

## **NOTICE OF ORDINARY COUNCIL MEETING 24 MARCH 2021**

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To be held on

**Wednesday 24 March 2021**

Commencing at 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**

**19 March 2021**

### **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**  
**NOTICE OF ORDINARY COUNCIL MEETING**

To be held at the Council Chambers  
Wednesday 24 March 2021 at 5.00pm

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

**Shire President – Acknowledgment of Country**

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

The Shire President to declare the meeting open and welcome 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**

**MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Steve Potter – Executive Manager Operations
Cr Shane Atherton	Paul Breman – Executive Manager Corporate and Community
Cr Anita Lindemann	
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	
*One Councillor Position Vacant	

**PUBLIC GALLERY**

**2.1 APOLOGIES**

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**2.2 APPROVED LEAVE OF ABSENCE**

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Nil.

**2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Cr Smith has applied for a leave of absence from the April Ordinary Council Meeting.

**RECOMMENDATION**

That Cr Smith be approved leave of absence from the Ordinary Council Meeting to be held Wednesday 28 April 2021.

AGENDA BRIEFING

### **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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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.

Ben Rose, Chief Executive Officer declared an interest in confidential item 12.1.5 and 12.1.6.

### **5 PUBLIC QUESTION TIME**

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

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Nil.

#### **5.2 PUBLIC QUESTION TIME**

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### **6 PRESENTATIONS**

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#### **6.1 PETITIONS**

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#### **6.2 PRESENTATIONS**

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#### **6.3 DEPUTATIONS**

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## **7 CONFIRMATION OF MINUTES**

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### **7.1 ORDINARY MEETING OF COUNCIL – 24 FEBRUARY 2021**

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Minutes of the Ordinary Meeting of Council held 24 February 2021 are attached (*attachment 7.1(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council held 24 February 2021 be confirmed as a true and accurate record.**

## **8 REPORTS OF COMMITTEES**

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Nil.

AGENDA BRIEFING

## 9 REPORTS OF OFFICERS

### 9.1 EXECUTIVE MANAGER OPERATIONS

#### 9.1.1 SOUTH WEST NATIVE TITLE SETTLEMENT – REQUEST FOR CROWN LAND ALLOCATION

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Department of Planning, Lands & Heritage
<b>File Reference</b>	DEP 61C
<b>Author</b>	Kira Strange, Principal Planner
<b>Responsible Officer</b>	Steve Potter, Executive Manager Operations
	9.1.1(1): DPLH Crown Land List 1244 High Priority 9.1.1(2): DPLH Crown Land Parcels for Consideration Assessment Phase
<b>Voting Requirements</b>	Simple majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Acknowledges and supports the formal commencement of the South West Native Title Settlement including the transfer of land deemed appropriate by the Department of Planning, Lands and Heritage, and as agreed by the Noongar People.</b></li> <li><b>2. Advises the Department of Planning, Lands and Heritage that the Shire has no comment to make on private land tenure matters between the Crown and the Noongar People as part of the South West Native Title Settlement, however recommends that the Department of Planning, Lands and Heritage ensure any arrangements and/or agreements are consistent with the parameters of the local Statutory and Strategic frameworks.</b></li> <li><b>3. Provides responses as per Attachment 9.1.1(1) in response to the queries presented by the Department of Planning, Lands and Heritage.</b></li> <li><b>4. Authorises the Chief Executive Officer to respond to any future similar proposals received by the Department of Planning, Lands and Heritage consistent with this resolution, including the land parcels identified within Attachment 9.1.1(2).</b></li> <li><b>5. Advise the Department of Planning, Lands and Heritage that the Shire may review the Local Planning Strategy and/or Local Planning Scheme in the near future which may or may not impact the Strategic and/or Statutory frameworks of the subject land parcels.</b></li> </ol>



## STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

- Outcome: Effective leadership and civic responsibility
- Strategy: A strategically focused, open and accountable local government
- Action: Provide accountable and strategic leadership.

## EXECUTIVE SUMMARY

Council has received correspondence from the Department of Planning, Lands and Heritage (DPLH) seeking information and comment on the potential allocation of four parcels of Crown land located within the Shire of Donnybrook-Balingup to the Noongar People as part of the South West Native Title Settlement (SWNTS). The proposed parcels may form part of the Noongar Land Estate (NLE), held by the Noongar Boodja Trust (NBT), as part of the South West Native Title Settlement.

In addition, the DPLH has provided a list of possible parcels of Crown land for future consideration within the Shire however these are currently in the “Assessment Phase”.

It is recommended that Council advises the DPLH that it has no comment with regard to the proposed private transfer of land, however instructs appropriate Officers to provide information regarding the Strategic and Statutory framework applicable to the lots.

## BACKGROUND

The SWNTS is the largest and most comprehensive agreement to settle Aboriginal interests over land in Australia. The SWNTS area, involving six Noongar Native Title Agreement Groups, is illustrated below.



**Figure 1 - Map of the South West Native Title Settlement Area and the six Noongar Native Title Agreement Groups that form the six Indigenous Land Use Agreements (ILUAs).**

The State of Western Australia has committed to allocating up to 300,000 hectares of land allocated as reserve or leasehold and 20,000 hectares of land allocated as freehold for cultural or economic development use within the SWNTS area.

The land will form part of the Noongar Land Estate (NLE) which will be held by the Noongar Boodja Trust (NBT). The Trustee must manage the land in accordance with the Trust Deed of each of the six Indigenous Land Use Agreements (ILUAs) which were registered at the Native Title Tribunal on 17 October 2018. The legal processes surrounding this registration of the ILUAs have now concluded. As a result, conclusive registration of the ILUAs occurred on 27 January 2021 and the SWNTS formally commenced on 25 February 2021.

