



Ordinary Council Meeting Minutes

Held on Wednesday, 8 February 2017

Commencing at 5.04pm

In the Senior's Room, Donnybrook Community Library
Bentley Street, Donnybrook

A handwritten signature in black ink, appearing to read "BGR" followed by a flourish.

Ben Rose
Chief Executive Officer

14 February 2017

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

8 February 2017

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SHIRE OF DONNYBROOK BALINGUP

ORDINARY COUNCIL MEETING MINUTES

Held at the Senior's Room, Donnybrook Community Library
Wednesday, 8 February 2017 at 5.04pm

MEMBERS PRESENT

COUNCILLORS

Cr Logiudice
Cr Bailey
Cr Crowley
Cr Dilley
Cr King
Cr Mills
Cr Mitchell
Cr Van Der Heide

STAFF

B Rose – Chief Executive Officer
G Harris – Manager Finance and Administration
D Morgan – Manager Works and Services
L Guthridge – Manager Development and Environmental Services
B Wallin – Principal Planner
J Shelley – Facility Manager Tuia Lodge
K O'Keeffe – Executive Assistant

PUBLIC GALLERY

Keith White
Gerry Loveridge

Sarah O'Rourke

1 APOLOGIES

Cr Tan (approved leave).

2 PUBLIC QUESTION TIME

Question Taken on Notice at the Ordinary Council meeting on 21 December 2017:

Sherry Thomas

Promote Preston has requested from the Minister for Forestry an immediate moratorium on logging in all of the Greater Wellington National Park proposed areas, including Arcadia, at least until the next state elections. To date we have posted 195 letters supporting the moratorium collected from local markets over the last few weeks plus 50 online letters and here is another 177 to be posted tomorrow. Obviously there is substantial support for our proposal and we ask the Shire if you will support our request for a moratorium too?

Chief Executive Officer

The Donnybrook-Balingup Shire is currently undertaking a thorough consultative process with other Shires and the Department of Parks and Wildlife and is awaiting further information from the Department of Parks and Wildlife on this matter.

3 APPLICATION FOR LEAVE OF ABSENCE

Nil

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 LATE ITEMS

7 CONFIRMATION OF MINUTES

7.1 Ordinary Meetings of Council

Council Decision

Moved: Cr Van Der Heide

Seconded: Cr Bailey

That the Minutes of the Ordinary Meeting of Council held on 21 December 2016 be confirmed as a true and accurate record.

Carried 8/0

7.2 Annual General Meeting of Electors

Council Decision

amended

Moved: Cr Dilley

Seconded: Cr Mills

That the Minutes of the Annual General Meeting of Electors held on 21 December 2016 be received by Council.

Carried 8/0

8 ELECTED MEMBERS MOTIONS

8.1.1	SUBJECT:	PARALLEL PARKING – SOUTH WESTERN HIGHWAY, DONNYBROOK
	Location:	South Western Highway, Donnybrook
	Applicants:	Nil
	Zone:	N/A
	File Ref:	CNL 34G
	Author:	Councillor Bailey
	Report Date:	20 January 2017
	Attachments:	Nil

Cr Bailey has proposed the following Notice of Motion:

In relation the South Western Highway renewal works planned by Main Roads Western Australia for February-March 2017 at the northern entry to the Donnybrook townsite, Council request the Chief Executive Officer to consult with Main Roads Western Australia to seek reinstatement of the present alignment of informal parallel parking on the northbound alignment of South Western Highway, except where Main Roads Western Australia’s safety assessment recommends otherwise.

Cr Bailey’s Comment

At the June Council meeting Council resolved that its preferred design for the layout and marking on this section of the Highway was as per the present design from Main Roads WA (MRWA). Council received no information on the effect the loss of parking would have on the rate payers either side of the proposed works. Point two below formed part of that June Council meeting Motion:

“2. Request MRWA to present the near complete design to the Donnybrook Townscape Committee for formal final comment prior to approving the design for construction.”

This left Councils decision open for further input.

In the interim owners of a significant Local Business contacted Councillors to convey their concerns over the loss of parking and the financial effect it would have on their business.

At the Townscape meeting Mains Roads WA advised they did not have an issue with parallel parking along the Highway. Again no information given to the Committee on what effect the loss of parking would have on business and residents.

At the December OCM Council passed the below motion:

“1) That Council consider an allocation within the 2017/18 Financial Year Budget of up to \$40,000 to engage a consultant to undertake consultation with relevant stakeholders and develop a Strategic Streetscape Plan for the length of the South Western Highway within the Donnybrook town site. Carried 8/0”

A second Motion:

- “ 1. That Council instruct the Chief Executive Officer to request Main Roads WA to work with the Shire’s Officers to design and construct a long vehicle parking bay/s adjacent to Lot 142 South Western Highway, Donnybrook, as part of the imminent South Western Highway renewal works in that locality.*
- 2. Design and delivery of the parking bay/s referenced in Recommendation above, is to be consistent with those in the Donnybrook Town Centre.*
- 3. That Council instruct the Chief Executive Officer to negotiate with the owner of Lot 142 South Western Highway, Donnybrook, for a financial or in-kind contribution by the owner towards the construction of the long vehicle parking bay/s and associated footpath.”*

This Motion was Lost 2/6.

It was considered by some to be planning on the run, furthermore the owners of lot 142 had already conveyed to Councillors that any short term proposal would be a waste of money as it would undoubtedly not fit with the final overall plan.

Business needs this parking and I feel confident the money for the strategic streetscape plan will be approved in the next financial year and urge councillors to support this motion.

Administration’s Comment

Council has had agenda items at its 22 June 2016 and 21 December 2016 Ordinary Council Meetings, where the context of this proposed motion has been discussed, debated and resolved.

The road is the responsibility of Main Roads WA; the Shire’s input was requested through the design process, for consideration by Main Roads WA against other factors such as:

- Safety;
- Current and future vehicle, cyclist and pedestrian movements;
- Site constraints; and
- Future needs and planning for the area.

No designated on-road parking currently exists on this alignment of South Western Highway, or, to my understanding, has been provided in the past within this section. The area does have a history of being used for parking between the road edge line and the kerb, which is below current parking standards for a road of this Highway hierarchy. Whilst the parking activity has not been restricted in the past, this does not imply that it has been without incident or objections.

What is proposed within the motion will facilitate the continuation of un-formalised on-road parking in the area to support the activities of surrounding businesses and properties, however, does not address:

- Improving traffic movement for vehicles, cyclists and pedestrians;
- Improving road safety; or
- Catering for future growth of the Highway and Shire.

Traffic congestion and safety in this area is an ongoing issue for both Main Roads WA and the Shire. Whilst it is noted the intent of this motion is to facilitate the parking needs of businesses in the area, Council should also consider the reasons why the previous decisions were adopted.

Council should note that if the motion is supported, the Administration can only request Main Roads WA to make the changes outlined, as the functioning of the Highway is Main Roads WA's responsibility.

Cr Dilley raised the point that the resolution made at the 22 June 2016 Ordinary Council Meeting would need to be revoked prior to Council considering Cr Baileys notice of motion. The meeting was paused briefly while Manager Finance and Administration searched the minutes from the June meeting online. Cr Mills proposed the meeting continue and the agenda item be returned to when the information from the June 2016 Ordinary Council meeting is to hand.

Procedural Motion

Moved Cr Mills

Second Cr Bailey

That Council return to item 8.1.1 when the information from the June 2016 Ordinary Council Meeting is available.

Carried 7/1

Elected Members Motion

Moved: Cr

Seconded: Cr

In relation the South Western Highway renewal works planned by Main Roads Western Australia for February-March 2017 at the northern entry to the Donnybrook townsite, Council request the Chief Executive Officer to consult with Main Roads Western Australia to seek reinstatement of the present alignment of informal parallel parking on the northbound alignment of South Western Highway, except where Main Roads Western Australia's safety assessment recommends otherwise.

9 MINUTES OF PREVIOUS MEETINGS

9.1 Committee Minutes

Council Decision

Moved: Cr Bailey

Seconded: Cr Dilley

That the following Committee Minutes be received:

- **Balingup Townscape Committee Meeting – 1 February 2017**
- **Donnybrook Townscape Committee Meeting – 1 February 2017**

Carried 8/0

10 REPORTS OF COMMITTEES

10.1 Donnybrook Townscape Committee

10.1.1	SUBJECT:	REQUEST FOR DONNYBROOK COMMUNITY GARDEN SITE
	Location:	Lot 51 Reserve Street, Donnybrook and Reserve 17521 (Egan Park)
	Applicants:	Donnybrook Community Garden Inc
	Reserve:	Parks and Recreation
	File Ref:	A162
	Author:	Bob Wallin (Principal Planner)
	Report Date:	16 January 2017
	Attachments:	10.1.1 - Location Plan

Background

The Donnybrook Community Garden Inc. presented to the Townscape Committee at its meeting on 14 September 2016 outlining its preferred site (Corner Irishtown Road and South Western Highway) as well as providing a concept sketch.

Research has indicated that there are a number of constraints to this site including:

- Need to amend vesting order (currently can only be used as “Caravan Park”);
- Lack of services (water source, toilets, power, parking...);
- High visibility of the site; and
- Distance from town.

A new alternative site is suggested.

