



## **NOTICE OF SPECIAL MEETING OF COUNCIL**

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**For Council to consider: Council Policy Review**

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To be held on

**Tuesday 21 December 2021**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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**Benjamin (Ben) Rose**  
**Chief Executive Officer**

**16 December 2021**

### **Disclaimer**

**Please note the items and recommendations in this document are not final and are subject to change or withdrawal.**

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**SHIRE OF DONNYBROOK BALINGUP**  
**SPECIAL MEETING OF COUNCIL AGENDA**

To be held at the Council Chamber  
Tuesday, 21 December 2021 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 Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging.

The Shire President to declare the meeting open and welcome the public gallery.

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

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

**2 ATTENDANCE**

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**MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Leanne Wringe (President)	Ben Rose – Chief Executive Officer
Cr Lisa Glover (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Kim Dolzadelli – Director Corporate and Community
Cr Peter Gubler	Archana Arun – Admin. Officer Executive Services
Cr Phil Jones	
Cr Fred Mills	
Cr Chaz Newman	
Cr Chris Smith	

**PUBLIC GALLERY**

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**2.1 APOLOGIES**

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**2.2 APPROVED LEAVE OF ABSENCE**

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Cr Massey has an approved leave of absence for the Special Meeting of Council.

**2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Nil.

### **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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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.

### **5 PUBLIC QUESTION TIME**

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In accordance with the Clause 7(3) of the Local Government (Administration) Regulations, public questions must relate to the stated purpose/s of the Special Meeting of Council.

## 6 REPORTS OF OFFICERS

### 6.1 CHIEF EXECUTIVE OFFICER

#### 6.1.1 COUNCIL POLICY REVIEW

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	ADM 11/4
<b>Author</b>	Loren Clifford, Corporate Planning and Governance Officer
<b>Responsible Manager</b>	Maureen Keegan – Manager Executive Services
<b>Attachments</b>	6.1.1(1) – Policy review table 6.1.1(2) – Amended policies 6.1.1(3) – Policies to be rescinded 6.1.1(4) – Policies with no change 6.1.1(5) - Current policies prior to amendments 6.1.1(6) – EXE/CP-8-Policy Framework
<b>Voting Requirements</b>	Simple Majority
<b>Conflicts of Interest</b>	N/A

#### Recommendation

**That Council:**

- 1. Notes the completed major Council Policy review.**
- 2. Adopts the Council Policies as listed below:**
  - **ADM/CP-1-Records Management**
  - **ASS/CP-1-Infrastructure Asset Management**
  - **COMD/CP-5-Tourism in Donnybrook Balingup**
  - **EM/CP-2-Audio Recording of Council Meetings**
  - **EM/CP-3-Legal Representation for Elected Members and Employees**
  - **EM/CP-4-Honorary Freeman of Local Government**
  - **EM/CP-5-Elected Members Allowances and Entitlements**
  - **EM/CP-6-Caretaker**
  - **EMERG/CP-1-Fireworks at Events**
  - **EMERG/CP-2-Permits for Road Verge Burning**
  - **EXE/CP-2-Document Execution and Application of the Common Seal**
  - **EXE/CP-4-Welcome to and Acknowledgement of Country**
  - **EXE/CP-6-Organisational Risk Management**
  - **EXE/CP-7-Occupational Safety and Health**
  - **EXE/CP-9-Communications and Social Media**
  - **FIN/CP-1-COVID19 Hardship Policy**
  - **FIN/CP-2-Investments**
  - **FIN/CP-3-Debt**
  - **FIN/CP-4-Purchasing**

- **FIN/CP-5-Regional Price Preference**
- **FIN/CP-7-Credit Card**
- **FIN/CP-8-Building Insurance**
- **FIN/CP-9-Related Party Disclosure**
- **HR/CP-2-Gratuity Payments**
- **HR/CP-3-Employee Recreation Centre Subsidy**
- **WRKS/CP-1-Land Resumption Compensation**
- **WRKS/CP-2-Rural Verge Management**
- **WRKS/CP-3-Urban Verge Management**
- **WRKS/CP-4-Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network**

