



MINUTES OF ORDINARY MEETING OF COUNCIL (COMMISSIONER)

Held on

Wednesday 22 February 2023

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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

**Ben Rose
Chief Executive Officer**

07 March 2023

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2	ATTENDANCE	4
	2.1 APOLOGIES.....	4
	2.2 APPROVED LEAVE OF ABSENCE	4
	2.3 APPLICATION FOR A LEAVE OF ABSENCE.....	5
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	5
4	DECLARATION OF INTEREST	8
5	PUBLIC QUESTION TIME	8
	5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	8
	5.2 PUBLIC QUESTION TIME.....	9
6	PRESENTATIONS	12
	6.1 PETITIONS.....	12
	6.2 PRESENTATIONS.....	12
	6.3 DEPUTATIONS	12
7	CONFIRMATION OF MINUTES.....	13
	7.1 SPECIAL MEETING OF COUNCIL (COMMISSIONER) – 25 JANUARY 2023	
	13	
8	REPORTS OF COMMITTEES	13
9	REPORTS OF OFFICERS	13
	9.1 DIRECTOR OPERATIONS.....	13
	9.2 DIRECTOR CORPORATE AND COMMUNITY	13
	9.2.1 ACCOUNTS FOR PAYMENT.....	13
	9.2.2 MONTHLY FINANCIAL REPORT – JANUARY 2023	13
	9.2.3 GAZETTAL OF JOINT DISTRICT BOUNDARY CHANGE	15
	9.2.4 BUILDING ASSETS SERVICE LEVEL HIERARCHY FRAMEWORK	21
	9.2.5 CONSIDERATION TO WRITE OFF RATES	24
	9.2.6 POLICY RESCINDMENT - FIN/CP-1 COVID19 HARDSHIP POLICY	27
	9.3 CHIEF EXECUTIVE OFFICER	29
	9.3.1 SHIRE COMMITTEES AND COUNCILLOR GROUP MEMBERSHIP	29
	9.3.2 AGENDA BRIEFING AND COUNCIL MEETING DATE CHANGES 202334	
	9.3.3 LOCAL GOVERNMENT ORDINARY ELECTION – OCTOBER 2023	39
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	42

11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	42
12	MEETINGS CLOSED TO THE PUBLIC	42
	12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	42
	12.1.1 CHIEF EXECUTIVE OFFICER – EMPLOYMENT CONTRACT	42
	12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC	43
13	CLOSURE	44

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

Held at the Council Chambers
Wednesday, 22 February 2023 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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 5:04pm and welcomed 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 further stated the following:

“This meeting is being livestreamed and digitally recorded in accordance with Council Policy.”

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

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

2 ATTENDANCE

MEMBERS PRESENT

MEMBERS	STAFF
Gail McGowan - Commissioner	Ben Rose – Chief Executive Officer
	Steve Potter – Director Operations
	Kim Dolzadelli – Director Corporate and Community
	Archana Arun – Admin. Officer Executive Services

PUBLIC GALLERY

18 members of the public were in attendance.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Firstly, can I acknowledge former Shire President Brian Piesse who passed away recently after a short battle with cancer. Brian was Shire President at Donnybrook Balingup between 2017-2021, and previously served four years on the Council of the Shire of Capel.

Among many roles, Brian served on the Board of South West Development Commission (where he was the longest ever serving member), Edith Cowan University, South West Catchment Council and the Kings Park Board. While I didn't get the chance to meet Brian, I extend my deepest sympathy to his wife and family. As those of you who have taken on public roles know only too well, it is a task made much easier when you have that family support, so thank you to Lucille and Brian's two daughters Juanita and Miranda and the extended family for enabling Brian to dedicate so much of his time to public service.

Tonight, marks the first Ordinary Council Meeting since I was appointed on 19 December. I thought it appropriate to give a brief overview of some of the things I have done since that appointment.

First though, I will reiterate the function of the Commissioner under Section 2.38 of the Local Government Act 1995.

This requires me to:

1. Exercise the powers and discharge the duties of the Council of the local government and its mayor or president; and
2. Be regarded as being the Council.

While I have been appointed by the Governor on the recommendation of the Minister, I do not work for the State, hence I am not compelled to follow instruction from the Minister or the Department. Neither am I here to do the bidding of the CEO or the Staff. I will be guided at all times as to what I determine is in the public interest, rather than pursuing the agendas of individuals or interest groups. I don't underestimate the challenge and the responsibility, but I commit to doing my best.

I reiterate again that I have not been commissioned to conduct an inquiry into past decisions or activities. While it is important to consider past actions to chart a way forward, this is not a formal inquiry.

I have previously commented on what I consider the three big issues that have caused some division. To some degree they are interrelated. In terms of these three issues, I have indicated that I am planning to make a more substantive statement on the VC Mitchell project and release a package of information over the next couple of weeks that deals with what I think are many of the key issues. My intention is to have this available before the Annual Electors Meeting. I believe there is validity to arguments around lack of information which have fuelled the perception that the project favours the Football Club

to the possible exclusion or detriment of others. Whether the reality matches the perception is something I have not yet determined.

The second issue is the Museum Project. I want to publicly acknowledge the generosity of Neville and Diane Fry to the community of Donnybrook over many years. Their enduring legacy is obvious in terms of things like the Apple Fun Park, but I am told there are also numerous less obvious contributions. One of the items on the agenda this evening is the development of a hierarchy in terms of managing assets. I am hoping this provides a more strategic opportunity to look at how philanthropic donations or commitments might be better managed in the future. The generosity of citizens, whether it be by monetary donations or donations of time or effort is something that is the hallmark of so many regional communities, so it is really important to develop a framework on how to 'marry' such offers with the broader public interest. In the meantime, I accept that the initial offer has now been withdrawn.

The third issue is the CEO contract and that will be dealt with in confidential business tonight. I will then make a statement in terms of the decision I have reached.

While those matters have occupied a lot of my time, the catastrophic bushfires during January brought into sharp focus the worst and best of living in the regions. I remain in awe of the way the community came together and today I managed to catch up with some of the fabulous Blaze Aid volunteers. I've previously mentioned the amazing sense of community and camaraderie that was on display both during the fires and in the aftermath. It has been uplifting to witness.

Another issue that has been front of mind is the issue of bullying, particularly for young people who are just out having fun. The effectiveness of the cameras at the Apple Fun Park along with the lack of cameras at the Pump Track has been raised. Thanks to the community members that raised it with me and thanks also to the Council staff and Donnybrook Police. We met yesterday and quotes for cameras and better surveillance are being progressed as a priority. I thank Kim Dolzadelli and Susie Delaporte in particular for their proactive work in this regard.

Bullying and intimidation in any form cannot be tolerated and I am grateful to those who have talked about practical solutions. We need to be mindful of the examples we set in terms of behaviours.

I also had the pleasure of officiating at the Citizenship ceremony on 26 January and announcing our Citizen of the Year awards. I admit to having mixed views about Australia Day and err on the 'change the date' side but that cannot diminish the incredible efforts of those who put their hand up to serve their communities.

