



## ORDINARY MEETING OF COUNCIL MINUTES

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Held on

**27 June 2018**

Commencing at 5.00pm

Council Chambers, Donnybrook.

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A handwritten signature in black ink, appearing to read "BGR" followed by a flourish.

**Ben Rose**  
**Chief Executive Officer**

**10 July 2018**

### **Disclaimer**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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## ORDINARY MEETING OF COUNCIL MINUTES

27 JUNE 2018

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SHIRE OF DONNYBROOK BALINGUP  
ORDINARY MEETING OF COUNCIL - MINUTES

**Held at the Council Chambers  
Wednesday, 27 June 2018 at 5.00pm**

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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**Shire President – Acknowledgment of Country**

The Shire President acknowledged the traditional custodians of the land, the Noongar People, paying respects to Elders, past and present.

The Shire President declared the meeting open at 5.01pm and welcomed the public gallery.

**Shire President - Public Notification of Recording of Meetings**

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further states the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

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**2 ATTENDANCE**

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**MEMBERS PRESENT**

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**COUNCILLORS**

Cr Piesse (President)  
Cr Wringe (Deputy President)  
Cr Atherton  
Cr King  
Cr Lindemann  
Cr Mills  
Cr Mitchell  
Cr Tan  
Cr Van Der Heide

**STAFF**

Ben Rose – Chief Executive Officer  
Greg Harris – Manager Finance and Administration  
Damien Morgan – Manager Works and Services  
Leigh Guthridge – Manager Development and Environmental Services  
Bob Wallin – Principal Planner  
Kate O’Keeffe – Executive Assistant

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**PUBLIC GALLERY**

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Rod Atherton  
Lucille Piesse  
Graham Richards

Simon McInnes  
Lou Haydock

Susan Learmonth  
Nigel Tuia

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**2.1 APOLOGIES**

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Nil

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## **2.2 APPROVED LEAVE OF ABSENCE**

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Cr Fred Mills was granted a Leave of Absence for the 27 June 2018 Ordinary Council Meeting at the Ordinary Council Meeting held on 23 May 2018.

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## **2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Cr Wringe requested a Leave of Absence for the Special Council Meeting on 13 July 2018.

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## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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### **3.1 PRESIDENTS COMMUNICATION**

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<b>Date</b>	<b>Meeting</b>
25 May 2018	LGIS Forum Bunbury City Council
7-8 June 2018	SWDC Energy Future Conference Collie, with Crs Wringe and Lindemann
18 June 2018	Mr Mike Archer (Busselton CEO), with Cr Wringe & Mr Ben Rose.
22 June 2018	– SWZ-LGA Meeting at Bridgetown – Guest Hon A McTiernan

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## **4 DECLARATION OF INTEREST**

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Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Atherton declared a Financial Interest for item 9.4.2 - Request to Close Portion of Unconstructed Road Reserve North of Lot 9504 Kelly Road, Donnybrook as he is an agent in the Real Estate industry.

Cr Atherton has declared a Financial Interest for item 9.4.3 - Request to Amend Lot 108 Kelly Road, Donnybrook Structure Plan as he is an agent in the Real Estate industry.

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## **5 PUBLIC QUESTION TIME**

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### **5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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### **5.2 PUBLIC QUESTION TIME**

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*Simon McInnes*

*There has been a lack of progress on Trevena Road Bridge due to trouble over environmental approval. Were all the routes available, presented to the shire councillors?*

Manager Works and Services

The routes were not a required decision of Council, they were made at the officer level. Council were advised of the route at a Councillor briefing once it had been set.

*Simon McInnes*

*As work is yet to commence, should the shire revisit the chosen route and choose one of the other routes that don't require the removal of habitat trees and the changing of the course of a permanent winter creek?*

Manager Works and Services

The decision for the route has been resolved.

*Simon McInnes*

*\$15,000 has been redirected from the Trevena Road Project and is to be spent on bituminizing a portion of King Spring Gully Road. This has been chosen because a land holder has offered to pay for a portion of the cost to get the road sealed to his driveway. Effectively the land holder has purchased \$15,000 of rate payers' money. There are many projects in the shire for which rate payers have been waiting, sometimes for over 25 years, for the shire to get to. The sealing of Yabberup town site, curbing in Palmer St, Smith St and Kelly St, Balingup etc. etc., These all have now been ignored and the scarce resources again depleted and construction time diverted because one rate payer has bought the rate payers money and shire resources for \$15,000. Could this policy be placed on the agenda for the next meeting and debated?*

Chief Executive Officer

A policy review is underway and will be presented to Council in the near future.

*Simon McInnes*

*Could a list of projects requested by rate payers and the length of time they have been waiting for commencement be published and updated every 6 months?*

Shire President

I have discussed this with Council previously. This information will be made publically available.

*Simon McInnes*

*Could a timetable for commencement of these projects be drawn up and adhered to?*

Chief Executive Officer

This is a part of the project management process.

*Simon McInnes*

*How many grants were applied for in the last financial year? How many of these applications were successful? How many of the projects which received grants was completed in the last financial year.*

Shire President

I will take this question on notice and provide a response in writing.

*Simon McInnes*

*After the Margaret River fires, the state Government has raised the problem of having only one entrance to a community. The recent fires in Irishtown have highlighted this and the local fire brigade has raised this issue. Will the Shire, through its gazetted road provisions, extend Irishtown Road to enable it to connect to Beelerup Road and remove the risk of any of the Irishtown or Beelerup Road ratepayers being trapped by a fire with no means of escape?*

Chief Executive Officer

This has not been identified in the Long Term Financial Plan for the next 10 years.

*Simon McInnes*

*Will the Shire, with the help of the Dardanup Shire, continue Meotti Road to enable it to connect to Joshua Creek Road to remove the risk of any of the residences of Irishtown being trapped by a fire with no means of escape and also to provide an escape route for the Joshua Creek Road residences?*

Chief Executive Officer

This has not been identified in the Long Term Financial Plan for the next 10 years.

*Simon McInnes*

*I refer to the Preston Press letter to the editor regarding the Donnybrook Medical Centre Lease. Could you please outline to the public why Council is raising the lease rate?*

Shire President

Council's position on the matter was stated in the response printed in the Preston Press.

*Simon McInnes*

*Was the vote showing the 'for' and 'against' for this item recorded in the minutes?*

Chief Executive Officer

The Medical Centre Lease item was presented to Council as a confidential item Under Section 5.23 of the Local Government Act. It will be publically available once it has been recalled. Individual voting on decisions is not recorded unless expressly requested by a Councillor during the meeting.

*Simon McInnes*

*Will other groups that lease shire buildings be treated the same way for example, the Football Club, Donnybrook Scouts, and the Country Club?*

Chief Executive Officer

A protocol is in place for lease arrangements and fees for associations and groups in the Shire. The Shire is undertaking a lease review to establish a set of criteria for assessing leases.

*Simon McInnes*

*The height of the hedges along the main street of Donnybrook was brought up at the April Ordinary Meeting. I thought they were supposed to be pruned?*

Manager Works and Services

Main Roads WA have provisions about sight lines and angles for visual obstructions at intersections to reduce danger. The matter was assessed and determined to not be a sight line issue.

*Susan Learmonth*

*Will Item 9.2.1 - Trevena Road Widening be removed from tonight's agenda?*

Shire President

The item is being dealt with independently as part of tonight's meeting.

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## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Nil

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### **6.2 PRESENTATIONS**

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Nil

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### **6.3 DEPUTATIONS**

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Mr Nigel Tuia of Hastie Waste will make a deputation to Council regarding the benefits of Responsible Cafes and how reducing waste can save our community money. The deputation commenced at 5.21pm and concluded at 5.33pm.

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### **6.4 DELEGATES REPORTS**

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Cr Atherton declared a Financial Interest for item 9.4.2 - Request to Close Portion of Unconstructed Road Reserve North of Lot 9504 Kelly Road, Donnybrook and item 9.4.3 - Request to Amend Lot 108 Kelly Road, Donnybrook Structure Plan as he is an agent in the Real Estate industry. These agenda items were removed from the en bloc resolution.

Cr Van Der Heide requested item 8.1 be amended from *Reports of Committee Minutes - Local Area Management Committee* to *Reports of Committee Minutes - Local Emergency Management Committee* to reflect the correct name of the committee. Cr Van Der Heide requested the minutes from the Local Emergency Management Committee Meeting be amended to include Senior Constable Harcourt from WA Police Force in attendance. Cr Van Der Heide indicated he did not wish the committee minutes to be removed from the en bloc resolution.

## **Council Decision – En Bloc Resolution 1**

**Moved: Cr Tan**

**Seconded: Cr Lindemann**

**7.1 Confirmation of Minutes - Ordinary Meeting of Council 23 May 2018**

**8.1 Reports of Committee Minutes – Local Emergency Management Committee**

**9.1.1 Accounts for Payment**

**9.1.2 Monthly Financial Report**

**9.4.1 Planning Application for Reduced Boundary Setback at Lot 219 Boyup Brook Road, Mumballup**

**9.4.4 Land Asset Review**



**9.4.5 Review of Local Planning Policies**

**9.4.6 Request for support for MRWA extracting fill material from Lot 450 Old Padbury Road, Balingup**

**9.4.7 Write off minor debtors \$800 for invoice 15606 – An annual Extractive Industry License Renewal**

**9.5.3 Shire of Donnybrook Balingup Customer Relations Management Plan**

**Carried 8/0**

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**7 CONFIRMATION OF MINUTES**

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**7.1 ORDINARY MEETING OF COUNCIL**

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**COUNCIL DECISION  
(Executive Recommendation)**

**That the Minutes from the Ordinary Meeting of Council held on 23 May 2018 be confirmed as a true and accurate record.**

**Carried by En Bloc Resolution 1**

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**8 REPORTS OF COMMITTEES**

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**8.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE**

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Cr Van Der Heide requested item 8.1 be amended from *Reports of Committee Minutes - Local Area Management Committee* to *Reports of Committee Minutes - Local Emergency Management Committee* to reflect the correct name of the committee. Cr Van Der Heide requested the minutes from the Local Emergency Management Committee Meeting be amended to include Senior Constable Harcourt from WA Police Force in attendance. Cr Van Der Heide indicated he did not wish the committee minutes to be removed from the en bloc resolution.

