



# Notice of Ordinary Council Meeting

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TO:

**ALL COUNCILLORS**

To be held on

Wednesday, 22 October 2014

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

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**John Attwood**  
**Chief Executive Officer**

**14 October 2014**

## **Disclaimer**

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## ORDINARY COUNCIL MEETING AGENDA

22 October 2014

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# SHIRE OF DONNYBROOK/BALINGUP

## ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 22 October 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 King  
Cr Logiudice  
Cr McCabe

#### STAFF

John Attwood – Chief Executive Officer  
Greg Harris – Manager Finance & Admin  
Mike Scott – Manager Works & Services  
Bob Wallin – Principal Planner  
Lucy Bourne – Governance Officer

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### PUBLIC GALLERY

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#### 1 APOLOGIES

Cr Duncan was granted a leave of absence at the Council meeting held on 24 September 2014.

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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

##### Presentation

Ms Amanda Lovitt, Chair of the District Health Advisory Council for Leschenault.

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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 – 24 September 2014**

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**Moved: Cr Seconded: Cr**

**That the minutes of the ordinary meeting held on 24 September 2014 be confirmed as a true and accurate record.**

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**8 ELECTED MEMBERS MOTIONS**

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**8.1.1**

**SUBJECT: ADMINISTRATION CENTRE  
REDEVELOPMENT PROJECT**

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**Location: Cnr Bentley & Collins Street, Donnybrook**  
**Applicants: Cr Mike King**  
**Zone: N/A**  
**File Ref: FNC 08/12M**  
**Author: John Attwood, CEO**  
**Report Date: 7<sup>th</sup> October 2014**  
**Attachments: Nil**

Cr King has proposed the following Notice of Motion:

**Notice of Motion**

- 1. That Council instruct the Shire Administration to halt all activities on the Administration Redevelopment Project (inclusive of tendering), until acceptable Project Documentation (comprising a single conceptual plan, together with project estimates and schedules which reflect all details shown on this plan) are presented to Council.**
- 2. That Council instruct the Shire Administration to provide an estimate of a conceptual plan which includes the refurbishment and use of both the Historic Church and the disused SES facilities, as an alternative to the options already presented.**
- 3. That Council request the Shire Administration to advise, consult and seek input from the Shire's residents and ratepayers, explaining the requirement for Redevelopment (which is not necessarily disputed), and the various options together with their estimated costs.**

## **Cr King Comment**

Council has been considering several redevelopment options for the Shire Administrative Offices, which would accommodate the present 15 fulltime staff and 17 part time and casual staff, and a projected increase to 40 staff by 2017, in a functional Shire Administrative complex.

The Council preferred development option visualizes a new carpark and entrance facing towards Victory Lane, and new buildings totalling 482 m<sup>2</sup> to supplement the 540 m<sup>2</sup> of existing office area, which is to be refurbished. In effect the office area will double, at an estimated cost of between \$2.0 million (without the inclusion of the current office refurbishment), or \$2.3 million if this refurbishment is included.

This \$2.0 million budget figure Council included in the 2014-2105 budget represents approximately two thirds of the annual rates revenue received by the Shire. While some funding is available through CLGF grant funding and the Shire Building reserve, it is proposed that 50% of the funding will be secured by a Shire loan of \$850,000 repayable over 20 years.

Details of the concept proposal are posted on the notice board outside the Shire offices.

### **Background:-**

During the period 2013-2014 the CEO has presented Council with a number of options to redevelop the Shire Administrative Building, which as a result of many internal modifications over the last twenty years is now crowded and inefficient to a degree.

During the latter months of 2013 HMA Architectural consultants were engaged to provide concept drawings and estimated costings of several options. These were presented in a report received by the Shire on the 7<sup>th</sup> of February, 2014.

This report was presented to Council at the March 2014 OCM, with a resolution:-

*That Council endorse the draft plans for the administration redevelopment, and request the administration staff prepare detailed costings to be presented for budget consideration Carried 8/1.*

Implicit in the discussion associated with this item was recognition that these plans were concept plans primarily required to establish a cost estimate for the redevelopment of the Administration office, thus allowing Council to establish a funding level it was comfortable supporting.

HMA had presented four options with costs estimates within the range \$3.8-6.2 million, being:-

1. Option 1 – a fully stand-alone option which was estimated at \$6.2 million dollars.
2. Various other options which utilized many of the existing buildings and reduced the estimated cost to \$3.8 million dollars.

After discussion it was determined that utilizing the existing buildings including the Heritage Church building, might allow a budget of around \$2.0 million to facilitate a projected staff accommodation to 2017 and beyond. A budget estimate of \$2.0 million was a preferred level.

During development of the 2014-2015 Budget an allowance of \$2.0 million over two years was included in the budget to provide for the Administration Redevelopment Project. Objections to this inclusion were recorded by three Councillors, who requested further information to allow an informed assessment.

In reviewing the \$2.0 million estimate presented to Council, it seems that Stage 1 of the project can only be achieved within the \$2.0 million estimate by not completing the refurbishment of toilets, ceilings, electrical, some mechanical, revised office partitioning and floor coverings, and patching and repainting the existing office complex. HMA estimates costed this work at \$423,400.

HMA originally estimated Stage 1 at \$2.3 million (including the refurbishment of the existing offices). If this \$423,400 is subtracted from the \$2.3 million Stage 1 estimate provided by HMA, this allows a concept budget of around \$1.9 million in February 2014 dollars, but doesn't allow a completed project.

If all elements of the full Administration Redevelopment Project (Stage1) are included then a budget of at least \$2.3 million is required.

To commence a project knowing there is not sufficient money available to complete it is irresponsible. The Stage 1 project would require additional monies, perhaps from either the sale of existing assets, additional loans, or monies redirected from other tasks and projects within Shire budgets.

At present the Shire staff housed in the current administration complex include 15 fulltime employees, 16 part time employees, and a casual. The terms of reference given to HMA Architects P/L appear to require an Administrative complex to house 40 staff by 2017 and 50 by 2027 (an additional 1 or 2 per year).

It also appears that HMA were to accommodate all staff within one complex, which would include the refurbished Administration building and the Historical Church within the project scope.

### **Refurbishment of the Historic Church and vacant SES Building Option**

However there is also the now vacant SES building within 50 metres of the main Administration building which might be considered to house staff whose employment has a high interaction with the community, and perhaps does not require constant direct and concentrated interaction with other administration staff. Staff which may fall into this category include the Community Development officers and the Rangers.

