



Ordinary Council Meeting Minutes

Held on Wednesday, 22 June 2016

Commencing 5.03pm at the Seniors Room
Donnybrook Community Library
Cnr Bentley and Emerald Street, Donnybrook



John Attwood
Chief Executive Officer

23 June 2016

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ORDINARY COUNCIL MEETING MINUTES

22 June 2016

TABLE OF CONTENTS

PUBLIC GALLERY	5
1 APOLOGIES.....	5
2 PUBLIC QUESTION TIME	5
3 APPLICATION FOR LEAVE OF ABSENCE.....	10
4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST	11
5 PETITIONS/DEPUTATIONS/PRESENTATIONS	11
6 LATE ITEMS.....	12
7 CONFIRMATION OF MINUTES.....	12
7.1 Ordinary Council Meetings.....	12
8 DEFERRED ITEMS.....	12
9 ELECTED MEMBERS MOTIONS	12
10 MINUTES OF PREVIOUS MEETINGS	12
10.1 Committee Minutes	12
11 REPORTS OF COMMITTEES.....	13
11.1 Legislative (Local Laws) Committee.....	13
11.1.1 SUBJECT: STANDING ORDERS LOCAL LAW	13
11.2 Bushfire Advisory Committee.....	15
11.2.1 SUBJECT: FIRE BREAK ORDER	15
11.2.2 SUBJECT: PROPOSED NAME CHANGE FOR THE UPPER BALINGUP BUSHFIRE BRIGADE	20
11.2.3 SUBJECT: APPOINTMENT OF FIRE CONTROL OFFICERS.....	23
11.3 Donnybrook-Balingup Road Safety Committee.....	25

11.3.1	ITEMS FOR DISCUSSION	25
11.3.2	GENERAL BUSINESS	27
11.4	Balingup Townscape Committee	27
11.4.1	SUBJECT: BUDGET PRIORITIES FOR COUNCIL CONSIDERATION IN 2016/17 FINANCIAL YEAR	27
11.4.2	OTHER BUSINESS	30
11.5	Donnybrook Townscape Committee	32
11.5.1	SUBJECT: MRWA-PROPOSED UPGRADE WORKS, SOUTH WEST HIGHWAY, FROM NONEYCUP CREEK CROSSING TO BRIDGE STREET INTERSECTION	32
12	REPORTS OF OFFICERS	35
12.1	Manager Finance and Administration	35
12.1.1	ACCOUNTS FOR PAYMENT	35
12.1.2	MONTHLY FINANCIAL REPORT	36
12.2	Manager Works & Services	36
12.2.1	SUBJECT: MRWA PROPOSED UPGRADE SOUTH WESTERN HIGWAY KIRUP	36
12.3	Manager Development and Environmental Services	38
12.4	Principal Planner	39
12.4.1	SUBJECT: PLANNING APPLICATION FOR TRANSPORTABLE CONTAINER IN RESIDENTIAL ZONE	39
12.4.2	SUBJECT: PLANNING APPLICATION FOR A SHED WITH A WALL HEIGHT OVER 3.5M	44
12.4.3	SUBJECT: SALE OF LOT 71 MEAD STREET, DONNYBROOK	49
12.4.4	SUBJECT: REVIEW OF COUNCIL BRIEFING SESSIONS	50
12.4.5	SUBJECT: PLANNING APPLICATION FOR TWO SHOPS WITH 3M FRONT SETBACK AT LOT 2 (No. 33) SOUTH WESTERN HIGHWAY, BALINGUP	54
12.5	Chief Executive Officer	64
12.5.1	SUBJECT: REGIONAL TOURISM DEVELOPMENT STRATEGY	64
12.6	Recall Items	69

12.6.1 SUBJECT: 2016 ASSOCIATIONS HONOURS	69
12.7 Confidential Items.....	70
12.7.1 SUBJECT: GRATUITY PAYMENT	70
13 CLOSURE OF MEETING	71

SHIRE OF DONNYBROOK-BALINGUP

ORDINARY COUNCIL MEETING MINUTES

Held at the Seniors Room, Donnybrook Community Library
Wednesday, 22 June 2016 at 5.03pm

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
Bob Wallin – Principal Planner
Damien Morgan – Manager Works and Services
Leigh Guthridge – Manager Development and Environmental
Services
Kate O’Keeffe – Executive Assistant

PUBLIC GALLERY

Marie Woodley
Matt Lau (Press)
June Scott
Luisa Dale
Karen Miller
Bernie Dawson
Megan Baldock

Elsie Woodley
Jill Duncan
Michelle Padman
Tarnya Box
Natalie Aldridge
Mario Contarino
Helen Matthews

Jeff Somes
Ben Rose
Jess Cooper
Peter Davis
Anthony Haygarth
CB Knight

1 APOLOGIES

Nil

2 PUBLIC QUESTION TIME

Questions taken prior to the Ordinary Council Meeting on 22 June 2016:

June Scott

Is the shire able to include in the June 2016 OCM Agenda, the questions submitted in writing from myself and their resultant answers along with the note’s, as published and distributed to the public within the temporary Chamber’s , at the MAY 2016 OCM, as by omitted them from this month’s Agenda it present’s myself in a negative manner ?

CEO

Your questions and responses provided were recorded in both the May 2016 Minutes and the June 2016 Agenda. They were only required to be printed in the May Minutes as the questions were responded to at the meeting and will not appear in the June 2016 minutes.

June Scott

Have the Councillors been made aware of the \$20,000 initial commitment by the City of Bunbury as a contribution to continue the next phase of the Sub-Regional Tourism Development that includes the Shire of Donnybrook Balingup as part of the ongoing tourism futures of this area?

CEO

Yes, I have been advised the formal minutes from the Bunbury Wellington Group of Councils will be circulated to Shire Councils Thursday, 23 June 2016.

Helen Matthews

When the new CEO, Ben Rose commences employment with the Donnybrook/Balingup Shire will there be a proper investigation conducted into the complaints and issues surrounding Tuia Lodge?

President

This will be a Council decision.

Questions taken without notice at the Ordinary Council Meeting on 22 June 2016:

June Scott

As a follow up to my question raised at last month's Ordinary Meeting regarding Membership Renewals; the minutes describe it as a personal issue. This is not the case; there is an overall non-renewal of memberships. This is a more general membership issue that needs to be addressed.

President

I have spoken to the Chairman, invoicing goes out without any detail; it's up to the individual person to complete the invoice and return.

June Scott

But no tax invoices have been issued. This is a ratepayer funded organisation, Can you not intervene to sort this out?

President

It has been discussed at the last meeting. The Chairman is looking into this and is being resolved.

Anthony Haygarth

I personally wish to acknowledge and thank John Attwood for his commitment and professional integrity as CEO. It was an honour to work with him on Council. John has a proven history of delivering to community. Over the course of his career John has delivered a large range of projects while keeping rates to a minimum. John, along with the Manager Finance and Administration and staff managed to finance these projects in such a way that they received awards for their efforts. Given the number of projects that have been delivered over the past two years, what large projects does Council envisage will be delivered during this term of Council?

President

Council is working on the delivery of the Administration Centre renovation and extension as well as various road projects and the Heritage Precinct, depending on funding availability.

CEO

Other projects being worked on include the Affordable Housing Project on Bridge Street. We have just received word that funding has been approved for the concept design by the Department of Regional Development. We have also received \$97K from Federal Government for the upgrade of CCTV to Donnybrook's Main Street.

Anthony Haygarth

The project to renovate and extend the Administration Centre has been going on for a number of years now and nothing has been delivered. Is Council devoid of ideas or taking thinks forward to reinvigorate the town and staff morale?

President

The project is being worked on. We need good ideas going forward with this land development.

Anthony Haygarth

Have we lost the Migrants Memorial to Bunbury?

President

Yes

Megan Baldock

What is the policy on staff accessing training records?

CEO

Staff training records are maintained on a register.

Megan Baldock

I was told by the HR Officer that I had to go through the Freedom of Information process to access my personal individual training records.

CEO

I will follow up with the HR Officer. A response was provided in writing to Ms Baldock

however as it is a staff-related matter the correspondence cannot be made public.

Bernie Dawson

I concur with Anthony Haygarth's comments about John. I served 12 years as Councillor with John as CEO and wish the new CEO good luck in following on from John. Item 12.4.5 does not appear in the Draft Agenda loaded to the Shire Website. The only people that may know of this item are the Councillors and the people attending this meeting. Is this an open and transparent process?

CEO

The Agenda Item arrived late and was not uploaded to the Shire Website.

Bernie Dawson

The development is of a very poor quality, doesn't the Balingup community deserve better?

CB Knight

On 10 February 2016 two people's names were listed for gratuity payments however in this agenda a name has not been provided. Why not?

President

It is a confidential item to be discussed behind closed doors.

CB Knight

Why is the name not listed?

Manager Finance and Administration

All staff matters are confidential.

CB Knight

I refer to comments the CEO made during the meeting held on 21 October 2014

President

You are raising matters which a staff-related.

CB Knight

In light of serious anomalies brought to Council and staff, and as a duty of care were taken to the Commonwealth Department of Health, who stepped in. Will the CEO apologise for the way this process was handled?

President

You are referring to staff issues.

CB Knight

I have raised these issues previously and have been told that staff can access the Fair Work Ombudsman etc. if they are not satisfied with an outcome

President

You are referring to staff issues. What is it you are seeking from this line of questions?

CB Knight

Will the CEO apologise?

CEO

No.

Jill Duncan

I also concur with the comments made by Anthony Haygarth and Bernie Dawson. I have appreciated my time as Councillor working with John for 19 years and acknowledge all that he has achieved during his time as CEO and I deplore the actions taken by some of the Councillors. An agenda item for the two buildings indicated in Item 12.4.5 was previously brought to Council.

President

The agenda item has been withdrawn.

Jill Duncan

What is your understanding of a casting vote?

President

If the vote is tied then the President has the casting vote to make the final decision.

Anthony Haygarth

If Council adopts new Standing Orders will the meeting be run as per the Standing Orders?

President

Yes.

Bernie Dawson

The item seeking planning application for two shops with 3m front setback at Lot 2 (no. 33) South Western Highway, Balingup has been withdrawn twice now. How much time and money has been wasted on preparing this information for no purpose?

President

If the proposal is presented to Council again it will be given the same level of consideration as any other item brought to Council.

Megan Baldock

I can't comprehend the chain of command. As Health Care Workers, if we have an issue with Senior Management, shouldn't we be able to bring it to Council, as the Aged Care Provider instead of taking it to an external Department to investigate?

President

Councillors have received feedback from the last accreditation assessment that operations at

Tuia Lodge are functioning very well.

Megan Baldock

If issues come up again shouldn't staff be able to feel confident in bringing these issues to Council to deal with?

President

There is a streamlined efficient chain of command in place.

Megan Baldock

What if the process breaks down; What if staff are not happy with decisions made by Senior Management, decisions not covered by current policies. Who do the staff turn to?

CEO

Policies and procedures are in place to address concerns staff may have over internal operations. If staff are still not satisfied with the outcome from these procedures they may wish to contact external agencies for assistance or advice.

** 5.38pm – Cr Mitchell left the meeting.

Jill Duncan

The Agenda indicates the Balingup Townscape budget may be reduced. Will this be implemented in the 2016/17 budget?

Manager Finance and Administration

The draft budget has not been finalised. A reduction of the budget would only be considered if the money is not being used.

** 5.40pm – Cr Mitchell returned.

At the end of Public Question Time the Shire President delivered a speech acknowledging the contributions made by John Attwood during his 47 years in Local Government and 27 years as CEO including the many projects he delivered.

John responded with a speech indicating he enjoyed his career at the Shire of Donnybrook and relished the passion to make a difference every day. He described his good fortune to have the support from many of the Presidents over the years and acknowledged that one of the best assets for the Shire has been the commitment and drive from the staff.

** 5.45pm – Megan Baldock and CB Knight left the meeting.

3 APPLICATION FOR LEAVE OF ABSENCE

Nil

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

Cr Dilley declared an interest affecting impartiality with regards to agenda item number 11.2.1 – *Firebreak Order*, specifically with regards to banning the use of gas guns during total fire ban days as he uses gas guns at his orchard.

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

A petition with 318 signatures was received requesting Council reconsider allocating budget for roadwork's and sealing of Farley Road up to No. 609 Farley Road to accommodate the increase in traffic and to create a safe and memorable experience for visitors and residents to Farley Road. The Petition reads:

We the undersigned would like to see Farley Road sealed so that our cars aren't covered in dust and we don't have to experience the rough road conditions to get to Oakway Estate's Cellar door.