The preferred site includes portion of Lot 51 Reserve Street, Donnybrook (see Attachment 10.1.1 – Location Plan) and Reserve 17521. The proposal is to use the rear portion of Egan Park.

The Donnybrook Community Garden Inc. now seeks Council support to use this site.

The subject land is reserved “Parks and Recreation” under Local Planning Scheme No.7 (LPS7). The proposed use is consistent with the intent of the reserve.

Reserve 17521 is vested with the Shire for the purpose of “Recreation” and Lot 51 is owned freehold. The proposed use is consistent with the management order.

The suggested site is well located for the use and is close to required services. The site will not impact adversely on other uses.

Comment

The proposed site is vacant and low lying. It is not suitable for the extension of the “transit park” without significant amounts of fill.

There is limited potential for land use conflict.

The site is generally screened and will not impact on streetscape and landscape values.

The proposal is consistent with the visions and objectives outlined in the Strategic Community Plan. Objective 3 states:

“A healthy, safe and inclusive community enjoying a high quality of life.”

A community garden encapsulates this objective.

Establishing a community garden at the site does not preclude future changes or other uses occurring on the site over time. Community gardens do not require significant infrastructure. Further, any earth works or improvements can easily be removed with little cost or effort.

Community gardens have some potential to look disordered or have an organic arrangement and appearance. In this case, there is potential to have a design that provides an attractive formal screening element that can lift the appearance of the locality.

Council has the power to lease and sub –lease Reserve 17521. It is noted that the proposed site is located outside the lease area boundary used by the Country Club.

Policy/Statutory Implications

The proposed use is consistent with the Parks and Recreation Reservation.

Financial Implications

N/A

Strategic Implications

- Outcome 2.8 – Our townsites are attractive, well presented and maintained.
Outcome 3.5 – Our volunteers and community organisations are supported and acknowledged
Outcome 3.9 – Existing community spirit and pride is maintained.
Outcome 3.10 – The community has access to appropriate services and facilities to enhance their health and well-being.
Outcome 3.11 – Attract and retain young families.

Cr Crowley recommended additional proposed sites such as Preston River Foreshore near Preston Retirement and the BMX Track on Marmion Street be included for consideration. Cr Bailey and Cr King were in support of the addition to the recommended resolution.

Council Decision (Committee's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr King

That Council:

- 1) Seek community and Government Agencies comment and feedback on the location of the proposed Community Garden site at:**
 - **Egan Park**
 - **Preston River Foreshore near Preston Village Sharp Street**
 - **BMX Track on Marmion Street; and**

- 2) Instruct the Chief Executive Officer to:**
 - a. Undertake actions to implement point 1 above;**
 - b. Report to Council with a recommendation; and**
 - c. Investigate leasing arrangements.**

Carried 8/0

10.1.2	SUBJECT:	REQUEST TO RELOCATE THE OLD DONNYBROOK SKATE PARK TO KIRUP
	Location:	Kirup
	Applicants:	Kirup Progress Association Committee
	Reserve:	23890
	File Ref:	A2928
	Author:	Bob Wallin (Principal Planner)
	Report Date:	16 January 2017
	Attachments:	10.1.2(1) - Site Plan 10.1.2(2) - Construction Details.

Background

The Kirup Progress Association Committee at its meeting on 6 July 2016 resolved to request the Donnybrook Townscape Committee to consider relocating the old skate park to Kirup.

Council at its meeting 28th September 2016 resolved to:

- “1) *Advise the Kirup Progress Association that at this stage it does not have any available budget to repair and relocate the transportable skate park to Kirup; and*
- 2) *Instruct the Chief Executive Officer to undertake research into other uses of the existing transportable skate park that could provide a fun recreational asset and recreational activity to Kirup such as a pump track and report back to the Kirup Progress Association Committee.”*

Since this time, the Kirup Progress Association has:

- a) Identified a site for a 20m x 6m concrete slab for a skate park;
- b) Identified the cost of providing the slab, approximately \$7,000.00, and ways of self-funding the construction.

A site plan and sketch of construction details are shown in Attachment 10.1.2(1) and 10.1.2(2). The construction will accord with recommended standards for skate parks.

The existing skate park infrastructure (ramps and rails) will require relocation to Kirup as well as some minor maintenance works. Minor maintenance works include fixing a number of plates that smooth the transition of the ramp from the ground and re-painting to remove graffiti and lift the presentation. The minor works are intended to be completed by volunteers.

The Kirup Progress Association is undertaking fund raising and investigating grant funding opportunities for the construction of the slab. Options available include:

- a) The shire’s Community Grants Program;
- b) Community Sporting and Recreation Facilities Fund (Sports and Recreation) funding;
- c) Regional Grants Program (Community Chest); and
- d) Lotterywest.

This item is presented to request the relocation of the skate infrastructure (ramps). This element of the project will cost approximately \$2,000.00.

Comment

The Donnybrook Townscape Budget currently has \$7,000.00 set aside for unspecified purposes.

This project will provide an additional recreational facility to the Kirup townsite and has potential to be well used and enjoyed.

The site is suitably distant from noise sensitive land uses (houses) while still benefiting from passive surveillance.

The skate park would benefit from some shade tree planting nearby to provide places for resting and shade for users.

Policy/Statutory Implications

N/A

Financial Implications

The relocation of the skate park will cost approximately \$2,000.00. Funding for this part of the project is available through the Donnybrook Townscape Budget.

Strategic Implications

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

Outcome 4.7 – Maintain and enhance Shire assets.

Outcome 3.6 – Existing community spirit and pride is maintained.

Outcome 3.11 – Attract and retain young families.

Council Decision

(Committee's Recommended Resolution)

Moved: Cr King

Seconded: Cr Dilley

The Committee recommends that Council:

- 1) Set aside up to \$2,000.00 from the 2016/17 Donnybrook Townscape Budget to relocate the transportable skate park to Kirup;**
- 2) Undertake the relocation works when funding for the base slab has been secured and the works completed;**
- 3) Advise the Kirup Progress Association to liaise with the Shire's Works and Services Manager prior to commencing construction work of the base slab to confirm construction standards and the detailed location.**

Carried 8/0

11 REPORTS OF OFFICERS

11.1 *Manager Finance and Administration*

11.1.1 ACCOUNTS FOR PAYMENT

For information: The following accounts have been authorised and paid under Delegation 3.2 by the Chief Executive Officer represented by cheques CCP3205-CCP3214, EFT10748a – EFT11048, 52346– 52412, DD21537 – DD21538.8, DD21606 – DD21607.8, Trust 3439 – 3455, and EFT10859c totalling \$2,136,942.16.

11.1.2 MONTHLY FINANCIAL REPORT

Council Decision (Officer’s Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Van Der Heide

That the monthly report for the period ended 31 December 2016 be received.

Carried 8/0

11.2 *Manager Works and Services*

11.2.1	SUBJECT:	CONSTRUCTION OF AN EXTENSION TO MONTGOMERY ROAD
	Location:	Montgomery Road, Brookhampton
	Applicants:	Mr Gary Greirson
	Zone:	N/A
	File Ref:	A2893
	Author:	Manager Works and Services Damien Morgan
	Report Date:	18/1/17
	Attachments:	11.2.1(1) - Site Plan 11.2.1(2) - Applicant Request

Background

Mr Gary Greirson, owner of 81 Montgomery Road, Brookhampton, has requested the Shire construct an extension to Montgomery Road to improve access to his property.

Montgomery Road is an access road within the locality of Brookhampton which consists of a 680 metre gravel road section, and a 360 metre unmade section. There are four properties which front the unmade section of Montgomery Road.

Comment

Mr Greirson contacted the Shire requesting the construction of approximately a 250 metre gravel road to provide constructed access to his property.

There are four existing properties which front the un-constructed section of Montgomery Road. Shire staff investigations were not able to ascertain how the lots were created without constructed access.

Due to low traffic volumes, Mr Greirson was advised that the project is not considered a high priority when assessed against other needs within the Shire. Staff further advised this project would likely receive greater consideration if impacted landowners were prepared to contribute towards the construction in accordance with the Shire of Donnybrook-Balingup Engineering Policy 4.6 – Construction of Unmade Public Roads.

Mr Greirson advised he was not able to achieve further support from surrounding owners, but was prepared to consider funding 50% of the cost of construction.

Shire staff estimated the project would cost \$30,000 based on an 8.0 metre wide compacted gravel pavement with associated table drains and culverts.

Mr Greirson has confirmed by email (Attachment 11.2.1(2)) that he would be prepared to fund 50% of this cost being \$15,000, if Council funds the remaining 50%.

Although this project is not currently a high Shire priority, and the properties were purchased with no constructed access, this proposal will achieve desired outcomes for all parties at a reduced cost.

Consultation

Officers undertook email dialogue with the applicant, as well as an on-site meeting during November 2016.

Policy/Statutory/Voting Implications

Policy

Engineering Policy 4.6 – Construction of Unmade Public Roads.

Statutory

N/A

Voting

Simple Majority

Financial Implications

There is currently no budget allocation for the construction of an extension to Montgomery Road, Brookhampton. The construction cost is estimated to be \$30,000 with the applicant willing to contribute up to \$15,000 towards the cost.

If supported, Council would need to allow \$15,000 from its funds within its 2017/18 budget to undertake the works.

Mr Greirson is aware that works will not commence until the Shire receives his \$15,000 contribution.