The present administration office provides 540 m2 of office space. The Historic Church (would add approximately 100 m2) and the SES building (approximately 85 m2 of office, with a further 100m2 of covered garage and storage), would increase the "office area" by 35%, and provide a minimum of 14 (and perhaps up to 16) additional workspaces, plus equipment and perhaps records storage.

The SES building is currently a dilapidated building (but no more so than the Historic Church). Both buildings would require some structural refurbishment, and internal demolition and refurbishment to provide an acceptable office environment to the standard within the current Administration Centre. A figure of \$300,000 was discussed to structurally refurbish

and fit out the Historic Church, and \$100,000 would probably be required to refurbish the SES building.

It would therefore appear that some \$500,000 (allowing for some walkways, and cabling/IT to the SES building) might provide 14 additional workstations and some storage, and in a relatively short timeframe.

By temporarily shifting some of the administration staff (who would eventually return to the main office complex) to these sites, an orderly refurbishment of the existing office might be conducted, to upgrade this office area and allow the provision of some areas dedicated as meeting rooms, and a business transaction centre. HMA's estimate of \$423,400 is the best estimate available for this work.

The present carpark and approach to the Shire complex is quite functional, and certainly compares well against with other businesses and public institutions within Donnybrook.

Thus it is probable the Shire might achieve offices for the required Administrative functions for a figure of approximately \$1.0-1.2 million, which may be more acceptable than \$2.3 million.

### **Project Management and Documentation**

There is currently a proposal to tender for the appointment of Architectural firms to complete a detailed design and cost estimate for this project. Council has not been presented with a single sufficiently developed concept with a relatively reliable cost estimate, to brief a consultant at this point of time. The concept we have seen has been cobbled together primarily using sections of the HMA report, but there is no one document which fully describes and estimates costs of the Administration Redevelopment Project.

At the OCM held in August 2013, an Elected Members Resolution Item 8.1.2 was put to Council:-

*That Council instructs the Shire Administration:-*

- 1. Before any major projects are commenced a detailed description (with GA drawings if required to allow better understanding of the project), schedule and budget are presented to Councillors in a pre-commencement report for each project, and thereafter progress against schedule, and expenditure against budget is reported until the project is complete (this could be descriptive or in cumulative (updated) graphics format).*
- 2. As each month rolls by a Status Table of key indicators is updated for all live projects – safety statistics or events related to the project, percentage complete, expenditure to date, percentage of budget committed, estimated completion date.*
- 3. Shire officers must report potential problem areas within projects, with their solutions and rectification proposals. Any effects on Schedule and Budget should be identified.*
- 4. When a project is complete, a short project completion report is prepared by the responsible Shire officer or supervisor. This should include performance and budget statistics, problem areas and how to avoid them next time. (This was lost 4/5)*



At this time the CEO commented “Council staff had been developing Project management templates to ensure that all major jobs (over \$200,000) are subject to customized reporting and project control. These project management templates will include start up forms and ongoing status reports”. It was suggested these draft templates would be presented to Council for consideration at the September 2013 OCM. To date this does not appear to have occurred.

The Administration Redevelopment Project is the highest value project which Council has considered for some time, and in general has to be funded internally (although some CLFG funding is available). At the present time Council has been presented with a two page HMA report plus some very conceptual drawings, and an estimate which is indicative only (and based on industry standard costs per square metre). Perhaps it is time to revisit the question of adequate Project Control documentation, before Council proceeds further.

In planning the redevelopment Council must consider that many ratepayers are already experiencing financial stress in a fiscal environment where many countries are projecting deflation over the next two years, our Federal and State governments are advising of decreased revenues and tightening of government spending, and individual incomes are often falling while utility and other non-elective costs increase at rates above CPI.

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Simple Majority

### **CEO Comment**

Council adopted the 2014/15 budget which included an item of \$2M to expand the Administration Centre based on concept plans developed by Council and HMA Architects.

A quotation has been accepted from WALGA Procurement Services to prepare a brief for architectural companies to design, cost and construct and project manage the proposed expansion. The brief will detail steps proposed and include agreement by Council on both the design and cost estimates before proceeding to tender for this work.

### Process Steps

1. Prepare Brief
  - Tender Brief to include process of:
    - i. Consultation with Council
    - ii. Preparation Concept Plans
    - iii. Amend and seek formal approval of Council
    - iv. Provide Quantity Surveyor best estimate of concept design
    - v. Advise Council of costing
    - vi. Council to agree to costings/amend or not proceed



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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:

- Donnybrook-Balingup Road Safety Committee Meeting – 17 September 2014
- Donnybrook Townscape Committee Meeting – 8 October 2014
- Audit Committee Meeting – 22 October 2014

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## **10 REPORTS OF COMMITTEES**

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### **10.1 Donnybrook Townscape Committee Meeting – 8 October 2014**

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<b>10.1.1</b>	<b>SUBJECT:</b>	<b>PROPOSED LOCAL DEVELOPMENT PLAN FOR COLLINS STREET COMMERCIAL PRECINCT</b>
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<b>Location:</b>	<b>Donnybrook</b>
<b>Applicants:</b>	<b>Administration</b>
<b>Zone:</b>	<b>Commercial</b>
<b>File Ref:</b>	<b>TP 07/2</b>
<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
<b>Report Date:</b>	<b>19 August 2014</b>
<b>Attachments:</b>	<b>10.1.1 Indicative LDP Text &amp; Photos</b>

### **Background**

The Apple Fun Park is a big draw card and asset to the Donnybrook Townsite and the historic rail precinct adds a rustic charm to the streetscape. It is possible to build on these fine landmark assets - to think strategically of a grander vision for Collins Street.

At present, thought and energies have been focused on the public realm, with Council preparing concept plans to improve streetscape presentation and traffic management for the Collins Street road reserve. It is now time to think about how to extend these initiatives into the private realm – Commercial zoned land.

Approval of Town Planning Scheme No.7 (LPS7) is now imminent. LPS7 provides a number of increased development opportunities for landowners. It enables

- a) potential for subdivision of lots down to 500m<sup>2</sup>; and
- b) potential for higher density residential development if combined with a commercial use (R60 – min lot size of 120m<sup>2</sup> average 150m<sup>2</sup>).

LPS7 enables the preparation of Local Development Plans (LDP)s to guide the form and nature of development. This is to ensure that intended built form and streetscape outcomes match intended aspirations.

