

Standing Committee Minutes Index – 12 May 2016

Subject	Page No
Acknowledgment of Country	2
Attendance & Apologies.....	2
Attendance of Gallery	2
Petitions/Deputations/Presentations.....	2
Comment on Agenda Items by Parties With an Interest.....	2
Confirmation of Minutes	2
SC.01/0516 Ordinary Meeting held 14 April 2016	2
Announcements/Briefings by Elected Members	3
Notification of Disclosure of Interest.....	3
Consideration of Motions of which Previous Notice Has Been Given	4
SC.02/0516 Proposed Amendment to Cut and Fill Town Planning Scheme Policy (Cr Hodson).....	4
Reports of Officers.....	9
Policy	9
SC.03/0516 Proposed Policy – Australia Day Events.....	9
SC.04/0516 Proposed New Policy – Mobile and Itinerant Traders	11
Local Laws	15
Strategy	16
SC.05/0516 2016 Local Government Convention & WALGA Annual General Meeting.....	16
SC.06/0516 Survey – Opening Hours of the Bridgetown Waste Disposal Site.....	20
SC.07/0516 Extension of Rubbish Collection Area.....	25
Organisation Development.....	31
SC.08/0516 Councillor Fees/Allowances	31
SC.09/0516 Rolling Action Sheet	37
Urgent Business Approved By Decision.....	38
Responses to Elected Member Questions Taken on Notice	38
Elected Members Questions With Notice.....	38
Briefings by Officers	38
Notice of Motions for Consideration at Next Meeting	38
Matters Behind Closed Doors	38
Closure	38
List of Attachments.....	38

Minutes of a Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held in the Council Chambers on Thursday, 12 May 2016 commencing at 5.34pm.

The Presiding Member opened the Meeting at 5.34pm

Acknowledgment of Country – Chief Executive Officer

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

Attendance & Apologies

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

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

Leave of Absence - Cr A Pratico

Gallery

B Moore

Petitions/Deputations/Presentations - Nil

Comment on Agenda Items by Parties With an Interest -Nil

Confirmation of Minutes

SC.01/0516 Ordinary Meeting held 14 April 2016

A motion is required to confirm the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held 14 April 2016 as a true and correct record.

Committee Decision ***Moved Cr Mackman, Seconded Cr Moore***

SC.01/0516 That the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy and Organisation Development Committee held 14 April be confirmed as a true and correct record.

Carried 8/0

Announcements/Briefings by Elected Members - Nil

Notification of Disclosure of Interests

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

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

Name	Cr J Nicholas
Type of Interest	Impartiality
Item No.	SC.04/0516 – Proposed New Policy – Mobile & Itinerant Traders
Nature of Interest	Member of the BGBTA

Name	Cr P Quinby
Type of Interest	Impartiality
Item No.	SC.04/0516 – Proposed New Policy – Mobile & Itinerant Traders
Nature of Interest	Member of the BGBTA

Name	Cr P Quinby
Type of Interest	Impartiality
Item No.	SC.07/0516 – Extension of Rubbish Collection Area
Nature of Interest	Covers my house

Name	Cr A Wilson
Type of Interest	Impartiality
Item No.	SC.07/0516 – Extension of Rubbish Collection Area
Nature of Interest	Part of survey

Name	Cr J Moore
Type of Interest	Impartiality
Item No.	SC.07/0516 – Extension of Rubbish Collection Area
Nature of Interest	Live in the area discussed

Name	M Larkworthy
Type of Interest	Impartiality
Item No.	SC.07/0516 – Extension of Rubbish Collection Area
Nature of Interest	Property owner in Four Seasons Estate. Participated in the survey.

Consideration of Motions of Which Previous Notice has been Given

SC.02/0516 Proposed Amendment to Cut and Fill Town Planning Scheme Policy

Submitted by Cr Hodson

Attachment 1 TP.8 Cut & Fill Policy (Current)

Motion

That Council endorse in-principle the following amendments to its Cut and Fill Town Planning Scheme Policy (TP8) and direct the CEO to commence the community consultation required for amending a town planning scheme policy by:

- 1. Deleting reference for the requirement of a landscaping plan.*
- 2. Deleting all reference to or requirements for submittal of a landscaping plan and payment of a landscaping bond.*
- 3. Noting that such amendments wouldn't be retrospective for applicants that have already had landscaping conditions imposed and/or paid a landscaping bond.*

Background Reasons

This motion is to address the unfairness imposed on home builders in the Bridgetown Shire of a landscaping condition and bond which is held in trust until these onerous conditions are met.

A landscaping policy is not in any of the other local shires planning policy.

The motion asks only that this condition to be removed to bring it in line with other local Shires.

With regard to the current landscaping bond requirement a bond of \$1000.00 base amount plus \$150.00 and a service fee of \$50.00 these fees, while refundable with the exception of the service fee, could be withheld for some time before home owners can access it, only then after being adjudicated by our local planner who has no horticultural qualifications. Surely owners have the right to select the plants that they want without someone telling them that "this is what you will plant."

Currently the policy requires that a landscaping plan be submitted addressing the following:

1. List of species to be used (as long as owners care for them surely it's their choice not some third party)
2. Location of planting should be at owners discretions
3. Location of reticulation (this should be owners decision and only if required as some properties have limited water supply)
4. Location of compensation Basins (again not up to planner as engineer would require this if necessary)
5. Areas to be seeded/mulched (surely should not be required if ground cover is used)
6. Species of seed mix (lots of people don't want any seed type on their banks)
7. Timing of vegetation program (should not be considered)

8. Fertilizer use (many people like to use natural fertilizer when required)

Conclusion.

Most new home owners would endeavour to beatify their new home as soon as possible subject to financial requirements without the Shire holding this bond over their heads. Landscaping bonds now are paid by landowners or builders which in the case of builders these cost are built into the total house cost (or mortgage).

Although this landscaping condition is part of the cut and fill policy, I believe this should be deleted and the conditions and bonds removed. Currently if a stumped or pole house is erected without cut and fill there is no landscaping required.

If removed the Shire would not need to carry these bonds in a trust fund thus saving in administration running costs.

The parts of the policy referred to are Items 3.4.1 and 3.4.2 of the cut and fill policy.

Officer Comment

At the outset, Shire staff support a comprehensive review of the Cut & Fill Policy to simplify some of the conditions and to possibly introduce more comprehensive conditions related to subdivision of land. Shire staff do not support deletion of the landscaping conditions at this time for reasons discussed below.

As reported to Council in May 2015, the Shire's Cut & Fill Policy (see Attachment 1) was originally adopted by Council in September 2002, with the Aim as stated *"To preserve the natural topography of the Scheme Area by restricting the level of cut and fill development specifically on steep slopes."*

As stated in section 1.0 Introduction, the Policy recognises the topographical challenges of the Shire to find a level building site, and the cut and fill techniques often used for development that requires sufficient management to prevent unsightliness and erosion implications and *"Inappropriate cut and fill development can represent a scar on the landscape."*

The Policy has been reviewed and specifically varied four times since the 2002 adoption, most recently in February 2012. Most notably the maximum permitted fill height was increased from 1.5 metres to 2.0 metres above natural ground level to reduce the depth of cut required, the retaining wall bond was to be applicable only to retain fill post construction, and landscaping to only be applicable to fill embankments and not the cut embankments.

Under Policy requirement 3.2.3 *"All exposed fill embankments are to be stabilised to prevent erosion using retaining walls or landscaped in accordance with an approved landscaping plan."* The Cut & Fill Policy draws on requirements from Volume 2 Part 3.1.1 of the Building Code of Australia in relation to unprotected embankments. Under the BCA retaining walls or other methods may be required depending upon the soil type and ratio of cut or fill, or alternatively exposed embankments must be stabilised by vegetation or similar works to prevent soil erosion.