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 Van Der Heide Seconded: Cr Bailey

That Council request the Chief Executive Officer:

- 1) To allocate \$30,000 (\$15,000 Council Contribution and \$15,000 private contribution) for consideration within the 2017/18 Financial Year Budget, to undertake a 250 metre extension of Montgomery Road, Brookhampton, to a gravel road standard.**
- 2) To inform Mr Gary Greirson that, subject to the 250 metre extension of Montgomery Road being approved within the 2017/18 Financial Year Budget, the Shire must receive Mr Greirson's \$15,000 contribution prior to the works commencing.**

Carried 8/0

11.3 Manager Development and Environmental Services

11.3.1	SUBJECT:	DONNYBROOK MEN'S SHED – PROPOSAL FOR NEW PREMISES
	Location:	Shire of Donnybrook Balingup
	Applicants:	Donnybrook Men's Shed and Donnybrook Community Workshop Menshed Inc
	Zone:	N/A
	File Ref:	PWF 15M
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	20 January 2017
	Attachments:	11.3.1 - Donnybrook Men's Shed Amalgamation Project Plan

Background

Council at its September 2015 meeting resolved the following:

That Council authorise:

- 1. Staff to investigate the following on behalf of Donnybrook Men's Shed and the Donnybrook Community Workshop Men in Sheds:*
 - The level of Shire commitment to this project including land and/or financial resources;*
 - Location for a new facility;*
 - Preparation of concept plans based on operational requirements as confirmed by Donnybrook Men's Shed and the Donnybrook Community Workshop Men in Sheds;*
 - Short term and long term needs;*
 - Funding opportunities and budget planning*
 - Commitment in providing funds and/or procuring funds by Donnybrook Men's Shed and the Donnybrook Community Workshop Men in Sheds;*
 - Equipment needs;*
 - Insurances;*
 - Risks to the Shire for this project; and*
 - Servicing needs of the facility on terms of power, accessibility, size of building, amenities etc.*
- 2. The Shire of Donnybrook–Balingup to assist Donnybrook Men's Shed and the Donnybrook Community Workshop Men in Sheds to apply for funding for the construction of a purpose-built facility once all the issues identified above have been evaluated.*

Comment

The Shire commissioned (via a State Government grant) Upland Consulting to prepare a Project Management Plan (PMP) to assist the Shire in evaluating the merits of this project. The PMP is attached.

The PMP confirms:

- The Donnybrook Men's Shed groups are needing alternative facilities because the facilities that both groups use have uncertain tenure;
- The social and health benefits of the Men's Sheds movement to users and provides examples and metrics to these benefits;
- How the project aligns strategically with the Southwest Regional Blueprint (strategic planning document for south west Western Australia);
- The stakeholders for this project and their level of the support; and
- Cost benefit and risk analysis.

Development of the Facility

The PMP recommends siting the facility adjoining the Donnybrook Country Club on Reserve 22174 South Western Highway, Donnybrook. The two Men's Sheds organisations and the Donnybrook Country Club are supportive of this location.

From initial investigations the site is suitable because:

- It is serviceable with 3 phase power and scheme water;
- There is no apparent site works constraints;
- There is low risk for land use conflict;
- There is adequate space for carparking etc; and
- Both Men's Shed organisations are supportive of the location.

Concept Plans

The Men's Shed groups confirmed in writing to the Shire in November 2015 the infrastructure needs for a new facility. Based on this information concept plans were prepared in March 2016.

The concept plans were developed on the assumption that the facility was to be constructed at Lot 521 Marmion Street Donnybrook which is the site of the old BMX track. This site is an option as per the attached PMP. The estimated cost at the Marmion Street site is \$833,000. This figure is a high cost given the large scope of works as requested by the Men's Shed groups and the additional costs for site works given it is in a flood prone area.

As the PMP reflects, this figure seems excessive and it may be difficult to attract that level of external funding for this project. A reasonable assumption is that the scope of works will need to be reduced so that the cost of the build is around \$500K to reduce the risk of not securing enough funding for the capital works.

If the Shire supports this project, the concept plans will be modified in consultation with the Men's Shed groups to reduce the scope of the works to align with a \$500k build at the selected site.

Land Tenure and Management Order

The Shire has a Management Order with the Crown over Reserve 22174 South Western Highway Donnybrook for the purposes of Recreation. The Shire will need to confirm with the Minister for Lands if the proposed Men's Shed use is compatible with the Management Order. The Shire does have the ability sub lease to others as it has done with the Donnybrook Country Club.

Use of the Land

The Shire and the Men's Shed group will need to enter into a lease agreement for Men's Shed to utilise the site/facility.

The lease agreement will outline all the operational matters typical for this type of agreement including insurances, utilities and maintenance etc. The lease will require that Men's Shed meet the cost of utilities, and general maintenance. The Shire will typically meet the cost of building insurance for replacement cost as it does with its building assets. The new facility will be in the ownership of the Shire given that it is on Shire managed land.

Fit Out

The Men's Shed group will be responsible for fit out of the new facility.

Shire Commitment

If the project is supported and progressed further, it is proposed that the Shire provide the following resources towards the project:

- Project management expertise (staff time);
- Funding for initial project planning until the proposal is 'project ready' to enable funding applications to be lodged. The Shire allocated \$10,000 in its 2016/2017 budget;
- Manage applications for funding, administer expenditure through the project management process and acquittal of same; and
- Provide access to land for the facility.

It is not recommended that the Shire provide cash toward the capital costs of this project. For this project to progress to the procurement and construction stage, 100% of the construction costs will need to be sought via external funding.

Asset Management

It is proposed that the Shire (in partnership with the Men's Sheds groups) secure external funding for the full capital cost of this project. If this is achievable and the project proceeds there will be a long term cost to the Shire for ongoing maintenance and renewal as is the case with any asset that it owns or manages.

The renewal cost is projected to be \$25,000 per year (approximately 5% of capital cost estimated to be in the region of \$500,000 for a building of approximately 660m² floor area building) over 30 years based on building asset modelling. In addition to the renewal costs,

the estimated cost of operating and maintaining the facility (a cost to be met by the lease) is estimated to be around \$17,500 per annum.

An option of leasing a facility was also modelled and it was shown that constructing a new facility with external funds was the most financially viable option for the Shire over the appraisal period. If an existing building with the required floor area could be found within Donnybrook, it was estimated that the annual leasing cost (based on similar buildings in the Davenport Light Industrial area in Bunbury that return an average cost of \$75.00 per m²) which an allowance was made by discounting the Davenport lease fee by around 25% due to the distance of Donnybrook from Bunbury and therefore a reduced demand, may be approximately \$54/m². This would equate to an amount of \$35,600 per annum. Research of available premises that may meet the floor area requirements within the Donnybrook area failed to produce any buildings currently available.

Consultation

The PMP confirms the level and outcomes of consultation with identified stakeholders with this project.

Policy/Statutory/Voting Implications

Voting

Simple Majority

Financial Implications

The Shire sourced \$6,313.50 (Ex – GST) from the South West Development Commission - Community Chest Fund (Royalties for Regions) to prepare the PMP. The recommendation to this report advocates additional financial support to the project in terms of staff time.

Strategic Implications

The Shire of Donnybrook-Balingup Strategic Community Plan states:

- Outcome 3.5: Our volunteers and community organisations are supported and acknowledged.
- Strategy 3.5.5: Continue to support community organisations to seek external grant funding.

These statements in the Strategic Community Plan (SCP) confirm that the Shire will support this type of project (i.e. advocate and assist in procuring external fund etc.) however does not state that it will contribute financially to this project in terms of capital costs or provide Shire project management services for the construction of a new building. Providing additional support outside the scope of the SCP, if supported by Council, will need to be recognised with budget commitments accordingly.

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

Moved: Cr Crowley

Seconded: Cr Dilley

- 1) **That Council:**
 - a) **Support the Donnybrook Men’s Shed group for the development of a suitable facility at Reserve 22174, South Western Highway, Donnybrook.**
 - b) **Request the Chief Executive Officer to write to the Department of Lands to seek approval for a Men’s Shed facility under the Management Order for Reserve 22174 South Western Highway, Donnybrook.**
 - c) **Include the Men’s Shed project in the Shire’s Strategic Community Plan and Corporate Business Plan during the next review of these strategic documents.**
 - d) **Provide the following in-kind assistance toward the capital component of the project:**
 - i) **Project management expertise;**
 - ii) **Manage applications for funding on behalf of the Men’s Shed group; and**
 - iii) **Administer funding expenditure and acquittal of same.**
- 2) **Request the final concept plans be brought before Council for ratification before the Shire enters the procurement process for a suitable Building Contractor.**

Carried 8/0

****5.20pm – Sarah O’Rourke and Gerry Loveridge left the meeting.**

With the resolution from item 11.5.1, made at the Ordinary Council Meeting on 22 June 2016 to hand, the Shire President returned to Item 8.1.1.

8.1.1	SUBJECT:	PARALLEL PARKING – SOUTH WESTERN HIGHWAY, DONNYBROOK
	Location:	South Western Highway, Donnybrook
	Applicants:	Nil
	Zone:	N/A
	File Ref:	CNL 34G
	Author:	Councillor Bailey
	Report Date:	20 January 2017
	Attachments:	Nil

Cr Bailey has proposed the following Notice of Motion:

In relation the South Western Highway renewal works planned by Main Roads Western Australia for February-March 2017 at the northern entry to the Donnybrook townsite, Council request the Chief Executive Officer to consult with Main Roads Western Australia to seek reinstatement of the present alignment of informal parallel parking on the northbound alignment of South Western Highway, except where Main Roads Western Australia's safety assessment recommends otherwise.