### **Comment**

The Commercial strip of land running along the western side of Collins Street generally falls within two distinct character types. The street block bound by Reserve and Station streets consists predominantly of weather board clad cottage style houses. The street block bound by Station and Bentley Street consists of an assortment of sheds with a strong underlying industrial theme.

In preparing a LDP, it is worth thinking of:

- 1) the unique character values that the weatherboard cottages bring to the local streetscape;
- 2) ways to retain/enhance existing positive features while providing workable redevelopment solutions;
- 3) potential for redevelopment to create plain or generic build forms that do not create a unique sense of place;
- 4) potential for buildings to be robust and accommodate changes of uses over time;
- 5) impacts on landowners on the viability of starting new or redevelopment projects;
- 6) the format to ensure ease of understanding and implementation;
- 7) ways to promote a sense of harmony through common themes such as front landscaping treatments, fencing design, colours and materials; and
- 8) ways to coordinate and compliment wider Council projects along Collins Street.

To assist in focusing thoughts, an indicative LDP text and photos have been provided (see Attachment 10.1.1). This shows that the text does not need to be long or complicated. The photos show examples in how the front of the building can be retained and contemporary quality extensions undertaken.

Any future LDP will require public advertising and adoption as a Local Planning Policy before it can be enforced and used to assess against planning applications. LPS7 provides instructions on the requirements of preparing a Local Planning Policy.

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Simple Majority

### **Financial Implications**

N/A

## Strategic Implications

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

Outcome 1.3 – To increase the range and diversity of industries and businesses that provide a range of employment opportunities

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

**Moved: Cr**

**Seconded: Cr**

**The Council resolve that the Principal Planner prepare a draft Local Area Plan for the Commercial strip along Collins Street.**

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<b>10.1.2</b>	<b>SUBJECT:</b>	<b>PROPOSED SIGNAGE UPGRADING FOR DONNYBROOK ARBORETUM</b>
	<b>Location:</b>	<b>Donnybrook</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Reserve:</b>	<b>Parks and Recreation</b>
	<b>File Ref:</b>	<b>TP 07/2</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>19 September 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

Council at its meeting on the 27<sup>th</sup> August 2014 resolved:

*“That council in conjunction with the Donnybrook Balingup Chamber of Commerce Inc and the Donnybrook Tourist Association schedule a working bee to clean up the Arboretum and develop and implement the upgrading of the Tourist Information Sign.*

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

*That Council allocated \$1,000.00 from the Donnybrook Townscape budget 2014/15 towards costs of cleaning/repairing or replacing items as necessary.”*

A meeting was held at the Arboretum on the 17<sup>th</sup> attended by the Chamber, Tourism Association, Friends of the Arboretum and Shire representatives to discuss plans and ideas.

At the meeting, discussion focused on:

- The need for a wider strategic vision for the site;
- Timing and likelihood of MRWA progressing with rest bays and associated works;
- Suitability of existing panels for upgrading;
- Potential to replace panels; and

- Designs.

The meeting resolved that:

- Council staff obtain quotes to undertake the signage work;
- Respective groups prepare panel designs and submit to Council; and
- Council staff present the panel designs to the Townscape Committee.

The general feeling expressed at the meeting was that this was a worthwhile project and an interim step that is necessary. It was not considered appropriate to wait until MRWA started its works in the locality.

## **Comment**

### Signage Details

A quote has been obtained from Covert Signs (local provider) for three signage options as follows:

Option 1) 3x entirely new panels with graphics

Option 2) 3x new graphics fitted to existing panels.

Option 3) 3x entirely new panels with graphics on regular shaped frame

In providing the quote (see Attachment 1), it was the sign provider's opinion that option 2) be avoided as no guarantee can be made for life expectancy. Further, this option was to provide panels with a dimension of 2100mm x 2400mm. The existing panels have dimensions of approximately 3100mm x 2400mm.

The costs quoted are greater than the budget allocated for this project. This leaves a number of alternative opportunities to explore. This includes:

- 1) Obtaining further quotes from other sign makers (Council staff will attempt to have these additional quotes available for tabling at the meeting);
- 2) Reviewing the need to have three panels;
- 3) Considering a staged provision of panels; and
- 4) Review the budget.

If any new quotes do not fit the allocated budget, it is suggested that the project proceed in a staged manner with 2 panels being completed as a first stage. Another option is to seek additional funding from the Donnybrook Chamber of Commerce and Tourism Association (approximately \$600.00 each) or Council funding all or a larger proportion of the shortfall from the Townscape budget.

### Strategic Vision

From the meeting, it was made clear that there is a need for a wider, more strategic approach needed for future initiatives for this site.

This more strategic view is necessary and will assist in providing a manageable context in which to view future proposals. This task could be considered as part of a Tourism Strategy.

It is worth noting that Council's Corporate Business Plan 2013/2017 may help, specifically Strategy No. 1.31 which states:

*“Develop and implement a tourism development and promotion strategy within the 2014 to 2016 financial years.”*

Under this umbrella, it is possible to consider the arboretum within a wider context which can help in resolving and anchoring ideas, visions, funding and activity.

In preparing the Tourism Strategy for the Shire it will be possible to:

- Allocate and define a specific tourist/recreational role for the Arboretum;
- Place the Arboretum within a hierarchy of sites within the Shire in which to establish funding arrangements and ensure the best allocation of funds;
- Seek out zoning, land use and funding opportunities that may enable the site to reach its full potential.

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Simple Majority

### **Financial Implications**

N/A

### **Strategic Implications**

Outcome 2.4 – Our heritage areas and localities are acknowledged.

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

Outcome 3.5 – Our volunteers and community organisations are supported and acknowledged.

Outcome 4.7 – Maintain and enhance Shire assets.

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

**The Committee resolve that the Chief Executive Officer:**

- 1) Review quotes for the updating of signage panels;**
- 2) Keep the Townscape Committee updated regarding the preparation of a Tourism Strategy and provide opportunity for comment at appropriate stages as it develops.**

## Committee’s Recommended Resolution

**Moved: Cr Seconded: Cr**

**That Council resolve that the Chief Executive Officer:**

- (1) Subject to the receipt of further quotations that Council go back to the Donnybrook Tourism Association and Chamber of Commerce requesting a further contribution to update signage panels;**
- (2) Keep the Townscape Committee updated regarding the preparation of a Tourism Strategy and provide opportunity for comment at appropriate stages as it develops.**

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### **10.2 Audit Committee Meeting – 22 October 2014**

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<b>10.2.1</b>	<b>SUBJECT:</b>	<b>ORGANISATIONAL RISK MANAGEMENT REPORT</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 24</b>
	<b>Author:</b>	<b>E. Thomas – Acting Manager Development &amp; Environmental Services</b>
	<b>Report Date:</b>	<b>8 October 2014</b>
	<b>Attachments:</b>	<b>10.2.1 Organisational Risk Management October 2014 Report</b>

## Background

The Shire of Donnybrook-Balingup recognises the importance of managing risk. As such the Shire is committed to managing risks that may impact the achievement of its strategies, goals and objectives. To achieve this, the Shire has an Organisational Risk Management Process in place. This consists of a framework comprising a Strategic Risk Register, policy, procedures and practices.

