



Ordinary Council Meeting Minutes

Held on Wednesday, 26 April 2017

Commencing at 5.00pm

In the Kirup Community Hall, South Western Highway, Kirup

Benjamin (Ben) Rose
Chief Executive Officer

27 April 2017

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ORDINARY COUNCIL MEETING MINUTES
26 April 2017
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SHIRE OF DONNYBROOK BALINGUP

ORDINARY COUNCIL MEETING MINUTES

Held in the Kirup Community Hall, South Western Highway, Kirup
Wednesday, 26 April 2017 commencing at 5.00pm

MEMBERS PRESENT

COUNCILLORS

Cr Logiudice
Cr Bailey
Cr Crowley
Cr King
Cr Mills
Cr Mitchell
Cr Tan
Cr Van Der Heide

STAFF

B Rose – Chief Executive Officer
B Richards – A/Manager Finance and Administration
D Morgan – Manager Works and Services
L Guthridge – Manager Development and Environmental Services
B Wallin – Principal Planner
K O’Keeffe – Executive Assistant

PUBLIC GALLERY

S Martin J Small

1 APOLOGIES

Cr Dilley G Harris, Manager Finance and Administration

2 PUBLIC QUESTION TIME

Nil

3 APPLICATION FOR LEAVE OF ABSENCE

There were no applications for a Leave of Absence however Cr Mills advised he would be away from 9 to 14 May 2017.

4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST

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

Cr Tan declared an interest affecting impartiality with regards to Agenda item 12.4.1 – Request for Donnybrook Community Garden Site as she is the signatory to the bank account held under the auspicing agency of the Donnybrook Community Resource Centre Inc.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 PRESIDENT’S COMMUNICATIONS

Date	Meeting	Report
13 March 2017	Meeting with CEO	Weekly Communications Meeting
16 March 2017	Invitation to Balingup School	Unveil Aboriginal Art Mural/Morning tea
16 March 2017	BWEA Meeting	Monthly Meeting
17 March 2017	Meeting with Federal Member for Forrest, Nola Marino, and Greg Harris	Discussed Shire Projects, Mobile Phone Black Spots and Indexation Freeze on Financial Assistance Grants
21 March 2017	Meeting with CEO	Weekly Communications Meeting
27 March 2017	Meeting with CEO	Weekly Communications Meeting
2 April 2017	Gwindinup/Argyle Bushfire Debrief	Thank You Afternoon Tea for Residents of Gwindinup and Argyle and Presentation/ Debrief by DFES
6 April 2017	Meeting with CEO	Weekly Communications Meeting
15 April 2017	Donnybrook Apple Festival	Invitation to Participate in the Opening of the Apple Festival
18 April 2017	Meeting with CEO	Weekly Communications Meeting

7 LATE ITEMS

Nil

8 CONFIRMATION OF MINUTES

8.1 Ordinary Meetings of Council

Council Decision

Moved: Cr Mills

Seconded: Cr King

That the Minutes of the Ordinary Meeting of Council held on 22 March 2017 be confirmed as a true and accurate record.

Carried 8/0

8.2 Special Meetings of Council

Council Decision

Moved: Cr Tan

Seconded: Cr Bailey

That the Minutes of the Special Meeting of Council held on 5 April 2017 be confirmed as a true and accurate record.

Carried 8/0

9 ELECTED MEMBER'S MOTIONS

Nil

10 MINUTES OF PREVIOUS MEETINGS

10.1 Committee Minutes

Council Decision

Moved: Cr Bailey

Seconded: Cr Tan

That the following Committee Minutes be received:

- **Audit Committee Meeting – 15 February 2017**
- **Balingup Townscape Committee Meeting – 12 April 2017**
- **Donnybrook Townscape Committee Meeting – 12 April 2017**
- **Donnybrook Recreation Centre Advisory Committee Meeting – 12 April 2017**
- **Bushfire Advisory Committee Meeting – 20 April 2017**

Carried 8/0

11 REPORTS OF COMMITTEES

Council Decision – En Bloc Resolution 1

Moved: Cr Bailey

Seconded: Cr Tan

That the Recommended Resolutions from Agenda items 11.1.1 - 2016 Local Government Compliance Audit Return, 11.1.2 – 2015/16 Audit Report and Auditor’s Management Report, 11.1.3 – Local Government (Audit Regulations 1996 Regulation 17 Review, and 11.1.4 – 2017/16 Budget Review be moved en bloc.

Carried 8/0

11.1 Audit Committee Meeting

11.1.1	2016 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN	
	Location:	Shire of Donnybrook Balingup
	Applicants:	Department of Local Government and Communities
	Zone:	N/A
	File Ref:	DEP 20/01
	Author:	Ben Rose – Chief Executive Officer (Lucy Bourne – Governance Officer)
	Report Date:	30 January 2017
	Attachments:	11.1.1 – 2016 Local Government Compliance Audit Return

Background

Council is required to carry out a compliance audit for the period 1 January to 31 December 2016, against requirements set out in the 2016 Compliance Audit Return (CAR).

Amendments to Regulation 14 of the *Local Government (Audit) Regulations 1996* require that the local government’s Audit Committee reviews the CAR and reports the results of that review to Council prior to adoption by Council.

Comment

The CAR is one of the tools that allow Council to monitor how the organisation is functioning. The return places emphasis on the need to bring to Council’s attention cases of non-compliance or cases where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance. This is intended to assist local government to enhance or develop

their internal control processes to ensure they include the statutory requirements of the legislation.

Council has met all areas of compliance in the 2016 CAR.

Note: This Agenda Item was presented to the Audit Committee on 15 February 2017, however, the recommendations of the Audit Committee were not presented to the March 2017 Ordinary Meeting of Council; this was an oversight by the Administration. Regulation 14 of the *Local Government (Audit) Regulations 1996* requires the CAR to be adopted by Council by 31 March each year. Consultation with the Department of Local Government and Communities (DLGC) on the late submission of the CAR has been undertaken. Advice from the DLGC is that there is no penalty (pecuniary, legislative or otherwise) for the late submission of a CAR, as long as a genuine attempt to progress the CAR in a timely fashion is evident.

Consultation

N/A

Policy/Statutory/Voting Implications

Under Regulation 14 of the *Local Government (Audit) Regulations 1996* the 2016 CAR is to be reviewed by Council's Audit Committee and report the results of that review to Council for adoption.

A printed copy of the CAR is to be presented to Council at the Ordinary Council Meeting and adopted by the Council.

Once the CAR has been presented to Council a certified copy, along with an extract of the minutes of the meeting at which the CAR was adopted by Council and any additional information explaining or qualifying the compliance audit, is to be submitted in hard copy format to the Director General, Department of Local Government and Communities by 31 March 2017. The online Return is to be forwarded to the Department providing a permanent record of the submission on the Department of Local Government website.

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 - En Bloc Resolution 1
(Committee's Recommended Resolution)**

Moved: Cr Bailey

Seconded: Cr Tan

That the 2016 Local Government Compliance Audit Return for the Shire of Donnybrook Balingup, as completed and presented to Council, be endorsed.

