

**Council Minutes Index – 29 November 2018**

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unconfirmed minutes

Minutes of an Ordinary Meeting of Council held in the Council Chambers on Thursday, 29 November 2018 commencing at 5.31pm

*The Presiding Member opened the Meeting at 5.31pm*

**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 and Leave of Absence**

President	- Cr A Pratico
Councillors	- J Bookless - J Boyle - J Moore - J Nicholas - P Scallan - C Wallace - A Wilson
In Attendance	- T Clynch, Chief Executive Officer - M Larkworthy, Executive Manager Corporate Services (retired 7.29pm) - E Denniss, Executive Manager Community Services (retired 7.07pm) - T Lockley, Executive Assistant (retired 7.29pm)
Apologies	- Cr D Mackman

**Attendance of Gallery**

P Huband, B Smith, J Moore

**Responses to Previous Questions Taken on Notice** - Nil

**Public Question Time** - Nil

**Petitions/Deputations/Presentations**

Presentation

On the 12 September 2018 Tim Yuen and Mat De Koning from Skate Sculpture spent the day with members of the Youth Leadership Team visiting several schools in the region to consult with young people regarding the youth precinct and skate park in Bridgetown. A total of 4 workshops were held including Bridgetown High School, Bridgetown Primary School, Kearnan College and the final community workshop at the Bridgetown Skate Park.

A report based on the findings of the consultation has been prepared and a summary is to be presented to meeting by Mat De Koning. The actual report will be presented to a future Council meeting.

Presentation

Cr Pat Scallan gave a presented on the South West Lithium Rail Supply Chain Pre-feasibility Study

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

J Moore - BFFC - C.09/1118 Community Grants and Service Agreements

Mrs Moore spoke in support of the officer recommendation

6.05pm - Ms Denniss vacated the Meeting

P Huband – C.02/1118 Construction of Turning Pocket at Entrance to Bridgetown Gardens Estate

Mr Huband spoke in against the officer recommendation

6.12pm – Ms Denniss returned to the Meeting

**Applications for Leave of Absence** - Nil

**Confirmation of Minutes**

**C.01/1118 Ordinary Meeting held 25 October 2018**

*A motion is required to confirm the Minutes of the Ordinary Meeting of Council held 25 October 2018 as a true and correct record.*

**Council Decision** *Moved Cr Wilson, Seconded Cr Moore*

**C.01/1118** *That the Minutes of the Ordinary Meeting of Council held 25 October 2018 be confirmed as a true and correct record.*

*Carried 8/0*

**Announcements by the Presiding Member Without Discussion**

The Presiding Member announced he has been receiving phone calls from residents in relation to the new Biosecurity Rate and has asked the CEO to arrange a meeting with Biosecurity Management to make them aware of the community's concerns. Some residents stated no correspondence was received from the Department prior to rating invoices being received.

**Notification of Disclosure of Interest**

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 allows a Member to speak, the extent of the interest must also be stated.

Name	T Clynch
Type of Interest	Financial
Item No.	C.13/1118 – Contents of New Employment Contract for CEO
Nature of Interest	The Item is determining the terms of my new contract of employment

Name	M Larkworthy
Type of Interest	Financial
Item No.	C.12/1118 – Renewal of Contract of Employment – Executive Manager Corporate Services (Michelle Larkworthy)
Nature of Interest	The Item concerns the renewal of my contract of employment

Name	Cr Nicholas
Type of Interest	Impartiality
Item No.	C.02/1118 - Construction of Turning Pocket at Entrance to Bridgetown Gardens Estate
Nature of Interest	I reside at Bridgetown Gardens

Name	Cr Bookless
Type of Interest	Impartiality
Item No.	C.02/1118 - Construction of Turning Pocket at Entrance to Bridgetown Gardens Estate
Nature of Interest	Resident of Bridgetown Gardens

**Questions on Agenda Items by Elected Members** - Nil

**Consideration of Motions of which Previous Notice has been Given**

**Reports of Officers**

Reports of Officers have been divided into Departments as follows:

- CEO's Office
- Finance & Administration
- Planning & Environmental Services
- Works & Services
- Community Services

## **CEO's Office**

*Cr Nicholas declared an Impartiality Interest in Item C.02/1118 as he resides at Bridgetown Gardens. Cr Nicholas stated that as a consequence, there may be a perception that his impartiality on the matter may be affected and declared he would consider the matter on its merits and vote accordingly.*

*Cr Bookless declared an Impartiality Interest in Item C.02/1118 as he is a resident of Bridgetown Gardens. Cr Bookless stated that as a consequence, there may be a perception that his impartiality on the matter may be affected and declared he would consider the matter on its merits and vote accordingly.*

<b>ITEM NO.</b>	C.02/1118	<b>FILE REF.</b>	302.15
<b>SUBJECT</b>	Construction of Turning Pocket at Entrance to Bridgetown Gardens Estate		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	21 November 2018		

Attachment 1      Correspondence from Strata Council of Bridgetown Gardens Estate

*OFFICER RECOMMENDATION that Council:*

- 1. Reaffirm its intent to construct a turning pocket on Kangaroo Gully Road at the intersection of Claret Ash Rise.*
- 2. Advise the Strata Council of Bridgetown Gardens Estate that the bonded funds obtained in 2006 from the developer of Bridgetown Gardens Estate are only able to be used for construction of a turning pocket or similar work at the intersection of Kangaroo Gully Road and Claret Ash Rise and therefore Council is unable to reassign the funds for other works within the Estate.*
- 3. Request the CEO to progress a design for the intersection of Kangaroo Gully Road and Claret Ash Rise by May 2019, utilising either in-house resources or consultants with the latter option if selected being funded from the budget allocation in Account 1386940, Job No. RC33.*

### Summary/Purpose

For several years Council's annual budgets have contained an allocation for construction of a turning pocket at the intersection of Kangaroo Gully Road and Claret Ash Rise.

A number of constraints exist in the road reserve (Kangaroo Gully Road) that have made design of the proposed turning pocket complicated and due to other roadwork priorities the matter has been subject to numerous delays.

This matter was the subject of discussion by Council in May 2018 when considering the 10 year strategic works program with a number of councillors questioning the need for the proposed turning pocket. The CEO was requested to write to the Strata Council of Bridgetown Gardens Estate seeking its views on the need or otherwise of the turning pocket.

Correspondence has been received back from the Strata Council requesting the funds held by the Shire be reallocated to other works within the Estate however subsequent in-house investigations have determined that Council is unable to release the funds for alternative works.

### Background

Condition 3 of the survey strata approval granted by the Western Australian Planning Commission in 2005 for the second and final stages of the Bridgetown Gardens subdivision (92 residential lots, 1 residential/local shop lot and 1 fire station lot) stated:

*Arrangements being made with the local government for the upgrading and/or construction of the intersection of Kangaroo Gully Road and Claret Ash Rise.*

The intent behind the condition was for a turning pocket to be constructed on Kangaroo Gully Road at the entrance to the estate.

In 2006 when granting subdivision clearance to the lots in the final stage of the Estate Council agreed to a request from the developer/subdivider to defer the actual construction of the turning pocket and instead pay the Shire an amount estimated to be the cost of constructing the turning pocket and improving the intersection.

The Shire is still in retention of those funds (\$30,800) but hasn't progressed construction of the turning pocket to date as it is not a simple engineering task to do this work with the northern side of Kangaroo Gully Road constrained by the closeness of the road reserve boundary and fencing, and the southern side constrained by a steep embankment and large trees.

This matter was the subject of discussion by Council in May 2018 when considering the 10 year strategic works program. Arising from those discussions the CEO was requested to write to the Strata Council of Bridgetown Gardens Estate seeking its views on the need or otherwise of the turning pocket.

On 25 July 2018 a response was received from the Strata Council of Bridgetown Gardens Estate stating it believes there is little need for a turning pocket and that considering the topography the cost of constructing a turning pocket would be enormously expensive. The Strata Council of Bridgetown Gardens is of the view that the funds being held by the Shire could be better used elsewhere, particularly for water management. Specifically the Strata Council suggests that the funds could be reassigned to upgrade an access road within the common property of the Estate which leads to a gated entrance. This road is an alternative access/egress to the Estate in the event of the main entrance being blocked.

