



Special Council Meeting Minutes

Purpose:

To seek a commitment towards the investment of the infrastructure and road networks in the South West region of Western Australia.

Held on

Monday, 25 February 2019

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook.

Benjamin (Ben) Rose
Chief Executive Officer

26 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.



SPECIAL COUNCIL MEETING

To seek a commitment towards the investment of the infrastructure and road networks in the South West region of Western Australia.

25 February 2019

TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	ATTENDANCE	4
2.1	APOLOGIES	5
2.2	APPROVED LEAVE OF ABSENCE.....	5
2.3	APPLICATION FOR LEAVE OF ABSENCE	5
3	ANNOUNCEMENTS FROM THE SHIRE PRESIDENT.....	5
4	DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST.....	6
5	PUBLIC QUESTION TIME.....	6
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	7
7	COUNFIRMATION OF MINUTES	7
8	REPORTS OF COMMITTEES.....	7
9	REPORTS OF OFFICERS	7
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	7
10.1	COUNCILLOR TAN	7
10.1.1	<i>ELECTED MEMBER REQUEST TO SEEK COMMITMENT TOWARDS THE INVESTMENT OF THE INFRASTRUCTURE AND ROAD NETWORKS IN THE SOUTH WEST REGION OF WESTERN AUSTRALIA.....</i>	<i>7</i>

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF
THE MEETING 13

12 MEETINGS CLOSED TO THE PUBLIC 13

12.1 MATTERS FOR WHICH MEETINGS MAY BE CLOSED..... 13

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 13

13 CLOSURE OF MEETING 13

SHIRE OF DONNYBROOK BALINGUP SPECIAL COUNCIL MEETING MINUTES

Held at Shire of Donnybrook Balingup Council Chamber, Donnybrook
Monday, 25 February 2019 at 5.00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Deputy Shire President – Acknowledgment of Country

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

The Deputy Shire President declared the meeting open and welcome the public gallery

Deputy Shire President - Public Notification of Recording of Meetings

The Deputy Shire President advised 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.

Deputy Shire President – Advice of purpose of Special Meeting of Council

Under Section 5.4(a)(ii) of the *Local Government Act 1995*, Cr Tan, Cr Lindemann and Cr Mills have called for a Special Council Meeting to be held for the purpose to ‘*seek a commitment towards the investment of the infrastructure and road networks in the South West region of Western Australia.*’

2. ATTENDANCE

COUNCILLORS	STAFF
Cr Wringe (Deputy)	Ben Rose – Chief Executive Officer
Cr Atherton	Steve Potter – Executive Manager Operations
Cr King	Alan Thornton – Manager Corporate Services
Cr Lindemann	Damien Morgan – Manager Works and Services
Cr Mills	Kate O’Keeffe – Executive Assistant
Cr Mitchell	
Cr Tan	
Cr Van Der Heide	

PUBLIC GALLERY

Nil.

2.1 APOLOGIES

Cr Piesse.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR LEAVE OF ABSENCE

Cr Piesse has requested a leave of absence for the Special Meeting of Council on 25 February 2019.

COUNCIL DECISION

Moved: Cr King

Seconded: Cr Lindemann

That Cr Piesse be granted for a leave of absence for the Special Meeting of Council on 25 February 2019.

Carried 8/0

3 ANNOUNCEMENTS FROM THE SHIRE PRESIDENT

Southampton Fire Event

At the “Thank a Volunteer” event held in Donnybrook on Saturday, 16 February this year a special mention was made of the enormous commitment given by all of bush fire brigades and other emergency services personnel.

Little did we know that within three days they would be put to the test, which they passed with distinction.

In what could be likened to a well-executed military exercise, the scale of the operation to *“bring this fire under control much quicker than originally thought,”* is a credit to all involved, and nothing should be taken for granted.

The feedback from both DBCA and DFES senior operatives and our Chief Fire Control Officer, Max Walker, confirms the cooperation and coordination between all agencies was of an extremely high order. Our gratitude goes out to all those who rose to the occasion, like our neighbouring Shires of Nannup and Bridgetown-Greenbushes and other Shires across the South West and beyond that offered personnel and on-ground plant and equipment assistance.

With over 700 personnel on the ground from local and far and wide destinations, equivalent to more than one in ten for every resident of the Shire of Donnybrook Balingup, 15 aircraft, 6 dozers/loaders and 132 firefighting appliances, the fire was well manage and eventually controlled, with fortunately no loss of life and minimal hard property, although their remains

people in the community who have been badly affected by the fire, having burned 3,337 hectares in total.

