



Shire of  
Donnybrook Balingup

## NOTICE OF ORDINARY MEETING OF COUNCIL

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To be held on

**Wednesday 21 February 2024**

Commencing at 5:00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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**Garry Hunt**  
Temporary Chief Executive Officer

**15 February 2024**

### Disclaimer

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

## **Information on Agenda Briefing Sessions and Ordinary Council Meetings**

### **Agenda Briefing Sessions**

All Agenda Briefing Sessions are held in the Council Chamber at 5:00pm on the third Wednesday of the month (except for the month of December when it is held on the first Wednesday).

Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Ordinary Council Meeting.

### **Ordinary Council Meetings**

All Ordinary Council Meetings are held in the Council Chamber at 5:00pm on the fourth Wednesday of the month (except for the month of December when it is held on the second Wednesday).

### **Agendas**

The Agenda for the upcoming Agenda Briefing Session and Ordinary Council Meeting is available on the Shire's website [www.donnybrook-balingup.wa.gov.au](http://www.donnybrook-balingup.wa.gov.au) from the Friday prior to the Agenda Briefing Session or Ordinary Council Meeting.

### **Agenda Briefing Guidelines**

The objectives of Councillor Agenda Briefing Sessions are:

1. For the Executive to brief Councillors on Agenda items; and
2. For Councillors to ask questions of the Executive, to better inform themselves in relation to Agenda items.

The following guidelines aim to ensure proper standards of probity and accountability at Councillor Agenda Briefing Sessions:

1. There is to be no decision-making during Agenda Briefing Sessions.
2. Agenda Briefing Sessions are to be held in the Council Chamber (or other nominated venue) and are open to the general public, unless discussing confidential items.
3. Agenda Briefing papers will endeavour to be distributed to all Councillors at least three days (72 hours) prior to the meeting.
4. Agenda Briefing documents will be uploaded to the Shire's website 2 days (48 hours) prior to the briefing session.
5. The Agenda Briefing Session Chair is to be the Shire President. If the Shire President is unavailable, the Deputy Shire President shall be the Chair. If the Deputy Shire President is unavailable, the attending Councillors shall select a Chair.

6. Relevant Managers, staff and other parties, as required by the Chief Executive Officer for the provision of information to Councillors, shall attend Agenda Briefing Sessions.
7. Councillors, employees, consultants and other participants shall disclose their financial and conflicting interests in matters to be discussed.
8. Interests are to be disclosed in accordance with the provisions of the Act as they apply to Ordinary Council Meetings. Persons disclosing a financial interest will not participate in that part of the briefing relating to their interest and will leave the meeting room.
9. There is to be **no** opportunity for a person with an interest to request that they continue in the briefing.
10. As no decisions will be made during the Agenda Briefing Session, there is no requirement to keep a formal record (minutes) for each meeting.
11. Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings.
12. Briefings will only be given by staff or consultants for the purpose of ensuring that Councillors are more fully informed; and
13. There will be no debate-style discussion as this needs to take place in the Ordinary Meeting of Council when the issue is set for decision. This is particularly important when Shire planning matters are discussed. Councillors are to avoid expressing their opinions for or against a proposal. Under the provisions of the Town Planning Scheme and other relevant State Acts, decision-makers are required to maintain a high degree of independence from the process leading up to the decision being made.

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## TABLE OF CONTENTS

---

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	6
2	ATTENDANCE .....	7
	2.1 APOLOGIES.....	7
	2.2 APPROVED LEAVE OF ABSENCE.....	7
	2.3 APPLICATION FOR A LEAVE OF ABSENCE.....	7
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	7
4	DECLARATION OF INTEREST .....	8
5	PUBLIC QUESTION TIME .....	8
	5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	8
	5.2 PUBLIC QUESTION TIME.....	10
6	PRESENTATIONS .....	10
	6.1 PETITIONS.....	10
	6.2 PRESENTATIONS.....	10
	6.3 DEPUTATIONS.....	11
7	CONFIRMATION OF MINUTES.....	11
	7.1 SPECIAL MEETING OF COUNCIL – 24 JANUARY 2024.....	11
	7.2 WARREN BLACKWOOD ALLIANCE OF COUNCILS – 5 DECEMBER 2023 .....	11
8	REPORTS OF COMMITTEES .....	11
9	REPORTS OF OFFICERS .....	12
	9.1 DIRECTOR OPERATIONS.....	12
	9.1.1 ROAD SEALING REQUEST INVOLVING PRIVATE CONTRIBUTION – JOHNSTON STREET, YABBERUP .....	12
	9.1.2 DISPOSAL OF APPLE FUN PARK IDLE ASSETS .....	17
	9.1.3 REQUEST FOR HALL HIRE FEE WAIVER – DONNYBROOK HISTORICAL SOCIETY APPLE FESTIVAL BALL.....	21
	9.2 DIRECTOR FINANCE AND CORPORATE.....	23
	9.2.1 ACCOUNTS FOR PAYMENT – JANUARY 2024.....	23
	9.2.2 MONTHLY FINANCIAL REPORT – JANUARY 2024.....	23
	9.3 CHIEF EXECUTIVE OFFICER .....	24
	9.3.1 PROPOSAL TO PURCHASE LOT 501 DP72099 BENTLEY STREET, DONNYBROOK .....	24

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	27
10.1.1 PROJECT MANAGEMENT PLAN TO CREATE A NEW CODE OF CONDUCT FOR COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER .....	27
10.1.2 COMPUTER SYSTEM OPTIONS FOR THE SHIRE OF DONNYBROOK BALINGUP.....	30
10.1.3 OAG/AUDITOR TO CLARIFY AUDIT EXIT MEETING REPORT ACCESS .....	32
10.1.4 POLICY FOR DEVELOPMENT APPLICATIONS .....	35
10.1.5 HOUSING POLICY – IMPROVING TO SERVE THE COMMUNITY .....	38
11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	40
12 MEETINGS CLOSED TO THE PUBLIC .....	40
12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	40
12.1.1 (CONFIDENTIAL) RFQ 317 – SUPPLY OF TRI AXLE TRAILER, 2023-24 .....	40
12.1.2 VC MITCHELL PARK OVAL LIGHTING DELEGATION OF TENDER AWARD.....	40
12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC ...	40
13 CLOSURE.....	40

**SHIRE OF DONNYBROOK BALINGUP**  
**NOTICE OF AGENDA BRIEFING**

To be held at the Council Chambers  
Wednesday, 21 February 2024 at 5:00pm

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

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**Shire President – Acknowledgment of Country**

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

The Shire President to declare the meeting open and welcome the public gallery.

The Shire President to advise that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President to further state the following:

*“This Briefing session is being livestreamed and digitally recorded in accordance with Council Policy.”*

*“Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.”*

*“Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”*

Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Ordinary Council Meeting.

There will be no debate-style discussion as this needs to take place in the Ordinary Meeting of Council when the issue is set for decision.

## **2 ATTENDANCE**

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### **MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Vivienne MacCarthy (President)	Garry Hunt – Chief Executive Officer (Temporary)
Cr Lisa Glover (Deputy President)	Kim Dolzadelli – Director Finance and Corporate
Cr John Bailey	Ross Marshall – Director Operations
Cr Alexis Davy	Loren Clifford – Manager Corporate Services
Cr Gubler	Samantha Farquhar – Administration Officer Corporate Services
Cr Anita Lindemann	
Cr Anne Mitchell	
Cr Grant Patrick	
Cr Deanna Shand	

### **PUBLIC GALLERY**

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#### **2.1 APOLOGIES**

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Nil.