**COUNCIL DECISION  
(Executive Recommendation)**

**That the Minutes from the Local Emergency Management Committee held on 8 May 2018 be confirmed as a true and accurate record.**

**Carried by En Bloc Resolution 1**

**9 REPORTS OF OFFICERS**

**9.1 MANAGER FINANCE AND ADMINISTRATION**

**9.1.1 ACCOUNTS FOR PAYMENT**

Presented for Council information:

The following accounts have been authorised and paid under Delegation (No 3.1) covering cheques numbered from CCP3284-CCP3302, EFT13868-EFT114087, 52964 – 52994, DD22956. 1-DD22956.7, DD23003. 1-DD23003.8 Trust 3608, 3612 – 3629, EFT14086b totalling \$1,764,350.79 is herewith presented to Council.

**9.1.2 MONTHLY FINANCIAL REPORT**

**COUNCIL DECISION  
(Executive Recommendation)**

**That the monthly financial report for the period ended 30 April 2018 be received.**

**Carried by En Bloc Resolution No. 1**

**9.2 MANAGER WORKS AND SERVICES**

**9.2.1 TREVENA ROAD RESERVE WIDENING**

<b>Location</b>	Trevena Road, Queenwood
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWF 16B
<b>Author</b>	Damien Morgan, Manager Works and Services
<b>Attachments</b>	9.2.1(1) - Notice of Entry 9.2.1(2) - Land Acquisition Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended that Council support the dedication of the compulsory acquired road widening as road reserve. <ul style="list-style-type: none"> <li>To enable the Department of Planning Lands and Heritage to complete the compulsory acquisition of a portion of Lot 177 for road purposes, they require a further request from Council to the Minister for Planning, Lands and Heritage to dedicate that land as a road.</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
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2.1 – An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.1	Develop and implement asset management plans
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## BACKGROUND

Council resolved the following at its Ordinary Council Meeting on the 24<sup>th</sup> of August 2016:

### *That Council*

1. *Authorise the compulsory acquisition of a portion of Lot 177 Trevena Road for road widening as shown in yellow on the Land Acquisition Plan Number R1359-01, dated 17/5/2016;*
2. *Requests the Minister for Lands to compulsorily acquire the outlined portion of land from Lot 177 Trevena Road, for the purpose of road widening, in accordance with Part 9 of the Land Administration Act 1997.*
3. *Provide evidence to the Minister of Lands of negotiations for the road widening with the owner of Lot 177 Trevena Road.*
4. *Indemnifies the Department of Lands and Minister for Lands against any costs and claims arising from the compulsory acquisition of the land at Lot 177 Trevena Road.*
5. *Instructs the Chief Executive Officer to engage with the owner of Lot 177 Trevena Road, prior to any site works taking place, to identify potential actions to lessen the impact of the new bridge on the character and amenity of the locality.*
6. *Instruct the Chief Executive Officer to negotiate with the owner of Lot 177 Trevena Road to seek approval for an amalgamation of residual road reserve back into Lot 177 Trevena Road.*

The Department of Planning, Lands and Heritage (DPLH) have supported the request to compulsorily acquire the outlined portion of land from Lot 177 Trevena Road, with the granting of a Notice of Entry (Attachment 9.2.1.(1)). They now require a Council resolution to have the acquired land dedicated as Road Reserve in accordance with section 56 of the *Land Administration Act (1997)*.

## DETAILS

To enable DPLH to complete the compulsory acquisition of a portion of Lot 177 for road purposes, as show on the land acquisition plan (Attachment 9.2.1(2)), they require a further request from Council to the Minister for Lands to dedicate that land as a road, in accordance with Section 56 of the *Land Administration Act (1997)*.

In Council supporting for the dedication of the land as a road, there is a requirement to have it identified as road reserve for future use by the public. It does not preclude the Shire negotiating an amicable agreement with the owner of Lot 177 to acquire the portion of land in question.

## CONSULTATION

The Shire has undertaken regular consultation with DPLD, and the owner of Lot 177 Trevena Road, in relation to the road widening. Following the Notice of Entry, the Shire has made requests to the owner to amicably acquire the portion of land for road widening in accordance with the *Land Administration Act (1997)* however, to date, an agreement has not been reached.

### **FINANCIAL IMPLICATIONS**

All costs associated with the road widening project were provided for in the 2017/18 budget. As the project will not commence until the 2018/19 financial year, it is proposed the project budget be carried over to the 2018/19 budget.

### **POLICY COMPLIANCE**

Nil

### **STATUTORY COMPLIANCE**

Section 56 of the *Land Administration Act (1997)*.

### **CONCLUSION**

It is recommended Council support the dedication of the compulsory acquired road widening as road reserve.

Mrs Learmonth submitted a request via email for the item to be deferred to the July Ordinary Meeting.

### **COUNCIL DECISION**

**(Executive Recommendation)**

**Moved: Cr Mitchell**

**Seconded: Cr Van Der Heide**

**That Council:**

- 1) In accordance with Section 56 of the *Land Administration Act (1997)*, requests that the land being acquired for road purposes as shown on the Land Acquisition Plan (Attachment 9.2.1(2)) be dedicated as a road.**
- 2) Indemnifies the Minister for Lands against any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request, (as required in subsection 4, of Section 56 of the *Land Administration Act (1997)*).**

**Carried 7/1**

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## **9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES**

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Nil

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## **9.4 PRINCIPAL PLANNER**

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### **9.4.1 PLANNING APPLICATION FOR REDUCED BOUNDARY SETBACK AT LOT 219 BOYUP BROOK ROAD, MUMBALLUP**

<b>Location</b>	Lot 219 Boyup Brook Road, Mumballup
<b>Applicant</b>	WA Country Builders
<b>File Reference</b>	A3631
<b>Author</b>	Bob Wallin, Principal Planner
<b>Attachments</b>	9.4.1(1) – Location Plan 9.4.1(2) - Site Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Approval of the Planning Application is recommended: <ul style="list-style-type: none"> <li>• The proposal is to erect two (2) sheds with a 15m side boundary setback (20m required).</li> <li>• A submission has been received raising concerns about liability responsibilities should trees fall onto the sheds.</li> </ul>

#### **STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
2.1 An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.4	Maintain attractive town sites within resource capacity

#### **BACKGROUND**

A proposal to erect two (2) sheds at Lot 219 Boyup Brook Road, Mumballup (9.4.1(1) and 9.4.1(2)), has been received by the Shire. The land is zoned “General Agriculture” under Local Planning Scheme No.7 (LPS7). A setback of 20m is required, however, the setback proposal seeks a setback of only 15m. Each shed is proposed to have a footprint of 9m x 18m (162m<sup>2</sup>), with a wall height of 3.9m.

A reduced setback is proposed as increasing the setback will require significant earth works (additional sand pad) and will raise the prominence of the sheds on the immediate landscape.

It is noted that significant earth works has already been undertaken by the owner to provide access to the site

The proposal to erect two (2) sheds with a 15m side boundary setback (20m required) is being presented to Council, as Shire staff do not have delegation to determine developments where an objection has been received.

#### **DETAILS**

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* define matters, that a local government can have regard to, when making a decision. These include:

- The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- The amenity of the locality, including the character of the locality; and
- Any submissions received.

There is no maximum floor area or wall height limits for sheds within the General Agriculture zone.

The separating of the sheds into two structures, combined with the reduced boundary setback, will reduce the impacts of bulk and prominence on the landscape when viewed from the public realm. The sheds will be located approximately 460m (closest point) from Boyup Brook Road and 230m from Marwick Road. The site is located on the raised elevation but it is not located at the top of a ridge line. This fact reduces the degree of visual intrusion.

The sheds are located approximately 330m from the nearest dwelling. Visibility from the dwelling will be minimal due to topographical features and a stand of trees.

The sheds are of a scale and character that is in keeping with the General Agricultural zone.

## **CONSULTATION**

The proposal has been advertised in accordance with policy requirements. One submission was received. The concerns raised relate to:

- a) the potential for trees located on the neighbouring property to fall onto the structures and responsibility for costs; and
- b) fire risk.

In relation to point a), the location of trees with the potential to fall on a building is not a relevant town planning matter. It is noted that the stand of trees is located approximately 20m at its closest point from the proposed shed sites.

In relation to point b), the sheds are not habitable buildings and according to Department of Fire and Emergency Service Mapping, the site is not identified as being within a “bushfire prone area”. A site inspection has indicated that there is limited understory associated with the stand of trees, and the surrounding area consists of only low level grass land. Lastly, the proposed development is located down-slope from the trees, which reduces the speed and intensity of any fire attack.

On the basis of the above, it is surmised that the points made in the submission, are not detrimental to the project proceeding as proposed.

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY COMPLIANCE**

Under Town Planning Policy 9.22 – Advertising of Planning Proposals, setback variations require advertising.

## **STATUTORY COMPLIANCE**

Clause 4.54.8.1 of Local Planning Scheme No.7 requires a 20m boundary setback. However, Clause 4.54.8.2 allows a reduction in setbacks.

## **CONCLUSION**

The proposed reduced setback of 15m will limit the need for additional earthworks and will enable the development to have less prominence on the landscape. Approval is recommended.

