



# Ordinary Council Meeting Minutes

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Held on Wednesday, 25 May 2016

Commencing 5.01pm at the Seniors Room  
Donnybrook Community Library  
Cnr Bentley and Emerald Street, Donnybrook

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**John Attwood**  
Chief Executive Officer

**31 May 2016**

## **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 COUNCIL MEETING MINUTES

25 MAY 2016

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# SHIRE OF DONNYBROOK-BALINGUP

## ORDINARY COUNCIL MEETING MINUTES

Held at the Seniors Room, Donnybrook Community Library  
Wednesday, 25 May 2016 at 5.01pm

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### MEMBERS PRESENT

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#### COUNCILLORS

Cr Logiudice (President)  
Cr Mills (Deputy)  
Cr Bailey  
Cr Crowley  
Cr Dilley  
Cr King  
Cr Mitchell  
Cr Tan  
Cr Van Der Heide

#### STAFF

John Attwood– Chief Executive Officer  
Greg Harris – Manager Finance and Administration  
Bob Wallin – Principal Planner  
Damien Morgan – Manager Works and Services  
Kate O’Keeffe – Executive Assistant

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### PUBLIC GALLERY

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Marie Woodley  
Warren Clarson  
Geoff Hall  
Lyll Todd  
Graeme Guidice  
Leanne Cooke  
Manfred Heiartz  
John Tillman  
Sabine Mclver  
Ben Rose

Jill Duncan  
Christine Benson  
Jeanette Hall  
Simon Russo  
Belinda Walker  
Helen Atwell  
Michael Dobbyn  
Joy Barrison  
John Mclver  
Drew Sutton

Robyn Hayward  
Kevin Benson  
Heather Todd  
Robyn Guidice  
Steve Russell  
June Scott  
Ben Anderson  
Greg Hamlyn  
Maureen McCabe

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### 1 APOLOGIES

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Leigh Guthridge – Manager Development and Environmental Services

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### 2 PUBLIC QUESTION TIME

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Questions taken with notice prior to the Ordinary Council Meeting on 25 May 2016:

*Helen Atwell*

*Could the Planning Department produce to the residents the documentation, including Council Minutes, stating that Orchid Court was designed for further development?*

#### Principal Planner

Council staff has researched into the history of the site with the Department of Planning staff. Department of Planning records are archived and cannot be obtained within the timeframe made available. However, Department of Planning officers advised that it is standard practice to provide opportunities for future road linkages.

To support this view, a search of Council records has uncovered the following information:

- Subdivision application 124828 approved 20<sup>th</sup> May 2004 (plan dated 18 February 2004) shows a Right of Way (ROW) to Lot 102 – now Orchid Court.
- Council minutes 10 May 2006 show that Council recommended final approval for an amendment No. 67 to Lot 102. This amendment included an Outline Development Plan with a linkage from “Orchid Court”.
- This amendment was not granted final approval by the Minister for Planning.
- At that time, 2006, only a northern half of Meldene Estate had been created. This did not include the lots abutting Orchid Court or Orchid Court itself.
- Amendment 93 rezoned the property. This was advertised in 2013 and finalised in 2014.

From this, it can be concluded that prior to the creation of Orchid Court or lots abutting Orchid Court, there was an intent to create a link to Lot 102.

*Helen Atwell*

*What are the addresses of the two parcels of land on the other side of the railway track and if they utilise their land for agriculture how do they access their land?*

#### Principal Planner

Clarification is required on the location of the parcels of land. However, it is advised that existing access arrangements for land along the rail corridor, or outside the structure plan area (Lot 102) will remain unchanged. Should any new access points be required, they will need to be established and approved by relevant approval authorities. This may include the Public Transport Authority, Main Roads Western Australia or the Shire.

*June Scott*

*The Mine Closure Plan (MCP), a required document, has been overdue since 2011 for the former historic Government Quarry. After many years and many attempts to have the Donnybrook-Balingup Shire support the ratepayers and act as a stakeholder that they are, in the development of the MCP. Will the Donnybrook-Balingup Shire please write to the Minister for Mine's to address the outstanding requirement of the lessee to create a MCP, that remains outstanding, for the Miner known as Cosmic Resources whom are operating in the Shire of Donnybrook Balingup?*

*Note: A MCP is not to CLOSE a mine tomorrow, it is a working document that entails the miner to work with stakeholders i.e.: community and Shire for after-use of the mine site. It is an evolving document that has the ability to leave a mine site in a safe and environmentally restored condition. The current rehabilitation requirement of the current Lessee, Cosmic*

*Resources, is approx. \$48,000.00 for Mining Tenement M70/1217.*

Principal Planner

The Shire has written to the Department of Mines on 24 June 2015 regarding the progress of a Mine Closure Plan. To date the Shire has not received a response and will follow up with the department. Please note that Council has no control over how the Department of Mines sets its priorities on following up compliance.

*June Scott*

*The ongoing problem of Irishtown Road has again been exacerbated by the mine site operator via placing a chain right alongside the existing public Irishtown Road. This creates a safety hazard. Will the shire please act on behalf of ratepayers and tourist's and write the Minister for Mines to assist in solving the alignment issue of Irishtown Road and the need for a safe turnaround capacity for public and utility vehicles?*

*Note: Commonly, a Miner would courteously provide improvements to the public road system utilised for mining activity, even when they are a mining tenement lessee. I.e.: the Miner would generally work with Shire and community to improve the turnaround on Irishtown Road, such as paying to cul-de-sac the road to more up to date standards.*

*Alternatively an unco-operative miner could see a solution found via delineation of a few meters of ground (current verge now chained off) of their mining tenement to accommodate the Local Government Authority's need to provide a safe road system within their shire. Also allowing growing tourism to be accommodated via mine site viewing in a safe environment. Note: Irishtown Road has been identified as a escape route in the event of a bushfire.*

Principal Planner

Council staff will investigate the location of the chain fence and road within the road reserve. If the existing arrangement creates any immediate safety concerns the Shire will follow up with relevant parties.

*June Scott*

*The Local Tourism Organisation is seeking grant funding from the Shire, citing the upgrade of mapping to include businesses. As the organisation is Shire/ratepayer funded, can this upgrade of mapping include the Shire of Donnybrook-Balingup's sandstone industry mine location, allowing visitor viewing from the public road/a pull off area to improve tourism in Donnybrook ?*

*Note: This is very common to use a towns mining operation as an asset for tourism. The Donnybrook stone industry and its history has been recognised as a worthy contributor to the State of Western Australia via listing on the State Register of Heritage Places, a recent plaque identifies the historic stone industry as a contributor to the Railway Heritage Precinct in Donnybrook. The stone heritage is considered important elsewhere and there appears a need of exploiting that importance locally.*

Principal Planner

Funding for mapping by Council is currently not recommended. Your suggestion will be forwarded to DRTA Inc. for their consideration.

*June Scott*

*Can the Shire of Donnybrook Balingup's representative on the DRTA Inc. Committee please explain why membership is not re-issued as required as a general organisational rule?*

*Note: Please do not refer me to DRTA Inc. as I am asking a shire representative in their capacity as an elected member whom is delegated as a representative on the organisation's committee.*

President

I do not have that information and while Council financially supports the DRTA Inc., they act as an independent body under their own constitution. You may well ask the question of them.

*June Scott*

*The miscellaneous minutes of the Shire of Donnybrook Balingup show further signage is to be installed at the Fun Park and other locations as an initiative of DRTA Inc. Will this signage be utilised to assist to create the missing promotional i.e.: brand of Donnybrook ?*

*ie: the DRTA Inc has two old generic symbols that are utilised on marketing and promotional material, no conversant brand is included on the tourism website of Donnybrook, a brand identity is lacking for Donnybrook Tourism futures.*

Principal Planner

The sign approved is to provide information to the public about the locality. Establishing a brand or a starting a branding exercise was not the primary intent of the project, however we will pass your suggestion onto DRTA Inc.

*Simon McInnes*

*It would appear that the Government Quarry in Irishtown is moving to value add and cut tiles etc. from the stone. Could the Shire assure the people of Irishtown that the correct environmental processes have been considered and completed? My concern is the slurry left over from the cutting process will dry in the summer and has the potential to be blown across the properties surrounding the quarry.*

Principal Environmental Health Officer

Extractive Industry as defined under Local Planning Scheme No.7 allows for the treatment, storage and manufacture of products from the materials extracted and as such no separate planning approval is required by Council for the cutting of tiles.

It would be necessary for the operator of the site to ensure they obtain and adhere to any further approval(s) required by the Department of Mines and Petroleum should they intend to start any manufacturing activities.

*Simon McInnes*

*Could I please have a copy of the Min Closure Plan for the Government Quarry at the end of Irishtown?*

Principal Planner

As mentioned previously, the Shire has written to the Department of Mines regarding the progress of a Mine Closure Plan and will follow up with the department for a response. Please note that Council has no control over how the Department of Mines sets its priorities on following up compliance.

*Simon McInnes*

*The quarry has recently placed a chain over the turnaround at the end of Irishtown Road. As this is a 'no through road' would the Shire ensure that there is adequate room to turn around?*

Principal Planner

Council staff will investigate the location of the chain fence and road within the road reserve. If the existing arrangement creates any immediate safety concerns the Shire will follow up with relevant parties.

*Simon Russo*

*What is the minimum setback distance from the boundary to the dwelling from Leschenaultia Circle - 12 metres?*

Principal Planner

The setback to a primary street for land coded R5, such as in Meldene Estate, is averaged at 12 metres. A primary street is generally determined by where the front door is located however there may be exceptions. A secondary street setback can be averaged at 6 metres. The averaging process allows a minimum setback of 3 metres for a secondary street, as long as the average over the length of the street frontage (minus side boundary setbacks) equals 6 metres. In short, if there is a section of building forward of the 6 metre line, an equal or greater area of space needs to be provided behind the 6 metre boundary line.

Please note that the R-Codes used to determine setbacks and other building requirements may have changed since your house has been built as there have been a number of reviews with the most recent set of changes being in August 2013.

*Simon Russo*

*What is the minimum distance for a dwelling in Meldene Estate from the neighbouring boundary – 3 metres?*

Principal Planner

A rear boundary setback for land coded R5 is 6 metres. Side boundaries are setback depending on the length of wall, location of major openings and height of wall. Generally, a 1.5 metre setback would be satisfactory for a single storey dwelling. A setback of 1 metre will comply for walls less than 9 metres in length with no major openings. Please note that the R-



Codes provide discretion for Council to support reduced setbacks if they comply with the design principles described in the Codes.

*Jill Duncan*

*I deem it an honour to have worked with John Attwood as CEO over the past nineteen years, both as Deputy President and as a Councillor. He is a man of integrity and honesty with extensive local government knowledge, and is well-respected within the South West Local Government area. I deplore the actions from some of the Councillors to denigrate and ultimately remove a loyal and dedicated officer from his position. Thank-you John for everything.*

*My questions relate to the current alterations being made to the old Council Chambers to provide staff accommodation and to the Church for use as a Council Chamber. Are the current alterations/works being undertaken as part of future planning (of which ratepayers are unaware) for a new Administration Centre OR as a band-aid job to justify some Councillors revised approach to their \$4.6 - \$6.00 million Taj Mahal?*

President

We plan to go ahead with a new administration building. The Administration Building Working Group is drafting concept plans which incorporate an extension to the existing administration building.

*Jill Duncan*

*What is the estimated total cost to ratepayers of the alterations tot eh ex-Council Chambers and the old Church, i.e. electricity, IT connections etc.?*

CEO

The cost of upgrading the Council Chambers into office accommodation for up to 10 people is estimated at \$25,000. This includes the installation of internal walls and communication system. The cost of renovating the old Uniting Church, as a temporary measure, is estimated at \$20,000 however there is opportunity to carry out a more comprehensive upgrade utilising \$80,000 from Country Local Government Funds to provide a more worthwhile temporary Council Chambers. The Administration Building Working Group discussed the Old Church as part of the administration building development. The Working Group are in the process of drafting concept plans for community consultation.

*Jill Duncan*

*Is there any positive future planning for an “updated modern Administration Centre” as espoused by some Councillors prior to the last election?*

President

The Administration Working Group are working together towards plans for a modern Administration Building.

*June Scott*

*With reference to the Mine Closure Plan which has been overdue since 2011, as the Department of Mines and Petroleum (DMP) has not responded can the Shire write to the Minister for Mines?*

CEO

Yes. A follow-up letter will be issued to DMP. Further correspondence may be issued to the Minister.

*June Scott*

*With reference to my question regarding DRTA your answer fobs me off to the organisation. Membership is a basic operational matter. Why can't the Shire delegated person take this up with DRTA.*

President

Your issue is not something the delegate is able to take up and should be referred back to DRTA Inc. It is not the delegates role to run the meeting.

*June Scott*

*I requested membership from DRTA but did not receive a membership. If the Shire is funding an organisation that has a Shire representative and is not being run appropriately then can't the Shire intervene?*

President

Your issue is regarding membership, you need to take this up with DRTA. This is not the role of the delegate to intervene.

*June Scott*

*Can Service Agreements between the Shire and the Tourism bodies be formed to tidy up operations in these groups?*

CEO

The groups are run on a voluntary basis. The Shire provides them with seed funding and the Shire delegate acts as a conduit between Council and the groups, not in a capacity to tell these groups what to do but to offer assistance should there be problems obstructing the groups from achieving their operational goals.

*Helen Atwell*

*I refer to the Planner's comment about raised areas or brick paving, are these in use in Donnybrook?*

Principal Planner

There are no examples in the Shire however they are used a great deal in Dalyellup and other larger residential areas.

*Helen Atwell*

*Have Councillors and staff driven on the roads in Meldene Estate to assess the traffic and safety of pedestrians and children using the roads?*

President

Yes, several of the Councillors, including myself, have driven through the estate to gain an understanding.

*Helen Atwell*

*The Bushfire Management Plan indicates the minimum trafficable area must be 6 metres. Does this comply?*

Principal Planner

This can be resolved during the subdivision stage and added to the Conditions to ensure the design complies with a low-traffic low-order road.

*Helen Atwell*

*Does Orchid Court have enough width to accommodate pedestrian paths?*

Principal Planner

The road reserve is 20 metre. There is adequate space for pedestrian paths.

*Helen Atwell*

*There are houses that do not have 20 metres from road to verge.*

Principle Planner

The setback to the houses in the estate are between 3, 6, and 12 meters depending on their location and leaves ample room for people to walk or ride.

