

## ORDINARY MEETING OF COUNCIL MINUTES

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Held on

**27 March 2019**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook.

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A handwritten signature in black ink, appearing to read "Ben Rose".

**Ben Rose**  
**Chief Executive Officer**

**29 March 2019**

### **Disclaimer**

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

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## ORDINARY MEETING OF COUNCIL MINUTES

27 MARCH 2019

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SHIRE OF DONNYBROOK BALINGUP  
ORDINARY MEETING OF COUNCIL MINUTES

**Held at the Council Chambers  
Wednesday, 27 March 2019 at 5.00pm**

**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**Shire President – Acknowledgment of Country**

The Shire President acknowledged the traditional custodians of the land, the Noongar People, paying respects to Elders, past and present.

The Shire Present declared the meeting open at 5.00pm and welcomed the public gallery.

**Shire President – Public Notification of Recording of Meetings**

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

**2 ATTENDANCE**

**MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Atherton	Steve Potter – Executive Manager Operations
Cr King	Alan Thornton – Manager Corporate Services
Cr Lindemann	Damien Morgan – Manager Works and Services
Cr Mills	Bob Wallin – Principal Planner
Cr Mitchell	Karis Aplin – Communications Officer
Cr Wringe	Jaimee Earl – Acting Executive Assistant

**PUBLIC GALLERY**

Lucille Piesse  
Leith Crowley  
Simon McInnes

June Scott  
Brian Skippings  
Lou Haydock

Jim Gerde

**2.1 APOLOGIES**

Cr van der Heide.

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## **2.2 APPROVED LEAVE OF ABSENCE**

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Cr Tan has been granted a Leave of Absence from the March 2019 Ordinary Meeting.

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## **2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Cr van der Heide requested a Leave of Absence from the March 2019 Ordinary Council Meeting (for that period of the Meeting absent) and April 2019 Ordinary Council Meeting.

### **COUNCIL DECISION 17/19**

**Moved: Cr Lindemann**

**Seconded: Cr King**

**That Cr van der Heide be granted for a leave of absence for the Ordinary Council Meeting on 27 March 2019 and 24 April 2019.**

**Carried 7/0**

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## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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### **3.1 PRESIDENTS COMMUNICATION**

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<b>Date</b>	<b>Meeting</b>
7/03/2019	Donnybrook Dental Clinic Meeting – Council Chambers
7/03/2019	Fire Recovery Meeting – Council Chambers
20/03/2019	World Forestry Day Dinner - Bunbury
21/03/2019	Bunbury Geographe Economic Alliance Board Meeting – Collie
22/03/2019	WALGA South West Zone Meeting – Collie
22/03/2019	Federal Government (Nola Marino MHR) – Presentation – Donnybrook Football Club

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## **4 DECLARATION OF INTEREST**

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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.

Cr Wringe declared an interest affecting impartiality with regards to agenda item 9.4.1 – Request to Authorise Planning Application for Kirup Mill Park Historical Trail at Reserve 46896 South Western Highway, Kirup as she is a member of the Kirup Progress Association.

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## **5 PUBLIC QUESTION TIME**

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### **5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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Nil.

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### **5.2 PUBLIC QUESTION TIME**

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*Brian Skippings*

*Has Council received any advice from Main Roads in respect to Marshall Road entrance (exit should the proposed development within the Estate be approved.*

Shire President

Although not a formally required declaration, I advise that I have a proximity interest in this matter as I am a resident of Marshall Road, Argyle. I am aware that Federal Black Spot Funding is available for the Argyle intersection. We are aware that the intersection is dangerous and the matter is being followed up with Main Roads WA.

*Simon McInnes*

*There was an idea floated for the CEO and Shire President to visit Canberra and Council knocked it back. What was the purpose of the trip and why was it knocked back?*

Shire President

The purpose of the trip was to attend the SEGRA (Sustainable Economic Growth for Regional Australia) Conference in NSW and to lobby Ministers for local funding. It was apparent that Council were not in support so the proposal did not go to Council.

*Simon McInnes*

*The Travel and Gifts Register on the Shire website has not been updated since 26 July 2016 – why?*

Chief Executive Officer

I can confirm no registrations of reportable gifts or travel contributions have been received from elected members of staff since 26 July 2016.

*Simon McInnes*

*The CEO's phone was upgraded at a cost of \$2,445 according to the monthly financial report. Why?*

Chief Executive Officer

It was simply the purchase of a new mobile phone (to replace an old one). I understand that there are standardised prices for Apple/iPhone products across all suppliers.

*Simon McInnes*

*Would Council consider adding the extension of Meotti Road (Irishtown) to Joshua Creek Road (Crooked Brook) in the next budget? I believe the Shire of Dardanup are willing to negotiate and pay half.*

Chief Executive Officer

Although not a formally required declaration, I advise that I have a proximity interest in this matter as I am a resident in the Irishtown locality. This request will be investigated as part of the Shire's Asset Management Plan program, including budget consideration.

