

<b>POLICY NO.</b>	F.10
<b>POLICY SUBJECT</b>	GRV/UV Rating Policy
<b>ADOPTION DATE</b>	25 March 2004
<b>LAST REVIEW DATE</b>	30 November 2017 (C.11/1117)

Section 6.28(1) & (2) of the Local Government Act 1995 reads:

- (1) *The Minister (for Local Government) is to —*
- (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
- (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

Section 6.33 of the Local Government Act 1995 notes:

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
- (a) *the purpose for which the land is zoned under a town planning scheme in force under the Town Planning & Development Act 1928;*
  - (b) *the predominant purpose for which the land is held or used as determined by the local government;*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*

In order to comply with Section 6.28 of the Local Government Act, Council has to determine that the rating principles of the Act are correctly applied to rateable land within the district such that rural land is rated on its Unimproved Value (UV) and non-rural land is rated on its Gross Rental Value (GRV). These values are determined by the State Government's Valuer General.

**The Council has determined that rather than base the determination of 'rural' or 'non-rural' solely on land use, it instead be based on the zoning of the land. This determination has been made on the basis that it is clear what zoning exists and of the zones whether they are of a rural or non-rural nature.**

All land within the Shire is zoned under a statutory document, the Town Planning Scheme. Council currently has two Town Planning Schemes, TPS 3 covers land within the Bridgetown Townsite, and TPS 4 covers all other land within the Shire.

Council's policy is to tie the rating format of land to its zoning category. All "Rural" land will be rated under 'UV' valuation, all "Non-Rural" land will be rated as 'GRV'. Set out below is a break down of the existing zones of TPS 3 and TPS 4 into a "Rural" or "Non-Rural" classification:

- Rural 1
- Rural 2
- Rural 3
- Rural 4

#### Non-Rural (GRV Rating to Apply)

- Residential
- Residential Development
- Special Residential
- Special Rural
- Commercial
- Industrial
- Service Industry
- Special Use
- Community
- Rural (TPS 3: "Townsite Rural")
- 'Additional Use' classifications over any zoning

**Notwithstanding the zoning of the land, Council has determined that any lot of a size greater than 10ha, or any landholding greater than 10ha and rated as a single assessment, will be rated as 'UV' rather than 'GRV'.**

#### Rural (UV Rating to Apply)

Council has determined that notwithstanding their names, the Special Rural and Townsite Rural zones are not exclusively "rural" in nature. This is based on their predominant lot size being less than 5ha and their development is predominantly lifestyle in nature. Any agricultural pursuits carried out in these two zones is typically done on a lifestyle, hobby or property management basis, with very little bona fide commercial agricultural activities taking place.

Owners of land within an urban category who are of the belief that their land is used primarily for 'rural' purposes can apply for conversion of the property back to the UV classification. In order to prove to Council that the subject property is primarily a 'rural (agricultural)' property, land owners need to prove to the Council that the land is being predominantly used for rural purposes. In situations where a house is constructed on a rural-residential type property and a number of fruit trees have been planted, or stock is grazed (even if there exists a business running at a small scale), urban farmland classification would not apply as the predominant use of the land is residential and not the rural type uses. Where small orchards or vineyards have been planted on a rural residential lot, owners may have to prove (if requested by the local government) that the rural use is more predominant than the residential use. This may require submittal of additional supporting evidence, such as information concerning the income generated by the rural or farm land use of the land.

The information that landowners must provide in order for Council to consider conversion of a property from GRV to UV is the same as the information that

landowners must submit for an Urban Farmland application. That information is set out at the conclusion of this policy.

The Urban Farmland differential rate is available for owners of property within the Bridgetown Townsite only, in recognition of the higher values within the townsite as opposed to land outside of the townsite. Only properties under the 'UV' classification are eligible for the Urban Farmland differential rate, and to be eligible for this differential rate owners are required to lodge information proving that the activities undertaken on the land are primarily of a rural and agricultural nature. The required information is the same as that required by landowners seeking to have a property reclassified from 'GRV' to 'UV' and is set out at the conclusion of this policy.

Applications for urban farmland classification are required annually and it is the responsibility of the land owner to apply within the time constraints for application and approval of urban farmland classification each year.

At such time as the new town planning scheme (TPS 5) is gazetted (replacing two existing schemes) the classification of zones as either 'urban' or 'rural' would have to be reviewed. A number of new zones will be introduced by TPS 5.

The Department of Local Government and Communities has produced a publication titled 'Changing Methods of Valuation of Land' guideline (May 2002, revised March 2012). This publication states that in implementing suitable systems and procedures, local governments should observe the principles of:

- **Objectivity** – the predominant use of land should be reviewed and determined on the basis of an objective assessment of relevant criteria. External parties should be able to understand how and why a particular determination was made.
- **Fairness and Equity** – Each property should make a fair contribution to rates based on a method of valuation that appropriately reflects predominant use.
- **Consistency** – Rating principle should be applied, and determinations should be made, in a consistent manner. Like properties should be treated in a like manner.
- **Transparency** – Systems and procedures for determining the method of valuation should be clearly documented and available for the public to inspect.
- **Administrative Efficiency** – Rating principles and procedures should be applied and implemented in an efficient and cost effective manner.

**The Council is of the opinion that determining the basis of rating of land on its zoning is the best means of meeting the above principles.**

It is important that the exercise in changing the basis of rating of land within the Shire is understood to not be a revenue raising exercise by the Council. This exercise will not in itself increase the rate revenue raised by the Council, rather it will spread the rate burden more equitably amongst all land owners. Whilst land owners who have land

proposed to change from UV to GRV might expect to pay increased rates, existing GRV land owners could expect a reduction in rates as the GRV:UV ratio increases.

The rates applicable for vacant land of normal residential or rural-residential size would not be expected to change as a result of a change from 'UV' to "GRV" rating as such properties are normally on the minimum rate in any case. Where these property's rates will change however is when a dwelling, commercial premises, etc. is constructed on the land which will increase the GRV valuation applicable to the land.

### **Supporting Information to be Submitted With Applications for Urban Farmland and/or Conversion of Properties from GRV to UV**

To be eligible for the Urban Farmland rate, or to submit an application to convert the rating of a property from "GRV" to 'UV', the applicant must clearly demonstrate that the land is used *predominantly* for rural purposes. The applicant must show documentation that a large part of the land's income is derived from rural activities, where the applicant is conducting a commercial enterprise in the nature of a going concern. Applicants must demonstrate that activities engaged in for the purpose of profit on a continuous and repetitive basis. Hobby farms or properties not deriving a significant income from the land therefore will not be eligible for the Urban Farmland concession.

*Applicants must clearly address the following conditions:*

1. Name & Occupation of the Person residing on the property.
2. Details of what rural business or industry is carried out on the land.
3. Details of other activities carried out on the property.
4. Business Plan (if prepared), with details of anticipated overall profit and a detailed breakdown of profit relating to the particular rural business or industry.
5. If no Business Plan has been prepared, details of anticipated overall profit, and a detailed breakdown of profit relating to each particular industry. If other non-rural business or activity conducted on the land generates an income stream details of that income are to also be provided.
6. An audited Balance Sheet & Profit & Loss for the previous two years preceding the application
7. Any other documentation that would assist the applicant demonstrating that the land was used predominantly for a rural business or industry.
8. Applicants will be required to complete a statement annually; stating that there were no changes to the commercial enterprise carried out on the land, which would make that application invalid.
9. Applicants would be required to submit a new full application for Urban Farmland every five years, or if specifically requested in writing by the Shire.

Notwithstanding the above criteria, Council reserves the right to approve an Urban Farmland classification or conversion of a property from 'GRV' to 'UV' where, in its opinion the property is obviously being primarily used for bona-fide, commercial agricultural purposes.

<b>POLICY NO.</b>	F.10
<b>POLICY SUBJECT</b>	Method of Valuation of Rateable Properties
<b>ADOPTION DATE</b>	

### Background

Section 6.28(1) & (2) of the Local Government Act 1995 reads:

- (1) *The Minister (for Local Government) is to —*
- (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
  - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
- (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
  - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

In order to comply with Section 6.28 of the Local Government Act, Council has to determine that the rating principles of the Act are correctly applied to rateable land within the district such that rural land is rated on its Unimproved Value (UV) and non-rural land is rated on its Gross Rental Value (GRV). These values are determined by the State Government's Valuer General.

### Policy

1. The process for determining the method of valuation for rateable property will be in accordance with any guidelines or policy issued by the Department of Local Government, Sport and Cultural Industries.
2. The following factors will be considered in determining whether a property is "rural" or "non-rural":
  - Land use –activities conducted on the land;
  - Livelihood generated from or on the property;
  - The land's zoning; and
  - The size of the property.
3. Split valuations of rateable properties will not generally be pursued.

**CEMETERIES ACT 1986  
LOCAL GOVERNMENT ACT 1995**

*Shire of Bridgetown-Greenbushes*

**CEMETERIES AMENDMENT LOCAL LAW 2018**

Under the powers conferred by the *Cemeteries Act 1986* and by all other powers enabling it, the Council of the *Shire of Bridgetown-Greenbushes* resolved on ..... to make the following Local Law.

**PART 1 - PRELIMINARY**

**1. Citation**

This Local Law may be cited as the *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2018*.

**2. Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**3. Principal Local Law**

The *Shire of Bridgetown-Greenbushes Cemeteries Local Law* as published in the *Government Gazette* on 2 June 2000 is referred to as the principal local law. The principal local law was amended and published in the *Government Gazette* on 23 February 2001, amended and published in the *Government Gazette* on 12 December 2008, amended and published in the *Government Gazette* on 1 July 2011 and amended and published in the *Government Gazette* on 6 January 2015. The principal local law is amended as follows –

**3.1 Clause 1.2 Interpretation**

3.1.1 For consistency, change the first letter of interpretations commencing in ‘lower case’ to ‘upper case’.

3.1.2 Delete interpretation of “**Application as to assistance animals**”

3.1.3 After interpretation of “**Ashes**”, insert new interpretation to read –

“**Assistance animals**” has the same meaning as in the *Disability Discrimination Act 1992*;

3.1.4 After interpretation of “**CEO**”, insert the following interpretations to read –

“**Coffin**” means a coffin or other receptacle used for the transportation of a dead body to the grave site;

“**Cremation urn**” means a container used for holding the remains of a dead body after the due processes of cremation;

“**Disability**” has the same meaning as in the *Disability Discrimination Act 1992*

3.1.5 After interpretation of “**funeral director**”, insert the following interpretations to read –

**“Headstone”** means a memorial designed for placement at the head of a grave in the lawn section of a cemetery, commemorating a grave or the placement of ashes;

**“Memorial”** has the meaning set out in the Act and includes a headstone, memorial plaque and monument;

**“Memorial plaque”** means a panel, plate or tablet designed or used for purposes of bearing commemorative inscription;

**“Monument”** means a tombstone, sculpture, statute or other form of memorial approved by the Board commemorating a grave or the placement of ashes, other than a headstone;

3.1.6 After interpretation of **“single funeral permit”**, insert the following interpretation to read –

**“Vehicle”** includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise (and includes a bicycle and a skateboard).

## **PART 2 – ADMINISTRATION**

### **3.2 Clause 2.1 Powers and Functions of CEO**

3.2.1 Change the word “cemetery” in the last line to “cemeteries”.

3.2.2 After clause 2.1, insert new clause to read –

#### **2.2 Plans and Registers**

- (1) The Board shall establish and maintain:
  - (a) A plan of each cemetery showing the location of areas set aside for burials and placement of ashes;
  - (b) a register containing the identification numbers of graves and the names and description of the persons buried;
  - (c) a register of grants made with respect to each cemetery; and
  - (d) a register of persons cremated whose ashes have been buried or disposed in each cemetery.
- (2) The plans and registers referred to in sub-clause (1) shall be open for inspection by members of the public during normal office hours of the Board.

## **PART 3 – APPLICATION FOR FUNERALS**

### **3.3 Clause 3.3 Certificate of Identification, Part (2)**

Delete part (2) and replace with -

A Funeral Director shall complete a certificate in the form determined by the Board from time to time, where:



- (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

### **3.4 Clause 3.4 Minimum Notice Required**

3.4.1 Delete wording of clause 3.4 and replace with –

All bookings to hold a funeral shall be made with the Board not less than two (2) working days prior to the time proposed for burial on the application otherwise an extra charge may be made.

3.4.2 After clause 3.4, insert the following new clauses –

### **3.5 Fixing Times for Funerals**

On receipt of a properly completed application form and the satisfaction of all other requirements of the Act and this local law the Board may fix the time for a funeral.

The time fixed for a funeral is at the discretion of the Board but subject to this local law will be as near as possible to the time requested by the applicant.

### **3.6 Times for Burials**

A person shall not carry out a burial:

- (a) on a Saturday, a Sunday or a public holiday; or
- (b) at any time other than between the hours 9.00am to 3.00pm except with the permission of the Board.

## **PART 4 – FUNERAL DIRECTORS**

### **3.5 Clause 4.1 Funeral Director's Licence Expiry**

Delete "30<sup>th</sup> day of" and replace with "30".

## **PART 5 – FUNERALS**

### ***Division 1 - General***

### **3.6 Clause 5.3 Vehicle Entry Restricted**

Delete wording for clause 5.3 and replace with –

- (1) Subject to clause 5.3(2), a funeral procession shall enter by the principal entrance of the cemetery and no vehicle shall enter the cemetery except:
  - (a) the hearse;
  - (b) official mourning coaches;
  - (c) a vehicle carrying or transporting a person with a disability;
  - (d) a device or equipment used to transport, carry or handle a coffin; and
  - (e) a pram, baby carriage, stroller or a similar device.

- (2) This clause does not apply to a vehicle approved by the CEO or authorised person.

### ***Division 2 – Placement of Ashes***

#### **3.7 Clause 5.7 Disposal of Ashes**

In Part (1), after the word “Scattering” delete “to the Winds” and replace with “in an area approved by the Board”

## **PART 7 – MEMORIALS AND OTHER WORK**

### ***Division 1 – General***

#### **3.8 Clause 7.1 Application for Monumental Work**

Delete wording for clause 7.1 and replace with –

- (1) Upon the written application of a person on the prescribed form and payment of the set fee, the Board may issue to that person a permit to carry out monumental work on a grave specified in an application on the days, at the times and subject to the conditions specified by the Board.
- (2) An application referred to in sub-clause (1) shall be accompanied by:
- (a) plans and specifications of the proposed monumental work, including precise details of all words, designs and pictures intended to be inscribed on or attached to the monumental work;
  - (b) If the applicant is not a holder of a grant in respect of a grave on which the work is to be carried out, the written consent of the holder or authorised representative.

#### **3.9 Clause 7.2 Placement of Monumental Work**

After the word “foundations” delete the full stop and include “as determined by the Board.”.

#### **3.10 Division 2 – Lawn Section**

Delete the words “Lawn Section” and replace with “Specifications and Materials for Memorials”.

