



Notice of Ordinary Meeting of Council

TO:

ALL COUNCILLORS

To be held on

20 December 2017

Commencing at 5.00pm

At the Yabberup Hall, 5 Yabberup Road, Yabberup

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

Ben Rose
Chief Executive Officer

14 December 2017

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.



NOTICE OF ORDINARY MEETING OF COUNCIL

20 December 2017

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2	ATTENDANCE	4
2.1	<i>APOLOGIES</i>	4
2.2	<i>APPROVED LEAVE OF ABSENCE</i>	4
3	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	4
4	DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST	4
5	PUBLIC QUESTION TIME	5
5.1	<i>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</i>	5
5.2	<i>PUBLIC QUESTION TIME</i>	5
6	PRESENTATIONS	5
6.1	<i>PETITIONS</i>	5
6.2	<i>PRESENTATIONS</i>	5
6.3	<i>DEPUTATIONS</i>	5
6.4	<i>DELEGATES' REPORTS</i>	5
6.4.1	<i>Shire President Piesse's Communication</i>	5
7	CONFIRMATION OF MINUTES.....	5
7.1	<i>ORDINARY MEETING OF COUNCIL</i>	5
7.2	<i>ANNUAL GENERAL MEETING OF ELECTORS</i>	6
7.3	<i>COMMITTEE MINUTES</i>	6
8	REPORTS OF COMMITTEES	6
9	REPORTS OF OFFICERS.....	6
9.1	<i>MANAGER FINANCE AND ADMINISTRATION</i>	6

9.1.1	<i>Accounts for Payment</i>	6
9.1.2	<i>Monthly Financial Report</i>	6
9.2	MANAGER WORKS AND SERVICES	7
9.2.1	<i>Licence to Use and Occupy Railway Corridor Land at Balingup</i>	7
9.3	MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES	10
9.3.1	<i>Shire of Donnybrook Balingup Bushfire Risk Management Plan</i>	10
9.4	PRINCIPAL PLANNER	14
9.4.1	<i>Proposal to Erect a Covered In Carport with a Nil Setback at 65 Victoria Parade, Donnybrook</i>	14
9.4.2	<i>Request to Implement Timed Car Parking at Lot 50 South Western Highway, Donnybrook</i>	17
9.4.3	<i>Request to Erect a Shade Structure at Lot 598 South Western Highway, Donnybrook</i>	20
9.4.4	<i>Request to Authorise Planning Application for Four Aged Units at Lot 20 Spencer Street, Balingup</i>	22
9.4.5	<i>Request to Initiate and Support Rezoning Amendment to Local Planning Scheme No.7 and Structure Plan For Lots 424 And 425 Bakewell Street, Donnybrook</i> ...	24
9.5	CHIEF EXECUTIVE OFFICER	30
9.5.1	<i>Shire Committees and Councillor Membership</i>	30
9.5.2	<i>Councillor Delegate Membership to Community Committees</i>	37
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .	40
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	40
12	MEETING CLOSED TO PUBLIC	41
12.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	41
12.1.1	<i>Confidential – Request for Shire Support</i>	41
12.1.2	<i>Confidential - Advice on Aged Care Act 1997 - Key Personnel</i>	42
12.1.3	<i>Confidential - Organisation Restructure</i>	42
12.2	PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	43
13	CLOSURE	43

SHIRE OF DONNYBROOK BALINGUP

NOTICE OF ORDINARY MEETING OF COUNCIL

To be held at the Yabberup Hall, 5 Yabberup Road, Yabberup
on Wednesday, 20 December 2017 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President to declare the meeting open at _____ pm and welcome the public gallery and advise them of the meeting procedures.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS

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

STAFF

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

PUBLIC GALLERY

2.1 APOLOGIES

2.2 APPROVED LEAVE OF ABSENCE

3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTION TIME

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

Mr Geoff Box and Mr Ric Evans of the Donnybrook RSL.

6.4 DELEGATES' REPORTS

6.4.1 Shire President Piesse's Communication

Date	Meeting
09/11/2017	Bunbury Wellington Alliance (BWEA) Annual General Meeting
10/11/2017	Donnybrook High School Re-cycled Garden Art Show
11/11/2017	Remembrance Day Ceremony, Donnybrook War Memorial
13/11/2017	Official opening of Boyanup Access Housing Villas
17/11/2017	Presentation of Certificates at Donnybrook High School Assembly
24/11/2017	Hosted South West LG Zone Meeting, Donnybrook
30/11/2017	Bunbury Wellington Economic Alliance (BWEA) Board Meeting
4-5/12/2017	WALGA Disaster Recovery Training , West Leederville
10/12/2017	Medal Presentation for Scott Tooke, Argyle Volunteer Bushfire Brigade
11/12/2017	South West Regional Road Group Meeting

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL

RECOMMENDATION

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

7.2 ANNUAL GENERAL MEETING OF ELECTORS

RECOMMENDATION

That the Minutes from the Annual General Meeting of Electors held on 18 December 2017 be confirmed as a true and accurate record.

7.3 COMMITTEE MINUTES

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER FINANCE AND ADMINISTRATION

9.1.1 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 CCP3266-CCP3269, EFT12813–EFT13002, 52795– 52828, DD22536 - DD22537.10, Trust 3555 – 3569, EFT12905a, totalling \$1,261,303.15.

9.1.2 Monthly Financial Report

RECOMMENDATION

That the monthly report for the period ended 31 October 2017 and 30 November 2017 be received.

9.2 MANAGER WORKS AND SERVICES

9.2.1 Licence to Use and Occupy Railway Corridor Land at Balingup

Location	Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	RES 02/4, RES 02/6
Author	Damien Morgan, Manager Works and Services
Attachments	9.2.1(1) – Correspondence from Arc Infrastructure 9.2.1(2) – Sponsorship Benefits
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Arc Infrastructure have reviewed the terms of the proposed licence as presented at the October 2017 Ordinary Meeting of Council and presented a new offer for Shire consideration. • In lieu of the annual license fee, Arc Infrastructure is seeking a Sponsorship agreement with the Shire. • The use of the railway corridor land is extensive and is intrinsic to the Balingup community.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
3.1 – An engaged, supportive and inclusive community	Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities	3.1.1.2	Continue to encourage and support community-led events
3.2 - Well supported community groups and facilities	Provide and maintain appropriate community facilities	3.2.1.2	Maintain community facilities within resource capacity
3.3 - A safe and healthy community environment for all ages	Promote retention of youth and families within the district	3.3.2.2	Continue to provide and develop sport and recreational facilities that appeal to youth and families.

BACKGROUND

Railway corridor land in Balingup is licenced to the Shire, and used for a number of civic purposes, including:

- Skate Park
- Village Green Park and Children’s Playground
- Public Toilets (x2)
- Balingup Volunteer Bushfire Brigade Building

- Balingup Community Garden
- Balingup Community Centre
- Community Workshop
- Medieval Carnival Grounds (with associated infrastructure)

The Shire's 10-year licence for the railway corridor land in Balingup was initially provided by Westnet Rail Pty Ltd, and subsequently Brookfield Rail Pty Ltd and expired in July 2017. Arc Infrastructure is now the responsible agency through which the terms of the new licence are to be negotiated.

A new draft license agreement was presented to Council at the October 2017 Ordinary Council Meeting. Council was concerned with the implications of the \$1,000 annual licence fee, and resolved to move to the next item of business to enable Shire Administration to consult further with Arc Infrastructure over the new licence fee.

DETAILS

Following the October Ordinary Meeting of Council, Shire staff consulted with Arc Infrastructure over the draft licence and requested a review of the cost of the preparation of the licence and the annual licence fee.

