

## ORDINARY MEETING OF COUNCIL MINUTES

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held on

**Wednesday 25 September 2019**

*Commencing at 2.00pm to consider the Confidential Agenda  
Recommencing at 5.00pm to consider the Ordinary Agenda*

Shire of Donnybrook Balingup Council Chambers, Donnybrook

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

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

**27 September 2019**

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# SHIRE OF DONNYBROOK BALINGUP ORDINARY MEETING OF COUNCIL MINUTES

Held in the Council Chambers  
Wednesday, 25 September 2019 at 2.00pm

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

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### **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 2:02pm to consider the confidential agenda items..

The Shire President re-opened the Ordinary Council Meeting at 5:02pm and acknowledged the Councillors who were leaving the Council at the 19 October 2019 LG Elections and informed the Chamber of each Councillors length of service;

Cr King	2011 - 2019
Cr Tan	2015 - 2019
Cr Mills	2015 – 2019 including the Shire of Wyndham-East Kimberly and Shire (Gosnells 17 years total).
Cr Van Der Heide	2015 - 2019

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

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

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

## **2 ATTENDANCE**

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### **MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Atherton	Steve Potter – Executive Manager Operations
Cr King	Damien Morgan – Manager Works and Services
Cr Lindemann	Bob Wallin – Manager Development Services
Cr Mills	Maureen Keegan – Manager Executive Services
Cr Mitchell	Leigh Guthridge - Strategic Projects and Built Assets
Cr Tan	Bob Lowther – Manager Aged Care Services
Cr Van Der Heide	Alan Thornton – Manager Corporate Services
Cr Wringe	Stuart Eaton – Finance Officer (Special Projects)

### **PUBLIC GALLERY**

17 members of the public in the public gallery.

#### ***2.1 APOLOGIES***

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The CEO noted the Executive Manager Operations was intending to leave the meeting at approximately 6:30pm.

#### ***2.2 APPROVED LEAVE OF ABSENCE***

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Nil.

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

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Nil.

### 3 ANNOUNCEMENTS FROM PRESIDING MEMBER

#### 3.1 PRESIDENTS COMMUNICATION

Date	Meeting
02/09	WALGA/WAEC Local Government Election Seminar - Bunbury
03/09	WALGA/WAEC Local Government Election seminar – Donnybrook
6/09	Meeting with the Shires of Bruce Rock, Corrigin and Narembeen with CEO
6/09	Opened Artisan’s COLOUR IN ALL ITS GLORY Exhibition – Donnybrook
09/09	WALGA Regional Road Group – represented by Cr Wringe (DSP)
10/09	Meeting with Hon Mick Murray in Collie with CEO
12/09	Joint Glen Mervyn Dam announcement with Shire of Collie & Hon Mick Murray
17/09	Chaired LEMC meeting – Donnybrook
26/09	BGEA Board Meeting Harvey Water Harvey

### 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.

Cr Wringe declares and impartiality interest in *9.7.1 Strategic Direction for Donnybrook Arboretum Shire and Response to Kirup Progress Association* request to relocate historical milling equipment as she is Kirup Progress Association member.

Mr Stuart Eaton – Finance Officer Special Projects declares an Impartiality interest in *Confidential item 13.1.3 Preston Retirement Village Scheme Lease and Review* as a relative resides at Preston Village.

Cr Mitchell declares an impartiality interest in *Confidential item 13.1.4 Bridge Street Housing Project* as a past member of the Board of Alliance Housing.

Cr Wringe declares an impartiality interest in *Confidential item 13.1.5 License to Use and Occupy Railway Corridor Land – Meldene Estate Pathway Link* as a partner of Meldene Estate Development is an indirect family member.

Cr Atherton declares a Financial interest in *confidential item 13.1.5 Licence to use and occupy railway corridor land – Meldene Estate Pathway link* as he is the real estate salesperson for Stage 1 Meldene West Subdivision. Cr Atherton will leave the chamber for the debate and will not vote on this matter.

Mr Benjamin Rose – Chief Executive Officer declares a financial interest in *Confidential Item 13.1.7 2018/19 Chief Executive Officer Annual Review and Key Performance Indicators*.

***Due to the extent of Confidential Items the Ordinary Council Meeting was opened at 2:02pm to consider items at '13.1 Meetings Closed to the Public'.***

**RECOMMENDATION**

**MOVED: Cr Mitchell**

**SECONDED: Cr Wringe**

**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, 13.1.2, 13.1.3, 13.1.4, 13.1.5, 13.1.6 and 13.1.7 at 2:10pm**

**Carried 9/0**

**RECOMMENDATION**

**MOVED: CR Mitchell**

**SECONDED: CR Wringe**

**That the meeting be re-opened to the public at 4:55pm.**

**Carried 9/0**

## **5 PUBLIC QUESTION TIME**

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

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Responses to Questions Take on Notice at the 28 August 2019 Ordinary Council Meeting are provided in the Minutes of that meeting (attachment 7.1 (1)).

### **5.2 PUBLIC QUESTION TIME**

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#### **Mr Lui Tuia**

*What guarantee has Kirup Progress Association given to the upkeep of the Milling Equipment should it be moved from Donnybrook?*

No guarantee has been provided to the Shire by the Kirup Progress Association. This requirement is part of the Executive Recommendation to the Council.

*Has Council approached Mr Lex Miller who sold the machinery to Rotary in 1979?*

No the Shire has not.



## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Nil.

### **6.2 PRESENTATIONS**

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Nil.

### **6.3 DEPUTATIONS**

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Mr Bernie Dawson presented a deputation on agenda item 9.7.1 in relation to the Donnybrook Arboretum / Kirup Mill Park report.

Mr Angelo Logiudice presented a deputation on agenda item 9.7.1 in relation to the Donnybrook Arboretum / Kirup Mill Park report.

### **6.4 DELEGATES REPORTS**

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Nil.

## **7 CONFIRMATION OF MINUTES**

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### **7.1 Ordinary Meeting of Council – 28 August 2019**

Minutes of the Ordinary Meeting of Council held 28 August 2019 are attached (*attachment 7.1 (1)*).

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### **COUNCIL DECISION 135/19 (Executive Recommendation)**

**Moved: Cr King                      Seconded: Cr Tan**

**That the Minutes from the Ordinary Meeting of Council held 28 August 2019 be confirmed as a true and accurate record.**

**Carried 9/0**

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## **8 REPORTS OF COMMITTEES**

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Nil.

## **9 REPORTS OF OFFICERS**

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### **9.1 MANAGER CORPORATE SERVICES**

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#### **9.1.1 Accounts for Payment**

The Schedule of Accounts Paid (attachment 9.1.1 (1) under Delegation (No 3.1) for the period 22 August 2019 to 19 September 2019 is presented to Council for information.

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#### **9.1.2 Monthly Financial Report July 2019**

The Monthly Financial Report for the period ended 30 July 2019 (attachment 9.1.2 (1) is presented to Council for information.

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### **COUNCIL DECISION 135/19 (Executive Recommendation)**

**Moved: Cr Tan                      Seconded: Cr Wringe**

**That the monthly financial report for the period ended 30 July 2019 be received.**

**Carried 9/0**

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***Boyup Brook providing a 50% concession to the affected landowners for land situated within the Boyup Brook Shire.***

From 2013/14 – 2017/18 financial years, the following concessions were applied;

A2491 (Single Lot)	50% concession
A4389 (Single Lot)	50% concession
A4390 (Single Lot)	50% concession
A1393 (Contiguous group valued assessment containing three lots with two lots affected by dissecting boundary)	No historic concession applied

The concession was discontinued in 2018/19 and subsequently not applied in 2019/20.

Representation has been made to Council on behalf of the owners for reintroducing concessional treatment for those properties previously receiving a concession.

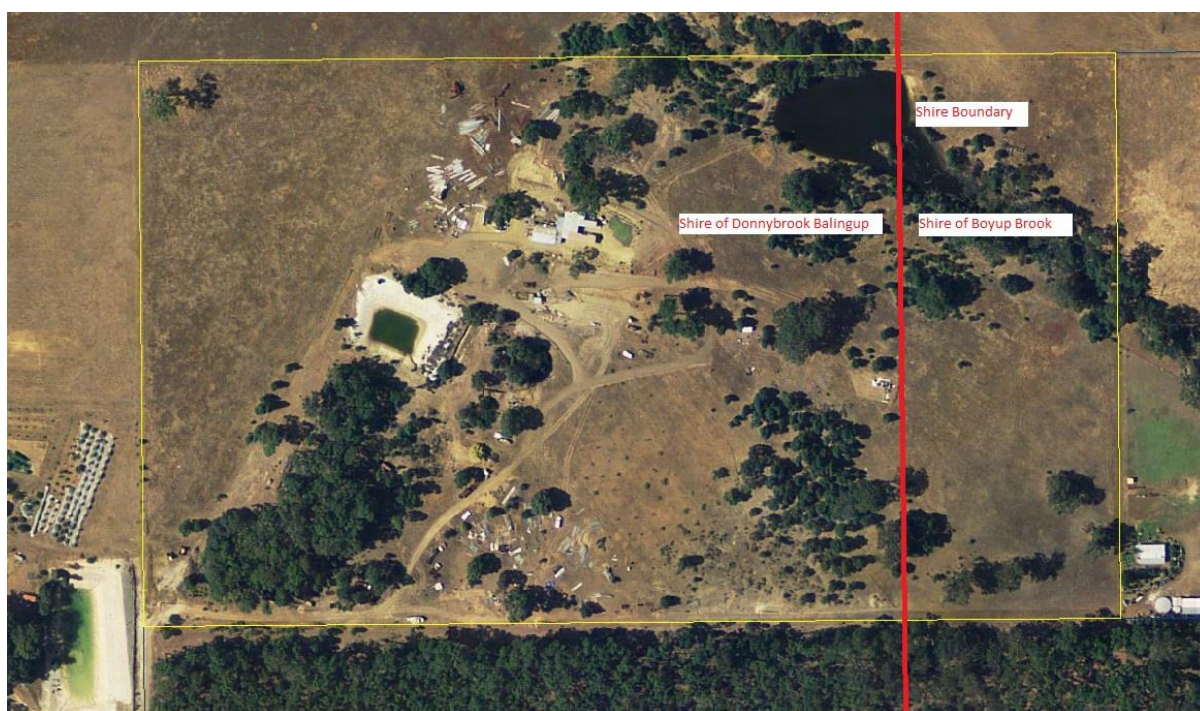
**DETAILS**

Assessment	A2491
Address	3853 Donnybrook-Boyup Brook Road, Noggerup
Lot	Lot 4522

According to Landgate (Valuer General) the land area of the assessment is divided per the following;

Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
8.1ha	5.6ha	13.7ha

The Shire boundary runs along a North/South alignment though Lot 4522.



- The assessment is currently rated on the Minimum Rate for 2019/20.
- A 50% concession on Rates and Waste Management Levy was applied for the financial years 2013/14 to 2017/18.
- No concession was applied in 2018/19 and 2019/20.