#### **3.11 Clause 7.14 Specification of Monuments**

3.11.1 In Part (1) delete the words “the lawn section of”.

3.11.2 After sub-clause (c)(iii), insert a new sub-clause to read –

- (iv) the length of the base of the monument shall not exceed 2.4m; and

3.11.3 Renumber current sub-clause (iv) to (v)

3.11.4 Delete sub-clauses (2) and (3).

### **3.12 Clause 7.15 Headstones**

Delete clause 7.15 and replace with –

#### **7.15 Specification of a Headstone**

(1) A headstone shall:

- (a) be made of natural stone;
- (b) be placed on a base of natural stone;
- (c) comply with the following specifications:
  - (i) the height of the base of the headstone above the highest point of the original surface of the grave shall not be less than 150mm nor more than 200mm;
  - (ii) the overall height of the headstone, including the base, shall not exceed 1.2m;
  - (iii) the length of the base of the headstone measured across the width of the grave shall not exceed 1m;
  - (iv) the width of the base of the headstone shall not exceed 300mm; and
  - (v) that part of a headstone above its base shall not extend horizontally beyond that base.

(2) Subject to sub-clause (3) a memorial plaque may be attached to a headstone erected or being erected within a cemetery.

(3) The provisions of clause 7.16 apply to a memorial plaque that is attached to a headstone.

### **3.13 Division 3 – Memorial Plaque Section**

Delete this sub-heading.

### **3.14 7.16 Requirements of a Memorial Plaque**

3.14.1 Delete the word “Requirements” and insert the word “Specification”.

3.14.2 In sub-clause (1)(b), delete the words “380mm x 280mm” and insert the words “140mm x 110mm”.

### **3.15 Insert new Sub-Heading to read –**

#### ***Division 3 – Licensing of Monumental Masons***

### **3.16 Insert new Clause to read -**

#### **7.17 Display of Trade Names on Memorials Not Allowed**

A person shall not display any trade names or marks on a memorial.

3.17 Re-number existing clauses 7.17, 7.18, 7.19, 7.20 and 7.21 accordingly.

### **3.18 7.18 Expiry Date, Non-Transferability**

Delete “30<sup>th</sup> day of” and replace with “30”.

**3.17 Insert new Clause to read –**

**7.22 Application for Single Monumental Work Permit**

- (1) The Board may on receipt of an application by a person in the form prescribed and on payment of a set fee, issue to an applicant a single monumental work permit authorizing the holder to place a monument within a cemetery subject to such conditions as the Board specifies on the permit.
- (2) An application for a single monumental work permit under sub-clause (1) shall include an application for a monument work in the form prescribed.

**PART 8 - GENERAL**

**3.18 Clause 8.6 Unauthorised Advertising or Conduct of Business**

In the first line, after the words “trade or profession” insert the words “within a cemetery”.

Dated: .....

The Common Seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of the Council in the presence of –

**ANTONINO PRATICO**  
Shire President

**TIMOTHY CLYNCH**  
Chief Executive Officer



# ***CEMETERIES LOCAL LAW***

Adopted on 27<sup>th</sup> April 2000  
Gazetted on 2<sup>nd</sup> June 2000  
Amended on 25<sup>th</sup> January 2001  
Amendment Gazetted on 23<sup>rd</sup> February 2001  
Amended on 27<sup>th</sup> November 2008  
Amendment Gazetted 12<sup>th</sup> December 2008  
Amended by the Minister for Local Government & Gazetted on 1 July 2011  
Amended by the Minister for Local Government on 23 December 2014 and Gazetted on 6  
January 2015  
Amended on 27 July 2017  
Amendment Gazetted on 1 September 2017

***Cemeteries Act 1986***

**SHIRE OF BRIDGETOWN-GREENBUSHES**

**CEMETERIES LOCAL LAW**

Under the powers conferred by the *Cemeteries Act 1986*, the Council of the Shire of Bridgetown-Greenbushes resolved on the twenty-seventh day of April 2000 to make the following local law:

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the Shire of Bridgetown-Greenbushes Cemeteries Local Law.

**1.2 Interpretation**

(1) In this local law unless the context otherwise requires:

“**Act**” means the *Cemeteries Act 1986*

“**Application as to assistance animals**” this local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2);

“**ashes**” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“**authorised officer**” means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

“**Board**” means the Shire of Bridgetown-Greenbushes;

“**cemetery**” means any cemetery which the Governor by order has vested under the care, control and management of the Board.

“**CEO**” means the chief executive officer for the time being, of the Board;

“**Funeral Director**” means a person holding a current funeral director’s licence;

“**monumental mason**” means a person holding a current monumental mason’s licence;

“**personal representative**” means the administrator or executor of an estate of a deceased person;

“**set fee**” refers to fees and charges set by a resolution of the Board and published in the Government Gazette, under section 53 of the Act;

“**single funeral permit**” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit.

- (2) Unless otherwise defined herein the terms and expressions used in this local law are to have the meaning given to them in the Act.

### **1.3 Repeal**

The following local law is repealed:

Greenbushes Public Cemetery (Reserve No 10819) published in the Government Gazette on 26 November 1976.

## **PART 2 - ADMINISTRATION**

### **2.1 Powers and Functions of CEO**

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

## **PART 3 - APPLICATION FOR FUNERALS**

### **3.1 Application for Burial**

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

### **3.2 Applications to be Accompanied by Certificates etc**

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

### **3.3 Certificate of Identification**

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless:
- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed;
  - or
  - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.
- (2) A Funeral Director shall complete a certificate in the form determined by the Board from time to time, where:
- (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
  - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,

then the Funeral Director shall complete a certificate in the form determined by the Board from time to time.

### **3.4 Minimum Notice Required**

All bookings to hold a funeral shall be made with the Board at least forty-eight hours prior to the time proposed for burial on the application. An extra charge will be made for bookings made less than forty-eight hours.

## **PART 4 - FUNERAL DIRECTORS**

### **4.1 Funeral Director's Licence Expiry**

A funeral director's licence shall expire on the 30th day of June in each year.

### **4.2 Single Funeral Permits**

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

### **4.3 Application Refusal**

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

## **PART 5 - FUNERALS**

### ***Division 1 - General***

### **5.1 Requirements for Funerals and Coffins**

A person shall not bring a dead body into the cemetery unless:

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid;  
and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

### **5.2 Funeral Processions**

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates.



### **5.3 Vehicle Entry Restricted**

- (1) Subject to clause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery except when approved by the Board.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

### **5.4 Vehicle Access and Speed Limitations**

Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

### **5.5 Offenders may be Expelled**

A person committing an offence under clause 5.4 may be expelled from the cemetery by the CEO or an authorised officer.

### **5.6 Conduct of Funeral by Board**

When conducting a funeral under section 22 of the Act the Board may:

- a) require a written request for it to conduct a funeral to be lodged with it;
- b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- d) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

## ***Division 2 - Placement of Ashes***

### **5.7 Disposal of Ashes**

- (1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods:
  - Niche Wall
  - Memorial Rose, Tree or Shrub
  - Family Grave
  - Scattering to the Winds
  - Memorial Gardens
  - Other memorials approved by the Board
- (2) Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided:

- (a) the person requesting the placement of the ashes has the permission of the Board; and
  - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

## **PART 6 - BURIALS**

### **6.1 Depth of Graves**

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is –
- (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
  - (b) in any circumstances less than 600mm.
- (2) The permission of the authorised officer in sub-clause (1) (a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

## **PART 7 - MEMORIALS AND OTHER WORK**

### *Division 1 - General*

#### **7.1 Application for Monumental Work**

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

#### **7.2 Placement of Monumental Work**

Every memorial shall be placed on proper and substantial foundations.

#### **7.3 Removal of Rubbish**

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

#### **7.4 Operation of Work**

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

#### **7.5 Removal of Sand, Soil or Loam**

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

## **7.6 Hours of Work**

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

## **7.7 Unfinished Work**

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

## **7.8 Use of Wood**

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without the prior approval of the Board.

## **7.9 Plants and Trees**

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

## **7.10 Supervision**

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

## **7.11 Australian War Graves**

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves:

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

## **7.12 Placing of Glass Domes and Vases**

A person shall not place glass domes, vases or other grave ornaments:

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

### ***Division 2 - Lawn Section***

## **7.13 Numbering of Monuments**

Any monument for a grave coming into the Cemetery is to have the grave number inscribed in the foot kerb or on the bottom left or right hand corner of the headstone

#### **7.14 Specification of Monuments**

- (1) All monuments in the lawn section of a cemetery shall:
  - (a) be made of natural stone; and
  - (b) be placed upon a base of natural stone; and
  - (c) comply with the following specifications:
    - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05m;
    - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
    - (iii) the width of the base of the monument shall not exceed 1.20m;
    - (iv) the depth of the base of the monument shall not exceed 300mm; and
  - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

#### **7.15 Headstones**

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

### ***Division 3 - Memorial Plaque Section***

#### **7.16 Requirements of a Memorial Plaque**

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall:
  - (a) be made of admiralty bronze or any other material approved by the Board; and
  - (b) not be less than the dimensions 380mm x 280mm, nor more than 560mm x 305mm; and
- (2) All memorial plaques made of admiralty bronze shall:
  - (a) not exceed 20mm in thickness; and
  - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall:
  - (a) not exceed 50mm in thickness placed upon a base mounting approved by the Board; or
  - (b) not be less than 100mm in thickness if it is not to be placed upon a base mounting.

## ***Division 4 - Licensing of Monumental Masons***

### **7.17 Monumental Mason's Licence**

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under sub-clause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

### **7.18 Expiry Date, Non-Transferability**

A monumental mason's licence:

- (a) shall, subject to clause 7.21, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

### **7.19 Carrying out Monumental Work**

A person shall not carry out monumental work within the cemetery unless that person:

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.17 or does so as the employee of a person who holds such a licence; or
- (b) is authorised by the Board to do so.

### **7.20 Responsibilities of the Holder of a Monumental Mason's Licence**

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

### **7.21 Cancellation of a Monumental Mason's Licence**

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds:
  - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
  - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
  - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

## **PART 8 - GENERAL**

### **8.1 Animals**

Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

### **8.2 Assistant Animals**

This local law is subject to any written law and law of the commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

### **8.3 Damaging and Removing of Objects**

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

### **8.4 Withered Flowers**

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

### **8.5 Littering and Vandalism**

A person shall not:

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

### **8.6 Unauthorised Advertising or Conduct of Business**

No person shall advertise or conduct business, trade or profession without the written permission of the Board. Any person granted approval must comply with all conditions imposed by the Board.

### **8.7 Obeying Signs and Directions**

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

### **8.8 Removal from the Cemetery**

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

## **PART 9 - OFFENCES AND MODIFIED PENALTIES**

### **9.1 General**

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a

continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

## **9.2 Modified Penalties**

- (1) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the First Schedule is set out in the fourth column of the First Schedule.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Second Schedule.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in the Third Schedule.

**First Schedule**  
Cemeteries Act, 1986

**Shire of Bridgetown-Greenbushes**  
**SHIRE OF BRIDGETOWN-GREENBUSHES CEMETERIES LOCAL LAW**

**Modified Penalties**

<b>Item No.</b>	<b>Clause</b>	<b>Nature of Offence</b>	<b>Modified Penalty</b>
1	5.4	Excessive speed	\$50.00
2	5.4	Unauthorised use - driving of vehicles	\$50.00
3	7.3	Placing and removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	8.1	Animal at large	\$50.00
6	8.5	Dumping of Rubbish	\$50.00
7	8.6	Unauthorised advertising, and/or trading	\$50.00
8	8.7	Disobeying sign or lawful direction	\$50.00
9		All other offences not specified	\$50.00



**Second Schedule**  
 Cemeteries Act, 1986  
**Shire of Bridgetown-Greenbushes**  
**SHIRE OF BRIDGETOWN-GREENBUSHES CEMETERIES LOCAL LAW**  
 Infringement Notice

TO: \_\_\_\_\_  
 (Name)  
 \_\_\_\_\_  
 (Address)  
 \_\_\_\_\_

It is alleged that at \_\_\_\_\_ : \_\_\_\_\_ hours on \_\_\_\_\_ day  
 of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_  
 \_\_\_\_\_

you committed the offence indicated below by an (x) in breach of clause ..... of the Shire of Bridgetown-Greenbushes Cemeteries Local Law

\_\_\_\_\_  
 (Authorised Person)

- Offence
- Animal at large
  - Dumping rubbish
  - Excessive speed in vehicle
  - Leaving uncompleted works in an untidy or unsafe condition
  - Non removal of rubbish
  - Unauthorised advertising or trading
  - Unauthorised vehicle use
  - Disobeying sign or lawful direction

Other Offence \_\_\_\_\_  
 \$ \_\_\_\_\_

You may dispose of this matter:  
 By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Bridgetown-Greenbushes at 1-3 Steere Street, Bridgetown WA 6255 between the hours of 9am to 4.30pm Monday to Friday.

Please make cheques payable to Shire of Bridgetown-Greenbushes. Payments by mail should be addressed to:  
 The Chief Executive Officer  
 Shire of Bridgetown-Greenbushes  
 1-3 Steere Street  
 BRIDGETOWN-GREENBUSHES WA 6255

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

**Third Schedule**  
Cemeteries Act, 1986  
**Shire of Bridgetown-Greenbushes**  
**SHIRE OF BRIDGETOWN-GREENBUSHES CEMETERIES LOCAL LAW**  
Withdrawal of Infringement Notice

No. \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

---

To (1) \_\_\_\_\_

Infringement Notice No \_\_\_\_\_ dated \_\_\_\_/\_\_\_\_/\_\_\_\_ for the alleged offence of (2)

---

Penalty (3) \$ \_\_\_\_\_ is withdrawn.

(Delete whichever does not apply)

\* No further action will be taken.

\* It is proposed to institute court proceedings for the alleged offence.

-----

(1) Insert name and address of alleged offender.

(2) Insert short particulars of offence alleged.

(3) Insert amount of penalty prescribed.

\_\_\_\_\_  
(Authorised Person)

<b>POLICY NO.</b>	M.38
<b>POLICY SUBJECT</b>	Concept Forums
<b>ADOPTION DATE</b>	

### Background

The Department of Local Government, Sport and Cultural Industries and Communities (via Operational Guideline Number 05) acknowledges that many local governments, especially those in rural areas, need from a time management viewpoint to introduce procedures such as the holding of forums - as councillors need an opportunity to discuss issues within the freedom of a forum rather than in a formal Council meeting.

The forum approach has allowed the ordinary meeting of council to focus on the decision-making needs of the local government, leading to better informed elected members and a more efficient and effective decision-making regime.

### Frequency of Concept Forums

Concept forums will be held once per month excluding the months of January and December each year and the month of October every 2<sup>nd</sup> year, coinciding with ordinary local government elections.

