



# Ordinary Council Meeting

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## Minutes

Held on

Wednesday 22 April 2015

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

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A handwritten signature in black ink, appearing to read "Greg Harris".

**Greg Harris**  
A/Chief Executive Officer

**23 April 2015**

### **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 MINUTES

22 April 2015

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# SHIRE OF DONNYBROOK/BALINGUP

## ORDINARY COUNCIL MEETING MINUTES

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Held in the Council Chambers on Wednesday, 22 April 2015 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 McCabe

#### STAFF

Greg Harris – A/Chief Executive Officer  
Bob Wallin – Principal Planner  
Emma Thomas – A/Manager Development and Environmental Services  
Peter Caccioppola – A/Manager Works and Services  
Kate O’Keeffe – Executive Assistant

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### PUBLIC GALLERY

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Megan Baldock  
Christopher Knight

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### 1 APOLOGIES

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Cr Logiudice  
John Attwood – Chief Executive Officer  
Mike Scott – Manager Works & Services  
Leigh Guthridge – Manager Development and Environmental Services

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### 2 PUBLIC QUESTION TIME

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*Megan Baldock (Question without notice):*

*I submitted a letter to Council on 20 April 2015 in response to correspondence dated 13 April 2015 from Greg Harris on the submission I made to Council. I requested a response by 3pm today, why have I not received one?*

President:

This is a staff-related matter which cannot be dealt with by Council. The Acting Chief Executive Officer will respond to your enquiry in due course.

*Christopher Knight (Questions without notice):*

*I seek clarification of the following:  
Is Tuia Lodge a Shire Facility?*

President:

Yes.

*Christopher Knight:*

*Are the staff and Management under the direction of the Shire Chief Executive Officer?*

President:

Yes, the Chief Executive Officer is responsible for the staff at Tuia Lodge. The Tuia Lodge Board oversees the day-to-day management of Tuia Lodge Aged Care Facility.

*Christopher Knight:*

*Is the Tuia Board a sub-committee appointed by the Shire and overseen by the Shire Chief Executive Officer?*

President:

Council, with the Chief Executive Officer as their representative, oversees the Tuia Lodge Board.

*Christopher Knight:*

*From previous Council Meetings:*

*The meeting for alleged misconduct with representatives of the Tuia Board held on 26 September 2014 had minutes supplied. The follow-up misconduct meeting (with a minute secretary present) was held on 17 November 2014, where requested rebuttal and the desired solution were submitted. Minutes from this meeting were denied. Why did the accused not get a copy of the Chief Executive Officer's report to the Tuia Board as no resolution was given - Was a report raised and presented to the Tuia Board?*

President:

This question will be taken on notice. The Acting Chief Executive Officer will provide a response in writing within 10 working days.

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### **3 APPLICATION FOR LEAVE OF ABSENCE**

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Nil



## **Cr King Comment**

This motion requests Council to approve the immediate purchase of a Public Address and Recording system, allowing each Councillor and shire officer a microphone, such that the discussion/debate concerning Agenda items can be clearly heard within the chamber and the public gallery area. The system should be such that it can be relocated and utilized in the proposed “new” Council Chambers when these are constructed (possibly in 12-18 months time).

Council has an obligation to residents and ratepayers who allow time to attend Council meetings in the gallery, that they be able to clearly hear the debate and proceedings. This problem is often reported to councillors. A suitable PA system would rectify the situation and improve the “Council” experience for ratepayers.

A second problem area which has occurred several times over the last 3-4 years is that proceedings within the chamber have been disputed, and Councillors have had contrary recollections of what actually occurred or was said, resulting in difficulties in determining serious allegations. Recording of the PA system (probably directly to harddisk or a cassette) would provide a verbatim record of all proceedings, and allowing a true record of what was said.

An allocation for a PA system was proposed in the 2014-15 Draft Budget documents at a nominal cost of \$20,000, but was rejected during debate, and was not included in the 2014-15 Budget. Once purchased there should be very limited operating costs.

In supporting this motion Council would achieve the following outcomes:-

- Clear distribution of discussion and debate to all in the chamber during Council meetings.
- This will increase communication, understanding and transparency for ratepayers.
- As required a verbatim account of debate will be available – with limited storage requirements.

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

### Policy

N/A

### Statutory

N/A

### Voting

Absolute Majority required

## **A/CEO Comment**

The 2014/15 Draft Budget included provision of \$16,500 to purchase a public address/recording system for the current Council Chambers. During budget deliberations it was decided to defer this item and it was subsequently excluded from the adopted budget.

The purchase of a suitable PA and recording system has been considered by Council a number of times but has not been funded due to other competing priorities.

The budget estimation was based on the recent installation of a similar system at the Shire of Nannup. However the project scope and cost will need to be reviewed to ensure that the cost estimate remains relevant.

The CEO has referred this matter to Architects, Kent Lyon, for possible inclusion in the specifications for the Shire Office upgrade.

Should Council wish to proceed with the acquisition of this item in the current budget a source of funds will need to be determined. The Electronic Equipment Reserve Fund could be used to fund this purchase however utilisation of this Reserve will impact on the capacity of the reserve to meet future electronic equipment needs. A decision to purchase this item in 2014/15 will require a budget amendment and an absolute majority decision of Council.

As Council will be considering its Draft Budget for the 2015/16 year in approximately three months (July 2015) and given that the Administration Centre building is progressing to final design and costing stage it is recommended that consideration of acquiring the PA system is deferred until the Draft Budget Meeting.

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

**Moved: Cr King**

**Seconded: Cr Bailey**

**Council purchase and install in the existing Council Chambers a PA and recording system which will allow both Councillors, staff and the public gallery to clearly hear discussion and debate of agenda items, and a recording of Council proceedings to be kept. That this system be such that it can be transferred with minimum expense to the "new" Council Chambers when these are commissioned.**

*Note - If Council resolve to support the above notice of motion the following resolution will also be required to amend the 2014/15 Budget:*

***That Council amend the 2014/15 budget by increasing budget expenditure in account 105840 (Furniture and Equipment) by \$20,000 and increasing budget income in account 106150 (Transfer from Electronic Equipment Reserve) by \$20,000.***

**Lost 2/6**

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

**Moved: Cr Mitchell**

**Seconded: Cr Dawson**

**That the purchase of a Public Address / Recording system for the Council Chambers be considered in the 2015/16 Draft Budget.**

**Carried 7/1**





There could also be additional units built attached to the current village. Vehicle access or pedestrian access from one parcel of land to the other parcel of land would need to be assessed along with any use of the community centre by residents in the new development.

#### Additional Information

As part of due diligence prior to Council purchasing this land in 2008 Council commissioned a geotechnical report for the property. Council was aware that a portion of the block had been filled with overburden from sewerage works undertaken in about 2001.

The geotechnical report indicated that the original strata (beneath the fill) to be clay silt. It also identified that in the filled area there are voids and soft layers of material.

Two remedies for the site were stated:

1. Remove all the imported material and replace and layer the area with any reusable fill and/or clean sand.
2. Relocate the top 2 metres of soil and replace with fill (or any reusable fill) and compact the area to drive out most loose layers. A “raft” over the area can be created using geo fabrics, cements, aggregates, then filling back over to produce sand pads.

Prior to Council continuing investigations/negotiations on what can be built on the site it is essential to undertake another geotechnical assessment/report.

It is estimated that the cost will be in the vicinity of \$6,000 - \$7,000.

#### **Council Decision (Committee’s Recommended Resolution)**

**Moved: Cr Dawson**

**Seconded: Cr Crowley**

**That Council undertakes a geotechnical survey on Lot 142 Bridge Street, Donnybrook at an estimated maximum cost of \$10,000. Funding for the survey to be expended from the Aged Housing Reserve Funds.**

**Carried 8/0**

#### Permission Requested for a Pet

A family member has enquired about purchasing a cat as a birthday present for one of the residents at Preston Retirement Village. They were advised to discretely contact the neighbouring residents to gauge support for the new pet.

#### **Council Decision (Committee’s Recommended Resolution)**

**Moved: Cr McCabe**

**Seconded: Cr Crowley**

**That subject to agreement by all other residents at Preston Retirement Village approval be granted to the owner of Unit 1 to have a cat on the premises.**

**Carried 8/0**

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## 10.2 Donnybrook Townscape Committee Meeting

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### Council Decision – En Bloc Resolution No. 1

Moved: Cr Crowley

Seconded: Cr Dawson

That the resolutions from item 10.2 Donnybrook Townscape Committee Meeting of 8 April 2015 be moved en bloc.

