

**Ordinary Council Meeting Minutes**

Held on

22 November 2017

Commencing at 5.00pm

In the Seniors Room, Donnybrook Community Library

Collins Street, Donnybrook



**Ben Rose**

**Chief Executive Officer**

**29 November 2017**

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ORDINARY COUNCIL MEETING MINUTES

22 November 2017

TABLE OF CONTENTS

[1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS 4](#_Toc499127316)

[2 ATTENDANCE 4](#_Toc499127317)

[2.1 APOLOGIES 4](#_Toc499127318)

[2.2 APPROVED LEAVE OF ABSENCE 4](#_Toc499127319)

[3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER 4](#_Toc499127320)

[4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST 5](#_Toc499127321)

[5 PUBLIC QUESTION TIME 5](#_Toc499127322)

[5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 5](#_Toc499127323)

[5.2 PUBLIC QUESTION TIME 6](#_Toc499127324)

[6 PRESENTATIONS 6](#_Toc499127325)

[6.1 PETITIONS 6](#_Toc499127326)

[6.2 PRESENTATIONS 6](#_Toc499127327)

[6.3 DEPUTATIONS 7](#_Toc499127328)

[6.4 DELEGATES’ REPORTS 7](#_Toc499127329)

[7 CONFIRMATION OF MINUTES 8](#_Toc499127330)

[7.1 ORDINARY MEETING OF COUNCIL 8](#_Toc499127331)

[7.2 COMMITTEE MINUTES 8](#_Toc499127332)

[8 REPORTS OF COMMITTEES 8](#_Toc499127333)

[9 REPORTS OF OFFICERS 8](#_Toc499127334)

[9.1 MANAGER FINANCE AND ADMINISTRATION 8](#_Toc499127335)

[9.1.1 ACCOUNTS FOR PAYMENT 8](#_Toc499127336)

[9.1.2 MONTHLY FINANCIAL REPORT 9](#_Toc499127337)

[9.2 MANAGER WORKS AND SERVICES 9](#_Toc499127338)

[9.2.1 PROPOSED SPEED ZONING – HURST AND GEMMEL ROAD 9](#_Toc499127339)

[9.2.2 STREET NAMING – MARWICK ROAD 11](#_Toc499127340)

[9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES 12](#_Toc499127341)

[9.4 PRINCIPAL PLANNER 13](#_Toc499127342)

[9.4.1 REVIEW OF LOCAL TOWN PLANNING POLICY 9.4 – OUTBUILDING CONTROL AND 9.17 – INDUSTRIAL AND COMMERCIAL DEVELOPMENT CONTROL 13](#_Toc499127343)

[9.5 CHIEF EXECUTIVE OFFICER 16](#_Toc499127344)

[9.5.1 SHIRE SERVICES CLOSURE DATES DURING THE CHRISTMAS PERIOD 16](#_Toc499127345)

[9.5.2 COUNCIL MEETINGS 2018 CALENDAR YEAR 18](#_Toc499127346)

[9.5.3 GOVERNANCE REVIEW PROGRAM – ROUND TWO 22](#_Toc499127347)

[9.5.4 WASTE AMENDMENT LOCAL LAW 2018 25](#_Toc499127348)

[9.5.5 ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2018 27](#_Toc499127349)

[9.5.6 2016/17 ANNUAL REPORT 29](#_Toc499127350)

[10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 30](#_Toc499127351)

[11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING 30](#_Toc499127352)

[11.1 AUDIT COMMITTEE MEETING MINUTES 31](#_Toc499127353)

[11.1.1 2016/17 ANNUAL FINANCIAL REPORT 31](#_Toc499127354)

[11.1.2 2016/17 AUDITORS MANAGEMENT REPORT 34](#_Toc499127355)

[11.1.3 2016/17 AUDIT REPORT 41](#_Toc499127356)

[11.1.4 ORGANISATIONAL RISK MANAGEMENT - ACTION PLAN 44](#_Toc499127357)

[12 MEETING CLOSED TO PUBLIC 47](#_Toc499127358)

[12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED 47](#_Toc499127359)

[12.1.1 CONFIDENTIAL – COMMUNITY CITIZEN OF THE YEAR AWARDS 47](#_Toc499127360)

[12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 48](#_Toc499127361)

[13 CLOSURE 48](#_Toc499127362)

SHIRE OF DONNYBROOK BALINGUP

ORDINARY COUNCIL MEETING MINUTES

**Held in the Seniors Room, Donnybrook Community Library**

**on Wednesday, 22 November 2017 at 5.00pm**

# 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5.03pm, welcomed the public gallery and advised them of the meeting procedures.

# 2 ATTENDANCE

**MEMBERS PRESENT**

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

**PUBLIC GALLERY**

|  |  |  |
| --- | --- | --- |
| Glenn Ossy-Orley | Barrie Thomas | Lucille Piesse |
| Rod Atherton | Allen Simms | Chris Miller |
| Bernie Dawson | Brad Chapman | Rebecca Patten |
| Rob Richardson |  |  |

## 2.1 APOLOGIES

Cr Wringe Cr Van Der Heide

## 2.2 APPROVED LEAVE OF ABSENCE

Cr Wringe was granted a Leave of Absence for the November 2017 Ordinary Council Meeting at the Ordinary Council Meeting held on 25 October 2017.

# 3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Piesse provided an overview of Council activities since the October 2017 Ordinary Election. The October 2017 Ordinary Meeting of Council held at Balingup was very encouraging and successful with good public gallery attendance. Council has been actively engaged in an intensive training program being delivered by representatives from the WA Local Government Association. The attendance and active participation at these sessions has been very encouraging and is providing a good foundation for the Council.

# 4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST

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

Cr King declared an interest affecting impartiality with regards to item 12.1.1 – Community Citizen of the Year Awards as he is friends with three of the nominated parties.

Cr Mitchell declared an interest affecting impartiality with regards to item 12.1.1 – Community Citizen of the Year Awards as she is friends with one of the nominated parties.

Cr Piesse declared an interest affecting impartiality with regards to item 11.1 – Audit Committee Meeting Minutes as he has a professional relationship with AMD Chartered Accountants.

Cr Tan declared an interest affecting impartiality with regards to item 11.1 – Audit Committee Meeting Minutes as she has a professional relationship with AMD Chartered Accountants.

# 5 PUBLIC QUESTION TIME

## 5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

*Peta Townsing*

*There are six properties, zoned Rural Residential, immediately downstream from the site of a proposed marron farm at 155 Grimwade Road, Balingup. I am one of the six residents who, to varying levels, have concerns. There are a number of unknowns that could affect our properties including flooding, problems with the dam walls, polluted stream flows. We are worried that the amenity of our properties could be compromised by this development with a resultant dramatic fall in value. We ask for the shire to assess the situation – what can the Shire do about the marron farm?*

Chief Executive Officer

Your question regarding the marron farm can be broken down into two parts. The first relates to dam construction. The second relates to use of the dams for marron production.

I will address the issue of dam construction first. Dams are exempt from the need for planning approval unless any part of the dam is within 20 metres of a property boundary. If it can be proved that any part of the recently constructed dams are within 20 metres of a boundary, the Shire can become involved.

In some instances, the Department of Water and Environmental Regulation has an interest in dams. Informal discussion with this agency has indicated that:

* The site is not located within a proclaimed water source area. This limits the Department’s ability to play a role in this specific case; and
* The Department’s role is not to control or regulate dam construction methods. It has a focus on water volumes. In this instance, it will be necessary to prove that the dam is having a significant impact on overall flows. This may be very difficult to prove without reliable baseline data.

Should you require further information relating to dams I suggest you contact the Department of Water and Environmental Regulation’s Bunbury office on (08) 9726 4111.

The specific use of the dam is a separate matter for consideration. Marron farms fall under the land use category of “Rural Pursuit”. This is listed as a “P” (Permitted as a right) use for land zoned “General Agriculture” under Local Planning Scheme 7 (LPS7). It does not require planning approval from the Shire.

Please note that marron farming is regulated by the Department of Primary Industries and Regional Development. Discussion with this department has indicated that the method of marron extraction is a detail that is considered as part of the license approval process.

While the Shire has potentially no legal avenue to become involved, I will arrange for the Principal Planner (Mr Bob Wallin) to contact the landowner and provide suggestions to improve the functioning/design of the dam to minimise environmental impacts.

## 5.2 PUBLIC QUESTION TIME

*Bernie Dawson*

*My question refers to Item 6.3 – Promote Preston’s Strategic Plan. Most stakeholders may not know what is intended with this proposed strategic plan so will Council be taking submissions from other existing Authorities, Commissions, companies and individuals who may have a view on best management practices for the proposed Greater Wellington National Park before Council makes any decision on this proposal?*

Shire President

The proposition has a ways to go to achieve the support of government. The South West Development Commission will need to assess the business case and seek comment on the matter. Council is not prepared to make any decision on the matter based on tonight’s deputation.

