



## **MINUTES OF ORDINARY MEETING OF COUNCIL**

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held on

**Wednesday 23 March 2022**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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

**Ben Rose**  
**Chief Executive Officer**

**29 March 2022**

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**SHIRE OF DONNYBROOK BALINGUP**  
**MINUTES OF ORDINARY COUNCIL MEETING**

Held at the Council Chambers  
Wednesday, 23 March 2022 at 5.00pm

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

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### **Shire President – Acknowledgment of Country**

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

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

### **Recording of Proceedings:**

The Shire President stated the following in accordance with Council Policy EM/CP-2:

*This meeting is being 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.*

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## **2 ATTENDANCE**

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### **MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Leanne Wringe (President)	Ben Rose – Chief Executive Officer
Cr Lisa Glover (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Kim Dolzadelli – Director Corporate and Community
Cr Peter Gubler	Archana Arun – Admin Officer Executive Services
Cr Phil Jones	Shawn Lombard – Principal Project Manager
Cr Jackie Massey	Damien Morgan - Manager Works and Services
Cr Fred Mills	Katie McIntyre – Manager Finance and Corporate
Cr Chaz Newman	
Cr Chris Smith	

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### **PUBLIC GALLERY**

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Two members of the Press

Thirty two members of the public were in attendance.

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#### **2.1 APOLOGIES**

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Nil.

## **2.2 APPROVED LEAVE OF ABSENCE**

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Nil.

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

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Nil.

## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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### **PRESIDENT'S DIARY – MARCH 2022 OCM**

24 Feb. 2022 Meeting with Chief Fire Control Officer regarding recent fires.

28 Feb. 2022 Warren Blackwood Economic Futures meeting – Timber ban impact update

02 Mar. 2022 Weekly meeting with CEO

02 Mar. 2022 Meeting with ratepayer regarding Montgomery Road.

03 Mar. 2022 Council forum - Update on Donnybrook Sporting Precinct.

03 Mar. 2022 Audit and Risk Management Meeting.

03 Mar. 2022 AGM – Kirup Volunteer Bushfire Brigade

08 Mar. 2022 Attended Shire of Collie Ordinary Council Meeting

11 Mar. 2022 Weekly meeting with CEO

14 Mar. 2022 March 2022 Special Council Meeting

15 Mar. 2022 Meeting with WALGA – Jeff Henderson (Interview for WALGA website)

16 Mar. 2022 Meeting with CEO

16 Mar. 2022 Visit to Minninup Cottages and Langley Villas

16 Mar. 2022 March 2022 Agenda Briefing at Kirup Hall

16 Mar. 2022 Attended Donnybrook Apple Festival Meeting

21 Mar. 2022 Preston Village Hall – Ladies group

22 Mar. 2022 Weekly meeting with CEO

23 Mar. 2022 March 2022 Ordinary Council Meeting

## **4 DECLARATION OF INTEREST**

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

*Cr Atherton has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as he is member and life member of the Donnybrook Football Club.*

*Cr Atherton has declared a Financial Interest in Item 9.1.2 Proposed Road Names – New Roads for Subdivision 161049 – Lot 72 Grimwade Road/ Walter Street Balingup as he has been requested to submit a proposal/ quote to be the selling agent.*

*Cr Glover has declared a Proximity interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as she is a part owner of a property adjoining the site (Emerald Street).*

*Cr Glover has declared a Financial interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as the above mentioned property is an investment property.*

*Cr Glover has declared an Indirect Financial interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as her partner is a joint owner of the above-mentioned property.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as she is a Member of the Tennis Club.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as family members are members of the Donnybrook Tennis Club.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as she is a Member of the Ladies Hockey Club.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as a family member is a member of the Preston Thunder Football Club.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as she is a Volunteer (processing Kidsport Application) for Donnybrook Football Club.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as a family member is a member of the Donnybrook Netball Association.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as she is a Volunteer (scoring and time keeping) for Donnybrook Netball Association.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as a family member is a member of the Donnybrook Basketball Club.*

*Cr Glover has declared an Impartiality interest in Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project as she is a volunteer (scoring) for the Donnybrook Basketball Association.*

The Presiding Member requested clarification from Cr Glover regarding previous advice (from the March Agenda Briefing Session) of a potential request by Cr Glover to enact s5.68 of the Local Government Act in relation to agenda item 9.3.3. Cr Glover advised the Presiding Member that she would decline to seek the enacting of s5.68 for item 9.3.3 at this meeting.

## 5 PUBLIC QUESTION TIME

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

Simon McInnes

With regards to the Asset Management Plan, how is the Shire planning to fund asset management costs of approximately \$5m in each 2027/28 and 2028/29?

Director Corporate and Community

Projected asset expenditure provided in this response is sourced from the most recently adopted asset plans (2021/22 review). Projected expenditure includes asset expansion and asset renewal.

	2027/28	2028/29
<u>Projected Expenditure</u>		
Parks & Reserves	232,590	202,225
Vehicles	856,683	476,365
Roads	1,697,999	2,570,073
Buildings	1,031,313	284,499
	<b>3,818,585</b>	<b>3,533,162</b>
<u>Projected Funding</u>		
Building Reserve	552,016	126,103
Sundry Reserves	37,394	135,527
Parks & Reserves Reserve	232,590	202,225
Grants - Buildings	441,903	22,869
Vehicle Reserve	596,243	274,322
Vehicle Trade	260,441	202,043
Own Source & Road Grants	1,697,999	2,570,073
<b>Total Projected Funding</b>	<b>3,818,585</b>	<b>3,533,162</b>

Projected total asset expenditure for 2027/28 and 2028/29 is below the projected 15-year annual average of \$4.2m.

Question asked at the Special Meeting of Council – 21 December 2021, which was answered but not included in the Ordinary Meeting of Council Minutes for February 2022.

Simon McInnes

The gift and attendance policy states you don't have to declare any gifts both under and over \$300. Is that correct?

Acting Chief Executive Officer

The Shire's understanding of the question is that it relates to Clause 2.2 of Council Policy EXE-CP-5 – *Attendance at Events* which states the following:

2.2. *Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.*

Specifically, it is understood that the question is seeking clarification as to why a gift holder (recipient) is excluded from the requirement to disclose an interest if a ticket for an event is above \$300 in value (as per the first sentence in the clause), and is also excluded if the ticket is less than \$300 in value (as per the second sentence in the clause) and queries whether there may be an error in the policy wording. At first glance it would appear that this may be the case, however the two sentences relate to a slightly different situation depending on whether the gift (ticket) is valued at above or below \$300 which is the threshold for reportable gifts. Essentially, gifts (including tickets) of less than \$300 in value are not required to be declared, whilst those that are above \$300 are required to be declared.

The following applies to the Policy with reference to Cl. 2.2:

- All attendance at events of any value require prior approval and must comply with the Policy;
- All gifts of tickets to events over \$300 in value are required to be declared and placed on the Shire's Gift Register;
- Gifts of tickets to events of less than \$300 in value may be declared and may be placed on the Shire's Gift Register, but are not required to under legislation (at the discretion of the gift recipient);
- With regard to the first sentence of Clause 2.2, if a donor has given the gift of a ticket worth more than \$300 to an Elected Member to attend an event and the donor subsequently has a matter before Council (i.e. a Planning application), the Elected Member (recipient) is not required to disclose an interest with regard to the matter, subject to the Elected Member's attendance at the event first being approved under the Policy;
- With regard to the second sentence of Clause 2.2, if a donor has given the gift of a ticket worth less than \$300 to an Elected Member to attend an event and subsequently has a matter before Council (i.e. a Planning application), the Elected Member (recipient) is also not required to disclose an interest with regard to the matter, noting that the gift (ticket) may not have been declared and/or recorded on the Shire's Gift Register.

As attendance at all events requires approval under the Policy, from a practical perspective, there is very little difference between the two scenarios above.

The relevant section in the new Policy as adopted by Council is word-for-word in accordance with the policy template provided by the Department of Local Government, Sport and Cultural Industries and is therefore understood to be widely used in LGAs



across WA. However, upon reflection, it is considered that the wording could possibly be improved for clarity, and this will be noted for future revisions of the Policy.

## **5.2 PUBLIC QUESTION TIME**

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Shane Sercombe

Has a Risk Assessment ever been presented to the Council regarding the VC Mitchell Project?

Chief Executive Officer

A stand-alone risk assessment hasn't been presented to the Council. However, a variety of documents prepared for the project have included risk assessments.

Shane Sercombe

If the project is passed tonight, at what point will the item come back to Council?

Chief Executive Officer

If the officer's recommendation is upheld, the next available decision to the Council will be considering the tenders received.

Shane Sercombe

So, the Council won't be reviewing tender documents before they go to market?

Chief Executive Officer

Yes, that's the recommendation.

Brad Fowler

Has the President or any Councillors seen 3D or any elevation drawings of the proposed recommendation for tonight's agenda item 9.3.3?

Shire President

I haven't seen a 3D drawing but there many other drawings.

Brad Fowler

Has the President or any of the Councillors seen the prepared tender documents for the proposal for tonight's agenda item and if you haven't, how can you make a tender request?

Shire President

No, I haven't seen the tender documents.

Brian Piesse

Is the Government satisfied that there are enough community elements in the project?

Chief Executive Officer

I won't be able to say definitively until we have an executed Financial Assistance Agreement with the Government. However, I've spoken with the Senior Regional Manager from the Department of Local Government, Sport and Cultural Industries earlier today, whose is supportive of the Shire's direction on this project.

Brian Piesse

With regards to the agenda item on road naming, I see one name 'Thomas' in the list. Is this likely to be approved by the Government given there is a 'Thomas' road elsewhere in the Shire?

Director of Operations

The officer recommendation is not to recommend the road name of Thomas as there is already a Thomas Road within 50 kilometres, and the State Government won't approve of the same road name withing a 50 kilometre radius.

Tony Scaffidi

Is the Council/Councillors supportive of putting rates up, as there is an agenda item on the topic tonight?

Shire President

It is an agenda item and it will be up for debate and decision later tonight – the Council decision can't be pre-empted, but there will be a decision made one way or another.

Angelo Logiudice

Does the major football club project Item 9.3.3 have to be submitted to the Minister for final approval prior to being granted the \$6 million for the project to proceed?

Chief Executive Officer

I don't know the internal operations of the State's delegations on these matters. I would expect that the Director General of the Department of Local Government, Sport and Culture would have delegated authority on this matter. Nevertheless, it is an internal process for the State Government's consideration.

Angelo Logiudice

How are you going to present this major football club project to the Minister without a feasibility study and a business case? Given that this recommendation that will be voted on tonight is substantially different to the proposal that you put to the Minister as a shovel ready project.

Chief Executive Officer

As I mentioned before, I'm not sure that it needs to go to the Minister for approval – it's likely to be dealt with under delegated authority through the Department. Advice from the Department, which has been consistent over the past 18 months, is that the Shire has followed the expected government processes for due diligence and that further feasibility studies or business plans are not required.

John Keenan

How many of the Shire's eligible ratepayers are for this development and how many are against it? Do you have those figures, or have they been obtained at any stage?

Chief Executive Officer

The Shire has not conducted a referendum or a poll on the project.

John Keenan

Do you think that the ratepayers should be asked through a referendum or poll?

Chief Executive Officer

The Council can deliberate on that as part of its debate and consideration of the item later tonight.

Bruce Hearman

What type of interest exist in the Local Government matters?

Chief Executive Officer

Proximity Interest, Financial Interest, Indirect Financial Interest and Impartiality Interest.

Bruce Hearman

In the event of an Impartiality conflict known to the CEO but not declared, has the CEO any obligation to deal with that in any way?

Chief Executive Officer

The Chief Executive Officer is nominated as the Shire's Complaints Officer for this sort of matter. So, all complaints in relation to Councillor matters automatically come through to the Chief Executive Officer. There is no statutory obligation for the CEO (knowing that an interest has not been declared) to take any action. However, if a complaint against a Councillor is lodged by another Councillor, a community member or by staff member, the CEO is obligated to act on it.

Bruce Hearman

Will the CEO please advise all interests in relation to agenda item 9.3.3?

Chief Executive Officer

The declarations that have been made earlier in the meeting tonight have all been declared, read out for the Councillors and gallery and will be recorded in the Minutes.

Rod Atherton

I was interested to hear Cr Glover tonight announced that she has a financial interest in the VC Mitchell Complex. Has Cr Glover declared a financial interest at each meeting before tonight?

Cr Glover

With regards to the VC Mitchell Park sporting complex, I have not taken part in any of the debates or discussions around that in any Council meetings. I've declared a proximity interest, not understanding the financial interest in that because it wasn't clear. That was not declared because it was an unknown factor at the time, but I certainly have not taken part in any of the conversations around that, and I haven't participated in any other meeting items.

Rod Atherton

What are the consequences for someone not lodging such an interest?

Shire President

Under the Act, it is a \$10,000 fine or a two-year jail term.

Mike King

Why has the project morphed into a development for the football club?

Chief Executive Officer

The matter is to be debated and considered by the Council tonight. Whether it's morphed into anything, I suppose, is a matter for interpretation.

Mike King

Why is the football club not being asked to co-contribute one-third of the funding?

Chief Executive Officer

The Shire is asking the football club for a co-contribution of \$250,000. The ability for a small sporting club to raise \$1.5 - \$2 million is just not going to happen in a small regional community. I am quite happy to pursue seeking a co-contribution from the club and there will be opportunities for other types of in-kind contribution into the future in terms of maintenance and operating costs.

Mike King

Should the Shire check if the grant is still available within this morphed scope of works? Has the WA COVID Recovery Grants Committee approved the reduction in scope multipurpose sporting, recreation and entertainment precinct?

Chief Executive Officer

I have spoken with the Regional Manager of the Department this morning, who is supportive of the Shire's direction on the project. Of course, that Manager isn't likely to have the delegation to sign-off the \$5.75 million State contribution though.

Brad Fowler

How can Councillors make a consideration on this project that's before us tonight (Item 9.3.3) without sufficient time to analyse the Anna Dixon report?

Shire President

The Anna Dixon report considered the events precinct as a commercial enterprise. So, the analysis was about whether the facility was going to be a viable commercial enterprise, and in doing so, looked at various governance models and operational models and her recommendation came back to say because there was limited support for the Community groups that a blended management model would be best.

Chief Executive Officer

The Council is not being requested to consider the governance and operational arrangements for future management of the facility/ies tonight.

Brad Fowler

On 22nd of September 2021 my question was, is the CEO going to conduct a feasibility study for the VC Mitchell Park project? My question now is when are you going to conduct the feasibility study?

Chief Executive Officer

Advice I received from the Department earlier this morning is that further studies on feasibility are not required and that the Department has not advised you that it (i.e. a further feasibility study) is required.

Shane Sercombe

Has any of the current elected members done paid work at VC Mitchell within the last two years?

Shire President

One Member has indicated they have provided paid work.

Shane Sercombe

Would that meet the definition of a financial interest under Local Government Act?

Chief Executive Officer

In my opinion, there is no financial interest there.

Shane Sercombe

At what stage do you hope to do a governance model and would it be unwise to do a governance model after tenders have gone to market? If the governance model isn't achievable and you've already advertised the tender would it not make the governance model waste of time?

Chief Executive Officer

The report prepared by Anna Dixon provides a lot of research and advice in relation to governance models.

Shane Sercombe

No governance model has been identified out of that as being feasible, yet you're still going ahead?

Chief Executive Officer

The recommendations section of that report at page 34 gives a very clear recommendation for three different governance/management options, in preferred order. The first recommendation is for a blended management model (explored in more detail in the body of the report).

Shane Sercombe

At what stage is the governance model going to be decided?

Chief Executive Officer

Advice from the Department to the Shire is that ordinarily, the governance and operational model considerations are decided following the award of a tender for construction.

Angelo Logiudice

Has the Football Club committee/membership been approached to make a contribution commitment, prior to borrowing \$3 million?

Chief Executive Officer

Presently, the Shire is negotiating with the football club for a co-contribution of \$250,000. That amount is not set in stone, there is a negotiation process underway.

Angelo Logiudice

Is the co-contribution from the Football Club going to be settled prior to the Shire borrowing from WA Treasury Corp?

Chief Executive Officer

It is my intent to conclude negotiation with the football club, and potentially any other contributing parties, before the Shire finalises its final co-contribution agreements.

Angelo Logiudice

Has the Chamber of Commerce been consulted regarding the sporting precinct project and what was the response?