Carried 8/0

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10.2.1	<b>SUBJECT:</b>	<b>PROPOSED SIGNAGE – 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>27 March 2015</b>
	<b>Attachment:</b>	<b>10.2.1 – ‘Welcome to Donnybrook’ Draft Panel Design</b>

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### Background

The Townscape Committee at its meeting 8<sup>th</sup> October 2014 resolved that:

*“...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....”*

Additional quotes were obtained. The Townscape Committee at its meeting 10<sup>th</sup> December 2014 resolved that:

- “1) Take action to remove the existing signage as the sign is in a state of disrepair and does not project well on the Shire and the information provided out of date.*
- 2) Allocate an additional \$750.00 towards the cost of the new signage.”*

Arrangements have started to remove the existing panels.

At the Townscape Committee meeting 4<sup>th</sup> February 2015, it was advised that a new panel design was being prepared. A draft design is attached for discussion purposes (Attachment 5.1.1).

### Comment

The draft panel has been prepared with a new motivating philosophy. In preparing this draft sign, it was essential to be clear on what the purpose of the sign is. It was concluded that it is for the Shire to promote “what is good and on offer”. This is a chance to seek, attract, grab

and hold the attention of potential future residents. If this is the agreed purpose of the sign, then a change in approach is necessary.

The sign presents the reader with an eclectic range of activities to enjoy and to inspire the imagination to think what a great place Donnybrook is.

The proposed text is short and tells a story about experiences available. This story is embellished with a number of colourful images to help guide the imagination and highlight the beauty of the countryside, events, the seasons and activities.

It is noted that the Tourism Association and Chamber of Commerce will give specific attention to their members needs and Council does not need to duplicate efforts or information.

### **Policy/Statutory Implications**

N/A

### **Financial Implications**

N/A

### **Strategic Implications**

Outcome 1.1 – Continue to grow the Shire's population.

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

Outcome 4.7 – Maintain and enhance Shire assets.

### **Council Decision**

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

- 1. That the 'Welcome to Donnybrook' sign depicted in Attachment 10.2.1 is supported and staff meet with representatives from the Donnybrook Tourist Association and Donnybrook Balingup Chamber of Commerce to ensure that there is no duplication in the proposed written material prior to printing.**
- 2. That the sign to include the shire QR code and website address, and if space permits, include more local photographs.**

**Carried by En Bloc Resolution No 1**

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**10.2.2 DISCUSSION – COLLINS STREET LOCAL DEVELOPMENT PLAN**

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**Council Decision  
(Committee’s Recommended Resolution)**

**That the Townscape Committee recommend to Council to consider allocating \$25,000 in the 2015/16 Budget to commence traffic calming in Collins Street in line with the recently developed concept plans.**

**Carried by En Bloc Resolution No 1**

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**10.3 Balingup Townscape Committee Meeting**

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<b>10.3.1</b>	<b>SUBJECT:</b>	<b>BUDGET PRIORITIES FOR COUNCIL CONSIDERATION IN 2015/16 FINANCIAL YEAR</b>
	<b>Location:</b>	<b>Balingup Townscape Committee</b>
	<b>Applicants:</b>	<b>Balingup Townscape Committee</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 07/1</b>
	<b>Author:</b>	<b>Manager Works and Services</b>
	<b>Report Date:</b>	<b>15<sup>th</sup> April 2015</b>
	<b>Attachment:</b>	<b>Nil</b>

**Background**

The Balingup Townscape Committee requires a list of priority ranked projects for recommendation and consideration by the whole Council during the formation of the 2015/16 Financial Year budget.

**Comment**

Previously, the Townscape Committee Budget has been accepted and approved by the Council. A priority ranking is required because typically, not all budget requests are approved.

**Consultation**

The Balingup Townscape Committee is formally constituted by the Council and authorized to make recommendations for approval by the Council.

**Policy/Statutory/Voting Implications**

Policy

Consistent with Council policy.

### Statutory

Consistent with Council's formal budget process.

### Voting

A simple majority is required for recommended items in priority order.

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

To be undertaken when projects have been funded and approved by the Council.

### **Financial Implications**

The Council typically approves an annual amount in the vicinity of \$25,000 for the setting of priorities by the Balingup Townscape Committee.

From time to time, part of this annual budget is carried over where approved projects cannot be delivered within the budgeted period.

The Council will assess the impact of the Balingup Townscape Committee's priority recommendations on the budget during its overall consideration of the full budget consistent with the 10-Year Financial Plan.

### **Strategic Implications**

Funding forms the basis of the Works Program for the financial year and approved projects will ensure delivery.

### **Council Decision**

**(Committee's Recommended Resolution)**

**Moved: Cr King**

**Seconded: Cr Bailey**

**The Council considers the following priority recommendations and estimated costs from the Balingup Townscape Committee for funding approval in the preparation of the Shire of Donnybrook-Balingup Budget for the 2015/16 Financial Year.**

<b>Priority</b>	<b>Project</b>	<b>Estimated Cost</b>
<b>1.</b>	<b>20 brackets for Scarecrows on Main Street</b>	<b>\$5,000</b>
<b>2.</b>	<b>Fence along Balingup Brook (North of town)</b>	<b>\$7,500</b>
<b>3.</b>	<b>Establish new path for above</b>	<b>\$5,000</b>
<b>4.</b>	<b>Upgrade planter boxes and investigate median strip entry statement for installation. Auto reticulation for planter boxes.</b>	<b>\$10,000</b>
<b>5.</b>	<b>New path installation left over Koolyir Mia bridge</b>	<b>\$5,000</b>
<b>6.</b>	<b>Plant trees opposite the school on the reserve.</b>	<b>\$1,500</b>
<b>7.</b>	<b>Solar lighting; general enhancement of trees, bridges and entry to town.</b>	<b>\$1,500</b>

**Carried 6/2**



particular, Councils are to note that funds will not be disbursed until there is evidence of leveraged funding in place.

At the June 2014 meeting Council resolved as follows:

- 1. That Council approve the following projects to be funded from Council’s individual local government allocation under the 2012/13 Country Local Government Fund (Royalties for Regions) program.**

	<b>Project Description</b>	<b>Total Project Cost</b>	<b>CLGF Funds</b>	<b>Other Funds</b>
<b>1</b>	<b>Donnybrook Recreation Centre – Replace roof over Stadium</b>	<b>\$150,000</b>	<b>\$100,000</b>	<b>\$50,000 Council Building Reserve</b>
<b>2</b>	<b>Shire Administration Centre</b>	<b>\$2,300,000</b>	<b>\$547,112</b>	<b>\$1,752,888 Council Building Reserve and new Debenture Loan</b>
		<b>\$2,450,000</b>	<b>\$647,112</b>	<b>\$1,802,888</b>

- 2. That Council update its Forward Capital Works Plan to include the above projects.**
- 3. That Council submit the projects identified in this resolution to the Department of Regional Development for approval from Council’s 2012/13 CLGF allocation.**

**Comment**

Since adopting the above resolution in June 2014, issues have been identified with the ingress of ground water into the Donnybrook Recreation Centre Stadium sub-floor which has caused damage to a section of the playing surface. Council has recently undertaken external drainage works in an attempt to stop the ingress of ground water and it is further proposed to undertake repairs to the playing surface as a short term measure until it is certain the water issue has been resolved. It is therefore recommended that repairs to the stadium roof are delayed until such time as the current water ingress issues are completely resolved.

It is further recommended that \$100,000 CLGF funds proposed to be allocated to Recreation Centre Roof project are reallocated to the Shire Administration Centre project. The remaining \$50,000 allocated from the Municipal Fund for the Recreation Centre Roof project will be transferred to the Building Reserve. This reallocation will then result in \$100,000 less being required from the Building Reserve for the Administration Centre project and the total \$150,000 being set aside in the Building Reserve to fund the Recreation Centre roof upgrade at a later date once the water ingress issues have been resolved.



This action will also ensure that Council can meet the funding requirements of the Country Local Government Fund which require projects to be fully completed within two years of signing the Financial Assistance Agreement.