#### **2.2 APPROVED LEAVE OF ABSENCE**

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Nil.

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

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Nil.

## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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## **4 DECLARATION OF INTEREST**

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

Mrs Michelle Dennis - Manager Development Services declared an impartiality interest regarding item 9.1.3 as she is related to one of the members of the Historical Society.

Deputy President Lisa Glover declared a financial, proximity, indirect financial and impartiality interest regarding item 12.1.2, as herself and partner are a co-owner of a property on the boundary of VCMP. Lisa is also a member of various sporting clubs, and her property is tenanted.

## **5 PUBLIC QUESTION TIME**

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

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Question: Shane Sercombe

*With the Shire's net result being 9 million dollars less than budget and capital expenses also 14 million dollars less than budgeted, can the Council and community have faith in the budget processes.*

Response: Director Finance and Corporate

Yes, they can. We are in somewhat in irregular times still with Covid impacts and trying to source builders to undertake building works.

One of the projects that was in the budget that didn't get completed is the Argyle Irishtown Volunteer Fire Brigade which was in the budget and tied to a 1.4 million dollar capital grant. We were not successful in that grant application therefore that income wasn't forthcoming.

We had SHERP funding which is for the Minnipup Cottages and Langley Villas refurbishments which is continuing to be undertaken. In terms of the completion of the project, it did have a slight time overrun there. The reduction was around \$800,000.

We also had Bridges in our capital works program to a total of \$1.93 million and that was totally offset with capital grant funding as well. Capital works undertaken on bridges, is fully grant, no Council funds involved. The works program, for Bridges is controlled by Main Roads Western Australia and therefore, we get told when those works will be done. The works will happen, it's more about timing.

We also had an underspend as to what we thought may occur with VC Mitchell Park.



Capital under and a \$5.3 million variance in terms of the overall grant funding that was received. We did have a budget of \$12.6 million for capital grants. We reached \$3.457 million, conversely our capital expenditure reduced significantly.

If you look at the Statement of Financial Activity it shows you the closing surplus position, the closing surplus position for the closing of the entire operation for the Shire for the year, taking into consideration all operations and capitals works, transfers to and from reserves, loan repayments and so on, there is over \$2 million.

If you analyse the Statement of Comprehensive Income and look at the bottom line, we could be stating we have made a \$25 million profit. The fact is that \$27.9 million of that is a revaluation of fixed assets, it's not cash. Nor is loss or profit on sale as assets. If you do the exercise of getting a bottom line on your Statement of Comprehensive Income by backing out those items that relate to either Capital or that are non-cash items such as Depreciation, Amortisation, Capital Grants Subsidies and Contributions, Profit and Loss and Other Comprehensive Income you are getting to a figure of \$1.987 million of available cash that is generated from operations within the Shire for that financial year. If you do the analysis and break it back down, what might appear to be a dark picture is certainly not the case.

Question: Victoria Buckley

*The owners of the property, that is for sale, next to Farm Co, have closed off the walk path along the river from their boundary near the weir to the Farm Co boundary, heading towards Beelerup. I am among the many people who use that path and have done so for the past 17 years. Long time Donnybrook residents tell me they have used that path 30/40years, I haven't spoken to anyone who has not had access to that walk along the river.*

*My understanding is the owners have closed it off because of undesirable activity at the 'hideaway/cubby house' tree. I am asking the Council if they could investigate this with the possibility of re-opening the path and finding a solution to curb the activity that caused the owners to take this action. Maybe policing by the Police and or the Ranger.*

*My understanding of property boundaries is: - the original title for the properties backing on to the river went to the middle of the river. If that property is sold or subdivided, then the boundary moves 100metres? or so from the middle of the river, returning the river frontage to Crown Land. If that is so then the river boundary of that land being sold should not be showing on signs or advertising that it encompasses the river.*

Response: Manager Works and Services

The Shire is aware that access along the foreshore "path" has been blocked. The path is located on private property (19 Carey Street) and the boundary stretches to the river. The Owners are within their rights to block the path on their private property.

Question: Victoria Buckley

*The path from the Ampitheater carpark heading towards the swinging bridge does not have a 'Dogs on Leash' signage. From the swinging bridge to the Ampitheatre there is a "Dogs on Leash' signage. This has caused some conflict with dog owners and non-dog*

owners using that path. Some people walk that side of the river because it is an on-leash area, dog owner or not. Most locals would be aware it is considered an on-leash area, however visitors to Donnybrook accessing the path from the car park would be unaware. Either way it needs to be made clear if it is an, on or off leash area.

Response:

Please see relevant sections of the **Dog Act 1976 S 31. Control of dogs in certain public places**

(1) A dog shall not be in a public place unless it is —

(a) held by a person who is capable of controlling the dog; or

(b) securely tethered for a temporary purpose,

by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

(Unless otherwise indicated dog owners must keep their dogs on a leash while in public places)

(3A) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.

(Dog exercise areas were established by council resolution at the Ordinary Council meeting held 23<sup>rd</sup> July 2014, these areas are sign posted and listed on our website).

There are four (4) dog on leash signs along the western side of the Preston River near the amphitheatre and we will arrange to have one of the existing signs relocated.

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## **5.2 PUBLIC QUESTION TIME**

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Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

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## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

### **6.2 PRESENTATIONS**

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Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

### **6.3 DEPUTATIONS**

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Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

## **7 CONFIRMATION OF MINUTES**

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### **7.1 SPECIAL MEETING OF COUNCIL – 24 JANUARY 2024**

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Minutes of the Special Meeting of Council held 24 January 2024 are attached (Attachment 7.1(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Special Meeting of Council held 24 January 2023 be confirmed as a true and accurate record.**

### **7.2 WARREN BLACKWOOD ALLIANCE OF COUNCILS – 5 DECEMBER 2023**

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Minutes of the Warren Blackwood Alliance of Councils held 5 December 2024 are attached (Attachment 7.2(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Warren Blackwood Alliance of Councils held 5 December 2023 be confirmed as a true and accurate record.**

## **8 REPORTS OF COMMITTEES**

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Nil.

## 9 REPORTS OF OFFICERS

### 9.1 DIRECTOR OPERATIONS

#### 9.1.1 ROAD SEALING REQUEST INVOLVING PRIVATE CONTRIBUTION – JOHNSTON STREET, YABBERUP

<b>Location</b>	Johnston Street, Yabberup
<b>Applicant</b>	John and Nell Blencowe (Owners of Lot 73 Johnston Street, Yabberup)
<b>File Reference</b>	A5111
<b>Author</b>	Damien Morgan, Manager Works and Services
<b>Responsible Manager</b>	Ross Marshall, Director Operations
<b>Attachments</b>	9.1.1(1) – Sit Plan - Johnston Street Sealing Extent 9.1.1(2) – 29 March 2018 - OCM Minutes - Item 10.2.1 9.1.1(3) – Email Correspondence – Lot 73 Owners
<b>Voting Requirements</b>	Simple majority

#### EXECUTIVE RECOMMENDATION

**That Council:**

1. Authorise the Chief Executive Officer to give due consideration to allocating \$83,500 (Inc GST) when preparing the 2024/2025 Shire’s Draft Annual Budget, for the purpose of upgrading 370m of Johnston Street Yabberup to a sealed standard, subject to the following contributions:
  - 1.1. \$33,500 (Inc GST) - Shire funding; and
  - 1.2. \$50,000 (Inc GST) - External private contributions.
2. Request the Chief Executive Officer to formally communicate to the owners of lot 73 Johnston Street that:
  - 2.1. In the event that the \$50,000 (Inc GST) private contribution is not forthcoming at all, the Shire is unlikely to seal the relevant portion of Johnston Street, Yabberup in the future, due to it being a low priority road; and
  - 2.2. The timing of all works will be at the sole discretion of the Shire.
3. Subject to the project being included in the adopted 2024/2025 Annual Budget, and the outlined works being undertaken, authorise the Chief Executive Officer to include \$16,500 (Inc GST) in the 2025/2026 Annual Budget, for the second coat seal of Johnston Street.

#### STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	8.	Safe and convenient movement of people in and around the district.
Objective	8.1	Improve road safety, connectivity, and traffic flow for all users.
Objective	11.1	Provide strategically focused, open, and accountable governance.

## EXECUTIVE SUMMARY

The owners of Lot 73 (16) Johnston Street, Yabberup, have made a request to upgrade the remaining gravel section of Johnston Street to a sealed standard, for a distance of 370 meters, adjacent to their property. The request has been made based on the owners contributing \$50,000 (Inc GST) towards the cost of the upgrade works.

## BACKGROUND

Johnston Street is located within the locality of Yabberup, providing access to several rural properties in the area. Johnston Street is a gravel road for its full constructed length (370m) and intersect with Donnybrook-Boyup Brook Road and Fowler Street (both sealed roads), at each end (Refer to Attachment 9.1.1(1)).

The owners of Lot 73 Johnston Street, Yabberup, approached the Shire to discuss the process for having Johnston Street sealed, so as to reduce the dust created from vehicles travelling on Johnston Street, past their house. The owners were advised that requests of this nature are assessed by officers in accordance with the Shire of Donnybrook Balingup *Unsealed Roads Upgrade Plan* (Plan), to determine the priority of the requested works.

The Plan determines the priority for requests to seal gravel roads based on several factors including:

- road usage;
- strategic significance;
- crash history;
- network connectivity; and
- tourism.

When assessed by officers in accordance with the Plan, the priority for the Shire to seal Johnston Street was not deemed to be of a level that warranted it to be sealed in front of other identified projects.

This is consistent with the assessment undertaken by Shire staff in 2018, when a petition was presented to Council at its Ordinary Council Meeting (OCM) held on the 29 March 2018.

The resolution of Council for the agenda item (10.2.1) was:

*That Council:*

1. *Receive the petition for the sealing of Johnston Street and Fowler Road, Yabberup;*
2. *Instruct the Chief Executive Officer to advise the applicants:*
  - a. *To submit an application to seal Johnston Street and Fowler Road, Yabberup consistent with Shire Engineering Policy 4.4 “Bituminising Roads on a Joint Basis with Adjoining Land Owners”;*
  - b) *If no application is received in accordance with Shire Engineering Policy 4.4, the requested works will be considered along with other priorities in Council’s Annual Works Program.*

*Carried by En Bloc Resolution No. 1*

A copy of the minutes for agenda item 10.2.1 of the 29 March 2018 OCM are provided in Attachment 9.1.1(2)

As per the above resolution, the Council has historically considered the sealing of low priority gravel roads when owner/s or other parties contribute towards the cost of the works. Council has typically only considered these requests when the following criteria are met:

- Property owner/s or other parties are proposing to contribute at least 50% of the cost of the upgrades; and
- The standard of the works is to the Shire’s satisfaction; and
- Works are completed by the Shire, or a contractor approved by the Shire; and
- Council’s contribution towards the works being typically limited to maximum amount of \$50,000 (ex GST).

This approach has largely been applied to landowners seeking to reduce dust from gravel roads adjacent to a residential dwelling, or to have sealed access to their crossover.

Following being provided with this information, the owners requested a cost estimate for the sealing of Johnston Street be provided. Initial calculations by the Shire’s Manager Works and Services, was for their contribution to be based on paying 50% of the cost to seal a 200m section.

Further discussions and negotiations resulted in the owners confirming with the Shire that they would agree to contribute \$50,000 (Inc GST) towards the total cost of sealing the full length (370m) of Johnston Street, which was calculated at \$100,000 (Inc GST). (Refer to Attachment 9.1.1(3)).

## **FINANCIAL IMPLICATIONS**

The Shire has estimated the cost for the upgrading and sealing of Johnston Street, Yabberup for 370m, to be \$100,000 (Inc GST). This is based on the following:

1. Achieving a 6m wide seal road, with suitable gravel shoulders, incorporating:
  - 1.1. Pre-planning, and site establishment,
  - 1.2. Traffic management (including on the Donnybrook-Boyup Brook Road),
  - 1.3. Supply, delivery and formation of suitable gravel road base,
  - 1.4. Plant and labour costs, and
  - 1.5. a 2-coat seal, with the second coat to be applied 12-months after the first coat.

If the project is adopted by Council for construction in the Annual Budget, the Shire would be responsible for the following funding amounts:

1. \$33,500 (Inc GST) in 2024/2025 for construction up to a single coat sealed standard; and
2. \$16,500 (Inc GST) in 2025/2026, for the application of a 2nd coat seal.

The applicants would be responsible for funding \$50,000 (Inc GST), which would be required to be received by the Shire prior to the 2024/2025 works being undertaken.

## **POLICY COMPLIANCE**

Up until the Special Council Meeting held on 21 December 2021, *Council Engineering Policy 4.28 Request for Upgrades or Expansions of Council Assets* was in effect and was the basis for how requests of this nature were considered.

The policy was rescinded as a Council Policy at the meeting, as the content was determined to be of an operational nature and was to be re-classified and implemented as an “Operational Policy” in accordance with Council’s Policy Framework.

It is noted that this is still a work in progress, however in the interim, officers have applied principles of the former policy 4.28, in order to achieve a level of consistency in terms of how these types of requests are handled.

## **STATUTORY COMPLIANCE**

Nil.

## **CONSULTATION**

Officers have undertaken regular consultation with the applicants in relation to the request.

## **OFFICER COMMENT**

The upgrading of Johnston Street Yabberup is a low priority for the Shire when assessed against the Shire of Donnybrook Balingup *Unsealed Roads Upgrade Plan*. However, the owners are proposing to fund 50% of the works, which warrants further consideration of the request.

The sealing of Johnston Street will have benefits to the Shire's gravel road maintenance requirements in the Yabberup area, especially in relation to risk associated with undertaking these works at an intersection with a highway. Sealing will also benefit other users of the road, including landowners who signed the petition requesting the road to be sealed in 2018.

Based on the above, Officers consider that the proposed works warrant further consideration through the 2024/2025 Annual Budget process, as there are benefits for the Shire as well as the owners of Lot 73 in undertaking these sealing works, subject to the Chief Executive Officer being granted discretion to determine if the draft Annual Budget is able to accommodate the request, before it is presented to Council for their deliberation.