Regulation 17 of the Local Government (Audit) Regulations 1996 requires the Chief Executive Officer to review the appropriateness and effectiveness of a local governments systems and procedures in relation to risk management, internal controls and legislative compliance. This is to be undertaken at least once every two years and the results reported to the Councils’ Audit Committee.

## Comment

The Shire has made good progress in the area of organisational risk management. Over the past nine years the Shire has particularly focused on progressive improvement. This has included the systematic review, updating and implementation of policies and practices. The



Report at the **Attachment 10.2.1** to this agenda item provides an overview of the Shire's approach to risk management in the last decade.

An external audit of the Shire's risk management systems and procedures is planned for November 2014. This will also incorporate internal controls and legislative compliance which are encompassed within the Shire's Risk Management Process. AMD Chartered Accountants have been engaged to undertake the works.

### **Consultation**

Staff have liaised with LGIS, the Shire's insurer and risk management advisor, throughout the development and implementation of the Shire's Risk Management Process.

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

#### Policy

Shire Administration Policy 2.45 Organisational Risk Management

#### Statutory

*Local Government (Audit) Regulations 1996*

#### Voting

Simple Majority

### **Risk Assessment (Optional)**

The audit that is planned for November 2014 will provide an external assessment on the Shire's Organisational Risk Management Process. This is considered as an adequate control measure to meet legislative requirements.

### **Financial Implications**

N/A

### **Strategic Implications**

Outcome 4.3.5 of the Shire's *Strategic Community Plan* "Implement Risk Management".

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

**Moved: Cr**

**Seconded: Cr**

**That Council receive the Organisational Risk Management Report dated October 2014.**

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## **Comment**

This policy has been based on a similar policy prepared by the Shire of Manjimup. Discussion with the Shire of Manjimup has indicated that the policy has been working without issue.

The policy will assist in getting sporting and community group developments through the planning system and reduce uncertainty in how requests are considered by:

- removing time constraints imposed by the limited number of Council meeting dates and agenda closing times
- providing a clear and transparent set of rules for assessment.

The policy also provides an avenue for Council to become involved if there is a dispute on the decision of the Chief Executive Officer and specifically states the limited number of circumstances or exceptions where the policy applies.

## **Process**

Local Planning Scheme No.7 (LPS7) sets out the process and requirements to progress a draft policy to an approved policy. This includes the need to:

- a) publish a notice of the proposed policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
- b) Enable submissions to be made for no less than 21 days from the date of notice;
- c) Publish the proposed policy in such a manner and carry out other consultation as the local government considers appropriate.

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

### Policy

N/A

### Statutory

Part 2 of Local Planning Scheme No.7 (LPS7) sets out the requirements and processes for the preparation and adoption of a Local Planning Policy. The requirements of LPS7 will be followed.

### Voting

Simple majority

## **Financial Implications**

Advertising costs in the local paper

## **Strategic Implications**

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

Outcome 1.5 - Our rural lifestyle is maintained

Outcome 3.2 – Quality community and recreational facilities that are well used by all ages and abilities.

Outcome 3.5 – Our volunteers and community organisations are supported and acknowledged.

Outcome 3.9 – Existing community spirit and pride is maintained.

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

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

**Moved: Cr Seconded: Cr**

**That Council advertise the proposed policy (Attachment 11.4.1) in accordance with Part 2 of Local Planning Scheme No.7.**

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<b>11.4.2</b>	<b>SUBJECT:</b>	<b>REVIEW OF LOCAL PLANNING POLICIES 2014</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/03</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>7 October 2014</b>
	<b>Attachments:</b>	<b>11.4.2 –Revised Policies</b>

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### **Background**

The Shire has 22 Town Planning Policies. With the introduction of Local Planning Scheme No.7 (LPS7) it is necessary to review these policies to ensure that they are appropriate and relevant.

LPS7 introduces a significant number of changes to the planning environment and addresses itself to matters not previously covered in the former Town Planning Scheme No 4 (TPS4).

LPS7 introduces a number of new zones, redefines existing zones and expands planning controls and guidance on matters well beyond those covered by TPS4.

It is essential that the local policy environment be updated to ensure consistency and relevance.

### **Consultation**

It will be necessary to advertise all policy changes in accordance with LPS7 which sets out the framework for reviewing and amending local planning policies.

Clause 2.4 Procedure for making or amending a Local Planning Policy of LPS7 requires Council to

- “(i) to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:*
- (a) Where the draft Policy may be inspected;*
  - (b) The subject and nature of the draft Policy; and*
  - (c) In what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made; and*
- (ii) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.”*

Clause 2.5 of LPS7 provides details on the process for revoking a local planning policy. This includes the publication of a notice by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme Area.

It is recommended that action be undertaken to advertise the amendments and revocations in accordance with LPS7 requirements now that LPS7 has been finalised and gazetted.

## **Comment**

The following section provides a short summary of the policies intent and recommended actions.

### **Policy 9.1 Roadwork and Drainage Contribution**

This policy outlines contribution requirements of a developer in regard to the construction, upgrading and maintenance of road works and drainage within the Shire.

The policy is applied in relation to subdivision and development proposals.

In relation to subdivision applications, advice received from the Department of Planning has indicated that the policy used by itself, cannot justify imposing a road upgrading contribution condition. Imposing a road upgrading condition on subdivisions needs to be considered in the context of need generated by the subdivision with specific upgrading being clearly needed in the immediate locality of the subdivision.

In reviewing this policy and discussing with the Department of Planning, it is clear that this policy cannot be used as basis for imposing road upgrading conditions on subdivision applications. However, alternative options are available to consider.

It is suggested that the policy remain unchanged until there has been time to review and implement alternative options that will better ensure that Council's requirements are imposed.

