



# Notice of Ordinary Council Meeting

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TO:

**ALL COUNCILLORS**

To be held on

Wednesday, 26 November 2014

Commencing at 5.00pm

Balingup Recreation Centre  
South Western Highway, Balingup WA 6253

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**John Attwood**  
Chief Executive Officer

**20 November 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.

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## ORDINARY COUNCIL MEETING AGENDA

26 November 2014

### TABLE OF CONTENTS

PUBLIC GALLERY .....	4
1 APOLOGIES.....	4
2 PUBLIC QUESTION TIME .....	4
3 APPLICATION FOR LEAVE OF ABSENCE.....	5
4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST .....	5
5 PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
6 LATE ITEMS.....	5
7 CONFIRMATION OF MINUTES.....	5
7.1 Ordinary Council Meeting – 22 October 2014 .....	5
8 ELECTED MEMBERS MOTIONS .....	6
<b>8.1.1 SUBJECT: ADMINISTRATION CENTRE REDEVELOPMENT PROJECT.....</b>	<b>6</b>
9 MINUTES OF PREVIOUS MEETINGS .....	8
9.1 Committee Minutes.....	8
10 REPORTS OF COMMITTEES .....	8
10.1 Cemetery Committee Meeting – 11 November 2014 .....	8
<b>10.1.1 SUBJECT: DONNYBROOK CEMETERY – SEATING STRATEGY / MEMORIAL SEATS .....</b>	<b>8</b>
<b>10.1.2 SUBJECT: USE OF GRAVES AND NICHEs AS MEMORIALS WITHOUT BURIAL OR ASHES.....</b>	<b>11</b>
10.2 Balingup Community Advisory Committee Meeting – 18 November 2014.....	14
<b>10.2.1 SUBJECT: DEVELOPING DONNYBROOK - STAGE 3 PROJECT UPDATE.....</b>	<b>14</b>

<b>10.2.2</b>	<b>SUBJECT: ITEMS FOR DISCUSSION .....</b>	<b>16</b>
10.3	Audit Committee Meeting – 26 November 2014.....	17
<b>10.3.1</b>	<b>SUBJECT: 2013/2014 AUDITOR’S MANAGEMENT REPORT .....</b>	<b>17</b>
<b>10.3.2</b>	<b>SUBJECT: 2013/2014 AUDIT REPORT .....</b>	<b>22</b>
11	REPORTS OF OFFICERS .....	23
11.1	Manager Finance and Administration.....	23
<b>11.1.1</b>	<b>ACCOUNTS FOR PAYMENT .....</b>	<b>23</b>
<b>11.1.2</b>	<b>MONTHLY FINANCIAL REPORT.....</b>	<b>24</b>
<b>11.1.2</b>	<b>SUBJECT: REVIEW OF COUNCIL DELEGATION 3.1 – PAYMENT FROM MUNICIPAL AND TRUST FUNDS .....</b>	<b>24</b>
11.2	Manager Works & Services .....	29
<b>11.2.1</b>	<b>SUBJECT: COUNCIL SUPPORT FOR THIRD PARTY LEASE TO ENABLE ACCESS TO PRIVATE PROPERTY FROM RAINBOW DOWNS ACROSS THE PRESTON RIVER .....</b>	<b>29</b>
11.3	Manager Development and Environmental Services.....	31
11.4	Principal Planner .....	32
<b>11.4.1</b>	<b>SUBJECT: REQUEST FOR COUNCIL PROGRESS STRUCTURE PLANNING INNIATIVES FOR COUNCIL’S FORMER DEPOT SITE ...</b>	<b>32</b>
<b>11.4.2</b>	<b>SUBJECT: COMMEMORATIVE ART INSTALLATION – MULLALYUP PARK .....</b>	<b>36</b>
11.5	Chief Executive Officer .....	38
<b>11.5.1</b>	<b>SUBJECT: APPOINTMENT / RENEWAL OF AUTHORISED PERSONS UNDER VARIOUS ACTS AND REGULATIONS .....</b>	<b>38</b>
<b>11.5.2</b>	<b>SUBJECT: 2013/14 ANNUAL REPORT.....</b>	<b>41</b>
<b>11.5.3</b>	<b>SUBJECT: COUNCIL MEETINGS 2015.....</b>	<b>42</b>
<b>11.5.4</b>	<b>SUBJECT: CONFIDENTIAL – COMMUNITY DEVELOPMENT.....</b>	<b>45</b>
<b>11.5.5</b>	<b>SUBJECT: CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW - CONFIDENTIAL.....</b>	<b>45</b>
12	CLOSURE OF MEETING .....	46

# SHIRE OF DONNYBROOK/BALINGUP

## ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 26 November 2014 at 5.00pm

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### MEMBERS PRESENT

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<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Dilley (President)	John Attwood – Chief Executive Officer
Cr Mitchell (Deputy)	Greg Harris – Manager Finance & Admin
Cr Bailey	Mike Scott – Manager Works & Services
Cr Crowley	Bob Wallin – Principal Planner
Cr Dawson	Judy Franks – Executive Assistant
Cr Duncan	Kate O’Keeffe – Executive Assistant
Cr King	
Cr Logiudice	
Cr McCabe	

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### PUBLIC GALLERY

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#### 1 APOLOGIES

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#### 2 PUBLIC QUESTION TIME

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Question Taken on Notice from the Ordinary Council Meeting held on 22 October 2014.

Lui Tuia

*Regarding the new administration building – have you considered what efficiency dividend this would provide to ratepayers?*

Council’s Response

Not all efficiency dividends result in a financial benefit as many relate to social, strategic and civic outcomes.

The dividend to rate payers is providing an administration building that will:

- a. Encourage and attract staff to the organisation
- b. Provide up-to-date modern facilities to accommodate staff
- c. Allow existing staff entities to be strategically located to improve functionality and efficiency of services to rate payers
- d. Provide capacity to improve driver’s license processing
- e. Provide toilet facilities for members of the public



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## 8 ELECTED MEMBERS MOTIONS

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8.1.1	<b>SUBJECT:</b>	<b>ADMINISTRATION CENTRE REDEVELOPMENT PROJECT</b>
	<b>Location:</b>	<b>N/A</b>
	<b>Applicants:</b>	<b>Cr Mike King</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>FNC 08/12M</b>
	<b>Author:</b>	<b>John Attwood, CEO</b>
	<b>Report Date:</b>	<b>17 November</b>
	<b>Attachments:</b>	<b>Nil</b>

Cr King has proposed the following Notice of Motion:

### Notice of Motion

**The Administration Office Refurbishment to the completion of the detail as shown on the plans located on the Shire notice board be acknowledged as the required project, with the best estimate of indicative cost, the HMA Architects indicative cost estimate of \$2.3 million (January 2014) dollars.**

**This will effectively save the Shire two tranches of design and project management and an extended period of repeated refurbishments and inefficiency as the project extends on over two to three years.**

### Background

In January 2014 HMA Architects submitted two alternative proposals to refurbish the Shire Administration offices. The plans for both options have been posted on the Shire noticeboard for the past month or so, but without any detailed description of the refurbishment or the HMA architects indicative cost estimate of \$2.3 million for either development (in January 2014 dollars). This is detailed in the Ordinary Council Meeting Minutes of March 2014.

To achieve a project budget below \$2.0 million, the Shire has suggested that the renovation of the existing area of the Shire offices be delayed for a few years at a saving of \$423,000. Shire officers have described the present offices as "restrictive, extremely inefficient, poorly designed and imposing major constraints" on logical and effective workflows and servicing of Shire clients. Obviously they do need renovation, sooner rather than later.

