

ORDINARY MEETING OF COUNCIL

MINUTES

Held on

25 July 2018

Commencing at 5.00pm

Soldiers Memorial Hall and Council Chamber, Donnybrook.

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

Ben Rose
Chief Executive Officer

30 July 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.



ORDINARY MEETING OF COUNCIL

25 July 2018

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SHIRE OF DONNYBROOK BALINGUP
ORDINARY MEETING OF COUNCIL

**Held at the Soldiers Memorial Hall
Wednesday, 25 July 2018 at 5.00pm**

The Ordinary Council Meeting was convened in the Council Chamber however, the public gallery exceeded the maximum attendance allowed in the Council Chamber and the meeting was relocated to the Soldiers Memorial Hall. The meeting was opened by the Shire President at 5.10pm.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

Shire President - Public Notification of Recording of Meetings

The Shire President advised that while the meeting is being held in the Soldiers Memorial Hall the meeting will not be digitally recorded.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Wringe (Deputy President)	Greg Harris – Manager Finance and Administration
Cr Atherton	Damien Morgan – Manager Works and Services
Cr King	Leigh Guthridge – Manager Development and
Cr Lindemann	Environmental Services
Cr Mills	Bob Wallin – Principal Planner
Cr Mitchell	Bob Lowther – Manager Aged Care
Cr Tan	Kate O’Keeffe – Executive Assistant
Cr Van Der Heide	

PUBLIC GALLERY

John Whitty
Cynthia Vance
Dieter Bredow
Luisa Dale
Sandra Fussell
Gordon Clifford
Sharon Lawther
Chris Rae
Allan Reed
Alicia Keall

Dawn Dodd
David Vance
Judy Shelley
John Hicks
Pratha Kumar
Cole Franks
Elsie Woodley
Noelene King
Christine reed
Jill Lynch

Edward Paxton
Tom Sheehan
Alan Perkins
Tarnya Box
Sandra Holdaway
Lindsey Loweth
Steve Dilley
Jenny De Garis
Warren Clarsen
Michelle Padman

Les Baxter
Peter Rae
Lucy Bourne
Tim Thompson
Alan Sims
Chris Fleming
Graham Mealyer-Knup
Greg Hayward
Harry Glover
Clare Rosman
Will Hodavay
Arthur Pearce
Brian De Garis
Sandra Cristaldi
Harry Ortheil
Brett Lawtie
Leith Crowley
Anne Hicks
Allan Roach
Eva Paxton
Graeme Johnson
Donna Kitchen
Dawn Raymond
Gordon Horam
Lucas Cavuto
Charles Smalley
Charlie Bingham
Elma Bewsher
David Bewsher
Vivien Williamson
Les Williamson
Sue Radford
Gwendoline Nidd
Gerry Loveridge
Chris Wringe

Debbie Baxter
Mary Rossini
John Simpson
Barry Wrighton
Kerry Fleming
Phillip Rogers
Murray Stevens
Briony Cain
Gary Newman
Rosemary Smith
Sarah Hodavay
Joanne Swarbrick
Michael Beeson
Angela Murphy
Brigitte Glebba
Jan Schuyling
Rod Atherton
Kevin Coleman
Jo Torrisi
Romaine McGuire
Lyn Smith
Rosie Licciardello
Marie Woodley
Brenda Horam
Graham Sheridan
Keryn McNeven
Rod innes
Bill Farrell
Lyn Herbert
Flurio Da re
John Wringe
Lui Tuia
Bernie Dawson
Bridget Loveridge
Ralph Keegan

W. van der Velden-Schuiling
Danny Rossini
Cheryl Simpson
Chris Howe
Darryl Endersbee
Dianne Stevens
Sharon Babich
Frank Wilson
Nigel Tuia
Catherine Sheridan
Mathew Sheridan
Jill Tuia
Angelo Cristaldi
Jim Gerde
Marisa Hilbers
Tony Scaffidi
Erika Rodgers
J Hiscox
Mick Tuia
Sue Martin
Coral Lee
John Sheehan
Loryn Geyer
Elaine Sheridan
Alan Walker
Ken Goldsworthy
Jacqui Innes
Judy Farrell
Rod Herbert
Dianne Da re
Ian Kemp
Helen Tuia
DW Gregory
Simon McInnes
Peter McCabe

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Cr Tan has requested a Leave of Absence from the Ordinary Council Meeting scheduled for 22 August 2018.

COUNCIL DECISION

Moved: Cr Wringe

Seconded: Cr Mills

That Cr Tan be granted a leave of absence from the Council meeting scheduled for 22 August 2018.

Carried 9/0

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

3.1 PRESIDENTS COMMUNICATION

The Shire President advised that he will provide a communication table for the minutes.

4 DECLARATION OF INTEREST

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

Cr King disclosed an interest affecting impartiality regarding item 9.6.1 – Council Committees and Councillor Membership. Councillor King has a family member that sits on a range of committees.

Manager Finance and Administration, Greg Harris, declared a financial interest regarding Confidential Item 13.1.1 – Gratuity Payment Policy as he will be directly affected by grandfathering of the policy.

Councillor Wringe disclosed an interest affecting impartiality regarding confidential item 13.1.3 – Department of Transport contact to provide online licensing services. Councillor Wringe is a member of the Community Resource Centre Board.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Simon McInnes

How many grants were applied for in the last financial year? How many of these applications were successful? How many of the projects which received grants was completed in the last financial year.

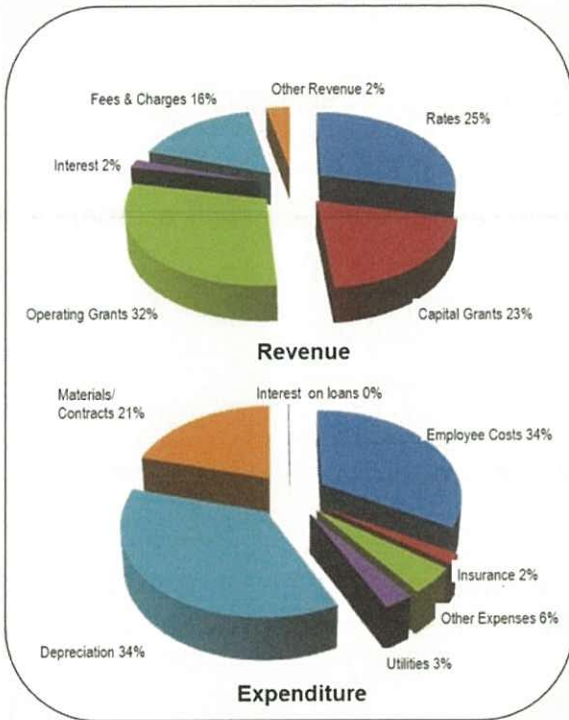
Chief Executive Officer

Below is the break-down of revenue (and expenditure) as was included in the 2015/16 and 2016/17 Annual Reports (via the Shire website).

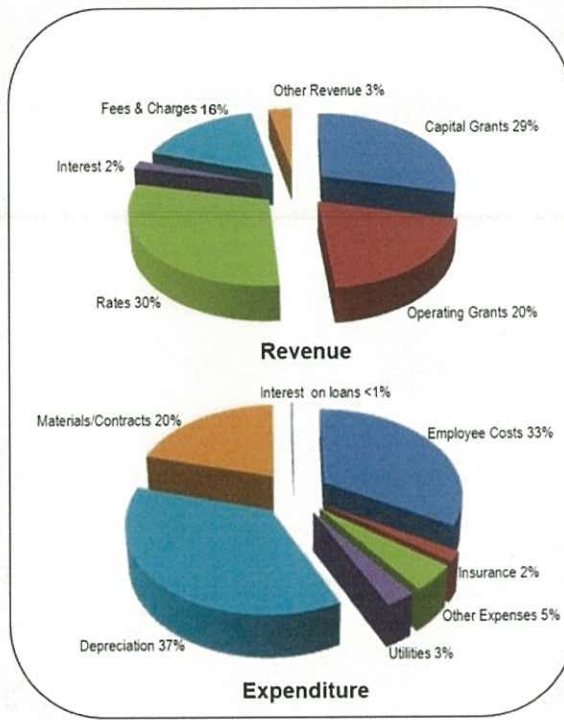
Obviously, your question relates to 2017/18, however, I won't have specific data available for this until we've completed all the financial reporting and auditing for the financial year – likely to be ~October this year. I would expect our operating grants ratio to be a little higher this year – mostly on the back of a \$170K grant we were successful in securing for bushfire mitigation works.

