



Notice of Ordinary Council Meeting

TO:

ALL COUNCILLORS

To be held on

Wednesday, 30 April 2014

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

A handwritten signature in cursive script, appearing to read "John Attwood".

John Attwood
Chief Executive Officer

16 April 2014

Disclaimer

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



ORDINARY COUNCIL MEETING AGENDA

30 April 2014

TABLE OF CONTENTS

PUBLIC GALLERY	4
1 APOLOGIES.....	4
2 PUBLIC QUESTION TIME	4
3 APPLICATION FOR LEAVE OF ABSENCE.....	4
4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST	4
5 PETITIONS/DEPUTATIONS/PRESENTATIONS.....	4
6 LATE ITEMS.....	5
7 CONFIRMATION OF MINUTES.....	5
7.1 Ordinary Council Meeting – 18 December 2013	5
8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	5
8.1.1 SUBJECT: COUNCIL MEALS	5
9 MINUTES OF PREVIOUS MEETINGS	8
9.1 Committee Minutes	8
10 REPORTS OF COMMITTEES	8
10.1 Donnybrook Recreation Centre Advisory Committee Meeting – 3 April 2014	8
10.1.1 SUBJECT: DONNYBROOK RECREATION CENTRE – GENERAL BUSINESS	8
10.2 Balingup Community Advisory Committee Meeting – 8 April 2014	9
10.2.1 SUBJECT: DRAFT LOCAL PLANNING POLICY – ANIMAL HUSBANDRY - INTENSIVE	9
10.2.2 SUBJECT: DEVELOPING DONNYBROOK PROJECT UPDATE	12
10.2.3 SUBJECT: AGED-FRIENDLY COMMUNITIES STUDY.....	14
10.2.4 SUBJECT: RV FRIENDLY TOWNS	17

10.3	Preston Retirement Village Project Management Team Meeting – 8 April 2014...	19
	10.3.1 SUBJECT: PRESTON RETIREMENT VILLAGE	19
10.4	Balingup Townscape Committee Meeting – 9 April 2014.....	23
	10.4.1 SUBJECT: BALINGUP TOWNSITE MAINTENANCE ISSUES	23
	10.4.2 SUBJECT: UPDATE ON WORKS PROGRAM.....	23
	10.4.3 SUBJECT: BALINGUP TOWNSCAPE BUDGET	24
	10.4.4 SUBJECT: CROWN RESERVE NO 28082 – LOT 260	25
10.5	Parks and Reserves Committee Meeting – 9 April 2014.....	26
	10.5.1 SUBJECT: DONNYBROOK RECREATION CENTRE EXTENSIONS ..	26
11	REPORTS OF OFFICERS	29
11.1	Manager Finance and Administration.....	29
	11.1.1 ACCOUNTS FOR PAYMENT	29
	11.1.2 MONTHLY FINANCIAL REPORT.....	29
11.2	Manager Works & Services.....	30
	11.2.1 SUBJECT: LIGHT VEHICLE REPLACEMENT PROGRAM 2013/14	30
	11.2.2 SUBJECT: DECLARED PEST MANAGEMENT – AUDITOR GENERAL REPORT DECEMBER 2013	32
11.3	Manager Development and Environmental Services	38
	11.3.1 SUBJECT: TENDER FOR THE SUPPLY AND TRANSPORTATION OF BULK WASTE CONTAINERS	38
	11.3.2 SUBJECT: APPOINTMENT OF FIRE CONTROL OFFICER- UPPER BALINGUP LOCALITY	42
11.4	Principal Planner.....	43
	11.4.1 SUBJECT: RETROSPECTIVE PLANNING APPROVAL FOR WORKERS ACCOMMODATION FOR UP TO 32 PATRONS AND ANCILLARY FACILITIES.....	43
11.5	Chief Executive Officer.....	51
	11.5.1 SUBJECT: PRESTON RETIREMENT VILLAGE – UNITS 12 & 13.....	51
	11.5.2 SUBJECT: DONNYBROOK MIGRANT MEMORIAL.....	53
	11.5.3 SUBJECT: 2014 ASSOCIATION HONOURS.....	56
	11.5.4 SUBJECT: DONNYBROOK TENNIS CLUB LEASE	58
	11.5.5 SUBJECT: 2013 WORKFORCE PLAN	59
12	CLOSURE OF MEETING	61

SHIRE OF DONNYBROOK/BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 30 April 2014 at 5.00pm

MEMBERS PRESENT

COUNCILLORS

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

STAFF

Greg Harris – Acting CEO
Mike Scott – Manager Works & Services
Leith Guthridge – Manager Development and Environmental Services
Bob Wallin – Principle Planner
Judy Franks – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

2 PUBLIC QUESTION TIME

3 APPLICATION FOR LEAVE OF ABSENCE

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Presentation

Ms Margery Iseppi regarding Item 11.4.1 Retrospective Planning Approval for Workers Accommodation for up to 32 Patrons And Ancillary Facilities

6 LATE ITEMS

Nil

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting – 18 December 2013

Moved: Cr Seconded: Cr

That the minutes of the ordinary meeting held on 26 March 2014 be confirmed as a true and accurate record.

8 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

8.1.1	SUBJECT:	COUNCIL MEALS
	Location:	N/A
	Applicants:	Cr Peter McCabe
	Zone:	N/A
	File Ref:	CNL34E
	Author:	G Harris (A/CEO)
	Report Date:	16 August 2013
	Attachments:	Nil

Cr McCabe has proposed the following Notice of Motion:

Notice of Motion

*“Item 8.1.2 25th September 2013 Council Meeting
Subject: Council Meals*

That the above item be rescinded”.

Background

The resolution in relation to Item 8.1.2 Council Meals was:

“That Councillors and staff are supplied with a free meal after each Ordinary Council Meeting and other functions where the CEO feels is appropriate to supply a meal. All alcohol consumed by Councillors and staff is to be paid for by the individuals consuming the drinks. Councillors and staff will vacate the building after the Ordinary Council Meeting / meal no later than 10pm or 2 ½ hours after the meeting has finished”.

Cr McCabe Comment

Paying of drinks is not working as there are less staff staying back and Councillors are having less contact with staff in a relaxed, informal atmosphere.

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 — s. 5.25(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

Simple Majority

Acting CEO Comment

It is customary for reasonable costs associated with the provision of refreshments, meals or accommodation to be provided to persons who attend a meeting or function of local government or when attending conferences relevant to local government business. It is not customary for Councillors or staff to be required to contribute to the cost of such items.

The Minister for Planning granted final approval to Town Planning Scheme No.7 (TPS7) on the 11 March 2014 subject to modifications. The modifications are required to be undertaken prior to gazettal. The planning consultant is undertaking the modification at present.

Part 2 of TPS7 sets out the local planning policy framework. This includes sections on the process for adopting policies which requires public advertising.

Comment

Council's resolution is to find an acceptable method to sketch a line between small scale animal husbandry and intensive commercial scale operations. The underlying motivation is to provide certainty for landowners and Council in the consideration of "Animal Husbandry – Intensive" uses and how to address potential negative externalities on rural landscape and amenity.

In considering this motivation, the following points should be taken into account:

- a) The definition of "Animal Husbandry – Intensive" is defined in TPS7 as:

"Commercial premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock feedlots."

The key words to take note of in this definition are "Intensive" and "Commercial". These words strongly imply a "commercial scale of operation" and a level of stocking that is "intensive" in nature. Within this context, a small hobby scale raising of stock would not satisfy the intent of these words and the true meaning of the definition provided.

- b) In providing a practical interpretation of when the definition of "Animal Husbandry – Intensive" will not apply, it may be helpful to look at factors beyond picking an arbitrary number. A more holistic range of component elements could be considered such as:

- Potential to impact on local amenity in terms of noise, dust and smell;
- Scale of production: limit to what would generally be considered for personal use by a reasonable person;
- Intent of use: primarily for personal use with no intent to produce a regular income for profit and not to run or be registered as a business concern.

If the policy provides interpretive advice based on these principles, it directly addresses the points of concern. This removes problems arising from picking an arbitrary number that may lead to esoteric arguments devoid of on-ground facts and material realities and concerns.

- c) There is potential to outline and define minimum standards and requirements for "Animal Husbandry – Intensive" uses. This would assist Council in the assessment of applications and to ensure potential amenity, environmental and landscape impacts are suitably considered.

In taking the above points into consideration, the draft policy (see Attachment 1) contains three components as follows:

- 1) Development guidelines that lists items to be considered in the siting of proposed “Animal Husbandry – Intensive” uses;
- 2) Information required to support proposals to enable informed assessment;
- 3) An interpretation of the definition of “Animal Husbandry – Intensive” describing instances when the definition will not apply.

Process

TPS7 steps out the process for Council to adopt a Local Planning Policy. This includes the need to:

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

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Part 2 of Town Planning Scheme No.7 sets out the requirements and processes for the preparation and adoption of a Local Planning Policy. The requirements of TPS7 will be followed.

Voting

Simple Majority

Financial Implications

Advertising costs within Local Paper

Strategic Implications

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

Outcome 1.5 - Our rural lifestyle is maintained

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

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

The Committee notes the opportunity to provide comment during the advertising period and request to be advised when the advertising period commences.

Note: Committee members reported that they believe the Policy could be strengthened plus Clause 4 (b) “through or” should be deleted.

Item 10.2.1 provided for Councillors information only

10.2.2	SUBJECT:	DEVELOPING	DONNYBROOK	PROJECT
		UPDATE		
	Location:	Shire of Donnybrook-Balingup		
	Applicants:	Administration		
	Zone:	N/A		
	File Ref:	TP 15		
	Author:	Bob Wallin (Principal Planner)		
	Report Date:	13 March 2014		
	Attachments:	Nil		

Background

Council at its November 2013 meeting resolved to

- “1. Appoint TME to prepare the Developing Donnybrook Strategy for the tendered fee of \$65,560.00, excluding GST.*
- 2. Establish a Working Group consisting of four elected members, representatives from the SWDC, Council’s Chief Executive Officer and Council’s Town Planner.*
- 3. Provide the Working Group with the ability to invite government agencies and members of the public for specific sessions.*
- 4. Invite TME to attend an inception meeting.”*

A working group has been established and on the 6th February, the Working Group met with TME for the inception meeting.

