

Standing Committee Minutes Index – 10 August 2017

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Minutes of a Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held in the Council Chambers on Thursday, 10 August 2017 commencing at 5.36pm.

The Presiding Member opened the Meeting at 5.36pm

Acknowledgment of Country – Presiding Member

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

Attendance & Apologies

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

In Attendance - T Clynch, Chief Executive Officer
- M Larkworthy, Executive Manager Corporate Services
- E Denniss, Executive Manager Community Services
- M Richards, Grants & Services Manager
- T Lockley, Executive Assistant

Gallery

D&D Della Vedova

Petitions/Deputations/Presentations - Nil

Comment on Agenda Items by Parties With an Interest - Nil

Confirmation of Minutes

SC.01/0817 Ordinary Meeting held 13 July 2017

A motion is required to confirm the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held 13 July 2017 as a true and correct record.

Committee Decision **Moved Cr Pratico, Seconded Cr Mackman**
SC.01/0817 That the Minutes of the Ordinary Meeting of the Local Laws, Strategy, Policy & Organisation Development Standing Committee held 13 July 2017 be confirmed as a true and correct record.

Carried 9/0

Announcements/Briefings by Elected Members

Cr Pratico thanked the Shire for nominating him for the '15 Years of Service' Award for which he was a recipient at the recent WA Local Government Week. Cr Pratico said he was appreciative of being thought of for the award.

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 Pratico
Type of Interest	Financial
Item No.	SC.02/0817 – Draft Gravel Procurement Policy
Nature of Interest	Contract with the Shire to provide gravel

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

Reports of Officers

Reports of Officers have been divided into the following Categories:

- Policy
- Local Laws
- Strategy
- Organisation Development

Policy

Cr Pratico declared a Financial Interest in Item SC.02/0817 as he has a contract with the Shire to provide gravel. Cr Pratico vacated the Meeting at 5.39pm

ITEM NO.	SC.02/0817	FILE REF.	
SUBJECT	Draft Gravel Procurement Policy		
OFFICER	Chief Executive Officer and Executive Manager Works & Services		
DATE OF REPORT	28 July 2017		

Attachment 1 Draft Gravel Procurement Policy

OFFICER RECOMMENDATION that Council adopt Policy WS20 – Gravel Procurement.

Summary/Purpose

A gravel procurement policy has been prepared for the purpose of defining guidelines for the acquisition of gravel for road construction and maintenance purposes.

Background

The development of a gravel procurement strategy is identified as an action under Council's Corporate Business Plan. Rather than develop a strategy a Gravel Procurement Policy has been prepared.

The key components of the draft policy are:

- Explaining the processes used to initially identify potential gravel sources and prove up the suitability of the gravel.
- Identify the type of soil structure (geological formation) where gravel deposits are most likely to be located within.
- Defining selection criteria for gravel procurement. This criteria is to be used for sourcing gravel from private property and for purchasing gravel from commercial suppliers.

The policy states that ideally the Shire would like to have suitable gravel sources throughout the Shire so that carting of materials to specific road works jobs can be reduced as much as possible however it is noted that this may not be possible due to the suitability and specification of gravel. The policy also recognises that not all land owners may be interested in supplying gravel on a long term basis as this can impact on the owner's long term plans for the property.

Council's annual gravel requirements are approximately 4,000m³.

A preliminary draft policy was presented to the July Standing Committee however it wasn't deemed acceptable as it was too descriptive and needed to be redrafted in a more concise format. This action has been undertaken and a revised policy is presented. The policy is broken into three sections – objective, background and policy – with the background section containing some explanatory comments to explain the direction taken under the policy section.

Statutory Environment

The Shire, utilising its powers under Section 3.27(i) and Schedule 3.2 of the Local Government Act 1995, can take gravel, sand, stone or earth from private property, if in its opinion such material is required for the making or repairing of a thoroughfare, bridge, culvert, fence or gate.

