



Ordinary Council Meeting

MINUTES

Held on Wednesday, 27 July 2016

Commencing 5.02pm at the Seniors Room
Donnybrook Community Library
Cnr Bentley and Emerald Street, Donnybrook

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

Ben Rose
Chief Executive Officer

2 August 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.



ORDINARY COUNCIL MEETING MINUTES

27 July 2016

TABLE OF CONTENTS

PUBLIC GALLERY	4
1 APOLOGIES.....	4
2 PUBLIC QUESTION TIME	4
3 APPLICATION FOR LEAVE OF ABSENCE	7
4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST	8
5 PETITIONS/DEPUTATIONS/PRESENTATIONS	8
6 LATE ITEMS.....	8
7 CONFIRMATION OF MINUTES.....	8
7.1 Ordinary Council Meetings	8
8 DEFERRED ITEMS.....	8
9 ELECTED MEMBERS MOTIONS	8
10 MINUTES OF PREVIOUS MEETINGS	9
10.1 Committee Minutes	9
11 REPORTS OF COMMITTEES.....	9
11.1 Local Emergency Management Committee Meeting.....	9
11.1.1 SUBJECT: ADOPTION OF THE LOCAL EMERGENCY	
MANAGEMENT COMMITTEE – TERMS OF REFERENCE.....	9
12 REPORTS OF OFFICERS	11
12.1 Manager Finance and Administration.....	11
12.1.1 ACCOUNTS FOR PAYMENT	11
12.1.2 MONTHLY FINANCIAL REPORT.....	11
12.2 Manager Works and Services	11

12.2.1	SUBJECT: UPPER CAPEL ROAD – ROAD WIDENING	11
12.3	Manager Development and Environmental Services	13
12.4	Principal Planner	14
12.4.1	SUBJECT: PLANNING APPLICATION FOR OVERSIZE SHED IN RESIDENTIAL ZONE	14
12.4.2	SUBJECT: PROPOSED OMNIBUS AMENDMENT TO LOCAL PLANNING SCHEME NO.7	16
12.4.3	SUBJECT: PROPOSED AMENDMENT NO. 6 TO LOCAL PLANNING SCHEME NO.7	23
12.5	Chief Executive Officer.....	26
12.5.1	SUBJECT: CODE OF CONDUCT REVIEW.....	26
12.5.2	SUBJECT: WA LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING	28
12.5.3	SUBJECT: 2016 DONNYBROOK APPLE FESTIVAL – REFUND OF BOND ON THE HIRE OF EGAN PARK.....	34
12.6	Recall Items	38
12.7	Confidential Items.....	38
12.7.1	SUBJECT: UNIT 8 AND UNIT 13, PRESTON RETIREMENT VILLAGE	38
13	CLOSURE OF MEETING	39

SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING MINUTES

Held at the Seniors Room, Donnybrook Community Library
Wednesday, 27 July 2016 at 5.02pm

MEMBERS PRESENT

COUNCILLORS

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

STAFF

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

PUBLIC GALLERY

Terry Cobby
Steve Russell
Marie Woodley

Coral Cobby
Megan Baldock

Kobus Nieuwoudt
CB Knight

1 APOLOGIES

Nil

2 PUBLIC QUESTION TIME

Question taken on notice at the June 2016 Ordinary Council Meeting

Megan Baldock

I was told by the HR Officer that I had to go through the Freedom of Information process to access my personal individual training records.

CEO

This question was taken on notice and a response was provided in writing to Ms Baldock however as it is a staff-related matter the correspondence cannot be made public.

Questions received on notice prior to the July 2016 Ordinary Council Meeting

Kobus Nieuwoudt

*S.35(2) of Part 5 (Division 1) of the Planning and Development (Local Planning Schemes) Regulations 2015 [Resolution to prepare or adopt amendment to local planning scheme] states that a Council resolution **must** -*

*"...(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
(b) include an explanation of the reason for the local government forming that opinion."*

If the above is not included in Council's resolution tonight, does it mean that the Western Australian Planning Commission may instruct the Shire, at a later stage, to appropriately reflect same in a Council resolution?

Principal Planner

It is intended that that the amendment fall under the classification of a standard amendment. The Officer's Recommended Resolution can be modified to state this fact.

Kobus Nieuwoudt

My interpretation of Part 2 of the Officer's Recommended Resolution is that the Shire will not advertise the proposed amendment unless the document is modified to show the 3 things listed under 2 (a), (b) and (c). Is my understanding of the above correct?

Principal Planner

Yes, the three things listed under Item 2 of the Officer's Recommended Resolution need to be undertaken prior to advertising.

Kobus Nieuwoudt

(a) Given that the preparation and processing of a structure plan is a separate process under Part 4 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 [the deemed provisions for local planning schemes], how is Part 3 of the Officer's Recommended Resolution relevant to the request to initiate the proposed scheme amendment.

Principal Planner

This is provided as advice only.

Kobus Nieuwoudt

(b) Why has the Scheme Amendment Document I emailed to the Shire on 22 June not been included as an attachment to tonight's Agenda?

Principal Planner

Attaching the whole amendment document was not considered necessary in this case. The proposal is relatively straight forward and relevant background details are covered in the Council report.

Kobus Nieuwoudt

Pursuant to S.81 of the Planning and Development Act 2005, a local government who resolves to prepare or adopt an amendment to a local planning scheme, the local government is to refer the proposed amendment to the Environmental Protection Authority (EPA) for consent to advertise. I have no reason to believe that this will not be done (it has been cited in the report), however, is it possible to include it in tonight's Council's resolution?

Principal Planner

This matter is already addressed in Item 2 of the Officer's Recommended Resolution which states that advertising is to occur in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Regulation 47 makes reference to the need to satisfy Sections 81 and 82 of the *Planning and Development Act*. It is necessary to refer the proposed amendment to the EPA and obtain a decision from the EPA prior to starting public advertising.