The below charts provide an indication for you in terms of the break-down of grant revenue and gives an overall picture of the revenue and expenditure streams and ratios.

Revenue and Expenditure - 2016/17



Revenue and Expenditure - 2015/16



5.2 PUBLIC QUESTION TIME

Charles Smalley

Why is Council doing this to the Doctors Surgery? What right do you have without community consultation?

Shire President

I'm not sure what you mean by your question?

Charles Smalley

Why are you changing the monetary status? If we lose the surgery we lose the Donnybrook Hospital?

Shire President

Council's position on the matter was detailed in the Preston Press. We have no ambition or direction to change the services at Donnybrook.

Michelle Padman

As Practice Manager of the Surgery how do you justify raising the rent for a building that the Shire did not invest in?

Shire President

At this stage the rent is a confidential matter and is not able to be discussed in an open forum. The building is under a management order under state government. It is vested on the asset register of the Shire and is dealt with as a Shire asset.

Jill Tuia

As the Practice Nurse at the Donnybrook Medical Centre, has the Shire considered the impact on the Hospital and the community if the Surgery closes? If you have, what are your conclusions?

Shire President

I have answered this previously, there is not intent to change services at Donnybrook.

Jill Tuia

How do you prevent the potential closure of the medical practice with such a dramatic and quick rent raise?

Shire President

The Shire has researched the matter.

Jill Tuia

Have you spoken to the Medical Practice about the potential implications to the service?

Shire President

The Chief Executive Officer and I have met with representatives from Donnybrook Medical Centre and Dr Rae met with Councillors a week ago. The opportunity was provided to raise these issues.

Judy Shelley

Has the Shire ever sought expressions of interest from other medical practices to move to Donnybrook?

Shire President

No.

Donna Kitchen

I live in the Shire next door but I work in this Shire and have supported the local business for the past 30 years. Excluding the automatic doors recently installed, how much does the Medical Centre building cost the Shire each year?

Manager Finance and Administration

In answering this there are a range of factors that need to be considered. Building values change with the market. In the early days, as you would expect with a new building the net loss was minimal, about \$1,000. Over the years this has gradually increased. To provide an estimate, the Shire has subsidised in the order of \$66,000 since the building was completed in 2011. This figure includes the cost of installing the automatic doors.

Donna Kitchen

Is the Pathology included in this estimate?

Manager Finance and Administration

No.

Donna Kitchen

What is this expenditure for the building comprised of?

Manager Finance and Administration

The figures for 2017/18 financial year have not been finalised however the expenditure has been comprised of gardening, electricity, water and sewerage, maintenance, rates and charges and depreciation costs.

Simon McInnes

You recently cancelled a budget meeting. Since then, two budget meetings have been held behind closed doors. Agenda Briefings are also held behind closed doors. What do community and Councillors gain from all of this secrecy and why is debate and deliberation being hidden from the rate payers?

Shire President

The Special Council meeting scheduled for 13 July 2018 was cancelled. The public is not being excluded from meetings. The Shire President is able to open the Agenda Briefing Sessions to the public.

Simon McInnes

Weren't two budget meetings held since then?

Shire President

They were workshops, not formal meetings and the budget was not the only topic discussed at these workshops. You will be given the opportunity to attend the upcoming Special Council Meeting to adopt the 2018/19 Budget.

Chief Executive Officer

The Special Council Meeting to adopt the 2018/19 Budget is scheduled to take place on 15 August 2018.

Simon McInnes

In the interest of accountability will the Shire President ask for names to be recorded for the vote on the Medical Centre item?

Shire President

While the item is confidential I cannot divulge the vote on the matter.

Simon McInnes

Will you ask for the Councillors names to be recorded against the vote?

Shire President

Let's see what happens in that regards.

Noelene King

The Balingup Townscape Committee has been a very successful legal committee, and in conjunction with the Shire has achieved a long list of improvements in Balingup over many years. Community representatives have demonstrated excellent attendance at the bi-monthly meetings. Could you please explain why the Shire committees are being disbanded? Why don't Council hold the disbanding until consultation is undertaken?

Chief Executive Officer

I am happy to have the conversation with members of the Townscape Committee.

Jenny De Garis

On behalf of the majority of people in Balingup, why were we not consulted about the removal of the much-loved Lombardy Poplars? We could have worked through an alternate solutions with Shire staff?

Manager Works and Services

I acknowledge the feedback we have received over the lack of consultation regarding the removal of the Poplar trees. The reason they were removed was the tree roots were impacting on drainage systems.

Jenny De Garis

Does the Shire have a policy on the treatment and removal of trees and if so, why doesn't this allow for the variety of species in the Shire?

Manager Works and Services

Yes, there is a Shire policy but not to the extent you have discussed.

Brian De Garis

At the October meeting I asked if it were possible for a copy of the minutes and agendas to be made available at the Balingup Post Office. Why has this not been done?

Chief Executive Officer

I understood that they were being distributed to the post office. I will investigate.

Bernie Dawson

Council seems to light a fire under the Doctors Surgery every few years. Does the Shire have a policy on the delivery of health care services to the community?

Shire President

There is no specific policy.

Bernie Dawson

Has Council considered the socio economic impact of not having a viable working health care service in the community?

Shire President

I refer to the Shire's statement in response to Dr Rae's letter to the editor in the Preston Press. In deciding on the proposed new lease arrangements with the Medical Centre, the Council remained focused on the need to maintain a balance between:

- Facilitating, through an ongoing incentive, the retention of an all-embracing quality medical service in the Shire; and
- The reality that the current lease arrangements relating to this community asset have always been significantly well below true market value and this remains true in terms of the proposed future arrangement; and
- Ensuring the best outcome for the broader community of the Shire, within an environment where government funding and assistance is limiting the Shire's capacity to deliver valued services to the community, of which quality medical and allied health services are an important component.

Bernie Dawson

It seems like Council's focus is only on the financial performance of a Doctors Surgery rather than the medical benefit it provides?

Shire President

Two Medical Practitioners have enquired about setting up a practice. One in Donnybrook and one in Balingup.

Bernie Dawson

Does Council consider that a policy may help those decision makers who may only see a financial income benefit of having a doctor's surgery located in the community rather than the real benefits of having a long-term resident doctor servicing the health needs of this community? Can current Council consider adopting a policy on Health Care Services before making decisions that could disrupt the delivery of the existing health care services?

Shire President

I will take that on board. The situation should have been resolved by the previous Council.

John Hicks

Should a satisfactory agreement not be reached between the Donnybrook Medical Service and the Shire and the medical practice vacates to another premises, what commercial business would consider renting the place given the location to the hospital and Tuia Lodge? And if put to tender and the tender comes in the same as the offer Dr Rae has made, what has been gained from this whole process?

Shire President

The previous Council should have resolved this matter by July 2017. We may not have a health policy but we are keen to develop a powerful health precinct in Donnybrook. Council have not embarked on a campaign to evict Dr Rae, it has not been considered.

John Hicks

Is the rent you have asked for not negotiable?

Shire President

The notion that the Shire was considering \$100,000 for the rent is totally fallacious and has got nothing to do with the independent valuation completed by the Sworn Valuer. An undertaking was given to Dr Rae and his associates that the Shire will give the proposal going before Council tonight every consideration.

