



## ORDINARY MEETING OF COUNCIL MINUTES

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Held on

**13 February 2019**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook.

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

**Ben Rose**  
**Chief Executive Officer**

**20 February 2019**

### **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.

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## ORDINARY MEETING OF COUNCIL MINUTES

13 FEBRUARY 2019

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SHIRE OF DONNYBROOK BALINGUP  
ORDINARY COUNCIL MEETING MINUTES

**Held at the Council Chambers  
Wednesday, 13 February 2019 at 5.00pm**

**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**Shire President – Acknowledgment of Country**

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

The Shire Present declared the meeting open and welcomed the public gallery

**Shire President – Public Notification of Recording of Meetings**

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. No one in the public gallery declined permission for their participation to be recorded. Members were reminded that no other visual or audio recording of the meeting by any other means is allowed without the permission of the Chairperson.

**2 ATTENDANCE**

**MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Atherton	Steve Potter – Executive Manager Operations
Cr King	Damien Morgan – Manager Works and Services
Cr Lindemann	Leigh Guthridge – Manager Development and
Cr Mills	Environmental Services
Cr Mitchell (from 5.06pm)	Bob Wallin – Principal Planner
Cr Tan	Kate O’Keeffe – Executive Assistant
Cr Wringe	

**PUBLIC GALLERY**

Rod Atherton  
Fiona Richardson  
Simon McInnes  
Bernie Dawson  
Gemma Rosman

Jill Duncan  
Sherry Thomas  
Karen Miller  
Clare Rosman  
Bronwyn Hodgson

Julianne Hilbers  
Barrie Thomas  
Rowan Lowe  
Rod Rosman

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## **2.1 APOLOGIES**

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Nil.

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## **2.2 APPROVED LEAVE OF ABSENCE**

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While Cr Van Der Heide had an approved leave of absence for the February Ordinary Meeting of Council he was available to attend.

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## **2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Cr Tan requested a leave of absence for the March 2019 Ordinary Council Meeting.

### **COUNCIL DECISION**

**Moved: Cr Lindemann**

**Seconded: Cr Atherton**

**That Cr Tan be granted for a leave of absence for the Ordinary Council meeting on 27 March 2019.**

**Carried 8/0**

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## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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### **3.1 PRESIDENTS COMMUNICATION**

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<b>Date</b>	<b>Meeting</b>
21 December 2018	Tuia Lodge Christmas Party, Donnybrook
23 and 24 January 2019	WALGA Town Planning Training, Nannup
26 January 2019	Australia Day Ceremony, Donnybrook
5 February 2019	Warren Blackwood Alliance of Council's, Bridgetown

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## **4 DECLARATION OF INTEREST**

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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 Piesse declared an interest affecting impartiality with regards to agenda item 9.6.1 – Proposed Expansion of the Wellington National Park as he is a Deputy Chair of the South West Catchment Council.

Cr Mitchell declared an interest affecting impartiality with regards to agenda item 9.4.1 - Request to Authorise Planning Application for Affordable Housing Project at lot 142 Bridge Street, Donnybrook as she is a board member of Alliance Housing.

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## **5 PUBLIC QUESTION TIME**

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

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Response to Public Question taken on notice at the Special Council Meeting on 21 January 2019:

*Simon McInnes*

*\$250,000 was taken out of the Tuia Lodge Reserve Fund for ongoing costs and running expenses. How much is left in the Reserve Fund?*

Chief Executive Officer

The Shire maintains an Aged Care Housing Reserve, which had a closing balance of \$1,319,602.48 as at 30 June 2018. There is no Tuia Lodge Reserve Fund. For the 2018/19 financial year, the Shire budget has allowed for the transfer of \$200,000 (not \$250,000 as stated in the question) from the Aged Care Housing Reserve to 'underwrite' the operational expenses of running Tuia Lodge.

\*\* 5.06pm – Cr Mitchell arrived.

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### **5.2 PUBLIC QUESTION TIME**

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*Simon McInnes*

*I would like to clarify an answer I received with regards to the arrangements for the tenancy of the Bridge Street Units with Alliance Housing. The answer I received indicated the Shire retains voting rights on which tenants will be admitted which would indicate shire representation on a committee, not holding the exclusive rights to say no.*

Chief Executive Officer

The Shire is in the process of establishing a lease with Alliance Housing and the specific provisions on whether it's an oversight committee or board or some other governance arrangement is yet to be resolved. The terms of the funding arrangement that was lodged with the development commission jointly with Alliance Housing were that a governing body, including representation for the Shire, would be set up to oversight which tenants would be accepted.

