

## **ORDINARY MEETING OF COUNCIL MINUTES**

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**Wednesday 24 July 2019**

5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

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A handwritten signature in black ink, appearing to read 'BGR' followed by a flourish.

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

**26 July 2019**



## MINUTES OF ORDINARY MEETING OF COUNCIL

24 JULY 2019

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**SHIRE OF DONNYBROOK BALINGUP**  
**MINUTES OF ORDINARY MEETING OF COUNCIL**

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**Held at the Shire of Donnybrook Balingup Council Chambers**  
**Wednesday 24 July 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 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.

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**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 King	Alan Thornton – Manager Corporate Services
Cr Lindemann	Damien Morgan – Manager Works and Services
Cr Mills	Bob Wallin – Manager Development Services
Cr Mitchell	Maureen Keegan – Manager Executive Services
Cr Tan	
Cr Van Der Heide	
Cr Wringe	

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**PUBLIC GALLERY**

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5 members of the public were in attendance.

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**2.1 APOLOGIES**

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Nil

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**2.2 APPROVED LEAVE OF ABSENCE**

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Nil

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**2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Nil

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**3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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Nil

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**4 DECLARATION OF INTEREST**

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

Cr Van Der Heide declared an impartiality interest in item 9.3.2 as his daughter is employed at the IGA Shopping Centre.

Cr King has declared a proximity interest in item 13.1.2 Confidential Item Lewana Bushfire Incident. After reviewing the applicability of his proximity interest and determining that he did not have a proximity interest Cr King participated in the debate of this item.

Cr Wringe declared an impartiality interest in item 13.1.2 Confidential item Lewana Bushfire Incident as she is the Chairperson of the Kirup Volunteer Bushfire Brigade.

Cr Mitchell declared an impartiality interest in item 13.1.2 Confidential item Lewana Bushfire Incident as she is a member of the Kirup Volunteer Bushfire Brigade.

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**5 PUBLIC QUESTION TIME**

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

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Nil

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**5.2 PUBLIC QUESTION TIME**

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Nil

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**6 PRESENTATIONS**

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Nil

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## **7 CONFIRMATION OF MINUTES**

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### **7.1 ORDINARY MEETING OF COUNCIL – 26 JUNE 2019**

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Minutes of the Ordinary Meeting of Council held 26 June 2019 are attached (*attachment 7.1*)

#### **COUNCIL RESOLUTION 97/19 (Executive Recommendation)**

**That the Minutes from the Ordinary Meeting of Council held 26 June 2019 be confirmed as a true and accurate record.**

**CARRIED 9/0 by En Bloc Decision**

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## **8 REPORTS OF COMMITTEES**

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Nil

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## **9 REPORTS OF OFFICERS**

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**Adoption by Exception:**

### **COUNCIL RESOLUTION**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

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

- 7.1 Confirmation of Minutes Ordinary Council Meeting 26 June 2019**
- 9.1.1 Accounts for Payment**
- 9.1.2 Monthly Financial Report**
- 9.1.3 Audit Committee Charter**
- 9.2.1 Shire of Donnybrook Balingup: Cities Power Partnerships – Consideration of Pledge Options**
- 9.3.1 Sale of Lot 229 Steere Street Donnybrook**
- 9.5.1 Tuia Lodge Quarterly Report**
- 9.6.1 Partnership with Shire of Collie – Feasibility Assessment of Development Tourist Visitor Facilities at Glen Mervyn Dam**

**Carried 9/0**

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## **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.

#### **COUNCIL RESOLUTION 98/19 (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That the Schedule of Accounts Paid for the period ended May 2019 be received.**

**CARRIED 9/0 by En Bloc Decision**

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### **9.1.2 MONTHLY FINANCIAL REPORT – MAY 2019**

The Monthly Financial Report for the period ended May 2019 (Attachment 9.1.2 (1)) is presented to Council for information.

