



Ordinary Council Meeting Minutes

Held on Wednesday, 27 April 2016

Commencing at 5.01pm in the Kirup Community Hall

South West Highway, Kirup

A handwritten signature in black ink, appearing to read 'Greg Harris'.

Greg Harris
AI Chief Executive Officer

29 April 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 MINUTES

27 APRIL 2016

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SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING MINUTES

**Held in the Kirup Community Hall, Kirup
On Wednesday the 27th of April 2016, commencing at 5.01pm**

Cr Logiudice opened the meeting and welcomed the councillors, staff and public gallery to the first Ordinary Council meeting to be held in Kirup in 12 years.

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

Greg Harris – A/ Chief Executive Officer
Bob Wallin – Principal Planner
Damien Morgan – Manager Works and Services
Kate O’Keeffe – Executive Assistant

PUBLIC GALLERY

Christopher Knight
J Mclver
Helen Atwell
Gerry Loveredge
Drew Sutton

B Loveredge
Robyn Giudice
Geoff Hall
Christine Benson
Iain Massey

S Mclver
Simon Kapel
Jeanette Hale
Simon Russo

1 APOLOGIES

John Attwood – Chief Executive Officer
Leigh Guthridge – Manager Development and Environmental Services

2 PUBLIC QUESTION TIME

Questions Taken with Notice prior to the Ordinary Council Meeting on 27 April 2016

The following questions were received prior to the April 2016 Ordinary Council Meeting. A response was provided in writing and distributed to the Councillors and Public Gallery prior to the commencement of the meeting.

Simon Kapel

1. *How can Orchid Court become the access road for Lot 102 South Western Highway?*

Principal Planner

This is not the intent of the proposed plan as submitted. The proposed plan is to use Orchid Court as an access for a first stage. The ultimate use of Orchid Court in the submitted plan is to provide a low order local connection. It is suggested that the end design of the Orchid Court could include treatments to discourage and slow traffic. This could include providing raised brick paving with narrow and curving alignments. This has worked in other areas to create a safe and shared public space for recreational and traffic use.

Simon Kapel

2. *Are there any plans to connect road ways into Leschenaultia circle other than those that already exist (proposed conceptual planned or discussed)?*

Principal Planner

No. The plans submitted do not propose any additional connection points.

Simon Kapel

3. *What was the advice received from MRWA regards a separate entrance regards?*

Principal Planner

Advice from MRWA is that it will not support an additional access point onto the South Western Highway.

Simon Kapel

4. *Are there any other recent subdivisions that have entry and exit onto another subdivisions road system?*

Principal Planner

Yes. All new subdivisions that include new sections of road require connection to the public road network. Orchid Court is a public road and forms part of the public road network.

Simon Kapel

5. *What does the land capability study say regards on site effluent storage?*

Principal Planner

The study concludes that the site is capable of sustaining on-site effluent disposal. Analysis of the report has been undertaken by the Shire's Principal Environmental Health Officer to confirm findings. This has included an inspection of the site.

Simon Kapel

6. *Is there a recommended soil type by Health Department for onsite effluent disposal?*

Principal Planner

The Health department does not have preferred soil types other than free draining soils. Systems can be sized and designed for soil types ranging from sand to loam.

Simon Kapel

7. What is the allowable block size in a subdivision for on-site effluent treatment in Donnybrook Town Site?

Principal Planner

Present standards allow lots of 1000m². However, there are historical lots smaller than this.

Simon Kapel

8. Does lot 102 South West Highway have access to a sewer main?

Principal Planner

No. Water Corporation advises that the pressure main running along the northern boundary is not designed or intended for connection.

Simon Kapel

9. What has been the minimum block size in recent subdivisions outside Donnybrook main town site?

Principal Planner

Recent lot sizes within the Donnybrook town site range from approximately 300m² to 1000m².

Simon Kapel

10. Would the Town Planner explain in his response - Use of Orchid Court as a through-road. That Orchid Court is the same as spur at the Southern end of Leschenaultia Circle which is named Hovea Drive [The Analogy of the comment]?

Principal Planner

Novea Drive and Orchid Court were placed in the original plan to provide connection options for future development. This is consistent with established town planning practice.

Simon Kapel

11. What are the road reserve, pavement widths, road design parameters (Traffic types volumes ect) Leschenaultia circle and ...?

Principal Planner

The road pavement widths and reserves are fit for purpose and will provide an adequate level of service with the traffic volumes proposed.

Simon Kapel

12. Heading: Capacity of Roads, page 41. The statement is: The traffic study provided shows the majority of new traffic movements will be focused on Marginata Drive. The majority of

traffic will not be using Orchid Court or large portions of Leschenaultia Circle. Heading: Staging Impacts, page 42. The statement is: The major access for first stage of subdivision is a proposal to use Orchid Court. The time frame use of Orchid Court is unknown, could be a lengthy time. Which is it to be? .

Principal Planner

The proposed plan indicates the Orchid Court is intended to be used for a first stage. The timeframe will depend on the take up of new land and the extent of what a first stage can be considered. If there is a slow take up of new lots, the timeframe will be longer, however, the intensity of activity will be less over this time.

Simon Kapel

13. What was the study outcome regards Black Cockatoo habitat and areas that need retention as referred to in council meeting minutes 27/11/2013 pages 46 Retention of remnant vegetation along with page 47 schedule modifications paragraph b.

Principal Planner

The plan proposes public open space and preservation of this area. This approach is supported by the Environmental Protection Authority.

Simon Kapel

14. How were the buffer zones of remnant vegetation area calculated along distance to nearest farming use to lot 102 South Western Highway?

Principal Planner

This was based on analysis of aerial mapping. It is not intended to be exact or a key justification. It has been provided as a secondary fact. The key issues to minimising potential for land use conflict are through the planted buffer, separation distances, setbacks and notice on titles.

Simon Kapel

15. Could full copies of all studies and submissions be table so all parties can view - relating to lot 102 South Western Highway?

Principal Planner

Yes. Please note that the entire document was available during the public advertising period.

Simon Kapel

16. What does contemporary town planning principles along with 'Liveable Neighbourhoods' say that should be include in subdivisions.(i.e. services etc.)

Principal Planner

Liveable Neighbourhoods outlines standards and services that should be provided in a subdivision. The proposed subdivision complies with Liveable Neighbourhood design standards. Servicing outcomes will need to comply with all relevant policies and are enforced

through the subdivision process. This will include among other things the need to provide roads, footpaths, street lighting, public open space, underground power and reticulated water.

Questions Taken Without Notice at the Ordinary Council Meeting on 27 April 2016

Simon Kapel

I refer to my question regarding the buffer zone and ask whereabouts is the boundary line for Lot 102 South Western Highway?

Principal Planner

The Boundary Line for Lot 102 is 240 metres in width along the edge of Meldene Estate

Simon Kapel

Are there any landmarks or easements that indicate the boundary line?

Principal Planner

There is a vegetation strip that runs along the edge of Lot 102 South Western Highway that may be used as a landmark for the boundary.

Simon Kapel

The trees on the western parameter and towards town there is a boundary line on the fenceline. Are the buffer zones on the inside or outside of Lot 102 South Western Highway?

Principal Planner

The buffer zone is within Lot 102. This is only one aspect required. Other requirements include noise, odour and spray drift.

Simon Kapel

With regards to the 75 Metres I can only identify the railway easement and the fenceline as landmarks.

Principal Planner

The 75 Metres is taken from aerial maps and takes in the trees from the adjoining property

Simon Kapel

So the 75 Metre setback is possibly not within Lot 102?

Principal Planner

That is correct.

Simon Kapel

I am confused how Orchid Court can become a through-road. I don't agree with the response provided previously. I cannot comprehend how a Court can become a through-road.

Robyn Giudice

My question relates to Question 10 taken with notice: Leschenaultia Circuit was in Stage 2 of

the building process and Orchid Road was placed in Stage 3 in 2005. How could it be foreseen that this road would become a through-road when the developers didn't purchase Lot 102 South Western Highway until 2007?

Principal Planner

Designs provide the options for linkages. This is common practice.

Robyn Giudice

Orchid Court is not suitable as a through-road. The road has a 6m width at the beginning.

Simon Kapel

Did you receive a written response from MRWA on installing a separate entrance to Lot 102 South Western Highway?

Principal Planner

MRWA advised during a verbal conversation that they did not support installing a separate entrance to Lot 102. MRWA has recently upgraded the intersection to Meldene Estate and have no plans for creating a separate entrance to Lot 102.

Simon Kapel

Marginata Drive has a 22 Metre width including the verge. How do you calculate this rate?

Manager Works and Services

With new subdivisions, road reserve widths and road pavement widths are mainly determined by the expected volume of traffic to use the road, consistent with guidelines established in Liveable Neighbourhoods.

Simon Kapel

Orchid Court has less of a road width than Marginata Drive and has no footpaths. The safety of our kids is a big concern.

Manager Works and Services

Your quote of 1940 vehicles per day to be ultimately generated by the development I assume would be split between both of the connection roads. I would expect that the traffic flow directly to Marginata Drive would be higher than the through-traffic on Orchid Court once the area is fully developed.

Note: A post-meeting review of the documents outlines that 1940 average weekday vehicle movements (awvm) are estimated only at the existing intersection of SW Hwy with Marginata Drive, which is the total traffic generated by the existing and proposed development. The document outlines the new intersection with Marginata Drive will have 990 awvm whilst Orchid Court awvm is estimate below 100.

Simon Kapel

Marginata Drive is designed for heavier traffic flow, Orchid Court is not.

CB Knight

At the meeting on 22 April 2015 it was stated that the CEO is responsible for overseeing the Tuia Lodge Subcommittee. The CEO failed to bring anything to Council. If the issues had been addressed when requested

Cr Van Der Heide

Point of order – criticising staff.

CB Knight

I contend Tuia Lodge is a Shire facility. Looking at the auditing of Shire accounts, are the Tuia Lodge accounts that are held in other banking institutions going to be audited?

A/CEO

All finances of Tuia Lodge controlled by the Shire are audited annually in compliance with the Aged Care Act. I am unable to answer questions regarding other bank accounts as these are under legal review.

CB Knight

Who do we deal with when the CEO and Deputy CEO don't adequately address the issues?

President

Point of order; criticising staff is not tolerated. The question you have raised is not appropriate at a public forum and will not be accepted.

CB Knight

Who can we go to if we feel issues have not been adequately addressed?

A/CEO

There are a number of options available including approaching the union if applicable, Workplace Ombudsman or the Industrial Relations Commission.

Christine Benson

I refer to Question 12; three houses were recently built on Leschenaultia Circuit. During the construction phase we were impacted by noise and inconvenience from construction work. This inconvenience will increase with the development of Lot 102.

Principal Planner

Residents may experience a level of discomfort during the construction work phase.

Christine Benson

Leschenaultia Circuit was purchased with the view of a quiet lifestyle. This is going to be jeopardised by the development of Lot 102 South Western Highway.

3 APPLICATION FOR LEAVE OF ABSENCE

Nil

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

Immediately prior to discussion on the item Cr King disclosed a Proximity Interest with regards to Agenda Item 12.4.3 – *Request to Adopt Blackwood River Recreation Precinct Feasibility Study* as he owns a property adjacent to the area.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Simon Kapel and Helen Atwell presented in relation to Agenda Item 12.4.1 – *Proposed Amendment No.2 to Local Planning Scheme Number 7*. The presentation commenced 5.28pm and concluded 5.37pm. A copy of the presentation was emailed to the Councillors after the meeting.

6 LATE ITEMS

Nil.

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meetings

Council Decision

Moved: Cr Mills

Seconded: Cr Mitchell

That the minutes of the Ordinary meeting held on 23rd March 2016 be confirmed as a true and accurate record.

Carried 9/0

8 DEFERRED ITEMS

Nil

Council Decision

Moved: Cr Crowley

Seconded: Cr Dilley

That Standing Orders be suspended to bring forward Agenda Item 12.4.1 – *Proposed Amendment No.2 to Local Planning Scheme No.7.*

Carried 9/0

12.4.1	SUBJECT:	PROPOSED AMENDMENT NO. 2 TO LOCAL PLANNING SCHEME NO.7.
	Location:	Lot 102 South Western Highway, Donnybrook
	Applicants:	Impact Urban Design
	Zone/Reserve:	Residential
	File Ref:	TP17 Amd2
	Author:	Bob Wallin (Principal Planner)
	Report Date:	7 April 2016
	Attachments:	12.4.1(1) – Location Plan 12.4.1(2) – Extract Structure Plan Map 12.4.1(3)– Schedule of Submissions 12.4.1(4) – Proposed Path Network Extension

Background

Lot 102 South Western Highway was zoned “Residential R2.5/5” with a structure plan overlay by Amendment No.93 to Town Planning Scheme No.4 in August 2014. Attachment 12.4.1(1) provides a location of the site which is to the north of the existing Meldene Estate.

This proposal is to re-code the density to allow for lots smaller than 2,000m². The proposal is also supported by a structure plan showing how the land is intended to be developed (Attachment 12.4.1(2)).

Council, at its Ordinary meeting on 25th March 2015, resolved to initiate the amendment and grant consent to advertise subject to addressing a range of points including preparing a traffic study and addressing design matters.

The amendment was advertised for public comment from the 2nd February 2016 until 15th March 2016.

The advertising period attracted 34 submissions (see Attachment 12.4.1(3)).

The amendment is considered to fit within the definition of a “standard amendment” of the Planning and Development (Local Planning Schemes) regulations 2015. This requires:

- Step 1) Council resolve to initiate the amendment;
- Step 2) Council resolve to advertise the amendment
- Step 3) Refer to EPA for environmental assessment;
- Step 4) Advertise amendment;
- Step 5) Council to consider submissions and make a recommendation for final approval;
- Step 6) The WAPC makes a recommendation to Minister for Planning;
- Step 7) Minister for Planning grants final approval; and
- Step 8) Amendment gazetted and becomes law.

The amendment is presently at Step 5) and is being presented to Council to make a recommendation for final approval.

The options for Council are to recommend:

- a) Support the amendment;
- b) Support the amendment with proposed modifications; or
- c) Not support the amendment.

In this case, the amendment also includes a structure plan. The “deemed provisions” of the *Planning and Development (Local Planning Schemes) Regulations 2015* require the Council to make a recommendation to the Western Australian Planning Commission on whether the proposed structure plan should be approved by the Commission. This may include recommended modifications.

Comment

The amendment is consistent with the broad strategic planning framework for the site. The issues raised for Council to consider relate to site specific design outcomes. These issues are covered in more detail in the consultation section below.

Consultation

Council referred the amendment to the Environmental Protection Authority (EPA) for formal assessment under Part IV of the *Environmental Protection Act 1986*.

The EPA advised that no formal assessment was necessary. However, it provided advice as follows:

- a) Supports the proposed structure plan which proposes to retain 2 hectares of Marri and Jarrah woodland.
- b) There are existing orchards located to the north and west. EPA Guidance No.3 2005 - Separation Distances between Industrial and Sensitive Land Uses recommends a separation distance of 500m from existing orchards. However, the EPA recognises that a lesser separation distance may be appropriate where a vegetated buffer is established to mitigate the impacts of spray drift and other potential emissions.
- c) The EPA notes that the Department of Health recommends an effective vegetative buffer be a minimum total width of 40m, made up of 10m cleared fire break area either side of a 20m wide planted area.

The existing orchard operation is approximately 220m from the edge of the proposed structure plan area. There is also a “buffer” of native vegetation on the orchard properties with widths of up to 75m for the southern two thirds of the structure plan’s western boundary.

The proposed internal tree planting, building exclusion zones, notices on title, lot orientation and use of road alignments is considered to present a suitable set of measures to reduce land use conflict.

A petition from local residents was received by Council at its Ordinary meeting on 28th October 2015. The petition includes 154 signatures that support the following statement of sentiment:

“We the undersigned, being the residents of Meldene Estate and Donnybrook-Balingup Shire respectfully request the Donnybrook-Balingup Shire Council to consider the concerns of the residents in relation to the proposed subdivision West of Meldene Estate.

