

MINUTES OF ORDINARY MEETING OF COUNCIL NOVEMBER 2019

Wednesday 27 November 2019

5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

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

**Ben Rose
Chief Executive Officer**

29 November 2019

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY MEETING OF COUNCIL

Held at the Council Chambers
Wednesday, 27 November 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 5.02pm and welcomed the public gallery.

Shire President - Public Notification of Recording of Meetings

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

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Massey (Deputy President)	Steve Potter – Executive Manager Operations
Cr Atherton	Bob Wallin – Manager Development Services
Cr Lindemann	Leigh Guthridge – Strategic Built Projects and Assets
Cr Mitchell	Jaimee Earl – Administration Officer (Minute Taker)
Cr Sercombe	
Cr Smith	

PUBLIC GALLERY

Approximately 16 members of the public.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Cr Wringe and Cr Newman were on approved leave of absence from the 27 November 2019 Ordinary Council Meeting.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

President's Diary:

Date	Meeting
4 November 2019	Bunbury Geographe Economic Alliance Committee Meeting - Bunbury
6 November 2019	Donnybrook Packing Company – R Delroy – Donnybrook *
6 November 2019	Balingup Progress Association Meeting *
7 November 2019	Claremont Railway Shed visit *
13 November 2019	New Police Superintendent – Geoff Stewart *
21 November 2019	Bunbury Geographe Economic Alliance AGM – Bunbury
22 November 2019	South West Zone WALGA Meeting – Manjimup *
23 November 2019	Donnybrook Community Garden Celebration *
27 November 2019	Berry Delightful Meeting (on site) *
	* With Chief Executive Officer

The Shire President read aloud a letter regarding Cr Lindemann's kind donation to the Golden Valley Tree Park.

4 DECLARATION OF 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.

Ben Rose, Steve Potter, Damien Morgan and Bob Wallin declare an impartiality interest in item 9.2.4 as the matter involves the private business of a colleague.

Ben Rose, Steve Potter, Damien Morgan and Bob Wallin declare an impartiality interest in item 9.4.2 as the property owner is a colleague.

Cr Jackie Massey declared an impartiality interest in item 9.4.2 as she is a member of the Balingup Progress Association.

Cr Atherton declared a financial interest in item 9.2.2 as he has sold a neighbouring property recently.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Mr Bernie Dawson

1. *Regarding public safety measures, the estimate to fence the historic milling equipment at the Donnybrook Arboretum was costed at \$37,240 for 190 metres of security fencing. Will the same type of fencing be insisted on at Kirup?*

CEO: The Shire is awaiting a management plan from the Kirup Progress Association (KPA) which will include details of the proposed removal and installation of the milling equipment.

2. *Is Council and the KPA aware that inclusion of the fencing costs will bring the Kirup proposal costs to over \$50,000?*

CEO: I am unaware of the total costs, but I understood they may be significant.

Total costs KPA \$14,230 plus fencing at \$37,240 = \$51,470.

I am unaware of the specifics and am unable to answer on behalf of the KPA. To date the Shire has not received a proposal from the KPA.

Mr Simon McInness

1. *I asked a question at the August meeting regarding wages and the budget and I was told that the employee costs for 19/20 were \$30,000 less than the 18/19 budget. Did this amount include all wage and salaried staff, as well as staff under contract, and Tuia Lodge staff?*

CEO: The amount includes all staff.

2. *What is the cost as a percentage of the total rates intake, of senior management to the level of department head and senior professional staff including those under contract, including super, allowances and private vehicle use?*

CEO: This question is taken on notice and an answer will be provided.

Mr Bernie Dawson

1. *Was there a valuation sought by Council of the old milling equipment prior to entering into a formal agreement with the Kirup Progress Association?*

EMO: Not to my knowledge.

2. *Is it not policy to gain valuations on assets before disposal?*

CEO: This is not a disposal, although I recognise that the Donnybrook community sees it that way.

3. *If the old milling equipment and associated items were considered to be valued at \$10,000, would it not be reasonable for the community to request that similar funding should be planned by Council to replace what is being removed?*

CEO: The question is subjective as there are differing opinions as to 'reasonable'. As per the recommendation that was partly accepted, the Shire will look at refurbishment works (as opposed to 'replacement') on the site including noticeboards for the trees and to acknowledge the heritage of the arboretum.

4. *Once the historic milling equipment is removed all that will be left is the Mock Gold Mine, which is a mound of dirt with a hole in the middle – does Council consider that a mound of dirt is a fair replacement on what exists now?*

CEO: It is the Shire's intention to rejuvenate the site and will be making an investment over the coming years.

5. *Will Council be releasing plans?*

CEO: We need to work through the options for the site and possibly consult with the community.

Mr Simon McInnes

1. *Could you explain the financial reasons for selling 6 blocks of vacant land at the bottom of the market and putting the money into reserve. Wouldn't it be more prudent to hold on to the land for a better return in the future?*

CEO: Local governments are significant land holders. Not all land that the Shire owns is freehold or has the ability to be sold. The Shire has held the blocks you are referring to for a number of years and as they are providing no function the decision was made to sell the assets and use the funds in the reserve account for infrastructure.

2. *Is it true that the Bridge Street development is being developed to provide housing for victims of domestic violence and their families from outside the Shire and not retiring farmers as advertised in the Preston Press and the South Western Times?*

CEO: The objective is to provide 11-12 (budget dependent) independent living units for people over the age of 65 (or 55 if aboriginal or Torres Strait Islander) that meet the State Department of Communities' eligibility criteria, preferably for people from within the Shire.

3. *Is the Shire retaining any equity in the Bridge Street development?*

CEO: This information is still confidential. As soon as it is not I will advise.

6 PRESENTATIONS

6.1 PETITIONS

A petition in relation to the Irishtown Arboretum was presented.

COUNCIL RESOLUTION 180/19

Moved: Cr Lindemann

Seconded: Cr Atherton

Pursuant to Clause 6.10 of the Shire of Donnybrook Balingup Meeting Procedures Local Law 2017, that Council receive the petition in relation to “request to revoke the Council Decision to relocate the old mill equipment from the Irishtown Arboretum to Kirup Mill Park” and refer it to the relevant officer for a report to be submitted at the next practicable Ordinary Council Meeting.

CARRIED 7/0

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Malek Vahdat, Carmel Group made a deputation to Council regarding item 9.2.2 ‘Request to Gift Lot 4 Bridge Street, Donnybrook to Water Corporation for Pump Station site’.

6.4 DELEGATE’S REPORTS

Nil.

7 CONFIRMATION OF MINUTES

7.1 SPECIAL MEETING OF COUNCIL – 21 OCTOBER 2019

Minutes of the Special Meeting of Council (swearing in of Councillors) held 21 October 2019 are attached (*attachment 7.1*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 21 October 2019 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 181/19

Moved: Cr Atherton

Seconded: Cr Massey

That the Minutes from the Special Meeting of Council held 21 October 2019 be confirmed as a true and accurate record.

CARRIED 7/0 by En Bloc Resolution

7.2 ORDINARY MEETING OF COUNCIL – 23 OCTOBER 2019

Minutes of the Ordinary Meeting of Council held 23 October 2019 are attached (*attachment 7.2*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 23 October 2019 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 182/19

Moved: Cr Atherton

Seconded: Cr Massey

That the Minutes from the Ordinary Meeting of Council held 23 October 2019 be confirmed as a true and accurate record.

CARRIED 7/0 by En Bloc Resolution

7.3 SPECIAL MEETING OF COUNCIL – 19 NOVEMBER 2019

Minutes of the Special Meeting of Council (Tuia Lodge Fire Suppression Tender) held 19 November 2019 are attached (*attachment 7.3*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 19 November 2019 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 183/19

Moved: Cr Atherton

Seconded: Cr Massey

That the Minutes from the Special Meeting of Council held 19 November 2019 be confirmed as a true and accurate record.

CARRIED 7/0 by En Bloc Resolution

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

ADOPTION BY EXCEPTION:

COUNCIL RESOLUTION 184/19

Moved: Cr Atherton

Seconded: Cr Massey

That the following items be carried En Bloc:

- 7.1 Minutes Special Meeting of Council – 21 October 2019**
- 7.2 Minutes Ordinary Meeting of Council – 23 October 2019**
- 7.3 Minutes Special Meeting of Council – 19 November 2019**
- 9.1.2 Monthly Financial Report – September 2019**
- 9.2.1 Building Occupation Arrangements at Egan Park between Donnybrook Mens' Shed, Donnybrook Apple Festival**
- 9.2.3 Request to Vary Dividing / Boundary Fencing Height at Lot 4 (No. 9) Bentley Street, Donnybrook**
- 9.5.1 South Western Highway, Thompsons Hill**

CARRIED 7/0

9.2 MANAGER DEVELOPMENT SERVICES

9.2.1 BUILDING OCCUPATION ARRANGEMENTS AT EGAN PARK BETWEEN DONNYBROOK MENS' SHED, DONNYBROOK APPLE FESTIVAL COMMITTEE AND DONNYBROOK COMMUNITY GARDEN

Location	Lot 51 Reserve Street, Donnybrook
Applicant	Mens' Shed, Donnybrook Apple Festival Committee and Donnybrook Community Garden
File Reference	A162
Author	Bob Wallin - Manager Development Services
Responsible Manager	Steve Potter – Executive Manager Operations
Attachments	9.2.1(1) – Location Plan 9.2.1(2) – Timeline of Events 9.2.1(3) – Shed details
Voting Requirements	Simple Majority

Recommendation	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the important ongoing contribution that all of the involved groups make to successful community initiated and operated events and activities that make Donnybrook an enviable destination for visitors and residents; 2. Expresses appreciation to all of the involved community groups for entering into recent discussions in good faith and with a view to identifying mutually acceptable outcomes; 3. Supports the proposal presented by the Mens' Shed to vacate and return Shed 'C' as shown in Attachment 9.2.1(3) to the Donnybrook Apple Festival Committee in its original condition no later than 15 March 2020; 4. Supports the proposed occupation of Sheds 'A' and 'B', and Building 'D' as shown in Attachment 9.2.1(3) by the Mens' Shed with a lease/license to occupy (or other valid permission) being established between Arc Infrastructure, the Shire and the Mens' Shed; 5. Authorises the Mens' Shed to use the sea container shown as 'E' in Attachment 9.2.1(3) for the storage of equipment for a maximum period of 12 months, after which permanent access to the sea container will be transferred to the Donnybrook Community Garden. 6. If the sea container is no longer required by the Mens' Shed prior to the end of the 12 month period, permanent access may be transferred to the Donnybrook Community Garden earlier, subject to a written request being submitted to the Shire, written approval being granted by the Chief 	

Executive Officer and an appropriate formal agreement being established and signed by both parties;

- 7. Advises the Mens' Shed that relevant development and building approvals are to be obtained for 'Shed A' as shown in Attachment 9.2.1(3);**
- 8. Requires suitable measures to be put in place to establish permanent access to the toilet and ablution facilities for all community groups in Building 'D';**
- 9. Supports the proposed occupation of Shed 'C' as shown in Attachment 9.2.1(3) by the Donnybrook Apple Festival Committee with a lease/license to occupy (or other valid permission) being established between Arc Infrastructure, the Shire and Donnybrook Apple Festival Committee;**
- 10. Advises the Mens' Shed to liaise with the Manager Development Services prior to undertaking any structural changes to Building 'D' to ensure that appropriate approvals are obtained.**

STRATEGIC ALIGNMENT

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

Outcome: 3.2 Well supported community groups and facilities
Strategy: 3.2.2 Encourage and support volunteers and community organisations
Action: 3.2.2.2 Provide support for community organisations

EXECUTIVE SUMMARY

- The Mens' Shed were granted access in 2008 to a shed at Egan Park that was partially funded and previously occupied by the Donnybrook Apple Festival Committee.
- Over a number of years there has been some disagreement as to which community group has rights to occupy the shed.
- Recent productive discussions between the Shire and the relevant groups has resulted in a proposed arrangement to re-arrange occupation of the sheds and buildings to accommodate all parties.
- The proposed arrangement is generally supported by all groups.
- It is recommended that Council assist in implementing arrangements.

BACKGROUND

The Mens' Shed and Donnybrook Apple Festival (DAF) are community focused groups that have an established history associated with occupying sheds and buildings located on the northern portion of Egan Park, Donnybrook (Attachment 9.2.1(1) – Location Plan). More recently, the Donnybrook Community Garden has established the first stage of a community

garden and require safe storage space for their equipment as well as improved access to toilet facilities.

There has been an ongoing dispute about occupation of sheds between the Mens' Shed and DAF. Attachment 9.2.1(2) provides a timeline of events and Attachment 9.2.1(3) provides a location plan and description of the sheds, their location and use.

The outstanding matter requiring resolution is that the Mens' Shed occupy a shed that was partially funded and previously occupied by the DAF and the DAF have been requesting that the shed be returned to them for a number years.

An issue that has been identified in investigating the land tenure arrangements is that all of the sheds and buildings partly straddle the boundary separating Shire owned land and land managed by Arc Infrastructure (Attachment 9.2.1(1)). The Shire's land is reserved "Parks and Recreation" under Local Planning Scheme 7 (LPS7), whilst the neighbouring land parcel is "Rail Reserve".

The sheds are presently occupied without any formal lease/license arrangements being in place between community groups and the landowners (Shire and Arc Infrastructure).

Legal advice has been obtained to clarify details regarding ownership verses occupation rights.

Advice provided states that:

- The portion of the sheds/buildings located on Shire land is owned by the Shire;
- The portion of the sheds/buildings located on the Rail Corridor is owned by the Crown;
- The Shire is not obliged to compensate any of the parties involved as a consequence of the Shire being the owner of the sheds to the extent that the sheds are on its land nor in respect of the termination of any rights of occupancy; and
- It is not possible to make adverse possession claims over Crown land.

There have been meetings with the Shire and community groups to negotiate an acceptable solution that enables all the groups to thrive.

The Mens' Shed have presented several options and after discussing in detail with the Donnybrook Apple Festival have settled on the following:

- Mens' Shed to vacate Shed 'C' to allow re-occupation by the Donnybrook Apple Festival by 15 March 2020;
- Mens' Shed to remove all additions and equipment from Shed 'C'; and
- Mens' Shed to re-locate activities from Shed 'C' to Building 'D';

This arrangement is generally supported by the DAF subject to receiving a guarantee that the Shire will enforce agreed timelines.

FINANCIAL IMPLICATIONS

The future occupation of all buildings at Egan Park will need to be formalised through leases/licenses to occupy. This process will require seeking support from Arc Infrastructure and may require fees associated with the use of their land as well as legal fees in preparing lease documents.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Clause 2.4 of Local Planning Scheme 7 requires planning approval for any new development on reserved land. It will be necessary to seek retrospective approvals for any previous development.