## **COUNCIL DECISION**

### **(Executive Recommendation)**

**That Council approve the erection of two sheds with a reduced setback of 15m at Lot 219 Boyup Brook Road, Mumballup subject to the following conditions:**

- 1) The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
- 2) The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**

**Carried by En Bloc Resolution 1**

\*\* 5.55pm – Simon McInnes left the meeting

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Cr Atherton declared a Financial Interest for item 9.4.2 - Request to Close Portion of Unconstructed Road Reserve North of Lot 9504 Kelly Road, Donnybrook as he is a Real estate Agent. Cr Atherton left the meeting at 5.55pm

### ***9.4.2 REQUEST TO CLOSE PORTION OF UNCONSTRUCTED ROAD RESERVE NORTH OF LOT 9504 KELLY ROAD, DONNYBROOK***

<b>Location</b>	Road Reserve (abutting Lot 9504) Kelly Road, Donnybrook
<b>Applicant</b>	Allerding Associates
<b>File Reference</b>	A3887
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.2(1) - Location Plan 9.4.2(2) - Approved Structure Plan 9.4.2(3) - Schedule of Submissions
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommend to seek support from the Minister for Lands. <ul style="list-style-type: none"><li>• The proposal is to enable the future development of Lot 9504 for a Lifestyle Village.</li><li>• The proposed road closure aligns with the intent of the approved structure plan.</li><li>• The proposal has been advertised and no objections were received.</li></ul>

## STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
1.1 A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district	1.1.1.4	Actively partner in regional Growth Planning partnerships and projects.

## BACKGROUND

Council, at its Ordinary Meeting on 29 March 2018, resolved to:

- “1) *Initiate road closure proceeding to close a section of unconstructed road reserve as identified in Attachment 1 in accordance with Section 58 of the Land Administration Act 1997 subject to:*
- a. The applicant submitting the \$750 road closure application fee;*
  - b. The applicant confirming in writing that all costs associated with the closure; amalgamation and potential purchase will be at the full cost to the applicant*
- 2) *Authorise the Chief Executive Officer to undertake tasks necessary to implement 1) above.”*

The proposal is now presented to Council for a decision on how to proceed. A Council decision is required to comply with the Section 58 of the *Land Administration Act 1997*.

## DETAILS

The proposed closure is consistent with the approved structure plan for the site (Attachment 9.4.2(2)).

## CONSULTATION

The proposal has been advertised and referred to adjoining landowners, and relevant Government agencies and service providers. Attachment 9.4.2(3) provides a summary of submissions received and suggested responses.

## FINANCIAL IMPLICATIONS

The applicant has provided a \$750 application fee to cover administrative and advertising costs. The Shire is not responsible for any costs associated with the closure of the road reserve.

## POLICY COMPLIANCE

Town Planning Policy 9.10 provides guidance on road closures. The proposal is generally consistent with the intent of the policy as its closure will not impact on access or future connectivity potential.



## **STATUTORY COMPLIANCE**

The *Land Administration Act 1997* sets out requirements for road closure requests. This proposal will be processed following the requirements of the Act.

## **CONCLUSION**

The proposal is to close an unconstructed road reserve. The reserve is not required for access. No objections were received during the advertising process.

Approval to close the road reserve is recommended.

## **COUNCIL DECISION (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Mitchell**

**That Council:**

- 1) Resolve to request the Minister for Lands to close the unconstructed road reserve as identified in Attachment 1;**
- 2) Determine the submissions received in accordance with the suggested recommendations contained in Attachment 3; and**
- 3) Authorise the Chief Executive Officer to undertake tasks necessary to implement 1) and 2) above.**

**Carried 6/0**

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Cr Atherton declared a Financial Interest for item 9.4.3 - Request to Amend Lot 108 Kelly Road, Donnybrook Structure Plan as he is an agent in the Real Estate industry. Cr Atherton removed himself from the meeting at 5.55pm.

### **9.4.3 REQUEST TO AMEND LOT 108 KELLY ROAD, DONNYBROOK STRUCTURE PLAN**

<b>Location</b>	Lot 9504 Kelly Street, Donnybrook
<b>Applicant</b>	Allerding Associates
<b>File Reference</b>	A3887
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.3(1) – Approved Structure Plan 9.4.3.(2) - Location Plan 9.4.3(3) - Proposed Amendment 1 to Structure Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Approval for advertisement of the Structure Plan is recommended: <ul style="list-style-type: none"><li>• The proposal is to enable the expansion of the proposed Lifestyle Village at Lot 9504 for a Lifestyle Village.</li></ul>

	<ul style="list-style-type: none"> <li>• The changes will result in the removal of four residential lots and public open space.</li> <li>• The proposal requires Council consent to advertise.</li> </ul>
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**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
1.1 A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district	1.1.1.4	Actively partner in regional Growth Planning partnerships and projects.

**BACKGROUND**

An application has been received to amend the Structure Plan for Kelly Road, Donnybrook (Attachment 9.4.3(1)). The Structure Plan was originally approved as part of amendment 94 to Town Planning Scheme No.4 - gazetted in July 2013.

Lot 9504 Kelly Street, Donnybrook forms part of the Structure Plan area and was created as part of a super-lot subdivision (Attachment 9.4.3(2)). The super-lot subdivision, divided the original structure plan area into 5 lots with boundaries generally reflecting road alignments of the structure plan.

This amendment seeks to alter the plan by expanding the “Lifestyle” option originally identified, to replace four residential lots and a portion of Public Open Space (Attachment 9.4.3(3)).

The proposal is now presented to Council for a decision to advertise the Structure Plan.

The process for assessing structure plans is detailed in the *Planning and Development (Local Planning Schemes) Regulations 2015* (deemed provisions). Clause 29 of Schedule 2 details the requirements for an amendment. There is an option to decide not to advertise the amendment if it is considered a minor amendment.

In this instance, the amendment proposed cannot be considered to be minor in nature as it:

- a) Reduces Public Open Space provision; and
- b) Introduces land use changes that will have potential impacts on adjoining landowners and their expectations for the site.

In summary, the process for amending structure plans includes the following steps:

1. Council to consider the structure plan amendment for advertising (current task);
2. Council to consider submissions (if any) and recommend that the Western Australian Planning Commission (WAPC) either:
  - a) Proceed with or without modifications;
  - b) Not proceed; and

### 3. WAPC to make a decision

#### **DETAILS**

The changes to the Structure Plan focus on the expansion of the “Lifestyle Village” component.

The changes do not result in any change to the overall road network, drainage functioning or servicing infrastructure requirements.

The reduced Public Open Space has a potential impact on the distribution of open space. The site to be removed is centrally located and accessible to its surrounding residential catchment. However, this change may be viewed as reasonable when considering the following points:

- a) The Structure Plan does not link Public Open Space provision to individual landowner obligations/contribution commitments;
- b) The overall Public Open Space provision for the estate complies with Liveable Neighbourhood (LN) requirements. LN requires 10% of land to be set aside for Public Open Space. Further, only 20% of this requirement can be satisfied by constrained land that serves other functions such as drainage or preservation of environmental features. In this instance, the 10% Public Open Space requirement equals 2.6151ha (3.0796ha provided. Further, only 0.3866ha of the Public Open Space provided is restricted.
- c) The Lifestyle Village will provide a range of recreational facilities and spaces to service its site, making it self-sufficient for its open space needs. While this open space is not publically available, the site is not generating any Public Open Space needs generally. Added to this, the open space provided on the site will be maintained by the landowner and not add responsibilities to the Shire or ratepayers.

#### **CONSULTATION**

Consultation is required to be undertaken in accordance with the deemed provisions. This will include an advertisement in a local paper, letter drop to nearby landowners and referral to relevant government agencies.

#### **FINANCIAL IMPLICATIONS**

All expenses incurred for the processing and advertising is covered by the assessment fee.

#### **POLICY COMPLIANCE**

Nil

#### **STATUTORY COMPLIANCE**

The *Planning and Development (Local Planning Schemes) Regulations 2015* set out the processes for assessing and advertising structure plans.

#### **CONCLUSION**

The proposed amendment to the Structure Plan is reasonable. It is recommended that the proposal be advertised.



Outcome	Strategy	Action No.	Actions
1.2 Available land for residential, industrial and commercial development	Seek opportunities for land development by the Shire	1.2.2.1	Prepare a Strategic Land Asset Review and Implementation Plan

## BACKGROUND

The Shire’s Corporate Business Plan includes an action to prepare a strategic land asset review and implementation plan.

A budget of \$20,000 was set aside to undertake this project in the 2017/18 financial year. Due to the limited budget, the data gathering component was undertaken in-house, whilst the peer review was undertaken by *Priority Management*. The Strategic Land Asset Review resulted in the establishment of a “gate analysis” process to assist in assessing each parcel of land/reserve.

The Review divides the land assets into two main classes – freehold and reserves. Freehold land is owned outright by the Shire. Reserves are Crown land owned by the State and managed by the Shire. In some instances, the Shire has the power to sublease out to community groups such as the Donnybrook Country Club.

The Shire holds forty-five (45) freehold properties (Attachment 9.4.4(1)). The Shire has management/vesting responsibilities for 70 reserves (Attachment 9.4.4(2)). A number of these reserves straddle multiple boundaries, such as the Donnybrook Country Club consisting of seventeen (17) properties.

The intended purpose of this review is to establish if the land assets are providing rate payers/community with the best value for money and serve a core business objective. If they are tying up resources, it will help ascertain if the assets could be better and more efficiently used elsewhere.

## DETAILS

The Review consisted of a number of phases. The first phase was to identify landholdings that the Shire owns or has responsibility for (Attachments 9.4.4(1) and 9.4.4(2)).

The second phase was to identify freehold asset and reserve plans with potential opportunities and priorities/timeframes for delivery (Attachments 9.4.4(3) and 9.4.4(4)).

Obtaining support for Phase two will enable the Shire to progress towards more detailed investigation and implementation.

The third phase will require preparing more detailed action/delivery plans to:

- a) confirm that earmarked directions are the best or realistic option; and
- b) allow for implementation.

Phase three recommendations for each property or group of properties will be presented to Council in the future for endorsement.

### **Freehold Properties**

Of the forty five (45) freehold properties, a significant number are grouped. For instance, there are a number of abutting properties located at the rear of the administrative building (former depot site). These sites can be packaged and dealt with as a single unit.

