



MINUTES OF ORDINARY COUNCIL MEETING DECEMBER 2020

Held on

Wednesday 16 December 2020

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

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

Ben Rose
Chief Executive Officer

17 December 2020

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers
Wednesday 16 December 2020 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

The Shire President declared the meeting open and welcome the public gallery at 5pm.

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

MEMBERS PRESENT

| COUNCILLORS | STAFF |
|-------------------------------------|---|
| Cr Brian Piesse (President) | Ben Rose – Chief Executive Officer |
| Cr Jackie Massey (Deputy President) | Steve Potter – Executive Manager Operations |
| Cr Shane Atherton | Paul Breman – Executive Manager Corporate and Community |
| Cr Anita Lindemann | Jaimee Earl – Administration Officer(Minutes) |
| Cr Anne Mitchell | |
| Cr Chaz Newman | |
| Cr Shane Sercombe | |
| Cr Chris Smith | |
| Cr Leanne Wringe | |

PUBLIC GALLERY

4 members of the public

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

President's Diary (November – December 2020)

| | |
|------------------|--|
| 23 November 2020 | Launch and AGM of Southern Forest and Blackwood Valley Tourism Association |
| 24 November 2020 | Local Emergency Management Committee Meeting – Kirup |
| 27 November 2020 | South West Zone WALGA Meeting – Busselton |
| 1 December 2020 | Warren Blackwood Alliance of Councils Meeting – Bridgetown |
| 4 December 2020 | SWALGA Presentation to SWDC – Bunbury |
| 7 December 2020 | Regional Road Group Meeting – Dardanup |
| 9 December 2020 | Bunbury Geographic Economic Alliance AGM (elected Deputy Chair) |

4 DECLARATION OF INTEREST

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

Cr Sercombe declared a financial interest in item 9.1.1 Water Corporation – Kirup to Greenbushes Pipeline Project as he may be contracted to do work in the future. Cr Sercombe will leave the Chamber for the duration of the item.

Cr Sercombe declared a financial interest in item 9.3.2 Local Roads and Community Infrastructure Program Extension Round – Donnybrook Pump Track as he may be contracted to do work in the future. Cr Sercombe will leave the Chamber for the duration of the item.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Summary of questions raised and answered at the Meeting (as per Regulation 11 of the Local Government (Administration) Regulations 1996):

Lisa Glover, Donnybrook Hockey Club

How will ratepayers be affected by potentially moving the Hockey facility?

Shire Response

Relocation of the Hockey facility at Egan Park can be funded via an insurance claim, the value of which is approximately \$40,000.

Jacinta Sparrow, President Donnybrook Netball Association

1. *What compensation will be allocated to us as we have just spent \$6,000 on court maintenance this year?*

Shire Response

There is no proposition of financial compensation. If relocation is approved by the Council, the Chief Executive's Officer's intention is to assist the Club with relocation through in-kind assistance. The Club funded and delivered court maintenance this year in the full knowledge of (potential/likely) relocation of the Club to the VC Mitchell Park precinct (as well as active participation in the Reference Group itself).

2. *If Donnybrook Netball Association have to move, what guarantee will be given that we will still get our 3 outdoor courts as per the Sporting Precinct.*

Shire Response

No guarantee can be offered at this stage. Even if the three outdoor courts are not completed (in the short-medium term timeframe), the Club can still utilise the indoor courts at the Donnybrook Recreation Centre.

3. *What where the other options for this funding and how was the community consulted?*

Shire Response

The objectives of the Federal funding are to deliver infrastructure which supports local businesses, creates local employment and drives local economic development. The online survey enabled respondents to nominate alternate suggestions for funding expenditure. Of the 229 responses, nine respondents offered alternate suggestions.

Walter John Bailey (questions on notice, provided by Cr Sercombe)

1. *Query regarding 2018-19 Budget vs Annual Report variances.*

Shire Response

Mr Bailey appears to have confused the 2018-19 and 2019-20 Budgets / Annual Reports, hence the question is unclear. Additionally, the questions relate to an apparent attachment which was not provided by Mr Bailey. Mr Bailey will need to be more specific and clear with this question in order for the Shire to respond.

2. *Query regarding Federal funding for projects.*

Shire Response

Both the Tuia Lodge Expansion project and the Apple Fun Park Revitalisation project are Federally funded. The Apple Fun Park project is recognised in the 2019-20 Budget, while the Tuia Lodge Expansion project is not (will be for 2021-22).

3. *Query regarding October 2020 Monthly financials.*

Shire Response

Employee provisions, such as changes in accumulated annual leave and long service leave are being calculated quarterly and the movement in the liability is being recognised in the reports. Debt write-off's are presented in the monthly financial report each month. Policy 6.5 does not enable a write-off/waiver of a levy. Capital expenditure details are provided in the monthly financial reports.

4. *Query on Annual Report.*

Shire Response

The Annual report will be prepared and released in accordance with legislated processes.

5. *Query on Annual Financial Report 2019-20.*

Shire Response

The financial details of the Annual Financial Report must be considered in conjunction with the Notes.

6. *Query on impact of new Accounting Standards from the Australian Accounting Standards Board.*

Shire Response

\$1.46m as a reduction in equity (Changes to Accounting Standards and LG Financial Management Regulations) see note 29 of the Annual Financial Report.

7. *Query on end-of-year financial position.*

Shire Response

The 2019-20 year-end position, considered against the 2019-20 Budget and 2019-20 Budget Review, is provided in the 2019-20 Annual Financial Report.

8. Query on monthly financial report variations from budget.

Shire Response

Mr Bailey's question requires clarification (and to be more specific) prior to a considered response being provided.