# 6 PRESENTATIONS

## 6.1 PETITIONS

Nil

## 6.2 PRESENTATIONS

Nil

## 6.3 DEPUTATIONS

Glenn Ossy-Orley provided a deputation on Industrial Hemp in Western Australia. The deputation commenced at 5.08pm and concluded at 5.18pm.

Julianne Hibbers from Promote Preston provided a deputation on Promote Preston’s Strategic Plan. The deputation commenced at 5.31pm and concluded at 5.42pm.

## 6.4 DELEGATES’ REPORTS

Nil

\*\* 6.00pm – Members of the public gallery left the meeting.

\*\* 6.00pm – Manager Works and Services left the meeting and returned.

**Council Decision – En Bloc Resolution 1**

**Moved: Cr Lindemann Seconded: Cr Tan**

**That the resolutions from the following items be moved:**

 **7.1 – Ordinary Meeting of Council - 25 October 2017**

 **9.1.2 – Monthly Financial Report**

 **9.2.1 – Propose Speed Zoning – Hurst and Gemmel Road**

 **9.2.2 – Street Naming – Marwick Road**

 **9.5.1 – Shire Services Closure Dates during the Christmas Period**

 **9.5.4 – Waste Amendment Local Law 2018**

 **9.5.5 – Animals, Environment and Nuisance Local Law 2018**

**Carried 7/0**

# 7 CONFIRMATION OF MINUTES

## 7.1 ORDINARY MEETING OF COUNCIL

|  |
| --- |
|  |
| Council Decision (Officer’s Recommended Resolution)That the Minutes from the Ordinary Meeting of Council held on 25 October 2017 be confirmed as a true and accurate record.Carried by En Bloc Resolution 1 |

## 7.2 COMMITTEE MINUTES

# 8 REPORTS OF COMMITTEES

The Minutes from the Audit Committee meeting held on 21 November 2017 are presented to Council as a late item.

# 9 REPORTS OF OFFICERS

## 9.1 MANAGER FINANCE AND ADMINISTRATION

## 9.1.1 ACCOUNTS FOR PAYMENT

|  |  |
| --- | --- |
|

|  |
| --- |
| For information: The following accounts have been authorised and paid under Delegation 3.2 by the Chief Executive Officer represented by cheques CCP3263-CCP3265, EFT12621–EFT12812a, 52755– 52794, DD22362, DD22400.11, Trust 3538 - 3554, EFT12729, totalling $1,444,057.81. |

 |

## 9.1.2 MONTHLY FINANCIAL REPORT

|  |
| --- |
|  |
| **Council Decision****(officer’s Recommended Resolution)****That the monthly report for the period ended 30 September 2017 be received.****Carried by En Bloc Resolution 1** |

|  |
| --- |
|  |

## 9.2 MANAGER WORKS AND SERVICES

## 9.2.1 PROPOSED SPEED ZONING – HURST AND GEMMEL ROAD

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Main Roads WA |
| **File Reference** | RD 0020, RD 0086 |
| **Author** | Damien Morgan – Manager Works and Services |
| **Attachments** | 9.2.1(1) – Map of Hurst Road and Gemmel Road9.2.1(2) – Hurst Road Safe Curve Speed Assessment |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Council recommended to endorse the installation of 80km/hr speed zoning on Hurst and Gemmell Roads:* MRWA have assessed the road/s and recommended a posted speed limit of 80 km/hr
* Shire Executive concur with MRWA’s assessment
 |

**STRATEGIC ALIGNMENT**

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

Outcome 2.1.1 - Maintain, renew and improve infrastructure within allocated resources.

**BACKGROUND**

The Shire of Donnybrook Balingup received advice from Main Roads WA (MRWA) that they are proposing to install 80km/hr speed zoning on Hurst and Gemmell Roads.

**DETAILS**

Hurst Road is within the Shire of Donnybrook Balingup and the Shire of Capel, whilst Gemmell Road is entirely within our Shire. Currently both roads are classified as unzoned in relation to the speed environment.

A “Safe Speed Curve Assessment” undertaken by MRWA has determined that both roads within our Shire have a safe speed of between 70km/hr and 90km/hr.

Now that centerline marking has been completed, MRWA is proposing to install 80km/h speed zoning on the entire length of both roads. Advisory speed signage will need to be installed (if not already existing) where it has been assessed that the safe curve speed is below 80km/hr.

Officers support MRWA’s assessment of an 80km/hr speed zone for Hurst Road, however requested MRWA review the proposed posted speed limit for Gemmell Road, due to the number of intersections and crossovers.

MRWA advised the assessment process took into account all factors, and determined there was considerable merit in maintaining uniformity of the 80 km/h speed zone from Hurst Road onto Gemmell Road.

**CONSULTATION**

MRWA have consulted with both Shires and members of the public (of the Shire of Capel) who requested the speed zoning.

**FINANCIAL IMPLICATIONS**

The Shire may have some minor cost for the installation of advisory speed limit signs at identified locations. The costs can be accommodated within the Shire’s existing budget.

**POLICY COMPLIANCE**

Nil

**STATUTORY COMPLIANCE**

Nil

**CONCLUSION**

It is recommended that Council endorse the speed limit posting for Hurst and Gemmell Roads consistent with MRWA recommendations, addressing the current unzoned speed environment.

**Council Decision**

**(Officer’s Recommended Resolution)**

**That Council:**

1. **Endorse the proposed 80km/hr speed zoning for Hurst and Gemmell Road which are within the Shire of Donnybrook Balingup; and**
2. **Request Main Roads Western Australia implement the speed postings as detailed.**

**Carried by En Bloc Resolution 1**

## 9.2.2 STREET NAMING – MARWICK ROAD

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Shire of Donnybrook Balingup |
| **File Reference** | WRK 12/2 RD0084 |
| **Author** | Damien Morgan – Manager Works and Services |
| **Attachments** | 9.2.2 – Map Reference 2130 4 NW |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Council recommended to endorse portion of Marwick Road (Mumballup) be renamed to Hearle Road:* Marwick Road is physically divided by bushland which has reportedly created navigational uncertainty.
* Renaming portion of Marwick Road will reduce the navigational uncertainty.
 |

**STRATEGIC ALIGNMENT**

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

Outcome 2.1.1 - Maintain, renew and improve infrastructure within allocated resources.

**BACKGROUND**

The Shire of Donnybrook Balingup has been made aware of safety concerns with regards to Marwick Road, located in in Mumballup. The road has two constructed sections of road that do not interconnect. The two constructed sections of Marwick Road are separated by uncleared bushland, and can only be accessed from one direction, being either via Donnybrook - Boyup Brook Road or Hearle Road.

Reportedly this issue has caused delays to emergency services responding to callouts in the area if they unknowingly enter from the incorrect direction as many navigation devices show the road as being a full through road.

**DETAILS**

Landgate have advised they have no authority over Google Maps or other navigation systems in relation to the data provided, however have outlined the following option to resolve the safety concerns consistent with their policy requirements:

* Rename the western section of Marwick Road as a continuation of Hearle Road up to the boundary of Lot 221 (as shown on attachment 9.2.2);
* The middle unconstructed section of Marwick road be ‘unnamed’
* The eastern section of Marwick Road to remain as is
* “No Through Road” signs to be placed on Donnybrook-Boyup Brook Road at Hearle Road and Marwick Road intersections
* New “Hearle Rd” sign to be placed at the continuation point, and “No Through Road” sign to be placed at the “unnamed road” that borders crown land off Hearle Road.

Shire Staff consider the above outline actions will address the concerns raised, and seek Council’s endorsement to proceed as detailed.

**CONSULTATION**

All property owners abutting the road reserves have been formally consulted, with no objections to the proposal received. One written response supporting the proposed changes was received. These changes will not impact on existing documented property addresses.

**FINANCIAL IMPLICATIONS**

Nil

**POLICY COMPLIANCE**

Council has no policy on changing road names.

**STATUTORY COMPLIANCE**

N/A

**CONCLUSION**

Renaming of portion of the Marwick Road reserve will serve to resolve the safety concerns that have been raised.