As part of the SWNTS process, the DPLH are responsible for undertaking the identification and assessment process for land parcels within the boundaries of the SWNTS area. Part of the assessment process includes referral of land parcels to the relevant agencies, including Local Government, for comment.

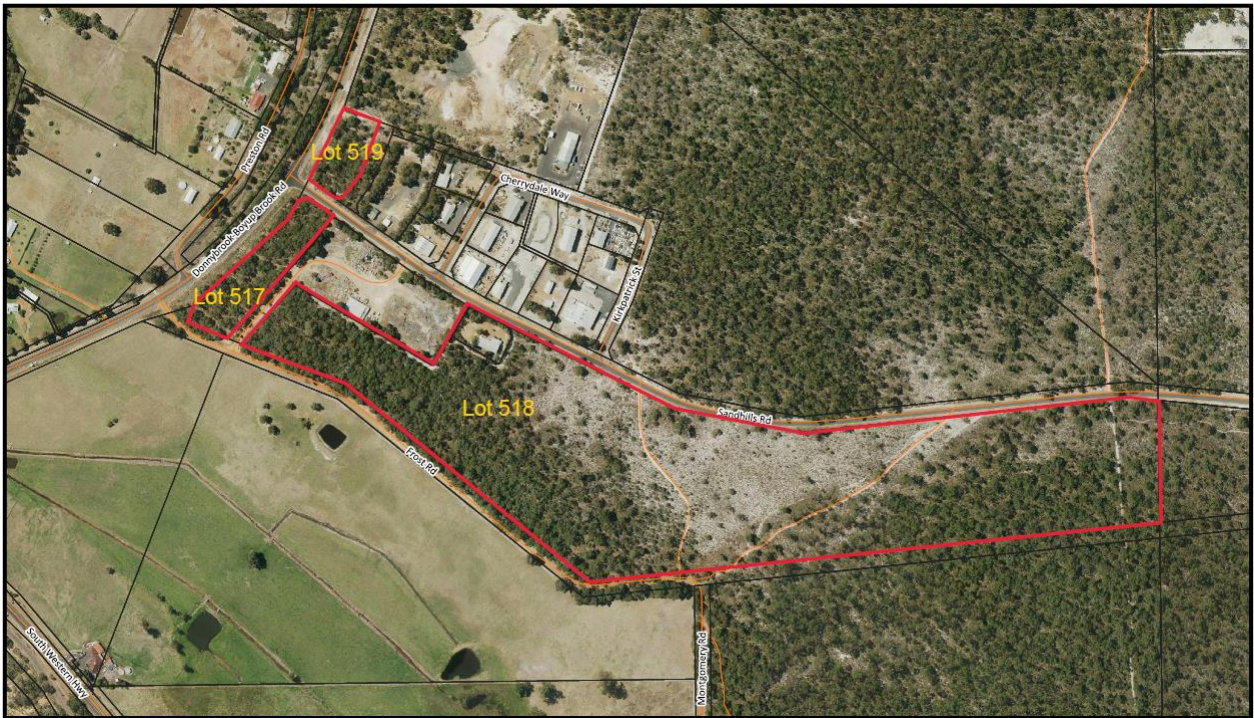
Council at the Ordinary Meeting held 22 July 2020, considered a similar request and resolved: *That Council:*

- 1. Advises the Department of Planning, Lands and Heritage that the Shire of Donnybrook, Balingup has no objections to the State of Western Australia allocating Crown land identified as Lot 516; Reserve 2052; PIN 1039142; DP 215417; CLT LR3128/829, to the Noongar People in accordance with the South West Native Title Settlement.*
- 2. Requests the Department of Planning, Lands and Heritage place a Section 70A Notification on the certificate of title under the Transfer of Land Act 1893 containing the following wording:*  
  
*“The land is in close proximity to land zoned ‘General Industry’ under the Shire of Donnybrook Balingup Local Planning Scheme No. 7 which may result in offsite impacts including noise, dust, vibrations and other emissions to users of the land.”*
- 3. Requests the DPLH include an additional term of allocation maintaining public access to the land after transfer to the Noongar People.*
- 4. Provides responses as per Attachment 9.1.3(1) in response to the queries presented by the Department of Planning, Lands and Heritage.*
- 5. Request the State Government that, prior to resolving a decision on this matter, consultation with neighbouring and nearby landowners on the proposal is undertaken.*

