



Ordinary Council Meeting

Agenda

To be held on Wednesday, 16 December 2015

Commencing 5.00pm at the Council Chambers, Donnybrook

A handwritten signature in black ink, appearing to read 'John Attwood', written in a cursive style.

John Attwood
Chief Executive Officer

11 December 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

16 December 2015

TABLE OF CONTENTS

PUBLIC GALLERY	4
1 APOLOGIES.....	4
2 PUBLIC QUESTION TIME	4
3 APPLICATION FOR LEAVE OF ABSENCE.....	12
4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST	12
5 PETITIONS/DEPUTATIONS/PRESENTATIONS	12
6 LATE ITEMS.....	13
7 CONFIRMATION OF MINUTES.....	13
7.1 Ordinary Council Meetings.....	13
8 ELECTED MEMBERS MOTIONS	16
9 MINUTES OF PREVIOUS MEETINGS	17
9.1 Committee Minutes	17
10 REPORTS OF COMMITTEES	17
10.1 Donnybrook Townscape Committee	17
10.1.1 SUBJECT: PROPOSED MILL PARK DEVELOPMENT, KIRUP.....	17
10.1.2 SUBJECT: Donnybrook Community Garden	20
11 REPORTS OF OFFICERS	23
11.1 Manager Finance and Administration.....	23
11.1.1 ACCOUNTS FOR PAYMENT	23
11.1.2 MONTHLY FINANCIAL REPORT	23
11.2 Manager Works & Services.....	23

11.3	Manager Development and Environmental Services	23
11.4	Principal Planner	24
11.4.1	SUBJECT: REQUEST TO CONSIDER REVOCATION OF COUNCIL RESOLUTION FOR ITEM 11.4.3 FROM ORGINARY COUNCIL MEETING 23RD SEPTEMBER 2015.....	24
11.5	Chief Executive Officer.....	29
11.5.1	SUBJECT: BALINGUP COMMUNITY LIBRARY	29
11.5.2	SUBJECT: COUNCIL MEETINGS - 2016.....	30
11.5.3	SUBJECT: LOCAL GOVERNMENT REPRESENTATIVE: SOUTH WEST DEVELOPMENT COMMISSION BOARD	33
11.5.4	SUBJECT: APPOINTMENT OF PRINCIPAL ENVIRONMENTAL HEALTH OFFICER AS AUTHORISED PERSON UNDER VARIOUS ACTS AND REGULATIONS	34
11.5.5	SUBJECT: REVIEW OF THE LOCAL GOVERNMENT (RULES OF CONDUCT) REGULATIONS 2007	36
11.5.6	SUBJECT: Review of the Shire’s Community Grants, Sponsorships, Donations and Waiver of Fees.....	38
11.6	Confidential Items	42
11.6.1	SUBJECT: ADMINISTRATION CENTRE REDEVELOPMENT	42
11.6.2	SUBJECT: AUSTRALIA DAY AWARDS	43
11.6.3	SUBJECT: ADDITIONAL STAFF REQUIREMENTS – HUMAN RESOURCES AND FINANCE	43
11.6.4	SUBJECT: CONTRACT OF EMPLOYMENT – CHIEF EXECUTIVE OFFICER.....	43
11.6.5	SUBJECT: CEO CONTRACT.....	43
12	CLOSURE OF MEETING	44

SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING AGENDA

**To be held at the Council Chambers, Donnybrook
Wednesday, 16 December 2015 at 5.00pm**

MEMBERS PRESENT

COUNCILLORS

Cr Logiudice (President)
Cr Mills (Deputy)
Cr Bailey
Cr Crowley
Cr Dilley
Cr King
Cr Mitchell
Cr Tan
Cr Van Der Heide

STAFF

John Attwood – Chief Executive Officer
Greg Harris – Manager Finance and Administration
Leigh Guthridge – Manager Development and Environmental Services
Tim Shingles – A/ Principal Planner
Damien Morgan – Manager Works and Services
Kate O’Keeffe – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

2 PUBLIC QUESTION TIME

Questions Taken without notice at the Ordinary Council Meeting on 25 November 2015

Jill Duncan

I make reference to the Code of Conduct for Elected Members and Staff which was recently reviewed and endorsed by Council 9/0. I direct my questions to the President. Are you aware that Cr. Mills is occupying a caravan on Cr. Bailey's land in the main street of Balingup without the appropriate planning and health approvals in place? Are you aware that Cr. Bailey received written notice from the Principal Planner, Bob Wallin, in late October to cease this occupancy immediately? Are you aware that the occupancy of the caravan by Cr. Mills is continuing as at 23 November and has been for several weeks prior to that date? Do you consider that Cr. Bailey and Cr. Mills have breached their own Code of Conduct (Section 5) in addition to Council policies, and what action will you take in the public interest to censure these Councillors?