9. The budget is missing from the website.

Shire Response

Incorrect; the Budget is, and has been, on the website.

10. Query on financial performance.

Shire Response

Mr Bailey's question requires clarification (and to be more specific) prior to a considered response being provided.

11. Query on cash being held to cover a liability.

Shire Response

Mr Bailey's question requires clarification (and to be more specific) prior to a considered response being provided.

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

Lisa Glover, Donnybrook Ladies Hockey Club Inc made a deputation in relation to item 9.3.2 – ‘Local Roads and Community Infrastructure Program Extension Round – Donnybrook Pump Track Online Survey Results and Site Selection’.

ADOPTION BY EXCEPTION

COUNCIL RESOLUTION 184/20

Moved Cr Atherton

Seconded Cr Newman

That the following items be adopted ‘en bloc’:

**7.2 Confirmation of Minutes – Local Emergency Management Committee Meeting
24 November 2020**

9.2.3 Monthly Financial Report November 2020

CARRIED 9/0

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 25 NOVEMBER 2020

Minutes of the Ordinary Meeting of Council held 25 November 2020 are attached (*attachment 7.1(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 25 November 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 185/20

Moved Cr Mitchell Seconded Cr Lindemann

That the Minutes from the Ordinary Meeting of Council held 25 November 2020 be confirmed as a true and accurate record.

CARRIED 9/0

7.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – 24 NOVEMBER 2020

Minutes of the Local Emergency Management Committee Meeting held 24 November 2020 are attached (*attachment 7.2(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Local Emergency Management Committee Meeting held 24 November 2020 be received.

COUNCIL RESOLUTION 186/20

Moved Cr Atherton Seconded Cr Newman

That the Minutes from the Local Emergency Management Committee Meeting held 24 November 2020 be received.

CARRIED 9/0 by En Bloc Resolution

7.3 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING MINUTES

Minutes of the Audit and Risk Management Committee Meeting held Tuesday 15 December 2020 are attached (*attachment 7.3(1) – to be provided*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Audit and Risk Management Committee Meeting held Tuesday 15 December 2020 be received.

COUNCIL RESOLUTION 187/20

Moved Cr Massey Seconded Cr Wringe

That the Minutes from the Audit and Risk Management Committee Meeting held Tuesday 15 December 2020 be received.

CARRIED 9/0

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 EXECUTIVE MANAGER OPERATIONS

9.1.1. WATER CORPORATION – GREENBUSHES TO KIRUP PIPELINE PROJECT

| | |
|----------------------------|---|
| Location | Shire of Donnybrook Balingup |
| Applicant | Not applicable |
| File Reference | |
| Author | Damien Morgan, Manager Works & Services |
| Responsible Officer | Steve Potter, Executive Manager Operations |
| Attachments | 9.1.1(1): Letter from Water Corporation 9.1.1(2): Drawings |
| Voting Requirements | Simple Majority |

| Recommendation |
|--|
| <p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the benefits that the Water Corporation Greenbushes to Kirup pipeline project will have to the communities of Balingup, Mullalyup and Kirup. 2. Instructs the Chief Executive Officer to write to the Water Corporation to request that the works are appropriately project managed to minimise the impact on the local communities. 3. Instructs the Chief Executive Officer to write to the Water Corporation informing them that their request to locate the new pipeline beneath a section of Southampton Road is supported as detailed in attachment 9.1.1(1). 4. In determination of point 3, Instructs the Chief Executive Officer to accept the Water Corporation offer of a contribution of \$100,000 towards the Shires future upgrade of Southampton Road. |

STRATEGIC ALIGNMENT

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

| | | |
|-------------|---------|--|
| Outcome: | 2.1 | An attractive and maintained built environment. |
| Strategies: | 2.1.1 | Maintain, renew and improve infrastructure within allocated resources. |
| Actions: | 2.1.1.2 | Seek funding for development and renewal of infrastructure. |
| | 2.1.1.3 | Develop and implement capital works plan |

| | | |
|-------------|---------|---|
| Outcome: | 3.2 | Well supported community groups and facilities. |
| Strategies: | 3.2.1 | Provide and maintain appropriate community facilities. |
| Actions: | 3.2.1.2 | Maintain community facilities within resource capacity. |

EXECUTIVE SUMMARY

The Water Corporation is to construct a new water main from Greenbushes to Kirup, improving the water supply to Balingup, Mullalyup and Kirup within the Shire of Donnybrook Balingup. These works will ensure that the townsites have a sustainable supply of potable water going forward, however during the construction phase, there will be an impact to the amenity of the area and several Shire assets.

Shire officers recommend that Council requests that the Water Corporation ensures the works are appropriately project managed to minimise the impact on the local communities and that the works are completed to required standards in a short duration.

Furthermore, Council is also recommended to give endorsement for the alignment of the pipeline beneath the gravel shoulder of Southampton Road, between South Western Highway and Old Padbury Road. This is to ensure that the works do not impact on the existing vegetation in the road verge that leads to the Golden Valley Tree Park (GVTP). This endorsement is recommended by staff to be subject to the Water Corporation contributing \$100,000 towards the Shires future upgrade of this section of road.

BACKGROUND

The Water Corporation is constructing a new water main from Greenbushes to Kirup to improve the water supply to Balingup, Mullalyup and Kirup as part of the broader Bridgetown Regional Water Supply Scheme (BRWSS). Key points of the project are:

- The project will alleviate the need for water carting from Donnybrook to Kirup, removing these frequent truck movements from the South Western Highway.
- This is the final project as part of the BRWSS, effectively meaning all towns (Greenbushes, Balingup, Mullalyup, Kirup, Bridgetown, Hester and Boyup Brook) will be connected to the scheme.
- Construction is expected to start soon with completion in the second half of 2021.