*Simon McInnes*

*When will the Bridge Street lease be finalised?*

Chief Executive Officer

Staff are working on presenting this to the next Ordinary Council Meeting.

*Simon McInnes*

*Terry Redman announced a figure of \$13,100 in July 2016 for a concept plan for Bridge Street. Was this done and can we see it? Was this funding received?*

Chief Executive Officer

I was not aware of this – I will investigate.

In June 2016, via the Royalties for Regions' Community Chest Fund, the Shire was awarded \$13,100 towards concept designs for the Bridge Street Housing Project, to support a partnership funding application to the South West Development Commission for the overall project. The funding was received, required design work was completed and the funds successfully acquitted (leading to project funding of \$2.875M leveraged by the Shire for the project). I can provide a copy of the site plan to Mr McInnes.

*Simon McInnes*

*A Project Manager was appointed in October 2018 and the project is due to be completed in 2020. How is it progressing?*

Chief Executive Officer

The development application has been lodged and the lease will be presented to Council in the near future. We are working with the Chamber of Commerce on organising a workshop for members of the public in April to discuss how we can keep the work as local as possible.

*Leith Crowley*

*Was the colour of the asphalt on the corner of Collins and Reserve, and Collins and Station Streets (that colour being red) a specified treatment in the BCR?*

Manager Works and Services

No, the asphalt colour was not a specified treatment in the Benefit Cost Ratio (BCR).

*June Scott*

*In relation to item 9.4.1 and the Kirup community consultation, can I request that a heritage identification map be created to include all heritage timber areas surrounding Kirup for consistency?*

Principal Planner

The proposal at this stage is to authorise the application, the assessment will occur at a later date. In terms of the proposal that identifies additional information that is still to be provided, your request could be considered at that stage.

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**6 PRESENTATIONS**

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**6.1 PETITIONS**

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Nil.

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**6.2 PRESENTATIONS**

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Nil.

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**6.3 DEPUTATIONS**

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Nil.

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**6.4 DELEGATES REPORTS**

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**Adoption by Exception:**

**COUNCIL DECISION 18/19**

**Moved: Cr Wringe**

**Seconded: Cr Atherton**

**That the following items be carried En Bloc:**

**7.1 – Confirmation of Minutes – Ordinary Meeting of Council – 13 February 2019**

**7.2 – Confirmation of Minutes – Special Council Meeting – 25 February 2019**

**9.1.2 – Monthly Financial Report – as at 31 January 2019**

**9.5.1 – Tuia Lodge Quarterly Report**

**9.7.1 – 2018 Local Government Compliance Audit Return**

**Carried 7/0**

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**7 CONFIRMATION OF MINUTES**

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**7.1 ORDINARY MEETING OF COUNCIL – 13 FEBRUARY 2019**

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**COUNCIL DECISION 19/19**

**(Executive Recommendation)**

**That the Minutes from the Ordinary Meeting of Council held 13 February 2019 be confirmed as a true and accurate record.**

**Carried 7/0 by En Bloc Decision**



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**7.2 SPECIAL MEETING OF COUNCIL – 25 FEBRUARY 2019**

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**COUNCIL DECISION 20/19  
(Executive Recommendation)**

That the Minutes from the Special Meeting of Council held 25 February 2019 be confirmed as a true and accurate record.

Carried 7/0 by En Bloc Decision

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**8 REPORTS OF COMMITTEES**

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Nil.

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**9 REPORTS OF OFFICERS**

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**9.1 MANAGER CORPORATE SERVICES**

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**9.1.1 ACCOUNTS FOR PAYMENT**

Presented for Council information:

The following accounts have been authorised and paid under Delegation (No 3.1) covering cheques numbered from EFT15707-EFT16009, 53222 – 53272, DD23822.1 – DD23822.11, DD23859.1 – DD23859.11, Trust 3719 – 3734, EFT15890a, EFT16008c totalling \$2,556,242.67 is herewith presented to Council.

**9.1.2 MONTHLY FINANCIAL REPORT**

**COUNCIL DECISION 21/19  
(Executive Recommendation)**

That the monthly financial report for the period ended 31 January 2019 be received.

Carried 7/0 by En Bloc Decision

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**9.2 MANAGER WORKS AND SERVICES**

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Nil.

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**9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES**

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Nil.