Visits to the Donnybrook Men's Shed, having a few days in Balingup and spending time with the various representatives of the Arts and Crafts and Artisans groups have also been really useful in understanding the importance of belonging. I have been in contact with senior staff at the Department of Planning, Lands and Heritage to begin discussions on some of the management orders and lease arrangements that might be stopping making best use of buildings or accessing funds to make improvements. That work is at an early stage.

I've also been progressing discussions about the use of the Trust Fund monies for Tuia Lodge and yesterday had the chance to visit the Donnybrook Museum and meet with Historical Society members. Today, I also got the chance to see the Golden Valley Tree Park. I also met with staff of the Shire today.

Last week, in my role as a Director of Foundation Housing, I attended a lunch organised by the Urban Development Institute of WA. There was interesting discussion on federal funding opportunities for development of social or affordable housing. The extent to which such funds might be accessed to improve the stock of housing for vulnerable people or essential workers in the district is worthy of further consideration.

I am back down again on the weekend for the Donnybrook Dunny Do Over event which looks like being a fun event.

Finally, I have signalled a change to the way public question time is organised. The first trial of that will be tonight. While we may have to modify things as we go along my intention is to allow a longer period of question time and be more flexible in approach.

I remind those seeking to ask questions to focus on issues and not individuals and be respectful in approach. I will remind those in attendance that I am not able to respond to questions that relate to matters considered confidential under section 5.23 of the Act nor questions that I determine as not being in good faith.

I am disappointed that I have to make this point. I may be somewhat old-fashioned, but I lament the loss of civility and respect in our general society. My impression of Donnybrook-Balingup over the past couple of months has been incredibly positive. People have been welcoming and overwhelmingly focussed on what is in the interests of the broader community. That said there are elements or pockets where acceptable standards are found wanting. Discussion and debate should be robust and passionate and diversity of views tolerated. But people will not come together while they feel as though they are disrespected, not listened to or their motives questioned. Similarly, when information is taken out of context or used to foster division and dissent it does little to progress rational debate and I will not dignify it with a response.

In listening to recordings/live streaming of past meetings and being provided with information including email exchanges between elected members or elected members and community members, it is clear that the art of respect or civility has been sacrificed in favour of overt or covert criticism and abuse or general undermining. In my meetings with people and groups, email exchanges or perusal of social media, some of the commentary has included accusations, threats, impugning of reputations and other behaviours that don't present people in the best light and would arguably be in breach of codes of conduct and acceptable behaviours. I have yet to see evidence to back up any of the more serious claims of misconduct or fraud. That said there are a number of examples where provision of better or clearer information could have addressed some of the main concerns.

I believe that civility, reason, fairness and justice go hand in hand. Almost without exception all those who I have met with or spoken to are passionate advocates who are focussed on getting the best outcomes for the residents and ratepayers of Donnybrook-Balingup even if they differ in their views on what that looks like. Whatever might have happened in the past which has led to the current tensions cannot be remedied without a

more respectful approach from all parties and a willingness to move forward. I hope Council meetings can embrace that spirit. My willingness to be flexible in approach will diminish if I determine that is not the case.

4 DECLARATION OF INTEREST

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

Nil.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: Lisa Glover

Why were the stakeholders in the proximity of the football oval area not been contacted and asked for feedback around the lights?

Response:

The Shire has sought clarification from the Donnybrook Football Club on this matter and advises that:

- The funding for the improvement to the lights from the WA Football Commission was to the Donnybrook Football Club, not the Shire (i.e. it was a Football Club project/installation, not the Shire);
- The lighting project involved replacement of old luminaires and lamps/lights (and no other infrastructure);
- As a maintenance/replacement process, stakeholder consultation was not deemed necessary;
- Development approval is not required for this type of activity on this Reserve.

Question: Lisa Glover

I'm just wondering the money that funded those lights, is that also part of the football club's contribution towards their \$250,000 for that project?

Response:

A definitive answer cannot be provided as a deed / contract has not yet been executed with the Donnybrook Football Club for their financial contribution to the project. However, it is the Shire's expectation in the deed / contract that:

- External grant funding to the Donnybrook Football Club (e.g. from the WA Football Commission for the lights) should not be apportioned towards the proposed \$250,000 funding contribution;
- Own-source contribution funding by the Donnybrook Football Club towards the lights could be apportioned towards the proposed \$250,000 funding contribution.

Question: Simon McInnes

I'm just wondering about the policy of not maintaining the buildings?

Response

On behalf of the local community, the Shire of Donnybrook Balingup owns, controls or manages approximately 120 buildings. The Building Asset Management Plan identifies likely expenditure requirements for these buildings for each financial year, which is taken into consideration in development of the annual budget each year. Actual budget allocation and actual expenditure (as compared to the Building Asset Management Plan estimates) on building maintenance each year is influenced by Shire staff resourcing, contractor availability, tendered/quoted prices and shifting organisation priorities. Going forward, it is highly likely to be financially unsustainable to maintain all buildings to (or bring all buildings up to) a premium specification and to aid Shire decision making around the level of maintenance service for individual buildings, a service level hierarchy (likely in the form of a Council adopted Policy) is proposed to be developed.

5.2 PUBLIC QUESTION TIME

Question: Simon McInnes on behalf of DBRRA

The Bridge Street Affordable Housing Project has several important considerations, such as:

- The land was originally to be leased, however, is now to be transferred to Alliance Housing.
- Are there any mechanisms to secure tenancies for local community members.
- What obligations will the Shire have in ongoing management of the tenancies / dwellings.
- What are the public advertising requirements for the land transaction with Alliance Housing?

Can you provide an update on the project, including the above details?

CEO Response

You are correct in stating that the land was originally going to be leased, however, is now to be transferred. There is a lot of detail to cover in this question, and it is probably best addressed in writing. An overview/update can be provided in the Agenda papers of the next Council Meeting.

Question: Sian Blackledge

Item 9.2.4 - Building Assets Service Level Hierarchy Framework. As this item only pertains to a report and not to any decision making on behalf of the Council, why is it being deferred?

Commissioner Response

This is partly at my request, because I think that it is a substantial strategic issue for the Council. The Council has something like 127 buildings on its asset register. There is a need to take a more strategic perspective of how we might consider some of the buildings that are no longer serving a useful purpose and whether there's a higher and better value use either for those or for the land on which they sit. So, I've asked Mr Dolzadelli, Director Corporate and Community, to put a paper to this meeting to defer the report back as I believe it's something that a full Council would have an interest in.

Question: Sian Blackledge

Item 9.2.1 Accounts for Payment. Under section 2.7 of the Act, Councils oversee local governments, finances and resources. Councillors do not ask many questions; do you believe residents and ratepayers can and should?