Initial comments were provided regarding background information and process. TME has provided the following progress report:

“Stage 1 involves the inception meeting (completed), a review of existing documents, the development of an aspirational strategic direction, identification of potential growth drivers and population objectives. Once these are collated we would seek validation of these through the committee, for presentation/discussion with community representatives.

It is our intention that the work involved putting the information and draft drivers would be completed by the 14th March. We would submit this to the Shire to give the committee time to digest before a meeting at the end of march/early April.”

Comment

The Strategy is to develop a long term vision for the future development of the Shire. This Strategy is to look beyond the 10-15 year timeframe of the Local Planning Strategy.

At its heart, the Strategy is to work out what the Shire's population will be in 25 years and what level of housing, services and infrastructure will be needed to support this population.

The Strategy is not intended to be a statutory document. However, it is important to be adopted by the Shire and relevant State agencies. This will guarantee support for the plan and assist in its implementation.

This Strategy provides Council with the opportunity for bold creative thinking. It is a perfect vehicle for Council to strategically guide the nature and direction of its future growth.

The Strategy is to be a living document, with reviews to report on progress and implementation of initiatives.

Project Structure

The project methodology consists of a three stage process as follows:

Stage 1 – Vision Validation

This stage includes an inception meeting with Council and working group, review of existing strategic directions and developing growth scenarios. Growth scenarios are established by viewing local drivers, population objectives, and land use mix.

Stage 2 – Due Diligence and Gap Analysis

This stage centres on data collection and analysis and result in the creation of themed maps. It will look at existing capacity and future needs for facilities and infrastructure based on population scenarios.

Stage 3 – Plans, Strategies, Actions and Implementation

This stage will develop a strategic direction, initiatives and recommendations based on previous stage data. It will include a presentation to Council for comment and modifications before finalisation.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

The Board of the South West Development Commission has approved funding of \$40,000.00 for the purpose of "identifying and obtaining recommendations for current and future State Government agency services in the Shire of Donnybrook-Balingup". A prerequisite of the funding agreement is that "the proposal is to expand current planning work being undertaken by Council. To include an analysis of State Government services, gaps and future demand.

It is proposed to extend the engagement process being developed in the Shire and add this work to the Shire's proposed scope of work.

The preferred consultant tendered a fee of \$65,560.00, excluding GST (Price inclusive \$72,116.00).

Strategic Implications

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

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

That the Committee note the progress of the Developing Donnybrook Project and request a copy of documentation presented by TME as it becomes available so that comments and advice can be provided to the Working Group.

Note: Item 10.2.2 Provided for Councillors information only

10.2.3	SUBJECT:	AGED-FRIENDLY COMMUNITIES STUDY
	Location:	Western Australia
	Applicants:	N/A
	Zone:	N/A
	File Ref:	PWF14A
	Author:	Bob Wallin (Principal Planner)
	Report Date:	13 March 2014
	Attachments:	Nil

Background

The Shire of Donnybrook-Balingup is undertaking a study to determine how age-friendly the communities within the Shire of Donnybrook-Balingup are in relation to various indicators.

The project is being supported by the South West Development Commission (SWDC). This support includes a grant of \$15,000. The Study will be based on the guidelines of the World Health Organisation's (WHO) Age-Friendly Cities Index Research Project.

A public tender process was undertaken to engage a consultant. The Shire received a high level of interest and submissions received were of a high standard.

The successful consultant is Core Business which presented a proposal that represented good value for money and showed a high understanding of the project's intent as well as demonstrating extensive experience in similar projects.

An inception meeting was held with Council staff, South West Development Commission representatives and the consultant team on 6th March 2014.

The consultant team is now preparing survey/questionnaire details and Shire staff will be organising venues and dates for consultation meetings.

Comment

The purpose of the study is to ascertain how age-friendly the Shire of Donnybrook-Balingup is in relation to the subject areas:

1. outdoor spaces and buildings;
2. transportation;
3. housing;
4. respect and social inclusion
5. social participation;
6. communication and information;
7. civic participation and employment; and
8. community support and health services.

The Shire will appoint a suitably qualified consultant with research, strategic policy, facilitation and community engagement skills to conduct community consultation involving a series of workshops and interviews with older adults, carers and service providers within the Shire according to specified guidelines.

The study will be conducted February – May 2014. The findings of the study will be presented to Council in a report which will help to inform Council decision making in the future.

Consultation

A Project Steering Group has been established, consisting of Shire Officers, South West Development Commission and the consultant. A Project Reference Group will also be established and made up of key older adults from throughout the region. Both groups will meet with the consultant regularly throughout the project.

Community consultation will also involve at least 4 workshops of between 10-12 participants, two in Donnybrook and two in Balingup – one with people aged 55 to 74 and one with older people 75+.

A workshop for carers of older people in both Donnybrook and Balingup will also be conducted. Service providers including private, not-for-profit and government service providers that service older people within the Shire will also be consulted, with one workshop for each of the three types of service providers.

The Project may also require one-to-one interviews to collect information from key stakeholders who are unable to attend the workshops.

Policy/Statutory Implications

Policy

Policy 2.13 – Tender, Quotations and Regional Price Preference
Local Government Tender Regulations

Statutory

N/A

Voting

Simple Majority

Financial Implications

A grant of \$15,000 has been received from the SWDC.

Strategic Implications

This project will enable Council to meet Objective 3 and 4 of the Shire's Strategic Plan.

- Social – A healthy, safe and inclusive community enjoying a high quality of life, and
- Civic Leadership – A progressive, actively engaged community working in partnership to achieve our aspirations.

Officer's Recommended Resolution

The Committee resolve that:

- 1) **Request that it be informed of the progress of the study;**
- 2) **Request involvement in the study;**
- 3) **Nominate a representative as a contact point for the Project Reference Group.**

Committee's Recommended Resolution

The Committee resolved to:

- 1) **Request that it be informed of the progress of the study;**
- 2) **Request involvement in the study;**
- 3) **Nominate Jan Helsham as a contact point for the Project Reference Group.**
- 4) **Request a copy of "Towards Ageing in Place: A Report on Community Attitudes toward Ageing and Caring Services in Balingup-Mullalyup, Western Australia" be forwarded to all Committee members.**

Motion

Moved: Cr

Seconded: Cr

That Council:

- 1) **Keep the Balingup Community Advisory Committee informed of the progress of the study;**
- 2) **Keep the Balingup Community Advisory Committee involved in the study;**
- 3) **Recognise Jan Helsham as a contact point for the Project Reference Group; and**
- 4) **Provide a copy of "Towards Ageing in Place: A Report on Community Attitudes toward Ageing and Caring Services in Balingup-Mullalyup Western Australia" to all Committee members.**

10.2.4	SUBJECT:	RV FRIENDLY TOWNS
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Balingup Community Advisory Committee
	Zone:	N/A
	File Ref:	TP 07/1
	Author:	Bob Wallin (Principal Planner)
	Report Date:	13 March 2014
	Attachments:	Nil

Background

The Balingup Community Advisory Committee at its meeting 11 February 2014 requested information be provided regarding the requirements of Balingup becoming a Recreational Vehicle Friendly Town.

The RV Friendly Town initiative is driven by the Campervan and Motorhome Club of Australia (CMCA). The CMCA has over 65,000 members. The CMCA promotes the economic advantages to small towns providing RV tourists specific amenities. There are presently 23 RV Friendly Towns within Western Australia.

To qualify for a RV Friendly Town (RVFT), the following essential criteria need to be satisfied:

- Provision of appropriate parking within the town centre, including access to a general shopping area with groceries or fresh produce;
- Provision of short term (24/48 hour) parking for self-contained vehicles within the town precinct;
- Access to potable water;
- Access to a free dump point within the town precinct.

There is also a list of desirable criteria which includes:

- Provision of long term parking for self-contained vehicles;
- Access to medical facilities or an applicable evacuation plan;
- Access to a pharmacy or a procedure to obtain pharmaceutical products;
- Visitor information centre with appropriate parking facilities within a reasonable distance;
- To provide a town map showing essential facilities such as the local hospital, medical services, fuel, shopping area, dump point, fresh water, etc;
- RV friendly town sign to be erected within the town precinct.

Another category RV Friendly Destination exists for small towns. The Destination will have an area for overnight or longer stays for travellers in recreational vehicles.

The CMCA provides information on how to apply for RVFT status.

Comment

In considering the merits of becoming a RVFT, the following facts should be given thought:

- 1) The town already provides parking spaces for RVs within the town - near the “Packing Shed”. There is potential to improve signage regarding this opportunity.
- 2) The Town already has a transit park that provides informal spaces for over 17 sites. This facility provides public toilets, shower facilities and potable water.
- 3) Advice received from the transit park manager shows that the facility is operating well below capacity. The transit park is only full approximately 5 times a year (soccer weekends, carnival weeks etc). On long weekends the park usually has 10 sites in use and on average weekends generally 3 sites are in use.
- 4) There will be a need to provide a “dump point” to satisfy the criteria of the RVFT. The town is not connected to a reticulated sewerage system. Advice received from the Health Department confirms that a storage facility can be provided. This will require funds to be obtained to construct and maintain. Maintenance upkeep will include the need to pump out the facility which involves a per visit cost of approximately \$500.00. Such a facility will require careful management and will present a management risk to Council as there is potential for any failure or overflow to pollute the nearby local river system.
- 5) There is potential that any future uses on the site will need to address “site contamination” considerations placed by the existence of the storage facility.
- 6) The CMCA promote the notion that the RVFT generates significant tourism traffic and activity to towns involved. This claim needs to be viewed with some caution. The Shire of Boyup Brook has been a RVFT for the last three years. It became involved in the project to reduce litter problems generated by uncontrolled parking within the Shire. Discussion with the Shire indicated that they have not noticed any measurable difference in tourist activity.
- 7) The RV community is mainly motivated by obtaining cheap or free camping areas and generally present a low daily spend within towns when compared to other tourist types.

In considering the above, it is concluded that the Balingup Townsite already has suitable capacity to accommodate recreational vehicles and that the potential benefits verses costs do not necessarily represent the best value in attracting tourist activity to the town.