June Scott

I see on recent minutes a declaration by a Shire's Community Development Recreation Team Leader in regard to their membership of the Balingup Tourist Association (BRTA). The Balingup Regional Tourism Association has a similar website to the Shires in that it is set up by the web designer Brandicoot. I'm seeking support for the DRTA to have a similar website as it makes sense for these tourism groups within the shire to have the same opportunities.

President

It is up to these community organisations how they set up their own websites.

CEO

The Shire endeavours to provide equal support to both tourism groups.

*Drew Sutton*

*With regards to traffic volumes on Orchid Court and Leschenaultia Circle, I have spoken to the Department of Planning on the Liveable Neighbourhood Document of 2009 which indicates a maximum vehicle capacity of 1000 movements in a 10 hour period or 100 movements per hour. Does Orchid Court have the capacity for this volume of traffic and*

*similarly, does Leschenaultia Circle have the capacity for this volume of traffic?*

Principal Planner

Yes, the traffic volumes from the planning report are estimated at 10 vehicles per house per day. This is well below the upper limit described in the Liveable Neighbourhoods document.

*Helen Atwell*

*You advised that a separate entrance off the Highway wasn't possible however Bridgestone Tyres further along the highway now has two entrances. Do you think MRWA would change their mind with a bit of pressure?*

Principal Planner

MRWA are opposed to additional entry points to the residential estate. There is a big difference between a crossover and a subdivisional entry.

*Helen Atwell*

*The proposal refers to 'run-off to Millbrook' - Could you please clarify where Millbrook is located?*

Principal Planner

It's the role of the Department of Water to sign off on the proposal and address any associated water management issues.

*Helen Atwell*

*Water supply; environmental constraints; lot design and size etc., will all of this be addressed prior to Council supporting the structure plan?*

Principal Planner

The information provided supports the application. If the plan is approved and the subdivision goes ahead the developer will have to work with the various service providers (power, water, communications etc.) on the logistics of delivering these services to the new residential lots.

*Helen Atwell*

*But the lot sizes have changed.*

Principal Planner

Yes, the new design has more public open space which is a more attractive and safer option.

*Helen Atwell*

*Can the services go through Bentley Street rather than opening up Orchid Court?*

Principal Planner

This is worked out at the subdivision stage, not the structure plan stage. Once the subdivision is approved the developer would approach the service providers (water, power etc.) and work out any issues regarding the establishment of these services to the new subdivision.

*Helen Atwell*

*Under what classification will the amendment be?*

Principal Planner

I have discussed this with the Planning Commission, its considered a standard amendment.

*Helen Atwell*

*Because of the zoning the planning commission advised that it is a complex amendment.*

Principal Planner

The application fits with the Shire plans and policies and satisfies the criteria for a standard planning amendment.

*Helen Atwell*

*What is the timeframe for the amendment process?*

Principal Planner

Council has 60 days from the end of the advertising period to make a recommendation to the WAPC.

*Helen Atwell*

*How long was the last amendment process?*

Principal Planner

Just over 60 days. Approval for an extension has been requested.

*Graeme Giudice*

*Why even go through Orchid Court?*

Principal Planner

The proposed design is compliant with the Liveable Neighbourhoods document and utilises good linkage opportunities. It was always planned to be the access and there is no reason why it shouldn't be.

*Robyn Giudice*

*Why can't Orchid Court and the new subdivision be a walk-through connection and link up a road connection from the highway?*

Principal Planner

The developer has indicated that is not cost effective to build a road off Marginata Drive as a first stage. Orchid Court provides direct access to stage 1 and is a more viable option.

*Helen Atwell*

*I was told in 2005 that Orchid Court would not be a thorough road.*

Principal Planner

Records show that in 2006 an amendment was put through to use Orchid Court as an access

road.

*Helen Atwell*

*Orchid Court is curbed like a cul-de-sac. Why is it curbed that way if it was going to be an access road?*

Principal Planner

There is no specific information available on the Shire records for this design. However, it is common for temporary roads to be provided with turn around areas to service rubbish trucks and other vehicles.

*Leanne*

*You have been talking about the Liveable Neighbourhoods document, Has Council thought about how our kids can safely connect from Meldene Estate to their schools in town? The Riding or walking along the highway is not safe. The Golf Course is currently used however this is a far from safe option. What are Council's thoughts on a surfaced path connecting the town to the estate so that kids can get to school safely and other pedestrians can get to town without having to drive along the highway?*

CEO

We are currently reviewing the cycle path plan for the whole shire. The Shire has been steadily increasing the paved footpath/cycle path network. The road that runs beside the Golf Course past Noneycup Creek is the most likely link and will be investigated.

*Steve Russell*

*I would like an update on the operational costs of Tuia Lodge, how much extra cost is being incurred under the new structure?*

CEO

I will take the question on notice and provide a response in writing but to give you an indication it's still around \$20,000 but by 30/06/2017 it should be well and truly operating at a profit. We are still waiting on back-pay for the higher accommodation supplement.

*Steve Russell*

*What was the staff turnover rate prior to the dismissal of the Tuia Lodge Board and what is the staff turnover rate now?*

CEO

There has not been much change to the turnover rate, it was 4% per month prior and remains at 4% now. It should be noted that the Aged Care industry has a higher turnover rate than other industries because of the demands of the job. (CEO Correction – the Quarterly turnover rate for the Shire during Oct-Dec 2015 was 5.822%, and during Jan-March 2016 was 8.947%. Both quarters are lower than the average turnover rate for Western Australian Local Governments and Regional Councils, which is 19.5%.

*Steve Russell*

*If the turnover rate remains the same how much weight should be given to staff complaints?*

*John McIver*

*You have said that the developer will not build a road from Marginata drive because it costs too much. Shouldn't the developer have the money to build the required access roads upfront?*

Principle Planner

In larger subdivisions the process is to ensure staging occurs in the an orderly and proper manner. This is to ensure that new works do not impact significantly on existing neighbours and that new residents have access to relevant services and infrastructure such as power, water, open space, paths.... The developer will need to comply with the Liveable Neighbourhoods requirements with regards to the proposed staging plan.

*Christine Benson*

*How do we stop developers from suiting themselves in terms of what facilities they provide?*

*Sabine McIver*

*We will be impacted as a result of this subdivision for the next thirty years.*

Principal Planner

It depends on what is considered a reasonable and unreasonable impact.

*Lyll Todd*

*Why is there such a fixation on the entry and exit from Marginata Drive? Why haven't people looked at the Railway Crossing.? Marginata will not cope with the traffic volume should there be an emergency requiring evacuation*

Principal Planner

The amendment was referred to DFES for comment who indicated the estimated risk is of an acceptable level.

*Lyll Todd*

*You say MRWA don't support a separate entry off the highway but may change their mind.*

Principal Planner

MRWA were quite clear that they would not support another entry point.

President

Can we ask for MRWA to meet with Council and the residents?

Principal Planner

It's a risk; the 60-day timeframe has expired. MRWA is unlikely to change their position. It is likely that the developer will request that the proposal be referred directly to the State Government for assessment.

*Graeme Giudice*

*A road should be pushed in at the bottom. The traffic is only going to grow.*

Principal Planner

Council can only make recommendations. The Planning Commission will make the final decisions. Council's opinion may not have an impact on the final decision.

*Helen Atwell*

*When I spoke to the Planning Commission I was told that all of the submissions would be considered during the assessment process.*

President

Would you be happy for the proposal to go forward on the basis that the submissions will be considered?

*Heather Todd*

*I am concerned for the children's safety - there are no footpaths or cycle paths for them to use. Why are there no paths in Meldene Estate?*

CEO

Meldene Estate commenced twenty years ago; different conditions were imposed back then compared to now.

*Heather Todd*

*Why are we not getting footpaths prior to the new subdivision?*

CEO

The footpaths in the new subdivision will be paid for by the developer. Footpaths installed in Meldene Estate will be installed by the Shire and subject to budget constraints.

*Drew Sutton*

*I live in Stage 1 at Meldene Estate. We have no internet, no street lighting and no footpaths which is different to Stage 2. I hope this doesn't happen in the new subdivision.*

\*\*6.00pm – Jill Duncan left the meeting.

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### **3 APPLICATION FOR LEAVE OF ABSENCE**

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Nil

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### **4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST**

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Nil

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### **5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

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Mr John Tillman presented an overview of the Bushfire Risk Management Planning program. DFES (OBRM - Office of Bushfire Risk Management) have funded the appointment of the Bushfire Risk Management Planning Coordinator. The position is shared between the Shires of Donnybrook – Balingup, Boyup Brook and Bridgetown –Greenbushes) for the purpose of developing a Bushfire Risk Management Plan for each local government.

The roll out of this risk management approach to bushfire management follows the recommendations made by the Perth Hills Bush Fire Review 2011 (Keelty Report).

The State Emergency Management Plan for Fire (Westplan Fire) requires an integrated Bushfire Risk Management Plan (BRMP) be developed for each local government outlining a strategy to treat bushfire related risk across all land tenures. Once the BRMP is developed and approved by Council, a one-off grant of up to \$50k will be provided to council to undertake bushfire mitigation works on Local Government lands that has been identified through the Local Government's BRMP. This funding is provided through Natural Disaster Resilience Program. The presentation commenced at 6.01pm and finished at 6.19pm. Councillors and staff asked questions which concluded at 6.27pm.

Mrs Linda Brown requested to present to Council regarding Gas Gun Noise emissions however did not attend the meeting.

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## **6 LATE ITEMS**

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Nil

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## **7 CONFIRMATION OF MINUTES**

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### **7.1 Ordinary Council Meetings**

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#### **Council Decision**

**Moved: Cr Dilley**

**Seconded: Cr Mills**

**That the minutes of the ordinary meeting held on 27<sup>th</sup> April 2016 and the special council meetings held on 2<sup>nd</sup> and 12<sup>th</sup> May 2016 be confirmed as a true and accurate record.**

**Carried 9/0**

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## **8 DEFERRED ITEMS**

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Item 12.4.1 – Proposed Amendment No. 2 to Local Planning Scheme No.7 was deferred at the April 2016 Ordinary Meeting to allow for Council to meet with the developers to discuss alternate road plans and staging of the development.

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## **9 ELECTED MEMBERS MOTIONS**

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Nil

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## **10 MINUTES OF PREVIOUS MEETINGS**

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### ***10.1 Committee Minutes***

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#### **Council Decision**

**Moved: Cr Bailey**

**Seconded: Cr Tan**

**That the following Committee minutes be received:**

- **Donnybrook Cultural Planning Advisory Committee Meeting – 5 May 2016**
- **Donnybrook Community Awards and Grants Committee Meeting – 9 May 2016**

**Carried 9/0**

## 11 REPORTS OF COMMITTEES

### 11.1 Community Awards and Grants Committee

<b>11.1.1</b>	<b>SUBJECT:</b>	<b>COMMUNITY GRANTS SCHEME</b>
	<b>Location:</b>	<b>N/A</b>
	<b>Applicants:</b>	<b>Various</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>FNC 08/6</b>
	<b>Author:</b>	<b>J Attwood (<i>Deb Vanallen, Community Development Recreation Team Leader</i>)</b>
	<b>Report Date:</b>	<b>14 March 2016</b>
	<b>Attachments:</b>	<b>11.1.1 (1) Summary of Applications 2016/17 11.1.1 (2) Community Grant Funding Scheme Information Kit and Application Forms 11.1.1 (3) Summary of Previous Community Grants</b>

#### Background

The new Community Grants Funding Scheme was adopted in March 2016. It aims to eliminate inconsistencies which were identified in the previous policy, while ensuring a more all-encompassing policy/scheme which will better service the needs of the community.

The new Community Grants Funding Scheme welcomes submissions from individuals, community groups, not-for-profit and commercial organisations that are seeking support for projects, activities and events that address identified community needs.

Full details of the Community Grants Funding Scheme are outlined in the Information Kit and Guidelines (Attachment 5.1.1(2)). This document provides information regarding eligibility, how to apply, and assessment criteria. The Guidelines and Application forms can be downloaded from the Shire Website, or alternatively hard copies can be issued for the relevant funding scheme the applicant wishes to apply for.

The Community Grant Funding Scheme differs in a number of areas to the previous Community Grants Policy/Guidelines. Of significance is the timing/closing date for applications.

Under the new Community Grant Funding Scheme, applicants for Minor Community Grants, Minor Event Sponsorship, Waiver of Fees, Donations and KidSport can apply at any time throughout the year. These applications, to a maximum of \$500, will be assessed by Shire Officers, and approved by the CEO under delegated authority. This will enable the Shire to be more responsive to applications for minor funding assistance, and aids in simplifying and streamlining the assessment process.

The Major Community Grants and Major Event Sponsorship Funding Grants require applicants to apply as part of an annual funding round. This year's funding round closed on

29<sup>th</sup> April, 2016 and these applications will be assessed by the Community Grants and Awards Committee against the relevant Assessment Sheet (Attachment 5.1.1 (3)).

### **Comment**

Preliminary promotion of the new Community Grants Funding Scheme commenced in March 2016. The advice to community groups and event organisers stated that full details of the new Scheme would be available soon, and that the closing date would be towards the end of April, 2016.

The new Grant Funding Information Kit, Guidelines and applications forms were distributed at the beginning of April, 2016, and closed on 29<sup>th</sup> of April 2016.

Several applications were received for Minor Community Grants, Minor Event Sponsorship, Waiver of Fees, Donations and KidSport. These will be assessed by Shire Officers and approved by the CEO under delegated authority.

A total of ten Major Community Grants and Major Event Sponsorship Funding applications have been received for consideration in the 2016/2017 Budget. These consisted of:

- six applications for the Major Community Grants, totalling \$10,040
- four applications for the Major Event Sponsorship, totalling \$8,000
- Recurrent funding applications

Attachment 5.1.1(1) provides a summary of the applications received. The Committee are required to assess these applications using the criteria detailed in the Grant Assessment Sheets.

In addition to this, three applications have been received to date for recurrent funding. These applications will be submitted to Council as part of the annual budget review process.

### **Consultation**

N/A

### **Policy/Statutory/Voting Implications**

Simple majority

### **Financial Implications**

\$7,500 is allocated each year in the Major Community Grants

\$7,500 is allocated each year in the Major Event Sponsorship

\$3,000 is allocated each year in the Minor Community Grants

\$3,000 is allocated each year in the Minor Event Sponsorship

\$2,000 is allocated each year in Cash Donations

\$2,000 is allocated each year in Non-cash donations and waiver of fees

\$10,000 is available through the KidSport funding program

These are indicative figures only and are subject to variation by Council during Budget deliberations.

## **Strategic Implications**

The Community Grants policy assists Council to achieve Outcome 2 of the Shire Strategic Plan ‘the welfare needs of the community are met’ and Outcome 9 ‘community participation in recreation, leisure and cultural activities’.