Details of the alignment for the works are provided in attachment 9.1.1(1), with the works potentially having the most significant impact on the Community and Shire assets within the Balingup Townsite and the section of Southampton Road between South Western Highway and Old Padbury Road.

The majority of works in the Balingup townsite will be within the road verge and parking areas along South Western Highway, and in the verge along sections of Forrest and Spencer Street. Providing the works are completed and reinstated in accordance with relevant standards the main issue will be the inconvenience to the community and the businesses during the works.

Consultation by the Water Corporation with Shire staff and other key stakeholders has consistently identified that the quality, timing, and duration of the works within the townsite as a key factor to ensure the success of the project. The Water Corporation has advised that they

have noted these concerns and have incorporated appropriate supervision and project management practices within the contract to ensure contractor compliance.

The Water Corporation also approached the Shire to locate the new pipeline in the gravel Shoulder of Southampton Road between South Western Highway and Old Padbury Road, as the alignment would require no clearing of the existing roadside vegetation.

The locating of service infrastructure beneath road assets is typically only supported when it is for a crossing point, due to the increased risk of defects within the road and the added complexity to maintain, renew or upgrading roads where services are located directly beneath them.

However the significance of the roadside vegetation to the community and the GVTP within this section of Southampton Road needs to be noted and considered, along with the existing condition of this section of Southampton Road, which has an identified upgrade planned for 2022/23.

FINANCIAL IMPLICATIONS

The project is to be fully funded by the Water Corporation.

The Water Corporation has also noted Shire staff concerns with locating the pipeline beneath a section of Southampton Road and has proposed to contribute \$100,000 towards the Shire's future upgrade of this section of Southampton Road in 2022/23.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

The Water Corporation has consulted with the Shire and other key stakeholders (including GVTP, Balingup Progress Association and MRWA) regarding the project, throughout the planning for the project.

OFFICER COMMENT/CONCLUSION

Regarding this Water Corporation project, officers consider there are two matters for Council's consideration:

1. The impact of the project on the communities during the construction phase; and
2. The impact of the project on Shire assets.

Each of these will be addressed separately.

1. Project Impact

It is noted that there will be a short duration of inconvenience on the various townsites during the Water Corporation construction works, however the long-term benefits of a sustainable water supply to these towns is considered a priority to their future growth.

The impact of these works on the local communities has been a regular discussion point throughout Shire staff consultation with Water Corporation representatives. It is considered that these concerns have been noted by the Water Corporation, and that they have taken appropriate project planning to ensure that these risks are managed.

2. Project Impact on Shire Assets

It is typical with these types of service upgrades that there will be an impact on existing Shire asset. The Utility Providers Code of Practice is the approved industry best practice document that provides essential information and guidance in managing and undertaking street works associated with the provision of underground utility services in public road reserves. The Code of Practice is an authoritative reference for utility services providers, local governments, developers and their contractors throughout WA, and these works will be undertaken in accordance with this code, and the Water Corporations contractual documentation.

Of most significant concern to Shire officers is the locating of the new pipeline in the gravel Shoulder of Southampton Road between South Western Highway and Old Padbury Road. This has been proposed to avoid having to remove existing vegetation along the verge for this section of road.

Shire officers do support this alignment based on the value of this vegetation to the GVTP and the community, however the risk that it will present to any future works planned on our road needed to be considered.

Within the negotiations for this alignment, Shire Officers identified that to facilitate this the Water Corporation would need to contribute towards the Shires future cost to upgrade this section of road, due to the impact of locating the new pipeline beneath approximately 650m of the road.

The Water Corporation progressed their project planning based on this advice and have now presented to the Shire an offer to contribute \$100,000 towards the future upgrade

Shire Officers consider this to be a fair and reasonable offer towards the future upgrade considering the impacts that the existing pipeline will have on the method of construction. The upgrading of this section of road is planned for the summer of 2022/23 and will also be part funded by a Regional Road Group project grant.

Cr Sercombe declared a financial interest in the item and left the Chamber at 5.36pm.

COUNCIL RESOLUTION 188/20

Moved Cr Mitchell Seconded Cr Lindemann

That Council:

- 1. Acknowledges the benefits that the Water Corporation Greenbushes to Kirup pipeline project will have to the communities of Balingup, Mullalyup and Kirup.**
- 2. Instructs the Chief Executive Officer to write to the Water Corporation to request that the works are appropriately project managed to minimise the impact on the local communities.**
- 3. Instructs the Chief Executive Officer to write to the Water Corporation informing them that their request to locate the new pipeline beneath a section of Southampton Road is supported as detailed in attachment 9.1.1(1).**
- 4. In determination of point 3, Instructs the Chief Executive Officer to accept the Water Corporation offer of a contribution of \$100,000 towards the Shires future upgrade of Southampton Road.**

CARRIED 8/0

Cr Sercombe returned to the Chamber at 5.37pm.

9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

The Schedule of Accounts Paid (*attachment 9.2.1(1)*) under Delegation (No 3.1) is presented to Council for information.

9.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 2020

The Monthly Financial Report for October 2020 is attached (*attachment 9.2.2(1)*).

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 189/20

Moved Cr Wringe Seconded Cr Massey

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

CARRIED 9/0

9.2.3 MONTHLY FINANCIAL REPORT – NOVEMBER 2020

The Monthly Financial Report for November 2020 is attached (*attachment 9.2.3(1)*).