On the presentation of a petition Council are required to decide on the following:

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full council.

Council Decision

Moved: Cr Tan

Seconded: Cr Dilley

That the petition be accepted.

Carried 9/0

It should be noted that Farley Road is not included in the 2016/17 Draft Capital Works programs as it was considered a low priority.

Tash Thamo, Lieutenant for the Upper Balingup Bushfire Brigade presented to Council regarding the recommendation from the Bushfire Advisory Committee (Agenda Item 11.2.2) to not approve the name change of the Upper Balingup Bushfire Brigade to the Munro Bushfire Brigade. The brigade is seeking the name change primarily for safety reasons. The presentation commenced at 5.46pm and concluded at 5.50pm.

6 LATE ITEMS

Nil

7 CONFIRMATION OF MINUTES

7.1 Ordinary Council Meetings

Council Decision

Moved: Cr Bailey

Seconded: Cr Tan

That the minutes of the ordinary meeting held on 25th May 2016 be confirmed as a true and accurate record.

Carried 9/0

8 DEFERRED ITEMS

Nil

9 ELECTED MEMBERS MOTIONS

Nil

10 MINUTES OF PREVIOUS MEETINGS

10.1 Committee Minutes

Council Decision

Moved: Cr Mills

Seconded: Cr Tan

That the following Committee minutes be received:

- **Legislative (Local Laws) Committee Meeting– 31 May 2016**
- **Bushfire Advisory Committee Meeting – 2 June 2016**
- **Donnybrook-Balingup Road Safety Committee Meeting – 7 June 2016**
- **Balingup Townscape Committee Meeting – 8 June 2016**
- **Donnybrook Townscape Committee Meeting – 8 June 2016**

Carried 9/0

11 REPORTS OF COMMITTEES

11.1 Legislative (Local Laws) Committee

11.1.1	SUBJECT:	STANDING ORDERS LOCAL LAW
	Location:	SHIRE OF DONNYBROOK-BALINGUP
	Applicants:	SHIRE OF DONNYBROOK-BALINGUP
	Zone:	N/A
	File Ref:	CNL25
	Author:	John Attwood CEO (<i>Lucy Bourne – Governance Officer</i>)
	Report Date:	20 May 2016
	Attachments:	NIL

Background

Council is required to review local laws every 8 years. Although the Standing Orders Local Law was not due for review until 2016, work on it began in 2015. It was included in the list of local laws to be reviewed, for which submissions were invited between April and June 2015. No submissions regarding the Standing Orders Local Law were received.

In September 2015 the Legislative Committee recommended a Councillor workshop be held in early 2016 to look at the Standing Orders Local Law.

The workshop was held on 22 March 2016. The following options were looked at:

Option 1 – do nothing	Leave the Standing Orders exactly as they are.
Option 2 – make changes to the existing Local Law	Update and amend current Standing Orders.
Option 3 – introduce a new Standing Orders Local Law. Based on the WALGA model. This would automatically repeal the current local law.	This new local law would be based on the WALGA model. It would automatically repeal the current local law.

Comment

All Councillors have received copies of the current local law (option 1), notes on option 2 and a copy of the model local law (option 3).

Option 1:

This option would require no further action.

Option 2:

The current local law contains old-fashioned and, sometimes, inconsistent terminology. It does not concur with WALGA training provided to Councillors on meeting procedures. Any amendments require a new (amendment) local law to be made, following the complete process as set out in the Act.

Option 3:

Adopt a new Standing Orders Local Law based on the WALGA model. It is contemporary, tested and accords with training available to Councillors. In 2014 & 2015, 10 local governments adopted Standing Orders (or Meeting Procedure) local laws based on the model; three amended their existing local laws. As with Option 2, this option would involve following the complete process for introducing a new local law.

Four councillors attended the workshop in March and feedback from all Councillors was subsequently sought via email. One response was received, in favour of option 3.

This matter was brought before Council in April, but a decision was deferred until Councillors had had more time to consider the matter. It is anticipated that a recommendation from this Committee can be brought to the June Council meeting.

Consultation

WALGA

Policy/Statutory Implications

Local Government Act 1995 Section 3.16.

Financial Implications

N/A

Strategic Implications

Community Strategic Plan Outcome Community Strategic Plan Outcome 4.3 – An open and accountable local government that is respected, professional and trusted.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Mitchell

Seconded: Cr Tan

That Council proceed with the review based on Option 3, introducing the WA Local Government Standing Orders model local law.

Carried 7/2

11.2 Bushfire Advisory Committee

11.2.1	SUBJECT:	FIRE BREAK ORDER
	Location:	Shire Donnybrook-Balingup
	Applicants:	Shire Donnybrook-Balingup
	Zone:	N/A
	File Ref:	FRC 04/2 FIRE BREAK ORDER
	Author:	Leigh Guthridge – Manager Development and Environmental Services (<i>Paul Robins – Senior Ranger</i>)
	Report Date:	1 May 2016
	Attachment:	Nil

Background

A review of the Shire of Donnybrook-Balingup's Fire Break Order is undertaken annually. A copy is attached for consideration and comment.

Comment

Normal modifications including date changes, updating changes to Fire Control Officer details and rectifying grammar or errors will be required.

There are two other matters requiring consideration and/or modifications to the Fire Break Order including:

- Specifying fire hazard mitigation controls of occupiers of rail corridor land; and
- Determining if gas guns should be deemed equipment that cannot be used during a total fire ban.

Rail Corridor Land

Rail corridor land is Crown land. The Shire has received legal advice that the *Bush Fires Act 1954* (the Act) does not have jurisdiction over the Crown or government agencies that are deemed owners of Crown land, however the provisions of the Act do apply to occupiers of Crown land. The current custodian of rail corridor land is Brookfield Rail and is deemed to be occupiers of the rail corridor land.

The Shire can include provisions in its Fire Break Order on what the Shire requires from occupiers of rail corridor land for fire hazard mitigation on rail corridor land.

Brookfield Rail advise that they manage rail corridor land in the following manner:

- On track spraying of weeds to produce a 7m weed free swath (Line 75).
- Maintenance of firebreaks at the edge of the rail corridor.
- Slashing of vegetation at certain locations close to and within rural town sites.
- Off track control of noxious weeds (bamboo, cotton bush and blackberry at certain locations throughout the Shire).

Bushfire Risk Assessment – A Tenure Blind and Integrated Approach

Following the recommendations made by the Perth Hills Bush Fire Review 2011 (Keelty Report) the *State Emergency Management Plan for Fire (Westplan Fire)* requires an integrated Bushfire Risk Management Plan (BRMP) be developed for each local government outlining a strategy to treat bushfire related risk across all land tenures.

The Shire of Donnybrook Balingup has recently appointed a Bushfire Risk Management Planning Coordinator (DFES funded) and is currently developing its BRMP in accordance with the requirements of *Westplan Fire* and the *Bushfire Risk Management Planning - Guidelines for Preparing a Bushfire Risk Management Plan* (BRMP Guidelines).

The risk management processes used to develop the BRMP is consistent with the key principles of *AS/NZS ISO 31000:2009 Risk management – Principle and Guidelines* as described in the Second Edition of the *National Emergency Risk Assessment Guidelines* (NERAG 2014).

The BRMP will be a strategic document that identifies assets at risk from bushfire and their priority for treatment. The Treatment Schedule will set out a broad program of coordinated multi-agency treatments to address risks identified in the BRMP. Government agencies and other land managers with responsibility for implementing treatments will participate in the BRMP process to ensure treatment strategies are collaborative and efficient; regardless of land tenure. It is 'tenure blind'. This is effectively a new approach for fire management agencies on how they will manage the threat of fire taking into account fire risk, protection of assets and resourcing etc.

Whilst the planning for the BRMP is yet to be completed advice has been sought from Greg Hamlyn – Bushfire Risk Management Officer from DFES to apply risk management principles to determine what is a reasonable expectation of occupiers of rail corridor land in respect to fire hazard mitigation on rail corridor land.

The level of Bushfire threat for an asset is calculated within Bushfire Risk Management System (BMRS) using a quantified bushfire threat assessment model. The model uses the methodology set out in *AS 3959-2009 - Construction of Buildings in Bushfire Prone Areas* that is used to undertake a Bushfire Attack Level (BAL) assessment. The methodology is based on a set of bushfire behaviour and radiant heat flux prediction models, incorporating bushfire research findings. Basically, likelihood vs consequence = **Risk**.

Within the BRMS there are four asset definitions:

- Human Settlement;
- Economical;
- Environmental; and
- Cultural.

The BRMP Guidelines confirm that the 'railway lines' asset is categorised as 'economic' and on assessing an economic asset, the consequence rating is evaluated by the level of impact (local/regional/state) and the recovery costs (high/moderate/low).

Under the economic category for rail corridor land to have a forested area with fuel loads that create a hazard higher than low under the Bushfire Risk Management Guidelines the level of impact would need to rate in the 'regional' category. In most cases rail corridors would not meet the impact to fit in this category.

In general terms of risk however, land tenure should not be looked at individually to determine the risk. Combined land parcels can have an enormous effect on the severity of the 'consequence'. In the event a fire was to start on a rail corridor, which is a low risk given it is an inactive rail line at present the consequence may increase depending on the adjoining land parcels and fuel loads noting a maximum rate of spread is not possible until a fire has run a minimum of 100 metres.

If all land owners were to comply with an effective firebreak order the risk of large fire runs will be reduced and access for response will be improved. With this in mind any consideration to changes of the firebreak orders should apply a tenure blind approach.

In analysing risk for fire for rail corridor land the following is considered:

- Risk of ignition within the rail corridor – rail line is currently inactive within the Shire;
- The low importance of the rail infrastructure in respect to the effect on the community if asset losses on the rail corridor are incurred from fire as compared to other major infrastructure in the locality, region or state;
- The land configuration of the rail corridor land and inconsistent vegetation patterns and associated fuel loads within the corridor. The BRMP Guidelines state that continuous high level fuels within a minimum net area of 1 hectare represents a high fire risk;
- Fuel loads on adjoining lands and associated different tenures; and
- What the Shire requires of adjoining land owners/managers of rail corridor land and the need to be consistent across all tenures.

The Shire's Bushfire Risk Management Plan will not be completed before the Shire sets its fire break order for the 2016/17 bushfire season. In the interim the Shire can specify what fire hazard controls it wants to place on occupiers of rail corridor land for the 2016/2017 fire season via its Fire break Order based on the information that it has to date based on the position that rail corridor does not pose a high risk to the community.

It is recommended that the following additional provisions be inserted in the Fire break Order that aligns with what the Shire requires of adjoining land owners of rail corridor land (where the Shire has jurisdiction) namely rural, rural residential and townsite land.

Rail Corridor Land

The occupier shall:

- *Provide and maintain a firebreak of no less than two metres wide (where machine accessible) within the rail corridor reserve on one side of the rail infrastructure formation; and*
- *Maintain the track free from fire hazards/weeds to produce a 7m weed free swath from the centre of the rail track line (line 75); and*
- *Maintain all flammable material to a minimum height at ground level of 100mm within the entire length and width of the rail reserve 100 metres from either end and within the town sites of Donnybrook, Balingup, Kirup, Mullalyup and Noggerup.*

Total Fire Ban - Gas Guns

A member of the public lodged a complaint with Council stating that gas guns should be prohibited from being used if a total fire ban is declared within the Shire.

Gas guns are acoustical bird scaring devices and are generally used by orchardists within the Shire to scare birds. The issue of the potential fire risk from the use of gas guns is subject of evaluation by Council.

The Shires Fire Break order currently specifies the following with respect to gas guns:

“A cleared area of all flammable material of at least a 3 metre radius shall be provided around an operational gas gun and that the owner of the gas gun shall ensure that the gas gun is secured in an upright position”

Typically, gas guns are placed at ground level within the orchard. Many commercial orchards are irrigated so the fruit growing trees and the understory are green. In this instance the risk of fire ignition from a gas gun is considered low.

However where gas guns are used in areas where this no green understory (non-irrigated areas) where dry matter is likely to exist, the risk of fire ignition is higher. In this instance it is recommended that gas guns be prohibited during a total fire ban.

It is recommended that the Shire modify its Fire Break Order and declare that gas guns are prohibited equipment during a declared total fire ban unless they are used in low fire risk areas such as irrigated orchards with a green understory.

Policy/Statutory/Voting Implications

Policy

N/A

Statutory

Section 33 of the Bush Fire Act 1954-79 provides Council with the controls to adopt a Fire Break Order to ensure that land owners maintain their properties to protect the district from fire risk.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

Outcome 2.7 - Improving fire prevention and hazard reduction activities.

