



## ORDINARY MEETING OF COUNCIL AGENDA

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To be held on

**23 May 2018**

Commencing at 5.00pm

Council Chambers, Donnybrook.

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

**Ben Rose**  
**Chief Executive Officer**

**18 May 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.

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## ORDINARY MEETING OF COUNCIL AGENDA

23 May 2018

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# SHIRE OF DONNYBROOK BALINGUP

## ORDINARY MEETING OF COUNCIL - AGENDA

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To be held at the Council Chambers  
Wednesday, 23 May 2018 at 5.00pm

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### DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ANNOUNCEMENT OF VISITORS

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#### 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.

The Shire Present to declare the meeting open at \_\_\_\_\_, and welcome the public gallery.

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### ATTENDANCE

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#### 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	Trish McCourt – Corporate Planning and
	Governance Officer
Cr Van Der Heide	

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### PUBLIC GALLERY

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#### 1 APOLOGIES

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#### 2 PUBLIC QUESTIONS TIME

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#### 3 ANNOUNCEMENTS FROM PRESIDING MEMBER

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#### 4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST

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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.

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Councillor Mitchell has disclosed an interest affecting impartiality regarding item 10.4.1 – Retrospective Application for an Animal Establishment up to six (6) dogs. Councillor Mitchell is a keeper of six (6) dogs all with relevant licences, registrations and approvals.

Councillor Atherton has disclosed an interest affecting impartiality regarding item 10.4.2 – Sale of Lot 72 Mead Street, Donnybrook. Councillor Atherton is a real estate sales agent operating within Donnybrook.

Councillor Lindemann has disclosed a financial interest regarding item 10.5.2 – Community Grants Scheme applications. Councillor Lindemann was involved in one of the applications.

Councillor Atherton has disclosed an interest affecting impartiality regarding item 10.5.2 – Community Grants Scheme applications. Councillor Atherton is a member of the Board/Committee of the Donnybrook Football Club.

Councillor Mitchell has disclosed an interest affecting impartiality regarding item 11.1.1 – Elected Members Request to seal Newlands Road. Newlands Road is one of four gravel roads used by Councillor Mitchell to access her property.

Councillor Wringe has disclosed an interest affecting impartiality regarding item 11.1.1 - Elected Members Request to seal Newlands Road. Councillor Wringe's property adjoins boundaries to proposed seal works.

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## **5 PETITIONS / DEPUTATIONS / PRESENTATIONS**

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### **5.1 PETITIONS**

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A petition has been received from Mr Geoff Box and others relating to a request to reduce the speed limit on South Western Highway to 40km/hr through the Donnybrook townsite.

*“We the residents of Donnybrook, request that the Donnybrook Balingup Shire Council apply to the Main Roads Department to reduce the speed limit on South Western Highway from 50km/hr. to 40km/hr. through Donnybrook Town Centre.”*

A report on the matter has been provided at Agenda Item 10.2.2.

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### **5.2 DEPUTATIONS**

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Mr Geoff Box will be making a deputation to Council regarding Agenda Item 10.2.2 – Petition for Speed Zoning along South Western Highway, Donnybrook. Mr Box is seeking a reduction of the speed limit to 40km/hr in the Donnybrook town site.

Mr Jeff Pow will be making a deputation to Council in regards to traffic safety on Southampton Road, Balingup.

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**5.3 PRESENTATIONS**

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Nil

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**6 PRESIDENTS COMMUNICATIONS**

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**PRESIDENTS COMMUNICATION**

<b>Date</b>	<b>Meeting</b>
27/04/2018	South West Zone Local Government Meeting – Boyup Brook
07/04/2018	David Mazza onsite meeting - Queenwood
08/04/2018	LEMC Meeting - Donnybrook
10/04/2018	BWEA Board Working Group Meeting Bunbury
11/04/2018	AICD Briefing with CEO – Donnybrook
11/04/2018	Dardanup Council Dinner – Fergusson Valley
17/04/2018	BWEA Board Meeting - Collie

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**7 LATE ITEMS**

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Nil

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**8 CONFIRMATION OF MINUTES**

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**8.1 ORDINARY MEETING OF COUNCIL**

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**EXECUTIVE RECOMMENDATION**

That the Minutes from the Ordinary Meeting of Council held on 24 April 2018 be confirmed as a true and accurate record.

*Note: the ultra vires status of Resolutions 2 and 3 of Confidential resolution 13.1.3 – 10 Year Workforce Plan is acknowledged.*

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**8.2 COMMITTEE MINUTES**

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**8.2.1 BUSHFIRE ADVISORY COMMITTEE**

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**EXECUTIVE RECOMMENDATION**

That the Minutes from the Bushfire Advisory Committee Annual General Meeting on 26 April 2018 be received.

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**9 REPORTS OF COMMITTEES**

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Nil.

**10 REPORTS OF OFFICERS**

**10.1 MANAGER FINANCE AND ADMINISTRATION**

**10.1.1 ACCOUNTS FOR PAYMENT**

Presented for Council information:

The following accounts have been authorised and paid under Delegation (No 3.1) covering cheques numbered from EFT13756a-EFT13867c 52944 – 52963, DD22864, DD22905, DD22906, DD22926 Trust 3600 – 3610, EFT13774a totalling \$1,174,756.90 is herewith presented to Council.

**10.1.2 MONTHLY FINANCIAL REPORT**

**OFFICER RECOMMENDATION**

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

**10.2 MANAGER WORKS AND SERVICES**

**10.2.1 SPRING GULLY ROAD SEAL**

<b>Location</b>	566 Spring Gully Road, Southampton
<b>Applicant</b>	Michael Dwyer
<b>File Reference</b>	RD 0146
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	10.2.1(1) – Applicants Request
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended that the request be endorsed. The applicant is prepared to contribute 50% of the cost to seal the road. The works are consistent with the Shire of Donnybrook Balingup Engineering Policy 4.4.

**STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
2.1	Maintain, renew and improve infrastructure within allocated resources	2.1.1.1	Develop and implement asset management plans

**BACKGROUND**

Mr Michael Dwyer has approached the Shire of Donnybrook Balingup with the request to bituminize approximately 200m of Spring Gully Road adjacent to his property and advised he



is prepared to contribute 50% of the expense to carry out the works, in keeping with *Policy 4.4 - Bituminising Roads on a Joint Basis with Adjoining Land Owners*.

### **DETAILS**

Spring Gully Road, Southampton, branches off Southampton Road, and continues into the Shire of Bridgetown Greenbushes. The entire road is unsealed with approximately only 1.5km of the road located in the Shire of Donnybrook Balingup. Mr Dwyer's property is situated part way along the 1.5km section. His request relates to 200m of this section, that abuts his property (Attachment 10.2.1(1)).

Mr Dwyer's reason for requesting the sealing of the 200m section, is to mitigate dust issues near his residence.

Traffic counts from this road were conducted in August 2015, with an average count of 21 vehicles per day. This low volume of traffic typically does not warrant the road receiving priority by the Shire for sealing.

Mr Dwyer has been advised that his request will be presented to the May 2018 Ordinary Council Meeting for consideration. Staff also advised that works will be considered against the 2018/19 Shire of Donnybrook Balingup Annual Budget, and full contribution will be required prior to works commencing.

### **CONSULTATION**

Consultation with nearby residents was considered (i.e. to identify other opportunities/requests for co-contribution road sealing), however, there is only one other residential property served by this road, which is substantially set back and screened by vegetation from the road.