President

I was aware of the situation. Staff have written to the landowner and followed up with the occupier to investigate this matter. I understand Cr Mills is in the process of vacating the property.

Jill Duncan

What is your action going to be as Councillors have breached the Code of Conduct?

President

It is incumbent on the individual member to comply with Councils Code of Conduct.

Jill Duncan

In the interest of public justification, can Cr. Tan explain what experience she has with bushfires and other emergencies, 2-way radio transmissions and protocols in emergency situations, liaison with other agencies involved in such emergencies e.g. DFES, DPAW, Police, Ambulance, SES, Main Roads? Does her experience account for her "informed vote" against the recommendation by long-term and experienced FCO'S (including the CFCO) on the Bush Fire Advisory Committee?

President

In accordance with Council's guidelines for Public Question Time this question cannot be accepted as it queries Cr Tan's competency or qualifications.

Jill Duncan

Congratulations to Cr. King for achieving the "change in leadership" for which he advocated so strongly during the recent election. Does Cr. King (and his allies on Council) consider the actions of their new leadership to be representing the majority of the residents and ratepayers, for instance, a shambles of a Council meeting in October, where directions by the President were indecisive and unclear, where Councillors and members of the gallery were talking during debate and were not immediately called to order, where alcohol was being consumed by some people in the gallery, where a member of the gallery approached a Councillor during debate, etc. Can Cr. King and his allies publicly justify voting against a valid recommendation from a lawfully convened Advisory Committee of Council, voting to sack the Tuia Lodge Board, instigating further unjustified actions to get rid of the current CEO, and overlooking breaches of Council policies and Code of Conduct in order to maintain a majority vote in Council decisions?

President

All Councillors are required to make decisions on the information they have for the good governance of the Local Government.

Bruce Hearman

Will the Shire President or CEO please outline any current contractual arrangements regarding the employment by Council of the CEO, particularly with regard to most recent reviews and the duration of existing contracts?

CEO

My contract finishes in June 2016. The past Council agreed they would offer an extension of one year which I accepted. That decision hasn't been unanimous and will be discussed tonight.

Bruce Hearman

Given the fact that the contract has six or seven months to run, after being in office for 21 years, during which there were never any claims of corruption, malpractice, never any contention of ill-practice or ill-repute, can I ask the Shire President whether he supports the CEO in the decision about his contract later on today.

President

I am unable to answer this as it is Council policy that issues relating to staff are treated in a strictly confidential manner and as such are not discussed in open Council.

Nigel Tuia

When will the independent review completed by Inspire Consulting Group be released to the public and what consideration did Council give to the Tuia Lodge Board recently winning an Australasian award for best aged care, before they were being dismissed?

President

The report from Inspire Consulting is confidential however if the CEO sees fit to make the report public I would be comfortable with its release.

CEO

Ninety five per cent of it could be released. Parts of the report would have to remain confidential.

Nigel Tuia

Why was the Board Sacked?

President

The Board was not sacked. They have been stood down until an independent investigation can be completed.

Nigel Tuia

Does the President think it would be sensible to release the first investigation before initiating another at the cost of ratepayers?

President

I'm quite happy to release the report, yes. I have some concern about names, but I will discuss with the rest of Council with regard to whether we release it and what we release out of it.

Mario Contarino

When the President appeared in the local paper saying he supported the independence of Tuia Lodge, is this what he had in mind?

President

I didn't say I was supporting the independence of Tuia Lodge, but said we would work towards an incorporated body.

Tony Scaffidi

I'd like to put this question to John Attwood. At last week's Special Council Meeting to discuss the Tuia lodge Board, were any new allegations raised or presented to Council that had not already been dealt with or considered before they moved the motion to dismiss the Board?

CEO

No new allegations were presented at the Council meeting.

President

There have been ongoing allegations, and if these are not dealt with and have a full report on them they are going to continue to be raised.

A member from the public gallery asked whether there were any allegations that have been brought to Councils attention that have not been dealt with.

President

No.