**RECOMMENDATION**

**Council Decision**

**(Officer’s Recommended Resolution)**

**That Council:**

1. **Endorse the renaming of the section of Marwick Road reserve as shown on Attachment 9.2.2 to Hearle Road.**
2. **Endorse the renaming of the section of Marwick Road reserve as shown on Attachment 9.2.2 to Unnamed Road.**
3. **Instruct the Chief Executive Officer to implement the installation of new street name signage consistent with the road names as shown on Attachment 9.2.2.**

**Carried by En Bloc Resolution 1**

## 9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES

Nil

## 9.4 PRINCIPAL PLANNER

## 9.4.1 REVIEW OF LOCAL TOWN PLANNING POLICY 9.4 – OUTBUILDING CONTROL AND 9.17 – INDUSTRIAL AND COMMERCIAL DEVELOPMENT CONTROL

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Shire of Donnybrook Balingup |
| **File Reference** | ADM 11/3 |
| **Author** | Bob Wallin (Principal Planner) |
| **Attachments** | 9.4.1(1) – Amended Town Planning Policy 9.4 – Outbuilding Control9.4.1(2) – Amended Town Planning Policy 9.17 – Industrial and Commercial Development Control9.4.1(3) – Schedule of Submissions |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Council is recommended to adopt the policy revisions.* The proposed policy amendments seek to improve clarity in regards to application of the policies.
* The review of Policy 9.4 addresses details of outbuilding control in the Rural Residential zone.
 |

**STRATEGIC ALIGNMENT**

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

Outcome 2.3.2 – Effective land use planning and management policies.

**BACKGROUND**

Amendment 4 to Local Planning Scheme 7 (LPS7) has obtained final approval. This amendment included some modifications to outbuilding requirements. It is proposed to modify Planning Policy 9.4 – Outbuilding Control to maintain consistency with the amendment. It is also proposed to provide greater clarity on points associated with carports and other non-enclosed structures as these items do not usually present the same issues of bulk and scale that the policy is seeking to control.

It is also proposed to modify Planning Policy 9.17 Industrial and Commercial Development Control to provide greater clarity on what is intended for building qualities within the Commercial zone.

Attachment 9.4.1(1) shows the recommended amendments to the policies.

**DETAILS**

The proposed policies are to provide control and guidance of built form outcomes within the Shire.

**CONSULTATION**

The policies have been advertised in accordance with regulations. During the advertising period, one submission was received. Attachment 9.4.1(2) (Schedule of submission) provides details of the issues raised and suggested responses.

A number of modifications are proposed to Policy 9.4 Outbuilding Control based on the submission received and further research into how other surrounding Shire’s treat outbuildings.

The changes to the policy following advertising focus on:

1. Providing scope for larger sheds to be considered through the development approval process. From 10% variation above 180m2 and 3.5m wall height to 220m2 floor area and 4m wall height. This additional area is to be subject to satisfying more definitive criteria such as location behind dwellings and requirements for screening from public realms.
2. Allowing sheds to be located forward of the building line subject to a planning approval and demonstrating that alternative locations are not suitable and landscaping screening and colour treatments are appropriate to preserve amenity.

**FINANCIAL IMPLICATIONS**

Statutory advertising costs incurred in publishing the proposal in local newspaper/s.

**POLICY COMPLIANCE**

The proposed changes are required to ensure consistency with LPS7 and to clarify the intent and purpose of the policies; to make them more robust and therefore easier to apply (and defend, if required).

**STATUTORY COMPLIANCE**

Schedule 2, Part 2, clause 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015,* sets out the requirements and processes for amending a Local Planning Policy. The requirements of the Regulations have been followed.

**CONCLUSION**

The proposed changes to the policies seek to provide clarity on design requirements and built form outcomes for the Shire.

**RECOMMENDATION**

**Moved: Cr Seconded: Cr**

**That Council:**

1. **Adopt amended Planning Policies 9.4 – Outbuilding Control and 9.17 – Industrial and Commercial Development Control.**
2. **Determine the submission received in accordance with Attachment 9.4.1(2) – Schedule of Submissions.**
3. **Authorise the Chief Executive Officer to undertake such tasks necessary to finalise adoption of the policies.**

**Council Decision**

**(Alternate Motion)**

**Moved: Cr King Seconded: Cr Tan**

**To limit the shed size to 180m2 with a 4 meter wall height and a further limit of 50m2 total of open lean-to’s and carports attached to any outbuildings.**

**Lost 2/5**

**Council Decision**

**(Foreshadowed Motion)**

**Moved: Cr Tan Seconded: Cr Mills**

**That, should the Alternate Motion not be supported, Council will return to the Officer’s Recommended Resolution.**

**Carried 6/1**

**Council Decision**

**(Officer’s Recommended Resolution)**

**Moved: Cr Tan Seconded: Cr Mills**

**That Council:**

**1. Adopt amended Planning Policies 9.4 – Outbuilding Control and 9.17 – Industrial and Commercial Development Control.**

**2. Determine the submission received in accordance with Attachment 9.4.1(2) – Schedule of Submissions.**

**3. Authorise the Chief Executive Officer to undertake such tasks necessary to finalise adoption of the policies.**

**Carried 6/1**

## 9.5 CHIEF EXECUTIVE OFFICER

## 9.5.1 SHIRE SERVICES CLOSURE DATES DURING THE CHRISTMAS PERIOD

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Administration |
| **File Reference** | CNL 16 |
| **Author** | Ben Rose – Chief Executive Officer (Kate O’Keeffe – Executive Assistant |
| **Attachments** | Nil |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Recommend the Shire Administration close during the Christmas - New Year period from close of business 22 December 2017 and re-open on Tuesday, 2 January 2018. |

**STRATEGIC ALIGNMENT**

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

Outcome 4.2.1 – Provide a positive, professional culture.

**BACKGROUND**

In 2013, 2014, 2015 and 2016 the Administration Office closed between Christmas and New Year. Prior to that, it remained open to the public with a ‘skeleton’ staff resourcing the office.

**DETAILS**

The Executive request Council’s consideration for the following closures:

|  |  |
| --- | --- |
| **Location** | **Closure Dates** |
| Shire Administration Building | From close of business on Friday, 22 December 2017, re-opening on Tuesday, 2 January 2018. |
| Donnybrook Community Library | From close of business on Friday, 22 December 2017, re-opening on Tuesday, 2 January 2018. |
| Balingup Library | From 12pm on Saturday, 23 December 2017, re-opening on Tuesday, 2 January 2018.  |
| Donnybrook Recreation Centre | From close of business on Saturday, 23 December 2017, reopening 6.00am on Wednesday, 27 December 2017 |

The closures will allow staff to have an extended period of leave in addition to the three public holidays over this period.

The Parks and Gardens team will continue to work through this period with a ‘skeleton’ staff.

Appropriate advertising will be undertaken should Council agree to the office closure.

**CONSULTATION**

Council Staff and Chief Executive Officer.

**FINANCIAL IMPLICATIONS**

A reduction to accrued leave entitlements at no additional cost to Council.

Standard Transport licence renewals can be conducted over the internet and also via B-Pay.

**POLICY COMPLIANCE**

Nil

**STATUTORY COMPLIANCE**

Nil

**CONCLUSION**

The Shire’s Administration office has closed over the Christmas - New Year period for the past four years. Traditionally, the number of enquiries and transactions taken during this period has been low. Historically, Council has not received any complaints from the community regarding the office closures.

**Council Decision**

**(Officer’s Recommended Resolution)**

**That Council:**

1. **Endorse the following closure dates for the 2017 Christmas - New Year period:**

|  |  |
| --- | --- |
| **Location** | **Closure Dates**  |
| **Shire Administration Building** | **From close of business on Friday, 22 December 2017, re-opening on Tuesday, 2 January 2018** |
| **Donnybrook Community Library** | **From close of business on Friday, 22 December 2017, re-opening on Tuesday, 2 January 2018** |
| **Balingup Library** | **From 12.00pm on Saturday, 23 December 2017,** **re-opening on Tuesday, 2 January 2018** |
| **Donnybrook Recreation Centre** | **From close of business on Saturday, 23 December 2017, re-opening 6.00am on Wednesday,** **27 December 2017** |

**2. Instruct the Chief Executive Officer to advertise the closures in the Preston Press, on Council’s website and Shire noticeboards in the lead up to the closures**

**Carried by En Bloc Resolution 1**

## 9.5.2 COUNCIL MEETINGS 2018 CALENDAR YEAR

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Administration |
| **File Reference** | CNL 16 |
| **Author** | Ben Rose – Chief Executive Officer (Kate O’Keeffe – Executive Assistant) |
| **Attachments** | Nil |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Council recommended to adopt a program of monthly Ordinary Meetings for 2018:* Ordinary Council Meetings are required to be not more than three months apart.
* Continuation of the traditional monthly meeting cycle is recommended, with two ‘out of town’ meetings proposed.
 |

**STRATEGIC ALIGNMENT**

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

Outcome 4.1.2 – Provide accountable and strategic leadership

**BACKGROUND**

Council currently conducts its Ordinary Meeting on the fourth Wednesday of each month, commencing at 5.00pm, a process which was adopted on 19 December 2008.

**DETAILS**

To allow for Councillors and Officers to be able to take extended leave over December 2017 – January 2018 it is proposed that no Ordinary Council meeting be held in January 2018.