The background to the motion states that the landscaping components of the Cut and Fill Policy are unfair and onerous and should be deleted from the Policy. The motion seeks in-principle support from Council to modify the policy, subject then to

public consultation, to delete the requirement of a landscaping plan or payment of a landscaping bond, and any potential change to the policy however is not to be retrospective for applicants that already have landscaping conditions and/or paid a landscaping bond.

In response, Shire staff do not agree that the landscaping conditions are unfair or onerous. Staff acknowledge feedback from some landowners that paying the bond and drawing up a landscaping plan is an imposition, and that nominating the species to be planted can be difficult due in part to a lack of supply of preferred species. Some landowners have simply undertaken the landscaping without seeking Shire approval of a landscaping plan, with some (not all) in this case submitting 'as-constructed' landscaping plans.

Landowners are encouraged to provide the landscaping plan once the construction and earthworks have been completed. There is currently no timeframe imposed for completion of the landscaping, with embankment landscaping projects completed generally between twelve to eighteen months from the completion of construction of the house, once residents have moved in.

Shire staff see some benefit from removing the need for an up-front landscaping plan and support instead a landscaping plan being submitted once the landscaping has been completed. Shire staff can then assess the plan, inspect the property and make any recommendations for additional planting if required. This view was provided to Council in May 2015.

The landscaping bond imposed consists of the \$1000 base amount as per the Policy, plus a \$150 (15%) refundable service fee and \$50 (5%) non-refundable administration fee. Landscaping bonds are often paid by the landowners directly, or via their builders. The bond is a significant incentive for the landowners to complete the landscaping of the raised embankments, and the Shire takes bonds for various forms of development including retaining walls, relocated dwellings, relocated outbuildings, extractive industry rehabilitation, etc.

Conversely, there are many examples throughout the Shire where landowners who have paid a bond have not yet commenced landscaping works, despite reminders regarding conditions of approval and the landscaping bond being held in trust. Some owners have even sold their properties without undertaking the landscaping, passing on the landscaping project to the new owners. This makes refunding the bonds to the original owners/builder very difficult when the landscaping is finally completed by the new owners.

The inaction by some landowners can create significant unsightly development sites, with overgrown weeds, un-shaped and potentially unstable earthworks, that may cause wash out onto the verge and public roads.

The background to the motion states that "the bond could be withheld for some time before home owners can access it, only then after being adjudicated by our local planner who has no horticultural qualifications. Surely owners have the right to select the plants that they want without someone telling them that "this is what you will plant."

Landscaping plans when submitted to the Shire are assessed by the Shire's consultant Environment Officer to determine the appropriateness of the planting in terms of species, numbers, layout, etc, with recommendations provided when required for alternative planting more suited to the local area. Once the plan has been endorsed, and the planting undertaken, the Manager Planning can then inspect the site and if satisfied with the works can arrange for the bond to be refunded including accrued interest, minus the \$50 administration fee retained by the Shire.

The motion states that no other local Shire's have a landscaping requirement in their planning policy and that removal of the conditions will bring the policy in line with other local Shires. The Shire of Manjimup, Shire of Donnybrook-Balingup and the Shire of Boyup Brook do not have local planning policies related to earthworks for single house. The Shire of Nannup's Cut & Fill and Retaining Wall Policy has some similar elements to the Shire of Bridgetown-Greenbushes Cut & Fill Policy, however the Nannup policy also provides further requirements for retaining walls for individual lots and subdivisions. The Shire of Nannup Policy limits the height of fill and requires landscaping of embankments however there are no requirements for landscaping plans or bonds.

Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, development approval is now exempt for single house development in the Residential zone where compliant with the Deemed-to-comply provisions of the Residential Design Codes of WA and relevant Shire policies. In that case where development approval is not granted, conditions from the Cut & Fill Policy can not be applied and the requirement for a landscaping plan and bond not enforceable.

Noting the above, Shire staff remain of the view that earthworks for housing should be appropriately retained or landscaped and do not agree with the intent of the motion to delete relevant conditions as proposed in the motion. Should the need for landscaping plans and bonds be removed from the policy, there will however be significant savings in Shire administration costs. Should landscaping works then not be completed in a timely period the Shire can issue warnings, infringements and potentially seek prosecution for failing to comply with conditions of development approval.

As stated in the opening sentence of the Officer Comment, Shire staff do suggest that a comprehensive review of the Cut & Fill Policy be undertaken

Statutory Environment

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

Alteration of an adopted Town Planning Scheme Policy can only become operative after the draft policy has been advertised for public comment and that any comments be considered along with the Policy by Council where it shall decide to adopt the draft policy with or without amendment, rescind the former Policy or to not proceed, pursuant to Clause 6.7.3 of Town Planning Scheme No. 3 and Clause 7.6.3 of Town Planning Scheme No. 4.

Policy

This item concerns the review of the current TP.8 Cut and Fill Policy.

Strategic Implications

Strategic Community Plan 2012

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

- *Outcome 2.8.5 – Support and promote sound environmental management practices.*

Civic Leadership Objective 4: A collaborative and engaged community

- Outcome 4.4 The Shire provides a can-do approach within the regulatory framework.
- Outcome 4.1.1 Review existing policies to determine if the regulatory framework is aligned to the needs of the broader community.

Budget Implications

Advertising costs of approximately \$300 to \$400 would be incurred for community consultation of a revised policy as outlined in the motion.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Hodson, Seconded Cr Boyle*

SC.02/0516 That Council endorse in-principle the following amendments to its Cut and Fill Town Planning Scheme Policy (TP8) and direct the CEO to commence the community consultation required for amending a town planning scheme policy by:

- 1. Deleting reference for the requirement of a landscaping plan.***
- 2. Deleting all reference to or requirements for submittal of a landscaping plan and payment of a landscaping bond.***
- 3. Noting that such amendments wouldn't be retrospective for applicants that have already had landscaping conditions imposed and/or paid a landscaping bond.***

Carried 6/2

Crs Nicholas and Mackman voted against the Motion

Reports of Officers

Reports of Officers have been divided into the following Categories:

- Policy
- Local Laws
- Strategy
- Organisation Development

Policy

ITEM NO.	SC.03/0516	FILE REF.	
SUBJECT	Proposed Policy – Australia Day Events		
OFFICER	Chief Executive Officer		
DATE OF REPORT	26 April 2016		

Attachment 2 Draft Policy “Australia Day Events”

OFFICER RECOMMENDATION that Council adopts Policy O.16 – Australia Day Events.

Summary/Purpose

A new policy has been prepared confirming Council's current Australia Day breakfast held in Bridgetown is to be the sole Australia Day event delivered by the Shire however financial support is to be provided annually by Council for a community managed Australia Day event in Greenbushes.

Background

In September 2015 Council resolved:

C.02/0915 That Council support in principle that the Greenbushes Community hold an Australia Day event in Greenbushes in January 2016.

The Greenbushes Residents and Ratepayers Association hosted a well-attended Australia Day event at Thomson Park. Feedback from North Ward councillors and residents that attended was that the event was well received and catered primarily for residents that wouldn't have attended the Bridgetown event earlier in the day.

Rather than Council annually considering the holding of a Greenbushes event it is proposed to confirm the event in a new policy entitled “Australia Day Events”. This draft policy makes it clear that the event held in Bridgetown is the formal Shire Australia Day event and will include the formal Australia Day Awards. The holding of a second Australia Day event in Greenbushes is confirmed by the policy however it is made clear that Council/Shire role in this event is limited to providing funding for the Greenbushes Residents and Ratepayers Association to host it.

