



# Notice of Ordinary Council Meeting

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TO:

**ALL COUNCILLORS**

To be held on

Wednesday, 27 August 2014

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

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**John Attwood**  
Chief Executive Officer

**18 August 2014**

## **Disclaimer**

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

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## ORDINARY COUNCIL MEETING AGENDA

27 AUGUST 2014

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# SHIRE OF DONNYBROOK/BALINGUP

## ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 27 August 2014 at 5.00pm

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### MEMBERS PRESENT

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#### COUNCILLORS

Cr Dilley (President)  
Cr Mitchell (Deputy)  
Cr Bailey  
Cr Crowley  
Cr Dawson  
Cr Duncan  
Cr King  
Cr Logiudice  
Cr McCabe

#### STAFF

John Attwood - CEO  
Greg Harris – Manager Finance & Admin  
Mike Scott – Manager Works & Services  
Leigh Guthridge – Manager Development & Environmental Services  
Bob Wallin – Principal Planner  
Judy Franks – Executive Assistant

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### PUBLIC GALLERY

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#### 1 APOLOGIES

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#### 2 PUBLIC QUESTION TIME

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#### 3 APPLICATION FOR LEAVE OF ABSENCE

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#### 4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

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#### 5 PETITIONS/DEPUTATIONS/PRESENTATIONS

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#### 6 LATE ITEMS

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Nil

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## **7 CONFIRMATION OF MINUTES**

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### **7.1 Ordinary Council Meeting – 23 July 2014**

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**Moved: Cr**

**Seconded: Cr**

**That the minutes of the ordinary meeting held on 23 July 2014 be confirmed as a true and accurate record.**

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## **8 ELECTED MEMBERS MOTIONS**

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<b>8.1.1</b>	<b>SUBJECT:</b>	<b>SERVICE OF ALCOHOL AT COUNCIL FUNCTIONS</b>
	<b>Location:</b>	<b>N/A</b>
	<b>Applicants:</b>	<b>Cr John Bailey</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL34G</b>
	<b>Author:</b>	<b>John Attwood, CEO</b>
	<b>Report Date:</b>	<b>19 May 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

Cr Bailey has proposed the following Notice of Motion:

### **Notice of Motion**

There will be no alcohol at Council functions. Exemptions will require Council approval.

### **Cr Bailey Comment**

#### A duty of care and leadership issue

This motion relates to members of our communities, workers, staff, Councillors and anybody who attends a Council sanctioned event.

Since September 2013 we have been looking for a way to protect the Rate payers and the council from litigation arising from the service of alcohol at Council sanctioned functions.

On the 11<sup>th</sup> of June the CEO emailed me and wrote" In my opinion the only way to further diminish responsibility would be to restrict or ban alcohol at council and staff functions"

I'm convinced the CEO was on the right track.

Discussions with neighbouring Shires and further discussions with Shires thought out the State at Local government week confirm my concerns;

1. Spending rate payers money on alcohol; and

2. Possible litigation that may arise from doing so.

Other Shires have minimised the service of alcohol and at least one has virtually placed a ban on the supply of alcohol. It's time we did the same.

Without exception the advice I've obtained agrees with our own insurers, having policies in place may reduce the rate payers and Councils exposure to legal action and financial loss, but will not guarantee it.

There can be no reason why the elected Council would knowingly put the rate payers at risk. Previously councillors said they were concerned about having less time with staff in a relaxed environment, this time does not have to be lost, as Councillors and staff can retire to licensed premises, doing so would guarantee protection for the rate payers and Council. There are two aims in this motion:

1. Protect the rate payers and council against litigation and possible financial loss.
2. Protect all who attend a Council function, our duty of care.

For the sake of the above I urge you to pass this motion as is.

### **Policy/Statutory/Voting Requirements**

#### Policy

Policy 1.21 Responsible Service and Consumption of Alcohol on Shire Premises.

#### Statutory

N/A

#### Voting

Simple Majority

### **CEO Comment**

Council adopted Policy 1.21 Responsible Service and Consumption of Alcohol on Shire Premises at the Council meeting held on the 25<sup>th</sup> June 2014. A number of staff are trained in the responsible service of alcohol and further staff will be undergoing training.

### **Cr Bailey's Notice of Motion**

**Moved: Cr**

**Seconded: Cr**

**There will be no alcohol at Council functions. Exemptions will require Council approval.**

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## **9 MINUTES OF PREVIOUS MEETINGS**

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### ***9.1 Committee Minutes***

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**Moved: Cr Seconded: Cr**

**That the following Committee minutes be received:**

- Local Emergency Management Committee Meeting Minutes – 5 August 2014
  - Donnybrook Cultural Planning Advisory Group Meeting Minutes – 7 August 2014
  - Balingup Townscape Committee Meeting Minutes – 13 August 2014
  - Donnybrook Townscape Committee Meeting Minutes – 13 August 2014
  - Balingup Community Advisory Committee Meeting Minutes – 19 August 2014
  - Special Council Meeting – Adoption of 2014/15 Budget and Corporate Business Plan – 19 August 2014
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## **10 REPORTS OF COMMITTEES**

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### ***10.1 Balingup Townscape Committee Meeting – 13 August 2014***

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<b>10.1.1</b>	<b>SUBJECT:</b>	<b>BALINGUP TOWNSITE MAINTENANCE ISSUES</b>
	<b>Location:</b>	<b>Balingup Townsite</b>
	<b>Applicants:</b>	<b>Shire Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP07/1</b>
	<b>Author:</b>	<b>Mike Scott, Manager Works &amp; Services</b>
	<b>Report Date:</b>	<b>5 August 2014</b>
	<b>Attachments:</b>	<b>10.1.1 – Maintenance Report</b>

#### **Background**

Proposed discussion on Maintenance Issues as outlined in the attached Project Maintenance Report.

