



MINUTES OF ORDINARY MEETING OF COUNCIL

Held on

Wednesday 22 November 2023

Commenced at 5:00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

A handwritten signature in black ink, appearing to read "Garry Hunt".

Garry Hunt
Chief Executive Officer (Temporary)

29 November 2023

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY COUNCIL MEETING

Held at the Council Chambers
 Wednesday, 22 November 2023 at 5:00pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

The Shire President declared the meeting open at 5:00pm and welcomed the public gallery.

The Shire President advised that the meeting was being live streamed and recorded in accordance with Council Policy EM/CP-2. The President further stated the following:

“This meeting 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.”

2 ATTENDANCE

MEMBERS PRESENT

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

PUBLIC GALLERY

13 members of the public were in attendance.

2.1 APOLOGIES

Cr John Bailey.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Cr Alexis Davy requested a leave of absence for the Ordinary Council Meeting on 13 December 2023.

COUNCIL DECISION 128/23

MOVED: Cr Lindemann

SECONDED: Cr Glover

That Council approve Cr Alexis Davy's request for a leave of absence for the Ordinary Council Meeting on 13 December 2023.

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy Cr Mitchell,
Cr Patrick, Cr Shand.

Against: Nil.

Cr Deanna Shand requested a leave of absence for the Ordinary Council Meeting on 13 December 2023.

COUNCIL DECISION 129/23

MOVED: Cr Mitchell

SECONDED: Cr Patrick

That Council approve Cr Deanna Shand’s request for a leave of absence for the Ordinary Council Meeting on 13 December 2023.

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

I am pleased to announce that grant funding has been received to aid the development of a Draft Local Biodiversity Strategy. This was made possible through WALGA with \$20,000 funded specifically by the State Natural Resource Management initiative. This grant aligns with our Shire Vision to enjoy our cultural heritage and natural environment. By developing this strategy, we will build on the legacy of our predecessors and ensure that we manage our natural resources responsibly and sustainably, for the benefit of current and future generations. As this project moves along, Director of Operations, Ross Marshall, will provide updates.

4 DECLARATION OF INTEREST

Mr Ross Marshall – Director of Operations declared an Impartiality interest regarding report 12.1.1 as he has had previous business dealings with one of the proponents.

Mr Garry Hunt – Chief Executive Officer (Temporary) declared an Indirect Financial interest regarding report 9.3.2 as at times he has performed work of a nature contained within the report.

Cr Anne Mitchell declared an Impartiality interest regarding report 9.1.1 as she is related to one of the parties consulted.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following was taken as a question by Commissioner McGowan.

Question: Kev Johns

Kev Johns stated that he would like to see more signage at the entrance of Donnybrook, Kirup, and Balingup to say that the town is under CCTV surveillance and suggested more CCTV coverage within the Donnybrook townsite. Kev Johns then thanked Mr Neville Fry for donating the old fun park equipment to him.

Response:

The requested placement of CCTV warning signage on our major entrances to townsites is noted, however, the Shire also needs to consider the impact that these types of warning signs would have in promoting our towns as a welcoming place to visit.

Therefore, it is considered that greater benefit would be achieved by placing warning signage of the CCTV cameras at the Apple Fun Park and Pump Track, where new and additional cameras have recently been installed. The Shire will make arrangements to order new CCTV warning signage for these sites and have them installed once they arrive.

More CCTV camera coverage can be considered in the future when external funding opportunities are identified. Prior to submitting any applications for additional cameras, the Shire will also need to consider the ongoing cost and management implications of the additional cameras.

5.2 PUBLIC QUESTION TIME

Question: Phil Jones

I will be asking a question at the next Council Meeting in regards to the total costs incurred following the dismissal of the Councillors in December 2022 including salary, travel, accommodation, meeting expenses and any other costs.

Response: Director Finance and Corporate

Ms. Gail McGowan was appointed as Commissioner of the Shire of Donnybrook Balingup in December 2022 by, the former Local Government Minister, Mr. John Carey.

The financial arrangements for this appointment were that the Department of Local Government, Sport and Cultural Industries (DLGSCI) would effectively employ the Commissioner and seek reimbursement from the Shire.

Over the period spanning from 19 December 2022 to 14 September 2023, payments totalling \$165,792.08 were remitted to DLGSCI. To partially offset this expenditure, a commendable reduction in costs associated with Councillors' allowances, fees, and expenses was realised, amounting to \$120,296.10. Nevertheless, after accounting for these adjustments, a net increased cost of \$45,498.98 was incurred.

It is noteworthy that a final reconciliation may be pending, as there could be a small outstanding amount yet to be invoiced by DLGSCI. This financial process aligns with the understanding that Ms. McGowan's tenure concluded with the declaration of the election results in October 2023.

Question: Phil Jones

I will be asking a question at the next Council meeting in regard to the decision of the Commissioner to provide a loan to the DFC of \$160,000 towards the anticipated \$250,000 co-contribution and how is the balance of \$90,000mis being paid.