Chief Executive Officer

I'm not sure that there has been individual consultation with the Chamber of Commerce on this project – I would need to check that in more detail. There was a similar question at the Agenda Briefing Session last week and I confused my reference to consultation with the Chamber of Commerce on the VC Mitchell Park Project with the Goods Shed project – my apologies for that.

Chantelle Wood

With regards to the football club project, will we be notified of the times when the works go ahead?

Chief Executive Officer

Generally, where we have contractors undertaking works for the Shire, notification letters do go out to adjoining and nearby landowners and residents.

Leith Crowley

With regards to previous confidential items, will the Minutes be corrected to make public the resolutions made by Council behind closed doors as per the Local Government (Administration) Regulations? If Council deem that I am incorrect, would they please seek clarification from the Department of Local Government?

Chief Executive Officer

This question is taken on notice as it requires further detailed research.

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## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Nil.

## **6.2 PRESENTATIONS**

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Nil.

## **6.3 DEPUTATIONS**

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Mr Michael Sheehan – Deputation in relation to Bridge 5224, Queenwood.

Mr Brad Fowler, DBRAA - deputation on Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.

Mr Peter Hearman, President Donnybrook Football and Sporting Association - Deputation on Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.

Mr Brian Piesse - Deputation on Item 9.3.3 Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.



## **ADOPTION BY EXCEPTION**

### **COUNCIL RESOLUTION 17/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That the following items be adopted ‘en bloc’:**

- 7.1        Confirmation of Minutes Ordinary Meeting of Council – 23 February 2022**
- 7.2        Audit and Risk Management Committee Meeting – 9 February 2022**
- 7.3        Audit and Risk Management Committee Meeting – 3 March 2022**
- 7.4        Special Meeting of Council – 14 March 2022**
- 9.1.3     Results of Preliminary Community Engagement Survey – Local Town  
            Planning Framework Review**
- 9.2.2     Monthly Financial Report – February 2022**
- 9.2.3     Compliance Audit Return 2021**
- 9.2.4     Internal Audit Proposal**
- 9.2.6     Building Asset Portfolio Review**
- 9.2.7     Rating Objectives Strategy Review**
- 9.2.8     Financial Management Systems – Continuous Improvement Planning**
- 9.3.1     Proposed Appointment of Independent Member to the Audit and Risk  
            Management Committee**

**CARRIED 9/0**

**For:**        Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                 Cr Newman and Cr Smith

**Against:** Nil

## **PROCEDURAL MOTION**

That Council bring forward Item 9.3.3.

### **COUNCIL RESOLUTION 18/22**

**Moved Cr Wringe                      Seconded Cr Atherton**

That Council bring forward Item 9.3.3.

**CARRIED 9/0**

**For:**        Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                 Cr Newman and Cr Smith

**Against:** Nil

**9.3.3 DONNYBROOK COMMUNITY, SPORTING, RECREATION AND EVENTS  
PRECINCT (VC MITCHELL PARK) PROJECT**

<b>Location</b>	Steere Street, Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWT 18T
<b>Authors</b>	Shawn Lombard, Principal Projects Manager Ben Rose, Chief Executive Officer
<b>Responsible Manager</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	9.3.3(1) - Minister Correspondence 9.3.3(2) - Stage 1 Architectural Drawings (15 July 2021) 9.3.3(3) - Single Storey Pavilion Concept (sketch only) 9.3.3(4) - Cost Estimate and Preferred Scope 9.3.3(5) - Response to Shire Queries (DLGSC) 9.3.3(6) - Responses to Community Information Forum 9.3.3(7) - Functional Brief 9.3.3(8) - Business Plan Report
<b>Voting Requirements</b>	Absolute Majority

**Cr Glover left the chamber at 7:10 pm.**

<b>Recommendation</b>	
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>1. <b>Endorse a project co-contribution of \$3.5 million, being:</b> <ol style="list-style-type: none"> <li>a. <b>A loan facility via WA Treasury Corp of \$3 million; and</b></li> <li>b. <b>Shire Reserves co-contribution of \$500k (as previously approved by Council).</b></li> </ol> </li> <li>2. <b>Request the Chief Executive Officer to take necessary actions to progress Resolution 1, above, and report to Council on progress at the Council Meeting that results of the tender process are considered.</b></li> <li>3. <b>Request the Chief Executive Officer to continue seeking additional project funding opportunities, including (but not limited to) from the Donnybrook Football and Sporting Club Inc., LotteryWest, the AFL / WAFL and others.</b></li> <li>4. <b>Request the Chief Executive Officer to release a public project tender, with the results of the tender submissions to be presented to a Council Meeting as a matter of organisational priority.</b></li> <li>5. <b>Approves the project scope for the purpose of the tender as follows:</b></li> </ol>	
<b>Project components</b>	<b>Recommendation</b>

Multi-Purpose Pavilion 1 (as designed)	4,881,178.00
Multi-purpose Pavilion 1 (Single storey)	x
Football Pavilion (Single storey, reduced size)	x
Multi-Purpose Pavilion 2 (as designed)	x
Multi-Purpose Pavilion 2 (reduced scope aesthetic works only)	100,000.00
New Outdoor Netball /Basketball courts	x
Modifications to Recreation Centre Access & Ablutions	x
Carpark 3 (Stage 1 & 2)(Chip Seal) (Rec Centre upper Level)	x
Carpark 3 (Stage 1) (chip seal)	x
New Entrance Road crossover off Marmion (Chip seal)	x
Lighting Footpaths	x
Lighting Oval	x
Lighting Tennis	x
Lighting Netball	x
Lighting Carpark 3 (Full Scope)	x
Lighting Oval – Infrastructure	10,000.00
Lighting Tennis - Infrastructure	15,000.00
Lighting Netball - Infrastructure	x
Pathways from Lower to Upper	x
Landscaping	x
Cricket Pitch	x
Ticket Booth	x
Bus Drop off Rec Centre	x
Football Tiered Seating (refurbish existing)	x
Tennis Fencing	x
Hockey Steere Street cross over	x
Infrastructure – Electrical	360,146.00
Infrastructure – Hydraulics (sewer and water)	419,000.00
Infrastructure – Drainage	100,000.00
Site Prep and Demolition	100,000.00
<b>Subtotal</b>	<b>5,985,324.00</b>
Prelims and Margin (15%)	897,798.60
Professional Fees (8% residual)	550,649.81
Regional Loading (5%)	344,156.13

Contingency (7%)	481,818.58
Authority Fees (1.5%)	103,246.84
<i>Subtotal</i>	2,377,669.96
<b>Total</b>	8,362,993.96
Hockey Pitch	250,000.00
Previous Fees Up to Schematic Design	250,000.00
<b>Approved Project Budget</b>	<b>\$9,000,000</b>
<b>(15 Dec 2021 rates) Grand Total</b>	<b>8,862,993.96</b>
<b>Surplus / Deficit</b>	<b>137,006.04</b>
<b>Anticipated 5% escalation to 31 March 2022</b>	<b>9,306,143.66</b>
<b>Surplus / Deficit</b>	<b>-306,143.66</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
Football Club contribution	250,000.00
<b>Adjusted Surplus / Deficit</b>	<b>443,856.34</b>
<b>Anticipated 5% escalation to 30 June 2022</b>	<b>9,771,450.84</b>
<b>Surplus / Deficit</b>	<b>-771,450.84</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
Football Club contribution	250,000.00
<b>Adjusted Surplus / Deficit</b>	<b>-21,450.84</b>
<b>Note: Cost estimates only, prices subject to market fluctuations and tender results</b>	

## STRATEGIC ALIGNMENT

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

<b>Outcome</b>	1.1	A diverse, prosperous economy, supporting local business and population growth.
<b>Strategy</b>	1.1.1	Promote, maintain, and diversify investment in the district.
<b>Action</b>	1.1.1.4	Actively partner in regional Growth Planning partnerships and projects.

<b>Outcome</b>	2.1	An attractive and maintained built environment
<b>Strategy</b>	2.1.1	Maintain, renew and improve infrastructure within allocated resources.
<b>Action</b>	2.1.1.2	Seek funding for development and renewal of infrastructure
<b>Outcome</b>	3.3	A safe and healthy community environment for all ages
<b>Strategy</b>	3.3.3	Support a safe, healthy, and active community
<b>Action</b>	3.3.3.2	Review and implement the VC Mitchell Park and Balingup Centre Masterplans.

## EXECUTIVE SUMMARY

Following numerous Council agenda items and decisions over the preceding three years, as well as two recent Councillor Concept Forums, the Executive is recommending a suite of decisions and actions in order to progress the project into the procurement and implementation stages, noting that the building / construction industry in experience marked cost escalations presently.

## BACKGROUND

The background of this project was extensively documented in the 12 July 2021 Ordinary Council Meeting Agenda / Minutes. The intent of this report is not to document the project history, but rather to set out the present project status and identify a recommended course of action.

### Design

The Project Team have, in conjunction with the Architect / Sub-consultancy team, been developing tender documentation in line with the original Stage 1 deliverables as adopted by Council at its 12 July 2021 Special Meeting, these being:

1. Multi storey multipurpose pavilion.
2. Refurbished Tennis club building and changeroom extension add on.
3. Footpath connections between the various precinct levels.
4. Multipurpose netball/basketball courts including lighting.
5. New after-hours Recreation Centre entrance and ablutions.
6. Carpark 3 (Recreation Centre level)
7. All civil and services infrastructure.
8. Hockey Training pitch and lighting at the mid-level.

The architect and Project Team have predominantly completed this tender package.

As part of the tender package review process, a updated cost estimates were sought from Altus (quantity surveyor) to confirm pricing as there have been notable industry shifts and

price increases being communicated and observed in the media, nearby local governments and within the Shire's own current capital works program.

The revised cost estimate came back at just over \$12 million dollars; a significant shift from the original \$9 million for the then anticipated Stage 1 cost from July 2021. This prompted the Project Team to prepare a presentation to Councillors in the format of a Concept Forum on 15 December 2021, using this opportunity to:

- Update the newly elected Council members of the project's history and detail.
- Advise Councillors of the projects status.
- Advise Councillors of project risks considering the recent cost escalation challenges.
- Review and discuss project scope (deliverables) that aligns to the \$9 million budget.
- Discuss the fully allocated \$250,000 design budget (State funded).

A second Concept Forum was hosted with Councillors on 3 March 2022 to address further shifts in market pricing and options to address this challenge. Key items of discussion included:

- Review of an Excel workbook identifying various Stage 1 deliverables scenarios and associated costs. This workbook showed options that took the following into consideration:
  - The Functional Brief, being a document that captures all the stakeholders aspirations, functional needs and data.
  - Prioritisation of workscope, noting both stakeholder and governing agencies feedback and input.
  - Alternative design scenarios and consequential impacts.
  - Future staging scenarios due to rapid cost escalations.
  - Budget and funding considerations.
- Clarification regarding the Shire's obligation for a \$3 million co-contribution, based on the Minister's most recent correspondence to the Shire on the matter?
- Progress and outcomes of the Business Plan, specifically around the Management Model and future cost assumptions.
- The relevance / value of delaying the project in order to see if costs de-escalate.
- The appropriateness of further community consultation (e.g. referendum / poll, or survey).

### **Business Plan**

The Project Team engaged Anna Dixon Consulting to develop a Business Plan, in consultation with stakeholder sporting groups, to address the queries raised through the extensive stakeholder consultation:

- Precinct management model frameworks.
- Operating model/s recommendations.
- Feasibility of design based on functional use and future activation.
- Indicative cost modelling.

The consultant's engagement process with local sporting groups took considerable time to complete, pushing delivery of the Business Plan back by several months. The draft Business Plan is expected to be available to the Shire on 15 March 2022.

### **Funding:**

The following summarises the status of project funding presently:

- Funding application has been made to WA Treasury Corp for a \$2.5 million loan, this being acknowledged and approved. The Executive have not yet drawn down on the loan, which cannot occur until final approval for the project is resolved by the Council.
- The loan and all its financial implications have been reflected in the 21/22 Shire adopted budget in anticipation that the loan will be required at successful Tender award.
- The Shire's residual contribution of \$500,000 (to make-up \$3 million) has been approved via Shire Reserve accounts.
- The State Government \$6 million funding is still available and pending, with the Financial Assistance Agreement not yet finalised to enable access to the funds as Council have not yet given the final approval for this to be undertaken.
- The \$250,000 design and tender document development funding from the State Government has been expended. Further works on design variation and Project management will require additional funding.

## **FINANCIAL IMPLICATIONS**

### **Additional funding sources**

Several alternative funding sources were noted within the previous Council report, the status noted as follows:

- Grant application to the Federal Government via the Building Better Regions Fund (\$3.8M), lodged earlier this year;
  - This was application was competitive, however, unsuccessful.
- Grant application to the State Government via the Community Sporting and Recreation Facilities Fund and the Club Night Lights Program (up to \$2M), closed August 2021:
  - The Shire was unable to apply due to ineligibility. The State Government would not allow further funding if the local government/project was already the recipient of State funding.
- Australian Football League Facilities Fund (potentially \$100-\$200K), no fixed funding round:
  - Unsuccessful, as the League is currently experiencing funding shortfalls due to having to re-appropriate funding to other activities due to Covid-19 impacts on business.
- Federal funding via the Local Roads and Community Infrastructure Fund (up to \$920k), funding round three opened 1 January 2022:
  - Unsuccessful due to the needs identified in the Long Term Financial Plan of other Shire infrastructure requiring these funds.
- LotteryWest:

- LotteryWest's funding model through the evolution of the Covid-19 Pandemic has exclusively focused on Covid relief funding (i.e. not this sort of project). LotteryWest has recently reverted to it's normal funding priorities, meaning the Shire can again approach LotteryWest, noting that LotteryWest will not fund projects (or parts of larger projects) that are funded via the Commonwealth or State Governments.

### **Shire WA Treasury Corp Loan - \$2.5 million**

To deliver the July 2021 Council approved Stage 1 works package, \$3 million dollars was required by the Shire to co-fund the State Government contribution of \$6 million. Council has approved the Shire's \$3 million contribution via; \$2.5 million loan and \$500k Shire Reserves. Council approved the establishment of a \$2.5 million loan from WA Treasury Corp at its November 2021 Ordinary Meeting, subject to further final approval by Council. WA Treasury Corp have approved the loan application (but the loan facility has not been activated, as per the November 2021 Council resolution).

### **State Government \$6 million funding**

The State Government \$6 million funding is currently still available, noting the following:

- A Financial Assistance Agreement (FAA) to access \$250,000 has been approved by Council and executed to draw down State funding for the design and tender document development. These funds have been issued by the State out of the overall \$6 million, with a zero-payback clause should the project not proceed after this work has been completed.
- The Shire has not yet entered into a FAA to secure and release the remaining \$5,750,000 million State Government funding. This report will seek Council approval to finalise the FAA to access the funding in anticipation of a successful tender award process.

### **Additional Costs / Variations**

- The original \$250,000 design fees have been fully expended as of November/December 2021.
- This sees the Architect / Sub-consultancies fully paid for the 15 July 2021 Stage 1 design and tender documentation.
- Any design variation going forward will require additional funding.
  - Quotations have been requested in anticipation of this occurrence.
    - Estimation of variance range between \$20k-30k.
- Project management fee's for the original period have been fully expended, with one minor variation paid to close out the works reflected in the 15 December 2021 Council forum workshop.
  - The Consultant has logged considerably more hours than quoted and billed.
  - Work required from February 2022 forward will require additional funds.
  - Quotations have been requested in anticipation of this occurrence.
    - Estimation of variance range between \$10k-20k.
- There are also likely to be minor administration fees for items such as:
  - Tender advertising.
  - Project reporting and funding acquittal and audit fees.
    - Estimation of variance is \$10k.



## **POLICY COMPLIANCE**

Shire Policy 2.48 stipulates the requirements for purchasing, tendering and 'buy local' provisions for the Shire, which will apply to project procurement exercises.

## **STATUTORY COMPLIANCE**

Section 3.57 of the Local Government Act 1995 (and subsidiary Regulations) provides the head of power and requirements in relation to tender processes for local governments.

The Financial Assistance Agreement/s from the State Government to the Shire will, when executed, also form a binding contract.

## **CONSULTATION**

The consultation processes and outcomes for this project have been reported to Council on several occasions. Questions, comments and responses from the August 2021 information forum open day are appended to this report.