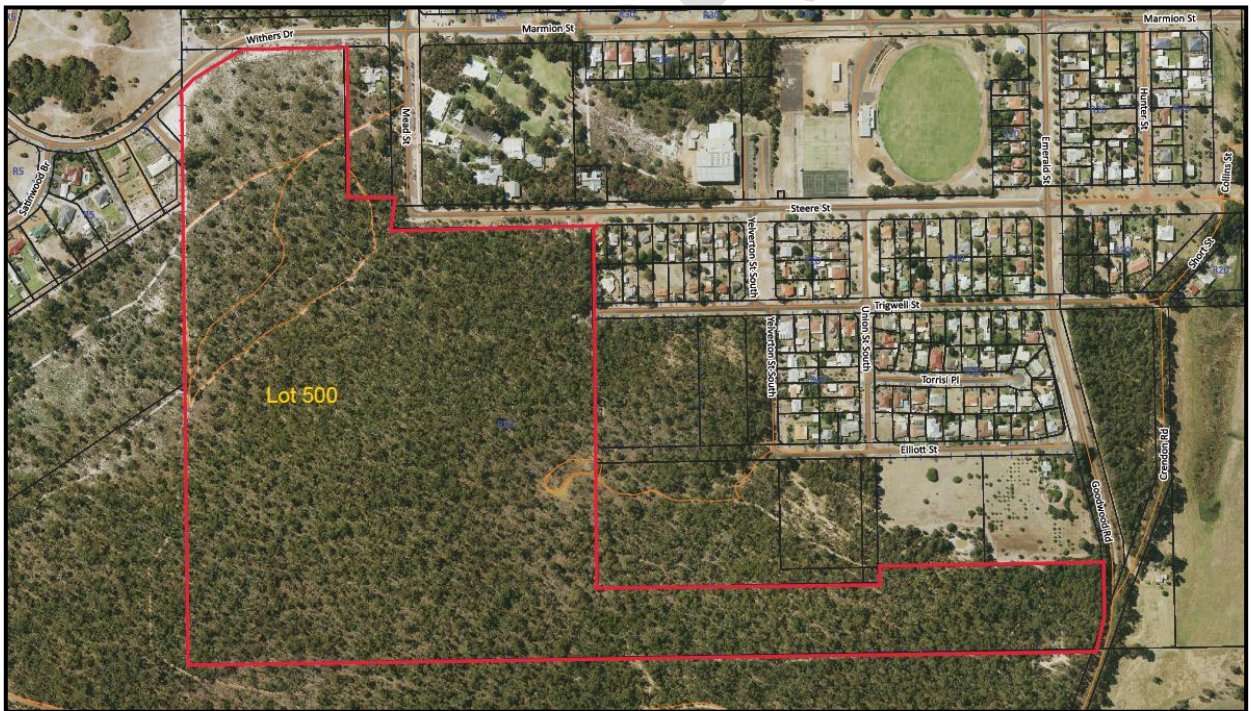
The DPLH have now identified four additional parcels of land as ‘high priority’ for transfer early in the Settlement proceedings:

1. Lot 517 Sandhills Road, Brookhampton (Figure 2);
2. Lot 518 Sandhills Road, Brookhampton (Figure 2);
3. Lot 519 Sandhills Road, Beelerup (Figure 2); and
4. Lot 500 Steere Street, Donnybrook (Figure 3).

In addition, the DPLH has provided a list of other potential lots within the Shire that are currently within the ‘Assessment Phase’ and therefore have not been considered as part of this report. This list is provided in Attachment 9.1.1(2).



**Figure 2 - Lot 517 and 518 Sandhills Road, Brookhampton, and Lot 519 Sandhills Road, Beelerup.**



**Figure 3 - Lot 500 Steere Street, Donnybrook.**

The DPLH have presented a series of questions relating to each parcel of land. The proposed tenure arrangement for all four lots is “Reserve with Power to Lease”. The associated Management Order would be for “Noongar social, cultural or economic benefit”.

A full review of the subject parcels and responses to questions has been completed within Attachment 9.1.1(2) however a summary of each land parcel is as follows:

### **1. Lot 517 Sandhills Road, Brookhampton (Figure 2)**

The subject property is 1.1104 hectares, zoned 'General Industry' under the Shire of Donnybrook-Balingup Local Planning Scheme No. 7 (LPS7) and is wholly located within a designated bushfire prone area. The property is also identified as Reserve 2052. In addition, the lot is located within;

- Special Control Area 7 – Road Protection Area (SCA7) due to the proximity to Donnybrook – Boyup Brook Road being a Main Roads Western Australia (MRWA) controlled road;
- Special Control Area 6 – Plantation Exclusion Area (SCA6); and
- Development Investigation Area 10 (DIA10) for possible future 'General Industry' development.

The lot is densely vegetated and the ground slopes downward from approximately 85 AHD in north-east corner to 70 AHD in the south-west corner.

### **2. Lot 518 Sandhills Road, Brookhampton (Figure 2)**

The subject lot is 20.1839 hectares, zoned 'General Industry' under LPS7 and is wholly located within a designated bushfire prone area. The property is also identified as Reserve 2052. In addition, the lot is located within SCA6 and DIA10.

The lot is densely vegetated and the ground undulates from approximately 120 AHD on the east side to 80 AHD on the west side.

### **3. Lot 519 Sandhills Road, Beelerup (Figure 2)**

The subject lot is 5,762m<sup>2</sup>, zoned 'General Industry' under LPS7 and is wholly located within a designated bushfire prone area. In addition, the lot is located within SCA6 and SCA7.

The lot is densely vegetated and the ground slopes downward from approximately 85 AHD on the east side to 80 AHD on the west side.

### **4. Lot 500 Steere Street, Donnybrook (Figure 3)**

The subject lot is 42.7764 hectares, zoned 'Residential R20' under LPS7 and is wholly located within a designated bushfire prone area. In addition, the lot is located within SCA6 as well as;

- Special Control Area 2 – Public Drinking Water Source Protection Area (SCA2); and
- Special Control Area 8 – Structure Plan Area (SCA8), identified as Structure Plan Area 5 (SPA5) for possible Residential development at the R20 coding.

The lot is densely vegetated and undulates from approximately 90 AHD on the north side to the centre of the lot at a peak of approximately 141 AHD.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

Nil.

## **CONSULTATION**

Part of the DPLH assessment process includes referral of land parcels to the relevant agencies, including Local Government, for comment. Further consultation by the local government is not required.

## **OFFICER COMMENT/CONCLUSION**

The DPLH have requested advice on the four properties which can be categorised in two parts:

1. Factual based site context regarding land use and development potential (local Statutory and Strategic frameworks, land interests, possible site constraints, future development, changes in zoning, bushfire status, etc.); and
2. Whether the Shire supports the proposed transfer of land (land tenure) as part of the South West Native Title Settlement.