To cater for the Christmas holiday period and reduce the number of weeks between the December 2017 and February 2018 Ordinary Council Meeting, it is proposed to:

* Bring the February 2018 meeting forward to the second Wednesday, being 14 February 2018; and
* Bring the December meeting forward to the third Wednesday, being 19 December 2018

During 2017, the April meeting was held in Kirup and the October meeting was held in Balingup. It is proposed that this pattern continue. The April meeting falls on Anzac Day in 2018. It is proposed to move the April meeting to Tuesday, 24 April 2018.

Below are the suggested dates for the Ordinary Council Meetings for 2018. The April, September and December meetings fall within the WA school holidays.

Proposed Ordinary Council Meeting Dates for 2018:

1. Wednesday 14 February 2018 (2nd Wednesday)
2. Wednesday 28 March 2018
3. Tuesday 24 April 2018 (in Kirup)
4. Wednesday 23 May 2018
5. Wednesday 27 June 2018
6. Wednesday 25 July 2018
7. Wednesday 22 August 2018
8. Wednesday 26 September 2018
9. Wednesday 24 October 2018 (in Balingup)
10. Wednesday 28 November 2018
11. Wednesday 19 December 2018 (3rd Wednesday)

**CONSULTATION**

N/A

**FINANCIAL IMPLICATIONS**

It is estimated that the cost of off-site Council Meetings (hosted at Shire-owned venues in Balingup and Kirup) is approximately $400 per meeting, chiefly comprising staff time and travel costs.

**POLICY COMPLIANCE**

There are no related Shire policies.

**STATUTORY COMPLIANCE**

The Local Government Act, section 5.3 (2) requires:

 *“Ordinary meetings are to be held not more than three months apart”.*

**RECOMMENDATION**

**Moved: Cr Seconded: Cr**

1. **That the following dates for Ordinary Council meetings for 2018 be adopted:**

|  |  |  |
| --- | --- | --- |
| **Day** | **Date** | **Location** |
| **Wednesday** | **14 February 2018**  | **Donnybrook** |
| **Wednesday** | **28 March 2018** | **Donnybrook** |
| **Tuesday** | **24 April 2018** | **Kirup** |
| **Wednesday** | **23 May 2018** | **Donnybrook** |
| **Wednesday** | **27 June 2018** | **Donnybrook** |
| **Wednesday** | **25 July 2018** | **Donnybrook** |
| **Wednesday** | **22 August 2018** | **Donnybrook** |
| **Wednesday** | **26 September** | **Donnybrook** |
| **Wednesday** | **24 October 2018** | **Balingup** |
| **Wednesday** | **28 November 2018** | **Donnybrook** |
| **Wednesday** | **19 December 2018** | **Donnybrook** |

**Alternate Motion (Cr Mitchell)**

**Moved: Cr Mitchell Seconded: Cr Atherton**

**Council meetings are held as listed below:**

|  |  |  |
| --- | --- | --- |
| **Day** | **Date** | **Location** |
| **Wednesday** | **14 February 18**  | **Donnybrook** |
| **Wednesday** | **28 March 18** | **Donnybrook** |
| **Tuesday** | **24 April 18** | **Donnybrook**  |
| **Wednesday** | **23 May 18** | **Donnybrook** |
| **Wednesday** | **27 June 18** | **Donnybrook** |
| **Wednesday** | **25 July 18** | **Donnybrook** |
| **Wednesday** | **22 August 18** | **Donnybrook** |
| **Wednesday** | **26 September 18** | **Donnybrook** |
| **Wednesday** | **24 October 18** | **Donnybrook**  |
| **Wednesday** | **28 November 18** | **Donnybrook** |
| **Wednesday** | **19 December 18** | **Donnybrook** |

**Council Decision**

**(Amendment to the motion)**

**Moved: Cr Atherton Seconded: Cr King**

**That the motion include the following amendments:**

1. **The meeting on 24 April 2018 be held in Brookhampton;**
2. **The meeting on 24 October 2018 be held in Balingup;**
3. **A second point be added “That the location for the scheduled 20 December 2017 OCM be amended from Donnybrook (Seniors Room) to Yabberup (Yabberup Hall) and that appropriate public notice of the change of venue be undertaken by the CEO.”**

**Carried 6/1**

Cr King foreshadowed a motion that, should the alternate motion not be supported, Council will return to the Officer’s Recommended Resolution.

**Council Decision**

**Moved: Cr Atherton Seconded: Cr King**

1. **That the following dates for Ordinary Council meetings for 2018 be adopted:**

 **Day Date Location**

 **Wednesday 14 February 2018 Donnybrook**

 **Wednesday 28 March 2018 Donnybrook**

 **Tuesday 24 April 2018 Brookhampton**

 **Wednesday 23 May 2018 Donnybrook**

 **Wednesday 27 June 2018 Donnybrook**

 **Wednesday 25 July 2018 Donnybrook**

 **Wednesday 22 August 2018 Donnybrook**

 **Wednesday 26 September 2018 Donnybrook**

 **Wednesday 24 October 2018 Balingup**

 **Wednesday 28 November 2018 Donnybrook**

 **Wednesday 19 December 2018 Donnybrook**

**2. That the location for the scheduled 20 December 2017 Ordinary Council meeting be amended from Donnybrook (Seniors Room) to Yabberup (Yabberup Hall) and that appropriate public notice for the change of venue be undertaken by the Chief Executive Officer.**

**Carried 6/1**

## 9.5.3 GOVERNANCE REVIEW PROGRAM – ROUND TWO

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Shire of Donnybrook Balingup |
| **File Reference** | CNL 16 |
| **Author** | Ben Rose – Chief Executive Officer (Kate O’Keeffe – Executive Assistant) |
| **Attachments** | 9.5.3 – Summary of the Governance Review Program |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Recommend Council to accept the cost-free offer of Round Two of the Governance Review Program:* Round One of the Governance Review Program was delivered to the Council in June 2017 (as a confidential report).
* The Department of Local Government, Sport and Cultural Industries has offered for the Shire to participate (cost free) in Round Two.
 |

**STRATEGIC ALIGNMENT**

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

* Action 4.1.1.4 – Provide and support opportunities for training and development for elected members and staff.

**BACKGROUND**

At its February 2017 Ordinary Meeting, Council resolved to participate (with full Elected Member participation) in the Governance Review Program being conducted by the Department of Local Government, Sport and Cultural Industries (DLGSC) in partnership with the Australian Institute of Company Directors (AICD). The confidential online survey associated with the Program was conducted during March 2017 and the findings of the survey were presented to the Elected Members during a workshop held in May 2017.

Round Two of the Governance Review Program has been initiated by the DLGSC and the Shire has been offered a place (cost-free) on the Program.

**DETAILS**

The Governance Review Program is made possible as a part of funding provided by the Department of Primary Industries and Regional Developments’ Country Local Government Fund and is an important component of DLGSC’s local government capacity building program. As the program is fully funded through the Country Local Government Fund, it is free of charge to participating local governments.

The Governance Review Program aims to assist country local governments to achieve high level improvements in governance policies, procedures and processes. It will focus on governance probity, transparency and accountability, and on consolidation of governance procedures and processes, particularly in the areas of financial management, resources, risk mitigation and efficiency.

DLGSC has engaged the AICD to conduct a second Governance Review Program for local Councils. The approach taken with Councils will be one of self-assessment.

As part of AICD’s online survey, local governments will be asked to reflect on and assess, the maturity of their Council’s governance arrangements in key areas, including:

* the role of the Council;
* the Council’s role in strategy and risk;
* Council size, composition and skills;
* the role of the President;
* the relationship between the Council and management;
* Council culture and dynamics;
* effective use of Council meetings; and
* Council meeting papers.

**CONSULTATION**

The survey associated with the Governance Review Program will include detailed consultation with Councillors and the Executive (senior staff).

**FINANCIAL IMPLICATIONS**

The program is fully funded through the Country Local Government Fund and is free of charge to participating local governments.

**POLICY COMPLIANCE**

There are no Council policies which directly relate to this situation.

**STATUTORY COMPLIANCE**

There are no statutory implications associated with the Officer’s recommendation.

**CONCLUSION**

The Governance Review Program is an initiative to assist Council to make improvements in governance and strategic planning procedures and processes. The program provides the opportunity for Council to assess governance structures, identify key strengths and opportunities for improvement and benchmark performance.