Joe Martella

In light of recent events do you think it was a mistake that the CEO and the Shire President were on the Board of Tuia Lodge?

President

Impartiality interests were disclosed.

Joe Martella

If the President and CEO weren't on the Board would it have been a different decision?

Cr Dilley

I wish to clarify that the CEO does not have the power to vote on Council decisions, only the Councillors have the ability to vote.

Steve Russell

We now have councillors ignoring their own policies and advisory committees – Is this, or the practice of making policies on the run going to continue?

President

I don't think we make policy on the run. I think it's more about clearing the past and better management. It's more the fact that we have been dealing with allegations and they won't go away.

Steve Russell

My question related to the last couple of Council meetings where the Council has not taken the advice of the Bushfire Advisory Committee.

At last Fridays meeting with Tuia Lodge Board, when they were dismissed, Mr Tuia asked "What consideration have you given to us winning an Australasian award?" and the response was "You get an award today and you could be in prison tomorrow". Who said this and what grounds were the comments based on?

President

The comment was not made in the way you have expressed it. I can confirm that I did not make the comments. The award is very relevant and appreciated however if there are issues not resolved they need to be investigated.

Steve Russell

Who said "You get an award today and you could be in prison tomorrow" and what grounds were the comments based on?

Cr Mills

It was very similar to a comment I made at that meeting, what I said was in response to Mr Tuia's question about the award. My comment was intended to relay that there are many people who have received awards who have ended up in jail. I recognise the award.

I voted for the withdrawal of the Board on the basis that there are a number of serious allegations that haven't been addressed. I have no expertise in proving or disprove these allegations so we have to get in experts.

Steve Russell

Was everyone present told about the secret taping prior to the meeting or was it sometime later?

Cr Mills

They were told at the start.

Judith Archibald

In the discussions regarding Tuia Lodge, what steps are being taken to ensure the interim committee comprises members well versed in the three areas of Council, Tuia Lodge and the very complex Aged Care legislation?

CEO

The interim committee will be focussing on the steps to transitioning operations to Tuia Lodge Inc. The Interim Committee will be comprised of Shire staff, Tuia Lodge Board Members as well as an Administration Officer to assist with the transition process.

Michelle Holmes

I worked at Tuia Lodge for a while but left because I did not want to be a part of the practices there. I witnessed elder abuse and reported it to Management with no result. Would you not want an investigation if it was happening to your family?

President

If the allegations are not dealt with and reported on they will continue to be raised.

Elsie Woodley

Is there any agenda that Tuia could be sold to a company?

President

There is no agenda to sell Tuia Lodge.

Elsie Woodley

My question is directed to the two new Councillors – do you know how much work (money/time) it has taken to get Tuia Lodge from an idea to what it is now?

Cr Tan

Prior to being elected Councillor I felt Tuia Lodge was a well-run facility. My contribution as a Councillor is time spent ensuring the allegations get properly investigated.

Cr Mills declined to answer.

Anthony Haygarth (read out all three questions)

Will Council give an undertaking to the community that Council will hold a Special Council Meeting in 14 days' time to consider future management options for Tuia lodge?

Will Council give an undertaking to the community – that until such time as the community has had time to consider the matter and provide further direction to Council – that Council will operate Tuia Lodge in a Care-Taker mode, will not enter into long-term contracts and will not engage consultants or investigators?

Will Council give an undertaking to protect the financial position of Tuia lodge operations and ensure that there is no deterioration of the financial position of Tuia Lodge while under Council management?

President

These questions will be taken on notice.

Anthony Haygarth

I ask the president to give a commitment to undertake these items.

President

We will make sure we do our best to keep the financial situation as it is. There have never been any issues with the finances at Tuia Lodge. I intend to make a final statement at the end of Public Question Time.

Anthony Haygarth

Is the President willing to give a personal undertaking that Council will hold a Special Council Meeting in 14 days' time regarding Tuia Lodge?

President

I will have to discuss that. It's important to clarify a Special Meeting can be called.

Anthony Haygarth

I am asking for your personal guarantee that the Special Council Meeting will take place.

President

I will discuss your request with Council and advise.

CEO

3 Councillors have formally requested the Special Council Meeting be held on 9 December 2015. As the CEO I am obliged to call the meeting. The meeting will take place.

(A member from the public gallery asked for the names of the Councillors who signed the letter calling for the meeting)

CEO

Crs Dilley, Crowley and Van Der Heide lodged the request.