Pending Council's confirmation of the above action the Department of Regional Development have been requested to commence preparation of the Financial Assistance Agreement on the basis of the entire 2012/13 CLGF individual allocation being utilised on the Administration Centre Project as follows:

	<b>Project Description</b>	<b>Total Project Cost</b>	<b>CLGF Funds</b>	<b>Other Funds</b>
1	Shire Administration Centre (Separable portion relating only to the Office Extension and Alterations and Additions to Church)	\$904,600	\$647,112	\$257,488 Council Building Reserve
		<b>\$904,600</b>	<b>\$647,112</b>	<b>\$257,488</b>

In summary, Council approval is hereby sought to amend the 2014/15 budget to defer the Donnybrook Recreation Centre Roof project, reallocate CLGF funds of \$100,000 from the Donnybrook Recreation Centre Roof project to the Shire Administration Centre project and to transfer \$50,000 set aside from the Municipal Fund for the Recreation Roof to the Building Reserve.

### **Consultation**

Extensive consultation has occurred with the Department of Regional Development to ensure that their funding guidelines can be met to enable Council to receive the 2012-13 Individual CLGF allocation in the 2014/15 year.

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

#### Policy

N/A

#### Statutory

The identified projects will be included in the 2014/15 budget, Forward Capital Works Plan and Council's Long Term Financial Plan.

#### Voting

Absolute Majority required as the recommendation proposes to amend the 2014/15 year Budget.

### **Risk Assessment**

No formal risk management assessment has been done in respect to this agenda item as it relates to funding only for the identified projects.

## Financial Implications

The proposal to reallocate funds within the budget will have no impact on the final 2014/15 result.

## Strategic Implications

### Shire Administration Centre

Outcome 4.8 – Attract and retain staff

Action 4.8.2 – Improve the Shire office accommodation for staff.

## Council Decision

### (Officer's Recommended Resolution)

Moved: Cr Dawson

Seconded: Cr McCabe

1. That Council approve the following project to be funded from Council's individual local government allocation under the 2012/13 Country Local Government Fund (Royalties for Regions) program.

Project Description	Total Project Cost	CLGF Funds	Other Funds
<b>Shire Administration Centre</b> (Separable portion relating only to the Office Extension and Alterations and Additions to Church)	<b>\$904,600</b>	<b>\$647,112</b>	<b>\$257,488</b> <b>Council Building Reserve</b>
	<b>\$904,600</b>	<b>\$647,112</b>	<b>\$257,488</b>

2. That Council submit the project identified in this resolution to the Department of Regional Development for approval from Council's 2012/13 CLGF allocation.
3. That Council approve of the following amendment to the 2014/15 budget:

Account No.	Description	Amount	Action
175940 (B112)	Donnybrook Recreation Centre Buildings	\$150,000	Decrease expenditure
147900	Transfer to Building Reserve	\$50,000	Increase expenditure
169450	Transfer from Building Reserve	\$100,000	Decrease Income

**Carried 8/0**  
**By Absolute Majority**

<b>11.1.4</b>	<b>SUBJECT:</b>	<b>BUILDINGS INSURANCE AND MISCELLANEOUS OTHER INSURANCE MATTERS POLICY</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>ADM05/1</b>
	<b>Author:</b>	<b>Greg Harris, Manager Finance &amp; Administration (<i>Keith White – Accounting Project Officer</i>)</b>
	<b>Report Date:</b>	<b>14 April 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

When preparing the Annual Financial Report for the year ended 30<sup>th</sup> June 2013, staff used the services of a qualified Valuer to supply “Fair Values” for all of the Shire’s plant and equipment assets. This was done because of a new legal mandate to use Fair Value for reporting on this class of asset, and in subsequent years, for other classes of asset, until all classes are being reported on a Fair Value basis.

An advantage of this new valuation impost is that insurance values can be sought at the same time as Fair Values with negligible added cost. Because of the mandate (Regulation 17A of the Local Government (Financial Management) Regulations), values are being sought every three years at least for any individual asset.

This report proposes a Council policy which links the maintenance of insurance values for buildings to the seeking of balance sheet valuations, prescribes the type of insurance to be used, e.g. indemnity versus replacement, prescribes a minimum worth threshold before insuring and prescribes a default position for the recovery of insurance premiums from third parties.

## Comment

Traditionally insurance values have been loosely aligned to the written-down value of a building’s historical purchase price with senior staff modifying these using local knowledge, if needed. Because market conditions can fluctuate and no staff members have formal qualifications in this area, it is opportune to have a professional service update insurance values at least each three years. Plant items are insured on a “new for old” basis for the first one or two years and thereafter at either Fair Value or at an indemnity insurance value provided by the Valuer.

The advent of a new Asset Management Coordinator (part time) position for the Shire means that all Shire buildings will ultimately be assigned a Service Level Hierarchy (SLH) The SLH will be based upon an asset’s importance to the community, its criticality to the Shire’s operations and its usage level. It may be possible to ultimately have the SLH as a determinant of insurance type for full reinstatement, versus indemnity, versus demolition only, or no insurance.

These insurance levels are as follows;

- *Replacement / Reinstatement*: cost for full replacement of a building to current day standards, including provisions for contingencies such as architects' and engineers' fees, removal of debris, extra cost of reinstatement, extinguishment costs and miscellaneous structures and equipment.
- *Indemnity Only*: The "market value" of the building only. In the event of a total loss then that amount would be the maximum amount payable, there will be no consideration of replacing or rebuilding the asset in the processing of the claim. This cover would be valid when it is deemed that a certain building would not be rebuilt in its current form and/or location, therefore doesn't require full replacement / reinstatement insurance cover.
- *Demolition Only*: This value can be set by the Shire, nominating a value to a certain building based on previous quotations, actual costs or an estimation of the probable costs to demolish it after a significant damage event.
- *No Insurance*: the Shire may elect in some instances not to insure a building where other insurance cover already exists or the situation dictates that insurance cover is not necessary. This option would not be utilised in many instances

In the interim, whilst awaiting the services of an Asset Management Coordinator, it is recommended that the Shire uses only reinstatement insurance for its buildings.

## **Consultation**

Local Government Insurance Scheme (LGIS)

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

### Policy

There are no known policy implications.

### Statutory

In accordance with Section 2.7(2) (b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government's policies.

### Voting

Simple majority required.

## **Risk Assessment**

Without adequate insurance the Shire is at risk of funding shortfalls in the event of a claim and when items are over-insured the risks is that premiums are wasted. Any item deliberately underinsured, even when it is a well-intentioned act to save premiums will result in a pro-rata payment from the insurer for the percentage of true (full) costs actually insured. So an asset worth \$100,000, insured for \$50,000, would realise only \$25,000 if totally destroyed. Hence underinsuring is not to be taken lightly. The Shire's property insurance does allow a margin for error of 10% when declaring insurance valuations and so in these cases an accidental under-declaration of value, may not prejudice the Shire if supplied in good faith.

## Financial Implications

As noted in the report the cost of implementing the proposed policy is difficult to quantify, but is deemed as minor given that most Valuers will provide insurance values separately, but concurrent with balance sheet valuations at relatively little extra cost. This is because of economies of scale when the Valuer assesses each asset. The documented costs of obtaining any insurance values are then reimbursed to the Shire to the extent of 40% of total cost by the WA Local Government Insurance Service.

## Strategic Implications

Outcome 4.8 – Maintain and enhance Shire assets.

Council discussed the policy items and resolved to amend the wording in Policy No. 4 regarding insurance arrangements with leased buildings to include: *‘Subject to the provisions of the lease agreement, lessees are required to reimburse the Shire to the full extent of the cost of insurance for leased buildings’* and *‘The CEO is to exercise discretion to differentiate between commercial and not-for-profit organisations.’*

## Council Decision

(Officer’s Recommended Resolution)

Moved: Cr Dawson

Seconded: Cr Duncan

That the following policy be adopted:

### ADMINISTRATION POLICY

#### BUILDINGS INSURANCE

#### Objective:

The purpose of this policy is to outline certain requirements for insuring Shire buildings. It applies to all Shire-owned buildings and/or improvements located in the Shire of Donnybrook-Balingup. It also prescribes other related insurance matters.

