



## NOTICE OF ORDINARY MEETING OF COUNCIL

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To be held on

**24 October 2018**

Commencing at 5.00pm

Balingup Recreation Centre, South Western Highway, Balingup.

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

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

**19 October 2018**

### **Disclaimer**

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

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## NOTICE OF ORDINARY MEETING OF COUNCIL

24 OCTOBER 2018

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**SHIRE OF DONNYBROOK BALINGUP**  
**NOTICE OF ORDINARY MEETING OF COUNCIL**

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**To be held at the Council Chambers**  
**Wednesday, 24 October 2018 at 5.00pm**

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

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**Shire President – Acknowledgment of Country**

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

The Shire Present to declare the meeting open and welcome the public gallery

**Shire President – Public Notification of Recording of Meetings**

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

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

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**2 ATTENDANCE**

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**MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Piesse (President)	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
Cr Van Der Heide	
Cr Wringe	

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**PUBLIC GALLERY**

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**2.1 APOLOGIES**

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**2.2 APPROVED LEAVE OF ABSENCE**

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**2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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**3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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**3.1 PRESIDENTS COMMUNICATION**

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A summary of the Shire President's communication will be provided at the meeting.

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**4 DECLARATION OF 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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Nil

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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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Nil

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**6.2 PRESENTATIONS**

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Nil

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**6.3 DEPUTATIONS**

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Nil

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**6.4 DELEGATES REPORTS**

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Nil



## 9.2 MANAGER WORKS AND SERVICES

Nil

## 9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES

### 9.3.1 REVISED 2018/19 SCHEDULE OF FEES AND CHARGES – WASTE MANAGEMENT

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	HLT 08/1
<b>Author</b>	Leigh Guthridge – Manager Development and Environmental Services (Jeff Somes - Principal Environmental Health Officer)
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Under Section 6.16 (3) of the <i>Local Government Act 1995</i> an absolute majority decision is required for this item.
<b>Executive Summary</b>	The report requests that Council adopt and incorporate a new fee into the Shire's fees and charges to enable persons to purchase a Waste Management Facilities Pass.

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
2.4 - Efficient and effective waste management	2.4.1 Undertake efficient waste management services	2.4.1.2 Provide efficient waste management services

### BACKGROUND

Council at its May 2017 meeting resolved in part the following:

*'Council endorse the recommendations of the ASK Waste Management - Economic Review Waste Facility Future Options report dated March 2017 (Economic Review); and*

*From 1 July 2018:*

*Amend the tip pass system for eligible residents to 52 x 240L tokens and four (4) bulk waste passes (6 x 4 trailer or the equivalent) for residents with no kerbside collection service and four (4) bulk waste passes for those with a kerbside collection service. '*

### DETAILS

The new Waste Management Facilities Pass (tip pass) system has now been implemented. Tip passes have been distributed to all eligible land owners. Several enquiries are being received by staff where persons want to acquire additional tip passes in the following scenarios:

- A rural land owner who has multiple dwellings on the property;
- Occupiers of residential properties where the owner has not 'passed on' the tip pass to the tenant; and
- Persons residing on land that is zoned commercial/light industrial. Tip passes were not distributed to land owners of property with this zoning given that these zonings do not typically have dwellings located on this land.

Notwithstanding the above persons who don't have a tip pass and wish to dispose of domestic waste at either of the Shire's waste management facilities can do this by paying for their waste disposal at the gate. It is appropriate however that the Shire provide the option to residents to purchase additional tip passes from the Shire in accordance with a fee set in its schedule of fees and charges upholding the philosophy of 'placing a value' on the tip pass in line with the recommendations of the Economic Review.

It is proposed that a rate of \$5.50 per 0.25m<sup>3</sup> coupon or \$80.00 for a complete Waste Management Facility Pass (16 coupons) is adopted. This rate correlates with the existing cost of disposing a 6 × 4 trailer (or 4 × 240L bins) at \$22.00 in accordance with the Shire's fees and charges.

## **CONSULTATION**

The Shire is required to advertise its intention to impose a new fee including the date that the fee will take affect (outside the budget process) in accordance with the *Local Government Act 1995*. Advertising will be placed in the Preston Press, on the Shire Website and Shire Notice Boards.

## **FINANCIAL IMPLICATIONS**

The cost to advertise in the Preston Press is approximately \$50.00 and is provided for within the 2018/19 budget. If a new fee is introduced to enable residents to purchase tip passes, additional income will be received.

## **POLICY COMPLIANCE**

Nil

## **STATUTORY COMPLIANCE**

Section 6.16 (3) of the *Local Government Act 1995* states:

(3) Fees and charges are to be imposed when adopting the annual budget but may be:

- (a) imposed \* during a financial year; and
- (b) amended \* from time to time during a financial year.

\* Absolute majority required.