The proposal of entry/exiting of the new subdivision via Marginata Drive, Leschenaultia Circle and Orchid Court will be unsafe for the existing residents, due to the increased volume of traffic generated from the new subdivision. The lack of footpaths/cycleway, minimal street lighting and present road width, combined with a school bus route make the proposal unacceptable. Currently children through to the elderly use these roads for recreational purposes on a daily basis.

Extra traffic generated from the new subdivision will also increase safety issues on the south Western Highway and Meldene Estate intersection.

The residents of Meldene Estate are not opposed to the new subdivision, we have major concerns regarding the use of existing residential roads for access to the new proposed estate.”

The key points raised in this petition are detailed below in relation to specific issues raised during the advertising period.

The public advertising period attracted 34 submissions. This included 24 submissions of objection from local residents and 10 from government agencies. Attachment 12.4.1(3) provides a summary of the submissions and suggested responses. To assist in making a decision, the following provides some commentary on the key points raised.

Land capability of smaller lots to accommodate on-site effluent disposal

The Department of Health have raised objections to lot sizes below 2,000m². A number of public submissions also raise concerns about supporting lots below this size based on the Department of Health’s advice.

When thinking about this issue, it will be helpful to consider the following points:

- a) The Department of Health’s objection is based on a draft policy position. It is not based on the capacity of the land to accommodate on-site effluent disposal. This has been clarified with discussion with the Department;
- b) The draft Country Sewerage Policy was prepared in 2002 and has never been finalised due to unresolved issues in its formulation or lack of political will. The intent of the policy is to promote infill sewerage and ensure that environmental health concerns and land capability are addressed when considering subdivision. The 2,000m² was set as an arbitrary standard to limit potential for problems to arise. It is noted that the policy allows lots to be created to a minimum of 1,000m² if soil

conditions are suitable. The 2,000m² does not take into account local soil conditions or local environmental factors.

- c) A land capability study has been prepared to support this proposal. This study confirms that the site is capable of supporting the proposed subdivision concept. The Shire's Principal Environmental Health Officer confirms this position.

When deciding on this point, it is essential to remember that the draft policy is intended to guide decisions – not decide them. The most important thing to consider is the actual on-ground realities and capability of the site. In this instance, the site is capable of sustaining on-site effluent disposal at the densities proposed. The proposal satisfies the intent of the policy.

Lot size impacts on amenity

A number of submissions raise concern about the impacts on local amenity from the nature of the smaller lots sizes proposed. This includes comments that smaller lots should be closer to the centre of town.

In considering this issue, it is essential to have regard to the following:

- a) The design does not promote high density or even medium density housing. The minimum proposed lot sizes are all above 1,000m². This is generally considered to be low density housing. This is significantly larger than recent subdivision activity within the townsite. For instance, Salvarosa Estate has lots of just over 300m² and lots near the golf course are 700m²;
- b) There is a general principle that higher density housing should be provided close to services. This principle does not preclude pockets of slightly higher density housing occurring in outlying areas. Especially when considering the potential for residents to enjoy open space outlooks;
- c) The design provides a transition of densities. This includes an interface with larger lots where they directly back onto the existing Meldene Estate lots;
- d) The areas of higher density are located around the southern end of the site and not on any direct road or visible from the existing estate.
- e) The smaller lots are generally concentrated around open space which provides a sense of space and breaks with the built form.
- f) The layout and alignment of the roads provides vistas to open space and breaks linear lines of vision and uniformity. This is evident with the Orchid Court which ends with open space outlooks.

The combination of these features needs to be taken into account when considering the concerns presented.

Rear boundary alignments

A number of submissions raise concerns regarding the interface with the rear boundaries of existing lots. It is noted that a number of lot boundaries do not align exactly.

This arrangement is not unusual and can be observed in many estates (see Westwood). The alignment of boundaries is a minor secondary design consideration in relation to other design priorities. When designing a lot, the key point relates to ensuring that there is sufficient room to place a house on it and that the lot is regular in shape and has suitable usable space for outside activities. Making sure that lot boundaries line up exactly with other existing boundaries is not often a priority. If the lining up of boundaries compromises the achievement of good lot design – the overall lot design considerations should prevail.

In this case, it is worth noting that the land is relatively flat and that steps in fencing heights should have minimal impacts on boundary aesthetics.

Use of Orchid Court as a through road

Many of the submissions strongly object to extending Orchid Court and making it a through road. Reasons stated include:

- a) Understandings and beliefs that the road was always to be as it is;
- b) Concerns about safety and traffic volumes; and
- c) Design and capacity of the road to accommodate increased traffic.

When considering these points, the following should be given thought:

- It has clearly always been the intent that “Orchid Court” was to provide a potential connection or linkage to a future stage. This is no different to that “spur” at the southern end of Leschenaultia Circle. If Orchid Court was never intended to provide a link, it would never have been constructed and the lot pattern would have continued unabated. This view is further supported by looking at the site and thinking about developer motivations and rationale. For instance, is it reasonable to assume that a developer would want to construct “Orchid Court” to provide a wide constructed road to enable two lots to gain side access into their sheds.
- Psychology of loss aversion. This is a real and driving motivation likely to be experienced by existing residents in Meldene Estate. At present, the residents are enjoying a standard of road network and facilities that are beyond current capacity needs. It is now proposed to use these roads and facilities to a level closer to their ultimate design. This often feels like taking away a perceived right or benefit currently enjoyed for free.
- There is potential to address safety and recreational use and access through design solutions. For instance, it is proposed to limit the extent that the road will be used for staging, the ultimate design of the road to minimise through traffic use and the inclusion of paths and links to existing and proposed open space areas.

Connectivity v Separate access

A number of submissions have suggested that the new development be separate and have its own new access to the South Western Highway. This response is not consistent with contemporary town planning principles or advice received from MRWA. Liveable

Neighbourhoods promotes the idea of “connectivity” to allow integration and free movement. Creating separate estates is not consistent with this idea.

MRWA is in the process of completing upgrading works for the intersection of Marginata Drive and the South Western Highway. Further, MRWA does not support the idea of creating an additional connection to the South Western Highway.

On this basis, it is not reasonable, practical or desirable to create a totally separate estate.

Capacity of roads

Meldene Estate enjoys a road designed to accommodate a residential population and is capable of accommodating additional traffic. The traffic study provided shows that the majority of new movements will be focused at Marginata Drive. The majority of traffic will not be using Orchid Court or large portions of Leschenaultia Circle.

When considering safety concerns, it may be helpful to consider the following points:

- Marginata Drive has a road reserve width of 20m and a pavement width of 7.2m. According to Liveable Neighbourhoods, this is more than suitable for the potential 1940 vehicle movements. Liveable Neighbourhoods requires roads with vehicle movements below 3,000 trips a day to have a reserve of 15.4m and a road pavement of 7.2m.
- The ability of other roads within Donnybrook to accommodate higher traffic movements with similar or narrower road pavements.

Staging impacts

A significant number of submissions raise concerns about the staging of development. This centres on the use of “Orchid Court” as the first stage. It is suggested that this will create an unsafe situation and will impact on local amenity during construction resulting from heavy machinery and building noise.

Staging of a project needs to be looked at from a number of perspectives and contexts. The following is provided to assist in thinking about staging:

- a) New development needs to connect at some point to existing areas. In this case, there are two potential connections – Orchid Court or Marginata Drive. Whichever is chosen, there will be temporary impacts and inconveniences;
- b) Timeframes and intensity of development. It is likely that development will be characterised by bursts of activity that is interchanged with incremental building activity. The pace of activity will be determined by the market and would possibly be similar to how Meldene Estate developed. It is noted that there is still some building activity occurring within Meldene Estate at the moment and that this is not causing significant risk to health, amenity and safety;
- c) Potential to change the function of “Orchid Court” in the longer term once a secondary connection is established at Marginata Drive. This may allow for traffic calming and design of the pavement to denote and encourage lower and slower traffic movement.

This is a matter that can be addressed at the subdivision design stage. It is recommended that the structure plan be modified to include text regarding this requirement.

- d) The subdivision approval process provides opportunity to specify a point when Marginata Drive is required to provide primary access to the site. This will limit the time and extent to which Orchid Court will be used for primary access to the site.

When thinking about the above, it is suggested that using Orchid Court as a first stage is reasonable with appropriate conditions being imposed to control the extent of its use for staging and its ultimate design.

Lack of facilities footpaths lights...

It is noted that the existing Meldene Estate does not have footpaths or street lighting. This is not a reason for objecting to this proposal.

The new subdivision will need to comply with Liveable Neighbourhoods standards. This will include the need to provide street lighting and footpaths for the new area. These facilities can be enjoyed and used by the existing residents of Meldene Estate.

In addition, it is recommended that the structure plan map be amended to include construction of a path network to the existing path linkages that run along the edge of the golf course (Attachment 12.4.1(4)) for alignment. This will improve safety and services available to existing residents. The requirement is also considered reasonable in the context of need generated by the proposed subdivision.

The proposal also includes the provision of public open space that can be enjoyed by existing and future residents. It is recommended that section 5.5 of the report relating to Public Open Space be updated to reflect Liveable Neighbourhood standards. This includes the need to define unconstrained and constrained open space and ensure that provision complies with the criteria described. This will ensure that facilities are provided to a suitable standard for residents consistent with the established policy and planning framework.

Water supply

Concern has been raised regarding impacts in existing levels of service. Water Corporation has advised that supplying water to the new subdivision may require upgrading of existing infrastructure to ensure a suitable level of service. The details of the infrastructure and method of delivery will need to be addressed at the subdivision stage. This approach is consistent with the normal process for assessing subdivision proposals. This requirement is enforced through standard conditions listed on a subdivision approval.

It is the subdividers/developers responsibility to prepared water servicing plans that will satisfy the requirements of Water Corporation on this point. This includes having regard to the capacity of the existing infrastructure to ensure that there is no loss of service quality.

Bentley street connection

Main Roads Western Australia (MRWA) has suggested that opportunity be provided for a vehicular access through to Bentley Street. This idea is not supported.

A connection to Bentley Street will create a “short cut” or bypass which will attract significant traffic and drag it through a “residential” street not designed for such a task.

The design proposed seeks to provide opportunity to emergency vehicles and other non-vehicular access to Bentley Street.

The logic of the proposal by MRWA is understood. However, in this instance, there is greater and sounder logic to not have a direct vehicular connection to Bentley Street.

Orchid Court – implications of a Name

A number of submissions outline that the name “Orchid Court” precludes any future expansion. This is a philosophical point and needs some explanation as to why it should not be considered a constraint to this proposal.

It is important to explain the difference between the “name” of an object and the “object” itself. The “name” is a secondary quality. It is not the primary quality of an object. A name has a descriptive function and provides an explanation for what something is. For instance, the word “child” can be used to describe a young human. As the “child” grows, words and names to describe the “child” need to change. For instance, the words “man”, “woman” or “teenager” may be more apt and reliable. In short, the description or name can change as the object changes. The name of an object cannot determine or control the function or potential future function of an object. If an object changes; then the name should change to match its new form.

At present, Orchid Court provides a description of section of road that ends at the land boundary. The name “Orchid Court” describes this current situation. It does not imply that the road will always end at the end at the boundary – it just describes its current state.

The proposal is to extend “Orchid Court”. This may require the name of the road to be changed to describe its new function and form.

Summary and Conclusion

The proposal complies with the general intent of the strategic vision for the locality. The points of contention relate to the design and use of existing roads.

It is clear that residents within Meldene Estate have strong emotional connection with their locality and are concerned about the potential impacts resulting from the new development.

In making a decision, Council should be mindful of the following:

- The need to assess the merits of ideas and concerns presented. This is different from an argument that is based on popular support or opinion. Council should be concerned with

the steel and rationale behind the justifications presented. Council needs to be comfortable that it has tested the strength of ideas and concerns presented against what is reasonable and the established planning framework for the locality;

- The form of the debate. Not all players in a debate are equal. There is often an asymmetrical access to information and style of argument. This should not persuade a decision. Not all people are gifted or trained with prose. It is important to look at the issues, not just the way the information is presented.
- Defining what constitutes a reasonable requirement. Decisions and conditions imposed need to be reasonable. Specifically, requirements or conditions need to directly relate to demands and needs generated by the proposal. These requirements or conditions may also provide a public benefit. However, such public benefits can only be incidental to the core reason for the condition or requirement. Any condition needs to satisfy a planning purpose created by the proposal.

The proposal is considered reasonable from a town planning perspective and can be improved through conditions to:

- a) Address issues of staging to limit the time in which Orchid Court is used as the only access;
- b) Address the ultimate design of Orchid Court to ensure that it used as a minor access point;
- c) Include a pedestrian path linkage to the Golf Course to provide linkages towards town; and
- d) Provide an updated Public Open Space schedule calculated in accordance with Liveable Neighbourhood criteria.

Statutory Obligations

Planning and Development (Local Planning Schemes) Regulations 2015 includes the following relevant sections

Part 5 – Amending Local Planning Scheme defines the processes and considerations for assessing and processing amendments.

Schedule 2, part 4 – Structure Plans defines the processes and considerations for assessing and processing structure plans.

The amendment falls under the definition of a “Standard Amendment” contained in regulation 34)

Policy Implications

N/A

Voting Requirements

Simple majority

Budget/Financial Implications

N/A

Strategic Implications

The proposal is consistent with the Local Planning Strategy which identifies the land as “Residential”.

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That the Council

- 1. Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
 - a) Determine the submissions in accordance with the recommendations in the Schedule of Submissions;**
 - b) Acknowledge that the petition was received by Council at its October 2015 meeting and note that the matters raised reflect those detailed in the Schedule of Submissions;**
 - c) Adopt Amendment No. 2 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 for the purposes of recoding Lot 102 South Western Highway, Donnybrook from “R2.5/5” to “R5/10” subject to the changes contained in the Schedule of Modifications;**
- 2. Recommends that the Western Australian Planning Commission approve the structure plan subject to the changes contained in the - Schedule of Modifications;**
- 3. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of points 1 and 2 above.**

Schedule of Modifications

Amendment Resolution

- a) Amend the front resolution by deleting the words “2010” and replacing with “2015”.**
- b) Amend the rear resolution by deleting the words “2012” and replacing with “20...”**

Amendment Report

- a) **Update section 5.5 - Public Open Space to ensure consistency with Liveable Neighbourhood criteria with reference to “restricted” and “unrestricted” – noting that only a 20% of the total 10% POS requirement can be satisfied by the use of “restricted POS”;**
- b) **Modify Figure 5 Structure Plan by:**
 1. **Updating the table to reflect point a) above;**
 2. **Inserting implementation provisions requiring:**
 - i. **The subdivision application being supported by a staging plan to limit the extent that Orchid Court will be used as sole access, planting of a screening buffer and construction of Open Space;**
 - ii. **The subdivision application being supported by a plan showing an ultimate design treatment for Orchid Court that demonstrates how it be function as a low order access link;**
 - iii. **The need for all new lots to be subject to Section 70A notifications advising of the proximity and activity impacts on amenity from Orchard activity.**
- c) **Incorporating a Local Water Management Plan that addresses issues regarding:**
 - i. **Water supply to public open space;**
 - ii. **Stormwater management;**
 - iii. **Groundwater levels.**
- d) **Amending the map to identify provision of an internal path network and provision of additional linkages as marked on the proposed path network extension.**

Council Decision

Moved: Cr Van Der Heide

Seconded Cr Mills

That the Council

4. **Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015;**
 - a) **Determine the submissions in accordance with Schedule of Submissions (Attachment 3);**

- b) Acknowledge that the petition was received by Council at its October 2015 meeting and note that the matters raised reflect those detailed in the Schedule of Submissions;
 - c) adopt Amendment No. 2 to the Shire of Donnybrook-Balingup Local Planning Scheme No.7 for the purposes of recoding Lot 102 South Western Highway, Donnybrook from “R2.5/5” to “R5/10” subject to the changes contained in the Schedule of Modifications;
- 5. Recommends that the Western Australian Planning Commission approve the structure plan subject to the changes contained in the - Schedule of Modifications;
 - 6. Advise the applicant that Council will consider construction of the Marginata Drive to occur on a staged basis (ie: chip seal, no kerb, no lighting) as a first stage; and
 - 7. Authorise the Chief Executive Officer to make arrangements necessary for the implementation of points 1 and 3 above.