Officer's Recommended Resolution

That Council effect the following modifications to its Fire Break Order for fire season 2016/2017:

- 1. Update the annual date changes and Fire Control Officers; and**
- 2. Add an additional provision to "Section 1 – Rural Land" as follows:**

"(e) If a total Fire Ban is declared by the Department of Fire and Emergency Services in accordance with the Bush Fires Act 1954 the use of gas guns are prohibited unless they are used in low fire risk areas such as in orchards with irrigated green understory as determined by the local government.

- 3. Add an additional "Section 8 – Rail Corridor Land" as follows:**

The Occupier shall:

- Provide and maintain a firebreak of no less than two metres wide (where machine accessible) within the rail corridor reserve on one side of the rail infrastructure formation; and***
- Maintain the track free from fire hazards/weeds to produce a 7m weed free swath from the centre of the rail track line (line 75); and***
- Maintain all flammable material to a maximum height at ground level of 100mm within the entire length and width of the rail reserve 100 metres from either end and within the town sites of Donnybrook, Balingup, Kirup, Mullalyup and Noggerup.***

The Officer's recommendation was not supported as the risk of creating a fire from gas gun use is considered high. The members of the meeting proposed to break down and amend the resolution:

**Council Decision
(Committee’s Recommended Resolution)**

Moved: Cr Mills

Seconded: Cr Bailey

That Council effect the following modifications to its Fire Break Order for fire season 2016/2017:

- 1. Update the annual date changes and Fire Control Officers; and**
- 2. Add an additional provision to “Section 1 – Rural Land” as follows:**
“(e) If a total Fire Ban is declared by the Department of Fire and Emergency Services in accordance with the Bush Fires Act 1954 the use of gas guns are prohibited within the Shire of Donnybrook-Balingup.”

Carried 9/0

Justification:

1. The rail corridor has a low bushfire risk in accordance with Bushfire Risk Management planning
2. The committee preferred the Shire work collaboratively with occupiers of rail corridor land to manage and address areas of higher bushfire risk rather than a ‘big stick’ approach through the legislative framework of a firebreak order.
3. Did not wish to single out a Government Service Provider.

11.2.2	SUBJECT:	PROPOSED NAME CHANGE FOR THE UPPER BALINGUP BUSHFIRE BRIGADE
	Location:	Shire of Donnybrook – Balingup
	Applicants:	Upper Balingup Bush Fire Brigade
	Zone:	N/A
	File Ref:	FRC 02/1
	Author:	Leigh Guthridge – Manager Development and Environmental Services
	Report Date:	20 April 2016
	Attachment:	Nil

Background

A proposed name change for the Upper Balingup Bush Fire Brigade was discussed by the Bushfire Advisory Committee and subsequently Council at its ordinary meetings held in October and November 2015.

Council at its November 2015 meeting resolved the following:

“That the motion lay on the table until the next Bushfire Advisory Committee meeting scheduled for April 2016 and that the name ‘Upper Balingup Bushfire Brigade’ remain unchanged until the end of the approaching fire season where the Firebreak Order and

associated Brigade details has been released to the community and to allow further monitoring of the issue of radio confusion.”

Comment

The 2015/2016 fire season has now passed and review of any radio confusion can be considered as part of any decision to change the name of the Upper Balingup Bushfire Brigade to Munro Bushfire Brigade.

Staff are asked for comment from all the Brigades via their Fire Control Officers on the 7th April 2016.

Comments received were as follows:

Brigade Name	Radio Confusion - 2015/2016 Season yes/no	Comment
Argyle/Irishtown	No	Stated that at the Morgan Road Fire tested this issue and no confusion occurred
Upper Balingup	Yes	Supports the name change because of the general safety issue of radio confusion
Kirup/Brazier	No	Stated that at the Morgan Road Fire tested this issue and no confusion occurred
Beelerup	No	Has not observed any issues via radio
Balingup	N/A	The Secretary of the Balingup Brigade requested comment from Mr Douglas Gordon - a retired electrician and has apparent experience with radio communications who supports the name change for reasons of safety, speed and simplicity of communications

Based on the number of comments received there does not appear to be a clear position on whether the existing name of the Upper Balingup Bushfire Brigade and associated use of the two-way radio creating confusion and a safety issue amongst the collective brigade network as 6 brigades did not provide comment. This can be further evaluated during discussion at the Bushfire Advisory Committee (BAC) meeting.

In the absence of the Brigade network supporting the name change, the fact remains that the Upper Balingup Bushfire Brigade name has had association in the area for in excess of 50 years, both when it was a brigade in its own right and when it was amalgamated to form part of the Balingup Brigade in 2006. The name ‘Upper Balingup’ for obvious reasons delivers an accurate description or sense of place for the area where typically brigade names align with locality names.

This needs to be balanced against the apparent level of confusion that occurs during two way radio use and the wishes of the Upper Balingup Bushfire Brigade to change the name to Munro Bushfire Brigade.

Consultation

No formal consultation having occurred with this application. If the name change is approved by Council staff will:

- *Place a notice on the Shire Website;*
- *Write to all other Brigades in the Shire of Donnybrook – Balingup; and*
- *Write to the local offices of the Department of Parks and Wildlife and Department of Fire and Emergency Services.*

Policy/Statutory/Voting Implications

Statutory

The *Shire of Donnybrook – Balingup Bush Fire Brigades Local Law* provides authority for the Shire to name brigades in its district.

Voting

Simple Majority

Financial Implications

If the name change is approved by Council there will be costs involved to modify all relevant brigade information including mapping, signage on the appliance and shed at Prowse Road.

Strategic Implications

Outcome 2.7 of the Shire's Strategic Community Plan: Improving Fire Prevention and Hazard Reduction facilities.

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council not approve the name change of the Upper Balingup Bushfire Brigade to the Munro Bushfire Brigade.

Procedural Motion

Moved: Cr Crowley

Seconded: Cr Dilley

That the motion lay on the table.

Lost 3/6

Foreshadowed Motion

Moved: Cr Bailey

Seconded: Cr King

That Council approve the name change of the Upper Balingup Bushfire Brigade to the Munro Bushfire Brigade.

Carried 6/3

Justification: Council supported the name change to Munro Bushfire Brigade primarily for safety reasons during emergency situations.

11.2.3

SUBJECT: APPOINTMENT OF FIRE CONTROL OFFICERS

Location:	Donnybrook - Balingup
Applicants:	Upper Balingup and Kirup Brazier Bushfire Brigades
Zone:	N/A
File Ref:	FRC 05
Author:	Leigh Guthridge - Manager Development and Environmental Services (<i>Paul Robins - Senior Ranger</i>)
Report Date:	5 May 2016
Attachments:	Nil

Background

The Upper Balingup, Upper Capel, Lowden and Kirup/Brazier Bushfire Brigades recently held their Annual General Meeting and have nominated changes to personnel that hold the position of Fire Control Officer (FCO) within their Brigades.

Council is required to appoint FCO's for its Bushfire Brigades in accordance with the Shire of Donnybrook – Balingup Bush Fire Brigade Local Law and *Bush Fires Act 1954*.

Comment

Details of the nominations are as follows:

Upper Balingup

Mr Mathew Aldridge has been nominated as FCO for the Upper Balingup Bushfire Brigade. Mr Aldridge has been a volunteer bushfire member for 7 years holds the position of Captain at the Upper Balingup Bushfire Brigade and has the adequate training and experience to proceed to the position of FCO.

Kirup/Brazier

Mr Chris Wringe has been nominated as FCO for the the Kirup/Brazier Bushfire Brigade. Mr Wringe has been a volunteer bushfire member for 16 years holds the position of Captain at

the Kirup/Brazier Bushfire Brigade and has the adequate training and experience to proceed to the position of FCO.

Upper Capel

Mr Bevan Dix has been nominated as FCO for the Upper Capel Bushfire Brigade. Mr Dix has been a volunteer bushfire member for 9 years holds the position of Lieutenant at the Upper Capel Bushfire Brigade and has the adequate training and experience to proceed to the position of FCO.

Lowden

Mr Michael Anderson has been nominated as FCO for the Lowden Bushfire Brigade. Mr Anderson has been a volunteer bushfire member for 16 years holds the position of Captain for the Lowden Bushfire Brigade and has the adequate training and experience to proceed to FCO.

The Shire in conjunction with the Department of Fire and Emergency Services will be conducting training for Fire Control Officers prior to the 2016/2017 fire season.

Consultation

Nil

Policy/Statutory/Voting Implications

Statutory

Council may appoint persons to the position of Fire Control Officer under the provisions of the *Bush Fires Act 1954*.

Voting

Simple Majority

Financial Implications

Nil

Strategic Implications

The FCO appointment will assist the Shire to achieve Outcome 2.7.3 of the Shire's *Strategic Community Plan*: Continue to support and encourage participation in local bushfire brigades.

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

Moved: Cr Dilley

Seconded: Cr Crowley

That Council appoints:

- 1. Mr Matt Aldridge as Fire Control Officer for the Upper Balingup Bush Fire Brigade;**
- 2. Mr Chris Wringe as Fire Control Officer for the Kirup/Brazier Bush Fire Brigade;**
- 3. Mr Bevan Dix as Fire Control Officer for the Upper Capel Bush Fire Brigade; and**
- 4. Mr Michael Anderson as Fire Control Officer for the Lowden Bush Fire Brigade.**

Carried 9/0

11.3 Donnybrook-Balingup Road Safety Committee

11.3.1 ITEMS FOR DISCUSSION

Childcare Restraint Check Station

- August 2016
- Propose a Thursday from 10.30am – at the Community Library Donnybrook
- Coincides with Story Time and 3+ program held on the school grounds.
- Format of the event to be determined.

The committee resolved to lock in the Childcare restraint Check Station in August 2016 on a Thursday at 10.30am at the Donnybrook Community Library.

Driver/Reviver Stop

- Proposed date Monday of the October Long Weekend
- Community run – would require volunteers

The committee resolved to hold the Driver Reviver on the long weekend in September 2016 (24-26 September 2016) subject to St John's Ambulance coordinating the set up.

Note: The Trailer will need to be collected from Bunbury.

Bin Stickers & Community Speed Promise

- Combine above 2 projects for grant funding through Office of Road Safety.
- 1000 Bin Stickers & Bumper Stickers with Community Promise
- Balingup Primary School and St Mary's Primary School, Donnybrook have provided letters of support.

- Request Constable Care visits to re-enforce message in schools to “take home” to parents

**Council Decision
(Committee’s Recommended Resolution)**

Moved: Cr Bailey

Seconded: Cr Tan

That Council support continuing the Bin Sticker and Community Speed Promise as one project and endorse the application for funds being submitted.

Carried 9/0

M8 the Call can W8

- Roadwise initiative across several Shires
- Proposed timeline to run in October 2016
- A Sub-committee will convene in late June
- 2015 costing per Shire was approximately \$2000, hopeful that in 2016 the full amount will be funded by grants

Council Decision – En Bloc Resolution No. 1

Moved: Cr Dilley

Seconded: Cr Tan

That the resolutions for Item 11.3.1 and 11.3.2 from the Donnybrook-Balingup Road Safety Committee be moved en bloc.

Carried 9/0

**Council Decision
(Committee’s Recommended Resolution)**

Moved: Cr Dilley

Seconded: Cr Tan

That Mr Hallyar include the Donnybrook-Balingup Shire in the M8 the call can W8 in the submission to run the project across the majority of the South West Shires

Carried by En Bloc Resolution No 1

11.3.2

GENERAL BUSINESS

Cr Van Der Heide provided documentation supporting the reduction of the speed limit through the Main Street of Collie from 50km per hour to 40km per hour. The criteria utilised in achieving this reduction indicated that the Main Streets in both Donnybrook and Balingup satisfied much of the criteria. The Collie process took some years to achieve and ultimately was supported politically to gain the necessary approvals.

**Council Decision
(Committee’s Recommended Resolution)**

Moved: Cr Dilley

Seconded: Cr Tan

That the Roadwise Committee request Council to provide initial support for the development of a submission to be presented to Main Roads WA to reduce the speed limit on the South Western Highway in the Donnybrook and Balingup townsites from 50km per hour to 40km per hour.

