



# Notice of Ordinary Council Meeting

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TO:

**ALL COUNCILLORS**

To be held on

Wednesday, 11 February 2015

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

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**John Attwood**  
**Chief Executive Officer**

**4 February 2015**

## **Disclaimer**

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

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## ORDINARY COUNCIL MEETING AGENDA

11 February 2015

### TABLE OF CONTENTS

PUBLIC GALLERY .....	4
1 APOLOGIES.....	4
2 PUBLIC QUESTION TIME .....	4
3 APPLICATION FOR LEAVE OF ABSENCE.....	4
4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST .....	4
5 PETITIONS/DEPUTATIONS/PRESENTATIONS .....	4
6 LATE ITEMS.....	4
7 CONFIRMATION OF MINUTES.....	5
7.1 Ordinary Council Meeting – 17 December 2014.....	5
8 ELECTED MEMBERS MOTIONS .....	5
9 MINUTES OF PREVIOUS MEETINGS .....	5
9.1 Committee Minutes.....	5
10 REPORTS OF COMMITTEES .....	5
10.1 Balingup Townscape Committee Meeting.....	5
<b>10.1.1 SUBJECT: BALINGUP TOWNSITE MAINTENANCE ISSUES.....</b>	<b>5</b>
10.2 Audit Committee Meeting.....	6
<b>10.2.1 SUBJECT: 2014 LOCAL GOVERNMENT COMPLIANCE AUDIT</b>	
<b>RETURN.....</b>	<b>6</b>
11 REPORTS OF OFFICERS .....	8
11.1 Manager Finance and Administration.....	8
<b>11.1.1 ACCOUNTS FOR PAYMENT .....</b>	<b>8</b>
<b>11.1.2 MONTHLY FINANCIAL REPORT.....</b>	<b>8</b>
<b>11.1.3 SUBJECT: BUDGET REVIEW .....</b>	<b>8</b>

11.2	Manager Works & Services .....	25
11.2.1	<b>SUBJECT: SEEKING COUNCIL APPROVAL TO REDIRECT BUDGETED FUNDS TO ADDRESS RATEPAYER CONCERNS ON CAMPBELL STREET, BALINGUP .....</b>	<b>25</b>
11.3	Manager Development and Environmental Services .....	28
11.4	Principal Planner .....	28
11.4.1	<b>SUBJECT: PROPOSED EXPANSION OF “IGA” SHOPPING CENTRE TO INCLUDE A CAFÉ AND LIQUOR STORE .....</b>	<b>28</b>
11.4.2	<b>SUBJECT: RETROSPECTIVE PLANNING APPROVAL FOR THE PARKING OF A HEAVY VEHICLE AT LOT 108 (NO.10) WITHERS DRIVE, DONNYBROOK .....</b>	<b>36</b>
11.4.3	<b>SUBJECT: REQUEST TO ADVERTISE STRUCTURE PLAN MODIFICATION FOR PERSEVERANCE BOULEVARD, DONNYBROOK .....</b>	<b>41</b>
11.4.4	<b>SUBJECT: RESOLUTION TO ADVERTISE OMNIBUS AMENDMENT NO.1 TO LOCAL PLANNING SCHEME NO.7.....</b>	<b>43</b>
11.5	Chief Executive Officer .....	45
11.5.1	<b>SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN.....</b>	<b>45</b>
11.5.2	<b>SUBJECT: REQUEST FOR FUNDING ASSISTANCE.....</b>	<b>46</b>
11.5.3	<b>SUBJECT: REQUEST TO WAIVE THE FACILITY HIRE FEES FOR THE 2015 APPLE FESTIVAL .....</b>	<b>48</b>
11.5.4	<b>SUBJECT: TRUE GRIT .....</b>	<b>50</b>
11.5.5	<b>SUBJECT: DEVELOPMENT ASSESSMENT PANELS .....</b>	<b>53</b>
11.5.6	<b>SUBJECT: LIBRARY MANAGEMENT SYSTEM .....</b>	<b>55</b>
11.5.7	<b>SUBJECT: RECALL ITEM – CONTRACTS FOR KERBSIDE WASTE AND RECYCLING BIN COLLECTION, RECYCLING PROCESSING SERVICES AND PROVISION AND MAINTENANCE OF KERBSIDE BINS .....</b>	<b>57</b>
11.5.8	<b>SUBJECT: RECALL ITEM - AUSTRALIA DAY AWARDS .....</b>	<b>58</b>
11.5.9	<b>SUBJECT: CONFIDENTIAL: REVIEW OF COUNCIL POLICY 2.34 – PRIVATE MOTOR VEHICLE USE - MANAGERS .....</b>	<b>60</b>
12	CLOSURE OF MEETING .....	60

# SHIRE OF DONNYBROOK/BALINGUP

## ORDINARY COUNCIL MEETING AGENDA

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**To be held in the Council Chambers on Wednesday, 11 February 2015 at 5.00pm**

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### MEMBERS PRESENT

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#### COUNCILLORS

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

#### STAFF

John Attwood – Chief Executive Officer  
Greg Harris – Manager Finance & Admin  
Mike Scott – Manager Works & Services  
Leigh Guthridge – Manager Development and Environmental Services  
Bob Wallin – Principal Planner  
Kate O’Keeffe – Executive Assistant

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### PUBLIC GALLERY

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#### 1 APOLOGIES

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#### 2 PUBLIC QUESTION TIME

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#### 3 APPLICATION FOR LEAVE OF ABSENCE

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#### 4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

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#### 5 PETITIONS/DEPUTATIONS/PRESENTATIONS

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#### 6 LATE ITEMS

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Nil





Council has met all areas of compliance in the 2014 CAR except for ‘Disclosure of Interest’ No 1 (see page 2 of Attachment 5.1.1). On one occasion a Councillor began to comment on an item in which he had an interest. However, the Councillor left the room prior to general discussion and was not in the Council Chamber when the vote was taken.

### **Consultation**

N/A

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

Under Regulation 14 of the *Local Government (Audit) Regulations 1996* the 2014 CAR is to be reviewed by Council’s Audit Committee and report the results of that review to Council for adoption.

A printed copy of the CAR is to be presented to Council at the Ordinary Council Meeting and adopted by an Absolute Majority.

Once the CAR has been presented to Council a certified copy, along with an extract of the minutes of the meeting at which the CAR was adopted by Council and any additional information explaining or qualifying the compliance audit, is to be submitted in hard copy format to the Director General, Department of Local Government and Communities by 31 March 2015. The online Return is to be forwarded to the Department providing a permanent record of the submission on the Department of Local Government website.

### **Financial Implications**

N/A

### **Strategic Implications**

Community Strategic 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 the 2014 Local Government Compliance Audit Return for the Shire of Donnybrook-Balingup, as completed and presented to Council, be endorsed.**

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budget review between 1<sup>st</sup> January and 31<sup>st</sup> March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

## Comment

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. Although Council has adopted a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review, the following report shows all proposed budget adjustments, regardless of whether they are under the material variance reporting threshold. This has been done in the interests of providing greater transparency.

Description	Account / Job Number	Impact on Budget
		\$
<b>Budget Adoption - Closing Funds</b>		0
<b><i>Variations between adopted budget and final closing funds</i></b>		127,435
<b><i>Variations previously approved by Council resolution</i></b>		
Increase expenditure - costs to install sub soil drainage at Donnybrook Recreation Centre to resolve stadium flooring issues	127220	(10,000)
<b><i>Budget variations proposed:</i></b>		
<b><i>General Purpose Funding (Schedule 3)</i></b>		
Increase income - additional income relating to interest on late rates payments	100610	1,000
Decrease income - no additional back rates expected to be received	100710	(1,055)
Decrease income - charges for the supply of rural property numbers will be less than budget	106830	(300)
Increase income - additional rebates received for advertising	109310	234
Increase income - additional income to be received for establishment of direct debit arrangements for payment of rates	121630	250
Increase expenditure - additional rates written off	101310	(288)
Decrease expenditure - staff and materials costs will be less for the supply and installation of rural road numbers	114020	2,000
Increase expenditure - prior year rates written off on property recently transferred to Council (will be offset by proceeds of sale of land)	156820	(21,825)
Increase expenditure - additional advertising and other costs related to the levying of rates	119720	(750)
Increase income - additional income to be received from WA Local Government Grants Commission (exceeds notional estimate)	100910	11,831
Increase income - land value brought to account for property recently acquired by Council (offset by reciprocal transfer to recognise value of asset)	110210	40,000

<b>Description</b>	<b>Acct / Job Number</b>	<b>Impact on Budget</b>
<b>Governance (Schedule 4)</b>		
Increase expenditure - additional workers compensation premium costs	102920	(277)
Increase expenditure - additional expenditure required to repair office air conditioning	103620	(5,000)
Decrease expenditure - advertising costs expected to be less than budget estimate	104520	3,000
Decrease expenditure - postage costs expected to be less than budget estimate	105420	1,000
Decrease expenditure - costs relating to temporary relief staff will be less than estimate due to relief being internally provided by existing staff	105820	5,000
Decrease expenditure - minor reduction of expenditure relating to employee insurances	108820	275
Decrease expenditure - minor reduction of expenditure relating to building insurances	110520	458
Decrease expenditure - cost of replacement administration vehicles less than budget estimate	105540	3,945
Increase income - proceeds from trade-in of administration vehicles higher than budget estimate	105950	4,909
Reduce income - transfer from plant reserve to be reduced to reflect savings on changeover of administration vehicles	169550	(8,854)
Decrease expenditure - purchase of PA system for the Council Chambers deferred pending decision on the office upgrade	105840	16,500
Decrease income - transfer from Reserve not required if Council Chambers PA is not purchased	106150	(16,500)
Decrease expenditure - consultants fees for undertaking Fair Value Valuation Services for Infrastructure Assets will be less than estimate	109620	20,000
Increase expenditure - make provision to purchase budgeting and financial reporting software (from savings in Fair value consultancy)	109620	(10,000)
Increase income - additional income received from Insurance discounts/rebates	178630	10,061
<b>Law, Order &amp; Public Safety (Schedule 5)</b>		
Increase expenditure - reciprocal transfer for Fire appliances supplied under the ESL Capital Grants program	128920	(51,940)
Increase income - reciprocal transfer for Fire appliances supplied under the ESL Capital Grants program	107850	51,940
Decrease income - first LGGS quarterly grant payment received from DFES for Brigades in June 2014 (prior year)	151230	(19,948)
Decrease income - first LGGS quarterly grant payment received from DFES for SES in June 2014 (prior year)	111630	(1,146)
Decrease income - DFES Capital grants for buildings will be less than estimates	107650	(4,145)
Decrease income - cat registration fees will be less than budget estimate	111930	(1,000)
Decrease expenditure - CESM position not funded by DFES in 14/15	111320	30,000
Increase expenditure - cost of installing circuit breakers to power boxes for emergency generator higher than budget estimate	106640	(978)