Cr Bailey's Comment

At the June Council meeting Council resolved that its preferred design for the layout and marking on this section of the Highway was as per the present design from Main Roads WA (MRWA). Council received no information on the effect the loss of parking would have on the rate payers either side of the proposed works. Point two below formed part of that June Council meeting Motion:

"2. Request MRWA to present the near complete design to the Donnybrook Townscape Committee for formal final comment prior to approving the design for construction."

This left Councils decision open for further input.

In the interim owners of a significant Local Business contacted Councillors to convey their concerns over the loss of parking and the financial effect it would have on their business.

At the Townscape meeting Mains Roads WA advised they did not have an issue with parallel parking along the Highway. Again no information given to the Committee on what effect the loss of parking would have on business and residents.

At the December OCM Council passed the below motion:

"1) That Council consider an allocation within the 2017/18 Financial Year Budget of up to \$40,000 to engage a consultant to undertake consultation with relevant

stakeholders and develop a Strategic Streetscape Plan for the length of the South Western Highway within the Donnybrook town site. Carried 8/0"

A second Motion:

- " 1. That Council instruct the Chief Executive Officer to request Main Roads WA to work with the Shire's Officers to design and construct a long vehicle parking bay/s adjacent to Lot 142 South Western Highway, Donnybrook, as part of the imminent South Western Highway renewal works in that locality.*
- 4. Design and delivery of the parking bay/s referenced in Recommendation above, is to be consistent with those in the Donnybrook Town Centre.*
- 5. That Council instruct the Chief Executive Officer to negotiate with the owner of Lot 142 South Western Highway, Donnybrook, for a financial or in-kind contribution by the owner towards the construction of the long vehicle parking bay/s and associated footpath."*

This Motion was Lost 2/6.

It was considered by some to be planning on the run, furthermore the owners of lot 142 had already conveyed to Councillors that any short term proposal would be a waste of money as it would undoubtedly not fit with the final overall plan.

Business needs this parking and I feel confident the money for the strategic streetscape plan will be approved in the next financial year and urge councillors to support this motion.

Administration's Comment

Council has had agenda items at its 22 June 2016 and 21 December 2016 Ordinary Council Meetings, where the context of this proposed motion has been discussed, debated and resolved.

The road is the responsibility of Main Roads WA; the Shire's input was requested through the design process, for consideration by Main Roads WA against other factors such as:

- Safety;
- Current and future vehicle, cyclist and pedestrian movements;
- Site constraints; and
- Future needs and planning for the area.

No designated on-road parking currently exists on this alignment of South Western Highway, or, to my understanding, has been provided in the past within this section. The area does have a history of being used for parking between the road edge line and the kerb, which is below current parking standards for a road of this Highway hierarchy. Whilst the parking activity has not been restricted in the past, this does not imply that it has been without incident or objections.

What is proposed within the motion will facilitate the continuation of un-formalised on-road parking in the area to support the activities of surrounding businesses and properties, however, does not address:

- Improving traffic movement for vehicles, cyclists and pedestrians;
- Improving road safety; or
- Catering for future growth of the Highway and Shire.

Traffic congestion and safety in this area is an ongoing issue for both Main Roads WA and the Shire. Whilst it is noted the intent of this motion is to facilitate the parking needs of businesses in the area, Council should also consider the reasons why the previous decisions were adopted.

Council should note that if the motion is supported, the Administration can only request Main Roads WA to make the changes outlined, as the functioning of the Highway is Main Roads WA's responsibility.

Cr Dilley raised the point that the resolution made at the 22 June 2016 Ordinary Council Meeting would need to be revoked prior to Council considering Cr Baileys notice of motion. Councillors Mills, Dilley and Bailey supported the consideration of a motion to revoke the resolution 1C bullet points one and two from item 11.5.1 made at the 22 June 2016 Ordinary Council Meeting.

Council Decision

Moved: Cr Dilley

Seconded: Cr Bailey

That Council revoke Resolution 1C bullet points one and two from item 11.5.1 made at the 22 June 2016 Ordinary Council Meeting:

C. From the pedestrian crossing through to Bridge Street the following treatments are considered:

- **Kerbed edges with approximately 1.2m sealed shoulders. (same as previous section)**
- **3.5m Traffic Lane with a painted island gradually increasing in width to match the streetscape treatment from Bridge Street onwards.**

Carried 5/3

Elected Members Motion

Moved: Cr Bailey

Seconded: Cr King

In relation the South Western Highway renewal works planned by Main Roads Western Australia for February-March 2017 at the northern entry to the Donnybrook townsite, Council request the Chief Executive Officer to consult with Main Roads Western Australia to seek reinstatement of the present alignment of informal parallel parking on the northbound alignment of South Western Highway, except where Main Roads Western Australia's safety assessment recommends otherwise.

An amendment was proposed by Cr Dilley which required a majority vote of Council to agree to consider the amendment.

Moved: Cr Dilley

Seconded: Cr Mills

1. In relation the South Western Highway renewal works planned by Main Roads Western Australia for February-March 2017 at the northern entry to the Donnybrook townsite, Council request the Chief Executive Officer to consult with Main Roads Western Australia to seek reinstatement of the present alignment of informal parallel parking on the northbound alignment of South Western Highway, except where Main Roads Western Australia's safety assessment recommends otherwise.
2. That Council
 - A) instruct the Chief Executive Officer to request Main Roads WA to work with the Shire's officers to design and construct a caravan parking bay adjacent to Lot 142 South Western Highway, Donnybrook as part of the current South West Highway renewal works in that locality.
 - B) Design and delivery of the parking bay referenced in Point 2(A) above is to be consistent with those in the Donnybrook Town Centre.
 - C) That Council instruct the Chief Executive Officer to negotiate with the owner of Lot 142 South Western Highway, Donnybrook for a contribution towards the necessary footpath adjacent to the parking bay referenced in Point 2(A).

Lost 3/5

**Council Decision
(Elected Members Motion)**

Moved: Cr Bailey

Seconded: Cr King

In relation the South Western Highway renewal works planned by Main Roads Western Australia for February-March 2017 at the northern entry to the Donnybrook townsite, Council request the Chief Executive Officer to consult with Main Roads Western Australia to seek reinstatement of the present alignment of informal parallel parking on the northbound alignment of South Western Highway, except where Main Roads Western Australia's safety assessment recommends otherwise.

Carried 5/3

Cr Van Der Heide requested the vote be recorded:

FOR:

Cr Bailey

Cr Dilley

Cr King

Cr Logiudice

Cr Mills

AGAINST:

Cr Crowley

Cr Mitchell

Cr Van Der Heide

11.4 Principal Planner

11.4.1	SUBJECT:	PROPOSED ROAD CLOSURE - PORTION OF BILLINGHURST ROAD, ARGYLE
	Location:	Lot 298 South Western Highway, Argyle
	Applicant:	Mr Chris Billinghamurst
	Zone:	No zone
	File Ref:	A38
	Author:	Bob Wallin (Principal Planner)
	Report Date:	16 January 2017
	Attachments:	11.4.1(1) – Location Plan 11.4.1(2) – Schedule of Submissions

Background

A request has been received from the owner of Lot 298 South Western Highway, Argyle to close a section of unconstructed road (Attachment 11.4.1(1)). Council at its meeting of 26 October 2016 resolved to:

- “1) *Initiate road closure proceedings to close a section of “Billinghurst Road abutting Lot 298 South Western Highway, Argyle as shown in Attachment 1 in accordance with Section 58 of the Land Administration Act 1997 subject to:*
 - (i) the applicants submitting the \$750 road closure application fee;*
 - (ii) the applicants confirming in writing that all costs associated with the closure, amalgamation and potential purchase will be at full cost to the applicant; and*
 - (iii) the total cost of any service infrastructure relocation.*
- 2) *Authorise the Chief Executive Officer to undertake tasks necessary to implement 1 above.”*

The applicant has provided the \$750 fee and agreed, in writing, to being responsible for all costs involved in the process.

Comment

Road closure requests fall under the Land Administration Act 1997. Section 58 of the Act describes the process relating to road closures. It requires the local government to advertise the proposal for a period of at least 35 days before requesting the Minister to grant the request.

Consultation

The proposal has been advertised in accordance with Section 58, with the submission period ending on 4th January 2017 (started 8th November 2016). The section of road requested to be closed is unconstructed and terminates at the property boundary. It does not have potential to provide connectivity within the immediate or wider locality.

The advertising included notices in the paper and a letter drop to surrounding landowners.

Five submissions were received during the advertising process. Attachment 11.4.1(2) provides a summary of comments and suggested recommendations. All submissions are from government agencies. All raise no objections.