#### **COUNCIL RESOLUTION 99/19 (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That the Monthly Financial Report for the period ended May 2019 be received.**

**CARRIED 9/0 by En Bloc Decision**

### 9.1.3 AUDIT COMMITTEE CHARTER

<b>Location</b>	Shire of Donnybrook-Balingup
<b>Applicant</b>	Ben Rose, Chief Executive Officer
<b>File Reference</b>	FNC02
<b>Author</b>	Alan Thornton, Manager Corporate Services
<b>Attachments</b>	9.1.3 (1) Audit Committee Charter
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• Council to adopt Audit Committee Charter</li> </ul>

#### STRATEGIC ALIGNMENT

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

<b>Outcome</b>	<b>Strategy</b>	<b>Action</b>
4.1 – A strategically focussed, open and accountable local government	4.1.1 – Provide Accountable and Strategic Leadership	4.1.1.2 – Review Council, Committee and Working Group governance structures and meeting programs
4.1 – A strategically focussed, open and accountable local government	4.1.2 – Continue to enhance communication and transparency	4.1.2.1 – Ongoing meaningful communication and engagement with residents, ratepayers and stakeholders

#### BACKGROUND

At the 26 June Ordinary Council Meeting an Audit Committee consisting of three elected members and two independent external members was established.

#### DETAILS

The Local Government Act 1995 requires that all Local Governments establish an Audit Committee. An Audit Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The Audit Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference as detailed in the Audit Committee Charter.

#### CONSULTATION

Not Applicable

## **FINANCIAL IMPLICATIONS**

Not Applicable.

## **POLICY COMPLIANCE**

Not Applicable.

## **STATUTORY COMPLIANCE**

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996*

## **CONCLUSION**

The Audit Committee Charter facilitates informed decision-making by Council in relation to the legislative functions and duties of the Shire that have not been delegated to the CEO.

## **COUNCIL RESOLUTION 100/19 (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That Council Adopts the Audit Committee Charter as presented.**

**CARRIED 9/0 by En Bloc Decision**

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## 9.2 MANAGER WORKS AND SERVICES

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### 9.2.1 SHIRE OF DONNYBROOK BALINGUP: CITIES POWER PARTNERSHIPS – CONSIDERATION OF PLEDGE OPTIONS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	WRK 15/4
<b>Author</b>	Damien Morgan
<b>Attachments</b>	9.2.1(1): Potential Actions
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>• Council previously supported the Shire joining the 'Cities Power Partnerships' at the October 2018 OCM;</li> <li>• Staff have determined that this requires the Council to make 'pledges' to commit to particular outcomes.</li> <li>• This report presents 'pledge' options for Council's consideration.</li> </ul>

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Action No.	Actions
2.3 - A natural environment for the benefit of current and future generations	2.3. Efficient use of resources to minimise environmental impacts	2.3.4	Review the sustainability strategy
2.3 A natural environment for the benefit of the current and future generations	2.3.1 Efficient use of resources to minimise the environmental impacts	2.3.1.2	Encourage community to adopt alternative energy and green options
2.1 An attractive and maintained built environment	2.1.2 Provide effective and efficient regulatory services	2.1.2.2	Develop and implement asset management plans
2.4 – Efficient and effective waste management	2.4.2 Promotion of waste minimisation	2.4.2.1	Encourage recycling and organic waste recycling
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
4.1 A strategically focused, open and accountable local government	4.1.1 Provide accountable and strategic leadership	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

## BACKGROUND

At the Ordinary Meeting on 24 October 2018, Council resolved the following:

*“That Council:*

*Endorse the Chief Executive Officer, on behalf of the Shire of Donnybrook Balingup to apply to join the Cities Power Partnership.”*

Since the resolution, Officers have researched the process to join the Cities Power Partnership (CPP), including attending a CPP event on 30 May 2019.

As a result of the above, it has been determined the up-front and ongoing commitments required of the Shire in ‘joining’ the CPP are as follows:

- The Shire is to identify five actions from a list of potential actions proposed by the CPP.
- The Shire is to complete a six monthly online survey.
- The Shire is to nominate a point of contact.
- The Shire is to confirm the Shire is willing to be ‘buddied’ with other local governments.

## DETAILS

It is recommended that prior to joining the CPP that any commitments be clearly outlined and endorsed by Council. The list of all potential actions is provided in *Attachment 9.2.1(1)* with a list of Staff’s recommended actions and an example of how each action can be achieved in Table 1 below.