While there is no need to set up a formal recovery plan to deal with the aftermath of this fire, the Shire will work with those landowners/residents and relevant government agencies to address ongoing hardship.

On top of what was lost during the Waroona/Harvey/Yarloop fire the huge loss of plantation timber by the Forrest Products Commission should not be underestimated.

The hands-on vigilance of our Shire Chief Executive Officer, Ben Rose, and staff along with all members of Council is noted, as is any assistance provided by community organisations who assisted and attended to the wellbeing of those frontline and behind the scenes personnel.

The exemplary roles played by our Chief Fire Control Officer Max Walker our Community Emergency Service Manager Jess Cooper and the local bush fire brigade communications role played by Beth Walker are acknowledged. Max's knowledge of the terrain and topography of the area burned was invaluable.

We also acknowledge the visit to the fire scene by the Emergency Services Minister, the Hon Fran Logan MLA and DFES Chief Commissioner, Darren Klemm. The opportunity was used to reconfirm the Shire's belief that while we do not wish to be known as a fire prone area, given the fire events of the past few years, we remain the logical location to house the State Bushfire Centre of Excellence, especially given the scope of our extensive local bush fire brigade and emergency services offering.

While it could be said that "*all's well that ends well*", residents and landowners are reminded that we remain in a high-risk fire time of the year and the importance of having a fire risk "*stay and defend or go*" plan can't be ignored. Cr Mike and Noelene King's home was at one stage within 60 metres of the fire. Mike elected to stay and attend to some last-minute fire breaks, Noelene with a collection of personal effects and important documents left for Balingup.

All in all, a great effort by many!

Cr Brian H Piesse
Shire President

4 DECLARATION OF FINANCIAL/IMPARTIALITY INTEREST

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

Nil.

5 PUBLIC QUESTION TIME

Nil.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

7 CONFIRMATION OF MINUTES

Nil.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR TAN

10.1.1 ELECTED MEMBER REQUEST TO SEEK COMMITMENT TOWARDS THE INVESTMENT OF THE INFRASTRUCTURE AND ROAD NETWORKS IN THE SOUTH WEST REGION OF WESTERN AUSTRALIA

Location	Shire of Donnybrook Balingup
Applicant	Councillor Dawn Tan
File Reference	CNL 34K
Author	Councillor Dawn Tan
Attachments	10.1.1(1) Article from the West Australian dated 19 January 2019 - Rail Option to get Lithium-laden Trucks off South West Highways 10.1.1(2) Article from Australia Roads and Infrastructure dated 11 May 2018 – WA Spend \$3.2B on Roads 10.1.1(3) Article from Sydney Morning Herald dated 19 January 2019 - WA Government Claims BHP Owes up to \$300 Million in Underpaid Royalties 10.1.1(4) Email Communication from Shire President dated 17 February 2019
Voting Requirements	Simple Majority
Executive Summary	Summary of the Recommendation and dot-point summary of the Details

STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
----------------	-----------------	----------------

<p>1.1 A diverse, prosperous economy, supporting local business and population growth</p>	<p>1.1.2 Provide appropriate infrastructure to support and enhance business</p>	<p>1.1.2.3 Lobby State Government to upgrade and improve key/regional transport infrastructure</p>
---	---	--

DETAILS

A. WA LITHIUM INDUSTRY AND SOUTH WEST HIGHWAY

In the past decade, the South Western Highway has seen an increase in heavy vehicle haulage and this is expected to increase significantly in the future from various commercial industries such as the agricultural hub from the Manjimup and Pemberton regions; the expansion of mining and processing of lithium products (to three times the present production) from the Talison Mine at Greenbushes; as well as other commercial transportation from businesses located in the South West region.

The South Western Highway represents the main route from the South West region to Bunbury and beyond. There has also been an increase in light vehicles using the South Western Highway commuting between towns and cities for either work or leisure. With the increase in numbers, there is competition in the use of roads between heavy commercial vehicles and light vehicles on a highway which is predominantly a single lane highway, with some double overtaking lane sections strategically placed along the South West Highway.

