

## **ORDINARY MEETING OF COUNCIL MINUTES**

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held on

**Wednesday 28 August 2019**

Commencing at 5:00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

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**Ben Rose**  
Chief Executive Officer

**30 August 2019**

### **Disclaimer**

**Please note the items and recommendations in this document are not final and are subject to change or withdrawal.**

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# SHIRE OF DONNYBROOK BALINGUP ORDINARY MEETING OF COUNCIL MINUTES

Held in the Council Chambers  
Wednesday, 28 August 2019 at  
5:00pm

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

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### **Shire President – Acknowledgment of Country**

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

The Shire Present declared the meeting open at 5.00pm 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. The Shire President further stated 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**

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### **MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Piesse (President)	Ben Rose – Chief Executive Officer
Cr Atherton	Steve Potter – Executive Manager Operations
Cr Lindemann	Alan Thornton – Manager Corporate Services
Cr Mills	Damien Morgan – Manager Works and Services
Cr Mitchell	Bob Wallin – Manager Development Services
Cr Tan	Maureen Keegan – Manager Executive Services
Cr Wringe	Leigh Guthridge - Strategic Projects and Built Assets
Cr King	

### **PUBLIC GALLERY**

Lucille Piesse  
Richard Walker  
Beelerup Bush Fire Brigade Rep  
David Denholm

Jackie Massey  
Elaine Clucas  
Lucy Bourne – Preston Press  
Carol Nichols

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## **2.1 APOLOGIES**

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Nil

## **2.2 APPROVED LEAVE OF ABSENCE**

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Cr Van der Heide has an approved leave of absence for the period 21 August 2019 to 28 August 2019 inclusive.

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

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Nil

## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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### **Shire Presidents Diary**

<b>Date</b>	<b>Meeting</b>
4 July 2019	BGEA Business Breakfast - Bunbury
5 July 2019	BGT Partnership Meeting - Boyanup
11 July 2019	Great Southern Familiarisation
13 July 2019	Balingup Friends of the Forest Opening
18 July 2019	SWDC Economic Development Meeting
25 July 2019	BGEA Meeting – Donnybrook
1 August 2019	Meeting with Mick Murray MP – Collie
6 August 2019	Local Government Conference – Perth
12 August 2019	WALGA State President and WALGA CEO – Donnybrook
16 August 2019	Age Care Community Reference Group – Tuia Lodge
16 August 2019	Mayors Variety Gala - Bunbury

## 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 Mills declared an impartiality interest in item 9.1.3 *Short Term Loan Facility Request – Vintage Home Town for Life Ltd*, as he is a Board member of the requesting organisation.

Mr Ben Rose, Chief Executive Officer, declared an impartiality interest in Confidential Item 13.1.1 *RFT 4/1819 Construction of Beelerup Fire Station*, as an indirect family member is a tenderer for the construction project.

Mr Ben Rose, Chief Executive Officer, declared an impartiality interest in Confidential item 13.1.2 *Request to Purchase Lot 58 (70) South Western Highway, Donnybrook (Bendigo Bank)* as his wife is the Co-Chair of the Bendigo Bank.

Cr Piesse declared an impartiality interest in Confidential item 13.1.2 *Request to Purchase Lot 58 (70) South Western Highway, Donnybrook (Bendigo Bank)*, as he is a minor shareholder. Cr Piesse will remain in the Chamber for the debate and will vote on this matter.

Cr King declared a financial interest in item 9.7 *Lewana Recovery – Advocacy on behalf of Affected Landowners* as he is the owner of an affected property. Cr King will leave the Chamber for the debate and will not vote on this matter.

Cr Wringe declared an impartiality interest in item '9.6.1 *Donnybrook Community Library Agreement*', as she is member of a committee of the library.

## **5 PUBLIC QUESTION TIME**

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

Nil

### **5.2 PUBLIC QUESTION TIME**

**Mr Simon McInnes**  
**PO Box 232 Donnybrook**

1. *With the shire president on the South West Development commission which funded the Bridge St development and president of the shire which provided \$500,000 of land and money to the development, is there an undeclared conflict of interest?*

No. The Shire President was not simultaneously on the SWDC and Council whilst required to make a decision/s on this project.

2. *Has Councillor Mitchell receiving any money from Alliance during her time as a board member and does she have an undeclared conflict of interest?*

No to both questions

3. *Should Alliance have a change of circumstances sometime in the next 50 years are they able to sell or lease the building at the Bridge St development to a 3rd party and will the shire have any control over the selection of residences?*

This is subject to confidential consideration by the Council.

4. *The impression given on the Bridge St development is that it is exclusively for Donnybrook people over 65 years old who want to retire to town. With a committee involved and with only 1 member from the shire on it, is this still the case?*

This is subject to confidential consideration by the Council.

5. *Over \$50,000 has been spent on Bridge St to date. Have the terms of the lease been finalized and when will they be available to the public?*

This is subject to confidential consideration by the Council.

6. *Regarding EFT 16835 in the last cheque run, was the bridge repair on Rosedeene lane put out to tender or quotes asked from any Donnybrook businesses as is required in the shire policy regarding local businesses*

Quotes were sought and received.

- 6.1 *What advice was given to the councillors to make them ignore policy and did the all the councillors agree to allow Jomar to do the contract instead of a Donnybrook Builder at a cost of \$62601*

Works were under the \$100k threshold to require a tender.

- 6.2 *Was the \$62601 included in the last budget and if not, where did it come from?*

Yes

- 6.3 *Has the work been checked by an engineer?*

Yes it was undertaken by Main Roads Engineering Services

7. *Usually interested parties and stake holders are required to submit to the shire in writing and perhaps a meeting at the shire offices. Recently however interested parties and stake holders were taken by bus around the southwest and \$1684.00 was spent on catering for 15 people, a cost of \$112.00 per head (EFT 16815). Were other venues and prices considered?*

The participants of the bus tour were Councillors, Senior Staff and multiple stakeholders involved in a major Shire project – The Donnybrook and Districts Sport and Recreation Precinct Plan.

The CEO advised at the meeting the cost of \$1684.75 was likely to cover the cost of the bus hire and driver, fuel and a ham and salad roll and a bottle of juice for each person.

Upon further inquiry, the \$1684.75 listed as EFT16815 was to the Donnybrook Fruit Barn (listed in the July OCM attachments) and consisted of 21 separate transactions, being for a range of purchases (e.g. fruit for Tuia Lodge meals, fuel for Bushfire Brigade vehicles, catering for the bus trip). The actual catering cost for the bus trip was \$180.70.

- 7.1 *Is the council aware that it could have saved the rate payers \$500 if they had gone to the Ferguson valley and had an 8-course gustation?*

Answer as above

- 7.2 *Were the people involved in the meal, decision makers or just interested parties and friends?*

Answer as above

8. *\$94.40 was spent on dry-cleaning at the news agency. Is this part of an allowance?*

No. The dry cleaning was for tablecloths and tea towels.

9. *As \$2640.65 (EFT 16659,16815,16659,16800, CCP 3390, CCP 3401) has been spent on food for councillors and friends in the last cheque run. Is cost a part of the consideration when catering? In this year's budget \$50,000 has been set aside for food for the councillors. This is \$1000 per week. Will this be enough?*

The allocated budget under Refreshments and Receptions for 2019/20 is \$18,500 and covers catering for Council Meetings, briefing sessions, committee meetings, visiting Shires and State Government meetings, community meetings, concept forums, visiting and their dignitaries.

10. *Why is the shire inquiring about Powers of attorney at a cost of \$247.00?*

This is related to activities at Tuia Lodge.

11. *Could the admin list the properties that the shire currently owns that are for sale and list the properties that the shire owns that will be for sale or likely to be for sale this year?*

Question taken on notice. Yes this list can be provided.