### **FINANCIAL IMPLICATIONS**

The estimated cost of the project is \$35,000 based on an 8m formation width with a 6m wide seal, for a length of 200m. This cost would need to be allowed for in the 2018/19 Shire of Donnybrook Balingup Annual Budget, based on \$17,500 being funded by the Shire, and \$17,500 being funded by Mr Dwyer.

### **POLICY COMPLIANCE**

Engineering Policy 4.4 – “Bituminising Roads on a Joint Basis with Adjoining Land Owners”

### **STATUTORY COMPLIANCE**

Nil

### **CONCLUSION**

The request is consistent with Engineering Policy 4.4 – Bituminising Roads. The applicant is willing to contribute 50% towards the works. It is recommended that the proposal be endorsed.

### **EXECUTIVE RECOMMENDATION**

**That Council:**

- 1. Based on an agreed contribution of \$17,500 from Mr Dwyer, allocate an amount of \$35,000 within the 2018/19 Shire of Donnybrook Balingup Draft Annual Budget, to seal a 200 metre section of road adjacent to 566 Spring Gully Road, Southampton.**

2. **Instruct the Chief Executive Officer to inform Mr Michael Dwyer that the Shire must receive his \$17,500 by a mutually agreed date, and prior to the works commencing.**

**10.2.2      *SPEED ZONING, SOUTH WESTERN HIGHWAY DONNYBROOK PETITION***

<b>Location</b>	South Western Highway, Donnybrook
<b>Applicant</b>	Mr Geoff Box
<b>File Reference</b>	06/1
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	10.2.2(1) - Location map
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Request Main Roads Western Australia (MRWA) to implement a 40km/hr. speed zoning on South Western Highway, in both the Donnybrook and Balingup town sites, and on the sections of the Reserve and Collins Street that abut the Apple Fun Park.

**STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
1.1 – A diverse, prosperous economy, supporting local business and population growth.	Provide appropriate infrastructure to support and enhance business	1.1.2.3	Lobby State Government to upgrade and improve key/regional transport infrastructure.
3.3 – A safe and healthy community environment of all ages.	Support a safe, healthy and active community	3.3.3.6	Review and implement community safety and crime prevention strategies



## **BACKGROUND**

The following correspondence as a petition, has been received from Mr Geoff Box relating to a request to reduce the speed limit on South Western Highway through Donnybrook town centre from 50km/h to 40km/h. The petition received over 300 signatures (Attachment 10.2.2(1)) as follows:

*“To the Donnybrook / Balingup Shire President and Councillors,*

*After seeing my elderly brother and other elderly locals struggling to cross the highway, in Donnybrook, I would like to see the speed limit dropped through town to 40 kph.*

*My concern is the fact that most of the parking is on the opposite side of the street with an island in the middle. This makes it very difficult to safely negotiate a walking frame or a pram. Dropping the speed limit only adds a further 23 seconds travelling time.*

*The volume of traffic through Donnybrook has increased significantly over the past few years. A Main Roads counter located the West side of town Mid November 2017 recorded 7,116 vehicle movements per day.*

*The Greenbushes Lithium Mine is going to expand 3 times larger than its present size in the near future. This is going to increase the volume of trucks alone going through our town.*

*Unfortunately, the Main Roads department only seem to be interested in statistics and as there has been no deaths or recorded injuries they may be reluctant to allow the reduction to the speed limit.*

*Therefore, my appeal to you as our representatives is to make the Main Roads aware that our aim is prevent any deaths or serious injuries. We do not want any of our locals or visitors becoming statistics.*

*The 40kph speed limit is already in place in many small country towns where the main highway passes through their CBD. These towns have a lot less volume of traffic passing through them than Donnybrook. Pingelly, Wagin and even Collie, just to mention a few.*

*It may be necessary for you to contact the WA Local Government Association to get their support to get this passed by the Main Roads.*

*I held a 1 day petition on the 16<sup>th</sup> February 2018 and had over 320 local signatures that were in favour of the reduction to the speed limit.*

*Thanking you in anticipation for your support”*

## **DETAILS**



Shire staff have held preliminary discussions with Main Roads WA (MRWA) regarding the request. MRWA advised that they would consider the request against their *Speed Zoning Guidelines* - Section 4.1.2 Linear Speed Zones of 40km/h, which stipulates that:

*The road section shall be fully contained within a recognisable and dedicated tourist, recreation, conservation, shopping, commercial or industrial area / precinct / reserve subject to the following:*

- *Two-way single carriageway roads shall have a seal width of at least 5.0 metres;*
- *Traffic volumes shall exceed 100 vpd on a typical weekday;*
- *The start and end of the road section should have a threshold treatment;*
- *Minimum length of the speed zone shall be 400 metres;*  
*Mid-block speed-reducing devices shall be provided where the length exceeds 400 metres or where devices are necessary to create a speed environment consistent with the speed zone; and*
- *The 85th percentile speed for motor vehicles on existing roads, or expected on new roads, shall not be greater than 50 km/h or less than 30 km/h.*

*Each application is looked at on its merits, the fact that there is a 40 km/h speed zone in Collie has no bearing on this application.*

*Speed data is critical to the assessment, and once a request is received, speed data will be collected to determine what the 85<sup>th</sup> percentile speed is.*

It is understood that the concerns raised in Mr Box's petition are not only common for Donnybrook, but common to the community of Balingup. Both the Shires of Capel and Bridgetown Greenbushes, report that they too have received similar concerns from the community, regarding the highway traversing through both the Boyanup and Bridgetown town sites.

Furthermore, the speed limit on the section of roads adjacent to the Apple Fun Park - Reserve and Collins Streets (Attachment 10.2.2(1)), has previously been identified as a concern of the Donnybrook Townscape Committee. This location experiences a high volume of visitors to the park and associated traffic.

### **CONSULTATION**

A petition was conducted on 16 February 2018 and collected over 320 signatures in favour of the reduction to the speed limit in the Donnybrook town centre.

Shire staff have liaised with MRWA and adjoining Shires regarding highway speed zones through other town sites.

### **FINANCIAL IMPLICATIONS**

The cost of changing speed signage is funded by MRWA.

### **POLICY COMPLIANCE**

Nil

### **STATUTORY COMPLIANCE**

The Shire has no authority to establish or enforce speed-zoning compliance. MRWA and the WA Police undertake this.

### **CONCLUSION**

The establishment of speed zones and enforcement is not a responsibility of the Shire of Donnybrook Balingup, however, it is evident from the petition presented by Mr Box, albeit only in regards to the Donnybrook town site, consultations with neighbouring Shires, and anecdotal evidence received, that there is a strong community concern about the current speed limits in high traffic areas. In this regard, it is recommended that Council request MRWA to implement 40km/hr speed zoning on South Western Highway, in both the Donnybrook and Balingup town centres.

It is also recommended that Council request MRWA to implement 40km/hr speed zones on the sections of Reserve and Collins Street located adjacent to the Apple Fun Park.