In relation to subdivisions, the options may include:

- 1) Considering rural subdivisions on an individual basis as there are not many of these applications received by Council, are isolated in nature and often located on low volume roads;
- 2) Preparing a Special Control Area over Rural Residential Estates to provide certainty of capturing funds to cover planned density increases and ensure the local road networks within these estates are adequate;

- 3) Preparing a Special Control Area over townsites that identify key roads and intersections that require upgrading and capture funds for this purpose.

It is noted that the use of Special Control Areas have been successfully implemented in other nearby shires including the Shire of Capel and Dardanup.

### **Policy 9.2 – Public Open Space Contribution from Rural Residential Rezonings**

This policy provides guidance on POS requirements and instances when land is required to be set aside to protect features.

It is recommended that this policy be updated to reference to LPS7.

### **Policy 9.3 – Private Tree Plantations – Agroforestry**

This policy assists Council in determining applications for private tree plantations.

LPS7 provides additional controls in relation to this land use and covers many of the points previously covered exclusively by the policy.

It is recommended that this Policy be updated to remove duplications and matters now covered by LPS7.

### **Policy 9.4 – Outbuilding Control**

This policy specifies controls on outbuilding size and criteria for assessing the appropriateness of outbuildings in certain zones.

The policy has been modified to reflect the changes in “Zones” in LPS7. In addition, criteria has been added to guide decision making for the new zones of “Tourist”, “Caravan Park” and “Clubs and Institutions”.

It is recommended that this Policy be amended following the process outlined in clause 2.4 of LPS7 (Procedure for making or amending a Local Planning Policy).

### **Policy 9.5 Bonding of Outstanding Works, Legal Agreements**

This policy defines the criteria when a bond can be used in lieu of completing subdivisional works. The policy provides clear and relevant guidance for determining when a bond application is an acceptable solution and the calculation process.

No change to this policy is recommended.

### **Policy 9.6 – Signage Policy**

The details of signage exemptions in this policy are now replicated in Schedule 12 of LPS7. It is recommended that any duplication be removed from the policy and references be updated to refer to correct clauses.

It is recommended that this Policy be amended following the process outlined in clause 2.4 of LPS7 (Revocation of Local Planning Policy).

### **Policy 9.7 Interpretation (Extractive Industry)**

This policy clarifies that an extractive industry license is not required for personal use or minor non-commercial purposes.

No change to this policy is recommended.

### **Policy 9.8 Stocking Rates**

This policy applies to all “Rural Residential” zoned land and requires planning approval for the keeping of stock other than sheep.

The policy is prescriptive and minimises risks for land degradation, amenity impacts and provides clear direction for enforcement.

It is recommended that this policy be updated to refer to LPS7.

### **Policy 9.9 Chalet(s)/Chalet Development and Bed & Breakfast**

This policy has a number of inconsistencies with LPS7 in terms of:

- a) Definitions; and
- b) Numbers of chalets permitted without specific rezonings.

LPS7 provides expanded commentary and definitions relating to tourist accommodation (zoning table and clauses 5.35 and 5.36). LPS7 removes the need for significant sections of the policy which it is recommended to be deleted. The policy provides some relevant information to applicants relating to building classifications and the number of patrons that can be accommodated within a bed and breakfast.

It is recommended that the policy be modified to remove duplications and inconsistencies with LPS7.

### **Policy 9.10 Road Closure Policy**

This policy provides direction on when Council should consider road closure requests.

No change to this policy is recommended.

### **Policy 9.11 Relocation and Use of Second-Hand Dwellings**

This policy guides Council on the assessment of second-hand dwellings, including minimum standards to be met.

No change to this policy is recommended.

### **Policy 9.12 Building Setback**

This policy provides setback requirements applicable to the “Special Residential zone”. LPS7 has removed the “Special Residential Zone”.

On this basis, it is recommended that the policy be revoked.

### **Policy 9.14 Community and Recreation Facilities Contribution**

This policy is to set out the requirements for the contribution responsibilities of the developer in regard to community and recreation facilities within the Shire.

The Developing Donnybrook Project will provide updated information on future requirements for community infrastructure and open space facilities required to accommodate population growth.

It is recommended that this policy remain unchanged and reviewed once updated information is available. It is noted that there is opportunity to capture contributions by creating a Development Contribution Area in the town planning scheme.

This approach has been successful in the Shire of Dardanup and is accepted by the Department of Planning as a legitimate way of seeking contributions.

### **Policy 9.15 Commercial Vehicle Parking**

This policy provides advice and assessment criteria for guiding Council in assessing commercial vehicle parking on “Residential”, “Special Residential” and “Rural Residential” zoned land.

LPS7 has removed the “Special Residential Zone”.

It is recommended that this policy be modified to remove reference to the “Special Residential” zone.

### **Policy 9.16 Transportable Structures**

This policy guides Council in the assessment of transportable structure applications for land zoned “Residential”, “Urban”, “Special Residential”, “Rural Residential” and “Special Use”.

LPS7 has removed of the “Urban” and “Special Residential” zones. The policy wording needs to remove reference to these zones.

In addition, it is proposed that controls be added for the “Commercial” zone. The Commercial zone is located along the main streets of towns. The location of transportable structures in these highly prominent locations is inconsistent with the overall objectives of the Commercial zone and has potential to degrade streetscape and presentation standards. This position is was tested by a SAT case within the Donnybrook Townsite.

It is recommended that this policy be modified to refer only to zones contained in LPS7 and to add controls for the Commercial Zone to strengthen Council’s position.

### **Policy 9.17 Industrial and Commercial Development Control**

This policy guides Council on the assessment of commercial and industrial development. Following the outcomes of a recent State Administrative Tribunal decision, it has become evident that the policy requires strengthening to ensure that the intent of the policy is achieved.



It is recommended that this policy be modified to outline more specifically minimum building standards that are required to be achieved, including minimum floor areas and features that facades addressing the street need to include.

### **Policy 9.18 – Residential Development Guidelines**

This policy guides Council on the assessment on residential development for residential zoned land contained in the “Residential East Precinct” identified in the Shire’s Townsite Expansion Strategy (2009). The intent of the policy is to ensure appropriate services are available to new residential development within this precinct as well as providing guidance on coordinating building standards that apply.

It is recommended that this policy be modified to remove reference to TPS4 and be updated to reflect changes to the Residential Design Codes.

### **9.19 – Memorial and Public Art Policy**

This policy guides Council on the assessment of public art, including details on standards and process.

No change to this policy is recommended.