Glen Cooper

I would like to recognise the amount of money and time Jack Denning put into Tuia Lodge as well as the efforts from Lui Tuia and the community. Is Tuia Lodge owned by the community or by the Shire of Donnybrook-Balingup?

President

The facility was built by Donnybrook community. It is under the jurisdiction of Council. But it is owned by the people. Council works in the best interest of the ratepayers. I will make a final statement at the end of Public Question Time.

Graham Atherton

My mother, Shirley Atherton, has been a resident of Tuia Lodge for five years. What consideration was given to my mother and also the other 25 residents when Council dismissed the Board last week?

President

The allegations need to be fully investigated; I intend to see this happens.

Kate Wood

Why weren't we as family members told of the allegations against Tuia Lodge or asked about them?

President

Council is not able to make information available to families until the investigation is completed.

Wendy Betti

I am representing Friends of Tuia Lodge who provide a range of voluntary services to the Residents and Tuia Lodge Frail Aged Facility. For an example, the Tuia Lodge bus was purchased from funds raised by Friends of Tuia Lodge so the volunteer group could take residents on outings. What plans have been put in place to replace the services provided by the Friends of Tuia Lodge now that the Board has been sacked?

President

I would like to acknowledge the volume of work undertaken by the Friends of Tuia lodge and volunteers are hard to come by, there's no doubt about that. I would like to see in the interim they don't take their services from Tuia Lodge until we have resolved these issues.

Alan Reed

Has Council contacted any external agency regarding interim management assistance as Council does not have the expertise?

CEO

Yes, Council is endeavouring to obtain a temporary replacement as a matter of urgency.

Alan Reed

Have you been in contact with Aged Care Services WA?

CEO

Yes, and other employment agencies.

Alan Swarbrick

Why did you go down this path with Tuia Lodge? It has generated community outrage

President

Council has undertaken other options to try to resolve the issues at Tuia Lodge however the allegations were not going away.

Alan Swarbrick

You should have held a community meeting and advised the community publicly. How much has the investigations cost so far?

CEO

Approximately \$20,000 to \$25,000 has been spent on the investigation processes so far.

Peter McCabe

Are you going to invite the public to stay back for supper to meet the new councillors like you did after the Balingup meeting?

President

Food will be provided after the meeting tonight.

Steve Russell

My question is directed to the CEO: at the Special Council meeting on 19 November 2015 where the rescinding motion calling for an investigation was put, were any other options presented?

CEO

Cr Van Der Heide foreshadowed an option and a number of other options provided in the agenda were discussed. My recommendation was to carry on as we were with the transition from Council to an independent incorporated body.

Peter Rae

My involvement with Tuia Lodge has been extensive and I can affirm that the residents care is of an excellent standard. The residents are genuinely loved. I would like to know why Council has the moral authority to continue in office when it's so far out of step with the community?

President

I am not sure that Council is out of step given the allegations that have been raised. Council have an obligation to investigate.

Ian Kemp

I have been considering the resolution passed by Council very deeply. All members of the Board have been withdrawn from Tuia Lodge. I direct my question to the CEO, who will be taking control now? As a Board member you have been stood down.

CEO

My primary role is CEO for the Shire of Donnybrook-Balingup and in this role I will be recruiting a temporary Manager for Tuia Lodge.

3 APPLICATION FOR LEAVE OF ABSENCE

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Ms Vivienne Burnham, Director for Aged Care with the Department of Health (Federal) has requested to present in relation to Council's responsibilities as an approved provider for Tuia Lodge.

Mr Antonio Scaffidi, property owner, has requested to present in relation to agenda item number 10.4.1 –*Request to Consider Revocation of Council Resolution for Item 11.4.3 From Ordinary Council Meeting 23rd September 2015.*

6 LATE ITEMS

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meetings

Council Decision

Moved: Cr

Seconded: Cr

That the minutes of the ordinary meeting held on 25th November 2015 be confirmed as a true and accurate record.

Council Decision

Moved: Cr

Seconded: Cr

That the minutes of the special meeting held on 9th December 2015 be confirmed as a true and accurate record.

