

MINUTES OF ORDINARY MEETING OF COUNCIL 25 MARCH 2020

Held on

Wednesday 25 March 2020

Commencing at 5.00pm

Donnybrook Memorial Hall, Donnybrook

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

Ben Rose
Chief Executive Officer

30 March 2020

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2	ATTENDANCE	4
2.1	<i>APOLOGIES</i>	4
2.2	<i>APPROVED LEAVE OF ABSENCE</i>	4
2.3	<i>APPLICATION FOR A LEAVE OF ABSENCE</i>	5
2.4	<i>REQUEST BY CR MITCHELL TO PARTICIPATE BY PHONE</i>	5
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	6
4	DECLARATION OF INTEREST	6
5	PUBLIC QUESTION TIME	7
5.1	<i>RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE</i>	7
5.2	<i>PUBLIC QUESTION TIME</i>	7
6	PRESENTATIONS	8
6.1	<i>PETITIONS</i>	8
6.2	<i>PRESENTATIONS</i>	8
6.3	<i>DEPUTATIONS</i>	8
7	CONFIRMATION OF MINUTES.....	10
7.1	<i>ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2020</i>	10
7.2	<i>ANNUAL GENERAL ELECTORS MEETING – 16 MARCH 2020</i>	10
7.3	<i>SPECIAL COUNCIL MEETING – 18 MARCH 2020</i>	11
8	REPORTS OF COMMITTEES	11
9	REPORTS OF OFFICERS	12
9.1	<i>EXECUTIVE MANAGER OPERATIONS</i>	12
9.1.1	REQUEST TO CLOSE PORTION OF UNCONSTRUCTED ROAD RESERVE BISECTING NELSON LOCATION 1731, WILGA WEST	12
9.1.2	PLANNING APPLICATION FOR SINGLE DWELLING AT LOT 107 (NO.66) VICTORIA PARADE LOCATED WITHIN A BUSHFIRE ATTACK LEVEL (BAL) 40 CONTOUR	16
9.1.3	AMENDMENT 11 TO LOCAL PLANNING SCHEME NO.7 – LOT 384 MARSHALL ROAD, ARGYLE	24
9.1.4	SOUTH WEST REGIONAL WASTE GROUP – REQUEST FOR ONGOING SHIRE CONTRIBUTION TO EXTEND PROJECT OFFICER APPOINTMENT FOR ADDITIONAL 12 MONTHS	34

9.2	<i>EXECUTIVE MANAGER CORPORATE AND COMMUNITY</i>	38
9.2.1	ACCOUNTS FOR PAYMENT	38
9.2.2	MONTHLY FINANCIAL REPORT – FEBRUARY 2020.....	38
9.2.3	GLEN MERVYN DAM OPEN WATER SWIM EVENT.....	39
9.3	<i>CHIEF EXECUTIVE OFFICER</i>	40
9.3.1	LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION	40
9.3.2	COMMONWEALTH DROUGHT COMMUNITIES PROGRAMME	44
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .	52
10.1	<i>COUNCILLOR</i>	52
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	52
11.1	COVID-19 SHIRE RESPONSE AND RECOVERY POSITION STATEMENT (INTERIM)	54
12	MEETINGS CLOSED TO THE PUBLIC	57
12.1	<i>MATTERS FOR WHICH THE MEETING MAY BE CLOSED</i>	57
12.2	<i>PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC</i>	57
13	CLOSURE	57

SHIRE OF DONNYBROOK BALINGUP
MINUTES ORDINARY MEETING OF COUNCIL

Held at the Donnybrook Memorial Hall
Wednesday 25 March 2020 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 Noongar People, paying respects to Elders, past and present and emerging.

The Shire Present declared the meeting open at 5.00pm and welcomed the public gallery.

The Shire President noted recording of the meeting will not take place due to the change of venue from the Council Chamber to the Donnybrook Memorial Hall.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Shane Atherton	Steve Potter – Executive Manager Operations
Cr Chaz Newman	Paul Breman – Executive Manager Corporate and Community
Cr Shane Sercombe	Jaimee Earl – Administration Officer Executive Services
Cr Chris Smith	
Cr Leanne Wringe	
Cr Mitchell (attending remotely, following Council approval)	

PUBLIC GALLERY

Six attendees.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Cr Lindemann and Cr Massey have requested leave of absence from the meeting held 25 March 2020.

EXECUTIVE RECOMMENDATION

That Cr Anita Lindemann and Cr Jackie Massey be approved on a leave of absence from the Ordinary Council Meeting held 25 March 2020 (commencing from point of Council approval).

COUNCIL RESOLUTION 22/20

Moved: Cr Atherton

Seconded: Cr Smith

That Cr Anita Lindemann and Cr Jackie Massey be approved on a leave of absence from the Ordinary Council Meeting held 25 March 2020 (commencing from point of Council approval)..

CARRIED 6/0

2.4 REQUEST BY CR MITCHELL TO PARTICIPATE BY PHONE

EXECUTIVE RECOMMENDATION

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Ordinary Council Meeting held 25 March 2020 via telephone pursuant to Regulation 14A(1)(c).**

COUNCIL RESOLUTION 23/20

Moved: Cr Newman

Seconded: Cr Wringe

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Ordinary Council Meeting held 25 March 2020 via telephone pursuant to Regulation 14A(1)(c).**

CARRIED 6/0

Cr Mitchell joined the meeting via phone at 5.05pm

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

The Shire President will ask Councillors, staff and members of the public gallery whether anyone in the Chamber has been overseas in the past 14 days or has been with someone else who has been overseas in the past 14 days?”

28/02 – South West Local Government Zone Meeting – Nannup

11/03 – South West Councillor Meeting – Dardanup

14/03 - Balingup Climate Presentation

Item 9.2.3 Glen Mervyn Dam Open Water Swim Event has been withdrawn from the agenda.

4 DECLARATION OF INTEREST

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

Cr Newman has declared an Impartiality Interest in *item 9.1.2 Planning Application for single dwelling at Lot 107 (No 66) Victoria Parade*, located within a bushfire attack level (BAL) 40 Contour as his wife undertook the BAL assessment for the property.

Cr Atherton has declared an Impartiality Interest in *item 9.1.3 Amendment 11 to Local Planning Scheme No 7 – Lot 384 Marshall Road, Argyle* as he is employed as a Real Estate Agent.

Cr Piesse has declared an Impartiality Interest in *item 9.1.3 Amendment 11 to Local Planning Scheme No 7 – Lot 384 Marshall Road, Argyle* as he is a resident and wife is owner of 145 Marshall Road.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Simon McInness – Ordinary Council Meeting 26 February 2020

How much money has been spent on consultants for the heritage development since the money was pledged for this project?

The total amount spent on consultants associated with the Donnybrook Town Centre Revitalisation Project is \$26,970 (to 31 January 2020).

5.2 PUBLIC QUESTION TIME

Jamie Stevenson

In the proposed Marshall Road subdivision, is there any allocation of public land for the new Irishtown / Argyle Fire Brigade shed?

Executive Manager Operations Response:

Confirming tonight's Council decision is regarding a Scheme amendment, not a subdivision. The subdivision is at a later stage. Different rules apply to public open space in a rural residential area compared to residential requirements. There are certain requirements to adhere to at subdivision stage, such as providing a 50,000 litre water tank for fire fighting purposes.

Jess Parker

I have no objection to the Marshall Road subdivision, but have you considered using a different site as the emergency exit point? Has the Shire considered environmental implications for the preferred site of the emergency exit point? Would it consider having an exit point at the back of the area towards Capel instead?

Executive Manager Operations Response:

Agencies were invited to comment on the proposal prior to presentation to Council. Department of Fire and Emergency Services (DFES) bushfire planning requires a second access point prior to supporting the proposal. Main Roads WA (MRWA) have made it clear they will not support any proposal for a second exit/entry point onto the South Western Highway. The applicant made an application to the WA Planning Commission (WAPC) which was refused and then appealed to the State Administrative Tribunal (SAT). During Tribunal proceedings MRWA and DFES participated and the applicant/developer had to identify a second exit/entry point and this is the only option both parties were supportive of.

Jess Parker

Is it worth advocating for changes at this stage, before it is too late?

Executive Manager Operations Response:

Council has been presented with three options – to support, not support, or support the proposal with recommended changes. At this point we are recommending that the re-zoning

go ahead. The proposal does not stipulate that the entry/exit point outlined currently is the only solution. Ultimately Council will make its recommendation to the WA Planning Commission and it is ultimately the Minister's decision.

Louise Wright

Why can the second exit/entry point be onto Gavins Road?