Council is responsible for the local Statutory and Strategic frameworks which control and guide the way in which land parcels are used and developed within the Shire (i.e. point 1 above). Land ownership, management and/or leasing arrangements (i.e. land tenure as per point 2) holds minimal bearing on the way in which the land is permitted or not permitted to be used or developed under the local Statutory and Strategic framework. All land use and development within the Shire is subject to the same Statutory and Strategic framework, regardless of the party (private or public) who is responsible for and/or in ownership of the land (i.e. land tenure).

Officers therefore consider that proposed transfer of land is considered a private land tenure matter between the owner (the Crown) and the beneficiary (Noongar People). In saying this, it is recommended that the DPLH consider whether proposed land tenure arrangements and/or agreements will be consistent with the local Statutory and Strategic framework as provided to avoid any future potential land use and/or development conflict. For example, Lot 500 Steere Street, Donnybrook, is identified as a Reserve however the Local Planning Scheme currently identifies it for Residential development.

The following summary is provided:

**Lot 517 and 518 Sandhills Road, Brookhampton, and 519 Sandhills Road, Beelerup (Figure 2)**

The three subject lots are all located in an area that has been identified for General Industrial land. However, the area presents significant physical constraints and challenges (i.e. topography, vegetation, soil classification, water and/or sewer provision, etc.) that may make development of this land either financially unviable or physically challenging.

It should be noted that there is a relatively short supply of industrial zoned land within the Shire and therefore general development of industrial land is supported subject to the requirements of LPS7. However, at this stage the Shire is unable to provide comment on whether this would actually be possible as the following concerns regarding these three parcels of land are required to be addressed:

- Clearing of native and non-native vegetation;
- Significant changes to the natural ground level (i.e. site works);
- Physical provision of on-site sewer management and water supply;
- Bushfire management;
- Appropriate interface with surrounding land uses; and
- Stormwater management.

The Shire’s expectation that suitable on-site assessments and reports would be prepared to address the above pursuant to DIA10 within LPS7. Lot 517 and Lot 518 are within DIA 10, however Lot 519 is not. However, all three lots may present similar challenges.

<b>Area No.</b>	<b>Description of Land Area</b>	<b>Land Use Expectation</b>	<b>Matters to be Addressed in Structure Plan (In Addition to Clause 6.10)</b>
DIA10	Lot 499 515, 520 and 525 Sandhills Road, Lot 398 Cherrydale Way, Lot 74, 297 and 447 Boyup Brook Road, Beelerup	General Industry	<p>Following gaining necessary approvals, support sand extraction prior to possible industrial development.</p> <p>Investigate the site’s environmental assets, land suitability and land capability for General Industry including —</p> <ul style="list-style-type: none"> <li>• whether all or portion of the site should be included in a conservation reserve, or whether there is the potential for general industry subdivision and development;</li> <li>• interface with potential development to the south;</li> <li>• effluent disposal and servicing;</li> <li>• indigenous heritage;</li> <li>• vehicular access to existing industrial area and major arterial roads;</li> <li>• vegetation plan;</li> <li>• drainage management; and</li> <li>• buffer to land managed by the Department of Parks and Wildlife.</li> </ul> <p>The protection of native vegetation that has been identified as worthy of protection by the Department of Parks and Wildlife and the local government. Undertake a spring flora and vegetation survey. Appropriate fire management measures.</p>

### Lot 500 Steere Street, Donnybrook (Figure 3)

This lot has significant physical constraints and challenges that may render Residential development at the R20 scale either financially unviable or physically challenging. However, the proposed land tenure may be inconsistent with the zoning.

It should be noted that the Shire is expecting to commence a review of the Local Planning Strategy and Scheme which may result in zoning changes to land within the Shire.

The zoning of this parcel of land is an example of land likely to be reviewed due to the anticipated constraints including:

- Clearing of native and non-native vegetation;
- Significant changes to the natural ground level (i.e. site works);
- Physical provision of on-site sewer management and water supply;
- Bushfire management; and
- Stormwater management.

Whilst the Shire would generally support the development of Residential land, it would need to be consistent with the provisions of SPA5 within LPS7.

<b>Area No. (SPA)</b>	<b>Description of Land Area</b>	<b>Land Use Expectation</b>	<b>Matters to be Addressed in Structure Plan (In Addition to Clause 6.10)</b>	<b>Associated Provisions</b>
SPA5	Lot 300, 301 Elliott Street, Donnybrook and adjoining land bounded by Marmion Street to the north, State Forest to the south and west and Goldfields Road to the east.	Residential R20	<p>Vegetation assessment to be prepared.</p> <p>Visual impact assessment and landscape analysis where appropriate.</p> <p>Development contributions.</p> <p>Appropriate access from the existing road network.</p> <p>The interface between the proposed development and existing townsite including pedestrian access.</p>	All lots must be connected to the reticulated water system, while all lots below 2000m <sup>2</sup> and grouped dwelling lots are required to be connected to the reticulated sewerage system.

Whilst the DPLH has requested information on the four subject properties as a matter of high priority, the Shire has been provided with a list of additional Crown land parcels identified for possible consideration however are within the preliminary “Assessment Phase” of the SWNTS (Attachment 9.1.1(2)). It is likely the Shire will be called upon in the future to provide further comment regarding every parcel subject to the SWNTS.

Rather than needing to bring a report to Council each time a proposal from the DPLH is received, it is recommended that officers be permitted to respond to any future proposals in accordance with Council’s resolution.

