

ORDINARY MEETING OF COUNCIL AGENDA

To be held on

25 July 2018

Commencing at 5.00pm

Council Chamber, Donnybrook.

Ben Rose
Chief Executive Officer

20 July 2018

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.



ORDINARY MEETING OF COUNCIL

25 July 2018

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SHIRE OF DONNYBROOK BALINGUP
ORDINARY MEETING OF COUNCIL

To be held at the Council Chamber
Wednesday, 25 July 2018 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledges the traditional custodians of the land, the Noongar People, paying respects to Elders, past and present.

Shire President - Public Notification of Recording of Meetings

The Shire President advises that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further states the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Wringe (Deputy President)	Greg Harris – Manager Finance and Administration
Cr Atherton	Damien Morgan – Manager Works and Services
Cr King	Leigh Guthridge – Manager Development and
Cr Lindemann	Environmental Services
Cr Mills	Bob Wallin – Principal Planner
Cr Mitchell	Kate O’Keeffe – Executive Assistant
Cr Tan	
Cr Van Der Heide	

PUBLIC GALLERY

2.1 APOLOGIES

2.2 APPROVED LEAVE OF ABSENCE

2.3 APPLICATION FOR A LEAVE OF ABSENCE

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

3.1 PRESIDENTS COMMUNICATION

Date	Meeting

President's communication for the month will be provided at the meeting.

4 DECLARATION OF 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

Simon McInnes

How many grants were applied for in the last financial year? How many of these applications were successful? How many of the projects which received grants was completed in the last financial year.

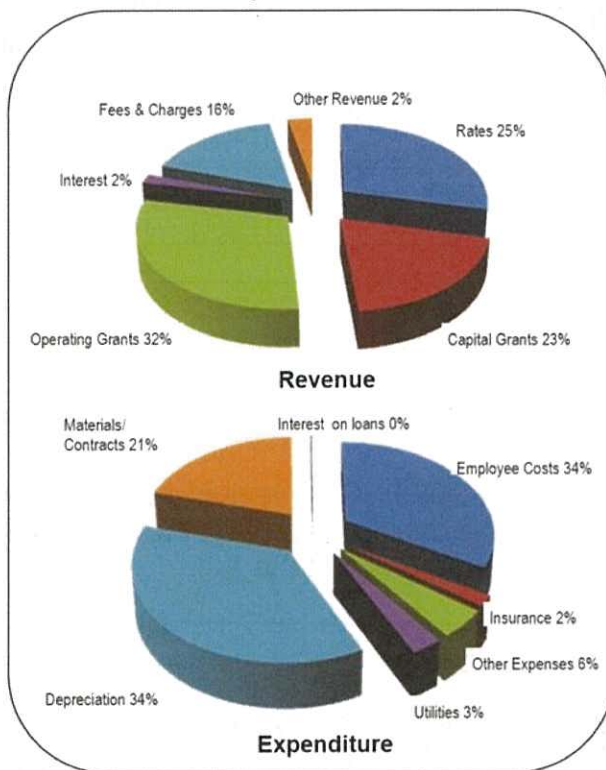
Chief Executive Officer

Below is the break-down of revenue (and expenditure) as was included in the 2015/16 and 2016/17 Annual Reports (via the Shire website).

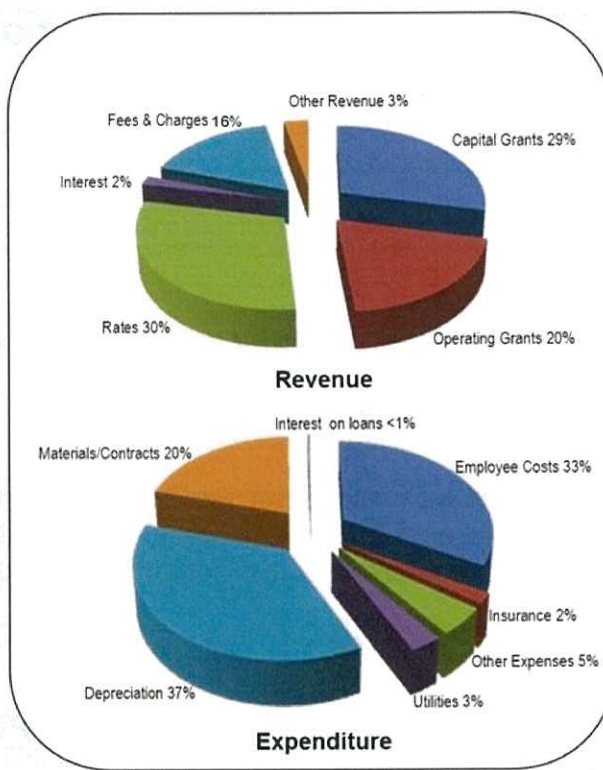
Obviously, your question relates to 2017/18, however, I won't have specific data available for this until we've completed all the financial reporting and auditing for the financial year – likely to be ~October this year. I would expect our operating grants ratio to be a little higher this year – mostly on the back of a \$170K grant we were successful in securing for bushfire mitigation works.