#### Policy:

1. Council has determined that a strategic approach is required with regards to the relationship between levels and type of building insurance to ensure that the best value for money is obtained for each building covered. When determining the appropriate type of insurance to be applied to a particular building, certain information pertaining to this building needs to be obtained so that staff can properly insure a building. Buildings, where practicable, should be assessed on the basis of their Service Level Hierarchy (SLH), which is based on an asset management assessment. To this end staff will work towards using SLH as a determinant of the type of insurance being used, albeit it is recognised that insurance forms such as Indemnity, Demolition Only and No

- Insurance will still rarely be used. A later report from the CEO is to recommend suitable changes to this policy in this regard. In the interim Staff are to use replacement insurance only for all Shire owned buildings.**
- 2. A Certified Practising Valuer (CPV) is to provide suitable insurance valuations at least every three years for all Shire-owned buildings (usually timed to coincide with asset revaluations). These values will then form the basis of each building's insurance cover and will be indexed each financial year by the Perth Consumer Price Index (CPI) until such time as an updated insurance valuation is provided.**
  - 3. With the exception of leased buildings, the Shire will not insure buildings valued at under \$5,000, unless the CEO considers it necessary, due to special circumstances, to take out a separate policy of insurance in respect to a particular building. The Shire believes its existing Building Reserve sufficiently provides for the insurance needs of such buildings.**
  - 4. All leased buildings and improvements are to be insured for replacement/reinstatement value. Subject to the provisions of the lease agreement, lessees are required to reimburse the Shire to the full extent of the cost of insurance for leased buildings. Third party contents held within leased buildings are not ordinarily the responsibility of the Shire to insure. The CEO is to exercise discretion to differentiate between commercial and not-for-profit organisations.**
  - 5. The CEO is to exercise discretion when faced with insuring infrastructure other than buildings. For example it is recognised that bridges will be insured on the basis of replacement costs, whereas skate parks are not critical infrastructure, and do not face a large risk of total destruction. To insure for full replacement cost may not be judicious. Therefore judgments at times will be made with certain non-building infrastructure albeit Indemnity value is to be the minimum insurance level to otherwise apply.**
  - 6. Council confirms that it approves "new for old" insurance for plant and equipment items less than two years old (light plant & equipment) and less than one years old (heavy plant & equipment, with indemnity insurance to apply for such assets older than two or one year respectively at the commencement of a new insurance year." (N.B. Such does include fire control equipment and is part of the standard LGIS policy wording).**

**Carried 7/1**

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## 11.2 *Manager Works & Services*

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<b>11.2.1</b>	<b>SUBJECT:</b>	<b>STRATEGIC PLANNING FOR THE SHIRE OF DONNYBROOK-BALINGUP RESERVES (PHASE ONE)</b>
	<b>Location:</b>	<b>Various reserves are located throughout the Shire</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>PWF 15C</b>
	<b>Author:</b>	<b>Mike Scott, Manager Works and Services (<i>Debbie Brace - Environmental Officer</i>)</b>
	<b>Report Date:</b>	<b>10 April 2015</b>
	<b>Attachments:</b>	<b>None</b>

### **Background**

The State Natural Resource Management (NRM) Program is a Western Australian Government initiative that provides funding for activities that protect and enhance WA's environment and natural resources.

More than \$67 million has been committed to grants since the Program's inception in 2009, supporting over 430 different projects delivered by more than 220 groups.

New funding for the Program was announced in May 2014 - \$24 million over three years starting 2015/16 to support community engagement and participation in natural resource management.

The Environmental Officer (EO) at the Shire applied and was granted funding for a comprehensive inventory of the reserves and drainage easements within its boundary. This project aims to engage a qualified environmental consultant to collect and collate this data in order to produce planning documents that will assist the Shire in future planning and risk assessment for these natural assets.

The Shire of Donnybrook-Balingup is required by the terms of the funding to formally accept the grant and authorise the Chief Executive Officer and the Environmental Officer to endorse the agreement documentation.

The Shire has just completed another project with the State NRM Office with excellent results in community awareness and assistance with the Watsonia control along the Balingup Brook project.

### **Comment**

The Donnybrook-Balingup Shire does not currently have a comprehensive inventory of the reserves and drainage easements within its boundary. Through this project, the Shire will develop a database and GIS mapping layers identifying these reserves, with a specific focus on those that contain remnant native vegetation. Desktop investigations will be undertaken on those reserves containing remnant vegetation in order to provide an indication of the relative conservation value, in terms of both flora and vegetation communities, and fauna

habitat. Using this information, planning documents will be produced to assist the Shire with the future planning, management and risk assessment processes of these natural assets.

The Shire of Donnybrook-Balingup is required to make an in-kind contribution to the Project Management and administration costs. This cost will be included in the salary of the Environmental Officer.

The Shire of Donnybrook-Balingup is not required to pay a cash component towards the \$10,000 project.

### **Consultation**

The Shire has been in consultation with the Environmental Consultant Ecoedge Pty Ltd during the application process.

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

#### Policy

This process conforms to Shire of Db-B policies and procedures.

#### Statutory

It is a condition of the grant to undertake this formal acceptance process.

#### Voting

Simple Majority

### **Financial Implications**

This grant will add \$10,000 over the 2014/15 and 2015/16 Financial Year budget.

As part of the agreement, the Shire of Donnybrook-Balingup is required to provide project management resources and administration costs of \$2,000 (over two financial years) to this project, from the existing EO salary package.

### **Strategic Implications**

This is the first phase in producing documentation to assist the Shire with long term planning, maintenance, and risk assessment within the local reserves.

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

Outcome 4.2 – Maintain long term financial viability

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

Outcome 4.7 – Maintain and enhance Shire assets



**Council Decision  
(Officer's Recommended Resolution)**

**Moved: Cr Crowley**

**Seconded: Cr Duncan**

- 1. The Council formally accepts the State Natural Resource Management funding of \$10,000 and authorizes the Chief Executive Officer and the Environmental Officer to sign the agreement to utilise the funds to produce a strategic plan for the Shire of Donnybrook-Balingup's Reserves.**
- 2. The Council authorises the Chief Executive Officer with delegated authority to initiate, deliver and complete the project, with the assistance of an environmental consultant, and utilise Shire resources to meet the \$2,000 in-kind project management component (over two financial years from 2014/15 to 2015/16 Financial Years) required by the Financial Assistance Grant agreement; and to ensure compliance with the nominated project timeline and conditions.**

**Carried 8/0**

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<b>11.2.2</b>	<b>SUBJECT:</b>	<b>MRWA LAND ACQUISITION SOUTH WESTERN HIGHWAY, Kirup &amp; DONNYBROOK – KOJONUP ROAD</b>
	<b>Location:</b>	<b>Shire of Donnybrook/Balingup</b>
	<b>Applicants:</b>	<b>MRWA</b>
	<b>Zone:</b>	<b>Near Kirup and Yabberup</b>
	<b>File Ref:</b>	<b>WRK06/3</b>
	<b>Author:</b>	<b>Michael Scott, Manager Works and Services</b>
	<b>Report Date:</b>	<b>10 April 2015</b>
	<b>Attachments:</b>	<b>11.2.2(1) – Drawing 201302-0005 11.2.2(2) – Drawings 201402-0707 to 0710</b>

**Background**

Main Roads WA (MRWA) has planned to improve its road network within the Shire of Donnybrook-Balingup. In order to improve safety for road users, MRWA has written to the Shire to advise of their requirement to:

- Acquire land from State Forest 49 (Attachment 11.2.2(1)) to provide for the extension of the passing lane heading north on the South Western Highway towards Kirup. Location: South Western Highway 205.64 to 207.0 SLK; and
- Acquire land from three land owners on the Donnybrook-Kojonup Road (Attachment 11.2.2(2)) in the vicinity of Johnston Street to provide consistent predictable geometry for road users. Location: Kojonup Road, Yabberup 18.40 to 19.80 SLK

## **Comment**

A motion is required to obtain the Shire's support for the road realignment and to satisfy statutory requirements for the dedication of the land.

The projects are scheduled to commence in the 2016/17 Financial Year. Obtaining the Shire's support is part of the forward planning for the job.

MRWA has not yet contacted affected ratepayers. The Shire of Donnybrook-Balingup Council's support for the dedication is required to allow formalities to proceed.

A copy of the Council's resolution with direct reference to Section 56 of the Land Administration Act (1997) is required by MRWA to proceed with these jobs.