Commissioner Response

I believe there is a place for residents and ratepayers to ask questions because they have that right under the legislation. I mentioned at the last meeting that I thought that sometimes the information sought had gone down to too much of a granular level and I stand by that comment. I'm more than happy to address questions that are more strategic in nature but may lose patience if the questions are around minor purchases such as tissues at the IGA and ask you to move on. I've asked for quarterly meetings or at least regular meetings of the Audit and Risk Management Committee to be scheduled. The short answer is yes, but it depends because if they get down to the granular level, then I don't believe is actually assisting the business of the meeting, I will ask you to move on.

Question: Sian Blackledge

There's no credit card run in this month's financials. So, are there no credit card expenses this month?

Director Corporate and Community Response

There were some credit card transactions during the month. We hadn't prepared all for the sign off documents prior to the deadline of the confirmation of the report. If you go through all the attachments, you'll find that whilst one month there were none reported, the very next report that they are reported in, the sequence follows. So, there are no missing transactions. It's a case of timing of reporting those transactions.

Question: Lisa Glover

Item – 9.3.1 Shire Committee and Councillor Group Membership - There has never been any employees/ shire representatives in the committee meetings who have permission to

vote. I was curious about the terms of reference and whether permission has been sought by those committees to allow a Shire employee or executive to vote or take part in that meeting in the absence of yourself, Madam Commissioner?

Commissioner Response

Item 9.3.1 is for the purpose of firstly appointing me and then having the ability to delegate as my proxy. I would also assume that comes with the voting entitlement for that person, but we don't address it in this paper., It is something that I will explore further over the next couple of months. Also, whilst we would normally have two Council representatives on bodies such as Development Assessment Panel meetings, obviously with a Commissioner in place that can't happen. I am looking at options there including the ability to appoint a community representative if appropriate.

CEO Response

The Warren Blackwood Alliance of Council's constitution includes the ability for officers or nominated staff of member local governments to vote. I am not sure of officer's ability to vote in relation to the Climate Change Impact Reference Group though.

Director Operations Response

My recollection of the terms of reference is that the elected members for each of the local governments are the ones who vote on that particular group.

Question: Lisa Glover

So, what you're saying is it although staff members have attended, it is only the elected members who vote who will have permission to vote on that committee?

Director Operations

In terms of the practice, that's the way it's been conducted. However, I think we would need to go back and have a review what the terms of reference are. It may require us to go back to the actual Warren Blackwood Alliance of Councils, and perhaps seek permission for an officer to vote at that meeting in the current circumstances.

CEO Response

The recommendation is to appoint the Commissioner as a representative onto those bodies or the CEO, or if the CEO sub delegates it. It may be in the instance of the Climate Change Impact Reference Group, that an officer can attend and have input, but not be a voting party, or part of the voting process.

Question: Lisa Glover

I am wondering, if there perhaps needs to be considered a small amendment in that regard to defer that part to seek clarity rather than go through?

Commissioner Response

I think we'll still proceed with the actual agenda item tonight, but I'm quite prepared to actually ask and get clarification for any of these committees. The Department of Local Government Sport Cultural Industries has confirmed that instances where the legislation requires, for instance, two councillors or a certain number to form a quorum, where there's just a Commissioner, we satisfy the requirements with just one person. I am assuming that a pragmatic solution in that situation is also that we (me or my delegate attending those meetings) would ordinarily have voting rights that they would continue on, but we will need to make sure that's understood by each of the groups.

Question: Lisa Glover

9.3.2 Agenda Briefing and Council Meeting Date Changes 2023 - How is objective 11.1 of the strategic alignment in the Council plan being achieved? Objective 11.1 is to provide strategically focused, open and accountable governance.

Commissioner Response

There is no legal requirement under the legislation to have agenda briefings. It's a practice. In conversations with the governance people at the department, they are of the view that it probably didn't serve a great deal of purpose for me to hold public agenda briefing in that sense. So, in my consideration of that, and in acknowledging that it does take away that one opportunity and it was live streamed, I have potentially expanded public question time. Also, when there's something that requires more explanation, I will spend a bit more time during the Council meeting. So, that provides opportunity in the question time and will also try and provide a little bit more by way of reasons and logic. Also, during particular issues, if I need to ask further questions of officers, I'll do that in that public forum. I have also invited people to email comment or questions in ahead of the meeting.

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

7 CONFIRMATION OF MINUTES

7.1 SPECIAL MEETING OF COUNCIL (COMMISSIONER) – 25 JANUARY 2023

Minutes of the Special Meeting of Council (Commissioner) held 25 January 2023 are attached (attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council (Commissioner) held 25 January 2023 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 15/23

Moved: Commissioner McGowan

That the Minutes from the Special Meeting of Council (Commissioner) held 25 January 2023 be confirmed as a true and accurate record.

CARRIED: COMMISSIONER MCGOWAN

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

Nil.

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

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 – JANUARY 2023

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

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended January 2023 be received.

COUNCIL RESOLUTION 16/23

Moved: Commissioner McGowan

That the monthly financial report for the period ended January 2023 be received.

CARRIED: COMMISSIONER MCGOWAN

9.2.3 GAZETAL OF JOINT DISTRICT BOUNDARY CHANGE

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	A2491, A1732, A2671, A4390, A4389, A1393
Author	Stuart Eaton – Finance Projects
Responsible Manager	Kim Dolzadelli – Director Corporate and Community
Attachments	9.2.3(1) Correspondence from Department of Local Government, Sport and Cultural Industries
Voting Requirements	Simple Majority

Recommendation
<p>That Council (Commissioner) notes:</p> <ol style="list-style-type: none"> 1. That the Governor has made orders to change the district boundary. 2. The new district boundary is in accordance with the joint proposal by the Shire of Donnybrook Balingup and the Shire of Boyup Brook to the Local Government Advisory Board. 3. Orders were published in the Government Gazette on 27 January 2023. 4. The new boundary is effective on 28 January 2023.

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 purpose of this report is to advise Council (Commissioner) that the Governor has made orders to change the boundary of the Shires of Donnybrook Balingup and Boyup Brook. In accordance with the joint proposal, the boundary change results in three lots of subject land transferred wholly to the Shire of Donnybrook Balingup, and four lots of subject land transferred wholly to the Shire of Boyup Brook.

The orders were published in the Government Gazette on 27 January 2023 and comes into effect on 28 January 2023.

BACKGROUND

Seven individual lots were identified as having the shared boundary bisected by the Shire of Donnybrook Balingup / Shire of Boyup Brook boundary.

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

At the Ordinary Meeting of Council on 22 June 2022, Council of the Shire of Donnybrook Balingup resolved unanimously to endorse the submission to the Board.

COUNCIL RESOLUTION 80/22

Moved: Cr Atherton

Seconded: Cr Jones

That Council:

1. **Endorse the attached document “*Submission to the Local Government Advisory Board – Joint proposal by the Shire of Donnybrook Balingup and Shire of Boyup Brook to change the district boundary*” with the following additions:**
 - a) **Signatures of the Shire Presidents and Chief Executive Officers (page 3); and**
 - b) **Copy of this resolution from both Councils (Appendix 2 – Council Resolutions).**
2. **Subject to the Council of the Shire of Boyup Brook resolving to endorse resolution 1 above, authorise the Chief Executive Officer to lodge the submission with the Local Government Advisory Board.**

CARRIED 8/0

At the Ordinary Meeting of Council on 30 June 2022, Council of the Shire of Boyup Brook resolved unanimously to endorse the submission to the Board .