After receiving the response from the Strata Council the CEO sought to contact the original developer of the Estate (and provider of the funds being held by Council) to ascertain his views on the alternative proposal. This process took a considerable time but eventually contact was made.

The developer has advised he is opposed to the suggestion to reassign the funds to what is essentially a private works job for the residents of the Bridgetown Gardens Estate. The developer states that he paid the funds for construction of the turning pocket and met his obligations to the satisfaction of the Shire in 2006 when

constructing internal access/egress roads through the common property of the Estate.

It should be noted that in May 2006, prior to the developer paying the \$30,800 bonded works sum to the Shire, that the developer did request that Council waive the need to construct the turning pocket. Council, at its May 2006 meeting reaffirmed its requirement for the construction of a right hand turn pocket at the intersection of Kangaroo Gully Road and Claret Ash Rise to satisfy Condition 3 of the survey strata approval for Bridgetown Gardens Estate.

Although legal advice hasn't been sought the CEO has undertaken some basic research into the matter of whether Council is legally able to use the funds for uses other than that specified in the relevant condition of subdivision and his determination is that this cannot occur. Council could however choose to seek legal advice if it wished to pursue this option further.

A common principle when seeking financial contributions from developers (be it for road works, car parking, public open space, etc.) is that the authority requiring the contribution (in this case Council) provides certainty to the developer/subdivider on where the funds will be spent.

Although Council has held the funds for some 12 years this is not a reason for the funds to be returned to the developer. By reserving those funds (initially in trust and then in a specific budget allocation) Council has clearly restricted the use of the funds for the specified purpose.

Notwithstanding the above it is clear that the construction of the turning pocket or similar works at the intersection needs to be progressed. The constraints of the site are noted however it is evident that a design for the intersection needs to be prepared. Discussions have been held with the Executive Manager Works & Services about the timelines in completing a design and a deadline of May 2019 has been suggested. If by February 2019 other workloads have prevented progress on preparing an in-house design the CEO would seek to engage an external consultant to complete this task, using the funds set aside for the turning pocket in the 2018/19 budget.

#### Statutory Environment

The conditions of the survey strata approval granted in 2005 by the Western Australian Planning Commission were imposed in accordance with the then Town Planning and Development Act. Section 20AA(3) of that former Act provided power to the Western Australian Planning Commission to endorse its approval on a diagram or plan of survey for a subdivision if the conditions that were applied to its approval for subdivision had been complied with. Council accepted a bond from the applicant to allow for clearance of Condition 3 of the survey strata approval thereby taking responsibility for meeting the condition. Although the actual works to construct the turning pocket haven't occurred Council is still holding the funds provided by the applicant to satisfy the condition.



### 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 3.3.1 - A well maintained local and regional transport network

Strategy 3.3.2 - Maximise funding opportunities to improve road safety

Strategy 3.3.3 - Provide and maintain a safe and efficient transport system

Key Goal 5 - Our leadership will be visionary, collaborative and accountable

Objective 5.2 - We maintain high standards of governance, accountability and transparency

Strategy 5.2.8 - Ensure all legislative responsibilities and requirements are met

➤ Corporate Business Plan

➤ Long Term Financial Plan

Construction of the turning pocket is shown in the 10 Year Strategic works Plan as a year 1 (2018/19) project, fully funded from the bonded funds held from the developer of the Bridgetown Gardens Estate.

➤ Asset Management Plans - Nil

➤ Workforce Plan – Not applicable

➤ Other Integrated Planning - Nil

### Policy - Nil

### Budget Implications

The construction of the turning pocket is included in the 2018/19 budget, fully funded from the bonded funds held from the developer of the Bridgetown Gardens Estate.

### Fiscal Equity

The developer provided the bonded funds to Council in good faith that they would be used to construct the turning pocket that the Council had requested be made a condition of the survey strata subdivision of Bridgetown Gardens Estate. If Council was to determine not to construct the turning pocket the developer could seek to receive reimbursement of the funds. If this scenario was to occur legal advice would likely be sought.

### Whole of Life Accounting – Not Applicable

### Social Equity – Not Applicable

### Ecological Equity – Not Applicable

### Cultural Equity – Not Applicable

### Risk Management

The interpretation of Council's legal responsibilities for expending of the bonded funds has been made by the CEO based on his experience and research. The CEO hasn't sought legal advice on this matter. If Council wishes to further explore or consider the potential to reallocate the funds for alternative uses the CEO will recommend that Council obtains legal advice on the matter before any further consideration of such options occurs.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

### **Council Decision Moved Cr Nicholas, Seconded Cr Bookless C.02/1118 That Council:**

- 1. Reaffirm its intent to construct a turning pocket on Kangaroo Gully Road at the intersection of Claret Ash Rise when necessary.**
- 2. Seek legal advice as to how the Trust Funds can be allocated to works identified by the Council of Owners.**

**Carried 8/0**

#### **Reason for amending the officer recommendation**

*Given the wide range of works that the Developer has not completed on the Estate including, drainage and roadworks that the owners are now having to fund it seems appropriate that this bond be utilised to meet some of this unfinished works. Given there is little current or future need for a turning pocket these funds would be better spent on rectifying unfinished works on the Estate as described in the letter from the Chairman of the Council of Owners.*

<b>ITEM NO.</b>	C.03/1118	<b>FILE REF.</b>	203
<b>SUBJECT</b>	Annual Review of Council Delegations		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	5 November 2018		

Attachment 2 Delegation Register – Council to CEO

#### **OFFICER RECOMMENDATION that Council:**

- 1. Notes and retains the contents all Delegations to the CEO contained in Attachment 2 without amendment except for Delegation P.4 – Development Applications.*
- 2. Amends Delegation P.4 – Development Applications by adding a new Part 8 to read:  
“Approve applications for 2 dwellings on a residential zoned lot under Town Planning Scheme No. 4 as per Clause 4.2.5 of that Town Planning Scheme.*

#### **Summary/Purpose**

Section 5.46(2) of the Local Government Act 1995 requires Council to review its delegations at least once every financial year.

## Background

Section 5.16 of the Local Government Act allows a local government to delegate powers to Committees, other than the power of delegation. Similarly, Section 5.42 of the Local Government Act allows a local government the ability to delegate powers to its CEO.

A local government which delegates powers to its CEO or Committees is to carry out a review of all Delegations during each financial year.

### ➤ Delegations to Committees

There are currently no Delegations to Council Committees.

### ➤ Delegations to CEO

Officers have undertaken an internal review of all Delegations and it is recommended all existing delegations be retained without amendment except that Delegation P.4 – Development Applications is recommended for amendment to add a new part granting the CEO delegated authority to approve 2 dwellings on a residential zoned lot under Town Planning Scheme No. 4 in accordance with Clause 4.2.5 of Town Planning Scheme No.4.

Clause 4.2.5 of TPS 4 states:

*Subject to Council Consent two (2) attached or grouped dwellings may be developed to the provisions of the R20 Code within the Residential Zone.*

## Statutory Environment

*Local Government Act 1995 – Sections 5.42 – 5.48*

### 5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43. \* Absolute majority required.
- (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.

### 5.43. Limits on Delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;

- (h) any power or duty that requires the approval of the Minister or the Governor;  
or
  - (i) such other powers or duties as may be prescribed.
- 5.44. CEO may delegate powers and duties to other employees
- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of Delegation.
  - (2) A Delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of Delegation.
  - (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
    - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
    - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its Delegation to the CEO.
  - (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a Delegation under this section.
  - (5) In subsections (3) and (4) —  
"conditions" includes qualifications, limitations or exceptions.
- 5.45. Other matters relevant to Delegations under this Division
- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
    - (a) a Delegation made under this Division has effect for the period of time specified in the Delegation or where no period has been specified, indefinitely; and
    - (b) any decision to amend or revoke a Delegation by a local government under this Division is to be by an absolute majority.
  - (2) Nothing in this Division is to be read as preventing —
    - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
    - (b) a CEO from performing any of his or her functions by acting through another person.
- 5.46. Register of, and records relevant to, Delegations to CEO's and employees
- (1) The CEO is to keep a register of the Delegations made under this Division to the CEO and to employees.
  - (2) At least once every financial year, Delegations made under this Division are to be reviewed by the delegator.
  - (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

### Integrated Planning

#### ➤ Strategic Community Plan

Key Goal Area 5 – Our leadership will be visionary, collaborative and accountable  
Objective 5.2 - We maintain high standards of governance, accountability and transparency

Strategy 5.2.3 - Ensure organisational capability\

- Corporate Business Plan  
Strategy 5.2.3 - Ensure organisational capability  
Action 5.2.3.9 - Regularly review levels of delegated authority to match responsibility (annually)
- Long Term Financial Plan – N/A
- Asset Management Plans – N/A
- Workforce Plan – N/A
- Other Integrated Planning – N/A

#### Policy/Strategic Implications

Many of the delegations contained within the Council Delegation Register relate back to Policy and Local Laws which have been set by Council to enable officers to work effectively in line with Council's requirements.