Schedule of Modifications

Amendment Resolution

- c) Amend the front resolution by deleting the words “2010” and replacing with “2015”.
- d) Amend the rear resolution by deleting the words “2012” and replacing with “20...”

Amendment Report

- e) Update section 5.5 Public Open Space to ensure consistency with Liveable Neighbourhood criteria with reference to “restricted” and “unrestricted” – noting that only a 20% of the total 10% POS requirement can be satisfied by the use of “restricted POS”;
- f) Modify Figure 5 Structure Plan by:
 - 1. Updating the table to reflect point a) above;
 - 2. Inserting implementation provisions requiring:
 - i. The subdivision application being supported by a staging plan that does not use Orchid Court for vehicular access, planting of a screening buffer and construction of open space.
 - ii. The subdivision application being supported by a plan showing an ultimate design treatment for Orchid Court that demonstrates how it be function as a low order access link;
 - iii. The need for all new lots to be subject to Section 70A notifications advising of the proximity and activity impacts on amenity from Orchard activity.

- g) Incorporating a Local Water Management Plan that addresses issues regarding:**
 - i. Water supply to public open space;**
 - ii. Stormwater management;**
 - iii. Groundwater levels.**

- h) Amending the map to identify provision of an internal path network and provision of additional linkages as contained marked in Attachment 4.**

Cr Dilley requested Council defer the item in order to meet with developers prior to the May 2016 OCM to discuss alternate road plans and staging of the development.

Procedural Motion

Moved: Cr Crowley

Seconded: Cr Dilley

That the motion lie on the table.

Carried 7/2

** 6.15pm - B Lovededge, S McIver, J McIver, R Guidice, S Kapel, H Atwell, G Hall, J Hale, G Lovededge, C Benson, S Russo, D Sutton and I Massey left the meeting.

Moved Cr Mills

Seconded Cr Bailey

That Standing Orders be resumed.

Carried 9/0

9 ELECTED MEMBERS MOTIONS

9.1.1	SUBJECT:	2016/17 BUDGET
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Cr Bailey
	Zone:	N/A
	File Ref:	CNL 34G
	Author:	Greg Harris, A/CEO
	Report Date:	15 May 2015
	Attachments:	9.1.1 – WALGA Economic Briefing - March 2016

Cr Bailey has proposed the following notice of motion:

Notice of Motion

As part of the budget review the CEO request managers of each level of the Shire to prepare a list of possible savings for the 2016-2017 budget.

Cr Bailey's Comment

As the economy is slowing, organisations and individuals need to achieve savings. WALGA's March 2016 economic briefing suggests a 1.5% increase in cost for the 2016-2017 financial year.

Policy/Statutory/Voting Implications

Policy/ Statutory

N/A

Voting

Simple Majority

A/CEO's Comment

Councillor Bailey's motion reflects the sentiment that the WA Economy is slowing and therefore Council should be cutting costs as a direct result. Shire of Donnybrook-Balingup records do not necessary reflect this sentiment as Planning and Building activity within this Shire generally remains strong. Below is a table providing the statistics for the number of Planning Applications and Building Licence Applications received between January and April for the past three consecutive years. The table shows a general increase in activity from last year. Planning activity is up by 27% and Building Licence Applications, although less in 2015, are increasing.

Planning Applications and building license applications

Year	Planning Applications	Building Licences
Jan – Apr 2014	31	77
Jan – Apr 2015	27	65
Jan – Apr 2016	37	68

In Local Government, costs are intrinsically linked to levels of service, the higher the level of service the greater the cost and vice versa. Looking at ways to simply cut costs is only looking at one side of the equation. With very few exceptions it is unlikely that any real savings can be achieved without a corresponding decrease in service levels.

The Integrated Planning Framework focuses on the need to undertake reviews of service levels, in particular in regard to the management of assets. The framework focuses on the need to identify the level of service currently being provided, the level of service desired by the community, the associated cost of each level of service with the aim of reaching a level of service (and cost) acceptable to the community.

It is the Acting CEO's opinion that to simply look at cost cutting measures without examining levels of service may potentially lead to Council reducing service to a level that is unacceptable to the community. A more robust process would be to systematically commence a review of service levels within an agreed timeframe.

It is of course incumbent upon Management to ensure that resources are utilised in the most efficient manner to deliver the services as defined by Council through its Community Strategic Plan and subsidiary documents. Council staff remain vigilant in this respect and ensure that budgets and actual expenditure reflects only what is required to deliver the current level of service.

Council members also have the opportunity to review all areas of expenditure during the Draft Budget Meeting with particular emphasis being placed on discretionary budget items.

Cr Bailey's Notice of Motion

Moved: Cr Bailey

Seconded: Cr Mills

As part of the budget review the CEO request managers of each level of the Shire to prepare a list of possible savings for the 2016-2017 budget.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council staff review service levels as per the Department of Local Government and Communities Integrated Planning Framework.

11 REPORTS OF COMMITTEES

11.1 *Balingup Townscape Committee Meeting*

11.1.1. OTHER BUSINESS

Council Decision (Committee's Recommended Resolution)

Moved: Cr Mills

Seconded: Cr Bailey

That the Committee reallocates \$1,000 to purchase material for a mural at the Balingup Skate Park.

Carried 7/2

11.2 *Donnybrook Townscape Committee Meeting*

11.2.1	SUBJECT:	UPCOMING EVENTS SIGNS
	Location:	Donnybrook
	Applicants:	N/A
	Zone:	N/A
	File Ref:	TP 07/2
	Author:	Bob Wallin (Principal Planner)
	Report Date:	5 April 2016
	Attachment:	11.2.1 – Quote 1263 from Convert Signs

Background

A suggestion has been received regarding the “upcoming” events signage located at the northern and southern entrances to town.

These signs provide space for events to advertise. Sometimes they are blank white spaces. It has been suggested that when the space is not being used for specific events, some standard shire promotion should be presented. This will remove the perception that there is nothing happening.

It is suggested that three boards be prepared. These would consist of:

- a) Image of Apple fun park;
- b) Image and short details of activities at recreation centre (gym, pool etc); and
- c) Image of trails and wineries with limited text.

A quote to prepare these boards is being prepared and will be presented at the meeting.

Comment

The boards will be put up and down at the time when staff place events notices up.

The boards will help promote activities available in the town to enjoy and will ensure that spaces do not remain blank.

Policy/Statutory Implications

N/A

Financial Implications

The Townscape committee has a budget of \$14,900.00 for a purpose “Council yet to determine”. It is suggested that Council allocate a portion of this amount for the purpose of signage.

Strategic Implications

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

Council Decision (Committee’s Recommended Resolution)

Moved: Cr King

Seconded: Cr Tan

That Council

- 1) Amend the Donnybrook Townscape budget to allocate up to \$3000 for the purpose of preparing 2 designs for signs to display under the “upcoming events” notice boards located at the northern and southern approaches to the Donnybrook townsite;**
- 2) Obtain at least two quotes before starting works;**
- 3) Delegate authority to the Chief Executive Officer to under these tasks.**

Carried 8/1

11.3 Audit Committee Meeting

Council Decision – En Bloc Resolution No. 1

Moved Cr Bailey

Seconded Cr Crowley

That the resolutions from items 11.3.1, 11.3.2 and 11.3.3 be moved En Bloc.

Carried 9/0

11.3.1	SUBJECT:	2016/17 YEAR FINANCIAL AUDIT AND FINANCIAL MANAGEMENT SYSTEMS REVIEW
	Location:	Shire of Donnybrook / Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	ADM 24
	Author:	Greg Harris, A/CEO
	Report Date:	14 April 2016
	Attachments:	Nil

Background

The financial year audit process for the 2016/17 financial year commences with an interim audit. The Shire's appointed auditors, AMD Chartered Accountants will be conducting their onsite review on 30th and 31st May 2016. This will be followed by the onsite component of the Financial Management Systems review which will be conducted on 1st and 2nd June 2016. At the last Audit Committee Meeting it was decided that a further Audit Committee Meeting would be conducted prior to the interim audit. This would give the Committee an opportunity to discuss the impending audit and to review the scope of the audit.

Comment

In considering this matter it is worth reviewing the functions of the Audit Committee.

Section 16 of the *Local Government (Audit) Regulations 1996* states the following:

“16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —*
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;*
- and*
- (b) may provide guidance and assistance to the local government as to —*
 - (i) matters to be audited; and*
 - (ii) the scope of audits; and*
 - (iii) its functions under Part 6 of the Act; and*
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) report to the council the results of that review; and*

(ii) give a copy of the CEO's report to the council."

Local Government Operational Guideline number 09 – revised in September 2013 provides advice in regard to the functions of the Audit Committee. The following is an extract from the guidelines which is relevant to this item.

"The committee may need to liaise regularly with the external auditor to discuss the audit plan, results of the audit and implementation of any recommendations for action emerging from the audit. How communication and liaison between the auditor and committee is to occur should be addressed in the agreement of appointment.

Advice from the auditor may address issues such as –

- (i) As assessment of accounting procedures;
- (ii) An assessment of internal controls;
- (iii) As assessment of risk;
- (iv) Compliance with the Act and associated regulations;
- (v) Compliance with Council policies;
- (vi) Performance assessments on the efficiency and effectiveness of operations;
- (vii) Processes of the internal audit
- (viii) Outcomes of the external audit prior to issue of management and audit reports; and
- (ix) Changes to accounting standards and legislation and the impact on the local government."

AMD Chartered Accountants utilise the Interim Audit Checklist and Interim Audit Fraud Checklist during their interim audit. These checklists provide an overview on the scope of review undertaken as part of the interim audit.

Councillors may wish to raise questions in regard to the interim audit process or may identify specific areas upon which they wish the Auditor to focus.

Under the terms of the audit contract provision is made for the Auditor to attend Audit Committees. A fee is charged for this attendance. The Auditor has not been asked to attend this meeting.

Section 5 (2) of the Local Government (Financial Management) Regulations 1996 states the following:

"The CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed; and*

- (b) *assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
- (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.”*

The review of the Financial Management Systems was last done in 2012 and is therefore due again in 2016. It is expedient to undertake this review at the same time as the interim audit.

AMD Chartered Accountants have been engaged by the CEO to undertake a review and prepare a report on their findings to the CEO. The findings from AMD’s review will form an integral part of the CEO’s report to Council as required by Section 5 (2) of the regulations.

Consultation

N/A

Policy/Statutory Implications

Please refer to the comment section of this report.

Legislative references are:

Section 16 of the Local Government (Audit) Regulations 1996

Section 5 (2) of the Local Government (Financial Management) Regulations 1996.

Financial Implications

N/A

Strategic Implications

N/A

Council Decision

(Officer’s and Committee’s Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Crowley

That Council note that Council’s Auditors will be onsite at the Shire of Donnybrook-Balingup Administration Centre between 30th and 31st May 2016 to undertake the Interim (Financial) Audit and also between the 1st June and 2nd June 2016 to undertake the Financial Management Systems Review.

Carried by En Bloc Resolution No 1

11.3.2	SUBJECT:	AUDITING OF LOCAL GOVERNMENT BY THE AUDITOR GENERAL – RENEWAL OF AUDIT CONTRACTS
	Location:	Shire of Donnybrook / Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	ADM 24
	Author:	Greg Harris, Manager Finance & Administration
	Report Date:	14 April 2016
	Attachments:	Nil

Background

Circular No. 03-2016 has been received from the Minister for Local Government; Community Services; Seniors and Volunteering; Youth advising that it is intended to amend the Local Government Act 1995 to allow the Auditor General and the Office of the Auditor General (OAG) to take responsibility for local government financial audits from 1st July 2017. This initiative is being introduced as part of the State Government’s commitment to strengthening local government accountability, performance and transparency and providing independent oversight of the sector.

Under the proposed changes the Auditor General may contract out some of the financial audits, but all financial audits will be done under the supervision of the Auditor General and the OAG.

Local governments have been requested not to renew audit contracts beyond the 2016/17 year as a result of the impending legislation.

Comment

Council’s current contract with AMD Chartered Accountants concludes at the end of the 2017/18 financial year. It is unknown if the legislation will require the existing contract to be terminated prior to its expiry.

AMD Chartered Accountants have indicated that they have lodged an expression of interest to become a contractor for the OAG. Should they be successful there is no guarantee that they will be awarded the contract specifically for the audits of the Shire of Donnybrook-Balingup.

At this stage there is no indication as to the cost to be imposed upon local government however it is envisaged that the OAG will seek full cost recovery of all audit and administrative costs.

Further information will be provided to the Audit Committee and Council once the details of the amended legislation come into force.

Consultation

N/A

Policy/Statutory Implications

Part 7, Division 2 of the Local Government Act 1995 relates to the audit of local governments. Sections 7.2 and 7.3 are specifically relevant and currently state:

7.2. Audit

The accounts and annual financial report of a local government for each financial year are required to be audited by an auditor appointed by the local government.

7.3. Appointment of auditors

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.

** Absolute majority required.*

- (2) The local government may appoint one or more persons as its auditor.

- (3) The local government's auditor is to be a person who is —

- (a) a registered company auditor; or
(b) an approved auditor.

[Section 7.3 amended by No. 49 of 2004 s. 6.]

Financial Implications

The cost of the OAG overseeing the local government financial audit function has not yet been established.

Strategic Implications

N/A

Council Decision

(Officer's & Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Crowley

That Council receive the Acting CEO's Report advising of the proposed to amend the Local Government Act 1995 to allow for the Auditor General and the Office of the Auditor General to take responsibility for local government financial audits from 1st July 2017.

Carried by En Bloc Resolution No 1

11.3.3	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
	Report Date:	14 April 2016
	Attachments:	Nil

Background

At the previous Audit Committee meeting held on 11th February 2016 Council endorsed the Shire's Organisational Risk Management Action Plan for the period July 2015 to December 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.

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

Council Decision

(Officer's & Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Crowley

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

Carried by En Bloc Resolution No 1

12 REPORTS OF OFFICERS

12.1 Manager Finance and Administration

12.1.1 ACCOUNTS FOR PAYMENT

Council Decision – En Bloc Resolution No. 2

Moved: Cr Bailey

Seconded: Cr Tan

That items 12.1.1 and 12.1.2 be moved En Bloc.

Carried 9/0

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Tan

That accounts authorised and paid under delegation No. 3.2 by the Chief Executive Officer represented by cheques EFT9195a – EFT9439, 51817–51877, DD20628, DD20630, Trust 3357 – 3370, EFT9273 totalling \$1,658,064.98 be confirmed for payment.

Carried by En Bloc Resolution No 2

Comment

MRWA's acquisition of the land will allow for geometric improvements to the curve and increase the pavement width of the road (Attachment 12.2.1(2)). The works are anticipated to be carried out over the summer of 2017/18.

As part of MRWA's initiation to acquire land for road purposes, they are required to obtain the Shire's support for the future dedication of the land.

MRWA is currently in negotiations with the affected owners. Council's support for the dedication is required to allow formalities to proceed. MRWA requires a copy of the Council's resolution with direct reference to Section 56 of the *Land Administration Act (1997)* in order to proceed with this process.

Consultation

MRWA are in negotiation with the impacted land owner for the acquisition of their land.

Policy/Statutory Implications

Section 56 of the *Land Administration Act (1997)*.

Financial Implications

Nil

Strategic Implications

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

Outcome 1.7 - A well-used and efficient transport network.

Outcome 4.2 – Maintain long term financial viability

Outcome 4.3 – An open and accountable Local Government that is respected, professional and trusted.

Outcome 4.7 – Maintain and enhance Shire assets.

