



# Ordinary Council Meeting Minutes

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Held on Wednesday, 23 November 2016

Commencing at 5.05pm

at the Function Room, Donnybrook Recreation Centre  
Steere Street, Donnybrook

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

**Ben Rose**  
Chief Executive Officer

**29 November 2016**

## **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

23 November 2016

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# SHIRE OF DONNYBROOK-BALINGUP

## ORDINARY COUNCIL MEETING MINUTES

Held at the Function Room, Donnybrook Recreation Centre  
Wednesday, 23 November 2016 at 5.05pm

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### MEMBERS PRESENT

#### COUNCILLORS

Cr Logiudice (President)  
Cr Mills (Deputy)  
Cr Bailey  
Cr Crowley  
Cr Dilley  
Cr King  
Cr Mitchell  
Cr Tan  
Cr Van Der Heide

#### STAFF

Ben Rose – Chief Executive Officer  
Damien Morgan – Manager Works and Services  
Bob Wallin – Principal Planner  
Kate O’Keeffe – Executive Assistant

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### PUBLIC GALLERY

Anita Lindemann  
Joe Licciardello  
Rosa Cavallo

June Scott  
Matt Lau  
Frank Cavallo

Steve Russell  
John Hendry

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### 1 APOLOGIES

Greg Harris– Manager Finance and Administration  
Leigh Guthridge – Manager Development and Environmental Services

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### 2 PUBLIC QUESTION TIME

**Questions taken on notice at the Ordinary Council Meeting on 26 October 2016:**

*Peta Knapton*

*To what extent is the Shire liable if a fire starts in an overgrown verge and crosses onto adjoining land, for example a Blue Gum plantation?*

Manager Development and Environmental Services

Given that your question raises issues associated with principles of law, the Shire has referred your enquiry to its insurers for a response. You will be advised in due course once the information is received.

*Peta Knapton*

*Can a landowner block off a public road? For example, a gate has been installed on the the road behind location 1049 and 927 which has prevented access to the bottom block of my property.*

Manager Works and Services

The Shire of Donnybrook-Balingup has “Fencing Local Laws” which under the section “Fences across rights-of-way, public access ways or thoroughfares” outlines the following:

*“A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.”*

If you would like the Shire to conduct further investigation into a specific issue, please provide the following:

- The location of the gate
- Who you consider erected the gate (name and property details if known)
- To your knowledge, how long the gate has been in place

### **Questions Taken Without Notice at the Ordinary Council Meeting on 23 November 2016:**

*June Scott*

*Written notification of the road works planned for Irishtown Road was delivered to the community members living in the area providing an opportunity to meet and provide feedback. Was the same protocol followed on the Ramsay property on Trevena Road?*

Manager Works and Services

All properties directly abutting and impacted by the planned works were notified about April 2016, and have been consistently involved in consultation for the works. The majority of the Trevena Road works is focused at the Bridge.

*June Scott*

*Was the whole area notified in writing, which I believe is Shire Policy?*

Manager Works and Services

Formal notification was issued to the property owners directly impacted by the planned road works on Trevena Road.

*June Scott*

*The Arboreta was identified in the Trails Masterplan. The Donnybrook Townscape Committee were going to look at a Concept Plan for the area’s ongoing upkeep. Can we have some sort of Concept Plan for the Arboreta with wide consultation?*

Chief Executive Officer

It's not budgeted for in the 2016/17 Financial Year, but the request may be considered during the 2017/18 budget deliberations.

*June Scott*

*Can the Shire take control of the governance of the Arboreta area? For example, in the past blue asbestos was used for signage at the Arboreta, how do we stop this happening?*

Chief Executive Officer

I will take this question on notice and provide an answer in writing.

*Rosa Cavallo*

*I have given a copy of my letter to each of the Councillors which outlines my request for the access road to Barton Jones Winery to be fixed to a standard appropriate for public traffic and seek feedback from the Shire on this request.*

Shire President

Council will take your letter (just handed out) and I will ask that the CEO respond to you once he has had the chance to review and consider it.

*\*\* 5.12pm – Rosa and Frank Cavallo left the meeting.*

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

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Cr Mills has requested a leave of absence from the Council meeting scheduled for 21 December 2016.

#### **Council Decision**

**Moved: Cr Crowley**

**Seconded: Cr Dilley**

**That Cr Mills be granted a leave of absence from the Council meeting scheduled for 21 December 2016.**

**Carried 9/0**

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### **4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST**

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Nil

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### **5 PETITIONS/DEPUTATIONS/PRESENTATIONS**

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Mr Joe Licciardello presented to Council on Item 11.4.1 – Planning Application for Oversized Shed in a Residential Zone. The presentation commenced at 5.14pm and concluded at 5.24pm.

Ms Anita Lindemann presented to Council on Agenda Item 11.3.2 – Plastic Bag Ban. The presentation commenced at 5.29pm and concluded at 5.37pm.

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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 Meetings

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#### Council Decision

**Moved: Cr Dilley**

**Seconded: Cr Tan**

**That the Minutes of the Ordinary Council meeting held on 26 October 2016 be confirmed as a true and accurate record.**

**Carried 9/0**

In relation to Item 10.2.1 of the 26 October 2016 Ordinary Meeting of Council, the following advice was received from the Department of Local Government and Communities on 15 November 2016:

*“The first aspect of our discussion was whether the withdrawal of the initial motion on item 10.2.1 (to observe the planning policy on setbacks) was valid in the absence of support for its withdrawal by the seconder. Our interpretation would be that it was a procedural omission that had no material impact because the same motion was immediately moved again and subjected to a vote of council.*

*In terms of the third motion (to depart from the planning policy on setbacks), this could have been voted on because of the fact that the preceding motion was lost, and therefore the matter still allowed for council to make an alternative decision.*

*However, this appears to have happened when council dealt with item 11.4.1, in which a resolution was passed supporting the planning application (inclusive of the setbacks departing from the planning policy). If I’m reading that correctly, the council resolution on 11.4.1 already signals council’s willingness to depart from the planning policy in this instance, and therefore negates the need for the motions moved in 10.2.1 to be revisited.*