Executive Manager Operations Response:

There are limitations on what can be done due to private land. Where the point is proposed currently there is existing road reserve available so it is the best available option for the developer. MRWA and DFES both had concerns with other options and the current proposal was accepted by both parties.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

ADOPTION BY EXCEPTION (EN BLOC)

EXECUTIVE RECOMMENDATION

That the following items be carried En Bloc:

- 7.1 Confirmation of Minutes – Ordinary Council Meeting 26 February 2020**
- 7.2 Confirmation of Minutes – Annual General Electors Meeting 16 March 2020**
- 7.3 Confirmation of Minutes – Special Council Meeting 18 March 2020**
- 9.1.1 Request to Close Portion of Unconstructed Road Reserve Bisecting Nelson Location 1731, Wilga West**
- 9.1.4 South west Regional Waste Group – Request for Ongoing Shire Contribution to Extend Project Officer Appointment for Additional 12 Months**
- 9.2.2 Monthly Financial Report – February 2020**
- 9.3.1 Local Government House Trust – Deed of Variation**
- 9.3.2 Commonwealth Drought Communities Programme**

COUNCIL RESOLUTION 24/20

Moved: Cr Atherton

Seconded: Cr Smith

That the following items be carried En Bloc:

- 7.1 Confirmation of Minutes – Ordinary Council Meeting 26 February 2020**
- 7.2 Confirmation of Minutes – Annual General Electors Meeting 16 March 2020**
- 7.3 Confirmation of Minutes – Special Council Meeting 18 March 2020**
- 9.1.1 Request to Close Portion of Unconstructed Road Reserve Bisecting Nelson Location 1731, Wilga West**
- 9.1.4 South west Regional Waste Group – Request for Ongoing Shire Contribution to Extend Project Officer Appointment for Additional 12 Months**
- 9.2.2 Monthly Financial Report – February 2020**
- 9.3.1 Local Government House Trust – Deed of Variation**
- 9.3.2 Commonwealth Drought Communities Programme**

CARRIED 7/0

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 26 FEBRUARY 2020

Minutes of the Ordinary Meeting of Council held 26 February 2020 are attached (*attachment 7.1(1)*).

As per separate correspondence to Councillors, an error on page 12 of the 2018/19 Annual Report Annual Salaries listed 4 employees in the \$110,000 - \$119,999 salary bracket and this should have been 2 employees.

EXECUTIVE RECOMMENDATION

- 1. That the Minutes from the Ordinary Meeting of Council held 26 February 2020 be confirmed as a true and accurate record.**
- 2. That Council approve the Chief Executive Officer to amend Page 12 of the 2018/19 Annual Report to identify 2 employees in the \$110,000 - \$119,000 bracket.**

COUNCIL RESOLUTION 25/20

Moved: Cr Atherton

Seconded: Cr Smith

- 1. That the Minutes from the Ordinary Meeting of Council held 26 February 2020 be confirmed as a true and accurate record.**
- 2. That Council approve the Chief Executive Officer to amend Page 12 of the 2018/19 Annual Report to identify 2 employees in the \$110,000 - \$119,000 bracket.**

CARRIED 7/0 by En Bloc Resolution

7.2 ANNUAL GENERAL ELECTORS MEETING – 16 MARCH 2020

Minutes of the Annual General Meeting of Electors held 16 March 2020 are attached (*attachment 7.2(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Annual General Meeting of Electors held 16 March 2020 be received.

COUNCIL RESOLUTION 26/20

Moved: Cr Atherton

Seconded: Cr Smith

That the Minutes from the Annual General Meeting of Electors held 16 March 2020 be received.

CARRIED 7/0 by En Bloc Resolution

7.3 SPECIAL COUNCIL MEETING – 18 MARCH 2020

Minutes of the Special Council Meeting held 18 March 2020 are attached (*attachment 7.3(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Council Meeting held 18 March 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 27/20

Moved: Cr Atherton

Seconded: Cr Smith

That the Minutes from the Special Council Meeting held 18 March 2020 be confirmed as a true and accurate record.

CARRIED 7/0 by En Bloc Resolution

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 EXECUTIVE MANAGER OPERATIONS

9.1.1 REQUEST TO CLOSE PORTION OF UNCONSTRUCTED ROAD RESERVE BISECTING NELSON LOCATION 1731, WILGA WEST

Location	Nelson Location 1731, Wilga West
Applicant	Mr Richard Walker
File Reference	A4516
Author	Bob Wallin (Manager Development Services)
Responsible Manager	Bob Wallin (Manager Development Services)
Attachments	9.1.1(1): Request Letter 9.1.1(2): Location Plan 9.1.1(3): Road Closure Extent
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Pursuant to Part 5 Division 1 Section 58 of the <i>Land Administration Act 1997</i> resolves to advertise the proposed closure of unconstructed road reserve that bisects ‘Nelson Location 1731, Wilga West’ for a period of no less than 35 days; 2. Pursuant to Part 5 Division 1 Section 58 (3), of the <i>Land Administration Act 1997</i>, authorises the Chief Executive Officer to request the Minister for Lands to close the section of road, if no submissions and/or no objections are received during the advertising period. 3. Requires the applicant to make payment of \$750 assessment fee prior to commencing 1 and 2 above.

STRATEGIC ALIGNMENT

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

Outcome	4.2	Respected, professional and trusted organization
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 Shire has received a request to close a portion of unconstructed road reserve that bisects Nelson Location 1731 Wilga West.
- The request does not compromise existing or potential future access arrangements for surrounding landowners.
- The request is consistent with the principles outlined in Local Planning Policy 9.9 Road Closure.
- Road closure requests are processed under the *Land Administration Act 1997* and require public advertising and approval by the Minister for Lands.
- It is recommended to support the request and initiate closure processes in accordance with the *Land Administration Act 1997*.

BACKGROUND

The Shire has received a request to close a portion of unconstructed road reserve from the owner of Nelson Location 1731, Wilga West (Attachment 9.1.1(1)). A site plan (Attachment 9.1.1 (2)) shows the unconstructed road reserve and its relationship to adjoining properties. The unconstructed road reserve has a north-south alignment that extends north from Nelson Location 1731, Wilga West and terminates at its southern boundary.

The extent of the requested road closure is displayed at attachment 9.1.1 (3), and illustrates that the road reserve bisects the western third of Nelson Location 1731, Wilga West from the balance of the land holding.

Nelson Location 1731, Wilga West, is zoned “General Agriculture” under Local Planning Scheme 7 (LPS7) and is surrounded by State Forest. Constructed access to the subject land is via State Forest managed gravel tracks that run along the eastern edge of the property.

Road closure requests fall under Part 5, Division 1 Section 58 of the *Land Administration Act 1997* (the Act). Section 58 of the Act describes the process relating to road closures. For further details, please refer to Statutory Compliance section below.

FINANCIAL IMPLICATIONS

An assessment fee of \$750 applies to road closure proposals to assist in recovering staff and advertising costs.

POLICY COMPLIANCE

Planning Policy 9.10 Road Closure

This policy provides guidance on road closures.

The policy states as follows:

- “1. Council will not support the closure of any gazette public road which has any possibility whatsoever of being utilised. There is a general presumption against the closing of roads.*
- 2. Council will however consider the closure of a gazette road where it will have no impact upon legal practical access to any property and will result primarily in the rationalisation of land and road within the shire.*
- 3. In the event that Council supports the closure of a road the proponent will be liable for all costs involved with the road closure.”*

STATUTORY COMPLIANCE

Road closure requests fall under Part 5, Division 1 Section 58 of the *Land Administration Act 1997* (the Act). Section 58 of the Act describes the process relating to road closures. It requires the local government to advertise the proposal for a period of at least 35 days before requesting the Minister to grant the request.

CONSULTATION

If supported, the proposed closure will require public advertising. Section 58 (3) of the Act requires a minimum public advertising period of 35 days following an advert in the local paper.

In addition, nearby landowners and government/servicing agencies will be contacted and provided opportunity to comment.

OFFICER COMMENT/CONCLUSION

The requested road reserve closure will not impact accessibility for properties in the locality.

There are no budgeted or strategic construction works planned for the section of road reserve.

The request is consistent with the intent of Local Planning Policy 9.9 and is considered reasonable to progress. It is noted that the advertising process will provide opportunity for the general public, servicing agencies and nearby landowners to comment and provide technical advice.

It is recommended that if no issues are raised during the advertising process, the Chief Executive Officer is provided delegation to request the Minister for Planning Lands and Heritage to close the section of road.

COUNCIL RESOLUTION 28/20

Moved: Cr Atherton

Seconded: Cr Smith

That Council:

- 1. Pursuant to Part 5 Division 1 Section 58 of the *Land Administration Act 1997* resolves to advertise the proposed closure of unconstructed road reserve that bisects 'Nelson Location 1731, Wilga West' for a period of no less than 35 days;**
- 2. Pursuant to Part 5 Division 1 Section 58 (3), of the *Land Administration Act 1997*, authorises the Chief Executive Officer to request the Minister for Lands to close the section of road, if no submissions and/or no objections are received during the advertising period.**
- 3. Requires the applicant to make payment of \$750 assessment fee prior to commencing 1 and 2 above.**

CARRIED 7/0 by En Bloc Resolution

9.1.2 PLANNING APPLICATION FOR SINGLE DWELLING AT LOT 107 (NO.66) VICTORIA PARADE LOCATED WITHIN A BUSHFIRE ATTACK LEVEL (BAL) 40 CONTOUR

Location	Lot 107 (No.66) Victoria Parade, Donnybrook
Applicant	Mr David Wells
File Reference	A4548
Author	Bob Wallin (Manager Development Services)
Responsible Manager	Bob Wallin (Manager Development Services)
Attachments	9.1.2(1): Site Plan 9.1.2(2): Dwelling plans/including elevations 9.1.2(3): Bushfire Attack Level (BAL) assessment 9.1.2(4): Extract from Guidelines 9.1.2(5): Extract deemed provisions 9.1.2(6): Photographs of adjoining properties
Voting Requirements	Simple Majority

Recommendation	
That Council:	
1.	Approves a single residential dwelling at Lot 107 (No.66) Victoria Parade, Donnybrook subject to the following conditions:
1.1	The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.
1.2	The applicant is required to relocate the proposed gas bottle storage from the northern elevation to the satisfaction of the Shire of Donnybrook Balingup.
1.3	A Notification pursuant to section 70A of the Transfer of Land Act is to be registered on the Certificate of Title for the property within 27 days of the date of this approval, advising prospective purchasers of the conditions of development approval and findings of the BAL assessment report.
	<u>Advice Notes:</u>
1.4	The development hereby permitted must be substantially commenced within two (2) years from the date of this decision.
1.5	If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.