*Simon McInnes*

*So the Shire's decision on a suitable tenant can be over ridden? It has been advertised as accommodation for over-55's retiree's.*

CEO

The development is for over-65's and over-55's for people from an Aboriginal or Torres Strait Islander background. The terms of reference for the governing body have not been drafted yet. The advice that I have provided is that the terms of the funding arrangement require an oversight committee to guide the selection process for the tenants. The precise terms and conditions aren't resolved yet.

*Simon McInness*

*When will this be known?*

Chief Executive Officer

It will be this calendar year, I am not able to say precisely when.

*Simon McInnes*

*The Shire has committee money toward this project but we don't know exactly what for?*

Chief Executive Officer

The Shire has committed up to \$250,000 for site remediation works and the land is on a long term lease. The shire will maintain voting/veto rights with regards to potential tenants. The specifics around the terms and conditions, including selection process, for the governing body have not been presented to Council yet.

*Simon McInnes*

*The Shire's commitment of \$250,000 for site remediation work says 'within the present budget' Is there a chance that we will need to contribute more money towards this project in the next budget?*

Chief Executive Officer

No, by multiple resolution this Council has allocated up to \$250,000 towards site remediation expenses which is allocated in the 2018/19 financial year budget.

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## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Nil.

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### **6.2 PRESENTATIONS**

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Shire President, Brian Piesse, and the President of the Donnybrook Balingup Chamber of Commerce, Rowan Lowe, presented the Frank Arbuthnott Award to Miss Gemma Rosman.

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### **6.3 DEPUTATIONS**

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Mr Bernie Dawson from Dawson Contracting provided a deputation relating to Agenda Item 9.6.1 – Wellington National Park Expansion. The deputation commenced 5.16pm and concluded 5.26pm.

Mrs Sherry Thomas from the Yabberup Community Association (Promote Preston) provided a deputation relating to Agenda Item 9.6.1 – Wellington National Park Expansion. The deputation commenced at 5.52pm and 6.02pm.

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### **6.4 DELEGATES' REPORTS**

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Nil.

**COUNCIL DECISION**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That the following items be carried En Bloc:**

- 7.1 – Confirmation of Minutes – Ordinary Meeting of Council – 19 December 2018**
- 7.2 – Confirmation of Minutes – Special Meeting of Council – 21 January 2019**
- 7.3 – Confirmation of Minutes - Annual General Meeting of Electors – 31 January 2019**
- 9.1.2 – Monthly Financial Report – as at 31 December 2018**
- 9.2.1 – Upgrade and Widening of Collie-Preston Road**
- 9.2.2 – Request for Co-contribution to Seal a Section of King Spring Road**
- 13.2.1 – Recall Item – 2019 Community Citizen of the Year Awards**
- 13.2.2 - Recall Item – Designated Senior Employee Appointment**
- 13.2.3 – Recall Item – Aged Care Services**
- 13.2.4 – Recall Item – Officer Designations**
- 13.2.5 – Recall Item – RFT 01/1819 – Wet Plant Hire**
- 13.2.6 – Recall Item – RFQ 196 – Supply of Bituminous Products**

**Carried 9/0**

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**7 CONFIRMATION OF MINUTES**

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***7.1 ORDINARY MEETING OF COUNCIL – 19 DECEMBER 2018***

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**COUNCIL DECISION**

**(Executive Recommendation)**

**That the Minutes from the Ordinary Meeting of Council held 19 December 2018 be confirmed as a true and accurate record.**

**Carried by En Bloc Decision No. 1**

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***7.2 SPECIAL MEETING OF COUNCIL – 21 JANUARY 2019***

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**COUNCIL DECISION**

**(Executive Recommendation)**

**That the Minutes from the Special Meeting of Council held 21 January 2019 be confirmed as a true and accurate record.**

**Carried by En Bloc Decision No. 1**



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**7.3 ANNUAL MEETING OF ELECORS – 31 JANUARY 2019**

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**COUNCIL DECISION  
(Executive Recommendation)**

That the Minutes from the Annual Meeting of Electors held 31 January 2019 be confirmed as a true and accurate record.

Carried by En Bloc Decision No. 1

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**8 REPORTS OF COMMITTEES**

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Nil.

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**9 REPORTS OF OFFICERS**

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**9.1 MANAGER FINANCE AND ADMINISTRATION**

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**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 CCP3352 – CCP3375, EFT15333-EFT15706c, 53165 – 53221, DD23614.1 – DD23614.10, DD23669.1 – DD23669.10, DD23692.1 – DD23692.9, DD23744.1 – DD23744.9, DD23779.1 – DD23779.13, Trust 3698 – 3717, and EFT15706c totalling \$2,484,854.31 is herewith presented to Council.