Response: Director Operations

The Council (Commissioner) accepted an offer from the Donnybrook Football Club (DFC) as detailed in Council Resolution 105/23, as per the extract below.

The Western Australian Football Commission (WAFC) originally committed to a contribution of \$120,000. This contribution was increased by \$15,000 to \$135,000. In addition to the above, the WAFC provided a further contribution of \$65,000 and requested the amount be applied to reduce the DFC contribution.

DFC = \$160,000
WAFC = \$65,000
Sum Total = \$225,000

In addition to the above, and as noted in the extract below, the DFC have also committed to "work in kind". The value of these works is yet to be determined.

Question: Colin Sharp

What plans does the shire have in place to protect the town? Fuel reduction seems to have been overlooked for many years and fire burning periods (when permits are needed.... not in the middle of winter when burning is impossible) are becoming smaller and smaller windows for this to happen.

Response:

Taken on notice.

Kev Johns

I understand the apple fun park equipment is going to tender but I want to know why there is 127,000 dollars written as an asset.

Response:

Currently they still hold a written down book value and the figure you have quoted, it is around that amount of 127,000 dollars I think part of the actual motion at tonight's Council Meeting that considers the disposal deals with the write off of that amount. Dependant on the value of the disposal.

Question: Kev Johns

There was a skip bin over there at some point, I don't know if it was JP Metals or Hastie Waste but having a quick look through the video and the photographs, all of it isn't there. There's stuff like bolts missing, bits of steel. Where has it all gone?

Response:

This question will be taken on notice.

6 PRESENTATIONS

Nil.

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL (COMMISSIONER) – 19 OCTOBER 2023

Minutes of the Ordinary Meeting of Council (Commissioner) held 19 October 2023 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council (Commissioner) held 19 October 2023 as confirmed by Commissioner McGowan as a true and accurate record be noted by Council.

COUNCIL RESOLUTION 130/23

MOVED: Cr Lindemann

SECONDED: Cr Patrick

That the Minutes from the Ordinary Meeting of Council (Commissioner) held 19 October 2023 as confirmed by Commissioner McGowan as a true and accurate record be noted by Council.

CARRIED 5/4

For: Cr Lindemann, Cr Mitchell, Cr Patrick, Cr MacCarthy

Against: Cr Davy, Cr Gubler, Cr Glover, Cr Shand

Note: Shire President MacCarthy cast a second vote in accordance with the Local Government Act 1995, Section 5.21(3).

7.2 SPECIAL MEETING OF COUNCIL – 26 OCTOBER 2023

Minutes of the Special Meeting of Council held 26 October 2023 are attached (Attachment 7.2.(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 26 October 2023 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 131/23

MOVED: Cr Glover

SECONDED: Cr Shand

That the Minutes from the Special Meeting of Council held 26 October 2023 be confirmed as a true and accurate record.

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

Cr Mitchell left the room at 5:29pm.

9.1.1 DISPOSAL OF IDLE APPLE FUN PARK ASSETS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF 18AB
Author	Ross Marshall, Director Operations
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.1(1) Apple Fun Park Idle Assets Register
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

1. Instructs the Chief Executive Officer to:

- 1.1 Commence the disposal of the idle Apple Fun Park assets by way of public tender in accordance with Section 3.58(2)(b) of the *Local Government Act 1995* on a where is, 'as is' basis with no warranties; and**
- 1.2 Present a report to Council to determine the most acceptable tender once closed; and**
- 1.3 Prepare a Budget Amendment report to recognise the disposal and present to Council.**

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 1995* whilst respecting 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, organised 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 current written down value of \$126,829.04, refer to Attachment 9.1.1(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.

The Community sentiment for the Apple Fun Park is very strong. Respecting that the original Apple Fun Park was created in 2008 with significant donation and community effort, disposal is likely to be a contentious issue.

FINANCIAL IMPLICATIONS

Disposal of these assets is likely to result in a non cash Loss being shown in the Statement of Comprehensive Income with the assets being disposed of in the Shire Asset register.

There will also be minor advertising costs which can be covered within the adopted 2023/24 Budget.

Whilst the equipment maintains a current written down value of \$126,829.04, refer to Attachment 9.1.1(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.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995

Section 3.58(3)(a) of the *Local Government Act 1995* 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.*

CONSULTATION

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

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

OFFICER COMMENT

The officer recommends the disposal of the outdated playground equipment from the Apple Fun Park, which was donated by the Fry Family and has been stored since the park's renewal in 2021. Despite a written down value of \$126,829.04, the assets are

considered to have no practical value to the Shire due to the costs associated with their refurbishment, relocation, and necessary safety inspections, alongside the expiration of the manufacturer's warranty.

The recommendation is made with full awareness of the community's strong attachment to the park and its history of significant community and the Fry Family's involvement.