The Shire administration advises that the number of administrative staff is predicted to rise from 31 to 40 by 2017, and further to 50 by 2027. The refurbishment is partly required to accommodate these additional administrative staff.

So while the renovation of the existing offices may theoretically be delayed by a year or so (to suit the \$2.0 million budget proposal), it is still an important component of the overall refurbishment, and will still require funding as part of this project.

Intuitively, completing the project in two stages (New Building and renovating the old Church area, then later renovating the existing office areas), will be both inefficient and in all probability more costly than completing the project in one stage. This project may well be a

\$2.5-3.0 million dollar project requiring increased ratepayer financed loan funding of \$1.3 -2.0 million dollars before completion.

This project is to be followed by a Future Growth (Stage 2) costed at \$446,500, to house the later staff expansion within the following 10 years

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

Policy

N/A

Statutory

N/A

Voting

Simple Majority

### **Financial Implications**

No budget allocation has been provided to fund the total redevelopment of the Administration Centre and Council Chambers as outlined by HMA Architects. The estimated cost of this project for Stage 1 and 2 is \$2,750,000 excluding GST. Council would need to source funding through land sales, a loan or Building Reserves.

### **Strategic Implications**

Outcome 4.7 – Maintain and enhance Shire assets

Outcome 4.8 – Attract and retain staff

Strategy 4.8.2 Improve the Shire office accommodation for staff

### **CEO Comment**

Council will be better informed on how much of the project can be undertaken in Stage 1 when a plan is agreed upon and a Quantity Surveyor has provided an estimate. The \$2M Budget provides for approximately \$123,000 to be available for refurbishment of the existing building.

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

**Moved: Cr**

**Seconded: Cr**

**The Administration Office Refurbishment to the completion of the detail as shown on the plans located on the Shire notice board be acknowledged as the required project, with the best estimate of indicative cost, the HMA Architects indicative cost estimate of \$2.3 million (January 2014) dollars.**

**This will effectively save the Shire two tranches of design and project management and an extended period of repeated refurbishments and inefficiency as the project extends on over two to three years.**





As new areas of the Cemetery are opened up, more seating will be required.

The following features are recommended for public seating (based on *Design for Getting Outdoors* Design Guide (UK) and other design guides):

- A backrest
- Construction from a material which does not retain heat or cold (wood or composite are the most comfortable)
- 95 – 100 degree angle between the seat and the back
- Seat depth of 300-450mm, wider for backless benches
- A curved front edge to the seat
- Arm rests

It is recommended that all new seats at the cemetery are of this standard. Composite material is preferred as it requires less maintenance.

It is also proposed that people are given the opportunity to purchase a seat (with plaque) as an alternative form of memorial. This option is available at a number of cemeteries, including Rockingham, Midland, Pinnaroo and Fremantle. Up to four people can be commemorated on each memorial seat.

The location of memorial seats would be decided in consultation with Shire staff, taking into consideration

- existing seating and areas of need – (however two seats can be grouped together if space allows, as this is a recommendation for user-friendly seating).
- shade
- all seating to be placed on common areas – i.e. along pathways / access roads or in vacant areas beneath trees that are being retained because of their significance.

The cost of a composite seat with armrests is \$834, plus delivery and installation. It is recommended that the charge for a memorial seat is set at \$1250, plus the cost of a plaque and inscription. This charge would be reviewed annually as part of the budget process.

### **Bush Memorial Pathways Plan**

It is proposed that the Bush Memorial be extended along either side of a pathway which circles the Niche Wall in a clockwise direction, as originally planned (see attachment 5.1.1). The pathway has already been cleared and funding has been allocated in the 2014-15 budget to extend the hardcover by 15-20 metres.

A response to the Padman family's request to place a seat on the right hand side of the existing Bush Memorial Path was delayed until strategies for seating and the expansion of the Bush Memorial had been decided. Based on the recommended resolution below, the family's request can now be agreed to.

### **Consultation**

Cemeteries and Crematoria Association of Western Australia  
*Design for Getting Outdoors* Design Guide  
Exteria Street and Park Outfitters

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

N/A

## **Financial Implications**

Ongoing maintenance costs

## **Strategic Implications**

Strategic Community Plan -

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

Outcome 2.4: Our heritage areas and localities are acknowledged.

### **Officer's recommended Resolution:**

- a) **That all seating installed at the Donnybrook Cemetery meets the following standards:**

**Seats are required to**

- **have a backrest and armrests**
- **be constructed from slats in jarrah or composite material**
- **have a galvanised steel or cast aluminium frame (including legs)**
- **a 95 – 100 degree angle between the seat and the back**
- **seat depth of 300 - 450mm**
- **seat length of 1600 - 1800mm**
- **a curved front edge to the seat, and be**
- **mounted onto concrete footings**

- b) **That seats which meet these standards are offered as a memorial option at a cost of \$1,250 plus the cost of a plaque and inscription, and may be located along pathways, access roads or under trees of significance, as determined by Council staff.**

### **Committee Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

- a) **That all seating installed at the Donnybrook Cemetery meets the following standards:**

**Seats are required to**

- **have a backrest and armrests**
- **be constructed from slats in composite material in a grey/brown colour**
- **have a galvanised steel or cast aluminium frame (including legs)**

- a 95 – 100 degree angle between the seat and the back
- seat depth of 300 - 450mm
- seat length of 1600 - 1800mm
- a curved front edge to the seat, and be
- mounted onto concrete footings that are flush with the ground

b) That seats which meet these standards are offered as a memorial option on a cost-recovery basis, plus the cost of a plaque and inscription, and may be located along pathways, access roads or under trees of significance, as determined by Council staff.

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<b>10.1.2</b>	<b>SUBJECT:</b>	<b>USE OF GRAVES AND NICHES AS MEMORIALS WITHOUT BURIAL OR ASHES</b>
	<b>Location:</b>	<b>Donnybrook, Balingup and Upper Preston Cemeteries</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>RES 01/3</b>
	<b>Author:</b>	<b>John Attwood (<i>Lucy Bourne, Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>31 October 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

Council staff have received requests recently for

- a) A grave site to be purchased for the purposes of a memorial only, as the burial site (at Karakatta) was being re-designated, and
- b) A double niche wall with plaque to commemorate two people who are already buried at the cemetery in unmarked graves.

These requests suggest the need for a policy on the use of graves and niches and the possibility of developing alternative options for people who want a memorial, that is not associated with a burial or ashes.

## Comment

In the first case above, the request was withdrawn after a discussion of alternatives, so is no longer an issue. However, a clear policy would be helpful, should a similar situation arise.

In the second case, staff were not aware that the deceased were already buried at the cemetery until they met the relatives to choose a niche. The relatives were not aware the unmarked graves could be identified. The process of ordering a plaque has been halted until a Council decision on this issue.

As more people opt for cremation and to have their ashes spread in places other than a cemetery and/or as the tenure on graves expires, these types of requests may increase.

Where a person is buried elsewhere, permitting grave sites, Niche Wall or Bush Memorial plaques to be used as memorials has implications, including:

- the accuracy of records and research into family histories (a very popular area these days), and
- the use of a finite resources, particularly in the case of grave sites, for a purpose other than that originally intended.

These implications are not as significant where a niche wall or bush memorial plaque is used as a memorial only, provided the deceased has a) been cremated, and b) their ashes have been scattered or kept elsewhere.