The review has resulted in Arc Infrastructure presenting revised terms for Council consideration. The most significant change proposed is that, in lieu of the Shire paying an annual licence fee of \$1,000, the Shire agrees to formalise Arc Infrastructure as a community sponsor of the facility (refer Attachment 9.2.1).

The Executive consider the offer to be a reasonable proposition, however, note that the financial savings will be offset by the administration costs to satisfy the terms of the agreement.

There are some concerns in establishing an agreement of this nature with Arc Infrastructure. One of these concerns is that it may have implications on perennial issues the Shire has had with various rail agencies over their management of railway lands. That is, by engaging with Arc Infrastructure on this licence in a partnership approach (as opposed to a more commercial approach), the Shire may be perceived to be endorsing Arc Infrastructure's general management practices. These concerns are valid, however, the Executive does not consider them to outweigh the potential benefits this agreement may achieve, being:

- Improved relationship with Arc Infrastructure;
- Opportunity to utilise an agreement of this nature at other sites within the Shire, thus gaining more access to railway land at minimal financial cost; and
- Opportunity for community groups to seek financial or other support from Arc Infrastructure for their events.

If Council is agreeable to this proposal, the Executive will work through the terms of the licence with Arc Infrastructure prior to execution.

CONSULTATION

Discussion has taken place with representatives from Arc Infrastructure.

FINANCIAL IMPLICATIONS

A one-off administration fee of \$1,000 for the preparation of the 10 year licence agreement (to be allocated to General Ledger Code: 127120 – Balingup Parks and Reserves). Staff wages will be applicable for the administration of the licence agreement.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

N/A

CONCLUSION

The Balingup railway land site serves a variety of purposes that are well supported by local community organisations and in line with Council's Strategic Community Plan. Refusing to enter into the agreement will potentially make the corridor, currently enjoyed by visitors and the local community, unavailable for public use.

RECOMMENDATION

That Council:

- 1. Acknowledge the importance of the railway corridor to the Balingup community and the local organisations that make use of the land;**
- 2. Agree in principle to the offer as outlined in the correspondence from Arc Infrastructure dated 28 November 2017;**
- 3. Give delegation to the Chief Executive Officer to negotiate and execute the Licence and Sponsorship Agreement with Arc Infrastructure for the site; and**
- 4. Allocate \$1,000 from the 2017/18 Budget (GL Code: 127120 – Balingup Parks and Reserves) towards the costs associated with the Licence Agreement.**

9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES

9.3.1 Shire of Donnybrook Balingup Bushfire Risk Management Plan

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 03
Author	Leigh Guthridge – Manager Development and Environmental Services (<i>Ben Anderson - Bushfire Risk Management Planning Coordinator</i>)
Attachments	9.3.1(1) – Draft Bushfire Risk Management Plan 9.3.1(2) – Letter of Approval from the Office of Bushfire Risk Management 9.3.1(3) – DFES Liability Advice
Voting Requirements	Simple Majority
Executive Summary	<p>The Bushfire Risk Management Plan is presented to Council for endorsement.</p> <p>The Plan has been completed using the <i>Guidelines for Preparing a Bushfire Risk Management Plan</i>.</p> <p>The Plan has been prepared by Mr Ben Anderson, appointed and funded by DFES as the Bushfire Risk Planning Coordinator for the Shires of Bridgetown Greenbushes, Boyup Brook and Donnybrook Balingup.</p> <p>The Office of Bushfire Risk Management (OBRM) approved the Plan on 25 July 2017. The draft Plan is presented to Council for adoption. Additional work is still to occur on identifying assets and assessing the risks to those assets and once completed the plan will require regular review and monitoring to ensure it remains up to date.</p>

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
2.3 - A natural environment for the benefit of current and future generations.	Partner with key stakeholders for effective environmental management	2.3.3.1	Assist with fire prevention and hazard reduction activities
		2.3.3.2	Support emergency services volunteers
		2.3.3.3	Lobby key stakeholders for improved environmental management practices and initiatives

BACKGROUND

Section 2.1.1 of *Westplan – Fire* states that Local Governments are required to develop an integrated Bushfire Risk Management Plan that details the bushfire prevention and mitigation measures across all tenures using guidelines supported by the Office of Bushfire Risk Management (OBRM).

Furthermore several recommendations from the Keelty Report - *A Shared Responsibility - The Report of the Perth Hills Bushfire February 2011 Review* stated that fuel load management via tenure blind fuel load measurement, risk assessment and mitigation adjacent to communities needs to be undertaken to better manage the risk of impacts from catastrophic bushfires.

The Bushfire Risk Management Planning Project was developed and funded by the State Government as a result of the requirements of *Westplan-Fire* and the recommendations from the Keelty Report.

The Shire of Donnybrook Balingup (the Shire) is one of sixteen priority local governments identified by the Department of Fire and Emergency Services (DFES) to participate in the Bushfire Risk Management Program given that the Shire has a high level of risk from bushfire and it is deemed to have minimal resources to develop a Bushfire Risk Management Plan from its own resources.

The Bushfire Risk Management Planning Project subsequently saw the appointment of the Bushfire Risk Planning Coordinator and the position shared between the Shires of Boyup Brook, Bridgetown - Greenbushes and Donnybrook - Balingup. The Bushfire Risk Planning Coordinator has developed a Bushfire Risk Management Plan for each Shire.

The Bushfire Risk Management Plan has been developed in accordance with the DFES *Bushfire Risk Management Planning - Guidelines for Preparing a Bushfire Risk Management Plan*.

A Bushfire Risk Management Plan is a strategic document that:

- Describes the local context in order to complete risk assessments;
- Documents the process to identify, analyse and evaluate bushfire risks;
- Identifies bushfire-related risk at the strategic level and prioritises areas of the local government for further risk assessment;
- Identifies assets of value that are at risk from bushfire, including communities, the built environment, infrastructure and economic, cultural and environmental assets;
- Determines risk priorities in order to develop a treatment plan;
- Integrates bushfire risk management into the Shire's business processes as well as landowners and other agencies;
- Provides a communications strategy for methods of consultation and communication with the community and stakeholders; and
- Identifies current bushfire risk mitigation activities and controls.

The Bushfire Risk Management Plan documents a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the Shire.

The broad objective of the Bushfire Risk Management Plan is to effectively manage bushfire risk within the Shire in order to protect people, assets and other things of local value. Specifically, the objectives of this Bushfire Risk Management Plan are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five-year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities;
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

The OBRM approved the Shire of Donnybrook Balingup Draft Bushfire Risk Management Plan on 25 July 2017.

DETAILS

Mr John Tillman, DFES Superintendent, attended a briefing session of Council on 14 March 2017 to provide an update and overview of the deliverables for the Bushfire Risk Management Planning Project.

In endorsing the Bushfire Risk Management Plan, Council is acknowledging the assets that have been identified and the risk ratings and assigned treatment priorities. Approval of the plan is a commitment by the Shire to work with land owners and land managers to address risk within the Shire community.

Endorsement of this plan is not committing the Shire to a program of treatment works to be implemented by others, or an acceptance of responsibility for risk occurring on land that is not owned or managed by the Shire. A statement to this effect is included in the Bushfire Risk Management Plan and is also attached as advice from DFES (Attachment 9.3.1(3)).

There are some actions for the implementation of the Bushfire Risk Management Plan that are yet to be completed. Continuation of State funding would allow these to be expedited:

- Completion of the treatment schedule for Shire land (reserves and freehold).
- Monitoring of risk ratings for assets identified in the Bushfire Risk Management Plan and recording of any treatments implemented.
- Add all new assets to the Assets Risk Register.
- Review of risk ratings on at least an annual basis.
- Reporting to the LEMC and Bush Fire Advisory Committee meetings.
- Annual reporting to OBRM on the progress made on implementation of the BRM Plan.