*I’d be inclined in that case to support the suggestion in your officer’s report that if council wishes to depart from its existing policy, it would be advisable to approve a review of the policy to ensure it still reflects council’s vision for the Balingup Village Centre.”*

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**8 ELECTED MEMBERS MOTIONS**

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**8.1.1 SUBJECT: REVIEW OF COUNCIL POLICY 1.16 – GRATUITY PAYMENTS**

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**Location:** Shire of Donnybrook-Balingup  
**Applicants:** Cr Dilley  
**Zone:** N/A  
**File Ref:** CNL 34A  
**Author:** Ben Rose, Chief Executive Officer  
**Report Date:** 23 November 2016  
**Attachments:** Nil

Correspondence has been received from Cr Dilley signed by three Councillors requesting Council rescind the motion 11.5.3 from the October 2016 Ordinary Council Meeting in accordance with *Local Government Administration Regulation 1996*, Section 10(1a):

**Cr Dilley’s Motion for Decision Making Procedure (cl.16.20 Standing Orders)**

**That:**

- 1. The resolution from Item 11.5.3 – Review Of Council Policy 1.16 - Gratuity Payments from the Ordinary Council Meeting held on 26 October 2016 be rescinded; and**
- 2. Cr King resubmit his Alternative Motion as an Elected Member Motion for the December Ordinary Council meeting to allow due consideration by the Chief Executive Officer and Councillors.**

The resolution to item 11.5.3 was:

*“That:*

- 1) The current Gratuity Policy be withdrawn, effective from 26 October 2016 after due process to allow for staff feedback to be received. In the interim there be on hold on gratuity payments commencing 26 October, until a final decision is made by Council whereupon applications during this period are considered in light of the new policy; and*
- 2) In recognition and appreciation of staff service in excess of 10 years that staff be given a long service award of up to \$500 to be given as a cash payment, a gift or contribution for a going away party (to be at the discretion of the staff member) and that the award be given at the time the employee resigns from the Shire of Donnybrook-Balingup. “*

**Policy/Statutory/Voting Requirements**

Policy

N/A



Statutory

Regulation 10 of the *Local Government (Administration) Regulations 1996* states:

***Revoking or changing decisions made at council or committee meetings - S5.25(1)(e)***

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported:
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,  
inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Voting

Absolute Majority

Cr's Dilley, Crowley and Van Der Heide supported the consideration of a motion to revoke item 11.5.3 from the Ordinary Council Meeting held on 26 October 2016 in accordance with Local Government Administration Regulation 1996, Section 10(1a).

**Procedural Motion**

**Moved: Cr Dilley**

**Seconded: Cr Crowley**

**That Cr Dilley's motion for a Decision Making Procedure be tabled.**

**Carried 5/4  
By Absolute Majority**

**Cr Dilley’s Motion for Decision Making Procedure (cl.16.20 Standing Orders)**

**Moved: Cr Dilley**

**Seconded: Cr Mitchell**

**That:**

- 1. The resolution from Item 11.5.3 – Review Of Council Policy 1.16 - Gratuity Payments from the Ordinary Council Meeting held on 26 October 2016 be rescinded; and**
- 2. Cr King resubmit his Alternative Motion as an Elected Member Motion for the December Ordinary Council meeting to allow due consideration by the Chief Executive Officer and Councillors**

Two minor alterations to the wording of the original motion were agreed by Cr Dilley (Mover) and Cr Mitchell (Seconder) as per cl.16.8 of the Standing Orders.

**Council Decision**

**(Cr Dilley’s Motion for Decision Making Procedure (cl.16.20 Standing Orders))**

**That:**

- 1. The resolution from Item 11.5.3 – Review Of Council Policy 1.16 - Gratuity Payments from the Ordinary Council Meeting held on 26 October 2016 be revoked; and**
- 2. Council extend an invitation to Cr King to resubmit his Alternative Motion as an Elected Member Motion to a future Ordinary Council meeting to allow due consideration by the Chief Executive Officer and Councillors.**

**Carried 8/1  
By Absolute Majority**

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## 9 MINUTES OF PREVIOUS MEETINGS

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### 9.1 *Committee Minutes*

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#### Council Decision

Moved: Cr Mills

Seconded: Cr Tan

That the following Committee Minutes be received:

- Community Awards and Grants Committee Meeting – 8 November 2016
- Disability Access and Inclusion Planning Committee Meeting – 18 November 2016

Carried 9/0

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## 10 REPORTS OF COMMITTEES

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### 10.1 *Community Awards and Grants Committee*

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This item will be discussed behind closed doors.

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### 10.2 *Disability Access and Inclusion Planning Committee*

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10.2.1	<b>SUBJECT:</b>	<b>DISABILITY ACCESS AND INCLUSION PLAN – UPDATED IMPLEMENTATION PLAN</b>
	<b>Location:</b>	Shire of Donnybrook-Balingup
	<b>Applicants:</b>	N/A
	<b>Zone:</b>	N/A
	<b>File Ref:</b>	CSV 21
	<b>Author:</b>	J Somes (Principal Environmental Health Officer)
	<b>Report Date:</b>	10 November 2016
	<b>Attachments:</b>	10.2.1 - Disability Access and Inclusion Plan - Implementation Plan

#### Background

The Shire of Donnybrook-Balingup developed a Disability Access and Inclusion Plan (DAIP) in accordance with legislation, towards improving access and inclusion of its services, facilities and information. At the September 2015 Ordinary Council meeting the following was resolved:

*“That Council adopt the amended Shire of Donnybrook-Balingup Disability Access and Inclusion Plan July 2012 to June 2017.”*

## **Comment**

The DAIP 2012-2017 provides the broad outcome areas, strategies and background information to inform the Council of the reasons why change is required to a facility, service or information provided by the Shire.

The Implementation Plan (Attachment 10.2.1) is the accompanying document to the DAIP and details the specific tasks to achieve the identified strategies and outcome areas, and also includes a timeline and area of responsibility for completion.

The current DAIP expires 30 June 2017 and a new document will need to be developed in compliance with the *Disability Services Act 1993*. It's recommended that a consultant be engaged to undertake community consultation and provide advice for the preparation for a new DAIP on behalf of the Shire.