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**9.1.2 MONTHLY FINANCIAL REPORT**

**COUNCIL DECISION  
(Executive Recommendation)**

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

Carried by En Bloc Decision No. 1

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**9.2 MANAGER WORKS AND SERVICES**

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**9.2.1 UPGRADE AND WIDENING OF COLLIE-PRESTON ROAD**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	WRK 06/1
<b>Author</b>	Damien Morgan - Manager Works and Services

<b>Attachments</b>	9.2.1(1) - MRWA Correspondence (ICOR67772) 9.2.1(2) - Overview Plan Drawing 201802-0067-2, 9.2.1(3) - Road Widening Drawings 201802-0070-2, and 201802-0071-1, 9.2.1(4) - Road Closure Drawing 201802-0072-1
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended Council endorse the future dedication of land being acquired by Mani Roads WA to upgrade and widen Collie-Preston Road.

## STRATEGIC ALIGNMENT

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

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
1.1 A diverse, prosperous economy, supporting local business and population growth	1.1.2 Provide appropriate infrastructure to support and enhance business	1.1.2.2 Provide appropriate local transport infrastructure.

## BACKGROUND

Main Roads WA (MRWA) is planning to upgrade the Collie-Preston (Collie-Mumballup) Road. The upgrade will extend through the Shire of Donnybrook Balingup and the Shire of Collie and will impact upon State Forest No. 26 (SF26).

The upgrade will involve widening of the existing road and shoulders and realignment of road geometry at curves.

## DETAILS

MRWA propose to widen the road reserve through the State Forest and where the road has been constructed outside of the existing dedicated road reserve, MRWA propose to rationalize tenure, and close and amalgamate the redundant sections of the road into SF 26. A Council resolution is required, pursuant to the *Land Administration Act 1997*, as part of MRWA initiation to widen and close the road.

The land requirements for the widening's in the Shire of Donnybrook Balingup are depicted on MRWA drawings 201802-0070-2 and 201802-0071-1.

The road closures are depicted on MRWA drawing 201802-0072-1.

## CONSULTATION

MRWA has requested approval for the SF 26 excisions and additions from the Department of Biodiversity, Conservation and Attractions (DBCA). The proposal has been referred by DBCA to stakeholders for comment.

## FINANCIAL IMPLICATIONS

There are no financial implications to the Shire. MRWA is responsible for all costs associated with the upgrade and widening of Collie-Preston Road.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

- Section 56 of the *Land Administration Act 1997*
- Section 58 of the *Land Administration Act 1997*

## **CONCLUSION**

The Collie-Preston Road is a significant regional road servicing the transport needs of the region. Our Shire and ratepayers will receive direct benefits from the upgrading of this road, and it is recommended that Council supports the request from MRWA.

## **COUNCIL DECISION**

**(Executive Recommendation)**

That Council

- 1) **Endorse the future dedication of the land being acquired by Main Roads WA for road purposes as shown on Main Roads drawings 201802-0070-2 and 201802-0071-1 in accordance with Section 56 of the *Land Administration Act 1997*.**
- 2) **Authorise the Chief Executive Officer to advertise the closure of portions of Collie-Preston Road, at Main Roads WA expense, as depicted on Main Roads drawing 201802-0072-1, in accordance with Section 58 of the *Land Administration Act 1997*.**
- 3) **Subject to no objections being received following the advertising of the road closure, authorise the Chief Executive Officer to:**
  - **Request the Department of Planning Lands and Heritage to close the existing road reserve as depicted on Main Roads drawing 201802-0072-1 in accordance with sect 58 of the *Land Administration Act 1997*; and**
  - **Advise the Department of Planning Lands and Heritage to liaise with MRWA in relation to the above request.**

Carried by En Bloc Decision No. 1

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### **9.2.2 REQUEST FOR CO-CONTRIBUTION TO SEAL A SECTION OF KING SPRING ROAD, THOMSON BROOK**

<b>Location</b>	179 King Spring Road, Thomson Brook
<b>Applicant</b>	Werner Zwaan
<b>File Reference</b>	RD 0027
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	9.2.2 – Works Request to Seal Section of King Spring Road
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"><li>• A request for co-contribution to seal a section of King Spring Road, Thomson Brook has been received.</li></ul>

	<ul style="list-style-type: none"> <li>It is recommended Council endorse the request as it complies with the Shire of Donnybrook Balingup, Engineering Policy 4.28.</li> </ul>
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**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	2.1.1.1 Develop and implement asset management plans

**BACKGROUND**

Mr Werner Zwaan contacted the Shire of Donnybrook Balingup to advise he is prepared to contribute 50 percent of the expense to bituminize approximately 220 metres of King Spring road adjacent to his property (refer Attachment 9.2.2).