### **Council Decision (Officer’s Recommended Resolution)**

**Moved: Cr Tan**

**Seconded: Cr Crowley**

**That Council receive the prioritised recommendations of the Community Grants Committee in respect to the 2016/17 year Community Grants Funding Scheme to be considered during deliberations of the 2016/17 year budget.**

**Carried 9/0**

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## **12 REPORTS OF OFFICERS**

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### ***12.1 Manager Finance and Administration***

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#### **12.1.1 ACCOUNTS FOR PAYMENT**

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### **Council Decision (Officer’s Recommended Resolution)**

**Moved: Cr Bailey**

**Seconded: Cr Crowley**

**That accounts authorised and paid under delegation No. 3.2 by the Chief Executive Officer represented by cheques CCP93150-CCP3170, EFT9274a - EFT9606, 51878 - 51937, DD20731, Trust 3371 – 3679, EFT9443a totalling \$1,371,243.43 be confirmed for payment.**

**Carried 9/0**

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#### **12.1.2 MONTHLY FINANCIAL REPORT**

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The Monthly Report for April 2016 will be tabled at the June 2016 Ordinary Council meeting.

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## **12.2 Manager Works & Services**

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<b>12.2.1</b>	<b>SUBJECT:</b>	<b>RFT 01/2016 – TREE PRUNING AND REMOVAL TENDER</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>SoDB</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TEN 05/3</b>
	<b>Author:</b>	<b>Damien Morgan – Manager Works &amp; Services.</b>
	<b>Report Date:</b>	<b>10 May 2016</b>
	<b>Attachment:</b>	<b>12.2.1 – CONFIDENTIAL RFT 01/2016 – Tree Pruning &amp; Removal – Tender Assessment Matrix</b>

### **Background**

The Council annually has a budget allowance for tree pruning and removal of vegetation throughout the Shire. Tree pruning is also typically required as part of our annual specific road and path projects.

The vegetation to be removed is typically either street trees, trees in power lines, road construction clearing or isolated trees on roads or reserves.

With the recent expiry of the existing Shire of Donnybrook-Balingup, Tree Pruning and Removal contract, a request for tender was advertised, to establish a new contract. The tender was advertised from Thursday, 7<sup>th</sup> April 2016 and closed on Wednesday, 27 April 2016. Adverts were placed in the West Australian and South West Times newspapers, along with LG Net and the Shire's website.

### **Comment**

In accordance with the SoDB Administration Policy – 2.26 “Purchasing and Tender Policy”, Staff called for suitably skilled contractors to provide an offer to undertake the works as defined within the tender specifications.

The tender outlined that a contract for the provision of the defined service would be awarded for two (2) years, with an option of two (2) one-year periods to be negotiated subject to ongoing performance and price.

Within the tender document, all tenderers were advised that their offers would be assessed against the following criteria:

Compliance – Each tender was assessed on a Yes/No basis as to whether they had satisfied the following criteria within their offer:

<b>Description of Compliance Criteria</b>	<b>Yes/No</b>
(a) Compliance with the Specification contained in the Request.	Yes/No
(b) Compliance with the Conditions of Tendering - <b>Tender Offer.</b>	Yes/No
(c) Compliance with the Conditions of Tendering – <b>Price Schedule.</b>	Yes/No
(d) Compliance with the Conditions of Tendering – <b>Schedule of Plant.</b>	Yes/No
(e) Compliance with the Conditions of Tendering – <b>OS &amp; H Questionnaire.</b>	Yes/No

Quantitative and Qualitative – total 100% weighting as follows:

<b>Criteria</b>	<b>Weighting</b>
Price & Price Structure in accordance with Policy 2.21 (see below)	40%

<b>Description of Qualitative Criteria</b>	<b>Weighting</b>
(a) Technical and physical capacity to perform services including traffic management.	25%
(b) Previous experience or past performance.	25%
(c) OH&S Compliance	10%

Council received submissions from five tenderers. One tenderer submitted their application electronically, which was clearly outlined as not allowed under the provisions of the Tender. This tender has been ruled disqualified, by the tender assessment panel.

Tender submissions were then assessed against the defined compliance and qualitative criteria by the tender evaluation panel.

All submissions were also assessed against Council Administration Policy 2.21 Regional Price Preference Policy, with the Policy applied to submissions that qualified.

The final rankings of the tender assessment are outlined in confidential Attachment 12.2.1 - RFT 01/2016 – Tree Pruning & Removal – Tender Assessment Matrix, along with a listing of the rates offered for various services.

Two Tenders were very competitive in terms of rates offered along with their company's resources, experience and OH & S procedures.

The assessment panel has determined that the tender submission from BDA Tree Management Services provides the best value for money when considered against the compliance and qualitative criteria of the tender, along with the relevant Council Policies and references.

### **Consultation**

The tender was advertised from Thursday, 7<sup>th</sup> April 2016 and closed on Wednesday, 27 April 2016. Adverts were placed in the West Australian and South West Times newspapers, along with LG Net and the Shire's website.

### **Policy/Statutory Implications**

#### Statutory

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* detail the requirements for local government tendering.

#### Policy

The tender process including assessment was undertaken in accordance with the Shire's Administration Policy 2.26 Purchasing & Tender.

The Shire's Administration Policy 2.21 Regional Price Preference was given consideration in the assessment and applied to submitters eligible.

#### Voting

Simple Majority

### **Financial Implications**

Funding is provided within Councils annual allocated budget (account number 133700) for street tree pruning and clearing works for road construction and maintenance projects.

### **Strategic Implications**

Outcome 1.7 - A well-used and efficient transport network.

Outcome 4.2 – Maintain long term financial viability



Outcome 4.3 – An open and accountable Local Government that is respected, professional and trusted.

Outcome 4.7 – Maintain and enhance Shire assets.

**Council Decision  
(Officer’s Recommended Resolution)**

**Moved: Cr Crowley**

**Seconded: Cr Van Der Heide**

**That Tender RFT 01/2016 – Tree Pruning and Removal be awarded to BDA Tree Management Services for the tendered rates for a period of two (2) years, with two (2) optional one (1) year annual extensions.**

**Carried 6/3**

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**12.3 Manager Development and Environmental Services**

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Nil

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**12.4 Principal Planner**

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<b>12.4.1</b>	<b>SUBJECT:</b>	<b>PROPOSED AMENDMENT NO. 2 TO LOCAL PLANNING SCHEME NO.7.</b>
	<b>Location:</b>	<b>Lot 102 South Western Highway, Donnybrook</b>
	<b>Applicants:</b>	<b>Impact Urban Design</b>
	<b>Zone/Reserve:</b>	<b>Residential</b>
	<b>File Ref:</b>	<b>TP17 Amd2</b>
	<b>Author:</b>	<b>Bob Wallin, Principal Planner</b>
	<b>Report Date:</b>	<b>28 April 2016</b>
	<b>Attachments:</b>	<b>12.4.1(1) – Development Layout with Staging Plan</b> <b>12.4.1(2) - Schedule of Submissions</b> <b>12.4.1(3) – Alternative Road Pattern</b> <b>12.4.1(4) – Path Plan</b>

**Background**

Council considered this item at its meeting 27<sup>th</sup> April 2016 where it resolved to:

*“defer the motion for 1 month to discuss with the developer the staging of the development and alternate road plans”*

A meeting was held on 9<sup>th</sup> May 2016 and attended by a number of elected members, the developer and staff to discuss the above items. In summary, additional information was provided to clarify the following points:

- Provision of a draft staging plan;
- Arrangements to limit heavy vehicle activity on Orchid Court associated with subdivision works;
- Arrangements to implement an ultimate road treatment for Orchid Court; and
- Rationale for the design of the road network.

In addition to the above, further clarification about the plan has been provided:

- a) Written confirmation from Main Roads Western Australia that no additional access point to the South Western Highway will be supported;
- b) Confirming the purpose of the 18 metre protection zone. This is required to provide a hazard separation distance for fire safety;
- c) The distance of constructing Marginata Drive to the boundary of Lot 102 is approximately 215m;
- d) There have been irregular isolated complaints received regarding gas gun activity. This includes one recent complaint. There is on average one complaint received every two to three years.
- e) The edge of the current orchard activity is approximately 219m at its closest point to the western boundary of Lot 102. The current distance to the established Meldene estate lots is 460m;
- f) The existing vegetation on the adjoining property to the west consists of vegetation of a similar composition as those identified for preservation on Lot 102. This vegetation is very likely to have habitat conservation value and there would be need to obtain support from the Department of Environmental Regulation to remove it. Obtaining approval to remove significant areas of this adjoining vegetation may not be possible due to its important habitat values. This approach would be consistent with the position taken in relation to Lot 102 where the majority of the vegetation is required to be retained.

## **Comment**

In considering this proposal, based on the new information provided, it is worth looking in more detail at the following key points.

### Buffer Design

The plan includes a buffer along the western edge of the property consisting of a hazard separation zone of 18m and a 10m planting for the northern portion of the site. Treatments of the balance of the western boundary include using a road alignment, setbacks and building envelopes.

In order to establish whether this buffer is adequate, it is first necessary to understand what the purpose of a buffer is. A buffer is intended to reduce potential for land use conflict between two land uses. In this case, “sensitive residential” land uses and commercial orchid activity.

In terms of orchard operations, the key issues relate to odour, noise (gas guns) and spray drift. In this case, the buffer is not only considered in terms of physical barrier. There are a number of other supporting measures in place:

- a) Including notices on title to advise prospective purchasers of impacts on their enjoyment of the land resulting from nearby orchard activities such as noise, odour, dust, vibration; and
- b) A noise management plan that requires gas guns to be located at least 300m from a property boundary. It is noted that this will restrict future orchard activity.

Based on the combination of these measures, specifically the noise management plan which requires a 300m separation distance, the proposed buffer is considered reasonable.

To ensure that future purchasers are aware of the notice on title, it will be desirable that this information be provided as part of a purchaser information package.

#### Road Design

The road design submitted reflects a significant improvement on the previous design that Council rejected. The intent of the design is to create an interesting alignment. The applicant has explained that a more direct and straighter north-south alignment would encourage speeding and promote through-traffic should there ever be a connection with Bentley Street.

Attachment 12.4.1(3) shows an alternative route prepared by staff. This plan has been presented to the developer for consideration. The developer has indicated a strong preference to retain the design as currently proposed.

The key element of this alternative plan is to further discourage the southern portion of the site to using Orchid Court for access. It creates a more direct path. Traffic speed can be controlled through design solutions such as a round-about.

It is worth noting that traffic volumes for Orchid Court, using either design would comply with Liveable Neighbourhood requirements when considering volumes and construction standards.

#### Staging

At the April 2016 Ordinary Council meeting there was some uncertainty about the intent of staging and the extent of the proposed use of Orchid Court. This was a key issue of concern.

The applicant has now provided a more definitive proposal on how staging may occur (Attachment 12.4.1(1)) and has advised that heavy vehicular traffic associated with subdivisional works may be able to use Marginata Drive for access.

It is noted that the staging plan now presented has changed from a previous staging plan discussed at the meeting on 9<sup>th</sup> May 2016. The changes have resulted from looking at the economic and marketing viability of the project. The plan shows a first stage of 39 lots and a second stage connecting to Marginata Drive.

In understanding the staging plan, it is worth noting the following points:

- a) The purpose of a staging plan is to provide information and to indicate that services and facilities will be developed in an orderly and proper manner. Staging plans are usually prepared at the detailed subdivision stage. It is noted that staging plans often change from time to time depending on new information becoming available. This may include detailed engineering design investigations, market conditions etc.;
- b) Staging plans are helpful to make sure that new residents and existing residents are serviced by safe and efficient road networks, and facilities and infrastructure are available when needed (public open space, paths, lighting, power, water...);
- c) A benchmark for testing the reasonableness of a staging plan is the degree to which it complies with Liveable Neighbourhoods criteria;
- d) Movements associated with building construction are unlikely to be greater than 390 trips per day towards the final phases of Stage 1. During most of the Stage 1, traffic will be significantly less than this as construction will occur in incremental steps. It is very unlikely that development of the 39 lots will occur at the same time;
- e) The traffic flows and demands on Orchid Court will comply with Liveable Neighbourhoods. It is worth noting that traffic volumes will be less than the lowest order roads envisaged by Liveable Neighbourhoods. Liveable Neighbourhoods identifies the lowest order road as a rear laneway. These have a pavement and total reserve width of 6m and are considered acceptable for 300 vehicle movements a day. Liveable Neighbourhoods also identifies a slightly higher order road as "Access Streets". Access streets can have reserves of 14.2m and pavements of 5.5-6m and are considered suitable for 1000 vehicle trips per day. Orchid Court has a 5.8m pavement and a reserve of 20m. Towards the completion of Stage 1, it is estimated that the total traffic volume will be less than half that tolerated by Liveable Neighbourhoods;
- f) Building construction traffic movements would be similar in volume to normal residential traffic. The difference may be in the type of vehicles. However, this would not be excessive when taking into account a staggered timeframe for constructing new homes;
- g) There are no paths or street lighting within the existing Meldene Estate. In considering this, it is worth remembering that:
  - additional linkage paths and open space connections will be provided;
  - the ultimate design of Orchid Court will ensure a low speed, low traffic environment; and

- Meldene is a low density estate with relatively large street setbacks and good sightlines. It is not a tightly packed dense urban area that required paths and street lighting at the time of approval.
- h) The reasonableness of stipulating or construction traffic to use Marginata Drive from Stage 1. There are a number of tests for establishing the reasonableness of a condition. It is unlikely that stopping all construction traffic to Orchid Court will be reasonable. More details on the tests of what makes a reasonable condition is explained below.

### Other things to think about

This proposal has raised a number of concerns and objections from the public (see Attachment 12.4.1(2) – schedule of submissions). There are a lot of competing objectives and views hovering around this proposal and it is often difficult to decide how to correctly give priority to particular views and perspectives. The following is intended to provide a way of objectively comparing positions.

### Cost and Utility

One of the key guiding principles of town planning is the maximisation of benefit to the most people and the minimisation of costs. In this case, there is a potential temporary benefit to nearby landowners (near Orchid Court) if stage 1 of the project does not use it. The cost of this arrangement is a burden to the developer. Care needs to be taken in considering the extent and permanence of any benefit. It is essential to establish the extent of any temporary loss of amenity and if this matches on-ground realities or a perceived reality. Does a solution represent a reasonable return for the cost?

