



Notice of Ordinary Council Meeting

To all Councillors

To be held on Wednesday, 27 September 2017

Commencing at 5.00pm

In the Seniors' Room, Donnybrook Community Library

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

Benjamin (Ben) Rose
Chief Executive Officer

21 September 2017

Disclaimer

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



NOTICE OF ORDINARY COUNCIL MEETING
27 SEPTEMBER 2017
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SHIRE OF DONNYBROOK BALINGUP

NOTICE OF ORDINARY MEETING

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Wednesday, 27 September 2017 commencing at 5.00pm

MEMBERS PRESENT

COUNCILLORS

Cr Logiudice
Cr Bailey
Cr Crowley
Cr King
Cr Mills
Cr Mitchel
Cr Tan
Cr Van Der Heide

STAFF

B Rose – Chief Executive Officer
G Harris – Manager Finance and Administration
D Morgan – Manager Works and Services
B Wallin – Principal Planner
K O'Keeffe – Executive Assistant

PUBLIC GALLERY

1 APOLOGIES

Cr Dilley
L Guthridge – Manager Development and Environmental Services

2 PUBLIC QUESTION TIME

Brian Piesse

My last question related to any third party discussions relating to the future ownership and operation of Tuia Lodge. The literal translation of the word "any" as used in my question and was intended to mean any discussions, informal or formal, by Council collectively, the President and/or individual Councillors or any Senior Executive employed by Council or any external person or organisation engaged by Council or Council Management to make enquiries on their behalf. Therefore, Mr President, I ask you to confirm for the record, the answer given relating to the question as initially asked and further expanded on in my supplementary explanation this evening, is correct in every respect?

My question relates to when the administration of Tuia Lodge became a public issue of note. Has anyone had discussions with the view of selling or outsourcing the management of the asset?

Chief Executive Officer

The Shire President advised at the meeting that neither he nor the Council have engaged in conversations with any entity with the view to selling or outsourcing Tuia Lodge. Whilst I cannot (and would not wish to) speak on behalf of the Council or individual Elected Members, I can provide advice from an operational perspective of the Shire's Administration. In this regard, I can advise that, during my term as the Chief Executive

Officer, I have been approached by two separate aged care providers who have sought to engage in conversation with me as to the possibility of selling or outsourcing the management of Tuia Lodge. On both occasions, I have (politely) declined the offer to further the conversation.

June Scott

There is a noticeable increase in graffiti in the central town area, including the laneway, the bin on Wagyl Walk Trail and the State Heritage listed Goods Shed. It appears internally in the goods shed things have been smashed and graffitied. Externally, the building is being further assisted to degrade with tin lifted, damage to corrugated sheeting, etc.

There was a project removed from the Donnybrook Townscape that had the ability to engage community with artwork. Can this project be re-instated as no information was provided at the meeting of the background for the project and the supplier's additional commitment to work with community with the artwork side of installation to engage with community groups possibly this could be the graffiti artists?

Also, the supplier would assist with the grant funding application. This option was not utilised.

Chief Executive Officer

The Townscape Committee, while reviewing the outstanding action items at the committee meeting on 9 August 2017, considered this matter and decided not to progress the item. Townscape Committee member(s) may request the item be included again, if they believe the project has merit.

Graeme Johnson

I refer to the confidential item that has been removed from tonight's agenda. This problem has been going on for ten years. I have a solution which I have provided in writing to each Councillor tonight and I ask for a reply from Council on this matter.

Chief Executive Officer

The Shire has reviewed your deputation distributed to Councillors and administration staff at the Ordinary Council Meeting held on 23 August 2017. From what has been provided I am not able to determine your proposed resolution to the matter consistent with negotiations to date.

The Shire received confirmation on 4 July 2017 that the parties to the settlement of 24 Rosedene Lane had reached agreement, and had accepted the terms as presented by the Shire's lawyers in a letter dated 30 June 2017, and requested that a deed be drafted. You informed the Shire by email on 22 August 2017 that you no longer accepted the terms of the deed, and would not sign the document after settling your ownership of the property on 18 August 2017.

The matter of ownership of structures on land not under the management of Local Governments is a state-wide issue. The Shire administration of these matters is based on sound legal advice, and takes into consideration the risks these structures present to all ratepayers of the Shire.