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

Council needs to be satisfied that appropriate policy, strategy and direction have been provided to the CEO and staff for effective decisions to be made under delegated authority.

Continuous Improvement – Not Applicable

Voting Requirements – Absolute Majority

**Moved** Cr Scallan, Seconded Cr Boyle

That Council:

1. Notes and retains the contents all Delegations to the CEO contained in Attachment 2 without amendment except for Delegation P.4 – Development Applications.
2. Amends Delegation P.4 – Development Applications by adding a new Part 8 to read:  
“Approve applications for 2 dwellings on a residential zoned lot under Town Planning Scheme No. 4 as per Clause 4.2.5 of that Town Planning Scheme.

**Council Decision** **Moved Cr Moore, Seconded Cr Wilson**

**C.03/1118 That Council invokes clause 18.1 of the Standing Orders to allow for informal discussion at 6.42 pm.**

**Carried 8/0**

**Council Decision Moved Cr Wilson, seconded Cr Moore**  
***C.03/1118a That application of clause 18.1 of the Standing Orders cease at 6.46pm.***

**Carried 8/0**

**Amendment Moved** Cr Nicholas, Seconded Cr Wilson  
Amend Delegation A.1 – Acting Chief Executive Officer

- First paragraph amend ‘10 consecutive working days’ to read ‘25 consecutive working days’ (twice).
- Second paragraph amend ‘20 consecutive working days’ to read ‘25 consecutive working days’

**Carried 8/0**

**The Amended Motion becomes the Substantive Motion - The motion was Put**  
**Council Decision Moved Cr Scallan, Seconded Cr Boyle**  
***C.03/1118b That Council:***

- 1. Notes and retains the contents all Delegations to the CEO contained in Attachment 2 without amendment except for Delegation P.4 – Development Applications, and Delegation A.1 – Acting Chief Executive Officer.***
- 2. Amends Delegation P.4 – Development Applications by adding a new Part 8 to read:  
“Approve applications for 2 dwellings on a residential zoned lot under Town Planning Scheme No. 4 as per Clause 4.2.5 of that Town Planning Scheme.***
- 3. Amends Delegation A.1 – Acting Chief Executive Officer***
  - ***First paragraph amend ‘10 consecutive working days’ to read ‘25 consecutive working days’ (twice).***
  - ***Second paragraph amend ‘20 consecutive working days’ to read ‘25 consecutive working days’***

**Absolute Majority 8/0**

<b>ITEM NO.</b>	C.04/1118	<b>FILE REF.</b>	203
<b>SUBJECT</b>	Annual Review of Policies		
<b>OFFICER</b>	Senior Administration Officer & Chief Executive Officer		
<b>DATE OF REPORT</b>	22 October 2018		

Attachment 3      Policy Manual [separate electronic attachment]

*OFFICER RECOMMENDATION that Council:*

1. *Endorse the following Policies with minor modifications as set out in the body of the report:*
  - *M6 Meetings of Council*
  - *M.37 Acknowledgment of Country*
  - *M.38 Concept Forums*
  - *F.2 Depreciation of Assets*
  - *F.3 Investment Policy*
  - *F.15 Asset Management*
  - *F.16 Use of Corporate Credit Cards*
  - *F.19 Assets Financing and Borrowings*
  - *F.22 Related Party Disclosures*
  - *WS.20 Disposal of Liquid Waste at Bridgetown Waste Management Facility*
  - *H.4 Keeping of Poultry & Pigeons*
  - *H.5 Temporary Accommodation*
  
2. *Note and retain all other Policies without modification*

Background

Although not a requirement of the Local Government Act, Council has resolved to review its Policy Manual on an annual basis. In some years the Policy Manual has been reviewed section by section on a monthly basis and in other years it has been reviewed during November in line with the review of Council Delegations to Committees and to the CEO.

In addition to the annual review, any changes in existing policies that are identified during the course of a year are presented through the appropriate meetings for Council consideration.

<b>Policies Revised, Amended, Adopted or Revoked during past 12 months:</b>
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<b>Policy No.</b>	<b>Name of Policy</b>	<b>Date</b>
Members:		
M.25	Complaints	Amended February 2018
M.39	Election Caretaker Period	Adopted August 2018
Administration:		
A.14	Light Fleet Vehicle Purchasing	Amended September 2018
Finance:		

F.10	GRV/UV Rating	Revoked April 2018
F.10	Method of Valuation of Rateable Properties	Adopted April 2018
Works & Services:		
WS.20	Disposal of Liquid Waste at Bridgetown Waste Management Facility	Adopted March 2018
Health		
H.5	Temporary Accommodation	Amended May 2018
Other		
O.15	Fire Protection – Shire or Brigade Owned Fire Fighting Appliances	Adopted February 2018

**Policies recommended for minor amendment:**

**MEMBERS SECTION**

**M.6 Meetings of Council**

After the first paragraph insert a new paragraph to read:

“If Australia Day or Anzac Day falls on a normal Council Meeting Thursday, then the meeting be held on the Wednesday beforehand.”

**Reason for Amendment**

It is a requirement of the Local Government Act that meeting dates be advertised in advance. For our Shire, we advertise the following years meeting dates in the December issue of the Insight as well as placing an advertisement in the local newspaper (as is required) during December or January.

In some years Australia Day or Anzac Day may coincide with Council’s meeting date therefore by amending the Policy this would negate having to bring an Agenda Item to Council to obtain a different meeting date and having to readvertise the meeting dates.

**M.37 Acknowledgment of Country**

1. In the first line, remove “Standing Committee,”.
2. In the wording to be spoken by the Presiding Member at an Ordinary or Special meeting of Council:
  - (a) Delete the word “Owners” and insert the words “Traditional Custodians”;
  - (b) After the word “present” add “and emerging”.

**Reasons for Amendments**

1. At the October 2018 meeting it was resolved to cease holding Standing Committee meetings and replace these with Concept Forums which are not open to the public.



2. In the wording to be spoken by the Presiding Member at an Ordinary or Special meeting of Council it is suggested changes have been identified through the 'Creative Spirits Aboriginal Cultural' site. The word "owners" has been a conventional term used by governments and government departments to convey the complex meaning of Aboriginal land tenure however Aboriginal people do not 'own the land' but rather care for the land.

The word 'emerging' forms part of present protocols.

### **M.38 Concept Forums**

At the November councillor/CEO informal meeting the process for councillors to raise topics for inclusion in the agenda of a Concept Forum was discussed and it was agreed that the process should be the same as for councillors seeking to submit a notice of motion to a Council meeting. The notice of motion process requires a councillor to submit a notice of motion at least 10 clear working days prior to the meeting at which the motion is to be moved.

The amendment to Policy M.38 is to insert a new Part 5 under the section titled "Guidelines for the Operation of Concept Forums" to read:

5. A councillor wishing to list an issue/topic on the agenda of the concept forum is to provide the CEO with sufficient background information at least 10 clear working days before the day of the concept forum at which the issue/topic is to be discussed.

Existing Part 5 under this section of the policy is to be renumbered to Part 6.

## **FINANCE SECTION**

### **F.2 Depreciation of Assets**

Clause 2 (Capitalisation of Assets) to be reworded as follows:

"Capital expenditure are amounts expended to acquire future service potential or economic benefits. Capital expenditure will be recognised where it can be clearly identified that the purchase represents a single acquisition (including landing, freight, commissioning, and design and other such costs) in excess of \$5,000 as required by the Local Government (*Financial Management*) Regulations 1996 as amended."

#### Reason for Amendment

Amendments to the Local Government (*Financial Management*) Regulations 1996 were gazetted on 26 June 2018. The amendment prescribes the minimum dollar amount for the recognition of an asset in Local Governments financial statements.

