



Notice of Ordinary Council Meeting

TO:

ALL COUNCILLORS

To be held on

Wednesday, 23 July 2014

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

John Attwood
Chief Executive Officer

10 July 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

23 JULY 2014

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SHIRE OF DONNYBROOK/BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 23 July 2014 at 5.00pm

MEMBERS PRESENT

COUNCILLORS

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

STAFF

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

PUBLIC GALLERY

1 APOLOGIES

Cr Duncan was granted a leave of absence at the Ordinary Council meeting held on 25 June 2014.

2 PUBLIC QUESTION TIME

3 APPLICATION FOR LEAVE OF ABSENCE

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 LATE ITEMS

Nil

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting – 25 June 2014

Moved: Cr

Seconded: Cr

That the minutes of the ordinary meeting held on 25 June 2014 be confirmed as a true and accurate record.

8 ELECTED MEMBERS MOTIONS

8.1.1 SUBJECT: NO EVIDENCE TO SUPPORT ISSUES ARISING REPORT

Location:	Elected member Cr M. King
Applicants:	Cr M. King - Balingup
Zone:	N/A
File Ref:	A1543
Author:	Cr King
Report Date:	7 th July, 2014
Attachments:	Nil

Background

At the Ordinary Council Meeting held on 26th of June 2013 Item 11.5.17, the Issues Arising Report prepared by the Shire Administration (Acting CEO) was presented to Council.

This 29 page report plus a further 15 pages of appendices contained a number of allegations, inferences, aspersions, innuendo and “hints” against the character and actions of Cr Mike King.

Council resolved to “1. To receive the report “Issues Arising from the Balingup Progress Association Complaint””.

Council also resolved to refer Confidential Items 11.5.10 and 11.5.17 to the Department of Local Government to provide recommendations on how to address any issues highlighted in the report.

At the Ordinary Council Meeting on the 25th June 2014 (almost a year later) it was acknowledged that there was no evidence to support allegations contained in the “Issues Arising” report against Cr King relating to the BPA Letter of Complaint.

Extract from Confidential Item 11.5.9 – Council Meeting 25 June 2014

- a) “That Council acknowledges there is no evidence and there are no conclusions or recommendations in the Issues Arising from the Balingup Progress Association Complaint report to support the assertion that Cr King was involved in the preparation of a complaint letter from the Secretary of the BPA to the Donnybrook-Balingup Shire Council dated 3 May 2013;

Council does not accept or endorse this report.

Notice of Motion

Not only was there no evidence to support the allegations regarding Cr King's involvement in the BPA letter, but that there was no evidence to support a total of ten further inferences, innuendo and what the author labelled as hints, which the investigator suggested were inappropriate. These included:-

- The 50 MB storage limit on Cr Kings computer. This is an Westnet ISP Contract requirement.
- Discussion between Cr King and Mrs King on the complaint (p15 items 4 &5), which the investigator speculated may have occurred.
- The Investigator's claims Cr King's response letter dated 14th May, 2013 contains matters of concern to him which matched (although not in the same terms or manner) the BPA concerns.
- Comments regarding Cr King's conclusion that Mr Lee would have found events in Council Chambers on the 24th of April "undoubtedly belittling" (p16, top paragraph).
- Cr Kings concerns on the level of this Investigation, the Time and Costs (p16, 2nd paragraph). Councillors are entitled to be advised of Shire expenditure.
- The Investigator's comments re Cr Kings information on the Balingup Progress Association (p17 item 5.4).
- The investigator's comment that "*the number of contacts to the Shire staff by Cr King would exceed the combined volume from all other Councillors, including the Shire President, who has a statutory liaison role with the CEO*".
- The Investigator's comments (p20, bottom) regarding "Chinese Whispers" in respect of Balingup complaints.
- The investigators attempted word association regarding the words "belittling" and "bemoaning".

During the past year further review of these allegations and comments has occurred, with the result that in all matters investigated and commented upon in the Issues Arising Investigative report, Cr King has maintained the requirements of honesty, integrity, reasonable care and diligence required of a Councillor in accordance with the Shires Code of Conduct.

Policy/Voting/Statutory Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

Nil

Background

In September 2013 I moved a motion to get Councillors to pay for their consumption of alcohol. It was hoped this would reduce the risk to rate payers and Council. The motion was passed 5-4 and then became the responsibility of the CEO to implement the Council's policy. At the April 2014 Council meeting the motion was revoked on the grounds of:

1. "paying for drinks is not working as there are less staff staying back and Councillors are having less contact with staff in a relaxed informal atmosphere. "
2. "the policy had been breached" meaning lack of payment for drinks.

At the June 2014 Council meeting the CEO proposed a policy on responsible service and consumption of alcohol on Shire premises. This was passed 6-3.

The CEO's motion, now policy requires staff to be trained in the responsible service of alcohol. If management were unable to control the simple pay as you drink motion then what chance is there of controlling the new policy?

The ramifications of not controlling alcohol consumption could be very costly for staff members, the rate payers and the Council.

In correspondence with the CEO before the June Council meeting I suggested on several occasions Council needed written legal advice to make sure the rate payers and Council were not Legally exposed.

On the 11th of June the CEO emailed me and wrote "In my opinion the only way to further diminish responsibility would be to restrict or ban alcohol at Council and staff functions." The CEO'S motion [passed by Council in June] was done without written legal advice in regards to whether the rate payers and Council are or are not legally exposed.

Objective: To ensure the two policies in place do indeed protect the rate payers and Council from any possible litigation from the supply of alcohol for any Council authorised activity.

CEO Comment

At the Council meeting held on the 28th May 2014 the following Notice of Motion placed before Council for consideration was lost 4/5.

- a) *"That Staff investigate and provide options indicating how we can reduce our expenditure of \$17,000 per year for the provision of meals and refreshments provided to Councillors, staff and others who attend council events.*
- b) *That council authorise a risk management assessment on the supply of alcohol in the work place and social functions".*

At the Council meeting held on the 25th June 2014 it was resolved to adopt Council Policy 1.21 Responsible Service and Consumption of Alcohol on Shire Premises.

The Local Government Insurance Scheme has provided information sheets on Councillors Statutory Liability (refer attachment 8.1.2 (1)) and Summary Information for Elected Members (refer attachment 8.1.2 (2)). This insurance policy protects the Shire and others from any potential action from a third party. There is always exposure/potential for a claim against the

Council but all depends on the circumstances of a loss and any negligence on the part of the Council.

To mitigate/reduce proportionality against a Court decision/award, the Council would need to demonstrate that it has adhered to its duty of care by having implemented, adhered to and fully communicated its Responsible Service and Consumption of Alcohol policy to all concerned for Council functions involving alcohol during and outside working hours.

Policy/Statutory/Voting Requirements

Policy

Council Policy 1.21 Responsible Service and Consumption of Alcohol on Shire Premises
Occupational Safety & Health Policy 2.41 Fitness for Work

Statutory

N/A

Voting

Simple Majority

Cr Bailey's Notice of Motion

Moved: Cr

Seconded: Cr

Council instruct the CEO to obtain written legal advice to guarantee there is no risk to rate payers or the Council on:

- 1. A section of the Councils Occupational Health and Safety policy relating to alcohol consumption by employees that reads;
"The Shire of Donnybrook/Balingup accepts no responsibility for employees during travel to and from the function" and**
- 2. The CEO's alcohol consumption motion passed by Council in June.**

9 MINUTES OF PREVIOUS MEETINGS

9.1 *Committee Minutes*

Moved: Cr

Seconded: Cr

That the following Committee minutes be received:

- o Balingup Community Advisory Committee Meeting – 8 July 2014**
-

10 REPORTS OF COMMITTEES

10.1 Balingup Community Advisory Committee Meeting – 8 July 2014

10.1.1	SUBJECT:	AGED-FRIENDLY COMMUNITIES STUDY UPDATE
	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

At the meeting 11th February 2014, the Committee resolved that it be kept informed on the progress of this project. At this time the project had progressed to the point that:

- a) An inception meeting was held with Council staff, South West Development Commission representatives and the consultant team on 6th March 2014.
- b) The consultant team was preparing survey/questionnaire details and Shire staff will be organising venues and dates for consultation meetings.

The project has now progressed with the following tasks and events being completed:

- a) Workshops, drop-in sessions and interviews (11 sessions in total) being held throughout the Shire over the period – 9th – 11th April. The response was very positive.
- b) Follow up sessions, primarily with carers and service providers, took place throughout April and into May, 2014.
- c) The Project's community consultation also included an on-line survey, and interested people were also able access a hardcopy of the survey, and return to the Shire.