#### **Committee's Recommended Resolution (Officer's Recommended Resolution)**

**Moved: Cr Seconded: Cr**

**That the Maintenance Issues Report be received, with any new items raised at the Balingup Townscape Committee meeting included.**

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## Committee's Recommended Resolution

**Moved: Cr**

**Seconded: Cr**

**That the Diosmas be removed behind the Post and Rail fence on the South Western Highway War Memorial corner.**

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### **10.2 Donnybrook Townscape Committee Meeting – 13 August 2014**

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<b>10.2.1</b>	<b>SUBJECT:</b>	<b>RESTORATION OF DECORATIVE APPLES WITHIN DONNYBROOK TOWNSITE</b>
	<b>Location:</b>	<b>Donnybrook</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 07/2</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>2 July 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

The decorative apples located within the Donnybrook Townsite have been identified as needing restoration work. This is to ensure that the apples present an attractive asset to the town's streetscape character.

It is important that these apples are in a good order of repair so that they exemplify the positive qualities and traits that the town wishes to present to the community and visitors.

### **Comment**

Staff investigations into restoration options have concluded that a gel coating of the apples is the most efficient and effective way to enhance and preserve the apples.

Before committing to this approach, a test on two apples is being undertaken by Bell Fire Equipment. This will enable costs to be established as well as being able to review the end product outcomes before completely committing to this process and service provider.

### **Policy/Statutory Implications**

N/A

### **Financial Implications**

Once the test on the apple is completed, it will be possible to work out the estimated cost of the entire project. Once costs are established, the Committee will need to consider the project within the context of the General Townscape Budget Allocation before progressing further.



### **Strategic Implications**

This project will assist in maintaining the existing landscaping treatments of the main street consistent with the recommendations of the Donnybrook Townsite Development Plan 2012-2017.

### **Committee’s Recommended Resolution (Officer’s Recommended Resolution)**

**Moved: Cr    Seconded: Cr**

**That subject to the test on these apples being successful the remaining decorative apples be restored and funded from the 2014/15 Donnybrook Townscape Budget.**

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<b>10.2.2</b>	<b>SUBJECT:</b>	<b>ARBORETUM INFORMATION BAY SIGN</b>
	<b>Location:</b>	<b>Donnybrook</b>
	<b>Applicants:</b>	<b>Donnybrook Balingup Chamber of Commerce Inc</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 07/2</b>
	<b>Author:</b>	<b>John Attwood, CEO (<i>Judy Franks, Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>5 August 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

The Donnybrook Balingup Chamber of Commerce Inc has written to Council in support of having the Information Bay at the Donnybrook Arboretum cleaned up.

The Chamber has requested that the following work be undertaken:

- Clean signs;
- Schedule the storm wood refuse for burning in Autumn;
- Remove rubbish that has been dumped towards the river bank; and
- Erect a “No Dumping” sign near the river bank.

The Chamber would also like to see the sponsor apples reinstated on the boards with the original sponsors’ permission or find an alternate sponsor.

### **Comment**

Currently there is one Information Bay sign at the Arboretum with another sign being ordered.

The burning of the storm wood refuse is being undertaken.

Council has allocated funds in the draft 2014/15 budget and both the Chamber and the Donnybrook Tourist Association have also allocated funding to this project.

Council, the Chamber and the Tourist Association will need to work together to organise the cleaning/replacement/repair of the Arboretum Information Bay.

### **Policy/Statutory Implications**

N/A

### **Financial Implications**

Council has an allocation of \$12,500 in the draft 2014/15 budget in the Donnybrook Townscape budget for unspecified projects.

### **Strategic Implications**

Outcome 2.8 Our townsites are attractive, well presented and maintained.

### **Committee's Recommended Resolution (Officer's Recommended Resolution)**

**Moved: Cr**

**Seconded: Cr**

**That Council in conjunction the Donnybrook Balingup Chamber of Commerce Inc and the Donnybrook Tourist Association schedule a working bee to clean up the Arboretum and development and implement the upgrading of the main Tourist Information Sign.**

**That Council seek assistance from the Friends of the Arboretum to participate in the working bee.**

**That Council allocated \$1,000 from the Donnybrook Townscape budget 2014/15 towards costs of cleaning/repairing or replacing items as necessary.**

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### **Migrants Memorial**

CEO & Cr Crowley met with Mr Lui Tuia and Charlie Martella on the 9<sup>th</sup> July 2014 to further progress the construction of a Migrants Memorial on the corner of the South Western Highway and Reserve Street, Donnybrook.

The Migrants Memorial Committee have confirmed that they have agreed to build the Memorial on the Reserve Street corner and not elsewhere in the South West.

### **Egan Park – Netball Court/Playground**

Administration staff to meet with Donnybrook Netball Club to discuss the condition of the small playground and equipment.

## **Bin Surrounds – Photos**

At the Donnybrook Townscape Committee meeting held on the 9<sup>th</sup> April 2014 it was generally agreed that the bin surrounds should have an earliest available photo on panel and latest photo on other side. There should be a theme – timber, sandstone, apple, gold, main-street, railway precinct.

### **Committee’s Recommended Resolution**

**Moved: Cr Seconded: Cr**

**That unless suitable photos have been selected within two weeks then staff proceed to install the bin surrounds in four weeks without photos.**

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## **Decorative Christmas Lights – South Western Highway, Donnybrook**

Manager of Works & Services to present to Committee members a costed proposal for lights that could be installed up to a maximum budget of \$10,000.

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### **10.3 Balingup Community Advisory Committee Meeting – 19 August 2014**

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<b>6.1.1</b>	<b>SUBJECT:</b>	<b>DEVELOPING DONNYBROOK - STAGE 2 PROJECT UPDATE</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 15</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>11 August 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

## **Background**

The Balingup Community Advisory Committee at its meeting 8<sup>th</sup> July 2014 resolved to arrange a special meeting for the 19<sup>th</sup> August 2014 to provide feedback on the draft Developing Donnybrook document.

The Committee’s comments will be taken into account during the report preparation process prior to the document being prepared to a standard deemed suitable by Council for advertising.

Prior to releasing the report to the public it is necessary for the document to be reviewed and assessed by Council’s working group and gain support at a full meeting of Council. This process ensures that any document released to the public has an appropriate level of support and backing from Council members. This ensures that the publically released document reflects Council’s views and aspirations.

**Policy/Statutory/Voting Implications**

Policy

N/A

Statutory

N/A

Voting

Simple majority

**Financial Implications**

N/A

**Strategic Implications**

The preparation of a strategic town planning document is a key objective of the Shire's Strategic Community Plan.