### **F.3 Investment Policy**

Clause 5.1 – change "10 days" to "31 days".

#### Reason for Amendment

The change from 10 days to 31 days brings the policy in alignment with current terms and conditions regarding the prepayment of term deposits as stipulated by financial institutions.

### **F.15 Asset Management**

Second 'dot' point of 'Policy Statement', change the amount from "\$208,752,417" to "\$205,005,460" and the year from "2016" to "2018".

#### **Reasons for Amendments**

Update of figures quoted to align with Council's financial statements as at 30 June 2018.

### **F.16 Use of Corporate Credit Cards**

1. Clause 6.4 to be deleted and replaced with the following:

"A maximum credit limit of \$10,000 is to be applied to the Chief Executive Officer's corporate credit card.

The maximum credit limit (not to be greater than \$5,000) for any other employees approved by the Chief Executive Officer for holding of a corporate credit card is to be determined by the Chief Executive Officer based on an assessment of the type of transactions likely to be made by the employee."

2. Clause 7.1, delete "as required, on a regular basis" and replace with "within 10 working days of month end".

#### **Reason for Amendment**

1. To enable the CEO to authorise the issuing of a corporate credit card when deemed necessary for operational reasons.
2. Following the Audit Committee's consideration of the 'Controls Over Corporate Credit Cards' report released by the Auditor General, the following recommendation was passed:

"Recommends that Council amend policy 'F.16 Use of Corporate Credit Cards' to provide specific time frames for acquitting and approving monthly credit card statements."

### **F.19 Assets Financing and Borrowings**

1. In clause 1.1.3 change "Department of Local Government and Communities" to "Department of Local Government, Sport and Cultural Industries".
2. In the 'note' statement of the second 'dot' point of clause 1.3.2, change "2016" to "2018"; "2015/2016" to "2017/2018" and "\$4,864m" to "\$6,037m". In the fourth paragraph, change "\$55,512" to "\$25,964" and "\$4,837m" to "\$6,024m".

#### **Reasons for Amendments**

1. Update document with correct State Government Department name.
2. Update of figures quoted to align with Council's financial statements as at 30 June 2018.

### **F.22 Related Party Disclosures**

Change "Department of Local Government and Communities" to "Department of Local Government, Sport and Cultural Industries".

Reason for Amendment

Update document with correct State Government Department name.

**WORKS & SERVICES SECTION**

**WS.20 Disposal of Liquid Waste at Bridgetown Waste Management Facility**

In the third paragraph, amend “one-off” to “one-off or greater”.

Reason for Amendment

This would allow the CEO to approve the ongoing disposal of liquid waste from outside the Shire for essential public/community facilities such as a hospital or for specific types of waste not able to be disposed in the Shire of origin. Since adoption of the policy in March 2018 a request has been received from a liquid waste contractor to allow disposal of grease trap waste collected from Boyup Brook as the Boyup Brook liquid waste facility is not able to accept this type of waste.

**HEALTH SECTION**

**H.4 Keeping of Poultry & Pigeons**

1. Under section titled “Approval”, add a new third paragraph to read:  
“Where in the opinion of the CEO or delegated officer the keeping of poultry or pigeons causes unacceptable nuisance to surrounding land owners or residents, the approval to keep the poultry or pigeons can be withdrawn subject to a suitable notice period being given to allow their removal.
2. Under Part (b) “Roster”, reword to:
  - i. the applicant is to demonstrate in the application how he/she intends to limit any potential nuisance that the keeping of a rooster may cause;
  - ii. the rooster/s is/are contained in poultry runs during the day, that are well maintained and ‘night-boxes’ at night to restrict crowing; and
  - iii. the circumstances under which the rooster/s is/are kept is not considered a nuisance, or injurious or offensive, or dangerous to health.

Reasons for Amendments

1. “Approval” - This clause reinforces the existing powers under the current Health Local law and including it in the applicable policy will ensure that owners of poultry or pigeons understand their responsibilities to limit potential nuisance.
3. ‘Rooster’ - Currently the policy requires the owner of a rooster on land within a townsite to be a registered member of a poultry breeders association and the rooster/s are for to be solely for the purpose of showing. This is a severe limitation on who can seek to keep a rooster and there is no reason non poultry breeders association members can’t adequately keep a rooster. Therefore it is recommended that this restriction be removed and that instead the onus is placed on any applicant to demonstrate how they intend to limit any nuisance that the rooster may cause.

### **H.5 Temporary Accommodation**

Although this Policy was amended in May of this year, the annual review of all policies undertaken by officers has identified a few additional changes as follows:

1. Clause 1 – amend ‘planning approval’ to read ‘development approval (unless exempt)’ and amend ‘licence’ to ‘permit’.
2. Clause 3 – In the third paragraph change “2” to read “two”.
3. Clause 5 – delete ‘Council’s’.
4. Clause 6(a) – delete ‘Environmental Health Officer’ and replace with “Manager Environmental Health”.
5. Clause 6(b) – delete existing sub-clause and replace with:  
“The ‘Temporary Accommodation’ being serviced by a ‘reticulated water supply’ or connected to a water tank with a minimum storage capacity of 90,000 litres of water.
6. Clause 6(c) – delete ‘Council’s’.
7. Clause 9 – in the first line, change ‘licence’ to ‘permit’ and in the second line after the word ‘will’ insert “also”.

### **Reasons for Amendments**

The terminologies of ‘planning’ and ‘licence’ are proposed to be changed to ‘development’ and ‘permit’ respectively. ‘Development’ is as per the Planning & Development Act 2005 and ‘permit’ is proposed as this is what the Shire issues (not a licence as such).

### **Statutory Environment - Nil**

### **Integrated Planning**

- Strategic Community Plan
  - Key Goal Area 5 – Our leadership will be visionary, collaborative and accountable
  - Objective 5.2 - We maintain high standards of governance, accountability and transparency
  - Strategy 5.2.3 - Ensure organisational capability
  - Strategy 5.2.7 - Council’s policies and local laws are responsive to community needs
- Corporate Business Plan
  - Strategy 5.2.7 - Council’s policies and local laws are responsive to community needs
  - Action 5.2.7.1 - Annually review policies
- Long Term Financial Plan – Not Applicable
- Asset Management Plans – Not Applicable
- Workforce Plan – Not Applicable
- Other Integrated Planning – Not Applicable

Policy Implications

This Item is the review of the Policy Manual

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

Regular review of policies represents good governance

Voting Requirements – Simple Majority

**Council Decision Moved Cr Scallan, Seconded Cr Bookless**

**C.04/1118 That Council:**

- 1. Endorse the following Policies with minor modifications as set out in the body of the report:**
  - **M6 Meetings of Council**
  - **M.37 Acknowledgment of Country**
  - **M.38 Concept Forums**
  - **F.2 Depreciation of Assets**
  - **F.3 Investment Policy**
  - **F.15 Asset Management**
  - **F.16 Use of Corporate Credit Cards**
  - **F.19 Assets Financing and Borrowings**
  - **F.22 Related Party Disclosures**
  - **WS.20 Disposal of Liquid Waste at Bridgetown Waste Management Facility**
  - **H.4 Keeping of Poultry & Pigeons**
  - **H.5 Temporary Accommodation**
- 2. Note and retain all other Policies without modification.**

**Carried 8/0**

<b>ITEM NO.</b>	C.05/1118	<b>FILE REF.</b>	
<b>SUBJECT</b>	Review of Community Consultation Policy		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	16 November 2018		

Attachment 4 Existing Community Consultation Policy with track changes showing proposed amendments

Attachment 5 New Community Engagement/Consultation Policy incorporating track changes from existing Community Consultation Policy

*OFFICER RECOMMENDATION that Council adopts the Community Engagement/Consultation Policy (as shown in Attachment 5) to replace existing Policy M.21 – Community Consultation.*

#### Summary/Purpose

Council's existing Community Consultation Policy has been subject to an internal review and a revised policy is presented for Council's consideration.

#### Background

Council's existing Community Consultation Policy was adopted in 2008 and since then has been subject to minimal changes in annual reviews of Council's policies.

The Audit Regulation 17 Review presented to Council in December 2016 identified two actions for consideration in the review of Council's consultation policies and practices:

- Develop a community engagement framework (to be linked to review of Community Consultation Policy); and
- Review current procedures in relation to the Privacy Act (to be formalised in future review of Community Consultation Policy).