At the Cemeteries and Crematoria Association of WA annual seminar, there was discussion about alternative options for memorials and future trends for cemeteries, which will be presented to the Committee for discussion, as part of this item.

The following options are presented for discussion:

Option 1:

A policy is developed that states the purchase of a grave site must be accompanied by a burial (noting that the term 'burial' in the *Cemeteries Act 1986* includes the disposal of ashes), and that a niche or Bush Memorial site may be used only when some or all of the deceased's ashes are to be placed within them.

Option 2:

A policy is developed that states the purchase of a grave site must be accompanied by a burial (noting that the term 'burial' in the *Cemeteries Act 1986* includes the disposal of ashes), but that

A niche or Bush Memorial site may be purchased without ashes being placed within them, provided the deceased was cremated and their ashes spread or kept somewhere other than a cemetery.

## **Consultation**

Cemeteries and Crematoria Association of Western Australia

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

*Cemeteries Act 1986*

## **Financial Implications**

N/A

## **Strategic Implications**

Strategic Community Plan - Outcome 2.4: Our heritage areas and localities are acknowledged

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

Option 1:

**That Council staff develop a policy stipulating that**

- a) a grave site may be purchased only for the purposes of a burial/burials**
- b) a niche wall or bush memorial site may be purchased only when some or all of the deceased's ashes are to be placed in that niche wall/bush memorial site,**

**and that Council staff explore alternative options for memorial plaques where there is no body / ashes.**

Option 2:

**That Council staff develop a policy stipulating that**

- a) a grave site may be purchased only for the purposes of a burial/burials**
- b) a niche wall or bush memorial site may be purchased without ashes being placed in them provided the deceased was cremated and their ashes are spread or kept somewhere other than in a cemetery.**

**and that Council staff explore alternative options for the placement of memorial plaques where there is no body / ashes.**



*c) Identify existing Rural Residential areas to acknowledge subdivision potential available under proposed Town Planning Scheme No.7.*

2) *The CEO to forward comments and feedback to TME (consultants) for consideration in the further reviewing/drafting of the Developing Donnybrook report”.*

TME has been provided the feedback and has updated the report and maps to reflect advice provided.

A draft Stage 3 (final stage) has been prepared and was presented to the working group at a meeting on the 12<sup>th</sup> November 2014.

A number of minor modifications have been suggested. TME will update the report so that the report can be presented to Council at its December meeting for consideration for advertising.

There is potential for the advertising period to include a number of public displays and meetings to enable informed public discussion and feedback.

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

##### Policy

N/A

##### Statutory

N/A

##### Voting

Simple Majority

#### **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 note the progress of the report and be advised of Council's decision and be provided with an opportunity to make comments during the advertising process.**

## Committee's Resolution

**Moved: J Helsham**

**Seconded: Cr King**

**That the Committee:**

- 1) Note the progress of the report and be advised of Council's decision and be provided with an opportunity to make comments during the advertising period;**
- 2) Request that the advertising period starts in February (after the finish of the end of year school holidays);**
- 3) Request that copies of the Strategy are provided once updated by the consultant.**

## Council Resolution

**Moved: Cr**

**Seconded: Cr**

**That Council commence advertising the Developing Donnybrook Strategy in February 2015 and provide copies of the Strategy to the Balingup Community once updated by the Consultant.**

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<b>10.2.2</b>	<b>SUBJECT:</b>	<b>ITEMS FOR DISCUSSION</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 15</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>13 November 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

Items for discussion:

### Balingup Rec Centre – lining

The Committee requested that the CEO provide information on the budget status of the Balingup Recreation Centre.

### Proposed Redevelopment of the Shire's Administration Building

The Committee requested that:

- The Shire place copies of the plan at the Post Office notice board.
- That all publically advertised proposals be displayed at the Post Office notice board in addition to the library notice board to maximise public exposure.



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**10.3      *Audit Committee Meeting – 26 November 2014***

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<b>10.3.1</b>	<b>SUBJECT:</b>	<b>2013/2014 AUDITOR'S MANAGEMENT REPORT</b>
	<b>Location:</b>	<b>Shire of Donnybrook / Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>FNC02</b>
	<b>Author:</b>	<b>Greg Harris, Manager Finance &amp; Administration</b>
	<b>Report Date:</b>	<b>14 November 2014</b>
	<b>Attachments:</b>	<b>10.3.1 Auditor's Management Report</b>

### **Background**

Council's Auditor's AMD Chartered Accountants, completed on-site audit investigations on 13th to 15th October 2014.

AMD Chartered Accountants have issued a Management Report to the Shire President. A copy of the Auditor's Management Report has been provided with this agenda.

The report contains recommendations made by the auditor in respect to improvements that are considered necessary to improve the internal controls and financial management of Council.

An extract of the Auditor's comments together with management's response to these matters is listed below for Council information.

The report raises five (5) matters in relation to:

1. Investment Policy
2. Plant Operating Costs and Public Works Overheads
3. Excessive Leave Balances
4. Purchase Orders
5. Storm Claim

### **APPENDIX 1**

#### **Audit Recommendations for the year ended 30 June 2014**

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### **GUIDANCE TO FINDINGS RATING / IMPLICATION**

Findings identified during the final audit have been weighted in accordance with the following scale:

**Significant:** Those findings where there is potentially a significant risk to the entity should the finding not be addressed promptly.

**Moderate:** Those findings which are of sufficient concern to warrant action being taken by the entity as soon as possible.

Minor: Those findings that are not of primary concern however still warrant action being taken.

## **AUDIT FINDINGS**

### **1. INVESTMENT POLICY**

#### ***Finding Rating: Moderate***

We noted the Shire of Donnybrook – Balingup investment policy was last reviewed on 17 June 2014. The policy states reserve accounts can be 12 months to five years in duration which is prohibited under the Local Government (Financial Management) Regulations 1996.

#### **Implication**

Risk of non-compliance with Local Government (Financial Management) Regulations 1996.

#### **Recommendation**

We recommend Council's investment policy be updated to reflect the minimum and maximum term of investments as required by Regulation 19C of the Local Government (Financial Management) Regulations 1996.

#### **Management Comment**

Council's Investment Policy will be reviewed to reflect the minimum and maximum term of investments as required by Regulation 19C of the Local Government (Financial Management) Regulations 1996.

### **2. PLANT OPERATING COSTS AND PUBLIC WORKS OVERHEAD**

#### ***Finding Rating: Moderate***

We note the over allocation for plant operating costs to 30 June 2014 was 12.5% and the under allocation for public works overheads was 16.01%.

#### **Implication**

Risk that actual public works and plant cost expenditure is not being correctly allocated to jobs during the year.

#### **Recommendation**

We recommend a review of public works and plant costing allocations be undertaken at regular intervals during the year, with charge out rates adjusted as required.

#### **Management Comment**

Public Works and Plant cost allocations are reported monthly in conjunction with the preparation of the monthly financial report. Minimal adjustments were made during the year due to the works program occurring primarily in the second half of the year and it was anticipated that allocation discrepancies would self-correct as the works program progressed. Another factor that affected the plant charge out allocations was the review of depreciation

rates which was undertaken close to the end of the financial year with a retrospective depreciation adjustment done at year end.

A thorough review of plant charge out rates has now been undertaken resulting in charge out rates being amended. Both public works and plant charge out rates will be more closely monitored during the year.

### **3. EXCESSIVE LEAVE BALANCES**

#### ***Finding Rating: Moderate***

We noted twelve employees have accrued in excess of six weeks annual leave at year end.

