

**SHIRE OF DONNYBROOK-
BALINGUP**

TOWN PLANNING POLICIES

May 2015

TOWN PLANNING POLICIES

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Policy 9.3



Town Planning Policy

9.3 Private Tree Plantations/Agroforestry

1. Objective:

To assist Council in determining applications for private tree plantations/agroforestry within the Scheme Area.

2. Aims:

- To reduce potential adverse impacts from inappropriate siting and development of private tree plantations.
- To encourage the integration of private tree plantations in conjunction with traditional (e.g. grazing, cropping) rural uses.
- Actively encourage agroforestry as an alternative to tree plantations in the 'Intensive Farming' and 'General Farming Scenic' zones.
- To actively encourage private tree plantations/agroforestry in areas subject to land degradation, including remediating areas subject to salinity, waterlogging and high levels of chemical contamination, where there is a clear natural resource management benefit.
- To encourage the establishment of permanent tree cover on steep slopes and along watercourses.
- To encourage the preparation of management plans for harvesting of private tree plantations/agroforestry.

3. Definitions:

Under Local Planning Scheme No. 7 (LPS7) a '**plantation**' is defined as the following:

'has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of conservation and Land Management and the Australian Forest Growers as amended from time to time'

Under LPS7 '**agroforestry**' is defined as:

'land used commercially for tree production and agriculture;

- (a) *Where trees are planted in blocks of more than one hectare and;*
- (b) *The proposed tree crop does not cover more than 10% of the total useable farm land of the lot of lots in which the application is proposed. Where more than one lot is proposed to be planted as part of an application for planning approval, the local government will seek confirmation that these lots are farmed as an integrated unit; and*

Where the land is not used for tree cropping is used for other forms of commercial agriculture

'watercourse' means –

- a. *any river, creek, stream or brook in which water flows;*
- b. *any collection of water (including a reservoir) into, through or out of which any thing coming within paragraph (a) flows;*
- c. *any place where water flows that is prescribed by local by-laws to be a watercourse, and includes the bed and banks of any thing referred to in paragraph (a), (b) or (c).*

'riparian vegetation' means –

Has the same meaning as defined under the Code of Practice for Timber Plantations in Western Australia.

4. Policy Measures:

4.1 General

- a. Council will not approve plantations that will, in Council's opinion, adversely affect existing scenic views from the following major tourist routes:
 - South Western Highway
 - Donnybrook-Boyup Brook Road
 - Balingup-Nannup Road
- b. Existing plantations on State Forest and private property, within the delineated areas around Donnybrook and Balingup will have a continuing use right but if they are established strict fire control and prevention measures must be taken.

4.2 Road Infrastructure and Impacts

- a. As part of an application seeking approval for a plantation/agroforestry, the applicant will be required to outline the preferred route/s for future harvesting.
- b. Should an application for a plantation/agroforestry be conditionally approved, Council will require the submission of detailed Timber Harvesting Plan at least 6 months prior to proposed harvesting.
- c. The Council, in conjunction with relevant agencies will consider whether the proposed access to/from the application site and the proposed haulage route/s are suitable and safe.
- d. Where the Council considers the existing road infrastructure is not adequate to service the future harvest, the applicant operator will be required to make suitable and safe access arrangements.
- e. Prior to harvesting the applicant shall provide a road maintenance bond at a rate of \$0.50/tonne. Such a bond shall be retained by the Shire for the purpose of road maintenance. The Shire will recover the bond, or part of the bond, as appropriate, including administrative costs, of completing or rectifying the road.

4.3 Fire Risk and Management

- a. As part of the planning application, Council will require the applicant to submit an appropriate Fire Management Plan in accordance with Council and Fire & Emergency Services Authority requirements for plantations.
- b. Firebreaks not less than 10 metres in width immediately around the perimeter of the tree plantation area..
- c. Not less than 6 metres in width in such positions that no part or compartment of a plantation shall exceed 28 ha in area.
- d. Where 10 metre breaks are required in accordance with this section of Council's Fire Break Order, pruning of overhang shall be carried out up to a height of five (5) metres above the firebreak (ground level).
- e. In addition to breaks specified, plantations traversed by Western Power transmission lines have additional obligations under the Electricity Act.
- f. No plantation shall be allowed within 100m of any existing dwelling on any adjoining property, or within a 50m radius from any dwelling on the plantation site.

4.4 Water Quantity and Quality

- a. Where it is proposed to develop a plantation on a property that contains a perennial or non-perennial watercourse the Council may seek advice from the Department of Water and Environment Regulation to assist in determining the application.

4.5 Visual Impact

- a. The Council seeks to carefully consider planning applications for agroforestry/tree plantations on properties which adjoin or are near major tourist routes identified in clause 4.1d of this policy.
- b. The Council's assessment of visual impact is primarily concerned when viewed from the designated major tourist routes.
- c. The Council may refuse applications where they detrimentally impact on the visual landscape values of the locality.

4.6 Natural Resource Management

- a. In establishing a tree plantation, no native vegetation shall be removed from any land for the purpose of being replaced by plantation species. Native vegetation includes individual trees which have been retained on rural land.
- b. For the purposes of tree preservation, the protection of remnant vegetation and to maintain water quality, ecological values of waterways and to prevent erosion, Council will require that plantations be set back a distance of 6 metres from watercourses and 6 metres from stands of remnant vegetation greater than 1 hectare in area in addition to the firebreak.
- c. The Council encourages the retention and regeneration of riparian vegetation where appropriate, replanting areas adjacent to watercourses with local indigenous vegetation. This is in order to promote better overall natural resource management practices that will maintain and improve ecosystem function and water quality.

5. Implementation:

Council will assess all applications based on all relevant information and advice in accordance with this policy and LPS7. It is expected that all agroforestry and tree plantation applications, when approved, will be implemented under the principle of sustainable land management based on endorsed Best Management Practice/code of Practice documents and natural resource management targets for key land, water and biodiversity areas

Additionally any approved application, if implemented, shall be carried out in full compliance with any conditions imposed with that planning approval.

Adopted:	23 June 1999
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.4



Town Planning Policy

9.4 Outbuilding Control

9.4 (1) Outbuilding Zoning Controls

The following zone-specific provisions shall apply to the approval of outbuildings:

a) **Rural Residential and Rural Small Holding Zones**

No outbuildings shall be approved unless:

- There is an existing dwelling constructed; or
- A building license has been issued for a dwelling.

b) **Commercial/Industrial/Tourist/Special Use Zones**

Any proposed outbuilding in the Commercial, Light Industry, General Industry, Tourist, Caravan Park, Clubs and Institutions and Special Use zones shall require the submission of an application for planning consent to the Shire for consideration.

c) **Agricultural Zones**

Any proposed outbuilding in the General Agriculture and Priority Agriculture zones shall be considered through the building license application process.

9.4 (2) Outbuilding Area Controls

a) The maximum outbuilding areas permissible are as follows:-

ZONE	MAXIMUM OUTBUILDING AREA (m ²)	MAXIMUM WALL HEIGHT (m)
Rural Residential	180	3.5m
Rural Small Holdings	180	3.5m
General Agriculture	No Maximum Area	
Priority Agriculture	No Maximum Area	

- b) Any proposed outbuilding within the Rural Residential zone shall not be located forward of the building line of a dwelling on a primary street frontage.
- c) Notwithstanding a) above, the Shire may consider an increase in floor area of up to 220m² and a wall height of up to 4m in the Rural Residential zone subject to the submission of an application for planning consent and satisfying the following criteria:

For outbuildings with floor areas between 180m² and up to 220m² and or wall heights up to 4m :

- The lot being greater than 1.5ha;
- At least 50% of the structure being screened from the primary street frontage;
- being located behind the dwelling;
- the elevation facing the street frontage is the narrowest elevation.

The location of outbuildings forward of the building line in the Rural Residential zone will be subject to the submission of an application for planning consent and satisfy the following criteria:

- there are site constraints that reasonably limit an alternative location;
- landscaping being provided to screen at least 50% of the elevation from the primary street frontage;
- the colour of materials to match with elements of the dwelling.

- d) Any proposed outbuildings within the Tourist, Caravan Park and Clubs and Institutions zones will need to address the following-

- Impact on vistas
- Impact on landscape from public realm
- Impact on existing vegetation
- Relationship to existing development on-site
- Purpose of outbuilding

- e) The maximum outbuilding area shall be interpreted as the maximum total floor space of all outbuildings (as defined in the Residential Design Codes) permitted on any one site. Any variation to the maximum outbuilding area will require planning approval.

The maximum floor area does not include unenclosed structures such as car ports or lean to additions.

- f) A primary street frontage is defined for the purpose of this policy as being the frontage in which the front door of the dwelling and at least one habitable room faces and/or the frontage where access is obtained from.

- g) Lean to additions to sheds in the Rural Residential zone shall be limited to no more than 50m² where an existing shed is already at the maximum floor area permitted as defined in the above provisions:

The following zone-specific provisions shall apply to the approval of outbuildings:

a) Residential, Rural Residential and Rural Small Holding Zones

No outbuildings shall be approved unless:

1. There is an existing dwelling constructed; or
2. A building licence has been issued for a dwelling.

b) Commercial/Industrial/Tourist/Special Use Zones

Any proposed outbuilding in the Commercial, Light Industry, General Industry, Tourist, Caravan Park, Clubs and Institutions and Special Use zones shall require the submission of an application for planning consent to the Shire for consideration.

c) Rural Zones

Any proposed outbuilding in the General Agriculture and Priority Agriculture zones shall be considered through the building licence application process.

Adopted:	25 July 2001
Last Amended:	November 2017
Last Reviewed:	November 2017
Next Review Date:	2018
Responsible Department:	Town Planning

Policy 9.6



Town Planning Policy

9.6 Signage / Advertisement

Policy Objectives

- 9.6.1 To provide a consistent approach to signage within the Shire of Donnybrook-Balingup.
- 9.6.2 To provide guidelines which will assist in the regulation and control of signage within the Shire.
- 9.6.3 To encourage advertising which complements the natural and urban landscapes and minimises any negative impacts.
- 9.6.4 To ensure that existing and future signage is maintained at a level which produces a positive image of the Shire of Donnybrook- Balingup.
- 9.6.5 To provide clear advice to those wishing to erect signage as to assist in meeting their needs and those of the Shire and general community.
- 9.6.6 To ensure that any signs erected or displayed on buildings are compatible with the architectural style and appearance of the building within the Shire.

Statutory Requirements

- 9.6.7 The erection of some signage/advertisements constitutes development under the Shire of Donnybrook-Balingup Local Planning Scheme No 7. and requires planning consent.
- 9.6.8 Details of "Exempt Advertisements" which do not require planning consent are contained in Schedule 9 of Local Planning Scheme No.7.
- 9.6.9 Council shall not approve the erection of any advertisement for a service or commodity, which is not produced, offered or sold on the lot on which the advertisement is erected.
- 9.6.10 Council will not support applications for advertisements that in the opinion of Council detract from the aesthetic qualities of an area by virtue of inappropriate size, colour and location. Additional to this, the Council will consider the existing number of signs placed in an area and on the building to ensure visual cluttering does not occur and a clear message is maintained.
- 9.6.11 Public open space and reserves within the shire shall not be used for the erection of signage except for purposes as determined by Council.
- 9.6.12 The use of vehicles, trailers and trucks for the display or exhibiting of signage will not be permitted except for special events as determined by Council.

