



Ordinary Council Meeting

TO:

ALL COUNCILLORS

To be held on

Wednesday 26 August 2015

Commencing at 5.00pm

Council Chambers

Cnr Bentley and Collins Streets, Donnybrook WA 6239

A handwritten signature in blue ink, appearing to read "John Attwood".

John Attwood
Chief Executive Officer

17 August 2015

Disclaimer

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



ORDINARY COUNCIL MEETING AGENDA

26 August 2015

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SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING AGENDA

To be held in the Council Chambers on Wednesday, 26 August 2015 at 5.00pm

MEMBERS PRESENT

COUNCILLORS

Cr Dilley (President)
Cr Mitchell (Deputy)
Cr Bailey
Cr Crowley
Cr Dawson
Cr Duncan
Cr King
Cr Logiudice
Cr McCabe

STAFF

John Attwood – Chief Executive Officer
Greg Harris – Manager Finance & Administration
Leigh Guthridge – Manager Development and Environmental Services
Bob Wallin – Principal Planner
Kate O’Keeffe – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

2 PUBLIC QUESTION TIME

Questions taken without notice at the Ordinary Council Meeting on 22 July 2015:

June Scott

At last month’s Ordinary Council meeting I asked if the Shire had registered their interest in the Tourism Demand Driver Infrastructure Grant, having previously provided the details of the grant from the Tourism Council of Western Australia to the CEO. Registration of Interest closed on 17 June 2015. I also spoke with the Shires Councillor representative on the Donnybrook Regional Tourism Association Inc. committee whom appeared to have no knowledge of the grant.

I believe this response received would relate to the current REGIONAL Visitor Centre Sustainability Grant, a grant potentially the Donnybrook and Balingup Visitor Centres may be applying for.

- 1. Did the Shire of Donnybrook-Balingup register an interest in the Tourism Demand Driver Infrastructure Grant ROI, that closed on 17 June 2015 as a potential opportunity to access funding to assist development of the Railway Heritage Precinct tourism and cultural development buildings? If not, why not?*

CEO's Response

The Shire did not register an interest in the Tourism Demand Driver Infrastructure Grant. An assessment of the grant criteria identified that the proposal for the WA Apple Interpretive Centre as it currently stands was not suitable.

The Shire held a meeting with Balingup and District Tourism Association (BADTA) and Donnybrook Regional Tourism Association (DRTA) on 16 July 2015 to discuss ways of working together on the Regional Visitor Centre Sustainability Grant and the implications and opportunities for accreditation. BADTA has decided to proceed and will be submitting a grant application. DRTA won't be applying for this round of funding as they feel they are not in a position to fulfil the requirements of the grant.

- 2. Over recent time various heritage matters have been raised within this shire, the last time the Heritage Advisory Committee met appears to be some years ago. When will the Heritage Advisory Committee meet again and is there any opening for interested parties to become a community representative on the same?*

CEO's Response

The Local Heritage Advisory Committee was formed to assist Council with the review of the Municipal Local Heritage Inventory. The Committee has not met since the adoption of the Local Heritage Inventory at the Ordinary Council Meeting on 27 November 2013. Membership for the committee will be invited in August/Sep 2015 to coincide with the biennial election cycle - noting that the Local Heritage Inventory review is not due until 2018.

- 3. The Balingup Streetscape Committee appears to have a reasonable number of community representatives; can you please advise why the Donnybrook Streetscape Committee has had only one community representative for a number of years with a senior point of view of streetscape matters?*

CEO's Response

Council advertised for Committee Membership and received one nomination. The result may be different when Council calls for nominations this August 2015; it is up to the community to register their interest.

Lacey Moore and Megan Baldock wished to ask questions in relation to Tuia Lodge. As the questions related to staff and legal review the questions were not accepted. The Deputy President advised that as a group Council would consider the current review process and respond accordingly.

CB Knight

Is the CEO an employee of the Council? And is the Council subject to direction by the CEO?

Deputy President's Response

Yes, the CEO's role is to provide advice to Council.

Geoff Box

Could the Council purchase a PA system for the Council Chambers as it is hard to hear the Councillors during public meetings?

Manager Finance and Administration's Response

The cost of purchasing a PA system is being reviewed as part of the 2015/16 draft Budget.

Julie King

Is there a database of emails for Shire Residents?

Manager Finance and Administration's Response

No, a database for committee's and community groups currently exists. We are investigating the development of a database of email addresses for Shire residents.

3 APPLICATION FOR LEAVE OF ABSENCE

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

6 LATE ITEMS

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meeting – 22 July 2015

Moved: Cr

Seconded: Cr

That the minutes of the ordinary meeting held on 22 July 2015 be confirmed as a true and accurate record.

8 ELECTED MEMBERS MOTIONS

Nil

- Provision of short term (24/48 hour) parking for self-contained vehicles within the town precinct;
- Access to potable water;
- Access to a free dump point within the town precinct.

There is also a list of desirable criteria which includes:

- Provision of long-term parking for self-contained vehicles;
- Access to medical facilities or an applicable evacuation plan;
- Access to a pharmacy or a procedure to obtain pharmaceutical products;
- A Visitor Information Centre with appropriate parking facilities within a reasonable distance;
- To provide a town map showing essential facilities such as the local hospital, medical services, fuel, shopping area, dump point, fresh water, etc;
- RV friendly town sign to be erected within the town precinct.

Another category, RV Friendly Destination, exists for small towns. The Destination will have an area for overnight or longer stays for travellers in recreational vehicles. The CMCA provides information on how to apply for RV Friendly Town status.

Comment

In considering the merits of becoming a RV Friendly Town, the following facts should be given thought:

- 1) The Town already has a transit park that provides 10 van sites plus 20 camping sites. This facility provides public toilets, shower facilities, laundry, outdoor kitchen, power, potable water and dump site. It is noted that Council budgets \$42,000 annually to maintain and manage this facility. An annual income of \$34,000.00 is expected.
- 2) Advice received from the transit park manager shows that the facility averages 30% occupancy over the year. The rate of occupancy has shown a gradual increase in demand over the last 5 years (since statistics have been kept).
- 3) There is already a “dump point” provided as part of the Transit Park.
- 4) The CMCA promote the notion that the RV Friendly Town generates significant tourism traffic and activity to towns involved. This claim needs to be viewed with some caution. The Shire of Boyup Brook has been a RV Friendly Town for the last three years. It became involved in the project to reduce litter problems generated by uncontrolled parking within the Shire. Discussion with the Shire indicated that they have not noticed any measurable difference in tourist activity.
- 5) The RV community is mainly motivated by obtaining cheap or free camping areas and generally present a low daily spend within towns when compared to other tourist types.

In considering the above, it is concluded that the Donnybrook townsite already has suitable capacity to accommodate recreational vehicles and that the potential benefits verses costs do not necessarily represent the best value in attracting tourist activity to the town.

Should demand increase, the best approach would be to expand the transit park. Becoming an RV Friendly Town would require funds to create free short term camping facilities. These free facilities would directly compete with the existing transit park and offer no mechanism to recoup costs to rate payers.

It is recommended that becoming an RV Friendly Town would not be in the overall interest of the Shire's ratepayers. Ratepayers presently subsidise the Transit Park which provides quality camping accommodation and facilities in a very accessible and tranquil setting.