Planning Approval or an Extractive Industry Licence is not required for the Shire to access material under Section 3.27(i) of the Local Government Act 1995. The powers that Council has under Section 3.27 of the Local Government Act overrides the provisions of a town planning scheme made under another Act or a Local Law subservient to the Local Government Act.

Integrated Planning

- Strategic Community Plan
Key Goal 3: Our built environment is maintained, protected and enhanced
Objective 3.3 - Maintain an appropriate standard of transport networks, roads and pathways
Strategy 3.3.4 - Ensure suitable access to road building materials
- Corporate Business Plan
Strategy 3.3.4 - Ensure suitable access to road building materials
Action 3.3.4.1 - Prepare and implement a gravel procurement strategy
Action 3.4.4.2 - Source gravel from private land for road works, using powers under the Local Government Act
- Long Term Financial Plan
The costs of acquiring road building materials are built into the annual road construction budget built into the Long Term Financial Plan.
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy

This report concerns the development of a new policy

Budget Implications

The selection criteria for gravel as set out in the policy is generally the criteria currently used and defining these into a formal policy will not have any appreciable effect on Council's annual budget for its road works program.

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity

Rehabilitation of land used for sourcing gravel is built into legal agreements between the Shire and the land owner with rehabilitation being the responsibility of the Shire.

Cultural Equity – Not Applicable

Risk Management

The proposed policy sets out guidelines for the acquisition of gravel for road construction and maintenance purposes. If Council wasn't to adopt the policy gravel procurement would still occur whilst a new policy was being prepared.

Continuous Improvement

The draft policy confirms selection criteria for the acquisition of gravel, either from private property or commercial suppliers and ensures that road works are carried out to a specific standard.

Voting Requirements – Simple Majority

**Committee Recommendation Moved Cr Nicholas, Seconded Cr Quinby
SC.02/0817 That Council adopt Policy WS20 – Gravel Procurement.**

Carried 8/0

5.41pm – Cr Pratico returned to the Meeting

Local Laws

ITEM NO.	SC.03/0817	FILE REF.	LL.7
SUBJECT	Proposed Amendment to Keeping and Welfare of Cats Local Law		
OFFICER	Senior Admin Officer		
DATE OF REPORT	31 July 2017		

Attachment 2 Draft Keeping and Welfare of Cats Amendment Local Law 2016
Attachment 3 Submission
Attachment 4 Current Keeping and Welfare of Cats Local Law

OFFICER RECOMMENDATION that Council notes the contents of the single submission received and resolves not to proceed with the proposed "Keeping and Welfare of Cats Amendment Local Law 2016".

OFFICER RECOMMENDATION that Council directs the CEO to develop a draft "Keeping and Welfare of Cats Local Law" for presentation to the October 2017 Meeting.

Summary

The Draft “Keeping and Welfare of Cats Amendment Local Law 2016” which has been advertised in accordance with Section 3.12 of the Local Government Act 1995. One submission has been received.

Advice has subsequently been obtained from the Department of Local Government and Communities that Council’s current Local Law, like several other “Cat” local laws that were in existence prior to the establishment of the Cat Act 2011, contains several clauses that either duplicate or vary provisions if that legislation. The affected local governments have been advised to remove all duplications or inconsistencies with the Cat Act 2011 by amending their local law.

Background

During the October 2016 round of meetings, Council resolved to amend the Keeping and Welfare of Cats Local Law:

C.10/1016 That Council:

- 1. In accordance with Section 3.12 of the Local Government Act 1995, gives notice that it proposes to adopt a Shire of Bridgetown-Greenbushes Keeping and Welfare of Cats Amendment Local Law, as per Attachment 3. The purpose and effect of the proposed Amendment Local Law is to remove clauses that are no longer relevant to the Principal Local Law and to amend a typographical error.*
- 2. Directs the CEO to undertake statutory public consultation in relation to Point 1 above, with a report to be presented to a future meeting of Council for further consideration.*

Due to an error in its initial advertising statutory public advertising of this proposed local law was recommended in February 2017 with a closing date for submissions of 23 March 2017. At the close of this submission period one (1) submission had been received (refer Attachment 2).