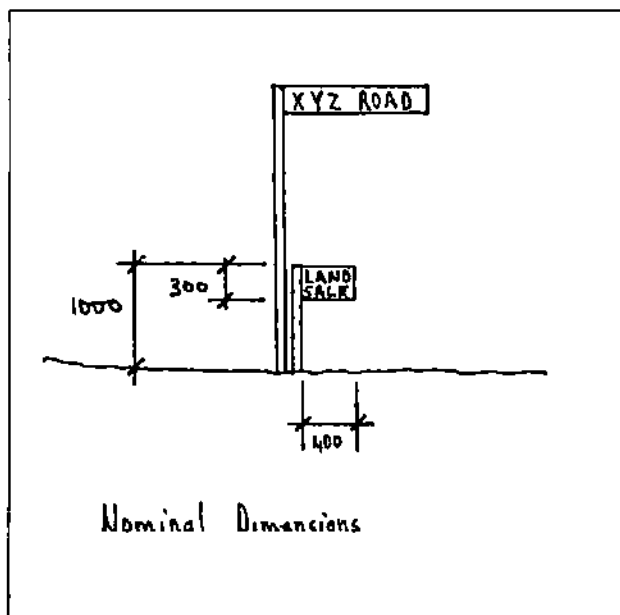
- 9.6.13** The provision of signage associated with approved home occupations shall be a maximum of 0.2m². (e.g. - 450 mm by 450 mm)
- 9.6.14** Council will support the use of standard directional signs on major roads to direct traffic to businesses. In approving directional signs the Council will limit one fingerboard sign at the junction of a highway or main road indicating the most direct route to the facility. The sign shall be white lettering on blue background and the sign, where possible, will be located in conjunction with existing road name and or other directional signage.
- 9.6.15** The Council will generally support the use of composite signs i.e. hoop signs, where appropriate, to remove the need for separate signs.
- 9.6.16** Council in recognising the historic nature of road side fruit sales will permit the erection of seasonal signage to bona fide orchardists who provide for the sale of fruit on an incidental basis in accordance with "Exempt Advertisements" contained in Schedule One.
- 9.6.17** Council will not permit the erection of signage on trees within the road reserve.
- 9.6.18** Council shall have regard to the placement of signage on places of heritage value and building listed in the Shire's Municipal Heritage Inventory, the historic appropriateness of the materials, style, design, and lettering of the sign and whether it is affixed in such a way that it causes no damage to the building and may be removed without leaving evidence of it having being affixed.

Moveable Signs

- 9.6.19** Moveable signs shall not be allowed to be permitted where, in the Council's opinion they would obstruct pedestrian or vehicle movements or sightlines or obstruct access to or views from any other premises.
- 9.6.20** Any moveable sign should be located as close as possible to the premises to which it relates, unless the Council is satisfied that there are local circumstances which make this difficult and that an alternative location has been identified of which is to the satisfaction of Council.
- 9.6.21** The applicant will be required to maintain a minimum \$5 million public liability insurance covering the placement of the moveable sign on the footpath that indemnifies Council.
- 9.6.22** Moveable signs shall only remain in public places while the shop or business is open for trading.

Real Estate Signs

- 9.6.23** No real estate advertising signs will be permitted on road reserves other than those detailed in Clause 9.6.24.
- 9.6.24** Only single directional signs located adjacent to existing road signs will be permitted in road reserves.



Preferred property land sale directional sign

- 9.6.25** Real estate signs located on road reserves within townsites of the Shire of Donnybrook-Balingup are not permitted and may be removed by Shire employees.

General

- 9.6.26** In granting planning consent for the erection or display of an advertising sign Council will have regard to and may attach conditions concerning the following matters; the location, position, size, shape, colour, number of existing signs, degree of internal illumination and the presence or rate of flashing lights.

Adopted:	1 January 1993
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.7



Town Planning Policy

9.7 Interpretation (Extractive Industry)

Landowners are exempt from having to obtain an Extractive Industry Licence when the proposed extraction is for personal use on their property with no commercial or trade gain. Personal use is considered to be a minor level of activity for non-commercial purposes.

Adopted:	23 June 1999
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.8



Town Planning Policy

9.8 Stocking Rates

1. This policy applies to all land zoned "Rural Residential" within the Shire of Donnybrook-Balingup that requires planning consent for stock other than sheep to be grazed on that land.
2. Dry Sheep Equivalents (DSE) will be used as a factor in determining the stocking rate of a lot. DSE are the number of adult sheep (wethers) that can be sustained on each hectare of land all year round.

10 DSE = 1 - 450 kg horse = 1 - 425 kg milking cow

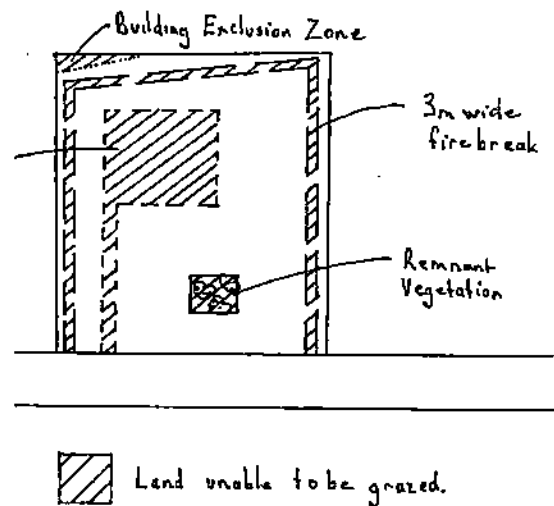
For the purpose of this policy the land units for rural residential zoned lots in the Shire of Donnybrook-Balingup have been determined to have 8 DSE/hectare.

3. The following information will be used to determine stocking capacity of a lot.

Lot area
 Building envelope area
 Perimeter Fire break area (3m wide) Remnant Vegetation/Trees
 Building exclusion area Water course exclusion zone Aspect
 Soil type Topography

4. Stocking Rate entitlement example

Gross Lot area	2.0 ha
Less	
Building envelope area	0.25ha (2500 square metres)
Perimeter Fire break (3m wide)	0.1250ha (1250 square metres)
Remnant Vegetation/Trees	0.1 ha
Building exclusion area	0.2 ha
Gross grazing area	1.325 ha
Stocking entitlement	10.6 DSE



2-hectare lot showing area unable to be grazed

5. To determine the stocking rate where fractions of animals cannot be accommodated the following provisions apply.

Stocking entitlement Cattle and Horses

e.g. 7.5 DSE and greater = 1 horses or cow/lot less
 than 7.5 DSE = 0 horses or cows/lot therefore
 =>17.5 DSE = 2 horses or cows/lot

Other stock

Use standard mathematical convention

e.g. greater than 0.5 DSE round entitlement up
 0.5 DSE or lower round entitlement down

6. If the proponent disputes the stocking rate calculations they are encouraged to produce evidence to support their claims.
7. Council reserves the right to review the stocking rates on any lots.
8. **STANDARD CONDITIONS OF PLANNING CONSENT PERTAINING TO STOCKING RATE APPLICATIONS**

1. A maximum of (x) horses shall be kept on the subject site at any time.
2. All remnant vegetation or trees on the subject site shall be permanently fenced in a manner to exclude and prevent damage from stock to the satisfaction of the Chief Executive Officer prior to any stock being kept on the subject site.

3. This approval does not give consent to build or erect any shelter or structure.
4. All development shall generally be in accordance with the approved development plan, which forms part of this approval.
5. This approval shall expire unless the development hereby authorised has been completed within 12 months of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent must be made within one month of the date of expiry of the approval.
6. Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

Footnote:

- (a) *In regard to Condition 1, "kept", means the primary place of housing, agisting and grazing of horses.*
 - (b) *Where variations between this policy and Local Planning Scheme No 7 exist, the provisions of the Local Planning Scheme shall prevail.*
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Adopted:	28 March 2001
Last Amended:	26 August 2009
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.9



Town Planning Policy

9.9 Stocking Rates

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1. Council will not support the closure of any gazetted public road which has any possibility whatsoever of being utilised. There is a general presumption against the closing of roads.
 2. Council will however consider the closure of a gazetted road where it will have no impact upon legal practical access to any property and will result primarily in the rationalisation of land and roads within the Shire.
 3. In the event that Council supports the closure of a road the proponent will be liable for all costs involved with the road closure.

Adopted:	22 August 2001
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.11



Town Planning Policy

9.11 Relocation and Use of Second Hand Dwellings

1. Objective

- a) To maintain a high standard of dwelling stock within the Shire of Donnybrook-Balingup.
- b) Ensure that the relocation of second-hand dwellings is undertaken to an approved standard with regard to local amenity and aesthetics.
- c) Ensure the style, construction and design of relocated second-hand dwellings is consistent with the character of the surrounding dwellings and the locality in general.

2. Definition

For the purposes of this Policy, a 'Second-hand Dwelling' is defined as the following:

- a) A residential dwelling which has not been specifically designed as a transportable residence and has previously been located at any place other than on the lot upon which it is to be erected; or
- b) A building which has been specifically designed as a transportable residence and which has been used as a residential dwelling at any place other than on the lot upon which it is to be erected

3. Application

This policy shall apply to the relocation and installation of a dwelling on a lot in the Shire of Donnybrook-Balingup previously located on another site.

This Policy does not apply to:

- (a) Newly constructed purpose built transportable dwellings;
- (b) Other new transportable dwellings that have not been previously installed at any other location;
- (c) Relocated buildings for non-habitable uses;

- (d) Sea and shipping containers; or
- (e) Caravans and park homes.

4. Approval Requirements

- 4.1** All proposals for the relocation and use of second-hand dwellings require an application for planning consent to be submitted to the Shire of Donnybrook-Balingup for approval. In considering an application for Planning Consent in respect to any relocated second-hand dwelling Council shall before granting consent, be satisfied as to the impact of the proposal on the amenity of the area. If in the opinion of Council, a relocated second-hand dwelling will have a detrimental effect on the local amenity, or have the potential to visually impair or detract from the exterior design or appearance of other buildings in the vicinity, the application will be refused.
- 4.2** An Application for Planning Consent shall be made on Council's standard Application for Planning Consent form together with the following information:
- (a) A site plan showing the proposed location of the building on the property;
 - (b) Plans, evaluations, and details of the building;
 - (c) Photographs of the building showing the external appearance; and
 - (d) Details of modifications and other works to be carried out on the building such as re-cladding, painting, construction of verandahs, etc.
- 4.3** Notwithstanding that Planning Consent may be granted by Council, a building license is required prior to relocation commencing. The building will need to meet all relevant requirements under the Building Code of Australia and relevant Australian Standards.
- 4.4** If the dwelling is deemed suitable for transportation and erection on the subject lot, a condition of planning approval will be the payment of a bond of the amount of \$5,000. Refund of this bond will only occur upon fulfilment of all conditions of planning approval. Partial refunds of the bond based on progressive completion of conditions will not be considered.

5. Development Guidelines

5.1 Minimum Dwelling Standard

The following minimum dwelling standard applies:

- a) A minimum gross floor area of 60m²;
- b) At least one (1) bedroom separate from the other rooms in the dwelling; and
- c) A lounge, meals and kitchen area (may be open plan).

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia and Australian Standards.

5.2 Energy Efficiency Requirements

A Second-hand Dwelling is required to meet the current Energy Efficiency requirements for the applicable Climate Zone contained in Part 3.12 of the Building Code of Australia. A condition requiring compliance may be included in any Planning Consent.