A low cost option could be to provide improved signage to advertise spaces and location for parking of RVs and camping facilities available within the town.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

The provision of a “dump site” and signage will require funding. There is presently no budget available for this exercise.

There may also be a reduction in occupancy and fees collected at the Balingup Transit Park.

Strategic Implications

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

Outcome 4.2 - Maintain long term financial viability

Officer’s Recommended Resolution

That the Committee request Council to review the need for signage identifying spaces for Recreational Vehicle Parking.

Committee’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

- 1) Review the need for signage which identifies the ‘Information Bay’;**
- 2) Provide the location of the Transit Park at the ‘Information Bay’ to inform Recreational Vehicle users; and**
- 3) Consider allocation \$1,000 in the 2014/15 budget to this project.**

10.3 Preston Retirement Village Project Management Team Meeting – 8 April 2014

10.3.1	SUBJECT:	PRESTON RETIREMENT VILLAGE
	Location:	152 Sharp Street, Donnybrook
	Applicants:	Donnybrook-Balingup
	Zone:	Special Use Aged Person Accommodation
	File Ref:	CSV 01/9
	Author:	J Attwood – CEO (Judy Franks, Executive Assistant)
	Report Date:	24 March 2014
	Attachments:	10.3.1 Summary of Amendments

Background

At the Committee meeting held on the 19th November 2013 it was recommended:

“That Council officers prepare tender documentation and advertise tender to complete Units 12 and 13 at Preston Retirement Village.

and

That the selection criteria for the tender for the completion of Units 12 and 13 is:

Qualitative Criteria

<i>Key Personal Qualifications, Skills, Experience and Capacity</i>	<i>30%</i>
<i>Occupational Safety & Health</i>	<i>10%</i>

Quantitative Criteria

<i>Price</i>	<i>60%</i>
	<i>100%”</i>

Comment

Units 12 & 13

The tender for the completion of units 12 and 13 has been prepared and advertised. The tender closes on the 2nd April 2014.

To date Council has received enquiries from eight contractors.

Unit 8

Notwithstanding that Council has received a valuation of \$280,000 the Executors of the Estate of the late Mrs Bennet have indicate that they are not prepared to market for anything less that the purchased price of \$325,000. The Executors have also advised that they do not wish to market through a real estate agent.

Legal advice has been provided as follows:

“The "selling price" or what is more correctly the agreed loan marketing value for a new lease grant is agreed between the Shire and the outgoing resident or that person's Executor (if deceased). If agreement cannot be reached then the value is determined by a registered Valuer who has experience with retirement village leasehold schemes. See clause 13.3.

The Shire owns the freehold and is responsible for marketing all units including "re-sales". The outgoing resident does not have any interest in real estate to sell as such but has a financial interest in the outcome of a successful re-sale by leasing. The Shire can market without using a real estate agent or it can choose to use an agent. The Shire does not have to appoint an agent that the outgoing resident suggests be used. The Shire has to use all reasonable endeavours to re-sell by leasing and to do this it might particularly in a tight market be considered necessary to ensure that all is being done to satisfy the reasonable endeavours obligation. The decision to appoint an agent rests with the Shire”.

Options

- 1 Allow the unit to stand vacant until it is occupied which may necessitate Council buying the unit at the end of the three year period and then sell at the market value.

New Section 55 – relates to applications to the State Administrative Tribunal (SAT) in relation to residence contracts' compliance with regulations under section 14A.

Amended Section 56 – relates to Powers of the Tribunal (SAT) in relation to recreation and entertainment services and amenities.

Sect 57A – relates to residents appeal to the Sat on recurrent charges or levies.

New Part 5A Section 75A to 85I – relates to the appointment of a statutory manager by the SAT.

New Sections 76 and 77A to 77C and regulations – relates to certain persons not to be involved in village management.

Amended Section 80 – relates to the extension of time for proceedings.

Amended Section 82 – relates to penalties for offences against the regulations.

Attachment 3.1.1 provides a summary of the above amendments.

The main impact for Council at this time is new section 23 and its regulations – limitation on liability of outgoing non-owner residents to pay recurrent charges.

A former non-owner resident's liability to pay recurrent charges after they permanently vacate the Village, ceases in accordance with the regulations.

The proposed Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014) provide that this will be six months for residents on existing contracts and three months for residents on new contracts (signed after 1 April 2014), allowing for probate delays if a former resident is deceased.

Once a former non-owner resident's liability has ceased, the administering body will have to cover the cost of the recurrent charges and will be prohibited from recovering those costs by increasing recurrent charges or imposing additional operating fees or charges on other residents within the village.

Sections 13 and 14 amended – increased disclosure and cooling off periods.

Increase in the time for prospective residents to consider pre-contractual disclosure information from 5 to 10 working days.

Increase in the 'cooling off' period following entry into the residence contract (ie the date of signing), during which a resident can rescind the contract without penalty:

- From 5 to 7 working days where the pre-contractual documents have been given to the prospective resident prior to signing of the contract; and
- From 10 to 17 working days from the date on which pre-contractual documents are given to the resident where the required disclosure information was not provided to the resident at least 10 days before the residence contract was signed.

Note: As there are many changes to make to documentation to satisfy legislative reform to the Retirement Villages Act and associated Regulations a cost of \$1,500 has been provided by Pagett & Co to undertake this task.

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

That the verbal report provided by Mike Scott be accepted.

Mr McMullen complimented Council and staff on a job well done on construction of Lukis Street.

10.4.3	SUBJECT:	BALINGUP TOWNSCAPE BUDGET
	Location:	Shire of Donnybrook/Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	TP 07/1
	Author:	John Attwood – Chief Executive Officer
	Report Date:	2 April 2014
	Attachments:	Nil

Background

The majority of funding allocated for expenditure under the banner of the Balingup Townscape Committee should be expended by 30 June 2014.

While the budget allocation for 2014/15 is unknown the Committee may wish to put forward projects for consideration in the 2014/15 financial year.

Comment

There are a number of projects that have been discussed during the year that the Committee could prioritise without a dollar value being assigned, accepting that the budget may amend the projects that can be carried out in 2014/15.

The list below is a suggested starting point:

- Pedestrian bridge over Balingup Brook
- Solar lighting over Swamp Park Walkway
- Walkway from South West Highway Bridge to Birdwood Park Bridge
- Forrest Street parking
- Post and rail fence, Yarri Park

The Balingup Townscape Plan has identified a number of other projects that could also be considered:

- Detailed tree planting plan
- Entry Statement
- Forrest Street – parking and road upgrade
- Balingup Brook Weir

Additional Basketball Training Backboard and Hoop

The DABA has reviewed locations within the Centre and found that there is space to install an additional training backboard and hoop. It is envisaged that this additional training backboard would only be a quarter of the length of the currently installed units either in a fixed location or have the ability to fold away to the wall.

Comment

The DABA have 203 registered players with the club this year (2013/2014).

The DABA use the courts on a Tuesday night from October to March/April. They also use the courts on a Friday night from November to March. The DABA would like to also use the courts over winter but not on a Tuesday as it clashes with Football, but no other nights are available at the Donnybrook Recreation Centre.

Extending the Donnybrook Recreation Centre to incorporate a third court is a major undertaking and needs to be planned for accordingly in consultation with the Centre's user groups as it will impact on all users of the Centre. Depending on space and design the gym, crèche, storage and mezzanine may need to be removed.

Extending the Centre was not identified in the Shire's Strategic Community nor is there any financial allocation in the Forward Capital Works Plan or Corporate Business Plan.

Council would need to undertake a feasibility and options study to determine the logistics of extending the basketball court area and relocating existing storage, crèche, gym and parking facilities. The feasibility would also include determining the costs of such a project.

Council would also need to assess its financial capacity to fund not only the project but any long term maintenance and replacement items for the Centre.

The South West Sports Centre and the Shires of Dardanup, Harvey, Bridgetown-Greenbushes and Manjimup all have three basketball courts in their recreation facilities.

Consultation

The Shire President and CEO met with Bill Brown, Vice President of the Donnybrook Amateur Basketball Association.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple majority

Risk Assessment

Extending the Donnybrook Recreation Centre will impact on the programs being offered, the users of the Centre and may affect the income being generated by the Centre.

Financial Implications

There are no funds allocated in the 2013/14 budget to assist with this project.

Strategic Implications

The Shire's Strategic Community Plan has identified the following outcomes:

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

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

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

Officer's Recommended Resolution

- 1. That Council allocated sufficient funds in the 2014/15 budget to carry out a feasibility/options study to design, construct an additional covered area at the Donnybrook Recreation Centre to accommodate a third basketball court.**
- 2. That Council cost the installation of a sliding mesh door to the double door access way.**
- 3. That Council staff in consultation with the Donnybrook Amateur Basketball Association design and cost the installation of an additional training backboard and hoop.**
- 4. That Council consider in the 2014/15 budget installation of two Macro fans in the sports arena.**

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

- 1. That Council staff arrange a meeting of user groups at the Donnybrook Recreation Centre to ascertain future use of the Centre and include a representative from the Department of Sports and Recreation at that meeting.**
- 2. That Council allocate sufficient funds in the 2014/15 budget to carry out a feasibility/options study to design, construct an additional covered area at the Donnybrook Recreation Centre to accommodate a third basketball court.**
- 3. That Council cost the installation of a sliding mesh door to the double door access way.**

11.2 *Manager Works & Services*

11.2.1	SUBJECT:	LIGHT VEHICLE REPLACEMENT PROGRAM 2013/14
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	WRK06/1
	Author:	Michael Scott, Manager Works & Services
	Report Date:	15 April 2014
	Attachments:	Nil

Background

Council's 2013/14 Budget contains provision for the replacement of a number of light vehicles. In the period since the budget was adopted, various factors have necessitated some minor changes to the light vehicle replacement program. As these changes have an impact on the manner in which approved budget funds are to be spent (without exceeding the overall allocation), Officers want to inform Council of the adjustments.

