



Notice of Ordinary Council Meeting

To All Councillors

To be held on Wednesday, 23 November 2016

Commencing at 5.00pm

at the Function Room, Donnybrook Recreation Centre
Steere Street, Donnybrook

A handwritten signature in black ink, appearing to read 'Ben Rose'.

Ben Rose
Chief Executive Officer

17 November 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 AGENDA

23 November 2016

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SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held at the Function Room, Donnybrook Recreation Centre
Wednesday, 23 November 2016 at 5.00pm

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
Damien Morgan – Manager Works and Services
Bob Wallin – Principal Planner
Leigh Guthridge – Manager Development and
Environmental Services
Kate O’Keeffe – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

Greg Harris– Manager Finance and Administration

2 PUBLIC QUESTION TIME

Questions taken on notice at the Ordinary Council Meeting on 26 October 2016:

Peta Knapton

To what extent is the Shire liable if a fire starts in an overgrown verge and crosses onto adjoining land, for example a Blue Gum plantation?

Manager Development and Environmental Services

Given that your question raises issues associated with principles of law, the Shire has referred your enquiry to its insurers for a response. You will be advised in due course once the information is received.

Peta Knapton

Can a landowner block off a public road? For example, a gate has been installed on the the road behind location 1049 and 927 which has prevented access to the bottom block of my property.

Manager Works and Services

The Shire of Donnybrook-Balingup has "Fencing Local Laws" which under the section "Fences across rights-of-way, public access ways or thoroughfares" outlines the following:

"A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed."

If you would like the Shire to conduct further investigation into a specific issue, please provide the following:

- The location of the gate
- Who you consider erected the gate (name and property details if known)
- To your knowledge, how long the gate has been in place

3 APPLICATION FOR LEAVE OF ABSENCE

Cr Mills has requested a leave of absence from the Council meeting scheduled for 21 December 2016.

Moved: Cr

Seconded: Cr

That Cr Mills be granted a leave of absence from the Council meeting scheduled for 21 December 2016.

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Joe Licciardello has requested to present to Council on Item 11.4.1 – Planning Application for Oversized Shed in a Residential Zone.

Anita Lindemann has requested to present to Council on Agenda Item 11.3.2 – Plastic Bag Ban

6 LATE ITEMS

Nil

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meetings

Council Decision

Moved: Cr

Seconded: Cr

That the Minutes of the Ordinary Council meeting held on 26 October 2016 be confirmed as a true and accurate record.

In relation to Item 10.2.1 of the 26 October 2016 Ordinary Meeting of Council, the following advice was received from the Department of Local Government and Communities on 15 November 2016:

“The first aspect of our discussion was whether the withdrawal of the initial motion on item 10.2.1 (to observe the planning policy on setbacks) was valid in the absence of support for its withdrawal by the seconder. Our interpretation would be that it was a procedural omission that had no material impact because the same motion was immediately moved again and subjected to a vote of council.

In terms of the third motion (to depart from the planning policy on setbacks), this could have been voted on because of the fact that the preceding motion was lost, and therefore the matter still allowed for council to make an alternative decision.

However, this appears to have happened when council dealt with item 11.4.1, in which a resolution was passed supporting the planning application (inclusive of the setbacks departing from the planning policy). If I’m reading that correctly, the council resolution on 11.4.1 already signals council’s willingness to depart from the planning policy in this instance, and therefore negates the need for the motions moved in 10.2.1 to be revisited.

I’d be inclined in that case to support the suggestion in your officer’s report that if council wishes to depart from its existing policy, it would be advisable to approve a review of the policy to ensure it still reflects council’s vision for the Balingup Village Centre.”

8 ELECTED MEMBERS MOTIONS

Nil

9 MINUTES OF PREVIOUS MEETINGS

9.1 Committee Minutes

Council Decision

Moved: Cr

Seconded: Cr

That the following Committee Minutes be received:

- Community Awards and Grants Committee Meeting – 8 November 2016
 - Disability Access and Inclusion Planning Committee Meeting – 18 November 2016
-

10 REPORTS OF COMMITTEES

10.1 Community Awards and Grants Committee

This item will be discussed behind closed doors.

10.2 Disability Access and Inclusion Planning Committee

10.2.1	SUBJECT:	DISABILITY ACCESS AND INCLUSION PLAN – UPDATED IMPLEMENTATION PLAN
	Location:	Shire of Donnybrook-Balingup
	Applicants:	N/A
	Zone:	N/A
	File Ref:	CSV 21
	Author:	J Some (Principal Environmental Health Officer)
	Report Date:	10 November 2016
	Attachments:	10.2.1 - Disability Access and Inclusion Plan - Implementation Plan

Background

The Shire of Donnybrook-Balingup developed a Disability Access and Inclusion Plan (DAIP) in accordance with legislation, towards improving access and inclusion of its services, facilities and information. At the September 2015 Ordinary Council meeting the following was resolved:

“That Council adopt the amended Shire of Donnybrook-Balingup Disability Access and Inclusion Plan July 2012 to June 2017.”

Comment

The DAIP 2012-2017 provides the broad outcome areas, strategies and background information to inform the Council of the reasons why change is required to a facility, service or information provided by the Shire.

The Implementation Plan (Attachment 10.2.1) is the accompanying document to the DAIP and details the specific tasks to achieve the identified strategies and outcome areas, and also includes a timeline and area of responsibility for completion.

The current DAIP expires 30 June 2017 and a new document will need to be developed in compliance with the *Disability Services Act 1993*. It's recommended that a consultant be engaged to undertake community consultation and provide advice for the preparation for a new DAIP on behalf of the Shire.

Consultation

Nil

Policy/Statutory/Voting Implications

Statutory

The *Disability Services Act 1993* requires public authorities, including local governments, to develop and implement a DAIP.

Voting

Simple majority.

Financial Implications

It's estimated to cost \$5,000 to engage a consultant to undertake community consultation and provide advice on a new DAIP. This has not been identified in the 2016/17 Budget and it is recommended that this expense be considered during the 2017/18 Budget deliberations.

Strategic Implications

Outcome 3.1.2 of the Shire's *Strategic Community Plan* states 'Implement a Disability Access and Inclusion Plan'.

Committee's Recommended Resolution (Officer's Recommended Resolution)

Moved: Cr

Seconded: Cr

That Council consider allocating \$5,000 from the 2017/18 Budget during budget deliberations for the purpose of engaging a consultant to undertake community consultation and provide advice on developing a new Disability Access and Inclusion Plan.

11 REPORTS OF OFFICERS

11.1 Manager Finance and Administration

11.1.1 ACCOUNTS FOR PAYMENT

For information: The following accounts have been authorised and paid under Delegation 3.2 by the Chief Executive Officer represented by EFT10397 - EFT10598, 52231 – 52297, DD21365 – DD21366.8, Trust 3419 – 3427, and EFT10499b totalling \$1,294,530.01

The Accounts For Payment report will be circulated prior to the November 2016 Council Meeting.

11.1.2 MONTHLY FINANCIAL REPORT

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

Moved: Cr

Seconded: Cr

That the monthly report for the period ended 30 September 2016 be received.

The Monthly Report will be circulated prior to the November 2016 Council Meeting.

11.2 Manager Works and Services

Nil