5.3 Amenity

When giving consideration to an Application for Planning Consent, Council shall give consideration to:

- a) The Second-hand Dwelling in its relocated position being rendered visually acceptable by the use of verandahs, screening and/or landscaping; and
- b) The design, scale and bulk of the Second-hand Dwelling being compatible with the type of dwellings that exist in the locality in which it is to be located.
- c) In recognition of the higher standards of development and amenity expected within the Residential and Rural Residential zones, applications for relocated dwellings within those zones will be subject to stringent assessment to ensure their compatibility with the amenity, character and development standards of that area

6. Standard Conditions of Planning Approval

Relocated second-hand dwellings may be approved subject, but not limited to, the conditions stipulated below:

- 6.1 All development shall generally be in accordance with the approved development plan which forms part of this approval.
- 6.2 This approval shall expire unless the development hereby authorised has been completed within 12 months of the date of issue, or within any extended period for which Council has granted written consent. Any application for such consent must be made within one month of the date of expiry of the approval.
- 6.3 Any activity relating to the hereby approved development is not to cause injury to or prejudicially affect the amenity of the locality including injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.

- 6.4 No development shall take place on the subject site until an application for a crossover is submitted and approved by Council, unless a Council approved crossover already exists on the subject site.
- 6.5 The hereby approved relocated dwelling is to be assembled, upgraded and maintained in the following manner within twelve months of date of issue of approval to the satisfaction of the Shire of Donnybrook- Balingup:
- a) The dwelling shall be properly fixed to stumps on the subject site and effectively rejoined in compliance with all legislation;
 - b) External and internal walls, fixtures and fittings to be made good;
 - c) Doors and windows to be installed and working; and
 - d) Effluent disposal connection to be completed;
 - e) All internal and external plumbing to be completed and connected;
 - f) All electrical connections to be installed to the requirements of Western Power and shall be functional;
 - g) The dwelling is to have a high quality external finish/cladding (painted or otherwise) completed in a tradesman-like manner; and
 - h) Floors to be re-instated.
- 6.6 All debris to be removed from the subject site and left in a tidy state to the satisfaction of the Shire of Donnybrook-Balingup.
- 6.7 No person shall occupy a second-hand building until such time that a Certificate of Occupancy has been issued by the Shire of Donnybrook-Balingup.
- 6.8 A bond of \$5,000 is payable prior to the issue of a Building Licence.

Note: In some cases the following landscaping condition may be applied.

The landscaped area(s) as shown in green on the approved development plan shall be planted, established at the time of occupancy, and maintained as landscaped area to the satisfaction of the Chief Executive Officer.

Adopted:	24 October 2001
Last Amended:	27 April 2011
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

*Policy 9.12 - **Building Setback Policy** was revoked on 17 December 2014.*

*Policy 9.13 - **Dams Policy** was revoked on 26 May 2010.*

Policy 9.15



Town Planning Policy

9.15 Commercial Vehicle Parking

1. Objective

To facilitate the controlled parking of commercial vehicles on private property in Residential and Rural Residential zones in a manner that does not detrimentally impact on the amenity and safety of the surrounding community.

2. Definition

"Commercial vehicle" means a vehicle, whether licensed or not, which is used or designed or intended for use in conjunction with a profession, trade or business and, without limiting the generality of the foregoing, shall include trailers, tractors and their attachments, buses and earthmoving machines, whether self-propelled or not, but shall not include a passenger car, a derivative [as defined by the Vehicle Sale Regulations 1976 (as amended)], or a van, utility or light truck, which is rated by the manufacturer as being able to carry loads of up to 1.5 tonnes.

3. Application of Policy

3.1 No commercial vehicle is permitted to remain on privately-owned land within the Residential and Rural Residential zones for a longer period than is necessary for loading or unloading unless the Council has issued a Planning Approval permitting the parking of such a vehicle.

3.2 As commercial vehicle parking is not mentioned in the list of use classes in the Zoning Table and is not included in the general terms of any use class in the Zoning Table, Council in dealing with an application for Planning Approval may:

- a) determine that the use is not consistent with the objectives of the relevant zone and is therefore not permitted; or
- b) determine by absolute majority that the proposed use is consistent with the objectives of the relevant zone and thereafter cause the application to be exhibited for public comment in accordance with the procedure set out in Clause 4.18.2 of the Scheme.

4. Assessment Criteria

4.1 Residential Zones

- a) The vehicle, together with the load thereon, should not exceed 2.7 metres in height.
- b) Vehicle to be housed within a domestic garage and/or parked behind the front building setback line, with the vehicle being screened from the street and surrounding properties by a screen fence or adequate landscaping.
- c) The parking of a commercial vehicle shall not, in the opinion of Council, adversely affect the amenity of the surrounding land.
- d) At least five (5) of the following six (6) performance standards being satisfied:
 - the property accommodating residential development at a density no greater than an R5 density (i.e. max. 1 dwelling per 2000m²); the vehicle to be housed within a domestic garage;
 - the load on the vehicle is to be of a height which ensures that the vehicle together with its load does not exceed 2.7m in height;
 - not more than one commercial vehicle to be parked on a lot;
 - the vehicle forms an essential part of the occupation of an occupant of the dwelling; and
 - no valid objections from surrounding residents /landowners.

4.2 Rural Residential Zone

- a) Vehicle(s) to be housed within a domestic garage, outbuilding and/or parked behind the front building setback line, with the vehicle being screened from the street and the surrounding properties by a screen fence or adequate landscaping.
- b) The parking of a commercial vehicle shall not, in the opinion of the Council, adversely affect the amenity of the surrounding land.
- c) At least four (4) of the following five (5) performance standards being satisfied:
 - not more than one (1) commercial vehicle to be parked on a lot zoned Rural Residential unless in the opinion of Council special circumstances warrant relaxation of the permissible number of vehicles;
 - the vehicle(s) to be housed in a domestic garage or outbuilding;
 - the vehicle forms an essential part of the occupation of an occupant of the dwelling;
 - the vehicle is necessary for the use and management of the lot;
 - no valid objections from surrounding residents/landowners.

5.1 Conditions

Where Council grants approval for the parking of commercial vehicle(s), the following conditions may be applied:

- a) that on-site provision for housing the vehicle in a garage, outbuilding or parking behind the front building setback line is made and the vehicle is screened from the street and surrounding properties in a manner satisfactory to the Council;
- b) that the amenity of the neighbourhood is not prejudicially affected by the emission of light, noise, vibration, smell, fumes, smoke or dust;
- c) no repairs or activities are undertaken on Residential or Rural Residential blocks that create the issues identified in (b) above;
- d) the approval shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person;
- e) the vehicle is not to be brought to or taken from the land between the hours of midnight and 6 am;
- f) that if, in the opinion of the Council, a nuisance or annoyance to the owners or occupiers of land in the neighbourhood is caused, the Council may revoke its approval;
- g) any other conditions the Council thinks necessary or desirable.

Adopted:	24 October 2007
Last Amended:	7 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.16



Town Planning Policy

9.16 Transportable Structures**1 Purpose**

To provide guidance for the assessment and determination of applications for Planning Consent for sea containers, transportable buildings (i.e. dongas) and railway carriages within the Residential, Rural Residential, Commercial and Special Use zones.

2 Objectives

- 2.1 To provide a consistent approach to assessing applications for transportable structures within the Shire of Donnybrook-Balingup.
- 2.2 To ensure that transportable structures are constructed and located in such a way as to minimise the impact on the amenity of the locality.

3 Background

The use of transportable buildings such as sea containers, railway carriages and prefabricated site offices for storage purposes or as a dwelling may provide for a high level of security and be an economical means of providing accommodation. However, due to the 'industrial' appearance and relatively large size, can detract from the visual amenity of a locality.

As the structures are generally without architectural features such as pitched roofs or windows, they can appear to be out of place in a residential or semi-rural setting as they are inconsistent with the general residential housing design.

This Policy has been created in order to ensure that Shire staff and potential applicants can assess the appropriateness of transportable structures in the Residential, Rural Residential, Commercial and Special Use zones.

4 Definition

For the purposes of this Policy, a 'Transportable Structure' is defined as the following:

- A structure that is brought to a property, held in place primarily by its own mass or affixed to the ground and includes, but is not limited to, sea containers, decommissioned railway carriages, transport conveyances and prefabricated transportable buildings.

The definition of 'Transportable Structure' does not include new prefabricated kit homes over 60m² in floor area or a "tiny home" which is a small purpose built home below 60m² in floor area that can be fixed and non-mobile (without wheels or trailer).

5 Application

This policy applies to any transportable structure in the Residential, Rural Residential, Commercial and Special Use zones.

6 General Criteria

- 6.1 Transportable Structures that exceed any one or more of the criteria corresponding to the relevant zone in Table 1 of this Policy, or the relevant general criteria below, will not be recommended for approval, unless in Council's opinion the size, appearance, location and particulars of the subject site will not have a detrimental impact on the landscape and amenity of the area.
- 6.2 Transportable structures will only be permitted where they are of a high standard of repair, in the opinion of Council, prior to being brought onto a property.
- 6.3 The floor area of a transportable structure shall be calculated as a contribution to the total floor area of structures in accordance with the Town Planning Scheme and the Shire of Donnybrook-Balingup Outbuilding Control Policy 9.4.
- 6.4 A purpose built "tiny home" less than 60m² may be considered in the Residential zone where it can be demonstrated that:
- a) it is appropriately orientated to present a high quality frontage to the street;
 - b) supported by landscaping that includes features that adds shade, bulk and interest to the street frontage such as mature trees, screening shrubs, screening structures;
 - c) design measures are included to provide privacy behind the tiny home to ensure that the site presents a neat and tidy streetscape.
 - d) includes provision of open style front fencing.
 - e) is not located on a main street such as the South Western Highway, Collins Street, special character area.

7

- 7.1 Applications for the placement of a transportable structure shall be in the form of an Application for Planning Consent and include the following:

- a) A site plan to scale showing all existing development on the lot, location of existing vegetation, and the proposed location of the transportable building.
- b) Current colour photographs of the transportable structure from all elevations.
- c) Details of proposed landscaping to screen the transportable structure from adjoining properties and the road.
- d) Details of what purpose the transportable structure will be used for and the length of time that the transportable structure will be on the lot.

7.2 This Policy relates only to the assessment of applications for transportable structures under the Shire's Local Planning Scheme No. 7. The placement of any transportable structures on a property is also subject to the provisions of the Building Code of Australia, and therefore a building license is required to be obtained in addition to Planning Consent.

TABLE 1 – TRANSPORTABLE STRUCTURE APPLICATIONS THAT WILL NOT BE APPROVED

Zoning:	Criteria:
Residential	<input type="checkbox"/> Any transportable structure
Commercial	<input type="checkbox"/> Where the transportable structure is to be located on the subject lot for more than 12 months if visible from the public realm; <input type="checkbox"/> Is the only building proposed for the site.
	<input type="checkbox"/>
Rural Residential	<input type="checkbox"/> Where the transportable structure is to be located on the subject lot for more than 12 months; and/or <input type="checkbox"/> Where the transportable structure is located outside of the Building Envelope; and/or <input type="checkbox"/> Where more than 2 transportable structures are proposed
Special Use	<input type="checkbox"/> Where the transportable structure is to be located on the subject lot for more than 12 months; and/or <input type="checkbox"/> Where the transportable structure is located outside of the Building Envelope

Adopted:	28 May 2008
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.17



Town Planning Policy

9.17 Industrial & Commercial Development Control

1. Purpose

To provide developers and the general public with a guide to Council's objectives for the development of industrial and commercial areas and buildings in the Shire of Donnybrook-Balingup.

2. Aims

- a) To improve the quality of industrial and commercial development within the Shire of Donnybrook-Balingup; and
- b) Encourage aesthetically attractive built form and streetscapes.

3. Objectives

To establish guidelines which will:

- a) Result in the construction of industrial and commercial development which is attractive in appearance and provides a safe, pleasant and efficient working environment.
- b) Conserve and enhance the amenity of the locality and neighbouring developments.
- c) Ensure the orderly development of industrial and commercial sites to minimise their environmental impact.