<b>Description</b>	<b>Acct / Job Number</b>	<b>Impact on Budget</b>
Increase expenditure - furniture and equipment purchased for new SES Building	111640	(5,700)
Decrease expenditure - building cost of SES Building less than estimate (excludes furniture shown above)	109740	17,070
Decrease income - grant to be received for SES Building will be less than budget estimate	103650	(3,824)
Increase expenditure - cost of Personnel Carrier supplied to SES higher than indicative cost provided by DFES (reciprocal transfer so no impact on budget)	109740	(8,142)
Increase expenditure - generator purchased for new SES Building	109740	(7,546)
Increase income - additional cost of Personnel Carrier supplied to SES (reciprocal transfer so no impact on budget)	103650	8,142
Increase income - contribution from SES for boundary fencing	172650	2,664
<b>Health (Schedule 7)</b>		
Increase income - Septic Tank applications and approval income anticipated to be higher than budget estimate	0343,1273	3,000
Increase expenditure - additional expenditure required to repair medical centre air conditioning	115920	(2,394)
Increase income - minor reimbursements	120430	382
<b>Education and Welfare (Schedule 8)</b>		
Decrease expenditure - reduce transfer to Aged Housing Reserve to reflect reduction in anticipated surplus from Tuia Lodge operations	116920	20,700
Reduce income - reduction in estimated subsidy payments for Tuia Lodge	116930	(20,700)
Increase expenditure - additional property insurance costs	140420	(969)
Increase income - additional insurance costs to be recouped	116830	969
Increase expenditure - income from Preston Village Community Centre to be treated as restricted assets if not utilised	116920	(2,500)
Increase income - unbudgeted income for Preston Village Community Centre	159530	2,500
Increase expenditure - plant & equipment purchased as part of the Tuia Lodge extension to be costed to a separate ledger account (no impact on budget)	116940	(18,660)
Decrease expenditure - plant & equipment purchased as part of the Tuia Lodge extension to be costed to a separate ledger account (no impact on budget)	173840	18,660
Decrease expenditure - grant for youth related programs will not be received therefore reduced associated expenditure	147620	2,000
Decrease income - grant for youth related programs will not be received	109030	(2,000)
Decrease expenditure - salary costs for Community Development will be less than budget estimate due to position being vacant for some time	148220	18,754
Decrease expenditure - superannuation costs for Community Development will be less than the budget estimate	148320	2,220

<b>Description</b>	<b>Acct/ Job Number</b>	<b>Impact on Budget</b>
<b>Community Amenities (Schedule 10)</b>		
Increase expenditure - costs associated with implementation of organic bins classified as operating (funded by external grant)	117620	(66,024)
Decrease income - reduction of government grant associated with implementation of organics bins	109950	(21,400)
Decrease expenditure - operating costs relating to implementation of the organics bins transferred from capital expenditure account to operating A/c	118340	87,424
Increase income - additional income expected to be received from Refuse bin charges	118030	8,443
Increase income - additional income to be received from Recycling Bin charges	162030	2,373
Increase expenditure - grant received through State NRM program for Strategic Management of Reserves (exp relating to project)	120720	(10,000)
Increase income - grant to be received through State NRM program for Strategic Management of Reserves	113730	10,000
Decrease expenditure - full budget provision for Town Planning consultancy is not expected to be utilised	149020	8,000
Increase expenditure - additional expenses incurred in relation to the Developing Donnybrook project	170320	(3,125)
Decrease income - income to be received for recovery of Town Planning costs is expected to be less than budget estimate	122430	(8,000)
Increase expenditure - gross cost of Town Planner's vehicle was slightly higher than budget estimate	122740	(550)
Increase income - proceeds from trade-in of Planner's Vehicle was higher than budget estimate	123250	2,273
Decrease income - transfer from Reserve for changeover of Town Planner's vehicle will be less than budget estimate due to cost savings on changeover	123350	(1,723)
Decrease expenditure - no expenditure expected on the Tidy Towns Program	123420	500
Increase income - additional income received for the Upper Preston Cemetery	109430	225
Decrease income - income from Donnybrook Cemetery is expected to be less than the budget estimate however depends upon burials for 2nd half of year	123730	(2,500)
Decrease income - income from Balingup Cemetery is expected to be less than the budget estimate however depends upon burials for 2nd half of year	123830	(1,500)
<b>Recreation and Culture (Schedule 11)</b>		
Decrease expenditure - Balingup Hall storeroom will not proceed in this financial year due to funding	125840	59,100
Decrease income - Lotterywest Grant for Balingup Hall will not be received in 14/15 year	104650	(20,000)
Decrease income - Transfer from Reserve for Balingup Hall project will not be required in 14/15	125750	(20,000)
Increase expenditure - maintenance costs for Balingup Oval are expected to be higher than budget estimate	R033, 2712	(5,200)

<b>Description</b>	<b>Acct / Job Number</b>	<b>Impact on Budget</b>
Increase expenditure - unbudgeted expenditure for the replacement of boundary fencing on Shire property adjoining private land in Bentley Street	126420	(6,000)
Decrease expenditure - projects for development of Heritage Walk Trails in Donnybrook and Balingup will not proceed in 14/15	156520	50,000
Decrease income - grants from Lotterywest for development of Heritage Walk Trails will not be received in 14/15	115830	(35,000)
Increase expenditure - additional cost (above \$10K previously approved) for installation of sub soil drainage at Donnybrook Recreation Centre	127220	(3,000)
Decrease expenditure - salaries for Donnybrook Recreation Centre estimated to be less than budget estimate due to staff shortages	127420	41,340
Decrease expenditure - superannuation costs for Donnybrook Recreation Centre estimated to be less than budget estimate due to staff shortages	127320	2,617
Decrease expenditure - training costs for staff at Donnybrook Recreation Centre to be less than budget estimate	128020	1,050
Increase income - estimated income to be received from donations through Apple Funpark money spinner (transfer to Reserve, refer Sch 15)	123230	5,500
Increase income - income from Donnybrook Recreation Centre expected to be higher than budget estimate due to increased patronage	128130	13,800
Increase income - miscellaneous contributions / reimbursements will be higher than budget estimate	128530	1,078
Increase expenditure - additional expenditure due to government grant received for upgrading of pool facilities	172940	(30,000)
Increase income - government grant for upgrading of pool facilities	171050	30,000
Decrease expenditure - purchase of pool blanket to be funded from pool upgrade grant	172940	10,000
Decrease income - grant from DSR for pool blanket will not be received	171050	(10,000)
Decrease expenditure - provision for purchase of air conditioner for Donnybrook Recreation Centre transferred to separate account	172940	4,900
Increase expenditure - actual cost of air conditioner for Donnybrook Recreation Centre	189040	(4,450)
Increase expenditure - contribution to Donnybrook Football Club for part cost of removal of asbestos from changerooms	178240	(1,250)
Increase income - donations received for purchase of Kirup BBQ	170850	3,000
Decrease expenditure - general operating expenses for Donnybrook Community Library reduced to offset additional computer/printer lease expenses	129620	2,990
Increase expenditure - additional computer/printer lease expenses	132220	(2,990)
Decrease expenditure - upgrade to Seniors outdoor area at Donnybrook Community Library deferred pending plans and funding	130440	25,000
Increase expenditure - cost of preparing plans for Seniors outdoor area	130440	(500)

<b>Description</b>	<b>Acct / Job Number</b>	<b>Impact on Budget</b>
Increase income - reimbursement of cost of preparing plans for Seniors Outdoor area	109350	500
Decrease income - grant from Lotterywest for upgrade of Seniors area will not be applied for until proper plans and costings have been prepared	131350	(25,000)
Reduce expenditure - purchase of Smart TV for Donnybrook Community Library to be purchased from shared Technology Account with School	130440	2,000
Reduce income - 50% reimbursement for Smart TV will not be received from School	109350	(1,000)
<b><i>Transport (Schedule 12)</i></b>		
Increase expenditure - additional expenditure incurred on Southampton Road sealing job	C1410, 3210	(30,772)
Decrease expenditure - savings on Avenue of Honour job in Balingup transferred to Southampton Road	C1412, 3210	30,772
Decrease expenditure - reduce expenditure on various reseals and transfer budget allocation to Brookhampton Road	C1422, 3210	32,000
Decrease expenditure - reduce expenditure on Ferguson Road and transfer budget allocation to Brookhampton Road	C1402, 3260	85,092
Increase expenditure - increase budget for Brookhampton Road (source \$32K reseals, \$85K Ferguson Road and additional \$64K RRG)	C1403, 3260	(181,092)
Increase expenditure - include Campbell Street Balingup in program (reduce budget allocation from Hearle Road)	New Job	(25,000)
Decrease expenditure - reduce expenditure on Hearle Road and transfer budget allocation to Campbell Street Balingup	C1409, 3300	25,000
Increase income - additional funding obtained through MRWA Regional Road Group for Brookhampton Road	132910	64,000
Increase expenditure - increase budget for Shoulder Grading to reflect actual work undertaken (transfer from Urban Road Mtce budget)	M049, 3410	(54,929)
Decrease expenditure - transfer part budget allocation from Urban Road Mtce to Shoulder Grading job	102100	54,929
Increase expenditure - increase budget for Rural Sealed road mtce to reflect actual work undertaken (transfer from Rural Gravel Road Mtce budget)	101900	(63,363)
Decrease expenditure - transfer part budget allocation from Rural Gravel Road Mtce to Rural Sealed Road Mtce	102000	63,363
Decrease expenditure - reduce capital expenditure for changeover of Holden Captiva Wagon DB2222 (MWS) which has been deferred	135540	40,000
Decrease income - sale of plant reduced due to deferral of changeover of DB2222	135750	(18,000)
Decrease income - reduce transfer from Plant Reserve due to deferral of changeover of DB2222	135650	(22,000)
Increase expenditure - additional private works undertaken above budget estimate	J001, 4292	(7,691)
Increase income - additional income received from Private Works	143230	10,429

<b>Description</b>	<b>Acct / Job Number</b>	<b>Impact on Budget</b>
<b>Economic Services (Schedule 13)</b>		
Increase expenditure - additional expenditure to be incurred for maintenance of Balingup Transit Park (internal maintenance costs higher than estimate)	B037, 7152	(10,000)
Decrease expenditure - gross cost of MDES new vehicle was less than the budget estimate	141940	4,000
Decrease income - trade-in value of MDES vehicle was less than the budget estimate	142250	(2,000)
Decrease income - reduce transfer from Plant Reserve due to reduced cost of changeover of MDES vehicle	142150	(2,000)
Decrease expenditure - no further vehicle examinations to be undertaken as Shire has relinquished its Authorised Inspection Station status	142220	376
Decrease expenditure - full budget provision of Licensing Training not expected to be utilised (offset by reduce reimbursements so no impact on budget)	147120	1,000
Decrease income - no income will be received for Vehicle Examinations	142330	(500)
Decrease income - reduce budget provision for reimbursements relating to Licensing staff training	143530	(1,000)
Increase expenditure - value of land acquired by Council due to non-payment of rates to be brought to account as an asset (reciprocal entry so no impact on budget, refer also Sch 3)	143140	(40,000)
Increase income - land acquired by Council due to non-payment of rates will be sold by auction, proceeds unknown however income reflects recovery of O/S rates)	102750	21,825
<b>Public Works Overheads (Schedule 14)</b>		
Increase income - additional minor reimbursements	159730	590
Decrease income - no insurance rebates or reimbursements are expected in this account	135030	(1,000)
Increase income - minor additional income brought to account for sale of surplus items	178230	300
Increase income - additional income anticipated to be received from Diesel Fuel Rebate	178430	1,000
<b>Funds Transfers (Schedule 15)</b>		
Increase expenditure - transfer Municipal budget allocation for Walk Trails project that will not proceed in 14/15 to Land Development Reserve	148300	(15,000)
Increase expenditure - increase transfer to Land Development Reserve to assist with future land development projects	148300	(40,000)
Increase expenditure - transfer Municipal budget allocation for Balingup Storeroom project that will not proceed in 14/15 to Buildings Reserve	147900	(19,100)
Increase expenditure - increase transfer to Building Reserve to assist with funding of future capital works projects	147900	(69,088)
Increase expenditure - transfer donations received through Apple Funpark Money Spinner to Apple Funpark Reserve	148400	(5,500)

<b>Description</b>	<b>Acct / Job Number</b>	<b>Impact on Budget</b>
Increase expenditure - increase transfer to Employee Leave Reserve to closer match leave liabilities	147300	(40,000)
Increase expenditure - increase transfer to Building Maintenance Reserve to assist with future funding of larger maintenance projects (e.g. Rec Centre)	148600	(40,000)
<b>Overall Net Change \$</b>		<b>\$40,000</b>

The detailed budget review analysis showed a projected surplus of \$229,088. A large amount of this surplus result relates to the difference between the position on which the budget was adopted and the final closing position. This variation resulted in an increase of available funding of \$127,435.