In previous years when only the Bridgetown event was held Council would at times fund a bus service from Greenbushes to Bridgetown. With the provision of funding for a Greenbushes event the funding of a bus service is recommended to be discontinued.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Objective 3 – Our community enjoys a high quality of life
 - Outcome 3.8 – Maintain our strong sense of community.
 - Strategy 3.8.1 – Continue to fund and/or support local and regional events where a demonstrable community benefit can be shown.
- Corporate Business Plan - Nil
- Long Term Financial Plan

If a Greenbushes event becomes a permanent feature of Australia Day the extra costs of a second event would be recognised in future reviews of the Long Term Financial Plan.
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Budget Implications

The draft policy proposes that the financial contribution by council to the Greenbushes Australia Day event would be determined annually at such time as Council considers its annual community grants/service agreements/other community donations allocations. These allocations are then fed into the annual budget.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity

Financially supporting an event in Greenbushes will make the Australia Day celebrations more accessible to residents of Greenbushes and surrounding districts. It will also provide choice to all residents, not all of whom can or wish to have an early breakfast event.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

During the planning for the Bridgetown event a risk assessment is conducted. The risk assessment for the Greenbushes event is to be conducted by the event organisers.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Moved Cr Scallan, Seconded Cr Boyle

That Council adopts Policy O.16 – Australia Day Events.

Amendment Moved Cr Scallan, Seconded Cr Nicholas

3rd paragraph – Delete the sentence “Although the formal” and replace with “The formal Australia Day Awards will be presented at the Bridgetown Australian Day Event.”

Carried 8/0

The Amended Motion becomes the Substantive Motion – The Motion was Put

Committee Recommendation Moved Cr Scallan, Seconded Cr Boyle

SC.03/0516 That Council adopts Policy O.16 – Australia Day Events with the following minor change:

- **3rd paragraph – Delete the sentence “Although the formal” and replace with “The formal Australia Day Awards will be presented at the Bridgetown Australian Day Event.”**

Carried 8/0

Reason for amending the officer recommendation

To make it clear that Australia Day Awards will be awarded at the Shire’s event.

Cr Nicholas declared an Impartiality Interest in Item SC.04/0516 as he is a member of the BGBTA. Cr Nicholas declared he would consider the item on its merits and vote accordingly.

Cr Quinby declared an Impartiality Interest in Item SC.04/0516 as he is a member of the BGBTA. Cr Quinby declared he would consider the item on its merits and vote accordingly.

ITEM NO.	SC.04/0516	FILE REF.	
SUBJECT	Proposed New Policy – Mobile and Itinerant Traders		
PROPONENT	Council		
OFFICER	Chief Executive Officer and Manager Health		
DATE OF REPORT	28 April 2016		

Attachment 3 Draft Mobile and Itinerant Traders Policy

Attachment 4 Submission

OFFICER RECOMMENDATION that Council:

1. Note the submission from the Bridgetown Greenbushes Business & Tourism Association (BGBTA).
2. Adopt the Mobile and Itinerant Traders Policy subject to Clause 5.4 being modified to read:
 - 5.4 Approval will not be granted where the local government considers the environment of an area is too fragile to accommodate the activities of mobile trading, or where mobile trading would detract from the predominant public purpose of an area.

Summary/Purpose

At its September 2015 meeting Council resolved that a draft “Mobile Trading” Policy be prepared and presented to the November 2015 meeting of the Standing Committee.

A draft policy is presented for consideration. The policy distinguishes between mobile traders (traders that work in one place for no more than 4 hours at a time) and itinerant traders (traders that work from the road stopping from time to time to serve customers).

Background

Council, at its September 2015 meeting considered an application for a mobile trader to trade from Blackwood River Park and resolved:

C.10/0915 That council refuse the application for a Trading Permit to operate a mobile ‘Food Business’ within the Shire of Bridgetown-Greenbushes, to trade from Blackwood River Park carpark on the following grounds:

- *Council does not support the establishment of a permanent trading van*
- *The establishment of a trading van would be detrimental to the ambience and amenity of the park.*

C.10/0915a That Council request the CEO to prepare a draft “Mobile Trading” Policy for consideration at the November 2015 meeting of the Standing Committee.

A draft policy was presented to the November 2015 Standing Committee meeting with the following recommendation being endorsed at the Council meeting held on 26 November 2015:

C.13/1115 That Council note the contents of the Draft Mobile and Itinerant Traders Policy with the following minor amendment:

- *That the first paragraph that reads “The main difference between an” under dot point 3 ‘Definitions’ be relocated to dot point 1 ‘Scope of the Policy’;*

and authorise the CEO to advertise the draft policy for community consultation for a 28 day period before referring the matter back to Council for final determination.

Some of the features of the Policy are:

- Definitions for mobile traders, itinerant traders and a public place.
- A time restriction of 4 hours for mobile traders to trade from any one spot on any one day. This would preclude applications for semi-permanent proposals such as the two applications recently considered.
- Confirming the application requirements are stipulated under Part 6 (Trading in Thoroughfares and Public Places) of Council’s “Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law”.
- Minimum standards for mobile trading locations (access, safety, car parking, rubbish collection, etc.)
- A presumption that approvals for mobile trading will not be given to sites within the townsite boundaries of Bridgetown.

- Sites within Greenbushes Townsite can be considered however specific attention will be paid to the competition with nearby established commercial premises
- Notwithstanding the site criteria, based on experience of the impacts of previous/similar activities (within or outside the District), the fragile nature of certain areas, and/or the dominant public use of certain areas, certain activities may not be supported in certain areas and also that a restriction on the number of certain activities in certain areas may be prescribed.
- Restrictions on the locations that itinerant traders can trade in and a reminder that the use of amplified music is to comply with the relevant noise regulations.

Community consultation on the draft policy was conducted as follows:

- Correspondence and a copy of the draft policy was forwarded to the Bridgetown Greenbushes Business & Tourism Association (BGBTA) on 11 February 2016.
- An article in the February 2016 Insight Newsletter.

At the closing date for submissions (31 March 2016) one submission had been received – from the BGBTA. That submission indicated general support for the proposed policy but offered the following comments on behalf of the business community:

1. Pleased that the policy disallows such traders in the Bridgetown and Greenbushes town sites.
2. Requests an additional objective for the policy – “to ensure trade is not taken away from like commercial operators within the Bridgetown or Greenbushes town sites”.
3. The requirement for “adequate parking” under Clause 5.1 of the policy should perhaps be qualified in line with what is required of other new commercial operations – such as a minimum number of dedicated and marked spaces.
4. In Clause 5.4 suggest improve clarity of the wording, specifically the last sentence “...and also a restriction on the number of certain activities in certain areas should be prescribed”.

Officer Comment

Responses to the four points of comment made in the BGBTA submission are provided below:

1. Note that the prohibition on trading in the Bridgetown and Greenbushes town sites applies to mobile traders only and not itinerant traders.
2. This objective would be unachievable as every mobile trader would conceivably take trade away from a commercial operator, for example any mobile trader offering a food product could be seen to be competing with a commercial café. It is recommended that Council not amend the objectives of the policy.
3. The current wording of the policy doesn't specify a number of car parking bays rather it restricts mobile traders to locations that provide an adequate area of parking. To specify a minimum number of parking bays in line with commercial operators would be counter-productive as under Town Planning

Scheme No. 3 commercial uses are only required to provide 1 bay per 15m² of retail floor area. The retail floor area doesn't include the kitchen, storage and other work areas of the business so for a mobile trader it would only cover the area where people stand to be served and any area where customer tables are provided (which not all mobile traders provide). On that basis it is likely that most traders could trade in an area with capacity for just a single car parking bay which is actually against the intent of the policy.

4. Agreed that this clause is poorly worded. Revised wording could be:
5.4 Approval will not be granted where the local government considers the environment of an area is too fragile to accommodate the activities of mobile trading, or where mobile trading would detract from the predominant public purpose of an area.

Statutory Environment

Permits for trading in a thoroughfare and/or a public place are approved in accordance with Council's "Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law". The proposed policy would be a supporting document to the Local law however the power to approve or refuse applications is contained within the local law.

Integrated Planning

- Strategic Community Plan
Objective 1 – a strong, resilient and balanced economy
Outcome 1.1 – a diverse range of employment opportunities

Objective 3 – our community enjoys a high quality of life
Outcome 3.3 – a diverse population
Strategy 3.3.2 – encourage a diverse range of employment opportunities

Objective 4 – a collaborative and engaged community
Outcome 4.4 – the Shire provides a can-do approach within the regulatory framework
Strategy 4.4.1 – review existing policies to determine if the regulatory framework is aligned to the needs of the broader community
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning - Nil

Policy

This matter concerns policy development.

