



Notice of Ordinary Council Meeting

TO:

ALL COUNCILLORS

To be held on

Wednesday, 28 May 2014

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

A handwritten signature in cursive script, appearing to read "John Attwood".

John Attwood
Chief Executive Officer

14 May 2014

Disclaimer

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ORDINARY COUNCIL MEETING AGENDA

28 MAY 2014

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SHIRE OF DONNYBROOK/BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 28 May 2014 at 5.00pm

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Dilley (President)	John Attwood - CEO
Cr Mitchell (Deputy)	Leigh Guthridge – Manager Development & Environmental Services
Cr Bailey	Mike Scott – Manager Works & Services
Cr Crowley	Bob Wallin – Principle Planner
Cr Dawson	Judy Franks – Executive Assistant
Cr Duncan	
Cr King	
Cr Logiudice	
Cr McCabe	

PUBLIC GALLERY

1 APOLOGIES

2 PUBLIC QUESTION TIME

Subsequent to the meeting Mr McInnes was provided with the following response in writing.

Simon McInnes

Question 1

In the February Council meeting I asked a number of questions with notice. The minutes of that meeting do not contain my questions in full. Could the Council amend the February meeting minutes to include my questions in full?

Response

At the time the President responded advising that the February minutes would be amended.

Upon reviewing the material supplied in writing by yourself and the recording of the questions in the February 2014 minutes, I am of the opinion that the minutes have truly represented the questions raised by yourself.

The written material supplied also contained commentary which you provided in support of your questions. It is Council's practice to record only the questions raised and the responses provided in the minutes. Any additional dialogue or supporting statements are not recorded

in the minutes as the minutes are not a verbatim account of the meeting. The purpose of public question time is to offer members of the public the opportunity to ask a specific question in relation to a matter concerning the Council or community.

Should members of the public wish to address Council an opportunity can be made available during the delegations / presentations section of the meeting. Arrangements for presentations should be made with the CEO prior to the close of the public agenda for that meeting.

Question 2

In the February meeting Cr Bailey's actions surrounding his failure to follow the rules set out in the Act regarding financial disclosure was referred to the Corruption and Crime Commission by the CEO. If Cr Bailey is found to be corrupt will the vote at that meeting regarding the Local Planning Scheme still stand?

The question was taken on notice. Mr McInnes was subsequently provided with the following response in writing.

Response

The response to your question is 'Yes', the decision will remain valid.

I refer to section 57 of the *Interpretations Act 1984* which states as follows:

“57. Statutory bodies, powers of not affected by vacancies etc.

Where a board, tribunal, commission, committee, council or other similar body, whether corporate or unincorporate, is established under a written law, the powers of such a body shall not be affected by —

- (a) any vacancy in the membership of the body; or*
- (b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member of the body or the deputy or alternate of a member; or*
- (c) a minor irregularity in the convening or conduct of a meeting of the body; or*
- (d) the presence or participation at a meeting of a person not entitled to be present or participate”.*

3 APPLICATION FOR LEAVE OF ABSENCE

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Presentation

Matt Granger, Bunbury Wellington Economic Alliance

Cr Bailey Comment

“I moved a motion in September 2013 to adopt a system whereby Councillors would pay for the alcohol they consumed, the motion was passed. However it seemed that some Councillors were in breach of the motion [were not paying] this was confirmed at the April council meeting and used as a reason to revoke the pay as you drink Motion. At the April Council meeting it was said that risk management is not important and that we are all adults and will not consume too much alcohol. The Councillors control/consumption and being adults was not and has not been questioned.

This motion is an attempt to position Council as:

- 1. Setting a high standard and good example to the community.*
- 2. Indicating to rate payers that in tough economical times council shows restraint and leadership.*
- 3. That Council exercises its duty of care to councillors, staff, and guests.*

Having spoken to other Shires I know they are concerned about risk management and the possible liability of the rate payers who will be ultimately responsible.

This motion will ensure that we have the facts needed to develop a policy”.

Policy/Statutory/Voting Requirements

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Acting CEO Comment

The resolution from the Ordinary Council meeting held on the 25th September 2013 was:

“That Councillors and staff are supplied with a free meal after each Ordinary Council Meeting and other functions where the CEO feels is appropriate to supply a meal. All alcohol consumed by Councillors and staff is to be paid for by the individuals consuming the drinks. Councillors and staff will vacate the building after the Ordinary Council Meeting / meal no later than 10pm or 2 ½ hours after the meeting has finished”.

The above motion was rescinded at the Ordinary Council meeting held on 30th April 2014.

The Shire OSH Officer can research the hospitality practices at Shire functions in other local government authorities and prepare a draft Responsible Service of Alcohol policy. It is recommended that this information be presented for consideration by the Council as part of the annual review of all policies currently being undertaken.

10.2 Community Awards & Grants Committee Meeting – 8 May 2014

10.2.1	SUBJECT:	COMMUNITY GRANTS SCHEME
	Location:	N/A
	Applicants:	Various
	Zone:	N/A
	File Ref:	FNC 08/6
	Author:	Greg Harris, Acting CEO (Samantha Dixon & Deb Vanallen)
	Report Date:	1 May 2014
	Attachments:	10.2.1 Overview of Applications

Background

The Community Grants Policy was developed in January 2008. One round of grants are advertised each year, and applications received will be prioritised using a standard assessment form. The Community Grants Committee will submit recommendations to Council for endorsement in the financial year Budget.

Comment

Grant applications were called for from the 20th of February 2014 and closed on the 17th of April 2014. A total of 23 applications have been received for consideration in the 2014/2015 Budget totalling \$70,431.50.

These consisted of:

- 10 applications for the Community Grants Scheme, totalling \$32,960.50
- 11 applications for the Minor Community Grants Scheme, totalling \$5,471.00
- No applications for Youth Grants.
- 1 application for Donnybrook Amphitheatre events totalling \$2,000.00
- No applications were received for the Support for the Arts.
- 8 applications were received for the Request for Facility Maintenance/Improvement

An overview of the applications received is at **Attachment 10.2.1**. Only one application has been received to date for ongoing sponsorship however the remainder are expected to be received prior to the budget collation. In line with the Community Grants Guidelines and Community Grants Scheme Policies these applications are to be considered by Council during the draft budget meetings.

Consultation

N/A

Policy/Statutory/Voting Implications

Simple majority

Financial Implications

\$12,500 is allocated each year for the Community Grants Scheme.

The implementation of Greensense View sustainability software and associated hardware is presented as an opportunity for Council to achieve this Outcome. This is also included as a strategy in the Shire’s draft Sustainability Plan, of which will be considered by Council elsewhere in this agenda.

Comment

Greensense View is the name for a sustainability software program that has been developed by Greensense. Greensense is a Western Australian Local Government Association (WALGA) preferred supplier for sustainability services. Greensense View has been implemented by local governments and businesses all over Australia and has won several awards in the areas of environmental improvement and sustainability.

The program allows real-time monitoring and reporting of various elements of buildings, facilities, equipment and vehicles in terms of utility and fuel use (eg. energy, water, gas, diesel/petrol), waste management and vehicle emissions. This monitoring and reporting can then be used to focus attention and planning to improve desired outcomes, such as reduced electrical energy consumption to benefit both financial expenditure and the environment. Greensense View has a demonstrated record of achieving these outcomes including for the City of Subiaco and City of Stirling in WA.