## **OFFICER COMMENT**

The intention of this report is to advise Council with enough current and relevant data to enable the Council to make an informed decision/s to progress the project into the procurement and implementation phases, including:

- An amended project scope of works.
- Aligning the amended scope of works to the available budget.
- Activation of the State Government funding and loan funding.
- Closure and acceptance of long-standing questions and answers around:

### **Design**

Council has a fully documented 12 July 2021 Stage 1 scope of works and design documentation package that is near completion for issue to the market to test for a successful tender contractor. Within this package is included:

- A bill of quantity and cost for each respective scope element.
- Detail of each element that fully clarifies the intended functional use of each element.
- A Functional Brief that shows all functional and aspirational data that has informed/ guided the design outcomes.
- Results of stakeholder consultation, using various formats to test design options and deliverables.
- An Excel workbook showing both past, present, and future alternative options for consideration using current data.

Within these considerations there are three distinct / different scenarios presented for the main pavilion, these being:

1. Two Storey pavilion with extensive refurbishment works done to the Tennis Club inclusive of additional changerooms at the mid-level.
2. Single Storey pavilion using like-for-like room sizes (compared to two-storey scenario). Note, this scenario will require additional funds for design and tender preparation work as a single storey scenario has not been contemplated to-date.
3. Single Storey Pavilion with reduced room capacities. Note, this scenario will require additional funds for design and tender preparation work as a single storey scenario has not been contemplated to-date.

### **Project Budget**

With cost escalations for this type of project predicted (Altus and WALGA) at around 5% per quarter for at least the next two quarters, there is no ability for the existing budget (\$9 million) to meet the scope / deliverable expectations established in July last year. To address this funding challenge, and to enable as much scope / deliverables to be built as possible in Stage 1, the concept of additional Shire funding was raised by Councillors at the most recent Concept Forum (3 March 2022). This concept was raised in the following context:

- The Shire has recently been awarded a \$2.86 million grant for asset renewal works to Langley Villas and Minninup Cottages. There is no mandated funding co-contribution required by the Shire for this grant.
- In Reserves, the Shire has \$841,950 allocated for asset renewal works for Langley Villas and Minninup Cottages and the Asset Management Plan identifies \$1,583,732 worth of expenditure over the next 20 years (at a basic level of asset maintenance).
- Of the \$841,950 in Reserves, the Shire's equity is approximately \$220,261 and the Department of Communities' (previously the State Housing Commission) equity is approximately \$621,689.
- Therefore, using the State Government's \$2.86 million to undertake major asset renewal works at Langley Villas and Minninup Cottages means that the funds held in Reserve by the Shire for that purpose will no longer be required and can (with approval from Council) be re-directed to other assets/projects/purposes.
- The Shire's Land Development Reserve presently holds \$350,271 - unallocated to any specific project.

Noting the above, the concept raised at the Concept Forum was to allocate an additional \$500,000 Shire funding to the project (i.e. total of \$3.5 million) via Reserve accounts, on the basis that the State Government funding of \$2.86 million for Langley Villas and Minninup Cottages would free-up substantial funds otherwise required to be spent on those housing units.

This opportunity was explored in detail by the Executive, however, the viability of this funding option is challenging as these Reserve funds are proportionately split between Department of Communities (previously Homeswest) and the Shire, with the Reserve funds available to the Shire being \$220,261. Additionally, approval to access these funds for other purposes is required from the Department of Communities, who are unlikely to approve of such.

An additional funding option explored is the Shire's capacity for a full \$3 million loan facility from WA Treasury Corp (and maintaining the original \$500k Reserves contribution), making the Shire's total contribution \$3.5 million instead of \$3 million. The additional \$500k loan will cost approximately an extra \$35k per annum in repayment costs (principal

and interest), depending on interest rates at the time of loan execution and the term of the loan (expected to be 20 years).

Rather than using existing Reserves to fund any extra project cost/s, it is recommended that any additional funds contributed to the project are via a loan facility. Council is recommended to consider this option in order to address the rapid cost escalations for the project.

In addition to exploring additional own-source funding options, the Project Team have been liaising with the Donnybrook Football and Sporting Club in relation to a project co-contribution from that Club. Following is written advice from the Club dated 10 March 2022:

*Hi Ben,*

*Thank for your email outlining outlining the Donnybrook Balingup Shires proposal in regard to the Donnybrook Football Club (DFC) co contributing \$250000 towards the funding for the VCMP redevelopment project.*

*I have presented your proposal to the Management Committee of the DFC. In general the members of the committee are supportive of the concept! However there are a number of details that will need to be discussed to move this proposal forward.*

*The DFC is keen to see this project proceed. We believe that the concept of having a fully integrated community sporting complex will bring great benefits to the Shire and its future residents.*

*I look forward to hearing from you in regard to progressing this proposal.*

*Peter*

*Peter Hearman  
President  
Donnybrook Football & Sporting Club (inc)  
10-3-2022*

### **Project Strategic Direction**

Through Council Concept Forums and public questions, three key/strategic questions have arisen:

1. Will the Council consider a referendum or poll on the proposed Shire loan?
  - The *Local Government Act 1995* does not enable the conduct of loan polls (the previous *Local Government Act 1960* did include this provision).
  - The Council has, on two separate occasions, resolved to proceed with a loan for \$2.5 million (subject to certain conditions).
  - The proposed loan of \$2.5 million has been approved by WA Treasury Corp and is well within the Shire's borrowing limitations.
  - The Council is elected to govern the district, including making decisions such as loan applications; in this scenario, there is no appropriate rationale to transfer decision making from the Council via a poll or referendum.

- A referendum / poll on the proposed loan is not recommended to Council.
2. Will the Council delay the project to see if the market price escalations decrease?
- Advice from the Shire’s cost estimator (Altus) and from WALGA both indicates that between December 2021 and March 2022 capital costs for these sorts of projects escalated by around 5% and that between April and June 2022, a further escalation of 5% is expected (5% of \$9 million is \$450,000). Projections/predictions beyond mid-2022 are challenging due to Covid related market fluctuations and the market instability being created by global reactions to the Russia-Ukraine conflict.
  - Delaying the project is not recommended to Council.
3. Is the co-contribution of \$3 million by the Shire a necessity in order to secure the State Government’s allocated \$6 million to the project?
- The most recent advice from the (then) Minister for Sport and Recreation the Hon. Dr Tony Buti MLA is appended to this report and re-confirms the advice from the outgoing Minister for Sport and Recreation Mr Mick Murray:  
  
*“Following our discussion at the Collie-Preston Community Cabinet, I can reiterate the Hon Mick Murray’s advice that this project was elevated above other local government projects as a priority due to the Shire’s financial commitment of \$3 million. It is my expectation that the Shire will reconfirm this commitment to access the State’s \$6 million commitment.*
- The Shire and community have a tremendous opportunity to redevelop and reinvigorate the ageing sporting and community infrastructure in Donnybrook. This opportunity has not been afforded to every local government and the Shire would typically have to apply to the Community Sporting and Recreation Facilities Fund (CSRFF), with a maximum grant of \$2 million, to achieve significant change. This would take the Shire several years to achieve the level of funding that is currently on offer and would require a greater contribution from the Shire, given that CSRFF requires a minimum of two-thirds contribution from the applicant.”*
- Based on the advice within Minister Buti’s correspondence, it is recommended that Council proceed with the co-contribution, as resolved previously by Council on at least three separate occasions.

Significant and rapid cost escalations between July 2021 and March 2022 have resulted in expected cost increases (for the previously endorsed scope) of approximately \$3.65 million. To June 2022 (the absolute earliest a tender could likely be considered by the Council), the cost escalation is predicted to be \$4.28 million. These figures are estimates only, and can only be market-tested through a tender process.

In order to move the project forward with some urgency, into the procurement and implementation stages, it is recommended that the Shire co-contribute \$3.5 million to the project (\$3 million loan and \$500k via Reserves), a tender is released as a matter of priority and the project scope is reduced to reflect the cost escalations. Specifically, the recommended reduced scope of works (right side column) is as follows:

Note: Cost estimates only, prices subject to market fluctuations and tender results			
Project components	Cost Estimate	Council Preferred (July 2021) Stage 1	Recommendation Stage 1
Multi-Purpose Pavilion 1 (as designed)	4,881,178.00	4,881,178.00	4,881,178.00
Multi-purpose Pavilion 1 (Single storey)	4,415,000.00	x	x
Football Pavilion (Single storey, reduced size)	3,700,000.00	x	x
Multi-Purpose Pavilion 2 (as designed)	816,570.00	816,570.00	x
Multi-Purpose Pavilion 2 (reduced scope aesthetic works only)	100,000.00	x	100,000.00
New Outdoor Netball /Basketball courts	361,000.00	361,000.00	x
Modifications to Recreation Centre Access & Ablutions	116,000.00	116,000.00	x
Carpark 3 (Stage 1 & 2)(Chip Seal) (Rec Centre upper Level)	532,000.00	532,000.00	x
Carpark 3 (Stage 1) (chip seal)	220,000.00	x	x
New Entrance Road crossover off Marmion (Chip seal)	25,000.00	25,000.00	x
Lighting Footpaths	26,000.00	26,000.00	x
Lighting Oval	360,000.00	x	x
Lighting Tennis	150,000.00	x	x
Lighting Netball	132,000.00	132,000.00	x
Lighting Carpark 3 (Full Scope)	80,000.00	80,000.00	x
Lighting Oval - Infrastructure	10,000.00	10,000.00	10,000.00
Lighting Tennis - Infrastructure	15,000.00	15,000.00	15,000.00
Lighting Netball - Infrastructure	30,000.00	30,000.00	x
Pathways from Lower to Upper	98,450.00	98,450.00	x
Landscaping	118,435.00	118,435.00	x
Cricket Pitch	40,000.00	x	x
Ticket Booth	15,000.00	x	x
Bus Drop off Rec Centre	24,000.00	24,000.00	x
Football Tiered Seating (refurbish existing)	20,400.00	20,400.00	x
Tennis Fencing	30,000.00	x	x
Hockey Steere Street cross over	25,000.00	x	x
Infrastructure - Electrical	360,146.00	360,146.00	360,146.00
Infrastructure – Hydraulics (sewer and water)	419,000.00	419,000.00	419,000.00
Infrastructure - Drainage	100,000.00	100,000.00	100,000.00
Site Prep and Demolition	100,000.00	100,000.00	100,000.00
<b>Subtotal</b>	<b>6,000,000.00</b>	<b>8,265,179.00</b>	<b>5,985,324.00</b>
Prelims and Margin (15%)	900,000.00	1,239,776.85	897,798.60
Professional Fees (8% residual)	552,000.00	760,396.47	550,649.81
Regional Loading (5%)	345,000.00	475,247.79	344,156.13
Contingency (7%)	483,000.00	665,346.91	481,818.58
Authority Fees (1.5%)	103,500.00	142,574.34	103,246.84
<b>Subtotal</b>	<b>2,383,500.00</b>	<b>3,283,342.36</b>	<b>2,377,669.96</b>
<b>Total</b>	<b>8,383,500.00</b>	<b>11,548,521.36</b>	<b>8,362,993.96</b>
Hockey Pitch	250,000.00	250,000.00	250,000.00
Previous Fees Up to Schematic Design	250,000.00	250,000.00	250,000.00
<b>(15 Dec 2021 rates ) Grand Total</b>		<b>12,048,521.36</b>	<b>8,862,993.96</b>
<b>Surplus / Deficit</b>		<b>-3,048,521.36</b>	<b>137,006.04</b>
<b>Approved Project Budget:</b>	<b>9,000,000.00</b>		
<b>Anticipated 5% escalation to 31 March 2022</b>	<b>0.05</b>	<b>12,650,947.43</b>	<b>9,306,143.66</b>
<b>Surplus / Deficit</b>		<b>-3,650,947.43</b>	<b>-306,143.66</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00	500,000.00	500,000.00
Football Club contribution	250,000.00	250,000.00	250,000.00
		<b>-2,900,947.43</b>	<b>443,856.34</b>
<b>Anticipated 5% escalation to 30 June 2022</b>	<b>0.05</b>	<b>13,283,494.80</b>	<b>9,771,450.84</b>
<b>Surplus / Deficit</b>		<b>-4,283,494.80</b>	<b>-771,450.84</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00	500,000.00	500,000.00
Football Club contribution	250,000.00	250,000.00	250,000.00
		<b>-3,533,494.80</b>	<b>-21,450.84</b>

As part of the 2021-2022 Shire capital works program, the following works have been delivered in the Donnybrook Recreation Centre. These works align to the Functional Brief outcomes for the VC Mitchell Park Master Plan project, and total approximately \$150k:

- Community Room refurbishment (lighting, carpets, painting and window treatments).
  - These works make this space more functional for the use as a clubroom and meeting room for both Netball and Basketball.
- Main entry foyer refurbishment (lighting, vinyl and painting).
  - This enables the clubs to use this space to create club identity through the installation of memorabilia in these spaces for all to see and acknowledge.
- Kitchen refurbishment (new vinyl, painting, new counters and additional fridge and fryer hardware).
  - This enables sporting groups to use these facilities as traditionally found in similar sporting facilities.
- Storage (external shed cages, internal storage room fit out)
  - This has allocated separated and secure storage for the various patrons of this facility (netball, basketball etc).

In addition to this, the Balingup Recreation Centre has had extensive refurbishment works (~\$140k) recently completed, to support sporting and community activities. The works undertaken include:

- Internal painting of facility.
- Internal lighting refurbishment to LED lighting.
- External veranda refurbishments and beautification.
- Foyer flooring replacement.
- Ablution refurbishment (male and female).

**Moved: Cr Atherton**

**Seconded: Cr Smith**

**That Council:**

- 1. Endorse a project co-contribution of \$3.5 million, being:**
  - a. A loan facility via WA Treasury Corp of \$3 million; and**
  - b. Shire Reserves co-contribution of \$500k (as previously approved by Council).**
- 2. Request the Chief Executive Officer to take necessary actions to progress Resolution 1, above, and report to Council on progress at the Council Meeting that results of the tender process are considered.**
- 3. Request the Chief Executive Officer to continue seeking additional project funding opportunities, including (but not limited to) from the Donnybrook Football and Sporting Club Inc., LotteryWest, the AFL / WAFL and others.**

4. **Request the Chief Executive Officer to release a public project tender, with the results of the tender submissions to be presented to a Council Meeting as a matter of organisational priority.**
5. **Approves the project scope for the purpose of the tender as follows:**

Project components	Recommendation
Multi-Purpose Pavilion 1 (as designed)	4,881,178.00
Multi-purpose Pavilion 1 (Single storey)	x
Football Pavilion (Single storey, reduced size)	x
Multi-Purpose Pavilion 2 (as designed)	x
Multi-Purpose Pavilion 2 (reduced scope aesthetic works only)	100,000.00
New Outdoor Netball /Basketball courts	x
Modifications to Recreation Centre Access & Ablutions	x
Carpark 3 (Stage 1 & 2)(Chip Seal) (Rec Centre upper Level)	x
Carpark 3 (Stage 1) (chip seal)	x
New Entrance Road crossover off Marmion (Chip seal)	x
Lighting Footpaths	x
Lighting Oval	x
Lighting Tennis	x
Lighting Netball	x
Lighting Carpark 3 (Full Scope)	x
Lighting Oval – Infrastructure	10,000.00
Lighting Tennis – Infrastructure	15,000.00
Lighting Netball – Infrastructure	x
Pathways from Lower to Upper	x
Landscaping	x
Cricket Pitch	x
Ticket Booth	x
Bus Drop off Rec Centre	x
Football Tiered Seating (refurbish existing)	x
Tennis Fencing	x
Hockey Steere Street cross over	x
Infrastructure – Electrical	360,146.00

Infrastructure – Hydraulics (sewer and water)	419,000.00
Infrastructure – Drainage	100,000.00
Site Prep and Demolition	100,000.00
<b>Subtotal</b>	<b>5,985,324.00</b>
Prelims and Margin (15%)	897,798.60
Professional Fees (8% residual)	550,649.81
Regional Loading (5%)	344,156.13
Contingency (7%)	481,818.58
Authority Fees (1.5%)	103,246.84
<b>Subtotal</b>	<b>2,377,669.96</b>
<b>Total</b>	<b>8,362,993.96</b>
Hockey Pitch	250,000.00
Previous Fees Up to Schematic Design	250,000.00
<b>Approved Project Budget</b>	<b>\$9,000,000</b>
<b>(15 Dec 2021 rates) Grand Total</b>	<b>8,862,993.96</b>
<b>Surplus / Deficit</b>	<b>137,006.04</b>
<b>Anticipated 5% escalation to 31 March 2022</b>	<b>9,306,143.66</b>
<b>Surplus / Deficit</b>	<b>-306,143.66</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
Football Club contribution	250,000.00
<b>Adjusted Surplus / Deficit</b>	<b>443,856.34</b>
<b>Anticipated 5% escalation to 30 June 2022</b>	<b>9,771,450.84</b>
<b>Surplus / Deficit</b>	<b>-771,450.84</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
Football Club contribution	250,000.00
<b>Adjusted Surplus / Deficit</b>	<b>-21,450.84</b>
<b>Note: Cost estimates only, prices subject to market fluctuations and tender results</b>	