**3. Rescinds Council policies listed below, noting their content is of an operational nature, and instructs the CEO to classify and implement as per Councils Policy Framework.**

- **1.2 Public Interest Disclosures**
- **1.2 Smoking in Council Buildings and Vehicles**
- **2.1 Hiring of Council Hall Equipment or Other Property**
- **2.24 Community Events Board**
- **2.30 Playing Fields and Amenities - General Use**
- **2.35 Use of Pool Vehicles**
- **2.36 Close Circuit Television (CCTV)**
- **2.6 Hiring of Council Halls**
- **3.5 Rates Recovery**
- **3.9 Petty Cash**
- **4.22 Requirements for Subdivisional Land Developments**
- **4.26 Gravel Acquisition**
- **4.27 Stormwater Management Private Land**
- **4.28 Requests for Upgrades or Expansions of Council Assets**
- **4.7 Construction Crossovers**
- **5.10 Retaining Walls**
- **5.3 Footing Details**
- **5.4 Foundation Levels and Stormwater Requirements**
- **5.5 Balconies or Verandahs erected over Road Reserves**
- **5.7 Owner Builder Occupation of Town Site Land**
- **5.8 Owner Builder Occupation of Rural Land**
- **5.9 Requirement for Survey**
- **6.6 Balingup Waste Transfer Station**
- **8.6 Procedures for Hiring Contractors & Equipment for Fire Fighting**

**4. Rescinds Council policies listed below, noting their reasons as listed in Attachment 1 – Policy Review Table.**

- **1.11 Council Elected Members records**
- **1.12 Use of Shire Specific Email Addresses by Elected Members**
- **1.13 Councillor- Staff Contact**
- **1.16 Media Spokesperson**
- **1.5 Civic Receptions - Invitations List**
- **1.9 Committee Membership (Under Review)**

- **2.31 Cemeteries Flower and Ornament**
- **2.39 Leased Hall Maintenance**
- **2.40 Emergency Generator for Community Events**
- **2.41 Governance of Accommodation Bonds**
- **2.42 Integrated Workforce Planning and Management**
- **3.1 Financial Assistance to Organisations and Clubs**
- **3.1 Payment for Private Works Performed by the Shire**
- **3.2 Vandalism - Council Property**
- **3.6 Tuia Lodge Accommodation Bonds Liquidity Strategy**
- **6.18 Social Media**
- **6.5 Waste Management Levy Exemption**
- **8.2 Bush Fire Advisory Committee Meetings**

## **STRATEGIC ALIGNMENT**

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

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.2	Maintain effective and efficient policies, planning, operating procedures and practices

## **EXECUTIVE SUMMARY**

This report details the major review of Shire of Donnybrook Balingup policies and provides recommendations to adopt, amend or rescind policies to align with Council's Policy Framework (EXE/CP-8-Policy Framework - Attachment 6.1.1(6)). Council is therefore requested to review the outcomes and the recommendations contained within.

## **BACKGROUND**

At the September 2021 Ordinary Council Meeting, the policy EXE/CP-8- Policy Framework (Attachment 6.1.1(6)) was adopted and Council instructed a review of its policies in line with the adopted Policy Framework.

A review of the Shire's policies was conducted in line with Council's Policy Framework, and the outcomes of the review were presented to Council at the November 2021 Ordinary Council Meeting, Council adopted two new policies (EXE/CP-5-Attendance at Events and Functions and HR/CP-4-Temporary Employment or Appointment of CEO) and instructed the CEO to coordinate a Councillor Concept Forum to consider the remaining policies for review.

The Shire President and CEO decided to hold an open-door policy session to allow the community along with Councillors to come in and ask questions regarding its policies and the review process. The session was held in the Council Chamber from 12noon – 6pm, Tuesday 14 December 2021. Councillors and Shire staff attended, with one member of the public attending for 20 minutes.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

The major policy review aligns with EXE/CP-8- Policy Framework (Attachment 6.1.1(6)).