As a WALGA preferred supplier the cost of Greensense View has been negotiated to provide value for money for Councils. There is an ongoing annual fee for service for the software due to how the program works, in that the data collected by installed hardware is directly sent to Greensense’s main software program, analysed and reported back to the user via Greensense View. There are also costs associated with the initial outright purchase and installation of hardware in the form of recording device monitors that are attached to the supply network of the desired monitoring aspect, such as mains electrical usage.

Due to the initial implementation costs, focusing on one high use Council building with the program as a start can provide the Shire with a cost effective solution towards achieving its sustainability objectives whilst also monitoring the effectiveness of the program. Additional buildings, facilities and equipment can then be added each year if required. The Shire’s Administration Office and Donnybrook Recreation Centre are two of the Shire’s high use buildings that could be considered for this project. Presented below are the cost estimates for implementing the software and associated hardware for monitoring total energy and water use in the Shire’s Administration Office:

Item	Cost (ex. GST)
Annual Software Service Fee	\$3,000
Annual Data Plan	\$450
Hardware (4 x data loggers, 3 x meters)	\$7,000
Electrical Installation	\$4,000
Commissioning	\$3,000
Contingency Allowance (10%)	\$1,745
Total Estimated Cost	\$19,195

Costs have not been obtained for the Recreation Centre at this initial stage, however additional hardware and associated installation costs would likely be required due to the size of the Centre and different operating elements including the indoor heated pool.

Given plans are underway for the redevelopment and extension of the Administration Office, should the project be implemented for the Office in its current state, careful design for the installation of the hardware will be vital to ensure that the monitoring equipment can still be used as part of the new building. However it could be considered that the limitations and inefficiencies of the Administration Office are already known in general due to its age and design, and the implementation of the program would be more beneficial at the time when the new building is completed.

There are also implications to human resources that need to be considered, in terms of staff time to review the data, report this to Management/Council where relevant, and plan and implement strategies and tasks utilising the data for desired outcomes, such as reducing water or electrical use. If the program is implemented for the Shire Administration Office, it is anticipated that the amount of staff hours required for this role would be 2-4 hours per week. This would need to be considered in the context of the Shire's Workforce Plan and planned for accordingly.

While there are initial set-up and ongoing service fee and staff management costs to implement Greensense View, there are limited alternatives available to Council to fulfill the related Outcome of the *Strategic Community Plan* in terms of conducting regular energy audits within high use Shire buildings. One such alternative is to actively monitor and report on utility bills, such as mains power and water. However this approach is considered labour intensive due to the amount of staff time required in sourcing, entering and analysing data. Utility bills also do not contain specific information regarding time of day usage and do not allow real-time reporting due to being received several months after the usage has occurred, which reduces the potential benefit of utilising the data to attain outcomes.

Council need to invest in a suitable program to enable it to monitor its energy use before it can realise potential cost savings and environmental outcomes from potential reductions and efficiencies in energy use.

It is recommended that Council consider allocation in the 2014/2015 Budget for the implementation of Greensense View sustainability software and associated hardware for the Shire Administration Office, towards achieving the related objective and outcome in the Shire's *Strategic Community Plan*.

Consultation

Staff have liaised with Greensense regarding this proposal.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Risk Assessment

If Council determines not to proceed with the proposal, it is classified as an Almost Certain likelihood and as an Insignificant consequence in the categories of Service Interruption (includes meeting of set objectives) and Reputation in accordance with the Shire's Risk Management Matrix. This results in a rating of Moderate risk in terms of not achieving the related outcome in the Shire's *Strategic Community Plan*.

Financial Implications

Council will need to consider an allocation of \$20,000 ex. GST in the 2014/2015 Budget should the recommended resolution to this report be adopted, and \$3,000 in subsequent Budget years for the ongoing annual software service fee.

Strategic Implications

This project will assist the Shire to achieve Objective 2 of the Shire's *Strategic Community Plan*: "To have a balanced respect for our heritage, natural and built environment" by directly accomplishing Outcome 2.5.4 "Conduct regular energy audits within high use Shire buildings".

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

Moved: Cr

Seconded: Cr

That Council allocate \$20,000 ex. GST in the 2014/2015 Budget for the purchase and implementation of Greensense View sustainability software and associated hardware for the Shire Administration Office.

CEO'S Recommendation

Moved: Cr

Seconded: Cr

That Council consider the allocation of \$20,000 ex. GST in the 2014/2015 Budget for the purchase and implementation of Greensense View sustainability software and associated hardware for the Shire Administration Office.

10.3.2	SUBJECT:	SHIRE SUSTAINABILITY PLAN
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	HLT 01/1
	Author:	L. Guthridge- Manager Development & Environmental Services (E. Thomas-Principal Environmental Health Officer)
	Report Date:	7 May 2014
	Attachments:	10.3.2 Draft Shire Sustainability Plan

Background

Progressing sustainability is a common goal both locally and globally to improve the quality of life for all and to protect the natural environment that supports it.

This goal has been recognised and reflected by the Shire of Donnybrook-Balingup and community by including the following Outcome in the Shire's *Strategic Community Plan*: "Prepare and implement a Sustainability Policy" (Outcome 2.5.2).

To achieve this Outcome a draft Shire Sustainability Plan has been developed.

Comment

Council has existing Policies which incorporate sustainable principles, including 2.26 Purchasing & Tender Policy and 2.38 Infrastructure Asset Management Policy. It is considered a Plan rather than an additional policy will assist the Council in targeting and meeting its desired outcomes in this area.

Development and implementation of a Sustainability Plan will enable the Shire to demonstrate community leadership, innovation and meet moral and social responsibilities. By incorporating practical, cost effective measures into the Plan that have been shown to accomplish outcomes, benefits in the short and long term to the built and natural environment, public health and Shire finances are possible.

The draft Shire Sustainability Plan has been designed to incorporate the relevant aspects of the Shire's *Strategic Community Plan* and present proposed outcomes and strategies in a coordinated, planned and systematic approach. A linked Implementation Plan is also currently under development.

The Sustainability Plan provides the broad outcome areas, strategies and background information to inform the Council and community of the reasons why projects or changes to a Shire building, service or equipment would be beneficial. The Implementation Plan is the accompanying document to the main Sustainability Plan that will detail the specific tasks to achieve the identified strategies and outcome areas and also includes the timeline and whose area of responsibility it is for completion. In this sense, the Implementation Plan provides transparency and accountability in regards to improving sustainability. It is to be acknowledged that some tasks that will be listed in the Implementation Plan are subject to being incorporated in the Councils financial year budgets, however by itemising requirements the Shire can create realistic budgets and timeframes for achievement.

There are implications to human resources that need to be considered, in terms of staff time to implement, monitor and review the Sustainability Plan and report to Management and Council where relevant. It is anticipated that the amount of staff hours required for this role would be 2-4 hours per week. This would need to be considered in the context of the Shire's Workforce Plan and planned for accordingly.

