" the note on page 27 will be highlighted in Greenbushes Barriers
3. In the appendix – page 75 Greenbushes forum 2. Housing, the note on page 27 will be outlined in full.
4. On page 36, in the table "Summary of community and service provider feedback – TRANSPORT" include the comment "The box trees outside of Tasty Edibles combined with the camber of the road makes truck access difficult".
5. On page 43, in the table "Summary of community and service provider feedback – SOCIAL PARTICIPATION" – Greenbushes Features – change Stinton Gardens has a regular morning tea for all seniors, to Greenbushes Community Garden has a regular morning tea for all seniors.

It is anticipated that once the plan is endorsed by Council the specific objectives will be prioritized by the Access and Inclusion Committee and brought to Council for endorsement, in due course and in line with the integrated planning processes.

Statutory Environment

- *Equal Opportunity Act (1984) WA*

Policy/Strategic Implications

The recommendations impact on a key strategic document review and affect documents contained in the Community Services Strategy which provide guidance to officers with regard to service delivery.

Budget Implications – Not Applicable

Fiscal Equity – Not Applicable

Whole of Life Accounting

The revised Draft Age Friendly Communities Plan 2016-2020 will provide representative strategic direction to assist with Councils decision making in relation to service delivery so that whole of life accounting implications are considered.

Social Equity

The aim of the recommendations is to seek to improve social equity by continuing to progress the ongoing development of an age friendly community by ensuring that the Age Friendly Communities Plan is current and representative of the needs of the community sector the plan is intended to support (seniors).

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

Council can mitigate risk in service provision investment by ensuring that the relevant strategic document is representative and current, increasing Council's understanding of the community sector and ensuring the representative nature of the direction and decisions of Council.

Continuous Improvement

Council can achieve continuous improvement in service provision by ensuring that the strategic documents that guide Councils decision making are "living" documents that accurately reflect the evolving needs and preferences of the sector of the community the document is intended to support.

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Mackman, Seconded Cr Moore*

Sc.03/0616 That Council:

- 1. Notes the content of the submissions received as per Attachment 7 and the officer responses as per Attachment 8, in relation to the revised draft Age Friendly Community Plan 2016-2020.***
- 2. Adopts the revised draft Age Friendly Community Plan 2016-20 as per Attachment 9, to replace the current Age Friendly Community Plan 2011-2015.***

Carried 9/0

Organisation Development

ITEM NO.	SC.04/0616	FILE REF.	133
SUBJECT	Adoption of 2016/17 Fees & Charges		
OFFICER	Chief Executive Officer		
DATE OF REPORT	31 May 2016		

Attachment 10 - Draft 2016/17 Schedule of Fees & Charges

OFFICER RECOMMENDATION that Council:

- 1. Adopt the 2016/17 Schedule of Fees & Charges as per Attachment 10.*
- 2. Determine the waste collection rate under Section 66 of the Waste Avoidance and Resource Recovery Act at the time of adoption of the 2016/17 budget.*
- 3. Determine the kerbside rubbish and recycling collection charges at the time of adoption of the 2016/17 budget.*

Summary/Purpose

To consider and adopt the Schedule of Fees & Charges for 2016/17.

Background

Council adopts its Schedule of Fees & Charges separate to the budget adoption process. This allows Council the time to consider the fees & charges at a meeting of the Standing Committee. Also as the budget will not be adopted prior to 30 June, adoption of the 2016/17 Schedule of Fees & Charges this month will allow them to take effect from 1 July 2016.

Under Council's draft Long Term Financial Plan 2013-2028, fees and charges are proposed to increase annually by 6.2%. At its budget workshop held 4 May 2016 Council considered the increase in fees and charges that would apply in 2016/17. It was noted the Long Term Financial Plan annual increase of 6.2% was predicated on a 3% CPI increase. Taking into account the current CPI rate of 1.3% councillors indicated an increase of around 4% would be recommended however due to the delays in completing the new pool in 2015/16 minimal increase in pool fees should be considered. This has been factored into the draft 2016/17 fees and charges, the attached draft includes an increase of 4.2% to most fees and charges subject to appropriate rounding of some fees.

The attached schedule of fees and charges shows the fees and charges for 2015/16 and the recommended changes for 2016/17.