The disposal process is advised to be carried out in compliance with Section 3.58(3)(a) of the *Local Government Act 1995*, ensuring transparency and fairness through public tender.

The officer acknowledges the need for careful consideration of community sentiment and respect for the Fry Family's contributions during the disposal process.

COUNCIL RESOLUTION 132/23

MOVED: Cr Glover

SECONDED: Cr Lindemann

That Council:

1. Instructs the Chief Executive Officer to:

- 1.1 Commence the disposal of the idle Apple Fun Park assets by way of public tender in accordance with Section 3.58(2)(b) of the *Local Government Act 1995* on a where is, 'as is' basis with no warranties; and**
- 1.2 Present a report to Council to determine the most acceptable tender once closed; and**
- 1.3 Prepare a Budget Amendment report to recognise the disposal and present to Council.**

CARRIED 7/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Patrick, Cr Shand.

Against: Nil.

9.2 DIRECTOR FINANCE AND CORPORATE

Cr Mitchell re entered the room at 5:39pm.

9.2.1 ACCOUNTS FOR PAYMENT – OCTOBER 2023

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

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 133/23

MOVED: Cr Lindemann

SECONDED: Cr Glover

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

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

9.2.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2023

The Monthly Financial Report for September 2023 is attached (Attachment 9.2.2(1)).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ending September 2023 be received.

COUNCIL RESOLUTION 134/23

MOVED: Cr Glover

SECONDED: Cr Lindemann

That the monthly financial report for the period ending September 2023 be received.

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell,
Cr Patrick, Cr Shand.

Against: Nil.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 AGENDA BRIEFING AND COUNCIL MEETING DATES 2024

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Samantha Farquhar, Administration Officer Corporate Services
Responsible Manager	Loren Clifford, Manager Corporate Services
Attachments	Attachment 9.3.1(1) Livestream Viewer Statistics
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

- 1. Adopt the 2024 Agenda Briefing and Ordinary Council Meeting dates as follows:**

Agenda Briefing (Wednesday)	Ordinary Council Meeting (Wednesday)	Venue
21 February (5pm)	28 February (5pm)	Council Chamber Donnybrook
20 March (5pm)	27 March (5pm)	Council Chamber Donnybrook
17 April (5pm)	24 April (5pm)	Council Chamber Donnybrook
15 May (5pm)	22 May (5pm)	Council Chamber Donnybrook
19 June (5pm)	26 June (5pm)	Council Chamber Donnybrook
17 July (5pm)	24 July (5pm)	Council Chamber Donnybrook
21 August (5pm)	28 August (5pm)	Council Chamber Donnybrook
18 September (5pm)	25 September (5pm)	Council Chamber Donnybrook
16 October (5pm)	23 October (5pm)	Council Chamber Donnybrook
20 November (5pm)	27 November (5pm)	Council Chamber Donnybrook
11 December (5pm)	18 December (5pm)	Council Chamber Donnybrook

- 2. Instructs the Chief Executive Officer to undertake all statutory advertising in this regard.**

STRATEGIC ALIGNMENT

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

Outcome	11	Strong, visionary leadership
Objectives	11.1	Improve community consultation and engagement.
Outcome	12	A well respected, professionally organisation.
Objectives	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

Council is requested to adopt the 2024 calendar for Agenda Briefing and Ordinary Council meetings as presented below:

Agenda Briefing (Wednesday)	Ordinary Council Meeting (Wednesday)	Venue
21 February (5pm)	28 February (5pm)	Council Chamber Donnybrook
20 March (5pm)	27 March (5pm)	Council Chamber Donnybrook
17 April (5pm)	24 April (5pm)	Council Chamber Donnybrook
15 May (5pm)	22 May (5pm)	Council Chamber Donnybrook
19 June (5pm)	26 June (5pm)	Council Chamber Donnybrook
17 July (5pm)	24 July (5pm)	Council Chamber Donnybrook
21 August (5pm)	28 August (5pm)	Council Chamber Donnybrook
18 September (5pm)	25 September (5pm)	Council Chamber Donnybrook
16 October (5pm)	23 October (5pm)	Council Chamber Donnybrook
20 November (5pm)	27 November (5pm)	Council Chamber Donnybrook
11 December (5pm)	18 December (5pm)	Council Chamber Donnybrook

To allow Councillors to take leave throughout January, it is proposed that no Ordinary Council Meeting be held in January 2024. The last meeting of 2023 is Wednesday, 13 December and the first meeting for 2024 will be the Agenda Briefing 21 February 2024.

No public holidays occur on the dates recommended.

BACKGROUND

Council currently conducts one ordinary meeting on the fourth Wednesday of each month commencing at 5.00pm, a process which was adopted on 19 December 2008.

Council also, historically, conducted regular Agenda Briefings and Concept Forums to keep Councillors abreast of current issues and to allow for informal discussion on matters of interest to Council, this occurs the Wednesday one (1) week prior to the Ordinary Council Meeting.