Consultation

Several staff have collaborated to produce the content of the draft Sustainability Plan, and have referred to examples of similar documents from other local governments.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Risk Assessment

If Council determines not to proceed with the proposal, it is classified as an Almost Certain likelihood and as an Insignificant consequence in the categories of Service Interruption (includes meeting of set objectives) and Reputation in accordance with the Shire's Risk Management Matrix. This results in a rating of Moderate risk in terms of not achieving the related outcome in the Shire's *Strategic Community Plan*.

Financial Implications

The human resource requirements to implement the Sustainability Plan need to be considered in the context of the Shire's Workforce Plan and planned and budgeted for accordingly.

Strategic Implications

This project will assist the Shire to achieve Objective 2 of the Shire's *Strategic Community Plan*: "To have a balanced respect for our heritage, natural and built environment" by directly accomplishing Outcome 2.5.2 "Prepare and implement a Sustainability Policy".

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

Moved: Cr

Seconded: Cr

That Council receive the draft Shire of Donnybrook-Balingup Sustainability Plan at the Attachment 10.3.2 to this report and present a final document to include an accompanying Implementation Plan to a later meeting of Council.

Tramming from job to job is an important resource consideration for the Shire. Research has identified the availability of a single machine with all the versatility required for the planned preventative maintenance program and the capacity to move efficiently between jobs.

This item is to inform the Council of the recommended change to its plant replacement program.

Comment

The Works and Services Department requires a machine that is capable of:

- Drainage works in a construction environment including the laying of pipes
- Drainage maintenance works across the entire Shire road network
- Digging graves as required
- Assisting with storm damage clean-ups
- Providing a lifting device when required
- Providing a loading service when loaders are unavailable
- Providing these services with a quick response time

W&S staff have inspected and trialled tracked machines which offer capacity to undertake typical works program. However after discussions with W&S staff, the main concern with tracked machines was the ability to transport the machine to sites and the requirement to utilize the machine between different departments.

Estimates were sought for the purchase of a suitable trailer (approximately 10 tonne capacity to allow for the machine and attachments) with quotations received in the vicinity of \$25,000. The requirement to utilize a towing vehicle (ie, 10 tonne truck) would impact negatively on W&S productivity. A tracked machine is not considered to be a suitably mobile piece of plant.

After consideration of all options and discussions with all impacted W&S staff a recommendation to retain the services of a backhoe within the fleet was agreed as the most suitable.

The main reason for the retention of a backhoe machine is its ability to carry out all the tasks as listed. To assist with productivity and further increase the machine's versatility, a tilting batter bucket (approximately 1300mm wide with capacity to hydraulically tilt up to 45 degrees) and a hydraulic slide function on the backhoe attachment, has been included in the recommendation.

The backhoe has an on-road speed capability of 40 kph and allows one staff member to attend to any issue without the requirement of scheduling a truck and trailer combination to move the piece of equipment. This arrangement best suits the current resourcing structure of the W&S department.

A program for the Shire's drainage maintenance is being prepared by the Snr Technical Officer to match resource planning with high utilization rates.

The drainage maintenance program will link in directly to a proposed Road Hierarchy that will focus on general maintenance of road and drainage infrastructure within the Shire and form the standards to achieve for a complete maintenance program.

Historical maintenance information has been consolidated with the intention of establishing a preventative maintenance programme for works in road reserves. This will form the basis of the W&S Asset Management Plan.

Consultation

The Works and Services personnel that will use the machine have been involved in the selection process.

Several machines have been made available for trial by staff.

The process of returning to a backhoe machine as the preferred equipment recommendation has been undertaken carefully with all points of view and maintenance requirements canvassed. Efficiency and utilization have been key drivers in arriving at the final recommendation.

Policy/Statutory/Voting Implications

Policy

A change in plan to the Council's approved expenditure plan requires approval.

Statutory

The recommended plant will be purchased under delegated authority in accordance with the WALGA preferred supplier and State Government purchasing agreements.

Voting

Simple Majority

Risk Assessment (Optional)

The recommended equipment will meet all applicable safety standards.

Training of operators will be included in the purchasing agreement from the provider.

Financial Implications

Prices have been obtained and two machines have come in under budget inclusive of the tilting batter bucket and hydraulic slide function option previously discussed.

No additional funding is required. The current approved budget is \$154K including trade (ex GST). Both machines being considered for use meet all specification requirements. Both quotations received are from WALGA listed providers and are within the budgeted amount.

Strategic Implications

Council approval is required for a recommended change to its budget.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

The Council approves the purchase of a wheeled backhoe machine with a tilting backhoe bucket and a hydraulic slide function on the backhoe attachment.

11.3 Manager Development and Environmental Services

Nil

11.4 Principal Planner

11.4.1	SUBJECT:	RETROSPECTIVE PLANNING APPROVAL FOR WORKERS ACCOMMODATION FOR UP TO 32 PATRONS AND ANCILLARY FACILITIES
	Location:	Lot 8786 (No.226) Mardawarra Road, Mullalyup
	Applicants:	Ms Meryl Giumelli
	Zone:	General Farming - Pastoral
	File Ref:	A4741
	Author:	Bob Wallin (Principal Planner)
	Report Date:	1 May 2014
	Attachments:	11.4.1(1) – Copy of Report presented at April 2014 meeting 11.4.1(2) – Risk Matrix Assessment

Background

Council at its meeting on the 30th April 2014 reviewed this item and resolved:

“That item 11.4.1 Retrospective Planning Approval for Workers Accommodation for up to 32 Patrons and Ancillary Facilities lie on the table to the May Council meeting to allow the Principal Planner to seek legal advice in regard to prosecution and additional information to be sought in regard to the number of occupants that could be accommodated in this proposal.”

A copy of the previous report can be viewed in Attachment 11.4.1 (1).

Investigations have been completed regarding the Council resolution and are detailed as below.

Level of Risk Exposure for Council

A risk matrix analysis has been undertaken in accordance with the Shire's risk management procedures (see Attachment 11.4.1 (2)).

The risk matrix considers two scenarios. These are:

Scenario 1

Council allowing the continued operation of the Lodging House prior to required legislative approvals (Town Planning, Building and Health) being issued: and

Scenario 2

Council not approving the Town Planning application.

The Risk Matrix shows that Scenario 1 present several "High" classified risks which require urgent attention and considered acceptable only with excellent controls. To reduce risk exposure, a timely decision and direction by Council is required. . A condition can be proposed to set a strict time line on when Health and Building requirements need to be satisfied. This condition will significantly reduce any minor residual risk exposure from the Shire's perspective.

In respect to Scenario 2, risk is linked to financial considerations. There is a "High" risk classification in costs and time associated with defending a position at SAT. Based on recent experience of defending a decision at SAT, there is a very real prospect of the applicant being successful in overturning a refusal decision.