### Limits to free will

In making a decision, Council needs to be mindful that it is not the ultimate decision maker and does not have absolute free will in the decision making process. Decisions are constrained within a planning and policy framework. In this case the decision about the end use of the land is already decided. It is urban. The decision to not go ahead, to start and or the pace of construction is up to the developer, future purchasers and market demand. These are constraints that Council has no control. In this case, Council is limited to looking at design issues and conditions. In looking at design issues and conditions, Council is further constrained by the need to ensure that:

- 1) conditions or modifications proposed are reasonable and serve a planning purpose;
- 2) the need for the conditions are directly created by the proposal; and
- 3) the conditions are essential to making the proposal acceptable.

To assist with this, the following comments are provided on what makes a reasonable planning condition or modification.

### Tests for a valid condition

Tests for a valid condition were established by *Newbury DC vs Secretary of State for the Environment* (1981). In summary, for a condition to be valid, it must:

- Be imposed for a planning purpose;
- Fairly and reasonably relate to the development which permission is given;
- Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

These points are explored as follows:

#### Planning Purpose

There are two aspects here. The first is to ensure that the condition has a relationship to planning theory and policy. The second aspect is to determine if the condition, in the particular circumstance fulfils a proper planning purpose.

To help, the question should be asked, if this condition was not imposed, would the structure plan be refused?

#### Relevance

The second test needs to ensure that the condition fairly and reasonably relates to the application. It is not sufficient that a condition is related to planning objectives. It must also be justified by the nature of the development and the effect on its surroundings.

In terms of this case, it will be necessary to prove that stopping vehicular use of Orchid Court will have more than a direct public benefit. Such a proposal will need to be considered necessary as a result of the subdivision. Council needs to be satisfied that if Orchid Court remains open, or is used for a first stage, it will create an unreasonable movement of traffic and activity.

#### Reasonableness

A condition or requirement should not be imposed if it so unreasonable that no reasonable body or persons could have made the decision.

In this case, it is likely that forcing a staging plan will add to significant upfront costs (noting that they will be recouped eventually). These costs will be incurred by the developer so that a limited number of existing residents will be temporarily spared inconvenience during the construction phase of a development. It may be difficult to objectively see this as being reasonable.

#### **Consultation**

In summary, the following has been received:

- a) 34 submissions. This included 24 submissions of objection from local residents and 10 from government agencies. Attachment 12.4.1(2) provides a summary of the submissions and suggested responses; and

- b) A petition from local residents was received by Council at its meeting October 2015 meeting. The petition includes 154 signatures that support the following statement of sentiment:

*“We the undersigned, being the residents of Meldene Estate and Donnybrook-Balingup Shire respectfully request the donnybrook-Balingup Shire Council to consider the concerns of the residents in relation to the proposed subdivision West of Meldene Estate.*

*The proposal of entry/exiting of the new subdivision via Marginata Drive, Leschenaultia Circle and Orchid Court will be unsafe for the existing residents, due to the increased volume of traffic generated from the new subdivision. The lack of footpaths/cycleway, minimal street lighting and present road with, combined with a school bus route make the proposal unacceptable. Currently children through to the elderly use these roads for recreational purposes on a daily basis.*

*Extra traffic generated from the new subdivision will also increase safety issues on the south Western Highway and Meldene Estate intersection.*

*The residents of Meldene Estate are not opposed to the new subdivision, we have major concerns regarding the use of existing residential roads for access to the new proposed estate.”*

The key points raised in this petition have been addressed in the previous report (minutes from the April 2016 Ordinary Council meeting).

#### Summary and Conclusion

The key issue from a public consultation point of view relates to Orchid Court. While this may not be the key issue from a planning or engineering point of view - it is from existing residents. It is this issue that has potential to distract attention from the overall functional design and established planning framework requirements.

This land is zoned for residential development consistent with the vision identified in the Shire’s strategic planning documents. This proposal seeks to define how residential development is intended to occur. In short, the question of residential use is not for debate. This proposal and debate is about the form of the development and the manner in which the development will be staged.

It is clear that residents within Meldene Estate have strong emotional connection with their locality and are concerned about the potential impacts resulting from the new development. The key concern relates to the function and role of Orchid Court.

The submissions received indicate that the locally established view is that Orchid Court was always intended to be a closed road. This view may have been based on information provided at the point of sale or assumed from observation.

Based on this perspective, a number of concerns about negative impacts on public safety, local amenity and road capacity have sprung.

The local perspectives and views expressed in the submissions do not have a monopoly hold on defining a position. There are also other viable alternative views that could be reasonable to consider. An alternative view could be that it has always been the intent that “Orchid Court” was to provide a connection or linkage to a future stage. This view could be given weight by thinking about developer motivations. A developer would unlikely develop Orchid Court to construct a road to enable two lots to gain side access into their sheds when there is potential to create an additional lot. It is more likely that the developer was instructed to construct Orchid Court to provide a future linkage opportunity.

Putting aside the above views and perspectives, it may be more productive to test the validity and strengths behind the concerns themselves. One method would be to test the proposal against the framework provided by Liveable Neighbourhoods. Liveable Neighbourhoods provides the accepted and applied standards (benchmark) for urban development in Western Australia. It is against Liveable Neighbourhoods that the acceptability of a proposal needs to be tested.

The proposal, including the indicative staging plan will result in an outcome that generally complies with Liveable Neighbourhoods standards. The road design seeks to limit the use of Orchid Court with projected traffic volumes to be well below those allowed under Liveable Neighbourhoods. Further, concerns about safety and amenity are partly addressed through potential for footpath linkages and additional recreational spaces proposed and recommended.

While Liveable Neighbourhoods can never predict every circumstance, it does provide the best available guidance on town planning matters. In some cases, there may be scope to argue a special case or departure from Liveable Neighbourhood outcomes. However, this would be in instances where a proposal pushes towards the upper end of established tolerances and standards. In this case, traffic volumes and designs for Orchid Court are not pushing to the edge of the engineering or functional design capacities. The volumes and activities are at the lower end of the scale. This makes it more difficult to justify potentially expensive changes to the plan.

It is also worth reflecting on the design now before Council. This has been significantly improved since the original application. This reflects public inputs and has resulted in a far better town planning design outcome. Modifications recommended below will further limit the use of Orchid Court through staging and the ultimate design. All this is a direct and reasonable response to public concern.

After considering the above, Council may conclude that any residual public concern left over relates to focusing on either:

- a) An all or nothing solution – a position of no access to Orchid Court is success – limited access failure; and/or
- b) Differing opinions about the suitability and veracity of following Liveable Neighbourhood requirements.



Based on Liveable Neighbourhoods, it is difficult to support a position to prohibit access to Orchid Court.

Overall, the proposal is generally considered reasonable from a town planning perspective and can be improved through conditions to:

- a) Address issues of staging to limit the time in which Orchid Court is used as the only access;
- b) Address the ultimate design of Orchid Court to ensure that it used as a minor access point;
- c) Include a pedestrian path linkage to the Golf Course to provide linkages towards town; and
- d) Provide an updated Public Open Space schedule calculated in accordance with Liveable Neighbourhood criteria.

An alternative design has also been prepared as well as two resolutions. This provides Council with an additional choice should it wish to pursue an option that further discourages use of Orchid Court and ensure a more regular road alignment.

If Council makes a recommendation for the alternative design, it will be a recommendation only. The ultimate decision will be with the WAPC in relation to the structure plan and Minister for Planning for the amendment.

### **Statutory Obligations**

Planning and Development (Local Planning Schemes) Regulations 2015 includes the following relevant sections:

- Part 5 – Amending Local Planning Scheme defines the processes and considerations for assessing and processing amendments.
- Schedule 2, part 4 – Structure Plans defines the processes and considerations for assessing and processing structure plans.
- The amendment falls under the definition of a “Standard Amendment” contained in regulation 34)

### **Policy Implications**

N/A

### **Voting Requirements**

Simple majority

### **Budget/Financial Implications**

N/A

## **Strategic Implications**

The proposal is consistent with the Local Planning Strategy which identifies the land as “Residential”.

## **Council Decision (Officer’s Recommended Resolution)**

**Moved: Cr Van Der Heide**

**Seconded: Cr Crowley**

### **That the Council**

- 1. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015;**
  - a) Determine the submissions in accordance with Schedule of Submissions (Attachment 12.4.1(2));**
  - b) Acknowledge that the petition was received by Council at its October 2015 meeting and note that the matters raised reflect those detailed in the Schedule of Submissions;**
  - c) Adopt Amendment No. 2 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 for the purposes of recoding Lot 102 South Western Highway, Donnybrook from “R2.5/5” to “R5/10” subject to the changes contained in the Schedule of Modifications;**
- 2. Recommends that the Western Australian Planning Commission approve the structure plan subject to the changes contained in the - Schedule of Modifications;**
- 3. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of points 1 and 2 above.**

### **Schedule of Modifications**

#### **Amendment Resolution**

- a) Amend the front resolution by deleting the words “2010” and replacing with “2015”.**
- b) Amend the rear resolution by deleting the words “2012” and replacing with “2016”**

#### **Amendment Report**

- a) Update section 5.5 Public Open Space to ensure consistency with Liveable Neighbourhood criteria with reference to “restricted” and “unrestricted” – noting that only a 20% of the total 10% POS requirement can be satisfied by the use of “restricted POS”;**

- b) Modify Figure 5 Structure Plan by:**
  - a. Updating the table to reflect point a) above;**
  - b. Inserting implementation provisions requiring:**
    - i. The subdivision occurring in accordance with a staging plan that reflects Liveable Neighbourhoods standards and limits the use of Orchid Court for a first stage of approximately 39 lots and addresses milestones that mark when planting of a screening buffer and construction of Open Space and an ultimate construction design for Orchid Court as a low order road is to occur;**
    - ii. The need for all new lots to be subject to Section 70A notifications advising of the proximity and activity impacts on amenity from Orchard activity and that these notices are to be made available to perspective purchases as part of the marketing documents/information packages and that purchasers sign acknowledgment that they have seen a copy of the notice.**
    - iii. The POS schedule being updated to reflect Liveable Neighbourhood calculation requirements;**
    - iv. Amending the map to identify provision of an internal path network and provision of additional linkages as contained in Attachment 12.4.1(4);**
    - v. Removing the roundabout treatment from the design;**
    - vi. Inserting annotation that the ultimate design of Orchid Court will be for a low order road and the construction of Orchid Court will reflect this function on completion of Stage 1;**
    - vii. Including annotation that there will be no direct future vehicular through access to Bentley Street.**
- c) Incorporating a Local Water Management Plan that addresses issues regarding:**
  - i. Water supply to public open space;**
  - ii. Stormwater management;**
  - iii. Groundwater levels.**

**Lost 2/7**

Justification: There was concern that the staging process of increasing Stage 1 from 20 lots to 39 lots would place unreasonable traffic movements on Orchid Court.

Cr Mills Foreshadowed a motion based on the officer's alternate recommendation with the removal of point 1(c) *“Adopt Amendment No. 2 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 for the purposes of recoding Lot 102 South Western Highway,*

*Donnybrook from “R2.5/5” to “R5/10” subject to the changes contained in the Schedule of Modifications”.*

### **Cr Mills’ Foreshadowed Motion**

**Moved: Cr Mills**

**Seconded: Cr Bailey**

**That Council**

- 1. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015;**
  - a) Determine the submissions in accordance with Schedule of Submissions (Attachment 12.4.1(2));**
  - b) Acknowledge that the petition was received by Council at its October 2015 meeting and note that the matters raised reflect those detailed in the Schedule of Submissions;**
- 2. Recommends that the Western Australian Planning Commission approve the structure plan subject to the changes contained in the - Schedule of Modifications;**
- 3. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of points 1 and 2 above.**

### **Schedule of Modifications**

#### **Amendment Resolution**

- a) Amend the front resolution by deleting the words “2010” and replacing with “2015”.**
- b) Amend the rear resolution by deleting the words “2012” and replacing with “2016”**

#### **Amendment Report**

- a) Update section 5.5 Public Open Space to ensure consistency with Liveable Neighbourhood criteria with reference to “restricted” and “unrestricted” – noting that only a 20% of the total 10% POS requirement can be satisfied by the use of “restricted POS”;**
- b) Modify Figure 5 Structure Plan by:**
  - a. Amending the road layout to generally reflect the alternative concept (Attachment 12.4.1(3));**
  - b. Updating report text and maps to reflect a) above;**
  - c. Inserting implementation provisions requiring:**

- i. The subdivision occurring in accordance with a staging plan that reflects Liveable Neighbourhoods standards and limits the use of Orchid Court for a first stage of approximately 39 lots and addresses milestones that mark when planting of a screening buffer and construction of Open Space and an ultimate construction design for Orchid Court as a low order road is to occur;
  - ii. The need for all new lots to be subject to Section 70A notifications advising of the proximity and activity impacts on amenity from Orchard activity and that these notices are to be made available to perspective purchases as part of the marketing documents/information packages and that purchasers sign acknowledgment that they have seen a copy of the notice.
  - iii. The POS schedule being updated to reflect Liveable Neighbourhood calculation requirements;
  - iv. Amending the map to identify provision of an internal path network and provision of additional linkages as contained in Attachment 12.4.1(4);
  - v. Inserting annotation that the ultimate design of Orchid Court will be for a low order road and the construction of Orchid Court will reflect this function on completion of Stage 1.
- c) Incorporating a Local Water Management Plan that addresses issues regarding:
- i. Water supply to public open space;
  - ii. Stormwater management;
  - iii. Groundwater levels.