## **Consultation**

Nil

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

### Statutory

The *Disability Services Act 1993* requires public authorities, including local governments, to develop and implement a DAIP.

### Voting

Simple majority.

## **Risk Assessment (Optional)**

N/A

## **Financial Implications**

It's estimated to cost \$5,000 to engage a consultant to undertake community consultation and provide advice on a new DAIP. This has not been identified in the 2016/17 Budget and it is recommended that this expense be considered during the 2017/18 Budget deliberations.

## **Strategic Implications**

Outcome 3.1.2 of the Shire's *Strategic Community Plan* states 'Implement a Disability Access and Inclusion Plan'.

### Officer's Recommended Resolution

**Moved: Cr**

**Seconded: Cr**

**The Committee recommends Council consider allocating \$5,000 from the 2017/18 Budget during budget deliberations for the purpose of engaging a consultant to undertake community consultation and provide advice on developing a new Disability Access and Inclusion Plan.**

### Committee's Recommended Resolution

**Moved: Cr King**

**Seconded: Cr**

**The Committee recommends this item lay on the table until the next Disability Access and Inclusion Planning Committee meeting.**

Justification: The Committee felt there was little value in hiring an external consultant given previous reports. The review could be undertaken internally and the funding spent on implementing projects that include updating the Shire's website.

### Procedural Motion

**Moved: Cr Crowley**

**Seconded: Cr Van Der Heide**

**That the item lay on the table until the next Disability Access and Inclusion Planning Committee meeting.**

**Carried 9/0**

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## **11 REPORTS OF OFFICERS**

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### ***11.1 Manager Finance and Administration***

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#### **11.1.1 ACCOUNTS FOR PAYMENT**

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For information: The following accounts have been authorised and paid under Delegation 3.2 by the Chief Executive Officer represented by EFT10397 - EFT10598, 52231 – 52297, DD21365 – DD21366.8, Trust 3419 – 3427, and EFT10499b totalling \$1,294,530.01

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**11.1.2 MONTHLY FINANCIAL REPORT**

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

**Moved: Cr Dilley**

**Seconded: Cr Crowley**

**That the monthly report for the period ended 30 September 2016 be received.**

**Carried 9/0**

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**11.2 Manager Works and Services**

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Nil

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**11.3 Manager Development and Environmental Services**

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<b>11.3.1</b>	<b>SUBJECT:</b>	<b>APPOINTMENT OF OCCUPATIONAL HEALTH AND SAFETY COORDINATOR</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 23</b>
	<b>Author:</b>	<b>Leigh Guthridge – Manager Development and Environmental Services</b>
	<b>Report Date:</b>	<b>17 October 2016</b>
	<b>Attachments:</b>	<b>Nil</b>

**Background**

The Shire of Donnybrook – Balingup (the Shire) allocated \$30,000 in its 2016/2017 Budget to appoint an Occupational Health and Safety (OHS) Coordinator to improve its capacity to manage its OHS risks in the workplace. During budget deliberations Council indicated that it wished to evaluate the proposed position prior to the Chief Executive Officer progressing any appointment.

This report provides:

- OHS legislative context;
- Insight into the Shires OHS risk profile;
- Previous OHS staffing models;
- A summary of duties for the OHS Coordinator;
- Information on an OHS Management System and continuous improvement; and
- Recommended staff structure.

## Comment

OHS legislation that applies to workplaces in Western Australia includes:

- *Occupational Safety and Health Act 1984*;
- *Occupational Safety and Health Regulations 1996*; and
- Guidance materials that include relevant Codes of Practice and standards

The *Occupational Safety and Health Act 1984* (The Act) provides for the promotion, coordination, administration and enforcement of OHS in Western Australia.

The objects of the Act are to:

- Promote and secure the safety and health of people at work;
- Protect people at work from hazards;
- Assist in securing a safe and hygienic working environment;
- Eliminate, reduce and control hazards;
- Encourage co-operation and consultation between employers and employees;
- Provide for the formulation of policies and for the coordination of the administration of laws relating to occupational safety and health; and
- Promote education and awareness of occupational safety and health.

Section 19 of the Act places duties on the employer (the Chief Executive Officer on behalf of the Shire) to provide a working environment for its employees where the employees are as far as practicable are not exposed to hazards.

General duties of employers include:

- safe systems of work;
- information, instruction, training and supervision;
- consultation and co-operation;
- provision of personal protection; and
- safe plant and substances.
- reporting of fatalities, injuries and disease

The *Occupational Safety and Health Regulations 1996* (the Regulations) have the effect of detailing specific requirements of the Act. The Regulations prescribe minimum standards and have a general application, and they may in addition define specific requirements related to a particular hazard or particular type of work.

Given the diversity of activities within the operations of the Shire, employees are exposed to many hazards and subsequently the OHS risk profile to the Shire is very high if it is not managed in a systematic and coordinated way. Examples of OHS hazards for the Shire are listed below:

### *Works and Services (Depot)*

- Operation of large and small machinery
- Construction work
- Working at heights

- Working with energized equipment (gas, electricity)
- Traffic management on roads
- Excavation of materials
- Heavy lifting and slinging work
- Recovery of machinery
- Chemical use – weed and pest management and cleaning
- Manual handling
- Exposure to weather elements including UV exposure
- Confined spaces

#### *Aged Care (Tuia Lodge)*

- Manual Handling
- Slips, trips and falls
- Occupational violence
- Work related stress
- Chemical and hazardous substances
- Infectious diseases
- Fatigue
- Fire and Evacuation

#### *Law, Order and Public Safety*

- Animal attack
- Stress to officers
- Communication black spots in the field when assistance is needed
- Aggressive customers
- Dangerous site conditions at times of inspection
- Personal injuries from emergencies
- Fire control
- Remote operation (working alone)

#### *Waste Management*

- Exposure to hazardous materials (ie asbestos, dust and chemicals)
- Excavations and earthmoving
- Exposure to unknown dangerous landfilled material
- Refuse collection vehicles and lifting mechanisms
- Use of heavy machinery at facilities

#### *Administration*

- Potential for falls, slips and trips
- Manual lifting
- Poor ergonomics
- Stress on employees
- Bullying and violence (external and internal)
- Aggressive customers
- Fire and Evacuation



### Previous OHS Coordinator Model

Between 2010 and 2014 the Shire employed an OHS Coordinator for three days per week. This position was terminated in August 2014 as part of a restructure where the dedicated OHS resource was absorbed into a new Engineering Technical Officer position. It became evident that the position did not have capacity to execute both roles satisfactorily due to the engineering demands of the position. Subsequently OHS were not afforded the time and the expertise required to maintain the OHS program to a high performance criteria.