Meetings are usually held in the Shire Council Chamber at Donnybrook, however, traditionally the March Agenda Briefing has been held in Kirup, the September Agenda Briefing has been held in Yabberup and the November Ordinary Council Meeting has been held in Balingup.

At the Ordinary Council Meeting in February 2023, Council (Commissioner) resolved to shift the November meeting from Balingup Hall (as resolved in November 2022) to the Donnybrook Council Chamber, as it will be the first meeting of the newly elected Council.

FINANCIAL IMPLICATIONS

The cost to hold the Ordinary Meetings are provided for in the 2023/24 Budget.

POLICY COMPLIANCE

EM/CP-2-Live Streaming and Recording of Council Meetings.

STATUTORY COMPLIANCE

Local Government (Administration) Regulations 1996, R.12(3)

(2) The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.

CONSULTATION

Nil.

OFFICER COMMENT

Its recommend that all meetings be conducted exclusively within the Donnybrook Council Chamber. This venue stands as the singular facility equipped with the necessary livestreaming and video recording infrastructure, to ensure compliance with Council Policy EM/CP-2-Live Streaming and Recording of Council Meetings. This technology serves to greatly enhance public access to critical Council decisions, debates, and discussions. It effectively mitigates the geographical and personal constraints that might otherwise hinder in-person attendance at these vital proceedings.

The attached statistics (Attachment 9.3.1(1)) highlight the effectiveness of this approach, with an average view of 200 accumulative for each meeting. In contrast, meetings held offsite registered notably minimal attendance rates, as per the table below.

Offsite Meeting Attendance						
	2022	2021	2020	2019	2018	2017
Kirup (AB)	0	0	10 (Donnybrook)	0	0	0
Yabberup (AB)	0	0	0	0	0	0
Balingup (OCM)	21	27	5	16	16	10

This reaffirms the Council Chamber's status as the most viable and accessible platform for meaningful engagement with our community.

COUNCIL RESOLUTION 135/23

MOVED: Cr Mitchell

SECONDED: Cr Glover

That Council:

- 1. Adopt the 2024 Agenda Briefing and Ordinary Council Meeting dates as follows:**

Agenda Briefing (Wednesday)	Ordinary Council Meeting (Wednesday)	Venue
21 February (5pm)	28 February (5pm)	Council Chamber Donnybrook
20 March (5pm)	27 March (5pm)	Council Chamber Donnybrook
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19 June (5pm)	26 June (5pm)	Council Chamber Donnybrook
17 July (5pm)	24 July (5pm)	Council Chamber Donnybrook
21 August (5pm)	28 August (5pm)	Council Chamber Donnybrook
18 September (5pm)	25 September (5pm)	Council Chamber Donnybrook
16 October (5pm)	23 October (5pm)	Council Chamber Donnybrook
20 November (5pm)	27 November (5pm)	Council Chamber Donnybrook
11 December (5pm)	18 December (5pm)	Council Chamber Donnybrook

- 2. Instructs the Chief Executive Officer to undertake all statutory advertising in this regard.**

CARRIED 8/0

For:

Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr McCarthy Cr Mitchell,
Cr Patrick, Cr Shand.

Against: Nil.

The Chief Executive Officer, Garry Hunt left the room at 5:43pm.

9.3.2 BIENNIAL REVIEW COUNCIL POLICY EM/CP-1 COUNCIL MEMBER INDUCTION, TRAINING AND PROFESSIONAL DEVELOPMENT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 11/14
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Kim Dolzadelli, Director Finance and Corporate
Attachments	9.3.2(1) Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development
Voting Requirements	Absolute Majority

EXECUTIVE RECOMMENDATION	
<p>That Council:</p> <ol style="list-style-type: none"> Note the biennial review of Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development, pursuant to section 5.128(5)(a) of the <i>Local Government Act 1995</i>. Adopt Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development, inclusive of the amendments as outlined in the report. 	

STRATEGIC ALIGNMENT

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

Outcome	11	Strong visionary leadership
Objective	11.1	Provide strategically focused, open, and accountable governance.
Priority Project	11.1.3	Facilitate access to mandatory training.

EXECUTIVE SUMMARY

It's recommended that Council, pursuant to section 5.128(5)(a) of the *Local Government Act 1995*, note the biennial review of Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development, and adopt the amendment as per Attachment 9.3.2(1).

BACKGROUND

The *Local Government Amendment Act 2019* introduced the requirement for all Council Members to undertake Council Member Essentials training within the first 12 months of being elected.

Council at its Ordinary Council Meeting on 23 October 2019 adopted Council Policy EM/CP-1 Council Member Induction, Training and Professional Development pursuant to sec. 5.128(1) of the *Local Government Act 1995*.

COUNCIL DECISION 165/19 *(Executive Recommendation)*

Moved: Cr Atherton Seconded: Cr Wringe

That Council, pursuant to section 2.7(2)(b) of the Local Government Act 1995, adopt the new Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development as provided at Attachment 9.7.1(1).

