



# Ordinary Meeting of Council Minutes 14 February 2018

---

Held on

14 February 2018

Commencing at 5.00pm

Seniors Room – Donnybrook Community Library  
Corner Emerald and Bentley Streets, Donnybrook

---

A handwritten signature in black ink, appearing to read 'Ben Rose'.

**Ben Rose**  
Chief Executive Officer

**22 February 2018**

## **Disclaimer**

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

---

---



## ORDINARY MEETING OF COUNCIL MINUTES

14 February 2018

### TABLE OF CONTENTS

1	DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ANNOUNCEMENT OF VISITORS .....	4
2	ATTENDANCE .....	4
2.1	<i>APOLOGIES</i> .....	4
2.2	<i>APPROVED LEAVE OF ABSENCE</i> .....	4
3	ANNOUNCEMENTS FROM THE PRESIDING MEMBER .....	5
4	DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST .....	5
5	PUBLIC QUESTION TIME .....	5
5.1	<i>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</i> .....	5
5.2	<i>PUBLIC QUESTION TIME</i> .....	5
6	PRESENTATIONS .....	6
6.1	<i>PETITIONS</i> .....	6
6.2	<i>PRESENTATIONS</i> .....	6
6.3	<i>DEPUTATIONS</i> .....	6
6.4	<i>DELEGATES' REPORTS</i> .....	6
6.4.1	<i>SHIRE PRESIDENT COMMUNICATIONS</i> .....	6
7	CONFIRMATION OF MINUTES.....	7
7.1	<i>ORDINARY MEETING OF COUNCIL</i> .....	7
7.2	<i>ANNUAL GENERAL MEETING OF ELECTORS</i> .....	7
7.2.1	<i>RECEIPT OF MINUTES</i> .....	7
7.2.2	<i>CONSIDERATION OF MOTION CARRIED BY ELECTORS</i> .....	8
7.3	<i>COMMITTEE MINUTES</i> .....	10
8	REPORTS OF COMMITTEES .....	10

9	REPORTS OF OFFICERS .....	11
9.1	MANAGER FINANCE AND ADMINISTRATION .....	11
9.1.1	ACCOUNTS FOR PAYMENT .....	11
9.1.2	MONTHLY FINANCIAL REPORT .....	11
9.2	MANAGER WORKS AND SERVICES .....	11
9.2.1	MAIN ROADS WESTERN AUSTRALIA (MRWA) ROAD CLOSURE - ROBERTS STREET AND SOUTH WESTERN HIGHWAY INTERSECTION, BALINGUP ...	11
9.3	MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES.....	13
9.4	PRINCIPAL PLANNER .....	14
9.4.1	REQUEST TO CLOSE PORTION OF UNCONSTRUCTED ROAD RESERVE (ABUTTING EGAN PARK) TO ALLOW DEVELOPMENT OF COMMUNITY GARDEN .....	14
9.4.2	PLANNING APPLICATION FOR EXTENSION / REDEVELOPMENT OF DONNYBROOK FOOTBALL CLUB BUILDING.....	16
9.4.3	APPLICATION FOR HOLIDAY HOUSE AT LOT 159 (No.36) CAMPBELL STREET, BALINGUP.....	19
9.4.4	REQUEST TO EXTEND A ROAD CLOSURE REQUEST FOR PORTION OF BILLINGHURST ROAD, ARGYLE.....	21
9.4.5	REVIEW OF LOCAL PLANNING POLICIES.....	23
9.4.6	REQUEST FOR SUPPORT TO WALGA POSITION ON INTRODUCING THIRD PARTY APPEAL RIGHTS FOR TOWN PLANNING DECISIONS .....	25
9.5	CHIEF EXECUTIVE OFFICER .....	28
9.5.1	TUIA LODGE QUARTERLY UPDATE .....	28
9.5.2	REVIEW OF LOCAL GOVERNMENT ACT 1995.....	32
9.5.3	COUNCILLOR DEPUTY DELEGATE MEMBERSHIP TO COMMUNITY COMMITTEES.....	34
9.5.4	BRIDGE STREET, DONNYBROOK - PARTNERHSIP HOUSING PROJECT...	37
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .	45
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....	45
12	MEETING CLOSED TO PUBLIC .....	46
12.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	46
12.2	PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC .....	46
13	CLOSURE .....	46

# SHIRE OF DONNYBROOK BALINGUP

## ORDINARY MEETING OF COUNCIL

Held at the Seniors' Room – Donnybrook Community Library, Cnr Emerald and Bentley Street, Donnybrook on Tuesday 14 February 2018 at 5.00pm

### 1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY / ANNOUNCEMENT OF VISITORS

#### Shire President – Acknowledgement of Country

The Shire President acknowledged the traditional custodians of the land, the Noongar People, paying respects to Elders, past and present.

The Shire Present declared the meeting open at 5:00pm, welcomed the public gallery and advised them of the meeting procedures.

### 2 ATTENDANCE

#### MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Wringe (Deputy President)	Greg Harris – Manager Finance and Administration
Cr Atherton	Damien Morgan – Manager Works and Services
Cr King	Leigh Guthridge – Manager Development and
Cr Lindemann	Environmental Services
Cr Mills	Bob Wallin – Principal Planner
Cr Mitchell	Kate O’Keeffe – Executive Assistant
Cr Tan	Trish McCourt – Corporate Planning and Governance Officer
Cr Van Der Heide	

#### PUBLIC GALLERY

Tony Scaffidi	Romaine McGuire
Peter Hearman	Graeme Johnson
Rod Atherton	Simon McInnes
Brooke Devine	Lucille Piesse

#### 2.1 APOLOGIES

Nil

#### 2.2 APPROVED LEAVE OF ABSENCE

Nil

---

### **3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

---

The Church Restoration and Renovation Project, turning the Old Uniting Church into the new Council Chamber's, is coming along well but was not quite ready for tonight's Council meeting. Feedback on the project has been very positive and I am looking forward to seeing the end result. Council plans to hold an official opening of the Council Chambers on 28 March 2018 and hold the March Ordinary Meeting in the new Chambers on Thursday, 29 March 2018.

---

### **4 DECLARATION OF FINANCIAL / IMPARTIALITY INTEREST**

---

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all - voting on any matter, which is considered to come within the ambit of the Act.

Cr Tan declared an interest affecting impartiality with regard to agenda item 9.4.1 – *Request to Close Portion of Unconstructed Road Reserve* with regard to her association with the applicant, Donnybrook Community Garden Inc.

Cr Atherton declared an interest affecting impartiality with regard to agenda item 9.4.2 - *Planning Application for Donnybrook Football Club*. as he is a life member, committee member and sponsor Donnybrook Football Club.

Cr Piesse declared an interest affecting impartiality with regards to item 9.5.4 – *Bridge Street, Donnybrook Partnership Housing Project* as he is a member of the South West Development Commission Board.

---

### **5 PUBLIC QUESTION TIME**

---

---

#### **5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

---

Nil

---

#### **5.2 PUBLIC QUESTION TIME**

---

*Simon McInnes*

*Under the Shire's Customer Charter, correspondence to the Shire should be responded to within 10 days of receipt. I request a review be undertaken to ensure the Customer Charter is observed.*

Chief Executive Officer

I will take this question on notice.

*Tony Scaffidi*

*I would like to know if Councillors are aware of the opportunities the Shire has missed out on over the years because of Council decisions, including the Wood Chip Mill on Sandhills Road, the World of Energy Collection and the Migrants Memorial. I'd also like to talk about Lot 170 South Western Highway, Donnybrook. The new Councillors should know about these things.*

Shire President

I will have to take these comments as statements, not questions. Unfortunately, this forum doesn't allow Councillors to respond individually during Public Question Time, however, I would be happy to work with you to obtain the answers you require.

---

## **6 PRESENTATIONS**

---

### **6.1 PETITIONS**

---

Nil

### **6.2 PRESENTATIONS**

---

Nil

### **6.3 DEPUTATIONS**

---

Mr Brooke Devine from Cape Life, addressed Council in regards to preserving and restoring the native landscapes of the South West. Deputation commenced at 5:10pm and concluded at 5:20pm.

Mr Peter Hearman, President from Donnybrook Football Club addressed Council in regards to plans to renovate the Donnybrook Football Club building. Deputation commenced at 5:30pm and concluded at 5:39pm.

---

### **6.4 DELEGATES' REPORTS**

---

#### **6.4.1 SHIRE PRESIDENT COMMUNICATIONS**

<b>Date</b>	<b>Meeting</b>
11/01/2018	Telephone Meeting Hannah Fitzhardinge – Strategy Planning Consultant
11/01/2018	Meeting with WALGA State President and WALGA CEO – Donnybrook
18/01/2018	Bunbury Wellington Alliance (BWEA) Board Meeting – Bunbury
18/01/2018	Bunbury Wellington Working Group Meeting – Edith Cowan University
19/01/2018	Tourism Southwest Familiarisation Tour - Donnybrook
26/01/2018	Australia Day Citizenship Ceremony
02/02/2018	Meeting with Shire of Capel re: Transport Study
09/02/2018	Meeting with Hon. Mick Murray – Shire Projects and State Funding

The Shire President referred to his meeting with Hon Mick Murray MLA. He and the Chief Executive Officer have been invited to meet with Minister Murray on a six-weekly basis.