The Aged Friendly Communities study is now nearing completion with a draft report due early June 2014.

The final report will include a series of recommendations which will help to inform the Shire's future strategic plan.

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

Moved:

Cr

Seconded: Cr

The Committee resolve that:

A copy of the final report of the Aged Friendly Communities Study be made available to the Balingup Community Advisory Committee.

10.1.2	SUBJECT:	DEVELOPING DONNYBROOK - STAGE 1 PROJECT UPDATE
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Location:	Shire of Donnybrook-Balingup
Applicants:	N/A
Zone:	N/A
File Ref:	TP 15
Author:	Bob Wallin (Principal Planner)
Report Date:	4 June 2014
Attachments:	Nil

Background

The Balingup Community Advisory Committee at its meeting 11 February 2014 requested a copy of documentation presented by TME as it becomes available so that comments and advice can be provided to the Working Group.

The Developing Donnybrook project has progressed since the first inception meeting in February 2014.

The working group met with the consultants on the 8th May 2014 and provided advice and comments on the document.

The intent of this first stage is to establish a vision, review existing strategic framework documents, investigate growth drivers and propose growth scenarios. This stage of the project is then used to test existing capacity and future requirements to accommodate growth (Stages 2 and 3 of the project).

Stage 2 involves analysis of existing data/mapping to look at gaps in information and preparing a capacity assessment. In essence, the intent here is to look at what is needed to accommodate future growth scenarios in terms of land areas, infrastructure and community services.

A public consultation program will form part of this project and there will be potential to provide input into the project.

In reviewing the work completed for Stage 1, it may be helpful to consider:

- 1) The mix and location of growth. This is one of the key points in making a strategic plan. In this instance, the location of where growth is to occur should be a key consideration in the plan. It may worth noting that growth in itself may not be the issue, but a more subtle consideration of defining the form and character of growth that is appropriate. For instance, an option may be to promote lifestyle lots as an alternative to more traditional small townsite lots available in other shires.
- 2) Identifying natural features that may limit consideration of expansion. Local knowledge of areas will assist in mapping exercises and may play a key role in defining the extent and direction of growth that towns can accommodate.
- 3) Not getting too caught up in picking a particular growth scenario. Greater forces exist beyond the scope of Council to control will decide the rate of growth. One way of looking at the growth scenarios would be to pick the high growth scenario, determine

the services, facilities and land areas required at certain thresholds and use this as a basis for planning and budgeting as the Shire's population moves towards these targets.

This moves the thinking from predicting the speed that growth occurs to what the actual growth at certain population thresholds will mean to Council and the services and facilities required to make the Shire a great place to live.

- 4) If the Shire should take an active role in attracting growth. If it considered that growth should be actively encouraged, it is necessary to consider possible attractions and advantages and market and enhance these qualities.
- 5) The ultimate purpose of pursuing growth. What are the underlying outcomes that achieving growth is seen to resolve or assist in making living within the Shire a better experience. Again, this provides room to think about not just the rate of growth, but the form that growth will take and create the best place to live and create vibrant communities.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Financial Implications

N/A

Strategic Implications

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

Officer's Recommended Resolution

That the Committee:

- 1) **Note the progress of the Developing Donnybrook Project;**
- 2) **Pass on any feedback to the Shire's Principal Planning Officer for review and referral to the working group and TME.**

Committee's Recommended Resolution

Moved:

Cr

Seconded: Cr

That the Committee:

- 1) **Note the progress of the Developing Donnybrook Project;**
- 2) **Pass on any feedback to the Shire's Principal Planning Officer for review and referral to the working group and TME.**
- 3) **Arrange another special meeting for the 19th August 2014 to provide feedback on the draft Developing Donnybrook document.**

10.1.3	SUBJECT:	MULTI - PURPOSE CENTRE – BROCKMAN STREET
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Location:	Balingup
Applicants:	Balingup Progress Association
Zone:	N/A
File Ref:	ASS 01
Author:	Bob Wallin (Principal Planner)
Report Date:	5 June 2014
Attachments:	Nil

Background

The Shire President and CEO recently attended a meeting with the BPA to consider the idea of developing a multi-purpose centre incorporating a joint library, interpretation centre, etc.

The proposal is preliminary in nature and details have yet to be defined clearly. The essence of the proposal is to:

- 1) Construct a new building on Brockman Street, east of the school and north of the skatepark;
- 2) Established a shared library facility with the school as well as providing room for storage and display of historical artefacts and playing a role as an interpretive centre.

The BPA will be preparing a business plan for the proposal.

Comment

This proposal needs to be considered within a wider strategic context, taking into account:

- a) Existing Shire buildings and assets. There is a need to review Council's buildings within the Shire and the degree to which they satisfy existing and future community demand;
- b) Long term sustainability of service provision within the context of population growth and demographics; and
- c) A detailed costs/benefits analysis to ensure that any proposal represents good value for ratepayers.

Policy/Statutory Implications

Policy

N/A

Statutory

N/A

Financial Implications

The proposal will need to be considered for inclusion with the Shire's Long Term Strategic Plan.

Strategic Implications

This project has potential to be a significant project within Balingup and involves a number of key wider ranging questions regarding existing facilities and assets to be addressed.

The proposal has potential to enable cost sharing with the school that may enable a higher level of service to be provided to the local community than otherwise possible if the Shire developed alone.

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

Moved: Cr

Seconded: Cr

The Committee resolve to:

- 1. Note that the proposal is in its infancy; and**
 - 2. Request that it be informed of progress and be given opportunity to comment.**
-

11 REPORTS OF OFFICERS

11.1 *Manager Finance and Administration*

11.1.1 ACCOUNTS FOR PAYMENT

Council Decision (Officer's Recommended Resolution)

Moved: Cr

Seconded: Cr

That accounts authorised and paid under delegation No. 3.2 by the Chief Executive Officer represented by cheques CCP2899 – CCP2930, EFT5749 – EFT5920, 50417 – 50518, Trust EFT5748, EFT5841, 3175 – 3185 totalling \$1,273,320.58 be confirmed for payment.

11.1.2 MONTHLY FINANCIAL REPORT

Council Decision (Officer's Recommended Resolution)

Moved: Cr

Seconded: Cr

That the monthly reports for the period ended 31 May 2014 be received.

11.2 Manager Works & Services

Nil

11.3 Manager Development and Environmental Services

Nil

11.4 Principal Planner

11.4.1	SUBJECT:	REQUEST TO ADVERTISE STRUCTURE PLAN MODIFICATION FOR VARIOUS LOTS IN BRAZIER/SCAFFIDI STREETS, DONNYBROOK
	Location:	Brazier Street/Scaffidi Place, Donnybrook
	Applicants:	Anthony and Tricia Scaffidi
	Zone:	Rural Residential
	File Ref:	AMD 72
	Author:	Bob Wallin (Principal Planner)
	Report Date:	24 June 2014
	Attachments:	11.4.1 (1) – Existing approved Structure Plan 11.4.1 (2) – Proposed Structure Plan for advertising request

Background

The proposal is to modify an existing structure plan located on Brazier Street/Scaffidi Place, Donnybrook (see Attachment 11.4.1 (1)). The land has been subdivided in accordance with this structure plan (WAPC 103316) creating lots with a minimum size of 2ha. The proposal is to enable a fresh subdivision of the land to create a number of lots with a 1ha minimum lot size (see Attachment 11.4.1 (2)).

The proposed structure plan modification seeks to extend an existing cul-de-sac to follow a ridge line. This is to enable the re-subdivision to increase the overall lot yield by 7 lots (from 25 to 32). The average lot density will change from 2.12ha to 1.64ha.

The increased lot yield is concentrated into the north eastern portion of the site which will effectively screen additional density from the existing road network. An additional 2 lots are proposed along Brazier Street – one on either side. This increase will have limited impact on streetscape/landscape amenity.

The gazettal of Town Planning Scheme No.7 (TPS7) is now immanent and it is reasonable to use for the purpose of assessing this proposal. TPS7 and the Local Planning Strategy promote consolidation of existing Rural Residential estates. This is to enable a more efficient use of land.

TPS7 outlines the process for assessing structure plans and detailing the level of information to be provided to enable an informed decision to be made.

Of special relevance to this case is Clause 5.52.5.3 enables structure plans to be considered that depict a minimum lot size of 1ha.