Carried 9/0

Section 5.128(5)(c) of the *Local Government Act 1995* requires Council to undertake a review of the policy after each ordinary election.

FINANCIAL IMPLICATIONS

The 2023/2024 budget for Councillor Training is \$16,000 (Ex GST), this allocation allows for all Council Members to commence all five Council Member Essential (CME) modules, Council Members are required to commence this financial year.

POLICY COMPLIANCE

Council Policy EXE/CP-8- Policy Framework

This policy is recommended for review pursuant to clause 4.9 of the Council Policy EXE/CP-8- Policy Framework which outlines that:

4.9. A policy response will be considered where there is either complexity or lack of clarity in one or a combination of any of the following circumstances:

- a. Legislative requirement.*
- b. New or changing industry and organisational standards.*
- c. To meet the Shire's strategic objectives.*
- d. Community needs or expectation.*
- e. Advocacy on issues that Council considers to be significant.*
- f. As a result of a Council resolution.*

STATUTORY COMPLIANCE

Local Government Act 1995

5.127. Report on training

- (1) *A local government must prepare a report for each financial year on the training completed by council members in the financial year.*
- (2) *The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.*

5.128. Policy for continuing professional development

- (1) *A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.*
- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*
- (5) *A local government —*
 - a) must review the policy after each ordinary election; and*
 - b) may review the policy at any other time.*

CONSULTATION

Nil.

OFFICER COMMENT

Policy Amendment

Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development underwent a review resulting in two modifications. The amendments are as follows:

1. A new addition, Clause 2.2 now states, "2.2. *This policy is obligatory as specified in section 5.128(1) of the Local Government Act 1995.*"
2. Clause 4.11 was reworded from "Council will consider the following when approving requests from Council Members for professional development:" to "Consideration will be given to the following when approving requests from Council Members for professional development." This modification enables the considerations to be factored in when the Chief Executive Officer is granting approvals in accordance with clause 5.1.

An overview of the Policy is outlined below.

This policy provides a framework for the formulation of the annual Training and Development Plan that will include inductions, mandatory Council Member training and professional development opportunities for Council Members.

Candidate Inductions

Candidate Inductions are free and provided (online) by the Department of Local Government, Sport and Cultural Industries.

Council Member Training and Professional Development

Western Australian Local Government Association (WALGA) training offers a range of Nationally Accredited Elected Member professional development courses that have been designed to provide the essential knowledge and skills to support Council Members to perform their role as defined in the *Local Government Act 1995*. This training has been broken up into three stages.

Council Member Essentials (CME) – Mandatory

All Council Members will commence this training within 12 months of being elected unless an exemption applies. The training is expected to take approximately 5 days over the course of a year.

After completion of the training and assessments for this stage Council Members will gain the LGASS00002 Elected Member Skill Set qualification.

Module No.	Module Name
1	Understanding Local Government
2	Conflicts of Interest
3	Serving on Council
4	Meeting Procedures
5	Understanding Financial Reports and Budgets

The training is valid for five years so a Council Member will only be required to undertake the training upon re-election each term.

Professional Development

WALGA offers a comprehensive suite of professional development training for Elected Members to undertake, after the completion of the CME modules. There are over 20 distinct learning and continuous professional development opportunities including WALGA's nationally accredited program, the LGA50220 Diploma of Local Government for Elected Members.

These units align with Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development, providing reassurance that participants are building their capacity to perform to a level that reflects the trust communities place in their elected representatives. These modules include:

- Effective Community Leadership
- Dealing with Conflict
- Strategic Decision Making (IPR)
- Strategic Policy Development
- Oversee Asset Management Strategy
- Planning Practices – Essentials
- Planning Practices – Advanced
- Emergency Management Foundations for Local Government
- Community Disaster Recovery
- Recovery Coordinators Course for Local Government
- Emergency Management for Local Government Leaders
- CEO Performance Review
- CEO Recruitment
- Economic Development Essentials for Elected Members
- Speaking Professionally as an Elected Member
- Record Keeping Awareness for Local Government
- Elected Members
- The Role of Mayors and Presidents

Requests from Council Members to undertake the professional development training will be considered based on the following:

- the strategic direction of the Shire of Donnybrook Balingup; and
- the skills gap among the council as a whole; and
- the budget allocation, and
- the needs of individual Council Members.

Time Frame and Budget Allowance

It is proposed that the training be split over the Council Members four-year term to allow for time and budget constraints.

Training Costs and duration

WALGA offers four flexible delivery methods for presenting these training modules. When considering the cost of the training consideration should be given to the suitability and advantages to each method.