Carried 8/0

11.1.2	2015/2016 AUDIT REPORT AND AUDITOR'S MANAGEMENT REPORT
Location:	Shire of Donnybrook Balingup
Applicants:	Administration
Zone:	N/A
File Ref:	FNC 02
Author:	Greg Harris, Manager Finance and Administration
Report Date:	7 February 2017
Attachments:	Nil

Background

At the Ordinary Meeting of Council held on 21 December 2016, Council, based upon the recommendations of the Audit Committee, adopted the following two resolutions:

1. *"That the Audit Report for the Financial Year ending 30 June 2016 be received by Council."*
and:
2. *"1) That the Auditor's Management Report for the year ended 30 June 2016 be received by Council and the recommendations of the Auditor be noted; and
2) That the Chief Executive officer prepare a report to the Minister for Local Government and Communities outlining the outcomes of the 2015/16 year audit, in accordance with the requirements of section 7.12 (4) of the Local Government Act 1995."*

There is a legislative requirement that the Auditor is to meet with the local government at least once in every year. It has been customary for Council to meet with its Auditor after the completion of the Annual Financial Audit, thereby providing members of the Audit Committee with the opportunity to discuss the outcomes of the annual audit and any matters that have been raised by the Auditor in either the Audit Report or the Auditor's Management Report.

Comment

Due to other commitments Council's Auditor, Mr Tim Partridge of AMD Chartered Accountants was unable to meet with the Audit Committee at the 21 December 2016

meeting. Mr Partridge will however be attending the Audit Committee Meeting on 15 February 2017.

Although Council has formally received both the Audit Report and Auditor's Management Report at the December meeting, an opportunity is now provided for Elected Members to discuss any aspect of the Annual Financial Report and/or the reports provided with Council's Auditor.

Copies of the Audit Report and Auditor's Management Report were provided to Elected Members with the December 2016 agenda however further copies can be made available upon request.

Consultation

N/A

Policy/Statutory/Voting Implications

Statutory

Section 7.12A (2) of the *Local Government Act 1995* states:

"7.12A. Duties of local government with respect to audits

- (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year."*

Voting

Technically, no voting is actually required on this item.

Financial Implications

As per the Audit Report and Auditor's Management Report.

Strategic Implications

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

Council Decision - En Bloc Resolution 1 (Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Tan

That the report in regard to the 2015/16 Audit Report and Auditor's Management Report be noted.

Carried 8/0

Chief Executive Officer's Comment: The 2015/16 Audit Report and Auditors Management Report was received at the Ordinary Meeting of Council on 21 December 2016 therefore no further resolution of Council is required.

**11.1.3 LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996 –
REGULATION 17 REVIEW**

Location:	Shire of Donnybrook Balingup
Applicants:	Administration
Zone:	N/A
File Ref:	ADM 24
Author:	Ben Rose – Chief Executive Officer (Jeff Somes - Principal Environmental Health Officer)
Report Date:	8 February 2017
Attachments:	11.1.3 – Regulation 17 Review

Background

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the Local Government Chief Executive Officer to review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal controls and legislative controls. This review is to be undertaken at least once every two years with the results reported to the Council's Audit Committee.

To facilitate the above report, Council made allowance within the 2016/17 budget to engage Council's Auditors to undertake a review on behalf of the Chief Executive Officer. AMD Chartered Accountants undertook this review in November 2016 and has subsequently provided a report to the Chief Executive Officer.

Comment

Council's Auditor, Tim Partridge of AMD Chartered Accountants attended the Audit Committee Meeting to provide an overview of the audit process and discuss the outcomes of the audit. Councillors were encouraged to ask questions in regards to any issues relating to the risk management audit.

The audit undertaken by AMD Chartered Accountants provides Council with a comprehensive assessment of the systems and processes of the Shire of Donnybrook Balingup at that point in time in regards to the three focus areas of risk management, internal controls and legislative compliance. The findings provide a direction for the further enhancement of controls within these three areas.

The issues identified in the report have been considered by the Administration with their responses in the "management comments" section of the report. The actions are to be addressed by management in a systematic way over the next 12 to 18 months.

An Organisational Risk Management Action Plan for the period January 2017 to June 2018 shall be prepared and a copy shall be included in the agenda for the next Audit Committee meeting.

The Action Plan will outline the following information:

- Recommendations from the November 2016 review categorised into three different focus areas; risk management, internal controls and legislative compliance.
- The task required to address each recommendation from the report.
- A proposed timeline.
- Responsible Officer/s.
- Details of Action to date.

Consultation

Consultation occurred between AMD Chartered Accountants and Shire staff during the onsite work undertaken by AMD.

Policy/Statutory Implications

Regulation 17 of the *Local Government (Audit) Regulations 1996* states the following:

17. CEO to review certain systems and procedures
 - (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management;
 - (b) internal control; and
 - (c) legislative compliance.
 - (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
 - (3) The CEO is to report to the audit committee the results of that review.

Financial Implications

Council's budget for the 2016/17 financial year provided sufficient allocations for the conduct of the review.

It should be noted however that many recommendations and proposed actions outlined in the report will place future demands on internal staff resources.

Strategic Implications

- Strategy 4.3.3 – Ensure compliance with relevant legislation.
- Strategy 4.3.5 – Implement Risk Management.
- Strategy 4.5.2 – Maintain, review and ensure relevance of Council Policies and laws.

Risk Assessment

The review as required by Regulation 17 of the *Local Government (Audit) Regulations 1996* provides a comprehensive assessment of Council's risk management controls and framework in which they operate.

**Council Decision - En Bloc Resolution 1
(Committee’s Recommended Resolution)**

Moved: Cr Bailey

Seconded: Cr Tan

- 1. That Council receive the report on the appropriateness and effectiveness of the Shire of Donnybrook Balingup’s systems and procedures in relation to risk management, internal controls and legislative compliance.**
- 2. That Council endorse the proposed actions to be undertaken by the Chief Executive Officer as outlined in the “Management comment” section of the report.**

Carried 8/0

11.1.4 2016/17 BUDGET REVIEW

Location:	Shire of Donnybrook Balingup
Applicants:	Administration
Zone:	N/A
File Ref:	FNC 04/1
Author:	Greg Harris, Manager Finance and Administration
Report Date:	8 February 2017
Attachments:	Nil

Background

The *Local Government (Financial Management) Regulations 1996*, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

Shire staff have commenced work on the mid-year budget review which will be done effective as at 28 February 2017. The review process assesses all projected income and expenditure to 30 June and identifies material variances that are expected to occur during the financial year. The report also provides recommendations in regard to any proposed budget adjustments and projects the end-of-year carried forward position based upon these recommendations.

The projections made during the mid-year budget review also form the basis of the comparative figures to be used in the next financial year budget.

The mid-year budget review is to be presented to Council at the Ordinary meeting of Council to be held on 22 March 2017.

The purpose of this agenda item is to inform Council of the impending budget review and outline the legislative requirements in regard to the review.

Council's Auditor, Mr Tim Partridge, will also provide an overview of the Auditor's expectations in regard to the review and explain the role of Elected Members and staff in the review process.

Consultation

Chief Executive Officer and Managers.

Policy/Statutory/Voting Implications

Policy

The budget is based on the principles contained in the Community Strategic Plan and Corporate Business Plan.

Statutory

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* states:

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for the financial year must –*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

** Absolute majority required*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Voting

Absolute majority decision will be required to adopt the budget review and recommendations.

Financial Implications

The budget review is an important internal financial control.

Strategic Implications

The Budget Review will be developed based on existing strategic planning documents adopted by Council.

The budget will be reviewed based on sound financial management and accountability principles and will aim to deliver a sustainable economic outcome for Council and the community.

Council Decision - En Bloc Resolution 1 (Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Tan

That the report in regard to the 2016/17 Budget Review be noted.

Carried 8/0

Chief Executive Officer's Comment: This report was presented to the Audit Committee for information only; therefore no formal resolution of the Council is actually required. The 2016/17 Budget was subsequently adopted at the Ordinary Meeting of Council held on 22 March 2017.

11.2 Local Emergency Management Committee

This item was withdrawn from the March 2017 Ordinary Council Meeting and has been resubmitted to the April 2017 Ordinary Council Meeting.

