



Ordinary Council Meeting Agenda

To be held on Wednesday, 22 March 2017

Commencing at 5.00pm

In the Seniors' Room, Donnybrook Community Library
Bentley Street, Donnybrook

Ben Rose
Chief Executive Officer

15 March 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 AGENDA

22 March 2017

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SHIRE OF DONNYBROOK BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held at the Seniors' Room, Donnybrook Community Library
Wednesday, 22 March 2017 at 5.00pm

MEMBERS PRESENT

COUNCILLORS

Cr Logiudice
Cr Bailey
Cr Crowley
Cr Dilley
Cr King
Cr Mills
Cr Mitchell
Cr Tan
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
K O'Keeffe – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

Nil

2 PUBLIC QUESTION TIME

3 APPLICATION FOR LEAVE OF ABSENCE

Nil

4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Joseph Caruso would like to donate two copies of his book of his book 'Caruso, Vittorio and Venera – Their Lives and Legacy' to Council. The book documents the Caruso dynasty and their journey from Sicily to Western Australia. Mr Caruso will present these books to Council at the March 2017 Ordinary Council Meeting.

6 PRESIDENTIAL COMMUNICATIONS

Date	Meeting	Report
9 Feb 2017	Meeting with CEO and Facility Manager – Tuia Lodge	Tuia Lodge Bus
9 Feb 2017	Bunbury Geographe Growth Plan.	Launch of Bunbury Geographe Growth Plan at Lighthouse Beach Resort.
13 Feb 2017	Meeting with CEO.	Weekly Communication Meeting.
14 Feb 2017	Gwindinup / Argyle Fire Debrief.	Debrief meeting coordinated by DFES to review the fire response
15 Feb 2017	Meeting with CEO and Dr Ramesh.	Re potential increased service and possible step down availability for recovery patients.
16 Feb 2017	BWEA Meeting.	Monthly Meeting.
17 Feb 2017	Meeting with CEO and Tuia Lodge Volunteers.	Meeting with Joe Betti and Grahame Atherton re future operations and viability of Tuia Lodge Bus.
20 Feb 2017	Meeting with CEO.	Weekly Communication Meeting.
23 Feb 2017	Meeting with Monique Warnock and Colin Holt.	Discussion for potential future project funding in the Donnybrook Balingup Shire.
24 Feb 2017	South West Zone Meeting of WALGA.	
27 Feb 2017	Meeting with CEO.	Weekly Communication Meeting.
27 Feb 2017	Meeting with CEO and Ian Telfer.	Presentation and explanation of the Bunbury Geographe Growth Plan and the potential opportunities for Donnybrook Balingup Shire.
3 Mar 2017	Meeting with Nationals Federal Deputy Leader, Senator Fiona Nash.	Round table discussion RE project funding and project opportunities, held at Bunbury Council Chambers.
6 Mar 2017	Nationals Funding Announcement.	\$15 Million funding Announcement for Boyanup Sale Yard Complex relocation, announced at Boyanup.
7 Mar 2017	Meeting with CEO.	Weekly Communication Meeting.

7 LATE ITEMS

Nil.

8 CONFIRMATION OF MINUTES

8.1 Ordinary Meetings of Council

Council Decision

Moved: Cr

Seconded: Cr

That the Minutes of the Ordinary Meeting of Council held on 8 February 2017 be confirmed as a true and accurate record.

8.2 Special Meetings of Council

Council Decision

Moved: Cr

Seconded: Cr

That the minutes of the Special Meeting of Council held on 10 March 2017 be confirmed as a true and accurate record.

9 ELECTED MEMBERS MOTIONS

Nil.

10 MINUTES OF PREVIOUS MEETINGS

10.1 Committee Minutes

Council Decision

Moved: Cr

Seconded: Cr

That the following Committee Minutes be received:

- **Preston Village Project Management Team Meeting – 14 February 2017**
 - **Local Emergency Management Committee Meeting – 15 March 2017**
-

11 REPORTS OF COMMITTEES

11.1 Preston Village Project Management Team Meeting

11.1.1 PRESTON VILLAGE: COMPLETION OF VILLAGE CONSTRUCTION

Location:	152 Sharp Street, Donnybrook
Applicants:	Donnybrook Balingup
Zone:	Special Use Aged Person Accommodation
File Ref:	CSV 01/9
Author:	B Rose– CEO (Kate O’Keeffe, Executive Assistant)
Report Date:	14 February 2017
Attachments:	Nil

Background

The Preston Village Project Management Team, at its meeting on 14 February 2017 resolved to recommend:

That Council instruct the Chief Executive Officer to:

- 1. Prepare a Business Plan and investigate the best loan valuation procedures to build units 14, 15, 16 and 17 at Preston Retirement Village; and*
- 2. Present this information to the April 2017 Ordinary Council Meeting.*

Comment

The Shire owns and manages a Retirement Village in Sharp Street, Donnybrook, which currently consists of 13 x 2 bedroom, independent living accommodation units plus a Community Building and other ancillary structures (shed, water tanks, car parking etc). 11 of these units are currently occupied. An offer on unit 8 was recently accepted and the settlement process is underway. Unit 4 was recently vacated and will be placed on the market once a valuation has been conducted and a market value has been agreed upon.

Construction of the complex was staged, commencing in 2007 with the first units being occupied in August 2008.

The design of the complex was originally marketed as a 17 unit complex, together with a Community Building. However, due to a temporary downturn in the real estate market only 11 units were initially constructed. A further two units were later constructed around late 2010 to lock-up stage only. The units were recently completed to their final stage with both units now being fully occupied.

The original funding model was based on the Shire raising a loan of \$1,150,000 plus utilising Reserve funds for the initial construction. As construction was staged, it provided

the opportunity for capital funds outlaid to be reimbursed by the lease of the units, thereby reducing the requirement for loan funding or the use of Reserve funds. The funding model proposed that the lease paid by ingoing residents would recover costs of both construction of the units plus infrastructure costs relating to the development.

The overall budget for the project was \$5,550,000 with Council accepting a tender of \$4,805,830 for construction of the units and associated infrastructure works. The budget of \$5,550,000 included construction costs of nearly \$3,500,000 for the 17 units and the Community Building, with the balance of \$2,000,000 being the remaining costs associated with the provision of infrastructure, loan borrowing costs and project contingencies.

The Shire is currently carrying a loan of \$500,000 which is due for final repayment on 12 June 2017. Council's 2016/17 budget provides for the repayment of this loan, however, it will be necessary to raise a further loan of \$110,000 essentially because the lease of units has not yet fully recovered infrastructure costs.

The cost of building the last two units (units 12 and 13) in 2015 to lock-up stage was \$237,818. The remaining cost to complete the two units was a further \$193,446. Therefore the cost of these two last units was \$431,264 (\$215,632 each). It would be reasonable to assume that the cost of constructing a further four units would be similar – four units at approximately \$220,000 each (\$880,000 total). This cost is reflected in a recent (November 2016) cost estimate from BRC Building Solutions - \$216,751 each (\$867,005 total). These costs are provided as conservative estimates only, and it is likely that, given the depressed building market at present, a more competitive cost could be achieved if the market was properly/fully tested.

Based upon recent transactions, it is estimated that the lease of each unit would realise approximately \$315,000 each. Therefore, four units leased at \$315,000 each would generate \$1,260,000. The successful lease of all four units would then provide a surplus cash amount of \$380,000 which could be utilised to repay outstanding loans and/or replenish Reserve funds.

Should Council wish to proceed with the completion of the remaining four units, it is suggested that a short term interest-only loan of approximately \$900,000 be raised through the WATC or another suitable lending authority.