Prosecution Options

Legal advice has been obtained from McLouds Barristers and Solicitors. This advice indicates that:

- 1) If it is intended to prosecute, granting approval will have no effect on the potential success of prosecution proceedings assuming sufficient evidence is available to prove the prosecution case.
- 2) The fact that the development can be approved might have a mitigation effect in the prosecution proceedings. The Supreme Court in similar circumstances has confirmed that mitigation is limited. The seriousness of the offence is reflected in the development being carried out without approval and the fact it may be retrospectively approved or approvable is unlikely to be a substantial mitigatory matter.
- 3) As the accused is a company, the Sentencing Act relating to corporations applies. This has a maximum penalty for an offence of \$1,000,000.00 and a potential further maximum fine of \$125,000.00 for each day during which an offence continues. However, the offence would unlikely attract anywhere near the maximum penalties which can apply. It is likely that a fine of around \$20,000.00 to \$30,000.00 would result.

In considering the prosecution option, it is worth noting that the actions of the owner would have likely been taken in full knowledge of town planning requirements and justified on gaining economic and commercial advantage. The applicant's action can be reasonably viewed as a way to gain competitive advantage at the expense of other operators and ratepayers within the Shire.

Occupancy numbers

A further site investigation has been undertaken by Shire staff and this confirms that, excluding all other external considerations, the buildings have capacity to accommodate 16 workers (one per room).

This figure has been determined by testing the structures against the Shire's Local Health Laws 1999. The key findings and provisions are:

- A minimum ceiling height for a dormitory using beds shall be 2.4m and 2.7m for using bunks. The ceiling height is 2.4m;
- If beds are used, each dormitory only has a suitable floor area for one person.

On this basis, if supported, a condition limiting number of patrons to 16 is recommended.

Precedent and Public Perception

It is evident that concern is raised about the message Council will send out to the community if it supports this application and the potential precedent it could establish.

In looking at this issue, I believe it would be helpful to be mindful of the following:

- 1) Approval of this retrospective application does not set a precedent for approving all retrospective planning applications. The Shire's Town Planning Scheme provides powers for Council to approve retrospective applications. This is a useful mechanism to address anomalies and ensures that existing buildings and uses can be made to comply with applicable legislation and operational standards.
- 2) Retrospective planning applications are assessed on their individual merits and against the applicable planning framework. In this instance, the Town Planning Scheme provides scope to consider the proposal as a "Use Not Listed". In other cases, an unauthorised development may more clearly violate the intent of the Scheme's zoning and may generate amenity, health and safety issues. By choosing to support this application, Council is not reducing its ability to refuse other applications for seeking retrospective approval.
- 3) The ability to use other mechanisms to signal to landowners the risks of not following the correct process and ignoring town planning requirements. The underlying issue driving the planning process is concerned with protecting local amenity and controlling risks to public health and safety. It is these concerns that historically gave rise to town planning and health legislation. This approach has been to use a heavy hand or stick (powers to prosecute) to force compliance with the system.

There is an alternative. Recently, Government agencies within the USA and UK have been experiencing success in achieving compliance outcomes using an alternative method. This method removes focus on prosecuting, significantly reducing financial and time costs.

These alternatives come in the form of “Nudge” and “Signal theory”. These theories seek to nudge or direct behaviours towards desired outcomes. This is achieved by applying social pressures and promoting the benefits and risks of pursuing certain activities. A simple way to nudge behaviour in the desired direction could be to prepare an article in a locally distributed paper or packaged with the rates notice outlining the risks that landowners run in not following the correct process and getting approvals.

The article needs to be very clear in persuading landowners that it is in their best interest to do the right thing. For instance, explaining that insurance company fine print is unlikely to cover structures that have not been approved by Council and the prospect of facing jail if an accident (fire or building collapse results in a death or injury). This approach focuses on the “carrot” side of the equation – unleashing the powerful motivator of self-preservation.

This may also provide a good opportunity to explain:

- a) the role of planning and obligations to get approvals for developments; and
- b) the avenues available to seek compliance.

In essence, the underlying planning purpose is to ensure that all developments within the shire are safe and do not present risks to public health and erode local amenity. Achieving this outcome should be upper most in Council’s mind and be used to frame debate and direct focus on “end game” outcomes. The option of prosecution is always available as a backup if landowners are determined to ignore town planning requirements.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Town Planning Scheme No.4

Clause 3.2 and 3.5 Zoning Table outlines use classes applicable to specific zones. The proposed use of workers accommodation is not specifically listed in the zoning table.

Clause 3.2.5 provides details on how Council can assess uses not specifically listed. The proposal has been publically advertised in accordance with specified requirements.

Clause 6.8 defines the aims and objectives of development in the General Farming – Pastoral Zone. The proposal is consistent with the broadly stated objectives of ensuring the economic viability of commercial agricultural/horticultural businesses.

Town Planning Scheme No.7

Clause 5.17 provides guidance on the general appearance of buildings and preservation of amenity.

Clause 10.2 outlines a list of matters to be considered by Council in making a decision.

Clause 4.5 provides details on the objectives of the “General Agriculture Zone”.

Clause 5.45.8 provides details on development standards, including a front setback requirement of 30m. Clause 5.54.8.2 provides scope for Council to consider a reduction in this requirement.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 1.5 – Our rural lifestyle is maintained.

Three resolution options have been provided to assist Council in making a decision on this matter. Option 1 is the preferred officer recommendation as it acknowledges that there are likely to be other unauthorised developments within the Shire. In applying the “nudge” approach it provides a cheap and simple experiment in exploring how effective it is in resolving potential health and safety risks to occupiers, landowners and the Shire.

If the “nudge” style approach fails, the experiment did not cost Council and the more traditional enforcement approach can be applied. It also reduces potential for landowners’ to claim ignorance to the potential risks and consequences of not following correct process and complying with standard health and building requirements.

Options 2 and 3 provide wording and reasons for travelling a different path. The wording of the grounds of refusal has been crafted to provide Council with the best chance of defending an appeal at SAT.

Officer’s Recommended Resolution

OPTION 1

Moved:

Cr

Seconded: Cr

That the Council grant retrospective planning consent for transportable structures to accommodate 16 farm workers and associated ancillary facilities and proposed roof structure consistent with the submitted plans at Lot 8786 (No.226) Mardawarra Road, Mullalyup, subject to the following conditions:

General Conditions

- 1. The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
- 2. The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**
- 3. The provision on-site of a minimum number of 10 car parking bay spaces. The parking areas and access are to be designed and constructed to the satisfaction of the Shire of Donnybrook- Balingup and are to be of a standard that enables all weather access for 2 wheel drive vehicles.**
- 4. The provision of one disabled parking bay, located convenient to the building entrance, to be provided to the satisfaction of the Shire of Donnybrook. Details are to be submitted with the Building Approval Certificate.**
- 5. Patrons are to be restricted to workers employed directly by the operator and limited to a maximum of 16 patrons at any one time.**
- 6. A bond of \$5000.00 per structure is payable prior to the issue of a Building Approval Certificate (for unauthorised work).**
- 7. A supply of potable water in accordance with the Australian Drinking Water Guidelines produced by the NHMRC and to be provided with an approved filtration and sterilisation device to the satisfaction of Council's Principal Environmental Health Officer.**
- 8. The installation of an approved effluent disposal system to the satisfaction of the Department of Health WA.**
- 9. An application for a Building Approval Certificate to be submitted and approved by the local government.**
- 10. Preparation and implementation of a landscape plan prepared to the satisfaction of the Shire's Principal Planner.**
- 11. Preparation and implementation of a colour and design scheme for the treatment of the western and northern elevations to the satisfaction of the Shire's Principal Planner.**
- 12. The applicant making suitable arrangements to satisfy conditions associated with building and health requirements within 14 days of the approval letters issue to the satisfaction of the Shire's Principal Environmental Officer and Principal Building Surveyor.**

ADVICE TO THE APPLICANT

Note 1: If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005.