**Officer's Recommended Resolution**

**That the Committee Require the Principal Planner to forward comments and feedback to TME (consultants) for consideration in the further reviewing/drafting of the Developing Donnybrook report.**

**Committee's Recommended Resolution**

**Moved: Cr Seconded: Cr**

**That the Committee resolved that:**

- 1) **TME Plan 13114P-MP-16A be modified to:**
    - a) **Remove RSH(d) as the Rural Strategy designates that no development occurs within the GVTP viewshed;**
    - b) **Remove the portion of RSH(c) east of the ridge road as this land lies within the GVTP viewshed; and**
    - c) **Identify existing Rural Residential areas to acknowledge subdivision potential available under proposed Town Planning Scheme No.7.**
  
  - 2) **The CEO to forward comments and feedback to TME (consultants) for consideration in the further reviewing/drafting of the Developing Donnybrook report.**
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be treated as Restricted Assets thereby making the funds available for the 2014/2015 or future financial years. To facilitate this process the unspent funds are transferred to the respective Council Reserve Fund.

**Comment**

As the 2013/2014 budget does not provide for the transfer of funds as mentioned above, it will be necessary for Council to authorize the following Reserve Fund Transfers.

**Transfers to Reserve Accounts**

Transfer to Aged Housing Reserve

Preston Village – Retained contributions (Reserve and Amenities Fees)	\$3,608.55
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Transfer to Roadworks Reserve

<u>Road Projects</u>		
	Repay Roadworks Reserve – Gravel used in 13/14 on Shire jobs	\$217458.00
C1303	Upper Capel Road (Municipal contribution)	\$9,090.00
C1305	Ferguson Road (Municipal contribution)	\$60,225.00
C1304	Upper Capel Road (RRG funding)	\$1,090.00
C1306	Grimwade Road (CRF funding)	\$50,400.00
C1306	Grimwade Road (Municipal contribution)	\$15,404.00
	Mead Street Parking (Dept. Education funding)	\$136,608.00
	Southampton Bridge (Insurance payout)	\$1,055,912.00
	Developer contribution, Hawterville Road	\$3,477.00

Note: SBS – State Blackspot  
 FBS – Federal Blackspot  
 RRG – Regional Road Group  
 CRF – Commodity Route Funding  
 R2R – Roads to Recovery Program

Transfer to Apple Funpark Reserve

Donations collected from money spinner at Funpark	\$5,464.75
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**Transfers from Reserve Accounts**

In addition to the above transfers to Reserve, the following amounts will be transferred from Reserve to Municipal to offset operational expenses. Council authorisation is required to utilise these funds.

Transfer from Well Aged Housing Contingency Reserves

Major maintenance – Minninup Cottages Units 5-8	\$2,000.00
Major maintenance – Minninup Cottages Units 9-12	\$1,603.00
Major maintenance – Langley Villas Units 1-6	\$20,466.00
Major maintenance – Langley Villas Units 7-9	\$1,500.00

**Consultation**

N/A

**Policy/Statutory/Voting Implications**

Policy

N/A

Statutory

N/A

Voting

Absolute Majority

**Financial Implications**

The proposed Reserve Fund Transfers are necessary to ensure that funds allocated in the 2013/2014 budgets are classified as restricted assets and therefore available to spend on the listed projects when they occur.

**Strategic Implications**

N/A

**Officer’s Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That Council authorise the following transfers between Council Reserve Funds:**

**Transfer to Aged Housing Reserve**

<b>Preston Village – Retained contributions (Reserve and Amenities Fees)</b>	<b>\$3,608.55</b>
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**Transfer to Roadworks Reserve**

<b><u>Road Projects</u></b>		
	<b>Repay Roadworks Reserve – Gravel used in 13/14 on Shire jobs</b>	<b>\$217458.00</b>
<b>C1303</b>	<b>Upper Capel Road (Municipal contribution)</b>	<b>\$9,090.00</b>
<b>C1305</b>	<b>Ferguson Road (Municipal contribution)</b>	<b>\$60,225.00</b>

<b>C1304</b>	<b>Upper Capel Road (RRG funding)</b>	<b>\$1,090.00</b>
<b>C1306</b>	<b>Grimwade Road (CRF funding)</b>	<b>\$50,400.00</b>
<b>C1306</b>	<b>Grimwade Road (Municipal contribution)</b>	<b>\$15,404.00</b>
<b>C1303</b>	<b>Mead Street Parking (Dept. Education funding)</b>	<b>\$136,608.00</b>
<b>C1305</b>	<b>Southampton Bridge (Insurance payout)</b>	<b>\$1,055,912.00</b>
	<b>Developer contribution, Hawterville Road</b>	<b>\$3,477.00</b>

**Note:** SBS – State Blackspot  
 FBS – Federal Blackspot  
 RRG – Regional Road Group  
 CRF – Commodity Route Funding  
 R2R – Roads to Recovery Program

**Transfer to Apple Funpark Reserve**

<b>Donations collected from money spinner at Funpark</b>	<b>\$5,464.75</b>
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**Transfer from Well Aged Housing Contingency Reserves**

<b>Major maintenance – Minninup Cottages Units 5-8</b>	<b>\$2,000.00</b>
<b>Major maintenance – Minninup Cottages Units 9-12</b>	<b>\$1,603.00</b>
<b>Major maintenance – Langley Villas Units 1-6</b>	<b>\$20,466.00</b>
<b>Major maintenance – Langley Villas Units 7-9</b>	<b>\$1,500.00</b>

**Absolute Majority Required**

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**11.2 Manager Works & Services**

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Nil

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**11.3 Manager Development and Environmental Services**

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Nil



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## **11.4 Principal Planner**

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<b>11.4.1</b>	<b>SUBJECT:</b>	<b>RETROSPECTIVE PLANNING APPROVAL FOR A MECHANICAL FITTING AND PUMP SERVICE BUSINESS, RETROSPECTIVE APPROVAL FOR AN EXISTING SHED, OFFICE AND TRANSPORTABLE STRUCTURE AND THE CONSTRUCTION OF 2 NEW SHEDS, A SIGN AND CARPARKING AREAS</b>
	<b>Location:</b>	<b>Lot 4 (No.1651) Donnybrook Boyup Brook Road, Yabberup</b>
	<b>Applicants:</b>	<b>Mr Bryn Kettle</b>
	<b>Zone:</b>	<b>Priority Agriculture</b>
	<b>File Ref:</b>	<b>A2351</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>31 July 2014</b>
	<b>Attachments:</b>	<b>11.4.1 (1) Development Plans and supporting text</b> <b>11.4.1 (2) Summary of Submissions</b>

### **Background**

This proposal is to seek retrospective planning approval for a mechanical and plumbing/rainwater tank selling business, existing shed, office and transportable sea container as well approval to construct 2 new sheds with reduced street setbacks and erection of a new sign (see Attachment 11.4.1 (1)).