The below charts provide an indication for you in terms of the break-down of grant revenue and gives an overall picture of the revenue and expenditure streams and ratios.

Revenue and Expenditure - 2016/17



Revenue and Expenditure - 2015/16



5.2 PUBLIC QUESTION TIME

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

Chris Howe from the Leschenault Biosecurity Group Inc. (LBG) will make a deputation to Council to present the proposed operational plan and declared pest rate, and invite Council feedback. Chris will be supported by Katrina Zeelandelaar- Adams and Time Thompson to answer any questions.

6.4 DELEGATES REPORTS

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held on 27 June 2018 be confirmed as a true and accurate record.

8 REPORTS OF COMMITTEES

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER FINANCE AND ADMINISTRATION

9.1.1 ACCOUNTS FOR PAYMENT

To be provided prior to the meeting.

9.1.2 MONTHLY FINANCIAL REPORT

RECOMMENDATION

That the monthly financial report for the period ended 31 May 2018 be received.

9.2 MANAGER WORKS AND SERVICES

Nil

9.3 **MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES**

9.3.1 **BALINGUP TOWN HALL RENEWAL PROJECT**

Location	40 Jayes Road Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF 17X
Author	Leigh Guthridge – Manager Development and Environmental Services
Attachments	9.3.1(1) - Summary of notes from the public meeting held on the 11 July 2018
Voting Requirements	Simple Majority
Executive Summary	<p>The Shire of Donnybrook Balingup has received funding of \$200,000 from the Department of Primary Industries and Regional Development (DPIRD) for the Balingup Town Hall Renewal Project.</p> <p>It is recommended that Council:</p> <ul style="list-style-type: none"> • Continue to offer the Balingup Town Hall for hire to the general public as a multipurpose facility; • Approve the list of works as identified in priority order for the hall; and • Instruct the CEO to undertake an analysis of the practicalities and costs to implement the works prior to proceeding.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
Outcome 2.1 - An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.2	Seek funding for development and renewal of infrastructure

BACKGROUND

Honouring an election pledge from local member the Hon. Mick Murray, the Shire of Donnybrook Balingup has received \$200,000 from the Department of Primary Industries and Regional Development for the Balingup Town Hall Renewal Project.

This report seeks a resolution of Council to prioritise the list of works to spend on the Balingup Town Hall with the funds allocated from the state government.

DETAILS

DPIRD met with Shire staff in January 2018 and assisted the Shire to commence the project planning.

As part of the implementation of this project the Shire to date has:

- Signed a Financial Assistance Agreement (FAA) with the Dept of Primary Industries and Regional Development;
- Developed a Summary Project Proposal and Project Plan;
- Undertaken a Building Condition Assessment of the Hall;
- Appointed a Project Manager (PM) - Iain Massey from Upland Consulting; and
- Undertaken public consultation in the form of a public meeting at the Balingup Recreation Centre on the 11 July 2018.

Public Meeting – 11 July 2018

The public meeting was attended by twenty-eight (28) people and facilitated by Janine Milton from the Balingup Progress Association. Iain Massey from Upland Consulting (Project Manager) presented the issues and options with respect to the execution of the Project, and gave an overview of the improvements being considered to the hall.

A summary of the issues discussed at the meeting are provided below and in Attachment 9.3.1(1):

Constraints Identified for users of the Hall

- Hire cost
- Acoustics
- Accessibility
- Heating
- Stage performances

Desired End Use

- Country Arts Show
- Performances
- Keep the facility Multi Purpose
- Keep operating the library and health services from the facility

Priorities for Improvements

- Repair the brick work fretting and repointing where required
- Rear stage area – restump and make good the structure and replace asbestos
- Improve the drainage to the rear of the hall
- Improve acoustics with a priority for the lesser hall for performances
- Install a driveway to the rear of the hall to improve access for users to unload (and load) equipment through the storage area on the west side of the Hall
- Check electrical services to the Hall and upgrade to a suitable supply to a contemporary standard
- All existing external doors and windows to be repaired and treated

Comment

In addition to the information sought from the public consultation meeting, the Shire commissioned the following reports on the Hall, identifying the following renewal works:

Date	Report	Summary of Renewal Works
2018	Asset Infrastructure Management Condition Report	<ul style="list-style-type: none"> • Brick fretting and repointing • Restumping the rear stage area and improve drainage • Treat rusty lintels • Repaint the exterior painted surfaces • Assess and improve the capacity of roof plumbing and storm water disposal
2008	Palassis Heritage Strategy	<ul style="list-style-type: none"> • Brick fretting, repointing and tuck-pointing required – and rectify the mismatch of attempts to repoint the building previously • Replace broken vents and other small miscellaneous building works • Downpipe and stormwater catchment requires improvement including the south end of the Hall • Remove redundant conduits and relocate obtrusive external wall fixtures such as hot water units and electrical boards etc. • Treat rusting lintels • Parapet wall over kitchen requires repairs <p>(A majority of other works identified in the report have already been completed with renewal works being undertaken since the report was commissioned)</p>
2006	Country Arts Measure Up Program	<p><u>Improvements for Performing Art Shows</u></p> <ul style="list-style-type: none"> • Widen the proscenium arch opening • Improve back stage toilet facilities <p>Improve acoustics by:</p> <ul style="list-style-type: none"> ➤ Removing the stud wall structure behind the stage and costume storerooms ➤ Removing the suspended ceiling above the stage ➤ Soundproofing and insulating the roof cladding above the stage ➤ Installing light bars ➤ Installing proper soft masking (black wool curtains and pelmets) <p><u>Improvements for the Auditorium for Performances</u></p> <ul style="list-style-type: none"> • Install acoustic panelling to deaden the acoustics • Install light bars in the ceiling in front of the stage area • Blackout the daylight • Install heating