The Shire's freehold lots fall under four main categories or options. These are:

- a) Land swaps
- b) Leased properties
- c) Potential sales
- d) Aged care properties

Attachment 9.4.4(3) provides a summary of properties that fall within each category with potential delivery and implementation options.

#### Land swaps

These are properties that are owned freehold that contain community facilities such as the Donnybrook Cricket Oval or the Balingup Recreation Centre. It is suggested that opportunities may exist to swap these properties with crown land in the locality. If successful, this will enable the land to be reserved and managed by the Shire while enabling the Shire to obtain nearby crown land as a freehold asset. It is noted that support from the Department of Planning, Lands and Heritage will be required. In assessing this, the Department needs to be convinced that there is a clear benefit to the Crown.

#### Leased Properties

These properties and buildings are leased to businesses at a discounted rate or to local community groups on a peppercorn rate to guarantee that a service is available locally. There are 5 properties that fall into this category. They are used or provide services such as the bank (Bendigo Bank) and Dentist. Also, other properties assist local community groups such as the Scout Hall (Bentley Street), the Pony Club and Daycare/Community Radio/Lions Club (Allnutt Street).

It is recommended that a whole of life cost analysis be considered prior to the review/renewal of the leases are required to be considered. This will enable analysis to establish if they provide an income stream or establish a clear picture of costs. This will enable a true understanding of the costs to ratepayers/community in providing the service in the location and current format. Please note that there are opportunity costs involved in holding a property as it ties up potential money that can be used to finance other developments/provision of services/infrastructure.

In relation to non-commercial leased land, there is opportunity to consider rezoning to allow for future subdivision/sale at the time that the buildings near the end of their useful and productive life or allow activities to be relocated in a different and possibly more centralised or multifunctional facility. This option could be applied to the Scout Hall land.

### Potential Sales

These properties are vacant and scattered throughout the Donnybrook townsite. The properties are not ideally located or sized to provide community facilities. A number of the properties are constrained for development due to potential for flooding or forming part of a drainage network. However, a number are unconstrained and appropriately zoned. It is recommended that these unconstrained lots be placed on the market. Funds generated can be set aside in reserve to assist with future projects.

Constrained lots will require further investigation to confirm if they have development potential prior to testing the market.

### Aged Care Properties

These properties contain Minninup Cottages and Langely Villas. It is recommended that these assets be retained until a more comprehensive vision for the Shire is developed in relation to its future role in aged care accommodation.

### **Reserves**

Attachment 9.4.4(4) provides details of reserves and potential alternative treatments or opportunities where possible. Attachment 9.4.4(4) places reserves into groups based on location such as Donnybrook townsite and immediate surrounds, Balingup townsite and immediate surrounds.

There are a number of opportunities to investigate with reserved land. This includes:

- Potential to hand management orders/vestings to the Crown. This removes the Shire's responsibility for looking after the reserve.
- Potential to expand vesting orders to allow additional uses to occur on the land that may benefit the locality community;
- Potential to allow leasing to enable additional activity and business to occur and potentially reduce responsibilities for upkeep/maintenance of buildings/land.

Preliminary feedback from the Department of Planning, Lands and Heritage has indicated that the handing back of management/vesting of reserves is not a complicated process. To assist in the processing of requests on reserves, advice provided is to package up all the proposed changes into one document and divide it into sections such as handing back or vesting/management order changes. It will also require Council resolutions. Phase 3 of the Review will address details relating to presenting the best case to the Department of Planning, Lands and Heritage and ensure appropriate consultation occurs.

### **CONSULTATION**

It is recommended that consultation occur at Phase 3 of the Review. It is noted that consultation will be required as part of the sale process for freehold lots (section 3.58 of *the Local Government Act 1995*). In relation to reserves, it will be necessary to seek comments from the public and government agencies for changes to reserves prior to making requests to the Minister for Planning, Lands and Heritage.

### **FINANCIAL IMPLICATIONS**

The 2017/18 budget set aside \$20,000 for the Land Asset Review. To date \$3,750.00 has been expended to complete Phase 1 and 2. The balance can be used to undertake whole of life cost analysis/advertising and other detailed studies that may be required to complete Phase 3.

### **POLICY COMPLIANCE**

Not applicable.

### **STATUTORY COMPLIANCE**

Section 3.58 of *the Local Government Act 1995* sets out the process for the disposal of land by a local government.

Part 4 of the *Land Administration Act 1997* provides for the creation and administration of reserves in Crown land.

### **CONCLUSION**

The Review seeks to ensure that the Shire's land assets are appropriate and best serve the interest of the community.

The Review consists of three phases. The first two phases have been completed and the summary information presented in the attachments. Phase 3 will focus on implementing the Review based on priorities and timelines contained in Attachments 3 and 4.

Phase 3 will require further Council resolutions and community input as each land parcel is investigated in more detail.

### **COUNCIL DECISION**

**(Executive Recommendation)**

**That Council:**

- 1) Adopt the delivery plan and timeframes of the Strategic Land Asset Review contained in Attachments 9.4.4(3) and 9.4.4(4); and**
- 2) Authorise the Chief Executive Officer to progress the Strategic Land Asset Review to implement phase 3 by developing delivery plans for future Council approval.**

**Carried by En Bloc Resolution 1**



### 9.4.5 REVIEW OF LOCAL PLANNING POLICIES

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Administration
<b>File Reference</b>	ADM 11/3
<b>Author</b>	Bob Wallin, Principal Planner
<b>Attachments</b>	9.4.5(1) – Advertised Policies 9.4.5(2) – Summary of Changes and Reasons
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended that Council support be given to advertise the proposed changes: <ul style="list-style-type: none"> <li>• The amendments seek to review policies as part of a wider action contained in the Shire’s Corporate Business Plan</li> <li>• The review is to reframe the policies with greater reference to specific zonings and ensuring consistency with contemporary planning frameworks</li> </ul>

### STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
1.1 A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district	1.1.1.2	Review the Shire’s town planning framework to enable a diversity of investment in the district

### BACKGROUND

At the Ordinary Meeting of Council on 24 April 2018, Council resolved to:

- “a) grant approval to advertise amendments to the policies as set out in Attachment 1;*
- b) Undertake a separate advertising process for Policy 9.21 Balingup Village Centre – Special Character Area seeking local feedback on direction and purpose of the policy; and*
- c) Authorise the Chief Executive Officer to undertake such tasks necessary to advertise policies in accordance with regulations.”*

Prior to Council resolving to advertise a review of the policies, a workshop was held at a Concept Forum on the 20<sup>th</sup> March 2018. A number of changes resulted from this process.

### DETAILS

Attachment 9.4.5(1) details the advertised policies. *Policy 9.21 Balingup Village Centre – Special Character Area is not being considered as part of this item. It will be considered as part of a separate item as reflected in point b) of Council’s April resolution.*

Attachment 9.4.5(2) provides a summary of the intended changes and justification for Policies 9.3, 9.8 and 9.16. The changes are summarised as follows:

Policy 9.3 - Private Tree Plantations

Proposed Changes: Minor changes are proposed to the text to clarify firebreak requirements.

Policy 9.8 - Stocking Rates

Proposed Changes: Reduce the stocking rate number of Dry Sheep Equivalents (DSE) from 10 per hectare to 8 per hectare. This is to reduce potential for erosion and better ensure the health and wellbeing of stock.

Policy 9.16 - Transportable Structures

Proposed Changes: To allow purpose built “tiny homes” to be considered within the residential zone subject to satisfying criteria including the need for landscaping, good building orientation and not fronting a South Western Highway, Collins Street or being located within a special character area.

**CONSULTATION**

Schedule 2, Part 2, Clause 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, sets out the requirements and processes for amending Local Planning Policy. The requirements of the Regulations include the need for Council to advertise policies.

The Regulations make it necessary for Council to review the policies again in light of any submissions received prior to formally adopting the amended policies.

No submissions were received during the advertising process. Advertising included a notice in the South West Times and the Shire’s website.

**FINANCIAL IMPLICATIONS**

The Regulations require that the decision to adopt the policies be advertised in the Local Paper. Advertising costs are incurred.

**POLICY COMPLIANCE**

The proposed changes are required to ensure consistency with LPS7, State Planning Policy frameworks and clarify intent and purpose to make decisions easier to defend.

**STATUTORY COMPLIANCE**

Schedule 2, Part 2, clause 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, sets out the requirements and processes for amending a Local Planning Policy. The requirements of the Regulations has been followed.

**CONCLUSION**

The proposed changes to the policies form the first part of a wider review of the Local Planning Framework.

The changes proposed are to improve the overall ease of use for the policies and ensure relevance.

The policies have been advertised and are now being presented to Council for adoption.

**COUNCIL DECISION  
(Executive Recommendation)**

**That Council:**

- 1) Rescind policies 9.1, 9.2, 9.9, 9.14;
- 2) Rescind policies 9.5, 9.22 and 9.24 and place in a Management Operations Directions manual;
- 3) Amend policies as advertised and noted in Attachment 9.4.5(1); and
- 4) Authorise the Chief Executive Officer to undertake such tasks necessary to finalise items 1) to 3) above.

**Carried by En Bloc Resolution 1**

**9.4.6 REQUEST FOR SUPPORT FOR MAIN ROADS WESTERN AUSTRALIA  
EXTRACTING FILL MATERIAL FROM LOT 450 OLD PADBURY ROAD,  
BALINGUP**

<b>Location</b>	Lot 450 Old Padbury Road, Balingup
<b>Applicant</b>	Main Roads Western Australia
<b>File Reference</b>	A2560
<b>Author</b>	Bob Wallin, Principal Planner
<b>Attachments</b>	9.4.6(1) – Proposed Road Upgrading/Location Plan 9.4.6(2) - Extraction Investigation Area
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>It is recommended the request be supported: .</p> <ul style="list-style-type: none"> <li>• Main Roads Western Australia (MRWA) has requested Shire support for extracting fill materials from Lot 450 Old Padbury Road, Balingup.</li> <li>• MRWA is exempt from requiring approval for an extractive industry license under Section 185 of the Land Administration Act 1997.</li> <li>• MRWA seeks to meet requirements for an extractive industry license. In this case, support for reduced setbacks is requested.</li> <li>• The request is considered reasonable and support is recommended.</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
1.1 A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district	1.1.1.4	Actively partner in regional Growth Planning partnerships and projects.