11.2.1

REVIEW OF THE DRAFT LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

Location:	Shire of Donnybrook Balingup
Applicants:	N/A
Zone:	N/A
File Ref:	PWF 16D
Author:	Leigh Guthridge – Manager Development and Environmental Services (Bryanna Wright – Part Time Environmental Health Officer)
Report Date:	8 March 2017
Attachments:	11.2.1 - Draft Local Emergency Management Arrangements

Background

The Shire of Donnybrook Balingup's Local Emergency Management Arrangements (LEMA) were first prepared in 1997. Several updates have been undertaken since this

time. The requirement for local governments to prepare and maintain LEMA is enshrined within the *Emergency Management Act 2005*.

The LEMA are required to be reviewed every five years with the last review having been undertaken in 2011.

Comment

The Shire of Donnybrook Balingup applied for funding and was subsequently awarded a grant through the State Emergency Management Committee (SEMC) 'AWARE' Program to review and update its LEMA.

The LEMA is a tool used in planning and responding to emergencies and supports emergency affected communities in the reconstruction of the physical infrastructure as well as restoration of emotional, social, economic and physical wellbeing.

The draft LEMA now aligns with SEMC framework as it is based on best practice across national and international jurisdictions. This will be beneficial when the LEMA is used in an operational capacity in the event of emergency that may arise.

State Risk Project

Section 14 of the draft LEMA - Risk Register and Treatment Schedule states:

“The Shire will join with neighbouring local governments as part of the State Emergency Management Committee State Risk Project during 2017. Following that process, the Shire will have contributed to a district aligned risk study and will be in a better position to align its risk management process with that of the State.”

The Office of Emergency Management (OEM) will start rolling-out the State Risk Project - Local Workshops across the State during 2017.

The Emergency Risk Management (ERM) process, particularly risk assessments, at the local level is an integral part of a local government's review of their LEMA Arrangements. However consistent and comparable risk assessments across all 138 local governments in Western Australia have not been done yet.

In accordance with *State Emergency Management Policy Statement 3.2.6*, ERM planning must be undertaken in accordance with the SEMC's Western Australian Emergency Risk Management Guideline, which is aligned with the Australian/New Zealand International Standard Organisation (AS/NZS ISO 31000:2009) *Risk Management – Principles and Guidelines*.

The ERM plans are to be developed, led and administrated by the local government (LG) and Local Emergency Management Committee (LEMC) (State EM Prevention Procedure 1 – Emergency Risk Management Planning).

The OEM has consulted with a range of local governments, risk management consultants, WALGA, OBRM and the District Emergency Management Advisors to

determine the best way to achieve consistency of assessment across all local governments.

Given the large number of local governments, the best way to provide the maximum level of support to local governments is to work with them in groups.

The local level component of the State Risk Project (SRP) aims to:

- Help local governments to understand their risk;
- Assist local governments to complete the emergency risk management (ERM) process as required by existing policy;
- Allow the State to gain a comprehensive understanding of current risks at the local level; and
- Provide information to enable future mitigation at all levels which will reduce the future cost of disasters.

Each of the participating local government representatives will be requested to consider the top five hazards relevant to the local area.

It is recommended that the LEMC review and provide comments on the draft LEMA.

Consultation

Mr Vikram Cheema, District Emergency Management Advisor - South West, Officer of Emergency Management has provided input into the draft LEMA.

It's recommended that the LEMC review the draft LEMA prior to submitting to Council for consideration for endorsement. The draft LEMA would then be advertised to the community, seeking feedback and comment.

Policy/Statutory/Voting Implications

Statutory Implications

Local governments are required to prepare and maintain LEMA's in accordance with the *Emergency Management Act 2005*.

The LEMA's are required to be reviewed every five years to ensure that risks (that may change within this time) are assessed and treatment plans are reviewed accordingly.

Voting Implications

Simple majority

Financial Implications

The Shire obtained AWARE funding of \$20,000 (Ex-GST) in June 2016 to review its LEMA. This project is fully funded by the AWARE program.

Strategic Implications

Outcome 3.4 – Maintain and Improve the Provision of Emergency Services.

Committee’s Recommended Resolution

Moved: Cr

Seconded: Cr

- 1) That Council advertise the draft Local Emergency Management Arrangements (LEMA) for 28 days during April 2017 and submissions received will be considered by the Local Emergency Management Committee and subsequently Council prior to the LEMA being adopted at a future meeting of Council.**
- 2) That the Emergency Risk Management (ERM) plans be developed by the Shire of Donnybrook – Balingup and Local Emergency Management Committee (LEMC) in the ensuing 18 months. The top 5 hazards relevant to the Shire of Donnybrook - Balingup will be considered during this time.**
- 3) That once completed the ERM plans will be included in the Local Emergency Management Arrangements.**

Council Decision

(Chief Executive Officer’s Recommended Resolution)

Moved: Cr Mills

Seconded: Cr Tan

- 1) That Council instruct the Chief Executive Officer to advertise the draft Local Emergency Management Arrangements (LEMA) for 28 days, commencing in April 2017, with submissions received to be considered by the Local Emergency Management Committee and subsequently Council prior to the LEMA being considered for adoption at a future meeting of Council.**
- 2) That the Emergency Risk Management plans be developed by the Shire of Donnybrook Balingup and the Local Emergency Management Committee in the ensuing 18 months, with the top five rated hazards relevant to the Shire of Donnybrook Balingup to be considered during this time.**
- 3) That once completed, the Emergency Risk Management Plans will be included in the Local Emergency Management Arrangements.**

Carried 8/0

11.3 Balingup Townscape Committee Meeting

11.3.1 BUDGET PRIORITIES FOR COUNCIL CONSIDERATION IN 2017/18 FINANCIAL YEAR

Location:	Balingup Townscape Committee
Applicants:	Balingup Townscape Committee
Zone:	N/A
File Ref:	FNC 04/1
Author:	Damien Morgan, Manager Works and Services
Report Date:	4 April 2017
Attachment:	11.3.1 – Nominated Projects for Consideration in the 2017/18 Draft Budget

Background

The Balingup Townscape Committee is required to develop a list of priority ranked projects for recommendation and consideration by the whole Council during the formation of the 2017/18 Financial Year budget.

Comment

Council typically makes allowance within its annual budget for projects identified by its Townscape Committee's. An allocation of \$30,000 was made in the 16/17 budget for the Balingup Townscape Committee projects.

How these funds are allocated between supported individual projects was at the discretion of the Committee, providing they do not exceed the adopted budget

It should be noted that no allowance was made for the carryover of unspent Townscape funds through the last budget process.

Consultation

The Balingup Townscape Committee is formally constituted by the Council and authorised to make recommendations for approval by the Council.

Policy/Statutory/Voting Implications

Policy

Consistent with Council policy.

Statutory

Consistent with Council's formal budget process.

Voting

A simple majority is required for recommended items in priority order.

Financial Implications

The Council typically approves an annual amount in the vicinity of \$25,000 for the setting of project priorities by the Balingup Townscape Committee.

The Council will assess the impact of the Balingup Townscape Committee's priority recommendations on the budget during its overall consideration of the full budget consistent with the 10-Year Financial Plan.

Strategic Implications

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

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

Outcome 3.2 - Quality community and recreational facilities that are well used by all ages and abilities.

Outcome 3.6 - Our volunteers and community organisations are supported and acknowledged

Outcome 3.8 - Maintain a safe and friendly community environment.

Outcome 3.9 - Existing community spirit and pride is maintained

Outcome 4.1 - An informed, engaged and involved community that actively participates.

Outcome 4.7 - Maintain and enhance Shire assets.