Based on the information sought from building reports and feedback from the public consultation process, it is recommended that works in the following order of priority are implemented:

- Restump the stage area and make good the structure, replace asbestos with new cement sheeting and install cladding on the inside wall of this area and paint
- Improve the drainage to the south side of the Hall and direct stormwater away from the building

- Formalise rear access for vehicles to link the new storeroom on the western side of the building to improve the logistics of moving equipment in and out of the Hall.
- Repair all fretted brick work and repointing where required
- Improve the acoustics of the lesser hall (subject to seeking specialised advice)
- Investigate costs and benefits of providing heating in the lesser Hall.
- Upgrade the internal power supply to meet contemporary safety standards and install additional 10 amp power outlets at the stage area (noting that a 3 phase power supply is already available at the building)
- Improve the audio in the main hall (speaker system) for public events and be undertaken in a manner to conceal the wiring etc.
- All external doors and windows to be repaired, treated and painted
- Improve landscaping at the northwest end and western side of the building

It is not proposed to modify the stage area in the main hall as per the recommendations from the Country Arts Measure Up report as listed below:

- Widen the proscenium
- Install light bars above the stage
- Remove suspended ceiling above the stage
- Soundproof and insulate the roof cladding above the stage
- Install lighting bars
- Install proper soft masking (black wool curtains and pelmets)

This work (related to the stage modifications) proposes significant structural alterations which is anticipated to come at a considerable cost and require major aesthetical change to the Hall. However some of the issues identified in this report could be evaluated under a separate project and funding arrangements via Lottery West or similar.

Furthermore, the feedback from the public consultation suggests that improving acoustics in the lesser hall for musical performances will be a good balance in keeping the Hall available for multi-purpose use.

Once the works for the Balingup Town Hall Renewal Project has been prioritised by Council, feasibility will be undertaken to analyse the practicalities and cost before the Shire proceeds to building procurement and implementation of the works.

CONSULTATION

The Shire has undertaken the following consultation:

- In January 2018 the Shire undertook preliminary qualitative consultation where the Shires Community Development Officer – Team Leader met one on one with known stakeholders and users of the Hall including members of the Balingup Town Hall Advisory Committee and local musicians and concert event organisers.
- The Shire held a public meeting at the Balingup Recreation Centre on the 11 July 2018.

Those present at the public meeting was advised that based on the issues identified through the public consultation and other known renewal works required for the Hall the matters identified for the project will be presented to Council to ratify a list priorities.

FINANCIAL IMPLICATIONS

The Shire of Donnybrook Balingup has received \$200,000 from the DPIRD for the Balingup Town Hall Renewal Project. No matching funds from the Shire or other agency is proposed.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONCLUSION

The list of proposed priority works in order, for the Balingup Town Hall Renewal Project is detailed in the recommendation to this report and is based on works identified in various reports that the Shire has undertaken on the Hall and feedback from public consultation.

EXECUTIVE RECOMMENDATION

That Council:

- 1) Continue to offer the Balingup Town Hall for hire to the general public as a multipurpose facility**
- 2) Approve the list of works as identified in priority order for the hall as per below:**
 - a) Restump the stage area and make good the structure, replace asbestos with new cement sheeting and install cladding on the inside wall of this area and paint.**
 - b) Improve the drainage to the south side of the Hall and direct stormwater away from the building.**
 - c) Formalise rear access for vehicles to link the new storeroom on the western side of the building to improve the logistics of moving equipment in and out of the Hall.**
 - d) Repair all fretted brick work and repointing where required.**
 - e) Improve the acoustics of the lesser hall (subject to seeking specialised advice).**
 - f) Investigate costs and benefits of providing heating in the lesser Hall.**
 - g) Upgrade the internal power supply to meet contemporary safety standards and install additional 10 amp power outlets at the stage area (noting that a 3 phase power supply is already available at the building).**
 - h) Improve the audio in the main hall (speaker system) for public events and be undertaken in a manner to conceal the wiring etc.**
 - i) All external doors and windows to be repaired, treated and painted.**
 - j) Improve landscaping at the northwest end and western side of the building.**

- 3) Instruct the Chief Executive Officer to undertake an analysis of the practicalities and costs to implement the works prior to proceeding.