**Proposed Amendment: Cr Smith**

**Moved: Cr Smith**

**Seconded: Cr Newman**

**That Council:**

1. Endorse a project co-contribution of \$3.5 million, being:
  - a. A loan facility via WA Treasury Corp of \$3 million; and
  - b. Shire Reserves co-contribution of \$500k (as previously approved by Council).
2. Request the Chief Executive Officer to take necessary actions to progress Resolution 1, above, and report to Council on progress at the Council Meeting that results of the tender process are considered.
3. Request the Chief Executive Officer to continue seeking additional project funding opportunities **to progressively renew and upgrade facilities to meet the needs of the clubs.** Including ~~(but not limited to) from the Donnybrook Football and Sporting Club Inc., LotteryWest, the AFL/WAFL and others.~~
4. Request the Chief Executive Officer to release a public project tender, with the results of the tender submissions to be presented to a Council Meeting as a matter of organisational priority.
5. Approves the project scope for the purpose of the tender as follows:

Project components	Recommendation
Multi-Purpose Pavilion 1 (Double storey)	Yes
Multi-purpose Pavilion 1 (Single storey)	Yes
Football Pavilion (Single storey, reduced size)	No
Multi-Purpose Pavilion 2 (including pedestrian connectivity to Pavilion 1)	Yes
New Outdoor Netball/Basketball courts	No
Modifications to Recreation Centre Access & Ablutions	No
Carpark 3 (Stage 1 & 2)(Chip Seal) (Rec Centre upper Level)	No
Carpark 3 (Stage 1) (chip seal)	No
New Entrance Road crossover off Marmion (Chip seal)	No
Lighting Footpaths	No

Lighting Oval	No
Lighting Tennis	No
Lighting Netball	No
Lighting Carpark 3 (Full Scope)	No
Lighting Oval – Infrastructure	Yes
Lighting Tennis - Infrastructure	Yes
Lighting Netball - Infrastructure	No
Pathways from Lower to Upper	No
Landscaping	No
Cricket Pitch	No
Ticket Booth	No
Bus Drop off Rec Centre	No
Football Tiered Seating (refurbish existing)	No
Tennis Fencing	No
Hockey Steere Street cross over	No
Infrastructure – Electrical	Yes
Infrastructure – Hydraulics (sewer and water)	Yes
Infrastructure – Drainage	Yes
Site Prep and Demolition	Yes
Prelims and Margin (15%)	Yes
Professional Fees (8% residual)	Yes
Regional Loading (5%)	Yes
Contingency (10%)	Yes
Authority Fees (1.5%)	Yes
Hockey Pitch	\$250,000.00
Previous Fees Up to Schematic Design	\$250,000.00
<b>Previously Approved Project Budget</b>	<b>\$9,000,000</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
<b>Total Budget</b>	<b>\$9,500,000</b>
<b>Note: Cost estimates only, prices subject to market fluctuations and tender results</b>	

6. Request the Chief Executive Officer to seek an official agreement with Donnybrook Football and Sporting Club Inc. to confirm contribution of the lesser amount of \$250,000 or 6.25% of the Multi-Purpose Pavilion 1 referred to in Point 5.

- |                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>7. Request the Chief Executive Officer to seek official agreements with other sporting clubs for project co-contributions.</b></p> <p><b>8. If, upon reviewing submitted tenders, surplus budget opportunities are identified, consider allocating to other sports club facilities within the precinct following further consultation with the club members.</b></p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**CARRIED 7/1**

**For:** Cr Wringe, Cr Atherton, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Cr Gubler

**Proposed Amendment: Cr Massey**

**Moved: Cr Massey**

**Seconded: Cr Newman**

**That Council:**

1. **Endorse a project co-contribution of \$3.5 million, being:**
  - a. **A loan facility via WA Treasury Corp of \$3 million; and**
  - b. **Shire Reserves co-contribution of \$500k (as previously approved by Council).**
2. **Request the Chief Executive Officer to take necessary actions to progress Resolution 1, above, and report to Council on progress at the Council Meeting that results of the tender process are considered.**
3. **Request the Chief Executive Officer to continue seeking additional project funding opportunities to progressively renew and upgrade facilities to meet the needs of the clubs. Including (but not limited to) from the Donnybrook Football and Sporting Club Inc., LotteryWest, the AFL/WAFL and others.**
4. **Request the Chief Executive Officer to release a public project tender, with the results of the tender submissions to be presented to a Council Meeting as a matter of organisational priority.**
5. **Approves the project scope for the purpose of the tender as follows:**

Project components	Recommendation
Multi-Purpose Pavilion 1 (Double storey)	Yes
Multi-purpose Pavilion 1 (Single storey)	Yes
Football Pavilion (Single storey, reduced size)	No
Multi-Purpose Pavilion 2 (including pedestrian connectivity to Pavilion 1)	Yes
New Outdoor Netball/Basketball courts	No
Modifications to Recreation Centre Access & Ablutions	No
Carpark 3 (Stage 1 & 2)(Chip Seal) (Rec Centre upper Level)	No
Carpark 3 (Stage 1) (chip seal)	No
New Entrance Road crossover off Marmion (Chip seal)	No
Lighting Footpaths	No
Lighting Oval	No

Lighting Tennis	No
Lighting Netball	No
Lighting Carpark 3 (Full Scope)	No
Lighting Oval – Infrastructure	Yes
Lighting Tennis - Infrastructure	Yes
Lighting Netball - Infrastructure	No
Pathways from Lower to Upper	No
Landscaping	No
Cricket Pitch	No
Ticket Booth	No
Bus Drop off Rec Centre	No
Football Tiered Seating (refurbish existing)	No
Tennis Fencing	No
Hockey Steere Street cross over	No
Infrastructure – Electrical	Yes
Infrastructure – Hydraulics (sewer and water)	Yes
Infrastructure – Drainage	Yes
Site Prep and Demolition	Yes
Prelims and Margin (15%)	Yes
Professional Fees (8% residual)	Yes
Regional Loading (5%)	Yes
Contingency (10%)	Yes
Authority Fees (1.5%)	Yes
Hockey Pitch	\$250,000.00
Previous Fees Up to Schematic Design	\$250,000.00
<b>Previously Approved Project Budget</b>	<b>\$9,000,000</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
<b>Total Budget</b>	<b>\$9,500,000</b>
<b>Note: Cost estimates only, prices subject to market fluctuations and tender results</b>	

6. Request the Chief Executive Officer to seek an official agreement with Donnybrook Football and Sporting Club Inc. to confirm contribution of the lesser amount of \$250,000 or 6.25% of the Multi-Purpose Pavilion 1 referred to in Point 5.

- 7. Request the Chief Executive Officer to seek official agreements with other sporting clubs for project co-contributions.**
- 8. If, upon reviewing submitted tenders, surplus budget opportunities are identified, consider allocating to other sports club facilities within the precinct following further consultation with the club members.**
- 9. That Council note the report by Anna Dixon and confirm in principle support for the blended management model proposed in her report, subject to further discussion with the sporting clubs.**
- 10. That prior to issuing tender documents, the Shire President and CEO:**
  - i) Discuss a single storey option with the President of the Football Club with a view to identifying a cheaper option which will permit more funding to other clubs;**
  - ii) Confirm with Troy Jones whether the final proposal selected is likely to meet with approval from the DSRLG.**

**CARRIED 7/1**

**For:** Cr Wringe, Cr Atherton, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Cr Gubler

**COUNCIL RESOLUTION 19/22**

**Moved: Cr Atherton**

**Seconded: Cr Smith**

**That Council:**

- 1. Endorse a project co-contribution of \$3.5 million, being:
 
  - a. A loan facility via WA Treasury Corp of \$3 million; and**
  - b. Shire Reserves co-contribution of \$500k (as previously approved by Council).****
- 2. Request the Chief Executive Officer to take necessary actions to progress Resolution 1, above, and report to Council on progress at the Council Meeting that results of the tender process are considered.**
- 3. Request the Chief Executive Officer to continue seeking additional project funding opportunities to progressively renew and upgrade facilities to meet the needs of the clubs.**
- 4. Request the Chief Executive Officer to release a public project tender, with the results of the tender submissions to be presented to a Council Meeting as a matter of organisational priority.**
- 5. Approves the project scope for the purpose of the tender as follows:**

Project components	Recommendation
Multi-Purpose Pavilion 1 (Double storey)	Yes
Multi-purpose Pavilion 1 (Single storey)	Yes
Football Pavilion (Single storey, reduced size)	No
Multi-Purpose Pavilion 2 (including pedestrian connectivity to Pavilion 1)	Yes
New Outdoor Netball/Basketball courts	No
Modifications to Recreation Centre Access & Ablutions	No
Carpark 3 (Stage 1 & 2)(Chip Seal) (Rec Centre upper Level)	No
Carpark 3 (Stage 1) (chip seal)	No
New Entrance Road crossover off Marmion (Chip seal)	No
Lighting Footpaths	No
Lighting Oval	No

Lighting Tennis	No
Lighting Netball	No
Lighting Carpark 3 (Full Scope)	No
Lighting Oval - Infrastructure	Yes
Lighting Tennis - Infrastructure	Yes
Lighting Netball - Infrastructure	No
Pathways from Lower to Upper	No
Landscaping	No
Cricket Pitch	No
Ticket Booth	No
Bus Drop off Rec Centre	No
Football Tiered Seating (refurbish existing)	No
Tennis Fencing	No
Hockey Steere Street cross over	No
Infrastructure – Electrical	Yes
Infrastructure – Hydraulics (sewer and water)	Yes
Infrastructure – Drainage	Yes
Site Prep and Demolition	Yes
Prelims and Margin (15%)	Yes
Professional Fees (8% residual)	Yes
Regional Loading (5%)	Yes
Contingency (10%)	Yes
Authority Fees (1.5%)	Yes
Hockey Pitch	\$250,000.00
Previous Fees Up to Schematic Design	\$250,000.00
<b>Previously Approved Project Budget</b>	<b>\$9,000,000</b>
Additional funding allocation by Shire (in addition to \$3m)	500,000.00
<b>Total Budget</b>	<b>\$9,500,000</b>
<b>Note: Cost estimates only, prices subject to market fluctuations and tender results</b>	

6. Request the Chief Executive Officer to seek an official agreement with Donnybrook Football and Sporting Club Inc. to confirm contribution of the lesser amount of \$250,000 or 6.25% of the Multi-Purpose Pavilion 1 referred to in Point 5.



- 7. Request the Chief Executive Officer to seek official agreements with other sporting clubs for project co-contributions.**
- 8. If, upon reviewing submitted tenders, surplus budget opportunities are identified, consider allocating to other sports club facilities within the precinct following further consultation with the club members.**
- 9. That Council note the report by Anna Dixon and confirm in principle support for the blended management model proposed in her report, subject to further discussion with the sporting clubs.**
- 10. That prior to issuing tender documents, the Shire President and CEO:**
  - (i) Discuss a single storey option with the President of the Football Club with a view to identifying a cheaper option which will permit more funding to other clubs;**
  - (ii) Confirm with Troy Jones whether the final proposal selected is likely to meet with approval from the DSRLG.**

**CARRIED 6/2  
ABSOLUTE MAJORITY ACHIEVED**

**For:** Cr Wringe, Cr Atherton, Cr Jones, Cr Massey, Cr Newman and Cr Smith

**Against:** Cr Gubler, Cr Mills

**Foreshadowed / Alternate motion - Cr Massey**

**That an urgent Special Meeting of Council be called within the next 15 working days to discuss the VC Mitchell Park project in view of recently receiving the Dixon report and the presentation of funding scenarios.**

**LAPSED AS SUBSTANTIVE MOTION CARRIED**

**Cr Glover re-entered the Chamber at 8:04 pm**

## **7 CONFIRMATION OF MINUTES**

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### ***7.1 ORDINARY MEETING OF COUNCIL – 23 FEBRUARY 2022***

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Minutes of the Ordinary Meeting of Council held 23 February 2022 are attached (attachment 7.1(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council held 23 February 2022 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 20/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That the Minutes from the Ordinary Meeting of Council held 23 February 2022 be confirmed as a true and accurate record.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

### ***7.2 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING – 9 FEBRUARY 2022***

---

Minutes of the Audit and Risk Management Committee Meeting held 9 February 2022 are attached (attachment 7.2(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Audit and Risk Management Committee Meeting held 9 February 2022 be received.**

#### **COUNCIL RESOLUTION 21/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That the Minutes from the Audit and Risk Management Committee Meeting held 9 February 2022 be received.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

### **7.3 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING – 3 MARCH 2022**

---

Minutes of the Audit and Risk Management Committee Meeting held 3 March 2022 are attached (attachment 7.3(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Audit and Risk Management Committee Meeting held 3 March 2022 be received.**

#### **COUNCIL RESOLUTION 22/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That the Minutes from the Audit and Risk Management Committee Meeting held 3 March 2022 be received.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

### **7.4 SPECIAL MEETING OF COUNCIL – 14 MARCH 2022**

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Minutes of the Special Meeting of Council held 14 March 2022 are attached (attachment 7.4(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Special Meeting of Council held 14 March 2022 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 23/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That the Minutes from the Special Meeting of Council held 14 March 2022 be confirmed as a true and accurate record.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

## 8 REPORTS OF COMMITTEES

Nil.

## 9 REPORTS OF OFFICERS

### 9.1 DIRECTOR OPERATIONS

#### 9.1.1 RESPONSE TO DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION COMPLIANCE INSPECTION – DONNYBROOK WASTE MANAGEMENT FACILITY

<b>Location</b>	Shire of Donnybrook Balingup – Donnybrook Waste Management Facility
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	HLT 09/2
<b>Author</b>	Steve Potter, Director Operations
<b>Responsible Manager</b>	Steve Potter, Director Operations
<b>Attachments</b>	9.1.1(1) - 2021 DWER Inspection Findings – Summary Update
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Endorses the actions taken by Shire staff and Hastie Waste Pty Ltd in responding to the Environmental Inspection Report, received from the Department of Water and Environmental Regulation dated 16 November 2021;</b></li> <li><b>2. Reiterates the Shire’s commitment to the safe and environmentally responsible operation of the Donnybrook Waste Management Facility;</b></li> <li><b>3. Instructs the Chief Executive Officer to liaise with Hastie Waste Pty Ltd to establish a regular meeting schedule, inclusive of periodic site inspections of the DWMF, to ensure ongoing compliance with the facility licence.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome	2.4	Efficient and effective waste management
Strategy	2.4.1	Undertake efficient waste management services
Action	2.4.1.2	Provide efficient and effective waste services

## **EXECUTIVE SUMMARY**

On 15 October 2021, officers from the Department of Water and Environmental Regulation (DWER) undertook an unannounced compliance inspection of the Donnybrook Waste Management Facility (DWMF) located at Goodwood Road, Donnybrook.

On 16 November 2021, the Shire received correspondence from DWER, accompanied by an Environmental Inspection Report (EIR) which identified 12 alleged incidences of non-compliance with conditions of the Shire's Facility Licence (Ref: L7084/1997/16).

An officer report was presented to Council at the November 2021 Ordinary Council Meeting on this matter, at which Council made several resolutions, one of which was to request a further report be brought back to Council in March 2022, to advise Council of actions taken to address outstanding matters.

## **BACKGROUND**

The DWMF was licensed by the DWER (DEC) in 1997, however, has been in operation since the 1950's. The DWMF has received all of the waste generated in the Shire since it closed its waste disposal sites at Lowden and Mumballup and constructed a waste transfer station at Balingup in 2006. As the only landfill in the vicinity, it receives a combination of Municipal Solid Waste (MSW), Commercial and Industrial (C&I) waste and Construction and Demolition (C&D) waste.

The management of the site is contracted by the Shire to Hastie Waste Pty Ltd (HW) and this has been the case for a number of years. The current contract with HW is due to expire on 30 June 2023, however, has two two-year extension options under the provisions of the contract. The current DWER licence is due to expire in June 2024.

On 15 October 2021, DWER officers undertook an unannounced compliance inspection of the site, accompanied by Mr Nigel Tuia, Director of HW, during which site operations were assessed for compliance against the conditions of the facility licence. This inspection appears to have coincided with similar compliance inspections of waste management sites being undertaken by DWER in a number of local government areas across the south-west. It is also noted that the Bunbury Harvey Regional Council (BHRC) facility located in Stanley Rd, Leschenault was closed in late 2021 to receiving commercial waste by DWER after environmental concerns were identified.

