



## **MINUTES OF ORDINARY MEETING OF COUNCIL (COMMISSIONER)**

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Held on

**Wednesday 28 June 2023**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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A handwritten signature in black ink, appearing to read 'Ben Rose'.

**Ben Rose  
Chief Executive Officer**

**10 July 2023**

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**SHIRE OF DONNYBROOK BALINGUP**  
**MINUTES OF ORDINARY COUNCIL (COMMISSIONER) MEETING**

Held at the Council Chamber  
Wednesday, 28 June 2023 at 5.00pm

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

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**Commissioner – Acknowledgment of Country**

The Commissioner acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging. The Commissioner declared the meeting open at 5:00pm and welcome the public gallery.

The Commissioner advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Commissioner to further state 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 ATTENDANCES**

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**MEMBERS PRESENT**

<b>MEMBERS</b>	<b>STAFF</b>
Gail McGowan - Commissioner	Ben Rose – Chief Executive Officer
	Kim Dolzadelli – Director Corporate and Community
	Ross Marshall – Director Operations
	Loren Clifford – Acting Manager Executive Services
	Samantha Farquhar – Administration Officer Executive Services

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**PUBLIC GALLERY**

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21 members of the public in attendance.

## **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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I will take this opportunity to make some general comments and provide an information update.

Since the last meeting we have seen a change in leadership in the State Government and I welcome the Hon Roger Cook, MLA as our new Premier and the Hon David Michael as the new Minister for Local Government. I have yet to meet with the new Minister.

Yesterday the CEO and I attended the South West Country Zone meeting which was held in Busselton. I wish to bring two matters discussed to the attention of both those present this evening and the community more broadly.

One was a presentation on the *Aboriginal Cultural Heritage Act* due to come into effect on the 1 July. I am aware this issue is subject to a Question during Public Question time so I will save my comments for that other than to note for the record that as a former Director General of the Department of Planning, Lands and Heritage I oversaw the early stages of development of that legislation hence note a perceived conflict of interest, albeit I have not had involvement for over two years.

The second matter was an item put forward by the *Shire of Donnybrook Balingup* relating to the issue of Mining Tenement Applications. The paper provided a background to the Motions passed at the Annual Meeting of Electors and subsequent action taken by the Shire to promote the need for better notification about tenement applications. There was good support from all member Councils and a motion was passed that in effect asks the WALGA State Council to advocate for the *Department of Mines, Industry and Safety Regulation* to undertake a formal review of the current statutory consultation procedures as they relate to mining tenements and improved notification requirements to private landowners. I thank Shire staff for their proactive work in this matter. I have had a commitment from senior staff at the Department of Mining, Industry, Regulation and Safety to work with the Shire on this matter and contact details for relevant staff have been exchanged.

Another issue that was raised at the Annual Electors' Meeting was that of the establishment of a Register of Leases. I am advised that the first version of this is due to be uploaded on the website next week in accordance with the commitment to have it operational in July. This will be a work in progress as the Regulations to support the intent of the recent local government reforms is not yet complete. Hence the look, feel and

content of the register may change. It is not intended to include residential properties on this register.

Consultation will also commence shortly on the new Property Management Framework. This framework is designed to bring consistency and rigour to lease arrangements with organisations and entities who lease Shire owned or controlled properties.

I would also like to acknowledge the Balingup Progress Association for convening an information session for aspiring local government candidates. This is being held on Saturday 29 July and Rhys Williams the current Mayor of the City of Mandurah will be the guest speaker. Rhys was elected in 2017 as one of the youngest Mayors in WA history and a former Young West Australian of the Year. This is a great opportunity for aspiring Councillors to get to hear about what being an elected official involves.

Related to the issue of aspiring Councillors, an area I would like to focus on this evening is that of what constitutes good governance. This issue has been exercising my mind in terms of the basis of decisions I make. Broadly the role of a commissioner is to take the place of the elected Council and act as both the President and the Council. A number of local governments have established Governance Frameworks and I am keen to see something similar developed here. I believe it will provide a useful resource for an incoming Council. I have certainly found the ones developed by other Councils useful.

One of the points made in such documents- and the one I am drawing on here has been developed by the City of Wanneroo - is that each local government consists of a number of different communities or subsets of communities. Diverse communities do not share the same aspirations, goals and interests. Consequently, the challenge for a Councillor or Commissioner is how to govern so that different, and often competing, interests are recognised, addressed and managed.

One of the key ways of doing this involves being clear about roles and responsibilities, having systems and processes that support accountability and having transparent access to information and decision-making processes.

Process is one of the things people complain most about in terms of local government, yet often it is process that people turn to to get reassurance that decisions are being made in a way that is consistent predictable and in accordance with the legislative framework. Process can be both an enabler and a constraint.

People will often feel aggrieved if a decision does not go their way or they disagree with a particular course of action. One way to minimise this is to act predictably and within an agreed governance framework. It is also essential to remember that Councillors (or Commissioners) must govern in accordance with the law as it stands, not as they might wish it to be.

As we move to establish a new Council the role of policy and procedure will be at the forefront. Councils need to make a community feel engaged, know what is going on and are including in decision making. Equally the community – as individuals and a collective – needs to take responsibility for actions that promote good governance. This includes being respectful and mindful of the impact of their own behaviours and being constructive in their approach.

I have been endeavouring to actively promote these elements during my tenure as Commissioner. Equally a prospective candidate or future Councillor will need reassurance that they will enjoy the support of their community. This does not for a minute mean they should not be held accountable for the decisions they make however working to a vision and promoting a culture of cooperation and collaboration will be underpinning principles.

We are at a point in time where I hope individuals will be actively thinking about representing their community. Many potentially good candidates may need a bit of encouragement to put themselves forward. My experience says that the Shire of Donnybrook Balingup is a jewel in the crown in Western Australia. Your community deserves the very best in terms of governance.

## **4 DECLARATIONS OF INTEREST**

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Nil.

## **5 PUBLIC QUESTION TIME**

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

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Nil.

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

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Shane Sercombe

*Do you think live-streaming Audit Committee meetings would be a simple and effective tool in improving audit outcomes?*

Commissioner response

Livestreaming isn't and won't be a requirement under the Local Government reforms. I don't believe it would add anything to the decision making in terms of improving audit outcomes.

The Council's current policy excludes committee meetings from being livestreamed, any changes to this policy will be a matter for consideration for the incoming Council.

Shane Sercombe

*As the chairperson of the Audit committee for 4 years has Ian Telfer provided a declaration of interests and is it available?*

### Commissioner response

Only an Elected Member or “*relevant person*” as defined under the *Local Government Act 1995*, is required to complete a Primary or Annual Return. There are no decision-making powers held on behalf of the Shire by the Audit and Risk Management Committee and advisors. However, all Shire Committee Members are required to comply with the Code of Conduct, which was endorsed by Council on 28 April 2021.

### Shane Sercombe

*As CEO of WAPRES, has the Audit Committee chairperson declared a financial interest regarding WAPRES operations within the shire regarding capital road works planning, potential rate reductions, concessional road permits and harvest plans?*

### Commissioner response

I don't believe there is any interest that would need to be declared by Mr Telfer.

### Shane Sercombe

*Are you aware of any safeguards that may be in place to protect the community's interest in this situation?*

### Commissioner response

The Code of Conduct and equally the requirements of the *Local Government Act 1995* and its subsidiary Regulations.

### Lisa Glover

*In regard to the planned path on the east side of the river, when did the planning commence? How long has it taken for the SoDB to progress this project? Is it fair to say that a project such as this takes time to:*

1. *Evaluate the need,*
2. *Locate funds,*
3. *Design and plan,*
4. *Seek a tender,*
5. *Implement the project (build), and*
6. *Evaluate?*

*Are there any other steps involved with developing a project such as this?*

### Commissioner response

The need was evaluated consistently with two Council endorsed documents - the Shire of Donnybrook Balingup Pathways and Trails Expansion Strategy, and the Bunbury Wellington 2050 Cycling Strategy.



The path is a high priority path identified in the Shire of Donnybrook Balingup Pathways and Trails Expansion Strategy, and it has potential linked to section 6.2.4 of the Bunbury Wellington 2050 Cycling Strategy. The project also meets outcomes identified in the Council's Disability Access and Inclusion Plan. Over time we have had several community requests to complete the river loop path and it's ranked in the top five of our pathway programs.

The Shire was successful in receiving external funding for the project from the Western Australian Bicycle Network grants program in June 2020, and will seek further funding for this project, which aligns with the Council Plan 2022 - 2032. Several stakeholders and groups provided support for the project to assist with the funding applications.

Concept designs and plans have been done in-house; detailed designs will be undertaken as part of the project. Quotes to undertake the work will be called once the budget is endorsed and detailed design is complete. The works are expected to be delivered across two financial years, 2023/24 and 2024/25.

Some feedback provided has raised concerns about the co-existence of dogs and the path - the path is not a bicycle path as such, it is an all-abilities path. The project is intended to provide all abilities access.

Kevin Johns

*I'd like to ask if we can skip to Item 9.3.2?*

Commissioner response

I have no objection to bringing forward Item 9.3.2 and was already intending to do such, given the public attendance interest in that agenda item this evening.

Kevin Johns

*What is the land use capacity for an R30 zone?*

Chief Executive Officer response

There are multiple permissible land uses in the Residential Zone which are outlined in table format over 3-4 pages in the Shire's Local Planning Scheme, however, I couldn't recite all of those permissibility's from memory right now.

Commissioner response

R30 refers to the number of dwellings on a particular amount of hectareage of land, which sits separately to the types of uses in terms of planning.

Under the current zoning of the land, a new fire station would not be a permitted use on the SES site, however, the existing fire station, would be either a non-conforming use or a public purposes site under the planning scheme.

## Kevin Johns

*But it's still essentially zoned the exact same?*

### Commissioner response

Not necessarily. You would have to look at the zoning for each building. I'm not saying it isn't, as I haven't looked at the zoning at the fire station. Broadly speaking, the SES building is zoned residential and there are a number of uses that are not permissible uses. If there are existing activities in other buildings that are also now zoned residential, it is possible that they are there under the allowable category of non-conforming use.

### Shane Atherton question

*The Aboriginal Cultural Heritage Act 2021 comes into effect from 1 July 2023. Can the Commissioner or CEO please provide a summary on what impacts, be they positive or negative, the contents of the act will have upon:*

- 1. Shire owned land,*
- 2. Public open spaces including recreation and parks, and*
- 3. Privately owned land including residential, rural and businesses in general?*

### Commissioner response

The requirements coming into effect are aimed at avoiding impacting Aboriginal cultural heritage. Information is available via State government websites.

It's proposed that there will be categories of activity, exempt activities will cover a lot of agricultural type activity, things like fire breaks, ploughing, and seeding of paddocks. If it's on existing fire breaks or existing areas, then it's expected to be exempt. People are encouraged to refer to the guidelines and encouraged to do due diligence in terms of any known sites.

A concern is there are no Local Aboriginal Cultural Heritage (LACH) groups established, which would be the knowledge holder for people to consult with. In the absence of those groups, the advice is to go to your local prescribed body corporate or organisation, the Southwest Land and Sea Council or other groups.

The initial phases will be focused on education, and not seeking to take a punitive or overly heavy-handed approach to those parties where they unknowingly transgress. I encourage everyone to look on the website at the materials.

## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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A petition regarding the sealing of King Spring Road has been received by the Shire and signed by 24 individuals. Whilst the petition does not comply with the requirements of the Shire of Donnybrook Balingup Meeting Procedures Local Law 2017, as set out in clause 6.10(1)(a), (c) or (d), the petition matter is be addressed at Agenda Item 9.1.1.

### **6.2 PRESENTATIONS**

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Nil.

### **6.3 DEPUTATIONS**

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Nil.

## **7 CONFIRMATIONS OF MINUTES**

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### **7.1 ORDINARY MEETING OF COUNCIL (COMMISSIONER) – 24 MAY 2023**

Minutes of the Ordinary Meeting of Council (Commissioner) held 24 May 2023 are attached (Attachment 7.1(1)).

### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council (Commissioner) held 24 May 2023 be confirmed as a true and accurate record.**

### **COUNCIL RESOLUTION 70/23**

**MOVED: Commissioner McGowan**

**That the Minutes from the Ordinary Meeting of Council (Commissioner) held 24 May 2023 be confirmed as a true and accurate record.**

**CARRIED: Commissioner McGowan**

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## **7.2 SPECIAL MEETING OF COUNCIL (COMMISSIONER) – 12 JUNE 2023**

Minutes of the Special Meeting of Council (Commissioner) held 12 June 2023 are attached (Attachment 7.2(1)).

### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Special Meeting of Council (Commissioner) held 12 June 2023 be confirmed as a true and accurate record.**

### **COUNCIL RESOLUTION 71/23**

**MOVED: Commissioner McGowan**

**That the Minutes from the Special Meeting of Council (Commissioner) held 12 June 2023 be confirmed as a true and accurate record.**

**CARRIED: Commissioner McGowan**

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## **7.3 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING - 30 MAY 2023**

Minutes of the Audit and Risk Management Committee Meeting held 30 May 2023 are attached (Attachment 7.3(1)).

### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Audit and Risk Management Committee Meeting held 30 May 2023 be received.**

### **COUNCIL RESOLUTION 72/23**

**MOVED: Commissioner McGowan**

**That the Minutes from the Audit and Risk Management Committee Meeting held 30 May 2023 be received.**

**CARRIED: Commissioner McGowan**

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**7.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – 16  
MAY 2023**

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Minutes of the Local Emergency Management Committee Meeting held 16 May 2023 are attached (Attachment 7.4(1)).

**EXECUTIVE RECOMMENDATION**

**That the Minutes from the Local Emergency Management Committee Meeting held 16 May 2023 be received.**

**COUNCIL RESOLUTION 73/23**

**MOVED: Commissioner McGowan**

**That the Minutes from the Local Emergency Management Committee Meeting held 16 May 2023 be received.**

**CARRIED: Commissioner McGowan**

**8 REPORTS OF COMMITTEES**

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Nil.

## 9 REPORTS OF OFFICERS

### 9.1 DIRECTOR OPERATIONS

#### 9.1.1 PETITION - SEALING OF KING SPRING ROAD, THOMSON BROOK

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Residents of King Spring Road – Thomson Brook
<b>File Reference</b>	N/A
<b>Author</b>	Damien Morgan - Manager Works and Services
<b>Responsible Manager</b>	Ross Marshall - Director Operations
<b>Attachments</b>	9.1.1(1) – Petition 9.1.1(2) – Unsealed Roads Upgrade Plan (URUP) 9.1.1(3) – Site Plan
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Instruct the Chief Executive Office to advise the petitioners that the requested sealing of the gravel sections of King Spring Road, Thomson Brook (approximately 7.3km) has been assessed in accordance with the Shire’s Unsealed Roads Upgrade Plan.</b></li> <li><b>2. The assessment has determined that the upgrading of the 7.3 km gravel section of King Spring Road, Thomson Brook to a sealed standard is not of a priority that warrants inclusion into an existing works program and will continue to be maintained by the Shire as a gravel road.</b></li> <li><b>3. Instruct the Chief Executive Officer to reconsider the priority for the sealing of King Spring Road, Thomson Brook when the Unsealed Roads Upgrade Plan is next reviewed.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

- Outcome: 8.0 Safe and convenient movement of people in and around the district.
- Objectives: 8.1 Improve road safety, connectivity, and traffic flow for all users.

## EXECUTIVE SUMMARY

The Shire has received a petition requesting sealing of the remaining 7.3km gravel section of King Spring Road, Thomson Brook (Attachment 9.1.1(1)). The upgrading of gravel roads to a sealed standard in the Shire is prioritised based on the Shire of Donnybrook Balingup Unsealed Roads Upgrade Plan (URUP, Attachment 9.1.1(2)).

Assessment of King Spring Road in accordance with the URUP, finds that it is not of an appropriate priority to warrant inclusion within existing gravel road upgrading programs.

## BACKGROUND

The Shire of Donnybrook Balingup received a signed petition on 7 March 2023, from residents who live along King Spring Road, as follows:

*We, the undersigned, residents of King Spring Road, Thomson Brook, in the Shire of Donnybrook-Balingup herewith request King Spring Road to be sealed. A few key reasons are:*

- *That over the last few years we have experienced a higher volume of traffic and as a result King Spring Road becomes badly corrugated and potholed adding to road hazard and vehicle maintenance.*
- *We all want to see the development within the shire and having sealed roads will always be a plus for future investment and development.*
- *A sealed road would benefit everybody and cost savings in the long run, it would also create many possibilities for investment in the tourism industry, also for potential niche agriculture markets if we could keep plants dust free.*
- *Since King Spring Road serves many rate payers, much more than other already sealed roads in the area, we as rate payers would like to have the sealing of King Spring Road prioritised.*

King Spring Road has a total constructed length of approximately 8.4km, of which approximately 7.3km is constructed to a gravel standard. From its intersection with Little Road, to the end of the constructed gravel section, it is an approximate distance of 4.3km, with no other formed roads connecting to King Spring Road past Little Road (refer Attachment 9.1.1(3)).

## FINANCIAL IMPLICATIONS

Nil implications associated with officer recommendation. The upgrading of gravel roads to a sealed standard is a significant cost that typically the Shire has limited funds to undertake, when considered against all other asset management requirements.

The Shire developed the URUP to determine the priority for the upgrading of gravel roads to a sealed standard, enabling the Shire's limited funds to be directed to the highest priority projects.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

### **Dealing with a Petition**

The provisions relevant to receiving and dealing with a petition are outlined under Clause 6.10 of the Shire of Donnybrook Balingup Meeting Procedures Local Law 2017 (Local Law).

Section 1 of the clause outlines the form a petition should take with Sections 2 and 3 outlining how a petition should be dealt with, as follows:

### **6.10 Petitions**

- (1) A petition is to—
  - a) be addressed to the President;
  - b) be made by electors of the district;
  - c) state the request on each page of the petition;
  - d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - e) contain a summary of the reasons for the request; and
  - f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—
  - a) the matter is the subject of a report included in the agenda; and
  - b) the Council has considered the issues raised in the petition.

## **CONSULTATION**

Public consultation was undertaken in the development of the Shire's Strategy applicable to this petition request.



## OFFICER COMMENT

The Works and Service section has developed the following documents in recent years due to regularly receiving request from the public for the upgrade or expansion of assets:

- Pathways and Trails Expansion Strategy 2018, and
- Unsealed Roads Upgrade Plan (URUP).

Expectations of the public regarding the level of service provided by the Shire's road and path networks are constantly increasing. Unsealed roads are often seen as being not acceptable, due to concerns such as dust nuisance, corrugations, loose material, environmental issues, and safety.

The Shire of Donnybrook Balingup URUP was developed in response to a Council request for a suitable process for determination and validation of the highest priority unsealed roads for upgrading.

The total length of the Shire's road network is approximately 656kms, with 300kms of sealed roads and 356kms of unsealed roads. The unsealed road network generally comprises of roads which provide a variety of functions and typically carry a range of daily traffic volumes of between 10 and 150 vehicles per day.

This assessment and prioritisation process was developed involving a range of road characteristics and function criteria. Each road is to be assessed against these criteria and scored, a weighting was applied to each score relevant to its importance and the weighted scores added to provide an overall score for the road. The roads were then ranked in order of overall scores. This process was refined through several iterations and trial assessments of selected roads of varying hierarchy.

A full assessment of the Shire's entire unsealed road network in accordance with the URUP has not yet been undertaken, however staff have assessed the roads that are considered to receive the highest priority based on the URUP.

Consistent with the URUP, the Shire has upgraded several sections of gravel roads to a sealed standard in recent years, including:

- ~2.6km of Newlands Road, Newlands.
- ~1km of Southampton Road, Southampton.
- ~5km of Greenbushes Grimwade Road, Balingup.
- ~6km of Grimwade Road, Grimwade.
- ~3.7km of Mungalup Road, Yabberup.

These roads all had a high priority ranking when assessed under the URUP criteria, plus the Shire was only able to deliver the outlined lengths of sealed upgrades due to the projects all receiving at least two-thirds of their costs from external funding. If no external funding was available for the projects, the scope of work would have been significantly reduced, or the upgrade not delivered at all. The availability of external funding for the upgrading of a gravel road to a sealed standard is a significant factor in whether the project is deemed viable.

Further gravel sections of both Southampton Road and Greenbushes Grimwade Road are identified for sealing in upcoming works programs, as they have both already been approved for external funding.

Several other sections of gravel roads in the Shire have also been upgraded to a sealed standard in recent years, including:

- A 200m section of Spring Gully Road.
- A 200m section of King Spring Road.
- A 500m section of Yabberup Road.

These lower priority sections of gravel road have only been upgraded to a sealed standard as the adjoining landowner had agreed to fund at least 50% of the cost of the upgrade.

Council has historically considered request for the sealing of lower priority sections of gravel road when the following criteria is met:

- Property owner/s or other parties are proposing to contribute at least 50% of the cost of the upgrade.
- The standard of the upgrade or expansion is to the Shire's satisfaction.
- Works are completed by the Shire, or a contractor approved by the Shire.
- Council's consideration and endorsement of the request.
- Council's contribution to the works being typically limited to a maximum of \$50,000.
- Works only commencing once the Shire has received the full private contribution.

Staff have reviewed King Spring Road's priority based on the URUP criteria. This review has identified that King Spring Road is not of priority that warrants it being considered for sealing above other already identified and programmed sections of road.

It is recommended that King Spring Road continue to be maintained as a gravel road by the Shire, and its priority be reconsidered following the next review of the URUP.

## **COUNCIL RESOLUTION 74/23**

**MOVED: Commissioner McGowan**

**That Council (Commissioner):**

- 1. Instruct the Chief Executive Office to advise the petitioners that the requested sealing of the gravel sections of King Spring Road, Thomson Brook (approximately 7.3km) has been assessed in accordance with the Shire's Unsealed Roads Upgrade Plan.**
- 2. The assessment has determined that the upgrading of the 7.3 km gravel section of King Spring Road, Thomson Brook to a sealed standard is not of a priority that warrants inclusion into an existing works program and will continue to be maintained by the Shire as a gravel road.**
- 3. Instruct the Chief Executive Office to reconsider the priority for the sealing of King Spring Road, Thomson Brook when the Unsealed Roads Upgrade Plan is next reviewed.**

**CARRIED: Commissioner McGowan**

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**9.1.2 REALIGNMENT OF PORTION OF LOCALITY BOUNDARY – BROOKHAMPTON AND UPPER CAPEL**

<b>Location</b>	South Western Highway, Brookhampton / Upper Capel
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Kira Strange, Principal Planner
<b>Responsible Officer</b>	Ross Marshall, Director Operations
<b>Attachments</b>	9.1.2(1) – Locality Plan 9.1.2(2) – Site Plan
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (the Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Formally acknowledge the realignment of South Western Highway at Thompson Hill which has resulted in a change to a portion of the locality boundary of Brookhampton and Upper Capel Road as shown in Attachment 9.1.2 (2).</b></li> <li><b>2. Authorise the Chief Executive Officer to:</b> <ol style="list-style-type: none"> <li><b>2.1 Advise the Lands division of the Department of Planning, Lands and Heritage regarding the change in locality for Lot 502 on DP406747 as the applicable landowner (State of Western Australia); and</b></li> <li><b>2.2 Provide all relevant information to Landgate in order for their mapping team to update the relevant databases as applicable to accurately reflect the changes to the locality boundary and intersection of Foan Road with South Western Highway.</b></li> </ol> </li> </ol>

**STRATEGIC ALIGNMENT**

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

Outcome	8	Safe and convenient movement of people
Objective	8.1	Improve road safety, connectivity and traffic flow for all users.
Priority Projects	8.1.1	Advocate for the State Government to upgrade and improve key regional transport infrastructure.

**EXECUTIVE SUMMARY**

Main Roads Western Australia (MRWA) have recently completed upgrade works, including realignment of the road, to a portion of South Western Highway from

Brookhampton Road to Tassone Road including a significant area of Thompson Hill. The realignment of the Highway has resulted in a change to the locality boundary of Brookhampton and Upper Capel Road which Landgate need to accurately update.

The purpose of this report is to advise Council (the Commissioner) of the administrative changes in order to provide relevant information to Landgate and any relevant landowners. In this case, the change to the alignment and subsequent locality boundary will impact one parcel of land which is owned by the State of Western Australia.

## **BACKGROUND**

Landgate is Western Australia's land information authority operating as a statutory authority, governed by a board which is accountable to the Minister for Lands. Following the completion of recent MRWA upgrade works to South Western Highway, Landgate's mapping division contacted the Shire in order to accurately update the relevant mapping and road naming as it relates to the realignment works.

Under clause 4.1.4 of Landgate's *Policies and Standards for Geographical Naming in Western Australia*, locality boundary delineation, amongst other elements, "shall align with road centrelines (major highways, divided carriageways and railways), cadastral information or obvious topographical features such as rivers, shorelines, creeks".

The realignment of the subject portion of South Western Highway has resulted in the realignment of the locality boundary between Brookhampton and Upper Capel which needs to be rectified with Landgate. In addition, the configuration and intersection of Foan Road to the east will need to be updated in Landgate's database to accurately reflect the upgrade works and revised intersection to South Western Highway to the north.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

The locality boundary realignment is consistent with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

## **STATUTORY COMPLIANCE**

The locality boundary realignment is consistent with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

## **CONSULTATION**

The subject lot, Lot 502 on DP406747 (parcel reference O 1732/25) is owned by the State of Western Australia. Whilst Landgate operate on behalf of the State of Western Australia,

the Shire will notify the lands division of the Department of Planning, Lands and Heritage of the mapping updates and provide a copy of this report.