9.4 PRINCIPAL PLANNER

9.4.1 REQUEST TO NAME RESERVE 19438 (LOWDEN GRIMWADE ROAD, LOWDEN) THE “MURAT FAMILY RESERVE”

Location	Lot 823 and 3380 Old Meadow Road, Lowden
Applicant	Mr Rod Atherton
File Reference	A3067
Author	Bob Wallin (Principal Planner)
Attachments	9.4.1(1) – Location Plan 9.4.1(2) - Background justification provided by applicant
Voting Requirements	Simple Majority
Executive Summary	It is recommended Council support the name change: <ul style="list-style-type: none"> • A request has been lodged to name Reserve 19438 the “Murat Family Reserve” • The reserve is vested with the Shire for the purpose of Recreation and Parkland and contains a fire shed for the Lowden Fire Brigade. • The Lowden Fire Brigade support the proposal.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
4.1 – 4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

BACKGROUND

A request has been received to name Reserve 19438 (Lowden Grimwade Road, Lowden) the “Murat Family Reserve”. Attachment 9.4.1(1) details the location of the reserve.

Reserve 19438 is 5,926m² in area and contains the Lowden Fire Brigade shed.

A Council resolution to support the naming of the reserve ‘Murat Family Reserve’ will provide formal acknowledgement of 80 (eighty) years contribution by the Mural family to the Lowden community, and afford a good point of reference when being considered by the Geographical Naming Committee at Landgate. Attachment 9.4.1(2) provides background on the Murat family’s association with the locality.

The process and naming standards is detailed in Landgate's Policies and Standards for Geographical Naming in Western Australia. This document requires that proposals:

- a) Have been subject to public advertising and have a degree of public support;
- b) Are supported by background information that justifies the relevance and appropriateness of the name.

DETAILS

The proposed naming is intended to be displayed on a sign. This can be similar to the sign erected at the Egan Park naming and internal access at "Barry Shepherd Drive".

The location of the sign would need to be established in consultation with the Lowden Fire Brigade to make sure it doesn't obstruct sight lines or access.

CONSULTATION

Section 1.8 of the *Policies and Standards for Geographical Naming in Western Australia* outlines a consultation process. The process is intended to ensure that all nearby landowners or users of the reserve/area have been given an opportunity to comment.

Other than seeking comment from the Lowden Fire Brigade Captain, consultation has not been undertaken at this point.

FINANCIAL IMPLICATIONS

The cost of naming the reserve is negligible. A standard sign would cost less than \$200 plus installation. Consultation will consist of letter drops to neighbouring landowners/users and government agencies.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

The *Land Administration Act 1997* sets out details on matters dealing with Crown Land. The Geographic Naming Committee is delegated responsibility on matters associated with naming reserves.

CONCLUSION

The proposed naming of the reserve is considered reasonable in light of the Murat families' association with the locality.

EXECUTIVE RECOMMENDATION

That Council:

- 1) Undertake a consultation process for the proposed naming of Reserve 19438 to "Murat Family Reserve" in accordance with section 1.8 of the Policies and Standards for Geographical Naming in Western Australia;

- 2) Authorise the Chief Executive Officer to request Landgate's support for naming Reserve 19438 subject to no objections being received during the consultation process.

9.4.2 REQUEST TO ERECT A SIGN AT LOT 598 SOUTH WESTERN HIGHWAY, DONNYBROOK

Location	Lot 598 South Western Highway, Donnybrook
Applicant	Donnybrook Regional Tourism Association
File Reference	A3532
Author	Bob Wallin (Principal Planner)
Attachments	9.4.2(1) - Location Plan
Voting Requirements	Simple Majority
Executive Summary	<p>It is recommended Council approve the application:</p> <ul style="list-style-type: none"> • The proposal is to erect a sign on the front façade of the building. • The building is State Heritage Listed and is on land vested and managed by the Shire of Donnybrook Balingup

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 lodged by the Donnybrook Regional Tourism Association for the erection of a sign on the front façade of the "Visitor Centre" building.

The proposed sign will be 410mm x 600mm and will promote tourism branding for the region.

The land is owned by the Crown and the Shire has a vesting order for its management. The application requires Council authorisation as the Chief Executive Officer does not hold the delegated power for this matter.

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.

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

Nil

STATUTORY COMPLIANCE

Part 2 of Local Planning Scheme No.7 (LPS7) provides details on matters to be considered for the use and development of reserve 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 is reasonable. It will not adversely impact on heritage values or add to ongoing maintenance costs associated with the building.

Approval is recommended.

EXECUTIVE RECOMMENDATION

That Council:

- 1) Authorise the Chief Executive Officer to sign the planning application form; and**
- 2) Approve the erection of a sign at Lot 598 South Western Highway, Donnybrook subject to the following conditions:**
 - a) The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
 - b) The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**

9.5 MANAGER AGED CARE SERVICES

9.5.1 TUIA LODGE QUARTERLY REPORT

Location	Shire of Donnybrook Balingup
Applicant	N/A
File Reference	CSV 01/2
Author	Bob Lowther – Manager Aged Care Services
Attachments	9.5.1(1) – Tuia Lodge Quarter Four Report 2017/18.
Voting Requirements	Simple Majority
Executive Summary	This quarterly report is for Quarter Four - 2017/18. It is recommended that the report be received by Council.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
4.2 A respected, professional and trusted organisation	Effective and efficient operation and service provision	4.2.1.4	Demonstrate sound financial planning and management, including revenue / expenditure review and revenue diversification strategies and long term financial planning.