Officer's Recommended Resolution

Moved:

Seconded:

That the Balingup Townscape Committee nominates the below projects for consideration by Council for funding within the 2017/18 annual budget.

Priority	Project	Estimated Cost
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Note: The Committee members decided to reconvene informally on Wednesday, 19 April 2017 to discuss and nominate projects for consideration in the 2017/18 draft budget.

11.4 Donnybrook Townscape Committee Meeting

11.4.1 Update on Action Items List

Shire staff provided a status update on the Action Items list as at April 2017.

Donnybrook Historical Society proposal to purchase Scale Model Rail Replica

The Shire received a request from the Donnybrook Historical Society to purchase a second-hand scale model of the historical Donnybrook Rail complex.

There are two considerations that need to be given some thought:

1. Availability of funding; and
2. Appropriate space to display and store the item.

In relation to funding, no specific provision has been made in the 2016/17 budget for this item however there are funds in the townscape budget that could be used at Council's discretion. Alternatively, the Heritage Society may wish to apply for a Community Grant. The current round of grants closes 28 April 2017. A maximum grant of \$2,000.00 can be considered through this process.

In terms of finding a space, there are no buildings under Shire control that could properly display the item. It may be possible to temporarily store the model railway set in one of the sheds that form part of the old Shire Depot however, this arrangement is not ideal as there is potential for damage and the real possibility of the site being redeveloped in the near future.

Council Decision (Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr King

The Committee recommends that Council supports the Donnybrook Historical Society in their efforts to secure the replica model railway set.

Carried 8/0

11.5 Bushfire Advisory Committee Meeting

11.5.1 FIREBREAK ORDER

Location:	Shire Donnybrook Balingup
Applicants:	Shire Donnybrook Balingup
Zone:	N/A
File Ref:	FRC 04/2 FIRE BREAK ORDER
Author:	Leigh Guthridge – Manager Development and Environmental Services (<i>Paul Robins – Senior Ranger</i>)
Report Date:	1 April 2017
Attachment:	11.5.1(1) – Draft 2017/2018 Firebreak Order 11.5.1(2) - DFES – Firebreak Order Recommendations

Background

A review of the Shire of Donnybrook-Balingup’s (The Shire) Firebreak Order is undertaken annually. A copy of the draft 2017/2018 Firebreak Order (inclusive of modifications) is attached for consideration.

Mr Greg Hamlyn – Bushfire Risk Management Officer from the Department of Fire and Emergency Services (DFES) is assisting the Shire to develop its Bushfire Risk Management Plan.

As part of this process Mr Hamlyn has identified several improvements to the Shire’s Firebreak Order and provided recommendations to make the Firebreak Order a more effective tool for the Shire to require land owners to better prepare their land to allow safer access for fire-fighters for fire suppression when defending properties.

Comment

Several of the recommendations that DFES have recommended are supported and Council is advised to implement these via its firebreak order for the 2017/18 fire season. The recommended modifications (**Bold** = additional text; ~~strikethrough~~ = removed text) relate to the standard of fire breaks as follows:

1. To clarify that fire breaks need to be of a mineral earth standard and free of any flammable material.
2. Section 1 - Rural Land to be modified as follows:

RURAL LAND – (LAND ZONED GENERAL AGRICULTURE OR PRIORITY AGRICULTURE – LPS NO 7)

*(a) On land which is divided by or abuts a formed or partly formed road or railway reserve, a firebreak not less than ~~two~~ **three (3)** metres wide shall be provided*

within 60 metres of the boundary of the road or railway reserve. Breaks ARE NOT permitted on road reserves without Shire approval.

(b) Where rural land (whether bushland or pastured) abuts a residential zone boundary a 3 metre firebreak shall be constructed along the common boundary of the residential area.

*(c) A firebreak ~~two~~ **six (6)** metres wide shall be provided immediately surrounding and within twenty metres of the perimeter of all buildings, hay sheds and fuel storage areas situated on the land.*

3. Section 3 (b) – Townsites Land to be modified as follows:

TOWNSITES LAND: (INCLUDES RESIDENTIAL, ~~SPECIAL RESIDENTIAL,~~ COMMERCIAL AND INDUSTRIAL LAND)

*(b) Where the land exceeds 2024m² (approx. ½ acre) clear firebreaks not less than ~~two~~ three (3) metres wide, unless otherwise specified in the ~~Town~~ **Local** Planning Scheme, immediately inside all external boundaries of the land, and also immediately surrounding all buildings situated on the land. Grass on the remaining area of the land must be either grazed, cut for fodder, or totally removed from the land.*

4. Section 4 - Rural Residential Land to be modified as follows:

RURAL RESIDENTIAL, ~~SPECIAL USE AND CRAFT COMMERCIAL LAND~~

*The owners of all land zoned as " Rural Residential", "~~Special Use~~", or "~~Craft Commercial~~", under ~~Town~~ **Local** Planning Scheme No. ~~47~~ shall maintain a firebreak not less than ~~two~~ **three (3)** metres wide, immediately inside all external boundaries of the land, free of overhanging branches to a height of four metres. The Shire on the recommendation of a Bushfire Control Officer, may vary these conditions in certain circumstances. A low fuel zone of twenty metres wide shall be provided immediately surrounding all buildings situated on the land. Grass on the remaining area of the land must be either grazed (within conventional practice), cut for fodder or completely removed from the land.*

The purpose of the recommendations to improving the standard of firebreaks is to:

- Provide a suitable firebreak with sufficient width to allow appliances using the firebreak for access (2 metres considered too narrow) where a firebreak is required; and
- Improve fire defending opportunity for fire response teams between the 'rural' and 'rural residential' land interface where the potential for loss of assets from fire increase significantly in a higher density subdivision areas.

Other modifications include date changes, updating changes to fire control officer details, updating correct land zoning terminology to reflect that of the Shire's local planning scheme No 7 and rectifying grammar or errors.

There are several other modifications to the Firebreak Order that DFES are recommending that are not to be considered at this time. It is proposed that these recommendations, along with other contemporary fire control measures be considered at a future review of the Firebreak Order which is proposed to be undertaken by the Bushfire Strategic Planning Committee at a future date to be confirmed.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Section 33 of the Bush Fire Act 1954-79 provides Council with the controls to adopt a Firebreak Order to ensure that land owners maintain their properties to protect the district from fire risk.

Voting

Simple majority

Financial Implications

N/A

Strategic Implications

Outcome 2.7 - Improving fire prevention and hazard reduction activities.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council undertake the following modifications to its 2017/18 Fire Break Order:

- 1. Update the annual date changes and current Fire Control Officers details;**
- 2. Subsections (a-c) of 'Rural Land' to read as follows:**

Rural Land – (Land zoned General Agriculture or Priority Agriculture – LPS No 7)

- (a) On land which is divided by or abuts a formed or partly formed road or railway reserve, a firebreak not less than three (3) metres wide shall be provided within 60 metres of the boundary of the road or railway reserve. Breaks ARE NOT permitted on road reserves without Shire approval.***

- (b) Where rural land (whether bushland or pastured) abuts a residential zone boundary a 3 metre firebreak shall be constructed along the common boundary of the residential area.**
- (c) A firebreak six (6) metres wide shall be provided immediately surrounding and within twenty metres of the perimeter of all buildings, hay sheds and fuel storage areas situated on the land.**

3. Subsection b of 'Townsite Land' to read as follows:

- (b) Where the land exceeds 2024m² (approximately ½ acre) clear firebreaks not less than three (3) metres wide, unless otherwise specified in the Local Planning Scheme, immediately inside all external boundaries of the land, and also immediately surrounding all buildings situated on the land. Grass on the remaining area of the land must be either grazed, cut for fodder, or totally removed from the land.**

4. Rural Residential Land to read as follows:

Rural Residential Land

The owners of all land zoned as "Rural Residential" under Local Planning Scheme No. 7 shall maintain a firebreak not less than three (3) metres wide, immediately inside all external boundaries of the land, free of overhanging branches to a height of four metres. The Shire on the recommendation of a Bushfire Control Officer, may vary these conditions in certain circumstances. A low fuel zone of twenty metres wide shall be provided immediately surrounding all buildings situated on the land. Grass on the remaining area of the land must be either grazed (within conventional practice), cut for fodder or completely removed from the land.