Comment

In general terms, the intent of the structure plan is consistent with the intent of TPS7. The increases in yield are concentrated so that the existing amenity and streetscape remains in place.

Road Upgrading

The changes have potential to generate an additional 70 vehicle trips per day. With this in mind, it is reasonable to require the realignment of the Hamilton road, Brazier Street intersection to a “T” junction (see Attachment 11.4.1 (2)). This will improve legibility and priority of access as well as improving sight lines and the overall functioning and safety of the intersection for residents.

No other changes to or upgrading to the existing road network is required. The subdivider has already completed improvements to the surrounding road network.

Technical matters requiring addressing

There are a number of additional technical points that require addressing and it is suggested that these points be resolved prior to the start of advertising. This approach ensures that all relevant planning considerations are resolved by the applicant, without burdening the process with potentially unproductive administrative time constraints.

Points that require addressing relate to a fine grain level of detail and are unlikely to result in material changes to the overall design and relate to:

- a) Providing engineering details for the new road and confirming the drainage capacity of existing basin;
- b) Updating the fire management plan, including consideration of an additional emergency access to the east;
- c) Confirming that each lot can accommodate a future dwelling, factoring in vegetation, topography, drainage and low lying areas of land;
- d) Identifying cross-over locations and details on construction standards; and
- e) Updating the amendment map to provide signage boxes, updated title boxes and additional topographical and environmental features.

TPS7 allows for a minimum public advertising period of 21 days. It is suggested that a 21 day advertising period is suitable in this case as:

- a) This proposal is for a modification to an existing structure plan; and
- b) The changes and impacts are locally confined. All nearby landowners will be contacted by mail to maximise awareness and opportunity to comment on the design.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Clause 6.9.3.2 enables Council to require structure planning to be undertaken outside areas specifically identified within Structure Plan areas.

Clause 6.9.4.4 details information required to support structure plans.

Clause 6.9.5 outlines the adoption and approval process for structure plans. This includes a minimum advertising period of 21 days.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 1.1 – Continue to grow the Shire’s population

Outcome 1.5 - Our rural lifestyle is maintained

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

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That the Council resolve to:

- 1) Grant consent to advertise the structure plan modification lots 3303 to 3306, 3312 to 3316 and 3321 to 3322 Brazier and Scaffidi Streets for a period of 21 days.**
- 2) Require that the structure plan document be updated prior to the commencement of the public advertising period as follows:**
 - a) Modifying the intersection of Hamilton Road/Brazier Street to improve legibility, traffic flow and safety.**
 - b) Providing engineering details for the new road and confirming the drainage capacity of existing basin;**
 - b) Updating the fire management plan, including consideration of an additional emergency access to the east;**
 - c) Confirming that each lot can accommodate a future dwelling; factoring in vegetation, topography, drainage and low lying areas of land;**
 - d) Identifying cross-over locations and details on construction standards; and**
 - e) Updating the amendment map to provide signage boxes, structure plan titles, building envelopes for new lots and showing contours and aerial overlays.**

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.

11.4.2	SUBJECT:	REQUEST TO EXTEND AN EXISTING LIQUOR SHOP TO INCLUDE A DRIVE THROUGH COMPONENT AT LOT 57 (No.68) SOUTH WESTERN HIGHWAY, DONNYBROOK
	Location:	Lot 57 South Western Highway, Donnybrook
	Applicants:	Cellarbrations@Donnybrook
	Zone:	Commercial
	File Ref:	A1418
	Author:	Bob Wallin (Principal Planner)
	Report Date:	4 July 2014
	Attachments:	11.4.2 (1) – Location Plan 11.4.2 (2) – Development Plans 11.4.2 (3) – Clifford Road Development Guide Plan

Background

The proposal is to extend the existing liquor store located at Lot 57 (No.68) South Western Highway, Donnybrook (see Attachment 11.4.2 (1) – Location Plan). The proposal seeks to remove an existing internal wall to increase the shop floor area and include an undercover area that will form part of a drive through service.

The proposed use is defined as a “Liquor Store” under proposed Town Planning Scheme No.7. This use is listed as an “A” (Discretionary) use under the “Commercial” zone. The “A” designation means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after advertising.

This proposed drive through element is potentially controversial and on this basis, it is now presented to Council for direction.

Comment

Preliminary advice has been obtained from Main Roads Western Australia (MRWA) and the Department of Racing, Gaming and Liquor (RGL). RGL has confirmed that it does not have any comment to make at this time in the process. MRWA initially advised that it did not support the proposal for a drive through development on the grounds that:

- a) The existing driveway is located within a pedestrian crossing point for the main road. Any increased use of the existing driveway will increase potential for pedestrian and vehicle conflicts at the driveway and along the main street;

- b) There is stacking distance for three cars and this may not be adequate at peak times. This could result in vehicles waiting in the main street and or vehicles blocking the footpath; and
- c) The main road is a single carriageway and vehicles turning and or waiting to turn and enter the driveway could increase potential for vehicle conflicts and detract from the operation of the main road.

The applicant has been given a chance to respond/address these concerns. The applicant has advised that:

- a) Video footage of the pedestrian crossing over the last two weeks has found that the pedestrian crossing is used once or twice a day.
- b) When the main road was redesigned, the owner provided advice at the time regarding the positioning of the pedestrian crossing point and the use of the lane for stock delivery, order pickups etc.
- c) In busier times, customer orders can be taken and then dispatched from the rear of the building allowing for an additional four cars. Busiest times are anticipated between 4.30-6.30pm.
- d) They are willing to work with the Shire in regards to suitable signage to keep the footpath clear of waiting vehicles.

In light of this new information, MRWA revised its comments. It now advises that if Council is of the mind to approve the proposal, then consideration needs to be given to:

- a) Removing and relocating the pedestrian break as the current location sends confused signals and creates potential for pedestrian/vehicle conflict; and
- b) Removing the pedestrian nib and introducing a slip lane. This is to reduce conflict and minimise impacts on the functioning of the highway's traffic flow.

If the drive-through component of the development is to proceed, it will be essential to modify the existing pedestrian paths, road pavements and parking areas along the immediate frontage of the site and adjoining properties to make it work. While technically possible, the following elements should be given thought.

Main Street Streetscape Appeal and function

Council and MRWA have been actively engaged in improving and promoting the Donnbyrook Townsite main street environment. This includes investing over \$4 million over the last 10 years into beautifying projects to promote vitality and vibrancy. Works have included street pavement upgrades, provision of paths, car parking areas and quality unifying soft landscaping treatments. The introduction of a slip lane would reduce the number of parking bays servicing businesses in this area. Any reduction of parking bays in this area should be carefully assessed.

In obtaining MRWA support for these funding initiatives one of the key requirements was to strategically review the placement of pedestrian crossing locations, the number of and location of laneways and carparking areas and the development of Clifford Road.

The placement of pedestrian crossing points was carefully assessed at the time to match desire lines and linkage points with demand. The location of the pedestrian crossing point in this location has a sound logic when viewed in the context of the immediate urban fabric – that of the historical rail precinct and landscaped plaza area.

If this pedestrian crossing and nib is removed, the next nearest nib and pedestrian crossing is 80m to the south and 100m to the north. This creates a vacuum of safe pedestrian crossing points for 180m within the very heart of the town centre.

Much work and attention to detail has been given to establishing safe and attractive pedestrian environments and landscape settings. This has also involved removing or reducing the importance of vehicular crossovers. The value of these initiatives can be clearly observed today. Any increase of vehicle movements through a pedestrian environment has real potential to erode the gains achieved to date.

Drive through Design

The lane is restricted in width and does not provide opportunity for a “browse lane” that is a common feature for drive through facilities. This limitation has potential to increase stacking and impact on the function of the South Western Highway.

Strategic initiatives – Clifton Road Design Guidelines

Council has invested over \$1 million in the construction of Clifford Road and upgrades to the river foreshore environment. Design Guidelines have been prepared to guide future development of the precinct. One of the key goals of these guidelines is to control and minimise laneway connections between South Western Highway and Clifford Road.

The Development Guide Plan for Clifford Road (Attachment 3) shows a number of “access opportunities” intended to provide safe pedestrian movement and connectivity between the South Western Highway and Clifford Road. The plan shows an access way in the location identified for the drive through.

Vehicle Access and Pedestrian Movement

Clause 5.32.3 of TPS7 states that

“vehicles shall not be permitted directly to or from major roads where suitable access is available from side or rear streets unless the applicant suitably demonstrates traffic safety and need.”