With the proposed expansion of the Talison Mine there is great benefit for the whole of WA's economy, not only to the towns immediately surrounding the Talison mine in Greenbushes. As a result of the Talison expansion there have been discussions to consider the re-opening of the Bunbury to Greenbushes section of the railway line, and upgrading of other sections of the line north of Bunbury, in order to haul the Greenbushes products by rail, thus removing some of the trucks from the South Western Highway. The capital cost of this rail project has been estimated at \$150 million. **See Attachment 10.1.1(1).**

B. WA STATE GOVERNMENT

The WA State Government has allocated \$3.2 billion into the State's roads and infrastructure specifically for the freeways, highways as well as bridges around the Perth city as well as a further 18 projects which were included in the 2018-19 WA Budget, plus a further \$1.8 billion to be devoted to road maintenance expenditure between 2018-19 and 2021-22. **See Attachment 10.1.1(2).**

However, no funds have been allocated to address the increase in traffic on the South Western Highway, nor any future improvement and/or expansion to accommodate the increase of heavy vehicle haulage from the expansion of the Talison Mines, or the increased agricultural and forest product haulage originating south of Greenbushes. It may be time to consider an alternate proposal to facilitate the movement of vehicles to and from the South West of Western Australia presently serviced by SW Highway.

Further, it is noted that the WA State Government is seeking to recover \$300 million in under-paid royalties due and owing by BHP in the past decade to the State. **See Attachment 10.1.1(3).** A portion of the under-paid royalties recovered could be ear-marked towards the future development of a plan to fund the improvement and development of the railway or South Western Highway routes to and from Greenbushes and its surrounding towns.

C. FEDERAL GOVERNMENT

This year, we expect the Federal Government Election on or about May 2019. There is not much time between now and the Federal Election to lock in pre-election commitments from the Federal Government for our railways or roads in the South West of Western Australia, which appears to have been overlooked in our State's 2018-2019 Budget.

Further, at last year's WALGA 2018 AGM, by majority, the Local Governments supported that more of WA's GST needed to be re-distributed by the Federal Government back into WA and the economy.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

ELECTED MEMBERS CONCLUSION

This motion reinforces last year's motion presented at the WALGA's AGM and is aimed at obtaining a commitment from the Federal Government and the State Government to ensure future investment into the WA's infrastructure, in particular the railways and highways servicing the South West of Western Australia. If any other stakeholders have been identified and could be engaged towards this funding, we support the discussions with such stakeholders.

CHIEF EXECUTIVE OFFICER COMMENT

In considering the Councillor recommended motion, Council will need to be clear as to what action it wishes to be taken as an outcome of the decision.

With regard to the Councillor recommended resolution (2), the format of WALGA South West zone meetings makes provision for both 'Items for Noting' and 'Items for Decision'. As currently proposed, the matter would be presented as an 'Item for Noting'; that is, simply advising the South West Zone of Council's decision.

If Council is of the position that it wishes to seek the endorsement and support of the South West Zone for its decision, then it is recommended a modification be made to resolution (2) as follows:

2. *Instructs the Chief Executive Officer to present a report to the WALGA South West Zone meeting to be held at the Shire of Collie on 22 March 2019 seeking the formal support*

of the SW Zone partners for Resolution (1) and recommending the matter be presented for consideration at WALGA's Annual General Meeting to be held in August 2019.

EXECUTIVE CONCLUSION

The Shire of Donnybrook Balingup fully supports the expansion of the lithium industry, however it must be underpinned by Government and private funding towards essential rail infrastructure and road networks. This is critical to minimise the growing impact of heavy haulage on the community and to ensure the safety of all road users.

COUNCILLOR TAN'S NOTICE OF MOTION

That Council:

1) Adopts the position to seek a commitment to funding from:

- a. Western Australian State Government; and/or**
- b. Australian Federal Government; and/or**
- c. Private industry**

to undertake a review of the South Western Highway traffic and consider the options available to accommodate the ever increasing numbers of heavy vehicle haulage and light vehicle users of the South Western Highway including the possibility of re-instating and re-opening the disused South West Railway as well as the future expansion and improvements of our road networks for the WA South West region as part of the investment of our future infrastructure and road networks in the South West region of Western Australia;

- 2) Presents Point 1 of this motion at the next WALGA South West Zone meeting at the Shire of Collie, 22 March 2019 and further, that point 1 of this motion be presented before WALGA's next AGM meeting in August 2019;**
- 3) Instructs and authorises the CEO to make such presentations and enter into discussions as necessary with the relevant ministers in State and Federal governments with respect to the future planning and investment into the railway and/or road networks located in the South West region of Western Australia; and**
- 4) Instructs and authorises the CEO to engage with community consultation and feedback, at the appropriate time.**

Procedural Motion

Moved: Cr Tan

Seconded: Cr Lindemann

That the meeting be suspended under Part 17.1 of the Meeting Procedures Local Law.