A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.

- Note 2:** In relation to Condition 9, it is noted that the building will be classified as a Class 3 building which includes the need to ensure at least one bedroom and all common areas are designed to accommodate disabled access.
- Note 3:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** In relation to Condition 8, the effluent disposal system is to be designed and submitted by an environmental scientist, plumbing consultant or other suitable qualified person, based on a geotechnical report on the absorptive capacity of the soil, the depth to ground water, the Phosphorous Retention Index (PRI) of the soil, soil profile to a depth of 2 metres and the anticipated water usage. Details are to be submitted with building licence application.
- Note 5:** In relation to Condition 5, the total accommodation numbers will be determined by Health and Building laws. Compliance with these requirements may vary from the numbers granted in this planning approval.
- Note 6:** A Permit to Use will only be issued by the Shire of Donnybrook-Balingup when all of the required conditions of Planning and Building Consent have been complied with to the Shire's satisfaction. Prior to seeking a Permit to Use, please ensure that all conditions of the Planning Consent have been satisfied.
- Note 7:** Water supply to be provided with an appropriate filtration and sterilisation device to the satisfaction of Council's Principal Environmental Health Officer.
- Note 8:** Compliance with Lodging House provisions of the Health Act 1911 and Council's Health Local Laws 1999. The food business proprietor is to apply for registration with Council's Principal Environmental Health Officer prior to commencement of operation.
- Note 9:** In relation to Condition 10, the landscape plan is to provide details of planting and landscaping treatments along the Mardawarra Road frontage with the intent to reduce the visual prominence of the development from the street.
- Note 10:** In relation to Condition 11, a colour scheme should incorporate tones and pigments that reflect that of the surrounding landscape. The design of the painting scheme is required to assist in breaking the bulk of the building

“That Council limit the number of Elected Members who attend the annual Local Government Convention to four.

That Elected Members attend the annual Local Government Convention on a rotational basis.

That Council nominate the President and Deputy President as voting delegates for the WA Local Government Association Annual General Meeting”.

Councillors Dilley, Dawson and Mitchell attended the 2013 Convention.

Registrations will close on Tuesday, 8th July 2014. Registration fees are \$1,475.00 per delegate.

There are number of Professional Development sessions scheduled for Councillors from the 4th August to the 12th August 2013 and are based on the Diploma modules. Prices for each session are range from \$425.00 to \$1,200.00 excluding GST.

Council has booked 2 two bedroom, 2 bathroom apartments (\$449.00 per night) and 1 one bedroom apartment (\$269.00 per night) at the Mounts Bay Road Waters Apartments. Confirmation is required as soon as possible.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Financial Implications

Provision has been made in the 2013/14 budget for councillor attendance at conferences and for training.

Strategic Implications

Outcome 4.3 *“An open and accountable local government that is respected, professional and trusted.*

Outcome: 4.4 *“To be a strong advocate representing the Shire’s interest”.*

product, visual presentation and marketing. It will provide strategies and recommendations, including an Action Plan containing prioritised recommendations, which will lead to increased opportunities for the region's tourism sector. Further, it will provide strategies as to how each of the surrounding shires can utilise assets to connect existing tourism product and encourage the development of new experiences.

To conduct a study, partner contributions are required from local governments with further support from RDA-South West, the South West Development Commission (SWDC), Australia's South West and Tourism WA.

A Request for Tender has been developed by Regional Development Australia – South West Inc. This document provides background on the development of the TWG, details the project scope and selection criteria and was developed by Regional Development Australia on behalf of the TWG.

Comment

Tourism is a major and growing industry in the region providing important economic and social benefits for the Shire of Donnybrook-Balingup. Although not the primary industry, it is a key driver for the growth of the region as the tourism industry is a key employer with many people and businesses directly or indirectly servicing visitors.

It is estimated that the total visitor spend for Australia's South West (ASW) is in excess of 1.422 billion (year ending March 2012). The ASW region is also listed in the top 20 most visited areas by Tourism Australia, through the Tourism Australia Research Report.

In 2012 there were more than 166,000 visitors who used one of the visitor centres in the area, which is further evidence that the Tourism sector is a vital part of our local economy.

Tourism also assists in the growth of the Shire by exposing potential new residents to the extensive benefits of living in the Shire.

It is important to note that the Request for Tender that has been developed by Regional Development Australia – South West Inc, with input from the TWG members, clearly states that *"The Strategy will also be required to complement the Tourism Futures South West Plan, especially in relation to infrastructure, events and packaging of tourism product. The strategy should also be consistent with the SW Blueprint."*

There is already strong commitment by members of the TWG with the majority of members committing funds towards the development of the strategy. A list of TWG member commitments is listed below:

\$5,500	Shire of Dardanup	Paid
\$5,500	Shire of Capel	Paid
\$5,500	Shire of Harvey	Paid
\$5,500	City of Bunbury	Paid
\$4,000	RDA-South West	Paid
\$4,000	SWDC	Committed not transferred
\$5,500	Shire of Boyup Brook	Committed not transferred
\$2,500	Shire of Collie	Committed not transferred
\$2,500	Collie River Valley Marketing Association	Committed not transferred

\$5,500 Shire of Donnybrook-Balingup
\$5,500 Tourism WA

To be determined
To be determined

With Donnybrook closely aligned to Bunbury-Wellington and Balingup with the Warren-Blackwood, the Shire of Donnybrook-Balingup is uniquely positioned to take advantage of any increases in tourism in the region and the outcomes from the proposed Regional Tourism Development Strategy

Once completed the Regional Tourism Development Strategy will provide Council with a wealth of information that will assist in further developing its own tourism strategy and also identify ways where Council can work with surrounding Shires to grow tourism throughout the Shire and the broader region.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Risk Assessment (Optional)

N/A

Financial Implications

Council will be required to make a financial commitment to the project and this is unfunded.

Strategic Implications

Outcome 1: A strong, diverse, resilient economy that is an attractive place to live, work and invest.

AND

Objective 4: A progressive, actively engaged community working in partnership to achieve our aspirations.

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Council consider in the 2014/15 budget an allocation of \$5,000 as a contribution towards the development of a Regional Tourism Strategy which is being managed by the Bunbury Wellington Group of Councils Tourism Working Group.

11.5.3	SUBJECT:	DONNYBROOK COUNTRY CLUB – BOWLING GREEN AND FAIRWAY UPGRADE
	Location:	Donnybrook
	Applicants:	Donnybrook Country Club
	Zone:	Parks & Recreation
	File Ref:	PWF 14E
	Author:	J Attwood, CEO (B Vanallen, Community/Recreation Officer)
	Report Date:	13 May 2014
	Attachments:	11.5.3 (1): Proposal to Shire of Donnybrook-Balingup for Bowling Green and Fairway Upgrade 2014 11.5.3 (2): Donnybrook Country Club Inc – Business Plan 2013/14

Background

Over the past 12 months the Donnybrook Country Club has been developing a plan to replace the existing bowling greens with a 10 rink synthetic bowling green and complete automated reticulation of the golf course fairways.