1.6 The applicant is advised of the need to obtain approvals for an on-site effluent disposal system and a building permit prior to commencing work on site.

STRATEGIC ALIGNMENT

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

Outcome	1.2	Available land for residential, industrial and commercial development
Strategy	1.2.1	Support and promote appropriate development of land within the district
Action	1.2.1.1	Attract, promote and facilitate land development initiatives the district

EXECUTIVE SUMMARY

- The proposal is to consider an Application for Development Approval for a single dwelling at Lot 107 Victoria Parade, Donnybrook.
- Development approval is required due to:
 - the need to apply “design principles” of Element 6.4.1 *Visual Privacy* of the Residential Design Codes (R-Codes); and
 - the requirements of *State Planning Policy 3.7 Planning for Bushfire Prone Land* (SPP 3.7) and *Guidelines for Planning in Bushfire Prone Areas* (Guidelines) due to the site being rated as having a bushfire attack level (BAL) of BAL-40.
- The matters associated with potential overlooking are minor and impacts are limited due to existing building locations, design and level differences.
- The matters associated with BAL-40 classification can be appropriately addressed when taking into account mitigating factors as required to be considered under SPP 3.7 and the Guidelines.
- Approval subject to conditions is recommended.

BACKGROUND

The proposal is to construct a single residential dwelling at Lot 107 (No.66) Victoria Parade, Donnybrook (subject land) (Attachment 9.1.2(1)). The proposed dwelling floor plan and elevations are depicted in Attachment 9.1.2(2)

The subject land is 1196m² in area and zoned “Residential” under Local Planning Scheme 7 (LPS7) with a density code of R10. The site is vacant and recently cleared of vegetation. The subject land abuts similar zoned land along its northern and southern side boundaries and

abuts vegetated land reserved “Parks and Recreation” along its rear boundary which is managed by the Shire.

The lots abutting the both side boundaries contain existing residential dwellings.

Development approval is not normally required for single residential dwellings, however, in this instance it is required due to the need to apply design principles of the Residential Design Codes (R-Codes) and the Bush Fire Attack (BAL) assessment.

The dwelling is located in an area classified as BAL-40 (Attachment 9.1.2(3) – BAL assessment).

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Residential Design Codes (R-Codes)

State Planning Policy 3.1 (Residential Design Codes – R-Codes) State provides guidance on residential development standards across WA.

The R-Codes are implemented by using two streams of assessment. These are the “deemed-to-comply” elements and the “design principles”. The “design principles” require the application of discretion when the “deemed to comply” elements cannot be satisfied directly.

In this instance, the dwelling design complies with all “deemed-to-comply” elements of the R-Codes - except for Cl. 6.4.1 *Visual Privacy*. Assessment of this element is provided below in the comments section.

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)

The intent of this policy is to implement effective risk based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The Policy is supported by *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). A Bushfire Attack Level Assessment (BAL) has concluded that the site is classified as BAL-40. This classification is described in the Guidelines as follows:

“The risk is considered to be VERY HIGH. There is a much increased risk of ember attack and burning debris ignited by wind-borne embers, a likelihood of exposure to a high level of radiant heat and some likelihood of direct exposure to flames for the fire front. The construction elements are expected to be exposed to a heat flux not greater than 40kW/m².”

Further information including an illustration of BAL assessments is provided at Attachment 9.1.2(4).

The BAL-40 assessment triggers the requirement for a planning approval for lots with an area greater than 1100m². The subject land is 1196m² in area and therefore triggers the need for a planning approval.

Section 5.4 of the Guidelines outlines matters to consider when assessing development applications, which includes:

- the existing requirements of the relevant scheme;
- the objectives and policy measures contained in SPP 3.7 and the Guidelines;
- any applicable BAL for the subject site;
- the vulnerability or high risk nature of the land use;
- the proximity of the site to existing settlement areas;
- the capacity of existing firefighting infrastructure; and
- any existing local biodiversity strategy or conservation plan.

The Guidelines note that for lots below 1100m² in area, the policy concludes that planning can only play a limited role in reducing the bushfire risk to those properties.

STATUTORY COMPLIANCE

Local Planning Scheme 7 (LPS7)

The land is zoned Residential under LPS7 which has the following purpose and objectives:

“3.2.1 Purpose

The purpose of the Residential zone is to cater for the adequate provision of suitably located land in a varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas. In particular, to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

3.22 Objectives

The local government’s objectives in managing and guiding land use, development and subdivision within the Residential zone are to –

- (i) Provide for a range of housing choice with a high level of amenity in residential areas and which reflect the area’s rural character;*
- (ii) Provide for the adequate supply of suitable located land to meet the ongoing residential needs of the community consistent with the Residential Design Codes;*
- (iii) Allow aged or dependent persons’ dwellings and grouped dwellings if proper servicing is present and the amenity of the locality is not eroded; limit non-residential uses to those of which create self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- (iv) Promote and safeguard the health, safety, convenience, general welfare and the amenity of residents and the residential area;*
- (v) Require development and use to be appropriately serviced;*

- (vi) *Encourage residential development that will achieve efficient use of existing physical and social infrastructure and is economically serviced and affordable;*
- (vii) *Require that the density of development takes account of the availability of reticulated sewerage, the effluent disposal capabilities of the land and other servicing and environmental factors; and*
- (viii) *Identify, and where appropriate, protect areas of environmental significance including areas of native vegetation and wetlands.”*

The land is zoned “Residential - R10”. This coding sets expectations for a range of elements including lot sizes, extent of open space and setbacks.

Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Regulations)

Schedule 2, Part 9, clause 67 of the Deemed Regulations defines all the matters that a Local Government is to have due regard to when making a planning decision (Attachment 9.1.2(5) – extract of Deemed Regulations).

CONSULTATION

The proposal has been advertised in accordance with Part 4 Consultation of the R-Codes with respect to application of design principles relating to 6.4.1 Visual privacy. The advertising process included a letter drop to the adjoining residential properties. No submissions were received.

The intent of 5.4.1 Visual Privacy of the R-Codes is to ensure that the right to visual privacy for adjoining properties is not compromised. In this specific case, the elements of the design relate to the decking area (see Attachment 9.1.2(2)). This element of the design does not comply with the “deemed to comply” requirements which requires a cone of vision separation distance of 7.5m from the edge of a habitable room (includes outdoor living areas such as decks where they are above 500mm natural ground level). The extent of the cone of vision is depicted in Attachment 9.1.2(1)).

OFFICER COMMENT

R-Codes design principles

The proposal cannot satisfy the requirements of the “deemed to comply” provisions of the R-Codes relating to element 5.4.1 Visual Privacy which requires a setback for areas coded R50 or lower of 7.5m for unenclosed outdoor active habitable spaces (decking area). In this instance, the cone of vision intrudes into the northern property and southern property (Attachment 9.1.2(1)).

It is necessary to consider discretion and apply the “design principles” as shown in the table below.

Design principles Development demonstrates compliance with the following design principles (p) 5.4.1 Visual Privacy	Assessment
P1.1 Minimum direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • Building layout and location; • Design of major openings; • Landscape screening of outdoor active habitable spaces; and/or • Location of screening devices. 	There is no direct overlooking onto the property to the north as the proposed building is set forward of the existing dwelling (effectively overlooks front yard only of this property) There is no direct overlooking onto the property to the south due to differences in levels and existing outbuildings providing screening. There is opportunity to install a standard solid fence along both side boundaries which will provide additional screening opportunity (presently low, open pine and wire construction)
P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • Building to the boundary where appropriate; • Setting back the first floor from the side boundary; • Providing high or opaque and fixed windows; and/or • Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters). 	The decking area has limited capacity for outdoor living activities (only 1.8m wide). There is opportunity to install standard solid fencing that will provide suitable levels of screening. The decking has a design function that reflects a walk way function as opposed to an outdoor living area.

Photographs of adjoining properties are shown in Attachment 9.1.2(6).

Based on the above, it is reasonable to conclude that the proposal satisfies the “design principles” of 5.4.1 of the R-Codes.

Fire Risk considerations

The BAL contour map supporting the proposed development shows that the BAL-40 classification is the result of vegetation on the lot to the north (see Attachment 9.1.2(4) – page 2). The BAL-40 classification could be reduced to BAL-29 by:

- a) shifting the building 2m to the south; and/or

- b) removing the vegetation from the nearby site.

It is noted that neither of these options are practical due to the narrow configuration of the lot and the other property being in separate ownership and beyond the applicant's ability to influence and maintain change.