Other Option to Promote Recreational Vehicles

The Caravan Industry Association WA (CIAWA) has invited the Shire to be part of a community focused signage program to encourage visitors to spend time in towns through signage to welcome caravan and camping visitors and to draw attention to facilities and services provided.

The signage scheme is aimed at recreation vehicle travellers. This includes travellers using caravans, camper trailers, motorhomes and campervans. The signage scheme is promoted by CIAWA through advertising and editorial in the Sunday Times, other media outlets, the annual Perth Caravan and Camping Show, similar interstate events as well as high traffic websites.

The artwork indicates two sign sizes and it is suggested that small towns have 2 signs and larger towns 4 signs which should be located at the approaches to town. There is opportunity to get these signs made for free. An example is shown in Attachment 5.1.1(2). This approach helps highlight the facilities available for recreational vehicle users. This reflects the desired intent of the original proposal put forward without the costs associated with providing new free facilities that will compete with established services. There is a service agreement as part of this signage program. A review of the "eligibility criteria" shows that the Shire can comply without the need to provide any new services or infrastructure.

Voting Implications

Simple majority

Financial Implications

The Townscape budget contains limited funds which could be made available for improved signage.

Strategic Implications

The preparation of a strategic town planning document is a key objective of the Shire's Strategic Community Plan.

Outcome 4.2 - Maintain long term financial viability

Committee’s Recommended Resolution

Moved:

Seconded:

That the Committee advise the Donnybrook Regional Tourism Association that:

- 1) It has considered the request for Donnybrook to become a RV Friendly Town and, after investigating the details, concludes that:
 - a. The existing Transit Park provides a good level of low budget accommodation with high standard amenities in an attractive location within proximity to civic and shopping services; and
 - b. Becoming an “RV Friendly Town” would require duplication of existing Transit Park facilities and will compete and provide no avenue for rate payers to recoup costs.
 - 2) It supports the ‘Community Welcomes Recreational Vehicles’ Signage Program; and
 - 3) The Committee authorise the Chief Executive Officer to formalise arrangements to obtain signage for the Shire.
-

10.1.2	SUBJECT:	REVIEW OF MOVEABLE ADVERTISING SIGNAGE ON DONNYBROOK MAIN STREET
	Location:	Donnybrook
	Applicants:	N/A
	Reserve:	N/A
	File Ref:	TP 07/2
	Author:	Bob Wallin (Principal Planner)
	Report Date:	30 March 2015
	Attachment:	Nil

Background

Direction from Townscape Committee is requested in relation to moveable signage along the main street. Attachment 5.1.2 shows some examples of temporary signage located on the public path.

The number of signs and their location could be seen as detracting from the streetscape appeal and unnecessarily restricting access.

Comment

Local Planning Scheme No.7 (LPS7) defines signage as development. Planning approval is required unless exempt under Schedule 12 (Exempted Advertisements).

Moveable signage along the main street is not exempted under Schedule 12.

Local Planning Policy 9.6 Signage/Advertisement provides specific advice in relation to “moveable signs”. It states:

“moveable signs shall not be allowed to be permitted where, in the Council’s opinion they would obstruct pedestrian or vehicle movements or sightlines or obstruct access to or views form any other premises.

Any moveable sign should be located as close as possible to the premises to which it relates, unless the Council is satisfied that there are local circumstances which make this difficult....

The applicant will be required to maintain a minimum \$5 million public liability insurance covering the placement of the moveable sign on the footpath that indemnifies Council.

Moveable signs shall only remain in public places while the shop or business is trading.”

In forming an opinion on signage, it may be helpful to think about the following:

The purpose of signage

Signage plays an important role in attracting attention to a business and expressing information about goods and services on offer. This is an essential part of promoting a business.

The rate of diminishing returns

Each new sign added does not add the same level of value to a business. The value diminishes. Further, this rate of diminishing returns is not restricted to individual businesses – it applies collectively.

Conflict between individual interests and group interests

The combined impact of all businesses competing and adding signs reduces the ability of a sign to stand out and attract attention. This can lead to an “arms race” that does not benefit individual local businesses or the general streetscape appeal. For signs to be effective in this environment, it is necessary to use more signs that are, louder, bigger, brighter, to attract attention.

This may work in the short term and benefit individuals. However, if this tactic is pursued by all the players - no one wins. Further, it will eventually be counter-productive as the approach creates negative externalities that the town and community as a whole have to pay for – an unattractive and obstacle littered main-street.

Prevention is better than cure

It cannot be uniformly argued that the main street is at a point that contains an unacceptable level of clutter. However, the trajectory has started. The adage that prevention is better than cure may apply to prevent the situation getting worse.

Consistent rules to benefit all

Council has the ability to control the number and location of signage. Limiting moveable signage enables signs to be more effective in their purpose – advertising. It also enables the streetscape appeal to be preserved which attracts more people to use the businesses. Effectively, Council can play a role of resolving the conflict between individual interests and group interests.

Public safety

Inappropriately located signs create an impediment to movement and can present a tripping hazard. While it is common for traditional main streets to have a “clutter zone” that funnels pedestrian activity, creates vibrancy and areas of street activity (think alfresco dining) it needs to be controlled effectively. Attachment 1 shows some examples where the signs are located that will impede exiting a parked vehicle, reduce sight lines, movement and create tripping hazards.

If the Townscape Committee is of the view that main street signage needs specific attention, then there are a number of potential solutions. The following approaches with colloquial titles have been provided to help discussion:

“The Nudge”

This approach is about changing normative values by highlighting what would be in the best interests of all. This would be a soft power approach and could be a first step. It would involve a letter drop to existing businesses on the main street, reminding all of the rules that apply, why they apply and to think about location of signs. There could also be a gentle reminder of the costs of not doing the right things.

“The Bad Cop”

This approach is to take a strict interpretation of the policy and LPS7 requirements and remove all signs that do not have planning approval. This approach may be softened by a short grace period in which retrospective planning applications can be considered.

“The Legislator”

This approach is to review the policy and LPS7 requirements. One approach could be to allow as a right (exempt from planning approval) a single portable sign per business subject to meeting specific siting requirements. Another could be to prepare a signage policy specific to the Donnybrook main street that guides signage.

Policy/Statutory Implications

N/A

Financial Implications

N/A

Strategic Implications

Outcome 1.1 – Continue to grow the Shire’s population.

Outcome 2.8 – Our townsites are attractive, well presented and maintained.

Outcome 4.7 – Maintain and enhance Shire assets.

Committee’s Recommended Resolution

Moved:

Seconded:

The Committee resolve that the Chief Executive Officer:

- 1) contact businesses/landowners on the main street to explain signage requirements;**
- 2) Review the signage environment in 6 months and update the Townscape Committee and suggest alternative approaches if necessary.**
- 3) Consider including an option for an exemption for planning approval for 1 standard A frame sign as part of the next omnibus amendment to Local Planning Scheme No.7.**

10.2 Waste Management Advisory Committee Meeting – 18 August 2015

10.2.1	SUBJECT:	APPLICATION FOR VARIATION TO THE MANAGEMENT OF THE DONNYBROOK WASTE MANAGEMENT FACILITY CONTRACT
	Location:	Goodwood Road Donnybrook
	Applicants:	Hastie Waste
	Zone:	State Forest
	File Ref:	HLT 09/2
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	5 August 2015
	Attachment:	Nil

Background

The purpose of this report is to:

1. Endorse continuing to landfill in the active area of the Donnybrook Waste Management Facility (DWMF) and raise the final waste height 2.5 metres above that planned in the Shire’s approved Landfill Closure Management Plan (LCMP) to provide an additional 24,300m³ of void space; and

2. Consider the offer by Hastie Waste to provide a landfill compactor and adjust the rates of the Management of the Donnybrook Waste Management Facility (DWMF) Contract (the Contract) accordingly.