### **EXECUTIVE RECOMMENDATION**

**That Council:**

- 1. Instruct the Chief Executive Officer to request Main Roads WA to implement 40km/hr speed zoning on the South Western Highway as a priority, in both the Donnybrook and Balingup townsites.**
- 2. Instruct the Chief Executive Officer to request Main Roads WA to implement 40km/hr speed zoning on the sections of Reserve and Collins Street, Donnybrook, that abut the Apple Fun Park as a priority.**
- 3. Instruct the Chief Executive Officer to request advocacy and support for the implementation of resolutions 1 and 2, above, from the Member for Collie Preston, Hon. Mr Mick Murray MLA.**
- 4. Instruct the Chief Executive Officer to liaise with the Shire of Capel and the Shire of Bridgetown Greenbushes with the objective of developing a collaborative advocacy position on implementation of 40km/hr speed limits through the townsites of Bridgetown, Balingup, Donnybrook and Boyanup.**

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#### ***10.2.3 ROADS TO RECOVERY FUNDING RE-ALLOCATION***

<b>Location</b>	Shire of Donnybrook-Balingup
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	32C
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority



<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• The Trevena Road Approaches Realignment project, scheduled for 2017/18 has been delayed and is expected to be completed in 2018/19.</li> <li>• This project is funded through the Roads To Recovery (R2R) program, and a requirement of this of this program is that the Shire must fully have used its allocations for the years up to the end of 2017/18 financial year.</li> <li>• To achieve this it is recommend the Roads To Recovery (R2R) funds be directed to the Kingspring Road Project, which is currently budgeted for in the Shire of Donnybrook Balingup 2017/18 Annual Budget from Municipal funds.</li> </ul>
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**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 operations 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**

The Federal Department of Infrastructure, Regional Development and Cities (DIRDC) administer the Australian Government Roads to Recovery (R2R) program. They have advised the Shire of Donnybrook Balingup (SoDB) that as the 2017/18 *Trevena Road Approaches Re-alignment* project, funded by the R2R program, will not be completed within this financial year, the Shire needs to re-direct funds to an alternate eligible works project.

**DETAILS**

The 2018/19 financial year is the last year of the R2R agreement period, as outlined in the R2R Funding Conditions 2014. This has prompted the DIRDC to advise Local Governments to ensure that they have at least fully drawn down on their allocated funds by the end of the 2017/18 financial year.

Delays with road resumption and environmental approvals of the 2017/18 R2R funded project *Trevena Road Approach Re-alignment*, will require the project to be carried over to the 2018/19 financial year. This will leave a surplus of unspent or unallocated R2R funds for 2017/18. As this situation is not supported by the DIRDC, the Shire has been requested to identify an additional project to be funded by the surplus 2017/18 R2R allocation.



Discussions with DIRDC have confirmed that the Shire's 2017/18 municipally funded *Kingspring Road* project, is eligible to be funded from the R2R program, and would satisfy the Shire's requirements as defined within the R2R Funding Conditions 2014.

### **CONSULTATION**

Officers have consulted with DIRDC about proposed modifications to the funding arrangements.

### **FINANCIAL IMPLICATIONS**

The *Kingspring Road* project has a municipal budget allocation of \$80,000 within the 2017/18 SoDB budget.

The works have recently been completed at a cost of approximately \$92,000, subject to finalization of contractor payments. Funding the full cost of the works from the R2R surplus, allocation, rather than from the currently budgeted municipal funds, will result in the Shire having approximately \$606,000 (consistent with our funding agreement) to allocate to eligible projects for funding in the 2018/19 financial year.

The *Trevena Road Approach Re-alignment* project will be identified for carry-over in the 2018/19 Draft Shire Budget, and be funded from the R2R program.

It is recommended that the \$80,000 municipal funding for the *Kingspring Road* project be carried over to a new asset management project yet to be identified, within the 2018/19 Shire Draft Budget.

### **POLICY COMPLIANCE**

Nil.

### **STATUTORY COMPLIANCE**

Australian Government Road to Recovery Funding Conditions 2014.

### **CONCLUSION**

Council support the *Kingspring Road* project being funded from the surplus 2017/18 R2R funding allocation, and that the project's original \$80,000 2017/18 municipal funding be carried over to the 2018/19 Shire Draft Budget for an asset management project yet to be identified.

### **EXECUTIVE RECOMMENDATION**

**That Council:**

- 1. Endorse the *Kingspring Road* project being funded from the surplus 2017/18 R2R funding allocation;**
- 2. Approve the carry-over of the *Kingspring Road* project's original \$80,000 2017/18 municipal allocation to the 2018/19 Shire Draft Budget, for an asset management project to be identified; and**
- 3. Authorise an amendment to the 2017/18 Shire Budget as detailed below:**

Account No	Description	Amount
Job C1712	Decrease Expenditure - Kingspring Road Now funded from Roads to Recovery, not Municipal Fund	\$80,000
Job (New)	Increase Expenditure – Kingspring Road	\$80,000
133310	Increase Income – Kingspring Road (Increase funding from Roads to Recovery)	\$80,000
147400	Increase Expenditure – Transfer to Reserve (Municipal Fund Allocation for Kingspring Road – to be allocated to another project in 2018/19)	\$80,000

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**10.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES**

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Nil.

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**10.4 PRINCIPAL PLANNER**

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**10.4.1 RETROSPECTIVE APPLICATION FOR AN ANIMAL ESTABLISHMENT - UP TO SIX (6) DOGS**

<b>Location</b>	Lot 6 (No.1565) Boyup Brook Road, Yabberup
<b>Applicant</b>	Ms Marsh
<b>File Reference</b>	A2362
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	10.4.1(1) - Location Plan 10.4.1(2) - Photos
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>The proposal is for retrospective approval for an animal establishment to accommodate six (6) breeding dogs in five (5) runs.</li> <li>The application has been advertised and two submissions were received objecting to the proposal. The key issue relates to noise and accommodation standards.</li> <li>Deferral is recommended subject to the applicant preparing an acoustic assessment.</li> </ul>

**STRATEGIC ALIGNMENT**

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

Outcome	Strategy	Action No.	Actions
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4.2 - A respected, professional and trusted organisation.	Effective and efficient operations and service provision.	4.2.1.2	Seek a high level of legislative compliance and effective internal controls
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**BACKGROUND**

An application has been received to formalise the accommodation of up to six (6) dogs for breeding at Lot 6 Boyup Brook Road, Yabberup (Attachment 1). The land is zoned Priority Agriculture under Local Planning Scheme No.7 (LPS7).

The property currently contains five (5) dog runs. Four (4) runs consist of a fenced grassed area with a small tin structure erected over concrete square pavers. The fifth run consists of a larger dirt area with shrubs that connect to a medium sized garden shed (10.4.1(2)).

This item is presented to Council, as objections have been received during the advertising process and no staff delegation is provided in these instances.

The use falls under the definition of “Animal Establishment” under LPS7. This use is defined as:

*“premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre”*

This use class is listed as an “A” (Discretionary) use requiring advertising.

**DETAILS**

In assessing a planning application, Council is bound by a number of matters that it is required to consider. These matters are described in section 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In this specific case, the relevant matters to consider are summarised as:

- (a) aims and provisions of LPS7;
- (n) the amenity of the locality including:
  - i) environmental impacts;
  - ii) character of locality;
  - iii) social impacts.
- (o) likely effect on the natural environment or water resources
- (p) adequate provision of landscaping
- (r) suitability of the land taking account of possible risk to human health or safety;
- (x) the impact of the development on the community as a whole;
- (y) any submission received.

The key planning issues related to this proposal relate to impacts of noise.

