



## Notice of Ordinary Council Meeting

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TO:

**ALL COUNCILLORS**

To be held on

22 November 2017

Commencing at 5.00pm

In the Seniors Room, Donnybrook Community Library  
Collins Street, Donnybrook

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

**Ben Rose**  
Chief Executive Officer

17 November 2017

### **Disclaimer**

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

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## NOTICE OF ORDINARY MEETING

22 November 2017

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# SHIRE OF DONNYBROOK BALINGUP

## NOTICE OF ORDINARY MEETING OF COUNCIL

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To be held at the Seniors Room, Donnybrook Community Library  
on Wednesday, 22 November 2017 at 5.00pm

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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### 2 ATTENDANCE

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#### MEMBERS PRESENT

##### COUNCILLORS

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

##### STAFF

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

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#### PUBLIC GALLERY

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##### 2.1 APOLOGIES

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Cr Wringe

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##### 2.2 APPROVED LEAVE OF ABSENCE

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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.

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### 3 ANNOUNCEMENTS FROM THE 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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## 5 PUBLIC QUESTION TIME

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### 5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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*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.

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**5.2 PUBLIC QUESTION TIME**

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**6 PRESENTATIONS**

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**6.1 PETITIONS**

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**6.2 PRESENTATIONS**

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**6.3 DEPUTATIONS**

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Glenn Ossy-Orley has requested to provide Council a deputation on Industrial Hemp.

Fiona Richardson from Promote Preston has requested to provide a deputation on Promote Preston's Strategic Plan.

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**6.4 DELEGATES' REPORTS**

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**7 CONFIRMATION OF MINUTES**

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**7.1 ORDINARY MEETING OF COUNCIL**

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**RECOMMENDATION**

That the Minutes from the Ordinary Meeting of Council held on 25 October 2017 be confirmed as a true and accurate record.

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**7.4 COMMITTEE MINUTES**

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Nil

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**8 REPORTS OF COMMITTEES**

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Nil



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## 9 REPORTS OF OFFICERS

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### 9.1 MANAGER FINANCE AND ADMINISTRATION

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#### 9.1.1 ACCOUNTS FOR PAYMENT

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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.

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#### 9.1.2 MONTHLY FINANCIAL PAYMENT

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### RECOMMENDATION

That the monthly report for the period ended 30 September 2017 be received.

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### 9.2 MANAGER WORKS AND SERVICES

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#### 9.2.1 PROPOSED SPEED ZONING – HURST AND GEMMEL ROAD

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Main Roads WA
<b>File Reference</b>	RD 0020, RD 0086
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	9.2.1(1) – Map of Hurst Road and Gemmel Road 9.2.1(2) – Hurst Road Safe Curve Speed Assessment
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Council recommended to endorse the installation of 80km/hr speed zoning on Hurst and Gemmell Roads: <ul style="list-style-type: none"> <li>• MRWA have assessed the road/s and recommended a posted speed limit of 80 km/hr</li> <li>• Shire Executive concur with MRWA's assessment</li> </ul>

### 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.

## **RECOMMENDATION**

**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.**



### 9.2.2 STREET NAMING – MARWICK ROAD

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	WRK 12/2 RD0084
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	9.2.2 – Map Reference 2130 4 NW
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>Council recommended to endorse portion of Marwick Road (Mumballup) be renamed to Hearle Road:</p> <ul style="list-style-type: none"> <li>• Marwick Road is physically divided by bushland which has reportedly created navigational uncertainty.</li> <li>• Renaming portion of Marwick Road will reduce the navigational uncertainty.</li> </ul>

#### 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**

**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.**

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### **9.3 *MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES***

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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**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	ADM 11/3
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.1(1) – Amended Town Planning Policy 9.4 – Outbuilding Control 9.4.1(2) – Amended Town Planning Policy 9.17 – Industrial and Commercial Development Control 9.4.1(3) – Schedule of Submissions
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Council is recommended to adopt the policy revisions. <ul style="list-style-type: none"> <li>• The proposed policy amendments seek to improve clarity in regards to application of the policies.</li> <li>• The review of Policy 9.4 addresses details of outbuilding control in the Rural Residential zone.</li> </ul>

#### **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 180m<sup>2</sup> and 3.5m wall height to 220m<sup>2</sup> 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**

**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.**



## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 SHIRE SERVICES CLOSURE DATES DURING THE CHRISTMAS PERIOD

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Administration
<b>File Reference</b>	CNL 16
<b>Author</b>	Ben Rose – Chief Executive Officer (Kate O'Keeffe – Executive Assistant)
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	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.