And;

Section 6.19 of the *Local Government Act 1995* states:



If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) it's intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

## **CONCLUSION**

It is recommended that Council adopt a new fee for the purchase of the Waste Management Facility Pass at a rate of \$5.50 per 0.25m<sup>3</sup>, commencing 1 November 2018.

## **EXECUTIVE RECOMMENDATION**

**Moved: Cr**

**Seconded: Cr**

**That Council:**

- 1) **Adopt the following fee, effective from the 10<sup>th</sup> of November 2018, to incorporate into the Shire of Donnybrook Balingup 2018/19 Schedule of Fees and Charges:**
  - **Purchase of Waste Management Facilities Pass - \$5.50 per 0.25m<sup>3</sup> (or pro rata equivalent)**
- 2) **Instruct the Chief Executive Officer to advertise the intention to adopt the fee in the November 2018 addition of the Preston Press.**

## **ABSOLUTE MAJORITY DECISION REQUIRED**

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### **9.4 PRINCIPAL PLANNER**

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#### **9.4.1 REQUEST TO AMEND THE STRUCTURE PLAN FOR LOT 108 KELLY ROAD, DONNYBROOK**

<b>Location</b>	Lot 9500 Kelly Road, Donnybrook
<b>Applicant</b>	LB Planning
<b>File Reference</b>	A4948
<b>Author</b>	Bob Wallin - Principal Planner
<b>Attachments</b>	9.4.1(1) – Approved Structure Plan 9.4.1(2) – Super Lot Subdivision – Location Plan 9.4.1(3) – Proposed Amendment 2 to Structure Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Approval to advertise is recommended: <ul style="list-style-type: none"><li>• The proposal is to increase the density of a number of residential cells and create an internal local road.</li><li>• The changes will result in a net lot yield increase of 9 lots (15 to 24).</li><li>• The proposal requires Council consent to advertise</li></ul>

## STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
1.1 A diverse, prosperous economy, supporting local business and population growth	1.1.1 Promote, maintain and diversify investment in the district	1.1.1.4 Actively partner in regional Growth Planning partnerships and projects.

## BACKGROUND

A proposal has been received to amend the structure plan for Kelly Road, Donnybrook Structure Plan (Structure Plan). The Structure Plan was originally approved as part of amendment 94 to Town Planning Scheme No.4 - gazetted in July 2013 (Attachment 9.4.1(1)).

Lot 9500 Kelly Road, Donnybrook forms part of the Structure Plan area and was created as part of a super lot subdivision (Attachment 9.4.1(2)). A super lot subdivision, divided up the original structure plan area into 5 lots with boundaries generally reflecting road alignments of the structure plan.

This amendment seeks to amend the plan by:

- a) Increasing the density codes resulting in an increase in lot yield from 15 to 24;
- b) Amending the Public Open Space boundary resulting in a minor increase in area;
- c) Introducing a local road providing an interface with the POS (Attachment 9.4.1(3)).

Shire staff do not have the delegation to consider structure plans. The proposal is now presented to Council for a decision to advertise.

The processes for assessing structure plans is detailed in the *Planning and Development (Local Planning Schemes) Regulations 2015* (deemed provisions). Clause 29 of Schedule 2 details the requirements for an amendment. There is an option to decide not to advertise the amendment if it is considered a minor amendment. In this instance, the amendment cannot be considered to be minor in nature as it:

- a) Increases the lot yield; and
- b) Introduces a new local road.

In summary, the process for amending structure plans includes the following steps:

- 1) Council to consider the structure plan amendment for advertising (current task);
- 2) Council to consider submissions (if any) and recommend that the Western Australian Planning Commission (WAPC) either:
  - a. Proceed with or without modifications;
  - b. Not proceed; and
- 3) WAPC to make a decision

## **DETAILS**

The changes to the Structure Plan are specifically focused on land to the west of Kelly Road.

The changes do not result in any change to the overall functioning of the road network, drainage function or servicing infrastructure requirements.

The amendment is supported by a Bushfire Management Plan and an Engineering and Servicing Report. Both of these documents show that the design and layout can be practically achieved.

## **CONSULTATION**

Consultation will be required to be undertaken in accordance with the deemed provisions. This will include an advert in a local paper, letter drop to nearby landowners and referral to relevant government agencies.

## **FINANCIAL IMPLICATIONS**

Nil. All expenses incurred for the processing and advertising is covered by the assessment fee.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

The *Planning and Development (Local Planning Schemes) Regulations 2015* sets out the processes for assessing and advertising structure plans.

## **CONCLUSION**

The proposed amendment to the Structure Plan is reasonable. It is recommended that the proposal be advertised.

## **EXECUTIVE RECOMMENDATION**

**Moved: Cr**

**Seconded: Cr**

**That Council:**

- 1) Initiate advertising of amendment 2 to Lot 108 Kelly Road Donnybrook Structure Plan following the receipt of an assessment fee of \$2,750.00;**
- 2) Provide the Western Australian Planning Commission with a copy of the amendment 2 to Lot 108 Kelly Road Donnybrook Structure Plan; and**

- 3) Instruct the Chief Executive Officer to undertake such tasks necessary to implement items 1 and 2 above.