12. *Has the fact that the market is at the bottom been considered in the real estate transactions?*

Yes

13. *What will the money realized from this sale of assets be spent on?*

The funds will be transferred to reserve accounts.

14. *Was the budget complete and finalized before being passed by the shire?*

Yes.

15. *The budget this year has increased the wages bill by \$50000. Is this correct as 2 new senior positions were created last year?*

No this is not correct. One senior position was created last financial year. Employee costs for 2019/20 are budgeted at \$30,000 lower than for the 2018/19 Budget.

16. *How long has the 2 million dollars for the main St been pledged?*

The grant funding was made available in June 2019 and is to be expended by March 2021.

17. *When will the plan be available for viewing?*

Preliminary plans are expected to be available in October-November 2019.

18. *What projects have the councillors put forward for funding in this year's budget?*

This will be self-evident in the 2019/20 Budget.

## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

Nil.

### **6.2 PRESENTATIONS**

Nil.

### **6.3 DEPUTATIONS**

Vintage Homes presented a Deputation in relation to Item 9.1.3.

### **6.4 DELEGATES REPORTS**

Nil

## **7 CONFIRMATION OF MINUTES**

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### **7.1 Ordinary Meeting of Council – 24 July 2019**

Minutes of the Ordinary Meeting of Council held 24 July 2019 are attached (attachment 7.1 (1)).

#### **COUNCIL DECISION 123/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

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

**Carried 8/0 by En Bloc Decision**

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### **7.2 Special Meeting of Council – 21 August 2019**

Minutes of the Special Meeting of Council held 21 August 2019 are attached (attachment 7.2 (1)).

#### **COUNCIL DECISION 123/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

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

**Carried 8/0 by En Bloc Decision**

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## **8      REPORTS OF COMMITTEES**

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Nil

## **9 REPORTS OF OFFICERS**

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### **Adoption by Exception:**

#### **COUNCIL DECISION 123/19**

**Moved: Cr Tan**

**Seconded: Cr Lindemann**

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

**7.1 - Confirmation of Minutes Ordinary Council Meeting 24 July 2019**

**7.2 - Special Meeting of Council – 21 August 2019**

**9.2.1 - Disposal of Community Bus and Associated Services**

**9.3.1 - Request to Amend Management Order to Support Construction of  
Beelerup Volunteer Bushfire Brigade Building**

**9.8.1 - Warren Blackwood Sub-Regional Growth Plan 2019**

**9.8.2 - Response to the State Government Review of Local Government in WA**

**13.1.3 - Confidential Item: Unit 11 Preston Retirement Village**

**Carried 8/0**

## **9.1 MANAGER CORPORATE SERVICES**

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### **9.1.1 Accounts for Payment**

The Schedule of Accounts Paid (attachment 9.1.1 (1) under Delegation (No 3.1) is presented to Council for information.

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### **9.1.2 Monthly Financial Report (Date)**

The Interim Monthly Financial Report for the period ended 30 June 2019 (attachment 9.1.2 is presented to Council for information.

## **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended 30 June 2019 be received.**

## **COUNCIL DECISION 124/19**

**Moved: Cr Tan                      Seconded: Cr Wringe**

**That the interim monthly financial report for the period ended 30 June 2019 be received.**

**Carried 7/1**

(Cr Mitchell is recorded as voting against the motion)

### 9.1.3 Short Term Loan Facility Request – Vintage Home Town for Life Ltd

<b>Location</b>	6 Spencer Road, Balingup
<b>Applicant</b>	Vintage Home Town For Life Ltd
<b>File Reference</b>	A439
<b>Author</b>	Stuart Eaton (Finance Officer – Special Projects)
<b>Attachments</b>	9.1.3 (1)
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Vintage Homes have requested an on-call loan facility from the Shire to meet unit lease refunds.

#### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
3.3 A safe and healthy community environment for all ages	3.3.1 Promote 'ageing in place'	3.3.1.1 Enable a diversity of aged care services and facilities within the district.
4.1 A strategically focused, open and accountable local government	4.1.1 Provide accountable and strategic leadership	4.1.1.1 Review service delivery methodologies for Shire services and implement improvements where appropriate

#### BACKGROUND

A request has been received from Vintage Home Town For Life Ltd (applicant) (Attachment 9.1.3 (1)) seeking an ongoing, on-call loan facility from Council.

The applicant is a not-for-profit provider of a small scale aged persons residential village in Balingup that has been operating since approximately 2007.

The applicant has requested that Council consider approving an on-call loan facility of up to \$500,000. The loan facility is proposed to cover lease repayment obligations to vacating residents. The applicant advises:

- a) They have 12 months to make a repayment obligation to a departing resident. Cash flow essentially requires payment from an incoming new purchaser to provide funds to meet the outgoing resident payment obligation.
- b) Cash reserves will fund no more than one vacating unit at a time. Should two or more units be vacated in a short space of time, cash reserves would be insufficient to meet repayment obligations to departing residents if units were unable to be re-sold within the 12 month timeframe.
- c) They have investigated a loan facility with a financial institution which has been unsuccessful as the applicant is unable to secure assets against any borrowings.

In 2017/18, the Shire (via resolution of Council) agreed to sell land adjacent to the existing site to Vintage Homes (owned freehold by the Shire) for a sum of \$50,000. This sale was to enable Vintage Homes to extend another four independent living units on the site. The commercial valuation of the land sold to Vintage Homes was \$120,000 (The Council accepted a ‘commercial loss’ of \$70,000 on the sale).

## DETAILS

Amounts of \$100,000 - \$1M represent a *Major* financial consequence rating in Council’s risk management framework. The request for a loan facility between these amounts warranted a risk assessment be undertaken against the *Shire of Donnybrook Balingup Risk Assessment and Acceptance Criteria*.

The extent of financial risk to Council has been assessed as.

1. A unit is unable to be re-sold therefore no incoming purchase payment is available to repay Council.

Assessed Consequence	4 - Major
Assessed Likelihood	2 - Unlikely
Assessed Risk	8 - Moderate

2. A unit is re-sold at a lower value than the outgoing payment obligation therefore the incoming purchase payment is insufficient to meet the full loan from Council.

Assessed Consequence	4 - Major
Assessed Likelihood	3 - Possible
Assessed Risk	12 - High

### Shire of Donnybrook Balingup Risk Assessment and Acceptance Criteria.

Consequence		Likelihood				
		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	MODERATE (5)	HIGH (10)	HIGH (15)	EXTREME (20)	EXTREME (25)
Likely	4	LOW (4)	MODERATE (8)	HIGH (12)	HIGH (16)	EXTREME (20)
Possible	3	LOW (3)	MODERATE (6)	MODERATE (9)	HIGH (12)	HIGH (15)
Unlikely	2	LOW (2)	LOW (4)	MODERATE (6)	MODERATE (8)	HIGH (10)
Rare	1	LOW (1)	LOW (2)	LOW (3)	LOW (4)	MODERATE (5)

### Measures of Consequence (Extract)

LEVEL	RATING	FINANCIAL
1	Insignificant	Less than \$2,000
2	Minor	\$2,000 - \$20,000 Or < 5% variance in cost of project
3	Moderate	\$20,001 - \$100,000 Or > 5% variance in cost of project
4	Major	\$100,001 - \$1M
5	Catastrophic	More than \$1M

### Measures of Likelihood

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

## CONSULTATION

At the time of drafting this report, officers have arranged to meet with representatives of the applicant to discuss cash flow sustainably options.

## FINANCIAL IMPLICATIONS

Any loan may cross financial years before repayment is made to Council. The value of the requested amounts will likely cause Council to enter a state of overdraft should a loan remain outstanding around the end of the financial year when cash held in the Municipal Fund is low. A state of overdraft would incur overdraft interest expense.

There is an assessed risk that Council may not be able recover a portion of a future loan.

It is presumed that any loan would incur an interest component to offset forgone investment interest income to Council.