#### **RECOMMENDATION**

**That Council:**

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

<b>Location</b>	<b>Closure Dates</b>
<b>Shire Administration Building</b>	From close of business on Friday, 22 December 2017, re-opening on Tuesday, 2 January 2018.
<b>Donnybrook Community Library</b>	From close of business on Friday, 22 December 2017, re-opening on Tuesday, 2 January 2018.
<b>Balingup Library</b>	From 12.00pm on Saturday, 23 December 2017, re-opening on Tuesday, 2 January 2018.
<b>Donnybrook Recreation Centre</b>	From close of business on Saturday, 23 December 2017, reopening 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.



## 9.5.2 COUNCIL MEETINGS 2018 CALENDAR YEAR

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Administration
<b>File Reference</b>	CNL 16
<b>Author</b>	Ben Rose – Chief Executive Officer (Kate O’Keeffe – Executive Assistant)
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>Council recommended to adopt a program of monthly Ordinary Meetings for 2018:</p> <ul style="list-style-type: none"> <li>• Ordinary Council Meetings are required to be not more than three months apart.</li> <li>• Continuation of the traditional monthly meeting cycle is recommended, with two ‘out of town’ meetings proposed.</li> </ul>

### 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**

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

<b>Day</b>	<b>Date</b>	<b>Location</b>
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



### 9.5.3 GOVERNANCE REVIEW PROGRAM – ROUND TWO

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CNL 16
<b>Author</b>	Ben Rose – Chief Executive Officer (Kate O’Keeffe – Executive Assistant)
<b>Attachments</b>	9.5.3 – Summary of the Governance Review Program
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>Recommend Council to accept the cost-free offer of Round Two of the Governance Review Program:</p> <ul style="list-style-type: none"> <li>• Round One of the Governance Review Program was delivered to the Council in June 2017 (as a confidential report).</li> <li>• The Department of Local Government, Sport and Cultural Industries has offered for the Shire to participate (cost free) in Round Two.</li> </ul>

#### 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.**



#### 9.5.4 WASTE AMENDMENT LOCAL LAW 2018

<b>Location</b>	Shire of Donnybrook-Balingup
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	CNL 25
<b>Author</b>	Ben Rose, CEO ( <i>Lucy Bourne – Governance Officer</i> )
<b>Attachments</b>	9.5.4 - Draft Waste Amendment Local Law
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• In April 2017, Council resolved to make the Shire of Donnybrook-Balingup Waste Local Law.</li> <li>• 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).</li> <li>• A draft amendment local law is attached.</li> <li>• The amendment local law must be adopted by March 2018.</li> <li>• The first step (and the recommendation for this item) is to advertise the proposed amendment local law.</li> </ul>

#### 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*

#### **RECOMMENDATION**

**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.



### 9.5.5 ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2018

<b>Location</b>	Shire of Donnybrook-Balingup
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	CNL 25
<b>Author</b>	Ben Rose, CEO ( <i>Lucy Bourne – Governance Officer</i> )
<b>Attachments</b>	9.5.5 - Draft amendment Animals, Environment and Nuisance Local Law
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• In April 2017, Council resolved to make the Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law.</li> <li>• The Joint Standing Committee on Delegated Legislation asked Council to delete clause 3.10(b) and amend clause 2.2(b).</li> <li>• The amendment local law must be adopted by March 2018.</li> <li>• The first step (and the recommendation for this item) is to advertise the proposed amendment local law.</li> </ul>

#### 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*

#### **RECOMMENDATION**

**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.**



### 9.5.6 2016/17 ANNUAL REPORT

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 10/4
<b>Author</b>	Ben Rose - CEO ( <i>Lucy Bourne – Governance Officer</i> )
<b>Attachments</b>	9.5.6 – Draft 2016/17 Annual Report (to be emailed)
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>Recommend the 2016/17 Annual Report be adopted by Council.</p> <ul style="list-style-type: none"> <li>Preparation of the Annual Report is a statutory obligation under the Local Government Act.</li> </ul>

#### 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 2016, 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**

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

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

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Nil

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

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Nil

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## **12 MEETING CLOSED TO PUBLIC**

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

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#### **12.1.1 CONFIDENTIAL – COMMUNITY CITIZEN OF THE YEAR AWARDS**

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



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

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Nil

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**13 CLOSURE**

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The Shire President advises that the next Ordinary Council Meeting will be held on 20 December 2017, commencing at 5.00pm in the Seniors' Room, Donnybrook Community Library.

Shire President declared the meeting closed at \_\_\_\_\_.