**BACKGROUND**

This item is being presented to Council for its support to reduce setbacks for extracting fill material from Lot 450 Old Padbury Road, Balingup.

Main Roads Western Australia (MRWA) is undertaking a road upgrading project to improve safety of a section of the South Western Highway immediately south of the Balingup townsite (Attachment 9.4.6(1)). The proposed works will include reconstructing and widening the road to facilitate 1.5m sealed shoulders along with guardrails to protect vehicles from road side hazards.

The project will require use of fill for shoulders and embankments. The majority of this fill is being sourced from an existing supply located approximately 3km from the site. There is potential to obtain 5,000m<sup>3</sup> fill from Lot 450 Old Padbury Road, Balingup (Attachment 9.4.6(2)).

The extractive activity will be completed within a 4-8 week turn around and the site will be rehabilitated immediately following extraction. Using this site will reduce cartage through the Balingup townsite.

MRWA does not require a formal extractive industry license approval from the Shire. It is exempt under Section 185 of the *Land Administration Act 1997*. Notwithstanding this, MRWA seeks to undertake activities in a manner consistent with any requirements normally required through an extractive industry license. In this regard, MRWA prepares Pit Management Plans (PMP) which address:

- Operating hours;
- Management plans for:
  - Dieback/weed control
  - Drainage
  - Noise
  - Dust
  - Waste and hydrocarbon
  - Fire
  - Aboriginal heritage
  - Fauna
  - Revegetation/rehabilitation.
- Monitoring and auditing.

A PMP will be prepared for the site once it is confirmed that the site contains suitable materials. The PMP will be submitted to the Shire for approval.

## **DETAILS**

In this instance, the investigation area is 2.9ha and consists of cleared grass land. Access to the site will use an existing crossover. The extraction will be limited to a depth of 1.5m and the end landform will be rehabilitated to grass lands with a form generally consistent with the existing area.

The actual extraction area will be refined (likely reduced) following detailed site analysis. The analysis will include the need for 15 field holes to be excavated, logged and sampled. The field holes will be re-instated.

The issue that MRWA has identified relates to requirements in the Shire's Extractive Industry Local Law. This requires a 20m boundary setback and a 40m setback from road reserves. A reduced setback is required for one side boundary and along the road frontage.

Support for reduced setbacks is reasonable in this case, given that:

- The project is for a very limited time (4-8 weeks). This will result in a very limited timeframe for visual impacts to be noticed. Further, the works will be occurring at the same time as immediately abutting road works;
- The adjoining property near the proposed works is vacant and the activity will not result in any sustained adverse amenity impacts;
- An existing tree line provides a degree of visual screening;
- The works will assist in a greater good generated by the road upgrading in the locality; and
- The change in landform will be minimal due to the limited depth and scope of the excavation proposed.

## **CONSULTATION**

Nil

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

Nil

## **STATUTORY COMPLIANCE**

Section 185 of the *Land Administration Act 1997* provides power to temporarily occupy/construct etc. public work on land. This includes the authority to take stone, gravel, earth or other material.

## **CONCLUSION**

MRWA's request is for preliminary support for allowing extraction to occur with reduced setbacks.

The request is reasonable due to the limited duration proposed for the activity and the resulting public good due to the road upgrading in the locality.

It is recommended that MRWA be advised that Council supports the proposed works.

**COUNCIL DECISION  
(Executive Recommendation)**

**That Council advise Main Roads Western Australia that it raises no objections to reduced setbacks for extracting fill material from Lot 450 Old Padbury Road, Balingup subject to a Pit Management Plan being submitted to the local government and appropriate consultation being undertaken by Main Roads Western Australia with affected landowners.**

**Carried by En Bloc Resolution 1**

**9.4.7 WRITE OFF MINOR DEBTORS \$800.00 FOR INVOICE 15606 - AN ANNUAL EXTRACTIVE INDUSTRY LICENSE RENEWAL**

<b>Location</b>	Lot 74 and 297 Boyup Brook Road, Beelerup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	IND 01/05
<b>Author</b>	Bob Wallin, Principal Planner
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Executive Summary</b>	<p>It's recommended that the debt from invoice 15606, raised in error, be written off.</p> <ul style="list-style-type: none"> <li>• An \$800 invoice for an extractive industry license has been raised for a license that has expired.</li> <li>• The amount exceeds Delegation 3.8 – Write Off Minor Debts</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership.

**BACKGROUND**

Lots 74 and 297 Boyup Brook Road, Beelerup were the subject of an extractive industry license for sand. The license expired on 11 June 2017.

Extractive Industry licenses require the payment of an annual renewal fee of \$800.

An invoice was raised (Invoice 15606) for an extractive industry licence that has expired. This invoice was raised in error as there is no longer a valid extractive industry license for this property for the 2017/18 financial year.

Delegation 3.8 - Write Off Minor Debtors precludes the Chief Executive Officer in writing off debts above \$500. This applies in cases where the debt was raised in error.

#### **DETAILS**

It is not reasonable to raise an invoice when the extractive industry license has expired. Please note that it is still necessary for the applicant to satisfy outstanding conditions on the extractive industry license relating to rehabilitation of the site. This is a separate matter and is being followed up.

#### **CONSULTATION**

Nil.

#### **FINANCIAL IMPLICATIONS**

The \$800 debt was raised in error.

#### **POLICY COMPLIANCE**

Nil

#### **STATUTORY COMPLIANCE**

Nil

#### **CONCLUSION**

The invoice has been raised in error. It is recommended that the debt (in error) be written off.

#### **COUNCIL DECISION**

**(Executive Recommendation)**

**That Council:**

- 1) Write off invoice 15606 for \$800.00 issued to Greenside Enterprises for the purpose of an annual extractive industry License Renewal as it was raised in error.**
- 2) Authorise the Chief Executive Officer to undertake necessary tasks to implement item 1) above.**

**Carried by En Bloc Resolution 1**

## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 PROPOSED AMENDMENT MEETING PROCEDURES – LOCAL LAW 2018

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CNL 25
<b>Author</b>	Ben Rose, Chief Executive Officer ( <i>Trish McCourt – Corporate Planning and Governance Officer</i> )
<b>Attachments</b>	9.5.1(1) – Shire of Donnybrook-Balingup draft Meeting Procedures proposed Amendment Local Law 2018 with track changes in red
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>It is recommended that Council adopt the amendment Meeting Procedures Local Law:</p> <ul style="list-style-type: none"> <li>• In August 2017, Council resolved to adopt the Shire of Donnybrook Balingup Meeting Procedures Local Law 2017.</li> <li>• The Joint Standing Committee on Delegated Legislation (JSCDL) wrote to the Shire seeking an undertaking from Council to make requisite changes to the Meeting Procedures.</li> <li>• On 29 March 2018, Council resolved to accept the changes and give state-wide public notice to undertake amendments to the <i>Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017</i>.</li> </ul>

#### STRATEGIC ALIGNMENT

The proposal aligns with the following objective within the Corporate Business Plan:

Outcome	Strategy	Actions
4.2 A respected, professional and trusted organisation	Effective and efficient operations and service provision	Action 4.2.1.2 Seek a high level of legislative compliance and effective internal controls

#### BACKGROUND

On 23 August 2017, Council resolved to adopt the *Shire of Donnybrook Balingup Meeting Procedures Local Law*, to repeal and replace the *Shire of Donnybrook Balingup Standing Orders Local Law 1999*. The local law was gazetted on 29 September 2017 and was considered by the Joint Standing Committee on Delegated Legislation (JSCDL) on 27 November 2017.

By letter received on 19 February 2018, the JSCDL requested that the Shire provide an undertaking, within six months, to make consequential amendments to the Meeting Procedures.

In summary, the following amendments were requested:

- Correct the offence provision to properly provide for offences under the local law clause 19.1;
- Delete clause 8.6;



- c) Correct the lack of reference to 'Questions from Members' in clause 5.2; and
- d) Make all necessary consequential amendments.

Introducing these amendments will require an amendment local law to be made in accordance with the requirements of Section 3.12 of the Act.

The amendments requested were considered and the changes proposed were as follows:

- a) Request: Correct the offence provision to properly provide for offences under the local law clause 19.1.
  - *Proposed amendment - Delete this clause and rely upon Regulation 4 Local Government (Rules of Conduct) Regulations 2007*
- b) Request: Delete clause 8.6
  - *Proposed amendment - Delete this clause as it is covered in clause 8.2*
- c) Request: Correct the lack of reference to 'Questions from Members' in clause 5.2
  - *Proposed amendment – Add 'Questions from Members' to Council agenda by inserting between '10. Elected Member Motions of which previous notice has been given' and '11. New Business of an urgent nature introduced by decision of the meeting'.*
- d) 4. *Make all consequential amendments*

#### **DETAIL**

On 29 March 2018, Council resolved to accept the changes noted above, and give state-wide public notice to undertake amendments to the *Shire of Donnybrook Balingup Meeting Procedures Local Law 2017*.

#### **Purpose and Effect**

The purpose of the local law is to amend certain provisions within the *Shire of Donnybrook Balingup Meeting Procedures Local Law 2017*.

The effect of this local law is to bring order and dignity to meetings and underpin the decision-making processes.

#### **CONSULTATION**

On 18 and 19 April 2018 respectively, the proposed amendments Meeting Procedures Local Law 2017 were advertised in the West Australian and South West times for a period of not less than 6 weeks. This is in accordance with Section 3.12 of the *Local Government Act 1995*.