Any new applications for works that straddle the boundary will require authorisation of the Shire and Arc Infrastructure. Clause 47 of the *Rail Freight System Act 2000* requires approval prior to erecting structures on rail reserves.

The proposed use of the sheds and buildings generally align with the intent of the “Parks and Recreation” reservation under LPS7.

Any leases for a term exceeding 20 years requires approval by the Western Australian Planning Commission under clause 136 (1) of the *Planning and Development Act 2005*.

CONSULTATION

There has been ongoing consultation with the impacted community groups to seek resolution of this matter. This has included several staff meeting with groups, site meetings/visits, telephone conversations and written correspondence.

OFFICER COMMENT

The groups have effectively agreed to the following:

- a) Shed C being returned to its original condition by the Mens' Shed; and
- b) Mens' Shed to vacate Shed 'C' by 15 March 2020 which will then be occupied by DAF.

This agreement is conditional on:

- a) Access being maintained to the toilets of Building 'D' for use by all community groups;
- b) Allowing Mens' Shed exclusive use of the remaining space of Building D; and
- c) Timelines being enforced.

The proposed occupation and use of Building 'D' is considered reasonable and will enable the Mens' Shed space and security for its members so it can continue to provide a valued community service.

The Mens' Shed have expressed an interest to utilise the Shire's sea contained (Structure 'E') whilst they transfer their operations. It is recommended that initially access be granted to the Mens' Shed, however provision be made to transfer the access rights to the Donnybrook Community Garden at a later stage. The Mens' Shed have also verbally indicated they are willing to work with the Community Garden to provide them with access to some storage space in the short term.

CONCLUSION

Negotiations between the Shire, Mens' Shed and DAF have effectively resulted in an agreed outcome to address some long standing access issues with regards to the sheds and buildings at Egan Park. It is recommended that Council supports the officer recommendation and provide ongoing assistance to the community groups with respect to resolving the outstanding matters.

COUNCIL RESOLUTION 186/19

Moved: Cr Atherton

Seconded: Cr Massey

That Council:

- 1. Acknowledges the important ongoing contribution that all of the involved groups make to successful community initiated and operated events and activities that make Donnybrook an enviable destination for visitors and residents;**
- 2. Expresses appreciation to all of the involved community groups for entering into recent discussions in good faith and with a view to identifying mutually acceptable outcomes;**
- 3. Supports the proposal presented by the Mens' Shed to vacate and return Shed 'C' as shown in Attachment 9.2.1(3) to the Donnybrook Apple Festival Committee in its original condition no later than 15 March 2020;**
- 4. Supports the proposed occupation of Sheds 'A' and 'B', and Building 'D' as shown in Attachment 9.2.1(3) by the Mens' Shed with a lease/license to occupy (or other valid permission) being established between Arc Infrastructure, the Shire and the Mens' Shed;**
- 5. Authorises the Mens' Shed to use the sea container shown as 'E' in Attachment 9.2.1(3) for the storage of equipment for a maximum period of 12 months, after which permanent access to the sea container will be transferred to the Donnybrook Community Garden.**
- 6. If the sea container is no longer required by the Mens' Shed prior to the end of the 12 month period, permanent access may be transferred to the Donnybrook Community Garden earlier, subject to a written request being submitted to the Shire, written approval being granted by the Chief Executive Officer and an appropriate formal agreement being established and signed by both parties;**

- 7. Advises the Mens' Shed that relevant development and building approvals are to be obtained for 'Shed A' as shown in Attachment 9.2.1(3);**
- 8. Requires suitable measures to be put in place to establish permanent access to the toilet and ablution facilities for all community groups in Building 'D';**
- 9. Supports the proposed occupation of Shed 'C' as shown in Attachment 9.2.1(3) by the Donnybrook Apple Festival Committee with a lease/license to occupy (or other valid permission) being established between Arc Infrastructure, the Shire and Donnybrook Apple Festival Committee;**
- 10. Advises the Mens' Shed to liaise with the Manager Development Services prior to undertaking any structural changes to Building 'D' to ensure that appropriate approvals are obtained.**

CARRIED 7/0 by En Bloc Resolution

9.2.2 REQUEST TO GIFT LOT 4 BRIDGE STREET, DONNYBROOK TO WATER CORPORATION FOR PUMP STATION SITE

Location	Lot 4 Bridge Street, Donnybrook
Applicant	Cardno (WA) Pty Ltd on behalf of Water Corporation and Carmel Group
File Reference	A1079
Author	Bob Wallin - Manager Development Services
Responsible Manager	Bob Wallin – Manager Development Services
Attachments	9.2.2(1) - Request to gift land 9.2.2(2) – Layout Plan – Park Home Development 9.2.2(3) – Location Plan 9.2.2(4) - Site photos 9.2.2(5) – Valuation Report 9.2.2(6) – Pump Station Design 9.2.2(7) - Development potential on eastern side of Preston River
Voting Requirements	Absolute Majority

Recommendation	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Advises Cardno (WA) Pty Ltd that it declines the request to ‘gift’ Lot 4 Bridge Street, Donnybrook for the following reasons: <ol style="list-style-type: none"> 1.1 The subject land is a community owned asset and Council has a responsibility to seek appropriate compensation when disposing of such assets; 1.2 The subject land is required to support private development for commercial gain and it is considered the land purchase price should be factored into the developer’s costs; 1.3 The valuation amount is considered reasonable in the context of the overall development. 2. Advises Cardno (WA) Pty Ltd that it agrees ‘in-principle’ to sell Lot 4 Bridge Street, Donnybrook for the price of \$40,000 (ex GST) subject to first complying with the provisions of s.3.58 of the Local Government Act 1995 and the applicant being responsible for all conveyancing and associated land transfer costs; 3. Pursuant to section 3.58(3)(b) of the Local Government Act 1995 provides the following reasons for its decision to dispose of the asset: 	

3.1 The land is not developable for residential purposes due to its low lying topography and proximity to the Preston River;

3.2 The installation of a pump station is required for the approved development on Lot 108 Kelly Road, Donnybrook;

3.3 The installation of a pump station has the capacity to increase land development opportunities on the eastern side of Preston River.

4. Authorises the Chief Executive Officer to undertake public notification in accordance with s.3.58 of the Local Government Act 1995;

5. Subject to no submissions being received during the public notification period, authorises the Chief Executive Officer and Shire President to undertake the necessary measures to dispose of the land in accordance with this resolution.

6. Should any submissions be received during the public notification period, instructs the Chief Executive Officer to bring a report back to Council for further consideration.

STRATEGIC ALIGNMENT

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

Outcome: 2.1 An attractive and maintained built environment
Strategy: 2.1.1 Maintain, renew and improve infrastructure within allocated resources
Action: 2.1.1.4 Maintain attractive town sites within resource capacity

EXECUTIVE SUMMARY

- A request has been received requesting the Shire ‘gift’ Lot 4 Bridge Street, Donnybrook to the Water Corporation for a sewer pump station.
- Lot 4 Bridge Street is owned freehold by the Shire and has been valued at \$40,000.
- It is recommended that the request to gift the land be declined and the applicant be advised that the Shire would be willing to sell the land at market value.

BACKGROUND

Council has received correspondence from Cardno (WA) Pty Ltd (Cardno) who have been commissioned to prepare a waste water pumping station scoping report on behalf of the Water Corporation and the property developer Carmel Group (Attachment 9.2.2(1)).

The requirement for the waste water pumping station has arisen from a development approval granted by the Shire to Carmel Group for a Park Home Park (Lifestyle Village) at Lot 108 Kelly Road, Donnybrook to create 120 park home sites (Attachment 9.2.2(2)). Condition 13 of the development approval requires the development to be connected to a reticulated sewerage system. As there is no existing reticulated sewer available on the eastern side of Preston River, there is a need for the developer to install the necessary infrastructure for the development to proceed.

The correspondence received advises that Cardno has submitted the scoping report to Water Corporation who is currently in the final stages of review and producing the Developer Constructed Works Scoping Agreement (DCSWA). Further, it advises that a conceptual sewer plan and preliminary sewer catchment plan have been developed, which identifies Lot 4 Kelly Road as the preferred siting of the proposed pump station. A location plan demonstrating the approved development location and its relationship to Lot 4 is contained in Attachment 9.2.2(3).

Lot 4 is zoned “Residential R20” under Local Planning Scheme 7 (LPS7) and is owned freehold by the Shire. The subject site has an area of 612m², is vacant and cleared of vegetation with the exception of a small stand of trees located on the south-eastern corner. The land slopes towards the river and falls sharply from Bridge Street. Photographs of the site are provided in Attachment 9.2.2(4).

The subject site abuts an unconstructed “right of way” on its eastern boundary that separates the property from adjoining residential lots. Land on the southern side of Bridge Street is zoned “Tourist” and contains a backpackers accommodation business. The land to the north consists of three vacant lots, zoned ‘Residential R20’ which are also owned by the Shire. Land on the western boundary is reserved “Parks and Recreation”, is flood prone and forms part of the Preston River water course.

Pertinent to this report, the correspondence received contains the following statements:

“Given that Lot 4 Kelly Road is freehold land owned by the Shire, we are writing to notify that the land is required to be gifted to the Water Corporation for development purposes.

In addition, we wish to request that the Shire advise of any objections or concerns to the above proposal, outlining any and all planning approvals and applications required for obtaining formal approval to site the proposed pump station within this landholding.”

Council will need to consider this ‘request’ and whether it is supportive of ‘gifting’ the land or alternatively seeking some level of payment for transfer of a Shire asset to the Water Corporation on behalf of a private developer. To inform this consideration, staff have engaged LMW South West to provide an independent property valuation of the subject site which has resulted in an estimated land value of \$40,000. A copy of the valuation report is provided in Attachment 9.2.2(5).

FINANCIAL IMPLICATIONS

Gifting the subject site will result in a potential opportunity cost/loss of \$40,000.

There may also be costs associated with conveyancing the change of ownership which are estimated at \$1300.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Public Works – Requirement for Approvals

The proposed pump station falls under the definition of a public work under the *Public Works Act 1902*. The definition of a public work includes:

“(d) any works for or in connection with the supply of water to, or for or in connection with the sewerage of, any city, town, or district, including all reticulations.”

Public Works are exempt from requiring development approval under the *Planning and Development Act 2005* Part 1, subsection 6(1). There are limitations to this however under subsection 6(2) which states:

“(2) Rights referred to in subsection (1) are to be exercised having regard to –

- (a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the rights is exercised; and*
- (b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time.”*

In considering the above, the following points are made:

- Whilst the land is zoned ‘Residential’ it is considered to have low development potential for this purpose due to its low lying nature and proximity to the Preston River.
- It is considered that the proposed works will have limited impacts on streetscape when taking into account existing topography.
- The pump station infrastructure is mostly below ground level and therefore will have negligible noise impacts on surrounding landowners. A copy of the proposed design is contained in Attachment 9.2.2(6).

For the reasons outlined above, officers consider the proposed use is appropriate for the location, addresses the requirements under Section 6 of the *P&D Act 2005* and therefore qualifies for an exemption from further development approval.

Disposal of Local Government Assets

Section 3.58 of the Local Government Act 1995 is relevant and outlines the requirements when disposing of local government assets.

3.58 . *Disposing of property*

(1) *In this section —*

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include-*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

In light of the above and with specific regard to 3(a, i-iii) and 3(b), prior to agreeing to dispose of the land, public notification is required, if Council is supportive of disposing of the land, either by 'gifting' it or selling it.

CONSULTATION

As the proposal is setback from adjacent landowners and is considered to have negligible impacts on neighbouring landowners no public consultation has been undertaken.

As outlined above, depending on the position of the Council, public notification may be required under s.3.58 of the LG Act 1995 for the disposal of the asset.

OFFICER COMMENT

Staff consider that disposal of Lot 4 for the proposed use is appropriate given that the subject land is largely undevelopable from a residential perspective and this is reflected in the relatively low valuation applied to the land. The applicant has indicated that the network design hinges on being granted use of the subject site and Council's support in this regard is recommended.

The topography of the land and the nature of the proposed pump station being largely underground means that amenity will be maintained both from visual and noise perspectives. The operation of the pump station will need to ensure compliance in terms of noise impacts which can be controlled through design treatments and appropriate separation distances.

It is noted that there are significant additional benefits from having the pump station installed which will provide opportunity for future development of other vacant land on the eastern side of Preston River and a diagram indicating potential development potential on the eastern side of the river is provided in Attachment 9.2.2(7). Council will therefore need to weigh up Cardno's request to 'gift' the land in light of the wider benefits that may be achieved by opening up additional residential development, against the responsibility it has to seek a reasonable contribution on behalf of the community in disposing of a publicly owned asset.

In considering this situation, officers are of the position that the land should be sold at the market value rather than gifted for the following reasons:

- The reason for the request is to facilitate private commercial development;
- If the owner of Lot 4 was a private entity (rather than the Shire), the developer would be expected to purchase the land, rather than being gifted it;
- The valuation amount is relatively minor in the context of the entire development.

CONCLUSION

It is acknowledged the extension of the sewer network over the Preston River will assist in improving the viability of residential expansion east of the Preston River and therefore has potential benefits to the growth of the town. However, for the reasons outlined in the report it is recommended that Council advise the applicant that it is not willing to 'gift' the land, however gives 'in-principle' support to disposing of the land at the market value of \$40,000, subject to first complying with the disposal provisions of the LG Act 1995.

OUTCOME OF MEETING

Cr Shane Atherton declared a financial interest in the item and left the Chamber at 5.55pm.

COUNCIL RESOLUTION 187/19

Moved: Cr Lindemann

Seconded: Cr Sercombe

That Council:

- 1. Advises Cardno (WA) Pty Ltd that it declines the request to 'gift' Lot 4 Bridge Street, Donnybrook for the following reasons:**
 - 1.1 The subject land is a community owned asset and Council has a responsibility to seek appropriate compensation when disposing of such assets;**
 - 1.2 The subject land is required to support private development for commercial gain and it is considered the land purchase price should be factored into the developer's costs;**
 - 1.3 The valuation amount is considered reasonable in the context of the overall development.**
- 2. Advises Cardno (WA) Pty Ltd that it agrees 'in-principle' to sell Lot 4 Bridge Street, Donnybrook for the price of \$40,000 (ex GST) subject to first complying with the provisions of s.3.58 of the Local Government Act 1995 and the applicant being responsible for all conveyancing and associated land transfer costs;**
- 3. Pursuant to section 3.58(3)(b) of the Local Government Act 1995 provides the following reasons for its decision to dispose of the asset:**
 - 3.1 The land is not developable for residential purposes due to its low lying topography and proximity to the Preston River;**
 - 3.2 The installation of a pump station is required for the approved development on Lot 108 Kelly Road, Donnybrook;**

- 3.3 The installation of a pump station has the capacity to increase land development opportunities on the eastern side of Preston River.**
- 4. Authorises the Chief Executive Officer to undertake public notification in accordance with s.3.58 of the Local Government Act 1995;**
 - 5. Subject to no submissions being received during the public notification period, authorises the Chief Executive Officer and Shire President to undertake the necessary measures to dispose of the land in accordance with this resolution.**
 - 6. Should any submissions be received during the public notification period, instructs the Chief Executive Officer to bring a report back to Council for further consideration.**

CARRIED 6/0 BY ABSOLUTE MAJORITY

Cr Atherton returned to the Chamber at 6.02pm.