Carried by En Bloc Resolution No 1

11.4 Balingup Townscape Committee

11.4.1

SUBJECT:

**BUDGET PRIORITIES FOR COUNCIL
CONSIDERATION IN 2016/17 FINANCIAL
YEAR**

Location: Balingup Townscape Committee
Applicants: Balingup Townscape Committee
Zone: N/A
File Ref: FNC 04/1
Author: Damien Morgan, Manager Works and Services
Report Date: 31st May 2016
Attachment: Nil

Background

The Balingup Townscape Committee at its meeting on 13th April 2016 was required to develop a list of priority ranked projects for recommendation and consideration by the whole Council during the formation of the 2016/17 Financial Year budget.

A draft list was developed and endorsed by the Townscape Committee, with a requirement for the Committee to finalise the list within 7 working days of the meeting.

Comment

The Townscape Committee at its meeting held on the 13th April 2016 endorsed the following:

Committee's Decision

The Committee resolved to:

- 1. Agree to the following draft list and to provide the Shire with a formal list within seven (7) working days of the meeting for funding approval in preparation of the Shire of Donnybrook-Balingup Budget for the 2016/17 Financial Year;**

Priority	Project (Denote C/O if carryover)	Estimated Cost
1.	Carried Over: Lift the Foot Bridge	\$25,000
2.	Bridge Path (concept) to marry in with the raised bridge	\$5,000
3.	Tree and removal along Balingup Brook (transit Park)	\$5,000

And

- 2. Complete the following projects before the end of the 2015/16 Financial Year:**
 - a) Brackets for Scarecrows on Main Street**
 - b) Plant trees on 'old' Fire Shed Site**
 - c) New path for Koolyir Mia Bridge**
 - d) Complete decking of the Balingup Pedestrian Bridge**

Subsequent email correspondence between the Balingup Townscape Chairperson and the Manger of Works and Services has resulted in a modified list that now requires the Balingup Townscape endorsement.

The modified list of projects for 2016/17 is:

Priority	Project (Denote C/O if carryover)	Estimated Cost
1.	Village Green toilet floors sealing	\$5,000 (est)
2.	Various upgrades to town entrances	\$10,000 (est)
3.	Lighting poles on the village green	\$5,000 (est)
4.	Plant new along Balingup Brook (transit Park)	\$5,000
5.	Koolyir Mia Park Path (Shire to co-ordinate)	\$8,000 C/O
6.	Re-seal path approaches to Balingup Pedestrian Bridge	\$5,000 C/O

The Committee should be aware that there is a possibility that the Townscape budget for 2016/17 **may** be reduced from previous years for Council to achieve a balanced budget.

The projects the Committee intends to carry over should also be documented on the final endorsed list.

Consultation

The Balingup Townscape Committee is formally constituted by the Council and authorised to make recommendations for approval by the Council.

Policy/Statutory/Voting Implications

Policy

Consistent with Council policy.

Statutory

Consistent with Council's formal budget process.

Voting

A simple majority is required for recommended items in priority order.

Financial Implications

The Council typically approves an annual amount in the vicinity of \$25,000 for the setting of priorities by the Balingup Townscape Committee.

From time to time, part of this annual budget is carried over where approved projects cannot be delivered within the budgeted period.

The Council will assess the impact of the Balingup Townscape Committee's priority recommendations on the budget during its overall consideration of the full budget consistent with the 10-Year Financial Plan.

Strategic Implications

Funding forms the basis of the Works Program for the financial year and approved projects will ensure delivery.

**9.00am – Cr Bailey left the meeting.

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

Moved: Cr Bailey

Seconded: Cr King

That Council resolves to:

- 1. Endorse the following list of priority projects for consideration by the Donnybrook-Balingup Council through the Budget process for the 2016/17 Financial Year**

Priority	Project (Denote C/O if carryover)	Estimated Cost
1.	Village Green toilet floors sealing	\$5,000 (est)
2.	Various upgrades to town entrances	\$10,000 (est)
3.	Lighting poles on the village green	\$5,000 (est)
4.	Plant new trees along Balingup Brook (transit Park)	\$5,000
5.	Koolyir Mia Park Path (Shire to co-ordinate)	\$8,000 C/O
6.	Re-seal path approaches to Balingup Pedestrian Bridge (Shire to co-ordinate)	\$5,000 C/O
7.	Install fencing along Balingup Brook	\$7,320 C/O

- 2. Complete the following projects before the end of the 2015/16 Financial Year:**
 - a) Brackets for Scarecrows on Main Street**
 - b) Plant trees on ‘old’ Fire Shed Site**
 - c) Complete decking of the Balingup Pedestrian Bridge**

Carried 8/1

11.4.2 OTHER BUSINESS

Car Park Behind War Memorial

The car park area requires regular maintenance to fill pot holes caused from poor drainage at the site. A more permanent solution to this issue is required to improve the drainage and reduce maintenance costs.

**Council Decision
(Committee’s Recommended Resolution)**

Moved: Cr Bailey

Seconded: Cr Tan

That Council fund up to \$1,500.00 from the 2015/16 Balingup Townscape budget to undertake a feature survey of the car park area so that design work can be undertaken to address ongoing access and maintenance issues.

Carried 6/3

Location for ‘the Eagle’

The Committee discussed options to identify a location for an “Eagle” sculpture. The suggested options included:

- Submitting an article to the Donnybrook-Bridgetown Mail or Preston Press;
- Placing the Eagle on display in the Balingup Visitors Centre.

Relocating the 60km speed sign at the southern end of town

The Committee discussed the potential to move the 60km sign currently located at the southern end of town further south next to the existing Balingup Townsite sign.

**Council Decision
(Committee’s Recommended Resolution)**

Moved: Cr Mills

Seconded: Cr Tan

That Council write to MRWA recommending they relocate the 60km speed sign, currently at the southern end of town, further south next to the existing Balingup Townsite sign.

Carried 8/1

11.5 Donnybrook Townscape Committee

11.5.1	SUBJECT:	MRWA-PROPOSED UPGRADE WORKS, SOUTH WEST HIGHWAY, FROM NONEYCUP CREEK CROSSING TO BRIDGE STREET INTERSECTION
	Location:	Donnybrook Townsite
	Applicants:	Donnybrook Townscape Committee
	Zone:	N/A
	File Ref:	TP 07/3
	Author:	Damien Morgan, Manager Works and Services
	Report Date:	31st May 2016
	Attachment:	Nil

Background

At the Donnybrook Townscape Committee meeting on the 14 October 2015, an update was provided by two MRWA officers in relation to the upgrade works on the Northern approach to Donnybrook, of South Western Hwy (SWH). Discussion also took place regarding the section of South Western Highway between Noneycup Creek and Bridge Street within the townsite.

The discussion on the Noneycup Creek to Bridge Street section was in relation to the desired streetscape that the Shire would like to achieve for this section of South Western Highway.

MRWA has recently provided verbal advice to Shire officers that these works appear likely to proceed next financial year, and wish to seek conformation from the Shire of our preferred streetscape for this section of South Western Highway.

Comment

MRWA advised that their scope of works is to renew the pavement and surface of the existing road for the full length of this section, whilst considering improved traffic management at intersections as well as access to properties and businesses. Any upgrade to adjoining Shire intersections, are only proposed to be new or improved turning pockets, along with new linemarking treatments.

As discussed at the October 2015 meeting, on-street parking within this section of road is not considered viable due to restricted width of the existing road reserve, along with the amount of business and residential crossovers within this section of road.

The Donnybrook Townscape Committee should consider the following streetscape for this section of road:

From Noneycup Creek up to near the property boundary of 12/14 SWH:

- Kerbed edges with approx. 1.2m sealed shoulders. (Same as recently upgraded section at Noneycup Creek.

- 3.5m traffic lane width with 1m painted island (Same as recently upgraded section at Noneycup Creek.

Near to the property boundary of 12/14 SWH, the Shire requires a pedestrian crossing with an appropriate protected pedestrian refuge.

From the pedestrian crossing through to Bridge Street the following treatments are considered:

- Kerbed edges with approx. 1.2m sealed shoulders. (Same as previous section.
- 3.5m traffic lane width with a painted island gradually increasing in width to match the streetscape treatment from Bridge Street onwards.
- Within this section the Shire would like MRWA to consider the installation of central double outreach streetlighting consistent with what is installed from Bridge Street onwards. If not able to be installed with this project, ensure design allowance is made to minimize any future disruption to the road pavement.
- Installation of Turning pockets at Bridge, Reserve and Dawson Intersections
- Sufficient width is allowed for a car to queue within painted island whilst waiting to access significant businesses in this area.

MRWA have advised that the inclusion of streetlighting within these works is highly unlikely; however possible consideration for this future requirement can be given within the design process.

This will give the Shire opportunities in to seek funding for the undergrounding of power within this section in the future, thus maximizing the available verge area in the already constrained road reserve.

Staff also recommends that the Townscape consider requesting MRWA as part of their scope of works to establish the strategic path link from the end of the existing path, up to the golf course access road, utilising the gravel hardstand shoulder recently established.

MRWA advised this request would more likely be considered if the Shire provided a contribution towards the path works.

Consultation

MRWA previously consulted with the Donnybrook Townscape Committee at its October 2015 meeting.

Policy/Statutory/Voting Implications

Policy

Consistent with Council policy

Statutory

N/A

Voting

Simple majority

Financial Implications

The Council typically approves an annual amount in the vicinity of \$25,000 for the setting of priorities by the Donnybrook Townscape Committee.

It's recommended the Townscape Committee considers using this allocation from the 2016/17 financial year, along with requesting the Council provide an additional \$25,000 to make a total Council contribution of \$50,000 towards this strategic path link. The additional \$25,000 could be sourced from the Roadwork's reserve account.

If MRWA agree to include the path link within their scope of works based on a Shire contribution of \$50,000, this will result in a significant cost saving to the Shire, plus deliver the project within a quicker timeframe.

Strategic Implications

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

Outcome 1.7 – A well-used an efficient transport network

Outcome 4.2 – Maintain long term financial viability

Outcome 4.7 – Maintain and enhance Shire Assets

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Tan

The Committee resolves to:

- 1. Request MRWA design the streetscape for the section of South Western Highway between Noneycup Creek Crossing and Bridge Street consistent with the following points:**
 - a. From Noneycup Creek up to near the property boundary of 12/14 SWH:**
 - Kerbed edges with approx. 1.2m sealed shoulders. (Same as recently upgraded section at Noneycup Creek.**
 - 3.5m traffic lane width with 1m painted island (Same as recently upgraded section at Noneycup Creek.**
 - b. Near to the property boundary of 12/14 SWH, the Shire requires a pedestrian crossing with an appropriate protected pedestrian refuge.**

- c. From the pedestrian crossing through to Bridge Street the following treatments are considered:
- Kerbed edges with approx. 1.2m sealed shoulders. (Same as previous section.
 - 3.5m traffic lane width with a painted island gradually increasing in width to match the streetscape treatment from Bridge Street onwards.
 - Within this section the Shire would like MRWA to consider the installation of central double outreach streetlighting consistent with what is installed from Bridge Street onwards. If not able to be installed with this project, ensure design allowance is made to minimize any future disruption to the road pavement.
 - Installation of Turning pockets at Bridge, Reserve and Dawson Intersections
 - Sufficient width is allowed for a car to queue within painted island whilst waiting to access significant businesses in this area.
2. Request MRWA to present the near complete design to the Donnybrook Townscape Committee for formal final comment prior to approving the design for construction.
3. Request Council allocates \$50,000 within the 2016/17 Budget for MRWA to incorporate the strategic path link from the end of the existing path at the boundary of 12 and 14 South Western Highway, through to the Golf Course entrance, within their South Western Highway project, subject to their agreement.

Carried 9/0

12 REPORTS OF OFFICERS

12.1 *Manager Finance and Administration*

12.1.1 ACCOUNTS FOR PAYMENT

Council Decision
(Officer's Recommended Resolution)

Moved: Cr Mills

Seconded: Cr Bailey

That accounts authorised and paid under delegation No. 3.2 by the Chief Executive Officer represented by EFT9516a – EFT9517b, EFT9607 – EFT9784, 51939 - 51982, DD20848, Trust 3380 – 3384, EFT9645a totalling \$1,630,398.96 be confirmed for payment.

Carried 9/0

MRWA recently advised that they plan to proceed with upgrade works on SWH within the Kirup townsite in their 16/17 works program, and could consider the truck parking within the project scope, if Council agreed to contribute to the works, and accept ownership and on-going maintenance responsibility of the truck parking asset.

Concept plans (Attachment 12.2.1(2)) provided by MRWA demonstrate that they could accommodate parking for a single maximum 19m long vehicle on the service station side of SWH, and on the opposite side, parking could be provide for a single B-Double vehicle of maximum length 27m.

This information has been passed onto the Secretary/Treasurer of the KPA, who has provided verbal support for the proposal. There may be some concerns that this is only benefiting an individual business, and it may be worthwhile approaching the Service Station owners.