### **9.20 – Ancillary Accommodation Policy – Rural and Rural Residential Zones**

This policy provides guidance on ancillary accommodation controls within the rural zones. It is recommended that this policy be updated to correctly refer to new zones and references in LPS7.

### **9.21 – Revised Balingup Special Character Area (SCA) Policy**

This policy provides additional planning controls that apply to the Balingup townsite. It is recommended that the policy be updated to refer to LPS7.

### **9.22 – Advertising of Planning Proposals**

This policy provides details on how specific types of planning applications are to advertised and provides detailed instructions on process and requirements.

It is recommended that this policy is updated to refer to LPS7 and that sections be deleted that reflect duplications or inconsistencies with LPS7.

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

#### Policy

N/A

#### Statutory

Part 2 - Local Planning Policy Framework of LPS7

This part of LPS7 outlines the powers of the Shire to prepare, amend and revoke local planning policies and defines the processes to follow. The review of the local planning policies will follow the requirements of Part 2 of LPS7.

Clause 2.6 Transitional provisions relating to Local Planning Policies

This clause enables local planning policies prepared under TPS4 to continue to have force until they are superseded or revoked.

Voting

Simple 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

Outcome 2.6 – Effective planning and management policies for our agricultural land and uses

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

Outcome 3.10 – The community has access to appropriate services and facilities to enhance their health and well-being.

Outcome 4.9 – Improved long term planning and strategic management.

**Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That the Council authorise the Chief Executive Officer to advertise the review of local planning policies in accordance with Part 2 of Local Planning Scheme No.7.**

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<b>11.4.3</b>	<b>SUBJECT:</b>	<b>REQUEST TO COMMENT ON DRAFT PLANNING AND DEVELOPMENT (BUSHFIRE RISK MANAGEMENT) REGULATIONS 2014</b>
	<b>Location:</b>	<b>Entire Shire</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP/03</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>30 September 2014</b>
	<b>Attachments:</b>	<b>11.4.3 – Copy of Regulations</b>

**Background**

The Shire has been asked to comment on draft regulations prepared to address bushfire risk management.

Attachment 11.4.3 contains a copy of the regulations.

The purpose of these regulations is to give legislative force to Planning for Bushfire Protection Guidelines. This approach has been recommended following the Perth Hills bushfires in February 2011.

Some of the key elements of the regulations to understand are that:

- They will be automatically introduced into the Local Planning Scheme without the need for a scheme amendment;
- They will apply only to habitable buildings (excludes sheds etc);
- The assessment of bushfire prone areas are linked to maps endorsed by the FES Commissioner or the requirements will apply to new habitable buildings within 100m of an area of bushfire prone vegetation equal to or greater than one hectare.
- They will start to be applied in May 2015.
- The requirements will not be retrospectively applied to existing development or existing land uses.

### **Comment**

The regulations require a Bushfire Attack Level (BAL) assessment to be done in areas identified as “Bush Fire Prone Areas” before starting development.

A draft Bushfire Prone Area Map identifies large areas of the Shire as being within a Bushfire Prone Area. This is a draft map and the Shire is given the chance to comment and make suggested changes to the map. Further, the mapping will be subject to frequent review to ensure accuracy.

There are a number of BAL levels: ranging from BAL – Low to BAL – Fire Zone. In between these are a number of sub categories ranging from BA - 12.5, BAL 19, BAL 29 and BAL – 40.

The BAL level is worked out by calculating factors such as vegetation type, slope and location of building (ie: building upslope of vegetation or downslope of vegetation) and setback distance.

The higher the BAL number: the greater the building standards that will apply. This will have implications for building costs.

In summary, siting residential development in the BAL – 40 and BAL – Fire Zone is not recommended and the regulations will require a planning approval in these circumstances.

The key driver for this regulation is to ensure that habitable buildings are designed to reduce risks linked to bushfire events.

The direct impacts from this regulation are likely to be:

- Increased work load. The regulations will require planning approvals for buildings that currently only require building licences. Further, the changes will increase the complexity of the building license assessment process; and



more cleared land. Purchasing a house and land in regional towns is very price sensitive. If prices rise disproportionately in one town compared to another, it may destroy large sections of the market and have significant adverse impacts on the growth and prosperity of a town and community.

- b) The regulations apply a uniform approach to the entire State. It does not differentiate risks between metropolitan urban fringes, rural settlements and farm lands. Each of these settlement types has different risk outcomes and consequences. It is suggested that the mapping or regulations become more nuanced to account for the variations of risk. Such an approach could for instance factor in population thresholds, density of road network, proximity to infrastructure and emergency services.
- 3) Request assistance to update and modify the mapping data provided. This is to acknowledge that Council does not have the resources or technical staff (GIS officer) to review and update data.

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<b>11.4.4</b>	<b>SUBJECT:</b>	<b>REQUEST TO WAIVE PLANNING ASSESSMENT FEE</b>
	<b>Location:</b>	<b>Lot 1865 South Western Highway, Mullalyup</b>
	<b>Applicants:</b>	<b>Mr David and Mrs Sheryl Crabtree</b>
	<b>Zone:</b>	<b>Tourism</b>
	<b>File Ref:</b>	<b>A4671</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>18 September 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

### Background

The Shire recently approved an application to change the use of an existing building from “Bed and Breakfast” to “Dwelling”.

The application was triggered by the applicant’s concern that the building may not be able to be used as a residence and that this would limit potential to sell the property. The property is on the market for sale.

The applicant has requested that Council waive its \$147.00 assessment fee. Shire officers do not have delegation powers to consider this request.

### Comment

Local Planning Scheme No.7 (LPS7) zones the land “Tourism”. The Tourism zone lists “Dwelling” as a “D” (Discretionary) use. This is a use that Council can approve subject to using its discretion.



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## **11.5 Chief Executive Officer**

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<b>11.5.1</b>	<b>SUBJECT:</b>	<b>DELEGATION OF DUTIES UNDER THE LOCAL PLANNING SCHEME No 7</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Shire Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL28</b>
	<b>Author:</b>	<b>J Attwood – Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>3 October 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

The newly gazette Local Planning Scheme No 7 has provision for Council to delegate to the CEO the exercise of its powers or duties under the Scheme, other than the power of delegation itself. The CEO may then delegate these powers and duties to an employee.

### **Comment**

Many Town Planning Functions are carried out by the Principal Planner under delegation

This delegation requires a decision of absolute majority, as if the power had been exercised under the Local Government Act 1995. As such, the delegation is to be reviewed annually and the person to whom a power or duty is delegated is to keep records in accordance with the regulations in relation to the exercise of the power or discharge of the duty.