**RECOMMENDATION**

**That Council:**

1. **Accepts the offer of Round Two of the Governance Review Program (cost free) from the Department of Local Government, Sport and Cultural Industries and Australian Institute of Company Directors.**
2. **Commits to undertaking Round Two of the Governance Review Program with full Elected Member participation.**
3. **Instructs the Chief Executive Officer to seek delivery of Round Two of the Governance Review Program during March 2018.**
4. **Instructs the Chief Executive Officer to seek approval from the Department of Local Government, Sport and Cultural Industries and Australian Institute of Company Directors for release of summary details of the results of Round Two of the Governance Review Program.**

**Council Decision**

**(Alternate Motion)**

**Moved Cr Mitchell Seconded: Cr Tan**

**That the date in point 3 of the officer’s recommended resolution be amended from March 2018 to May 2018 to provide more time to make assessments prior to completing the questionnaire.”**

**Carried 7/0**

**Council Decision**

**Moved: Cr Atherton Seconded: Cr Tan**

**That Council:**

**1. Accepts the offer of Round Two of the Governance Review Program (cost free) from the Department of Local Government, Sport and Cultural Industries and Australian Institute of Company Directors.**

**2. Commits to undertaking Round Two of the Governance Review Program with full Elected Member participation.**

**3. Instructs the Chief Executive Officer to seek delivery of Round Two of the Governance Review Program during May 2018.**

**4. Instructs the Chief Executive Officer to seek approval from the Department of Local Government, Sport and Cultural Industries and Australian Institute of Company Directors for release of summary details of the results of Round Two of the Governance Review Program.**

**Carried 7/0**

## 9.5.4 WASTE AMENDMENT LOCAL LAW 2018

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook-Balingup |
| **Applicant** | Shire of Donnybrook-Balingup |
| **File Reference** | CNL 25 |
| **Author** | Ben Rose, CEO *(Lucy Bourne – Governance Officer)* |
| **Attachments** | 9.5.4 - Draft Waste Amendment Local Law |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | * In April 2017, Council resolved to make the Shire of Donnybrook-Balingup Waste Local Law.
* The Joint Standing Committee on Delegated Legislation asked Council to undertake to include an Objection and Appeal Rights clause and to re-draft clause 2.1(1).
* A draft amendment local law is attached.
* The amendment local law must be adopted by March 2018.
* The first step (and the recommendation for this item) is to advertise the proposed amendment local law.
 |

**STRATEGIC ALIGNMENT**

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

* Action 4.2.1.2 Seek a high level of legislative compliance and effective internal controls.

**BACKGROUND**

On 26 April 2017, Council resolved to make the *Shire of Donnybrook-Balingup Waste Local Law.* This local law was gazetted on 14 June 2017 and was considered by the Joint Standing Committee on Delegated Legislation on 21 August 2017.

The JSCD asked for amendments to be made, as follows:

* Include an Objection and Appeal Rights clause;
* Redraft clause 2.1; and
* Make all consequential amendments arising from the amendments.

At its September 27 meeting, Council undertook to make these amendments within six months (i.e. by the end of March 2018). Introducing these amendments will require an amendment local law to be made in accordance with the requirements of Section 3.12 of the Act.

**DETAIL**

The amendments are as follows:

1 New clause:

 **5.1 Objection and appeal rights**

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

(a) an approval under clause 2.7(b)(i);

(b) an exemption under clause 2.8(2);

(c) an approval under clause 3.2(1)(c);

(d) an approval under clause 3.2.(2); and

(e) an approval under clause 3.3

2 Reworded clause:

2.1 The local government is to supply, for the use of each premises situated within the area covered by the kerbside collection service, one or more receptacles for the collection and removal, from those premises, of collectable waste.

A draft amendment local law is attached.

The purpose of this local law is to amend certain provisions within the Shire of Donnybrook-Balingup Waste Local Law 2017.

The effect of this local law is to provide an effective mechanism for the review of administrative decisions and better clarify provisions relating to the supply of receptacles for kerbside waste collection.

**CONSULTATION**

The proposed amendment will be advertised for a period of six weeks and any submissions reported to Council, in accordance with Section 3.12 of the Act.

**FINANCIAL IMPLICATIONS**

The cost of advertising Council’s intention to introduce this and one other amendment local law, and the gazettal and subsequent adoption of these amendment local laws will amount to approximately $1200 ($600 per amendment local law).

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

* *Shire of Donnybrook-Balingup Waste Local Law 2017*
* *Local Government Act 1995*
* *Waste Avoidance and Resource Recovery Act 2007*

**Council Decision**

**(Officer’s Recommended Resolution)**

**That Council give state-wide public notice for a period of not less than 6 weeks that it proposes to make the *Shire of Donnybrook-Balingup Waste Amendment Local Law 2018*.**

**The purpose of this local law is to amend certain provisions within the Shire of Donnybrook-Balingup Waste Local Law. The effect of this local law is to provide an effective mechanism for the review of administrative decisions and better clarify provisions relating to the supply of receptacles for kerbside waste collection.**

**Carried by En Bloc Resolution 1**

## 9.5.5 ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2018

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook-Balingup |
| **Applicant** | Shire of Donnybrook-Balingup |
| **File Reference** | CNL 25 |
| **Author** | Ben Rose, CEO *(Lucy Bourne – Governance Officer)* |
| **Attachments** | 9.5.5 - Draft amendment Animals, Environment and Nuisance Local Law |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | * In April 2017, Council resolved to make the Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law.
* The Joint Standing Committee on Delegated Legislation asked Council to delete clause 3.10(b) and amend clause 2.2(b).
* The amendment local law must be adopted by March 2018.
* The first step (and the recommendation for this item) is to advertise the proposed amendment local law.
 |

**STRATEGIC ALIGNMENT**

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

* Action 4.2.1.2 Seek a high level of legislative compliance and effective internal controls.

**BACKGROUND**

On 26 April 2017, Council resolved to make the *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law.* This local law was gazetted on 14 June 2017 and was considered by the Joint Standing Committee on Delegated Legislation on 21 August 2017.

The JSCD asked for amendments to be made, as follows:

* Amend clause 2.2(b);
* Delete clause 3.10(b).
* Make any consequential amendments arising from the amendments.

At its September 27 meeting, Council undertook to make these amendments within six months (i.e. by the end of March 2018). Introducing these amendments will require an amendment local law to be made in accordance with the requirements of Section 3.12 of the Act.

**DETAIL**

The amendments are as follows:

1 Clause 2.2(b) is amended as follows:

*“does not cause a nuisance or is injurious, offensive or dangerous to health” is changed to ‘does not cause a nuisance and is not injurious offensive or dangerous to health”.*

2 Clause 3.10(b) is deleted.

**3.10 Disposing of disused refrigerators or similar containers**

 A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first—

(a) removing every door and lid and every lock, catch and hinge attached to a door or lid or otherwise rendering every door and lid incapable of being fastened; and

 (b) removing any refrigerants as per requirements of the *Environmental Protection (Ozone Protection) Policy 2000*

A draft amendment local law is attached.

The purpose of this local law is to amend certain provisions within the *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law* 2017.

The effect of this local law is to remove an incorrect policy reference and the inference that any person can remove ozone depleting substance.

**CONSULTATION**

The proposed amendment will be advertised for a period of six weeks and any submissions reported to Council, in accordance with Section 3.12 of the Act.

**FINANCIAL IMPLICATIONS**

The cost of advertising Council’s intention to introduce this and one other amendment local law, and the gazettal and subsequent adoption of these amendment local laws will amount to approximately $1200 ($600 per amendment local law).

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

* *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017*
* *Local Government Act 1995*

**Council Decision**

**(Officer’s Recommended Resolution)**

**That Council give state-wide public notice for a period of not less than 6 weeks that it proposes to make the *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Amendment Local Law 2018*.**

**The purpose of this local law is to amend certain provisions within the Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017. The effect of this local law is to remove an incorrect policy reference and the inference that any person can remove ozone depleting substance.**

**Carried by En Bloc Resolution 1**

## 9.5.6 2016/17 ANNUAL REPORT

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Shire of Donnybrook Balingup |
| **File Reference** | FNC 10/4 |
| **Author** | Ben Rose - CEO (*Lucy Bourne – Governance Officer*) |
| **Attachments** | 9.5.6 – Draft 2016/17 Annual Report (to be emailed) |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Recommend the 2016/17 Annual Report be adopted by Council.* Preparation of the Annual Report is a statutory obligation under the Local Government Act.
 |

**STRATEGIC ALIGNMENT**

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

* Outcome 4.2.1 Provide accountable and strategic leadership

**BACKGROUND**

Council’s Annual Report provides an overview of the operations of Council for the 2016/17 Financial Year.

**DETAILS**

The content of the report includes all statutory requirements, including the financial audit report, a condensed version of the financial report and information on to how Council has addressed its strategic objectives for the year under review. It also contains an overview of the Strategic Community Plan and Corporate Business Plan, major initiatives to commence or continue in the next financial year and progress towards the achievement of community outcomes established through the Strategic Community Plan. This meets (and exceeds to an intermediate or advanced standard) the Integrated Planning and Reporting requirements.