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 190/20

Moved Cr Atherton Seconded Cr Newman

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

CARRIED 9/0 by En Bloc Resolution

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 NOMINATION OF REPRESENTATIVES - WARREN BLACKWOOD ALLIANCE OF COUNCILS CLIMATE CHANGE WORKING GROUP

| | |
|----------------------------|--|
| Location | Shire of Donnybrook Balingup |
| Applicant | Warren Blackwood Alliance of Councils |
| File Reference | ADM 10/B |
| Author | Ben Rose, Chief Executive Officer |
| Responsible Manager | Ben Rose, Chief Executive Officer |
| Attachments | 9.3.1(1): WBAC Climate Change Working Group Draft Terms of Reference |
| Voting Requirements | Simple Majority |

| Recommendation |
|--|
| <p>That Council:</p> <ol style="list-style-type: none"> 1. Appoint the following two Councillor representatives as members of the Warren Blackwood Alliance of Councils Climate Change Working Group: <ul style="list-style-type: none"> • Cr _____ • Cr _____ 2. Note that the Chief Executive Officer will appoint a staff member to the Warren Blackwood Alliance of Councils Climate Change Working Group. |

STRATEGIC ALIGNMENT

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

| | | |
|----------|---------|---|
| Outcome | 2.3 | A natural environment for the benefit of current and future generations |
| Strategy | 2.3.1 | Efficient use of resources to minimise environmental impacts |
| Action | 2.3.1.1 | Review the sustainability strategy |

EXECUTIVE SUMMARY

The purpose of this report is to nominate two Councillor representatives and one employee representative as members of the newly formed Warren Blackwood Alliance of Councils Climate Change Working Group.

BACKGROUND

At the Warren Blackwood Alliance of Councils (WBAC) meeting held in Bridgetown on 1 December 2020, the WBAC resolved to form a Climate Change Working Group in accordance with the Terms of Reference provided in Attachment 9.3.1(1).

The purpose of the Climate Change Working Group is to establish a sub-regional climate change policy that includes recommendations for practical and achievable adaptation and mitigation strategies applicable to Warren Blackwood Alliance of Councils (WBAC) and member local governments. Meetings will be held bi-monthly and each participating local government is being requested to nominate two elected members as voting representatives and one officer as a non-voting representative.

The following local governments are members of the WBAC:

- Shire of Bridgetown Greenbushes
- Shire of Manjimup
- Shire of Nannup
- Shire of Donnybrook Balingup

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

Nil.

OFFICER COMMENT/CONCLUSION

It is recommended Council appoint two Councillor representatives to the WBAC Climate Change Working Group. The Chief Executive Officer will appoint the Shire staff / non-voting representative to the Working Group.

PROCEDURAL MOTION

Moved Cr Mitchell Seconded Cr Lindemann

That the Shire of Donnybrook Balingup Meeting Procedures (Local Law) be suspended to enable nomination of representatives.

CARRIED 9/0

PROCEDURAL MOTION

Moved Cr Smith Seconded Cr Atherton

That the Shire of Donnybrook Balingup Meeting Procedures (Local Law) be resumed.

CARRIED 9/0

COUNCIL RESOLUTION 191/20

Moved Cr Wringe Seconded Cr Lindemann

That Council:

- 1. Appoint the following two Councillor representatives as members of the Warren Blackwood Alliance of Councils Climate Change Working Group:**
 - Cr Lindemann**
 - Cr Massey**

- 2. Note that the Chief Executive Officer will appoint a staff member to the Warren Blackwood Alliance of Councils Climate Change Working Group.**

CARRIED 9/0

9.3.2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM EXTENSION ROUND – DONNYBROOK PUMP TRACK ONLINE SURVEY RESULTS AND SITE SELECTION

| | |
|----------------------------|------------------------------------|
| Location | Shire of Donnybrook Balingup |
| Applicant | Shire of Donnybrook Balingup |
| File Reference | NA |
| Author | Ben Rose, Chief Executive Officer |
| Responsible Manager | Ben Rose, Chief Executive Officer |
| Attachments | 9.3.2(1): Results of online survey |
| Voting Requirements | Simple Majority |

| Recommendation |
|---|
| <p>That Council:</p> <ol style="list-style-type: none"> 1. Receive and acknowledge the 229 public submissions on the ‘Pump Track Survey’. 2. Instruct the Chief Executive Officer to prepare and lodge an application for funding via the Local Roads and Community Infrastructure Program (Federal) for the design and construction of a Pump Track to be located at the netball / hockey facilities at Egan Park, Donnybrook. 3. Instruct the Chief Executive Officer to execute a Federal funding agreement (if offered by the Federal Government) as per point 2, above. 4. Instruct the Chief Executive Officer to coordinate sporting activity / facility relocation arrangements, as follows: <ol style="list-style-type: none"> a. Netball / Junior Netball at Egan Park – relocate to Donnybrook Recreation Centre; and b. Hockey – relocate to the VC Mitchell Park precinct. |

STRATEGIC ALIGNMENT

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

| | | |
|----------|---------|--|
| Outcome | 3.3 | A safe and healthy community environment for all ages |
| Strategy | 3.3.3. | Support a safe, healthy and active community |
| Action | 3.3.3.1 | Within resource capacity, maintain and develop sport and recreation facilities in line with sport and recreation masterplans |

EXECUTIVE SUMMARY

On 30 October 2020, the Shire was advised that it will be eligible to apply for up to \$467,000 in Federal funding under the Local Roads and Community Infrastructure Program – Extension Round (LRCI – Extension Round). At its November 2020 Ordinary Meeting, Council resolved to direct \$67,000 of this funding towards asset works at the Balingup and Districts Recreation Centre and to survey the community in relation to the development of a Pump Track in Donnybrook (to be constructed via the residual \$400,000 funding).