As mentioned above, loan funds will be reduced as the proceeds from the lease of the units is realised.

Policy/Statutory/Voting Implications

Statutory

Retirement Villages Code Regulations 2015

Voting

Simple majority

Financial Implications

The project is identified in the 2019/20 year of the Long Term Financial Plan at a nominal value of \$900,000. Indicative funding sources were shown as \$100,000 from Reserve funds and the remaining \$800,000 as being funded by loan. There are limited funds currently held in the Aged Housing Reserve, as this fund was heavily drawn upon in the 2015/16 year to fund operations at Tuia Lodge. Other remaining funds held in the Reserve relate to the contingency reserves and surpluses generated from the operation of the Shire's Well Aged Housing units (Minninup Cottage and Langley Villas).

Strategic Implications

Outcome 3.1 – Improve and Increase the range of aged care and disability services, facilities and housing

Outcome 4.2 – Maintain long-term financial viability

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council instruct the Chief Executive Officer to:

- 1. Prepare a Business Plan and investigate the best loan valuation procedures to build units 14, 15, 16 and 17 at Preston Retirement Village; and**
 - 2. Present this information to the April 2017 Ordinary Council Meeting.**
-

Chief Executive Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council instruct the Chief Executive Officer to:

- 1. Prepare a financial analysis of the first 13 units at Preston Retirement Village;**
 - 2. Prepare a Business Plan and investigate the best loan valuation procedures to build units 14, 15, 16 and 17 at Preston Retirement Village; and**
 - 3. Present this information to the April 2017 Ordinary Council Meeting.**
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11.2 Local Emergency Management Committee

11.2.1	SUBJECT:	REVIEW OF THE DRAFT LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS
	Location:	Shire of Donnybrook Balingup
	Applicants:	N/A
	Zone:	N/A
	File Ref:	PWF 16D
	Author:	Leigh Guthridge – Manager Development and Environmental Services (<i>Bryanna Wright – Part time Environmental Health Officer</i>)
	Report Date:	8 March 2017
	Attachments:	11.2.1 - Draft Local Emergency Management Arrangements

Background

The Shire of Donnybrook Balingup's Local Emergency Management Arrangements (LEMA) was prepared in 1997. Several updates have been undertaken since this time. The requirement for local governments to prepare and maintain LEMA is enshrined within the Emergency Management Act 2005.

The LEMA are required to be reviewed every five years with the last review being undertaken in 2011.

Comment

The Shire of Donnybrook Balingup applied for funding and was subsequently awarded a grant through the State Emergency Management Committee (SEMC) 'AWARE' Program to review and update its LEMA.

The LEMA is a tool used in planning and responding to emergencies and supports emergency affected communities in the reconstruction of the physical infrastructure as well as restoration of emotional, social, economic and physical wellbeing.

The draft LEMA now aligns with SEMC framework as it is based on best practice across national and international jurisdictions. This will be beneficial when the LEMA is used in an operational capacity in the event of emergency that may arise.

State Risk Project

Section 14 of the draft LEMA - Risk Register and Treatment Schedule states:

The Shire will join with neighbouring local governments as part of the State Emergency Management Committee State Risk Project during 2017. Following that process, the Shire will have contributed to a district aligned risk study and will be in a better position to align its risk management process with that of the State.

The Office of Emergency Management (OEM) will start rolling out the State Risk Project - Local Workshops across the State during 2017.

The Emergency Risk Management (ERM) process, particularly risk assessments, at the local level is an integral part of a local government's review of their Local Emergency Management Arrangements. However consistent and comparable risk assessments across all 138 local governments have not been done yet.

In accordance with [State Emergency Management Policy Statement 3.2.6](#), ERM planning must be undertaken in accordance with the SEMC's [Western Australian Emergency Risk Management Guideline](#), which is aligned with the Australian/New Zealand International Standard Organisation (AS/NZS ISO 31000:2009) *Risk Management – Principles and Guidelines*.

The ERM plans are to be developed, led and administrated by the local government (LG) and LEMC ([State EM Prevention Procedure 1 – Emergency Risk Management Planning](#)).

The Office of Emergency Management (OEM) has consulted with a range of local governments, risk management consultants, WALGA, OBRM and the District EM Advisors to determine the best way to achieve consistency of assessment across all local governments.

Given the large number of local governments, the best way to provide the maximum level of support to local governments is to work with them in groups.

The local level component of the State Risk Project (SRP) aims to:

- Help local governments to understand their risk;
- Assist local governments to complete the emergency risk management (ERM) process as required by existing policy;
- Allow the State to gain a comprehensive understanding of current risks at the local level; and
- Provide information to enable future mitigation at all levels which will reduce the future cost of disasters.

Each of the participating local government representatives will be requested to consider the top 5 hazards relevant to the local area.

It is recommended that Local Emergency Management Committee (LEMC) review and provide comments on the draft LEMA.

Consultation

Mr Vikram Cheema, District Emergency Management Advisor - South West, Officer of Emergency Management has provided input into the draft LEMA.

It's recommended that the LEMC review the draft LEMA prior to submitting for Council endorsement. The draft LEMA would then be advertised to the Community.

Policy/Statutory/Voting Implications

Statutory Implications

Local governments are required to prepare and maintain Local Emergency Management Arrangements in accordance with the *Emergency Management Act 2005*.

The Local Emergency Management Arrangements are required to be reviewed every five years to ensure that risks (that may change within this time) are assessed and treatment plans are reviewed accordingly.

Voting Implications

Simple majority

Financial Implications

The Shire obtained AWARE funding of \$20,000 (Ex-GST) in June 2016 to review its LEMA. This project is fully funded by the AWARE program.

Strategic Implications

Outcome 3.4 – Maintain and Improve the Provision of Emergency Services.

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

Moved:

Seconded:

- 1. That Council advertise the draft Local Emergency Management Arrangements (LEMA) for 28 days during April 2017 and submissions received will be considered by the Local Emergency Management Committee and subsequently Council prior to the LEMA being adopted at a future meeting of Council.**
- 2. That the Emergency Risk Management (ERM) plans be developed by the Shire of Donnybrook – Balingup and Local Emergency Management Committee (LEMC) in the ensuing 18 months. The top 5 hazards relevant to the Shire of Donnybrook - Balingup will be considered during this time.**
- 3. That once completed the ERM plans will be included in the Local Emergency Management Arrangements.**

12 REPORTS OF OFFICERS

12.1 *Manager Finance and Administration*

12.1.1 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 CCP3215-CCP3223, EFT11048a-EFT11253, 52413- 52463, DD21712 – DD21713, Trust 3456-3471, EFT10961a, EFT10961b and EFT11252b, totalling \$2,621,600.31.

12.1.2 MONTHLY FINANCIAL REPORT

Council Decision (Officer's Recommended Resolution)

Moved: Cr

Seconded: Cr

That the monthly report for the period ended 31 January 2017 be received.

12.1.3 2016/17 MID-YEAR BUDGET REVIEW

Location:	Shire of Donnybrook-Balingup
Applicants:	Administration
Zone:	N/A
File Ref:	FNC 04/1
Author:	Greg Harris, Manager Finance & Administration
Report Date:	14 March 2017
Attachments:	12.1.3 - Budget Review

Background

The purpose of this agenda item is for Council to consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2017 to 28 February 2017.