The Asset Risk Register has been completed. This register rates built assets in accordance with the bushfire risk assessment methodology. To date, 850 assets have been mapped and risk assessed. A treatment plan will be assigned to each of the assets rated as 'very high' or above. Of the 850 assets assessed to date, 433 have been rated as 'very high' or 'extreme'.

More detailed reporting of the Asset Risk Register will occur once the current assessment process has been completed.

CONSULTATION

Consultation has been undertaken with the Office of Bushfire Risk Management, the Department of Fire and Emergency Services, and the Local Emergency Management Committee.

FINANCIAL IMPLICATIONS

State funding for the position of Bushfire Risk Planning Coordinator and other incurred costs for participating in the Bushfire Risk Management Project has been extended until 30 June 2018. There has been no indication as to the future of the project past this date, or any future funding until the State budget is passed for 2018/19.

Treatments identified on Shire tenure may incur additional costs over the five-year life of the Bushfire Risk Management Plan which will be highlighted within the treatment schedule. It should be noted that additional funding for identified high risk assets can be applied for through the Office of Emergency Management, National Disaster Resilience Program (NDRP).

POLICY COMPLIANCE

The Shire has four policies on Fire Control, which are all operational policies. These policies do not impact the Bushfire Risk Management Plan.

STATUTORY COMPLIANCE

The Bushfire Risk Management Planning Project was developed by the State Government as a result of the requirements of *Westplan-Fire* and the recommendations from the Keelty Report - *A Shared Responsibility - The Report of the Perth Hills Bushfire February 2011*

CONCLUSION

Council is advised to endorse the Bushfire Risk Management Plan as it has, and will continue to, develop the Shire's understanding and capacity to identify areas within the Shire that are high risk and strategically allocate resources (when they become available) to manage the risk.

RECOMMENDATION

That Council endorse the Shire of Donnybrook Balingup Bushfire Risk Management Plan 2017-22.

9.4 PRINCIPAL PLANNER

9.4.1 Proposal to Erect a Covered In Carport with a Nil Setback at 65 Victoria Parade, Donnybrook

Location	Lot 139 Victoria Parade, Donnybrook
Applicant	Mr Gary Rowcroft
File Reference	A3689
Author	Bob Wallin (Principal Planner)
Attachments	9.4.1(1) - Location Plan 9.4.1(2) – Site Plan
Voting Requirements	Simple Majority
Executive Summary	<p>Recommendation: Approval of the planning application:</p> <ul style="list-style-type: none"> • Request for approval for a car port with a nil side boundary wall • A submission of objection has been received • The proposed boundary wall is consistent with the established streetscape

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
2.1 – An attractive and maintained built environment	Provide effective and efficient regulatory services	2.1.2.2	Provide efficient and effective building services

BACKGROUND

A planning application has been lodged for a covered in carport at Lot 139 Victoria Parade, Donnybrook.

The proposal requires planning approval as the land is zoned Residential R10. The R10 Code is a relatively low density code that does include nil side boundary walls as a “deemed to comply” requirement under the Residential Design Codes, a state-wide policy that provides design guidance for residential development.

The proposal has been advertised and one objection was received. Council is required to make a decision on the matter as the Chief Executive Officer does not have delegation to make a decision when an objection is received.

DETAILS

The proposed enclosed carport adjoins the existing roof line and has a setback of 6.54m from the street and a wall length of 5.47m.

The proposal complies with the Residential Design Codes in respect of:

- Street setback: The deemed to comply provisions allow a 4.5m front setback. The planning application proposes a 6.54m setback;

- The position of the structure in relation to the front building elevation: The deemed to comply provisions allow for garages to project 1m forward of the building line. The planning application proposes the garage to project less than 1m and uses the existing roof line as a starting point.

The proposal requires application of design principles in relation to the nil boundary setbacks.

In respect to nil setbacks, the Shire has a policy that applies to this locality (9.18 Residential Development Guidelines. Clause 3.1 (ii) allows a zero lot line on one side boundary. This is to acknowledge that the lots in the locality are relatively long and narrow (15m wide). This lot configuration reflects a historical design and the policy seeks to ensure that each lot can be reasonably developed on. The R10 code has been imposed to restrict subdivision opportunities in an area without reticulated sewerage.

A vast majority of dwellings on the street and immediate locality have built with a nil setback.

CONSULTATION

The proposal has been advertised in accordance with Council policy. One submission of objection has been received. The points of concern are summarised as follows:

- The length and height of the brick wall will affect the aesthetics of the adjoining property and will not fit in with the overall street scape of the surrounding properties.
- The brick wall will cause the property to look out of place with the established streetscape;
- It may be more acceptable if the wall was setback further to reduce its impact on the street.

In considering these comments, it may be helpful to have regard to the following points:

- The proposal complies with the front setback requirement of the R10 Code (7.5m). There are no provisions in the Residential Design Codes to require a greater front setback;
- The building front setback is generally aligned with the established houses in the street. It is noted that the adjoining property is setback significantly further than required under the Residential Design Codes;
- The wall needs to be considered against other options available such as a fibro cement dividing fence. The option for a wall may present a cleaner streetscape with reduced visual clutter; and
- Shire Policy 9.18 – Residential Development Guidelines supports the use of boundary walls.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

The Residential Design Codes is a State wide policy that provides design guidance for residential development. The Residential Design Codes allow for potential nil setbacks under the Design Principles criteria.

The proposed street setbacks and other elements of the carport structure comply with the deemed provisions of the R Codes.

Policy 9.18 - Residential Development Guidelines outline that it is acceptable for one side of a building to have nil setbacks in this locality. The policy was formulated to acknowledge the established lot configuration (long and narrow) and to allow more effective building and practical design options to be considered in the locality.

Policy 9.22 Advertising of Planning Proposals outlines the need to advertise setback variations.

STATUTORY COMPLIANCE

Clause 3.2 of Local Planning Scheme 7 (LPS7) outlines the purpose of the residential zone to cater for the adequate provision of suitably located land to meet the needs of the community and promote the amenity of residential areas through the application of the R Codes.

Clause 4.17 of LPS7 provides guidance on development standards and the need to have regard to impacts on the established streetscape in terms of building size, bulk and style.

CONCLUSION

The requirement for a nil boundary setback is consistent with policy framework. The proposal is not unusual within the streetscape with a number of similar examples already existing along Victoria Parade. Approval is recommended.

RECOMMENDATION

That Council grant planning consent for a car port at Lot 139 Victoria Parade, Donnybrook subject to the following conditions:

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

9.4.2 Request to Implement Timed Car Parking at Lot 50 South Western Highway, Donnybrook

Location	Lot 50 South Western Highway, Donnybrook
Applicant	Super Mario's Pizzeria
File Reference	A146
Author	Bob Wallin (Principal Planner)
Attachments	9.4.2(1) - Location Plan 9.4.2(2) – Schedule of Submissions
Voting Requirements	Simple Majority
Executive Summary	<p>Recommend approval to a modified proposal for a 30 minute time limit to be introduced for four bays on Lot 50 South Western Highway.</p> <ul style="list-style-type: none"> • The proposal is to ensure bays are available for short term use for patrons of local businesses. • The proposal has been advertised.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
2.1 – An attractive and maintained built environment	Provide effective and efficient regulatory services	2.1.2.2	Provide efficient and effective building services

BACKGROUND

A request has been made to place a 30 minute time limit restriction on four bays outside Super Mario's Pizzeria, Donnybrook. The applicant's rationale is that when events are on the parking bays get used for extensive periods of time which restricts patrons from accessing Super Mario's Pizzeria for quick pick-up deliveries.

In 2009, the owner of Lot 25, South Western Highway (location of Super Mario's Pizzeria) made a cash-in-lieu contribution of \$13,175 for four car parking spaces. The contribution does not imply that four bays will be set aside for exclusive use by the business; rather, four bays will be provided in a public location near the business.