## **POLICY COMPLIANCE**

Not Applicable

## **STATUTORY COMPLIANCE**

S6.8 of the Local Government Act 1995 requires Council to approve unbudgeted expenditure incurred from the Municipal Fund.

## **CONCLUSION**

Officers consider an on-call loan facility to be an unacceptable risk to Council for the following reasons.

1. If a unit is unable to be re-sold therefore no incoming purchase payment is available to repay Council.
2. If a unit is re-sold at a lower value than the outgoing payment obligation therefore the incoming purchase payment is insufficient to meet the full loan from Council.

Council is advised to consider the precedent it would be setting in committing to on-call loan facility for community and non for profit groups to meet operational cash flow needs.

## **EXECUTIVE RECOMMENDATION**

**That Council:**

1. **Acknowledges the important contribution that Vintage Home Town for Life Ltd. provides to the community of the Shire.**
2. **Respectfully declines the request from Vintage Home Town for Life Ltd. to provide an on-call loan facility, due to the potential financial risk to the Shire of Donnybrook Balingup.**

## **AMENDMENT TO THE MOTION**

**Moved: Cr Lindemann    Seconded: Cr Tan**

**That Council, while unable to make a commitment to assist at this time, should Vintage Home Town for Life Ltd at some time in the future and when, all avenues to acquire a loan have been explored and failed, the committee be provided with the option to approach the Shire of Donnybrook Balingup on a case by case basis up to \$100,000.**

**Lost 2/6**

**COUNCIL DECISION 125/19  
(Foreshadowed Motion)**

**Moved: Cr Mitchell**

**Seconded: Cr Tan**

**That Council:**

- 1. Acknowledges the important contribution that Vintage Home Town for Life Ltd. provides to the community of the Shire.**
- 2. While unable to make a commitment to assist at this time, should Vintage Home Town for Life Ltd at some time in the future and when, all avenues to acquire a loan have been explored and failed, the committee be provided with the option to approach the Shire of Donnybrook Balingup on a case by case basis.**

**Carried 7/1**

## 9.2 **MANAGER WORKS AND SERVICES**

### 9.2.1 **Disposal of Community Bus and Associated Service**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Damien Morgan (Manager Works and Services)
<b>Attachments</b>	9.2.1 (1)
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	The report seeks Council endorsement to dispose of the 'Community Bus' via public auction and to cease providing a community bus service.

### **STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
3.2 Well supported community groups and facilities	3.2.1 Provide and maintain appropriate community facilities	3.2.1.2 Maintain community facilities within resource capacity
4.1 A strategically focused, open and accountable local government	4.1.1 Provide accountable and strategic leadership	4.1.1.1 Review service delivery methodologies for Shire services and implement improvements where appropriate

### **BACKGROUND**

The Shire of Donnybrook Balingup (the Shire) purchased a second-hand 'Community Bus' (Bus) in 2002 to serve the growing need of seniors, veterans, youth and general community. Representatives from the then operational, Balingup Donnybrook Home and Community Care (HACC), were consulted extensively during the purchase of the Bus.

The Bus is required to be inspected annually by an Authorised Inspection Station, prior to renewing the vehicle registration. For the past two years, the Bus has required significant maintenance work, mainly bodywork, to pass the inspection. It is anticipated the Bus will require a significant amount of maintenance work in the future to pass future annual inspections.

### **DETAILS**

The Shire purchased the Bus in 2002 from a second-hand dealership in Bunbury for \$18,000 inclusive of GST. At the time of purchase, the Bus had approximately 130,000km on the odometer.

The details of the Bus are:

- ✓ Make: Nissan
- ✓ Model: Civilian

- ✓ Year: 1992
- ✓ Km: 183,410 (June 2019)
- ✓ Seats: Licenced to carry 17 passengers including driver
- ✓ Wheel chair lift: Single chair lift

The Shire's records indicate the Bus travelled 705km during the 2018/19 financial year with an average usage of 1,380km per annum over the past five financial years.

During the 2018/19 financial year, the Bus was hired five times by community groups and members. Over the past five financial years, the Bus has been hired on a total of 27 occasions. The predominant user of the Bus is the Donnybrook Social Club (Seniors) Inc. At the time of writing this agenda item, the Shire has one booking for the Bus on 17 August 2019.

The Shire's cost to operate the Bus during the 2018/19 financial year was \$3,005 including GST with an average annual operating cost of \$3,225 including GST over the past five financial years.

The Bus generated an income of \$573 including GST for the 2018/19 financial year.

## **CONSULTATION**

An advertisement was placed in the July edition of the Preston Press seeking comments from the community regarding the Shire's intention to dispose of the Bus. Comments closed on 2 August 2019 and the Shire received one submission from the Donnybrook Social Club (Seniors) Inc. A copy of this correspondence is provided in Attachment 9.2.1 (1).

The submission requests that the Shire continues to provide this service. The value of the bus service to the users is noted, however officers consider that the usage rates do not justify the Shire continuing to provide the service in its current format.

If Council wishes to continue to facilitate this service in the community, one option may be to develop a policy that establishes the framework by which the Shire could contribute towards community groups' private bus hire.

## **FINANCIAL IMPLICATIONS**

The disposal of the Bus will have minimal impacts on the proposed 2019/20 Annual Budget, however will alleviate any future financial burden on the Shire.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Local Government Act 1995, Section 3.58 Disposing of Property

## **CONCLUSION**

It is recommended Council endorses the disposal of the 'Community Bus' via public auction, and advise the community of its decision.

### **COUNCIL DECISION 123/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That Council:**

- 1. Resolves to discontinue the Shire 'Community Bus' service for the following reasons:**
  - 1.1 the current vehicle is reaching the end of its useful life;**
  - 1.2 the high cost of replacing the vehicle;**
  - 1.3 the low usage rates by community groups; and**
  - 1.4 alternative options being available for bus hire to community groups.**
- 2. Instructs the Chief Executive Officer to dispose of the 'Community Bus' via public auction after 29 September 2019.**
- 3. Instructs the Chief Executive Officer to place a notice in the September edition of the Preston Press and on the Shire's website and social media pages advising the community that the Shire of Donnybrook Balingup will cease the 'Community Bus Service' from 29 September 2019.**

**Carried 8/0 by En Bloc Decision**

### 9.3 **MANAGER DEVELOPMENT SERVICES**

#### 9.3.1 **Request to Amend Management Order to Support Construction of Beelerup Volunteer Bushfire Brigade Building**

<b>Location</b>	Lot 349 (Reserve 9607) Beelerup Road, Beelerup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	A3324
<b>Author</b>	Bob Wallin (Manager Development Services)
<b>Attachments</b>	9.3.1 (1) Location Plan 9.3.1 (2) Site Plan 9.3.1 (3) Assessment of Shed
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>· Recommend that Council requests that the Minister for Planning, Lands and Heritage amend the Management Order for Lot 349 (Reserve 9607) Beelerup Road, Beelerup from “Gravel” to “Gravel and Emergency Services”.</li> <li>· The request is to support the establishment of a fire brigade building for the Beelerup Volunteer Bush Fire Brigade.</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>
2.1 An attractive and maintained environment	Maintain, renew and improve infrastructure within allocated resources	2.1.1.4 Maintain attractive town sites within resource capacity

### **BACKGROUND**

The Shire is in the process of considering tender submissions to construct a fire brigade building at Lot 349 Beelerup Road, Beelerup (Attachment 9.3.1 (1) – Location Plan).

The subject land is owned by the Crown (Reserve 9607) and has been vested with the Shire for the purpose of “Gravel” since 1991. To support the development of a fire brigade shed, it is necessary to amend the existing management order from “Gravel” to “Gravel and Emergency Services”.

A Council decision is required as the Chief Executive Officer does not have delegation to initiate the request.