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2017, including actual year-to-date results for the period ending 28 February 2017, is presented for Council to consider. The Local Government (Financial Management) Regulations 1996, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Comment

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

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	\$	\$	\$
Budget Adoption - Closing Funds (f)			0
Variations between adopted budget and final closing funds		(22,393)	(22,393)
Variations previously approved by Council resolution			(22,393)
Governance (Schedule 4)			
Increase expenditure - Consultancy for the Review of Strategic Community Plan and Corporate Business Plan		(35,000)	(57,393)
Increase expenditure - Consultancy for the Review of Long Term Financial Plan		(15,000)	(72,393)
Law, Order & Public Safety (Schedule 5)			
Increase expenditure - Provide contingency amount for CCTV project (as per Council resolution)		(3,492)	(75,885)
Decrease income - Grants from Minster for Police for CCTV not expected to be received		(41,508)	(117,393)
Increase income - Transfer from CBD Reserve to fund shortfall on CCTV project	45,000		(72,393)
Budget variations proposed:			
General Purpose Funding (Schedule 3)			
Decrease income - interim rating income is expected to be less than budget estimate		(10,000)	(82,393)
Decrease income - instalment charges for rates paid by instalment to be less than budget		(1,500)	(83,893)
Increase income - interest charges for rates paid by instalment to be higher than budget	700		(83,193)
Increase income - interest charges for late payment of rates will be higher than estimate	8,000		(75,193)
Increase income - income from back rates is higher due to subdivision	5,673		(69,520)

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
Increase expenditure - rating concessions granted are higher than estimate		(1,517)	(71,037)
Increase income - additional income recovered from rate debtors for non-payment of rates	8,000		(63,037)
Increase income - additional income charged for ad hoc direct debit arrangements for rates	2,000		(61,037)
Decrease income - interest received from investment will be lower due to prevailing rates		(5,000)	(66,037)
Decrease expenditure - no rates write off's identified for the current financial year	1,000		(65,037)
Decrease expenditure - expenses relating to supply and installation of Rural Road numbers to be less than estimate	4,000		(61,037)
Increase expenditure - prior year rates written off		(400)	(61,437)
Increase expenditure - legal costs relating to recovery of unpaid rates will be higher (recoupable)		(8,000)	(69,437)
Decrease income - variance between notional and final approved Financial Assistance Grant (WA Local Government Grants Commission)		(3,765)	(73,202)
Decrease expenditure - budget provision for consultancy for Grants Commission submission will not be required	2,500		(70,702)
Increase income - State grant for interest on deferred rates was higher than estimate	573		(70,129)
Governance (Schedule 4)			
Decrease expenditure - purchase of Ipads and Council Dashboard solution to be deferred	17,025		(53,104)
Decrease expenditure - Workers Compensation Insurance premium based on initial budget estimate, premium adjustment if necessary will occur in the following year	9,129		(43,975)
Decrease expenditure - full budget provision for advertising will not be utilised as expenditure is direct costed to program areas wherever possible	7,000		(36,975)
Increase expenditure - provide for employment of F/Time IT Officer from April 2017		(20,000)	(56,975)
Increase expenditure - provide for reimbursement of relocation expenses to CEO, as approved by Council		(5,000)	(61,975)
Decrease expenditure - OSH expenses allocated directly to cost areas as part of those budgets	3,000		(58,975)
Increase expenditure - Additional furniture required due to internal staff relocation within the office		(4,000)	(62,975)
Decrease expenditure - Employment of Part-time Finance Officer deferred pending review	30,000		(32,975)
Increase income - legal fees for Country Club self supporting loan agreement recoverable	1,719		(31,256)
Decrease expenditure - provision for replacement office	8,000		(23,256)

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
air conditioner not required at this stage			
Decrease expenditure - provision for upgrade of Shire Office telephone deferred pending decision regarding building upgrade	35,500		12,244
Decrease income - Transfer from Reserve for Shire Office telephone not required		(35,500)	(23,256)
Decrease income - Transfer from Reserve for air conditioner replacement not required		(8,000)	(31,256)
Increase expenditure - legal costs higher than budget estimate (Rosdene Lane etc.)		(7,500)	(38,756)
Increase expenditure - expenditure on Audit services will be higher due to additional services provided		(2,500)	(41,256)
Decrease expenditure - cost of developing a Business Case for the Shire Administration Centre less than the budget estimate	20,000		(21,256)
Increase expenditure - proposed consultancy for the development of a Marketing and Communications Strategy		(10,000)	(31,256)
Increase expenditure - additional expenditure required for revaluation of land and buildings		(2,000)	(33,256)
Decrease expenditure - Defer expenditure on software and building condition assessments as the Shire's Asset Management Planning is not advanced enough at this stage	30,000		(3,256)
Decrease expenditure - savings achieved by the delay in employing an OSH Officer	15,000		11,744
Decrease income - reduce transfer from Reserve due to savings on Shire Office Business case		(20,000)	(8,256)
Law, Order & Public Safety (Schedule 5)			
Increase expenditure - reciprocal transfer for changeover of SES Vehicle		(5,959)	(14,215)
Increase income - reciprocal transfer for changeover of SES Vehicle	5,959		(8,256)
Increase expenditure - additional Brigade expenditure funded by LGGS scheme relating to the purchase of face respirators and increased plant insurance costs. Seek recoup from DFES.		(55,022)	(63,278)
Increase income - claim for additional LGGS scheme expenditure for 2015/16 year approved.	28,404		(34,874)
Increase expenditure - general expenses for Animal Control will exceed budget		(4,500)	(39,374)
Increase income - income from fees charged for feeding animals to be higher than estimate	500		(38,874)
Increase income - Cat Registration Fees will exceed budget estimate	1,000		(37,874)
Health (Schedule 7)			
Reduce expenditure - EHO is not taking extended leave	8,000		(29,874)

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
therefore less relief staff required			
Reduce income - Septic Tank Approval to use fees are expected to be less than budget estimate		(2,000)	(31,874)
Reduce income - Septic Tank Application Fees are expected to be less than budget estimate		(2,000)	(33,874)
Increase income - additional income from the issue of Health Licences has been received	718		(33,156)
Decrease income - Income from Food Registration fees will be less than the budget estimate		(605)	(33,761)
Decrease income - Rental Income from the ex HACCC Office building double counted in budget		(15,455)	(49,216)
Increase income - Reimbursement of outgoings for Pathology Centre not included in budget	4,367		(44,849)
Education and Welfare (Schedule 8)			
Decrease expenditure - Tuia Lodge salaries reduced by estimated expenditure on contract staff employed through an Agency	100,000		55,151
Increase expenditure - Agency staff to be employed at Tuia Lodge (offset by reduced salaries)		(100,000)	(44,849)
Increase expenditure - estimated increase in operational cost for Tuia Lodge		(185,108)	(229,957)
Decrease expenditure - projected operational surplus for Tuia Lodge reduced to Nil	71,961		(157,996)
Increase expenditure - Loan Guarantee Fees charged higher than budget estimate		(1,264)	(159,260)
Decrease expenditure - Expenditure on Affordable Housing project to be less than estimate	5,100		(154,160)
Decrease expenditure - Interest on Retirement Village loan less than estimate due to accrual adjustments	995		(153,165)
Increase expenditure - Value of Furniture and Equipment purchased for Tuia Lodge which is under the Capitalisation Threshold		(6,154)	(159,319)
Increase Income - Training Grant to be received for Tuia Lodge	20,000		(139,319)
Increase income - Administration Fees for processing of Retirement Village lease received	750		(138,569)
Decrease income - Grants received for Affordable Housing project less than estimate		(1,900)	(140,469)
Increase Income - estimated additional Grant income to be received for Tuia Lodge	100,000		(40,469)
Decrease income - Bond and Interest retention amounts for Tuia Lodge are expected to be less than the budget estimate		(25,000)	(65,469)
Increase income - Income received at Preston Village for hire of the Community Building was not included in the budget	3,000		(62,469)