Lost 3/6

**Council Decision  
(Alternative Resolution)**

**Moved: Cr Dilley**

**Seconded: Cr Mitchell**

**That Council**

1. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015;
  - a) Determine the submissions in accordance with Schedule of Submissions (Attachment 12.4.1(2));
  - b) Acknowledge that the petition was received by Council at its October 2015 meeting and note that the matters raised reflect those detailed in the Schedule of Submissions;

- c) **Adopt Amendment No. 2 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 for the purposes of recoding Lot 102 South Western Highway, Donnybrook from “R2.5/5” to “R5/10” subject to the changes contained in the Schedule of Modifications;**
- 2. Recommends that the Western Australian Planning Commission approve the structure plan subject to the changes contained in the - Schedule of Modifications;**
- 3. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of points 1 and 2 above.**

### **Schedule of Modifications**

#### **Amendment Resolution**

- a) **Amend the front resolution by deleting the words “2010” and replacing with “2015”.**
- b) **Amend the rear resolution by deleting the words “2012” and replacing with “2016”**

#### **Amendment Report**

- a) **Update section 5.5 Public Open Space to ensure consistency with Liveable Neighbourhood criteria with reference to “restricted” and “unrestricted” – noting that only a 20% of the total 10% POS requirement can be satisfied by the use of “restricted POS”;**
- b) **Modify Figure 5 Structure Plan by:**
  - a. **Amending the road layout to generally reflect the alternative concept (Attachment 12.4.1(3));**
  - b. **Updating report text and maps to reflect a) above;**
  - c. **Inserting implementation provisions requiring:**
    - i. **The subdivision occurring in accordance with a staging plan that reflects Liveable Neighbourhoods standards and limits the use of Orchid Court for a first stage of approximately 39 lots and addresses milestones that mark when planting of a screening buffer and construction of Open Space and an ultimate construction design for Orchid Court as a low order road is to occur;**
    - ii. **The need for all new lots to be subject to Section 70A notifications advising of the proximity and activity impacts on amenity from Orchard activity and that these notices are to be made available to perspective purchases as part of the marketing documents/information packages and that purchasers sign acknowledgment that they have seen a copy of the notice.**

- iii. The POS schedule being updated to reflect Liveable Neighbourhood calculation requirements;
  - iv. Amending the map to identify provision of an internal path network and provision of additional linkages as contained in Attachment 12.4.1(4);
  - v. Inserting annotation that the ultimate design of Orchid Court will be for a low order road and the construction of Orchid Court will reflect this function on completion of Stage 1.
- c) Incorporating a Local Water Management Plan that addresses issues regarding:
- i. Water supply to public open space;
  - ii. Stormwater management;
  - iii. Groundwater levels.

**Carried 5/4**

\*\* 7.49pm - Cr Mitchell and the Public Gallery left the meeting.

The following item was withdrawn prior to the meeting at the request of the applicants.

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<b>12.4.2</b>	<b>SUBJECT:</b>	<b>REQUEST TO AMEND LOCAL PLANNING STRATEGY</b>
	<b>Location:</b>	<b>Lot 2280 Irishtown Road and Lot 6 Grist Road, Donnybrook</b>
	<b>Applicants:</b>	<b>Mr Kobus Nieuwoudt</b>
	<b>Zone/Reserve:</b>	<b>General Agriculture</b>
	<b>File Ref:</b>	<b>A3175/A3176</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>18 April 2016</b>
	<b>Attachments:</b>	<b>12.4.2(1) – Extract from Local Planning Strategy 12.4.2(2) – Proposal to amend LPS</b>

### **Background**

This proposal is a request for Council to amend its Local Planning Strategy (LPS) by amending the maps to identify Lots 2280 Irishtown Road and Lot 6 Grist Road, Donnybrook as “Rural Residential” (presently General Agriculture). The details of the request can be viewed in Attachment 12.4.2(2).

The Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations) define the processes and requirements for amending Local Planning Strategies. Regulation 17 states:

*“(1) A local planning strategy may be amended by an amendment to the strategy prepared by the relevant local government and endorsed by the Commission.”*

The Regulations explain that the same processes to prepare a LPS apply for the amendment process. This process requires:

- a) Shire to prepare document (or consultant prepare);
- b) Resolve to advertise document;
- c) Refer to Commission before advertising for approval to advertise;
- d) Advertise the document;
- e) Consider submissions received during advertising and support; support with modifications or not support the amendment; and
- f) Refer to Commission for endorsement.

This item is presented to Council for it to consider if it will agree to amend the LPS.

### **Comment**

The applicant has requested support to amend the LPS to identify those portions of Lot 6 and Lot 2280 not impacted by the 500m Donnybrook Stone SCA4 area on the basis that:

- The proposal will provide for rural residential development close to the Donnybrook townsite; without prejudicing the ability for the town to grow;
- The proposed land use is compatible with surrounding land uses;
- The proposal will protect and enhance the rural landscape;
- The land is not impacted by SCA4 (Donnybrook Stone);
- The proposal will not conflict with rural land use activity or reduce the primary production potential of adjoining or nearby land;
- Will not prejudice opportunities for urban expansion;
- Will maintain appropriate separation distances between sensitive land uses (dwellings) and agriculture;
- The land is capable of supporting rural residential land use;
- Will result in beneficial environmental outcomes;
- The site is predominantly cleared of vegetation;
- The site is not flood prone;
- The site is not an extreme bushfire risk; and
- The site is located in an area of flux and represents a logical inclusion.

In making a decision on this proposal, it is helpful to think about the following.



### Why is there a strategy?

Before making any decision, it is important to understand “the why” behind having a strategy. With this understanding, it is easier to assess the merits of proposals.

Regulation 11 (2) defines the purpose of a LPS as follows:

*“A local planning strategy must –*

- (a) Set out the long-term planning directions for the local government; and*
- (b) Apply any State or regional planning policy that is relevant to the strategy; and*
- (c) Provide the rationale for any zoning or classification of land under the local planning scheme.”*

Informal discussion with the Department of Planning has advised that the Strategy is to provide strategic direction for a 10-15 year timeframe. Its purpose is to guide future amendments to the Local Planning Scheme (LPS7) and provide direction on how the settlement pattern and land use activity will evolve over time.

### Constraints to free will

The Shire is not free to make any decision. The Shire does not have absolute free will in considering amendments. Decisions are limited by the defined boundaries imposed by town planning policies and principles. The Strategy is not able to run contrary to State or regional policy. All relevant policies must be considered.

In this case, the relevant policies are State Planning Policy 2.5 Land Use Planning in Rural Areas (SPP 2.5) and Development Control Policy 3.4 – Subdivision of Rural Land (DC 3.4).

DC 3.4 states that:

*“It is the policy of the WAPC that the subdivision of rural land for rural living land uses must be properly planned through the preparation and endorsement of strategies and schemes and be accordingly zoned in local planning schemes prior to subdivision.”*

The proposal seeks to follow a process that will comply with this requirement. The proposed procedure is correct. It is now a matter of deciding if the outcome is correct.

DC 3.4 includes a number of objectives that need to be considered. These are:

- a) Protect rural land from incompatible uses by requiring comprehensive planning for rural areas;
- b) Making land use decisions for rural land that supports existing and future primary production and protection of priority agricultural land particularly for the production of food;
- c) Promote sustainable settlement in and adjacent to existing urban areas;
- d) Protect and improve environmental, landscape and cultural assets; and
- e) Minimise land use conflicts.

The compatibility or otherwise of the proposal to these objectives will be discussed below.

SPP 2.5 states that “Rural living proposals on rural land may be supported where they comply with the objectives of this policy and meet requirements of this section”. The policy then lists 22 criteria. The key criteria of interest in this case are:

- a) Ensuring that the precinct will not conflict with rural land use activity or reduce the primary production potential of adjoining or nearby land;
- b) The extent of proposed rural living settlement based on existing land supply and take up and population projections; and
- c) The land is not subject to buffers from an adjoining land use.

In regard to these points, the merits of the proposal are less clear cut. There are presently a number of nearby and neighbouring properties used for “market gardening” or other productive agricultural activities. There are “Priority Agriculture” zoned land immediately to the west and south. Introducing sensitive rural living land uses in this locality may constrain current and or future agricultural activities.

In terms of demand for rural residential properties, the LPS and LPS7 have introduced potential to subdivide existing rural residential areas. This provides significant scope to increase the supply of rural residential style properties without looking to new areas.

It is noted that there has been limited uptake on this subdivision potential by landowners so far. This fact may change as existing vacant land is taken up and existing landowners see new opportunities.

#### Principles of the Strategy what is it trying to achieve

The strategy outlines some underlying strategic guiding principles for considering land use and settlement expansion. Section 5.3.8 outlines the following purpose of the zone as follows:

*“The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting, which provides for an alternative residential lifestyle, which is consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.”*

The key words of interest here are “compatible with adjacent land use activity”. Council needs to be comfortable that the proposed sensitive “residential” use of the land is compatible with nearby agricultural activity.

Section 5.3.8 then outlines the strategy for the zone with the words:

*“The local government’s strategy is to:*

- *Contain rural residential development to areas zoned and allocated for that purpose (ie: Rural Residential Investigation) to manage the demand for the extension of infrastructure and services;*

- *Prevent the creation of new rural residential lots beyond those identified in the Strategy (ie: Rural Residential and Rural Residential Investigation areas) or in an adopted local planning scheme;....”*

The key word here is to “contain” rural residential development to existing identified areas. This proposal seeks to add an entirely new and isolated rural residential area. This clearly departs from the Strategy’s position. If the proposal is to be supported, there needs to be strong and sustainable reasons backing the new direction.

Is a departure a problem or is it the nature of the departure?

It has been established that the proposal is a departure from the established planning framework. The next step is to decide if this is a problem. The proposals inconsistency with the Strategy may not by itself be a sufficient reason to automatically object or refuse a proposal.

Decisions need to be anchored in sound town planning outcomes and supported by the steel of a strong and robust logic. In this case, it may be difficult to conclude that:

- a) the proposal can be considered to be a minor logical inclusion to the established lot size and land use in the locality;
- b) the proposal joins with existing Rural Residential areas;
- c) the proposal will not generate increased risk and potential for land use conflicts;
- d) there is strong and unsatisfied or unsatisfiable demand for blocks. There is significant opportunity for subdivision of existing Rural Residential zoned land;
- e) the proposal is of a limited scale and will not generate a precedent due to unique site specific and contextual circumstances. It is likely that there are other nearby properties that have similar or better cases for inclusion in Rural Residential zones based on proximity to services or town, land capability and setbacks from buffers and commercial orchid/market gardening activities.

When considering these facts, in combination with the intent of the strategy, it makes it difficult to support the proposal at this point in time.

There is a time and place....

Town planning does not occur within a static universe. Things change and evolve over time. A position taken today may not be appropriate or the best outcome in the future. It is important to understand this when looking at the proposal. The Strategy is relatively new (endorsed July 2014) and making a departure in the manner proposed will require a review of not only the colour on the map, but the underlying objectives stated and agreed by Council and the Commission.

It is suggested that it is not appropriate to make such a fundamental change at this early stage in the life of the Strategy. More time is required to see if the goals of the strategy are desirable and relevant and if it effective in creating good town planning outcomes.

### Summary and Conclusion

At this point in time, the proposal represents a significant departure to the underlying principles of the Strategy. Specifically, the intent to contain Rural Residential areas to that of existing identified zones and in some limited Development Investigation Areas that provide logical inclusions to these areas.

This proposal seeks to create a departure to this approach. It is suggested that it is too early to promote a departure without undertaking a more wholesale review of the area and intent of the zone. It is recommended that this issue and proposal would be best considered as part of a more comprehensive review of the strategy. The existing Strategy is not formally due for review until 2020. However, there is opportunity to review the Strategy at an earlier date as a way of incorporating outcomes and information resulting from the Developing Donnybrook Growth Plan project.

A comprehensive review process will allow Council to think about Rural Residential zoned land on a strategic scale, having regard to data obtained on subdivision and demand for land over the life of the strategy.

### **Policy/Statutory/Voting Implications**

#### Policy

State Planning Policy 2.5 Land Use Planning in Rural Areas provides guidance on the process and criteria necessary to obtain support for new rural residential subdivision. It states that before subdivision can be considered, it is necessary for the land to be identified in a local planning strategy/local planning scheme. This proposal is seeking to follow the correct process for amending the local planning strategy. The issue in this case does not relate to process; rather the content of the proposal itself.

Development Control Policy 3.4 Subdivision of Rural Land provides some information on this issues that need addressing relating to rural residential land. It is noted that this is not the core focus of the policy.

#### Statutory

Planning and Development (Local Planning Schemes) Regulations 2015 provides details on the processes and requirements for undertaking amendments to Local Planning Strategies and Local Planning Schemes.

#### Voting

Simple majority

### **Financial Implications**

If the proposal is supported, an assessment fee of \$5,500.00 will be required for the amendment to the Local Planning Strategy and Local Planning Scheme. This fee is intended to cover assessment, advertising and gazettal fees associated with the amendment process.

### **Strategic Implications**

Outcome 1.5 – Our rural lifestyle is maintained.

Outcome 2.6 – Effective planning and management policies for our agricultural land and uses  
Outcome 4.9 – Improved long term planning and strategic management.

### Officer's Recommended Resolution

**Moved: Cr Seconded: Cr**

**That Council resolve to advise the applicant that it;**

- 1) does not support amending the local planning strategy to include Lot 6 Grist Road and Lot 2280 Irishtown Road, Donnybrook in the Rural Residential zone on the grounds that:
  - a. It represents a major departure from the intent of the Rural Strategy to contain rural residential land uses to existing identified areas;**
  - b. The site is surrounded by existing market gardening activity and other potential uses that will create increased risk of land use conflict;**
  - c. The site is isolated from other established Rural Residential zoned areas and will create an undesirable precedent to support other ad-hoc expansions of the Rural Residential zone; and**
  - d. The Local Planning Strategy and Local Planning Scheme provide sufficient land to accommodate demand for rural residential activity by introducing subdivision opportunities for existing land.****
- 2) Will consider this proposal for inclusion as part of any future review of the local planning strategy.**

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### **12.5 Chief Executive Officer**

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<b>12.5.1</b>	<b>SUBJECT:</b>	<b>WALGA 2016 LOCAL GOVERNMENT CONVENTION &amp; ANNUAL GENERAL MEETING</b>
	<b>Location:</b>	<b>Perth</b>
	<b>Applicants:</b>	<b>WA Local Government Association</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>DEP 22/4D</b>
	<b>Author:</b>	<b>John Attwood, CEO (<i>Kate O’Keeffe, Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>12 May 2016</b>
	<b>Attachments:</b>	<b>12.5.1 (1) Convention Program 12.5.1 (2) WALGA Professional Development Modules</b>

### **Background**

The 2016 WA Local Government Convention and Trade Exhibition, and Annual General Meeting (AGM) will be held at the Perth Convention and Exhibition Centre commencing on

Wednesday 3<sup>rd</sup> August to Friday, 5<sup>th</sup> August 2016 with the AGM to be conducted on Wednesday, 3<sup>rd</sup> August 2016.

All submissions of motions for consideration at the AGM must be provided to WALGA by Tuesday, 7<sup>th</sup> June 2016. Any motions proposing alterations or amendments to the Association's Constitution must be received by Friday, 13<sup>th</sup> May 2016 in order to satisfy the 60 day constitutional notice requirements.

All Member Councils are entitled to be represented by two (2) voting delegates at the AGM. To register delegates, a registration of voting delegates form must be completed and returned to WALGA by the 4<sup>th</sup> July 2016.

### **Comment**

It has been the practice in previous years to nominate the President and Deputy President as voting delegates at this Convention. It is recommended that this should continue.