In this case, alternative access is available from Clifford Road. Clifford Road was constructed by Council for the purpose of providing alternative access and car parking. While existing vehicular access exists from the South Western Highway, the crossover has been designed as a pedestrian nib. Its design announces a clear priority and purpose of intent - providing a pedestrian crossing point. The only existing concession in the design of the pedestrian nib is its mountable curb.

Introducing a drive through access in this location significantly changes the priority given to cars at the expense of pedestrian movement. This may be viewed as being contrary to the intent of clause 5.32.3.

Clause 5.33 of TPS7 requires a 3m visual truncation at the intersection of a laneway unless approved by Council. The proposed drive through access is approximately 3.7m wide and

framed by buildings built to the street boundary. These buildings do not provide room to include any visual truncations to improve site lines.

Matters listed for Consideration in TPS7

Clause 10.2 of TPS7 lists a number of matters that Council is required to have regard too in making a town planning decision. Of relevance to this proposal are:

- the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land
- where the proposed means of vehicular access to and egress from the site are adequate;
- the preservation of amenity of the locality;
- compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land; and
- the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.

Heritage Values

The immediate locality contains a number of key heritage buildings and localities including the Donnybrook Hotel (abutting site to the north) and the Railway Precinct. These sites establish an attractive ambience and a unique sense of place and depth in the urban fabric. The introduction of a modern car focused drive through business in the heart of this locality has potential to dissolve, erode and undermine the established historical qualities.

In summary, there is no planning objection to expanding the liquor shop use. However, there are a number of concerns regarding the drive-through component as currently configured.

Council's direction is requested to assist the applicant in how to proceed.

The suggested options are:

- 1) request the applicant to modify the drive through access to meet MRWA requirements and then seek public comment.
- 2) Advise the applicant that the proposal conflicts with the wider strategic initiatives and goals promoted for the locality and that alternative access arrangements be investigated.

In relation to option 2, the site provides potential for a drive through component to be located at the rear of the property – using Clifford Road to access and exit the property. This alternative will better ensure consistency with the planning initiatives for the area. It will also allow a local business to expand and better service and satisfy local demand.

It is noted that pursuing this option will require a re-working of the building, site and internal store configuration. However, these internal costs need to be weighed against the:

- a) costs of works MRWA requires to the South Western Highway and pedestrian environment; and

- b) external costs burdened to the wider community in terms of reduced local streetscape amenity, reduction in pedestrian safety and movement, reduced availability of street parking and removal of street trees and soft landscaping treatments.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Clause 5.32.3 of TPS7 outlines considerations regarding pedestrian and vehicular access

Clause 5.33 of TPS7 outlines requirements for visual site lines and truncations

Clause 10.2 of TPS7 lists matters for Council to have regard too in making planning decisions.

Clause 9.6 of TPS7 outlines procedures for advertising of planning applications

Clause 5.56 of TPS7 outlines objectives and principles for development within the “Commercial” zone.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 1.3 – A well-used and efficient transport network

Outcome 2.4 - Our heritage areas and localities are acknowledged

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

MOTION

That WALGA negotiate with the Department of Fire & Emergency Services to:

- 1. Annually increase the ESL Administration Fee paid to Local Governments by price and property growth indexation.*
- 2. Make a once off increase to the total funds allocated for the ESL Administration Fee funds paid to Local Governments in 2015/16. This increase is recommended to be a compounded on annual property growth and price (CPI) since the introduction of the ESL.*

4.2 WALGA State Conference – Implications of Structural Reform (05-034-01-0103 TB)

MOTION

That WALGA facilitate a meeting between country Local Government Elected Members with Professor Brian Dollery making a presentation on the implications of structural reform, by December 2014.

4.3 Bushfire Management – Support Vehicles (05-024-03-0010 AH)

MOTION

That WALGA lobby the Minister for Emergency Services seeking the inclusion of fire support vehicles as eligible items for capital and operational funding under the Emergency Services Levy.

4.4 Contaminated Sites – Auditing Requirements (05-020-01-0001 MB)

MOTION

That WALGA:

- a) Requests the State Government to transfer the responsibility for auditing of contaminated sites reports to the Department of Environment Regulation as either a statutory requirement or on a fee for service basis; and*
- b) Investigates and implements measures to reduce the cost of resolving contaminated site issues on Local Government (e.g. discounted consultant fees under WALGA preferred supplier panel contracts)."*

4.5 Review of Section 6.28 of the Local Government Act 1995 – Valuation of Land (05-034-01-0007 JMc)

MOTION

That WALGA request the Minister for Local Government to review Section 6.28 of the Local Government Act that limits the methods of valuation of land to Gross Rental Value or Unimproved Value, and explores other alternatives.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

N/A

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council Vote as follows:

Yes/No for agenda item 4.1

Yes/No for agenda item 4.2

Yes/No for agenda item 4.3

Yes/No for agenda item 4.4

Yes/No for agenda item 4.5

11.5.2	SUBJECT:	REQUEST TO WAIVE HIRE FEES – BALINGUP SMALL FARM FIELD DAY
	Location:	Balingup
	Applicants:	Balingup Small Farm Field Day Committee
	Reserve:	N/A
	File Ref:	TRS 01/3
	Author:	John Attwood, CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	9 July 2014
	Attachments:	Nil

Background

Council has received a request from the Balingup Small Farm Field Day Committee (BSFFDC) for the waiver of hire fees invoiced for the Small Farm Field Day held on the 26th April 2014 and in future years.

Comment

Council resolved in June 2003 that all local festivals and community events that charge an admission fee pay the budgeted rent for the reserve/facility used and Council determine the percentage of actual cost to be recouped.

The Balingup Small Farm Field Day is a widely recognised and very well attended event that attracts valued favourable attention to the Shire in addition to providing an economic and social benefit to the community.

The BSFFDC is made up of volunteers and the Small Farm Field Day is dependent on voluntary community support.

The cost of hiring Balingup Oval and the Balingup Halls for this event was \$397.00.

It is the officer's recommendation that Council make a donation of \$397 instead of waiving the Balingup Oval and hall hire fees to Balingup Small Farm Field Day Committee for the Balingup Small Farm Field Day held on 26th April 2014.

In relation to the request to waiver hire fees in future years it is recommended that the BSDFDC apply to Council for funding under Administration 2.27 Community Grants Scheme – Minor Community Grants. An application would need to be submitted each year for consideration.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

Council resolution from June 2003:

“That all local festivals and community events that charge an admission fee pay the budgeted rent for the reserve/facility used and Council determine the percentage of actual cost to be recouped.”

Administration Policy 2.27 Community Grants Scheme

“The aim of the Community Grants Scheme is to offer groups operating within the Shire of Donnybrook-Balingup, the opportunity to access Council funds to initiate projects that will benefit the local community.

Minor Community Grants Scheme

This scheme provides minor grants up to \$500. The grants are “one-off” for a specific purpose and do not necessarily require any matching funding.

\$2500 is allocated each year for the Minor Community Grants Scheme. (This is an indicative figure and is subject to variation by Council during budget deliberations.)

Statutory

N/A

Voting

Simple majority

Financial Implications

The cost of hiring Balingup Oval and the Balingup Halls was \$397.00.

Any waiver or concession would be allocated to Council's Donations account number 102520.

A budget allowance of \$3,500 is provided for unspecified donations made by Council or under delegation by the CEO. Funds are available in the account to cover any concession or donation that may be provided by Council in respect to this application.

Strategic Implications

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

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council make a donation of \$397.00 to the Balingup Small Farm Field Day Committee for the hire of Balingup Oval and Balingup Halls for the 2014 Small Farm Field Day held on the 26th April 2014.

11.5.3	SUBJECT:	LOCAL GOVERNMENT AMENDMENT (REGIONAL SUBSIDIARIES) BILL 2014
	Location:	Western Australia
	Applicants:	Administration
	Zone:	N/A
	File Ref:	DEP20/1
	Author:	John Attwood – CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	10 July 2014
	Attachment:	11.5.3 Local Government Amendment (Regional Subsidiaries) Bill 2014 - Overview

Background

The Hon. Terry Redman on behalf of the Parliamentary National Party (PNP) is seeking Council's support for Western Australia to adopt a regional subsidiary model.

The PNP has introduced a Private Member's Bill to WA Parliament to amend the *Local Government Act 1995*. The Local Government Amendment (Regional Subsidiaries) bill 2014

introduces amendments to the Act to allow two or more local governments to form a subsidiary body, known as a regional subsidiary.