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**9.4 PRINCIPAL PLANNER**

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**9.4.1 REQUEST TO AUTHORISE PLANNING APPLICATION FOR KIRUP MILL PARK HISTORICAL TRAIL AT RESERVE 46896 SOUTH WESTERN HIGHWAY, KIRUP**

<b>Location</b>	Reserve 46896 South Western Highway, Kirup
<b>Applicant</b>	Kirup Progress Association
<b>File Reference</b>	A3617
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.1(1) - Location Plan 9.4.1(2) – Concept Presentation from Kirup Progress Association
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Recommended approval to authorise the application: <ul style="list-style-type: none"> <li>• The proposal is to create a historical walking trail showcasing the timber industry in Kirup;</li> <li>• Council approval is required to authorise the application.</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
2.1 An attractive and maintained environment	2.1.1 Maintain, renew and improve infrastructure within allocated resources	2.1.1.4 Maintain attractive town sites within resource capacity

**BACKGROUND**

Council has received an Application for Development Approval for a proposed historical walking trail that includes park benches, tree planting, signage and static displays of timber industry equipment on Reserve 46896 South Western Highway which forms part of the “Kirup Mill Park”. Details of the proposal are contained in Attachment 9.4.1(2).

Approval to authorise a planning application is required by Council as the Chief Executive Officer does not have delegation to consider development on Shire managed land over the value threshold of \$20k.

The land is zoned “General Agriculture” under Local Planning Scheme 7 (LPS7) and is vested to the Shire for the purpose of “Landscape Protection”.

The development and use of the site falls under the use class of “Public Recreation” which is listed as a “D” (discretionary) use in the “General Agriculture” zone. This listing means that a planning application is required and that the local government must apply discretion if it wants to support the proposal.

“Public Recreation” is defined as *“the use of land for a public park, public gardens, playground or grounds for recreation which are normally open to the public without charge.”*

The proposed development and use is consistent with LPS7 and the vesting.

## **DETAILS**

It is noted that the application as submitted contains only minimal detail and therefore some further information will be required to facilitate a thorough assessment of the proposal. Staff will liaise with the KPA and assist in preparing the required information as recommended in the resolution to this report.

It is understood the proposed trail will be located following the alignment of an existing gravel path.

The KPA is proposing that ongoing maintenance of exhibits will be undertaken by them, however some assistance from the Shire may be sought for grass maintenance and rubbish removal.

To improve amenity for visitors, the KPA have also suggested that consideration be given to future budget funding for security lighting and provision of power and toilet facilities.

## **CONSULTATION**

No public consultation has been undertaken at this stage however, once all details have been submitted as outlined in the recommended resolution it is expected that advertising of the proposal to the local Kirup community will occur as part of the assessment process.

Preliminary discussion has taken place with the Shire's Regional Risk Coordinator who has offered to work with the Kirup Progress Association to address public risk, particularly as it relates to the storage and display of historical machinery.

## **FINANCIAL IMPLICATIONS**

The Shire's Works and Services staff currently maintain the reserve to a minimum standard. Should the proposal require a higher standard of maintenance this will incur additional costs to the Shire. The extent of additional costs will be able to be calculated subject to further details of the proposal being provided by the applicant.

If Council determines to also install toilets and lighting as suggested this will incur both upfront capital costs and ongoing maintenance costs.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

Clause 63 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the accompanying material that is required to be submitted with an application for assessment in the form of plans and specific details of the proposal. At this stage, it has been determined that additional detail is required to facilitate a full assessment of the proposal.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides a list of all matters that the local government can consider when assessing a planning application and which will guide assessment of the application.

## **CONCLUSION**

Whilst the proposal appears to be reasonable, additional information is required to facilitate an adequate level of assessment. It is recommended that subject to additional information being provided Council authorises the development application to be signed by the Chief Executive

Officer to enable the proposal to be advertised and formally assessed, prior to an additional report being presented to Council for final determination.

**COUNCIL DECISION 22/19  
(Executive Recommendation)**

**Moved: Cr Mills**

**Seconded: Cr Wringe**

**That Council:**

- 1) Authorises the Chief Executive Officer to sign an Application for Development Approval for the proposed Kirup Mill Park Historical Trail (and associated development) on Reserve 46896 South Western Highway, Kirup, subject to the following details first being provided by the applicant for assessment:**
  - **Number, location, size and type of signage being proposed including details of the information and images to be included on such signage;**
  - **Details of the location of the proposed walking trail and the nature of its construction;**
  - **Extent of vegetation planting including details of plant/tree species, number of trees to be planted and the location of planting;**
  - **Details of any additional infrastructure / equipment that is to be installed within the reserve including park benches and historical farm / timber industry machinery.**
  
- 2) Subject to all details being submitted as per Resolution (1) Council authorises the proposal to be advertised to the Kirup community, prior to a report being prepared and presented to Council for final determination.**

**Carried 7/0**

## **9.5 MANAGER AGED CARE SERVICES**

### **9.5.1 TUIA LODGE QUARTERLY REPORT**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	N/A
<b>File Reference</b>	CSV 01/2
<b>Author</b>	Bob Lowther – Manager Aged Care Services
<b>Attachments</b>	9.5.1 – Tuia Lodge 2018/19 Quarter Two Report
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended that the Tuia Lodge Quarterly Report for the second quarter 2018/19 be received by Council.