The subject land is zoned “Priority Agriculture” under Local Planning Scheme 7 (LPS7) and is surrounded by identically zoned land. The site is 5.78ha in area, contains no improvements and has been cleared of vegetation in the central and southern portions.

A fire brigade building design has been prepared for the subject land (Attachment 9.3.1 (1) – site plan). The building design consists of a vehicle area (102m<sup>2</sup>), meeting/training room/office with toilets and kitchen area (114m<sup>2</sup>) and a patio (55m<sup>2</sup>). The shed will be located towards the south-western portion of the site with a setback of 44m from Beelerup Road. Access will be to Beelerup Road using an existing access track to the south of the lot. Significant space is available for vehicle parking to the east and north of the shed.

The Shire has obtained funding from Department of Fire and Emergency Services (DFES) through the Local Government Grants Scheme to erect a new fire brigade building to support the Beelerup Volunteer Bushfire Brigade which presently operates from a brigade member's private residence.

The proposed fire brigade building does not require development approval, however, it is necessary to demonstrate the proposal complies with the purpose and intent of LPS7. Attachment 3 provides an analysis demonstrating compliance with LPS7.

## **DETAILS**

Amending a management order requires approval from the Minister for Planning, Lands and Heritage and such requests need to be supported by a Council resolution.

## **CONSULTATION**

Discussion with the Department of Planning, Lands and Heritage (DPLH) has indicated that amending the Vesting/Management Order can occur concurrently with erecting the fire brigade building.

## **FINANCIAL IMPLICATIONS**

Shire staff resources to process the amendment.

## **POLICY COMPLIANCE**

Nil

## **STATUTORY COMPLIANCE**

Section 18 of the *Land Administration Act 1997* details Crown land transactions that require the Minister for Planning, Lands and Heritage approval and provides guidance on the process for leasing land. Section 41 relates to the Minister's powers to reserve land for one or more purposes.

The proposed fire brigade building falls under the definition of a 'public work' under the Public Works Act 1902. The definition of a public work includes "*(u) buildings and structures required for fire brigade purposes*".

Public Works are exempt from requiring development approval under the *Planning and Development Act 2005*, Clause 6(1).

This clause enables the Local Government to undertake public works without interference from any part of the Planning and Development Act 2005. There are limitations, with the most relevant being 6(2) which states:

- “(2) *Rights referred to in subsection (1) are to be exercised having regard to –*
- (a) the purpose and intent of any planning scheme that has effect in the locality where, and at the time when, the rights is exercised; and*
  - (b) the orderly and proper planning, and the preservation of the amenity, of that locality at that time.”*

The proposed building style, scale and setbacks comply with the development controls that normally apply within the “Priority Agriculture” zone.

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details matters to be considered by local governments when making planning decisions and the proposal has been assessed and deemed to be consistent with the relevant provisions.

## **CONCLUSION**

The proposal to amend the Management Order from “Gravel” to “Gravel and Emergency Services” is reasonable. The amended vesting/management order will formalise the land management arrangements of the subject site to support the erection of the new brigade building.

## **COUNCIL DECISION 123/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That Council:**

- 1. Requests the Minister for Planning, Lands and Heritage amend the permitted uses on the Management Order for Reserve 9607 Beelerup Road, Beelerup from “Gravel” to “Gravel and Emergency Services”; and**
- 2. Authorises the Chief Executive Officer to undertake any actions required to facilitate implementation of item 1 above.**

**Carried 8/0 by En Bloc Decision**

**9.3.2 Amendment 13 to Local Planning Scheme No. 7 – Lot 176 South Western Highway, Donnybrook**

<b>Location</b>	Lot 176 South Western Highway, Donnybrook
<b>Applicant</b>	Harley Dykstra
<b>File Reference</b>	TP17 AMD 13
<b>Author</b>	Bob Wallin (Manager Development Services)
<b>Attachments</b>	9.3.2 (1) Location Plan 9.3.2 (2) Scheme Amendment 9.3.2 (3) Extract of Local Planning Strategy map
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>✓ Approval is recommended to initiate and advertise an amendment to Local Planning Scheme 7.</li> <li>✓ The proposal is to introduce an “Additional Use” - Industry – Light” for Lot 176 South Western Highway, Donnybrook.</li> <li>✓ The proposal is generally consistent with the established planning framework.</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	Promote, maintain and diversify investment in the district	1.1.1.4 Actively partner in regional growth planning partnerships and projects
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**

This item is presented to Council as a formal resolution is required to initiate an amendment to Local Planning Scheme 7 (LPS7) and consider it for advertising.

The proposal seeks to amend the scheme map and text by introducing an “Additional Use” of “Industry - Light” for Lot 176 South Western Highway, Donnybrook (Attachment 9.3.2 – Location Plan).

The use class “Industry-Light” is defined as:

“an industry –

- (a) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;

- (b) *The establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.*

The proposal includes additional land use controls within Schedule 6 – Additional Uses, which require:

- a) landscaping design along the highway interface;
- b) a Local Development Plan to ensure a unified theme and consistency of setbacks, building orientation and façade treatments visible from the South Western Highway as well as internal landscaping treatments, signage control and access points;
- c) a notice to be placed on title(s) to advise of potential impacts on local amenity resulting from business activity.

Further details of the proposal can be viewed in Attachment 9.3.2 (2) (Scheme Amendment document).

The subject land is zoned “Commercial” and is 1.9ha in area. The land is cleared of vegetation except for a pocket of Tasmanian Blue Gums along the western and eastern boundaries and a row of fruit trees in the central portion of the site. The site is bound by a vacant “Commercial” zoned property along the eastern boundary which includes a section of the Nonneycup Creek, a “Railway” reserve along the southern boundary, the South Western Highway along the northern boundary and “Light Industrial” land on the western boundary. The nearest dwelling is approximately 100m from the property’s north-eastern boundary.

The Shire’s long term vision for the site is articulated in the Shire’s Local Planning Strategy which identifies the land as “Commercial” (Attachment 9.3.2 (3)).

The aim of the Strategy for “Commercial” land is to ensure that the Donnybrook town centre remains the principal commercial/retail centre for the Shire. The stated purpose is to:

*“provide for retail shopping, office and commercial development together with social, recreational, community, tourist, entertainment and residential activities to service the populations of surrounding areas along with visitors to the area.”*

The applicant has contended the amendment falls under the category of a “Standard Amendment”. The process for processing a standard amendment includes the following steps:

- Step 1) Council resolves to initiate the amendment;
  - Step 2) Council resolves to advertise the amendment
  - Step 3) Council refers amendment to EPA for environmental assessment.
  - Step 4) Council advertises amendment to the public and government agencies;
  - Step 5) Council to consider submissions and make a recommendation to the Western Australian Planning Commission (WAPC)
  - Step 6) The WAPC makes a recommendation to Minister for Planning;
  - Step 7) Minister for Planning makes decision; and
-

Step 8) If approved, amendment is gazetted and becomes law.

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

## **DETAILS**

Officers consider the proposed amendment is generally consistent with the strategic vision for the site as stated in the Local Planning Strategy as it leaves the underlying “Commercial” zone intact. The change seeks to add a level of flexibility to consider “Industry-Light” uses that may include activities such as:

- ✓ motor vehicle panel beating;
- ✓ spray painting and chassis reshaping;
- ✓ boat building and maintenance;
- ✓ metal coating; and
- ✓ joinery and woodworking.

### Risk Assessment

It is noted that some land uses that may be able to be approved under the proposed addition of the ‘Industry – light’ additional use may pose a risk for land use conflicts and streetscape amenity standards.