The online survey/consultation has been conducted; the results are presented to Council for information, along with a recommendation to construct the Pump Track at Egan Park (on the present site of the netball and hockey facilities).

BACKGROUND

At its November 2020 Ordinary Meeting, Council resolved:

That Council:

- 1. Endorse the expenditure of approximately \$67,000 from the Local Roads and Community Infrastructure Program (Extension Round) for works to the Balingup Recreation Centre facility/surrounds.*
- 2. Instruct the Chief Executive Officer to undertake online/web-based community consultation in relation to the development of a Pump Track within the Donnybrook townsite, to be funded at approximately \$400,000 from the Local Roads and Community Infrastructure Program Funding – Extension Round;*
- 3. In relation to point 2, above, instruct the Chief Executive Officer to present the results of community consultation as well as a potential location and arrangements to Council at its December 2020 Ordinary Meeting.*

Following that resolution, an online survey was publicly released (Shire website and Shire Facebook account) on 27 November 2020 and closed on 4 December 2020. A total of 229 survey responses were received.

In addition to the online survey, the Executive identified potentially appropriate locations for the Pump Track and met/consulted with key stakeholders potentially impacted by the proposal.

DETAILS

A total of 229 survey responses were received over a seven-day period. Of these responses:

- 89.52% (205) supported the use of the Federal funding for the development of a pump track in Donnybrook;
- 5.24% (12) did not support the development of a Pump Track; and
- 5.24% (12) were unsure.

Of the 89.52% (205) who did support the development of a Pump Track, 171 respondents identified one or more suggested locations, these being:

- Netball area/Hockey area/Egan Park/Skate Park/Fun Park area – 50.8% (87)
- BMX Track area (Marmion Street) – 12.8% (22)
- VC Mitchell Park precinct – 10.5% (18)
- Other – 31.5% (54).

A high-level ‘benefits-constraints’ summary analysis of the locations most recommended via the survey is provided below.

| | Benefits | Constraints |
|--|---|--|
| ‘Netball/Hockey/Skate Park’ site at Egan Park | <ul style="list-style-type: none"> • Proximity to similar uses (skate park, fun park) • Complementary to nearby youth and family focused activities • Prominence / visibility • Size / dimensions appropriate for Pump Track development • Existing site uses / users planned to be relocated as part of Recreation Precinct Project • Zoning / Local Planning Scheme provisions support the proposed land use • Existing services (power, water, sewer) and infrastructure (informal parking, lighting) • Appropriate distance from residential area/s | <ul style="list-style-type: none"> • Requires earlier than anticipated relocation of existing site uses / users (hockey and juniors netball) • ARC rail reserve partially overlaps site (although Shire presently has lease for use of reserve for recreation activities e.g. netball) |
| BMX course site (Marmion Street) | <ul style="list-style-type: none"> • Large amount of space (almost unconstrained for a Pump Track) • Appropriate distance from residential area/s | <ul style="list-style-type: none"> • Inappropriate Zoning (zoned Light Industry) • Unconstructed Road Reserve transects the site • Lack of existing servicing and infrastructure • Lack of proximity to similar uses • Lack of prominence / visibility • Lacks ‘value-add’ factor for tourism/visitation • Flood prone land |
| VC Mitchell Park Recreation Precinct | <ul style="list-style-type: none"> • Proximity to similar uses (sports and recreation) • Zoning / Local Planning Scheme provisions support the proposed land use • Existing services (power, water, sewer) and infrastructure (parking, lighting) | <ul style="list-style-type: none"> • Lack of prominence / visibility • Lacks ‘value-add’ factor for tourism/visitation |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> • Can be distanced from residential area/s | |
|--|--|--|

On the balance of benefits and constraints for the three main identified sites, the Executive recommends to Council that the preferential siting for a Pump Track in Donnybrook is at the existing junior netball courts / hockey training field at Egan Park.

FINANCIAL IMPLICATIONS

Design, development and commissioning of the Pump Track will be funded through the Local Roads and Community Infrastructure program (Federal).

The Shire’s financial implications of relocating the existing uses (netball and hockey) are minimal, and can be addressed as follows:

- Netball relocation to Recreation Centre - negligible cost as existing provision for netball courts, goals, canteen, meeting space, storage space etc is already available at the Recreation Centre.
- Hockey relocation (site to be determined) – a sum of \$38,000 is available to the Shire via an approved insurance claim (from LGIS) for the hockey facility from earlier this year. LGIS have approved the claim sum for use either on the existing hockey site, or at an alternative site within the Donnybrook townsite within a “reasonable” timeframe (note, this must be used for a hockey facility).

In addition, the Shire’s Asset Management Plan identifies expenditure of \$127,345 in 2021-22 for resurfacing of the juniors netball courts at Egan Park. With the recommended progress of the Recreation Precinct Project and the earlier than expected relocation of the juniors netball, this projected expenditure can be re-directed into other capital projects for the community.

CONSULTATION

The Chief Executive Officer has consulted with senior Committee representatives of the following sporting organisations:

- Donnybrook Netball Association:
 - Have advised the Chief Executive Officer their willingness to relocate the juniors from their existing site at Egan Park to the Donnybrook Recreation Centre for an interim period of 1-2 years/seasons, whilst detailed planning and development for the Recreation Precinct is finalised. Subsequent email advice following face-to-face consultation has identified that the Netball Association would need to call a Special General Meeting of the Association to garner a considered opinion of the membership and that further detail would be required prior to calling the Special General Meeting.
- Donnybrook Ladies Hockey Association:
 - Have advised the CEO that *“the hockey clubs are declining the offer for the relocation and will be remaining at the Egan Park Sporting Complex. This is only subject to change when the Donnybrook Sports Precinct has been finished and the hockey clubs have adequate facilities to suit their needs.”*
 - The Hockey Club/Association has no lease (from the Shire) for the use of the existing facility at Egan Park, and are presently using the facility in an informal

arrangement, having sequestered use of the fourth netball court as a hockey training ground with agreement of the netball club some years ago.