Successful regional subsidiaries will make it possible to drive regional economies through a collective approach, pooling resources and sharing valuable expertise to assist the development and prosperity of local government areas by jointly delivering services and activities. The Nationals are committed to ensuring regional local governments can efficiently and viably deliver works and services without compromising their unique local identities or the communities they service.

The Bill is based on a South Australian model in which two or more councils can collaborate to perform various roles in a more efficient and cost-effective manner. It is believed the regional subsidiaries model presents an opportunity to achieve previously unattainable objectives for regional local government areas by increasing flexibility when providing shared services and reducing existing regulatory and compliance frameworks.

Comment

The introduction of an amendment such as proposed in the PNP Bill will assist in Local Governments forming partnerships to facilitate local government functions and provision of services where identified.

If any aspect of reform is to be pursued by local governments on a collaborative basis, the introduction of this legislation should be supported.

The West Australia Local Government Association (WALGA) is supportive of the concept encapsulated in this Bill for a number of years and is therefore advocating for these and other amendments to the Act. WALGA's formal policy position is to support a range of reforms and amendments to the Act to allow Local Governments to enter into a broad range of regional service delivery and collaboration options, one of which is the regional subsidiary model proposed by this Bill.

WALGA is also strongly advocating for local governments to be able to establish Local Government Enterprises (arms-length corporate subsidiaries) and for compliance requirements and bureaucracy to be reduced for Formal Regional Councils.

Passage of this Bill through Parliament is an important first step and WALGA remains committed to continuing to advocate for this and other amendments to the Local Government Act to enable Local Governments to continue to provide a high quality of services to their communities.

This Bill is similar to that proposed by Mr Trenorden in 2010 which Council voted to support at the Ordinary Council meeting held on 25th May 2011.

Consultation

N/A

Policy/Statutory Implications

Policy

N/A

Statutory

The Local Government Act 1995

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

The Shire's *Strategic Community Plan* provides for the following outcomes:

Outcome 4.2 Maintain long term financial viability

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

Outcome 4.5 Continue to provide quality local government services and facilities

Outcome 4.6 Increase regional collaboration and resource sharing opportunities

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council indicate support for the "Local Government Amendment (Regional subsidiaries) Bill 2014", by writing to the Premier, Hon Minister for Local Government and the Department of Local Government and Communities for the introduction of the proposed legislation.

11.5.4	SUBJECT:	REGIONAL WASTE FACILITY
	Location:	Western Australia
	Applicants:	Administration
	Zone:	N/A
	File Ref:	DEP20/1
	Author:	John Attwood – CEO
	Report Date:	10 July 2014
	Attachment:	Nil

Background

December 2011

The Shire of Dardanup at its meeting on 14 December 2011 resolved, in part, to sell Lot 1 Banksia Road, Dardanup to a Regional Council on the following conditions:

1. Subject to the adoption of the Regional Council Business Plan.
2. The Shire of Dardanup retain an equal share of the property.

February 2012

Representatives of Member Councils, Bunbury, Capel, Collie, Donnybrook-Balingup and Harvey met to consider the Shire of Dardanup's offer to sell its Banksia Road waste site to the Bunbury Wellington Regional Council.

One of the conditions on the sale was the adoption of the Regional Council Business Plan. The Group resolved to seek an extension until the 30 June 2012 to consider the offer and have a Business Plan completed for the purchase and operating of the site and the costs associated with the formation and ongoing running of a Regional Council.

A preliminary draft Scope of Works was provided by the City of Bunbury for consideration and comment by other members.

Following this draft the Wellington Waste Working Group considered the draft at its meeting and through the Waste and Recycling Projects Officer (WARPO), Sam Green, has developed a new 'Business Plan proposal'.

July 2012

At the 2 July 2012 meeting of the Bunbury Wellington Group of Councils considered a Business Plan proposal prepared by the Waste and Recycling Projects Officer (WARPO), Sam Green and resolved:

'THAT the Bunbury Wellington Group of Councils endorse the proposed Business Plan proposal with the following additions and authorise the Waste and Recycling Projects Officer to progress the development of the Business Plans for the Regional Waste Facility at Banksia Road, Dardanup and establishment of a Regional Council as a matter of urgency.

Add "1d) Liaise with Department of Environment and Conservation in relation to their assessment of the suitability and lifespan of the Banksia Road site as a long term landfill site and report on same."

Include in the Scope of Work "an assessment of the future impact of the Carbon Tax on the proposed Regional Landfill site at Banksia Road."

Add "OUTCOMES BEING SOUGHT

1. That the individual Councils are in a position to make an assessment on the suitability and viability of the Banksia Road site as a long term Regional Landfill site.
2. The Business Plan will be capable of being used to justify funding applications to State and Federal Governments and their agencies."

August 2012

At a meeting of the BWGC CEOs and Don Punch and Vanessa Lewis, South West Development Commission, on 13 August 2012 it was informally agreed that the priority for the allocation of the CLGF Regional Funds for 2012/13 should be the purchase of the Banksia Road waste site to establish a regional facility.

September 2012

At the meeting of the Bunbury Wellington Group of Councils on 13th September 2012 it was resolved as follows.

‘That the Bunbury Wellington Group of Councils allocate \$4.1m of the 2012/13 CLGF Regional Funding to the purchase and development of Lot 1 Banksia Road, Dardanup as a Regional Waste Facility subject to the completion of relevant business cases and the agreement by BWGC Member Councils to participate in the project.’

May 2013

The Country Local Government Fund regional funding application and Business case was endorsed by the South West Development Commission and was submitted to the Department of Regional Development for consideration and approval.

September 2013

The consultant, Talis, made a presentation to the Group on 23 September 2013 on the Draft Regional Landfill Viability Study. Following that meeting a number of additional studies were identified as being required and these have been approved to proceed by the local government members.

December 2013

At the meeting of the Bunbury Wellington Group of Councils on 9th December 2013 it was resolved as follows:

‘That the Bunbury Wellington Group of Councils endorse the submission of an offer to the Shire of Dardanup of \$2.2 Million to purchase the balance of Part Lot 1 Banksia Road, Dardanup (approx. 90 ha), which excludes the area to be purchased by the Water Corporation and the small ‘Conservation Area’ in the south west corner of the lot, subject to:

1. The Department of Regional Development and State Government approving the allocation of the \$4.1 million from the 2012/13 Country Local Government Fund Regional Funding to the project.
2. Clarification on the impact of the mining lease over the site to the satisfaction of the Group.
3. Finalisation of additional studies requested from Talis at the previous meeting of the BWGC on 9th September 2013.’

4 February 2014

The Chief Executive Officers from City of Bunbury, Andrew Brien and Shire of Capel, Paul Sheedy attended the meeting of the Shire of Dardanup Waste Advisory Committee on to address the Committee on the BWGC’s offer and answer any questions.

19 February

The Waste Advisory Committee made a recommendation to the Shire of Dardanup Council on which was accepted by the Council. The decision of the Council was:

‘THAT Council, in relation to the sale of Lot 1 Banksia Road, Dardanup (in accordance with Shire of Dardanup Drawing Number 048-13):

1. Does not accept the offer of \$2,200,000 from the Bunbury Wellington Group of Councils for the purchase of the site.
2. Advises the Bunbury Wellington Group of Councils that the price for purchase of the site is \$3,750,000.00 (exclusive of GST).’

10 March 2014

At the meeting of the Bunbury Wellington Group of Councils it was resolved as follows:

‘That the Bunbury Wellington Group of Councils:

1. Receive the ‘Regional Landfill Viability Study – Dardanup Putrescible Landfill Site January 2014’ and ‘Regional Landfill Implementation Plan Lot 1 Banksia Road, Crooked Brook January 2014’; and
2. Agree that the following specialist studies are required to be undertaken prior to the completion of the purchase of Part Lot 1 Banksia Road from the Shire of Dardanup.
 - Topographic survey; Geotechnical
 - investigation; Hydrogeological
 - assessment; and Hydrological
 - assessment.
3. Seek clarification from the Department of Regional Development on utilising Royalties for Regions CLGF to undertake the studies referred to in Point 2 above.’

‘That the Bunbury Wellington Group of Councils Executive Officer seek clarification from the Department of Regional Development on what percentage of the approved Royalties for Regions CLGF funds of \$4.15 million can be allocated to the purchase of the land and the following studies:

- Topographic survey; Geotechnical
- investigation; Hydrogeological
- assessment; and Hydrological
- assessment.’