9.2.3 REQUEST TO VARY DIVIDING / BOUNDARY FENCING HEIGHT AT LOT 4 (NO. 9) BENTLEY STREET, DONNYBROOK

Location	Lot 4 (No.9) Bentley Street, Donnybrook
Applicant	Ms Katie Eggleston
File Reference	A586
Author	Bob Wallin - Manager Development Services
Responsible Manager	Bob Wallin – Manager Development Services
Attachments	9.2.3(1) – Request for Variation 9.2.3(2) – Location Plan 9.2.3(3) – Proposed fencing details 9.2.3(4) – Site photos
Voting Requirements	Simple Majority

Recommendation	
<p>That Council, pursuant to Part 3, section 8 (1-2) and the Second Schedule of the Shire of Donnybrook Balingup <i>Local Laws Relating to Fencing</i>, approves a variation with respect to fence height for all boundaries of Lot 4 Bentley Street, Donnybrook in accordance with Attachment 9.2.3(2).</p>	

STRATEGIC ALIGNMENT

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

- Outcome: 2.1 An attractive and maintained built environment
- Strategy: 2.1.1 Maintain, renew and improve infrastructure within allocated resources
- Action: 2.1.1.4 Maintain attractive town sites within resource capacity

EXECUTIVE SUMMARY

- Council has received a request to vary fencing standards under the Shire’s *Local Laws Relating to Fencing* at Lot 4 (9) Bentley Street, Donnybrook.
- The variation relates to all boundary fences and involves the installation of 300mm high lattice on top of the permitted 1200mm/1800mm fencing.
- Officers consider the proposed variation satisfies the provisions in the Local Law that provide Council with discretion to vary the standards and therefore support is recommended.

BACKGROUND

Council has received a request to vary the fencing standards contained in the Shire’s Local Laws at Lot 4 (9) Bentley Street, Donnybrook. A copy of the request, a location plan and an indicative fencing plan provided by the landowner are contained in Attachments 9.2.3(1), 9.2.3(2) and 9.3.2(3).

The subject property land is zoned “Residential” with a density coding of R30 under Local Planning Scheme No.7 (LPS7), is 1088m² in area and is surrounded by similar zoned lots. It is located on the corner of Bentley and Emerald Streets. Photographs of the site illustrating existing fencing and site conditions is provided in Attachment 9.2.3(4).

Under fencing requirements under the Local Law and the Residential Design Codes, the landowner is permitted to have a 1800mm high fence on the side and rear boundaries and a 1200mm high fence along the front boundary. The proposal is to seek approval for:

- Erecting a 1200mm high Colorbond fence with a 300mm “screen top lattice extension” for all boundaries forward of the building line;
- Erecting 1800mm high Colorbond fence with 300mm “screen top lattice extension” along the Emerald Street frontage;
- Adding 300mm “screen top lattice extensions” to existing fencing along the rear and eastern boundaries.

The submitted correspondence contained in Attachment 9.2.3(1) outlines the landowners reasons for requesting the variation which include:

- The property being located on a prominent corner adjacent to a busy intersection;
- The high level of vehicle and foot traffic due to the proximity to the high school;
- The landowners consider the aesthetic appeal of the lattice will complement their period home and soften the appearance of the new Colorbond fencing.

Council approval is required as the proposal represents a variation to the Shire’s *Local Law Relating to Fencing* (Local Law) regarding height and there is no staff delegation to determine the request.

Local Law Provisions

The First Schedule of the Local Law specifies standards for a sufficient fence within the residential zone.

Clause 1 specifies that a dividing fence shall not exceed the following heights:

- behind the setback area - 1800mm; and
- within the setback area - 1200mm.

Clause 2 specifies suitable fence materials which includes “steel panel”.

Part 3 – General - *Clause 8 (General Discretion of the Local Government)* provides Council with the ability to vary the provisions contained in the First Schedule outlined above with respect to the following:

- the local government may consent to the erection of a fence which does not comply with the requirements of the Local Laws; and

- detailing matters the local government may consider (in addition to any other matter that it is authorised to consider) when making a decision in this regard, including potential adverse impacts on:
 1. The safe or convenient use of any land;
 2. The safety or convenience of any person;
 3. The visual amenity of the locality.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

The *Local Laws Relating to Fencing* (First Schedule) specifies what constitutes a “sufficient fence” for land within the residential zone.

Part 3, Clause 8 (General Discretion of the Local Government) of the Local Law provides Council with the authority to vary the standards outlined in the First Schedule.

CONSULTATION

The applicant has obtained written support for the fence from the owner along the eastern boundary. The rear boundary (southern elevation) abuts land owned by the Shire.

OFFICER COMMENT

The proposed fencing is not consistent with the First Schedule of the Local Law with relation to height due to the 300mm “screen top lattice extension” element. However, it is reasonable to support the proposed fence standard when assessing the nature of the variation against the criteria contained in Clause 8 as shown in the following table.

Criteria for assessing variations (clause 8 of Local Law)	Assessment and comments
The safe or convenient use of any land	The fence does not impact on the safe and convenient use of land. The fence provides a visual and physical barrier consistent with its role of defining lot boundaries
The safety or convenience of any person	The fence does not impact on the safety or convenience of any person.
The visual amenity of the locality	The fence does not adversely impact the amenity due to the semi permeable visual nature of the 300mm lattice extension.

Any other matter that the local government is authorised to consider.	Not applicable in this instance.
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CONCLUSION

The request for approval to a vary dividing fencing standards along boundaries of Lot 4 Bentley Street, Donnybrook, as specified in the Local Law is considered reasonable and therefore approval is recommended.

COUNCIL RESOLUTION 188/19

Moved: Cr Atherton

Seconded: Cr Massey

That Council, pursuant to Part 3, section 8 (1-2) and the Second Schedule of the Shire of Donnybrook Balingup *Local Laws Relating to Fencing*, approves a variation with respect to fence height for all boundaries of Lot 4 Bentley Street, Donnybrook in accordance with Attachment 9.2.3(2).

CARRIED 7/0 by En Bloc Resolution

9.2.4 REQUEST TO VARY DIVIDING FENCING MATERIAL AND HEIGHT AT LOT 71 (NO. 31) MELALEUCA PLACE, DONNYBROOK

Location	Lot 71 (No.13) Melaleuca Place, Donnybrook
Applicant	Mr Bob Lowther
File Reference	A3915
Author	Bob Wallin - Manager Development Services
Responsible Manager	Bob Wallin – Manager Development Services
Attachments	9.2.4(1) – Applicant’s written request 9.2.4(2) - Location Plan 9.2.4(3) – Site photographs 9.2.4(4) – Letter from adjoining land owner 9.2.4(5) – Legal Advice
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Part 3, 8(1-2) and the Second Schedule of the Shire of Donnybrook Balingup <i>Local Laws Relating to Fencing</i>, retrospectively approves a variation with respect to materials and height for the rear and northern side boundaries of Lot 71 Melaleuca Place, Donnybrook as follows: <ol style="list-style-type: none"> 1.1 The use of ‘steel panel’ (Colorbond) material is approved; 1.2 The fence height of 1800mm is approved.

STRATEGIC ALIGNMENT

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

- Outcome: 2.1 An attractive and maintained built environment
- Strategy: 2.1.1 Maintain, renew and improve infrastructure within allocated resources
- Action: 2.1.1.4 Maintain attractive town sites within resource capacity

EXECUTIVE SUMMARY

- Council has received a retrospective request to vary fencing standards under the Shire’s *Local Laws Relating to Fencing* at Lot 71 Melaleuca Place, Donnybrook.
- The variation relates to the rear and northern side boundaries the subject property and involves using 1800mm high Colorbond material rather than 1400mm post and wire construction as specified in the Local Law.
- Since the fence’s construction objections have been raised by a neighbouring landowner regarding the materials, although there is evidence that written support was

provided by the complainant to the applicant for the proposed fence prior to its construction.

- Officers consider the proposed variation satisfies the criteria contained in Part 3, Clause 8 of the Local Law and therefore approval is recommended.

BACKGROUND

Council has received a formal request to grant retrospective approval for a constructed dividing fence that abuts the rear and northern side boundaries of Lot 71 Melaleuca Place, Donnybrook. A copy of the applicant's request is provided in Attachment 9.2.4(1).

The land is zoned "Residential" with a density coding of R5 under Local Planning Scheme No.7 (LPS7), is 2039m² in area and is surrounded by similarly zoned lots. A location plan illustrating the location of the subject fence is provided in Attachment 9.2.4(2).

The fence consists of Colorbond metal sheets with a height of 1.8m, except for a shorter tapered portion on the side boundary closest to the street. Photographs of the erected fence are provided in Attachment 9.3.4(3).

Local Law Provisions

Part 1 – Preliminary – Interpretation, Clause 3 provides the interpretation of what constitutes a "Low Density Residential Lot" which is defined as:

"a lot where a residential code of R2,5, R5 or split code R2.5/R5 (as amended from time to time) applies."

The Second Schedule specifies standards for a sufficient fence within a low density residential zone which include:

- Heights to be not less than 1000mm or exceed 1400mm (1800mm erected);
- Consist of a post and wire construction (Colorbond metal sheeting erected).

Additional detail is also provided in the Second Schedule on the suitability of post materials, wire standards, post dimensions and strainer assemblies.

Part 3 – General - Clause 8 (General Discretion of the Local Government) provides Council with the ability to vary the provisions contained in the First Schedule outlined above with respect to the following:

- the local government may consent to the erection of a fence which does not comply with the requirements of the Local Laws; and
- detailing matters the local government may consider (in addition to any other matter that it is authorised to consider) when making a decision in this regard, including potential adverse impacts on:
 1. The safe or convenient use of any land;
 2. The safety or convenience of any person;

3. The visual amenity of the locality.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

The *Local Law Relating to Fencing* Second Schedule specifies what constitutes a “sufficient fence” for land within a ‘low density residential zone’.

Part 3, Clause 8 (General Discretion of the Local Government) of the Local Law provides Council with the authority to vary the standards outlined in the First Schedule.

CONSULTATION

Prior to erecting the fence the applicant obtained written support from both adjoining lot owners and copies are provided in Attachment 9.2.4(4).

Since construction, it is understood there have been some issues between the applicant and one of the neighbouring landowners who has raised a number of concerns including disputing the location of the fence in relation to the dividing boundary and has also expressed concerns regarding an issued Court Order between the two parties. In addition, the neighbour has challenged the ability of Council to make a decision under the Local Law which may be at odds with the issued Court Order.

In respect to the location of the fence, this is a separate and unrelated matter when considering the proposed variation to the Local Law which focuses on materials and height. Disputes regarding boundary positions can be resolved between landowners by engaging a land surveyor.

In respect to the Court Order decision, legal advice has been obtained. The Court Order is between the two parties and it outlines conditions, including fencing standards and payment obligations among other things.

Legal advice obtained states that:

- a) the Court Order is only binding on the parties to it and not the Shire; and
- b) the Shire should support the fence, unless the fence is not considered to meet a “sufficient fence” standard as defined by the Local Law.

The advice concludes that the interpretation of the Court Order is that it is a civil matter between the two parties and does not concern the Shire and a full copy is provided in Attachment 9.2.4(5).

OFFICER COMMENT

The fencing along the rear and northern side boundary is not consistent with the Second Schedule of the Local Law. However, officers consider it is reasonable to retrospectively support the constructed fence standard when assessing the nature of the variation against the criteria contained in Clause 8 as shown in the following table.

Criteria for assessing variations (clause 8 of Local Law)	Assessment and comments
The safe or convenient use of any land	The fence does not impact on the safe and convenient use of land. The fence provides a visual and physical barrier consistent with its role of defining lot boundaries.
The safety or convenience of any person	The fence does not impact on the safety or convenience of any person.
The visual amenity of the locality	The fence does not adversely impact the amenity of the locality due to the existing vegetation, setbacks from the street and neutral colour scheme. There is also significant vegetation screening the fence from the objecting neighbour.
Any other matter that the local government is authorised to consider.	Not applicable in this instance.

CONCLUSION

The request for retrospective approval to vary dividing fencing standards along two boundaries, as specified in the Local Law is considered reasonable and therefore is recommended for approval. Whilst it is noted there are other legal challenges related to the fence on a civil basis, the Shire’s only obligation is to consider the proposal on its merits under the provisions of the Local Law.

COUNCIL RESOLUTION 189/19

Moved: Cr Atherton

Seconded: Cr Mitchell

That Council:

- 1. Pursuant to Part 3, 8(1-2) and the Second Schedule of the Shire of Donnybrook Balingup *Local Laws Relating to Fencing*, retrospectively approves a variation with respect to materials and height for the rear and northern side boundaries of Lot 71 Melaleuca Place, Donnybrook as follows:**

1.1 The use of 'steel panel' (Colorbond) material is approved;

1.2 The fence height of 1800mm is approved.

CARRIED 7/0

9.3 STRATEGIC BUILT PROJECTS AND ASSETS

Nil.

9.4 EXECUTIVE MANAGER OPERATIONS

9.4.1 DONNYBROOK TOWN CENTRE REVITALISATION PROJECT – MASTER PLAN FOR ADOPTION

Location	Donnybrook Town Centre
Applicant	Shire of Donnybrook Balingup
File Reference	PWF18V
Author	Steve Potter - Executive Manager Operations
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.4.1(1) - Master Plan 9.4.1(2) – Online Survey results 9.4.1(3) – Chamber of Commerce Submission 9.4.1(4) – Community Resource Centre Submission 9.4.1(5) – Donnybrook Regional Tourism Association Submission 9.4.1(6) – Donnybrook Historical Society Submission 9.4.1(7) – Submission (B. Aisbett) 9.4.1(8) – Submission (S. McInnes) 9.4.1(9) – Community Reference Group Meeting Notes 9.4.1(10) – Open Door Session Notes 9.4.1(11) – Submission (L. Fry)
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the online survey results and written submissions received during the public consultation period; 2. Acknowledges the valued contribution of the Community Reference Group (CRG) in providing input into the Master Plan design process; 3. Adopts the Donnybrook Town Centre Revitalisation Project (DTCRP) Master Plan as provided in Appendix 9.4.1(1) to guide the future development of the precinct.