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
Increase expenditure - proposed increase in budget to provide for partial upgrade of the Nurse Call system installed at Tuia Lodge		(55,500)	(117,969)
Decrease income - sale of Unit 13 Preston Village less than budget estimate		(3,000)	(120,969)
Community Amenities (Schedule 10)			
Increase income - income from refuse bin charges is higher than the budget estimate	4,081		(116,888)
Increase income - income from Waste Management Levy charges is higher than budget est.	1,728		(115,160)
Increase income - income from Recycling Bin charges is higher than budget estimate	1,657		(113,503)
Decrease expenditure - development of new Cell at Waste Management Facility postponed	500,000		386,497
Decrease income - transfer from Waste Management Reserve not required due to postponement of new cell development		(500,000)	(113,503)
Decrease expenditure - legal expenses relating to Town Planning are expected to be less than budget estimate	3,000		(110,503)
Decrease expenditure - Town Planner conference expenses are less than budget estimate	2,500		(108,003)
Decrease expenditure - No major external Town Planning Consultancy is envisaged	10,000		(98,003)
Decrease expenditure - full budget provision for relief staff for Town Planner will not be required.	2,200		(95,803)
Decrease income - no further rezoning applications are expected therefore income will be less		(3,000)	(98,803)
Decrease income - No income is expected to be recovered for large development applications		(17,000)	(115,803)
Increase expenditure - anticipate higher expenditure in Public Toilets due to higher quality paper products being used		(5,000)	(120,803)
Decrease expenditure - Extension of Leach Drain for Balingup Village Green toilets deferred pending further investigation into need	7,000		(113,803)
Increase expenditure - maintenance requirements for Upper Preston Cemetery will be higher due to the requirement to maintain driveway and install new grave markers		(3,000)	(116,803)
Decrease expenditure - operating cost of the Community Bus are expected to be less than est.	1,000		(115,803)
Recreation and Culture (Schedule 11)			
Reduce expenditure - Development of a Hall Conservation Plan has been deferred as the proposed Lotterywest Grant has not yet been approved	30,000		(85,803)
Reduce expenditure - Restoration and painting of windows in the Donnybrook Hall to be deferred pending	10,000		(75,803)

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
development of the Hall Conservation Plan			
Increase expenditure - additional maintenance required on Kirup Hall (Shire responsibility)		(600)	(76,403)
Reduce income - Lotterywest Grant for hall Conservation Plan will not be received		(15,000)	(91,403)
Decrease income - Rental income for the Balingup Hall Physio room is expected to be less than the budget estimate		(700)	(92,103)
Decrease expenditure - Repainting of the external walls of the Brookhampton Hall has been deferred pending the development of the Hall Conservation Plan	19,000		(73,103)
Increase expenditure - Balingup Hall project. Extra cost due to allowing for 3% retainer, additional drainage, problematic lead in and entrance design, reconstructing brick retaining wall and associated fixtures to meet AS1428 - accessibility standards		(18,000)	(91,103)
Increase income - additional grant amount received from Lotterywest for Balingup Town Hall	4,500		(86,603)
Decrease income - transfer from Reserve reduced due to deferral of Brookhampton Hall upgrade		(5,500)	(92,103)
Increase expenditure - additional maintenance requirements Balingup Recreation Centre		(1,212)	(93,315)
Increase expenditure - additional maintenance requirements Donnybrook Tennis Club		(338)	(93,653)
Increase expenditure - additional costs relating to damage that was caused to the Balingup Oval following the Medieval Carnivale		(5,000)	(98,653)
Increase income - Income received from donations to the Money Spinner at Apple FunPark	3,500		(95,153)
Decrease income - Projected income at Donnybrook Recreation Centre will be less than the budget estimate due to lower attendance and reduction in gym memberships		(24,440)	(119,593)
Decrease expenditure - Indigenous Sculpture Park projects to be deferred. Need to submit grant application however low chance of success is indicated	10,000		(109,593)
Decrease income - Grants for the Indigenous Sculpture Park will not be received by year end		(6,000)	(115,593)
Decrease expenditure - salary costs for Donnybrook Community Library are expected to be less than the budget estimate due to less casuals being employed	10,000		(105,593)
Decrease expenditure - less superannuation costs at Donnybrook Library due to lower salaries	1,000		(104,593)
Decrease expenditure - general office expenses at Donnybrook Community Library are expected to be less than the budget estimate. Not all projects can be	15,000		(89,593)

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
implemented.			
Decrease expenditure - savings can be achieved in general office expenses at Balingup Community Library	4,000		(85,593)
Transport (Schedule 12)			
Decrease expenditure - Bridgeworks on Trevena Road will carry over to 2017/18	- 1,490,000	-	1,404,407
Increase expenditure - additional expenditure incurred on Kingspring Road		(2,500)	1,401,907
Increase expenditure - additional expenditure incurred on Dental Carpark works		(4,500)	1,397,407
Increase expenditure - additional expenditure incurred on Attwood Road		(43)	1,397,364
Decrease expenditure - less expenditure incurred on Hurst Road	2,500		1,399,864
Increase expenditure - reallocation of funds from Balingup Nannup Road to Upper Capel Road as approved by the Regional Road Group		(30,000)	1,369,864
Decrease expenditure - reallocation of funds from Balingup Nannup Road to Upper Capel Road as approved by the Regional Road Group	30,000		1,399,864
Decrease expenditure - Mungalup Road project is well on track to be completed at approx. \$300K under budget. Currently considering options for utilisation of remaining funds	333,713		1,733,577
Reduce expenditure - revision of budget for Grimwade Road project, now reflects total allocation over the 2-year period to match SBS funding	9,760		1,743,337
Increase expenditure - reallocation of funds from Balingup Nannup Road to Upper Capel Road as approved by the Regional Road Group		(60,000)	1,683,337
Decrease expenditure - reallocation of funds from Balingup Nannup Road to Upper Capel Road as approved by the Regional Road Group	60,000		1,743,337
Decrease expenditure - less expenditure incurred on Fleet Street project	5,481		1,748,818
Reduce expenditure - Trevena Road bridge approaches project will carry over to the 17/18/ year	150,000		1,898,818
Increase expenditure - increased expenditure incurred on Ryalls Road project		(5,338)	1,893,480
Decrease expenditure - revised cost estimate for Ravenscliffe Road	5,000		1,898,480
Increase expenditure - carry over expenditure on Thomson Brook Road not provided for in the budget		(1,338)	1,897,142
Decrease income - Grant for Bridgeworks on Trevena Road will not be received until 2017/18		(1,500,000)	397,142
Decrease income - Roads to Recovery grants will be		(3,805)	393,337