4. Application

- a) This Policy applies to any development of land within the Shire of Donnybrook-Balingup zoned Commercial, Light Industry, General Industry and Tourist.
- b) This Policy is to be read in conjunction with and is in addition to the Shire of Donnybrook-Balingup Local Planning Scheme No. 7. Where there is found to be a discrepancy between the Scheme and this Policy in relation to specific development control requirements, the Scheme shall prevail.
- c) For land zoned Commercial within the Balingup Townsite that is included in the Balingup Village Centre Special Character Area Policy

& Design Guidelines (Balingup Village Centre Policy), the provisions of the Balingup Village Centre Policy shall take precedent.

5. Approval Requirements

5.1 All proposals for development on land zoned Commercial, Light Industry, General Industry and Tourist require Planning Approval.

5.2 Application is to be made on Council's standard Application for Planning Consent form together with the following information:

a) A site plan or plans at a suitable scale (1:100 or 1:200 preferred) showing:

- i. The boundaries of the site, with dimensions and direction of grid north indicated accurately.
- ii. The outline of proposed buildings on the site and distances from the boundaries. The purposes for which areas are proposed to be used shall be indicated. The site plan shall also show the location of buildings on adjacent sites and crossovers adjoining or adjacent to the site.
- iii. Where a building will form part of a future complex of buildings, a staging plan to indicate the location, orientation and proposed use of future buildings and their relationships one to another.
- iv. Refuse and waste disposal areas and the treatment thereof.
- v. The location of individual car parking spaces and access driveways, including maneuvering areas with all dimensions.
- vi. The location and dimensions of all loading and unloading areas, the means of access, and the screening and landscaping thereof.
- vii. The location of any adjoining kerb and gutter, concrete footpath, electricity supply, telephone conduit, etc. and street trees.
- viii. Details of existing ground levels and proposed finished levels of the site.
- ix. The location of all proposed paving of hard standing areas and driveways, specifying the materials to be used for the surface finishes.
- x. Proposed methods of stormwater disposal, including all proposed drainage lines and existing drainage.
- xi. The location and type of signage.

- b) Floor plans and elevations of proposed buildings at a scale of 1:100 or other acceptable scale. The floor plan is to contain a concise description of the uses to which each section of each building is to be put.
- c) Full details of the construction material and colour of external walls and roof materials. Submission of samples of materials may also be required.

5.3 An application for a building licence will not be processed until the development approval of the Council has been granted.

6. Development Guidelines

6.1 Building Appearance

In keeping with the Council's aim of achieving an attractive and quality environment for commercial and industrial areas, every encouragement will be given to applicants who produce innovative and attractive building designs that are sensitive to the existing and intended surroundings and adjoining development.

The facades of buildings visible from public roads are to maintain a high standard of visual amenity. Facades addressing public areas shall include at least 2 of the following features:

- A variety of materials, colours and treatments;
- Incorporation of architectural features including gables, porticos, verandahs, windows, doors;
- A roof form that includes points of interest; and
- Stepping of vertical and horizontal elevations.

For development within the Commercial zone, the following requirements shall apply:

- A minimum enclosed floor area of 40m² for the primary building on the site.
- Transportable or "donger" style structures will only be supported where they are ancillary to an established main building and where they are not visible or have very limited visibility from a public road or public place.
- Metal sheeting or other cladding that can reasonably be associated with shed style development being limited to a maximum surface area of 20% on any elevation fronting a street or public realm.
- Sheds and other ancillary structures only being supported where they are not visible or have limited visibility from the street or public realm.

The primary building on site to reflect the bulk and scale of immediately surrounding properties. New buildings shall be no less than 70% of the scale of the smallest immediately abutting primary building.

6.2 Landscaping

Landscaped areas are to be provided to enhance the appearance of the development from adjoining land uses and public areas. A landscape plan or working drawing will be required to be submitted with the Planning Application and should show the following detail:

- (a) General site layout;
- (b) Species or plant type;
- (c) Earthworks and contours;
- (d) Paved and grassed areas;
- (e) Non-plant landscape elements; and
- (f) Areas to be landscaped, including verges.

The landscape plan will be assessed as an element of the Planning Application.

6.3 Energy Efficiency

The development of ecologically sustainable commercial and industrial environments which maximise energy efficiency and conservation of resources through building design and construction is encouraged by Council in the following ways:

- (a) Passive solar design measures are encouraged to be incorporated into a building's design where practicable.
- (b) Ceiling insulation should be provided.
- (c) Buildings are to have windows that are appropriately sized and shaded to reduce summer heat load while permitting entry of winter sun.
- (d) The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.
- (e) The provision of rainwater tanks for non-potable use.
- (f) The use of grey-water recycling systems to conserve water.

Adopted:	24 October 2007
Last Amended:	November 2017
Last Reviewed:	November 2017
Next Review Date:	2018
Responsible Department:	Town Planning

Policy 9.18



Town Planning Policy

9.18 Residential Development Guidelines

1. Purpose

To provide flexible development controls in unique development precincts of the Shire.

2. Objectives

- To provide local development guidelines for specific residential precincts within the Shire to assist developers, landowners and Shire officers in the preparation and assessment of residential development.
- To ensure socially conscious decisions are made in respect to unique residential development areas of the Shire.
- To facilitate high quality residential development and maintain a high level of residential amenity.

3. Background

Development within several residential areas of the Shire is significantly constrained by contemporary planning standards.

To maintain consistent decision making it is important Council establish a policy document which provides for flexibility within designated residential precincts.

Where applicable, variations to the R-codes will enable positive development outcomes and facilitate the creation of a desirable residential amenity.

4. Statutory Environment

Under Part 7 of the Residential Design Codes, Local Planning Policies may contain provisions that amend or replace deemed to comply provisions set out in Part 5 and 6 of the Codes.:

Council may, with the approval of the WAPC, vary any other acceptable development provision within the R-codes where it can be demonstrated that there is a need specific to a particular region that warrants such a variation.

Local Planning Scheme No. 7 provides general requirements for land zoned "Residential". This Policy has been implemented to provide specific guidance for development in designated residential areas.

5. Application of Policy

The Policy shall apply to those precincts outlined below.

6. Interpretation

For the purpose of this Policy, words and expressions have the respective meaning given to them in Appendix 1 of the Residential Design Codes.

7. Approval Requirements

Where development within a designated residential precinct is consistent with the existing statutory framework and provisions of this Policy, a building licence application is required to be submitted to the Shire for approval.

Development at variance with the existing statutory framework and the provisions of this Policy will not be supported by the Shire.

8. Review

This Local Planning Policy shall be subject to review on an annual basis or as deemed necessary by Council.

9. "Residential East" Precinct

1. Background

On 22 March 1900, three-hundred and twenty-two (322) lots were created to the south-east of the Donnybrook townsite. These lots were obviously not subject to contemporary infrastructure requirements in respect to the provision of reticulated services and road access.

The land is identified as "Residential East Precinct in the Shire's Townsite Expansion Strategy (2009) and lacks services traditionally associated with contemporary residential development.

2. Application

The following design guidelines apply to all new residential development within the "Residential East Precinct".

3. Design Guidelines

3.1 Setbacks

- (i) Front setback - minimum of 4 metres, average of 6 metres;
- (ii) A zero lot line may be permitted on one side boundary;

- (iii) Where feasible, parapet walls shall be located adjacent to an existing neighbouring parapet wall.

3.2 Open Space

A minimum 50% of the total site area is required as open space.

3.3 Housing Style

- (i) Passive solar and energy efficient housing design is encouraged for all residential development in the Precinct;
- (ii) Plumbing fixtures, hot water systems, ground or wall mounted air conditioning units, garden sheds and clotheslines must not be visible from the street.

3.4 Landscaping

A detailed landscaping plan shall be submitted with the building licence application.

3.5 Infrastructure

- (i) The developer / owner shall construct and dedicate the adjacent road reserve to the Shire's satisfaction prior to issue of a building licence;
- (ii) The developer / owner shall construct all associated drainage infrastructure to the Shire's satisfaction prior to issue of a building licence;
- (iii) All development shall be connected to reticulated services (sewer, water, telecommunications) prior to issue of a building licence.

Adopted:	26 November 2008
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.19



Town Planning Policy

9.19 Memorials and Public Art

1. Purpose

To provide general guidelines in respect to the development of memorials and public art within the Shire of Donnybrook-Balingup.

2. Objectives

To establish guidelines that will:

- Enhance the opportunities for cultural and heritage tourism through the presence of high quality works;
- Encourage the expression of identity and belonging by the community, highlighting cultural uniformity and diversity;
- Form meaningful places of cultural heritage that facilitate an understanding of identity, history and aspirations for future generations.

3. Application

This Policy applies to the proposed construction of a memorial or public art within the Shire of Donnybrook-Balingup that can be viewed in the public domain, including public open space, reserves vested in the Shire of Donnybrook-Balingup and on privately owned land visible from public areas.

4. Approval Process

4.1 All proposals will require the submission of an application for Planning Consent to the Shire.

4.2 Applications shall include the submission of an application for Planning Consent form together with the following information:

- a)** A site plan or plans at a suitable scale (1:100 or 1:200 preferred) of the proposed location showing:
- The boundaries of the site, with dimensions and direction of grid north indicated accurately.
 - The outline of proposed structures on the proposed site.
 - Details of existing structures, landscaping and usage of the site.

- b) A detailed budget report including, inter alia: the most likely cost of design, construction, installation, ongoing maintenance.
- c) A detailed design (ie. elevation, scale model) of the proposal, indicating proposed size, materials and plaque text.
- d) Full details of structural integrity, safety issues and perceived impact on environmental or cultural significance of the proposed site.

5. Advertising Requirements

All proposals will be advertised in accordance with Clause 8.2 of the Shire's Town Planning Scheme No. 4.

6. Development Guidelines

6.1 Location

Applicants must:

- provide a specific site and fully justify the reasoning beyond the proposed location;
- ensure the existing use of the site is not jeopardised by the proposed location; and
- consistent with plans adopted by Council for the proposed site.

6.2 Type

- proposals shall represent broad community interest and be mindful of future generations; applicants are encouraged to consider the rehabilitation of existing areas, including landscape and urban design features in lieu of a new proposal;
- proposals can be related to an individual or association that has made a significant contribution to the Shire of Donnybrook-Balingup, an important event in the Shire's history; and proposals for public art shall be at the discretion of Council or a delegated Committee/officer

6.3 Design

- proposals must be of significance to present and future generations;
- the scale and character of a proposal should be complementary to the surrounding area; and
- the proposal shall contribute to the public domain in respect to construction and design.

7. Maintenance & Ownership

Should a proposal be approved, the applicant shall prepare (at their own cost) a Contractual Agreement with the Shire of Donnybrook-Balingup prior to commencement of works.

The Agreement shall outline insurance, ownership, maintenance and terms of construction associated with the approved development.

Any approved development shall be deemed to be owned and under the unconditional control of the Shire of Donnybrook-Balingup with the applicant providing the necessary funds in advance for the maintenance of the approved development, prior to commencement of works.

8. Funding

Whilst the Council may consider a contribution towards a proposal on a case by case basis, the cost of inter alia: community consultation, design, production, installation, site preparation, infrastructure works shall be financed by the applicant.

9. Review of Policy

A review of this Policy shall be undertaken within the first 12 months of adoption, and every two years thereafter.