Comment

Provision of Landfill Compactor

Hastie Waste has made application for a variation to the Contract to upgrade the machine that it uses to landfill and compact and adjust the contract rates for same.

The existing machine used in accordance with the contract is a 12 tonne track loader and it is proposed to replace this with a 25 tonne compactor. Hastie Waste advises that it has already purchased the compactor because an opportunity arose for its purchase at a low price (<\$25,000) and given that it is a machine designed specifically for land fill operations, is 25 tonnes (double the weight) and has a bucket it delivers improved compaction and versatility for landfill operations.

When the Shire sought tenders for the Contract in 2011, the tender specified that a machine was to be provided that (among other things) delivered a minimum approximate compaction rate of 600kg/m³. It was anticipated that tracked machines would be used by the successful tenderer.

It is known that landfill compactors deliver greater compaction of 600 kg/m³ but it was deemed that for the size of the DWMF, the amount of waste received that requires landfilling and associated economies of scale, the costs of providing a compactor would be excessive and not commensurate for the size of the operation.

Given the high cost of capital and operational costs of compactors it generally only becomes viable to provide compactors in a contract where in excess of 20,000 tonnes are received at a landfill facility where a compactor would be provided and amortised over the life of the contract. The DWMF receives on average 6,000 tonnes per year.

Compactor Rates – Price Adjustment to the Contract

Determining what is a fair rate for a landfill compactor being offered given its age is difficult to determine. As the machine was manufactured in 1986 and has done in excess of 10,000 hours it has a higher risk of breakdown and downtime. Whilst the capital cost for the compactor was relatively low (<\$25,000) operational costs, risk of breakdown and the cost to repair will remain high. An electronic lifecycle costing calculator (spreadsheet) was used as the basis of determining the rates for the Compactor.

After negotiation between Shire staff and Hastie Waste the following rates have been offered by Hastie Waste:

- \$18,000 per annum over 4 years;
- \$21,000 per annum over 2 years; or
- \$55 per Landfill Compactor machine hour (no minimum period)

Compaction

Given the age of the Landfill Compactor the exact compaction rate could not be verified because compaction specifications for the Compactor are not available. However based on industry knowledge on these machines a compaction rate of 830kg/m³ is being used during this evaluation. This compaction rate also aligns with the compaction rates as confirmed in the Caterpillar Handbook.

Works Approval

The works approval for the extension to the DWMF is yet to be issued. Recent Officer's advice from Department of Environment and Regulation (DER) confirm that the works approval will be refused on the basis that the Shire's application does not propose to install a liner and leachate collection system as per the Victorian Best Practice Environmental Management Guidelines (BPEM). Based on this the Shire will be required to investigate every opportunity to extend the life of the landfilling operations until other solutions are found.

Compactor - Evaluation of Costs and Benefits

Ask Waste Management Report

Ask Waste Management was commissioned to provide advice on the cost benefit of the proposal whilst taking into account known risks of limited landfill capacity and anticipated works approval refusal at the DWMF.

The report evaluates the cost benefit of the proposal considering the following:

- Rates proposed by Hastie Waste for providing a landfill compactor;
- Remaining Void Space - Projections for the active area using survey data and options to increase the volume of void space;
- Operational Life - Comparisons of anticipated landfill void space savings with the Compactor versus the tracked loader;
- Economic Assessment - of the active landfill area only and methodology using operational costs and not the whole of life costs; and
- Conclusions and recommendations

ASK Waste Management recommend that the offer from Hastie Waste should be accepted for the following reasons:

- The Contractor's compactor will increase the operational life of the active area, thus resulting in significant cost savings to the Shire by continuing to landfill at the DWMF as opposed to transporting the waste and disposing it at a regional facility; and
- It will provide sufficient time for the Shire to determine and implement alternative strategies.

Council is advised to support the recommendations from ASK Waste Management and:

- Accept the rates offered from Hastie Waste for two years at \$21,000 plus GST per annum; and
- Continue to land fill in the active area as per option 2 within the existing landfill footprint (to the maximum slopes of 1:5 as stipulated by BPEM) to realise an additional 3.9 years (with tracked loader) or 5.8 years (with compactor) of land fill capacity based on projected rates of waste received at the DWMF.

Whilst it is acknowledged that at least 4 years of landfill capacity is available based on the projections provided by ASK Waste Management, Council is advised to only accept a 2 year option with Hastie Waste for the provision of the Compactor as several issues need to be evaluated at the DWMF including:

- Future acceptance of commercial waste;
- Whole of life costs of developing future landfill areas if works approval is granted by DER;
- Diversion of kerbside waste collection from the DWMF to a regional facility; and
- Diversion of the Balingup Transfer Station waste from the DWMF to a regional facility

It is planned that an economic review be undertaken in the 2015/16 budget year to evaluate these matters and other whole of life principles for consideration of Council. A budget provision has been made for this purpose.

Consultation

Ask Waste Management was commissioned to provide advice on short term landfill options and the cost benefit of paying Hastie Waste to provide a landfill compactor.

Mr Tony Battersby – Chief Executive Officer of the Bunbury- Harvey Regional Council provided advice on the benefits of a compactor, typical operational costs and compaction rates etc.

Policy/Statutory/Voting Implications

Voting

Simple Majority

Financial Implications

Section 5.10 of the contract between the Shire and Hastie Waste for the Management of the Donnybrook Waste Management Facility provides for price variations to the contract.

The Shire pays Hastie Waste \$228,060 per annum (subject to rise and fall provisions) to manage the DWMF. If Council accepts the recommendation to vary the Contract and

introduce the compactor into the landfill operations the amount payable will be \$249,060 per annum or an increase of 9% to the contract.

It will be prudent to accept the offer from Hastie Waste considering the projected yearly additional cost of \$350,754 of transporting waste to a regional landfill facility as compared to continuing to landfill at the DWMF. The Compactor will provide an additional 1.9 years of additional landfill capacity if used in lieu of the tracked loader equating to \$666,432 savings based on the additional projected yearly cost.

Strategic Implications

The Shire of Donnybrook – Balingup Strategic Community Plan (SCP) States:

Outcome 2.2 – Efficient and Effective Waste Management.

Strategy 2.2.3 - Continue to provide waste management infrastructure to accommodate the waste management needs of the community.