No other landowners will be affected by these changes.

## **OFFICER COMMENT**

The realignment of the locality boundary between Brookhampton and Upper Capel is predominantly an administrative process as a result of the recent MRWA road upgrades.

It is recommended that Council (the Commissioner) formally make note the changes and authorise the Chief Executive Officer to provide a copy of the changes to the lands divisions of the DPLH and provide any relevant information to Landgate in order for their mapping team to make the necessary updates.

## **COUNCIL RESOLUTION 75/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner):**

- 1. Formally acknowledge the realignment of South Western Highway at Thompson Hill which has resulted in a change to a portion of the locality boundary of Brookhampton and Upper Capel Road as shown in Attachment 9.1.2 (2).**
- 2. Authorise the Chief Executive Officer to:**
  - 2.1 Advise the Lands division of the Department of Planning, Lands and Heritage regarding the change in locality for Lot 502 on DP406747 as the applicable landowner (State of Western Australia); and**
  - 2.2 Provide all relevant information to Landgate in order for their mapping team to update the relevant databases as applicable to accurately reflect the changes to the locality boundary and intersection of Foan Road with South Western Highway.**

**CARRIED: Commissioner McGowan**

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## **9.2 DIRECTOR CORPORATE AND COMMUNITY**

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### **9.2.1 ACCOUNTS FOR PAYMENT – MAY 2023**

The Schedule of Accounts Paid under Delegation (No. 1.2.21) is presented for public information (attachment 9.2.1(1)).

### **9.2.2 MONTHLY FINANCIAL REPORT – MAY 2023**

The Monthly Financial Report for May 2023 is attached (attachment 9.2.2(1)).

### **EXECUTIVE RECOMMENDATION**

**That Council (the Commissioner) receive the monthly financial report for the period ended May 2023.**

### **COUNCIL RESOLUTION 76/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner) receive the monthly financial report for the period ended May 2023.**

**CARIED: Commissioner McGowan**

### 9.2.3 PENSIONER REBATE - GENERAL LEDGER BALANCE WRITE-OFF

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	RAT 02/2
<b>Author</b>	Naomi Newport – Senior Finance Officer
<b>Responsible Officer</b>	Kim Dolzadelli – Director Corporate and Community
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority

Recommendation
<p><b>That Council (the Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Writes-off the balance within General Ledger 111300 - ESL Rebate Allowed, being \$65.25.</b></li> <li><b>2. Writes-off the balance within General Ledger 174310 – SDY Debtors Rates Pension, being \$1,000.12.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

- |           |      |   |
|-----------|------|---|
| Outcome   | 12   | A well respected, professionally run organisation.                |
| Objective | 12.1 | Deliver effective and efficient operations and service provision. |

### EXECUTIVE SUMMARY

The Council (the Commissioner) is requested to approve the write-off of small balances.

### BACKGROUND

Local Government facilitates a Rates and Emergency Services Levy concession to eligible concession card holders in accordance with the *Rates and Charges (Rebates and Deferments) Act 1992*.

The Shire regularly lodges claims to the Department of Finance - Office of State Revenue (OSR) and, when approved, OSR will reimburse the concession amounts to the Shire.

There are circumstances where OSR may reject a claim for concession for a property. OSR cross match information with various Government departments and will provide reasons for the claim being refused.

The reasons for rejection may include:



- a) Claimant is no longer a concession card holder;
- b) Claimant no longer resides at the property; and/or
- c) Claimant has made a claim in another Shire.

When a claim rejection is received at the Shire, it is investigated and resolved either by:

- amending a claim and re-submitting a claim to OSR; or
- removing the pensioner concession entitlement from the property and informing the ratepayer that they are no longer entitled to a concession.

In May 2019, staff identified that there were claim balances outstanding in the following General Ledger (GL) accounts:

- GL111300 ESL Rebate Allowed
- GL174310 SDY Debtors Rates Pension

The outstanding balances are attributed to OSR rejecting a claim/s for concession, and the process for amending and re-submitting a claim, or the removal of concession entitlement, was not completed at that time.

Staff have worked to locate the individual concession claims affected and resolve the discrepancies and have reduced the variance. Due to time passed, the amounts contained within the leftover variance is unable to be identified and therefore deemed to be irrecoverable.

The impacted General Ledger account balances are:

GL111300	ESL Rebate Allowed	\$ 65.25
GL174310	SDY Debtors Rates Pension	\$1,000.12

## **FINANCIAL IMPLICATIONS**

Total loss of revenue \$1,065.37, made up of:

GL111300	ESL Rebate Allowed	\$ 65.25
GL174310	SDY Debtors Rates Pension	\$1,000.12

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

Council (the Commissioner) has the authority to resolve to write-off amounts in accordance with 6.12 of the *Local Government Act 1995*, which states:

*Part 6 — Financial management*

*Division 4 — General financial provisions*

*6.12. Power to defer, grant discounts, waive or write off debts*

- (1) Subject to subsection (2) and any other written law, a local government may —*
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) waive or grant concessions in relation to any amount of money; or*
  - (c) write off any amount of money, which is owed to the local government.*

*\* Absolute majority required.*

**CONSULTATION**

Not applicable.

**OFFICER COMMENT**

The clearing of the balances within GL111300 and GL174310 does not negatively impact any individual ratepayer accounts.

Staff have implemented regular balancing and reconciliation procedures to eliminate the risk of future occurrences.

**COUNCIL RESOLUTION 77/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner):**

- 1. Writes-off the balance within General Ledger 111300 - ESL Rebate Allowed, being \$65.25.**
- 2. Writes-off the balance within General Ledger 174310 – SDY Debtors Rates Pension, being \$1,000.12.**

**CARRIED: Commissioner McGowan**

## 9.2.4 ANNUAL REVIEW OF ASSET MANAGEMENT PLANS 2023/24

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 10/2
<b>Author</b>	Stuart Eaton - Finance Officer Special Projects
<b>Responsible Manager</b>	Kim Dolzadelli – Director Corporate and Community
<b>Attachments</b>	9.2.4(1) - Asset Management Plan (Consolidated) 9.2.4(2) - Asset Management Plan - Parks and Reserves 9.2.4(3) - Asset Management Plan – Buildings 9.2.4(4) - Asset Management Plan – Vehicles 9.2.4(5) - Asset Management Plan – Roads and Transport 9.2.4(6) - Reserve Fund Plan 9.2.4(7) - Borrowings Plan
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Endorse the annual review of the following plans for 2023/24:</b> <ol style="list-style-type: none"> <li><b>1.1 Asset Management Plan (Consolidated) - 2023/24.</b></li> <li><b>1.2 Asset Management Plan – Parks and Reserves 2022/24.</b></li> <li><b>1.3 Asset Management Plan – Buildings 2023/24.</b></li> <li><b>1.4 Asset Management Plan – Vehicles 2023/24.</b></li> <li><b>1.5 Asset Management Plan – Roads and Transport 2023/24.</b></li> <li><b>1.6 Reserve Fund Plan 2023/24.</b></li> <li><b>1.7 Borrowings Plan 2023/24.</b></li> </ol> </li> <li><b>2. Direct the Chief Executive Officer to use the endorsed plans to guide future review of the Long Term Financial Plan and development of the Annual Budget.</b></li> </ol>

## STRATEGIC ALIGNMENT

Endorsing the review of the 2023/24 Asset Management Plans will meet the following objectives of the Shire of Donnybrook Balingup Council Plan:

Outcome 1.11 Provide strategically focused, open and accountable governance.

## EXECUTIVE SUMMARY

Council (the Commissioner) is requested to endorse the annual review of the Shire's Integrated Planning and Reporting Framework (IPRF) suite of plans. The review is undertaken annually to:

- a) Inform the Long Term Financial Plan; and
- b) Inform the Annual Budget.

## **BACKGROUND**

In 2010, the IPRF and supporting guidelines were introduced in Western Australia as part of the State Government's Local Government Reform Program. All local governments were required to have their first suite of IPRF documents in place by 1 July 2013.

As an integral component of the IPRF, a suite of financial planning systems has been developed and implemented that:

- a) Accurately determine the Shire's capability to deliver services and manage its asset portfolio that can sustain our community into the future.
- b) Accurately determine the cost of managing the Shire's asset portfolio.
- c) Accurately determine the cost of delivering services to the community.
- d) Accurately determine the contribution residents and users should make to the cost of services and facilities.

A key aspect of the financial planning framework is realigning the underlying foundation of the Annual Budget to respond to these matters to improve the long-term financial sustainability for the Shire.

### Redevelopment Works

It has been recognised within the presented asset plans that the Shire is currently undertaking redevelopment planning of several facilities within the Shire. Asset renewal for the affected existing facilities have been removed from forward planning in the expectation that the current projects will be delivered. Upon completion of these projects, asset inspections will be undertaken to determine detailed asset renewal requirements for these new community or upgraded assets.

Should the redevelopment projects not address asset renewal works that are currently required on existing facilities, these necessary works would require re-introducing into the asset plans, resulting in additional funding requirements.

### Asset Management Plans

#### *Asset Management Plan (Consolidated) (Attachment 9.2.4(1))*

This document provides a strategic overview of the Shire's asset management planning. It particularly focuses on identifying future objectives to continually mature and improve the Shire's asset management framework to enhance available information for strategic decision making.

#### *Asset Management Plan – Parks and Reserves (Attachment 9.2.4(2))*

Parks and Reserves comprise numerous items of built or installed depreciable equipment and infrastructure. These assets deteriorate over time and require a program of cyclical replacement at the end of economic life.

The program of renewal works within this plan has been updated and sourced from independent revaluations and asset condition assessments of park infrastructure undertaken in 2022.

This strategy plans for the timing and financing of:

- a) Development works
- b) Replacement of aged infrastructure
- c) Major maintenance of infrastructure

The following future borrowings for park infrastructure are identified.

Year	Park / Reserve	Amount
2035/36	Apple Fun Park - Equipment Renewal	\$1,360,121

It is identified that the long term sustainable annual own source funding level for this asset class as follows:

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38
100,000	200,000	250,000	300,000	350,000	400,000	450,000	500,000	550,000	550,000	600,000	650,000	700,000	700,000	700,000	700,000

Material changes in the 2023/24 review relate to revised assessments of asset replacement costs and future economic life, sourced from independent asset revaluations completed in 2022.