## **Consultation**

The Manager of Works and Services has received correspondence on the proposed works.

MRWA will engage in consultation closer to job commencement. At this stage, community consultation is not required.

MRWA has initiated action with the Dept of Parks and Wildlife to allow sufficient time for excision of the nominated land for acquisition.

## **Policy/Statutory Implications**

Each acquisition request requires the Shire's approval so the motion is in two parts.

## **Strategic Implications**

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

Strategy 1.7.3 Lobby State Government to upgrade the South Western Highway.

Outcome 1.7 - A well-used and efficient transport network

Outcome 4.2 – Maintain long term financial viability

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

Outcome 4.7 – Maintain and enhance Shire assets

**Council Decision  
(Officer's Recommended Resolution)**

**Moved: Cr King**

**Seconded: Cr Mitchell**

**To improve the safety of the Main Roads South West network, the Shire of Donnybrook-Balingup supports the acquisition of land:**

**Part A:**

**From State Forest 49 (Main Roads drawing 201302-0005) to provide for the extension of the passing lane heading north on the South Western Highway towards Kirup.**

**Location: South Western Highway 205.64 to 207.0 SLK**

**Carried 8/0**

**Moved: Cr Dawson**

**Seconded: Cr McCabe**

**Part B:**

**Subject to successful negotiations with the three landowners on the Donnybrook-Kojonup Road (Main Roads drawings 201402-0707 to 201402-0710) in the vicinity of Johnston Street to provide consistent predictable geometry for road users.**

**Location: Kojonup Road, Yabberup 18.40 to 19.80 SLK**

**Carried 8/0**

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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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Agenda Item 11.4.1 was withdrawn at the request of the applicant prior to the commencement of the Ordinary Council meeting.

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11.4.1	<b>SUBJECT:</b>	<b>PLANNING APPLICATION FOR TWO SHOPS WITH 3M FRONT SETBACK AT LOT 2 (No. 33) SOUTH WESTERN HIGHWAY, BALINGUP</b>
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<b>Location:</b>	<b>Lot 2 South Western Highway, Balingup</b>
<b>Applicants:</b>	<b>Mr John Bailey</b>
<b>Zone:</b>	<b>Commercial</b>
<b>File Ref:</b>	<b>A4527</b>
<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
<b>Report Date:</b>	<b>10 April 2015</b>
<b>Attachments:</b>	<b>11.4.1(1) – Site Plan</b> <b>11.4.1(2) – Street Setbacks</b>

### Background

The proposal is to relocate two small transportable buildings presently stored at the rear of the site to the street for use as future office or shops. The parent lot of this site has been strata titled and contains an existing building.

Each proposed structure has an internal floor area of 24m<sup>2</sup> and a verandah of 1.5m x 6m. The structures have a rustic cottage aesthetic and will be beautified with weather board and corrugated walls. A “cottage” style landscaping area is proposed in the front setback with each structure being accessed by a disabled ramp (Attachment 11.4.1(1)).

### Local Planning Scheme No.7 (LPS7)

There is two parts of this application. One relates to use and the other design. The land is zoned “Commercial” under LPS7. The “Commercial” zone lists the use of “Office” and “Shop” as “P” (Permitted) and “D” (Discretionary) respectively. These proposed uses are consistent with the intent of the “Commercial” zone and will not be out of character or create potential for land use conflict within their setting.

In relation to design, LPS7 contains a number of provisions. It is necessary to test this proposal against these provisions to ensure that the intent of LPS7 is satisfied. The key elements of these clauses are included as follows:

#### *“5.17 General appearance of buildings and preservation of amenity*

*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 application for planning approval. The refusal can be made notwithstanding that the application may otherwise comply with the provisions of the Scheme. The local government may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.*

*In exercising its discretion under this clause, the local government shall have regard to the following when assessing any application for planning approval:*

- (i) the external appearance of the building and any associated structures and landscaping;*
- (ii) the dimensions and proportions of the building or structure;*
- (iii) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;*
- (iv) the effect of the building or works on nearby properties, and on the occupants of those buildings;*
- (v) the effect on the landscape and environment generally; and*
- (vi) any other matter which in the opinion of the local government is relevant to the amenity of the locality.”*

*“10.2 (xv) the preservation of the amenity of the locality”*

*“Clause 10.2 (xvi) the relationship of the proposal to development on adjacent land or on other land in the locality including but not limited to, the likely effect on the height, bulk, scale, orientation and appearance of the proposal.”*

There are also three relevant policies to consider. These are:

Policy No.9.21 - Balingup Village Centre – Special Character Area;  
Policy No. 9.17 - Industrial and Commercial Development Control  
Policy No. 9.16 – Transportable Structures

The relevant provisions and intent of these policies are detailed as follows:

Balingup Village Centre – Special Character Area (Local Planning Policy No.9.21)

This policy includes the following relevant provisions:

*“Ensure the character and ‘village’ atmosphere of the town is preserved, particularly in regard to development size, form, height and scale”*

*“Ensure compatibility with existing development, particularly in respect to building materials, shop front design, front setbacks, use of colour, application of advertising signage and location and form of fencing”*

*“Proposed commercial development shall have a nil setback from the front property boundary, except where otherwise endorsed by the Shire”*

*“Parking areas shall be located at the rear of the building where appropriate.”*

This proposal requires Council consideration because a front setback of 3m is proposed.

Industrial and Commercial Development Control (Local Planning Policy No. 9.17)

This policy has the intent to improve the quality of commercial development and encourage aesthetically attractive built forms and streetscapes.

This policy includes development guidelines that seek to:

- Encourage innovative and attractive building designs that are sensitive to the existing and intended surroundings;
- Facades visible to the street to maintain a high standard and include features such as:
  - Variety of materials, colours and treatments;
  - Incorporate architectural features including gables, porticos, and verandahs;
  - Roof forms that includes points of interest; and
  - Stepping of vertical and horizontal elevations.
- Requires a minimum enclosed floor area of 40m<sup>2</sup> for the primary building of the site; and
- Transportable buildings will only be supported where they are ancillary to an established main building and where they are not visible or have very limited visibility from a public road or public place.

#### Transportable Structures (Local Planning Policy No. 9.16)

This policy has the objective to ensure that transportable structures are constructed and located in such a way as to minimise the impact on the amenity of the locality.

The policy requires structures to be of a high standard of repair.

The applicant proposes a 3m setback to achieve the following outcomes:

- Allows for a disable ramp to join the footpath;
- Allows for a garden area in front of the buildings to enhance the character of the area;
- Affords good visual exposure for the adjoining businesses to the south and north; and
- The three most recent developments have setback.

#### **Comment**

The acceptableness or otherwise of this proposal depends on forming views on the:

- a) Design of the structures; and
- b) Proposed setback.

In making a decision on these points, Council should be mindful of the following factors:

#### The Role of Setbacks

Policy 9.21 states that commercial development **shall** have a nil setback from the front property boundary. Departure requires Council's approval.

The intent of the policy is to create a "village" atmosphere and to enhance the cultural and heritage values of the village centre. A general and strong theme running through most historical main streets is the absence of street setbacks. It is the up front and personal interactions with the building facades, combined with overhanging shade structures that create the flavours and feel of a traditional town centre or main street.

The nil setback is an important tool in achieving and enhancing these “historical” flavours. This approach is reflected in the Local Planning Policy’s position.

A walk along the street block acknowledges the success in consistently applying a nil setback. It plays a vital role in creating the cosy pedestrian friendly space and it enables pedestrians to intimately view and explore shop frontages.

Conversely, creating street setbacks in commercial streets is a relatively modern initiative and their use is associated with the rise and dominance of the car and desires to express individual identity, freedom to move, space and privacy.

All these values are evident in modern box shopping centres and bulky goods ribbon developments. In these developments, functional efficiency dictates all design considerations - often at the expense of attractive human scale streetscapes and town centres.

“Setbacks” create a distance and isolation that can break with the cosy rhythm of the street. The two existing developments immediately abutting the site have a nil setback. Further, a number of other nearby buildings also have verandahs that encroach into the public realm and provide a shady and sheltered pedestrian environment.

A 4.5m façade setback is at variance with all other buildings on the street block (see Attachment 2) and will potentially mark this proposed development as being different and at odds with the underlying streetscape theme.