	Recommended Action	Examples of Implementation
1. Renewable Energy	1.3. Install renewable energy on council buildings.	The Shire has already installed renewable energy solutions (e.g. solar panels) on a number of key council buildings and will continue to consider the incorporation of renewable energy initiatives on our building assets.
2. Energy Efficiency	2.3. Roll out energy efficient lighting (particularly street lighting) across the municipality.	The Shire will continue to investigate energy efficient solutions (e.g. LED lighting) when installing or upgrading lighting.
3. Sustainable Transport	3.3 Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.	The Shire will continue to participate in the development of regional strategies such as the 2050 Bunbury Wellington Cycling Strategy. The Shire also supports sustainable transport by allocating funds each financial year to the development of pathways.
	3.5. Support cycling through provision of adequate cycle lanes, bike parking and end of ride facilities.	Strategic pathways such as the Meldene Estate Link will incorporate end of ride facilities.
4. Work Together and Influence	4.4 Set up meetings and attend events, such as the Community Energy Congress or the Cities Powers Partnership Summit, where like-minded cities can address common concerns and learn from others’ experience.	Officers will consider attending WA based meetings or events such as the recent round table event hosted by the CPP.

When determining the five recommended actions, officers have considered the following:

- Relevance to the Shire of Donnybrook Balingup;
- Environmental Impacts;
- Financial Implications;
- Ease of Implementation.

It is considered each of the five options are relevant to the Shire and are reasonable in terms of implementation and costs.

The Shire's Environmental Officer will be the nominated point of contact and will be responsible for completing the six monthly online survey.

## **CONSULTATION**

Officers consulted with the CPP regarding the process to join the CPP and discussed the benefits of joining. The recent CPP meeting held in Perth provided an opportunity for the Environmental Officer to meet representatives of the CPP and other Local Governments.

As a result of the meeting in Perth, it was noted that there is a risk of the group being utilised to push particular political views and this is something that both staff and Council need to be cognisant of, to avoid becoming drawn into actions that may not necessarily reflect the intentions or position of the Shire. It is considered that by committing to the five pledges as recommended, this provides clear direction in terms of the extent to which the Shire is making commitments and it is recommended that clear advice be provided to the CPP that this is the case.

## **FINANCIAL IMPLICATIONS**

Although there is no cost to join the CPP, depending on the actions chosen, there may be financial implications for future projects, and these will need to be identified and endorsed through the annual SoDB budget process.

There may also be a cost associated with officers or Councilor's attending meetings and events, but this should not significantly impact existing or future budgets.

## **POLICY COMPLIANCE**

Not Applicable

## **STATUTORY COMPLIANCE**

Not Applicable

## **CONCLUSION**

Many of the recommended action are considered to already form part of our typical processes when planning new projects. However by formalising their status through the pledge commitment as proposed, it will only enhance their consideration by officers and Council when considering and planning Shire processes and projects. The recommended pledges are

consistent with strategies and actions identified in the Shire’s Corporate Business Plan, and Council endorsement will reflect this.

**COUNCIL RESOLUTION 101/19  
(Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That Council:**

- 1. Pledges to undertake the following five actions in agreeing to join the Cities Power Partnership:**

<b>Number</b>	<b>Action</b>
<b>1.3</b>	<b>Install renewable energy on council buildings.</b>
<b>2.3</b>	<b>Roll out energy efficient lighting (particularly street lighting) across the municipality.</b>
<b>3.3</b>	<b>Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.</b>
<b>3.5</b>	<b>Support cycling through provision of adequate cycle lanes, bike parking and end of ride facilities.</b>
<b>4.4</b>	<b>Set up meetings and attended events, such as the Community Energy Congress or the Cities Powers Partnership Summit, where like-minded cities can address common concerns and learn from others’ experience.</b>

- 2. Advises the Cities Power Partnership of Council’s nominated actions when making application to join.**
- 3. Advises the Cities Power Partnership that Council’s commitment is limited to the actions outlined in Point 1 and should not be construed as being tacit support for any political stance that the CPP or affiliated local government authorities may adopt;**
- 4. Instructs the Chief Executive Officer to consider measures to incorporate the identified actions in Point 1 as part of the process for the planning of future projects and processes.**