In determining this proposal, with respect to the BAL-40 designation, the following elements need to be considered:

- the property is 2.2km from the town's fire station;
- there are two hydrant sites within 50m of the property
- the property is located within the townsite with multiple road network options to access and exit the locality;
- there is a real prospect that the property to the north generating the risk will be cleared and developed in the future (eliminates the BAL-40 rating);
- the site is serviced by a reticulated water scheme;
- the property to the east is a Shire managed reserve which is subject to fire hazard management (control burned three years ago and programmed for another burn in three to five years);
- the property is only 96m² above the threshold for requiring a BAL assessment which provides limited opportunity for alternative building locations, especially when taking account of the narrow frontage (15m).

CONCLUSION

The proposal is considered reasonable and approval is recommended.

COUNCIL RESOLUTION 29/20

Moved: Cr Atherton

Seconded: Cr Wringe

That Council:

- 1. Approves a single residential dwelling at Lot 107 (No.66) Victoria Parade, Donnybrook subject to the following conditions:**
 - 1.1 The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans.**
 - 1.2 The applicant is required to relocate the proposed gas bottle storage from the northern elevation to the satisfaction of the Shire of Donnybrook Balingup.**
 - 1.3 A Notification pursuant to section 70A of the Transfer of Land Act is to be registered on the Certificate of Title for the property within 27 days of the date of this approval, advising prospective purchasers of the conditions of development approval and findings of the BAL assessment report.**

Advice Notes:

1. **The development hereby permitted must be substantially commenced within two (2) years from the date of this decision.**
2. **If the applicant is aggrieved by this decision, as a result of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the local government.**
3. **The applicant is advised of the need to obtain approvals for an on-site effluent disposal system and a building permit prior to commencing work on site.**

CARRIED 7/0

9.1.3 AMENDMENT 11 TO LOCAL PLANNING SCHEME NO.7 – LOT 384 MARSHALL ROAD, ARGYLE

Location	Lot 384 Marshall Road, Argyle
Applicant	Civil Technology
File Reference	TP17 AMD 11
Author	Bob Wallin, Manager Development Services
Responsible Officer	Bob Wallin, Manager Development Services
Attachments	9.1.3(1): Rezoning document 9.1.3(2): Proposed structure plan map 9.1.3(3): Alternative emergency access 9.1.3(4): Schedule of Submissions 9.1.3(5): DFES Advice
Voting Requirements	Simple Majority

Recommendation

That Council:

1. Pursuant to Part 5, Division 3, 50(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission that it supports Amendment 11 to Local Planning Scheme (LPS) for the property located at Lot 384 Marshall Road, Argyle by:
 - 1.1 Amending the zoning for Lot 384 Marshall Road, Argyle Road from ‘General Agriculture’ to ‘Rural Residential’;
 - 1.2 Removing Lot 384 from ‘Development Investigation Area 1’;
 - 1.3 Incorporating the following provisions (as modified) into Schedule 2 of the Scheme;

Zone Identification	Special Provisions
RR2 Lot 384 Marshall Road, Argyle.	<ol style="list-style-type: none"> 1. Structure Plan <ol style="list-style-type: none"> 1.1 The Subdivision and Development of the land shall be generally in accordance with a Structure Plan prepared and adopted in accordance with Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015. 2. Land Use <ol style="list-style-type: none"> 2.1 Land use permissibility to be as per the Rural Residential zone in the Zoning Table.

3. Commission Discretion

3.1 Notwithstanding Clause 1 and the provisions of Cl 4.52 of this Scheme, the Commission may approve an application for the subdivision of the land without a Structure Plan first being approved provided that the Commission is satisfied that the documents accompanying an application address all elements required under Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and shall include the following information:

- (a) The general layout of a subdivisional road system;**
- (b) Provision of an Urban Water Management Plan;**
- (c) Preservation of vegetation worthy of retention identified in a Landscape Plan;**
- (d) Places or objects of cultural heritage significance and the retention of places of such significance;**
- (e) Fire management measures including the provision of a 50,000L water tank and secondary emergency access to address the requirements of the Western Australian Planning Commission’s Guidelines for Planning in Bushfire Prone Areas;**
- (f) Identification of any areas of the land unsuitable for on-site wastewater disposal systems;**
- (g) Location of building envelopes;**
- (h) Method of potable water supply;**
- (i) Capability of the land to support residential development;**
- (j) Geotechnical evaluation including site soil evaluation.**

1.4 Amending the Scheme Map accordingly.

2. Advises the WAPC that in addition to the modified provisions contained in 1.3 above, Council recommends the applicant be responsible for the following:

2.1 Rectification of numbering and administrative anomalies as necessary within the amendment report.

2.2 Amending section 6.1 of the amendment report to include details on the standards and alignment of the secondary emergency access to demonstrate compliance with SPP 3.7.

2.3 Amending the Bushfire Management Plan to incorporate Department of Fire and Emergency Services (DFES) requirements and include details of a secondary access to demonstrate compliance with SPP 3.7.

3. Acknowledges the submissions received as contained in the Schedule of Submissions contained in Attachment 9.1.3(3).

4. Pursuant to Part 5, Division 1, 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that the amendment is a “Standard Amendment” for the following reasons:

- **The amendment relates to a zone that is consistent with the objectives identified in the above Local Planning Scheme; and**
- **The amendment is consistent with the Local Planning Strategy for that zone.**

5. Forwards Council’s recommendation to the Western Australian Planning Commission for further consideration.

STRATEGIC ALIGNMENT

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

Outcome	1.2:	Available land for residential, industrial and commercial development
Strategy	1.2.1:	Support and promote appropriate development of land within the district
Action:	1.2.1.1:	Attract, promote and facilitate land development within the district

EXECUTIVE SUMMARY

- The proposal is to consider Amendment 11 to Local Planning Scheme for Final Approval.
- The proposal is to rezone Lot 384 from “General Agriculture” with a Development Investigation Area overlay to “Rural Residential” and insert additional land use and subdivision controls.
- The advertising period attracted 15 submissions. Submissions raised a number of issues, with the key issues relating to fire safety, lot size and the safety and function of the existing access to the South Western Hwy.
- The proposal is generally consistent with the established planning framework that identifies the land as having potential for Rural Residential development.

BACKGROUND

At its November 2018 Ordinary Council Meeting, Council resolved the following with regard to the proposed amendment (Amendment 11):

“That Council resolve to initiate Amendment 11 to Local Planning Scheme 7 to rezone Lot 384 Marshall Road, Argyle to “rural Residential”, subject to:

1. *The amendment being processed as a “Standard Amendment” as defined in the Planning and Development (Local Planning Schemes) Regulations 2015.*
2. *Receiving an application fee of \$2,750.00.*
3. *Requiring the Chief Executive Officer to undertake such tasks necessary to implement Resolutions 1 and 2, above.”*

Proposal Details

The proposal is to amend the Shire’s Local Planning Scheme 7 by rezoning Lot 384 Marshall Road, Argyle from “General Agriculture” with a “Development Investigation Area” (DIA) overlay to “Rural Residential” (Attachment 9.1.3(1)). The amendment is also supported by a concept subdivision plan (Attachment 9.1.3(2)). This map shows indicative road layouts, lot sizes and building envelopes.

Development Investigation Areas (DIA)

The DIA identifies a land use expectation for the site as “Rural Residential” and includes a short list of matters to be addressed in a structure plan, including:

- Protection of vegetation;
- Identification of building envelopes;

- Provision of safe access to the existing local road network; and
- Fire management.

Local Planning Strategy

The Shire's Local Planning Strategy provides the long-term vision for the Shire and identifies the land as "Rural Residential Investigation". The intent of this designation is to:

- Identify areas suitable for potential future rural residential development;
- Ensure that new development has regard to environmental features;
- Not create conflicts with or constrain future agricultural development; and
- Provide a variety of lot sizes.

Scheme Amendment Process

The amendment falls under the category as a "Standard Amendment". The process for standard amendments includes the following steps:

1. Council resolve to initiate the amendment;
2. Council resolve to advertise the amendment
3. Council refers amendment to EPA for environmental assessment.
4. Advertise amendment to the public and government agencies;
5. Council to consider submissions and makes a recommendation to WAPC;
6. WAPC makes a recommendation to Minister for Planning;
7. Minister for Planning makes final decision; and
8. Amendment gazetted and becomes legally binding (if approved).

This proposal is now presented to Council for a decision on Step 5 which requires Council to make a formal recommendation to the WAPC which can take one of the following three forms:

- a) Final approval with no modifications;
- b) Final approval with modifications; or
- c) Not to proceed to final approval.

Subdivision application

The rezoning process has been delayed due to ongoing negotiation to provide a secondary access. A secondary access is required to satisfy *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (see Policy Compliance section below for more details). To progress and assist in mediating a solution to this issue, the applicant lodged a subdivision application and requested a review of the subsequent refusal by the WAPC with the State Administrative Tribunal (SAT). The mediation process has resulted in progress being made in finding an agreed position on a secondary access with MRWA, Department of Fire and Emergency Services (DFES) and the Shire (Attachment 9.1.3(3)).

FINANCIAL IMPLICATIONS

Costs associated with advertising and staff time are recovered through the assessment fee.

POLICY COMPLIANCE

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7).