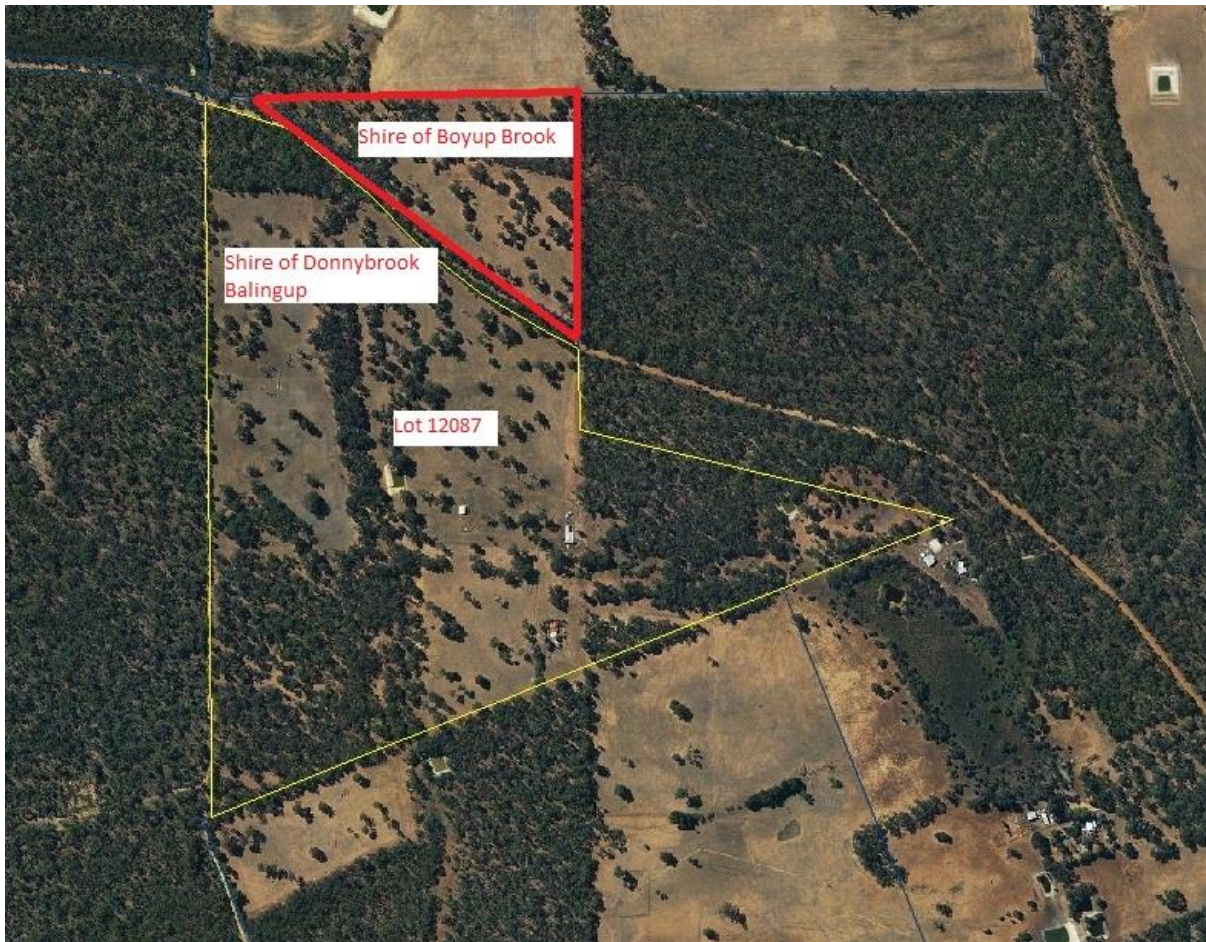
Assessment	A4389
Address	199 Walker Road, Wilga West
Lot	Lot 12087

According to Landgate (Valuer General) the land area of the assessment is divided per the following;

Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
62.9ha	12.1ha	75.0ha

The Shire boundary dissects the lot on the North East corner with a minor section of the property located in the Shire of Boyup Brook.





- The assessment is currently rated on the Minimum Rate for 2019/20.
- A 50% concession on Rates was applied for the financial years 2013/14 to 2017/18.
- No concession was applied in 2018/19 and 2019/20.
- The assessment has been granted a Waste Management Levy exemption since 2011/12.

Assessment	A4390
Address	Lot 11859 Walker Road Wilga West
Lot	Lot 11859

According to Landgate (Valuer General) the land area of the assessment is divided per the following;

Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
30.8ha	34.4ha	65.2ha

The Shire boundary runs along a North/South alignment though Lot 11859.



- The assessment is currently rated on the Minimum Rate for 2019/20.
- A 50% concession on Rates was applied for the financial years 2013/14 to 2017/18.
- No concession was applied in 2018/19 and 2019/20.
- The assessment has been granted a Waste Management Levy exemption since 2010/11.

Assessment	A1393
Address	118 Walker Road, Wilga West
Lot	11287, 10833, 8578

This assessment comprises three contiguous properties that are group valued. Two lots are affected by the dissecting shire boundary. One lot (Lot 8578) is situated entirely in the Shire of Donnybrook Balingup.

The Shire boundary runs along a North/South alignment through Lot 10833 and Lot 11287.





- The assessment is currently rated on the Minimum Rate for 2019/20.
- No concession has been historically applied to this assessment. It is presumed this is due to a whole land parcel (Lot 8578) located within the Shire boundary which would ordinarily be subject to the minimum rate in its own right.

The Valuer General has recognised the problem of the shire boundary dissecting a land parcel by apportioning the total property valuation pro rata, based on the portion of land area in each respective shire. The following assessments received a 50% concession from 2013/14 – 2017/18.

Assessment	Lot	Area (ha)			Valuation		
		Donnybrook Balingup	Boyup Brook	Total Area (ha)	Donnybrook Balingup	Boyup Brook	Total Valuation
A2491		8.1	5.6	13.7	62,500	46,500	109,000
A4389		62.9	12.1	75.0	146,000	28,000	174,000
A4390		30.8	34.4	65.2	58,500	76,000	134,500

Therefore, each Shire raises rates only on the portion of land (and portion of the valuation) that is applicable in each respective Shire. Properties are essentially treated as two separate smaller lots of land for rating purposes rather than a single large lot.

Council rates the properties in accordance with s6.28(4) of the Local Government Act 1995 (the act) where it is required to apply the valuations supplied by the Valuer General.

#### 6.28. Basis of rates

- (1) The Minister is to —
  - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) publish a notice of the determination in the *Government Gazette*.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

(3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.

(4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.

(5) Where during a financial year —

- (a) an interim valuation is made under the *Valuation of Land Act 1978*; or
- (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
- (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

*[Section 6.28 amended: No. 1 of 1998 s. 20.]*

The act also provides the authority for Council to grant discounts or concessions to rates and other amounts owing.

#### **6.47. Concessions**

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

*\* Absolute majority required.*

#### **6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,which is owed to the local government.

*\* Absolute majority required.*

## CONSULTATION

Nil.

## FINANCIAL IMPLICATIONS

Following removal of the concession in 2018/19, the 2019/20 rates have been calculated and levied without applying any concession on these properties. Any concession granted will be unbudgeted reduction in revenue in the 2019/20 Budget.

## POLICY COMPLIANCE

Nil.

## STATUTORY COMPLIANCE

S6.28 of the Local Government Act 1995 (the act) requires a local government to rate in accordance with the valuation provided by the Valuer General.

### 6.28. Basis of rates

- (1) The Minister is to —
  - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
  - (b) publish a notice of the determination in the *Government Gazette*.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
  - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
  - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the *Valuation of Land Act 1978* as at 1 July in each financial year.
- (5) Where during a financial year —
  - (a) an interim valuation is made under the *Valuation of Land Act 1978*; or
  - (b) a valuation comes into force under the *Valuation of Land Act 1978* as a result of the amendment of a valuation under that Act; or
  - (c) a new valuation is made under the *Valuation of Land Act 1978* in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

Valuations as supplied by the Valuer General are required to be applied to a property without amendment.

Council has the authority to resolve to grant discounts and concessions per s6.47 6.12 of the act.

**6.47. Concessions**

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

\* Absolute majority required.

**6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,
- which is owed to the local government.

\* Absolute majority required.

**CONCLUSION**

It is not recommended that an arbitrary 50% concession be granted due to the varying proportion of the subject land parcels that reside with side of the boundary.

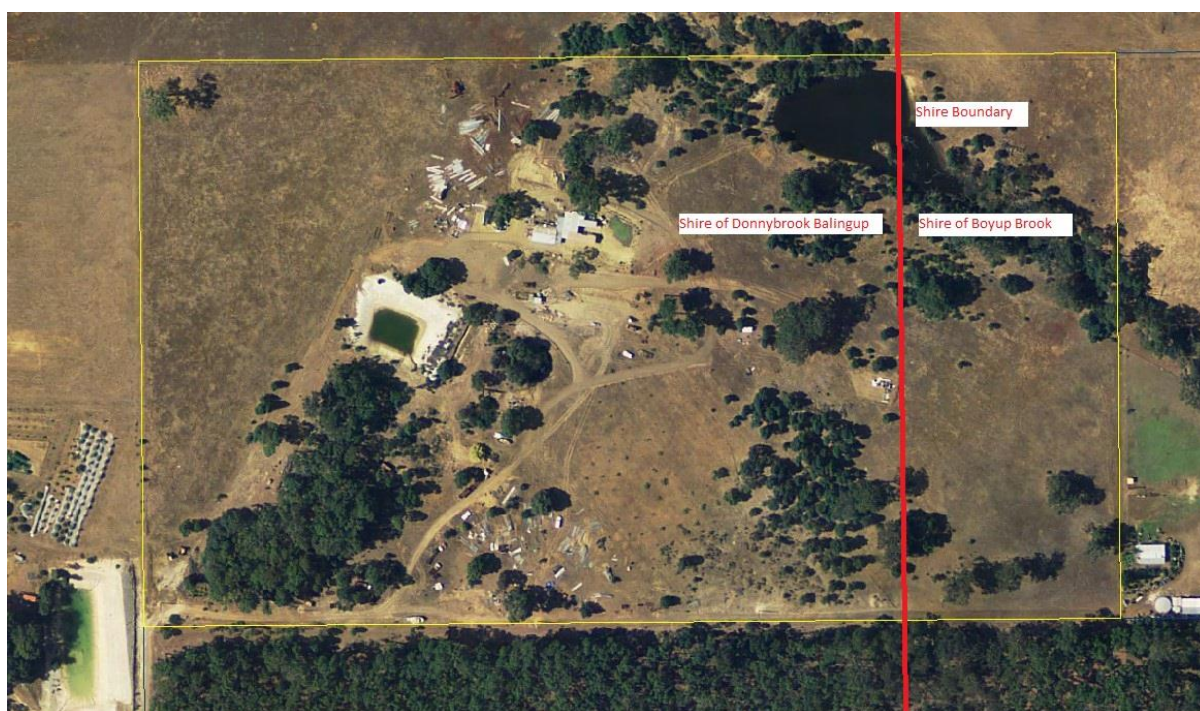
Assessment	Lot	Area (ha)		
		Donnybrook Balingup	Boyup Brook	Total Area (ha)
A2491	Lot 4522	59%	41%	100%
A4389	Lot 12087	84%	16%	100%
A4390	Lot 11859	47%	53%	100%