**DETAILS**

King Spring Road is situated within the locality of Thomson Brook and serves a number of landowners in the area. The first 720 metres of the road is sealed and the rest is unsealed. Mr Zwaan’s property is located part-way along the unsealed section and his request relates to a section that abuts his property.

Mr Zwaan’s wishes to seal the 220 metre section to mitigate dust issues near his residence, and is prepared to contribute 50% of the cost of the works, in accordance with the Shire’s Engineering Policy number 4.28 - *Request for Upgrades or Expansions of Council Assets*.

Shire staff acknowledged Mr Zwaan’s request and advised that the matter will be taken to the February 2019 Ordinary Council Meeting for consideration. Staff also advised Mr Zwaan that the completion of the requested works would be subject to:

- a) Endorsement within the 2019/20 Shire of Donnybrook Balingup Annual Budget; and
- b) Receipt of Mr Zwaan’s full contribution of \$16,000 prior to the works commencing.

**CONSULTATION**

N/A

**FINANCIAL IMPLICATIONS**

The estimated cost of the project is \$32,000 based on an 8 metre formation width with a 6 meter wide seal, for a length of 220 metres. This amount will need to be identified in the 2019/20 Shire of Donnybrook Balingup Annual Budget, based on a 50/50 split of \$16,000 being funded by the Shire, and \$16,000 being funded by Mr Zwaan.

**POLICY COMPLIANCE**

Engineering Policy 4.28 - Request for Upgrades or Expansions of Council Assets.

**STATUTORY COMPLIANCE**

N/A

## CONCLUSION

Endorsement of the request should be considered as it complies with the Shire of Donnybrook Balingup Engineering Policy 4.28 - *Request for Upgrades or Expansions of Council Assets*.

## COUNCIL DECISION

(Executive Recommendation)

Moved: Cr

Seconded: Cr

That Council:

- 1) Allocate \$32,000 GST (\$16,000 Shire contribution, \$16,000 private contribution), for consideration within the 2019/20 Shire of Donnybrook Balingup Draft Annual Budget, to seal a 220 metre section of road adjacent to 179 King Spring Road, Thomson Brook.
- 2) Instruct the Chief Executive Officer to inform Mr Werner Zwaan that, subject to endorsement of the project within the 2019/20 Shire of Donnybrook Balingup Annual Budget, the Shire must receive his \$16,000 contribution prior to the works commencing.

Carried by En Bloc Decision No. 1

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### 9.3 *MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES*

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Nil

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### 9.4 *PRINCIPAL PLANNER*

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Cr Mitchell declared an interest affecting impartiality with regards to agenda item 9.4.1 - Request to Authorise Planning Application for Affordable Housing Project at lot 142 Bridge Street, Donnybrook as she is a board member of Alliance Housing.

#### **9.4.1 *REQUEST TO AUTHORISE PLANNING APPLICATION FOR AFFORDABLE HOUSING PROJECT AT LOT 142 BRIDGE STREET, DONNYBROOK***

<b>Location</b>	Lot 142 Bridge Street, Donnybrook
<b>Applicant</b>	Veen's Design Group
<b>File Reference</b>	A3849
<b>Author</b>	Bob Wallin - Principal Planner
<b>Attachments</b>	9.4.1 – Location Plan
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Approval to authorise the application is recommended:

	<ul style="list-style-type: none"> <li>• The proposal is to allow the construction of up to 12 grouped dwellings;</li> <li>• The project forms part of a joint venture which has been successful in obtaining \$2 million grant funding; and</li> <li>• Council approval is required to authorize the application.</li> </ul>
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**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**

Lot 142 Bridge Street, Donnybrook is zoned Residential R30 under *Local Planning Scheme No.7 (LPS7)* and is owned by the Shire of Donnybrook in freehold. Attachment 9.4.1 details the location of the site.

This item is being presented to Council as the Chief Executive Officer does not have delegation approval to authorise a planning application on Shire owned/managed land.

The Shire has been successful in obtaining \$2 million in grant funding from the State Government for a joint venture project to construct (a minimum of) 11 affordable dwellings as a first stage.

The project is running on a tight schedule and authorisation is required to reduce administration timeframes and delay in assessment processes, in order to meet the State Government’s required milestones. As endorsed by Council, the Shire’s contribution to the project includes:

- a) The land (being lot 142 Bridge Street, Donnybrook), provided on a long-term lease (up to 50 years, nominally on a 25 + 25 year lease) to Alliance Housing, with relevant caveats and clauses as to the use of the land over that period of time. The ‘green title’ value of Lot 142 is valued at \$250,000.
- b) Up to \$250,000 in site remediation / preparation works costs (this budget allocation is in the Shire 2018/19 Annual Budget).