It is proposed to transfer the estimated surplus to Reserve at year end however a buffer of \$40,000 will be retained to account for unforeseen variances. The proposed allocation of surplus funds is shown below:

<b>Reserve Fund</b>	<b>Amount</b>	<b>Reason</b>
Land Development Reserve	\$40,000	To assist with funding future identified land development projects
Employee Leave Reserve	\$40,000	To increase reserve to provide greater cash backed reserves against current leave liabilities
Building Maintenance Reserve	\$40,000	To assist with funding of larger scale maintenance projects (e.g. Rec Centre)
Buildings Reserve	\$69,088	Increase transfer to Reserve to assist with funding of future capital works projects

Council authorisation is now sought to amend the 2014/15 budget to reflect the above proposed variations.

## **Consultation**

Chief Executive Officer and Executive Managers

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

**Policy** – the budget is based on the principles contained in the Community Strategic Plan and Corporate Business Plan.

## **Statutory:**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for the financial year must –*
  - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*



- (b) *consider the local government’s financial position as at the date of the review; and*
  - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- \* Absolute majority required*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

**Voting** – Absolute majority is required to adopt the budget review and recommendation.

### **Financial Implications**

The budget review is an important internal financial control. Specific financial implications are as outlined in the Comment section of this report.

### **Strategic Implications**

The Budget Review has been developed based on existing strategic planning documents adopted by Council.

The budget has been reviewed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for Council and the community.

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

**Moved: Cr**

**Seconded: Cr**

**That Council adopt the budget review with the following variations for the period 1 July 2014 to 31 December 2014 and amend the budget accordingly:**

Description	Account / Job Number	Impact on Budget
		\$
<b>Budget Adoption - Closing Funds</b>		0
<b><i>Variations between adopted budget and final closing funds</i></b>		127,435
<b><i>Variations previously approved by Council resolution</i></b>		
Increase expenditure - costs to install sub soil drainage at Donnybrook Recreation Centre to resolve stadium flooring issues	127220	(10,000)

Description	Account / Job Number	Impact on Budget
<b><i>Budget variations proposed:</i></b>		
<b><i>General Purpose Funding (Schedule 3)</i></b>		
Increase income - additional income relating to interest on late rates payments	100610	1,000
Decrease income - no additional back rates expected to be received	100710	(1,055)
Decrease income - charges for the supply of rural property numbers will be less than budget	106830	(300)
Increase income - additional rebates received for advertising	109310	234
Increase income - additional income to be received for establishment of direct debit arrangements for payment of rates	121630	250
Increase expenditure - additional rates written off	101310	(288)
Decrease expenditure - staff and materials costs will be less for the supply and installation of rural road numbers	114020	2,000
Increase expenditure - prior year rates written off on property recently transferred to Council (will be offset by proceeds of sale of land)	156820	(21,825)
Increase expenditure - additional advertising and other costs related to the levying of rates	119720	(750)
Increase income - additional income to be received from WA Local Government Grants Commission (exceeds notional estimate)	100910	11,831
Increase income - land value brought to account for property recently acquired by Council (offset by reciprocal transfer to recognise value of asset)	110210	40,000
<b><i>Governance (Schedule 4)</i></b>		
Increase expenditure - additional workers compensation premium costs	102920	(277)
Increase expenditure - additional expenditure required to repair office air conditioning	103620	(5,000)
Decrease expenditure - advertising costs expected to be less than budget estimate	104520	3,000
Decrease expenditure - postage costs expected to be less than budget estimate	105420	1,000
Decrease expenditure - costs relating to temporary relief staff will be less than estimate due to relief being internally provided by existing staff	105820	5,000

Description	Account / Job Number	Impact on Budget
Decrease expenditure - minor reduction of expenditure relating to employee insurances	108820	275
Decrease expenditure - minor reduction of expenditure relating to building insurances	110520	458
Decrease expenditure - cost of replacement administration vehicles less than budget estimate	105540	3,945
Increase income - proceeds from trade-in of administration vehicles higher than budget estimate	105950	4,909
Reduce income - transfer from plant reserve to be reduced to reflect savings on changeover of administration vehicles	169550	(8,854)
Decrease expenditure - purchase of PA system for the Council Chambers deferred pending decision on the office upgrade	105840	16,500
Decrease income - transfer from Reserve not required if Council Chambers PA is not purchased	106150	(16,500)
Decrease expenditure - consultants fees for undertaking Fair Value Valuation Services for Infrastructure Assets will be less than estimate	109620	20,000
Increase expenditure - make provision to purchase budgeting and financial reporting software (from savings in Fair value consultancy)	109620	(10,000)
Increase income - additional income received from Insurance discounts/rebates	178630	10,061
<b>Law, Order &amp; Public Safety (Schedule 5)</b>		
Increase expenditure - reciprocal transfer for Fire appliances supplied under the ESL Capital Grants program	128920	(51,940)
Increase income - reciprocal transfer for Fire appliances supplied under the ESL Capital Grants program	107850	51,940
Decrease income - first LGGS quarterly grant payment received from DFES for Brigades in June 2014 (prior year)	151230	(19,948)
Decrease income - first LGGS quarterly grant payment received from DFES for SES in June 2014 (prior year)	111630	(1,146)
Decrease income - DFES Capital grants for buildings will be less than estimates	107650	(4,145)
Decrease income - cat registration fees will be less than budget estimate	111930	(1,000)
Decrease expenditure - CESM position not funded by DFES in 14/15	111320	30,000
Increase expenditure - cost of installing circuit breakers to power boxes for emergency generator higher than budget estimate	106640	(978)
Increase expenditure - furniture and equipment purchased for new SES Building	111640	(5,700)
Decrease expenditure - building cost of SES Building less than estimate (excludes furniture shown above)	109740	17,070
Decrease income - grant to be received for SES Building will be less than budget estimate	103650	(3,824)
Increase expenditure - cost of Personnel Carrier supplied to SES higher than indicative cost provided by DFES (reciprocal transfer so no impact on budget)	109740	(8,142)
Increase expenditure - generator purchased for new SES Building	109740	(7,546)

Description	Account / Job Number	Impact on Budget
Increase income - additional cost of Personnel Carrier supplied to SES (reciprocal transfer so no impact on budget)	103650	8,142
Increase income - contribution from SES for boundary fencing	172650	2,664
<b>Health (Schedule 7)</b>		
Increase income - Septic Tank applications and approval income anticipated to be higher than budget estimate	0343,1273	3,000
Increase expenditure - additional expenditure required to repair medical centre air conditioning	115920	(2,394)
Increase income - minor reimbursements	120430	382
<b>Education and Welfare (Schedule 8)</b>		
Decrease expenditure - reduce transfer to Aged Housing Reserve to reflect reduction in anticipated surplus from Tuia Lodge operations	116920	20,700
Reduce income - reduction in estimated subsidy payments for Tuia Lodge	116930	(20,700)
Increase expenditure - additional property insurance costs	140420	(969)
Increase income - additional insurance costs to be recouped	116830	969
Increase expenditure - income from Preston Village Community Centre to be treated as restricted assets if not utilised	116920	(2,500)
Increase income - unbudgeted income for Preston Village Community Centre	159530	2,500
Increase expenditure - plant & equipment purchased as part of the Tuia Lodge extension to be costed to a separate ledger account (no impact on budget)	116940	(18,660)
Decrease expenditure - plant & equipment purchased as part of the Tuia Lodge extension to be costed to a separate ledger account (no impact on budget)	173840	18,660
Decrease expenditure - grant for youth related programs will not be received therefore reduced associated expenditure	147620	2,000
Decrease income - grant for youth related programs will not be received	109030	(2,000)
Decrease expenditure - salary costs for Community Development will be less than budget estimate due to position being vacant for some time	148220	18,754
Decrease expenditure - superannuation costs for Community Development will be less than the budget estimate	148320	2,220
<b>Community Amenities (Schedule 10)</b>		
Increase expenditure - costs associated with implementation of organic bins classified as operating (funded by external grant)	117620	(66,024)
Decrease income - reduction of government grant associated with implementation of organics bins	109950	(21,400)
Decrease expenditure - operating costs relating to implementation of the organics bins transferred from capital expenditure account to operating A/c	118340	87,424
Increase income - additional income expected to be received from Refuse bin charges	118030	8,443

Description	Account / Job Number	Impact on Budget
<b>Increase income - additional income to be received from Recycling Bin charges</b>	162030	2,373
Increase expenditure - grant received through State NRM program for Strategic Management of Reserves (exp relating to project)	120720	(10,000)
Increase income - grant to be received through State NRM program for Strategic Management of Reserves	113730	10,000
Decrease expenditure - full budget provision for Town Planning consultancy is not expected to be utilised	149020	8,000
Increase expenditure - additional expenses incurred in relation to the Developing Donnybrook project	170320	(3,125)
Decrease income - income to be received for recovery of Town Planning costs is expected to be less than budget estimate	122430	(8,000)
Increase expenditure - gross cost of Town Planner's vehicle was slightly higher than budget estimate	122740	(550)
Increase income - proceeds from trade-in of Planner's Vehicle was higher than budget estimate	123250	2,273
Decrease income - transfer from Reserve for changeover of Town Planner's vehicle will be less than budget estimate due to cost savings on changeover	123350	(1,723)
Decrease expenditure - no expenditure expected on the Tidy Towns Program	123420	500
Increase income - additional income received for the Upper Preston Cemetery	109430	225
Decrease income - income from Donnybrook Cemetery is expected to be less than the budget estimate however depends upon burials for 2nd half of year	123730	(2,500)
Decrease income - income from Balingup Cemetery is expected to be less than the budget estimate however depends upon burials for 2nd half of year	123830	(1,500)
<b>Recreation and Culture (Schedule 11)</b>		
Decrease expenditure - Balingup Hall storeroom will not proceed in this financial year due to funding	125840	59,100
Decrease income - Lotterywest Grant for Balingup Hall will not be received in 14/15 year	104650	(20,000)
Decrease income - Transfer from Reserve for Balingup Hall project will not be required in 14/15	125750	(20,000)
Increase expenditure - maintenance costs for Balingup Oval are expected to be higher than budget estimate	R033, 2712	(5,200)
Increase expenditure - unbudgeted expenditure for the replacement of boundary fencing on Shire property adjoining private land in Bentley Street	126420	(6,000)
Decrease expenditure - projects for development of Heritage Walk Trails in Donnybrook and Balingup will not proceed in 14/15	156520	50,000
Decrease income - grants from Lotterywest for development of Heritage Walk Trails will not be received in 14/15	115830	(35,000)
Increase expenditure - additional cost (above \$10K previously approved) for installation of sub soil drainage at Donnybrook Recreation Centre	127220	(3,000)