STRATEGIC ALIGNMENT

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

Outcome:	1.3	An attractive visitor and tourist attraction
Strategy	1.3.2	Provide, develop, and maintain visitor infrastructure
Action	1.3.2.1	Develop visitor and tourism infrastructure in line with local tourism and visitor's development and promotion strategy within allocated resources.

EXECUTIVE SUMMARY

Following a comprehensive process of consultation with the community, relevant stakeholders, the Community Reference Group (CRG) and Council, the Master Plan for the Donnybrook Town Centre Revitalisation Project is presented to Council for adoption. It is recommended that Council adopts the Master Plan to enable the project to proceed to the next phase in accordance with the endorsed Project Management Plan.

BACKGROUND

At its Ordinary Council Meeting of 27 March 2019, Council resolved the following:

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.*

Subsequent to Council’s decision, the following actions have occurred over the interim period:

- Preparation of a Business Case by Shire staff which was endorsed by the Department of Primary Industries and Regional Development (DPIRD);
- Signing of a Financial Assistance Agreement between the Shire and DPIRD;
- Endorsement of a Project Management Plan by Council;
- Creation of a Project Steering Group (PSG) and Community Reference Group (CRG) and the conducting of scheduled meetings;
- Development of a Concept Plan to inform community consultation;
- Significant community consultation including an online survey which attracted 316 responses and engagement with key stakeholders; and

- Development of the draft Master Plan.

In light of the above, the next step in delivering this project is Council's adoption of the Master Plan (MP). The MP encapsulates into a high-level planning document a range of concepts and ideas put forward during the public consultation process and ongoing engagement with the CRG and Council. Staff consider the MP as presented provides a balanced and practical, yet aspirational framework to guide the delivery of the project. In reviewing the document, it is important to note that as it is a high level planning instrument, it does not contain detailed design elements, but rather generalised design principles to inform future detailed design which will occur as the project unfolds.

This report is structured to address each of six individual elements that were contained on the Concept Plan that was developed for public consultation purposes. The elements are:

- Goods Shed
- Landscaping (Linkage Treatment)
- Landscaping (Central Treatment)
- Connections
- Art
- Temporary Use (Possible Future Development)

This report will provide a brief summary for each section, inclusive of ideas that were discussed during the CRG meetings. The information collated through the range of consultation undertaken has resulted in the development an overarching '*Statement of Intent*' and a number of more detailed '*Design Principles*' for each individual element. Each of these will be provided inclusive of the rationale for their inclusion.

Element 1: Goods Shed

The Goods Shed is the focal point of the precinct and plays a significant role in the redevelopment of the site. Questions contained in the survey addressed two major points:

- Design principles for the refurbishment and possible extension of the building;
- Preferred uses of the building.

Outcomes derived from the survey have largely informed the Statement of Intent and Design Principles for the Goods Shed.

In addition to the above, one of Council's directions at the March 2019 was for the precinct to not result in a financial impost on the Shire (either in the short or longer term) and therefore it is considered that the best way to achieve this outcome is to create some leasable space within the refurbished building to facilitate the generation of an income stream for the Shire. In addition, a suitable commercial use also has the capacity to activate the precinct and provide options for developing an operational model for the building. At this stage the specific nature of any future commercial activity is unknown, however staff are of the view that it should complement the precinct and use of the Goods Shed.

Whilst the MP provides for the extension of the Goods Shed it does not contain specific detail of how it will be extended, or in which direction. A Heritage Architect will be engaged as part

of the process and these details will be refined as part of the detailed design stage, which will require further engagement with Council.

An option that was suggested during the CRG meeting was the possibility of re-locating the Visitors' Centre which is currently accommodated in the old railway station to the refurbished Goods Shed. Staff consider that if this were ever to occur it would require significant consultation with the Donnybrook Regional Tourism Association and a greater understanding of how it would work with the overall operational model for the Goods Shed. This suggestion has not been included at this stage, however may be explored as a potential option when determining how the Goods Shed will function into the future.

In light of the above, the MP contains the following Statement of Intent and Design Principles for the Goods Shed element:

Statement of Intent

To sensitively repurpose and expand the Goods Shed to create a high quality interactive historical centre celebrating local traditional industries whilst providing opportunity for complementary commercial activity.

Design Principles

Design Principles	Rationale
a) retain external style, materials and themes wherever possible.	Supported by over 70% of survey respondents.
b) establish an imaginative, immersive, interactive 'interpretive space' that showcases historical themes associated with local traditional industries.	Celebrating local traditional industries is supported by almost all survey respondents.
c) incorporate commercial space to provide a potential source of income to offset ongoing operational costs to the Shire.	Intention is to incorporate complimentary commercial space to activate precinct and partially offset costs the Shire – backed by March 2019 Council decision.
d) sensitive adaptation of the Goods Shed for identified purposes.	Goods Shed part of heritage precinct – sensitive adaptation required to conserve heritage elements whilst achieving new purposes.
e) building design and materials to implement sustainability principles wherever possible.	Supported by Council's commitments under Cities Power Partnership and sustainable initiatives.

Element 2: Landscaping (Linkage Treatment)

This element of the MP is important as it will provide the visual and physical connection to surrounding precincts including the Apple Fun Park and the Donnybrook Main Street. The intention for this aspect is primarily to provide easy and connected access and establish

interest to entice people to enter into the precinct. It provides a linear connection between the AFP and the existing carpark to the south of the Goods Shed.

The CRG discussed the importance of creating a seamless link with the AFP, rather than the linkage treatment finishing at the south-east corner of the northern carpark and an additional design principle and amendment to the plan has been included to this effect. The CRG also suggested traditional heritage style gardens could be used alongside native vegetation and this has also been included. Finally, the CRG also identified that the heritage crane which is understood to be in storage on a neighbouring private lot be restored and reinstated within the precinct and this has also been included with a recommendation that it be installed adjacent to the Goods Shed.

It is noted that the MP indicates some cadastral crossover into the neighbouring rail reserve managed by Arc Infrastructure. It is considered important that the precinct blends in with the neighbouring reserve, as much as possible. Further consultation will be required with Arc Infrastructure during the detailed design phase to determine what may be able to be achieved in this regard.

Statement of Intent

To create a highly engaging landscaped linear link to encourage and entice visitors to enter the precinct and connect to neighbouring facilities including the Apple Fun Park.

Design Principles

Design Principles	Rationale
a) activate linkage with interactive features that create unique, memorable sensory experiences and encourage physical activity.	Intention is to create an inviting, interesting linkage to entice people into the precinct.
b) create a seamless link with AFP to facilitate movement between precincts.	Supported by CRG and represents a positive design outcome.
b) implement historical features that facilitate local story telling.	Provides the option of exploring one or more historical themes as part of the linear linkage.
c) installation of the heritage crane adjacent to the Goods Shed.	Identified by CRG as an important item to be included in the precinct – considered most appropriate adjacent to GS and railway line.
d) provide clear and legible paths.	Accessibility and connectivity important to functionality of precinct – Community Survey.
e) incorporate both native vegetation and traditional heritage style gardens.	Supported by Community Survey and CRG.

Design Principles	Rationale
f) use hard landscaping elements that embody/utilise locally sourced or iconic materials.	Supported by Community Survey – possibly consider use of DB Stone.
g) engage with Arc Infrastructure with a view to utilising and beautifying the rail corridor wherever possible.	Rail corridor has to connect the precinct with neighbouring precincts including the main street and therefore need to incorporate wherever possible.

Element 3: Landscaping (Central Treatments)

The survey asked several questions of the community with regard to the central open space area and included questions relating to preferred finishes / materials, public facilities and possible use of the space. Results obtained contained a range of ideas with grassed areas, native gardens and paved surfaces all being strongly supported. In addition, walkways, pedestrian and bicycle facilities and the use of the space for historical interpretation were also identified as potential uses.

A number of possibilities were identified by the CRG for the open space areas, with one idea being to include the display of heritage machinery relevant to the local area. As part of the project delivery phase, a landscape designer will be engaged to develop a detailed plan for the areas of open space and therefore at the Master Planning stage, it is recommended that the general principles should not be too prescriptive; to build a level of creativity and flexibility into the design process. It is anticipated that extensive negotiation between the CRG, Council, staff and the landscape designer in developing the plan for the open spaces. In addition, the ideas put forward by the community through the online survey will also be provided to the designer.

Statement of Intent

To create a unique space that encourages social interaction, community events and creativity to thrive by incorporating locally significant items, materials, artworks and vegetation in an engaging and highly amenable setting.

Design Principles

Design Principles	Rationale
a) incorporate a mix of treatments including grassed areas, paved surfaces and both native and traditional heritage style gardens.	Supported by Community Survey and CRG.
b) include incidental art pieces that highlight themes associated with gold, Donnybrook stone, timber and rail.	Supported by Community Survey.
c) include features that activate and encourage human interaction with the space.	Intent is to activate the space by providing points of interest that appeal to a range of people.

Design Principles	Rationale
d) create sheltered spaces and furniture for resting, contemplation and comfort for passive enjoyment of the precinct.	Supported by Community Survey
e) include the showcasing of historical artefacts.	Opportunity to acknowledge local industries through landscaping / interpretation to free up space in Goods Shed. Supported by CRG.
f) a portion of landscaping to recognise Indigenous heritage.	Supported by Community Survey.

Element 4: Connections

The Concept Plan developed for public consultation contained a number of indicative arrows to demonstrate potential points of connection between the precinct and the surrounding footpath network and neighbouring facilities. The locations of the indicative arrows were largely supported by the community with over 70% indicating they were in support of the linkages indicated on the plan.

The Concept Plan included a linkage (most likely in the form of a raised boardwalk) across the railway line in the space between the old railway station and the Oak Tree to connect the precinct to the main street. In considering this important connection at the CRG meeting, the possibility of an alternative entry from the railway station platform was discussed and both options have been included on the MP for future investigation at the detailed design phase. The viability of either option will depend on a number of factors including construction costs, creating all-ability access, the potential future re-opening of the railway line and the feedback from Arc Infrastructure.

The CRG also discussed the need for there to be an understanding of how the precinct would connect to the wider area, particularly with regard to creating connections with the Preston River reserve. It was determined that additional work would be undertaken and will assist in informing the layout of the footpath network within the precinct at the detailed design stage.

Statement of Intent

To create a network of access ways within and beyond the precinct to include people of all ages and abilities and to facilitate the ease of movement of people through the precinct.

Design Principles

Design Principles	Rationale
a) strengthen connection to Donnybrook Main Street through the construction of a raised boardwalk across the rail line, possibly located adjacent to the Oak Tree or through the Old Railway Station, subject to further investigation.	Supported through Community Survey, CoC and CRG. Advice of internal Works Supervisor to provide long term protection of Oak Tree.

Design Principles	Rationale
b) establish paths that ensure safe, accessible, interesting and convenient movement.	Best practice and compliant with contemporary Australian standards.
c) incorporate space and furniture for resting.	Supported through Community Survey.
d) provide space for incidental art and interactive play and activity.	Intent is to create interest throughout the precinct including along connective routes.
e) provide shade for pathways through the appropriate planting of shade trees.	Supported through Community Survey.

Element 5: Public Art

The community survey requested respondents to indicate their preferred location for a significant piece of public art which will form a focal point within the precinct. Of the four possible locations the central option was preferred by the community. The exact location of the art piece will be determined when undertaking detailed landscape design and a separate procurement exercise will be undertaken to engage the artist to produce the art piece.

The possibility of having numerous smaller pieces of art as opposed to a significant single piece was discussed at the CRG. Staff are of the view that whilst every opportunity to explore options for incorporating smaller art pieces throughout the precinct should be explored, the precinct will benefit from having an ‘anchor’ art piece – something that will become iconic, widely photographed (and shared), attracts media attention and draws visitors from far and wide and therefore supports the retention of the significant piece in the MP.

Statement of Intent

To express a sense of history and place through the use of public art.

<u>Design principles</u>	<u>Rationale</u>
a) establish a centralised iconic art piece which is based on locally significant themes and possesses a ‘wow’ factor that is likely to entice visitors to the precinct.	Supported through Community Survey Adopted by Council under resolution.
b) incorporate secondary art pieces into landscaping treatments.	Suggested through Community Survey and CRG.

Element 6: Temporary Use (Possible Future Development)

Previous planning for the precinct explored the opportunity to construct a separate civic building on the site, however it became apparent that the allocated funds under Royalties for Regions

were insufficient to achieve the development of the entire precinct in one attempt. In addition, further investigation is required to determine exactly what any future building may be used for.

To enable the current project to proceed, it was determined in Council's resolution of March 2019 to split the development into two separate stages, with the details of 'Stage 2' to be determined at a later stage. Whilst this approach achieved its objective, it was identified that in order to avoid compromising the potential for any future development, a suitable location be identified through the master planning process and a suitable 'temporary use' be determined. This approach would ensure that permanent structures were not constructed within the portion of the site earmarked for future development and would also ensure that funds were appropriately spent on the understanding that whatever was installed may later be removed.

The Concept Plan developed for consultation identified an 'L' shaped area in the north-eastern portion of the site of approximately 1,000m² in size. The design rationale underpinning staff's selection of this proposed location is as follows:

- Location on the edge of the precinct makes best use of limited space by creating a significant unified open area within the centre of the precinct which has a range of social and design benefits.
- Location on edge of the precinct on two sides forms a border to the precinct that with good building design will form an attractive, yet semi-protected area that has the capacity to reduce anti-social behavior through facilitating passive overlooking of the precinct.
- The location is adjacent to existing sealed car parking which is largely under-utilised during the work week and can accommodate a range of future uses by providing direct all-ability access to a future building.
- The construction of a high quality building with direct frontage to Collins Street has the capacity to catalyse other improvements and investment on this street.

During consultation with the community and the CRG there were several alternative locations suggested for any future building including the car-park area to the south of the Goods Shed and in closer proximity to the Goods Shed. For the rationale outlined above, staff consider the proposed location represents the best option, however have amended the arrangement of the building footprint in response to comments received from the CRG and Council, to increase the visual permeability between the precinct and the neighbouring AFP. This has resulted in the southern leg of the footprint being extend slightly further south.

With regard to the temporary use of the identified area, it was generally the position of all consulted that a low maintenance grassed or vegetated use that could be easily removed in the future was the preferred option. Consideration will need to be given at the detailed landscape design phase as to how this section will seamlessly integrate with the remainder of the site and this may include creating opportunities for temporary type structures to ensure this part of the precinct is activated with the remainder of the precinct and does not become a 'dead' space.