**DETAILS**

The planning assessment will be undertaken separately to this authorisation request. Planning assessment is required to investigate the ability of the grouped housing design to satisfy the requirements of the Residential Zone and R30 density.

The R30 density allows development to create sites with a minimum lot size of 270m<sup>2</sup> and an average of 300m<sup>2</sup>. Based on these requirements, Lot 142 has more than adequate land area to accommodate the number of dwellings proposed.

The assessment will also need to take into account building design, layout and amenity considerations.

## **CONSULTATION**

Grouped dwellings are listed as a “D” Discretionary Use for the Residential zone under LPS7. This does not necessarily require public advertising. However, this does not prohibit seeking public comments as part of a public relations exercise separate to the planning assessment process.

## **FINANCIAL IMPLICATIONS**

The joint venture arrangements includes agreement to waive planning assessment fees.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

Clause 4.51 of *Local Planning Scheme 7* provides policy and development standards that apply to the Residential zone.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides a list of all matters that the local government can consider when assessing a planning application.

## **CONCLUSION**

The proposal is generally considered reasonable and it is requested that Council authorise the application so it can be formally assessed.

Cr Mitchell declared an impartiality interest as she is a Board Member with Alliance Housing.

Advice from WALGA requires Cr Mitchell to remain at the meeting and vote on the item.

## **COUNCIL DECISION (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Atherton**

**That Council authorise the Chief Executive Officer to sign a planning application for grouped housing application for up to 12 dwellings at Lot 142 Bridge Street, Donnybrook.**

**Carried 8/1**

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### **9.4.2 DELEGATION UNDER LOCAL GOVERNMENT ACT 1995**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire Administration
<b>File Reference</b>	CNL 28
<b>Author</b>	Bob Wallin - Principal Planner
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority
<b>Executive Summary</b>	It is recommended that Council provide the Chief Executive Officer with delegation to authorise small scale planning

	applications received for land managed or owned by the Shire to reduce delay in assessing community focused projects.
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**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 Provide a positive, professional culture	4.2.1.2 Seek a high level of legislative compliance and effective internal controls.

**BACKGROUND**

The Chief Executive Officer does not have delegation to authorise planning applications for projects that are on Shire-owned or Shire-managed lands.

The majority of these applications are minor in nature and raise no town planning issues. For instance, some of the most recent applications have been for a bench and door sign in front of the Donnybrook information centre, a temporary shade structure at the waste facility and extension of the community garden site.

The process requiring authorisation by Council often adds a four-week delay to implementation of the project without adding any value to the assessment of the merits of the project.

**DETAILS**

The proposed delegation seeks to allow the Chief Executive Officer to authorise community focused small scale projects. This will enable the timely processing of applications and reduce perceived and real administrative delay.

It is proposed to limit the scope of the delegation to projects that:

- a) Have a value under \$50,000; and
- b) Are compliant with the established local planning framework.

The proposed limits to the scope of the delegation is intended to reduce delay for small scale projects while ensuring larger projects or projects that require a variation to policy are still presented to Council for a decision.

**CONSULTATION**

N/A

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

N/A



## **STATUTORY COMPLIANCE**

Clause 5.42 of the *Local Government Act 1995* provides the power to delegate decisions to the Chief Executive Officer in exercising local government duties. This includes its duties under the *Planning and Development Act 2005*.

## **CONCLUSION**

The proposed delegation will increase efficiency and processing times for minor projects on Shire owned or managed land.

## **EXECUTIVE RECOMMENDATION**

Moved: Cr

Seconded: Cr

That Council adopt the following delegation:

### **Town Planning Delegation 7.17**

***The Chief Executive Officer is delegated authority to approve planning applications received for land owned or managed by the Shire up to the value of \$50,000 and where such proposals are consistent with the established planning framework.***

Cr Tan foreshadowed the Executive Recommendation.

Cr Mills moved an amendment to the Alternate Motion to add Point 2 'That Council is advised when the delegation is exercised.' The Mover and Seconder agreed to the addition.

## **COUNCIL DECISION**

**(Cr King's Alternate Motion)**

Moved: Cr King

Seconded: Cr Tan

That Council:

1. adopts the following delegation:

### **Town Planning Delegation 7.17**

***The Chief Executive Officer is delegated authority to approve planning applications received for land owned or managed by the Shire up to the value of \$20,000 and where such proposals are consistent with the established planning framework.***

2. The CEO advise Council when the delegation is exercised.

Carried 9/0

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## **9.5 MANAGER AGED CARE SERVICES**

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Nil.

**9.6 CHIEF EXECUTIVE OFFICER**

Cr Piesse declared an interest affecting impartiality with regards to agenda item 9.6.1 – Proposed Expansion of the Wellington National Park as he is a Deputy Chair of the South West Catchment Council.

**9.6.1 PROPOSED EXPANSION OF THE WELLINGTON NATIONAL PARK**

<b>Location</b>	Wellington National Park
<b>Applicant</b>	Department of Biodiversity, Conservation and Attractions (DBCA)
<b>File Reference</b>	PWF 16T
<b>Author</b>	Ben Rose – Chief Executive Officer (Sharon Upston – Manager Community Development)
<b>Attachments</b>	<p>9.6.1(1) Promote Preston Strategic Plan, October 2017;</p> <p>9.6.1(2) Have Your Say – Expansion of the Wellington National Park, Government of Western Australia, December 2018;</p> <p>9.6.1(3) Letter from Dawson Contracting, 5 February 2019;</p> <p>9.6.1(4) Media Release from the Minister for the Environment, 19 December 2018.</p> <p>9.6.1(5) Imagine Greater Wellington National Park Stakeholder and Community Engagement, Promote Preston, November 2017.</p> <p>9.6.1(6) Map of proposed expansion overlaid with Shire boundary.</p> <p>9.6.1(7) Email and Newsletter from Promote Preston</p>
<b>Voting Requirements</b>	Simple majority
<b>Executive Summary</b>	<p>There is insufficient evidence to take a position from an environmental, economic, social and civic leadership perspective. The Shire:</p> <ul style="list-style-type: none"> <li>• Supports a sustainable timber industry;</li> <li>• Supports diversification in the economy, including tourism;</li> <li>• Encourages DBCA, on behalf of the State, to robustly explore balanced solutions to optimise the benefit to industry, community and the environment.</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>
1.1 A diverse, prosperous economy, supporting local business and population growth.	1.1.1 Promote, maintain and diversify investment in the district.	1.1.1.2 Represent the district's interests with key stakeholders.

1.3 An attractive tourist destination.	1.3.1 Actively promote the district as an attractive destination.	1.3.1.3 Continue to support local and regional tourism bodies and initiatives.
2.3 A natural environment for the benefit of current and future generations.	2.3.1 Effective land use planning and management policies.	2.3.2.1 Review local planning policies.
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 Promote Preston sub-committee of the Yabberup Community Association published their Strategic Plan in October 2017 (Attachment 9.6.1(1)). The Plan states:

*“We recognise that we need to diversify our local economy in the face of a decline in traditional job opportunities and an ageing local population. Our natural resources are what draw people to live in this valley and have been recognised as our most valuable asset for creating a platform for future jobs and social diversity.”*

The Promote Preston group conducted community consultation and advocated with the State Government for the establishment of a Greater Wellington National Park (GWNP) (Attachment 9.6.1(5)). Information can be found on their website: <http://www.imaginegwnp.com/>

The GWNP was included in the 2017/18 WA State Budget (Vol 1, P198).

The Member for Collie-Preston, Hon Mick Murray MLA has said *“The expanded National Park will create new jobs in tourism, hospitality and small business, for the benefit of the whole South West.”*

It is intended that the Department of Biodiversity, Conservation and Attractions (DBCA) will be the lead agency responsible for the management of the expanded park.

The expansion will see the size of the park increase by 7,360 hectares, or more than 42%. The expansion is along the southern border to the Preston River. See Map provided in Attachment 9.6.1(6).

The proposal is presented to Council as it has potential to influence the economic, environmental and social objectives the Shire seeks to achieve in the next 10 years.

## DETAILS

The expanded park is expected to impact on industries including timber harvesting, native seed collection, firewood collection, honey producers and extractive industries.

The proposed area is predominantly State Forest which is managed by the Forest Products Commission for timber harvesting. Prior to 2017 the DBCA held a position that tourism, forestry and other enterprises could co-exist. The forestry groups believe the expanded park will lead to job losses.

The forestry industries predict a loss of approximately 120,000m<sup>3</sup> of timber is the proposal proceeds. The Greenbushes sawmill could potentially be affected, which draws workers from the Shire of Donnybrook Balingup.

Options to explore off-set areas for the timber industry have not been explored by any agencies at this stage. Suitable private land could potentially be purchased by the State Government for sustainable timber harvesting.

Attachment 9.4.5(3) provides commentary from the timber industry by Dawson Contracting which has operations in both the Preston River and Dwellingup areas.

Advice from DBCA identifies that the proposed park expansion extends across the local government boundaries of Donnybrook-Balingup (2754 hectares) and Dardanup (4604 hectares).

The consultation material provided by DBCA is exceptionally minimal – no details in relation to either the positive or negative effects of the expansion are provided; there are no details in relation to effects on the local employment market, gross regional product, transport network changes (which affect local government), biodiversity management, bushfire risk management etc.

## **CONSULTATION**

The following provides a summary of consultation undertaken:

- The Promote Preston subcommittee of the Yabberup Community Association published their Strategic Plan in October 2017 (Attachment 9.6.1(1)). The group presented this Plan to Council in November 2017.
- The Minister for the Environment, Disability Services, and Electoral Affairs, Hon Stephen Dawson MLC, released a media statement on 19 December (Attachment 9.6.1(4)) calling for public comment on the proposed expansion of the Wellington National Park. The public comment period closes on 13 March.
- The Shire President, CEO and Manager Community Development met with Mr Bernie Dawson from Dawson Contracting on 6 February 2019. Mr Dawson provided a letter to the Shire President detailing the reasons why he is opposing the proposal (Attachment 9.6.1(3));
- The Council received presentations about the proposal from Mr Peter Gunson (WA Forest Communities Network), Mr Matt Granger (Forest Industries Federation) and Mr Drew Griffiths (DBCA) on 6 February 2019.
- The Yabberup Community Association (Promote Preston) have been invited to present a submission to Council on the matter, as well as present a deputation to Council.

## **FINANCIAL IMPLICATIONS**

It is expected the proposal will impact negatively on local businesses with operations in that area that are incompatible with the (yet to be defined) prescribed uses of the expanded park.

There is limited information on how management of the expanded park will be resourced. Further detail is required on fire management, the establishment of camp sites, walk trails, weeds, pests and rubbish. DBCA have suggested that additional Rangers will be appointed.

There is no information available to determine if the proposal will create a greater reliance on the Shire to provide infrastructure and services (e.g. roads, signage, and support from emergency services).

#### **POLICY COMPLIANCE**

N/A

#### **STATUTORY COMPLIANCE**

N/A

#### **CONCLUSION**

There is insufficient information at this stage for Council to take an informed position on the proposal.

#### **EXECUTIVE RECOMMENDATION**

**That Council:**

- 1) Supports initiatives that promote a sustainable timber industry;**
- 2) Supports initiatives that promote a diversified and resilient local economy, including expansion of tourism and eco-tourism opportunities;**
- 3) Requests the Chief Executive Officer to advise the Department of Biodiversity, Conservation and Attractions that there is insufficient information available to establish a position on the proposed expansion of the Greater Wellington National Park due to the absence of robust, independent data and detail to quantify the merits of the proposal; and**
- 4) Requests the Chief Executive Officer to advise the Department of Biodiversity, Conservation and Attractions that an outcome which balances the interests of the timber industry, the natural environment and tourism should be sought.**

#### **CR LINDEMANN'S ALTERNATE MOTION**

**Moved: Cr Lindemann**

**Seconded: Cr: Tan**

**That Council supports the expansion of the Greater Wellington National Park.**

**Lost 2/7**

Cr Lindemann requested the vote be recorded:

<b>FOR:</b>	<b>AGAINST:</b>
Cr Lindemann	Cr Piesse



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

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Nil.

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**11 QUESTIONS FROM MEMBERS**

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**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

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Nil.

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**13 MEETINGS CLOSED TO THE PUBLIC**

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

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Nil.

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

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**13.2.1 2019 COMMUNITY CITIZEN OF THE YEAR AWARDS**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CNL 02/A
<b>Author</b>	Ben Rose, Chief Executive Officer (Bronwyn Hodgson – Community Development Administration Officer)
<b>Attachments</b>	13.1.2 Summary of Previous Recipients
<b>Voting Requirements</b>	Simple Majority

**BACKGROUND**

Council considered the confidential report for the 2019 Community Citizen of the Year Awards at the Ordinary Council meeting held on 19 December 2018.

**DETAILS**

In accordance with the Local Government Act 1995 Section 5.23(2)(b) and Section 4 A of the *Local Government Administration Regulations 1996*, the above report remained confidential as “the personal affairs of any person and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

Nil.

## STATUTORY COMPLIANCE

- Section 5.23(2) (b) of the *Local Government Act 1995*.
- Section 4 A of the *Local Government Administration Regulations 1996*

## COUNCIL DECISION

### (Executive Recommendation)

That the Council resolution relating to the confidential report on the 2019 Community Citizen of the Year Awards be made public.

Carried by En Bloc Decision No.1

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### 13.2.2 DESIGNATED SENIOR EMPLOYEE APPOINTMENT

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	Personnel File
<b>Author</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

## BACKGROUND

Council considered the confidential report for the Designated Senior Employee Appointment at the Ordinary Council meeting held on 19 December 2018.

## DETAILS

In accordance with the Local Government Act 1995 Section 5.23 (2)(c) and Section 4 A of the *Local Government Administration Regulations 1996*, the above report remained confidential as “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

## FINANCIAL IMPLICATIONS

Nil.

## POLICY COMPLIANCE

Nil.

## STATUTORY COMPLIANCE

- Section 5.23(2) (c) of the *Local Government Act 1995*.
- Section 4 A of the *Local Government Administration Regulations 1996*



**COUNCIL DECISION  
(Executive Recommendation)**

**That the Council resolution relating to the confidential report for the Designated Senior Employee Appointment be made public.**

**Carried by En Bloc Decision No.1**

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**13.2.3 AGED CARE SERVICES**

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CSV 01/2
<b>Author</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

Council considered the confidential report for Aged Care Services at the Ordinary Council meeting held on 19 December 2018

**DETAILS**

In accordance with the Local Government Act 1995 Section 5.23 (2)(a) and Section 4 A of the *Local Government Administration Regulations 1996*, the above report remained confidential as “a matter affecting employee or employees and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

Nil.

**STATUTORY COMPLIANCE**

- Section 5.23(2) (a) of the *Local Government Act 1995*.
- Section 4 A of the *Local Government Administration Regulations 1996*

**COUNCIL DECISION  
(Executive Recommendation)**

**That the Council resolution relating to the confidential report for Aged Care Services be made public.**

**Carried by En Bloc Decision No.1**

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**13.2.4**

**OFFICER DESIGNATIONS**

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	Various Personnel Files
<b>Author</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

**BACKGROUND**

Council considered the confidential report for Officer Designations at the Ordinary Council meeting held on 28 November 2018.

**DETAILS**

In accordance with the Local Government Act 1995 Section 5.23 (2)(a) and Section 4 A of the *Local Government Administration Regulations 1996*, the above report remained confidential as “a matter affecting employee or employees and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

Nil.

**STATUTORY COMPLIANCE**

- Section 5.23(2) (a) of the *Local Government Act 1995*.
- Section 4 A of the *Local Government Administration Regulations 1996*

**COUNCIL DECISION**

**(Executive Recommendation)**

**That the Council resolution relating to the confidential report on Officer Designations be made public.**

**Carried by En Bloc Decision No.1**

**13.2.5**

**RFT 01/1819 – WET PLANT HIRE**

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	TEN 05/16
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	Nil

<b>Voting Requirements</b>	Simple Majority
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**BACKGROUND**

Council considered the confidential report for RFT 01/1819 Wet Plant Hire at the Ordinary Council meeting held on 24 October 2018.

**DETAILS**

In accordance with the *Local Government Act 1995* Section 5.23 (2)(c) and Section 4 A of the *Local Government Administration Regulations 1996*, the above report remained confidential as “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

Nil.

**STATUTORY COMPLIANCE**

- Section 5.23(2) (c) of the *Local Government Act 1995*
- Section 4 A of the *Local Government Administration Regulations 1996*

**COUNCIL DECISION**

**(Executive Recommendation)**

**That the Council resolution relating to the confidential report for RFT 01/1819 - Wet Plant Hire be made public.**

**Carried by En Bloc Decision No.1**

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**13.2.6 RFQ 196 – SUPPLY OF BITUMINOUS PRODUCTS 2018-19**

<b>Location</b>	Donnybrook
<b>Applicant</b>	Shire of Donnybrook-Balingup
<b>File Reference</b>	TEN 05/9
<b>Author</b>	Damien Morgan – Manager Works and Services
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

**BACKGROUND**

Council considered the confidential report for RFQ 196 – Supply of Bituminous Products 2018/19 at the Ordinary Council meeting held on 24 October 2018.

**DETAILS**

In accordance with the *Local Government Act 1995* Section 5.23 (2)(c) and Section 4 A of the *Local Government Administration Regulations 1996*, the above report remained confidential as “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”

Once the information in the report is no longer sensitive the item is required, under the Act, to be included in the next occurring Council Meeting Agenda.

This matter has now been finalised.

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

Nil.

**STATUTORY COMPLIANCE**

- Section 5.23(2) (c) of the *Local Government Act 1995*.
- Section 4 A of the *Local Government Administration Regulations 1996*

**COUNCIL DECISION**

**(Executive Recommendation)**

**That the Council resolution relating to the confidential report for RFQ 196 – Supply of Bituminous Products 2018/19 be made public.**

**Carried by En Bloc Decision No.1**

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**14 CLOSURE**

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The Shire President advised that the next Ordinary Council Meeting will be held on 27 March 2019 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7.04pm.

<b>These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 27 March 2019</b>		
<b>Shire President</b>		<b>Presiding Member</b>