



Ordinary Council Meeting

Agenda

To be held on Wednesday, 10 February 2016
Commencing 5.00pm at the Council Chambers
Cnr Bentley and Collins Street, Donnybrook

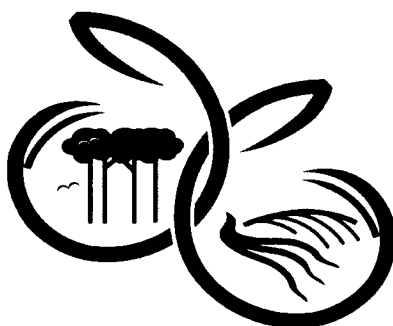
A handwritten signature in black ink, appearing to read 'John Attwood', written in a cursive style.

John Attwood
Chief Executive Officer

4th February 2016

Disclaimer

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



ORDINARY COUNCIL MEETING AGENDA

10 February 2016

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SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held at the Donnybrook Council Chambers
Wednesday, 10 February 2016 at 5.00pm

MEMBERS PRESENT

COUNCILLORS

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

STAFF

John Attwood – Chief Executive Officer
Greg Harris – Manager Finance and Administration
Leigh Guthridge – Manager Development and Environmental Services
Bob Wallin – Principal Planner
Damien Morgan – Manager Works and Services
Kate O’Keeffe – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

2 PUBLIC QUESTION TIME

Questions Taken on notice at the Ordinary Council Meeting on 16 December 2015

Jill Duncan

Mr President and Councillors, my first question relates to your answer to my question of 25 November 2015 as recorded in tonight's agenda. The President answered "..... Cr. Mills is in the process of vacating the property."

I ask the President, is Cr. Mills now absolved from any breaches of Council policies and Code of Conduct because " he has vacated the property"? Are both Cr. Mills and Cr. Bailey now free of any accountability for their previous actions? Is this the standard of "ethical behaviour" we, as ratepayers and residents, can expect from some Councillors?

President

I confirm Cr Mills has vacated the property. All Councillors are required to comply with Council Policies, the Code of Conduct and Ethical Standards. Councillors are regularly reminded of their obligations to adhere to these guidelines to ensure an acceptable standard of professional conduct is maintained.

Jill Duncan

My final question - With regards to the letter Cr Bailey distributed to some ratepayers and residents in the Shire - under whose authority did Cr Bailey act? Was Cr Bailey speaking on behalf of Council or a Council decision when he makes this statement in that letter?

President

Cr Bailey has indicated that he was not speaking on behalf of Council nor was it a Council decision to make public the information he put in the flyer.

3 APPLICATION FOR LEAVE OF ABSENCE

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 LATE ITEMS

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meetings

Council Decision

Moved: Cr

Seconded: Cr

That the minutes of the ordinary meeting held on 16th December 2015 be confirmed as a true and accurate record.

8 DEFERRED ITEMS

8.1.1	SUBJECT:	DEFERRED ITEM - BUSINESS ARISING FROM THE SPECIAL MEETING ON 9 DECEMBER 2015 – RESCINDING MOTION
	Location:	Donnybrook
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	CNL 01/16
	Author:	John Attwood– CEO
	Report Date:	28 January 2016
	Attachments:	Nil

Background

At the Ordinary Council Meeting on 16 December 2015 Council resolved to defer the motion to rescind the resolution regarding the Tuia Lodge Board Operating Guidelines made at the Ordinary Council Meeting on the 16th December 2009 to allow for further discussion to take place between Council, Tuia Lodge Board and the Department of Health.

“That the motion to rescind be deferred to the February 2016 Ordinary Council Meeting to allow for Council to meet with Tuia Lodge Board and representative from the Department for Health during January 2016.”

A meeting involving representatives from the Department of Health, Aged Care Quality Agency, Tuia Lodge Board, Community representatives and Council took place on 13 January 2016. Ursula Harbin, Assessment Manager from the Aged Care Quality Agency provided a summary of the recent accreditation audits conducted at Tuia Lodge and the requirement for the facility to address the items not met by 31 March 2016. Vivienne Burnham, Director of Aged Care from the Department of Health discussed the role and responsibilities of Council as the Approved Provider for Tuia Lodge Frail Aged Facility and discussed the Departments role in overseeing compliance under the Federal Aged Care Act.