Description	Account / Job Number	Impact on Budget
Decrease expenditure - salaries for Donnybrook Recreation Centre estimated to be less than budget estimate due to staff shortages	127420	41,340
Decrease expenditure - superannuation costs for Donnybrook Recreation Centre estimated to be less than budget estimate due to staff shortages	127320	2,617
Decrease expenditure - training costs for staff at Donnybrook Recreation Centre to be less than budget estimate	128020	1,050
Increase income - estimated income to be received from donations through Apple Funpark money spinner (transfer to Reserve, refer Sch 15)	123230	5,500
Increase income - income from Donnybrook Recreation Centre expected to be higher than budget estimate due to increased patronage	128130	13,800
Increase income - miscellaneous contributions / reimbursements will be higher than budget estimate	128530	1,078
Increase expenditure - additional expenditure due to government grant received for upgrading of pool facilities	172940	(30,000)
Increase income - government grant for upgrading of pool facilities	171050	30,000
Decrease expenditure - purchase of pool blanket to be funded from pool upgrade grant	172940	10,000
Decrease income - grant from DSR for pool blanket will not be received	171050	(10,000)
Decrease expenditure - provision for purchase of air conditioner for Donnybrook Recreation Centre transferred to separate account	172940	4,900
Increase expenditure - actual cost of air conditioner for Donnybrook Recreation Centre	189040	(4,450)
Increase expenditure - contribution to Donnybrook Football Club for part cost of removal of asbestos from changerooms	178240	(1,250)
Increase income - donations received for purchase of Kirup BBQ	170850	3,000
Decrease expenditure - general operating expenses for Donnybrook Community Library reduced to offset additional computer/printer lease expenses	129620	2,990
Increase expenditure - additional computer/printer lease expenses	132220	(2,990)
Decrease expenditure - upgrade to Seniors outdoor area at Donnybrook Community Library deferred pending plans and funding	130440	25,000
Increase expenditure - cost of preparing plans for Seniors outdoor area	130440	(500)
Increase income - reimbursement of cost of preparing plans for Seniors Outdoor area	109350	500
Decrease income - grant from Lotterywest for upgrade of Seniors area will not be applied for until proper plans and costings have been prepared	131350	(25,000)
Reduce expenditure - purchase of Smart TV for Donnybrook Community Library to be purchased from shared Technology Account with School	130440	2,000
Reduce income - 50% reimbursement for Smart TV will not be received from School	109350	(1,000)
<b>Transport (Schedule 12)</b>		

Description	Account / Job Number	Impact on Budget
Increase expenditure - additional expenditure incurred on Southampton Road sealing job	C1410, 3210	(30,772)
Decrease expenditure - savings on Avenue of Honour job in Balingup transferred to Southampton Road	C1412, 3210	30,772
Decrease expenditure - reduce expenditure on various reseals and transfer budget allocation to Brookhampton Road	C1422, 3210	32,000
Decrease expenditure - reduce expenditure on Ferguson Road and transfer budget allocation to Brookhampton Road	C1402, 3260	85,092
Increase expenditure - increase budget for Brookhampton Road (source \$32K reseals, \$85K Ferguson Road and additional \$64K RRG)	C1403, 3260	(181,092)
Increase expenditure - include Campbell Street Balingup in program (reduce budget allocation from Hearle Road)	New Job	(25,000)
Decrease expenditure - reduce expenditure on Hearle Road and transfer budget allocation to Campbell Street Balingup	C1409, 3300	25,000
Increase income - additional funding obtained through MRWA Regional Road Group for Brookhampton Road	132910	64,000
Increase expenditure - increase budget for Shoulder Grading to reflect actual work undertaken (transfer from Urban Road Mtce budget)	M049, 3410	(54,929)
Decrease expenditure - transfer part budget allocation from Urban Road Mtce to Shoulder Grading job	102100	54,929
Increase expenditure - increase budget for Rural Sealed road mtce to reflect actual work undertaken (transfer from Rural Gravel Road Mtce budget)	101900	(63,363)
Decrease expenditure - transfer part budget allocation from Rural Gravel Road Mtce to Rural Sealed Road Mtce	102000	63,363
Decrease expenditure - reduce capital expenditure for changeover of Holden Captiva Wagon DB2222 (MWS) which has been deferred	135540	40,000
Decrease income - sale of plant reduced due to deferral of changeover of DB2222	135750	(18,000)
Decrease income - reduce transfer from Plant Reserve due to deferral of changeover of DB2222	135650	(22,000)
Increase expenditure - additional private works undertaken above budget estimate	J001, 4292	(7,691)
Increase income - additional income received from Private Works	143230	10,429
<b>Economic Services (Schedule 13)</b>		
Increase expenditure - additional expenditure to be incurred for maintenance of Balingup Transit Park (internal maintenance costs higher than estimate)	B037, 7152	(10,000)
Decrease expenditure - gross cost of MDES new vehicle was less than the budget estimate	141940	4,000
Decrease income - trade-in value of MDES vehicle was less than the budget estimate	142250	(2,000)
Decrease income - reduce transfer from Plant Reserve due to reduced cost of changeover of MDES vehicle	142150	(2,000)
Decrease expenditure - no further vehicle examinations to be undertaken as Shire has relinquished its Authorised Inspection Station status	142220	376

Description	Account / Job Number	Impact on Budget
Decrease expenditure - full budget provision of Licensing Training not expected to be utilised (offset by reduce reimbursements so no impact on budget)	147120	1,000
Decrease income - no income will be received for Vehicle Examinations	142330	(500)
Decrease income - reduce budget provision for reimbursements relating to Licensing staff training	143530	(1,000)
Increase expenditure - value of land acquired by Council due to non-payment of rates to be brought to account as an asset (reciprocal entry so no impact on budget, refer also Sch 3)	143140	(40,000)
Increase income - land acquired by Council due to non-payment of rates will be sold by auction, proceeds unknown however income reflects recovery of O/S rates)	102750	21,825
<b>Public Works Overheads (Schedule 14)</b>		
Increase income - additional minor reimbursements	159730	590
Decrease income - no insurance rebates or reimbursements are expected in this account	135030	(1,000)
Increase income - minor additional income brought to account for sale of surplus items	178230	300
Increase income - additional income anticipated to be received from Diesel Fuel Rebate	178430	1,000
<b>Funds Transfers (Schedule 15)</b>		
Increase expenditure - transfer Municipal budget allocation for Walk Trails project that will not proceed in 14/15 to Land Development Reserve	148300	(15,000)
Increase expenditure - increase transfer to Land Development Reserve to assist with future land development projects	148300	(40,000)
Increase expenditure - transfer Municipal budget allocation for Balingup Storeroom project that will not proceed in 14/15 to Buildings Reserve	147900	(19,100)
Increase expenditure - increase transfer to Building Reserve to assist with funding of future capital works projects	147900	(69,088)
Increase expenditure - transfer donations received through Apple Funpark Money Spinner to Apple Funpark Reserve	148400	(5,500)
Increase expenditure - increase transfer to Employee Leave Reserve to closer match leave liabilities	147300	(40,000)
Increase expenditure - increase transfer to Building Maintenance Reserve to assist with future funding of larger maintenance projects (e.g. Rec Centre)	148600	(40,000)
<b>Projected Surplus</b>		<b>\$40,000</b>

**Absolute Majority Decision Required**



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## **11.2 Manager Works & Services**

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<b>11.2.1</b>	<b>SUBJECT:</b>	<b>SEEKING COUNCIL APPROVAL TO REDIRECT BUDGETED FUNDS TO ADDRESS RATEPAYER CONCERNS ON CAMPBELL STREET, BALINGUP</b>
	<b>Location:</b>	<b>Campbell Street, Balingup</b>
	<b>Applicants:</b>	<b>Manager Works &amp; Services</b>
	<b>Zone:</b>	
	<b>File Ref:</b>	<b>RD 0268</b>
	<b>Author:</b>	<b>Mike Scott - Manager Works &amp; Services</b>
	<b>Report Date:</b>	<b>30 January 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

Campbell Street in Balingup consists of a steep single lane, formed gravel access lane which causes difficulty for light two wheel drive vehicles to in extremes of hot or wet weather. It is one of the many formed road reserves within the shire that residents would like to have sealed.

One Campbell Street resident has been in regular contact with shire officers and Councilors to request that additional maintenance work is undertaken and a seal be considered in the annual budgeting process.

In previous years and again in the current financial year, Campbell Street has been part of the review process for improvement consideration but because of the limited number of ratepayers it serves and the low number of vehicles using it regularly, other roads within the shire have been afforded a higher priority for upgrade.

This process of review and recommendation may not have been communicated satisfactorily to the complainant who has formed the view and communicated strongly to shire officers that his complaints are being ignored.

As a further consideration, Works and Services officers have been informed by the complainant that one of the residents in Campbell Street requires in-home palliative care for a serious illness and the related services have difficulty in getting to her residence.

Three of the five ratepayers served by Campbell Street have addresses listed in the metropolitan area indicating the possible use of their property as a weekender.

### **Comment**

The cost to remove identified trees, provide a five meter seal and drain Campbell Street is estimated to be \$25,000 which is dependent on the final approved design.

Campbell Street received gravel sheeting in 2014 and has been graded twice in the last twelve months which is consistent with the standard for shire roads of its type and use.

The location of trees within the road reserve, the topography and drainage of Campbell Street limits the effectiveness of routine maintenance including grading.

Ratepayers in Campbell Street have been contacted by letter and apprised of the Council's Policy 4.4 Bituminizing Roads on a joint basis with Adjoining Land Owners. Three responses were received with one respondent requesting that no trees be removed if any works were to be undertaken. A total of \$10,000 from ratepayer contributions to offset the estimated construction costs may be forthcoming if consensus can be reached by the impacted ratepayers.

Campbell Street does not qualify for Regional Road Group Funding. Roads to Recovery funds may be directed to Campbell Street however this would require limiting previously approved projects such as Thompson Brook Road and Hearle Road by a commensurate amount. Redirecting municipal funds for previously approved projects would have a similar impact.

An environmental review (Tree Risk Assessment) of the proposed alignment and works impact on Campbell Street has been conducted by the shire's Environmental Officer. One significant jarrah requires removal with timber from it salvaged and milled for possible use on other shire related jobs. The other trees and vegetation recommended for removal are common red gum, acacia and sucker growth of no commercial value.

### **Consultation**

Letters have been sent to all ratepayers advising them of the possibility works and of making a contribution.

Three replies have been received indicating support for the proposal however one reply included a request that no trees be removed or impacted by works.

Given that the proposal was not on the W&S Dept's programme of works, the principle correspondent has previously been requested (in writing) to consult with his neighbours on Campbell Street to form a consensus view which may assist in expediting the approval process. No correspondence has been received to date on this recommendation.

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

#### Policy

Policy 4.4 Bituminizing Roads on a joint basis with Adjoining Land Owners

#### Statutory

Council approval is required to redirect funds from an approved budget.

#### Voting

An absolute majority is required to redirect funds in an approved budget.

### **Risk Assessment**

Council may wish to consider the consequences of acquiescing to this request in light of the many other similarly eligible, substandard access roads within the shire.

## **Financial Implications**

Funds from the Hearle Road project can be directed to Campbell Street. Hearle Road is a two year, Roads to Recovery project which will not be completed in this financial year because of the requirement to move a Telstra cable impacting on the road reserve. Relaying the cable and realigning Hearle Road will not fit into a one year construction period. Roads to Recovery funding for Hearle Road is ongoing and can be revisited for completion in Financial Year 2015/16.

This has been reflected in the budget review for consideration by the Council elsewhere in this agenda.

## **Strategic Implications**

Approving unbudgeted works on Campbell Street will impact the hierarchal road assessment process.

Strategic maintenance planning and expenditure on Campbell Street will be reduced.

An outstanding application for a property subdivision on Campbell Street and the subsequent subdivision contribution may reduce the cost of the proposed works for ratepayers.