It is of the officer's view that this was a regressive step for the Shires OHS systems. The OHS Coordinator role should stand alone and be filled by a person with the appropriate OHS qualifications and expertise. It is beneficial that the position remains independent to all areas of operations so that proportionate focus can be afforded to areas of operations depending on the risk profile.

### OHS Coordinator Duties

A position description will be developed to outline specific requirements of the position prior to procurement as per normal human resources protocols. However the following summarises the broader duties of the role:

- Monitor, review and coordinate audits of the Shire's OHSMS
- Report to management and other internal stakeholders on all matters relating to OHS
- Lead the Occupational Health and Safety Committee
- Maintain a hazard register
- Maintain a training register
- Incident investigation
- Hazard evaluation
- Mandatory reporting
- Recording and reporting of incidents
- Accident and incident summary
- Hazard register
- Recording of data and monthly reporting to stakeholders
- Training and education of OHS Representatives, management and staff.

### Continuous Improvement

The Shire uses an Occupational Health and Safety Management System (OHSMS) that provides the framework by which the Shire can systematically plan, implement, evaluate and review its OHS performance. The OHS Coordinator will be responsible to monitor and maintain the OHSMS and support staff and other stakeholders in this ongoing process. The OHSMS provides assurance to the Shire that its OHS risks are being managed in a systematic way.

An OHSMS delivers the following benefits to the Shire by:

- Improving employee safety culture and empowering employees to take ownership of their safety by improving perceptions from employees due to a safe place of work, thus making the organisation an 'employer of choice' for new employees and improving morale of existing employees;

- Increasing workplace productivity, profitability, sustainability and well-being of as employees, due to increases in knowledge, gain skills and capacity to perform work safely;
- Assisting the Shire to meet OHS legislative requirements thereby minimising the likelihood of enforcement action from OHS enforcement agencies such as Worksafe;
- Reducing OHS related injuries and illness that in turn reduces the cost of accidents to the Shire with respect to disruption to families, cost to the public health system, reduction to workers compensation claims etc;
- Improving an understanding of where resources may need to be targeted in relation to OHS outcomes thus resulting in more efficient expenditure in OHS initiatives;
- Demonstrating the organisation's 'due diligence' decision making with access to improved qualitative information in support of strategic decision and major investments etc;
- Minimising the cost of OHS insurance premiums by demonstrating to insurance companies that the organisation has a robust system to manage OHS risks;
- Reducing the cost of 'lost time' and productivity through any stop work actions resulting from an incident, OHS investigations, hiring and replacement of staff and general disruption of normal work patterns etc.;
- Building on public image and reputation from all stakeholders and improving on stakeholder relationships; and
- Potentially reducing the cost of operations with less damage to plant and equipment.

The Shire periodically measures its performance of its OHSMS by way of audit in accordance with *AS/NZS 4801-2001 Occupational Health and Safety Management Systems*. The audit provides an independent assessment of how the Shire is managing its OHS risks and identifies gaps within the OHSMS for improvement.

### Proposed OHS Structure

Council is advised that staff intend to seek the services of a suitable person to undertake the OHS Coordinator role for three days per week. The specific times and duties will be allocated based on the Shires risk profile and priorities.

Since the decision to incorporate the position within the Engineering Technical Officer role did not work, the duties and responsibilities have fallen to the Manager of Development and Environment. Over the last 12 months it has become evident that this role does clearly not have the capacity, given the other responsibilities, to organise, maintain, train and educate staff on our legal and moral obligations in relation to OH&S as well as maintain the records, incident registers and action items across the Shire. There are a number of areas which on the face of it appear to not be in compliance with current legislation and these are areas of concern that need to be addressed.

The recent changes to OH&S legislation also has put further pressure on the shire in respect to OH&S issues.

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

### Statutory

The *Occupational Safety and Health Act 1984* and subsidiary legislation places obligations on Employers to provide for a safe place of work for its employees.

### Voting

Simple Majority

### **Consultation**

Nil

### **Financial Implications**

The Shire has allocated \$30,000 in its 2016/2017 budget to appoint an Occupational Health and Safety Coordinator for two days per week. It is proposed that Tuia Lodge fund an additional day per week from its operating budget.

### **Strategic Implications**

Nil

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

**Moved: Cr Crowley**

**Seconded: Cr Tan**

**That Council, as requested during the 2016/17 Budget deliberations, authorises the Chief Executive Officer to advertise and appoint (within the terms of all other relevant Shire Policies) a suitable Occupational Health and Safety position to the Shire.**

**Carried 9/0**

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<b>11.3.2</b>	<b>SUBJECT:</b>	<b>WALGA CORRESPONDENCE SEEKING COMMENT – PLASTIC BAG BAN</b>
	<b>Location:</b>	<b>Donnybrook Shire</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>DEP 22/4D</b>
	<b>Author:</b>	<b>Leigh Guthridge – Manager Development and Environmental Services (<i>Jeff Somes - Principal Environmental Health Officer</i>)</b>
	<b>Report Date:</b>	<b>2 Nov 2016</b>
	<b>Attachments:</b>	<b>11.3.2(1) – Correspondence from WALGA on Plastic Bag Ban 11.3.2(2) – Discussion Paper- Plastic Bags</b>

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### **Background**

The Shire has received correspondence (Attachment 11.3.2) from the Western Australian Local Government Association (WALGA) seeking to gauge the level of interest amongst local governments on the banning of plastic bags (local or State-wide) and the extent to which Councils consider plastic pollution to be of concern.