The inspection of the Shire's facility resulted in correspondence being received on 16 November 2021 which contained 12 alleged incidences of non-compliance with the conditions of the licence.

The matter was considered by Council at the November Ordinary Council Meeting where the following was resolved:

*“That Council:*

- 1. Notes the correspondence and Environmental Inspection Report, dated 16 November 2021, received from the Department of Water and Environmental Regulation, including the Inspection Findings and Corrective Actions;*
- 2. Reiterates the Shire’s commitment to the safe and environmentally responsible operation of the Donnybrook Waste Management Facility;*
- 3. Instructs the Chief Executive Officer to liaise with the Shire’s facility management contractor (Hastie Waste Pty Ltd) to ensure all Corrective Actions are addressed and all operations are compliant with the facility licence;*
- 4. Notes the proposed table (Attached 9.1.2(3)) titled ‘2021 DWER Inspection Findings – Summary Update’, which outlines parties responsible for Corrective Actions and due dates required for Corrective Actions;*
- 5. Notes the imminent completion of the Donnybrook Waste Management Facility Landfill Closure Management Plan and accompanying Transfer Station Report which will be presented to the December 2021 Ordinary Council Meeting;*
- 6. Instructs the Chief Executive Officer to bring a further report back to Council by March 2022 to confirm all Department of Water and Environmental Regulation requirements have been addressed and outline any necessary changes to existing management measures to ensure ongoing compliance with licence conditions.”*

Note: With regard to Point 4 above, a copy of the table referred to is provided in Attachment 9.1.1(1).

The purpose of this report is to primarily address Point 6 of the above resolution.

To this effect each of the 12 items of non-compliance are listed below with details of actions taken to address each particular item. It is noted that correspondence outlining the Shire’s/HW’s actions in addressing the outstanding items was provided to DWER on 30 November 2021, however the Shire has not received further correspondence from DWER and therefore it is assumed that the actions taken are considered to have satisfactorily addressed the outstanding items. There has however been some specific liaison with DWER regarding Item 3 (below) with details provided.

**Item 1: Storm water is not being managed appropriately resulting in pooling in certain locations**

Action: The contractor filled all areas identified at the site visit as being of concern and photos were provided to DWER on 30 November 2021.

**Item 2: The contractor does not have a documented procedure for determining that contaminated solid waste meets the acceptance criteria for a Class II facility, prior to accepting the waste;**

Action: The contractor prepared a documented procedure as required and a copy of such documentation was provided to DWER on 30 November 2021.

**Item 3: Waste types not permitted under the facility licence are being accepted including treated timber, paint, paint thinners, gas bottles, fire extinguishers and assorted E-waste;**

Actions: The contractor removed all identified items as instructed and photos were provided to DWER. The Shire has instructed the contractor to cease receiving such items for the time being.

At its meeting in December 2021 Council endorsed the DWMF Landfill Closure Management Plan. A licence amendment application to align the facility licence with the LCMP is currently being prepared and will be submitted in the near future.

Upon receiving the advice, Shire staff forwarded correspondence to DWER requesting that such items be temporarily permitted whilst a license amendment application was being prepared and assessed, however DWER have advised such items will not be permitted until a licence amendment application is approved.

**Item 4: Landfilling activities are occurring outside the approved area under the licence;**

Actions: The Shire previously raised this with DWER in May 2021 as there appeared to be an anomaly between the plan attached to the facility licence and the active area of the landfill. Shire staff met with DWER staff to discuss the matter, where the following was discussed and agreed:

- Shire advised DWER it was in the process of preparing a LCMP for the facility;
- DWER advised that subsequent to adoption of the LCMP, a licence amendment should be submitted, reflecting the intended approach for the facility with a view to aligning the two documents.

Shire staff have been advised by DWER that it is likely to be beneficial to submit separate licence amendment applications for the two separate elements as follows:

- gaining permission to receive the prohibited items outlined in Item 3; and
- aligning the facility licence with the LCMP as per this item (Item 4).

The amendment application to align the licence with the LCMP is likely to take some time for DWER to assess due to the technical nature of the request and therefore the benefit of submitting separate applications is that it is likely to facilitate a timely approval to enable receipt of the currently prohibited items.

**Item 5: DWER have requested an update on the Landfill Closure Management Plan for the facility;**

Action: The LCMP was endorsed by Council in December 2021 and will form the basis for a licence amendment application.

**Item 6: A large portion of the landfill waste is not being covered with soil as required under the licence;**

Action: The contractor imported and spread cover across the site as instructed and continues to do so. Photos were provided to DWER on 30 November 2021.

**Item 7: The perimeter fence was damaged by fallen trees in one location;**

Action: The fence has been repaired and photos were provided to DWER on 30 November 2021.

**Item 8: Large amounts of wind-blown waste were observed beyond the boundaries of the premises;**

Action: The contractor undertook a perimeter clean-up including any waste that had escaped beyond the property boundary and photos were provided to DWER on 30 November 2021.

**Item 9: The contractor was unable to provide sufficient records of waste acceptance and waste rejection which are required to be available at the premises at all times;**

Actions: DWER has been provided with daily data collection sheets (incoming and outgoing) that were developed for use at the facility.

DWER was advised the Shire is currently establishing a 'cloud based' data collection system which will electronically record incoming waste and assist with annual reporting. It is anticipated this will be operational in the coming months.

**Item 10: The submitted annual audit compliance report submitted by the Shire referenced an incorrect reporting period;**

This was a minor administrative matter that was addressed in the previous report to Council.

**Item 11: The Annual Environmental Report (AER) was submitted late and did not reference a small fire incident that occurred on the property in December 2020;**

Action: The Annual Audit Compliance Report (AACR) was submitted in March 2021 as required, however did not include the AER due to the fact that the officer was relatively new to waste management and was not aware of this requirement. The Shire did not receive a request for the AER until October 2021, however, upon receiving such a request, the AER was submitted by the officer within seven days.



**Item 12: DWER was not formally notified of the fire incident immediately after the incident.**

Action: The Shire officer was not aware of the requirement to formally notify the Department’s ICMS, however, has since been made aware of this requirement and will ensure any future incidents are dealt with in accordance with the licence conditions.

**FINANCIAL IMPLICATIONS**

The contract with HW includes the DWER Licence as an appendix with a stipulated condition within the contract (3.2.1(1)) that the contractor “shall be responsible for all operations, labour, plant, materials, supervision, survey administration and all other tasks in fulfilling the requirements of the DWER Licence.”

Whilst the Shire is the approved Licensee for the facility and ultimately accountable as such, the operational requirements for complying with the licence conditions are the responsibility of the contractor under the contract.

**POLICY COMPLIANCE**

Nil.

**STATUTORY COMPLIANCE**

The DWMF is required to be licensed under Part IV of the *Environmental Protection (EP) Act 1986* as a ‘prescribed premise’.

Schedule 1 of the EP Regulations 1987 outlines categories for ‘prescribed premises’ which includes those approved under the DWMF licence as follows:

Category Description	Production or Design Capacity
<p><u>Category 62</u></p> <p>Solid waste depot: premises on which waste is stored or sorted, pending final disposal or re-use, other than in the course of operating — 500 tonnes or more per year (not including any waste stored or sorted only in the course of operating a refund point or aggregation point)</p> <p>(a) a refund point (as defined in the Waste Avoidance and Resource Recovery Act 2007 section 47C(1)) (a refund point); or</p> <p>(b) a facility or other place (an aggregation point) for the aggregation of containers that have been returned to refund points until those containers are accepted for processing or disposal.</p>	<p>500 tonnes or more per year (not including any waste stored or sorted only in the course of operating a refund point or aggregation point)</p>

<p><u>Category 64</u></p> <p>Class II or III putrescible landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.</p>	<p>20 tonnes or more per year</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------

## **CONSULTATION**

Shire staff have been liaising closely with the facility contractor and DWER to action and resolve the outstanding issues.

## **OFFICER COMMENT/CONCLUSION**

Upon receiving advice of the outstanding compliance matters Shire Staff and Hastie Waste immediately took action as outlined in this report. Shire Staff found Hastie Waste to be both cooperative and pro-active in responding to the concerns which enabled both parties to demonstrate to DWER that the Shire takes compliance matters seriously.

Shire staff will also seek to establish regular meetings with Hastie Waste and undertake periodic site inspections to confirm enduring processes and work schedules are established to ensure the DWMF is compliant at all times of operation.

As mentioned previously in this report, Shire staff are currently implementing a 'cloud based' data collection and reporting system at both the DWMF and Balingup Transfer Station which will provide for improved accuracy in recording incoming and outgoing waste and reporting capabilities and assist with compliance.

In light of the above, it is recommended that Council endorse the actions taken as outlined in this report in addressing the outstanding compliance matters as per the Officer's recommendation.

**COUNCIL RESOLUTION 24/22**

**Moved: Cr Atherton**

**Seconded: Cr Smith**

**That Council:**

- 1. Endorses the actions taken by Shire staff and Hastie Waste Pty Ltd in responding to the Environmental Inspection Report, received from the Department of Water and Environmental Regulation dated 16 November 2021;**
- 2. Reiterates the Shire's commitment to the safe and environmentally responsible operation of the Donnybrook Waste Management Facility;**
- 3. Instructs the Chief Executive Officer to liaise with Hastie Waste Pty Ltd to establish a regular meeting schedule, inclusive of periodic site inspections of the DWMF, to ensure ongoing compliance with the facility licence.**

**CARRIED 9/0**

**For:** Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

**9.1.2 PROPOSED ROAD NAMES – NEW ROADS FOR SUBDIVISION 161049 – LOT 72 GRIMWADE ROAD / WALTER STREET, BALINGUP**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	A. Bell, Able Planning and Project Management
<b>File Reference</b>	161049 / A3950
<b>Author</b>	Steve Potter, Director Operations
<b>Responsible Manager</b>	Steve Potter, Director Operations
<b>Attachments</b>	9.1.2(1) – Applicant Proposed Road Names 9.1.2(2) – Required Alteration Plan
<b>Voting Requirements</b>	Simple Majority

**Cr Atherton left the chamber at 8:17pm**

<b>Recommendation</b>
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Pursuant to Section 26A(2)(a) of the <i>Land Administration Act 1997</i> requires the applicant to:</b> <ol style="list-style-type: none"> <li><b>1.1 alter the proposed road name of ‘Sorella Drive’ to ‘Brennan Drive’ to apply to Road A as identified in Attachment 9.1.2(2); and</b></li> <li><b>1.2 alter the proposed road name of ‘Grasstree Court’ to ‘Hancock Court’ to apply to Road B as identified in Attachment 9.1.2(2);</b></li> </ol> </li> <li><b>2. Endorses the following reserve names which are approved for use in the event Council’s preferred names as per Point 1 above are not approved by Landgate:</b> <ol style="list-style-type: none"> <li><b>2.1 Harper;</b></li> <li><b>2.2 Sorella;</b></li> </ol> </li> <li><b>3. Instructs the Chief Executive Officer to undertake any measures necessary to gather supporting information for Council’s endorsement of the preferred names identified in Points 1 and 2 above, including engaging with local community / historical groups, locating family descendants and identifying appropriate historical records as necessary;</b></li> <li><b>4. Instructs the Chief Executive Officer to submit the endorsed road names and all supporting information to Landgate, as per the <i>Land Administration Act 1997</i> for approval.</b></li> <li><b>5. Supports the following approach which shall apply in determining names in the event that one or more endorsed names are refused by Landgate:</b> <ol style="list-style-type: none"> <li><b>5.1 Endorsed names are ranked in priority order as follows:</b></li> </ol> </li> </ol>

1. **Brennan**
2. **Hancock**
3. **Harper**
4. **Sorella**

5.2. **The name with the highest ranking that is able to be approved by Landgate is to apply to Road A as identified in Attachment 9.1.2(2) (which shall have the suffix ‘Drive’).**

5.3 **The name with the next highest ranking that is able to be approved by Landgate is to apply to Road B as identified in Attachment 9.1.2(2) (which shall have the suffix ‘Court’).**

5.4 **In the event that three or more Council endorsed names are refused for use, the Chief Executive Officer is instructed to bring a further report to Council with additional recommended names for consideration.**

## **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 provisions*

*Action 4.2.1.1 Maintain effective and efficient policies, planning, operating procedures and practices*

## **EXECUTIVE SUMMARY**

The Shire has received a request from a developer to endorse proposed road names for two new roads subject to a Western Australian Planning Commission approved subdivision at Lot 72 Grimwade Road / Walter Street, Balingup.

As part of the assessment process, Shire staff have engaged with the Balingup Progress Association (BPA) / Balingup Townscape Committee (BTC) who have made some additional suggestions for locally significant names. Whilst a number of the suggestions received from the BPA/BTC are unable to progress due to non-compliance with naming conventions, the names of ‘Brennan’, ‘Hancock’ and ‘Harper’ are considered to be potentially suitable, subject to locating supporting information and obtaining family support where applicable.

Officers are recommending Council’s endorsement of two preferred names as proposed by the BPA/BTC (‘Brennan’ and ‘Hancock’), and two ‘reserve’ names, consisting of one provided by the BPA/BTC (‘Harper’) and the other from the developer (‘Sorella’).

## BACKGROUND

Lot 72 on the south-western corner of Grimwade Road and Walter Street in Balingup was approved for subdivision by the Western Australian Planning Commission (WAPC) on 27 October 2021. The approved subdivision layout includes 30 residential lots and two newly proposed roads as depicted on Attachment 9.1.2(1).

With reference to Attachment 9.1.2(1) the applicant has made a formal request for the following road names:

- “Sorella Drive”  
*The name is Italian for ‘sister’, recognising the Italian settlement heritage within Donnybrook-Balingup and applies an ‘open-ended’ (thoroughfare) road type appropriate for the situation.*
- “Grasstree Court”  
*The name recognises the Xanthorrhoea genus of grasstrees, of which many species naturally occur in the locality, plus applies a road type that is suitable for both ‘open-ended’ and ‘cul-de-sac’ situations (in acknowledgment the road may be extended south through Lot 12 in the future).*

As part of the preliminary review process, proposed names may be checked online via Landgate’s portal for pre-validation and the applicant’s proposed names have cleared the preliminary validation check. Notwithstanding, due to Landgate’s extensive criteria for the naming of roads, it is possible that names that pass pre-validation are not ultimately approved so it is common for applicants to identify alternative options. The applicant has therefore provided the following as ‘back up’ names:

- “Serenity Drive”  
*The name recognises the tranquil rural setting of Balingup and applies an ‘open-ended’ (thoroughfare) road type appropriate for the situation.*
- “Village Court”  
*The name recognises the settlement type and rural setting of Balingup, plus applies a road type that is suitable for both ‘open-ended’ and ‘cul-de-sac’ situations.*

Landgate’s *Policies and Standards for Geographical Naming in Western Australia* (Standards), provides guidance on the selection of new road names in this context as per the following:

- the selection of new road names within new subdivisions is usually the developer/landowner’s role, however, endorsement from the relevant Local Government is necessary prior to any submissions being made to Landgate;
- The developer and the local government(s) should work collaboratively to develop compliant road names for the subdivision.

Upon receipt of a naming proposal the Local Government is required to consider such a request and, if supportive, make a formal submission to Landgate for approval by the Geographic Names Committee (under delegation from the Minister).

## FINANCIAL IMPLICATIONS

Nil.

## POLICY COMPLIANCE

Not applicable.

## STATUTORY COMPLIANCE

Part 2, Division 3, Section 26A of the *Land Administration Act 1997* (LAA) outlines requirements for naming of roads in new subdivision areas as follows:

### *LAND ADMINISTRATION ACT 1997 - SECT 26A*

#### *26A. New subdivisions, names of roads and areas in*

- (1) If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.*
- (2) The local government may require the person so subdividing the land —*
  - (a) to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and*
  - (b) to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.*
- (3) If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.*
- (4) The Minister may —*
  - (a) approve the proposed name; or*
  - (b) direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or*
  - (c) refuse to approve the proposed name.*
- (5) A person must not —*
  - (a) assign a name to the area or road unless the name is first approved by the Minister;*
  - (b) alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.*

## CONSULTATION

Under the Standards, demonstrated public consultation is only necessary in the event a road is being re-named (rather than a new road). The Shire is not required to demonstrate to Landgate it has undertaken consultation in this instance, however it is common for the local government to seek community input prior to endorsing any proposed road name.