Figure 1

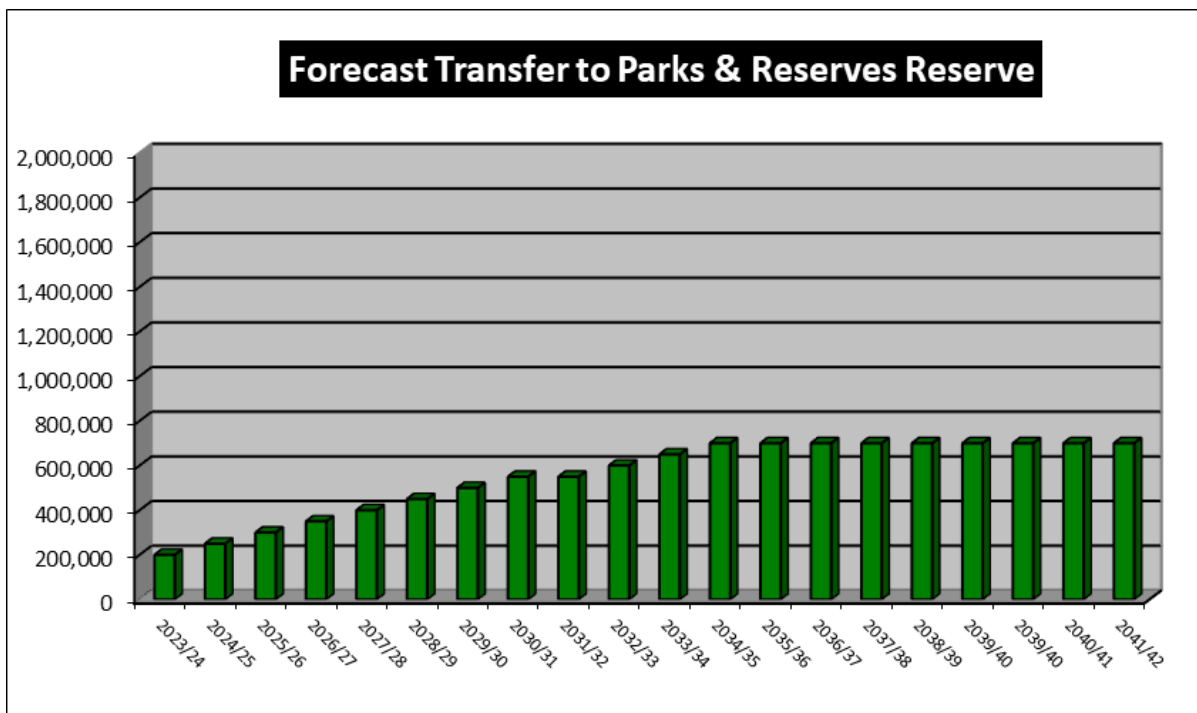
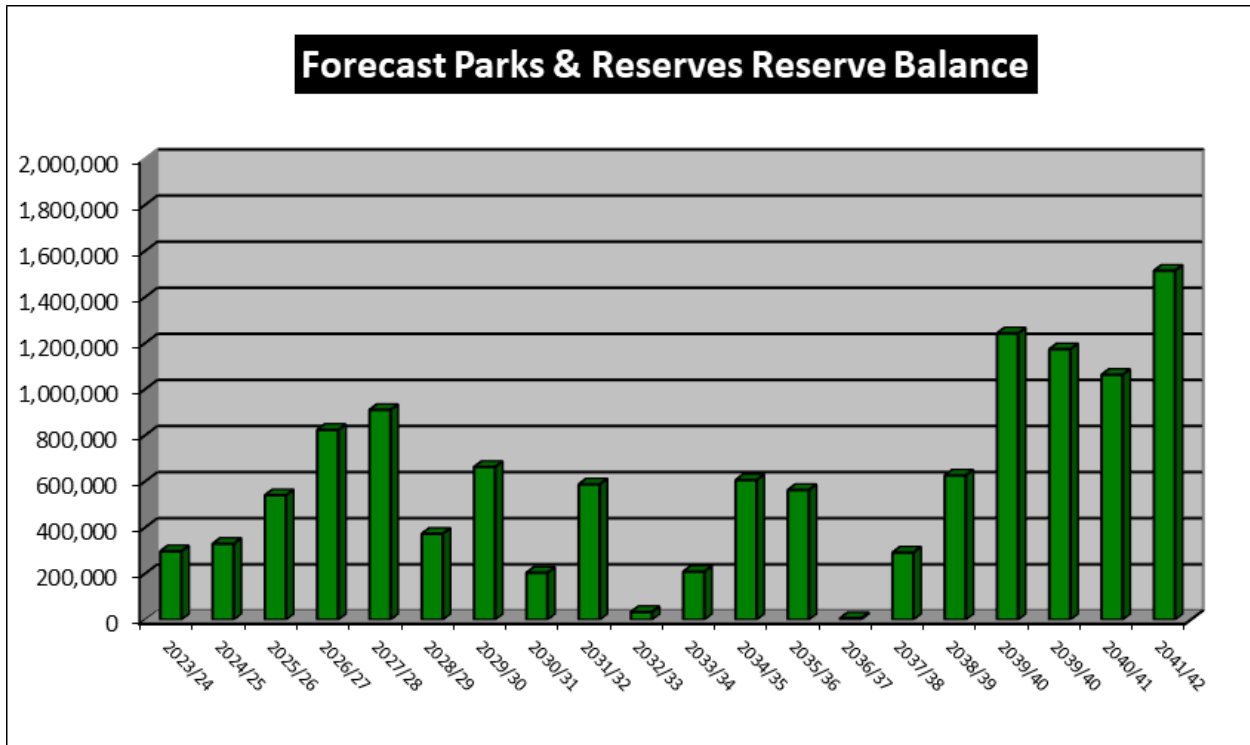


Figure 2



**Asset Management Plan – Buildings (Attachment 9.2.4(3))**

The purpose of this document is to provide a strategy for funding asset management of the Shire’s buildings.

This strategy will plan for the timing and financing of:

- a) Construction of new buildings.
- b) Alterations and extensions of existing buildings.
- c) Preservation and maintenance of buildings.

The Asset Management Plan – Buildings (BAMP), has been developed to provide a systematic method to identify, plan and fund necessary works to maintain the facilities to an acceptable standard that maximise their useful life for the community.

It is identified that the long term sustainable annual own source funding level for this asset class as follows:

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38
410,000	550,000	365,000	365,000	365,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000

Figure 3

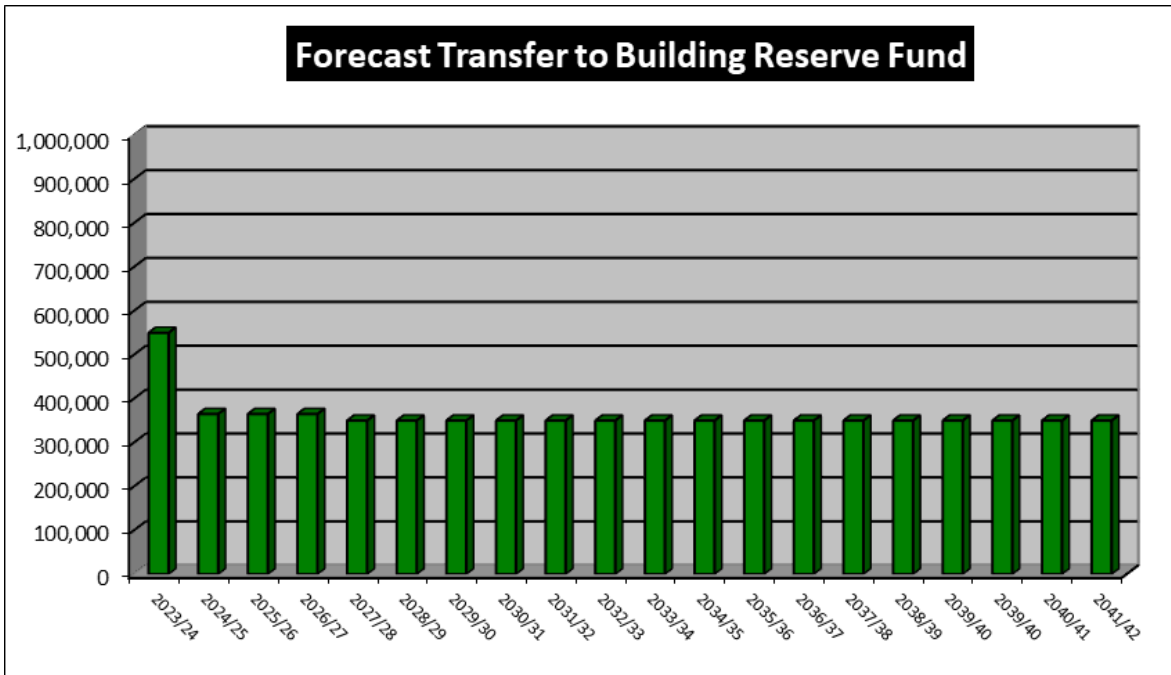
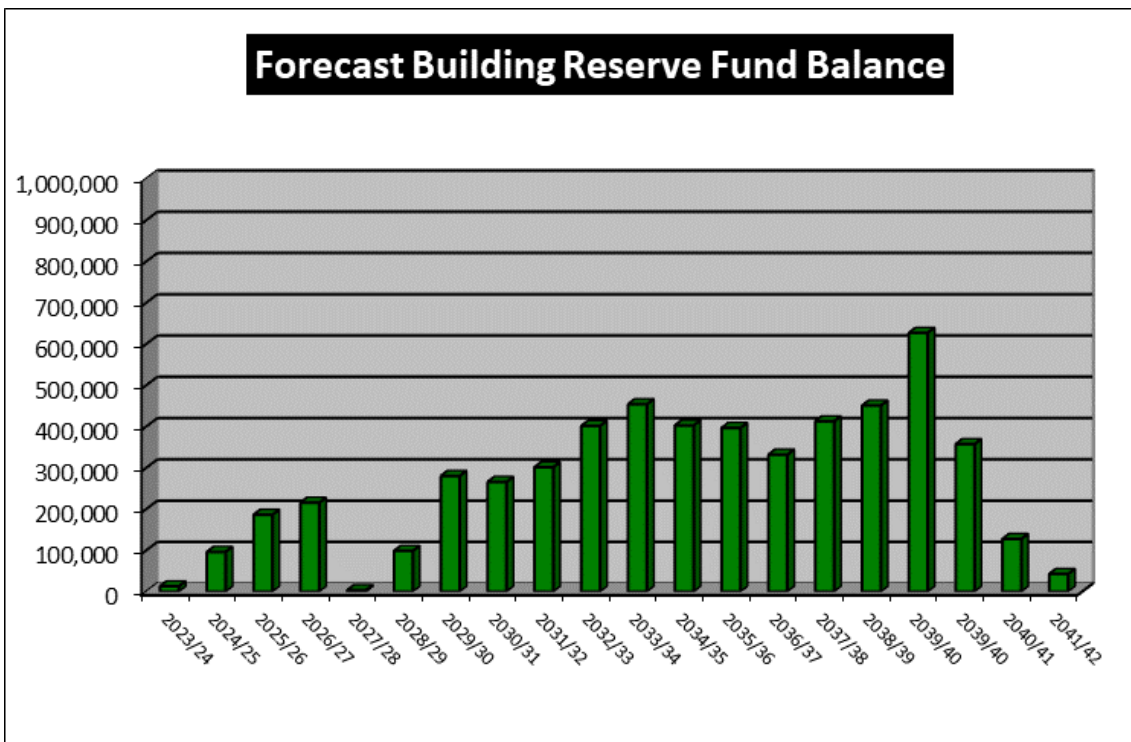


Figure 4



The plan identifies forecast borrowings for future major building works.

Year	Building	Amount
2023/24	VC Mitchell Park Redevelopment	\$2,900,000
2027/28	Administration Centre – Donnybrook	\$2,261,654
2029/30	Transfer Station Development – Donnybrook Waste Management Facility	\$1,331,418

**Asset Management Plan – Vehicles (Attachment 9.2.4(4))**

This Asset Management Plan details:

- a) Acquisition of new vehicles.
- b) Cyclical replacement of existing vehicles.
- c) Annual funding plan for the Vehicle Reserve Fund.

The Shire operates a fleet of ‘light’, ‘heavy’ and ‘passenger’ vehicles to carry out its service delivery.

The Shire engaged an independent review of its vehicle fleet in 2017. The economic change-over life recommended in the independent review guided the development of this asset plan.

It is identified that the long term sustainable annual own source funding level for this asset class as follows:

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>2022/23</b>	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38
310,000	350,000	375,000	400,000	425,000	450,000	475,000	500,000	525,000	550,000	575,000	575,000	575,000	575,000	575,000	600,000