Lot 4 Donnybrook Boyup Brook Road has a land area of 3.2ha and contains a number of existing structures concentrated in the south eastern corner. Access is presently available from Donnybrook-Boyup Brook Road and also from an unconstructed side street (Charles Street). The business uses Charles Street for access.

The applicant advises that the business will:

- operate weekdays during day light hours
- have 2x permanent staff and 2x casual staff
- have vehicle movements consisting of:
  - 2x service vehicles 1 to 2 times per day
  - Truck movements 2 to 3 times per week
  - Courier delivery 1 to 2 times per week.

In addition, the applicant wishes Council to consider:

- a) An alternative proposal to remove the proposed undercover areas to the shed on the eastern side of the property and/or remove all the extensions proposed for the existing shed if this will make a difference in getting an approval; and
- b) It has not proved financially viable to operate the business from separate commercial/industrial sites in the past. It is the applicant's opinion that refusal will destroy the viability of the business that provides local employment opportunities.

## Comment

It is proposed that this application be assessed under the requirements of Town Planning Scheme No.7 (TPS7) as gazettal is now imminent. This approach is consistent with State Administrative Tribunal rulings, specifically: Nicholls v WAPC.

The land is zoned “Priority Agriculture” under TPS7. There are a number of generalised town planning controls that apply in this instance. These are summarised as follows:

### Setbacks

Clause 5.48.8.1 states that setbacks shall be 30m from rear and street boundaries and 10m to side boundaries. Clause 5.48.8.2 enables reductions to setbacks to be considered when the Council is of the opinion that topography, soil conditions, location or shape of land make it difficult or impractical to comply. In determining any reduction, regard is to be given to:

- Alternative sites on the property;
- Possible bush fire hazards;
- Environmental impacts;
- Effluent disposal;
- Visual impacts;
- Servicing/infrastructure implications.

### Streetscape and Amenity

Clause 5.17 states:

*“where, in the opinion of the local government, any proposed building or the erection of structures or carrying out of site works is out of harmony with existing buildings or the landscape of the locality by virtue of the design and appearance of the development, the colour or type of materials to be used on exposed surfaces, the height, bulk and massing of any building, the local government may refuse the proposal...”*

In making an assessment, regard is to be given to:

- a) External appearance of the building and any associated structures and landscaping;
- b) The dimensions and proportions of the structure;
- c) Materials used in the construction, taking into consideration, texture, scale, shape and colour;
- d) The effect the building or works will have on nearby properties and occupants of those buildings;
- e) The effect on the landscape and environment generally;
- f) Any other matter which is relevant to the amenity of the locality.

### Matters to be Considered by Council in making planning decisions

Clause 10.2 lists a range of matters that Council is required to consider in making planning decisions:

- a) The compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land;
- b) The likely effect of the proposal on the natural environment
- c) The preservation of the amenity of the locality.

- d) The relationship of the development on adjacent land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- e) Whether the proposed means of vehicular access is adequate and whether adequate provision has been made for loading, unloading, manoeuvring and parking of vehicles;
- f) The amount of traffic likely to be generated and the capacity of the road system;
- g) Whether adequate provision has been made for landscaping;
- h) Whether the proposal is likely to cause soil erosion or land degradation; and
- i) Submissions received during consultation.

### Planning Proposal

The proposal has a number of parts which are generally described as:

- a) retrospective approval for land use (the business operations)
- b) building of 2x new sheds with setback variations;
- c) retrospective approval for existing shed, office and sea container.

To assist in assessing, each part of the application is looked at separately as detailed below.

### Land Use

It is the applicant's opinion that the use falls within the use class of a "Rural Industry".

A "Rural Industry" is listed as an "A" (discretionary) use and is defined as:

- "(a) an industry handling, treating, processing or packing rural products; or*
- (b) a workshop servicing plant or equipment used for rural purposes."*

Alternatively, it may be reasonable to consider the use as falling under the use class of a "Service Industry". A "Service Industry" is listed as an "X" use. "X" means that the use is not permitted by the Scheme and Council does not have any discretion to vary or change this fact. A "Service Industry" is defined as:

- "(a) an industry – light carried out from premises which may have a retail shop front and from which good manufactured on the premise may be sold; or*
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced."*

The existing business has a retail component or "Trade Display" that includes the display of water tanks located within the street setback area. This component of the business falls squarely under the use class definition of a "Service Industry" or "Trade Display" which is not permitted. TPS7 does not provide Council with any option in this matter other than advising the applicant to stop this use and remove the tanks from the site.

TPS7 states the purpose of the "Priority Agriculture" zone is as follows:

*"to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources. To provide for intensive agricultural and horticultural production; including orchards, market gardens*

*and vineyard enterprises. To also allow, where appropriate, limited forms of non-agricultural development.”*

The objectives of the zone include:

- (i) require planning to avoid introducing land uses and subdivision not related to agriculture including rural residential purposes;
- (ii) support the improvement of resource and investment security for agricultural and allied industry production;
- (iii) support a wide variety of productive agricultural and rural activities;
- (iv) support sensible use and management of resources, and the proper direction and control of development;
- (v) encourage other similar or complementary activities.

In considering the appropriateness of this use, it is worth thinking about the following:

- a) The intent of the “Priority Agriculture” zone. Clause 5.55.1 of TPS7 provides a list of policies for controlling development. The key one in this case is:

*“recognise the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of the site and of the District by ensuring, through siting and landscaping provisions that any development does not detrimentally change the scenic rural character.”*

In this instance, attention needs to be given to how the use and management of the land impacts on the local rural character. It may be reasonable to view the business as being of a scale and character more generally associated with an “Industrial” precinct.