3 APPLICATION FOR LEAVE OF ABSENCE

Cr Dilley was granted a Leave of Absence from the September 2017 Ordinary Council meeting at the Ordinary meeting held on 23 August 2017.

4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil.

6 PRESIDENT'S COMMUNICATIONS

Date	Meeting	Report
25/08/2017	WALGA South West Zone	Scheduled Meeting.
01/09/2017	Golden Valley Tree Park Committee	Opportunity to view the new Toilets in the Australian Collection, be informed of the projects that are being worked on and a discussion on the necessity to retain the Balingup water supply dam.
08/09/2017	SWDC CEO, Rebecca Ball and A/Assistant Director, Billy Wellstead	Opportunity to meet the newly appointed CEO and discuss funding for future projects.
13/09/2017	Meet with Chief Executive Officer	Communications Meeting.
21/09/2017	Bunbury Wellington Economic Alliance	Scheduled Monthly Meeting.

7 LATE ITEMS

The minutes from the following meetings will be presented as late items to the September 2017 Ordinary Council Meeting;

- Chief Executive Officer Review Committee Meeting – 22 September 2017
- Special Meeting of Electors – 25 September 2017

8 CONFIRMATION OF MINUTES

8.1 Ordinary Meetings of Council

Council Decision

Moved: Cr

Seconded: Cr

That the Minutes of the Ordinary Meeting of Council held on 23 August 2017 be confirmed as a true and accurate record.

8.2 Special Meetings of Council

Council Decision

Moved: Cr

Seconded: Cr

That the Minutes of the Special Meeting of Council held on 14 September 2017 be confirmed as a true and accurate record.

9 ELECTED MEMBER'S MOTIONS

Nil.

10 MINUTES OF PREVIOUS MEETINGS

10.1 Committee Minutes

Council Decision

Moved: Cr

Seconded: Cr

That the following Committee Minutes be received:

- **Local Emergency Committee Meeting – 12 September 2017**
 - **Donnybrook Recreation Centre Meeting – 20 September 2017**
 - **Chief Executive Officer Review Committee – 22 September 2017**
 - **Special Meeting of Electors – 25 September 2017**
-

11 REPORTS OF COMMITTEES

Nil.

12 REPORTS OF OFFICERS

12.1 *Manager Finance and Administration*

12.1.1 ACCOUNTS FOR PAYMENT

For information: The following accounts have been authorised and paid under Delegation 3.2 by the Chief Executive Officer represented by cheques CCP3252-CCP3256, EFT12303–EFT12489, 52690– 52735, DD22253 – DD22255, Trust 3523 - 3531, EFT12375c, totalling \$1,827,238.78.

12.1.2 MONTHLY FINANCIAL REPORT

Officer's Recommended Resolution

Moved: Cr

Seconded: Cr

That the monthly report for the period ended 31 July 2017 be received.

12.2 *Manager Works and Services*

12.2.1 **MAIN ROADS WA LAND ACQUISITION: LOTS 2 AND 4 SOUTH WESTERN HIGHWAY, KIRUP AND NEWLANDS**

Location:	Shire of Donnybrook Balingup
Applicants:	Main Roads WA
Zone:	Near Kirup/Newlands
File Ref:	WRK 06/1
Author:	Damien Morgan - Manager Work and Services
Report Date:	5 September 2017
Attachments:	12.2.1(1) - MRWA Correspondence (ICOR60184) 12.2.1(2) - Drawings 201702-0228 and 201702-0229

Background

Main Roads WA (MRWA) has initiated action to acquire land from Lots 2 and 4 South Western Highway, Kirup and Newlands for proposed road seal widening, drainage improvement and improvements to both horizontal and vertical geometry. These planned works will improve safety for road users.

Comment

As part of MRWA's initiation to acquire land for road purposes, they are required to obtain the Shire's support for the future dedication of the land.

MRWA is currently in negotiations with the affected owners. Council's support for the dedication is required to allow formalities to proceed. A copy of the Council's resolution with direct reference to Section 56 of the Land Administration Act (1997) is required by MRWA to proceed with this process.

Consultation

MRWA are in negotiation with the impacted land owner for the acquisition of their land.

Policy/Statutory Implications

Section 56 of the *Land Administration Act (1997)*.

Financial Implications

Nil