Statement of Intent

To preserve space for possible future development and encourage interim temporary activities that enhance the attractiveness and amenity of the precinct.

Design Principles	Rationale
a) establish low maintenance landscaping treatments that complement the surrounding precinct and will not cause disharmony if removed in the future;	Supported through Community Survey Ongoing maintenance considerations Unlikely to receive strong objections if later removed.
b) encourage “pop up” style activities / entertainment and movable structures that can be easily relocated / removed if necessary.	Applicable area needs to contribute to overall precinct rather than being dead space.

Other Master Plan Components

Vision Statements

In addition to the six elements identified above, comments received during consultation suggested that a robust vision is required to provide very clear direction as to the main overarching objectives of the revitalisation project. In response, rather than having a single generalised statement as originally proposed, staff have established six core objectives with associated statements that clearly define the vision encompassing the following:

- People
- Economy
- Activity
- Intrigue
- Education

Master Plan – Textual Component

DPIRD have advised that in addition to the physical ‘plan’, a textual component is required to provide context and outline the main objectives of the Master Plan. A full copy of the Master Plan (inclusive of the textual component) is provided in Attachment 9.4.1(1) which shall cumulatively become the adopted Master Plan (subject to Council approval).

FINANCIAL IMPLICATIONS

The DTCRP is subject to a Financial Assistance Agreement with DPIRD under Royalties for Regions to the value of approximately \$2m. It is also noted that the funding for this project is linked to separate funding under the Building Better Regions Fund (BBRF) for the Apple Fun Park Renewal Project.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Compliance with the provisions of the FAA, including ongoing reporting requirements.

CONSULTATION

The project has involved considerable consultation to date and it is envisaged that there will be ongoing engagement with the community and Council for the life of the project.

In addition to the online survey, Shire staff held a number of meetings with community groups and held an open-door session in the Council Chambers and several submissions were subsequently received.

All information collated to date is provided in the Attachments and consists of the following:

- Online Survey Results Report (9.4.1(2))
- Focus Group Submissions
 - Donnybrook Balingup Chamber of Commerce Inc.(9.4.1(3))
 - Donnybrook Community Resource Centre (9.4.1(4))
 - Donnybrook Regional Tourism Association (9.4.1(5))
 - Donnybrook Historical Society (9.4.1(6))
- 2 x community submissions
 - Brenda Aisbett (9.4.1(7))
 - Simon McInnes (9.4.1(8))
- 3 x Community Reference Group Meeting Notes (9.4.1(9))
- Open Door Session – Notes (9.4.1(10))
- Individual submission from CRG member
 - Linda Fry* (9.4.1(11))

**Note: Ms Fry has advised the CRG of some amendments to her original submission which have been recorded by staff and considered accordingly.*

CONCLUSION

Officers consider the Master Plan represents a clear high level plan for the future development of the Donnybrook Town Centre Revitalisation Project which has been informed by extensive consultation with the community, identified stakeholder groups, the Community Reference Group and Council. It is considered to represent a responsible approach that balances the aspirations of the community with considerations pertinent to Council including the ongoing operational costs, whilst providing plenty of scope for creativity and innovation during the detailed design phase. Its adoption by Council will enable this exciting project to progress to the next phase and its endorsement is recommended.

OUTCOME OF MEETING

AMENDMENT

Moved Cr Mitchell Seconded Cr Lindemann

That Council:

1. Receives the online survey results and written submissions received during the public consultation period;
2. Acknowledges the valued contribution of the Community Reference Group (CRG) in providing input into the Master Plan design process;
3. Adopts the Donnybrook Town Centre Revitalisation Project (DTCRP) Master Plan as provided in Appendix 9.4.1(1) to guide the future development of the precinct, **subject to the following amendments:**
 - 3.1 **Element One - Goods Shed – replace wording under the Goods Shed with ‘expansion and/or expansion direction of the Goods Shed to be determined as part of detailed design’.**
 - 3.2 **Element Six – ‘Temporary use’ to be moved to be around the Goods Shed.**

LOST 2/5

COUNCIL RESOLUTION 190/19

Moved: Cr Mitchell Seconded: Cr Lindemann

That Council:

1. **Receives the online survey results and written submissions received during the public consultation period;**
2. **Acknowledges the valued contribution of the Community Reference Group (CRG) in providing input into the Master Plan design process;**
3. **Adopts the Donnybrook Town Centre Revitalisation Project (DTCRP) Master Plan as provided in Appendix 9.4.1(1) to guide the future development of the precinct.**

CARRIED 7/0

9.4.2 REQUEST FOR SHIRE FUNDING FOR PROPOSED FOOTPATH – STEERE STREET (CORNER BROCKMAN STREET), BALINGUP

Location	Steere Street (cnr Brockman Street), Balingup
Applicant	Balingup Progress Association
File Reference	WRK01/3
Author	Mr Steve Potter – Executive Manager Operations
Responsible Manager	Mr Damien Morgan – Manager Works and Services
Attachments	9.4.2(1) – Shire Notification of Road Upgrades 9.4.2(2) – Original PO Email Request for Car Parking 9.4.2(3) – Shire Email Response to Original Request 9.4.2(4) – Email – PO confirming support 9.4.2(5) – Site Photos (New ramp) 9.4.2(6) – Letter – BPA 9.4.2(7) – Shire Email Response to Current Request 9.4.2(8) – PO Email to Cr. Massey 9.4.2(9) – Cr Massey Email to PO 9.4.2(10) – Council Policy 4.28 9.4.2(11) – Copy of indicative footpath / parking plan
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Offers to contribute \$2,200 (representing 50% of costs) towards the construction of a footpath and provision of a disabled parking bay (and all associated works) in accordance with the plan contained in Attachment 9.4.2(11); 2. Advises the Balingup Progress Association (BPA) that Council’s offer under Resolution 1 is subject to an equivalent private contribution of \$2,200 (inclusive of GST, representing 50% of costs) from either the BPA or the adjacent landowner (Post Office) in accordance with the Shire’s Engineering Policy 4.28; 3. Subject to receipt of the private contribution as per Resolution 2, authorises \$2,200 to be journalled from Account 105020 (<i>Provision to support unspecified projects</i>) to Account 132400 (<i>Footpath Construction Program</i>), to enable the footpath to be constructed prior to the 2020/21 financial year; 4. Instructs the owners of the Balingup Post Office to make application for retrospective Development Approval and a Building Permit from the Shire for the constructed access ramp within 30 days of this resolution; 5. In the event that the Balingup Progress Association and/or the adjacent landowner (Post Office) are unwilling to contribute 50% of costs as outlined in Resolution 2, instructs the Chief Executive Officer to undertake

a formal assessment of the proposed footpath in accordance with the Shire’s *Pathways and Trails Expansion Strategy* for potential inclusion in the Forward Works Program and future budgets.

STRATEGIC ALIGNMENT

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

- Outcome: 2.1 An attractive and maintained built environment
- Strategy: 2.1.1 Maintain, renew and improve infrastructure within allocated resources
- Action: 2.1.1.4 Maintain attractive town sites within resource capacity

EXECUTIVE SUMMARY

Council has been requested by the Balingup Progress Association to fund the construction of a footpath to connect existing car parking bays on Steere Street, Balingup with a recently constructed access ramp to the Balingup Post Office that was developed by the owners of the post office. The requested footpath works are unbudgeted and there are several complicating factors that will need to be taken into account in determining Council’s position.

Notwithstanding some of the complexities that will be outlined in the report, staff are of the opinion that the proposal has merit, however the Shire has robust processes in place for identifying and funding capital works through its annual budget process. As such, a compromise position is proposed that recommends that Council authorises \$2,200 to be allocated towards the works (representing 50% of the cost of works), to enable the footpath to be constructed prior to the 2020/21 financial year.

It is noted for Council’s information that the Chief Executive Officer, Executive Manager Operations and Manager Works and Services all declare an impartiality interest in this matter, as one of the owners of the adjacent land (Post Office) is an employee of the administration staff.

BACKGROUND

In order for Council to form a position of the request at hand, it is important that it has a clear understanding of the background that has resulted in the current situation.

The Shire and the owners of the Post Office first had dealings in late 2018, when the Shire notified adjacent landowners of planned upgrade works for Steere Street. The below represents a summary of the interactions that have occurred in the interim, with copies of relevant documents provided in the Attachments.

Date	Action	Relevant Attachment
December 2018	Shire advises landowners on Steere Street that road / drainage upgrades are planned.	Attachment 9.4.2(1)
17/12/2018	PO Owners contact Shire requesting 11 parking bays be constructed adjacent to	Attachment 9.4.2(2)

Date	Action	Relevant Attachment
	the PO and advising they would be willing to contribute \$10k.	
18/12/2018	<p>MWS emailed PO owners advising that a maximum of 8 bays could be constructed (due to site constraints) subject to the following considerations:</p> <ul style="list-style-type: none"> • The parking bays will be considered public parking and are not for exclusive use of customers of the post office. This is consistent with any on-street parking. • There will no longer be any crossover access from Steere St to the small carport within the property. • With the addition of the parking, traffic will no longer be able to short cut the intersection of Brockman and Steere St which was raised as a safety concern by a key stakeholder. • The contribution is required prior to the commencement of the construction of the parking bays. 	Attachment 9.4.2(3)
19/12/2018	<p>PO owner emailed MWS advising:</p> <ul style="list-style-type: none"> • Support for the reduced number of bays; • Amendment to private contribution offer of \$8k rather than \$10k. 	Attachment 9.4.2(4)
19/12/2018	<p>Council presented with an officers report on the matter and resolved:</p> <p><i>That Council:</i></p> <p>1) <i>Endorse the construction of 8 public on-street parking bays in Steere Street Balingup, subject to receiving a \$8,000 private contribution from the owners of</i></p>	

Date	Action	Relevant Attachment
	<p><i>the Balingup Post Office prior to the carpark works commencing.</i></p> <p>2) <i>Instruct the Chief Executive Officer to inform the owners of the Balingup Post Office that construction of the parking bays cannot commence until the Shire of Donnybrook Balingup receives the private contribution; and</i></p> <p>3) <i>Authorise the Chief Executive Officer to increase the 2018/19 budget allocation for the Steere Street Project by \$8,000, once the private contribution of \$8,000 is received.</i></p>	
<p>2019 (exact date unknown)</p>	<p>Construction of a new Access Ramp to Post Office by landowner.</p> <p>It is noted that Development (Planning) Approval and/or Building Permit was not applied for or issued for the ramp.</p> <p><i>Manager Development Services has advised the following:</i></p> <p><i>“Development is defined as:</i></p> <p><i>“any demolition, erection, construction, alternation of or addition to any building or structure on the land....”</i></p> <p><i>On this basis, the proposed access ramp classifies as development.</i></p> <p><i>The need for a planning approval then depends on if it is exempt under LPS7. Schedule A – Supplemental Provisions does not state any specific exemption.</i></p> <p><i>There is no specific exemption listed in Schedule A.</i></p> <p><i>The works are also not listed in development exemptions under clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015.</i></p>	<p>Attachment 9.4.2(5) – Photos of constructed ramp.</p>

Date	Action	Relevant Attachment
	<p><i>On this basis, a planning approval is required.</i></p> <p>In respect to a building permit, the Principal Building Surveyor has advised that it will be necessary for a retrospective building approval certificate.</p>	
Sep. 2019	Initial discussion and site meeting with MWS / ETO and PO owners regarding a proposed footpath. Verbal advice from MWS was that there was no provision in the 2019/20 Budget for the footpath, however possibly the Balingup Progress Association (BPA) had provision within its annual allowance from the Shire to fund it.	
16/9/2019	Letter correspondence received by the Shire from BPA advising that at their September meeting <i>'community concerns were raised in regard to the safety of pedestrian access between the newly constructed car bays on Steere Street and the pedestrian access ramp leading to the post office entrance. The BPA requests action is taken to provide a pedestrian friendly surface from the car bays to the base of the ramp.'</i>	Attachment 9.4.2(6)
25/10/2019	<p>MWS emails PO owner directly advising:</p> <ul style="list-style-type: none"> • There is no provision in the current Budget for the works. • The existence of the Shire Policy 4.28 <i>'Request for Upgrades of Council Assets'</i> which outlines the process for considering unbudgeted requests, subject to a landowner contributing 50% of the costs. • Subject to a request being received the matter would be presented to Council. • Included a possible footpath layout plan. 	Attachment 9.4.2(7)

Date	Action	Relevant Attachment
	<ul style="list-style-type: none"> • Estimated costs ‘for the path, line marking, bollards, pram ramps and other associated works’ of \$4k plus GST. 	
29/10/2019	<p>Email from PO Owner to Cr Jackie Massey advising:</p> <ul style="list-style-type: none"> • PO Owners had constructed the access ramp at a cost of \$5k which was not built for commercial gain. • The owners had brought to the attention of the BPA the need for a connecting footpath between the newly constructed car bays on Steere Street and the PO ramp. • Suggests that the advice of the MWS appears to recommend a ‘far more expensive solution than the standard pedestrian path requested by the BPA’ and that ‘it was not expected that the Shire would reply referencing a need to include line marking, bollards and pram ramps.’ • Suggests removing these items brings the cost down to circa \$2000 ex GST based on the Shire indicative rate for concrete paths at \$55 per sqm and 37sqm of path required. • The PO ‘cannot subsidise this shire owned asset and therefore it would not be constructed’. • They consider it is in the community's interest to have a standard footpath linking the car bays to the ramp and existing footpath along Brockman Street. • Advises that the post office owners do not want the path for their personal use. They want the Shire 	Attachment 9.4.2(8)

Date	Action	Relevant Attachment
	<p>to assist the greater community of Balingup to have safe access.</p> <ul style="list-style-type: none"> • Considers it meets the “Path expansion priorities” indicated in the Pathways and Trails Expansion Strategy. 	
29/10/2019	<p>Response from Cr. Massey to PO Owner (CEO and Shire President ‘cc’d) advising:</p> <ul style="list-style-type: none"> • Cr Massey is very supportive of the request; • Considers the ‘Balingup community urgently needs a footpath connecting the ramp for disabled access to the new parking spaces at the Balingup Post Office.’ • Advising that she is a new Councillor and will need to check with the Shire CEO on the procedure for a Motion on Notice and whether ‘this is the best way to achieve this much needed infrastructure improvement for the community’. 	Attachment 9.4.2(9)

FINANCIAL IMPLICATIONS

The financial implications of the matter, will ultimately depend on the decision of Council as to whether it is supportive of the request, either partially or in full.