In this case, Lot 50, owned by the Shire was developed as a carriageway with public car parking.

Part 3 of the Parking and Parking Facilities Local Law requires a Local Government resolution for restrictions on parking.

Introducing the 30 minute time limit on the specified parking bays will enable staff to enforce restrictions if and when necessary.

DETAILS

There is a wider range of issues circulating in this locality about access rights. However, the proposal needs to be assessed on its own merits.

The intent of public parking is to enable businesses and patrons to have convenient and safe parking. This is one of the services that the Shire provides. In providing public parking it is

important to ensure that these bays are used efficiently and effectively. The proposal provides an example of where there is room to use parking bays more efficiently without creating adverse impacts for other nearby businesses.

The advertised proposal was for a 30 minute time limit on four parking bays directly in front of Super Mario's Pizzeria. A second option for an alternative site is also presented in Attachment 9.4.2(1).

A portion of the bays overlay an access easement that benefits both Lots 25 and 26. The change of how the bays are used does not change any existing situation about the status of the easement.

CONSULTATION

The proposal has been advertised twice and correspondence was issued to nearby landowners and business operators to provide them the opportunity to comment. In order to address the concerns raised in a submission received during the first round of advertising, an amended proposal was advertised. This attracted a second submission. Attachment 9.4.2(2) provides a summary of the submissions received.

The original proposal was for the implementation of 30 minute parking time limit on four of the car parking bays directly in front of Super Mario's Pizzeria from 5pm. The second advertised proposal was for the implementation of 30 minute parking time limit on four of the car parking bays directly in front of Super Mario's Pizzeria at all times.

Based on the submissions received, it is recommended to implement a 30 minute parking time limit on four car parking bays located in accordance with Option 2 (opposite Super Mario's Pizzeria running down the side of lot 74, Donnybrook Physiotherapy) at all times.

FINANCIAL IMPLICATIONS

If supported, there will be a small cost associated with the installation of signage (\$250 – \$300) which can be accommodated within the shire's existing Road Maintenance budget.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Part 3 of the Parking and Parking Facilities Local Law requires a resolution of Council to regulate parking

CONCLUSION

The proposal has potential to increase the efficiency of public car parking in the immediate locality to assist the functioning of local businesses.

Approval is recommended.

RECOMMENDATION

That Council:

- 1. Implement a 30 minute parking time limit on four car parking bays at lot 50 South Western Highway, Donnybrook, directly adjacent to lot 74 South Western Highway, Donnybrook (Donnybrook Physiotherapy), applied as follows:**
 - 1.1 Seven (7) days per week;**
 - 1.2 9am to 10pm.**
- 2. Determine the submissions in accordance with the schedule of submissions; and**
- 3. Authorise the Chief Executive Officer to implement items 1 and 2 above.**

9.4.3 Request to Erect a Shade Structure at Lot 598 South Western Highway, Donnybrook

Location	Lot 598 South Western Highway, Donnybrook
Applicant	Donnybrook Community Resources Centre Inc
File Reference	A3532
Author	Bob Wallin (Principal Planner)
Attachments	9.4.3(1) – Location Plan 9.4.3(2) – Elevation of Structure
Voting Requirements	Simple Majority
Executive Summary	<p>Recommendation: Council approve the application</p> <ul style="list-style-type: none"> • The proposal is to erect a shade structure over the chess board area near the CRC building; • The proposal is being funded by the State Government as part of its election promise; • The land is vested and managed by the Shire of Donnybrook-Balingup; and

STRATEGIC ALIGNMENT

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

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

BACKGROUND

The Community Resource Centre Inc (CRC) have submitted a planning application to erect a shade structure over the outdoor “chess board” area near the CRC building.

The construction of the shelter is being funded by a State Grant.

The proposal is being presented to Council because the planning application requires Council authorisation. The land is owned by the Crown and the Shire has a vesting order for its management. The Chief Executive Officer does not have delegated authority to sign the application form.

DETAILS

The site forms part of the Railway Heritage Precinct. This precinct is listed on the State Register and the Shire’s Municipal Heritage Inventory.

The applicant, with Shire assistance, liaised with the State Heritage Office to ensure that the design was acceptable prior to submitting the application.

CONSULTATION

The proposal has been referred to the State Heritage Office for comment. The State Heritage Office supports the proposal.

FINANCIAL IMPLICATIONS

The applicant has requested the \$147 planning application fee be waived. Delegation 7.16 allows the Chief Executive Officer to consider this request.

POLICY COMPLIANCE

Policy 9.24 Waiving of Planning Application (fees). This policy allows the Shire to waive planning application fees for not for profit and community groups. The proposal complies with the criteria of the Policy. The Chief Executive Officer has delegated powers to consider this element of the planning application.

STATUTORY COMPLIANCE

Part 2 of Local Planning Scheme No.7 (LPS7) provides details on matters to be considered for the use and development of reserved land. This includes the requirement for planning approvals.

The proposal is consistent with the intent of the reserve (public purpose).

Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides details and requirements associated with Heritage Protection. The proposal has been assessed with assistance from the State Heritage Office.

CONCLUSION

The proposal will provide a shade structure for the benefit of local residents and visitors. The proposal will not add to ongoing maintenance costs in any material way.

Approval is recommended.

RECOMMENDATION

That Council provide approval for a shade structure to be erected at Lot 598 South Western Highway, Donnybrook subject to the following conditions:

- 1. The development hereby permitted must be substantially commenced within two (2) years from the date of the decision letter;**
- 2. The approved plans form part of the approval and the development hereby approved must at all times be consistent with the approved plans; and**
- 3. The colour scheme and materials of the shade structure to match the adjoining Community Resource Centre building to the satisfaction of the Chief Executive Officer.**

9.4.4 Request to Authorise Planning Application for Four Aged Units at Lot 20 Spencer Street, Balingup

Location	Lot 20 Spencer Street, Balingup
Applicant	WA Country Builders
File Reference	A439
Author	Bob Wallin (Principal Planner)
Attachments	9.4.4 – Location Plan
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • The proposal is to construct four aged housing units at Lot 20 Spencer Street, Balingup; • The land is owned by the Shire of Donnybrook Balingup. • The Shire agreed to sell the land to Vintage Homes for Life at its meeting Ordinary Council Meeting (May 2017) for \$50 000; • The legal documents to finalise the sale have not been completed; • Council approval is required to authorise the application.

STRATEGIC ALIGNMENT

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

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

BACKGROUND

A planning application has been received to develop four aged housing units at Lot 20 Spencer Street, Balingup.

At the May 2017 Ordinary Council meeting Council resolved to sell the land to Vintage Homes for Life for \$50,000. The formalisation of the transfer has yet to occur. On this basis, Council is required to authorise the planning application.

The Shire assisted Vintage Homes for Life by progressing a rezoning application to change the zoning of the land from “Residential R10” to “Special Use SU5”. This rezoning was gazetted in August 2017 and allows the land to be developed for up to four aged persons dwellings.

DETAILS

The site is appropriately zoned for the intended development. A number of modifications are required to the design to ensure improved streetscape and servicing outcomes. These matters are technical in nature and will not represent a fatal flaw to the success of the proposal.

CONSULTATION

Under Local Planning Scheme 7 the use of Aged Persons is listed as an “A” (discretionary) use. This requires public advertising prior to the making a decision. Advertising can occur after Council has authorized the application.

FINANCIAL IMPLICATIONS

The applicant has requested the \$2,212 planning application fee be waived. Delegation 7.16 allows the Chief Executive Officer to consider this request.

POLICY COMPLIANCE

Policy 9.24 Waiving of Planning Application (fees). This policy allows the Shire to waive planning application fees for not for profit and community groups. The proposal complies with the criteria of the Policy. The Chief Executive Officer has delegated powers to consider this element of the planning application.