Comment

The Council's 2013/14 budget approved the replacement of the following light vehicles:

- DB112 Works Supervisor Utility
- DB102 Balingup Gardener's Utility
- DB646 Maintenance Grader Operator's Utility
- DB346 Toyota Camry (to be replaced by Dual Cab Utility to be used by the Senior Engineering Technical Officer)

The total budget allocation for purchase, trade and changeover for the above is as follows (ex GST):

- | | | |
|--------------|--|-----------|
| • Purchase | | \$125,000 |
| • Trade | | \$44,000 |
| • Changeover | | \$81,000 |

Changes to the light vehicle replacement program, discussed further below, have resulted in the following revised budget (ex GST):

- | | | |
|--------------|--|----------|
| • Purchase | | \$94,860 |
| • Trade | | \$34,090 |
| • Changeover | | \$60,769 |

It should be noted that the revised purchase figure above is approximate as the licencing costs that are included in each purchase price will vary slightly depending on when the new vehicles are delivered. The new vehicles are to be registered with an expiration date of 30 June 2014 to bring them into line with the remainder of Council's licenced fleet therefore the time remaining from the date of registration until 30 June will dictate the final licencing costs, however any variations will be minor.

The main departure from the approved budget is the deferral of the replacement of DB646, the maintenance grader operator's utility. Officers recommend the retention of the current Toyota Hilux as it is set up for the role with a bulk fuel tank and draw bar to allow the vehicle to be towed behind the maintenance grader. More modern utilities with airbags as standard are not generally compatible with front mounted towing implements such as a draw bar, therefore to equip a new vehicle with such is a complicated and predictably expensive exercise. Since the vehicle in this role does not accrue excessive mileage and the current vehicle is in good condition it is recommended to retain the vehicle at the present time and consider replacement in later years. The vehicle is safe and roadworthy and fit for its purpose and the recommendation will not impact on the Works and Services Departments capacity to efficiently deliver its programme of works.

The other departure from the approved budget is that the purchase price of the dual cab utility to replace the Toyota Camry (approximately \$36,624 ex GST) is greater than the budgeted amount of \$25,000.

Overall, taking into account the deferral of the grader operator's utility, which has a dual effect of reducing overall purchase price but also reducing the overall trade value, slightly higher than budgeted overall trade value on the three vehicles to be replaced, and the increase in purchase price of the vehicle to replace the Toyota Camry pool vehicle, the net effect to the 2013/14 budget is a saving of approximately \$20,231.

With two remaining plant replacements still to be purchased (a backhoe or similar machine and the rubbish/town gardener's truck), officers recommend that the savings resulting from the recommendation be utilized to allow flexibility in negotiating the best outcome for the remaining equipment.

Consultation

The CEO, acting finance manager, grader operator and relevant Works and Services officers were consulted in this recommendation.

Policy/Statutory/Voting Implications

Policy

A change in plan to the Council's approved expenditure plan requires approval.

Statutory

N/A

Voting

Absolute Majority

Risk Assessment

Council's fleet is compliant with WALGA safety standards and sourced from on the state and local government approved preferred suppliers list.

Financial Implications

A minimum of three quotes have been received from the approved WALGA preferred supplier lists.

Strategic Implications

In accordance with the Shire of Donnybrook-Balingup's Corporate Strategic Plan:

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

Maintain and enhance Shire Assets.

Attract and retain staff.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

- a) **Defer the changeover of DB646 Maintenance Grader Operators ute;**
- b) **Endorse the purchase of the Technical Officer's dual cab ute at the price of \$36,624 (Budget \$25,000); and**
- c) **Allocate any residual funds from the purchase of light vehicles towards possible shortfall in major plant replacement.**

Absolute Majority Decision Required

11.2.2	SUBJECT:	DECLARED PEST MANAGEMENT – AUDITOR GENERAL REPORT DECEMBER 2013
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Works & Services
	Zone:	N/A
	File Ref:	WRK 15/8
	Author:	Michael Scott (<i>W&S Manager</i>) and Debbie Brace (<i>Environmental Officer</i>)
	Report Date:	14 April 2014
	Attachments:	Nil

Background

The purpose of this item is to present to Council the current issues regarding cotton bush management so that a formal position can be determined. This includes identifying the Department of Agriculture WA and the newly formed Regional Biosecurity Group as being responsible for cotton bush control, management, infringements and notifications, rather than Council. Currently the Shire of Donnybrook-Balingup does not have the resources to effectively manage a cotton bush control programme.

Western Australia has approximately 169 plants and animals listed as being "Declared Pests". These include both introduced flora and fauna species. Pests are a huge financial threat to agriculture; they cause serious damage to fragile ecosystems and populations of

native species and can even affect health and social amenity. Pest species also have the potential to impact on property values, business viability and the liveability of districts.

In December 2013 the Officer of the Auditor General released a report “Managing the Impact of Plant and Animal Pests: A State Wide Challenge”. The report provided a thorough assessment of the current activities of State agencies in controlling pests and implementing legislative requirements.

The Department of Agriculture and Food Western Australia (DAFWA) is the lead agency charged with the responsibility of administering the Biosecurity and Agriculture Act 2007 (BAM Act). However, due to resourcing and financial constraints, DAFWA have indicated that the organisation cannot effectively manage all established pests state-wide on its own and needs the cooperation and collaboration of landholders and other government agencies. It is clear from the Auditor General’s report that current levels of cooperation and collaboration fall short of those needed for effective pest management.

DAFWA have stated that their priority is to prevent new pest and plant and animal diseases entering the state and to enable early intervention in eradicating those pests that do enter. DAFWA have indicated that this approach represents the area of greatest economic return in the control of pests.

For pests that are already established in the state, DAFWA undertakes minimal pest control activities itself and has formed partnerships with some regional and local groups. Most of these arrangements are in the Central, Northern and Eastern land districts.

Due to continuing reductions in funding and resourcing DAFWA’s primary focus is to establish community based groups to assist in the management of pests. These groups would become formal committees under the BAM Act 2007 as “Recognised Biosecurity Groups” (RBG’s). The RBG, if established, will act as the initial point of contact and primary source of information for all pest related matters.

The Shire of Donnybrook-Balingup has been involved with surrounding local governments in attending public meetings, distributing information, initiating media advertising and assisting with regional discussions at a local government level. The main focus of the Shire has been the ongoing control and management of the declared weed – Narrow Leaf Cotton Bush.

At this stage the Council has not been requested to consider joining an RBG however the Shire will continue to play a significant part of any discussion on the matter. Before Council can consider joining a regional RBG it is suggested that the recommendations of the Auditor General’s report be actioned by DAFWA.

Whilst DAFWA consider the recommendation of the Auditor General’s report there are time critical issues facing all landowners in the region. For communities in the Shire of Donnybrook-Balingup there are serious concerns over the expanding infestations of Narrow Leaf Cotton Bush and other declared weeds.

This report to Council presents information from the Auditor General’s Report and describes how declared weeds such as Cotton Bush can impact landowners. It is recommended that Council use the release of the Auditor General’s report to highlight the frustration of landowners who are generally trying to control declared weeds with limited support and minimal enforcement action from the Department of Agriculture and Food WA.

Legal implications

Narrow Leaf Cotton Bush is a declared weed under the Western Australian Organism List as part of the BAM Act 2007 with a classification of “C3 - Management”. C3 pests are assigned to this category if they are established in Western Australia but it is feasible, or desirable, to manage them in order to limit their damage. Control measures can prevent a C3 pest from increasing in population size or density or moving from an area in which it is established into an area which currently is free of that pest.

All landholders have a responsibility to control declared pests on their land. Monitoring and enforcement is a valuable tool in regulating activities and obtaining compliance with statutory requirements.

If a landholder fails to control a pest they may be issued with a pest exclusion notice or a pest control notice. Private landholders may be issued with a fine if they fail to comply with the notices. If a government agency fails to comply with a notice the Minister for Agriculture is required to table a statement in both houses of Parliament to that effect.

The Auditor General Report noted that DAFWA had not issued any pest control or exclusion notices to government agencies even though Department of Parks and Wildlife advised that it does not have the capacity to effectively control all pests on land that they manage.

In relation to privately owned land, between 2002-03 and 2011-12 there was a 55 per cent fall in the number of property inspections and a 99 per cent fall in the number of compliance notices issued to private landholders.

In 2002-03 a compliance notice was issued for every 71 inspections but by 2011-12 a compliance notice was issued every 2 260 inspections. This means that a landholder was 30 times less likely to be issued with a compliance notice in 2011-12 than a decade earlier. In the same period, the number of times DAFWA hired a contractor to conduct pest control on a landholder’s property and recovered the costs from the landholder went from nine to zero.

The Audit considered why the number of inspection and control notices had gone down. DAFWA informed the Auditor General that reductions in its overall resourcing meant that it has not had staff on the ground to conduct enforcement. However, it also advised that it intends to enforce compliance as a part of a community coordinated approach for widespread and established pests where it is feasible and effective to do so.

Unfortunately there does not appear to be any significant change to the enforcement prosecution process under the RGB model that would enable a more efficient enforcement process to be established. In some ways the RGB model may complicate the prosecution process as DAFWA would generally not initiate enforcement action against a private land owner unless an RGB had made a recommendation and only after a process of consultation and education.

Comment

The Shire and individual landowners continue to receive very good support from the regional DAFWA Biosecurity Officers. However the ability of these officers to attend to each request is extremely limited. The lack of enforcement action by DAFWA is often highlighted as being the reason why many pests continue to infiltrate new areas and establish incursions worsen year by year.

The most frequent concern expressed by landowners is the apparent lack of meaningful enforcement action imposed on landowners who blatantly ignore their responsibilities to manage pests on their property.

As a result of the lack of enforcement action by DAFWA many weed infestations remain uncontrolled and some properties become increasingly problematic for neighbouring properties owners who are making an effort to control pests.

Consultation

It is acknowledged that controlling new and established pests is a complex issue and to be effective requires collaboration between stakeholders. There are thousands of landholders with diverse and sometimes competing land uses. These include state government agencies, local governments, pastoralists, agriculturalists, lifestyle properties and horticulturalists.

The BAM Act provides a framework for holistic biosecurity regulation, however the funding required for pest control across the vast and diverse Western Australian landscape is not available. For this reason DAFWA are looking for RBG's to be established in regions and for the activities of the RBG's to be funded through a Declared Pest Rate collected by State Treasury.