The submitter raised 25 separate points or queries concerning the contents of the Amendment Local Law. During assessment of the submission advice was accessed from the Department of Local Government and Communities that confirmed that Council’s current Local Law, like several other “Cat” local laws that were in existence prior to the establishment of the Cat Act 2011, contains several clauses that either duplicate or vary provisions if that legislation. Examples of duplications in the current local law include interpretations, dealing with cats at a cat management facility (animal pound) and destruction of cats.

The Cat Act has wide powers and the main purpose of a Cat Local Law, since the introduction of the Cat Act, should be relating to “confinement” and “limitations”.

In view of the above it is recommended Council not proceed with the making of the Amendment Local Law but instead direct the CEO to develop a new Keeping and Welfare of Cats Local Law to address issues that are not covered in the Cat Act 2011, such as limitations and confinement. It would be the intent to revoke the current Keeping and Welfare of Cats Local Law at the same time the new Local Law is adopted.

Officer Comment

To assist Council in considering the contents of the submission received a copy of the current Keeping and Welfare of Cats Local Law has been included as Attachment 4.

The Senior Ranger is intending to liaise with other local governments who also had a Cat local law prior to the introduction of the Cat Act to determine how they have or intend to address the issues associated with their current local law duplicating or conflicting with state legislation.

In addition to the aforementioned 25 points/queries the submission also raised concerns relating to the advertising process. In view of this concern (the closing date on the cover page of the local law differed from the advertised closing date), and following consultation with an officer from the Department of Local Government & Communities, the CEO made the determination to conduct an additional (supplementary) notice period of 6 weeks with a new closing date of 13 June 2017. The author of the submission already received was advised of this action and was informed that his submission remained a valid submission and didn't require resubmittal. At the conclusion of the extended notice period no further submissions were received.

With regard to the concerns raised in the submission about the advertising of the Amendment Local Law, Section 3.12 of the Local Government Act sets out the procedure for the making of a Local Law, requiring a local government to give Statewide public notice stating that it proposes to make a Local Law, giving details of where the proposed Local Law may be inspected or obtained, and stating the date by which submissions can be made.

In the case of this proposed Local Law the Statewide public notice and the local public notice correctly stated the closing date for submissions. However the author of the submission lodged raised a concern about the cover page of the draft local law listing an incorrect closing date for submissions – so whilst the adverts and noticeboard notices were all correct the cover page of the draft local law wasn't correct.

After considering this matter the CEO accepted the argument that a person may have seen a copy of the draft local law on display in the library and if noticing the closing date listed on the cover page had expired may have felt they had missed the opportunity to lodge a submission. Importantly however the statutory notices advertising the proposed Local Law were correct.

The CEO sought advice from an officer of the the Department of Local Government & Communities and the advice received back was that readvertising of the Local Laws wasn't necessary as Section 3.12 of the Local Government Act only requires the closing date of submissions to be specified in the public notices. Provided this is done and the details in the public notices are correct, the requirements of the Act will be met. The advice further commented that Section 3.12 doesn't require a submission deadline to be on the front cover of the draft. As a result, the typographical error on the cover page was unlikely to have any legal impact on the 3.12 process.

Notwithstanding the above advice the CEO made the determination to reissue notices for the Local Law with a new closing date of 13 June 2017. These supplementary notices were only placed on Shire notice boards and on the Shire website and were not subject to state-wide advertising. Copies of the Amendment Local Laws were again placed in the library and were also accessible on the Shire website.

The supplementary notices were amended to include the following new paragraphs:

Statutory public notice/advertising of the proposed Amendment Local Law has previously occurred however an error was subsequently identified in the listing of an incorrect closing date for submissions on the front cover of the Amendment Local Law. Consequently a decision was made to conduct a further public notification period as an addition to the previous statutory public notice/advertising that occurred.