The Donnybrook Country Club (DCC) formed a sub-committee who have developed a detailed project proposal and Business Plan. This Committee has held a number of meetings with Councillors and Council staff to seek guidance on the project in general and on the best way forward in terms of seeking financial assistance from the Shire. Committee members have also met with Bowls WA and the Department of Sport Recreation to determine if the proposal would be eligible for Community Sporting Recreation Facilities Fund funding.

The DCC have produced a very detailed proposal document (Attachment 11.5.3 (1)) and a comprehensive Business Plan (Attachment 11.5.3 (2)).

Comment

The Donnybrook Country Club have approached this project in a very professional manner. Prior to the project advancing too far the DCC have arranged meetings with Council Staff to ensure that they were providing sufficient information to ensure that Council could make an informed decision. The DCC have also met with Department of Sport and Recreation staff to ensure that the project meets the Community Recreation Sporting Facilities Fund criteria.

The DCC have also engaged their members to ensure that they are fully aware of the project, its benefits to the Club and the long term financial implications.

Full details of the project are detailed in Attachment 11.5.3 (1): Proposal to Shire of Donnybrook-Balingup for Bowling Green and Fairway Upgrade 2014. In short the DCC plan to:

- Build a new 10 rink synthetic bowling green, including lighting. This new green would be relocated from the existing grass greens(which would be decommissioned) to be adjacent to the Clubrooms
- Install a new veranda on the Clubroom wall, overlooking the new synthetic green
- Install automated reticulation on the golf fairways
- Build a new golf buggy shed

The DCC proposal details the long term benefits to the Club if such a project is completed. The DCC compete in the Blackwood River League and of the 8 teams in this league the DCC are the only Club not to have a synthetic green. The Club is concerned that their membership will reduce as local players move to other Clubs with synthetic greens where play can continue all year round. The DCC state that the project will:

“...not only provide cost savings through the reduced usage of power, water, fertilizers and chemicals, we believe that the year round accessibility of a green close to the club house and improved fairways will stimulate growth in both the golf and bowls memberships and indeed promote these activities to members of our community who currently do not participate or those who travel to nearby towns to take advantage of suitable playing surfaces.”

The DCC has provided a financial breakdown of the project. They are seeking a financial contribution from Council, together with assistance via a self-supporting loan. They are also seeking Council's support with an application to the Department of Sport and Recreation's Community Sporting Recreation Facilities Fund. The DCC proposal details the financial breakdown of the project as being:

<i>Donnybrook/Balingup Shire</i>	-	<i>Grant of 33⅓% of Project Cost</i>
<i>CSRFF</i>	-	<i>Grant of 33⅓% of Project Cost</i>
<i>D.C.C.</i>	-	<i>33⅓% of Project Cost inclusive of:-</i> <i>A) \$50,000 Cash Injection</i> <i>B) Balance by way of a Self-Supporting Loan</i>

As indicated in Project Costing's the total cost of the project is \$574,343.

Therefore contributions would be made up as follows:-

<i>Shire of Donnybrook/Balingup</i>		<i>\$191,447</i>
<i>CSRFF</i>		<i>\$191,447</i>
<i>Donnybrook Country Club</i>	<i>A) Cash Contribution</i>	<i>\$ 50,000</i>
	<i>B) In-Kind Contribution</i>	<i>\$ 47,200</i>
	<i>C) Self Supporting Loan</i>	<i>\$ 94,274</i>

The DCC have sought support of the project from their members and at a meeting held in December 2013 the project received overwhelming support by the DCC membership base.

The DCC are also well on their way to securing the DCC cash contribution.

The Department of Sport and Recreation have provided their support for the project and have advised that it does meet their CSRFF guidelines. There is however no guarantee from DSR that the project will receive funds as the project will need to go through the standard CSRFF grant approval process. This project would sit under the annual Major Grants category, with the next funding round opening in June 2014. If Council were to support this application then it would need to be lodged with DSR by the end of August 2014.

Consultation

Council staff have consulted with the Donnybrook Country Club and the Department of Sport and Recreation’s local Bunbury office.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple Majority

Risk Assessment (Optional)

PROJECT RISK ASSESSMENT – COUNTRY CLUB

Presented below are the two possible scenarios for Council’s consideration: Progress with the Project, or Not Progress with the Project. Key risks have been identified and classified for each scenario in accordance with the Shire’s draft Risk Matrix for risk assessment and acceptance criteria. Treatments that are considered adequate to control the identified risks based on the level of classifications are also presented.

Scenario 1: Progress with Project

KEY RISK IDENTIFICATION	
Risk Category/s	Identified Risks
Financial	1. Negative impact on the Shire’s short and long term finances/Budget in providing the proposed amount.
Financial	2. CSRFF grant application not approved.
Financial	3. Country Club unable to repay the loan.
Financial	4. Country Club unable to raise funds.
Reputation	5. Negative perception by local community – not needed, cost, perceived prioritisation over other community groups.

RISK CLASSIFICATION & TREATMENT (of selected key risks)				
Risk No.	Consequence Rating	Likelihood Rating	Risk Classification (Low, Moderate, High, Extreme)	Recommended Adequate Treatment to Control the Risk
1. Negative impact on the Shire's short and long term finances/Budget in providing the proposed amount.	Major (Financial)	Likely	HIGH	<ul style="list-style-type: none"> Review Shire documents to determine the Shire's financial capacity and impacts – including the Shire's Long Term Financial Plan, Forward Capital Works Program, Strategic Community Plan. Council to determine how it will budget the project prior to committing funds – eg. rates increase, prioritise other projects including determining which to defer/delay and the associated strategic implications/ outcomes affected.
2. CSRFF grant application not approved.	Major (Financial)	Possible	HIGH	<ul style="list-style-type: none"> Ensure suitably qualified staff to develop the grant application, set deadlines and include management review component prior to submission of application.
3. Country Club unable to repay the loan.	Moderate (Financial)	Possible	MODERATE	<ul style="list-style-type: none"> Ensure Council Policy is followed which requires the loan to have guarantors. Country Club to demonstrate to the Council how it will be able to meet its loan repayments.
4. Country Club unable to raise funds	Moderate (Financial)	Unlikely	MODERATE	<ul style="list-style-type: none"> Country Club to demonstrate how the funds will be raised in the available timeframe.
5. Negative perception by local community – not needed, cost	Minor (Reputation)	Unlikely	LOW	<ul style="list-style-type: none"> Ensure press releases are issued to the local media regarding the project, demonstrating need, benefits etc. Country Club to undertake consultation with its members (nb: already undertaken). Country Club to develop business plan including SWOT analysis of project (nb: already undertaken). Council has previously provided funds for similar projects, including the bowling turf at the Balingup Recreation Centre.