**Noise**

A minimum separation distance of 500m from sensitive receptors (i.e. houses on neighbouring properties) is recommended unless it can be demonstrated that management measures can be put in place to ameliorate the noise impact. This requirement is set out in the *Environmental*

*Protection Authorities Guidance on Separation Distances between Industrial and Sensitive Land Uses (June 2005).*

The nearest neighbouring dwelling is approximately 180m to the west, followed by the next nearest neighbour being 400m to the east. In instances like this where the nearest neighbour is located within 500m, the applicant should demonstrate that a lesser distance is applicable. One way of doing this is to engage an acoustic engineer to demonstrate that noise will not exceed levels during day or night times as specified in the *Environmental Protection (Noise) Regulations 1997*.

In this case, the dogs being breed are relatively small (Miniature Pinscher) and limited in number (maximum six (6)). However, research indicates that this breed is prone to nuisance barking. On this basis, it is recommended that an acoustic report be provided to demonstrate that noise generated will comply with required standards.

### **Dog Local Law**

It is necessary to obtain a kennel establishment license. This is achieved through a separate application process following planning approval.

Schedule 2 of the Shire of Donnybrook Balingup *Dog Local Law* sets out minimum standards for compliance. This is to ensure the best interests of the animals' welfare. Requirements include the need for:

- appropriate floor materials;
- drainage;
- disposal of waste into a suitable apparatus such as a septic system; and
- size of enclosures (at least four (4) times the height of the breed or 2m).

The existing facilities will require significant upgrades to satisfy requirements under the Dog Local Law.

The Shire can issue a special license to allow up to four working dogs on a single agricultural property.

### **CONSULTATION**

The proposal has been advertised with a letter drop to properties in the locality. Two submissions of objections have been received. The issues of concern relate to:

- a) noise; and
- b) potential for expansion.

Concerns regarding noise (especially at night) are potentially valid and it is necessary for an acoustic engineer to establish the ability of the activity to comply with relevant requirements.

### **FINANCIAL IMPLICATIONS**

Nil.

### **POLICY COMPLIANCE**

Nil



## STATUTORY COMPLIANCE

Regulations clause 67 and *Local Planning Scheme 7*. These documents set out the rules and considerations that can be taken into account when making a planning decision.

Clause 67 details matters that are required to be considered. This includes impacts on the environment, public safety, public health and amenity. These considerations need to be assessed through the confined scope of the elements of the plan subject to assessment.

The Shire's *Dog Local Law* requires a kennel establishment license to be issued.

Schedule 2 sets out minimum standards for compliance and this will require significant works to bring the facility up to the minimum specified standard.

## CONCLUSION

The proposal is for a retrospective approval.

Further information regarding potential noise impacts is necessary prior to issuing a planning approval.

Once it is clear that the proposal can comply with relevant noise requirements, it will be reasonable to issue a planning approval subject to conditions requiring the upgrading of the facility to meet normal standards.

## EXECUTIVE RECOMMENDATION

That Council:

- 1. Defer making a decision on the retrospective planning application for an animal establishment (up to six (6) dogs) at Lot 6 Boyup Brook Road, Yabberup pending the submission of an acoustic assessment prepared by a suitably qualified and experienced acoustic engineer.**
- 2. Request the acoustic assessment as required in point a) above, be lodged to the Shire of Donnybrook Balingup within three (3) months of this decision;**
- 3. Advise the applicant that should the findings of the acoustic assessment show that it is not possible to satisfy the *Environmental Protection (Noise) Regulations 1997* or in the event that no assessment is undertaken, that the operation shall cease within six (6) months of this decision;**
- 4. Authorise the Chief Executive Officer to issue a planning approval subject to relevant conditions should the findings of the acoustic assessment required in point a) above show that the activity will be able to comply with standards specified in the *Environmental Protection (Noise) Regulations 1997*.**

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### 10.4.2 SALE OF LOT 72 MEAD STREET, DONNYBROOK

Location	Lot 72 Mead Street, Donnybrook
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<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWF 14K
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	10.4.2(1) - Location Plan
<b>Voting Requirements</b>	Absolute Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• A party has expressed an interest to purchase Lot 72 Mead Street, Donnybrook.</li> <li>• The proposed purchase price is \$120 000.</li> <li>• A property valuation has been undertaken and is in keeping with the proposed sales price.</li> <li>• Sale of land by Council requires compliance with Section 3.58 of the Local Government Act.</li> <li>• It is recommended to agree to the sale of Lot 72 for the value of \$120,000.</li> </ul>

**STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
4.2 - A respected, professional and trusted organisation.	Effective and efficient operations and service provision.	4.2.1.2	Seek a high level of legislative compliance and effective internal controls

**BACKGROUND**

Council subdivided Lot 500 Mead Street to create six (6) lots. Lot 500 was formerly a public open space reserve, which had limited value for recreational purposes. The land has been subdivided for sale and funds raised, will be set aside in a trust for future spending on open space improvements.

The Shire previously sold one lot (Lot 71) in April 2016. The Shire has now received an offer to purchase the adjoining Lot 72, being the only interest shown in the lots for purchase since the last sale.

The *Local Government Act 1995* requires a number of steps to be followed when disposing of property. Section 3.58 sets out the following details:

- a) Giving public notice (14 days);
- b) Establishing market value; and
- c) Requires Council’s decision to be recorded in the minutes of the meeting (if a submission was received).

This item has been prepared as the Chief Executive Officer does not have delegation to dispose of land.



An independent market evaluation has been undertaken by LMW Hegney (2 October 2017). This confirms a value of \$120,000.00 for Lot 72. This evaluation was undertaken over six (6) months ago on 2 October 2017. Section 3.58 of the Local Government Act allows Council to declare by resolution that it believes the valuation to be a true indication of the value at the time of the proposed disposition.

In this case, the valuation is only marginally over the six (6) month timeframe and there has been limited movement in the market since that time. On this basis, the valuation is considered to represent a true indication of the value of the land.

The proposal has been advertised in the South West Times. No submissions have been received.

### **DETAILS**

The proposed sale price of \$120,000.00 is consistent with the market evaluation provided.

It is suggested that delegation be provided to the Chief Executive Officer to be able to accept offers that comply with valuations and do not receive submissions during the public advertising period for the remaining four blocks that form part of this project.

This will enable a more efficient and timely process for selling the lots while still complying with Section 3.58 of the *Local Government Act 1995*.

### **CONSULTATION**

The proposal has been advertised in accordance with Section 3.58 of the *Local Government Act 1995*.

### **FINANCIAL IMPLICATIONS**

Money received from the sale of the property to the value of \$120,000.00 (minus expenses) can be set aside in a separate trust fund for the purpose of public open space improvements. This is consistent with Section 154 of the *Planning and Development Act* and Section 6.9 of the *Local Government Act 1995*.

### **POLICY COMPLIANCE**

Nil

### **STATUTORY COMPLIANCE**

Section 3.58 of the *Local Government Act 1995*. This sets out the process for the disposal of land by a local government.

### **CONCLUSION**

The proposed sale price is consistent with the established market value. The process for disposing of land, including advertising has been undertaken in accordance with Section 3.58 of the *Local Government Act 1995*.