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
less than estimate - relates to timing			
Increase income - increase Transfer from Roadworks reserve to fund preliminary works on Trevena Road Bridge	10,000		403,337
Decrease expenditure - savings can be achieved for Road Asset Management due to recent review of Road assets and condition ratings etc.	10,000		413,337
Increase expenditure - additional expenditure requirements for Street Trees due to Western Power requirements		(10,000)	403,337
Decrease expenditure - Reduce budget for Donnybrook Townscape as Shire has been successful in securing funding through Blackspot funding for Collins Street Traffic Calming	10,000		413,337
Increase expenditure - sundry plant purchased which is under the capitalisation threshold (reduce capital plant exp budget to offset)		(1,200)	412,137
Increase income - additional income received from Parking Infringements	100		412,237
Reduce income - less income expected from charges for the issue of Heavy haulage permits		(750)	411,487
Reduce expenditure - reduce capital expenditure to cover minor items purchased which were under the capitalisation threshold	1,200		412,687
Increase income - additional reimbursements received from Department of Transfer for training expenses incurred by the Shire	563		413,250
Economic Services (Schedule 13)			
Increase expenditure - carry over expenditure to complete 2015/16 projects at Balingup Transit park		(2,000)	411,250
Decrease expenditure - estimated savings in Salaries within the Building area based on current pay rates	9,000		420,250
Decrease expenditure - estimate reduction in superannuation to be paid based on revised estimate of salaries	1,000		421,250
Decrease expenditure - provision for relief staff within the Building section will not be as high as original budget estimate due to less leave being taken	8,000		429,250
Decrease income - income from Building Permit Fees are expected to be less than the budget estimate due to reduced number of applications being received		(5,000)	424,250
Decrease expenditure - Transfer to Trust for profit received on sale of Mead Street units to be reduced as no sale of land is expected	428,354		852,604
Decrease expenditure - budget provision for unspecified consultancy to be utilised within other areas of the budget	10,000		862,604

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
Decrease expenditure - provision for audit of Shire owned/managed land will not be required as the project will be done in-house by the Shire Planner	2,500		865,104
Increase expenditure - no budget provision was made for electricity expenses relating to the RAC Charging Station		(700)	864,404
Reduce income - income for the issue of extractive industry licence renewals to be less due to cancelled licence		(800)	863,604
Increase income - anticipated income from charges from the RAC Charging station	700		864,304
Decrease expenditure - Victory Lane Development to be deferred pending a high level strategic review of the project	371,000		1,235,304
Decrease income - current demand would indicate that no sales of the Mead Street land are likely to occur this financial year		(562,390)	672,914
Increase income - recommend transfer from Land Development Reserve to cover development costs for Mead Street Land until such time as land is sold and Reserve can be repaid	134,036		806,950
Decrease Income - Loan will not be raised for Victory Lane Development		(371,000)	435,950
Public Works Overheads (Schedule 14)			
Decrease expenditure - Superannuation costs for engineering and works staff are expected to be less than the budget estimate	30,000		465,950
Increase expenditure - additional long service leave costs incurred due to payout of one staff member		(3,173)	462,777
Reduce expenditure - Workers Compensation expenses are expected to be less than the budget estimate due to finalisation of claims and lower compo incidents	45,000		507,777
Increase income - increase transfer from Employee Leave Reserve to offset higher LSL costs	3,173		510,950
Decrease income - less income to be recouped from Insurer due to lower level of W/Comp		(45,000)	465,950
Increase expenditure - additional expenditure will be required on tyres due to the delay in the plant replacement program		(10,000)	455,950
Increase expenditure - Insurance costs are higher than the budget estimate due to revised sum insured values (e.g. Bushfire equipment now insured at Replacement value)		(33,020)	422,930
Decrease expenditure - costs relating to development of Gravel Supplies will not be utilised this financial year.	100,000		522,930

Description	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
Decrease Stock on Hand Closing - to reflect gravel not produced for stock		(100,000)	422,930
Funds Transfers (Schedule 15)			
Increase expenditure - increase transfer to Waste Management Reserve to reflect WM net cost		(1,728)	421,202
Increase expenditure - transfer to Roadworks Reserve, unspent funds Mungilup Road		(333,713)	87,489
Increase expenditure - transfer to Roadworks Reserve, unspent funds Trevena Road Bridge approaches		(150,000)	(62,511)
Increase expenditure - transfer to Aged Housing Reserve, Tuia Lodge bond retention and interest on retained bonds		(30,000)	(92,511)
Increase expenditure - transfer to Aged Housing Reserve, Preston Village surplus maintenance fees paid by residents		(7,129)	(99,640)
Decrease expenditure - decrease transfer to Building Reserve	48,140		(51,500)
Increase expenditure - transfer collections from Apple FunPark money spinner to Apple Funpark Reserve		(3,500)	(55,000)
Amended Closing Funds as per Council Resolution (g)	4,582,852	(4,637,852)	(55,000)

The detailed budget review analysis shows a projected deficit of \$55,000. This amount essentially represents the projected amount of additional expenditure that will be incurred by Bush Fire Brigades under the Local Government Grants system (LGGs). Subject to approval by the Department of Fire and Emergency Services, it is expected that this amount will be recouped within the 2017/18 financial year in the form of a supplementary grant payment. Therefore adjustments have been made within the projected budget to achieve a final deficit figure of \$55,000.

Significant variations identified in the projected budget results are:

- A variation of \$22,393 has been identified between the projected opening position and the actual opening position for 2016/17. This has resulted in a decrease in available cash of \$22,393.
- It is proposed that the purchase of iPads and the Council Dashboard software solution be deferred and that this matter is further considered in the 2017/18 budget deliberations. This budget amendment will result in an increase in available cash of \$17,025.
- Due to the impending wind-up of the shared IT Resource Sharing arrangement with the Shires of Dardanup and Harvey, effective as at 30th June 2017, it will be necessary for a full-time IT Officer to be appointed in April 2017. This will provide some time for the new staff member to become fully acquainted with the

IT networks within the Shire. This action will result in a \$20,000 decrease in available cash.

- It is proposed to delay the appointment of a part-time Finance Officer with the view to considering a full-time position, at a higher level, in 2017/18. There are ever increasing demands on the Finance team from a compliance and operational perspective. Funding methodology and increased accountability at Tuia Lodge will also impact on the Finance Team. The delay in appointing this position will result in an increase in available cash of \$30,000 for the current financial year.
- It is proposed to defer upgrading of the Administration Centre telephone system due to the delay in progressing the upgrade of the Shire Administration Centre. The existing system is still functional although some funds will need to be spent on the Voicemail system which has now failed. It is considered advantageous to progress the upgrade of the phone system as a part of the building upgrade, due to cabling and other technical requirements.
- Savings of approximately \$20,000 will be achieved in respect to the consultancy to develop a Business Case for the Shire Administration Centre. This project was budgeted at \$40,000 however the actual cost will be in the vicinity of \$20,000. This reduction will be offset by a reduction in the transfer from the Building Reserve.
- The need for the development of a marketing and communications strategy has been identified by Council and it is proposed that \$10,000 will be required for consultancy relating to this project.
- Due to the need to find funds for other budget variations it is proposed to delay some aspects of asset management planning including the purchase of software and external engagement of contractors to undertake building condition assessments. This will result in an increase in available cash of \$30,000.
- Employment of an OSH Officer was identified in the 2016/17 budget however there has been some delay in the appointment of this staff member. This will result in an increase in available cash of \$15,000.
- Additional expenditure of approximately \$55,000 will be incurred in the management of the Shire's Bush Fire Brigades due to increased plant insurance costs and the need to fund the purchase of face respirators. DFES have indicated that they will cover the cost of the respirators and as insurance of vehicles at replacement cost is mandatory, it is expected that DFES will also fund additional insurance costs. Whilst a supplementary grant of \$55,000 is expected to be received in the 2017/18 year, the over-expenditure in the 2016/17 year will result in a decrease in available cash of \$55,000.
- Tuia Lodge – a budget surplus of \$161,962 was identified in the 2016/17 budget with these surplus funds to be transferred to the Aged Housing Reserve as is normal practice. The budget review for Tuia Lodge has revealed that the surplus is unlikely to be achieved and the review has predicted a break-even position, at best, as at 30th June 2017. In fact to achieve break-even it will be necessary for the facility to carefully manage expenditure and maximise income between now and the end of the financial year. If a budget surplus can be achieved this surplus will be transferred to Reserve however if a budget deficiency is the result

this will need to be borne from general funds as the Aged Housing Reserve was depleted in the 2015/16 year.