Figure 5

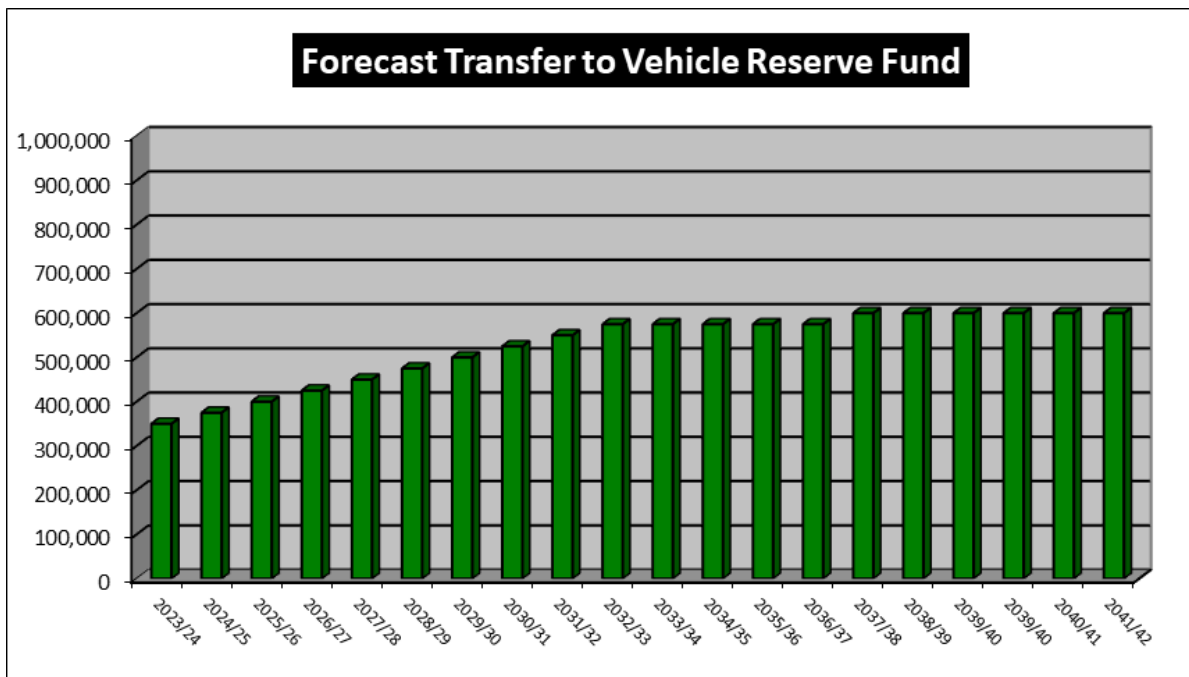
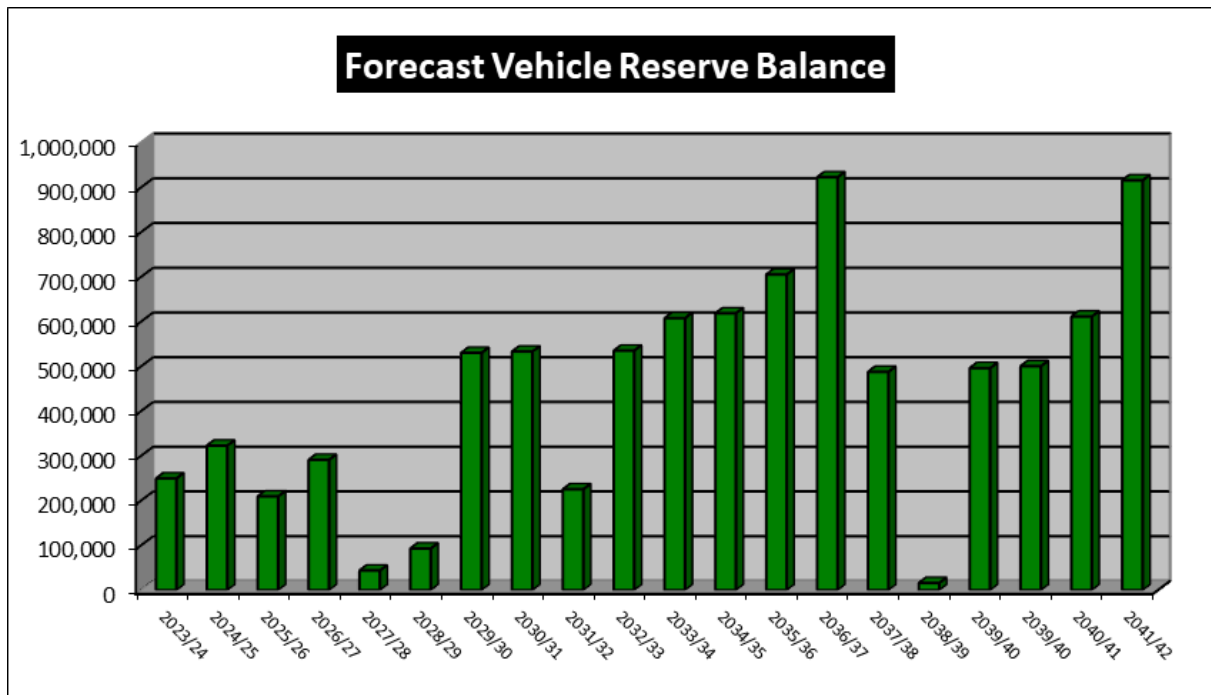




Figure 6



*Asset Management Plan – Roads and Transport (Attachment 9.2.4(5))*

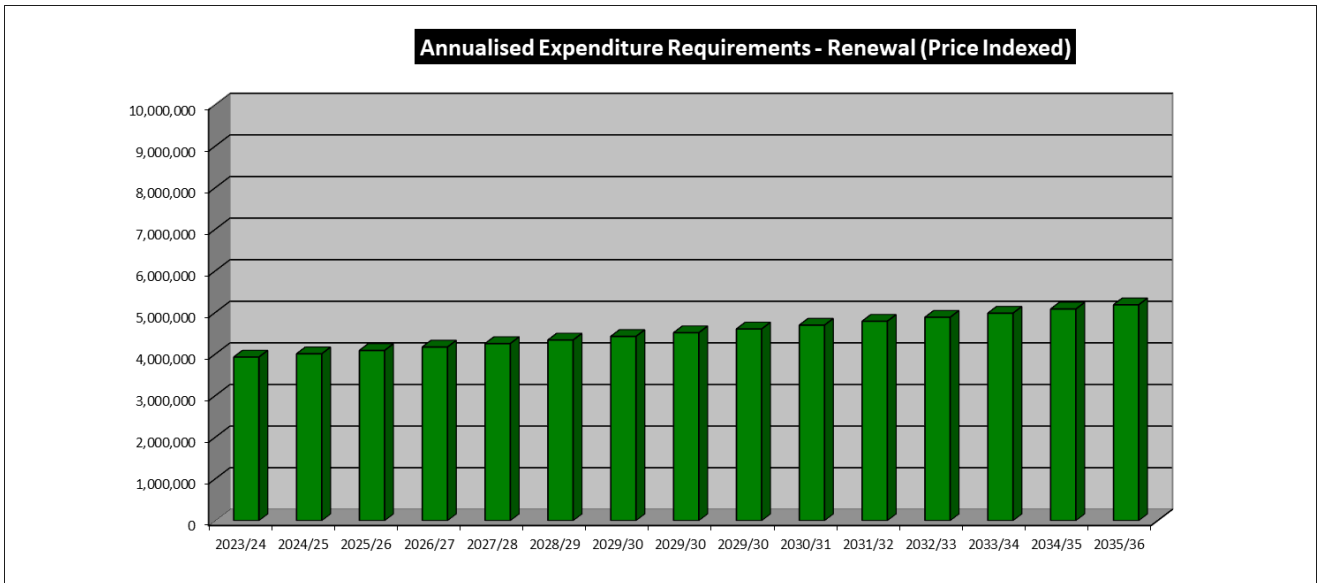
The information contained in this asset plan is a summary from the Shire’s Road Asset Management and Maintenance System (RAMMS). Estimation of capital renewal funding requirements identified in the Asset Plan has been determined using an annual depreciation methodology. This information is based on independent revaluations and asset condition assessments undertaken in 2022.

The plan provides aggregated level capital renewal indications for the following transport asset classes:

- a) Carparks.
- b) Drainage.
- c) Electrical (Lighting).
- d) Infrastructure (Railings).
- e) Footpaths.
- f) Roads (Sealed).
- g) Roads (Unsealed).

It is estimated, based up an annual depreciation methodology, that annual expenditure requirements for capital renewal on roads and transport assets is \$3.93m per annum (indexed annually).

Figure 7



Local Governments are allocated funds for bridges through the Local Government Grants Commission (LGGC). Project funds for bridges are allocated to renewal type projects, recognising that some of these projects may include some upgrading or replacement when the existing bridge has reached the end of its economic life.

A bridge committee advises the LGGC on priorities for allocating funds for bridges. Membership of the committee is made up of representatives from the following organisations:

- a) WA Local Government Grants Commission;
- b) Western Australian Local Government Association; and
- c) Main Roads Western Australia (MRWA).

The committee receives recommendations from MRWA on funding priorities for bridges. MRWA inspects and evaluates the condition of local government bridges and has the expertise to assess priorities and make recommendations on remedial measures.

Bridges are therefore excluded from the Shire's asset planning, as this is managed, and funded, at a State level.

Reserve Fund Plan (Attachment 9.2.4(6))

Section 6.11 of the *Local Government Act 1995* requires that where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

The suite of asset management plans recommended for adoption in this report requires budgetary allocations to meet the anticipated expenditure requirements. The mechanism for meeting own source funded expenditure identified in the plans is from reserve funds. Therefore, the annual budget aims to fulfill the function of delivering sustainable levels of annual funding into reserves that is calculated to meet the planned expenditure.

The purpose for this document is to provide a consolidated summary of annual transfers to and from the Shire’s cash-backed reserve funds.

The Shire maintains numerous cash-backed reserves for a variety of purposes:

- a) to provide funds for future liabilities.
- b) to provide funds for future asset acquisitions / replacement.
- c) to hold unspent funds for specific projects.
- d) to reduce the reliance on borrowing by accumulating funds for specific projects.

Where relevant, reserves are supported by comprehensive plans that detail future funding requirements and the necessary annual allocations to reserves.

Should funding for transfers into reserves not occur through the annual budget, as identified in this plan, the reserves are at risk of becoming depleted and associated expenditure identified throughout the IFPR framework that is sourced from reserves will not be deliverable. The majority of identified asset renewal works are funded from reserves, therefore a failure to budget the necessary amounts into reserves will lead to long term asset condition decline.

Borrowings Plan (Attachment 9.2.4(7))

The use of borrowings as a means of funding asset acquisitions, renewals and major maintenance, is a mechanism for allocating the costs of major works over a period that reflects when the community will benefit from the assets.

The Shire is guided by its adopted Policy FIN/CP-3 DEBT. This policy sets out the way the Shire of Donnybrook Balingup may establish and manage a debt portfolio. The objective of this Debt Policy is to ensure the sound management of the Shire’s existing and future debt.

The policy outlines the Shire’s debt strategy and provides for the responsible financial management of borrowings by ensuring that the level of indebtedness is maintained within acceptable limits and is managed appropriately.

It is therefore critical that borrowings are appropriately planned and monitored if the Shire is to maintain the capacity to effectively use this funding source.

Strategic planning allows the Shire to plan for borrowings for strategic purposes, rather than relying on borrowings as a response to immediate financial requirements.

The following future borrowings are identified.

<b>Year</b>	<b>Borrowing</b>	<b>Amount</b>
2023/24	VC Mitchell Park Redevelopment	\$2,900,000
2027/28	Administration Centre – Donnybrook	\$2,261,654
2029/30	Transfer Station Development – Donnybrook Waste Management Facility	\$1,331,418
2035/36	Apple Fun Park	\$1,360,121

Figure 8

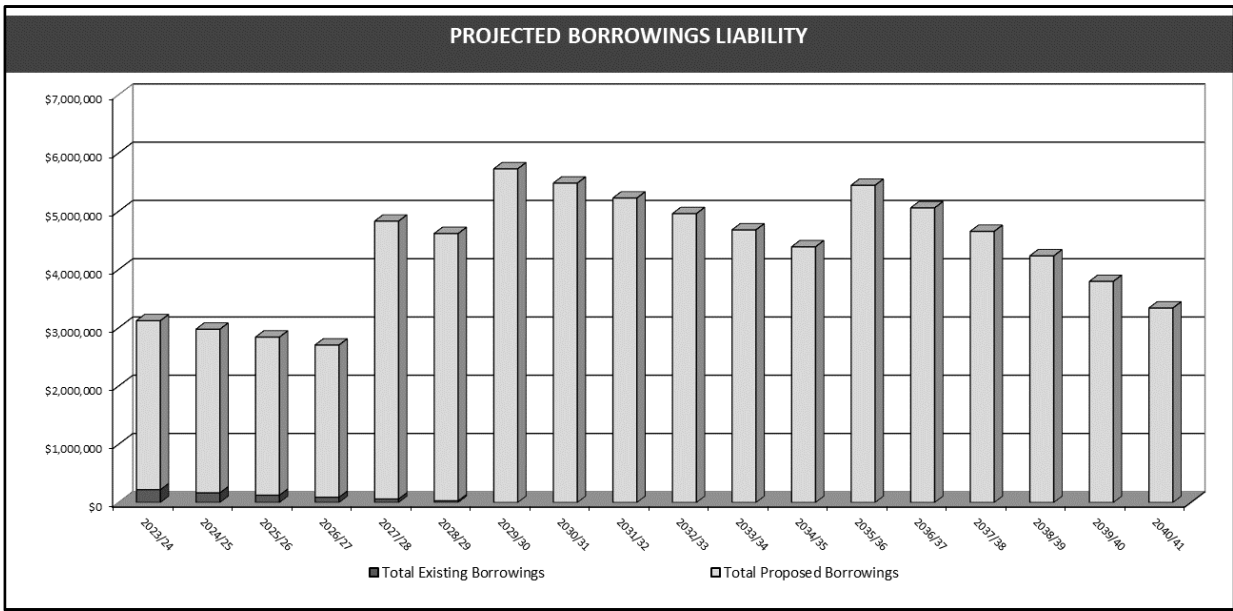
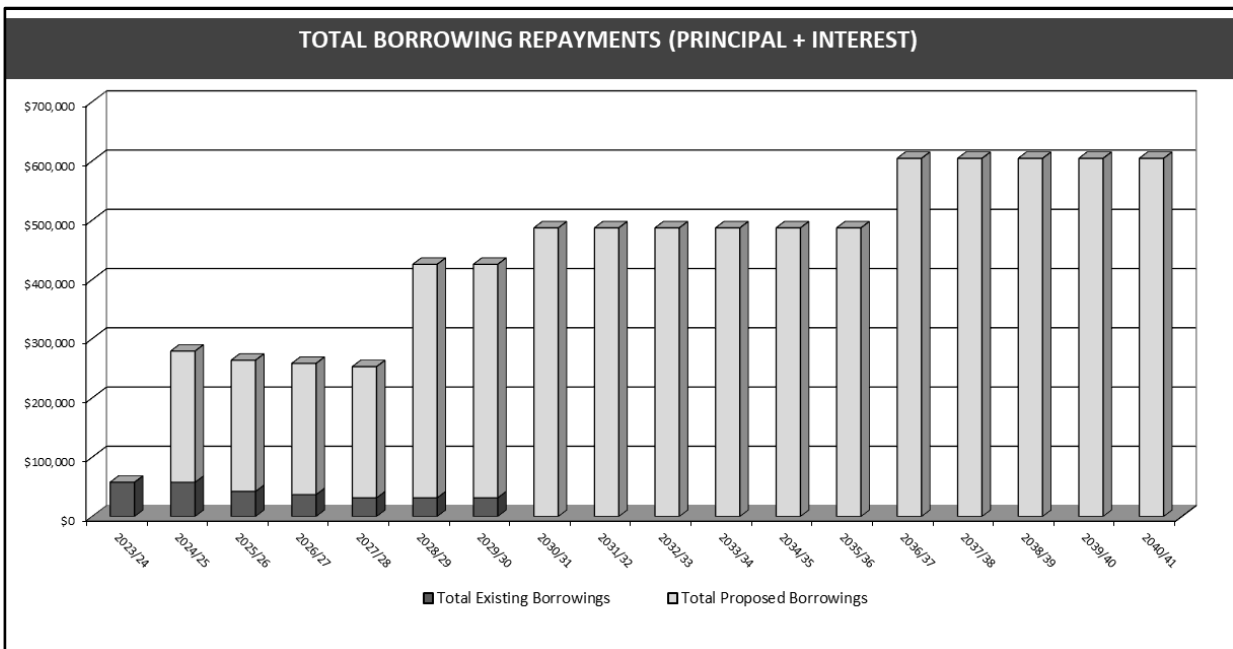