The intent of this policy is to implement effective risk based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The Policy is supported by *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). A Bushfire Management Plan (BMP) has been prepared to demonstrate compliance with SPP 3.7. The BMP requires modifications to ensure compliance with SPP 3.7 and the Guidelines which is addressed in the officer's recommendation.

STATUTORY COMPLIANCE

Part 5 of the *Planning and Development Act 2005* outlines the processes and requirements for amending local planning schemes. This includes Section 81 that details the need for an Environmental Decision by the EPA prior to formal public advertising starting.

Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, (Regulations) details the processes for standard amendments to local planning schemes, including advertising requirements.

CONSULTATION

The amendment has been advertised in accordance with the requirements of the Regulations which has included:

1. a notice in the local paper;
2. holding of a public workshop;
3. a notice on the Shire's website; and
4. a mail drop to nearby landowners and referral to government departments.

15 submissions were received as a result of the advertising process. A summary of submissions and full copies of the correspondence received are provided in Attachment 9.1.3(4).

Detailed negotiations have occurred between MRWA, DFES, Shire and the applicant through a SAT mediation process. This has resulted in an agreed secondary emergency access.

The key issues are discussed in more detail below.

Emergency Fire Access

A significant number of submissions raised concerns regarding the lack of a secondary emergency access from the estate which is a requirement under SPP 3.7.

Alternative access options have been explored with DFES and MRWA and a proposed solution is put forward for Council's consideration (Attachment 9.1.3(3)). Attachment 9.1.3(6) contains DFES comments following mediation. This submission highlights that there are a number of technical matters that require resolution, however, all these matters can be resolved by updating the BMP.

It is noted that the unconstructed road reserve which will be utilised for the emergency access way is currently fully vegetated and therefore will require clearing to enable the access way to be constructed.

Lot size

Several submissions raised concerns regarding the proposed lot sizes which are smaller than the prevailing subdivision pattern. The proposed lot sizes are generally 1ha in size compared to the surrounding 2ha.

Lot size is one of many considerations when assessing a design and understanding impacts of density on the landscape. The impacts of “smaller lots” can be mitigated by width and orientation of lots and appropriate placement of building envelopes. In this instance, the subdivision concept shows lots along the northern and western edge have widths generally consistent with the adjoining lots and where narrower, have larger setbacks. The lots which have the most potential impact on adjoining land are Lots 209 to 210 when considering building envelope placements (Attachment 9.1.3(2)). Design of these lots can be reviewed at the structure plan / subdivision stage.

Safety of Marshall Road/South Western Hwy Intersection

Several submissions raised concerns regarding the safety of the existing intersection onto the South Western Highway. The proposed Amendment will increase traffic by approximately 150 vehicles per day. MRWA is satisfied that the existing intersection is suitably designed to accommodate traffic generated by the proposal.

As a result of the advertising process, modifications are proposed to address issues raised as per the officer’s recommended resolution.

OFFICER COMMENT

The proposed amendment is consistent with the broad strategic vision for the site. The amendment document is required to address the following matters that relate to the DIA.

Matters to be addressed	Actions proposed/completed
Protection of vegetation	Existing vegetation on the subject lot is to be retained wherever possible and a landscape plan is to be prepared at the subdivision stage. The road pavement alignment can be modified at the detailed subdivision stage to improve potential to retain trees within the proposed road reserve.
Identification of building envelopes	Building envelopes are identified.
Provision of safe access to the existing local road network	The abutting portion of Marshall Road is to be upgraded. The design will connect at two points to the existing road network;

	A secondary emergency access out of the estate is supported. The Bushfire Management Plan will be required to be updated.
Fire Management	An analysis of fire matters has been completed and used to inform the design and location of building envelopes. A secondary emergency access is required to ensure compliance with Commission Policy 3.7. The Bushfire Management Plan will be required to be updated to reflect DFES requirements.

The proposal also satisfies the strategic intent of the Local Planning Strategy’s designation of “Rural Residential Investigation by:

- Providing infill opportunity;
- Minimising disturbance to existing vegetation;
- Providing a variety of lot sizes; and
- Not having any impact on any nearby agricultural activity. The site is surrounded by existing Rural Residential uses and State Forest.

CONCLUSION

The consultation period has brought to light several points that require addressing. These can be resolved through modifications as proposed or through further investigations at the structure planning and/or subdivision stages of development.

COUNCIL RESOLUTION 30/20

Moved: Cr Newman

Seconded: Cr Wringe

That Council:

1. Pursuant to Part 5, Division 3, 50(3)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, recommends to the Western Australian Planning Commission that it supports Amendment 11 to Local Planning Scheme (LPS) for the property located at Lot 384 Marshall Road, Argyle by:
 - 1.1 Amending the zoning for Lot 384 Marshall Road, Argyle Road from ‘General Agriculture’ to ‘Rural Residential’;
 - 1.2 Removing Lot 384 from ‘Development Investigation Area 1’;
 - 1.3 Incorporating the following provisions (as modified) into Schedule 2 of the Scheme;

Zone Identification	Special Provisions
RR2 Lot 384 Marshall Road,	1. Structure Plan 1.1 The Subdivision and Development of the land shall be generally in accordance with a

<p>Argyle.</p>	<p>Structure Plan prepared and adopted in accordance with Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>2. Land Use</p> <p>2.1 Land use permissibility to be as per the Rural Residential zone in the Zoning Table.</p> <p>3. Commission Discretion</p> <p>3.1 Notwithstanding Clause 1 and the provisions of Cl 4.52 of this Scheme, the Commission may approve an application for the subdivision of the land without a Structure Plan first being approved provided that the Commission is satisfied that the documents accompanying an application address all elements required under Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and shall include the following information:</p> <ul style="list-style-type: none">(a) The general layout of a subdivisional road system;(b) Provision of an Urban Water Management Plan;(c) Preservation of vegetation worthy of retention identified in a Landscape Plan;(d) Places or objects of cultural heritage significance and the retention of places of such significance;(e) Fire management measures including the provision of a 50,000L water tank and secondary emergency access to address the requirements of the Western Australian Planning Commission’s Guidelines for Planning in Bushfire Prone Areas;
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	<p>(f) Identification of any areas of the land unsuitable for on-site wastewater disposal systems;</p> <p>(g) Location of building envelopes;</p> <p>(h) Method of potable water supply;</p> <p>(i) Capability of the land to support residential development;</p> <p>(j) Geotechnical evaluation including site soil evaluation.</p>
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1.4 Amending the Scheme Map accordingly.

2. Advises the WAPC that in addition to the modified provisions contained in 1.3 above, Council recommends the applicant be responsible for the following:

2.1 Rectification of numbering and administrative anomalies as necessary within the amendment report.

2.2 Amending section 6.1 of the amendment report to include details on the standards and alignment of the secondary emergency access to demonstrate compliance with SPP 3.7.

2.3 Amending the Bushfire Management Plan to incorporate Department of Fire and Emergency Services (DFES) requirements and include details of a secondary access to demonstrate compliance with SPP 3.7.

3. Acknowledges the submissions received as contained in the Schedule of Submissions contained in Attachment 9.1.3(3).

4. Pursuant to Part 5, Division 1, 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that the amendment is a “Standard Amendment” for the following reasons:

- The amendment relates to a zone that is consistent with the objectives identified in the above Local Planning Scheme; and**
- The amendment is consistent with the Local Planning Strategy for that zone.**

5. Forwards Council’s recommendation to the Western Australian Planning Commission for further consideration.

CARRIED 6/1

9.1.4 SOUTH WEST REGIONAL WASTE GROUP – REQUEST FOR ONGOING SHIRE CONTRIBUTION TO EXTEND PROJECT OFFICER APPOINTMENT FOR ADDITIONAL 12 MONTHS

Location	Shire of Donnybrook Balingup
Applicant	South West Regional Waste Group
File Reference	HLT 09/1
Author	Steve Potter, Executive Manager Operations
Responsible Manager	Steve Potter, Executive Manager Operations
Attachments	Not applicable
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Supports the ongoing appointment of the Project Officer for the South West Regional Waste Group for a further 12 months to continue work towards identifying regional solutions to waste management. 2. Instructs the Chief Executive Officer to allocate \$3,644 in the 2020/21 Draft Budget for the Shire’s contribution.

STRATEGIC ALIGNMENT

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

Outcome	2.4	Efficient and effective waste management
Strategy	2.4.1	Undertake efficient waste management services
Action	2.4.1.1	Investigate and review regional waste services opportunities

EXECUTIVE SUMMARY

The Shire of Donnybrook Balingup has received a request from the City of Busselton to continue to partially fund the Project Officer (Mr Nick Edwards) appointed by the South West Regional Waste Group for a further 12 months. This will enable him to complete work associated with exploring regional waste management initiatives.

It is recommended that Council approves the request and instructs the Chief Executive Officer to make provision in the 2020/21 Draft Budget.

BACKGROUND

12 local government authorities in the south-west currently co-contribute to employing a Project Officer to undertake work associated with the South West Regional Waste Group which has been in place for approximately 12 months.

The focus of the Project Officer's work thus far has been exploring regional solutions for managing waste and this has largely been approached through undertaking a 'market sounding' exercise in which private operators in the waste management sector were requested to submit proposals to manage waste on a regional level. This has included the identification of a range of technological solutions, rather than relying on land-fill.