- 5. That the Bushfire Strategic Planning Committee undertake a review of the Shire of Donnybrook-Balingup Fire Break Order and recommendations for modifications to the Fire Break Order to be presented at a future meeting of Council.**

Cr Crowley supported the merging of the two recommendations made by the Bushfire Advisory Committee into one resolution.

Committee's Recommended Resolution

Moved: Cr Seconded: Cr

That the following statement be inserted into the Firebreak Order :

"That firebreaks are to be of a mineral earth standard and free of flammable material and be maintained throughout the fire season."

Committee's Recommended Resolution

Moved:

Seconded:

That the dates for the restricted burning period on the Firebreak Order to be from 1 April to 26 April 2018.

Council Decision

Moved: Cr Crowley

Seconded: Cr Bailey

1. That the following statement be inserted into the Firebreak Order:

“That firebreaks are to be of a mineral earth standard and free of flammable material and be maintained throughout the fire season.”; and

2. That the dates for the restricted burning period on the Firebreak Order to be from 1 April to 26 April 2018.

Carried 8/0

11.5.2 OTHER BUSINESS

Paul Robins – Senior Ranger

- Discussion about how to manage future repairs and/or replacement of Shire owned non WAERN radios

Council Decision (Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Mitchell

That Council instruct the Chief Executive Officer to send a letter to the Department of Fire and Emergency Services (DFES) to request that DFES fund an additional two high band radios (VHF) for each brigade within the Donnybrook Balingup Shire.

Carried 8/0

12 REPORTS OF OFFICERS

12.1 *Manager Finance and Administration*

12.1.1 ACCOUNTS FOR PAYMENT

For information: The following accounts have been authorised and paid under Delegation 3.2 by the Chief Executive Officer represented by cheques CCP3224-CCP3234, EFT11253a-c, EFT11325–EFT11534c, 52464– 52507, DD21852–DD21855.2, Trust 3472-3476, and EFT11410B, totalling \$1,465,132.80.

12.1.2 MONTHLY FINANCIAL REPORT

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

Moved: Cr Tan

Seconded: Cr Bailey

That the monthly report for the period ended 28 February 2017 be received.

Carried 8/0

12.2 *Manager Works and Services*

Nil

12.3 *Manager Development and Environmental Services*

Nil

12.4 Principal Planner

Cr Tan declared an interest affecting impartiality with regards to Agenda item 12.4.1 – Request for Donnybrook Community Garden Site as she is the signatory to the bank account held under the auspicing agency of the Donnybrook Community Resource Centre Inc.

12.4.1	REQUEST FOR DONNYBROOK COMMUNITY GARDEN SITE
Location:	Lot 51 Reserve Street, Donnybrook and Reserve 17521 (Egan Park)
Applicants:	Donnybrook Community Garden Inc.
Reserve:	Parks and Recreation
File Ref:	A162
Author:	Bob Wallin (Principal Planner)
Report Date:	14 March 2017
Attachments:	12.4.1(1) - Location Plan 12.4.1(2) - Schedule of Submissions 12.4.1(3) - Land Tenure

Background

Council, at its Ordinary Meeting on 8 February 2017, resolved to:

- 1) *Seek community and Government Agencies comment and feedback on the location of the Community Garden site at:*
 - *Egan Park;*
 - *Preston River Foreshore near Preston Village Sharp Street;*
 - *BMX Track on Marmion Street; and*

- 2) *Instruct the Chief Executive Officer to:*
 - a. *undertake actions to implement point 1 above;*
 - b. *report to Council with a recommendation; and*
 - c. *Investigate leasing arrangements.*

The proposal has been advertised by mail drop to landowners in the localities of these sites as well as local sporting groups and relevant government agencies.

In addition, a further site was added for comment. This site is on unconstructed road reserve at the rear of the “Girl Guides Hall (Lot 17 Ramsay Terrace, Donnybrook).

The additional site was added based on a further scan of the locality for potential sites. This new site possessed a number of attractive features and was included to ensure that all possible sites could be considered with the aim of selecting the best possible site within town for the proposed use.

Comment

The preferred site (Egan Park) is vacant and low lying. It is not suitable for the extension of the “transit park” without significant amounts of landfill.

There is limited potential for land use conflict.

The site is generally screened and will not impact on streetscape and landscape values.

The proposal is consistent with the visions and objectives outlined in the Strategic Community Plan. Objective 3 states:

“A healthy, safe and inclusive community enjoying a high quality of life.”

A community garden encapsulates this objective.

Establishing a community garden at the site does not preclude future changes or other uses occurring on the site over time. Community gardens do not require significant infrastructure. Further, any earth works or improvements can easily be removed with little cost or effort.

Community gardens have some potential to look disordered or have an organic arrangement and appearance. In this case, there is potential to have a design that provides an attractive formal screening element that can lift the appearance of the locality.

Consultation

Advertising letters were sent out on 14 February with the closing date for comments being 10 March 2017.

A total of 19 submissions were received. The majority outlined a preference for the Egan Park site.

In thinking about suitability of the Egan Park site, it is worth outlining the opportunities and constraints of the site.

Opportunities

Accessibility

The site is accessible to the community. It enjoys an existing constructed access and is conveniently located in town.

Amenity

The site is screened from the highway and public streets. However, it enjoys passive surveillance from the transit park and sports grounds users. The site also has an attractive outlook and setting for a garden.

Servicing

The site is nearby to facilities such as public toilets and infrastructure such as power and water.

Constraints

Area

The site is already used by a number of clubs and events. Further, it limits options for future expansion of the transit park. By defining the extent of the community garden, it is possible to allow for expansion of the transit park. If there is a need for further expansion of the transit park, other options exist. These options could be to relocate the community garden or use other sites already zoned and identified for such uses within the townsite (one at the northern end of town and the other at the southern end of town).

Land Tenure Constraints

The site is located over a number of land parcels ranging from private freehold (owned by Shire) to recreation reserve and road reserve (see Attachment 3). One lot is freehold owned by the State (previously railway reserve). It will be necessary to obtain approval from the Department of Lands to use portion of this land. The Shire has the power to lease Reserve 17521 for recreational purposes.

Amenity

Community gardens have some potential to look messy and disordered. This risk can be reduced by including provisions in a lease to “make good” or include bond provisions to cover removal.

Policy/Statutory Implications

The proposed use is consistent with the Parks and Recreation Reservation under the Local Planning Scheme.

Advise the Community Garden Committee that prior to starting any works, it will be necessary to obtain a Planning Approval from the Shire. It is recommended to meet with Shire staff during the design process to ensure that existing servicing infrastructure is identified and not damaged during the construction process as well as ensuring that activity occurs in an orderly manner and will not adversely prejudice future expansion options for the transit park.

Financial Implications

The setting up of the garden will involve staff time and may incur some costs in preparing leases and ongoing servicing such as water and power supply. There may also be staff time involved in keeping the site tidy or removal of infrastructure if and when the project finishes.