STATUTORY COMPLIANCE

Schedule 5 Special Use of Local Planning Scheme 7 (LPS7) provides controls and guidance on land use and conditions to be addressed. These matters will be addressed through the planning approval assessment process following authorisation of the planning application by Council.

CONCLUSION

The proposal requires Council’s approval to authorise the planning application form. This is a separate process to making a decision on the application. It will enable the assessment process to start.

Approval is recommended.

RECOMMENDATION

That Council:

- 1. Endorse the planning application for the application for four aged persons units at Lot 20 Spencer Street, Balingup; and**
- 2. Delegate authority to the Chief Executive Officer to implement point 1) above.**

9.4.5 Request to Initiate and Support Rezoning Amendment to Local Planning Scheme No.7 and Structure Plan For Lots 424 And 425 Bakewell Street, Donnybrook

Location	Lots 424 and 425 Bakewell Street, Donnybrook
Applicant	Landcorp
File Reference	TP17 AMD 08
Author	Bob Wallin (Principal Planner)
Attachments	9.4.5(1) – Extract of Rezoning Amendment 9.4.5(2) – Proposed Structure Plan Map 9.4.5(3) - Extract “Growth Plan” 9.4.5(4) – Schedule of Modifications
Voting Requirements	Simple Majority
Executive Summary	<p>Recommendation: Approval</p> <ul style="list-style-type: none"> • The proposal is to initiate and support advertising for zoning Lots 424 and 425 Bakewell Street, Donnybrook from “Parks and Recreation” to “Residential” with structure plan provisions. • The land was identified as part of a LandCorp funded initiative to assist the Shire in supplying residential land. • The proposal represents a complex amendment as the proposal does not match the Local Planning Strategy. It is necessary to obtain the Western Australian Planning Commission’s approval before advertising can start.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action no.	Actions
1.1 – A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district	1.1.1.4	Actively partner in regional Growth planning partnerships and projects
1.2 – Available land for residential, industrial and commercial development	Support and promote appropriate development of land within the district	1.2.11.1	Attract, promote and facilitate land development within the district
	Seek opportunities for land development by the Shire	1.2.2.2	Advocate for service and infrastructure provision to facilitate land development

BACKGROUND

LandCorp has a Regional Development Assistance Program (RDAP) that can assist in supplying new residential land to the market. RDAP was established to address prohibited costs sometimes associated with developments in regional Western Australia which can make them unviable.

The release of new fully serviced residential land within the Donnybrook townsite is constrained due to servicing costs. The primary constraint is the cost of extending the

reticulated sewerage system. Under the RDAP initiative, LandCorp is responsible for all development costs.

Council, at its meeting on 12 February 2014 resolved to:

1. Invite LandCorp to progress a residential land development project within the Donnybrook Townsite.
2. Delegate responsibility to Chief Executive Officer to prepare a Regional Development Assessment Program application.
3. Require Council staff to report updates on any milestones in the RDAP process for direction, comment and information.

Council was successful in becoming part of the RDAP program. A preferred site was selected by LandCorp for detailed investigation. This site required a number of technical studies to be completed and processes to be completed. One of the processes relates to preparing a rezoning amendment to Local Planning Scheme 7 (LPS7) and a structure plan.

Rezoning and structure plan documents have now been received from LandCorp. Extracts from the rezoning amendment are contained in attachment 9.4.5(1).

The rezoning amendment requires assessment as a “complex amendment” under the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This is on the basis that the amendment is not consistent with the Shire’s Local Planning Strategy (Strategy)(Regulation 34). The Strategy identifies the site as “conservation/recreation”.

The process for complex 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 refers resolution and documents to Western Australian Planning Commission for decision (WAPC).
- Step 4) If WAPC agrees with proposal, refer to EPA for environmental assessment;
- Step 5) Advertise amendment;
- Step 6) Council to consider submissions and make a recommendation for final approval;
- Step 7) The WAPC makes a recommendation to Minister for Planning;
- Step 8) Minister for Planning grants final approval; and
- Step 6) Amendment gazetted and becomes law.

This proposal is presented to Council for a decision on Steps 1 to 3.

The underlying objective of this project is to address a shortage of serviced residential land within the Donnybrook Townsite. The proposal will have the potential to add 19 residential lots (including a grouped housing site).

DETAILS

The key issue for this amendment is its relationship to the established planning framework, in this case, the Strategy. This proposal was not foreseen when the Strategy was prepared and therefore is technically inconsistent.

The proposal has been identified in the Shire’s Growth Plan. While the Growth Plan is not a statutory plan it does provide a snap shot into the Shire’s vision for future residential growth.

While the proposal is not identified in the Strategy, the important thing to consider is to what the departure will mean. Is it a fundamental departure or is it a reasonable adaptation that keeps in tune with the overall principles and outcomes envisaged by the Strategy. Just because a proposal is inconsistent with the Strategy, this fact by itself does not provide sufficient reason or logic to automatically object or refuse a proposal.

Decisions need to be anchored in town planning outcomes and defined by the strength that underpins its logic and views. In this case, the proposal can be considered a minor logical inclusion as it will link already identified urban expansion areas to the west. Further, the proposal is of a limited scale and will assist with extending servicing infrastructure to the west to better enable future development to occur.

The proposal has a number of unique points that prevents it being used as a precedent for supported future wholesale departures from the Strategy. For instance:

- a. It is identified in the Shire's Growth Plan which provides a long term strategic vision for how the Shire will develop;
- b. The proposal connects existing residential zoned land;
- c. The proposal will enable infrastructure development to occur and be funded through RDAP.

The Regulations provide a legitimate process to consider departures from Strategies (Complex Amendments). It is assumed that this stream of (complex) amendment was introduced to formally allow amendments to be supported on their merits – not solely on how they fit within a plan or strategy. The complex amendment process allows proposals (if proven good in themselves) to have a fair hearing. It should always be kept in mind that the ultimate goal is to achieve good planning outcomes for the community. In this case, the proposal is considered reasonable – notwithstanding the zoning presently shown on the Strategy map.

In terms of technical information in the documents the following provides a summary of issues:

Rezoning amendment document

The purpose of the amendment document is to identify the future potential use of the site. In this case, it intends to change the map colour from green to brown (Recreation to Residential). It also seeks to set up the framework necessary to ensure that all environmental, design and servicing issues are addressed at the appropriate stages.

It will be necessary to modify the amendment resolution prior to advertising to include provisions within Schedule 11 of LPS7 relating to structure plans.

Structure plan document

The purpose of the structure plan document is to provide details on how the design will work and servicing and environmental matters addressed.

The key matters to consider for this structure plan are:

- Bush fire. A Fire Management Plan has been prepared. This plan outlines that with fuel reduction maintenance, the site is acceptable for residential development. The fuel

- reduction maintenance required is consistent with existing management works associated with the site.
- Environmental impacts. A Flora, Vegetation and Fauna Assessment was undertaken for the site. This assessment concludes that:
 - The biodiversity value of the site from a fauna perspective is considered low;
 - The reserve forms part of a north south ecological corridor that links the Preston River to the north through to the Boyanup State Forest to the south and west. Clearing the eastern part of the reserve would reduce the width of the linkage from 280m to 200m. this will still maintain the function of the reserve.
 - The site contains four vegetation types, three are similar woodlands and one is shrubland/heath type;
 - The vegetation is mostly in very good to excellent condition;
 - Three fauna species could possible occur on the site. None of the species would be reliant on the small site for survival due to the presence of similar vegetation in the immediate locality.
 - Drainage treatments. At the rezoning/structure plan stage it is often necessary to have the support of a Local Water Management Strategy (LWMS). A LWMS identifies how the proposed urban form will address water use, protection of water dependent environments and management and to identify existing and required infrastructure. Discussion with the Department of Water and Environmental Regulation has indicated that it is not necessary to prepare a LWMS for this subdivision. Drainage issues can be addressed through a drainage plan which can take into account through flows. It will be necessary for a drainage plan to be prepared prior to advertising to demonstrate how the subdivision design will work and storm water management will occur.
 - POS provision. The plan proposes to provide a small pocket of open space. The utility of this land for recreational purposes is marginal. This is particularly the case given the wide range of recreation land in the locality. This part of the design will require further investigation prior to advertising.
 - Road treatments. There is a need to modify the report to acknowledge that traffic calming will be required at the intersection of Bentley, Mead and Bakewell Street (round about) and upgrading of roads to bring to an urban standard (kerbed and pipe drained). A contribution will be necessary towards this infrastructure.