Business Arising

Council resolved the motion to reinstate the existing Tuia Lodge Committee lay on the table. Subsequent to the meeting the President and CEO met with Mr Allan Reed to consider his offer to work on a voluntary basis, apart from reimbursement of minor expenses, to progress the transition of the committee from a management to a governance committee. His offer includes to ensure:

- All policies and procedures meet all legislative requirements. Policies would be reviewed at all levels (Board, Management, Staff Care, OH &S etc)
- New policies and procedures are developed and implemented as/if/when required
- The organisation managing Tuia Lodge be Incorporated as soon as is practicable.
- The draft Constitution is approved to enable the above to be implemented (special attention being given to address the concerns relating to the Care facility remaining a community amenity in the future.)
- That the structure of the entity be carefully considered looking at not just the present but also the future.
- There be a smooth transition of Management to the Board of the Incorporated body when all documentation and approvals have been obtained.
- When the Board is Incorporated, as part of the transition process, the Board change from a Board of Management to a Board of Governance.

It would also include giving serious consideration to all proposals and recommendations outlined in the Agenda of the Special Council Meeting dated 9th December 2015.

This would be done in consultation with input from the Council, Tuia Lodge Board Members and the Staff of Tuia Lodge to ensure that all aspects and issues are addressed. The Staff being included gives them ownership of the process.

Mr Reed emphasised that if his offer is accepted, he will not work for the Council or the Board of Tuia Lodge; he will work with both groups to achieve the desired outcomes.

It is essential for full cooperation from all (the Council, Tuia Lodge Board Members and Staff), to achieve desired objectives and/or outcomes.

Mr Reed has had preliminary discussions with some Tuia Lodge Board members who would accept the resolution of Council from the 9th of December 2015 subject to minor amendments i.e. removal of the following words:

'...with members agreeing to undertake the one-day Institute of Australia Company Director's Course...' and include

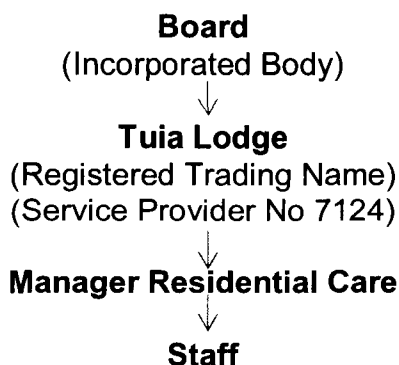
"On appointment to the Board, the newly appointed Board member shall within six (6) months of appointment have undertaken or have made arrangements to undertake the one-day Institute of Australia Company Director's Course' with any costs associated with attendance at the Course being met by the Board."

The President, CEO, Mr Reed and Mr Tuia are scheduled to meet early next week to finalise the proposal.

There are a few minor adjustments to the original motion in relation to timelines, visitation and assisting with Tuia Lodge building maintenance.

The intention is to work towards the proposed structure:

Donnybrook-Balingup Aged Care Services Inc. (suggested name)



Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council reinstate the existing Tuia Lodge committee and endorse the following operating guidelines:

- **On appointment to the Board, the newly appointed Board member shall within six (6) months of appointment have undertaken or have made arrangements to undertake the one-day Institute of Australia Company Director's Course' with any costs associated with attendance at the Course being met by the Board.**
- **Administer all governance functions of Tuia Lodge Committee;**
- **Oversee the rental processes for Langley Villas and Minninup Cottages;**
- **Prepare annual budgets for consideration and adoption by Council for Tuia Lodge and the well aged units;**
- **Assess future needs of the Shire's aged community and providing input to Council;**
- **Assist with transition arrangements with the view of having the facility ready for handover to the incorporated body by 30 June 2016 or as soon as practicable in consultation with Council and the Tuia Lodge Board;**
- **Be strictly prohibited from direct involvement in any staff-related matter;**
- **Be strictly prohibited from involvement in any activity that relates to the direct care of residents of Tuia Lodge where direct care refers to activities ordinarily carried out by a qualified staff member (family members excepted);**
- **Be strictly prohibited from direct involvement with the management of Tuia Lodge operations however may assist with finalisation of the building extensions and minor maintenance at Tuia Lodge.**

Absolute Majority Required

Council Decision

Moved: Cr

Seconded: Cr

That the minutes of the electors meeting held on 10th December 2015 be confirmed as a true and accurate record.

Business Arising

The following motion was carried at the Annual Meeting of Electors held on 10th December 2015.

“That if a number of Councillors do not resign to bring on a fresh Council election then this Elector’s meeting supports a vote of no confidence in the full Council”.

The motion was passed by a majority of electors present with the exception of 7 electors that voted against the motion.