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.2

MOVED: Cr Darren King

SECONDED:

Cr Charles Caldwell That Council

- 1. Endorse the document “Submission to the Local Government Advisory Board – Joint proposal by the Shire of Donnybrook Balingup and Shire of Boyup Brook to change the district boundary” with the following additions**
 - a) Signatures of the Shire Presidents and Chief Executive officers (page 3)**
 - b) Copy of this resolution from both Councils (Appendix 2 – Council Resolutions)**
- 2. Subject to the Council of the Shire of Boyup Brook resolving to endorse resolution 1 above, authorise the Chief Executive Officer to lodge the submission with the Local Government Advisory Board.**

CARRIED 8/0

Res 22/6/78

Figure 1

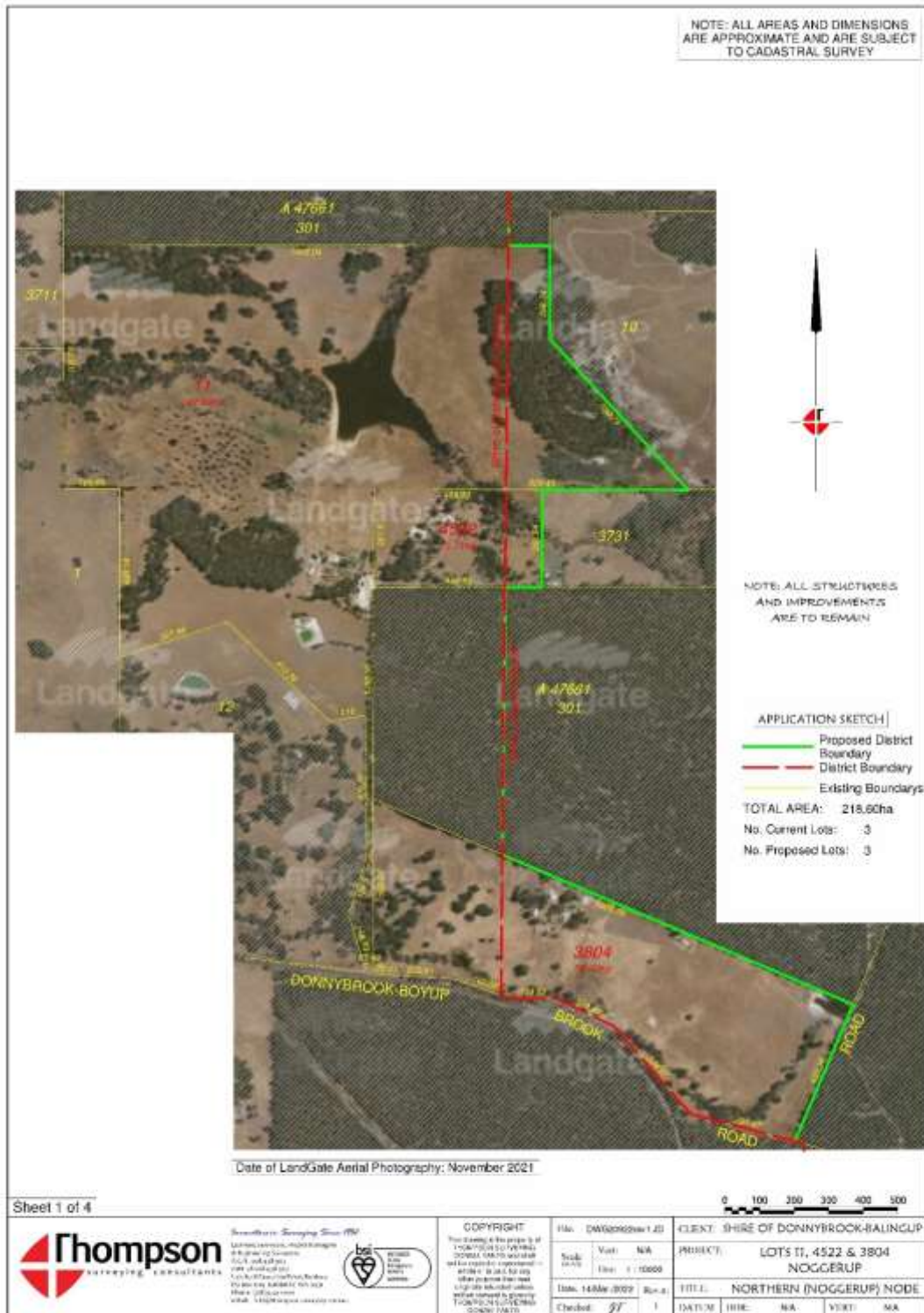
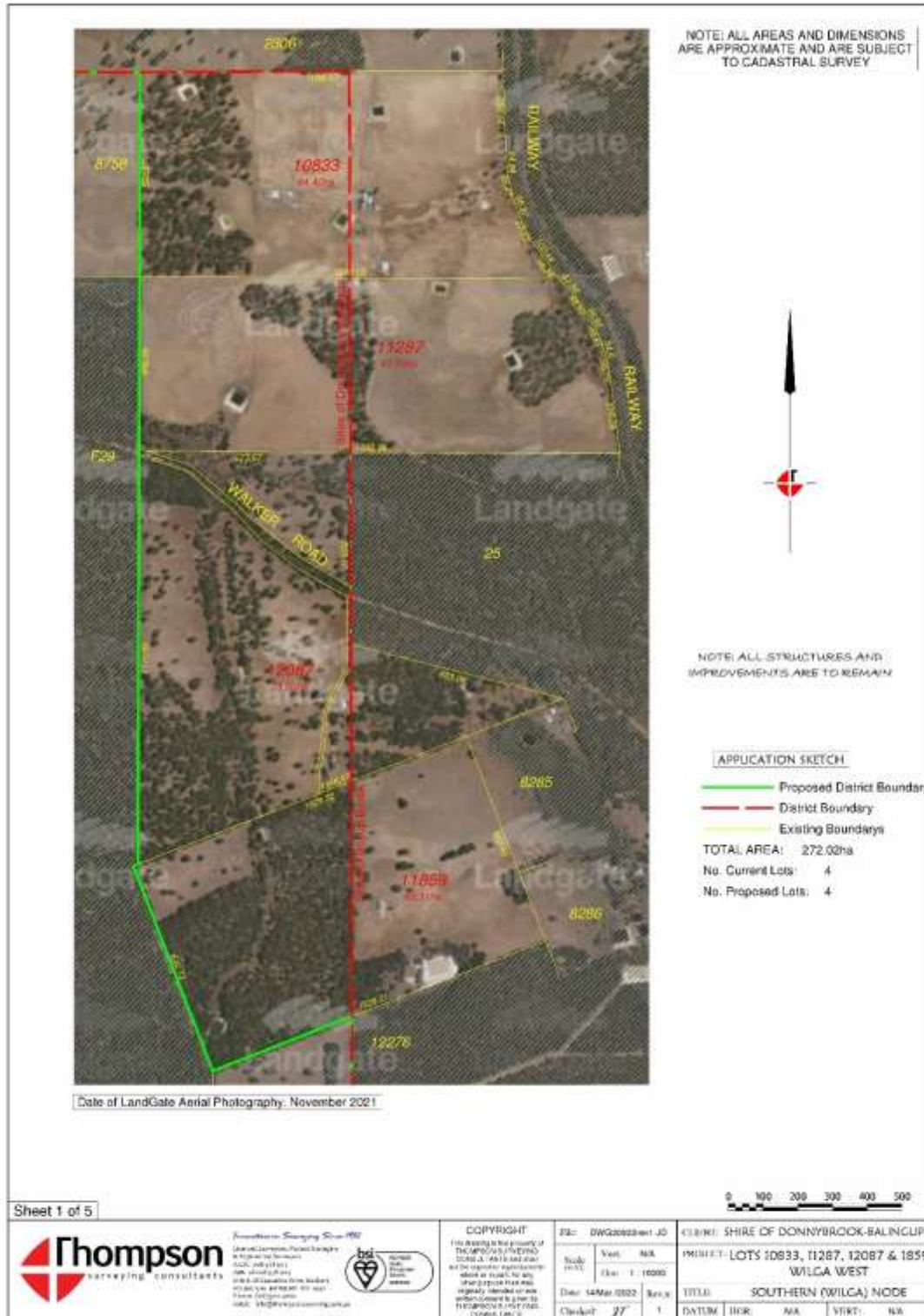