The applicant has suggested this can be reasonably addressed through proposed ‘Conditions of use’ Scheme provisions as follows:

- ✓ *Landscaping along the highway interface to the satisfaction of the local government.*
- ✓ *Local Development Plan to be prepared to the create a unified theme and consistency with setbacks, building orientation and façade treatments visible from the South West Highway, and internal landscaping treatments, signage control and access points.*
- ✓ *Notice on title to advise of potential impacts on local amenity resulting from business activity.*

Whilst officers are satisfied that sufficient detail has been provided to initiate the amendment request, further consideration may need to be given to the ‘Conditions of use’ provisions when the matter is brought back to Council, so that all appropriate controls are put into place to ensure that any future development addresses amenity and/or land use conflict concerns. This may include some or all of the above provisions as proposed, however it may include amendments and/or additional measures if deemed appropriate.

It is also noted that the land is adjacent to Nonneycup Creek and therefore suitable measures will need to be introduced to ensure there are no environmental impacts resulting from future light industrial land uses on the health of the waterway.

It is envisaged that Scheme provisions may need to be introduced limiting the types of ‘light industry’ type uses that may be permitted on the site, however this will be further

addressed when the matter is re-presented to Council for final consideration.

### Land Supply

At present, there is a limited supply of vacant “Light Industry” zoned land and therefore the rezoning may assist in addressing a potential shortage of land suitable for light industrial purposes within Donnybrook, whilst providing some level of flexibility by retaining the underlying ‘Commercial’ zone.

### **CONSULTATION**

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

It will be necessary to re-present the amendment to Council once the advertising period has closed. This will enable Council to consider any submissions received and make recommendations on how to proceed to the WAPC and Minister for Planning, Lands and Heritage.

### **FINANCIAL IMPLICATIONS**

Advertising in the local paper will likely cost \$250. An assessment fee is required to be paid and will cover staff and advertising expenses.

### **POLICY COMPLIANCE**

Not applicable.

### **STATUTORY COMPLIANCE**

Section 75 of the PD Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.

Section 81 of the PD Act details the need for an Environmental Decision by the EPA prior to formal public advertising commencing.

Part 5, Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines the processes and requirements for undertaking a standard amendment.

### **OPTIONS**

Council has two options in considering the proposed amendment as follows:

#### Option 1: Support (Recommended)

Council may initiate the proposed amendment as per the officer’s recommendation.

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This will enable advertising to the community, neighbouring landowners and government agencies to occur, prior to the matter being presented back to Council for final consideration.

At this point, Council will be required to make a recommendation to the WAPC from one of the following options:

- (a) to support the amendment without modification; or
- (b) to support the amendment with proposed modifications to address issues raised in the submissions; or
- (c) not to support the amendment.

It is noted that the WAPC/Minister would ultimately determine the proposal (and any modified/additional Scheme provisions that may apply), taking into account the recommendation of Council. However the WAPC/Minister are not bound by the recommendations of Council and may choose to adopt an alternative position, or modify recommended development controls as deemed appropriate. It is noted that the decision of the WAPC/Minister is subject to appeal by the applicant, however the respondent in this circumstance would be the WAPC as decision-maker, rather than the Shire of Donnybrook Balingup.

#### Option 2: Refusal

If Council resolves not to initiate the proposed amendment then it will need to provide written reasons for making a decision which is significantly different from the officer's recommendation in accordance with Cl. 11 (da) of the *Local Government (Administration) Regulations 1996*.

To this effect the following draft resolution is provided:

#### **That Council:**

**1. Resolves not to initiate proposed Amendment 13 to Local Planning Scheme 7 to insert "Additional Use 6: "Industry – Light" into Schedule 6 Additional Uses and amend the Scheme Map accordingly for Lot 176 South Western Highway, Donnybrook;**

**2. Provides the following reasons(s) for its decision:**

- 2.1** \_\_\_\_\_
- 2.2** \_\_\_\_\_

It is noted that such a decision would not be subject to appeal at the State Administrative Tribunal (SAT), however in accordance with Section 76 of the *Planning and Development Act 2005*, an applicant can appeal directly to the Minister, who if satisfied that the local government has failed to initiate or adopt a scheme amendment that should have been initiated or adopted, the Minister may order the local government to do so.

## **CONCLUSION**

The proposal is considered to be generally consistent with the strategic intent identified for the land and contains a suitable level of detail to progress the amendment.

The advertising process will enable government and servicing agencies to assess technical elements of the proposal as well as enabling neighbouring landowners and the community to comment, if they so wish.

It is recommended that approval be granted to initiate and advertise proposed Amendment 13.

## **COUNCIL DECISION 126/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Mitchell**

**That Council:**

- 1. Resolves to initiate and advertise Amendment 13 to Local Planning Scheme 7 to insert “Additional Use 6: “Industry – Light” into Schedule 6 Additional Uses and amend the Scheme Map accordingly for Lot 176 South Western Highway, Donnybrook;**
- 2. Advises the applicant that Council’s support to initiate the amendment is subject to payment of the application fee of \$2,750 prior to commencement of advertising; and**
- 3. Determines that the amendment is a “Standard Amendment” pursuant to Part 5, Division 1, 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
  - 3.1 The proposed changes to the Scheme Map are consistent with a Local Planning Strategy endorsed by the Western Australian Planning Commission;**
  - 3.2 The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and**
  - 3.3 The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.**

**Carried 5/3**

(Cr Piesse is recorded as voting against the motion)

### 9.3.3 Sale of Lot 107 (41) Steere Street, Donnybrook

<b>Location</b>	Lot 107 Steere Street, Donnybrook
<b>Applicant</b>	First National Real Estate, Donnybrook
<b>File Reference</b>	A1330
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	9.3.4 (1) Location Plan
<b>Voting Requirements</b>	Absolute Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>· A party has expressed an interest to purchase Lot 107 Steere Street, Donnybrook for \$90,000.</li> <li>· This proposal requires Council support as the proposed offer is slightly less than the market value estimate;</li> <li>· It is recommended that Council agrees to the sale.</li> </ul>

### 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	Effective and efficient operations and service provision	4.2.1.2 Seek a high level of legislative compliance and effective internal controls

### BACKGROUND

Council has received an offer to purchase Lot 107 Steere Street, Donnybrook for \$90,000 (Attachment 9.3.4 (1) – Location Plan).

Council at its November 2018 Ordinary Council Meeting resolved to dispose of four lots, including Lot 107 Steere Street, Donnybrook as part of the Shire’s Land Asset Review. The resolution provides the Chief Executive Officer delegated authority to accept offers consistent with a certified independent land valuation and compliance with processes defined in Section 3.58 of the *Local Government Act 1995*.

Council at its July 2019 Ordinary Council Meeting resolved to accept an offer for the adjoining Lot 229 Steere Street for \$90,000 which was valued by LMW (certified independent land valuer) at \$95,000.

Lot 107 Steere Street, Donnybrook was also valued by LMW at \$95,000 in February 2019. A Council decision is required due to the variance from the valuation report.

The process of disposing of Shire land is controlled through Section 3.5 of the *Local Government Act 1985* (the Act) which requires:

- A market appraisal is under 6 months old;
- Giving public notice (14 days); and
- A Council decision to be recorded in the minutes of the meeting (if a submission was received).

## **DETAILS**

The proposed sale price of \$90,000 is slightly lower than the market evaluation provided for Lot 107 Steere Street, Donnybrook.

The offer is approximately 5.5% less than the valuation figure, however is considered reasonable given:

- There is no guarantee that another offer will be presented;
- The lengthy timeframes involved with attracting purchases for the Shire's other properties on Mead Street; and
- The recent decision to sell the adjoining property for a similar amount.

## **CONSULTATION**

If supported, the proposal will be advertised in accordance with Section 3.58 of the LG Act 1995.

## **FINANCIAL IMPLICATIONS**

Funds received (minus expenses) will be set aside in an appropriately designated Council reserve consistent with the resolution from Council's November 2018 Ordinary Council Meeting.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

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

## **CONCLUSION**

The proposed sale price is consistent with the established market value. The process for disposing of land, including advertising will be undertaken in accordance with Section 3.58 of the Local Government Act.