### **STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
4.2 A respected, professional and trusted organisation	4.2.1 Effective and efficient operation and service provision	4.2.1.4 Demonstrate sound financial planning and management, including revenue / expenditure review and revenue diversification strategies and long term financial planning.

### **BACKGROUND**

At its Ordinary Meeting on 23 August 2017, Council resolved to direct the Chief Executive Officer to prepare a quarterly report on an ongoing basis, regarding the management and operations of the Tuia Lodge Aged Care facility, with sufficient detail to ensure Elected Members can fulfil their individual obligations associated with the Shire of Donnybrook Balingup being the 'Approved Provider' for the facility.

### **DETAILS**

A quarterly report providing a summary for the second quarter of the 2018/19 financial year has been prepared. Comprehensive details including an Executive Summary, Residential Data, Employee Statistics, Occupational Safety and Health, Maintenance and Finance, are provided via Attachment 9.5.1.

### **CONSULTATION**

The report has been prepared in consultation with the Tuia Lodge leadership team.

### **FINANCIAL IMPLICATIONS**

In accordance with 2018/19 Budget allocations.

### **POLICY COMPLIANCE**

Nil.

### **STATUTORY COMPLIANCE**

*Aged Care Act 1997.*

**CONCLUSION**

It is recommended that the Tuia Lodge report for the second quarter of 2018/19 be received by Council.

**COUNCIL DECISION 23/19**

**That Council receive the Tuia Lodge Quarterly Update for October – December 2018.**

**Carried 7/0 by En Bloc Decision**

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**9.6 EXECUTIVE MANAGER OPERATIONS**

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**9.6.1 DONNYBROOK TOWN CENTRE REVITALISATION PROJECT**

<b>Location</b>	Donnybrook Railway Heritage Precinct
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PFW 18V
<b>Author</b>	Steve Potter (Executive Manager Operations)
<b>Attachments</b>	9.6.1(1) To be provided 9.6.1(2) To be provided
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	The report: 1. Provides Council with an update of actions taken with regards to the Donnybrook Town Centre Revitalisation Project (DTCRP) since the matter was previously considered at the Council meeting of 16 October 2018; and  2. Seeks direction from Council as to its preferred approach to ensure that the project achieves the best outcome for the Shire and the community, whilst addressing the funding requirements from the State government.

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
1.1 – A diverse, prosperous economy, supporting local business and population growth.	1.1.2 – provide appropriate infrastructure to support and enhance business.	1.1.2.1 Provide efficient and effective waste services
1.3 – An attractive visitor and tourist attraction.	1.3.2 – Provide, develop, and maintain visitor infrastructure.	Develop visitor and tourism infrastructure in line with local tourism and visitor’s development and promotion strategy, within allocated resources.

## **BACKGROUND**

Planning for the construction of a multi-purpose building and refurbished Goods Shed as part of the Donnybrook Town Centre Revitalisation Project (DTCRP) has been ongoing since the formal initiation of the project by the Department of Primary Industries and Regional Development (DPIRD) in August 2018.

Funding was secured through a \$2 million Collie-Preston election commitment confirmed in the State Government Budget.

As this project funding did not proceed through the usual State Government business case approval process to gain approval, it has necessitated a reverse engineering process of developing a business case to retro-fit the project design to meet the pre-approved funding commitment guidelines.

In considering the matter at the Council meeting held 16 October 2018, Council resolved the following:

*That Council:*

1. *Instruct the Chief Executive Officer to develop a Business Case for the Donnybrook Town Centre Revitalisation Project which incorporates, at a minimum:*
  - a. *A Multi-purpose Interpretive Centre: designed to include a range of uses with the central focus of the building being an interpretive component displaying the important industries that have made up the history of Donnybrook and surrounds. In addition to the interpretive displays, the building will be fitted with co-working spaces designed to host professional services and business incubation. It will include a professional standard kitchen, meeting rooms, notice information area, storage and toilets, and public art space. Where possible, the design is to be future-proofed to allow expansion to accommodate other users and uses.*
  - b. *Heritage-listed Donnybrook Goods Shed: refurbishment of the goods shed to accommodate uses and users capable of increasing visitor, tourist and local community visitation to the Donnybrook town centre precinct.*
  - c. *Public Amenities: a range of civil works and public amenity/landscape upgrades to complement the multi-purpose centre and refurbished goods shed.*
  - d. *Takes into consideration the recurrent expenditure costs and future ongoing 'whole of life' costs for the building.*
3. *Instruct the Chief Executive Officer to further investigate, and report back to Council, the opportunity and costs to co-locate a Shire Administration Office (and Council meeting space) within the Donnybrook town centre heritage precinct as a part of the Donnybrook Town Centre Revitalisation project.*