The idea of greater community involvement and a heightened response to pest issues by state government and land managers does have clear benefits. The members on the interim RGB representing the Donnybrook-Balingup Shire are John Fry, Lindsay Forrest and Sarah Forrest.

Staff are firmly of the opinion that the development of an integrated state-wide pest management plan would help clarify roles and responsibilities and result in agencies integrating pest management activities as normal operating practices.

Staff recommend that Council not commit to any form of action in relation to developing an RBG until such time as DAFWA have completed a comprehensive pest management plan for the state as recommended in the Auditor General's report.

Council are requested to consider the recommendations of the Auditor General's report. It is recommended that Council endorse the recommendations of the Auditor General and use this information to lobby State Parliamentarians in an effort to reinstate critical funding for DAFWA regional officers and targeted pest control programs.

DAFWA should:

1. Ensure that an effective framework for the collaborative management of pests across the state is established;
2. That key roles of government agencies are defined – by 30 June 2014;
3. Develop a state-wide plan for the management of all declared pests – by 30 June 2014;
4. Ensure that information on the spread, abundance and impact of high priority pests is accurate, current and complete;
5. Approve its draft policies and criteria to declare pests; and establish a transparent process that is visible to external stakeholders – by 30 June 2014;

6. Establish a program under which the threat posed by potential and declared pests is subject to periodic documented review – by 30 June 2014;
7. Develop effective prioritisation processes that ensure its operational resources are directed to combating the highest threats – by 30 June 2014;
8. Develop an effective monitoring and evaluation regime to determine whether planned operational outcomes are being achieved – by 31 December 2014; and
9. Where appropriate, make greater use of enforcement mechanisms under the BAM Act to ensure landholders meet their responsibilities to control pests on their land.

In relation to the formation of a Recognised Biosecurity Group, there are several issues that remain unresolved. Key items requiring clarification includes:

- Ability of the RBG or Local Government to appointment of Authorised Officers under the BAM Act 2007
- Declared Pest Rating process and methodology
- Clarification of the proposed changes to improve infringement or prosecution processes
- Confirm the long term funding and support from DAFWA

It is recommended that Council request the Chief Executive Office lobby the Western Australia Local Government Association (WALGA) to seek clarification from DAFWA

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

The control of Cotton Bush within Council managed land is becoming a significant cost to the annual maintenance budget. In 2013/14, year to date, the treatment of Cotton Bush outbreaks has cost Council between \$5,000-\$10,000 in contracted weed spraying (it is difficult to put an exact figure as verge and reserve weed control relates to all weeds not just narrow leaf cotton bush). There are also ongoing costs including selected spraying/hand pulling by Council staff and administrative costs to manage the issue of declared pests. As a conservative estimate, Cotton Bush control and management is estimated to have cost Council close to \$20,000 in the current financial year.

In terms of the direct cost to private landowners it has been reported to Council that some land owners have paid up to \$20,000 to treat outbreaks. Due to the resilience of the Cotton Bush seed and amount of seed a single plant can produce it can be expected that the treatment of an infected property will be ongoing for up to ten years or longer.

For all landowners the impact of weed incursions can be measured as a direct financial cost of control. This would include the cost of herbicide, spray equipment, protective equipment and vehicle expenses. Other costs include losses in production capabilities, loss of grazing

land, reduced capacity to sell produce (eg hay) from effected properties and damage to land from chemical treatments. Infested properties are likely to be subjected to reduced property values.

The measure of secondary costs is much harder to assess but may represent a greater overall impact on the community and individuals. The impact on the physical and mental health of landowners impacted by infestations is very real issue for many families in the district.

Strategic Implications

It is expected that without adequate management of declared weeds on private property, the cost of controlling declared weeds within road reserves and land managed by Council will continue to increase.

As a region, untreated infestations represent a potential risk to long term property values. As infestations “in-fill” or expand to new areas the land becomes less desirable to prospective purchasers. Agricultural activities such as cropping, pasture, horticulture and viticulture within the region will be impacted by infestations of cottonbush unless there is a concerted push to control the spread and better manage existing infestations.

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

THAT Council endorses the recommendation of the Auditor Generals 2013 report “Managing the Impact of Plant and Animal Pests: A State Wide Challenge”, as follows;

DAFWA should:

- 1. Ensure that an effective framework for the collaborative management of pests across the state is established;**
- 2. That key roles of government agencies are defined – by 30 June 2014;**
- 3. Develop a state-wide plan for the management of all declared pests – by 30 June 2014;**
- 4. Ensure that information on the spread, abundance and impact of high priority pests is accurate, current and complete;**
- 5. Approve its draft policies and criteria to declare pests; and establish a transparent process that is visible to external stakeholders – by 30 June 2014;**
- 6. Establish a program under which the threat posed by potential and declared pests is subject to periodic documented review – by 30 June 2014;**
- 7. Develop effective prioritisation processes that ensure its operational resources are directed to combating the highest threats – by 30 June 2014;**
- 8. Develop an effective monitoring and evaluation regime to determine whether planned operational outcomes are being achieved – by 31 December 2014; and**

9. Where appropriate, make greater use of enforcement mechanisms under the BAM Act to ensure landholders meet their responsibilities to control pests on their land.

AND:

That Council seek clarification from the Western Australian Local Government Association (WALGA) of the following items from the Department of Agriculture and Food:

Confirm if a RBG or Local Government will be permitted to appoint Authorised Officers under the BAM Act 2007;

Clarify the process for establishing and setting a Declared Pest Rate and define the process and methodology for administering the revenue raised;

Detail any proposed changes to the enforcement actions and changes to infringement or prosecution processes; and

Confirm what long term funding and support the community can expect from DAFWA in relation to the management of declared pests by an RBG.

11.3 Manager Development and Environmental Services

11.3.1	SUBJECT:	TENDER FOR THE SUPPLY AND TRANSPORTATION OF BULK WASTE CONTAINERS
	Location:	Lot 13799 South Western Highway Balingup
	Applicants:	Various
	Zone:	Public Purposes
	File Ref:	TEN 05/14
	Author:	L Guthridge- Manager Development & Environmental Services (<i>E. Thomas-Principal Environmental Health Officer</i>)
	Report Date:	11 April 2014
	Attachments:	11.3.1 Confidential: Tenderer Pricing

Background

The current contract for the Supply of Bulk Waste Containers at the Balingup Waste Transfer Station and transportation of such containers to the Donnybrook Waste Management Facility expires 30 September 2014. As the expected cost of the replacement contract over the contract term is greater than the tender threshold of \$100,000 a tender process was required. In accordance with its Purchasing & Tender Policy 2.26, Council at its February 2014 meeting adopted the following evaluation criteria for the assessment of tenders prior to the invitation for tenders being advertised:

Qualitative – total 40% weighting as follows:

- Key Personnel Qualifications, Skills and Experience 10%
- Equipment and Machinery 20%
- Administrative Capacity 5%
- Occupational Safety and Health 5%

Quantitative – total 60% weighting as follows:

- Price 60%

Comment

Providing this service to comply with the Shire's requirements and meet service standards expected by the local government and community requires due consideration and selection of an appropriate contractor.

The Shire will seek to appoint a contractor that has proven skills and experience in providing this type of service; has adequate resources in terms of personnel, equipment, machinery and administrative capacity; and offers a competitive price that provides value for money. These attributes have been incorporated within the qualitative and quantitative tender criteria.

The tender was advertised from Saturday 22 March 2014 and closed on Monday 7 April 2014. Council received submissions from two tenderers, being:

- Hastie Waste Pty Ltd
- Jenesti Pty Ltd Trading As Warren Blackwood Waste

The submissions were evaluated against the following:

- Tender completeness
- Compliance Criteria
- Qualitative Criteria
- Quantitative Criteria

The qualitative criteria scores determined for each tender are an average of the scoring by each of the members on the assessment panel. The quantitative price scoring has been determined by applying a formula as outlined in the Western Australian Local Government Association (WALGA) Procurement Handbook to the submitted prices. The qualitative and quantitative scores were then added to arrive at the final score weightings.

The result from the assessment of the tenders is presented below. To maintain commercial confidentiality, the tendered prices are detailed in the confidential **Attachment 1** to this report:

EVALUATION COMPONENT	HASTIE WASTE	WARREN BLACKWOOD WASTE
Tender Completeness	YES	YES
Compliance Criteria	YES	YES
Qualitative Criteria: 40%		
Key Personnel Qualifications, Skills and Experience: 10%	10	8.75
Equipment and Machinery: 20%	18.25	18.5
Administrative Capacity and Customer Service: 5%	4.75	3.25
Occupational Health & Safety: 5%	5	4
Total Qualitative Criteria: 40%	38%	34.5%
Total Qualitative Ranking	1	2
Quantitative Criteria: 60%		
Total Quantitative Criteria: 60%	60%	33.7%
Total Quantitative Ranking	1	2
TOTAL SCORE: 100%	98%	68.2%
TOTAL RANKING	1	2

With the evaluation process complete, Hastie Waste has ranked the highest based on the total score of the qualitative and quantitative combined weightings. Hastie Waste submitted a comprehensive, conforming tender with sound evidence of their capability with regards to the requirements in the tender specification, and as such it is the Officers recommendation that they be awarded the tender as per the resolution to this report.

Consultation

The tender was advertised from Saturday 22 March 2014 and closed on Monday 7 April 2014. Adverts were placed in the West Australian State newspaper, South Western Times newspaper and on the Shire's and LG Net websites.

In accordance with Council's Purchasing and Tender Policy 2.26, the assessment panel for the tender comprised two Shire staff with skills and experience relevant to the contract: the Principal Environmental Health Officer and consultant Project Manager.

Policy/Statutory/Voting Implications

Policy

The tender process including assessment was undertaken in accordance with the Shire's Administration Policy 2.26 Purchasing & Tender. The Shire's Administration Policy 2.21 Regional Price Preference was given consideration in the assessment process however does not result in a change to the recommendation of this report.

Statutory

The *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996* detail the requirements for local government tendering.

Voting

Simple Majority

Financial Implications

Council will need to budget the successful tendered price for the contract in the 2014/2015 Shire Budget.