**COUNCIL DECISION 127/19**  
**(Executive Recommendation)**

**Moved: Cr Mitchell      Seconded: Cr Wringe**

**That Council:**

- 1. Accepts the offer of \$90,000 from Ms. Renee Lamb and Mr. Aaron Lamb for the purchase of Lot 107 Steere Street, Donnybrook from the Shire;**
- 2. Advertises the sale to comply with Section 3.58 of the *Local Government Act 1995*; and**
- 3. Authorises the Chief Executive Officer to undertake any actions required to facilitate the sale of the land to implement points 1 and 2 above.**

**Carried 8/0**

**9.4 STRATEGIC PROJECTS AND BUILT ASSETS**

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Nil

**9.5 MANAGER AGED CARE SERVICES**

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Nil

## 9.6 **MANAGER COMMUNITY DEVELOPMENT**

### 9.6.1 **Donnybrook Community Library Agreement**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Ben Rose, CEO
<b>File Reference</b>	PRO 1/4
<b>Author</b>	Sharon Upston, Manager Community Development
<b>Attachments</b>	9.6.1 (1) Final Draft Agreement 9.6.1 (2) Final Draft Agreement - Annexure A; 9.6.1 (3) Donnybrook Community Library Annexure A - Gap Analysis.
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Council endorse the draft Donnybrook Community Library Agreement between the Minister for Education and the Shire.

### **STRATEGIC ALIGNMENT**

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

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
3.2 Well supported community groups and facilities	3.2.1 Provide and maintain appropriate community facilities.	3.2.1.2 Maintain community facilities within resource capacity.

### **BACKGROUND**

The current Agreement between the Minister for Education and the Shire is due to expire on 1 December 2019 after 21 years.

The Shire has been working with the Donnybrook Senior High School Principal and representatives from the Department of Education to negotiate a new agreement, consisting of an Agreement and Annexure A, which details the cost sharing arrangement.

### **DETAILS**

The final draft Agreement and Annexure A are attached at Attachment 9.6.1 (1 & 2)

### **CONSULTATION**

Negotiations with the school commenced in late January 2019, when the Principal returned from leave.

Representatives from the Department of Education met with the CEO and Manager Community Development in Donnybrook on 7 May 2019 to assist the negotiations between the school and the Shire. Some of the points discussed at this meeting included the cost sharing arrangements, staffing and shared use of the Seniors Room.

These issues have been resolved and the resulting draft Agreement is very similar to the previous version, except the term has been reduced from 21 years to seven years with an option to roll it over for a further seven years.

### **FINANCIAL IMPLICATIONS**

The new Annexure A includes some variation in the cost sharing arrangements compared to the previous version. This is highlighted in the Donnybrook Community Library Annexure A – Gap Analysis table attached.

### **POLICY COMPLIANCE**

There are no material additional implications for the Asset Management Plan.

### **STATUTORY COMPLIANCE**

The Agreement will be a legally binding contract with the Minister for Education, a body corporate pursuant to the provisions of the *School Education Act 1999*.

### **CONCLUSION**

The Shire has generally been satisfied with the previous arrangements to operate a shared library facility with the school.

However, it is noted that as both the school and Shire populations grow, there will be increasing pressure for the Shire to develop an independent library facility for the community. This is reflected in the shorter seven year term of the revised Agreement.

### **COUNCIL DECISION 128/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Mitchell**

**That Council:**

- 1. Approve the draft Agreement and Annexure A;**
- 2. Instructs the Chief Executive Officer to liaise with the Department of Education in order to prepare the final Agreement and Annexure A documents for signing by the Chief Executive Officer and the Shire President prior to 1 December 2019.**

**Carried 8/0**

### 9.6.2 Grant Application for Local Events

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Ben Rose, CEO
<b>File Reference</b>	Nil
<b>Author</b>	Sharon Upston, Manager Community Development
<b>Attachments</b>	9.6.2 (1) Regional Economic Development (RED) Grant Guidelines
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Recommend Council endorse a co-funded RED grant application to fund a local events optimisation plan.

#### STRATEGIC ALIGNMENT

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

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
1.3 An attractive visitor and tourist destination	1.3.1 Actively promote the district as an attractive destination.	1.3.1.4 Support and promote local tourism events and attractions.
3.1 An engaged, supportive and inclusive community	3.1.2 Actively engage with the community.	3.1.1.1 Continue to run community events.  3.1.1.2 Continue to encourage and support community-led events.

#### BACKGROUND

The RED grants program is a State Government initiative driven by the South West Development Commission (SWDC) that invests in community projects to create jobs and boost economic growth across regional Western Australia.

Eligible applicants can apply for funding of up to \$250,000 for individual projects that promote sustainable jobs, partnerships, productivity, skills and capability, as well as stimulate new investment in industry diversification.

The grants require a minimum of 50% matching cash contribution to the project. Applications close on September 13, 2019.

#### DETAILS

The Shire (driven chiefly through not-for-profit community organisations) has an eclectic calendar of community and Shire-run events. It is proposed that a local events optimisation plan is prepared by a suitably qualified professional with a scope of work that could include the following:

- ✓ Investigate if the timing of the events is optimising our potential to attract visitors;
- ✓ A gap analysis of what events we're conducting now, and what other opportunities could be available;

- ✓ Do we have scope for another signature event? If so, what?
- ✓ Who are the most suitable proponents to deliver an iconic event?
- ✓ Is there potential to combine events?
- ✓ Investigate if there is appetite for a jointly run event with another Shire/s;
- ✓ Investigate the capacity of the Shire to accommodate visitors locally for a program of activities spanning a few days or a week (Air B&Bs, hotels, farm stays, transit park etc);
- ✓ Investigate eco-tourism event opportunities (e.g. linked to the Wellington National Park expansion and the proposal to develop recreation and visitor facilities at Glen Mervyn Dam); and
- ✓ Identify sporting and adventure recreation activities for all ages and abilities (e.g. inclusive events).

## **CONSULTATION**

The CEO, Manager of Executive Services and Manager Community Development had a telephone conversation with the South West Development Commission on 30 July 2019, regarding the application process and the guidelines.

## **FINANCIAL IMPLICATIONS**

This work is estimated to cost up to \$20,000, with Council being requested to consider the co-funding contribution (i.e. \$10,000, via the unspecified projects budget allocation). This work will be conducted in parallel with the development of the Economic Development Strategy.

## **POLICY COMPLIANCE**

Not applicable

## **STATUTORY COMPLIANCE**

Not applicable

## **CONCLUSION**

Events are a way to generate tourism by showcasing our natural assets, local art, wine and produce. They are also an important ingredient in building community vibrancy and inclusion by bringing like-minded people together to celebrate and connect.

A well-considered program of events will not only promote our unique brand, but bind our community together to make this an even better place to live, work and invest.

## **EXECUTIVE RECOMMENDATION**

**Moved: Cr Tan    Seconded: Cr Mitchell**

**That Council:**

- 1. Authorises the Chief Executive Officer to prepare and submit a Regional Economic Development (RED) grant application to fund a local events optimisation plan;**
- 2. Allocates \$10,000 from Account No. 105020 '*Sundry Other Governance Expenses – provision to support unspecified projects*' as the Shire's co-contribution towards the project.**

**Lost 2/6**

## 9.7 EXECUTIVE MANAGER OPERATIONS

### 9.7.1 Lewana Recovery – Advocacy on Behalf of Affected Landowners

<b>Location</b>	Lewana, Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CSV 43/4
<b>Author</b>	Steve Potter – Executive Manager Operations
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>· Landowners affected by the Lewana fire in March 2019 have been informed that the State Government’s insurers will not cover any private losses incurred.</li> <li>· It is recommended that Council endorse the Shire President and Chief Executive Officer advocate on behalf of affected landowners’ through appropriate channels.</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>
2.1 An attractive and maintained built environment	2.1.1 Maintain, renew an improve infrastructure within allocated resources	2.1.1.2 Seek funding for development and renewal of infrastructure
3.2 An engaged, supportive and inclusive community	3.2.1 Provide and maintain appropriate community facilities	3.2.1.3 Maintain community facilities within resource capacity

### BACKGROUND

In March 2019 private properties in both the Shire of Donnybrook Balingup and the Shire of Nannup were impacted by the Lewana Fire, (Incident Number 423437). It has been determined that the probable cause of the fire was plantation harvesting machinery operated by the Forest Products Commission’s (FPC) timber harvesting contractor, Total Harvesting Pty Ltd.