#### 9.4.2 REQUEST FOR OMNIBUS AMENDMENT TO LOCAL PLANNING SCHEME NO.7

<b>Location</b>	Assorted
<b>Applicant</b>	N/A
<b>File Reference</b>	TP17 AMD 10
<b>Author</b>	Bob Wallin - Principal Planner
<b>Attachments</b>	9.4.2(1) – LPS7 Amendment No. 10 9.4.2(2) – Schedule of Submissions
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Final approval is recommended: <ul style="list-style-type: none"> <li>• The proposal is to amend Local Planning Scheme 7 to address assorted mapping areas and improve consistency with Local Planning Strategy objectives.</li> <li>• A Council decision is required to make a recommendation for final approval.</li> </ul>

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action
1.1 A diverse, prosperous economy, supporting local business and population growth	1.1.1 Promote, maintain and diversify investment in the district	1.1.1.4 Actively partner in regional Growth Planning partnerships and projects.

### BACKGROUND

Council at its April 2018 Ordinary Meeting resolved to prepare, initiate and advertise an amendment to Local Planning Scheme No.7. This has now been completed and a Council resolution is required to progress the amendment.

The amendment includes the following elements:

1. Delete the "Parks and Recreation" reservation zone for Lot 4 Hearle Road, Glen Mervyn and replace with "General Agriculture" zone. This is to address a mapping error. The land is under private ownership and contains a number of buildings, including a residence, and was not intended for recreational purposes.
2. Rezone Lots 613 and 614 South Western Highway, Donnybrook from "Tourist" to "Commercial" to allow these sites to have more potential for development in a manner

that better reflects the sites location. The change is consistent with the Local Planning Strategy.

3. Remove item No.1 from Schedule 12 and insert into Schedule 9 - Exempted Advertisements. This is to address an error. Item No.1 relates to transportable signage that should be located in Schedule 9. Schedule 12 relates to Development Contribution Plans.
4. Amend Schedule 6 - Additional Uses to include an additional use of "Tavern" for Lots 11 and 268 Goldfields Road, Upper Capel. This site is identified as "Tourist" in the Local Planning Strategy. The site was a former "Apple Cider Factory and tourist facility" and contains significant tourist infrastructure.
5. Modify clause 4.56.4 by:
  - a. Replacing the word "encourage" in point (i) with "require";
  - b. Replacing the word "promote" in point (ii) with "require";
  - c. Replacing with words "which are" in point (ii) located between the words "businesses" and "safe" with "to be";
  - d. Replacing the word "encourage" in point (iii) with "require".

This is to remove the vagueness from the objectives and insert a more enforceable intent within the Commercial zone.

6. Delete Clause 4.56.4.8 and replace with the following to improve the clarity of intent to preserve amenity within the Commercial zone:  
*"The primary street frontage of all non-residential buildings must have a façade that includes architectural features and proportions reflected in immediately adjoining buildings in respect to material selection, roof form, positioning, scale, bulk and massing. Notwithstanding this, the local government may support a variation in material selection and architectural features if immediately adjoining development has an industrial or outbuilding/shed style aesthetic."*

The proposed Amendment fits within the definition of a "Standard Amendment" of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The standard amendment process requires:

- Step 1) Council resolve to initiate the Amendment;
- Step 2) Council to forward the Amendment to the Environmental Protection Authority for environmental assessment prior to starting public advertising;
- Step 3) Council to publically advertise the proposal;
- Step 4) Council to consider any submissions received during the advertising period and make a recommendation to the Western Australian Planning Commission (WAPC). The options are to recommend approval, approve with modifications or refuse to proceed;
- Step 5) WAPC to consider the amendment for Final Approval;

Step 6) WAPC to make a recommendation to the Minister for Planning.

This amendment is at Step 4. The options available to Council are to:

- a) Recommend final approval;
- b) Recommend final approval subject to changes; or
- c) Not support finalising the Amendment.

## **DETAILS**

The Amendment is consistent with the broad strategic planning framework for the locality. The proposed changes to the text seek to:

- a) clarify intent for built form outcomes within the Commercial zone; and
- b) ensure requirements are contained within the correct schedules.

The proposed changes to mapping seek to:

- a) address mapping errors that have come to light when LPS7 was prepared;
- b) rezone properties in accordance with the strategic vision and intent identified in the Local Planning Strategy.

## **CONSULTATION**

Public advertising has taken place following receipt of a decision from the Environmental Protection Authority (EPA).

The EPA decided that it was not necessary to provide any environmental advice or recommendations.

A total of seven (7) submissions were received during advertising. All of these were from government agencies and no objections were raised. Attachment 2 provides a summary of submissions received and suggested responses.