The Electors present requested that Council forward the motion passed to the Minister for Local Government and Communities.

Officer’s Recommendation Resolution

Moved

Seconded

That in accordance with the wishes of the majority of elector’s present at the Annual Elector’s Meeting held on 10th June 2015 that Council write to the Minister for Local Government and Communities informing the Minister of the resolution passed at this meeting.

“That if a number of Councillors do not resign to bring on a fresh Council election then this Elector’s meeting supports a vote of no confidence in the full Council”.

8 ELECTED MEMBERS MOTIONS

Cr Bailey has proposed a notice of motion that, in compliance with Section 5.23 (2) of the Local Government Act 1995, will be handled during agenda item 11.6 - Confidential Items.

9 MINUTES OF PREVIOUS MEETINGS

9.1 Committee Minutes

Council Decision

Moved: Cr

Seconded: Cr

That the following Committee minutes be received:

- **Community Awards and Grants Committee Meeting – 3 December 2015**
 - **Balingup Townscape Committee Meeting – 9 December 2015**
 - **Donnybrook Townscape Committee Meeting – 9 December 2015**
-

10 REPORTS OF COMMITTEES

10.1 Donnybrook Townscape Committee

10.1.1	SUBJECT:	PROPOSED MILL PARK DEVELOPMENT, KIRUP
	Location:	Reserve 46896, unmade road reserve, rail reserve and Lot 151 SW Highway, Kirup
	Applicant:	Kirup Progress Association Inc.
	Zone:	General Agriculture, Railway reserve
	File Ref:	TP07/3 A3617
	Author:	Tim Shingles (Contract Planner)
	Report Date:	20 November 2015
	Attachments:	10.1.1 – Mill Park Concept Plan

Background

The Kirup Progress Association met with staff and Councillors at Mill Park on 1st September 2015 to discuss a concept plan for the improvement of Mill Park. The Association has now submitted a draft development concept plan which proposes improvements to provide an area for locals and visitors to enjoy recreational facilities in a safe environment (Attachment 7.1.1).

The Association seeks the Shire's support for the proposals as well as financial support and assistance with the provision of facilities and services.

Comment

A Management Order has been issued in favour of the Shire in relation to Reserve 46896 for the purpose of Landscape Protection. Any use or development of the Reserve should be in accordance with the Reserve purpose.

The proposals include:

- Heritage and fitness trail through Reserve 46896, portion of Lot 151 and adjacent rail/road reserves.
- Direction and information signs
- Playground equipment
- Skateboard area
- Water feature
- Fencing, culverts
- Toilets.

A plan and legend are attached that indicate the draft proposals. No detailed costs are available at this time.

It is anticipated that the proposals will be staged and implemented over a number of years with initial stages achieved relatively quickly. The project will require the cooperation of a number of agencies e.g. Public Transport Authority (PTA).

Stage 1 includes a 555 metre trail (1.5m wide and 100mm deep) over Reserve 46896 and portion of Lot 151. Currently stockpiled gravel stabilised with cement supplied by the Shire) will be used to create the trail. Work would be carried out by Association members although some Shire assistance may be required e.g. to cart any additional required gravel.

The Association also seeks the inclusion of a toilet facility in the Shire's budget considerations for the coming financial year or the following year although no indication of the specification is available.

Where future stages of the trail cross the railway, the approval of PTA will be required, and the written agreement of owner of Lot 151 will be required where the trail enters that land for a short distance. The trail does not appear to impact on the Highway reserve therefore Main Roads WA comment may not be required.

As some improvement of the Park has already been carried out by the Association, formal advertising of the draft plan is not considered essential subject to the Association providing evidence that they have communicated their future plans for the Park to the Kirup community.

The submitted proposals are considered to be consistent with the Shire's objectives for the Reserve and the Reserve purpose at this time and may be generally supported subject to resolution of issues raised in relation to the proposed trail accessing land other than land managed by the Shire. Apart from achieving permission to access other land, the Shire may need to accept public liability for facilities that are considered Shire managed but are on private property or Crown land managed by other agencies.

Policy/Statutory/Voting Implications

Where advertising is required, Local Planning Policy 9.22 and Local Planning Scheme No. 7 provide advertising requirements.

Voting

Simple Majority

Financial Implications

The draft plan outlines a number of proposals that have potential future funding implications should it be implemented e.g. toilet facility ad Shire 'in kind' works/cartage.

Strategic Implications

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

Outcome 2.4 - Our heritage areas and localities are acknowledged.