- Pending further investigation by the CEO it is proposed that the Nurse Call upgrade will cost approximately \$55,500 which will be funded from the overall 2016/17 year budget for Tuia Lodge.
- Development of a new cell at the Waste Management Facility has been postponed due to the remaining life left in the existing cell (\$500K). This will mean that the transfer from the Waste Management Reserve will not be required. The overall impact of this deferral is Nil in respect to the current year budget as the project was to be entirely funded from Reserve.
- Development of a Hall Conservation Plan will not occur during the 2016/17 budget year as funding has not yet been approved from Lotterywest. This will result in an increase in available cash of \$30,000.
- Restoration and painting of the windows in the Donnybrook Hall have been deferred pending the development of the Hall Conservation Plan. This will result in an increase in available cash of \$10,000
- Repainting of the external walls of the Brookhampton Hall has also been deferred pending the development of the Hall Conservation Plan. This will result in an increase in available cash of \$19,000.
- Additional expenditure will be incurred on the Balingup Town Hall project due to a number of reasons such as drainage, entry design and reconstruction of the front retaining wall. This will result in a decrease of available cash of \$18,000.
- Bridgeworks on Trevena Road will be carried over to the 2017/18 year and funding for this project will not be received until 2017/18. Approximately \$10K of preliminary work will be undertaken which may be funded from the Roadworks Reserve.
- Approximately \$300K will remain unspent on the Mungalup Road project after the project is completed to scope. Staff are presently investigating options for the utilisation of the remaining funds which can only be spent in a manner approved by the South West Development Commission. Unspent funds will be transferred to the Roadworks Reserve to be utilised in 2017/18.
- It is proposed to reduce the Donnybrook Townscape budget by \$10,000 as the Shire has been successful in securing funding through the Blackspot program for Collins Street Traffic calming or improvements. This will result in an increase of \$10K in available cash.
- There currently appears to be limited demand for the land the Shire has developed in Mead Street Donnybrook. Therefore no sales of land are expected by the end of the financial year. This will mean that profits identified in the budget will not be achieved and will therefore not be transferred to the Shire's Trust Fund as was required by the State. To cover the shortfall within the current budget it is recommended that Council approve of a transfer from the Land Development Reserve of \$134,036.
- The Victory Lane development project has been removed from both the income and expenditure side of the budget as a high level strategic review of this project is currently being undertaken.

- Expenditure of \$100,000 relating to the development of future gravel reserves is unlikely to occur and will therefore be carried forward to the 2017/18 financial year.
- In order to provide additional funds within the current year budget it is recommended that the end of year transfer to the Building Reserve be reduced by \$48,140.

Council authorisation is now sought to amend the 2016/17 budget to reflect the above proposed variations.

Consultation

Chief Executive Officer and Executive Managers

Policy/Statutory/Voting Implications

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

Statutory:

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

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for the financial year must –*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

** Absolute majority required*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

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

Financial Implications

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

Comment

Council approved the funding of the fleet review at its Ordinary Meeting on 26 October, 2016.

UNIQCO's final report has been included as an attachment to this agenda (Attachment 12.2.1(1)). The report was also sent by email to all Councilors on 2 March 2017, for review prior to the UNIQCO presentation at the Council Agenda Briefing and Concept Forum held on 14 March, 2017.

Key findings of the UNIQCO Fleet Review for Shire of Donnybrook-Balingup in relation to fleet changeover timeframes are:

- Light vehicle changeover should be established at 5-year or 120,000km (whichever comes first);
- Light vehicles chosen need to be fit for purpose, and maintain good re-sale value;
- Maintenance cost for the upkeep of older light vehicles will need to be taken into account within future maintenance budgets;
- Review current large plant changeover timeframes against the Institute of Public Works Engineers WA optimum replacement benchmarks;
- Consider extending the changeover timeframe of key large plant, subject to risk assessments being undertaken as the machine approaches the scheduled changeover;
- Review operational requirements of under-utilised plant.

The report makes sound recommendations into the management and programming of the Shire's 10-year plant replacement program that will be reviewed based on these recommendations prior to inclusion in the 2017/18 Shire of Donnybrook Balingup Budget.

Many of the recommendations will have staffing and resourcing implications if they are proposed to be implemented. These factors will need to be carefully considered prior to adopting recommendations.

Risk assessment will play a key role in determining the ultimate timing of a machine changeover. If a machine is not delivering the required performance levels, and maintenance cost for that machine are high, a risk assessment may identify it should have a reduced changeover timeframe.

Within the report, the implications of revised vehicle changeover timeframes on staff remuneration packages were also considered. UNIQCO have made a number of recommendations for the Shire to consider and possibly implement within the next review of existing Shire policies.

Another factor that will impact on the Shire's future plant replacement programs is the recently announced changes from the Department of Transport in relation to the discontinuation of vehicle license concession to Western Australian Local Governments.

As outlined in the letter from the Department of Transport (refer Attachment 12.2.1(2)), the annual cost to license the Shire's fleet will increase by over \$20,000 per annum. The Shire will

also be required to pay Stamp Duty on the grant or transfer of a vehicle license. This additional cost per annum has not been calculated due to the variance in fleet purchased each year; however the financial impact is estimated to be similar to the increase of cost for licensing.

WALGA is currently representing WA Local Governments in voicing concerns to the Department of Transport over the discontinuation of vehicle license concessions.

Consultation

UNIQCO consulted with a number of internal stakeholders in relation to the Shire of Donnybrook Balingup light vehicle and large plant requirements and practices for consideration in the final report.

Shire officers reviewed the document at relevant stages prior to the final document being received.

Policy/Statutory/Voting Implications

Voting

Simple majority

Financial Implications

Recommendations from the report and the changes outlined by the Department of Transport will have implication on future budgets, including:

- Adjusting timeframes for the changeover of fleet;
- Purchasing fleet which historically holds greater re-sale value;
- Making provisions within future budgets to allow for higher maintenance costs due to increased changeover periods;
- Making provisions within future budgets for the increased licencing and stamp duty costs.

Strategic Implications

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

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

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

1. Receive the 'Fleet Review For Shire of Donnybrook Balingup' report prepared by UNIQCO, dated 23 February 2017;
 2. Instruct the Chief Executive Officer to review the Shire of Donnybrook Balingup 'Ten Year Plant Replacement Program', with due consideration to the recommendations of the UNIQCO report 'Fleet Review for Shire of Donnybrook Balingup', for inclusion within the 2017/18 Shire of Donnybrook Balingup Budget;
-

12.3 Manager Development and Environmental Services

Nil

12.4 Principal Planner

12.4.1 APPLICATION FOR TRANSPORTABLE FOOD VAN AT LOT 461 SOUTH WESTERN HIGHWAY, DONNYBROOK

Location:	Lot 461 South Western Highway, Donnybrook
Applicants:	Shane Watling
Zone:	Caravan Park
File Ref:	A3326
Author:	Bob Wallin (Principal Planner)
Report Date:	23 February 2017
Attachments	12.4.1(1) – Site Plan 12.4.1(2) – Schedule of Submissions

Background

A planning application has been received for a transportable food van to operate for 6 months at Lot 461 South Western Highway, Donnybrook, known locally as the 'Old Caravan Park' site (Attachment 12.4.1(1)).

The land is vested with the Shire for the purpose of 'Caravan Park'. The Management Order does not provide Council with the power to lease the land. Approval from the Minister for Lands will be required in order to lease or sublease the land. It will be also be necessary to change the Management Order. The Management Order, as presently worded, cannot allow for a fast food van unless it is ancillary to an established caravan park. At present, the land is vacant.