At the Council meeting held on 24<sup>th</sup> April 2012 it was resolved:

*“That Council limit the number of Elected Members who attend the annual Local Government Convention to four.*

*That Elected Members attend the annual Local Government Convention on a rotational basis.*

*That Council nominate the President and Deputy President as voting delegates for the WA Local Government Association Annual General Meeting”.*

Councillors Dilley, King, Duncan and Dawson attended the 2015 Convention.

Registrations will close on Tuesday, 5<sup>th</sup> July 2016. Registration fees are \$1,475.00 per delegate.

There are number of Professional Development sessions scheduled for Councillors from the 1<sup>st</sup> August to the 9<sup>th</sup> August 2016 and are based on the Diploma modules. Prices for each session are range from \$495.00 to \$1,200.00 excluding GST.

Council has booked 2 two bedroom, 2 bathroom apartments (\$311.00 per night) and 1 one bedroom apartment (\$191.00 per night) at the Mounts Bay Road Waters Apartments. Confirmation is required as soon as possible.

### **Consultation**

N/A

### **Policy/Statutory/Voting Implications**

Policy

N/A

Statutory

N/A

Voting

Simple Majority

**Financial Implications**

Provision has been made in the 2015/16 budget for councillor attendance at conferences and for training.

**Strategic Implications**

Outcome 4.3 - An open and accountable local government that is respected, professional and trusted.

Outcome: 4.4 -To be a strong advocate representing the Shire's interest.

**Council Decision**

**(Officer's Recommended Resolution)**

**Moved: Cr Dilley**

**Seconded: Cr Bailey**

**That Councillors Logiudice and Cr Mills be nominated as voting delegates at the 2016 WA Local Government Association Annual General Meeting.**

**Carried 7/1**

\*\* 7.55pm – Cr Mitchell returned.

**Council Decision**

**(Officer's Recommended Resolution)**

**Moved: Cr Bailey**

**Seconded: Cr Tan**

**That the following Councillors attend the 2016 Local Government Convention to be held from Wednesday 3<sup>rd</sup> August to Friday, 5<sup>th</sup> August 2016:**

- **Bailey**
- **Mitchell**
- **Logiudice**
- **Mills**

**Carried 9/0**

<b>12.5.2</b>	<b>SUBJECT:</b>	<b>REVIEW OF COUNCIL POLICIES</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>ADM 11/3</b>
	<b>Author:</b>	<b>John Attwood Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>2 May 2016</b>
	<b>Attachment:</b>	<b>12.5.2 – Policies with Proposed Amendments</b>

## **Background**

Council staff have undertaken a review of:

- Council policies 1.2, 1.3, 1.5 – 1.7, 1.9 – 1.13, 1.15 – 1.23
- Administration policies 2.1, 2.2, 2.4 -2.12, 2.14, 2.15, 2.17, 2.18, 2.21 – 2.46
- Finance policies 3.1 – 3.9
- Engineering policies 4.1, 4.2, 4.2.1, 4.3 – 4.10, 4.12, 4.14 – 21
- Building policies 5.3 – 5.10
- Health policies 6.1, 6.5, 6.6
- Tourism policy 7.1
- Fire Control policies 8.2, 8.3, 8.5, 8.6
- Town Planning Policies 9.1 - 9.11, 9.14 - 9.17, 9.19 – 9.24.

A number of amendments are referred to Council for consideration and adoption.

## **Comment**

This year's policy review has resulted in a number of significant changes to policies, including the revocation of some and their replacement with a new policy. Below are listed the proposed changes and the reason for these changes. To assist, the attachment shows proposed changes in the context of the full policy.

For the most part, the proposed changes serve to:

- Streamline processes, by having one policy instead of several (e.g. Community Grants Funding Scheme and Engineering Policies 4.15-17).
- Remove procedural detail from the policy (procedural detail to be contained within operational manuals).
- Remove anomalies.
- Ensure terminology and references are up to date.

## **POLICIES**

### **1.0 Council**

#### **1.1 Council Polices**

Add: 1.1.14 All policies were reviewed on 26 or 28 April 2016.



### **1.23 Shire Staff Superannuation**

Change: In the table outlining Council's matching contribution to superannuation; delete the first two lines which refer to Tuia Lodge staff. In the third line, change 'other staff' and replace with 'all staff'.

Reason: To remove an anomaly. All staff should be offered the same employment conditions relating to superannuation – i.e. be eligible for a 3% matching contribution.

## **2.0 Administration**

### **2.1 Hiring of Council Hall Equipment or Other Property**

Change: Under the heading 'Policy' add: 'This policy applies to equipment in the Donnybrook and Balingup halls and the Donnybrook Recreation Centre.

Delete: "Hall equipment is to remain within the hall and' and replace with 'Equipment'.

Under (a) Crockery and Cutlery, change the wording to read: "Crockery and Cutlery is available for hire only within the hall to which it has been assigned, at the ruling rate hire of charge. It may not be transferred from one hall to another and is not available for hire outside of a Council facility."

Reason: To make clearer the intention of the policy and avoid ambiguity.

### **2.17 Support for the Arts – Acquisition and Prizes**

It is recommended that this policy is revoked.

Reason: Support for the Arts is covered in new Policy 2.47 Community Grant Funding Scheme Policy, adopted by Council on April 27 2016.

### **2.18 Volunteers**

Change: Add point 3 – 'Where possible reasonable adjustments will be made to either a process, practice or environment to enable a volunteer with disability to engage in voluntary activity in a way that is safe and minimises the impact of their disability'.

Reason: Under the *Disability Discrimination Act (1992)*, employers are obligated to make adjustments to accommodate an individual's disability, unless that adjustment would result in unjustifiable hardship. It is a recommendation of the Disability Access & Inclusion Plan that a 'reasonable adjustment' clause is added to our volunteer policy.

### **2.21 Regional Price Preference**

Change: Under 'Local Preference', remove 'Collie'.

Reason: The preference is not reciprocated by the Shire of Collie.

**Change:** Under 'Local Preference' insert:  
'1) When the supplier is located within the Shire of Donnybrook-Balingup:' and, after points a) b) and c), insert: "When the supplier is located within the Shire of Boyup-Brook, 2.5% shall be applied in all cases."

**Reason:** Boyup-Brook's reciprocal arrangement for Donnybrook-Balingup is limited to 2.5% in all cases. This change ensures our preference arrangement matches theirs.

### **2.22 Youth Grants**

It is recommended that this policy is revoked.

**Reason:** Youth grants are covered in new Policy 2.47 Community Grant Funding Scheme Policy, adopted by Council on April 27 2016.

### **2.23 Donnybrook Amphitheatre**

It is recommended that this policy is revoked.

**Reason:** Hiring the amphitheatre to community groups is covered in new Policy 2.47 Community Grant Funding Scheme Policy, adopted by Council on April 27 2016.

### **2.24 Community Events Boards**

**Change:** Under 2.24.3 Application Process, item 1, change 2 weeks to 2 months. Under item 2, delete 'or when and where space available' to 'on the agreed date'.

**Reason:** Most groups plan this far ahead and the additional time allows the Shire to determine priority to ensure equity.

### **2.27 Community Grants Scheme**

It is recommended that this policy is revoked.

**Reason:** This scheme has been replaced by a new scheme, covered in Policy 2.47 Community Grant Funding Scheme Policy, adopted by Council on April 27 2016.

### **2.36 Closed Circuit Television**

**Change** Under 'Principles', and the list of standards, add:

- 'State CCTV Strategy
- ANZPAA Police Recommendations for CCTV Systems, including variations under the State CCTV Strategy.'

Delete:

- Western Australia CCTV guidelines, WA State Government Office of Crime Prevention.
- Western Australia Police Preferred Minimum CCTV System standards.

Reason: State CCTV Strategy was introduced in 2015. Former WA CCTV guidelines and system standards have been superseded.

### **2.38 Infrastructure Asset Management Policy**

Change: Significant revisions are recommended to this policy. The revised policy to read as follows:

#### **1 Objective**

To set guidelines for implementing consistent asset management processes throughout Donnybrook-Balingup Shire and to ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining asset management awareness throughout the organisation by training, development and resourcing.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified, and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

#### **2 Scope**

This policy applies to all Council activities.

#### **3 Policy**

##### **3.1 Background**

- 3.1.1 Council is committed to resourcing and implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.
- 3.1.2 Council owns and uses non-current assets to support its core business of delivery of service to the community.

- 3.1.3 Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.
- 3.1.4 Adopting asset management principles will assist Council in achieving its Strategic Longer-Term Plan and Long Term Financial objectives.
- 3.1.5 A strategic approach to asset management will ensure that the Council resources and delivers the most appropriate level of service through its assets. This will provide positive impact on;
  - Members of the public and staff;
  - Council's financial position;
  - The ability of Council to deliver the agreed level of service and infrastructure;
  - The political environment in which Council operates; and
  - The legal liabilities of Council.

### **3.2 Principles**

- 3.2.1 A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.
- 3.2.2 All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.
- 3.2.3 Asset management principles will be integrated within existing planning and operational processes.
- 3.2.4 Asset Management Plans will be developed for the major service and asset categories:
  - Transport (including):
    - Roads (Pavement , Subgrade, Surface Structure)
    - Kerb & Surface Water Channel
    - Footpaths & Cycleways
    - Drainage (Culverts & Pits)
    - Bridges
  - Property (including):
    - Buildings
    - Freehold Land
    - Furniture & Equipment
  - Recreation (including):
    - Parks & Gardens
    - Playground Equipment
    - Recreation Facilities
  - Plant & Equipment

- Heavy
- Light
- Equipment
- Waste Management
  - Landfill sites
  - Transfer stations

The plans will be informed by community consultation and financial planning and reporting.

- 3.2.5 An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
- 3.2.6 Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long term financial plans will be priority considerations for full funding in the annual budget estimates.
- 3.2.7 Service levels agreed through the budget process and defined in adopted Asset Management Plans will be priority considerations for full funding in the annual budget estimates.
- 3.2.8 Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- 3.2.9 Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- 3.2.10 Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- 3.2.11 Future service levels will be determined in consultation with the community.
- 3.2.12 Training in asset and financial management will be provided for councillors and relevant staff.

#### **4.0 Legislation**

- Local Government Act 1995.
- Regulations under the Act.

#### **5.0 Related Documents**

- Asset Management Strategy and associated Asset Management Plans.

#### **6.0 Responsibility**

- Council is responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets. Council will also determine the level of service for each asset class.
- The Chief Executive Officer (CEO) has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.
- The Asset Management Team (AMT) consisting of the CEO, Manager of Finance and Administration (MFA), Manager of Works & Services (MWS), Manager of Development and Environmental Services (MDES) is responsible for ensuring that Council's Asset Management Strategy is achieved and that Asset Management Plans are prepared and maintained in line with Council's Policy on Asset Management.
- Manager Finance and Administration (MFA) is responsible for resource allocation associated with achieving Council's Asset Management Strategy. The MFA reports to the CEO in relation to Asset Management resource allocation.
- Manager Development and Environmental Services (MDES) is responsible for supporting and facilitation of the AMT and ensuring that resources are commissioned to assist the AM Working Group achieve its objectives. The MDES reports to the CEO on all matters relating to Asset Management.
- All Managers are responsible for ensuring that the resources under their control are appropriately allocated to resource asset management and in particular the Asset Management Team. All Managers report to the CEO on all matters relating to Asset Management under their area of control.

## **7.0 Consultation**

The Shire of Donnybrook-Balingup will engage the community and key stakeholders to assist in determining the levels of service outcomes for infrastructure and assets.

## **8.0 Review Date**

This policy will be reviewed annually in line with normal Council Policy review.”

Reasons: The original policy was adopted in 2010. Since May 2015 it has become apparent that more specifically worded policy objectives would provide better direction for staff and greater clarity to the community than a general statement. The revised policy has been formulated using the IPWEA National Asset Management System template, amended to suit the Shire's needs where necessary.

The number of asset classes has been reduced from nine to five, comprising transport, recreation, plant & equipment, property and waste management.

The revised policy reinforces Council's commitment to developing Asset Management to a major corporate function with the necessary resources provided to ensure it is implemented in a systematic way.

The revised policy also clarifies that:

- Asset renewals required to meet agreed service levels and identified in Asset Management Plans and the Long Term Financial Plan will be priority considerations for full funding in the annual budget.
- Maintaining service levels (once agreed by Council) will be priority considerations for full funding in the annual budget.

#### **2.41 Governance of Administration Bonds**

Change: Remove all references to the Tuia Lodge Board (7 instances).

Reason: The Board's delegated authority was rescinded by Council on November 19, 2015.

#### **2.44 Occupational Safety and Health**

Change: Under 'Scope', remove the word 'Councillors'.

Reason: OSH legislation applies to employers, employees and contractors.

#### **2.45 Organisational Risk Management**

Change: Under 'Policy' paragraph 2, delete- 'will form part of the Strategic, operational, Project and Line Management responsibilities'.  
Replace with- 'shall, wherever possible, form part of all activities and functions of the Shire, including adopted policies and procedures.'

Reason: To broaden the application of risk management principles.

### **3.0 Finance**

#### **3.4 Investment of Funds**

Change: Under 2, 'Delegation of Authority', delete- 'senior staff or Manager Finance & Administration' and replace with- 'to another staff member'.

Reason: To provide flexibility in all circumstances.

Change: Under 7, 'Risk Management Guidelines', b), delete the paragraph- 'Investment fixed for greater than 12 months are to be approved by Council and reviewed on a regular term and invested for no longer than 5 years'.

Alter timeframes in the table 'Term to Maturity Framework' accordingly.

Reason: Change necessary to comply with the maximum terms of investment permissible under Regulation 19C of the Local Government (Financial Management) Regulations 1996.

Change: Under 12, 'Administration' delete point 4 – 'Details of investment transfers, other than investment renewals, are to be included in the list of accounts presented at the next Ordinary Meeting of Council to be received and included in the minutes of the meeting'.

Reason: Covered under point 5 of the policy (now point 4).

### **3.6 Tuia Lodge Accommodation Bond Liquidity Strategy**

Insert up to date attachment – *Liquidity Requirements*.

### **3.7 Use of Corporate Credit Cards**

Change: Under 'Policy' – all references to 'credit cards' (plural) changed to 'credit card' (singular). Remove 'senior management at Tuia Lodge'.

Reason: Local Government Operational Guideline No 11 – *Use of Corporate Credit Cards* states that the local government should approve the provision of a credit card to the CEO, and establish a set of conditions for its use, but it is then up to the CEO to approve the provision of credit cards to other employees.

Change: Remove dot points 3-5

Reason: These operational details are covered in the relevant management directive.