Officer's Recommended Resolution

Moved: Cr Bailey

Seconded: Cr King

In accordance with Section 56 of the *Land Administration Act (1997)*, Council endorse the future dedication of the land being acquired for road purposes as shown on MRWA plans 201602-0102, 201602-0103-1 and 201602-0104-1 Donnybrook-Kojonup Road (M013), Realignment, 28.40 to 29.00 SLK, Land Dealings Index Plan, Lot 6 (D.G. & D.B. Bowden), UCL (Rail Corridor).

Carried by En Bloc Resolution No 3

12.2.2	SUBJECT:	MRWA LAND RATIONALISATION DONNYBROOK-KOJONUP ROAD.
	Location:	Shire of Donnybrook-Balingup
	Applicants:	MRWA
	Zone:	Donnybrook-Kojonup Road
	File Ref:	WRK 06/1
	Author:	Damien Morgan, Manager Work & Services
	Report Date:	7 April 2016
	Attachments:	12.2.2(1) - MRWA Correspondence (ICOR51487) 12.2.2(2) - Drawing 201602-0127-1

Background

Main Roads WA (MRWA) has identified an anomaly in the land tenure in the vicinity of Lowden within the Shire of Donnybrook-Balingup. The existing road is built on a severed portion of Crown Reserve 2034, and MRWA has written to the Shire to request consent to the excision of 3.2160 hectares (Ha) from Reserve 2034, and that the portion of land be dedicated as road reserve.

Comment

The management of Reserve 2034 is the responsibility of the Department of Planning and Infrastructure. MRWA requires this land to be created as road reserve to remove any ambiguity should any legal issues (accidents) arise on this portion of land.

As part of MRWA process to acquire the land for road purposes, they are required to obtain the Council's consent to the excision of 3.2160Ha from Reserve 2034 and for the portion of land to be dedicated as road reserve.

A copy of the Council's resolution with direct reference to Section 56 of the Land Administration Act (1997) is required by MRWA to proceed with this process.

Consultation

MRWA are responsible for the consultation with impacted parties

Policy/Statutory Implications

Section 56 of the *Land Administration Act (1997)*.

Financial Implications

Nil

Strategic Implications

The following outcomes from the Strategic Community Plan relate to this proposal:
Outcome 1.7 - A well-used and efficient transport network.

Outcome 4.2 – Maintain long term financial viability

Outcome 4.3 – An open and accountable Local Government that is respected, professional and trusted.

Outcome 4.7 – Maintain and enhance Shire assets.

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

Moved: Cr Bailey

Seconded: Cr King

In accordance with Section 56 of the Land Administration Act (1997), Council endorse the Main Roads Western Australia excision of 3.2160 hectares of Reserve 2034, and for that portion to be dedicated as road reserve as shown on MRWA plan 201602-0127, Donnybrook-Kojonup Road (M013), Lowden Section, 15.10 to 16.25 SLK, Land Dealings Plan, Reserve 2034 Lot 5077.

Carried by En Bloc Resolution No 3

12.2.3	SUBJECT:	RFQ 165 SUPPLY AND DELIVERY OF ONE (1) NEW WHEEL LOADER
	Location:	Shire of Donnybrook-Balingup
	Applicants:	MRWA
	Zone:	Shire Donnybrook-Balingup
	File Ref:	WRK 06/1
	Author:	MWS and SETO
	Report Date:	11th April 2016
	Attachments	12.2.3(1) - CONFIDENTIAL: Response Evaluation for Wheel Loader (VP46937) 12.2.3(2) - Comparison Spreadsheet

Background

In accordance with the Shire of Donnybrook-Balingup’s adopted Plant Replacement Policy the Shire has budgeted in the 2015/2016 financial year to replace its existing Caterpillar 924G Wheel Loader.

Comment

The WALGA Preferred Supplier System has been used to obtain quotes from five (5) suppliers of Plant and Equipment being Bunbury Machinery, Westrac Pty Ltd, CJD Equipment Pty Ltd, Hitachi Construction Machinery (Aust) and Komatsu Australia Pty Ltd.

Under the *Local Government (Functions and General) Regulations 1996*, a tender exemption applies to WALGA’s Preferred Supply Panels. This means that Local Governments can purchase any value of goods or services from a preferred Supplier without going to Tender.

RFQ 165 was advertised on 14th March 2016 and closed on 29th March 2016 through WALGA eQuote’s Vendor panel – Plant and Equipment – Contract No.C023-11.

Five (5) companies submitted Six (6) quotes to Supply and deliver one (1) new wheel loader. The quotations were evaluated with the following criteria:

Description of Qualitative Criteria	Weighting
Price and overall value for money	20%
Availability and delivery date	20%
Minimum Technical Specifications	25%
Compatible with Technical requirements	25%
Additional extras offered	10%

The WALGA eQuote Vendor panel Evaluation matrix allows the quotations to be evaluated in an unbiased manner whereby the supplier with the highest overall points may be considered to be the most advantageous quotation. This is to be used as a guide only during the assessment and is not necessarily binding. Shire staff has evaluated the Responses received and a Response Evaluation Summary score and weighting score has been provided.

Shire staff evaluated the machinery from the technical information submitted, product specifications, numerous reviews and forums, discussions with the various sales representatives and a number of Earthmoving and construction companies.

Response Evaluation Summary

Supplier	Make / Model	Score	Weighted Score
WesTrac Pty Ltd	Caterpillar 924K Series II	36/50	8.15
Bunbury Machinery	JCB 427HT	31/50	7.15
Hitachi Construction	Hitachi ZW140-5-TC	31/50	6.95
CJD Equipment	Volvo L60F	28/50	6.30
Komatsu	Komatsu WA200PZ	26/50	5.15

The recommended new item of plant is a 2016 Model Caterpillar 924K Series II. This machine conforms to all required specifications and has a number of added benefits for the Shire of Donnybrook-Balingup.

- As part of the quoted price, the inclusion of Product Link hardware and lifetime subscription to VisionlinkTM management system software.
Cat Product link enables comprehensive and flexible remote monitoring, asset tracking, maintenance management and includes a Live Vision feed in order to view the individual machine status instantly, monitoring current fuel level and usage, provides an Idle vs Work time graph and provides a real time pin map of the machine location.

This provides a valuable tool to assist in fleet management, mechanical maintenance monitoring, asset management and compliance with Worksafe industry standards and Heavy vehicle Operations (Main Roads WA).

2. Guaranteed compatibility with the Shires existing attachments.
3. Largest bucket capacity offered (2.3 m³)
4. Replacement and servicing parts consistent throughout majority of fleet.
Interchangeable between machines
5. Cutting edges and **bolt on teeth** supplied. *Specific requirement of RFQ*
(Only 2 Suppliers included teeth in there submitted offer. Industry price \$ 3,666)

Hitachi Construction Machinery offered to supply the John Deere 544K along with the Hitachi ZW140-5-TC. The John Deere machine quote was submitted along with the Hitachi machine quote and therefore was unable to be processed through WALGA's evaluation matrix. The John Deere 944K was the highest priced quote received at \$302,500 ex GST. The 544K is an impressive machine, significantly exceeding the other competitor's specifications, but unfortunately exceeded the budget allowance by \$111,920 ex GST. (Not including Trade in)
(Separate documentation available if required. As not included in evaluation scoring process)

The Hitachi ZW140-5-TC meets all Technical specifications relating to Engine, Power train and transmission as well as compatibility with Productlink fleet management, maintenance and reporting software.

The Hitachi machine only falls short of the specified requirements relating to attachment requirements and bucket specifications.

CJD Equipment offered to supply the Volvo L60F, meeting all of the Technical specifications (Mechanically) but not meeting the Technical requirements in regards to attachments and compatibility with product software.

Bunbury Machinery offered the JCB 427HT. Technical specifications regarding Engine, Power train and transmission were all to requirements. Attachments and bucket specifications were not completely satisfied. Technical requirements and compatibility with reporting software was reasonably satisfied.

Komatsu offered to supply the WA200PZ. Unfortunately the machine failed to meet the minimum Technical Specifications (*Mechanically*).

Consultation

Plant Mechanic
Plant Operators
Company Representatives
WALGA Procurement support officers
Works Supervisor
Manager Works and Services
Various Earthmoving contractor companies

Policy/Statutory/Voting Implications

Policy

Adopted 10 year Plant Replacement Policy

Statutory

Local Government (Functions and General) Regulations 1996 Part 4 and Section 3.57 of the Local Government Act 1995.

Voting

By absolute majority

Financial Implications

Council has budgeted \$290,580 *ex GST* for the purchase of the new machine, with an estimate that a \$100,000 *ex GST* trade in price could be achieved for the existing machine, resulting in a changeover budget of \$190,580 *ex GST*.

The Westrac supplied Caterpillar 924K exceeds the changeover budget allowance by \$7,220.00, (3.8%).

However the price quoted includes an estimated \$12,000 worth of additional benefits as factory standard. In addition to these, product link supply, installations and free annual subscription.

The current market value of the existing machine being traded is significantly less than estimated in the budget. This may be as a result of the downturn in the economy, along with an over estimation of the true value of the machine.

The current CAT 924G was advertised through WALGA's disposal of assets tender. *(In compliance with WALGA's recent change in legislation regarding procurement process)*
The highest offer received was \$67,500 *excluding GST*.

Westrac included a trade-in offer of \$68,000 within their quote on the existing CAT 924G loader.

The net changeover for this wheel loader through Westrac (including their trade-in offer) is \$197,800 *ex GST*

Strategic Implications

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

Outcome 4.2 – Maintain long term financial viability

Outcome 4.3 – An open and accountable Local Government that is respected, professional and trusted.

Outcome 4.7 – Maintain and enhance Shire assets.

Outcome 4.8 – Attract and retain staff

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

Moved: Cr Crowley

Seconded: Cr Van Der Heide

Council endorses the purchase of the Caterpillar 924K Series II Loader, and the trade-in of the existing Shire’s Caterpillar 924G Wheel Loader as per WesTrac Pty Ltd offer, for the net changeover cost of \$197,800 ex GST.

**Carried 5/4
By Absolute Majority**

12.2.4	SUBJECT:	ROAD NETWORK INFRASTRUCTURE CONDITION RATING AND VALUATION
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	Shire of Donnybrook-Balingup
	File Ref:	WRK 19/1
	Author:	Manager Works and Services
	Report Date:	12th April 2016
	Attachments	12.2.4 - CONFIDENTIAL: Response Evaluation for Road Condition Review (VP46254)

Background

To ensure the Shire of Donnybrook achieves sustainable outcomes in Asset management, it is important that data held in relation to assets is current and valid.

Our road network data in relation to condition and estimate of total useful life is due for re-assessment, as this was last undertaken in 2010. Engineering Consultants Opus were engaged by the Shire in 2013 to undertake a Roman II health check, and again in 2014 to do a road asset revaluation, with both reports recommending a review of the asset inventory and visual condition data.

Quotes were requested from 3 companies to undertake the outlined work, plus calculated the “Fair Value of our road network assets, and generate a 5-year works program from the updated information

Comment

The Works and Services Department maintains our road network asset information in our RAMM program database which is part of the Roman II road asset management information system the Shire subscribes to through WALGA.

Works and Service staff updates this data periodically, along with also using external consultancy companies to provide independent reviews and condition assessments of road network assets.

The data collected and maintained in relation to our road network assets is:

- An asset Inventory
- Condition of the asset
- Total Useful life – the total economic life of the asset
- Unit Rates – specific unit rates for assets by component in relevant units to establish replacement cost.

This data is used to establish the “fair value” of our road network assets, and is significant in satisfying our statutory requirements of regulation 17A of the Local Government (Financial Management) Regulations 1996.

The “Fair Value” of our road network infrastructure is required to be re-valued every 3-years. The Shire was due for a revaluation of our road network infrastructure as of 30 June 2015, however our auditors advised that as the existing data would only achieve low confidence ratings (a 2014 Road Asset Revaluation only received an overall confidence grade of C+ [+/- 20%] from Opus) that they would not be able to sign off on a re-value based on existing data.

The data is also supplied to MRWA annually, and is used as the basis for calculating the Shire’s road asset preservation model, which influences the road grant component of the Shires financial assistance grant through the Western Australian Local Government Grants Commission.

The development of the 5-year program based on the re-viewed data will also assist to ensure Shire funds are directed towards priority projects.

Staff requested 3 quotes through WALGA Equotes to undertake the review of our road network data, along with a revaluation of the “fair value” of our road network assets, plus the generation of a 5-year works program from the updated information.

2 quotes were received and assessed, and it was assessed that the TALIS group offer of \$59,902 ex GST was a value for money offer to achieve the outcomes requested.

Talis has extensive experience in undertaking this type of work for other local government within Western Australia, which has been confirmed in reference checks undertaken.

Works and Services requests its current Road Asset Management & Security budget be increased by \$45,000, with the funds sourced from the Shire of Donnybrook-Balingup’s roadwork’s reserve, to allow the works to proceed this financial year, prior to the annual audit process commencing.

Consultation

Works and Services have consulted with our Manager of Finance in relation to these works, and the Shire's statutory requirements.

Consultation has also been undertaken with other Local Government in relation to the works, as well as the submitters to the Shires request for quotes.

Policy/Statutory/Voting Implications

Policy

This process conforms to Shire of Donnybrook-Balingup policies and procedures.

Statutory

Regulation 17A of the Local Government (Financial Management) Regulations 1996.

Voting

An absolute majority is required to change an adopted budget.

Financial Implications

The quote for the outlined works exceeds current budget allocation by approximately \$45,000. Staff proposes the current budget be increased by \$45,000, to allow for the outlined works to proceed this financial year. The additional funds can be sourced from the Shire of Donnybrook-Balingup Roadwork's Reserve.

Strategic Implications

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

- Outcome 1.7 A well-used and efficient Transport system.
- Outcome 4.2 Maintain long term financial viability.
- Outcome 4.3 An open and accountable local government that is respected, professional and trusted.
- Outcome 4.5 Continue to provide quality local government services and facilities.
- Outcome 4.7 Maintain and enhance Shire Assets.
- Outcome 4.9 Improve long term planning and strategic management.

- “1) grant consent to initiate an amendment to rezone a 2ha portion of Lot 71 Grimwade Road, Balingup to “Rural Residential”;
- 2) require the preparation of an amendment document to be prepared and presented to Council for consent to advertise;
- 3) require the amendment document to include a subdivision concept plan and be supported by a land capability study and landscape impact analysis;
- 4) advise the applicant that an amendment assessment fee of \$2,750.00 will be required when submitting documents requesting consent to advertise.”

The applicant has prepared an amendment document (Attachment 12.4.2). This document is now presented to Council to consider for consent to advertise.

The amendment falls under the category of a “complex amendment” under the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*. This is on the basis that the amendment is not consistent with the Shire’s Local Planning Strategy (Regulation 34).

The process for complex 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 refers resolution and documents to Western Australian Planning Commission (WAPC) for decision;
- Step 4) If WAPC agrees with the proposal, refer to EPA for environmental assessment;
- Step 5) Advertise amendment;
- Step 6) Council to consider submissions and make a recommendation for final approval;
- Step 7) The WAPC makes a recommendation to Minister for Planning;
- Step 8) Minister for Planning grants final approval; and
- Step 6) Amendment gazetted and becomes law.

Attachment 12.4.2 contains a draft amendment document. The report includes an analysis of the particular issues required in Council’s July 2015 resolution. In particular, it contains:

1. A brief land capability analysis. Discussion with the Shire’s Principal Environmental Health Officer has indicated that portion of the proposed building envelope (north western corner) would be suitable for on-site effluent disposal subject to using an inverted septic system; and
2. A landscape analysis. This analysis shows that the proposed development will not impact on views from the South Western Highway or Grimwade Road. This analysis is backed by photographic evidence.

Comment

The key issue for this amendment is its relationship to the established planning framework, in this case the Shire Local Planning Strategy (Strategy). This proposal was not foreseen when the Strategy was prepared and therefore is technically inconsistent. However, the important thing to consider is to what the departure will mean. Is it a fundamental departure or is it a reasonable adaptation that keeps in tune with the overall principles and outcomes envisaged by the Strategy. Just because a proposal is inconsistent with the Strategy, this fact by itself does not provide sufficient reason or logic to automatically object or refuse a proposal.

Decisions need to be anchored in town planning outcomes and defined by the strength or steel that underpins its logic and views. In this case, the proposal can be considered to be a minor logical inclusion to the established lot size and land use in the locality. The proposal is of a very limited scale (one additional lot) that reflects the immediate surrounds and approved structure planning of the locality in terms of size and land use.

The proposal has a number of unique points that prevents it being used as a precedent for supported future wholesale departures from the Strategy. For instance:

- a) It is identified in the Shire's Growth Plan which provides a long term strategic vision for how the Shire will develop;
- b) The proposal does not require any new public infrastructure or investment (it relies on the existing road network);
- c) The proposal is surrounded by similar development on two sides with no opportunity for expansion on the other sides due to impacts on landscape views and need for additional access arrangements onto the highway; and
- d) The site has good (and often better) access to services and town-site facilities than other established "Rural Residential" areas.

In addition, the recently amended Regulations provide a legitimate process to consider departures from Strategies (Complex Amendments). It is assumed that this stream of (complex) amendment was introduced to formally allow amendments to be supported on their merits – not solely on how they fit within a plan or strategy. The complex amendment process allows proposals (if proven good in themselves) to have a fair hearing. It should always be kept in mind that the ultimate goal is to achieve good planning outcomes for the community. In this case, the proposal is considered reasonable – notwithstanding the colour presently shown on the Strategy map.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Part 5 of the *Planning and Development Act* outlines the processes and requirements for amendment local planning schemes. This includes Section 81 that details the need for an Environmental Decision by the EPA prior to formal public advertising starting.

Planning Regulations 2015 Part 5 Amending local planning scheme Division 2 details processing and advertising requirements for Complex Amendments.

Voting

Simple majority

Financial Implications

An assessment fee of \$2750.00 has been paid by the applicant. This fee is intended to cover assessment, advertising and gazettal fees associated with the amendment process.

Strategic Implications

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

Outcome 1.5 – Our rural lifestyle is maintained.

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

Outcome 4.9 – Improved long term planning and strategic management.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Bailey

That Council:

- 1) Resolve to proceed to proceed to advertising;**
- 2) Forward two (2) copies of the amendment document to the Western Australian Planning Commission for approval in accordance with *Regulation 37 (2)*;**
- 3) Require the Chief Executive Officer to undertake such tasks necessary to implement items 1 and 2 above.**

Carried 9/0

** Cr King disclosed a Proximity Interest with regards to Agenda Item 12.4.3 – *Request to Adopt Blackwood River Recreation Precinct Feasibility Study* as he owns a property adjacent to the area. Cr King left the Meeting at 7.05pm.

12.4.3	SUBJECT:	REQUEST TO ADOPT BLACKWOOD RIVER RECREATION PRECINCT FEASIBILITY STUDY
	Location:	Between Wrights Bridge and Southampton Bridge
	Applicants:	N/A
	Zone:	Various
	File Ref:	PWF 14P
	Author:	Bob Wallin (Principal Planner)
	Report Date:	17 March 2016
	Attachments:	12.4.3(1) – Blackwood River Valley Proposed Recreation Precinct Feasibility Study 12.4.3(2) – Schedule of Submissions

Background

Council at its November 2015 Ordinary Meeting supported the following resolution:

“That the Council resolve to authorise the Chief Executive Officer to make arrangements for the advertising of the study in accordance with Local Planning Policy 9.22, once amendments required by the working group have been undertaken.”

The document was updated and advertising took place between 29th January and 15th March 2016. The study can be viewed in Attachment 12.4.3(1).

A total of 20 submissions have been received. Attachment 12.4.3(2) provides a summary of points raised and suggested responses. Council is now required to consider adopting the study.

Comment

The purpose of the project is to critically assess the viability of an outdoor-focused tourism and recreation hub south of Balingup. The study area generally covers land between Wrights Bridge to the north and Southampton Bridge to the south (Attachment 12.4.3(1)) – see location plan at rear of document).

The study discusses both the “desirability” and the “feasibility” of the proposal. The study confirms the desirability of the precinct with an estimate that it could result an economic benefit of \$1.8 million to the local economy and is in alignment with strategic plans such as the “South West Regional Blueprint” and the Shire’s “Strategic Community Plan”.

The study considers that the proposal is also feasible subject to:

- a) Providing mobile voice and data communications for public safety;

- b) Controlling activities through exclusion, physical segregation and codes of conduct and enforcement through uniformed patrols;
- c) Undertaking stakeholder consultation and design of a government body corporate to ensure widespread support and equity.

The study indicates that developing a recreation precinct will have an initial cost of between \$5 million to \$7 million. This does not include establishing mobile coverage. It is noted that while there is a potential estimated annual revenue to the area of \$1.8 million – this revenue will not directly contribute towards recouping the \$5 million to \$7 million.

Funding opportunities suggested include obtaining grants from Royalties for Regions, Regional Development Australia, Lottery West and Department of Sport. It needs to be noted that these grants generally require co-funding at some level.

It is suggested that should Council want to progress further studies such as a detailed business plan and concept plan it should consider setting aside funds at the next budget review. This will improve the chances of success in going for grant applications.

Consultation

The study has been guided by a working group consisting of local elected members, Council staff and representatives of SWDC and Department of Parks and Wildlife (DPaW). It is noted that DPaW is a key stakeholder (main landowner) in the study area.

In preparing the study, extensive discussion has occurred with a wide variety of stakeholder groups. Attachment 12.4.3(2) provides details of the submissions received. The comments are generally supportive. A general theme from a number of submissions relates to the need for more detailed analysis. These points are acknowledged and will need to be addressed in any future detailed business planning exercise.

The most relevant submission is from DPaW. This submission (see submission 21 of Attachment 12.4.3(2)) highlights some key constraints to any future progress for this area. In summary DPaW advises that:

- It has no funding available or likely to have any funding available for any additional improvements, enforcement and monitoring of the area;
- There is a need to provide more workings.

DPaW does advise that there are opportunities for landowners to use the Department's Commercial Operators Licensing system to bring activity to the area and bring economic benefit to the surrounding localities. It is noted that a local motorbike trail riding company uses this model.

A number of submissions also raised concerns regarding impacts and have requested involvement in any future studies/initiatives for the locality. Should there be any future studies or works proposed, it will be essential to consult and take into account landowner views.

Policy/Statutory/Voting Implications

The proposal has been advertised in accordance with Local Planning Policy 9.22 and Local Planning Scheme No.7. This included advertising through:

- Notice in local paper;
- Notice at community boards (Balingup Library and Post Office)
- Letters to landowners in the study area;
- Letters to stakeholder groups including government departments and community interest groups and organisations; and
- Shire website.

Voting

Simple majority

Financial Implications

The study outlines a number of recommendations that have potential future funding implications should it be implemented. The study will assist with obtaining grants in the locality.

Strategic Implications

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

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

Outcome 1.5 - Our rural lifestyle is maintained

Outcome 2.1 – Our river systems and natural environment are enhanced and improved.

Outcome 3.9 – Existing community spirit and pride is maintained.

Outcome 4.1 – An informed, engaged and involved community that actively participates.

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

Moved: Cr Bailey

Seconded: Cr Mills

That Council resolve to

- 1) Determine the submissions in accordance with the Schedule of Submissions;**
- 2) Receive the Blackwood River Recreation Precinct Study subject to the document being modified to reflect comments in the Schedule of Submissions; and**
- 3) Note that funding for implementation will be dependent on:
 - a. Council budgetary priorities;**
 - b. Grant funding being available; and**
 - c. Budget constraints and priorities of the Department of Parks and Wildlife.****

Carried 5/4

Note: The Vote was tied 4/4. Cr Logiudice cast the deciding vote

** 7.12pm - Cr King returned to the meeting.

12.4.4	SUBJECT:	REQUEST TO REPLACE EXISTING PLAQUE AT MOSEDALE PARK, LOWDEN
	Location:	Reserve (opposite Lowden General Store (corner Ferguson Road and Boyup Brook Road, Lowden)
	Applicants:	Mr Peter Mosedale
	Reserve:	Priority Agriculture
	File Ref:	A3706
	Author:	Bob Wallin (Principal Planner)
	Report Date:	23 March 2016
	Attachments:	12.4.4(1) - Location Plan 12.4.4(2) – Draft Wording for Plaque 12.4.4(3) – Submission

Background

Council has received a request to replace an existing plaque worded “Mosedale Park” with a more informative plaque describing more history and context. Mosedale Park is located opposite the Lowden General Store (corner of Ferguson Road and Boyup Brook, Lowden (Attachment 12.4.4(1)). A draft wording for the new plaque is provided (Attachment 12.4.4(2) – draft wording).

The proposed works will be funded by Mosedale family members.

Comment

The proposal falls loosely under the Shire's Planning Policy 9.19 – Memorials and Public Art and has been publically advertised in the local paper in accordance with policy.

The proposal is consistent with the intent of the policy and represents an unobtrusive improvement to the park and provides information and acknowledgement about the person behind the parks name for all interested visitors to enjoy.

Consultation

One submission was received during the advertising period (Attachment 12.4.4(3)). In summary, the proposed submission suggests:

- 1) Additional text and words regarding the full name of "Nina" Edith Louise Nina (nee Fowler) – Mr Harold Vincent Mosedale's wife;
- 2) Requests the family confirm some historical data about Nina being a descendant of the earliest pioneer settlers in Preston;
- 3) Possibility of the Mosedale family providing primary source information to the Historical Society of Donnybrook records as it may assist with interpreting European heritage in the Preston Valley;
- 4) Advice to the Donnybrook Historical Society on the benefits of standard permission forms;
- 5) The need for recognition in the media. Noting that the "Albanian community" of Lowden would appreciate knowing the date and time of the installation/unveiling;
- 6) Potential for a directional sign to "Gnomesville".

It is suggested that this submission be viewed in the context of the proposal – to replace an existing plaque with a new plaque providing additional background contextual information. On this basis, the relevant points to this proposal are 1 and 5.

Discussion with the applicant has indicated that in relation to:

- point 1) agreed. Adding the Nina's full name will mean she will be more clearly identified;
- point 2) confirm.
- point 3) agree.
- point 5) no objections. It is envisaged as a relatively low key installation/unveiling at some future time but would welcome any interested parties to attend including media representatives. It is intended to liaise with the current owners of the Preston Valley Store.

In relation to point 6), the merits of this idea will be considered by the Shire's Works and Services department.

On this basis, it is recommended that the plaque be reworded and when any unveiling is proposed, contact the local media.

Policy/Statutory/Voting Implications

Policy

9.19 – Memorials and Public Art policy. The proposal has been advertised and presented to Council for a decision in accordance with the requirements of this policy.

Statutory

N/A

Voting

Simple majority

Financial Implications

There is no financial implication for the Shire. The applicant intends to fund the production and installation of the new plaque. The installation instructions can be undertaken with instructions from Shire staff.

Strategic Implications

The following outcomes from the Strategic Community Plan relate to this proposal:
Outcome 4.1 – An informed, engaged and involved community that actively participates

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Tan

That Council

- 1) Approve the replacement of the plaque at Mosedale Park consistent with the proposed amended wording; and**
- 2) The plaque being constructed of a suitable material with lettering to be generally consistent with the style of the existing plaque and mounted in accordance with Shire requirements.**

Carried 9/0

12.4.5	SUBJECT:	PLANNING APPLICATION FOR SEA CONTAINER IN RESIDENTIAL ZONE
	Location:	Lot 8 Collins Street, Donnybrook
	Applicants:	Ms Elva Paul
	Zone:	Residential
	File Ref:	A113
	Author:	Bob Wallin (Principal Planner)
	Report Date:	11 April 2016
	Attachments:	12.4.5(1) – Location Plan 12.4.5(2) - Site Plan

Background

The proposal is for a sea container with dimensions of 2.4m x 6m to be situated at Lot 8 (No.59) Collins Street (see Attachments 12.4.5(1) and 12.4.5(2)).

The land is zoned “Residential” and abuts “Light Industrial” land. The “Light Industrial” zoned land on the southern boundary contains a large shed that straddles a number of boundaries. Land to the east is also zoned “Light Industrial”.

Land along the western boundary and northern boundary is zoned “Residential” and contain a dwellings and assorted outbuildings.

Town Planning Policy 9.16 Transportable Structures sets out criteria for assessing sea containers. “Table 1 – Transportable Structure Applications that will not be Approved” states the following:

Zoning	Criteria
Residential	<ul style="list-style-type: none"> • Any transportable structure

Comment

On first reading, the policy position is generally clear - sea containers are not supported within the residential zone. However, before deciding on this application it is important to think about the following points:

- a) A Local Planning Policy is not about absolute positions. Local Planning Policies are set up to guide decisions and assist decision makers in their duty. There is scope to make decisions that vary from policies; if there are good planning reasons or justifications that can support such a stance.
- b) Understanding the intent of the policy is the most important part. The “Background” section of the Local Planning Policy explains the intent as follows:

“The use of transportable buildings such as sea containers, railway carriages and prefabricated site offices for storage purposes or as a dwelling may provide for a high level of security and be an economical means of providing accommodation. However,

due to the ‘industrial’ appearance and relatively large size, can detract from the visual amenity of a locality.

As the structures are generally without architectural features such as pitched roofs or windows, they can appear to be out of place in a residential or semi-rural setting as they are inconsistent with the general residential housing design.

This Policy has been created in order to ensure that Shire staff and potential applicants can assess the appropriateness of transportable structures in the Residential... zones.”

It is clear from reading this extract that the position in Table 1 is seen as a way of protecting “visual amenity”. The question that now needs to be considered is to what extent will this proposal affect visual amenity? To answer this it is necessary to look at the Site Plan (Attachment 12.4.5(2)). The Site Plan shows that the sea container will not be visible from the street or neighbouring properties due to the configuration of existing developments on the site. On this basis, there will be no impact on the visual amenity of the locality. Any impacts on visual amenity will be internal only and experienced by the individual landowner.

- c) Existing streetscape and amenity. Clause 5.17 of Local Planning Scheme No.7 (LPS7) requires Council to have regard to impacts of a development on the locality in terms of its bulk, scale, materials and architectural styling and features. In this case, the proposed impacts will not have any impact on the locality as it will be totally screened. Further, the existing streetscape is characterised by industrial activity. The placement of sheds or other industrial styled activity or buildings would not be out of place in this context. The Local Planning Policy was not formulated with this street scape setting in mind. This site abuts and is surrounded by industrial activities and industrial style buildings.
- d) The degree of acceptableness. It is established that sheds are acceptable within residential areas, subject to being limited to 90m². Sheds are generally not known for their architectural features. While a sea container has less architectural features than a shed, it is not that dissimilar. Further, the potential impact may be less due to the limited scale and bulk of the sea container (approximately 9m²).
- e) The potential for setting an undesirable precedent. If approved, it may be possible to view it as a departure from the policy position. This may make any future decisions to refuse applications more difficult to defend due to inconsistency of enforcement. It is noted that it is easier to defend a policy position that has been consistently applied. However, there may be specific and unique circumstances in this case limiting potential to be used as a precedent. These reasons have already been explained above (see points b and c).

- f) Impact on landowner choice. In this instance, a landowner has made a decision to put a sea container in their backyard. Its existence will only impact one person (the landowner making the choice).

- g) The need to explain “why” the application should be refused. If Council takes the view that refusal is justified, it will be necessary to come up with some defensible logical position. The question or the “the “why” needs to be answered soundly. A tautological or circular argument based around “...because the policy says...” is unlikely in this specific case to provide a reasonable, sound or sustainable position for refusing the application.

Consultation

The proposal has been advertised in accordance with Shire policy. One submission has been received.

Policy/Statutory/Voting Implications

Policy

9.16 – Transportable Structures

Statutory

The land is zoned Residential under LPS7.