- b) The character, land use and lot sizes in the immediate locality. The “Yabberup” locality is characterised as a small rural hamlet with lot sizes ranging from 2000m<sup>2</sup> to the east of this site to slightly larger 8000m<sup>2</sup> immediately to the east. These lot sizes have a character and scale more reflective of a “Special Residential” zone. The location of an “industry” of this scale has already demonstrated its potential for land use conflict and disharmony.
- c) The proposal uses an unconstructed road for access - Charles Street. The intensity of vehicle use and the nature of vehicles using this street to service the business is resulting in dust and erosion issues. There is also a long documented history of this business using the Charles Street reserve for rubbish dumping, storage of machinery, equipment and parking. If Council is of a mind to approve this application, it will be necessary for the road to be constructed to a bitumen seal standard to accommodate the needs and demands placed on it by the business activity.

#### Development of Proposed Sheds

The application includes the proposed construction of two sheds with reduced setbacks. One shed has a proposed setback of 4m to Charles Street and the other proposes a side boundary setback of 2m.

In determining the appropriateness of the sheds location and appearance, it is necessary to consider the following points:

### Charles Street Shed

The proposed shed abutting Charles Street will have a dimension of 20m x 10m (internal floor area of 200m<sup>2</sup>) and a 20m x 6m skillion undercover area for vehicle storage. This will join onto an existing shed that is constructed of a patch work of materials, colours and finishes. An additional overhang is proposed for the existing of 10m x 6m is also proposed. The combined elevation of these sheds will be 30m in length.

There is a strong possibility that the proposed shed will have a significant adverse impact on local streetscape and the general amenity of the locality when considering the combined impacts of:

- a) scale (internal floor area 260m<sup>2</sup> plus 180m<sup>2</sup> undercover area (total covered area of 440m<sup>2</sup>);
  - b) the existing “qualities” inherent with the existing shed;
  - c) minimal street setbacks (proposed 4m from a street – standard 30m);
  - d) the housing of machinery and business equipment so close to the street without any visual screening and formal containment. There is potential to create an untidy streetscape and the prospect for equipment to spill out to the boundary fence if not carefully site managed.
- a) The proposal to store goods and house vehicles within the street setback is inconsistent with TPS7 requirements. Specifically:
- Clause 5.24 of TPS7 provides guidance on the use of setback areas. It states that storage areas, laydown areas and any other open areas shall be sealed, paved or landscaped and maintained in good condition; and
  - Clause 5.20.2 states that all storage areas shall be screened by landscaping, fencing or other means acceptable and that such storage areas are not detrimentally exposed to view from nearby roads, or other public places.

The applicant’s proposal to remove the undercover storage element and/or proposed extension of the shed will reduce potential streetscape amenity impacts if combined with careful site management and strict limits of hours of operation.

### Proposed Shed on Western Boundary

This shed has an area of 40m x 16m (640m<sup>2</sup>) and is intended to have a 2m side boundary setback (10m required). The reduction in setbacks is proposed to enable the limited “high ground” to be used.

The shed will be of a substantial size, presenting a 40m long elevation to the western boundary. It is not considered appropriate to support a reduced setback in this

instance when noting that access to this shed will require the crossing of flood prone land.

#### Existing Improvements without planning approval

Council's records do not show any approvals being issued for the existing office, sea container and shed on the property. The most dominant of these structures is the shed. The shed may generously be described as having a rustic rural aesthetic, being constructed from a range of materials, but predominantly clad in variously sized sheets of colourbond sporting a "rainbow" spectrum of colours.

All these structures are located within the standard street setback areas and require support of a setback variation. The issues detailed above relating to the proposed new sheds above are relevant to the assessment of these structures.

Individually, it might possibly be considered reasonable to support the structures in the style and location presented. However, these structures need to be considered as a whole and regard needs to be given to the cumulative impacts they imprint on the local streetscape amenity.

The structures consist of an eclectic range of disordered buildings in different styles, scales, orientations, materials and colours and states of disrepair/repair. These buildings are framed within a landscape decorated by stored equipment, assorted materials including scraps and vehicles and machinery.

It is difficult to pick any underlying planned or logical sense of order or unifying qualities to the site. The absence of this order, combined with a lack of landscaping treatments makes it difficult to justify granting retrospective approval with reduced setbacks.

One suggested alternative to requiring all the existing unauthorised developments to be removed is for Council to allow the shed to be retained subject to landscaping and building certification confirming its engineering and safety.

The shed by itself, if maintained well, has potential to project a certain rural charm. It could be viewed as projecting an authentic and uniquely individual architectural character, consistent with many other homemade farm structures that populate the countryside.

#### **Advertising**

The proposal has been advertised in accordance with the Shire's Local Planning Policy. This included letter referrals to adjoining neighbouring properties and to relevant government agencies.

A total of 5 submissions were received; consisting of 2 from government agencies and 3 objections from the public. Attachment 2 provides a summary of the issues raised and suggestions on how the submissions should be addressed.

The matters raised in the objections focus on the following elements:

- a) lack of details and inconsistency between proposed activity and current business operations including significant understatement of business hours, staff numbers and traffic movements;

- b) concerns regarding hours of operation, noise and dust and scale of activity;
- c) appropriateness of the use in the locality;
- d) concerns regarding scale, design standards and proximity of proposed sheds from the street;
- e) concerns regarding the lack of local amenities and facilities normally required to accommodate a workforce (staff toilets etc);
- f) historical practices and general presentation of site;
- g) traffic impacts and condition of Charles Street; and
- h) concerns regarding earth work impacts on local water environment.

A common theme running through the objections pivots on the fairness in how the benefits and negative externalities are distributed. At present, the applicant enjoys and internalises all the economic benefits (profits) and competitive advantages resulting from using their home property for a relatively large scale service industry business.

All the external costs; noise, dust, traffic, erosion of landscape values, loss of re-sale opportunities are placed on the shoulders of the adjoining neighbouring properties.

The submissions voice a general concern of being unfairly burdened with the costs and that the town planning rules provide the tool kit necessary to protect local amenity and character and should be enforced.