Committee's Recommended Resolution

Moved:

Seconded:

That Council:

1. **Approve a variation to the Management of the Donnybrook Waste Management Facility Contract with Hastie Waste to use a landfill compactor (C66 Hanomag) for four years concluding on the 30 June 2019 at a rate of \$18,000 plus GST per annum and be subject to the rise and fall adjustments within the Contract.**
2. **Modify the Management of the Donnybrook Waste Management Facility Contract that in the event of breakdown of the Compactor exceeding three days, and the track loader is required to be used, that the rates payable apply to that of the original contract price calculated on a pro rata basis.**
3. **Select Option 2 as recommended by Ask Waste Management report dated 30 July 2015 and continue to landfill the active area within the existing landfill footprint.**

10.2.2	SUBJECT:	SOUTH WEST – REGIONAL WASTE MANAGEMENT STRATEGY
	Location:	South West
	Applicants:	City of Bunbury
	Zone:	N/A
	File Ref:	HLT 08/8
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	11 August 2015
	Attachments:	Nil

Background

The City of Bunbury on behalf of the South West Group of Council's commissioned Talis to prepare the Regional Waste Management Strategy (RWMS). The South West Group of Councils consists of:

Shire of Augusta – Margaret River	Shire of Collie
Shire of Bridgetown - Greenbushes	Shire of Dardanup
City of Boyup Brook	Shire of Donnybrook – Balingup
City of Bunbury	Shire of Harvey
Shire of Busselton	Shire of Manjimup
Shire of Capel	Shire of Nannup

The City of Bunbury has requested that each local government consider the report and confirm their commitment to progress the recommendations in the report. Given the size of the document (150 pages) the executive summary inclusive of the recommendations is attached. A full copy of the report can be provided to Council members (in confidence as some detail in the report can be considered commercially sensitive) upon request of the officer.

Comment

The RWMS makes 13 recommendations. The RWMS details opportunities for local governments to collaborate on a regional level and evaluate the most effective, efficient and sustainable way to systemically manage waste. Each local government can potentially benefit from larger economies of scale taking into account strong projected population growth in the region.

The executive summary details:

- Existing waste management practices, waste volumes and diversion rates in the region and projected figures for same in the future;
- Existing legislation drivers for waste management in WA;
- Strategic waste management options identified as part of the review taking into account SWOT analysis and the presence and absence of support structures that will facilitate the successful implementation of various waste management options;

- Discussion of large scale alternative waste treatment options that include biological and thermal waste (waste to energy) treatment and projected landfill diversion rates for these technologies;
- Industries in the southwest that could utilise the energy generated from the waste to energy technology if constraints with the support structures are overcome;
- Indicative cost savings to local governments of a regional landfill facility factoring in the estimated whole of life costs of a regional facility including capital and operational costs associated with meeting environmental standards of operating contemporary landfill facilities;
- Methodology of determining a location for a landfill facility; and
- Comment on local level waste infrastructure needs supporting a regional facility.

The report presents waste options that are conceptual by nature. Technical and financial feasibility is yet to be undertaken. Further evaluation required is detailed in the recommendations to the report.

Given that the Shire's Strategic Community Plan supports investigating regional waste opportunities it is advised that the Shire commit to the feasibility of the recommendations in the RWMS with other local governments in the region.

Consultation

The Chief Executive Officers from each Local Government have been meeting for several years overseeing this process.

Policy/Statutory/Voting Implications

Policy

The Western Australian Waste Strategy "Creating the right Environment" details requirements for local governments to meet waste recovery targets by 2015 and 2020.

Voting

Simple majority

Financial Implications

The cost to the Shire of Donnybrook – Balingup for supporting further feasibility is \$5,000 based on a rate revenue pro rata methodology amongst the local governments. The draft 2015/16 budget has allowed for this process.

Strategic Implications

The Shire of Donnybrook – Balingup Strategic Community Plan (SCP) States:
Outcome 2.2 – Efficient and Effective Waste Management.
Strategy 2.2.4 - Continue to investigate regional waste opportunities.

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council receives the Regional Waste Management Strategy and confirm its commitment to feasibility of the recommendations and contribute up to \$5,000 to this process.

10.2.3	SUBJECT:	REMOVAL OF BULK RECYCLING BINS – KIRUP AND LOWDEN
	Location:	Shire of Donnybrook – Balingup
	Applicants:	Kirup Progress Association Inc
	Zone:	N/A
	File Ref:	HLT
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	5 August 2015
	Attachments:	Nil

Background

The Shire of Donnybrook–Balingup (the Shire) provides a co-mingled recycling drop off points in Kirup and Lowden by placing skip bins in these locations. They are collected by Hastie Waste and delivered to Picton and subsequently transported to a Material Recovery Facility in the metropolitan area managed by Perth Waste. These recyclables enter the same recycling diversion stream as the kerbside recycling service.

The Kirup Progress Association has requested that this service be removed from Kirup because of the level of contamination that enter the bins and the fact the bins are often used by travellers and non-Kirup residents. It is prudent that the service provided at both locations be reviewed.

It is understood that the service (skip bins) were introduced into these areas when the Lowden tip was closed and also to encourage recycling for the rural residents and/or householders who do not have a kerbside recycling service. However this type of service gives rise to problems (as it is not controlled) that have been conveyed by the Kirup Progress Association.

Comment

Removal of the service in both areas of Kirup and Lowden is recommended. Rural residents who do not have a kerbside putrescible waste or recycling service need to take their waste to the Donnybrook Waste Management Facility (DWMF) or alternative facility. As residents (without kerbside services) need to visit a disposal facility it is reasonable that they can also dispose of recyclables (if they choose to recycle) at the same time.

Furthermore the Shire has over years improved its recycling drop off options for different types of recycling categories including the construction of the Material Recovery Facility (operated by the Lions Club) at the DWMF.

This is a better outcome for the Shire as the DWMF is controlled and contamination is therefore minimised, use by non-shire residents will be eliminated and savings will be made by not providing the bulk recycling service.

Consultation

If Council supports the recommendation it is proposed that the Shire advertise that the bulk recycling bins be removed via the local new papers and the Shires website.

Policy/Statutory/Voting Implications

Voting

Simple Majority

Financial Implications

The Shire has allocated \$12,000 in the 2015/16 budget to provide and manage bulk recycling bins. It is anticipated that if the bulk recycling service in Kirup and Lowden is removed \$10,000 will be saved annually.

Strategic Implications

The Shire of Donnybrook – Balingup Strategic Community Plan (SCP) States:

Outcome 2.2 – Efficient and Effective Waste Management.

Committee's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council advertise in the Donnybrook-Bridgetown Mail, the Preston Press and the Shire website of its intention to cease providing the bulk recycling services located at Lowden and Kirup and remove the skip bins in these areas on the 30 October 2015.

11.4 Principal Planner

11.4.1	SUBJECT:	PLANNING APPLICATION FOR A DWELLING AT LOT 8124 AIRSTRIP ROAD, BALINGUP.
	Location:	Lot 8124 Airstrip Road, Balingup 7120
	Applicants:	Mark and Les Camons
	Zone:	Special Use 1
	File Ref:	A1534
	Author:	Bob Wallin (Principal Planner)
	Report Date:	12 August 2015
	Attachments:	11.4.1 – Location Plan and Building Concept

Background

The proposal is to construct a dwelling at Lot 8124 Airstrip Road, Balingup. Attachment 11.4.1 shows the location of the proposed dwelling and building design.

The site is located within an area known as the Brooklands Community which contains a number of existing residents and has a unique historical context to its settlement.

The land is zoned “Special Use 1” under Local Planning Scheme No.7 (LPS7). Schedule 5 of LPS7 outlines the planning requirements. This includes permitted uses being listed as:

- Residential building;
- Agriculture – Intensive;
- Dwellings; and
- Ancillary uses.

In addition, Schedule 5 states that conditions of use will be determined by the Local Government.

It is important to note the difference between “use” and “development”. Council cannot refuse a “permitted” use because of the unsuitability of the use. However, it can impose conditions or refuse the development.

In this case, the use of “dwelling” is permitted and cannot be refused. However, the development of the dwelling is something that Council could refuse or condition based on the ability of the application to comply (or not) with relevant development standards.