### 9.1.2 ARGYLE IRISHTOWN BUSH FIRE BRIGADE – PROPOSED NEW BRIGADE STATION

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Argyle Irishtown Bush Fire Brigade
<b>File Reference</b>	FRC 10A
<b>Author</b>	Steve Potter, Executive Manager Operations
<b>Responsible Officer</b>	Steve Potter, Executive Manager Operations
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Endorses the proposed location of Reserve 45450 (Harjadup Reserve) for a future fire station for the Argyle Irishtown Bush Fire Brigade;</b></li> <li><b>2. Requests the Chief Executive Officer to liaise further with the AIBFB to identify a suitable location on Reserve 45450 (Harjadup Reserve) and to clarify the exact area of land required for the new facility;</b></li> <li><b>3. Subject to such details being determined in Point 2, instructs the Chief Executive Officer to make a formal request to the Department of Planning, Lands and Heritage to excise a portion of Reserve 45450 (Harjadup Reserve) to create a new reserve with a Management Order granted to the Shire for the intended purpose;</b></li> <li><b>4. Authorises the Chief Executive Officer to utilise up to \$5,000 to undertake surveying and other activities associated with Point 3 to be sourced from G/L 121720 (Land Use Planning);</b></li> <li><b>5. Subject to approval being granted by the DPLH under Point 3, requests the Chief Executive Officer make financial provision in 2022/23 for civil works associated with the construction of the new facility that are not funded under the DFES Local Government/Capital Grants Scheme;</b></li> <li><b>6. Subject to approval being granted by the DPLH under Point 3, requests the Chief Executive Officer to make a formal application for the new facility via the DFES Local Government/Capital Grants Scheme in March 2022.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

- Outcome 4:           Effective leadership and civic responsibility
- Strategy 4.2:       A respected, professional and trusted organisation
- Action 4.2.1:       Effective and efficient operations and service provision



## EXECUTIVE SUMMARY

Discussions regarding the potential construction of a new facility to accommodate the Argyle Irishtown Bush Fire Brigade (AIBFB) have been ongoing for some time between the Brigade, DFES and the Shire.

On 7 March 2021, the AIBFB Committee held an Extraordinary Meeting to consider the matter and resolved to request that the Shire endorse Reserve 45450 (Harjadup Reserve) in Argyle as the preferred location for the new facility and initiate the process of securing appropriate land and making applications for funding.

It is recommended that Council supports the AIBFB requests as per the Officer's recommendation.

## BACKGROUND

The AIBFB are currently located at a facility on Knight's Road, Argyle which is reaching the end of its useful life and is no longer fit for purpose, given the growth of Brigade membership over the years. This resulted in the AIBFB seeking to identify an alternative site for a new facility through the establishment of a sub-committee formed for this purpose.

Over the past couple of years, in liaison with the Shire, the sub-committee has explored the viability of a number of sites, however most have faced significant constraints including land tenure, access and native vegetation to name a few.

As part of this process, Reserve 45450 (Harjadup Reserve) was identified as a potential site which was deemed to be appropriate by both Shire and DFES staff for the following reasons:

- Crown land under a management order to the Shire;
- Excellent access;
- Central location to the Brigade area;
- Flat topography;
- Access to existing services (power) etc.

Notwithstanding the advice of Shire staff to the Brigade to this effect, there were some differences of opinion within the Brigade about the use of Harjadup Reserve which prevented the matter from progressing further.

Upon receiving further advice from the Shire in February 2021, reiterating the Shire's preference for Harjadup Reserve, the AIBFB held an Extraordinary Meeting on 7 March 2021 to consider the matter where the following was resolved by the AIBFB Committee:

*"That the AIBFB:*

- 1. Requests the Shire of Donnybrook Balingup endorse the location of Harjadup Reserve for a future fire station for the AIBFB;*
- 2. Requests the Shire liaise further with the AIBFB to identify a suitable location on Harjadup Reserve and to clarify the exact area of land required for the new facility;*

3. *Subject to such details being determined in Point 2, requests the Shire of Donnybrook Balingup make a formal request to the Department of Planning, Lands and Heritage to excise a portion of Harjadup Reserve to create a new reserve with a Management Order granted to the Shire for the intended purpose;*
4. *Subject to approval being granted by the DPLH under Point 3, requests the Shire of Donnybrook Balingup make financial provision in 2022/23 for any civil works associated with the construction of the new facility that are not funded by DFES;*
5. *Subject to approval being granted by the DPLH under Point 3, requests the Shire of Donnybrook Balingup make a formal application for the new facility via the DFES Local Government/Capital Grants Scheme in March 2022.”*

### **FINANCIAL IMPLICATIONS**

The capital works associated with the construction of the building is eligible for funding through DFES Capital Works program. It is estimated the funds that will be sought from DFES will be in the region of \$300-400,000.

Any civil works associated with the development (sandpad, access, connection to utilities etc) is funded by the local government. It is estimated that the Shire will be required to contribute \$80-100,000, however this will depend on the final location within the reserve, location of existing services and the ultimate design. It is anticipated that subject to Council supporting the proposal, further works will be undertaken to clarify the Shire's contribution which will then be captured through the Long Term Financial Plan and the 2021/22 Budget.

In terms of making application to the DPLH to excise a portion of land, it is likely that this will require a detailed survey of the proposed area and potentially an application fee. It is estimated this work may cost in the vicinity of \$3000-5000.

### **POLICY COMPLIANCE**

Nil.

### **STATUTORY COMPLIANCE**

Nil.

### **CONSULTATION**

The Shire has consulted extensively with the Brigade on this matter and will continue to do so to identify an appropriate location for the new facility.

The Shire is aware that there are nearby landowners who may have some concerns regarding the development of a facility on Reserve 45450 (Harjadup Reserve) and therefore further consultation will be undertaken to provide opportunity for input at the design stage.

## **OFFICER COMMENT/CONCLUSION**

As indicated in this report, the location of Reserve 45450 (Harjadup Reserve) has been identified after an exhaustive review of available landholdings in the Argyle / Irishtown locality. It is recommended that Council supports the AIBFB requests and endorses the officer recommendation.