During this public advertising period, closing 7 June 2018, the only submission received was from the Department of Local Government, Sport and Cultural Industries. DLGC recommended a number of minor adjustments to the proposed amendment, including that of changing the date of the local law, from 2017 to 2018. The amendments have been made to the document via track changes in red (Attachment 10.5.1(1)).

## FINANCIAL IMPLICATIONS

An amendment local law incurs costs through the requisite process of statewide advertising and publishing in the Government Gazette.

## POLICY COMPLIANCE

N/A

## STATUTORY COMPLIANCE

- *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2018*
- *Local Government Act 1995 - Section 3.12*

## CONCLUSION

Feedback from DLGC has been taken on board, and subsequent changes made to the proposed Meeting Procedures Local Law 2018 document. It is recommended that Council adopt the proposed amendment Meeting Procedures Local Law 2018.

## COUNCIL DECISION

(Executive Recommendation)

Moved: Cr Atherton

Seconded: Cr King

That Council:

- 1) Grant final approval for proposed amendment Meeting Procedures Local Law 2018.
- 2) Request the Chief Executive Officer to undertake such tasks necessary to implement item 1 above.

Carried 8/0

### 9.5.2 REVIEW OF COUNCIL POLICIES

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Administration
<b>File Reference</b>	ADM 11/3
<b>Author</b>	Ben Rose – Chief Executive Officer ( <i>Trish McCourt – Corporate Planning and Governance Officer</i> )
<b>Attachments</b>	9.5.2(1) - Proposed Council Policy amendments noted via track changes and comments in red 9.5.2(2) – New style Council Policy document 9.5.2(3) – New style Guidelines and Procedures document
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended to support the proposed amendments and revocations from the from the policy review. The Policy Review was undertaken to:

	<ul style="list-style-type: none"> <li>• Determine effective/required policies</li> <li>• Ensure that policies are in keeping with current legislation and contemporary practices</li> <li>• Present policies as concise high level strategies in a consistent new style documented format</li> </ul>
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## STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
4.2	Effective and efficient operations and service provision	4.2.1.1	Maintain effective and efficient polices, operating procedures and practices

## BACKGROUND

Historically, the Shire of Donnybrook Balingup has endeavoured to review its policies annually, to ensure they are effective in keeping with current legislation, practices and frameworks.

In this regard, a 2018 review of Council Policies has been undertaken by staff.

## DETAILS

With advice from WA Local Government Association (WALGA), and in keeping with the contemporary practices of other local governments, the 2018 Policy Review underwent a new procedure. The procedure provided a set of qualifying questions, to enable staff to be more informed, about determining relevance of policies, content, structure, and frequency of reviews. The questions in brief were as follows:

- Do legislative, legal or minimum standards apply?
- Does the policy provide for efficient and effective use of the organisations resources?
- Are any compliance requirements adequately detailed in the policy?
- Does the policy achieve its objectives?
- Does the policy mean changes to other practices or procedures?
- Is there a community need or expectation?

WALGA further advised that:

- There is no legislation to signify that policy's need annual reviews
- Sometimes policies are not the appropriate control for an issue and an operational procedure is often all that is necessary
- A policy may be adopted, revoked or amended at any time. It is however, beneficial if the Local Government has a planned program for the periodic review of its policies at regular intervals. The frequency for review of individual policies may be determined on the basis of risk. This approach helps to streamline procedures, enabling time for more considered responses.

The 2018 review considered the questions noted above, and applied them against each policy. It also applied a risk rating - *Table 1 below provided by WALGA*, to each policy, to determine frequency of reviewing individual policies.

**Table 1:**

Inherent Risk Rating	Review Frequency
Extreme/High • <i>Change in the policy's operational environment is very likely to occur</i>	Annual (A)
Medium • <i>There is limited likelihood of change in the policy's operational environment</i>	Biennial (B)
Low • <i>Very limited likelihood of change in the policy's operational environment</i>	Triennial (T)

In adopting the approach outlined above to reviewing policies, a review of Council Policies are presented to Council for consideration. Proposed amendments, revokes and review dates, are provided with tracked changes in red (Attachments 9.5.2(1)). Changes made to improve the function of the document i.e. layout, numbering, and grammar are not necessarily shown as amendments. However, Policies not proposed to be revoked, have been transposed into a new style policy document (Attachments 9.5.2(2)), to ensure a streamlined, consistent and modern approach.

Any guidelines/procedures (not considered absolutely necessary to appear in policies) have been deleted from the policies and transposed into an operational new style document – namely *Shire of Donnybrook Balingup Policies - Guidelines & Procedures* (Attachment 9.5.2(3)).

**Council Policies - Review Summary**

Review of Council's *Severance Pay Policy 1.10* is on hold pending feedback from WALGA.

Review of Council's *Committee Membership Policy 1.15* is on hold due to a pending Council workshop.

Review of Council's *Gratuity Policy 1.16* has not been altered at this time, as it is to be presented as a separate report at the July 2018 Ordinary Meeting of Council.

Recommended changes to the remaining policies are essentially to:

- Rescind nine (9) policies
- Transpose remaining into the new style policy document
- Delete procedures and guidelines, and transpose these into the *Shire of Donnybrook Balingup Policies - Guidelines & Procedures* document.

**1.3 Elected Members – Reimbursement of Fees, Expenses and Allowances**

Proposed Change: Remove procedural guidelines as per the following dot points from the policy and transpose to new Procedures/Guidelines document.

- Each expense claim is to be accompanied by appropriate documentation and/or certification from the Councillor as to its validity.
- The authority to allow Councillors to represent Council shall only be provided by Council or the Chief Executive Officer (Delegation No. 1.2 – Council Representatives).
- Fees will be paid on a quarterly basis either by cheque or EFT
- Travel expenses to be assessed and reimbursed quarterly
- Reimbursement will be the actual cost on production of documentation. However the following indicative rates are should be used as a guide in assessing reasonableness.

***Accommodation***

Capital Cities up to \$300.00 per day

Country Centres up to \$250.00 per day

***Sustenance (Food & Drink) & Taxi/Bus Fares***

Capital Cities \$150.00 per day

Country Centres \$150.00 per day

These expenses are to be limited to budget allocation.

Reason: These items are procedural

Proposed Change: Re-word the first paragraph under Councillors Travelling Expenses to read:

**1.2.3 Councillors Travelling Expenses**

- 1 That Councillors be reimbursed at the rate prescribed in the Local Government Industry Award 2010 for using their own vehicle for any travel when representing Council.

**1.4 Guests During and After Council**

Proposed Change: It is recommended that this policy be revoked as it is not relevant.

**1.5 Motions Without Notice**

Proposed Change: It is recommended that this policy be revoked.

Reason: This policy is provided for under Section 5.3 of the Shire of Donnybrook Balingup Meeting Procedures Local Law.

**1.6 Civic Receptions – Invitations List**

Proposed Change: It's recommended the policy be revised to the following:

***PURPOSE***

*To fulfil its civic objectives the Shire Donnybrook Balingup will conduct various civic functions and receptions, as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.*

***POLICY STATEMENT***

*Civic Functions and Receptions*

1. *The President, in conjunction with the Chief Executive Officer shall have discretion to determine whether a civic reception is to be held.*

2. *The date, time and invitation list shall be determined by the President, in conjunction with the Chief Executive Officer.*
3. *At the discretion of the President and Chief Executive Officer, the President may host functions and receptions for visiting dignitaries, local residents who are recipients of awards or prizes and visitors from other local authorities from Australia and overseas. The invitation list shall be at their discretion.*

## **DEFINITIONS**

*Not applicable*

## **RELATED LEGISLATION**

*Local Government Act 1995*

### **1.12 Complaints Handling Procedure**

Proposed Change: Remove from Policies

Reason: Procedural.

### **1.13 Legal Representation Cost Indemnification**

Proposed Change: Remove the points pertaining to Application for Financial Assistance, Repayment of Assistance, and Acknowledgement as per the following dot points, and place in Policy Guidelines and Procedures.

- **Applications for Financial Assistance**
  - (a) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.
  - (b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.
  - (c) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).
  - (d) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.
  - (e) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.
  - (f) Where it is the CEO who is seeking urgent financial support for legal services the

Council shall deal with the application.

- **Repayment of Assistance**

- (a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.
- (b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- (c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The

Local Government may take action to recover any such moneys in a court of competent jurisdiction.

- **Acknowledgement**

Any Council employee or Council member (or past member or former employee) who Council or the CEO approves to receive legal support will acknowledge in writing the details of Council Policy No. 1.13 prior to Council providing that legal assistance.

Reason: These items are procedural.

### **1.17 Public Question Time**

Proposed Change: Revoke the policy. It is provided for under Part 6 the Shire of Donnybrook Balingup Meeting Procedures Local Law.

### **1.19 Presentations at Council/Committee Meetings**

Proposed Change: Revoke the policy as it is provided for under Part 6 of the Shire of Donnybrook Balingup Meeting Procedures Local Law.

### **1.20 Councillor Staff Contact**

Proposed Change: Remove the following sections from the policy and place in Policy Procedures and Guidelines:

The CEO (or Office of the CEO) will either respond to the query or assign the appropriate staff member to respond to the inquiry.

Each initial contact must start with the CEO (or Office of the CEO), unless expressly approved otherwise by the CEO, in writing. If approval is given by the CEO to an Elected Member to contact a staff member other than the CEO on a particular matter, this is not approval for that Elected Member to contact that staff member continually or on future matters.