A key element required in the Business Case is concept planning and as such, Kent Lyon Architect (KLA) was commissioned through a competitive quote process to prepare concept designs for the Multi-purpose Interpretive Centre and the refurbishment of the Goods Shed. Whilst the resulting concept plans prepared by KLA generally meet all of the requirements as outlined in Council's resolution (and the resulting scope of works contained in the Request for Quote), the estimated construction cost of KLA's design of \$3.2m is significantly greater than the State government allocation of \$2m. Council will therefore need to resolve how it wishes to proceed with this project, given that there are also time constraints on the funding. There are existing deadlines associated with this project that require both the Business Case and a Financial Assistance Agreement (FAA) to be finalised by 30 June 2019 which in turn will enable the Department of Primary Industries and Regional Development (DPIRD) to release the initial \$200,000 of allocated funds.

In light of the above, officers consider there are several scenarios that are available to Council in determining the most appropriate way to proceed which in summary are as follows:

Scenario 1

Council to commit to the current concept as prepared by KLA, acknowledging that the cost to provide such a facility is in excess of \$3m and will require further funds to be committed by the Shire (possibly through a loan or similar);

Scenario 2

Council to support 'in principle' the KLA concept plans, subject to KLA 'down-scoping' the scope of works (inclusive of any civil works and other associated costs) to bring the total cost under the \$2m budget. KLA have quoted a cost of \$7,200 (plus GST) to modify the existing plans;

Scenario 3

Council to resolve to stage the development in order to achieve a suitably high standard of development, whilst remaining within the State government budget allocation. The first stage of development could focus on the refurbishment (and possible extension) of the Goods Shed to create an interactive museum space and landscaping works across the site to beautify the locality and connect it to adjacent landholdings including the rail heritage precinct and the Apple Fun Park. Re-development of the site could also possibly include outdoor historical interpretive signage and displays, linking the museum to the landscaped areas and adjacent railway heritage precinct. As part of this approach, allowance would be made for the provision for a future civic building within the site, however would provide additional time for sufficient planning to be undertaken to ensure the resulting facility achieves the best possible quantitative and qualitative outcome.

**DETAILS**

**Officer's Comment**

Whilst the allocation of State government funding is both welcome and appreciated by the Shire, it is evident from the preliminary work undertaken thus far that the amount allocated may not be sufficient for Council to achieve all that it may have envisioned for this locality in one single stage. Officers consider that the site in question is a strategic, valuable and highly visible location that provides Council with an opportunity to do something unique and significant that will service both the local community and attract visitors for many years to come if done correctly.



It is therefore officers' opinion that whilst Scenario 3 may require additional time, with the final outcome being achieved over a number of years (rather than in one single development), it represents the best chance of achieving an outcome of a suitably high standard, whilst demonstrating fiscal responsibility to ratepayers and the community by not choosing an option that has the potential to incur additional costs for the Shire, both short and long term.

If this scenario is supported by Council, it is recommended that a thorough 'master-planning' exercise be undertaken as part of the design process which will tease out many of the questions that currently surround the development. This planning exercise could involve input from various viewpoints including Shire staff, Councillors, the local community and other stakeholders. The intent of the master-planning exercise would be to identify the scope of works for Stage 1 of the project, whilst considering the long-term use of the remainder of the site which may address some or all of the following questions:

- Is Council willing to contribute any funds to the project now or in the future?
- Based on the limited funding available, what is the best use of these funds?
- What does the community want to see in this location?
- How do we avoid replicating facilities or services that already exist elsewhere in the community?
- What sort of civic facilities are actually needed to service the community?
- What type/style of museum is likely to attract tourists?
- How will any interpretive centre / museum be staffed? (Employed staff / volunteers?)
- Are there opportunities to co-locate (or re-locate) other local government services to this precinct (i.e. Shire Administration building / library / CHC etc.)?
- What are the ongoing operating costs associated with the precinct?
- What are the whole of life costs?

It is acknowledged that some of the above questions may not be answerable in the short-term and may require further consideration and investigation. However, any items 'for investigation' can be identified in the resulting master-plan with such works to be completed prior to Stage 2 commencing and informing the ultimate use of the site.

In light of the above, it is considered there are significant risks in proceeding with either of Scenarios 1 and 2 and in particular the following are identified:

- Potential cost blowouts;
- Building facilities that are not supported and are therefore under-utilised by the community / visitors;
- Mediocre outcomes that compromise the site for the future by trying to do 'too much with too little';
- Reputational damage to staff and Council as a result of a poor outcome;

- Replication of existing Shire facilities;
- Missed opportunities for co-location of local government services due for renewal which can achieve significant cost savings, resulting in significantly higher costs when Council determines to build these facilities at a later date;
- Rather than generating an economic return the facility creating an ongoing financial burden to the Shire;
- Insufficient consideration of staffing of any facilities;
- Insufficient consideration of operating and whole of life costs.