WALGA is requesting feedback with respect to the following questions:

- Is plastic pollution and litter an issue for your local government? Why/ Why Not?;
- What actions is your Local Government taking to address littering and prevent plastic entering the environment?;
- Does your council support a state-wide plastic bag ban?; and
- Would your Council like to introduce a Local Law to ban shopping bags?

### **Comment**

In response to the request for feedback from WALGA, the following draft responses are put forward for Councils consideration:

#### ***Q1. Is plastic pollution and litter an issue for your local government? Why/ Why Not?***

Yes plastic pollution and litter is an issue for the Shire of Donnybrook – Balingup including:

- On a local level plastic bags are a contributor to road side litter and a leading contaminant amongst the Shire's kerbside organics bin waste stream.
- In the broader context the Shire is concerned about the amount of plastic and plastic particles in the environment and its negative impacts upon amenity, the wildlife and potential to affect human health.

#### ***Q2. What actions is your Local Government taking to address littering and prevent plastic entering the environment?***

The Shire provides the following waste collection services:

- Public bins at its parks and reserves;
- Street bins throughout its town centres; and
- Household kerbside wheelie bins for putrescible, recycling and organic waste.

In conjunction with the organics service the Shire provides compostable bags and kitchen bench top caddies to its residents for use in their kitchen. The Shire believes that the provision and use of the caddy's has contributed to the low contamination rate in the organics waste stream (0.05% by weight at the time of the last audit).

**Q3. Does your council support a state-wide plastic bag ban?**

The Shire's Administration is supportive of a State wide ban on all plastic shopping bags excluding plastic bags used for the packaging of food.

**Q4. Would your Council like to introduce a Local Law to ban shopping bags?**

Local Laws may be considered by Council assuming there is a workable legislative framework. The Shire Administration's preferred option however is for the State Government to take the lead on this important issue and introduce State laws so as to achieve consistency across all local government areas.

**Policy/Statutory/Voting Implications**

Statutory

*Environmental Protection Act 1986.*

Voting

Simple majority

**Financial Implications**

Nil

**Strategic Implications**

Outcome 6 "Sustainable Management of Environmental Resources" of the Shire *Strategic Plan*.

**Council Decision  
Officer’s Recommended Resolution**

**Moved: Cr Bailey**

**Seconded: Cr Crowley**

**That Council:**

- 1) Supports the introduction of laws to manage the negative environmental impact of plastic shopping bags at the State Government level so as to achieve consistency across all local government areas.**
- 2) Authorises the Chief Executive Officer to respond to WALGA outlining Council’s position as detailed in item 1 above.**

**Carried 8/1**

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**11.4 Principal Planner**

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<b>11.4.1</b>	<b>SUBJECT:</b>	<b>PLANNING APPLICATION FOR OVERSIZE SHED IN RESIDENTIAL ZONE</b>
	<b>Location:</b>	<b>Lot 25 (No.11) Marginata Drive, Donnybrook</b>
	<b>Applicants:</b>	<b>Mr Joe Licciardello</b>
	<b>Zone:</b>	<b>Residential R5</b>
	<b>File Ref:</b>	<b>A2736</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>27 October 2016</b>
	<b>Attachments:</b>	<b>11.4.1(1) - Site Plan for Lot 25 Marginata Drive, Donnybrook 11.4.1(2) - Shed Size Comparison</b>

**Background**

The proposal is for a 200m<sup>2</sup> shed at Lot 25 Marginata Drive, Donnybrook. The shed is to be located at the rear of the block behind a dwelling. A side setback of 1m is proposed and a wall height ranging from 3.6m to 4.2m is proposed (see Attachment 11.4.1(1) and (2)). The land has an area of 2,975m<sup>2</sup> and is zoned “Residential” with a density code of R5.

The proposed development requires Council approval as it varies from *Town Planning Policy 9.4 - Outbuilding Control*.

*Town Planning Policy 9.4* outlines a maximum total outbuilding floor area of 108m<sup>2</sup> for lots above 2000m<sup>2</sup> and a wall height of 3.5m. The proposed floor area is 200m<sup>2</sup> and the wall height ranges from 3.6m to 4.2m. The Policy requires Council to approve variations. The proposal also requires a setback variation for the side boundary setback. A 1.5m setback is required (1m proposed).

The applicant advises that the shed size is required to accommodate a caravan and vintage cars.

## **Comment**

### Seriously Entertained Planning Document – Amendment 4 to LPS7 (Amendment 4)

Amendment 4 includes a proposal to limit variations to shed sizes to 108m<sup>2</sup>. It allows up to a 10% variation in some instances including when it is not visible from the public realm. The proposed shed will be visible from the street. Amendment 4 is a seriously entertained planning proposal as it has been publicly advertised and recommended by Council for final approval. Amendment 4 is currently with the Western Australian Planning Commission (WAPC) for a recommendation to the Minister for Planning.

A seriously entertained planning proposal means that significant consideration is to be given to it when making a planning decision.

### Regional Variation

The shed is of a bulk and scale not anticipated by the residential zone. It is worth noting that Council's policy is significantly more generous and flexible than the Residential Design Codes which only allows sheds up to 60m<sup>2</sup>. Council's Policy is more flexible as it acknowledges a regional lifestyle where there are often more objects to store. Council's Policy allows up to 108m<sup>2</sup>. This proposal is over 3 times the size required by the Residential Design Codes and almost twice the size of that proposed by Council policy.

### Bulk and scale

Sheds have a greater presence and bulk than regular buildings. This is due to the height of walls and absence of architectural features such as vertical and horizontal stepping and interest in façade elements. In this instance, the bulk of the shed will be mitigated to some extent by the setback from the street.

### Streetscape appeal

The shed will be visible from the street with unobstructed views from Leschenaultia Circle. The shed will present a 20m long elevation containing 5 roller doors. The elevation is of a length similar to the building façade along this elevation (26.9m). The wall height facing Leschenaultia Circle will be 4.2m. The wall height of the residential building is 2.65m. The shed wall will be almost two times the height of the residential buildings wall.