Written (email, letter, other)

- All replies sent to an Elected Member, together with the request, must be copied to all other Elected Members, Records, CEO and relevant staff members.
- Within legislation, the CEO has discretion to determine whether to forward 'Confidential' items from an Elected Member to all Elected Members.
- Councillors must include the Chief Executive Officer and Councillor group when emailing members of the Shire administration

### In person

- Elected Members wishing to make an appointment with the CEO or other staff member must make prior contact with the CEO (or Office of the CEO) to arrange a suitable time and to indicate the reason for the appointment (to allow research to be undertaken if required).
- The CEO and/or other staff members will endeavour to be available at short notice, however depending on the circumstances, this cannot be guaranteed.
- For security and occupational health and safety reasons, Elected Members must first present to the Administration Office reception before meeting with the CEO or any other approved staff member.
- If there are matters ongoing, for example the Elected Member is the Chair of a Council Committee and needs regular contact with staff members supporting that Committee, the ongoing contact is to be approved by the CEO. Elected Members should be mindful of the time they seek with staff members in these circumstances and ongoing contact in this scenario will be at the discretion of the CEO.

### Works Requests

As representatives of the community, Elected Members may from time to time be approached by members of the community to advocate for particular works to be undertaken through the Shire's resources.

- Elected Members are encouraged to direct those community members seeking works to be undertaken by the Shire to the Shire's Works Request forms (available via the Shire website and hard copies available from the Shire Administration office).
- Where community members are unwilling or unable to lodge a Works Request form themselves, Elected Members may email these requests (on the community member's behalf) to Shire Records ([records@donnybrook.wa.gov.au](mailto:records@donnybrook.wa.gov.au)) where they will be logged into the works request system and referred to the relevant staff member for review.
- The relevant staff member will assess the works request to ascertain if the works can be undertaken within the existing operational budget, and if not, then the Elected Member will be contacted to discuss the request.



- Where the works request can be undertaken under the existing operational budget, the Elected Member will be advised of the expected completion date.

Reason: These items are procedural.

### **1.21 Responsible Service and Consumption of Alcohol on Shire Premises**

Proposed Change: Revoke the policy as it is provided for under the *Liquor Control Act 1988*.

### **1.22 Acknowledgement of Country and Welcome to Country**

Proposed Change: Remove the following sections from the policy and place in Policy Procedures and Guidelines:

#### 1. Acknowledgement of Country

The wording used for an Acknowledgement of Country may differ, but may include the following:

- “I would like to acknowledge that this meeting is being held on the traditional lands of the Noongar <sup>1</sup> People.”
- “I respectfully acknowledge the Noongar People, the past and present traditional owners of the land, upon which we are meeting.”
- “The Shire of Donnybrook-Balingup affirms that Aboriginal people and Torres Strait Islander people are the indigenous peoples of Australia. Before we proceed with today’s meeting, I would like to acknowledge the traditional custodians of this land.”
- “I would like to acknowledge the traditional custodians of the land, the Noongar People and pay my respects to Elders, past and present.”

The acknowledgement may be given in both English and Noongar language, as follows:

- “Ngala kaaditj Noongar moort, keyen kaadak nidja Boodja.” (We acknowledge the Noongar people as the original custodians of this land).

The Acknowledgement should be delivered at the beginning of the meeting.

#### 2. Welcome to County

(Refer Policy 1.22)

1. The Welcome to Country is conducted by a recognised representative of the local Noongar community. Where a local Noongar is not available, it is acceptable for a Noongar elder from another area to give the Welcome to Country.
2. The speaker who follows immediately after the “Welcome to Country” ceremony should

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<sup>1</sup> **Noongar** – is a generic and accepted term used to broadly identify Aboriginal people who come from the South West of Western Australia (between Jurien and Esperance).

acknowledge the person who delivered the welcome. (E.g. *“I respectfully acknowledge the past and present traditional owners of this land on which we are meeting, the Noongar People. It is a privilege to be standing on Noongar country.”*)

3. Arrangements for performing the ceremony will need to be negotiated with the representative.
4. Organisers will need to provide the traditional owners with information on the theme and purpose of the event. They should also respectfully request that any “Welcome’ made in an Aboriginal language be translated in English so that the audience can understand the welcoming message.
5. The organizer should take appropriate steps to ensure the representative/s performing the welcome are well looked after and that transport/refreshments are made available if necessary.

Reason: These items are procedural.

### **1.23 Shire Staff – Superannuation**

Proposed Change: Remove from Council Policies and place in Human Resource Policies. This information forms part of the Employment Package.

### **1.26 Use of Shire Specific Email Addresses by Elected Members**

Proposed Change: The current Policy is considered procedural and should be moved to the Policy Guidelines and Procedures document. It’s recommended the policy be revised to the following:

#### ***PURPOSE***

*To provide Elected Members with the opportunity to establish an email address for the purpose of receiving and issuing correspondence in their role as Councillor.*

#### ***POLICY STATEMENT***

*The adoption of the email address is optional.*

#### ***DEFINITIONS***

*Not applicable*

#### ***RELATED LEGISLATION***

*Not applicable*

#### ***RELATED DOCUMENTATION***

*Shire of Donnybrook Balingup Policy Guidelines and Procedures.*

#### ***CONSULTATION***

Consultation in regards to the new approach to reviewing policies, has been workshopped with the Executive Management group and other relevant staff.

#### ***FINANCIAL IMPLICATIONS***

Nil

## **POLICY COMPLIANCE**

Nil

## **STATUTORY COMPLIANCE**

*Local Government Act 1995*

*Shire of Donnybrook Balingup Meeting Procedures Local Law*

*Tobacco Products and Control Regulations 2006*

*Liquor Control Act 1988*

## **CONCLUSION**

A new approach to determining if policies are effective and/or required, in keeping with current legislation and contemporary practices, and are presented as concise high level strategies, has been carried out. As a result, nine (9) Council policies have been recommended for rescindment. The remaining, have been reviewed, transposed and are presented to Council for consideration.

It is recommended that Council approve the proposed amendments, rescindments and new review dates for each policy.

## **COUNCIL DECISION**

**(Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That Council resolve to approve the proposed amendments and revocations:**

### **1.3 Elected Members – Reimbursement of Fees, Expenses and Allowances**

**Proposed Change: Remove procedural guidelines as per the following dot points from the policy and transpose to new Procedures/Guidelines document.**

- **Each expense claim is to be accompanied by appropriate documentation and/or certification from the Councillor as to its validity.**
- **The authority to allow Councillors to represent Council shall only be provided by Council or the Chief Executive Officer (Delegation No. 1.2 – Council Representatives).**
- **Fees will be paid on a quarterly basis either by cheque or EFT**
- **Travel expenses to be assessed and reimbursed quarterly**
- **Reimbursement will be the actual cost on production of documentation. However the following indicative rates are should be used as a guide in assessing reasonableness.**

#### ***Accommodation***

**Capital Cities** up to \$300.00 per day

**Country Centres** up to \$250.00 per day

#### ***Sustenance (Food & Drink) & Taxi/Bus Fares***

**Capital Cities** \$150.00 per day

**Country Centres**

**\$150.00 per day**

**These expenses are to be limited to budget allocation.**

**Reason:** These items are procedural

**Proposed Change:** Re-word the first paragraph under Councillors Travelling Expenses to read:

**1.2.3 Councillors Travelling Expenses**

**1 That Councillors be reimbursed at the rate prescribed in the Local Government Industry Award 2010 for using their own vehicle for any travel when representing Council.**

**1.4 Guests during and after Council**

**Proposed Change:** It is recommended that this policy be revoked as it is not relevant.

**1.5 Motions without Notice**

**Proposed Change:** It is recommended that this policy be revoked.

**Reason:** This policy is provided for under Section 5.3 of the Shire of Donnybrook Balingup Meeting Procedures Local Law.

**1.6 Civic Receptions – Invitations List**

**Proposed Change:** It's recommended the policy be revised to the following:

***PURPOSE***

***To fulfil its civic objectives the Shire Donnybrook Balingup will conduct various civic functions and receptions, as well as official openings of Council facilities and other specific receptions or functions from time to time as the need arises.***

***POLICY STATEMENT***

***Civic Functions and Receptions***

- 4. The President, in conjunction with the Chief Executive Officer shall have discretion to determine whether a civic reception is to be held.***
- 5. The date, time and invitation list shall be determined by the President, in conjunction with the Chief Executive Officer.***
- 6. At the discretion of the President and Chief Executive Officer, the President may host functions and receptions for visiting dignitaries, local residents who are recipients of awards or prizes and visitors from other local authorities from Australia and overseas. The invitation list shall be at their discretion.***

***DEFINITIONS***

***Not applicable***

***RELATED LEGISLATION***

***Local Government Act 1995***

**1.12 Complaints Handling Procedure**

**Proposed Change:** Remove from Policies

**Reason:** Procedural.

### **1.13 Legal Representation Cost Indemnification**

**Proposed Change: Remove the points pertaining to Application for Financial Assistance, Repayment of Assistance, and Acknowledgement as per the following dot points, and place in Policy Guidelines and Procedures.**

- **Applications for Financial Assistance**
  - (g) Subject to item (e), decisions as to financial assistance under this policy are to be made by the Council.**
  - (h) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required.**
  - (i) An application to the Council is to be accompanied by an assessment of the request and with a recommendation which has been prepared by, or on behalf of, the Chief Executive Officer (CEO).**
  - (j) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the Local Government Act 1995.**
  - (k) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the Local Government Act 1995.**
  - (l) Where it is the CEO who is seeking urgent financial support for legal services the Council shall deal with the application.**
  
- **Repayment of Assistance**
  - (d) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be offset against any moneys paid or payable by the Local Government.**
  - (e) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the Local Government or otherwise in bad faith; or where information from the person is shown to have been false or misleading.**
  - (f) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The**

**Local Government may take action to recover any such moneys in a court of competent jurisdiction.**

- **Acknowledgement**

**Any Council employee or Council member (or past member or former employee) who Council or the CEO approves to receive legal support will acknowledge in writing the details of Council Policy No. 1.13 prior to Council providing that legal assistance.**

**Reason: These items are procedural.**

**1.17 Public Question Time**

**Proposed Change: Revoke the policy. It is provided for under Part 6 the Shire of Donnybrook Balingup Meeting Procedures Local Law.**

**1.19 Presentations at Council/Committee Meetings**

**Proposed Change: Revoke the policy as it is provided for under Part 6 of the Shire of Donnybrook Balingup Meeting Procedures Local Law.**

**1.20 Councillor Staff Contact**

**Proposed Change: Remove the following sections from the policy and place in Policy Procedures and Guidelines:**

**Written (email, letter, other)**

- **All replies sent to an Elected Member, together with the request, must be copied to all other Elected Members, Records, CEO and relevant staff members.**
- **Within legislation, the CEO has discretion to determine whether to forward ‘Confidential’ items from an Elected Member to all Elected Members.**
- **Councillors must include the Chief Executive Officer and Councillor group when emailing members of the Shire administration**

**In person**

- **Elected Members wishing to make an appointment with the CEO or other staff member must make prior contact with the CEO (or Office of the CEO) to arrange a suitable time and to indicate the reason for the appointment (to allow research to be undertaken if required).**
- **The CEO and/or other staff members will endeavour to be available at short notice, however depending on the circumstances, this cannot be guaranteed.**
- **For security and occupational health and safety reasons, Elected Members must first present to the Administration Office reception before meeting with the CEO**

or any other approved staff member.