Questions taken without notice at the July 2016 Ordinary Council Meeting

Christopher Knight

I seek confirmation that the Shire is the Approved Provider of Tuia Lodge?

President

Yes.

Christopher Knight

A fully qualified Facility Manager has been employed?

President

Yes.

Christopher Knight

The staff and management at the facility are under the obligation to abide by all laws under the Commonwealth Department of Health and state legislation?

President

Yes.

Christopher Knight

The Facility Manager is competent and able to comply with staffing and the management of Tuia Lodge. I would like to see the Facility Manager reporting directly to Council as the Approved Provider.

* 5.09pm – Cr Van Der Heide and Cr Mitchell left the meeting

President

Staffing issues are directed to Human Resources. All other issues are resolved by the Facility Manager.

Christopher Knight

I want to ensure issues get addressed locally.

President

Yes, this is in place.

* 5.15pm - Cr Van Der Heide and Cr Mitchell returned.

Steve Russell

Will you let the Chief Executive Officer manage staff issues?

President

Yes, staffing issues will be handled by the Chief Executive Officer and the Human Resource Officer.

Steve Russell

Will Council leave staffing issues to be handled by the Chief Executive Officer?

President

Yes, in line with the chain of command.

Megan Baldock

If staff had a problem with senior management can we go to Council if we are not happy with how the issue is being handled?

President

No, all issues should be directed to the Chief Executive Officer and the Human Resource Officer.

Megan Baldock

The Commonwealth Health Department views Council as the Approved Provider; it's very confusing, who do we take our issues to if we are not happy with how they are being handled by senior management?

Chief Executive Officer

Your question will be taken on notice and a written response will be provided.

3 APPLICATION FOR LEAVE OF ABSENCE

Cr Tan requested a leave of absence from the Council meeting scheduled for 24 August 2016.

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

Cr Bailey declared an Interest Affecting Impartiality on item - 12.4.2 - Proposed Omnibus Amendment to Local Planning Scheme No.7 as he is a Real Estate Agent.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Kobus Nieuwoudt presented to Council on Item 12.4.3 – Proposed Amendment No.6 to Local Planning Scheme No. 7, in particular the requirements set out in item 2 of the officer’s recommended resolution. The presentation commenced at 5.14pm and concluded at 5.18pm.

6 LATE ITEMS

Nil

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meetings

Council Decision

Moved: Cr Mills

Seconded: Cr Bailey

That the minutes of the ordinary meeting held on 22 June 2016, with an amendment to the time Cr Mitchell left and returned during Public Question Time, and the minutes of the Special Council Meeting held on 5 July 2016 be confirmed as a true and accurate record.

Carried 9/0

8 DEFERRED ITEMS

Nil

9 ELECTED MEMBERS MOTIONS

Nil

10 MINUTES OF PREVIOUS MEETINGS

10.1 Committee Minutes

Council Decision

Moved: Cr Bailey

Seconded: Cr Crowley

That the following Committee minutes be received:

- Local Emergency Management Committee Meeting – 28 June 2016
- Preston Village Project Management Team Meeting – 21 July 2016

Carried 9/0

11 REPORTS OF COMMITTEES

11.1 Local Emergency Management Committee Meeting

11.1.1	SUBJECT:	ADOPTION OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE – TERMS OF REFERENCE
	Location:	Shire of Donnybrook-Balingup
	Applicant:	N/A
	Zone:	N/A
	File Ref:	CSV 20
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	22 June 2016
	Attachments:	11.1.1 - Draft Terms of Reference

Background

The Shire of Donnybrook-Balingup (The Shire) does not have terms of reference to support the meeting procedures of the Local Emergency Management Committee (LEMC).

The Terms of Reference establishes the agreed roles and functions of the LEMC, both collectively and for individual members. It is utilised by the LEMC and the Shire to ensure that the LEMC is governed responsibly.

Comment

A draft Terms of Reference has been developed to provide structure in the following areas:

- Objectives and responsibilities
- Membership and proxy arrangements

- Voting and quorum
- Meeting frequency and structure
- Agenda and minutes

Other modifications can be incorporated into the draft terms of reference before the terms of reference is presented to Council at its July 2016 ordinary meeting for adoption.

Consultation

The LEMC has reviewed and endorsed the draft Terms of Reference with a recommendation to Council for final approval.

Policy/Statutory/Voting Implications

Voting Implications

Simple majority

Financial Implications

Nil

Strategic Implications

Outcome 3.4 - Maintain and improve the provision of emergency services.

Cr Dilley advised that the South West Fruit Growers Association, listed in the Draft Terms of Reference, is no longer running.

Council Decision

(Committee's Recommended Resolution)

Moved: Cr Crowley

Seconded: Cr Dilley

That Council adopt the Shire of Donnybrook-Balingup Local Emergency Management Arrangements Terms of Reference dated 27 July 2016.

Carried 9/0

The project requires the creation of road widenings, and closure of a portion of existing road reserve within the State Forest to facilitate the upgrade of the road.

Comment

The dedication and closure of a road is undertaken in accordance with sections 56 and 58 of the *Land Administration Act 1997 (LAA 1997)*.

As part of the process to acquire the land for road purposes under this legislation, the Shire is required to obtain Council's consent to the excision of the road widenings, and for these portions of land to be dedicated as road reserve.

Council consent is also required for the road closure as per Section 58 of the LAA 1997. As part of the process the closure proposal is required to be advertised for a period of at least 35 days. If no objections are received, a request will be made to the Minister for Lands to approve the proposal. If objections are received, the matter will be brought back to Council for further consideration.

The required road widenings, and road closure, are detailed on the draft deposited plan 409116 sheets 1 and 2 (refer attachment 12.2.1).

A copy of the Council's resolution with direct reference to Section 56 and 58 of the LAA 1997 is required by the Department of Lands to proceed with this process.