John Hicks

I raised the issue of the height of the hedges along Donnybrook's main street at the ordinary meeting of Council in April 2018 seeking for the height of the hedges to be lowered. But it doesn't appear anything has been done about it?

Manager Works and Services

Main Roads WA checked the site lines and considered them to be satisfactory however the hedges are due to be pruned during the winter maintenance program.

Lui Tuia

We had two years without a Doctor in town when I was Shire President. What is the sworn valuation of the building and what is the rent percentage you wish to get for the building?

Shire President

That information cannot be released at this stage.

Chief Executive Officer

Council will consider the confidentiality of the matter during the meeting tonight.

Lui Tuia

Who completed the property valuation?

Chief Executive Officer

LMW Hegney.

Steve Dilley

I have real concern that a rental increase to the Medical Centre will threaten the hospital, Tuia Lodge and local businesses. We provide economic subsidy for a positive community outcome. If Council is moving to introduce a significant increase to its commercial rentals will the same approach be applied to the sporting clubs and community groups?

Shire President

This has never even been considered. The Recreation Centre was discussed during the workshop today however there is a difference between recreation facilities and commercial leases.

Nigel Tuia

A Councillor informed me that Council has 'advice in the last 10 days that it is likely in the next few months we will have two new doctors setting up in the Shire who have not asked for assistance from the Shire'. Has Council or their representatives actively sought interest from such parties? This information is new, does it not alter the negotiation grounds? Dr Rae's practice operates in a very poor rental area, not being in the centre of town. What's to stop the new doctors from teaming up with other local businesses?

Shire President

No-one has said moving up to the Health Precinct would not be an advantage. Dr Rae's practice was originally located on the main street. It makes sense to be located at the health precinct, to be near the hospital and Tuia Lodge. Council does not have a mandate to stop businesses from coming to town. Yes, discussions commenced prior to this knowledge but Council can't enter into this type of debate and Council does not wish to dispose of the asset.

Nigel Tuia

It must have a negative impact on the rental return to the Shire?

Shire President

We have an undertaking to consider Dr Rae's proposal tonight.

Peter McCabe

Do you understand how the Shire got involved in owning a Medical Centre?

Shire President

Yes, I have researched the matter. Dr Comparti established a practice about 20 to 30 years ago. Back then there was a population of about 3,000 people. No one objected to it then and no one is objecting now.

Peter McCabe

Before Dr Rae the community did not have a Medical Centre. The Shire built a Medical Centre, which attracted Doctors to town. They outgrew the facility and a new one was built.

Shire President

With the exception of Boyup Brook, no local governments are subsidising medical services. The days of shires funding health services are gone.

Peter McCabe

When is the Shire going to fix Collins Street in Donnybrook?

Manager Works and Services

The Shire has advised the Contractor that we are not satisfied with the asphalt and are working towards a solution however we need warmer weather to be able to fix it.

Loryn Geyer

I would like to clarify that I am the Doctor that is setting up in Balingup. To be specific, I am relocating my surgery to Balingup, this is not adding a new Doctor to the mix. My question is around funding of surgeries. Given that Boyup Brook is similar, did you consult with the Shire of Boyup Brook when comparing service delivery and the number of practices able to survive in a community?

Shire President

Discussion was had with the Shire of Boyup Brook. They have a Doctor that provides a service to a population of 1,500, which is under the recommended amount of 2,000 people per Doctor. We have a population of 6,000.

Loryn Geyer

If Dr Rae were to vacate or a new practice comes to town, covering the hospital impacts on your ability to see patients. It impacts on your business. Are new practices made aware of the WACS credential requirements for servicing a country hospital?

Shire President

I would have thought more Doctors would be of benefit. I have not considered a situation where Dr Rae or the Donnybrook Medical Practice would not continue the service.

Judy Shelley

I refer to your point that a Doctor requires 2,000 people to be able to make a living. Is that one Doctor per 2,000 people? We have 6,000 people in the Shire and four Doctors practicing.

Shire President

Dr Rae employs four or five Doctors in various capacities but realistically has two full-time Doctors. The Shire can't do anything about this, it's a free market.

Graham Johnson

Do the Councillors representing the ratepayers consider health and medical services in this region acceptable?

Shire President

I can't comment on the matter. The whole philosophy is rural WA and the growth of the South West. The realistic situation is that Donnybrook would be considered the hinterland.

Graham Johnson

The Shire has received a grant to provide affordable housing in Donnybrook. Will these people be able to afford to drive to Bunbury for health care? Shouldn't we be looking to the future and making sure we have doctors practicing locally?

Shire President

Indeed, the issue of more people coming to the Shire is an issue for the Shire.

Public Question time concluded at 6.22pm.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Chris Howe from the Leschenault Biosecurity Group Inc. (LBG) made a deputation to Council on the proposed operational plan and declared pest rate. The deputation commenced at 6.23pm and concluded at 6.33pm.

Dr Peter Rae made a deputation to Council on the Medical Centre Lease. The deputation commenced at 6.37pm and concluded at 6.45pm.

Mr Rod Atherton made a deputation to Council on the Medical Centre Lease. The deputation commenced at 6.49pm and concluded at 6.54pm.

COUNCIL DECISION

Moved: Cr Piesse

Seconded: Cr Lindemann

That Council suspend Clause 5.2 (Order of Business) of the Meeting Procedures Local Law in order to consider Agenda Item 13.1.2 Medical Centre Lease, including a decision in relation to its confidentiality.

Carried 9/0

By Absolute Majority

COUNCIL DECISION

Moved: Cr Piesse

Seconded: Cr Mitchell

That the Meeting be closed to the public under the *Local Government Act 1995* for item 13.1.2 Confidential Report – Lease of Property 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.

Carried 5/4

The vote was recorded.

FOR:

Cr Van Der Heide

Cr Mills

Cr Mitchell

Cr King

Cr Tan

AGAINST:

Cr Piesse

Cr Wringe

Cr Atherton

Cr Lindemann

Procedural Motion

Moved: Cr Van Der Heide

Seconded: Cr Mills

That the Meeting be adjourned.

Carried 9/0

** 7.10pm - The meeting was adjourned to relocate to the Council Chamber. The meeting resumed at 7.20pm.

Public Notification of Recording of Meetings

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 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.

Council Decision – En Bloc Resolution 1

Moved: Cr Mills

Seconded: Cr Atherton

That the resolutions from the following items be moved:

- 7.1 Confirmation of Minutes - Ordinary Meeting of Council – 27 June 2018**
- 9.1.2 Monthly Financial Report**
- 9.3.1 Balingup Town Hall Renewal Project**
- 9.4.1 Request to Name Reserve 19438 – “Murat Family Reserve”**
- 9.4.2 Request to Erect a Sign at Lot 598 South Western Highway, Donnybrook**
- 9.6.2 WALGA 2018 Annual General Meeting Notices of Motion**
- 10.1 Elected Members Request to Include \$2,000 in the 2018/19 Budget for Responsible Cafes Initiative**
- 10.2 Elected Members Request to Present a Motion to Lobby for an Increase in GST Distribution.**

Carried 9/0

6.4 DELEGATES REPORTS

Nil.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL

**COUNCIL DECISION
(EXECUTIVE RECOMMENDATION)**

That the Minutes from the Ordinary Meeting of Council held on 27 June 2018 be confirmed as a true and accurate record.

Carried by En Bloc Resolution 1

8 REPORTS OF COMMITTEES

Nil

9 REPORTS OF OFFICERS

9.1 MANAGER FINANCE AND ADMINISTRATION

9.1.1 ACCOUNTS FOR PAYMENT

Presented for Council information:

The following accounts have been authorised and paid under Delegation (No 3.1) covering cheques numbered from CCP3303-CCP3318, EFT14087a-EFT14425d, 52995 – 53042, DD23053.1-DD23053.8, DD23101.1-DD23101.8 Trust 3630 – 3643, EFT14312a & EFT14425d totalling \$2,538,854.71 is herewith presented to Council.