### Subject Matter of Concept Forums

Concept forums involve councillors and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Councillors and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include –

- Discussion on current matters of a local or regional significance;
- Discussion on matters relating to the future development of the local government;
- Discussion on significant revenue-raising requirements or expenditure needs;
- Development of internal strategic, planning, management and financial documents, including the annual budget;
- Discussion on governance processes and effectiveness;
- The brainstorming of ideas;
- Policy development and direction (but not adoption); and
- Breaking down of complex issues scheduled to come before Council in the medium to longer term

### Guidelines for the Operation of Concept Forums

1. Concept Forums are not a decision-making process. Formal decisions are still to be referred to the Council meeting.
2. Concept Forums are held behind closed doors (not open to the public) and operate in a relatively informal manner. Holding these meetings behind closed

doors is justified, as many of the ideas and concepts are preliminary. Privacy and informality allows Councillors to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views.

3. Concept Forums are to be chaired by the Shire President or in his/her absence by the Deputy Shire President. If both the President and Deputy President aren't in attendance the balance of the councillors present are to elect a chair for the forum.
4. To facilitate participation and the exchange of ideas formal standing orders will not apply to Concept Forums apart from being used as a general guide to Councillor conduct in conjunction with the Shire's Code of Conduct and Rule of Conduct Regulations. Councillors with a conflict of interest either financial, proximity or affecting impartiality should disclose and absent themselves from any discussions by leaving the meeting room.
5. Minutes of Concept Forums are not compiled however the CEO (or his/her delegate) is to ensure that appropriate notes are taken in order to record the general thrust of discussion – noting again that no decisions are made at these forums. These notes do not represent the formal views of the Council with any subsequent decisions being made at a Council meeting or under delegated authority. The findings of the forums will however provide direction to staff in presenting future reports to Council on those specific issues.



Government of **Western Australia**  
Department of **Local Government and Communities**

# Local Government Operational Guidelines

Number 05 – January 2004

## Council Forums

## 1. Introduction

Over recent years many local governments have introduced procedures that allow elected members and officers to meet and discuss matters relating to the operation and affairs of their local government outside of the formal council meeting framework. This has been done through an informal meeting process that has been given a range of titles including briefing or [information sessions](#), [workshops](#) and [corporate discussions](#). For the purposes of this guideline the term “forum” will be used to encompass such meetings.

The forum approach has allowed the ordinary meeting of council to focus on the decision-making needs of the local government. Many local governments that have adopted the forum process in preference to standing committees claim that it has led to better informed elected members and a more efficient and effective decision-making regime. This guideline is designed to assist those local governments that do conduct forums by listing appropriate procedural and behavioural controls. The adoption of such controls should reassure the community that the council decision-making mechanisms are accountable, open and transparent.

Local government forums range from one-off events discussing a particular issue through to regular, structured meetings, albeit not convened under the auspices of the *Local Government Act 1995* (the Act). This guideline is intended to address those forums that are held on a regular basis.

While acknowledging that regular forums are invaluable and legitimate, the Department advises that the conduct of such has generated complaints regarding the potential for a reduced level of transparency in the decision-making process and hence a reduction in accountability to and involvement by the community. Local governments need to make a clear distinction between forums and the formal debate and decision-making process.

It is recognised that local governments may conduct other sessions or workshops which would include items such as team building exercises, strategic planning workshops and community input forums. It is not intended that these guidelines would necessarily be applied to such sessions, but some of the suggested procedural controls may have relevance.

Issues relating to council forums that are addressed in these guidelines include:

- accountability;
- openness and transparency;
- probity and integrity;
- authority for the presiding person;
- participation by elected members and staff;
- proposals under Town Planning Schemes;
- formulating management documents; and
- forums immediately prior to an ordinary meeting of council.

## 2. Principles of the Act

Part 5 of the Act sets out the framework whereby elected members meet as the governing body for the purpose of decision-making on behalf of the local government.

It is an intention of the Act that councils conduct business and make decisions –

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

The Act establishes ordinary, special and committee meetings. Each council must decide the meeting structure it will adopt within the legal framework for it to achieve the most efficient and effective decision-making process. It is a legal requirement that all decisions made on behalf of the local government are to be made at meetings called and convened under the provisions of the Act.

In addition to ordinary and special meetings, elected members can meet as a committee, membership of which may vary in number from three to all members of council. Committees can discuss matters and make recommendations to the council or, if given delegated authority by the council, can make decisions on its behalf. A council does not need to have committees and can have all matters presented to it directly for decision. A recent trend has been

for councils to abolish the system of standing committees or limit the number and/or range of committees and adopt a forum approach.

## 3. Council Forums

Local government forums range from a once-only event to discuss and explore a particular issue, a number of sessions to address matters such as a specific project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives.

Regular forums run in local governments exhibit two broad categories which we have titled agenda and concept. They are differentiated by the stage of development of issues which are discussed by elected members and staff. The two types are described below along with the variations in procedural controls and processes suggested for each.

### Concept Forums

Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Elected members and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include –

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

Discussion on such proposals in a public forum would be counter-productive. Privacy and informality allows elected members to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views.

The privacy and informality of concept forums also has pitfalls including the risk of neglecting proper standards of probity and public accountability. Over time, participants can become too familiar, and therefore more lax, with the procedure and purpose of the meeting. Unless procedures are adopted and rigorously applied to these forums, there is a danger that collective or collaborative decisions may be made, implied and otherwise.

## Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members. Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed [agenda forums](#). It is considered they are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that [agenda forums](#) are run with strict procedures.

## 4. Principles Governing Procedural and Behavioural Controls for Forums

Local governments that conduct forums or are considering doing so have the right to implement a forum system that best suits their needs. The principles and associated procedures set out below, if adopted by local governments when conducting



forums, will ensure that all requirements of accountability, openness and transparency are satisfied.

The identified principles and associated procedures are accountability, openness and transparency, probity and integrity, authority for the chair and meeting notification. Each of these is explained below.

### **Accountability**

The Act requires that ordinary and special council meetings and committee meetings that have delegated authority must be open to the public. Most local governments also open committee meetings even where there is no delegated authority. This openness allows the community to view the decision-making process from the time an issue is first presented to elected members through to the final decision.

There must be no opportunity for a collective council decision or implied decision that binds the local government to be made during a forum.

Agenda forums should be for staff presenting information and elected members asking questions, not opportunities to debate the issues. A council should have clearly stated rules that prohibit debate or vigorous discussion between elected members that could be interpreted as debate. Rules such as questions through the chair and no free-flowing discussion between elected members should be applied.

If there is minimum debate in the ordinary meeting because the elected member attitudes have been established through the item being thoroughly canvassed in the [agenda forum](#) then the community

is denied the opportunity to witness any debate and understand how the council reached its decision. Other concerns relate to elected members agreeing on movers, seconders and/or amendments. Such an approach must not be allowed by the council whether the [agenda forum](#) is open or closed to the public but a closed forum will almost certainly generate a perception by the community of secret meetings where the decisions are made beyond public scrutiny.

Councils, when considering conducting closed forums, need to consider their reasons for justification against the likely damage to their public standing from the perception of secrecy. A policy that the forums will generally be open to the public will make a significant contribution to the community perception of council accountability. A clearly delineated distinction between agenda and concept forums is important for these reasons.

### **Openness and Transparency**

A significant strength of local government is the openness and accessibility of its processes to the community. In conducting forums each local government should make a conscious decision to promote the community perception that it embraces the concept of openness and transparency. Therefore, whenever appropriate, forums should be open to the public.

### **Probity and Integrity**

The legislation provides that in ordinary meetings and committee meetings elected members must disclose conflicts of interest and exclude themselves from proceedings where they have a financial interest.

Disclosure in forums is a matter of ethics. The disclosure requirements only apply to meetings that are convened under the provisions of the Act. Elected members can legally participate at forums without being in breach of the legislation even where they have a clear financial interest or conflict of interest. Such participation is ethically unacceptable and is clearly at odds with the probity and accountability principles of the Act and codes of conduct. It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all forums. Disclosure should lead to an individual departing the forum.

### **Authority for the Chair**

Many councils have established a forum process without specifying how the forums should be chaired and what authority the chair is given to control proceedings. In some local governments, the CEO chairs the forums in certain circumstances. This latter approach is not supported because it confuses the roles and relationships established in the Act.

It is recommended that the mayor or president or, if appropriate, another elected member, chairs all forums that involve elected members. Properly managed forums rely on strength and leadership from the chair. Therefore, a forum's chair should be supported by established rules similar to the standing orders that apply to formal meetings.

### **Meeting Notification**

The provisions of the Act are designed to ensure that members are given timely notice of, and information for, council and committee meetings. Formal provisions

do not apply to forums but the principles remain the same. Adequate notice needs to be given of the time, location and content of the forum.

The forum process is most successful in those local governments where forums are held on a regular basis such as on the alternative weeks to the ordinary council meeting (where they are held fortnightly) or a week before the ordinary council meeting. By setting the dates for forums well in advance, elected members, staff and the community can plan for their attendance.

Forums that are organised without adequate notice or a proper agenda are often poorly attended and inefficiently run. This will be detrimental to the purpose of the forum.

## **5. Particular Issues of Concern in the Forum Process**

There are a number of concerns relating to the content and conduct of forums. These are set out below. Councils need to be aware of these and take action to overcome the concerns if such apply to them.

### **Dealing With Proposals Under the Town Planning Scheme**

The discretion available to council when making decisions under the Act is not always available when making decisions under town planning legislation. When a council is dealing with town planning matters, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority (ie Western Australian Planning Commission) and an elected member the

role of a planning commissioner. Council is not only constrained by the conditions of its Town Planning Scheme but also by the relevant State Acts.

Decision-making in town planning matters requires the decision-maker to maintain a high degree of independence from the process leading up to the decision being made. The elected member needs to be in a position of being able to make his or her decision after taking into account the relevant and material facts and circumstances as presented to all fellow elected members. These same comments apply whether councils do or do not work with specialist planning committees. Elected members need to be wary of involvement in the lead-up process to a certain decision, especially as a sole agent or member of a small group and being subjected to information from the developer or parties associated with the developer. This may be interpreted as reducing the independence of the decision-maker.

Councils will often have briefings relating to development issues and these are important in terms of the elected members becoming fully informed on the matter on which they have to vote. The nature of the decision means that briefing sessions involving planning matters should be conducted with the strictest of rules. There should be no implication of debate between elected members; the session should primarily involve information being given by the relevant officer and other parties with questions from the floor directed through the chair. In cases where an elected member has relevant information on a development matter to be conveyed to the meeting, it must be done through the chair so that all decision-makers are privy to that information.

## **Formulating Management Documents**

Many local governments prepare their management documents, such as budgets, plans for the future and policy manuals, through a forum process. In many cases this involves a number of forums to which all elected members are invited and the public are excluded. Such forums are not set up under the auspices of the Act. There are no formal decisions made as in due course the documents are adopted at a formal meeting of council. Nevertheless, as the forums proceed and the document is developed, some issues are included, some are discarded and others may need further research by staff. If records of the matters discussed at the forums are not kept, development stages of the documents will be uncertain and hence any orderly progress inhibited. Additionally, the process may lack accountability and the probity of elected members and staff could be challenged. Change of membership of the group by either staff or elected members would again place doubt on the validity of the process.

A more suitable procedural process for the development of management documents would be the formal establishment of a committee under the Act with that assigned purpose. Although the committee meetings, if no power or duty has been delegated to the committee, are not required by legislation to be open to the public, the integrity of the process is protected by the legislative requirement for the agenda and minutes to be available for public inspection. Such committees, upon completion of their assigned task(s), could be wound up or reconvened the following year when the task was again required. Examples would be a committee reviewing standing orders and a "Budget

Committee". The former would be wound up upon submission of its report to council. The "Budget Committee" would be an ongoing but occasional committee which would meet each year from (say) March to early July.

Some committees could have a select and limited membership whereas others (such as the budget committee) could include all elected members.

### **Forums Immediately Prior to an Ordinary Meeting of Council**

Some local governments hold forums immediately prior to ordinary council meetings. Anecdotal evidence suggests that in discussing the agenda of the forthcoming meeting at such forums implied decisions may be made. This familiarity with the issues and known attitudes can lead to debate at the ordinary council meeting being stifled or non-existent much to the chagrin of the public who are not privy to the earlier discussions. Forums held immediately prior to ordinary council meetings cause more complaints of secret meetings and predetermined decisions than any other type of forums.

Pre-meeting forums may be beneficial where an elected member has additional or alternative information to that contained in a staff report which may be controversial or cause problems within the ordinary meeting at the time the item is discussed. Certainly, it is an advantage for the CEO, council and particularly the presiding member to be aware of potential problems in the forthcoming ordinary meeting. While a pre-meeting forum provides the opportunity to inform others of the potential problem it would be preferable to raise the matter with likely concerned

parties such as the presiding member, CEO and reporting officer much earlier than immediately before the meeting. Early advice will give those concerned the opportunity to undertake action to address the identified problems.

It is recognised that with many local governments, especially those that are in rural locations, the timing of the pre-meeting forum is understandable in that the elected members can only get together once a month because of travel time and they need an opportunity to discuss issues with the freedom of a forum.

After consideration of these issues, it is recommended that if a council determines that the only time available for a forum is prior to an ordinary council meeting and it is to be closed to the public, then it be established as a **concept forum** and reference to the forthcoming agenda should be prohibited unless a special circumstance is conveyed to the presiding member. An example of a special circumstance would be information additional to, or contradicting the staff report which is likely to lead to non-adoption or significant variation of the recommendation and it has not been possible to convey such information at an earlier time. Adoption of the **concept forum** approach means elected members needing additional information or explanations from staff on forthcoming agenda items will have to make alternative arrangements to meet their requirements.

The adoption of such rules on pre-meeting forums should be conveyed to the public. Advice of the conducting of such a forum and its general content at the ensuing ordinary meeting will reinforce the openness and accountability of council.

## 6. Forums that Incorporate Both Concept and Agenda Items

Many local governments will run only one forum and it will cover both agenda items to be addressed at the next council meeting and wide-ranging concept issues. It is suggested that the different requirements of the two types are recognised and they be categorised as such in the forum agenda. The most important aspect is that the presiding person apply appropriate procedures regarding debate and discussion between elected members when agenda items are being covered.

Such forums should also be open to the public.

## 7. Model Procedures for Forums

Before introducing, or continuing with forums, councils have a responsibility to weigh carefully the risks as well as the benefits associated with such a process and consider if there are better, alternative ways of achieving the desired outcomes.

Councils that hold forums should adopt meeting rules and processes to ensure that proper standards of probity and public accountability are adhered to. Particular emphasis must be placed on ensuring that there is no decision-making during these forums and that this is rigidly enforced.

### Procedures Applying to Both Concept and Agenda Forums

The Department recommends that councils adopt a set of procedures for both types of forums which include the following –

- Dates and times for forums should be set well in advance where practical;
- The CEO will ensure timely written notice and the agenda for each forum is provided to all members;
- Forum papers should be distributed to members at least three days prior to the meeting;
- The mayor/president or other designated elected member is to be the presiding member at all forums;
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed;
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meeting room;
- There is to be no opportunity for a person with an interest to request that they continue in the forum; and
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

### Procedures Specific to Concept Forums

The Department recommends that councils adopt specific procedures for [concept forums](#) which include the following –

- Concept forums may be open to the public when an issue is being discussed that council believes would benefit from public awareness and debate;

- Discussion between members is to be limited to those issues which are in the preliminary development stages. Items already listed on a council meeting agenda are not to be discussed; and
- As discussion items are not completely predictable there is to be some flexibility as to disclosures of interest. A person may disclose an interest at the time discussion commences on an issue not specifically included on the agenda.