AGENDA BRIEFING



### 9.1.2 DISPOSAL OF APPLE FUN PARK IDLE ASSETS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWF 18AB
<b>Author</b>	Ross Marshall, Director Operations
<b>Responsible Manager</b>	Ross Marshall, Director Operations
<b>Attachments</b>	9.1.2(1) Apple Fun Park Idle Assets Register 9.1.2(2) Apple Fun Park Idle Assets Tender Summary
<b>Voting Requirements</b>	Simple Majority

### EXECUTIVE RECOMMENDATION

**That Council:**

- 1. Authorise the Chief Executive Officer to dispose of Apple Fun Park idle assets as per the following table.**

Tenderer – Person or Entity	Ian Venables	Donnybrook Playgroup	Michael Drake	Stephanie Rahn
Assets	Tube Slides \$1,000	Rocking Ship (boat) Wooden Bench Seats 2 x Shade Sails	Slide (single) x 1	Boat (Rocking Ship) Taxi wobbler \$50 Surf board wobbler \$50 Single slides x 2 \$100 Rope climbing set up \$300 See saw double or quad \$100 Smaller spinning merry go round \$100 Rock wall climbing set \$100 2 x small bench seats \$10ea Hippo tunnel \$50
Consideration	\$1000.00	Nil	Nil	\$870.00

- 2. Authorise the Chief Executive Officer to dispose of the balance of assets using the following means.**
  - 2.1. By way of public interest received in writing before or after the tender deadline, prioritising disposal opportunities within the Shire of Donnybrook Balingup.**
  - 2.2. By any other means to avoid landfill, and disposal costs including but not limited to recycling.**
- 3. Authorise the Chief Executive Officer to allocate all disposal funds received and costs incurred to the Parks and Reserves Reserve.**

## STRATEGIC ALIGNMENT

Outcome	11	Strong visionary leadership.
Objective	11.1	Provide strategically focused, open, and accountable governance.

## EXECUTIVE SUMMARY

The original Apple Fun Park was created in 2008 and was renewed in 2021. The redundant equipment has been stored at the Shire's town depot since that time. This equipment was donated by the Fry Family and remains on the Shire's registers as idle assets. This report looks to dispose of the assets in accordance with the Local Government Act and with respect to the Fry Family and community sentiment.

## BACKGROUND

The Apple Fun Park was first developed in 2008 and remains the biggest free entry playground in Australia. The initial development was community driven and underwritten by generous donation from the Fry Family. The Fry Family donated equipment, provided project management, organized, and paid for local subcontractors, and coordinated contributions for work in kind.

Typically, standard playground equipment would require renewal or updating within 8-10 years after its original installation date - depending on warranty, frequency of use, maintenance, and safety inspections.

In 2019, the Shire of Donnybrook Balingup secured \$1.5 million under Round 3 of the Federal Government's Building Better Regions Fund to revitalise Donnybrook's iconic playground. The revitalised Donnybrook Apple Fun Park was officially open on Friday 8 October 2021.

After the renewal project was completed, the redundant equipment has been stored at the Shire's town depot since that time. This equipment was donated by the Fry Family and remains on the Shire's registers as idle assets.

Whilst the equipment maintains a written down value of \$126,829.04, refer to attachment 9.1.2(1) Apple Fun Park Idle Assets Register, the practical value of the assets is significantly less when considering the cost to rejuvenate, repair, relocate, install, and carry out safety inspection. As the manufacturer's warranty for the equipment has lapsed, re-use on Crown or Shire land is not recommended. Considering this impost, the equipment has no value to the Shire, and in fact is a disposal and land fill liability.

## FINANCIAL IMPLICATIONS

Currently the written down value of the equipment in the Shire's Asset Register is \$126,829.04. Refer to Attachment 9.1.2(1), Apple Fun Park Idle Asset Register. The written down value is the value of an asset after accounting for depreciation. As the items

listed in the Idle Asset Register have not been fully depreciated due to the items being decommissioned, the final disposal cost that will impact the statement of comprehensive income will be the written down value.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

### Local Government Act 1995

Section 3.58(3)(a) sets the requirements for disposal of property.

- 3.58. *Disposing of property*
- (1) *In this section —*  
*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*  
*property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

The disposal process was carried out in compliance with Section 3.58(2)(b) of *the Local Government Act 1995*, ensuring transparency and fairness through public tender.

## **CONSULTATION**

Out of respect of the Family's donation, pre-tender external consultation was undertaken with Mr Neville Fry to confirm disposal of the Apple Fun Park equipment is supported. Mr Fry provided support, ideally with Council considering the following.

1. Disposal of the equipment locally, items remaining within the Shire of Donnybrook Balingup location; and
2. Ideally the successful tender submission will include coordination, if practicable rejuvenation, and disbursement to ensure the recipients are bonafide locals with needs or those who might not have the same advantages as others, and likely to be supported by the greater community.

The Tender was advertised by local public notice as follows.

- Shire Website (mandatory).
- Public noticeboards located at both libraries and the Main Administration.
- Shared via the CRC for them to advertise via their own external mediums and socials.
- Shared via Shire social media.
- Shared via the Shire's E-Connect

Inspection was invited via the local public notice on Friday 15 December 2023 between 9:00am and 10:00am at the Shire's Town Depot located at the end of Victory Lane, Donnybrook WA 6239.

Acknowledging the need for careful consideration of community sentiment and respect for the Fry Family's contributions. During the tender period Neville Fry was consulted. Mr Fry provided valuable advice that led to issue of the following Addendum.

"ADDENDUM (issued Friday 8 December 2023)

*All prospective tenders are advised that not all items are complete. Some items cannot be reassembled or may not be fit for repurpose. Although not mandatory, the Shire strongly recommend a site inspection and highlight to all prospective tenderers that items subject to this notice are disposed of on a where is, 'as is' basis with no warranties."*

#### **OFFICER COMMENT**

Its recommended that the disposal of the outdated playground equipment from the Apple Fun Park in accordance with the Attached 9.1.2(2), Apple Fun Park Idle Assets Tender Summary.

**9.1.3 REQUEST FOR HALL HIRE FEE WAIVER – DONNYBROOK HISTORICAL SOCIETY APPLE FESTIVAL BALL**

<b>Location</b>	Donnybrook Soldiers Memorial Hall
<b>Applicant</b>	Donnybrook Historical Society
<b>File Reference</b>	NAS11547
<b>Author</b>	Karen Martella, Community Development Officer
<b>Responsible Manager</b>	Michelle Dennis, Manager Development Services
<b>Attachments</b>	9.1.3(1) Request for fee waiver
<b>Voting Requirements</b>	Simple Majority or Absolute Majority

<b>EXECUTIVE RECOMMENDATION</b>	
<b>That Council:</b>	
1.	<b>Waive the hire fee of the Donnybrook Soldiers Memorial Hall, totaling \$1,834 (equivalent to 3.5 days hire), by the Donnybrook Historical Society for the 2024 Apple Festival Ball.</b>
2.	<b>Encourage the Donnybrook Historical Society to consider applying through Council’s Annual Community Grants Funding Scheme for any future events.</b>

**STRATEGIC ALIGNMENT**

The following outcomes from the Council Plan relate to this proposal:

Outcome	2	A safe and healthy community
Objective	2.2	Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities.
Outcome	13	Increased community capacity
Objective	13.1	Enable community organisations and community champions to deliver services and projects to meet local needs.

**EXECUTIVE SUMMARY**

This year marks the 70<sup>th</sup> anniversary of the iconic Donnybrook Apple Festival. This year’s program proposes to include a ball to be held at the Donnybrook Soldiers Memorial Hall, hosted by the Donnybrook Historical Society. The Donnybrook Historical Society have requested that the hall hire fees be waived to enable ticket prices to be kept to a minimum.