9.1.2 MONTHLY FINANCIAL REPORT

COUNCIL DECISION (EXECUTIVE RECOMMENDATION)

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

Carried by En Bloc Resolution 1

9.2 MANAGER WORKS AND SERVICES

Nil

9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES

9.3.1 BALINGUP TOWN HALL RENEWAL PROJECT

Location	40 Jayes Road Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF 17X
Author	Leigh Guthridge – Manager Development and Environmental Services
Attachments	9.3.1(1) - Summary of notes from the public meeting held on the 11 July 2018
Voting Requirements	Simple Majority
Executive Summary	<p>The Shire of Donnybrook Balingup has received funding of \$200,000 from the Department of Primary Industries and Regional Development (DPIRD) for the Balingup Town Hall Renewal Project.</p> <p>It is recommended that Council:</p> <ul style="list-style-type: none">• Continue to offer the Balingup Town Hall for hire to the general public as a multipurpose facility;

	<ul style="list-style-type: none"> • Approve the list of works as identified in priority order for the hall; and • Instruct the CEO to undertake an analysis of the practicalities and costs to implement the works prior to proceeding.
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STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
Outcome 2.1 - An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.2	Seek funding for development and renewal of infrastructure

BACKGROUND

Honouring an election pledge from local member the Hon. Mick Murray, the Shire of Donnybrook Balingup has received \$200,000 from the Department of Primary Industries and Regional Development for the Balingup Town Hall Renewal Project.

This report seeks a resolution of Council to prioritise the list of works to spend on the Balingup Town Hall with the funds allocated from the state government.

DETAILS

DPIRD met with Shire staff in January 2018 and assisted the Shire to commence the project planning.

As part of the implementation of this project the Shire to date has:

- Signed a Financial Assistance Agreement (FAA) with the Dept. of Primary Industries and Regional Development;
- Developed a Summary Project Proposal and Project Plan;
- Undertaken a Building Condition Assessment of the Hall;
- Appointed a Project Manager (PM) - Iain Massey from Upland Consulting; and
- Undertaken public consultation in the form of a public meeting at the Balingup Recreation Centre on the 11 July 2018.

Public Meeting – 11 July 2018

The public meeting was attended by twenty-eight (28) people and facilitated by Janine Milton from the Balingup Progress Association. Iain Massey from Upland Consulting (Project Manager) presented the issues and options with respect to the execution of the Project, and gave an overview of the improvements being considered to the hall.

A summary of the issues discussed at the meeting are provided below and in Attachment 9.3.1(1):

Constraints Identified for users of the Hall

- Hire cost
- Acoustics

- Accessibility
- Heating
- Stage performances

Desired End Use

- Country Arts Show
- Performances
- Keep the facility multi-purpose
- Keep operating the library and health services from the facility

Priorities for Improvements

- Repair the brick work fretting and repointing where required
- Rear stage area – restump and make good the structure and replace asbestos
- Improve the drainage to the rear of the hall
- Improve acoustics with a priority for the lesser hall for performances
- Install a driveway to the rear of the hall to improve access for users to unload (and load) equipment through the storage area on the west side of the Hall
- Check electrical services to the Hall and upgrade to a suitable supply to a contemporary standard
- All existing external doors and windows to be repaired and treated

Comment

In addition to the information sought from the public consultation meeting, the Shire commissioned the following reports on the Hall, identifying the following renewal works:

Date	Report	Summary of Renewal Works
2018	Asset Infrastructure Management Condition Report	<ul style="list-style-type: none"> • Brick fretting and repointing • Restumping the rear stage area and improve drainage • Treat rusty lintels • Repaint the exterior painted surfaces • Assess and improve the capacity of roof plumbing and storm water disposal
2008	Palassis Heritage Strategy	<ul style="list-style-type: none"> • Brick fretting, repointing and tuck-pointing required – and rectify the mismatch of attempts to repoint the building previously • Replace broken vents and other small miscellaneous building works • Downpipe and stormwater catchment requires improvement including the south end of the Hall • Remove redundant conduits and relocate obtrusive external wall fixtures such as hot water units and electrical boards etc. • Treat rusting lintels • Parapet wall over kitchen requires repairs <p>(A majority of other works identified in the report have already been completed with renewal works being undertaken since the report was commissioned)</p>

Date	Report	Summary of Renewal Works
2006	Country Arts Measure Up Program	<p><u>Improvements for Performing Art Shows</u></p> <ul style="list-style-type: none"> • Widen the proscenium arch opening • Improve back stage toilet facilities <p>Improve acoustics by:</p> <ul style="list-style-type: none"> ➤ Removing the stud wall structure behind the stage and costume storerooms ➤ Removing the suspended ceiling above the stage ➤ Soundproofing and insulating the roof cladding above the stage ➤ Installing light bars ➤ Installing proper soft masking (black wool curtains and pelmets) <p><u>Improvements for the Auditorium for Performances</u></p> <ul style="list-style-type: none"> • Install acoustic panelling to deaden the acoustics • Install light bars in the ceiling in front of the stage area • Blackout the daylight • Install heating

Based on the information sought from building reports and feedback from the public consultation process, it is recommended that works in the following order of priority are implemented:

- Restump the stage area and make good the structure, replace asbestos with new cement sheeting and install cladding on the inside wall of this area and paint
- Improve the drainage to the south side of the Hall and direct stormwater away from the building
- Formalise rear access for vehicles to link the new storeroom on the western side of the building to improve the logistics of moving equipment in and out of the Hall.
- Repair all fretted brick work and repointing where required
- Improve the acoustics of the lesser hall (subject to seeking specialised advice)
- Investigate costs and benefits of providing heating in the lesser Hall.
- Upgrade the internal power supply to meet contemporary safety standards and install additional 10 amp power outlets at the stage area (noting that a 3 phase power supply is already available at the building)
- Improve the audio in the main hall (speaker system) for public events and be undertaken in a manner to conceal the wiring etc.
- All external doors and windows to be repaired, treated and painted
- Improve landscaping at the northwest end and western side of the building

It is not proposed to modify the stage area in the main hall as per the recommendations from the Country Arts Measure Up report as listed below:

- Widen the proscenium
- Install light bars above the stage
- Remove suspended ceiling above the stage

- Soundproof and insulate the roof cladding above the stage
- Install lighting bars
- Install proper soft masking (black wool curtains and pelmets)

This work (related to the stage modifications) proposes significant structural alterations which is anticipated to come at a considerable cost and require major aesthetical change to the Hall. However some of the issues identified in this report could be evaluated under a separate project and funding arrangements via Lottery West or similar.

Furthermore, the feedback from the public consultation suggests that improving acoustics in the lesser hall for musical performances will be a good balance in keeping the Hall available for multi-purpose use.

Once the works for the Balingup Town Hall Renewal Project has been prioritised by Council, feasibility will be undertaken to analyse the practicalities and cost before the Shire proceeds to building procurement and implementation of the works.

CONSULTATION

The Shire has undertaken the following consultation:

- In January 2018 the Shire undertook preliminary qualitative consultation where the Shires Community Development Officer – Team Leader met one on one with known stakeholders and users of the Hall including members of the Balingup Town Hall Advisory Committee and local musicians and concert event organisers.
- The Shire held a public meeting at the Balingup Recreation Centre on the 11 July 2018.

Those present at the public meeting was advised that based on the issues identified through the public consultation and other known renewal works required for the Hall the matters identified for the project will be presented to Council to ratify a list priorities.

FINANCIAL IMPLICATIONS

The Shire of Donnybrook Balingup has received \$200,000 from the DPIRD for the Balingup Town Hall Renewal Project. No matching funds from the Shire or other agency is proposed.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONCLUSION

The list of proposed priority works in order, for the Balingup Town Hall Renewal Project is detailed in the recommendation to this report and is based on works identified in various reports that the Shire has undertaken on the Hall and feedback from public consultation.