Staff are of the opinion that this process can be largely be undertaken ‘in-house’ with some external consultants possibly being engaged to provide expert advice with regards to heritage matters, exhibition design, museum curation and landscape design. It is envisaged such an approach would require a consultation / planning period of approximately six months and therefore the Business Case would reflect this. It is noted that the recently announced Building Better Regional Funding (BBRF) for the adjacent Apple Fun Park will also require an element of community consultation so there is an opportunity for consultation for both projects to run concurrently.

#### Business Case

It is noted that a draft Business Case is largely complete, however during its creation staff encountered a number of outstanding matters as outlined in this report, and therefore determined to temporarily halt progress of the Business Case, to seek further direction from Council as to how it wishes to proceed.

Due to the time constraints associated with the funding of the project, it is recommended by officers that dependent on which scenario is ultimately determined to be the preference of Council, that a separate resolution also be adopted to enable staff to complete and submit to the SWDC the Business Case in a manner consistent with Council’s decision, without the need for it to be re-presented to Council. This will facilitate the endorsement of the Business Case and enable the funding arrangements to be finalised prior to 30 June 2019 as required by DPIRD.

#### **CONSULTATION**

Subject to Council resolving as per the officer recommendation, it is envisaged a community engagement plan will be established and implemented to ascertain the local community’s wishes and aspirations for this locality.

#### **FINANCIAL IMPLICATIONS**

There is \$200k allocated in the State budget for the first portion of funding towards this project with the entire funding package is for a State government contribution of \$2 million.

Council will need to determine if it is willing now or in the future to make any contributions of its own to achieve a particular outcome, or whether it would prefer to remain within the \$2m budget.

Staff have been advised by the South West Development Commission that whilst the master-planning exercise as proposed in this report is not generally a supported component under the State government funding, the fact that the project has arisen as the result of an election commitment may result in some flexibility being shown in this instance. The officer recommendation includes a resolution that Council formally request of DPIRD that permission

be granted to the Shire to utilise a portion of the funding for the master planning component, to ensure that the ultimate outcome is of a high standard, achieves its objectives and is developed in a planned and considered manner.

Staff have also enquired about the possibility of accessing funds to prepare the Business Case itself and have been advised that this could be possible, subject to the development and approval of a Summary Investment Proposal (SIP). Staff are currently working with the SWDC to progress this option.

It is noted that the project the subject of this report is inextricably linked to the recently announced \$1.5m of Federal funding under the Building Better Regions Funding (BBRF) for the renewal of the Apple Fun Park on the adjacent landholding. Under the BBRF funding rules, the Shire is required to provide a 50% contribution to the project, with the \$2m election commitment from the State Government representing this contribution. Should Council resolve not to support the DTCRP (inclusive of all of the conditions and expectations for the use of such funding as advised by DPIRD), such a decision will have implications for both funding allocations and the Shire would have to forego both the \$2m election commitment funding and the \$1.5m BBRF funding as a result.

If Council is supportive of the recommended approach in terms of staging the project, it is anticipated that the \$2m funding would be sufficient to undertake the works required in Stage 1 without any in-kind or other additional contributions from the Shire. However, should this position not be supported by DPIRD, Council may be requested to consider allocating funds to the project when it undertakes the 2019/20 Budget adoption process.

#### **POLICY COMPLIANCE**

When the grant funding is approved, procurement processes will need to comply with the State and Shire's procurement and local purchasing preference policies.

#### **STATUTORY COMPLIANCE**

Not applicable.

#### **CONCLUSION**

Based on the preliminary works undertaken thus far, it is clear that the existing funds allocated by the State government are unlikely to achieve the ultimate vision for this site in a single step without Council contributing more funds and therefore it is considered a staged approach represents the best use of the existing funds to achieve an interim outcome of a suitably high standard.

When combined with a thorough and consultative planning process this represents a responsible use of the State government funds whilst ensuring the resulting outcome achieves all of the required objectives. Although this is likely to result in the complete re-development of the site occurring over a number of years in two or more stages, the benefits of approaching the project in this way are considered to outweigh the risks associated with taking an alternative path.