POLICY COMPLIANCE

Engineering Policy 4.28 *Request for Upgrades or Expansions of Council Assets* provides guidance on Council’s process in considering external requests for construction of a new, or upgrade to an existing, infrastructure asset. A copy of the Policy is provided in Attachment 9.4.2(10).

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

Shire staff have had interaction with the landowners as per the above table.

OFFICER COMMENT

The construction of the parking bays in combination with the separate private construction of the ramp has resulted in a situation in which two pieces of new infrastructure are in close proximity separated by a section of bare earth, in a location where the community may reasonably expect that there should be a footpath.

It is therefore a matter for Council to determine who should fund this connecting path, taking into account the history outlined above, Shire Policies and Procedures, community expectations and the private / public nature of the post office business.

Whilst on the surface this could seem to represent a reasonably simple request, it is actually somewhat complex when one takes into account the following:

- The nature of the original request received from the owners of the Post Office and the subsequent resolution of Council does not appear to include any discussion or agreement on additional footpaths or details of the proposed private ramp and therefore it is concluded that a footpath was not considered at the time. It is also relevant to note that the new ramp was not in existence when the car parking was constructed and therefore there was perhaps no obvious need for a footpath until such time as the ramp was constructed.
- The construction of the access ramp did not obtain Development Approval and/or a Building Permit. Whilst it is acknowledged that the structure is of a minor nature, advice received from the Manager Development Services indicates that both of these are required and with specific regard to the ramp, this should be constructed in accordance with relevant standards, confirmed through Building certification from a registered certifier. It is understood some preliminary discussions were held between the applicant and Shire staff regarding the ramp, however no details (plans) were provided for review or specific comment. As such, the ramp was constructed without the Shire's input and/or discussions regarding provision of access to the ramp from the surrounding path network.
- The Shire's method of allocating funds to specific capital works projects through its annual Budget process, which is in turn informed by a robust process of assessment to identify which works should attract the Shire's limited funds based on a priority model.

In light of the above and the details contained in this report, officers consider Council has one of three options in responding to the request which are outlined below:

Option 1: Decline the Request

Council to decline the request on the basis that the Shire was not informed of any future contributions when originally requested to construct the parking bays.

Furthermore, the ramp was built without formal approval and/or input from the Shire and therefore this prevented any discussions occurring regarding the connectivity of the structure to the surrounding path network.

If this is Council's preferred approach, the footpath request could be considered as part of the Shire's annual review of Asset Management Plans and its Forward Works Program against the assessment criteria of the Pathways and Trails Expansion Strategy and, subject to a positive assessment, would be scheduled and funded through the Budget process accordingly (possibly in future years).

In this circumstance, the applicant would still be required to obtain retrospective Development Approval and a Building Permit for the constructed Access Ramp.

Option 2: Partial Funding (Recommended)

Council to authorise the partial funding (50%) of the costs, in accordance with Shire Policy 4.28. The position in adopting this approach is that Policy 4.28 provides a clear process for private requests for unbudgeted capital works and this process should be followed.

Whilst generally Council decisions under Policy 4.28 are funded through the following year's Budget, it is being recommended that funds be made available in this year's Budget to enable the works to be complete as soon as possible. The 50% Shire contribution would need to be sourced from 'unspecified projects' for which there is \$10,000 in the budget.

Option 3: Full Funding

Council to authorise the full funding of costs, due to an acceptance that the Post Office represents an essential service to the community and the Shire has a responsibility to provide suitable all-ability access. Some consideration could also be given to the fact that the Post Office owners have contributed approximately \$13,000 to the constructed car bays (67% of cost) and disability access ramp (100% of cost). The Shire contribution would need to be sourced from 'unspecified projects' for which there is \$10,000 in the budget.

CONCLUSION

Based on the information presented, it is apparent there was no commitment made by the Shire for a footpath when supporting the original request for the construction of the parking bays. Furthermore, the fact that the Post Office landowner privately constructed the access ramp without Shire input / approvals has resulted in the current situation where the two pieces of infrastructure (ramp and car parking bays) are not suitably connected. It is considered that had adequate consultation with the Shire been undertaken prior to the construction of the ramp and the appropriate approvals issued the current situation could have perhaps been avoided.

Notwithstanding the above, it is acknowledged that the Post Office does provide a community service over and above that of a normal business activity, particularly due to the fact that Balingup does not have a home postal delivery service and therefore local residents are required to collect their mail from the Post Office. This includes elderly and physically challenged people who will no doubt be very supportive of the newly constructed access ramp. In addition, it is acknowledged that the Post Office owners have already contributed significant funds to the construction of the car parking bays (which are not for the Post Office's exclusive use) and the ramp, and therefore a contribution from the Shire may be appropriate.

One other aspect that needs to be considered is the provision of disabled parking and it is recommended that if the works proceed, they should include the dedication of a disabled bay. This should include the provision of ramp access to the new path and a clear zone as required and this detail is included on the indicative works plan.

In considering the presented options, officers are of the position that the reasonable option is the partial funding of the footpath by the Shire. Given that the current situation has arisen as a result of the Post Office owners undertaking works of their own accord, however noting that those works achieve both community and private business objectives, it is considered that a 50:50 contribution is appropriate. If Council is supportive of this approach, the private contribution would either need to be sourced from the adjacent landowner (Post Office) or possibly via a contribution from the Balingup Progress Association.

The recommended approach supports the Shire's processes for identifying and funding works through the annual Budget process and ensures compliance with Council Policy 4.28 which provides guidance in situations such as this. A copy of the footpath and disabled parking design on which the recommendation is based is provided in Attachment 9.4.2(11).

OUTCOME OF MEETING

AMENDMENT

Moved Cr Smith Seconded Cr Massey

That Council:

1. Offers to meet the full cost of construction of a footpath and provision of a disabled parking bay (and all associated works) in accordance with the plan contained in Attachment 9.4.2(11);
2. Authorises \$4,400 to be journalled from Account 105020 (Provision to support unspecified projects) to Account 132400 (Footpath Construction Program), to enable the footpath to be constructed prior to the 2020/21 financial year.

LOST 1/6

COUNCIL RESOLUTION 191/19

Moved: Cr Massey Seconded: Cr Atherton

That Council:

- 1. Offers to meet the full cost of construction of a footpath and provision of a disabled parking bay (and all associated works) in accordance with the plan contained in Attachment 9.4.2(11);**
- 2. Authorises \$4,400 to be journalled from Account 105020 (Provision to support unspecified projects) to Account 132400 (Footpath Construction Program), to enable the footpath to be constructed prior to the 2020/21 financial year;**
- 3. Instructs the owners of the Balingup Post Office to make application for retrospective Development Approval and a Building Permit from the Shire for the constructed access ramp within 30 days of this resolution.**

CARRIED 4/3

9.5 **MANAGER WORKS AND SERVICES**

9.5.1 **SOUTH WESTERN HIGHWAY, THOMPSONS HILL**

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	WRK 06/1
Author	Damien Morgan - Manager Works and Services
Responsible Manager	Damien Morgan - Manager Works and Services
Attachments	9.5.1(1) - MRWA Correspondence and Deposited Plan drawings 417237, 417238, 417239 and 417240
Voting Requirements	Simple Majority

Recommendation	
<p>That Council endorses the dedication of land being acquired for road widening by Main Roads WA, for the purposes as shown on Main Roads WA Deposited Plan drawings 417237, 417238, 417239 and 417240, pursuant to section 56 of the Land Administration Act 1997.</p>	

STRATEGIC ALIGNMENT

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

Outcome: 2.1 An attractive and maintained built environment

Strategy: 2.1.1 Maintain, renew and improve infrastructure within allocated resources

Action: 2.1.1.4 Maintain attractive town sites within resource capacity

EXECUTIVE SUMMARY

Main Roads WA (MRWA) is planning to upgrade a section of the South Western Highway between Straight Line Kilometre (SLK) 192.7 - 194. Upgrade works will involve widening of the South Western Highway which requires the acquisition and inclusion of land into the road reserve.

It is a requirement under the *Land Administration Act 1997* for the relevant local government to resolve to dedicate the land as road.

BACKGROUND

MRWA proposes to widen the road reserve on South Western Highway, Thompsons Hill between SLK 192.7-194 as per the details contained in Attachment 1.

FINANCIAL IMPLICATIONS

Nil - MRWA to be responsible for all costs and claims.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Section 56 of the Land Administration Act 1997

CONSULTATION

MRWA has approached landowners and affected parties and is finalising the acquisition of additional land required within the locality. Following the acquisition the land will be dedicated as road reserve in accordance with Section 56 of the *Land Administration Act 1997*.

OFFICER COMMENT / CONCLUSION

The South Western Highway is a significant regional road to service the transport needs of the region and the proposed upgrading will benefit both locals and visitors to the Shire and improve road safety. It is therefore recommended that Council supports MRWA's request.

COUNCIL RESOLUTION 192/19

Moved: Cr Atherton Seconded: Cr Massey

That Council endorses the dedication of land being acquired for road widening by Main Roads WA, for the purposes as shown on Main Roads WA Deposited Plan drawings 417237, 417238, 417239 and 417240, pursuant to section 56 of the Land Administration Act 1997.

CARRIED 7/0 by En Bloc Resolution

9.6 *MANAGER AGED CARE SERVICES*

Nil.

9.7 CHIEF EXECUTIVE OFFICER

9.7.1 SHIRE COMMITTEES AND COUNCILLOR GROUP MEMBERSHIP

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	CNL16
Author	Loren Clifford - Corporate Planning and Governance Officer
Responsible Manager	Maureen Keegan – Manager Executive Services
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Appoint the following elected members as Community Library Committee members: <ul style="list-style-type: none"> • Cr _____ • Cr _____ 2. Appoint the following three elected members as Warren Blackwood Alliance of Council Partnership members: <ul style="list-style-type: none"> • Cr _____ • Cr _____ • Cr _____ * Proxy 3. Appoint the following two members as District Health Advisory Committee members: <ul style="list-style-type: none"> • Manager Aged Care Services, and • Cr _____ 4. Appoint the following two elected members as Bush Fire Advisory Committee members: <ul style="list-style-type: none"> • Cr _____ • Cr _____ 5. Appoint the following elected member as a Local Emergency Management Committee (LEMC) member: <ul style="list-style-type: none"> • Cr _____ 6. Appoint the following elected member as a Community Resource Centre member: <ul style="list-style-type: none"> • Cr _____

7. Appoint the following three elected members as Aged Care Community Reference Group members:

- Cr _____
- Cr _____
- Cr _____

8. Appoint the following four community representatives as Aged Care Community Reference Group members:

- Leanne Abas
- Judy Bishop
- Ian Telfer
- Dawn Tan

9. Appoint the following elected member as a Donnybrook Town Centre Revitalisation Project Community Reference Group member:

- Cr _____

10. Appoint the following elected member as a Bunbury-Geographe Sub-Regional Strategy Steering Group member:

- Cr _____

11. Appoint the following elected member as a Regional Road Group member:

- Cr _____

12. Appoint the following elected member as a Bunbury Geographic Economic Alliance member:

- Cr _____

13. Appoint the following elected members as members on the Donnybrook and Districts Sport, Recreation and Events Precinct Working Group:

- Cr _____
- Cr _____

14. Appoint the following elected member as a Donnybrook Health Service Local Health Advisory Group member:

- Cr _____

STRATEGIC ALIGNMENT

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

Outcome: 4.1 A strategically focused, open and accountable local government

Strategy: 4.1.1 Provide accountable and strategic leadership

Action: 4.1.1.3 Review Council, Committee and Working Group governance structures and meeting programs

EXECUTIVE SUMMARY

Council is requested to appoint Council representatives to the following Committee's or Working/Reference Group for the forthcoming 2 years;

- Community Library Committee – Two meetings per year
- Warren Blackwood Alliance of Council Partnership – Six meetings per year
- District Health Advisory Committee – Seven meetings per year
- Bush Fire Advisory Committee – Biannual meetings
- Local Emergency Management Committee (LEMC) – Four meetings per year
- Community Resource Centre – Monthly meetings
- Aged Care Community Reference Group – Meetings as required
- Donnybrook Town Centre Revitalisation Project Community Reference Group – Meetings as required
- Bunbury-Geographe Sub-Regional Strategy Steering Group – Meetings as required
- Regional Road Group – Four meetings per year

BACKGROUND

The following table provides a summary of the current appointed elected members and their term expiry for each Committee or Working/Reference Group.

Member	Term(Years)	Term Expiry
Audit and Risk Committee		
Cr Massey	2	2021
Cr Wring	2	2021
Cr Newman	2	2021
Note: Appointed at the October 2019 OCM		
Development Assessment Panel		
Cr Lindemann	2	2021
Cr Sercombe	2	2021
Cr Newman*	2	2021
Cr Wringe*	2	2021
Note: Appointed at the October 2019 OCM. *Alternate Members		
WALGA South West Zone		
Cr Piesse	2	2021
Cr Massey*	2	2021
Note: Appointed at the October 2019 OCM, *Proxy		
Community Library Committee		
Cr		
Cr		
Cr		
Note: This is a mandatory Committee, required under a legal agreement between the Shire and Minister for Education. The CEO is a required member. Two meetings per year.		
Warren Blackwood Alliance of Council Partnership		
Cr Piesse		
Cr Wringe		
Cr Atherton*		

Note:* Proxy, The WBAC meet on the first Tuesday in August, October, December, February, April and June.		
District Health Advisory Committee		
Cr		
Note: Manager Aged Care Services is a required member, Meetings every 6 weeks (none in December and January).		
Bush Fire Advisory Committee		
Cr		
Note: Established under section 67 of the <i>Bush Fire Act 1954</i> , Meet Biannually		
Local Emergency Management Committee (LEMC)		
Cr Piesse		
Note: Established under section 38 of the <i>Emergency Management Act 2005</i> , – Four meetings per year		
Community Resource Centre		
Cr Wringe	2	2019
Notes: Monthly meetings		
Aged Care Community Reference Group		
Cr Piesse		
Cr Massey		
Cr Wringe		
Note: Manager Aged Care attends		
Donnybrook Town Centre Revitalisation Project Community Reference Group		
Cr Mitchell		
Note: Executive Manager Operations, Strategic Building Projects & Assets attends, meet as required		
Bunbury-Geographe Sub-regional Strategy Steering Group		
Cr Wringe		
Note: Executive Manager Operations attends, meet as required		
Regional Road Group		
Cr Piesse		
Note: Shire technical representative is the Manager Works and Services, Quarterly meetings		

FINANCIAL IMPLICATIONS

Not applicable.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Local Government Act 1995

Bush Fires Act 1954

Emergency Management Act 2005

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

Whilst these Working/Reference Groups are not mandatory it is important that an elected member attends to provide advice and feedback to both the group and Council.