### Procedures Specific to Agenda Forums

The Department recommends that councils adopt specific procedures for [agenda forums](#) which include the following –

- Agenda forums should be open to the public unless the forum is being briefed on a matter for which a formal council meeting may be closed;
- Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings (or period deemed appropriate);
- Briefings will only be given by staff or consultants for the purpose of ensuring that elected members and the public are more fully informed; and
- All questions and discussions will be directed through the chair. There will be no debate style discussion as this needs to take place in the ordinary meeting of council when the issue is set for decision.

## 8. General Discussions in Councils Without Forums

Travel and time constraints mean that many councils can convene for a limited time; for many, only one day per month. As a result, some local governments have continued with the traditional ordinary meeting format where the decision-making is combined with wide-ranging discussion on other matters. A major problem with this approach is that the wide-ranging discussions result in meetings continuing for long periods of time.

There are benefits to elected members, the public and the staff if the issues requiring decision are dealt with during one continuous stage early in the meeting.

Elected members can have more effective broad ranging discussion during the same time frame as the traditional council meeting with a revised structure. It is suggested a better format would be for the ordinary meeting to be closed as soon as the required decisions have been made. The general discussions would then be pursued in a [concept format](#) environment. The advantages of this approach are the opportunity for councillors to discuss issues of concern in an informal environment.

## 9. Summary

With most local governments, elected members need opportunities to discuss issues outside of the formal ordinary meeting process. The Department acknowledges this approach because those elected members that have the maximum opportunities for input will obtain the greatest satisfaction emanating from their time in local government.

The opportunity for input can be best gained through forums or committees of the full council.

Councils that wish to hold forums of either the concept or [agenda type](#) are encouraged to adopt rules and processes that are in line with these guidelines. This will assist with openness and accountability, minimise public criticism and lead to a more effective and efficient local government.

These guidelines are also available on the Department's website at [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)



### **About the Guideline series**

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

### **Department of Local Government and Communities**

Gordon Stephenson House, 140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone: (08) 6551 8700 Fax: (08) 6552 1555

Freecall (Country only): 1800 620 511

Email: [info@dlgc.wa.gov.au](mailto:info@dlgc.wa.gov.au) Website: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

Translating and Interpreting Service (TIS) – Tel: 13 14 50





## FREEDOM OF INFORMATION ACT

### 2018 INFORMATION STATEMENT

---

#### Contents

Introduction .....	2
Our Vision and Goals .....	2
Shire Profile .....	2
Legislative Framework .....	2
Local Laws .....	3
Shire of Bridgetown-Greenbushes Structure .....	3
Council Structure .....	3
Committees of Council .....	3
Management Structure .....	4
Decision making by the Shire .....	5
Policies & Delegation of Authority .....	5
Public participation in the decision making process .....	5
Council Meetings .....	5
Public Question Time .....	5
Standing Committee .....	6
Petitions .....	6
Deputations .....	6
Comments on Agenda Items by Parties with an Interest .....	6
Annual General Meeting of Electors .....	6
Special Meetings of Electors .....	7
Community Consultation and Participation .....	7
Documents held by the Shire of Bridgetown-Greenbushes .....	7
FOI Procedures .....	8
Freedom of Information Applications .....	8
Freedom of Information Charges .....	8
Access Arrangements .....	9
Notice of Decision .....	9
Refusal of Access .....	9
Further information .....	9
Appendix 1 – List of legislation administered by the Shire .....	10
Appendix 2 – FOI Application .....	11

## Introduction

The Western Australian Freedom of Information Act 1992 is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

Under Part 5 of the Freedom of Information Act 1992, the Shire of Bridgetown-Greenbushes is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement, and is correct as at April 2018. A copy of the Statement can be accessed via the Shire's website at <http://www.bridgetown.wa.gov.au>

## Our Vision and Goals

### Our Vision

'A beautiful place to live'

Working together with the community to achieve our shared objectives

### Our Goals

- Our economy will be strong, diverse and resilient
- Our natural environment is valued, conserved and enjoyed
- Our built environment is maintained, protected and enhanced
- A community that is friendly and welcoming
- Our leadership will be visionary, collaborative and accountable

## Shire Profile

Located in the heart of the Blackwood River valley, the Shire of Bridgetown-Greenbushes is able to boast beautiful scenery, stunning heritage buildings, extensive forests, national parks, wineries and heritage walk trails. The district includes the heritage town of Bridgetown, the town of Greenbushes with a long and proud mining history and other localities such as Catterick, Hester, Hester Brook, Kangaroo Gully, Kingston, Maranup Ford, North Greenbushes, Sunnyside, Wandillup, Winnejup and Yornup.

The town of Bridgetown is located approximately 268 kilometres south of Perth and 95 kilometres south of Bunbury and Greenbushes is located 17 kilometres north of Bridgetown. The district is bordered by the Shires of Boyup Brook to the north and east, Manjimup to the South, Nannup to the west and Donnybrook-Balingup to the north.

As at February 2017 the Shire of Bridgetown-Greenbushes has an estimated population of 4,643 and covers 1,691 km<sup>2</sup> of agricultural farmland, State forest and national parks, mining leases, Crown land and townsites. The majority of the Shire is within the Blackwood River catchment area.

## Legislative Framework

The operations of local government in Western Australia are governed by the *Local Government Act 1995 (LG Act)*, the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments. A non-exhaustive list of legislation administered by the Shire is provided at Appendix 1 to this document. This list is not exhaustive or comprehensive and may not be current, confirmation of current Acts and Regulations by referring to the State Law Publisher at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) is recommended.

## Local Laws

Under the LG Act the Shire has the power to make and administer local laws in relation to matters which come under its functions as set out in the LG Act or other written law which expressly applies to local government. Local laws regulate and relate to activities which may be conducted within the area of the Shire.

The Shire's Local Laws include;

- Activities in Thoroughfares and Trading in Thoroughfares and Public Places
- Bush Fire Brigades
- Cemeteries
- Dogs
- Fencing
- Health
- Keeping & Welfare of Cats
- Local Government Property
- Parking and Parking Facilities
- Pest Plants
- Standing Orders

## Shire of Bridgetown-Greenbushes Structure

The Shire of Bridgetown-Greenbushes provides a wide range of services and facilities for its ratepayers, residents and visitors to the Shire. The Shire has a role in the management, improvement and development of the resources within its area so as to create a safe and pleasant environment for its community.

### Council Structure

Councillors are elected from the community to serve their community in a voluntary capacity. The Council acts as a community board, establishing policies and making decisions within the rules of the Local Government Act 1995 on a wide range of issues affecting the community.

Local Government elections are held every two years to fill vacancies which occur as elected members conclude their four year term of office. Following the elections, a special meeting is held whereby newly elected Councillors are sworn into office. Following this swearing-in ceremony, an election takes place to fill the positions of Shire President and Deputy President for the ensuing two year period.

The Council of the Shire of Bridgetown-Greenbushes consists of 9 elected members (Councillors) being represented in Wards as follows:

- South Ward – 7 representatives
- North Ward – 2 representatives

### Committees of Council

To assist its work load and processes, Council can elect to establish Committees. The following Committees of Council have been established in accordance with Section 5.8 of the Local Government Act 1995 to assist Council achieve its objectives. The Term of Office for Committees established by Council is generally two years (or less) with the expiry date being tied to Local Government Elections.

The following Committees currently assist Council in achieving its objectives:

- Access & Inclusion Advisory Committee
- Audit Committee
- Bush Fires Advisory Committee
- CEO Performance Review Committee
- Emergency Planning and Preparedness Advisory Committee
- Local Emergency Management Committee
- Local Laws, Strategy, Policy & Organisation Development Standing Committee
- Roadwise Advisory Committee
- Sustainability Advisory Committee
- Trails Development Advisory Committee
- Youth Services Advisory Committee

In addition to Committees established under the Act, the Council appoints Working Groups from time to time to consider specific issues or projects. Generally the membership of a Working Group consists of elected members and staff however members of the public may also be appointed if considered necessary. Working Groups have no delegated authority and provide recommendations to Council.

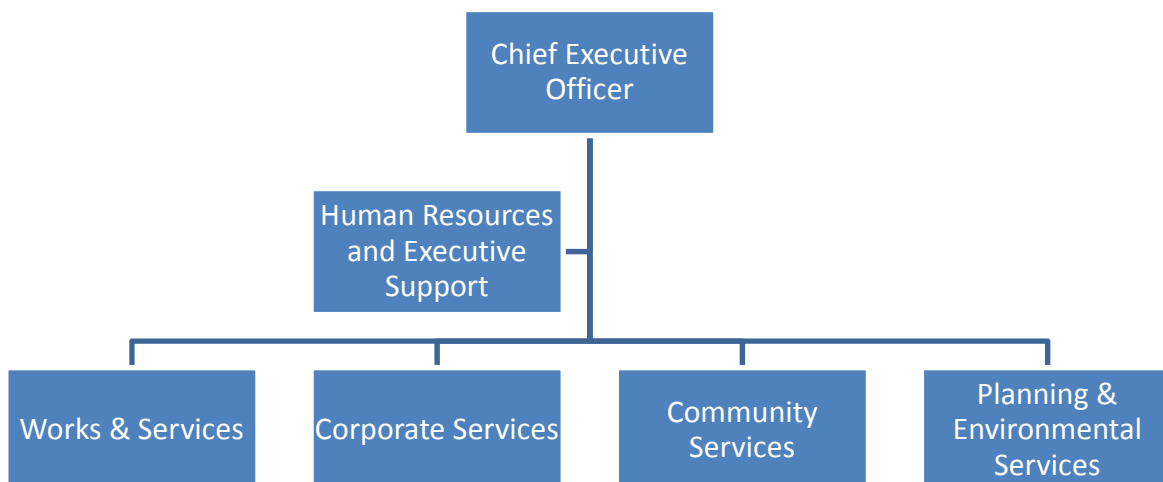
The following Working Groups currently assist Council in achieving its objectives:

- Community Grants & Service Agreements Working Group
- Bridgetown Cemetery Upgrade Working Group
- Bridgetown Sesquicentennial Working Group

### Management Structure

The operations of the Shire and implementation of Council decisions are managed by the Chief Executive Officer who is supported by an Executive Management Team.

A visual overview of the management structure of the Shire is below. Executive Managers head up the Works & Services, Corporate Services and Community Services directorates with Planning & Environmental Services reporting to the Chief Executive Officer.



## Decision making by the Shire

The Council makes decisions which direct and/or determine the activities of the organisation as administered by the CEO. In addition, the Council:

1. Determines the type, range and scope of projects to be undertaken by the Shire;
2. Develops comprehensive strategic plans, budgets, financial controls and performance objectives and indicators for the operations of the Shire; and
3. Develops and adopts policies to be applied on the Council's behalf by the CEO.

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

### Policies & Delegation of Authority

Council adopts Policies on a variety of issues to act as a guide for Officers of the Shire of Bridgetown-Greenbushes. Policy Manuals have been developed and distributed to Councillors and Officers to assist in the decision making process. In addition, the CEO has delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in a Register and (along with Policies) are reviewed on an annual basis in keeping with the legislative requirement. These are both public documents and can be viewed on the Shire's website at [www.bridgetown.wa.gov.au/your-shire/publications](http://www.bridgetown.wa.gov.au/your-shire/publications).

## Public participation in the decision making process

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as comment on the performance of the Shire's functions.

### Council Meetings

The Council meets on the last Thursday in each month (excepting December) and encourages members of the public to be in attendance. A 'public question time' segment is held at the commencement of each Ordinary Meeting of Council to allow the public a forum in which they may raise questions regarding Agenda Items or other issues affecting the community.

Agendas for Ordinary Meetings of Council are posted on the website and are available for inspection at the Bridgetown Regional Library from the Friday in the week prior to Council meeting day.

On occasions there may be a Special Meeting of Council if a matter of particular urgency arises. Any notice of Special Meeting or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

### Public Question Time

To assist members of the public to participate in the decision making process of the Shire, Public Question Time is available for a period of 15 minutes at the commencement of each Ordinary Council. Members of the public with questions are asked to write down their question with their name and address, and to read their question aloud.

The question will either be responded to, taken on notice or not accepted by the Presiding Officer. If a question is taken on notice then it will be recorded and a written response provided to the

questioner by the CEO as soon as possible, and a copy of the response included in the agenda of the next meeting of the Council.

### Standing Committee

Council's Local Law, Strategy, Policy & Organisation Development Standing Committee meets on the second Thursday of each month excepting December and January when no meetings are held. Members of the public are welcome to attend the Standing committee meetings.

Note: Council has suspended operation of its Standing Committee for a six month trial period commencing May 2018.

### Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the President and made by registered electors of the Shire of Bridgetown-Greenbushes. The petition must state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. The petition must also contain a summary of the reasons for the request and state the name of the person upon whom, and address at which, notice to the petitioners can be given.

Further details regarding the requirements for petitions can be found in the Shire of Bridgetown-Greenbushes Standing Orders Local Law.

### Deputations

Persons wishing to make a deputation to the Council or a committee are to apply in writing to the CEO outlining the subject matter to be raised by the deputation. On receiving such a request the CEO shall notify the President, or the presiding member if the deputation is to be made to a committee, who may elect to invite the deputation to attend.

All requests for a deputation should be marked for the attention of the Chief Executive Officer and may be:

- posted to PO Box 271, Bridgetown, WA 6255; or
- hand delivered to the reception of the Shire of Bridgetown-Greenbushes Administration Building, 1 Steere Street, Bridgetown; or
- faxed to (08) 9761 2023; or
- e-mailed to [btnshire@bridgetown.wa.gov.au](mailto:btnshire@bridgetown.wa.gov.au)

### Comments on Agenda Items by Parties with an Interest

At a Council or Standing Committee meeting persons with a relevant interest in an item included in the agenda of the meeting are able to address the meeting. The determination of whether a person has an interest in an agenda item is made in accordance with Clause 3.4.3 of the Shire of Bridgetown-Greenbushes Standing Orders Local Law and includes applicants, representatives of applicable organisations, adjacent property owners, authors of submissions or any person in the opinion of the presiding member at the meeting that has a significant direct interest (not including an interest common to all or a significant number of the community).

### Annual General Meeting of Electors

In addition to its Ordinary Meetings, Council also holds an Electors Meeting during each financial year and includes the presentation of the Annual Report and the Annual Financial Report & Auditors Report.

## Special Meetings of Electors

In accordance with Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors may be held following a request made to the President for such a meeting by:

- not less than one hundred electors or 5% of the number of electors, whichever is the lesser; or
- one third of the number of council members.

Any request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with the requirements of the *Local Government (Administration) Regulations 1996*.

## Community Consultation and Participation

The Council believes that early effective communication and consultation with the Community will lead to better decision-making, and more open, transparent and accountable governance. Council's Community Consultation Policy outlines both the various levels of consultation and the methods used.