Guidelines for Tuia Lodge Board

At the Ordinary Council Meeting on 16th December 2009 the following resolution was agreed by absolute majority:

“That in accordance with the Local Government Act 1995 Section 5.8 Council endorse the following operating guidelines for the Donnybrook-Balingup Aged Care Board:

- a) *Administer all functions necessary at Tuia Lodge to ensure that the operations at Tuia Lodge are carried out in an efficient manner complying with all relevant legislation.*

- b) *Prepare annual budgets for consideration and adoption by Council of Tuia Lodge, Langley Villas and Minninup Cottages. NOTE: Items of capital nature and items that are subject to tender requirements will require authorisation from Council.*
- c) *Be responsible of the appointment and suspension of all staff in accordance with all relevant legislation and compliance with Human Resources Policy manual of the Shire of Donnybrook-Balingup, the Aged Care Standards and Accreditation Ageing Ltd.*
- d) *Be responsible for the smooth operations of the functions of the well-aged units of both Langley Villas and Minninup Cottages, including letting rights, rent determinations and minor building maintenance.*
- e) *Be responsible for assessing future needs of the aged community in the Shire particularly in housing and recommending those need to Council.”*

Policy/Statutory/Voting Requirements

As this delegation is withdrawn it is considered appropriate that the motion is rescinded.

Policy

N/A

Statutory

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

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

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

- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Voting

Absolute Majority

In order for Council to rescind motion 9.4.6 from the Ordinary Council Meeting on 16 December 2009, the support of one third of Council is required in accordance with Local Government Administration Regulation 1996, Section 10(1a).

Revoking Motion

Moved: Cr

Seconded: Cr

That the following resolution made at the Ordinary Council Meeting on the 16th December 2009 be rescinded:

“That in accordance with the Local Government Act 1995 Section 5.8 Council endorse the following operating guidelines for the Donnybrook-Balingup Aged Care Board:

- e) Administer all functions necessary at Tuia Lodge to ensure that the operations at Tuia Lodge are carried out in an efficient manner complying with all relevant legislation.***
- f) Prepare annual budgets for consideration and adoption by Council of Tuia Lodge, Langley Villas and Minninup Cottages. NOTE: Items of capital nature and items that are subject to tender requirements will require authorisation from Council.***
- g) Be responsible of the appointment and suspension of all staff in accordance with all relevant legislation and compliance with Human Resources Policy manual of the Shire of Donnybrook-Balingup, the Aged Care Standards and Accreditation Ageing Ltd.***
- h) Be responsible for the smooth operations of the functions of the well-aged units of both Langley Villas and Minninup Cottages, including letting rights, rent determinations and minor building maintenance.***
- e) Be responsible for assessing future needs of the aged community in the Shire particularly in housing and recommending those need to Council.”***

(Absolute Majority Required)

8.1.2	SUBJECT:	DEFERRED ITEM - BUSINESS ARISING FROM THE SPECIAL MEETING ON 9 DECEMBER 2015 – GUIDELINES FOR TUIA LODGE BOARD
	Location:	Donnybrook
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	CNL 01/16
	Author:	John Attwood– CEO
	Report Date:	28 January 2016
	Attachments:	Nil

Background

At the Ordinary Council Meeting on 16 December 2016 Council resolved to defer the motion to provide guidelines to the Donnybrook-Balingup Aged Care Board to allow for further discussion to take place between Council, Tuia Lodge Board and the Department of Health.

“That the motion to provide guidelines to the Donnybrook-Balingup Aged Care Board be deferred to the February 2016 Ordinary Council Meeting to allow for Council to meet with Tuia Lodge Board and representatives from the Department for Health during January 2016.”

As mentioned previously, a meeting involving representatives from the Department of Health, Aged Care Quality Agency, Tuia Lodge Board, Community representatives and Council took place on 13 January 2016. Items discussed included the recent accreditation audits and the roles and responsibilities of Council as the Approved Provider for Tuia Lodge Frail Aged Facility.

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Council provide the Donnybrook-Balingup Aged Care Board (Committee) the following operating guidelines:

- **On appointment to the Board, the newly appointed Board member shall within six (6) months of appointment have undertaken or have made arrangements to undertake the one-day Institute of Australia Company Director's Course' with any costs associated with attendance at the Course being met by the Board.**
- **Administer all governance functions of the Donnybrook-Balingup Aged Care Board (Committee);**
- **Oversee the rental processes for Langley Villas and Minninup Cottages;**
- **Prepare annual budgets for consideration and adoption by Council for Tuia Lodge and the Well Aged units;**

- **Assess future needs of the Shire’s aged community and providing input to Council;**
- **Assist with transition arrangements with the view of having the facility ready for handover to the incorporated body by 30 June 2016 or as soon as practicable thereafter in consultation with Council;**
- **Be strictly prohibited from direct involvement in any staff-related matter;**
- **Be strictly prohibited from involvement in any activity that relates to the direct care of residents of Tuia Lodge where direct care refers to activities ordinarily carried out by a qualified staff member (family members excepted) with Board providing advice when sought by Facility Manager;**
- **Be strictly prohibited from direct involvement with the management of Tuia Lodge operations however may assist with finalisation of the building extensions and minor maintenance at Tuia Lodge.**

(Absolute Majority Required)

8.1.3	SUBJECT:	DEFERRED ITEM - ELECTORS MEETING ON 10 DECEMBER 2015
	Location:	Donnybrook
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	CNL 01/16
	Author:	John Attwood– CEO
	Report Date:	28 January 2016
	Attachments:	Nil

Council elected to defer the motion raised at the Electors meeting until the minutes are presented at the February 2016 meeting. This item has been included in Item 10 - *Minutes from Previous Meetings*.

9 ELECTED MEMBERS MOTIONS

9.1.1	SUBJECT:	LOT 500, 1 SHORT STREET, DONNYBROOK
	Location:	WA
	Applicants:	Cr Bailey
	Zone:	N/A
	File Ref:	CNL 34G
	Author:	John Attwood, CEO
	Report Date:	28 January 2016
	Attachments:	9.1.1(1) - Extract from Ordinary Council Meeting Held on 24 June 2009 'Proposed Road Closure and Land Resumption' 9.1.1(2) – Correspondence from WAPC dated 11/05/2010 9.1.1(3) – Landgate Image of Lot 500 Short Street, Donnybrook 9.1.1(4) - Aerial Photo of Noneycup Creek 9.1.1(5) - Google Map of Noneycup Creek Alignment 9.1.1(6) – Photo prior to Contractor undertaking work 9.1.1(7) – Photos during and after the machinery recovery process 9.1.1(8) – Correspondence from Manager Works and Services dated 24/08/2015

Cr Bailey has proposed the following notice of motion:

Cr Bailey's Notice of Motion

That Council approve

- 1. The relocation of the drain running North through the property into the 6 metre drain reserve on the East side of Lot 500;**
- 2. Relocation of the drain running through the Northern portion of the property;**
- 3. Fill the existing drain and make good the damage that was caused in the middle of winter.**
- 4. Remove any soil forming a dam along the existing drain to allow Lot 500 to drain into the drain reserve.**

Cr Bailey's Comment

Attachment 9.1.1(1)

In June 2009 Council resolved:

"... That Council supports the Crown resuming portion of lot 103 Trigwell Street Donnybrook {6 metre parcel of land on the Eastern boundary}for the purpose of a drainage reserve and Council accept a management order for the "purpose of drainage" for the same."

The Noneycup creek and drain were never moved into the drainage reserve.

Attachment 9.1.1(2)

In April 2010 Thompson surveying lodged the changes to Lot 500 Short street. The plan shows the extra land to the West and the 6 metre drainage reserve to the East.

Attachment 9.1.1(3)

This is a Landgate search showing the boundaries of lot 500, the drain reserve to the East and clearly shows the drain running the full length of the private property.

Attachment 9.1.1(4)

This shows the position of Noneycup Creek. The creek did run to the North East, however fill placed on the land to the North East appears to have blocked off Noneycup Creek.

Attachment 9.1.1(5)

This supports the thought that the fill has changed to course of Noneycup creek. In the middle of winter 2015, Staff instructed a contractor to clean out the drain (Noneycup creek). The machine became bogged, as did two other machines that were used in the recovery of the first machine.

Attachment 9.1.1(6)

Photos of what the area looked like before the contractor entered the private land.

Attachment 9.1.1(7)

Photos of the private property during and after the machinery recovery process.

Attachment 9.1.1(8)

A copy of a letter Dated the 29th of August 2015 from the New Manager of Works and Services. The Manager was under the impression the drain was located in the drain reserve. (See the second paragraph).