BACKGROUND

At its Ordinary Meeting on 23 August 2017 Council resolved to:

- 1)direct the Chief Executive Officer to prepare a quarterly report on an ongoing basis, regarding the management and operations of the Tuia Lodge Aged Care facility, with sufficient detail to ensure Elected Members can fulfil their individual obligations associated with the Shire of Donnybrook Balingup being the 'Approved Provider' for the facility.
- 2) That the report for each quarter, be presented at the next Ordinary Council meeting:

REPORT	ORDINARY COUNCIL MEETING
July 1 – September 30	October 2017
October 1 – December 31	February 2018
January 1 – March 31	April 2018
April 1 – June 30	July 2018

DETAILS

This report covers quarter four (4) of the 2017/2018 financial year.

Comprehensive details including an Executive Summary, Residential Data, Employee Statistics, Occupational Safety and Health, Maintenance and Finance, are provided via Attachment 9.5.1(1)).

CONSULTATION

The report has been prepared in consultation with the Tuia Lodge leadership team.

FINANCIAL IMPLICATIONS

In accordance with 2017/18 Budget allocations.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Aged Care Act 1997.

CONCLUSION

It is recommended that the Tuia Lodge report for the fourth quarter of 2017/18 be received by Council.

EXECUTIVE RECOMMENDATION

That Council receive the Tuia Lodge Quarterly Update for April – June 2018.

9.6 CHIEF EXECUTIVE OFFICER

9.6.1 COUNCIL COMMITTEES AND COUNCILLOR MEMBERSHIP

Location	Shire of Donnybrook Balingup
Applicant	N/A
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer)
Attachments	Nil
Voting Requirements	Absolute Majority (required for establishment of any new Committees as per section 5.8 of the Local Government Act)
Executive Summary	

STRATEGIC ALIGNMENT

The following outcome from the Corporate Business Plan relates 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

At its May 2018 Ordinary Meeting, Council resolved:

1. *That Council maintain the establishment of the:*
 - a. *Audit Committee; and*
 - b. *Donnybrook Community Library Committee.*
2. *That Council reconsider the function, form and governance arrangements for Council Committees at a workshop forum with a recommendation to be presented to the July 2018 Ordinary Meeting of Council.*

As per the Council resolution, an Elected Member workshop was conducted on this topic on 20 June 2018.

DETAILS

Through its deliberation on this matter, Council has considered the merits of a variety of models of local government committee structures. At the 20 June 2018 workshop, Elected Member feedback and guidance to the Executive was focussed on the need to streamline and simplify Shire decision-making processes, with community committees and associations having direct communication access to Council, rather than via an intermediary committee system. This was seen as providing greater opportunity for transparency and accountability of decision making for this local government, whilst maintaining a close and direct connection between the Council and community committees and associations.

Further feedback from Elected Members at the 20 June 2018 workshop encouraged the establishment and use of Working Groups, for use with 'time limited' propositions (i.e. not ongoing/perpetual matters).

Given most existing committees are incorporated bodies in their own right, they have an obligation to develop relevant plans and strategies in line with the objectives of each group and as such they have, if needs be and/or appropriate, a direct line to Council through the Shire. The working group concept should be project specific and not replace the need for incorporated bodies to have an ongoing focus and review on short-medium and longer term objective.

Where appropriate, there may be opportunities to align the functions of previous Council Committees to present, highly successful and sustainable, community groups and associations. By way of example, the Balingup Townscape Committee could be (with relevant pre-consultation and planning) auspiced via the Balingup Progress Association. Using this example, there could be several key benefits, including:

- Increased leverage and ability for funding (e.g. via Lotterywest);
- Purchasing efficiencies (i.e. not bound by local government procurement rules); and
- More streamlined governance obligations (i.e. compared to formal Council committees).

CONSULTATION

Extended consultation with Elected Members has been undertaken on this matter, including previous consideration of the matter by the Council and Elected Member Concept Forums / workshops.

As per previous resolutions of Council on this matter, consultation with community members will be required to transition from the existing 22 Council Committee structure to the new structure/process. Detailed consultation with the likes of the Balingup Progress Association will be required if the auspicing of townscape actions is to occur.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the Executive recommendation.

POLICY COMPLIANCE

There is no direct Shire Policy implications associated with the Executive recommendation.

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.

CONCLUSION

Council requested a review of the existing structure and function of Council Committees, with a resolution from the May 2018 Ordinary Meeting requesting a detailed workshop on the matter with Elected Members. From that workshop on 20 June 2018, feedback and guidance from Elected Members focused on simplifying the committee structures/process and enabling a direct communication line between community committees/associations and the Council.