Community members also have the opportunity to engage with the Shire at any time by visiting our reception at the Shire's Administration Building, 1 Steere Street, Bridgetown between the hours of 9:00am and 4:30pm, by calling (08) 9761 0800 or by emailing [btnshire@bridgetown.wa.gov.au](mailto:btnshire@bridgetown.wa.gov.au)

Community members also have the opportunity to provide feedback, make enquiries or complaints, on-line via the Contact page of the Shire's website at <http://www.bridgetown.wa.gov.au/contact> or by visiting and leaving a comment on the Shire's Facebook page at [www.facebook.com/bridgetowngreenbusheshire](http://www.facebook.com/bridgetowngreenbusheshire)

## Documents held by the Shire of Bridgetown-Greenbushes

In accordance with section 5.94 of the *Local Government Act 1995*, certain documents are made available by the Shire for public inspection without an application under the Freedom of Information Act being necessary, many of which are available on the Shire's website. Such documents include:

- any code of conduct;
- any regulations prescribing rules of conduct of council members referred to in section 5.104 of the LG Act;
- any register of complaints referred to in section 5.121 of the LG Act;
- any register of financial interests;
- any annual report;
- any annual budget;
- any schedule of fees and charges;
- any plan for the future of the district made in accordance with section 5.56 of the LG Act;
- any proposed local law of which the local government has given Statewide public notice under section 3.12(3) of the LG Act;
- any local law made by the local government in accordance with section 3.12 of the LG Act;
- any rates record;
- any confirmed minutes of council or committee meetings;
- any minutes of electors' meetings;
- any notice papers and agenda relating to any council or committee meeting (excluding those reports prepared under Section 5.23 of the LG Act);
- any report of a review of a local law prepared under section 3.16(3);
- any business plan prepared under section 3.59 of the LG Act;

- any register of owners and occupiers under section 4.32(6) of the LG Act and electoral rolls;
- any contract under section 5.39 of the LG Act and any variation of such a contract.

Access to other information held by the Shire is subject to the provisions of the Local Government Act 1995 and the Freedom of Information Act 1992.

## FOI Procedures

It is the aim of the Shire of Bridgetown-Greenbushes to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the Freedom of Information Act 1992 (WA) provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

### Freedom of Information Applications

Access applications have to –

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

An application form is available to assist with this process and is attached as Appendix 2 to this document. Applications should be addressed to the Freedom of Information Officer, PO Box 271, Bridgetown, WA 6255 or e-mailed to [btshire@bridgetown.wa.gov.au](mailto:btshire@bridgetown.wa.gov.au).

Applications will be acknowledged in writing and you will be notified of the decision within 45 calendar days.

### Freedom of Information Charges

A scale of fees and charges are set out in the FOI Regulations. No fees or charges apply for personal information or amendment of personal information about yourself. Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged.

As at April 2018 the fees and charges are as follows:

Personal Information about the applicant	No fee and no charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour or pro rata)	\$30.00
Access time supervised by staff (per hour or pro rata)	\$30.00
Photocopying staff time (per hour or pro rata)	\$30.00
Per photocopy	\$0.20c
Transcribing from tape, film or computer (per hour or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.



## Deposits

- An advance deposit may be required in respect of the estimated charges – 25%
- Further advance deposit may be required to meet the charges for dealing with the applications – 75%

## Access Arrangements

Access to documents can be granted by way of inspection; a copy of a document; a copy of an audio or video tape; a computer disk; or a transcript of a recorded, shorthand or encoded document from which works can be reproduced.

## Notice of Decision

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as –

- the date the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

## Refusal of Access

Applicants who are dissatisfied with a decision of the Shire are entitled to ask for an external review. The external review application should be made within 60 calendar days after being given the Shire's written notice of the Shire's decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the Shire's decision.

## Further information

Further information can be obtained from the Freedom of Information (FOI) Officer for the Shire on (08) 9761 0800, Monday to Friday from 8.30am to 5.00pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889 Email: [info@foi.wa.gov.au](mailto:info@foi.wa.gov.au)

Web: [www.foi.wa.gov.au](http://www.foi.wa.gov.au)

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000

## Appendix 1 – List of legislation administered by the Shire

This list of Acts is not intended to be exhaustive and should not be relied upon as such. Confirmation of current Acts and the associated Regulations by referring to the State Law Publisher at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) is recommended.

Animal Welfare Act 2002  
Building Act 2011  
Building and Construction Industry Training Fund Levy Collection Act 1990  
Bush Fires Act 1954  
Caravan Parks & Camping Grounds Act 1995  
Cat Act 2011  
Cemeteries Act 1986  
Control of Vehicles (Off-Road Areas) 1978  
Dividing Fences Act 1961  
Dog Act 1976  
Emergency Services Levy Act 2002  
Environmental Protection Act 1986  
Food Act 2008  
Freedom of Information Act 1992  
Health Act 1911  
Heritage of Western Australia Act 1990  
Land Administration Act 1997  
Liquor Licensing Act 1988  
Litter Act 1979  
Local Government Act 1995  
Local Government (Miscellaneous Provisions) Act 1960  
Occupational Safety and Health Act 1984  
Planning and Development Act 2005  
Public Works Act 1902  
Rates and Charges (Rebates and Deferments) Act 1992  
Road Traffic Act 1974  
Strata Titles Act 1985  
Tobacco Products Control Act 2006  
Transfer of Land Act 1893  
Valuation of Land Act 1978  
Waste Avoidance and Resource Recovery Act 2007  
Water Services Licensing Act 1995

### **Other Legislation Affecting the Shire**

Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law  
Bush Fire Brigades Local Law  
Cemeteries Local Law  
Dogs Local Law  
Fencing Local Law  
Health Local Law  
Keeping & Welfare of Cats Local Law  
Local Government Property Local Law  
Parking and Parking Facilities Local Law  
Pest Plants Local Law  
Standing Orders Local Law  
Town Planning Scheme No. 3  
Town Planning Scheme No. 4

## Appendix 2 – FOI Application

SHIRE OF BRIDGETOWN-GREENBUSHES

### APPLICATION FOR ACCESS TO DOCUMENTS

[Freedom of Information Act 1992, S.12]

#### DETAILS OF APPLICANT

Family Name: ..... Given Names: .....

Australian Postal Address: .....

Postcode: ..... Telephone No: .....

#### ***If application is on behalf of an Organisation***

Name of Organisation/Business: .....

**DETAILS OF REQUEST** (Please tick)       Personal documents       Non-Personal documents

I am applying for access to document(s) concerning: .....

.....

#### **FORM OF ACCESS** (Please tick)

I wish to inspect the document(s)       Yes       No

I require a copy of the document(s)       Yes       No

I require access in another form       Yes       No

If Yes, please specify:

.....

#### **FEES & CHARGES**

Attached is a cheque/cash for the amount of \$..... to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges is appropriate.

*In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.*

I am requesting a reduction in fees and charges       Yes       No

Applicants Signature:	Date:
-----------------------	-------

#### ***Office Use Only***

Date Received: .....

Deadline for Response: .....

Acknowledgement sent:.....

## NOTES

### FOI Applications

- Please provide sufficient information to enable the correct document(s) to be identified
- The Agency may request proof of your identity
- If you are seeking access to a document(s) on behalf of another person, the Agency will require authorisation, usually in writing
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received
- Further information can be obtained from the Shire of Bridgetown-Greenbushes, or a copy of the Freedom of Information Act may be purchased from the State Government Bookshop, 815 Hay Street Perth, (Telephone: (08) 9222 8216).

### Forms of Access

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disc, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the Agency is unable to grant access in the form requested, access may be given in a different format.

### Fees & Charges

- \$30.00 application fee (non-personal information only)
- An applicant who is the holder of a currently valid concession card issued on behalf of the Commonwealth Government under the Rates & Charges (Rebates and Deferments) Act 1992 may be eligible for a reduction of 25% in the charges associated with the application.
- No reduction is applicable to the application fee.

### Lodgement of Applications

Applications may be lodged:

- By post addressed to:           FOI Officer  
  Shire of Bridgetown-Greenbushes  
  PO Box 271  
  BRIDGETOWN WA 6255
- In person at:                       Shire of Bridgetown-Greenbushes Administration Office  
  1 Steere Street  
  BRIDGETOWN WA 6255
- E-mailed to:                        btnshire@bridgetown.wa.gov.au



## FREEDOM OF INFORMATION ACT

### 2017 INFORMATION STATEMENT

---

#### Contents

Introduction .....	2
Our Vision and Values .....	2
Shire Profile .....	2
Legislative Framework .....	2
Local Laws.....	3
Shire of Bridgetown-Greenbushes Structure .....	3
Council Structure .....	3
Committees of Council .....	3
Management Structure .....	4
Decision making by the Shire .....	5
Policies & Delegation of Authority .....	5
Public participation in the decision making process .....	5
Council Meetings .....	5
Public Question Time .....	5
Standing Committee .....	6
Petitions.....	6
Deputations .....	6
Comments on Agenda Items by Parties with an Interest .....	6
Annual General Meeting of Electors.....	6
Special Meetings of Electors .....	6
Community Consultation and Participation.....	7
Documents held by the Shire of Bridgetown-Greenbushes .....	7
FOI Procedures.....	8
Freedom of Information Applications.....	8
Freedom of Information Charges .....	8
Access Arrangements .....	9
Notice of Decision.....	9
Refusal of Access.....	9
Further information .....	9
Appendix 1 – List of legislation administered by the Shire .....	10
Appendix 2 – FOI Application .....	11

## Introduction

The Western Australian Freedom of Information Act 1992 is designed to enable the public to participate more effectively in governing the State, and to make the persons and bodies that are responsible for State and local government more accountable to the public.

Under Part 5 of the Freedom of Information Act 1992, the Shire of Bridgetown-Greenbushes is required to prepare and publish an annual Information Statement. This document has been created to comply with that requirement, and is correct as at February 2017. A copy of the Statement can be accessed via the Shire's website at <http://www.bridgetown.wa.gov.au>

## Our Vision and Values

### Our Vision

A wonderful place to live, work, invest and visit with the community working together to achieve shared objectives.

### Community Aspirations and Values

- Strong community spirit and sense of belonging;
- Honesty, integrity and compassion;
- Respect for people and the environment;
- Acceptance of diversity;
- Openness and accountability;
- Equity and fairness for all;
- Effective communication and cooperation; and
- Responsible management.

## Shire Profile

Located in the heart of the Blackwood River valley, the Shire of Bridgetown-Greenbushes is able to boast beautiful scenery, stunning heritage buildings, extensive forests, national parks, wineries and heritage walk trails. The district includes the heritage town of Bridgetown, the town of Greenbushes with a long and proud mining history and other localities such as Catterick, Hester, Hester Brook, Kangaroo Gully, Kingston, Maranup Ford, North Greenbushes, Sunnyside, Wandillup, Winnejup and Yornup.

The town of Bridgetown is located approximately 268 kilometres south of Perth and 95 kilometres south of Bunbury and Greenbushes is located 17 kilometres north of Bridgetown. The district is bordered by the Shires of Boyup Brook to the north and east, Manjimup to the South, Nannup to the west and Donnybrook-Balingup to the north.

As at February 2017 the Shire of Bridgetown-Greenbushes has an estimated population of 4,643 and covers 1,691 km<sup>2</sup> of agricultural farmland, State forest and national parks, mining leases, Crown land and townsites. The majority of the Shire is within the Blackwood River catchment area.

## Legislative Framework

The operations of local government in Western Australia are governed by the *Local Government Act 1995 (LG Act)*, the various Local Government Regulations, and any other legislation that provides powers and responsibilities to local governments. A non-exhaustive list of legislation administered by the Shire is provided at Appendix 1 to this document. This list is not exhaustive or comprehensive and may not be current, confirmation of current Acts and Regulations by referring to the State Law Publisher at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) is recommended.

## Local Laws

Under the LG Act the Shire has the power to make and administer local laws in relation to matters which come under its functions as set out in the LG Act or other written law which expressly applies to local government. Local laws regulate and relate to activities which may be conducted within the area of the Shire.

The Shire's Local Laws include;

- Activities in Thoroughfares and Trading in Thoroughfares and Public Places
- Bush Fire Brigades
- Cemeteries
- Dogs
- Fencing
- Health
- Keeping & Welfare of Cats
- Local Government Property
- Parking and Parking Facilities
- Pest Plants
- Standing Orders

## Shire of Bridgetown-Greenbushes Structure

The Shire of Bridgetown-Greenbushes provides a wide range of services and facilities for its ratepayers, residents and visitors to the Shire. The Shire has a role in the management, improvement and development of the resources within its area so as to create a safe and pleasant environment for its community.

### Council Structure

Councillors are elected from the community to serve their community in a voluntary capacity. The Council acts as a community board, establishing policies and making decisions within the rules of the Local Government Act 1995 on a wide range of issues affecting the community.

Local Government elections are held every two years to fill vacancies which occur as elected members conclude their four year term of office. Following the elections, a special meeting is held whereby newly elected Councillors are sworn into office. Following this swearing-in ceremony, an election takes place to fill the positions of Shire President and Deputy President for the ensuing two year period.

The Council of the Shire of Bridgetown-Greenbushes consists of 9 elected members (Councillors) being represented in Wards as follows:

- South Ward – 7 representatives
- North Ward – 2 representatives

### Committees of Council

To assist its work load and processes, Council can elect to establish Committees. The following Committees of Council have been established in accordance with Section 5.8 of the Local Government Act 1995 to assist Council achieve its objectives. The Term of Office for Committees established by Council is generally two years (or less) with the expiry date being tied to Local Government Elections.

The following Committees currently assist Council in achieving its objectives:

- Access & Inclusion Advisory Committee
- Audit Committee
- Bush Fires Advisory Committee
- CEO Performance Review Committee
- Emergency Planning and Preparedness Advisory Committee
- Local Emergency Management Committee
- Local Laws, Strategy, Policy & Organisation Development Standing Committee
- Roadwise Advisory Committee
- Sustainability Advisory Committee
- Trails Development Advisory Committee

In addition to Committees established under the Act, the Council appoints Working Groups from time to time to consider specific issues or projects. Generally the membership of a Working Group consists of elected members and staff however members of the public may also be appointed if considered necessary. Working Groups have no delegated authority and provide recommendations to Council.