**BACKGROUND**

The first Apple Festival was held in Donnybrook in 1954 with the event including a formal gala to announce the ambassadors/queen and princess. The ball element of the Apple Festival ended when the last ambassadors were crowned in the year 2000.

The Donnybrook Historical Society would like to create a connection with the past history of the event and reestablish a community ball as part of this year's festival program. As a not-for-profit group, the Society has requested a waive of the hall hire fees so as to keep ticket pricing as affordable as possible (refer Attachment).

## **FINANCIAL IMPLICATIONS**

The income associated with the hiring of the Donnybrook Soldiers Memorial Hall for the proposed hire period is \$1,834; equivalent to 3.5 days hire.

## **POLICY COMPLIANCE**

### Council Policy COMD/CP-1 Community Grants Funding Scheme

#### 4.1.7 Non-cash Donations/Waiver of Fees.

Community groups are ordinarily able to apply for a minor community grant that waives fees for Shire facility hire but this is limited to \$500. The major grant application period is between July and August each year and cannot be applied retrospectively.

## **STATUTORY COMPLIANCE**

### Local Government Act 1995

Section 6.12(1)(b) of the *Local Government Act 1995* enables a local government to consider fee waivers such as this. While Council delegation 1.2.24 "Defer, Grant Discounts, Waive or Write Off Debts" delegates this function to the Chief Executive Officer, the value is limited to \$1,000. Values exceeding this delegation require referral to Council for determination.

## **CONSULTATION**

Nil.

## **OFFICER COMMENT**

It is considered that the ball will add a significant element of engagement for the local community to celebrate the Apple Festival. This year is planned as a trial event to see if a ball is a sustainable event to add to the Apple Festival's regular program. As such the organisers are unsure of the number of tickets that will be sold. Supporting this fee waiver means that the event organisers can be more confident that ticket sales will cover the costs of organising the ball. Support is therefore recommended.

## **9.2 DIRECTOR FINANCE AND CORPORATE**

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### **9.2.1 ACCOUNTS FOR PAYMENT – JANUARY 2024**

The Schedule of Accounts Paid under Delegation (No. 1.2.23) is presented for public information (Attachment 9.2.1(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the accounts for payment report for the period ended January 2024 be received.**

### **9.2.2 MONTHLY FINANCIAL REPORT – JANUARY 2024**

The Monthly Financial Report for January 2024 is attached (Attachment 9.2.2(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended January 2024 be received.**

### 9.3 CHIEF EXECUTIVE OFFICER

#### 9.3.1 PROPOSAL TO PURCHASE LOT 501 DP72099 BENTLEY STREET, DONNYBROOK

<b>Location</b>	Lot 501, DP072099 (41) Bentley Street, Donnybrook
<b>Applicant</b>	Confidential
<b>File Reference</b>	A5047, L006
<b>Author</b>	Loren Clifford, Manager Corporate Services
<b>Responsible Manager</b>	Dr Garry Hunt PSM, Temporary Chief Executive Officer
<b>Attachments</b>	9.3.1(1) Proposal to purchase - Confidential 9.3.1(2) Market Valuation Report - Confidential
<b>Voting Requirements</b>	Absolute Majority

#### EXECUTIVE RECOMMENDATION

**That Council:**

- 1. Does not accept the offer to purchase Lot 501 on DP 72099 Bentley Street Donnybrook as the offer is materially below the market value; and**
- 2. Initiates the process to acquire Reserve 52021 from the Crown.**

#### STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	6	The built environment is responsibly planned and well maintained.
Objective	6.1	Ensure sufficient land is available for residential, industrial and commercial uses.
Outcome	9	A thriving economy.
Objective	9.2	Attract and retain a diverse mix of businesses and investment opportunities.

#### EXECUTIVE SUMMARY

The Shire has received a proposal to purchase the land and buildings at Lot 501 on DP 72099 Bentley Street, Donnybrook, as per Confidential Attachment 9.3.1(1). The property has a purpose-built medical center and pathology centre and is subject to Reserve 52021 management order (O556467) for the purpose of Medical Centre and Allied Health purposes.

The proposed purchase price is significantly below market value as per Confidential Attachment 9.3.1(2).



## **BACKGROUND**

The subject property, comprising Lot 501 on Deposited Plan 072099 Bentley Street, Donnybrook, is a 7,374m<sup>2</sup> parcel with a purpose-built medical centre and pathology centre. The property is a Crown Reserve, necessitating acquisition from the Crown before any sale can proceed.

The property is subject to Reserve 52021 management order, and any future sale would require acquisition of freehold title from the Crown. The medical center is currently leased to Donnybrook Medical Centre Pty Ltd until June 2026, and the pathology center is leased to Sonic Healthcare Ltd until September 2026.

## **FINANCIAL IMPLICATIONS**

### Income Potential

The valuation report details that the property has the potential of generating a larger net income per annum than it's currently deriving from the two tenants, currently occupying the premises, the shortfall is due to the passing rental income from the medical centre being approximately 38.78% below market rent as detailed in the report (the next market review date is 1 July 2026). This income stream is a significant factor contributing to the property's overall value.

### Future Potential

The valuation report highlights that the property includes surplus land (3,700m<sup>2</sup>) with potential for further development. This additional land adds value to the property beyond its current use as a medical center and pathology. An estimate of the value of the surplus land is noted on page 4 in Confidential Attachment 9.3.1(2).

The offer to purchase as per Confidential Attachment 9.3.1(1) is significantly below the market valuation as per Confidential Attachment 9.3.1(2). Additional costs for acquiring the property from the Crown are unknown.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

Sections 5.38 and 5.39 of the *Local Government Act 1995* apply.

## **CONSULTATION**

An independent commercial market valuation was conducted by Acumentis on 31 January 2024 as per Confidential Attachment 9.3.1(2).

## **OFFICER COMMENT**

The valuation report provides detailed explanations for the chosen valuation methodologies, including the capitalisation rate and direct comparison rate. These methodologies are based on thorough market research, analysis of sales evidence, and consideration of the property's specific characteristics.

### Risk Assessment

The risk assessment section of the report indicates favorable conditions for the property, including low vacancy levels, fair demand to lease medical centers in the regional location, and low supply of similar properties. These factors suggest that the property is in a stable and desirable market, reducing the risk associated with ownership.

Based on the comprehensive valuation analysis provided in Confidential Attachment 9.3.1(2), it is evident that the offer outlined in Confidential Attachment 9.3.1(1) significantly undervalues Lot 501 on Deposited Plan 072099 Bentley Street, Donnybrook compared to its assessed market value. Accepting such a low offer would not align with the best interests of the Shire, as it would result in a substantial loss of potential value.

Therefore, it is recommended that the Shire reject the offer detailed in Confidential Attachment 9.3.1(1) for Lot 501 on Deposited Plan 072099 Bentley Street, Donnybrook. Instead, officers recommend initiating the process to acquire Reserve 52021 from the Crown, acknowledging that:

1. There will be additional costs associated with the acquisition; and
2. That upon acquiring the freehold title a restrictive covenant should be placed on the title restricting future use of the land for medical services, in alignment with the Health Precinct Partnership Memorandum of Understanding (MOU).

This approach will ensure that the Shire maximizes the value of its assets while also adhering to strategic objectives outlined in the MOU and Council Plan.