### **Policy/Statutory/Voting Implications**

#### Policy

##### Policy 9.4 Outbuilding Control

This policy does not provide any maximum outbuilding size within the “Intensive Farming” zone. However, the lot sizes and development style of the locality is more reflective of a “Special Residential/Rural Residential” than a broader farming locality. Shed sizes within the Special Residential zone are limited to 108m<sup>2</sup> and 180m<sup>2</sup> in the Rural Residential zone. The combined outbuilding area proposed in this application is 1080m<sup>2</sup>, plus sea container and office on a 3.2ha block.

#### Statutory

##### Town Planning Scheme No.7

Clause 5.17 provides guidance on the general appearance of buildings and preservation of amenity.

Clause 10.2 outlines a list of matters to be considered by Council in making a decision.

Clause 4.6 provides details on the objectives of the “Priority Agriculture Zone”.

Clause 5.45.8 provides details on development standards, including a front setback requirement of 30m.

#### Voting

Absolute Majority

### **Financial Implications**

N/A

## **Strategic Implications**

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome 1.5 – Our rural lifestyle is maintained.

### **Officer’s Recommended Resolution**

**Moved: Cr Seconded: Cr**

**Two options have been provided. The second provides scope to retain the existing shed in its existing location.**

#### **Option 1**

**That Council refuse to grant retrospective planning approval for the existing shed, office and transportable structure, the continued use as a “Service Industry” and the development of two new sheds at No. 1651 Donnybrook – Boyup Brook Road, Yabberup on the grounds that:**

- 1) The use is listed as an “X” (not permitted) Use under Town Planning Scheme No.7.**
- 2) The proposed use and development is of a scale, purpose and character that does not have proper regard to the natural site constraints and small lot size.**
- 3) The proposed use and development will detrimentally impact on the locality and will adversely impact on the use and enjoyment of adjacent and nearby land.**
- 4) The existing outbuilding structures will adversely impact on the local amenity and streetscape by nature of location, bulk, scale, orientation, mix of materials and architectural styles.**
- 5) The proposed sheds will be out of character and adversely impact on local amenity and streetscape character by nature of location, bulk, scale, orientation, appearance, lack of coherence and inconsistencies with the established character of existing developments and neighbouring properties.**
- 6) The proposed use and development is inconsistent with town planning framework for the locality.**
- 7) The proposed use and development is contrary to the objectives and principles of the “Priority Agriculture” zone.**
- 8) The proposed use and development is contrary to the principles of orderly and proper planning and will set an undesirable precedent.**

### **ADVICE TO THE APPLICANT**

**Note 1: If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005.**



**A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Shire.**

**Note 2:** The applicant is advised that it has 28 days from the date of this decision to cease business operations and 60 days to complete removal of the existing shed, office, transportable structure and display water tanks and to generally tidy the site to the satisfaction of the Shire. Tidying the site includes the removal of all equipment, parts, materials and machinery presently stored uncovered throughout the site.

**Note 3:** The applicant is advised to liaise with the Department of Water regarding existing earth works and prior to undertaking any future works as the land is located within a Proclaimed Irrigation District and the Preston River and Tributaries are specifically proclaimed water bodies site and located within flood affected land.

**Note 4:** The applicant is advised that there are a range of “Industrial” and “Commercial” zoned parcels of land that are better suited to the business activity presently being undertaken on this site. It is suggested that alternative site be investigated as a matter of urgency should you wish to maintain a level of business service continuity.

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## Option 2

**Moved: Cr**

**Seconded: Cr**

**That Council resolve to:**

- 1) refuse to grant retrospective planning approval for the existing office and transportable structure, the continued use as a “Service Industry” and the development of two new sheds at No. 1651 Donnybrook – Boyup Brook Road, Yabberup on the grounds that:**
  - 1) The use is listed as an “X” (not permitted) Use under Town Planning Scheme No.7.**
  - 2) The proposed use and development is of a scale, purpose and character that does not have proper regard to the natural site constraints and small lot size.**
  - 3) The proposed use and development will detrimentally impact on the locality and will adversely impact on the use and enjoyment of adjacent and nearby land.**
  - 4) The existing outbuilding structures with the exception of the shed will adversely impact on the local amenity and streetscape by nature of location, bulk, scale, orientation, mix of materials and architectural styles.**
  - 5) The proposed sheds will be out of character and adversely impact on local amenity and streetscape character by nature of location,**

- bulk, scale, orientation, appearance, lack of coherence and inconsistencies with the established character of existing developments and neighbouring properties.
- 6) The proposed use and development is inconsistent with town planning framework for the locality.
  - 7) The proposed use and development is contrary to the objectives and principles of the “Priority Agriculture” zone.
  - 8) The proposed use and development is contrary to the principles of orderly and proper planning and will set an undesirable precedent.
- 2) Grant retrospective planning approval for the existing shed subject to:
- 1) Obtaining a building license confirming that the building is structurally sound and fit for purpose.
  - 2) Removing all equipment and storage goods from the street setback area.
  - 3) Painting the shed in one unifying colour that does not offend the local streetscape amenity.
- 

## **ADVICE TO THE APPLICANT**

**Note 1:** If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005.

A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Shire.

**Note 2:** The applicant is advised that it has 28 days from the date of this decision to cease business operations and 60 days to complete removal of the office, transportable structure and display water tanks and to generally tidy the site to the satisfaction of the Shire. Tidying the site includes the removal of all equipment, parts, materials and machinery presently stored uncovered throughout the site and located within flood affected land.

**Note 3:** The applicant is advised to liaise with the Department of Water regarding existing earth works and prior to undertaking any future works as the land is located within a Proclaimed Irrigation District and the Preston River and Tributaries are specifically proclaimed water bodies.

**Note 4:** The applicant is advised that there are a range of “Industrial” and “Commercial” zoned parcels of land that are better suited to the business activity presently being undertaken on this site. It is suggested that alternative site be investigated as a matter of urgency should you wish to maintain a level of business service continuity.