- Donnybrook Country Club:
 - Have advised the CEO their willingness to make available the ‘old grass bowls rinks’ for hockey to be situated on, on either a temporary or permanent basis.
- Donnybrook Tennis Club:
 - Have advised the CEO their willingness to make available space surrounding the ‘half-court tennis hit-up wall’ for hockey to be situated on.
- Donnybrook Recreation Centre:
 - Have advised the CEO the ability for court scheduling/booking to accommodate juniors netball.

OFFICER COMMENT/CONCLUSION

The unexpected Federal funding opportunity via the Local Roads and Community Infrastructure program presents an opportunity to the Shire for a significant investment into a project to promote economic development in the District. The web-based survey, although only open for one week, attracted significant interest (229 responses), with the majority of respondents favouring the development of a Pump Track at the netball courts / hockey training field location in central Donnybrook.

The adjacency of this site to the existing Skate Park and Apple Fun Park presents a strategic, value-add locational advantage for regional tourism and visitation.

The existing uses/users on the recommended site (juniors netball and hockey) will be required to relocate, with Shire assistance, to alternate venues earlier than previously expected as part of the Recreation Precinct Project at VC Mitchell Park.

Cr Secombe declared a financial interest in the item and left the Chamber at 5.51pm.

EXECUTIVE RECOMMENDATION

Moved Cr Atherton Seconded Cr Lindemann

That Council:

- 1. Receive and acknowledge the 229 public submissions on the ‘Pump Track Survey’.**
- 2. Instruct the Chief Executive Officer to prepare and lodge an application for funding via the Local Roads and Community Infrastructure Program (Federal) for the design and construction of a Pump Track to be located at the netball / hockey facilities at Egan Park, Donnybrook.**
- 3. Instruct the Chief Executive Officer to execute a Federal funding agreement (if offered by the Federal Government) as per point 2, above.**

4. Instruct the Chief Executive Officer to coordinate sporting activity / facility relocation arrangements, as follows:

- a. Netball / Junior Netball at Egan Park – relocate to Donnybrook Recreation Centre; and
- b. Hockey – relocate to the VC Mitchell Park precinct.

AMENDMENT

Moved Cr Piesse Seconded Cr Newman

That Council:

1. Receive and acknowledge the 229 public submissions on the ‘Pump Track Survey’.
2. Instruct the Chief Executive Officer to prepare and lodge an application for funding via the Local Roads and Community Infrastructure Program (Federal) for the design and construction of a Pump Track to be located at the netball / hockey facilities at Egan Park, Donnybrook.
3. Instruct the Chief Executive Officer to execute a Federal funding agreement (if offered by the Federal Government) as per point 2, above.
4. ***Subject to further dialogue with Netball and Hockey,*** instruct the Chief Executive Officer to coordinate sporting activity / facility relocation arrangements, as follows:
 - a. Netball / Junior Netball at Egan Park – relocate to Donnybrook Recreation Centre; and
 - b. Hockey – relocate to the VC Mitchell Park precinct.

CARRIED 8/0

COUNCIL RESOLUTION 192/20

Moved Cr Atherton Seconded Cr Lindemann

That Council:

1. Receive and acknowledge the 229 public submissions on the ‘Pump Track Survey’.
2. Instruct the Chief Executive Officer to prepare and lodge an application for funding via the Local Roads and Community Infrastructure Program (Federal) for

the design and construction of a Pump Track to be located at the netball / hockey facilities at Egan Park, Donnybrook.

- 3. Instruct the Chief Executive Officer to execute a Federal funding agreement (if offered by the Federal Government) as per point 2, above.**
- 4. Subject to further dialogue with Netball and Hockey, instruct the Chief Executive Officer to coordinate sporting activity / facility relocation arrangements, as follows:**
 - a. Netball / Junior Netball at Egan Park – relocate to Donnybrook Recreation Centre; and**
 - b. Hockey – relocate to the VC Mitchell Park precinct.**

CARRIED 7/1

Cr Mitchell requested her vote against be recorded

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR

Nil.

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

In accordance with Section 5.4 of the Shire of Donnybrook Meeting Procedures Local Law, in cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting. 'Cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

EXECUTIVE RECOMMENDATION

That Council accept item 11.1 'Audit Report for Year Ending 30 June 2020' as a matter of urgent business.

COUNCIL RESOLUTION 193/20

Moved Cr Piesse

Seconded Cr Atherton

That Council accept item 11.1 'Audit Report for Year Ending 30 June 2020' as a matter of urgent business.