- If there are matters ongoing, for example the Elected Member is the Chair of a Council Committee and needs regular contact with staff members supporting that Committee, the ongoing contact is to be approved by the CEO. Elected Members should be mindful of the time they seek with staff members in these circumstances and ongoing contact in this scenario will be at the discretion of the CEO.

### **Works Requests**

As representatives of the community, Elected Members may from time to time be approached by members of the community to advocate for particular works to be undertaken through the Shire's resources.

- Elected Members are encouraged to direct those community members seeking works to be undertaken by the Shire to the Shire's Works Request forms (available via the Shire website and hard copies available from the Shire Administration office).
- Where community members are unwilling or unable to lodge a Works Request form themselves, Elected Members may email these requests (on the community member's behalf) to Shire Records ([records@donnybrook.wa.gov.au](mailto:records@donnybrook.wa.gov.au)) where they will be logged into the works request system and referred to the relevant staff member for review.
- The relevant staff member will assess the works request to ascertain if the works can be undertaken within the existing operational budget, and if not, then the Elected Member will be contacted to discuss the request.
- Where the works request can be undertaken under the existing operational budget, the Elected Member will be advised of the expected completion date.

Reason: These items are procedural.

#### **1.21 Responsible Service and Consumption of Alcohol on Shire Premises**

**Proposed Change:** Revoke the policy as it is provided for under the *Liquor Control Act 1988*.

#### **1.22 Acknowledgement of Country and Welcome to Country**

**Proposed Change:** Remove the following sections from the policy and place in Policy Procedures and Guidelines:

##### **1. Acknowledgement of Country**

The wording used for an Acknowledgement of Country may differ, but may include the following:

- “I would like to acknowledge that this meeting is being held on the traditional lands of the Noongar <sup>2</sup> People.”
- “I respectfully acknowledge the Noongar People, the past and present traditional owners of the land, upon which we are meeting.”
- “The Shire of Donnybrook-Balingup affirms that Aboriginal people and Torres Strait Islander people are the indigenous peoples of Australia. Before we proceed with today’s meeting, I would like to acknowledge the traditional custodians of this land.”
- “I would like to acknowledge the traditional custodians of the land, the Noongar People and pay my respects to Elders, past and present.”

The acknowledgement may be given in both English and Noongar language, as follows:

- “Ngala kaaditj Noongar moort, keyen kaadak nidja Boodja.” (We acknowledge the Noongar people as the original custodians of this land).

The Acknowledgement should be delivered at the beginning of the meeting.

## 2. Welcome to Country

(Refer Policy 1.22)

6. The Welcome to Country is conducted by a recognised representative of the local Noongar community. Where a local Noongar is not available, it is acceptable for a Noongar elder from another area to give the Welcome to Country.
7. The speaker who follows immediately after the “Welcome to Country” ceremony should acknowledge the person who delivered the welcome. (E.g. *“I respectfully acknowledge the past and present traditional owners of this land on which we are meeting, the Noongar People. It is a privilege to be standing on Noongar country.”*)
8. Arrangements for performing the ceremony will need to be negotiated with the representative.
9. Organisers will need to provide the traditional owners with information on the theme and purpose of the event. They should also respectfully request that any “Welcome” made in an Aboriginal language be translated in English so that the audience can understand the welcoming message.
10. The organizer should take appropriate steps to ensure the representative/s performing the welcome are well looked after and that transport/refreshments are made available if necessary.

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<sup>2</sup> **Noongar** – is a generic and accepted term used to broadly identify Aboriginal people who come from the South West of Western Australia (between Jurien and Esperance).



**Reason:** These items are procedural.

**1.23 Shire Staff – Superannuation**

**Proposed Change:** Remove from Council Policies and place in Human Resource Policies. This information forms part of the Employment Package.

**1.26 Use of Shire Specific Email Addresses by Elected Members**

**Proposed Change:** The current Policy is considered procedural and should be moved to the Policy Guidelines and Procedures document. It's recommended the policy be revised to the following:

**PURPOSE**

*To provide Elected Members with the opportunity to establish an email address for the purpose of receiving and issuing correspondence in their role as Councillor.*

**POLICY STATEMENT**

*The adoption of the email address is optional.*

**DEFINITIONS**

*Not applicable*

**RELATED LEGISLATION**

*Not applicable*

**RELATED DOCUMENTATION**

*Shire of Donnybrook Balingup Policy Guidelines and Procedures.*

Carried 8/0

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**9.5.3 SHIRE OF DONNYBROOK BALINGUP CUSTOMER RELATIONS MANAGEMENT PLAN**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CNL16
<b>Author</b>	Ben Rose, Chief Executive Officer (Kate O’Keeffe, Executive Assistant)
<b>Attachments</b>	9.5.3 - Customer Relations Management Plan – Reviewed June 2018
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended Council endorse the updated Customer Relations Management Plan (former name – Customer Service Charter): <ul style="list-style-type: none"><li>• A review of the Shire’s Customer Relations Management Plan has been completed to reaffirm the Shire’s service</li></ul>

	delivery expectations. It reflects our commitment to providing quality services in a timely manner.
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**STRATEGIC ALIGNMENT**

The proposal aligns with the following objective within the Corporate Business Plan:

Outcome	Strategy	Actions
4.2 - A respected, professional and trusted organisation	4.2.1 - Effective and efficient operations and service provision	4.2.1.1 - Maintain effective and efficient policies, planning, operating procedures and practices

**BACKGROUND**

The Customer Relations Management Plan provides the Shire of Donnybrook Balingup community and all of our customers and stakeholders with a formal statement of what we, as an organisation, aim for in the delivery of our services.

The Shire of Donnybrook Balingup Customer Relations Management Plan is generally reviewed internally as part of the Shire of Donnybrook Balingup Policy Review process.

**DETAILS**

The Customer Relations Management Plan was last reviewed on 20 June 2016. The expectations detailed in the document reflects our commitment to providing quality services and provides staff with clear standards for which to aim. Once endorsed, the Customer Relations Management Plan will be circulated to staff and made available to our customers and stakeholders, both in hardcopy and on the Shire Website.

**CONSULTATION**

An internal review of the Customer Relations Management Plan was undertaken by Shire staff.

**FINANCIAL IMPLICATIONS**

N/A

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

N/A

**CONCLUSION**

A regular review of the Customer Relations Management Plan ensures the document remains current and relevant to our business and provides opportunity for staff to refresh themselves of Service Delivery expectations.

**COUNCIL DECISION  
(Executive Recommendation)**

**That Council endorse the Shire of Donnybrook Balingup Customer Relations Management Plan, as attached.**

**Carried by En Bloc Resolution 1**

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**10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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Nil

\*\* 6.10pm – The public gallery, CEO and staff left the meeting.

**COUNCIL DECISION**

**Moved: Cr Van Der Heide**

**Seconded: Cr Tan**

**That the Meeting be closed to the public under the *Local Government Act 1995* for Item 11.1.1 Confidential Report – Result of Investigation under S5.23 (2) (a) a matter affecting an employee or employees which relate to matters to be discussed at the meeting**

**Carried 8/0**

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**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

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Under Section 5.4 of the Shire of Donnybrook Balingup Meeting Procedures Local Law the Shire President raised the following motion which was carried by the meeting.

**COUNCIL DECISION**

**Moved: Cr King**

**Seconded: Cr Tan**

**That item 11.1.1 Confidential Report – Result of Investigation be accepted as a late item.**

**Carried 8/0**

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## 12 MEETINGS CLOSED TO THE PUBLIC

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### 12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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#### 12.1.1 CONFIDENTIAL REPORT – RESULT OF INVESTIGATION

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	N/A
<b>File Reference</b>	PSN 31H
<b>Author</b>	Shire President
<b>Attachments</b>	Confidential - Investigation Report by Australian Wide Investigation
<b>Voting Requirements</b>	Simple Majority

The resolution for item 12.1.1 was carried 7/1.

#### Council Decision

Moved: Cr Tan

Seconded: Cr Van Der Heide

That:

- (a) In accordance with Section 5.23 (2) and Admin Regulations 4A agenda item 12.1.1, remains confidential as sensitive information is detailed in the reports.
- (b) When the information in the reports is not sensitive the item will be included in the next occurring council agenda.

Carried 8//0

#### Council Decision

Moved: Cr Tan

Seconded: Cr Wringe

That the meeting be reopened to the public.

Carried 8/0

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### 12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

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Nil.

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**13 CLOSURE**

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The Shire President advised that the next Ordinary Council Meeting will be held on 25 July 2018, commencing at 5.00pm at the Council Chamber, Donnybrook.

The Shire President declared the meeting closed at 7.20pm.

<b>These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 25 July 2018.</b>		
<b>Shire President</b>		<b>Presiding Member</b>