Once again, the report is shorter than annual reports were prior to 2012/13, and the format is more colourful. The reduction in pages has been achieved, in part, by providing a condensed version of the Annual Financial Report – a common practice among local governments. A complete copy of the Annual Financial Report will be made available to anyone requesting it. This is clearly stated in the Annual Report.

As with the past four years’ reports, the savings achieved in paper (about 6 reams), photocopying costs and time have meant the report can be professionally printed within budget. Photographs, design and layout have all been done in-house.

A Local Public Notice will be published in the South West Times on 23 November in the Preston Press during the first week of December 2017, and on notice boards, advising the public of the availability of the Annual Report and the date for the Annual Electors’ Meeting.

The Annual Report will be presented to the Annual Elector’s Meeting to be held at the Donnybrook Community Library on Thursday 7 December 2017, commencing at 7.30pm.

**CONSULTATION**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**POLICY COMPLIANCE**

Nil

**STATUTORY COMPLIANCE**

The Annual Report includes all matters prescribed under the *Local Government Act 1995*.

**CONCLUSION**

It is recommended Council adopt the 2016/17 Annual Report and present the report at the Annual Elector’s meeting on Thursday 7 December 2017, commencing at 7.30pm.

**RECOMMENDATION**

**Moved: Cr Atherton Seconded: Cr**

**That the Annual Report for the year ending 30June 2017 be adopted and made available for distribution to the public.**

**Alternate Recommendation**

**Moved: Cr Mitchell Seconded: Cr Tan**

**That the Annual Report for the year ending 30June 2017 be adopted and made available for distribution to the public subject to the following amendments:**

1. **Add a sentence on page 3 (third paragraph): After World War II ….. to encompass sheep (meat and wool) cattle (dairy and meat) plus horticultural actives (potatoes and apples).**

1. **Local Events: all events listed are not for profit except one, True Grit in the interest of fairness suggest the removal of this event from the list.**
2. **Correct the dates on the relevant page to the Ratio Table within the Financial Management Section.**

**Carried 7/0**

# 10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

The minutes from the Audit Committee meeting held on 21 November 2017 are presented to Council as a late item below:

## 11.1 AUDIT COMMITTEE MEETING MINUTES

Cr Piesse declared an interest affecting impartiality with regards to item 11.1 – Audit Committee Meeting Minutes as he has a professional relationship with AMD Chartered Accountants.

Cr Tan declared an interest affecting impartiality with regards to item 11.1 – Audit Committee Meeting Minutes as she has a professional relationship with AMD Chartered Accountants.

|  |
| --- |
| Council Decision(Officer’s Recommended Resolution)Moved: Cr Lindemann Seconded: Cr TanThat the Minutes from the Audit Committee meeting held on 21 November 2017 be received. |
| Carried 7/0 |

**Council Decision – En Bloc Resolution 2**

**Moved: Cr Lindemann Seconded: Cr Tan**

**That the resolutions from the following items be moved en bloc:**

**11.1.1 – 2016/17 Annual Financial Report**

**11.1.2 – 2016/17 Auditor’s Management Report**

**11.1.3 – 2016/17 Audit Report**

**11.1.4 – Organisational Risk Management – Action Plan**

**Carried 7/0**

## 11.1.1 2016/17 ANNUAL FINANCIAL REPORT

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Administration |
| **File Reference** | FNC 10/1 |
| **Author** | Ben Rose – Chief Executive Officer *(Greg Harris, Manager Finance & Administration)* |
| **Attachments** | 11.1.1 - 2016/17 Annual Financial Report |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Its recommended Council receive the 2016/17 Annual Financial Report |

**STRATEGIC ALIGNMENT**

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

|  |
| --- |
| OUTCOME 4.2 A respected, professional and trusted organisation |
| **Strategy** | **Action No.** | **Actions** |
| Effective and efficient operations and service provision | 4.2.1.1 | Maintain effective and efficient policies, planning, operating procedures and practices |
|  | 4.2.1.2 | Seek a high level of legislative compliance and effective internal controls |
|  | 4.2.1.3 | Monitor and measure organisational performance |
|  | 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 Annual Financial Report for the year ended 30 June 2017 has been prepared and was provided to Council’s Auditors, AMD Chartered Accountants.

AMD Chartered Accountants have now audited the final accounts and the report to be presented includes any adjustments requested by the Auditors.

**DETAILS**

A copy of the Annual Financial Report document is provided in Attachment 5.1.1 and an abridged version of the report is included within the Annual Report.

A full copy of the adopted Annual Financial report will be made available at the Shire Office and has also be placed on the Shire website.

Questions on the content of the report are welcome and may be directed to Council staff.

**CONSULTATION**

Internal consultation was undertaken with shire staff.

**FINANCIAL IMPLICATIONS**

N/A

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

Statutory

The *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* prescribe the form and content of the Annual Financial Report.

The report has been prepared to comply with all relevant Australian Accounting Standards applicable to local government.

**Council Decision**

**(Committee’s Recommended Resolution)**

**That Council receive the Annual Financial Report for the year ended 30 June 2017.**

**Carried by En Bloc Resolution 2**

## 11.1.2 2016/17 AUDITORS MANAGEMENT REPORT

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Administration |
| **File Reference** | FNC 02 |
| **Author** | Ben Rose – Chief Executive Officer *(Greg Harris, Manager Finance & Administration)* |
| **Attachments** | 11.1.2 - AMD Chartered Accountants Management Report – 30 June 2017 |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Its recommended Council receive the 2016/17 Auditors Management Report  |

**STRATEGIC ALIGNMENT**

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

|  |
| --- |
| OUTCOME 4.2 A respected, professional and trusted organisation |
| **Strategy** | **Action No.** | **Actions** |
| Effective and efficient operations and service provision | 4.2.1.1 | Maintain effective and efficient policies, planning, operating procedures and practices |
|  | 4.2.1.2 | Seek a high level of legislative compliance and effective internal controls |
|  | 4.2.1.3 | Monitor and measure organisational performance |
|  | 4.2.1.4 | Demonstrate sound financial planning and management, including revenue/ expenditure review and revenue diversification strategies and long term financial planning |

**BACKGROUND**

Council’s Auditor’s, AMD Chartered Accountants, completed on-site audit investigations between 1st and 3rd November 2017.

AMD Chartered Accountants have issued a Management Report to the Shire President and a copy is provided to the Audit Committee.

The Auditor’s Management Report contains the Auditor’s observations and recommendations in respect to improvements that are considered necessary to improve the internal controls and financial management of Council.

Council’s Auditor, Mr Tim Partridge of AMD Chartered Accountants will be attending the Audit Committee Meeting on Tuesday 21st November to present the Audit Report and Auditor’s Management Letter. Mr Partridge will provide an overview of the scope of the audit and expand on the procedures followed during the conduct of the audit. Elected members are encouraged to ask questions in regard to any financial, risk or governance matter, in particular those pertaining to the 2016/17 Annual Financial Report.

**DETAILS**

The Auditor’s Management Report contains commentary on the following:

1. Audit Approach
2. Assessment of Fraud and Error
3. Audit Adjustments
4. Accounting Policies
5. Commitments and Contingencies
6. Subsequent Events
7. Financial Ratio Performance Measures
8. Audit Opinion
9. Interim Rating
10. 30 June 2017 Audit Recommendations
11. Other Matters

5.0 Commitments and Contingencies

In addition to Auditor’s commentary that there are no additional commitments or contingencies that require disclosure within the financial report, there is an additional comment provided in relation to specific funds held within Council’s Trust fund. The report notes the following:

“The 30 June 2017 financial report provides comment in respect of funds formerly held under the name of ‘Donnybrook Balingup Aged Homes’ which continue to be held within the Shire’s Trust Account. At the date of this report legal advice continues to be sought regarding treatment of those funds, as disclosed within Note 20 of the financial report”.

As indicated in the above statement, management are continuing its investigations with the State Solicitors Office to determine the most appropriate manner in which these funds should be treated. Council’s solicitors, Slee Anderson and Pidgeon are assisting management in this regard.

8.0 Financial Ratio Performance Measures

The report draws Council’s attention to two financial ratios which indicate adverse trends based upon the Department of Local Government, Sport and Cultural industries guidelines.

The ratios referred to are the Operating Surplus Ratio and the Asset Sustainability Ratio.

* Operating surplus ratio as at 30 June 2017 is calculated at -0.3872 (recommended to be 0.01 to 0.15 as per guidelines), the negative ratio is as a result of an operating loss of $3,000,464 being made for 30 June 2017 after adjusting for non-operating grants, subsidies and contributions.
* Asset sustainability ratio as at 30 June 2017 is calculated at 0.5487 (recommended to be 0.9 or greater as per guidelines)

The Operating Surplus Ratio and the Asset Funding Renewal Ratio are both ratios that should be addressed through a long term strategy. The Long Term Financial Plan recently adopted by Council attempts to address these ratios with the view to bridging the gap between the present ratio results and the target ratios set by the Department of Local Government, Sport and Cultural Industries.