AGENDA BRIEFING

## **9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY**

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### **9.2.1 ACCOUNTS FOR PAYMENT**

The Schedule of Accounts Paid (*attachment 9.2.1(1)*) under Delegation No 3.1 is presented to Council for information.

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### **9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2021**

The Monthly Financial Report for February 2021 is attached (*9.2.2(1)*)

#### **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended 28 February 2021 be received.**

AGENDA BRIEFING

### 9.2.3 COMMUNITY ENGAGEMENT FRAMEWORK

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	
<b>Author</b>	James Jarvis, Manager, Community Development
<b>Responsible Manager</b>	Paul Breman, Executive Manager, Corporate and Community
<b>Attachments</b>	9.2.3(1): COMD-CP-3: Community Engagement Framework Policy
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Adopt the Community Engagement Framework policy as attached that:</b> <ol style="list-style-type: none"> <li>a. plans active community participation in the Shire’s decision-making processes;</li> <li>b. outlines Elected Member’s role in approving Community Engagement plans where there is high geographical impact in the project or issue that is subject to a community engagement process, and/or where there is high potential community interest in the project or issue; and</li> <li>c. enables Community Engagement Framework procedures to be introduced to guide staff in developing engagement approaches.</li> </ol> </li> <li><b>2. Rescind the following policies made redundant by the adoption of the Community Engagement Framework policy:</b> <ol style="list-style-type: none"> <li>a. 2.14 Community Consultation; and</li> <li>b. 2.43 Community Consultation/Engagement.</li> </ol> </li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome:	4.1	A strategically focused, open, and accountable local government.
Strategy	4.1.2	Continue to enhance communication and transparency.
Action	4.1.2.1	Ongoing meaningful communication and engagement with residents, ratepayers, and stakeholders.

## EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) has a Key Performance Indicator that specifies the introduction of a Community Engagement Framework policy to be created and approved by March 2021. The introduction of the new policy will lead to the rescinding of two outdated Community Consultation policies.

The new policy states the Shire will undertake meaningful communication and engagement with community members and stakeholders in a carefully planned and designed approach.

The International Association of Public Participation's (IAP2) Spectrum of Engagement will guide the Shire on when to engage with the community and how the community can participate in decisions on matters that affect them and their community.

## BACKGROUND

One of the CEO's Key Performance Indicators specified the creation and development of a Community Engagement Framework policy by March 2021. The development of the new policy will replace the following policies:

- 2.14 Community Consultation; and
- 2.43 Community Consultation/Engagement.

In preparing the policy, the Community Development team conducted a comparative analysis of the Community Engagement of five local governments, including:

- City of Busselton;
- City of Augusta Margaret River;
- Shire of Nannup;
- Shire of Denmark; and
- Town of Victoria Park.

The comparative analysis illustrated local governments have similar approaches to Community Engagement, including:

- All reference the IAP2 Spectrum of Engagement has a guide in designing community engagement approaches;
- All have a brief focused policy statement that is supported by operational procedures with a variety of tools and strategies to understand how, when, and why a Shire should engage, or not, with the community and internal and external stakeholders;
- Most outline a step-by-step process for carefully designing a community engagement approach that:
  - Scoped communication and engagement need;
  - Planned a community engagement process;
  - Outlined how to deliver a community engagement process; and
  - Reported and reviewed the community engagement process outcomes.
- All identified the difference between statutory and non-statutory community engagement and provided operational guidance on what IAP2 Public Participation Goal was recommended for projects and issues; and
- Most outlined an increasing level of complexity of community engagement planning depending on the level of geographical impact of the project or issue and/or the level of potential community interest in the project or issue.

The comparative analysis did not provide guidance on the involvement of Elected Members in the approval process of Community Engagement planning. It is recommended that Elected Members approve Community Engagement Plans where there is:

- High level geographical impact in the project or issue; and/or
- High level, potential community interest in the project or issue.

## **FINANCIAL IMPLICATIONS**

Community engagement will incur costs depending on the level and method of engagement. The costs of engagement are a critical part of the Community Engagement Planning process and will be identified in each individual plan.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

- *Local Government Act 1995 (and its various regulations)*
- *Land Administration Act 1997*
- *Dog Act 1976*
- *Bush Fires Act 1954*

## **CONSULTATION**

A comparative analysis across five Local Government Authorities was undertaken.

## **OFFICER COMMENT/CONCLUSION**

It is critical that the role of the community, ratepayers and stakeholders is clarified in planning and decision-making for Shire projects and key community issues. This includes deciding in the scoping process how much influence the community has over planning or decision-making processes, ensuring the most effective community engagement approach is used and ensuring that the Shire is clear in its communication around the purpose of engagement and the associated time constraints. All community engagement processes should be effectively scoped, planned, delivered, and evaluated with appropriate feedback loops to community designed in the planning process.

### 9.2.4 BUDGET REVIEW - 2020/21 ANNUAL BUDGET

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 04/1
<b>Author</b>	Paul Breman, Executive Manager Corporate and Community
<b>Responsible Manager</b>	Paul Breman, Executive Manager, Corporate and Community
<b>Attachments</b>	9.2.4(1): 2020/21 Budget Review
<b>Voting Requirements</b>	Absolute Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Adopt the 2020-21 Budget Review in accordance with Regulation 33A(3) of the Local Government (Financial management) Regulations; and</b></li> <li><b>2. Amend the 2020-21 Budget in accordance with Attachment 9.2.4.</b></li> <li><b>3. Forward a copy of the 2020-21 Budget Review and the minutes of this item to the Department of Local Government Sport and Cultural Industries in accordance with Local Government (Financial management) Regulation 33A(4).</b></li> </ol> <p><b>ABSOLUTE MAJORITY VOTE REQUIRED</b></p>

### STRATEGIC ALIGNMENT

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

Outcome:	4.2	A respected, professional and trusted organisation
Strategy:	4.2.1	Effective and efficient operations and service provision
Action:	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

### EXECUTIVE SUMMARY

The 2020/21 budget is essentially tracking as expected with only a minimal number of budget amendments required to cater for:

- Changes in capital budget allocations and project timing in relation to fully grant funded items.
- Changes in the level and utilisation of Reserve funded projects.
- Creation of a budget line item were none existed in the original budget
- Significant changes in resource allocations in the Capital program



The legislation surrounding budget reviews was put in place to ensure local governments conduct a formal review of the likely budget outcome during the third quarter of the financial year. As expected, there will be variations in revenue and expenditure, both up and down, in the actual result as compared to the full year budget. Not all variations require a budget amendment to meet legislative requirements and where variations occur, they will be managed over the remaining term of the Budget.

Based on the recommended budget amendments, it is predicted the end of year rate setting result at 30<sup>th</sup> June 2021, will be a slight surplus of \$15,098, as represented in the report. If events occur subsequent to the presentation of the Budget Review indicate a surplus will not be the result at 30<sup>th</sup> June 2021, this will be disclosed to the Council as part of the monthly financial reporting process.

The Budget review format is slightly different this year than previous years with a covering statement of budget review (by program) in a format similar to the rate setting statement in annual financial report format and details of the capital program. In addition to these reports is a schedule of recommended budget amendments and a statement disclosing the impact of changes in reserve funding and year end balances.

This format has been produced in an effort to make the budget review process easier for elected members to review and overview the anticipated result. The recommended budget amendments have been kept to a minimum to reduce the re-work required when producing subsequent monthly financial reports.

## **BACKGROUND**

Staff completed a comprehensive review of the 2020-21 Annual Budget during February/March 2021 with review date being all transactions up to 28 February 2021 (YTD Actuals) . The review consisted of the following:

- Comparison of the actual year to date (YTD) amounts to the budget for each line item of operating and capital revenue and expenditure.
- Identifying the anticipated outcome for each budget line item to the end of the financial year and compare this with the Annual Budget to determine if the line item remains within budget.
- Identification of any material events or changes that may impact on Council finances.
- Identified any offsetting increases in revenue or reduction in expenditure.

## **CONSULTATION**

Internal consultation with input from Management and Staff.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for the financial year must –*
  - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
  - (b) *consider the local government's financial position as at the date of the review; and*
  - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*  
*\* Absolute majority required*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

## **OFFICER COMMENT/CONCLUSION**

Council authorisation is sought to adopt the 2020-21 budget review with budget the attached budget amendments (attachment 9.2.4(1)) which result in the budget surplus at 30<sup>th</sup> June 2021 of \$15,098.

### 9.3 CHIEF EXECUTIVE OFFICER

#### 9.3.1 DONNYBROOK COMMUNITY, SPORTING, RECREATION AND EVENTS PRECINCT (VC MITCHELL PARK) – EARLY WORKS PACKAGE - HOCKEY

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWT 18T
<b>Author</b>	Benjamin (Ben) Rose, Chief Executive Officer
<b>Responsible Manager</b>	Benjamin (Ben) Rose, Chief Executive Officer
<b>Attachments</b>	9.3.1: Site Map
<b>Voting Requirements</b>	Absolute Majority

#### Executive Recommendation

That Council instruct the Chief Executive Officer to develop a hockey training facility at VC Mitchell Park, Donnybrook, at a cost of no more than \$250,000, conditional upon:

1. Shire funding for the works to be allocated from the Shire of Donnybrook Balingup Public Open Space (Donnybrook) Reserve Account;
2. The Department for Planning, Lands and Heritage and/or the Minister for Planning approving the use of these funds for this purpose; and
3. The Department of Local Government, Sport and Cultural Industries advising the Chief Executive Officer of its acceptance of these Shire works and Shire funding as a formal co-contribution towards its overall \$3,000,000 project funding allocation.

#### STRATEGIC ALIGNMENT

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

Outcome	3.2	Well supported community groups and facilities
Strategy	3.2.1	Provide and maintain appropriate community facilities
Action	3.2.1.3	Seek funding to maintain and develop community facilities

#### EXECUTIVE SUMMARY

The Council is requested to consider a development of a hockey training facility at VC Mitchell Park as an early works packaged within the Donnybrook Community, Sporting, Recreation and Events Precinct project.

## BACKGROUND

With development planned for a Pump Track at Egan Park (at the site of the junior netball courts and hockey training ground), relocation of hockey training and junior’s netball facilities is required. Council’s decision (192/20) from its December 2020 Ordinary Meeting was that hockey and junior’s netball were to be relocated to the VC Mitchell Park precinct. Arrangements are in place for junior’s netball to utilise the indoor courts/stadium at the Donnybrook Recreation Centre, however, arrangements for siting of a relocated/new hockey training facility are not yet finalised.