Outcome 2.8 - Our town sites are attractive, well presented and maintained.

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 3.9 - Existing community spirit and pride is maintained.

Outcome 4.1 - An informed, engaged and involved community that actively participates.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

- 1. That Council resolve to support the objectives of the Kirup Progress Association in relation to Mill Park (Reserve 46896) in Kirup, including the proposals outlined in the draft concept sketch submitted on 27 October, 2015, subject to the following:**
 - a. Approval of a development application for the proposed development of recreation and other facilities in Mill Park.**
 - b. All land use and development being in accordance with the Reserve purpose, 'Landscape Protection'.**
 - c. Written approval of the Public Transport Authority prior to any land use or works being carried out in the Railway reserve adjacent to Mill Park.**
 - d. Written agreement of owner of Lot 151 South Western Highway prior to any land use or works being carried out on Lot 151.**
 - e. Adequate risk management assessment being carried out at each**

stage of development, particularly in relation to the installation of passive fitness equipment, skateboard facility and playground equipment.

- f. Clarification of responsibility for public liability where Shire managed facilities are constructed on private property or Crown land managed by other agencies.
2. That Council include consideration of an appropriate toilet facility for Mill Park in its budget deliberations.
-

10.1.2	SUBJECT:	Donnybrook Community Garden
	Location:	Railway Reserve – north of the CRC building (Old Station Master's House), SW Hwy, Donnybrook.
	Applicants:	Administration
	Zone:	N/A
	File Ref:	RES 02/1
	Author:	John Attwood, CEO (<i>Deb Vanallen, Community Development Officer-Team Leader</i>)
	Report Date:	4 December 2015
	Attachments:	Nil

Background

The concept of a Community Garden in Donnybrook has been discussed in broad terms throughout the community over many years. Donnybrook District High School, the Donnybrook Craft Group, the 1st Donnybrook Scout Group, the Donnybrook and Balingup Chamber of Commerce and numerous community members have raised the possibility.

Donnybrook Community Resource Centre (Donnybrook CRC) Management Committee and staff are keen to broaden the Centre's range of community projects. They are currently assessing a number of new projects/initiatives in consideration of each project's financial viability, overall community benefits, and the projects ability to assist the Donnybrook CRC meet the performance outcomes of the Department of Regional Development.

The concept of establishing a community garden was raised recently by the Donnybrook CRC in response to renewed community interest and the identification of a suitable grant. The Department of Local Government and Communities provides funding assistance for the establishment or development of community gardens in Western Australian communities. \$100,000 is available each financial year, and new community gardens may apply for funding of up to \$20,000.

Cr Dawn Tan has made contact with the funding body which has encouraged the Donnybrook CRC to submit an application in the current round. The Department is aware that the project is in its infancy, however has indicated that if successful, the grant funds could be used for the following:

- garden feasibility, planning and design
- development of policies and manuals
- training, workshops and other events held at the community garden
- community engagement strategies and projects
- advertising and promotion, including signage
- building the capacity of the community garden sector and volunteers
- evaluation of an existing garden and its programs
- infrastructure (ie reticulation, fencing)
- consumable items such as soil, mulch, compost, etc.

Comment

Community Gardens are becoming increasingly popular due to their potential to increase a sense of community ownership, identity and spirit. Community gardens bring people from a wide range of backgrounds together.

There is a growing body of research which suggests that community gardens can contribute to crime prevention in the community providing opportunities to meet neighbours and increase eyes on the street. Community gardens offer unique opportunities for multi-cultural interaction, and valuable inter-generational exposure to cultural traditions.

They also offer unique opportunities to teach our local youth about:

- where food comes from,
- basic business principles,
- the importance of community and stewardship,
- issues of environmental sustainability and,
- job and life skills.

Community gardening is a healthy, inexpensive activity for youth that can bring them closer to nature, and allow them to interact with each other in a socially meaningful and physically productive way.

Once established, many community gardens throughout Australia have demonstrated an ability to generate an income source which can contribute to the garden's ongoing operational costs. Both the Greenbushes Community Garden and the Bridgetown Community Garden are established to this level.

The health benefits of community gardens are numerous with studies showing that community gardeners and their children eat healthier diets than do non-gardening families. The benefits of Horticulture Therapy can be and are used to great advantage in community gardens.