This delegation updates existing delegations under the now superceded Town Planning Scheme No 4 and will streamline the functions of town planning.

### **Consultation**

N/A

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

#### Policy

N/A

#### Statutory Implications

Shire of Donnybrook-Balingup Local Planning Scheme No 7, Section 11.3  
Local Government Act 1995, Sections 5.45, 5.46

#### Voting Implications

Absolute Majority

### **Financial Implications**

N/A

## Strategic Implications

Strategic Community Plan

Outcome 1.6: Increased availability of serviced residential, commercial and industrial land.

Outcome 2.6: Effective planning and management policies for our agricultural land and uses.

## Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That:

**The Chief Executive Officer is, pursuant to clause 11.3.1 of the *Shire of Donnybrook-Balingup Local Planning Scheme No 7*, delegated authority to exercise any of its powers or the discharge of any of its duties in the Scheme, other than this power of delegation.**

**The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under Clause 11.3.1.**

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**Absolute Majority Required**

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<b>11.5.2</b>	<b>SUBJECT:</b>	<b>DONNYBROOK COUNTRY CLUB LEASE</b>
	<b>Location:</b>	<b>Donnybrook Country Club, Reserve 22174, Chapman Road</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>RES 01/1</b>
	<b>Author:</b>	<b>John Attwood, CEO (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>3 October 2014</b>
	<b>Attachments:</b>	<b>11.5.2 - Draft Country Club Lease</b>

## Background

The Donnybrook Country Club lease expires on 21 February 2015. A new 21-year lease has been drafted, based on Council's 'standard' lease for community facilities and is attached for Council's consideration.

The Country Club is situated on Reserve 22174 which is set aside for the purpose of recreation with management vested with the Shire of Donnybrook-Balingup. In-principle approval (under Section 18(2) of the *Land Administration Act 1997*) has been received from the Minister for Lands to re-lease this reserve for a further 21 years. (Formal approval can only be given once the lease has been finalised and signed by all parties).

## Comment

The Donnybrook Country Club Committee which has indicated its agreement with the proposed lease.



## Consultation

Donnybrook Country Club  
Department of Lands

## Policy/Statutory/Voting Implications

### Policy

N/A

### Statutory

Section 18(2) of the *Land Administration Act 1997*,

### Voting

Simple majority

## Financial Implications

N/A

## Strategic Implications

Strategic Community Plan Outcome 3.2 – Quality community and recreational facilities that are well used by all ages and abilities.

## Officer's Recommended Resolution

**Moved: Cr**

**Seconded: Cr**

**That Council approve the proposed lease (attachment 11.5.2) between the Shire of Donnybrook-Balingup and the Donnybrook Country Club Inc.**

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<b>11.5.3</b>	<b>SUBJECT:</b>	<b>WALGA's POLL PROVISIONS ADVOCACY POSITION</b>
	<b>Location:</b>	<b>Western Australia</b>
	<b>Applicants:</b>	<b>WALGA</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>DEP22/4C</b>
	<b>Author:</b>	<b>John Attwood – CEO (<i>Judy Franks, Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>30 September 2014</b>
	<b>Attachment:</b>	<b>Nil</b>

## Background

WALGA are seeking to define WALGA's position regarding advocacy for amendments to the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995* to enable electors of a Local Government that will be abolished or significantly affected by a boundary change proposal to demand a poll.

At the 2 July State Council meeting, State Council resolved to adopt, and advocate for, a policy position that the poll provisions should be amended so that electors of a Local Government where one or more Local governments will be abolished or significantly affected by a boundary change proposal are able to demand a poll on the proposal, with 'significantly affected' being specifically defined as causing a fifty percent variation in:

- i. Population; or
- ii. Rateable properties; or
- iii. Revenue".

At WALGA's Annual General Meeting held, on 6 August, the meeting resolved:

*"That this Annual General Meeting, recognising the current approach by the State Government to the manipulation of the principles of the 'Dadour' poll provisions:*

- (a) Endorse WALGA's position of providing community access to the poll provisions where 1 or more districts are to be abolished rather than the 2 or more districts as currently provided for in the Local Government Act 1995;*
- (b) Endorse WALGA's proposed extension of the poll provisions to significant boundary adjustments subject to any associated criteria and any percentages being agreed to by a majority of all local governments in Western Australia; and*
- (c) Reaffirm as policy, that WALGA is opposed to the removal or dilution of the 'Dadour' poll provisions including the temporary dilution or removal of those provisions".*

State Council, at their 3 September meeting, endorsed parts (a) and (c) of the AGM resolution above and resolved the following in relation to part (b):

*"4.7B Part (b) – endorse WALGA's proposed extension of the poll provisions to include significant boundary adjustments subject to further research and sector consultation being carried out on any associated criteria and for a report to be presented through the next Zone/State Council Meetings".*

WALGA invites local governments to provide feedback prior to Friday, 31 October 2014.

## **Comment**

Defining the criteria for whether a boundary change significantly affects a Local Government is difficult and there are divergent views in the Local Government sector.

There is a general view that a minor boundary change, perhaps to fix an anomaly, should not be the subject of a potential poll of electors. There is also a general view that, where one or more Local Governments will be abolished or a Local Government's viability could be affected by a boundary change proposal, electors should have a right to demand a poll.

Criteria defining whether a Local Government would be 'significantly affected' could be defined in the Local Government Act. This was State Council's original approach where it was resolved that a 50 percent variation in population, or rateable properties or revenue would be the trigger for the community to have the option to call a poll. In addressing this matter it needs to be determined whether these are the appropriate criteria or whether there should be an alternative method to determine whether a Local Government would be 'significantly affected' by a boundary change proposal.

Options to address this issue are have been presented by WALGA as follows”

1. All boundary change proposals could be the subject of a poll. While there is a general view that minor boundary changes should not be subject to a poll of the community, it could be argued that a minor boundary change that only affects a small number of properties would be unlikely to attract enough interest from the community for a poll to be called or to ultimately be successful in overturning the proposal. This would remove the need for criteria to be established to define ‘significantly affected’.
2. Criteria defining whether a Local Government would be ‘significantly affected’ could be defined in the Local Government Act. It is suggested that a percentage variation in population, or rateable properties, or revenue could be defined as the appropriate criteria to trigger the community’s right to call a poll. Three percentages are presented as options to define these criteria in the Local Government Act.
  - (a) 10 percent
  - (b) 25 percent
  - (c) 50 percent

Feedback will guide a State Council agenda item to be considered by Zones in late November and then State Council at their 3 December meeting.