### **EXECUTIVE RECOMMENDATION**

**That Council:**

1. **Endorse the value of \$120,000 as an accurate assessment of the value of Lot 72 Mead Street, Donnybrook, as at the date of this decision.**
2. **Approve the disposal of Lot 72 Mead Street, Donnybrook for the value of \$120,000.**
3. **Authorise the Chief Executive Officer to implement resolutions 1 and 2, above; and**
4. **Delegate authority to the Chief Executive Officer to accept offers consistent with a certified independent land valuation, and subject to compliance with processes as defined in Section 3.58 of the *Local Government Act 1995*, for each of the remaining four residential lots that originally formed part of Lot 500 Mead Street, Donnybrook.**
5. **Authorise the Chief Executive Officer to initiate measures, within existing budget provision, to raise the profile of the land within the market place, including the potential for new or additional selling agents to be engaged.**

**10.4.3 PROPOSED REALIGNMENT OF EASEMENT FOR WATER CORPORATION (NEAR INTERSECTION OF BAKEWELL STREET AND ECCLESTONE STREET, DONNYBROOK)**

<b>Location</b>	Donnybrook Golf Club (near intersection of Bakewell and Ecclestone Streets, Donnybrook)
<b>Applicant</b>	Water Corporation
<b>File Reference</b>	DEP 33/2
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	10.4.3(1) - Location Plan 10.4.3(2) - Easement location
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• Water Corporation has requested support to realign an existing easement that provides access to their drinking water bore sites.</li> <li>• The new alignment uses an existing gravel path that traverses the 11<sup>th</sup> fairway of the Donnybrook Golf Course.</li> <li>• The realignment will reduce potential for crossing turf and limits the need for clearing of vegetation.</li> <li>• Support for the realignment is recommended.</li> </ul>

**STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
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4.2 - A respected, professional and trusted organisation.	Effective and efficient operations and service provision.	4.2.1.2	Seek a high level of legislative compliance and effective internal controls
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**BACKGROUND**

The Water Corporation has requested the relocation of an existing 10m wide easement that provides legal access between two bore sites and contains earthing cable. The bores provide drinking water for the Donnybrook town site (10.4.3(1)).

It is proposed to relocate the easement slightly to the north, running parallel to the existing easement (10.4.3(2)). The proposed new location aligns with an existing gravel path that crosses the fairway. This new alignment is to reduce damage to the turf and the need to remove vegetation.

The Department of Planning, Lands and Heritage advises that a Council resolution is required prior to the request being progressed by the Department.

**DETAILS**

The land is reserved under *Local Planning Scheme No.7* (LPS7) for the purpose of “Parks and Recreation”. It is vested with the Shire for the purpose of “Recreation” and leased to the Donnybrook Country Club. The Donnybrook Country Club raises no objections to the proposal and was involved in the recent bore sites upgrade.

**CONSULTATION**

The Donnybrook Country Club has been contacted to confirm that no objections are raised to the proposal.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY COMPLIANCE**

Nil

**STATUTORY COMPLIANCE**

Easements over State owned land are created under Part 8 of the *Land Administration Act 1997*. Easements allow the right to use all (or part) of another person(s) land for a stated purpose. In this instance, the easement is to provide Water Corporation with a legal right to gain access to their bore sites for maintenance/monitoring or improvement works.

**CONCLUSION**

The proposed relocation of the easement represents a reasonable request. The change aligns with an existing constructed access and will enable existing vegetation to be retained.

**EXECUTIVE RECOMMENDATION**

**That Council advise the Department of Planning, Lands and Heritage that it raises no objection to the proposed realignment of easement E2604 located between bore 3/75 and Bore 11/66 located on reserved land leased to the Donnybrook Country Club.**

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**10.5 CHIEF EXECUTIVE OFFICER**

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**10.5.1 WALGA 2018 LOCAL GOVERNMENT CONVENTION AND ANNUAL GENERAL MEETING**

<b>Location</b>	Perth
<b>Applicant</b>	WA Local Government Association
<b>File Reference</b>	DEP 22/4D
<b>Author</b>	Ben Rose, Chief Executive Officer (Kate O’Keeffe, Executive Assistant)
<b>Attachments</b>	10.5.1(1) - Convention Program 10.5.1(2) - WALGA Professional Development Modules
<b>Voting Requirements</b>	Simple majority
<b>Executive Summary</b>	The WA Local Government Convention and Trade Exhibition and Annual General Meeting will be held in Perth from 1 – 3 August 2018. It is recommended Council nominate delegates to attend the event.

**STRATEGIC ALIGNMENT**

The proposal aligns with the following objective within the Corporate Business Plan:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
Outcome 4.1 – A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.4	Provide and support opportunities for training and development for elected members and staff

**BACKGROUND**

The 2018 WA Local Government Convention and Trade Exhibition and Annual General Meeting (AGM) will be held at the Perth Convention and Exhibition Centre from Wednesday, 1 August to Friday, 3 August 2018 with the AGM to be conducted on Wednesday, 1 August 2018 (Attachment 10.5.1(1)).

All Member Councils are entitled to be represented by two (2) voting delegates at the AGM. To register delegates, a registration of voting delegates form must be completed and returned to WALGA by Monday, 2 July 2018.

The deadline for submitting motions for consideration at the AGM is Tuesday, 5 June 2018. Any motions proposing alterations or amendments to the Association’s Constitution must be received by Friday, 11 May 2018 in order to satisfy the 60-day constitutional notice requirements.

**DETAILS**



WALGA's annual Convention provides an outstanding opportunity to explore local government issues, share experiences and exchange views and ideas to take back to Council and the community. This is an important networking and professional development opportunity and provides a platform for Councillors and Chief Executive Officer to promote the interests of the Shire.

The event gets underway with WALGA's AGM, followed by two days of plenary and concurrent sessions. There are a range of high profile Keynote Speakers and the Panel Sessions will be hosted by Mark Latham, Jacqui Lambie and Liam Bartlett. A number of field trips are on offer alongside the concurrent sessions this year, and the scope of topics promise to be thought provoking and challenging.

Registrations will close on Tuesday, 3 July 2018. Registration fees are \$1,475.00 per delegate. The delegate fee covers the daily conference program, lunches and refreshments and opening reception on Wednesday, 1 August 2018. The Convention Gala Dinner, held on Thursday evening, and convention Breakfast on Friday morning are optional and a ticket fee applies.

Councillor King and Councillor Tan attended the 2017 Convention and were the voting delegates at the Annual General Meeting.

#### **CONSULTATION**

N/A

#### **FINANCIAL IMPLICATIONS**

Provision has been made in the 2017/18 budget for councillor attendance at conferences and training.

#### **POLICY COMPLIANCE**

N/A

#### **STATUTORY COMPLIANCE**

N/A

#### **CONCLUSION**

The annual WA Local Government Convention and Trade Exhibition is developed specifically for the Local Government sector. The Convention provides elected members with the opportunity to network and share ideas in a professional forum, and the conference sessions aim to support and inform elected members and Chief Executive Officers. It is recommended that elected members take up this development opportunity.

*Supplementary documentation on WALGA Professional Development Opportunities are attached to this report for Councillor consideration - (Attachment 10.5.1(2)).*

#### **EXECUTIVE RECOMMENDATION**

- 1. That Council approve Shire President Councillor Piesse and Deputy Shire President Councillor Wringe as voting delegates at the 2018 Western Australian Local Government Association Annual General Meeting.**

2. That Council endorse the following Elected Members to attend the 2018 Local Government Convention to be held from Wednesday, 1 August to Friday, 3 August 2018:
  - a. Shire President Councillor Piesse;
  - b. Deputy Shire President Councillor Wringe;
  - c. Councillor Atherton; and
  - d. Councillor Lindemann.
  