Any submissions previously received in response to the statutory public notice/advertising that occurred remain valid and authors of those submissions aren't required to submit a new submission.

No further submissions were received leaving only the single submission received from the statutory advertising period.

Statutory Environment

To amend a local law the process as outlines in the Local Government Act 1995, section 3.12 which reads:

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* *Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
- stating the title of the local law; and
 - summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
- making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Integrated Planning

- Strategic Community Plan
Key Goal 5 – our leadership will be visionary, collaborative and accountable
Objective 5.2 – we maintain high standards of governance, accountability and transparency
Strategy 5.2.7 – Council's policies and local laws are responsive to community needs
Strategy 5.2.8 – ensure all legislative responsibilities and requirements are met
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy/Strategic Implications - Nil

Budget Implications

Sufficient funding is provided in the 2017/18 budget to cover advertising and gazettal costs for amending Local Laws.

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Voting Requirements – Absolute Majority

Committee Recommendation *Moved Cr Quinby, Seconded Cr Hodson*
SC.03/0817 That Council:

- 1. Notes the contents of the single submission received and resolves not to proceed with the proposed “Keeping and Welfare of Cats Amendment Local Law 2016”.**
- 2. Directs the CEO to develop a draft “Keeping and Welfare of Cats Local Law” for presentation to the October 2017 Meeting.**

Carried 9/0

Strategy

ITEM NO.	SC.04/0817	FILE REF.	228
SUBJECT	Local Trails Plan		
PROPONENT	Council		
OFFICER	Grants and Services Manager		
DATE OF REPORT	August 2015		

Attachment 5 Draft Local Trails Plan 2017 - 2022

OFFICER RECOMMENDATION that Council notes the draft Local Trails Plan 2017-2022 (Attachment 5 of the Standing Committee Agenda) and determine to seek community comment on the document for a period of 6 weeks prior to formal endorsement.

Summary/Purpose

This recommendation seeks to note the draft Local Trails Plan 2017 – 2022 and determine to advertise the plan for community comment for a six week period prior to considering its final endorsement.

Background

Council included the requirement to prepare a Local Trails Plan (Masterplan) in the Corporate Business Plan (Action 1.1.8.3) as a means of developing a strong, diverse and resilient economy that provides a range of business and employment opportunities.

Officer Comment

The draft Local Trails Plan provides a clear snapshot of the extent of Council's previous achievements in the area of trails development and also outlines Council's current and future financial commitment to trails development.

The draft Local Trails Plan identifies the importance of ongoing maintenance to ensure a quality experience for trail users. Maintained trails are regularly assessed for safety (safety and orientation) including inspection of trees in close proximity to the trail, header signs, trail markers and trail classification. Well maintained trails ensure the safety of the environment and the safety of the user and therefore ongoing maintenance underpins the capacity of the Shire to promote and market these trails to visitors/tourist with confidence.

The draft plan outlines a proposed trails development process to identify assist in identifying issues and necessary considerations for development in the planning phase and identifies two priority trails developments including detailed proposals for:

- Geegelup Mountain Bike Trails Network
- Blackwood River Foreshore development

The plan has been developed based on collaboration between officers, the Trails Development Advisory Committee representing a variety of local trails groups and representatives of the Department of Biosecurity Conservation and Attractions (formerly DPaW), as well as internal consultation across service delivery areas.

It is proposed that the draft Local Trails Plan 2017-2022 go to community consultation for a 6 week term. Submissions will be collated and submitted to Council along with the final version of the revised Local Trails Plan for endorsement at the October 2017 Council meeting.

Statutory Environment - Nil

Policy - Nil

Integrated Planning

➤ Strategic Community Plan

Key Goal 1 Our economy will be strong, diverse and resilient.

Objective 1.1 A diverse economy that provides a range of business and employment opportunities.

Strategy 1.1.8 Develop trails – culinary, art, walk, mountain bike, canoe and bridle.