## **FINANCIAL IMPLICATIONS**

Subject to receiving approval by the Minister of Planning, Lands and Heritage, it will be necessary to publish in the Government Gazette. This is estimated to cost between \$250.00 to \$400.00.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

The *Planning and Development (Local Planning Schemes) Regulations 2015* includes the following relevant sections:

- Part 5 – Amending Local Planning Scheme defines the processes and considerations for assessing and processing amendments.
- The amendment falls under the definition of a “Standard Amendment” contained in regulation 34.

## CONCLUSION

The proposal seeks to deliver a number of minor changes to the LPS7 in an efficient administrative process. It is recommended that Council recommend support for final approval.

## EXECUTIVE RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

- 1) Recommend final approval to the Western Australian Planning Commission for Amendment No.10 to Local Planning Scheme No.7;
- 2) Determine the submissions received in accordance with the Schedule of Submissions;
- 3) Forward two copies of the amendment document to the Western Australian Planning Commission for approval;
- 4) Instruct the Chief Executive Officer to undertake such tasks necessary to implement items 1 to 3 above.

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### **9.4.3 REQUEST TO COMPLETE THE ROAD DEDICATION FOR A PORTION OF “OLD MEADOW ROAD”, LOWDEN**

<b>Location</b>	Lots 823 and 3380 Old Meadow Road, Lowden
<b>Applicant</b>	Mr D Forrest
<b>File Reference</b>	A3377
<b>Author</b>	Bob Wallin -Principal Planner
<b>Attachments</b>	9.4.3(1) – Location Plan 9.4.3(2) – Shire’s Correspondence
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Approval to support the creation of a section of road reserve known as “Old Meadow Road” is recommended: <ul style="list-style-type: none"><li>• The land was proposed to be created as road reserve in 1992. However, the process was never finalised.</li><li>• Local landowners have requested that the process be finalised.</li></ul>

	<ul style="list-style-type: none"> <li>The administration costs for the process are approximately \$3,000.00</li> </ul>
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## STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action
1.1 A diverse, prosperous economy, supporting local business and population growth	1.1.1 Promote, maintain and diversify investment in the district	1.1.1.4 Actively partner in regional Growth Planning partnerships and projects.

## BACKGROUND

In 1993 the Western Australian Planning Commission (WAPC) approved a survey plan for the creation of Old Meadow Road (Attachment 9.4.3(1)). This section of road was proposed to be created through the subdivision process undertaken by the Shire on behalf of landowners. It was to address a long running dispute over a right of carriageway agreement. Attachment 9.4.3(2) provides a copy of the Shire's application.

The section of land was upgraded and constructed, and is being maintained by the Shire on an annual basis.

The item is now being presented to Council as the legal creation of the road reserve was not finalised. It is unclear why the proposal was not finalised, however, the landowner(s) have requested that the issue be resolved.

Advice received indicates the process will not require involvement of the Western Australian Planning Commission (WAPC). The WAPC is usually involved in subdivision applications or boundary changes. In this instance, a deposited plan can be drafted and lodged directly with Landgate. The total cost of undertaking this exercise (including Landgate fees) is \$2,923.00 plus GST.

## DETAILS

The section of "land" is approximately 800m in length and contains a culvert crossing. The pavement is of a gravel standard and has been maintained by the Shire with grading occurring generally on an annual basis. Tree planting has taken place very close to the road surface. Work to remove or prune the trees to prevent incursion onto the pavement or blocking sightlines will need to be undertaken in the short term. There is also evidence of drainage from an adjoining property cutting across and damaging the surface of the access.

The land is presently in private ownership and serves a limited number of "rural" properties. The need for dedicating the land as a "public road" is limited. Any benefit will be extremely localised in nature.



The issue primarily hinges on a sense of moral obligation to complete the process. The Shire started and ran this process in 1992 with the intent to resolve a local dispute.

The points to consider are:

- a) Is the current Council bound by an action undertaken in 1992 (26 years ago);
- b) What are the consequences of changing its view point;
- c) What is the cost and benefit to the community as a whole.

To assist in answering these points, the following may be considered:

- a) The Shire is not legally bound by a previous decision and can decide to amend its approach. In this case, 26 years has elapsed. During this time a better understanding and accounting of assets and associated management liabilities has evolved;
- b) The Shire was expected to finalise the process in the early 1990's. For whatever reason, this did not occur. Since this time everyone (local landowners and works crews) have been operating on the assumption that the process was finalised.
- c) The benefits of the proposal will technically only impact a few landowners. It will legally remove the burden obligation for maintenance and upkeep for their access purposes from the landowners. However, it is noted that the Shire presently maintains the land so this is not a real point unless the Shire decides to cease maintaining the land.
- d) There is an asymmetrical incentive by those involved to pursue the matter vigorously. This will have potential to take up staff time for the potential saving of \$2,923.00. This time could be used to address other more pressing or productive tasks that have potential greater benefit to the community.

## **CONSULTATION**

Directly affected landowners have requested the Shire to finalise the road dedication process. The proposal has been advertised with a mail drop in the locality. This has attracted two submissions supporting the proposed dedication.

## **FINANCIAL IMPLICATIONS**

The total cost for completing the road dedication is estimated to be \$2,923.00 and can be absorbed within the Road Asset Management 2018/19 budget.

- Drafting and processing \$2500; and
- Government (Landgate) fees \$423.

Ongoing maintenance and servicing costs for the road remain unchanged, noting that the Shire already undertakes limited maintenance of the section of access.

## **POLICY COMPLIANCE**

N/A

## STATUTORY COMPLIANCE

Division 6 of the *Planning and Development Act 2005* outlines requirements and processes to be followed in this case.

## CONCLUSION

It is recommended that the road dedication be finalised on the basis that the cost to finalise and action started by Council is minimal and will enable the issue to be resolved with limited impact on staff time and resources.

## EXECUTIVE RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

- 1) Finalise the creation of a road reserve for the section of road known as Old Meadow Road, Lowden as shown in Attachment 9.4.3(1);
- 2) Advise the adjoining landowners that the Shire's existing maintenance regime for the section of road being dedicated will remain the same;
- 3) Authorise the Chief Executive Officer to undertake tasks necessary to implement 1 and 2 above.

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### **9.4.4 REQUEST TO ERECT A SIGN AND LOCATE A BENCH AT LOT 598 SOUTH WESTERN HIGHWAY, DONNYBROOK**

<b>Location</b>	Lot 598 South Western Highway, Donnybrook
<b>Applicant</b>	Donnybrook Regional Tourism Association
<b>File Reference</b>	A3532
<b>Author</b>	Bob Wallin - Principal Planner
<b>Attachments</b>	9.4.4(1) – Location Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Approval to authorise the application is recommended: <ul style="list-style-type: none"><li>• The proposal is to erect a sign on a door to the museum and locate a bench on the platform</li><li>• The building is State Heritage Listed and is on land vested and managed by the Shire of Donnybrook-Balingup; and</li><li>• Council approval is required to authorize the application.</li></ul>

## STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action
2.1 An attractive and maintained built environment	2.1.1 Maintain, renew and improve infrastructure within allocated resources	2.1.1.4 Maintain attractive town sites within resource capacity

## BACKGROUND

A planning application has been lodged by the Donnybrook Regional Tourism Association for the erection of a sign on the door and the location of a bench.

The sign will be 600mm x 600mm in size and will be labelled “Donnybrook Railway Museum”. The bench will be secured to the wall for stability and is in memory of Mrs Marilyn Hickman to commemorate her commitment to the Donnybrook Community and Visitors Centre.

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

## DETAILS

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

## CONSULTATION

The proposal will be referred to the State Heritage Office for comment.

## FINANCIAL IMPLICATIONS

The applicant has requested the planning application fee of \$147.00 be waived. Delegation 7.16 allows the Chief Executive Officer to consider this request.

## POLICY COMPLIANCE

N/A

## STATUTORY COMPLIANCE

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

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

Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides details and requirements associated with Heritage Protection.

## CONCLUSION

The proposal is generally considered reasonable and it is requested that Council authorise the application so it can be formally assessed.

## EXECUTIVE RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council authorise the Chief Executive Officer to:

- 1) Sign the planning application form; and
- 2) Determine the planning application if no objections are raised from the Heritage Council of Western Australia.

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### 9.5 MANAGER AGED CARE SERVICES

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#### 9.5.1 TUIA LODGE QUARTERLY REPORT

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	N/A
<b>File Reference</b>	CSV 01/2
<b>Author</b>	Bob Lowther – Manger Aged Care Services
<b>Attachments</b>	9.5.1 – Tuia Lodge Quarter One Report 2018/19.
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended that the Tuia Lodge Quarterly Report for Quarter One 2018/19 be received by Council.

## STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
4.2 A respected, professional and trusted organisation	4.2.1 Effective and efficient operation and service provision	4.2.1.4 Demonstrate sound financial planning and management, including revenue / expenditure review and revenue diversification strategies and long term financial planning.

## BACKGROUND

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

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

2) *That the report for each quarter, be presented at the next Ordinary Council meeting:*

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

The above resolution has been implemented and it is recommended the reports continue to be presented to Council on a quarterly basis.

## **DETAILS**

This report covers quarter one (1) of the 2018/19 financial year.

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

## **CONSULTATION**

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

## **FINANCIAL IMPLICATIONS**

In accordance with 2018/19 Budget allocations.

## **POLICY COMPLIANCE**

Nil

## **STATUTORY COMPLIANCE**

*Aged Care Act 1997.*

## **CONCLUSION**

It is recommended that the Tuia Lodge report for the first quarter of 2018/19 be received by Council.