Based on Council’s records there are 14 dwellings as well as a number of sheds and amenity buildings.

In 1995, Council considered an application for a 15th dwelling (meeting 15th February). At this time, Council resolved:

“that a letter be sent to Ms Pasco and the community, to outline Council’s concerns in relation to the need for a fire protection strategy and environmental and equity issues.”

It was also noted at this time that there was reputedly an existing agreement for a maximum of 16 houses. This agreement could not be found back in 1995 and has not been able to be found now.

Comment

The key issues relating to this proposal relates to, fire risk and lack of structure plan to guide and control land use and extent of development.

To understand these issues, the following points have been provided to assist Council in making a decision:

Increase in fire risk

The site contains heavily vegetated areas that blanket steeply undulating land. The site boundary also abuts State Forest land on its western extent.

The proposed building location is 400m from the State Forest boundary and is relatively isolated from other heavily vegetated areas within the Special Use 1 zone. The vegetation closer to the proposed building site is clumped into smaller isolated pockets. The proposed dwelling site will be located within a clump of vegetation with an area of approximately 6500m². This clump of vegetation is separated by a cleared creek line from the main vegetated areas with an average canopy separation distance of 20 metres or greater.

The Department of Parks and Wildlife advises that the property contains native vegetation in proximity to extreme bushfire hazard areas. It recommends a Bushfire Attack Level (BAL) assessment be completed. A condition requiring a BAL assessment is recommended.

Structure Planning Control

As mentioned above, Council cannot refuse the proposed “use” but can refuse the proposed development based on its ability to comply with development standards of LPS7.

In looking at the “development” side of the proposal, the key clauses of LPS7 are discussed below:

Clause 5.17 General appearance of buildings and preservation of amenity

This provision relates to ensuring that any new development will not have an adverse impact on local amenity when considering:

- External appearance of the building;
- Dimensions and proportions of the building;
- Effects on nearby properties and occupants; and
- Effect on landscape and environment generally.

There is no specific building theme or style evident in the locality. In addition, the immediate neighbours form part of the “community” which have supported this application.

Lastly, the building will not be visible to the wider public realm. On this basis, the proposal is compatible with the objectives of clause 5.17.

Clause 10.2 Matters to be considered by Local Government

Clause 10.2 provides an extensive list of items that Council is to have regard to when making a planning decision. The proposal does not raise any specific concerns in relation to the items listed.

Clause 6.9 Structure Plan Areas (SCA8)

Clause 6.9.3.2 states that Council may require a structure plan to be prepared for any land not within a structure plan area where it can be demonstrated that the land requires substantial pre-planning before decisions are made with respect to its use, subdivision of development.

There is presently no specific requirement under the Special Use zoning to require a structure plan. The site has already been substantially developed and on this basis, it would be difficult to sustain any request for review at the State Administrative Tribunal should Council require a structure plan to be prepared prior to considering this application. This is on the grounds that:

- a) The proposal is for only one dwelling that is supported by existing landowners;
- b) There is already a significant number of existing dwellings and improvements on the property. It would be hard to justify the need for structure planning resulting from adding one new dwelling;
- c) the reasonableness of the requirement would be questionable. Concerns regarding this particular application can be addressed through planning conditions.

The concern for structure planning relates more to the potential for further applications in the future. It is about the combined impact of further incremental ad-hoc additions to the community. With no definitive structure and rules in place, it is difficult to control future proposals and ensure good planning outcomes for the site. To address this point, the most effective and fairest method would be for Council to initiate an amendment to Schedule 5 Special Use 1 of LPS7 to insert:

- maximum dwelling numbers
- need to prepare a structure plan
- define servicing requirements
- need to prepare and implement a fire management plan.

This will enable Council the power to ensure that any further development on the site occurs in an orderly and proper manner.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Schedule 5 of LPS7 – Special Use 1. This schedule sets out the planning requirements applicable to the site.

Clause 10.2 of LPS7. This lists the relevant planning considerations that Council is to have regard to when making a planning decision.

Clause 6.9 of LPS7. This clause details structure planning requirements and processes.

Clause 5.17 of LPS7. This clause provides Council power to ensure that new development occurs in a way to preserve local amenity.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 2.8 – Our rural lifestyle is maintained

Outcome 2.7 – Improving fire prevention and hazard reduction activities

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the Council:

- 1) Authorise the Chief Executive Officer to include in the next omnibus amendment to Local Planning Scheme No.7 provisions to strengthen and provide guidance for future development and land use applicable to the Special Use 1 site (Schedule 5). The provisions are to address servicing, need for a structure plan, ultimate development capacity and fire management controls;**
- 2) Advise the Brooklands Community Inc that it will not support any further residential buildings or requests for other major structures at Lot 8124 Airstrip Road, Balingup unless it is consistent with an approved structure plan; and**
- 3) Grant Planning consent for the construction of a dwelling at Lot 8124 Airstrip Road, Balingup 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. Obtaining a building license.
4. Providing an on-site effluent disposal system to the satisfaction of the Department of Health/Shire of Donnybrook-Balingup.
5. Confirming in writing that the developer understands and acknowledges that the Shire of Donnybrook – Balingup has no plans to upgrade Airstrip Road at this time and noting that any future upgrading will be consideration by Council in accordance with Local Engineering Policy 4.6.
6. A Bushfire Attach Level (BAL) assessment being undertaken to confirm acceptable building standards for the building.
7. Provision of a suitable potable water supply to the satisfaction of the Shire of Donnybrook-Balingup.

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: 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 3: Approval to occupy the dwelling will not be granted unless it is demonstrated that all planning conditions have been satisfied.

11.4.2	SUBJECT:	PROPOSED SITE FOR RAC ELECTRIC HIGHWAY CHARGING STATION WITHIN DONNYBROOK TOWNSITE – LOT 593 COLLINS STREET, DONNYBROOK.
	Location:	Donnybrook townsite
	Applicants:	RAC
	Reserve:	Public Purpose
	File Ref:	A4014
	Author:	Bob Wallin (Principal Planner)
	Report Date:	6 May 2015
	Attachments:	11.4.2 – Originally Approved Site and Proposed New Site

Background

Council at its meeting 27th May 2015 resolved to:

- “1) Approves the location of the RAC electric charging station in accordance with Attachment 3.*
- 2) Authorises the Chief Executive Officer to liaise with RAC directly to progress the project to completion.”*

The location of this site is marked in Attachment 10.4.3. After detailed analysis of electrical infrastructure Western Power has advised that to service this site, a new transformer will be required. This places excessive costs on the project beyond the RAC’s capacity to justify.

Council’s support is now being requested for an alternative site. It is noted that a number of other Shires have had to reconsider sites based on similar power infrastructure constraints.

A site meeting with RAC, electrical contractor, Western Power and Shire staff has occurred to review other potential sites. The preferred site suggested by RAC and Western Power is located at the southern end of the southern Main Street parking area (Attachment 11.4.3).

Comment

In terms of providing a practical and economic power supply, Western Power identified new two sites; one being next to the amphitheatre, and the site shown in Attachment 11.4.3. The site next to the amphitheatre was discounted from further consideration on the basis that:

- a) These bays are very popular and always in demand. They are used by dental clinic customers as well as other nearby local businesses. Removal of 2 bays from regular use would create a measurable shortage of supply; and
- b) The car parking area is irregular in shape and has limited turning areas.