It will be necessary to outline the proposed changes to the amendment and structure plan documents in a schedule of modifications (Attachments 4 and 5). This schedule of modifications can then be taken into account by the WAPC when it determines if advertising will be granted.

CONSULTATION

Consultation will occur should the WAPC grant consent to advertise. The advertising process will include referral to the Environmental Protection Authority, servicing agencies, government agencies and the general public.

One of the key issues that will present itself during any future advertising process will relate to the loss of “recreational” land. In this instance, there may have been a number of private purchasing decisions partly made on the basis that the nearby land was not earmarked for development.

FINANCIAL IMPLICATIONS

Costs will depend on if the amendment progresses to advertising and final approval. Should advertising be granted fees for mail out, notice in the paper and gazette will likely be a total of approximately \$500.

The amendment and structure plan process usually requires payment of assessment fees. The fees are \$2750.00 for each document. It is recommended that these fees be waived as this was part of a general understanding of being successful in getting the RDAP project.

POLICY COMPLIANCE

9.10 Road Closure. This policy outlines that the Shire will not support road closures unless it is demonstrated that it will have no impact on legal practical access. In this instance, the proposal will require a part road closure (a strip of Bakewell Street and Bentley Road). It will not restrict access. It will reduce an existing 40m road reserve to approximately 20m. A 20m wide road reserve complies with Liveable Neighbourhoods standards.

A road closure can be considered at the subdivision stage.

STATUTORY COMPLIANCE

Part 5 of the Planning and Development Act outlines the processes and requirements for amendment local planning schemes. This includes Section 81 that details the need for an Environmental Decision by the EPA prior to commencing formal public advertising. Planning Regulations 2015 Part 5 Amending local planning scheme Division 2 details processing and advertising requirements for Complex Amendments.

CONCLUSION

The shire presently has a limited stock of vacant residential lots in the Donnybrook townsite. There are presently less than 100 available on the market. Historically, 40 dwellings a year are constructed within the townsite and this has been reduced significantly in the last few years.

This RDAP initiative by LandCorp will assist in providing service extensions and approximately 20 fully serviced residential lots on the market to assist the growth of the townsite.

The proposal requires a rezoning/amendment to LPS7 and a structure plan. The documents prepared are generally satisfactory. A number of minor modifications are suggested.

Approval to initiate in request consent to advertise is recommended.

RECOMMENDATION

That Council:

- 1. Initiate Amendment 8 to Local Planning Scheme 7;**
- 2. Proceed to advertising Amendment 8 to Local Planning Scheme 7 subject to modifications being undertaken in accordance with the attached schedule of modifications;**

- 3. Advertise the structure plan subject to modifications being undertaken in accordance with the attached schedule of modifications and Amendment 9 being granted approval to advertise by the Western Australian Planning Commission;**
- 4. Waive the rezoning and structure plan fees (\$5500.00) to acknowledge the purpose of the project.**
- 5. Forward two (2) copies of the amendment document to the Western Australian Planning Commission for approval in accordance with Regulation 37 (2);**
- 6. Require the Chief Executive Officer to undertake such tasks necessary to implement items 1 to 5 above.**

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Shire Committees and Councillor Membership

Location	N/A
Applicant	N/A
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer)
Attachments	Nil
Voting Requirements	Simple Majority (Absolute Majority required for establishment of any new Committees)
Executive Summary	<p>Recommendation – Council to discontinue existing Committees, with the exception of mandatorily required Committees:</p> <ul style="list-style-type: none"> • The Shire presently hosts 22 Committees, most of which meet infrequently and return little demonstrable benefit to the Council’s decision-making process. • With exception (Audit Committee, Library Committee), Committees of Council are not a mandatory requirement.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this matter for consideration:

Outcome	Strategy	Action No.	Actions
4.1 - A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.3	Review Council, Committee and Working Group governance structures and meeting programs

BACKGROUND

The Shire presently hosts 22 separate Committees, each established under section 5.8 of the *Local Government Act 1995*. The following table provides a summary of each Committee, as they were endorsed by Council in October, 2015.

COMMITTEES (established under section 5.8 of the Local Government Act 1995)	Terms of Reference	2015-2017 (No. of meetings held)
<p>Balingup Townscape (2 Councillors and 6 Community Members)</p> <p>Meetings are held every 2 months on the 2nd Wednesday commencing at 8.30am at the Workspace Building, Balingup.</p> <p>To make recommendations to Council on Balingup townsite developments within the townsite boundaries and focussing on the Balingup Our Town Development Plan.</p>	No	11

COMMITTEES (established under section 5.8 of the Local Government Act 1995)	Terms of Reference	2015-2017 (No. of meetings held)
<p>Donnybrook Townscape (4 Councillors and 2 Community Members)</p> <p>Meetings are held every 2 months on 4th Wednesday commencing at 3.30pm in Council Chambers.</p> <p>To make recommendations to Council on Donnybrook townsite developments and improvement works and to make recommendations to Council on specific Parks and Reserves development issues.</p> <p>Generally on the South Western Highway within the townsite boundary including Clifford Road, Collins Street and Preston River in the same area.</p>	No	11
<p>Admin/Depot Building Development Committee (5 Councillors)</p> <p>Meets as required to make recommendations to Council on strategic planning issues relating to Administration Centre development.</p>	No	4
<p>Balingup Town Hall Library Advisory Committee (2 Councillors, 5 Community Members, President Balingup Progress Association, Representative Balingup Town Hall Committee, 2 Officers)</p> <p>Meets as required to assist Council in the development of the Balingup Town Hall Library.</p>	Yes	1
<p>Balingup Community Advisory Committee (1 Cr and 4 Community Members)</p> <p>Meets 4 times a year to assist Council Council in the knowledge of the needs and wants of the Balingup Community particularly in the areas of short and long term planning of sporting, social, cultural and development.</p>	No	0
<p>Cemetery Committee (3 Councillors and 4 Community Members)</p> <p>Meets as required to make recommendations to Council on improvements/development at Donnybrook and Balingup cemeteries.</p>	No	1

COMMITTEES (established under section 5.8 of the Local Government Act 1995)	Terms of Reference	2015-2017 (No. of meetings held)
Community Awards and Grants Committee (4 Councillors) Meets as required to make recommendations to Council on Community Awards/formats/selection and Community Grants selection.	No	4
Disability Access and Inclusion Planning Committee (1 Councillor and 4 Community Members) Meets as required to review and comment upon the disability access and inclusion plan and to assist the Shire Council to create and implement policies and structures that encompass the needs of all members of the community.	Yes	2
Donnybrook Cultural Planning Advisory Group (5 Community Members) Meets as required to make recommendations to Council on implementation of the Donnybrook Cultural Plan.	Yes	1
Donnybrook Recreation Centre Advisory Committee (1 Councillor and 7 Community Members) Meets bi-annually at Donnybrook Recreation centre on Monday nights at 7.30pm to make recommendations to Council on operational issues at the Donnybrook Recreation Centre and ongoing capital improvements.	Yes	4
Donnybrook Balingup Road Safety Committee (Council – 2 Councillors, 1 Police, 1 Fire and Rescue, 1 Roadwise, 2 Community Members) To assist Council to work towards achieving safe road usage within the Shire based on the Governments endorsed Towards Zero Road Safety Strategy 2008-2020 by aspiring towards improving road safety.	Yes	1
Legislative (Local Laws) Committee (4 Councillors) Meets as required to make recommendations to Council on review of Local Laws/new Local Laws.	No	3