The Manager of Works and Services has been working with the contractor and the owners representative to have the area rehabilitated .The block is wet and the last rains did not help. The Manager of Works and Services has done all that can be expected under the circumstances to rectify the problem however with winter fast approaching time is running out and the Council will need to allocate time and money before the start of winter.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Officer's Comment

Lot 500 No.1 Short Street is within the Noneycup Creek catchment, and plans of the creek do show part of this natural watercourse passing through the property, as well as the property being located within the creeks flood plain.

It is understood from long serving staff advice that an open drain has been located within the property near the eastern boundary for a significant period pre-dating their commencement of work at the Shire.

The Shire typically undertakes maintenance on this drain bi-annually to ensure flows that enter the watercourse are not restricted. These works are usually programmed for the end of summer as the area is usually saturated for significant periods of the year, making it difficult to have a machine operate in the area.

Last year a Shire Contractor was undertaking maintenance work on the drain, with their machine unfortunately becoming stuck during the works. The Contractor's efforts to free their machines resulted in significant areas of 1 Short Street being disturbed, resulting in damage to their maintained vegetated landscaped areas.

The Shire and the Contractor have committed in writing to the landowner that the damaged areas will be addressed (refer attachment 9.1.1(8)) once the land dried.

Reinstatement works have progressed to dry the area out, however recent heavy rains have delayed the final clean-up of the site. The Contractor intends to complete the works late February early March 2016, subject to no further rain during this period.

The drainage reserve at the rear of the lot was created in 2010, as part of negotiations to adjust existing boundaries to contain dwellings fully within the lot. The drainage reserve was not placed fully over the existing drain.

Many watercourses within the Shire pass through private land, and in particular private land within the Donnybrook townsite. These watercourses may have been altered or maintained by either the Shire or landowners, however they do form part of an important network of drains and watercourses for the management of stormwater runoff.

Under the Western Australian Local Government Act 1995 Schedule 3.2, the Shire may enter any land to carry out drainage works or do earthworks or other works on land for preventing or reducing flooding.

The Motion proposed to relocate the drain to the created drainage reserve does place the drain in land managed by the Shire, however this will be a costly proposal considering that the Shire's rights to the drain and its maintenance are covered by the Western Australian Local Government Act 1995.

If Council proceeds with the motion, it **may** result in other requests for similar works to occur on private land at great expense to the Shire.

If Council does wish to facilitate the drain being located within land under our management, one option to investigate may be the purchase of the land that the drain is within, however this will take time and have a cost.

As outlined above the issue of the damage caused to the property is programmed to be addressed, with the drain continuing to function as per previous years.

Cr Bailey's Notice of Motion

Moved: Cr

Seconded: Cr

That Council approve:

- 1. The relocation of the drain running North through the property into the 6 metre drain reserve on the east side of Lot 500;**
 - 2. Relocation of the drain running through the northern portion of the property;**
 - 3. Fill the existing drain and make good the damage that was caused in the middle of winter.**
 - 4. Remove any soil forming a dam along the existing drain to allow Lot 500 to drain into the drain reserve.**
-

10 MINUTES OF PREVIOUS MEETINGS

10.1 Committee Minutes

Council Decision

Moved: Cr

Seconded: Cr

That the following Committee minutes be received:

- **Donnybrook Cultural Planning Advisory Group Meeting – 10 December 2015**
 - **Annual General Meeting of Electors – 10 December 2015**
 - **CEO Review Committee Meeting – 18 January 2016**
 - **Balingup Town Hall Advisory Committee Meeting – 2 February 2016**
 - **Balingup Townscape Committee Meeting – 4 February 2016**
 - **Donnybrook Townscape Committee Meeting – 4 February 2016**
 - **Audit Committee Meeting – 10 February 2016**
-

11 REPORTS OF COMMITTEES

11.1 Electors Meeting

Business Arising

The following motion was carried at the Annual Meeting of Electors held on 10th December 2015.

“That if a number of Councillors do not resign to bring on a fresh Council election then this Elector’s meeting supports a vote of no confidence in the full Council”.

The motion was passed by a majority of electors present with the exception of 7 electors that voted against the motion.

The Electors present requested that Council forward the motion passed to the Minister for Local Government and Communities.

Resolution from the Electors Meeting

Moved: Cr

Seconded: Cr

That in accordance with the wishes of the majority of elector’s present at the Annual Elector’s Meeting held on 10th December 2015 that Council write to the Minister for Local Government and Communities informing the Minister of the resolution passed at this meeting.