Officers understand that at post incident community de-briefs property owners were requested by FPC to submit requests for business compensation claims. Officers have been made aware that communication has recently been received by landowners from RiskCover (claims manager for FPC), to advise that whilst FPC was the likely cause of the fire (through their contractor Total Harvesting), RiskCover considers FPC took all reasonable precautions to ensure that it did not cause an outbreak of fire by having appropriate fire mitigation equipment including one heavy duty fire unit and four light duty fire units on site. RiskCover have therefore formed the view that FPC was not negligent in relation to either the cause, or the spread, of the fire.

Officers also understand the Department of Biodiversity, Conservation and Attractions (DBCA) initially indicated to property owners that damage incurred may be rectified under DBCA’s ‘Good Neighbour Policy’ (GNP) however were later advised that as a

result of amendments made in 2016 to the *CALM Act 1984*, that bushfire damage was no longer subject to the GNP and therefore would not be covered by DBCA.

## **DETAILS**

Officers have been advised that FPC has requested from the State Government an 'Act of Grace' payment be made, to be shared between impacted property owners. There are 10 separate property owners who have submitted claims across the Shires of Nannup, Donnybrook Balingup and Bridgetown Greenbushes. Officers have been advised that FPC has contacted the Shire of Nannup to request assistance in the administration of a payment if the request is successful and it is expected that a similar approach may apply to the Shire of Donnybrook Balingup.

In order to give the request to the State Government the best chance of success, it would likely benefit from Shire representation being made to appropriate parliamentarians. Preliminary discussions have been held with the Shire of Nannup with a view to combining efforts to achieve a positive outcome for the collective group of affected landowners from both local government authorities.

## **CONSULTATION**

A progress meeting was held at the Balingup VBFB on 23 July 2019 which was attended by 26 individuals including affected landowners and representatives of:

- ✓ Shire of Donnybrook Balingup;
- ✓ Shire of Nannup;
- ✓ Department of Fire and Emergency Services (DFES);
- ✓ Department of Biodiversity, Conservation and Attractions (DBCA);
- ✓ Forest Products Commission (FPC); and
- ✓ Volunteer firefighters.

Ongoing communication is continuing with affected landowners via the Shire's Local Recovery Coordinator.

## **FINANCIAL IMPLICATIONS**

Human resources - CEO and Shire President, which may include travel to Perth.

## **POLICY COMPLIANCE**

Not applicable

## **STATUTORY COMPLIANCE**

- ✓ CALM Act 1984 (State Government Legislation)
- ✓ DEC 'Good Neighbour' Policy (State Government Policy)

## **CONCLUSION**

In the absence of RiskCover accepting liability for the incident, officers consider it appropriate that the Shire appeal to the State Government to consider recompensing landowners affected by the actions of the FPC (or its contractors).

To this effect, it is recommended that Council endorse the Chief Executive Officer and the Shire President to make representations, in conjunction with the Shire of Nannup, to advocate on behalf of affected members of the community through appropriate channels.

## **EXECUTIVE RECOMMENDATION**

**That Council:**

- 1. Endorses the Shire President and the Chief Executive Officer to advocate on behalf of affected landowners to appropriate Parliamentarians to seek financial assistance for land owners who incurred private property damage as a result of the Lewana incident;**
- 2. Endorses the Shire President and Chief Executive Officer to seek the formal support of WALGA to encourage policy change that ensures impacted property owners are adequately supported and recompensed in the instance where State Government activities and/or incidents result in damage to private property;**
- 3. Endorses the Shire President and Chief Executive Officer to meet with State Government representatives from the Department of Biodiversity, Conservation and Attractions and the Forest Products Commission to coordinate a Communications Strategy of current policy to residents.**

Cr King left the chamber at 7:16pm

## **COUNCIL DECISION 129/19**

**Moved: Cr Wringe**

**Seconded: Cr Tan**

**Council endorses the Shire President and Chief Executive Officer to seek the formal support of WALGA (via the South West Zone) to encourage policy change that ensures impacted Property owners are adequately supported and recompensed in the instance where State Government activities and/or incidents results in damage to property.**

**Carried 5/2**

Cr King returned to the chamber at 7:51pm

## 9.8 CHIEF EXECUTIVE OFFICER

### 9.8.1 Warren Blackwood Sub-Regional Growth Plan 2019

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	Nil
<b>Author</b>	Maureen Keegan (Manager Executive Services)
<b>Attachments</b>	9.8.1 (1) WB Sub-Regional Growth Plan 9.8.1 (2) MOU
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ol style="list-style-type: none"> <li>1. Endorse the Warren Blackwood Sub-Regional Growth Plan 2019,</li> <li>2. Endorse the Memorandum of Understanding Warren Blackwood Sub Regional Growth Plan</li> <li>3. Authorise the Chief Executive Officer to sign the Memorandum of Understanding Warren Blackwood Sub-Regional Growth Plan on behalf of the Shire of Nannup.</li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
Outcome 1.1 A diverse, prosperous economy, supporting local business and population growth.	1.1.1 Promote, maintain and diversify investment in the district.	1.1.1.4 Actively partner in regional Growth Planning partnerships and projects.
Outcome 1.3 An attractive visitor and 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.

### BACKGROUND

The Warren Blackwood Sub-Regional Growth Plan 2019 (The Plan) is a collaboration between the Shires of Donnybrook Balingup, Nannup, Bridgetown-Greenbushes, Manjimup, Boyup Brook and the South West Development Commission.

The Plan was developed to provide a strategic overview of sub-regional, economic and social priorities, reflecting localised planning and development documents and align with regional and State development documents including the SW Regional Blueprint and will be utilised to leverage current and future socio-economic opportunities and pursue funding to facilitate growth.

### DETAILS

The Warren Blackwood Alliance of Councils has been developing The Plan throughout the last 6 months and the draft priorities were workshopped with Councillors earlier this

year. The Plan is now finalised and has been endorsed by the Warren Blackwood Alliance of Councils, and is now ready for Council consideration for endorsement.

Associated with this document is a MOU with its purpose to clearly identify the roles and responsibilities of each party as they relate to the Warren Blackwood Sub-Regional Growth Plan. The key points for Council to consider are as follows;

### ***Shire responsibilities under this MOU***

The Shires shall undertake the following activities:

- ✓ Provide information as applicable to ensure the currency and accuracy of the Warren-Blackwood Sub-Regional Growth Plan;
- ✓ Share the current, endorsed version of the Warren Blackwood Sub-Regional Growth Plan for public access on Shire websites, and in hard copy as applicable;
- ✓ Support the actions and projects identified in the Warren Blackwood Sub-Regional Growth Plan;
- ✓ Review the Warren Blackwood Sub-Regional Growth Plan every 12 months, providing feedback on current projects and activities outlined in the document.

### ***SWDC responsibilities under this MOU***

SWDC shall undertake the following activities:

- ✓ Facilitate workshops to identify and discuss sub-regional priorities and projects;
- ✓ Develop the inaugural draft document based on information provided by the Shires and including summary strategic contextual detail;
- ✓ Provide a digital copy of the inaugural Warren Blackwood Sub-Regional Growth Plan;
- ✓ Store the current, endorsed version of the Warren Blackwood Sub-Regional Growth Plan and apply version changes as identified through the yearly review process;
- ✓ Promote the Warren Blackwood Sub-Regional Growth Plan as appropriate.