Consultation

Shire staff has consulted with Department Parks and Wildlife and the Department of Lands in relation to this project.

Policy/Statutory Implications

Section 56 of the LAA 1997.

Section 58 of the LAA 1997.

Voting Implications

Simple majority

Financial Implications

All costs to undertake the required task are funded out of the Road Project Budget.

Strategic Implications

The following outcomes from the Strategic Community Plan relate to this proposal:

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 Bailey

Seconded: Cr Dilley

- 1. In accordance with Section 56 of the Land Administration Act (1997), Council endorse the road widenings as shown on the Draft Deposited Plan 409116, sheets 1 and 2, and for these portion to be dedicated as road reserve.**
- 2. That Council initiates road closure proceedings to close a portion of the Upper Capel Road Reserve as shown on the Draft Deposited Plan 409116, sheets 1 and 2, in accordance with Section 58 of the Land Administration Act 1997.**
- 3. That Council, subject to receiving no formal objections to the closure of a portion of the Upper Capel Road Reserve during the advertising period, resolves to request the Minister for Lands to close the portion of Upper Capel Road as shown on Draft Deposited Plan 409116, sheets 1 and 2.**
- 4. That Council indemnifies the Department of Lands against any costs and claims associated with the road dedication and closure.**
- 5. Authorise the Chief Executive Officer to implement items 1 to 4 above.**

Carried 9/0

12.3 *Manager Development and Environmental Services*

Nil

12.4 Principal Planner

12.4.1	SUBJECT:	PLANNING APPLICATION FOR OVERSIZE SHED IN RESIDENTIAL ZONE
	Location:	Lot 119 (No.3) Kincaig Street, Donnybrook
	Applicants:	Mr G and Mrs Angela McCulloch
	Zone:	Residential
	File Ref:	A4820
	Author:	Bob Wallin (Principal Planner)
	Report Date:	5 July 2016
	Attachments:	12.4.1 – Site Plan

Background

The proposal is for a 72m² shed at Lot 119 Kincaig Street, Donnybrook. The shed is to be located at the rear of an existing residence (see Attachment 12.4.1) and will have dimensions of 9m x 8m.

The land has an area of 936m² and zoned “Residential” with a density code of R30.

The proposed development requires Council approval as it varies from *Town Planning Policy 9.4 - Outbuilding Control*.

Town Planning Policy 9.4 outlines a maximum total outbuilding floor area of 70m² for lots below 1200m². The Policy requires Council to approve any variation above the 70m² (72m² proposed).

Comment

The proposal is for a very minor departure from Town Planning Policy 9.4. It will be difficult to observe any material difference between 70m² and 72m². The proposed shed size reflects a standard shed design and it is expensive to redesign to make it 70m².

The proposed variation is consistent with the changes proposed in Amendment 4 to Local Planning Scheme 7 (LPS7). This Amendment seeks to introduce scope for variations on floor areas of up to 10% subject to satisfying criteria. The proposal will comply with the requirements of expressed in Amendment 4.

Consultation

The proposal has been advertised in accordance with Shire policy. No submissions have been received.

Policy/Statutory/Voting Implications

Policy

9.4 – Outbuilding Control. The proposal reflects a minor departure from the Policy.

Statutory

The land is zoned Residential under LPS7. Clause 10.2 of LPS7 outlines a range of matters to be considered by Council. The proposal does not raise any specific issues contained within Clause 10.2. Clause 5.17 of LPS7 requires Council to consider impacts of built form on the streetscape setting. The proposed shed does will not be out of character or scale in the locality when having regard to the local streetscape setting.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

Outcome 2.8 – Our town sites are attractive, well presented and maintained.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Crowley

That Council grant planning consent for a 72m² shed at Lot 119 Kincaig Street, Donnybrook subject to the following conditions:

General Conditions

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

ADVICE TO THE APPLICANT

Note 1:

If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*.

A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.

Note 2:

An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local government prior to any construction works commencing on-site in relation to this determination.

Note 3:

If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Carried 9/0

12.4.2	SUBJECT:	PROPOSED OMNIBUS AMENDMENT TO LOCAL PLANNING SCHEME NO.7
	Location:	Various
	Applicants:	N/A
	Zone/Reserve:	Various
	File Ref:	TP17 Amd4
	Author:	Bob Wallin (Principal Planner)
	Report Date:	5 July 2016
	Attachments:	12.4.2(1) - Draft Amendment report 12.4.2(2) - Schedule of Submissions

Background

Council, at the February 2016 Ordinary Meeting, resolved to advertise the above proposed amendment to Local Planning Scheme No.7. The advertising period has closed and Council is now required to make a recommendation for final approval (or otherwise).

This Amendment seeks to address a number of text changes to improve the effectiveness of Local Planning Scheme No.7 (LPS7) to control and guide town planning decisions.

The process for Amendments is broadly summarised in the following steps:

- Step 1) Council resolve to initiate the Amendment;
- Step 2) Council resolve to advertise the Amendment
- Step 3) Council to consider submissions and make a recommendation for final approval;
- Step 4) The WAPC makes a recommendation to Minister for Planning;
- Step 5) Minister for Planning grants final approval; and
- Step 6) Amendment gazetted and becomes part of Local Planning Scheme 7 (LPS7).

This Amendment is at Step 3.