As part of the assessment process, Shire Officers have engaged the Balingup Progress Association / Balingup Townscape Committee on two separate occasions to see if they may have any suggestions for road names that may have local significance to the community which resulted in the following:

### First round of proposed names

#### Brennan

*Elizabeth & John Brennan came from Augusta in 1904 and purchased land from Moan Singh who grew vegetables using the water and land along the Grimwade Brooke close to town. They bought adjoining blocks which included the sub-division in question and had a dairy farm. The Brennan's lost 3 sons in WW1. Their home is still there just past Walter Road on the right hand side. Torri Cavelaro sold that property about 15 years ago and was married to Jean (nee Brennan).*

#### Thomas

*Hugh Thomas came to Balingup in 1897 bought land on Jayes Road (now owned by the Listers). Hugh also had a mail run to Nannup that took 3 days once a week (no bridge over the Blackwood then) there was a rocky crossing but sometimes had to swim the horses over the river. He was also a Government land guide in 1906 for many of the surrounding towns his jobs was to show new settlers available land for purchase. His descendants married into the Trotter family who sold the farm to the Listers. Hugh was on the Roads Board 1912-1916*

#### Moore

*Edmund Moore came to Balingup in 1889. Had the Nelson Arms coaching inn opposite the Rec. Centre. His wife built the first house in Balingup where the Village Pedlars is now. He was on the Roads Board 1900-1906; 1915-1917. Th Nelson Arms was the first P.O. and store.*

#### Mauger

*Charles Mauger came to Balingup 1906 had a dairy/mixed farm on Jayes Road. Descendants still in the district. He was the first president of the Agricultural Society. Descendants served on the Roads Board 1929-1931 and 1960-1970 J.C. Mauger was the last President.*



## Second round of proposed names

### Nicholas

*Professor Nicholas, his son Clive and daughters Zoe & May lived at Southampton House in 1906. Clive was a Major in the 10th Light Horse Regiment. The two spinster sisters went on living at the Homestead for 35 years.*

### Harper

*Charles bought Ferndale (originally a Walter Padbury property) and was the inventor of the 'Harper Fence'. He subdivided the property in 1920 into 8 farms.*

### Waddingham

*Farmer of Balingup died 10/3/1917 and was one of the local heroes from WWI.*

### Hancock

*Fred, owner of Delco House in Forrest Street which was a boarding house and had the first lighting plant in the town. Licensee of the Balingup Hotel in 1905. Treasurer of the BPA when it formed in 1905.*

### Baxter –

*Mrs Baxter was the first president of the Balingup CWA*

Upon receiving all of the BPA/BTC's proposed names, officers tested them against Landgate's online pre-validation which revealed that most did not pass as the proposed names (or similar names) already exist within a 50 kilometre radius.

After the first round of suggestions, it was found that only the name 'Brennan' could potentially be suitable and was forwarded to the applicant for consideration. The applicant considered the recommendation of the BPA however reiterated that their preference was for their original names submitted.

Further, they questioned the compliance aspect of the name 'Brennan', with particular reference to the below highlighted sections of Cl. 1.4.2 of the Standards which they considered were not met:

#### *1.4.2 Use of personal names*

*Landgate will not accept a commemorative naming proposal of a person whilst they are still alive for a road or locality.*

*Requests to approve names that commemorate, or that may be construed to commemorate, living persons will also not be accepted.*

*The approval of a name to commemorate an individual will only be considered;*

- *posthumously*

- *permission of the immediate family must be obtained. Where the person has been deceased for more than 10 years and contact with the immediate family could not be established appropriate consultation must be carried out*
- *based on a demonstrated record of achievement*
- *having had a direct and long-term association with the location and made a significant contribution to the area*
- *the proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located*
- *such application is in the public interest*
- *there is evidence of broad community support for the proposal.*

*The following will not be considered as appropriate grounds for a commemorative naming request:*

- *current or past ownership of the land is not considered sufficient grounds*
- *precedence of existing names*
- *past or ongoing public service within all levels of government*
- *names will not be supported after a person who has sponsored the development of the area, or was a commercial developer.”*

Due to only one original name proposed by the BPA/BTC being potentially suitable for use, Shire staff re-engaged with the BPA/BTC to determine if they may have any further suggestions which resulted in additional names being received. Of the additional names only ‘Hancock’ and ‘Harper’ passed Landgate’s pre-validation test.

## **OFFICER COMMENT/CONCLUSION**

Officers consider that in a small community such as Balingup names wherever possible should have some meaning and connection to the local community and the BPA have suggested names that have a strong historical association with the town and would be expected to have community support.

The historical relevance of the names ‘Brennan’, ‘Hancock’ and ‘Harper’ as some of the early settlers and residents of the Balingup community suggests that there is strong argument for the use of the names. Further, as Balingup is a well-connected small community, there is a strong possibility that descendants may be located without too much difficulty to seek their support for using the names if required.

Notwithstanding the names suggested by the applicant may be deemed ‘compliant’ with the GNC naming conventions, they are somewhat generic in nature and therefore have little meaning to the local community. Ultimately the roads will become part of the fabric of the community and will become the responsibility of the Shire and therefore it is

important that the Shire ensures it is satisfied with the names adopted, rather than simply accepting what is presented. The proposed name of 'Sorella' could be considered to have a loose association with the Italian heritage of the Donnybrook-Balingup area and is therefore supported as a reserve name, however the other names proposed by the developer are not supported by staff.

In light of the above, it is recommended that Council supports the use of the names as outlined in the officer recommendation.

## **COUNCIL RESOLUTION 25/22**

**Moved: Cr Smith**

**Seconded: Cr Massey**

**That Council:**

- 1. Pursuant to Section 26A(2)(a) of the *Land Administration Act 1997* requires the applicant to:**
  - 1.1 alter the proposed road name of 'Sorella Drive' to 'Brennan Drive' to apply to Road A as identified in Attachment 9.1.2(2); and**
  - 1.2 alter the proposed road name of 'Grasstree Court' to 'Hancock Court' to apply to Road B as identified in Attachment 9.1.2(2);**
- 2. Endorses the following reserve names which are approved for use in the event Council's preferred names as per Point 1 above are not approved by Landgate:**
  - 2.1 Harper;**
  - 2.2 Sorella;**
- 3. Instructs the Chief Executive Officer to undertake any measures necessary to gather supporting information for Council's endorsement of the preferred names identified in Points 1 and 2 above, including engaging with local community / historical groups, locating family descendants and identifying appropriate historical records as necessary;**
- 4. Instructs the Chief Executive Officer to submit the endorsed road names and all supporting information to Landgate, as per the *Land Administration Act 1997* for approval.**
- 5. Supports the following approach which shall apply in determining names in the event that one or more endorsed names are refused by Landgate:**
  - 5.1 Endorsed names are ranked in priority order as follows:**
    - 1. Brennan**
    - 2. Hancock**
    - 3. Harper**

**4. Sorella**

- 5.2. The name with the highest ranking that is able to be approved by Landgate is to apply to Road A as identified in Attachment 9.1.2(2) (which shall have the suffix ‘Drive’).**
- 5.3 The name with the next highest ranking that is able to be approved by Landgate is to apply to Road B as identified in Attachment 9.1.2(2) (which shall have the suffix ‘Court’).**
- 5.5 In the event that three or more Council endorsed names are refused for use, the Chief Executive Officer is instructed to bring a further report to Council with additional recommended names for consideration.**

**CARRIED 8/0**

**For:** Cr Wringe, Cr Glover, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

**Cr Atheron re-entered the chamber at 8:22 pm.**

### 9.1.3 RESULTS OF PRELIMINARY COMMUNITY ENGAGEMENT SURVEY – LOCAL TOWN PLANNING FRAMEWORK REVIEW

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	TP 19
<b>Author</b>	Kira Strange, Principal Planner
<b>Responsible Manager</b>	Steve Potter, Director Operations
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Acknowledge the completion of the preliminary community engagement survey; and</b></li> <li><b>2. Instruct the Chief Executive Officer to continue preparing the draft Local Planning Strategy and Local Planning Scheme ensuring due regard is given to the responses and comments received within the survey results.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

- |                 |                |                                                                                                     |
|-----------------|----------------|-----------------------------------------------------------------------------------------------------|
| <i>Outcome</i>  | <i>4.1</i>     | <i>A strategically focused, open and accountable local government</i>                               |
| <i>Strategy</i> | <i>4.1.2</i>   | <i>Continue to enhance communication and transparency</i>                                           |
| <i>Action</i>   | <i>4.1.2.1</i> | <i>Ongoing meaningful communication and engagement with residents, ratepayers and stakeholders.</i> |

### EXECUTIVE SUMMARY

In November 2021, Council was presented with a Project Plan for the formal review of the Local Town Planning framework. As part of this project, prior to undertaking formal public consultation, the Shire undertook a preliminary engagement survey for community participation. The key purpose of the engagement survey was;

- to translate broad themes from the Strategic Community Plan into actionable objectives within the context of the Planning framework;
- to find out how the community would like to be engaged with during the consultation stage of the project; and
- to establish a mailing list of all community members that are directly interested in the review project.

The purpose of this report is to inform Council of the results of the community engagement survey which is one of the elements that Officers will consider in preparing the draft documentation for future public consultation and Council review.

It is recommended that Council resolve in accordance with the Officer's recommendation to reflect the information and comments within this report.

## **BACKGROUND**

At the Ordinary Council Meeting held 28 April 2021, it was resolved that Council:

- 1. Receives the formal advice from the Western Australian Planning Commission (WAPC), dated 20 October 2020 as contained in Attachment 9.1.2(1);*
- 2. Resolves to prepare a new Local Planning Scheme pursuant to Part 4, Division 1, Regulation 19 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 3. Authorises the Chief Executive Officer to undertake the necessary notifications of Council's decision to prepare a new Local Planning Scheme pursuant to Part 4, Division 1, Regulation 20 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 4. Instructs the Chief Executive Officer to consider resourcing requirements in the preparation of the 2021/22 draft Annual Budget;*
- 5. Subject to funding under Point 4 being approved in the 2021/22 Annual Budget, instructs the Chief Executive Officer to prepare and present a Project Plan to Councillors for the Scheme / Strategy Review in a Concept Forum.*

As per the resolution, a Project Plan was prepared and presented to Council in November 2021 that broadly outlined the process required for the formal review of the Town Planning framework including:

- Review of Local Planning Strategy 2014 and preparation of a new Local Planning Strategy;
- Review of Local Planning Scheme No. 7 and preparation of a new Local Planning Scheme; and
- Review and consolidation of all Local Planning Policies.

The project has been broken into eight broad stages:

1. Preliminary Review and Project Plan Preparations
2. Public Engagement and Research
3. Draft Document Preparation
4. Public Consultation and Advertising
5. Consideration of Submissions
6. Final Document Review
7. Endorsement
8. Final Publication

The preliminary community engagement survey is part of stage 2 in preparation for future formal consultation of the draft documentation (stage 4). A full copy of the Project Plan has been provided to Council and is available on the Shire's website including the relevant State, Regional and Local context that will shape the documentation.

## **FINANCIAL IMPLICATIONS**

Nil.

## **POLICY COMPLIANCE**

The results received are one element that Council should consider in any future adopted policy or planning position.

## **STATUTORY COMPLIANCE**

Not applicable.

## **CONSULTATION**

The survey was first published on 10 December 2021 and closed on 7 February 2022. Further formal public consultation will occur following the preparation of the draft documentation and preliminary endorsement by the WAPC and Council.

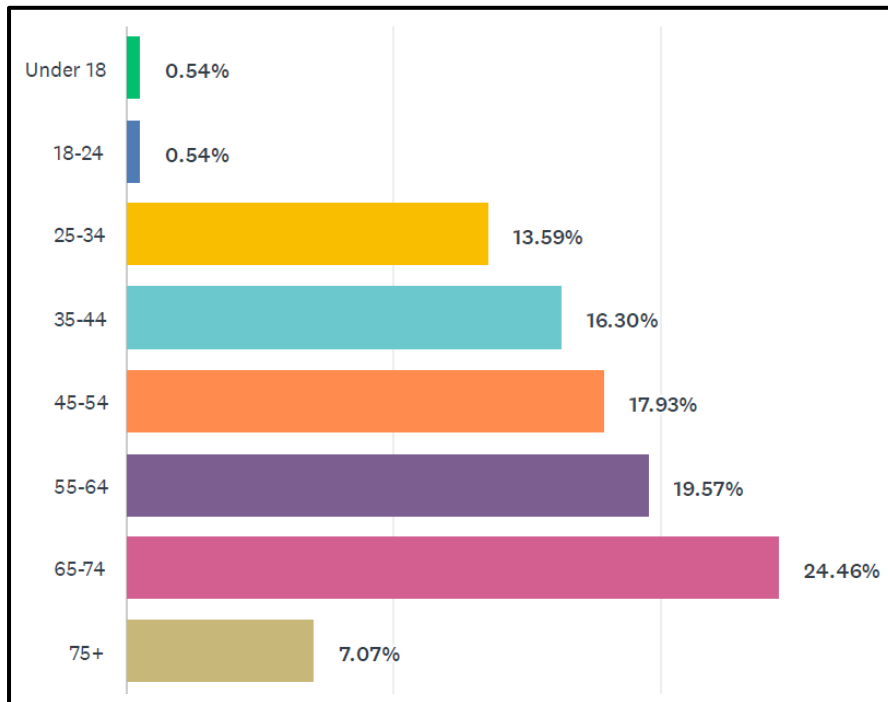
## **OFFICER COMMENT/CONCLUSION**

As outlined in the Executive Summary, one of the key purposes of the preliminary engagement survey was to ascertain the level of community interest in the Planning framework as well as generally notifying the community of the upcoming review.

There were a total of 21 questions within the survey and a total of 184 participants. A summary of the responses is as follows.

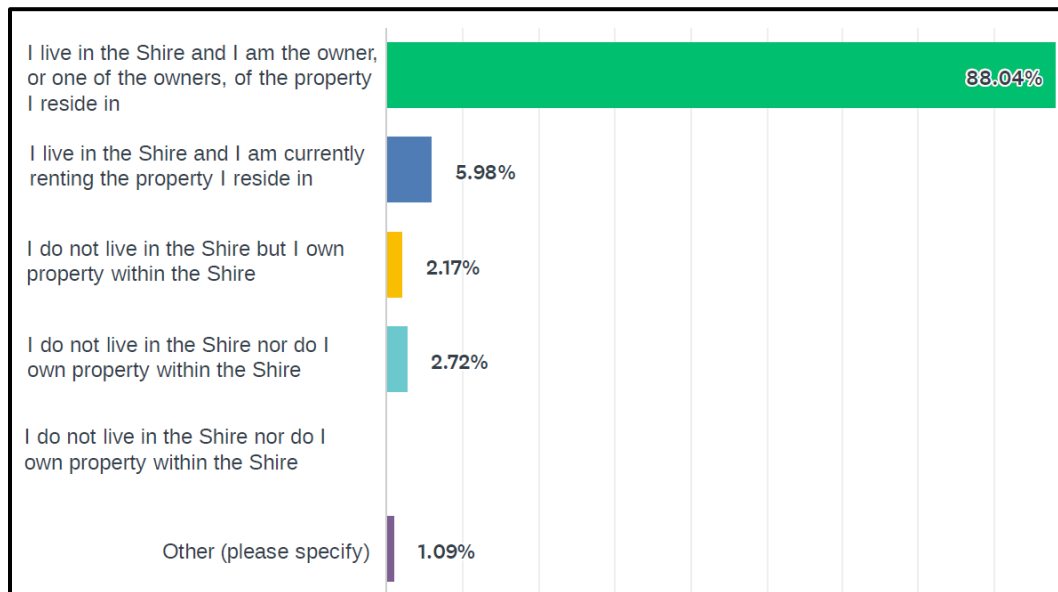
**Demographics**

There was a relatively good representation of ages who participated in the survey however, less than 1.5% of respondents were younger than 25 years old.