Bush Fire Advisory Committee – Pursuant to section 67 of the *Bush Fires Act 1954* ‘A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.’

Local Emergency Management Committee (LEMC) -Pursuant to section 38 of the *Emergency Management Act 2005* ‘A local government is to establish one or more local emergency management committees for the local government’s district’

Donnybrook Community Library Committee – noting that, although not mandatory established via the *Local Government Act 1995*, it is a mandatory Committee of the Council by provision of a legal agreement executed between the Shire and the Minister for Local Government in 2005.

COUNCIL RESOLUTION 193/19

Moved: Cr Atherton Seconded: Cr Massey

That the Shire of Donnybrook Balingup Meeting Procedures Local Law 2017 be suspended.

CARRIED 7/0

Discussion occurred in relation to elected members nominating for positions on Committees and external groups.

COUNCIL RESOLUTION 194/19

Moved: Cr Massey Seconded: Cr Lindemann

That the Shire of Donnybrook Balingup Meeting Procedures Local Law 2017 be resumed.

CARRIED 7/0

COUNCIL RESOLUTION 195/19

Moved: Cr Smith Seconded: Cr Atherton

That Council:

- 1. Appoint the following elected member as a Community Library Committee member:**

- **Cr Massey**
2. **Appoint the following three elected members as Warren Blackwood Alliance of Council Partnership members:**
 - **Cr Piesse**
 - **Cr Wringe**
 - **Cr Lindemann (Proxy)**
 3. **Appoint the following two members as District Health Advisory Committee members:**
 - **Manager Aged Care Services**
 - **Cr Piesse**
 4. **Appoint the following two elected members as Bush Fire Advisory Committee members:**
 - **Cr Wringe**
 - **Cr Sercombe**
 5. **Appoint the following elected member as a Local Emergency Management Committee (LEMC) member:**
 - **Cr Piesse**
 6. **Appoint the following elected member as a Community Resource Centre member:**
 - **Cr Newman**
 7. **Appoint the following three elected members as Aged Care Community Reference Group members:**
 - **Cr Wringe**
 - **Cr Massey**
 - **Cr Piesse**
 8. **Appoint the following four community representatives as Aged Care Community Reference Group members:**
 - **Leanne Abas**
 - **Judy Bishop**
 - **Ian Telfer**
 - **Dawn Tan**
 9. **Appoint the following elected member as a Donnybrook Town Centre Revitalisation Project Community Reference Group member:**
 - **Cr Mitchell**
 10. **Appoint the following elected member as a Bunbury-Geographe Sub-Regional Strategy Steering Group member:**
 - **Cr Wringe**
 11. **Appoint the following elected member as a Regional Road Group member:**
 - **Cr Piesse**

12. Appoint the following elected member as a Bunbury Geographic Economic Alliance member:

- Cr Piesse

13. Appoint the following elected members as members on the Donnybrook and Districts Sport, Recreation and Events Precinct Working Group:

- Cr Piesse
- Cr Smith

14. Appoint the following elected member as a Donnybrook Health Service Local Health Advisory Group member:

- Cr _____

CARRIED 7/0

9.7.2 AGENDA BRIEFING AND COUNCIL MEETING DATES 2020

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	CNL16
Author	Maureen Keegan - Manager Executive Services
Responsible Manager	Maureen Keegan - Manager Executive Services
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation		
That Council:		
1. Adopt the 2020 Agenda Briefing and Ordinary Council Meeting Dates as follows:		
Agenda Briefing	Ordinary Council	Venue
19 February 2020	26 February 2020	Council Chamber
18 March 2020	25 March 2020	Council Chamber
15 April 2020	22 April 2020	Noggerup Hall
20 May 2020	27 May 2020	Council Chamber
17 June 2020	24 June 2020	Council Chamber
15 July 2020	22 July 2020	Council Chamber
19 August 2020	26 August 2020	Council Chamber
16 September 2020	23 September 2020	Council Chamber
21 October 2020	28 October 2020	Balingup Town Hall
18 November 2020	25 November 2020	Council Chamber
09 December 2020	16 December 2020	Council Chamber
2. Request that the Chief Executive Officer undertake all statutory advertising in this regard.		

STRATEGIC ALIGNMENT

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

Outcome: 4.2 A respected, professional and trusted organisation.

Strategy: 4.2.1 Effective and efficient operation and service provision.

Action: 4.2.1.4 Demonstrate sound financial planning and management, including revenue/expenditure review and revenue diversification strategies and long term financial planning

EXECUTIVE SUMMARY

Council is requested to adopt the 2020 calendar for Agenda Briefing and Ordinary Council meetings as presented below:

Agenda Briefing	Ordinary Council	Venue
19 February 2020	26 February 2020	Council Chamber Donnybrook
18 March 2020	25 March 2020	Council Chamber Donnybrook
15 April 2020	22 April 2020	Noggerup Hall
20 May 2020	27 May 2020	Council Chamber Donnybrook
17 June 2020	24 June 2020	Council Chamber Donnybrook
15 July 2020	22 July 2020	Council Chamber Donnybrook
19 August 2020	26 August 2020	Council Chamber Donnybrook
16 September 2020	23 September 2020	Council Chamber Donnybrook
21 October 2020	28 October 2020	Balingup Town Hall
18 November 2020	25 November 2020	Council Chamber Donnybrook
09 December 2020	16 December 2020	Council Chamber Donnybrook

To allow Councillors and Officers to take extended leave throughout December/January it is proposed that no Ordinary Council meeting be held in January 2020. The last meeting of 2019 is Wednesday 16 December and the first meeting for 2020 is 26 February 2020.

No public holidays occur on the dates recommended.

Meetings are held in the Shire Chambers at Donnybrook, it is recommended that the April meeting be held in Noggerup and the October meeting in Balingup to allow greater community participation.

BACKGROUND

Council currently conducts one ordinary meeting on the 4th Wednesday of each month commencing at 5.00pm, a process which was adopted on 19th December 2008.

Council also conducts regular Agenda Briefings and Concept Forums to keep Councillors abreast of current issues and to allow for informal discussion on matters of interest to Council, this occurs the Wednesday one (1) week prior to the Ordinary Council Meeting.

FINANCIAL IMPLICATIONS

The cost to hold the Ordinary Meetings are provided for in the 2019/20 Budget.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995 Section 5.3

Shire of Donnybrook Balingup Meeting Procedures Local Law 2017

CONSULTATION

Nil.

OFFICER COMMENT/CONCLUSION

Nil.

OUTCOME OF MEETING

Cr Massey left the Chambers at 7.32pm and returned at 7.34pm.

COUNCIL RESOLUTION 196/19

Moved: Cr Piesse Seconded: Cr Sercombe

That Council:

- 1. Notes the Executive's recommendation for the 2020 Agenda Briefing and Ordinary Council Meeting Dates as follows:**

<u>Agenda Briefing</u>	<u>Ordinary Council</u>	<u>Venue</u>
19 February 2020	26 February 2020	Council Chamber
18 March 2020	25 March 2020	Council Chamber
15 April 2020	22 April 2020	Noggerup Hall
20 May 2020	27 May 2020	Council Chamber
17 June 2020	24 June 2020	Council Chamber
15 July 2020	22 July 2020	Council Chamber
19 August 2020	26 August 2020	Council Chamber
16 September 2020	23 September 2020	Council Chamber
21 October 2020	28 October 2020	Balingup Town Hall
18 November 2020	25 November 2020	Council Chamber
09 December 2020	16 December 2020	Council Chamber

- 2. Request that the Chief Executive Officer undertake a Concept Forum on this topic prior to setting the 2020 Council Meeting Dates.**

CARRIED 7/0

9.7.3 CITY OF BUSSELTON AIRPORT MARKETING FUND REQUEST

Location	Donnybrook Balingup
Applicant	Not applicable
File Reference	ADM10/A
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.7.3(1) Funding Request
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Confirms the Shire of Donnybrook Balingup’s support of the Busselton-Margaret River Regional Airport. 2. Acknowledges that the City of Busselton are seeking \$10,000 over five financial years for the Busselton - Margaret River Regional Airport Marketing Fund. 3. Commits \$2,000 in 2019/2020 towards the Busselton - Margaret River Regional Airport Marketing Fund from Account 105020 Sundry and Other Governance Expenses (unspecified projects).

STRATEGIC ALIGNMENT

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

- Outcome: 1.3 An attractive visitor and tourist destination
- Strategy: 1.3.1 Actively promote the district as an attractive destination
- Action: 1.3.1.1 Implement regional tourism and marketing objectives
- 1.3.1.3 Continue to support local and regional tourism bodies and initiatives

EXECUTIVE SUMMARY

The City of Busselton has entered into a commercial agreement with Jetstar for three (3) services per week to and from Melbourne commencing 25 March 2020, creating a direct gateway to the South West region and expanding opportunities for tourism and business growth.

It is expected the flights will bring approximately 28,000 visitors to the regional per year with a flow on effect to the Donnybrook Balingup region.

Council is requested to support joining regional stakeholders and allocate funding towards the Busselton-Margaret River Airport Marketing Fund to establish an airline ready environment for passengers and marketing activities for the new route.

The City of Busselton are entering into a marketing agreement with Tourism WA and Jetstar to manage the tourism fund spend.

BACKGROUND

The City of Busselton first contacted the Shire 24 July 2017 and the CEO advised that due to the late nature of the request from the City of Busselton, the request was not considered for inclusion in the 2017/18 Budget. No request for funding was forthcoming from the City of Busselton for the 2018/19 year, hence it was not included for Council consideration in the 2018/19 Budget deliberations.

On 16 May 2019, the Shire received further correspondence from the City of Busselton advising that the City is continuing to work towards securing an airline for direct passenger East Coast – South West services which it anticipates may commence in late 2019 and requesting further financial assistance from the Shire. The request from the City of Busselton was a contribution of \$10,000 over five years (\$2,000 per year), commencing in 2019/20.

Council considered the funding request at the 26 June 2019 meeting of Council and determined as follows:

That Council:

- 1. Confirms the Shire of Donnybrook Balingup's ongoing support of the Busselton Margaret River Regional Airport.*
- 2. Advises the City of Busselton that due to budget constraints, the Shire of Donnybrook Balingup respectfully declines the invitation to contribute to the Busselton Margaret River Regional Airport Future Airport Marketing Fund.*

FINANCIAL IMPLICATIONS

Council are requested to commit \$2,000 from Account 105020 Sundry and Other Governance Expenses of the 2019/20 budget.

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Not applicable

CONSULTATION

No public consultation has taken place, however this request aligns with the Shires Strategic Community Plan and Tourism Attractions and marketing is a top 3 priority identified in the 2019 Community Perceptions survey.

OFFICER COMMENT/CONCLUSION

The Shire is involved in many regional collaboration initiatives including Regional Waste, Bunbury Geographe Economic Alliance, Bunbury Geographe Tourism Partnership, Warren Blackwood Alliance of Councils, and this is considered a logical next step in strengthening the Shires economic and tourism future.

COUNCIL RESOLUTION 197/19

Moved: Cr Atherton Seconded: Cr Smith

That Council:

- 1. Confirms the Shire of Donnybrook Balingup's support of the Busselton-Margaret River Regional Airport.**
- 2. Acknowledges that the City of Busselton are seeking \$10,000 over five financial years for the Busselton - Margaret River Regional Airport Marketing Fund.**
- 3. Commits \$2,000 in 2019/2020 towards the Busselton - Margaret River Regional Airport Marketing Fund from Account 105020 Sundry and Other Governance Expenses (unspecified projects).**

CARRIED 6/1

9.7.4 SHIRE BORROWING CAPACITY

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	Not applicable
Author	Mr Ben Rose – Chief Executive Officer
Responsible Manager	Mr Ben Rose – Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the content of this report and acknowledges the present borrowing capacity of the Shire of Donnybrook Balingup for the purposes of future capital works projects. 2. Acknowledges that the content of this report is based on the draft (as yet unaudited) 2018/19 Annual Financial Report. 3. Acknowledges that the Debt Service Cover Ratio in any one financial year is subject to variation due future Operating Expenditure and Operating Revenue variables used in the ratio calculation.

STRATEGIC ALIGNMENT

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

Outcome:

- 3.2 Well supported community groups and facilities.
- 3.3 A safe and healthy community environment for all ages.
- 4.2 A respected, professional and trusted organisation.

Action:

- 3.2.1.2 Maintain community facilities within resource capacity.
- 3.3.3.1 Within resource capacity, maintain and develop sport and recreation facilities in line with sport and recreation masterplans.
- 4.2.1.4 Demonstrate sound financial planning and management, including revenue/expenditure review and revenue diversification strategies and long term financial planning.

EXECUTIVE SUMMARY

To report on the present borrowing capacity of the Shire of Donnybrook Balingup for consideration in funding future major infrastructure projects.

BACKGROUND

The current economic conditions in Australia has resulted in historic low interest rates. Local Government has access to fixed interest borrowings for the life of a loan though the Western Australian Treasury Corporation (WATC). The WATC fulfils the role as the State’s central financial services provider to the public sector.

Current long term borrowing interest rates through WATC is in the 2% per annum range.

Council may consider taking advantage of the current low interest rate market to undertake larger scale community infrastructure projects.

As at 30 June 2019 (unaudited 2018/19 Annual Financial Report), the Shire’s outstanding borrowings amount to \$205,307.

The following future borrowings are identified in Council’s Asset Management Plans.

Tuia Lodge Fire Suppression System	\$500,000*	2019/20
Administration Centre	\$154,530	2020/21
Tuia Lodge Extension (RADS Funds)	\$500,000	2020/21
Donnybrook Recreation Centre	\$200,000	2022/23
Donnybrook Recreation Centre	\$285,000	2026/27
Balingup Recreation Centre	\$360,000	2027/28
	\$1,999,530	

*Note – although \$500,000 is budgeted, the tendered works are expected to be much lower.

FINANCIAL IMPLICATIONS

For every \$1 million of new borrowings (at an interest rate of 1.91% per annum over a term of 20 years) will add \$60,627 annual repayments (including State Guarantee Fee) to the Annual Budget. \$60,627 equates to 1.2% general rate increase (based on 2019/20 Budget).