Adopted:	25 February 2009
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.20



Town Planning Policy

9.20 Ancillary Accommodation – agricultural Rural Small Holdings and Rural Residential Zones

1. Purpose

To establish guidelines for the development of ancillary accommodation in the General Agriculture, Priority Agriculture, Rural Residential and Rural Small holdings zones as defined in Local Planning Scheme No. 7.

2. Objectives

To facilitate the development of relative accommodation through the provision of a consistent framework for the assessment of such development in the rural and rural residential zones.

3. Background

The Residential Design Codes of Western Australia provides for the development of ancillary accommodation in Residential areas of the Shire, however no such provisions exist in rural and semi-rural areas of the Shire.

This Policy has been prepared in the context of the lack of guidance, in addition to the number of proposals received for such development within the Scheme area.

4. Application of Policy

The Policy is applicable in the following zones as prescribed in Local Planning Scheme No. 7:

- General Agriculture;
- Priority Agriculture;
- Rural Small Holdings; and
- Rural Residential.

5. Interpretation

For the purpose of this Policy ancillary accommodation means:

Self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the same dwelling.

6. Approval Requirements

An application for planning consent must be submitted to the Shire of Donnybrook-Balingup for all proposed ancillary accommodation development.

Development at variance with the existing statutory framework and the provisions of this Policy will not be supported by the Shire.

7. Development Provisions

- (i) Where a building envelope exists on-site, the proposed development must be wholly contained within the approved building envelope.
- (ii) Ancillary accommodation shall be in addition to an existing dwelling and does not fetter the development of a second dwelling or chalet(s) on General Agriculture, Priority Agriculture, Rural Small Holdings and Rural Residential zoned lots.
- (iii) The internal floor area of a proposed ancillary accommodation development shall not exceed 80m².

8. Review

This Local Planning Policy shall be subject to review on an annual basis, as necessary.

Adopted:	25 February 2009
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.21



Town Planning Policy

9.21 Balingup Village Centre- Special Character Area

1. Purpose

To provide guidance in respect to development and redevelopment of land within the Special Character Area (refer to Plan 1).

2. Objectives

- To preserve the unique character of Balingup;
- To guide future development in a manner that enhances the existing character;

3. Application

This Policy applies to all land within the Balingup Village Centre Special Character Area as depicted on Plan 1.

The Policy should be read in conjunction with the Shire of Donnybrook-Balingup Local Planning Scheme No. 7, the R-codes and relevant Council policy.

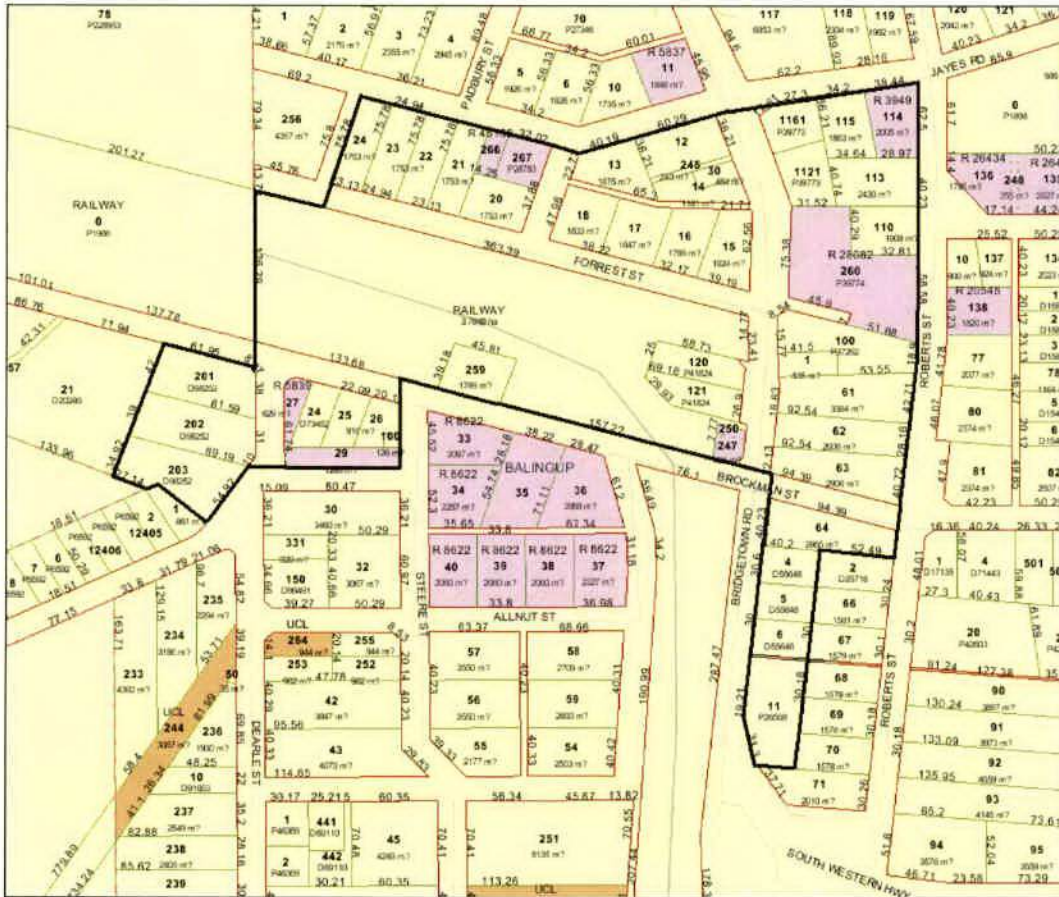
4. Policy Provisions

- (i) Proposed development in the Policy area should contribute to the recognised cultural and heritage values of the village centre by considering the following:
- (ii) Ensure the character and 'village' atmosphere of the town is preserved, particularly in regard to development size, form, height and scale;
- (iii) Ensure compatibility with existing development, particularly in respect to building materials, shop front design, front setbacks, use of colour, application of advertising signage and location and form of fencing;
- (iv) Where large frontages are planned, the façade is to be broken up by vertical elements and where possible new floor levels; window position and sizes; and verandahs shall complement the surrounds;
- (v) Proposed commercial development shall have a nil setback from the front property boundary, except where otherwise endorsed by the Shire;
- (vi) Parking areas shall be located at the rear of the building, where appropriate.

5. Review of Policy

A review of this Policy shall be undertaken every two years.

Plan 1 – Balingup Village Centre – Special Character Area



Adopted:	28 May 2008
Last Amended:	17 December 2014
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Policy 9.23



Town Planning Policy

9.23 Animal Husbandry - Intensive

1. Purpose

To establish guidelines for "Animal Husbandry – Intensive" uses and specify information to be provided with applications.

Aims

- a) To provide a clear set of principles to assist in interpreting when the definition of "Animal Husbandry – Intensive" will apply.
- b) To ensure that "Animal Husbandry – Intensive" uses are designed and operate in a way that is sympathetic with local rural landscape character and amenity.

2. Objectives

- a) To ensure "Animal Husbandry – Intensive" uses are suitably located.
- b) To ensure the use and development of land for "Animal Husbandry – Intensive" does not impact on the environment.
- c) To protect and maintain rural amenity
- d) To encourage quality design and appropriate siting of intensive animal husbandry developments.

3. Development Guidelines

The following design guidelines are to be considered for the siting of such developments:

- a) That part of the site area which is developed with enclosures, yards or buildings used for the holding of animals should be suitably located;
- b) Enclosure design, location and management comply with relevant legislation, guidelines and codes of practice.
- c) No enclosures, yards or buildings in which animals are raised on an intensive raising system are to be within 30m of any road; unless site topographical features conspire to make the use a prominent feature on the landscape. If Council considers the site will adversely impact on local landscape aesthetics, a greater setback and other landscape screening treatments shall be required to Council's satisfaction.
- d) Landscaping of the site should be undertaken so as to minimise any adverse visual impact of the development on the surrounding area. Landscaping shall include earthworks (where appropriate) and selection of plant species that can thrive in the conditions created by "Animal Husbandry – Intensive" uses;
- e) All manure and polluted run-off water from any enclosures, yards or buildings used in conjunction with any intensive animal husbandry, or any water otherwise
- f) contaminated as a result of such use, shall be treated and disposed of either

within the boundaries of the site or in an alternative manner to the satisfaction of the Shire;

- g) Measures should be taken to the satisfaction of the Shire to ensure that the use and development proposed does not prejudicially affect the amenity of the locality by reason of appearance or emission of noise, smell, fumes, waste water, waste products or otherwise;
- h) Demonstrate compliance with buffers to wetlands, remnant vegetation and separation distances to groundwater as well as showing that measures are in place to ensure these areas are not impacted from nitrification/contamination, dust, spray drift or other similar disturbances.
- i) Where these guidelines are not met, the applicant should demonstrate that an equivalent or better outcome is achieved.

4. Information Required to Support Proposals

Each application should be accompanied by (in addition to any other information which a responsible authority may require) a plan at a legible scale showing:

- a) The dimensions and locations in relation to the boundaries of all existing and proposed new buildings and works, extensions or alterations on the site;
- b) Drainage lines through or for run-off water originated on the site through or along which water may be discharged from the site;
- c) The location of existing dwellings on the site and adjacent properties and the existing use of all other land within 0.5 kilometres of the site;
- d) Areas used or to be used for intensive animal raising, grazing, manure disposal and drainage disposal;
- e) Method of waste disposal;
- f) Source and capacity of water supply to the site;
- g) Design, location and arrangement of enclosures;
- h) Method to address potential land use conflict with future sensitive land uses such as future settlements, tourism or rural lifestyle;
- i) Compliance with established planning framework including the Local Planning Strategy and Statement of Planning Policy 2.5 Land Use Planning in Rural Areas; and
- j) Environmental Management Plan that details operations relating to transport, handling and storage, waste disposal and odour and pest controls.

5. Referral Comments

On receiving an application, the Shire shall refer the application to:

- the Department of Parks and Wildlife;
- Department of Health;
- Department of Water;
- Department of Environment and Regulation
- Department of Agriculture; and

And any other agency considered appropriate.

Adopted:	March 25, 2015
Last Amended:	
Last Reviewed:	1 May 2016
Next Review Date:	2017
Responsible Department:	Town Planning

Summary of proposed amendments to Local Planning Policies

Policy No.	Title	Purpose	Summary of Suggested changes	Suggested Recommendation	Reason
9.1.	Road Contribution	To outline developer contribution requirements in relation to road upgrading and maintenance based on a standardised calculation	Revoke policy. The policy is not consistent with how a reasonable condition is imposed. Decisions for contributions are required to be linked directly to specific needs generated by a proposal or in an area that is covered by a Development Contributions Area in a Local Planning Scheme	Revoke policy	Policy is inconsistent with State Planning Framework and the approach is not supported by WAPC or SAT decisions.
9.2	Public Open Space Contributions from Rural Residential Rezoning	To outline minimum standards for open space provision within Rural Residential subdivision/rezonings	Revoke Policy. Open space in Rural Residential areas are determined on specific site conditions/not a pre-determined formula. Recommendations based on this policy would not be given any weight by the State Government when making decisions on rezoning/subdivisions.	Revoke policy	Policy is inconsistent with State Planning Framework and the approach is not supported by WAPC or SAT decisions
9.3	Private Tree Plantations – Agroforestry	To assist in determining applications for private tree plantations/agroforestry	Minor changes proposed to improve clarity	Minor text changes	The policy provide relevant advice and reflects contemporary planning requirements
9.4	Outbuilding Control	To provide outbuilding control for non-residential or commercial zoned land	Minor changes proposed to control the scale of additions to sheds such as lean too extensions	Minor text changes	To ensure that additions to sheds do not adversely impact local streetscape amenity. It is noted that the policy was recently amended by Council at its November 2017 meeting.