Figure 2



CONSULTATION

Affected landowners will be notified the decision.

OFFICER COMMENT/CONCLUSION

The district boundary change process is now complete.

The gazettal will initiate administrative processes within state government agencies to enact the change.

The effective date of the boundary change is 28 January 2023. The Valuer General will likely issue amended 2022/23 valuations in due course to reflect the date of the boundary change and which Shire subject properties are now wholly located within. Landowners will be issued with pro rata amended 2022/23 rates in accordance with any new valuations.

COUNCIL RESOLUTION 17/23

Moved: Commissioner McGowan

That Council (Commissioner) notes:

- 1. That the Governor has made orders to change the district boundary.**
- 2. The new district boundary is in accordance with the joint proposal by the Shire of Donnybrook Balingup and the Shire of Boyup Brook to the Local Government Advisory Board.**
- 3. Orders were published in the Government Gazette on 27 January 2023.**
- 4. The new boundary is effective on 28 January 2023.**

CARRIED: COMMISSIONER MCGOWAN

9.2.4 BUILDING ASSETS SERVICE LEVEL HIERARCHY FRAMEWORK

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 27/1
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	9.2.4(1) Excerpt Minutes of Ordinary Meeting of Council 23 March 2022 – Item 9.2.6 Building Asset Portfolio Review
Voting Requirements	Simple Majority

Recommendation
<p>That Council (Commissioner) defer a report back to Council with respect to the Building Service Level Hierarchy Framework as adopted at the Council meeting held 23 March 2022 until after the Ordinary Local Government Election scheduled for October 2023.</p>

STRATEGIC ALIGNMENT

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

Outcome 11 Strong, visionary leadership.

Objective 11.1 Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

Council (Commissioner) is requested to defer a report back to Council with respect to the Building Service Level Hierarchy Framework.

BACKGROUND

The Building Service Level Hierarchy Framework was adopted at the Council meeting held 23 March 2022.

It is considered that use of this framework will assist in informing decisions regarding financial investment/renewal and prioritisation of Council’s Building Assets through:

- Identification of building assets for prioritised asset maintenance, renewal, upgrade etc;
- Identification of building assets for de-prioritised asset maintenance, renewal, upgrade etc.
- Identification of opportunities for rationalising building insurance coverage, and therefore costs;

- Identification of ‘poor performing’ (i.e. underutilised) assets for consideration for disposal.

The above process will furthermore link well into the ability of the Council to fund future requirements of the community with respect to building assets by either reducing the overall cost of current renewal and maintenance and potentially providing funds from disposal/sale.

New assets or the repurposing of assets to meet expectations will require funding which has historically been funded by:

- Council Funds,
- Grant Funding,
- Community or Sporting Organisation contributions, and/or
- Loan Funding.

The Council and Community have been very fortunate in the past with the Fry family making significant contribution to the original Apple Fun Park.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not Applicable.

STATUTORY COMPLIANCE

Not Applicable.

CONSULTATION

Not Applicable.

OFFICER COMMENT

Classification of Councils’ Buildings into the Building Service Level Hierarchy Framework is likely to have long term impact on what Building Assets Council holds into the future.

It is considered imperative that an Elected Council forms part of the decision-making process and as important that the community and key stakeholders are consulted prior to any final decision being made.

COUNCIL RESOLUTION 18/23

Moved: Commissioner McGowan

That Council (Commissioner) defer a report back to Council with respect to the Building Service Level Hierarchy Framework as adopted at the Council meeting held 23 March 2022 until after the Ordinary Local Government Election scheduled for October 2023.

CARRIED: COMMISSIONER MCGOWAN

9.2.5 CONSIDERATION TO WRITE OFF RATES

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	A3093 - 2113 Donnybrook Boyup Brook Road
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	N/A
Voting Requirements	Absolute Majority

Executive Recommendation
<p>That Council (Commissioner) approve the write-off of Rates and Charges, excluding the Emergency Services Levy, raised in the 2022/2023 financial year in relation to Assessment A3093, 2113 Donnybrook Boyup Brook Road, Yabberup.</p>

STRATEGIC ALIGNMENT

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

Outcome 11 Strong, visionary leadership.

Objective 11.1 Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

Council (Commissioner) is requested to write off Rates and Charges, excluding the Emergency Services Levy (ESL), raised the 2022/2023 financial year in relation to Assessment A3093, 2113 Donnybrook Boyup Brook Road, Yabberup.

BACKGROUND

During the recent “Noggerup Fire” the house and outbuildings located at 2113 Donnybrook Boyup Brook Road, Yabberup were destroyed.

FINANCIAL IMPLICATIONS

The current amount being sought for write off is \$1,698.95.

POLICY COMPLIANCE

Delegation 1.2.22 Defer, Grant Discounts, Waive or Write Off Debts allows the CEO and Director of Corporate and Community to write off debts up to \$1,000. This Item is requesting the write off beyond this threshold.

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) *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.*

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

The power referred to in section 6.12 of the Local Government Act 1995 does not extend to the Emergency Services Levy.

CONSULTATION

Staff consultation with affected landowner has been undertaken.