8.2 Local Government Act and Compliance Measures

The report notes the following areas of non-compliance:

* The annual financial report for the year ended 30 June 2016 was not submitted to the Department of Local Government, Sport and Cultural Industries within 30 days of receipt as required by regulation 51(2) of the Local Government (Financial Management) Regulations 1996.
* The annual compliance audit return for the year ended 31 December 2016 was not submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2017 as required by Regulation 19 of the Local Government (Audit) Regulations 1996.

Both items relate to an oversight by staff and both documents were lodged soon after the due date. It is not envisaged these omissions will occur again.

9.0 Interim Rating

The auditors have also noted some deficiencies within Council rating system and have provided the following comment:

“Our discussions with management indicate that when a new rates officer commenced in November 2016 it was identified that valuation schedules from Landgate had not been entered into Synergy (the Shire’s rating system) for approximately a six month period. We understand a full rateable value reconciliation has subsequently been completed and interim rating is now up to date.”

The above matters need to be read in conjunction with the audit recommendations contained within Appendix 1 of the Auditor’s Management Report.

**APPENDIX 1**

**Audit Recommendations for the year ended 30 June 2017**

**GUIDANCE TO FINDINGS RATING / IMPLICATION**

*Findings identified during the final audit have been weighted in accordance with the following scale:*

*Significant: Those findings where there is potentially a significant risk to the entity should the finding not be addressed promptly.*

*Moderate: Those findings which are of sufficient concern to warrant action being taken by the entity as soon as possible.*

*Minor: Those findings that are not of primary concern however still warrant action being taken.*

**AUDIT FINDINGS**

**1. AGED RATE DEBTORS**

***Finding Rating: Moderate***

Our review of the aged rate debtor listing at 30 June 2017 and subsequent discussions with the rates officer indicated a number of debtors are required to be referred to debt collection, furthermore there are a number of deferred rates and outstanding services debtors required to be followed up.

We note the above recommendation was also raised in our 30 June 2016 management letter.

**Implication**

Risk that rate debtors recorded are not recovered on a timely basis.

**Recommendation**

We recommend a review of the rate debtor listing be completed to identify debtors required to be either referred to an external debt collection agency or be followed up internally.

**Management Comment**

Recommendation Supported – management are aware that work needs to be done in the rating area, particularly in regard to pensioners and other outstanding debtors. Whilst debt recovery was undertaken during the year a full review of outstanding debtors is required.

The efficiency of Council’s Rating Function has been impacted upon by the fact that for the last 12 months the Shire’s permanent Rates Officer has been on a secondment to the Shire’s Residential Aged Care Facility requiring a relief officer to fill the position. The relief officer did not have the benefit of a support officer to assist with various rating tasks and was therefore unable to place the attention desired on rates recovery and pensioner issues.

**2. RELATED PARTY DISCLOSURE REQUIREMENTS**

***Finding Rating: Moderate***

Disclosure of related party transactions with key management personnel (which includes Councillors) was required for the first time for the year ending 30 June 2017 by the Shire of Donnybrook-Balingup as per accounting standard AASB124. We understand related party disclosure forms were provided to all Councillors for completion, however only one form was returned at the date of our November audit visit.

Discussions with management also indicate related party disclosure forms were not distributed to key management personnel (staff).

**Implication**

Risk of non-compliance with AASB124 and risk that disclosures within the financial statements are incomplete.

**Recommendation**

We recommend related party disclosure forms be obtained from all Councillors and key management personnel.

**Management Comment**

Recommendation Supported. Related Party Disclosure Forms will in future be sent to all Key Management Personnel and greater emphasis will be placed on the return of these forms to ensure adequate and full disclosure within the Annual Financial Report.

**3. INTERIM AUDIT RECOMMENDATIONS**

***Finding Rating: Moderate***

We would like to acknowledge interim recommendations brought to management’s attention have been implemented with exception of the following:

* Whilst we note credit card statements are received by the accounts payable officer and matched to the related invoices and receipts, we understand credit card statements are not signed by the cardholder or subject to independent review and sign off by a second senior employee;
* We note there is not a termination checklist completed for employees when they resign or are terminated; and
* We note due to time constraints that not all recommendations raised by us in our financial management systems review completed on 15 July 2016 have been implemented to date.

**Implication**

* Increased risk of fraud or error in respect of credit card transactions;
* Risk that tasks required to be undertaken following an employee’s departure are not completed on a timely basis; and
* Risk prior year recommendations are not implemented.

**Recommendation**

We recommend:

* Credit card statements are signed by the credit card holder and a second employee to evidence independent review;
* A termination checklist be developed which is required to be completed and signed off. Items which may be relevant to include on the checklist include: return of laptop, return of gate and office keys, removal of IT access, redirection of team member emails, alarm codes deactivated and payroll data base to be updated; and
* All financial management systems review recommendations be implemented and regular updates regarding the status of these recommendations be provided to the audit committee.

**Management Comment**

Recommendations Supported. All recommendations will be implemented as soon as practicable.

**4. NET CURRENT ASSET POSITION**

***Finding Rating: Minor***

We note the surplus carried forward per the 30 June 2017 financial statements is $2,060,451 whilst the surplus carried forward in the 30 June 2017 budget is $2,130,534.

**Implication**

Incorrect net current asset position included within 30 June 2018 budget.

**Recommendation**

We recommend a budget revision is completed in 2017/2018 to reflect the adjusted net current asset position balance.

**Management Comment**

The surplus carried forward in the 30 June 2017 budget is based upon management’s best estimate at the time of adopting the annual budget.

In accordance with your recommendation the variance between the actual result and the projected result for 2016/17 will be addressed during the mid-year budget review. This is normal practice in situations where the annual budget is adopted prior to the annual accounts being completed.

**5. AUDIT COMMITTEE MEETINGS**

***Finding Rating: Minor***

We note an audit committee meeting has not been held since 15 February 2017.

**Implication**

Risk of non-compliance with Department Operational Guideline number 9 “Audit in Local Government”.

**Recommendation**

Department Operational Guideline number 9 includes various best practice recommendations relating to Local Government audit committees and also includes the recommendation that audit committee meetings be held on at least a quarterly basis.

**Management Comment**

Recommendation Noted and Supported. The Audit Committee is chartered to meet at least 4 times per year however the Committee has not met since February 2017.

Council is about to review the membership of its Audit Committee with the view to bringing on some external expertise. It is envisaged the new Committee structure will provide renewed focus on matters dealt with by this Committee.

**CONSULTATION**

Internal consultation was undertaken with shire staff.

**FINANCIAL IMPLICATIONS**

As per the findings of the Auditor’s Management Report.

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

Statutory

Section 10 (4) of the *Local Government (Audit) Regulations 1996* state:

*“Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor’s report and to forward a copy of the management report to the persons specified in section 7.9 (1) with the auditor’s report”.*

Section 7.9 (1) identifies the relevant persons as:

1. the mayor or president;
2. the CEO of the local government; and
3. the Minister.

**Council Decision**

**(Committee’s Recommended Resolution)**

**1. That the Auditor’s Management Report for the year ended 30 June 2017 be received by Council and the recommendations of the auditor be noted;**

**2. That the Chief Executive Officer prepare a report to the Minister for Local Government and Regional Development outlining the outcomes of the 2016/2017 year audit, in accordance with the requirements of section 7.12 (4) of the *Local Government Act 1995.***

**Carried by En Bloc Resolution 2**

## 11.1.3 2016/17 AUDIT REPORT

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Administration |
| **File Reference** | FNC 02 |
| **Author** | Ben Rose – Chief Executive Officer *(Greg Harris, Manager Finance & Administration)* |
| **Attachments** | 11.1.3 - Independent Auditor’s Report (prepared by AMD Chartered Accountants) |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Its recommended Council receive the 2016/17 Audit Report |

**STRATEGIC ALIGNMENT**

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

|  |
| --- |
| OUTCOME 4.2 A respected, professional and trusted organisation |
| **Strategy** | **Action No.** | **Actions** |
| Effective and efficient operations and service provision | 4.2.1.1 | Maintain effective and efficient policies, planning, operating procedures and practices |
|  | 4.2.1.2 | Seek a high level of legislative compliance and effective internal controls |
|  | 4.2.1.3 | Monitor and measure organisational performance |
|  | 4.2.1.4 | Demonstrate sound financial planning and management, including revenue/ expenditure review and revenue diversification strategies and long term financial planning |

**BACKGROUND**

Council’s Auditors, AMD Chartered Accountants, have completed their audit for the 2016/17 Financial Year and have issued their Audit Report.