Budget Implications

Implementation of the policy will be met under existing operational expenses.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The local law requires trading operators to hold appropriate Public Liability Insurance cover over the operation of the business.

Continuous Improvement

In response to two recent applications to establish mobile trading Council identified the need for an appropriate policy to guide future decision making on similar applications.

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Mackman, Seconded Cr Hodson*
That Council:

- 1. Note the submission from the Bridgetown Greenbushes Business & Tourism Association (BGBTA).***
- 2. Adopt the Mobile and Itinerant Traders Policy subject to Clause 5.4 being modified to read:***
 - 5.4 Approval will not be granted where the local government considers the environment of an area is too fragile to accommodate the activities of mobile trading, or where mobile trading would detract from the predominant public purpose of an area.***

Carried 8/0

Local Laws - Nil

Strategy

ITEM NO.	SC.05/0516	FILE REF.	261.1
SUBJECT	2016 Local Government Convention & WALGA Annual General Meeting		
PROPONENT	WALGA		
OFFICER	Senior Administration Officer		
DATE OF REPORT	19 April 2016		

OFFICER RECOMMENDATION that Council determine how many elected members (and who these will be) to attend the 2016 Local Government Convention.

OFFICER RECOMMENDATION that of the Elected Members selected to attend the Local Government Convention, Council appoints two of these as its voting delegates to represent the Shire of Bridgetown-Greenbushes at the Western Australian Local Government Association Annual General Meeting.

OFFICER RECOMMENDATION that if Council determines to submit a Notice of Motion(s) for the Annual General Meeting, the Motion(s) are to be submitted to be in the format set out by WALGA.

Summary/Purpose

Each year WALGA holds its Annual General Meeting during the Local Government Convention with all member Councils being invited to submit Notices of Motions for this meeting.

In addition, pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two (2) voting delegates. Voting delegates may be either elected members or serving officers and the names of these delegates will be required to be submitted to WALGA in either late June or early July.

Background

An invitation has been issued to all local authorities to submit motions for inclusion on the Agenda for consideration at the 2016 Annual General Meeting. Having regard to the Association's constitutional requirement to provide completed Agenda papers to all Member Councils at least 30 days before the date of the AGM, it will not be possible to include motions received after the closing date of 7 June.

Guidelines for Formulation of Motions

- Motions should focus on policy matters rather than issues which could be dealt with by the State Council with minimal delay.
- Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come Local Government Week or would it be better handled immediately by the Association through the State Council.

- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to members – ie; does awareness need to be raised on the particular matter.
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by member Councils must be accompanied by fully researched and documented supporting comment.

Local Government Convention

The 2016 Local Government Convention will commence on Wednesday, 3 August and concludes with a gala dinner on Friday evening, 5 August. The venue is again the Perth Convention & Exhibition Centre and in preparation for the AGM, which will be held on the Wednesday, the proponent is requesting the CEO to register the names of our voting delegates.

Prior to the AGM, all member local governments will be provided with copies of the Agenda papers (these should be distributed during late June or early July) and a report on the Motions will be presented to Council to enable Council to determine how it would like its voting delegates to vote on each Motion.

Elected Member representation during the past five years has been:

2015	2014	2013	2012	2011
Cr Pratico Cr Hodson Cr Mackman Cr Scallan	Cr Pratico Cr Boyle Cr Mackman	Cr Pratico Cr J Moore Cr Mackman Cr Hodson Cr Scallan Cr Nicholas	Cr B Moore Cr Pratico Cr Mackman Cr Williams	Cr B Moore Cr Pratico Cr Hodson

The tentative schedule for the Convention is set out as follows:

<u>Wednesday, 3 August</u>	
Special State & Local Government Forum	8.30am
Registration for AGM	10.00am
Honour Recipients Luncheon	12.00noon
WALGA AGM opening (including Honours Awards Presentations)	1.30pm
Convention & Trade Exhibition Welcome Reception	5.30pm
<u>Thursday, 4 August</u>	
ALGWA AGM and Breakfast	7.00am
Opening and Convention Sessions	9.00am
Sundowner	5.30pm
Mayors & Presidents Reception-Government House (by invitation)	6.00pm

<u>Friday, 5 August</u>	
Convention Breakfast	7.30am
Convention Sessions	9.00am
Convention Gala Dinner	7.00pm

It is anticipated the Convention Program and Registration form will be received in early May.

Statutory Environment

WALGA Constitution in relation to the Annual General Meeting

Integrated Planning

- Strategic Community Plan
 - Outcome 4.2 – A High Standard of Governance and Accountability
 - 4.2.1 – Continue to provide Elected Member training and development
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy/Strategic Plan

Policy M.4 – Conference Attendance (clause 6) which reads:

“6. Attendance at Local Government Week

- Council will allocate funds in its annual budget to provide for up to a maximum of 4 elected member delegates to attend Local Government Week.
- The Shire President and Deputy President will have automatic rights to attend Local Government Week each year.
- The selection of the other 2 elected member delegates (or more if the Shire President and/or the Deputy President choose not to attend) will occur with regard to the following criteria:
 - Whether the elected member has previously attended Local Government Week with preference being given to those members that have not previously attended the event as a delegate.
 - The length of service by the elected member.
 - Based on the above criteria an elected member with service of 1 year would be given the option of attending Local Government Week over an elected member with a greater period of service that has previously attended Local Government Week as a Council delegate.”

Budget Implications – Funds are allocated in the budget each year to enable up to four (4) delegates (and the CEO) to attend the Local Government Convention.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Attendance of Elected Members to the annual Local Government Convention gives an insight into local government on a State-wide basis and provides 'net-working' opportunities for Councillors attending.

Voting Requirements – Simple Majority

Moved Cr Scallan, Seconded Cr Moore

That Council determine how many elected members (and who these will be) to attend the 2016 Local Government Convention.

Amendment Moved Cr Scallan, Seconded Cr Hodson

That Council determined 3 elected members will attend the 2016 Local Government Convention, being Crs Nicholas, Moore and Boyle.

Carried 8/0

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

SC.05/0516 That Council determined 3 elected members will attend the 2016 Local Government Convention, being Crs Nicholas, Moore and Boyle.

Carried 8/0

Moved Cr Scallan, Seconded Quinby

That of the Elected Members selected to attend the Local Government Convention, Council appoints two of these as its voting delegates to represent the Shire of Bridgetown-Greenbushes at the Western Australian Local Government Association Annual General Meeting.

Amendment Moved Cr Scallan, Seconded Cr Hodson

That Council appoints Crs Nicholas and Moore as its voting delegates to represent the Shire of Bridgetown-Greenbushes at the Western Australian Local Government Association Annual General Meeting.

Carried 8/0

The Amended Motion becomes the Substantive Motion – The Motion is Put
Committee Recommendation ***Moved Cr Scallan, Seconded Cr Quinby***

SC.05/0516a That Council appoints Crs Nicholas and Moore as its voting delegates to represent the Shire of Bridgetown-Greenbushes at the Western Australian Local Government Association Annual General Meeting.

Carried 8/0

Committee Recommendation Moved Cr Scallan, Seconded Nicholas
SC.05/0516b That Council determines to submit a Notice of Motion for the Annual General Meeting regarding issues concerning Brookfield Rail, with the details to be presented to the May Council Meeting, noting the Motion to be submitted to be in the format set out by WALGA.

Carried 8/0

ITEM NO.	SC.06/0516	FILE REF.	852.1
SUBJECT	Survey – Opening Hours of the Bridgetown Waste Disposal Site		
OFFICER	Chief Executive Officer		
DATE OF REPORT	2 May 2016		

OFFICER RECOMMENDATION that Council notes the survey responses and retain the current opening hours of the Bridgetown Waste Disposal Site.