#### The role of landscaping

The setback is proposed to provide room for access ramps and landscaping. While landscaping can play a role in improving streetscape appeal, it should not be viewed as a substitute to providing an appropriate built form or at the expense of achieving wider streetscape objectives.

The removal of the setback does not preclude the possibility of incorporating landscaping. Landscaping can still be contained under the verandah in pots or wine barrels to project a cottage scale and theme more in line with the size of the development.

The proposed setback provides a landscaping area in the front that is equal to 75% of the building form (excluding the decking area under the verandah). This ratio of landscaping to building is potentially out of proportion. A general rule of thumb for proportions is that of the “golden rule” of 1 to 1.6. This is a classical rule of proportions applied from observations in nature and assists in interpreting what is aesthetically pleasing to the eye. The proposed ratio of landscaping to building does not match this ratio.

It is also worth considering the effectiveness of landscaping over time. Landscaping is only effective if well maintained. Otherwise, it can become unsightly and project a lack of community pride. Community pride can be tested by observing “verge quality” – think a pristine green front lawn versus a brown, un-kept, weed infested patchy lawn. Landscaping provides a simple and subconscious assessment on the feel of a place and can create value judgements on its inhabitants.

Incorporating private landscaping areas does not guarantee a quality outcome – there is a level of risk involved which is dependent on the aspirations and economic fortunes of tenants and landowners over time. Conversely, landscaping in the street verge is maintained to a uniform standard to a standard that the community is willing to fund and be satisfied with. There are existing street trees and planter boxes along this side of the street that help establish and enhance the landscape character of the town.

It is suggested that the proposal be modified to remove the setback. This will ensure that the hierarchy of streetscape objectives are applied in their proper order of priority and importance. In this case, the achievement of a nil setback will play a greater role in achieving improved streetscape outcomes for the whole street block than creating an area for private landscaping.

### Building Design and Streetscape

In the immediate locality, on the street block, there is a mix of building styles and materials. However, some common themes include use of tin rooves, gables, awnings and verandahs. Facades of buildings provide narrow shop front treatments and fine level that break the continuity of long sections of wall and provide an intimate scale and cottage feel.

The other side of the street provides a different scale and style of development. It is characterised by discrete isolated buildings set in landscaped spaces with street setbacks. In determining *Tempora Pty Ltd v Shire of Kalamunda* (1994), the Tribunal referred to a three part test for assessing the impact on amenity as follows:

- an objective assessment of the existing amenity;
- the manner in which the proposed use will affect the existing amenity; and
- the degree of impact on the locality.

While it may be possible to view that the proposed structures will have a slightly lower standard than the majority of the street. However, when considered as a complete package, they have potential to possess some of the same characteristics with the street block - specifically in terms of scale, bulk and architectural features. It needs to be acknowledged that an almost identical building already fronts the street and assimilates seamlessly with its immediate neighbours.

The proposed structures possess a small “cottage” or “doll’s house” character. The designs include timber and tin cladding, ornate wooden window fittings and gable roof forms, wooded decking supported by wooden balustrading and verandahs. These features and scale generally replicate and reflect the qualities of the surrounding street. Importantly, the structures do not possess the undesirable elements normally associated with transportable or donger structures. That is, an industrial appearance and design considerations dominated by security and utility efficiencies.

It is worth noting that this proposal is different to the proposal that Council refused at its March meeting for a transportable structure at the entrance of the Donnybrook townsite. This difference is on two levels – building style and streetscape context. In this instance, the proposed building design does not materially depart from the existing built form in terms of scale, bulk, massing, form or architectural style.



### Summary and Conclusion

While this proposal may not represent the most desirable outcome for the site, it can be made to satisfy the minimum standards of the local planning framework.

It is worth noting that from a statutory town planning perspective, the role of LPS7 and policies is to set absolute minimum standards. These documents include words and phrases that intend to “promote” and “encourage” innovation and ideally inspire. However, if the developer is not inclined to be motivated or encouraged, then the decision by Council needs to be framed by what the specific minimum standards need to be for a proposal be deemed acceptable.

In this case, it is reasonable to state that the proposed buildings can be considered acceptable subject to a nil setback and conditions requiring points of detail being resolved.

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

#### Policy

Policy No.9.21 - Balingup Village Centre – Special Character Area. This policy has the objective of creating a village character and promotes this through nil setbacks, locating car parking at the rear of buildings and the design of buildings.

Policy No. 9.17 - Industrial and Commercial Development Control. This policy has the intent to improve the quality of commercial development and encourage aesthetically attractive built forms and streetscapes

Policy No. 9.16 – Transportable Structures. This policy has the objective to ensure that transportable structures are constructed and located in such a way as to minimise the impact on the amenity of the locality.

#### Statutory

Clause 5.56 – Commercial Zone seeks to promote a high standard of design of buildings and car parking provision through the use of building materials and architectural styles to harmonise visually with nearby buildings.

#### 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

Outcome 3.9 – Existing community spirit and pride is maintained

**Council Decision  
(Officer's Recommended Resolution)**

**Moved: Cr**

**Seconded: Cr**

**That the Council grant Planning consent for the relocation to two transportable structures at Lot 2 (No.33) South Western Highway, Balingup 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.**
- 3. The structures being located so that the verandah will have a nil setback to the street.**
- 4. Septic systems being provided to the satisfaction of the Shire of Donnybrook-Balingup/and or Department of Health.**
- 5. A Building License being issued.**
- 6. A cross over being designed and constructed to the satisfaction of the Manager – Works and Services.**
- 7. Five car parking spaces being provided and constructed to the satisfaction of the Manager – Works and Services.**
- 8. Provision of a structure/trellis to create a visual join to the buildings when viewed from the street to the satisfaction of the Shire's Principal Planner.**
- 9. The proposed fire wall being finished to a standard that maintains an acceptable level of visual harmony and streetscape presentation to the satisfaction of the Shire's Principal Planner.**
- 10. A bond of \$5000.00 for each structure being payed prior to the issue of building license.**
- 11. External finishes for each structure being designed to the satisfaction of the Shire's Principal Planner.**

**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.

**Note 4:**

The applicant is advised that prior to commencing any works, they should resolve matters relating to the “right of carriage way” over the front portion of land. This will require negotiation with other strata title owners.

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Cr Dilley declared a Financial Interest in Agenda Item 11.4.2 as his wife is the Director of the Treehouse Childcare Centre.

\*\*6.00pm – Cr Dilley left the meeting.

\*\*6.00pm – Cr Mitchell, Deputy President, took the chair.

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<b>11.4.2</b>	<b>SUBJECT:</b>	<b>REQUEST TO CONSTRUCT CAR PARKING AREA ON RESERVE 31824 STEERE STREET, DONNYBROOK</b>
	<b>Location:</b>	<b>Reserve 31824 Steere Street, Donnybrook</b>
	<b>Applicants:</b>	<b>Tree House Childcare Centre</b>
	<b>Reserve:</b>	<b>Parks and Recreation</b>
	<b>File Ref:</b>	<b>A3425/A2951</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>31 March 2015</b>
	<b>Attachments:</b>	<b>11.4.2 – Location Plan</b>

**Background**

The Tree House Childcare Centre (Childcare Centre) has obtained funding to extend the existing building. This extension will enable the existing facility to care for an additional 10 children (present capacity of 19 children). This extension is to satisfy a demonstrated demand. The Childcare Centre is located on Reserve 44937 which is vested with the Department of Family and Children’s Services.

At present, car parking for staff and customers is generally contained on the site. However, during peak times, parking does occur on the street. With the extension, demand for car parking will increase.

The Childcare Centre has approached Council to sound out the idea of allowing the centre to construct a car parking area immediately to the east (Attachment 11.4.2). The proposed car parking area forms part of Crown Reserve 31824 which is vested in the Shire for the purpose of Public Recreation. The Reserve contains the Shire’s recreation centre.