Carried 6/2

**** 5.11pm – The order of business was suspended.**

Procedural Motion

Moved: Cr Mills

Seconded: Cr King

That the Meeting Procedures Local Law be resumed.

Carried 8/0

****5.26pm – The order of business was resumed.**

COUNCIL DECISION

(Chief Executive Officer Recommended Modification to Councillor Tan's Notice of Motion)

Moved: Cr Tan

Seconded: Cr King

That Council:

- 1) Adopts the position to seek a commitment to funding from:
 - a. Western Australian State Government; and/or**
 - b. Australian Federal Government; and/or**
 - c. Private industry**to undertake a review of the South Western Highway traffic and consider the options available to accommodate the ever increasing numbers of heavy vehicle haulage and light vehicle users of the South Western Highway including the possibility of re-instating and re-opening the disused South West Railway as well as the future expansion and improvements of our road networks for the WA South West region as part of the investment of our future infrastructure and road networks in the South West region of Western Australia;**
- 2) Instructs the Chief Executive Officer to present a report to the WALGA South West Zone meeting to be held at the Shire of Collie on 22 March 2019 seeking the formal support of the SW Zone partners for Resolution (1) and recommending the matter be presented for consideration at WALGA's Annual General Meeting to be held in August 2019;**
- 3) Instructs and authorises the CEO to make such presentations and enter into discussions as necessary with the relevant ministers in State and Federal governments with respect to the future planning and investment into the railway and/or road networks located in the South West region of Western Australia; and**
- 4) Instructs and authorises the CEO to engage with community consultation and feedback, at the appropriate time.**

CARRIED 6/2

Cr Wringe foreshadowed her Alternate Motion.

COUNCILLOR PIESSE'S ALTERNATE MOTION

That Council seeks the support of SWALGA and WALGA to have the State Government direct a significant tranche of the GST windfall from the Federal Government towards infrastructure (road and/or rail) in the South West of the State to underpin planned industry (mining) and tourism growth, including although not limited to the South West Highway to address the impact of a massive estimated increase in heavy haulage movements over the next 3-10 years, and the ongoing traffic congestion along Bussell Highway between Capel and Busselton.

CHIEF EXECUTIVE OFFICER RECOMMENDED MODIFICATION TO COUNCILLOR PIESSE'S NOTICE OF MOTION

That Council seeks the support of WALGA, inclusive of the South West Zone of WALGA, to have the State Government direct a significant tranche of the redistributed GST revenue from the Federal Government towards infrastructure (road and/or rail) in the South West of the State to underpin planned industry (mining) and tourism growth, including, although not limited to, the South Western Highway to address the impact of a massive estimated increase in heavy haulage movements over the next 3-10 years, and the ongoing traffic congestion along Bussell Highway between Capel and Busselton.

CR WRINGE'S ALTERNATE MOTION

That Council:

- 1. Support the Chief Executive Officer's collaborative approach with surrounding councils to seek opportunities that are presented with reference to the Talison Project and leverage State and Federal Government funding for infrastructure (health, education, sporting, housing, water sewerage) needs.**
- 2. Support and recognise the importance (as a decision making tool), the comprehensive South West Transport Review commissioned by the South West Development Commission to address the rail versus road options, including projected road movements along the South West Highway over the next 3-10 years.**
- 3. Seek the support of WALGA, inclusive of the South West Zone of WALGA, to have the State Government direct a significant tranche of the redistributed GST revenue from the Federal Government towards infrastructure (road and/or rail) in the South West of the State to underpin planned industry (mining) and tourism growth, including although not limited to, the South Western Highway to address the impact of a massive estimated increase in heavy haulage movements over the next 3 - 10 years, and the ongoing traffic congestion along Bussell Highway between Capel and Busselton.**
- 4. Instructs the Chief Executive Officer to report regularly to the Council information pertaining to the above.**

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH MEETINGS MAY BE CLOSED

Nil.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

13 CLOSURE OF MEETING

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

The Shire President declared the meeting closed at 5.37pm.

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