Summary of proposed amendments to Local Planning Policies

9.5	Bonding of outstanding works, legal agreements	To provide administrative guidance for the processing and returning of bonds	Revoke policy and place in Management Operations Directions	Revoke policy and place in procedures manual	Relates to internal administration procedure only
9.6	Signage Policy	To provide a consistent approach to signage within the Shire.	No change proposed	No change proposed	The policy provide relevant advice and reflects contemporary planning requirements
9.7	Interpretation – Extractive Industry	To provide an interpretation of extractive industry that exempts extraction for private use on their property	No change proposed	No change proposed	The policy provides relevant advice and assists the Shire with enabling local landowners to extract from their land without unnecessary interference
9.8	Stocking Rates Policy	To provide guidance on animal stocking calculations for Rural Residential zoned land	Minor text changes proposed	Minor text changes	The policy provides relevant advice and reflects contemporary planning requirements
9.9	Chalet development and Bed and Breakfasts	To provide definitions for accommodation uses and detailing the need for planning approval	Revoke policy	Revoke policy	The details covered are now addressed in LPS7. The policy is an unnecessary duplication
9.10	Road Closure	To provide advice on matters to consider when assessing a road closure request.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements

Summary of proposed amendments to Local Planning Policies

9.11	Relocation and Use of Second hand dwellings	To ensure a suitable standard of local amenity is retained when considering the use of second hand buildings.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.14	Recreation Contribution Residential land	To outline contribution requirements for developers based on a standardised calculation	Revoke policy. The policy is not consistent with how a reasonable condition is imposed. Decisions for contributions are required to be linked directly to specific needs generated by a proposal or in an area that is covered by a Development Contributions Area in a Local Planning Scheme	Revoke policy	Policy is inconsistent with State Planning Framework and the approach is not supported by WAPC or SAT decisions.
9.15	Commercial Vehicle Parking	To control parking of commercial vehicles in Residential/Rural Residential areas.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.16	Transportable Structures	To provide guidance for assessing the appropriateness of transportable structures such as sea containers and dongers.	Changes proposed to clarify requirements and introduce support for "tiny houses" in limited situations for the residential zone	changes	To improve clarity
9.17	Industrial and Commercial Development Control	To provide guidance on development standards within Industrial and Commercial zoned areas	Minor changes proposed.	Minor change proposed	This change is proposed to address an issue of building scale highlighted by discussions with SAT. It is noted that this policy was recently reviewed at Council's November ordinary meeting

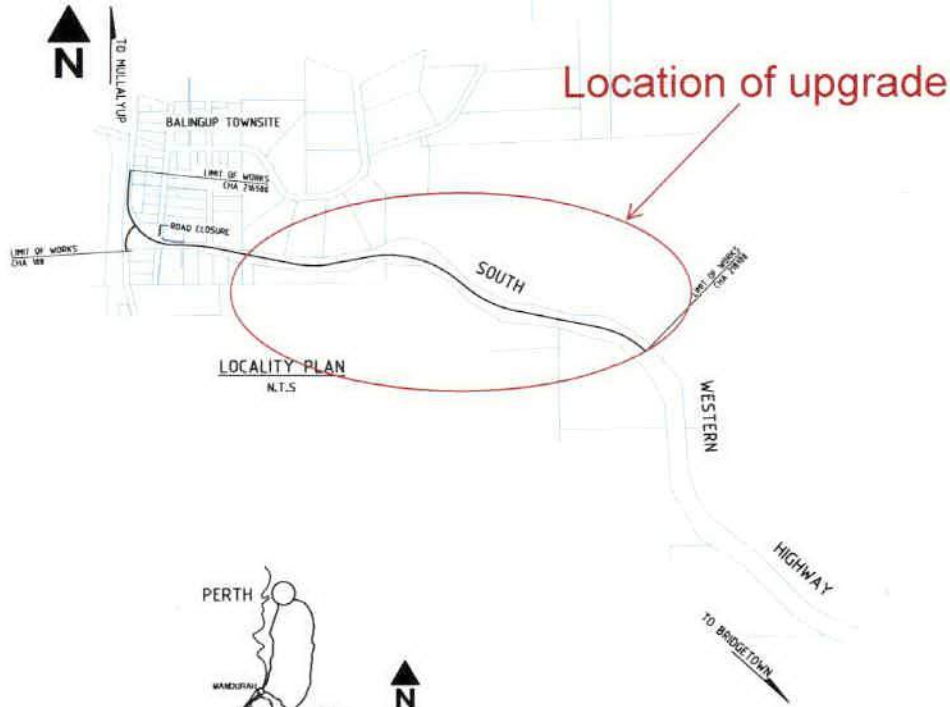
Summary of proposed amendments to Local Planning Policies

9.18	Residential Development Guidelines	To provide guidance for variations to the Residential Design Codes for residential zoned land located at the south eastern portion of Donnybrook Townsite (characterised by long narrow lots).	Minor changes proposed to ensure correct cross referencing with Residential Design Code	Minor changes proposed	To ensure correct cross referencing
9.19	Memorials and public art policy	To provide guidelines for the location, design and process for assessing memorials and public art.	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.20	Ancillary Accommodation – Rural and Rural Residential zones	To establish guidelines for the development of ancillary accommodation within Agricultural and Rural Residential areas	Minor change proposed	Minor change proposed	To ensure correct cross referencing and reflecting recent changes introduced by Deemed Provisions of the Planning Regulations regarding ancillary accommodation
9.21	Balingup Village Centre – Special Character Area	To protect and enhance the unique character of the Balingup town site	No change proposed but seek detailed community feedback on the future direction/need for the policy	Review of direction and need of policy. To be discovered through advertising process	Review to be discovered through separate detailed advertising process
9.22	Advertising of Planning Proposals	To clarify the processes and advertising specifications for different types of land use and development proposals	Revoke policy	Revoke policy and place in Management Operations Directions.	Relates to internal administration procedure only

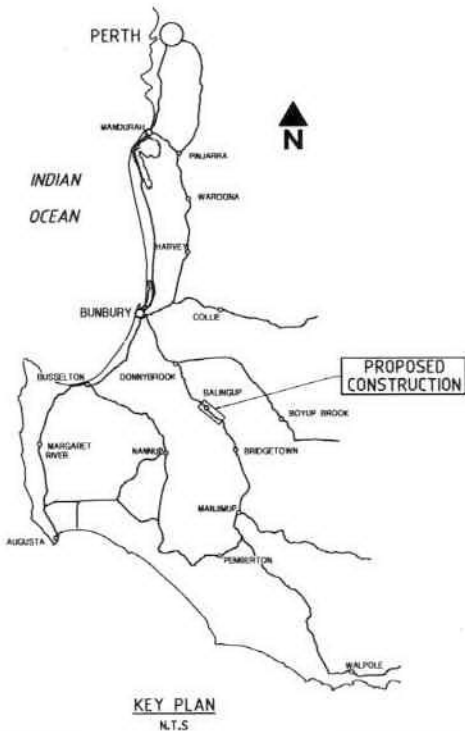
Summary of proposed amendments to Local Planning Policies

9.23	Animal Husbandry Intensive	To provide guidelines and specify information required to support applications	No change proposed	No change proposed	The policy provides relevant advice and reflects contemporary planning requirements
9.24	Waiving of Planning Application Fees	To identify exceptional circumstances when the CEO may consider waiving planning fees	Revoke policy	Revoke policy and place in Management Operations Directions	Relates to internal administration procedure only

SOUTH WESTERN HIGHWAY (H009)
ROAD CONSTRUCTION AND DRAINAGE DRAWINGS
SLK 216.54 TO SLK 218.10
(217) SHIRE OF DONNYBROOK - BALINGUP



LOCALITY PLAN
N.T.S.



KEY PLAN
N.T.S.

DRAWING INDEX

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LOCATION DETAILS FOR TWO OR THREE POST SIGNS	8720-0762
PAYEMENT MARKING LINE TYPES	9931-0198
COVER TYPE GT (ROUND)	200231-106

AMENDMENTS

NO.	DESCRIPTION	APPROVED & DATE

NOTES

METADATA

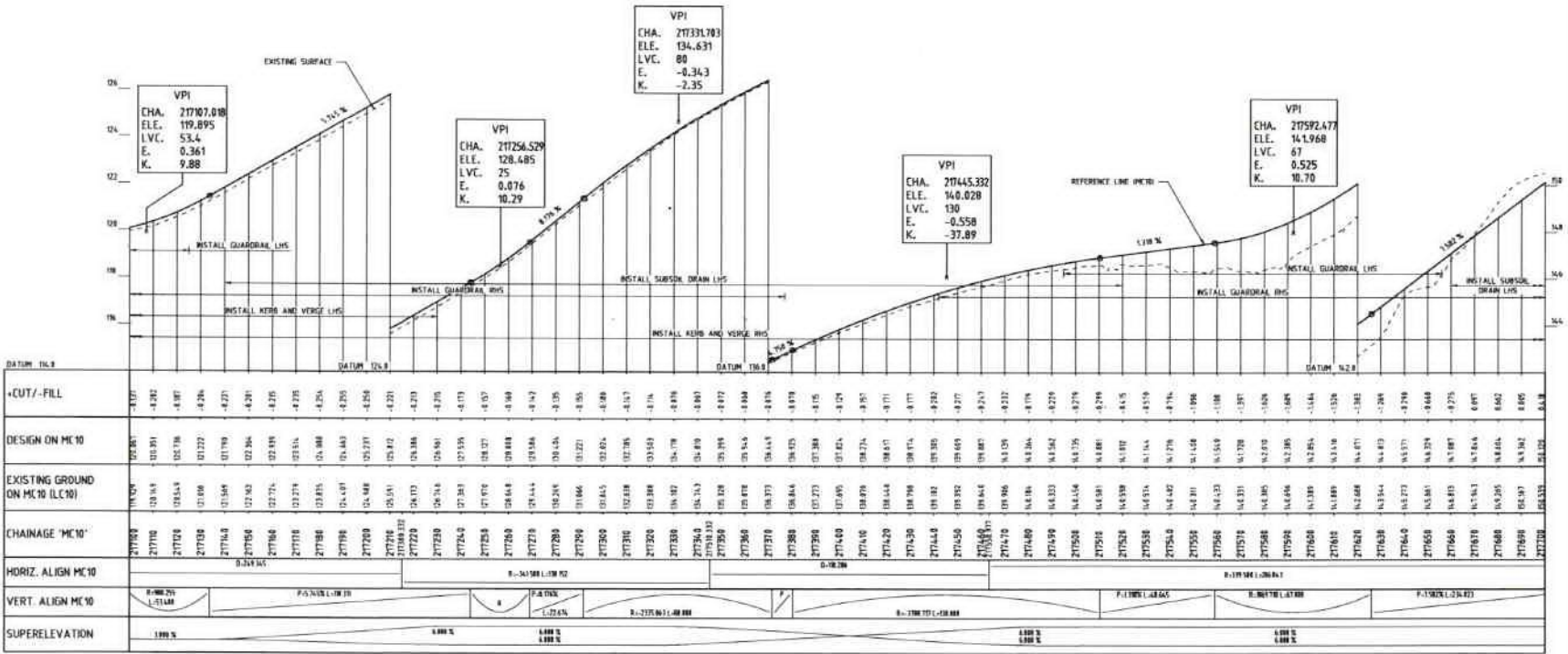
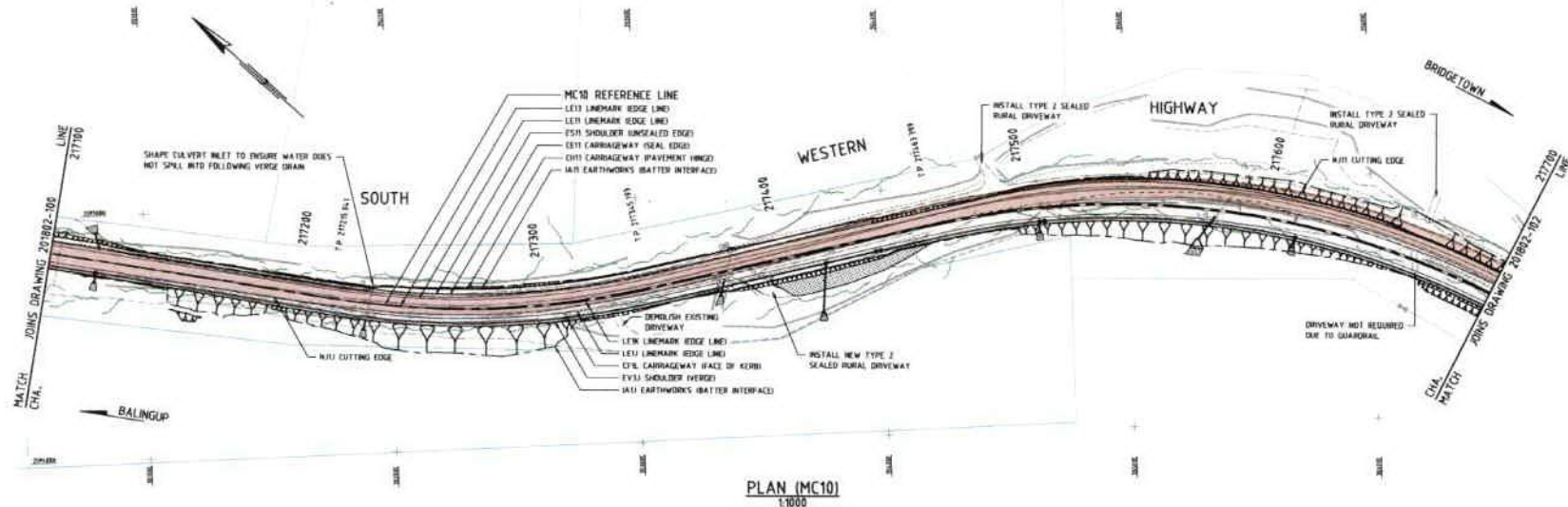
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 DATE OF CAPTURE: MARCH 2016
 MAPPING SURVEY STANDARD:
 DATE OF CAPTURE:
 MAIN ROADS PROJECT ZONE: BRDGETWN94
 HEIGHT DATUM: AHD71