Summary/Purpose

In 2015 Council determined a public survey be carried out regarding opening hours of the Bridgetown Waste Disposal Site. The survey period has closed and the results are presented to council.

Background

At its July 2015 meeting Council resolved:

C.11/0715 That Council endorses the draft survey regarding potential opening hours of the Bridgetown Refuse Disposal Site with the following minor amendments:

- The 'alternative open hours' option to be numbered option 'E';*
- Amend the wording in the last sentence of option 'E' to read: "Please remember that the total opening hours are to add up to no more than 26.5hrs";*
- Reformat the survey so all options appear on same page;*
- Options 'A' to 'D' to have a tick box for possible selection;*

and authorise the CEO to release the survey allowing for a minimum 6 week response period.

The survey was deferred to avoid clashing with the Strategic Community Plan community survey, eventually being advertised in the February edition of the Insight newsletter.

The survey was available in either electronic or hard copy formats. Both versions of the survey listed five options for consideration, being:

<input type="checkbox"/> <u>Option A – Retain Current Hours</u>	<input type="checkbox"/> <u>Option B – Same Days, Different Hours</u>
Wednesday 7.30am-12.00pm (4.5 hours)	Wednesday 7.30am-11.00am (3.5 hours)
Thursday 7.30am-12.00pm (4.5 hours)	Thursday 7.30am-11.00am (3.5 hours)
Friday 7.30am-11.00am (3.5 hours)	Friday 7.30am-11.00am (3.5 hours)
Saturday 9.00am-4.00pm (7 hours)	Saturday 8.00am-4.00pm (8 hours)
Sunday 9.00am-4.00pm (7 hours)	Sunday 8.00am-4.00pm (8 hours)

<input type="checkbox"/> <u>Option C – 3.5 Days per Week</u> <u>(Fri. 1/2 Day)</u> Thursday 7.30am-1.30pm (6 hours) Friday 7.30am-11.00am (3.5 hours) Saturday 8.00am-4.30pm (8.5 hours) Sunday 8.00am-4.30pm (8.5 hours)	<input type="checkbox"/> <u>Option D – 3.5 Days per Week</u> <u>(Thurs. 1/2 Day)</u> Thursday 7.30am- 11.00am (3.5 hours) Friday 7.30am-1.30pm (6 hours) Saturday 8.00am-4.30pm (8.5 hours) Sunday 8.00am-4.30pm (8.5 hours)
<input type="checkbox"/> <u>Option E – Alternative Opening Hours</u> If you have another option different to the above please list these below. Please remember that the total opening hours are to add up to no more than 26.5 hours. Monday: Tuesday: Wednesday: Thursday: Friday: Saturday: Sunday:	

The electronic version required respondents to rank the options in order of preference whereas the hard copy survey allowed respondents to simply select a preferred option.

At the close of the survey period a total of 53 surveys had been completed, 37 hard copy and 16 electronic.

All 37 hard copy surveys supported Option A – retain current hours.
The results of the electronic survey responses are:

	Option A	Option B	Option C	Option D	Option E	Score
Most Favoured Option	7	1	1	3	3	3.92
2 nd Favoured Option	2	7	1	1	0	3.50
3 rd Favoured Option	1	2	6	2	0	3.00
4 th Favoured Option	2	1	3	5	1	3.00
5 th Favoured Option	1	1	0	1	4	2.63

Six of the electronic survey respondents provided an alternative opening hours structure under Option E. These are shown below:

Please open Monday and skip another day of the week. After a weekend clean-up it is closed for two consecutive days. Better to have the closed days spread between the open days.
Wednesday-Thursday 9.30am-1pm, Friday 9am-12.30pm, Saturday & Sunday 9am-4pm (author note: this adds up to total of 28 hours which is 1.5 hours greater than current opening hours).
Monday 4 hours, Thursday 4 hours, Friday 4 hours, Saturday 7 hours, Sunday 7.5 hours – gardening/clean-up on a Sunday nowhere to take rubbish after 4pm.
Monday 8.30am-12.00pm, Tuesday 8.30am-12.00pm, Wednesday 8.30am-12.00pm, Thursday 8.30am-12.00pm, Friday 8.30am-12.00pm, Saturday 10.00am-3.00pm, Sunday 10.00am-2.00pm
Wednesday 7.30am-1.00pm, Thursday 7.30am-11.00am, Friday 7.30am-11.00am, Saturday 8.30am-4.00pm, Sunday 8.30am-3.00pm
Wednesday-Friday 8am-1pm, Saturday-Sunday 8am-1.45pm

Geegeelup Village Response

In addition to completing a survey the administrator of Geegeelup Village inc. provided the following comments via email:

... I have completed the survey online; however, I am concerned that the survey will not reflect the opinions of this organisation which represents some 75 residents. Geegeelup does not profess to be the largest user of the green waste disposal site, and we are not suggesting that we deserve special recognition. We are seeking a solution to our problem which revolves around working hours of our staff as compared to those of your staff.

<i>Our staff working hours</i>	<i>Tip opening hours</i>	<i>Geegeelup accessibility</i>
<i>Mon 8.30am-5.00pm</i>		<i>Nil</i>
<i>Tues 8.30am-5.00pm</i>		<i>Nil</i>
<i>Wed 8.30am-5.00pm</i>	<i>7.30am-12.00pm</i>	<i>3.5 hours</i>
<i>Thurs 8.30am-5.00pm</i>	<i>7.30am-12.00pm</i>	<i>3.5 hours</i>
<i>Fri 8.30am-3.00pm</i>	<i>7.30am-11.00am</i>	<i>2.5 hours</i>
<i>Sat Nil</i>	<i>9.00am-4.00pm</i>	<i>Nil</i>
<i>Sun Nil</i>	<i>9.00am-4.00pm</i>	<i>Nil</i>
<i>Total</i>		<i>9.5 hours</i>

In particular, the early opening is of little benefit to us, and the early close on Friday, combined with no opening on Monday/Tuesday is a hindrance. As mentioned previously, our demand could be up to 3 loads of green waste per day (particularly in autumn & spring) and by the time the vehicle is loaded, there is little time to make it to the tip before closing time. Friday pm is not very productive for us because there is no tip entry on Mon/Tues so we cannot load the vehicle in readiness.

If the Shire determines a change is possible, perhaps some consideration to a reduction in weekend hours (even 1-2 hours / day) could enable some opening time on Mon/Tues and/or an extension to Friday opening times.

Officer Comment

It is acknowledged that the survey completed by the administrator of Geegeelup Village represents all the residents of Geegeelup however it is assumed that most of the respondents that completed the other 52 surveys represented multiple persons in a household.

It is clear that the results of the survey indicate a clear preference to retain the current opening hours of the waste disposal site.

When initiating the survey Council determined that the survey was to be predicated on there being no increase to the total current opening hours of 26.5 hours per week. Any extension to this number of opening hours will increase the costs of operating and managing the site and these cost increase would have to be passed on to ratepayers.

If Council wished to consider increasing opening hours it isn't a simple decision to make as current rosters and waste staff commitments would have to be reviewed. In addition to attending the refuse site during opening hours waste staff are required to be at the site 30 minutes prior to opening each operating day for general tidy up and

preparedness work. Waste staff also performs the following tasks outside of attending the Bridgetown Waste Disposal Site:

Monday	5.00am-7.30am: street bins/park bins collection
Wednesday	5.00am-7.30am: street bins/park bins collection
Thursday	5.00am-7.30am: street bins/park bins collection
Friday	5.00am-7.30am: street bins/park bins collection
Saturday	6.00am-7.00am: street bins/park bins collection 8.30am-10.00am: Greenbushes street bins/park bins collection 10.00am-1.00pm: Greenbushes Transfer Station
Sunday	6.00am-7.00am: street bins/park bins collection

It is clear from the majority of survey responses that a reduction of hours over the weekend in order to increase weekday hours wouldn't be supported. Council could consider an increase to weekday opening hours (such as extending opening times on a Wednesday or Thursday – Friday is not possible due to having to changeover transfer station bins at 11am that day) however there will be a cost associated with that and Council when resolving to conduct the survey made it clear that it didn't wish to consider such a proposal due to cost implications.