COMMITTEES (established under section 5.8 of the Local Government Act 1995)	Terms of Reference	2015-2017 (No. of meetings held)
<p>Local Heritage Advisory Committee (1 Councillor, 4 Community Members)</p> <p>To assist Council in reviewing the Municipal Heritage Inventory (known herein as the “Local Heritage Inventory”) and Heritage List and update these documents to reflect contemporary requirements and circumstances.</p>	Yes	0
<p>Preston Village Project Management Team (CEO, 2 Councillors)</p> <p>Meets as required to make recommendations to Council to assess and manage the extension of Tuia Lodge and retirement village in Sharp Street, Donnybrook.</p>	Yes	7
<p>Shire Sustainability Development Strategy Committee (4 Councillors)</p> <p>Meets as required to assist with the formulation of a Shire Wide Environmental Sustainability Strategy for presentation to Council.</p>	No	0
<p>Strategic Rating Committee (4 Councillors)</p> <p>Meets as required to make recommendations to Council on strategic rating issues.</p>	No	0
<p>Upper Preston Cemetery Advisory Committee (6 Community Members – Lowden Area)</p> <p>Meets as required to advise Council on capital improvements, beautification and to assist Council by undertaking the majority of maintenance at the Upper Preston Cemetery.</p>	No	Undetermined
<p>Waste Management Committee (3 Councillors)</p> <p>Meets as required to make recommendations to Council on waste management issues.</p>	No	1
<p>Preston Retirement Village Operations Committee (1 Councillor, CEO, 3 Community Members)</p> <p>Meets as required to make recommendations to Council on the consultation with residents and management of Preston Retirement Village.</p>	Yes	0

COMMITTEES (established under section 5.8 of the Local Government Act 1995)	Terms of Reference	2015-2017 (No. of meetings held)
<p>Chief Executive Officer Review Committee (President, Deputy President and 1 Councillor)</p> <p>Meets as required to make recommendations to Council on the performance indicators for 12 months, conduct review process.</p>	No	2
<p>Audit Committee* (All Councillors)</p> <p>Meet twice a year to consider and discuss the interim audit and Audit Report and any other items applicable to the Auditors review of Councils financial position.</p> <p>*Note: this is a mandatory Committee, required under s7.1A of the Local Government Act 1995.</p>	Yes	7
<p>Donnybrook Community Library Committee** (1 Councillor, CEO, 2 Community Members, School Principal, 2 High School Members)</p> <p>Meets at least twice a year to consider operational matters at the Donnybrook Community Library, as per the Licence Agreement between the Minister for Education and the Shire (5 September 2005).</p> <p>**Note: this is a mandatory Committee, required under a legal agreement between the Shire and Minister for Education (sunset date 2019).</p>	Yes	3

DETAILS

Action 4.1.1.3 of Council’s Corporate Business Plan recommends a review of the Shire’s Committees during the 2017/18 financial year. Review of the status, meeting occurrence and existence of Terms of Reference for each Committee was undertaken by the Executive during October-November 2017 and presented to Elected Members at a Concept Forum on 14 November 2017. Feedback received by the Executive from Elected Members at this Concept Forum, and subsequently, indicates little demonstrable ‘return on investment’ from the existing Committee structure/s (i.e. no net improvement in the ability for Council to make decisions based on Committee recommendations).

The role of a Committee of Council is to aid the Council in its function of decision-making, either by direct delegation of decision-making powers to the Committee or by recommendations presented to Council. Presently, the Shire has no Committees with delegated decision-making powers. Observations presented by Elected Members at the November 2017 Concept Forum on this topic were that the Shire has, informally, used many (not all) of its Committees as a vehicle to enable public consultation, rather than their intended purpose to aid efficient and effective decision-making of the Council.

It is noted that membership to Council's Audit Committee was resolved at the November 2017 Ordinary Meeting of Council (all nine Elected Members), including a requested review of the Terms of Reference and membership structure for that Committee.

CONSULTATION

Consultation with Elected Members on the topic of the Shire's Committees was undertaken at the 14 November 2017 Concept Forum. In addition, the topic was further reviewed by Elected Members that attended the WALGA training session (Meeting Processes) on 15 November 2017.

At the 14 November Concept Forum, the concept of a 'Four Pillared' Committee structure was raised by the Executive with Elected Members. This concept included the establishment of four new Committees (in place of all other committees) aligned to the four 'pillars' of the Shire's Strategic Community Plan and Corporate Business Plan, as follows:

- Shire Economy Committee;
- Shire Environment Committee;
- Shire Community Committee; and
- Shire Leadership (Governance) Committee.

No specific feedback was provided on this concept, however, it remains an option for Council consideration.

FINANCIAL IMPLICATIONS

It is estimated that the cost to the Shire to service the existing Committees has been approximately 630 FTE hours between November 2015 and October 2017 (estimated average of 10 FTE hours per committee meeting required in research, agenda preparation, attendance, minutes and referral to Council).

POLICY COMPLIANCE

Council Policy 1.15 – Committee Membership relates to membership on Council Committees by people other than Elected Members. This policy generally requires the public advertising of vacant Committee positions, except where the Council resolves it is seeking a particular expertise on the Committee. Appointment of people (other than Councillors) to a Council Committee would need to comply with this Policy.

STATUTORY COMPLIANCE

Section 5.8 of the *Local Government Act 1995* sets out the provisions by which Committees of Council shall be established, including the need for Terms of Reference. With the exception of an Audit Committee of Council, it is not a mandatory requirement for a Council to have any committees at all.

The Donnybrook Community Library Committee, whilst not mandatorily established via the *Local Government Act 1995*, is a mandatory Committee of the Council by provision of a legal agreement executed between the Shire and the Minister for Local Government in 2005. The role of this Committee is to oversee the strategic management of the joint Shire-School library and the legal agreement (and hence requirement for this Committee) has a sunset date of September 2019.

CONCLUSION

The Shire presently hosts 22 Committees of Council; most of these Committees are not convened with any regularity and/or prescribed Terms of Reference (as required by the *Local Government Act 1995*). The purpose of a Committee of Council is to aid the effective and efficient decision-making of the Council, and in this way, the benefit of Committees is best measured by the Council (to whom they serve their benefit). Feedback from Elected Members to the Executive on this topic has highlighted the localised use of many Committees as quasi-public consultation instruments, rather than for their intended purpose of deliberation on matters of detail and recommendation to the Council. On this basis, it is recommended that all but the following two Committees of Council are discontinued:

1. Audit Committee – noting that membership to Council's Audit Committee was resolved at the November 2017 Ordinary Meeting of Council (all nine Elected Members), including a requested review of the Terms of Reference and membership structure for that Committee.
2. Donnybrook Community Library Committee – noting that, whilst not mandatorily established via the *Local Government Act 1995*, it is a mandatory Committee of the Council by provision of a legal agreement executed between the Shire and the Minister for Local Government in 2005.

If Council's determination is to discontinue most Committees, it is recommended that a program of more effective and efficient engagement and consultation with the community and key stakeholders is planned and implemented. Such a program would be best considered by the Council through the upcoming mid-year review of the 2017/18 Budget.