Figure 9



**FINANCIAL IMPLICATIONS**

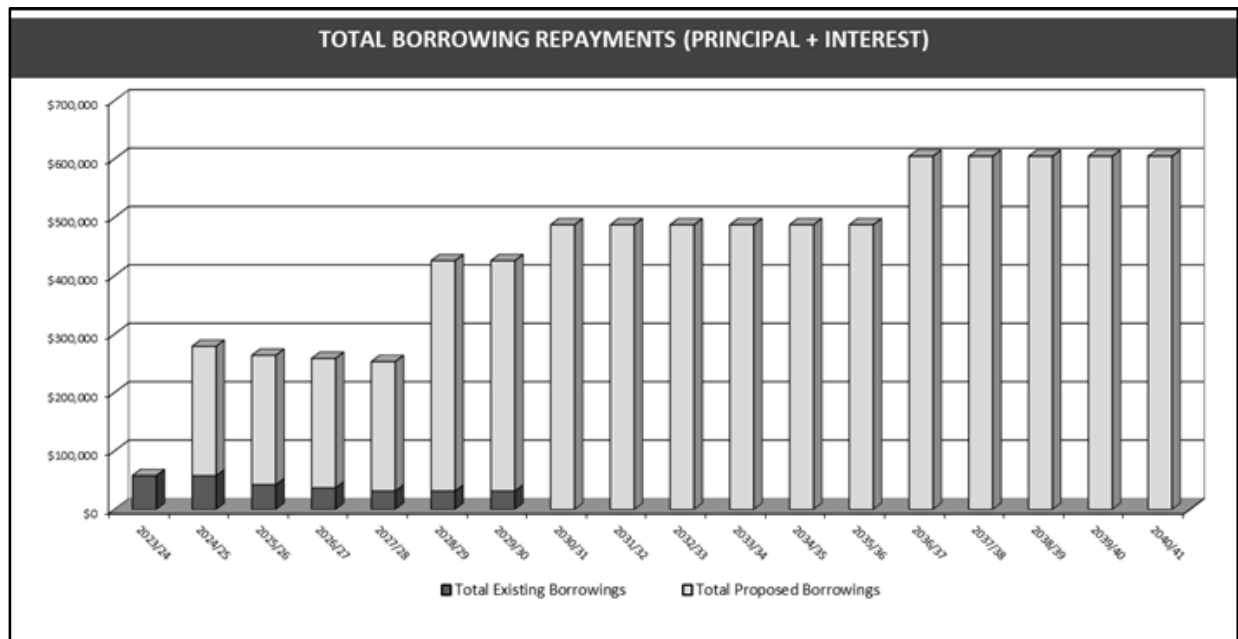
It is planned that sustainable asset funding levels be attained over time though increases in the annual budget allocation to respective reserves. Plateauing indicates achieving identified sustainable own-source funding levels.

Figure 10



The Borrowings Plan identifies the requirement for four new borrowings over the life of the plans to meet identified asset management/development requirements. The forecast annual borrowing repayments for the next 20 years is reflected in the following graph.

Figure 11



**POLICY COMPLIANCE**

Not applicable.

**STATUTORY COMPLIANCE**

S5.56(1) of the *Local Government Act 1995* requires local governments produce a plan for the future.

## **CONSULTATION**

Not applicable.

## **OFFICER COMMENT**

Effective management of the Shire's asset portfolio is crucial to the sustainable delivery of services to meet the current and future needs of the community. Local governments are responsible for managing a large stock of long-lived assets. Planning is therefore essential to ensure that assets are created, maintained, renewed and retired (or replaced) at appropriate intervals to ensure continuity of services.

The suite of plans that form the Integrated Planning and Reporting Framework are intended to facilitate sound long-term financial planning decisions and identify the true cost of managing the Shire's asset portfolio, on behalf of the community.

## **COUNCIL RESOLUTION 78/23**

**MOVED: Commissioner McGowan**

**That Council (Commissioner):**

**1. Endorse the annual review of the following plans for 2023/24:**

- 1.1 Asset Management Plan (Consolidated) - 2023/24.**
- 1.2 Asset Management Plan – Parks and Reserves 2023/24.**
- 1.3 Asset Management Plan – Buildings 2023/24.**
- 1.4 Asset Management Plan – Vehicles 2023/24.**
- 1.5 Asset Management Plan – Roads and Transport 2023/24.**
- 1.6 Reserve Fund Plan 2023/24.**
- 1.7 Borrowings Plan 2023/24.**

**2. Direct the Chief Executive Officer to use the endorsed plans to guide future review of the Long Term Financial Plan and development of the Annual Budget.**

**CARRIED: Commissioner McGowan**

**Note: Commissioner McGowan corrected the date at item 1.2 from "2022/24" to "2023/24".**

## 9.3 CHIEF EXECUTIVE OFFICER

### 9.3.1 DELEGATIONS REGISTER REVIEW

<b>Location</b>	Donnybrook Balingup
<b>Applicant</b>	Not applicable
<b>File Reference</b>	CNL 31
<b>Author</b>	Emma Thomas – Governance Coordinator
<b>Manager</b>	Loren Clifford – Acting Manager Executive Services
<b>Attachments</b>	9.3.1 (1) Delegations Register 2023-2024 9.3.1 (2) New Delegations 9.3.1 (3) Amended Delegations
<b>Voting Requirements</b>	Absolute majority

Recommendation
<p><b>That Council (the Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Notes completion by Council (the Commissioner), as the Delegator, of the annual statutory review of the Shire of Donnybrook Balingup Delegations Register.</b></li> <li><b>2. Approves the delegations, inclusive of amendments, as per Attachment 9.3.1(1).</b></li> </ol>

## STRATEGIC ALIGNMENT

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

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

## EXECUTIVE SUMMARY

The purpose of this report is for Council (the Commissioner) to receive the annual statutory review of the Shire’s Delegations Register, in accordance with s.5.18 and 5.46(2) of the *Local Government Act 1995*, s.47(2) of the *Cat Act 2011* and s.10AB(2) of the *Dog Act 1976*.

## BACKGROUND

Local governments have the responsibility for decision making assigned under a wide range of legislation. Each power or duty described in legislation requires local governments to fulfil a mandatory duty or use a discretionary power to make these

decisions. Delegation is the process that enables local governments to assign its power or duties. Delegation enables efficient and effective strategic, financial, resource and operational management decisions to be made.

Council last reviewed and adopted its Delegations Register on 27 April 2022. This included a comprehensive and detailed analysis of the legislative framework that informs the mandatory and discretionary decision-making roles undertaken by local government.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

The delegations contained within the Delegations Register are made pursuant to the below listed legislation:

- *Local Government Act 1995* s.5.16 (to Committees) & s.5.42 (to the Chief Executive Officer)
- *Building Act 2011* s.127(1) & (3)
- *Bush Fires Act 1954* s.48
- *Cat Act 2011* s.44 & s. (45)
- *Dog Act 1976* s.10AA
- *Environmental Protection Act 1986* s.(20)
- *Food Act 2008* s.118 (2)(b)
- *Graffiti Vandalism Act 2016* s.16
- *Planning and Development Act 2005* s.5.42(b) & s.16 (3)(e)
- *Public Health Act 2016* s.21.

Delegations made by Council are required by an absolute majority decision.

## **CONSULTATION**

Shire employees with delegated authority have been consulted as part of this annual review. Guidance and advice provided by the Western Australian Local Government Association (WALGA) has also been sought and considered.

## **OFFICER COMMENT**

The annual review of the Delegations Register has been undertaken to confirm the extent of powers and duties delegated and that the conditions and limitations specified are



sufficient and appropriate. This year’s review has considered changes to legislation, responsibilities, continuity of service, the risks and sensitivities of decisions and the Shire’s operational requirements.

The review has identified twenty-four (24) existing delegations requiring various amendments and six (6) new delegations; these changes require Council (Commissioner) approval. The changes for consideration are outlined below.

<b>New Delegations</b>	
<p>WALGA has recommended that the following delegations will assist the Shire in undertaking its duties in compliance with legislation. Copies of these new delegations are in Attachment 9.3.1 (2).</p>	
<b>Act</b>	<b>Delegation</b>
<i>Local Government Act 1995</i>	1.2.1 Authorise Persons to Perform Specified Functions under the Local Government Act 1995
<i>Local Government Act 1995</i>	1.2.22 Acquisition of Interest in Land by Lease or other Short-Term Instrument
<i>Building Act 2011</i>	2.1.5 Appoint approved officers and authorised officers
<i>Cat Act 2011</i>	4.1.5 Authorise a person to perform Specified functions under the Cat Act 2011
<i>Dog Act Delegations 1976</i>	5.1.1 Appoint Registration Officer
<i>Public Health Act 2016</i>	8.1.5 Appoint Designated Officer – Information Sharing.
<b>Amended Delegations</b>	
<p>The amendments made to existing delegations are largely based on WALGA’s recommendations to align with legislation. This list excludes changes made in relation to minor edits such as, spelling and formatting. Copies of the amendment are in Attachment 9.3.1 (3).</p>	
<b>Act and Delegation</b>	<b>Description of Amendments</b>
<i>Local Government Act 1995</i> 1.2.4 Powers of Entry	<b>Council Condition:</b> updated to identify relevant sections of legislation regarding appointment requirements.
<i>Local Government Act 1995</i> 1.2.5 Declare Vehicle is Abandoned Vehicle Wreck	<b>Council Condition:</b> A Note included to specify authorisation requirements for removal and impounding of declared abandoned vehicle wrecks, this note will assist delegates.
<i>Local Government Act 1995</i> 1.2.6 Confiscated or Uncollected Goods	<b>Council Condition:</b> A Note included to specify authorisation requirements for removal and impounding of declared abandoned vehicle wrecks, this note will assist delegates.