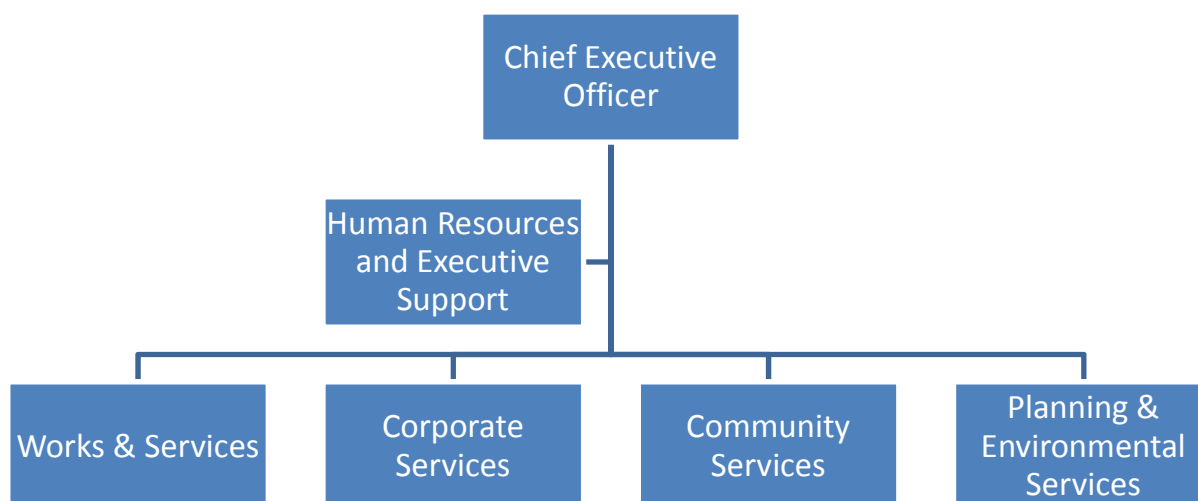
The following Working Groups currently assist Council in achieving its objectives:

- Community Grants & Service Agreements Working Party
- Bridgetown Cemetery Upgrade Working Group
- Swimming Pool Fundraising Working Group

### Management Structure

The operations of the Shire and implementation of Council decisions are managed by the Chief Executive Officer who is supported by an Executive Management Team.

A visual overview of the management structure of the Shire is below. Executive Managers head up the Works & Services, Corporate Services and Community Services directorates with Planning & Environmental Services reporting to the Chief Executive Officer.





## Decision making by the Shire

The Council makes decisions which direct and/or determine the activities of the organisation as administered by the CEO. In addition, the Council:

1. Determines the type, range and scope of projects to be undertaken by the Shire;
2. Develops comprehensive strategic plans, budgets, financial controls and performance objectives and indicators for the operations of the Shire; and
3. Develops and adopts policies to be applied on the Council's behalf by the CEO.

The Council makes decisions which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the allocation of resources to works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.

### Policies & Delegation of Authority

Council adopts Policies on a variety of issues to act as a guide for Officers of the Shire of Bridgetown-Greenbushes. Policy Manuals have been developed and distributed to Councillors and Officers to assist in the decision making process. In addition, the CEO has delegated authority from Council to make decisions on a number of specified administrative and policy matters. These delegations are listed in a Register and (along with Policies) are reviewed on an annual basis in keeping with the legislative requirement. These are both public documents and can be viewed on the Shire's website at [www.bridgetown.wa.gov.au/your-shire/publications](http://www.bridgetown.wa.gov.au/your-shire/publications).

## Public participation in the decision making process

Members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies as well as comment on the performance of the Shire's functions.

### Council Meetings

The Council meets on the last Thursday in each month (excepting December) and encourages members of the public to be in attendance. A 'public question time' segment is held at the commencement of each Ordinary Meeting of Council to allow the public a forum in which they may raise questions regarding Agenda Items or other issues affecting the community.

Agendas for Ordinary Meetings of Council are posted on the website and are available for inspection at the Bridgetown Regional Library from the Friday in the week prior to Council meeting day.

On occasions there may be a Special Meeting of Council if a matter of particular urgency arises. Any notice of Special Meeting or changes to the time, dates or venues for scheduled Council Meetings is publicly advertised.

### Public Question Time

To assist members of the public to participate in the decision making process of the Shire, Public Question Time is available for a period of 15 minutes at the commencement of each Ordinary Council. Members of the public with questions are asked to write down their question with their name and address, and to read their question aloud.

The question will either be responded to, taken on notice or not accepted by the Presiding Officer. If a question is taken on notice then it will be recorded and a written response provided to the

questioner by the CEO as soon as possible, and a copy of the response included in the agenda of the next meeting of the Council.

### Standing Committee

Council's Local Law, Strategy, Policy & Organisation Development Standing Committee meets on the second Thursday of each month excepting December and January when no meetings are held. Members of the public are welcome to attend the Standing committee meetings however there is no Public Question Time segment for members of the Gallery at these meetings.

### Petitions

Electors may put requests to Council by way of a petition. For a petition to be effective it needs to be addressed to the President and made by registered electors of the Shire of Bridgetown-Greenbushes. The petition must state the request on each page of the petition and contain the names, addresses and signatures of each elector making the request, as well as the date on which each elector signed the request. The petition must also contain a summary of the reasons for the request and state the name of the person upon whom, and address at which, notice to the petitioners can be given.

Further details regarding the requirements for petitions can be found in the Shire of Bridgetown-Greenbushes Standing Orders Local Law.

### Deputations

Persons wishing to make a deputation to the Council or a committee are to apply in writing to the CEO outlining the subject matter to be raised by the deputation. On receiving such a request the CEO shall notify the President, or the presiding member if the deputation is to be made to a committee, who may elect to invite the deputation to attend.

All requests for a deputation should be marked for the attention of the Chief Executive Officer and may be:

- posted to PO Box 271, Bridgetown, WA 6255; or
- hand delivered to the reception of the Shire of Bridgetown-Greenbushes Administration Building, 1 Steere Street, Bridgetown; or
- faxed to (08) 9761 2023; or
- e-mailed to [btnshire@bridgetown.wa.gov.au](mailto:btnshire@bridgetown.wa.gov.au)

### Comments on Agenda Items by Parties with an Interest

At a Council or Standing Committee meeting persons with a relevant interest in an item included in the agenda of the meeting are able to address the meeting. The determination of whether a person has an interest in an agenda item is made in accordance with Clause 3.4.3 of the Shire of Bridgetown-Greenbushes Standing Orders Local Law and includes applicants, representatives of applicable organisations, adjacent property owners, authors of submissions or any person in the opinion of the presiding member at the meeting that has a significant direct interest (not including an interest common to all or a significant number of the community).

### Annual General Meeting of Electors

In addition to its Ordinary Meetings, Council also holds an Electors Meeting during each financial year and includes the presentation of the Annual Report and the Annual Financial Report & Auditors Report.

### Special Meetings of Electors

In accordance with Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors may be held following a request made to the President for such a meeting by:

- not less than one hundred electors or 5% of the number of electors, whichever is the lesser; or
- one third of the number of council members.

Any request of this nature is to specify the matters to be discussed at the Meeting and the form or content of the request is to be in accordance with the requirements of the *Local Government (Administration) Regulations 1996*.

### Community Consultation and Participation

The Council believes that early effective communication and consultation with the Community will lead to better decision-making, and more open, transparent and accountable governance. Council's Community Consultation Policy outlines both the various levels of consultation and the methods used.

Community members also have the opportunity to engage with the Shire at any time by visiting our reception at the Shire's Administration Building, 1 Steere Street, Bridgetown between the hours of 9:00am and 4:30pm, by calling (08) 9761 1555 or by emailing [btnshire@bridgetown.wa.gov.au](mailto:btnshire@bridgetown.wa.gov.au)

Community members also have the opportunity to provide feedback, make enquiries or complaints, on-line via the Contact page of the Shire's website at <http://www.bridgetown.wa.gov.au/contact> or by visiting and leaving a comment on the Shire's Facebook page at [www.facebook.com/bridgetowngreenbusheshire](http://www.facebook.com/bridgetowngreenbusheshire)

### Documents held by the Shire of Bridgetown-Greenbushes

In accordance with section 5.94 of the *Local Government Act 1995*, certain documents are made available by the Shire for public inspection without an application under the Freedom of Information Act being necessary, many of which are available on the Shire's website. Such documents include:

- any code of conduct;
- any regulations prescribing rules of conduct of council members referred to in section 5.104 of the LG Act;
- any register of complaints referred to in section 5.121 of the LG Act;
- any register of financial interests;
- any annual report;
- any annual budget;
- any schedule of fees and charges;
- any plan for the future of the district made in accordance with section 5.56 of the LG Act;
- any proposed local law of which the local government has given Statewide public notice under section 3.12(3) of the LG Act;
- any local law made by the local government in accordance with section 3.12 of the LG Act;
- any rates record;
- any confirmed minutes of council or committee meetings;
- any minutes of electors' meetings;
- any notice papers and agenda relating to any council or committee meeting (excluding those reports prepared under Section 5.23 of the LG Act);
- any report of a review of a local law prepared under section 3.16(3);
- any business plan prepared under section 3.59 of the LG Act;
- any register of owners and occupiers under section 4.32(6) of the LG Act and electoral rolls;
- any contract under section 5.39 of the LG Act and any variation of such a contract.

Access to other information held by the Shire is subject to the provisions of the Local Government

Act 1995 and the Freedom of Information Act 1992.

## FOI Procedures

It is the aim of the Shire of Bridgetown-Greenbushes to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the Freedom of Information Act 1992 (WA) provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

### Freedom of Information Applications

Access applications have to –

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

An application form is available to assist with this process and is attached as Appendix 2 to this document. Applications should be addressed to the Freedom of Information Officer, PO Box 271, Bridgetown, WA 6255 or e-mailed to [btnshire@bridgetown.wa.gov.au](mailto:btnshire@bridgetown.wa.gov.au).

Applications will be acknowledged in writing and you will be notified of the decision within 45 calendar days.

### Freedom of Information Charges

A scale of fees and charges are set out in the FOI Regulations. No fees or charges apply for personal information or amendment of personal information about yourself. Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged. There may be other charges imposed to cover the administration costs associated with locating documents within the scope of your request.

As at February 2017 the fees and charges are as follows:

Personal Information about the applicant	No fee and no
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour or pro rata)	\$30.00
Access time supervised by staff (per hour or pro rata)	\$30.00
Photocopying staff time (per hour or pro rata)	\$30.00
Per photocopy	\$0.20c
Transcribing from tape, film or computer (per hour or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

### Deposits

- An advance deposit may be required in respect of the estimated charges – 25%
- Further advance deposit may be required to meet the charges for dealing with the applications – 75%

## Access Arrangements

Access to documents can be granted by way of inspection; a copy of a document; a copy of an audio or video tape; a computer disk; or a transcript of a recorded, shorthand or encoded document from which works can be reproduced.

## Notice of Decision

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as –

- the date the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

## Refusal of Access

Applicants who are dissatisfied with a decision of the Shire are entitled to ask for an external review. The external review application should be made within 60 calendar days after being given the Shire's written notice of the Shire's decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the Shire's decision.

## Further information

Further information can be obtained from the Freedom of Information (FOI) Officer for the Shire on (08) 9761 1555, Monday to Friday from 8.30am to 5.00pm.

Alternatively, contact the Office of the Information Commissioner:

Telephone: (08) 6551 7888

1800 621 244 (toll free for WA country callers)

Facsimile: (08) 6551 7889 Email: [info@foi.wa.gov.au](mailto:info@foi.wa.gov.au)

Web: [www.foi.wa.gov.au](http://www.foi.wa.gov.au)

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000

## Appendix 1 – List of legislation administered by the Shire

This list of Acts is not intended to be exhaustive and should not be relied upon as such. Confirmation of current Acts and the associated Regulations by referring to the State Law Publisher at [www.slp.wa.gov.au](http://www.slp.wa.gov.au) is recommended.

Animal Welfare Act 2002  
Building Act 2011  
Building and Construction Industry Training Fund Levy Collection Act 1990  
Bush Fires Act 1954  
Caravan Parks & Camping Grounds Act 1995  
Cat Act 2011  
Cemeteries Act 1986  
Control of Vehicles (Off-Road Areas) 1978  
Dividing Fences Act 1961  
Dog Act 1976  
Emergency Services Levy Act 2002  
Environmental Protection Act 1986  
Food Act 2008  
Freedom of Information Act 1992  
Health Act 1911  
Heritage of Western Australia Act 1990  
Land Administration Act 1997  
Liquor Licensing Act 1988  
Litter Act 1979  
Local Government Act 1995  
Local Government (Miscellaneous Provisions) Act 1960  
Occupational Safety and Health Act 1984  
Planning and Development Act 2005  
Public Works Act 1902  
Rates and Charges (Rebates and Deferments) Act 1992  
Road Traffic Act 1974  
Strata Titles Act 1985  
Tobacco Products Control Act 2006  
Transfer of Land Act 1893  
Valuation of Land Act 1978  
Waste Avoidance and Resource Recovery Act 2007  
Water Services Licensing Act 1995

### **Other Legislation Affecting the Shire**

Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law  
Bush Fire Brigades Local Law  
Cemeteries Local Law  
Dogs Local Law  
Fencing Local Law  
Health Local Law  
Keeping & Welfare of Cats Local Law  
Local Government Property Local Law  
Parking and Parking Facilities Local Law  
Pest Plants Local Law  
Standing Orders Local Law  
Town Planning Scheme No. 3  
Town Planning Scheme No. 4

## Appendix 2 – FOI Application

SHIRE OF BRIDGETOWN-GREENBUSHES

### APPLICATION FOR ACCESS TO DOCUMENTS

[Freedom of Information Act 1992, S.12]

#### DETAILS OF APPLICANT

Family Name: ..... Given Names: .....

Australian Postal Address: .....

Postcode: ..... Telephone No: .....

#### ***If application is on behalf of an Organisation***

Name of Organisation/Business: .....

**DETAILS OF REQUEST** (Please tick)       Personal documents       Non-Personal documents

I am applying for access to document(s) concerning: .....

.....

#### **FORM OF ACCESS** (Please tick)

I wish to inspect the document(s)       Yes       No

I require a copy of the document(s)       Yes       No

I require access in another form       Yes       No

If Yes, please specify:

.....

#### **FEES & CHARGES**

Attached is a cheque/cash for the amount of \$..... to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges is appropriate.

*In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.*

I am requesting a reduction in fees and charges       Yes       No

Applicants Signature:	Date:
-----------------------	-------

#### ***Office Use Only***

Date Received: .....

Deadline for Response: .....

Acknowledgement sent:.....

## NOTES

### FOI Applications

- Please provide sufficient information to enable the correct document(s) to be identified
- The Agency may request proof of your identity
- If you are seeking access to a document(s) on behalf of another person, the Agency will require authorisation, usually in writing
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received
- Further information can be obtained from the Shire of Bridgetown-Greenbushes, or a copy of the Freedom of Information Act may be purchased from the State Government Bookshop, 815 Hay Street Perth, (Telephone: (08) 9222 8216).

### Forms of Access

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disc, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the Agency is unable to grant access in the form requested, access may be given in a different format.

### Fees & Charges

- \$30.00 application fee (non-personal information only)
- An applicant who is the holder of a currently valid concession card issued on behalf of the Commonwealth Government under the Rates & Charges (Rebates and Deferments) Act 1992 may be eligible for a reduction of 25% in the charges associated with the application.
- No reduction is applicable to the application fee.