### **Consultation**

WALGA is consulting with all local governments.

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

#### Policy

N/A

#### Statutory

*Local Government Act 1995*

#### Voting

Simple Majority

### **Financial Implications**

N/A

### **Strategic Implications**

The Shire’s Strategic Community plan states the following objectives:

Outcome 4.3 An open and accountable local government that is respected, professional and trusted.

Outcome 4.4 To be strong advocates representing the Shire’s interests.

### Officer's Recommended Resolution

Moved: Cr Seconded: Cr

That Council advise WALGA that it support the *Local Government Act 1995* being amended so that the community of a Local Government could demand a poll under any boundary change proposal.

OR

That Council advise WALGA that it does not support *the Local Government Act 1995* being amended so that the community of a Local Government could demand a poll under any boundary change proposal.

OR

That Council advises WALGA that it supports the *Local Government Act 1995* being amended so that the community of a Local Government could demand a poll with a significant variation in population, or rateable properties or by revenue by:

- a) 10 percent
- b) 25 percent
- c) 50 percent

(Please indicate preferences – ie 1 for most preferred, then 2 then 3)

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11.5.4	<b>SUBJECT:</b>	<b>APPOINTMENT / RENEWAL OF AUTHORISED PERSONS UNDER VARIOUS ACTS AND REGULATIONS</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>RGR 02</b>
	<b>Author:</b>	<b>John Attwood –Chief Executive Officer (<i>Lucy Bourne, Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>16 October 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

### Background

Pursuant to the following Acts and Regulations, a local government shall, in writing appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by those Acts and Regulations:

*Local Government Act 1995*, Part 9, Division 2 - issuing of infringement notices

*Local Government Act 1995*, Sections 9.13 and 9.15 – vehicle offences

*Local Government Act 1995, Section 3.39 – power to remove and impound*

*Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger*

*Dog Act 1976, Sections 29 (1) and 33E (1) – for the purposes of registering, seizing, impounding, detaining and destroying of dogs*

*Cat Act 2011 Section 48 - for the purposes of registering, seizing, impounding, detaining and destroying of cats*

*Control of Vehicles (Off Road Area) Act 1978, Section 38*

*Litter Act 1979, Section 26*

*Bush Fires Act 1954*

*Caravan Parks and Camping Grounds Act 1995, Section 17*

*Shire of Donnybrook-Balingup Local Laws and Regulations*

### **Comment**

Mr Antony Heppener has been appointed Ranger with the Shire of Donnybrook-Balingup on a fixed term contract from Monday 24 November 2014 to Monday 6 April 2015 to cover the Senior Ranger's long service leave. He needs to be appointed by Council as an authorised person under these Acts and Regulations.

### **Consultation**

N/A

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

Policy

N/A

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Authorisation is required under:

*Local Government Act 1995, Part 9, Division 2*

*Local Government Act 1995, Sections 9.13 and 9.15*

*Local Government Act 1995, Section 3.39*

*Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449*

*Dog Act 1976, Section 33E (1)*

*Cat Act 2011, Section 48*

*Control of Vehicles (Off Road Area) Act 1978, Section 38*

*Litter Act 1979, Section 26*

*Bush Fires Act 1954*

*Caravan Parks and Camping Grounds Act 1995, Section 17*

*Caravan Parks and Camping Grounds Regulations 1997, Regulation 6*

*Shire of Donnybrook-Balingup Local Laws and Regulations*

Voting

Simple majority

**Financial Implications**

N/A

**Strategic Implications**

Shire of Donnybrook-Balingup Strategic Community Plan states:  
Outcome 3.8 – Maintain a safe and friendly community environment.

**Officer's Recommended Resolution**

**Moved: Cr Seconded: Cr**

- 1 That Antony Heppener is appointed as an authorised person for the Shire of Donnybrook-Balingup from 24 November 2014, to administer the following Acts, Regulations and Local Laws -**

***Local Government Act 1995, Part 9, Division 2***

***Local Government Act 1995, Sections 9.13 and 9.15***

***Local Government Act 1995, Section 3.39***

***Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger***

***Dog Act 1976, Section 33E (1) – for the purposes of registering, seizing, impounding, detaining and destroying of dogs***

***Cat Act 2011, Section 48- for the purposes of registering, seizing, impounding, detaining and destroying of cats***

***Control of Vehicles (Off Road Area) Act 1978, Section 38***

***Litter Act 1979, Section 26***

***Bush Fires Act 1954***

***Caravan Parks and Camping Grounds Act 1995, Section 17***

***Caravan Parks and Camping Grounds Regulations 1997, Regulation 6***

***Shire of Donnybrook-Balingup Local Laws and Regulations***

- 2 That this appointment is published in the State Government Gazette.**

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

Item 11.5.5 Confidential – Chief Executive Officer Review – Appointment of Consultant  
*s5.23 (2) (a) a matter affecting an employee or employees which relates to a matter to be discussed at the meeting.*

Item 11.5.6 Confidential - Administration Centre Redevelopment – *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 items 11.5.5 Confidential – Chief Executive Officer Review – Appointment of Consultant and 11.5.6 Confidential – Administration Centre Redevelopment.

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**CONFIDENTIAL**

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11.5.5	<b>SUBJECT:</b>	<b>CONFIDENTIAL - CHIEF EXECUTIVE OFFICER REVIEW – APPOINTMENT OF CONSULTANT</b>
	<b>Location:</b>	N/A
	<b>Applicants:</b>	Administration
	<b>Zone:</b>	N/A
	<b>File Ref:</b>	EMP 3
	<b>Author:</b>	John Attwood – CEO ( <i>Judy Franks, Executive Assistant</i> )
	<b>Report Date:</b>	2 September 2014
	<b>Attachment:</b>	Nil
11.5.6	<b>SUBJECT:</b>	<b>CONFIDENTIAL – ADMINISTRATION CENTRE REDEVELOPMENT</b>
	<b>Location:</b>	Cnr Collins & Bentley Streets, Donnybrook
	<b>Applicants:</b>	N/A
	<b>Zone:</b>	Public Purpose
	<b>File Ref:</b>	FNC08/12M
	<b>Author:</b>	John Attwood, CEO
	<b>Report Date:</b>	16 October 2014
	<b>Attachments:</b>	Nil

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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 11.5.5 and 11.5.6 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.**
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**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, 26 November 2014 commencing at 5.00pm at the Balingup Recreation Centre, Balingup.

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