**Note 5:** The applicant is advised that the existing shed will require a building license to be issued to ensure structural integrity. In addition, to acknowledge the reduced street setbacks, no equipment, materials or storage use of any

**nature is to occur between the shed and the road reserve. The applicant is advised to discuss requirements with the Shire's Principal Building Surveyor and lodge an application within 30 days of the date of this decision.**

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<b>11.4.2</b>	<b>SUBJECT:</b>	<b>PLANNING APPLICATION FOR AN EXTENSION TO A SHED REQUIRING SUPPORT OF A SETBACK AND FLOOR AREA VARIATION.</b>
	<b>Location:</b>	<b>Lot 57 (No.67) Leschenaultia Circle, Donnybrook</b>
	<b>Applicants:</b>	<b>Mr Simon Kapel</b>
	<b>Zone:</b>	<b>Special Residential</b>
	<b>File Ref:</b>	<b>A4002</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>7 August 2014</b>
	<b>Attachments:</b>	<b>11.4.2 Shed Plan</b>

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### **Background**

The proposal is to extend an existing shed at the rear of Lot 57 Leschenaultia Circle, Donnybrook (see Attachment 11.4.2). The existing shed has an area of 96m<sup>2</sup>. The proposed extension is to continue the existing building form and create an additional floor area of 32m<sup>2</sup>. The total combined floor area will be 128m<sup>2</sup>.

The new shed will be constructed of colourbond and presented in the same colour scheme as the existing shed. The shed will be setback 1.2m from the side boundary.

The proposal requires Council's consideration due to the floor area and setback variation.

### **Comment**

Town Planning Policy 9.4 Outbuilding Control outlines that outbuildings shall have a maximum combined floor area of 108m<sup>2</sup> on "Special Residential" zoned land (proposed 128m<sup>2</sup>)

Town Planning Policy 9.12 Building Setback requires a 3m side setback (1.2m proposed).

In assessing the suitability of this proposal, the following points should be considered:

### Setbacks

- a) Town Planning Scheme No.7 (TPS7) will zone the land Residential R5 which has smaller setback requirements. The finalisation of TPS7 is now imminent and can be used for assessment purposes.
- b) The setbacks will comply with the Residential R5 code which allows side setbacks of 1m for sections of walls less than 9m with no major openings. The proposed shed extension has a wall length of 7m with no major openings and a setback of 1.2m. This complies with the R5 Code.
- c) The neighbour has provided written support to the setback variation.

## Floor Area

- a) The shed will not be visible from the street or other public visual receptor points.
- b) The shed extension will not be visible from the adjoining neighbours house or outdoor areas. The neighbour has a shed located in a position that is next to the proposed extension and effectively screens the shed from their living and outdoor areas.
- c) The shed extension's design and materials will match the existing shed.
- d) The bulk of the shed is reduced through the use of a skillion section of roof next to the neighbours property and orientation of the extension.
- e) The shed is only marginally larger than the 108m<sup>2</sup> specified in the policy.

When taking these above points into account, the proposed shed is considered to be reasonable and will not have undue adverse impacts on local amenity.

## **Policy/Statutory/Voting Implications**

### Policy

9.4 Outbuilding Control

This policy requires support to vary floor areas.

9.12 Building Setbacks

This policy requires support to vary setbacks.

### Statutory

Proposed TPS7 Map 7 identifies the land as "Residential R5".

The proposed setbacks comply with the R5 Code.

### Voting

Simple Majority

## **Financial Implications**

N/A

## **Strategic Implications**

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome 2.8 – Our town sites are attractive, well presented and maintained.

## **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That the Council grant Planning consent for the erection of a shed at Lot 57 (No. 67) Leschenaultia Circle, Donnybrook subject to the following conditions:**

### **General Conditions**

- 1. The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**

- 2. The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**
- 

#### **ADVICE TO THE APPLICANT**

**Note 1:** If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005.

A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.

**Note 2:** An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local government prior to any construction works commencing on-site in relation to this determination.

**Note 3:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

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#### **11.5 Chief Executive Officer**

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<b>11.5.1</b>	<b>SUBJECT:</b>	<b>COUNCIL COMMITTEE NOMINATIONS – DONNYBROOK CULTURAL PLANNING ADVISORY GROUP &amp; DISABILITY ACCESS &amp; INCLUSION PLANNING COMMITTEE</b>
	<b>Location:</b>	<b>Shire of Donnybrook/Balingup</b>
	<b>Applicants:</b>	<b>Natalie Nebro &amp; Lesley Forster</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL 28</b>
	<b>Author:</b>	<b>John Attwood, CEO (<i>Judy Franks, Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>11 August 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

#### **Background**

Council and Community representatives were appointed to Council Committees at the Special Council meeting held on 21 October 2013.

Under the Terms of Reference for the Donnybrook Cultural Planning Advisory Group it was proposed to have six community representatives and two Council representatives. The Committee meets as required to make recommendations to Council on the implementation of the Donnybrook Cultural Plan.

Currently the Committee membership consists of three community representatives.

Under the Terms of Reference for the Disability Access and Inclusion Planning (DAIP) Committee it was proposed to have three community representatives and two Council representatives. The Committee meets as required to make recommendations to Council on

creating and implementing policies and structures that encompass the needs of all members of the community and to review and comment upon the Disability Access and Inclusion Plan.

Currently the Committee consists of two community representatives and one Councillor.

### **Comment**

Council has received a nomination from Ms Natalie Nebro to become a member of the Donnybrook Cultural Planning Advisory Group.

Ms Faye Pentalina has submitted her resignation from the DAIP Committee. Council advertised for interested community members to nominate to join the DAIP Committee. Advertising closed at the end of July 2014. Council has received a nomination from Ms Lesley Forster to join the Committee.

### **Consultation**

N/A

### **Policy/Statutory/voting Implications**

#### Policy

Council Policy 1.15 Committee Membership: To ensure membership on Council Committees is fair and equitable and Committee appointments reflect desired skills required the following is applicable:

1. As a general rule, Council will advertise locally for all positions on Council Committees other than for Committees with Council members only.
2. Where Council is seeking particular expertise on a Committee, Council may resolve not to advertise and select and appoint members with appropriate skills.
3. Committee membership is for a two year term in line with the election cycle.

#### Statutory

Section 5.8 of the *Local Government Act 1995* empowers Council to establish committees of 3 or more persons to assist the Council in exercising its powers and discharging its duties, absolute majority is required to establish a committee.