### Lodgement of Applications

Applications may be lodged:

- By post addressed to:           FOI Officer  
  Shire of Bridgetown-Greenbushes  
  PO Box 271  
  BRIDGETOWN WA 6255
- In person at:                       Shire of Bridgetown-Greenbushes Administration Office  
  1 Steere Street  
  BRIDGETOWN WA 6255
- E-mailed to:                        btnshire@bridgetown.wa.gov.au





# **ROLLING ACTION SHEET**

## ROLLING ACTION SHEET

April 2018 (encompassing Council Resolutions up to Council Meeting held 22 February 2018)

Comments in bold represent updated information from the last edition of the Rolling Action Sheet

Where a tick is indicated this Item will be deleted in the next update

Council Decision No.	Wording of Decision	Responsible Officer	Comments	√
C.28/1108 Public Access to Rear of Shops on Western Side of Hampton Street	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Endorse in-principle the proposal to obtain an easement in gross over private land at the rear of shops west of Hampton Street between Henry Street and the existing public accessway opposite the public car park in Hampton Street.</li> <li>2. That the CEO obtain the necessary legal advice to enable correspondence to be sent to affected property owners seeking their in-principle consent for the creation of an easement in gross for public access to the rear of their premises.</li> <li>3. That upon receipt of responses from affected property owners the matter be brought back to Council for final determination, including consideration of how the proposed public accessway could be designed to take into account risk management of flooding.</li> </ol>	T Clynch	<p>Work on developing a draft easement document has been delayed.</p> <p>A request was to be prepared to a local solicitor requesting preparation of a draft/template easement document. This will be funded from general legal expenses account. Since then the CEO has made the decision to defer the preparation of the document pending completion of the Geegelup Brook Flood Study in case there are implications regarding land acquisition/tenure/use arising from that Study. The Flood Study was endorsed by Council at its November 2014 meeting so the easement proposal will be re-acted (February 2015).</p> <p>Discussions held with solicitor on best process to progress this matter. Property ownership details currently being compiled for forwarding to solicitor (September 2015)</p> <p>This matter was discussed at quarterly briefing session held on 4 February 2016 where it was agreed that the proposal should be extended to include the car parking areas within the proposed easement. This can happen under the current resolution C.28/1108. A plan of the proposed easement will be prepared and correspondence forwarded to affected property owners (March 2016).</p>	√

			<p>Progress of this matter has been deferred pending finalisation of the proposed land exchange and creation of easement for the property at 145 Hampton Street (corner Henry Street).</p> <p>Shire staff will prepare a concept plan showing how the area can be developed for access and public parking and this will be used when corresponding with affected property owners about the proposal to create an easement (March 2018).</p>
C.14/0209 Termination of Lease – Former Rubbish Disposal Site, Spring Gully Road, Greenbushes	That Council commence proceedings for termination of its lease of State Forest formerly used as the Greenbushes Rubbish Tip and assist Talison Minerals Pty Ltd in any rehabilitation requirements imposed by the Department of Environment and Conservation.	T Clynch	<p>A meeting was held with DEC in February 2010 at which some minor rehabilitation requirements were identified – these are being undertaken by Talison. Email from DEC 15/3/2013 (I-EML201229622)- Further weed removal, rubbish removal and reinstatement of active planting required before lease can be terminated. Ongoing discussions being held with the Department of Parks and Wildlife regarding this (November 2013). A further meeting was held in January 2016 and some additional works identified (March 2016).</p> <p>In 2016/2017 Talison Lithium placed gravel/soft rock on various problem areas combined with ripping, planting of seedlings and seeding the area. The consequential weed generation will now be managed this winter (2017) while determining future works for 2017/2018. (March 2017).</p> <p>Cr Scallan provided an update to the February 2018 meeting advising of outcomes from a recent meeting between Talison and DBCA regarding excision of the site from State Forest and completion of rehabilitation works.</p>
C.16/0809a Development of Car Parking and	That Council formally request the Public Transport Authority to initiate the process to gazette the land known as Railway Parade to a public road.	T Clynch S Gannaway	A written request has been forwarded to PTA and Heritage Council of WA, with favourable support received. Formal gazettal process by State Land

Proposed Town Square in Railway Reserve			Services commenced. Final plan agreed to by PTA and Brookfield Rail, pending finalisation of survey plans and land transfer. This process is still ongoing. Pending 'in-principle' support from Landgate as Railway Parade not formally named and initial response unfavourable. Response pending. At its February 2014 meeting Council resolved to rename the road as an extension of Stewart Street and correspondence seeking approval for this has been forwarded to the Geographic Names Committee. Renaming as Stewart Street approved by Landgate in March 2014. Deposited Plan lodged with Landgate (March 2016).
C.14/0310 Preliminary Report – Plantation Exclusion Zones	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Agrees that any consideration of plantation exclusion zones should also address the Greenbushes, North Greenbushes and Hester townsites, the Yornup township and existing or proposed local development areas throughout the Shire municipality.</li> <li>2. Directs the Chief Executive Officer to prepare preliminary documentation and present a report to a future meeting of Council to initiate a scheme amendment to Town Planning Scheme No. 3 seeking to modify Table I to prohibit 'Afforestation' within the Rural zone of the scheme area.</li> <li>3. Directs the Chief Executive Officer to present all planning applications for 'Afforestation' for land within Town Planning Scheme No. 3 to Council for determination, until such time as the scheme amendment required by Point 2 above has been finalised.</li> <li>4. Directs the Chief Executive Officer to engage a suitably qualified consultant to undertake a Bush Fire Hazard Assessment of the Shire municipality, in consultation with FESA, and in accordance with the Planning for Bush Fire</li> </ol>	S Donaldson	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Presented to Council in August 2011 for initial adoption. Advertising period closed on 8 December 2011. Amendment adopted by Council on 25 January 2012 and forwarded to WAPC for final approval. Amendment gazetted 8 June 2012.</li> <li>3. Noted.</li> <li>4. Funding application was successful – Council accepted funds at March 2011 meeting. Bushfire Hazard Strategy Consultant Brief finalised and tenders called for by 14 September 2011. Final report received and adopted by Council in August 2012 for purpose of</li> </ol>

	<p>Protection document.</p> <p>5. Directs the Chief Executive Officer to commence a comprehensive review of the Shire's Plantation Applications Policy to address the following issues:</p> <ul style="list-style-type: none"> <li>a) Definition of woodlots and shelter belts and list of acceptable locally native tree species.</li> <li>b) Location of surrounding development and adequate bush fire risk assessment and management, with reference to FESA Guidelines for Plantation Fire Protection.</li> <li>c) Other natural resource management issues identified in the Shire's Managing the Natural Environment Policy and Natural Environment Strategy.</li> </ul> <p>6. Following completion of Points 4 and 5 above, the Chief Executive Officer is to present a report to a future meeting of Council for further consideration.</p>		<p>future public consultation. Council in March 2016 resolved not to progress. See Point 6 below.</p> <p>5. Commenced but little progress to date, pending adoption of Bushfire Hazard Strategy. No further action progressed. New detailed Bushfire Hazard Level Assessment to be prepared for Local Planning Strategy, with recommendations for plantation exclusion (August 2017).</p> <p>6. Noted. Draft Bush Fire Hazard Strategy adopted by Council in August 2012 for the purpose of future public consultation along with scheme amendments. See Item C.19/0812 below. No further action to be taken with strategy as per C.18/0216. No further action on policy review (May 2016).</p>
<p>C.16/0513 Greenbushes Overnight Stay Facility</p>	<p>That Council:</p> <ul style="list-style-type: none"> <li>1. Endorse the proposal to establish a short term caravan and camping transit park (6 sites) at the Greenbushes Sportsground, adjacent to the old cricket pavilion.</li> <li>2. Endorse the proposal to redevelop the old cricket pavilion to a "camper's bunkhouse" with 4 bunks being provided.</li> <li>3. Seek the approval of the Minister for Local Government for approval of the transit park and bunkhouse</li> <li>4. Consider allocation of a sum of \$6,000 in the 2013/14 budget for development of the transit park and hikers bunkhouse.</li> </ul>	<p>T Clynch</p>	<p>An application has been submitted to the Department of Local Government (October 2013).</p> <p>Approval for the use of the land as a transient caravan park has been granted (subject to conditions) by the Department of Lands. The approval of the Minister for Local Government is now required and an application is being submitted (September 2014).</p> <p>Concerns have been raised by Water Corporation due to proximity to Greenbushes water supply and it appears that until such time as the water supply dam is discontinued (as proposed under new integrated water supply project) the transit caravan park will be deferred (May 2015).</p>

			Progression of this proposal can be seen as a linkage to Council's request for acquisition of the Dumpling Gully Precinct – Resolution C.02/1216 (April 2017).
C.10/0315 Investigating the provision of an Organic Waste Collection Service	That Council investigate the possibility of introducing "Organic Waste" kerb side collection for the Shire.	L Crooks	A meeting has been held with the relevant officer at the Shire of Donnybrook-Balingup to discuss various aspects of its organic waste collection service. This will assist in preparing a report to Council (February 2016).  Processing of organic waste will be a consideration in the planning and eventual design of any regional waste site (March 2017).
C.03/0116 Request for Installation of Street Lighting – Pioneer Road	<ol style="list-style-type: none"> <li>1. That Council requests Western Power to prepare a design plan and estimate for lighting Pioneer Street between Nelson Street and Peninsula Road and that the costs of this be funded by council as unbudgeted expenditure.</li> <li>2. Prior to any action being taken at dot point 1, financial support be sought from the Bridgetown Agricultural Society and the Blues at Bridgetown to meet one third each of the cost of installation.</li> <li>3. That the Shire's portion of this cost be funded in the 2016/17 budget.</li> <li>4. That the project be abandoned should the support funding from both Bridgetown Agricultural Society and Blues at Bridgetown be refused.</li> <li>5. That Council also investigate the option of installation of pedestrian solar lighting.</li> </ol>	T Clynch	<p>Application being prepared for Western Power.</p> <p>Design and cost estimate obtained – correspondence to be forwarded to Blues at Bridgetown and Bridgetown Agricultural society enquiring about contributions to the project once a cost estimate for alternative solar lighting is obtained (June 2016).</p> <p>A quotation request has been submitted to a company that supplies solar and wind powered street lights and this can be presented to a budget workshop for consideration in the 2018/19 budget (March 2018).</p>
C.06/0116 Proposed Closure of Rights-of-Way for Partial Dedication as Public Roads and	<p>That Council, in relation to the proposed closure of the two Rights-of-Way adjoining Barlee Street, Bridgetown, as per Attachment 6:</p> <ol style="list-style-type: none"> <li>1. Notes the public submissions received, as per Attachment 8,</li> </ol>	S Donaldson	1. Noted.

<p>Amalgamation – Adjoining Barlee Street, Bridgetown</p>	<p>and the Shire staff responses in the Schedule of Submissions, as per Attachment 9.</p> <ol style="list-style-type: none"> <li>2. Supports the proposed closure of ROW West (being Lot 66 on Diagram 4315) for ceding to the Crown for action as follows: <ol style="list-style-type: none"> <li>a) Dedication of the 65 metre east-west portion of ROW West as a public road pursuant to s.52 and s.58 of the Land Administration Act 1997; and</li> <li>b) Amalgamation of the 82 metre north-south portion of ROW West with adjoining properties where practical.</li> </ol> </li> <li>3. Supports the proposed closure of 150 metre length of ROW East (being Lot 67 on Diagram 5653) for ceding to the Crown for dedication as a public road pursuant to s.52 and s.58 of the Land Administration Act 1997.</li> <li>4. Directs the Chief Executive Officer to forward relevant information to the Department of Planning and Department of Lands requesting approval in relation to Points 3. and 4. above.</li> </ol>		<p>2. Noted.</p> <p>3. Noted.</p> <p>4. Correspondence sent to Department Planning, Lands and Heritage on 4 February 2016. Responses pending (March 2016).</p>	
<p>C.06/0416 Bridgetown Railside Landscaping Project</p>	<p>That Council seek a review of the decision by Brookfield Rail regarding the proposed Bridgetown Railside Landscaping Project and seeks the assistance of the Minister for Transport and Minister for Regional Development in facilitating this review.</p>	<p>T Clynch</p>	<p>Discussions being held with Terry Redman's office on best way to progress this matter (June 2016).</p> <p>Brookfield Rail has recently appointed a community liaison officer and it is intended to meet that person soon to discuss various issues, including this issue (September 2016).</p> <p>A meeting was held with Brookfield Rail on 29 November 2016 and this issue was raised. Brookfield indicated it would reconsider its position on the landscaping and requested that a formal request be submitted based on the landscaping being groundcover only. That application is currently being prepared (February 2017).</p>	

			<p>A new application has been submitted to Arc Infrastructure seeking approval to plant a 100 metre long, 3 metre wide landscaping strip from the town square southwards. The application has nominated the following ground cover selections for consideration by Arc Infrastructure:</p> <ul style="list-style-type: none"> <li>• Banksia blechnifolia</li> <li>• Banksia integrifolia</li> <li>• Hemiandra pungens (March 2018)</li> </ul>
C.04/0516 Proposed Investigation of Strategic Purchase for Somme Creek Improvements	That Council considers investigating the potential strategic purchase of Lot 84 (42) Forrest Street with the possibility of purchasing a part thereof, which encompasses the Somme Creek creek line and associated riparian edges, to be incorporated into the Somme Creek Parklands project.	T Clynch S Donaldson	Correspondence sent to landowner on 22 August 2016. Meeting arranged for mid September 2016. Waiting for further contact from landowner (October 2016). Letter sent to Valuer General's Office on 17 November 2016, feedback pending (February 2017). Valuer General's Office feedback received. Follow up letter sent to landowner for further negotiation. Response received July 2017. Liaison with other landholders prior to further reporting to Council (August 2017).
SpC01/0516 Cost Overruns at Bridgetown Sportsground Change Rooms	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Amend its 2015/16 budget as follows: <ol style="list-style-type: none"> <li>(i) Increase the 'materials &amp; contracts' allocation for Job No. 17BU 'Bridgetown Sportsground Change Rooms' from \$316,864 to \$401,000.</li> <li>(ii) Decrease the 'materials &amp; contracts' allocation for Job No. 08BU Shire Depot Building Renewals from \$48,735 to \$32,735.</li> <li>(iii) Decrease the 'materials &amp; contracts' allocation for Job No 28BU '32 Gifford Road' from \$8,700 to \$3,500.</li> <li>(iv) Transfer an amount of \$62,936 from the Building Maintenance Reserve to Job No. 17BU 'Bridgetown Sportsground Change Rooms'</li> </ol> </li> <li>2. Request the CEO prepare a 'Major Projects Evaluation' Policy for consideration by Council.</li> </ol>	T Clynch	<p>'Major Projects Evaluation' Policy yet to be commenced (July 2016)</p> <p>Draft policy has been prepared at officer level and is currently being assessed prior to presentation to Council (September 2017)</p>