A full copy of the Audit Report has been provided with this agenda.

**DETAILS**

The report provides the following “Opinion” and note in regard to “Statutory Compliance”:

**AMD Opinion**

“In our opinion, the accompanying financial report of the Shire of Donnybrook-Balingup:

1. gives a true and fair view, in all material respects, of the financial position of the Shire of Donnybrook Balingup as at 30 June 2017, and of its financial performance and its cash flows for the year then ended;
2. complies with Australian Accounting Standards; and
3. is prepared in accordance with the requirements of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* (as amended).

**Statutory Compliance**

In accordance with the *Local Government (Audit) Regulations 1996*, we also report that:

1. There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire of Donnybrook Balingup.
2. There are no other matters indicating non-compliance with Part 6 of the *Local Government Act 1995* (as amended), the *Local Government (Financial Management) Regulations 1996* (as amended) or applicable financial controls of any other written law were noted during the course of our audit with exception of the following:
* The annual financial report for the year ended 30 June 2016 was not submitted to the Department of Local Government, Sport and Cultural Industries within 30 days of receipt as required by regulation 51 (2) of the Local Government (Financial Management) Regulations 1996; and
* The annual compliance audit return for the year ended 31 December 2016 was not submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2017 as required by Regulations 19 of the Local Government (Audit) Regulations 1996.
1. The asset consumption ratio and asset renewal funding ratios included in the annual financial report are supported by verifiable information and reasonable assumptions.
2. All necessary information and explanations were obtained by us.
3. All audit procedures were satisfactorily completed during our audit.

**CONSULTATION**

Internal consultation was undertaken with shire staff.

**FINANCIAL IMPLICATIONS**

N/A

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

Statutory

Section 7.2 of the *Local Government Act 1995* states:

*“The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.”*

Section 7.12A (3) of the *Local Government Act 1995* states:

*“A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to –*

1. *determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
2. *ensure that appropriate action is taken in respect of those matters.*

**Council Decision**

**(Committee’s Recommended Resolution)**

**That the Audit Report for the Financial Year ending 30 June 2017 be received by Council.**

**Carried by En Bloc Resolution 2**

## 11.1.4 ORGANISATIONAL RISK MANAGEMENT - ACTION PLAN

|  |  |
| --- | --- |
| **Location** | Shire of Donnybrook Balingup |
| **Applicant** | Administration |
| **File Reference** | ADM 24 |
| **Author** | Ben Rose, CEO (Jeff Somes, Principal Environmental Health Officer and Greg Harris, Manager Finance and Administration) |
| **Attachments** | 11.1.4 -Organisational Risk Management Action Plan |
| **Voting Requirements** | Simple Majority |
| **Executive Summary** | Its recommended Council receive the updated Organisational Risk Management Action Plan |

**STRATEGIC ALIGNMENT**

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

|  |
| --- |
| OUTCOME 4.2 A respected, professional and trusted organisation |
| **Strategy** | **Action No.** | **Actions** |
| Effective and efficient operations and service provision | 4.2.1.1 | Maintain effective and efficient policies, planning, operating procedures and practices |
|  | 4.2.1.2 | Seek a high level of legislative compliance and effective internal controls |
|  | 4.2.1.3 | Monitor and measure organisational performance |
|  | 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 an Audit Committee meeting held on 15th February 2017 Council received a report on the appropriateness and effectiveness of the Shire of Donnybrook Balingup’s systems and procedures in relation to risk management, internal controls and legislative compliance. This report was based upon a review undertaken by AMD Chartered Accountants at the direction of the CEO. At this meeting Council resolved as follows:

“1. That Council receive the report on the appropriateness and effectiveness of the Shire of Donnybrook Balingup’s systems and procedures in relation to risk management, internal controls and legislative compliance.

1. That Council endorse the proposed actions to be undertaken by the Chief Executive Officer as outlined in the “Management comment” section of the report.”

Following on from this meeting Shire staff have developed an updated Risk Management Action Plan for the period July 2016 to December 2018.

The Plan outlines the following information:

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

One of the recommendations was to include a standing agenda item to the Audit Committee for risk reports to be tabled.

To assist with monitoring progress towards the implementation of the various recommendations provided by AMD Chartered Accountants, an Action Plan was developed by Council staff.

The purpose of this Action Plan is to detail the specific tasks and timelines for the recommendations to be addressed, whether in part or in full as considered by the Shire based on the level of risk and available resources. The Action Plan forms part of the Shire’s Risk Management Framework and as a result will enable the Shire to continue its progression in this key area and provide a point of reference for the next required review.

**DETAILS**

Audit Committee members are asked to review and note the updated Risk Management Action Plan.

For future Audit Committee Meetings it is also intended to include other Action Plans which have risk implications for the Shire. For example there are a number of recommendations which must be actioned from the most recent Financial Management Systems Review conducted in May / June 2016 together with other recommendations identified in interim and annual audits of the financial records of the Shire.

Aggregation of all of these Actions Plans will allow the Audit Committee and Management to better focus and monitor improvements in each area. It will also assist in identifying the resources required, whether internal or external, to address or rectify the various matters identified.

**CONSULTATION**

Internal consultation was undertaken with shire staff.

**FINANCIAL IMPLICATIONS**

N/A

**POLICY COMPLIANCE**

N/A

**STATUTORY COMPLIANCE**

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

“17*. CEO to review certain systems and procedures*

 *(1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*

 *(a) risk management; and*

 *(b) internal control; and*

 *(c) legislative compliance.”*

**Council Decision**

**(Committee’s Recommended Resolution)**

**That Council receive and note the updated Organisational Risk Management Action Plan for the period from July 2016 to December 2018**

**Carried by En Bloc Decision 2**

**Council Decision**

**(Committee’s Recommended Resolution)**

**That the Finance Team be commended for their efforts with the preparation and outcomes from the 2016/17 Annual Financial Report and Audit.**

**Carried by En Bloc Resolution 2**

**Council Decision**

**(Committee’s Recommended Resolution)**

**That the Chief Executive Officer review the Terms of Reference and Committee Structure of the Audit Committee to combine Audit and Risk Management responsibilities.  The Committee structure to consist of no more than 4 elected members, one of which is to be the Chairperson, and one external person with appropriate qualifications, skills and experience.**

**Carried by En Bloc Resolution 2**

**Council Decision**

**Committee’s Recommended Resolution**

**That the CEO arrange for the Risk Management Action Plan incorporate a “Traffic Light” colour coding reporting methodology to visually display achievement against each action item.**

**Carried by En Bloc Resolution 2**

**Council Decision**

**Moved: Cr Tan Seconded: Cr Atherton**

**That the Meeting be closed to the public under the *Local Government Act 1995 (the Act)* for item 12.1.1 – Confidential – Community Citizen of the Year Awards under S5.23 (2) *(b)* the personal affairs of any person.**

**Carried 7/0**

\*\* 6.35pm – Lucille Piesse, Rod Atherton and Bernie Dawson left the meeting.

# 12 MEETING CLOSED TO PUBLIC

## 12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

## 12.1.1 CONFIDENTIAL – COMMUNITY CITIZEN OF THE YEAR AWARDS

|  |  |
| --- | --- |
| **Location**  | Shire of Donnybrook Balingup  |
| **Applicant**  | Shire of Donnybrook Balingup |
| **File Reference**  | CNL02/A  |
| **Author**  | Ben Rose, Chief Executive Officer (*Deb Vanallen – Community Development – Team Leader)*  |
| **Attachments**  | Summary of previous recipients (previously Premier’s Australia Day Citizenship) |
| **Voting Requirements**  | Simple Majority  |
| **Executive Summary**  | Recommendation to Council for the category winners for the 2018 Community Citizen of the Year Award.  |

\*\* 6.39pm – Manager Development and Environmental Services and Principal Planner left the meeting.

**Council Decision**

**Moved: Cr Tan Seconded: Cr King**

**That:**

* + 1. **In accordance with Section 5.23 (2) and Admin Regulations 4A the agenda item 12.1.1 remains confidential as sensitive information is detailed in the report.**
		2. **When the information in the report is not sensitive the item will be included in the next occurring council agenda**

**Carried 7/0**

**Council Decision**

**Moved: Cr King Seconded: Cr Lindemann**

**That the meeting be reopened to the public.**

**Carried 7/0**

## 12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

# 13 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on 20 December 2017, commencing at 5.00pm in the Yabberup Hall, Donnybrook-Boyup Brook Road, Yabberup.

The Shire President declared the meeting closed at 6.40pm.

|  |
| --- |
| **These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 20 December 2017.** |
|  |  |  |
| **Shire President** | **Presiding Member** |