Scenario 2: Not progress with Project

RISK IDENTIFICATION	
Risk Category/s	Identified Risks
Financial	1. Cost to Council to find another leasee or operate the facility should the Country Club Committee fold and cancel lease due to lack of membership, growth and facility use from lower standard of infrastructure (eg. lack of all-weather bowling turf).
Reputation	2. Negative perception by local community that Council is not supporting community groups and not meeting its outcomes stated in the Strategic Community Plan.

RISK CLASSIFICATION & TREATMENT (of selected key risks)				
Risk No.	Consequence Rating	Likelihood Rating	Risk Classification (Low, Moderate, High, Extreme)	Recommended Adequate Treatment to Control the Risk
1. Cost to Council to find another lease or operate the facility should the Country Club Committee fold and cancel lease due to lack of membership, growth and facility use from lower standard of infrastructure (eg. lack of all-weather bowling turf).	Minor (Financial)	Unlikely	LOW	<ul style="list-style-type: none"> • Progress with the project. • If project not progressed, plan and resource Shire support for the Country Club in other ways to build membership and increase use of the facility.
2. Negative perception by local community that Council is not supporting community groups and not meeting its outcomes stated in the Strategic Community Plan.	Minor (Reputation)	Almost Certain	HIGH	<ul style="list-style-type: none"> • Progress with the project. • If project not progressed, issue press release to local media explaining why it hasn't been supported – eg. unplanned & unbudgeted, financial impacts eg. to rates, delay of other projects etc.

Financial Implications

Council will be required to make a financial commitment to the project and this is unfunded. Neither the development project nor the financial capacity to fund the project are identified in Council's Strategic Community Plan, Long Term Financial Plan or Forward Capital Works Program.

Strategic Implications

The upgrading of facilities at Donnybrook Country Club will enable Council achieve Outcome 9 of the Shire Strategic Plan "Community participation in recreation, leisure and cultural facilities".

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

- 1. That Council identify the Donnybrook Country Club Bowling Green and Fairway upgrade project in its Forward Capital Works Plan and Long Term Financial Plan to identify how and when Council may be able to provide financial support to the project.**
 - 2. That Council provide 'in principal' support to the Donnybrook Country Club proposal.**
 - 3. That Council support the Donnybrook Country Club's application to the Department of Sport and Recreation for funding support via the department's CSRFF Grant Program.**
 - 4. That Council consider a financial contribution to the Donnybrook Country Club of \$191,477, in the 2014/15 financial year.**
 - 5. That Council support a 'Self Supporting Loan' for the Donnybrook Country Club, for the amount of \$94,274, in accordance with the relevant Council Policy.**
-

11.5.4	SUBJECT:	DONNYBROOK RECREATION CENTRE EXTENSIONS
	Location:	Steere Street, Donnybrook
	Applicants:	Donnybrook Amateur Basketball Association
	Zone:	Reserved as Parks and Recreation
	File Ref:	PRO 01/9
	Author:	John Attwood – Chief Executive Office (<i>Judy Franks, Executive Assistant & Deb Vanallen Community/Recreation Officer</i>)
	Report Date:	24 March 2014
	Attachments:	Nil

Background

At the Parks and Reserves Committee meeting held on the 9th April 2014 the following recommendation was made to Council:

1. *“That Council staff arrange a meeting of user groups at the Donnybrook Recreation Centre to ascertain future use of the Centre and include a representative from the Department of Sports and Recreation at that meeting.*
2. *That Council allocated sufficient funds in the 2014/15 budget to carry out a feasibility/options study to design, construct an additional covered area at the Donnybrook Recreation Centre to accommodate a third basketball court.*
3. *That Council cost the installation of a sliding mesh door to the double door access way.*
4. *That Council staff in consultation with the Donnybrook Amateur Basketball Association design and cost the installation of an additional training backboard and hoop.*
5. *That Council consider in the 2014/15 budget installation of two Macro fans in the sports arena”.*

At the Council meeting held on the 23rd April 2014 Council considered the above recommendation and resolved:

“That Item 10.5.1 Donnybrook Recreation Centre Extensions lie on the table until the May Council meeting to allow the Recreation Centre Advisory Committee to consider the matter”.

Comment

Report to Parks & Reserves Committee – 9th April 2014

The Donnybrook Amateur Basketball Association (DABA) approached Council with a request to extend the Donnybrook Recreation Centre to incorporate a third basketball court.

The DABA have requested that the following items be reviewed to assist the DABA and other users make best use of the facilities while Council is considering the options for extending the Donnybrook Recreation Centre.

Ventilation

The DABA have requested improvements to ventilation and temperature control in the stadium.

The use/opening of the *emergency exit doors* in the stadium, is the main form of air flow through the court area during summer while games and training takes place. Although, this practice does improve air circulation, it leaves the Centre at risk to those wanting to avoid entry fees and charges, and court misuse.

The DABA requested Council install a sliding mesh door to the double door access way. The sliding door would be left in the open position when the sliding doors are closed. The sliding mesh doors would only be slid across when the double doors are fully open.

In addition the DABA have requested consideration of installing high volume (air flow) low speed fans. These would be strategically located on the roof structure (refer attachment 4.1). Council staff have obtained a preliminary quote for the purchase and installation of two Macro Fans of \$26,246 plus GST. An assessment of the structural capacity of the current roof structure to accommodate fans of this size has not taken place as yet.

The Committee acknowledged the need to improve circulation in the stadium. Any improvement to the ventilation/air circulation will benefit other users of the stadium during the summer months including netball players, fitness program participants and school groups.

Council Officers will source detailed quotes for the installation of a sliding mesh door to fit over the roller door (external), conduct a structural assessment of the roof structure of the stadium in consideration of installation of macro fans, and seek detailed quotes for the purchase and installation of macro fans in the stadium. These items will be included in the 2014/15 budget for consideration.

Additional Basketball Training Backboard and Hoop

The DABA are in need of an additional backboard and hoop for training purposes. The Committee supports this proposal and a preferred location has been agreed on. It is envisaged that this additional training backboard would be approximately one quarter of the length/depth of the currently installed units and will fold away against the wall when not in use. The BADA will purchase and install one new back board and will liaise with the Centre Manager regarding installation.

Construction of a third court

The DABA presented their case to the Committee to extend Donnybrook Recreation Centre to incorporate a third court. The Association has 203 registered players this year (2013/2014) this represent a significant growth in player numbers. The Association use the courts on a Tuesday afternoon/evening from October to March/April, however they are now unable to accommodate all of the junior players who would like to play in the Tuesday afternoon/evening competition. They also use the stadium on a Friday night from November to March. The DABA would also like to use the courts during winter.

The DABA explained that finding a suitable day/time has proven difficult as some of the available court space clashes with junior football etc. They are also concerned that splitting the competition, for example primary school aged competition on one afternoon/evening and the high school aged competition on another afternoon/evening would stretch their volunteer resources beyond capacity.

The Club also highlighted the fact that the South West Sports Centre and the Shires of Dardanup, Harvey, Bridgetown-Greenbushes and Manjimup all have three court stadiums in their recreation facilities.

The Committee stated that extending the Donnybrook Recreation Centre to incorporate a third court is a major undertaking and needs to be planned for accordingly, in consultation with the Centre's other user groups as it will impact on all users of the Centre. Any extension to the existing Centre/Stadium, would involve redesign of the gym, crèche, storage room and mezzanine level.