---

**7.2.2 CONSIDERATION OF MOTION CARRIED BY ELECTORS**

---

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	N/A
<b>File Reference</b>	
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>It is recommended that Council initiate a robust due diligence review into its aged care portfolio, to assist decision making in relation to the future of this Shire service:</p> <ul style="list-style-type: none"> <li>• The 18 December 2017 Annual General Meeting of Electors carried a motion requesting the Council to consider outsourcing the management of Tuia Lodge.</li> <li>• Consideration of the motion is required at the next practicable meeting of Council.</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
3.3 A safe and healthy community environment for all ages	3.3.1 Promote ageing in place	3.3.1.2 Review aged care services administered by the Shire.
4.1 A strategically focused, open and accountable local government	4.1.2 Continue to enhance communication and transparency	4.1.2.1 Ongoing meaningful communication and engagement with residents, ratepayers and stakeholders

**BACKGROUND**

An Annual General Meeting of Electors is required to be held once each year, within 56 days of adoption of the Annual Report. The 2017 Annual General Meeting of Electors was hosted on 18 December 2017, at the Function Room of the Donnybrook Recreation Centre. Given that the next Ordinary Meeting of Council was held only 48 hours later (20 December 2017), presentation of the Minutes of the Annual General Meeting of Electors and consideration of the motion carried was not practicable until the first Ordinary Meeting of Council in 2018.

**DETAILS**

At the 18 December 2017 Annual General Meeting of Electors, one motion was proposed, and carried, as follows:



**Moved:**     **Lui Tuia**

**Seconded:**     **Frank Haygarth**

***If Council would not return the management of the Shire's Aged Care Services to the community, would Council consider transferring the management of the Shire's Aged Care Services to a suitably qualified Aged Care Provider such as Capecare.***

***Carried  
(six electors abstained from voting)***

During its 2017/18 budget deliberations, the Council gave consideration to initiating a closer examination (a due diligence review) of the delivery of its portfolio of aged care services, namely:

- Residential Aged Care (Tuia Lodge);
- Retirement Village (Preston Retirement Village); and
- Aged Persons Housing (Langley Villas and Minninup Cottages).

The Council's consideration of funding this aged care portfolio due diligence review, via the 2017/18 Budget, originated under recommendation of the Council's 2017-2021 Corporate Business Plan (CBP). Specifically, action 3.3.1.2 of the CBP identifies a review of aged care services administered by the Shire, to be commenced during the 2017/18 financial year.

It is recommended that, during the due diligence review of the Shire's aged care services portfolio, that specific consideration be given to transferring management of the Shire's aged care services to an alternate suitably qualified aged care provider (amongst a broader terms or reference).

#### **CONSULTATION**

It is recommended that a consultation and engagement program be conducted as part of the Shire's aged care portfolio due diligence review (to be commenced during 2017/18).

#### **FINANCIAL IMPLICATIONS**

The Council's 2017/18 Budget (Account Reference 133220) includes a consultancy allowance of \$20,000 for a review of the Shire's aged care services portfolio.

#### **POLICY COMPLIANCE**

There are no Shire Policies which directly relate to this matter.

#### **STATUTORY COMPLIANCE**

Decisions made by electors at an Annual General Meeting of Electors are to be presented to a meeting of Council for consideration, as per Section 5.33 of the *Local Government Act 1995*, which reads:

"All decision made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable, at the first ordinary council meeting after that meeting or at a special meeting called for that purpose, whichever happens first"

#### **CONCLUSION**

Motions carried at an Annual General Meeting of Electors are to be considered by the Council at its next practicable meeting. The Council is recommended to receive and endorse the carried

Elector's Motion from 18 December 2017, as well acknowledging that the Chief Executive Officer will be undertaking a due diligence review of the Shire's aged care services portfolio during the 2017/18 financial year.

**COUNCIL DECISION  
(Officers Recommended Resolution)**

**Moved: Cr Van Der Heide**

**Seconded: Cr Tan**

**That Council:**

1. **Receive and endorse the following motion carried by a majority of electors present at the 18 December 2017 Annual General Meeting of Electors:**

***"If Council would not return the management of the Shire's Aged Care Services to the community, would Council consider transferring the management of the Shire's Aged Care Services to a suitably qualified Aged Care Provider such as CapeCare."***

2. **Acknowledge that the Chief Executive Officer is to commence a due diligence review of the Shire's aged care services portfolio during the 2017/18 financial year, as per action 3.3.1.2 of the Corporate Business Plan and Account Reference 133220 of the 2017/18 Budget.**
3. **Instruct the Chief Executive Officer to include investigation into transferring management of the Shire's Aged Care Services to a suitably qualified Aged Care Provider, within the terms of reference for the due diligence review of the Shire's aged care services portfolio.**

**Carried 9/0**

---

**7.3 COMMITTEE MINUTES**

---

Nil

---

**8 REPORTS OF COMMITTEES**

---

Nil

---

## **9 REPORTS OF OFFICERS**

---

### **9.1 MANAGER FINANCE AND ADMINISTRATION**

---

#### **9.1.1 ACCOUNTS FOR PAYMENT**

---

Presented for Council information:

The following accounts have been authorised and paid under Delegation (No 3.1) covering cheques numbered CCP3270-CCP3272, EFT13002a-EFT13241-d,52829-52871, DD22625-DD22626 Trust 3570-3582, EFT13132 totalling \$1,820,019.74 is herewith presented to Council.

---

#### **9.1.2 MONTHLY FINANCIAL REPORT**

---

### **COUNCIL DECISION (Officers Recommended Resolution)**

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

**Carried by En Bloc Resolution 1**

---

## **9.2 MANAGER WORKS AND SERVICES**

---

### **9.2.1 MAIN ROADS WESTERN AUSTRALIA (MRWA) ROAD CLOSURE - ROBERTS STREET AND SOUTH WESTERN HIGHWAY INTERSECTION, BALINGUP**

<b>Location</b>	Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	WRK06/1 RD01171
<b>Author</b>	Damien Morgan, Manager Works and Services
<b>Attachments</b>	9.2.1(1) - MRWA Correspondence (ICOR60703) 9.2.1(2) - Submissions received (Two)
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• MRWA have request the intersection of Roberts Street and South Western Highway in Balingup be closed.</li> <li>• The Shire administration supports the recommended closure.</li> <li>• Closure will not occur until MRWA undertake Highway upgrade works</li> </ul>

### **STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
2.1 – An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources.	2.1.1.2	Seek funding for development and renewal of infrastructure

## **BACKGROUND**

MRWA has written to the Shire of Donnybrook Balingup (Attachment 9.2.1(1)) and proposed that the intersection between Roberts Street and South Western Highway, Balingup be replaced with a cul-de-sac at the Southern end of Roberts Street. The works are proposed to be undertaken in conjunction with a planned South Western Highway upgrade programmed for 2019 - 20.

## **DETAILS**

MRWA outline the closure is considered essential to improve traffic safety for road users on South Western Highway by eliminating turning movements at the intersection. The intersection is located on the inside of a sharp bend in the Highway, near the bottom of steeply inclined section heading South.

In considering the request Shire Staff have undertaken site inspection and noted the following:

- Support MRWA observations that the intersection has insufficient sight lines to enable vehicles to safely enter and exit at this location.
- Accommodating the intersection remaining with the upgrade of the South Western Highway would be difficult and expensive to achieve, considering the amount of traffic that utilises it, and its proximity to Southampton Road intersection.
- South Western Highway and Brockman Street intersection has the capacity to safely accommodate the additional turning movements that will occur due to the closure of the South Western Highway and Roberts Street intersection.
- Future expansion of Balingup will not be impacted by the closure.
- Request that MRWA provide a new pedestrian/cyclist link along the upgraded highway back to the new Roberts Street cul-de-sac to ensure these movements can safely continue to occur.

## **CONSULTATION**

Following the request, the Shire contacted all property owners abutting the road reserves by letter seeking formal comments on the proposal. The Shire also advertised in local press and on our website information page on the proposal, seeking any comments by an outlined date.

No objections to the proposal were received, and two written responses supporting the changes were submitted (Attachment 9.2.1(2)).

In addition, MRWA has been undertaking community consultation in Balingup on their proposed works, including the closure of the Roberts Street and South Western Highway intersection. This has involved meetings with various members of the Balingup Community along with Shire representatives.

## **FINANCIAL IMPLICATIONS**

As outlined in the recommendation, Councils endorsement of the closure should be subject to MRWA funding all costs for works in both Roberts Street and South Western Highway to implement the closure.

The Shire has had minor administration costs in undertaking the community consultation for the closure, which have been facilitated within the existing 2017- 2018 Council Budget.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

The Shire sought advice from the Department of Local Government, Sport and Cultural Industries to determine if the closure needed to be undertaken in accordance with Section 3.50 of the Local Government Act 1995.

As this proposal is only a closure of the intersection, and essentially Roberts Street is still open to vehicular traffic from the Northern end, it has been determined that Section 3.50 is not applicable.

## **CONCLUSION**

Based on the above, and the consultation undertaken, it is recommended that Council support MRWA request to close the Roberts Street intersection with South Western Highway, when the Highway upgrade works in Balingup occurs in the future.

## **COUNCIL DECISION**

**(Officers Recommended Resolution)**

**That Council:**

- 1. Endorse Mains Roads Western Australia (MRWA) undertaking the closure of the South Western Highway and Roberts Street, Balingup intersection, to the satisfaction of the Chief Executive Officer, subject to MRWA funding all costs of the closure, and providing a suitable pedestrian/cyclist link along the upgraded South Western Highway from the existing path network to the Roberts Street cul-de-sac;**
- 2. Request Mains Roads Western Australia (MRWA) implement the closure within two (2) years of Council's endorsement;**
- 3. Instruct the Chief Executive Officer to write to all land owners along the impacted section of Roberts Street and advise them of Council's decision.**

**Carried by En Bloc Resolution 1**

---

## **9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES**

---

Nil.

## **9.4 PRINCIPAL PLANNER**

Cr Tan declared an interest affecting impartiality with regard to agenda item 9.4.1 – *Request to Close Portion of Unconstructed Road Reserve* with regard to her association with the applicant, Donnybrook Community Garden Inc.

### **9.4.1 REQUEST TO CLOSE PORTION OF UNCONSTRUCTED ROAD RESERVE (ABUTTING EGAN PARK) TO ALLOW DEVELOPMENT OF COMMUNITY GARDEN**

<b>Location</b>	Road Reserve (abutting Egan Park)
<b>Applicant</b>	Donnybrook Community Garden Inc
<b>File Reference</b>	A162
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.1(1)– Location Plan 9.4.1(2) – Road reserve
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• The proposal is to enable the use of a portion of unconstructed road reserve for the establishment of a community garden</li> <li>• Council supported the location of a community garden at this site at its February 2017 meeting;</li> <li>• This requirement has resulted as a request to the Minister for Lands to use the locality for a community garden.</li> <li>• Approval is recommended.</li> </ul>

### **STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
3.3 A safe and healthy community environmental for all ages	Promote retention of youth and families within the district	3.3.2.2	Continue to provide and develop community facilities and services that appeal to youth and families.

### **BACKGROUND**

Council at its 26 April 2017 meeting supported the location of a community garden at the rear of Egan Park (Attachment 9.4.1(1)) and authorised the Chief Executive Officer to request approval from the Department of Lands to use portions of land.

Preliminary feedback from the now Department of Planning, Lands and Heritage is that it is not possible to use the portion of unconstructed road reserve for this purpose. Advice received is that it is necessary to close the road reserve first. Attachment 2 shows the alignment and extent of the road reserve.

This request is before Council as the road closure process requires a Council resolution to commence the process.

The section of road reserve shown in (Attachment 9.4.1(2)) is not constructed, does not form or have potential to form part of wider road network and contains vegetation. It is proposed that the road reserve be closed and amalgamated with the adjoining reserve(s) that form part of the golf course and be vested for Recreation purposes.

### **DETAILS**

Road closure requests fall under the Land Administration Act 1997. Section 58 of the Act describes the process relating to road closures. It requires the local government to advertise the proposal for a period of at least 35 days before requesting the Minister to grant the request.

The road reserve has no designation under Local Planning Scheme 7 (LPS7). Following the conclusion of any road closure process, it will be necessary to amend LPS7 maps. This process can be done as part of an omnibus amendment process. An omnibus amendment process is designed to pick up a number of minor changes and corrections to text and maps in one document and process.

### **CONSULTATION**

It will be necessary to advertise the proposal. This will include a notice in the local paper, a mail drop to adjoining landowners and referral to relevant Government agencies and service providers.

### **FINANCIAL IMPLICATIONS**

Discussion with the Department of Planning, Lands and Heritage indicated that current practice will not require a survey fee as the proposal is essentially transferring crown land with crown land.

An advert in the local paper will range in cost between \$120 to \$200.

### **POLICY COMPLIANCE**

Planning Policy 9.10 provides guidance on road closures. The proposal is generally consistent with the intent of the policy as its closure will not impact on access or future connectivity potential.

### **STATUTORY COMPLIANCE**

The Land Administration Act 1997 sets out requirements for road closure requests. This proposal will be processed following the requirements of the Act.

A future amendment will be required to LPS7. This would likely change the “no zone” designation to “Recreation” consistent with the adjoining land that forms part of the Egan Park and the Golf course.

### **CONCLUSION**

The proposal is a request to close a portion of an unconstructed road reserve. The reserve is not required for access and unlikely to ever form part of a road network.

The start of the road closure process requires Council approval to commence advertising.

Approval is recommended.

**COUNCIL DECISION  
(Officer Recommended Resolution)**

**Moved: Cr Wringe**

**Seconded: Cr King**

**That the Council:**

- 1. Initiate road closure proceedings to close a section of unconstructed road reserve, as identified in Attachment 2, in accordance with Section 58 of the Land Administration Act 1997;**
- 2. Authorise the Chief Executive Officer to undertake tasks necessary to implement Recommendation 1, above.**

**Carried 8/1**

Cr Atherton declared an interest affecting impartiality with regard to agenda item 9.4.2 - *Planning Application for Donnybrook Football Club*. as he is a life member, committee member and sponsor of the Donnybrook Football Club.

**9.4.2 PLANNING APPLICATION FOR EXTENSION / REDEVELOPMENT OF DONNYBROOK FOOTBALL CLUB BUILDING**

<b>Location</b>	Lot 493 Steere Street, Donnybrook
<b>Applicant</b>	Southern Built Homes
<b>File Reference</b>	A2928
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.2(1) – Location plan 9.4.2(2) – Elevation of structure 9.4.2(3) – Master Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• The proposal is to extend and redevelop a portion of the existing football club building.</li> <li>• The land and building is vested with the Shire and authorization of the application by Council is required.</li> <li>• The proposed use of the building is consistent with the intent of the reserve.</li> <li>• Approval is recommended.</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
2.1 An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	. 2.1.1.	Maintain attractive town sites within resource capacity



## **BACKGROUND**

The proposal is being presented to Council as the application form requires Council authorisation. The land is owned by the Crown and the Shire has a Management Order for its management. The Chief Executive Officer does not have delegated authority to sign the development approval application form.

The land is reserved "Recreation" under Local Planning Scheme 7 (LPS7) and forms part of a wider sporting complex.

The proposal is to renovate the eastern elevation of the building. This includes extending the floor area and viewing platform (Attachments 9.4.2(1) and 9.4.2(2)).

There is a Master Plan for the sporting precinct (Attachment 2). This plan was prepared in 2009 and was to show the ultimate intent for the complex and assist in prioritising projects and obtaining external funding. This proposal does not outwardly comprise any aspects of the Master Plan.

The proposal has no impact on the existing lease arrangement with the Shire as the lease with the club as the existing lease is defined by the footprint of the building. No change to the overall footprint of the building is proposed.

Council issued a retrospective approval for a coach's box and storage facility at its June 2017 meeting. This structure consists of two sea containers. In granting approval, Council required the works to be completed within 12 months. If not completed within this timeframe, the structures were to be removed. Preliminary advice from representatives of the Football Club is that the sea containers are intended to be removed.

## **DETAILS**

There is a Master Plan for the sporting precinct (Attachment 9.4.2(3)). This plan was prepared in 2009 and was prepared to show the ultimate intent for the complex and assist in prioritising projects and obtaining external funding. The proposal does not outwardly comprise any aspects of the Master Plan.

The design of the renovations will improve the safety and function of the building and club activities.

## **CONSULTATION**

The proposed use is consistent with the intent of the reserve. LPS7 does not specify any reason for requiring public comment.

## **FINANCIAL IMPLICATIONS**

The applicant has requested the planning application fee be waived. Delegation 7.16 allows the Chief Executive Officer to consider this request. The fee is estimated to be between \$147 to \$300 depending on the cost of the renovation works.

The proposed renovations to the Football Club building will not only improve the amenity of the building but will also provide an asset renewal component for the building. This renewal will, in part, potentially extend the useful life of the asset.

Council's Asset Management Plans for Buildings identifies future renewal costs and these costs form part of the asset sustainability ratios included within Council's annual financial

reporting. Proposed and actual renewal works, particularly if substantial, are likely to have a positive effect on these ratios. Asset renewal works will also have the effect of minimising depreciation as the useful life of the building can be extended.

### **POLICY COMPLIANCE**

Policy 9.24 Waiving of Planning Application (fees). This policy allows the Shire to waive planning application fees for not for profit and community groups. The proposal complies with the criteria of the Policy. The Chief Executive Officer has delegated authority to consider this element of the planning application.

### **STATUTORY COMPLIANCE**

Part 2 of Local Planning Scheme No.7 (LPS7) provides details on matters to be considered for the use and development of reserved land. This includes the requirement for planning approvals.

The proposal is consistent with the intent of the reserve (recreation).

### **CONCLUSION**

The proposal will provide an improved facility for the local football club. The proposed design is sympathetic with the existing structure and will enhance overall streetscape amenity in the locality.

Approval is recommended.

### **COUNCIL DECISION**

**(Officers Recommended Resolution)**

**That Council:**

- 1. Authorise the Chief Executive Officer to sign the development approval application form; and**
- 2. Approve the renovations for the football club building at Lot 493 Steere Street, Donnybrook, subject to the following conditions:**
  - 2.1 The development hereby permitted must be substantially commenced within two (2) years from the date of the decision letter.**
  - 2.2 The approved plans form part of the approval and the development hereby approved must at all times be consistent with the approved plans.**
  - 2.3 The building and grand stand (viewing area) being designed to be accessible for all members of the public.**

**Carried by En Bloc Resolution 1**

---

**9.4.3 APPLICATION FOR HOLIDAY HOUSE AT LOT 159 (No.36) CAMPBELL STREET, BALINGUP**

<b>Location</b>	Lot 159 Campbell Street, Balingup
<b>Applicant</b>	Stuart German
<b>File Reference</b>	A2909
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.3(1) – Location Plan 9.4.3(2) – Schedule of Submissions
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• The proposal is for a change in land use from “dwelling” to “holiday home”</li> <li>• A number of submissions have been received raising objections to the proposal</li> <li>• Approval is recommended</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
1.2 Available land for residential, industrial and commercial development	Support and promote appropriate development of land within the district	1.2.1.1	Attract, promote and facilitate land development initiatives within the district

**BACKGROUND**

The proposal is to change the use of an existing residential dwelling to “holiday house” at Lot 159 Campbell Street, Balingup (Attachment 9.4.3(1)). The land is zoned “Rural Residential” under Local Planning Scheme 7 (LPS7). The “Holiday House” use is listed as an “A” (discretionary requiring advertising) use under LPS7 for the Rural Residential zone.

A “Holiday House” means:

*A dwelling together with its associated outbuildings-*

- (a) Designed primarily as a dwelling for permanent residential purposes whether or not occupied periodically as such; and*
- (b) Used, whether or not for commercial gain or reward, from time to time for unsupervised, short stay tourist accommodation purposes excluding people that are members of the owner’s family but including all people where the owner is a company; but does not include a “bed and breakfast” facility.”*

The application is presented to Council as a number of objections have been received during the advertising process. The Chief Executive Officer does not have delegation to make a decision in these circumstances.

## **DETAILS**

The proposed use is to be located within an existing residential dwelling that has three bedrooms, two bath rooms and a games/rumpus room.

The building is setback 50m from the rear boundary, 170m from the northern boundary, 150m from the street frontage/access and 110m from the southern boundary. The nearest dwelling is approximately 210m to the north. Other dwellings surrounding property range from 220m to 280m from the building.

Access to the property is by Campbell Street which contains a steep section immediately to the north of the property. The road is constructed to a gravel standard.

## **CONSULTATION**

The proposal has been advertised in accordance with Planning Policy 9.22. This consisted of a mail drop to properties in the locality. Three submissions raising objections have been received. (Attachment 9.4.3(2)) provides a summary of issues raised and suggested recommendations on responses.

## **FINANCIAL IMPLICATIONS**

N/A

## **POLICY COMPLIANCE**

Planning Policy 9.22 outlines advertising requirements. The proposal has been advertised in accordance with the policy requirements.

## **STATUTORY COMPLIANCE**

LPS7 includes planning controls and standards applicable to Rural Residential zoned land.

The building is located outside Fire Prone land identified on DFES mapping.

## **CONCLUSION**

The proposal is reasonable and unlikely to adversely impact on neighbouring properties due to separation distances and the low scale of accommodation proposed.

Approval is recommended.

## **COUNCIL DECISION**

**(Officers Recommended Resolution)**

**That Council:**

- 1. Grant planning approval for a “Holiday House” use for the main habitable building at Lot 159 Campbell Street, Balingup, subject to:**
  - 1.1 The development hereby permitted must be substantially commenced within two (2) years from the date of the decision letter.**
  - 1.2 The approved plans form part of the approval and the development hereby approved must at all times be consistent with the approved plans.**

**Carried by En Bloc Resolution 1**

**9.4.4 REQUEST TO EXTEND A ROAD CLOSURE REQUEST FOR PORTION OF BILLINGHURST ROAD, ARGYLE**

<b>Location</b>	Lot 298 South Western Highway, Argyle
<b>Applicant</b>	Mr Chris Billingham
<b>File Reference</b>	A0038
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.4(1)– Original supported proposal 9.4.4(2) – Revised road closure proposal
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• Council supported a road closure application for a portion of Billingham Road in February 2017</li> <li>• Discussion with the applicant and Department of Planning, Lands and Heritage has resulted in a revised proposal</li> <li>• The revised proposal seeks to align the road closure with the adjoining land owner’s boundary</li> <li>• The revised proposal does not raise any planning issues</li> <li>• Recommend support for revised proposal</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
2.3 A natural environment for the benefit of current and future generations	Effective land use planning and management policies	2.3.2.1	Review local planning policies

**BACKGROUND**

Council at its Ordinary Meeting 8 February 2017 resolved to support a road closure request for a portion of Billingham Road, Argyle (Attachment 9.4.4(1)).

The portion of Billingham Road is unconstructed, contained no services and provides no opportunities for future connectivity or being required to access land.

The road closure process requires the approval of the Department of Planning, Lands and Heritage (Department). As part of the detailed assessment process by the Department, a revised proposal is now favoured (Attachment 9.4.4(2)).

The revised proposal extends the area of the proposed closure to align with the boundary of the adjoining land (Lot 298 Billingham Road, Argyle).

To progress the revised proposal, the Department requires a resolution from Council.

## **DETAILS**

The revised proposal does not raise any town planning or servicing issues. The proposal will result in a cleaner lot boundary. This will assist in its future management.

## **CONSULTATION**

No public consultation has occurred in relation to this revised proposal. Previously, public advertising occurred and comments were received from Government agencies. The revised proposal represents a minor change to the originally advertised proposal and would unlikely attract any new or compelling facts.

## **FINANCIAL IMPLICATIONS**

The closure of the road removes Shire obligations to maintain this section of road reserve. No costs associated with the closure will be the responsibility of the Shire.

## **POLICY COMPLIANCE**

Council's adopted Road Closure Policy 9.10 outlines:

1. There is a general presumption against the closure of road reserves.
2. Council will consider closures where it will have no impact on legal practical access and the proposal will result in a rationalisation of land within the Shire
3. If supported by the Shire, all costs will be the responsibility of the applicant.

## **STATUTORY COMPLIANCE**

Closure and disposal of road reserves are undertaken in accordance with the Land Administration Act 1997.

## **CONCLUSION**

The revised proposal does not represent any material change to the originally supported road closure request. The change will ensure a more logical alignment with the boundary of the adjoining property.

Approval is recommended.

## **COUNCIL DECISION**

**(Officers Recommended Resolution)**

**That the Council:**

1. **Resolve to request the Minister for Lands to close the portion of Billinghurst Road, Argyle, as highlighted in the revised road closure proposal.**
2. **Authorise the Chief Executive Officer to undertake tasks necessary to implement Recommendation 1, above.**

**Carried by En Bloc Resolution 1**

---

### 9.4.5 REVIEW OF LOCAL PLANNING POLICIES

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Administration
<b>File Reference</b>	ADM 11/3
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.4.5(1) – Suggested changes 9.4.5(2) – Summary of changes and reasons
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<p>Recommend amending policies to improve ease of use by public:</p> <ul style="list-style-type: none"> <li>• The amendments seek to review policies as part of a wider action contained in the Shire’s Corporate Business Plan</li> <li>• The review is to reframe the policies with greater reference to specific zonings and ensuring consistency with contemporary planning frameworks</li> <li>• It is requested the support be given to advertise the proposed changes</li> </ul>

### STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
1.1 A diverse, prosperous economy, supporting local business and population growth	Promote, maintain and diversify investment in the district	1.1.1.2	Review the Shire’s town planning framework to enable a diversity of investment in the district

### BACKGROUND

This proposal is being presented to Council as amending planning policies requires a Council decision.

One of the Actions in the Shire’s Corporate Business Plan is to review the Shire’s town planning framework to enable a diversity of investment in the district.

The Shire’s town planning framework consists of a number of parts. This includes:

- a) Growth Plan. This is an informal document that has no legal status but provides a long term vision (50 years) for development within the Shire;
- b) Local Planning Strategy. This is the strategic document (10-15 years) that guides future amendments to the Local Planning Scheme.
- c) Local Planning Scheme. This is the legal document that is used to assess and control land use and development.
- d) Local Planning Policies. These are supporting documents that assist the Shire in making decisions on land use and development proposals. They provide guidance on specific

matters ranging from shed sizes to location of transportable buildings to parking of commercial vehicles in residential zones.

As a starting point to reviewing the local planning framework it is proposed that the policies are made easier to understand and for land owners/businesses/applicants to more readily decipher which policies are relevant and apply to their land.

There are presently 22 Local Planning Policies. It is proposed to make a number of changes to these policies with an aim to:

- a) Revoke policies that are inconsistent with legislation and not supported by State Government;
- b) Revoke policies that provide information on internal processes and procedures and move them to a more appropriate location (Management Operations Directions); and
- c) review how the policies are displayed on the Shire's website to make policies easier to use. For instance, policies will be listed on the Shire's website under zones. This is intended to enable users to more easily identify policies that relate to their parcel of land.

### **DETAILS**

Attachment 9.4.5(1) details the specific changes outlined for each policy. Attachment 9.4.5(2) provides a summary of the intended changes and justification.

### **CONSULTATION**

Schedule 2, Part 2, clause 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, sets out the requirements and processes for amending Local Planning Policy. The requirements of the Regulations include the need for Council to resolve to advertise amendments to policies. Once policies have been advertised, it will be necessary for Council to review the policies again in light of any submissions received prior to formally adopting the amended policies.

### **FINANCIAL IMPLICATIONS**

Advertising costs via a locally circulating newspaper.

### **POLICY COMPLIANCE**

The proposed changes are required to ensure consistency with LPS7 and clarify intent and purpose, to ensure decisions are robustly defensible.

### **STATUTORY COMPLIANCE**

Schedule 2, Part 2, clause 4, of the *Planning and Development (Local Planning Schemes) Regulations 2015*, sets out the requirements and processes for amending a Local Planning Policy. The requirements of the Regulations will be followed.

### **CONCLUSION**

The proposed changes to the policies form the first part of a wider review of the Local Planning Framework.

The changes proposed are to improve the overall ease of use for the policies and ensure relevance.



## COUNCIL DECISION

**That Council:**

- 1. Grant approval to advertise amendments to the Policies as set out in Attachment 1; and**
- 2. Authorise the Chief Executive Officer to undertake such tasks necessary to advertise the Policies in accordance with Regulations.**

Cr Mitchell moved an alternate motion. The motion was amended to include a date for the workshop. The amendment was accepted by the mover and seconder.

## ALTERNATE MOTION

**Moved: Cr Mitchell**

**Seconded: Cr Tan**

**That Council:**

- 1. Instruct the Chief Executive Officer to convene a workshop to review the Local Planning Policies at the Concept Forum on 20 March 2018;**
- 2. Grant approval to advertise amendments to the Policies as set out in Attachment 9.4.5(1), following the actioning of resolution 1 above; and**
- 3. Authorise the Chief Executive Officer to undertake such tasks necessary to advertise the Policies in accordance with Regulations following the actioning of resolution 2 above.**

**Carried 9/0**

**\*\* 6:10pm – Mr Scaffidi left the meeting.**

---

### **9.4.6 REQUEST FOR SUPPORT TO WALGA POSITION ON INTRODUCING THIRD PARTY APPEAL RIGHTS FOR TOWN PLANNING DECISIONS**

<b>Location</b>	N/A
<b>Applicant</b>	WALGA
<b>File Reference</b>	DEP 22/40
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"><li>• WALGA has requested support for a position to introduce Third Party Appeal Rights for town planning decisions.</li><li>• The proposal presents the least intrusive and demanding of the options put forward.</li><li>• The option supported by WALGA is to limit Third Party Appeal Rights to applications that require Development Assessment Panel decisions.</li></ul>

	<ul style="list-style-type: none"> <li>It is recommended that the WALGA position be supported.</li> </ul>
--	---

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
4.1 A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

**BACKGROUND**

The Western Australian Local Government Association (WALGA) has requested comments/support on the proposed introduction of Third Party Appeal rights in town planning matters.

WALGA is requested that members consider the following as the preferred model for Third Party Appeal Rights in Western Australia:

*“support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.”*

Third party appeal rights relate to the ability for a party (not the applicant) to appeal a decision. A Development Assessment Panel is a panel set up to assess and determine large scale planning proposals (between \$2 million and \$10 million optional/above \$10 million mandatory).

Council recently nominated members for the Southern Development Assessment Panel. Please note that no planning applications to date have required a DAP.

There are four options presented for consideration. In addition to the preferred one suggested by WALGA, the other options are:

- 1) Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Polices and Local Planning Schemes.
- 2) Support the introduction of Third Party Appeal Rights against development approvals.
- 3) Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval.

**DETAILS**

Of the four possible options, the preferred option presented by WALGA will have the least impact for the Shire. Should the Shire ever receive an application requiring DAP assessment the benefits and costs would be as follows:

**Benefits**

- Council can defend the merits of their policies and enforceability of conditions;
- Could address community concerns;
- Increased confidence in the decision making process;
- Increases transparency of process;

- Allows community members can appeal decisions; and
- Shire could appeal on conditions removed by DAP.

#### Costs

- Only applies to DAPs (large scale applications);
- Resource hungry for all involved;
- Lack of certainty in decision making process;
- Potential conflict of interest for elected member who sits on panel;
- Could undermine the whole reason for setting up DAPs in the beginning;
- Costs unknown.

#### **CONSULTATION**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil

#### **POLICY COMPLIANCE**

Nil

#### **STATUTORY COMPLIANCE**

At this stage, the proposal is only seeking member support and opinion. If the proposal is ever progressed, there will need to be amendments to the Planning and Development Act 2005. Amendments to the Planning and Development Act will require extensive advertising and consultation.

#### **CONCLUSION**

The WALGA supported position will have no impact on the operations of the Shire unless it receives a DAP decision that it does not support. The Shire has yet to receive a planning application that requires determination by a DAP.

#### **COUNCIL DECISION**

**(Officers Recommended Resolution)**

**That the Council advise the Western Australian Local Government Association that it supports the introduction of Third Party Appeal rights for decisions made by Development Assessment Panels.**

**Carried by En Bloc Resolution 1**

## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 TUIA LODGE QUARTERLY UPDATE

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	N/A
<b>File Reference</b>	CSV 01/2
<b>Author</b>	Ben Rose, Chief Executive Officer ( <i>Ann Clifford – A/ Facility Manager – Tuia Lodge</i> )
<b>Attachments</b>	9.5.1(1) - Quarterly Financial Statement
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	To provide an update to Council, as the Approved Provider, on key areas of responsibility.

### STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
4.2 A respected, professional and trusted organisation	Effective and efficient operation and service provision	4.2.1.4	Demonstrate sound financial planning and management, including revenue / expenditure review and revenue diversification strategies and long term financial planning.

### BACKGROUND

At the ordinary meeting on 23 August 2017 Council resolved to

- 1) *....direct the Chief Executive Officer to prepare a quarterly report on an ongoing basis, regarding the management and operations of the Tuia Lodge Aged Care facility, with sufficient detail to ensure Elected Members can fulfil their individual obligations associated with the Shire of Donnybrook Balingup being the 'Approved Provider' for the facility.*
- 2) *That the report for each quarter, be presented at the next Ordinary Council meeting:*

REPORT	ORDINARY COUNCIL MEETING
<i>July 1 – September 30</i>	<i>October 2017</i>
<i>October 1 – December 31</i>	<i>February 2018</i>
<i>January 1 – March 31</i>	<i>April 2018</i>
<i>April 1 – June 30</i>	<i>July 2018</i>

### DETAILS

A quarterly report for the period from October 1 to December 31 2017 is provided below.

### Accreditation

There has been no accreditation visit since the last visit in September. At this stage none are planned, however, announced and unannounced visits can occur at any time.

### **Organisational change**

A full review of the operational needs with regard to moving from a 26 bed to 40 bed facility was undertaken and modifications to the existing organisational structure were identified for implementation. These new positions have been advertised and hopefully appointments will be made in the near future. The proposed framework establishes a clear separation of clinical, administrative, hospitality and support services.

### **Comments and Complaints**

There have been no complaints from residents or families. Feedback at family conferences has been very positive and any requests from residents or families addressed in a timely manner. Recently, Tuia Lodge staff have been upskilled in the management of palliative care. Residents are now able to stay at their home, rather than be transferred to hospital for the final stages of care. A family who had their father cared for at Tuia Lodge recently donated an indoor bowling carpet to the residents, in recognition of the care given to him.

### **Continuous Improvement**

All Aged Care Providers must have a written plan for continuous improvement that explains how the facility will meet obligations in relation to service and standards and reflects the strategic and innovative direction of the organisation.

Improvements are monitored, evaluated and presented to the monthly Quality Improvement meeting. The current Continuous Improvement Plan provides a focus on:

- Occupational Health and Safety;
- Fire and Emergency Management procedures;
- Review of Medication Management.
- Education for staff on managing residents with challenging behaviours
- Review of food services
- Family conferences: 10 family conferences were completed this quarter; we received excellent feedback from the families and residents involved.

### **Recruitment of New Staff**

Following the resignation of the Clinical Care Coordinator (Ms Samantha Manson), a full time Registered Nurse and a part time Registered Nurse have been appointed. A Senior Administration Assistant has also been appointed and a temporary Finance Officer.

### **New Residents**

There were three new residents admitted during this period and four passed away. The interest in Tuia Lodge is increasing and in time we should have a genuine waiting list of applicants. Choosing the suitability of residents for Tuia Lodge is an ongoing challenge due to the open style of architecture of the facility, which presents some challenges in management of residents care needs.

### **Facility Maintenance**

Planning for renewal (asset maintenance) of two rooms was undertaken during this quarter; with the physical works commencing in January 2018.

### **Occupational Health and Safety**

The Occupational Health and Safety program for Tuia Lodge is overseen by the Shire OSH Coordinator. The Committee meets monthly to discuss OSH audits and review accident/incident reports. A report from this committee is tabled at the Tuia Lodge Quality meeting.

There were no injuries to staff this quarter. All staff have completed the Occupational Health and Safety Training and Manual Handling Training.

The Fire Safety Program is currently under review as some policies need further development to support the extension to the building. Additional training for staff is being organized. A mock evacuation is being planned in liaison with the Department of Fire and Emergency Services.

### Statistics

Description	Average for 2nd Quarter (2017/18)
Occupancy Rating	95%
Number of Residents	37
ACFI per care recipient per day	\$140.86
ACFI Payment Received per Month	\$157,902.92

### Financial Update

The financial quarterly report for the period ending 31 December 2017 shows a cash operating surplus of \$139,915. This compares to an operating surplus of \$139,103 as at 30<sup>th</sup> September 2017. This result incorporates Shire Administration costs (Activity Based Costing) and Fixed Asset Depreciation.

The right-hand most column on the Operating Statement (provided with this agenda) details the variance between the year-to-date budget and the year-to-date actual result.

Income for Tuia Lodge is separated into four main sources, these being Subsidy Payment from the Federal Government, Basic Daily Care Fees paid by the residents, Daily Accommodation Payments (DAPs) made by residents in certain circumstances and Means Tested Fees paid by residents in certain circumstances.

Subsidy payments are based upon the level of care provided to the resident on the basis of the Aged Care Funding Instrument (ACFI). Basic Daily Care fees are paid by all residents (usually from their pensions). Means Tested Fees are paid by residents whose assets are above a certain level requiring them to contribute to their care at a higher rate.

All residents, other than concessional residents, are required to pay an ingoing contribution, at the room rate set by the Shire, in the form of a Refundable Accommodation Deposit (RAD). The Approved Provider is able to invest this RAD and retain any interest received. An ingoing resident can elect not to pay the full RAD and may pay a lesser amount. In this case the resident is required to pay a DAP which is calculated at a legislatively prescribed interest rate and is based on the unpaid RAD amount.

Total operating income is currently tracking at \$88K below the year to date budget. Whilst income from Government Subsidies (ACFI) is \$189K above the year to date budget, ACFI has decreased in this quarter. Revenue from this source varies depending upon occupancy, the resident mix and the level of care provided which influences the level of ACFI that can be claimed. There has been slightly decreased occupancy which is due to increased departures. There are a few reasons for ACFI decreasing in this quarter. Care recipients admitted in

October, November and December 2017 did not have ACFI assessments submitted until at least 28 days following admission. However, this will even itself out as ACFI assessments are submitted between 28 and 56 days after admission. That being so, some of the payments will be received in the next quarter. Another reason is that the ACFI claimed for two of the residents who passed away was higher than what can be claimed for the new residents.

Income from DAPs (i.e. interest charged on bond amounts not paid) is approximately \$249K under the budget. Likewise, income from the Basic Daily Fee is \$50K under the YTD budget estimate. These results are however offset by income from subsidy payments which is currently tracking at some \$173K above the YTD budget.

Income to be received from DAPs is difficult to estimate due to the unknown mix of residents that will elect to pay the full RAD versus those that chose not to pay in full (i.e. income will be higher if more residents elect not to pay their RAD in full, as more interest on the unpaid RAD will be received).

As at this report date, income from DAPs has not achieved the budget estimate and the annual income from this revenue component will need to be adjusted accordingly during the Shire's mid-year budget review.

Although income from DAPs is lower than estimated, overall expenditure is currently tracking at considerably less than the budget estimate and is therefore offsetting more than 50% of the revenue that is unlikely to be realised in the form of income from DAPs.

Employee costs are currently 72% of total expenditure (66% excluding ABC costs) with the budget target being set at 65%. With the additional responsibilities of Cemeteries management and coordination of repairs to Aged Care Assets now being run by the admin staff at Tuia Lodge it is expected that some adjustments to the ABC costing and Shire budgets should see these employee costs smooth out across cost centres over the next six months.

## **CONSULTATION**

N/A

## **FINANCIAL IMPLICATIONS**

N/A

## **POLICY COMPLIANCE**

Tuia Lodge's policies underpin the Continuous Improvement Plan.

## **STATUTORY COMPLIANCE**

*Aged Care Act 1997.*

## **CONCLUSION**

The quarterly report has been prepared for information purposes.

**COUNCIL DECISION  
(Officers Recommended Resolution)**

**Moved: Cr Tan**

**Seconder: Cr Atherton**

**That the Tuia Lodge Quarterly Report for the period from 1 October 2017 to 31 December 2017 be received by the Council.**

**Carried 9/0**

The Principal Planner left the meeting at 6:22pm and returned at 6:25pm.

**9.5.2 REVIEW OF LOCAL GOVERNMENT ACT 1995**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Administration
<b>File Reference</b>	DEP 22/4C
<b>Author</b>	Ben Rose – Chief Executive Officer ( <i>Trish McCourt, Corporate Planning and Governance Officer</i> )
<b>Attachments</b>	9.5.2(1) - Department of Local Government, Sport and Cultural Industries Consultation Paper 9.5.2(2) - West Australian Local Government Association InfoPage
<b>Voting Requirements</b>	Simple majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• The Minister for Local Government has launched the Government’s consultation paper on Phase 1 of the Local Government Act 1995 Review.</li> <li>• The West Australian Local Government Association (WALGA) has requested comment from Local Governments in regards to their position as noted on the consultation paper.</li> <li>• It is recommended that the WALGA position be supported by Council.</li> </ul>

**STRATEGIC ALIGNMENT**

The following outcomes from the Corporate Business Plan relate to this proposal:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Action</b>
4.1 A strategically focused, open and accountable local government.	Continue to enhance communication and transparency.	4.1.2.1	Ongoing meaningful communication and engagement with residents, ratepayers and stakeholders.

**BACKGROUND**

A review process of the *Local Government Act 1995* has commenced. The review seeks to contemporise local government, empower and enable them to meet community expectations



for accountability and transparency, and relieve regulatory burden. In this regard, the Minister for Local Government has launched the Governments consultation paper (Attachment 9.5.2(1)), on Phase 1 of the Local Government Act Review - 8 November 2017.

### **DETAILS**

The Local Government review will be undertaken in two phases. Commencing with Phase 1, the review considers the following matters:

- meeting community expectations of standards and performance
- transparency
- making more information available online
- red tape reduction.

As part of phase 1, feedback is sought on the Department of Local Government Sport and Cultural Industries Consultation Paper. WALGA has requested comment/support in this respect (Attachment 9.5.2(2)) to their position, noted in red in the consultation paper.

### **CONSULTATION**

WALGA have been consulted and are keen to receive Council comment/support. Whilst the closing date was 1 February 2018, they have advised that feedback received after this date remains valuable and will be accepted.

Local Government Professionals Western Australia (LGPWA) who have advocated for the review and currently seeking members' views on any suggested changes to the entire Local Government Act and Associated Regulations, have also been consulted. Once their consultation process is completed, LGPWA will provide a comprehensive submission to Government.

### **FINANCIAL IMPLICATIONS**

Nil.

### **POLICY COMPLIANCE**

Nil.

### **STATUTORY COMPLIANCE**

Local Government Act 1995.

### **CONCLUSION**

WALGA's position noted on the Governments Consultation Paper is judicious. It supports the modernising of local government, empowering and enabling them to meet community expectations for accountability and transparency, and relieving regulatory burden.

### **COUNCIL DECISION**

**(Officers Recommended Resolution 1)**

**That Council instruct the Chief Executive Officer to advise the Western Australian Local Government Association (WALGA) that it supports the WALGA position on the State Government's Consultation Paper - Phase 1 of the Local Government Act 1995 Review.**

**Carried by En Bloc Resolution 1**

### 9.5.3 COUNCILLOR DEPUTY DELEGATE MEMBERSHIP TO COMMUNITY COMMITTEES

<b>Location</b>	N/A
<b>Applicant</b>	N/A
<b>File Reference</b>	CNL 16
<b>Author</b>	Ben Rose (Chief Executive Officer)
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Recommendation – Council appoint elected member deputy delegates to local Incorporated Associations and community committees:

#### STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this matter for consideration:

<b>Outcome</b>	<b>Strategy</b>	<b>Action No.</b>	<b>Actions</b>
4.1 - A strategically focused, open and accountable local government	Provide accountable and strategic leadership	4.1.1.3	Review Council, Committee and Working Group governance structures and meeting programs

#### BACKGROUND

At the 20 December 2018 Ordinary Meeting of Council, delegates were assigned to the following committees.

<b>COUNCIL DELEGATE POSITIONS</b>	<b>Councillor</b>
<b>Donnybrook Apple Festival Committee</b> (1 Councillor)	<b>Shire Officer</b>
<b>Balingup and Districts Tourism Association</b> (1 Councillor)	<b>Councillor King</b>
<b>Donnybrook and Regions Tourism Association</b> (1 Councillor)	<b>Councillor Atherton</b>
<b>Bunbury Wellington Economic Alliance</b> (Shire President or Deputy)  Board member required to attend bi-monthly meetings. BWEA comprises 6 Local Governments and businesses addressing unity of development issues.	<b>Shire President Piesse</b>
<b>Bushfire Advisory Committee*</b> (1 Councillor)	<b>Councillor Wringe</b>

<b>COUNCIL DELEGATE POSITIONS</b>	<b>Councillor</b>
<b>Donnybrook Balingup Chamber of Commerce</b> (1 Councillor)	<b>Councillor Lindemann</b>
<b>Donnybrook District High School Council</b> (1 Councillor)  Linkage between Council and Donnybrook District High School.	<b>Councillor Wringe</b>
<b>Community Resource Centre Committee</b> (1 Councillor)  To be a bridge for partnering opportunities. Meets monthly - every 3rd Monday at 3pm.	<b>Shire Officer</b>
<b>Local Emergency Management Committee*</b>	<b>Shire President Piesse</b>
<b>South West Regional Road Group</b>	<b>Shire President Piesse</b>
<b>SW Zone of the WALGA</b> (Shire President or Deputy)  To attend SW WALGA Zone meetings – bi monthly, last Friday of the month.	<b>Shire President Piesse</b>
<b>Leschenault Catchment Council</b> (1 Councillor)  Meetings Bi-monthly (even months) on the 3 <sup>rd</sup> Wednesday 1pm-3pm.	<b>Shire Officer</b>

Further to the December 2018 resolution, Council resolved the following:

1. **That the CEO provide facilitation, communication and linkages via officers from the Shire to:**
  - **The Apple Festival Committee;**
  - **Community Resources Centre Committee; and**
  - **Leschenault Catchment Council.**
  
2. **That a Deputy Delegate be appointed to each of the remaining Council Delegate positions.**

#### **DETAILS**

Council is now requested to assign deputy delegates to the committees noted in the above table.

#### **CONSULTATION**

There are no Shire consultation requirements for this matter.

#### **FINANCIAL IMPLICATIONS**

Nil.

## POLICY COMPLIANCE

There are no Shire Policies which relate to this matter.

## STATUTORY COMPLIANCE

Nil.

## CONCLUSION

Councillor deputy delegate positions on local Incorporated Associations and community committees are a sound and practical way for elected members to maintain 'grass roots' connectivity to the local community. As such, Councillor deputy delegate positions are recommended.

## COUNCIL DECISION

**(Officers Recommended Resolution)**

1. That Councillor Deputy Delegate positions are appointed to the following committees:

COUNCIL DELEGATE POSITIONS	Delegate	Deputy
<b>Balingup and Districts Tourism Association</b> (1 Councillor)	<b>Councillor King</b>	
<b>Donnybrook and Regions Tourism Association</b> (1 Councillor)	<b>Cr Atherton</b>	
<b>Bunbury Wellington Economic Alliance</b> (Shire President or Deputy)  Board member required to attend bi-monthly meetings. BWEA comprises 6 Local Governments and businesses addressing unity of development issues.	<b>Shire President Piesse</b>	<b>Councillor Wringe</b>
<b>Bushfire Advisory Committee*</b> (1 Councillor)	<b>Councillor Wringe</b>	<b>Councillor Mitchell</b>
<b>Donnybrook Balingup Chamber of Commerce</b> (1 Councillor)	<b>Councillor Lindemann</b>	<b>Councillor Tan</b>

<b>COUNCIL DELEGATE POSITIONS</b>	<b>Delegate</b>	<b>Deputy</b>
<b>Donnybrook District High School Council</b> (1 Councillor)  Linkage between Council and Donnybrook District High School.	<b>Councillor Wringe</b>	<b>Councillor Tan</b>
<b>Local Emergency Management Committee*</b>	<b>Shire President Piesse</b>	<b>Councillor Wringe</b>
<b>South West Regional Road Group</b>	<b>Shire President Piesse</b>	<b>Councillor Wringe</b>
<b>SW Zone of the WALGA</b> (Shire President or Deputy)  To attend SW WALGA Zone meetings – bi monthly, last Friday of the month.	<b>Shire President Piesse</b>	<b>Councillor Wringe</b>

2. That Council appoint Councillor Wringe (Deputy Shire President) to the Donnybrook Community Resource Centre Committee.

Carried by En Bloc Resolution 1

#### 9.5.4 BRIDGE STREET, DONNYBROOK - PARTNERSHIP HOUSING PROJECT

<b>Location</b>	Lot 142 Bridge Street Donnybrook
<b>Applicant</b>	Administration
<b>File Reference</b>	PWF 15P, A3849
<b>Author</b>	Ben Rose Chief Executive Officer ( <i>Greg Harris, Manager Finance and Administration</i> )
<b>Attachments</b>	9.5.4(1) Business Case 9.5.4(2) 10-year Financial Projections 9.5.4(3) Memorandum of Understanding (MOU) (previously prepared in 2016)
<b>Voting Requirements</b>	Absolute Majority
<b>Executive Summary</b>	Council to consider support of a funding Application under the Regional Aged Accommodation Program for the Bride Street Housing Project. Issues to consider include: <ul style="list-style-type: none"> <li>• Council support of the project concept</li> <li>• Council financial support of the project including provision of land and site remediation costs.</li> <li>• Engagement of Project Manager to review Business Case, 10 year financial projections and Memorandum of Understanding between Joint Venture Partners</li> </ul>

## STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	Strategy	Action No.	Actions
3.3 – A safe and healthy community environment for all ages	Promote 'ageing in place'.	3.3.1.1	Enable a diversity of aged care services and facilities within the district.

## BACKGROUND

At the Ordinary Council Meeting of 22 July 2015, Council agreed in principle to the concept of an affordable housing project on Lot 142 Bridge Street Donnybrook, to be developed as a joint venture between the Shire, Alliance Housing and Stella Living. Since this date Stella Living have withdrawn from the project meaning that any future joint venture will be between Alliance Housing and the Shire only.

Following that meeting Shire staff continued to work with the joint venture partners on a concept proposal for submission to the South West Development Commission (SWDC). Funding of up to \$2M was to be sought through the Royalties for Regions Southern Investment Initiative.

A formal Business Case (Attachment 9.5.4(1)), a Draft Memorandum of Understanding (MOU) (Attachment 9.5.4(2)), and a 10-year budget forecast (Attachment 9.5.4(3)), was lodged with the SWDC in early October 2016.

In January 2017, the Shire received advice that the Shire's application for funding had been approved and that \$2,000,000 would be allocated towards the project which was estimated at a total cost of \$3,375,000. The Shire's contribution to the project was to be the value of the land (estimated at \$250,000) and a capped cash contribution of \$250,000 towards site remediation costs.

In March 2017, the Chief Executive Officer and the Governance Officer conducted a workshop with Council to revisit the details of the project and to respond to certain issues that were of concern to the Council. Although there were some concerns around the specific details of the project Council remained committed to securing the funding and progressing the project.

In April 2017 the Shire received advice that in light of the recent State Government Election the new State Government would not be progressing any Royalties for Regions funding agreements until the Department of Regional Development had briefed the Minister on all Royalties for Regions projects in light of the new Government's priorities.

In June 2017 the CEO wrote to the Minister, Hon Allanah MacTiernan, seeking her support of the project in light of the fact that the project was closely aligned to the WA State Labor Government's Platform to provide secure, affordable accommodation that meets the needs of seniors, allowing them to maintain their participation on their own community and to remain independent.

In July 2017 the Shire received advice from the Hon Allanah MacTiernan, Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development; Jobs and Trade, advising that the State Government was facing considerable budget pressure and therefore Royalties for Regionals projects would be directed towards those projects that create jobs and broaden the economic base in regional areas.

In September 2017 the Director General of the Department of Primary Industries and Regional Development wrote advising that Royalties for Regions funding for the Bridge Street Housing Project had not been approved in the budget and that the draft Financial Assistance Agreement for the project would not be progressed. The Director General further advised that the State Government remained committed to supporting the development of aged care in the regions and that \$22.7M had been allocated in the State Budget to support a “Regional Aged Accommodation Program” and that it was proposed that the Shire would have the opportunity to apply for funding through the program.

In January 2018 the CEO received advice that a new round of funding would be opening up in the coming weeks. Whilst applications are to be open to any appropriate body, the Shire’s Bridge Street Housing Project is likely to be considered favorably. Indications are that this round of funding is likely to be the last significant grant funding opportunity for aged persons’ accommodation by the Labor Government with funding for projects only being available in the 2018/19 and 2019/20 years. Advice from SWDC is that the business case will need to be somewhat more robust and re-engineered to focus on Labor Government’s preferred outcomes (as opposed to Liberal Government outcomes).

In order to progress the Business Case, the CEO will be engaging a suitably qualified consultant to revisit to the document to ensure that the Shire is project ready and will be able to meet the required timeline for lodgment of a funding application.

Timelines under the Regional Aged Accommodation Program are as follows:

Activity	Date
Launch of the Regional Aged Accommodation Program	16 January 2018
Closing date for Submissions	9 March 2018
Completion of Assessment by Panel	29 March 2018
Ministerial Sign Off on Recommendations	27 April 2018
Financial Assistance Agreements Signed	30 June 2018

**DETAILS**

Whilst Council has been extensively briefed on the project in late 2017, it is appropriate that the project is re-examined before the Shire proceeds to lodge a funding application and commit further funds towards the project. The revised Business Case, Draft Memorandum of Understanding (MOU) and 10-year financial plan will present full details of the project and will require Council endorsement prior to signing of the Financial Assistance Agreement.

However, in re-examining the project there are a number of high level issues that Council needs to consider before progressing further, these are:

- The Shire’s commitment to provide affordable housing and accommodation support for aged persons within the Shire i.e. alignment with the Shire’s Strategic Plan and Corporate Business Plan.
- The Shire’s approval in principle to enter into a joint venture project with Alliance Housing.
- Social and Community aspects – will the project be supported by the wider community and does it add value to the community.
- The Shire’s commitment to provide land situated at Lot 142 Bridge Street upon where the housing project is to be located.

- Long Term Financial Planning implications including future Asset Management Requirements.
- Operational Issues i.e. how the project will be managed in the short and long term.
- Risk Assessment.

### Alignment with Strategic Plan and Corporate Business Plan

The Shire of Donnybrook Balingup is committed to providing a wide range of housing for aged persons, evidenced by the provision of a Frail Aged Lodge, Well Aged Housing and Preston Retirement Village. The Bridge Street Housing project adds to this suit of aged care accommodation services and provides for a different demographic who are seeking this type of accommodation. The project is aligned to the Shire's Community Strategic Plan which promotes ageing in place, also aligning with State Government policy to enable people to remain domiciled in their own communities for as long as possible.

The Shire's Corporate Business Plan further identifies action item 3.3.1.1 to "enable a diversity of aged care services and facilities within the district". This project therefore clearly aligns with this action item and as a result the project gained Council support when last considered.

### Joint Venture Partners

The project is to be a joint venture between Alliance Housing and the Shire of Donnybrook Balingup. Alliance Housing is a well-established and large provider of community housing within the south west region. Alliance Housing own and manage a wide range of accommodation services which cater for many different community housing arrangements. They are considered an ideal partner in which to enter into a joint venture arrangement over 65's accommodation.

Once constructed the facility will be fully managed by Alliance Housing with minimal input from the Shire. The Business Case and/or Memorandum of Understanding will address issues relating to both the original project management of the construction phase plus the ongoing management and future renewal/refurbishment of the building.

The issue for Council to consider is whether it supports entering into a joint venture partnership with a community housing provider, given that without the funding provided by Alliance Housing together with \$2M grant funding through the Regional Aged Accommodation Program, the project would be extremely unlikely to proceed. Given the initial capital cost, ongoing whole of life costs it is unlikely that the Shire would ever consider such a project utilising solely its own resources.

### Social and Community Aspects

As previously advised the facility is proposed to be built on land situated at Lot 142 Bridge Street Donnybrook. This land abuts Bridge Street and backs onto land upon which the final four units (U14-17) Preston Village will be constructed. Alliance Housing and the SWDC consider the location to be ideal for this type of housing development considering its close proximity to the local shopping precinct and the Donnybrook Central Business District.