10 April 2014

The Shire of Dardanup Chief Executive Officer advised all BWGC Chief Executive Officers, via email:

‘That the Shire of Dardanup Waste Management Committee on 2 April 2014 in discussing the BWGC minutes the Waste Committee resolved to recommend to Council that the waste site be placed on the open market to truly test the valuation.

In addition members are aware that other parties have shown an interest in the site and therefore the committee has taken the view that the best interests of the ratepayers should be given the best opportunity to be realised.

The committee also is of the view that the offer was made to the group over two years ago and yet no firm commitment has been made to purchase the site.'

The Shire Dardanup Waste Management Committee recommendation to their council was:

'THAT the Waste Management Committee recommends to Council that Council notify the Bunbury Wellington Group of Councils that Council will go out to the public to tender for the sale of Lot 1, 3003 Banksia Road and the Bunbury Wellington Group of Councils are encouraged to make an offer.'

16 April 2014

At the meeting of the Bunbury Wellington Group of Councils on it was resolved as follows:

'That the Bunbury Wellington Group of Councils offer \$3.75 million for the purchase of Lot 1, 3003 Banksia Road Dardanup (90 hectares) conditional on:

1. Offer being accepted by 1 May 2014;
2. Land is jointly purchased by the seven local governments in Bunbury Wellington Group of Councils; and
3. The land being suitably rezoned by Shire of Dardanup to permit the operation of a regional waste facility.'

'That the Bunbury Wellington Group of Councils suspend any further action on undertaking any further studies of the site until a decision on the purchase of the site is finalised.'

30 April 2014

The Shire of Dardanup considered the Bunbury Wellington Group of Councils' offer at its Council meeting and resolved:

'To acknowledge the conditional offer' and directed the Chief Executive Officer Mark Chester *"to provide a report on the Bunbury Wellington Group of Councils offer to be presented to the Ordinary Meeting on the 21 May 2014."*

May 2014

The Shire of Dardanup at its Council meeting on 21 May 2014, resolved as follows:

"THAT Council

1. Call for expressions of interest for the outright sale of the remaining area of Lot 1, 3003 Banksia Road Dardanup, being 85.8ha.
2. Adopt the draft business plan as provided under separate cover and advertise for 6 weeks calling for public comment.
3. Adopt the process for selling the land by public tender in compliance with the Local Government Act 1995 Functions and General Regulation 18 (Tenders),²² (Expressions of Interest),²³ and 24 and s3.58 (2) LGA as described above.
4. Authorise the Chief Executive Officer to arrange for the preparation of a legal agreement to set conditions within the legal agreement for any bidder that the following options are to be provided by the successful bidder in the expression of interest in addition to their offer:-
 - a) That the successful bidder be required to provide two options.

- Option One, to provide transfer station and recycling services at current levels of services, and; Option Two for the purchase of Lot1, 3003 Banksia Road only.
- b) That the successful bidder will be required to provide waste disposal for the Shire at the current rate by a ten year contract that maintains the disposal fee for domestic waste (household waste from kerbside collection) be adjusted by the CPI as at the 31 March each year, unless negotiated higher or lower and is mutually agreed to both parties.
5. Advise that the site is subject to a part sale of 26.9ha to the Water Corporation, leaving 85.8ha for sale.
 6. Advise that the land has a Class II waste landfill licence.
 7. Advise that there is a mining lease over the site and a copy of the lease area is defined on plans that will be made available to interested parties.
 8. Advise that 2.0ha of the land is subject of a lease to the Bunbury Harvey Regional Council for organic waste processing and the lease is to continue and be subject to review at the new owners.'

23 May 2014

At the meeting of the Bunbury Wellington Group of Councils it was resolved as follows:

'That the Bunbury Wellington Group of Councils:

1. Based on the information available to the Bunbury Wellington Group of Council (BWGoC) members on 23 May 2014 (Shire of Dardanup to sell Banksia Road land by public tender), not proceed with the submitting of an Expression of Interest to the Shire of Dardanup for the purchase of Lot 1, 3003 Banksia Road Dardanup, being 85.8ha;
2. Advise the Department of Regional Development of the decision of the Shire of Dardanup to sell the Banksia Road land by public tender;
3. Request the Department of Regional Development to allow the BWGoC to retain the R4R Country Local Government Regional funding allocation of \$4.2 million to consider long term regional waste solutions, including alternative 'Waste to Energy' technology; and
4. Work with the Department of Environment and Regulation to investigate long term solutions for the disposal of waste in the region including investigation of alternative sites and 'Waste to Energy' technology'.

Note: the Shire of Dardanup to be advised that the Talis Reports provided to the BWGoC members is 'Intellectual Property Protected' and should not be included in any document they provide to prospective tenderers for the Banksia Road Waste site.

Comment

Given the work undertaken to date in relation to the development of a regional approach to waste management, it is considered appropriate to consider the way forward.

As there are numerous issues associated with the identification and acquisition of sites, the development of governance and operating frameworks, the priorities outlined in the draft South West Regional Blueprint and the requirements of the Country Local Government Grant there is a need for the group to consider how regional waste will be progressed.

Issue One – Country Local Government Fund

Following the last meeting of the BWGoC an amendment was made to the milestones within the funding agreement as follows:

Main Activities / Milestone	Milestone Date
Finalisation of purchase amount and satisfaction of any conditions	30 November 2014
Purchase of Regional Waste Site and transfer of ownership to regional group	31 January 2015
Formal establishment of regional group	30 June 2015
Site infrastructure construction and upgrades completed	31 May 2015

Whilst this provides some scope for the group to consider alternative sites, the deadline for this to occur is still relatively tight. As such, the group will need to consider how it wants to approach the funding issue. The options available are as follows:

1. Advise the Department that the will not be achieved and that the funding will be returned without an alternative proposal in relation to regional waste management.
2. Advise the Department that the milestones will not be met and put forward an alternative proposal in relation to regional waste management.
3. Advise the Department that the milestones will not be met and put forward an alternative proposal which is supported by the Group in relation to another regional project/s.

Each of the above options will have implications and based on the direction of the group will be pursued to minimise them.

Issue Two – Regional Waste Strategy

In order to progress the priorities outlined in the draft South West Regional Blueprint and to meet the short medium and long term requirements of local governments in the region and broader south west as it relates to waste management. Local governments individually and the BWGoC collectively do not currently have the capacity to resolve the longer term issues related to regional waste management within current resources. If the group wants to take a lead role in relation to the development of this strategy there is be a need to consider how it will be resourced in the immediate future.

As an option the group could consider the appointment of a project officer on a part time basis with set objectives to progress the development of a regional council for waste, site identification, site approvals, management models and other associated issues. Given that this is an issue contained within the South West Blueprint there may be scope to seek funding assistance from the South West Development Commission along with a contribution from the BWGoC. This may also be part funded from the CLGF grant subject to approval by the Department of Regional Development.

In order to progress this option it is suggested that support in principle be sought from the South West Development Commission in the first instance.

Issue Three – South West Strategy

As identified in the draft Blueprint, the issue of waste management is one for the entire south west and not just focused on the Bunbury Wellington region. As such it is considered appropriate to consider initiating discussions with other local governments in the south west, in particular Busselton and Augusta-Margaret River local governments.

To that end it is suggested that a regional meeting be arranged to discuss the issues in consultation with all interested local governments and the South West Development Commission.

Consultation

There is no requirement for community consultation on this proposal.

Further to the meeting held on 23 May 2014 dot point item 1 “Based on the information available to the Bunbury Wellington Group of Council members on 23 May 2014 (shire of Dardanup to sell Banksia Road land by public tender), not proceed with the submitting of an Expression of Interest to the Shire of Dardanup for the purchase of Lot 1, 3003 Banksia Road, Dardanup, being 85.8ha”.

The Banksia Road Business Plan identifies the sale of the Banksia Road site to the Bunbury Wellington Group of Councils as an option. This information was not known on the 23rd May 2014 therefore Council is recommended to support the lodging of a submission urging Dardanup Councillors to support the selling of the Banksia Road site to the Bunbury Wellington Group of Councils.

Policy/Statutory Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

Outcome 2.2 of the Shire’s *Strategic Community Plan* states efficient and effective waste management.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council support the Bunbury Wellington Group of Councils lodging a submission to the Shire of Dardanup in relation to the Business Plan for the Banksia Road site strongly urging Dardanup Councillors to support selling the site to the Regional Group of Councils with the view to establishing a regional waste facility that will cater for all of the Shires' waste and recycling needs.