## **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

### **Option 1:**

**The Council approves the proposed improvement works on Campbell Street and the allocation of \$25,000 from the Hearle Road project funds, as reflected in the budget review.**

### **Option 2:**

**The Council approves \$15,000 towards the proposed improvement works on Campbell Street with a contribution of \$10,000 to be sourced from adjacent ratepayers in accordance with the Shire of Donnybrook-Balingup Policy 4.4 Bituminizing Roads on a Joint Basis with Adjoining Land Owners; and before work commences.**

**(The budget review will be edited to reflect this decision.)**

### **Option 3:**

**The Council resolves to defer the proposed improvement works on Campbell Street and refer consideration for funding to the 2015/16 budget and priority setting process.**

**(The budget review will be edited to reflect this decision.)**

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**Absolute Majority Decision Required**

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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>PROPOSED EXPANSION OF “IGA” SHOPPING CENTRE TO INCLUDE A CAFÉ AND LIQUOR STORE</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Highclere Pty Ltd</b>
	<b>Zone:</b>	<b>Commercial</b>
	<b>File Ref:</b>	<b>A4275</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>28 January 2015</b>
	<b>Attachments:</b>	<b>11.4.1(1) Concept Plan 11.4.1(2) Schedule of Submissions 11.4.1(3) Extract from LPS7 – Planning Considerations</b>

#### **Background**

Council resolved at the meeting held on 17 December 2014 to:

1. Advertise the proposed expansion of the existing supermarket at No.7 Sharp Street and No. 34, 36, 38,40 and 42 South Western Highway, Donnybrook in accordance with clause 9.7 of Local Planning Scheme No.7 and Local Planning Policy No. 9.22;
2. Delegate authority to the Chief Executive Officer to approve the application if no adverse responses are received during the advertising period.

This item was presented to Council to consider due to the potential public interest in the proposal. The proposal was advertised in the local paper, on Council’s website and letters posted to nearby landowners. The advertising period closed on 16 January 2015. A total of 24 individual submissions and two combined submissions were received. Of these, only one submission was supporting the proposal.

Given point 2 of the Council’s resolution, this proposal is now presented to Council for a decision.

#### **Comment**

The proposal includes:

- A redesign of the car parking areas to improve presentation, legibility and safety;
- A café (84m<sup>2</sup>);
- Public toilets;
- A new sign; and
- A new retail store with a floor area of 356m<sup>2</sup> (liquor store).

The existing supermarket will essentially remain unchanged (Attachment 11.4.1.1 Concept plan). The applicant has been involved in detailed discussion with Shire staff and Main Roads Western Australia (MRWA). The car park design and layout of the store reflects these discussions.

### Land Use

Local Planning Scheme No.7 (LPS7) lists “Liquor Store” as a “D” (Discretionary) use. The café use falls under the use class of “fast food outlet” or “restaurant” which are both listed as “D” (Discretionary) uses.

These uses do not technically require advertising as part of the assessment process. However, given the prominence of the site, it was decided to advertise to get a feel of public views and opinions.

### Design

To assist Council in assessing the design, it is necessary to look at three specific parts first and then consider the proposal as a holistic package. The following provides a summary of the design elements of the building, car parking arrangement and landscaping.

### Building

The building façade presented to the highway complies with Council’s Local Planning Policy 9.17 Industrial and Commercial Development Control. Specifically, the building:

- Uses brick and glass;
- Incorporates a roof design that breaks building bulk and monotony through use of a gable, vertical and horizontal stepping and inclusion of veranda’s/awnings to provide shaded pedestrian walkways;
- Screening of loading bays and servicing areas from the main street (South Western Highway);
- Presenting a clear and legible main entrance that includes extensive use of glazed areas; and
- Presenting a common theme in choice of materials to complement the existing building form.

### Car parking

LPS7 requires the following number of car bays:

- Restaurant - 1 bay per 4 patrons;
- Shop – 1 bay per 20m<sup>2</sup> Gross Floor Area (GFA)

The proposed restaurant is proposed for 50 patrons (requires 13 car bays). The shop includes the existing IGA supermarket (1215m<sup>2</sup>) plus liquor store (336m<sup>2</sup>). The total GFA is calculated at 1551m<sup>2</sup> requiring 78 car bays.

The total car parking bay required is 91 bays. The proposal provides 109 bays which includes 10 new staff bays located at the rear of the development.

The design of the car parking area has been the subject of discussion with Shire and MRWA. The design improves legibility and reduces potential for traffic conflicts onto the highway.

The design complies with development standards specified in LPS7 which requires separation of pedestrian and vehicle movements. The design also separates loading facilities from customer movements.

### Landscaping

TPS7 requires a minimum of 10% of the site for landscaping. It will be necessary for the applicant to confirm that this requirement is satisfied. However, the design and location of landscaping is well laid out and will create a vast improvement to the existing arrangement.

The landscaping in the car parking area will provide an attractive entrance to the shopping centre and will assist in creating a sense of arrival.

### Signage

The sign is to be located on the building façade. The sign requires planning approval as it is not 5m above ground level (3.8m). LPS7 does not provide any guidance on size limits.

The sign is considered reasonable on the grounds that:

- It is affixed to the building façade;
- It is in scale and character with the building form; and
- It does not intrude unnecessarily into the landscape or surrounding streetscape amenity; and
- Does not create a traffic hazard or impede accessibility.

### **Advertising**

Advertising has been undertaken in accordance with LPS7 and Council's Local Planning Policy on advertising (Policy 9.22).

A total of 24 individual submissions have been received during the advertising period, consisting of 23 objections and one of support. In addition, two multiple submissions of objections have been received (see Attachment 11.4.1.2 Schedule of Submissions).

In summary, the points raised in the objections relate to:

- Detrimental impacts on the viability of existing local businesses;
- There being a more than adequate supply of liquor outlets and café's in the town;
- Increasing shop vacancies on the main street;
- Further monopolising business activity;
- Eroding the tourist feel and values of the main street;
- Providing no positive spin offs. It does not introduce any new services or goods to the community; and
- The potential to sell off to a major super market chain.

In considering the submissions, it is helpful to reflect on the following points:

### Anti-Competition Regulations

The Australian Competition and Consumer Commission (ACCC) in 2008 published findings and recommendations of its inquiry into the competitiveness of retail prices for standard

groceries. The ACCC made a number of recommendations on how to reduce a number of evident barriers to entry and expansion in grocery retailing. One conclusion by the ACCC was that the planning system was being used by incumbent retail traders to deter a new entry where the incumbent traders had no legitimate planning concerns.

The ACCC's views are clear on matters associated with anti-competition. Decision making authorities are limited to considering town planning matters when making an assessment on a planning application.

#### Limits to matters Council can consider

Clause 10.2 of LPS7 provides a detailed list of matters that a Local Government is to have in regard to making a planning decision (See Attachment 11.4.1.3 Extract from LPS7 – Planning Considerations).

Clause 10.2 is clearly focused on town planning matters such as built form, traffic impacts, land use conflict, local amenity.... Clause 10.2 and the wider set of clauses in LPS7 do not provide scope to consider economic impacts relating to potential market competition.

The commercial impacts on competitive positions of local businesses cannot have a bearing on the assessment of the application. Given that most of the submissions raise this very point, it may be helpful to explore this issue a little more. The following sections has been provided to assist in understanding why "competition" as well as some general background commentary.

#### Role of the Market in our Economy

Our society presently holds a general view that an efficient market is essential to provide the most effective means of supplying customer focused goods and services. Markets create incentives for businesses to produce goods and services that customers want and at competitive prices. As a philosophical principle, it not considered desirable for government agencies such as the Shire to become involved in dictating who can and cannot trade based on changes to market positions between existing and proposed traders.

The role of planning is restricted to focusing on town planning matters. In general terms, this relates to:

- Capacity of road networks to safely accommodate movement and volumes;
- Building design and its impacts on streetscape appeal; and
- Land use – will the activity create problems with neighbouring properties enjoying and using their land.

The question of impacts on existing businesses relates to a wider philosophical point. It is a point that cannot reasonably be debated within the confines of this planning application.

#### The "Value Action Gap"

The "Value Action Gap" expresses the difference between the stated principles and intentions expressed and actual behaviours. In short, it does not follow that someone will do exactly what they say they will. In this instance, there is strong community resentment at present against the proposal. This is shown by the number of submissions received and the size of the petition. It does not follow that this level of objection will stop these people at some time using the proposed new shops.

In providing services, the best and most convenient service provider usually wins. If there is no demand for a new shop or the community does not wish to support it - the business will fail. The planning process is not the right tool for deciding which business is to succeed. Further, any planning decision made today does not disempower the community as a whole or individuals to express their views through purchasing decisions.

#### What does it mean to be called a “local business”

A majority of submissions make the claim that the proposal will be to the detriment of “local businesses”. It is important to understand that this term is not as clear cut or easy to define as implied. The Donnybrook IGA can reasonably be considered a “local business” based on the fact that it is located in the Donnybrook townsite, employs local residents and donates to local community events and causes. The only point of difference between other “local businesses” is limited to where the owner lives.

#### Potential to sell to a major supermarket player in the future

All businesses have the freedom to sell on the market. This is a right. It is not possible for Council to base a planning decision on this hypothetical point.

#### Sunday trading of Liquor Store

A number of submissions raise concern regarding Sunday trading for the liquor store. The ability to trade on a Sunday is determined by the Department of Racing Gaming and Liquor (DRGL). Any application to DRGL will need to demonstrate that it meets the test guidelines of the “Public Interest Assessment”.

#### Wider competitive context

The sentiments expressed regarding competition need to be considered within a wider context. The IGA proposal is a “bricks and mortar” development and will be competing in the same physical realm as other “local businesses”. It is obvious that it represents a clear physical and readily identifiable display of competition and this is what is attracting all the attention at present. However, there are wider forces at play that create greater threats to local businesses. For instance, the rise of internet shopping, “peer to peer” trading (think Ebay, Gumtree, Facebook, Etsy, Alibaba), click and collect, internet ordering and home delivery of groceries. All of these trends and information technology inspired services are creating monumental shifts in how goods and services are provided. This wider undercurrent will play a greater role in the long term ability of local businesses and existing business models to survive.

#### How Council can and has Supported Local Business

While Council cannot become directly involved in market competition between individual businesses, it does play a role in creating an attractive setting for local businesses to operate in.

Significant works to the main street have been undertaken to lift presentation. This has included the creation of convenient street parking, a landscaped boulevard and well maintained, vibrant, soft landscaping treatments.

Council also works consistently to ensure attractive parks and foreshore environments, public toilets and the upkeep of the Apple Fun Park. All these activities help bring visitors and tourists to the town as well as providing an attractive destination for locals to use local businesses.



The most recent initiative is the addition of new bin covers with photos showcasing historical and local landmarks. This adds to the unique tapestry of the main street environment. All these elements, when considered in combination, present a quality streetscape in which the community can be proud and local businesses benefit.

### Risk Analysis

A risk analysis has been undertaken in accordance with Council Policy. The categories of interest fall under the headings of “finance”, “compliance”, “service interruption” and “reputation”.

If refused, the following risks will apply:

“Finance” is rated as High (10) as it will be necessary to engage an appeal advocate and obtain planning consultant services as an expert witness. It will need to be confirmed that staff can represent Council and not be considered as “Hostile Witnesses” by SAT.

“Service interruption” is rated as High (10) as it can be expected that an appeal will be lodged with SAT and this will require staff time and resources to defend. It is highly likely that any decision by SAT would be to approve the proposal.

“Compliance” is rated as High (10) for the same reasons as listed above.

Risks can be significantly reduced to Council by:

- Confining decisions and conditions to relevant town planning matters; and
- Clearly expressing its reasons to the public.

### Summary of points and Suggested Recommendation

Concerns raised by submissions focus on impacts on existing businesses from new competitors entering the market to service community needs. It is not appropriate for Council to impose its views on commercial decisions unless it relates directly to town planning matters.