**CARRIED 9/0 by En Bloc Decision**

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### 9.3 **MANAGER DEVELOPMENT SERVICES**

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#### 9.3.1 **SALE OF LOT 229 (43) STEERE STREET, DONNYBROOK**

<b>Location</b>	Lot 229 (43) Steere Street, Donnybrook
<b>Applicant</b>	First National Real Estate, Donnybrook
<b>File Reference</b>	A1358
<b>Author</b>	Bob Wallin (Principal Planner)
<b>Attachments</b>	Attachment 9.3.1(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 229 Steere Street, Donnybrook for \$90 000. The land has been valued at \$95 000 by a licensed valuer (LMW) in February 2019.</li> <li>• Sale of land by Council requires compliance with Section 3.58 of the Local Government Act.</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:

<b>Outcome</b>	<b>Strategy</b>	<b>Actions</b>
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**

The Shire has received an offer to purchase Lot 229 (43) Steere Street, Donnybrook for the sum of \$90,000 from Lisa Michelle Ritchie and James David Ritchie (*Attachment 9.3.2(1) – Location plan*).

Council at its 28 November 2018 Ordinary Council Meeting resolved to dispose of four lots, including Lot 229 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*.

The property was valued by LMW (certified independent land valuer) at \$95,000 in February 2019 and therefore 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 less than 6 months old;
- Giving public notice (14 days); and
- A Council decision being 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 229 Steere Street, Donnybrook.

The offer is approximately within a 5% tolerance of the valuation figure and considered reasonable to accept given:

- There is no guarantee that another offer will be presented in the near future;
- The market in Donnybrook is relatively flat and there is no indication that conditions will change; and
- The lengthy timeframes involved with attracting purchases for the Shire's other properties on Mead Street.

## **CONSULTATION**

If supported, the proposal will be advertised in accordance with Section 3.5 of the Act.

## **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**

Nil

## **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 RESOLUTION 102/19  
(Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That Council:**

- 1. Accepts the offer of \$90,000 received from Lisa Michelle Ritchie and James David Ritchie for the purchase of Lot 229 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 9/0 by En Bloc Decision**

### 9.3.2 PROPOSED EXPANSION OF DONNYBROOK ‘IGA’ SHOPPING CENTRE, INCLUDING INCREASED FLOOR AREA, CAFÉ AND LIQUOR STORE

<b>Location</b>	Lots 5, 6, 7, 8, 9 and 500 South Western Highway, Donnybrook
<b>Applicant</b>	MCG Architects
<b>File Reference</b>	A4275/A4276 and A323
<b>Author</b>	Bob Wallin (Manager Development Services)
<b>Attachments</b>	Attachment 9.2.3(1): Location Plan Attachment 9.2.3(2): Development plan Attachment 9.2.3(3): Previous Council report (February 2015)
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	<ul style="list-style-type: none"> <li>Recommend conditional approval for the expansion of the existing IGA store, including a café, liquor store and a redesigned and expanded car parking area.</li> <li>The proposal complies with the requirements of Local Planning Scheme No. 7 regarding land use, car parking provision, setbacks, plot ratio, landscaping and street elevations.</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

Council has received an Application for Development Approval for the proposed expansion and redevelopment of the “IGA” store which includes Lots 5, 6, 7, 8, 9 and 500 South Western Highway, Donnybrook (*Attachment 9.3.2(1) – Location Plan*). The land is zoned “Commercial” under Local Planning Scheme 7 (LPS7).

The proposed design can be viewed in *Attachment 9.3.2(2)* and includes the following elements:

- Expanded and redesigned car parking area;
- A café (108m<sup>2</sup>);
- A bottle shop (300m<sup>2</sup>);
- Expansion of IGA shop (824m<sup>2</sup>);
- Public toilets; and
- A mall (112m<sup>2</sup>).

A similar proposal was approved by Council at its 11 February 2015 Ordinary Council Meeting. The previous approval which has lapsed, included:

- A redesign of the car parking areas;
- A café (84m<sup>2</sup>);
- Public toilets;
- A sign; and
- A new retail store with a floor area of 356m<sup>2</sup> (liquor store).