“That if a number of Councillors do not resign to bring on a fresh Council election then this Elector’s meeting supports a vote of no confidence in the full Council”.

11.2 Donnybrook Town Hall Advisory Committee Meeting

11.2.1	SUBJECT:	BALINGUP TOWN HALL – PROPOSED STORAGE FACILITY
	Location:	40 Jayes Road Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	Reserved for Public Purposes
	File Ref:	PWF 13K
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	2 December 2015
	Attachments:	11.2.1(1). Concept Plan – Balingup Town Hall Cultural and Community Service Centre (May 2010) 11.2.1(2). Concept Plans for the new Storage Room

Background

Council at its meeting on the 21st December 2011 resolved the following:

- 1. That Council modify the concept plans of The Balingup Town Hall Cultural and Community Service Centre (dated May 2010 plans 1-4) to incorporate additional storage space for tables, chairs and any other bulky items.*
- 2. That the outcomes for the modifications be:*
 - Retain double doors for exposure to outside air for breezeway.*
 - Construct a verandah like structure along the area between toilets and the proposed 'Multi-Purpose Community Room'.*
 - Proposed storage area to be located between double doors and toilet area.*

Following this resolution Council updated the Concept Plans (Attachment 11.2.1(1)) The purpose of this project is to provide storage for equipment including tables and chairs from the Balingup Town Hall. At present the chairs and tables are stored in an adhoc manner within the hall.

The new storage area will ensure that equipment is accessed from the same level as the main hall floor so that manual handling tools such as trolleys (for tables and chairs) can be wheeled from the storage area to the hall floor. This will reduce the manual handling 'effort' required by users of the hall and cleaning staff.

Comment

After several attempts to secure external funding, Lotterywest confirmed on the 24 September 2015 that the Shire was successful in receiving \$45,000 for this project.

Plans subsequently have been prepared for the storage area as per Attachment 11.2.1(2) in accordance with Council's instructions as per the December 2011 resolution. Council is

requested to endorse the plans prior to staff developing final working drawings and procurement documentation for a suitable building contractor.

As the Shire has also budgeted to replace the concrete ramp to the main entrance of the hall

it is proposed that this work be incorporated into the contract with the successful building contractor.

Policy/Statutory/Voting Implications

Voting

Simple Majority

Consultation

The planning of this project has been undertaken in consultation with the Balingup Town Hall Library Advisory Committee. It is proposed that a copy of the plans be placed on the Balingup Town Hall notice board once Council endorses the plans.

Financial Implications

The Shire has budgeted \$80,000 in its 2015/2016 budget to construct the new storage facility of which \$40,000 is budgeted to be received as income to offset the capital costs. The Shire however has been approved \$45,000 funding from Lotterywest and this will need to be reflected as a budget adjustment.

Strategic Implications

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

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

- 1. Endorse the plans for the new storage room and verandah at the Balingup Town Hall prepared by *EcoAngle Design and Drafting* dated 23 November 2015.**
 - 2. Amend the 2015/2016 budget to receive \$45,000 as capital income to Account 127750.**
-

11.3 Audit Committee Meeting

11.3.1	SUBJECT:	2015 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Department of Local Government and Communities
	Zone:	N/A
	File Ref:	DEP 20/01
	Author:	John Attwood – Chief Executive Officer (Lucy Bourne – Governance Officer)
	Report Date:	21 January 2016
	Attachments:	Nil

Background

Council is required to carry out a compliance audit for the period 1 January to 31 December 2015, against requirements set out in the 2015 Compliance Audit Return (CAR) (Attachment 11.3.1).

Amendments to Regulation 14 of the *Local Government (Audit) Regulations 1996* require that the local government's Audit Committee reviews the CAR and reports the results of that review to Council prior to adoption by Council.

Comment

The CAR is one of the tools that allow Council to monitor how the organisation is functioning. The return places emphasis on the need to bring to Council's attention cases of non-compliance or cases where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance, the return requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance. This is intended to assist local government to enhance or develop their internal control processes to ensure they include the statutory requirements of the legislation.

Council has met all areas of compliance in the 2015 CAR.

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 2016. 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.

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

That the 2015 Local Government Compliance Audit Return for the Shire of Donnybrook-Balingup, as completed and presented to Council, be endorsed.