Assessment	A2491
Address	3853 Donnybrook-Boyup Brook Road, Noggerup
Lot	Lot 4522

According to Landgate the land area of the assessment is divided per the following;

Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
8.1ha	5.6ha	13.7ha
59%	41%	100%





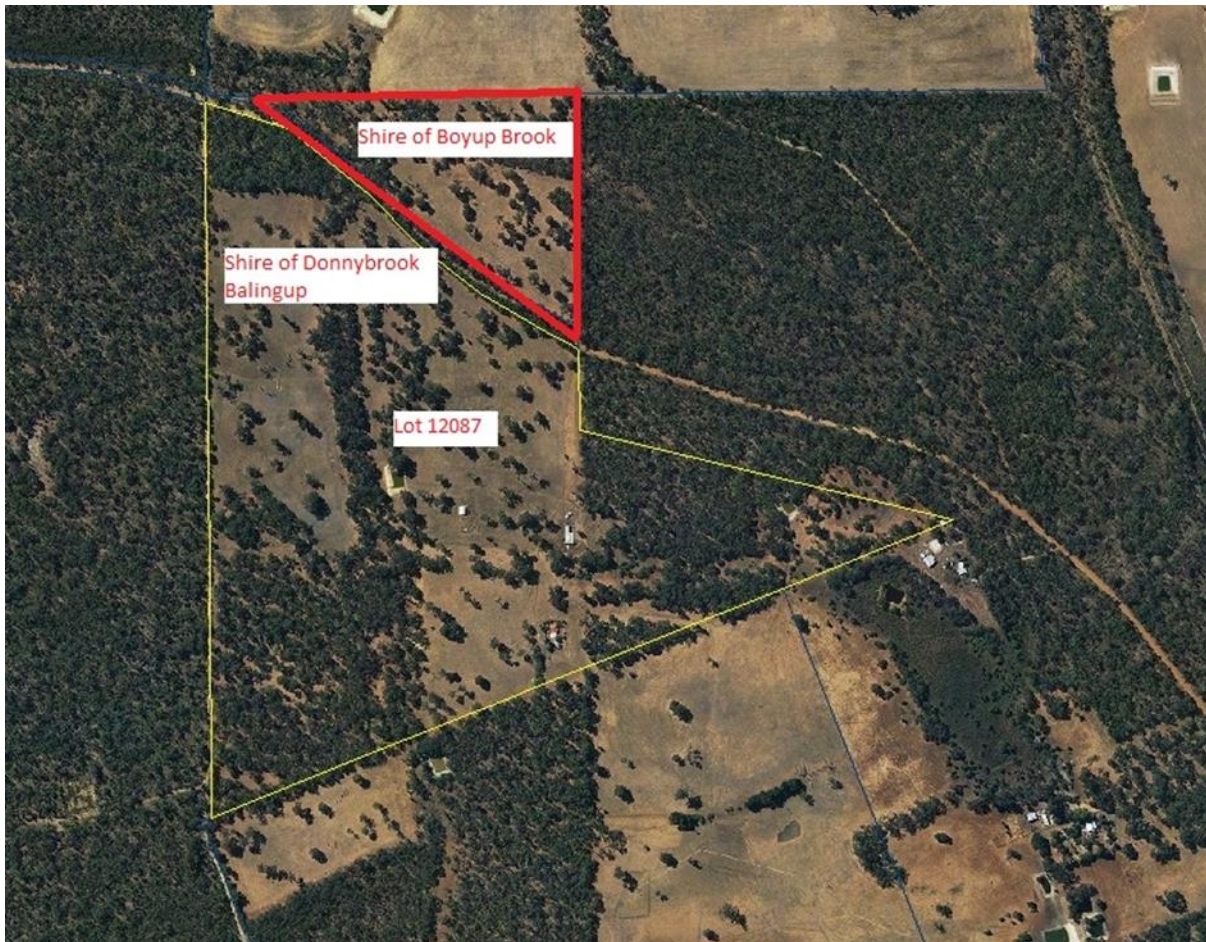
As 41% of the land parcel (as calculated by the Valuer General) is located in the Shire of Boyup Brook, it is recommended that a 41% rates concession be granted until such time a boundary adjustment is enacted

Assessment	A4389
Address	199 Walker Road, Wilga West
Lot	Lot 12087

According to Landgate the land area of the assessment is divided per the following;

Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
62.9ha	12.1ha	75.0ha
84%	16%	100%

The Shire boundary dissects the lot on the North East corner with a minor section of the property located in the Shire of Boyup Brook.



Aerial analysis of this land parcel identifies that significant percentage of land mass and built structures reside in the Shire of Donnybrook Balingup. Only a small percentage of the parcel resides in the Shire of Boyup Brook.

Officers are of the opinion that the land parcel, for all material purposes, resides in the Shire of Donnybrook. It is therefore the opinion of officers that no rating concession be granted by the Shire of Donnybrook Balingup on this assessment.

Owners could seek a rating exemption from Shire of Boyup Brook for the small section of the land parcel located in the Shire of Boyup Brook.

Assessment	A4390
Address	Lot 11859 Walker Road Wilga West
Lot	Lot 11859

According to Landgate the land area of the assessment is divided per the following;

Shire of Donnybrook Balingup	Shire of Boyup Brook	Total
30.8ha	34.4ha	65.2ha
47%	53%	100%



The Shire boundary runs along a North/South alignment though Lot 11859.



As 53% of the land parcel (as calculated by the Valuer General) is located in the Shire of Boyup Brook, it is recommended that a 53% rates concession be granted until such time a boundary adjustment is enacted.

Assessment	A1393
Address	118 Walker Road, Wilga West
Lot	11287, 10833, 8578

This assessment comprises three contiguous properties that are group valued. Two lots are affected by the dissecting shire boundary. One lot (Lot 8578) is situated entirely in the Shire of Donnybrook Balingup.

The Shire boundary runs along a North/South alignment though Lot 10833 and 11287.



No concession has been historically applied to this assessment. It is recommended that no concession be applied, as Lot 8578 would ordinarily be subject to the minimum rate in its own right.

It is the understanding of officers that the Shire of Boyup Brook will consider instigating a formal approach to Council in the near future to adjust the Shire boundary to correct these problems.

Officers are of the opinion that a boundary adjustment is necessary to create a permanent solution to cases where the Shire boundary dissect an individual land parcel.

A future report will be presented to Council to consider boundary adjustments upon receipt of the request from the Shire of Boyup Brook.

## **MEETING OUTCOME**

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### **COUNCIL DECISION 137/19 (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Lindemann**

**That Council:**

**1. Grant an annual concession of 41% on Rates on A2491, Lot 4522, 3853 Donnybrook-Boyup Brook Road, Noggerup due to:**

- a. The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary.**
- b. 41% of the land parcel is located in the Shire of Boyup Brook.**

**\*Absolute Majority Vote Required**

**2. Grant an annual concession of 53% on Rates on A4390, Lot 11859 Walker Road, Wilga West due to:**

- a. The land parcel being dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary.**
- b. 53% of the land parcel is located in the Shire of Boyup Brook.**

**\*Absolute Majority Vote Required**

**3. Not grant a rates concession on A4389, Lot 12087, 199 Walker Road, Wilga where the land parcel is dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary, as a significant percentage of land mass and built structures reside in the Shire of Donnybrook Balingup.**



4. **Not grant a rates concession on A1393, 118 Walker Road, Wilga West, where the land parcel is dissected by the Shire of Donnybrook Balingup and Shire of Boyup Brook boundary due to:**
  - a. **The assessment comprises three contiguous lots.**
  - b. **One lot (Lot 8578) is situated entirely in the Shire of Donnybrook Balingup.**
  - c. **The assessment is group valued and Lot 8578 would ordinarily be subject to the minimum rate in its own right.**
  - d. **No rating concession was previously granted.**
5. **Apply applications for Waste Management Levy concessions on properties where the Shire Boundary dissects a land parcel in accordance with *Policy 6.5 Waste Management Levy Exemption*.**
6. **All concessions approved within resolutions 1 – 5, above, have an effective commencement date of 1 July 2019.**
7. **Instruct the Chief Executive Officer to undertake preliminary consultation with the Shire of Boyup Brook (by no later than December 2019) regarding boundary adjustment on properties where the Shire Boundary dissects a land parcel, in preparation for a future report to Council for its consideration.**

**Carried by Absolute Majority 9/0**

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**9.2 *MANAGER WORKS AND SERVICES***

---

Nil.

### 9.3 **MANAGER DEVELOPMENT SERVICES**

#### 9.3.1 **REQUEST TO SUPPORT COMMUNITY HOME CARE IN ESTABLISHING A COMMUNITY CARE FACILITY AT LOT 501 EGAN STREET, DONNYBROOK**

<b>Location</b>	Lot 501 (Reserve 52021) Egan Street, Donnybrook
<b>Applicant</b>	Community Home Care (CHC)
<b>File Reference</b>	A5047
<b>Author</b>	Bob Wallin (Manager Development Services)
<b>Attachments</b>	9.3.1 (1) - Location Plan 9.3.1 (2) - Request Letter 9.3.1 (3) - Indicative site plan and design 9.3.1 (4) - Schedule of Submissions
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• Recommend support for the Community Home Care (CHC) request to establish a 'community care facility' at Lot 501 Egan Street, Donnybrook.</li> <li>• The proposed use is consistent with the intent of the Public Purpose Reserve designation under Local Planning Scheme 7.</li> <li>• The land is owned by the Crown with a Management Order issued to the Shire of Donnybrook Balingup for the purpose of Medical Centre.</li> <li>• It will be necessary to seek support from the Minister for Lands to change the Management Order.</li> </ul>

### **STRATEGIC ALIGNMENT**

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

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

### **BACKGROUND**

Community Home Care (CHC) are seeking Council support to establish a purpose built community care facility on the southern portion of Lot 501 (Reserve 52021) Egan Street, Donnybrook (subject site)(Attachment 9.3.1(1) – location plan).

The request letter is shown in Attachment 9.3.1(2) and provides details on the benefits and need for the proposal. An indicative concept is shown in Attachment 9.3.1(3).

The subject land is reserved “Public Purpose HA” (Hospital and Allied Purposes) under Local Planning Scheme 7 (LPS7) and contains a medical centre on its northern portion, supported by two car parking areas with separate access to Egan and Bentley Streets. The proposed CHC building site is relatively flat and contains several stands of mature trees.

The subject site forms part of a wider ‘allied health precinct’ bound by Egan, Allnutt, Bentley and Yelverton Streets. This precinct includes Tuia Lodge (abutting the proposed site’s southern boundary), the Donnybrook Hospital (and ancillary buildings), St John’s Ambulance Sub Centre, the Shire’s medical centre (leased by Donnybrook Medical Services) and the Shire’s pathology suite (leased by Clinipath). Land on the western side of Egan Street consists of established single residential dwellings.

The subject site is owned by the State (Crown land) with the management body being the Shire of Donnybrook Balingup. The Management Order contains two conditions. These are:

- “(i) to be utilised for the designated purpose of “Medical Centre” only;*
- (ii) Power to lease (or sub-lease or licence) for the designated purpose is granted for the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease subject to the approval in writing of the Minister for Lands being first obtained to each and every lease or assignment of lease, pursuant also to the provisions of section 18 of the Land Administration Act 1997.”*

Further, the Shire is responsible for the care, control and management of the land. If the proposal is supported, it will be necessary to seek approval from the Minister for Lands to amend the Management Order to reflect the proposed additional use.