A copy of the previous Council report is provided in *Attachment 9.3.2(3)*. This provides relevant background context and analysis of issues.

## DETAILS

There are two parts to assessing this development application. The first part relates to land use and the second to the physical development.

### Land Use

In relation to the proposed uses, these are classified as follows:

<b>Proposed Uses</b>	<b>Classification of Use type in LPS7</b>	<b>Designation of use type under Commercial zone.</b>
Café	Restaurant	D (Discretionary)
Expansion of IGA store	Shop	D (Discretionary)
Bottle shop	Liquor Store	P (Permitted)

Land uses listed as “D” (Discretionary) require the application of discretion while uses listed as “P” (Permitted) means that the use is allowed as a right – subject to complying with LPS7 provisions. These uses do not require advertising as this only applies to proposed uses with an “A” listing.

The proposed uses are considered reasonable in the context of a shopping centre development and will not create any potential land use conflict with adjoining land.

### Development (Built form outcomes)

There are several elements in considering built form outcomes with regard to LPS7 provisions. The following table lists specific requirements and demonstrates whether the development complies:

Design element	Requirement	Proposed	Compliance
<b>Setbacks</b>			
Front	Nil	Greater than nil	Complies
Side	Nil	Greater than nil	Complies
Rear	Nil	Greater than nil	Complies
<b>Landscaping</b>			
	10%	Details have not been provided. However, there is more than suitable land available to comply with this standard.	Can be conditioned to comply
<b>Carparking</b>			
Shop (IGA store)	1 bay per 20m <sup>2</sup> Gross Floor Area (GFA)  2172m <sup>2</sup> GFA / 20m <sup>2</sup> <b>= 109 bays</b>		
Café (Restaurant)	1 bay per 4 seated patrons  24 seats / 4 <b>= 6 bays</b>		
(Liquor Store)	1 bay per 25m <sup>2</sup> GFA  300m <sup>2</sup> GFA / 25m <sup>2</sup> = <b>12 bays</b>		
Total required	<b>127 bays</b>	128 bays + caravan RV and Trailer spaces, + bicycle racks and motor bike spaces	Complies
<b>Plot Ratio</b>			
	Up to 2.0	Less than 1.0	Complies
<b>Primary building elevation</b>			
	Must have a façade that includes: <ul style="list-style-type: none"> <li>Architectural features</li> <li>Must reflect building materials of adjoining development</li> </ul>	Design includes:  A façade with significant areas of glazing, shade structures, vertical and horizontal stepping and inclusion of a vertical garden.  The building includes masonry elements and feature treatments consistent with other buildings in the locality.	Complies
<b>Loading and Servicing Vehicles</b>			
	Space be provided	The site contains significant space at the rear of the site for loading and servicing the development.	Complies

## **CONSULTATION**

The proposal includes frontage to the South Western Highway which triggers the need to seek advice from Main Roads Western Australia (MRWA). The submitted application proposes some changes to the access points onto SW Highway, however the applicant has indicated they are willing to be flexible in this regard and if needed can retain the existing access points and design the parking area accordingly. MRWA have advised that it has no objections should the retaining two existing crossovers be retained in their present locations, however some further consideration may be required if alternative access points are proposed.

Officers are confident that by continuing to liaise with both the applicant and MRWA that an acceptable solution for all parties can be achieved.

## **FINANCIAL IMPLICATIONS**

Nil

## **POLICY COMPLIANCE**

Local Planning Policy 9:17 *Industrial and Commercial Development Control* has the aim of improving the quality of commercial development within the Shire and encourages aesthetically attractive built form and streetscapes.

The policy outlines that this aim is achieved through applying development guidelines that address building appearance. The proposal satisfies the development guidelines by:

- Incorporating a variety of materials, colours and treatments;
- Including architectural features including verandahs, windows, doors, gables, and porticos in the street elevation;
- Providing a roof form with points of interest; and
- Including vertical and horizontal stepping of elevations.