## **STATUTORY COMPLIANCE**

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes one of the roles of Council as being to determine the local government's policies.

Section 5.41(c) of the *Local Government Act 1995* prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented and this includes giving effect to Council's Policies.

## **CONSULTATION**

- Community Consultation by way of an open-door policy session was held in the Council Chamber, Tuesday 14 December 2021, Councillors, Shire staff and 1 member of the public attended.
- Shire staff.
- Western Australia Local Government Association (WALGA).

## **OFFICER COMMENT/CONCLUSION**

The review identified 147 policies of the Shire, as follows:

- 10 policies have been renumbered and will be further reviewed by Shire staff when possible (Attachment 6.1.1(2)); and
- 19 policies have amendments (Attachment 6.1.1(2)); the amendments are shown in Table 1 below; and
- 8 policies have recently been adopted by Council and do not require reviewing (Attachment 6.1.1(4)); and
- 18 policies are recommended for rescindment (Attachment 6.1.1(3)). The reasons are detailed in the Policy Review Table (Attachment 6.1.1(1)); and
- 24 policies to be re-classified inline with the Policy Framework; and
- 24 Local Planning Policies - due for a broader strategic review in early 2022; and
- 44 Human Resources Policies that have not been brought to council for adoption have been excluded from this review. These policies will be reviewed by the Administration inline with Council Policy Framework.

The following matters were taken into consideration through the review process:

- A comparison of the Shire's current policies with five other local governments' policies (City of Armadale, City of Busselton, Shire of Dardanup, City of Joondalup



and Shire of Manjimup), these Councils were chosen as their policies were available at the time of the review; and

- Findings and recommendations from the *Local Government (Audit) Regulations 1996*, 2018 Regulation 17 Review; and
- Legislative changes (Acts/Regulations/Local Laws) which have a bearing on a particular policy; and
- Council decisions which affect the continued validity or applicability of a policy; and
- Important technological or social changes; and
- Any other such circumstance that staff have noted from past experiences.

The recommended addition and amendments to the Shire's policies are as follows:

### **Amendments**

Amendments have not been made showing tracked changes, as the template and new policy format did not allow for this. See Attachment 6.1.1(2) to view the amended policies. Attachment 6.1.1(5) includes the current policies prior to amendment.

<b>Policy Name:</b>	<b>EM/CP-2-Audio Recording of Council Meetings</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 1.17 and added new policy ID; and</li> <li>• Added scope and definitions; and</li> <li>• Updated legislation; and</li> <li>• Added information on: <ul style="list-style-type: none"> <li>– Recording proceedings; and</li> <li>– Official record is the written minutes not the recording; and</li> <li>– Subject to FOI; and</li> <li>– Recording as per the <i>State Records Act 2000</i>; and</li> <li>– Transparency to the Purpose of the policy; and</li> <li>– Absolute privilege; and</li> <li>– Public notification of recording of meetings; and</li> <li>– Retention and access of audio recording.</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>EM/CP-3-Legal Representation for Elected Members and Employees</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 1.8 and added new policy ID; and</li> <li>• Added objective, scope, definitions and delegation; and</li> <li>• Updated legislation and legal representation costs that may be approved; and</li> <li>• Added information on to ensure the policy aligns with the LG Guidelines: <ul style="list-style-type: none"> <li>– Payment Criteria</li> <li>– Application for payment</li> <li>– Councils Powers</li> <li>– Repayment of Legal Representation costs</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>EM/CP-4-Honorary Freeman of Local Government</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 1.4 and added new policy ID; and</li> <li>• Added objective and scope; and</li> <li>• Updated legislation; and</li> </ul>