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

The following notices of motions have been submitted by the author, listed above each notice of motion and have been provided exactly as submitted.

### 10.1.1 PROJECT MANAGEMENT PLAN TO CREATE A NEW CODE OF CONDUCT FOR COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Cr John Bailey
<b>File Reference</b>	N/A
<b>Author</b>	Cr John Bailey
<b>Responsible Manager</b>	N/A
<b>Attachments</b>	Nil.
<b>Voting Requirements</b>	Simple Majority

### ELECTED MEMBER NOTICE OF MOTION

Motion for the February meeting.

Motion, The Council form a committee of Council to workshop with community and develop a project management plan to create a new code of conduct for Councillors and the CEO of the Shire. This document will provide clear instructions to the Council and the CEO on how they are to interact with the community and carry out their responsibilities to achieve a better out come for all.

Community First!

For the benefit of all this Council can Unite Community ,Council and Staff, and adopt a HOW CAN WE HELP ATTITUDE right across the organisation of our Shire.  
End of Motion.

Rational;

The community are the majority and the share holders of the Shire. Community employs and pays for the Councillors, the Councillors employ the CEO (the employee) and community pay for the CEO. Unfortunately community don't get a chance to direct the Shire you elect.

Councillors need your help. You have a solid, varied council with many talents, however decisions Council make, will be easier with your input.

Suggested inclusions for the Code of conduct, however the final draft will be determined by committed community members.

- a, Loans over a certain amount must be approved by the community.
- b, Major spends other than roads, bridges and the like must be approved by the community.

- c The community must be fully informed at all times.
- d, community must be fully informed on projects that will change the social fabric of our Shire.

In the history of the Earth there has never been better an easier time to communicate inexpensively with each other. We can and must keep the community fully informed. This motion will transform the way we do business.

The Local Government ACT, 2.10. Role of councillors A councillor — (a) represents the interests of electors, ratepayers and residents of the district; and (b) provides leadership and guidance to the community in the district; and (c) facilitates communication between the community and the council.

This Council can achieve the above but only with community support.

### ADMINISTRATION COMMENTS

Council adopted its Code of Conduct for Council Members Committee Members and Candidates in accordance with Section 5.104 of the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*, at the Ordinary Council Meeting 28 April 2021. Detailed within it are the following headings.

Contents	
Part 1 — Preliminary .....	3
1. Citation .....	3
2. Terms used .....	3
Division 2 — General principles .....	3
3. Overview of Division .....	3
4. Personal integrity .....	3
5. Relationship with others .....	4
6. Accountability .....	4
Division 3 — Behaviour .....	4
7. Overview of Division .....	4
8. Personal integrity .....	4
9. Relationship with others .....	4
10. Council or committee meetings .....	5
11. Complaint about alleged breach .....	5
12. Dealing with complaint .....	5
13. Dismissal of complaint .....	6
14. Withdrawal of complaint .....	7
15. Other provisions about complaints .....	7
Division 4 — Rules of conduct .....	7
16. Overview of Division .....	7
17. Misuse of local government resources .....	7
18. Securing personal advantage or disadvantaging others .....	7
19. Prohibition against involvement in administration .....	8
20. Relationship with local government employees .....	8
21. Disclosure of information .....	8
22. Disclosure of interests .....	9
23. Compliance with plan requirement .....	10
Defined terms .....	11

Council Policy COMD/CP - Community Engagement Framework was adopted by Council at the Ordinary Council Meeting 24 March 2021 and is due for review, however included in tranche 1 of the Local Government reforms is the need for local governments to establish a community engagement charter which sets out how it will engage with ratepayers and the community about the local government's proposed policies, initiatives, and projects. The Shire intends to review its existing policy alongside the proposed charter. Also noting that Council have recently identified the community engagement framework as an important action topic to be workshopped soon.

To establish a committee, the council necessitates a decision by the Council, as well as the adoption of terms of reference and the appointment of members in accordance with section 5.8 of the *Local Government Act 1995*. This involves initiating the committee via a council resolution, adopting its terms of reference, and appointing members.

Should the council wish to proceed with this motion, the Chief Executive Officer is tasked with submitting a report to the Council for consideration.

AGENDA BRIEFING

**10.1.2 COMPUTER SYSTEM OPTIONS FOR THE SHIRE OF DONNYBROOK BALINGUP**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Cr John Bailey
<b>File Reference</b>	N/A
<b>Author</b>	Cr John Bailey
<b>Responsible Manager</b>	N/A
<b>Attachments</b>	Nil.
<b>Voting Requirements</b>	Simple Majority

**ELECTED MEMBER NOTICE OF MOTION**

Motion. Council Authorise the CEO to research computer system options for the SoDB.

Recommended systems and funding options will be provided to Council for the March OCM.

Rational

2.7 (b) of the LGA 1995, Council is responsible for the performance of the local government’s functions.

At the meeting of the 31st Jan 2024, the CEO and two members of the executive team made it clear that they are unable to meet high service expectations due to our out dated computer system.

Further in late Nov 2023. VP Lisa Glover, posed a question to Staff.

**Q2. In relation to monies received – can the SoDB provide a similar (accounts payable) breakdown of monies received and receipted. For example, the SoDB pays accounts related to water, power, etc the money is then reimbursed back to the SoDB. Can a report be tabled monthly to show reimbursements received? Is it possible, as currently we see how money is paid out, however we do not see exactly how it is reimbursed?**

**Response:** *There is no system report that would allow the production of such a report, whilst this could be prepared manually it would place an additional burden on administrative staff.*

*Due to the burden on staff time the VP's question was not answered and was also a waist of the VP's time.*

*Councillors we all know the benefits of having a good computer system, we can't expect staff to perform at their best if they don't have the tools to do the job. Our system is out of date, I urge you to support this motion.,*

## **ADMINISTRATION COMMENTS**

It has been recognised that a comprehensive review and enhancement of the Shire's Information and Communication Technology (ICT) systems are imperative. The generation of ad-hoc reports presents considerable challenges and resource burdens. The necessity for the replacement and modernisation of the Shire's ICT infrastructure was underscored during the strategic review session held in February involving the Leadership team. However, it is unfeasible to deliver a meticulously researched and substantiated report to the Council by March 2024.

In accordance with standard procedures, it is customary to conduct a thorough analysis of business requirements prior to commencing the procurement process for ICT solutions. Council would need to take into account the costs associated with this.

AGENDA BRIEFING

### 10.1.3 OAG/AUDITOR TO CLARIFY AUDIT EXIT MEETING REPORT ACCESS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Cr John Bailey
<b>File Reference</b>	N/A
<b>Author</b>	Cr John Bailey
<b>Responsible Manager</b>	N/A
<b>Attachments</b>	Nil.
<b>Voting Requirements</b>	Simple Majority

#### ELECTED MEMBER NOTICE OF MOTION

Motion for the February OCM.

Council request the Minister for Local Government Ms Hannah Beasley to assist in restoring confidence and trust into the Local government system. We request the minister to compel the OAG/Auditor to clarify what action, if any was taken to restrict access to Council for the audit Exit meeting and the Audit report.

On the 15/12/23 Councillors received a copy of the following email;

**From:** Cr Vivienne MacCarthy [REDACTED]  
**Sent:** Friday, 15 December 2023 1:19 PM  
**To:** [REDACTED] >  
**Cc:** [REDACTED]  
 [REDACTED] >  
**Subject:** RE: OCM Questions

Good afternoon [REDACTED], (private citizen)

Thank you for your question.