## **STATUTORY COMPLIANCE**

The development (building) and land use require planning approval under LPS7. The proposal satisfies LPS7 provisions in relation to land use (Table 1), setbacks, plot ratio and built form (clause 4.56 and clause 67 of the Deemed Provisions) and car parking provision (Table 2).

## **CONCLUSION**

The proposed development satisfies the requirements of LPS7 and represents an improved floor plan and car parking layout as well as an upgrade to the existing building façade. The proposed uses are consistent with the intent of the “Commercial” zone objectives and will not create any potential for land use conflict.

Approval is recommended subject to conditions.

**COUNCIL RESOLUTION 103/19  
(Executive Recommendation)**

**Moved: Cr Tan                      Seconded Cr Wringe**

**That Council:**

- 1. Grants development approval for the proposed re-development of the IGA shopping complex at Lots 5, 6, 7, 8, 9 and 500 South Western Highway, Donnybrook inclusive of the following elements;**

- **Expanded and redesigned car parking area;**
- **Café (108m<sup>2</sup>);**
- **Liquor store (300m<sup>2</sup>);**
- **Expansion of IGA shop (824m<sup>2</sup>);**
- **Public toilets; and**
- **Mall (112m<sup>2</sup>)**

**in accordance with the approved plans, subject to the following conditions:**

- 1.1 The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan(s) and must not be altered or modified without the further written consent of Council.**
- 1.2 Lots 5, 6, 7, 8, 9 and 500 South Western Highway, Donnybrook are to be amalgamated with an application to be lodged with the Western Australian Planning Commission within six months of the completion of development.**
- 1.3 All stormwater from the proposed building(s) and hardstand area(s) shall be contained on site in accordance with the Shire's specifications.**
- 1.4 A drainage management plan is to be prepared and implemented to the satisfaction of the Shire of Donnybrook Balingup.**
- 1.5 A minimum of 127 carparking bays shall be provided, as indicated on the approved plan. The internal layout of car parking is to be designed, constructed, paved, drained, marked, lit and maintained to the satisfaction of the Shire of Donnybrook Balingup.**
- 1.6 Prior to occupation, the applicant is required to upgrade crossovers to all public roads which are to be designed and constructed to the specifications and standards of the Shire of Donnybrook Balingup and/or Main Roads Western Australia.**
- 1.7 Prior to the development commencing a Landscaping Plan is to be prepared and approved by the Shire of Donnybrook Balingup. A minimum area of 10% of the site is to be set aside for landscaping.**

- 1.8 Prior to occupation of the proposed development landscaping of the development site shall be installed in accordance with the approved Landscaping Plan and thereafter maintained.**
- 1.9 The upgrading of the interface with Sharpe Street is to be designed and implemented to the satisfaction of the Shire of Donnybrook Balingup.**
- 1.10 Prior to the development commencing a management plan is to be prepared and approved by the Shire of Donnybrook Balingup to ensure public safety, amenity and access is maintained during the construction phase of the development.**

**Carried 9/0**

#### **ADVICE NOTES**

- 1. If the development the subject of this approval is not substantially commenced within 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- 3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**
- 4. An application for a Building Permit to construct the development hereby permitted is required to be submitted and approved by the local government prior to any construction works commencing on-site in relation to this determination.**
- 5. Car parking dimensions are to comply with Table 3 of Local Planning Scheme No. 7.**
- 6. Provision is to be made for of car parking for those with special accessibility needs which is to be in accordance with Australian Standard 2890.6-2009: *Off Street Parking for People with Disabilities*.**
- 7. With regard to Condition 1.1, subject to the final arrangements for access from South Western Highway being agreed upon by the Shire of Donnybrook Balingup and Main Roads WA, plans may need to be amended accordingly and once stamped approved, will become the approved plans for the development.**