In summary, the items considered in the proposed Amendment (Attachment 12.4.2(1)) are:

1. Inserting a new clause to enable R60 development to occur without the need for a commercial element for Commercial zoned land along Collins Street between Reserve and Station Streets, Donnybrook. This gives an improved incentive to retain and enhance existing character homes in this locality. This outcome is consistent with Council's adopted Local Area Plan for the locality.
2. Amend clause 5.54.8.1 to change the side and rear setback requirements to a uniform 20 metre standard for "Agricultural" zoned land. At present there are different setback requirements for rear and side boundaries. There is no easily explained rationale for this. The proposed change will ensure consistency with other Local Planning Schemes in the southwest.
3. Amend SU1 in Schedule 5 Special Use Zone by inserting additional conditions to control development such as defining maximum number of dwellings and specifying minimum development standards and controls that will apply. This relates to the "community" on the western edge of the Balingup townsite. The changes reflect Council's advice when making a decision for supporting an additional house at the "community". These changes will assist in introducing regular controls and address points about fire safety and maximum building numbers.
4. Amending clause 5.52.3.1 to remove potential to create lots below one hectare within established Rural Residential zoned areas. This reflects a stance taken by Council when assessing a Structure Plan modification to create four lots of approximately 5,000m² each at Perseverance Boulevard, Argyle. The change sets a limit on infill lot size to ensure that the established character within existing areas is retained and not eroded by higher density infill densities.
5. Amending Schedule 12 by inserting "moveable signs" (ie: shop front A frame signs) with associated criteria and maximum sizes. This eliminates the need for businesses to obtain a planning approval which usually costs as much as the sign itself. Criteria are set in place to ensure that safety and amenity will not suffer and enforcement of non-compliant signs can still occur.
6. Amending clause 5.44.2 (iii) by deleting the words "6.9" and replacing with "6.11". This is to fix a referencing error.
7. Inserting a new clause 5.23.3 to add floor area limits and wall heights for outbuildings for "Residential" zoned land. This is to provide a higher level of certainty and consistency for shed size limits within the Residential zone.

Comment

The key issue according to the public comments received relates to the removal of potential to create lots below 1 hectare in size. This matter is covered in the consultation section below.

While no public comment has been received on matters relating to the control of outbuildings in the "Residential" zone, this provides a good opportunity to fine tune the proposed provisions of the advertised Amendment document. The proposed provisions as they stand are inflexible. They provide specific floor area and wall height requirements with no room for any flexibility.

It is proposed that the wording of the provisions be changed to allow a 10% degree of flexibility on wall height and floor area. It is suggested that this variation would only apply when it can be shown that the structure will not be visible from the public realm or have very limited visibility and will be located behind existing building(s);

Another item that can be improved relates to moveable signs. A recent incident has highlighted the need to ensure signs are appropriately located and secured. It is suggested that additional criteria be added to moveable signs to enable exemption from planning approval.

Consultation

The Environmental Protection Authority (EPA) determined that it was not necessary to provide any advice or recommendations.

The advertising period attracted 31 submissions. These consist of 22 objections from local landowners/residents and nine submissions from Government agencies of either no objections or suggesting minor changes. Attachment 12.4.2(2) provides a summary of the issues raised and suggested way of responding.

The key issue of objection related to the proposal to remove all potential to create lots below 1 hectare within existing Rural Residential zoned land.

In summary, the points raised relate to:

- a) Concern that this proposed Amendment to LPS7 stems from a select group of people in one small part of the Shire and that these views should not dictate how the Shire should view subdivision control within all the Shire's Rural Residential zoned land;
- b) Removal of potential subdivision rights that people may wish to make use of in the future; and
- c) Issues associated with amenity, established character and landscape values can be addressed through appropriate conditions and controls.

In trying to establish a position, it is helpful to look at the starting point. This part of the proposed Amendment was a response to a Structure Plan proposal that proposed to create four lots of approximately 5,000m² each. This was refused by the Shire (May 2015) and the Western Australian Planning Commission (WAPC). The applicant requested a review by the State Administrative Tribunal (SAT). SAT directed the WAPC to consider a revised proposal of three lots. This has been approved.

Previously, in February 2015, Council initiated an Omnibus Amendment which included new provisions to strengthen and further limit the circumstances in which subdivision below 1 hectare was considered to be acceptable. These changes were gazetted in March 2016.

The wording of clause 5.52.3.1 (iv) currently restrict lots below 1 hectare where:

- “...(b) The topography, landscape or road alignments provide settings that lend themselves to creating attractive higher density nodes that do not materially erode the established rural residential character of the locality or increase the visibility of higher density built form on the streetscape;*
- (c) Supported by landscaping and building envelope plans providing clear direction on how additional built form will be screened and sensitively located to mitigate impacts of built form intrusion on the natural setting;*
- (d) Supported by land capability assessments to confirm suitability to accommodate on-site effluent disposal.”*

This clause provides the statutory framework needed to stop any future infill subdivision below 1 hectare where it cannot clearly demonstrate how it will meet the criteria. It was always intended to be used in exceptional circumstances and now this position is clearly expressed and can be consistently enforced.

It is clear that there is not a united position on this topic from the public perspective. Previously, some local residents strongly objected to a Structure Plan in Perseverance Boulevard. Now some residents strongly object to removing the very limited potential for creating lots below 1 hectare. It is noted that a number of the objections are in the form of a standard pro-forma.

In working out how to decide on this matter, it may help to think about the following points:

- 1) The town planning logic and intent of the LPS7 and the Shire’s Local Planning Strategy. The Strategy seeks to promote infill development within existing urban settlements. This is to achieve more sustainable outcomes in terms of use of existing infrastructure and stopping the encroachment of new low density living onto agricultural areas. In noting this intent, this objective should not be pursued or promoted to the extent that it erodes or undermines the values and qualities of a locality.
- 2) There is a general level of acceptance that 1 hectare lots are acceptable and that creating lots of this size will not impact on amenity. The concern comes from taking the next step towards 5,000m². This is considered by some to be a step to far.
- 3) The recent changes to controls introduced by Amendment No.1 provide clear criteria for when creating lots below 1 hectare is acceptable (as established through LPS7). In considering any application, it will be necessary for the applicant to demonstrate that lots and future development will not have any detrimental impacts on landscape or local amenity. Some may take the view that it is not possible to satisfy the criteria when creating lots below 1 hectare.
- 4) The ability of a decision to bring benefit to the most people. One of the founding principles of town planning is to promote maximum benefit to the most people where

possible. In this case, subdivision below 1 hectare will benefit a limited few landowners. The costs (or externalities) will be spread and paid by a greater number surrounding landowners. There is a potential for an asymmetrical distribution of benefits in favour of a limited few landowners with costs being burdened on many.