It should be noted that historically the Shire has consistently considered the provision of parking along MRWA Highways within townsites, to enhance the economic benefits to communities, and the safety of all users.

Consultation

MRWA, Shire of Donnybrook-Balingup staff, various Councillors, and the Kirup Progress Association have all been involved in discussions about this project over a number of years.

Policy/Statutory Implications

N/A

Financial Implications

To facilitate the construction of the proposed truck parking areas MRWA have advised that the Shire would be required to contribute \$15,000 to the project.

It is proposed that these works be funded from the annual Kirup Townscape Development budget allocation, including a \$10,000 carryover from the 15/16 budget, plus an additional \$5,000 from the typical allocation within the 16/17 budget.

The Shire will also have to accommodate the annual on-going maintenance and replacement costs within future budgets as required.

Strategic Implications

Outcome 1.7 - A well-used and efficient transport network.

Outcome 4.3 – An open and accountable Local Government that is respected, professional and trusted.

Outcome 4.7 – Maintain and enhance Shire assets.

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

Moved: Cr Bailey

Seconded: Cr Dilley

That Council endorse:

- 1. The construction of the truck parking areas on South Western Highway within the Kirup townsite by Main Roads Western Australia consistent with the concept plans provided by Main Roads WA;**
- 2. The contribution of \$15,000, funded by the Kirup Townscape Development Budget (\$10,000 from 2015/16 FY and \$5,000 from 2016/17FY) towards Main Roads Western Australia construction of the truck parking areas;**
- 3. That once the truck parking areas are constructed, Council accepts the ownership and ongoing maintenance responsibility for the truck parking areas beyond the Southwest Highway edge linemarking.**

Carried 9/0

Note: Council to seek contribution from the owners of the Kirup Service Station.

12.3 *Manager Development and Environmental Services*

Nil

12.4 Principal Planner

12.4.1	SUBJECT:	PLANNING APPLICATION FOR TRANSPORTABLE CONTAINER IN RESIDENTIAL ZONE
	Location:	Lot 2 (No.12) Allnutt Street, Donnybrook
	Applicants:	Mr Andrew and Mrs Shaelea Bayley
	Zone:	Residential
	File Ref:	A724
	Author:	Bob Wallin (Principal Planner)
	Report Date:	30 May 2016
	Attachments:	12.4.1(1) – Site Plan 12.4.1(2) – Schedule of Submission

Background

The proposal is for a second hand transportable structure (donger) with dimensions of 3m x 12m at Lot 2 Allnutt Street, Donnybrook (Attachment 12.4.1(1)).

The land is zoned “Residential” with a density code of R30 and has an area of 1012m².

This item requires Council approval as it varies with Town Planning Policies 9.16 - Transportable Structures and 9.4 - Outbuilding Control.

Town Planning Policy 9.16 - Transportable Structures sets out criteria for assessing sea containers. “Table 1 – Transportable Structure Applications that will not be Approved” states the following:

Zoning	Criteria
Residential	<ul style="list-style-type: none"> Any transportable structure

Town Planning Policy 9.4 outlines a maximum total outbuilding floor area of 70m² for lots below 1200m².

The property contains two existing historical outbuildings. These are old buildings and may predate records. Based on aerial mapping, the outbuildings are approximately 7m x 9m (63m²) and 5m x 11m (55m²). The total floor area of the existing outbuildings is 118m². The proposed new structure will have a floor area of 36m². The total outbuilding floor area will be 154m².

Comment

There are two separate issues to be decided on in this proposal. One relates to the total floor area of outbuildings and the other relates to the form of the new building – second hand transportable structure (donger).

This report will start with looking at the issues associated with building form first. The position of the policy is clear. Transportable structures will not be approved. In understanding this position, there is a need to look deeper. This position is based on aesthetic appeal. Such structures are not designed for general residential use and have a style more appropriate for an industrial setting.

In this case, it is the applicant's intent to dress up the structure including landscaping treatments. These treatments can be conditioned and can effectively remove concerns about adverse impacts on local amenity. The ability to ensure that works are completed can be addressed through a bond consistent with the policy.

This proposal also benefits from being screened from the street and only being visible from the rear of the property. In short, there is a very real prospect of being able to address policy concerns through conditions requiring the structure to be screened, clad and painted to ensure a suitable building outcome.

The structure will impact on the amenity of the adjoining property. This element is covered in more detail in the consultation section.

It is now possible to move attention to issues associated with the number and extent of existing outbuildings on the property.

The policy is silent on the purpose of setting floor area limits. However, it is not unreasonable to assume that it is to ensure that residential areas retain a residential flavour and make sure that streetscapes are not dominated by large bulky shed structures.

When forming an opinion on this proposal, it may be helpful to be mindful of the following:

- a) A Local Planning Policy is not about absolute positions. Local Planning Policies are set up to guide decisions and assist decision makers in their duty. There is scope to make decisions that vary from policies; if there are good planning reasons or justifications that can support such a stance.
- b) Existing streetscape and amenity. Clause 5.17 of Local Planning Scheme No.7 (LPS7) requires Council to have regard to impacts of a development on the locality in terms of its bulk, scale, materials and architectural styling and features. The proposal is unlikely to have significant impact on streetscape outcomes for Allnutt Street. The building will be mostly setback behind the existing building.
- c) The degree of acceptableness. It is established that sheds are acceptable within residential areas when they are limited to 70m². This proposal will result in outbuildings with a combined floor area of approximately 154m². This is more than double that envisaged by the policy. Council needs to be aware that at some point on a spectrum a proposal moves from being generally acceptable to unacceptable. Sometimes a degree of flexibility is provided, perhaps 10%. This grey area skirts

around the edge where a variation is not seen as jeopardising the intent of the policy or streetscape outcomes. In this case, the proposal will result in an outcome that substantially departs from intent of the policy.

- d) The cumulative impact of the proposal. At present, the site contains two outbuildings. Adding a third on an ad-hoc basis creates a potential site that is littered with shed structures. Further, the shed structures have no underlying theme in terms of architectural structure, colour or other unifying and harmonising features.
- e) The potential for setting an undesirable precedent. If approved, it may be possible to view it as a departure from the policy position. This may make any future decisions to refuse applications more difficult to defend due to inconsistency of enforcement. It is noted that it is easier to defend a policy position that has been consistently applied. However, there may be specific and unique circumstances in this case limiting potential to be used as a precedent.
- f) Impact on landowner choice. In this instance, a landowner has made a decision to put a transportable structure in their backyard. Its existence will likely impact only one adjoining neighbour.
- g) The need to explain “why” the application should be refused. If Council takes the view that refusal is justified, it will be necessary to come up with some defensible logical position. The question or the “the “why” needs to be answered soundly. A tautological or circular argument based around “...because the policy says...” is unlikely in this specific case to provide a reasonable, sound or sustainable position for refusing the application.

Consultation

The proposal has been advertised in accordance with Shire policy. Two submissions have been received raising objections (see Attachment 12.4.1(2)).

The issues raised by the submissions relate to:

- Impacts on outlook;
- Over shadowing;
- Bulk of structure; and
- Impacts on land values.

The first three points are valid town planning considerations. The proposal, when considering the combined impact of the existing outbuilding structures and the length of the building will have an adverse impact on the amenity of the adjoining block.

Impact on land values is not a matter that Council can take into account when considering this application.

A possible solution would be to re-orientate the proposed structure and join it to the rear of the existing dwelling. Works could then be undertaken to blend the structure so that it forms a coordinated extension to the house rather than another outbuilding.

This solution addresses the impacts on local amenity and resolves conflicts with Council policy in relation to transportable structures and outbuilding floor limits.

Summary and Conclusion

This proposal is about the meeting point between the rights of the general versus the individual. The Shire's policy position is to ensure that residential amenity is protected and that sheds and outbuildings have a limited impact on streetscape amenity. Such a position protects and benefits the general community from undesirable impacts on streetscape and local amenity. Rules are set in place to limit individual freedoms so that all members of society can enjoy and expect a certain standard of development and amenity.

In this case, the proposal as presented is not considered acceptable. It is recommended that the proposal be modified to form an extension to the existing house. Improvement works will need to be undertaken to ensure that the end structure blends and complements the existing house in terms of cladding materials, colour schemes.

Policy/Statutory/Voting Implications

Policy

9.16 – Transportable Structures

9.4 – Outbuilding Control

Statutory

The land is zoned Residential under LPS7.

Clause 10.2 of LPS7 outlines a range of matters to be considered by Council. The proposal does not raise any specific issues contained within Clause 10.2.

Clause 5.17 of LPS7 requires Council to consider impacts of built form on the streetscape setting. The proposed shed does will not be out of character or scale in the locality when having regard to the local streetscape setting.

Voting

Simple majority

Financial Implications

N/A

Strategic Implications

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

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

Moved: Cr Bailey

Seconded: Cr Tan

That the Council grant Planning consent for the location of a transportable structure at No.12 Allnutt Street, Donnybrook 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 plans showing the revised location depicted in blue, form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**
- 3. Provision of a \$5,000.00 bond prior to the issue of a building license.**
- 4. The approved structures are to be assembled, upgraded and maintained in the following manner:**
 - a. External and internal walls, fixtures and fittings to be made good;**
 - b. Doors and windows to be installed and working;**
 - c. All internal and external plumbing to be completed and connected;**
 - d. All electrical connections to be installed to the requirements of Western Power and shall be functional;**
 - e. The structures to have a high quality external finish/cladding completed in a tradesman-like manner that matches with the existing fabric and qualities of the existing dwelling in terms of colours, materials and finishes; and**
 - f. Floors to be reinstated.**
- 5. Any business activity on site to be in accordance with the criteria described in Schedule 1 of Local Planning Scheme No.7 for the use "Home Business".**

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: An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local

government prior to any construction works commencing on-site in relation to this determination.

Note 3: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Carried 7/2

12.4.2	SUBJECT:	PLANNING APPLICATION FOR A SHED WITH A WALL HEIGHT OVER 3.5M
	Location:	No.17 Smith Street, Donnybrook
	Applicants:	Mr David Farley
	Zone:	Residential R20
	File Ref:	A95
	Author:	Bob Wallin (Principal Planner)
	Report Date:	27 May 2016
	Attachments:	12.4.2 – Site and Elevation Plan

Background

This proposal is to construct a shed at the rear of No.17 Smith Street, Donnybrook. The shed will be located on a recently constructed retaining wall and will have floor area of 75m². The shed will have a wall height ranging between 3.85m and 5.83m. The shed is intended to house a caravan and access is proposed via the laneway (Attachment 12.4.2).

Council is required to make a decision on the following points:

- a) Wall height (above 3.5m). The proposed walls range from 4.2m abutting the laneway to 5.83m. It is noted that the shed will sit on a retaining wall which has a maximum height of 1.1m and tappers back to the street;
- b) Maximum floor area of building (required 70m² total for all outbuildings). The proposed floor area is 75m² for the new shed. There is also an existing garden shed with a floor area of approximately 20m². The proposed total floor area of the site will be 95m²; and
- c) The Residential Design Codes requires a 1.5m setback – a setback of less than 1m proposed (along rear laneway).

Comment

Town Planning Policy 9.4 Outbuilding Control outlines that outbuildings:

- a) shall have a maximum combined floor area of 70m² on “Residential zoned land with a site area below 1200m² (proposed 95m²);

- b) Have a maximum wall height of 3.5m (proposed 5.3m to over 6m when including the retaining wall).

The applicant has advised that the height is to accommodate a caravan and provide ventilation.

In assessing the suitability of this proposal, the following points should be considered:

Bulk and scale

The shed will have a height almost double that envisaged by the policy. It is effectively the height of double storey dwelling. Further, a shed lacks the usual architectural features that soften bulk and scale. Added to this, the shed will require reduced setbacks to the rear lane. The applicant contends that the built form will not be visible from Smith Street and that the roof line will be in line or below that of the existing buildings. This is true. However, it is looking at the proposal from a limited perspective. A more holistic analysis would need to acknowledge the fall of the land. When factoring this feature into the design, the overall impact of the shed will be out of scale and character with the locality. Attachment 12.4.2 has been annotated to show a 1.8m person to assist in understanding scale and perspective for the site. This illustrates that the shed will be out of context and scale with a residential setting.

Setbacks

The R-Codes requires a rear setback of 1.5m for boundary walls greater than 9m in length. The proposed wall will be setback less than 1m (the width of a limestone retaining wall block). The wall will be devoid of features and character. A setback of at least 1m should be required for this elevation.

Floor Area Limits

The floor area limits are not a key issue in relation to this proposal. The existing garden shed has a low profile and matches with the existing fence design. It has limited visibility or impact from the street or side boundaries. On this basis, and given the small departure in floor area proposed for this new shed, this element of the proposal is considered acceptable.

Intent of Outbuildings

The term “outbuilding” implies a secondary status and purpose to the main residential function of the land. This secondary status is usually expressed in terms of scale, materials and design. In this instance, the “shed” has a greater bulk than the house due to height of walls and absence of architectural features such as vertical and horizontal stepping and interest in façade elements.

Needs for a Caravan

Research into caravan dimensions has indicated that a door clearance of less than 3.2m is more than adequate. Some allowance can be made to accommodate slope or access that will tilt the vehicle and may result in the need for some additional internal clearance. The proposed 3.85m door clearance is well above that required for housing a caravan.

Precedent

This relates to the “slippery slope argument”. If this shed is approved, it will create a precedent for Council and require support of other similar sized sheds within the Shire. There is nothing unique or specific to this site that would reduce the potential for a precedent to be established. The policy has been crafted with limits to shed size to protect residential amenity and streetscape. This proposal embodies significant departures from the policy. If approved, it places Council in a very difficult position if it is ever required to rely on the policy in future or provide landowners with certainty about what can be built on their land or their neighbours.

The policy to date has provided clear guidance and protected streetscape appeal by ensuring that sheds do not dominate and erode residential character.

It is also worth noting that Amendment No.4 to Local Planning Scheme No.7 (currently being advertised) will strengthen controls on outbuildings within the Residential zone. The amendment will remove discretion and flexibility about wall heights and maximum floor areas for outbuildings.

When taking these above points into account, the proposed shed is not considered to be reasonable and will have potential for undue adverse impacts on local amenity and create an undesirable precedent.

Consultation

Adjoining neighbours have been contacted by mail and provided with a chance to comment on the proposal. No submissions have been received.

Summary and Conclusion

The proposed shed is of a scale beyond that considered desirable under the Shire’s Local Planning Policy and would establish an undesirable precedent for similar development within the Shire.

It is recommended that approval be granted to an amended plan to limit the wall height to 3.5m and require a minimum setback of 1m from the rear boundary.

Policy/Statutory/Voting Implications

Policy

9.4 Outbuilding Control

This policy requires support to vary floor areas and wall heights.

Statutory

Proposed TPS7 Map 7 identifies the land as “Residential R20”.

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 town sites are attractive, well presented and maintained.

Officer's Recommended Resolution

Moved: Cr Tan

Seconded: Cr Bailey

That the Council grant Planning consent for the erection of a shed at No.17 Smith Street, Donnybrook 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 as marked in red.**
- 3. A maximum wall height of 3.5m.**
- 4. All drainage being retained on site to the satisfaction of the Manager Works and Services.**
- 5. Providing evidence by a qualified and competent professional that the existing retaining wall will be able to accommodate the proposed structure, factoring into account the intended storage functions.**
- 6. A minimum boundary setback of 1m from the rear boundary.**
- 7. The shed being finished in a colour that matches the existing fence.**

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: An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local government prior to any construction works commencing on-site in relation to this determination.

Note 3: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: The applicant is advised that there are no plans to upgrade the laneway and that maintenance will occur on an irregular basis. Any upgrading will require a contribution from adjoining land owners and consideration as part of a future budgeting process.

Note 5: In relation to condition 3, slight variations in this wall height can be considered if a gable profile is proposed.

Note 6: In relation to condition 4, it is noted that there is drainage runoff occurring from the site that is causing erosion of the laneway surface. This will require addressing. Drainage solutions are to be presented at the building license stage for assessment.

Cr Dilley moved an amendment to the motion to increase the maximum wall height described in item 3 to 4 metres as the applicant has a caravan that is 3.8 m high.

Amended Resolution

Moved: Cr Dilley

Seconded: Cr Mills

That the Council grant planning consent as per the officer's recommended resolution with an amendment to Item 3 to increase the maximum wall height to 4m.

Lost 5/4

The original motion was then put and carried 5/4.

12.4.3	SUBJECT:	SALE OF LOT 71 MEAD STREET, DONNYBROOK
	Location:	Lot 71 Mead Street, Donnybrook
	Applicants:	N/A
	Zone:	Residential R30
	File Ref:	PWF 14K
	Author:	Bob Wallin (Principal Planner)
	Report Date:	3 June 2016
	Attachments:	Nil

Background

Council subdivided Lot 500 Mead Street to create 6 lots. Lot 500 was formally a public open space reserve which had limited value for recreational purposes. The land has been subdivided and funds raised will be set aside in a trust for future spending on open space improvements.

One of the lots now has a purchaser – Lot 71.

The Local Government Act requires a number of steps to be followed when disposing of property. Section 3.58 sets out the details. This includes:

- a) Giving public notice;
- b) Establishing market value; and
- c) Requires Council's decision to be recorded in the minutes of the meeting.

This item has been prepared to address point c) above.

An independent market evaluation has been undertaken by LMW Hegney. This confirms a value of \$140,000.00 for Lot 71.

The proposal has been advertised in the Donnybrook-Bridgetown Mail. No submissions have been received.

Comment

The proposed sale price of \$140,000.00 is consistent with the market evaluation provided.

Consultation

The proposal has been advertised in accordance with Section 3.58 of the Local Government Act 1985.

Policy/Statutory/Voting Implications

Policy
N/A

Statutory

Section 3.58 of the Local Government Act. This sets out the process for the disposal of land by a local government.

Voting

Simple Majority

Financial Implications

The property will be sold for the value of \$140,000.00. Money received (minus expenses) will be set aside in a separate trust fund for the purpose of public open space improvements – consistent with Section 154 Planning and Development Act and Section 6.9 of the Local Government Act.

Strategic Implications

The following outcomes from the Strategic Community Plan relate to this proposal:
Outcome 2.8 – Our town sites are attractive, well presented and maintained.

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Bailey

Seconded: Cr Mitchell

That the Council approve the disposal of Lot 71 Mead Street, Donnybrook for the value of \$140,000.00 and set aside net revenues for future public open space improvements.

Carried 9/0

12.4.4	SUBJECT:	REVIEW OF COUNCIL BRIEFING SESSIONS
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Shire of Donnybrook-Balingup
	Zone:	N/A
	File Ref:	CNL 06
	Author:	Bob Wallin – Principal Planner
	Report Date:	31 May 2016
	Attachments	Nil

Background

During the breakfast meeting on 4th November 2015 Council discussed the concept of implementing briefing sessions to replace the monthly breakfast meetings.

Council at its November 2015 meeting resolved to:

- 1) Trial the process of conducting Agenda Briefings and Concept Forums as set out in the Briefing Guidelines for a period of 3 meetings; and*

2) *Commence Agenda Briefings prior to the February 2016 Ordinary Council meeting.*

The intended purpose of these meetings was to:

- a) allow elected members and officers to meet and discuss matters relating to the operation and affairs of their local government outside the formal council meeting framework;
- b) provide opportunity for Councillors to receive additional information and ask questions regarding the topic of discussion;
- c) allow ordinary meetings to focus on the decision making needs of the local government;
- d) assist with openness and accountability; and
- e) lead to a more effective and efficient local government.

Four briefing meetings have now been held and this report has been prepared to assist Council in reviewing the future of these meetings.

Comment

This report will attempt to assist Council in evaluating the success of the briefing sessions with regard to meeting the above stated purposes. A good place to start is looking at the data. Attachment 12.4.3 provides details on the impacts on efficiency. It is clear that the process has not reduced meeting attendance times for staff or elected members. It is clear that actual total meeting times have increased during this trial process. This may have been due to contentious issues on Council agendas. Further, when taking account the wider preparation time and staff resources needed to hold the meeting it places a significant added burden (and opportunity cost) on staff time.

This added burden may be a reasonable cost but only if it assists in meeting the other stated objectives of the briefing meetings. It may be reasonable to argue that the process has provided opportunity for Councillors to receive additional information and ask more questions. It may also be possible to truthfully state that it provides an informal forum to discuss issues and ideas.

What is less obvious is the ability of the briefing forums to:

- a) allow ordinary meetings to focus on the decision making needs of the local government;
- b) assist with openness and accountability; and
- c) lead to a more effective and efficient local government.

In respect to a) above, the meetings, based on time and content have not changed significantly in structure or focus since introducing the forum. This situation may be partly attributed to the relatively low turn-out of elected members.

In respect of b), it is questionable if the forum improves openness and accountability. While the forum is open to the public, the public does not get to see the draft agenda, know the content of the agenda or participate in the discussion. There is also a very low public attendance to the forums.

In respect to c), refer to Attachment 12.4.3 in terms of time outcomes. In addition, the agenda cycle is shortened between meetings. This leads to delays in getting items to

Council for decisions. This runs contrary to the goal of increasing efficiency. In terms of creating a more effective decision making process, it is unclear if there is any way to measure this. It is difficult to establish what causes a certain decision to be made or extracting primary or secondary determinates from the decision making process. For instance, political alliances rather than process or content may be the primary factors driving the direction and outcomes of decisions. If this is the case, the inclusion or absence of the forum concept has little influence in the actual decision making outcome.

Notwithstanding the above, the forum concept could still play an important role in the decision making process. If this is the case, to justify the forum, a separate set of goals and objectives for the forum need to be established or the process itself refined to improve efficiency and effectiveness - or both.

It is understood that a number of Councillors find benefit in the forum concept as it aids them in establishing and being comfortable with positions on issues.

To ensure that this benefit does not result at a more significant economic cost (time that can be used by staff to other essential operational activities) it is necessary to consider a revised forum.

One option would be to have the forum immediately before the Council meeting. The benefit of this approach would be:

- a) potential for higher elected member turn out as it does not involve additional travel time;
- b) enables more time for staff to prepare agenda items;
- c) removes additional preparation times associated with getting agendas and facilities ready; and
- d) providing more incentive for the public to attend as they will also have access to the agenda, follow questions and discussion points more easily and not have to attend two separate meetings.

On the negative side, Councillors may not have time to digest information obtained at the forum to assist with decision making. If this was the case, the forums could be held on the Monday prior to the Council meeting. This would reduce staff workloads by only sending out one agenda and the public would also have access to the agenda papers.

An alternative option would be to have forums on a needs only basis. Need would be established where it is clear that either staff or elected members consider items may be complicated or controversial. It is unknown if Councillors would support “ad-hoc meetings” in lieu of set briefing times and dates. In these instances there could be clear benefit to having added time to review content, context and alternatives that could be played with in a more informal setting.

Consultation

N/A

Policy/Statutory/Voting Implications

Local Government Act 1995

Local Government Operational Guidelines Number 05 – Council Forums

Financial Implications

N/A

Strategic Implications

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

Cr Mitchell moved the resolution with an amendment to remove ‘as set out in the Briefing Guidelines’ from point 1 of the resolution.

Officer’s Recommended Resolution

Moved: Cr Mitchell

Seconded: Cr

That Council:

- 1) Trial the process of conducting agenda briefings and concept forums for a further period of 3 meetings; and**
- 2) Set the briefing session date on the Monday prior to the Council Meeting commencing at 5.00pm.**

Cr Mills called for the motion to lie on the table so that the process could be discussed with the new CEO, Ben Rose.

Procedural Motion

Moved: Cr Mills

Seconded: Cr Bailey

That the item lay on the table.

Carried 5/4

The following item was withdrawn by the applicant at the commencement of the meeting.

12.4.5	SUBJECT:	PLANNING APPLICATION FOR TWO SHOPS WITH 3M FRONT SETBACK AT LOT 2 (No. 33) SOUTH WESTERN HIGHWAY, BALINGUP
	Location:	Lot 2 South Western Highway, Balingup
	Applicants:	Mr John Bailey
	Zone:	Commercial
	File Ref:	A4527
	Author:	Bob Wallin (Principal Planner)
	Report Date:	14 June 2016
	Attachments:	12.4.5(1) – Site Plan 12.4.5(2) – Proposed Elevation

Background

The proposal is to relocate two small transportable buildings presently stored at the rear of the site to the street for use as future office or shop. The parent lot of this site has been strata titled and contains an existing building.

Each proposed structure has an internal floor area of 24m² and a veranda of 1.5m x 6m. The structures have a rustic cottage aesthetic and will be beautified with weather board and corrugated walls. A “cottage” style landscaping area is proposed in the front setback with each structure being accessed by a disabled ramp (Attachments 12.4.5(1) and 12.4.5(2)).

Local Planning Scheme No.7 (LPS7)

There is two parts of this application. One relates to use and the other design. The land is zoned “Commercial” under LPS7. The “Commercial” zone lists the use of “Office” and “Shop” as “P” (Permitted) and “D” (Discretionary) respectively. These proposed uses are consistent with the intent of the “Commercial” zone and will not be out of character or create potential for land use conflict within their setting.

In relation to design, LPS7 contains a number of provisions. It is necessary to test this proposal against these provisions to ensure that the intent of LPS7 is satisfied. The key elements of these clauses are included as follows:

“5.17 General appearance of buildings and preservation of amenity

*Where, in the opinion of the local government, any proposed building or the erection of structures or carrying out of site works is out of harmony with existing buildings or the landscape of the locality **by virtue of the design and appearance** of the development, the colour or type of materials to be used on exposed surfaces, the **height, bulk and massing of any building**, the local government may refuse the application for planning approval. The refusal can be made notwithstanding that the application may otherwise comply with the provisions of the Scheme. The local government may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.*

In exercising its discretion under this clause, the local government shall have regard to the following when assessing any application for planning approval:

- (i) the external appearance of the building and any associated structures and landscaping;*
- (ii) the dimensions and proportions of the building or structure;*
- (iii) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;*
- (iv) the effect of the building or works on nearby properties, and on the occupants of those buildings;*
- (v) the effect on the landscape and environment generally; and*
- (vi) any other matter which in the opinion of the local government is relevant to the amenity of the locality.”*

“10.2 (xv) the preservation of the amenity of the locality”

“Clause 10.2 (xvi) the relationship of the proposal to development on adjacent land or on other land in the locality including but not limited to, the likely effect on the height, bulk, scale, orientation and appearance of the proposal.”

Part 6 of the Deemed provisions (Local Planning Scheme Regulations 2015) relating to Local Development Plans (LDP). LDPs set out specific and detailed guidance for a future development. The intent of these plans is to ensure development occurs in an orderly and proper way.

There are also three relevant policies to consider. These are:

Policy No.9.21 - Balingup Village Centre – Special Character Area;
Policy No. 9.17 - Industrial and Commercial Development Control
Policy No. 9.16 – Transportable Structures

The relevant provisions and intent of these policies are detailed as follows:

Balingup Village Centre – Special Character Area (Local Planning Policy No.9.21)

This policy includes the following relevant provisions:

“Ensure the character and ‘village’ atmosphere of the town is preserved, particularly in regard to development size, form, height and scale”

“Ensure compatibility with existing development, particularly in respect to building materials, shop front design, front setbacks, use of colour, application of advertising signage and location and form of fencing”

“Proposed commercial development shall have a nil setback form the front property boundary, except where otherwise endorsed by the Shire”

“Parking areas shall be located at the rear of the building where appropriate.”

This proposal requires Council consideration because a front setback of 3m is proposed.

Industrial and Commercial Development Control (Local Planning Policy No. 9.17)

This policy has the intent to improve the quality of commercial development and encourage aesthetically attractive built forms and streetscapes.

This policy includes development guidelines that seek to:

- Encourage innovative and attractive building designs that are sensitive to the existing and intended surroundings;
- Facades visible to the street to maintain a high standard and include features such as:
 - Variety of materials, colours and treatments;
 - Incorporate architectural features including gables, porticos, verandahs;
 - Roof forms that includes points of interest; and
 - Stepping of vertical and horizontal elevations.
- Requires a minimum enclosed floor area of 40m² for the primary building of the site; and
- Transportable buildings will only be supported where they are ancillary to an established main building and where they are not visible or have very limited visibility from a public road or public place.

Transportable Structures (Local Planning Policy No. 9.16)

This policy has the objective to ensure that transportable structures are constructed and located in such a way as to minimise the impact on the amenity of the locality.

The policy requires structures to be of a high standard of repair.

The applicant proposes a 3m setback to achieve the following outcomes:

- Allows for a disabled ramp to join the footpath;
- Allows for a garden area in front of the buildings to enhance the character of the area;
- Affords good visual exposure for the adjoining businesses to the south and north;
- The three most recent developments have setbacks; and
- The Balingup Townscape Committee supports a setback.

In relation to the last point, the Balingup Townscape Committee was not able to make a resolution on this matter. The proposal relates to private land and falls outside the remit of the Committee. Informally, some members of the Committee supported the idea of a setback.

Comment

The acceptableness or otherwise of this proposal depends on forming views on the:

- a) Design of the structures
- b) The principles of orderly and proper planning; and
- c) Proposed setback.

In making a decision on these points, Council should be mindful of the following factors:

The Role of Setbacks

Policy 9.21 states that commercial development **shall** have a nil setback from the front property boundary. Departure requires Council's approval.

The intent of the policy is to create a "village" atmosphere and to enhance the cultural and heritage values of the village centre. A general and strong theme running through most historical main streets is the absence of street setbacks. It is the up front and personal interactions with the building facades, combined with overhanging shade structures that create the flavours and feel of a traditional town centre or main street.

The nil setback is an important tool in achieving and enhancing these "historical" flavours. This approach is reflected in the Local Planning Policy's position.

A walk along the street block acknowledges the success in consistently applying a nil setback. It plays a vital role in creating the cosy pedestrian friendly space and it enables pedestrians to intimately view and explore shop frontages.

Conversely, creating street setbacks in commercial streets is a relatively modern initiative and their use is associated with the rise and dominance of the car and desires to express individual identity, freedom to move, space and privacy.

All these values are evident in modern box shopping centres and bulky goods ribbon developments. In these developments, functional efficiency dictates all design considerations - often at the expense of attractive human scale streetscapes and town centres.

"Setbacks" create a distance and isolation that can break with the cosy rhythm of the street. The two existing developments immediately abutting the site have a nil setback. Further, a number of other nearby buildings also have verandahs that encroach into the public realm and provide a shady and sheltered pedestrian environment.

A 4.5m façade setback is at variance with all other buildings on the street block (see Attachment 12.4.5(1)) and will potentially mark this proposed development as being different and at odds with the underlying streetscape theme.

The role of landscaping

The setback is proposed to provide room for access ramps and landscaping. While landscaping can play a role in improving streetscape appeal, it should not be viewed as a

substitute to providing an appropriate built form or at the expense of achieving wider streetscape objectives.

The removal of the setback does not preclude the possibility of incorporating landscaping. Landscaping can still be contained under the verandah in pots or wine barrels to project a cottage scale and theme more in line with the size of the development.

The proposed setback provides a landscaping area in the front that is equal to 75% of the building form (excluding the decking area under the verandah). This ratio of landscaping to building is potentially out of proportion. A general rule of thumb for proportions is that of the “golden rule” of 1 to 1.6. This is a classical rule of proportions applied from observations in nature and assists in interpreting what is aesthetically pleasing to the eye. The proposed ratio of landscaping to building does not match this ratio.

It is also worth considering the effectiveness of landscaping over time. Landscaping is only effective if well maintained. Otherwise, it can become unsightly and project a lack of community pride. Community pride can be tested by observing “verge quality” – think a pristine green front lawn versus a brown, un-kept, weed invested patchy lawn. Landscaping provides a simple and subconscious assessment on the feel of a place and can create value judgements on its inhabitants.

Incorporating private landscaping areas does not guarantee a quality outcome – there is a level of risk involved which is dependent on the aspirations and economic fortunes of tenants and landowners over time. Conversely, landscaping in the street verge is maintained to a uniform standard that the community is willing to fund and be satisfied with. There are existing street trees and planter boxes along this side of the street that help establish and enhance the landscape character of the town.

It is suggested that the proposal be modified to remove the setback. This will ensure that the hierarchy of streetscape objectives are applied in their proper order of priority and importance. In this case, the achievement of a nil setback will play a greater role in achieving improved streetscape outcomes for the whole street block than creating an area for private landscaping.

Building Design and Streetscape

In the immediate locality, on the street block, there is a mix of building styles and materials. However, some common themes include use of tin rooves, gables, awnings and verandahs. Facades of buildings provide narrow shop front treatments and fine level that break the continuity of long sections of wall and provide an intimate scale and cottage feel.

The other side of the street provides a different scale and style of development. It is characterised by discrete isolated buildings set in landscaped spaces with street setbacks.

In determining *Tempora Pty Ltd v Shire of Kalamunda* (1994), the Tribunal referred to a three-part test for assessing the impact on amenity as follows:

- an objective assessment of the existing amenity;

- the manner in which the proposed use will affect the existing amenity; and
- the degree of impact on the locality.

It may be possible to view that the proposed structures will have a slightly lower standard than the majority of the street. However, when considered as a complete package, they have potential to possess some of the same characteristics with the street block - specifically in terms of scale, bulk and architectural features. It needs to be acknowledged that an almost identical building already fronts the street and assimilates seamlessly with its immediate neighbours.

The proposed structures possess a small “cottage” or “doll’s house” character. The designs include timber and tin cladding, ornate wooden window fittings and gable roof forms, wooded decking supported by wooden balustrading and verandas. These features and scale generally replicate and reflect the qualities of the surrounding street. Importantly, the structures do not possess the undesirable elements normally associated with transportable or donger structures. That is, an industrial appearance and design considerations dominated by security and utility efficiencies.

In this instance, the proposed building design cannot be described as being of a high standard. However, neither does a significant portion of the existing commercial buildings along the main street. This lack of quality is mitigated to some extent in the existing buildings by their tight packing to create continuous blocks of unbroken frontages.

Within this streetscape context, the proposed structures, when upgraded will not materially depart from the existing built form in terms of architectural style when subject to upgrading improvements. A more important element to consider is about the setting. The structures will be relatively isolated.

Space and its impact on streetscapes

Streetscapes are not created by building form alone. An important part of any building is the “vacant space” around it. Spaces have an important role to play. This proposal is surrounded by vacant paved space. It is this space that provides unobstructed views and perspectives that accentuates the small scale of the buildings. It is this space that will mark the structures as being out of character with the majority of the eastern side of the street.

It is noted that the western side of the street contains a number of buildings framed by landscaped spaces. The isolated nature of these buildings is mitigated to some degree by the scale of these buildings.

Orderly and Proper Planning – site context

A key principle of town planning is to ensure that development does not occur in an uncoordinated or ad-hoc manner. In this case, the site already contains one building and this proposal will add two other buildings. All this activity and development is proposed in a vacuum - there is no overall plan or vision for the site. The buildings have no unifying features in terms of architectural design, materials, orientation, bulk, use or scale. Added to this, there is further scope for additional development to occur on the site.

There is a legitimate need for an overall plan to control and guide development for this site. This will ensure that development occurs in an orderly and proper way and that there is a unifying theme and flavour for the site. There is a very real possibility that if this is approved, it will set a precedent for an ungainly arrangement of structures and activities that will detract from the overall objectives of the townsite. This is the slippery slope argument. Once this stage is approved, how will it be possible to stop the next stage? This site has further development potential and this needs to be considered now - as part of this assessment process.

Without an overall plan for the site, it is difficult to support the current proposal as it will constrain future development options for a highly prominent site within the Balingup townsite.

Departures from Policy Position – Context and Location matter

In considering departures from a policy position, it is important to understand the intent of the policy and the impact and extent of supporting any departure. In this case, the policy requires new development to enhance the character of the locality. One way that this is expressed is through nil setbacks.

The other aspect of to think about when considering departures is the prominence of the site and the visibility of the departure. In this case, the proposal is in a very prominent location and approval will set a very visible precedent contrary to the intent of the established policy position. Approval to a setback will effectively undermine any ability to enforce the policy position. If setbacks are to be supported, it will require a complete review of the policy.

Departures are easier to justify and support if they have limited impact of the public realm - hidden away. In this case, the departure is highly visible and will be front and centre for all to see.

Opportunistic verses innovative treatments

LPS7 contains a number of objectives for the Commercial Zone. In summary, these include:

- encourage new development to achieve a high standard;
- protect, maintain and enhance where possible the visual and heritage elements of the town centre; and
- ensure that development conforms to any Local Planning Policy or Townscape Plan.

In this case, the proposal seeks a low-cost and convenient option for the landowner. This is not the same as a good outcome for the Balingup townsite or community.

Vector of Development and Aspiration for Balingup Townsite Development

In May 2008, Council adopted a Local Planning Policy to guide future development within the Balingup Townsite. The intent of the policy is to protect and promote the towns "special character".

It is noted that there are a number of historical developments on the opposite side of the street with setbacks and landscaped settings. However, these were established prior to the policy position being set.

The policy includes the objective to guide future development in a manner that enhances the existing character. It is unclear if this proposal meets this objective when taking into account the prominent position of the site.