If well maintained, community gardens can add beauty to the community and heighten people's awareness and appreciation for living things. Community gardens filter rainwater, helping to keep lakes, rivers, and groundwater clean. They restore oxygen to the air and help to reduce air pollution.

Community feedback from the business community also suggests that a Community Garden which is located in a visible location such as on the SW Hwy, Donnybrook, also has the potential to increase tourism by encouraging people to stop, stay and spend.

Cr Dawn Tan is drafting a grant application on behalf of the Donnybrook CRC. The application will be submitted to the Department of Local Government and Communities by the closing date of 17th December, 2015. A Donnybrook Community Garden working group has yet to be established, however it is envisaged that this will be done as part of the initial planning stage.

A number of potential sites are currently being considered including the grassed area directly north of the Donnybrook CRC building (Old Station Master's House) Railway Reserve, SW Hwy, Donnybrook. Other potential sites include a location adjoining the Preston River in order that the Garden can access water from the Preston River.

Consultation

The Donnybrook Community Garden consultation is in its infancy. Several members of the Donnybrook CRC have discussed the concept with the Shire's Community Development Officers, and background information has been provided for consideration in preliminary planning of the garden and establishment of a committee.

Cr Dawn Tan has been working with the Donnybrook CRC, and significant community and local business support has been expressed for the proposal to establish a community garden in Donnybrook.

Policy/Statutory/Voting Implications

N/A

Financial Implications

Nil

Strategic Implications

This project aligns with the Shire's Strategic Plan:

Environment - Objective 2: To have a balanced respect for our heritage, natural and built environment.

Social - Objective 3: A healthy, safe and inclusive community enjoying a high quality of life.

Officer's Recommended Resolution

Moved:

Seconded:

That Council supports the concept of a Community Garden by the Donnybrook Community Resource Centre.

11 REPORTS OF OFFICERS

11.1 Manager Finance and Administration

11.1.1 ACCOUNTS FOR PAYMENT

**Council Decision
(Officer's Recommended Resolution)**

Moved: Cr

Seconded: Cr

That accounts authorised and paid under delegation No. 3.2 by the Chief Executive Officer represented by cheques CCP3073-CCP3094, EFT8368a-EFT8679A, 51615-51658, DD20176, Trust: 3329 - 3333, EFT8598a totalling \$1,000,959.64 be confirmed for payment.

11.1.2 MONTHLY FINANCIAL REPORT

**Council Decision
(Officer's Recommended Resolution)**

Moved: Cr

Seconded: Cr

That the monthly reports for the period ended 30 October 2015 be received.

11.2 Manager Works & Services

Nil

11.3 Manager Development and Environmental Services

Nil

11.4 Principal Planner

11.4.1	SUBJECT:	REQUEST TO CONSIDER REVOCATION OF COUNCIL RESOLUTION FOR ITEM 11.4.3 FROM ORDINARY COUNCIL MEETING 23RD SEPTEMBER 2015.
	Location:	Lot 170 South Western Highway, Donnybrook
	Applicants:	Mr Antonio Scaffidi
	Zone:	Priority Agriculture
	File Ref:	TP 17
	Author:	Bob Wallin (Principal Planner)
	Report Date:	7 September 2015
	Attachments:	Attachment 11.4.1(1) – Previous Council Item Attachment 11.4.1(2) – Constraints to Building

Background

Council at its meeting 23rd September 2015 resolved to:

“To refuse to initiate an amendment to rezoning Lot 170 South Western Highway, Donnybrook on the grounds that:

- 1) The proposal is inconsistent with the strategic direction expressed in the Shire’s Local Planning Strategy and promotes expansion of industrial zoned land within the “Sandhills Industrial Estate” locality;*
- 2) Supporting industrial activity at such a prominent site at the entrance to town would be contrary to the principals of orderly and proper planning and will erode the streetscape appeal and landscape values of the locality;*
- 3) There is potential to create an undesirable precedent for further similar proposals to be promoted;*
- 4) The site has limited potential to accommodate industrial uses due to the physical constraints imposed by the lot in terms of area and configuration.*
- 5) There is potential for increased land use conflict; and*
- 6) The site contains an existing dwelling which is not a permitted use under the Light Industry zone.”*

A copy of the report is contained in Attachment 11.4.1(1).

The applicant has now requested that Council reconsider this item again. The applicant has been advised that there is a need to provide new additional information to help make a different recommendation. No new additional information has been provided.

In terms of process to rescind a Council resolution, the following applies: