



ORDINARY MEETING OF COUNCIL

28 NOVEMBER 2018

To be held on

28 November 2018

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook.

Ben Rose
Chief Executive Officer

23 November 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

28 NOVEMBER 2018

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SHIRE OF DONNYBROOK BALINGUP
ORDINARY COUNCIL MEETING AGENDA

**To be held at the Council Chambers
Wednesday, 28 November 2018 at 5.00pm**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

The Shire Present to declare the meeting open and welcome the public gallery

Shire President – Public Notification of Recording of Meetings

The Shire President advises that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further states the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

MEMBERS PRESENT

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

PUBLIC GALLERY

2.1 APOLOGIES

Cr Shane Atherton

2.2 APPROVED LEAVE OF ABSENCE

2.3 APPLICATION FOR LEAVE OF ABSENCE

Cr Atherton has requested consideration of leave for the November 2018 Ordinary Meeting of Council.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

3.1 PRESIDENTS' COMMUNICATION

Date	Meeting

4 DECLARATION OF 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.

- Cr Tan has declared an Interest Affecting Impartiality for Agenda Item 9.6.4 (Lease for Donnybrook Community Garden).

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.2 PUBLIC QUESTION TIME

Nil

6 PRESENTATIONS

6.1 PETITIONS

Nil

6.2 PRESENTATIONS

Mr Caruso will deliver a presentation of a book which, in part, details the story of Italian family's migration to Donnybrook.

6.3 DEPUTATIONS

Mr Caruso will address the Council in relation to a proposal for the upgrading of a heritage mill in Brookhampton.

6.4 DELEGATES REPORTS

Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 26 SEPTEMBER 2018

EXECUTIVE RECOMMENDATION

Moved:

Seconded:

That the Minutes from the Ordinary Meeting of Council held 24 October 2018 be confirmed as a true and accurate record.

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 from CCP3341-CCP3351, EFT14993c-EFT15249a, 53116-53150, DD23421.1-DD23421.11, DD23477.1-DD23477.11 is herewith presented to Council.

9.1.2 MONTHLY FINANCIAL REPORT

EXECUTIVE RECOMMENDATION

Moved:

Seconded:

That the monthly financial report for the period ended 30 September 2018 be received.

9.2 MANAGER WORKS AND SERVICES

9.2.1 FORMALLY NAME SHIRE NAMED ROAD WALTERS TRACK, BALINGUP

Location	Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	RD 0135 WRK 12/3
Author	Damien Morgan
Attachments	9.2.1(1) - Map Reference
Voting Requirements	Simple Majority
Executive Summary	Recommended endorsement of the name Cullity Road for informal named Shire road known as Walters Track.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
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

Walters Track is located in Balingup, off Ammon Road. The road has been known as “Walters Track” by locals for several years and is currently signposted, however, it is not formally named through Landgate.

The Shire of Donnybrook-Balingup (the Shire) has been made aware of safety concerns caused by the road not being formally named. Landgate has advised that the road needs to be formally named, however, Walters cannot be used due to duplication.

DETAILS

After receiving name suggestions from the local community in the area, Shire staff wrote to property owners on Walters Track with three name suggestions as follows;

1. Nelson Road – many years ago the road was signed Nelson Road.
2. Cullity Road – in honor of previous landowners in the area.
3. Pigram Road – in honor of landowners in the area.

No objections were received and the suggestions were put forward to Landgate Geographic Names Committee.

Nelson Road was not supported due to duplication and Pigram Road was also not supported as roads cannot be named after living persons. Landgate supported Cullity Road in recognition of Maurice Cullity (dec) who was a landowner in the area many years ago and for his dedicated service to the local and wider community.

CONSULTATION

All property owners on Walters Track have been formally consulted, with no objections to the new name proposal of Cullity Road received. Property owners have also been informed that they will need to update their residential address with service and insurance providers as well any legal documentation that may require the change to be reflected.

FINANCIAL IMPLICATIONS

Cost of the street blade. This is approximately \$80.00 and can be accommodated within the existing budget.

POLICY COMPLIANCE

Council has no policy on changing road names, as the process is largely regulated by Landgate.

STATUTORY COMPLIANCE

N/A

CONCLUSION

The formal naming of this road reserve will address a number of concerns raised by residents of this road and emergency service providers. No objections to the name change have been received through the consultation process. It is recommended to proceed with formally naming the road.

EXECUTIVE RECOMMENDATION

That Council:

- 1. Endorse the formal naming of the road reserve as shown on attachment 9.2.1(1) to Cullity Road.**
- 2. Instruct the Chief Executive Officer to implement the installation of new street name signage.**
- 3. Instruct the Chief Executive Officer to write to all landowners and relevant stakeholders impacted by the name change advising them of Council Resolution.**

Council Decision

Moved: Cr

Seconded: Cr

That Council:

9.2.2 ENGINEERING POLICIES REVIEW

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	WRK 03/2
Author	Damien Morgan – Manager Works and Services
Attachments	9.2.2 (1) Comments Received 9.2.2 (2) Final Engineering Policies
Voting Requirements	Simple Majority
Executive Summary	The report requests that Council adopt the reviewed and new Engineering Policies and rescind some existing policies.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
A respected, professional and trusted organisation	Effective and efficient operations and service provision	4.2.1.1	Maintain effective and efficient policies, planning, operating procedures and practices

BACKGROUND

The Shire of Donnybrook Balingup (the Shire) Works and Services Department has recently undertaken an extensive review of all existing Engineering Policies as presented to Council at the August 2018 Agenda Briefing Session.

The reviewed draft policies were published on the Shire’s website for a period of two weeks for public comment. The draft policies were also circulated to Councilors for feedback.

DETAILS

The current Engineering Policies have not been extensively reviewed for a number of years. Works and Services staff identified the need for a comprehensive review to improve consistency and practicality across all policies.

As per the list below, some policies have been rescinded, some have been retained with amendments and new policies have also been recommended.

Policy	Recommended Action	Comment
4.1 Outside Staff Protective Clothing	Rescind	Covered by Administration Policy 2.44 Occupational Safety and Health plus OSH Procedure 2.44-19 OSH Outdoor Worker Uniform, P.P.E and Sun Protection.
4.2 Use of Outside Contractors	Rescind	Covered by Administration Policy 2.48 Purchasing, Tendering and Buy Local Policy
4.2.1 Use of Contractors	Rescind	Covered by Administration Policy 2.44 Occupational Safety and Health plus various OSH Procedure's.
4.3 Land Resumption	Review	To remain with minor amendments.
4.4 Bituminising Roads on a Joint Basis with Adjoining Land Owners	Rescind	Covered by new policy 4.28 Request for Upgrades or Expansion of Council Assets.
4.5 Extra Gravel Road Maintenance Demanded by Ratepayers	Rescind	Not relevant, covered through our Works Request process.
4.6 Construction of Unmade Public Roads	Rescind	Covered by new Engineering policy 4.28 Request for Upgrades or Expansion of Council Assets.
4.7 Construction of Crossovers	Review	To remain with minor amendments.
4.8 Street Lights	Rescind	Covered under Engineering Policy 4.22 & Western Power requirements.
4.9 Trees Fallen on Roads	Rescind	Incorporated into new Engineering policies 4.24 Rural Verge Mangement and 4.25 Urban Verge Management.
4.12 Drainage Connections to Council Drains	Rescind	Covered by Engineering new policy 4.27 Stormwater Management Private Land.

4.18 Private Planting of Trees and Shrubs near Local Roads	Rescind	Covered by new Engineering policy 4.25 Urban Verge Management.
4.19 Street Trees, Verges & Streetscaping	Rescind	Covered by new Engineering policy 4.25 Urban Verge Management.
4.20 Rural Street Addressing	Rescind	Not necessary for Works & Services department policies.
4.21 Rural Roadside Management	Rescind	Covered by new Engineering policy 4.24 Rural Verge Management.
4.22 Requirements for Subdivisional and Land Developments	Review	To remain with minor amendments.
4.23 Road Use Approval for Restricted Access Vehicles	Review	To remain with minor amendments.
4.24 Rural Verge Management	New policy	Created to differentiate Rural from Urban. Incorporates relevant sections from rescinded policies 4.9 Trees Fallen on Roads and 4.21 Rural Roadside Management.
4.25 Urban Verge Management	New policy	Created to differentiate Urban from Rural. Incorporates relevant sections from rescinded policies 4.9 Trees Fallen on Roads, 4.18 Private Planting of Trees and Shrubs near Local Roads and 4.19 Street Trees, Verges & Streetscaping.
4.26 Gravel Acquisition Policy	New policy	Provide guidelines when acquiring gravel from local property owners in accordance with the Local Government Act.
4.27 Stormwater Management Private Land	New policy	Incorporates sections rescinded policy 4.12 Drainage Connections to Council Drains.
4.28 Request for Upgrades or Expansion of Council Assets	New policy	Incorporates sections of rescinded policies 4.4 Bituminising Roads on a Joint Basis with Adjoining Land Owners & 4.6 Construction

		of Unmade Public Roads. Also now includes upgrades to other Shire assets.
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CONSULTATION

The Manager of Works and Services presented a PowerPoint Presentation of the draft policies to elected members at the August 2018 Agenda Briefing Session.

Letters were sent to key stakeholders; Balingup Progress Association, Kirup Progress Association and Donnybrook Chamber of Commerce advising that the proposed policies will be available for viewing on the Shire website from 10 September 2018 and invited comment/feedback from all parties.

The draft policies were published on the Shire website from the 10 September 2018 to 1 October 2018 seeking public comment / feedback. One response was received.

Elected Members received a copy of the draft policies on 10 September 2018 with the request for feedback by 1 October 2018. No feedback was received so an extension until 19 October 2018 was given with three responses received.

The comments received were assessed and appropriate changes have been made to the draft policies as per attachment 9.2.2 (1). Those who submitted feedback also received a formal response from Shire staff.

FINANCIAL IMPLICATIONS

This review does not have any major impacts on the current budget. Any changes in Fees or Charges will form part of the annual budget process.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

CONCLUSION

It is recommended that Council adopt the reviewed and new Engineering Policies and rescind existing as per the recommendation.

EXECUTIVE RECOMMENDATION

That Council:

- 1. Rescind the following Engineering Policies:**
 - a. 4.1 Outside Staff Protective Clothing**
 - b. 4.2 Use of Outside Contractors**
 - c. 4.2.1 Use of Contractors**
 - d. 4.4 Bituminising Roads on a Joint Basis with Adjoining Landowners**
 - e. 4.5 Extra Gravel Demanded by Ratepayers**

- f. **4.6 Construction of Unmade Public Roads**
- g. **4.8 Street Lights**
- h. **4.9 Trees Fallen on Roads**
- i. **4.12 Drainage Connections to Council Drains**
- j. **4.18 Private Planting of Trees and Shrubs near Local Roads**
- k. **4.19 Street Trees, Verges & Streetscaping**
- l. **4.20 Rural Street Addressing**
- m. **4.21 Rural Roadside Management**

2. Adopt the following amended Engineering Policies:

- a. **4.3 Land Resumption**
- b. **4.7 Construction of Crossovers**
- c. **4.22 Requirements for Subdivisional and Land Developments**
- d. **4.23 Road Use Approval for Restricted Access Vehicles**

3. Adopt the following new Engineering Policies:

- a. **4.24 Rural Verge Management**
- b. **4.25 Urban Verge Management**
- c. **4.26 Gravel Acquisition**
- d. **4.27 Stormwater Management Private Land**
- e. **4.28 Request for Upgrades or Expansion of Council Assets**

Council Decision

Moved: Cr

Seconded: Cr

That Council:

9.2.3 2018/19 BALINGUP TOWNSCAPE PROJECTS

Location	Shire of Donnybrook Balingup
Applicant	Balingup Progress Association
File Reference	TBA
Author	Damien Morgan
Attachments	Nil
Voting Requirements	Simple Majority

Executive Summary	Council support the delivery of identified projects by the Balingup Progress Association.
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STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.4	Maintain attractive townsites within resource capacity

BACKGROUND

At its Ordinary Meeting held on the 25 July 2018 Council resolved to:

- “1) Continue the establishment of the following Council Committees, only:*
- a) Audit Committee; and*
 - b) Donnybrook Community Library Committee.*
- 2) Commits to the establishment and application of Working Groups for Council related matters that are project specific and time-limited (i.e. not perpetual);*
- 3) Instructs the Chief Executive Officer to communicate with committee members and local community and incorporated associations as to the decision and rationale of the Council on this matter;*
- 4) Works constructively with local community groups, committees and associations to assist in achieving common objectives and priorities.”*

As part of this outcome, the Balingup Townscape Committee (BTC) will now function as a sub group of the Balingup Progress Association (BPA), responsible for the compliant expenditure of allocated Council funds for Balingup Townscape works.

DETAILS

As part of the planning for functioning of the BTC within the BPA, the Shire has mapped out terms for the delivery of Townscape Projects in Balingup as follows.

From 2019/20 onwards, the BPA will be asked to put forward their list of proposed projects prior to the 31st March each year for consideration through the Shire’s annual budget process. Applications are to be made using template forms that nominate and detail proposed projects as well as providing for any carry-overs.

The BPA and BTC have been advised that for projects to be considered eligible, they must demonstrate that they satisfy the following criteria:

- Align to Actions within the Shire’s Corporate Business Plan;
- Adopt a risk-management based approach. For example where required, qualified tradespeople are to carry out the works;

- Projects to be undertaken within Shire-managed land and in accordance with established lease arrangements;
- Be well-planned and achievable within clear and detailed timelines;
- Detail all infrastructure to be installed; and
- Provide maps of proposed works.

Once adopted in the Annual Budget, the BPA will be formally advised of the approved projects and budget amounts, and be required to satisfy the following throughout the delivery of the projects:

1. A Tax Invoice to the Shire of Donnybrook Balingup.
2. All volunteers working on the Townscape Projects must be registered with the Shire as a volunteer. Those not registered will not be covered under the Shire’s personal accident and public liability insurance.
3. Demonstrate that the BPA has used the funds for the intended purpose before 30 June by providing an acquittal of the project, including:
 - A short summary addressing the outcome of the project deliverables with before and after photographs; and
 - Evidence of the expenditure, i.e. copies of invoices or receipts. Any unspent funds must be returned to the Shire by 30 June unless a request for carry-over has been received. No further funding will be provided until the prior year acquittal has been finalised.
4. Any promotional media associated with the project are to acknowledge the Shire’s involvement.

This process will commence fully as part of the development of 2019/20 Shire of Donnybrook Balingup annual budget process. For the purpose of this year’s funding allocation of \$34,500.00 (approved within the 2018/19 annual budget), and due to time constraints the BTC through the BPA have submitted the following projects for Councils Consideration

1. Solar lighting for adult exercise area on Village Green	\$3,000
2. Solar lighting for large trees on the entry into town (ongoing)	\$3,000
3. Rothery Walk works upgrade	\$2,500
4. Install limestone blocks along the edge of brook & cement	\$6,000
5. Weir in Brook, allow for maintenance and reduce flooding	\$6,000
6. Earthworks for some projects	\$3,000
7. Seat for swimming pool area	\$500
8. Swimming Pool Steps cement and clay	\$500
9. Historic Photos for Bins around town (allocated)	\$2,000
10. Town Heritage Plaques (carry over)	\$5,000
11. Further planting on Brook walk	\$500
Total	\$32,000

Prior to any of the above projects commencing, it is recommended that the BPA ensure any required approvals are obtained. Further, those responsible for the delivery of the projects note and satisfy requirements detailed above.

CONSULTATION

The Balingup Townscape Committee has met as a group of the BPA, nominated the outlined projects for implementation using Balingup Townscape Funds from the Shire of Donnybrook Balingup 2018/19 Annual Budget.

FINANCIAL IMPLICATIONS

The Council has approved a budget of \$34,507 for Balingup Townscape Projects within its 2018/19 Annual Budget. The estimated costs of the projects proposed are within the budget allocation.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

N/A

CONCLUSION

Council's support of this recommendation will continue the delivery of Balingup Townscape projects by the Balingup Townscape Committee under the auspice of the Balingup Progress Association

EXECUTIVE RECOMMENDATION

That Council:

1. **In principle endorse the following projects for delivery by the Balingup Progress Association, subject to them ensuring all required approvals are obtained prior to the commencement of a project.**

Priority	Project	Estimated Cost
1.	Solar lighting for adult exercise area on Village Green	\$3,000
2.	Solar lighting for large trees on the entry into town (ongoing)	\$3,000
3.	Rothery Walk works upgrade	\$2,500
4.	Install limestone blocks along the edge of brook & cement	\$6,000
5.	Weir in Brook, allow for maintenance and reduce flooding	\$6,000
6.	Earthworks for some projects	\$3,000
7.	Seat for swimming pool area	\$500

8.	Swimming Pool Steps cement and clay	\$500
9.	Historic Photos for Bins around town (allocated)	\$2,000
10.	Town Heritage Plaques (carry over)	\$5,000
11.	Further planting on Brook walk	\$500

2. Authorise the Chief Executive Officer to allocate \$32,000 to the Balingup Progress Association for the purpose of implementing the outlined projects under point 1, from the existing Balingup Townscape allocation within the 2018/19 Shire of Donnybrook Balingup Budget.

9.3 MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES

Nil

9.4 PRINCIPAL PLANNER

9.4.1 AMENDMENT 11 TO LOCAL PLANNING SCHEME 7 – LOTS 384 MARSHALL ROAD, ARGYLE

Location	Lot 384 Marshall Road, Argyle
Applicant	Civil Technology
File Reference	TP17 AMD 11
Author	Bob Wallin (Principal Planner)
Attachments	9.4.1 (1) Rezoning document 9.4.1 (2) proposed structure plan map
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> Approval is recommended to initiate and advertise the proposed amendment. The proposal is to rezone Lot 384 from “General Agriculture” with a Development Investigation Area overlay to “Rural Residential” The proposal is generally consistent with the established planning framework that identifies the land as having potential for Rural Residential development.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
1.1 A diverse, prosperous economy, supporting local	Promote, maintain and diversify investment in the district	1.1.1.4 Actively partner in regional growth planning partnerships and projects

business and population growth		
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 within the district

BACKGROUND

The proposal is to amend the Shire’s Local Planning Scheme 7 by rezoning Lot 384 Marshall Road, Argyle from “General Agriculture” with a “Development Investigation Area” (DIA) overlay to “Rural Residential”. Attachment 9.4.1(1) contains a copy of the amendment. The amendment is also supported by a structure plan map (Attachment 9.4.1(2)). This map shows indicative road layouts, lot sizes and building envelopes.

This item is presented to Council as a formal resolution is required to initiate the amendment and consider it for advertising.

The DIA identifies a land use expectation for the site as “Rural Residential”. It also includes a short list of matters to be addressed in a structure plan, including:

- Protection of vegetation;
- Identification of building envelopes;
- Provision of safe access to the existing local road network;
- Fire management.

The Local Planning Strategy which provides the long term vision for the Shire identifies the land as “Rural Residential Investigation”. The intent of this designation is to:

- Identify areas suitable for potential future rural residential development;
- Ensure that new development has regard to environmental features;
- Not create conflicts with or constrain future agricultural development;
- Provide a variety of lot sizes.

The amendment falls under the category as a “Standard Amendment”. The process for standard amendments includes the following steps:

- Step 1) Council resolve to initiate the amendment;
- Step 2) Council resolve to advertise the amendment
- Step 3) Council refers amendment to EPA for environmental assessment.
- Step 4) advertise amendment to the public and government agencies;
- Step 5) Council to consider submissions and make a recommendation for final approval;
- Step 6) The WAPC makes a recommendation to Minister for Planning;
- Step 7) Minister for Planning grants final approval; and
- Step 8) Amendment gazetted and becomes law.

This proposal is now presented to Council for a decision on Steps 1 and 2.

DETAILS

The proposed amendment is consistent with the strategic vision for the site. The amendment document addresses “matters” to be addressed in the DIA as follows:

- Protection of vegetation – existing vegetation is to be retained and a landscape plan is to be prepared at the subdivision stage;
- Identification of building envelopes – building envelopes are identified.
- Provision of safe access to the existing local road network – the abutting portion of Marshall Road is to be upgraded. Further, the design will connect at two points to the existing road network.
- Fire management – an analysis of fire matters has been completed and has been used to inform the design and location of building envelopes.

The proposal also satisfies the intent of the Local Planning Strategy’s designation of “Rural Residential Investigation by:

- Providing an infill opportunity;
- Minimising disturbance to existing vegetation;
- Providing a variety of lot sizes;
- Not having any impact on any nearby agricultural activity – site surrounded by existing Rural Residential uses and State Forest.

CONSULTATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) details the public advertising process. If supported, the amendment will be advertised in accordance with these regulations. Advertising will include a notice in the local paper, Shire’s website and mail drop to nearby landowners and government departments.

It will be necessary to present the amendment to Council once the advertising period has closed. This will enable Council to consider any submissions received and make a recommendation on how to proceed.

FINANCIAL IMPLICATIONS

Nil. Costs in assessing and processing the amendment are covered by assessment fees.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Part 5 of the *Planning and Development Act 2005* outlines the processes and requirements for amendment local planning schemes. This includes Section 81 that details the need for an Environmental Decision by the EPA prior to formal public advertising starting.

Part 5 of the Regulations - Amending local planning scheme Division 2 details processing and advertising requirements for Standard Amendments.

CONCLUSION

The proposal is consistent with the strategic intent identified for the land. The proposed structure plan design represents a logical layout. The documents submitted suitably address matters outlined in the LPS7 for the site.

It is recommended that approval be granted to initiate and advertise proposed Amendment 11.

EXECUTIVE RECOMMENDATION

That Council resolve to initiate Amendment 11 to Local Planning Scheme 7 to rezone Lot 384 Marshall Road, Argyle to “Rural Residential”, subject to:

- 1. The amendment being processes as a “Standard Amendment” as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Receiving an application fee of \$2,750.00.**
- 3. Requiring the Chief Executive Officer to undertake such tasks necessary to implement Resolutions 1 and 2, above.**

Council Decision	
Moved: Cr	Seconded: Cr
That Council:	

9.4.2 PLANNING APPLICATION FOR TRANSPORTABLE STRUCTURE FOR CHANGE ROOM FACILITIES – DONNYBROOK FOOTBALL CLUB

Location	Lot 493 Steere Street, Donnybrook
Applicant	Donnybrook Football Club
File Reference	A2928
Author	Bob Wallin (Principal Planner)
Attachments	9.4.2 (1) Location plan 9.4.2 (2) Elevation of structure 9.4.2 (3) Master Plan 9.4.2 (4) background supporting letter
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Approval is recommended. • The proposal is to locate a transportable structure for the purpose of providing change room facilities for a proposed female Australian Rules Football team. • The structure is intended to be temporarily stored at the “old basketball” courts, refurbished and then moved behind the existing club rooms. • The key issues to consider revolve around built form outcomes verses promoting sporting inclusivity, health and activity.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
2.1 An attractive and maintained built environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.4 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 vesting order for its management. The Chief Executive Officer does not have delegated power to sign the application form.

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

The proposal is provide change room facilities to assist in establishing a future women’s Australian Football league. The facility will consist of a transportable building that has been donated to the club (Attachment 9.4.2 (1)). The structure will be renovated. To complete renovations, it is proposed to place the structure on a temporary basis on the “old basketball courts”. When these works are completed, it is intended to relocate behind the existing club rooms. Attachment 9.4.2(2) identifies the locations.

There is a Master Plan for the sporting precinct (Attachment 9.4.2 (3)). 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 limited impact on the existing lease arrangement with the Shire. The existing lease with the club is defined by the footprint of the building. A minor modification to the lease area will be required.

There have been a number of recent applications for the site including:

- a) A sea container structure that was intended to form part of coaching box and storage facility; and
- b) A renovation/redevelopment of the existing club room and grand stand area.

DETAILS

Attachment 9.4.2(4) provides supporting background to the proposal. In summary, the change room facility will allow a women’s side to enter the south west competition. The aim is to have a team for the 2020 season. At present, there is no competition or pathway for women’s football in the locality.

Experience of clubs that already have women’s teams has been encouraging as membership and attendance numbers increase. The overall aim will be to grow the club.

There are a number of elements to consider when making a decision on this proposal. The following provides details on these.

Physical structure appearance v social benefit to community/club

The structure in its current state is substandard. With upgrading it has potential to blend in more with the existing building or as a minimum not adversely detract from the immediate locality.

The proposal while temporary and ad-hoc in nature will have potential to increase participation and activity within the Shire by allowing more people to participate, watch and enjoy football within the community. There is a balancing of objectives to consider between aesthetic appearance verses potential to expand community engagement and opportunities for women to play football in the South West.

Need for a strategic vision for the Football Club

There is funding in the 2018/19 budget for updating the 2009 Master Plan. This will enable the Donnybrook Football Club to focus strategically on its vision and the facilities it will need.

Constraints to site location

The proposed final site identified in Attachment 9.4.2(2) has a number of constraints that need to be considered. The main constraints are:

- a) Potential to limit access and movement around the rear of the club building;
- b) The location of the existing septic system which is located at the rear of the club building. It is not possible to locate the structure on top of the existing septic system;
- c) Need to provide a new/separate septic system to service the structure.

These factors may result in the need to identify another location. It is possible for Shire staff to work together with the club in identifying a more suitable location. Any future agreed site would need to ensure that there is limited potential to detract from the established streetscape.

CONSULTATION

Nil. 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 \$147 planning application fee be waived. Delegation 7.16 allows the Chief Executive Officer to consider this request.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Part 2 of Local Planning Scheme 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 enable a women's league to start within the Shire opening up opportunities for women to participate and enjoy and be actively involved in football.

The structure can be upgraded to an acceptable standard and will have limited impact on local streetscape amenity.

Approval is recommended.

EXECUTIVE RECOMMENDATION

That Council:

- 1. Authorise the Chief Executive Officer to sign the planning application form.**
- 2. Approve the location of a transportable structure (change rooms) at Lot 493 Steere Street, Donnybrook subject to the following conditions and advice:**
 - 2.1 The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
 - 2.2 The structure shall be removed within 5 years or such time as agreed by the Shire of Donnybrook Balingup.**
 - 2.3 The external appearance of the structure being upgraded to the satisfaction of the Shire of Donnybrook Balingup.**
 - 2.4 The structure being designed to be accessible for all members of the public.**
 - 2.5 The final location of the structure being determined to the satisfaction of the Shire of Donnybrook Balingup.**

Advice to Applicant:

- 1. In respect to condition 2, this approval is to assist in providing a temporary solution for the Donnybrook Football Club. It will be necessary for the Donnybrook Football Club to provide a strategic long term permanent vision for the site in consultation with the Shire of Donnybrook Balingup.**
- 2. In respect to Condition 5, the applicant is advised that it is not possible to build over existing septic systems and that a separate septic system will need to be constructed to service the structure. Further, the final location will need to ensure that clear site lines and accessibility is achieved.**

Council Decision

Moved: Cr

Seconded: Cr

That Council:

9.4.3 PROPOSED DISPOSAL OF LOTS 5 AND 6 SOUTH WESTERN HIGHWAY AND LOTS 107 AND 229 STEERE STREET, DONNYBROOK

Location	Shire of Donnybrook Balingup
Applicant	Administration
File Reference	A1177, A1330 and A1358
Author	Bob Wallin (Principal Planner)
Attachments	9.4.3(1) Extract of June 2018 minutes 9.4.3(2) Location Plan Pt Lots 5 and 6 9.4.3(3) Analysis for Pt Lots 5 and 6 9.4.3(4) Location Plan Lots 107 and 229 9.4.3(5) Analysis for Lots 107 and 229
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Recommend that Council dispose of Lots 5 and 6 South Western Highway, Donnybrook and Lots 107 and 229 Steere Street, Donnybrook • The Shire has prepared a Land Asset Review that provides a “snapshot” of all land owned or managed by the Shire. • This snap shot provides a base to investigate the value that these assets provide to the community and the degree to which they align with community needs and strategic plan outcomes. • These lots are vacant and do not provide any specific role or value to the Shire in satisfying community needs or strategic plan outcomes.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
1.2 Available land for residential, industrial and commercial development	Seek opportunities for land development by the Shire	1.2.2.1 Prepare a Strategic Land Asset Review and Implementation Plan

BACKGROUND

The Shire’s Corporate Business Plan outlines an action to prepare a strategic land asset review and implementation plan.

Council at its June 2018 Ordinary Meeting resolved to adopt the delivery plan and timeframes of the Strategic Land Asset Review and authorise the Chief Executive Officer to progress implementation.

Attachment 9.4.3(1) (extract from June 2018 minutes) provides the background of the Strategic Land Asset Review (Review).

In summary, the Review divided the Shire's land assets into two main classes – freehold and reserves. Freehold land is owned outright by the Shire. Reserves are Crown land owned by the State and managed by the Shire.

The Shire holds 45 freehold properties and has management/vesting responsibilities for 70 reserves.

This item is being presented to Council to determine the future of four lots.

To establish the future of these lots, this report is intended to establish if the land assets are providing rate payers/community with the best value, serve a core business objective or if they are tying up resources that could be better and more efficiently used elsewhere.

DETAILS

The Review identified a number of freehold properties that have potential for disposal. In general, these properties are vacant and scattered throughout the Donnybrook townsite.

In this report, focus will be given to four specific lots. Future reporting will address other properties. To determine what value these specific land parcels have in meeting the Shire's Strategic Community Plan objectives and outcomes, the following assessment has been completed.

Pt Lots 5 and 6 South Western Highway, Donnybrook

Attachment 9.4.3 (2) shows the details of these lots. The land is located on the South Western Highway on the northern entrance to town. The land is zoned "Priority Agriculture" and has a combined area of 6484m². The land is vacant and vegetated. The land was gifted to the Shire by the Estate of James Bremer Mitchell in 1989. No specific details exist outlining any conditions or obligations attached to the transfer of the land.

Attachment 9.4.3 (3) provides an assessment of the properties against the Shire's Corporate Business Plan. This assessment shows that holding the property does not directly assist the Shire in achieving any of its objectives or outcomes stated in the Corporate Business Plan. On this basis, it is recommended that the properties be placed on the market for disposal.

Lots 107 and 229 Steere Street, Donnybrook

Attachment 9.4.3 (4) shows the details of these lots. The land is located on corner of Steere and Emerald Streets, Donnybrook. The land is zoned "Residential R20". The land is vegetated and vacant. The land was transferred to the Shire in 1970. Records indicate that the land was obtained for the purpose of providing a house for a doctor.

Attachment 9.4.3 (5) provides an assessment of the properties against the Shire's Corporate Business Plan. This assessment shows that holding the property does not directly assist the Shire in achieving any of its objectives or outcomes stated in the Corporate Business Plan. On this basis, it is recommended that the properties be placed on the market for disposal.

CONSULTATION

Consultation will be required as part of the sale process for freehold lots (section 3.58 of *the Local Government Act*). This will occur when an offer is received and accepted.

FINANCIAL IMPLICATIONS

Expenses occurred through the sales process can be deducted from sales revenue. The only upfront costs will relate to the need to engage a land valuer. These costs have historically ranged between \$400-700. Land valuer is required to comply with the Local Government Act.

Revenue generated can be set aside in a suitable reserve to assist with funding future capital works or land acquisition projects that align and achieve outcomes identified in the Shire's Strategic Community Plan.

POLICY COMPLIANCE

n/a

STATUTORY COMPLIANCE

Section 3.58 of *the Local Government Act 1995*. This sets out the process for the disposal of land by a local government.

CONCLUSION

The lots identified are ripe for disposal and no or extremely limited scope to provide a community benefit due to their limited size and location.

It is recommended that the lots be placed on the market for disposal.

EXECUTIVE RECOMMENDATION

That Council:

- 1. Proceed with the sale of Pt Lots 5 and 6 South Western Highway, Donnybrook and Lots 107 and 229 Steere Street, Donnybrook;**
- 2. Set aside any profits in an appropriate designated Council Reserve;**
- 3. Delegate authority to the Chief Executive Officer the ability to accept offers consistent with a certified independent land valuation, and subject to compliance with processes as defined in Section 3.58 of the Local Government Act 1995, for each of the lots mentioned in resolution 1, above; and**
- 4. Authorise the Chief Executive Officer to undertake tasks necessary to dispose of the properties on the market.**

Council Decision
Moved: Cr Seconded: Cr
That Council:

9.4.4 EXTRACTIVE INDUSTRY APPLICATION (GRAVEL) FOR LOT 5 CHARLIE CREEK ROAD, CHARLIE CREEK

Location	Lot 5 Charlie Creek Road, Charlie Creek
Applicant	Donnybrook Civil
File Reference	IND 01/35
Author	Bob Wallin (Principal Planner)
Attachments	9.4.4(1) Location plan 9.4.4(2) Site Plan 9.4.4(3) Schedule of Submissions
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Approval is recommended. • The proposal is for an extractive industry (gravel) proposal at Lot 5 Charlie Creek Road, Charlie Creek. • The site has historically been used for gravel extraction to supply the Shire. The proposal is to expand operations and provide gravel to a wider client base.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
2.1 An attractive and maintained built environment	2.1.1 Maintain, renew and improve infrastructure within allocated resources	2.1.1.4 Maintain attractive town sites within resource capacity

BACKGROUND

The proposal is to extract gravel from Lot 5 Charlie Creek Road, Charlie Creek. Attachment 9.4.5 (1) shows the location of the land. Attachment 9.4.5 (2) shows the proposed extent of the works.

In summary, the key elements of the proposal are:

- extract gravel over a 6 year period;
- extract to a depth of to 2 metres;
- extract between 15 000 to 20 000m³ per year;
- gravel will be screened (no crushing on site);
- extraction will be staged with a total area of 9ha;
- a 5m wide vegetated buffer will be retained around the site;
- the site will be rehabilitated for grazing land with a dam;
- truck movements are estimated to be 2 trips per day.

The site has historically been used to gravel extraction by the Shire. This proposal is to expand operations.

This proposal has been presented to Council as there is potential for the activity to be controversial and that an objection has been received during the advertising period. No delegation exists for staff to make a decision in these circumstances.

The approval process for extractive industries contains two main parts. The first part is the issuing of a planning approval. If this is issued, it confirms that the activity is generally acceptable for the site subject to satisfying any conditions imposed. No actual works are allowed at this stage. When conditions on the planning approval have been addressed, an Extractive Industry License (EIL) can be issued. Once an EIL has been issued, the applicant can start works and activity on the site in accordance with the conditions of the EIL.

DETAILS

The land is zoned “Priority Agriculture” under Local Planning Scheme 7 (LPS7).

Extractive Industry is listed as an “A” (Discretionary) use requiring advertising.

The purpose of the Priority Agriculture zone is stated to:

“provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing sustainable land and water resources... To also allow, where appropriate, limited forms of non-agricultural development that support, are compatible with and complement agricultural production.”

The objectives of the zone include:

- “(ii) require planning to avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals;*
- (v) encourage value adding opportunities to agricultural products at source;*
- (viii) support sensible use and management of resources, and the proper direction and control of development;*
- (x) encourage other similar or complementary activities”*

Clause 4.55.1(iii) relating to policy states:

“Recognise the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of a site and of the district and by ensuring, through siting and landscaping provisions, that any development does not detrimentally change the scenic rural character.”

The key planning issues related to this proposal have been broken down into the following components.

Noise

The proposal will not involve the use of a crusher. However, screening, loading of vehicles and transportation of product will likely generate noise impacts. The closest sensitive land use (dwelling) is approximately 230m from the extraction site. The next nearest dwelling is over 700m.

A site specific noise assessment prepared by a suitably qualified and experienced professional has not been supplied. It is recommended that a report be prepared to show that the activity will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

It is noted that short or limited activity that exceeds the noise regulations maybe acceptable given the agricultural zoning where various activities often occur that exceed standards (for instance gas guns/spraying of vineyards at night). It is possible to limit disturbance through conditions that limit hours of operations.

Traffic

The traffic generated (2 truck trips per day on average) will have no material impacts on the local road network.

Landscape

The proposed shed and activities will not be clearly visible (if at all) from the road due to distance and topography and existing vegetation screening. Visibility will also be very limited from adjoining neighbouring dwellings due to the retention of trees surrounding the site.

CONSULTATION

The proposal has been advertised. Three submissions were received, consisting of two from Government agencies and one objection from a landowner. Attachment 9.4.5 (3) provides a summary of submissions and suggested responses.

FINANCIAL IMPLICATIONS

N/A

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* detail matters that the local government can take into account when making a planning decision. This includes:

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality;
- (n) the amenity of the locality including environmental impacts and character;
- (o) likely effect on environment;
- (p) adequate provision for landscaping;
- (q) suitability of land taking into account fire risk, soil erosion, and land degradation;
- (s) adequacy of access;
- (t) amount of traffic to be generated;
- (x) impacts on the community as a whole;
- (y) any submissions received.; and
- (zb) any other planning consideration the local government considers appropriate.

Shire of Donnybrook-Balingup Extractive Industry Local Law

Clause 3.1(5) of the Local Law indicates:

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

- a) the orientation of the excavation to reduce visibility from other land;
- b) the appropriate siting of access roads, buildings and plant;
- c) the stockpiling of material;

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

CONCLUSION

The proposal is considered reasonable as operations will not be visible from the road or from nearby dwellings.

Conditions can be imposed to minimize disturbance to adjoining landowners/occupiers and the wider locality.

Approval is recommended.

EXECUTIVE RECOMMENDATION

That Council grant planning consent for an 'Extractive Industry – Gravel' at Lot 5 Charlie Creek Road, Charlie Creek subject to the following conditions:

- 1. All development shall be in accordance with the approved Plan dated September 2018 (attached), including any amendments placed thereon by the Shire of Donnybrook Balingup and except as may be modified by the following conditions:**

2. **The approval expires six (6) years from the date of approval and is liable to cancellation without compensation at any time for infringement of any regulation governing the same or breach of any conditions under which it is issued.**
3. **The issue of the approval shall not, in any way, render the Shire of Donnybrook Balingup liable for damage or injury of any kind to any member of the public; such liability shall be the sole responsibility of the applicant. The applicant shall ensure that he / she and / or the excavating contractor and / or the transportation contractor hold sufficient public liability insurance cover for any claim against them; relevant insurance policies are to be sighted by Shire of Donnybrook Balingup staff prior to commencement of operations.**
4. **Working hours within the pit area and transportation of materials shall be restricted to the hours between 8.00am and 5.00pm Mondays to Fridays only, and excluding public holidays and may be further restricted in specific cases as determined appropriate by the Shire of Donnybrook Balingup.**
5. **Measures shall be taken to minimise the amount of dust pollution associated with the operation, such as by watering and covering truck loads, access roads and public roads where necessary to the specification and satisfaction of the Shire of Donnybrook Balingup. Details of such to be submitted prior to commencement of operations.**
6. **A detailed Stormwater Water Management designs for the site be prepared and implemented by the proponent in consultation with the Department of Water and Environmental Regulations to the satisfaction of the Shire of Donnybrook Balingup. The Plan shall be submitted to the Shire of Donnybrook Balingup for approval prior to commencement of works.**
7. **The water table shall not be intercepted at any time and protected to the satisfaction of the Shire of Donnybrook Balingup.**
8. **On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean up equipment.**
9. **No storage of hydrocarbons to occur on-site.**
10. **No major repairs or maintenance of equipment to take place on-site.**
11. **Topsoil is to be stockpiled and re-established as part of the rehabilitation process to the specification and satisfaction of the Shire of Donnybrook Balingup.**
12. **The applicant to prepare a weed management plan that includes specific details on controls, inspection timeframes and implementation.**
13. **The decommissioning program to include:**
 - a) **details of staged rehabilitation to the satisfaction of the Shire of Donnybrook Balingup including the need to complete works within 6 months of extraction being finalised;**
 - b) **Details of weed, pest and mosquito management programme.**

- c) Spreading of stockpiled topsoil; and
 - d) Seeding with an appropriate agriculture seed mix.
14. A compliance review shall be undertaken 6 months from commencement of operations, and every year thereafter. The Shire of Donnybrook Balingup shall determine the level of compliance with these conditions of approval and may cancel this approval for non-compliance.
15. The applicant to provide a performance bond to the value of \$30,000 prior to the commencement of the activity to be held against satisfactory compliance with this Planning Consent and Licence. The bond may be in the form of cash or unconditional bank guarantee. Any such bond is to be accompanied by a written authorisation (including certificate of title) from the owner of the land that the Shire of Donnybrook-Balingup may enter the site to complete or rectify any outstanding work.
16. A current public liability insurance policy shall be taken out at the applicant's expense) for the amount of \$10,000,000 indemnifying the Shire of Donnybrook Balingup for any one claim relating to the extraction operation as shown on the approved plans to the satisfaction of the Shire.
17. A noise management plan to be prepared to the satisfaction of the Shire of Donnybrook Balingup and Department of Environmental Noise Regulation. In addition to compliance with the Environmental Protection (noise) Regulations, a Noise Management Plan is required to be prepared and implemented by the proponent and shall address:
- a) Management of noise from plant and machinery;
 - b) Details of monitoring and assessment of noise through use of appropriate monitoring equipment; and
 - c) Hours of operation in accordance with this condition approval.

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

18. The crossover being maintained in a safe and presentable standard to the satisfaction of the Shire of Donnybrook Balingup.
19. Haulage movements shall not occur during school bus service times.

Advice to Applicant:

- 1. The Shire of Donnybrook-Balingup contains many places of Aboriginal Heritage significant. Applicants are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning.
- 2. The Planning Consent issued does not remove any responsibility to obtain relevant approvals from the Department of Environmental Regulation in relation to crushing of materials on-site.

3. This Planning Consent does not remove any responsibility to obtain a licence to draw water and or permit interference with a watercourse or its bed or bank from the Department of Water.
4. An extractive Industry License will be considered following demonstration that applicable conditions of the planning approval have been satisfied to the Shire's satisfaction.
5. Prior to starting work, it will be necessary to obtain a clearing permit. This will need to be obtained prior to the issue of the Extractive Industry License.
6. In respect to Condition 7, in the event that groundwater is intercepted, work shall cease immediately and advice notice provided to the Shire within 48 hours. Followed by agreed remediation action.
7. Rights of appeal are available to you under the Planning and Development Act 2005 against the decision of council, including any conditions associated with this decision. Any such appeal must be lodged within 28 days of the date of this decision to the State Administrative Tribunal.

Council Decision	
Moved: Cr	Seconded: Cr
That Council:	

9.5 MANAGER AGED CARE SERVICES

Nil

9.6 CHIEF EXECUTIVE OFFICER

9.6.1 2019 COUNCIL MEETINGS

Location	Shire of Donnybrook Balingup
Applicant	N/A
File Reference	RGR 02
Author	Ben Rose – Chief Executive Officer (Kate O’Keeffe, Executive Assistant)
Attachments	Nil
Voting Requirements	Simple Majority
Executive Summary	It is recommended Council adopt the proposed Ordinary Meeting dates for 2019.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
4.2 A respected, professional and trusted organisation	4.2.1 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

Council currently conducts one ordinary meeting on the 4th Wednesday of each month commencing at 5.00pm, a process which was adopted on 19th December 2008.

Council also conducts regular Agenda Briefings and Concept Forums to keep Councillors abreast of current issues and to allow for informal discussion on matters of interest to Council.

DETAILS

To allow for Councillors and Officers to be able to take extended leave if required over December/January it is proposed that no Ordinary Council meeting be held in January 2019.

To cater for the Christmas holiday break and reduce the number of weeks between the December 2018 and February 2019 meeting it is proposed to:

- Bring the February meeting forward to the second Wednesday, being 13 February 2019; and
- Bring the December meeting forward to the third Wednesday, being 18 December 2019

During 2018, the April meeting was held in Brookhampton and the October meeting was held in Balingup. Both meetings received attendance and it is proposed that a similar pattern continue.

Below are the suggested dates for the Ordinary Council Meetings for 2019. The April, September and December meetings fall within the WA school holidays.

Proposed Ordinary Council Meeting Dates for 2019:

1. Wednesday 13 February 2019 (2nd Wednesday)
2. Wednesday 27 March 2019
3. Wednesday 24 April 2019 (in Kirup)
4. Wednesday 22 May 2019
5. Wednesday 26 June 2019
6. Wednesday 24 July 2019
7. Wednesday 28 August 2019
8. Wednesday 25 September 2019
9. Wednesday 23 October 2019 (in Balingup)
10. Wednesday 27 November 2019
11. Wednesday 18 December 2019 (3rd Wednesday)

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

The cost to hold the Ordinary Meetings are provided for in the 2018/19 Budget.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Local Government Act 1995

EXECUTIVE RECOMMENDATION

Moved: Cr

Seconded: Cr

That the following dates for Ordinary Council Meetings for 2019 be adopted:

Date	Time	Location
Wednesday 13 February 2019 (2 nd Wednesday)	5pm	
Wednesday 27 March 2019	5pm	
Wednesday 24 April 2019	5pm	Kirup Hall
Wednesday 22 May 2019	5pm	
Wednesday 26 June 2019	5pm	
Wednesday 24 July 2019	5pm	
Wednesday 28 August 2019	5pm	
Wednesday 25 September 2019	5pm	
Wednesday 23 October 2019	5pm	Balingup Recreation Centre
Wednesday 27 November 2019	5pm	
Wednesday 18 December 2019 (3 rd Wednesday)	5pm	

Council Decision

Moved: Cr

Seconded: Cr

That Council:

9.6.2 SHIRE ADMINISTRATION OFFICE CLOSURE DURING CHRISTMAS PERIOD

Location	Shire of Donnybrook Balingup
Applicant	Administration
File Reference	CNL 16

Author	Ben Rose – Chief Executive Officer (Bob Wallin – Principal Planner)
Attachments	Nil
Voting Requirements	Absolute Majority
Executive Summary	Recommend the Shire Administration close during the Christmas - New Year period from close of business on Tuesday 25 December 2018 and re-open on Wednesday, 2 January 2019.

STRATEGIC ALIGNMENT

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

Strategy	Action No.	Actions
4.2 A Respected, professional and trusted organisation	4.2.2 Effective and efficient operations and service provision	4.2.2.3 Promote a constructive and accountable workplace and council culture.

BACKGROUND

Since 2013 the Administration Office closed between Christmas and New Year. Prior to that, it remained open to the public with a 'skeleton' staff resourcing the office.

DETAILS

The Executive request Council's consideration for the following closures:

Location	Closure Dates
Shire Administration Building	Closed Monday 24 December 2018, re-opening on Wednesday, 2 January 2019.
Donnybrook Community Library	Closed Monday 24 December 2018, re-opening on Wednesday, 2 January 2019.
Balingup Library	12pm Saturday, 22 December 2018, re-opening on Thursday, 3 January 2019.
Donnybrook Recreation Centre	Closed Monday 24 December 2018, re-opening on Wednesday, 2 January 2019.

The closures will allow staff to have an extended period of leave in addition to the three public holidays over this period.

The Parks and Gardens team will continue to work through this period with a 'skeleton' staff.

Appropriate advertising will be undertaken should Council agree to the office closure.

It is requested that delegation be given to the Chief Executive Officer to consider future office closures during this period. The pattern has been established for 5 years and no negative comments/complaints have been received in relation to the closures.

CONSULTATION

Council Staff and Chief Executive Officer.

FINANCIAL IMPLICATIONS

A reduction to accrued leave entitlements at no additional cost to Council.

Standard Transport licence renewals can be conducted over the internet and also via B-Pay.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONCLUSION

The Shire's Administration office has closed over the Christmas - New Year period for the past five years. Traditionally, the number of enquiries and transactions taken during this period has been low. Historically, Council has not received any complaints from the community regarding the office closures.

EXECUTIVE RECOMMENDATION

That Council:

- 1. Endorse the following closure dates for the 2018/19 Christmas - New Year period:**

Location	Closure Dates
Shire Administration Building	Closed Monday 24 December 2018, re-opening on Wednesday, 2 January 2019.
Donnybrook Community Library	Closed Monday 24 December 2018, re-opening on Wednesday, 2 January 2019.
Balingup Library	12pm Saturday, 22 December 2018, re-opening on Thursday, 3 January 2019.
Donnybrook Recreation Centre	Closed Monday 24 December 2018, re-opening on Wednesday, 2 January 2019.

- 2. Instruct the Chief Executive Officer to advertise the closures in the Preston Press, on Council's website and Shire noticeboards in the lead up to the closures.**
- 3. Delegate to the Chief Executive Officer the ability to determine future office closures during the Christmas/New Year period.**

Council Decision
Moved: Cr Seconded: Cr
That Council:

9.6.3 REQUEST TO TRANSFER VESTING OF RESERVE 23755 CONTAINING THE GIRL GUIDE HALL FROM THE GIRL GUIDE ASSOCIATION TO THE SHIRE

Location	Reserve 23755 (corner Ramsay Tce and Marmion Street)
Applicant	Girl Guides Association
File Reference	A3399
Author	Ben Rose – Chief Executive Officer (Bob Wallin (Principal Planner))
Attachments	9.6.3(1) Location plan and assessment summary
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Recommend that the Arts and Craft Group Inc liaise directly with the Girl Guides Association to take direct responsibility for the hall and Reserve 23755. • The Girl Guides Association has requested that the Shire consider taking over management/vesting of Reserve 23755 which contains the Guide Guides Building. This building has been leased to the Shire since 2007 and used by the Donnybrook Arts and Crafts Group. • There are a number of elements to consider in taking on this responsibility, including the Shire’s role in promoting and assisting local community groups, long term liabilities associated with old buildings, the wider strategic initiatives to better manage existing buildings and short term and long term opportunities for alternative sites to become available.

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
4.2 A Respected, professional and trusted organisation	4.2.1 Effective and efficient operations and service provision	4.2.1.2 Seek a high level of legislative compliance and effective internal controls.
3.2 Well supported community groups and facilities	3.2.2 Encourage and support volunteers and community organisations	3.2.2.2 Provide support for community organisations

BACKGROUND

The Girl Guides Association has requested Council consider taking over the vesting/management of Reserve 23755 which contains the Girl Guide Hall.

Reserve 23755 is 1614m² in area and is reserved “Public Purpose” under Local Planning Scheme 7 (LPS7). The rear half portion of the land is located in Special Control Area 1 – Flood Prone land. This limits the building potential of the site.

The land is vested for the purpose of “hall”. The site is surrounded by land zoned for the purpose of “Light Industry”

The building is presently leased by the Shire from the Girl Guides Association for an annual fee of \$2600.00. The Shire sub-leases to the Donnybrook Arts and Craft Group (Group) at a subsidised rate of \$712.00. The Group has exclusive use of the building which is set up for their needs, including working benches and a kiln.

The Club have occupied the building since 2007. They moved in when their previous building was demolished (pavilion located at the rear corner of Egan Park). The Group has 50 active members and holds regular activities that run on every day of the week.

The building is asbestos clad on steel stumps with a tin roof. A preliminary cursory inspection concludes that the building is generally in sound structural condition and recent maintenance has occurred - new gutters and painting. However, the roof is rusted and will need replacing.

A formal building inspection report would provide a clearer picture of building conditions and maintenance/renovation obligations.

The Shire has recently entered into a new sublease with the Group which expires 1 January 2019.

DETAILS

Attachment 9.4.3(1) provides a summary background of the opportunities and risks associated with the site.

There are a number of elements to consider when making a decision on this proposal. These include:

- 1) The role of the Shire in supporting local community groups. The Club is very active and popular in town. It provides a key civic and social function at very little cost (financial and/or administrative).
- 2) The shift of burden from the Girl Guides Association to the Shire. In this instance, the Girl Guides Association have no moral obligation to provide a service for the Group. They have reviewed their assets and concluded that the building is no longer required for their purposes (supporting local girl guides groups).
- 3) Potential risk/liability for future replacement/major repairs to the building. This is an ongoing risk that the Shire may be burdened with. This risk increases over time with the aging of the building. It may be possible to quantify the risks by requiring a comprehensive building assessment prior to handover.
- 4) The terms of any handover. It may be possible to negotiate the need for any faults/defects evident in the building to be addressed by the Girl Guides Association prior to handing over the building and reserve. It may also be appropriate to clearly define responsibilities with any leasing to the Group. In this regard, the Shire may be decide to be only responsible for minor maintenance.
- 5) The Shire has responsibility for 133 buildings. This proposal will increase the overall liability of maintaining these assets over their "whole of life costs". A review of existing buildings does not immediately present any of the existing 133 buildings would be suitable for the Group given their specific needs in terms of exclusivity and space.