The culmination of the Project Officer's work to date is nearing completion, with a 'Market Sounding Report' to be finalised in the near future.

It is against this backdrop that a request has been sent to all participating local governments by the City of Busselton to consider extending the employment contract of the Project Officer for a further 12 months.

According to the request, the Project Officer has conducted many interviews with key businesses and developed solid insights into how the region can move forward over the past 12 months. The request further notes that the draft Report maps out a development model to coordinate regional waste management over a 20 year period and suggests the Group needs time to determine the real alternate waste costs that could help the Group as a collective.

The Project Officer is also still receiving proposals and conducting interviews and therefore the project continues to evolve and opportunities continue to get more diverse.

If the participating local governments agree to the extension request the following outcomes are expected over the next 12 months:

- Report to be endorsed by the majority of SW Councils;
- Start costing alternative treatment methods and nominate locations;
- Initiate feasibility studies for the most suitable technologies;
- Standardise our common waste operations to help share costs where appropriate; and
- Develop a consistent and clear message for the regional community that meets its expectations.

FINANCIAL IMPLICATIONS

The request is for a 12 month extension in accordance with the following table:

LGA	Cost for 2020/21
Augusta - Margaret River	\$ 18,619.72
Boyup Brook	\$ 2,134.71
Bridgetown - Greenbushes	\$ 3,502.44
Bunbury	\$ 29,951.86
Busselton	\$ 35,164.97
Capel	\$ 9,227.94
Collie	\$ 4,758.53
Dardanup	\$ 9,578.91
Donnybrook - Balingup	\$ 3,643.79
Harvey	\$ 15,681.08
Manjimup	\$ 7,300.44
Nannup	\$ 1,272.16
Total	\$ 140,836.56

It is noted that costs are determined based on local government population. Should one or more local government decide not to support the request, the above amounts may need to be amended accordingly.

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Not applicable

CONSULTATION

The work undertaken thus far has largely been at an operational level and therefore consultation has largely been at officer level with the Project officer also making presentations to a number of Councils (including the Shire of Donnybrook Balingup Council).

It is anticipated that further public consultation will be required in the future as the project evolves.

OFFICER COMMENT/CONCLUSION

The Project Officer has undertaken some important work to date, however it is considered that it would provide benefit for all concerned if he were able to continue what has been started in order to identify viable solutions if possible. As one of the local governments that has a waste facility with a short remaining life span this is something that may directly benefit our community in the longer term.

As such, it is recommended that Council endorse the ongoing appointment of the Project Officer.

COUNCIL RESOLUTION 31/20

Moved: Cr Atherton

Seconded: Cr Smith

That Council:

- 1. Supports the ongoing appointment of the Project Officer for the South West Regional Waste Group for a further 12 months to continue work towards identifying regional solutions to waste management.**
- 2. Instructs the Chief Executive Officer to allocate \$3,644 in the 2020/21 Draft Budget for the Shire's contribution.**

CARRIED 7/0 by En Bloc Resolution

9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

The Schedule of Accounts Paid (attachment 9.2.1(1) under Delegation 3.1) is presented to Council for information.

9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2020

The Monthly Financial Report for February is attached (attachment 9.2.2(1)).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended 29 February 2020 be received.

COUNCIL RESOLUTION 32/20

Moved: Cr Atherton

Seconded: Cr Smith

That the monthly financial report for the period ended 29 February 2020 be received.

CARRIED 7/0 by En Bloc Resolution

9.2.3 GLEN MERVYN DAM OPEN WATER SWIM EVENT

Withdrawn by the Chief Executive Officer 23 March 2020.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	Not applicable
Author	Ben Rose, Chief Executive Officer
Responsible Officer	Ben Rose, Chief Executive Officer
Attachments	9.3.1(1): Deed of Variation
Voting Requirements	Simple Majority

Recommendation
That Council provides consent to execute the Deed of Variation as per attachment 9.3.1(1) by the Shire President and Chief Executive Officer.

STRATEGIC ALIGNMENT

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

Outcome:	4.2	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 Western Australian Local Government Association (WALGA) seeks Council's consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust).

The Shire of Donnybrook Balingup is a unit holder and beneficiary to the Local Government House Trust, holding 4 units as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Donnybrook Balingup has been requested to consent to the attached Deed of Variation supported by a resolution of Council; and to communicate this consent to WALGA in writing.

Further details on the particular Deed Variations and objectives to be achieved by the variation are outlined below.

BACKGROUND

The Local Government House Trust (“The Trust”) exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies “upon Trust” and in proportion to the units provided.

The commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust’s income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee’s ability to retire and appoint a new Trustee might affect the Trust’s classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently, the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee’s power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation);
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation); and
3. ensuring that the Board of Management is the ‘governing body’ of the Trust (Clause 2.3 of the Deed of Variation).

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows:

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

3.32 Use of the Shire of Donnybrook Balingup Common Seal Policy

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT/CONCLUSION

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management.

COUNCIL RESOLUTION 33/20

Moved: Cr Atherton

Seconded: Cr Smith

That Council provides consent to execute the Deed of Variation as per attachment 9.3.1(1) by the Shire President and Chief Executive Officer.

CARRIED 7/0 by En Bloc Resolution

9.3.2 COMMONWEALTH DROUGHT COMMUNITIES PROGRAMME

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF20D
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.2(1) Correspondence – Announcement of funding 9.3.2(2) Eligible Local Governments list 9.3.2(3) Programme Guidelines (preceding funding rounds)
Voting Requirements	Simple Majority

Recommendation				
That Council:				
<p>1. Instruct the Chief Executive Officer to prepare and lodge an application for funding for up to \$1,000,000 under the Commonwealth Drought Communities Programme for the following projects in ranked order:</p>				
Priority ranking	Project description	Preliminary estimate of cost	'Running total' (preliminary estimate)	Notes
1	Adverse Event Plan	\$20,000	\$20,000	Mandatory component of Programme funding
2	Commercial standpipes for Donnybrook (x1) and Balingup (x1).	\$150,000	\$170,000	Includes de-commissioning of existing commercial standpipe in Donnybrook
3	Bore, pump and associated infrastructure for Balingup Oval and surrounds	\$200,000	\$370,000	Unproclaimed groundwater abstraction area (no license required)
4	Bore, pump and associated infrastructure for VC Mitchell Park and surrounds	\$350,000	\$720,000	Proclaimed groundwater abstraction area (license required)
5	Public toilets refurbishment	\$200,000	\$920,000	Refurbishment to public toilets in Kirup (Memorial Park) and Donnybrook (main car park) and replacement of toilet/s at Balingup Community Centre/Medieval Carnivale grounds
6	Golden Valley Tree Park – all ability access paths	\$100,000	\$1,020,000	Sealed, red asphalt, approximately 600m
7	Kirup Mill Park upgrade	\$50,000	\$1,070,000	In accordance with KPA concept plan
8	Replacement of concrete formed wings on the Preston River river-block (adjacent the Donnybrook suspension bridge)	\$150,000	\$1,220,000	The infrastructure is owned and controlled by the Preston Valley Irrigation Cooperative
9	Installation of public drinking water fountains in	\$30,000	\$1,250,000	Allowance for 3 x water fountains

	Balingup, Kirup and Donnybrook			
10	Irishtown Arboretum refurbishment	\$75,000	\$1,325,000	Scope as per OCM December 2019
11	Information bays for Balingup, Kirup and Donnybrook	\$100,000	\$1,425,000	New information bays where non-existent, and refurbishment to existing bays
12	Shire boundary signage	\$70,000	\$1,495,000	For main vehicle access points into/out of Shire
TOTAL		\$1,495,000	\$1,495,000	

2. Recognise (and endorse) the need for flexibility for the Chief Executive Officer in preparing the funding application/s to ensure the maximum funding available is attained for permissible projects, in accordance with the priority rankings as above.

3. Authorises the Chief Executive Officer to execute the funding contract, when issued from the Commonwealth Government.

STRATEGIC ALIGNMENT

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

Outcome	1.1	A diverse, prosperous economy, supporting local business and population growth
Strategy	1.1.1	Promote, maintain and diversify investment in the district
Action	1.1.1.2	Represent the district's interests with key stakeholders

EXECUTIVE SUMMARY

Via the Commonwealth Government, an opportunity to apply for up to \$1M in grant funding has arisen. The objective of the funding, via the Drought Communities Programme (the Programme), is to provide immediate economic stimulus and employment through local infrastructure and drought-related projects. A shortlist of recommended projects is presented for Council's consideration.

BACKGROUND

On 28 January 2020, the Commonwealth Government announced an extension to the Federal Drought Communities Programme (the Programme), including eligibility for the Shire of Donnybrook Balingup (the Shire) to apply for up to \$1M in grant funding.

Whilst guidelines for this round of the Programme have not yet been released by the Commonwealth Government, preliminary advice indicates that the guidelines (when issued) will not be materially dissimilar from preceding rounds of the Programme.

Instruction from the Commonwealth Minister for Water Resources; Drought; Rural Finance; Natural Disaster and Emergency Management is that project completion is required before 30 June 2021.

A workshop with senior staff and Councillors was undertaken on 6 March 2020, where a ‘long list’ of potential projects and initiatives was reviewed and discussed.

The Programme guidelines (preceding rounds) identify that the funding should be applied towards public infrastructure projects that will assist economic resilience in the local government area.