### ***ENDORSEMENT / IMPLEMENTATION***

All Shires understand and accept that adoption and implementation of the initial Growth Plan and any future changes to the Growth Plan, as per the review process, will be determined and progressed based on the majority of parties being in agreement with the changes.

## **CONSULTATION**

A workshop with Councillors on the draft plan was undertaken earlier in 2019. In addition, the Warren Blackwood Alliance of Councils has given detailed consideration to the Growth Plan, endorsing it at its August 2019 Meeting.

## **FINANCIAL IMPLICATIONS**

The Growth Plan is chiefly a grant-funding rationalisation plan, to operate at a sub-regional level. Adopting the Growth Plan does not commit any of the parties to any expenditure; conversely, it 'opens the door' for Government funding for the partner local governments.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Not applicable.

## **CONCLUSION**

Council are requested to endorse the Warren Blackwood Sub-Regional Growth Plan 2019 and the associated MOU.

## **COUNCIL DECISION 123/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That Council:**

- 1.    Endorses the Warren Blackwood Sub-Regional Growth Plan 2019, and;**
- 2.    Endorses the Memorandum of Understanding Warren Blackwood Sub Regional Growth Plan, and;**
- 3.    Authorises the Chief Executive Officer to sign the Memorandum of Understanding for the Warren Blackwood Sub-Regional Growth Plan on behalf of the Shire of Donnybrook Balingup.**

**Carried 8/0 by En Bloc Decision**

### 9.8.2 Response to the State Government Review of Local Government in WA

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Maureen Keegan, Manager Executive Services
<b>Attachments</b>	9.8.2 (1) WALGA Draft Submission 9.8.2 (2) LG Professional Draft Submission
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	Authorise the CEO to provide a submission to the Select Committee in response to the Inquiry into Local Government on behalf of the Shire of Donnybrook Balingup.

#### STRATEGIC ALIGNMENT

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

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
4.1 A strategically focussed, open and accountable local government.	4.1.1 Provide accountable and strategic leadership.	4.2.1.2 Seek a high level of legislative compliance and effective internal controls.

#### BACKGROUND

On 4 July 2019, a State Parliamentary Select Committee was established to undertake an inquiry into the system of local government in Western Australia. In a media release dated 4 July 2019, Chairman Simon O'Brien MLC said, "*Local Governments play an important role in the lives of all Western Australians, so the Select Committee is gathering information about what the community expects. We would like to hear what Local Government does well, along with identifying issues of concern and receiving suggestions for how the system might be improved*".

The Committee is calling for written submissions by Friday 13 September 2019. Submissions should address one or more of the Terms of Reference.

#### DETAILS

The Terms of Reference for the Select Committee inquiry are as follows:

- (1) *That a select committee into local government is established.*
- (2) *The select committee is to inquire into how well the system of local government is functioning in Western Australia, with particular reference to —*
  - (a) *whether the Local Government Act 1995 and related legislation is generally suitable in its scope, construction and application;*
  - (b) *the scope of activities of local governments;*
  - (c) *the role of the department of state administering the Local Government Act 1995 and related legislation;*

- (d) the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;*
  - (e) the funding and financial management of local governments; and*
  - (f) any other related matters the select committee identifies as worthy of examination and report.*
- (3) The select committee shall comprise five members.*
- (4) The select committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the house.*
- (1) That the following members be appointed to the Select Committee into Local Government; Hon Simon O'Brien, Hon Diane Evers, Hon Charles Smith, Hon Martin Aldridge and Hon Laurie Graham*
- (2) That the Chair is to be Hon Simon O'Brien.*
- (3) That the Deputy Chair is to be Hon Laurie Graham*

Both WALGA and the Local Government Professionals (WA) have prepared detailed submissions to the Select Committee (copies attached). It is recommended that, in its submission to the Select Committee, Council endorse the content and recommendations of these two submissions.

## **CONSULTATION**

The Select Committee is seeking feedback from the community and other key stakeholders in relation to the matters addressed via the Terms of Reference.

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY COMPLIANCE**

Not applicable

## **STATUTORY COMPLIANCE**

The Select Committee requires the inquiry submissions be kept confidential until the Select Committee resolves to release the submissions publicly. For this reason, the matter is proposed to be resolved 'behind closed doors' by the Council.

## **CONCLUSION**

The Select Committee has called for public submissions in relation to the operation of local government in WA. For local government sector and community advocacy reasons, it is recommended that the Council endorse a submission to the Select Committee, based on the WALGA and Local Government Professionals (WA) submissions.

**COUNCIL DECISION 123/19  
(Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That Council:**

- 1. Endorse the WALGA draft submission (as attached) to the Select Committee's inquiry into the system of local government in Western Australia.**
- 2. Endorse the Local Government Professionals (WA) draft submission (as attached) to the Select Committee's inquiry into the system of local government in Western Australia.**
- 3. Instruct the Chief Executive Officer to lodge a submission to the Select Committee's inquiry into the system of local government in Western Australia, on the recommendations identified within the endorsed draft submissions in resolution 1 and 2, above and identification of local benefits to the community arising from the services, programs, projects and advocacy of the Local Government.**

**Carried 8/0 by En Bloc Decision**

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

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Nil

## **11 QUESTIONS FROM MEMBERS**

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Nil

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

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Nil

## **13 MEETINGS CLOSED TO THE PUBLIC**

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

The following confidential reports and recommendations have been distributed separately and are not for circulation:

- 13.1.1 CONFIDENTIAL – RFT 4 1819 Construction of the Beelerup Fire Station**
- 13.1.2 CONFIDENTIAL – Purchase Lot 58 South Western Hwy – Bendigo Bank**
- 13.1.3 CONFIDENTIAL – Unit 11 Preston Retirement Village**
- 13.1.4 CONFIDENTIAL – CEO Review and KPI**

These reports are confidential in accordance with section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

### **COUNCIL DECISION 130/19 (Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That the meeting be closed to the public in accordance with section 5.23(2) of the *Local Government Act 1995* to discuss confidential items 13.1.1, 13.1.2, 13.1.3 and 13.1.4.**

**Carried 8/0**

**COUNCIL DECISION 130/19  
(Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That:**

- 1. In accordance with Section 5.23(2) of the *Local Government Act 1995* and Section 4A of the *Local Government (Administration Regulations) 1996*, agenda items 13.1.1, 13.1.2, 13.1.3, and 13.1.4 are to remain confidential as sensitive information is detailed in the reports.**
- 2. When the information in the reports is not sensitive the items will be included in the next occurring Council Agenda.**

**Carried 8/0**

**COUNCIL DECISION 130/19  
(Executive Recommendation)**

**Moved: Cr Tan    Seconded: Cr Lindemann**

**That the meeting be re-opened to the public.**

**Carried 8/0**

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

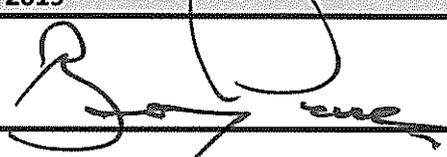
**That:**

- 1. In accordance with Section 5.23(2) of the *Local Government Act 1995* and Section 4A of the *Local Government (Administration Regulations) 1996*, agenda items 13.1.1, 13.1.2, 13.1.3, and 13.1.4 are to remain confidential as sensitive information is detailed in the reports.**
- 2. When the information in the reports is not sensitive the items will be included in the next occurring Council Agenda.**

## 14 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 25 September commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President thanked the public gallery for their attendance and declared the meeting closed at 8.29pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 25 September 2019	
	
Shire President	Presiding Member