OFFICER COMMENT

The Noggerup and Sandhills fires, which were caused by dry lightning strikes on the 9th of January 2023, caused widespread damage and loss.

Unfortunately, despite the amazing effort of hundreds of individuals and Agencies helping to control the fires, there was one residence lost.

The Shire is actively working by trying to collate the extend of damage and loss sustained by residents with the most common being fences, pasture, feed and livestock.

The Shire is also putting a list of agencies and services together and will be making written contact with owners in the two fire effected areas.

The current list is not exhaustive however it is hoped that it will provide effected residents with options and information that will improve their road to recovery.

- **Water safety** - Your drinking water may be unsuitable for drinking, please visit www.healthywa.gov.au for information including rainwater tanks after a bushfire.
- **Livestock - Ease WA-** Assistance with animal feed and care - 0436 389 445.
- **Rural Aid** For support with finances, water, fodder, and volunteer assistance 1300 327 624.

- **Land Management** - <https://www.agric.wa.gov.au/fire/farm-recovery-after-fire-%E2%80%93-western-australia> and/or <https://lowerblackwood.com.au/projects/fencing-revegetation/>
- **Mental and Emotional Health** - Rural Aid- ruralaid.org.au – 1300 175 594, Lifeline 13 11 14, Beyond Blue 1300 22 4636, Rural Link (specialist after hours mental health support for people in rural communities) 1800 552 002.
- **Fencing** – Blazeaid – at this stage it is looking very likely that Blazeaid will be coming to our community. Blazeaid bring volunteer labour and tools – more to come on this.
- **Financial assistance** - Department of Communities - Disaster Relief Hotline 1800 032 965.
- **Wildlife – Wildcare** for sick or injured wildlife please call 9474 9055 <https://www.dpaw.wa.gov.au/about-us/contact-us/wildcare-helpline>

Given the loss of a residence (home), it is deemed appropriate to provide relief from Rates and associated charges for the 2022/2023 Financial Year.

COUNCIL RESOLUTION 19/23

Moved: Commissioner McGowan

That Council (Commissioner) approve the write-off of Rates and Charges, excluding the Emergency Services Levy, raised in the 2022/2023 financial year in relation to Assessment A3093, 2113 Donnybrook Boyup Brook Road, Yabberup.

CARRIED: COMMISSIONER MCGOWAN

9.2.6 POLICY RESCINDMENT - FIN/CP-1 COVID19 HARDSHIP POLICY

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FIN/CP-1
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	9.2.6(1) FIN/CP-1 COVID19 Hardship Policy, 9.2.6(2) LG ALERT - Local Government (COVID-19 Response) Amendment Order 2022, 9.2.6(3) Delegation 1.2.25 Agreement as to Payment of Rates and Service Charges
Voting Requirements	Absolute Majority

Executive Recommendation	
<p>That Council (Commissioner) rescinds Council Policy FIN/CP-1 COVID19 Hardship Policy.</p>	

STRATEGIC ALIGNMENT

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

Outcome 11 Strong, visionary leadership.

Objective 11.1 Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

For Council (Commissioner) to consider the rescindment of Council Policy FIN/CP-1 COVID19 Hardship Policy.

BACKGROUND

The Local Government (COVID-19 Response) Amendment Order 2022 (the Order) was made by the Minister for Local Government and published in the Government Gazette on 24 June 2022.

The Order extended certain financial hardship concessions for the 2022-23 financial year in relation to:

- interest on money owed to local governments.
- options for payment of rates or service charges.
- accrual of interest on overdue rates or service charges.

Following the end of the State of Emergency on 4 November 2022, the Order will automatically revoke three months after 4 November 2022.

This means that from **3 February 2023**, all the provisions in the Orders made under a State of Emergency will end, including those for financial hardship.

The instalment interest on rates and interest on overdue rates and general debtors remain as adopted in the local government's 2022-23 budget for the remaining 2022-23 financial period.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

EXE/CP-8-Policy Framework.

STATUTORY COMPLIANCE

Local Government (COVID-19 Response) Amendment Order 2022.

CONSULTATION

N/A.

OFFICER COMMENT

The Officer recommends rescindment of Council Policy FIN/CP-1 COVID19 Hardship Policy due to the revocation of the Local Government (COVID-19 Response) Amendment Order 2022.

Notwithstanding the above, the officer notes that Delegation 1.2.25 "Agreement as to Payment of Rates and Service Charges" allows Ratepayers to enter into payment arrangements where circumstances require.

COUNCIL RESOLUTION 20/23

Moved: Commissioner McGowan

That Council (Commissioner) rescinds Council Policy FIN/CP-1 COVID19 Hardship Policy.

CARRIED: COMMISSIONER MCGOWAN

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 SHIRE COMMITTEES AND COUNCILLOR GROUP MEMBERSHIP

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	CNL16
Author	Loren Clifford – Acting Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	Nil
Voting Requirements	Absolute Majority

Recommendation
<p>That Council (the Commissioner):</p> <ol style="list-style-type: none"> 1. Appoint the Commissioner to the following governing bodies as the Shire of Donnybrook Balingup Council representative: <ol style="list-style-type: none"> 1.1 Regional Joint Development Assessment Panel; 1.2 South West Country Zone of WALGA; 1.3 Bush Fire Advisory Committee; 1.4 The Donnybrook School Community Resource Library Management Committee; 1.5 Warren Blackwood Alliance of Councils; 1.6 Warren Blackwood Climate Change Impact Reference Group; 1.7 Local Emergency Management Committee; and 1.8 Regional Road Group. 2. Authorise the Chief Executive Officer to represent (or nominate a relevant Shire employee to represent) the Council as a proxy in the absence of the Commissioner. 3. Instructs the Chief Executive Officer to formally discontinue the Aged Care Services Community Reference Group. 4. Thank the members of the Aged Care Services Community Reference Group for their efforts assisting with the review of the Aged Care Services delivered by the Shire.

STRATEGIC ALIGNMENT

The following outcome 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

Council (Commissioner) is requested to appoint Council representatives to the following Committee's or Working/Reference Groups until the newly elected Council is sworn-in and can consider membership arrangements:

- Regional Joint Development Assessment Panel;
- South West Country Zone of WALGA;
- Bush Fire Advisory Committee;
- The Donnybrook School Community Resource Library Management Committee;
- Warren Blackwood Alliance of Councils;
- Warren Blackwood Climate Change Impact Reference Group;
- Local Emergency Management Committee; and
- Regional Road Group.

BACKGROUND

Prior to appointment of the Commissioner on 19 December 2022, various Council Members represented Council for a two-year term on the following Committee's and Working/Reference Groups:

- Audit and Risk Management Committee;
- Regional Development Assessment Panels;
- South West Country Zone of WALGA;
- Bush Fire Advisory Committee;
- The Donnybrook School Community Resource Library Management Committee;
- Warren Blackwood Alliance of Councils;
- Warren Blackwood Climate Change Impact Reference Group;
- Aged Care Services Community Reference Group;
- Local Emergency Management Committee; and
- Regional Road Group.