Policy/Statutory/Voting implications

Policy Implications

Council's adopted Road Closure Policy 9.10 outlines:

1. *Council will not support the closure of any gazetted public road which has any possibility whatsoever of being utilized. There is a general presumption against the closing of roads.*
2. *Council will however consider the closure of a gazetted road where it will have no impact upon legal practical access to any property and will result primarily in the rationalisation of land and roads within the Shire.*
3. *In the event that Council supports the closure of a road the proponent will be liable for all costs involved with the road closure.*

Statutory Implications

Closure and disposal of road reserves are undertaken in accordance with the *Land Administration Act 1997*.

Voting Implications

Simple majority

Financial Implications

The closure of the road removes Shire obligations to maintain this section of road reserve. No costs associated with the closure will be the responsibility of the Shire.

Strategic Implications

N/A

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Bailey

That Council:

- 1) **Determine the submissions received in accordance with the Schedule of Submissions;**
- 2) **Resolve to request the Minister for Lands to close the portion of Billingham Road highlighted in Attachment 11.4.1(1); and**
- 3) **Authorise the Chief Executive Officer to undertake tasks necessary to implement 1 and 2 above.**

Carried 7/1

11.5 Chief Executive Officer

11.5.1	SUBJECT:	STRATEGIC REVIEW – STRATEGIC COMMUNITY PLAN AND CORPORATE BUSINESS PLAN
	Location:	Shire of Donnybrook Balingup
	Applicants:	Nil
	Zone:	N/A
	File Ref:	FNC 08/11J
	Author:	Ben Rose, Chief Executive Officer (Greg Harris, <i>Manager Finance and Administration</i>)
	Report Date:	19 January 2017
	Attachments:	Nil

Background

Integrated planning and reporting gives local governments a framework for establishing local priorities and to link this information to operational functions. Three major parties are involved in the development of an integrated plan; the local government administration, the Council and the community. Each party has a unique role and responsibilities for effective and sustainable integrated planning and reporting, with the *Local Government (Administration) Regulations 1996 (the Regulations)* requiring each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

A successful integrated planning and reporting process will deliver the following outcomes:

- a Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy;
- a Corporate Business Plan that integrates resourcing plans and specific Council plans with the Strategic Community Plan; and
- a clearly stated vision for the future viability of the local government area.

All local governments are currently required to produce a 'Plan for the Future' under section 5.56 (1) of the *Local Government Act 1995* (the Act). Regulations have been made under section 5.56 (2) of the Act to outline the minimum requirements to achieve this. The minimum requirement to meet the intent of the Plan for the Future is the development of a Strategic Community Plan and a Corporate Business Plan.

Following introduction of the Integrated Planning and Reporting Framework (IPRF) by State legislation, Council adopted its first Strategic Community Plan (SCP) and Corporate Business Plan (CBP) in 2013.

The intent of the IPRF suite is that it rolls forward every year, with one year added and annual adjustments made. A Strategic Review is the main process by which the IPRF suite is kept current. Two yearly reviews are required and alternate between a Minor Review and a Strategic Review.

A Minor Strategic Review is primarily a desktop exercise and usually focuses on resetting the CBP with consequential amendments to the core informing strategies as required. Assuming there are no major changes proposed, community engagement is discretionary. However, if significant changes are likely, then community engagement or consultation is expected. The degree of consultation or engagement should be reflective of the significance of the proposed change.

Both the SCP and the CBP were reviewed in 2015 as a Minor Review.

A Strategic Review re-engages with the community on the vision and key choices for the coming ten (or more) years. The four yearly Strategic Review is a regulatory requirement. Given that the Shire undertook a Minor Review in 2015, it is now necessary for a Strategic Review to be undertaken (before 30 June 2017).

The IPRF (and associated Guidelines) sets out a pro-forma process and timeline for a Strategic Review and consists of the following key actions:

- Annual Report on year 3
- Community Survey (not mandatory)
- Community Progress Report
- Strategic Review
 - Updated context
 - Extensive community engagement to refresh vision and goals
 - Revised 10 year (SCP) and 4 year (CBP) strategic priorities
- Revisions to IPRF suite
- Annual budget for year 1 (next 4 year cycle)

The IPRF Guidelines provide two examples of a pro-forma process and timeline for a Strategic Review, one aligned to the election cycle and the other to a non-election year. The Shire of Donnybrook Balingup is currently aligned to a Strategic Review being undertaken in a non-election year. The document sets out a process that can be undertaken to re-align the Strategic Review to the election cycle, however, it is not possible to avoid the requirement for a Strategic Review to be undertaken once in every 4 years.

Comment

The Shire of Donnybrook Balingup is about to commence a Strategic Review and to maintain compliance with legislative requirements will need to complete the review by 30 June 2017. This will mean that extensive engagement with the community, Council and staff will need to be undertaken during this time period. As referred to in the Background section of this report, it will be necessary for the Administration to undertake extensive revisions to the full suite of IPRF documents (e.g. Asset Management Plans, Workforce Plan and the Long Term Financial Plan).

The Strategic Review presents an ideal opportunity for Council to re-engage with its community with the view to adopting a plan that is widely endorsed by the community. It is

also an opportunity for Council to outline its vision for the future and to report on significant achievements over the last four years.

The completion of the Strategic Review within the required timeframe presents a major resourcing challenge for the Chief Executive Officer and Administration team. For this reason (and for the reasons mentioned above), it is recommended that Shire funding is made available to support the Chief Executive Officer and Administration team in the delivery of the SCP and CBP, as a legislative requirement of the Act and Regulations.

Consultation

The Strategic Review of the Strategic Community Plan and Corporate Business Plan will involve extensive consultation with the community, Elected Members and staff.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Section 19C of the *Local Government (Administration) Regulations 1996*, states:

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to—*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. (*Absolute majority required).*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

If Council approves the Chief Executive Officer's Recommendation, it will be necessary for an amendment to the 2016/17 budget to be approved, in accordance with section 6.8 (1) of the Local Government Act 1995. This section of the Act states:

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

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

** Absolute majority required.”*

Voting

Absolute Majority

Financial Implications

There is currently only a minor budget provision of approximately \$5,000 in the 2016/17 year for funding associated with reviewing the Shire's IPRF documents. Estimates obtained by the Chief Executive Officer indicate that the cost of this Strategic Review will be \$30,000. It is recommended that Council make provision for the estimated cost of the proposed Strategic Review.

If the allocation of \$30,000 is approved by Council, the mid-year budget review (to be presented to Council in March 2017) will reflect the proposed budget amendment with funds to be re-allocated from other areas of Council's operations.

Strategic Implications

- Outcome 4.9: Improved long term planning and strategic management.

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

Moved: Cr Bailey

Seconded: Cr King

That Council amend the 2016/17 Shire Budget to increase the budget allowance in account 109620 (Consultancy General) by \$30,000 for the purpose of undertaking the Strategic Review of the Strategic Community Plan and Corporate Business Plan.

**Carried 6/2
By Absolute Majority**

11.5.2	SUBJECT:	REVIEW OF LONG TERM FINANCIAL PLAN
	Location:	Shire of Donnybrook Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	FNC 08/11K
	Author:	Ben Rose, Chief Executive Officer (<i>Greg Harris, Manager Finance and Administration</i>)
	Report Date:	19 January 2017
	Attachments:	Nil

Background

Council is required to undertake a Strategic Review of its Strategic Community Plan (SCP) and Corporate Business Plan (CBP) in accordance with section 19C of the *Local Government (Administration) Regulations 1996*. An integral part of this process will relate to Council redefining its Strategic Objectives in accordance with community priorities and incorporating these aspirations into its Long Term Financial Plan (LTFP).

Comment

On 10 February 2016, Council resolved to engage consultants Moore Stephens to update and review Council’s LTFP at a cost of \$11,950 (excluding GST) plus out of pocket expenses.

Work on the review commenced shortly after this culminating in two versions of the LTFP being presented to Council via various workshops with the consultant and/or shire staff during the latter part of 2016. Unfortunately, Council did not reach a position where it felt comfortable with adopting the LTFP and adopting the financial strategies identified within the plan. The current LTFP therefore remains in draft format.

As part of the Strategic Review of the SCP and CBP it will be necessary for the LTFP to be updated to reflect the strategies identified in these planning documents. For example, Council will need to agree on the overall capital works program for the next four (4) years. It

is expected that this plan will be developed to a sound level of accuracy for the next four (4) years and with reasonable estimates being shown for the following six (6) years, the result providing an indicative financial strategy for the next ten (10) years.

Due to the importance of these planning documents and to ensure that all Strategic Planning documents can be prepared concurrently and with a high level of integration, it is recommended that Council commence a new review of the LTFP to be completed together with other strategic planning documents to be completed by 30 June 2017.

It is recommended that the review of the LTFP be outsourced to a suitable consultant. Moore Stephens have prepared both the 2013 adopted and the 2015 draft LTFP's. Whilst the project could be put out to open quotes, it is recommended that Council approve the reappointment of Moore Stephens to undertake the 2017 Strategic review, subject to the Chief Executive Officer being satisfied that their proposal represents value for money and achieves the deliverables being sought. In this regard, it is understood that Council have been satisfied with the level of research and the quality of the information contained within previous documents prepared by Moore Stephens.

Consultation

The LTFP project will require extensive consultation with the community, elected members, Shire stakeholders (e.g. servicing authorities, government agencies) and staff.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Clause 6.8 of the *Local Government Act 1995* sets out the following:

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

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

** Absolute majority required.”*

Voting

Absolute Majority

Financial Implications

There is currently no provision within the 2016/17 year budget for the engagement of a consultant to undertake a major review the LTFFP.