Strategic Implications

- Outcome 2.8 – Our townsites are attractive, well presented and maintained.

- Outcome 3.5 – Our volunteers and community organisations are supported and acknowledged
- Outcome 3.9 – Existing community spirit and pride is maintained.
- Outcome 3.10 – The community has access to appropriate services and facilities to enhance their health and well-being.
- Outcome 3.11 – Attract and retain young families.

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

Moved: Cr Bailey

Seconded: Cr King

That Council:

- 1) **Support the location of a community garden at the rear of Egan Park, generally in accordance with the attached plan, subject to obtaining approval from the Department of Lands to use portion of Lot 0 on Plan 2156 for this purpose;**
- 2) **Acknowledge the submissions received and determine them in accordance with Attachment 12.4.1(2);**
- 3) **Authorise the Chief Executive Officer to request the Department of Land’s approval for the use of a portion of Lot 0 on Plan 2156 for the purpose of a community garden.**

Carried 6/2

12.4.2	PROPOSED AMENDMENT 7 TO LOCAL PLANNING SCHEME 7
	Location: Lot 20 Spencer Street, Balingup
	Applicants: N/A
	Zone: Residential R10
	File Ref: TP17 AMD 7
	Author: Bob Wallin (Principal Planner)
	Report Date: 28 March 2017
	Attachments: 12.4.2(1) – Draft Amendment No.7
	12.4.2(2) – Schedule of Submissions

Background

Council, at its Ordinary Meeting on 21 December 2016, resolved to:

- “1) *Resolve to initiate the proposed Amendment No.7 to zone Lot 20 Spencer Street, Balingup “Special Use”;*
- 2) *Waive the assessment fee of \$2750.00;*

- 3) *Instigate statutory advertising in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015; and*
- 4) *Require the Chief Executive Officer to undertake such tasks necessary to implement items 1 and 3, above."*

Lot 20 Spencer Street, Balingup was purchased by the Shire with the intent that it would be used for civic or public purposes. The site abuts another Public Purpose CI reserve which contains three aged persons units managed and maintained by Vintage Homes.

Council has had a number of deputations from Vintage Homes regarding the potential to purchase Lot 20 Spencer Street and enable them to use the site to accommodate four aged care units.

One of the issues limiting this proposal as well as any other future proposals is the current zoning of the land. The land is zoned "Residential" with a density coding of R10. This zoning and coding limits the opportunity of using the land for public or civic purposes.

This amendment proposes to ensure that Local Planning Scheme 7 (LPS7) appropriately identifies the land so that future civic or aged accommodation can occur on the site.

The amendment has been advertised and is now presented to Council for a recommendation on how to proceed.

The proposed 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 part of LPS7.

The proposed Amendment is presently at Step 5.

At this step, the options available to Council are to:

- a) Recommend final approval without modifications;
- b) Recommend final approval with modifications; and
- c) Recommend not to proceed.

Comment

The Amendment is consistent with the broad strategic planning framework for the site. The proposal is consistent with the intent outlined in the Shire's Strategic Community Plan, findings of the Aged Friendly Community Study and Local Planning Strategy. More detail on this is contained within the report section of Attachment 12.4.2(1).

Changing the zoning of the land ensures that the land can be used more effectively for the reasons it was purchased – for community or civic purposes.

Consultation

The amendment has been advertised in accordance with the Planning Regulations. Four submissions were received during advertising (Attachment 12.4.2(2)). These are all from government agencies that provide technical advice. No objections were received.

Statutory Obligations

The *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.

The amendment falls under the definition of a “Standard Amendment” contained in regulation 34).

Policy Implications

N/A

Voting Requirements

Simple majority.

Financial Implications

The Shire waived the initiation fee when it resolved to initiate the amendment at its Ordinary meeting on 21 December 2016. Shire staff have provided in kind support in preparing the amendment document with assistance from Vintage Homes who funded the legal mapping component of the document.

Strategic Implications

- Outcome 3.1 – Improve and increase the range of aged care and disability services, facilities and housing.
- Outcome 3.10 – The community has access to appropriate services and facilities to enhance their health and well-being.
- Outcome 4.5 – Continue to provide quality local government services and facilities.

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

Moved: Cr Bailey

Seconded: Cr Van Der Heide

That Council:

- 1) Grant final approval for proposed Amendment 7 (as attached) to zone Lot 20 Spencer Street, Balingup to “Special Use”;**
- 2) Determine the submissions received in accordance with Attachment 12.4.2(2) – Schedule of Submissions; and**
- 3) Request the Chief Executive Officer to undertake such tasks necessary to implement items 1 and 2, above.**

Carried 8/0

12.5 Chief Executive Officer

12.5.1

REVIEW OF DELEGATIONS

Location:	Shire of Donnybrook Balingup
Applicants:	Shire of Donnybrook Balingup
Zone:	N/A
File Ref:	ADM 11/3
Author:	Ben Rose – Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)
Report Date:	7 April 2017
Attachments:	Nil

Background

Council staff have undertaken a review of all Council Delegations and the proposed amendments are now referred to Council for consideration for adoption.

An updated Register of Delegations will be provided to all Councillors once the amendments have been made.

Comment

The cost of debt recovery is such that it may not be cost effective to recover debts that are higher than \$500. The limit for other types of debts remains at \$500.

The remaining changes are minor, to ensure names and references are current and errors corrected.

Under section 5.44 of the Local Government Act the CEO may delegate to staff members. These delegations are included in the Delegations Register, however any alterations to these delegations resulting from this review do not require Council endorsement and are therefore not included in this report.

The following amendments are recommended:

2 - ADMINISTRATION

No 1.3 Approval and Payment of Expenses and Reimbursements

Under 'Power Exercised':	Change the reference to the LG Act, S 5.987(4) to section 5.98.
In the delegation itself, remove:	Reference to section 5.987(4)
Replace with:	section 5.98
Reason:	The number 7 appears to be a typographical error. The reference to clause (4) is unnecessary, as the whole section is relevant.

No 2.14 Payment of Study Leave

Add:	3.2, to 'Human Resources Policy.
Reason:	To provide the number of the HR policy as well as its title.

No 2.21 Event Applications by Donnybrook Recreation Centre

Remove:	Reference to Council Policy 2.18.
Reason:	This policy is not relevant to this delegation.

3 - FINANCE

No 3.7 Rate Book – Write off Minor Balances

Change:	The value of the balance that can be written off from \$500 to \$1000.
Reason:	This figure was set 10 years ago. Raising the figure provides greater flexibility in circumstances where the cost of recovering the debt is high.

No 3.8 Write off Minor Debtors

Remove:	The words 'Rate Book' from the subject line.
Reason:	Error

4 – ENGINEERING

No 4.10 – Disposal of Surplus Equipment, Materials, Tools, Office Furniture and Equipment

Add:	After each of the dollar figures, insert '(excluding GST)'.
Reason:	To provide clarity.

6 – FIRE CONTROL

6.1 Incur Expenses on Behalf of Council

Remove:	'Shire President' from the delegation.
Reason:	Under the LG Act, the local government may delegate only to the CEO. The Shire President is authorised to expend money in emergency situations under section 6.8(1)(c) of the LG Act.

Consultation

N/A

Policy / Statutory / Voting Implications

Policy

Nil

Statutory

Local Government Act 1995 (section 5.46(2)).

Voting

Absolute majority decision required.

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 Tan

Seconded: Cr Bailey

That Council endorse the following Council Delegation amendments:

No 1.3 Approval and Payment of Expenses and Reimbursements

Under ‘Power Exercised’: Change the reference to the LG Act, S 5.987(4) to section 5.98.