FINANCIAL IMPLICATIONS

The grant funding guidelines (preceding rounds) do not mandate any funding co-contribution by the Shire; however, the Shire can co-contribute funding if it deems appropriate.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

The statutory requirements (e.g. approvals, licenses, permits) for any projects approved under the Programme will need to be observed.

CONSULTATION

In order to meet the particularly short project timeframe, broad community consultation on the Programme is not recommended. Rather, stakeholder engagement and consultation will be undertaken in relation to the Council-approved shortlist of projects for application.

OFFICER COMMENT

Given that:

- the Commonwealth Government is yet to release the Programme Guidelines;
- the cost estimates for shortlisted projects (below) are at a very early estimate stage only; and
- all funded projects are required to be completed before 30 June 2021,

It is recommended that the Council approve the following shortlisted projects, in ranked order, so that the Executive can commence preparation of the required research and formal application/s for the funding.

As the shortlisted projects are only at a preliminary research and cost estimate stage, flexibility and discretion will be required for the Executive in preparing the formal application/s. For instance, if a groundwater abstraction license cannot be obtained via DWER for a new bore and pump system VC Mitchell Park, this project will be ‘struck from the list’ and the next ranked priority project will be pursued instead.

If a Shire funding co-contribution is identified as necessary or advantageous for any reason, unless the funding is identified within the 2019/20 Shire Budget, this will require separate consideration/resolution of the Council.

Priority ranking	Project description	Preliminary estimate of cost	'Running total' (preliminary estimate)	Notes
1	Adverse Event Plan	\$20,000	\$20,000	Mandatory component of Programme funding
2	Commercial standpipes for Donnybrook (x1) and Balingup (x1).	\$150,000	\$170,000	Includes de-commissioning of existing commercial standpipe in Donnybrook
3	Bore, pump and associated infrastructure for Balingup Oval and surrounds	\$200,000	\$370,000	Unproclaimed groundwater abstraction area (no license required)
4	Bore, pump and associated infrastructure for VC Mitchell Park and surrounds	\$350,000	\$720,000	Proclaimed groundwater abstraction area (license required)
5	Public toilets refurbishment	\$200,000	\$920,000	Refurbishment to public toilets in Kirup (Memorial Park) and Donnybrook (main car park) and replacement of toilet/s at Balingup Community Centre/Medieval Carnivale grounds
6	Golden Valley Tree Park – all ability access paths	\$100,000	\$1,020,000	Sealed, red asphalt, approximately 600m
7	Kirup Mill Park upgrade	\$50,000	\$1,070,000	In accordance with KPA concept plan
8	Replacement of concrete formed wings on the Preston River river-block (adjacent the Donnybrook suspension bridge)	\$150,000	\$1,220,000	The infrastructure is owned and controlled by the Preston Valley Irrigation Cooperative
9	Installation of public drinking water fountains in Balingup, Kirup and Donnybrook	\$30,000	\$1,250,000	Allowance for 3 x water fountains
10	Irishtown Arboretum refurbishment	\$75,000	\$1,325,000	Scope as per OCM December 2019
11	Information bays for Balingup, Kirup and Donnybrook	\$100,000	\$1,425,000	New information bays where non-existent, and refurbishment to existing bays
12	Shire boundary signage	\$70,000	\$1,495,000	For main vehicle access points into/out of Shire
TOTAL		\$1,495,000	\$1,495,000	

CONCLUSION

The Programme is aimed at delivering public infrastructure projects that will assist economic resilience in the local government area. A shortlist of projects has been identified, and ranked, for Council consideration.

OUTCOME OF MEETING

The item previously went through En Bloc and there was discussed held regarding Councillors not being aware of the item being included in the En Bloc list.

COUNCIL RESOLUTION 34/20

Moved Cr Smith

Seconded Cr Sercombe

That item 9.3.2 be removed from the En Bloc Resolution and discussed and voted on separately.

CARRIED 7/0

AMENDMENT

Moved Cr Sercombe

Seconded Cr Atherton

That Council:

1. Instruct the Chief Executive Officer to prepare and lodge an application for funding for up to \$1,000,000 under the Commonwealth Drought Communities Programme for the following projects in ranked order:

Priority ranking	Project description	Preliminary estimate of cost	'Running total' (preliminary estimate)	Notes
1	Adverse Event Plan	\$20,000	\$20,000	Mandatory component of Programme funding
2	Commercial standpipes for Donnybrook (x1) and Balingup (x1).	\$150,000	\$170,000	Includes de-commissioning of existing commercial standpipe in Donnybrook
3	Bore, pump and associated infrastructure for Balingup Oval and surrounds	\$200,000	\$370,000	Unproclaimed groundwater abstraction area (no license required)
4	Bore, pump and associated infrastructure for VC Mitchell Park and surrounds	\$350,000	\$720,000	Proclaimed groundwater abstraction area (license required)
5	<u>Golden Valley Tree Park – all ability access paths</u>	<u>\$100,000</u>	<u>\$820,000</u>	<u>Sealed, red asphalt, approximately 600m</u>
6	<u>Kirup Mill Park upgrade</u>	<u>\$50,000</u>	<u>\$870,000</u>	<u>In accordance with KPA concept plan</u>
7	<u>Public toilets refurbishment</u>	<u>\$200,000</u>	<u>\$1,070,000</u>	<u>Refurbishment to public toilets in Kirup (Memorial Park) and Donnybrook (main car park) and replacement of toilet/s at Balingup Community Centre/Medieval Carnivale grounds</u>
8	Replacement of concrete formed wings on the Preston River river-block	\$150,000	\$1,220,000	The infrastructure is owned and controlled by the Preston Valley Irrigation Cooperative

	(adjacent the Donnybrook suspension bridge)			
9	Installation of public drinking water fountains in Balingup, Kirup and Donnybrook	\$30,000	\$1,250,000	Allowance for 3 x water fountains
10	Irishtown Arboretum refurbishment	\$75,000	\$1,325,000	Scope as per OCM December 2019
11	Information bays for Balingup, Kirup and Donnybrook	\$100,000	\$1,425,000	New information bays where non-existent, and refurbishment to existing bays
12	Shire boundary signage	\$70,000	\$1,495,000	For main vehicle access points into/out of Shire
TOTAL		\$1,495,000	\$1,495,000	

2. Recognise (and endorse) the need for flexibility for the Chief Executive Officer in preparing the funding application/s to ensure the maximum funding available is attained for permissible projects, in accordance with the priority rankings as above.
3. Authorises the Chief Executive Officer to execute the funding contract, when issued from the Commonwealth Government.

LOST 1/6

AMENDMENT

Moved Cr Sercombe

Seconded Cr Atherton

That Council:

1. Instruct the Chief Executive Officer to prepare and lodge an application for funding for up to \$1,000,000 under the Commonwealth Drought Communities Programme for the following projects in ranked order:

Priority ranking	Project description	Preliminary estimate of cost	'Running total' (preliminary estimate)	Notes
1	Adverse Event Plan	\$20,000	\$20,000	Mandatory component of Programme funding
2	Commercial standpipes for Donnybrook (x1) and Balingup (x1).	\$150,000	\$170,000	Includes de-commissioning of existing commercial standpipe in Donnybrook
3	Bore, pump and associated infrastructure for Balingup Oval and surrounds	\$200,000	\$370,000	Unproclaimed groundwater abstraction area (no license required)
4	<u>Golden Valley Tree Park – all ability access paths</u>	<u>\$100,000</u>	<u>\$470,000</u>	<u>Sealed, red asphalt, approximately 600m</u>
5	<u>Kirup Mill Park upgrade</u>	<u>\$50,000</u>	<u>\$520,000</u>	<u>In accordance with KPA concept plan</u>
6	<u>Public toilets refurbishment</u>	<u>\$200,000</u>	<u>\$720,000</u>	<u>Refurbishment to public toilets in Kirup (Memorial Park) and Donnybrook (main car park) and replacement of toilet/s at Balingup</u>

				<u>Community Centre/Medieval Carnivale grounds</u>
<u>7</u>	<u>Bore, pump and associated infrastructure for VC Mitchell Park and surrounds</u>	<u>\$350,000</u>	<u>\$1,070,000</u>	<u>Proclaimed groundwater abstraction area (license required)</u>
8	Replacement of concrete formed wings on the Preston River river-block (adjacent the Donnybrook suspension bridge)	\$150,000	\$1,220,000	The infrastructure is owned and controlled by the Preston Valley Irrigation Cooperative
9	Installation of public drinking water fountains in Balingup, Kirup and Donnybrook	\$30,000	\$1,250,000	Allowance for 3 x water fountains
10	Irishtown Arboretum refurbishment	\$75,000	\$1,325,000	Scope as per OCM December 2019
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TOTAL		\$1,495,000	\$1,495,000	

2. Recognise (and endorse) the need for flexibility for the Chief Executive Officer in preparing the funding application/s to ensure the maximum funding available is attained for permissible projects, in accordance with the priority rankings as above.
3. Authorises the Chief Executive Officer to execute the funding contract, when issued from the Commonwealth Government.