## **EXECUTIVE RECOMMENDATION**

### **That Council:**

- 1) Supports the creation of a ‘master-plan’ for the Donnybrook Rail Heritage Precinct, which is to guide the re-development of the site consistent with the following overarching principles:**
  - a) Development to recognise and protect important heritage elements of the site;**
  - b) Development to have demonstrated local community support;**
  - c) Development shall not result in an unreasonable financial impost on the Shire, in either the short or long term;**
  - d) Development is to be unique, bold and aspirational to attract tourists and visitors whilst engaging the local community;**
  - e) Opportunities for co-location and/or re-location of existing facilities to be explored;**
  
- 2) Supports a staged approach to the Donnybrook Town Centre Revitalisation Project with:**
  - a) Stage 1 to consist of the following:**
    - (i) Refurbishment and possible extension of the Railway Goods Shed to create a high quality, interactive historical centre celebrating local industries;**
    - (ii) Creation of high quality landscaped areas connecting the site to neighbouring amenities including the Apple Fun Park and Rail Precinct and containing interactive displays and information boards;**
    - (iii) Provision of a significant public art piece that will complement the heritage values of the site, whilst providing a point of interest for visitors and the local community;**
    - (iv) All civil works and associated fees for Stage 1 to be identified as part of the master-planning exercise to ensure the project remains within allocated budget.**

- b) Stage 2 to consist of the following:**
- (i) Provision of a ‘mixed-use’ building with details of the nature, form, use(s) and tenure of the building to be determined prior to the commencement of Stage 2.**
- 3) Authorises the Chief Executive Officer to submit written correspondence to the South West Development Commission advising of Council’s decision as per this resolution and requesting the following:**
- a) its ongoing support in facilitating the necessary timeframes to enable sufficient master-planning to take place;**
- b) its support in seeking DPIRD approval to utilise a portion of the allocated State Government funding to fund the master-planning exercise;**
- 4) Authorises the Chief Executive Officer to prepare and submit a Business Case to the South West Development Commission consistent with Council’s decision;**
- 5) Authorises the Chief Executive Officer to sign any documents and/or agreements to facilitate the release of State government funds in accordance with Council’s decision;**
- 6) Subject to the endorsement of the Business Case and the Financial Assistance Agreement by DPIRD, authorises the Chief Executive Officer to commence the master-planning process, subject to this being undertaken where possible by Shire staff, with the exception of the following:**
- a) Heritage Architect / Consultant (Goods Shed);**
- b) Exhibition Design;**
- c) Museum Curator; and**
- d) Landscape Architect / Design.**
- 7) Council’s support for Resolution (6) is subject to any costs incurred for such consultants being eligible through the allocated funding from the State Government.**

The Executive Recommendation was moved Cr Atherton, seconded Cr Wringe.

Cr Piesse requested the following change to point 2) b) (i):

- (i) *Provision of a 'mixed-use' building with details of the nature, form, use(s) and tenure of the building to be ~~determined~~ **presented to Council** prior to the commencement of Stage 2.*

The mover and seconder agreed to include this in the motion.

Following further discussion the mover and seconder agreed to include dates in the substantive motion as below:

- 4) *Authorises the Chief Executive Officer to prepare and submit a Business Case to the South West Development Commission consistent with Council's decision. **The Business Case is to be submitted prior to 15 April 2019.***
- 7) *Master planning process shall commence as soon as the initial \$200,000 of funding is received and shall be complete no later than 31 October 2019.*

#### **COUNCIL DECISION 24/19**

**Moved Cr Atherton**

**Seconded Cr Wringe**

**That Council:**

- 1) **Supports the creation of a 'master-plan' for the Donnybrook Rail Heritage Precinct, which is to guide the re-development of the site consistent with the following overarching principles:**
  - a. **Development to recognise and protect important heritage elements of the site;**
  - b. **Development to have demonstrated local community support;**
  - c. **Development shall not result in an unreasonable financial impost on the Shire, in either the short or long term;**
  - d. **Development is to be unique, bold and aspirational to attract tourists and visitors whilst engaging the local community;**
  - e. **Opportunities for co-location and/or re-location of existing facilities to be explored;**

**2) Supports a staged approach to the Donnybrook Town Centre Revitalisation Project with:**

**c) Stage 1 to consist of the following:**

- (v) Refurbishment and possible extension of the Railway Goods Shed to create a high quality, interactive historical centre celebrating local industries;**
- (vi) Creation of high quality landscaped areas connecting the site to neighbouring amenities including the Apple Fun Park and Rail Precinct and containing interactive displays and information boards;**
- (vii) Provision of a significant public art piece that will complement the heritage values of the site, whilst providing a point of interest for visitors and the local community;**
- (viii) All civil works and associated fees for Stage 1 to be identified as part of the master-planning exercise to ensure the project remains within allocated budget.**

**d) Stage 2 to consist of the following:**

- (ii) Provision of a ‘mixed-use’ building with details of the nature, form, use(s) and tenure of the building to be presented to Council prior to the commencement of Stage 2.**

**3) Authorises the Chief Executive Officer to submit written correspondence to the South West Development Commission advising of Council’s decision as per this resolution and requesting the following:**

- a. its ongoing support in facilitating the necessary timeframes to enable sufficient master-planning to take place;**
- b. its support in seeking DPIRD approval to utilise a portion of the allocated State Government funding to fund the master-planning exercise;**