3. That the following motions be presented to the Western Australian Local Government Association for consideration at the 2017 Annual General Meeting of the Western Australian Local Government Association:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  
4. That the Council instruct the Chief Executive Officer to include costs associated with Councillor attendance at the 2018 WALGA Convention within the Draft 2018/19 Shire Budget.

**10.5.2 2018/2019 COMMUNITY GRANTS SCHEME APPLICATIONS**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Various
<b>File Reference</b>	FNC 08/6
<b>Author</b>	Ben Rose – Chief Executive Officer ( <i>Deb Vanallen – Community Development Team Leader</i> )
<b>Attachments</b>	10.5.2(1) - Community Grant Funding Scheme Guidelines 2018/2019 10.5.2(2) - Summary of Applications 2018/2019 10.5.2(3) - Summary of previous Community Grant Recipients
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	That Council support the recommendations to fund the Major Community Grants, Major Events and Recurrent Funding requests as per the applications outlined in the 2018/19 summary of submissions.

**STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
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Outcome 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
Outcome 3.2 – Well supported community groups and facilities.	Encourage and support volunteers and community organisations	3.2.2.2	Provides support to community organisations

**BACKGROUND**

The Community Grants Funding Scheme welcomes submissions from individuals, community groups, not-for-profit and commercial organisations that are seeking support for projects, activities and events, that address identified community needs. Full details of the Scheme are outlined in the Community Grant Funding Scheme Guidelines (Attachment 10.5.2(1)).

Requests for funding for Major Community Grants and Major Event Sponsorship Funding require applicants to apply as part of an annual funding round. This year’s funding round opened in early March, 2018 and closed on 27 April, 2018. A number of groups requested an extension and applications were accepted up until 4.30pm on 30 April, 2018.

The Community Grant Funding Scheme Guidelines and Application forms were made available for collection and also for download from the Shire’s website.

Applicants for Minor Community Grants, Minor Event Sponsorship, Waiver of Fees, Donations and KidSport can apply at any time throughout the year. These applications, for funding up to a maximum of \$500, are assessed internally throughout the year and approved/not approved by the Chief Executive Officer under delegated authority. This has enabled the Shire to be more responsive to requests for minor applications for funding assistance and aids in simplifying and streamlining the assessment process.

**DETAILS**

A total of ten (10) Major Community Grants and Major Event Sponsorship Funding applications and five (5) Recurrent funding applications have been received for consideration in the Draft 2018/2019 Budget.). These are:

- Six applications for the Major Community Grants, totalling \$10,393.
- Four applications for the Major Event Sponsorship, totalling \$8,000.
- Recurrent funding applications, totalling \$70,000.

A summary of the applications received is provided (Attachment 10.5.2(2)). Also available for reference is a summary of previous Grant Recipients (Attachment 10.5.2(3)). To date, four (4) applications have been received for recurrent funding. It is anticipated that further recurrent funding applications will be received before the end of the financial year – these can be considered on their merits through the 2018/19 Budget process.

**CONSULTATION**

During the funding round dates, Shire officers met with numerous groups to discuss projects and make recommendations on funding opportunities available to them.

### **FINANCIAL IMPLICATIONS**

The 2017/18 Budget provided the following allocations for Major Community Grants and Major Event Sponsorship:

- \$8,500 was allocated to the Major Community Grants pool
- \$8,500 was allocated to the Major Event Sponsorship pool
- Recurrent funding, subject to Council Approval

These are indicative figures only and are subject to variation by Council during Budget deliberations. Council may also consider incorporating a CPI increase in funds available to Community Grants.

### **POLICY COMPLIANCE**

Administration Policy 2.47 - Community Grants Funding Scheme.

### **STATUTORY COMPLIANCE**

Nil.

### **CONCLUSION**

Shire officers have assessed the Major Community Grants, Major Event Sponsorship and Recurrent Funding applications, against the Assessment Criteria, in accordance with the Community Grant Funding Scheme Guidelines. In this regard, Officers consider that all applications are eligible to receive funding from the scheme in 2018/19.

### **EXECUTIVE RECOMMENDATION**

**That Council support the Chief Executive Officer’s recommendations to fund the Major Community Grants, Major Event Sponsorships and Recurrent Funding requests as per the applications outlined in the 2018/19 summary of submissions (Attachment 10.5.2(2)), and instruct the Chief Executive Officer to include recommended expenditure in the Draft 2018/19 Shire Budget.**

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## **10.5.3 COUNCIL COMMITTEES AND COUNCILLOR MEMBERSHIP**

<b>Location</b>	N/A
<b>Applicant</b>	N/A
<b>File Reference</b>	CNL 16
<b>Author</b>	Ben Rose (Chief Executive Officer)
<b>Attachments</b>	10.5.3(1) - Proposed Council Committees Terms of Reference
<b>Voting Requirements</b>	Absolute Majority (required for establishment of any new Committees as per section 5.8 of the Local Government Act)



<b>Executive Summary</b>	<p>Recommendation – Council establish a new structure of Council Committees:</p> <ul style="list-style-type: none"> <li>• The Council has requested the Chief Executive Officer to review the existing structure of Council Committees.</li> <li>• Closer alignment of the structure of Committees to the Council’s Corporate Business Plan is recommended.</li> </ul>
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**STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
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 December 2017 Ordinary Meeting, Council resolved:

*That Council:*

1. *Resolves the Councillor Membership to the Donnybrook Community Library Committee, until the 2019 Ordinary Election of Council, is to comprise of Cr Wringe.*
2. *Request the Chief Executive Officer to present a programme of community and stakeholder engagement and consultation to facilitate the establishment of new committees (in place of all other/existing committees), to be aligned with the four pillars of the Shire’s Strategic Community Plan and Corporate Business Plan, for the February 2018 Ordinary Council Meeting.*
3. *Request the Chief Executive Officer to present Council with draft TOR, Membership and Operational details, and any other statutory requirements for the proposed four pillar committees.*

Presentation of properly researched and consulted recommendations was not possible for the February 2018 Ordinary Meeting of Council.

**DETAILS**

As per the December 2017 resolution of Council, the recommended structure for Council Committees is to align with the ‘Four Pillars’ of the Council’s Strategic Community Plan and Corporate Business Plan, as follows:

<b>Strategic ‘Pillar’</b>	<b>Objective</b>	<b>Outcomes</b>
Economic	A strong, diverse and resilient economy	A diverse, prosperous economy, supporting local businesses and population growth
Environment	Respect for our heritage, natural	An attractive and maintained built environment
		Respected heritage assets

	and built environment	A natural environment for the benefit of current and future generations
		Efficient and effective waste services
		Available land for residential, industrial and commercial development
		An attractive visitor and tourist destination
Social	A healthy, safe and inclusive community	An engaged, supportive and inclusive community
		Well supported community groups and facilities
		A safe and healthy community environment for all ages
Leadership	Effective leadership and civic responsibility	A strategically focussed, open and accountable local government
		A respected, professional and trusted organisation

Draft Terms of Reference for four new Council Committees are attached to this agenda item (Attachment 10.5.3(1)). The draft Terms of Reference set out:

1. The formal names of the Council Committees
2. The purpose of each Council Committee
3. The scope of each Council Committee
4. The deliverables of each Council Committee
5. Governance arrangements, including membership, of each Council Committee
6. Meeting arrangements for each Council Committee
7. The extent of authority for the Council Committees (no delegated authority)
8. Required review periods for the Terms of Reference and Membership for each Council Committee.