By Absolute Majority

11.3.2	SUBJECT:	ORGANISATIONAL RISK MANAGEMENT – ACTION PLAN
	Location:	Shire of Donnybrook / Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	ADM 24
	Author:	Greg Harris, Manager Finance & Administration (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	29 January 2016
	Attachments:	Nil

Background

At the previous Audit Committee meeting held on 25 November 2015 Council endorsed the Shire's Organisational Risk Management Action Plan for the period July 2015 to 2016.

This plan addresses in a systematic way the recommendations of a comprehensive assessment of the Shire's system by AMD Chartered Accountants in November 2014.

The Plan outlines the following information:

- Recommendations from the November 2014 review categorised into three different focus areas; risk management, internal controls and legislative compliance.
- The task required to address each recommendation from the report.
- A proposed timeline.
- Responsible Officer/s.
- Details of Action to date.

One of the recommendations was to include a standing agenda item to the Audit Committee for risk reports to be tabled.

Comment

Committee members are asked to review and note the updated Action Plan. New insertions are shown in red.

Consultation

N/A

Policy/Statutory Implications

Regulation 17 of the Local Government (Audit) Regulations 1996 states the following:

- "17. *CEO to review certain systems and procedures*
- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
- (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance."*

Financial Implications

N/A

Strategic Implications

N/A

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

Moved: Cr

Seconded: Cr

That Council receive and note the updated Organisational Risk Management Action Plan for the period July 2015 to December 2016.

12 REPORTS OF OFFICERS

12.1 *Manager Finance and Administration*

12.1.1 ACCOUNTS FOR PAYMENT

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

Moved: Cr

Seconded: Cr

That accounts authorised and paid under delegation No. 3.2 by the Chief Executive Officer represented by cheques CCP3095-CCP3122, EFT8596-EFT8920, 51659-51732, DD20288, Trust: 3334 - 3344, EFT8832a totalling \$2,082,833.64 be confirmed for payment.

12.1.2 MONTHLY FINANCIAL REPORT

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

Moved: Cr

Seconded: Cr

That the monthly reports for the period ended 31 December 2015 be received.

12.1.3	SUBJECT:	REVIEW OF LONG TERM FINANCIAL PLAN – PROPOSAL TO OUTSOURCE
	Location:	Shire of Donnybrook/Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	FNC 13
	Author:	Greg Harris, Manager Finance & Administration
	Report Date:	28 January 2016
	Attachments:	Nil

Background

In accordance with the Integrated Planning Framework (IPF) developed by the Department of Local Government and Communities, the Shire engaged the services of UHY Haines Norton (now known as Moore Stephens) to prepare a range of plans such as the Community Strategic Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan and the Long Term Financial Plan. These documents were adopted in 2013 with the Community Strategic Plan and Corporate Business plan having been recently reviewed by Council.

The Long Term Financial Plan, incorporating a Forward Capital Works Plan, has not been updated since its original adoption in 2013. To comply with the requirements of the IPF and in the lead up to the 2016/17 budget it is necessary for the Shire to review and update its LTFP taking into account any changes that may have been made within Council's other informing documents.

Comment

The review and updating of the LTFP is a task that requires significant input from both Council staff and elected members. It is a time consuming and labour intensive task that will require a significant investment of time from management. The CEO & MFA have assessed the capacity of existing staff to undertake this task within the next few months and believe that there is limited capacity to devote the time required to the project that is necessary to achieve a quality and reliable document.

In view of the above, a proposal was requested from Moore Stephens (ex UHY Haines Norton) to prepare the LTFP. Moore Stephens have recommended the following methodology be adopted:

- Assess existing Integrated Planning and Reporting outcomes to achieve a detailed understanding of Council's Strategic Goals;
- Upload of the detailed 2015-2016 Annual Budget and 2015 balance Sheet to form a base year for the plan;
- All other data within the existing Long Term Financial Plan will be loaded to provide a starting point for discussions with finance staff;
- A workshop with senior staff and any other staff responsible for budget development. The workshop provides an opportunity for staff to obtain an improved

understanding and provide input into strategic financial issues and opportunities affecting the Shire; and

- Following feedback from the executive, any required amendments will be made and issue a draft Plan for Council consideration.