Strategic Implications

Shire of Donnybrook-Balingup Strategic Community Plan:

Outcome 4.5 Continue to provide quality local government services and facilities;

Outcome 2.2 Efficient and effective waste management;

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

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council award Tender 03/2014 'Supply and Transportation of Bulk Waste Containers' to Hastie Waste Pty Ltd, commencing 1 October 2014 with a contract term of forty-five (45) months plus one (1) three (3) year option to extend the term, for the following submitted rates:

- **Item No.1 Supply and Transportation of Bulk Waste Containers: \$43,800.00 (ex GST) per annum;**
- **Item No. 2 Additional Supply and Transportation of Bulk Waste Containers: \$0.00 (ex GST) per container.**

11.3.2	SUBJECT:	APPOINTMENT OF FIRE CONTROL OFFICER- UPPER BALINGUP LOCALITY
	Location:	Upper Balingup Locality, Balingup Bush Fire Brigade
	Applicants:	Mr Richard John Roach
	Zone:	N/A
	File Ref:	FRC 02/7
	Author:	L. Guthridge- Manager Development & Environmental Services (B. Jeffreys- Senior Ranger)
	Report Date:	22 April 2014
	Attachments:	N/A

Background

Mr Sam Dell'Agostino has resigned as Fire Control Officer (FCO) for the Upper Balingup area that is part of the Balingup Bush Fire Brigade. The Shire has been notified that at the Brigade meeting on 31 March 2014 a replacement FCO, Mr Richard John Roach, was duly nominated and elected.

Comment

Appointment of a FCO for the Upper Balingup area will ensure that the Fire Control Officers' position is filled for the 2014/2015 fire season.

Mr Roach has experience in fire and emergency management and has been an active member of the Upper Balingup Bush Fire Brigade since the 10 September 2013. He has owned land in Ammon Road Upper Balingup since March 2013 and has completed brigade training including induction to the brigade and 'Introduction to Fire Fighting and Bush Fire Fighter'.

Mr Roach was a founding member of the Emergency Response Group and the senior trainer for Offshore Firefighting and Rescue. He was also Captain of the Darradup Bush Fire Brigade Nannup for two years and has spent two seasons with (the then) CALM as a seasonal fire fighter. Mr Roach is prepared to undertake any additional FCO training as required.

It is recommended that Council appoint Mr Roach to the position of FCO for the Balingup Bush Fire Brigade for the Upper Balingup locality.

Consultation

The Balingup Bush Fire Brigade met on 31 March 2014 and elected Mr Roach as the FCO for Upper Balingup.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Council may appoint persons to the position of Fire Control Officer for an area under the provisions of the *Bush Fires Act 1954*.

Voting

Simple Majority

Risk Assessment (Optional)

N/A

Financial Implications

N/A

Strategic Implications

Outcome 2.7.3 of the Shire of Donnybrook-Balingup Strategic Community Plan: Continue to support and encourage participation in local bushfire brigades.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council appoint Mr Richard John Roach to the position of Fire Control Officer for the Balingup Bush Fire Brigade for the Upper Balingup locality.

11.4 Principal Planner

11.4.1	SUBJECT:	RETROSPECTIVE PLANNING APPROVAL FOR WORKERS ACCOMMODATION FOR UP TO 32 PATRONS AND ANCILLARY FACILITIES
	Location:	Lot 8786 (No.226) Mardawarra Road, Mullalyup
	Applicants:	Ms Meryl Giumelli
	Zone:	General Farming - Pastoral
	File Ref:	A4741
	Author:	Bob Wallin (Principal Planner)
	Report Date:	27 March 2014
	Attachments:	11.4.1 (1) – Location Plan 11.4.1 (2) – Site Plan 11.4.1 (3) - Photographs

Background

A retrospective planning approval is being requested for workers accommodation at Lot 8786 Mardawarra Road, Mullalyup (see Attachment 1).

The development contains 7 main building blocks with the following functions:

- 4 dongers. each containing 4 rooms with en-suites and providing a total accommodation for up to 32 patrons;
- A communal lounge/recreation area with laundry;
- A communal kitchen and dining building;
- An office and “smoko” shed (see Attachment 2).

It is also proposed as part of this application to obtain planning approval to place a roof structure over the dongers to improve comfort for workers (see 11.4.1(2)).

The development is setback 20m from Mardawarra Road and 350m from the rear boundary and 420m to the western side boundary and 280 to the eastern boundary.

The balance of the property is used for an established orchard operation.

Preliminary landscaping work has been undertaken with a reticulated row of olive trees planted with the intent to provide a visual barrier and to catch any potential spray drift.

The accommodation is required to assist in improving availability of workforce required for the success of the orchard enterprise.

A potable water supply is provided by tankering as there is no alternative potable water supply available in the locality. A septic system is in place, however, approval will be required by the Health Department of Western Australia to confirm that the system will be of a suitable capacity.

Comment

The land is zoned “General Farming – Pastoral” under Town Planning Scheme No.4 (TPS4).

The proposed use of “Workers Accommodation” does not fall under any particular use listed in the Land Use Table.

Clause 3.2.5 sets out the process for assessing the acceptability of a use in this situation and enables Council to:

- “a) *Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or*
- b) *Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and may thereafter be treated as a use that may be permitted unless the Council requires it to be advertised by following procedures of Clause 8.2 considering an application for planning consent.”*

Development requirements for the General Farming – Pastoral zone is set out in clause 6.8 of TPS4. The aims and objectives of this zone are to:

- a) Protect the economic viability of the General Farming Pastoral areas;
- b) Encourage developments which will improve the Shire’s population base;

- c) Recognise aesthetic and tourism importance of the scenic landscape.

Clause 6.8.6 requires a minimum boundary setback of 10 metres.

Proposed Town Planning Scheme No.7 (TPS7) is a seriously entertained proposal and its requirements need to be given consideration in the decision making process.

The land is zoned “General Agriculture” under TPS7 and introduces the following relevant facts to the assessment process:

- 1) An expanded zoning table with new land use designations, including “Backpackers” which is defined as:

“means premises used for the short term accommodation of persons either in separate bedrooms or communal dormitories, and includes the provision of communal kitchen and living facilities.”

- 2) Clause 5.17 which provides guidance on the general appearance of buildings and preservation of amenity. This clause provides details on qualities to have regard for in the assessment process, including:

- External appearance of the building
- Dimensions and proportions of the building
- Materials used
- Effect of the building or works on nearby properties and occupants
- The effect on the landscape and environment generally.

- 3) Clause 10.2 which outlines a list of matters to be considered by Council in making a decision. Clause 10.2 includes requirements such as:

- The compatibility of a use or development with its setting, including potential impact on the use and enjoyment of adjacent and nearby land;
- Any social issues that have an effect on the amenity of the locality;
- The preservation of amenity of the locality;
- Whether public utility services are available and adequate for the proposal;
- Whether adequate provision has been made for access by disabled persons;
- Whether adequate provision has been made for landscaping
- Any relevant submissions received on the applications
- Any other planning consideration that the Shire considers relevant.

- 4) Clause 4.5 provides expanded text relating to the purpose and objectives of the “General Agriculture Zone”. Key points raised in this provision are:

- Provide for the sustainable use of rural land to accommodate a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality.”

- Encourage the protection of rural infrastructure and agricultural land
 - Encourage the use of land for commercial agricultural production
 - Protect the economic viability of the area
 - Recognise aesthetic and tourism importance of the scenic landscape.
- 5) Clause 5.45.8 provides details on development standards, including a front setback requirement of 30m. It is noted that clause 5.54.8.2 provides scope for Council to consider a reduction in this requirement when taking into account visual impact, servicing/infrastructure implications, environmental impacts and possible bush fire hazards.

Two submissions objecting to the proposal have been received during the advertising period. The issues raised in the submissions are summarised as follows:

- a) Historically, Council has advised other landowners that dongas will not be supported;
- b) Council has chosen to turn a “blind eye” to landowners installing dongas on their properties without planning approval;
- c) There is a no real incentive for landowners to follow correct planning procedures if the only risk is to obtain a retrospective planning approval;
- d) The Shire needs to support small businesses as they provide the backbone to a thriving community. Supporting this proposal will favour big operators;
- e) Mullalyup survives on farming and servicing seasonal works. The scale of the development will monopolise the market and impact on small operators
- f) It is alleged that to work at the orchard it is conditional to stay on site. This is an anticompetitive practice.

In assessing the suitability of the proposed use and development, the following points should be considered:

- 1) The proposed use of the buildings for workers accommodation can be reasonably considered as an ancillary or incidental component to the overall functioning of wider horticultural activity occurring on the site.
- 2) The proposal is to accommodate the orchards casual workforce on site. This is intended to increase the economic viability of an established orchard by removing risk in potential workers not being able to find nearby accommodation at reasonable rates.
- 3) The proposal improves reliability and access to workers as it provides on-site accommodation and it enables a complete and simple package for attracting workers to the orchard.
- 4) The proposal increases the viability of the orchard which is consistent with the key principles and objectives of the General Agriculture Zone. Specifically, seeking to protect the economic viability of the area and encourage the use of rural land for commercial agricultural and intensive agriculture.