RECOMMENDED INTAKE
 APPROVED INTAKE

SOUTH WESTERN HIGHWAY (H009)
 PADBURY HILL
 216.50 SLK TO 218.10 SLK
LOCALITY PLAN AND DRAWING INDEX

LOCAL AUTHORITY: (217) SHIRE OF DONNYBROOK - BALINGUP
 WITH A DRAWING NUMBER:
201802-0095

SCALE: NOT TO SCALE
A 1



AMENDMENTS

NO.	DESCRIPTION	APPROVED & DATE

NOTES

- REFER TO LOCALITY PLAN AND DRAWING INDEX FOR REFERENCE DRAWINGS.
- DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.
- REFER TO DESIGN MODEL FOR SET OUT DETAILS.
- CHA 217230 TO CHA 217260 SOFT SCHIST MATERIALS ARE ANTICIPATED TO A DEPTH BETWEEN 1.3 TO 2M THIS MATERIAL IS TO BE REMOVED BENEATH THE FOOT PRINT OF THE EXTENDED EMBANKMENT AND FOUNDING CONDITIONS APPROVED BY A GEOTECHNICAL ENGINEER. THE EXCAVATION OF THIS MATERIAL SHOULD BE UNDERTAKEN IN BAYS NO GREATER THAN 5M WIDE. THE EXCAVATION SHOULD BE LINED WITH COMBI GRID 40/40 THEN BACK FILLED WITH COMPACTED APPROVED EMBANKMENT FILL BEFORE EXCAVATING THE NEXT BAY ALONGSIDE.

LEGEND

- REFERENCE LINE R
- CADASTRAL BOUNDARY
- BLENDE NEW WORKS TO EXISTING OVER 20m UNLESS SPECIFIED OTHERWISE
- TREE / BUSH
- ORIGINAL PEG
- TRAFFIC SIGN
- GATE AND FENCE
- OVERHEAD POWER
- PROPOSED CULVERT
- PROPOSED CULVERT EXTENSION
- REMOVE EXISTING SEAL
- REMOVE KERB AND VERGE
- TWO COAT SEAL (7/10mm)
- RIP AND REHABILITATE

METADATA

GROUND SURVEY STANDARD: DIGITAL
 DATE OF CAPTURE: MARCH 2016
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 DATE OF CAPTURE:
 MAIN ROADS PROJECT ZONE: BRIDGETOWN94
 HEIGHT DATUM: AHD71

WML

DRAWING NUMBER/DOCUMENT ID: 6452-C-102
 DESIGNED / DRAWN: A. CONSTANTINE / A.D. MERWE
 VERIFIED:
 DIRECTOR:

mainroads

THE METROPOLITAN & SOUTHERN REGIONS DIRECTORATE
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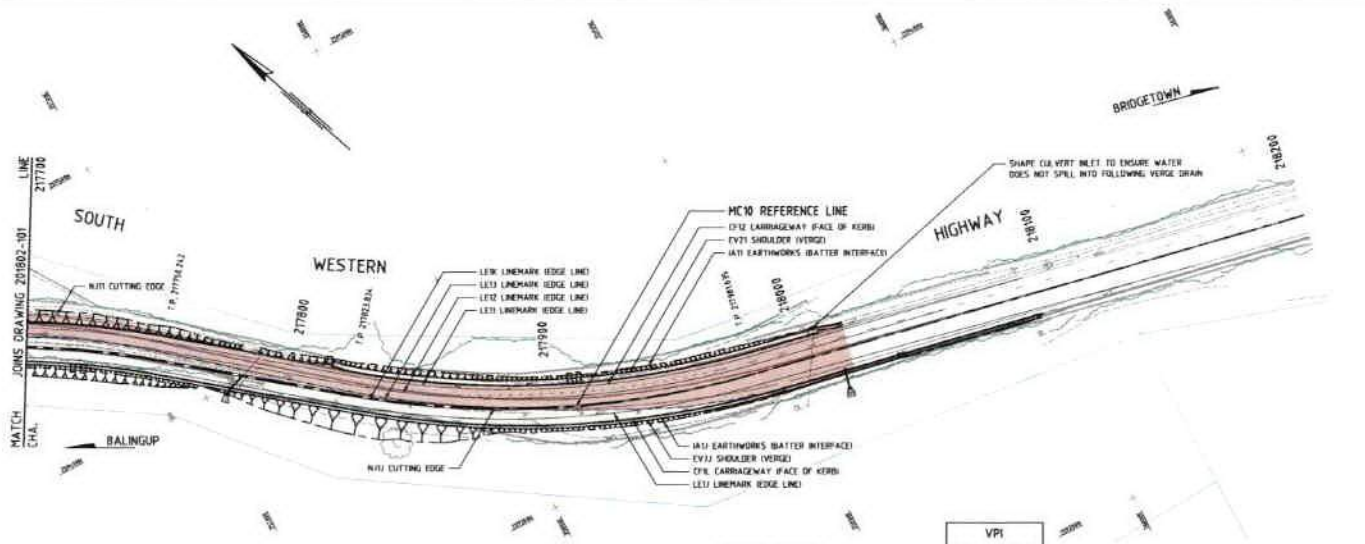
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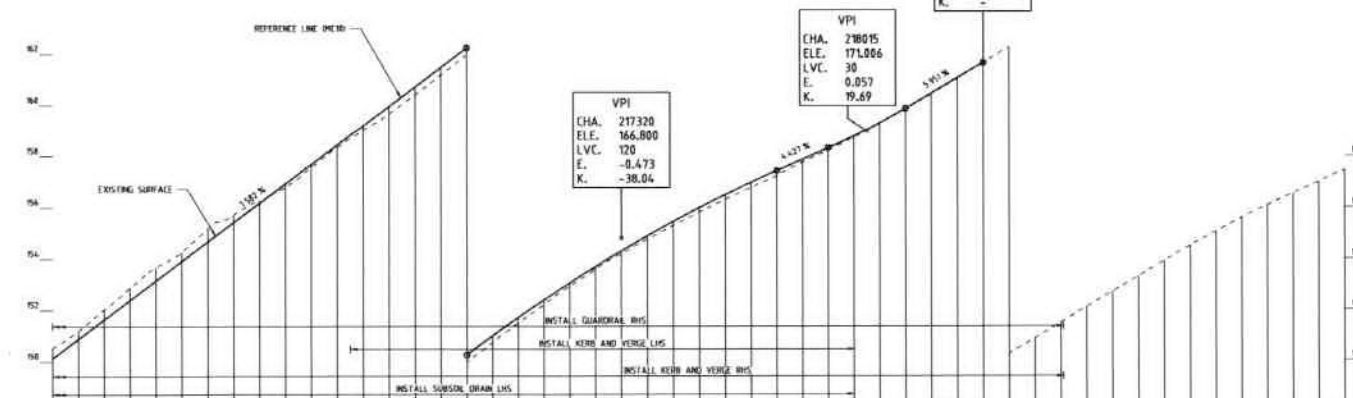
PRELIMINARY DRAWING

NOT TO BE USED FOR CONSTRUCTION PURPOSES

SOUTH WESTERN HIGHWAY (H009)
 PADURRY HILL
 216.50 SLK TO 216.10 SLK
 PLAN AND PROFILE (MC10) - 2 OF 3
 CHA 217100 TO CHA 217700
 LOCAL AUTHORITY (LTA) SHIRE OF DOWNTOWN - BALINGUP
 WMA DRAWING NUMBER: 201802-0101



PLAN (MC10)
1:1000



PROFILE (MC10)
1:1000H, 1:100V

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PRELIMINARY DRAWING
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AMENDMENTS		
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METADATA

GROUND SURVEY STANDARD: DIGITAL
 DATE OF CAPTURE: MARCH 2016
 MAPPING SURVEY STANDARD:
 DATE OF CAPTURE:
 MAIN ROADS PROJECT ZONE: BRIDGETOWN94
 HEIGHT DATUM: AHD71

WML

DRAWING NUMBER/DOCUMENT ID: 6452-C-103
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RECOMMENDED SIGNAGE:
 SOUTH WESTERN HIGHWAY (H009)
 PADBURY HILL
 216.50 SLK TO 218.10 SLK
 PLAN AND PROFILE (MC10) - 3 OF 3
 CHA 217700 TO CHA 218100
 LOCAL AUTHORITY (27TH SHARE OF DONNYBROOK - BALINGUP)
201802-0102

HORIZ. 1:1000 VERT. 1:100



WESTERN AUSTRALIA

Local Government Act 1995

Shire of Donnybrook-Balingup
Meeting Procedures Local Law 2018~~7~~

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LOCAL GOVERNMENT ACT 1995

Shire of Donnybrook-Balingup

Meeting Procedures Local Law 2018~~7~~

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Shire of Donnybrook-Balingup resolved on ~~27³-June~~August 2018~~7~~ to make the following Local Law.

Part 1 - Preliminary**1.1 Citation**

This local law may be cited as the *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017*.