<p><i>Local Government Act 1995</i> 1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services</p>	<p><b>Council Condition:</b> Amended to update policy name.</p>
<p><i>Local Government Act 1995</i> 1.2.21 Disposing of Property</p>	<p><b>Express power or duty delegated:</b> Updated to include relevant additional regulations r.30 Dispositions of property excluded from the Act s.3.58. <b>Function:</b> Updated to authorise the disposal of property that is prescribed in the Act as exempt. Best value outcome condition added to reflect requirements of the Regulations.</p>
<p><i>Local Government Act 1995</i> 1.2.24 Defer, Grant Discounts, Waive or Write Off Debts</p>	<p><b>Council Condition:</b></p> <ol style="list-style-type: none"> <li>1. Removed condition relating to rescinded Financial Hardship Policy,</li> <li>2. New condition added to allow for concessions to be offered on scheduled fees and charges relating to the Donnybrook Recreation Centre for promotional periods.</li> <li>3. Condition amended to increase the individual debt value write off limit from \$500 ex. GST up to \$1,000 ex. GST.</li> </ol>
<p><i>Local Government Act 1995</i> 1.2.25 Power to Invest and Manage Investments</p>	<p><b>Council Condition:</b> Updated to reflect the correct name of Shire’s Audit and Risk Management Committee.</p>
<p><i>Local Government Act 1995</i> 1.2.29 Recovery of Rates or Service Charges</p>	<p><b>Express power or duty delegated:</b> Updated to include relevant additional Sections s.6.64(3) Actions to be taken. <b>Function:</b> Updated to authorise the lodging and withdrawing of caveats as specified in the Act.</p>
<p><i>Local Government Act 1995</i> 1.2.31 Recovery of Rates Debts - Actions to Take Possession of the Land</p>	<p><b>Function:</b> Removed authorising the lodging and withdrawing of caveats. This function has been moved to Delegation 1.2.29. <b>Council Condition:</b> Added to specify compliance with procedures set out in the Act.</p>
<p><i>Building Act 2011</i> 2.1.4 Designate Employees as Authorised Persons</p>	<p><b>Council Condition:</b> Note added to clarify authorised persons in relation to sec.96(3) and 99(3). This note will assist delegates.</p>
<p><i>Building Act 2011</i> 2.1.6 Building Orders</p>	<p><b>Function:</b> Amended to reflect the wording direct from the <i>Building Act 2011</i>.</p>
<p><i>Bush Fires Act 1954</i></p>	<p><b>Express power or Duty Delegated:</b> Updated to include additional section of legislation: s.17(10)</p>

<p>3.1.2 Prohibited Burning Times – Vary</p>	<p>Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for only powers under s.17(7) and (8)).</p>
<p><i>Bush Fires Act 1954</i> 3.1.7 Firebreaks</p>	<p><b>Function:</b> Amended to more clearly specify the requirements of notices.</p>
<p><i>Bush Fires Act 1954</i> 3.1.11 Prosecution of Offences</p>	<p><b>Express power or Duty Delegated:</b> Changed to reflect relevant section of legislation: s.59(3) Prosecution of offences. <b>Delegate:</b> Delegated added to enable additional relevant Shire employees to issue infringement notices. <b>Council Condition:</b> Conditions added to specify procedure to be followed in the Act, and to authorise employees for separate delegation functions (staff other than the Chief Executive Officer limited to infringement notices).</p>
<p><i>Cat Act 2011</i> 4.1.7 Reduce or Waiver Registration Fee</p>	<p><b>Council Condition:</b> Added a condition to specify the limit of authority in regard to the reduction or waiving of cat registration fees.</p>
<p><i>Dog Act 1976</i> 5.1.2 Grant Exemption as to Number of Dogs Kept at Premises</p>	<p><b>Function:</b> Amended to clearly detail authority limits. <b>Council Condition:</b> Added to detail compliance requirements and specify conditions to be applied to approved exemptions.</p>
<p><i>Dog Act 1976</i> 5.1.5 Kennel Establishments</p>	<p><b>Council Condition:</b> Condition added to ensure compliance with the Shire’s Dogs Local Laws.</p>
<p><i>Food Act 2008</i> 6.1.5 Debt Recovery and Prosecutions</p>	<p><b>Council Condition:</b> Added a condition requiring the Chief Executive Officer to be informed prior to legal action being instituted.</p>
<p><i>Food Act 2008</i> 6.1.6 Abattoir Inspections and Fees</p>	<p><b>Delegate:</b> Added the Chief Executive Officer.</p>
<p><i>Food Act 2008</i> 6.1.7 Food Businesses List – Public Access</p>	<p><b>Council Condition:</b> Added a condition requiring the Freedom of Information (FOI) Coordinator to review records prior to releasing information to the public.</p>
<p><i>Public Health Act 2016</i> 8.1.2 Enforcement Agency Reports to the Chief Health Officer</p>	<p><b>Delegate:</b> The Chief Executive Officer removed from, in compliance with s.21 of the Act. <b>Council Condition:</b> Added requiring the Chief Executive Officer to be provided with reports prior to submission to the Chief Health Officer.</p>
<p><i>Public Health Act 2016</i> 8.1.3 Designate Authorised Officers</p>	<p><b>Delegate:</b> Principal Environmental Health Officer and Environmental Health Officer removed in compliance with s.21 of the Act.</p>

<i>Public Health Act 2016</i> 8.1.4 Dealing with Seized Items	<b>Express power or Delegated Duty:</b> Updated to include additional relevant sections of legislation: s.260 Return of seized item, s.262 Cost of destruction or disposal of forfeited items, s.263 Return of forfeited items. <b>Delegate:</b> Principal Environmental Health Officer and Environmental Health Officer removed in compliance with s.21 of the Act. <b>Function:</b> Added to specify authority for dealing with seized items.
<i>Public Health Act 2016</i> 8.1.6 Commence Proceedings	<b>Delegate:</b> Principal Environmental Health Officer and Environmental Health Officer removed in compliance with s.21 of the Act.

### COUNCIL RESOLUTION 79/23

**MOVED: Commissioner McGowan**

**That Council (the Commissioner):**

- 1. Notes completion by Council (the Commissioner), as the Delegator, of the annual statutory review of the Shire of Donnybrook Balingup Delegations Register.**
- 2. Approves the delegations, inclusive of amendments, as per Attachment 9.3.1(1).**

**CARRIED: Commissioner McGowan**

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### 9.3.2 LEASE PROPOSAL, LOT 322 BENTLEY ST, DONNYBROOK

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Triple J Bjj (Collins Street, Donnybrook)
<b>File Reference</b>	PRO 01/27 and A215
<b>Author</b>	Loren Clifford – Acting Manager Executive Services Stuart Drummond – Principal Officer Economic Development
<b>Responsible Officer</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	9.3.2(1) Lease Proposal – Triple J Bjj
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (the Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Acknowledges the proposal received from Triple J Bjj to lease Lot 322 Bentley St, Donnybrook, and recognises the various beneficial elements of the proposal.</b></li> <li><b>2. Acknowledges the zoning and land use incompatibility, under Local Planning Scheme 7, of the lease proposal (specifically that the land use ‘Recreation – Private’ is an X use in the Residential Zone).</b></li> <li><b>3. Acknowledges that multiple parties have expressed an interest in leasing or acquiring Lot 322 Bentley Street, Donnybrook, over recent years.</b></li> <li><b>4. Recognises that lease or sale of Lot 322 Bentley Street, Donnybrook, should follow a public Expression of Interest process.</b></li> <li><b>5. Defer any consideration for lease or sale of Lot 322 Bentley Street, Donnybrook, until the Property Management Framework is presented back to Council (Commissioner) for final adoption, following public consultation.</b></li> <li><b>6. Declines the lease proposal from Triple J Bjj for Lot 322 Bentley Street, Donnybrook, for the reasons outlined above.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome	2	A safe and healthy community
Objectives	2.1	Improve access to facilities and services to support community health and wellbeing
Outcome	9	A thriving economy.
Objectives	9.2	Attract and retain a diverse mix of businesses and investment opportunities.

## **EXECUTIVE SUMMARY**

Council (the Commissioner) is requested to consider a proposal from a local commercial business - Triple J Brazilian Jiu-Jitsu (Triple J Bjj), which has requested to lease the Shire owned (freehold) premises at Lot 322 Bentley Street, Donnybrook.

## **BACKGROUND**

In early 2023, the Shire established an Economic Development portfolio, resourced with one employee, seeking to attract, leverage and grow investment in the local economy. Under this economic development initiative, staff met with the proprietors of Triple J Bjj over the past few months to determine if and how the Shire may be able to assist with the business' need for an alternative location, preferably within central Donnybrook.

Triple J Bjj submitted a request with the Shire in mid April 2023 to lease the unoccupied building at Lot 322 Bentley St, Donnybrook (Attachment 9.3.2(1)). This building is sometimes referred to as the 'old SES building' as it used to house the Donnybrook SES.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

- Council Policy EXE/CP-1-Commercial Lease.
- Draft Council Policy EXE/CP-1-Commercial LeaseV2 – for Community Consultation.
- Draft Council Policy EXE-CP-11 - Property Management – for Community Consultation.

## **STATUTORY COMPLIANCE**

Nil.

## **CONSULTATION**

### **Internal Consultation**

A review of the lease proposal was conducted by Shire officers to consider the proposal from multiple perspectives, including; town planning, building, asset management, environmental health, governance, community development, economic development, engineering, rates, finance and the natural environment. This review process identified many beneficial elements of the proposal (e.g. asset renewal, lease fee revenue and expansion of a local business), as well as some challenges with the proposal also.

Officers identified that the proposed land use ('Recreation - Private') for the lease is not permissible within the Shire's *Local Planning Scheme 7*, as the subject site is zoned residential. The Shire does not have any discretion or authority to approve the land use. To resolve this challenge, officers identified the possibility of a Local Planning Scheme amendment to rezone the site, with a likely 12–18 month timeframe via the WA Planning Commission, or to capture a change of zone in the present formal review of *Local Planning Scheme 7*, via the WA Planning Commission also – again, likely a 12-18 month timeframe.

Council (the Commissioner) recently endorsed the Shire's new Property Management Framework for community consultation, with community consultation to commence in the coming weeks. Notwithstanding the land use and zoning challenge, a decision regarding the lease proposal from Triple J Bjj should be in accordance with this new Property Management Framework (which is likely to be considered by the Commissioner, following consultation, in August 2023).

Officers also identified that a public Expression of Interest process for the lease of the building, (pursuant to section 3 of Council Policy EX/CP-1 Commercial Lease) would need to be undertaken to ensure potential lessees have equal opportunity to present proposals to the Shire for consideration.

The proprietors of Triple J Bjj met with the Commissioner in May 2023, where the Commissioner advised in relation to the Shire's processes and the need to consider how the future use of the building aligned with the Shire's plans and aspirations with regards to its broader buildings portfolio. The Commissioner agreed to formally consider the matter at the June 2023 Ordinary Council Meeting.

### **External Consultation**

The Donnybrook Historical Society met with Shire representatives in May 2022 to request that the Shire consider leasing the subject premises to the Historical Society, to enable the Historical Society to relocate out of their present 'shed' location. The meeting/s in May 2022 included a site inspection of the subject site.

The Department of Fire and Emergency Services (DFES) has approached the Shire several times in the past ~5 years about acquiring the site to enable expansion of the adjacent Volunteer Fire and Rescue Services facility. Although expansion of the Donnybrook Volunteer Fire and Rescue Services facility is not understood to be on an immediate forward works plan/budget for DFES, this longer term possibility should be taken into consideration for the subject site.

Noting the varied lease interest in the subject site from different parties, a public Expression of Interest process is recommended if/when the Council or Commissioner resolve to proceed with a lease offering.

### **OFFICER COMMENT**

Whilst the lease proposal from the proprietors of Triple J Bjj has many beneficial elements, the zoning incompatibility under *Local Planning Scheme 7* means the Shire is not able to approve the land use associated with the business at this site. As such, it

would be inappropriate for the Shire to enter into a lease arrangement with a lessee for the site, when the Shire is aware that the proposed land use cannot be approved.

The Property Management Framework, recently approved for community consultation, and Council Policy EX/CP-1 require a public Expressions of Interest process when the Shire is considering new lease opportunities, to ensure equitable public and community opportunity for the lease of Shire facilities. Consideration for lease of the subject site, without a public Expressions of Interest process, is not recommended.

### **COUNCIL RESOLUTION 80/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner):**

- 1. Acknowledges the proposal received from Triple J Bjj to lease Lot 322 Bentley St, Donnybrook, and recognises the various beneficial elements of the proposal.**
- 2. Acknowledges the zoning and land use incompatibility, under Local Planning Scheme 7, of the lease proposal (specifically that the land use ‘Recreation – Private’ is an X use in the Residential Zone).**
- 3. Acknowledges that multiple parties have expressed an interest in leasing or acquiring Lot 322 Bentley Street, Donnybrook, over recent years.**
- 4. Recognises that lease or sale of Lot 322 Bentley Street, Donnybrook, should follow a public Expression of Interest process.**
- 5. Defer any consideration for lease or sale of Lot 322 Bentley Street, Donnybrook, until the Property Management Framework is presented back to Council (Commissioner) for final adoption, following public consultation.**
- 6. Declines the lease proposal from Triple J Bjj for Lot 322 Bentley Street, Donnybrook, for the reasons outlined above.**

**CARRIED: Commissioner McGowan**

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### 9.3.3 FEE WRITE-OFF, SOUTH WEST SHOW HORSE ASSOCIATION

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PRO
<b>Author</b>	Loren Clifford – Acting Manager Executive Services
<b>Responsible Officer</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	9.3.3(1) Correspondence from South West Show Horse Association 9.3.3(2) South West Show Horse Association Invoice
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (the Commissioner) approves the write-off of \$637.95, being the annual ground rental fee for Reserve 10459, known as the Jim McDonald Oval, raised as a debt to the South West Show Horse Association in the 2021/2022 financial year.</b></p>

#### STRATEGIC ALIGNMENT

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

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

#### EXECUTIVE SUMMARY

It is recommended that Council (the Commissioner) approves the write-off of \$637.95, being the annual ground rental fee for Reserve 10459, known as the Jim McDonald Oval, raised as a debt to the South West Show Horse Association (SWSHA) in the 2021/2022 financial year. The SWSHA has not met since COVID in 2020 and no longer utilises the oval.