#### Officer Comment

The existing policy has been reviewed with regard to the two actions listed above but also to update sections where appropriate.

A summary of the proposed changes to the existing policy are:

- Change of title to 'Community Engagement/Consultation' Policy with retention of same policy number.
- Insert information about the difference between 'community engagement' and 'community consultation'.
- Inclusion of 'review of Strategic Community Plan' (both full review and desktop review) as a new level of consultation.
- Including Facebook posts on the Shire Facebook page as a mode of consultation.
- Inclusion of a notation in the consultation matrix that for key strategic issues and reviews of the Strategic Community Plan a specific community engagement plan is to be prepared prior to commencement of consultation.

- Inclusion of a new section titled 'privacy of submissions' describing how authors of submissions can request suppression of personal information in agendas and minutes.

### Statutory Environment - Nil

### Integrated Planning

- Strategic Community Plan
  - Key Goal 5 - Our leadership will be visionary, collaborative and accountable
  - Objective 5.1 - Our community actively participates in civic life
  - Strategy 5.1.1 - The community is involved in local decision making
  - Strategy 5.1.3 – Monitor, maintain and enhance the way we communicate with the community
  - Strategy 5.1.4 - People receive Shire information, services and opportunities according to their needs
  - Objective 5.2 - We maintain high standards of governance, accountability and transparency
  - Strategy 5.2.4 - Maintain a strong customer focus
  - Strategy 5.2.5 - Regularly review community engagement strategies and policies
  - Strategy 5.2.7 - Council's policies and local laws are responsive to community needs
- Corporate Business Plan
  - Strategy 5.1.1 - The community is involved in local decision making
  - Action 5.1.1.3 - Major projects to include where appropriate a specific community engagement component
  - Strategy 5.1.3 – Monitor, maintain and enhance the way we communicate with the community
  - Action 5.1.3.1 - Regularly review community engagement strategies and policies
  - Action 5.1.3.2 - Provide regular feedback to the community following consultation periods
  - Action 5.1.3.3 - Inform the community regarding regulatory requirements
- Long Term Financial Plan - Nil
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning - Nil

### Policy

This matter concerns a review of existing policy.

### Budget Implications - Nil

### Fiscal Equity – Not Applicable

### Whole of Life Accounting – Not Applicable

Social Equity

The proposed changes to the policy seek to reaffirm that all members of the community an equal opportunity to have input into Council's decision-making processes.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

Risk Management

The trigger for this policy review was the Audit Regulation 17 Review presented to Council in December 2016. This review assessed the organisation's overall risk management practices for the purpose of minimising exposure to risk.

Continuous Improvement

The policy clearly sets out Council's community engagement and consultation commitments which will only improve its decision-making processes.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Nicholas, Seconded Cr Moore**

***C.05/1118 That Council adopts the Community Engagement/Consultation Policy (as shown in Attachment 5) to replace existing Policy M.21 – Community Consultation.***

***Carried 8/0***

<b>ITEM NO.</b>	C.06/1118	<b>FILE REF.</b>	209
<b>SUBJECT</b>	Rolling Action Sheet		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	1 November 2018		

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

**Council Decision Moved Cr Wallace, Seconded Cr Scallan  
C.06/1118 That the information contained in the Rolling Action Sheet be  
noted.**

**Carried 8/0**

### **Corporate Services**

<b>ITEM NO.</b>	C.07/1118	<b>FILE REF.</b>	108.2
<b>SUBJECT</b>	Adoption of Annual Review of Long Term Financial Plan		
<b>OFFICER</b>	Executive Manager Corporate Services		
<b>DATE OF REPORT</b>	14 November 2018		

Attachment 7 Shire of Bridgetown-Greenbushes Long Term Financial Plan  
2018-19 to 2032-33

*OFFICER RECOMMENDATION that Council adopt its 'Long Term Financial Plan  
2018-19 to 2032-33', as presented in attachment 7.*

### **Summary/Purpose**

In accordance with section 5.56 of the Local Government Act 1995 all local governments in Western Australia are required to effectively plan for the future as outlined in the Integrated Planning and Reporting Framework. Following annual reviews of Council's Corporate Business Plan and various 10 Year Capital Works Plans an updated version of the Long Term Financial Plan (LTFP) has been prepared.

The LTFP is in line with the Strategic Community and Corporate Business Plans and is attached for Council endorsement.

### **Background**

The Integrated Planning and Reporting Framework and Guidelines were introduced in Western Australia as part of the State Government's Local Government Reform Program. Integrated planning is the ongoing development and delivery of a Strategic Community Plan and a Corporate Business plan.

The Long Term Financial Plan (LTFP) is one of the core components of the Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting Framework. The LTFP functions as an informing strategy to the Corporate Business Plan, and details how the Shire will achieve its vision, aspirations and strategic priorities for the community and stakeholders through long term financial planning in a strategic manner.

The LTFP is based on:

- an analysis of the internal and external environment(s);
- identifying economic, market and labour issues which impact on the shire's ability to deliver services and provide support to the community and civic infrastructure; and
- mapping the data in time to identify gaps and risks.

The LTFP is a plan which will continue to evolve as the shire responds to internal and external changes.

#### Officer Comment

Long term financial planning is a key element of the Integrated Planning and Reporting Framework. This planning process enables local governments to set priorities, based on their resourcing capabilities, for the delivery of short, medium and long term community and stakeholder priorities.

The LTFP is a fifteen year rolling plan that informs the Corporate Business Plan to activate Strategic Community Plan priorities. Through these planning processes, annual budgets that align with strategic objectives are developed.

The LTFP:

- indicates a local government's long term financial sustainability;
- allows early identification of financial issues and their longer term impacts;
- indicates the linkages between specific plans and strategies; and
- enhances the transparency and accountability of the Council to the community and stakeholders.

As part of its annual integrated planning process Council reviewed all ten year capital works plans and adopted an updated Corporate Business Plan. The LTFP as presented contains all expenditure identified in the updated plans as at 30 June 2018. Council is currently in the process of reviewing its Workforce Plan. Outcomes of this review will be incorporated into the next review of the LTFP.

The draft LTFP incorporates a number of assumptions that have been applied to various income and expenditure categories throughout the life of the plan. Council at its Concept Forum held 11 October 2018 reviewed the assumptions contained in the draft LTFP along with the predicted ratio results.

It is intended that the LTFP will be a high-level document that can be easily understood by the community. The attached LTFP includes fifteen year financial forecasts comprising:

- Statements of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity ;
- Statement of Funding and Net Current Asset Position;
- Statement of Movements in Fixed Assets and Capital Funding; and
- Forecast Ratio Analysis

These statements are supported by:

- Details of assumptions on which the plan has been developed;
- Projected income and expenditure; and
- Methods of measuring performance.

### Statutory Environment

Section 5.56 of the Local Government Act 1995 – Planning for the Future

### Integrated Planning

- Strategic Community Plan  
Key Goal 5 - Our leadership will be visionary, collaborative and accountable  
Objective 5.3 - We operate within the Integrated Planning Framework  
Strategy 5.3.1 - Implement the Shire's Integrated Planning Review Cycle
- Corporate Business Plan  
The annual review of Council's Corporate Business Plan was adopted by Council at its meeting held 28 June 2018. This draft Long Term Financial Plan incorporates the funding requirements of all actions included in the Corporate Business Plan.
- Long Term Financial Plan  
The Long Term Financial Plan is an informing document that presents a financial analysis of all strategic objectives and goals set out in Council's integrated planning documents.
- Asset Management Plans  
The draft Long Term Financial Plan incorporates renewal expenditure for maintaining Council's assets. The Asset Renewal Funding Ratio as presented in the draft Long Term Financial Plan indicates that adequate funding has been allocated to the renewal of assets as required by Council's current asset management plans.
- Workforce Plan – Nil
- Other Integrated Planning - Nil

Policy – Not applicable

### Budget Implications

The LTFP is a guiding or informing document. Council and its officers will use this document as a guide in the preparation of future annual budgets.

Fiscal Equity – Not applicable

Whole of Life Accounting

The Long Term Financial Plan enshrines the principle of whole of life accounting costs to ensure assets are managed responsibly and cost effectively.