## **EXECUTIVE RECOMMENDATION**

**Moved: Cr**

**Seconded: Cr**

**That Council receive the Tuia Lodge Quarterly Update for July – September 2018.**

## 9.5.2 AGED CARE SERVICES REVIEW – APPOINTMENT OF PREFERRED CONSULTANT

<b>Location</b>	Aged Care Services
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CS 01/02
<b>Author</b>	Bob Lowther – Manager Aged Care Services
<b>Attachments</b>	9.5.2(1) - Assessment Matrix 9.5.2(2) – Response to RFQ: Watershed Solutions 9.5.2(3) – Response to RFQ: KPMG 9.5.2(4) – Response to RFQ: Ansell Strategic 9.5.2(5) – Response to RFQ: Beacon Strategies 9.5.2(6) – Response to RFQ: Turner and Townsend 9.5.2(7) – Response to RFQ: Fortis Consulting 9.5.2(8) – Response to RFQ: Verso
<b>Voting Requirements</b>	Absolute Majority
<b>Executive Summary</b>	At the March 2018 Ordinary Council Meeting, Council instructed the Chief Executive Officer to establish an Aged Care Community Reference Group specifically for the purpose of overseeing a review of Aged Care Services within the Shire. The Group was established and went about the task of setting the Terms of Reference for the review. A Request for Quote was issued to the market, closing on 24 September 2018, with seven (7) submissions received. All submissions exceeded Council's allocated budget for the review. The recommendation to Council is to increase the Aged Care Review Budget in line with the costs quoted in the proposals and to ratify the selection of Ansell Strategic as the successful contractor to perform the review.

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action
3.3 – A safe and healthy community environment for all ages	3.3.1 – Promote 'ageing in place'.	3.3.1.2 – Review aged care services administered by the Shire.

### BACKGROUND

At the March 2018 Ordinary Council Meeting, Council instructed the Chief Executive Officer to establish an Aged Care Community Reference Group (ACCRG) to assist in the due diligence review of Aged Care Services delivered by the Shire.

The objectives of the group were to:

1. Oversee the development of the terms of reference for the due diligence review.
2. Guide the selection of a suitable consultant to undertake the due diligence review.
3. Review the draft/final due diligence review report.

4. Recommend a course of action to Council, via the CEO, in relation to the recommendations of the due diligence review.

Council were informed at the same meeting that there was an allocation of \$20,000 in the 2017/18 budget for the due diligence review of the Shire's Aged Care Services Portfolio.

#### **DETAILS**

Following a call for nominations from community members, the Aged Care Community Reference Group was established by the Chief Executive Officer, consisting of the Shire President, Shire Deputy President, Cr. Tan, Mr. Ian Telfer, Dr. Leanne Abas, Ms. Judy Bishop and Ms. Jackie Massey. The Chief Executive Officer, Manager Aged Care Services and Corporate Governance Officer were also appointed on to the Group as non-voting members.

Over a number of meetings the group workshopped the terms of reference for the review, culminating in the publication of a Request for Quotation (RfQ) which went to market on 30 August 2018 and was advertised in the West Australian and on the Shire website.

The RfQ closed on 24 September 2018, with the Shire receiving seven (7) proposals within the required timeframe from suitably qualified consultant groups. Using the qualitative and quantitative criteria as stipulated in the RfQ, the Chief Executive Officer the Manager Aged Care Services conducted independent assessment of all seven proposals and presented the findings to the ACCRG on 5 October 2018.

The members of the ACCRG were then presented with a blank assessment matrix and provided the opportunity to individually assess each proposal and/or provide qualitative feedback to the Chief Executive Officer and Manager Aged Care Service. In the same time frame, the Manager Aged Care Services contacted the referees of the top three (3) proposals as scored.

The assessment matrix is attached for information.

Following this process, the results of the reviews and the feedback from the ACCRG were consolidated and a preferred supplier has been recommended.

#### **CONSULTATION**

The community has been kept abreast of this process through proactive advertisements in the Preston Press during September and October 2018. It is proposed that the successful consultant will be announced using the same media in the coming week/s.

#### **FINANCIAL IMPLICATIONS**

All seven proposals exceed the Council's 2018/19 budget allocation of \$20,000. An additional 2018/19 budget allocation of \$25,000 is sought to enable this process to proceed (i.e. total of \$45,000). The acquittal of this proposed additional expenditure will be reviewed as part of the 2018/19 mid-year budget review.

#### **POLICY COMPLIANCE**

The Shire's procurement policy has been complied with for this process.

## STATUTORY COMPLIANCE

Nil.

## CONCLUSION

A robust process for the coordination of quotes for the review of Shire Aged Care Services has been guided by the ACCRG. Seven proposals were received through a formal Request for Quote process, each with quotes in excess of the Shire's budget allocation for this work. In order to proceed on this review, adjustment to the Shire 2018/19 budget is required.