#### **Implication**

The cost to the Shire of Donnybrook – Balingup is greater if annual leave is not paid out on a regular basis due to:

- The cumulative effect of salary increases over a period of time;
- Recreational leave enhances employee performance; and
- It is a fundamental principle of good internal control that all employees take regular leave.

#### **Recommendation**

We recommend employees take regular leave through ongoing management of leave scheduling and leave liabilities.

#### **Management Comment**

Noted – Management staff are charged with the responsibility of ensuring that their staff take adequate leave. In most cases this is being adequately managed however it is accepted that there are exceptions.

Some longer term employees have high leave balances as they have also become due for Long Service Leave. In a Council of this size it is sometimes difficult to take annual leave and LSL as it accrues, due to the limited availability of relief staff.

Your comments are accepted and excessive leave balances will continue to be addressed within the limits of Council's budget and available human resources.

### **4. PURCHASE ORDERS**

#### ***Finding Rating: Minor***

We noted occasions where purchase orders were dated after invoice date, indicating the purchase order was not correctly completed and authorised prior to the expense being incurred

Examples included:

- Cheque number 49790 to Argyle/Irishtown Bushfire Brigade – invoice dated 6 10 October 2013, purchase order dated 15 October 2013;
- Cheque number 49803 to South West Isuzu – invoice dated 10 October 2013, purchase order dated 14 October 2013.

**Implication**

Risk of unauthorised goods and services being purchased and liabilities being incurred.

**Recommendation**

We recommend purchase orders be completed for all purchases with exception of utilities and regular payments, whereby they are completed and authorised in accordance with stated policy prior to incurring expenses.

**Management Comment**

Council’s purchasing procedures require staff to ensure that a purchase order is issued in advance for all goods and services. Staff have been instructed through team meetings to ensure this practice is strictly adhered to. Accounts payable staff monitor this requirement and report non-compliance to the Manager Finance and Administration or CEO for appropriate action.

**5. STORM CLAIM**

**Finding Rating: Minor**

We note the final storm claim to WANDRRA was submitted after 30 June 2014, despite the storm occurring in September 2013.

**Implication**

Delay in receiving insurance proceeds income.

**Recommendation**

We recommend insurance claims be submitted in a timely manner.

**Management Comment**

Recommendation noted and accepted. Staff have been instructed to ensure all claims are submitted in a prompt manner.

**APPENDIX 2**

**Audit Adjustments for the year ended 30 June 2014**

**Summary of Audit Adjustments**

The following audit adjustments were raised upon completion of our audit and are reflected within Shire of Donnybrook - Balingup 30 June 2014 financial report.

<b>SHIRE OF DONNYBROOK - BALINGUP AUDIT ADJUSTMENTS 30 JUNE 2014</b>		
<b>Description</b>	<b>\$ Debit</b>	<b>\$ Credit</b>
Prepayments	21,094	
FESA Income		21,094
<i>Record FESA income received on 30 June 2014.</i>		

## **Comment**

Council's Auditor, Mr Tim Partridge will be attending the Audit Committee Meeting of AMD Chartered Accountants will attend the meeting and will provide an overview of the audit process and discuss outcomes from the 2013/14 audit. Councillors are encouraged to ask questions in regard to any issues relating to the financial affairs of Council.

## **Consultation**

N/A

## **Policy/Statutory Implications**

Section 10 (4) of the Local Government (Audit) Regulations 1996 state:

“Where it is considered by the auditor to be appropriate to do so, the auditor is to prepare a management report to accompany the auditor's report and to forward a copy of the management report to the persons specified in section 7.9 (1) with the auditor's report”.

Section 7.9 (1) identifies the relevant persons as:

- the mayor or president;
- the CEO of the local government; and
- the Minister.

## **Financial Implications**

N/A

## **Strategic Implications**

N/A

## **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That Attachment 10.3.1 - Auditor's Management Report for the year ended 30<sup>th</sup> June 2014 be received.**

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<b>10.3.2</b>	<b>SUBJECT:</b>	<b>2013/2014 AUDIT REPORT</b>
	<b>Location:</b>	<b>Shire of Donnybrook / Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>FNC02</b>
	<b>Author:</b>	<b>Greg Harris, Manager Finance &amp; Administration</b>
	<b>Report Date:</b>	<b>14 November 2014</b>
	<b>Attachments:</b>	<b>10.3.2 Audit Report</b>

## **Background**

Council's Auditors AMD Chartered Accountants have completed their audit for the 2013/14 financial year and have issued their Audit Report.

The report provides the following "Opinion" and note in regard to "Statutory Compliance":

## **Opinion**

In our opinion, the financial report of the Shire of Donnybrook/Balingup:

- i. gives a true and fair view of the Shire of Donnybrook/Balingup's financial position as at 30 June 2014 and of its performance for the financial year ended 30 June 2014; and
- ii. complies with Australian Accounting Standards; and
- iii. is prepared in accordance with the requirements of the *Local Government Act 1995* Part 6 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

## **Statutory Compliance**

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- i. There are no material matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- ii. There are no other matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- iii. The asset consumption ratio and asset funding renewal ratio included in the annual financial report are supported by verifiable information and reasonable assumptions.
- iv. All necessary information and explanations were obtained by us.
- v. All audit procedures were satisfactorily completed during our audit. "

## **Comment**

A full copy of the Auditor Report has been provided with this agenda.

## **Consultation**

N/A



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**11.1.2 MONTHLY FINANCIAL REPORT**

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

**Moved: Cr**

**Seconded: Cr**

**That the monthly reports for the period ended 30 September 2014 and 31 October 2014 be received.**

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<b>11.1.2</b>	<b>SUBJECT:</b>	<b>REVIEW OF COUNCIL DELEGATION 3.1 – PAYMENT FROM MUNICIPAL AND TRUST FUNDS</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>ADM 11/3</b>
	<b>Author:</b>	<b>Greg Harris – Manager Finance &amp; Administration</b>
	<b>Report Date:</b>	<b>14 November 2014</b>
	<b>Attachments:</b>	<b>N/A</b>

**Background**

Delegation 3.1 authorises the CEO to approve payments from the Municipal and Trust Fund and details the manner in which the delegation is to be exercised.

In respect to cheque signatories, authority to sign cheques up to an amount of \$50,000 is vested with the CEO with the Manager Finance & Administration (MFA) countersigning. The Accountant is also authorised to sign in the absence of either officer.

Cheques over \$50,000 currently require the President or Deputy President, a Councillor and the CEO or Acting CEO to sign.

This agenda item proposes that the requirement for elected members to sign all cheque payments over \$50,000 be no longer required with cheque payments to be authorised as per the existing arrangements for amounts under \$50,000 (i.e. CEO & MFA to sign).

Payments made by EFT have previously been restricted to \$50,000 in order to comply with the three signature requirement. This agenda item proposes to amend this practice to enable EFT payments over \$50,000 to be authorised by the CEO and MFA.

The existing exception to the above restriction has been EFT payments made for payroll. This has been limited to \$120,000 which is now proving to be an insufficient amount. This agenda item recommends removing the upper limit for EFT payments for payroll purposes.



## Comment

### Payments by Cheque

The current delegation which requires the signature of two elected members and the CEO is administratively inefficient as staff must arrange for the elected members to sign the cheques at a mutually convenient time. This practice offers limited additional control as the liability for the debt has been incurred at the time the goods or services were arranged and the Council purchase order issued. Council's budget authorises the expenditure and all payments are required to be made in accordance with approved budget provisions.