It is recommended that Council provide a budget allocation of up to \$15,000 to provide for the engagement of Moore Stephens to undertake a full review of the Shire's LTFFP.

The mid-year budget review will reflect the proposed budget amendment with funds to be re-allocated from other areas of Council's operations.

Strategic Implications

- Outcome 4.9: Improved long term planning and strategic management.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr King

- 1) That Council authorise the Chief Executive Officer to direct appoint a suitable consultant to facilitate a review of Council's Long Term Financial Plan.
- 2) That Council amend the 2016/17 Budget to increase the budget allowance in account 109620 (Consultancy General) by \$15,000.

**Carried 5/3
By Absolute Majority**

11.5.3	SUBJECT:	GOVERNANCE REVIEW PROGRAM
	Location:	Shire of Donnybrook Balingup
	Applicants:	Nil
	Zone:	N/A
	File Ref:	PWF17A
	Author:	Ben Rose, Chief Executive Officer
	Report Date:	20 January 2017
	Attachments:	Nil

Background

The local government Governance Review Program is made possible as part of additional funding of \$5.4 million provided through the Royalties for Regions Country Local Government Fund (CLGF). It is an important component of DLGC's Local Government Capacity Building Program for country local governments.

The Governance Review Program is a fully funded initiative through CLGF to assist selected country local governments achieve higher level improvements in their governance policies, procedures and processes.

The initiative will focus on governance probity, transparency and accountability, and consolidation of procedures and processes, particularly in the areas of financial management, resources, risk mitigation and efficiency. These are important elements for informed decision making, especially by elected members.

It is widely accepted that a council's governance arrangements can have a significant bearing on the performance of the organisation in fulfilling its objectives and meeting community expectations. It is also beneficial to have periodic governance 'health checks', to help ensure existing arrangements are fit for purpose.

The Governance Review Program is provided by DLGC in partnership with the Australian Institute of Company Directors (AICD). An EOI was lodged by the CEO in late 2016. Application was accepted by DLGC and AICD in January 2017.

Comment

The Governance Review Program is an initiative to assist selected councils with higher level improvements in their governance policies, strategic planning procedures and processes.

DLGC has engaged the Australian Institute of Company Directors to conduct the Governance Reviews Programs for local councils. The approach taken with councils will be one of self-assessment.

As part of AICD's online survey local governments will be asked to reflect on and assess, the maturity of their council's governance arrangements in key areas, such as:

- the role of the Council;
- the Council's role in strategy and risk;
- Council size, composition and skills;
- the role of the President;
- the relationship between the Council and management;
- Council culture and dynamics;
- effective use of Council meetings;
- Council meeting papers;
- information coming to the Council;
- committees;
- integrity (confidentiality/conflicts of interest);
- induction and professional development;
- performance focus; and
- continuous improvement.

Consultation

Internal consultation only (Elected Members and staff).

Policy/Statutory/Voting Implications

Nil

Financial Implications

Nil

Strategic Implications

Outcome 4.3.1 – Continue to provide Elected Member training and development.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Mills

Seconded: Cr King

That Council accepts the offer of the Governance Review Program (cost free) from the Department of Local Government and Communities and Australian Institute of Company Directors and commits to undertaking the program with full Elected Member participation.

Carried 8/0

11.5.4	SUBJECT:	DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS
	Location:	Southern Zone Panel
	Applicant:	N/A
	Zone:	N/A
	File Ref:	TP 03
	Author:	Ben Rose, Chief Executive Officer (Kate O’Keeffe, Executive Assistant)
	Report Date:	10 January 2017
	Attachments:	Nil

Background

Development Assessment Panels (DAP) were originally established by the Minister for Planning on 1 July 2011 to determine development applications that meet a certain threshold value. Elected Member memberships to the present DAP are due to expire on 26 April 2017 and nominations are now being called for by the State Government.

Each DAP is comprised of five members; three being specialist members and two local government members. Presently, Councillors Dilley and Bailey are nominated Local Members on the DAP, with Councillors Mills and Tan nominated as Alternate Members. Under the DAP Regulations, each DAP is required to determine development applications that meet set type and value thresholds as if it were the responsible authority under the relevant planning instrument, such as the Local Planning Scheme or Region Scheme. The DAP Regulations state that DAP applications cannot be determined by local government or the Western Australian Planning Commission (WAPC).

The role of DAP members is to determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

Nominations for new DAP Members close on Tuesday, 28 February 2017. Council will be advised of the new DAP Members once they have been appointed by the Minister for Planning.

Comment

Under Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is required to nominate four Elected Members of the Council, comprising two Local Members and two Alternate Members, to sit on the Southern Joint Development Assessment Panel, as required.

Nominations are required to be received no later than Tuesday, 28 February 2017.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP Regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local Government representatives who have previously been appointed to a DAP and have received training are not required to attend further training (although are encouraged to undertake 'refresher training').

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

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

Consultation

Internal consultation with Elected Members only.

Policy/Statutory/Voting implications

Statutory

Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011* applies.

Voting

Simple Majority.

Financial Implications

Nil.

Strategic Implications

Strategic Community Plan Outcome 4.4 – To be strong advocates representing the Shire's interests.

Council Decision (Officer's Recommendation)

Moved: Cr Bailey

Seconded: Cr Mills

That Council:

- 1) Nominates Cr Dilley and Cr Bailey as Southern Joint Development Assessment Panel Local Members; and**
- 2) Nominates Cr Mills and Cr Tan as Southern Joint Development Assessment Panel Alternate Members.**

Carried 8/0

11.5.5	SUBJECT:	LOCAL GOVERNMENT ORDINARY ELECTION – OCTOBER 2017
	Location:	Shire of Donnybrook Balingup
	Applicants:	Western Australian Electoral Commission
	Reserve:	N/A
	File Ref:	CNL 09/1
	Author:	Ben Rose, Chief Executive Officer (<i>Lucy Bourne, Governance Officer</i>)
	Report Date:	19 January 2017
	Attachments:	Nil

Background

The next local government ordinary elections are being held on 21 October 2017. Council has the option of running an in-person election or a postal-voting election.

The Western Australian Electoral Commission (WAEC) advises that the estimated cost for the next ordinary elections, if conducted as a postal ballot, will be \$27,000 including GST, based on the following assumptions:

- 4,350 electors;
- Response rate of approximately 45%;
- Five (5) vacancies;
- Count to be conducted at the offices of the Shire of Donnybrook Balingup;
- Appointment of a local Returning Officer; and
- Standard Australia Post delivery service to apply.

This cost estimate includes the proposed increase in the postage rate by Australia Post effective from 4 January 2017. An additional amount of \$1,050 will be incurred if Council decides to opt for Australia Post Priority Service for the lodgement of election packages. Recent experience with Australia Post indicates that Councils should seriously consider using the regular mail delivery service for the lodgement of election packages. The additional cost of priority mail does not significantly speed up the delivery of election packages.

Costs not incorporated in this estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers);
- Any legal expenses other than those that are determined to be borne by the WAEC in a Court of Disputed Returns;
- One local government staff member to work in the polling place on election day;
- Any additional postage rate increase by Australia Post.

Comment

The WAEC is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis and it should be noted that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for the charges is all materials at cost and a margin on staff time only. Should a significant change in the figure become evident prior to or during the election, Council will be advised as early as possible.

Although running costs of in-person elections are less than the WAEC model, they do place considerable burden on Council Staff and attract considerably less voter participation than postal voting elections.

The advantages of the postal voting system are:

- Separation of powers - the Chief Executive is not required to be the Returning Officer, therefore is not put into a position of possible conflict with prospective candidates.
- All queries and complaints relating to the election process are referred to the WAEC.
- Apart from preparation of the owners and occupiers roll, the processing of absent voting papers and the issue of replacement voting packages, all election functions are handled by the WAEC.

For a number of years, Council has appointed the Electoral Commissioner to conduct postal elections. The postal voting system has run smoothly and has been effective in attracting relatively high voter participation (approximately 45%).

Consultation

N/A

Policy/Statutory/Voting Implications

Statutory

Part 4 of the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* give Council the option of conducting either postal or in person elections.

Voting

Absolute Majority.

Financial Implications

Should Council resolve to conduct a postal election and the costs incurred reach the upper end of the estimated cost, budget provision of \$27,000 including GST will need to be made in the 2017/18 Financial Year budget.

Strategic Implications

A postal election will ensure that all enrolled electors will receive notification of the election.

Council Decision (Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Mitchell

- 1) That Council declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may also be required;
- 2) That Council decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election;
- 3) That Council instruct the Chief Executive Officer to allocate \$27,000 within the 2017/18 Financial Year Budget (for Council to approve) to cover the cost of this local government election.

**Carried 8/0
By Absolute Majority**

11.5.6	SUBJECT:	UPGRADE OF CALL SYSTEM – TUIA LODGE
	Location:	Shire of Donnybrook Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	Ben Rose, Chief Executive Officer (Jeffery Shelley, Facility Manager and Greg Harris, Manager Finance and Administration)
	Report Date:	23 January 2017
	Attachments:	Nil

Background

A 'Call' system is installed at Tuia Lodge which alerts staff that assistance is required by a resident, staff member or visitor. Following completion of the most recent building extensions to Tuia Lodge, an upgrade to the Call system is now required. In addition, the Accreditation Agency has identified the upgrading of the Call system as an area for focus at Tuia Lodge.