## EXECUTIVE RECOMMENDATION

1. That Council endorse the Executive and Aged Care Community Reference Group recommended appointment of Ansell Strategic for the review of the Shire's Aged Care Services, at a cost of \$37,500 (excluding GST) plus travelling costs of \$1,000 (excluding GST).
2. That Council increase the 2018/19 budget expenditure in account 133220 by \$25,000 (from \$39,568 to \$64,568) for the purpose of funding the Aged Care Services Review.

### 9.6 CHIEF EXECUTIVE OFFICER

#### 9.6.1 APPOINTMENT OF RANGER AS AN AUTHORISED PERSON FOR THE PARKING FOR PEOPLE WITH DISABILITIES REGULATIONS 2014

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	N/A
<b>File Reference</b>	RGR 02
<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>	It is recommended Council appoint the Shire Rangers as Authorised Persons to carry out the requirements under the <i>Parking for People with Disabilities Regulations 2014</i>

## STRATEGIC ALIGNMENT

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action</b>
4.2 A respected, professional and trusted organisation	4.2.1 Effective and efficient operation and service provision	4.2.1.2 Seek a high level of legislative compliance and effective internal controls



## **BACKGROUND**

Under the *Local Government Act 1995*, a local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person to carry out the requirements under the *Parking for People with Disabilities Regulations 2014*.

## **DETAILS**

Authorisation under the *Parking for People with Disabilities Regulations 2014* has not in the past been appointed to the Shire Rangers. Paul Robins, Jess Cooper and Tony Heppener (casual) are the Shire's appointed Rangers and as such need to be appointed by Council as an authorised person under the *Parking for People with Disabilities Regulations 2014*

## **CONSULTATION**

N/A

## **FINANCIAL IMPLICATIONS**

The cost to publish the appointments in the Government Gazette is estimated at \$200.00 and is provided for in the 2018/19 Budget.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

The Shire Rangers are authorised under the following Acts and Regulations:

- *Local Government Act 1995*, Part 9, Division 2
- *Local Government Act 1995*, Sections 9.13 and 9.15
- *Local Government Act 1995*, Section 3.39
- *Local Government (Miscellaneous Provisions) Act 1960*, Part XX, Section 449
- *Dog Act 1976*, Section 33E (1)
- *Cat Act 2011*, Section 48
- *Control of Vehicles (Off Road Area) Act 1978*, Section 38
- *Litter Act 1979*, Section 26
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*, Section 17
- *Caravan Parks and Camping Grounds Regulations 1997*, Regulation 6
- Shire of Donnybrook-Balingup Local Laws and Regulations

Authorisation is required for the *Parking for People with Disabilities Regulations 2014*.

## EXECUTIVE RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council:

- 1) Appoint the following Shire Rangers as authorised persons for the Shire of Donnybrook-Balingup to administer the *Parking for People with Disabilities Regulations 2014*:
  - Paul James Robins
  - Jessie Rose Cooper
  - Antony Heppener
- 2) Instruct the Chief Executive Officer to publish the appointments in the State Government Gazette.

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

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### 10.1 COUNCILLOR LINDEMANN

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#### 10.1.1 ELECTED MEMBERS REQUEST FOR THE DONNYBROOK/BALINGUP SHIRE TO JOIN THE CITIES POWER PARTNERSHIP

Location	Donnybrook Balingup Shire
Applicant	Cr Anita Lindemann
File Reference	CNL 340
Author	Cr Anita Lindemann
Attachment	10.1.1 – Cities Power Partnership Information for Councils
Voting Requirements	Simple Majority
Executive Summary	It's recommended Council join the City Powers Partnership

## STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
2.3 – A natural environment for the benefit of current and future generations	2.3.1 Efficient use of resources to minimise environmental impacts	2.3.1.1 Review the sustainability strategy
2.3 – A natural environment for the benefit of current and future generations	2.3.1 Efficient use of resources to minimise environmental impacts	2.3.1.2 Encourage community to adopt alternative energy and green options

2.4 – Efficient and effective waste management	2.4.2 Promotion of waste minimisation	2.4.2.1 Encourage recycling and organic waste recycling
1.3- An attractive visitor and tourist destination	1.3.1 Actively promote the district as an attractive destination	1.3.1.4 Support and promote local tourism events and attractions
4.1- A strategically focused, open and accountable local government	4.1.1 Provide accountable and strategic leadership	4.1.1.5 Support initiatives to nurture local civic, social and community leadership

## BACKGROUND

Wendy Trow presented a deputation at the September OCM, speaking about the benefits of our Shire joining Cities Power Partnership.

This is a free national program that brings together Australian towns and cities making the switch to clean energy. The Cities Power Partnership is Australia's largest local government climate network, made up of over 100 councils from across the country, representing almost 11 million Australians.