The delay in obtaining signatures means that it can be difficult to take advantage of prompt payment discounts which are sometimes associated with building or other contracts.

### EFT Payments

At present all payments to suppliers for amounts over \$50,000 are made by cheque. This is now seen as an outdated practice with suppliers expected to receive payments via EFT. Similar issues exist with delays in payments caused by the requirement to prepare and have cheques authorised and signed.

The limitation of payroll EFT payments of \$120,000 is now proving insufficient as Council's payroll now regularly exceeds this amount. The need for a limit on EFT payments for payroll is seen as unnecessary as all payroll payments are authorised in advance by the CEO and MFA.

To facilitate the above amendments it is recommended that delegation number 3.1 be amended as follows:

<b>Delegation Number</b>	3.1
<b>Subject</b>	Payments from Municipal and Trust Funds
<b>Legislative Authority to Delegate</b>	Local Government Act 1995 (s5.42)
<b>Power Exercised</b>	Local Government (Financial Management) Regulations 1996 (s13)
<b>Delegated Authority</b>	Chief Executive Officer

### **Delegated Authority**

The Chief Executive Officer is delegated authority to approve payments from the municipal and trust funds. This delegation to be exercised in the following manner:

### **Cheque Signatories**

Authority to sign municipal and trust fund cheques ~~up to the amount of \$50,000~~ on behalf of the local government to be vested in the CEO and countersigned by the Manager of Finance and Administration with the Accountant signing in the absence of either person.

~~Authority to sign municipal and trust fund cheques to the value of \$50,000 and over be vested in the President or Deputy President and countersigned by a Councillor and also by the CHIEF EXECUTIVE OFFICER or Acting CHIEF EXECUTIVE OFFICER in his absence.~~

## **Electronic Funds Transfer (EFT)**

The Chief Executive Officer is authorised to approve payments via Electronic Funds Transfer (EFT) for payroll of up to \$120,000 and for lodging of investments in accordance with Council's Investment Policy and for the payment of sundry creditors.

All EFT transactions will require "Bank Token" authorisation prior to processing. All Transactions over \$50,000 are to be supported by written authorisation of the Chief Executive Officer and Manager of Finance and Administration, with the Accountant signing in the absence of either person.

Delegation 3.2 outlines procedures to be followed in respect to the payment of sundry creditors via EFT.

### **Consultation**

N/A

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

Voting - Absolute Majority

### **Financial Implications**

The amended delegation will improve efficiency and enable Council to make payments to suppliers within reduced timeframes. This will enable Council to take full advantage of prompt payment discounts and avoid penalties for late payments.

### **Strategic Implications**

N/A

### **Risk Assessment**

A risk assessment for amending the delegation as proposed identifies financial and reputational risks as the most significant.

<b>KEY RISK IDENTIFICATION</b>	
<b>Risk Category/s</b>	<b>Identified Risks</b>
Financial	1. Fraud by an Officer of Council due to reduced controls.
Financial	2. Inability to meet contractual payment requirements
Financial	3. Loss of prompt payment discounts.
Reputation	4. Impact on reputation by not meeting contractual payments when required.
Reputation	5. Perception that Council is not operating in an efficient and contemporary manner.

<b>RISK CLASSIFICATION &amp; TREATMENT (of selected key risks)</b>				
<b>Risk No.</b>	<b>Consequence Rating</b>	<b>Likelihood Rating</b>	<b>Risk Classification (Low, Moderate, High, Extreme)</b>	<b>Recommended Adequate Treatment to Control the Risk</b>
1. Fraud by an officer of Council due to reduced controls	Major (Financial)	Rare	LOW	<ul style="list-style-type: none"> <li>All payments require authorization by two Council Officers.</li> <li>Payments are made for only approved purchases that have been reviewed by management staff prior to payment via purchase order process.</li> <li>All payments must be made in accordance with the Council approved budget</li> </ul>
2. Inability to meet contractual payment requirements	Minor (Financial)	Possible	MODERATE	<ul style="list-style-type: none"> <li>Proceed with changes to delegation 3.1 as recommended.</li> </ul>
3. Loss of prompt payment discounts	Minor (Financial)	Possible	MODERATE	<ul style="list-style-type: none"> <li>Proceed with changes to delegation 3.1 as recommended.</li> </ul>
4. Impact on reputation by not meeting contractual payments when required	Insignificant (Reputation)	Unlikely	LOW	<ul style="list-style-type: none"> <li>Proceed with changes to delegation 3.1 as recommended.</li> </ul>
5. Perception that Council is not operating in an efficient and contemporary manner.	Insignificant (Reputation)	Unlikely	LOW	Proceed with changes to delegation 3.1 as recommended.

## Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council endorse the revision of Delegation 3.1 as detailed below:

<b>Delegation Number</b>	<b>3.1</b>
<b>Subject</b>	<b>Payments from Municipal and Trust Funds</b>
<b>Legislative Authority to</b>	<b>Local Government Act 1995 (s5.42)</b>
<b>Power Exercised</b>	<b>Local Government (Financial Management) Regulations 1996 (s13)</b>
<b>Delegate</b>	<b>Chief Executive Officer</b>

### Delegated Authority

The Chief Executive Officer is delegated authority to approve payments from the municipal and trust funds. This delegation to be exercised in the following manner:

### Cheque Signatories

Authority to sign municipal and trust fund cheques on behalf of the local government to be vested in the CEO and countersigned by the Manager of Finance and Administration with the Accountant or Manager Works and Services signing in the absence of either person.

### Electronic Funds Transfer (EFT)

The Chief Executive Officer is authorised to approve payments via Electronic Funds Transfer (EFT) for payroll and for lodging of investments in accordance with Council's Investment Policy and for the payment of sundry creditors.

All EFT transactions will require "Bank Token" authorisation prior to processing. All Transactions are to be supported by written authorisation of the Chief Executive Officer and Manager of Finance and Administration, with the Accountant signing in the absence of either person.

Delegation 3.2 outlines procedures to be followed in respect to the payment of sundry creditors via EFT

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**Absolute Majority Required**

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## 11.2 Manager Works & Services

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<b>11.2.1</b>	<b>SUBJECT:</b>	<b>COUNCIL SUPPORT FOR THIRD PARTY LEASE TO ENABLE ACCESS TO PRIVATE PROPERTY FROM RAINBOW DOWNS ACROSS THE PRESTON RIVER</b>
	<b>Location:</b>	<b>Location 4176</b>
	<b>Applicants:</b>	<b>Ms Larissa Giblett &amp; Mr Garth Fitzpatrick</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>BR 3524</b>
	<b>Author:</b>	<b>Manager Works and Services</b>
	<b>Report Date:</b>	<b>17 November 2014</b>
	<b>Attachments:</b>	<b>11.2.1 Confidential - Letter of Agreement</b>

### Background

This item seeks the Council's support for a private lease between the owners of Location 4176 and the state Department of Lands over a parcel of land at the crossing point at the end of the Rainbow Downs road reserve, across the Preston River.

The owners of the property have pursued the lease as a resolution to the issue of responsibility for the dilapidated state of the existing structure that accesses Location 4176 which is not suitable for their intention to construct a house.

### Comment

Access across the Preston River to properties on the northern side of the Boyup Brook Road has been contentious since the 1990's when the state government made reserve management and structures within reserves the responsibility of the affected local government.

While the Preston River reserve is currently the responsibility of the state Department of Water, access structures like the dilapidated and sub-standard bridge at the end of the Rainbow Downs road reserve were deemed by the state to be the shire's responsibility.