In the delegation itself, remove: Reference to Section 5.987(4)

Replace with: section 5.98

No 2.14 Payment of Study Leave

Add: 3.2, to ‘Human Resources Policy.

No 2.21 Event Applications by Donnybrook Recreation Centre

Remove: Reference to Council Policy 2.18.

No 3.7 Rate Book – Write off Minor Balances

Change: The value of the balance that can be written off from \$500 to \$1000.

No 3.8 Write off Minor Debtors

Remove: The words ‘Rate Book’ from the subject line.

No 4.10 – Disposal of Surplus Equipment, Materials, Tools, Office Furniture and Equipment

Add: After each of the dollar figures, insert ‘(excluding GST)’.

6.1 Incur Expenses on Behalf of Council

Remove: ‘Shire President’ from the delegation.

**Carried 8/0
By Absolute Majority**

12.5.2	ADOPTION OF WASTE LOCAL LAW
Location:	SHIRE OF DONNYBROOK BALINGUP
Applicants:	SHIRE OF DONNYBROOK BALINGUP
Zone:	N/A
File Ref:	CNL25
Author:	Ben Rose - Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)
Report Date:	4 April 2017
Attachments:	12.5.2 - Shire of Donnybrook Balingup Waste Local Law 2017

Background

Since the introduction of the *Waste Avoidance and Resource Recovery (WARR) Act in 2007*, the management of household refuse has come under this Act, rather than the *Health Act 1911*. Transition arrangements have been in place allowing local governments to continue to use the refuse provisions in their Health Local Laws – however this is no longer the case following the introduction of the *Public Health Act 2016*.

At the 28 September Ordinary Council Meeting, Council resolved to introduce a Waste Local Law under the appropriate head of power – that is, the *WARR Act*.

Comment

The proposed *Shire of Donnybrook Balingup Waste Local Law 2017* is based on this WALGA template. Section 4.2 of the Shire's *Health Local Laws 1999* (Disposal of Refuse) will be revoked as part of the process of adopting this new local law.

The purpose of this local law is to provide for the regulation, control and management of waste and recycling collection services within the Shire. The effect of this local law is for the efficient and orderly separation and removal of general, recycling and organic waste from households in the Shire to minimise the impact on landfill.

Consultation

Under s.3.12 of the *Local Government Act 1995*, Council gave State-wide public notice of the proposed local law from 17 October 2016 – 22 December 2016, stating its intention to introduce a new local law and inviting public submissions to be made during that time.

Copies of the draft Waste Local Law were also sent to the Minister for Local Government and Communities and the Minister for the Environment for comment.

No public submissions were received. The Director General of the Department of Environment Regulation recommended the removal of the term 'non-frangible metal' from Schedule 1 – meaning of non-collectable waste, following advice from the Joint Standing Committee on Delegated Legislation that the term is 'insufficiently certain and

would offend the Committee's term of reference 10.6(a)'. The definition has therefore been removed.

The Department for Local Government recommended minor alterations and edits to reflect best practice drafting practices.

The Acting Director General of the Department of Environment Regulation has provided consent to the making of this local law.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

- *Local Government Act 1995*, Section 3.12
- *Waste Avoidance and Resource Recovery Act 2007*, Section 64(2)
- *Local Government Functions and General Regulations – Regulation 3*
- *Health Local Laws 1999* Section 4.2 (Disposal of Refuse) will be revoked from the Shire's *Health Local Laws 1999* as part of the process of adopting the new *Shire of Donnybrook-Balingup Waste Local Law 2016*.

Voting

An absolute majority vote is required under Section 3.16 of the *Local Government Act 1995*.

Financial Implications

An appropriate budget line exists for the cost of giving public notice and advertising.

Strategic Implications

Shire of Donnybrook-Balingup 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 Bailey

Seconded: Cr Mills

- 1. That Council adopt the attached *Shire of Donnybrook-Balingup Waste Local Law 2017*.**
- 2. The purpose of this local law is to provide for the regulation, control and management of waste and recycling collection services within the Shire. The effect of this local law is the efficient and orderly separation and removal of general, recycling and organic waste from households in the Shire to minimise the impact on landfill.**

**Carried 8/0
By Absolute Majority**

12.5.3 ADOPTION OF ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW

Location: SHIRE OF DONNYBROOK BALINGUP
Applicants: SHIRE OF DONNYBROOK BALINGUP
Zone: N/A
File Ref: CNL25
Author: Ben Rose – Chief Executive Officer
(Lucy Bourne – Governance Officer)
Report Date: 4 April 2017
Attachment: 12.5.3 – Shire of Donnybrook Balingup
 Animals, Environment and Nuisance
 Local Law 2017

Background

At the 28 September Ordinary Council Meeting, Council resolved to introduce an *Animals, Environment and Nuisance Local Law*.

This local law shifts a number of the provisions of the Shire’s Health Local Laws from the *Health Act 1911* to the *Local Government Act 1995*. The *Public Health Act 2016*, which is now law, repeals much of the outdated *Health Act 1911*. As part of the transition to the new Act, the *Health (Miscellaneous Provisions) Act 1911*, which enabled local government to have Health Local Laws, have been repealed.

Included in this local law are a number of other provisions currently dealt with under the *Local Government Act 1995*. By putting these into a local law they may be enforced by way of modified penalties rather than via court action.

The provisions of two existing local laws – *Disposal of Refuse, Rubbish and Disused Materials Local Law*, and the *Miscellaneous Provisions Local Law* – are also contained in this proposed new local law and will automatically be repealed on adoption of this local law.

Comment

The purpose of this Local Law is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District. The effect of this local law is to establish the requirements with which any person keeping animals or undertaking activities that have the potential to have an impact on the environment or create a nuisance must comply.

All of the provisions in this local law are based on pro-forma or ‘model’ local laws.

Consultation

Under s.3.12 of the *Local Government Act 1995*, the Shire gave State-wide public notice of this proposed local law from 17 October 2016 – 22 December 2016, stating its intention to introduce a new local law and inviting public submissions to be made during that time. No Public submissions were received.

Copies were also sent to the Minister for Local Government and the Minister for Health. The Department for Local Government recommended minor alterations and edits to reflect best practice drafting practices.

The Acting Assistant Director General, Public Health Division of the Department of Health advised that following amendments to the Local Government Act 1995 (resulting from the introduction of the Public Health Act 2016), local governments may make their health local laws under the Local Government Act alone and are not required to notify or gain the consent of the Minister for Health.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

- *Health Act 1911*
- *Health (Miscellaneous Provisions) Act 1911*
- *Public Health Act 2016*
- *Local Government Act 1995, Section 3.12*
- *Disposal of Refuse, Rubbish and Disused Materials Local Law*
- *Miscellaneous Provisions Local Law*

Voting

An absolute majority vote is required under Section 3.16 of the *Local Government Act 1995*.

Financial Implications

An appropriate budget line exists for the cost of giving public notice and advertising.

Strategic Implications

Shire of Donnybrook Balingup 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 Bailey

Seconded: Cr Crowley

- 1. That Council adopt the attached *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017*.**
- 2. The purpose of this Local Law is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the District.**

3. The effect of this local law is to establish the requirements with which any person keeping animals or undertaking activities that have the potential to have an impact on the environment or create a nuisance must comply.