EXECUTIVE RECOMMENDATION

That Council:

- 1) Continue the establishment of the following Council Committees, only:**
 - a. Audit Committee; and**
 - b. Donnybrook Community Library Committee.**
- 2) Commits to the establishment and application of Working Groups for Council related matters that are project specific and time-limited (i.e. not perpetual);**
- 3) Instructs the Chief Executive Officer to communicate with committee members and local community and incorporated associations as to the decision and rationale of the Council on this matter.**
- 4) Works constructively with local community groups, committees and associations to assist in achieving common objectives and priorities.**

9.6.2 WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION 2018 ANNUAL GENERAL MEETING NOTICES OF MOTION

Location	Shire of Donnybrook Balingup
Applicant	Western Australian Local Government (WALGA)
File Reference	DEP 22/4D
Author	Ben Rose, Chief Executive Officer (Kate O'Keeffe, Executive Assistant)
Attachments	9.6.2 (1) – Part 4 of the WALGA Annual General Meeting Agenda - Consideration of Executive and Members Motions
Voting Requirements	Simple Majority
Executive Summary	<p>It is recommended Council vote to indicate their position for each of the four motions being presented to the WALGA AGM.</p> <ul style="list-style-type: none"> • The WALGA Annual General Meeting will take place on 1 August 2018. • Cr Piesse and Cr Wringe are the voting delegates attending the Annual General Meeting and will be voting on behalf of Council.

The following outcome from the Corporate Business Plan relates to this matter for consideration:

Outcome	Strategy	Action No.	Actions
4.2 - A respected, professional and trusted organisation.	Effective and efficient operations and service provision.	4.2.1.1	Maintain effective and efficient policies, planning, operating procedures and practices.

BACKGROUND

Council has been provided with a copy of the agenda for the 2018 Annual General Meeting for the WA Local Government Association which will be held at the Local Government Convention on Wednesday, 1 August 2018 at the Perth Convention Exhibition Centre.

At the Ordinary Council Meeting held on 23 May 2018, Councillor Piesse and Councillor Wringe were nominated as voting delegates to represent Council at the Annual General Meeting.

DETAILS

The following matters for decision will be considered:

4.1 PROPOSAL TO AMEND THE ASSOCIATION CONSTITUTION

MOTION

1. That Clause 18 and Clause 19 of the Association Constitution be amended as follows:
 - I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.

II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
- (3)(5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced provided the Deputy President re represents the alternate constituency to that of the President.
- (4)(6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 48 19 shall still be eligible for . election to a subsequent two (2) full consecutive terms.

2. That Clause 17A — Rotation of Presidency be added to the Association Constitution, as follows:

17A — Rotation of Presidency

1. At an election for the position of President conducted under subclause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected. .

2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:

A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association or from attending State Council in an ex-officio capacity, if that person:
4. That sub-clause 200) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:

(j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)I of the Local Government Act 1995.
5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:

(2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31 (4)(b) be amended as follows:
 - I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~"Local Government Managers Australia" means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~
"Local Government Professionals Australia WA" means the Western Australian Division of Local Government Professionals Australia.
 - II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WAI-GA be amended with the words "Local Government Managers Australia (LGMA)" to be replaced with the words "Local Government Professionals Australia WA".
 - III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words "Local Government Managers Australia (LGMA)" with the words "Local Government Professionals Australia WA".
 - IV. That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word "LGMA" with the words "Local Government Professionals Australia WA".

7. That sub-clause 14(4a)(h) be amended with the addition of the underlined words and the deletion of the strike through words as follows:

(h) Is a Councillor that has been suspended by the Minister for Local Government under part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.

4.2 ROADSIDE VEGETATION – REGULATORY AMENDMENTS

MOTION

That the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* be amended to permit clearing or reduction of vegetation:

1. Within 30m of all farm driveways/gates/entrances; and,
2. On road bends and intersections obstructing 'line of sight', be cleared.

4.3 GST REVENUE DISTRIBUTION SHARE FOR WESTERN AUSTRALIA

MOTION

That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.

4.4 RURAL, REGIONAL AND REMOTE COMMUNITY STATE FUNDING CUTS

MOTION

That WALGA express its deep concern to the W.A State Government regarding the continued attack on rural, regional and remote communities in W.A through reducing funding to critical services and infrastructure programs, cuts that disproportionately discriminate against already disadvantaged communities across W.A.

CONSULTATION

WALGA called for notices of motion for Local Government authorities during May 2018.

FINANCIAL IMPLICATIONS

N/A

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Local Government Act 1995

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

CONCLUSION

Council are required to vote on each motion to provide the delegates attending the WALGA Annual General Meeting with Council's collaborative position.

EXECUTIVE RECOMMENDATION

That Council encourages the Councillor voting delegates at the Western Australia Local Government Association 2018 Annual General Meeting, to vote in the following manner:

- 1) Affirmative for the recommendation on Agenda Item 4.1 - Proposal to Amend The Association Constitution;**
- 2) Affirmative for the recommendation on Agenda Item 4.2 - Roadside Vegetation – Regulatory Amendments;**
- 3) Affirmative for the recommendation on Agenda Item 4.3 - GST Revenue Distribution Share For Western Australia; and**
- 4) Affirmative for the recommendation on Agenda Item 4.4 - Rural, Regional And Remote Community State Funding Cuts**

9.6.3 AGENDA BRIEFING GUIDELINES

Location	Donnybrook/Balingup
Applicant	Ben Rose
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer), <i>Trish McCourt (Corporate Planning and Governance Officer)</i>
Attachment	9.6.3(1) – Council Agenda Briefing Session Guidelines
Voting Requirements	Simple Majority
Executive Summary	Clarity and direction from Council is sought, as to whether Agenda Briefing Session should be open or closed to the public. It is recommended that Council apply the Agenda Briefing Session Guidelines.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No	Actions
4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.13.	Review Council, Committee and Working Group governance

			structures and meeting programs
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BACKGROUND

At the 17 April 2018 Council Agenda Briefing Session, Council discussed the Briefing Session guidelines, of which a paper copy of the guidelines (Attachment 9.6.3(1)), was provided to each Councillor.