Change: Maximum limit for any single purchase on a corporate credit card increased from \$2,000 to \$2,500.

Reason: The original figure was set in 2013. Increased allowance provides greater flexibility.

Change: Insert a new dot point: In using the above card or when delegating the use of corporate credit cards to other officers of the Shire, the CEO is always to be cognisant of the contents of the Local Government Operational Guideline No 11.

Reason: To ensure current best practice is applied.

Change: Under 'Policy Application and Procedure' – remove references to other credit cards.  
Delete paragraph regarding the issue of other credit cards and paragraph regarding the register of credit cards.



Reason: These operational details are dealt with in the relevant management directive.  
Change: Surrendered credit cards are to be returned to the Shire Accountant, not the Manager of Finance.

Reason: This reflects current and correct practice.

### **3.10 Payment for Private Works Performed by the Shire**

This proposed policy is based on and replaces Engineering Policy 4.10, as follows:

#### **“Objective**

To provide an outline of payment requirements when engaging the Shire in private works.

#### **Payment for Private Works Performed**

Upon request of all private works, the CEO is to prepare a cost estimate of the works to be undertaken, which may be paid for by the applicant:

1. in full, before the work commences;
2. in the form of a bank guarantee before commencing work, with progress payments being made through the construction period and the bank guarantee being reduced accordingly; or
3. in the form of a purchase order or other acceptable guarantee to the satisfaction of the CEO.

With amounts greater than \$2,000, a 50% payment must be received prior to the works commencing, unless this requirement is waived by the CEO.

True costs of works are to be invoiced as calculated by reference to the current fees & charges adopted by Council.

Any major private works with a total cost of \$20,000 (including GST) or more are to be brought to the notice of Councillors for information.”

\* \* \*

Reason: the policy deals with how payments for work are managed and, as such, is a finance policy not an engineering policy.

### **4.0 Engineering**

#### **4.10 Payment for Private Works Performed by Council Works Staff**

It is recommended that this policy is revoked and replaced by Finance Policy 3.10.

Reason: the policy deals with how payments for work are managed and, as such, is a finance policy not an engineering policy.

#### **4.15 Installation of Underground Power Lines**

It is recommended that this policy is revoked.

Reason: This is essentially a work procedure. The policy element is dealt with in 4.22 – *Requirements for Subdivisional and Land Developments*.

#### **4.16 Pipes and Other Services Beneath Roads**

It is recommended that this policy is revoked.

Reason: This is essentially a work procedure. The policy element is dealt with in 4.22 – *Requirements for Subdivisional and Land Developments*.

#### **4.17 Rural and Rural Residential Road Standards.**

It is recommended that this policy is revoked.

Reason: This policy has been significantly modified and renamed as Engineering Policy 4.22 – *Requirements for Subdivisional and Land Developments*.

#### **4.22 Requirements for Subdivisional and Land Developments**

This proposed policy is based on 4.17 and also contains the policy elements of 4.15 and 4.16 as follows:

##### **“Requirements for Subdivisional and Land Developments**

##### **Objective**

To ensure future Shire of Donnybrook-Balingup infrastructure assets created by subdivision or land development are:

- Designed to function effectively and efficiently throughout their economic lifecycle;
- Designed to maintain functionality and are beneficial to the community;
- Meeting or exceeding relevant Australian Standards;
- Provided in a planned, cost efficient and timely manner;
- minimising adverse effects on the natural and built environment and downstream natural environmental values;
- allowing for future developments and maintenance liability.

##### **Policy**

All works associated with subdivision and land development within the Shire of Donnybrook-Balingup shall comply with (or exceed) the minimum standards specified in the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development, Edition 2.2, and any subsequent updated versions.

The Manager of Works or Services may refer to relevant Australian Standards or typical Local Government requirement if they consider the outlined document does not address the requirement fully.

Where appropriate, minimum standards should be encouraged to be exceeded, particularly where cost-efficiencies and longevity of materials and infrastructure provide longer-term economic advantage.

Specific to the Shire of Donnybrook-Balingup, roads created within a subdivision shall be sealed when:

- The vehicle count per day exceeds 32 VPD beyond a given point. The VPD shall be calculated from (No. of lots x 8).
- The topography is such that sealing is desirable. For example:
  - Grades in excess of 8% shall be sealed.
  - Radii under 120 m shall be sealed.
  - Crest with a design speed below 80 kph shall be sealed.
- The dust from moving traffic creates a social or environmental problem.”

## **5.0 Building**

### **5.9 Requirement for Survey**

Change: Under ‘Policy’ insert the following-  
“It is the responsibility of the building permit holder to establish survey to ensure that development complies with statutory building setbacks.”

Reason: To clarify whose responsibility it is to obtain a survey.

Change: In point (1), delete the word ‘vacant’ from ‘vacant town lots’;

Reason: the policy applies to all town lots where development is to occur.

Change: In point (2) delete the word ‘rural’ and the words ‘residential or commercial’, to read- ‘All lots on which new building development is proposed...’

Reason: The policy applies to all lots and any type of building development.

## **6.0 Health**

### **6.1 Leach Drain Installations**

It is recommended that this policy be revoked.

Reason: This policy is of no benefit. Site conditions dictate the invert requirement for leach drains and the Environmental Health Officer can set conditions as he/she sees fit under the *Health Act 1911*.

## **7.0 Tourism**

No changes proposed.

## **8.0 Fire Control**

No changes are proposed to Fire Control policies.

## **9.0 Town Planning**

No changes are proposed to Town Planning policies at this stage. Policies will be further reviewed once changes to the Local Planning Scheme have been made and advertised, as required.

### **Policy/Statutory/Voting Implications**

N/A

### **Financial Implications**

N/A

### **Strategic Implications**

Strategic Community Plan Outcome 4.3 – An open and accountable local government that is respected, professional and trusted.

### **Council Decision**

#### **(Officer's Recommended Resolution)**

**Moved: Cr Dilley**

**Seconded: Cr Bailey**

**That Council resolve to adopt the following policy amendments –**

#### **1.0 Council**

##### **1.1 Council Polices**

**Add: 1.1.14 All policies were reviewed on 26 or 28 April 2016**

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

**In the table outlining Council's matching contribution to superannuation; delete the first two lines which refer to Tuia Lodge staff. In the third row, delete 'other staff' and replace with 'all staff'.**

#### **2.0 Administration**

##### **2.1 Hiring of Council Hall Equipment or Other Property**

**Under the heading 'Policy' add: 'This policy applies to equipment in the Donnybrook and Balingup halls and the Donnybrook Recreation Centre.**

**Delete: "Hall equipment is to remain within the hall and' and replace with 'Equipment'.**

**Under (a) Crockery and Cutlery, change the wording to read: Crockery and Cutlery is available for hire only within the hall to which it has been assigned, at the ruling rate hire of charge. It may not be transferred from one hall to another and is not available for hire outside of a Council facility.**

**2.17 Support for the Arts – Acquisition and Prizes  
This policy is revoked.**

**2.18 Volunteers  
Add point 3 – ‘Where possible reasonable adjustments will be made to either a process, practice or environment to enable a volunteer with disability to engage in voluntary activity in a way that is safe and minimises the impact of their disability’.**

**2.21 Regional Price Preference  
Under ‘Local Preference’, remove ‘Collie’.**

**Under ‘Local Preference’ insert:  
‘1) When the supplier is located within the Shire of Donnybrook-Balingup.’ and, after points a) b) and c), insert: 2) ‘When the supplier is located within the Shire of Boyup-Brook, 2.5% shall be applied in all cases.**

**2.22 Youth Grants  
This policy is revoked.**

**2.23 Donnybrook Amphitheatre  
This policy is revoked.**

**2.24 Community Events Boards  
Under 2.24.3 Application Process, item 1, change 2 weeks to 2 months.  
Under item 2, delete ‘or when and where space available’ to ‘on the agreed date’.**

**2.27 Community Grants Scheme  
This policy is revoked.**

**2.36 Closed Circuit Television  
Under ‘Principles’, and the list of standards, add:**

- **‘State CCTV Strategy**
- **ANZPAA Police Recommendations for CCTV Systems, including variations under the State CCTV Strategy’.**

**Delete:**

- **Western Australia CCTV guidelines, WA State Government Office of Crime Prevention.**

- **Western Australia Police Preferred Minimum CCTV System standards.**

## **2.38 Infrastructure Asset Management Policy**

The revised policy is to read as follows:

### **“1 Objective**

To set guidelines for implementing consistent asset management processes throughout Donnybrook-Balingup Shire and to ensure adequate provision is made for the long-term replacement of major assets by:

- Ensuring that Council’s services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial resources for those assets.
- Creating an environment where all Council employees take an integral part in overall management of Council assets by creating and sustaining asset management awareness throughout the organisation by training, development and resourcing.
- Meeting legislative requirements for asset management.
- Ensuring resources and operational capabilities are identified, and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

### **2 Scope**

This policy applies to all Council activities.

### **3 Policy**

#### **3.1 Background**

- 3.1.1 Council is committed to resourcing and implementing a systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council’s priorities for service delivery.**
- 3.1.2 Council owns and uses non-current assets to support its core business of delivery of service to the community.**

- 3.1.3 Asset management practices impact directly on the core business of the organisation and appropriate asset management is required to achieve our strategic service delivery objectives.**
- 3.1.4 Adopting asset management principles will assist Council in achieving its Strategic Longer-Term Plan and Long Term Financial objectives.**
- 3.1.5 A strategic approach to asset management will ensure that the Council resources and delivers the most appropriate level of service through its assets. This will provide positive impact on;**
  - Members of the public and staff;**
  - Council’s financial position;**
  - The ability of Council to deliver the agreed level of service and infrastructure;**
  - The political environment in which Council operates; and**
  - The legal liabilities of Council.**

### **3.2 Principles**

- 3.2.1 A consistent Asset Management Strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.**
- 3.2.2 All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.**
- 3.2.3 Asset management principles will be integrated within existing planning and operational processes.**
- 3.2.4 Asset Management Plans will be developed for the major service and asset categories:**
  - Transport (including):**
    - Roads (Pavement , Subgrade, Surface Structure)**
    - Kerb & Surface Water Channel**
    - Footpaths & Cycleways**
    - Drainage (Culverts & Pits**
    - Bridges**
  - Property (including):**
    - Buildings**
    - Freehold Land**
    - Furniture & Equipment**
  - Recreation (including):**
    - Parks & Gardens**
    - Playground Equipment**

- **Recreation Facilities**
- **Plant & Equipment**
  - **Heavy**
  - **Light**
  - **Equipment**
  -
- **Waste Management**
  - **Landfill sites**
  - **Transfer stations**

**The plans will be informed by community consultation and financial planning and reporting.**

- 3.2.5 An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.**
- 3.2.6 Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long term financial plans will be priority considerations for full funding in the annual budget estimates.**
- 3.2.7 Service levels agreed through the budget process and defined in adopted Asset Management Plans will be priority considerations for full funding in the annual budget estimates.**
- 3.2.8 Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.**
- 3.2.9 Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.**
- 3.2.10 Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.**
- 3.2.11 Future service levels will be determined in consultation with the community.**
- 3.2.12 Training in asset and financial management will be provided for councillors and relevant staff.**

#### **4.0 Legislation**

- **Local Government Act 1995.**
- **Regulations under the Act.**



**5.0 Related Documents**

**Asset Management Strategy and associated Asset Management Plans.**

**6.0 Responsibility**

- **Council is responsible for adopting the policy and ensuring that sufficient resources are applied to manage the assets. Council will also determine the level of service for each asset class.**
- **The Chief Executive Officer (CEO) has overall responsibility for developing an asset management strategy, plans and procedures and reporting on the status and effectiveness of asset management within Council.**
- **The Asset Management Team (AMT) consisting of the CEO, Manager of Finance and Administration (MFA), Manager of Works & Services (MWS), Manager of Development and Environmental Services (MDES) is responsible for ensuring that Council's Asset Management Strategy is achieved and that Asset Management Plans are prepared and maintained in line with Council's Policy on Asset Management.**
- **Manager Finance and Administration (MFA) is responsible for resource allocation associated with achieving Council's Asset Management Strategy. The MFA reports to the CEO in relation to Asset Management resource allocation.**
- **Manager Development and Environmental Services (MDES) is responsible for supporting and facilitation of the AMT and ensuring that resources are commissioned to assist the AM Working Group achieve its objectives. The MDES reports to the CEO on all matters relating to Asset Management.**
- **All Managers are responsible for ensuring that the resources under their control are appropriately allocated to resource asset management and in particular the Asset Management Team. All Managers report to the CEO on all matters relating to Asset Management under their area of control.**

### **7.0 Consultation**

**The Shire of Donnybrook-Balingup will engage the community and key stakeholders to assist in determining the levels of service outcomes for infrastructure and assets.**

### **8.0 Review Date**

**This policy will be reviewed annually in line with normal Council Policy review.”**

### **2.41 Governance of Administration Bonds**

**Remove all references to the Tuia Lodge Board (7 instances).**

### **2.44 Occupational Safety and Health**

**Under ‘Scope’, remove the word ‘Councillors’.**

### **2.45 Organisational Risk Management**

**Under ‘Policy’ paragraph 2, delete- ‘will form part of the Strategic, operational, Project and Line Management responsibilities.**

**Replace with- ‘shall, wherever possible, form part of all activities and functions of the Shire, including adopted policies and procedures.**

## **3.0 Finance**

### **3.4 Investment of Funds**

**Under 2, ‘Delegation of Authority’, delete- ‘senior staff or Manager Finance & Administration’ and replace with- ‘to another staff member’.**

**Under 7, ‘Risk Management Guidelines’, b), delete the paragraph- ‘Investment fixed for greater than 12 months are to be approved by Council and reviewed on a regular term and invested for no longer than 5 years’.**

**Alter timeframes in the table ‘Term to Maturity Framework’ accordingly.**

**Under 12, ‘Administration’ delete point 4 – ‘Details of investment transfers, other than investment renewals, are to be included in the list of accounts presented at the next Ordinary Meeting of Council to be received and included in the minutes of the meeting’.**

### **3.6 Tuia Lodge Accommodation Bond Liquidity Strategy**

**Attachment ‘Liquidity Requirements’ is updated.**

### **3.7 Use of Corporate Credit Cards**

**Under ‘Policy’ – all references to credit cards (plural) changed to a single credit card. Remove ‘senior management at Tuia Lodge’.**

**Remove dot points 3-5**

**Maximum limit for any single purchase on a corporate credit card increased from \$2,000 to \$2,500.**

**Insert a new dot point: In using the above card or when delegating the use of corporate credit cards to other officers of the Shire, the CEO is always to be cognisant of the contents of the Local Government Operational Guideline No 11.**