The land is zoned 'Caravan Park' under Local Planning Scheme 7 (LPS7) and the proposed use as a 'Fast Food Outlet' is listed as "A" (Discretionary). This requires public advertising prior to Council making a decision.

There are two reasons why this proposal is being presented to Council. These are:

- a) the contentious nature of the proposal (based on public submissions received);
- b) the need to request the Minister for Lands to amend the vesting order and provide the power to lease. It is necessary for Council to instruct the Chief Executive Officer on this point.

Council considered a previous proposal for a fast food van at the front of former 'Cubby House Café' building at lot 56 South Western Highway, Donnybrook at its Ordinary Meeting on 21 December 2016. At this meeting, Council resolved to instruct the Chief Executive Officer to engage in further discussion with the applicant to identify alternative opportunities.

This site (the Old Caravan Park site) has been identified as a possible alternative site, preferred by the applicant.

The proposal is for the van to be permanently stored on the site (for six months duration only) with temporary signage banners. The business is intended to operate between 11am and 8pm daily, however, will be dependent on market demand. It is likely that the business will employ five people.

Comment

There are a number of important differences between this new proposal and previous proposal considered at the December 2016 Ordinary Meeting of Council. These differences are outlined below.

Zoning

The site is zoned 'Caravan Park' under LPS7. The previous application was on a site zoned 'Commercial'. The rules and requirements under the 'Commercial' zone are more restrictive than that of the 'Caravan Park' zoning. This is because of the role and location of the 'Commercial' zone which is primarily located on the town centre.

Caravan park sites are not normally located in the heart of a town and are limited to a select few sites. The purpose of the 'Caravan Park' zone is to:

"...provide for the development of caravan and camping grounds for the use of short-stay accommodation and where appropriate to provide opportunities for long-term accommodation to permanent residents."

The purpose of the 'Commercial' zone is to:

"provide for retail shopping, office and commercial development together with social, recreational, community, tourist, entertainment and residential activities to service the populations of surrounding areas along with visitors to the area."

It is clear that the function and role of each zone is different. Further, a caravan park by its very nature accommodates transportable structures similar to the van proposed.

Buildings and development within the Commercial zone are also guided by Local Planning Policies that do not support transportable structures. These policies do not apply to 'Caravan Park' zoned land.

Setting/Location

The previous application was to locate a van in front of an existing building that ensured that it protruded forward of the existing buildings in the locality and was prominent.

This proposal is setback approximately 30 metres from the road reserve and partly screened by established trees.

Consultation

The proposal has been advertised as the use 'fast food' and is listed as an 'A' discretionary use that requires advertising.

Four submissions and one petition were received during the advertising period (Attachment 12.4.1(2)). Three of the submissions were objections from residents and one was a submission from Main Roads Western Australia recommending conditions to be applied to planning approval (if issued).

The petition was signed by 15 people who object to the proposal on the following grounds:

- noise would be caused by customers driving in an out at night;
- dust;
- rubbish; and
- competition to faithful local businesses.

In considering these views, the following may be helpful to think about.

Timeframes

The proposal is not for a permanent fixture or land use. The objective of the applicant is to test 'the market' to see if there is potential for a more traditional, permanently housed fast food venue within the townsite. This temporary status limits potential for any ongoing adverse consequences not foreseen.

Power of Conditions

There is the potential to impose conditions to address details such as dust, rubbish and hours of operation. Given the location of the site, this will be easy for Shire staff to monitor and enforce compliance if necessary.

Competition

Business competition is not a matter that Council is permitted to consider in this planning application matter. The Australian Competition and Consumer Commission (ACCC) has a

clear view on anti-competition. That is, decision making authorities (such as the Council in this instance) are limited to considering town planning matters when making an assessment on a planning application.

Limits to matters Council can consider

Clause 10.2 of LPS7 provides a detailed list of matters that the Council is to have regard to in making a planning decision.

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

What does it mean to be called a 'local business'

The claim made by the petition and submissions is that the proposal will be to the detriment of "existing local businesses". It is important to understand that this term is not as clear-cut or easy to define as implied. The proposed van could reasonably be considered a "local business" based on the fact that it is proposed to be located in the Donnybrook townsite and potentially employ local residents. The only point of difference between some other "local businesses" is limited to where the owner lives.

Precedent

The proposal has limited potential for adverse precedent due to:

- a) temporary nature of the use (six months);
- b) unique site conditions (good access and sight lines, setbacks and distances from other buildings; and
- c) zoning (limited number of Caravan Park zoned sites).

Summary

Given the limits to the existing Management Order, it is not possible to issue a standard planning approval. It is possible, however, to delegate authority to the Chief Executive Officer to issue a planning approval (with conditions, or otherwise), subject to first resolving vesting and leasing details associated with the reserve ownership status of the land.

Policy/Statutory/Voting Implications

Statutory

LPS7 includes planning controls and standards applicable to 'Caravan Park' zoned land.

The land is vested with the Shire of Donnybrook Balingup for the purpose of Caravan Park under the *Land Administration Act 1997*. It is necessary to obtain approval of the Minister for Lands for changing the Management Order and providing opportunity to sub-lease the land.

Voting

Absolute Majority.

Financial Implications

Nil.

Strategic Implications

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

- Outcome 2.8 – Our town sites are attractive, well presented and maintained.
- Outcome 3.8 – Maintain a safe and friendly community environment

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

- 1) Delegate authority to the Chief Executive Officer to approve proposed development of a fast food van at Lot 461 South Western Highway, Donnybrook, subject to:**
 - a. Resolving vesting and leasing arrangements as detailed in Recommendation 2, below;**
 - b. The use being limited to a total duration of six months;**
 - c. An applicant contribution of \$5000 being made towards the upgrading of the existing access ways to/from the site;**
 - d. The access ways being maintained to the satisfaction of the Manager Works and Services for the six month period;**
 - e. The site being kept in good order and litter removed in a timely fashion to the satisfaction of the Principal Environmental Health Officer.**
 - f. The hours of operation being limited to 11am to 8pm;**
 - g. The operator demonstrating appropriate indemnity insurance to remove responsibility of the Shire for any accidents that occur on the site associated with business activities.**
- 2) Instruct the Chief Executive Officer to request the Minister for Lands to amend the Management Order to allow a wider scope of land use on the site and provide the power to lease.**

Absolute Majority Required

12.5 Chief Executive Officer

12.5.1 REVIEW OF COUNCIL'S GRATUITY PAYMENT 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>Bob Lowther – Manager Human Resources</i>)
Report Date:	8 March 2017
Attachment:	Nil

BACKGROUND

At the December 2016 Ordinary Council Meeting, it was resolved that:

- 1) *Council advises the Chief Executive Officer that its opening position for amendment to the current Council Policy 1.16 Gratuity Payments is as follows:*
 - a) *Council Policy 1.16 Gratuity Payments is amended to include a Sunset Clause whereby the present policy will apply only to staff appointed prior to Council's final adoption of the revised policy;*
 - b) *For staff appointed after Council's final adoption of the revised policy, the Shire will fund a farewell function and/or gift for staff who have completed 10 years or more of continuous service with the Shire, at the rate of \$75 per year of service.*
- 2) *Council advises the Chief Executive Officer that the reason for proposed variation to Council Policy 1.16 Gratuity Payments is for the contemporisation of the policy.*
- 3) *That, in accordance with the requirements of Council Policy 1.16 Gratuity Payments, the Chief Executive Officer is requested to consult with all staff to seek feedback on Council's proposed amendments to the policy and that the results of this consultation be provided to Council at its March 2017 Ordinary Meeting, along with a recommendation as to the final form and content of this policy, from the Chief Executive Officer.*

COMMENT

On 20 February 2017, a Notice of Employee Representational Rights (NERR) was issued to all Shire outdoor employees in line with the Commonwealth *Fair Work Act 2009* for the purpose of initiating bargaining on the Outdoor Works and Services Enterprise Bargaining Agreement 2013 (the Agreement). The previous Agreement expired on 30 June 2016, however, is required to be carried-over until a new Agreement takes its place. Since the NERR was issued, the Australian Services Union has had an initial meeting with members and a draft "without prejudice" Agreement document has been exchanged (i.e. a draft, revised Agreement).