	<ul style="list-style-type: none"> <li>Added information on: <ul style="list-style-type: none"> <li>Eligibility</li> <li>Selection Criteria</li> <li>Nomination and Acceptance Procedure</li> <li>Entitlements</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>EM/CP-5-Elected Members Allowances and Entitlements</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 1.21 and added new policy ID; and</li> <li>Added scope.</li> </ul>
<b>Policy Name:</b>	<b>EM/CP-6-Caretaker</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 1.18 and added new policy ID; and</li> <li>Add a scope and definitions for ‘the Act’ and ‘CEO’; and</li> <li>Changed the word ‘staff’ to ‘shire employees’, changed ‘the caretaker Policy’ to ‘this policy’, changed ‘ The Shire’s Code of Conduct and the <i>Local Government (Rules of Conduct) Regulations 2007</i> ’ to ‘ The Code of Conduct for Council Members, Committee Members and Candidates and the <i>Local Government (Code of Conduct Regulations 2021</i> under the heading Use of Shire Resources; and</li> <li>Updated references to other clause numbers within the policy; and</li> <li>Removed section 17. Media Attention, as it’s covered in the Code of Conduct Div 4 Sec 17; and</li> <li>Removed <i>Local Government (Rules of Conduct) Regulations 2007</i>; and</li> <li>Added <i>Local Government (Model Code of Conduct) Regulations 2021</i>.</li> </ul>
<b>Policy Name:</b>	<b>EXE/CP-2-Document Execution and Application of the Common Seal</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 2.32 and added new policy ID; and</li> <li>Added scope, definitions, legislation and delegation and authorisation; and</li> <li>Added information on: <ul style="list-style-type: none"> <li>Affixing the common seal</li> <li>Witness of signature</li> <li>Deputising or signing on behalf of another person</li> <li>Authority to sign documents on behalf of the shire</li> <li>Included a table of execution of documents</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>EXE/CP-4-Welcome to and Acknowledgement of Country</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 1.15 and added new policy ID; and</li> <li>Added objective and scope; and</li> <li>Removed procedural information</li> <li>Added information on: <ul style="list-style-type: none"> <li>Reference to Noogar people</li> <li>Acknowledgement of Country updated to include event and document types</li> <li>Referenced the SWALSC and their protocols</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>EXE/CP-7-Occupational Safety and Health</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 2.44 and added new policy ID.</li> </ul>
<b>Policy Name:</b>	<b>EXE/CP-8-Communications and Social Media</b>

<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 2.49 and added new policy ID; and</li> <li>• Removed references to <i>Local Government (Rules of Conduct) Regulations 2007</i></li> <li>• Included references to the Code of Conduct for Elected Members, Committee Members and Candidates and Employee's Code of Conduct</li> <li>• Removed Council delegation 1.1 as this is no longer relevant.</li> <li>• Added Employees, contractors and consultants working for the Shire of Donnybrook Balingup to the Scope.</li> </ul>
<b>Policy Name:</b>	<b>HR/CP-3-Employee Recreation Centre Subsidy</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 6.11 and added new policy ID; and</li> <li>• Renamed; and</li> <li>• Updated objective; and</li> <li>• Added scope and definitions; and</li> <li>• Removed: <ul style="list-style-type: none"> <li>– Procedural information</li> <li>– Benefits information</li> <li>– Benefit offered to rec centre employee's family members</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>ADM/CP-1-Records Management</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 2.10 and added new policy ID; and</li> <li>• Added new scope and definitions; and</li> <li>• Added information to: <ul style="list-style-type: none"> <li>– Include the State Records Commissions Standard 2 to meet minimum requirements.</li> <li>– Merged information from 1.11 Council Elected Members records &amp; 1.12 Use of Shire Specific Email Addresses by Elected Members.</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>FIN/CP-2-Investments</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 3.4 and added new policy ID; and</li> <li>• Renamed</li> <li>• Added scope and delegation and authorisation; and</li> <li>• Removed: <ul style="list-style-type: none"> <li>– “The CEO has delegated authority to appoint an investment adviser when considered appropriate”- Day to day management no need for extra authorisation.</li> <li>– Administration information regarding authorisations as this information is built into the delegation conditions</li> <li>– Wording to “Report and Review” to “Reporting” and removed duplicated information.</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>FIN/CP-5-Regional Price Preference</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 2.21 and added new policy ID; and</li> <li>• Added new scope; and</li> <li>• Updated legislation</li> </ul>
<b>Policy Name:</b>	<b>EMERG/CP-1-Fireworks at Events</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>• Removed policy number 8.5 and added new policy ID; and</li> </ul>