The preferred site has a number of site advantages. These are:

- a) The wider car parking area usually has spare capacity;
- b) The bays are located on the outside edge and the least demanded sites (Attachment 10.4.3);
- c) The bays are immediately next to an existing transformer that has capacity to supply the charging stations; and
- d) The bays are close to amenities such as public toilets and local businesses. This satisfies the RAC's philosophy for site selection.

It will be necessary to remove three bays in total from the general parking supply. The design will require infrastructure to be located within a central bay which provides space for a vehicle to charge on either side.

Policy/Statutory/Voting Implications

Policy/Statutory

N/A

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 1.4 – Improved access to the latest technology and communications

Outcome 1.7 – a well used and efficient transport network

Outcome 2.5 – Increased use and access to alternative energy options and sustainable buildings and infrastructure. 2.8 – Our town sites are attractive, well presented and maintained.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council:

- 1) Approves the location of the RAC electric charging station in accordance with Attachment 1.**
 - 2) Authorises the Chief Executive Officer to liaise with RAC directly to progress the project to completion**
-

11.4.3	SUBJECT:	PROPOSED EXTRACTIVE INDUSTRY
	Location:	Lot 2651 Goodwood Road, Paynedale
	Applicant:	B & J Catalano Pty Ltd
	Zone:	General Agriculture
	File Ref:	IND 01/21
	Author:	B Wallin (Principal Planner)
	Report Date:	27 July 2015
	Attachments:	11.4.3(1) – Site Plan 11.4.3(2) – Schedule of Submissions

Background

The adjoining land, in the same ownership as this site, has been the subject of extractive industry applications dating back to 2006. This activity has been completed and the land is now being used as a “feed lot”.

This proposal is to extract gravel from the north and eastern section of Lot 2651 Goodwood Road (Attachment 11.4.4(1)). An approval period of 5 years is being requested with activity being divided into 4 stages. The size of each stage varies - ranging in from 0.8ha (Stage 1) to 6ha (Stage 4). It is proposed to extract gravel to a depth of 1m and return the land for pasture and grazing.

Access is proposed by extending “Silipo Road” to Stage 2 which will include the construction of a new crossing point over Mill Brook Creek.

The proposed extraction sites previously contained remnant vegetation. Discussion with the Department of Environment Regulation confirms that a clearing permit was issued for this with the end use being for grazing.

The eastern and northern boundary abuts State forest and the western extent is defined by the alignment of Mill Brook Creek.

The end earth form will be generally the same as existing with a gentle fall towards the creek.

If Council is to support this application, it is necessary for the applicant to demonstrate compliance with the terms of the planning approval. Once this has occurred, an Extractive Industry License can be issued and extraction started. It is noted that if approved, ongoing monitoring will be needed to ensure compliance with conditions.

Comment

It is suggested that conditions can address operational matters. It will be necessary for the applicant to demonstrate compliance with any planning approval prior to being issued with an extractive industry license. Further, conditions have been imposed to ensure ongoing monitoring and compliance.

Approval is recommended subject to conditions.

Consultation

The proposal was advertised including letter drops to all properties within 1000m of the site. No submissions were received from nearby private landowners. Eight submissions have been received from government agencies providing technical advice (see Attachment 11.4.4(2)). Attachment 10.4.4(2) provides a summary of submissions and suggested responses.

The key issues raised by the submissions relate to water management and setbacks to State Forest.

Water Management

Discussion with the Department of Water has indicated that all details can be addressed as a condition. The aim is to ensure that stormwater and silt is appropriately retained to ensure no adverse impacts on the water environment, including the health of Mill Brook Creek.

Conditions have been worded to ensure the health of the water environment.

State Forest setbacks

The Department of Parks and Wildlife recommends a setback of 20m from State Forest boundaries to protect root zones and remove potential damage from machinery.

The applicant wishes to excavate to the boundary as it will enable a smoother transition to the end land form contours. It is likely that this area closer to the boundary contains the best source of gravel.

In considering both these views, it is worth looking at the Shire's Extractive Industries Local Law. Clause 6.1 states that:

“... a person shall not, without the written approval of the local government, excavate within –

a) 20 metres of the boundary of any land on which the excavation site is located...”

In this case, there are good environmental reasons for ensuring a setback. The Local Law's standards should be enforced.

Statutory Implications

Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (TPS7)

Clause 9.6 Advertising of applications. This clause outlines the requirements for advertising. Further Local Planning Policy 2.22 provides further clarification on advertising requirements. The proposal has been advertised in the local paper, letter drop, notice boards and the Shire's website.

Shire of Donnybrook-Balingup Extractive Industry Local Law

Clause 3.1(5) of the Local Law indicates:

“Without limiting subclause (2), the local government may impose conditions in respect of the following matters -

- a) the orientation of the excavation to reduce visibility from other land;
- b) the appropriate siting of access roads, buildings and plant;
- c) the stockpiling of material;
- d) the hours during which any excavation work may be carried out;
- e) the hours during which any processing plant associated with, or located on, the site may be operated;
- f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
- g) the depths below which a person must not excavate;
- h) distances from adjoining land or roads within which a person must not excavate;
- i) the safety of persons employed at or visiting the excavation site;
- j) the control of dust and wind-blown material;
- k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
- l) the prevention of the spread of dieback or other disease;
- m) the drainage of the excavation site and the disposal of water;
- n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- p) requiring the licensee to furnish to the local government a surveyor’s certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
- q) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law;
- r) any other matter for properly regulating the carrying on of an extractive industry; and
- s) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence.”

The officer recommendation seeks to use conditions to mitigate impacts.

Strategic Implications

Outcome 1.3 – to increase the range and diversity of industries and businesses that provide a range of employment opportunities.

Outcome 1.5 – Our rural lifestyle is maintained.

Outcome 2.1 – Our river systems and natural environment are enhanced and improved.

Financial Implications

N/A

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council grant planning consent for an 'Extractive Industry – Gravel' at Lot 2651 Goodwood Road, Paynedale, Donnybrook subject to the following conditions:

- 1. All development shall be in accordance with the approved Development Plan dated May 2015 (attached), including any amendments placed thereon by the Shire of Donnybrook-Balingup and except as may be modified by the following conditions:**
 - 1. The approval expires five (5) years from the date of approval and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued.**
 - 2. The extent of the proposed Extraction Areas to be modified to show a 20m boundary setback and the south western section of proposed Stage 2 being amended to enable retention of existing trees with suitable space for protecting root zones.**
 - 3. The issue of the approval shall not, in any way, render the Shire of Donnybrook-Balingup liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that he / she and / or the excavating contractor and / or the transportation contractor hold sufficient public liability insurance cover for any claim against them; relevant insurance policies are to be sighted by Shire of Donnybrook-Balingup staff prior to commencement of operations.**
 - 4. Those portions of public roads as are affected by the activities related to the approval shall be maintained to a standard acceptable to the Shire of Donnybrook-Balingup at cost to the applicant.**
 - 5. Working hours within the pit area and transportation of materials shall be restricted to the hours between 7.00am and 5.00pm Mondays to Fridays only, and excluding public holidays and may be further restricted in specific cases as determined appropriate by the Shire of Donnybrook-Balingup.**
 - 6. A Dust Management Plan shall be prepared and implemented by the proponent and shall include:**
 - (i) Measures to minimise the amount of dust pollution associated with the operation, such as by watering and covering truck loads, access roads**

and public roads where necessary to the satisfaction of the Shire of Donnybrook – Balingup;

- (ii) Details of monitoring and assessment of dust through use of appropriate monitoring equipment;
- (iii) A system and commitment to dust complaint handling by the proponent.