There are a small number of non-regulatory fees proposed for an increase in excess of 4.2% in order to set a fee that better fits the cost of providing the service or for other reasons. These are explained below:

- Application to Keep Any Animal Other Than a Dog/Cat – increased to reflect administration time and costs involved in assessing the application
- Unscheduled Pool Inspection Fee – increased to reflect the administration time and costs associated with undertaking the inspection

- Summer Outdoor Film Festival – fees have increased by 4.2% then rounded up to the nearest dollar to mitigate the need for officers to have a supply of small change. The proposed fees are still considered affordable.
- All fees for Building Certification Service – fees have increased following consideration of the cost to provide this service and the price at which this service is provided by private contractors

The following non-regulatory fees propose no increase or an increase less than 4.2% for reasons explained:

- Rate Instalment Fee – fee has not increased as this fee is to be restricted to recovery of actual costs. A full review of this fee is to be conducted during 2016/17
- Degassing Fridges – fee not increased due to actual cost of degassing service being less than previously anticipated
- Greenbushes Community Bus Service Fee Per Passenger – it is difficult for the driver to have appropriate change. Fee is currently \$8.00 and the intent is this fee will be increased to the nearest dollar in future years
- All fees in the Gym & Pool Membership and Whole of Leisure Centre Membership categories have increased by 2% (being half the approximate 4% across the board increase for most fees) to reflect Council's preference to not increase fees and charges for the aquatic facility.
- All fees in the Pool Only Membership category and all aquatic fees have not changed to reflect Council's preference to not increase fees and charges for the aquatic facility
- Living Longer Living Stronger Appraisal – fee is capped by the agreement with the grant funding body
- All fees relating to Personal Training Services – fees have not increased due to consideration of the price at which this type of service is provided by other centres
- Replacement Leisure Centre Membership Card – fee only recently introduced
- Direct Debit Cancellation Fee for Leisure Centre Memberships – fee only recently introduced

It is proposed to introduce the following new fees and charges in 2016/17:

- Transfer of Grant of Right of Burial – recognises the role that family and executors can play in the planning of a funeral.
- Registration of Ashes Placed by Family – separate this fee from that charged for administering the reopening of a grave.
- Placement of Ashes on a Saturday, Sunday or Public Holiday – recognises the higher costs for weekend work by staff.
- Sports Court Permanent Booking – Training Half Court – this new fee allows a group or team to make a permanent booking rather than just the casual booking that has previously been allowed.
- Express Fitness Casual Class (30 minutes) – new fitness program.
- Casual Social Sports Entry Fee – for non-official groups to have social play on a court.
- Nordic Walking Pole Hire – new item of equipment available for hire.
- Library Meeting Room Hire (Commercial) - Full Day and Half Day – recognises that the meeting room can be an attractive option for commercial

or semi-commercial users to market to library patrons and the wider community.

In addition it is recommended that the following fees be deleted:

- Hire Rate Dog Collar 1 – 7 Days – the Shire no longer has a collar for hire
- Hire Rate Dog Collar 7+ Days – the Shire no longer has a collar for hire

Many fees (e.g. development application fees, building fees, swimming pool inspection fees, dog/cat fees, FOI fees, etc) are regulatory and Council does not have the discretion to set fees higher than permitted by the applicable legislation. If these fees are changed during the year the revised fee automatically replaces the fee referenced in Council's schedule of fees & charges without the need for Council to formally modify the schedule.

Historically Council sets its rubbish and recycling collection charges and waste collection rate at the time of budget adoption as these fees and the rate are imposed on a cost recovery basis.

In the event of Council adopting the fees & charges in June it is intended they will apply from 1 July 2016. A notice will be inserted in the Manjimup Bridgetown Times advising of the new fees and the commencement date as per Section 6.19 of the Local Government Act.