RECOMMENDATION

That Council:

1. **Cease the establishment of all Committees of Council, with the exception of the:**
 - 1.1 **Audit Committee; and**
 - 1.2 **Donnybrook Community Library Committee.**
2. **Resolves the Councillor Membership to the Donnybrook Community Library Committee, until the 2019 Ordinary Election of Council, is to comprise:**
 - 2.1 **Councillor Wringe.**
3. **Requests the Chief Executive Officer to present a program of community and stakeholder engagement and consultation as part of the mid-year review of the 2017/18 Shire Budget.**

9.5.2 Councillor Delegate Membership to Community Committees

Location	N/A
Applicant	N/A
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer)
Attachments	Nil
Voting Requirements	Simple Majority
Executive Summary	<p>Recommendation – Council appoint elected member delegates to local Incorporated Associations and community committees:</p> <ul style="list-style-type: none"> Historically, Elected Members have nominated, via Council resolution, as delegates to various community groups.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this matter for consideration:

Outcome	Strategy	Action No.	Actions
4.1 - A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.3	Review Council, Committee and Working Group governance structures and meeting programs

BACKGROUND

As with all other local government districts, the Shire of Donnybrook Balingup hosts numerous Incorporated Associations which are governed by independent committees and boards. Typically, these independent bodies seek Council member representation on their governance bodies to facilitate communication and linkages with the Shire.

In addition to Incorporated Associations, there are a host of community committees with strong linkages to the Shire via related State legislation (e.g. Bushfire Advisory Committee).

The following table presents a list of these community committees and Incorporated Associations.

COUNCIL DELEGATE POSITIONS (Incorporated Associations or Committees under legislation other than the Local Government Act 1995)
Donnybrook Apple Festival Committee (1 Councillor)
Balingup and Districts Tourism Association (1 Councillor)
Donnybrook and Regions Tourism Association (1 Councillor)

COUNCIL DELEGATE POSITIONS (Incorporated Associations or Committees under legislation other than the Local Government Act 1995)
<p>Bunbury Wellington Economic Alliance (Shire President or Deputy)</p> <p>Board member required to attend bi-monthly meetings. BWEA comprises 6 Local Governments and businesses addressing unity of development issues.</p>
<p>Bushfire Advisory Committee* (1 Councillor)</p>
<p>Donnybrook Balingup Chamber of Commerce (1 Councillor)</p>
<p>Donnybrook District High School Council (1 Councillor)</p> <p>Linkage between Council and Donnybrook District High School.</p>
<p>Community Resource Centre Committee (1 Councillor)</p> <p>To be a bridge for partnering opportunities. Meets monthly - every 3rd Monday at 3pm.</p>
<p>Local Emergency Management Committee* (Shire President or Deputy)</p>
<p>South West Regional Road Group</p>
<p>SW Zone of the WALGA (Shire President or Deputy)</p> <p>To attend SW WALGA Zone meetings – bi monthly, last Friday of the month.</p>
<p>Leschenault Catchment Council (1 Councillor)</p> <p>Meetings Bi-monthly (even months) on the 3rd Wednesday 1pm-3pm.</p>

* Denotes mandatory Council member representation

DETAILS

Each Incorporated Association and community committee has its own set of governing guidelines (e.g. a Constitution or Terms of Reference) and whilst Council member representation is typically sought, it is not often a mandatory requirement (note exceptions marked in the above table).

CONSULTATION

There are no Shire consultation requirements for this matter.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

There are no Shire Policies which relate to this matter.

STATUTORY COMPLIANCE

As an appointed delegate to an Incorporated Association or community committee, Council members are reminded of their obligations in regard to disclosure, notification of interest (e.g. impartiality) and the primacy of the role of elected member.

CONCLUSION

Councillor delegate positions on local Incorporated Associations and community committees are a sound and practical way for elected members to maintain ‘grass roots’ connectivity to the local community. As such, Councillor delegate positions are recommended by the Executive.

RECOMMENDATION

That Councillor Delegate positions are appointed as follows:

COUNCIL DELEGATE POSITIONS	Councillor
Donnybrook Apple Festival Committee (1 Councillor)	Cr _____
Balingup and Districts Tourism Association (1 Councillor)	Councillor King
Donnybrook and Regions Tourism Association (1 Councillor)	Cr Atherton
Bunbury Wellington Economic Alliance (Shire President or Deputy) Board member required to attend bi-monthly meetings. BWEA comprises 6 Local Governments and businesses addressing unity of development issues.	Shire President Piesse
Bushfire Advisory Committee* (1 Councillor)	Councillor Wringe
Donnybrook Balingup Chamber of Commerce (1 Councillor)	Councillor Lindemann

COUNCIL DELEGATE POSITIONS	Councillor
<p>Donnybrook District High School Council (1 Councillor)</p> <p>Linkage between Council and Donnybrook District High School.</p>	<p>Councillor Wringe</p>
<p>Community Resource Centre Committee (1 Councillor)</p> <p>To be a bridge for partnering opportunities. Meets monthly - every 3rd Monday at 3pm.</p>	<p>Cr_____</p>
<p>Local Emergency Management Committee*</p>	<p>Shire President Piesse</p>
<p>South West Regional Road Group</p>	<p>Shire President Piesse</p>
<p>SW Zone of the WALGA (Shire President or Deputy)</p> <p>To attend SW WALGA Zone meetings – bi monthly, last Friday of the month.</p>	<p>Shire President Piesse</p>
<p>Leschenault Catchment Council (1 Councillor)</p> <p>Meetings Bi-monthly (even months) on the 3rd Wednesday 1pm-3pm.</p>	<p>Cr_____</p>

* Denotes mandatory Council member representation

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

Council Decision

Moved: Cr

Seconded: Cr

That the Meeting be closed to the public under the *Local Government Act 1995* for item 12.1.1 – Confidential – Request for Shire Support under S5.23 (2) (b) the personal affairs of any person, and S5.23 (2) (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Council Decision

Moved: Cr

Seconded: Cr

That the Meeting be closed to the public under the *Local Government Act 1995* for item 12.1.2 – Confidential – Advice on Key Personnel under S5.23 (2) (b) the personal affairs of any person, and S5.23 (2) (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Council Decision

Moved: Cr

Seconded: Cr

That the Meeting be closed to the public under the *Local Government Act 1995* for item 12.1.3 – Confidential – Organisation Restructure under S5.23 (2) (a) a matter affecting an employee or employees.

12 MEETING CLOSED TO PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 Confidential – Request for Shire Support

Location	Confidential
Applicant	Confidential
File Reference	CNL 34F
Author	Ben Rose – Chief Executive Officer
Attachments	12.1.1 – Application for Support
Voting Requirements	Simple Majority

12.1.2 Confidential - Advice on Aged Care Act 1997 - Key Personnel

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CSV 01/2
Author	Ben Rose – Chief Executive Officer (<i>Bob Lowther – Manager Human Resources</i>)
Attachments	12.1.2 - Advice from Russell Kennedy Lawyers
Voting Requirements	Simple Majority

12.1.3 Confidential - Organisation Restructure

Location	N/A
Applicant	N/A
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer)
Attachments	Nil
Voting Requirements	Simple Majority

Council Decision

Moved: Cr **Seconded: Cr**

That:

- (a) In accordance with Section 5.23 (2) and Admin Regulations 4A agenda items 12.1.1, 12.1.2 and 12.1.3 remain confidential as sensitive information is detailed in the reports.**
- (b) When the information in the reports is not sensitive the items will be included in the next occurring council agenda.**

Council Decision

Moved: Cr **Seconded: Cr**

That the meeting be reopened to the public.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

13 CLOSURE

The Shire President advises that the next Ordinary Council Meeting will be held on 14 February 2018, commencing at 5.00pm in the Council Chambers, Collins Street, Donnybrook.

Shire President declared the meeting closed at _____.