<p>C.10/0916 Infirm Parking and Membership of Access and Inclusion Committee</p>	<ol style="list-style-type: none"> <li>1. That Council directs the CEO to investigate and negotiate a lease agreement with 'Australia Post' and 'TGC and KPC Pty Ltd' for the purpose of installing Australian Council for Rehabilitating of Disabled (ACROD) parking bays in the Bridgetown Post Office car park and on the southern side of Howard Evans Legal Office.</li> <li>2. That Council directs the CEO to install an ACROD parking bay in the Shire Administration Building car park near the Lesser Hall external public toilet.</li> <li>3. That Council directs the CEO to revert all Infirm Parking Bays in the town centre - outside the Bridgetown Bakery, IGA, the Post Office - back to general use parking bays.</li> <li>4. That Council accepts the verbal resignation of Dyan Dent (Geegelup Village), Helen Gales (Red Cross) and Peter Seaward (Enable Representative).</li> <li>5. That Council endorses the appointment of Jesse Donovan (Community Member) to the Access and Inclusion Advisory Committee.</li> </ol>	<p>M Richards</p>	<ol style="list-style-type: none"> <li>1. Australia Post has been re-contacted confirm whether they are willing to agree to the Shire using their car park to install an ACROD bay after the questions posed by the Post Office which have been addressed by the EMWS.</li> <li>2. Pending outcome of item C.10/1017 all parking bays will be signed and marked concurrently.</li> <li>3. Progressed (1 sign remaining in situ; will be taken down once ACROD are instated)</li> <li>4. Completed</li> <li>5. Completed</li> </ol> <p>Further discussions have recently been held with owners of IGA about how ACROD bay can be created but leaving one normal parking bay adjacent. This is believed achievable and Shire staff are completing draft design. Unfortunately Australia Post has recently advised that it isn't prepared to approve the proposed ACROD bay in the Bridgetown Post Office car park due to access restrictions and conflicts with other users. This will reduce the number of ACROD bays by one (March 2018).</p>
<p>C.03/1116 RV Friendly Towns</p>	<p>That Council consider the registration and promotion of Bridgetown as an RV Friendly Town and Greenbushes as an RV Destination and request the CEO present a report back to Council on the requirements and implications of obtaining such registrations.</p>	<p>T Clynych</p>	<p>Assessment against guidelines of Campervan and Motorhome Club of Australia Limited (CMCA) has commenced (March 2017).</p> <p>The requirement for a dump point is a mandatory requirement for registration as a RV Friendly Town and assessment of options is currently occurring to enable a report back to Council (April 2017).</p> <p>A meeting has recently been held with representatives of the Bridgetown Agricultural Society regarding development of a dump point at the showgrounds (June 2017).</p>

			Greenbushes appears to comply with the requirements necessary to obtain "RV Friendly Destination" Status and the Visitor Centre Manager is in the process of submitting an application (February 2018).
C.02/1216 Acquisition of Dumpling Gully Precinct	That Council request the CEO to investigate the options of the Shire of Bridgetown-Greenbushes taking ownership of the Dumpling Gully Dams (and associated area) commonly called the Dumpling Gully Precinct to incorporate the area into a Shire Reserve which can be developed for both passive and active recreation activities for the community and to manage and protect the Wetlands and associated unique fauna and flora of the region.	T Clynch	Correspondence forwarded to Water Corporation on 23 December 2016. Response received 28 February 2017 indicating in-principle support to the proposal (April 2017).  A meeting was held with the Water Corporation and Talison Lithium on 19.6.17 to further discuss the processes for de-proclamation of the drinking water source and the need to engage with DPAW (July 2017).
C.05/1216 Greenbushes Townsite Carpark	That Council: <ol style="list-style-type: none"> <li>1. Adopts in principle the proposed Greenbushes Town Centre Carpark and Access Concept Plan.</li> <li>2. Authorises the CEO to progress discussion with the landholders to acquire private property adjacent to the laneway at the rear of the shopping area on the corner of Blackwood Road and Stanifer Streets in Greenbushes for the purposes of creating a formalised car parking area.</li> <li>3. Requests the CEO to finalise the plan to include appropriate drainage, road access and parking and traffic ways.</li> <li>4. Requests the CEO to identify suitable funding opportunities for the project.</li> </ol>	T Clynch	Letters sent to affected property owners in order to commence consultation on possible ceding of private land for the project (March 2017).  Cr Scallan provided an update to the February 2018 Standing Committee meeting advising: <ul style="list-style-type: none"> <li>• Consultation still in progress</li> <li>• Owner now supportive of concept</li> <li>• Commercial discussions to commence</li> <li>• Once agreement in place discussions will be had with other landowners</li> <li>• Detailed design work now progressing in parallel</li> </ul>
C.03/0217 Potential Outsourcing of Selected Park Maintenance Functions	That the CEO report back to Council prior to or during the 2017/18 budget process on the implications and processes that would be required for Council to consider calling for expressions of interest from suitable contractors to take over maintenance of a number of Shire parks including but not limited to Memorial Park, Blackwood River Park, Geegelup Park and Thompson Park.	T Clynch	Compilation of existing maintenance functions and associated resources currently occurring which is required for report to Council. Report being prepared for June meeting. Further reporting is to occur by the end of the year.  Council workshop to occur in February.

			Workshop held on 22.2.18 with the directions from that workshop to be used to refine the service levels before formal presentation back to Council (March 2018)	
C.05/0217 Registration as a "Waterwise Council"	That Council endorse the recommendation from its Sustainability Advisory Committee and direct the CEO to submit a request to the Water Corporation for commencement of the process to becoming a "Waterwise Council".	T Clynch	Request has been submitted (April 2017).  Process for preparation and signing of a Memorandum of Understanding has commenced (August 2017)	
C.03/0417 Green Roof at Library	That Council endorse the Sustainability Advisory Committee recommendation to remove the vegetation comprising the green roof and install roof matting.	L Crooks	The works will be programmed in 2017/18 (June 2017)	
C.12/0617 Home Based Business Regulatory Review	That Council, in relation to the Home Based Business Regulatory Review: 1. Notes the four submissions received as per Attachment 13, and the staff responses in the Schedule of Submissions as per Attachment 14, in relation to both Town Planning Scheme No. 3 – Amendment No. 72 and Town Planning Scheme No. 4 – Amendment No. 70 and the draft Home Based Business Policy.  2. Pursuant to the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015, grants final adoption of Town Planning Scheme No. 3 – Amendment No. 72 as per Attachment 15, and Town Planning Scheme No. 4 – Amendment No. 70 as per Attachment 16, and authorises the Shire President and Chief Executive Officer to sign and seal the amendment documents and forward the amendments to the Western Australian Planning Commission for final approval by the Minister for Planning.  3. Pursuant to Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4, adopts the draft Home Based Business Policy, as per Attachment 17, to expressly supersede the current Home Occupation & Occupation Town Planning Scheme Policy TP.20, including the following	S Donaldson	1. Noted.  2. Both amendments forwarded to WAPC on 7 August 2017 for support of the Minister for Planning. Liaison with staff continuing and final decision pending (September 2017). WAPC and Minister for Planning required modifications to both amendments. Modified documents with WAPC for final approval (January 2018). <b>Amendment No. 72 to TPS3 approved on 30 January 2018 and gazetted on 23 February 2018. Amendment No. 70 to TPS4 approved on 16 February 2018 and gazetted on 20 March 2018.</b>  3. Policy finalised and notification published. Policy now in operation.	√

	<p>modifications to the Policy:</p> <p>a) New Clause 4.6.7 Waste Water Control to read as follows:</p> <p>“A home based business that produces an increase in waste water from the business activities, may be required to supply additional information to ensure that the receiving environments are not impact upon by the operation. Additional information may consist of but not limited to waste water management, treatment and disposal methods.”</p> <p>b) New Clause 4.6.8 Food Registration to read as follows:</p> <p>“A home based business that involves the preparation/production of food for sale may require separate environmental health approval and registration in accordance with relevant legislation, regulations, codes and guidelines.”</p>			
C.11/0817 Road Safety – Steere Street	<ol style="list-style-type: none"> <li>1. That Council direct the CEO to assess the safety of the intersection of Steere Street, the shire car park and Stewart Street.</li> <li>2. If the intersection requires modification to increase safe intersection sight distances, Council directs the CEO to explore possible solutions and present them to Council for consideration at a future Council meeting.</li> </ol>	M Richards	<ol style="list-style-type: none"> <li>1. Assessment completed.</li> <li>2. Plans forwarded to Main Roads for approval re: remedial works; once Main Roads response received solutions will be presented to Council. EMWS will monitor and follow up on the progress with Main Roads if a response is not received.</li> </ol>	
C.08/0917 Preparation of Shire of Bridgetown-Greenbushes Local Planning Strategy and Local Planning Scheme No 6	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Notes that the draft Local Planning Strategy adopted by Council in November 2012 has not been endorsed by the Western Australian Planning Commission for the purpose of advertising and will not be further progressed.</li> <li>2. Notes the appointment of Lush Fire &amp; Planning to prepare a Bushfire Hazard Level Assessment to guide preparation of a new Local Planning Strategy and Local Planning Scheme for</li> </ol>	S Donaldson	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. Noted. Preliminary investigations completed. Preliminary draft report received February 2018 for staff review. Meeting scheduled with Department of</li> </ol>	

	<p>the Shire of Bridgetown-Greenbushes.</p> <p>3. Pursuant to regulation 11 of the Planning and Development (Local Planning Schemes) Regulations 2015, directs the Chief Executive Officer to prepare a new Local Planning Strategy for all land within the Shire of Bridgetown-Greenbushes municipality, as per the Scheme Map Area marked in Attachment 9.</p> <p>4. Pursuant to section 72 of the Planning and Development Act 2005 and regulation 19 of the Planning and Development (Local Planning Schemes) Regulations 2015, directs the Chief Executive Officer to prepare a new Local Planning Scheme No. 6, for all land within the Shire of Bridgetown-Greenbushes municipality, as per the Scheme Map Area in Attachment 9, and upon gazettal will revoke Town Planning Scheme No. 3 and Town Planning Scheme No. 4.</p> <p>5. Pursuant to section 72 of the Planning and Development Act 2005 and regulation 20 of the Planning and Development (Local Planning Schemes) Regulations 2015, directs the Chief Executive Officer to forward to the Western Australian Planning Commission:</p> <p>a) A copy of Council's resolution deciding to prepare a new Local Planning Strategy and Local Planning Scheme No. 6 for the Shire of Bridgetown-Greenbushes; and</p> <p>b) A map marked Scheme Map Area signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Local Planning Strategy and Local Planning Scheme No. 6 for the Shire of Bridgetown-Greenbushes.</p> <p>6. Subject to receiving notification from the Western Australian Planning Commission pursuant to regulation 20 of the Planning and Development (Local Planning Schemes) Regulations 2015, directs the Chief Executive Officer to:</p>		<p>Planning, Lands and Heritage for 8 March 2018 for preliminary advice. <b>Follow up meeting with DPLH staff on 27 March 2018, working with consultant on modifications.</b> Draft report to be presented to Council in June 2018 (April2018).</p> <p>3. Noted.</p> <p>4. Noted.</p> <p>5. Correspondence sent to WAPC on 26 October 2017. Response received.</p> <p>6. Noted. To be actioned.</p>	
--	--	--	---	--

	<p>a) publish a notice within a newspaper circulating in the Shire district of the passing of the resolution deciding to prepare a Local Planning Strategy and Local Planning Scheme No. 6 for the Shire of Bridgetown-Greenbushes.</p> <p>b) forward a copy of the notice to and seeking a memorandum in writing setting out any recommendations in respect of the resolution to:</p> <p>(i) the local government of each district that adjoins the local government district;</p> <p>(ii) each licensee under the Water Services Act 2012 likely to be affected by the scheme;</p> <p>(iii) the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions assisting in the administration of the Conservation and Land Management Act 1984; and</p> <p>(iv) each public authority likely to be affected by the scheme, including the Department of Water and Environment Regulation pursuant to section 81 of the Planning and Development Act 2005.</p>			
C.02/1017 Reclassification of Taxi Bay to Taxi/Community Bus Parking Bay	That Council amend the designation of the existing taxi bay on Hampton Street to a taxi/community bus parking bay with any community bus or van used for the conveyance of passengers permitted to park in this bay.	T Clynych	Signage to be ordered.	<b>A test use of the BCH Van in the taxi bay is being planned with the users to determine the suitability of the disabled access system within the confines of the parking bay (April 2018).</b>
C.10/1017 ACROD Parking	That Council: <ol style="list-style-type: none"> <li>Notes the additional cost of approximately \$2,500 associated with installing an ACROD parking bay located next to Howard Evans Legal Office.</li> <li>Directs the CEO to enter into agreements with the owners of land identified for installation of ACROD bays (land adjacent to Howard Evans office and Bridgetown</li> </ol>	M Richards	CEO is continuing to negotiate with owners of IGA for access to the two bays next to Howard Evans office as IGA Manager has asked for changes to the terms agreed to by council and originally supported by The Stables IGA.	Further discussions have recently been held with owners of IGA about how ACROD bay can be created but leaving one

	<p>Post Office Car Park) with the agreement confirming that all maintenance responsibilities for the ACROD bays rest with the Shire of Bridgetown-Greenbushes.</p> <p>3. Subject to completion of Part 2 above, direct the CEO to carry out the necessary works to ensure the proposed ACROD parking bay located next to Howard Evans Legal Office.</p>		<p>normal parking bay adjacent. This is believed achievable and Shire staff are completing draft design (March 2018).</p>
<p>C.07/1217 Ration Action Plan – Fair Value Accounting &amp; Depreciation Expense</p>	<p>That Council endorse the following Ratio Improvement Action Plan:</p> <ul style="list-style-type: none"> <li>• A full review of Council’s asset depreciation expenditure is undertaken. Specifically, a review of each individual Council asset (at component level) of its condition, useful life, remaining useful life and residual value.</li> <li>• An assessment as to whether the Shire is revenue short or expenditure long by undertaking a comparison of neighbouring and similar sized Shires in relation to the level of own source revenue (i.e. rates, fees and charges) compared to expenditure.</li> <li>• Develop a policy to guide future Council decisions in relation to the allocation of funds to renewal works versus upgrade works.</li> <li>• That various scenarios are modelled during the next review of Council’s Long Term Financial Plan in relation to achieving minimum ratio benchmarks. The results of these scenarios to be workshopped with Council.</li> </ul>	<p>M Larkworthy</p>	<p>Relevant Staff will receive training in condition rating and useful life assessment as part of the Department’s Asset Management Capacity Building program. Last training session is scheduled for 27 February 2018.</p> <p>Not yet commenced</p> <p>Policy will be developed following full review of Council’s asset depreciation expenditure in point 1 above.</p> <p>A review of Council’s Long Term Financial Plan will commence in conjunction with the Corporate Business Plan and 10 Year Capital Works plans annual reviews.</p>
<p>C.04/0118 Greenbushes Green Waste Disposal Area</p>	<p>That the practice of allowing disposal of green waste at the current location adjacent to the Greenbushes Sportsground (or any other alternative site) be discontinued and the CEO is directed to implement measures to close this facility and remove the accumulated green waste.</p>	<p>T Clynch</p>	<p>Signage is being made in order to inform persons that it is illegal to dump green waste at this location. The Community Emergency Services Manager has assessed the site and has scheduled it for burning once weather conditions are suitable (March 2018).</p>