An Audit Exit meeting is held to provide the auditors with an opportunity to highlight key audit issues in a structured environment. Attendees include a representative of the Office of the Auditor General, the appointed Auditors.

An Auditor may request confidentiality and may also stipulate the required attendees. For this meeting, the Chief Executive Officer and Shire President were requested to attend along with the Director Finance & Corporate and Manager of Financial Services. Reasons for the Auditors to request an Exit meeting to be held in confidence may be to ensure that the audit findings are not disclosed prematurely and/or to protect the identity of the auditors performing the audit.

Shire President Vivienne MacCarthy' email confirms;

1,The Audit Exit meeting included a representative from the Office of the Auditor General , and the appointed Auditor.

2,An Auditor may request confidentiality and may also stipulate the required attendees.

a, **Question**, What section of any Act allowed the OAG/Auditor to take such action.

3, For this meeting, the Chief Executive Officer and Shire President were requested to attend along with the Director Finance & Corporate and Manager of Financial Services.



4, States that the Auditor requested the exit meeting to be held in confidence, it follows that the representative from the OAG did not oppose the Auditors decision. On the 15th of Jan 2024 Mr Sercombe sent an email to the *Assistant Auditor General* of the OAG.

**Sent:** Monday, 15 January 2024 3:33 PM

Questions from Mr Sercombe are in black with the answers from the *Assistant Auditor General* in RED below.

**From:** [REDACTED]@audit.wa.gov.au>

**Sent:** Monday, January 15, 2024 4:27 pm

**To:** Shane Sercombe [REDACTED]>

**Cc:** Office of the Auditor [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** RE: Attn [REDACTED] Assistant Auditor General Financial Audit

Refer my comments in red below.

[REDACTED]  
Assistant Auditor General | Financial Audit

Office of the Auditor General for Western Australia

[REDACTED] | W: [audit.wa.gov.au](http://audit.wa.gov.au)

Key conclusions from your response are:

- OAG is the shire's ultimate 'Auditor'. **Your statement implies there is more than one auditor for the Shire - as per my earlier email – there is only one auditor for the Shire and that is the Auditor General.**
- As the Auditor, OAG has not refused council or the Audit Committee access to the Audit Concluding Report, nor would it. **Not to the best of my knowledge and belief.**
- OAG did not refuse councillors or Audit Committee access to the Audit Exit Meeting, nor would it. **Not to the best of my knowledge and belief.**
- Releasing the Audit Concluding Report from confidential is ultimately a Council decision. **The release of any documentation within the Shire's possession to any party and for any reason is for the Shire Executive/Council to determine.**
- Could you please confirm if these conclusions are correct?

I trust the OAG will review this current misunderstanding and be able to correct it, while also addressing the system deficiencies to hopefully prevent a repeat. **There is nothing for the OAG to review and there is no misunderstanding for us to correct nor any system**

deficiencies to address in our processes. Our protocols remain as they have always been.

I appreciate your efforts and clarity.

Thanks,

Shane

Clearly the email from the OAG is in conflict with claims from Staff, the CEO and The Shire president. Hence the request for the Ministers assistance. I believe that the staff, CEO and President V MacCarthy have and are telling the truth.

Sections of the Local Government Act 195;

The role of the council 2.7.

(1) The council — (a) directs and controls the local government's affairs; and (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to — (a) oversee the allocation of the local government's finances and resources; and (b) determine the local government'

Councillors the finances of the Shire or our responsibility. Probably the most important function of Council.

We have a fiduciary duty to the community to seek clarification.

## **ADMINISTRATION COMMENTS**

Details of the process relating to the Exit Meeting of the 2022/2023 financial year audit have been previously circulated to all Elected Members.

### **10.1.4 POLICY FOR DEVELOPMENT APPLICATIONS**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Cr John Bailey
<b>File Reference</b>	N/A
<b>Author</b>	Cr John Bailey
<b>Responsible Manager</b>	N/A
<b>Attachments</b>	Nil.
<b>Voting Requirements</b>	Simple Majority

#### **ELECTED MEMBER NOTICE OF MOTION**

Policy for Development Applications.

Motion;

a, Within two business days of the SoDB receiving a development application, a copy of the application and all associated documentation will be forwarded to all Councillors.

b, Within ten business days of the lodgement of a development application the CEO, staff and Councillors will provide written advice to Council of any interest in the application along with a comprehensive explanation of that interest.

c, The full Council will receive regular written/verbal updates on applications.

Rational;

Council will have the time to fully inform the community

Council needs to be fully informed before making any decision.

Council should not be forced to make a rushed decision due to time constraints.

Early interest declarations will give Council time to seek independent system/legal advice on the veracity and extent of any declared interest.

The Council must be fully informed to protect the interests of the people because the people are the only group that will be held accountable, as they pay.

The CEO and staff make recommendations, however once passed by Council it becomes a Council decision and follows that the CEO and Staff bear no responsibility for their recommendations. Some Councillors take little or no responsibility for their decisions. The only action available to community is not to vote them in at the next election, too late the damage may have been done. The community is the only group that are accountable for a Council decision.

End of motion

## ADMINISTRATION COMMENTS

At a workshop held on February 14th, Councillors were presented with a detailed overview of the process for handling Development Applications (DA), the presentation was accompanied by visual aids included below.