The objections hinge on issues associated with letting the market decide business success or failure. At present, western societies advocate belief in releasing market forces as it provides the best and most efficient way of allocating resources to deliver imaginative products and services at competitive prices. This process creates a “Darwinian theatre setting”. The test of success for a business is determined on its ability to best meet the needs of its customers. Those businesses and business models that do it best, survive. The businesses that do not best meet the needs of the community eventually fail and free up resources for new businesses to establish.

This process is coined “creative destruction”. However, this creative destruction does not guarantee that there will always be a net gain to the community or society. And it is this point that the submissions are raising.

It is also acknowledged that there are failings in the free market system. This is why there is public intervention in the market to provide public goods and services. These are a range of services and goods that the free market is not able to provide. Town planning controls and regulations emerged as a market intervention. It ensures that financial rewards of individual business activities are not gained at the expense of adverse externalities or impacts on the

wider community in terms of traffic congestion, environmental degradation, noise, dust, odour and streetscape appeal.

At present, LPS7 does not give Council the head of power to interfere in market competition matters or matters that fall outside the planning considerations listed above. There is no legal position to justify Council deciding if a new business can enter an area based entirely on the views of existing established businesses.

The matters raised by the submissions highlight big picture philosophical questions about the direction in which our society should move towards. These are large fundamental questions that have potential wide ranging consequences on how society will work and the values which society is to hold and aspire too.

This planning application does not provide the appropriate forum to question these wider philosophical points. These questions relate to a wider debate and cannot be reasonably used to justify refusing this application.

The proposal complies with the established town planning framework that applies to the site and approval is recommended on this basis.

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

#### Policy

The proposal satisfies the requirements of Local Planning Policy 9.17.  
Advertising will occur in accordance with Local Planning Policy 9.22 and Clause 9.7 of LPS7.

#### Statutory

The proposal complies with the requirement of LPS7.

#### Voting

Simple Majority

### **Financial Implications**

N/A

### **Strategic Implications**

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

Outcome 1.7 A well used and efficient transport network

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

#### Age Friendly Community Study

Recommendation 16 – That the Shire of Donnybrook- Balingup liaises with ... the Donnybrook IGA to provide toilets and amenities....

## **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That the Council grant Planning consent for extensions to the existing IGA shop and car parking area at Lots 7 Sharp Street, Lots 34, 36, 38, 40 and 42 South Western Highway, Donnybrook subject to the following conditions:**

### **General Conditions**

- 1. The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
- 2. The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**
- 3. The plan boundary being modified to include that section of car park access linking the proposed 26 new parking bays with the main parking area.**
- 4. The new access points to be designed and constructed to the specifications and standards of Main Roads Western Australia.**
- 5. Landscaping plans to be prepared and implemented to the satisfaction of the Shire's Principal Planner.**
- 6. The car parking dimensions to comply with Table 3 of Local Planning Scheme No.7.**
- 7. A management plan to be prepared to the satisfaction of the Manager Works and Services to ensure public safety and access is maintained during the construction phase of the development.**

### **ADVICE TO THE APPLICANT**

#### **Note 1:**

**If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005.**

**A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.**

#### **Note 2:**

**An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local government prior to any construction works commencing on-site in relation to this determination. In preparing plans, it will be necessary to provide a unisex accessible toilet.**

**Note 3:**

If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

**Note 4:**

The applicant is reminded of their obligations under the Liquor Control Act 1988 in obtaining the relevant licences for the sale of alcohol and hours of trade.

**Note 5:**

In relation to Condition 5, the applicant is advised of the need to include a path along the frontage of the property that connects to the existing pedestrian network.

**Note 6:**

A Permit to Use the café and new shop will only be issued by the Shire of Donnybrook-Balingup when all of the required conditions of Planning and Building Consent have been complied with to the Shire’s satisfaction. Prior to seeking a Permit to Use, please ensure that all conditions of the Planning Consent have been satisfied.

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<b>11.4.2</b>	<b>SUBJECT:</b>	<b>RETROSPECTIVE PLANNING APPROVAL FOR THE PARKING OF A HEAVY VEHICLE AT LOT 108 (NO.10) WITHERS DRIVE, DONNYBROOK</b>
	<b>Location:</b>	<b>Lot 108 (No.10) Withers Drive, Donnybrook</b>
	<b>Applicants:</b>	<b>Mr Ian J Passmore</b>
	<b>Zone:</b>	<b>Residential</b>
	<b>File Ref:</b>	<b>A4334</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>5 January 2015</b>
	<b>Attachments:</b>	<b>11.4.2(1) Summary of Submissions 11.4.2(2) Photo of Parked Truck</b>

**Background**

This proposal is to seek retrospective planning approval for the parking of a heavy vehicle at Lot 108 (No.10) Withers Drive, Donnybrook.

The applicant has provided supporting information for this application. In summary, the points raised by the applicant are:

- His work, Monday to Friday, requires several runs down south from Donnybrook. His employer is based in Dardanup and parking the vehicle in Donnybrook saves back trips to Dardanup;

- His hours start at 3.30am and finish at 5.00pm for 4 days out of 7 every week.
- He has been doing this for 7 years (5 on the road verge of 18 Bond Street and 2 years in the current location); and
- He has not had any complaints from anyone over this time.

### **Comment**

The land is zoned “Residential R5” under Local Planning Scheme No.7 (LPS7). The following points highlight the relevant planning considerations contained in LPS7:

#### Objectives of the Residential zone

Clause 4.2.2 outlines a number of objectives for the residential zone, including:

- Limiting non-residential uses to those which create self-employment or creative activities, provided such activities have no detrimental effect on residential amenity; and
- Promote and safeguard the health, safety, convenience, general welfare and the amenity of residents and the residential area.

The proposal does not meet these objectives as it:

- Does not relate to a self-employment activity; and
- It has potential detrimental effects on residential amenity.

#### Parking of heavy vehicles in Residential zones

Clause 5.26 states that planning approval is not required in certain circumstances. This includes:

- A vehicle does not exceed 3.0 metres in height or 8.0 metres in length;
- The vehicle is not brought to or taken from the lot between the hours of midnight and 6.00am.

Clause 5.26.2 defines “heavy vehicle” as a vehicle exceeding an unladen tare weight of 3 tonnes or a length of 8.0 metres. “Tare weight” is defined as the unladen weight of the vehicle.

The proposal does not satisfy the requirements as:

- The vehicle is over 3.0 metres in height and 8.0 metres in length; and
- The vehicle is moved between midnight and 6.00am.

On this basis a planning approval is required to park the heavy vehicle.

#### General Matters to be considered by Council

Clause 10.2 lists a range of matters that Council is required to consider in making planning decisions. This includes:

- The compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land;
- The preservation of the amenity of the locality;

- The relationship of the proposal to development on adjacent land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal; and
- Any other planning consideration the local government considers relevant.

In relation to these matters, consideration is needed in regard to:

- The movement of the heavy vehicle between 3.00/4.00am has impacts on adjoining properties;
- The scale, bulk and character of the heavy vehicle. Such a vehicle is not normally associated with a residential setting. The heavy vehicle dominates the streetscape and is easily visible from the public realm (Attachment 11.4.2.2).

## **Advertising**

The proposal has been advertised in accordance with the Shire's Local Planning Policy. This included letter referrals to neighbouring properties.

A total of 5 submissions were received; consisting of 2 letters of support and 3 letters of objection. Attachment 11.4.2.1 provides a summary of the issues raised and suggestions on how the submissions should be addressed.

The matters raised in the objections focus on the following elements:

- The activity is inappropriate within a residential setting;
- The truck dominates the streetscape;
- The use is not consistent with the intent of a residential zoning;
- The applicant should consider an alternative location for the parking of the truck;
- Moving the truck in the early hours of the morning (between 3/4am) causes a significant disturbance;
- Approval will create an undesirable precedent.

A common theme running through the objections pivots on the fairness in how the benefits and negative externalities are distributed. At present, the applicant enjoys and internalises all the benefits (time and fuel saving).

All the external costs; noise, dust, erosion of streetscape values, loss of re-sale opportunities are placed on the shoulders of neighbouring properties.

The submissions voice a general concern of being unfairly burdened with the costs for an activity that is not supported in the planning controls of LPS7.

The submissions supporting the proposal provide a simple statement that no objections are raised and that the use should be supported. This support needs to be considered within the context of LPS7 and the land use controls which it sets.

### Risk Assessment

A risk assessment has been undertaken in accordance with Council Policy. In summary, if Council decides to approve the parking of the heavy vehicle at the site, it exposes itself to the following risks:

- Compliance - High Risk resulting from disputes over compliance with conditions and impacts on local amenity resulting from noise;
- Reputation – High Risk resulting from perception of incompetence in following through on compliance matters.

### Summary and conclusions

LPS7 provides:

- Clear controls and planning guidance for assessing applications such as this.
- Requires a need for planning approval to park a vehicle and use it during the times proposed.
- Scope for Council to approve this planning application and impose conditions should it be of a mind to.

In making a decision on this proposal, it is suggested that the following points be considered.

- The purpose and intent of the residential zone and the reasonable expectations and activities that landowners should expect within the zone;
- The normative values and lifestyle values that pervade a residential area. For instance, the daily rhythm of day time activity followed by quiet night times;
- The principal that residential uses are sensitive land uses and should be separated from business and commercial activity in order to reduce land use conflict.
- Residential zones are generally characterised by an easily recognised building and streetscape style. This does not generally include large trucks being parked next to residential dwellings.
- The hours of movement and the potential to impact on neighbours enjoyment of their property and ability to get an undisturbed night sleep.

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

#### Voting

Simple Majority

#### Statutory

Local Planning Scheme No.7

Clause 4.2 outlines the intent and objectives of the Residential zone.

Clause 5.26 relates to the parking of heavy vehicles in residential zones.

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

### **Financial Implications**

N/A

### **Strategic Implications**

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

## **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That Council:**

**Refuse to grant retrospective planning approval for the parking of a heavy vehicle at Lot 108 (No.10) Withers Drive, Donnybrook on the grounds that:**

- **The scale and bulk of the vehicle is out of character with the locality;**
- **The hours of use detrimentally impacts on the locality and adversely impacts on the use and enjoyment of adjacent and nearby land.**
- **The proposal is contrary to the objectives of the Residential zone and the principals of orderly and proper planning of the locality.**
- **Approval would set an undesirable precedent for the intrusion of commercial activity within the Residential Zone.**

### **ADVICE TO THE APPLICANT**

**Note 1:**

**If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005.**

**A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Shire.**

**Note 2:**

**The applicant has 30 days from this decision to find alternative arrangements for the parking of the heavy vehicle.**

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<b>11.4.3</b>	<b>SUBJECT:</b>	<b>REQUEST TO ADVERTISE STRUCTURE PLAN MODIFICATION FOR PERSEVERANCE BOULEVARD, DONNYBROOK</b>
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<b>Location:</b>	<b>Lot 809 Perseverance Boulevard, Donnybrook</b>
<b>Applicants:</b>	<b>Ms Fiona Cooper</b>
<b>Zone:</b>	<b>Rural Residential</b>
<b>File Ref:</b>	<b>A4495</b>
<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
<b>Report Date:</b>	<b>28 January 2015</b>
<b>Attachments:</b>	<b>11.4.3(1) Existing Approved Structure Plan 11.4.3(2) Proposed Structure Plan for Advertising Request</b>

## **Background**

The proposal is to modify an existing structure plan located on Perseverance Boulevard, Donnybrook (Attachment 11.4.3.1). The land has been subdivided in accordance with this structure plan creating lots with a minimum size of 2ha. The proposal is to enable a fresh subdivision of Lot 809 to create 4 lots ranging in size from 5015m<sup>2</sup> to 5218m<sup>2</sup> (Attachment 11.4.3.2).

Local Planning Scheme No.7 (LPS7) requires a structure plan amendment when lots below 1ha are proposed (clause 5.52.3).