Extending the Centre was not identified in the Shire's Strategic Community Plan, nor is there any financial allocation in the Forward Capital Works Plan or Corporate Business Plan. It was suggested that this proposal also be referred to the Developing Donnybrook project.

The Committee also stated that preliminary estimates indicate that an extension to the Centre of this nature could cost between \$1 million and \$1.5 million. Funding this within the Shire's resources would not be possible and external funding sources would need to be secured.

Donnybrook Recreation Centre Advisory Committee Comment

The Donnybrook Recreation Centre Advisory Committee met on the 15th May 2014 to discuss the DABA proposal and provide the following comments:

The Committee agreed to support further investigation into the proposal as follows:

- Conduct a detailed discussion/review of alternate training days/times available at Donnybrook Recreation Centre in consultation with the DABA Committee. At present, there are a significant number of additional time slots within the stadium which could be utilised by the Association;
- Consult the Department for Sport and Recreation to seek their advice and preliminary assessment of the viability of attracting State Government funding for this proposal;
- Consult other Centre users to ascertain their support for this proposal;
- Seek Council support to undertake a feasibility study to determine the logistics and broad costings of extending the stadium and the impact this would have on existing storage, crèche, gym and parking facilities; and
- The feasibility study would also assess the impact of this type of extension/development on the ongoing operational budget of the Centre.

Note: This meeting did not have a quorum.

Consultation

Representatives from the Donnybrook Amateur Basketball Association have made presentations to the Parks and Reserves Committee on the 9th April and the Donnybrook Recreation Centre Advisory Committee on the 15th May 2014.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

N/A

Voting

Simple majority

Risk Assessment

Extending the Donnybrook Recreation Centre will impact on the programs being offered, the users of the Centre and may affect the income being generated by the Centre.

Financial Implications

There are no funds allocated in the 2013/14 budget to assist with this project.

Major upgrading or extension to the Donnybrook Recreation Centre are not identified in Council's Strategic Community Plan, Long Term Financial Plan or Forward Capital Works Program and would need to be assessed prior to making any financial commitment.

Strategic Implications

The Shire's Strategic Community Plan has identified the following outcomes:

- Outcome 3.2 Quality community and recreational facilities that are well used by all ages and abilities.
- Outcome 3.5 Our volunteers and community organisations are supported and acknowledged.
- Outcome 3.10 The community has access to appropriate services and facilities to enhance their health and well-being.

Following consultation with members of the Donnybrook Recreation Centre Advisory Committee, the following recommendations are made:

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

1. **Council Officers to source quotes for the installation of a sliding mesh door to fit over the roller door (external).**
2. **Council Officers to obtain a structural assessment of the roof structure of the stadium in consideration of installation of macro fans.**
3. **Council Officers seek quotes for the purchase and installation of macro fans in the stadium.**
4. **Donnybrook Amateur Basketball Association to purchase and install one new back board and will liaise with the Centre Manager regarding installation.**
5. **Council Officers to conduct further investigation into the proposal to extend Donnybrook Recreation Centre as follows:**
 - **Conduct a detailed discussion/review of alternate training days/times available at the Donnybrook Recreation Centre in consultation with the Donnybrook Amateur Basketball Association Committee.**

- **Consult the Department for Sport and Recreation to seek their advice and preliminary assessment of the viability of attracting State Government funding for this proposal.**
- **Consult other Centre users to ascertain their support for this proposal.**
- **Seek Council support to undertake a feasibility study to determine the logistics and broad costings of extending the stadium and the impact this would have on existing storage, crèche gym and parking facilities. The study would also assess the impact of this type of extension/development on the ongoing operational budget of the Centre.**

11.5.5	SUBJECT:	DISABILITY ACCESS & INCLUSION PLANNING COMMITTEE
	Location:	Shire of Donnybrook-Balingup
	Applicants:	N/A
	Zone:	N/A
	File Ref:	CSV 21
	Author:	L. Guthridge- Manager Development & Environmental Services (<i>E. Thomas-Principal Environmental Health Officer</i>)
	Report Date:	13 May 2014
	Attachments:	Nil

Background

Council has a Disability Access & Inclusion Planning (DAIP) Committee to assist Council in the performance of its duties towards a more accessible and inclusive community.

Comment

The following items are to be discussed at the meeting:

- Annual review of the Shire’s Disability Access and Inclusion Plan (DAIP) - update on implementation including project status;
- DAIP amendment – legislation changes.

Consultation

The DAIP Committee was scheduled to meet on Monday, 19th May 2014 but could not proceed due to a lack of a quorum.

The Principal Environmental Health Officer has emailed to Committee seeking their endorsement of the Officer’s recommended resolution.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

The *Disability Services Act 1993* requires public authorities, including local governments, to develop and implement a DAIP.

Voting

Simple Majority

Risk Assessment (Optional)

N/A

Financial Implications

N/A

Strategic Implications

Outcome 3.1.2 of the Shire's *Strategic Community Plan*: "Implement a Disability Access and Inclusion Plan".

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Shire Officers update the Shire of Donnybrook-Balingup Disability Access and Inclusion Plan in accordance with legislative changes and present the revised document to a later meeting of Council.

11.5.6	SUBJECT:	TUIA LODGE CONSTITUTION
	Location:	Shire of Donnybrook/Balingup
	Applicants:	Tuia Lodge Aged Care Board
	Zone:	N/A
	File Ref:	CSV 01/2
	Author:	John Attwood – CEO (Judy Franks, Executive Assistant)
	Report Date:	21 May 2014
	Attachments:	11.5.6 Proposed Tuia Lodge Constitution

Background

At the 2013 September Council meeting Council resolved to proceed with the preparation of a Constitution of Tuia Lodge.

Council engaged Slee Anderson and Pidgeon to prepare a draft Constitution for Tuia Lodge.

Tuia Lodge Aged Care Board have been working on the Constitution over the past eight months and now believe that the Constitution is suitable for Tuia Lodge Aged Care Facility.

Comment

The next part of the process will be to prepare a lease agreement between Council and Tuia Lodge Aged Care Facility taking into account previous points raised by Council at its meeting held on the 25th September 2013.

An application for the lease of the land on which Tuia Lodge and the Medical Centre occupy to be changed to freehold titles is nearing completion and will assist in lease arrangements.

Consultation

Tuia Lodge Aged Care Board have participated in the preparation of the Constitution and assisted by legal opinion from Slee Anderson and Pidgeon.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Department of Consumer and Employment Protection's A Guide for Incorporated Associations – checklist for Rules of an Incorporated Association.

Voting

Simple Majority

Financial Implications

Legal fees for the preparation of lease and constitution documents should be met from funds held in the Aged Housing Reserve Funds.

Strategic Implications

Outcome 2: *"The welfare needs of the community are met."*

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the Tuia Lodge Constitution as presented be endorsed and lodged with the Department of Consumer and Employment Protection.

12 CLOSURE OF MEETING

The next Ordinary Council Meeting will be held on Wednesday, 25 June 2014, commencing at 5.00pm at the Council Chambers, Donnybrook.

Shire President to declare the meeting closed at