However, shire officers have previously been provided with a legal view that inherited river crossing structures outside the designated road reserve, particularly those that were never constructed to an acceptable standard like the bridge at Rainbow Downs, could not become the responsibility of the shire and a large cost burden to ratepayers while servicing only one or two properties.

Affected landholders obviously hold any number of views on which authority is responsible for maintenance of their river crossing structure. The lack of clarification of responsibility for the structures is the cause of frustration for affected landholders and ill-feeling towards shire officers who are unable to resolve the issue to their satisfaction.

Ms Giblett and Mr Fitzpatrick acquired the property at Location 4176 and want to construct a house on the property. They have arranged a lease of the crossing to access their property with the Department of Lands and have committed to construct a "fit for purpose" structure on that lease.

State and local government authorities have previously been unable to find a resolution to the question of ownership with no authority willing to accept the somewhat unfunded and onerous cost implications of that responsibility.

The Department of Water requires the Shire of Donnybrook-Balingup's endorsement for the lease to be approved.

## **Consultation**

Ms Giblett and Mr Fitzpatrick have worked with the Works and Services team, the Principal Planner and the Department of Lands to arrive at a considered and agreed resolution that will allow them to construct their house on Location 4176.

Shire officers are aware that there are a number of similar examples throughout the state for which this resolution may provide precedent. WALGA has attempted to find a resolution which can be applied across the board however little progress has been achieved to date.

Ms Gilbert and Mr Fitzpatrick are to be commended for the initiative they have shown in working towards this resolution.

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

### Policy

Endorsing the agreement with the current and future owners of Location 4176 is consistent with the Shire of Donnybrook-Balingup's policies.

The Shire of Donnybrook-Balingup's authority and policies only apply to the road reserve over which it has responsibility.

### Statutory

Any responsibility for statutory implications arising from the lease will fall to the state Department of Water. The shire is not involved in the lease with Department of Lands other than to provide its endorsement.

The Shire of Donnybrook-Balingup's authority with regard to the lease only applies to the road reserve.

### Voting

This endorsement requires a simple majority.

## **Risk Assessment**

The Shire of Donnybrook-Balingup is not at risk from endorsing the lease agreement. It is responsible for the Rainbow Downs road reserve and all matters regarding the lease relate to either private land or the Department of Lands, with the owners of Location 4176.

## **Financial Implications**

The Shire of Donnybrook-Balingup will provide a turnaround at the end of the Rainbow Downs road reserve and a no through road sign to deter casual access to Location 4176. This is consistent with maintenance throughout across the shire.

## **Strategic Implications**

Civic Leadership Objective: A progressive, actively engaged community working in partnership to achieve our aspirations.

Desired Outcome:

An open and accountable LG that is respected, professional and trusted.

Item 4.2.2 Seeking efficiencies in planning and operations

Endorsement of this arrangement resolves an ongoing issue relating to access to two properties on the northern side of the Preston River at the end of the Rainbow Downs road reserve.

## **Officer's Recommended Resolution**

**The Council endorses the lease agreement between Ms Larissa Giblett and Mr Garth Fitzpatrick, as current owners of Location 4176, Boyup Brook Road; and the Department of Lands to resolve the issue of access to Location 4176 across the Preston River.**

**Moved: Cr**

**Seconded: Cr**

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### ***11.3 Manager Development and Environmental Services***

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Nil

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## **11.4 Principal Planner**

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<b>11.4.1</b>	<b>SUBJECT:</b>	<b>REQUEST FOR COUNCIL PROGRESS STRUCTURE PLANNING INITIATIVES FOR COUNCIL'S FORMER DEPOT SITE</b>
	<b>Location:</b>	<b>Donnybrook Townsite</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>Residential R30 and Community Purpose</b>
	<b>File Ref:</b>	<b>A197</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>4 August 2014</b>
	<b>Attachments:</b>	<b>11.4.1 (1) – Location Plan 11.4.1 (2) – Extract of TPS7 zoning 11.4.1 (3) – Previous Concept sketch 11.4.1 (4) – Draft Structure Plan Concept 11.4.1 (5) – Confidential - Cost and Revenue Estimates 11.4.1 (6) – Risk Table</b>

### **Background**

The Shire's former depot site, consisting of Lots 16, 18, 14, 7 Emerald Street and Lot 13 Bentley Street, Donnybrook has been the subject of previous feasibility and development options (see Attachment 1 Location Plan).

The previous use of the land (Council depot) has resulted in the need for a contamination report to be prepared. Contaminated soil has been removed and monitoring measures put in place.

Local Planning Scheme No.7 (LPS7) zones the majority of the site Residential R30. A portion of Lot 13 is reserved for "Community Purpose" (see Attachment 2).

In looking at the TPS7 zoning, there is scope to review the extent of the "Community Purpose" reserve. This will require an amendment to TPS7.

Reducing the extent of the "Community Purpose" will:

- have no impact on the Council's ability to accommodate community purpose functions;
- have no impact on the functioning or heritage values of the Soldiers Memorial Hall;
- enable the creation of a more regular road network and lots;
- increase opportunities to consider a wider range of quality design outcomes.

In 2008, Council prepared a "Development Options and Feasibility Report" for the site. This report considered two design options. One option was to sell as is to a developer as vacant land. The other option was focused on the creation of seven R20 sized lots along Emerald Street and two grouped dwellings sites serviced by a cul-de-sac (see Attachment 3).

These existing options do not fully acknowledge the opportunities afforded to the site in terms of revenue opportunities and design outcomes.



A new alternative concept has been prepared (Attachment 4). This concept design has the following key qualities:

- A small pocket park to create a high amenity environment, marketing and drainage capabilities;
- Location of the pocket park over land areas subject to previous contamination to further reduce risk;
- A range of housing lots including single house lots and grouped dwelling sites. Single house lots have a standard 15m frontage and 30m depth (450m<sup>2</sup>) which can accommodate a wide range of standard project homes;
- Creation of a majority of lots with correct passive solar design;
- Opportunities to increase landscaping treatments and water sensitive urban design outcomes to ensure the establishment of tree lined streetscapes and native species landscaping within front setback areas;
- A curve in the alignment of the road to enable vistas of open space and create visual interest from a flat and generally featureless site;
- Potential to use “pavement treatments” that create a quiet pedestrian focused image and porous qualities to reduce stormwater runoff; and
- Ability to stage the development to enable the museum to be retained on-site with access. This allows time to find an alternative location for the museum.

### **Comment**

To enable a comparison between the concepts it is necessary to review the analysis provided in 2008. Since 2008, land prices have likely dropped from the highs experienced in the boom of the 2007/2008 or remained static at best. Conversely, costs of subdivisional works and the complexity of approval processes/requirements have increased. For this exercise it is proposed to factor in a conservative 10% increase in subdivisional costs and leave the land sales estimates as originally forecast.

On this basis, estimated net profits are:

Option 1 – sell to developer \$650,000.00;

Option 2 – 7x R20 lots and 2x grouped dwelling sites \$754,921.00.

For the new proposal (Attachment 4), a costs and revenues estimate have been done (see Attachment 5).

It is estimated that there is potential to make a net profit return of approximately \$862,000 over the total project with expenses likely to be in the order of \$1,792,372.

In addition, to the potential increased revenue, the new option has a number of other urban design advantages including:

- Improved opportunities for streetscape appeal and presentation with all houses having direct street frontages and outlooks;
- Improved drainage and open space design outcomes.