#### BACKGROUND

An annual fee is raised for the SWSHA for the use of Reserve 10459, as per Councils' adopted Fees and Charges (refer Attachment 9.3.3(2)).

#### FINANCIAL IMPLICATIONS

The amount requested for write-off is \$637.95.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

### ***Local Government Act 1995***

#### ***6.12. Power to defer, grant discounts, waive or write off debts***

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or*
  - (b) *wave or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money,*
- which is owed to the local government.*

*\* Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

Delegation 1.2.22 'Defer, Grant Discounts, Waive or Write Off Debts' allows for debt write off, however, is limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$1,000.

This recommendation is requesting the write-off beyond this delegation threshold.

## **CONSULTATION**

Communication via Kirup Progress Association and the SWSHA.

## **OFFICER COMMENT/CONCLUSION**

Staff made numerous attempts over the last fifteen months to contact the SWSHA, seeking payment of the outstanding debt raised on 3 March 2022. After receiving assistance from the Kirup Progress Association, correspondence was received (Attachment 9.3.3(1)) from the SWSHA informing the Shire that they had not met since COVID in 2020 and are uncertain of the Association's future. During this period the SWSHA has not utilised the oval.

The fee was removed from the 2022/2023 Fees and Charges, due to the SWSHA being noted as requiring a lease/licence under the proposed Property Management Framework.

**COUNCIL RESOLUTION 81/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner) approves the write-off of \$637.95, being the annual ground rental fee for Reserve 10459, known as the Jim McDonald Oval, raised as a debt to the South West Show Horse Association in the 2021/2022 financial year.**

**CARRIED: Commissioner McGowan**

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### 9.3.4 OCTOBER 2023 COUNCIL MEETING DATE CHANGE

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Loren Clifford – Acting Manager Executive Services
<b>Responsible Manager</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple

Recommendation
<p><b>That Council (the Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Amend the scheduled meeting date for the October 2023 Ordinary Meeting of Council from 5pm, 18 October 2023 to 5pm, 19 October 2023 (meeting venue to remain as the Council Chamber).</b></li> <li><b>2. Instructs the Chief Executive Officer to undertake all statutory advertising in this regard.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome	11	Strong, visionary leadership.
Objectives	11.1	Provide strategically focused, open, and accountable governance.
Outcome	12	A well respected, professionally run organisation
Objectives	12.1	Deliver effective and efficient operations and service provision.

### EXECUTIVE SUMMARY

Due to a scheduling conflict for the Commissioner, the date of the October 2023 Ordinary Meeting of Council is recommended to be shifted from 5pm, 18 October 2023 to 5pm 19 October, 2023, with the venue to remain as the Council Chamber.

### BACKGROUND

At its Ordinary Council (Commissioner) Meeting in February 2023, Council (the Commissioner) resolved the following:

***That Council (the Commissioner):***

**1. Adopt the amended 2023 Agenda Briefing and Ordinary Council Meeting schedule as follows:**

<b>Agenda Briefing</b>	<b>Ordinary Council Meeting (5pm start time)</b>	<b>Venue</b>
No Agenda Briefing	22 February	Council Chamber Donnybrook
No Agenda Briefing	22 March	Council Chamber Donnybrook
No Agenda Briefing	No April Meeting	
No Agenda Briefing	24 May	Council Chamber Donnybrook
No Agenda Briefing	28 June	Council Chamber Donnybrook
No Agenda Briefing	26 July	Council Chamber Donnybrook
No Agenda Briefing	23 August	Council Chamber Donnybrook
No Agenda Briefing	27 September	Council Chamber Donnybrook
No Agenda Briefing	18 October	Council Chamber Donnybrook
15 November	22 November	Council Chamber Donnybrook
6 December	13 December	Council Chamber Donnybrook

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

**FINANCIAL IMPLICATIONS**

Nil.

**POLICY COMPLIANCE**

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

**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**

Earlier this year, the date for the October 2023 Ordinary Meeting of Council was shifted, via Council resolution, from the 'normal' fourth Wednesday of the month to the third Wednesday of the month due to overlap of the timing of the October local government elections (21 October 2023). Shifting the meeting a week earlier avoided a newly incoming Council being 'sworn in' on Monday 23 October and then being required to deliberate at its first full Council Meeting on 25 October. The October Council Meeting will operate under the Shire's Caretaker Policy period.

In mid June 2023, the Commissioner identified a scheduling challenge that could not be resolved, and sought advice from the Administration as to whether the October meeting date could be shifted.

## **COUNCIL RESOLUTION 82/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner):**

- 1. Amend the scheduled meeting date for the October 2023 Ordinary Meeting of Council from 5pm, 18 October 2023 to 5pm, 19 October 2023 (meeting venue to remain as the Council Chamber).**
- 2. Instructs the Chief Executive Officer to undertake all statutory advertising in this regard.**

**CARRIED: Commissioner McGowan**

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### 9.3.5 SMALL BUSINESS GRANTS PROGRAM

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Not applicable
<b>File Reference</b>	PWF 23H
<b>Author</b>	Stuart Drummond – Principal Officer Economic Development
<b>Responsible Officer</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	9.3.5(1) Small Business Grants Criteria
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council (the Commissioner):</b></p> <ol style="list-style-type: none"> <li><b>1. Note that the Chief Executive Officer will make a determination on grant approvals for the Small Business Grant Program Pilot where the value of the grant is \$5,000, or less.</b></li> <li><b>2. Note that the Chief Executive Officer will present a report and recommendation to the Council on grant applications for the Small Business Grant Program Pilot where the value of the grant is more than \$5,000.</b></li> <li><b>3. Note that the Chief Executive Officer will present a review of the Small Business Grants Program Pilot to Council, which may include continued funding consideration during 2023-24 and onwards.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

- Outcome 9      A thriving economy
- Objective 9.1    Build and strengthen stakeholder relations.
- Objective 9.2    Attract and retain a diverse mix of businesses and investment opportunities.
- Objective 9.3    Enable appropriate infrastructure to support and enhance business.
- Objective 9.4    Facilitate access to quality education, training and work opportunities.

## **EXECUTIVE SUMMARY**

A Shire of Donnybrook Balingup Small Business Grants Program pilot (trial) was established in April 2023. This report to Council (Commissioner) seeks to formalise governance arrangements for the Pilot project, specifically with regard to approval for grant funding.

## **BACKGROUND**

In March 2023, Council (the Commissioner) identified \$30,000 through the Annual Budget Review for 'economic development activities. The Principal Officer, Economic Development designed a pilot scheme for small grants for local businesses in order to value-add for existing and new local businesses.

The pilot scheme was launched on 15 May 2023 and, to date, the Principal Officer, Economic Development has spoken to thirteen local businesses about the possibility of a grant and three of those have been developed into firm proposals.

## **FINANCIAL IMPLICATIONS**

Up to \$30,000 identified for economic development initiatives via the Annual Budget Review 2022-23.

## **POLICY COMPLIANCE**

As it is a pilot scheme, a guiding policy has yet to be created. If, after review, the pilot program is successful and is continued with funding in 2023-24, a guiding policy similar to the Shire's Community Grants Scheme Policy should be prepared.

## **STATUTORY COMPLIANCE**

Whilst the Chief Executive Officer is authorised to expend the nominated funds, it is recommended that the Council (Commissioner) provide guidance to the Chief Executive Officer for the pilot program as it is a new initiative without any overarching Council Policy.

## **CONSULTATION**

The Principal Officer, Economic Development has liaised with other south west local governments in designing the pilot scheme and developing template grant agreements.

## **OFFICER COMMENT**

In the five weeks since the launch of the pilot grant scheme, thirteen local businesses have approached the Shire and expressed an interest. The Principal Officer, Economic



Development has met with each business to discuss their ideas, develop their concept/s and assist in preparing proposals. The criteria of the grant fund (attached) is aimed at adding value to the business and to the local community. The objective is to establish an ongoing relationship with each business to support their growth in other ways also (i.e. other than just funding).

There has been a diverse range of businesses from multiple economic sectors that have expressed an interest in the funding, including; retail, production and manufacturing, services, catering, photography and cultural. The project is not simply about providing grants, it is also about exploring ways in which each business can grow and benefit the community, as well as themselves, in other ways. For example, one business has been connected to a local college to work with students around their advertising and marketing strategy and four businesses have been introduced to free business consultancy advice to support them in some of their business needs.

The Shire works with each business to ensure their grant proposal is tailored to their specific needs and can have maximum impact on the business and wider community. Three proposals are approaching completion and will be assessed for approval following this Council resolution. Each business grant, once acquitted, will be assessed for the impact it has had on the business and the wider community.

Once the majority of the small business grants fund has been allocated, the pilot project will be evaluated. If the evaluation determines the pilot scheme has been successful, future funding for the program will be considered in the Shire Budget and formal governance arrangements (e.g. Council Policy) for the grant fund program will be finalised.

### **COUNCIL RESOLUTION 83/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner):**

- 1. Note that the Chief Executive Officer will make a determination on grant approvals for the Small Business Grant Program Pilot where the value of the grant is \$5,000, or less.**
- 2. Note that the Chief Executive Officer will present a report and recommendation to the Council on grant applications for the Small Business Grant Program Pilot where the value of the grant is more than \$5,000.**
- 3. Note that the Chief Executive Officer will present a review of the Small Business Grants Program Pilot to Council, which may include continued funding consideration during 2023-24 and onwards.**

**CARRIED: Commissioner McGowan**

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

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Nil.

**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 RFQ307 – SUPPLY OF BACKHOE**

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This report is confidential in accordance with Section 5.23 (2) (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.*

**RECOMMENDATION**

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

**12.1.1 RFQ307 – SUPPLY OF BACKHOE**

**COUNCIL RESOLUTION 84/23**

**MOVED: Commissioner McGowan**

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

**CARRIED: Commissioner McGowan**

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The meeting was closed to the public at 6.00 pm

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**RECOMMENDATION**

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

**COUNCIL RESOLUTION 86/23**

**MOVED: Commissioner McGowan**

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

**CARRIED: Commissioner McGowan**

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**The meeting was opened to the public at 6.04pm**

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

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**That Council (Commissioner):**

### **COUNCIL RESOLUTION 85/23**

- 1. Instructs the Chief Executive Officer to award RFQ307 – Supply of Backhoe, to WesTrac Pty Ltd in accordance with their submitted price for the CAT 432 Backhoe Loader.**
- 2. Instructs the Chief Executive Officer to carry over the existing 2023/24 allocation for the purchase of a replacement Shire backhoe to the 2023/24 Annual Budget.**
- 3. Instructs the Chief Executive Officer to increase the 2023/24 allocation for the purchase of a replacement Shire backhoe in accordance with the below.**

<b>Plant</b>	<b>Description</b>	<b>Purchase Price</b>	<b>Trade Price</b>	<b>Net Changeover</b>
<b>Backhoe</b>	<b>Replacement</b>	<b>\$234,000</b>	<b>\$51,000</b>	<b>\$183,000</b>

- 4. Instructs the Chief Executive Officer to release this confidential resolution in the meeting Minutes.**

## **13 CLOSURE**

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The Commissioner advised that the next Ordinary Council Meeting will be held on 26 July 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Commissioner declared the meeting closed at 6.05pm.

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

---

That Council (Commissioner):

**COUNCIL RESOLUTION 85/23**

1. Instructs the Chief Executive Officer to award RFQ307 – Supply of Backhoe, to WesTrac Pty Ltd in accordance with their submitted price for the CAT 432 Backhoe Loader.
2. Instructs the Chief Executive Officer to carry over the existing 2023/24 allocation for the purchase of a replacement Shire backhoe to the 2023/24 Annual Budget.
3. Instructs the Chief Executive Officer to increase the 2023/24 allocation for the purchase of a replacement Shire backhoe in accordance with the below.

Plant	Description	Purchase Price	Trade Price	Net Changeover
Backhoe	Replacement	\$234,000	\$51,000	\$183,000

4. Instructs the Chief Executive Officer to release this confidential resolution in the meeting Minutes.

**13 CLOSURE**

---

The Commissioner advised that the next Ordinary Council Meeting will be held on 26 July 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Commissioner declared the meeting closed at 6.05pm.

  
Gail McGowan  
**COMMISSIONER – SHIRE OF DONNYBROOK BALINGUP**