## **Comment**

In considering this proposal, Council should be mindful of the following considerations:

- 1) There is limited scope for additional car parking to occur on the Childcare Centre site. Any new bays will require a substantial reworking of the site and require some attractive mature trees to be removed. Removal of these trees would detract from the existing streetscape presentation and the general attractiveness of the site.
- 2) The proposed new area will require earth works and drainage. However, it is relatively flat and can be designed to limit removal of any significant trees.
- 3) The proposed location for car parking will not impact on any future expansion of the recreation centre or ability to satisfy the recreational purpose of the reserve.
- 4) The new car bays will remove the practice of patrons and staff parking on along Steere Street. This will allow for more ordered and safer parking and reduce the risk of conflict between vehicles and pedestrians. This safety issue is important due to the proximity of the primary school.
- 5) There will be no financial cost or ongoing burden to Council. The design, construction and maintenance of the car park will not be the responsibility of Council.
- 6) The expansion of the Childcare Centre will enable a service that is in high demand to expand and better serve the local community. This proposal provides Council with an opportunity to assist in delivering an improved service to the community.

### Process

Should Council wish to assist, the Department of Lands has indicated that it will be necessary to request the “power to lease” the site. This is achieved by a letter request and will need to be supported by a request from the Department of Family and Children’s Services. Once this power is granted, Council has the ability to lease the site for a nominal value and terms deemed appropriate.

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Simple Majority

### **Financial Implications**

N/A

## **Strategic Implications**

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

Outcome 1.1 – Continue to grow the Shire’s population

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

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

Council discussed the resolution and resolved to add the request that the Treehouse Childcare Centre obtain further information regarding the term of the lease being sought for the carpark.

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

**Moved: Cr Dawson**

**Seconded: Cr Crowley**

**That Council:**

- 1) Agree in principle to the proposal to lease a portion of Reserve 31824 Steere Street, Donnybrook to the Tree House Childcare Centre, subject to the Tree House Childcare Centre:
  - a) Providing details of the design and area required for car parking;**
  - b) Obtaining a letter from the Department of Local Government and Communities supporting the initiative;**
  - c) The term for the lease, type of lease and ongoing requirement of carpark is determined.****
  
- 2) Authorise the Chief Executive Officer to request the Department of Lands for the “Power to Lease” a portion of Reserve 31824 Steere Street after receiving specific information requested in point 1) above.**

**Carried 5/2**

\*\* 6.10pm – Cr Dilley returned to the meeting and resumed the chair.

<b>11.4.3</b>	<b>SUBJECT:</b>	<b>OFFER TO PURCHASE ST THOMAS' CHURCH, THOMSON BROOK</b>
	<b>Location:</b>	<b>167 Thomson Brook Road, Thomson Brook</b>
	<b>Applicants:</b>	<b>Anglican Parish Council of Donnybrook-Balingup</b>
	<b>Reserve:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>A3700</b>
	<b>Author:</b>	<b>Bob Wallin, Principal Planner</b>
	<b>Report Date:</b>	<b>13 April 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

Council has received a letter from the Anglican Parish Council of Donnybrook-Balingup seeking Council interest in purchasing St Thomas's Church, Thomson Brook. This request is made on the basis that the Church has heritage value and would be a worthy historical asset to the Shire.

The Church is located at No.167 Thomson Brook Road, Thompson Brook. The Church is contained on a 2505m<sup>2</sup> parcel of land and is zoned "Priority Agriculture". The land enjoys dual road frontages to Thompson Brook Road and King Spring Roads. Both road frontages are constructed to a bitumen standard. The site is approximately 11km from the Donnybrook townsite by road.

The Anglican Parish Council has indicated that they do not have parishioner numbers to justify services at the Church and it is no longer able to care for the building. The decision has the full recommendation of the Bishop of Bunbury and the Board of Trustees.

St. Thomas' Anglican Church was designed by well-known architect Eustace Cohen for the Thomson family. The small brick church with a corrugated iron roof was built on their property, at a cost of £475 (\$950), in 1908, for use by residents of Thomson's Brook and Charley's Creek.

### **Comment**

In making a decision on this matter, it is suggested that Council should be mindful of the following considerations.

#### Potential Use of Building

The Local Planning Scheme No.7 (LPS7) allows for a number of uses for the building. Further, LPS7 provides scope to relax some of the usual restrictions in terms of land use and setbacks if it assists in preserving heritage values.

The "Priority Agriculture" zone allows the following uses to be considered for the site "civic use", "community purpose", "dwelling", "family day care", "Industry Cottage" and "Public Recreation" uses.

However, these potential uses need to be tempered with its location. It is a relatively isolated site and not conveniently located for maintenance and servicing community needs. If purchased, it will have limited utility for many Council functions.

### Value for Rate payers

The Council is in the process of reviewing all existing community assets and infrastructure. This includes creating a shared Asset Management position to allow Council to better understand its assets and their total lifetime costs.

Adding this property to the Shire's obligations, without any specific immediate need or easily identified role would be hard to justify.

### Property Condition

There is presently no information regarding the condition of the property. Any decision to purchase should only be entertained after seeing a property condition report. This will ensure that Council will be armed with all relevant information upfront and be aware of expected costs and repairs necessary to ensure the building is fit for purpose.

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

#### Policy

N/A

#### Statutory

Clause 8.1 requires any change in use or modification to the external or internal appearance of the building or grounds requires a planning approval to ensure that the heritage values of the property are maintained. The planning approval process will require referral to the Heritage Council of Western Australia for comment and advice on heritage matters.

The site is listed on the National Estate (State Heritage Listing) and the Municipal Heritage Inventory

#### Voting

Simple Majority

### **Financial Implications**

If Council wishes to purchase the property, it is unbudgeted. It will be necessary to include in the budget and identify a funding source.

### **Strategic Implications**

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

Outcome 2.3 - Our heritage buildings are preserved and maintained, in partnership with the community

Outcome 2.4 - Our heritage areas and localities are acknowledged

Outcome 4.2 - Maintain long term financial viability

**Council Decision  
(Officer's Recommended Resolution)**

**Moved: Cr Duncan**

**Seconded: Cr McCabe**

**That Council acknowledges the heritage value of St Thomas' Church, Thomson Brook and appreciates being given the opportunity to consider purchasing the property however, Council must decline the offer as it has no immediate use for the site or funds available.**

**Carried 8/0**

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**11.5 Chief Executive Officer**

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<b>11.5.1</b>	<b>SUBJECT:</b>	<b>REALLOCATION OF FUNDS FOR REPAIRS TO DONNYBROOK RECREATION CENTRE STADIUM FLOOR – AMENDMENT TO 2014/15 BUDGET</b>
	<b>Location:</b>	<b>Administration</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>PRO 01/9</b>
	<b>Author:</b>	<b>G Harris – A/CEO (<i>D Vanallen – Community Recreation Development Team Leader</i>)</b>
	<b>Report Date:</b>	<b>13<sup>th</sup> April 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

**Background**

Towards the end of the winter season in 2014, it became apparent that the wooden surface of Donnybrook Recreation Centre's indoor stadium was being adversely affected by water. Water marks and lifting wooden boards worsened over a 4 – 6 week period while attempts were made to identify the source of the water entry. With the change of season towards the end of 2014, deterioration of the wooden surface slowed, and work commenced on repairs to the sub-soil drainage. Additional work will be carried out in the coming months in an attempt to eliminate any further water damage to the stadium.

**Comment**

Damage to the stadium's wooden surface is significant, and major repair work is necessary. However, it has been recommended that major repairs and resealing of the surface be deferred until the stadium roof is repaired/replaced, and other points of water entry are fully repaired.

In the interim, the uneven surface poses a risk to public safety, and remedial rectification work is necessary in order that the stadium remains open for use by the community.

Specialty Timber Flooring WA have submitted a quote to repair the stadium floor by removing and replacing two small sections of the wooden surface, sand cupped areas (approx.



100sqm), apply 3 coats of sports floor finish and replace line markings to sanded areas. In addition, the remaining floor surface will be cleaned, sanded and one coat of sealant applied. It is anticipated that this remedial work will enable full use of the stadium for an 18 month to 2 year period.

Specialty Timber Flooring laid the original wooden floor surface at Donnybrook Recreation Centre. They have continued to maintain the wooden surface at the Centre, providing ongoing specialist support and advice to the Shire. They are the preferred indoor sports stadium floor specialists in Western Australia.

Funds are available in Council's 2014/15 budget to upgrade and renovate the wet and dry changerooms at the Centre. This project is now complete, and surplus funds remain. The Specialty Timber Flooring quote for the remedial work on the wooden surface is \$9,508+gst.