In summary, there are very few lots within the Rural Residential zone that have potential to satisfy the existing criteria introduced by Amendment No.1. This means that the provisions have very limited potential to materially increase infill yields or achieve any real strategic planning outcomes. On the other hand, where proposed, such subdivisions have potential to upset the community. On this basis, it is suggested that the proposed changes to clause 5.5.52.3.1 (iv) as part of this proposed Amendment be supported.

Policy/Statutory/Voting Implications

Policy

The proposed clauses relating to outbuildings will override and take precedence over existing criteria contained in Policy 9.4 Outbuilding Control. It will be necessary to review this policy.

Policy 9.6 Signage Policy provides details on signage criteria. The proposed clauses relating to mobile signs will take precedence over

Statutory

Planning Regulations 2015 Division 3 details advertising requirements and processing requirements for Standard Amendments.

Voting

Simple Majority

Financial Implications

There are fees associated with publishing in the Government Gazette. It is estimated that the fees will be approximately \$250 to \$500.

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 Mitchell

Seconded: Cr King

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 1);

b. Recommend final approval for Amendment No. 4 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 subject to the changes contained in the Schedule of Modifications as follows:

1. Inserting a new clause as follows:

“5.23.3.4 Notwithstanding clause 5.23.3 above, outbuilding sizes may exceed requirements for floor area and wall height by a maximum of 10% subject to the outbuildings:

a) The structures being located behind an existing building;

b) Not being visible from the public realm or having a very limited visibility.”

2. Amending clause 5 of point 3 by deleting the words “fire management plan” and replace with “bushfire management plan” and replacing the words “Fire and Emergency Services Authority of Western Australia” with “Department of Fire and Emergency Services”

3. Amending point 5 by adding additional criteria as follows:

(iv) being located to not impact of sight lines or access; and

(v) being safely secured to prevent movement in storm events.

2. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of the above.

Amended Motion

Moved: Cr Dilley

Seconded: Cr Van Der Heide

That the motion be amended to include provision for a 10% variance on the 1 hectare minimum lot size.

Carried 9/0

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

Moved: Cr Mitchell

Seconded: Cr King

That Council:

- 1. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015;**
 - c. Determine the submissions in accordance with Schedule of Submissions (Attachment 1);**
 - d. Recommend final approval for Amendment No. 4 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 subject to the changes contained in the Schedule of Modifications as follows:**
 - 1. Inserting a new clause as follows:**

“5.23.3.4 Notwithstanding clause 5.23.3 above, outbuilding sizes may exceed requirements for floor area and wall height by a maximum of 10% subject to the outbuildings:

 - c) The structures being located behind an existing building;*
 - d) Not being visible from the public realm or having a very limited visibility.”*
 - 2. Amending clause 5 of point 3 by deleting the words “fire management plan” and replace with “bushfire management plan” and replacing the words “Fire and Emergency Services Authority of Western Australia” with “Department of Fire and Emergency Services”**
 - 3. Amending point 5 by adding additional criteria as follows:**
 - (iv) being located to not impact of sight lines or access; and**
 - (v) being safely secured to prevent movement in storm events.**
 - 4. Include provision for a 10% variance on the 1 hectare minimum lot size.**
- 3. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of the above.**

Carried 9/0

The amendment became the motion and was put and carried.

12.4.3	SUBJECT:	PROPOSED AMENDMENT NO. 6 TO LOCAL PLANNING SCHEME NO.7
	Location:	Lot 1 Hurst Road, Argyle
	Applicants:	Kobus Nieuwoudt
	Zone:	General Agriculture
	File Ref:	TP17 Amd 6
	Author:	Bob Wallin (Principal Planner)
	Report Date:	28 June 2016
	Attachments:	12.4.3– Extract Concept Plan

Background

The proposal is a request to initiate an amendment to Local Planning Scheme No.7. The amendment seeks to change the zoning of Lot 1 Hurst Road, Argyle (Attachment 12.4.3) to “Rural Residential”.

Lot 1 Hurst Road, Argyle is zoned “General Agriculture” with a “Development Investigation Area” overlay (DIA2). DIA2 states that the land has a land use expectation of “Rural Residential”. DIA2 also includes a number of matters to be addressed in a structure plan. These include:

- Appropriate interface and road connections with adjoining rural residential development;
- Protection of native vegetation;
- Identification of building envelopes;
- Provision of safe access to the existing road network;
- Fire management plan; and
- Provision of an on-site buffer to adjoining agricultural land.

The amendment is considered to fit within the definition of a “standard amendment” of the Planning and Development (Local Planning Schemes) regulations 2015. This standard amendment process requires:

- Step 1) Council resolve to initiate the amendment;
- Step 2) Council resolve to advertise the amendment
- Step 3) Refer to EPA for environmental assessment;
- Step 4) Advertise amendment;
- Step 5) Council to consider submissions and make a recommendation for final approval;
- Step 6) The WAPC makes a recommendation to Minister for Planning;
- Step 7) Minister for Planning grants final approval; and
- Step 8) Amendment gazetted and becomes law.

The amendment is presently at Steps 1 and 2, and is being presented to Council to make a decision to initiate and advertise.

The options for Council are to recommend:

- a) Support the amendment;
- b) Support the amendment with proposed modifications; or

c) Not support the amendment.

In this case, the amendment also includes a subdivision/structure plan that shows the potential to create 3 lots (Attachment 12.4.3).