The structure planning process requires:

- advertising;
- considering submissions;
- making a final decision; and
- referral to the Western Australian Planning Commission (WAPC) for Final Approval.

Once Final Approval has been granted by the WAPC a subdivision application consistent with the amended structure plan can be supported.

## **Comment**

### Road Upgrading

Perseverance Road was constructed in 2004 and has a length of 1391 linear metres. Re-sealing is required every 20-25 years to ensure that the road is in good order. It is calculated at current rates that resealing costs \$108.00 per linear meter. It is reasonable to require a 50% contribution towards this road upgrading based on road frontage. Lot 809 has a frontage of 272m. A contribution to the road upgrading would equate to \$14,729.00.

This contribution can be justified on need as the subdivision will generate increased road use over time and when combined with further subdivision potential within the estate will result in the road requiring upgrading and modification to accommodate additional demand.

### Amenity

Lot 809 lends itself to subdivision as it has a relatively long road frontage. This frontage, when combined with the road alignment enables any intensification of built form to be screened. This enables the existing low density feel of the estate to be retained.

The proposal identifies building envelopes and location of screening vegetation that will effectively hide additional development from the street and existing established lots to the west (Attachment 11.4.3.2). The proposed design will ensure streetscape and landscape appeal are not compromised.

### Advertising

LPS7 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:

- This proposal is for a modification to an existing structure plan; and
- 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**

#### 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**

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 Council grant consent to advertise the structure plan modification for Lot 809 Perseverance Boulevard for a period of 21 days.**

### ADVICE TO THE APPLICANT

#### Note 1:

If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*.

A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.

#### Note 2:

The applicant is advised that the standard structure plan assessment fee is \$2750.00. This fee will be require payment prior to advertising starting.

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<b>11.4.4</b>	<b>SUBJECT:</b>	<b>RESOLUTION TO ADVERTISE OMNIBUS AMENDMENT NO.1 TO LOCAL PLANNING SCHEME NO.7.</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 17 AMD 1</b>
	<b>Author:</b>	<b>Bob Wallin (Principal Planner)</b>
	<b>Report Date:</b>	<b>9 January 2015</b>
	<b>Attachments:</b>	<b>11.4.4 Draft Scheme Amendment No.1</b>

### Background

Council at its meeting on 17<sup>th</sup> December 2014:

- “1. *resolved to require the Chief Executive Officer to prepare documentation for an omnibus amendment to:*
  - a. *provide exemptions for temporary advertising for community events;*
  - b. *provide guidance for supporting subdivision of Rural Residential lots below 2ha;*
  - c. *include provisions to define minor and major modifications to structure plans;*
  - d. *reducing the extent of the Community Purpose Reserve for Lot 13 Bentley Street, Donnybrook;*
  - e. *zoning Lot 4653 Ravenscliffe Road, Kirup “General Agriculture”;*
  - f. *rezoning the Kirup Service Station site from “Residential” to “Commercial”;*
  - g. *requiring planning approval for a single house for properties abutting established intensive agricultural activities;*
  - h. *Reviewing Clause 5.54.6 to reduce the land requirements for Council to consider approving a second dwelling on Agricultural zoned land; and*

- i. Insert a clause stating that the existence of a second dwelling on Agricultural zoned land will not be considered a justification for subdivision.*
2. *Present the draft omnibus amendment document to Council for consideration to advertise.”*

A planning amendment document has now been prepared in accordance with this resolution (Attachment 11.4.4).

The process for amendments is broadly summarised in the following steps:

- Step 1 Council resolve to initiate the amendment;
- Step 2 Council resolve to advertise the amendment;
- Step 3 Council consider submissions and make a recommendation for final approval;
- Step 4 The WAPC makes a recommendation to Minister for Planning;
- Step 5 Minister for Planning grants final approval; and
- Step 6 Amendment gazetted and becomes law.

It is noted that prior to public advertising starting, it is necessary to refer to the EPA and environmental instructions provided.

Proposed amendment No.1 is now seeking to progress Steps 1 and 2 of the process listed above.

### **Comment**

Attachment 1 provides:

- The description of the proposed changes;
- Background planning rationale and justification for the proposed changes;
- Legal maps and text modifications proposed.

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

#### Policy

N/A

#### Statutory

Part 5 of the Planning and Development Act outlines the processes and requirements for amending local planning schemes. This includes Section 81 the details the EPA referral process.

Planning Regulation 25 provides the advertising process and requirements to be followed.

#### Voting

Absolute Majority

### **Financial Implications**

There are also fees associated with the advertising process and publishing in the Government Gazette. It is estimated that the combined fees of these tasks will be approximately \$1,000.00.

## Strategic Implications

Outcome 1.5 Our rural lifestyle is maintained

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

Outcome 4.9 Improved long term planning and strategic management.

## Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

1. Resolve to initiate proposed Amendment No.1;
  2. Grant consent to advertise Amendment No.1 in accordance with the processes and requirements of the Planning and Development Act and Planning Regulations;
  3. Require the Chief Executive Officer to undertake such tasks necessary to implement items 1 and 2 above.
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### 11.5 Chief Executive Officer

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11.5.1	<b>SUBJECT:</b>	<b>EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN</b>
	<b>Location:</b>	<b>Shire Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>DEP12</b>
	<b>Author:</b>	<b>John Attwood – CEO (<i>Lucy Bourne – Governance Officer</i>)</b>
	<b>Report Date:</b>	<b>29 January 2015</b>
	<b>Attachments:</b>	<b>11.5.1 Draft Equity &amp; Diversity Management Plan</b>

## Background

Under section 145 of the Equal Opportunity Act 1984 (the Act) Council as a public authority is required to have a compliant Equal Employment Opportunity (EEO) Management Plan in place.

Council's current plan expired on the 31 December 2014. An extension was granted by the Public Sector Commission to allow this to come before the February Ordinary Council Meeting. expediate

## Comment

Council officers have reviewed the Diversity and EEO Management Plan for the period 2015/2017 and a draft is attached for Council consideration.

## Consultation

N/A

## Policy/Statutory/Voting Implications

Voting Implications - Simple Majority

## 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 Council adopt the Equity and Diversity Management Plan for the period 2015 to 2017.**

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<b>11.5.2</b>	<b>SUBJECT:</b>	<b>REQUEST FOR FUNDING ASSISTANCE</b>
	<b>Location:</b>	<b>Shire Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>ADM 10/C</b>
	<b>Author:</b>	<b>John Attwood – CEO (<i>Kate O’Keeffe – Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>28 January 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

The Shire received a letter on 15 December 2014 from James Milne, Principal, Donnybrook District High School (DDHS) seeking funding assistance for the schools Design and Technology Electric Vehicle and Model Solar Cars and Boats Program. The Principal has indicated DDHS is under severe funding stress as a result of departmental funding cuts.

Over the past ten years, DDHS has developed a very comprehensive electric vehicle (EV), and model solar cars and boats (solar models) program with teams of students competing very successfully at both the State and National level.

During 2014 the Solar Cars team won the State Championships for the Solar Cars event held in Karratha, and went on to the State National Finals in Sydney. The EV cars made a clean sweep at the State finals winning first, second, and third place, as well as winning the award

for Best Engineered Design Vehicle. Donnybrook District High School was also awarded the 'Top Performing School' at this event.

### **Comment**

The EV and solar units are offered as elective subjects to students in years 9 and 10, with groups of 3 students assigned to research, design and build their own car or boat, enhancing their learning opportunities and developing technical knowledge and skills.

An EV car costs approximately \$1600 to construct (DDHS is currently supporting 4 cars), and the solar models are approximately \$200 each. In addition to this are travel costs, which are necessary to give the students the opportunity to compete at the State and National levels. The schools success at the State and National levels showcases the distinctive learning opportunities being offered at DDHS.

Any assistance from the Shire Council would be acknowledged and recognised in all newspaper articles, and school publications relating to the 2015 program.

The application has merit along with a number of other community/education projects. This application can be handled in a number of ways:

Option 1: By donation with expenditure from Donations or Governance;

Option 2: Through the Community Grants Scheme which opens February/ March;

Option 3: No contribution.

Should Council wish to support the proposal and payment in 2014/15 Financial Year then Option 1 is the only option that provides funding prior to 30 June 2015.

### **Consultation**

N/A

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Simple Majority

### **Financial Implications**

It's recommended that a donation of \$1,000 (from account number 102520 – Donations, and 105020 – Other Governance) be made to the Donnybrook District High School's *Design and*





The Committee is working to contain the operating costs whilst endeavouring to ensure that the Apple Festival is an exciting event and that the cost to attendees remains at a reasonable level.

Should Council waive the Egan Park hire fees it is the Committee's intention to use that money to further promote the Apple Festival in order to optimise attendance.

It is the officer's recommendation that Council make a donation of \$426.00 instead of waiving the Egan Park hire fees to the Apple Festival Committee for the 2014 Apple Festival to be held on 4 and 5 April 2015.

Historically, where Council grants a concession to one community event it is likely that further applications will be received from similar event organisations.

### **Consultation**

The event will be widely promoted by the Donnybrook Apple Festival Committee.

### **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."*

#### Statutory

N/A

#### Voting

Simple majority

### **Financial Implications**

The cost of hiring Egan Park for two days is \$426.00.

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 remain 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 \$426.00 to the Apple Festival Committee for the hire of Egan Park for the 2015 Apple Festival to be held on 4 and 5 April 2015.**

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<b>11.5.4</b>	<b>SUBJECT:</b>	<b>TRUE GRIT</b>
	<b>Location:</b>	<b>Ryles Road, Newlands</b>
	<b>Applicants:</b>	<b>True Grit Concepts PTY LTD</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CSV 09/1</b>
	<b>Author:</b>	<b>John Attwood – CEO (<i>Deb Vanallen – Community Development Officer</i>)</b>
	<b>Report Date:</b>	<b>30 January 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

At the Ordinary Council meeting held 13 October 2013, Council supported by absolute majority the following recommendation to sponsor the 2014 True Grit adventure race:

**“That Council approve a financial or in kind contribution of \$5,000 to True Grit P/L in return for:**

- **Logo placement on the event website and all promotional material**
- **2 free entries to the event to be used in a Ratepayers competition**
- **Logo placement on one of the event obstacles – cost or production at the event organiser expense.**
- **Acknowledgement that the Shire is a supporter of the event in all media releases**
- **Shire staff to provide other ‘in kind’ support where practicable.”**

The event, held during May 2014 at 1901 Ryles Road, Newlands was supported by approximately 3,500 participants and 1,500 spectators. 93% of the race participants were from Perth. Feedback from the participants indicated that they were impressed with the location and the terrain chosen for the race, and the close proximity of Donnybrook to Perth.

On Thursday 22 January 2015 Council received an email from Todd Grant, National Marketing Manager of the True Grit adventure race seeking an event partnership with Council for this year's event which is planned to take place 14 and 15 November 2015.

True Grit Concepts P/L are seeking a financial commitment from Council, either in cash or in-kind, to stage the event. In return True Grit has offered Council a range of sponsorship benefits including:

- Free Community event – Unlike other events of our scale and size we don't charge for spectators.

- 5 Free entries - Other councils have used these as prizes for 'Be Active' programs or to reward local councils/associated partners for their hard work.
- Logo's as an Event Partner on [www.truegrit.com.au](http://www.truegrit.com.au)
- A 3 x 3 stall at the True Grit event to promote a Council, Chamber of Commerce or Be Active initiative.
- Branding on 3 Obstacles to highlight the Council or Chamber of Commerce logo being active in the region or one of their Be Active campaigns.
- Reference to the event being in the Shire of Donnybrook-Balingup and the region as much as practically possible.
- Opportunity to advertise accommodation/tourism options in the region to our participants or associated media entries.
- Access to participation data

The True Grit organisers have been in touch with the landowner who provided the location for the 2014 race and have indicated that he is willing to host the race again.