## DETAIL

The estimated cost of developing a hockey training facility at VC Mitchell Park is \$240,000, made up of anticipated costs as follows:

<b>Sport and Recreation Surfaces</b>	<b>Unit rate</b>	<b>Size</b>	<b>Cost \$ (estimated)</b>
\$20/m2 scrap existing and dispose of – assumed Shire tip fees waived	20	800	16,000
\$40/m2 rip base and regrade, import base (clean fill supplied by Shire) trim and compact	40	800	32,000
\$30/m2 25mm asphalt	30	800	24,000
\$85/m2 multi sport surface	85	800	68,000
\$30/m2 hockey 10mm underlay	30	800	24,000
\$5k management costs and excludes meals and accommodation – 6 week duration			5,000
<b>Sub Total</b>			<b>169,000</b>
<b>Lighting</b>			
4 poles (approximately 6m to 8 m in height)			10,000
4 LED spot lights, one to each pole			5,000
30 Lux or more based on attached document for minimum lighting for training only			
Pitch size to be 36m x 18m			
Assume Mains power connection between 100-150m away from this new pitch location			20,000
<b>Sub Total</b>			<b>35,000</b>
<b>Surrounds</b>			
Fencing (black powder coated plus 2 PA gates (\$400 each)	85	130	11,850
Kerbing	15	130	1,950
<b>Sub Total</b>			<b>13,800</b>
<b>Contingency (10%)</b>			<b>21,780</b>
<b>Total EX (GST)</b>			<b>\$239,580</b>

## FINANCIAL IMPLICATIONS

A sum of \$38,000 is available to the Shire via an approved insurance claim (from LGIS) for the hockey facility from 2020. LGIS have approved the claim sum for use either on the existing hockey site, or at an alternative site within the Donnybrook townsite within a “reasonable” timeframe (note, this must be used for a hockey facility and specifically for a new synthetic turf).

The Shire’s Public Open Space Reserve Account (Donnybrook) presently holds \$208,771. The funds in this Reserve Account have been collected by the Shire through statutory land development fees (i.e. cash-in-lieu contributions to Public Open Space via subdivisions) over an extended period. In accordance with State policy, these collected funds can only be spent by the Shire:

- for the purchase of land for parks, recreation grounds or open spaces generally, in the locality in which the subdivision is situated; or
- for repaying loans raised by the local government for the purchase of such land; or
- with the approval of the Minister for Planning, for the improvement or development of a park, recreation grounds or open spaces generally, in the said locality and managed by the local government.

With the LGIS insurance funds available (\$38,000), plus the Public Open Space Donnybrook Reserve account funds (\$208,771), there is \$246,771 available for this activity, being \$7,191 more than is estimated for the hockey training facility works. An additional deliverable under this early works package is likely to include a shelter structure, nominally costed at \$5,000.

The Shire’s co-contribution to the Donnybrook Community, Sporting, Recreation and Events Precinct project, as per the Long Term Financial Plan 2020-2040 is:

- \$2,500,000 via loan (requiring WA Treasury Corp approval); and
- \$500,000 via Reserves.

In a teleconference with the Department of Local Government, Sport and Cultural Industries (Sport and Recreation Division) Manager of Community Infrastructure on 19 March 2021, the Shire was advised that any Shire funding towards an early works package on the project (i.e. a hockey training facility) would be removed from it’s overall funding co-contribution obligation. That is, if the hockey training facility is delivered as an early works package at a cost of \$240,000 to the Shire, then the Shire’s remaining funding co-contribution would be \$2,760,000. The Department of Local Government, Sport and Cultural Industries (Sport and Recreation Division) is writing to the Shire Chief Executive Officer to confirm this matter.

Expenditure of \$240,000 on a hockey training facility represents 2.66% of the anticipated \$9,000,000 overall project.

## POLICY COMPLIANCE

There is no specific applicable policy that relates to this matter.

## **STATUTORY COMPLIANCE**

To access the Public Open Space Reserve Account funds (despite the funds being secured in a cash-backed Reserve Account held exclusively by the Shire) a specific process as set out by the Department of Planning, Lands and Heritage is required in accordance with its 'Position Statement: Expenditure of Cash-in-lieu of Public Open Space (October 2020)'. Specifically, formal application to the Minister for Planning requesting 'release' of the funds is required.

## **CONSULTATION**

The Chief Executive Officer met with representatives of Donnybrook Women's and Donnybrook Men's Hockey on 9 March 2021 to discuss this opportunity.

## **OFFICER COMMENT/CONCLUSION**

The Federal Government's Local Roads and Community Infrastructure (Round 2) grant funding creates the opportunity for development of a Pump Track at Egan Park. Whilst the Federal funding is gratefully received and the Pump Track concept has support, it does create a knock-on effect for hockey, junior's netball and the Donnybrook Community, Sporting, Recreation and Events Precinct project. With careful consideration and planning, this knock-on effect can have a positive outcome for hockey, junior's netball and the Donnybrook Community, Sporting, Recreation and Events Precinct project.

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

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### **10.1 COUNCILLOR**

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Nil.

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

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## **12 MEETINGS CLOSED TO THE PUBLIC**

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### **12.1 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:

**12.1.1 CONFIDENTIAL – BALINGUP WASTE TRANSFER STATION – MANAGEMENT OF FACILITY AND SUPPLY / TRANSPORTATION OF BULK WASTE CONTAINERS**

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

**12.1.2 CONFIDENTIAL – DONNYBROOK TRANSIT PARK**

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

**12.1.3 CONFIDENTIAL – BRIDGE STREET AFFORDABLE HOUSING PROJECT – RELEASE OF CONFIDENTIAL INFORMATION**

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

**12.1.4 CONFIDENTIAL – DONNYBROOK APPLE FUN PARK TENDER – RELEASE OF CONFIDENTIAL INFORMATION**

This report is confidential in accordance with Section 5.23(c) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

**12.1.5 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER KEY RESULT AREA REVIEW**

This report is confidential in accordance with Section 5.23(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(a) a matter affecting an employee or employees

**12.1.6 CONFIDENTIAL - COMPLAINT**

This report is confidential in accordance with Section 5.23(2)(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(a) a matter affecting an employee or employees

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

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**13 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 28 April 2021 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.