**COUNCIL DECISION
(EXECUTIVE RECOMMENDATION)**

That Council:

- 1) Continue to offer the Balingup Town Hall for hire to the general public as a multipurpose facility
- 2) Approve the list of works as identified in priority order for the hall as per below:
 - a) Restump the stage area and make good the structure, replace asbestos with new cement sheeting and install cladding on the inside wall of this area and paint.
 - b) Improve the drainage to the south side of the Hall and direct stormwater away from the building.
 - c) Formalise rear access for vehicles to link the new storeroom on the western side of the building to improve the logistics of moving equipment in and out of the Hall.
 - d) Repair all fretted brick work and repointing where required.
 - e) Improve the acoustics of the lesser hall (subject to seeking specialised advice).
 - f) Investigate costs and benefits of providing heating in the lesser Hall.
 - g) Upgrade the internal power supply to meet contemporary safety standards and install additional 10 amp power outlets at the stage area (noting that a 3 phase power supply is already available at the building).
 - h) Improve the audio in the main hall (speaker system) for public events and be undertaken in a manner to conceal the wiring etc.
 - i) All external doors and windows to be repaired, treated and painted.
 - j) Improve landscaping at the northwest end and western side of the building.
- 3) Instruct the Chief Executive Officer to undertake an analysis of the practicalities and costs to implement the works prior to proceeding.

Carried by En Bloc Resolution 1

9.4 PRINCIPAL PLANNER

9.4.1 REQUEST TO NAME RESERVE 19438 (LOWDEN GRIMWADE ROAD, LOWDEN) THE "MURAT FAMILY RESERVE"

Location	Lot 823 and 3380 Old Meadow Road, Lowden
Applicant	Mr Rod Atherton
File Reference	A3067
Author	Bob Wallin (Principal Planner)
Attachments	9.4.1(1) – Location Plan 9.4.1(2) - Background justification provided by applicant

Voting Requirements	Simple Majority
Executive Summary	<p>It is recommended Council support the name change:</p> <ul style="list-style-type: none"> • A request has been lodged to name Reserve 19438 the “Murat Family Reserve” • The reserve is vested with the Shire for the purpose of Recreation and Parkland and contains a fire shed for the Lowden Fire Brigade. • The Lowden Fire Brigade support the proposal.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
4.1 – 4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

BACKGROUND

A request has been received to name Reserve 19438 (Lowden Grimwade Road, Lowden) the “Murat Family Reserve”. Attachment 9.4.1(1) details the location of the reserve.

Reserve 19438 is 5,926m² in area and contains the Lowden Fire Brigade shed.

A Council resolution to support the naming of the reserve ‘Murat Family Reserve’ will provide formal acknowledgement of 80 (eighty) years contribution by the Mural family to the Lowden community, and afford a good point of reference when being considered by the Geographical Naming Committee at Landgate. Attachment 9.4.1(2) provides background on the Murat family’s association with the locality.

The process and naming standards is detailed in Landgate’s Policies and Standards for Geographical Naming in Western Australia. This document requires that proposals:

- a) Have been subject to public advertising and have a degree of public support;
- b) Are supported by background information that justifies the relevance and appropriateness of the name.

DETAILS

The proposed naming is intended to be displayed on a sign. This can be similar to the sign erected at the Egan Park naming and internal access at “Barry Shepherd Drive”.

The location of the sign would need to be established in consultation with the Lowden Fire Brigade to make sure it doesn’t obstruct sight lines or access.

CONSULTATION

Section 1.8 of the *Policies and Standards for Geographical Naming in Western Australia* outlines a consultation process. The process is intended to ensure that all nearby landowners or users of the reserve/area have been given an opportunity to comment.

Other than seeking comment from the Lowden Fire Brigade Captain, consultation has not been undertaken at this point.

FINANCIAL IMPLICATIONS

The cost of naming the reserve is negligible. A standard sign would cost less than \$200 plus installation. Consultation will consist of letter drops to neighbouring landowners/users and government agencies.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

The *Land Administration Act 1997* sets out details on matters dealing with Crown Land. The Geographic Naming Committee is delegated responsibility on matters associated with naming reserves.

CONCLUSION

The proposed naming of the reserve is considered reasonable in light of the Murat families' association with the locality.

COUNCIL DECISION (EXECUTIVE RECOMMENDATION)

That Council:

- 1) Undertake a consultation process for the proposed naming of Reserve 19438 to "Murat Family Reserve" in accordance with section 1.8 of the *Policies and Standards for Geographical Naming in Western Australia*;
- 2) Authorise the Chief Executive Officer to request Landgate's support for naming Reserve 19438 subject to no objections being received during the consultation process.

Carried by En Bloc Resolution 1

9.4.2 REQUEST TO ERECT A SIGN AT LOT 598 SOUTH WESTERN HIGHWAY, DONNYBROOK

Location	Lot 598 South Western Highway, Donnybrook
Applicant	Donnybrook Regional Tourism Association
File Reference	A3532
Author	Bob Wallin (Principal Planner)
Attachments	9.4.2(1) - Location Plan
Voting Requirements	Simple Majority

Executive Summary	<p>It is recommended Council approve the application:</p> <ul style="list-style-type: none"> • The proposal is to erect a sign on the front façade of the building. • The building is State Heritage Listed and is on land vested and managed by the Shire of Donnybrook Balingup
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STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
2.1 An attractive and maintained built environment	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 front façade of the “Visitor Centre” building.

The proposed sign will be 410mm x 600mm and will promote tourism branding for the region.

The land is owned by the Crown and the Shire has a vesting order for its management. The application requires Council authorisation as the Chief Executive Officer does not hold the delegated power for this matter.

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 has been referred to the State Heritage Office for comment. The State Heritage Office supports the proposal.

FINANCIAL IMPLICATIONS

The applicant has requested the \$147 planning application fee be waived. Delegation 7.16 allows the Chief Executive Officer to consider this request.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Part 2 of Local Planning Scheme No.7 (LPS7) provides details on matters to be considered for the use and development of reserve 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. The proposal has been assessed with assistance from the State Heritage Office.

CONCLUSION

The proposal is reasonable. It will not adversely impact on heritage values or add to ongoing maintenance costs associated with the building.

Approval is recommended.

**COUCNIL DECISION
(EXECUTIVE RECOMMENDATION)**

That Council:

- 1) Authorise the Chief Executive Officer to sign the planning application form; and
- 2) Approve the erection of a sign at Lot 598 South Western Highway, Donnybrook subject to the following conditions:
 - a) The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.
 - b) The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.

Carried by En Bloc Resolution 1

9.5 MANAGER AGED CARE SERVICES

9.5.1 TUIA LODGE QUARTERLY REPORT

Location	Shire of Donnybrook Balingup
Applicant	N/A
File Reference	CSV 01/2
Author	Bob Lowther – Manger Aged Care Services
Attachments	9.5.1(1) – Tuia Lodge Quarter Four Report 2017/18.
Voting Requirements	Simple Majority
Executive Summary	This quarterly report is for Quarter Four - 2017/18. It is recommended that the report be received by Council.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
4.2 A respected, professional and	Effective and efficient operation and service provision	4.2.1.4	Demonstrate sound financial planning and management, including

trusted organisation			revenue / expenditure review and revenue diversification strategies and long term financial planning.
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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:

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

DETAILS

This report covers quarter four (4) of the 2017/2018 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 2017/18 Budget allocations.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Aged Care Act 1997.

CONCLUSION

It is recommended that the Tuia Lodge report for the fourth quarter of 2017/18 be received by Council.

**COUNCIL DECISION
(EXECUTIVE RECOMMENDATION)**

Moved: Cr Van Der Heide

Seconded: Cr Wringe

That Council receive the Tuia Lodge Quarterly Update for April – June 2018.

Carried 9/0

** 7.34pm- Manager Aged Care left the meeting.

9.6 CHIEF EXECUTIVE OFFICER

Cr King disclosed an interest affecting impartiality regarding item 9.6.1 – Council Committees and Councillor Membership. Councillor King has a family member that sits on a range of committees.