In addition, the new design opens up the market to a wider range of buyers, not just to a limited field of land developers. In addition, grouped dwelling sites generally present relatively poor rates of return to subdividers compared to single house lots.

If Council considers it desirable to proceed with the design proposed in Attachment 4, risks and outlays can be dispersed through a staged approach. Staging can reduce upfront funding costs.

It is suggested that a first stage could consist of creating 8 lots along the Emerald Street frontage. Developing this section minimises the need for new road construction, develop open space or depend on any rezoning process.

In addition, the lots create an outward looking frame to the development. From a marketing point of view, sales would not benefit directly from any quality landscaping and open space works that would form part of the wider project. The first stage lot values will likely be more derived from the existing streetscape qualities present on Emerald Street.

It is estimated that the first stage will require upfront funding of \$463,182 (excludes landscaping packages and sales commissions which can be deducted later). A profit of \$378,818 is estimated for Stage 1. This profit can be used towards prefunding further stages, reducing risks and expenses associated with holding costs.

The total estimated costs associated with developing the balance of the site is \$1,034,440 (excluding landscaping and sales commissions which can be deducted later). There is potential to further stage the balance of the subdivision to reduce prefunding and holding costs. It is suggested that if further staging is to be considered, it is desirable to construct the POS and road network to assist with marketing.

It is suggested that prior to commencing the second stage, options on how to proceed be presented to Council for direction. This will enable a more informed decision on how best to proceed, taking into account sales data, including pricing and take up times.

### Risk Analysis

A risk analysis has been completed consistent with Council Policy (see Attachment 6 – extract of policy). The categories of interest fall under the headings of “Financial” and “Reputation”.

Financial risk is rated as Moderate (8). This risk is considered reasonable subject to adequate controls being in place and subject to semi-annual monitoring.

The project will be staged to limit financial exposure to the Shire. Ongoing monitoring and subsequent stages can be refined to reflect market conditions as tested by the first stage.

Reputational risk is rated as Low (4). This risk is considered reasonable subject to adequate routine procedures and annual monitoring being in place.

This project will be given specific project management treatments and regular reviews to track progress and resolve issues.

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

### Policy

n/a

### Statutory

Town Planning Scheme No.7

Clause 6.9 Structure Plan Areas requires plans to be prepared where areas require comprehensive planning prior to subdivision and development. It further sets out the processes required, which includes advertising and approval from the Western Australian Planning Commission.

## **Financial Implications**

Funds of the first stage will need to be accommodated. Revenues received from the first stage can be used towards prefunding further stages to reduce holding cost risks. End of project revenues can be used towards financing Council projects that can assist Council in creating new community assets.

## **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 1.6 – Increased availability of serviced residential, commercial and industrial land
- Outcome 2.3 – Our heritage buildings are preserved and maintained, in partnership with the community
- Outcome 2.8 – Our town sites are attractive, well presented and maintained.
- Outcome 3.11 – Attract and retain young families
- Outcome 4.2 – Maintain long term financial viability

## **Officer’s Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That Council resolve to:**

- a) Initiate an amendment to Local Planning Scheme No.7 to zone portion of Lot 13, Bentley Street, Donnybrook not required for “Community Purposes” to “Residential R30”**
- b) Support the Structure Plan Concept design subject to confirmation of technical engineering and drainage reports.**
- c) Authorise the CEO to proceed with structure plan initiatives and studies necessary to complete Stage 1 of the structure plan concept.**
- d) Report to Council regarding progress of key milestones and provide details of outcomes on completion of Stage 1.**
- e) Report to Council suggested options for Stage 2 following completion of Stage 1 supported by data of market conditions.**

<b>11.4.2</b>	<b>SUBJECT:</b>	<b>COMMEMORATIVE ART INSTALLATION – MULLALYUP PARK</b>
	<b>Location:</b>	<b>Mullalyup Pioneer Park</b>
	<b>Applicants:</b>	<b>Mullalyup Improvement Group</b>
	<b>Zone:</b>	<b>Commercial</b>
	<b>File Ref:</b>	<b>A3322</b>
	<b>Author:</b>	<b>Manager Works and Services/Bob Wallin</b>
	<b>Report Date:</b>	<b>November 2014</b>
	<b>Attachments:</b>	<b>11.4.2 Photograph of Marquette model</b>

## **Background**

The Mullalyup Improvement Group (MIG) is seeking permission from the Council to install an art piece within the Mullalyup Pioneer Park reserve which is within the Shire of Donnybrook-Balingup's management authority.

The installation will consist of a series of six and seven meter vertical poles that mark out key points to express the geometric symmetries inherent in the "golden ratio".

The land is zoned "Commercial" and vested in Council for the purpose of "Agricultural Hall Site". The use falls under the definition of "Public Recreation" which is listed as a "P" (permitted) use under the Commercial zone.

A planning application will be required in accordance with Policy 9.19 Memorials and public art policy. The planning application is being prepared and will be lodged shortly. Further, Policy 9.22 Advertising of planning proposal will apply.

The Council's permission is required to enable public advertising to proceed.

## **Comment**

Pioneer Park in Mullayup is a small passive recreation reserve that attracts infrequent use albeit as a potential tourist stop off and picnic location. The reserve includes a small gazebo, path and toilets.

The art installation will assist in the enjoyment of the park by visitors.

The MIG has, as a member and resident of the locality, an artist Greg White who has considerable experience with public art installations of the type proposed for the park. Mr. White has designed the installation using remnant timber pylons from the deconstructed historic Bunbury Timber Jetty. Mr. White has donated his time and project supervision to the project.

There is an historic connection to the use of timber from the Bunbury Jetty because much of it would have been milled from the area between Mullalyup and Balingup early in the last century.

Western Power has agreed to assist with the installation of the poles to their applicable standards and utilizing their equipment and expertise for no cost.

The poles are treated and preserved jarrah, approximately 100 years old, a portion of which has been underwater for most of its use on the Bunbury Jetty. The wood in the single piece pylons is extremely hard and durable.

The sections of the pylons that have been underwater are encrusted with remnant marine life and considered by aesthetes to have an artistic quality in their appearance.

The design provides opportunities to explore the physical representation of time and the transient qualities and meaning of place, nature, organic geometry and human culture.

### **Consultation**

The MIG has consulted with Western Power regarding the correct process for pole installation and made application with the Shire's Principal Planner to satisfy procedural requirements relating to an installation of this type.

The MIG is a group comprising members of the Mullalyup community and it has reported that there are no objections within the community to the proposal.

The Works and Services team has been consulted regarding any engineering requirements required.

Policy 9.22 requires a public advertising period of 21 days. It is proposed that letters be sent to local residents within the townsite.

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

#### Policy

Council approval is required for the installation of public art works.

#### Statutory

Council approval is required for the installation of structures within its reserves.

#### Voting

Approval is by simple majority.

### **Risk Assessment**

Approval of the installation represents minimal risk to the Shire of Donnybrook-Balingup.

Western Power will manage the construction to its standard pole installation procedure.