Carried 8/0
By Absolute Majority

12.5.4

PRESTON VILLAGE: COMPLETION OF VILLAGE CONSTRUCTION

Location: 152 Sharp Street, Donnybrook
Applicants: Shire of Donnybrook Balingup
Zone: Special Use Aged Person Accommodation
File Ref: CSV 01/9
Author: Ben Rose - Chief Executive Officer (*B Wallin -Principal Planner; Greg Harris - Manager Finance and Administration*)
Report Date: 10 April 2017
Attachment: 12.5.4(1) - Business Case
12.5.4(2) – Preston Retirement Village Site Plans

Background

Council, at its Ordinary Meeting on 22 March 2017, resolved:

“That Council instruct the Chief Executive Officer to:

- 1. Prepare a Business Plan and investigate the best loan valuation procedures to build units 14, 15, 16 and 17 at Preston Retirement Village; and*
- 2. Present this information to the April 2017 Ordinary Council Meeting.”*

A Business Plan has been prepared (Attachment12.5.4(1)).

Comment

The Long Term Financial Plan (LTFP) includes the project to construct the last four units at Preston Village in the 2019/20 financial year.

There is no specifically urgent or imminent need for the project to be brought forward, other than the corporate and social responsibility of the Shire as the developer of the overall site (and bearing in mind the leases have been marketed and ‘sold’ on the basis of a completed 17 unit site). In addition, there is a general trend for an aging population in the district and this trend amplifies the fact that the region is already characterised by a relatively high proportion of aged people.

There is also a general mood in government initiatives to allow people to age in place based on the benefits of people living near friends and family.

Completion of the four (4) units will bring the last stage of the Preston Retirement to fruition. This will enable the complex to be marketed as an attractive and complete facility. Leasing of the remaining four (4) units will also enable sunk infrastructure costs to be recovered.

Interest rates are at historically low levels and there is a relatively competitive building environment. Starting the project now enables the Shire to take advantage of these favourable market conditions.

The project will require obtaining a loan for \$900,000. It is expected that cash generated from the leases will enable the loan to be repaid within three years.

Raising a loan of \$900,000 will have a significant impact on Council's loan borrowing capacity and will require funds of approximately \$29,000 to be set aside in Council's annual budget to meet interest costs and loan guarantee fee charges.

The *Local Government Act 1995* contains specific provisions under which a local government can raise a loan. Essentially, the loan must either be included in the Council's Annual Budget; otherwise a separate advertising and public submission process must be followed.

The Business Case (Attachment 12.5.4(1)) provides details on the risks associated with the project.

Policy/Statutory/Voting Implications

Statutory

Retirement Villages Code Regulations 2015.

Voting

Simple majority.

Financial Implications

The project is identified in the 2019/20 year of the Long Term Financial Plan at a nominal value of \$900,000. Indicative funding sources were shown as \$100,000 from Reserve funds and the remaining \$800,000 as being funded by loan. There are limited funds currently held in the Aged Housing Reserve. Other remaining funds held in the Aged Housing Reserve relate to the contingency reserves and surpluses generated from the operation of the Shire's Well Aged Housing units (Minninup Cottage and Langley Villas).

If the project is to commence/proceed in the 2017/18 financial year, it will be necessary for the full \$900,000 (ex GST) to be raised through a loan facility. Alternatively, Council could consider utilising some funds from its Municipal Fund; however, this will have a direct impact on Council's ability to fund other core operating and capital items.

Strategic Implications

- Outcome 3.1 – Improve and Increase the range of aged care and disability services, facilities and housing
- Outcome 4.2 – Maintain long-term financial viability

Council Decision (Officer's Recommended Resolution)

Moved: Cr King

Seconded: Cr Tan

That Council nominate the project to construct the final four (4) units at Preston Retirement Village for consideration during the 2017 major review of the Shire's Strategic Community Plan, Corporate Business Plan and Long Term Financial Plan.

Carried 8/0

12.6 Recall Items

Council Decision – En Bloc Resolution 2

Moved: Cr Tan

Seconded: Cr Bailey

That the resolutions from items 12.6.1 – Unit 8 Preston Retirement Village, and 12.6.2 – RFT 2/2017 – Re-Roof Gymnasium Expansion and Maintenance Works to Donnybrook recreation and Aquatic Centre be moved en bloc.

Carried 8/0

12.6.1	UNIT 8 PRESTON RETIREMENT VILLAGE
Location:	152 Sharp Street, Donnybrook
Applicants:	Shire of Donnybrook Balingup
Zone:	Special Use Aged Person Accommodation
File Ref:	CSV 01/9
Author:	B Rose – Chief Executive Officer (Kate O'Keeffe, Executive Assistant)
Report Date:	18 July 2016

Background

Council considered the confidential report – Unit 8 Preston Retirement Village at the Special Council meeting held on 10 March 2017.

Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (c) and Administration Regulations 4A the above report remained confidential as “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.”

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 Meeting Agenda.

This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Statutory

The *Local Government Act 1995* Section 5.23(2)(f).

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 – En Bloc Resolution 2 (Officer’s Recommended Resolution)

Moved: Cr Tan

Seconded: Cr Bailey

That the Council resolutions relating to the confidential report on Unit 8 Preston Retirement Village be made public.

Carried 8/0

12.6.2 RFT 2/2017 – RE-ROOF, GYMNASIUM EXPANSION AND MAINTENANCE WORKS TO DONNYBROOK RECREATION AND AQUATIC CENTRE

Location: Steere Street Donnybrook
Applicants: Shire of Donnybrook Balingup
Zone: Parks and Recreation
File Ref: PWF 16G
Author: Leigh Guthridge - Manager Development and Environmental Services
Report Date: 27 March 2017

Background

Council considered the confidential report – RFT 2/2017 – Re-Roof, Gymnasium Expansion and Maintenance Works to Donnybrook Recreation and Aquatic Centre at the Special Council meeting held on 5 April 2017.

Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2)(c) and Administration Regulations 4A the above report remained confidential as “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.”

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 Meeting Agenda.

This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Statutory

The *Local Government Act 1995* Section 5.23(2)(f).

Voting

Simple majority.

Financial Implications

Nil.

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 – En Bloc Resolution 2
(Officer’s Recommended Resolution)**

Moved: Cr Tan

Seconded: Cr Bailey

That the Council resolutions relating to the confidential report on RFT 2/2017 – Re-Roof, Gymnasium Expansion and Maintenance Works to Donnybrook Recreation and Aquatic Centre be made public.

Carried 8/0

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

Moved: Cr Tan

Seconded: Cr Bailey

That the Meeting be closed to the public under the *Local Government Act 1995 (the Act)* for the following item:

12.7.1 – RFT 01/2017 – Traffic Management Services, under Section 5.23(2)(c) of the Act (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 8/0

12.7 Confidential Items

CONFIDENTIAL

12.7.1	RFT 01/2017 – TRAFFIC MANAGEMENT SERVICES
Location:	Shire of Donnybrook Balingup
Applicants:	Shire of Donnybrook Balingup
Zone:	N/A
File Ref:	TEN 05/17
Author:	Damien Morgan – Manager Works and Services
Report Date:	31 April 2017

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

Moved: Cr Tan

Seconded: Cr Bailey

That:

- 1) In accordance with Section 5.23(2) of the *Local Government Act 1995*, Agendas, Minutes and Council decisions in relation to item 12.7.1 remains confidential; and
- 2) When Agendas, Minutes and Council decisions in relation to item 12.7.1 are no longer subject to section 5.23(2) of the *Local Government Act 1995*, the items are to be included in the next occurring Council Meeting Agenda.

Carried 8/0

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

Moved: Cr King

Seconded: Cr Crowley

That the meeting be re-opened to the public.

Carried 8/0

13 CLOSURE OF MEETING

The Chairperson advised that the next Ordinary Council Meeting will be held on Wednesday, 24 May 2017 commencing at 5.00pm in the Seniors’ Room, Donnybrook Community Library.

The Chairperson declared the meeting closed at 5.40pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 24 May 2017.

Shire President		Presiding Member