Point (2) of the *Principals* section of the guidelines, states that:

Agenda Briefing Sessions are to be held in the Council Chamber (or other nominated venue) and are closed to the general public, unless directed otherwise by the Chair.

DETAILS

Clarity and direction from Council is sought, as to whether Agenda Briefing Session should be open or closed to the public.

CONSULTATION

Council were consulted at the 17 April 2018 Council Agenda Briefing Session.

FINANCIAL IMPLICATIONS

N/A

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

N/A

CONCLUSION

Clarity from Council is being sought, as to whether Agenda Briefing Sessions should be open or closed to the public. At the 17 April 2018 Council Agenda Briefing Session, Council were presented with the Briefing Session Guidelines that included reference to open or closed sessions. It is recommended that Council apply the Agenda Briefing Session Guidelines as presented at the session.

EXECUTIVE RECOMMENDATION

That Agenda Briefing Sessions be held in the Council Chamber (or other nominated venue) and be closed to the general public, unless directed otherwise by the Chair.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 ELECTED MEMBERS REQUEST TO INCLUDE \$2000 IN THE 2018/2019 BUDGET FOR COUNCIL TO JOIN A NATIONWIDE INITIATIVE - RESPONSIBLE CAFES.

Location	Donnybrook/Balingup
Applicant	Cr Anita Lindemann
File Reference	CNL 34O, CNL 16
Author	Cr Anita Lindemann
Attachment	Nil
Voting Requirements	Simple Majority
Executive Summary	Cr Anita Lindemann has proposed an Elected Members Motion to include \$2,000 in the 2018/19 Council budget to join a nationwide initiative – Responsible Cafes.

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	Efficient use of resources to minimise environmental impacts	2.3.1.2	Encourage community to adopt alternative energy and green options
	Partner with key stakeholders for effective environmental management	2.3.3.3	Lobby key stakeholders for improved environmental management practices and initiatives
2.4 Efficient and effective waste management	Promotion of waste minimisation	2.4.2.1	Encourage recycling and organic waste recycling
4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

ELECTED MEMBER REPORT

BACKGROUND

As featured on the ABC's 'War on Waste, responsible cafes connects thoughtful cafes with conscious consumers through one simple idea. Cafes can reduce or eliminate disposable coffee cups by offering a discount to customers with reusable takeaway cups.

Responsible cafes has saved 46 million cups and lids going to landfill annually. Contrary to popular belief, takeaway coffee cups are rarely recycled and only rarely composted due to inadequate industrial composting facilities and the difficulty of getting the cups/lids there.

DETAILS

Key benefits for Councils

- Educational resource for positive behavioural change addressing an identified waste gap to complement existing sustainability programs
- Reduce litter and landfill, cutting long-term waste collection costs.
- Reduce carbon, water, paper, and oil footprint in your LGA
- Media and publicity opportunities for councils and cafes
- Optional use of 1.8m-tall giant disposable cup for events or display
- Build community pride and public awareness of waste and litter
- Partnership with a national not-for-profit organisation with demonstrated social and environmental outcomes

ELECTED MEMBER CONSULTATION

I have consulted with Jeff Somes our Principal Environmental Health Officer whom is supportive of this initiative and enthusiastic about reducing waste and extending the life of our tip.

I have consulted with all local cafes:

- All three (3) cafes in Balingup as well as the local soccer club have registered on the website as participating and offering discounts. They are also now advertised on the Australia wide website. **That's 100% participation in Balingup.**
- Kirup has 1 cafe, they too have joined the Responsible Cafe campaign to reduce waste and you also receive a discount on your coffee when you bring your own cup. **100% participation.**
- Of the five (5) cafes in Donnybrook, three (3) have registered to participate in the Campaign and Mario, from The BP Servo is also participating. **60%**

FINANCIAL IMPLICATIONS (ELECTED MEMBERS)

As a Shire initiative in litter and waste reduction, \$2,000 of funds will need to be included in the budget available in the 2018/19 budget for:

\$1000 to join the Australia wide campaign, Responsible Cafes, for a two (2) year Council membership.

\$1000 allocated towards promotion of the Councils inclusion and to inform and activate community participation in reducing waste.