9.6.1 COUNCIL COMMITTEES AND COUNCILLOR MEMBERSHIP

Location	Shire of Donnybrook Balingup
Applicant	N/A
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer)
Attachments	Nil
Voting Requirements	Absolute Majority (required for establishment of any new Committees as per section 5.8 of the Local Government Act)
Executive Summary	

STRATEGIC ALIGNMENT

The following outcome from the Corporate Business Plan relates to this matter for consideration:

Outcome	Strategy	Action No.	Actions
4.1 - A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.3	Review Council, Committee and Working Group governance structures and meeting programs

BACKGROUND

At its May 2018 Ordinary Meeting, Council resolved:

1. *That Council maintain the establishment of the:*
 - a. *Audit Committee; and*
 - b. *Donnybrook Community Library Committee.*
2. *That Council reconsider the function, form and governance arrangements for Council Committees at a workshop forum with a recommendation to be presented to the July 2018 Ordinary Meeting of Council.*

As per the Council resolution, an Elected Member workshop was conducted on this topic on 20 June 2018.

DETAILS

Through its deliberation on this matter, Council has considered the merits of a variety of models of local government committee structures. At the 20 June 2018 workshop, Elected Member feedback and guidance to the Executive was focussed on the need to streamline and simplify Shire decision-making processes, with community committees and associations having direct communication access to Council, rather than via an intermediary committee system. This was seen as providing greater opportunity for transparency and accountability of decision making for this local government, whilst maintaining a close and direct connection between the Council and community committees and associations.

Further feedback from Elected Members at the 20 June 2018 workshop encouraged the establishment and use of Working Groups, for use with 'time limited' propositions (i.e. not ongoing/perpetual matters).

Given most existing committees are incorporated bodies in their own right, they have an obligation to develop relevant plans and strategies in line with the objectives of each group and as such they have, if needs be and/or appropriate, a direct line to Council through the Shire. The working group concept should be project specific and not replace the need for incorporated bodies to have an ongoing focus and review on short-medium and longer term objective.

Where appropriate, there may be opportunities to align the functions of previous Council Committees to present, highly successful and sustainable, community groups and associations. By way of example, the Balingup Townscape Committee could be (with relevant pre-consultation and planning) auspiced via the Balingup Progress Association. Using this example, there could be several key benefits, including:

- Increased leverage and ability for funding (e.g. via Lotterywest);
- Purchasing efficiencies (i.e. not bound by local government procurement rules); and
- More streamlined governance obligations (i.e. compared to formal Council committees).

CONSULTATION

Extended consultation with Elected Members has been undertaken on this matter, including previous consideration of the matter by the Council and Elected Member Concept Forums / workshops.

As per previous resolutions of Council on this matter, consultation with community members will be required to transition from the existing 22 Council Committee structure to the new structure/process. Detailed consultation with the likes of the Balingup Progress Association will be required if the auspicing of townscape actions is to occur.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the Executive recommendation.

POLICY COMPLIANCE

There is no direct Shire Policy implications associated with the Executive recommendation.

STATUTORY COMPLIANCE

Section 5.8 of the *Local Government Act 1995* sets out the provisions by which Committees of Council shall be established, including the need for Terms of Reference. With the exception of an Audit Committee of Council, it is not a mandatory requirement for a Council to have any committees.

CONCLUSION

Council requested a review of the existing structure and function of Council Committees, with a resolution from the May 2018 Ordinary Meeting requesting a detailed workshop on the matter with Elected Members. From that workshop on 20 June 2018, feedback and guidance from Elected Members focused on simplifying the committee structures/process and enabling a direct communication line between community committees/associations and the Council.

EXECUTIVE RECOMMENDATION

That Council:

- 1) **Continue the establishment of the following Council Committees, only:**
 - a) **Audit Committee; and**
 - b) **Donnybrook Community Library Committee.**
- 2) **Commits to the establishment and application of Working Groups for Council related matters that are project specific and time-limited (i.e. not perpetual);**
- 3) **Instructs the Chief Executive Officer to communicate with committee members and local community and incorporated associations as to the decision and rationale of the Council on this matter;**
- 4) **Works constructively with local community groups, committees and associations to assist in achieving common objectives and priorities.**

Cr King's Alternate Motion

Moved: Cr King

Seconded: Cr Wringe

That Council:

- 1) **Continue the establishment of the following Council Committees, only:**
 - a) **Audit Committee; and**
 - b) **Donnybrook Community Library Committee.**
- 2) **Commits to the establishment and application of Working Groups for Council related matters that are project specific and time-limited (i.e. not perpetual);**
- 3) **Instruct the CEO to communicate with and document the proposed changes to the operation of the Council Committees that the Shire proposes/has disbanded, and to all local committees and incorporated associations which the Shire now proposes as community contact points. Explain the rational, operation and benefits of the changed processes to the new contact organisations, and answer their questions re possibly additional resources and reporting back to the Shire etc., obligations for part-time employees at the incorporated bodies etc.**

Only after consultation, planning and agreement (in a documented format), will the Shire be authorised to act on disbanding the previous committees (and advising

previous committee members they are no longer required), and adopting the new committee structure.

- 4) Works constructively with local community groups, committees and associations to assist in achieving common objectives and priorities.

Lost 1/8

Cr Tan foreshadowed the Executive Recommendation.

Procedural Motion

Moved: Cr King

Seconded: Cr Mitchell

That the motion be put.

**COUNCIL DECISION
(EXECUTIVE RECOMMENDATION)**

Moved: Cr Tan

Seconded: Cr Wringe

That Council:

- 1) Continue the establishment of the following Council Committees, only:
 - a) Audit Committee; and
 - b) Donnybrook Community Library Committee.
- 2) Commits to the establishment and application of Working Groups for Council related matters that are project specific and time-limited (i.e. not perpetual);
- 3) Instructs the Chief Executive Officer to communicate with committee members and local community and incorporated associations as to the decision and rationale of the Council on this matter;
- 4) Works constructively with local community groups, committees and associations to assist in achieving common objectives and priorities.

Carried 8/1

**9.6.2 WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION 2018
ANNUAL GENERAL MEETING NOTICES OF MOTION**

Location	Shire of Donnybrook Balingup
Applicant	Western Australian Local Government (WALGA)
File Reference	DEP 22/4D
Author	Ben Rose, Chief Executive Officer (Kate O’Keeffe, Executive Assistant)

Attachments	9.6.2 (1) – Part 4 of the WALGA Annual General Meeting Agenda - Consideration of Executive and Members Motions
Voting Requirements	Simple Majority
Executive Summary	<p>It is recommended Council vote to indicate their position for each of the four motions being presented to the WALGA AGM.</p> <ul style="list-style-type: none"> • The WALGA Annual General Meeting will take place on 1 August 2018. • Cr Piesse and Cr Wringe are the voting delegates attending the Annual General Meeting and will be voting on behalf of Council.

STRATEGIC ALIGNMENT

The following outcome from the Corporate Business Plan relates to this matter for consideration:

Outcome	Strategy	Action No.	Actions
4.2 A respected, professional and trusted organisation	Effective and efficient operation and service provision	4.2.1.1	Maintain effective and efficient policies, planning, operating procedures and practices.

BACKGROUND

Council has been provided with a copy of the agenda for the 2018 Annual General Meeting for the WA Local Government Association which will be held at the Local Government Convention on Wednesday, 1 August 2018 at the Perth Convention Exhibition Centre.

At the Ordinary Council Meeting held on 23 May 2018, Councillor Piesse and Councillor Wringe were nominated as voting delegates to represent Council at the Annual General Meeting.