At the Special Council Meeting on 11 January 2023, the Commissioner was appointed to the Audit and Risk Management Committee joining the two external members, Mr Ian Telfer (Chairperson) and Ms Vivienne MacCarthy.

The Aged Care Services Community Reference Group was established by Council in 2018 to undertake an Aged Care Services Review with the following objectives:

- Oversee the development of the terms of reference for the due diligence review.
- Guide the selection of a suitable consultant to undertake the due diligence review.

- Review the draft/final due diligence review report.
- Recommend a course of action to Council, via the Chief Executive Officer, in relation to the recommendations of the due diligence review.

The Final Report for the Aged Care Services Review Stage Two (Incorporating Findings from Stage One) was received by Council at the Ordinary Council Meeting on 22 April 2020. Having met these objectives, the Group can now be discontinued.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

- *Local Government Act 1995*
- *Bush Fires Act 1954*
- *Emergency Management Act 2005*
- *Regulation 26 - Planning and Development (Development Assessment Panels) Regulations 2011.*

CONSULTATION

Department of Planning Lands and Heritage advised that the Commissioner will need to complete the Development Assessment Panels Local Government Member Nomination form with no requirement for any further nominees.

OFFICER COMMENT/CONCLUSION

It's recommended that the Commissioner be appointed to represent the Council on these Advisory and Working Groups as well as authorising the Chief Executive Officer to represent (or nominate a relevant Shire employee to represent) the Council as a proxy in the absence of the Commissioner. This will ensure the Council is represented on these Committees, Advisory Groups and Working Groups to provide advice and feedback to both the groups and Council (the Commissioner) to enable decisions to be made.

EXECUTIVE RECOMMENDATION

That Council (the Commissioner):

- 1. Appoint the Commissioner to the following governing bodies as the Shire of Donnybrook Balingup Council representative:**
 - 1.1 Regional Joint Development Assessment Panel;**
 - 1.2 South West Country Zone of WALGA;**

- 1.3 Bush Fire Advisory Committee;
 - 1.4 The Donnybrook School Community Resource Library Management Committee;
 - 1.5 Warren Blackwood Alliance of Councils;
 - 1.6 Warren Blackwood Climate Change Impact Reference Group;
 - 1.7 Local Emergency Management Committee; and
 - 1.8 Regional Road Group.
2. Authorise the Chief Executive Officer to represent (or nominate a relevant Shire employee to represent) the Council as a proxy in the absence of the Commissioner.
 3. Instructs the Chief Executive Officer to formally discontinue the Aged Care Services Community Reference Group.
 4. Thank the members of the Aged Care Services Community Reference Group for their efforts assisting with the review of the Aged Care Services delivered by the Shire.

Amendment: COMMISSIONER MCGOWAN

That Council (the Commissioner):

1. Appoint the Commissioner to the following governing bodies as the Shire of Donnybrook Balingup Council representative:
 - 1.1. Regional Joint Development Assessment Panel;
 - 1.2. South West Country Zone of WALGA;
 - 1.3. Bush Fire Advisory Committee;
 - 1.4. The Donnybrook School Community Resource Library Management Committee;
 - 1.5. Warren Blackwood Alliance of Councils;
 - 1.6. Warren Blackwood Climate Change Impact Reference Group;
 - 1.7. Local Emergency Management Committee; and
 - 1.8. Regional Road Group.
2. Authorise the Chief Executive Officer to represent (or nominate a relevant Shire employee to represent) the Council as a proxy in the absence of the Commissioner.
3. **Confirm that where appropriate voting rights will pass to the delegate in the absence of the Commissioner.**
4. Instructs the Chief Executive Officer to formally discontinue the Aged Care Services Community Reference Group.

5. **Thank the members of the Aged Care Services Community Reference Group for their efforts assisting with the review of the Aged Care Services delivered by the Shire.**

COUNCIL RESOLUTION 21/23

Moved: Commissioner McGowan

That Council (the Commissioner):

1. **Appoint the Commissioner to the following governing bodies as the Shire of Donnybrook Balingup Council representative:**
 - 1.1. **Regional Joint Development Assessment Panel;**
 - 1.2. **South West Country Zone of WALGA;**
 - 1.3. **Bush Fire Advisory Committee;**
 - 1.4. **The Donnybrook School Community Resource Library Management Committee;**
 - 1.5. **Warren Blackwood Alliance of Councils;**
 - 1.6. **Warren Blackwood Climate Change Impact Reference Group;**
 - 1.7. **Local Emergency Management Committee; and**
 - 1.8. **Regional Road Group.**
2. **Authorise the Chief Executive Officer to represent (or nominate a relevant Shire employee to represent) the Council as a proxy in the absence of the Commissioner.**
3. **Confirm that where appropriate voting rights will pass to the delegate in the absence of the Commissioner.**
4. **Instructs the Chief Executive Officer to formally discontinue the Aged Care Services Community Reference Group.**
5. **Thank the members of the Aged Care Services Community Reference Group for their efforts assisting with the review of the Aged Care Services delivered by the Shire.**

CARRIED: COMMISSIONER MCGOWAN

9.3.2 AGENDA BRIEFING AND COUNCIL MEETING DATE CHANGES 2023

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

Recommendation		
That Council (the Commissioner):		
1. Adopt the amended 2023 Agenda Briefing and Ordinary Council Meeting schedule as follows:		
Agenda Briefing	Ordinary Council Meeting (5pm start time)	Venue
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.		

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

Council (Commissioner) is requested to adopt the amended 2023 Agenda Briefing and Ordinary Council meetings schedule as presented below:

Agenda Briefing	Ordinary Council Meeting (5pm start time)	Venue
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

BACKGROUND

At its Ordinary Council Meeting in November 2022, Council resolved the following:

That Council:

- 1. Adopt the 2023 Agenda Briefing and Ordinary Council Meeting dates as follows:***

Agenda Briefing	Ordinary Council Meeting	Venue
15 February (2pm)	22 February (5pm)	• Council Chamber Donnybrook
15 March (5pm)	22 March (5pm)	• Kirup Hall (Agenda Briefing - note: no livestreaming/ video recording) • Council Chamber Donnybrook (OCM)
19 April (2pm)	26 April (5pm)	• Council Chamber Donnybrook
17 May (2pm)	24 May (5pm)	• Council Chamber Donnybrook
21 June (2pm)	28 June (5pm)	• Council Chamber Donnybrook
19 July (2pm)	26 July (5pm)	• Council Chamber Donnybrook
16 August (2pm)	23 August (5pm)	• Council Chamber Donnybrook
20 September (5pm)	27 September (5pm)	• Yabberup Hall (Agenda Briefing - note: no livestreaming / video recording) • Council Chamber Donnybrook (OCM)
18 October (2pm)	25 October (5pm)	• Council Chamber Donnybrook
15 November (2pm)	22 November (5pm)	• Council Chamber Donnybrook (Agenda Briefing) • Balingup Hall (OCM) (note: no livestreaming / video recording)
6 December (2pm)	13 December (5pm)	• Council Chamber Donnybrook

- 2. *Request the Chief Executive Officer to undertake audio recording of the above meetings, where Shire livestreaming / video recording infrastructure is not established.***
- 3. *Instructs the Chief Executive Officer to undertake all statutory advertising in this regard.***

No public holidays occur on the dates recommended.