**4) Authorises the Chief Executive Officer to prepare and submit a Business Case to the South West Development Commission consistent with Council’s decision. The Business Case is to be submitted prior to 15 April 2019;**

- 5) Authorises the Chief Executive Officer to sign any documents and/or agreements to facilitate the release of State government funds in accordance with Council’s decision;**
  
- 6) Subject to the endorsement of the Business Case and the Financial Assistance Agreement by DPIRD, authorises the Chief Executive Officer to commence the master-planning process, subject to this being undertaken where possible by Shire staff, with the exception of the following:**
  - a. Heritage Architect / Consultant (Goods Shed);**
  - b. Exhibition Design;**
  - c. Museum Curator; and**
  - d. Landscape Architect / Design.**
  
- 7) Master planning process shall commence as soon as the initial \$200,000 of funding is received and shall be complete no later than 31 October 2019;**
  
- 8) Council’s support for Resolution (6) is subject to any costs incurred for such consultants being eligible through the allocated funding from the State Government.**

**CARRIED 6/1**



## **9.7 CHIEF EXECUTIVE OFFICER**

### **9.7.1 2018 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	Dep 20/01
<b>Author</b>	Ben Rose – Chief Executive Officer (Loren Clifford – Governance Officer)
<b>Attachments</b>	9.7.1 – 2018 Local Government Compliance Audit Return (CAR)
	Absolute Majority
<b>Executive Summary</b>	Approval of the 2018 Local Government Compliance Audit Report is recommended. Council has met all areas of compliance.

### **STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
4.2 A strategically focussed, open and accountable local government	4.2.1 Effective and efficient operations and service provision	4.2.1.1	4.2.1.1 Maintain effective and efficient policies, planning, operating procedures and practices.

### **BACKGROUND**

Council is required to carry out a compliance audit for the period 1 January to 31 December 2018, against requirements set out in the 2018 Compliance Audit Return (CAR).

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

### **DETAILS**

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

### **CONSULTATION**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

## **POLICY COMPLIANCE**

Nil

## **STATUTORY COMPLIANCE**

Under Regulation 14 of the *Local Government (Audit) Regulations 1996* the 2018 CAR is to be reviewed by Council's Audit Committee and report the results of that review to Council for adoption.

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

Once the CAR has been presented to Council a certified copy, along with an extract of the minutes of the meeting at which the CAR was adopted by Council and any additional information explaining or qualifying the compliance audit, is to be submitted in hard copy format to the Director General, Department of Local Government, Sport and Cultural Industries by 31 March 2019. The online Return is to be forwarded to the Department providing a permanent record of the submission on the Department's website.

## **CONCLUSION**

Council has met all areas of compliance in the 2018 CAR. To ensure the return is lodged within Approval of the 2018 Local Government Compliance Audit Report is recommended.

## **COUNCIL DECISION 25/19**

**(Executive Recommendation)**

**That the 2018 Local Government Compliance Audit Return for the Shire of Donnybrook Balingup, as completed and presented to Council, be endorsed.**

**Carried 7/0 by En Bloc Decision**

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## **10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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Nil.

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## **11 QUESTIONS FROM MEMBERS**

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*Cr Mills*

*Is there an allocation in the budget for land acquisition in relation to the Trevena Road Bridge project?*

Manager Works and Services

The resumption of land has been budgeted and is considered a project cost.

*Cr Mitchell*

*As budget season is coming up, can meetings be scheduled Wednesday afternoons if possible, even if it means adding the second Wednesday of the month to the meeting schedule and cancelling if not required.*

Chief Executive Officer

Staff are working on a budget timeline and will keep this in mind when scheduling meetings and workshops.

*Cr King*

*The survey meeting has been scheduled for a Tuesday. Can it be changed to a Wednesday afternoon?*

Chief Executive Officer

I intend to present the report the May 2019 Council Meeting; so there are time constraints, but I will see what can be done to encourage meetings to be held on Wednesday afternoons where possible (noting all elected members have different time constraints / preferences for meetings).

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**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

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Nil.

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**13 MEETINGS CLOSED TO THE PUBLIC**

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**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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Nil.

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**13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

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Nil.

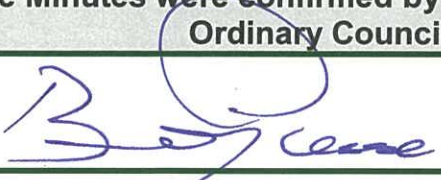

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**14 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 24 April 2019 commencing at 5.00pm at the Kirup Community Hall, South Western Highway, Kirup.

The Shire President thanked the public gallery for their attendance and declared the meeting closed at 6.26pm.

<b>These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 24 April 2019</b>	
	
<b>Shire President</b>	<b>Presiding Member</b>