Clause 10.2 of LPS7 outlines a range of matters to be considered by Council. The proposal does not raise any specific issues contained within Clause 10.2.

Clause 5.17 of LPS7 requires Council to consider impacts of built form on the streetscape setting. The proposed shed does will not be out of character or scale in the locality when having regard to the local streetscape setting.

Voting

Simple majority

Financial Implications

N/A

Strategic Implications

The following outcomes from the Strategic Community Plan relate to this proposal:
Outcome 2.8 – Our town sites are attractive, well presented and maintained.

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

Moved: Cr Bailey

Seconded: Cr Tan

That the Council grant Planning consent for the location of a sea container at Lot 8 (No 59) Collins Street, 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 sea container being restricted for storage purposes unless upgraded to ensure appropriate light, ventilation and insulation for other uses.**

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.

Note 3: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: In relation to condition 3, the applicant is advised to liaise with the Shire's Principal Building Surveyor regarding building standards for using the sea container for uses beyond storage.

Carried 7/2

12.5 Chief Executive Officer

12.5.1	SUBJECT:	REVIEW OF DELEGATIONS
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	ADM 11/3
	Author:	John Attwood - CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	8 April 2015
	Attachments:	NIL

Background

Council staff have undertaken a review of all Council Delegations and the proposed amendments are now referred to Council for consideration and adoption.

Comment

The main areas of change are to delegations associated with donations, waiving fees and community grants. These have been altered to accommodate the *Community Grants Funding Scheme* (new Policy 2.47).

It is recommended that delegation 5.4 – *Owner Builder Occupation of Rural Land* be rescinded, as approval is now given under the *Caravan Parks & Camping Grounds Regulations*, Reg.11, Section 2. The Principal Building Surveyor was appointed an authorised officer by Council on 27 May 2015 to give these approvals.

The delegation to the Donnybrook-Balingup Aged Care Board has been rescinded and is to be removed from the register.

All other proposed changes are minor to ensure names, clause numbers etc. are up to date.

2 - ADMINISTRATION

No 2.13 Hall and Reserve Hire Waiver or Reduction

Add to 'Power Exercised':	Council Policy 2.47 – Community Grants Funding Scheme Policy
Remove:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees in extreme financial or special circumstances in accordance with S 6.12 of the Local Government Act 1995 and Council Policy 2.6.

Replace with:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees under the Community Grants Funding Scheme and/or extreme financial or special circumstances. Waivers or reductions must be in accordance with S 6.12 of the Local Government Act 1995, and Council Policy 2.6 or 2.47.
Reason	To align with the new Community Grant Funding Scheme (ref Ordinary Council Meeting 23 March 2016).

No 2.22 Youth Grants

Change Title	From 'Youth Grants' to 'Community Grants'
Change number of Council Policy	From 2.18 to 2.47
Remove:	The Chief Executive Officer is delegated authority to approve or refuse applications for community projects requested under the Council's Youth Grants program, up to a value of \$500.00.
Replace with:	The Chief Executive Officer is delegated authority to approve or refuse applications for funding for Minor Community Grants, Minor Event Sponsorship and Kidsport through the Council's Community Grants Program Funding Scheme, up to a value of \$500.00.
Reason:	To align with the new Community Grant Funding Scheme (ref Ordinary Council Meeting 23 March 2016).

3 - FINANCE

No 3.4 – Donations

Add	Reference to Council Policy 2.47
In point 2, add:	'in the case of a group', to read: "That, in the case of a group, it is a community group or non-profit-making organisation...'
Remove Point 4:	Special circumstances or needs exist in the opinion of the CEO to warrant a donation e.g. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards which see them requiring financial assistance for travelling, accommodation or other incidental expenses.
Replace with new point	That special circumstances or needs exist in the opinion

4:	of the CEO to warrant a donation. For example, to support individuals who bring credit to the municipality through their endeavour in sport, community development, culture and the arts, where the individual has been selected to represent the State or Country at a State, National or International level.
Reason:	Point 2 – for clarity, point 4 – to align with the Community Grant Funding Scheme.

5 – BUILDING

No 5.4 – Owner Builder Occupation of Rural Land

Rescind delegation:	The Chief Executive Officer delegates authority to the Principal Building Surveyor to approve applications for the Owner Builder Occupation of Rural Land, in accordance with Policy No 5.8. Consultation with the CEO is required.
Reason:	Approval is now given under the <i>Caravan Parks & Camping Grounds Regulations</i> (11, s2). The person giving approval has to be an authorised person under the <i>Caravan Parks & Camping Grounds Act 1995</i> (s.17). The Principal Building Surveyor has been appointed as an authorised person so this delegation is unnecessary.

7 – TOWN PLANNING

7.2 Advertising Development Applications

7.3 Development, Subdivision, Strata and Built Strata Applications

7.4 Extensions of Time – Development Applications

7.5 Legal Proceedings – Town Planning

7.8 Extractive Industry Licences

7.13 Residential Setback Variations and Amendments to Building Envelopes

In all of the above, under 'Legislative Authority to Delegate' delete:	Local Planning Scheme No 7 (s.11.2.2)
Replace with:	Planning & Development (Local Planning Schemes Regulations 2015, Schedule 2, clause 83(1))
Reason:	Amendments to the Regulations have changed the head of power for delegation.

7.14 Powers and Duties of the Local Planning Scheme No 7

This delegation is rescinded and replaced with new delegation 7.15.

Reason – the head of power for delegating under the Local Planning Scheme has changed.
The delegation requires a resolution of Council.

11 – DELEGATIONS TO COMMITTEES

11.1 Donnybrook-Balingup Aged Care Board Administrative Operations

Rescinded by Council, November 19, 2015.

Consultation

N/A

Policy / Statutory / Voting Implications

Policy

Nil

Statutory

Local Government Act (s5.46(2)).

Voting

Absolute majority

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 Council endorse the following Council Delegation amendments:

2 - ADMINISTRATION

No 2.13 Hall and Reserve Hire Waiver or Reduction

Add to ‘Power Exercised’:	Council Policy 2.47 – Community Grants Funding Scheme Policy
Remove:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees in extreme financial or special circumstances in accordance with S 6.12 of the Local Government Act 1995 and Council Policy 2.6.
Replace with:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees under the Community Grants Funding Scheme and/or extreme financial or special circumstances. Waivers or reductions must be in accordance with S 6.12 of the Local Government Act 1995, and Council Policy 2.6 or 2.47.

No 2.22 Youth Grants

Change Title	From ‘Youth Grants’ to ‘Community Grants’
Change number of Council Policy	From 2.18 to 2.47
Remove:	The Chief Executive Officer is delegated authority to approve or refuse applications for community projects requested under the Council’s Youth Grants program, up to a value of \$500.00.
Replace with:	The Chief Executive Officer is delegated authority to approve or refuse applications for funding for Minor Community Grants, Minor Event Sponsorship and Kidsport through the Council’s Community Grants Program Funding Scheme, up to a value of \$500.00.

3 - FINANCE

No 3.4 – Donations

Add reference to:	Council Policy 2.47
In point 2, add:	‘in the case of a group’, to read: “That, in the case of a group, it is a community group or non-profit-making organisation...”’

<p>Remove Point 4:</p>	<p>Special circumstances or needs exist in the opinion of the CEO to warrant a donation e.g. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards which see them requiring financial assistance for travelling, accommodation or other incidental expenses.</p>
<p>Replace with new point 4:</p>	<p>That special circumstances or needs exist in the opinion of the CEO to warrant a donation. For example, to support individuals who bring credit to the municipality through their endeavour in sport, community development, culture and the arts, where the individual has been selected to represent the State or Country at a State, National or International level.</p>

5 – BUILDING

No 5.4 – Owner Builder Occupation of Rural Land

This delegation is rescinded.

7 – TOWN PLANNING

7.2 Advertising Development Applications

7.3 Development, Subdivision, Strata and Built Strata Applications

7.4 Extensions of Time – Development Applications

7.5 Legal Proceedings – Town Planning

7.8 Extractive Industry Licences

7.13 Residential Setback Variations and Amendments to Building Envelopes

<p>In all of the above, under ‘Legislative Authority to Delegate’ delete:</p>	<p>Local Planning Scheme No 7 (s.11.2.2)</p>
<p>Replace with:</p>	<p>Planning & Development (Local Planning Schemes Regulations 2015, Schedule 2, clause 83(1))</p>
<p>Reason:</p>	<p>Amendments to the Regulations have changed the head of power for delegation.</p>

7.14 Powers and Duties of the Local Planning Scheme No 7

This delegation is rescinded.

11 – DELEGATIONS TO COMMITTEES

11.1 Donnybrook-Balingup Aged Care Board Administrative Operations

Withdrawn by Council, November 19, 2015.

Cr Mitchell moved the following motion with an amendment to remove the delegation to rescind Item 11 – Delegations to Committees to enable the delegation to be revisited should the Donnybrook-Balingup Aged Care Board be reconvened.

Amended Motion

Moved: Cr Mitchell

Seconded: Cr Dilley

That Council endorse the following Council Delegation amendments:

2 - ADMINISTRATION

No 2.13 Hall and Reserve Hire Waiver or Reduction

Add to 'Power Exercised':	Council Policy 2.47 – Community Grants Funding Scheme Policy
Remove:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees in extreme financial or special circumstances in accordance with S 6.12 of the Local Government Act 1995 and Council Policy 2.6.
Replace with:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees under the Community Grants Funding Scheme and/or extreme financial or special circumstances. Waivers or reductions must be in accordance with S 6.12 of the Local Government Act 1995, and Council Policy 2.6 or 2.47.

No 2.22 Youth Grants

Change Title	From 'Youth Grants' to 'Community Grants'
Change number of	From 2.18 to 2.47

Council Policy	
Remove:	The Chief Executive Officer is delegated authority to approve or refuse applications for community projects requested under the Council’s Youth Grants program, up to a value of \$500.00.
Replace with:	The Chief Executive Officer is delegated authority to approve or refuse applications for funding for Minor Community Grants, Minor Event Sponsorship and Kidsport through the Council’s Community Grants Program Funding Scheme, up to a value of \$500.00.

3 - FINANCE

No 3.4 – Donations

Add reference to:	Council Policy 2.47
In point 2, add:	‘in the case of a group’, to read: “That, in the case of a group, it is a community group or non-profit-making organisation...’
Remove Point 4:	Special circumstances or needs exist in the opinion of the CEO to warrant a donation e.g. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards which see them requiring financial assistance for travelling, accommodation or other incidental expenses.
Replace with new point 4:	That special circumstances or needs exist in the opinion of the CEO to warrant a donation. For example, to support individuals who bring credit to the municipality through their endeavour in sport, community development, culture and the arts, where the individual has been selected to represent the State or Country at a State, National or International level.

5 – BUILDING

No 5.4 – Owner Builder Occupation of Rural Land

This delegation is rescinded.

7 – TOWN PLANNING

7.2 Advertising Development Applications

- 7.3 Development, Subdivision, Strata and Built Strata Applications**
- 7.4 Extensions of Time – Development Applications**
- 7.5 Legal Proceedings – Town Planning**
- 7.8 Extractive Industry Licences**
- 7.13 Residential Setback Variations and Amendments to Building Envelopes**

In all of the above, under 'Legislative Authority to Delegate' delete:	Local Planning Scheme No 7 (s.11.2.2)
Replace with:	Planning & Development (Local Planning Schemes Regulations 2015, Schedule 2, clause 83(1))
Reason:	Amendments to the Regulations have changed the head of power for delegation.

7.14 Powers and Duties of the Local Planning Scheme No 7

**Lost 3/6
By Absolute Majority**

The Officer's recommended resolution was then put.

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

Moved: Cr Van Der Heide

Seconded: Cr Tan

That Council endorse the following Council Delegation amendments:

2 - ADMINISTRATION

No 2.13 Hall and Reserve Hire Waiver or Reduction

Add to 'Power Exercised':	Council Policy 2.47 – Community Grants Funding Scheme Policy
Remove:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees in extreme financial or special circumstances in accordance with S 6.12 of the Local Government Act 1995 and Council Policy 2.6.

Replace with:	The Chief Executive Officer is delegated authority under section 5.42 of the Local Government Act 1995 to waive or reduce hall and reserve hire fees under the Community Grants Funding Scheme and/or extreme financial or special circumstances. Waivers or reductions must be in accordance with S 6.12 of the Local Government Act 1995, and Council Policy 2.6 or 2.47.
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No 2.22 Youth Grants

Change Title	From 'Youth Grants' to 'Community Grants'
Change number of Council Policy	From 2.18 to 2.47
Remove:	The Chief Executive Officer is delegated authority to approve or refuse applications for community projects requested under the Council's Youth Grants program, up to a value of \$500.00.
Replace with:	The Chief Executive Officer is delegated authority to approve or refuse applications for funding for Minor Community Grants, Minor Event Sponsorship and Kidsport through the Council's Community Grants Program Funding Scheme, up to a value of \$500.00.

3 - FINANCE

No 3.4 – Donations

Add reference to:	Council Policy 2.47
In point 2, add:	'in the case of a group', to read: "That, in the case of a group, it is a community group or non-profit-making organisation...'
Remove Point 4:	Special circumstances or needs exist in the opinion of the CEO to warrant a donation e.g. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards which see them requiring financial assistance for travelling, accommodation or other incidental expenses.
Replace with new point 4:	That special circumstances or needs exist in the opinion of the CEO to warrant a donation. For

	<p>example, to support individuals who bring credit to the municipality through their endeavour in sport, community development, culture and the arts, where the individual has been selected to represent the State or Country at a State, National or International level.</p>
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5 – BUILDING

No 5.4 – Owner Builder Occupation of Rural Land

This delegation is rescinded.

7 – TOWN PLANNING

7.2 Advertising Development Applications

7.3 Development, Subdivision, Strata and Built Strata Applications

7.4 Extensions of Time – Development Applications

7.5 Legal Proceedings – Town Planning

7.8 Extractive Industry Licences

7.13 Residential Setback Variations and Amendments to Building Envelopes

In all of the above, under 'Legislative Authority to Delegate' delete:	Local Planning Scheme No 7 (s.11.2.2)
Replace with:	Planning & Development (Local Planning Schemes Regulations 2015, Schedule 2, clause 83(1))
Reason:	Amendments to the Regulations have changed the head of power for delegation.

7.14 Powers and Duties of the Local Planning Scheme No 7

This delegation is rescinded.

11 – DELEGATIONS TO COMMITTEES

11.1 Donnybrook-Balingup Aged Care Board Administrative Operations

Withdrawn by Council, November 19, 2015.

Carried 9/0
By Absolute Majority

12.5.2	SUBJECT:	DELEGATION UNDER THE PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire Administration
	Zone:	N/A
	File Ref:	CNL28
	Author:	J Attwood – Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	12 April 2016
	Attachments:	Nil

Background

In August 2015 the *Planning and Development (Local Planning Schemes) Regulations 2015* were gazette and came into effect on 19 October 2015.

Previously, the authority to delegate to the CEO the powers and functions of the Local Planning Scheme No 7 was provided under clause 11 of that scheme. Since the introduction of the new regulations, the authority to delegate is now provided under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Comment

This new delegation (No 7.15) requires a Council resolution by absolute majority. It will replace (7.14) which will be rescinded as part of the annual review of delegations.

Consultation

N/A

Policy/Statutory/Voting Implications

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, 82(1).

Voting Implications

Absolute majority

Financial Implications

N/A

Strategic Implications

Strategic Community Plan Outcome 4.5: Continue to provide quality local government services and facilities.

Council Decision (Officer's Recommended Resolution)

Moved: Cr Mitchell

Seconded: Cr Bailey

That the following delegation is adopted:

TOWN PLANNING DELEGATION 7.15

The Chief Executive Officer is delegated authority, pursuant to Clause 82 (1), of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to exercise any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.