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity – Not applicable

Risk Management

The Long Term Financial Plan is an informing strategy as part of the Integrated Planning and Reporting Framework. The framework mitigates business risk through links across Councils infrastructure, finances and workforce.

Continuous Improvement

The Integrated Planning and Reporting Framework provides a process for local governments to:

- Ensure community input is explicitly and reliably generated.
- Provide the capacity for location and specific planning where appropriate.
- Identify the resourcing required to deliver against the long term objectives.
- Clearly articulate long term financial implications and strategies.

Voting Requirements – Simple Majority

**Council Decision Moved Cr Scallan, Seconded Cr Wallace**

***C.07/1118 That Council adopt its ‘Long Term Financial Plan 2018-19 to 2032-33’, as presented in attachment 7.***

***Carried 8/0***

<b>ITEM NO.</b>	C.08/1118	<b>FILE REF.</b>	131
<b>SUBJECT</b>	October 2018 Financial Activity Statements and List of Accounts Paid in October 2018		
<b>OFFICER</b>	Senior Finance Officer		
<b>DATE OF REPORT</b>	16 November 2018		

Attachment 8      October 2018 Financial Activity Statements

Attachment 9      List of Accounts Paid in October 2018

**OFFICER RECOMMENDATIONS**

1. *That Council receives the October 2018 Financial Activity Statements as presented in Attachment 8.*
2. *That Council receives the List of Accounts Paid in October 2018 as presented in Attachment 9.*

### Summary/Purpose

Regulation 34 of the Local Government (*Financial Management*) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of its funds. Further, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal and trust funds, a list of those accounts paid in a month are to be presented to the council at the next ordinary meeting (see Reg 13 of the Regulations).

### Background

In its monthly Financial Activity Statement a local government is to provide the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the Local Government Act;
- (b) budget estimates to the end of the month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

Each of the Financial Activity Statements is to be accompanied by documents containing:

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) an explanation of each of the material variances referred to in sub-regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the Local Government.

The information in a statement of financial activity may be shown:

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

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

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

### Statutory Environment

Section 6.4 (Financial Report) and Section 6.8 (Expenditure from municipal fund not included in annual budget) of the Local Government Act 1995, and Regulations 13 (List of Accounts) and 34 (Financial activity statement report) of the Local Government (*Financial Management*) Regulations 1996 apply.

### 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 5.2.8: 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

F.6. Purchasing Policy - To ensure purchasing is undertaken in an efficient, effective, economical and sustainable manner that provides transparency and accountability.

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

### Budget Implications

Expenditure incurred in October 2018 and presented in the list of accounts paid, was allocated in the 2018/19 Budget as amended.

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

Delegated Authority – Not Applicable

Voting Requirements – Simple Majority

### **Council Decision Moved Cr Wilson, Seconded Cr Boyle**

#### **C.08/1118**

- 1. That Council receives the October 2018 Financial Activity Statements as presented in Attachment 8.**
- 2. That Council receives the List of Accounts Paid in October 2018 as presented in Attachment 9.**

**Carried 8/0**

**Planning & Environmental Services** - Nil

**Works & Services** - Nil

**Community Services**

<b>ITEM NO.</b>	C.09/1118	<b>FILE REF.</b>	281
<b>SUBJECT</b>	Community Grants and Service Agreements		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Executive Manager Community Services		
<b>DATE OF REPORT</b>	19 November 2018		

Attachment 10 Letter from EMCS to BFCC  
Attachment 11 Letter from BFCC to CEO

*OFFICER RECOMMENDATION: That Council revokes the following resolution made at its May 2017 meeting:*

*Resolution C.06/0517a That Council:*

- 1. Determine to advise the Bridgetown Family and Community Centre that on completion of existing service agreements for user groups within the Centre, all future service agreement applications will be required to be consolidated into one application for the services that operate from it.*

**Summary/Purpose**

The recommendation seeks to present the request and rationale from the Bridgetown Family and Community Centre (BFCC) as pertains to why the submission of one service agreement (or community group grant application) from all users of the Centre is not equitable or viable.

**Background**

In assessing the applications received in 2017, the Working Group noted that there were at the time two service agreements for service providers operating out of the BFCC totalling \$14,000. In the 2017/2018 round of funding there was a third application for a service agreement (which was not supported by the Working Group or subsequently by Council) from the Bridgetown Family Playgroup, which also operates from the BFCC. The working group was of the view that in future funding rounds, one joint application from all service providers operating from the BFCC would provide improve transparency and collaboration. Therefore the working group recommended that the BFCC be advised that at the conclusion of existing service agreements (at the end of the 18/19 financial year) Council will request and assess only one application for service provision from user groups within the BFCC. This was formalized at the May 2017 Ordinary Council Meeting as detailed in the Officer Recommendation.

**Officer Comment**

Under Regulation 10 of the Local Government (Administration) Regulations before a Motion can be considered for revoking of a previous Council decision (resolution), support must be given by at least 1/3 of the number of office (whether vacant or not)

of members of the Council. Therefore the Presiding Member will seek an indication of such support from councilors and if 3 or more councilors indicate support by a show of hands the Presiding Member will call for a mover and seconder for the motion proposing the revoking of Resolution C.06/0517a

The officer has met with the proponent to discuss this issue, and advice was given as to the correct process for seeking Council reconsideration and ultimately revocation of the original decision.

The proponent is keen for the matter to be revisited by Council prior to the 2018/2019 funding round opening in December 2018.

The three main reasons the proponent has requested Council reconsider this decision are summarised as follows:

1. The BFCC submits an application for funding to cover expenses associated with rates and insurance with each element costing approximately \$4,000 per annum (total funding provision has, historically been \$8,000 per annum). This allows additional funding received by BFCC from the Department for Communities to be fully utilised for the provision of services and programs to the community.
2. The Child Health Committee (CHC) is a separate legal entity which operates out of the BFCC but has its own independent committee, constitution and financial system. CHC pays rent to the BFCC as a commercial arrangement. The CHC service agreement has, historically, been in the vicinity of \$6,000 which covers expenses associated with rent and insurance costs relevant to the provision of child health services to the community. The BFCC is in no way involved with the provision of this service.
3. The Bridgetown Playgroup now falls under the management of the BFCC and as such, the proponent notes there will be no future funding applications submitted from this entity separate to the overarching BFCC submission.

In meeting with the proponent, the officer was of the view that these reasons may have merit in the view of Council and subsequently are presented in this report for consideration.

The letter from the BFCC Manager also references a request to present to Council with to the activities and operations of the BFCC. The proponent notes in the correspondence that this is a separate matter to the item presented in this report and subsequently it is considered that the proponent can be invited to present to Council at a future meeting or concept forum. Council's relevant policy (F.1 Shire Community Grants, Service Agreements, Donations and Contributions) identifies that all funding recipients who receive funding of \$5,000 or more per annum are required to present to Council annually on the outcome of the funded activity, the request to present to Council would allow for this to occur.

### Statutory Environment

Regulation 10 – Local Government (Administration) Regulations

#### **10. Revoking or changing decisions (Act s. 5.25(1)(e))**



- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

#### Integrated Planning

##### ➤ Strategic Community Plan 2016

Objective 3 - Our community enjoys a high quality of life

Outcome 3.5 - Maintain and enhance community services including health, education and housing

Strategy 3.5.7 - Continue to provide Community Grants and Service Agreements up to a prescribed limit set by Council.

##### ➤ Corporate Business Plan 2015

Action 3.5.7.1 - Provide annual resources for Community Grants and Service Agreements up to \$ 160,000.

##### ➤ Long Term Financial Plan - Nil

##### ➤ Asset Management Plans – Nil

##### ➤ Workforce Plan - Nil

##### ➤ Other Integrated Planning - Nil

#### Policy/Strategic Implications

Council Policy F.1 (Shire Community Grants, Service Agreements, Donations and Contributions) identifies that all funding recipients who receive funding of \$5,000 or more per annum are required to present to Council annually on the outcome of the funded activity.

#### Budget Implications - Nil

#### Fiscal Equity - Nil

Whole of Life Accounting - Nil

Social Equity

In considering the request and rationale provided by the BFCC in requesting the original decision be reconsidered the principles of social equity are being met.