The intent of the proposal is to provide a community care facility to administer and provide community care services. Initial discussions indicate that the facility may include:

- Transport services;
- Day centre for ‘activity club’;
- Health programs;
- Social activities;
- Information days;
- Community group hire;
- Respite care;
- Carer unit accommodation; and
- Office, toilet, kitchen and circulation space.

## **DETAILS**

In order for the proposal to be successful, there are several stages that will require addressing including:

- Item 1) Amending the existing Management Order to allow for an additional use of the site for “allied health”;
- Item 2) Establishing a lease between the Shire and the applicant, detailing lease timeframes, rates, responsibilities and terms and conditions; and
- Item 3) A planning application that addresses detailed design outcomes.

Amending the existing Management Order requires addressing first and is the general focus of this report with the other items being able to be addressed separately at future stages.

The proposal has potential to complement established health and aged care facilities in the immediate locality and the proposed land use is consistent with the intent of the reservation under LPS7.

The proposal will not constrain planned short term expansion for Tuia Lodge or any future long term expansion (see Attachment 9.3.1(1)).

The design provided (Attachment 9.3.1(3)) is indicative only, however, it provides a concept of a potential design outcome. There will be opportunity to assess and comment on the end design as part of a future planning application. This will enable consideration of building design, car parking layout, access points, landscaping treatments and relationships with existing development.

## **CONSULTATION**

The proposal has been advertised to seek comment from local residents and service providers. Advertising has consisted of letter drops and a notice on the Shire's website. The Shire received three submissions (see Attachment 9.3.1 (4)) – Schedule of Submissions). In summary, the submissions are supportive, subject to refining future land use and building design outcomes.

Building and car parking design as well as detailed land use activity on the site can be addressed as part of a future development application which will be subject to a further separate public consultation process.

## **FINANCIAL IMPLICATIONS**

Details regarding whole of life and asset renewal obligations will require addressing through a future lease arrangement. This matter has been raised with CHC and will require resolution to ensure that there is no ongoing burden to the Shire.

Any new lease will require approval by Council.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Section 18 of the *Land Administration Act 1997* details Crown land transactions that require Minister for Planning, Lands and Heritage approval and provides guidance on the process for leasing land. Section 41 relates to the Minister's powers to reserve land for one or more purposes.

A development approval is required for any future development of the site under Part 2 of Local Planning Scheme 7 (LPS7) which relates to development controls and assessment requirements for reserved land. The proposed use is generally consistent with the intent of the reservation under LPS7.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details matters to be considered by local governments.

Clause 136 of the *Planning and Development Act 2005* requires approval by the Western Australian Planning Commission for leases over 20 years in duration.

## **CONCLUSION**

The proposed development represents potential for a logical inclusion to the existing health and allied services and facilities in the immediate locality and the proposed use satisfies the intent of public purpose HA reservation under LPS7. It will be necessary to amend the existing Management Order which currently limits the use of the land to “Medical Centre”.

The subject site is of sufficient size and configuration to address design issues raised during the advertising process. On this basis, it is reasonable to conclude that the future planning approval assessment process will adequately resolve issues raised.

In relation to the future lease arrangements, it is anticipated that these will be addressed through negotiation at a later stage, noting that a new lease will require approval by Council.

## **ALTERNATE MOTION**

**Moved: Cr Mitchell                      Seconded: King**

**Instruct the CEO to discuss alternative sites with CHC. With the view that existing facilities maybe better utilised.**

**Lost 1/8**

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### **COUNCIL DECISION 138/19 (Executive Recommendation)**

**Moved: Cr Atherton                      Seconded: Cr King**

**That Council:**

- 1. Supports ‘in principle’ the proposed establishment of a purpose built community care facility on the southern portion of Reserve 52021 (Lot 501 Egan Street, Donnybrook);**
- 2. Requests the Minister for Planning, Lands and Heritage amend the Management Order for Reserve 52021 (Lot 501 Egan Street, Donnybrook) from “Medical Centre” to “Medical Centre and Allied Health”;**
- 3. Advises Community Home Care (CHC) that:**

**3.1 CHC will be required to submit a development application for the proposed land use which will need to address design outcomes**

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**including car parking arrangements, building design and landscaping that is sympathetic to the established streetscape character and minimise impacts on local amenity;**

- 3.2 CHC will be required to negotiate a lease agreement with the Shire which, among other things, clearly articulates responsibilities associated with whole of life and asset renewal obligations to ensure there is not an unreasonable financial impost on the Shire in the short or long term.**
- 4. Authorises the Chief Executive Officer to undertake any actions required to facilitate implementation of items 1 to 3 above.**
- 5. The Council reserves the right to re-visit resolution 1 pending the outcome of the Shire’s current overarching review of its Aged Care and Aged Persons’ accommodation portfolio.**

**Carried 9/0**

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## 9.4 STRATEGIC PROJECTS AND BUILT ASSETS

### 9.4.1 APPLE FUN PARK RENEWAL PROJECT – PROJECT MANAGEMENT PLAN

<b>Location</b>	Donnybrook Railway Heritage Precinct – Collins Street Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWF 18AB
<b>Author</b>	Leigh Guthridge – Strategic Building Projects and Assets
<b>Attachments</b>	9.4.1(1) – Apple Fun Park Renewal Project - Project Management Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Council is recommended to endorse the Project Management Plan for the Apple Fun Park Revitalisation Project.

### STRATEGIC ALIGNMENT

The following outcomes listed in the Strategic Community Plan and Corporate Business Plan aligns with the renewal of the Donnybrook Apple Fun Park:

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
1.3 – An attractive visitor and tourist attraction.	1.3.2 – Provide, develop, and maintain visitor infrastructure.	1.3.2.1 Develop visitor and tourism infrastructure in line with local tourism and visitor’s development and promotion strategy, within allocated resources.
2.1 – An attractive and maintained built environment	2.1.1 - Maintain, renew and improve infrastructure within allocated resources	2.1.1.2 Seek funding for renewal and development of infrastructure
2.2 - Respected Heritage Assets	2.2.1 - Maintain Shire heritage assets within available resources	2.1.1.3 Promote the districts heritage assets and ageing assets

### BACKGROUND

The Donnybrook Apple Fun Park (AFP) was established in 2008 and is an iconic State and regional tourist attractor bringing tens of thousands of visitors to Donnybrook and surrounds each year. In recent times, the primacy of the AFP as the biggest and best public playground in the region has waned as equipment has aged and improved facilities have been developed in other localities. It is therefore the intent of the Apple Fun Park Revitalisation Project to once again re-establish the AFP’s position as the best public playground in the State. Whilst this may involve replacing some equipment



‘like-for-like’, consideration will also be given to recent developments in playground design and equipment to ensure the outcome is an improved, interactive and engaging precinct for children of all ages, youth and adults.

The renewal of the Apple Fun Park, in conjunction with the Donnybrook Town Centre Revitalisation Project, will further cement Donnybrook as a regional tourism node and will support the economic, social and cultural growth of the Community and the Region.

The Shire received confirmation on 4 April 2019 that it was successful in obtaining funding from the Building Better Regions Fund (BBRF) for \$1,505,009 for the Apple Fun Park Revitalisation Project.

The funding will deliver the following improvements to the Apple Fun Park:

- Removal and disposal of existing playground equipment and furniture;
- Supply, delivery and installation of new playground equipment and furniture;
- Refurbish the toilet block;
- Install large shade structures; and
- Improve landscaping, pathways, lighting, barbecues, etc.

The purpose of this report is to provide Council with the Project Management Plan (PMP) relevant to the project for its endorsement.

It is important to note that this PMP combines both the Apple Fun Park Renewal Project (AFPRP) and the Donnybrook Town Centre Revitalisation Project (DTCRP) as the funding arrangements for the AFPRP from the Commonwealth (via the Building Better Regions Fund) was approved and structured on the basis of using ‘leverage funding’ from the DTCRP under Royalties for Regions.

## DETAILS

The PMP is attached to this report and is intended to be a ‘living’ document that will be monitored and refined as the project evolves. As identified in the PMP, smaller scope changes may be able to be approved under the delegation of the CEO to ensure the project is not delayed as a result, however any proposed changes that significantly modify a decision of Council will require further Council approval.

The Work Breakdown Structure (WBS) within the PMP identifies that Council will be engaged and required to determine the following matters relating to the Project (at a minimum):

<b>WBS No</b>	<b>ID</b>	<b>Task</b>
4.2	8	Council endorse Project Management Plan
6.3	22	Council endorse playground theme, scope of works and evaluation criteria for procurement documentation.
9.7	35	Council accept quote for a Playground Specialist (inclusive of concept design and price) and proceed to advertise for public comment.
11.4	50	Subsequent to public advertising, Council resolve a final design and scope of works (with or without modifications).

It is proposed that scheduled Council briefings and communication will be undertaken leading up to these control points to ensure that Council is fully informed of the emerging issues of the Project and to ensure the highest quality outcomes are achieved.

The PMP adds structure to the process of delivering the project by assigning an order to all the project elements involved in the planning process. The purpose of the PMP is to define the project scope, methodology, personnel, and monitoring and reporting requirements.

There are a number of stages in developing a PMP as outlined in the following table:

<b>Project Management Plan – Process Groups</b>	<b>Apple Fun Park - Project Status</b>
<p><u>Initiating</u> In the first stage of the PMP process, the project owner/sponsor clarifies the scope of the project, secures finances, and sets up communication for dialogue between stakeholders.</p>	<p>Completed. Funding approval received in April 2019. Staff have developed contacts with the Funding Body.</p>
<p><u>Planning</u> The second stage in the PMP process is the planning stage. The planning stage is to clarify and prioritise planning elements such as time, cost, quality, change, and risk management.</p>	<p>The Shire is currently in this process phase with the PMP being presented to Council for consideration.</p>
<p><u>Executing</u> The executing phase is the most active stage of the process and involves a number of different activities, ranging from project meetings, procurement and contract management.</p>	<p>This has commenced for the DTCRP element of the project with the consultation period ending and consideration of the submissions being undertaken.</p> <p>The consultation for the Apple Fun Park component of the project is expected to occur later in 2019 to ascertain what theme of playground equipment the Community seeks and selecting a playground specialist to progress the renewal works.</p>
<p><u>Monitoring and Controlling</u> In the monitoring and controlling phase, the progress of the project is monitored to ensure the</p>	<p>The first meeting of the Project Management Team for the</p>

project meets deadlines, and the project addresses any issues encountered.	DTCRP was held on 29 August 2019.
<u>Closing:</u> This is the conclusion of the project and involves finalisation of contracted works and closing out of project deliverables.	Not Commenced