11.5.5	SUBJECT:	TUIA LODGE CONSTITUTION
	Location:	Shire of Donnybrook/Balingup
	Applicants:	Tuia Lodge Aged Care Board
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	John Attwood – CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	14 July 2014
	Attachments:	Nil

Background

At the Council meeting held on the 28th May 2014 Council resolved that the Tuia Lodge Constitution as presented be endorsed and lodged with the Department of Commerce (formerly the Department of Consumer and Employment Protection).

Comment

Council instructed Slee Anderson and Pidgeon to proceed with the lodgement of the Tuia Lodge Constitution.

To facilitate incorporation required a minor amendment to clause 4.1 of the Constitution. The following clause 4.1(c) has been included:

"No fee or other monies are payable by any person in order to become a Member and Board Member of Tuia Lodge".

In order to register Tuia Lodge Inc for incorporation, the Constitution must state the fee payable (if any) for becoming a member of the association.

Council is also required to approve the names of the Board Members listed in the Constitution. They are:

John Attwood
Sue Radford
Angelo Logiudice

Luigi Tuia
Gregory Hayward

John Wringe
Jean Jennings

Pursuant to section 6 of the Associations Incorporation Act 1987 it is a requirement that prior to making an application for incorporation, the 'Authorised Member' must place an Advertisement of Intended Application for Incorporation in a newspaper circulating in an area where the association is situated or conducts its affairs. The advertisement must be published for at least one month but not longer than three months before submitting the application for Tuia Lodge to incorporate.

Consultation

Tuia Lodge Aged Care Board have participated in the preparation of the Constitution and assisted by legal opinion from Slee Anderson and Pidgeon.

The Board will meet on Monday, 4th August 2014 and approved the inclusion of clause 4.1(c) and the names of the Board Members listed in the Constitution.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Associations Incorporation Act 1987

Department of Commerce's A Guide for Incorporated Associations – checklist for Rules of an Incorporated Association.

Voting

Simple Majority

Financial Implications

Legal fees for the preparation of lease and constitution documents should be met from funds held in the Aged Housing Reserve Funds.

Strategic Implications

Outcome 2: *"The welfare needs of the community are met."*

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council

1. *Approve the inclusion of clause 4.1 (c) as follows:*

"No fee or other monies are payable by any person in order to become a Member and Board Member of Tuia Lodge".

2. *Approve John Attwood, Luigi Tuia, John Wringe, Sue Radford, Gregory Hayward, Jean Jennings and Angelo Logiudice as the names of the Board Members listed in the Tuia Lodge Constitution.*

11.5.6	SUBJECT:	REVIEW OF COUNCIL POLICIES
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	ADM 11/3
	Author:	John Attwood Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	3 July 2014
	Attachments:	N/A

Background

Council staff have undertaken a review of:

- Council policies 1.2, 1.3, 1.5 – 1.7, 1.9 – 1.13, 1.15 – 1.20
- Administration policies 2.1, 2.2, 2.4 -2.12, 2.14, 2.15, 2.17, 2.18, 2.21 – 2.44
- Finance policies 3.1 – 3.9
- Engineering policies 4.1, 4.2, 4.2.1, 4.3 – 4.10, 4.12, 4.14 – 21
- Building policies 5.3 – 5.10
- Health policies 6.1, 6.3, 6.5, 6.6
- Tourism policy 7.1
- Fire Control policies 8.2, 8.3, 8.5, 8.6

A number of amendments are referred to Council for consideration and adoption.

Comment

With the development of a new Human Resources Manual, it is proposed that policies relating to training, recruitment, leave, study leave etc., are removed from the Council Policy Register and included in the new manual. Exceptions to this are policies relating to severance pay, gratuity payments and redundancy, which remain Council Policies.

Other amendments are proposed and listed below. These amendments comprise changes to improve clarity, the removal of clauses which are no longer applicable and/or the addition of clauses/references to ensure the policy is still current. None of the proposed amendments alter the intent of the policy.

(Please note that changes made to improve the function of the document i.e. layout, numbering changes, grammatical or spelling corrections are not shown as amendments).

Town Planning Policies will be reviewed and amendments presented to Council after the Local Planning Scheme No 7 has been formally introduced (gazetted).

POLICIES

2.0 Administration

The following policies to be removed from the Policy Manual and included in the Human Resources Manual:

**2.2 Senior Staff Appointments,
2.5 Equal Employment Opportunity,
2.7 Staff Uniforms,
2.9 Granting of Study Leave,
2.12 Staff Seeking Secondary Employment,
2.15 Staff Appointments,
2.28 Staff Use of the Recreation Centre and
2.29 Staff Training Travel Costs.**

2.14 Community Consultation Policy

The following paragraphs to be added at the end of the section titled Types of Communication to ensure the principles of Council's Disability Access and Inclusion Plan (DAIP) are incorporated:

'To ensure all members of the community can have their say –

- surveys will be available in a variety of formats (hard copy, large print) if required and responses will be accepted in different formats (email, fax, hand-written, voice recording etc.),*
- staff will offer assistance, on request, to people with reading or writing difficulties to formulate and lodge submissions, and*
- submissions from third party representatives will be accepted on behalf of people with disability and from parents or guardians on behalf of children and young people."*

2.24 Community Events Board Policy

To accommodate the new community events board at the northern end of town, the following changes are proposed:

Title to be changed to - *'Community Events Boards'*

Under 'Objective' – change *'location'* to *'locations'*

Under 'Background' - add the words:

"A second structure was installed at the northern end of town in 2014. The Southern Events Board is located at the corner of Marmion Street and South Western Highway. The Northern Events Board is located at the northern end of town by the Arboretum. Both are visible to traffic travelling north and south on the highway."

Point b) is removed and replaced with:

(b) Four panels are available each side of each board. To be seen by traffic travelling both north and south, applicants can provide one or two signs per board.

To point (g) add the words:

It is the responsibility of the applicant to remove signs on the date agreed.

In point (i) change the word *'board'* for *'boards'*.

The Application form will be altered accordingly.

4 Engineering

4.5 Extra Gravel Road Maintenance Demanded by Ratepayers

Add the words: “Refer to Policy 4.10” at the end.

4.5 Construction of Unmade Public Roads

Delete: *“Council may consider a contribution of a maximum rate being \$10 per lineal metre to a maximum total contribution of \$10,000...”*

Replace with:

“Council may consider a contribution of a maximum rate being \$30 per linear metre to a maximum total contribution of \$30,000...”

Add (to list of factors to be considered)

(f) Road length.

4.17 Rural and Rural Residential Road Standards

Add the clause:

4.17.3 *Refer to Local Government Guidelines for Subdivisional Development, Edition 2.1 – 2011.*

4.21 Rural Roadside Management Policy

That the following clause is removed:

“Where storms or other natural events cause trees to fall from road verges onto fences or into properties, the Shire may contact the landowner to advise of the damage and carry out any necessary works where the fallen tree presents a hazard to road users.”

And replaced with the following:

“Where storms or other natural events cause trees to fall from road verges onto fences or into properties it is the responsibility of the land owner to carry out repairs to any damaged infrastructure, however, if the landowner requires assistance in the form of plant, machinery or labour, the Manager of Works and Services is authorised to provide that assistance and recoup costs of the assistance utilising the current budget fees and charges. The Shire will carry out any necessary works where the fallen tree presents a hazard to road users.”

6 Health

6.3 Falls Prevention Awareness

It is proposed that this policy is rescinded as all of the principles are covered by Council’s Disability Access and Inclusion Plan, the Occupational Safety and Health Policy (*Preventing Slips, Trips and Falls*), or through the new building regulations.

6.6 Balingup Waste Transfer Station

To clause 4 (types into which waste material is to be segregated), add the following:

- Comingled dry recyclables
- Empty chemical drums and containers (subject to DrumMuster and ChemClear requirements)
- Vehicle bodies and scrap metal
- Electronic waste
- Tyres
- Batteries
- Other recyclable items as prescribed by the Shire from time to time

To clause 7 remove the word 'contaminated', to read: "*No clean fill shall be accepted at the site*".

Remove clause 8 – "All oil shall be deposited in receptacles provided".