#### Voting

Absolute Majority

### **Financial Implications**

N/A

### **Strategic Implications**

Outcome 3.3 *“Our Aboriginal and ancestral cultural heritage is acknowledged and respected”.*

Outcome 3.6 *“Maintain and support a diverse range of festivals, community events, arts and cultural activities”.*

Outcome 4.3 “Open and accountable local government that is respected, professional and trusted”.

The appointment of Council Committees will maintain positive relationships with the community and ensure open and accountable local government.

### Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

**That Ms Nebro be appointed to the Donnybrook Cultural Planning Advisory Group and that Ms Forster be appointed to the Disability Access and Inclusion Planning Committee.**

**Absolute Majority Required**

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<b>11.5.2</b>	<b>SUBJECT:</b>	<b>OFFICE CLOSURE – CHRISTMAS PERIOD</b>
	Location:	Shire of Donnybrook/Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	CNL 16
	Author:	J Attwood – CEO ( <i>Judy Franks, Executive Assistant</i> )
	Report Date:	14 August 2014
	Attachments:	Nil

### Background

Previously the Administration Office has remained open to the public between Christmas and New Year operating with a skeleton staff with the exception of 2012 and 2013 where the office was closed between Christmas and New Year.

Staff request Council’s consideration for the closure of the office from close of business on Wednesday, 24<sup>th</sup> December 2014 re-opening on Monday, 5<sup>th</sup> January 2015.

During the above period there are three Public Holidays, with Council’s Additional Leave day falling on Friday, 2<sup>nd</sup> January 2015 therefore staff will be required to take three annual leave days/rostered days off/time in lieu.

### Comment

The closure of the office will allow staff to have an extended period of leave in addition to the public holidays.

Traditionally the number of enquiries and transactions taken during this period has been low. The Works crew work on a skeleton staff through this period.

Should Council agree to this closure appropriate advertising will be undertaken.

The Shires of Capel, Manjimup, Dardanup and Bridgetown-Greenbushes are also closing over the Christmas/New Year period.

Council did not receive any complaints from the community regarding the office closure in 2013.

### **Consultation**

Council Staff & CEO

### **Policy/Statutory/Voting Implications**

#### Policy

Nil

#### Statutory

Nil

#### Voting

Simple Majority

### **Financial Implications**

Reduction in accrued annual leave entitlements/rostered days off/time in lieu at no additional cost to Council.

Standard Transport licence renewals can be conducted over the internet and also via B-Pay.

### **Strategic Implications**

Outcome 4.8 Attract and retain staff.

### **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

- 1 That Council endorse the closure of the Administration Office over the Christmas/New Year period as follows:**

**From close of business on Wednesday, 24<sup>th</sup> December 2014 and re-open on Monday, 5<sup>th</sup> January 2015.**

- 2 That Council advertise the closure in the local paper, on Council's website and notice boards in the lead up to Christmas.**



<b>11.5.3</b>	<b>SUBJECT:</b>	<b>POLICY 2.45 ORGANISATIONAL RISK MANAGEMENT</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>ADM 11/3</b>
	<b>Author:</b>	<b>John Attwood CEO (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>15 August 2014</b>
	<b>Attachments:</b>	<b>11.5.3 (A) Policy 2.45 Organisational Risk Management</b> <b>11.5.3 (B) Risk Matrix</b>

## **Background**

The Shire of Donnybrook-Balingup aims to achieve best practice in the management of all risks that threaten to affect the Shire, its customers, people, assets, functions, objectives, operations or members of the community.

Risk Management will form part of the Strategic, Operational, Project and Line Management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

In line with this, a new Organisational Risk Management Policy has been developed (attachment 11.5.3). Once adopted, this policy will replace the Policy 2.25 - Enterprise Risk Management.

## **Comment**

The Policy forms part of the Shire's Risk Management Process and comprises a Risk Assessment and Acceptance Criteria, also called a Risk Matrix, that has been tailored specifically for the Shire (attachment 11.5.Xb). An internal Procedure has also been developed to guide the use and application of the Policy and Risk Matrix by staff when undertaking risk assessment to allow consistent and comparable risk information to be identified and considered within planning and decision making processes.

## **Consultation**

The Policy has been developed in consultation with staff from the Organisational Risk Services division of the Shire's insurer, LGIS.

## **Policy/Statutory/Voting Implications**

### Policy

N/A

### Statutory

Regulation 17 of the *Local Government (Audit) Regulations 1996*,

### Voting

Simple Majority

**Risk Assessment (Optional)**

N/A

**Financial Implications**

N/A

**Strategic Implications**

Strategic Community Plan Outcome 4.3 – An open and accountable local government that is respected, professional and trusted.

**Officer’s Recommended Resolution**

**Moved: Cr Seconded: Cr**

- 1 That Policy 2.45 Organisational Risk Management (attachment 11.5.X) is adopted, and**
  - 2 Policy 2.25 Enterprise Risk Management is removed from the Policy Register.**
- 

**That the Meeting be closed to the public under the *Local Government Act 1995* for:**

**Item 11.5.4 Confidential – Donnybrook Medical Centre Lease - s5.23 (2) (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.**

**Officer’s Recommended Resolution**

**Moved: Cr Seconded: Cr**

**That the meeting be closed to the public to enable discussion of the confidential item 11.5.4 Confidential – Donnybrook Medical Centre Lease.**

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<b>11.5.4</b>	<b>SUBJECT:</b>	<b>CONFIDENTIAL – DONNYBROOK MEDICAL CENTRE LEASE</b>
	<b>Location:</b>	<b>Bentley/Egan Street, Donnybrook</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>Public Purposes – Hospital and Allied Purposes</b>
	<b>File Ref:</b>	<b>PRO 01/3A</b>
	<b>Author:</b>	<b>John Attwood, CEO</b>
	<b>Report Date:</b>	<b>8 August 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

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**Officer’s Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That**

- (a) In accordance with Section 5.23 (2) and Admin Regulations 4A the agenda item 11.5.4 remains confidential as sensitive information is detailed in these reports.**
- (b) When the information in the reports is not sensitive the items will be included in the next occurring council agenda.**

**Officer’s Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

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

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**12 CLOSURE OF MEETING**

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The next Ordinary Council Meeting will be held on Wednesday, 24 September 2014 commencing at 5.00pm at the Council Chambers, Donnybrook.

Shire President to declare the meeting closed at \_\_\_\_\_.