ELECTED MEMBER TRAINING	Face-to-face	Virtual Classroom	eLearning	Duration
Council Member Essentials (CME) – Mandatory				
Understanding Local Government	\$ 240.00	\$ 240.00	\$ 220.00	1/2 day
Conflicts of Interest	\$ 240.00	\$ 240.00	\$ 220.00	1/2 day
Serving on Council	\$ 990.00	\$ 0.00	\$ 450.00	2 days
Meeting Procedures	\$ 495.00	\$ 0.00	\$ 350.00	1 day
Understanding Financial Reports and Budgets	\$ 495.00	\$ 495.00	\$ 350.00	1 day
Professional Development Units				
CEO Performance Review	\$ 530.00	\$ 0.00	\$ 530.00	1 day
CEO Recruitment	\$ 530.00	\$ 0.00	\$ 530.00	1 day
Dealing with Conflict	\$ 990.00	\$ 0.00	\$ 0.00	2 days
Economic Development Essentials for Elected Members	\$ 530.00	\$ 0.00	\$ 0.00	1 day
Effective Community Leadership	\$ 530.00	\$ 0.00	\$ 530.00	1 day
Oversee Asset Management Strategy	\$ 530.00	\$ 0.00	\$ 530.00	1 day
Planning Practices - Advanced	\$ 580.00	\$ 0.00	\$ 580.00	1 day
Planning Practices - Essentials	\$ 580.00	\$ 0.00	\$ 580.00	1 day
Record Keeping Awareness for Local Government Elected Members	\$ 0.00	\$ 240.00	\$ 0.00	1.5 days
Speaking Professionally as an Elected Member	\$ 530.00	\$ 0.00	\$ 530.00	1 day
Strategic Decision Making (IPR)	\$ 530.00	\$ 0.00	\$ 530.00	1 day
Strategic Policy Development	\$ 530.00	\$ 0.00	\$ 530.00	1 day
The Role of Mayors and Presidents	\$ 395.00	\$ 0.00	\$ 0.00	1 day

Training Requests

Requests are to be submitted and approved by the CEO as per the policy.

Reporting Requirements

On completion of any Council funded professional development the Council Member is expected to submit a report to Council as per the policy.

Pursuant to sec. 5.127 of the *Local Government Act 1995*, the Chief Executive Officer is to compile a report listing each Council Member and the training completed in that

financial year. This report is to be published on the Shire's website and in the Annual Report.

Review Frequency

Pursuant to sec. 5.128(5)(a) of the *Local Government Act 1995* the policy must be reviewed after each ordinary election to consider the needs and skill sets of the new Council Members.

COUNCIL RESOLUTION 136/23

MOVED: Cr Glover

SECONDED: Cr Patrick

That Council:

- 1. Note the biennial review of Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development, pursuant to section 5.128(5)(a) of the *Local Government Act 1995*.**
- 2. Adopt Council Policy EM/CP- 1- Council Member Induction, Training and Professional Development, inclusive of the amendments as outlined in the report.**

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr Mitchell, Cr MacCarthy,
Cr Patrick, Cr Shand.

Against: Nil.

The Chief Executive Officer, Garry Hunt re entered the room at 5:48pm.

9.3.3 SHIRE COMMITTEES AND COUNCILLOR GROUP MEMBERSHIP

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 16
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Kim Dolzadelli, Director Finance and Corporate
Attachments	9.3.3(1) Draft Council Committee Working/Reference Group Membership 2023 - 2025
Voting Requirements	Absolute Majority

EXECUTIVE RECOMMENDATION

That Council:

- 1. Appoint the following three Elected Members as Audit and Risk Management Committee members:**
 - Cr _____
 - Cr _____
 - Cr _____

- 2. Appoint previous external member Ian Telfer to the Audit and Risk Management Committee as an external member for the December 2023 meeting.**

- 3. Appoint the following four Elected Members as Development Assessment Panels (DAP) members:**
 - Cr _____
 - Cr _____
 - Cr _____ * Alternate Member
 - Cr _____ * Alternate Member

- 4. Appoint the following two Elected Members as delegates to the South West Country Zone of WALGA:**
 - Shire President
 - Deputy Shire President *Proxy

- 5. Appoint the following Elected Member as a Bush Fire Advisory Committee member:**
 - Cr _____

6. Appoint the following two Elected Members as delegates to The Donnybrook School Community Resource Library Management Committee members:

- Cr _____
- Cr _____

7. Appoint the following three Elected Members as delegates to the Warren Blackwood Alliance of Council members:

- Cr _____
- Cr _____
- Cr _____ *Proxy

8. Appoint the following two Elected Members as Warren Blackwood Climate Change Impact Reference Group members:

- Cr _____
- Cr _____

9. Appoint the following Elected Member as a Local Emergency Management Committee (LEMC) member:

- Cr _____

10. Appoint the following Elected Member as a Regional Road Group (RRG) member:

- Cr _____

STRATEGIC ALIGNMENT

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

Outcome	4.0	Shared responsibility for sustainability.
Objective	4.1	Encourage the adoption of sustainable practices
Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open, and accountable governance.