- 6) The potential for medium term alternative locations to become available. While there may not be an immediate alternative building to accommodate the Group, this may change in the future should the Shire develop a multipurpose building. This new building may accommodate the Group directly or allow other groups such as the Lions Club, Community Radio to relocate freeing up buildings. Alternatively, the Community Resource Centre building may become vacant in the future providing another opportunity or the potential to share with any future Men in Sheds/Mens Sheds development. These potential situations may limit the need to retain the building in the long term.
- 7) Costs associated with demolition of the building in the long term when it becomes no longer fit for purpose.
- 8) The *Land Administration Act 1997* provides opportunities for incorporated community groups to take management orders/responsibility directly. However, it may not be considered reasonable on the grounds that:
 - a. the group is relatively small with limited resources;
 - b. the approach would be inconsistent with how the Shire treats other community groups; and
 - c. the Shire has a role in promoting social and civic interaction and activity.
- 9) There is potential for any non-support to be interpreted as a sign of the patriarchy down grading the importance, value and contribution to the community of a Group that consists mainly of women being engaged in craft activities as opposed to a male focused sport that revolves around kicking, hitting or throwing a ball.

CONSULTATION

No consultation has been undertaken at this stage.

FINANCIAL IMPLICATIONS

Financial implications depends on the nature of potential leasing arrangements with the Group and details/terms of the handover with the Girl Guides Association as well as the terms of the vesting/management of the reserve.

Presently, the Shire leases the building for an annual fee of \$2600.00 The Shire receives a subsidized lease fee of \$712.00. The Shire is also responsible for minor maintenance. The Girl Guide Association is responsible for major repairs.

If the Shire takes responsibility for the vesting/management of the land and building it will remove a cost associated with the annual fee paid to the Girl Guide Association.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Part 4 of the Land Administration Act 1997 provides for the creation and administration of reserves in Crown land. Under this Act, Reserves are usually placed under the care, control and management of a State Government Department, Local Government or incorporated community group. In this case the incorporated community group is the Girl Guides

Association. Management/Vesting Orders do not convey ownership of land – they only provide as much control essential for the land’s management.

Changes to Orders, including leasing options require prior approval of the Minister for Lands.

CONCLUSION

The Group requires a building that enables them to function. The Shire already manages/owns 133 buildings and is in the process of reviewing ongoing liabilities and whole of life costs associated with maintaining this number of buildings. This proposal will add to the existing burden.

Prior to making a decision on this matter, it is suggested that the Group liaise directly with the Girl Guide Association with the aim to take direct responsibility for the vesting/management of the reserve/building. This arrangement will allow the Group to have autonomy and agency to run their activities and directly seek external agency funding for building improvements.

EXECUTIVE RECOMMENDATION

That the Council:

1. **Decline the offer to transfer vesting of Reserve 23755, containing the Girl Guide Hall, from the Girl Guides Association to the Shire of Donnybrook Balingup; and**
2. **Encourage the Donnybrook Art and Craft Group to take up vesting/management of the Girl Guide Hall and Reserve 23755.**

Council Decision	
Moved: Cr	Seconded: Cr
That Council:	

9.6.4 REQUEST TO LEASE PORTION OF RESERVE 17521 (ABUTTING TRANSIT PARK) TO DONNYBROOK COMMUNITY GARDEN

Location	Reserve 17521(abutting transit park)
Applicant	Donnybrook Community Garden Inc
File Reference	A162
Author	Ben Rose – Chief Executive Officer (Bob Wallin (Principal Planner)
Attachments	9.6.4(1) Approved planning application site
Voting Requirements	Simple Majority
Executive Summary	<ul style="list-style-type: none"> • Recommend that the lease be signed. • Council has approved the use and location at its April 2017 Ordinary Council Meeting.

	<ul style="list-style-type: none"> • A planning approval has been issued for the site. • The planning approval is for a first stage and does not involve any adjoining land not in control of the Shire.
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STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
3.2 Well supported community groups and facilities	3.2.2 Encourage and support volunteers and community organisations	3.2.2.2 Provide support for community organisations

BACKGROUND

Council at its Ordinary Council Meeting 26 April 2017 resolved to support the location of a community garden at the rear of Egan Park.

The original proposal included a section of land managed by the Public Transport Authority and an unconstructed road reserve.

The process for gaining support to use these other portions of land has been protracted and is yet to be formally resolved. To assist the Donnybrook Community Garden Inc (Community Garden), Shire staff have supported a planning application for a first stage (Attachment 9.6.4(1)). This area does not encroach into the Public Transport Land or road reserve.

A lease is required to allow the Community Garden to occupy the land. Shire staff do not have delegation to sign new leases. Delegated authority is restricted to renewal of existing leases.

DETAILS

A draft lease has been prepared in close consultation with the Community Garden. The Community Garden has agreed to the terms and conditions of the lease. In summary, the lease contains the following key elements:

- a) a nominal rental payment (peppercorn value);
- b) A term of 5 years with an option for an additional 5 years; and
- c) A nominal payment for water supply.

CONSULTATION

The planning approval process involved consultation with local community groups using the wider locality, the transit park operator and nearby landowners.

The lease has been prepared in consultation with the Community Garden.

FINANCIAL IMPLICATIONS

The lease document has been prepared internally. The terms of the lease represent a nominal payment (peppercorn value) and a contribution towards water.

Ongoing maintenance of the land and removal of improvements (should it prove necessary) will be the responsibility of the Community Garden.

POLICY COMPLIANCE

N/A

STATUTORY COMPLIANCE

Part 4 of the Land Administration Act 1997 provides for the creation and administration of reserves in Crown land. Under this Act, Reserves are usually placed under the care, control and management of a State Government Department, Local Government or incorporated community group. In this case the Shire is responsible for the management of the reserve.

The vesting order for Reserve 17521 provides Council with the power to lease and sub-lease for terms under 21 years.

CONCLUSION

The lease will enable the Community Garden to develop the site consistent with the planning approval issued.

RECOMMENDATION

That the Council authorise the Chief Executive Officer to finalise and execute the lease document for the use of portion of Reserve 17521 by Donnybrook Community Garden Incorporated for a community garden.

<p>Council Decision</p> <p>Moved: Cr Seconded: Cr</p> <p>That Council:</p>

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 ELECTED MEMBER MOTION

Nil

11 NEW BUSINESS OF AN URGENT NATURE

Nil

12 MEETING CLOSED TO PUBLIC

12.1 OFFICER DESIGNATIONS

12.2 CEO KPI'S AND REVIEW

EXECUTIVE RECOMMENDATION

1. **That the Meeting be closed to the public for items 12.1 and 12.1 in accordance with Section 5.23(2)(a) of the Local Government Act 1995 (matters affecting employees).**
2. **In accordance with Regulation 4A of the Local Government (Administration) Regulations 1996, agenda items 12.1.1 and 12.1.2 remain confidential as sensitive information is detailed in the reports.**
3. **When the information in agenda items 12.1 and 12.2 is no longer sensitive, the items will be included in the next occurring Council Meeting Agenda.**

EXECUTIVE RECOMMENDATION

4. **That the Meeting be re-opened to the public.**

13.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

14 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 19 December 2018, commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President to declare the meeting closed at pm.