Statutory Environment

Section 6.16(1) and (2) of the Local Government Act states:

- (1) *A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*
- (2) *A fee or charge may be imposed for the following —*
 - (a) *providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) *supplying a service or carrying out work at the request of a person;*
 - (c) *subject to section 5.94, providing information from local government records;*
 - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*

Section 6.17(1) of the Local Government Act states:

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) *the cost to the local government of providing the service or goods;*
- (b) *the importance of the service or goods to the community; and*
- (c) *the price at which the service or goods could be provided by an alternative provider.*

Policy Implications – Nil

Integrated Planning

- Strategic Community Plan 2013
Objective 4 a collaborative and engaged community
Outcome 4.6 the revenue needs are managed in an equitable and sustainable manner
Strategy 4.6.2 identify appropriate areas for the application of the user pays cost recovery principle
- Corporate Business Plan 2013-2017
Action 4.6.2.1 Assess level of fees and charges to apply cost recovery principle where appropriate
- Long Term Financial Plan
Council's Long Term Financial Plan proposes an annual increase in fees and charges of 6.2% from 2014/15 to 2027/28.
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Budget Implications

The draft 2016/17 budget will have a number of income streams that will be estimated using the draft Schedule of Fees & Charges.

Fiscal Equity

The fees are determined having regard to the cost of providing the service, the scope of the service and the anticipated preparedness of a person to pay the fee.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement

All fees are reviewed annually. Historically most fees have not covered the cost of providing the service the subject of the fee and this was a fundamental reason behind the direction within the Long Term Financial Plan for Council to increase fees & charges by 6.2% per annum.

Voting Requirements – Absolute Majority

Moved Cr Scallan, Seconded Cr Hodson

That Council:

1. Adopt the 2016/17 Schedule of Fees & Charges as per Attachment 10.
2. Determine the waste collection rate under Section 66 of the Waste Avoidance and Resource Recovery Act at the time of adoption of the 2016/17 budget.

3. Determine the kerbside rubbish and recycling collection charges at the time of adoption of the 2016/17 budget.

Amendment Moved Cr Scallan, Seconded Cr Pratico

Correct amounts for Photocopying Colour fees – Library Section, page 27 to read:

Double sided A4 - \$3.35

Single side A3 - \$3.80

Carried 9/0

The Amended Motion becomes the Substantive Motion – The Motion was Put
Committee Recommendation Moved Cr Scallan, Seconded Cr Hodson

SC.04/0616 That Council:

1. Adopt the 2016/17 Schedule of Fees & Charges as per Attachment 10 with the following minor change:

- Correct amounts for Photocopying Colour fees – Library Section, page 27 to read:

Double sided A4 - \$3.35

Single side A3 - \$3.80

2. Determine the waste collection rate under Section 66 of the Waste Avoidance and Resource Recovery Act at the time of adoption of the 2016/17 budget.

3. Determine the kerbside rubbish and recycling collection charges at the time of adoption of the 2016/17 budget.

Carried 9/0

ITEM NO.	SC.05/0616	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	1 June 2016		

Attachment 11 - Rolling Action Sheet

OFFICER RECOMMENDATION that the information contained in the Rolling Action Sheet be noted.

Summary/Purpose

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

Background

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

Statutory Environment – Nil

Policy/Strategic Plan Implications - Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Pratico, Seconded Cr Boyle
SC.05/0616 That the information contained in the Rolling Action Sheet be
noted.*

Carried 9/0

Urgent Business Approved by Decision – Nil

Responses to Elected Members Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Briefings by Officers - Nil

Notice of Motions for Consideration at Next Meeting - Nil


Matters Behind Closed Doors - Nil

Closure

The Presiding Member closed the Meeting at 6.00pm

List of Attachments

Attachment	Item No.	Details
1	SC.02/0616	Submissions
2	SC.02/0616	Schedule of Submissions
3	SC.02/0616	Current Shire of Bridgetown-Greenbushes Extractive Industries Local Law 2002
4	SC.02/0616	Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016
5	SC.02/0616	Draft Shire of Bridgetown-Greenbushes Extractive Industry Town Planning Scheme Policy (As advertised)
6	SC.02/0616	Revised Draft Shire of Bridgetown-Greenbushes Extractive Industry Town Planning Scheme Policy (2016)
7	SC.03/0616	Written Submissions
8	SC.03/0616	Submission Schedule
9	SC.03/0616	Revised Draft Age Friendly Communities Plan
10	SC.04/0616	Draft 2016/17 Schedule of Fees & Charges
11	SC.05/0616	Rolling Action Sheet

Minutes checked and authorised by CEO, Mr T Clynych		10.6.16
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CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Local Laws, Strategy, Policy & Organisation Development Standing Committee Meeting held 9 June 2016 were confirmed as a true and correct record of the proceedings of that meeting at the Standing Committee meeting held on 14 July 2016.

.....14 July 2016