DETAILS

The following matters for decision will be considered:

4.1 PROPOSAL TO AMEND THE ASSOCIATION CONSTITUTION

MOTION

1. That Clause 18 and Clause 19 of the Association Constitution be amended as follows:
 - I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:
 - (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.
 - II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
 - (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
 - (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
 - (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
 - (3)(5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced provided the Deputy President re represents the alternate constituency to that of the President.
 - (4)(6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 48 19 shall still be eligible for . election to a subsequent two (2) full consecutive terms.
2. That Clause 17A — Rotation of Presidency be added to the Association Constitution, as follows:
- 17A — Rotation of Presidency
1. At an election for the position of President conducted under subclause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected. .
 2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:
- A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President

of the Association or from attending State Council in an ex-officio capacity, if that person:

4. That sub-clause 200) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:

(j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2) of the Local Government Act 1995.
5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:

(2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31 (4)(b) be amended as follows:
 - I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~
“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.
 - II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WAI-GA be amended with the words "Local Government Managers Australia (LGMA)" to be replaced with the words "Local Government Professionals Australia WA".
 - III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words "Local Government Managers Australia (LGMA)" with the words "Local Government Professionals Australia WA".
 - IV. That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word "LGMA" with the words "Local Government Professionals Australia WA".
7. That sub-clause 14(4a)(h) be amended with the addition of the underlined words and the deletion of the strike through words as follows:

(h) Is a Councillor that has been suspended by the Minister for Local Government under part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.

4.2 ROADSIDE VEGETATION – REGULATORY AMENDMENTS

MOTION

That the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* be amended to permit clearing or reduction of vegetation:

1. Within 30m of all farm driveways/gates/entrances; and,
2. On road bends and intersections obstructing 'line of sight', be cleared.

4.3 GST REVENUE DISTRIBUTION SHARE FOR WESTERN AUSTRALIA

MOTION

That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.

4.4 RURAL, REGIONAL AND REMOTE COMMUNITY STATE FUNDING CUTS

MOTION

That WALGA express its deep concern to the W.A State Government regarding the continued attack on rural, regional and remote communities in W.A through reducing funding to critical services and infrastructure programs, cuts that disproportionately discriminate against already disadvantaged communities across W.A.

CONSULTATION

WALGA called for notices of motion for Local Government authorities during May 2018.

FINANCIAL IMPLICATIONS

N/A

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Local Government Act 1995

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

CONCLUSION

Council are required to vote on each motion to provide the delegates attending the WALGA Annual General Meeting with Council's collaborative position.

COUNCIL DECISION (EXECUTIVE RECOMMENDATION)

That Council encourages the Councillor voting delegates at the Western Australia Local Government Association 2018 Annual General Meeting, to vote in the following manner:

- 1) **Affirmative for the recommendation on Agenda Item 4.1 - Proposal to Amend The Association Constitution;**
- 2) **Affirmative for the recommendation on Agenda Item 4.2 - Roadside Vegetation – Regulatory Amendments;**
- 3) **Affirmative for the recommendation on Agenda Item 4.3 - GST Revenue Distribution Share For Western Australia; and**
- 4) **Affirmative for the recommendation on Agenda Item 4.4 - Rural, Regional And Remote Community State Funding Cuts**

Carried by En Bloc Resolution 1

9.6.3 AGENDA BRIEFING GUIDELINES

Location	Donnybrook/Balingup
Applicant	Ben Rose
File Reference	CNL 16
Author	Ben Rose (Chief Executive Officer), <i>Trish McCourt (Corporate Planning and Governance Officer)</i>
Attachment	9.6.3(1) – Council Agenda Briefing Session Guidelines
Voting Requirements	Simple Majority
Executive Summary	Clarity and direction from Council is sought, as to whether Agenda Briefing Session should be open or closed to the public. It is recommended that Council apply the Agenda Briefing Session Guidelines.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No	Actions
4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.13.	Review Council, Committee and Working Group governance structures and meeting programs

BACKGROUND

At the 17 April 2018 Council Agenda Briefing Session, Council discussed the Briefing Session guidelines, of which a paper copy of the guidelines (Attachment 9.6.3(1)), was provided to each Councillor.

Point (2) of the *Principals* section of the guidelines, states that:

Agenda Briefing Sessions are to be held in the Council Chamber (or other nominated venue) and are closed to the general public, unless directed otherwise by the Chair.

DETAILS

Clarity and direction from Council is sought, as to whether Agenda Briefing Session should be open or closed to the public.

CONSULTATION

Council were consulted at the 17 April 2018 Council Agenda Briefing Session.

FINANCIAL IMPLICATIONS

N/A

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

N/A

CONCLUSION

Clarity from Council is being sought, as to whether Agenda Briefing Sessions should be open or closed to the public. At the 17 April 2018 Council Agenda Briefing Session, Council were presented with the Briefing Session Guidelines that included reference to open or closed sessions. It is recommended that Council apply the Agenda Briefing Session Guidelines as presented at the session.

EXECUTIVE RECOMMENDATION

That Agenda Briefing Sessions be held in the Council Chamber (or other nominated venue) and be closed to the general public, unless directed otherwise by the Chair.

COUNCIL DECISION (ALTERNATE MOTION)

Moved: Cr van der Heide

Seconded: Cr Wringe

That Council amend the adopted Agenda Briefing Guidelines to the extent that these forums are open to the public.

Carried 8/1

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 ELECTED MEMBERS REQUEST TO INCLUDE \$2000 IN THE 2018/2019 BUDGET FOR COUNCIL TO JOIN A NATIONWIDE INITIATIVE - RESPONSIBLE CAFES.

Location	Donnybrook/Balingup
Applicant	Cr Anita Lindemann

File Reference	CNL 34O, CNL 16
Author	Cr Anita Lindemann
Attachment	Nil
Voting Requirements	Simple Majority
Executive Summary	Cr Anita Lindemann has proposed an Elected Members Motion to include \$2,000 in the 2018/19 Council budget to join a nationwide initiative – Responsible Cafes.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No	Actions
2.3 A natural environment for the benefit of current and future generations	Efficient use of resources to minimise environmental impacts	2.3.1.2	Encourage community to adopt alternative energy and green options
	Partner with key stakeholders for effective environmental management	2.3.3.3	Lobby key stakeholders for improved environmental management practices and initiatives
2.4 Efficient and effective waste management	Promotion of waste minimisation	2.4.2.1	Encourage recycling and organic waste recycling
4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

ELECTED MEMBER REPORT

BACKGROUND

As featured on the ABC's 'War on Waste, responsible cafes connects thoughtful cafes with conscious consumers through one simple idea. Cafes can reduce or eliminate disposable coffee cups by offering a discount to customers with reusable takeaway cups.

Responsible cafes has saved 46 million cups and lids going to landfill annually. Contrary to popular belief, takeaway coffee cups are rarely recycled and only rarely composted due to inadequate industrial composting facilities and the difficulty of getting the cups/lids there.

DETAILS

Key benefits for Councils

- Educational resource for positive behavioural change addressing an identified waste gap to complement existing sustainability programs
- Reduce litter and landfill, cutting long-term waste collection costs.
- Reduce carbon, water, paper, and oil footprint in your LGA
- Media and publicity opportunities for councils and cafes
- Optional use of 1.8m-tall giant disposable cup for events or display
- Build community pride and public awareness of waste and litter
- Partnership with a national not-for-profit organisation with demonstrated social and environmental outcomes

ELECTED MEMBER CONSULTATION

I have consulted with Jeff Somes our Principal Environmental Health Officer whom is supportive of this initiative and enthusiastic about reducing waste and extending the life of our tip.

I have consulted with all local cafes:

- All three (3) cafes in Balingup as well as the local soccer club have registered on the website as participating and offering discounts. They are also now advertised on the Australia wide website. **That's 100% participation in Balingup.**
- Kirup has 1 cafe, they too have joined the Responsible Cafe campaign to reduce waste and you also receive a discount on your coffee when you bring your own cup. **100% participation.**
- Of the five (5) cafes in Donnybrook, three (3) have registered to participate in the Campaign and Mario, from The BP Servo is also participating. **60%**

FINANCIAL IMPLICATIONS (ELECTED MEMBERS)

As a Shire initiative in litter and waste reduction, \$2,000 of funds will need to be included in the budget available in the 2018/19 budget for:

\$1000 to join the Australia wide campaign, Responsible Cafes, for a two (2) year Council membership.