### Setbacks

The R-Codes requires a rear setback of 1.5m for boundary walls greater than 9m in length. The proposed wall will be setback less than 1m. The wall will be devoid of features and character. A setback of at least 1.5m should be required for this elevation.

### Precedent

This relates to the "slippery slope argument". If this shed is approved, it will create a precedent for Council and require support of other similar sized sheds within the Shire. There is nothing unique or specific to this site that would reduce the potential for a precedent to be established. The Policy has been crafted with limits to shed size to protect residential amenity and streetscape. This proposal embodies significant departures from the policy. If approved, it places Council in a very difficult position if it is ever required to rely on the policy in future or provide landowners with certainty about what can be built on their land or their neighbours land.

The policy to date has provided clear guidance and protected streetscape appeal by ensuring that sheds do not dominate and erode residential character.

Further, the intent of Amendment.4 is to strengthen controls on outbuildings within the Residential Zone removing potential for Council to approve variations of this extent. Amendment 4 is a seriously entertained planning proposal and cannot be disregarded without providing sound planning reasoning.

### **Consultation**

Adjoining neighbours have been contacted by the applicant. All have provided written support for the proposal.

### Summary and Conclusion

The proposed shed is of a scale beyond that considered desirable under the Shire's Local Planning Policy and would establish an undesirable precedent for similar development within the Shire.

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

#### Policy

##### 9.4 Outbuilding Control

This policy requires support to vary floor areas and wall heights.

#### Statutory

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

#### 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.



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

**Moved: Cr Van Der Heide                      Seconded: Cr Tan**

**That Council refuse to grant planning consent for the erection of an oversized shed at Lot 25 Marginata Drive, Donnybrook on the grounds that:**

- 1) The proposed development is of a scale, bulk and design that is inconsistent with the established streetscape.**
- 2) The proposed development does not comply with Local Planning Policy 9.4 Outbuilding Control which stipulates a maximum floor area of 108m<sup>2</sup> and a maximum wall height of 3.5m.**
- 3) The proposal is inconsistent with proposed Amendment 4 to Local Planning Scheme 7 which limits shed sizes to 108m<sup>2</sup>.**
- 4) The proposed setback variation is unreasonable due to the length and height of the wall proposed and lack of features to reduce its bulk and scale.**
- 5) Approval will establish an undesirable precedent for similar scaled developments within the residential zone,**

**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:**

**The applicant is advised that a shed complying with Council Policy will not require a planning approval and can be processed as a building license application.**

**Carried 7/2**

<b>11.4.2</b>	<b>SUBJECT:</b>	<b>PLANNING APPLICATION FOR OVERSIZE SHED IN RESIDENTIAL ZONE</b>
	<b>Location:</b>	<b>Lot 75 (No.2) Leschenaultia Circle, Donnybrook</b>
	<b>Applicants:</b>	<b>Mr John Hendry</b>
	<b>Zone:</b>	<b>Residential R5</b>
	<b>File Ref:</b>	<b>A2755</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>3 November 2016</b>
	<b>Attachments:</b>	<b>11.4.2 - Site Plan for Lot 75 Leschenaultia Circle, Donnybrook</b>

### **Background**

The proposal is for a 12m x 9m (108m<sup>2</sup>) shed at Lot 75 Leschenaultia Circle, Donnybrook. The shed is to be located 25m from the street. There is already a shed approved on the site at the rear of the lot. This shed is 6.2m x 5.3m (32.8m<sup>2</sup>). There are also two unapproved sea containers on the site. The proposed wall height of the shed is 3.75m.

The land has an area of 3020m<sup>2</sup> and is zoned “Residential” with a density code of R5.

The proposed development requires Council approval as it varies from *Town Planning Policy 9.4 - Outbuilding Control*.

Town Planning Policy 9.4 outlines a maximum total outbuilding floor area of 108m<sup>2</sup> for lots above 2,000m<sup>2</sup> and a wall height of 3.5m. The proposed total combined floor area is 140.8m<sup>2</sup> and the wall height is 3.75m. The Policy requires Council to approve variations.

### **Comment**

#### Seriously Entertained Planning Document – Amendment 4 to LPS7 (Amendment 4)

Amendment 4 includes a proposal to limit variations to shed sizes to 108m<sup>2</sup>. It allows up to a 10% variation in some instances including when it is not visible from the public realm. The proposed shed will be visible from the street as the site is a corner lot. The variation proposed by this proposal is 30%. The wall height is within the 10% variation. Amendment 4 is a seriously entertained planning proposal as it has been publicly advertised and recommended by Council for final approval. Amendment 4 is currently with the Western Australian Planning Commission (WAPC) for a recommendation to the Minister for Planning.

A seriously entertained planning proposal means that significant consideration is to be given to it when making a planning decision.

#### Regional Variation

The shed is of a bulk and scale not anticipated by the residential zone. It is worth noting that Council’s policy is significantly more generous and flexible than the Residential Design Codes which only allows sheds up to 60m<sup>2</sup>. The policy is more flexible as it acknowledges a regional lifestyle where there are often more objects to store. Council’s policy allows up to

108m<sup>2</sup>. This proposal is over 2 times the size required by the Residential Design Codes and 30% greater than required by Council policy.

#### Bulk and scale

Sheds have a greater presence and bulk than regular buildings. This is due to the height of walls and absence of architectural features such as vertical and horizontal stepping and interest in façade elements. In this instance, the bulk of the shed will be mitigated to some extent by 25m setback from the street.

#### Streetscape appeal

The proposed shed location will be forward of the main dwelling when viewed from Marginata Drive. The site selected is at a prominent entrance to the estate and will be highly visible from the public realm.

#### Breaking of built form

This scale of the site variation is mitigated to some extent as the new shed will screen the existing shed when viewed from Marginata Drive. The existing shed is also tucked away in the back corner away and only visible from Leschenaultia Circle. This has potential to limit potential for cumulative impacts. Further, there is some existing vegetation along the front boundary. There is potential to increase the screening by adding to this existing landscaping.