The existing Audit and Risk Committee is proposed to continue (required by statute), with a review of its Terms of Reference and Membership on the agenda for that Committee to make a recommendation to the Council in the near future.

In order to properly rationalise the existing Committees (~22) into the recommended ‘four pillar’ approach, the establishment of all other Committees is required to be ceased (with the exception of the Audit and Risk Committee and the Donnybrook Community Library Committee).

To ensure continuity of valuable volunteer input into civic activities (such as the Balingup Townscape Committee), whilst the overall Council Committee structure is rationalised, it is suggested that these groups become auspiced by other community Incorporated Associations (e.g. Balingup Progress Association). This approach can resolve outstanding liability, governance, procurement and OSH issues, whilst ensuring the valuable contribution of these groups is not lost.

**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 the December 2018 resolution of Council, consultation with community members will be required to transition from the existing 22 Council Committee structure to the 'four pillars' structure. Detailed consultation with the likes of the Balingup Progress Association will be required if the auspicing of townscape actions is to occur.

### **FINANCIAL IMPLICATIONS**

It is estimated that the cost to the Shire to service the existing Committees was 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). This equates to approximately 315 FTE hours per year.

On the assumption that the frequency of meetings for the new 'four pillar' structure of Council Committees is bi-annually (i.e. two times per year), and that 20 FTE hours are required for each meeting, this equates to 240 FTE hours per year.

### **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.

Section 5.8 of the *Local Government Act 1995* also requires:

- A minimum of three (3) members on any committee;
- An Absolute Majority decision of Council to establish a committee.

The Council's Meeting Procedures Local Law also addresses requirements for the establishment and conduct of Committee Meetings, as follows:

#### **2.1 Establishment of committees**

- (1) *The establishment of committees is dealt with in the Act.*
- (2) *A Council resolution to establish a committee under section 5.8 of the Act is to include —*
  - (a) *the terms of reference of the committee;*
  - (b) *the number of council members, officers and other persons to be appointed to the committee;*
  - (c) *the names or titles of the council members and officers to be appointed to the committee;*
  - (d) *the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and*
  - (e) *details of the delegation of any powers or duties to the committee under section 5.16 of the Act.*
- (3) *This local law is to apply to the conduct of committee meetings—*

- (a) *where the committee has been delegated a specific power, or powers, under the Act; or*
- (b) where the Council, by resolution, requires the application of this local law to that committee.

**CONCLUSION**

Council has requested a review of the existing structure and function of Council Committees, with a resolution from the December 2017 Ordinary Meeting identifying the preferred structure to align with the Strategic Community Plan and Corporate Business Plan. Draft Terms of Reference for this ‘four pillar’ approach have been drafted and are presented to Council for consideration.

**EXECUTIVE RECOMMENDATION**

**That Council:**

1. **Cease the establishment of all Committees of Council, with the exception of the:**
  - a. **Audit Committee; and**
  - b. **Donnybrook Community Library Committee.**
  
2. **In addition to the Audit Committee and the Donnybrook Community Library Committee, establish the following four new Committees of Council, with Terms of Reference as attached (Attachment 10.5.3(1)):**

	<b>Economic Committee</b>	<b>Environment Committee</b>	<b>Social and Community Committee</b>	<b>Leadership Committee</b>
<b>Councillor Member 1</b>	<b>Cr Wringe</b>	<b>Cr Wringe</b>	<b>Cr Wringe</b>	<b>Cr Wringe</b>
<b>Councillor Member 2</b>	<b>Cr Mills</b>	<b>Cr Atherton</b>	<b>Cr Atherton</b>	<b>Cr Mitchell</b>
<b>Councillor Member 3</b>	<b>Cr King</b>	<b>Cr Mitchell</b>	<b>Cr Tan</b>	<b>Cr Tan</b>
<b>Optional Councillor Member 4</b>	<b>Cr Lindemann</b>	<b>Cr Lindemann</b>	<b>Cr Mills</b>	<b>Cr Mills</b>

3. **Committee meetings are to be held no more than twice in any given twelve month period.**

**ABSOLUTE MAJORITY DECISION REQUIRED**



## **11 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **11.1.1 ELECTED MEMBERS REQUEST TO SEAL NEWLANDS ROAD**

Location	Newlands Road, Newlands
Applicant	Cr Leanne Wringe
File Reference	RD 0124
Author	Cr Leanne Wringe
Attachment	Nil
Voting Requirements	Simple Majority
Executive Summary	Cr Wringe has proposed a Notice of Motion, for the inclusion in the 2018/19 and 2019/20 Corporate Business Plan and Budget to seal Newlands Road.

### **STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action No</b>	<b>Actions</b>
1.1 A diverse, prosperous economy, supporting local business and population growth.	Provide appropriate infrastructure to support and enhance business.	1.1.2.2	Provide appropriate local transport infrastructure.

### **ELECTED MEMBERS REPORT**

#### **BACKGROUND**

The business owners of Smallwater Estate, West Coast Trail Bike Safari and True Grit host, Gary McCorkell collectively approached Cr Leanne Wringe with regards to sealing the remainder of Newlands Road, Newlands. An email was sent by Cr Leanne Wringe (on behalf of the business owners) to the Shire of Donnybrook/Balingup to allocate funding in the budget over 2018/19 and 2019/20 to upgrade the abovementioned road.

Shire staff responded to Cr Leanne Wringe advising that the request needs to be considered against other asset management priorities and the priorities for all upgrades of roads. The preparation of an elected members' motion was given as an option for Councillors to consider.

#### **DETAILS**

Newlands Road heads west off the South West Highway and continues for 3.1 kilometres to Ryalls Road. The first 450 metres is bitumen then the rest is gravel until the T Junction at Ryalls. It is used as a thoroughfare for residents, tourists, delivery vehicles, workers and provides an alternate access to Kirup.

These places of interest for visitors are the primary tourist developments of the area. Newlands Road is vital to access all three businesses mentioned above. These properties attract different clientele, peak/off-peak times and varying visitor numbers, however, all agree that the use of technology (ie. GPS) direct their visitors to travel via Newlands Road to arrive at their

destination. For travellers from Bunbury or Perth this is the most direct route. Intrastate and interstate travellers using hire vehicles are prohibited on gravel roads and some elite clientele have refused entry to this Road. This adversely affects existing business/activities and inhibits further commercial opportunities.

- Smallwater Estate – Winery located on Tramline Road. Opening hours Friday, Saturday, Sunday and public holidays only. Sale peak time – Spring, Summer & part of Autumn.
- Gary McCorkell - resident of Ryalls Road – has introduced various annual and semi-annual activities and events. True Grit – National Event ( 2 Days in November), 4WD Rocks n Ruts – Club events (2 weekends a year – June & Sept), New event (Ross’ machinery Auction – 1 Day in March)
- West Coast Trail Bike Safari - Business located on Tramline Road. Is an Accredited Tourism Operator holding a licence from Department of Biodiversity, Conservation and Attractions for commercial tours. The business runs the WA Ride Park which offer motor cross tracks at a National Standard for Motorcycling of Western Australia. Due to fire risk business operation is restricted to cooler months (April – October/November). Peak time – winter.