EXECUTIVE COMMENT

\$2000 has been provided in the Draft 2018/19 budget.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

ELECTED MEMBER CONCLUSION

Hastie Waste is already providing reusable coffee cups to the following cafes participating in the Responsible Cafe Campaign, at cost price. Owner of Hastie Waste and contractor managing our Shire Rubbish Tip, Nigel Tuia, is also wanting to promote this further by offering a below cost discount to all cafes by purchasing bulk (3000) reusable coffee cups at his expense and adding his business name as cross promotion.

(Hastie Waste has introduced a number of initiatives to reduce, reuse and recycle. They are a finalist in the South West Small Business awards in Environment and Sustainability.)

Supporting a collaboration with local business will reduce costs to Shire, encourage leadership and activate inclusive community participation.

ELECTED MEMBER RECOMMENDATION

That Council include \$2,000 in the 2018/19 Council budget to join a nationwide initiative – Responsible Cafes.

EXECUTIVE RECOMMENDATION

That Council allocates \$2,000 in the Draft 2018/19 Shire budget to become a local government member of the Responsible Cafes program.

10.2 ELECTED MEMBER REQUEST TO PRESENT A MOTION TO LOBBY FOR AN INCREASE IN GST DISTRIBUTION TO WESTERN AUSTRALIA

Location	Western Australia
Applicant	Cr Dawn Tan
File Reference	CNL 34K, CNL 16
Author	Cr Dawn Tan
Attachment	Nil
Voting Requirements	Simple Majority
Executive Summary	Cr Tan has proposed an Elected Members Motion to lobby for an increase in GST distribution to Western Australia.

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.	1.1.1.2	Represent the district's interests with key stakeholders.

ELECTED MEMBER REPORT

BACKGROUND

At the Ordinary Council Meeting of 23 May 2018, Council moved the following motion be presented to the 2018 WA Local Government Convention and Trade Exhibition and Annual General Meeting to be held on Wednesday, 1 August 2018 (2018 WALGA AGM) at the Perth Convention and Exhibition Centre for consideration, as follows:

“That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.”

Irrespective of the resolution at the 2018 WALGA AGM, it is evident that the current GST distribution allocated to Western Australia in comparison with the other States and Territories is to the gross disadvantage of the residents and electors of Western Australia.

Table 1 provides a GST breakdown state by state 2018-19.

Table 1:

State	GST share per dollar	GST share %	Total GST distribution \$m
VIC	98c	25.6	\$16,830
WA	47c	4.9	\$3,255

State	GST share per dollar	GST share %	Total GST distribution \$m
NSW	85c	27.4	\$18,030
SA	\$1.47	10.3	\$6,751
Tas	\$1.77	3.7	\$2,434
ACT	\$1.18	2.0	\$1,298
NT	\$4.26	4.2	\$2,755
Qld	\$1.09	22.0	\$14,447

DETAILS

WALGA provides an opportunity for the South West Local Government zones, namely, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Capel, Collie, Dardanup, Donnybrook Balingup, Harvey, Manjimup and Nannup, to jointly voice their concerns and representation as a group before WALGA.

CONSULTATION

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONCLUSION

Our GST Distribution needs more 'voice' and the WALGA body needs more encouragement. If the South West zone can be the 'voice', I would be happy that it does so and reminds WALGA to continue its efforts.

ELECTED MEMBER RECOMMENDATION

That Council:

- 1) Approve the following motion to be presented to the next WALGA SW Zone, to continue to lobby for a significant increase in GST distribution to Western Australia:

That WALGA adopts a policy and position, as the representative of the Western Australian Local Government sector, to continue lobbying until the State of WA achieves parity of GST distribution across all States and Territories of Australia.

- 2) Authorises the Chief Executive Officer to present a report and the motion to the next WALGA South West Zone Meeting, which is scheduled for 24 August 2018, for consideration by the twelve (12) South West local government authorities – City of Bunbury, City of Busselton, and the Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Donnybrook Balingup, Harvey, Manjimup and Nannup.

11 QUESTIONS FROM MEMBERS

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 MEETINGS CLOSED TO THE PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.1.1 CONFIDENTIAL REPORT – GRATUITY PAYMENT POLICY

Location	Shire of Donnybrook Balingup
Applicant	Chief Executive Officer
File Reference	CNL 31
Author	Ben Rose (Chief Executive Officer)
Attachments	13.1.1(1) – Gratuity Policy 1.16 13.1.1(2) – Staff Feedback and Analysis
Voting Requirements	Absolute Majority

13.1.2 CONFIDENTIAL REPORT – LEASE OF PROPERTY

Location	Corner Bentley and Egan Street, Donnybrook
Applicant	N/A
File Reference	PRO 01/3A
Author	Ben Rose (Chief Executive Officer)
Attachments	13.1.2(1) – Email: Second Counter Offer by Proprietor
Voting Requirements	Simple Majority

13.1.3 DEPARTMENT OF TRANSPORT – CONTRACT TO PROVIDE ON-LINE LICENSING SERVICES

Location	Shire of Donnybrook Balingup
Applicant	Administration
File Reference	LIC 02
Author	Greg Harris (Manager Finance and Administration)
Attachments	Nil
Voting Requirements	Simple Majority

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 22 August 2018, commencing at 5.00pm at the Council Chamber, Donnybrook.

The Shire President to declare the meeting closed at pm.