EXECUTIVE SUMMARY

Council is requested to appoint Elected Members as representatives to the following Committee's or Working/Reference Group for the next biennial term of two years. The following are the specific bodies in question:

- Audit and Risk Management Committee; and
- Development Assessment Panels (DAP); and
- South West Country Zone; and
- Bush Fire Advisory Committee (BFAC); and
- The Donnybrook School Community Resource Library Management Committee; and
- Warren Blackwood Alliance of Councils (WBAC); and
- Warren Blackwood Climate Change Impact Reference Group; and
- Local Emergency Management Committee (LEMC); and
- Regional Road Group (RRG).

BACKGROUND

The Council's representation on these Committees and Working/Reference Groups has been facilitated by the Commissioner and/or Senior Staff members for the past 11 months.

Committee, Working/Reference Group details vary and have been outlined in the table below.

AUDIT AND RISK MANAGEMENT COMMITTEE	
Established by Council pursuant to Division 1A, Section 7.1A of the <i>Local Government Act 1995</i> and <i>Local Government (Audit) Regulations 1996</i> regulation 16.	
Members:	3 Elected Members 2 External Members
Term:	2 Years
Meeting Frequency:	The Committee shall meet quarterly
BUSH FIRE ADVISORY COMMITTEE	
Established pursuant to the <i>Bushfires Act 1954</i> to provide advice to Council regarding all matters relating to bushfire control, prevention, and management.	
Members:	1 Elected Member 13 Brigade Representatives (FCOs)
Term:	2 Years
Meeting Frequency:	Biannual meetings (April AGM)
THE DONNYBROOK SCHOOL COMMUNITY RESOURCE LIBRARY MANAGEMENT COMMITTEE	
A committee established via a legal agreement executed between the Shire and the Minister for Education in 2019 for the purpose of facilitating the management and control the Donnybrook Community Library.	
Members:	3 Shire members appointed by the Shire

	(Pursuant to sec 4.1(a) one of whom shall be the Shire CEO) 3 members appointed by the Minister for Education (pursuant to sec 4.1(b) one of whom shall be the principal)
Term:	2 Years
Meeting Frequency:	Two meetings per year

LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

Established pursuant to the *Local Emergency Management Act 2005* to assist Council and ensure local emergency management arrangements are established.

Members:	1 Elected member (Chairperson) Shire Employees
Term:	2 Years
Meeting Frequency:	Every three (3) month as part of the financial year cycle and as required.

SOUTH WEST COUNTRY ZONE

An association of 12 South West local governments that meet to consider WA Local Government Association initiatives.

Members:	1 Elected Members (Usually, President and Deputy President as proxy) Shire Employee
Term:	2 Years
Meeting Frequency:	Five (5) meeting per year

REGIONAL ROAD GROUP (RRG)

The group prioritizes and resolves projects for the allocation of monies received from State and Federal Government.

Members:	1 Elected Member
Term:	2 Years
Meeting Frequency:	See annual meeting timetable on WALGA's website

WARREN BLACKWOOD ALLIANCE OF COUNCILS (WBAC)

A voluntary regional organisation of Councils representing the Shires of Bridgetown-Greenbushes, Boyup Brook, Donnybrook Balingup, Manjimup and Nannup. The WBAC acts as an advocacy group by supporting or undertaking significant projects relating to promoting economic development and diversity and encouraging regional population growth.

Members:	2 Elected Members
Term:	2 Years
Meeting Frequency:	Every (2) two months

WARREN BLACKWOOD CLIMATE CHANGE IMPACT REFERENCE GROUP

To establish the basis of a Warren Blackwood Alliance of Councils (WBAC) sub-regional climate change impact policy that includes recommendations for practical and achievable adaption and mitigation strategies applicable to WBAC and member Local Government Organisations (LGO's).

Members:	2 Elected Member
Term:	Until advised
Meeting Frequency:	Every second month (additional meetings may be called when required).

DEVELOPMENT ASSESSMENT PANELS (DAP)

Development Assessment Panels (DAP) were originally established by the Minister for Planning on 1 July 2011 to determine development applications that meet a certain threshold value. Each DAP comprises of five members, three specialist members and two local government members. All current local government DAP members are appointed for a term ending 26 January 2022.

All local government councils are requested to provide nominations for local government members by Friday 19 November 2021. Regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* requires Council to nominate, as soon as possible following the elections, four elected Council members to sit as DAP members, two as members and two as alternate members.

Since the inception of the DAP the Shire has not received any applications that have required referral/determination by a DAP.

There are two situations when an application is referred to a DAP. These are:

- A mandatory application. This is a planning application that has an estimated value of \$10 million or more.
- An optional application. This is a planning application that has an estimated value of \$2 million or more and the applicant has elected for the application to be referred to the DAP.

Further information pertaining to the DAP and member participation can be accessed at <https://www.dplh.wa.gov.au/daps>.