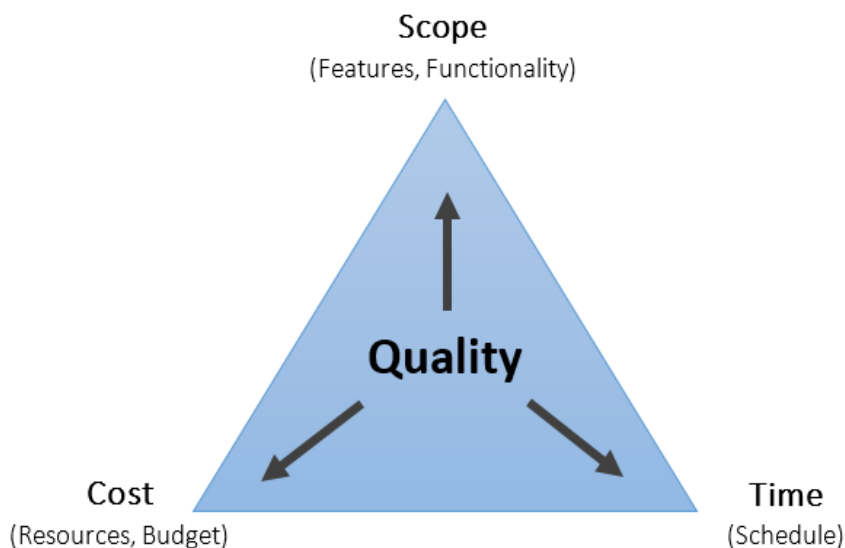
The PMP is segregated into the following typical project management processes:

- Project scope - Work Breakdown Structure (WBS)
- Project costs – Budget reflecting elements of the WBS
- Project Time – Gantt Chart - Scheduling
- Stakeholder analysis
- Consultation planning
- Risk assessment
- Procurement processes (It is proposed that e-quotes will be used via the WALGA preferred supplier list)
- Project quality
- Project management structure

The Project Management Triangle

The Project Management Triangle is a model of the constraints of project management. It contends that:

1. The quality of work is constrained by the project's budget, deadlines and scope (features);
2. Project delivery can trade between constraints (within delegations); and
3. Changes in one constraint necessitate changes in others to compensate or quality will suffer.



The project management constraints from the project management triangle that apply to the Project are as follows:

<b>PM Constraints</b>	<b>Apple Fun Park Renewal Project (inclusive of Donnybrook Town Centre Revitalisation Project)</b>
Time	AFPRP - 31 Dec 2021 DTCRP – Feb 2021
Cost	<b>\$4,005,009</b> consisting of: <ul style="list-style-type: none"> <li>• \$1,505,009 (Commonwealth – Building Better Regions Fund - AFPRP)</li> <li>• \$2,000,000 (State Government - Royalties for Regions - DTCRP)</li> <li>• \$500,000 (Shire - AFPRP)</li> </ul>
Scope	Defined in the Project Management Plan

There are constraints to the Shire with regard to time and cost for this project. Once the scope is defined it will be necessary to test it against projected costs (cost planning and procurement results) and the indicative timeframes to deliver the works within the budget and deadline.

Details of the project planning incorporating all the above project management processes and constraints for the project are contained within the PMP attached to this report.

## **CONSULTATION**

The PMP contains a stakeholder identification analysis and an engagement matrix that confirms the consultation strategy for the Project.

The Shire is finalising the appointment of Community members to the Community Reference Group for the DTCRP to ensure community views are appropriately considered.

## **FINANCIAL IMPLICATIONS**

The Shire received confirmation on 4 April 2019 that it was successful in obtaining funding from the Building Better Regions Fund (BBRF) for \$1,505,009 for the Apple Fun Park Revitalisation Project.

Under the BBRF funding, projects of between \$20K - \$10M were eligible, subject to a minimum of a 50% funding co-contribution from other sources (i.e. non BBRF).

As the Apple Fun Park is part of the broader Donnybrook Railway Heritage Precinct Development plan area, the Shire leveraged the existing State funding (\$2M State commitment to the Donnybrook Town Centre Revitalisation Project) and committed a further \$500k to the project as part of its application as follows:

<b>Project Description</b>	<b>Shire</b>	<b>State Government</b>	<b>Federal Government</b>
Apple Fun Park Renewal and Donnybrook Town Centre Revitalisation (combined)	\$500k = 12.5%	\$2M = 50%	\$1.5M = 37.5%

The recommendation to this report reflects that the project and planned expenditure be identified in pending updates to the Shire’s integrated planning reporting framework documents:

- Asset Management Plan – Parks and Reserves;
- Borrowings Plan; and
- Reserves Fund.

### **POLICY COMPLIANCE**

Procurement processes will need to comply with the State and Shire’s procurement and local purchasing preference policies. The PMP details the suite of Council policies that the project will need to comply with as part of its quality assurance management.

### **STATUTORY COMPLIANCE**

Not applicable.

### **CONCLUSION**

At this stage, a full understanding of the detailed scope of works for the Apple Fun Park Revitalisation Project is yet to be finalised largely due to the need for public consultation to first be undertaken and given that the Shire is yet to appoint a playground specialist with a preferred concept design.

The DTCRP element of the Project is underway with the consultation phase complete and assessment of the consultation being undertaken that will inform the development of a Master Plan that will be presented to Council at its October 2019 meeting for endorsement.

This preliminary PMP is based on the range of information that the Shire currently has on hand, however does make some assumptions for certain elements of the project.

Whilst the PMP is an operational tool, it is presented to Council for its endorsement with a view to establishing a clear framework by which to approach this project moving forward.

**COUNCIL DECISION 139/19  
(Executive Recommendation)**

**MOVED: Cr Atherton**

**SECONDED: Cr Lindemann**

**That Council:**

- 1. Confirms that the strategic objectives of the Apple Fun Park Renewal Project are as follows:**
  - 1.1 to re-establish the Donnybrook Apple Fun Park’s reputation as the best free public playground in Western Australia;**
  - 1.2 in conjunction with the Donnybrook Town Centre Revitalisation Project, to cement Donnybrook and surrounds as a regional tourism node that is appealing to local, interstate and international visitors from a variety of backgrounds;**
  - 1.3 to support the local community to take advantage of the economic, social and cultural benefits arising from the establishment of a high quality precinct in accordance with the Apple Fun Park Renewal Project - Project Management Plan.**
- 2. Endorses the Apple Fun Park Renewal Project - Project Management Plan dated 10 September 2019 as provided in Attachment 9.4.1(1);**
- 3. Commits to completing the Apple Fun Park Renewal Project and subsequent acquittal by the 31 December 2021; and**
- 4. Instructs the CEO to update the Shire of Donnybrook Balingup’s relevant Integrated Planning and Reporting Framework documents to reflect the initiation of the Apple Fun Park Renewal Project and associated financial implications.**

**Carried 9/0**

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## 9.5 MANAGER AGED CARE SERVICES

### 9.5.1 TUIA LODGE EXPANSION PROJECT – PROJECT MANAGEMENT PLAN

<b>Location</b>	Tuia Lodge, Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Ben Rose (Chief Executive Officer) Bob Lowther (Manager Aged Care Services)
<b>Attachments</b>	9.5.2 (1) Project Management Plan
<b>Voting Requirements</b>	Simple Majority (Note Key Personnel requirement)
<b>Executive Summary</b>	Project funding for the expansion and partial refurbishment of Tuia Lodge has been secured from multiple sources. Council is requested to consider the procurement methodology options to progress the project.

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
3.3 A safe and healthy community environment for all ages.	3.3.1 Promote 'ageing in place'	3.3.1.1 Enable a diversity of aged care services and facilities within the district.  3.3.1.3 Review opportunities for integration of dementia care into Shire, community and private facilities and services.

### BACKGROUND

Following completion of the Federal Government Caretaker period, the previously announced grant of \$1.45M towards the expansion of Tuia Lodge was secured via contract with the Federal Department of Health in August 2019.

This Federal Grant, along with Shire funding and co-contribution from the Jack Denning Estate will enable expansion and refurbishment to Tuia Lodge, as follows:

1. A new dementia-friendly wing, including 10 new rooms and associated sensory garden and environs.
2. A custom designed palliative care suite (retrofitting of existing kitchenette/library space).
3. Retrofitting of a reticulated fire suppression sprinkler system across all internal rooms of Tuia Lodge.

In addition to the capital grant of \$1.45M, the Federal Department of Health has approved recurrent operational funding for the 11 additional rooms (via the Aged Care Funding Instrument).

The Federal Department of Health Grant requires the capital works to be completed by March 2021.

## **DETAILS**

Executive staff have sought advice from a procurement specialist in relation to the most appropriate procurement / contract methodology for this very specialised field of development.

### ***Expansion project (Dementia Wing and Palliative Care Suite)***

The two procurement options considered most appropriate for this type of project are:

- a) Fully documented (traditional) - under this option, an architect and services engineers are engaged to fully design the project. When the design is complete, the project is tendered to builders (usually a minimum of three builders to ensure competitive pricing) and the successful builder engaged.

The primary advantage of this method of procurement is:

- i) design certainty as the builder is contracted to construct in accordance with the design documents.

The disadvantages are:

- i) the consultants are engaged by the client, hence from a cash flow perspective the client funds these costs up front; and
  - ii) any design discrepancies are claimable by the builder as contract variations.
- b) Design and construct - under this option a concept design and functional brief are prepared by the client's architect and then tendered to builders (usually a minimum of three builders to ensure competitive pricing) and the successful builder engaged.

The advantage of this method of procurement is that any design discrepancies are the responsibility of the builder and hence variations are reduced and the cost of services consultants form part of the construction contract. This also suits some clients from a cash flow perspective. Design and construct projects can generally be delivered quicker than traditional fully designed projects as the builder can program design around their construction program.

The disadvantages are the loss of some design certainty as the builder oversees the design team. This can be controlled by establishing design check points whereby the design is approved by the client before proceeding to the next stage of design documentation. It is also important that non-negotiable deliverables are described in the functional brief. For example, in an aged care facility design, imperatives such as minimum door widths, fit for purpose bathrooms, ease of cleaning, nurse call



functionality etc must be described in the design brief and are not discretionary. This method of procurement is also preferred when integrating with existing facilities (as in the case with this project) as it is the builder's responsibility to ensure that their design works.

Typically, a design and construct procurement strategy is slightly more expensive up front than a traditional contract (typically 3-5%) as the builder will build in a risk premium to cover their variations.

It is expected that either procurement method will allow the project to be completed by the funding deadline if design works commence in the next two months.

It is the Executive's recommendation that a design and construct method of procurement is the preferred option for this project for the following reasons:

- a) Program (timeline) advantage.
- b) Budget certainty (less variations). A Guaranteed Maximum Price (GMP) contract could also be applied through the tender/contract.
- c) Integrating with an existing facility where the builder is responsible for their design integrating with the existing building(s).

### ***Fire Suppression System***

The Executive has sought cost estimates for these works, based on a design provided by North Point Consulting. The fire suppression system design will need to be updated when the expansion plans are finalised, however, a future connection point to the expanded area has already been identified.

There are two alternate procurement methodologies for these works:

- a) Tender the required works, as already documented by Holton Connor Architects (i.e. separate the fire suppression system works and contract from the expansion works and contract); or
- b) Wait until the builder is engaged for the expansion project and do the works concurrently. Under this scenario, as the delivery of the fire system is the responsibility of the builder, it would be prudent for the builder to seek alternate prices for this work to see if it can be delivered more competitively than the cost estimates already received.