➤ Corporate Business Plan

Strategy 1.1.8 Develop trails – culinary, art, walk, mountain bike, canoe and bridle.

Action 1.1.8.3 Prepare Local Trails Masterplan

Long Term Financial Plan – Nil

Asset Management Plans

Proposed trails developments included in the draft Local Trails Plan 2017-2022 which are constructed in the future will be included in Councils Property Infrastructure Asset Management Plan.

Workforce Plan

Proposed trails developments included in the draft Local Trails Plan 2017- 2022 will require an assessment of the capacity of the workforce to absorb any construction and maintenance requirements once the plan had been endorsed and is being implemented. This will be undertaken in the annual maintenance budget allocations service level planning.

Budget Implications – Not Applicable

Fiscal Equity - Not Applicable

Whole of Life Accounting

The content of this report outlines a trails development process which seeks to identify whole of life cycle implications associated with the development and maintenance of trails infrastructure to assist Council in current and future decision making.

Social Equity

The recommendation seeks to address social equity principles by engaging the community and including community feedback prior to formal endorsement of the Local Trails Plan 2017-2022

Ecological Equity

The principles of ecological equity are considered by planning well situated, managed and maintained trails that protect natural environments by minimising the impact of trail users.

Cultural Equity – not applicable

Risk Management

The recommendation seeks to mitigate Council's exposure to risk by clearly identifying community need through consultation with stakeholders/community to ensure the strategic document is reflective of the community and will provide sound direction for Council's future decision making.

Continuous Improvement

The recommendation seeks to achieve continuous improvement by developing the Local Trails Plan 2017-2022 in consultation with stakeholders/community to ensure that the document reflects the current and future needs of the community and provides Council with a sound direction for future decision making.

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Scallan, Seconded Cr Nicholas SC.04/0817 That Council notes the draft Local Trails Plan 2017-2022 (Attachment 5 of the Standing Committee Agenda) and determine to seek community comment on the document for a period of 6 weeks prior to formal endorsement.*

Carried 9/0

Organisation Development

ITEM NO.	SC.05/0817	FILE REF.	209
SUBJECT	Rolling Action Sheet		
OFFICER	Chief Executive Officer		
DATE OF REPORT	1 August 2017		

Attachment 6 Rolling Action Sheet

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

Summary/Purpose

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

Background

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

Statutory Environment – Nil

Policy/Strategic Plan Implications – Nil

Budget Implications – Nil

Fiscal Equity – Not Applicable

Whole of Life Accounting – Not Applicable

Social Equity – Not Applicable

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management – Not Applicable

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

Committee Recommendation *Moved Cr Pratico, Seconded Cr Boyle*
SC.05/0817 That the information contained in the Rolling Action Sheet be noted.

Carried 9/0

Urgent Business Approved by Decision - Nil

Responses to Elected Members Questions Taken on Notice - Nil

Elected Members Questions With Notice - Nil

Briefings by Officers

Executive Manager Community Services

- Grants Policy
- Gym Expansion and Business Plan

Notice of Motions for Consideration at Next Meeting - Nil


Matters Behind Closed Doors - Nil

Closure

The Presiding Member closed the Meeting at 6.30pm

List of Attachments

Attachment	Item No.	Details
1	SC.02/0817	Draft Gravel Procurement Policy
2	SC.03/0817	Draft Keeping and Welfare of Cats Amendment Local Law 2016
3	SC.03/0817	Submission
4	SC.03/0817	Current Keeping and Welfare of Cats Local Law
5	SC.04/0817	Draft Local Trails Plan 2017 – 2022
6	SC.05/0817	Rolling Action Sheet

Minutes checked and authorised by CEO, Mr T Clynch		11.8.17
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CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Local Laws, Strategy, Policy & Organisation Development Standing Committee Meeting held 10 August 2017 were confirmed as a true and correct record of the proceedings of that meeting at the Standing Committee meeting held on 14 September 2017.

.....14 September 2017

unconfirmed minutes