Ecological Equity - Nil

Cultural Equity - Nil

Risk Management

The recommendation seeks to achieve risk management by ensuring Council is presented with the proponent's views and feedback in relation to a decision that directly affects their operation and service provision within the community.

Continuous Improvement

The recommendation seeks to achieve continuous improvement by allowing the reasons and rationale of the proponent to be presented to Council as part of the decision making process.

Voting Requirements – Absolute Majority

*Prior to seeking a mover and seconder of the officer recommendation the President, in accordance with Regulation 10 of the Local Government (Administration) Regulations sought an indication of support from Councillors to consider the revocation motion. The required support was given.*

**Council Decision Moved Cr Boyle, Seconded Cr Wallace**

**C.09/1118 That Council revokes the following resolution made at its May 2017 meeting:**

***Resolution C.06/0517a That Council:***

***Determine to advise the Bridgetown Family and Community Centre that on completion of existing service agreements for user groups within the Centre, all future service agreement applications will be required to be consolidated into one application for the services that operate from it.***

***Absolute Majority 8/0***

<b>ITEM NO.</b>	C.10/1118	<b>FILE REF.</b>	281
<b>SUBJECT</b>	Art Trail - Community Designed Mural		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Grants and Services Manager		
<b>DATE OF REPORT</b>	15 November 2018		

Attachment 12 Community Mural Design

*OFFICER RECOMMENDATION that Council endorse the community designed mural to be painted on the exterior southern wall and the western end of the north facing exterior wall of the River Park ablution block as part of the Bridgetown Art Trail.*

### Summary/Purpose

This recommendation seeks to determine Councils support for the design of the mural to be painted on the ablution block at River Park. If the design is supported the mural will be painted during the first 2 weeks of December and included in the art trail brochure and map as part of the Bridgetown Art Trail.

### Background

A number of community members developed a concept for additional public art in Bridgetown with the view of adding value to the existing 8 artworks installed at 6 locations throughout town.

In February 2018 (C.03/0218) Council, in part noted that, endorsed the use of the exterior southern wall and the western end of the north facing exterior wall of the River Park Ablution Block as a site for a community designed mural, noting that the artistic concept for this mural will be provided for Council approval prior to the mural being painted.

The Art Trail project has been discussed by the 150<sup>th</sup> Working Group and is considered by that group to contribute to the 150<sup>th</sup> celebrations. The unveiling of the Bridgetown Art Trail has been earmarked for the final 150<sup>th</sup> celebration at the New Year's Eve screening of *Breath* (based on a Tim Winton novel). The unveiling would take place during the pre-screening entertainment by Andrew Winton.

### Officer Comment

Council's Corporate Business Plan identifies that Council will support projects that improve promotion of the Shire as a tourism destination, support external funded public art and support events that promote local business and encourage community participation.

*Council's Public Art Strategy states that Council understands that the impact of public art on a community is priceless and immeasurable. Public art has the power to energize public spaces, arouse thinking and transform the places where residents live, work and play into a more welcoming, beautiful and enriching environments. Public art enhances the quality of life by encouraging a heightened sense of place, by sharing the stories of the community (past and present) and by introducing people to works of art that can positively impact on them, and generations to come. Public art expresses the community's positive sense of identity and values.*

*In addition to community enrichment, public art increases the community's assets and has the potential to encourage visitors to the area, whose casual spend will provide ongoing economic benefit to the community. A co-ordinated and planned approach to public art will ensure that the Bridgetown and Greenbushes communities will continue to receive the myriad of benefits that result from a public art program.*

*Council is committed to the implementation of public art programs that are sympathetic to the natural environment and reflect the environmental, cultural, historic and social nuances of the area.*

The development of the endorsed art trail has been underway for the past 4 months with completed art installations located at the following sites;

- The southern wall of the Costume Magic

- The southern wall of Attic & Fable/The Rabbit Hole
- The Repertory Corner

The schedule for completion of the unfinished art pieces is as follows;

- Hampton Street Toilets - 19 to 23 November
- The southern wall of the Mini Mart – 19 to 23 November
- The northern wall of Geegelup Health Food Supplies – 29 to 30 November
- The southern wall of the Bridgetown CRC – 3 to 7 December
- The southern wall of Blackwood Fresh – 7 to 9 December
- The southern wall and the western end of the north facing exterior wall of the River Park ablution block - 7 to 9 December

The artists/community groups included in the project identified to date are:

- Trudy Clothier – Co-ordinating artists and community groups
- Men’s Shed - sculpture installation (The Repertory Corner)
- Nic Fabriszac – mural and workshops
- Rabbit Hole ( 13 Artists) – mural (The southern wall of Attic & Fable/The Rabbit Hole)
- Gabriel Evans – mural (The southern wall of the Costume Magic)
- Glenn Hywood – mural
- Chris Latham – mural
- Victoria Baker – mural
- Dennis Wilson – sculpture installation
- Community members/Nic Fabriszac – mural

Renowned local artist Nic Fabriszac, held a community workshop on the 25 October to assist with the design of the mural to be painted on the exterior walls of the River Park ablution block. If the mural design is endorsed by Council, the mural will be painted by the community members who attended the workshop. The mural is scheduled to be commenced during the first week of December and should be completed by the 9 December.

Community fundraising for this project raised \$6,450. This amount combined with the original grant of \$20,000 has paid for all materials, installation costs and will also contribute toward the photography, maps and printing of the booklet to promote the art trail in its entirety. The artists will be receiving a small honorarium each.

On completion of this project, the Bridgetown Art Trail will consist of 18 public pieces of art covering different disciplines, spread along a walk trail that will take the enthusiast from one end of the CBD to the other. The trail will be approximately 2.5km from start to finish. The sites of existing public art are:

- Somme Creek – 4 pieces
- Town Square – 1 piece
- Bridgetown Primary School – 1 piece
- Corner of Hampton Street & Brockman Highway – 1 piece
- Shire Administration Building – 1 piece
- River Park Ablution Block (existing mural) – 1 piece

Once the artwork is completed, the art trail will traverse Hampton Street and Steere Street linking several existing public art pieces with new artwork to create the trail. The theme for the works is based on the artists'/community members interpretation of what Bridgetown means to them.

Statutory Environment – Not applicable

Integrated Planning – Not applicable

Strategic Community Plan

- Objective 1.1.1 - A diverse economy that provides a range of business and employment opportunities.
  - Strategy 1.1.2 Develop and implement strategic plans and actions that attract economic development
  - Strategy 1.1.10 Deliver or support a range of events where a demonstrable community benefit can be shown.
- Objective 4.1 A cohesive community with a strength of pride
  - Strategy 4.1.1 Deliver and support a wide range of community activities, events and associated infrastructure
  - Strategy 4.1.2 Deliver programs that encourage community interaction and participation

Corporate Business Plan

- Action 1.1.2.3 – Improve promotion of the Shire as a tourism destination
- Action 1.1.10.1 – Support festivals and events that promote local businesses and encourage community participation.
- Action 4.1.1.1 – Support the development of externally funded public art
- Action 4.1.2.1 – Support a community based approach to the provision of art and culture development

Long Term Financial Plan – not applicable

Asset Management Plans –not applicable

Workforce Plan – not applicable

Other Integrated Planning – Shire of Bridgetown Greenbushes Public Art Strategy

Budget Implications

There are no budgetary implications associated with this recommendation.

Fiscal Equity – Not Applicable

### Whole of Life Accounting

The principles of Whole of Life Accounting are met by accepting that the proposed community mural on the River Park ablution block will fade and weather over time to blend in with the original mural painted on the northern end of the ablution block.

### Social Equity

The project meets the principles of social equity by ensuring that all residents have had the opportunity to participate in the art workshops and contribute to the art trail.

Ecological Equity – Not Applicable

Cultural Equity – Not Applicable

### Risk Management

The principles of risk management are met by ensuring that the proposed project aligns with Council's Strategic Community Plan and Corporate Business Plan and that community feel a sense of ownership by having the opportunity to be directly involved in the design of a mural along the art trail.