The Plan shall be submitted to the Shire of Donnybrook-Balingup, Department of Health and Department of Environment Regulation for approval prior to commencement of operations.

7. A Stormwater Water Management Plan shall be prepared and implemented by the proponent and shall include:
- (i) The installation of professionally designed detention and silt/nutrient stripping ponds as appropriate to protect local waterways, prior to commencement of excavation;
 - (ii) Stormwater detention ponds to include overflow spillways or acceptable alternatives to manage discharge of excess water in events up to and including 100 year average recurrence intervals.
 - (iii) Reporting to the Shire within 72 hours of a 10 year/2 hour Average recurrence interval rainfall event, detailing impacts and any remediation actions required.
 - (iv) No interception of the water table
 - (v) No dewatering of the extraction area
 - (vi) No storage of hydrocarbons
 - (vii) On-site refuelling to be restricted to a mobile service vehicle carrying appropriate spill prevention and clean up equipment.
 - (viii) Extraction areas being setback at least 40 metre from Mill Brook Creek.

The Plan shall be submitted to the Shire of Donnybrook- Balingup and the Department of Water for approval prior to commencement of works.

8. Topsoil is to be stockpiled and re-established as part of the rehabilitation process to the specification and satisfaction of the Shire of Donnybrook-Balingup.
9. The applicant to prepare a weed management plan that includes specific details on controls, inspection timeframes and implementation.
10. The applicant to prepare a rehabilitation plan to the specification and satisfaction of the Shire of Donnybrook-Balingup and incorporate the following:
- (i) Details of staging and need to complete rehabilitation within 6 months of extraction being completed for each stage;
 - (ii) Details of weed, pest and mosquito management programme.
 - (iii) Spreading of stockpiled topsoil.
 - (iv) Seeding with an appropriate agriculture seed mix, and / or

- (v) **Planting native species of trees, shrubs and ground covers along Mill Brook Creek.**
- 11. A maximum area of only 2 hectares shall be worked at any one time which is then to be satisfactorily rehabilitated concurrent with the extraction of the following 2 hectare area to the satisfaction of the Shire of Donnybrook-Balingup.**
- 12. A compliance review shall be undertaken 6 months from commencement of operations, and every year thereafter. The Shire of The Shire of Donnybrook-Balingup shall determine the level of compliance with these conditions of approval and may cancel this approval for non-compliance.**
- 13. A Dieback Hygiene Management Plan to be prepared in accordance with guidelines, with approval by the Shire of Donnybrook-Balingup and Department of Parks and Wildlife prior to commencement of work. The Management Plan should address the issue of dieback spread from, or to, the property by transfer of the disease by plant and vehicles, and the material being transported in accord with the Shire's adopted principles for dieback control to the satisfaction of the Shire of Donnybrook-Balingup.**
- 14. The applicant to provide a performance bond to the value of \$40,000 prior to the commencement of the activity to be held against satisfactory compliance with this Planning Consent and Licence. The bond may be in the form of cash or unconditional bank guarantee. Any such bond is to be accompanied by a written authorisation (including certificate of title) from the owner of the land that the Shire of Donnybrook-Balingup may enter the site to complete or rectify any outstanding work.**
- 15. Proposed excavation and extraction works to be a minimum of 20 metres from the adjoining lot boundaries and 40 metres from Mill Brook Creek.**
- 16. A current public liability insurance policy shall be taken out at the applicant's expense) for the amount of \$10,000,000 indemnifying the Shire of Donnybrook-Balingup for any one claim relating to the extraction operation as shown on the approved plans to the satisfaction of the Shire.**
- 17. A noise management plan to be prepared to the satisfaction of the Shire of Donnybrook-Balingup and Department of Environmental Noise Regulation. In addition to compliance with the Environmental Protection (noise) Regulations, a Noise Management Plan is required to be prepared and implemented by the proponent and shall address:**
- (i) Management of noise from plant and machinery;**
 - (ii) Details of monitoring and assessment of noise through use of appropriate monitoring equipment;**
 - (iii) Hours of operation in accordance with this condition approval.**

The Plan shall be submitted to the Shire of Donnybrook-Balingup and Department of Environmental Regulation for approval prior to commencement of operations.

- 18. An extractive Industry License will be considered following demonstration that applicable conditions of the planning approval have been satisfied to the Shire's satisfaction.**

Advice to Applicant:

- 1. The shire of Donnybrook-Balingup contains many places of Aboriginal Heritage significant. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning.**
 - 2. The Planning Consent issued does not remove any responsibility to obtain relevant approvals from the Department of Environmental Regulation in relation to crushing or materials on-site.**
 - 3. This Planning Consent does not remove any responsibility to obtain a licence to draw water and or permit interference with a watercourse or its bed or bank from the Department of Water.**
 - 4. Rights of appeal are available to you under the Planning and Development Act 2005 against the decision of council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal.**
-

11.5 Chief Executive Officer

11.5.1	SUBJECT:	POLICY OPTIONS FOR INCREASING ELECTED MEMBER PARTICIPATION IN TRAINING
	Location:	Shire of Donnybrook-Balingup
	Applicants:	WALGA
	Zone:	N/A
	File Ref:	CNL 06/5
	Author:	John Attwood –Chief Executive Officer (<i>Kate O’Keeffe – Executive Assistant</i>)
	Report Date:	17 August 2015
	Attachments:	11.5.1 - Discussion Paper

Background

In response to calls for increased participation in Elected Member training in Western Australia and other Australian jurisdictions, WALGA is undertaking a thorough consultation process with the Local Government sector to explore policy options relevant to this contemporary and important discussion. A Discussion Paper *Policy Options to Increase Elected Members Training Participation* (Attachment 11.5.2) has been prepared to facilitate sector feedback.

The Discussion Paper provides an overview on the policy context and existing Elected Member training, and explores the following six policy options aimed at increasing Elected Member participation in training:

1. Enhance the desirability of training offerings;
2. Delivery of best practice Council induction programs;
3. Require Council’s to adopt a training policy;
4. Require candidates to attend training prior to nominating for election;
5. Incentivise training through the remuneration framework; and
6. Mandate training for newly elected Members.

Comment

Increasing participation in Elected Member training is considered a desirable policy goal for individually Elected Members, for Council, and for the Local Government sector due to the competing demands on Elected Members, the complexity of the Local Government regulatory regime, and importance of Local Government to communities across Western Australia.

To guide WALGA’s future policy development and advocacy, Council is asked to provide feedback including general comments and answers to the questions on pages 30 – 31 of Attachment 11.5.2 by Friday, 13 November 2015. In order to collate responses and obtain endorsement of the final submission at the October Ordinary Council Meeting, Councillors are asked to provide feedback to the CEO by COB Friday, 9 October 2015.

Consultation

To inform future policy development and advocacy, WALGA is seeking feedback on this paper from Local Governments.

Policy Implications

N/A

Statutory Implications

Voting Implications

Simple majority

Financial Implications

N/A

Strategic Implications

Outcome 4.4 – To be strong advocates representing the Shire’s interests.

Officer’s Recommended Resolution

Moved: Cr

Seconded: Cr

That Councillors review the Discussion Paper “Policy Options to Increase Elected Member Training Participation” and provide feedback including responses to the questions raised in the Discussion Paper to the CEO by COB Friday, 9 October 2015.