#### Precedent

This relates to the “slippery slope argument”. If this shed is approved, it will create a precedent for Council and require support of other similar sized sheds within the Shire. There is nothing unique or specific to this site that would reduce the potential for a precedent to be established. The Policy has been crafted with limits to shed size to protect residential amenity and streetscape. This proposal embodies significant departures from the policy. If approved, it places Council in a very difficult position if it is ever required to rely on the policy in future, or provide landowners with certainty about what can be built on their land or their neighbours.

The policy to date has provided clear guidance and protected streetscape appeal by ensuring that sheds do not dominate and erode residential character.

Further, the intent of Amendment.4 is to strengthen controls on outbuildings within the Residential Zone removing potential for Council to approve variations of this extent. Amendment 4 is a seriously entertained planning proposal and cannot be disregarded without providing sound planning reasoning.

#### **Consultation**

The adjoining owner has been contacted by the applicant and has written support of the proposal.

#### Summary and Conclusion

The proposed shed is of a scale beyond that considered desirable under the Shire’s Local Planning Policy and would establish an undesirable precedent for similar development within the Shire.

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

### Policy

#### **9.4 Outbuilding Control**

This policy requires support to vary floor areas and wall heights.

### Statutory

Proposed TPS7 Map 7 identifies the land as “Residential R5”.

### Voting

Simple Majority

## **Financial Implications**

N/A

## **Strategic Implications**

The following outcomes from the Strategic Community Plan relate to this proposal:  
Outcome 2.8 – Our town sites are attractive, well presented and maintained.

## **Officer’s Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That Council refuse to grant planning consent for the erection of an oversized shed at Lot 75 Leschenaultia Circle, Donnybrook on the grounds that:**

- 1. The proposed development does not comply with Local Planning Policy 9.4 Outbuilding Control which stipulates a maximum combined floor area of 108m<sup>2</sup> and a maximum wall height of 3.5m.**
- 2. The proposal is inconsistent with proposed Amendment 4 to Local Planning Scheme 7 which limits shed sizes to 108m<sup>2</sup>.**
- 3. Approval will establish an undesirable precedent for similar scaled developments within the residential zone,**

### **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:**

The applicant is advised that a shed complying with Council Policy will not require a planning approval and can be processed as a building license application.

**Note 3:**

The applicant is advised that sea containers are not supported within residential areas and steps will need to be taken to remove these structures within 60 days of this decision letter being issued. Failure to remove these structures within this timeframe will force Council to consider prosecution action where a Court of Law has potential to issue significant financial fines.

The Principal Planner tabled an alternative resolution for Council consideration. The alternative resolution was to acknowledge that there is a degree of flexibility inherent in Policy 9.4 and that the proposal addresses the underlying principles and rationale of the policy in terms of minimising the impact of bulk and scale of outbuildings in a residential setting. In this case, the proposed shed triggered a planning application due to the combined floor area of two outbuildings. The two sheds would not be visible from the same vantage point and significant established screening existed to further reduce any impacts on the existing streetscape.

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

**Moved: Cr Dilley**

**Seconded: Cr Bailey**

**That the Council grant Planning Consent for the erection of a shed at Lot 75 Leschenaultia Circle, Donnybrook subject to the following conditions:**

**General Conditions**

- 1. The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
- 2. All drainage being retained on site to the satisfaction of the Manager Works and Services.**
- 3. The shed being finished in a colour that matches the existing shed.**
- 4. Vegetation screening being established 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 sea containers are not supported within residential areas and steps will need to be taken to remove these structures within 60 days of this decision letter being issued. Failure to remove these structures within this timeframe will force Council to consider prosecution action where a Court of Law has potential to issue significant financial fines.

Carried 8/1

<b>11.4.3</b>	<b>SUBJECT:</b>	<b>RETROSPECTIVE PLANNING APPLICATION FOR SHED IN RESIDENTIAL ZONE</b>
	<b>Location:</b>	Lot 64 (No.14) Railway Street, Mullalyup
	<b>Applicants:</b>	Mr Jerusalem Trakas
	<b>Zone:</b>	Residential R10
	<b>File Ref:</b>	A2025
	<b>Author:</b>	Bob Wallin (Principal Planner)
	<b>Report Date:</b>	3 November 2016
	<b>Attachments:</b>	11.4.3(1) Site Plan for Lot 64 Railway Street, Mullalyup 11.4.3(2) – Schedule of Submissions 11.4.3(3) – Analysis of Design Principles

### Background

The proposal is for the retrospective approval of a shed with a 3.6m boundary wall at Lot 64 Railway Street, Mullalyup. The shed is 3.6m x 5.9m with a floor area of 21.24m<sup>2</sup> (Attachment 11.4.3(1)). The shed walls are constructed of brick.

The item requires Council consideration as an objection has been received from the adjoining neighbour.

## **Comment**

The land is zoned Residential R10 with a Structure Plan overlay. The Structure Plan overlay requires all development to require planning approval. This is to ensure that development will not impact on future design options for the locality.

It is noted that future intensification will only be possible with reticulated sewerage being made available. There are no long term plans to service Mullalyup with reticulated sewerage.

## **Consultation**

One submission has been received objecting to the proposal. Details on the issues raised and suggested responses are contained in the Schedule of Submissions (Attachment 11.4.3(2)).

In considering this proposal it may be helpful to think about the following points:

### Scale and degree

The building is setback approximately 300mm from the side boundary. The Deemed to Comply requirements of the Residential Design Codes requires a one metre setback. A one metre setback applies for walls up to 3.5m high and a length of up to 9 metres. In this instance, the wall is 3.6 metres long with a height of 2.7 metres.

The variation of the setback in this case is 700mm. The degree to which this variation impacts onto local amenity will be marginal and could be argued at being less than a 9 metre long wall with a height of 3.5 metres and a setback of 1 metre.

### Locational context

The shed wall is located towards the rear of the property and well away from the adjoining dwelling. Its impact on views and outlooks from the adjoining dwelling are minor. The wall is a minimum of 20 metres from the rear elevation of the adjoining house. Further, the bulk of the wall is obscured by existing landscaping.

### Function

The structure relates to an outbuilding that will be used primarily for storage. It is not a habitable building and will not present issues such as overlooking.