Continuous Improvement – Not Applicable

Voting Requirements – Simple Majority

### **Council Decision Moved Cr Moore, Seconded Cr Boyle**

***C.10/1118 that Council endorse the community designed mural to be painted on the exterior southern wall and the western end of the north facing exterior wall of the River Park ablution block as part of the Bridgetown Art Trail.***

***Carried 8/0***

**Consideration of Standing Committee Recommendations** - Nil

**Receival of Minutes from Management Committees** – Nil

**Urgent Business Approved by Decision** - Nil

**Responses to Elected Member Questions Taken on Notice** - Nil

### **Elected Members Questions With Notice**

#### Cr Scallan

1. Why does the library have to be shut down to clean the windows?

*Response - The contractor appointed to perform the window cleaning advised that due to the height of the windows (scissor lift requirements) it would be more time consuming, and therefore costly to have the library open to patrons and for the contractor to 'work around' patrons.*

2. I see that the Shire phone number has changed on the website, which I wasn't aware of, is this an NBN number?

*Response - The new phone number is as a result of the installation of a VOIP phone system. The 9761 1555 number is automatically redirected to the new 9761 0800 number. Administration is in the process of changing phone numbers on relevant stationery and communication items etc. as and when new stocks are required.*

3. Roof top garden – I did see a comment that we were waiting on better weather to commence these works however do we have a schedule when these works are to commence?

*Response – the works have commenced in the last week with removal of all vegetation and spraying. As a significant seed bank has built up regrowth of weeds and vegetation is expected so the roof will be sprayed again in 6-8 weeks with the new "pigface" vegetation to be planted in autumn.*

**Notice of Motions for Consideration at the Next Meeting** - Nil

**Matters Behind Closed Doors (Confidential Items)**

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- The personal affairs of any person.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of these items are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

<b>ITEM NO.</b>	C.11/1118	<b>FILE REF.</b>	244
<b>SUBJECT</b>	Citizen of the Year Awards		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Senior Admin Officer		
<b>DATE OF REPORT</b>	6 November 2018		

Attachment 13 Confidential Information on Nominees for the 'Community Citizen of the Year Awards'

*OFFICER RECOMMENDATION that Council go behind closed doors at \*\*\*\*pm.*

*OFFICER RECOMMENDATION that Council considers all nominations and selects a successful candidate for Award categories where nominations were received.*

**Council Decision Moved Cr Moore, Seconded Cr Wilson  
C.11/1118 That Council go behind closed doors at 7.07pm.**

**Carried 8/0**

7.07pm – Ms Denniss retired from the Meeting

**Council Decision Moved Cr Wilson, Seconded Cr Bookless  
C.11/1118 That Council considered all nominations and selected a successful candidate for Award categories where nominations were received being:**

- **Community Citizen of the Year – Cheryl Hamence**
- **Senior Community Citizen of the Year (over 65 years) – Don Perks**
- **Young Community Citizen of the Year (under 25 years) – Emilee Christie**
- **Active Citizenship Award – Community Group or Event – Men In Sheds**

**Carried 8/0**

7.29pm – Mrs Larkworthy and Mrs Lockley retired from the meeting

7.30pm – Cr Bookless vacated the Meeting

7.31pm – Cr Bookless returned to the Meeting

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- A matter affecting an employee or employees;
- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

*The Executive Manager Corporate Services, M Larkworthy declares a Financial Interest in Item C.12/1118 as the item concerns the renewal of her contract of employment.*

<b>ITEM NO.</b>	C.12/1118	<b>FILE REF.</b>	
<b>SUBJECT</b>	Renewal of Contract of Employment – Executive Manager Corporate Services (Michelle Larkworthy)		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	21 November 2018		

**OFFICER RECOMMENDATION** that Council offer Michelle Larkworthy a contract extension for a period of five years for the position of Executive Manager Corporate Services with the terms of the contract being in accordance with the existing contract of employment between the Shire of Bridgetown-Greenbushes and Mrs Larkworthy.



**Council Decision Moved Cr Moore, Seconded Cr Scallan**

**C.12/1118 That Council offer Michelle Larkworthy a new contract for a period of five years for the position of Executive Manager Corporate Services with the terms of the contract being in accordance with the existing contract of employment between the Shire of Bridgetown-Greenbushes and Mrs Larkworthy.**

**Carried 8/0**

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- A matter affecting an employee or employees;
- A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

*The CEO, T Clynch, as author of the report/agenda item, declares a Financial Interest in Item C.13/1118 as the subject of the report/agenda item is determining the terms of his new contract of employment.*

<b>ITEM NO.</b>	C.13/1118	<b>FILE REF.</b>	
<b>SUBJECT</b>	Contents of New Employment Contract for CEO		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	21 November 2018		

Attachment 14 Confidential - Minutes of CEO Performance Review Committee meetings held on 5 & 8 November 2018 and 13 November 2018

Attachment 15 Confidential - Draft CEO Employment Contract

*OFFICER RECOMMENDATION that further to Council's decision at its special meeting of 12 September 2018 to renew the contract of employment for the CEO for a 3 year term with an option for a 2 year extension, that the contents of the proposed contract of employment as set out in Attachment 15 be endorsed.*

7.48pm – Cr Boyle vacated the Meeting

7.51pm – Cr Boyle returned to the Meeting

**Council Decision Moved Cr Bookless, Seconded Cr Moore**

**C.13/1118 That further to Council's decision at its Special Meeting of 12 September 2018 to offer a new contract of employment for the CEO for a 3 year term with an option for a 2 year extension, that the contents of the proposed contract of employment as set out in Attachment 15 be endorsed, subject to the following modifications being made to the contract of employment:**

1. **Clause 7.3(3) to be amended to read:**

- (3) **In reviewing Your Remuneration Package, the Reviewer must have regard to –**
- (a) **Your performance;**
  - (b) **Any changes to the work value or responsibilities of the Position;**
  - (c) **The increase determined by the Salaries and Allowances Tribunal in the determination current at the time of this review.**
  - (d) **Should the Tribunal determine no change to the remuneration in the current determination, then the Reviewer may consider an adjustment within the determined band, having regard to -**
    - i. **The comments made by the Salaries and Allowances Tribunal for not providing an increase in their “Conclusions”;**
    - ii. **The condition of the market and the economy generally;**
    - iii. **The movement in the Wage Price Index for the period following the previous review; and**
    - iv. **The capacity of the Local Government to pay an increase.**

2. **Clauses 9.1(1) and (2) being amended to replace “10 working days” with “25 working days”.**

**Carried 8/0**

**Reason for Amending Officer Recommendation**

1. *Contract is a new contract not an extension of current contract.*
2. *Revised Clause 7.3 makes it more clear what matters are to be considered when reviewing the remuneration package and references the Salaries and Allowances Tribunal’s annual determination on local government CEO remuneration.*
3. *The CEO is allocated 25 days annual leave per annum and should be able to take leave up to that extent at any given time without the need to obtain Council approval.*

**Council Decision Moved Cr Wilson, Seconded Cr Nicholas**

**C.13/1118a That Council come out from behind closed doors at 7.59pm.**

**Carried 8/0**

*It is noted no members of the gallery returned to the Meeting*


**Closure**

*The Presiding Member closed the Meeting at 8.00pm*

**List of Attachments**

<b>Attachment</b>	<b>Item No.</b>	<b>Details</b>
1	C.02/1118	Correspondence from Strata Council of Bridgetown Gardens
2	C.03/1118	Delegation Register – Council to CEO

3	C.04/1118	Policy Manual (separate electronic attachment)
4	C.05/1118	Existing Community Consultation Policy with track changes showing proposed amendments
5	C.05/1118	New Community Engagement/Consultation Policy incorporating track changes from existing Community Consultation Policy
6	C.06/1118	Rolling Action Sheet
7	C.07/1118	Shire of Bridgetown-Greenbushes Long Term Financial Plan 2018-19 to 2032-33
8	C.08/1118	October 2018 Financial Activity Statements
9	C.08/1118	List of Account Paid in October 2018
10	C.09/1118	Letter from EMCS to BFCC
11	C.09/1118	Letter from BFCC to CEO
12	C.10/1118	Community Mural Design
13	C.11/1118	Confidential Information on Nominees for the 'Community Citizen of the Year Awards'
14	C.13/1118	Confidential - Minutes of CEO Performance Review Committee meetings held on 5 & 8 November 2018, and 13 November 2018
15	C.13/1118	Confidential - Draft CEO Employment Contract

Minutes checked and authorised by T Clynch, CEO		30.11.18
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CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Council Meeting held 29 November 2018 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 20 December 2018

..... 20 December 2018