- 8. With regard to Condition 1.5, the design of car parking may require modifications to satisfy detailed requirements of Main Roads Western Australia regarding configuration of cross overs and ensuring clear access from the South Western Highway. Please note that it will also be required to modify the alignment of car parking over Lots 8 and 9 to allow a clear flow of traffic from the highway instead of the access terminating immediately into a T section.**
- 9. With regard to Condition 1.7, the 10% landscaping calculation can include the vertical landscaping wall area, pedestrian environments and the alfresco area.**
- 10. With regard to Condition 1.7, landscaping is to include provision of shade tree planting for car parking spaces at a ratio of 1 tree per 6 bays (excluding caravan/trailer and RV parking) and planting treatments along the southern boundary of Lot 4.**
- 11. The applicant is advised to liaise with the Shire's Manager Works and Services to discuss implementation of conditions relevant to the carparking, access and drainage early in the process to ensure that development meet the requirements of the Shire of Donnybrook Balingup.**
- 12. The applicant is reminded of their obligations under the *Liquor Control Act 1988* in obtaining the relevant licences for the sale of alcohol.**

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## 9.4 STRATEGIC BUILT PROJECTS AND ASSETS

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Nil

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## 9.5 MANAGER AGED CARE SERVICES

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### 9.5.1 TUIA LODGE QUARTERLY REPORT

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Ben Rose, Chief Executive Officer
<b>File Reference</b>	CSV 01/2
<b>Author</b>	Jason Vlasschaert, Acting Manager Aged Care Services
<b>Attachments</b>	9.5.1(1): Tuia Lodge - Quarter Four Report 2018/19
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	It is recommended that the Tuia Lodge Quarterly Report for Quarter Four 2018/19 be received by Council.

### STRATEGIC ALIGNMENT

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

Outcome	Strategy	Actions
4.2 A respected, professional and trusted organisation	4.2.1 Effective and efficient operation and service provision	4.2.1.4 Demonstrate sound financial planning and management, including revenue / expenditure review and revenue diversification strategies and long term financial planning.

### BACKGROUND

At its Ordinary Meeting on 23 August 2017 Council resolved to:

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

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

The above resolution has been implemented and it is recommended the reports continue to be presented to Council on a quarterly basis.

## **DETAILS**

This report covers quarter four (4) of the 2019/20 financial year. Comprehensive details including an Executive Summary, Residential Data, Employee Statistics, Occupational Safety and Health, Maintenance and Finance, are provided for Council's information at *attachment 9.5.1(1)*.

## **CONSULTATION**

Not applicable.

## **FINANCIAL IMPLICATIONS**

In accordance with 2018/19 Budget allocations.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

*Aged Care Act 1997.*

## **CONCLUSION**

It is recommended that the Tuia Lodge Report for the fourth quarter of 2018/19 be received by Council.

## **COUNCIL RESOLUTION 104/19 (Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That Council receives the Tuia Lodge Quarterly Report for April – June 2019.**

**CARRIED 9/0 by En Bloc Decision**

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**9.6 CHIEF EXECUTIVE OFFICER**

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**9.6.1 PARTNERSHIP WITH SHIRE OF COLLIE – FEASIBILITY ASSESSMENT OF DEVELOPING TOURIST VISITOR FACILITIES AT GLEN MERVYN DAM**

<b>Location</b>	Glen Mervyn Dam
<b>Applicant</b>	Ben Rose, Chief Executive Officer
<b>File Reference</b>	
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Executive Summary</b>	For Council to consider partnering with the Shire of Collie to undertake a feasibility assessment of developing managed camping facilities at Glen Mervyn Dam to encourage tourism activity in 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>
<i>Outcome 2.4 - Efficient and effective waste management</i>	<i>2.4.1 Undertake efficient waste services</i>	<i>2.4.1.2 Provide efficient and effective waste services</i>

**BACKGROUND**

The Acting Chief Executive Officer and Shire President recently met with the Chief Executive Officer and Shire President of the Shire of Collie to discuss the possibility of supporting an application to the Collie Futures Fund to undertake a feasibility assessment of developing tourist visitor facilities at Glen Mervyn Dam.

**DETAILS**

The application would be developed and led by officers from the Shire of Donnybrook Balingup, with support from the Shire of Collie officers where appropriate. Funding would initially be sought to undertake a feasibility assessment with a view to developing facilities to encourage tourist visitation and facilitate water-based events being held.