The veil of Ignorance

In making a decision and trying to keep a level of objectiveness about the proposal, it would be helpful to think about this proposal without thinking about the applicant – applying John Rawls's veil of ignorance. In making a decision, it will be necessary to remove thoughts about who the applicant is and concentrate on the merits or otherwise of the proposal itself.

Summary and Conclusion

There are parts of this proposal that when viewed in isolation could comply with the planning framework for the locality. However, in reality, proposals are not viewed in segmented and isolated ways. They are viewed as complete holistic entities that fit and interact within a wider streetscape.

In assessing this proposal, it is essential to take a step back and think about the site as a whole. This enables focus on the combined impacts of setbacks, building design, building scale, spacing and lack of an overall site layout for the site to be accounted for. It is this combination of factors that makes this proposal unacceptable.

An alternative resolution has been provided should Council wish to approve the application.

Policy/Statutory/Voting Implications

Policy

Policy No.9.21 - Balingup Village Centre – Special Character Area. This policy has the objective of creating a village character and promotes this through nil setbacks, locating car parking at the rear of buildings and the design of buildings.

Policy No. 9.17 - Industrial and Commercial Development Control. This policy has the intent to improve the quality of commercial development and encourage aesthetically attractive built forms and streetscapes

Policy No. 9.16 – Transportable Structures. This policy has the objective to ensure that transportable structures are constructed and located in such a way as to minimise the impact on the amenity of the locality.

Statutory

Clause 5.56 – Commercial Zone seeks to promote a high standard of design of buildings and car parking provision through the use of building materials and architectural styles to harmonise visually with nearby buildings.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

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

Outcome 3.9 – Existing community spirit and pride is maintained

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That Council refuse to grant Planning consent for the relocation of two transportable structures to Lot 2 (No.33) South Western Highway, Balingup on the grounds that:

- 1) The proposal is inconsistent with Local Planning Policy 9.21 which encourages development to enhance the existing character of the locality and requires a nil street setback.**
- 2) The development is inconsistent with orderly and proper planning.**
- 3) The development will have a detrimental impact upon the character of the locality.**
- 4) The development is an ad-hoc and inexpensive short term solution on a prominent site within the Balingup Townsite main street.**
- 5) The isolated setting of the structures highlights the limited scale, bulk and form of the development which runs contrary to the established streetscape setting.**
- 6) Approval would create an undesirable precedent for further ad-hoc development within the Balingup Townsite.**
- 7) The proposed structures design and site layout is contrary to the objectives and principles of the "Commercial" zone.**

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.

Alternative Resolution

Moved: Cr

Seconded: Cr

That Council grant Planning consent for the relocation of two transportable structures to Lot 2 (No.33) South Western Highway, 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. Septic systems on site being sized and installed to the satisfaction of the Shire of Donnybrook-Balingup/and or Department of Health.**
- 4. A cross over being designed and constructed to the satisfaction of the Shire's Manager Works and Services.**
- 5. Five car parking spaces being provided and constructed to the satisfaction of the Shire's Manager Works and Services.**
- 6. Provision of a structure/trellis to create a visual join to the buildings when viewed from the street to the satisfaction of the Shire's Principal Planner.**
- 7. The proposed fire wall being finished to a standard that maintains an acceptable level of visual harmony and streetscape presentation to the satisfaction of the Shire's Principal Planner.**
- 8. A bond of \$5000.00 for each structure being payed prior to the issue of building license.**
- 9. External finishes for each structure being designed to the satisfaction of the Shire's Principal Planner.**

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: An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local government prior to any construction works commencing on-site in relation to this determination.

Note 3: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.

Note 4: The applicant is advised that prior to commencing any works, they should resolve matters relating to the “right of carriage way” over the front portion of land. This will require negotiation with other strata title owners.

12.5 Chief Executive Officer

12.5.1	SUBJECT:	REGIONAL TOURISM DEVELOPMENT STRATEGY
	Location:	Bunbury and Wellington Regions
	Applicants:	Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy
	Zone:	N/A
	File Ref:	CNL 15/A
	Author:	J Attwood - CEO (D Vanallen - CDRTL)
	Report Date:	9 June 2016
	Attachments:	Nil

Background

A Tourism Working Group (TWG) comprising representatives from the seven regional Local Governments, who represent the Bunbury Wellington Group of Councils (BWGC), was formed in late 2012 to commence discussing ways of working together to gain tourism momentum for the greater Bunbury and Wellington regions. The seven regional Local Governments are the Shires of Boyup Brook, Capel, Collie, Dardanup, Donnybrook-Balingup and Harvey and the City of Bunbury.

The TWG agreed to investigate ways of working co-operatively to leverage the benefits of local tourism further, and in 2014 each of the seven Shires, along with Regional Development Australia-SW, the South West Development Commission (SWDC), Australia’s South West and Tourism WA, committed an allocation of funds to contribute to the project and the development of this Strategy.

The overall objective was to develop a regional tourism development strategy that investigates a way forward in a number of areas, including regional tourism management, tourism product, visual presentation and marketing. The Strategy aims to develop a series of recommendations, including an Action Plan and a Marketing Plan, which will lead to increased opportunities for the regions tourism sector. Further, it will provide strategies as to how each of the surrounding Shires can utilise assets to connect existing tourism product and encourage the development of new experiences.

The BWGC appointed Markettrade/Evolve Strategic Solutions as per the brief, to develop the Strategy which was developed throughout 2015 in consultation with the TWG.

The BWGC received the final Strategy (in full) in early December 2015, as well as a Summary Report and the Regional Action Plan/Regional Marketing Plan.

At the December 2015 meeting, Council recommended to :

Receive the three draft reports:

- Bunbury Wellington and Boyup Brook Regional Tourism Strategy 2015;
- Bunbury Wellington and Boyup Brook Regional Tourism Development Summary Report; and
- Regional Action Plan and Regional Marketing Plan

That Council release the reports for consultation through respective tourism stakeholders and request feedback by 29 February 2016.

That Council refer the stakeholder feedback to the steering committee for review and report back to the Bunbury Wellington Group of Councils by 31 March 2016.

The Draft Regional Action Plan and Regional Marketing Plan was referred to the respective tourism stakeholders throughout the region. A total of 11 individual written and verbal responses were received from stakeholders within the Shire of Donnybrook Balingup. Shire Officers' feedback was incorporated into a summary document which was submitted to the Steering Committee for review. The TWG met on 5th April 2016 in Donnybrook to consider all the submissions received from the tourism industry stakeholders, noting that seven (7) collated submissions were received. Minor changes were recommended and have been incorporated into the Strategy and Action Plan. It was recommended to the BWGC to consider a budget and identify accommodation for the proposed appointment of a Regional Marketing Manager to commence the project in the 2016/17 financial year with a commitment for 3 years based on a budget of \$130,000.

Comment

Tourism is a major and growing industry in the region providing important economic and social benefits for the Shire of Donnybrook-Balingup. Although not the primary industry, it is a key driver for the growth of the region. Tourism also assists in the growth of the Shire by exposing potential new residents to the extensive benefits of living in the Shire.

The Bunbury Wellington Group of Councils (BWGC) has reviewed the Draft Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy (RTS) and resolved as follows:-

That the Bunbury Wellington Group of Councils:-

- 1. Note that seven (7) submissions were received (one of which was a collated report from the Shire of Donnybrook Balingup)*
- 2. Agree to the proposed amendments to the Strategy and Action Plan as outlined in the report from the South West Development Commission from the submissions received be adopted and the Strategy documents be amended to reflect these changes.*
- 3. Upon receipt of the updated report, that each member local government present the report to their respective Councils for consideration and endorsement, noting the group agrees to:*
 - a) Approach the South West Development Commission requesting the Commission accept coordination and the lead role for implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy, as this is featured highly in the SW Blueprint and Regional Growth Plan.*
 - b) Recommend each Local government request their Council consider an allocation in the 2016/17 budget for implementation of regional tourism initiatives.*
 - c) Support any submissions and joint applications for funding through Royalties for regions and other programs to fund workshops, marketing and implement projects contained within the report.*
 - d) That each Council participate in each initiative as they determine.*
- 4. Agree that upon adoption by each respective Council, that the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy Steering Committee cease.*

The recommendation from the BWGC is that the South West Development Commission (SWDC) take on the role of implementing the Regional Tourism Strategy (RTS) and that each Council consider allocating some funding starting from the 2016/17 budget to assist with any of the initiatives included within the RTS that may be progressed as a group.

Consultation

The BWGC engaged Markettrade/Evolve Strategic Solutions to undertake the study which produced this Report. Consultation was undertaken with representatives and key stakeholders from each of the local governments in the Bunbury Wellington District and Boyup Brook region, including an analysis of tourism facility requirements, current industry trends, demographic projections, strategic planning processes. Other nominated stakeholders such as South West Development Commission, Regional Development Australia, Tourism WA and Australia's South West also participated throughout.

As indicated in the 'Background' section of this report, the draft Regional Tourism Strategy has been provided to all tourism stakeholders for comment and some changes were made to the document as a result of this consultation. Two local governments within the alliance have made commitments of \$10,000 each for this project.

Policy/Statutory/Voting Implications

Policy/Statutory

N/A

Voting

Simple Majority

Financial Implications

The Shire will be required to make a financial commitment to this Project if it agrees to work collaboratively as part of a regional tourism strategy. This will be funded in the 2016/2017 budget with the view to making a three year commitment.

Strategic Implications

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

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

Council Decision

(Officer's Recommended Resolution)

Moved: Cr Dilley

Seconded: Cr Crowley

That Council

- 1. Endorse the Bunbury Wellington Group of Councils recommendations in relation to the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy as follows:-**
 - a) Note that seven (7) submissions were received (*one of which was a collated report from the Shire of Donnybrook Balingup*)**
 - b) Agree to the proposed amendments to the Strategy and Action Plan as outlined in the report from the South West Development Commission and the submissions received be adopted and the Strategy documents be amended to reflect these changes.**

- c) The Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy be adopted with recommended changes, noting the group agrees to:**
- i) Approach the South West Development Commission requesting the Commission accept coordination and the lead role for implementation of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy, as this is featured highly in the SW Blueprint and Regional Growth Plan.**
 - ii) Recommend each Local government request their Council consider an allocation in the 2016/17 budget for implementation of regional tourism initiatives.**
 - iii) Support any submissions and joint applications for funding through Royalties for Regions and other programs to fund workshops, marketing and implement projects contained within the report.**
 - iv) That each Council participate in each initiative as they determine.**
- d) Agree that upon adoption by each respective Council, the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy Steering Committee cease.**
- 2. Allocate up to \$10,000 per annum, for a period of up to three years commencing in the 2016/2017 to the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy regional initiatives.**
 - 3. In the event that other participating Councils and South West Development Commission do not commit towards the implementation of the Regional Tourism Strategy or commit at a lower level, then Council's commitment to the Strategy may be reassessed.**
 - 4. Inform the tourism stakeholders in the Shire of the outcome of the Bunbury Wellington and Boyup Brook Regional Tourism Development Strategy project.**

Carried 9/0

12.6 Recall Items

12.6.1	SUBJECT:	2016 ASSOCIATIONS HONOURS
	Location:	Shire of Donnybrook-Balingup
	Applicants:	Administration
	Zone:	N/A
	File Ref:	DEP 22/4D
	Author:	John Attwood CEO (Kate O’Keeffe, Executive Assistant)
	Report Date:	14 April 2016
	Attachments:	Nil

Background

Council considered the confidential report – 2016 Associations Honours at the Ordinary Council meeting held on 25 May 2016.

Comment

In accordance with the *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A the above report remained confidential as “a matter that if disclosed could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law”.

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

The *Local Government Act 1995* Section 5.23 (2) (f) and Admin Regulations 4A

Voting

Simple Majority

Financial Implications

N/A

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

Moved: Cr Bailey

Seconded: Cr Tan

That

- (a) In accordance with Section 5.23 (2) and Admin Regulations 4A, agenda item 12.7.1 remains confidential as sensitive information is detailed in the report.**
- (b) When the information in the report is not sensitive the item will be included in the next occurring council agenda.**

Carried 9/0

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

Moved: Cr Tan

Seconded: Cr Crowley

That the meeting be reopened to the public.

Carried 9/0

13 CLOSURE OF MEETING

The Chairperson advised that the next Ordinary Council Meeting will be held on Wednesday, 27th July 2016 commencing at 5.00pm in Donnybrook at a location to be advised.

The Shire President declared the meeting closed at 7.00 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 27 July 2016.		
Shire President		Presiding Member