If Council wished to consider an increase to waste site opening hours it could nominate the extent of any desired increase and request a report be presented back on the financial implications before a final decision is made.

Statutory Environment - Nil

Integrated Planning

- Strategic Community Plan
 - Objective 2 – our unique natural and built environment is protected and enhanced
 - Outcome 2.7 – efficient and effective waste management services
 - Strategy 2.7.2 - Ensure the facilities and management of the Bridgetown Refuse Disposal Site meets the appropriate standard
- Corporate Business Plan - Nil
- Long Term Financial Plan
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy

If Council was to change the opening hours of the Bridgetown Waste Disposal site a consequent amendment to Policy A.4 – 'Facility Opening Hours to the Public' could be made.

Budget Implications

There are no budget implications if the current opening hours are retained. If Council wished to consider an increase to opening hours the financial implications can be assessed and presented to Council in a separate report.

Fiscal Equity

The results of the survey indicate that the current opening hours of the waste site are acceptable to the majority of the community.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement

In initiating the survey councillors had indicated that in recent years there had been anecdotal feedback from the public of the need to review the opening hours of the waste site. The release of a community survey on this issue has allowed members of the public to formally provide feedback to Council on this issue.

Voting Requirements – Simple Majority

**Committee Recommendation *Moved Cr Boyle, Seconded Cr Scallan*
*SC.06/0516 That Council notes the survey responses and retain the current opening hours of the Bridgetown Waste Disposal Site.***

Carried 8/0

Cr Quinby declared an Impartiality Interest in Item SC.07/0516 as one of the areas in the motion covers his house. Cr Quinby declared he would consider the item on its merits and vote accordingly.

Cr Wilson declared an Impartiality Interest in Item SC.07/0516 as he participated in the survey. Cr Wilson declared he would consider the item on its merits and vote accordingly.

Cr Moore declared an Impartiality Interest in Item SC.07/0516 as she lives in the area discussed. Cr Moore declared she would consider the item on its merits and vote accordingly.

Mrs Larkworthy declared an Impartiality Interest in Item SC.07/0516 as she is a property owner in Four Season Estate and participated in the survey.

ITEM NO.	SC.07/0516	FILE REF.	851.3
SUBJECT	Extension of Rubbish Collection Area		
OFFICER	General Operations Coordinator & Chief Executive Officer		
DATE OF REPORT	4 May 2016		

Attachment 5	Existing Kerbside Waste Collection Areas
Attachment 6	Plan Showing Location and Support/Non-Support of Property owners that responded to Survey
Attachment 7	Plan showing Areas recommended for Extension of Kerbside Waste Collection Area

OFFICER RECOMMENDATION that Council:

1. As at 1st July 2016 extend the rubbish collection service to include all of the land within the areas shown on Attachment 7, being:
 - a. Four Seasons Estate
 - b. Properties fronting Whittells Road, Bridgetown
 - c. Properties fronting James Street, North Greenbushes
2. That land owners within the areas not identified for extension of the rubbish collection service be advised that upon application, the Shire, in consultation with its rubbish collection contractor, will determine whether a rubbish collection service can be provided to the affected property.

Summary/Purpose

In recent years the Shire has received a number of requests from property owners to consider extending the kerbside rubbish and recycling collection services. Accordingly in February staff wrote to a number of property owners in prospective areas capable of accommodating a kerbside collection service. Responses have been received back from a number of property owners indicating that general support for kerbside collection services existed in some areas but not in other areas.

In the event of the rubbish and recycling collection services being extended only those lots with a completed dwelling will be initially provided with a rubbish collection service.

A Council decision is required on whether the kerbside collection areas should be extended and if so, which areas are to receive the services.

Background

In recent years the Shire has received a number of requests from owners of properties outside the rubbish and recycling kerbside collection areas to receive these services. In order to obtain a formal view from residents in areas close to the existing kerbside collection areas, correspondence was forwarded to 306 property owners in the following localities:

- Four Seasons Estate
- Properties to the south of Four Seasons Estate
- Windy Hollow Estate
- Kangaroo Gully south of Windy Hollow Estate
- North Greenbushes

The affected land owners were provided with an opportunity to comment on the suitability or otherwise of Council extending the rubbish/recycling collection area to include their property. The closing date for submissions was 15 April 2016.

A total of 146 responses were received as shown in the table below:

Locality	No of Resident s Surveye d	Total Response s	Response Rate (%)	Support Provisio n of Kerbside Collectio n Service (Number)	Oppose Provisio n of Kerbside Collectio n Service (Number)	No Respons e Receive d
Four Seasons Estate	87	49	56%	30	19	38
South of Four Seasons Estate	44	16	36%	3	13	28
Windy Hollow Estate	24	8	33%	4	4	16
Kangaroo Gully South of Windy Hollow	98	51	52%	15	36	47
North Greenbushes	53	22	42%	12	10	31

A good proportion of affected land owners did not respond to the invitation to provide a submission on the proposal. Whether this means they are happy to receive (and pay) for such a service is unknown.

The survey only required respondents to tick or otherwise nominate a simple “like/dislike” for the provision of a rubbish collection service to their property. The majority of respondents simply nominated “like” or “dislike” however some did choose to provide some comments to explain their choice.

The main comments/reasons given by landowners opposing the extension of a rubbish collection service to their property include:

Four Seasons Estate

- Please take into consideration that all residents in Four Seasons have their own bins – we should be able to use these. Council doesn’t need to spend money where not necessary.

South of Four Seasons Estate

- It would be no help for rubbish to be collected as I would still have to load it into my ute to take it up to the road as the drive is steep. I may as well take the rubbish to the tip.
- My drive is so long by the time I get my bins to the road I am halfway to the tip.
- Vialls Grove is short and narrow and the truck would have great difficulty turning around.

Windy Hollow Estate

- I will need larger bins which will be too heavy to load onto my existing transport. Our pickup spot is too far uphill for us to move the bins (700m).
- It would be physically impossible for me to drag my bins down my drive to the roadside – much better for me to take small, manageable loads to the tip.

Kangaroo Gully South of Windy Hollow

- My house is 500 metres from the road, making it difficult to haul bins to the road.
- I would have to pay for an unwanted service that brings nothing but inconvenience and disadvantage. I would venture to propose that it looks a lot like bullying.
- Tip pass given to properties with a rubbish service has less “clicks” than properties without a kerbside service and that suits me better.
- I only use the tip every few weeks which isn’t really an incredible hardship.
- House is not being lived in permanently.
- I have no verge due to drain therefore a bin on the road would be dangerous

North Greenbushes

- It doesn’t cost me \$157 per year to take my rubbish to Greenbushes which I do once a month. We did some years back ask if we could have a rubbish collection in our street and we were knocked back and told it wasn’t worth it. So now why the change of heart?
- We only stay in Greenbushes on weekends and holidays therefore at this stage we don’t require any bins. We do use tip passes now and again but always take our household rubbish back to Perth.

If a property is situated within the rubbish collection area the service is a compulsory service - compulsory in that the service must be paid for although it is up to the

property owner/occupier whether they choose to use the service. If a property is not within the rubbish collection area property owners can seek the provision of the service but it would only be provided if it was economic for the Shire and contractor to provide the service. Obviously if there was only one property on a street wishing to receive the service it is unlikely to be economical for it to be provided.

In the event of the rubbish collection service being extended only those lots with a completed dwelling will be initially provided with a rubbish collection service. If a lot does not have a dwelling it would not be provided with a service and therefore would not be charged a rubbish collection fee. However once a dwelling is constructed on a lot the rubbish service would automatically be provided and the rubbish collection fee imposed.

Conclusion

Based on the feedback from residents it is recommended that Council not further consider introducing kerbside rubbish and recycling services to Windy Hollow Estate and Kangaroo Gully.