**Question 1 - Please indicate your age bracket**

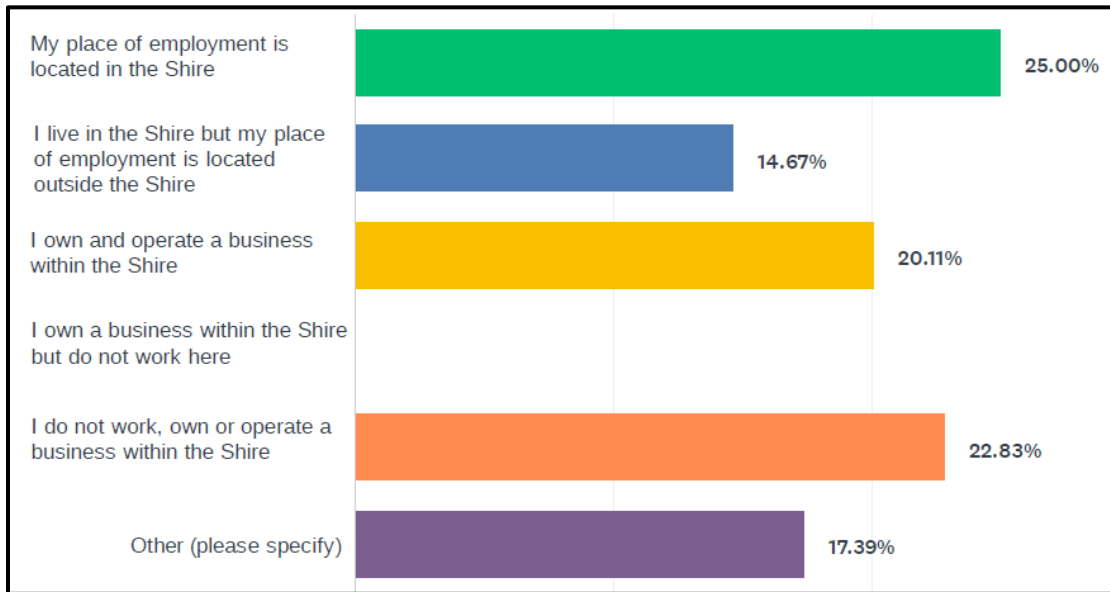
162 respondents (88%) indicated that they live in the Shire and are the owner, or one of the owners of the property they reside in.



**Question 2 - Which option best describes your current "living" circumstances in relation to the Shire of Donnybrook Balingup?**



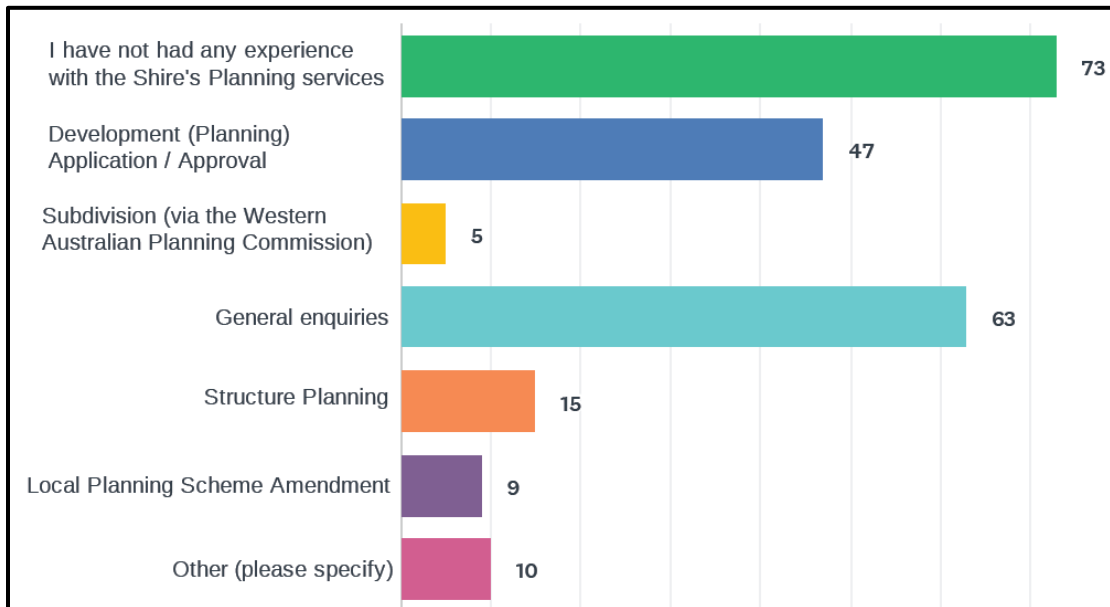
Participants work circumstances were varied:



**Question 3 - Which option best describes your "work" circumstances in relation to the Shire of Donnybrook Balingup?**

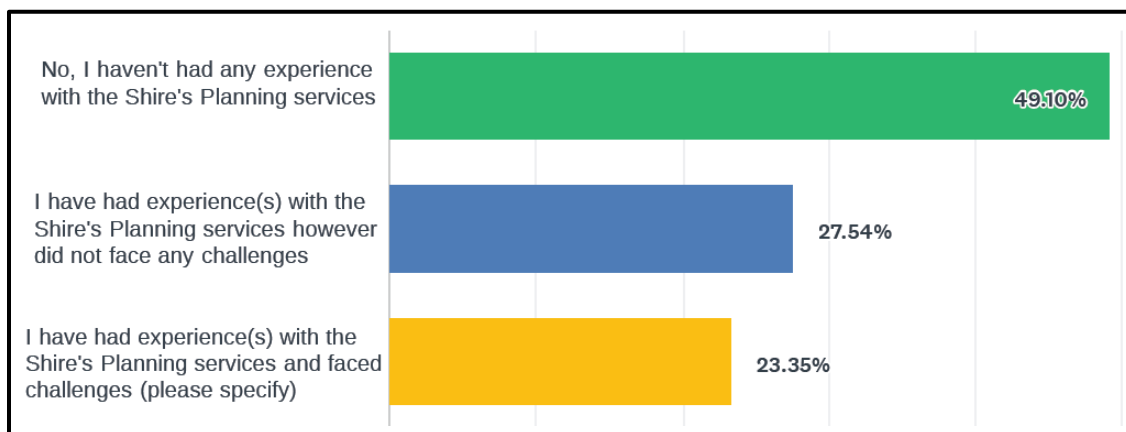
Other work circumstances included being retired, working from home, home carer, volunteer and stay at home parent.

**Town Planning Processes**



**Question 4 - What Planning processes have you been involved with at the Shire?**

Of the 94 respondents who indicated that they had been involved in Planning processes at the Shire, 39 indicated that they had faced challenges during this process.



**Question 5 - Did you face any specific challenges during this process?**

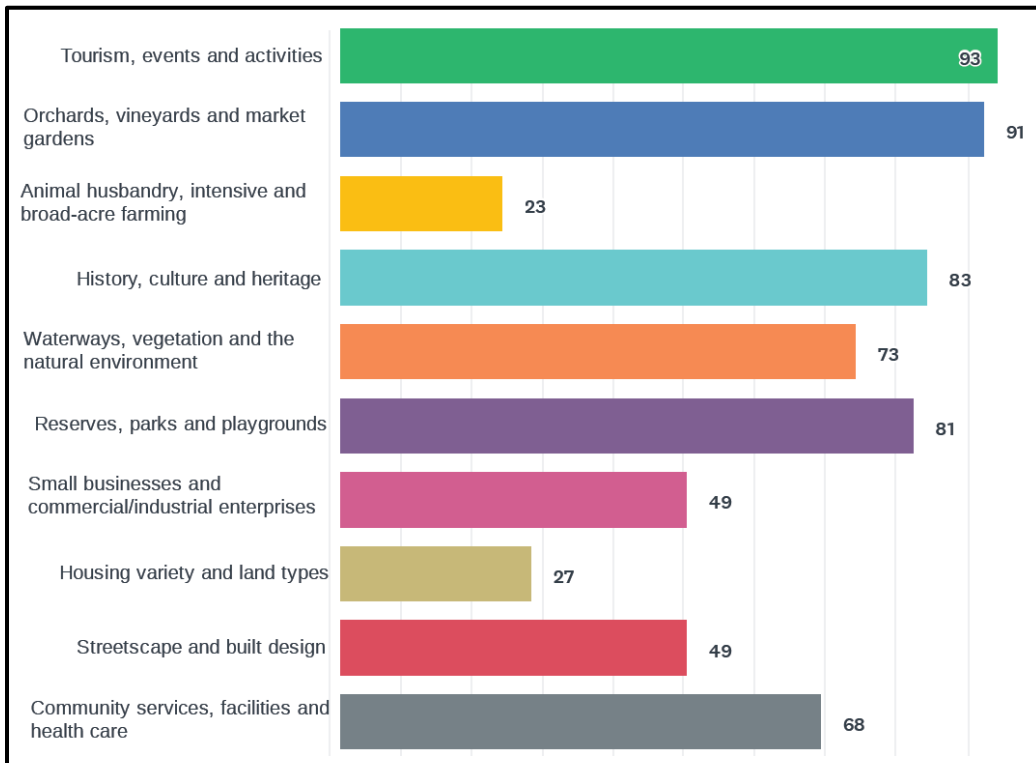
The challenges stated in responses largely centered around:

- Lack of consultation;
- Length of processing and response times;
- Inability to share confidential information;
- Lack of access to properties and construction of road requirements;
- Excessive 'red tape'; and
- Compliance and impacts of development variations.

### **Vision for the Shire**

Whilst there were relatively mixed responses from respondents regarding the elements they believed positively contribute to the Shire's "sense of community and country charm", (as outlined in the Strategic Community Plan) the top two responses were:

1. Tourism, events and activities; and
2. Orchards, vineyards and market gardens



**Question 6 - In your opinion, what are the top 5 elements that positively contribute to the Shire's "sense of community and country charm"?**



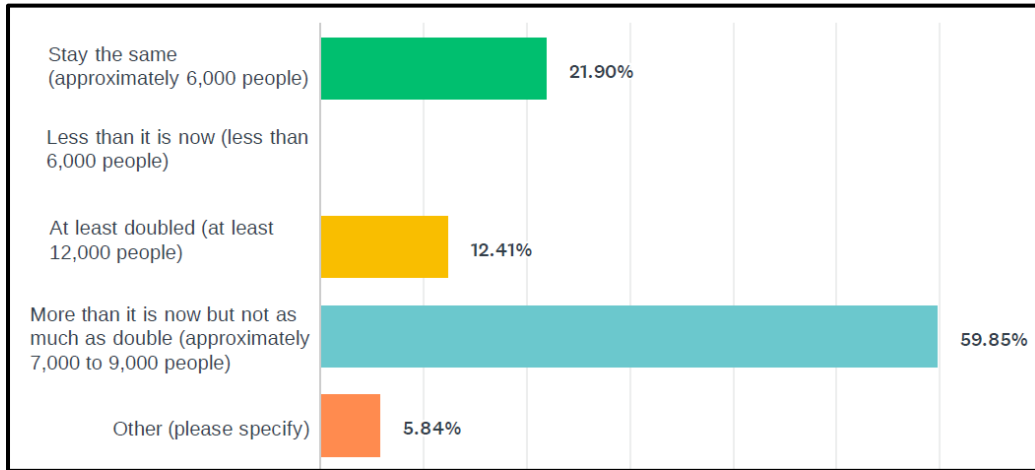
**Question 7 - Are there any other elements that you consider contribute to the Shire's "sense of community and country charm?"**

Other elements included:

- Community organisations, local groups, associations and volunteer opportunities;
- Rural environment and country feel;
- The people;
- Healthy natural environment;
- Smaller, village and hamlet style developments;
- Diversity in attractions and property options; and
- Aboriginal culture.

**Population, Housing and Future Growth**

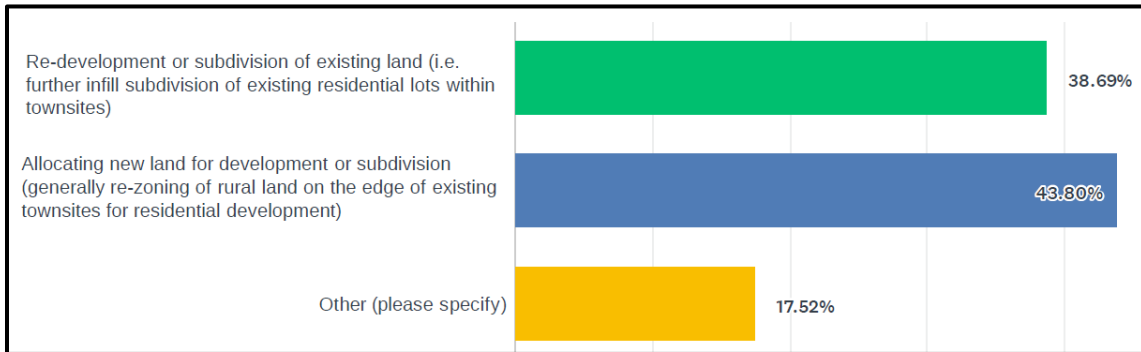
A total of 82 respondents (60%) indicated that in 10 to 15 years time, they would like to see the Shire’s population more than it is now but not as much as double (7,000 to 9,000 people).



**Question 8 - In 10 to 15 years, [how] would you like to see the Shire's population?**

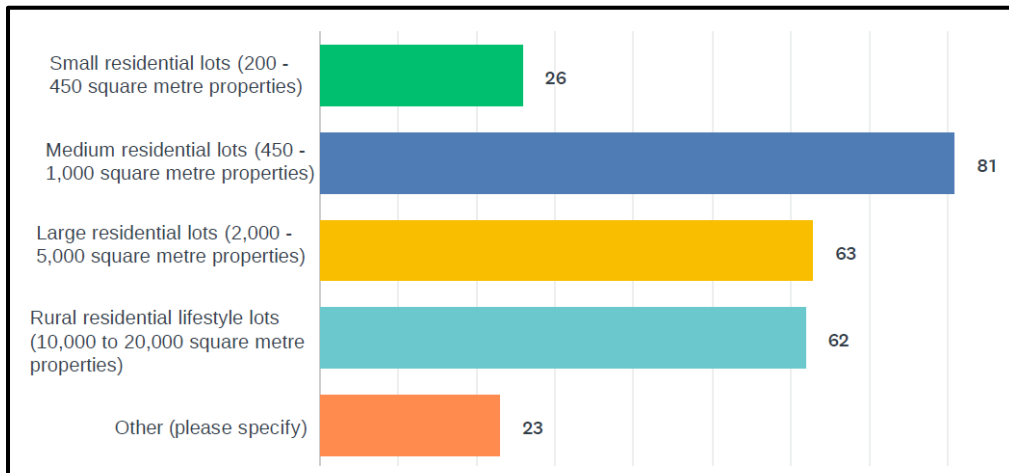
In order to meet the demand of land and housing for an increasing population, responses were relatively even about whether new land should be allocated or whether existing land should be re-developed. Other suggestions included:

- Smaller village style developments; and
- Sustainable, eco-friendly development.



**Question 9 - In order to meet an increasing demand for land and housing, the Shire will review the existing supply and capability to meet these needs. How would you prefer the Shire address the increasing demand for land and housing?**

More specifically, the preferred housing typologies that respondents indicated as their preference were as follows:



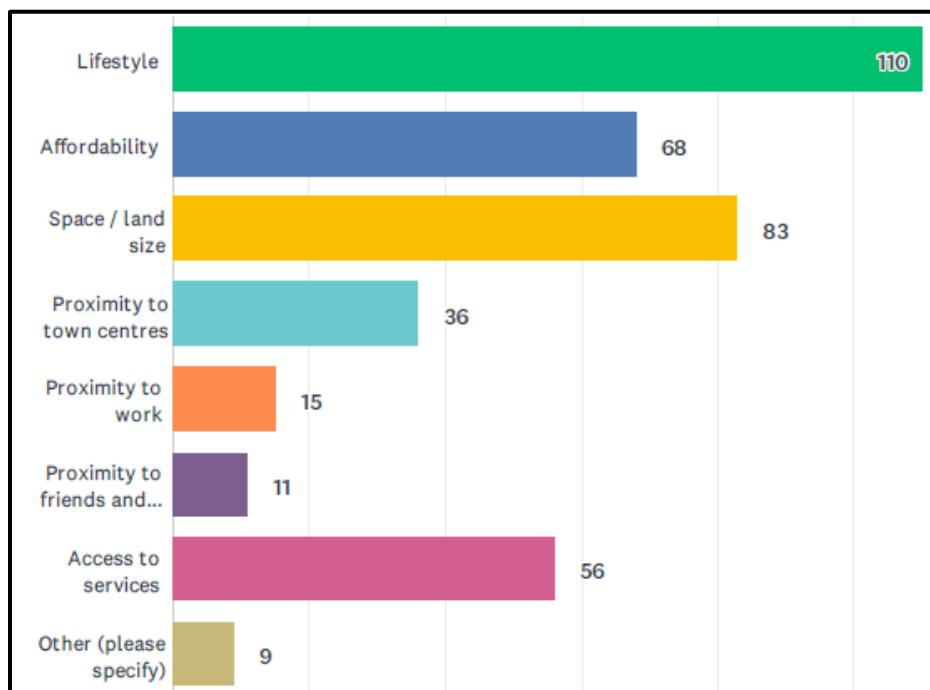
**Question 11 - In providing housing options for future growth, what property types would you like to see more of in the Shire?**

Whilst the majority of participants did not have experience in re-developing or subdividing their property, the respondents who did, indicated the following challenges were experienced when doing so:

- Issues associated with their property located within Special Control Area 4 for Donnybrook Stone;
- Road construction requirements;
- Planning for bushfire requirements;
- Re-zoning of rural land for rural residential development; and
- Connection to services (i.e. water, sewer).