11.5.2	SUBJECT:	MEMORANDUM OF UNDERSTANDING – EMERGENCY MANAGEMENT
	Location:	Shire of Donnybrook-Balingup
	Applicants:	WALGA
	Zone:	N/A
	File Ref:	CSV 20
	Author:	John Attwood –Chief Executive Officer (<i>Kate O’Keeffe – Executive Assistant</i>)
	Report Date:	17 August 2015
	Attachments:	11.5.2 – Memorandum of Understanding

Background

At the Ordinary Council meeting held on 26 September 2012 the following resolution was passed:

That Council affirm its commitment to the Memorandum of Understanding for the provision of mutual aid during emergencies and post incident recovery in support of other zone members in the event of a major emergency incident occurring within the zone for a further period of three years.

As the current Memorandum of Understanding is due to expire, the South West Zone of the Western Australian Local Government Association has provided Council with a copy of the Memorandum of Understanding for the Provision of Mutual Aid during Emergencies and Post Incident Recovery 2015-2018 (MOU) (Attachment 11.5.3). This document is due for reconsideration by the Zone at the next SW Zone Meeting on 28 August 2015.

The purpose of the memorandum is to:

1. Facilitate the provision of mutual aid between members of Councils of the South West Zone of the Western Australian Local Government Association during emergencies and post incident recovery;
2. Enhance the capacity of our communities to cope in times of difficulty;
3. Demonstrate the capacity and willingness of participating Councils to work cooperatively and share resources within the region.

Comment

The South West Zone has asked Council to consider reaffirming its commitment to the MOU by signing the certificate of agreement:

That Council agrees to abide by the terms of this Memorandum of Understanding to provide mutual aid during emergencies and post incident recovery in accordance with the MOU during the period 2015 -2018.

As the MOU has been accepted as a good model of local government cooperation and is likely to be used in other regions throughout the state the Officer's recommendation is that Council reaffirm their commitment to the MOU.

Consultation

N/A

Policy/Statutory Implications

N/A

Voting Implications

Simple majority

Financial Implications

N/A

Strategic Implications

Outcome 4: Open and accountable local government.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council agrees to abide by the terms of the Memorandum of Understanding to provide mutual aid during emergencies and post incident recovery in accordance with the MOU during the period from 2015 to 2018.

11.5.3	SUBJECT:	BRIDGE STREET AFFORDABLE HOUSING DEVELOPMENT
	Location:	Lot 142 Bridge Street, Donnybrook
	Applicants:	Administration
	Zone:	N/A
	File Ref:	A3849
	Author:	John Attwood, CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	10 August 2015
	Attachments:	NIL

Background

At the Ordinary Council Meeting of 22 July 2015, Council agreed in principle to the concept of an affordable housing project on Lot 142 Bridge Street, Donnybrook, to be developed as a joint venture between the Shire, Alliance Housing and Stella Living.

Shire staff are continuing to work with the joint venture partners on a concept proposal for submission to the South West Development Commission by 28 August. Funding of up to \$2m is being sought through the Royalties for Regions Southern Investment Initiative.

The estimated overall cost (including land value, site remediation, development and construction) is approximately \$3.75m.

The SWDC has asked for the concept proposal by 28 August 2015, followed by a full Business Case for submission by October 2015. Although much of the Southern Investment Initiative funding has been allocated, the SWDC likes to have alternative proposals on hand, should other projects fail to eventuate. This would be one such proposal.

Comment

There are a number of ways the project could be managed in terms of contributions, ownership and ongoing management. The joint venture partners have considered a number of models and their preferred options are:

Option A

- Council's contribution to the project is made up of the land (value \$250,000) and land remediation (cost to be confirmed – approximately \$250,000, part of which would be 'in kind').
- Council prepares the land (as above) and ensures it is appropriately zoned and cleared for construction.
- Council maintains ownership but 'leases' the land (at no cost) to the other joint venture partners for 50 years to develop, construct and manage the 13 one and two bedroom strata units.

- Alliance takes care of the ongoing management and tenancies.
- The joint venture partners may lodge a caveat against the Title preventing the Shire from selling, transferring or leasing the land to anyone other than the joint venture partners for a period of 50 years.
- The agreement drawn up by the Joint Venture partners can stipulate that the units are allocated only to individuals or couples over 55 years, and/or with special needs.

Option B

As above, except that the land is gifted to the joint venture partners and is therefore not returned to the Shire in 50 years' time.

The advantages of these models are:

- Council fulfils its strategic objective of increasing housing for older people in the Shire
- Council is not required to manage either the construction of the units or their ongoing maintenance / tenancies.
- All risk and responsibility for the development is carried by the joint venture partners
- Indications are that this models would be seen favourably by the SWDC.

Following a memo to, and discussion with Councillors in the first week of August, the proposal is being developed on the basis of Option A. Council's formal endorsement, in principle, is now sought for this option.

Consultation

South West Development Commission
Alliance Housing
Stella Living

Policy/Statutory/Voting Implications

Policy/Statutory/Voting
N/A

Financial Implications

N/A. Project at proposal development stage only.

Strategic Implications

Community Strategic Plan objective 3.1 – Improve and increase the range of aged care and disability services, facilities and housing.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council agree in principle to the development of a proposal based on a model whereby:

- **Council's contribution to the project is made up of the land (value \$250,000) and land remediation (cost to be confirmed – approximately \$250,000).**
- **Council prepares the land (as above) and ensures it is appropriately zoned and cleared for construction.**
- **Council maintains ownership but 'leases' the land (at no cost) to the other joint venture partners for 50 years to develop, construct and manage the 13 one and two bedroom strata units.**
- **The lease agreement would address land and building tenure at the end of the 50 year term.**
- **Alliance takes care of the ongoing management and tenancies.**
- **The joint venture partners may lodge a caveat against the Title preventing the Shire from selling, transferring or leasing the land to anyone other than the joint venture partners for a period of 50 years.**

11.5.4	SUBJECT:	RECALL ITEM - SALE OF LAND – LOT 23 (41) MACQUARIE STREET, NOGGERUP
	Location:	Lot 23 (41) Macquarie Street, Noggerup
	Applicants:	Shire of Donnybrook/Balingup
	Zone:	N/A
	File Ref:	A2561
	Author:	John Attwood (<i>Kate O'Keefe – Executive Assistant</i>)
	Report Date:	17 August 2015
	Attachments:	Nil

Background

At the Ordinary Council meeting held on 17 December 2014 Council considered the confidential report – Sale of Land – Lot 23 (41) Macquarie Street, Noggerup. off.

Comment

In accordance with the Local Government Act 1995 Section s5.23 (2)(e)(ii) a matter that if disclosed, would reveal information that has a commercial value to a person.

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council agenda.

This matter has now been finalised.

Consultation

N/A

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Section 5.23 (2)(e)(ii) of the Local Government Act 1995.

Voting

Simple majority

Financial Implications

N/A

Strategic Implications

N/A

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the Council resolution relating to the confidential report Sale of Land – Lot 23 (41) Macquarie Street, Noggerup - be made public.

12 CLOSURE OF MEETING

The next Ordinary Council Meeting will be held on Wednesday, 23 September 2015 commencing at 5.00pm at the Council Chambers, Donnybrook.

Shire President to declare the meeting closed at _____.