One of the aims will be to upskill staff to enable future maintenance and use of the Plan by Shire staff. Moore Stephens will work closely with staff during the development of the Plan to achieve this aim. Copies of all spreadsheets and word documents developed as part of the Plan will be provided to enable the Shire to maintain the Plan into the future.

The fee estimate provided by Moore Stephens is as follows:

- Long Term Financial Plan (including one onsite workshop with the Executive) - \$9,500 (excl. GST)
- Optional additional workshop with the Council/Executive - \$2,450 (excl. GST)
- Plus out of pocket expenses such as travel and accommodation to undertake the onsite workshops.

At the December 2015 Ordinary Council meeting Council resolved to approve the employment of a part-time Finance Officer. Council approved a budget allowance of \$15,000 for the balance of the financial year. As the outsourcing of the LTFP review has not been included in the budget it is proposed that the employment of a part-time Finance Officer will be delayed for a sufficient period of time to provide a funding source for the LTFP project. This would see the engagement of the Finance Officer being delayed until the 2016/17 financial year unless additional funding was to be provided by Council.

Another consideration in regard to the employment of the part-time Finance Officer is the potential requirement for this officer to become more involved with the financial and administrative affairs of Tuia Lodge. This will of course depend upon the direction Council takes in regard to the future management of this facility. Should Council elect to directly manage the facility with Council staff, there will be a need to consider additional staff hours within the Finance and Administration team.

Consultation

The LTFP project will require extensive consultation with staff and elected members.

Policy/Statutory/Voting Implications

Policy – N/A

Statutory – If Council approve the Officer's Recommendation to engage Moore Stephens to review the LTFP it will be necessary for an amendment to the 2015/16 budget to be approved, in accordance with section 6.8 (1) of the Local Government Act 1995. This section of the Act states:

“6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*”

Voting – Absolute Majority

Financial Implications

As detailed above it is proposed to delay the employment of a part-time Finance Officer to provide funding for the engagement of consultants to review and update the LTFP.

Therefore there will be no further impact upon the 2015/16 budget unless Council was to prepared to provide additional funding to provide for both the employment of the part-time Finance Officer and to engage Moore Stephens to review the LTFP.

Strategic Implications

Outcome 4.8 – Attract and retain staff

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Council engages Moore Stephens to update and review Council’s Long Term Financial Plan at a cost of \$11,950 (excluding GST) plus out of pocket expenses.

That Council amends the 2015/16 budget as follows:

Account Number	Description	Amount	
102720	General Administration Salaries	\$13,700	Decrease Expenditure
102820	General Administration Superannuation	\$ 1,300	Decrease Expenditure
109620	Consultancy Fees (Sch 4)	\$15,000	Increase Expenditure

Absolute Majority Required

12.2 Manager Works & Services

12.2.1	SUBJECT:	STREET NAMING – GIBBONS ROAD
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Gordon Clifford and Derek Steinepreis
	Zone:	RURAL – Locality of Charley Creek
	File Ref:	WRK 12/2
	Author:	Damien Morgan, Manager Works & Services
	Report Date:	4th January 2016
	Attachments:	12.2.1 - Site Plan

Background

Two individual land owners, on Bentley Road, approached the Shire some months ago requesting the Shire consider renaming the road due to confusion resulting from the duplication of this road name within the Shire.

Bentley Road is situated off Sandhills Road, and although has no official name registered with Landgate, has been named and signed as Bentley Road within Shire records for a significant period of time.

The road reserve consists of a 2.1km gravel access up to Derek Steinepreis property, and the remainder of the road reserve is an unmade through to Wildmere Road.

As this road is officially un-named, Landgate Addressing has listed Mr Steinepreis' Rural Road Number and Rating Address as Sandhills Road, and this is also the address within the Shire's rating system. In addition, another Bentley Road already formally exists within the Donnybrook town site.

Comment

The naming and renaming of streets and roads is subject to the approval of the Geographic Names Committee (Landgate) in accordance with their Policies, Standards and Guidelines.

From Shire staff enquiries to the Geographic Names Committee, it was outlined that there is no history of the naming of this Bentley Road, and in fact the road reserve remains un-named in their records.

The applicants for the change of name have highlighted mail delivery, property addressing and confusion for emergency services response as reasons for changing the un-authorised Bentley Road name.

The applicants submitted several name suggestions, the first being Clifford Road. This is not supported by Landgate as this would be a duplication of names, with Clifford Road already existing in the Shire.