- 5) The proposed building design and use is not focused on attracting “tourists” to the site. Rather its focus is in providing a local workforce with conveniently located housing and providing workers with communal amenities. This focus on supplying workforce accommodation removes potential for land use conflicts with the surrounding orchard operation that could arise with a similar sized tourist accommodation development.
- 6) Clause 5.36 of TPS7 places restrictions on the extent and scale of chalets, cabins and guesthouse uses in the General Agricultural zone. For lots over 20 hectares, the number of chalets, cabins or guesthouse accommodation permitted shall not exceed 6 chalets or cabins or 12 guest bedrooms. It is noted that a total of 32 beds are provided on this site. However, the development is not intended to accommodate a large scale tourist accommodation facility. The proposal is to provide accommodation for the orchards seasonal workers, essential to the functioning of the horticultural enterprise. If supported by Council, it is recommended that a condition be imposed to restrict accommodation to exclude potential for general tourist accommodation.
- 7) The building complies with the setback requirements under TPS4. The requirement to relocate the buildings a further 10 metres from the street to comply with TPS7 needs to be considered in the context of:
 - i) potential amenity benefits against costs and reasonableness;
 - ii) the extent that the road is used; and
 - iii) potential for appeal and the likelihood that an appeal will be successful.
- 8) Issues associated with anticompetitive practices fall outside the scope of the planning approval assessment process. Concerns about management practices can be addressed through the Australian Competition and Consumer Commission (ACCC). The ACCC is set up to promote competition and fair trade in the market place to benefit consumers, business and the community;
- 9) The applicant has been advised of Council’s powers under the Planning and Development Act to prosecute. Section 223 of the Planning and Development Act 2005 provides Council with the ability to issue fines for \$200,000.00 per offence and a further fine of \$25,000.00 for each day during which the offence continues. There is also opportunity to prosecute under Building and Health Legislation. If Council is of the view to prosecute, the following points should be taken into consideration:
 - i) the extent that the proposal represents a hazard to health and safety. The Shire’s Principal Health, Planning and Building officers have inspected the development and concluded that there is no safety and health issues that require immediate closure of activity;
 - ii) the ability for the development to comply with the planning framework and Health and Building requirements. The proposal has potential to comply with normal requirements;

- iii) The extent to which such a fine will have on the operational viability of the orchard. Issuing such a fine while technically justified will have a real risk of shutting down a successful commercial horticultural operation which generates income and employment opportunities in the Shire.

10) The building design (see photo graphs in Attachment 3) illustrates a workers accommodation aesthetic common to remote locations and large working farms. There are no local planning policies that stop consideration of dongers or transportable structures being approved within the General Farming – Pastoral or General Agricultural Zones.

Clause 5.21 of TPS7 provides commentary on relocated second hand buildings. This clause requires Council to be satisfied that the buildings are in a satisfactory condition and the design and location will not adversely affect the amenity of the locality.

11) The visual intrusion of the development is limited by the road alignment, orchard plantings and topography. Long range views of the development are limited due to the curves and undulations in the road. Landscaping treatments combined with selection of colour schemes more sympathetic to the local landscape can significantly assist in blending the built form into the local landscape.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Town Planning Scheme No.4

Clause 3.2 and 3.5 Zoning Table outlines use classes applicable to specific zones. The proposed use of workers accommodation is not specifically listed in the zoning table.

Clause 3.2.5 provides details on how Council can assess uses not specifically listed. The proposal has been publically advertised in accordance with specified requirements.

Clause 6.8 defines the aims and objectives of development in the General Farming – Pastoral Zone. The proposal is consistent with the broadly stated objectives of ensuring the economic viability of commercial agricultural/horticultural businesses.

Town Planning Scheme No.7

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

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

Clause 4.5 provides details on the objectives of the “General Agriculture Zone”.

Clause 5.45.8 provides details on development standards, including a front setback requirement of 30m. Clause 5.54.8.2 provides scope for Council to consider a reduction in this requirement.

Voting

Absolute Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 1.5 – Our rural lifestyle is maintained.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the Council grant retrospective planning consent for transportable structures to accommodate 32 farm workers and associated ancillary facilities and proposed roof structure consistent with the submitted plans at Lot 8786 (No.226) Mardawarra Road, 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. 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 provision on-site of a minimum number of 10 car parking bay spaces. The parking areas and access are to be designed and constructed to the satisfaction of the Shire of Donnybrook-Balingup and are to be of a standard that enables all weather access for 2 wheel drive vehicles.**
- 4. The provision of one disabled parking bay, located convenient to the building entrance, to be provided to the satisfaction of the Shire of Donnybrook. Details are to be submitted with the Building Approval Certificate.**
- 5. Patrons are to be restricted to workers employed directly by the operator and limited to a maximum of 32 patrons at any one time.**
- 6. A bond of \$5000.00 per structure is payable prior to the issue of a Building Approval Certificate (for unauthorised work).**
- 7. A supply of potable water in accordance with the Australian Drinking Water Guidelines produced by the NHMRC and to be provided with an approved filtration and sterilisation device to the satisfaction of Council's Principal Environmental Health Officer.**

8. The installation of an approved effluent disposal system to the satisfaction of the Department of Health WA.
9. An application for a Building Approval Certificate to be submitted and approved by the local government.
10. Preparation and implementation of a landscape plan prepared to the satisfaction of the Shire's Principal Planner.
11. Preparation and implementation of a colour and design scheme for the treatment of the western and northern elevations to the satisfaction of the Shire's Principal Planner.

Absolute Majority Decision Required

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:** In relation to Condition 9, it is noted that the building will be classified as a Class 3 building which includes the need to ensure at least one bedroom and all common areas are designed to accommodate disabled access.
- 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:** In relation to Condition 8, the effluent disposal system is to be designed and submitted by an environmental scientist, plumbing consultant or other suitable qualified person, based on a geotechnical report on the absorptive capacity of the soil, the depth to ground water, the Phosphorous Retention Index (PRI) of the soil, soil profile to a depth of 2 metres and the anticipated water usage. Details are to be submitted with building licence application.
- Note 5:** In relation to Condition 5, the total accommodation numbers will be determined by Health and Building laws. Compliance with these requirements may vary from the numbers granted in this planning approval.

- Note 6:** A Permit to Use will only be issued by the Shire of Donnybrook-Balingup when all of the required conditions of Planning and Building Consent have been complied with to the Shire's satisfaction. Prior to seeking a Permit to Use, please ensure that all conditions of the Planning Consent have been satisfied.
- Note 7:** Water supply to be provided with an appropriate filtration and sterilisation device to the satisfaction of Council's Principal Environmental Health Officer.
- Note 8:** Compliance with Lodging House provisions of the Health Act 1911 and Council's Health Local Laws 1999. The food business proprietor is to apply for registration with Council's Principal Environmental Health Officer prior to commencement of operation.
- Note 9:** In relation to Condition 10, the landscape plan is to provide details of planting and landscaping treatments along the Mardawarra Road frontage with the intent to reduce the visual prominence of the development from the street.
- Note 10:** In relation to Condition 11, a colour scheme should incorporate tones and pigments that reflect that of the surrounding landscape. The design of the painting scheme is required to assist in breaking the bulk of the building form on the landscape to help it blend into the surrounding landscape. Inspiration may be obtained from reviewing non-linear examples from the early 20th century "razzle dazzle art movement".

11.5 Chief Executive Officer

11.5.1	SUBJECT:	PRESTON RETIREMENT VILLAGE – UNITS 12 & 13
	Location:	10 Sharp Street, Donnybrook
	Applicants:	Administration
	Zone:	N/A
	File Ref:	PRO 1/31 12: PRO 1/31 13
	Author:	John Attwood – CEO
	Report Date:	11 April 2014
	Attachments:	Nil

Background

Tenders were invited for the completion of Units 12 and 13 at the Preston Retirement Village complex on the 8th March 2014.

Tender documentation was forwarded to nine prospective contractors however at the close of the tender period, 2nd April 2014 only one tender was received. The tender price received was approximately 57% above the budgeted figure for the completion of these units.

Comment

After analysing the tender received and the available budget to complete units 12 and 13 at the Preston Retirement Village it is recommended that Council not accept the submitted tender.

There are a number of options available to address the completion of the units.

1. Review the Scope of Works in the tender and recall the tender.
2. Defer the works to the next financial year and consider the allocation of additional funds to complete the units.
3. Accept the tender and amend the budget to allow the current tenderer to undertake the works.
4. Council undertake the completion of the units utilising Council's staff to manage the project.
5. Invite local preferred building contractors to project manage the completion of the units on a cost plus percentage basis.

To qualify what is meant by a cost plus basis is that the Project Manager would obtain quotations for individual items for the project and select the preferred contractor for that component. At various stages throughout the project the Project Manager would be paid an agreed percentage rate on the expenditure at the time of the claim.

The staff recommendation is that option 5 be the preferred method of completing the units as it should be able to be completed within the budget parameters and while staff have the competence to carry out this project it would negatively affect other important governance issues including Asset Management and Long Term Financial Plan.

If Council supports this recommendation then staff would prepare a Scope of Works and provide it to Council's listed preferred building contractors.

Consultation

The project has been tendered out to the public however well above our assessment of the project cost.

Advertisements were placed in the West Australian on the 8th March 2014 and the South Western Times on the 13th March 2014. The advertisement was also placed on the Shire's website and LGNet website.

Policy/Statutory/Voting Implications

Policy

The tender was issued in accordance with the Tender Regulations. Should Council proceed with the officer's recommendation compliance with Council's Purchasing Policy No. 2.26 would guide the project.

Statutory

The Local Government Act 1995 and associated Regulations permit Council to undertake projects of this nature.

Voting

Simple Majority

Financial Implications

Council has allocated \$200,000 in the 2013/14 budget for this project and our best assessment is that it can be completed within the budget. This assessment is based on the cost previously provided by WA Country Builders when the construction of the units was split and recent verbal quotations from a number of local contractors as to what different components of the project should reasonably cost.

Strategic Implications

Outcome 3.1 Improve and increase the range of aged care and disability services, facilities and housing.

Outcome 3.1.4 Continue to manage well-aged facilities and assess opportunities for additional units.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

- 1. That Council not accept the tender provided by CS Industries WA Pty Ltd for the completion of Units 12 and 13, Preston Retirement Village.**
- 2. That Council proceed to progress the completion of Units 12 and 13 utilising a Project Manager/Builder on a cost plus percentage basis.**

11.5.2	SUBJECT:	DONNYBROOK MIGRANT MEMORIAL
	Location:	To be determined
	Applicants:	N/A
	Zone:	N/A
	File Ref:	TP 07/2
	Author:	John Attwood – CEO
	Report Date:	17 January 2014
	Attachments:	Nil

Background

The Migrants' Memorial Committee was requested to present a formal application in accordance with Policy 9.19 Memorials and Public Art.

Council has received a Planning/Development Application from the Donnybrook Migrant Memorial Committee. As there are no details on the location required and the Chairperson of the Donnybrook Migrant Memorial Committee was away in August this item was to be considered at the October Townscape meeting.

At the Donnybrook Townscape Committee meeting held on the 23rd October 2013 it was recommended that Council advertise the proposal to site the Migrants Memorial on the corner of Reserve Street and South Western Highway and all relevant landowners and agencies are consulted. The recommendation was endorsed by Council at the Ordinary Council meeting held on the 27th November 2013.