Members:	2 Elected Members 2 Alternate Elected Members
Term:	2 Years
Meeting Frequency:	As required

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

- *Local Government Act 1995*
- *Bush Fires Act 1954*
- *Emergency Management Act 2005*
- *Planning and Development (Development Assessment Panels) Regulations 2011*

CONSULTATION

Nil.

OFFICER COMMENT

The appointments to these Committees and Working/Reference Groups stand as a crucial mechanism for proactive community representation and focused participation in areas of essential local concern.

The fulfillment of these roles will be instrumental in advancing the interests of the community and the region as a whole. It is the Council's prerogative to designate the most suitable representatives for each of these bodies, thus ensuring a well-rounded and effective contribution to our community's growth and welfare. provide advice and feedback to both the group and Council. It's important to ensure that the representatives provide advice and feedback to both the group and Council.

COUNCIL RESOLUTION 137/23

MOVED: Cr Glover

SECONDED: Cr Lindemann

That Council suspend the Meeting Procedures Local Law.

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell,
Cr Patrick, Cr Shand.

Against: Nil.

COUNCIL RESOLUTION 138/23

MOVED: Cr Lindemann

SECONDED: Cr Shand

That Council re-commence the Meeting Procedures Local Law.

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr Mitchell, Cr MacCarthy,
Cr Patrick, Cr Shand.

Against: Nil.

COUNCIL RESOLUTION 139/23

MOVED: Cr Patrick

SECONDED: Cr Lindemann

That Council:

- 1. Appoint the following three Elected Members as Audit and Risk Management Committee members:**
 - Cr McCarthy
 - Cr Davy
 - Cr Bailey
- 2. Appoint previous external member Ian Telfer to the Audit and Risk Management Committee as an external member for the December 2023 meeting.**
- 3. Appoint the following four Elected Members as Development Assessment Panels (DAP) members:**
 - Cr Lindemann
 - Cr Davy
 - Cr Glover * Alternate Member
 - Cr Shand * Alternate Member
- 4. Appoint the following two Elected Members as delegates to the South West Country Zone of WALGA:**
 - Shire President Cr MacCarthy
 - Deputy Shire President Cr Lisa Glover *Proxy
- 5. Appoint the following Elected Member as a Bush Fire Advisory Committee member:**

- **Cr Patrick**
6. **Appoint the following two Elected Members as delegates to The Donnybrook School Community Resource Library Management Committee members:**
 - **Deputy Shire President Cr Glover**
 - **Cr MacCarthy**
 -
 7. **Appoint the following three Elected Members as delegates to the Warren Blackwood Alliance of Council members:**
 - **Shire President Cr MacCarthy**
 - **Cr Davy**
 - **Deputy Shire President Cr Glover *Proxy**
 8. **Appoint the following two Elected Members as Warren Blackwood Climate Change Impact Reference Group members:**
 - **Cr Lindemann**
 - **Cr Davy**
 9. **Appoint the following Elected Member as a Local Emergency Management Committee (LEMC) member:**
 - **Shire President Cr MacCarthy**
 10. **Appoint the following Elected Member as a Regional Road Group (RRG) member:**
 - **Cr Mitchell**

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr Mitchell, Cr MacCarthy, Cr Patrick, Cr Shand.

Against: Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 CONFIDENTIAL – BITUMEN PRODUCTS – RFQ 314

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

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

12.1.2 CONFIDENTIAL –2024 COMMUNITY CITIZEN OF THE YEAR AWARDS

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

(b) the personal affairs of any person.

COUNCIL RESOLUTION 140/23

MOVED: Cr Mitchell

SECONDED: Cr Gubler

That the meeting be closed in accordance with section 5.23(2) of the *Local Government Act 1995* to discuss the following confidential items:

12.1.1 Bitumen Products – RFQ 314

12.1.2 2024 Community Citizen of the Year Awards

CARRIED: 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

The meeting was closed to the public at 6:18pm.

COUNCIL RESOLUTION 143/23

MOVED: Cr Shand

SECONDED: Cr Patrick

That the meeting be re-opened to the public.

CARRIED: 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

The meeting was opened to the public at 6:34pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

COUNCIL RESOLUTION 141/23

MOVED: Cr Lindemann

SECONDED: Cr Gubler

That Council:

- 1. Instruct the Chief Executive Officer to award the contract for RFQ 314 – *Bitumen Products 2023/24* to Malatesta Road Paving and Hotmix, in accordance with their submitted offer.**

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

COUNCIL RESOLUTION 142/23

MOVED: Cr Glover

SECONDED: Cr Gubler

That Council:

- 1. Approve the recipients as outlined in the report.**
- 2. Note that award recipients are kept confidential until they are awarded at the Australia Day event on 26 January 2024.**

CARRIED 8/0

For: Cr Davy, Cr Gubler, Cr Glover, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand.

Against: Nil.

13 CLOSURE

The Shire President to advise that the next Agenda Briefing Session will be held on 6 December 2023 commencing at 5:00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 6:37pm.