This project is run by the Climate Council of Australia and recognises that real changes occur on the ground at a local level. State and Federal Governments move at a slower pace. The program aims to connect local councils with shared emissions reduction project interests across the pledge areas of renewable energy, energy efficiency, sustainable transport and community advocacy.

## DETAILS

As a Cities Power Partner, we would get exclusive access to the extensive online knowledge hub, webinars and power analytics tool at no cost. This tool allows Councils to input specific projects and track carbon savings, energy savings and financial savings, and share this data to the secure library to help other councils to learn from it.

We would also be partnered with other Councils to share knowledge throughout the year and would be profiled in national and local media. Our nearby Councils, Bunbury and Busselton are City Powers Partners.

As a partner we have 6 months to choose 5 key actions from the partnership pledge ranging from renewable energy, efficiency, transport and advocacy.

We have already demonstrated several initiatives with the introduction of the pool blanket, solar street lights installed and solar rooftop panels on the administration building.

We need to identify a point of contact within council (I would suggest the Shire's Environmental Officer) to liaise with the Climate Council and work to implement our actions.

## ELECTED MEMBERS CONSULTATION

Elected members have received a presentation on the Cities Powers Partnership by Wendy Trow. This initiative is in line with our Corporate Business Plan and our Strategic Community Plan and can be incorporated into the review of our Sustainability Strategy and Environmental policies.

### **FINANCIAL IMPLICATIONS (ELECTED MEMBERS)**

There is no cost to join the Cities Power Partnership.

### **POLICY COMPLIANCE**

N/A

### **STATUTORY COMPLIANCE**

N/A

### **ELECTED MEMBERS CONCLUSION**

Joining the Climate Councils most successful localised project gives our Shire monetary savings, opportunities to be supported in grant applications, access to invaluable analytical tools and shared information, strategic partnerships, contributes to Australia's commitment to the United Nations Paris Agreement, protecting our regions farming enterprise, demonstrating leadership, engaging our community and saving them money as we control our energy costs and demonstrates long term thinking to preserve our natural environment so we can remain the destination for tourism in the South West.

Joining the City Powers Partnership renews our commitment to a sustainable, healthy and harmonious community. Working together on climate solutions is our contribution to the future, for the next generation.

### **EXECUTIVE CONCLUSION**

The Shire currently undertakes many of the actions required to become a member of the City Powers Partnership. Joining the partnership would result in very minimal additional work to the Shire's existing resources and would provide access to a range of external resources for free.

### **ELECTED MEMBERS RECOMMENDATION**

**Moved: Cr**

**Seconded: Cr**

**That Council endorse the Donnybrook Balingup Shire to apply to join the City Powers Partnership.**

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## EXECUTIVE RECOMMENDATION

Moved: Cr

Seconded: Cr

That Council endorse the Chief Executive Officer, on behalf of the Shire of Donnybrook Balingup to apply to join the City Powers Partnership.

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## 11 QUESTIONS FROM MEMBERS

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

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Nil

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## 13 MEETINGS CLOSED TO THE PUBLIC

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### COUNCIL DECISION

Moved: Cr

Seconded: Cr

That the Meeting be closed to the public under the *Local Government Act 1995* for items 13.1.1 RFT 01/1819 – Wet Plant Hire and 13.1.2 – RFQ 196 – Supply of Bituminous Products 2018/19 under Section 5.23 (2) (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

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

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#### 13.1.1 RFT 01/1819 – WET PLANT HIRE

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	TEN 05/16
<b>Author</b>	Damien Morgan
<b>Attachments</b>	13.1.1(1) – Appendix A - RFT 01/1819-Wet Plant Hire – Tender Assessment Matrix 13.1.1(2) – Appendix B - RFT 01/1819-Wet Plant Hire – Tender Assessment Matrix
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended Council approve the awarding of the 'Wet Hire' plant contracts: .

	<ul style="list-style-type: none"> <li>• The Plant and Machinery Hire panel of contracts recently expired</li> <li>• The panel are called on periodically to assist with the annual delivery of Works and Services Maintenance programs.</li> <li>• A thorough assessment process has been undertaken and recommendations are now presented to Council for endorsement</li> </ul>
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### **13.1.2 RFQ 196 – SUPPLY OF BITUMINOUS PRODUCTS 2018-19**

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	TEN 05/9
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	13.1.2 – Evaluation Matrix
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended Council endorse the awarding of RFQ196 – Supply of Bituminous Products to the recommended contractor.

#### **COUNCIL DECISION**

**Moved: Cr**

**Seconded: C**

**That:**

- 1) In accordance with Section 5.23 (2) and Admin Regulations 4A, agenda items 13.1.1 and 13.1.2 remain confidential as sensitive information is detailed in the reports.
- 2) When the information in the reports is not sensitive the items will be included in the next occurring council agenda.

#### **COUNCIL DECISION**

**Moved: Cr**

**Seconded: Cr**

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

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

Nil

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## **14 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 28 November 2018, commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President to declare the meeting closed at        pm.