**Under ‘Policy Application and Procedure’ – remove references to other credit cards.**

**Delete paragraph regarding the issue of other credit cards and paragraph regarding the register of credit cards.**

**Surrendered credit cards are to be returned to the Shire Accountant, not the Manager of Finance.**

**3.10 Payment for Private Works Performed by the Shire  
This proposed policy replaces Engineering Policy 4.10, as follows:**

**“Objective**

**To provide an outline of payment requirements when engaging the Shire in private works.**

**Payment for Private Works Performed**

**Upon request of all private works, the CEO is to prepare a cost estimate of the works to be undertaken, which may be paid for by the applicant:**

- 1. in full, before the work commences;**
- 2. in the form of a bank guarantee before commencing work, with progress payments being made through the construction period and the bank guarantee being reduced accordingly; or**
- 3. in the form of a purchase order or other acceptable guarantee to the satisfaction of the CEO.**

**With amounts greater than \$2,000, a 50% payment must be received prior to the works commencing, unless this requirement is waived by the CEO.**

**True costs of works are to be invoiced as calculated by reference to the current fees & charges adopted by Council.**

**Any major private works with a total cost of \$20,000 (including GST) or more are to be brought to the notice of Councillors for information.”**

## **4.0 Engineering**

**4.10 Payment for Private Works Performed by Council Works Staff**  
This policy is revoked.

**4.15 Installation of Underground Power Lines**  
This policy is revoked.

**4.16 Pipes and Other Services Beneath Roads**  
This policy is revoked.

**4.17 Rural and Rural Residential Road Standards**  
This policy is revoked.

**4.22 Requirements for Subdivisional and Land Developments**  
This policy is adopted as follows:-

**“Requirements for Subdivisional and Land Developments**

### **Objective**

To ensure future Shire of Donnybrook-Balingup infrastructure assets created by subdivision or land development are:

- **Designed to function effectively and efficiently throughout their economic lifecycle;**
- **Designed to maintain functionality and are beneficial to the community;**
- **Meeting or exceeding relevant Australian Standards;**
- **Provided in a planned, cost efficient and timely manner;**
- **minimising adverse effects on the natural and built environment and downstream natural environmental values;**
- **allowing for future developments and maintenance liability.**

### **Policy**

**All works associated with subdivision and land development within the Shire of Donnybrook-Balingup shall comply with (or exceed) the minimum standards specified in the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development, Edition 2.2, and any subsequent updated versions.**

**The Manager of Works or Services may refer to relevant Australian Standards or typical Local Government requirement if they consider the outlined document does not address the requirement fully.**

**Where appropriate, minimum standards should be encouraged to be exceeded, particularly where cost-efficiencies and longevity of materials and infrastructure provide longer term economic advantage.**

**Specific to the Shire of Donnybrook-Balingup, roads created within a subdivision shall be sealed when:**

- **The vehicle count per day exceeds 32 VPD beyond a given point. The VPD shall be calculated from (No. of lots x 8).**
- **The topography is such that sealing is desirable. For example:**
  - **Grades in excess of 8% shall be sealed.**
  - **Radii under 120 m shall be sealed.**
  - **Crest with a design speed below 80 kph shall be sealed.**
- **The dust from moving traffic creates a social or environmental problem.”**

## **5.0 Building**

### **5.9 Requirement for Survey**

**Under ‘Policy’ insert the following-**

**‘It is the responsibility of the building permit holder to establish survey to ensure that development complies with statutory building setbacks.’**

**In point (1), delete the word ‘vacant’ from ‘vacant town lots’;**

**In point (2) delete the word ‘rural’ and the words ‘residential or commercial’, to read- ‘All lots on which new building development is proposed...’**

## **6.0 Health**

### **6.1 Leach Drain Installations**

**This policy is revoked.**

**Carried 9/0**

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<b>12.5.3</b>	<b>SUBJECT:</b>	<b>AMENDMENT TO FINANCE DELEGATIONS 3.1 AND 3.2</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>ADM 11/3</b>
	<b>Author:</b>	<b>John Attwood - CEO (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>29 April 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

*Delegation 3.1 – ‘Payments from municipal and trust funds’, and Delegation 3.2 – ‘Payments of accounts without prior reference to Council’* both delegate authority to the CEO to make payments without prior reference to Council.

In both cases, the legislative authority to delegate is found in the *Local Government Act 1995* (s.5.42). The power exercised is found in the *Local Government (Financial Management) Regulations 1996* (Regulations 12 & 13).

### **Comment**

These two delegations have an extent of overlap, are confusing read in conjunction with one another and, in the case of Delegation 3.2, contain elements of day-to-day accounting procedures which are solely the responsibility of the Chief Executive Officer. The recommended new delegation replaces both of the former ones and is intended to streamline the provisions.

As the use of a corporate credit card by the CEO is a form of ‘payment without reference to Council’ its use is now incorporated into the delegation for the sake of completeness, albeit the detail in this regard is held separately in Finance Policy 3.7.

The new delegation will now read:

#### **Delegation 3.1 Payments from Municipal and Trust Funds.**

- Legislative Authority to Delegate – Local Government Act 1995 (s.5.42)
- Power Exercised: Local Government (Financial Management) Regulations 1996 (Regulations 12 & 13).

#### **‘Delegated Authority**

The Chief Executive Officer is delegated authority to approve payments from the municipal and trust funds without prior reference to Council. This delegation is to be exercised in the following manner:

### **1 Cheque Signatories**

Authority to sign municipal and trust fund cheques on behalf of the local government to be vested in the CEO and countersigned by the Manager of Finance and Administration with the Accountant signing in the absence of either person.

### **2 Electronic Funds Transfer (EFT)**

The Chief Executive Officer is authorised to approve payments via EFT for payroll and for lodging of investments in accordance with Council's Investment Policy and for the payment of creditors.

All EFT transactions will require "Bank Token" authorisation prior to processing. All transactions are to be supported by the written authorisation of the Chief Executive Officer and Manager of Finance and Administration, with the Accountant signing in the absence of either officer.

### **3 Corporate Credit Card**

Refer to Finance Policy 3.7.

This delegation is subject to a list of accounts so authorised and paid being prepared each month and submitted to the Council in accordance with Local Government (Financial Management) Regulation s.13(1).

The exercise of the power of delegation by the CEO in approving and paying accounts shall be recorded in the minutes of a Council Meeting. This will be performed by including the schedule of accounts paid in the minutes of the meeting.

The schedule of accounts, payment vouchers and supporting documentation is to be made available for inspection by Councillors prior to, or at an Ordinary Meeting of Council held on the 4<sup>th</sup> Wednesday of the month (or as advertised).'

### **Consultation**

N/A

### **Policy / Statutory / Voting Implications**

#### Policy

Nil

#### Statutory

Local Government Act (s5.42).

#### Voting

Absolute Majority

## Financial Implications

N/A

## Strategic Implications

Community Strategic Plan Outcome 4.3: An open and accountable local government that is respected, professional and trusted.

## Council Decision (Officer's Recommended Resolution)

**Moved: Cr Bailey**

**Seconded: Cr Mitchell**

**That Delegation 3.2 is revoked and revised Delegation 3.1 is adopted, as follows:**

**Delegation 3.1 Payments from Municipal and Trust Funds.**

- **Legislative Authority to Delegate – Local Government Act 1995 (s.5.42)**
- **Power Exercised: Local Government (Financial Management) Regulations 1996 (Regulations 12 & 13).**

**'Delegated Authority**

**The Chief Executive Officer is delegated authority to approve payments from the municipal and trust funds without prior reference to Council. This delegation is to be exercised in the following manner:**

### **1 Cheque Signatories**

**Authority to sign municipal and trust fund cheques on behalf of the local government to be vested in the CEO and countersigned by the Manager of Finance and Administration with the Accountant signing in the absence of either person.**

### **2 Electronic Funds Transfer (EFT)**

**The Chief Executive Officer is authorised to approve payments via EFT for payroll and for lodging of investments in accordance with Council's Investment Policy and for the payment of creditors.**

**All EFT transactions will require "Bank Token" authorisation prior to processing. All transactions are to be supported by the written authorisation of the Chief Executive Officer and Manager of Finance and Administration, with the Accountant signing in the absence of either officer.**

### **3 Corporate Credit Card**

**Refer to Finance Policy 3.7.**



**This delegation is subject to a list of accounts so authorised and paid being prepared each month and submitted to the Council in accordance with Local Government (Financial Management) Regulation s.13(1).**

**The exercise of the power of delegation by the CEO in approving and paying accounts shall be recorded in the minutes of a Council Meeting. This will be performed by including the schedule of accounts paid in the minutes of the meeting.**

**The schedule of accounts, payment vouchers and supporting documentation is to be made available for inspection by Councillors prior to, or at an Ordinary Meeting of Council held on the 4<sup>th</sup> Wednesday of the month (or as advertised).'**

**Carried 9/0  
By Absolute Majority**

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<b>12.5.4</b>	<b>SUBJECT:</b>	<b>COUNCIL COMMITTEE – PROPOSED “DONNYBROOK-BALINGUP HEALTH, AGED CARE AND HOUSING COMMITTEE”</b>
	<b>Location:</b>	<b>Shire of Donnybrook/Balingup</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL 28</b>
	<b>Author:</b>	<b>John Attwood – CEO (<i>Kate O’Keeffe Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>12 May 2016</b>
	<b>Attachments:</b>	<b>12.5.4 – Draft Terms of Reference</b>

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### **Background**

The Australian Bureau of Statistics indicates that Donnybrook-Balingup's portion of aged population (55 years and over) is estimated at 34.8% (as at 30 June 2013). 16.7 % of this population are comprised of Baby Boomers that are in the age group approaching retirement and 18.1% are of retirement age. As the population ages more thought and planning needs to be given to ensure the proper services and facilities are available within the Shire to cater for this demographic.

### **Comment**

A committee comprised of people with diverse experience and a common interest in planning and developing the Shire's aged and health care services would assist Council in making sure the current and future decisions support the Shire's aging population.

If approval is given for the formation of this Committee draft Terms of Reference would be as follows:

To provide a forum to identify and discuss issues, and provide advice to Council on current, emerging, and future requirements regarding:

- Hospital and Allied Health Services: to identify issues which impact on the health care of the Shire's senior population;
- Aged housing requirements: including residential, well-aged, and frail aged housing to maintain sustainability and support future growth; and
- Assess the financial and management operations of Tuia Lodge.

## **Consultation**

N/A

## **Policy/Statutory/Voting Implications**

### Policy/Statutory

Section 5.8 of the *Local Government Act 1995* empowers Council to establish committees of 3 or more persons to assist the Council in exercising its powers and discharging its duties, absolute majority is required to establish a committee.

Council Policy 1.15 Committee Membership: To ensure membership on Council Committees is fair and equitable and Committee appointments reflect desired skills required the following is applicable:

1. As a general rule, Council will advertise locally for all positions on Council Committees other than for Committees with Council members only.
2. Where Council is seeking particular expertise on a Committee, Council may resolve not to advertise and select and appoint members with appropriate skills.
3. Committee membership is for a two year term in line with the election cycle.

### Voting

Voting Implications - Absolute Majority

## **Financial Implications**

There will be an administrative cost to Council as formal agendas and minutes for the proposed Donnybrook-Balingup Health, Aged Care and Housing Advisory Committee will need to be prepared and staff may or may not be required to attend meetings.

## **Strategic Implications**

Outcome 4: *Open and accountable local government*

The appointment of Council Committees will maintain positive relationships with the community and ensure open and accountable local government.

### Officer's Recommended Resolution

**Moved: Cr Crowley**

**Seconded: Cr Van Der Heide**

1. That Council create a new committee "Donnybrook-Balingup Health, Aged Care and Housing Advisory Committee".
2. That the Donnybrook-Balingup Health, Aged Care and Housing Advisory Committee be comprised of four community representatives and three Councillors.
3. That Council nominate Councillors \_\_\_\_\_ to the Donnybrook-Balingup Health, Aged Care and Housing Advisory Committee. (Cr \_\_\_\_\_ to act as proxy)
4. That Terms of Reference for the Donnybrook-Balingup Health, Aged Care and Housing Advisory Committee be endorsed by Council.
5. That the success, value, cost and staff workloads in relation to supporting the Committee be reviewed in 12 months.
6. That in the first instance Council will advertise for community representatives however may invite persons with a particular interest if it is deemed this will strengthen the membership.

\_\_\_\_\_  
**By Absolute Majority**

Cr Mills raised a procedural motion to let the matter lie on the table until the new Shire CEO commences.

### Procedural Motion

**Moved: Cr Mills**

**Seconded: Cr Bailey**

**That the motion lie on the table.**

**Carried 5/4**

\*\* 7.59 Cr Tan left the meeting

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## 12.6 Recall Items

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12.6.1	<b>SUBJECT:</b>	<b>CONFIDENTIAL: UPPER BALINGUP BUSH FIRE BRIGADE FIRE CONTROL OFFICER</b>
	<b>Location:</b>	Upper Balingup
	<b>Applicants:</b>	Shire of Donnybrook-Balingup
	<b>Zone:</b>	N/A
	<b>File Ref:</b>	FRC 02/7
	<b>Author:</b>	Leigh Guthridge – Manager Development and Environmental Services
	<b>Report Date:</b>	9 March 2016

### Background

Council considered the confidential report – Upper Balingup Bushfire Brigade Fire Control Officer at the Ordinary Council meeting held on 23 March 2016.

### Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A the above report remained confidential as “a matter that if disclosed could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law”.

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council agenda.

This matter has now been finalised.

### Consultation

N/A

### Policy/Statutory/Voting Implications

#### Policy

N/A

#### Statutory

The *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A

#### Voting

Simple Majority

### Financial Implications

N/A

### Strategic Implications

Outcome 4.3 of the Shire's *Strategic Community Plan* states "an open and accountable local government that is respected, professional and trusted".

### Council Decision (Officer's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Mills

**That the Council resolutions relating to the confidential report Upper Balingup Bushfire Brigade Fire Control Officer be made public.**

**Carried 5/3**

Cr Mitchell wished to have her vote against the resolution recorded.

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### 12.7 Confidential Items

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Nil

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### 13 CLOSURE OF MEETING

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The next Ordinary Council Meeting will be held on Wednesday, 22<sup>nd</sup> June 2016 commencing at 5.00pm in Donnybrook at a location to be advised.

The Shire President declared the meeting closed at 8.00pm.

<b>These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 22 June 2016.</b>		
<b>Shire President</b>		<b>Presiding Member</b>