Comment

The amendment is consistent with the broad strategic planning framework for the site. The strategic intent outlined in LPS7 and the Local Planning Strategy is that the site be considered for Rural Residential development. This general intent is consistent with the proposal.

In terms of detail, there are a number of points that need addressing. These are not fatal to the proposal and can be addressed prior to advertising and/or through the structure plan process.

Discussion with the applicant and Department of Planning has indicated that structure planning is to occur in a separate document. The applicant intends to lodge a structure plan proposal shortly.

In summary, points that need addressing include the need to:

- a) Remove the subdivision/structure plan concept from the amendment report. Details on design can be addressed through the structure planning process. It is noted that the structure plan document will need to show a:
 - staged subdivision layout. The proposal is to create 3 relatively large lots (approximately 6ha each). These lots have future subdivision potential. There is a need to ensure that the proposed design will enable the orderly and logical future division of the land;
 - future road connection between Hurst Road and Hetherington Road. DIA2 requires “appropriate interface and road connections with adjoining Rural Residential development”. The proposed design shows a “building envelope” in a location that prohibits the extension of Hetherington Road. The structure plan design needs to show how a future road connection to Hurst Road would work and align the proposed staged lot boundaries to allow this; and
 - building envelopes with setbacks and dimensions and areas,
- b) Include an Amendment Map page to show the changes proposed to the Scheme Map; and
- c) Include in the amendment report the need for notices to be placed on titles to acknowledge adjoining orchard activities. The report should include text to state that notices will be required to be imposed through the subdivision approval process.

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

An application fee of \$2,750.00 being paid prior to the advertising process starting.

Strategic Implications

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

The resolution was seconded with additional wording to item 1 to identify the amendment as a Standard Amendment.

Council Decision (Officer’s Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Dilley

That Council

- 1) Resolve to initiate the amendment as a Standard Amendment subject to receipt of a \$2,750.00 assessment fee;**
- 2) Grant advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the document being modified to:**
 - a) Removing the subdivision/structure plan concept from the amendment report text.**

- b) Include an Amendment Map page to show the changes proposed to the Scheme Map; and
 - c) Include in the amendment report the need for notices to be placed on titles and other measures to address potential land use conflicts with the adjoining land which contains orchards.
- 3) Advise the applicant that future structure planning document will need to provide a:
- a) Staged subdivision layout. The present proposal is to create 3 relatively large lots (approximately 6ha each). These lots have future subdivision potential. There is a need to ensure that the proposed design will enable the orderly and logical future division of the land;
 - b) Future road connection between Hurst Road and Hetherington Road. DIA2 requires “appropriate interface and road connections with adjoining Rural Residential development”. The proposed design shows a “building envelope” in a location that prohibits the extension of Hetherington Road. The structure plan design needs to show how a future road connection to Hurst Road would work and align the proposed staged lot boundaries to allow this; and
 - c) Building envelopes with setbacks and dimensions and areas
- 4) Require the Chief Executive Officer to undertake such tasks necessary to implement items 1 and 3 above.

Carried 9/0

12.5 Chief Executive Officer

12.5.1	SUBJECT:	CODE OF CONDUCT REVIEW
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	ADM06
	Author:	Ben Rose – CEO (<i>Lucy Bourne - Governance Officer</i>)
	Report Date:	11 July 2016
	Attachments:	NIL

Background

The Code of Conduct is a set of guidelines that provide elected Council members and staff with an acceptable standard of professional conduct.

Comment

In accordance with the *Local Government Act 1995* s5.103, Council has a Code of Conduct for elected members and staff. The Code of Conduct is reviewed annually to ensure it complies with the Act and any recent amendments to the Act.

The Code of Conduct has been reviewed and no changes are recommended.

Consultation

Manager of Governance, WALGA.

Policy/Statutory/Voting Implications

Relevant provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *Local Government (Administration) Regulations 1996*.

Financial Implications

Nil

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 Crowley

Seconded: Cr Bailey

That Council's Code of Conduct remains unchanged following a review of the document on 11 July 2016.

Carried 9/0

** 5.47 – Kobus Nieuwoudt, Terry Cobby and Coral Cobby left the meeting.

12.5.2	SUBJECT:	WA LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING
	Location:	Perth Convention Exhibition Centre, Perth
	Applicants:	Western Australian Local Government Association (WALGA)
	Zone:	N/A
	File Ref:	DEP 22/4D
	Author:	Ben Rose – CEO (Kate O’Keeffe, Executive Assistant)
	Report Date:	14 July 2016
	Attachments:	12.5.2 – Consideration of Motions

Background

Council has been provided with a copy of the agenda for the 2016 Annual General Meeting for the WA Local Government Association which will be held at the Local Government Convention on Wednesday, 3 August 2016 at the Perth Convention Exhibition Centre.

At the Ordinary Council Meeting held on 25 May 2016 Councillors Logiudice and Mills were nominated as voting delegates to represent Council at the Annual General Meeting.

Comment

The following matters for decision will be considered:

4.1 Amendments to the WALGA Constitution (01-001-01-0001)

Special Majority Required

MOTION

That the WALGA Constitution be amended as follows:

- 1. In Clause 5(7)(b) of the Constitution for “sub-clause 5(9)” read “sub-clause 5(11)”.*
- 2. Clause 10 (2) of the Constitution be amended with the last sentence to read: “The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16.”*
- 3. Clause 10 of the Constitution be amended by inserting as sub-clause (9): “(9) State Council shall adopt Standing Orders that will apply to all meetings.”*
- 4. Clause 14(4a) and Clause 20 of the Constitution be amended by inserting as sub-clause (h) and sub-clause (j), respectively: “is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C (2)(c) of the Local Government Act 1995”*
- 5. Clause 16(2)(b) of the Constitution be amended to read: “(b) representatives are to vote on the matter by secret ballot.”*
- 6. Clause 17 of the Constitution be amended by inserting as sub-clause (5): “(5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.”*

4.2 Natural Disaster Recovery Support Funding (05-001-03-0029)

MOTION

Request that WALGA State Council investigates the development and implementation of Natural Disaster Recovery Support Funding that will provide advice and financial support for Local Governments affected by the impacts of natural disasters that meet the Western Australia Natural Disaster and Recovery Arrangements (WANDRRA) criteria.