Comment

The Tuia Lodge operating budget contains a contingency amount of \$30,000. Due to the importance of this matter, a purchase order will be issued for a separate and distinguishable portion of the Call system upgrade, prior to the February 2017 Ordinary Meeting of Council.

This action will allow the upgrade to commence and will provide a clear demonstration to the Accreditation Agency that the Shire is committed to upgrading the Call system to a higher standard.

The contracting company Access Protocol currently holds the licence for the current Call system at Tuia Lodge and has been the service provider for a number of years. Due to the licence arrangements, Access Protocol are the only provider permitted to undertake the upgrades.

Consultation

The Accreditation Agency has identified the need to upgrade the Call system in previous audits. This has been communicated to management through the Agency audit process.

Policy/Statutory/Voting Implications

Policy

Nil.

Statutory

Clause 6.8 of the *Local Government Act 1995* sets out the following:

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

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

** Absolute majority required.”*

Voting

Absolute Majority.

Financial Implications

Two options exist to fund the purchase of the Call system:

1. To be funded from the current year operations as a capital item. An operational contingency budget amount of \$30,000 has been included in the 2016/2017 year budget

for Tuia Lodge. Funding from this source will require the \$30,000 contingency budget allowance to be transferred from operating expenses to capital expenses. The capital expenditure budget will then need to be increased by a further \$25,500 to facilitate the purchase.

2. Another option that could be considered is to fund the purchase via an interest free loan from the Care Recipients Bonds Trust Account. This option is not favoured by the Manager Finance and Administration as Council's Auditors have expressed a preference to have all Care Recipient Bond amounts fully 'cash backed'.

Strategic Implications

- 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 Dilley

Seconded: Cr King

That Council instruct the Chief Executive Officer to prepare a detailed briefing paper for Elected Members in relation to the Call System at Tuia Lodge and, subsequently, present a report and recommendation to Council on the matter for the March 2017 Ordinary Meeting of Council.

Carried 7/1

** 6.04pm - Cr's Logiudice, Crowley and Dilley declared a Financial Interest affecting Impartiality for agenda Item 11.5.7 as they have businesses which provide services to the Shire and left the meeting.

Cr Mills, as Deputy President took the Chair.

11.5.7	SUBJECT:	REVIEW OF PURCHASING AND TENDER POLICY
	Location:	Shire of Donnybrook Balingup
	Applicants:	Shire of Donnybrook Balingup
	Zone:	N/A
	File Ref:	ADM 11/3
	Author:	Ben Rose, Chief Executive Officer (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	19 January 2017
	Attachments:	11.5.7 Proposed Policy 2.48 - Purchasing, Tendering and Buy Local Policy

Background

Council first adopted a Purchasing and Tender Policy in March 2007. This policy was amended in October 2015 to comply with amendments to the *Local Government (Functions and General) Regulations 1996* (the Regulations).

The key amendments made in 2015 were:

- An increase in the tender threshold from \$100,000 to \$150,000;
- Changes to the circumstances when tenders do not need to be publicly invited;
- Strengthened anti-avoidance provisions; and
- Changes to the requirements for receiving and opening tenders and to the variation of a contract.

A new provision was also inserted into the Regulations to allow local governments to create a panel of pre-qualified suppliers. This provision was not included in Council's policy 2015, but was noted as something Council might like to introduce in the future.

The Shire is now ready to develop a panel of contractors to provide traffic management services and therefore seeks to amend the policy accordingly.

The creation of a panel requires the development of a written policy outlining how the panel will operate; how suppliers will be invited to quote; consistent communication with the panel, and; the recording and retention of quotes and purchases from suppliers.

Council staff have drafted a new Purchasing, Tendering and Buy Local Policy based on the existing *Administration Policy 2.26, Purchase and Tendering Policy*. The proposed new policy allows for the creation of panels of pre-qualified suppliers and includes a new 'Buy Local' provision.

Comment

The new policy is based on the WALGA model. Aside from the inclusion of section 10, which deals with the creation of pre-qualified panels and some minor editorial changes, the provisions in relation to purchasing and tendering remain unchanged.

It is recommended that the new policy be adopted and policy 2.25 Purchase and Tender Policy be rescinded.

Policy/Statutory/Voting Implications

Policy

- Administration Policy 2.25, Purchasing and Tender Policy.

Statutory

- *Local Government Act 1995 and Local Government (Functions and General) Regulations 1996*

Voting

Simple 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 Van Der Heide

That Council:

- 1) Rescind Administration Policy 2.25 - Purchasing and Tender Policy.**
- 2) Adopt Administration Policy 2.48 - Purchasing, Tendering and Buy Local Policy, as attached.**

Carried 5/0

**6.18pm - Cr's Logiudice, Crowley and Dilley returned to the meeting.

Cr Logiudice resumed the position of Chair.

11.5.8	SUBJECT:	CONSIDERATION OF MOTIONS - ANNUAL GENERAL MEETING OF ELECTORS 2016
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Nil
	Zone:	N/A
	File Ref:	CNL 16
	Author:	Ben Rose, Chief Executive Officer
	Report Date:	30 January 2017
	Attachments:	Nil

Background

The 2016 Annual General Meeting of Electors was held on 21 December 2016. Four recommended decisions were proposed as part of the Agenda, being:

1. Reival of the President’s Report;
2. Reival of the Chief Executive Officer’s Report;
3. Reival of the Annual Financial Report and Audit Report; and
4. Reival of the Annual Report.

All reports were received (by majority vote), except the President’s Report. The meeting resolved not to accept the President’s Report on the basis that the grant figures in the report were incorrect. A ratepayer/elector indicated that Tuia Lodge received approximately \$2.1 million in grant funding, not the \$2.6 million referred to in the President’s report. It was moved that the President’s report not be accepted. This alternate motion was seconded by another ratepayer/elector and carried by the majority of electors present at the meeting.

Comment

Historically, decisions to receive these reports have been put to the Annual General Meeting of Electors, however, the requirement for these decisions has no statutory basis. The Annual Report, including the Shire President’s Report had been previously adopted by Council, in accordance with Section 5.54 of the *Local Government Act 1995*.

Nonetheless, the comments have been acknowledged by the Administration and the electronic copy of the Annual Report has been amended. As many printed copies of the report as possible have also been amended, including those lodged with the Department for Local Government, the State Library and the Shire’s own official records.

The figure quoted in the President’s Report was the budgeted figure, rather than the actual figure.

Policy/Statutory/Voting Implications

Policy
N/A

Statutory

Section 5.54 of the *Local Government Act 1995*.

Voting

N/A

Financial Implications

N/A

Strategic Implications

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

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr King

That Council acknowledge and endorse the resolutions of the 21 December 2016 Annual General Meeting of Electors.

Carried 7/1

11.5.9	SUBJECT:	CAT AMENDMENT LOCAL LAW 2017
	Location:	Shire of Donnybrook Balingup
	Applicants:	Shire of Donnybrook Balingup
	Zone:	N/A
	File Ref:	CNL 25
	Author:	Ben Rose, CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	30 January 2017
	Attachments:	11.5.9 - Cat Amendment Local Law 2017

Background

In mid-2016, the Joint Standing Committee on Delegated Legislation wrote to Council regarding the newly adopted Cat Local Law because it had concerns with Clause 3.2, which states that:

- 1 *The premises or a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats.*
- 2 *The premises will be deemed not to be adequately enclosed if there is more than one escape of a cat from the premises.*

The Committee considered that this clause:

- Offends the Committee’s term of reference 10.6(a) in that it is not ‘within power’ of the *Cat Act 2011 (Cat Act)* or the *Local Government Act 1995* in that the clause is inconsistent with or repugnant to the Cat Act; and
- Offends the Committee’s term of reference 10.6(d) in that it contains matter that is not appropriate for subsidiary legislation.

At the Committee’s request, Council resolved at the Ordinary Council Meeting of 24 August 2016, to:

- *“Repeal clause 3.2 of the Cat Local Law within 6 months of the date of this resolution;*
- *Not enforce clause 3.2 in a manner contrary to that undertaking.*
- *Make all consequential amendments arising from the repeal;*
- *Provide the Committee with a copy of the minutes of the meeting at which the Council resolves to provide these undertakings; and*
- *Where the Local Law is made publicly available, whether in hard copy or electronic form, ensure that the law be accompanied by a copy of these undertakings.”*

Comment

Council’s intention to repeal the offending clause was advertised for a period of not less than six weeks, up until 22 December 2016, in accordance with Section 3.12 of the *Local Government Act 1995*. No submissions were received. The amendment local law is hereby presented to Council for adoption.

All other items in the resolution have been undertaken / complied with.

Consultation

Department of Local Government (Local Government Legislation).

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

- *Shire of Donnybrook-Balingup Cat Local Law 2016*
- *Local Government Act 1995*

Voting

Absolute Majority

Financial Implications

Cost of gazettal, approximately \$150.