Within Four Seasons Estate it is deemed that sufficient interest has been obtained from property owners for introduction of these services and therefore it is recommended this occur.

Other than properties fronting Whittells Road there is insufficient demand from owners of properties south of Four Seasons Estate therefore it is recommended that Council not further consider introducing kerbside rubbish and recycling services to those areas.

In North Greenbushes there exists sufficient demand for these services to be introduced to properties on James Street and it is recommended this occur

Elsewhere in North Greenbushes, whilst there has been some demand on Grimwade Road, Smith Street and Forest View Court it is not definitive enough for officers to recommend the introduction of kerbside rubbish and recycling services. However property owners within these areas, if seeking such services, can make application. The Shire can then consult with the rubbish collection contractor to determine if the contractor is prepared to provide a service to that property at the normal collection rates.

Note properties provided with the kerbside services are provided with a Shire supplied bin and are not able to use other bins for kerbside collection. This is so that the contractor only empties bins where the service is being paid for as well as ensuring that the bin is the appropriate size and design for the truck's hoist lift.

Statutory Environment

Section 50 of the Waste Avoidance and Resource Recovery Act 2007 allows a local government to provide waste services.

Integrated Planning

- Strategic Community Plan
Objective 2 – our unique natural and built environment is protected and enhanced

Outcome 2.7 – efficient and effective waste management practices

Strategy 2.7.1 – provide an efficient and effective waste and recyclables collection service

- Corporate Business Plan (2015-2019)
Strategy 2.7.1 – provide an efficient and effective waste and recyclables collection service
Action 2.7.1.3 – investigate extension to rubbish collection areas
- Long Term Financial Plan
Extension of the collection areas will increase income and expenditure over the life of the LTFP.
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy - Nil

Budget Implications

Waste management income and expenditure is quarantined in the budget so that there is no cross subsidization of waste services from other services and vice versa. There is no financial advantage to Council in having more properties in the collection areas therefore the decision to provide the services or not is purely a service level decision based on overall feedback from affected property owners. Increasing the number of properties in the collection areas will increase income and expenditure but this will have an overall neutral effect on the budget.

Rubbish collection occurs on a weekly basis with a current annual fee of \$83 (1 x 140ltr) and recycling collection on a fortnightly basis with a current annual fee of \$74 (1 x 240ltr). These fees are subject to annual review.

Fiscal Equity

An opportunity has been provided to all affected property owners to respond to the survey. Where a mix of support and non-support for the services has been indicated Council is obliged to make a decision that, if proposing to introduce the kerbside collection services, will be binding to all properties that have a dwelling.

Whole of Life Accounting

Extending the collection areas will reduce the load/impact of waste at the Bridgetown and Greenbushes transfer stations as the domestic rubbish will be relayed directly to the tip face and the recyclable rubbish will be transferred directly to Manjimup.

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Moved Cr Scallan, Seconded Cr Hodson

That Council:

1. As at 1st July 2016 extend the rubbish collection service to include all of the land within the areas shown on Attachment 7, being:
 - a. Four Seasons Estate
 - b. Properties fronting Whittells Road, Bridgetown
 - c. Properties fronting James Street, North Greenbushes
2. That land owners within the areas not identified for extension of the rubbish collection service be advised that upon application, the Shire, in consultation with its rubbish collection contractor, will determine whether a rubbish collection service can be provided to the affected property.

Amendment Moved Cr Scallan, Seconded Cr Moore

Dot point C - add Forest View Court

Carried 8/0

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

SC.07/0516 That Council:

1. ***As at 1st July 2016 extend the rubbish collection service to include all of the land within the areas shown on Attachment 7, being:***
 - a. Four Seasons Estate***
 - b. Properties fronting Whittells Road, Bridgetown***
 - c. Properties fronting James Street and Forest View Court, North Greenbushes***
2. ***That land owners within the areas not identified for extension of the rubbish collection service be advised that upon application, the Shire, in consultation with its rubbish collection contractor, will determine whether a rubbish collection service can be provided to the affected property.***

Carried 8/0

Reason for amending the officer recommendation

Sufficient interest has been expressed from property owners in Forest View Court.

Organisation Development

ITEM NO.	SC.08/0516	FILE REF.	
SUBJECT	Councillor Fees/Allowances		
OFFICER	Chief Executive Officer		
DATE OF REPORT	26 April 2016		

Attachment 8 2016 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members

OFFICER RECOMMENDATION that Council:

- 1. Retain the method of payment of Councillor and President meeting fees as an annual attendance fee rather than a per meeting basis.*
- 2. Set Councillor Allowances for the following in 2016/17:*
 - Annual Attendance Fee for Council Members within the range of \$7,612 to \$16,205.*
 - Annual Attendance Fee for Shire President within the range of \$7,612 to \$25,091*
 - Annual President's Allowance within the range of \$1,015 to \$36,591*
 - Provision of an Annual Deputy President Allowance to an amount 25% of the amount determined for the Annual President's Allowance.*
 - Annual Information and Communications Technology Allowance within the range of \$500 to \$3,500.*

Summary/Purpose

To consider the method and amount of meeting fees/allowances for councillors.

Council is to have regard to the recent determination by the Salaries and Allowances Tribunal when setting fees or allowances for 2016/17.

Background

Part 5, Division 8 (Sections 5.98, 5.98A, 5.99 and 5.99A) of the Local Government Act provides for council members (councillors) to receive certain payments

The Salaries and Allowances Tribunal (the Tribunal) has completed its annual review of fees, allowances and expenses for elected council members of Local Governments throughout Western Australia. The determination which will operate from 1 July 2016 establishes a scale of payments and provisions for reimbursement of expenses in accordance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

The Tribunal has divided all local governments into four bands based on a number of factors such as population, size of budget, complexity of issues, etc. The Shire of Bridgetown-Greenbushes has been classified as a Band 3 local government (same as for 2015/16).

The Salaries and Allowances Tribunal has determined a general adjustment of 1.5% to the band ranges. The Tribunal notes that a majority of local governments retain the capacity to provide an increase in excess of 1.5% within the current band

parameters. Each local government must satisfy itself that there is sound justification to award any increase within their allotted band in the current economic climate.

The Tribunal has made the same determination regarding local government CEO remuneration however this report is restricted to addressing elected member fees and remuneration only.

Meeting Fees or Annual Attendance Fees – Councillors other than Shire President

Pursuant to Section 5.98 of the Local Government Act a council member, mayor or president who attends a council or committee meeting is entitled to be paid a fee set by the Council within the range stipulated in the Tribunal's determination.

Pursuant to Section 5.99 of the Local Government Act a Council may decide by absolute majority that instead of paying council members, mayors or presidents a meeting fee it will be pay an annual attendance fee within the range stipulated in the Tribunal's determination.

For Band 3 Council is able to set a meeting fee for council members other than the President of between \$191 and \$406 for council meetings and between \$96 and \$203 for committee meetings.

Alternatively Council, via absolute majority can pay an annual attendance fee within the range of \$7,612 to \$16,205.

In 2015/16 Council resolved to pay a councillor annual attendance fee of \$8,500 (no change from previous year).

Meeting Fees or Annual Attendance Fees – Shire President

The Mayor President can be provided with a higher meeting or annual attendance fee in recognition of the greater workload and responsibility associated with presiding at a council meeting.

For Band 3 Council is able to set a council meeting fee for the President between \$191 and \$628 for council meetings. The President would receive the same meeting fee for committees as determined for council members by the Council. Alternatively Council, via absolute majority can pay the President an annual attendance fee within the range of \$7,612 to \$25,091.

In 2015/16 Council resolved to pay a President's annual attendance fee of \$10,200 (no change from previous year).

Annual Allowance for President

Under Section 5.98 of the Local Government Act Council can determine an allowance for the President (separate from meeting or annual attendance fees) within the range of \$1,015 to \$36,591.