As the Shire is in the process of revised Agreement negotiations and the 2013 Agreement is still valid, the Chief Executive Officer is required (under Item 28 of the 2013 Agreement) to consult on major workplace changes which might impact on employees.

Major change clauses are mandatory in all Enterprise Agreements as legislated in the *Fair Work Act 2009*:

“A consultation term, which requires the employer to consult their employees about any major workplaces changes that are likely to have a significant impact on them and allows the employees to have representation in that consultation. If there is no such consultation term, the model consultation term will apply.”

RECOMMENDATION

It is recommended that Council defer the active review of the Gratuity Payment Policy until the Agreement negotiation process has been completed.

POLICY / STATUTORY / VOTING IMPLICATIONS

- *Local Government Act 1995*, section 5.50
- *Local Government (Administration) Regulations 1996*
- Council Policy 1.16, Gratuity Payments Policy

FINANCIAL IMPLICATIONS

Nil (until reviewed).

STRATEGIC IMPLICATIONS

- Strategic Community Plan Outcome 4.8 – Attract and retain staff.

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Council defers the matter of the Gratuity Payment Policy review until after the Enterprise Bargaining Agreement negotiations have been completed.

12.5.2	ADOPTION OF BUSH FIRE BRIGADES AMENDMENT LOCAL LAW
Location:	SHIRE OF DONNYBROOK BALINGUP
Applicants:	SHIRE OF DONNYBROOK BALINGUP
Zone:	N/A
File Ref:	CNL 25
Author:	Ben Rose – Chief Executive Officer (<i>Lucy Bourne, Governance Officer</i>)
Report Date:	3 March 2016
Attachments:	12.5.2 - Bush Fire Brigades Amendment Local Law 2017

Background

Following a review of its local laws, Council resolved on 28 September 2016 to introduce a Bush Fire Brigades Amendment Local Law.

The proposed amendment local law was advertised State wide and locally, with public submissions invited over a six week period, in accordance with section 3.12 of the *Local Government Act 1995*. No public submissions were received.

The proposed amendment local law was also sent to the Minister for Emergency Services who recommended a slight change to the definition of ‘Department’ so that it is consistent with the *Fire and Emergency Services Act 1998* and ensures there is no need to amend the local law if Government subsequently changes the Department’s name.

A copy was also sent to the Minister for Local Government and the Department for Local Government and Communities for comment.

Comment

The amendments to this local law comprise changes to the names of the Department of Fire and Emergency Services, an amendment to the definition of Department and the inclusion of email as an acceptable method of conveying notices of meetings.

Consultation

- State wide and local public notice of the proposed amendment local law.
- Consultation with the Department for Local Government and Communities.
- Following adoption by Council, the local law is to be published in the Government Gazette and, within 10 days of this publication, a copy of the local law and submission of Explanatory Material is to be sent to the Joint Standing Committee on Delegated Legislation for scrutiny.

Policy Implications

Nil.

Background

Following a review of its local laws, Council resolved on 28 September 2016 to introduce a Dogs Amendment Local Law.

The draft amendment local law was advertised statewide and locally, with public submissions invited over a six week period, in accordance with section 3.12 of the *Local Government Act 1995*. No public submissions were received. The Department for Local Government and Communities recommended minor alterations and edits to reflect best practice drafting practices, all of which have been adopted.

As these changes are not significantly different from that originally proposed, Council may proceed to adopt the local law.

Comment

The purpose of this local law is to amend the penalties within the principal local law, which was introduced in 2000.

The maximum penalties for the unauthorised release of a dog from a pound or for interfering with a pound vehicle are increasing to \$4,000, for a dangerous dog and \$2,000 for other dogs. The modified penalties remain unchanged at \$400 and \$200 respectively.

The reason for changing the maximum penalties is to comply with Section 45A (3) of the *Dog Act 1976*, which stipulates that a modified penalty must not exceed 10% of the maximum penalty for that offence. The current maximum penalties (\$2,000 and \$1,000) therefore do not comply, rendering the clause to which they relate unenforceable.

The amendment local law increases the maximum penalty for allowing a dog to excrete in a prohibited place from \$200 to \$1,000 and the modified penalty from \$40 to \$100. As well as meeting the requirements of the *Dog Act* (as above), the penalties will be brought into line with those recommended in the WALGA model.

A modified penalty can be applied with an infringement notice by the local government. A higher penalty (up to the maximum) can only be applied through the court system, following prosecution.

Consultation

- State wide and local public notice of the proposed amendment local law.
- Consultation with the Department for Local Government and Communities.
- Following adoption by Council, the local law is to be published in the Government Gazette and, within 10 days of this publication, a copy of the local law and submission of Explanatory Material is to be sent to the Joint Standing Committee on Delegated Legislation for scrutiny.

Policy Implications

Nil.

Statutory Implications

- *Local Government Act 1995*, Section 3.12(2) & (3) – procedure for making local laws;
- *The Dog Act 1976*

Voting Implications

Absolute majority required.

Financial Implications

Cost of Gazettal and notice of adoption of local law – approximately \$175.

Strategic Implications

Shire of Donnybrook-Balingup Strategic Community Plan, Outcome 4.3. An open and accountable local government that is respected, professional and trusted.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

- 1) **Adopt the Shire of Donnybrook Balingup Dogs Amendment Local Law 2017 and that the local law is gazetted and local public notice given; and**
- 2) **Acknowledge the purpose of this local law is to amend the penalties within the Shire of Donnybrook-Balingup Dogs Local Law 2000, and the effect is to ensure the penalties comply with the Dog Act 1976 and are consistent with the offence.**

Absolute Majority Required

12.6 Recall Items

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the Meeting be closed to the public under the *Local Government Act 1995 (the Act)* for Item 12.7.1 – Major Maintenance Works – Donnybrook Recreation and Aquatic Centre, 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).

12.7 Confidential Items

12.7.1	MAJOR MAINTENANCE WORKS - DONNYBROOK RECREATION AND AQUATIC CENTRE
Location:	Steere Street Donnybrook
Applicants:	Shire of Donnybrook – Balingup
Zone:	Parks and Recreation
File Ref:	PWF 16G
Author:	Leigh Guthridge (Manager Development and Environmental Services)
Report Date:	8 March 2017

Council Decision (Officer's Recommended Resolution)

Moved: Cr

Seconded: Cr

That:

- 1) In accordance with Section 5.23(2) of the *Local Government Act 1995*, Agendas, Minutes and Council decisions in relation to item 12.7.1 remain confidential; and**
 - 2) When Agendas, Minutes and Council decisions in relation to item 12.7.1 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.**
-

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

Moved: Cr

Seconded: Cr

That the meeting be re-opened to the public.

13 CLOSURE OF MEETING

The Chairperson to advise that the next Ordinary Council Meeting will be held on Wednesday, 26 April 2017 commencing at 5.00pm in the Kirup Community Hall, South Western Highway, Kirup.

The Chairperson to declare the meeting closed at _____pm.