Glen Mervyn Dam is located in the Shire of Donnybrook Balingup, however is reasonably close to the Shire of Donnybrook Balingup boundary with the Shire of Collie and is only 20km from the Collie townsite. It is currently managed by the Department of Biodiversity, Conservation and Attractions (DBCA). Whilst it is a popular place for local campers and water skiers, there are currently no formal amenities at the Glen Mervyn site.

The initial feasibility assessment would consider land use and planning implications, consultation with stakeholders within both Shires including DBCA, DWER, and Aboriginal groups as well as concept design and ongoing management implications. Other assessments including flora and fauna, and further Aboriginal heritage assessments may be required at a later stage.

The project may require the formation of a project management or reference group should the grant application be successful.

## **CONSULTATION**

Public consultation may be appropriate at a later stage, if the concept proceeds.

Should Council support the Executive Recommendation, a joint media release from both Shires will be prepared.

## **FINANCIAL IMPLICATIONS**

Funding would be sought from the South West Development Commission's Regional Economic Development Grants Scheme (REDS), or Collie Futures – Small Grants Scheme. Neither scheme requires a matching contribution from applicants, however the project would require some internal resources in terms of staff time to manage.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Not applicable.

## **CONCLUSION**

Glen Mervyn Dam is a well utilised local facility that represents a real opportunity to encourage further tourists to visit and stay in the local area. This is consistent with the strategic goals of both the Shire of Donnybrook Balingup and the Shire of Collie and the interaction between the two Shires thus far indicates that there is a willingness to work collaboratively to achieve a mutually beneficial outcome. The initial step of undertaking a feasibility assessment is recommended to determine the viability of such a concept.

**COUNCIL RESOLUTION 105/19  
(Executive Recommendation)**

**Moved: Cr Tan**

**Seconded: Cr Wringe**

**That Council:**

- 1. Supports 'in-principle' the concept of establishing facilities at Glen Mervyn Dam to attract tourists and visitors to the local area and encourage water-based events to be held at the facility;**
- 2. Authorises the Chief Executive Officer to engage with the Shire of Collie with a view to preparing a joint grant application to secure funds to undertake a feasibility assessment of the concept;**
- 3. Authorises the Chief Executive Officer and/or Shire President to make a joint media statement with the Shire of Collie with regard to this resolution;**
- 4. Authorises the Chief Executive Officer to make representations to the Department of Biodiversity, Conservation and Attractions (DBCA) with regard to the concept.**

**CARRIED 9/0 by En Bloc Decision**

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

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***10.1 COUNCILLOR***

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Nil

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**11 QUESTIONS FROM MEMBERS**

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Nil

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

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Nil

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

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

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

**13.1.1 CONFIDENTIAL – WAIVING AND WRITE OFF OF RATES AND CHARGES**

**13.1.2 CONFIDENTIAL – LEWANA FIRE INCIDENT – FEBRUARY 2019**

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 RESOLUTION 106/19**

**Moved: Cr Tan**

**Seconded: Cr Atherton**

**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 and 13.1.2.**

**Carried 9/0**

The meeting was closed to the public at 5:15pm

#### **COUNCIL RESOLUTION 113/19**

**Moved: Cr Mitchell**

**Seconded: Cr Wringe**

**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 and 13.1.2 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.**

#### **COUNCIL RESOLUTION 114/19**

**Moved: Cr Mitchell**

**Seconded: Cr Wringe**

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

**Carried 9/0**

The meeting was reopened to the public at 6:16pm

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

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Nil

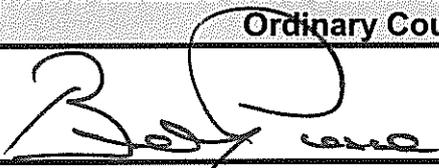
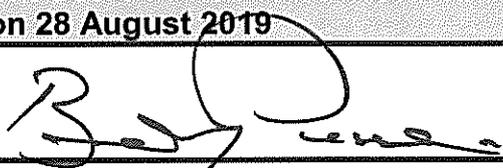
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**14 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on Wednesday 24 July 2019 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

Meeting closed 6:17pm

<b>These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held on 28 August 2019</b>		
		
<b>Shire President</b>		<b>Presiding Member</b>