Carried 9/0
By Absolute Majority

12.5.3	SUBJECT:	POLICY 1.24 - MEDIA SPOKESPERSON
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	ADM 11/3
	Author:	John Attwood CEO (<i>Lucy Bourne, Governance Officer</i>)
	Report Date:	12 April 2016
	Attachments:	NIL

Background

A risk review of the Shire's risk management conducted in late 2014 recommended that the Shire's Risk Management Framework include a policy on who can issue media releases or speak to the media on behalf of Council. The timeframe for this task is May 2016.

Comment

The policy below has been drafted for Council's consideration. In terms of practice, this policy changes nothing, but formalises who may or may not speak to the media (including the issue of a media release) on Council or Shire matters. This policy is supported by Delegation 1.1 Council Spokesperson (adopted 1999).

Policy/Statutory/Voting Implications

Policy -

The introduction of Policy 1.24

Statutory

Local Government Act 1995 s.5.41(f), s.5.34, s.5.44(1)

Voting

Simple majority

Financial Implications

N/A

Strategic Implications

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

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Mitchell

Seconded: Cr Dilley

That the following policy be adopted:

INTRODUCTION

From time to time Councillors and employees are approached by the media seeking comment on behalf of Council on a particular matter. It is important that Council's point of view/decision be clearly conveyed by a person authorised and qualified to express that view.

OBJECTIVE

- 1. To define those people who may speak to the media or issue a media release on behalf of Council.**
- 2. To clarify when persons other than those authorised under the *Local Government Act 1995* (the Act) are permitted to speak or issue a media release on behalf of Council to the media.**

POLICY STATEMENT

- 1. In accordance with Section 2.8(d) of the Act, the President is the authorised spokesperson of the Council.**

- 2. In accordance with Section 5.41(f) of the Act, the Chief Executive Officer may also be the spokesperson of the Council if the President agrees (refer Council Delegation 1.1).**
- 3. If the President is not available or unable to be the spokesperson (Section 5.34) then the Deputy President may perform this function.**
- 4. In accordance with Section 5.44(1) of the Act, the Chief Executive Officer may delegate authority to other officers to be the spokesperson and/or to issue a media release.**
- 5. If a Councillor or Employee is approached by the press to answer questions or make a comment on council business, unless specifically authorised by the President (if a Councillor) or the Chief Executive Officer (if an officer) the member of the press be referred to the authorised spokespersons of the Council for response.**
- 6. Unless a Councillor or employee have been authorised by the President (Councillors) or Chief Executive Officer (employees) they are to refrain from speaking on behalf of Council and should refer the media to the authorised person (President or Chief Executive Officer).**

Nothing in this policy shall prevent a Councillor expressing his/her personal opinion to the media. However, as a general principle, Councillors having dealings with the media when approached by it to make a statement or private comment on a matter of Council business, should have regard to any resolutions of the Council affecting the matter in question.

POLICY APPLICATION

This policy is applicable to all elected members during their terms of office as Councillors and all employees whilst employed by the Shire of Donnybrook-Balingup.

Carried 7/2

12.5.4	SUBJECT:	ADOPTION OF CAT LOCAL LAWS
	Location:	SHIRE OF DONNYBROOK-BALINGUP
	Applicants:	SHIRE OF DONNYBROOK-BALINGUP
	Zone:	N/A
	File Ref:	CNL 25
	Author:	John Attwood –Chief Executive Officer (<i>Lucy Bourne, Governance Officer</i>)
	Report Date:	11 April 2016
	Attachments:	12.5.4 Shire of Donnybrook-Balingup Cat Local Law 2016

Background

In 2007, the Shire of Donnybrook-Balingup introduced a local law pertaining to the welfare and keeping of Cats. This allowed Council to promote responsible cat ownership, reduce the nuisance to the community and damage to wild animals caused by cats. At the time no State legislation existed in relation to the keeping of cats.

The State Government introduced the *Cat Act 2011* and it took full effect in November 2013. The *Cat Act* and associated regulations provide a comprehensive general regulatory framework for the management of cats. It also provides local governments with the power to make local laws on a range of matters specific to their situation.

At the Ordinary Meeting of 25 March 2015, Council resolved to introduce a new Local Law, to be known as the *Shire of Donnybrook-Balingup Cat Local Law*. State-wide and local public notice of the proposed new local law was given and a copy made available for viewing. The Department for Local Government advised that a number of revisions to the draft were necessary and, because one of these constituted a significant change, the proposed local law would need to be re-advertised.

The proposed local law was revised according to the Department's recommendations and re-advertised on 19 October 2015, with submissions invited up until Friday 11 December 2015.

Comment

No submissions from the public were received. Further minor amendments were recommended by the Department for Local Government, which have been incorporated.

The purpose of the proposed local law is to provide Council with measures in addition to those under the *Cat Act 2011* to control the keeping and welfare of cats.

The effect of this local law is to: -

- (a) Promote responsible cat ownership;
- (b) Reduce the nuisance to the community caused by cats;
- (c) Limit the damage to and the loss of wildlife caused by cats; and
- (d) Promote the welfare and safety of domestic cats.

The proposed Local Law provides control over the following:

- The number of cats that may be kept without a permit

- Cats creating a nuisance
- Confinement of cats to the owner's premises
- Removing and impounding cats
- Keeping, transferring and disposing of cats kept at a cat management facility
- The establishment, maintenance, licensing, regulation, construction, record keeping and inspection of cat management facilities.

These controls are over and above those provided for in the *Cat Act 2011*.

Consultation

WALGA, Department of Local Government

Policy/Statutory Implications

Cat Act 2011
Cat Regulations 2012
Cat (Uniform Local Provisions) 2013
Local Government Act 1995 Section 3.16.

Financial Implications

Gazettal – approx. \$1300 excluding GST

Strategic Implications

Strategic Community Plan objective 3.8 – maintain a safe and friendly community environment.

Council Decision (Officer's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Van Der Heide

That Council, under the powers conferred by the Cat Act 2011, Council adopt the Shire of Donnybrook-Balingup Cat Local Law 2016 as shown in attachment 12.5.4, and local notice be given.

The purpose of this local law is to provide Council with measures in addition to those under the *Cat Act 2011* to control the keeping and welfare of cats

The effect of this local law is to promote responsible cat ownership, reduce the nuisance to the community caused by cats, limit the damage to and the loss of wildlife caused by cats and promote the welfare and safety of domestic cats

**Carried 9/0
By Absolute Majority**

12.5.5	SUBJECT:	POLICY 2.47 COMMUNITY GRANT FUNDING SCHEME POLICY
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	ADM 11/3
	Author:	John Attwood CEO (<i>Lucy Bourne, Governance Officer</i>)
	Report Date:	8 April 2016
	Attachments:	NIL

Background

At the Ordinary Council Meeting of 23 March 2016, Council approved a new Community Grant Funding Scheme, aimed at eliminating inconsistencies and broadening its scope. The new scheme needs to be written into Council Policy.

Comment

A new policy is offered to Council for consideration and adoption. This policy replaces Policy 2.17 *Support for the Arts – Acquisition and Prizes*, Policy 2.2 *Youth Grants* and Policy 2.23 *Donnybrook Amphitheater* as these are included in the new scheme. The intention is to rescind these policies as part of the annual Policy Review in May 2016.

Policy/Statutory/Voting Implications

Policy -

The introduction of Policy 2.47 will affect 2.17, 2.22 and 2.23.

Statutory

N/A

Voting

Simple majority

Financial Implications

The Shire will be required to make a financial commitment to the Community Funding Scheme in the annual budget. This contribution is in line with what has previously been committed through Community grants, event funding, art sponsorship, youth grants, Donnybrook Amphitheatre, donations, waiving fees and recurrent funding.

Strategic Implications

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

Cr Mitchell Seconded the resolution with an amendment that Retrospective Costs be removed from the Eligibility criteria. Cr Dilley agreed to the amendment.

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

Moved: Cr Dilley

Seconded: Cr Mitchell

That the following policy be adopted:

Policy 2.47 Community Grant Funding Scheme Policy

Objective

The Shire of Donnybrook Balingup Community Funding Scheme aims to build sustainable local communities, enhance the social wellbeing and development of the Shire of Donnybrook Balingup community.

Submissions are encouraged from individuals, community groups, not-for-profit and commercial organisations that are seeking support for projects, activities and events that address identified community needs.

Policy

1 Eligibility

To be eligible for funding, applicants must satisfy the eligibility criteria set out in the relevant Funding Category Guidelines, and must:

- Offer a project or activity within the Shire of Donnybrook Balingup's local government boundary, or if the applicant is an individual, they must be a resident of the Shire,
- Have completed and acquitted any project, activity or event for which Shire of Donnybrook Balingup funding was previously received,
- Have no outstanding debts to the Shire of Donnybrook Balingup,
- Undertake the project, activity or event for the benefit of the wider community; and
- Submit an application in accordance with the requirements outlined in the relevant Funding Category Guidelines on the prescribed Application Form.

Applicants are eligible for a maximum of one grant per Funding Category per financial year, however it should be noted that the Shire has a limited budget and will endeavour to distribute funds equitably throughout the community.

- The Shire of Donnybrook Balingup Community Funding Scheme does not provide funding for:
- Projects that duplicate existing Shire of Donnybrook Balingup services and programs,
- Activities that are already covered by existing service agreements with the Shire of Donnybrook Balingup,
- Projects with a primarily a political or religious purpose only,
- ~~Retrospective costs.~~

2 Assessment of Applications:

Applications will be assessed according to the following priorities of the Shire of Donnybrook Balingup Community Funding Scheme:

Build Capacity, Partnerships and Leverage Resources

- Increase the human and organisational capacity of recipients or the community,
- Maximise in-kind, cash donations and volunteer time from community, business and / or other funding bodies,
- Facilitate ways in which recipients can give back to the community,
- Encourage community participation and capacity building; and
- Demonstrate an effect that will have an impact beyond the funding period.

Demonstrate Accountability for the Expenditure of Public Funds

- Adopt a risk-management based approach,
- Clearly defined aims, objectives and outcomes that are measurable,
- Be well-planned and achievable within clear and detailed timelines,
- Provide evidence to establish that funds and in-kind support provided by the Shire of Donnybrook Balingup will be used for their intended purpose,
- Seek to maximise value for money,
- Recognise the Shire of Donnybrook Balingup's Contribution, and
- Enhance the image of the Shire of Donnybrook Balingup.

3 Community Grants – Major

Up to \$2,000 – Total annual budget allocation - \$7,500.

- These grants are available to not-for-profit organisations and community organisations and groups. Unincorporated organisations must be supported by an auspicing organisation (an incorporated organisation willing to act as an 'umbrella' organisation).

- **Applications can be made once a year as a part of the Shire’s annual Community Grant round which usually opens in February each year and closes no later than the end April each year. Applications are assessed against the criteria outlined in these Guidelines by the Shire Community Grants and Awards Committee. The Committees recommendations are submitted to Council for consideration as part of the annual Shire budget process.**
- **We support various types of projects and activities that improve the wellbeing of the community.**

4 Community Grants – Minor

Up to \$500 – Total annual budget allocation - \$3,000.

- **These grants are available to not-for-profit organisations and community organisations and groups. Unincorporated organisations must be supported by an auspicing organisation (an incorporated organisation willing to act as an ‘umbrella’ organisation).**
- **Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity. Applications are assessed by Shire officers against the criteria outlined in these Guidelines.**
- **We support various types of projects and activities that improve the wellbeing of the community.**

5 Event Sponsorship - Major

Up to \$2,000 – Total annual budget allocation \$7,500

- **Applicants must be based in the Shire of Donnybrook Balingup, or be conducting the event or activity for the benefit of the Shire of Donnybrook Balingup. This funding is open to not-for-profit and commercial organisations.**
- **Applications can be made once a year as part of the Shire’s annual Community Grant round which opens in March each year and closes no later than the end April each year. Applications are assessed against the criteria outlined in these Guidelines by the Shire Community Grants and Awards Committee. The Committees recommendations are submitted to Council for consideration as part of the annual Shire budget process.**

- **The Shire of Donnybrook Balingup sponsors events that help to celebrate our diverse community.**

6 Event Sponsorship - Minor

Up to \$500 – Total annual budget allocation \$3,000

- **These grants are available to not-for-profit organisations and community organisations and groups. Unincorporated organisations must be supported by an auspicing organisation.**
- **Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity. Applications are assessed by Shire officers against the criteria outlined in these Guidelines.**
- **The Shire of Donnybrook Balingup sponsors events that help to celebrate our diverse community.**

7 Cash Donations – Minor

Up to \$200 – Total annual budget allocation - \$2,000

- **Applicants must be Shire of Donnybrook Balingup residents.**
- **Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity. Applications are assessed by Shire officers against the criteria outlined in these Guidelines.**
- **Shire of Donnybrook Balingup Cash Donations aim to support individual endeavour in sport, community development, culture, and the arts, where the individual has been selected to represent the State or Country at a State, National or International level. There are three levels of Cash Donations, depending on the level of competition:**

International	Up to \$200 per applicant per year
National	Up to \$150 per applicant per year
State	Up to \$100 per applicant per year

8 Non Cash Donations / Waiver of Fees

Up to \$500 – Total annual budget allocation - \$2,000.

- **Applicants must be based in the Shire of Donnybrook Balingup, or be conducting the event or activity for the benefit of the Shire of Donnybrook Balingup. This funding is open to individuals, not-for-profit and commercial organisations.**
- **Applications can be made at any time. Applications must be received twelve (12) weeks prior to the commencement of the project or activity. Applications are assessed by Shire officers against the criteria outlined in these guidelines.**
- **Shire of Donnybrook Balingup Non-Cash Donations/Waiver of Fees aim to contribute to the viability of community projects and events. Applicants may apply for a maximum of \$500 in any one financial year. Donations may, for example, include a waiver of the cost of Shire venue hire or the provision of Shire rubbish bins at an event.**

9 Kidsport (Department for Sport and Recreation Funded) - Minor

Up to \$200 – total budget allocation \$10,000.

- **Applicant must be aged 5-18 years,**
- **Applicant must have a Health Care Card or Pension Concession Card or be referred by a recognised referral agent,**
- **Applicants' primary place of residence must be in the Shire of Donnybrook Balingup.**
- **Funding will cover the cost of fees to join the nominated sport or recreation club (this may include other related compulsory costs as identified by the club).**
- **Maximum of up to \$200 per child per calendar year,**
- **No retrospective fees will be paid,**
- **No limit to number of applications per family as long as the criteria is met.**

10 Recurrent Funding

Total annual budget allocation - \$67,500

- **Applicants whose primary purpose is to service the people living with the Shire of Donnybrook Balingup (e.g Donnybrook and Balingup tourism associations, Donnybrook Community Resource Centre).**

- **Applications can be made once a year no later than the end of April. Applications are submitted to Council for consideration as part of the annual Shire budget process.**
- **The Shire of Donnybrook Balingup supports projects and organisations that help build capacity within the community.**

Further information is provided in the *Community Grant Funding Scheme Information Kit & Application Forms*.

Carried 8/1

12.5.6	SUBJECT:	PURCHASE OF I-CARE COMPUTER SYSTEM
	Location:	Tuia Lodge Frail Aged Facility
	Applicants:	Tuia Lodge
	Zone:	N/A
	File Ref:	Greg Harris, A/CEO (Kate O’Keeffe, Executive Assistant))
	Report Date:	14 April 2016
	Attachments:	12.5.6 – Proposal from iCareHealth

Background

Tuia Lodge currently manually records all clinical and care management provided to residents at Tuia Lodge. This systems is both time consuming and unreliable. The implementation of an electronic system would greatly improve record keeping practices and improve the opportunity to access ACFI funding.

Recommendations on Aged Care packages were sourced from the acting and current Facility Manager’s. Based on this, quotes were sourced from Leecare Solutions- Platinum 5, and iCareHealth, two of the leading software packages used in the Aged Care industry.

Comment

iCareHealth is the market leader for clinical care and medication management software to the Australian aged care sector. It is an all-in-one cloud-enabled software program that provides residential and home care providers with integrated clinical and care management solutions. The range of aged care software helps residential care providers to greatly improve productivity, maximise funding opportunities, reduce compliance risks and importantly, enhance the quality of care services.

iCareHealth has proven implementation methodology that ensures on time, on budget, success. iCareHealth’s Implementation Planning Study (IPS) is the most comprehensive in the industry, ensuring a transparent and low risk implementation.