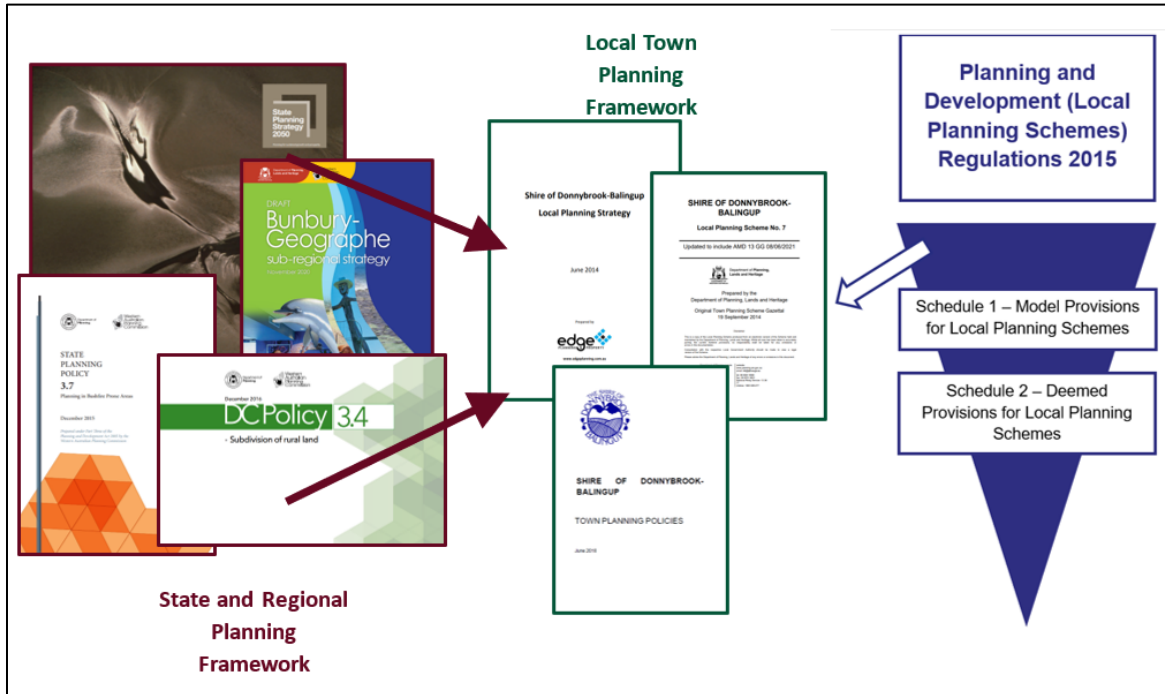


Figure 1 - Local within the State/Regional context

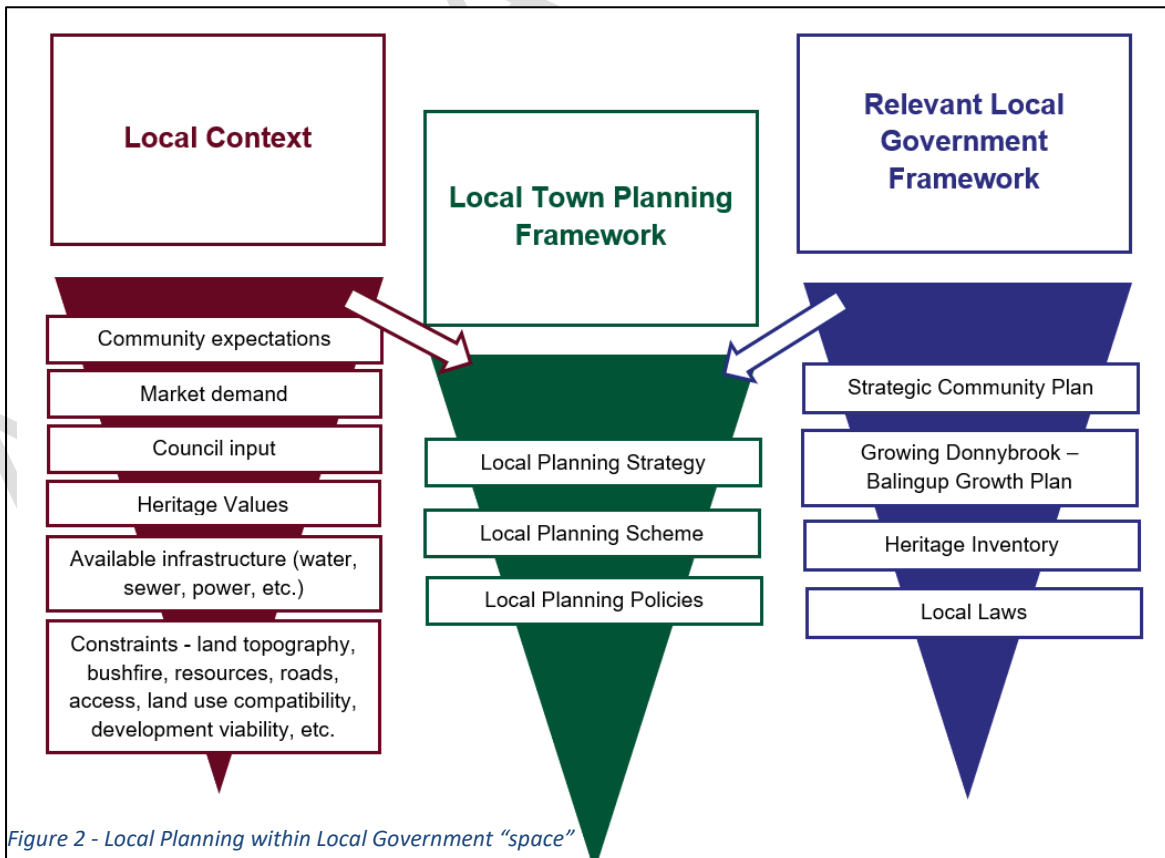


Figure 2 - Local Planning within Local Government "space"

The proposed motion carries significant implications for staffing resources and requires strict adherence to legislation and regulations. Upon receipt, the shire has a seven-day window to assess the application and determine its potential for progression. In many instances, the council plays a limited role in the progression of the DA decision process, and it is important to note that only a limited number of DAs are mandated to be forwarded to the Council for a decision.

Councillors have been briefed on a proposal to establish a regularly updated listing of DAs, providing detailed information by using the existing updates provided via the weekly “From the Desk of the CEO”.

AGENDA BRIEFING

**10.1.5 HOUSING POLICY – IMPROVING TO SERVE THE COMMUNITY**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Cr John Bailey
<b>File Reference</b>	N/A
<b>Author</b>	Cr John Bailey
<b>Responsible Manager</b>	N/A
<b>Attachments</b>	Nil.
<b>Voting Requirements</b>	Simple Majority

**ELECTED MEMBER NOTICE OF MOTION**

Motion for the February Council meeting.

Improving serve to the community.

Housing policy.

Council form a committee of councillors to review the Shires building regulations with the aim of allowing for alternative types of accommodation. The committee of Councillors will consult with staff and community via meetings and email submissions to achieve the best outcome for all.

Staff are responsible for administering the rules and regulations put in place by previous Councils. The committee will review all rules and regulations to ascertain if they are relevant in 2024, and if they are achieving the best outcome for the people of the Shire?

Rational.

Community Consultation;

There is a housing shortage crisis right across our Shire and Australia. Australian Councils are looking at alternative housing options, templates have been developed. Broad consultation with the community will ensure that Council and Staff are developing regulations that best meet the needs of the community.

The fastest way to provide accommodation is for government to develop the appropriate regulations, allowing the private sector to operate with ease.

**ADMINISTRATION COMMENTS**

The Shire employ’s a Registered Building Surveyor, who administers the *State Building Act 2011* and its associated Regulations. These regulations delineate applicable building standards across various scenarios and encompass the Building Code of Australia. It is important to emphasise that the Shire does not possess discretion to modify these standards.

Presently, the Shire has multiple Local Planning Policies pertinent to accommodation, encompassing matters such as the relocation and utilisation of second-hand dwellings, transportable structures, ancillary accommodation in agricultural and rural zones, and

specific character areas like the Balingup Village Centre. While areas for enhancement within the current local planning policy manual have been identified, any proposed alterations will also be contingent upon the outcome of the Local Planning Strategy review.

In order to expedite the facilitation of alternative accommodation types, it is advisable to pursue a regional or state-level approach, such as engaging with WALGA Zones or lobbying local members. These avenues can effectively address statewide issues in the short term, while concurrent efforts to advance these initiatives within the Shire remain underway.

To establish a committee, the council necessitates a decision by the Council, as well as the adoption of terms of reference and the appointment of members in accordance with section 5.8 of the Local Government Act 1995. This involves initiating the committee via a council resolution, adopting its terms of reference, and appointing members.

Should the council wish to proceed with this motion, the Chief Executive Officer is tasked with submitting a report to the Council for consideration.

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

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Nil.

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

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

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#### ***12.1.1 (CONFIDENTIAL) RFQ 317 – SUPPLY OF TRI AXLE TRAILER, 2023-24***

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

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

#### ***12.1.2 VC MITCHELL PARK OVAL LIGHTING DELEGATION OF TENDER AWARD***

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

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

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

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Nil.

## **13 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 28 February 2024 commencing at 5:00pm in the Shire of Donnybrook Balingup Council Chamber.