Strategic Implications

Nil

Council Decision

(Officer’s Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Van Der Heide

That Council:

- 1) **Adopt the *Cat Amendment Local Law 2017*; and**
- 2) **Acknowledge that the purpose of the *Cat Amendment Local Law 2017* is to repeal clause 3.2 of the *Cat Local Law 2016* and that the effect is to ensure the *Cat Amendment Local Law 2017* is consistent with the *Cat Act 2011*.**

**Carried 8/0
By Absolute Majority**

11.5.10	SUBJECT:	ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2017
	Location:	Shire of Donnybrook Balingup
	Applicants:	Shire of Donnybrook Balingup
	Zone:	N/A
	File Ref:	CNL 25
	Author:	Ben Rose, CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	30 January 2017
	Attachments:	11.5.10 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2017

Background

In mid-2016, the Joint Standing Committee on Delegated Legislation (JSCDL) instructed Council to rectify a small discrepancy between the principal *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2008* and the amendment local law introduced in 2016.

The definition of “planning scheme” was altered in the amendment local law. However, the principal local law did not contain a definition of “planning scheme”, only “town planning

scheme". The JSCDL therefore instructed Council to rectify the original local law by replacing "town planning scheme" with "planning scheme" by introducing and amendment local law.

At the Ordinary Council Meeting of 24 August 2016, Council resolved to rectify its *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*, by replacing "town planning scheme" with "planning scheme" in clause 1.2, within six months of that resolution.

Comment

The new amendment local law needs to be made in accordance with the requirements of Section 3.12 of the Act. Accordingly, the proposed amendment local law was advertised and submissions invited until 22 December 2016. No submissions were received.

The *Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2017* is presented for adoption.

Consultation

Department of Local Government and Communities (Local Government Legislation)

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

- *Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000.*
- *Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016*
- *Local Government Act 1995*

Voting

Absolute Majority

Financial Implications

Cost of gazettal, approximately \$150.

Strategic Implications

Nil

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

Moved: Cr Van Der Heide Seconded: Cr Crowley

That Council:

- 1) Adopt the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2017*, as attached; and**
- 2) Acknowledge that the purpose of the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2017* is to replace the term “town planning scheme” with “planning scheme” in clause 1.2 of the principal local law and that the effect is to rectify a discrepancy between terms in the principal local law and the 2016 local law.**

**Carried 8/0
By Absolute Majority**

11.5.11	SUBJECT:	ACCOUNTING PROCEDURES - TUIA LODGE
	Location:	Shire of Donnybrook Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	Ben Rose, Chief Executive Officer (<i>Jeffery Shelley, Facility Manager – Tuia Lodge, Greg Harris, Manager Finance and Administration</i>)
	Report Date:	24 January 2017
	Attachments:	Nil

Background

Resident Kitty Funds

Residents at Tuia Lodge have for some time been provided with a service whereby staff maintain a small ‘kitty’ on their behalf for the purchase of minor personal items. The kitty works by either the Resident or their family contributing a small amount of money to a kitty which enables minor purchases of various goods and services to be paid for from their kitty balance. Individual records are kept for each care recipient. These funds have previously been held outside of the Shire’s control and were never accounted for in any way through the Shire’s accounts or its Trust Fund.

Following the appointment and commencement of the present Facility Manager of Tuia Lodge, the Shire administration were made aware of the existence of these third party monies and that the holding of these funds represented a cash security risk due to the total balance of funds being around \$5,000. An attempted reconciliation of these funds revealed that the funds held did not match the sum of the individual recorded balances. The

reconciliation revealed an initial discrepancy of \$1,396.82, with the cash held being less than the individual records. Since the initial reconciliation at the end of October 2016, a further unrelated discrepancy of \$136.04 (minus) has occurred.

An advance of \$800 was made from the Shire's Municipal Fund to enable payments to be made expediently by Tuia Lodge staff on behalf of the residents.

A decision was then made to transfer the funds to the control of the Shire finance team and the balance of the kitty was transferred to the Shire's Trust Fund.

It is unknown how, why or when this initial discrepancy of \$1396.82 occurred (accurate/reliable receipts and information do not exist). The latest discrepancy (being \$136.04) occurred in early January 2017, notwithstanding appropriate controls had already been put in place and a concerted training program arranged for staff. It is apparent that an earlier lack of internal controls over this cash system has contributed to the problem which has now required the Shire to implement tighter controls and procedures.

Petty Cash

Tuia Lodge is provided with a Petty Cash Advance of \$1,000 from the Municipal Fund for minor expenditure relating to the operations of the facility. Staff are required, and were required, to adhere to Finance Operating Directive 6.2 (a formal directive from the Chief Executive Officer) in regard to the management of these funds.

During the period November 2016 to January 2017 a petty cash discrepancy of \$351.95 occurred whereby the cash on hand as at 11 January 2017 was less than the reconciled petty cash balance.

Comment

It is evident that sound cash management practices were not adhered to over a period of time which has resulted in the discrepancies within both the Resident Kitty funds and the Petty Cash.

It should, however, be noted that a large part of the discrepancies could not be reliably attributed to the current administration. What is important is that tighter internal controls at Tuia Lodge have been put in place to ensure that the likelihood of further discrepancies occurring is minimal. Staff training has been provided to relevant staff members to ensure that they are fully aware of their responsibilities and the need to adhere to internal financial directives.

To resolve the variances and restore both the Resident's Kitty and the Petty Cash Advance to the reconciled figures it will be necessary for Council to write off (as an expense of Tuia Lodge) a net amount of \$1,612.73.

Consultation

Extensive discussions have occurred between staff on this matter.

Policy/Statutory/Voting Implications

Policy

The Chief Executive Officer has Delegated Authority (Delegation 3.8 – Write Off Minor Debts) to write-off up to \$500 on any one debt. Given the matter is over the \$500 'cap', the matter must be considered by Council.

Statutory

Section 5(1) of the *Local Government (Financial Management) Regulations 1996* outlines the Chief Executive Officer's duties as to financial management:

- "5(1) Efficient systems and procedures are to be established by the CEO of a local government –*
- (a) For the proper collection of all money owing to the local government; and*
 - (b) For the safe custody and security of all money collected or held by the local government;"*

Voting

Simple Majority.

Financial Implications

The net shortfall in Resident Kitty and Petty Cash Advance is summarised below:

Resident's Kitty (shortfall as at 31 October 2016)	\$1,396.82
Resident's Kitty (discrepancy 1/11/16 to 11/1/17)	\$ -136.04 (surplus cash)
Petty Cash Advance (discrepancy 1/11/16 to 11/1/17)	<u>\$ 351.95</u>
Total discrepancy requiring write-off	\$1,612.73

Strategic Implications

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

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr King

That Council write-off the amount of \$1,612.73, as an expense of Tuia Lodge, being the net discrepancy in the cash on hand for the Tuia Lodge Resident's Kitty and the Tuia Lodge Petty Cash Advance.

Carried 7/1

11.6 Recall Items

11.6.1	SUBJECT:	COMMUNITY CITIZEN OF THE YEAR AWARDS
	Location:	Shire of Donnybrook Balingup
	Applicants:	Various
	Zone:	N/A
	File Ref:	CNL 02
	Author:	Ben Rose, Chief Executive Officer (<i>Deb Vanallen, Community Development Team Leader</i>)
	Report Date:	2 November 2016

Background

Council considered the confidential report – Community Citizens of the Year Awards at the Ordinary Council meeting held on 21 December 2016.

Comment

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

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.
This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Statutory

The *Local Government Act 1995* Section 5.23(2)(f).

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Council Decision

Officer's Recommended Resolution

Moved: Cr Dilley

Seconded: Cr Mitchell

That the Council resolutions relating to the confidential report Community Citizens of the Year Awards be made public.

Carried 8/0

Officer's Recommended Resolution

Moved: Cr Mitchell

Seconded: Cr Mills

That the Meeting be closed to the public under the *Local Government Act 1995 (the Act)* for Item 11.7.1 – Donnybrook Medical Centre Lease, under Section 5.23(2)(c) of the Act (a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting).

Carried 8/0

** 6.25pm – Keith White left the meeting.

11.7 Confidential Items

11.7.1	SUBJECT:	CONFIDENTIAL – DONNYBROOK MEDICAL CENTRE LEASE
	Location:	Bentley/Egan Street, Donnybrook
	Applicants:	N/A
	Zone:	Public Purposes – Hospital and Allied Purposes
	File Ref:	PRO 01/3A
	Author:	Ben Rose, Chief Executive Officer (<i>Lucy Bourne, Governance Officer</i>)
	Report Date:	19 January 2017
	Attachments:	Nil

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

Moved: Cr Dilley

Seconded: Cr Crowley

That:

- 1) In accordance with Section 5.23(2) of the *Local Government Act 1995*, Agendas, Minutes and Council decisions in relation to item 11.7.1 remain confidential; and**
- 2) When Agendas, Minutes and Council decisions in relation to item 11.7.1 are no longer subject to section 5.23(2) of the *Local Government Act 1995*, the items are to be included in the next occurring Council Meeting Agenda.**

Carried 8/0

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

Moved: Cr Bailey

Seconded: Cr Dilley

That the meeting be re-opened to the public.

Carried 8/0

12 CLOSURE OF MEETING

The Chairperson advised that the next Ordinary Council Meeting will be held on Wednesday, 22 March 2017 commencing at 5.00pm at the Senior’s Room, Donnybrook Community Library, Cnr Collins and Emerald Street, Donnybrook.

The Chairperson declared the meeting closed at 6.34pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 22 March 2017.		
Shire President		Presiding Member