### **Financial Implications**

N/A

### **Strategic Implications**

N/A

## Officer's Recommended Resolution

**Moved: Cr**

**Seconded: Cr**

**That Council resolve to:**

- 1) **Grant consent to advertise the project for a period of 21 days in accordance with Planning Policies 9.19 and 9.22;**
  - 2) **Authorize the CEO to determine any future planning application received if no community objection is received during the advertising period.**
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### **11.5 Chief Executive Officer**

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<b>11.5.1</b>	<b>SUBJECT:</b>	<b>APPOINTMENT / RENEWAL OF AUTHORISED PERSONS UNDER VARIOUS ACTS AND REGULATIONS</b>
	<b>Location:</b>	<b>SHIRE OF DONNYBROOK-BALINGUP</b>
	<b>Applicants:</b>	<b>SHIRE OF DONNYBROOK-BALINGUP</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>RGR 02</b>
	<b>Author:</b>	<b>John Attwood –Chief Executive Officer (<i>Lucy Bourne, Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>11 November 2014</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

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

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

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

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

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

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

*Cat Act 2011 Section 48*

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

*Litter Act 1979, Section 26*

*Bush Fires Act 1954*

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

*Shire of Donnybrook-Balingup Local Laws and Regulations*

### **Comment**

Mr Graham Chester will be working as a relief Ranger for periods of time between November 2014 and April 2015 on a shared basis with the Shire of Boyup Brook. He needs to be appointed by Council as an authorised person under these Acts and Regulations.

### **Consultation**

N/A

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

#### Policy

N/A

#### Statutory

Authorisation is required under:

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

*Local Government Act 1995, Sections 9.13 and 9.15*

*Local Government Act 1995, Section 3.39*

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

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

*Cat Act 2011, Section 48*

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

*Litter Act 1979, Section 26*

*Bush Fires Act 1954*

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

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

*Shire of Donnybrook-Balingup Local Laws and Regulations*

#### Voting

Simple majority

### **Financial Implications**

N/A

## **Strategic Implications**

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

## **Officer's Recommended Resolution**

**Moved: Cr Seconded: Cr**

- 1 That Graham Chester is appointed as an authorised person for the Shire of Donnybrook-Balingup, to administer the following Acts, Regulations and Local Laws -**

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

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

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

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

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

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

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

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

***Bush Fires Act 1954***

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

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

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

- 2 That this appointment is published in the State Government Gazette.**
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<b>11.5.2</b>	<b>SUBJECT:</b>	<b>2013/14 ANNUAL REPORT</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>FNC10/4</b>
	<b>Author:</b>	<b>John Attwood - CEO (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>12 November 2014</b>
	<b>Attachments:</b>	<b>11.5.2 – Annual Report</b>

## **Background**

Council's Annual Report provides an overview of the operations of Council for the 2013/14 Financial Year.

## **Comment**

The content of the report includes all statutory requirements, including the financial audit report, a condensed version of the financial report and information on how Council has addressed its strategic objectives for the year under review. It also contains an overview of the Strategic Community Plan and Corporate Business Plan, major initiatives to commence or continue in the next financial year and progress towards the achievement of community outcomes established through the Strategic Community Plan. This meets (and exceeds to an intermediate or advanced standard) the Integrated Planning and Reporting requirements.

Once again, the report is shorter than it was prior to 2012/13 and the format is colourful and, it is hoped, more interesting. The reduction in pages has been achieved, in part, by providing a condensed version of the Annual Financial Report – a common practice among local governments. A complete copy of the Annual Financial Report will be made available to anyone requesting it. This is clearly stated in the Annual Report.

As with last year's report, the resulting savings in paper (6 reams), photocopying costs and time has meant the report can be professionally printed within budget. Photographs, design and layout have all been done in-house.

A Local Public Notice will be published in the Donnybrook-Bridgetown Mail on 25 November and 2 December 2011 advising the public of the availability of the Annual Report and the date for the Annual General Electors Meeting.

The Annual Report will be presented to the Annual Elector's Meeting to be held at the Donnybrook Community Library on Thursday 11 December 2014, commencing at 7.30pm.

## **Consultation**

N/A

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

The Annual Report includes all matters prescribed under the *Local Government Act 1995*.

## Financial Implications

N/A

## Strategic Implications

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

## Officer's Recommended Resolution

**Moved: Cr**

**Seconded: Cr**

**That the Annual Report for the year ending 30 June 2014 be adopted and made available for distribution to the public.**

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<b>11.5.3</b>	<b>SUBJECT:</b>	<b>COUNCIL MEETINGS 2015</b>
	<b>Location:</b>	<b>Shire of Donnybrook/Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL 16</b>
	<b>Author:</b>	<b>J Attwood – CEO (<i>Kate O’Keeffe, Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>17 November 2014</b>
	<b>Attachments:</b>	<b>N/A</b>

## Background

Council currently conducts one ordinary meeting on the 4<sup>th</sup> Wednesday of each month commencing at 5.00pm, a process which was adopted on 19<sup>th</sup> December 2008.

Council also conducts regular forum sessions to keep Councillors abreast of current issues and to allow for informal discussion on matters of interest to Council.

## Comment

To allow Councillors and officers to be able to take extended leave if required over December/January it is proposed that no Ordinary Council meeting be held in January 2015.

To reduce the number of weeks between the December 2014 and February 2015 meeting it is proposed to bring the February meeting forward to the 11<sup>th</sup> February 2015.

Below are the suggested dates for the Ordinary Council Meetings for 2015. The April meeting falls within the school holidays and the December meeting will be held in the 3<sup>rd</sup> week.

### **Dates**

Wednesday 11 February 2015  
Wednesday 25 March 2015  
Wednesday 22 April 2015  
Wednesday 27 May 2015  
Wednesday 24 June 2015  
Wednesday 22 July 2015  
Wednesday 26 August 2015  
Wednesday 23 September 2015  
Wednesday 28 October 2015  
Wednesday 25 November 2015 (in Balingup)  
Wednesday 16 December 2015 (3<sup>rd</sup> Wednesday)

The forums would be held on an as required basis, initiated by either Councillors or staff. Councillor's attendance at these forums would be optional and the duration of the forums would be less than two hours.

### **Consultation**

N/A

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

#### Policy

Nil

#### Statutory

The Local Government Act, section 5.3 (2) provides:

*“Ordinary meetings are to be held not more than three months apart”.*

#### Voting

Simple Majority

### **Financial Implications**

N/A

### **Strategic Implications**

There will be no strategic implications, as Council will still conduct 11 ordinary meetings in 2015.

## Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

- 1 That the following dates for Ordinary Council meetings for 2014 be adopted.

**Dates**

Wednesday 11 February 2015

Wednesday 25 March 2015

Wednesday 22 April 2015

Wednesday 27 May 2015

Wednesday 24 June 2015

Wednesday 22 July 2015

Wednesday 26 August 2015

Wednesday 23 September 2015

Wednesday 28 October 2015

Wednesday 25 November 2015 (in Balingup)

Wednesday 16 December 2015 (3<sup>rd</sup> Wednesday)

- 2 That monthly Council Meetings be held on the fourth Wednesday of each month with the exception of the December meeting which will be held on the third Wednesday of the month commencing at 5.00pm.
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That the Meeting be closed to the public under the *Local Government Act 1995* for:

Item 11.5.4 Confidential – Community Development - *s5.23 (2) (a) a matter affecting an employee or employees which relates to a matter to be discussed at the meeting.*

Item 11.5.5 Confidential – Chief Executive Officer Performance Review – *s5.23 (2) (a) a matter affecting an employee or employees 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 11.5.4 Confidential – Community Development and 11.5.5 Confidential – Chief Executive Officer Performance Review.

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**Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That the meeting be reopened to the public.**

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**12 CLOSURE OF MEETING**

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The next Ordinary Council Meeting will be held on Wednesday, 17 December 2014 commencing at 5.00pm at the Council Chambers, Donnybrook.

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