It is the Executive's recommendation to wait to undertake the fire suppression system upgrade until the builder is engaged and require the builder to undertake these works as it will result in less disruption and the Shire will have comfort that the whole fire system has been installed under the building contract which is desirable from a warranty perspective. There may be a cost premium as the builder will apply margin to these works, however this will be determined when the works are tendered. If the cost of combining the contracts is prohibitive (builder adds a large risk margin), the two contracts can be run separately.

## CONSULTATION

Statutory consultation will be undertaken in relation to the required tender for the project. A resolution of Council will be required to approve a successful tender.

At an operational level, detailed project consultation will be required with Tuia Lodge residents, families, staff and visitors, neighbouring property owners/occupiers, suppliers, contractors and many other stakeholder groups.

## FINANCIAL IMPLICATIONS

The following project budget summary identifies the funding source and estimated value for each project element.

Funding Source	Project Element	Value
Federal Grant	Dementia Wing	\$1,450,000
Shire Contribution - Aged Care Bonds	Dementia Wing	\$50,000
Jack Denning Estate	Palliative Care Suite	(up to) \$250,000
Shire Loan Facility (19/20 Budget)	Fire Suppression System	(up to) \$500,000
<b>TOTAL</b>		<b>\$2,250,000</b>

In adopting the recommended 'design and construct' procurement methodology, which includes delivering both the facility expansion and fire suppression system elements concurrently (although financed/budgeted separately), the Executive emphasises to the Council that the 2019/20 budgeted (via loan facility of up to \$500k) fire suppression system installation is highly unlikely to be completed until the 2020/21 year. If the Council is uncomfortable with this arrangement, an alternate motion to separate these elements of the projects should be considered by the Council.

## POLICY COMPLIANCE

Compliance with the Shire's Tendering and Purchasing Policy (includes local price preference) will be required for this contract.

## STATUTORY COMPLIANCE

Local government is required to comply with the provisions of the Local Government (Functions and General) Regulations 1996 when undertaking procurement for goods and services in excess of the tender threshold of \$150,000.

## CONCLUSION

\$2,150,000 has been secured (via a Federal Grant, the Jack Denning Estate and Shire funding) to deliver a major expansion and refurbishment to Tuia Lodge. The primary consideration of this report to Council, and the attached Project Plan, is to explore and recommend a preferred procurement methodology for the two key components of the project. The Executive's recommendation is to apply a design and construct procurement methodology for this project. The detailed project budget and detailed project timeline (Gantt chart) will be delivered by the successful tenderer under the

recommended design and construct methodology, and hence, the attached Project Plan is at a superordinate level.

#### EXECUTIVE RECOMMENDATION

That Council:

1. Endorse the attached Project Management Plan – Tuia Lodge Expansion Project 2019, noting that construction is due for completion under the Commonwealth grant conditions by 31 March 2021.
2. Endorse the ‘design and construct’ procurement methodology to deliver the Tuia Lodge Expansion Project, which incorporates installation of an appropriate reticulated fire suppression system.

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#### **COUNCIL DECISION 140/19 (Alternate Motion)**

**Moved: Cr Piesse                      Seconded: Cr Tan**

1. **Endorse the attached Project Management Plan – Tuia Lodge Expansion Project 2019, noting that construction is due for completion under the Commonwealth grant conditions by 31 March 2021.**
2. **Endorse the ‘design and construct’ procurement methodology to deliver the Tuia Lodge Expansion Project, which incorporates installation of an appropriate reticulated fire suppression system, subject to:**
  - 2.1 **Given the Fire Suppression System of \$500k has already been approved by Council and accounted for in the 2019-20 budget and the community have been advised for some months even as late as the formal advice contained within annual rate notices that such is to happen in the 2019-20 budget period, if delayed until the construction of the Federally funded 10 Dementia and 1 Palliative Care wards, the Fire Suppression System project be commenced forthwith.**

**Carried 8/1**

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**9.6 *MANAGER COMMUNITY DEVELOPMENT***

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Nil.

## 9.7 EXECUTIVE MANAGER OPERATIONS

Moved: Cr Atherton

Seconded Cr Tan

To deal with item 9.7.1 out of sequence of the agenda, prior to item 9.1.3

Carried 9/0

### 9.7.1 STRATEGIC DIRECTION FOR DONNYBROOK ARBORETUM SITE AND RESPONSE TO KIRUP PROGRESS ASSOCIATION REQUEST TO RE-LOCATE HISTORICAL MILLING EQUIPMENT

<b>Location</b>	Donnybrook Arboretum (Reserve 8979)
<b>Applicant</b>	Kirup Progress Association
<b>File Reference</b>	A3617
<b>Author</b>	Steve Potter (Executive Manager Operations)
<b>Responsible Manager</b>	Steve Potter (Executive Manager Operations)
<b>Attachments</b>	9.7.1(1a) and (1b) - Cost Tables 9.7.1(2) ARBEX Submission 9.7.1(3) KPA Submission
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• Council is requested to consider possible scenarios to establish its long term strategic vision for the Donnybrook Arboretum.</li> <li>• Council is also being requested to determine the Kirup Progress Association's request to relocate historical milling machinery from the Arboretum to Mill Park in Kirup.</li> <li>• Officers are recommending the Arboretum site be improved to a standard reflective of its use and the existing milling equipment be retained at the Arboretum site.</li> </ul>

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
2.1 An attractive and maintained built environment	2.1.1 Maintain, renew an improve infrastructure within allocated resources	2.1.1.2 Seek funding for development and renewal of infrastructure
3.2 An engaged, supportive and inclusive community	3.2.1 Provide and maintain appropriate community facilities	3.2.1.3 Maintain community facilities within resource capacity

### BACKGROUND

At the Ordinary Council Meeting on 26 June 2019 Council resolved the following in response to a formal request by the Kirup Progress Association (KPA) to re-locate historical timber machinery currently installed at the Donnybrook Arboretum to Mill Park in Kirup:

*“That Council:*

1. *Commends the Kirup Progress Association for its proactive approach to promoting and improving the Kirup townsite;*
2. *Defers its final decision regarding the potential relocation of the milling equipment from the Donnybrook Arboretum to Kirup Mill Park to enable Council to first consider a separate report presenting options for the long-term future for the Arboretum site at the September 2019 Ordinary Council Meeting;*
3. *Instructs the Chief Executive Officer to prepare a separate report for Council to be presented at the September 2019 Ordinary Council Meeting presenting options for the long-term future of the Arboretum site (inclusive and exclusive of the milling machinery) and addressing the following:*
  - 3.1 *Potential improvements to return the Arboretum site to a suitable standard to attract passing visitors to spend time at the locality;*
  - 3.2 *Indicative costs to the Shire to improve the site to a suitable standard;*
  - 3.3 *Details of any external contributions that may be forthcoming (financial or in-kind) from interested individuals, businesses or community groups;*
  - 3.4 *Details of any external grant funding that may be applicable to improvement works at the site.*
4. *Instructs the Chief Executive Officer to undertake any actions required to determine and provide for Council’s consideration at the September 2019 Ordinary Council Meeting further information addressing the following:*
  - 4.1 *Current condition of all historical milling machinery;*
  - 4.2 *Any constraints that may prevent the re-location of the machinery in its present condition;*
  - 4.3 *Nature and extent of all works required to refurbish the machinery to an acceptable standard;*
  - 4.4 *Indicative costs for re-location and refurbishment;*
  - 4.5 *Any public safety measures that may be required for the machinery’s installation at Mill Park.”*

**DETAILS**

Officers have collated information pertaining to each of the points indicated in Council’s resolution above which will be addressed in turn:

Potential improvements to return the Arboretum site to a suitable standard to attract passing visitors to spend time at the locality;

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Officers have prepared three different scenarios for Council’s consideration, as per the tables presented in Attachment 9.7.1(1a) and (1b). The scenarios presented are ‘basic’, ‘intermediate’ and ‘advanced’ with the standard of facilities provided under each scenario ranging from undertaking quarterly modest site maintenance and providing minimal facilities under the ‘basic’ scenario, to installing public toilets, picnic and barbecue facilities and formalised footpaths with a corresponding higher level of maintenance under the ‘advanced’ scenario. Ultimately, there are a number of different approaches open to Council which may involve a mixture of elements of different scenarios, however any strategic direction adopted will have its own implications in terms of up-front capital and on-going operational costs.

Indicative costs to the Shire to improve the site to a suitable standard

The tables in Attachment 9.7.1(1a) and (1b) include estimated up-front capital and ongoing operational costs for each of the scenarios presented which are summarised in the below table:

Scenario	Capital Costs	Operational Costs (per annum)
Basic	\$70,133	\$16,000
Intermediate	\$108,471	\$34,000
Advanced	\$452,183	\$89,000

Full details of the elements that contribute to these overall figures are provided in the attachment.

Details of any external contributions that may be forthcoming (financial or in-kind) from interested individuals, businesses or community groups;

Officers contacted those individuals who made a formal submission when the matter was previously advertised to seek clarification as to any financial or in-kind contributions they may be willing to make to the future development and/or maintenance of the Arboretum site. Council received one submission from a group identifying as ARBEX who have indicated a willingness to make a contribution, however the nature and extent of this contribution is yet to be determined. ARBEX suggests a Working Group (or similar) be formed to coordinate improvements to the site. The written submission received is provided in Attachment 9.7.1(2).

Details of any external grant funding that may be applicable to improvement works at the site

Officers have contacted Lotterywest which is possibly the most likely source of external funding. Advice received from Lotterywest indicates that significant planning would need to be undertaken upfront to support an application and would likely require a financial co-contribution from Council. The following project assessment criteria were also provided by Lotterywest:

- *Demonstrated community need/opportunity;*
- *Collaboration with the community and sector (including relevant government agencies);*
- *Suitable partnerships in place;*

- *Sound plans for the initiative (project plans), including what will be delivered and achieved and how this will be evaluated and shared;*
- *The resources needed for the initiative and demonstrate value;*
- *A sound budget for the overall initiative and showing what is requested from Lotterywest;*
- *Appropriate levels of funding from the Shire and other sources;*
- *Demonstration of how the grant outcomes will be achieved and how this will contribute towards Lotterywest's Framework outcomes;*
- *What happens after the grant ends;*
- *Documents to help support the request such as a needs assessment, feasibility study, business case, project plan, evaluation plan.*

#### Current condition of all historical milling machinery

Shire officers invited a representative of a local historical machinery museum to inspect the machinery on site who advised the following:

- The equipment is in a generally poor state of repair;
- Restoring the equipment to a functional standard is unlikely and based on their experience would require a significant amount of time and may be cost-prohibitive;
- The steam engine boiler is rusted through and is likely to have rusted from the inside out and therefore it may have significant internal deterioration;
- It was recommended that the items be sandblasted / painted / superficially repaired to form a 'static display';
- It was recommended that missing belts and pulleys be reinstated, which could be undertaken without significant costs.

#### Any constraints that may prevent the re-location of the machinery in its present condition

Shire officers met with a representative from a local crane company who advised that it would be a reasonably straightforward exercise to re-locate the existing milling machinery including the steam engine (subject to the existing timber shelter structure first being removed). They advised that they had previously moved similar type equipment in Manjimup and that it was unlikely to cause them any issues.

#### Nature and extent of all works required to refurbish the machinery to an acceptable standard

Shire officers have liaised with a local sandblasting/painting contractor to determine what would be required to refurbish the steam boiler to a reasonable condition for static display and they have provided advice and indicative costs (outlined in the following section) for the work involved.