CARRIED 8/1

11.1 AUDIT REPORT FOR YEAR ENDING 30 JUNE 2020

| | |
|----------------------------|--|
| Location | Shire of Donnybrook Balingup |
| Applicant | Shire of Donnybrook Balingup |
| File Reference | N/A |
| Author | Paul Breman, Executive Manager Corporate and Community |
| Responsible Manager | Paul Breman, Executive Manager Corporate and Community |
| Attachments | 11.1(1): Annual Financial Statements and Audit Report 11.1(2): Draft report on significant findings to the Minister of Local Government |
| Voting Requirements | Simple Majority |

Audit and Risk Management Committee Recommendation to Council

That Council:

- 1. Receive the Annual Financial Report and Audit Report for the year ending 30 June 2020;**
- 2. Forward to the Minister for Local Government, Sport and Cultural Industries the report on significant findings as attached for the year ending 30 June 2020, as required by Section 7.12A(4)(b) of the Local Government Act 1995;**
- 3. Are advised by the Audit and Risk Management Committee that the review of the seven mandatory reportable financial ratios is being undertaken by WALGA and the State Government across the entire Local Government sector of Western Australia, and is not isolated to the Shire of Donnybrook Balingup; and**
- 4. Acknowledge the Executive and all staff in coordinating the Annual Financial Audit.**

STRATEGIC ALIGNMENT

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

| | | |
|----------|---------|--|
| Outcome | 4.2 | A respected, professional and trusted organisation |
| Strategy | 4.2.1 | Effective and efficient operations and service provision |
| Action | 4.2.1.3 | Monitor and measure organisational performance |

EXECUTIVE SUMMARY

The Office of the Auditor General (OAG) has completed the Audit of the Annual Financial Report for the year ended 30 June 2020. The audit opinion was issued on 11 December 2020 and is attached to this item for reference.

The audit opinion is unqualified and concludes that the report fairly represents the results of the operations of the Shire for the period ended 30 June 2020.

There are two items included under the heading of 'Report on Other Legal and Regulatory Requirements' which require consideration by the Committee and the Council and relate to a significant adverse trends opinion as follows:

- “a. Asset sustainability ratio as reported in Note 33 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three years; and*
- b. Operating surplus ratio as reported in Note 33 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the last three years.”*

The methodologies of calculating the asset sustainability ratio and the operating surplus ratio are presently under review by the Department of Local Government, Sport and Cultural Industries (DLGSCI) in collaboration with WALGA, as they are generally recognised as being inappropriate to be used to determine a significant adverse trend.

The Shire's Executive Manager Corporate and Community is part of a sector working party established by WALGA to review and modify the calculation methodologies for these ratios. AMD Accounting (the Shire's auditing agency appointed by the OAG) have advised that 23 of the 25 local governments audited by them are likely to have similar audit finding on various ratios.

There is one item included under the heading of 'Report on Other Legal and Regulatory Requirements' which requires consideration by the Committee and the Council and relates to statutory compliance as follows:

“The Shire has not reported the Asset Renewal Funding Ratio for 2020, 2019 and 2018 in the annual financial report as required by section 50(1) of the Local Government (Financial Management) Regulations 1996, as there is not a current, long-term financial plan and asset management plan.”

The Shire had a long-term financial plan which was developed in 2017 however this plan was not considered by the OAG to be current enough to be used for the calculation of the ratio. All the necessary asset management planning is complete to a sufficient level to inform the development of the calculation of the asset renewal funding ratio. Work is very close to being complete on the Long-Term Financial Plan however as it has not been to the Council for approval prior to the completion of the audit, its absence was the crucial factor in the Shire's inability to calculate the ratio this year. This ratio is expected to be able to be calculated in 2020-21

BACKGROUND

The Shire of Donnybrook Balingup audit for year ending 30 June 2020 was conducted by the Office of the Auditor (OAG) using a private contractor; AMD Accountants.

The Shire is required by the *Local Government (Financial Management) Regulations 1996* to calculate and include in the audited annual financial report seven financial ratios.

The calculation components of the ratios relevant to this item are set out below:

Operating surplus ratio

$$\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}$$

Own source operating revenue means revenue from rates and service charges, fees and user charges, reimbursements and recoveries, interest income and profit on disposal of assets.

The Operating Surplus Ratio measures the extent to which revenues raised cover operational expenses (including depreciation). The DLGSCI considers the ratio standard is met if the ratio is above 0.00. To achieve a positive level in the ratio requires operating revenue (excluding capital grants and contribution) to be greater than operating expenditure (including depreciation).

Asset sustainability ratio

$$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation}}$$

Capital renewal and replacement expenditure means expenditure to renew or replace existing assets;

The asset sustainability ratio measures the extent to which assets managed by the Shire are being replaced as they reach the end of their useful lives. The DLGSCI considers the ratio standard is met if the ratio is above 0.90, meaning that spending on renewal in any one year is 90% of the level of depreciation in that year.

The DLGSCI currently have the calculation methodology and target levels of seven statutory ratios under review as they acknowledge issues relating to their suitability as an indicator of financial health. This review is being undertaken by WALGA and it is expected changes will occur to these ratios in conjunction with future amendments to the *Local Government (Financial Management) Regulations 1996*.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not Applicable.

STATUTORY COMPLIANCE

7.12A. Duties of local government with respect to audits

- (3) *A local government must —*
 - (aa) *examine an audit report received by the local government; and*
 - (a) *determine if any matters raised by the audit report, require action to be taken by the local government; and*

- (b) *ensure that appropriate action is taken in respect of those matters.*
- (4) *A local government must —*
 - (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*
- (5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.*

CONSULTATION

Not Applicable.

OFFICER COMMENT/CONCLUSION

The draft report to the Minister as required by *Section 7.12A(4) of the Local Government Act 1995* is attached to this item along with the current audit report for the 2019-20 financial year.

The OAG again this year adopted a different position to the Shire's previous auditors in relation to a number of issues including the assessment of what constitutes a significant adverse trend in the financial position of the Shire and also the level of information necessary to support the calculation of the asset renewal funding ratio.

In relation to the issues under the significant adverse trend in financial position, the matter of the adverse operating surplus ratio was raised in the Shire's audit report last year and was the subject of a report to the Audit and Risk Management Committee and the Council.