When the project was last considered by Council some concern or wariness was expressed by some elected members as to the type of accommodation to be provided, suggesting a possible social impact on the neighbouring retirement village. It should however be noted this housing



project does not target low socio economic community housing (i.e. low income housing facilities usually provided by government), but rather fills a gap between this type of accommodation and facilities such as Preston Village, where the client is required to pay a substantial ingoing fee.

There is an obvious demonstrated need for this type of accommodation and clearly a direction of government to encourage private accommodation in lieu of government provided community housing. As stated above this need was broadly recognized by Council during the formulation of its Community Strategic Plan and Corporate Business Plan.

#### Commitment to provide land

The Bridge Street Housing Project is based upon the premise of the Shire providing land located at Lot 142 Preston Village upon which the facility is to be constructed. The proposal is also based around the Shire providing a funding commitment of up to \$250,000 remediate the site. Any additional costs for site remediation will be taken out of the overall project funding and will not represent an additional direct cost to Council.

In supporting the project Council must commit to providing this land and site remediation costs as the project funding is tied to this land. It is unable to be directed to any other land owned by the Council.

Council's commitment to provide the land must be considered in light of the opportunity cost of doing so. The land is nominally valued at \$250,000 plus the Shire will potentially incur another \$250,000 to remediate the land. The potential loss of future opportunity to either develop or sell the land must be considered against the social value provided by the project.

#### Long Term Financial Planning / Asset Management Implications

As stated earlier whole of life costs and impacts on Council's Long Term Financial Plan and future Asset Management Planning must be carefully considered.

The building will become an asset of the Council but will be leased to and managed by Alliance Housing in accordance with the terms of the MOU. However, consideration will need to be given to what will occur with the property at the end of the lease. Although ongoing refurbishment will occur during the life of the lease it will be necessary for the MOU to address the conditions under which the land will be returned to the Shire.

Whilst the Shire will have no ongoing cost in regard to the management, maintenance or refurbishment of the units there will be an impact upon the Shire's Asset portfolio. Depreciation charges will be incurred during the life of the asset and will flow through to Council's operating result. Depending upon the conditions under which the land will be returned to the Shire, asset renewal costs will potentially have to be included in Council future long term financial and asset management plans.

The issues will need to be resolved and documented through the development of the MOU and will require Council approval prior to the grant being accepted and the project being approved by Council.

### Project Management

The preceding Business Case proposed that a Project Control Group (PCG) be established to manage the planning, design, construction and close-out phase of the development, with the PCG to be made up of representatives from Alliance Housing and the Shire – with the Shire to be the lead agency.

Procurement of labour, materials, good and services associated with the project will be in accordance with relevant Shire Policies and Procedures, namely, the Shire's Regional Price Preference Policy and Purchasing and Tendering Policy.

### Risk Assessment

The Business Case for the project will present a full Risk Assessment of the project for Council consideration.

### **CONSULTATION**

Ongoing consultation over a number of years has occurred with Alliance Housing and the SWDC in the lead up the previous funding application being submitted. Council has previously been briefed on the project and had previously supported the project.

Residents at Preston Village were notified in January 2017 of the previous funding approval and advised that the project had been scheduled to commence in mid to late 2018.

### **FINANCIAL IMPLICATIONS**

Council's budget for the 2017/18 year includes budget provision for the remediation of the site at \$250,000, to be funded from the Land Development Reserve.

The budget also includes provision for the receipt of \$875,000 from Alliance Housing which, if received in advance of construction commencing, was to be transferred to the Shire's Building Reserve.

### **POLICY COMPLIANCE**

N/A

### **STATUTORY COMPLIANCE**

N/A

### **CONCLUSION**

A decision is required from Council to reaffirm its support for the Bridge Street Housing Project and support the submission of a funding application to South West Development Commission under the Royalties for Regions Regional Aged Accommodation Program.

Support of the project will be subject to Council's acceptance of the Terms and Conditions of the Financial Assistance Agreement, assuming the Shire is successful in the grant application.

Cr Piesse declared an interest affecting impartiality with regards to item 9.5.4 – *Bridge Street, Donnybrook Partnership Housing Project* as he is a member of the South West Development Commission Board.

## **COUNCIL DECISION**

### **REVISED OFFICER RECOMMENDATION**

**Moved: Cr Atherton**

**Seconded: Cr Tan**

**That Council:**

- 1. Reaffirm its support for the Bridge Street Housing Project, being a joint venture project with Alliance Housing, to be located at Lot 142 Bridge Street, Donnybrook.**
- 2. Support the submission of a funding application to the South West Development Commission for funding under the Regional Aged Accommodation Program.**
- 3. In accordance with the Long Term Financial Plan, Corporate Business Plan and 2017/18 Shire Budget, agree to provide (via a lease) land located at Lot 142 Bridge Street Donnybrook and to contribute to site remediation costs to the maximum value of \$250,000 (ex GST), if the grant application through the Regional Aged Accommodation Program is successful.**
- 4. Instruct the Chief Executive Officer to present the draft Financial Assistance Agreement and draft Lease Agreement (with Alliance Housing) to Council for consideration and a decision, prior to commencing any capital works on the project, if the grant application to the Regional Aged Accommodation Program is successful.**

Cr Van Der Heide requested Council adjourn the meeting or move onto the next item of business or deal with the item at a different time and place.

### **Procedural Motion**

**Moved: Cr Van Der Heide**

**Seconded: Cr Tan**

**That the meeting be adjourned and reconvene on Tuesday, 20 February 2018 at 5pm.**

**Lost 4/5**

### **Procedural Motion**

**Moved: Cr Mills**

**Seconded: Cr King**

**That Meeting Procedures be suspended.**

**Carried 9/0**

### **Procedural Motion**

**Moved: Cr. Mitchell**

**Seconded: Cr Mills**

**That Meeting Procedures be resumed.**

**Carried 9/0**

**Amendment to Motion**

**Moved: Cr Tan**

**Seconded: Cr Lindemann**

**That the motion be amended to include the following sentence to the end of point 1: “for independent living of tenants over the age of 65 years (or 55 years if tenant is from an Aboriginal or Torres Strait Islander community)”;** and the following sentence added midsentence to point 3 **“with ‘Eligible Tenants’ defined as tenants over the age of 65 years (or 55 years if tenant is from an Aboriginal or Torres Strait Islander community)”.**

**Carried 7/2**

Cr Van Der Heide requested the vote be recorded.

<b>For</b>	<b>Against</b>
Cr Piesse	Cr Mills
Cr Wringe	Cr Van Der Heide
Cr Atherton	
Cr King	
Cr Lindemann	
Cr Mitchell	
Cr Tan	

**Amendment to Motion**

**Moved: Cr King**

**Seconded: Cr Lindemann**

**That the following sentence be added to point 1 “Alliance Housing have advised there is no requirement for tenants to be sourced from State Housing Waiting Lists, and a Management Committee comprising Alliance Housing, Shire, and Councillor membership will oversee and approve tenancies”.**

**Lost 3/6**

Cr Van Der Heide foreshadowed the following motion should the amended substantive motion be lost.

**Foreshadowed Motion**

**That Council:**

- 1. Recognises a level of social responsibility at local government level, to support the provision of affordable Aged Care Housing.**
- 2. Supports the submission of a funding application to the South West Development Commission for funding under the Regional Aged Accommodation Program, subject to the following conditions:**

- a) **The Project is subject to broad public consultation prior to a final decision of Council as to whether the project is supported and a funding agreement signed.**
- b) **The location of this project is at the discretion of Council, subject to it being within the Donnybrook townsite, and appropriate site remediation is completed to a value not exceeding \$250,000 (ex GST)**

**Amended Substantive Motion**

**Moved: Cr Atherton**

**Seconded: Cr Tan**

**That Council:**

- 1. Reaffirm its support for the Bridge Street Housing Project, being a joint venture project with Alliance Housing, to be located at Lot 142 Bridge Street, Donnybrook for independent living of tenants over the age of 65 years (or 55 years if tenant is from an Aboriginal or Torres Strait Islander community).**
- 2. Support the submission of a funding application to the South West Development Commission for funding under the Regional Aged Accommodation Program.**
- 3. In accordance with the Long Term Financial Plan, Corporate Business Plan and 2017/18 Shire Budget, agree to provide (via a lease) land located at Lot 142 Bridge Street Donnybrook and to contribute to site remediation costs to the maximum value of \$250,000 (ex GST), if the grant application through the Regional Aged Accommodation Program is successful.**
- 4. Instruct the Chief Executive Officer to present the draft Financial Assistance Agreement and draft Lease Agreement (with Alliance Housing) with 'Eligible Tenants' defined as tenants over the age of 65 years (or 55 years if tenant is from an Aboriginal or Torres Strait Islander community) to Council for consideration and a decision, prior to commencing any capital works on the project, if the grant application to the Regional Aged Accommodation Program is successful.**

**Carried 6/3**

---

**10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

---

Nil

---

**11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

---

Nil

---

**12 MEETING CLOSED TO PUBLIC**

---

***12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED***

---

Nil

---

***12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC***

---

Nil

---

**13 CLOSURE**

---

The Shire President advised that the next Ordinary Council Meeting will be held on 29 March 2018, commencing at 5.00pm in the Council Chambers, Collins Street, Donnybrook.

The Shire President declared the meeting closed at 8.00pm.

**These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 28 March 2018.**

<b>Shire President</b>		<b>Presiding Member</b>