After consulting with each business owner I was able to summarise their business activities, operational days in the year, visitors and an estimate of traffic volumes during their last twelve months of business.

**SUMMARY OF BUSINESS ACTIVITIES AND TRAFFIC VOLUMES FOR Y/ENDED 31 MARCH 18**

<b>Business/Events</b>	<b>Peak Month/s</b>	<b>Days during year</b>	<b>Estimate Visitors</b>	<b>Estimate Vehicles</b>
Smallwater Estate	Sept - May	155	8000	3900
G. McCorkell - True Grit	Nov	2	6000	2500
- 4WD Rocks n Ruts	June & Sept	4	4000	1500
- Ross’ Machinery Auction	March	1	1500	1000
West Coast Trail Bike Safari	April – Oct/Nov	130	3000	2500
<b>TOTAL</b>			<b>22500</b>	<b>11400</b>

Figures shown above indicate that the volume of vehicles using Newlands Road for events at Gary McCorkell’s property are infrequent but equate to approximately 44% of the total vehicles for the year. Considering peak and off-peak business sales and events for all three enterprises, November would be busiest time of the year, with April/May being the quietest.

**ELECTED MEMBERS CONSULTATION**

With a focus on creating jobs and assisting small businesses in regional Western Australia, Jasmine Porter from Business South West is currently preparing a Business Case to seek funding to implement the sealing of roads where current and future tourism is limited by inadequate infrastructure.

**FINANCIAL IMPLICATIONS (ELECTED MEMBERS)**

The cost of sealing of Newlands Road will need to be split and included over two financial years in the Corporate Business Plan and budgets.



## **MANAGER WORKS AND SERVICES COMMENT**

Shire staff receive numerous requests for upgrading of gravel roads to a sealed standard, including Newlands Road.

Engineering Policy 4.4 'Bitumenising Roads on a Joint Basis with Adjoining Landowners', outlines the process for how these requests may be considered by Council. If the business owners concerned are not prepared to contribute 50% of the costs, the upgrade request should be considered against other priorities in Council's Annual Works Programme.

This is the Council endorsed position that staff outline to requests of this nature. Currently the Shire has no strategy for the upgrading of gravel roads to a sealed standard. Typically, requests similar to this are only considered through the budget process if sealing the road will significantly reduce gravel road maintenance costs or if external funding is available.

The development of a strategy that outlines how roads are prioritised for consideration of sealing has merit, providing Council commit to apportion a minimum amount of its budget towards these upgrade works.

This would give clear direction to Staff for planning of works programs, plus define to the community the Shire program for the upgrading of roads to sealed standard. It is considered the strategy would be similar in nature to the Pathway and Trails Expansion Strategy adopted in June 2017.

As the development of a Strategy will take time, Council can still consider this request to seal Newlands Road on a staged basis, however Council need to consider:

- Implications on the Shire's Long Term Financial Plan and Corporate Business Plan
- Regular upgrade/sealing requests are received from property owners on most gravel roads based on factors such as tourism, safety, school bus route, economic development, usage, dust etc.
- In committing to these works, Council will either have to delay other asset management priorities or increase the budget allocation for the works program.
- Staff have also received recent feedback from a landowner on Newlands Road who does not support the road being sealed as the landowner believes sealing the road will only attract more traffic. The landowner moved to the area for the benefits of living in a country environment.

Staff recommend if Council support this request that the project should include a section of Ryalls Road from Upper Capel Road to Newland Road, creating a sealed road route that has future scope to be promoted as a tourist drive.

As this makes the total length of road to be sealed just over 5.5km, it is recommended the works are staged over 5-years, sealing approximately 1km per year.

## **POLICY COMPLIANCE**

Engineering Policy 4.4 'Bitumenising Roads on a Joint Basis with Adjoining Landowners', is applicable to this request

## **STATUTORY COMPLIANCE**

N/A

## **ELECTED MEMBERS CONCLUSION**

TBA

## **EXECUTIVE CONCLUSION**

Council should consider developing a strategy for the programmed staged sealing of priority gravel roads within the Shire, and consider this request to seal Newlands Road in addition to other asset management and capital works priorities through the review and development of the Shire's Long Term Financial Plans, Corporate Business Plans and the 2018/19 Annual Budget.

## **ELECTED MEMBERS RECOMMENDATION**

**That Council:**

**Incorporate the sealing of Newlands Road on a staged 2-year program into the review of Council's Long Term Financial Plan, Corporate Business Plan and Draft 2018/19 Shire Budget, for further consideration by Council against other asset management priorities.**

## **EXECUTIVE RECOMMENDATION**

**That Council:**

- 1. Incorporate the sealing of Newlands Road and Ryalls Road on a staged 5-year program into the review of Council's Long Term Financial Plan, Corporate Business Plan and Draft 2018/19 Shire Budget, for further consideration by Council against other asset management priorities.**
- 2. Instruct the Chief Executive Officer to prepare a draft Strategy for the prioritised sealing of gravel roads within the Shire, and bring it back to Council for consideration with a program of gravel road sealing works, prior to the end of 2018.**

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## **12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

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Nil.

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## **13 MEETING CLOSED TO PUBLIC**

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### ***13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED***

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**13.1.1 CONFIDENTIAL REPORT – RECOMMENDATION FOR GRATUITY**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Chief Executive Officer
<b>File Reference</b>	PSN 25
<b>Author</b>	Bob Lowther – Manager Aged Care Services
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority

**13.1.2 CONFIDENTIAL REPORT – RECOMMENDATION FOR GRATUITY**

<b>Location</b>	Shire of Donnybrook-Balingup
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	PSN 25
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority

**13.1.3 CONFIDENTIAL REPORT - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	EMP 582
<b>Author</b>	Ben Rose – Chief Executive Officer (Kate O’Keeffe – Executive Assistant)
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**13.2.1 EXTENSION OF THE KERBSIDE BIN COLLECTION AND MAINTENANCE AND PROVISION OF KERBSIDE BINS CONTRACTS**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	HLT07/3 and HLT08/7
<b>Author</b>	Leigh Guthridge – Manager Development and Environmental Services ( <i>Jeff Somes - Principal Environmental Health Officer</i> )
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

## 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	4.1.2 Continue to enhance communication and transparency	4.1.2.1	Ongoing meaningful communication and engagement with residents, ratepayers and stakeholders

## BACKGROUND

Council considered the confidential report – *Extension of the Kerbside Bin Collection and Maintenance and Provision of Kerbside Bins Contracts* at the Ordinary Council meeting held on 28 March 2018.

## DETAILS

In accordance with the *Local Government Act 1995* Section 5.23 (2)(c) and Administration Regulations 4A the above report remained confidential as “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

## CONSULTATION

N/A

## FINANCIAL IMPLICATIONS

Nil

## POLICY COMPLIANCE

N/A

## STATUTORY COMPLIANCE

Section 5.23(2)(c) of the *Local Government Act 1995*.

## CONCLUSION

The information in the report is no longer considered sensitive and is required, under the Act, to be made public.

## EXECUTIVE RECOMMENDATION

**That the Council resolutions relating to the confidential report on Extension of the Kerbside Bin Collection and Maintenance and Provision of Kerbside Bins Contracts be made public.**



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**14 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 23 June 2018, commencing at 5.00pm at the Council Chamber, Donnybrook.

Shire President to declare the meeting closed at   pm.