	<ul style="list-style-type: none"> <li>Added scope, legislation, moved definitions and delegation and authorisation; and</li> <li>Updated departmental name</li> </ul>
<b>Policy Name:</b>	<b>EMERG/CP-2-Permits for Road Verge Burning</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 8.3 and added new policy ID; and</li> <li>Renamed; and</li> <li>Added scope and legislation; and</li> <li>Moved delegation and authorisation under the heading.</li> </ul>
<b>Policy Name:</b>	<b>WRKS/CP-1-Land Resumption Compensation</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 4.3 and added new policy ID; and</li> <li>Added objective, scope, definitions and delegation and authorisation.</li> <li>Removed: <ul style="list-style-type: none"> <li>Additional allowance</li> <li>Procedural information regarding actions staff is to take after an agreement has been finalised</li> </ul> </li> </ul>
<b>Policy Name:</b>	<b>WRKS/CP-2-Rural Verge Management</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 4.24 and added new policy ID; and</li> <li>Added objective, scope, and definitions; and</li> <li>Corrected the legislation</li> </ul>
<b>Policy Name:</b>	<b>WRKS/CP-3-Urban Verge Management</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 4.25 and added new policy ID; and</li> <li>Added strategic outcome the policy supports; and</li> <li>Added Objective, scope, and definitions; and</li> <li>Corrected the legislation</li> </ul>
<b>Policy Name:</b>	<b>FIN/CP-9-Related Party Disclosure</b>
<b>Amendment Made:</b>	<ul style="list-style-type: none"> <li>Removed policy number 1.19 and added new policy ID; and</li> <li>Added strategic outcome the policy supports; and</li> <li>Moved the scope and definitions under new headings; and</li> <li>Added numbering; and</li> <li>Updated: <ul style="list-style-type: none"> <li>References to Executive Manager to Director; and</li> <li>CI 4.1 from “as an attachment to this policy” to “will be provided by the CEO”; and</li> <li>CI 4.11 from “set out in the attachment” to “provided by the CEO”; and</li> <li>CI 4.12 from “Executive Managers” to “Senior Employees”; and</li> <li>CI 4.16 from “CEO, MFA, Accountant, an auditor... and other officers as determined by the CEO” to “CEO, DCC, an Auditor... and other staff as determined by the CEO”.</li> </ul> </li> </ul>

Table 1 – Policy Amendments

### **Rescinding Policies**

See Attachment 6.1.1(3) for copies of current policies recommended for rescinding.

### **Other Policy Matters**

The Shire's Local Planning Policies are reviewed and adopted under a separate 'head of power' than the *Local Government Act 1995* (i.e. the Planning and Development Act) and were not reviewed as part of this process due to a broader strategic review already underway with the review of the Local Planning Scheme in early 2022. 24 Local Planning Policies were identified.

In addition, it is recommended that additional policies are researched, developed and presented to Council for future consideration, as resourcing permits. The following topics are examples of future policies for consideration:

- Disposal of Assets;
- Recognition of Achievement in the Community;
- Sponsorship of the Shire's Events, Programs, Facilities and Publications;
- Bush Fire Brigade Training and Qualifications;
- Environmental Management;
- Sustainability;
- Misconduct, Fraud and Corruption;
- Traders and Stallholders Permits;
- Employer of Choice;
- Tip Pass for eligible community groups and not-for-profit organisations;
- Interest Free Loans to Clubs and Organisations;
- Lease and Licence Management;
- Waste management; and
- Litigation and claims.

## **7 CLOSURE**

The Shire President to advise that the next Ordinary Council Meeting will be held on 23 February 2022 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.