The OAG has also identified that the Shire recorded three consecutive asset sustainability ratios under the DLGSCI target thresholds. This ratio relates to the level of spending on renewing assets in a year compared to the leakage in value of the asset base due to depreciation in the same year. The ratio doesn't take into account any money transferred to Cash Reserves as future saving for future renewal works on large items so should only be assessed on a very long-term basis. There is little merit in applying only a three-year period as an assessment of this ratio.

The Shire's Asset Sustainability ratio has been under the target level of 0.90 for the past three consecutive years. The Shire is about to embark on a substantial capital works program over the next five years on renewing and upgrading key assets and this is predicted to result in a spike in the ratio during this time and is likely to be above the DLGSCI's target.

The shortcoming in the calculation of these ratios and the associated target levels set by the DLGSCI are part of the reason the ratios are under review by WALGA and the Department. It is not considered that the existence of three consecutive ratios under the DLGSCI targets presents a short to mid- term threat to the financial position of the Shire. The structural issues surrounding these ratios results will be considered as part of the development of the LTFP.

The asset renewal funding ratio requires a completed LTFP. In previous years, the Shire's Auditors prior to the OAG have accepted the calculations made by staff in the absence of an adopted asset management plan for all asset classes and an older LTFP received in 2017. The OAG changed the approach and they are not prepared to accept these calculations without a formal and current LTFP.

COMMITTEE RECOMMENDATION

Moved Cr Wringe

Seconded Cr Atherton

That Council:

- 1. Receive the Annual Financial Report and Audit Report for the year ending 30 June 2020;**
- 2. Forward to the Minister for Local Government, Sport and Cultural Industries the report on significant findings as attached for the year ending 30 June 2020, as required by Section 7.12A(4)(b) of the Local Government Act 1995;**
- 3. Are advised by the Audit and Risk Management Committee that the review of the seven mandatory reportable financial ratios is being undertaken by WALGA and the State Government across the entire Local Government sector of Western Australia, and is not isolated to the Shire of Donnybrook Balingup; and**
- 4. Acknowledge the Executive and all staff in coordinating the Annual Financial Audit.**

PROCEDURAL MOTION

Moved: Cr Lindemann

Seconded: Cr Mitchell

That the motion be put.

CARRIED 8/1

COUNCIL RESOLUTION 194/20

Moved Cr Wringe

Seconded Cr Atherton

That Council:

- 1. Receive the Annual Financial Report and Audit Report for the year ending 30 June 2020;**
- 2. Forward to the Minister for Local Government, Sport and Cultural Industries the report on significant findings as attached for the year ending 30 June 2020, as required by Section 7.12A(4)(b) of the Local Government Act 1995;**
- 3. Are advised by the Audit and Risk Management Committee that the review of the seven mandatory reportable financial ratios is being undertaken by WALGA and the State Government across the entire Local Government sector of Western Australia, and is not isolated to the Shire of Donnybrook Balingup; and**
- 4. Acknowledge the Executive and all staff in coordinating the Annual Financial Audit.**

CARRIED 8/1

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following confidential report and recommendation has been distributed separately and are not for circulation:

12.1.1 CONFIDENTIAL – PROPOSED VARIATION TO CONTRACT (ASK WASTE MANAGEMENT PTY LTD) – LANDFILL CLOSURE MANAGEMENT PLAN – DONNYBROOK WASTE MANAGEMENT FACILITY

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

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

12.1.2 CONFIDENTIAL – TUIA LODGE OUTSOURCING ARRANGEMENT – SHORTLISTING OF RESPONDENTS

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

EXECUTIVE RECOMMENDATION

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

12.1.1 CONFIDENTIAL – PROPOSED VARIATION TO CONTRACT (ASK WASTE MANAGEMENT PTY LTD) – LANDFILL CLOSURE MANAGEMENT PLAN – DONNYBROOK WASTE MANAGEMENT FACILITY

12.1.2 CONFIDENTIAL – TUIA LODGE OUTSOURCING ARRANGEMENT – SHORTLISTING OF RESPONDENTS

Cr Massey left the Chamber at 6.39pm.

COUNCIL RESOLUTION 195/20

Moved Cr Lindemann

Seconded Cr Atherton

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

- 12.1.1 CONFIDENTIAL – PROPOSED VARIATION TO CONTRACT (ASK WASTE MANAGEMENT PTY LTD) – LANDFILL CLOSURE MANAGEMENT PLAN – DONNYBROOK WASTE MANAGEMENT FACILITY**
- 12.1.2 CONFIDENTIAL – TUIA LODGE OUTSOURCING ARRANGEMENT – SHORTLISTING OF RESPONDENTS**

CARRIED 8/0

The meeting was closed to members of the public at 6.40pm.

COUNCIL RESOLUTION 198/20

Moved Cr Newman

Seconded Cr Wringe

That the meeting be re-opened to the public.

CARRIED 9/0

The meeting was re-opened to the public at 7.04pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

RESOLUTION 197/20

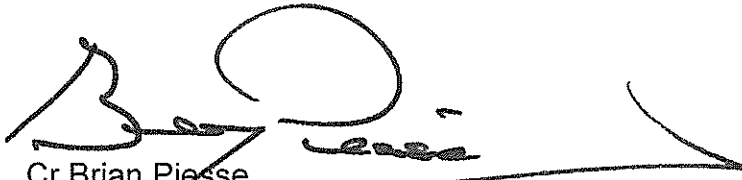
That Council select the preferred outsourcing partner for Tuia Lodge as per the Confidential Minutes and instruct the Chief Executive Officer to negotiate lease terms.

13 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 24 February 2021 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7.07pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 24 February 2021.



Cr Brian Piesse
SHIRE PRESIDENT