With regards to the timber whim, advice received is that it is difficult to put a cost on restoration as it would be labour intensive and likely to require the re-fabrication of bespoke timber components to replace those that are beyond repair. If this item is to be restored, it is likely to require the services of dedicated volunteers with the relevant expertise to undertake the required works.



### Indicative costs for re-location and refurbishment

The crane company has estimated the cost of relocating the steam boiler to Kirup would be in the vicinity of \$2,500-\$3,000 depending on the time required.

The cost of removing the existing timber structure would depend on whether it was to be demolished, reinstated on the same site, or re-located and re-constructed on another site. Demolition and disposal is likely to be relatively inexpensive, however the other two options would be more expensive due to the labour intensive nature of reconstruction.

The advice received is that it would cost approximately \$6,000 to sandblast and respray the steam engine which includes the sandblasting and spray painting up to the roofline (red body and black wheels). Due to parts of the boiler being rusted through, there would also need to be some superficial plate welding undertaken which would be an additional cost, although unlikely to be significant.

### Any public safety measures that may be required for the machinery's installation at Mill Park.

Officers have recently undertaken a range of minor works at the Arboretum site from a safety perspective which has included welding and securing moving machinery parts to avoid injury to members of the public.

It is possible that if the machinery were to be re-located to Mill Park appropriate fencing may need to be installed to prevent people (including children) from interacting with the machinery. It is important to note that these safety measures would likely apply to either site and therefore is applicable to both possible outcomes.

Officers have costed the installation of 1.2m high open style fencing at \$196/m. It will depend on the extent of fencing undertaken as to the cost as per the following table with the following estimates provided based on the existing site:

<b>Area</b>	<b>Fence length</b>	<b>Cost</b>
Shed surrounds	66m (15 x 18m)	\$12,936
Well / Mock Mine	100m (10 x 10m)	\$19,600
Whim	24m (8 x 3m)	\$4,704
<b>Totals</b>	<b>190m</b>	<b>\$37,240</b>

### Kirup Progress Association Submission

The KPA has made a submission to Council containing further information about its intended activities with regard to re-locating and refurbishing the machinery and also outlining indicative cost estimates for the works involved. Whilst there are some slight differences to the costs obtained by staff, they are generally consistent. It is noted that the costs provided by the KPA also include volunteer labour and in-kind contributions, which has not been taken into account by staff when determining costs based on market rates. The KPA's submission is included in Attachment 9.7.1(3)

## **CONSULTATION**

This matter has previously been advertised publicly on two separate occasions.

At a recent presentation to Council representatives of the Golden Valley Tree Park advised that they had undertaken a preliminary assessment at the Arboretum and suggested that the trees may benefit from some thinning. When conducting future tree maintenance at the Arboretum it is recommended that further consultation is undertaken with this group who have a high level of expertise in this area.

Since Council last considered the matter, officers have further liaised with those that made submissions in an endeavor to determine the level of their commitment and seek an indication of the nature of contributions that may be forthcoming.

As identified previously in this report, a group identifying as ARBEX have indicated a willingness to assist with the site and it is recommended that the Chief Executive Officer be authorised to liaise with this and any other incorporated body which may have an interest in achieving Council's identified outcomes for the site. A recommended resolution has been included to this effect (Attachment 9.7.1(2)).

The KPA have also made a further submission (Attachment 9.7.1(3)).

## **FINANCIAL IMPLICATIONS**

There are both up-front and ongoing operational financial implications, depending on the strategic direction determined by Council and the availability of volunteer assistance.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Not applicable.

## **OFFICER COMMENT**

Whilst there are a number of factors to take into account, officers consider determining the matter essentially comes down to resolving two pivotal questions as follows:

1. What is Council's long-term strategic intent for the Arboretum site and what needs to be done to achieve this vision?
2. Does this long term vision involve the milling equipment on the site or could this be removed and used elsewhere (Mill Park)?

Each of these will be addressed separately.

### Strategic Vision for Arboretum Site

Prior to considering any future strategic direction for the Arboretum site, it is important to note that Council has previously considered this matter in adopting the Donnybrook Townscape Plan 2012-17 (DTP). Whilst it is acknowledged that the DTP may be outdated, it includes Council's former strategic direction for the Arboretum site which formed part of the 'Irishtown Road Heritage Precinct' with the following recommendations:

- a. *Support Donnybrook Friends of the Arboretum Group in management and promotion of the Arboretum, including priority projects such as:*
  - *Low fuel and weed management;*
  - *Protection of arboretum timber species through installation of bollards and re-installation of timber species signage;*
  - *Removal of existing benches and barbecues and installation of new benches;*
  - *Safety and security upgrades to machinery and timber display;*
  - *Improved harvest Highway signage to replace existing, encouraging visitors into Donnybrook.*
- b. *Lobby Main Roads Western Australia to prioritise the planned Tourist Information Bay. Consideration should be given to parking for caravans and campers, tourist information and directional signage.*
- c. *Secure contributions from future subdivisions for pedestrian linkages to the Donnybrook Townsite and prioritise walk trails as part of Council's Trails Masterplan.*
- d. *In conjunction with local environmental groups and State government agencies, implement the rehabilitation plan for the Preston River.*

In terms of the current situation with regard to the above recommendations the following comments are provided:

- The Friends of the Arboretum Group is no longer in existence and therefore the site has been largely neglected in recent years as the Shire has historically not dedicated funds for ongoing maintenance and/or improvements.
- When upgrading this section of the highway Main Roads WA advised it was not generally supportive of the proposal to construct a Tourist Information Bay adjacent to the highway. MRWA further advised that if Council wished to pursue the option it would need to fund all works and consequently it was not progressed. There is currently sufficient space for caravans etc. to park at the rear of the Arboretum.
- Without a dedicated Developer Contribution Scheme being in place approved by the Western Australian Planning Commission (WAPC), the Shire does not have the ability to request developers contribute to district level pathways outside of their development area.

- Officers understand the rehabilitation plan referred to relates to the entire stretch of Preston River and not just this locality. It is unclear as to how much rehabilitation has been undertaken at this site. It is noted that generally rehabilitation of waterways is the responsibility of the Department of Water and Environmental Regulation (DWER).

In light of the above, it can be concluded that the DTP and the recommendations contained therein pertaining to the Arboretum may have become irrelevant over time due to changing circumstances and/or are unachievable due to lack of support, funding or compliance with the regulatory framework. It therefore may be time for Council to revisit its long term strategy for the subject site in determining the path forward.

In making a decision on how to proceed in this regard, officers consider that the following considerations are relevant:

- Despite the fact that there may be community volunteers interested in assisting, Council should not rely on the availability of volunteers when making long-term decisions for either the Arboretum site or Mill Park (or any other Shire facility/asset). It is the Executive's recommendation that, as a Shire asset, the Shire should budget the full capital and operating costs for its own assets / facilities; any benefits derived from volunteering or benevolent contributions should be taken as a 'windfall gain', enabling the Shire to re-direct resources (financial or human) into other community activities, services or initiatives.
- External grant funding may be available in the future, however it will require significant planning up-front to meet the assessment criteria for any funding body. As the Arboretum is not identified as a priority project in the Shire's Corporate Business Plan, officers do not consider that it is warranted spending the Shire's human or financial resources on undertaking additional works for this locality at this time.
- As the Arboretum was previously managed by volunteers, there was no annual maintenance allocation in the budget. An annual maintenance allocation specific to the Arboretum should be considered in any future budgets, regardless of which direction is supported by Council.

If it is accepted that Council is primarily responsible for the site and will likely fund the majority of any upgrades and ongoing maintenance, it is important to determine the long term function of the site in this light. In reviewing the details of the DTP, it is evident that it was viewed at that time as a location where tourists would stop off and possibly get some information about the town. It is noted that the planned upgrades under the DTP were reasonably modest in scale and largely involved replacement of benches, installation of signage and new pathways. It is therefore apparent that the site was never intended to represent a major tourist drawcard in its own right, but rather has always been intended as a pleasant stopover for visitors on their entry into town.

It is officers' position that despite the DTP possibly being a little outdated, the existing function of the site is largely consistent with the intent identified in the DTP with caravans / motorhomes etc. often being observed at the site. Furthermore, the use of the site for this purpose is considered the most appropriate one – that is, as a low key rest stop, and that Council's long term intentions for the site should reflect this. This

does not mean that the site does not require some attention, however officers are suggesting that any future improvements be of a modest scale and that the site be maintained to a minimal standard, to retain its natural feel, as well as taking into account the financial implications to the Shire.

One component that could be improved with relatively minimal cost is information signage associated with the historical machinery (if retained at the site) and arboretum trees and therefore a higher standard is recommended across all three scenarios in this regard to provide added interest for visitors.

#### Retention / Removal of Milling Machinery

Council has been requested by the Kirup Progress Association (KPA) to approve the re-location of the existing milling machinery located at the Arboretum to Mill Park in Kirup. When Council previously considered the matter in June 2019, it requested additional research be undertaken by staff to ascertain indicative costs for relocation and whether there were any constraints that would prevent this from occurring. As evidenced earlier in this report, the information collated indicates that the machinery could be moved without too much difficulty and the costs of doing so are reasonable. Furthermore, the submission by the KPA suggests they have the capacity to undertake the relocation and refurbishment of the machinery. As such, if Council is of the view that it wishes to approve the KPA's request, then officers are confident this could be practically achieved, subject to suitable checks and balances being put into place.

In terms of the equipment's contribution to the function of the Arboretum site, officers are of the view that whilst the machinery may create a mild point of interest, its existence is perhaps unlikely to make visitors stop (who were not otherwise planning on doing so) and this would likely be the case even if superficial improvements were made to the site and machinery. Essentially, the site operates as a low-key rest stop and the existence or removal of the machinery is considered unlikely to have a significant impact in this regard.

In terms of determining the appropriate path forward with regards to the KPA's request to re-locate the machinery to Mill Park, it very much depends on which lens Council uses in making a decision. If Council is viewing it from a financial perspective, then it may make sense to approve the KPA's request as they are proposing to fully fund the re-location and restoration of the equipment which would save the Shire from funding such works and they have furthermore committed to maintaining the equipment once it is installed. However, as previously mentioned, officers caution Council from making long-term decisions on the basis of relying on volunteer groups as the Shire is ultimately responsible and will potentially need to maintain the machinery in whichever location it ends up.

In the previous report presented to Council, officers suggested that the machinery held local social heritage significance, due to its association with local community groups (including Rotary and Apex) and its contribution to Donnybrook's sense of place and therefore should be retained at the present site. Without repeating the information in this report, officers reiterate this position and are therefore recommending that Council resolves to retain the existing machinery at the Arboretum site, whilst wishing to acknowledge the positive contribution of the KPA.

## CONCLUSION

The KPA's request to relocate the historical milling machinery at the Arboretum to Mill Park has caused Council to re-consider its long-term vision for the Arboretum site.

Officers have reviewed the previous strategic direction identified by Council and have determined that under the DTP, the intent for the site was always for it to be a low-key rest stop for travelling visitors and that this should remain so.