\$1000 allocated towards promotion of the Councils inclusion and to inform and activate community participation in reducing waste.

EXECUTIVE COMMENT

\$2000 has been provided in the Draft 2018/19 budget.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

ELECTED MEMBER CONCLUSION

Hastie Waste is already providing reusable coffee cups to the following cafes participating in the Responsible Cafe Campaign, at cost price. Owner of Hastie Waste and contractor

managing our Shire Rubbish Tip, Nigel Tuia, is also wanting to promote this further by offering a below cost discount to all cafes by purchasing bulk (3000) reusable coffee cups at his expense and adding his business name as cross promotion.

(Hastie Waste has introduced a number of initiatives to reduce, reuse and recycle. They are a finalist in the South West Small Business awards in Environment and Sustainability.)

Supporting a collaboration with local business will reduce costs to Shire, encourage leadership and activate inclusive community participation.

ELECTED MEMBER RECOMMENDATION

That Council include \$2,000 in the 2018/19 Council budget to join a nationwide initiative – Responsible Cafes.

**COUNCIL DECISION
(EXECUTIVE RECOMMENDATION)**

That Council allocates \$2,000 in the Draft 2018/19 Shire budget to become a local government member of the Responsible Cafes program.

Carried by En Bloc Resolution 1

10.2 ELECTED MEMBER REQUEST TO PRESENT A MOTION TO LOBBY FOR AN INCREASE IN GST DISTRIBUTION TO WESTERN AUSTRALIA

Location	Western Australia
Applicant	Cr Dawn Tan
File Reference	CNL 34K, CNL 16
Author	Cr Dawn Tan
Attachment	Nil
Voting Requirements	Simple Majority
Executive Summary	Cr Tan has proposed an Elected Members Motion to lobby for an increase in GST distribution to Western Australia.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No	Actions
1.1 – A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district.	1.1.1.2	Represent the district’s interests with key stakeholders.

ELECTED MEMBER REPORT

BACKGROUND

At the Ordinary Council Meeting of 23 May 2018, Council moved the following motion be presented to the 2018 WA Local Government Convention and Trade Exhibition and Annual General Meeting to be held on Wednesday, 1 August 2018 (2018 WALGA AGM) at the Perth Convention and Exhibition Centre for consideration, as follows:

“That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.”

Irrespective of the resolution at the 2018 WALGA AGM, it is evident that the current GST distribution allocated to Western Australia in comparison with the other States and Territories is to the gross disadvantage of the residents and electors of Western Australia.

Table 1 provides a GST breakdown state by state 2018-19.

Table 1:

State	GST share per dollar	GST share %	Total GST distribution \$m
VIC	98c	25.6	\$16,830
WA	47c	4.9	\$3,255
NSW	85c	27.4	\$18,030
SA	\$1.47	10.3	\$6,751
Tas	\$1.77	3.7	\$2,434
ACT	\$1.18	2.0	\$1,298
NT	\$4.26	4.2	\$2,755
Qld	\$1.09	22.0	\$14,447

DETAILS

WALGA provides an opportunity for the South West Local Government zones, namely, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Capel, Collie, Dardanup, Donnybrook Balingup, Harvey, Manjimup and Nannup, to jointly voice their concerns and representation as a group before WALGA.

CONSULTATION

Nil

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONCLUSION

Our GST Distribution needs more 'voice' and the WALGA body needs more encouragement. If the South West zone can be the 'voice', I would be happy that it does so and reminds WALGA to continue its efforts.

COUNCIL DECISION (ELECTED MEMBER RECOMMENDATION)

That Council:

- 1) Approve the following motion to be presented to the next WALGA SW Zone, to continue to lobby for a significant increase in GST distribution to Western Australia:

That WALGA adopts a policy and position, as the representative of the Western Australian Local Government sector, to continue lobbying until the State of WA achieves parity of GST distribution across all States and Territories of Australia.

- 2) Authorises the Chief Executive Officer to present a report and the motion to the next WALGA South West Zone Meeting, which is scheduled for 24 August 2018, for consideration by the twelve (12) South West local government authorities – City of Bunbury, City of Busselton, and the Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Donnybrook Balingup, Harvey, Manjimup and Nannup.

Carried by En Bloc Resolution 1

11 QUESTIONS FROM MEMBERS

Nil.

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

Nil.

13 MEETINGS CLOSED TO THE PUBLIC

COUNCIL DECISION

Moved: Cr Mills

Seconded: Cr Tan

That the Meeting be closed to the public under the *Local Government Act 1995* for items 13.1.1 Confidential Report –Gratuity Payments Policy under Section 5.23 (2) (a) a matter affecting an employee or employees; and 13.1.3 Confidential Report – Department of Transport Contract to Provide Online Licensing Services 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

Carried 9/0

Item 13.1.2 was voted to be dealt with behind doors at the beginning of the meeting. The resolution was carried 5/4.

**8.05pm - The remaining public gallery left the meeting.

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Manager of Finance and Administration, Greg Harris, declared a financial interest regarding Confidential Item 13.1.1 – Gratuity Payment Policy as he will be directly affected by grandfathering of the policy.

**8.05pm – Manager Finance and Administration left the meeting.

**8.11pm – Manager Works and Services and the Principal Planner left the meeting and returned at 8.36pm.

13.1.1 CONFIDENTIAL REPORT – GRATUITY PAYMENT POLICY

Location	Shire of Donnybrook Balingup
Applicant	Chief Executive Officer
File Reference	CNL 31
Author	Ben Rose (Chief Executive Officer)
Attachments	13.1.1(1) – Gratuity Policy 1.16 13.1.1(2) – Staff Feedback and Analysis
Voting Requirements	Absolute Majority

The resolution for item 13.1.1 was carried 8/1.

** 8.51pm - Cr Lindemann, Cr Mitchell. The Chief Executive Officer and Manager Works and Services left the meeting and returned at 8.58pm.

**8.58pm – Manager Finance and Administration returned.

13.1.2 CONFIDENTIAL REPORT – LEASE OF PROPERTY

Location	Corner Bentley and Egan Street, Donnybrook
Applicant	N/A
File Reference	PRO 01/3A
Author	Ben Rose (Chief Executive Officer)
Attachments	13.1.2(1) – Email: Second Counter Offer by Proprietor
Voting Requirements	Simple Majority

The resolution for item 13.1.2 was carried 8/1.

** 9.52pm – The Chief Executive Officer left the meeting and returned at 9.54pm.

Councillor Wringe disclosed an interest affecting impartiality regarding confidential item 13.1.3 – Department of Transport Contract to Provide Online Licensing Services. Councillor Wringe is a member of the Community Resource Centre Board.

** 10.20pm – Cr Tan left the meeting and returned at 10.22pm.

13.1.3 CONFIDENTIAL REPORT - DEPARTMENT OF TRANSPORT – CONTRACT TO PROVIDE ON-LINE LICENSING SERVICES

Location	Shire of Donnybrook Balingup
Applicant	Administration
File Reference	LIC 02
Author	Greg Harris (Manager Finance and Administration)
Attachments	Nil
Voting Requirements	Simple Majority

The resolution for item 13.1.3 was carried 9/0.

** 10.30pm – Cr Wringe left the meeting.

COUNCIL DECISION

Moved: Cr Tan

Seconded: Cr van der Heide

That:

- 1) In accordance with Section 5.23 (2) and Admin Regulations 4A agenda items 13.1.1, 13.1.2 and 13.1.3 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.

Carried 8/0

COUNCIL DECISION

Moved: Cr Mills

Seconded: Cr van der Heide

That the meeting be reopened to the public.

Carried 8/0

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC



Nil.

13 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on 22 August 2018, commencing at 5.00pm at the Council Chamber, Donnybrook.

The Shire President declared the meeting closed at 10.33pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 22 August 2018.

		
Shire President		Presiding Member