Comment

Council advertised for public comment on a proposal to construct a Migrants Memorial structure on the corner of Reserve Street and South Western Highway, in Donnybrook on the 10th December 2013 with the submission period closing on the 31st December 2013.

Council also wrote to the following stakeholders requesting their comments:

- Main Roads WA
- Water Corporation
- Public Transport Authority
- Brookfield Rail Pty Ltd
- Western Power

A summary of the five submissions received by Council are outlined below:

Submissions	Summary of Comment
Public Transport Authority	The Public Transport Authority has consulted with Brookfield Rail Pty Ltd and advise it has no objection to the Memorial being place at this location. The placement of the Memorial will not pose any line of sign issue.
Main Roads WA	Has no objection to the proposal.
Water Corporation	Confirms that from the drawings provided, the location of this structure will not affect any of our assets or infrastructure. Request that prior to any works being undertaken that the usual "Dial-before you dig" activity is completed.
June Scott & Jim Gerde	Supports the erection of a Migrants Memorial in the location displayed by the Shire of Donnybrook-Balingup.
James & Rodney Atherton	Would like to acknowledge the person or persons whose brilliant foresight and planning of this Migrants Memorial and the proposed position is an excellent choice.

All submissions received were in favour of the advertised location being the corner of Reserve Street and South Western Highway, in Donnybrook.

While only two community submissions have responded regarding the proposal there has been no opposition to the proposed site.

It is recommended that Council advise the Migrants Memorial Committee that it supports the proposal to construct a Migrants Memorial structure on the corner of Reserve Street and South Western Highway, in Donnybrook subject to a building application being lodged and approved.

Consultation

Presentation by the Donnybrook Migrants Memorial Committee to Council members on the 28th March 2012 and the 25th July 2012.

A community meeting was held on Wednesday, 5th September 2012 with Crs Dilley, Dawson, Bailey, Crowley, Logiudice, J Attwood, Brian Vanallen, Kobus Nieuwoudt and approximately 50 members of the community attending.

The Shire President and CEO met with the Chairman of the Migrants Memorial Committee, Mr Lui Tuia on the 16th April 2014 and are satisfied that the queries raised have been answered.

Policy/Statutory/Voting Implications

Policy

Town Planning Policy 9.19 – Memorials and Public Art provides guidance on what is required to be presented for Council to assess an application and the objectives of the policy.

Statutory

N/A

Voting

Simple Majority

Financial Implications

The construction cost is to be fully funded by the Donnybrook Migrants Memorial Committee, however all ongoing maintenance, repair, cleaning, insurance etc will become the responsibility of Council. This cost will impact on Council's Long Term Financial Plan. A figure of 10% of the actual cost of construction should be allowed annually for maintenance over the life of the structure.

Strategic Implications

Outcome 2: To have a balanced respect for our heritage, natural and built environment.

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

Moved: Cr

Seconded: Cr

That Council approve the location of a South West Migrants Memorial on the corner of Reserve Street and South Western Highway in an area east of the Railway Protection Zone and west of the existing footpath with eligibility criteria for recognition on the structure to be the subject of further discussion between Council and the Migrants Memorial Committee.

11.5.3	SUBJECT:	2014 ASSOCIATION HONOURS
	Location:	N/A
	Applicants:	Western Australian Local Government Association
	Zone:	N/A
	File Ref:	DEP 22/4D
	Author:	John Attwood – CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	16 April 2014

Background

Nominations for the 2014 Western Australian Local Government Association Honours program are now open and Member Local Governments, Zones and State Councillors are invited to submit nominations.

Awards given as part of the Honours program will be presented to recipients at an awards ceremony held during Local Government Week 2014.

There are six categories of awards within the 2014 Honours program.

- **Local Government Medal** – recognises outstanding achievement and significant contribution by elected members and officers to the Association and/or to Local Government. *Available for nomination by State Councillors.*
- **Life Membership** – recognises the long and outstanding service of elected members and officers to the Association and/or to Local Government. *Available for nomination by State Councillors and Local Governments.*
- **Eminent Service Award** (previously Certificate of Appreciation) – recognises personal commitment, eminent service and contribution to Local Government or the Association. *Available for nomination by State Councillors and Local Governments.*
- **Long and Loyal Service Award** – this Honour recognises elected members who have provided long service of a high degree as an executive member of the Association for 8 or more years, or as an elected member for 12 or more years. *Available for nomination by State Councillors and Local Governments.*
- **Local Government Distinguished Officers Award** – this is a new Award category that has been included to recognise Local Government officers or employees of Agencies of the sector, to reward their achievements.
- **Merit Award** (previous Distinguished Service Award) - recognises elected members who have provided distinguished service to the community through their Local Government. *Available for nomination by State Councillors and Local Governments.*

Comment

Nominations from Local Governments require the support of the nominator (who must be an elected member) plus two other elected members, and must be forwarded through the Chief Executive Officer of the Local Government for sign-off prior to submission to the Association.

The following Councillors are eligible for the Long and Loyal Service Award:

Cr Duncan will have been a Councillor for 18 years in May 2014.

Cr McCabe will have been a Councillor for 12 years in May 2014.

Cr Dawson will have been a Councillor for 11 years in May 2014.

Past practice has been that councillors are nominated when they retire from local government.

Closing date for nominations is Friday, 16 May 2014.

Consultation

N/A

Policy/Statutory Implications

N/A

Financial Implications

N/A

Strategic Implications

N/A

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council not participate in the 2014 Western Australian Local Government Association Honours.

11.5.4	SUBJECT:	DONNYBROOK TENNIS CLUB LEASE
	Location:	Donnybrook Tennis Club
	Applicants:	Administration
	Zone:	N/A
	File Ref:	RES 01/5
	Author:	John Attwood, CEO (Lucy Bourne – Governance Officer)
	Report Date:	3 April 2014
	Attachments:	11.5.4 Tennis Club Lease

Background

As part of a review of leases, Council staff are formalising lease arrangements with various community organisations for the use of Council owned or controlled clubrooms, halls and other facilities.

A formal lease between the Council and the Donnybrook Tennis Club has been drawn up and is hereby presented to Council for approval. The lease clearly sets out the various responsibilities of the two parties.

The Tennis Club occupies Crown Reserve 23890, which is set aside for the purpose of recreation, under the management of the Shire of Donnybrook-Balingup. The Department of Lands has granted in-principle approval, under Section 18(2) of the *Land Administration Act 1997*, for the reserve to be leased to the Donnybrook Tennis Club for a term of 10 years.

Comment

The proposed lease has been developed in consultation with the Donnybrook Tennis Club Committee. At the Committee's request, the lease covers the courts and surrounding land as well as the pavilion.

The lease has been set for 5 years, with an option to extend for a further five-year term. The rent is based on that currently paid by the club, adjusted annually according to CPI. The current rent is \$1,460 per year, including GST.

The relatively short lease period will allow adjustments to the terms and conditions to be made within a reasonable timeframe, should this prove necessary.

Consultation

Donnybrook Tennis Club
Department of Lands

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

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

Voting

Simple Majority

Financial Implications

Council will continue to provide insurance cover for the Clubhouse and contribute towards maintenance and upkeep of the premises as required, in accordance with Schedule 1 of the lease.

Strategic Implications

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

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council approve the proposed lease (attachment 11.5.4) between the Shire of Donnybrook-Balingup and the Donnybrook Tennis Club

11.5.5	SUBJECT:	2013 WORKFORCE PLAN
	Location:	Shire of Donnybrook/Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	FNC 13
	Author:	John Attwood – CEO (Judy Franks, Executive Assistant)
	Report Date:	16 April 2014
	Attachments:	Workforce Plan (previously distributed to Councillors)

Background

As previously reported to Council the Minister for Local Government proposed legislative changes to amend Regulations 19C and 19D of the *Local Government (Administration) Regulation 1996* which defines the requirement for local governments to develop a Plan for the Future. New regulations will require local governments to develop and adopt a Strategic Community Plan and a Corporate Business Plan. Other informing Plans include the preparation of the Workforce Plan.

The Department of Local Government provided Council with funding to implement the Strategic Community Plan and develop and update the Long Term Financial Plan, Forward Capital Works Program, Asset Management Plan and Workforce Plan as part of the Department of Local Government's Integrated Planning Framework.

Comment

Council appointed UHY Haines Norton in March 2012 to undertake the Integrated Planning Project which included the development of the Shire's Workforce Plan. The work undertaken by UHY Haines Norton was prior to the release of the Department of Local Government's guidelines.

Council engaged LG People to review the draft Workforce Plan against the Department's guidelines and the Strategic Community Plan in May 2013. This review and consultation led to the development of five key areas of strategy, for 2013-2017:

- Workforce Capacity
- Workforce Development
- Staff Retention
- Succession Planning
- Human Resource Management

During this review Human Resource systems and policies were reviewed. Workshops were held to refine roles and tasks. Knowledge management and succession planning was commenced. The Shire's organisational structure was reviewed and updated. Performance appraisal and human resource data management was prioritized and software solutions are being resourced.

A desk top review of the Workforce Plan will be undertaken in 2015 with a full review being completed in 2017.

The Workforce Plan is a dynamic document and will require amendments as the workforce changes.

Consultation

A staff survey was completed.

Several meetings were attended with both UHY Haines Norton and LG People consultants. Margaret Hemsley from LG People presented the Workforce Plan to Councillors on the 26 March 2014.

Policy/Statutory/Voting Implications

Policy

Administration Policy 2.42 Integrated Planning & Management Policy

Statutory

Regulations 19C and 19D of the *Local Government (Administration) Regulation 1996*

Voting

Simple Majority

Financial Implications

The Workforce Plan identifies the financial implications required to resource the Workforce Plan.

Strategic Implications

Shire of Donnybrook-Balingup Strategic Community Plan:

Outcome 4.8: *“Attract and retain staff”*

Outcome 4.9: *“Improved long term planning and strategic management”*

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Council receive the Workforce Plan.

12 CLOSURE OF MEETING

The next Ordinary Council Meeting will be held on Wednesday, 28 May 2014, commencing at 5.00pm at the Council Chambers, Donnybrook.

Shire President to declare the meeting closed at