4.3 Non Operational Rail Corridors (05-009-03-0037)

MOTION

That the Public Transport Authority and Brookfield Rail work with WALGA and any interested Local Governments in developing a policy and/or procedures in order to facilitate third party use of non-operational rail corridors, in particular uses that demonstrate a clear community benefit.

Cr Mitchell requested item 4.3 be pushed by the Councillors attending the convention.

4.4 Planning Systems Review (05-047-01-0014)

MOTION

1. *Request the Western Australian Local Government Association to advocate for an independent review of decision making in the Western Australian Planning System, including the roles of local government, delegated authorities, Joint Development Assessment Panels and State Administrative Tribunal appeal processes that gives consideration to:*
 - 1.1 *How the aspirations or values of the community are incorporated into the decision making framework;*
 - 1.2 *Improvements to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;*
 - 1.3 *Ensure that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;*
 - 1.4 *Ensure that Local Governments have a third party right to present local community views to the State Administrative Tribunal;*
 - 1.5 *The erosion of the roles of Local Government in planning for their communities.*
2. *In the event that the State Government is unwilling to pursue an independent review of the decision-making process, request the Western Australian Local Government Association to engage with members and advocate for practical reforms that will ensure greater accountability, transparency and procedural fairness for ratepayers through the Joint Development Assessment Panel's decision making processes.*

4.5 Abolitions of DAPS (05-047-01-0016)

MOTION

That WALGA:

1. *Advocates for the abolition of Development Assessment Panels (DAPs) on the basis that:*
 - 1.1. *DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;*
 - 1.2. *DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and*
 - 1.3. *Previous decisions made by the Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by each local council; and*
2. *Advocates for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:*
 - 2.1. *Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states;*
 - 2.2. *Requiring equal membership on the DAP between Local Government and Appointed Specialist members with an independent chair approved by both State and Local Governments;*
 - 2.3. *Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community consultation process;*
 - 2.4. *Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;*
 - 2.5. *Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;*
 - 2.6. *Mandating that respondents to the development application can nominate e-mail or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;*
 - 2.7. *Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;*
 - 2.8. *Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes;*
 - 2.9. *Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination; and*
 - 2.10. *Providing a Local Government aggrieved by a DAP decision a right of review at the State Administrative Tribunal.*
3. *Advise the Minister for Planning of its concerns with the actions and decisions of the Development Assessment Panels.*

4.6 Introduction of Container Deposit Scheme (CDS) (05-050-02-0001)

MOTION

That WALGA:

- 1. Continue to actively advocate for the implementation of a Container Deposit Scheme in Western Australia; and*
- 2. Include the implementation of a Container Deposit Scheme in the Association's Election Platform.*

4.7 Declared Pest Plant C3 Review by DAFWA (05-046-03-0015)

MOTION

Request that WALGA lobby the Minister for Agriculture and Food WA to ensure that the Biosecurity and Agriculture Management Act 2007 (BAM Act) review results in the Act giving the Department of Agriculture and Food WA the responsibility to control, manage and facilitate the eradication of pest plants and weeds, including Cotton Bush, and that the Department be adequately funded to undertake eradication programs for all species that have the potential to negatively impact on the production of agriculture in Western Australia, including but not limited to Cotton Bush, wild dogs, cane toads, skeleton weed, Blackberry and Patterson's Curse.

Cr King would prefer to see Wild Pigs included in the motion. The opportunity to recommend an amendment may be made at the Annual General Meeting.

4.8 Renewable Energy (05-028-04-0009)

MOTION

That the Western Australian Local Government Association advocates for reforms to the parameters applied by the WA Government regarding generation of energy through renewable sources by local governments, either individually or in partnership with private sector specifically seeking a fixed feed in tariff for extended periods to enable effective business planning and funding arrangements.

4.9 Reducing Regulatory Burden on Local Government (05-099-03-0001)

MOTION

That all new legislation, regulation or quasi-regulation imposed on Local Government be accompanied by an independent regulatory impact assessment including the opportunity for input from the Local Government sector.

4.10 Most Accessible Regional City in Australia Awards (01-006-04-0001)

MOTION

That the Western Australian Local Government Association:

- 1. Develop assessment criteria to formally recognise the contribution that Western Australian local governments are taking to promote and improve accessibility within their jurisdictions.*

2. *Conduct an annual awards process coinciding with Local Government Week to recognise local governments nominated for work undertaken in no. 1 above based on metropolitan, regional and remote categories.*
3. *Nominate the winning local government from each category for the National Awards for Local Government – Disability Access and Inclusion Awards conducted by the Department of Infrastructure and Regional Development.*

Cr King declared he did not support item 4.10.

4.11 Discussion Paper Excessive Force (01-003-02-0001)

MOTION

That WALGA, recognising that a significant role of local government is to lobby and advocate to higher levels of government on matters of concern to local constituents, advocate to the State Government for a discussion paper to be prepared on the issue of decriminalising the use of excessive force by members of the public when such force is effected in the course of defending family and property from intruders.

Cr Van Der Heide declared he did not support item 4.11.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

A Special Majority is required for item 4.1. Decisions by special majority set out in Section 1.10 item (b) of the *Local Government Act 1995* states: “if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.”

All of the other motions require a Simple Majority vote.

Financial Implications

N/A

Strategic Implications

N/A

between 5,000 - 10,000 visitors. The event has a long tradition within the region, being a major contributor to economic and tourism development.