From Clause 11 (now 10) remove the words:

"This includes items such as:

- Electronic waste (e-waste)
- Tyres
- Chemicals
- Construction and demolition waste"

Policy/Statutory/Voting Implications

N/A

Financial Implications

N/A

Strategic Implications

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

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council resolve to adopt the following policy amendments –

2.0 Administration

The following policies to be removed from the Policy Manual and included in the Human Resources Manual:

2.2 Senior Staff Appointments,
2.5 Equal Employment Opportunity,
2.7 Staff Uniforms,
2.9 Granting of Study Leave,
2.12 Staff Seeking Secondary Employment,
2.15 Staff Appointments,
2.28 Staff Use of the Recreation Centre and
2.29 Staff Training Travel Costs.

2.14 Community Consultation Policy

The following paragraphs to be added at the end of the section titled *Types of Communication* to ensure the principles of Council's Disability Access and Inclusion Plan (DAIP) are incorporated:

'To ensure all members of the community can have their say –

- *surveys will be available in a variety of formats (hard copy, large print) if required and responses will be accepted in different formats (email, fax, hand-written, voice recording etc.),*
- *staff will offer assistance, on request, to people with reading or writing difficulties to formulate and lodge submissions, and*
- *submissions from third party representatives will be accepted on behalf of people with disability and from parents or guardians on behalf of children and young people.'*

2.24 Community Events Board Policy

To accommodate the new community events board at the northern end of town, the following changes are made:

Title to be changed to - '*Community Events Boards*'

Under 'Objective' – change '*location*' to '*locations*'

Under 'Background' - add the words:

"A second structure was installed at the northern end of town in 2014. The Southern Events Board is located at the corner of Marmion Street and South Western Highway. The Northern Events Board is located at the northern end of town by the Arboretum. Both are visible to traffic travelling north and south on the highway."

Point b) is removed and replaced with:

(b) Four panels are available each side of each board. To be seen by traffic travelling both north and south, applicants can provide one or two signs per board.

To point (g) add the words:

It is the responsibility of the applicant to remove signs on the date agreed.

In point (i) change the word '*board*' for '*boards*'.

The Application form to be altered accordingly.

4 Engineering

4.5 Extra Gravel Road Maintenance Demanded by Ratepayers

Add the words: “Refer to Policy 4.10” at the end.

4.5 Construction of Unmade Public Roads

Delete: *“Council may consider a contribution of a maximum rate being \$10 per lineal metre to a maximum total contribution of \$10,000...”*

Replace with:

“Council may consider a contribution of a maximum rate being \$30 per linear metre to a maximum total contribution of \$30,000...”

Add (to list of factors to be considered)

(f) Road length.

4.17 Rural and Rural Residential Road Standards

Add the clause:

4.17.3 Refer to Local Government Guidelines for Subdivisional Development, Edition 2.1 – 2011.

4.21 Rural Roadside Management Policy

Remove the clause:

“Where storms or other natural events cause trees to fall from road verges onto fences or into properties, the Shire may contact the landowner to advise of the damage and carry out any necessary works where the fallen tree presents a hazard to road users.”

And replaced with the following:

“Where storms or other natural events cause trees to fall from road verges onto fences or into properties it is the responsibility of the land owner to carry out repairs to any damaged infrastructure, however, if the landowner requires assistance in the form of plant, machinery or labour, the Manager of Works and Services is authorised to provide that assistance and recoup costs of the assistance utilising the current budget fees and charges. The Shire will carry out any necessary works where the fallen tree presents a hazard to road users.”

6 Health

6.3 Falls Prevention Awareness

This policy is rescinded as all of the principles are covered by Council's Disability Access and Inclusion Plan, the Occupational Safety and Health Policy (*Preventing Slips, Trips and Falls*), or through the new building regulations.

6.6 Balingup Waste Transfer Station

To clause 4 (types into which waste material is to be segregated), add the following:

- Comingled dry recyclables
- Empty chemical drums and containers (subject to DrumMuster and ChemClear requirements)
- Vehicle bodies and scrap metal
- Electronic waste
- Tyres
- Batteries
- Other recyclable items as prescribed by the Shire from time to time

To clause 7 remove the word 'contaminated', to read: "*No clean fill shall be accepted at the site*".

Remove clause 8 – "All oil shall be deposited in receptacles provided".

From Clause 11 (now 10) remove the words:

"This includes items such as:

- Electronic waste (e-waste)
 - Tyres
 - Chemicals
 - Construction and demolition waste"
-

11.5.7	SUBJECT:	RECALL ITEM – FREEDOM OF INFORMATION REQUEST FOR REPORT ON ISSUES ARISING FROM BALINGUP PROGRESS ASSOCIATION COMPLAINT
	Location:	Balingup
	Applicants:	Balingup Progress Association
	Zone:	N/A
	File Ref:	ADM 03
	Author:	J Attwood, CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	9 July 2014
	Attachments:	Nil

Background

At the Ordinary Council meeting held on the 25th June 2014 Council considered the confidential report – Confidential – Freedom of Information Request for Report on Issues Arising from Balingup Progress Association Complaint.

Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A the above report remained confidential as “a matter that if disclosed could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law”.

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council agenda.

This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

The *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

Outcome 4.3 of the Shire's *Strategic Community Plan* states "an open and accountable local government that is respected, professional and trusted".

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the Council resolution relating to the confidential report Freedom of Information Request for Report on Issues Arising from Balingup Progress Association Complaint be made public.

11.5.8	SUBJECT:	RECALL ITEM – ISSUES ARISING FROM BALINGUP PROGRESS ASSOCIATION COMPLAINT
	Location:	Balingup
	Applicants:	Balingup Progress Association
	Zone:	N/A
	File Ref:	ADM 03
	Author:	J Attwood, CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	9 July 2014
	Attachments:	Nil

Background

Council considered the following confidential reports at a number of Council meetings:

Confidential – Issues Arising from Balingup Progress Association Complaint – Ordinary Council Meeting held on 26 June 2013.

Confidential – Issues Arising from the Balingup Progress Association Complaint – Ordinary Council Meeting held on 28 August 2013.

Confidential – Release of Report on Issues Arising from Balingup Progress Association Complaint – Ordinary Council Meeting held on 26 February 2014.

Confidential – Report on Issues Arising from Balingup Progress Association Complaint – Ordinary Council Meeting held on 25 June 2014.

Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A the above report remained confidential as "a matter that if disclosed could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law".

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council agenda.

This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

The *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

Outcome 4.3 of the Shire's *Strategic Community Plan* states "an open and accountable local government that is respected, professional and trusted".

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That all the Council resolutions relating to the confidential reports Issues Arising from the Balingup Progress Association Complaint be made public.

11.5.9	SUBJECT:	RECALL ITEM – COMMUNITY HOME CARE LEASE
	Location:	I20 South Western Highway, Donnybrook
	Applicants:	Community Home Care
	Zone:	N/A
	File Ref:	PRO 01/3
	Author:	J Attwood, CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	10 July 2014
	Attachments:	Nil

Background

At the Ordinary Council meeting held on the 12th February 2014 Council considered the confidential report – Community Home Care Lease.

Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (c) and Admin Regulations 4A the above report remained confidential as “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting”.

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council agenda.

This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

The *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

Outcome 4.3 of the Shire’s *Strategic Community Plan* states “an open and accountable local government that is respected, professional and trusted”.

Officer’s Recommended Resolution

Moved: Cr Seconded: Cr

That the Council resolution relating to the confidential report Community Home Care Lease be made public.

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

Item 11.5.10 Confidential – Council Superannuation Contributions – Tuia Lodge Employees - *s5.23 (2) (a) a matter affecting an employee or employees.*

Item 11.5.11 Confidential – RFT 04/2014 – Construction of Tuia Lodge Extensions – Stage 4 - *s5.23 (2) (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

Officer’s Recommended Resolution

Moved: Cr Seconded: Cr

That the meeting be closed to the public to enable discussion of the confidential items 11.5.10 Confidential – Council Superannuation Contributions – Tuia Lodge Employees and 11.5.11 Confidential – RFT 04/2014 – Construction of Tuia Lodge Extension – Stage 4.

11.5.10	SUBJECT:	CONFIDENTIAL – COUNCIL SUPERANNUATION CONTRIBUTIONS – TUIA LODGE EMPLOYEES
	Location:	Tuia Lodge
	Applicants:	Tuia Lodge Aged Care Board
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	John Attwood – CEO (<i>Judy Franks, Executive Assistant</i>)
	Report Date:	10 July 2014
	Attachment:	Nil