### Proportionate Justice

One of the key issues in this case relates to following proper process and the need for some level of consequence to be enacted. In this instance, there are more expenses to be incurred by the applicant. This includes higher fees and the need to obtain engineering/technical investigations to confirm compliance with relevant standards. This may include the need to rectify any non-compliance. This represents the legal consequences resulting from the actions of the applicant. It does not necessarily follow that further retribution should be enforced, especially given the small scale and low key use of the structure erected.

### Design Principles of Residential Design Codes

The Council has discretion under the Design Principles of the Residential Design Codes to approve the 300mm setback. Attachment 3 outlines the stated principles and provides commentary.

### Summary and Conclusion

The proposed shed is of a minor scale and can be made to comply with relevant standards. The impacts of the wall can be reduced by requiring a render treatment to improve presentation.

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

#### Policy

Clause 5.1.3 of the Residential Design Codes. This relates to setbacks from boundaries. There is potential for the structure to comply with the discretionary element (Design Principles).

#### Statutory

Proposed TPS7 Map 7 identifies the land as “Residential R10”.

#### 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.

### **Council Decision**

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

**Moved: Cr Bailey**

**Seconded: Cr Van Der Heide**

**That Council grant retrospective planning approval for a shed at Lot 64 (No.14) Railway Street, Mullalyup 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. All drainage being retained on site to the satisfaction of the Manager Works and Services.**



3. The walls being finished in a treatment to ensure a suitable standard of presentation 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:**

The applicant is advised of the need to obtain a Building Approval Certificate within 30 days of this decision. If no action is undertaken within this timeframe, Council will consider prosecution action. If prosecution actions start, there is potential for significant fines to be incurred.

Carried 9/0

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**11.5 Chief Executive Officer**

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<b>11.5.1</b>	<b>SUBJECT:</b>	<b>POLICY ON SHIRE EMAIL FOR ELECTED MEMBERS</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>Ben Rose, Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>3 November 2016</b>
	<b>Attachment:</b>	<b>Nil</b>

**Background**

A number of Councillors have expressed interest in having a Shire-specific email address for their Council-related correspondence.

**Comment**

There is an obvious benefit for both elected members and residents/ratepayers in Councillors having a uniform, ‘official’ email address. It separates Council from personal or business communication and will make it easier for people to remember/recognise the email addresses of their Councillors. The practice is common among many Shire and City Councils.

It is proposed an email address using the **Cr.Surname@donnybrook.wa.gov.au** nomenclature be provided to each Councillor. Take-up of the email address is optional, and emails will be accessed via the Shire web mail server.

It is proposed that these emails will not be monitored by Shire staff, but the requirement to keep and record all Council correspondence will still apply. That is, all emails should be forwarded to the Shire Records Officer on a weekly basis so they can be recorded in the Shire's official recordkeeping database.

It should also be noted that all emails that pass through the Shire server are potentially discoverable under Freedom of Information, whether they have been formally recorded or not.

### **Consultation**

N/A

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

#### Policy

Council Policy 1.18 – Council Elected Members Records  
State Records Commission Records Policy  
Shire Records Management Plan

#### Statutory

Local Government (Rules of Conduct) Regulations 2007  
State Records Act 2000  
Freedom of Information Act 1992

#### Voting

Simple majority

### **Financial Implications**

N/A

### **Strategic Implications**

Strategic Objective 4.1 – an informed, engaged and involved community that actively participates.

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

**Moved: Cr Van Der Heide                      Seconded: Cr Tan**

**That the following policy is adopted:**

**USE OF SHIRE-SPECIFIC EMAIL ADDRESS BY ELECTED MEMBERS**

**1. Context:**

**There is a benefit to both elected members and ratepayers in having a uniform email address. All elected members will be provided with a Shire server email address (*councillorname@donnybrook.wa.gov.au*) for the use of Council business.**

**2. Objective:**

**This policy sets out the way this email address is to be used and how correspondence to and from this email address will be recorded.**

**3 Policy**

**3.1 Each elected member will be issued with a password and the web mail address to access the account. The adoption of this email address is optional.**

**3.2 The email address is provided for use by elected members in their role as an elected member only, is not to be used for electioneering or private business. (Ref. Section 8 of the Local Government (Rules of Conduct) Regulations 2007)**

**3.2 All emails from ratepayers, such as**

- complaints and compliments;**
- correspondence concerning corporate matters;**
- submissions, petitions and lobbying;**
- information for Council's interest relating to local government business activity and functions;**

**are to be forwarded to [records@donnybrook.wa.gov.au](mailto:records@donnybrook.wa.gov.au) on a weekly basis for recording on the Shire's official recordkeeping system in accordance with State Records Commission Policy and Council Policy 1.18.**

**This requirement applies to emails to both the Shire-specific email address and to an elected member's private email address.**

- 3.3 All emails using the Shire server are discoverable under the *Freedom of Information Act 1992*, whether or not they have been recorded in the Shire’s official recordkeeping system.
- 3.4 Elected members using either the Shire-specific email or their personal email for Council correspondence should remain mindful of the Code of Conduct, particularly in relation to confidentiality (clause 5.6(b)).
- 3.4 On the resignation / non re-election of an elected member, that member’s email account will be removed from the system.

Carried 8/1

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### 11.6 Recall Items

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Nil

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

Moved: Cr Bailey

Seconded: Cr Mitchell

Item 11.7.1 – Community Citizen of the Year Awards under S5.23 (2) (b) the personal affairs of any person.

Carried 9/0

\*\* 6.38pm – The Public Gallery left the meeting.

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### 11.7 Confidential Items

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#### CONFIDENTIAL

11.7.1	<b>SUBJECT:</b>	<b>COMMUNITY CITIZEN OF THE YEAR AWARDS</b>
	<b>Location:</b>	Shire of Donnybrook-Balingup
	<b>Applicants:</b>	Various
	<b>Zone:</b>	N/A
	<b>File Ref:</b>	CNL 02
	<b>Author:</b>	Ben Rose – Chief Executive Officer ( <i>Deb Vanallen - Community Development Team Leader</i> )
	<b>Report Date:</b>	2 November 2016