### **Consultation**

N/A

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Absolute Majority required

### **Risk Assessment**

No formal risk management assessment has been done in respect to this agenda item as it relates to funding only.

### **Financial Implications**

The proposed amendments to the budget will have no net impact on the final budget result as amendments are only a reallocation of capital expenditure with the current financial year budget.

### **Strategic Implications**

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

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

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

**Council Decision  
(Officer's Recommended Resolution)**

**Moved: Cr King**

**Seconded: Cr Dawson**

**That Council approve reallocation of unspent funds within the Donnybrook Recreation capital expenditure budget account number 172940 to allow for remedial rectification work totalling \$9,508 plus GST be carried out on the stadium floor in the 2014/15 financial year.**

**Carried 8/0**

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<b>11.5.2</b>	<b>SUBJECT:</b>	<b>REVIEW OF DELEGATIONS</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>Greg Harris – A/CEO (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>7 April 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

**Background**

Council staff have undertaken a review of all Council Delegations and the proposed amendments are now referred to Council for consideration and adoption.

**Comment**

The proposed amendments bring delegations up to date with the new Local Planning Scheme, or serve to improve clarity. None of the amendments recommended alter the function of any of the delegations.

**FINANCE**

**No 3.7 Rate Book – Write off Minor Balances**

Change: Add the words 'per assessment' as follows: The Chief Executive Officer is delegated authority to write off minor individual rates debtor balances of a value of less than \$500 per assessment.

Reason: To provide clarity.

**ENGINEERING**

**No 4.11 Temporary Road Closures**

Change: Add the words 'less than 28 days' to the title of this delegation.

Reason: To provide clarity and distinguish from Delegation 4.12, Road Closures more than 28 days.

## **TOWN PLANNING**

### **No 7.2 – Advertising Development Applications**

### **No 7.3 – Development, Subdivision, Strata and Built Strata Applications**

### **No 7.4 – Extensions of Time Development Applications**

### **No 7.5 – Legal Proceedings Town Planning**

### **No 7.13 - Residential Setback Variations and Amendments to Building Envelopes**

In all of the above delegations the following changes are proposed:

Change: References to the *Local Government Act 1995* as the Legislative Authority to Delegate to be changed to *Local Planning Scheme No 7, s11.2.3*.

Reason: The new Local Planning Scheme has specific provision for delegation and provides the authority to delegate.

Change Any references to the Town Planning Scheme to be amended to *Local Planning Scheme No 7*.

Reason: New scheme introduced in late 2014.

### **No 7.6 – Development and Performance Boards**

Change: Legislative Authority to Delegate to be changed from *Local Government Act 1995* s5.44, to *Planning & Development Act 2005, s16*.

Reason: Correction. The head of power is the *Planning & Development Act 2005*.

### **No 7.7 – Town Planning Scheme Amendments**

Change: Legislative Authority to Delegate to be changed from *Local Government Act 1995* s5.44 to *Planning & Development Act 2005, s16*.

Power Exercised to be changed to *Planning & Development Act 2005, Division 4*.

Reason: Correction. The head of power is the *Planning & Development Act 2005*.

### **No 7.8 – Extractive Industry Licences**

Change: Add to Legislative Authority to Delegate the *Local Planning Scheme No 7*.  
Power Exercised to be changed from Town Planning Scheme to *Local Planning Scheme No 7* and *Extractive Industries Local Law*.

Reason: Correction. The head of power is the *Planning & Development Act 2005*.

These amendments do not change the function of the delegation.

## **HEALTH**

### **No 8.1 Powers of Local Authority – Health Act**

Change: That this item be rescinded and, instead, Council appoint officers act as its deputy to carry out within its district the provisions of the *Health Act 1911* and the regulations, local laws, and orders made under that Act (see Agenda Item 11.5.3).

Reason: The *Health Act* has no provision for delegation, but does allow Council to appoint and authorise suitably qualified officers to exercise its powers and duties. These officers will be listed in the Register of Authorised Officers. This alteration makes no difference to the functions currently being carried out by Health Officers but makes clearer the difference between a delegation and an authorisation.

## Consultation

N/A

### Policy / Statutory / Voting Implications

#### Policy

Nil

#### Statutory

Local Government Act (s5.46(2)).

#### Voting

Absolute Majority

### Financial Implications

N/A

### Strategic Implications

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

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

### Council Decision

#### (Officer's Recommended Resolution)

**Moved: Cr Crowley**

**Seconded: Cr Mitchell**

**That Council endorse the following Council Delegation amendments:**

#### **FINANCE**

#### **No 3.7 Rate Book – Write off Minor Balances**

**Change: Add the words 'per assessment' as follows: The Chief Executive Officer is delegated authority to write off minor individual rates debtor balances of a value of less than \$500 per assessment.**

## **ENGINEERING**

### **No 4.11 Temporary Road Closures**

**Change:** Add the words 'less than 28 days' to the title of this delegation.  
**TOWN PLANNING**

### **No 7.2 – Advertising Development Applications**

### **No 7.3 – Development, Subdivision, Strata and Built Strata Applications**

### **No 7.4 – Extensions of Time Development Applications**

### **No 7.5 – Legal Proceedings Town Planning**

### **No 7.13 - Residential Setback Variations and Amendments to Building Envelopes**

In all of the above delegations the following changes are proposed:

**Change:** References to the *Local Government Act 1995* as the Legislative Authority to Delegate to be changed to *Local Planning Scheme No 7, s11.2.3*.

**Change** Any references to the Town Planning Scheme to be amended to Local Planning Scheme No 7.

### **No 7.6 – Development and Performance Boards**

**Change:** Legislative Authority to Delegate to be changed from *Local Government Act 1995 s5.44*, to *Planning & Development Act 2005, s16*.

### **No 7.7 – Town Planning Scheme Amendments**

**Change:** Legislative Authority to Delegate to be changed from *Local Government Act 1995 s5.44* to *Planning & Development Act 2005, s16*.

Power Exercised to be changed to *Planning & Development Act 2005, Division 4*.

### **No 7.8 – Extractive Industry Licences**

**Change:** Add to Legislative Authority to Delegate the *Local Planning Scheme No 7*.

Power Exercised to be changed from Town Planning Scheme to *Local Planning Scheme No 7* and add *Extractive Industries Local Law*.

## **HEALTH**

### **No 8.1 Powers of Local Authority – Health Act**

**Change:** That this item be rescinded.

**Carried 8/0  
By Absolute Majority**

<b>11.5.3</b>	<b>SUBJECT:</b>	<b>APPOINTMENT OF AUTHORISED PERSONS UNDER THE <i>HEALTH ACT 1911</i></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>HLT 01</b>
	<b>Author:</b>	<b>Greg Harris – A/CEO (<i>Lucy Bourne, Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>17 April 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## **Background**

Every local government is authorised and directed under the *Health Act 2011* to carry out within its district the provisions of this Act and the regulations, local laws, and orders made under it.

Section 26 of this Act provides for a local government to appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government.

## **Comment**

The authorisation of officers has until now been listed in the Register of Delegations. This is incorrect as the Health Act has no provision for delegation. It does, however, provide for the appointment of authorised officers. This appointment is to the officer, not the position.

It is recommended that Council formally appoint and authorise Leigh Guthridge, Emma Thomas and Ken Lowth (relief EHO) to act as its deputy in carrying out the local government's functions under the Health Act. The appointment of these authorised officers will be advertised in the Government Gazette and listed in the Register of Authorised Officers.

## **Consultation**

N/A

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

Authorisation is made under Health Act 1911, s.26.

## **Financial Implications**

N/A

## **Strategic Implications**

Outcome 3.8 – Maintain a safe and friendly community environment.

**Council Decision  
(Officer's Recommended Resolution)**

**Moved: Cr Bailey**

**Seconded: Cr Dawson**

**That, under s.26 of the Health Act 1911, Council appoint and authorise Leigh Guthridge, Emma Thomas and Ken Lowth to act as its deputy in carrying out the local government's functions under this Act; and**

**That the appointment of these officers is advertised in the Government Gazette.**

**Carried 8/0**

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**12 CLOSURE OF MEETING**

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The next Ordinary Council Meeting will be held on Wednesday, 27 May 2015 commencing at 5.00pm at the Council Chambers, Donnybrook.

The Shire President declared the meeting closed at 6.14pm.