The organisers estimate the event will attract similar crowds to the 2014 event. Trends show that the majority of these competitors will be drawn from the 21yrs to 40yrs age group and the majority of these will be female. It is estimated that around 200 – 300 people will camp at the site with the balance of competitors and spectators being 'day trippers'. A percentage of the competitors stayed in the South West region either overnight or for the weekend however the figures are not available. Event organisers also estimate that some competitors will again stay in local accommodation.

True Grit Concepts P/L have an operating budget of around \$250,000 for the Western Australian event.

### **Comment**

True Grit Concepts P/L have detailed that the two key benefits to Council are exposure of the Shire and an economic benefit through bringing competitors and spectators into the Shire.

The key consideration for Council is to determine the value in the sponsorship proposal as presented by True Grit P/L and compare this to the support that Council provides to other events within the Shire. Determining the true value of the proposal and the economic return that the Shire will receive is difficult as no formal economic assessment of the event was conducted.

In the past Council has supported other 'commercial' events, such as Bicycle Victoria's Great WA Bike Ride in 2011, where Council twice provided \$6,000 in financial support. It is important to note here that any 'profit' associated with the event went to Bicycle Victoria and the promotion of cycling.

Council has also supported local events, for example, providing a \$2,000 grant to the Donnybrook Food and Wine Festival, reimbursing the Facility Hire Fees to the Donnybrook Apple Festival and Balingup Small Farm Field Day.

There is an argument to both support and not support this event. Council supported the 2014 event to encourage the event to the shire and Kirup location. The request letter indicates some sponsorship is important to convening events in regional areas. Whether Council should continue to support this event over other community events is debatable. Perhaps

Council should review or establish an Events/Promotional budget to cater for all annual and bi-annual events in the shire. (i.e. Apple Festival, Small Farm Field Day, Medieval Carnival etc.)

This application may be handled in a number of ways:

- Option 1: Provide \$5,000 in Sponsorship towards the event using Council's Donations and other Government Expenses account as well as in-kind support via Shire Staff where practicable;
- Option 2: Assess the Application as part of the Community Grant Scheme as well as in-kind support via Shire Staff where practicable; (note: Assessment under the Community Grant Scheme would not deliver an outcome until Council adopts the budget in late August 2015 which may not be acceptable to the applicant);
- Option 3: Offer in-kind support but do not fund the event;
- Option 4: Do not support the event financially or in-kind.
- Option 5: Council provide a lesser sponsorship toward the event (\$2,000-\$3,000)

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

#### Policy

Nil

#### Statutory

Nil

#### Voting

Simple Majority

### **Financial Implications**

Council will be required to make a financial commitment to the project and this is unfunded.

### **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**

- 1. That Council advise True Grit Concepts P/L that it fully supports the event in the Shire and will ensure the road network accessing the event location is well maintained however is not in a position to fund the event this year.**
- 2. That Council consider setting up a Promotions/Events Budget in the 2015/16 Budget.**

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<b>11.5.5</b>	<b>SUBJECT:</b>	<b>DEVELOPMENT ASSESSMENT PANELS</b>
	<b>Location:</b>	<b>Western Australia</b>
	<b>Applicant:</b>	<b>N/A</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>TP 03</b>
	<b>Author:</b>	<b>John Attwood – CEO (Kate O’Keeffe – Executive Assistant)</b>
	<b>Report Date:</b>	<b>2 February 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

The Fifteen Development Assessment Panels (DAP), established by the Minister for Planning on 1 July 2011, to determine development applications that meet a certain threshold value, are due to expire on 26 April 2015.

Each DAP is comprised of five members: three specialist members, one of which is the presiding member, and two local government members. Councillors Dilley and Bailey were appointed Assessment Panel Members and Councillors Dawson and McCabe were nominated as alternative Assessment Panel Members for the duration of the last assessment period. Members whose term has expired will be eligible for re-consideration.

An Expression of Interest for Development Assessment Panel specialist members was advertised in the West Australian on 6 and 10 December 2014 and in regional newspapers in the week commencing 8 December 2014. Nominations for specialists will close on Friday 23 January 2015. Council will be advised of the new specialist members once they have been appointed by the Minister.

DAP’s meet and determine development applications of a certain class and value set in the DAP regulations. There are three types of DAP applications:

**mandatory DAP applications:** \$7 million or more.

**optional DAP applications:** \$3 to \$7 million, where the applicant may choose to have the application considered by a DAP or through normal process.

**delegated applications:** allow local governments to delegate to their DAP the power to determine optional DAP applications.

Under the DAP regulations, the following classes of development are excluded from consideration by a DAP:

- (i) a single house
- (ii) less than 10 grouped dwellings
- (iii) less than 10 multiple dwellings
- (iv) a carport, shade sail, outbuilding or shed
- (v) development in an improvement scheme area
- (vi) development by a local government or WAPC

## Comment

Under Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, Council is required to nominate four elected members of the Council,

comprising two local members and two alternate local members to sit on the local Development Assessment Panels as required.

Nominations are required to be received no later than Friday 27 February 2015.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2017. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members are not re-elected. In this instance the deputy local DAP member will take the place of the former local DAP members. If both local and alternate DAP members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment

All DAP members will be entitled to be paid for their attendance at DAP training and DAP meetings.

#### **Consultation**

N/A

#### **Policy/Statutory/Voting implications**

Simple Majority

#### **Financial Implications**

N/A

#### **Strategic Implications**

N/A

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

**Moved:**

**Seconded:**

**That Council:**

- 1. Nominates Cr\_\_\_\_\_ and Cr\_\_\_\_\_ as Development Assessment Panel Members;**
  - 2. Nominates Cr \_\_\_\_\_ and Cr\_\_\_\_\_ as alternative Development Assessment Panel Members.**
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<b>11.5.6</b>	<b>SUBJECT:</b>	<b>LIBRARY MANAGEMENT SYSTEM</b>
	<b>Location:</b>	<b>Shire Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Administration</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>ADM 07/1, ADM 07/2</b>
	<b>Author:</b>	<b>John Attwood – CEO (<i>Kate O’Keefe – Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>30 January 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

Currently Libraries in the South West operate independently with stand-alone Library Management Systems (LMS). Libraries manage and service all of their own costs without reference to other libraries. There are no financial sharing arrangements nor is stock shared between libraries in differing Local Government Authorities (LGA). The majority of LGA’s in the South West region are using outdated LMS called AMLIB, an antiquated system that does not have the capacity to be updated to cloud technology for future proofing, doesn’t cater well for e-resourcing, and the system will not be supported by IT staff nor upgraded in the future.

The Donnybrook-Balingup Library has been without an OPAC - an online catalogue system - which is a fundamental requirement of a LMS. The decision was made during the 2013/2014 budget that the funds allocated to purchasing the OPAC module would be better saved and put towards a new LMS when it eventuated. The lack of an OPAC has resulted in library staff spending considerable time looking for books and resources for patrons and has also meant that library patrons have no personal access either in the library or from home to search and access resources.

## Comment

Library staff from The Shire of Donnybrook-Balingup have been meeting regularly with the following Consortia to investigate and facilitate the procurement and adoption of a shared Library Management System and “one card” membership in the South West Region of Western Australia: Shire of Boyup Brook, Shire of Bridgetown/Greenbushes, City of Busselton, City of Bunbury, Shire of Capel, Shire of Collie, Shire of Dardanup, Shire of Harvey, Shire of Manjimup, Shire of Murray, Shire of Nannup and Shire of Waroona. The benefits of joining forces with the consortia will allow for a group purchase at a reduced cost, implementation of a fully shared LMS, shared bibliographic database, shared access, and shared services.

The shared LMS will offer a state-leading customer experience through seamless integration of physical and online collections to bring libraries into the digital age, and will be in alignment with the South West Regional Blueprint to meet the needs of a fast growing population.

The Consortia are currently preparing technical specifications regarding the shared LMS with the view to calling for tenders within the next two months.

On 2 November 2014 Council Staff supported an application for funding by the working party to further this project. The working party are keen to progress the purchase of a new system but acknowledge that not all Councils may be in a position to contribute towards the purchase

in the first year. However until costs are known would invoice Councils to continue to support the proposal as the project continues to develop the Consortia will be seeking Council to be a party to a Memorandum of Understanding. The working party have made presentations to the Bunbury Wellington Group of Councils and Library Management and Staff.

### **Consultation**

N/A

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

#### Policy

N/A

#### Statutory

N/A

#### Voting

Simple Majority

### **Financial Implications**

The cost allocation basis is most likely going to be based on rateable properties (RP). A secondary goal of the group is to pass on the benefit of the Consortium to other Local Governments in the State of WA. RP make for a simple and highly identifiable way of splitting cost across Local Governments.

### **Strategic Implications**

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

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

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 continue to support the proposal for Local Government in the South West to purchase a new Library Management System on a contributing basis, acknowledging that Council is unable to commit to a timeline until total budget costs are known**

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<b>11.5.7</b>	<b>SUBJECT:</b>	<b>RECALL ITEM – CONTRACTS FOR KERBSIDE WASTE AND RECYCLING BIN COLLECTION, RECYCLING PROCESSING SERVICES AND PROVISION AND MAINTENANCE OF KERBSIDE BINS</b>
	<b>Location:</b>	<b>Shire of Donnybrook - Balingup</b>
	<b>Applicants:</b>	<b>Western Australian Local Government Association</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>HLT 07/3 &amp; HLT 08/7</b>
	<b>Author:</b>	<b>John Attwood – Chief Executive Officer (<i>Kate O’Keeffe, Executive Assistant</i>)</b>
	<b>Report Date:</b>	<b>29 January 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

### **Background**

Council considered the confidential report – Contracts for Kerbside Waste and Recycling Bin Collection, Recycling Processing Services and Provision and Maintenance of Kerbside Bins at the meeting on 24 April 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 An open and accountable local government that is respected, professional and trusted”.

## Officer’s Recommended Resolution

**Moved: Cr**

**Seconded: Cr**

**That the Council resolutions relating to the confidential report Contracts for Kerbside Waste and Recycling Bin Collection, Recycling Processing Services and Provision and Maintenance of Kerbside Bins be made public.**

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<b>11.5.8</b>	<b>SUBJECT:</b>	<b>RECALL ITEM - AUSTRALIA DAY AWARDS</b>
	<b>Location:</b>	<b>Shire of Donnybrook-Balingup</b>
	<b>Applicants:</b>	<b>Various</b>
	<b>Zone:</b>	<b>N/A</b>
	<b>File Ref:</b>	<b>CNL 02</b>
	<b>Author:</b>	<b>John Attwood (Deb Vanallen)</b>
	<b>Report Date:</b>	<b>30 January 2015</b>
	<b>Attachments:</b>	<b>Nil</b>

## Background

At the Council meeting held on the 17<sup>th</sup> December 2014 Council considered the nominations for the Premier’s Australia Day Active Citizenship Awards.

## Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (a) and Admin Regulations 4A the above report remained confidential as “a matter affecting an employee or employees”.

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.

The awards were presented at the Australia Day Ceremony on the 26<sup>th</sup> January 2015.

## Consultation

N/A

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

### Policy

N/A

### Statutory

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

### Voting

Simple Majority

## **Financial Implications**

N/A

## **Strategic Implications**

N/A

## **Officer's Recommended Resolution**

**Moved: Cr**

**Seconded: Cr**

**That the Council resolution relating to the confidential report Australia Day Awards be made public.**

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

**Moved: Cr**

**Seconded: Cr**

**Item 11.5.7 Confidential – Australia Day Awards – S5.23 (2)(a) a matter affecting an employee or employees.**

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