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.**
- (3) 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

Staff consultation with the Commissioner, regarding meeting availability, has been undertaken.

OFFICER COMMENT / CONCLUSION

Adoption of the above dates was at the November 2022 Ordinary Council Meeting, which was a decision made by Council prior to appointment of the Commissioner on 19 December 2022.

Agenda Briefing Sessions

The objectives of Agenda Briefing Sessions are:

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

Based on these objectives, Agenda Briefing Sessions are not required until the new Council is elected and sworn-in, in October 2023.

Ordinary Council Meeting

Aside from the swearing-in meeting, the newly elected Council will meet for the first time at the November 2023 Ordinary Council Meeting. It is recommended to shift this meeting from Balingup Hall (as resolved in November 2022) to the Donnybrook Council Chamber, as it will be the first meeting of the newly elected Council. The October 2023 Ordinary Meeting is recommended to be brought forward one week (from 25 October to 18 October), to occur prior to the 2023 Local Government Ordinary Elections. This is recommended to avoid the circumstance where nine (potentially new) elected members are sworn-in to office on 23 or 24 October 2023 and then have their first full Ordinary Meeting on 25 October 2023.

COUNCIL RESOLUTION 22/23

Moved: Commissioner McGowan

That Council (the Commissioner):

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

Agenda Briefing	Ordinary Council Meeting (5pm start time)	Venue
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.**

CARRIED: COMMISSIONER MCGOWAN

9.3.3 LOCAL GOVERNMENT ORDINARY ELECTION – OCTOBER 2023

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 09/1
Author	Loren Clifford - Acting Manager Executive Services
Responsible Manager	Ben Rose - Chief Executive Officer
Attachments	9.3.3(1) – Correspondence WAEC
Voting Requirements	Absolute Majority

Executive Recommendation
<p>That Council (Commissioner):</p> <ol style="list-style-type: none"> 1. Declare, in accordance with section 4.20(4) of the <i>Local Government Act 1995</i>, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary election together with any other elections or polls which may be required; and 2. Determine, in accordance with section 4.61(2) of the <i>Local Government Act 1995</i>, that the method of conducting the election will be as a postal election; and 3. Instruct the Chief Executive Officer to allocate \$40,000 inc. GST within the 2023/24 Draft Budget to cover the cost of the local government ordinary election.

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 (Commissioner) to consider appointing the Western Australian Electoral Commission (WAEC) to be responsible for conducting the 2023 Shire of Donnybrook Balingup ordinary election by postal ballot.

BACKGROUND

The Shire received correspondence (Attachment 9.3.3(1)) from the Western Australian Electoral Commission (WAEC) seeking a Council decision regarding conducting the 2023 local government ordinary election as a postal ballot.

The WAEC has advised the estimated cost for the 2023 ordinary election will be \$40,000 inc. GST which is based on the following assumptions:

- 4,700 electors; and
- Response rate of approximately 55%; and
- 9 vacancies; and
- Count to be conducted at the offices of the Shire of Donnybrook Balingup; and
- Appointment of a Returning Officer; and
- Regular Australia Post delivery service to apply for the lodgment of the election packages.

FINANCIAL IMPLICATIONS

The estimated costs for the 2023 election if conducted by a postal ballot is \$40,000 inc. GST to be allocated to account 101120.

An additional amount of \$1,025 will be incurred if Council (Commissioner) decides to opt for the Australia Post Priority Service for the lodgment of election packages. The WAEC is of the view that the regular service is adequate for outgoing mail for most local governments.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns; and
- the cost of any staff to assist the Returning Officer on election day or night; and
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

The WA Electoral Commissioner is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis, and it should be noted that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received.

The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election, Council will be advised as early as possible.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Section 4.20(4) and 4.61(2) of the *Local Government Act 1995* apply.

The decision to appoint the WAEC to conduct the election must be by an absolute majority.

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

The Electoral Commissioner has conducted postal elections for the Shire since 1999.

The postal voting system is an efficient and cost-effective system, voter participation rate in 2021 was 48.86%, which is an increase from 2019 rate of 35.21%.

The Shire will promote the ordinary election through social media, website and print.

COUNCIL RESOLUTION 23/23

Moved: Commissioner McGowan

That Council (Commissioner):

- 1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary election together with any other elections or polls which may be required; and**
- 2. Determine, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be as a postal election; and**
- 3. Instruct the Chief Executive Officer to allocate \$40,000 inc. GST within the 2023/24 Draft Budget to cover the cost of the local government ordinary election.**

CARRIED: COMMISSIONER MCGOWAN

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 CHIEF EXECUTIVE OFFICER – EMPLOYMENT CONTRACT

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

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(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 CHIEF EXECUTIVE OFFICER – EMPLOYMENT CONTRACT

COUNCIL RESOLUTION 24/23

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:

12.1.1 CHIEF EXECUTIVE OFFICER – EMPLOYMENT CONTRACT

CARRIED: COMMISSIONER MCGOWAN

The meeting was closed to the public at 6:14 pm

COUNCIL RESOLUTION 26/2023

Moved: Commissioner McGowan

That the meeting be re-opened to the public.

CARRIED: COMMISSIONER MCGOWAN

The meeting was opened to the public at 6:16 pm

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

COUNCIL RESOLUTION 25/23

That Council (the Commissioner):

- 1. Rescind Council Decision 160/22 from the 23 November 2022 Ordinary Meeting in accordance with *Local Government (Administration) Regulation 10*. That decision read:**

“That Council:

- 1. Resolves not to renew the employment contract for Mr Benjamin Rose as the Chief Executive Officer of the Shire of Donnybrook Balingup;***
- 2. Advertises the position for the Chief Executive Officer for the Shire of Donnybrook Balingup.***
- 3. Encourages Mr Rose to apply for the position.”***
- 2. Acknowledge the satisfactory performance of Mr Benjamin Rose CEO, as identified in the CEO Performance Appraisal process concluded on 24 August 2022;**
- 3. Offer a renewal of contract to Mr Benjamin Rose for a period of fifteen (15) months commencing from 4 July 2023 and concluding on 3 October 2024;**
- 4. Inform the CEO in writing of the Council (Commissioner) decision and issue a new contract.**
- 5. Authorise and instruct the Council (Commissioner) to execute the attached employment contract.**

13 CLOSURE

The Commissioner advised that the next Ordinary Council Meeting will be held on Wednesday 22 February 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Commissioner declared the meeting closed at 4:04 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Special Council Meeting held 22 February 2023.



Gail McGowan

COMMISSIONER – SHIRE OF DONNYBROOK BALINGUP