1.2 Commencement

By virtue of section 3.14 of the Act, this local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application and intent

- (1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in:
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In this local law unless the context otherwise requires:

absolute majority has the meaning given to it in the Act;

75% majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the local government;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the Shire of Donnybrook-Balingup;

Criminal Code means the *Criminal Code Act Compilation Act 1913*;

local government means the Shire of Donnybrook-Balingup;

district means the district of the local government;

meeting means a meeting of the Council or a committee, as the context requires;

Member has the meaning given to it in the Act;

Officer is an employed member of the staff of the local government;

President means the President of the local government or other Presiding Member at a Council meeting under section 5.6 of the Act;

Presiding Member means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

- (1) This local law repeals The Shire of Donnybrook-Balingup Procedures Local Law 2017 as published in the Local Law No. 1 Standing Orders as published in the Government Gazette on 29 September 2017, 7 July 1997 and as amended on 31 August 1999 is repealed.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
 - (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

- (3) This local law is to apply to the conduct of committee meetings:
- (a) where the committee has been delegated a specific power, or powers, under the Act; or
 - (b) where the Council, by resolution, requires the application of this local law to that committee.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee:

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

Part 3 – Calling and convening meetings

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary Council meeting, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special Council meeting is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding Member and quorum

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

4.4 Election of Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

4.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

4.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

4.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting:

- (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,
- the names of the Members then present are to be recorded in the minutes.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special Council meeting other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that:
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary Council meeting then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports of Committees at that ordinary Council meeting.

5.2 Order of business

- (1) Unless otherwise decided by the Council, the order of business at any ordinary Council meeting is to be as follows:
 - 1 Declaration of Opening / Announcement of Visitors
 - 2 Attendance

- 2.1 Apologies
- 2.2 Approved leave of absence
- 2.3 Application for leave of absence
- 3 Announcements from the Presiding Member
- 4 Declarations of Interest
- 5 Public Question Time
 - 5.1 Response to previous public questions taken on notice
 - 5.2 Public question time
- 6 Presentations
 - 6.1 Petitions
 - 6.2 Presentations
 - 6.3 Deputations
 - 6.4 Delegates' reports
- 7 Confirmation of Minutes
- 8 Reports of Committees
- 9 Reports of Officers
- 10 Elected Member Motions of which previous notice has been given
- ~~11~~ 11 Questions from Member
- ~~12~~ 12 New Business of an urgent nature introduced by decision of the meeting
- ~~12~~ 123 Meeting closed to public
 - 12.1 Matters for which the meeting may be closed
 - 12.2 Public reading of resolutions that may be made public
- ~~13~~ 134 Closure

Commented [TM1]: Added to cater for Clause 7(1)(b)

- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provides, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 14 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to be accompanied by supporting reasons and must relate to the good governance of the district.
- (4) The CEO:
 - (a) may, following consultation with the President, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;

- (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), "*cases of extreme urgency or other special circumstances*" means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

- (1) In this clause "*adoption by exception resolution*" means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the local government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter:
- (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that is a matter on which a Member wishes to ask a question;
 - (d) that is a matter on which a Member wishes to make a statement; or
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

- (4) Subject to subclause (5), a Member is to identify an item for exclusion from the adoption by exception resolution and the reason for the exclusion by the provision of written notification to the CEO, including the motion that is different to the recommendation if applicable, by 3pm on the day before the meeting.
- (5) A Member can seek the permission of the Presiding Member at the meeting to be allowed to move a motion of which notice has not been given in accordance with subclause (4), however, any motion of which notice has been given in accordance with subclause (4) will take priority.
- (6) Where a matter is excluded from the adoption by exception resolution in accordance with subclause (3)(e) or subclause (5) and it contains a recommendation from a committee, members shall first be given the option to debate the committee recommendation.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
 - (a) the Presiding Member is to direct everyone to leave the meeting except:
 - (i) the Members;
 - (ii) the CEO, or the CEO's delegate; and
 - (iii) any Officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.10 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.

- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided; or
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

- (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either:
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to:
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;

- (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
 - (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a "presentation" means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who:
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions and the council shall not make resolutions.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire of Donnybrook-Balingup Administration Centre and on the local government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked "*Confidential*" in the agenda; and
 - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A Member or an Officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting

or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another Member or an Officer to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not apply where a Member or Officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.
- (2) If a person is permitted to record proceedings under this clause, the Presiding Member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a Member or Officer.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone, audible pager or other electronic communications device is not switched on or used during any meeting of the Council, unless required for emergency use and permission has been granted by the Presiding Member prior to the start of the meeting.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Part 7 - Questions by Members

7 Questions without notice

- (1) Subject to clause 10.17(4), Members may ask questions without notice:
 - (a) in relation to an item on the agenda during discussion or debate on the matter; or
 - (b) in relation to the good government of persons in the district during the agenda item questions from Members.

- (2) A Member asking a question at a meeting may ask that question without notice and, with the consent of the Presiding Member, may ask one or more further questions.
- (3) Where possible the respondent is to endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that:
 - (a) the question is taken on notice; and
 - (b) the answer to the question be given to the Members as soon as practicable.
- (4) Every question and answer:
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

Part 8 – Conduct of Members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically, a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Members to rise

Any Member wishing to speak shall indicate by show of hand or other method agreed upon by the Council. When invited by the Presiding Member to speak, the Member shall rise and address the Council through the Presiding Member, provided that any Member unable conveniently to stand by reason of sickness or disability shall be permitted to sit while speaking.

8.3 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member, unless for an emergency situation.

8.4 Titles to be used

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

8.5 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.6 Members to indicate their intention to speak

~~A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.~~

Commented [TM2]: Catered for in 8.2

8.76 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.87 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.98 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
 - (a) call the attention of the meeting to any irrelevant, repetitious, offensive or insulting language by a Member; and
 - (b) direct that Member, if speaking, to discontinue his or her speech.
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.109 Speaking twice

- (1) A Member is not to address the Council more than once on any motion or amendment except:
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.

8.104 Duration of speeches

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.121 No speaking after conclusion of debate

- (1) A Member is not to speak on any motion or amendment:
 - (a) after the mover has replied; or
 - (b) after the question has been put.

8.132 No interruption

- (1) A Member is not to interrupt another Member who is speaking unless:
 - (a) to raise a point of order;
 - (b) to call attention to the absence of a quorum;
 - (c) to make a personal explanation under clause 8.14; or
 - (d) to move a procedural motion that the Member be no longer heard.

8.143 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.154 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.165 Adverse reflection

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.
- (2) A Member is not:
 - (a) to reflect adversely on the character or actions of another Member or Officer; or
 - (b) to impute any motive to a Member or Officer, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or insulting expressions in reference to any Member, Officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
 - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.176 Withdrawal of offensive language

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
 - (a) in the absence of a resolution under clause 8.16:
 - (i) reflects adversely on the character or actions of another Member or Officer; or
 - (ii) imputes any motive to a Member or Officer; or
 - (b) is offensive or insulting,
 must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

Part 9 - Preserving order**9.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.78, but to preserve order.

9.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of:
 - (a) this local law; or
 - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order:
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
 - (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),
- the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and

(b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Complex motions

The Presiding Member may require that a complex substantive motion is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

10.6 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.7 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.8 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.9 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.10 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.11 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.12 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.13 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.14 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.15 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.16 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.17 Right of reply

- (1) The mover of a substantive motion has the right of reply.

- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised:
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
 - (a) no other Member is to speak on the motion;
 - (b) there is to be no further discussion on, or any further amendment to the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

10.18 Foreshadowing alternative motions

- (1) If a member wishes to negate a substantive motion and have the Council consider a new substantive motion on the matter with different intent, the member must foreshadow the new substantive motion prior to the right of reply.
- (2) If a substantive motion is lost, the Presiding Member must call on the Member who foreshadowed the new substantive motion to move the proposed motion.
- (3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.
- (4) If more than one foreshadowed motion is proposed for any item before the Council, the Presiding Member must deal with them in the order in which they were presented.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion, a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;

- (f) that the ruling of the Presiding Member be disagreed with; or
- (g) that the meeting be closed to the public.

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion "that the meeting proceed to the next item of business", if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion "that the debate be adjourned":

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of a meeting of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.

- (3) A motion "that the meeting now adjourn":
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion "that the question be now put", is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion "that the member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion "that the ruling of the Presiding Member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Part 13 - Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member:
 - (a) is to put the question to the Council; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of Council or a committee specifically requests that there be recorded:
 - (a) his or her vote; or
 - (b) the vote of all members present,
 on a matter voted on at a meeting of the Council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

Part 14 – Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary Council meeting are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the

local government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary Council meeting.

- (2) At the next ordinary Council meeting, the Member who provided the alternative wording shall, at the time for confirmation of minutes:
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause:
- (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) "implement", in relation to a decision, includes:
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local law and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
- (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 17 - Suspension of local law**17.1 Suspension of local law**

- (1) A Member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.

- (3) A motion under subclause (1) which is:
- (a) seconded; and
 - (b) carried by an absolute majority,
- is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where the local law does not apply

- (1) In situations where:
- (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law ~~these Meeting Procedures~~,
- the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in local laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

Part 18 - Meetings of electors

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this local law.

18.8 Participation of non-electors

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 19 - Enforcement

19.1 ~~Penalty for breach~~

~~A person who commits an offence under this local law is liable to a penalty of \$1000 and where the offence is of a continuing nature, to a daily penalty of \$100 in respect of each day or part of day during which the offence has continued.~~

Commented [TM3]: Rely upon Regulation 4 of the Local Government (Rules of Conduct) regulations

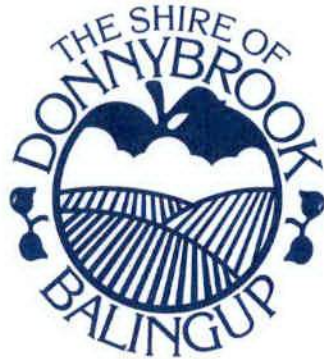
19.21 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: ~~27 June~~29 March 2018

The Common Seal of the Shire of Donnybrook-Balingup was affixed by authority of a resolution of the Council in the presence of -

B. PIESSE, Shire President.
B. G. ROSE, Chief Executive Officer.



SHIRE OF DONNYBROOK-BALINGUP

COUNCIL POLICIES

Last overall review – May ~~2016~~2018
Last amended – ~~May 2018~~September 2017

COUNCIL POLICIES

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Council Policy
1.1 Policy Manual

That all Policy matters adopted by Council prior to 21st May, 1997 be rescinded and that the only Policies recognised by Council are those that have been adopted on or since that date.

- 1.1.1 All policies were reviewed on 23rd July 1998
- 1.1.2 All policies were reviewed on 28th July 1999
- 1.1.3 All policies were reviewed on 24th April 2002
- 1.1.4 All policies were reviewed on 14th June 2006
- 1.1.6 All Policies were reviewed on 28th May 2008
- 1.1.7 All policies were reviewed on 27th February 2009
- 1.1.8 All policies were reviewed on 26th May 2010
- 1.1.9 All policies were reviewed on 27th April 2011
- 1.1.10 All policies were reviewed on 23 May 2012 or 24th April 2012
- 1.1.11 All policies were reviewed on 10 May 2013
- 1.1.12 All policies were reviewed on 17 or 25 June 2014
- 1.1.13 All policies were reviewed on 1 May 2015
- 1.1.14 All policies were reviewed on 26 or 28 April 2016

1.1.15 All policies were reviewed in May 2018

Adopted:	1 January 1991
Last Amended:	25 May 201 8 6
Last Reviewed:	26 April 201 8 6
Next Review Date:	201 9 7
Responsible Department:	Council