There are a number of reasons to support the implementation of the iCareHealth system at Tuia Lodge:

Reduced risk across both Clinical Care & Medication Management

iCareHealth's Clinical, Care and Medication Management software ensures one record on the floor for key care and nursing staff. This reduces the risk of using duplicate systems and the errors that can occur with multiple data sources.

Having PRN evaluations automatically recorded and highlighted in progress notes is a great example of the benefit of one system to capture key clinical and medication data.

Finally, statistics indicate that the average resident receives 9 medications per day meaning that for an organisation with 40 residents such as Donnybrook-Balingup Shire Council, over 131,000 medications are administered annually. There is huge risk attached to this volume of data and number of processes, with Australian studies confirming that 1 in 4 hospital admissions of older people are directly related to medication misadventure.

The introduction of iCareHealth's Medication Management module will significantly reduce Donnybrook-Balingup Shire Council's current medication errors by up to 90%. All signature omissions (errors) will be immediately eliminated with the introduction of one electronic signature at the commencement of the medication round. Staff signatures will always be attached to the administration of any medication within iCareHealth, whilst staff are required to always comment on why a particular medication was missed before completing the medication round.

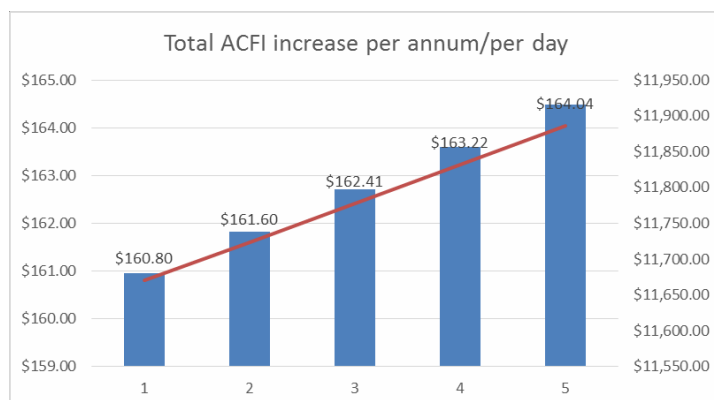
ACFI uplift

iCareHealth clients have typically enjoyed ACFI uplifts of several percentage points, resulting in significant extra annual revenue. Most clients attribute at least a 0.5 percentage point of their ACFI increase to the accuracy of documentation based on iCareHealth's ease of use for care and nursing staff.

This is further augmented with iCareHealth's range of automatic ACFI optimisation reports that flag changes in residents' health and wellbeing highlighting those that should be the focus for immediate reappraisal.

The graph below outlines the potential ACFI uplift for organisations over a 5 year period. The example is based on an organisation with 40 residents who on average receive an ACFI total of \$160.00 per day.

The figures suggest an annual ACFI increase of almost \$12,000 each year, over a 5 year period.



Staff time savings

iCareHealth is proven to reduce duplication of documentation on the floor for care and nursing staff. These time savings are becoming even greater as iCareHealth clients continue to embrace mobility options such as tablets and iPads.

iCareHealth's Medication Management software is enabling aged care providers to reduce medication rounds by 30-45 minutes, per trolley. This key metric is giving key back more time for resident care to these skilled team members.

Stronger governance

iCareHealth is assisting aged care provider teams and their boards gain a much clearer picture on their residents' clinical, care and medication management status at any point. All key resident funding, clinical and medication information is accessible immediately.

Instant medication reporting

iCareHealth's comprehensive medication reporting provides robust analysis of all key aspects of medication administration and ensures staff follow correct clinical process. Instantly generate powerful medication tracking reports to help you with your medication audits, identify medication errors, missed medications, administered PRN medications and even track which employee is accessing and administering resident medication. The advantage of having a single source of truth for electronic medication reporting represents time savings and risk mitigation

The cost to license and implement iCareHealth's Clinical Care and Medication Management software is \$46,860. Further information including the breakdown of cost is provided in Attachment 12.5.6. A further \$10,000 would be required for incidental equipment including computers, iPads, and the installation of wireless routers throughout the system.

It is recommended the purchase and installation of the iCareHealth system take place prior to 30 June 2016 to ensure the system is in place and running for the 2016/17 financial year.

Policy/Statutory/Voting Implications

Policy/ Statutory

N/A

Voting

Absolute majority

Financial Implications

\$55,000 would be required to be transferred from the Aged Housing Reserve to purchase and install the iCareHealth software and purchase and install incidental equipment to support the software system.

Strategic Implications

This project aligns with the Shire's Strategic Plan:

- Social - Outcome 3:1 - Improve and increase the range of aged care and disability services, facilities and housing.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Tan

That Council

- 1. Approve the purchase and installation of the iCareHealth software program prior to 30 June 2016;**
- 2. Approve the transfer of \$55,000 from the Aged Housing Reserve.**

**Carried 9/0
By Absolute Majority**

12.5.7	SUBJECT:	BALINGUP BOWLING & CROQUET CLUB LIGHTING PROJECT – CSRFF FUNDING
	Location:	Balingup Bowling & Croquet Club, South West Hwy, Balingup.
	Applicants:	Administration
	Zone:	N/A
	File Ref:	PRO 02/3
	Author:	John Attwood, CEO (<i>Deb Vanallen, Community Development Officer-Team Leader</i>)
	Report Date:	11th April, 2016
	Attachments:	Nil

Background

The Balingup Bowling & Croquet Club was established in 1926. It is an incorporated club of bowling and croquet players which is based at the Balingup Recreation Centre.

The Bowling Club has doubled in size since the installation of the synthetic green and is continuing to attract new members. Currently, the Club has 25 ‘capitated’ pennant players (full club members) and the membership is growing. Another 50 social bowlers and 20 croquet players make up the Club.

The majority of pennant and social bowls is played annually between September through to April, although a core group of bowlers play throughout the winter months, and the Croquet Club plays all year around.

During the summer season, pennant bowls is played on Saturdays and mid-week on Wednesdays. During the 2016 summer season, 64 participants – male & female aged between 15 years and 84 years participated in the Tuesday Corporate Bowls Competition. In addition to the pennant & corporate bowls competition, the Club hosts regular bowling carnivals, special events and one-off social games.

Comment

The health & wellness benefits associated with playing bowls, particularly for older people, is well documented and include:

- improved fitness,
- improved coordination and skill development,
- increased confidence and self-esteem,
- enhanced mental wellbeing,
- community connectedness and support.

The Club has had a resurgence in membership, and this trend is likely to continue given the population growth within the Balingup townsite and surrounding region. As the population ages and Club attendances grow, the Club committee has expressed concern about the risk of skin cancer and heat stroke through playing gazetted matches in full sun, and in the heat of the day.

The Club has approached the Shire, and the Department of Sport and Recreation with the view to submitting a CSRFF Small Grant Funding application to install lights on the Balingup Bowling Green.

Lights will enable the Club to reschedule a number of their current bowling programs to the late afternoon and early evening. They believe that this change alone will not only benefit the players/participants health through reduced exposure to sun and excessive heat, but it will also increase player numbers as some potential new players are unable to participate in the Club's bowling program due to work commitments.

The Club began preliminary planning for this project sometime ago and have been liaising with the Shire, and the Department for Sport and Recreation throughout this period. Shire planning approval has been granted.

In addition to the draft CSRFF application, the Club has supplied the following information in support of their grant application:

- Two quotes with lighting plans
- Certificate of Incorporation
- The Club's latest Balance Sheet and Profit and Loss statements
- Minutes of the last committee meetings
- Maps and photographs
- A letter of support from the Balingup Progress Association
- A letter of support from the Balingup and Districts Sport Association.

Lighting Installation

Funding Source	
Balingup Bowling & Croquet Club	\$9,934
Department of Sport and Recreation - CSRFF	\$9,934
Shire of Donnybrook Balingup	\$9,934
Total project costs	incl gst \$ 29,802

The Club are seeking a one third contribution from the Shire of Donnybrook Balingup in the 2016/2017 financial year.

Consultation

The Balingup Bowling & Croquet Club has consulted with the following groups:

- Club members
- Other groups/clubs affiliated with the Balingup and District Sports Association
- Balingup Progress Association
- Shire of Donnybrook Balingup
- Department for Sport and Recreation

Policy/Statutory/Voting Implications

Policy

Financial assistance to Organisations and Clubs Policy 3.1. Council's maximum contribution is 33.33% subject to funds available in budget.

Statutory

N/A

Voting

Simple majority

Financial Implications

The Club are seeking a one third contribution (\$9,934) from the Shire of Donnybrook Balingup to be considered during the 2016/17 budget.

Strategic Implications

This project aligns with the Shire's Strategic Plan:

- Social - Objective 3: A healthy, safe and inclusive community enjoying a high quality of life.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council

- 1. Identify the Balingup Bowling & Croquet Club lighting project in its Forward Capital Works Plan and Long Term Financial Plan;**
- 2. Provide 'in principle' support to the Balingup Bowling & Croquet Club lighting project proposal;**
- 3. Support the Balingup Bowling & Croquet Club lighting project application to the Department of Sport and Recreation for funding support via the department's CSRFF Grant Program (Small Grants).**
- 4. That Council consider a financial contribution to the Balingup Bowling & Croquet Club of \$9,934 during the 2016/2017 Draft Budget.**

Cr Crowley proposed an amendment to remove item 2 Provide 'in principal' support to the Balingup Bowling and Croquet Club lighting project proposal.

Amended Motion

Moved: Cr Crowley

Seconded: Cr Tan

That Council

1. Identify the Balingup Bowling & Croquet Club lighting project in its Forward Capital Works Plan and Long Term Financial Plan;
3. Support the Balingup Bowling & Croquet Club lighting project application to the Department of Sport and Recreation for funding support via the department's CSRFF Grant Program (Small Grants).
4. That Council consider a financial contribution to the Balingup Bowling & Croquet Club of \$9,934 during the 2016/2017 Draft Budget.

Carried 9/0

12.5.8	SUBJECT:	LOCAL LAW REVIEW
	Location:	SHIRE OF DONNYBROOK-BALINGUP
	Applicants:	SHIRE OF DONNYBROOK-BALINGUP
	Zone:	N/A
	File Ref:	CNL25
	Author:	John Attwood – CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	11 April 2016
	Attachments:	NIL

Background

Section 3.16 (1) of the Local Government Act 1995, requires that within a period of 8 years from the day when a Local Law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

The following local laws are due for review in 2016:

- Disposal of Refuse, Rubbish & Disused Material Local Law
- Cemeteries Local Law
- Dog local Law
- Parking & Parking Facilities
- Standing Orders (review commenced in 2015)

Comment

To comply with the Act it is recommended that Council adopt the following process:

- 1) State-wide public notice to be given inviting submissions on the review of the local law for a period of not less than 6 weeks (section 3.16(2) & 3.16(2a) of the *Local Government Act 1995*)
- 2) Following completion of the submission period, any submission received will be considered by Council officers and a report prepared and submitted to Council (section 3.16(3) of the *Local Government Act 1995*).
- 3) Council to consider the report to determine whether or not it considers that the local law should be repealed or amended (*absolute majority required*).
- 4) State-wide public notice to be provided
 - stating the title of the local law reviewed;
 - advising of its determination; and
 - advising that copies of the report of the review may be inspected or obtained from the local government's office.

If the local law is to be amended or repealed, the process outlined in section 3.12 of the *Local Government Act 1995* is to be commenced as follows:

- 1) At the Council meeting the presiding person is to give notice to the meeting of the purpose and effect of the proposed local law on the prescribed manner.
- 2) State wide and local public notice to be given inviting submissions on the proposed local law for a period not less than 6 weeks.
- 3) Copies of proposed local law, National Competition Policy form and public notice to be sent to the Minister for Local Government
- 4) After the last day for submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed (*absolute majority required*)
- 5) After making the local law, council is to publish it in the Gazette and give a copy to the Minister.
- 6) State-wide public notice to be provided
 - stating the title of the local law reviewed;
 - summarising the purpose and effect of the local law
 - advising that copies of the local law may be inspected or obtained from the local government's office.

Consultation

Under the Local Government Act 1995, section 3.16, Council is to give State-wide public notice for not less than 6 weeks, stating its intention to review the local law and public submissions can be made during this time.

Policy/Statutory Implications

Local Government Act 1995 Section 3.16.

Financial Implications

Cost of state-wide and local advertising proposed review, approx. \$600.

Strategic Implications

N/A

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Van Der Heide

Seconded: Cr Crowley

That under the Local Government Act 1995, Section 3.16, Council give state-wide public notice for a period of not less than 6 weeks that Council proposes to review the following local laws:

- **Disposal of Refuse, Rubbish & Disused Material Local Law**
- **Cemeteries Local Law**
- **Dog local Law**
- **Parking & Parking Facilities Local Law**
- **Standing Orders Local Law**

Carried 9/0

Note: Governance Officer to be requested to review the Bushfire Brigade Local Law

12.5.9	SUBJECT:	STANDING ORDERS LOCAL LAW
	Location:	SHIRE OF DONNYBROOK-BALINGUP
	Applicants:	SHIRE OF DONNYBROOK-BALINGUP
	Zone:	N/A
	File Ref:	CNL25
	Author:	Greg Harris – A/CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	18 February 2015
	Attachments:	NIL

Background

Council is required to review local laws every 8 years. Although the Standing Orders Local Law was not due for review until 2016, work on it began in 2015. It was included in the list of local laws to be reviewed, for which submissions were invited between April and June 2015. No submissions regarding the Standing Orders Local Law were received.

In September 2015 the Legislative Committee recommended a Councillor workshop be held in early 2016 to look at the Standing Orders Local Law.

The workshop was held on 22 March 2016. The following options were looked at:

Option 1 – do nothing	Leave the Standing Orders exactly as they are.
Option 2 – make changes to the existing Local Law	Update and amend current Standing Orders.
Option 3 – introduce a new Standing Orders Local Law. based on the WALGA model. This would automatically repeal the current local law.	This new local law would be based on the WALGA model. It would automatically repeal the current local law.

Comment

All Councillors have received copies of the current local law (option 1), notes on option 2 and a copy of the model local law (option 3).

Four councillors attended the workshop in March. All Councillors were subsequently invited to comment. One comment was received in favour of adopting the WALGA model Standing Orders Local Law.

Option 1: This option would require no further action.

Option 2: The current local law contains old-fashioned and, sometimes, inconsistent terminology. It does not concur with WALGA training provided to Councillors on meeting procedures. Any amendments require a new (amendment) local law to be made, following the complete process as set out in the Act.

Option 3: Adopt a new Standing Orders Local Law based on the WALGA model. It is contemporary, tested and accords with training available to Councillors. In 2014 & 2015, 10 local governments adopted Standing Orders (or Meeting Procedure) local laws based on the model; three amended their existing local laws. As with Option 2, this would involve following the complete process for introducing a new local law.

Consultation

WALGA

Policy/Statutory Implications

Local Government Act 1995 Section 3.16.

Financial Implications

N/A

Strategic Implications

Community Strategic Plan Outcome 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 Council proceed with the review based on Option 3, introducing the WA Local Government Standing Orders model local law.

Cr Dilley requested this item lie on the table to afford Councillors time to properly review the Standing Orders Local Law.

Procedural Motion

Moved: Cr Dilley

Seconded: Cr Bailey

That the motion lie on the table.

Carried 7/2

12.6 Recall Items

Nil

Council Decision

Officer's Recommended Resolution

Moved: Cr King

Seconded: Cr Bailey

That the Meeting be closed to the public under the Local Government Act 1995 for Item 12.7.1 – 2016 Association Honours under Section 5.23 (2) (b) the personal affairs of any person.

Carried 9/0

**7.38pm - CB Knight, Manager Works and Services and the Principal Planner left the meeting.