Aside from utilising borrowings, local government generally has the following funding options for major capital works / infrastructure projects:

- Reserves (local government reserve accounts are created under legislation for allocation of funding towards a specifically pre-defined purpose; re-allocation of the funding towards alternative purposes is problematic and can expose the organisation to financial liabilities if not managed prudently).
- State and/or Commonwealth grant funding (requires mandatory co-contribution towards the project, typically from the local government);
- General rates increases (i.e. increasing the ‘rate in the dollar’ for all rateable properties to share in the funding requirements for a new project);
- Specified Area Rate (all rateable properties in a defined area contribute towards the funding requirements of a project that will benefit that defined area); and
- Differential Rate (all properties of a specifically nominated land use zoning across the

Shire contribute towards the funding requirements of a project)

With particular reference to ‘inter-generational equity’, applying borrowings funding for community infrastructure-based projects is recommended as the most appropriate funding model. This enables the generation of the community most advantaged by the development and use of the subject infrastructure/project to bear the funding cost for it.

POLICY COMPLIANCE

Council Finance Policy 3.8 - *Debt Policy*, is relevant to this matter. The policy sets out the conditions of raising debt:

4.2 Conditions for Debt Raising

- *Debt funding may be used for capital works and the purchase of development of assets and infrastructure assets.*
- *Debt funding may not be used to finance operating activities or recurrent expenditure.*
- *Before borrowing funds, the Shire would generally consider using existing surplus funds in the first instance.*

STATUTORY COMPLIANCE

Under regulation 50 of the *Local Government (Financial Management) Regulations 1996*, the Annual Financial Report is to include (for the financial year covered by the Annual Financial Report and the two preceding financial years), the following:

- a) current ratio;
- b) asset consumption ratio;
- c) asset renewal funding ratio;
- d) asset sustainability ratio;
- e) debt service cover ratio;
- f) operating surplus ratio; and
- g) own source revenue coverage ratio

The Department of Local Government, Sport and Cultural Industries “Operational Guidelines Number 18 – June 2013 Financial Ratios” (the guidelines) state that the basic standard for the Debt Service Cover Ratio = 2.00

Debt Ratio

A local government’s ability to service debt is measured by the ‘Debt Service Cover Ratio’. This is the measurement of a local government’s ability to produce enough cash to cover its debt payments.

Debt Service Cover Ratio	
Debt Service Cover Ratio =	Annual Operating Surplus BEFORE Interest and Depreciation Principal and Interest
Purpose:	This ratio is the measurement of a local government’s ability to repay its debt including lease payments. The higher the ratio is, the easier it is for a local government to obtain a loan.
Standards	A Basic standard is achieved if the ratio is greater than or equal to two. An Advanced standard is achieved if the ratio is greater than five.
Definitions:	
‘Annual Operating Surplus Before Interest and Depreciation’	Means operating revenue minus net operating expense.
‘Operating Revenue’	Means the revenue that is operating revenue for the purposes of the AAS, excluding grants and contributions for the development or acquisition of assets.
‘Net Operating Expense’	Means operating expense excluding interest and depreciation.
‘Interest’	Means interest expense for moneys borrowed, credit obtained or financial accommodation arranged under section 6.20 of the Act.
‘Depreciation’	Has the meaning given in the AAS.
‘Principal and Interest’	Means all principal and interest for moneys borrowed, credit obtained or financial accommodation arranged under section 6.20 of the Act.

Source: Operational Guidelines Number 18 – June 2013 Financial Ratios. p4

The Shire’s Debt Service Cover Ratio over the past three years is tabled below.

	2018/19	2017/18	2016/17
Debt Service Cover Ratio	37.91	15.81	4.01

Source: 2018/19 Draft Annual Financial Report (as yet un-audited)

Debt Service Cover Ratio (Draft 2018/19 Annual Financial Report) is calculated as follows.

<u>Operating Revenue</u>	2018/19
Operating Revenue:	17,000,209
Capital Grants	(2,781,237)
Capital Contributions	(146,076)
	14,072,896
<u>Net Operating Expense</u>	
Operating Expenditure	18,097,446
Interest Expense	(11,005)
Depreciation	(5,598,300)
	12,488,141
<u>Principal and Interest</u>	
Loan Principal	30,795
Loan Interest	11,005
	41,800

14,072,896	less	12,488,141	=	1,584,755
30,795	plus	11,005	=	41,800
				1,584,755
		Divided by		41,800
		= Ratio		37.91

Debt Service Cover Ratio 2018/19	37.91
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Source: 2018/19 Draft Annual Financial Report (un-audited)

Debt Service Cover Ratio – Basic Benchmark	2.00
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Source: Local Government Operational Guidelines Number 18 – June 2013, Financial Ratios

Based on the draft (as yet un-audited) 2018/19 Annual Financial Report, the Shire has capacity to borrow \$13,031,000. This amount of additional borrowings would add approximately \$790,000 annually in borrowing repayments to the Annual Budget.

This calculated borrowing capacity is to meet the basic benchmark of 2.0 for the Debt Service Cover Ratio.

2018/19 Borrowing Repayments	41,800	
Maximum capacity - Annual Borrowing Repayments	790,000	
Assumed Borrowing interest rate	1.91%	Source: WATC - 20 Years as at 19.08.2019
Borrowing Term	20 years	
Borrowing Capacity	13,031,000	

Less: Identified Borrowings from 2019/20 Building Asset Plan

Administration Centre	154,530	2020/21
Donnybrook Recreation Centre	200,000	2022/23
Donnybrook Recreation Centre	285,000	2026/27
Balingup Recreation Centre	360,000	2027/28
Tuia Lodge Fire System	500,000	2019/20
Tuia Lodge Extension (RADS Funds)	500,000	2020/21
	1,999,530	

Surplus Borrowing Capacity 11,031,470

The Debt Service Cover Ratio in any one year is subject to variation due to future Operating Expenditure and Operating Revenue variables used in the ratio calculation. Therefore, unforeseen variables will have an unknown effect on future financial ratio performance.

All borrowings are subject to independent approval from Western Australian Treasury Corporation. The agency will apply their own financial assessment in any application process.

CONSULTATION

Not Applicable.

OFFICER COMMENT/CONCLUSION

Use of long term borrowings to fund major projects is a means of equitable distribution of capital costs to future ratepayers. Taking advantage of the low interest rate borrowing market at this time, will have long term financial benefits to ratepayers.

In addition, the community will benefit from the creation of new or improved community infrastructure though:

- a) Local economic stimulus during construction.
- b) Further developing the Shire of Donnybrook Balingup as a place of choice for population attraction and retention, thereby creating a more economically sustainable community.

Council currently has low outstanding borrowing with capacity to borrow. A material determining factor for consideration in increasing borrowings levels will be the budgetary effect of additional borrowing repayments.

COUNCIL RESOLUTION 198/19

Moved Cr Atherton

Seconded Cr Smith

That Council:

- 1. Receives the content of this report and acknowledges the present borrowing capacity of the Shire of Donnybrook Balingup for the purposes of future capital works projects.**
- 2. Acknowledges that the content of this report is based on the draft (as yet unaudited) 2018/19 Annual Financial Report.**
- 3. Acknowledges that the Debt Service Cover Ratio in any one financial year is subject to variation due future Operating Expenditure and Operating Revenue variables used in the ratio calculation.**

CARRIED 7/0

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 CR LINDEMANN NOTICE OF MOTION – CLIMATE CHANGE

Location	Donnybrook Balingup
Applicant	Cr Anita Lindemann
File Reference	DEP22/4D
Author	Cr Anita Lindemann
Responsible Manager	Steve Potter, Executive Manager Operations
Attachments	10.1(1) – Climate Change in WA - Issues Paper 10.1(2) – Draft WALGA Submission 10.1(3) – Shire Response – WALGA Submission 10.1(4) – Draft Shire Formal Submission
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the draft submission contained in Appendix 10.1(4) as Council’s response to the Department of Water and Environmental Regulation draft Issues Paper on Climate Change. 2. Authorises the Chief Executive Officer to submit the document on behalf of the Shire of Donnybrook Balingup.

STRATEGIC ALIGNMENT

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

Outcome:	2.3	A natural environment for the benefit of current and future generations.
Strategy:	2.3.1	Efficient use of resources to minimize environmental impacts.
Action:	2.3.1.2	Encourage the community to adopt alternative energy and green options.

EXECUTIVE SUMMARY

Elected members are requested to endorse the draft submission contained in Appendix 10.1(4) as Council’s formal response to the Department of Water and Environmental Regulation’s (DWER) Issues Paper on Climate Change.

BACKGROUND

The State Government is currently seeking public comment on its '*Climate Change in Western Australia – Issues Paper*' to inform the development of WA's new State Climate Change Policy, due for release in 2020. A copy of the Issues Paper is provided in Appendix 10.1(1).

On this same matter, the Western Australian Local Government Association (WALGA) recently contacted all local governments in WA seeking responses to a draft submission it had prepared on behalf of the local government sector in response to the Issues Paper. Officers reviewed the WALGA submission and provided comment by the required date (31 October) and a full copies of both the proposed WALGA submission and the Shire's formal response are provided in Appendices 10.1(2) and 10.1(3).

DETAILS

With the recently announced State goal of 'net zero emissions by 2050', the paper explores key issues and challenges facing our State resulting from climate change. It further notes that the South West region is being impacted by climate change more than almost any other place on the planet, with higher than average temperatures and declining rainfall cited as two examples.

As a small Shire reliant on agriculture, forestry and mining and with a renewed focus on eco-tourism, the topics outlined in the Issues Paper are relevant and include:

- Regional prosperity;
- Waste reduction;
- Water security;
- Liveable towns and cities;
- Resilient infrastructure and businesses;
- Protecting biodiversity; and
- Strengthening adaptive capacity;

It is considered that all are very relevant to the future prosperity of our Shire and directly impact our viability moving forward.

The Issues Paper is open for public comment until Friday, 29 November.

ELECTED MEMBERS CONSULTATION

The '*Climate Change in Western Australia - Issues Paper*' was released in September 2019 and announced in the Councillor Direct Issue 38 on 26 September 2019 which is forwarded to all Western Australian Councillors directly.

The Issues Paper is also available on the DWER website.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

The Issues Paper is currently being advertised for public comment.

ELECTED MEMBER COMMENT

Securing the prosperity, health and viability of our region depends on our water, energy and food security of our region. This is in line with the Shire's Corporate Business Plan and Strategic Community Plan. It will also form part of the Shire's considerations when reviewing its Sustainability Strategy and Environmental policies.

Contributing to the Climate Change Issues Paper demonstrates the Shire's forward thinking approach to global issues that impact locally.

Supporting the State Government with long-term thinking and submitting written contributions puts us in a better position, at the forefront, as new initiatives are rolled out to assist in future climate challenges.

The Shire recently joined the Climate Council's most successful localised project, City Powers Partnership, pledging five initiatives to reduce emissions, thereby contributing to the State Government's long term goal of 'zero emissions by 2050'. This demonstrated the Shire's commitment to protecting our region's numerous enterprises; takes an important leadership role with preparedness and long-term thinking; and contributes to preserving our natural environment so the Shire of Donnybrook Balingup can remain the destination for eco-tourism in the South West.

Contributing to the Issues Paper gives our region a voice that helps to shape our future, seeks to minimise any possible financial burden, and demonstrates our commitment to a sustainable, healthy and harmonious community for the future.

EXECUTIVE COMMENT

As indicated previously in the report, the Shire recently made a submission to WALGA in response to its draft submission to DWER on the Issues Paper. The Shire's response was comprehensive and addressed all components raised within the Issues Paper, taking into account both the potential impacts of climate change on the local government sector generally and the Shire of Donnybrook Balingup specifically. As such, it is considered the responses provided to WALGA represent suitably detailed responses that could also be provided to DWER directly. To this effect, officers have assisted Cr Lindemann in preparing a draft response to DWER which is largely based on the response to WALGA and is provided in Appendix 4. It is recommended that Council endorse this submission as the formal position of the Council which will result in a consistent message from the Shire being maintained across both submissions.

COUNCILLOR RECOMMENDATION

That Council:

- 1. Endorses the draft submission contained in Appendix 4 as Council’s response to the Department of Water and Environmental Regulation draft Issues Paper on Climate Change.**
- 2. Authorises the Chief Executive Officer to submit the document on behalf of the Shire of Donnybrook Balingup.**

COUNCIL RESOLUTION 199/19

Moved Cr Lindemann

Seconded Cr Sercombe

That Council:

- 1. Endorses the draft submission contained in Appendix 10.1(4) as Council’s response to the Department of Water and Environmental Regulation draft Issues Paper on Climate Change.**
- 2. Authorises the Chief Executive Officer to submit the document on behalf of the Shire of Donnybrook Balingup.**

CARRIED 6/1

Cr Atherton requested his vote ‘against’ be recorded

11 QUESTIONS FROM MEMBERS

Nil.

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

Nil.

13 MEETINGS CLOSED TO THE PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following confidential reports and recommendations have been distributed separately and are not for circulation:

13.1.1 CONFIDENTIAL – RFQ 231 – SUPPLY OF GRADER

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(c) 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.

13.1.2 CONFIDENTIAL – AGED CARE COMMUNITY REFERENCE GROUP – ANSELL STRATEGIC

This report is confidential in accordance with Section 5.23 of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

(c) 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.

Note: the 'contract' referenced above relates to the consultant contract to review the Shire's aged care services.

COUNCIL RESOLUTION 200/19

Moved Cr Atherton

Seconded Cr Mitchell

That the meeting be closed to the public in accordance with section 5.23(2) of the *Local Government Act 1995* to discuss confidential items 13.1.1 and 13.1.2.

CARRIED 7/0

The meeting was closed to the public to discuss items 13.1.1 and 13.1.2.

COUNCIL RESOLUTION 204/19

Moved Cr Atherton

Seconded Cr Smith

1. That the meeting be re-opened to the public.
2. In accordance with Section 5.23(2) of the *Local Government Act 1995* and Section 4A of the *Local Government (Administration Regulations) 1996*, agenda items 13.1.1 and 13.1.2 are to remain confidential as sensitive information is detailed in the reports.
3. When the information in the reports is not sensitive the items will be included in the next occurring Council Agenda.

CARRIED 7/0

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

COUNCIL RESOLUTION 199/19


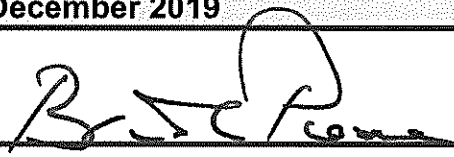
That Council:

1. Awards RFQ231 – Supply of Grader to AFGRI Equipment for the:
 - Supply of a John Deere 620GP Grader, including optional extras, for \$356,419 ex GST.
 - Purchase of the Shire's existing Caterpillar 120M grader for \$125,000 ex GST.
2. Instruct the Chief Executive Officer to make this Council Resolution public in the minutes of the 27 November 2019 Ordinary Meeting of Council.

14 CLOSURE

The next Ordinary Council Meeting will be held on 18 December 2019 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chambers.

The Shire President declared the meeting closed at 8.38pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 18 December 2019	
	
Shire President	Presiding Member