Possible improvements have been identified and indicative costs provided and officers are recommending that basic improvements be introduced through the Shire's Parks and Reserves Asset Management Plan, and an annual maintenance allocation be introduced into the 2020/21 Budget and on an annual basis thereafter. This approach will enable improvements to be made gradually over time, and a minimal standard of maintenance undertaken, without having a significant impact on the Shire Budget.

With regard to the milling equipment, officers are recommending that the equipment remain on site for the reasons outlined in the June report, however if Council is of the view that it wishes to approve the KPA's request, it is recommended that it does so in line with the following alternate resolution:

## ALTERNATE EXECUTIVE RECOMMENDATION

*That Council:*

1. *Reaffirms that Council's strategic direction for the Donnybrook Arboretum site is to perform the function of a low-key tourist rest stop (without bathroom / toilet or any extended or overnight-stay facilities);*
2. *Commits to the following improvements to the Arboretum site which shall be included in future revisions of the Parks and Reserves Asset Management Plan from 2020/21 onwards for consideration in future budgets:*

Year	Item	Cost
2020/21	2 x Bench Seats and 2 x Picnic Tables	\$9,652
2020/21	Signage (Trees)	\$3,000
2021/22	Gravel Path (310m)	\$18,135
2022/23	Information Bay	\$20,000

3. *Commits to considering the following allocation in the Shire's Annual Budget, from 2020/21 onwards, for the ongoing maintenance of the Arboretum site:*
  - 3.1 *Annual Tree Maintenance (\$10,000 p/a)*
  - 3.2 *Quarterly Site Maintenance (\$4,000 p/a)*
4. *Requests the Chief Executive Officer to liaise with community groups (with Incorporation status, or otherwise) that may provide voluntary assistance or co-contribution (financial, in-kind, materials or other) to Council in improving the site with regard to tree maintenance and interpretive signage.*

5. *Approves ‘in-principle’ the Kirup Progress Association’s request to relocate all historical milling machinery and associated equipment currently located at the Donnybrook Arboretum to Mill Park in Kirup, subject to the following conditions:*
  - 5.1 *Prior to any works being undertaken the KPA is to submit a detailed ‘Relocation and Refurbishment Management Plan’ to the satisfaction of the Chief Executive Officer outlining the following:*
    - 5.1.1 *Proposed method of relocation taking into account any constraints identified;*
    - 5.1.2 *Details of any interim storage of the equipment whilst it is being restored, prior to installation at Mill Park;*
    - 5.1.3 *Details of how the KPA intends to refurbish the equipment to an acceptable standard for public display;*
    - 5.1.4 *Details of any relevant skills, expertise or equipment at the KPA’s disposal to support the re-location and refurbishment of the machinery;*
    - 5.1.5 *Details of the KPA’s long-term commitment to the ongoing maintenance of the machinery once installed;*
    - 5.1.6 *Details of any safety measures that will be implemented at Mill Park to prevent injury to members of the public.*
6. *Subject to the ‘Relocation and Refurbishment Management Plan’ referred to in Point 5 being approved by the Chief Executive Officer, a formal agreement is to be prepared and signed by the Chief Executive Officer / Shire President and the Kirup Progress Association, outlining the responsibilities of each party, with any contentious issues to be brought back to Council for further consideration.*
7. *Subject to the formal agreement referred to in Point 6 being entered into by both parties, authorises the Kirup Progress Association to commence works involving the re-location of the equipment from the Arboretum to Mill Park.*

## EXECUTIVE RECOMMENDATION

That Council:

1. Reaffirms that Council’s strategic direction for the Donnybrook Arboretum site is to perform the function of a low-key tourist rest stop (without bathroom / toilet or any extended or overnight-stay facilities);
2. Commits to the following improvements to the Arboretum site which shall be included in future revisions of the Parks and Reserves Asset Management Plan from 2020/21 onwards for consideration in future budgets:

Year	Item	Cost
2020/21	Safety Fencing (Shed structure only)	\$12,936
2020/21	2 x Bench Seats and 2 x Picnic Tables	\$9,652
2021/22	Sandblasting / Painting Machinery (Steam Engine)	\$8,000
2021/22	Interpretive Signage (Trees and Machinery)	\$5,000
2022/23	Gravel Path (310m)	\$18,135
2023/24	Information Bay	\$20,000

3. Commits to considering the following allocation in the Shire’s Annual Budget, from 2020/21 onwards, for the ongoing maintenance of the Arboretum site:
  - 3.1 Annual Tree Maintenance (\$10,000 p/a);
  - 3.2 Quarterly Site Maintenance (\$4,000 p/a).
4. Requests the Chief Executive Officer liaise with community groups (with Incorporation status, or otherwise) that may provide voluntary assistance or co-contribution (financial, in-kind, materials or other) to Council in improving the site with regard to machinery restoration, tree maintenance and interpretive signage.
5. Advises the Kirup Progress Association that it is not supportive of the Association’s request to re-locate historical milling equipment from the Donnybrook Arboretum to Kirup Mill Park for the following reason:
  - 5.1 The milling equipment is considered to have social heritage significance to the Donnybrook community due to the involvement of community members in installing it in 1979 and its ongoing contribution to Donnybrook’s sense of place.
6. Instructs the Chief Executive Officer to liaise with the Kirup Progress Association to:
  - 6.1 Investigate alternative opportunities for developing Mill Park to create added interest and underpin economic activity support for businesses in Kirup;
  - 6.2 Explore external funding opportunities for designing, planning and constructing concepts for developing Mill Park.



**COUNCIL DECISION 141/19  
(Alternate Motion)**

**Moved: Cr Mitchell**

**Seconded: Cr Tan**

**That Council:**

- 1. Reaffirms that Council’s strategic direction for the Donnybrook Arboretum site is to perform the function of a low-key tourist rest stop (without bathroom / toilet or any extended or overnight-stay facilities);**
- 2. Commits to the following improvements to the Arboretum site which shall be included in future revisions of the Parks and Reserves Asset Management Plan from 2020/21 onwards for consideration in future budgets:**

<b>Year</b>	<b>Item</b>	<b>Cost</b>
<b>2020/21</b>	<b>2 x Bench Seats and 2 x Picnic Tables</b>	<b>\$9,652</b>
<b>2020/21</b>	<b>Signage (Trees)</b>	<b>\$3,000</b>
<b>2021/22</b>	<b>Gravel Path (310m)</b>	<b>\$18,135</b>
<b>2022/23</b>	<b>Information Bay</b>	<b>\$20,000</b>

- 3. Commits to considering the following allocation in the Shire’s Annual Budget, from 2020/21 onwards, for the ongoing maintenance of the Arboretum site:**
  - 3.1 Annual Tree Maintenance (\$10,000 p/a)**
  - 3.2 Quarterly Site Maintenance (\$4,000 p/a)**
- 4. Requests the Chief Executive Officer to liaise with community groups (with Incorporation status, or otherwise) that may provide voluntary assistance or co-contribution (financial, in-kind, materials or other) to Council in improving the site with regard to tree maintenance and interpretive signage.**
- 5. Approves ‘in-principle’ the Kirup Progress Association’s request to relocate all historical milling machinery and associated equipment currently located at the Donnybrook Arboretum to Mill Park in Kirup, subject to the following conditions:**
  - 5.1 Prior to any works being undertaken the KPA is to submit a detailed ‘Relocation and Refurbishment Management Plan’ to the satisfaction of the Chief Executive Officer outlining the following:**

- 5.1.1 Proposed method of relocation taking into account any constraints identified;**
  - 5.1.2 Details of any interim storage of the equipment whilst it is being restored, prior to installation at Mill Park;**
  - 5.1.3 Details of how the KPA intends to refurbish the equipment to an acceptable standard for public display;**
  - 5.1.4 Details of any relevant skills, expertise or equipment at the KPA's disposal to support the re-location and refurbishment of the machinery;**
  - 5.1.5 Details of the KPA's long-term commitment to the ongoing maintenance of the machinery once installed;**
  - 5.1.6 Details of any safety measures that will be implemented at Mill Park to prevent injury to members of the public.**
- 6. Subject to the 'Relocation and Refurbishment Management Plan' referred to in Point 5 being approved by the Chief Executive Officer, a formal agreement is to be prepared and signed by the Chief Executive Officer / Shire President and the Kirup Progress Association, outlining the responsibilities of each party, with any contentious issues to be brought back to Council for further consideration.**
- 7. Subject to the formal agreement referred to in Point 6 being entered into by both parties, authorises the Kirup Progress Association to commence works involving the re-location of the equipment from the Arboretum to Mill Park.**

**Carried 6/3**

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**9.8 CHIEF EXECUTIVE OFFICER**

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Nil.

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

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Nil.

## **11 QUESTIONS FROM MEMBERS**

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Nil

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

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Cr Mills made a statement as a departing Council member, acknowledging his fellow Councillors.

## **13 MEETINGS CLOSED TO THE PUBLIC**

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### **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 ITEM – RATES WAIVING**

This report is confidential in accordance with section 5.23 (2) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

(b) the personal affairs of any person

#### **13.1.2 CONFIDENTIAL ITEM - REVIEW OF AGED CARE SERVICES**

This report is confidential in accordance with section 5.23 (2) 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.*

#### **13.1.3 CONFIDENTIAL ITEM – PRESTON RETIREMENT VILLAGE SCHEME LEASE AND REVIEW**

This report is confidential in accordance with section 5.23 (2) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

(e) A matter that if disclosed, would reveal – (ii) information that has a commercial value to a person.

#### **13.1.4 CONFIDENTIAL ITEM – BRIDGE STREET HOUSING PROJECT**

This report is confidential in accordance with section 5.23 (2) 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.

**13.1.5 CONFIDENTIAL ITEM – LICENCE TO USE AND OCCUPY RAILWAY CORRIDOR LAND – MELDENE ESTATE PATHWAY LINK**

This report is confidential in accordance with section 5.23 (2) 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.

**13.1.6 CONFIDENTIAL ITEM – TREVENA BRIDGE PROJECT**

This report is confidential in accordance with section 5.23 (2) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

(b) the personal affairs of any person

**13.1.7 CONFIDENTIAL ITEM – 2018/19 CHIEF EXECUTIVE OFFICER ANNUAL REVIEW AND KEY PERFORMANCE INDICATORS**

This report is confidential in accordance with section 5.23 (2) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

(a) A matter affecting an employee or employees

**RECOMMENDATION**

**MOVED: Cr Tan**

**SECONDED: Cr Wringe**

**That the meeting be closed to the public in accordance with section 5.23(2) of the *Local Government Act 1995* to discuss confidential item 13.1.7**

6:45pm - The meeting was closed to the public. The Public Gallery, Chief Executive Officer, Manager Corporate Services, Manager Aged Care Services, Manager Works and Services, Manager Development Services, Manager Strategic Projects and Assets departed the Chamber.

**RECOMMENDATION**

**MOVED: Cr Van Der Heide**

**SECONDED: CR Wringe**

**That the meeting be re-opened to the public at 7:15pm.**

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

Nil

## 14 CLOSURE

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The Shire President to advise that the next Ordinary Council Meeting will be held on 23 October commencing at 5.00pm in the Balingup Town Hall.

The Shire President thanked the public gallery for their attendance and declared the meeting closed at 7:15pm.

**These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 23 October 2019**

		
<b>Shire President</b>		<b>Presiding Member</b>