In 2015/16 Council resolved to pay a President's Allowance of \$8,500 (no change from previous year)

Annual Allowance for Deputy President

For the latter, Section 5.98A of the Local Government Act allows Council to provide a special allowance to the Deputy President with the amount of the allowance being 25% of the President's allowance.

In 2015/16 Council resolved to pay a Deputy President's Allowance and has done so for several years.

Meetings Fees or Annual Attendance Fee?

It is recommended that Council retain the "annual" method for determining councillor allowances rather than changing to a "per meeting" fee. The advantages of the "annual" method include:

- A "per meeting" fee doesn't take into account all the work that a councillor does in between Council or Committee meetings. A councillor may undertake a significant amount of work between meetings but if he/she misses a meeting due to legitimate reasons they would not receive any payment towards that work.
- Under the Local Government Act only Council or committee meetings trigger payment of a meeting fee. This Council uses the "working party" process extensively and those meetings, which can generate more work for a councillor than some committee meetings, would not provide a meeting fee to participating councillors.
- Whilst the annualising of meetings fees can result in councillors receiving a fee when not attending meetings such as when an apology or on leave of absence it is still a relatively rare occurrence for a councillor to take extended leave of absence.

Reimbursement of Expenses Including Annual Allowances in Lieu of Reimbursement

Under the Local Government Act and Local Government (Administration) Regulations elected members are entitled to reimbursement of telecommunications, information technology, child care, travel and accommodation expenses. Policy M.30 (Reimbursement of Expenses Incurred by Council Members) provides guidance on these entitlements.

Pursuant to Section 5.99A of the Local Government Act Council can decide by absolute majority that instead of reimbursing councillors for all of a particular type of expense it pay an annual allowance.

Where a Council has decided to pay council members an annual allowance for an expense of a particular type instead of reimbursing expenses of that type under section 5.98(2) of the LG Act, section 5.99A of the LG Act provides for reimbursement of expenses of that type in excess of the amount of the allowance.

In determining the maximum annual allowance for expenses of a particular type, the Tribunal has taken into account a range of factors including the following:

- (a) the intent of the allowance to reflect the extent and nature of the expenses incurred and not to result in a windfall gain for council members;
- (b) the capacity of local governments to set allowances appropriate to their varying operational needs;
- (c) the particular practices of local governments in the use of information and communication technology (e.g. laptop computers, iPads);

- (d) the varying travel requirements of council members in local governments associated with geography, isolation and other factors.

The Tribunal has retained the Information and Communications Technology Allowance with a permissible range between \$500 and \$3,500.

In 2015/16 Council resolved to pay an Annual Information and Communications Technology Allowance of \$2,060 (no change from previous year).

Statutory Environment – Local Government Act

5.98. Fees etc. for council members

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the prescribed minimum fee for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the prescribed range for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the prescribed minimum fee for attending a meeting of that type; or
 - (b) where the local government has set a fee within the prescribed range for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or
 - (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,

is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the minimum extent of reimbursement for the expense has been prescribed, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the prescribed range (if any) of reimbursement, to that extent.
- (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
- (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the prescribed minimum annual local government allowance for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the prescribed range for annual local government allowances for mayors or presidents, that allowance.
- (6) A local government cannot —

- (a) make any payment to; or
- (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

- (7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33.]

5.98A. Allowance for deputy mayor or deputy president

- (1) A local government may decide* to pay the deputy mayor or deputy president of the local government an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).

* *Absolute majority required.*

- (2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.

[Section 5.98A inserted by No. 64 of 1998 s. 37.]

5.99. Annual fee for council members in lieu of fees for attending meetings

A local government may decide* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings —

- (a) the prescribed minimum annual fee; or
- (b) where the local government has set a fee within the prescribed range for annual fees, that fee.

* *Absolute majority required.*

5.99A. Allowances for council members in lieu of reimbursement of expenses

A local government may decide* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all council members —

- (a) the prescribed minimum annual allowance for that type of expense; or
- (b) where the local government has set an allowance within the prescribed range for annual allowances for that type of expense, an allowance of that amount,

and only reimburse the member for expenses of that type in excess of the amount of the allowance.

* *Absolute majority required.*

Policy Implications

Policy M.30 (Reimbursement of Expenses Incurred by Council Members) addresses expenses other than meeting fees.

Strategic Plan Implications - Nil

Budget Implications

As part of the annual budget process Council sets annual attendance fees (or per meeting fees) within the permissible range set by the Tribunal

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements

Absolute Majority is required for payments of allowances to elected members.

Committee Recommendation *Moved Cr Moore, Seconded Cr Hodson
SC.08/0516 That Council retain the method of payment of Councillor and
President meeting fees as an annual attendance fee rather than a per meeting
basis.*

Carried 8/0

Moved Cr Moore, Seconded Nicholas

That Council set Councillor Allowances for the following in 2016/17:

- Annual Attendance Fee for Council Members within the range of \$7,612 to \$16,205.
- Annual Attendance Fee for Shire President within the range of \$7,612 to \$25,091.
- Annual President's Allowance within the range of \$1,015 to \$36,591.
- Provision of an Annual Deputy President Allowance to an amount 25% of the amount determined for the Annual President's Allowance.
- Annual Information and Communications Technology Allowance within the range of \$500 to \$3,500.

Amendment Moved Cr Scallan, Seconded Cr Moore

That Council determined no increases from the 2015/16 allowances will apply and sets the following Councillor allowances for 2016/17:

- Annual Attendance Fee for Council Members - \$8,500
- Annual Attendance Fee for Shire President - \$10,200
- Annual President's Allowance - \$8,500
- Provision of an Annual Deputy President Allowance at 25% of the amount determined for the Annual President's Allowance.
- Annual Information and Communications Technology Allowance - \$2,060

Carried 8/0

The Amended Motion becomes the Substantive Motion – The Motion was Put Committee Recommendation Moved Cr Moore, Seconded Cr Nicholas SC.08/0516a That Council determined no increases from the 2015/16 allowances will apply and sets the following Councillor allowances for 2016/17:

- **Annual Attendance Fee for Council Members - \$8,500**
- **Annual Attendance Fee for Shire President - \$10,200**
- **Annual President's Allowance - \$8,500**
- **Provision of an Annual Deputy President Allowance at 25% of the amount determined for the Annual President's Allowance.**
- **Annual Information and Communications Technology Allowance - \$2,060**

Carried 8/0

ITEM NO.	SC.09/0516	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	1 May 2016		

Attachment 9 Rolling Action Sheet

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

Summary/Purpose

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

Background

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

Statutory Environment – Nil

Policy/Strategic Plan Implications - Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Nicholas, Seconded Cr Scallan SC.09/0516 That the information contained in the Rolling Action Sheet be noted.*

Carried 8/0

Urgent Business Approved by Decision - Nil

Responses to Elected Members Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Briefings by Officers - Nil

Notice of Motions for Consideration at Next Meeting - Nil


Matters Behind Closed Doors - Nil

Closure

The Presiding Member closed the Meeting at 6.55pm

List of Attachments

Attachment	Item No.	Details
1	SC.02/0516	TP.8 Cut & Fill Policy (Current)
2	SC.03/0516	Draft Policy – “Australia Day Events”
3	SC.04/0516	Draft Mobile and Itinerant Traders Policy
4	SC.04/0516	Submission
5	SC.07/0516	Existing Kerbside Waste Collection Areas
6	SC.07/0516	Plan showing location and support/non-support of Property Owners that responded to Survey
7	SC.07/0516	Plan showing areas recommended for Extension of Kerbside Waste Collection Area
8	SC.08/0516	2016 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members
9	SC.09/0516	Rolling Action Sheet

Minutes checked and authorised by CEO, Mr T Clynch		13.5.16
---	---	---------

CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Local Laws, Strategy, Policy & Organisation Development Standing Committee Meeting held 12 May 2016 were confirmed as a true and correct record of the proceedings of that meeting at the Standing Committee meeting held on 9 June 2016.

.....9 June 2016

unconfirmed minutes