LOST 6/1

COUNCIL RESOLUTION 35/20

Moved Cr Mitchell

Seconded Cr Wringe

That Council:

1. Instruct the Chief Executive Officer to prepare and lodge an application for funding for up to \$1,000,000 under the Commonwealth Drought Communities Programme for the following projects in ranked order:

Priority ranking	Project description	Preliminary estimate of cost	'Running total' (preliminary estimate)	Notes
1	Adverse Event Plan	\$20,000	\$20,000	Mandatory component of Programme funding
2	Commercial standpipes for Donnybrook (x1) and Balingup (x1).	\$150,000	\$170,000	Includes de-commissioning of existing commercial standpipe in Donnybrook

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4	Bore, pump and associated infrastructure for VC Mitchell Park and surrounds	\$350,000	\$720,000	Proclaimed groundwater abstraction area (license required)
5	Public toilets refurbishment	\$200,000	\$920,000	Refurbishment to public toilets in Kirup (Memorial Park) and Donnybrook (main car park) and replacement of toilet/s at Balingup Community Centre/Medieval Carnivale grounds
6	Golden Valley Tree Park – all ability access paths	\$100,000	\$1,020,000	Sealed, red asphalt, approximately 600m
7	Kirup Mill Park upgrade	\$50,000	\$1,070,000	In accordance with KPA concept plan
8	Replacement of concrete formed wings on the Preston River river-block (adjacent the Donnybrook suspension bridge)	\$150,000	\$1,220,000	The infrastructure is owned and controlled by the Preston Valley Irrigation Cooperative
9	Installation of public drinking water fountains in Balingup, Kirup and Donnybrook	\$30,000	\$1,250,000	Allowance for 3 x water fountains
10	Irishtown Arboretum refurbishment	\$75,000	\$1,325,000	Scope as per OCM December 2019
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12	Shire boundary signage	\$70,000	\$1,495,000	For main vehicle access points into/out of Shire
TOTAL		\$1,495,000	\$1,495,000	

2. Recognise (and endorse) the need for flexibility for the Chief Executive Officer in preparing the funding application/s to ensure the maximum funding available is attained for permissible projects, in accordance with the priority rankings as above.
3. Authorises the Chief Executive Officer to execute the funding contract, when issued from the Commonwealth Government.

CARRIED 6/1

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR

Nil.

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

In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.

In subclause (1), “cases of extreme urgency or other special circumstances” means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

COUNCIL RESOLUTION 36/20

Moved Cr Piesse

Seconded Cr Smith

- 1. That Council accept the email from GJ Freight dated 25 March 2020 as a matter of urgent business.**
- 2. That the Chief Executive Officer respond to the email advising the Shire does not have that information, it is held by the Department of Health and WA Country Health Service. It is noted that there is a possible misunderstanding that the Shire is privy to this information. Department of Health cannot confirm or deny any cases anywhere in WA at this time. The Chief Executive Officer will provide a copy of the response to Councillors.**

CARRIED 7/0

The Chief Executive Officer read the email aloud:

Dear Donnybrook Balingup Shire Council

As an employer of 40-50 people in the Shire of Donnybrook-Balingup we wish to express our frustration at the lack of transparency and information being transmitted from the Shire relating to a possible local case of CO-VID19. This frustration is shared by other business owners and local produce suppliers within the local area.

We appreciate that certain information must be withheld to protect the privacy of the person. We question the lack of information pertaining to which area(s) of Donnybrook have

potentially been exposed being made available to shire members and in particular businesses of essential services with the Shire.

As a transporter of freight and produce we are deemed to be “essential” service and as such have a duty of care to our employees to protect them by taking reasonable precautions whilst working. This is critical if we are to continue to provide that service to the wider community throughout these challenging times.

Whilst we are doing everything internally to maintain high standards of cleanliness we quite obviously can not control the outside environment. We understand, in these unprecedented times, that every industry and government body is grappling with how to move forward. Frustration levels are high everywhere.

To fulfill our duty of care to our employees we need to have access to information that will enable us to avoid sending truck drivers to places that pose increased risk. To do anything else would be negligent on our behalf.

What measures do the Shire have in place to offer us further information at this time? I am available to discuss this on 0428 932 392 or via email greg@gjfreight.com.au.

Yours sincerely

*Jim and Kerry Stewart
Company Directors*

*Greg Stewart
Company Manager*

EXECUTIVE RECOMMENDATION

That pursuant to section 5.4 of the Shire of Donnybrook Balingup Meeting Procedures Local Law, Council agrees to receive the item entitled *11.1 COVID-19 Shire Response and Recovery Position Statement (Interim)* as new business of an urgent nature.

COUNCIL RESOLUTION 37/20

Moved: Cr Piesse

Seconded: Cr Wringe

That pursuant to section 5.4 of the Shire of Donnybrook Balingup Meeting Procedures Local Law, Council agrees to receive the item entitled *11.1 COVID-19 Shire Response and Recovery Position Statement (Interim)* as new business of an urgent nature.

CARRIED 6/1

11.1 COVID-19 SHIRE RESPONSE AND RECOVERY POSITION STATEMENT (INTERIM)

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF 20J
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.3.3(1) Position Statement
Voting Requirements	Simple Majority

Recommendation
<p>That Council instruct the Chief Executive Officer that, unless directed otherwise by the State or Commonwealth Government, the Shire’s response and recovery actions in relation to COVID-19 are to align with the attached COVID-19 Response and Recovery Position Statement (Interim).</p>

STRATEGIC ALIGNMENT

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

Outcome	3.3	A safe and healthy community environment for all ages
Strategy	3.3.3	Support a safe, healthy and active community
Action	3.3.3.6	Review and implement community safety and crime prevention strategies

EXECUTIVE SUMMARY

Council is requested to approve the Shire of Donnybrook Balingup COVID-19 Response and Recovery Position Statement (Interim).

The purpose of this document is to outline the Shire of Donnybrook Balingup’s approach for working in partnership with the Commonwealth and State Governments and other regional and local stakeholders to help protect our community and minimise the impact of the World Health Organisation named pandemic, COVID-19.

The objectives of this approach are to:

- outline the Shire’s governance arrangements for, and approach to, minimising the impacts of the pandemic
- outline the roles and responsibilities of the Shire during the response and recovery phases.
- provide specific examples of what the Shire will do during the crisis and recovery phases.

- outline a process for the Shire to follow that will enable additional non-critical recovery response activities to occur if the Shire has the capacity and/or capability to be involved in those tasks.

BACKGROUND

The Coronavirus (COVID-19) was first identified in Wuhan, Hubei Province, China in December 2019. The World Health Organisation (WHO) declared the outbreak a Public Health Emergency of International Concern on 30 January 2020 and a Pandemic 11 March 2020.

Pandemics are epidemics on a global scale. For a communicable disease to have pandemic potential, it must meet three criteria:

- humans have little or no pre-existing immunity to the communicable disease;
- the communicable disease leads to illness in humans; and
- the communicable disease has the capacity to spread efficiently from person to person.

FINANCIAL IMPLICATIONS

As yet undetermined.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

The attached Position Statement aligns with the requirements of the:

- Local Emergency Management Arrangements; and
- Local Recovery Plan.

CONSULTATION

The Shire's Executive established an internal COVID-19 Shire Response Taskforce to monitor, review and make recommendations to the Chief Executive Officer in relation to COVID-19. Members of this Taskforce have developed the attached Position Statement in collaboration with the Chief Executive Officer.

OFFICER COMMENT/CONCLUSION

It is recommended that Council approve the COVID-19 Shire Response and Recovery Position Statement (Interim).

OUTCOME OF MEETING

AMENDMENT

Moved Cr Mitchell Seconded Cr Wringe

1. That Council instruct the Chief Executive Officer that, unless directed otherwise by the State or Commonwealth Government, the Shire's response and recovery actions in relation to COVID-19 are to align with the attached COVID-19 Response and Recovery Position Statement (Interim).
2. That the Shire would like the WALGA South West Zone to consider asking Department of Health that reports of COVID-19 cases are reported by the Local Government area.

LOST 1/6

COUNCIL RESOLUTION 38/20

Moved Cr Atherton Seconded Cr Wringe

That Council instruct the Chief Executive Officer that, unless directed otherwise by the State or Commonwealth Government, the Shire's response and recovery actions in relation to COVID-19 are to align with the attached COVID-19 Response and Recovery Position Statement (Interim).

CARRIED 7/0

COUNCIL RESOLUTION 39/20

Moved Cr Piesse Seconded Cr Wringe

That Council recognise the efforts of all Shire staff and appreciate their professionalism during this challenging period.

CARRIED 7/0

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

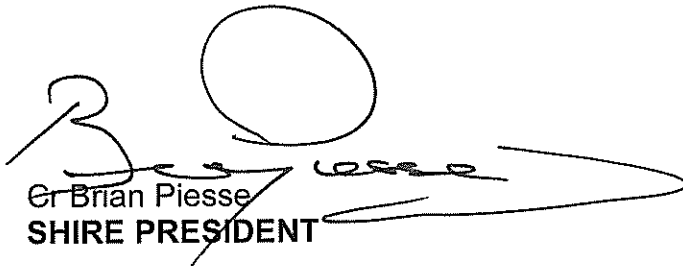
Nil.

13 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 22 April 2020 commencing at 5.00pm, unless advised otherwise.

The meeting was closed at 7.11pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 22 April 2020.



Cr Brian Piesse
SHIRE PRESIDENT