This year's event was held at Egan Park, in Donnybrook on Saturday 26 and Sunday 27 March, 2016. The Festival celebrates all aspects of local produce and this year included live entertainment, wine tasting, specialty stalls, agricultural displays, sideshow alley and a parade.

Comment

The 2016 Apple Festival event was adversely affected by extenuating weather conditions on Saturday 26th March, 2016. Heavy rainfall and lower than average temperatures were recorded during the day, and then again in the evening. These extenuating weather conditions had a number of adverse effects on the event.

Firstly, the heavy rain and cool temperatures resulted in greatly reduced attendances on the Saturday of the 2016 Apple Festival. This significantly reduced income from gate entry and has resulted in the event operating at a loss. A copy of the Donnybrook Apple Festival 2015/16 Profit and Loss Accrual Statement has been provided in Attachment 12.7.1.

In addition, the heavy rain resulted in the grass play field at Egan Park being extremely wet. Heavy machinery, large vehicles and marquees were set up on the oval surface in the week leading up to the event (according to the approved site plan). Despite the event organisers best efforts, unexpected damage to the oval surface resulted as the machinery and equipment was removed at the conclusion of the event on Sunday evening and Monday. The event organisers advised the Shire and Donnybrook Cricket Club of the damage immediately, and all three groups worked throughout the week to repair the oval surface in preparation for a major cricket match which was scheduled at Egan Park on the following weekend.

The Shire held a standard bond (\$1,100 inc gst) on the hire of Egan Park for the Apple Festival event. This bond is held in trust until a post-event assessment is complete and any costs incurred by the Shire associated with rectification of the facility are known.

The Shire's Works and Services team incurred costs totalling \$1,836.14 which included labour, plant hire, materials and minor equipment replacement following the 2016 Apple Festival event. These costs exceed the value of the bond, however, due to the extenuating weather conditions, and the loss incurred by the event organising committee, it is recommended that the Shire refund \$550, being 50% of the bond held for Egan Park as a show of good will and support to the event.

Consultation

The Donnybrook Apple Festival Committee liaised with Shire Officers throughout the planning of the event. On the Monday and then again on the Wednesday following the event, Shire Officers met with the Donnybrook Apple Festival Committee and the

Donnybrook Cricket Club on site at Egan Park to assess the damage. A course of action was agreed in an effort to make good the damage, and repair the oval surface for the following weekend's 'WA Country Masters Cricket Champions game' – Fri 1 – Sunday 3 April, 2016. In the weeks that followed, further repair work was carried out on the reticulation and the oval surface and it became apparent that the cost of repairs incurred by the Shire would exceed the bond paid for Egan Park.

On 19 April, 2016, the Shire received a letter from the Donnybrook Apple Festival Committee advising of the Committee's regret for the damage caused to Egan Park as a result of the 2016 Apple Festival event. They expressed a resolve to maintain good relationships both with the Shire and the Donnybrook Cricket Club in planning future Apple Festival events. In doing so, the Committee made a \$2,000 donation to the Club as an act of good faith and to support cricket, particularly junior cricket in the community.

As is normal practice, the Shire withheld the bond until all costs incurred by the Shire following the event were known. Shire Officers have maintained regular contact with the Donnybrook Apple Festival Committee during this process. Approval to refund a bond is an internal Shire process. Shire Officers liaise between relevant departments, and once all information is available, a decision made on the bond refund, and the Finance and Administration Department process the bond refund.

The Apple Festival Committee have been advised that the matter of the bond paid for Egan Park for the 2016 Apple Festival event has been referred to the Chief Executive Officer.

Policy/Statutory/Voting Implications

Policy

Shire Administration Policy 2.6 – Hiring of Council Halls states that 'Users of any Council controlled building or facility are required to pay a bond, refundable upon clearance by authorised Council staff, provided that the building is left in a clean and hygienic condition and that all crockery and cutlery is clean and appropriately stored.' This policy also pertains to the hire of reserves, and as specified in the Shires 2015/2016 fees and charges the bond for the hire of Egan Park is \$1,100.

Statutory

Nil.

Voting

Simple majority

Financial Implications

Council to provide a 50% (\$550) refund of the bond paid by the Donnybrook Apple Festival Committee for the hire of Egan Park from the 2016/17 budget. The costs associated with rectification of the oval will be absorbed by the Shire as a show of good will to the event Committee.

12.6 Recall Items

Nil

Council Decision (Officer's Recommended Resolution)

Moved: Cr Crowley

Seconded: Cr Dilley

That the Meeting be closed to the public under the Local Government Act 1995 for item 12.7.1 – Unit 8 and Unit 13, Preston Retirement Village under Section 5.23 (2) (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Carried 9/0

12.7 Confidential Items

12.7.1	SUBJECT:	UNIT 8 AND UNIT 13, PRESTON RETIREMENT VILLAGE
	Location:	152 Sharp Street, Donnybrook
	Applicants:	Donnybrook-Balingup
	Zone:	Special Use Aged Person Accommodation
	File Ref:	CSV 01/9
	Author:	B Rose– CEO (Kate O’Keeffe, Executive Assistant)
	Report Date:	18 July 2016

Council Decision (Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Tan

That

- (a) In accordance with Section 5.23 (2) and Admin Regulations 4A, agenda item 12.7.1 remains confidential as sensitive information is detailed in the report.**
- (b) When the information in the report is not sensitive the item will be included in the next occurring council agenda.**

Carried 9/0

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

Moved: Cr Bailey

Seconded: Cr Tan

That the meeting be reopened to the public.

Carried 9/0

13 CLOSURE OF MEETING

The Chairperson advised that the next Ordinary Council Meeting will be held on Wednesday, 24 August 2016 commencing at 5.00pm in Donnybrook at a location to be advised.

The Shire President declared the meeting closed at 6.14 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 24 August 2016.		
Shire President		Presiding Member