Respondents indicated that lifestyle, space/land size, affordability and access to services were the top drivers when purchasing property in the Shire. Some of the reasons outlined for this included:

- Close commuting distance to Bunbury (work, services, etc.) but with rural lifestyle;
- Diversity of land, housing and community;
- Affordability;
- Natural environment;
- Quiet lifestyle;
- Large, open, country land and properties; and
- Friendly community.

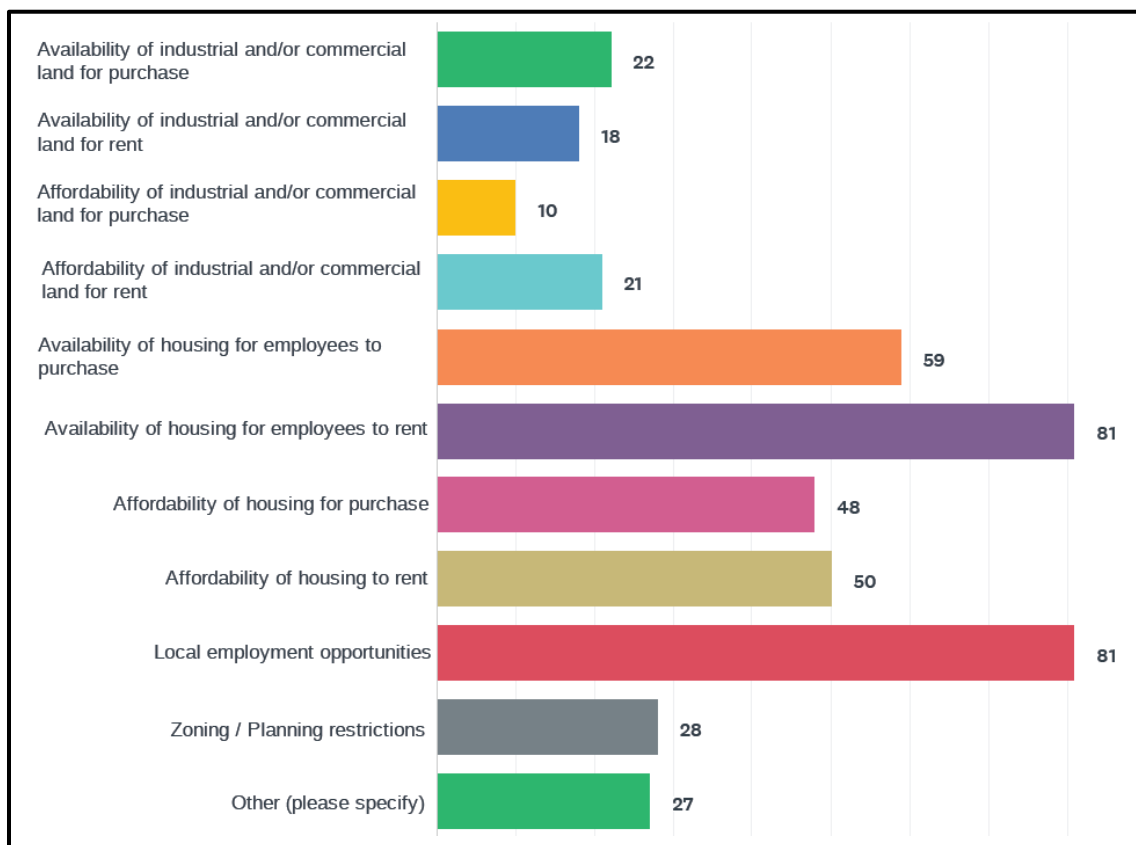


**Question 12 - In your opinion, what are the top 3 drivers when purchasing property in the Shire for living/residential purposes?**

### **Economy and Employment**

Respondents indicated that the two most common issues facing the Shire's economy and employment are:

1. Availability of housing for employees to rent; and
2. Local employment opportunities.



**Question 14 - In your opinion, what do you think are the key issues facing the Shire's economy and employment?**

Other issues identified included:

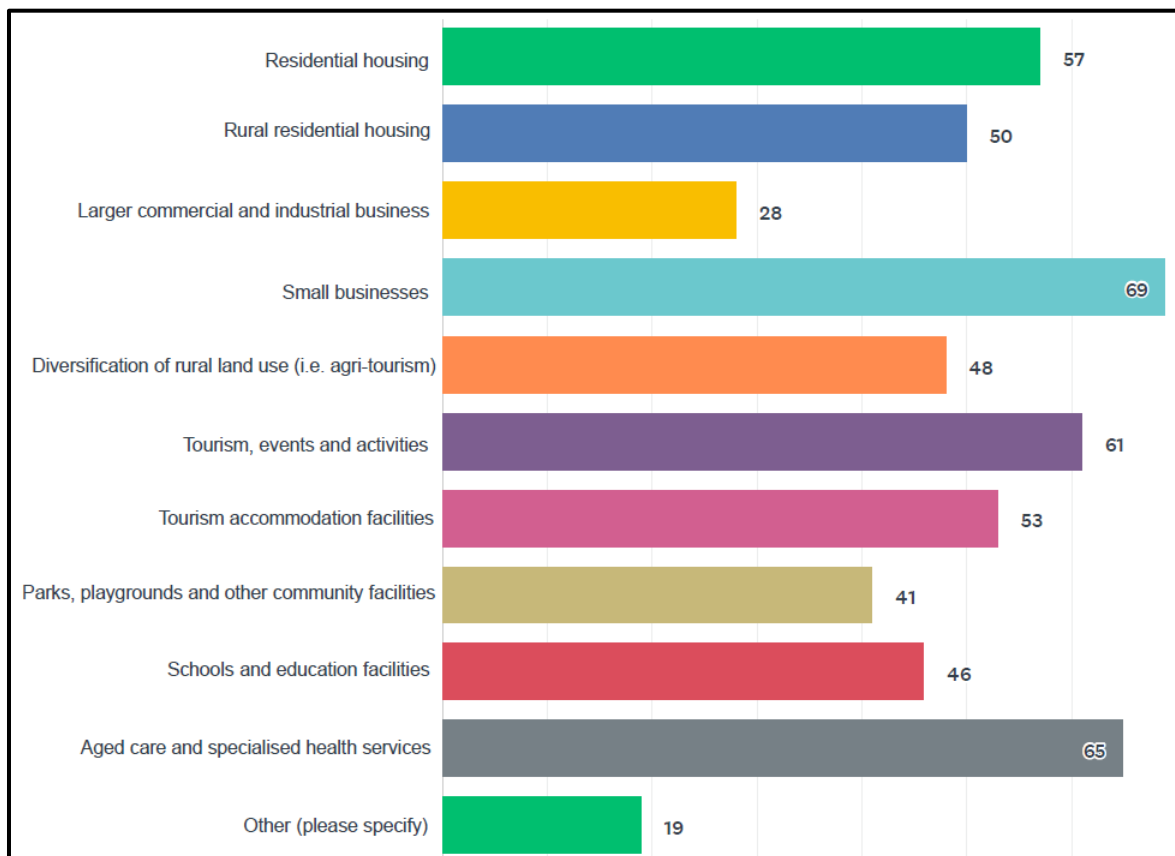
- Ageing population;
- Coherent planning in cooperation with other Blackwood Councils for tourism developments;
- Oversupply of similar businesses (i.e. eating establishments);
- Outside industries and businesses should be provided with incentives to come to the Shire;
- Lack of caravan park;
- Uncertainty surrounding Covid;
- Lack of diversity in job opportunities;
- Difficulties with private commercial lease arrangements and landowners;
- Lack of creative alternatives; and
- Over-regulated industries.

Some of the reasons stated for these responses included:

- The district should have other activities, other than tourism, as principal economic base due to too many variables in tourism;
- More flexibility to facilitate industries and development including built form, land tenure and property size;

- Significant undersupply of housing, residential land which is linked to available labour;
- Diversity of business interests should be encouraged;
- Lack of space in main streets for business;
- Lack of commercial land with existing commercial land taken up with housing; and
- Adoption of new technologies.

With regards to what type of development respondents thought would benefit the future growth of the Shire, answers were relatively varied.



**Question 16 - In your opinion, what types of development do you think would benefit the future growth of the Shire.**

Other suggestions included:

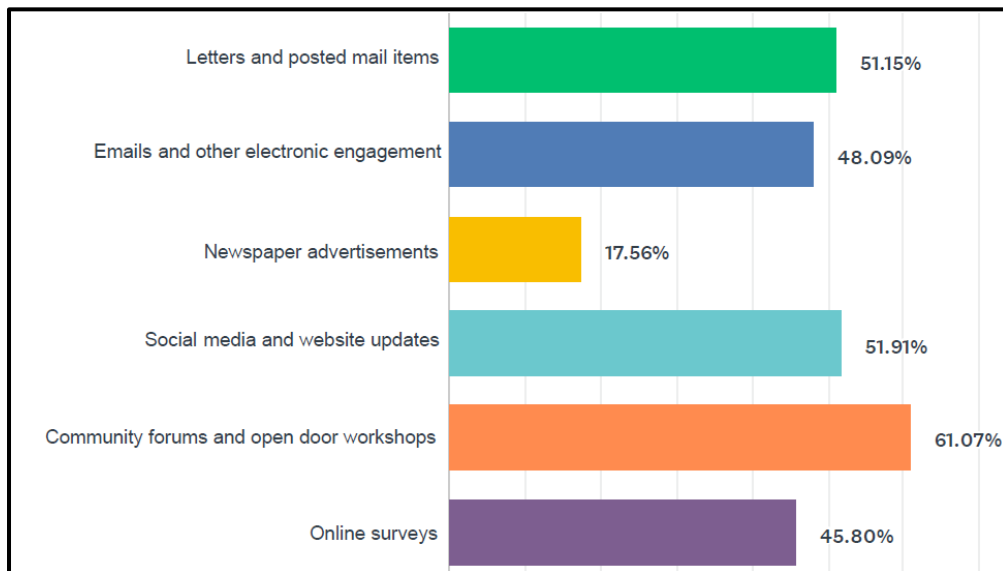
- A balanced combination of developments;
- Engagement with other Government departments for affordable housing for transient staff (i.e. fruit pickers, packers, nurses, police, teachers)
- A medical precinct;
- Expansion of hospital and ambulance area;
- A caravan park;
- Preservation of natural environment;



- More provisions for existing ratepayers/residents rather than directing funds to attract others to area; and
- Regenerative, community aware enterprise.

### **Future Consultation**

Respondents identified a relatively even preference for future methods of public consultation.



**Question 18 - In your opinion, what are the top 3 most effective and preferred methods of public consultation?**

Other suggested consultation methods included:

- Targeted workshops and focus groups held after hours so community can attend;
- A combination of all the mentioned methods;
- Summaries of Shire meetings on a central notice board;
- Online community forums;
- Posters in shops;
- Community question box; and
- Use of the Preston Press.

A total of 76 respondents (58%) requested to be included on the mailing list for future updates and consultation notifications.

Other general comments and suggestions provided by respondents included:

- Introduce flexibility and non-prescriptive development framework;
- Traffic management problems, particularly along South Western Highway;
- Transparency is vital;
- Simplified, clear communication style with summarized points is preferred;

- Footpath and pedestrian connectivity in Balingup needs improving;
- Review what other Local Governments are doing in the Planning space;
- Protect the existing community lifestyle;
- Protect the water and underground reservoir; and
- Advertise surveys better.

### **Summary**

Overall, the preliminary engagement survey provided very useful feedback for officers as they continue to prepare the draft Planning documentation for future advertising. Whilst the responses were varied, there were some common themes and issues raised including but not limited to:

1. The role of the Shire remaining transparent, using effective and clear consultation methods to reach a broad audience;
2. Lack of tourism accommodation and the need for a caravan park in Donnybrook;
3. Facilitate increased tourism ventures and the potential for a diverse range of opportunities;
4. Providing a flexible framework that can adapt to innovative and alternative ideas to traditional development types;
5. The presence of Donnybrook Stone and the impact of development restrictions associated with Special Control Area 4;
6. Cost of infrastructure requirements including road construction and provision of services (water, sewer, etc.);
7. Protection of the existing rural, community lifestyle within the Shire; and
8. Protection and enhancement of the natural environment.

As officers continue to work on the documentation, the issues identified within the survey will provide Strategic direction and possible actions to deliver within the Planning framework for the Shire.

## **COUNCIL RESOLUTION 26/22**

**Moved: Cr Massey      Seconded: Cr Atherton**

**That Council:**

- 1. Acknowledge the completion of the preliminary community engagement survey; and**
- 2. Instruct the Chief Executive Officer to continue preparing the draft Local Planning Strategy and Local Planning Scheme ensuring due regard is given to the responses and comments received within the survey results.**

**CARRIED 9/0 by En bloc Resolution**

**For:**      Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
             Cr Newman and Cr Smith

**Against:** Nil

### 9.1.4 CAPITAL WORKS PROGRAM AMENDMENTS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	WRK 12
<b>Author</b>	Damien Morgan - Manager Works and Services
<b>Responsible Manager</b>	Steve Potter – Director Operations
<b>Attachments</b>	9.1.4(1) - Victory Lane Off Street Carpark 9.1.4(2) - Hunter Street Design
<b>Voting Requirements</b>	Absolute Majority

#### Recommendation

**That Council:**

1. Endorses the use of any remaining surplus funds from the 2021-22 Victory Lane project for the asphalt surfacing of the Shire off-street carpark area at the intersection of South Western Highway and Victory Lane;
2. Endorses the inclusion of the upgrading of Hunter Street to the 2021-22 Works Program, to be fully funded from the Shire’s Federal ‘Roads to Recovery’ allocation.
3. Notes that an application for approval will be made to the South West Regional Road Group to transfer any remaining surplus funds from the Shire’s 2021-22 Collins Street and Southampton Road Regional Road Group Funded Projects to the Shire’s 2021-22 Upper Capel Road Regional Road Group Funded Project.
4. Amends the 2021/2022 Budget as follows:

COA/JOB Code	Description	Current Budget	Change	Proposed Amended Budget
C2103	VICTORY LANE	\$90,000	-\$35,000	\$55,000
C2114	STEERE ST DBK UPGRADE	\$174,657	-\$45,000	\$129,657
C2109	SOUTHAMPTON RD	\$516,000	-\$10,000	\$506,000
C2110	COLLINS ST	\$512,044	-\$40,000	\$472,044
C2108	UPPER CAPEL RD	\$414,000	\$50,000	\$464,000
New	VICTORY LANE OFF STREET CARPARKING	\$0	\$35,000	\$35,000
New	HUNTER STREET ASHPHALT AND KERBING	\$0	\$110,000	\$110,000
3331	GRANTS - ROADS TO RECOVERY	-\$503,657	-\$65,000	-\$568,657
		<b>\$1,203,044</b>	<b>\$0</b>	<b>\$1,203,044</b>

## STRATEGIC ALIGNMENT

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

Outcome:	2.1	An attractive and maintained built environment
Strategy:	2.1.1	Maintain, renew and improve infrastructure within allocated resources
Action:	2.1.1.3	Develop and implement capital works plan
Outcome:	4.2	A respected, professional and trusted organisation
Strategy:	4.2.1	Effective and efficient operations and service provision
Action:	4.2.1.1	Maintain effective and efficient policies, planning, operating procedures and practices

## EXECUTIVE SUMMARY

Within the scope of this year’s road works program, opportunities may be available for Council to re-direct surplus funds from existing budgeted projects to identified future projects, achieving efficiencies in the undertaking of the Shire’s capital works program.

This report identifies 2021/22 capital projects that are tracking to be delivered under budget and contains recommendations as to how any surplus funds may be re-allocated.

## BACKGROUND

Within the Shire’s Capital Works program of the 2021/22 Budget, the following projects are approved for delivery:

Project	Desc of Works	2021/22 Budget	Source of Funding
Victory Lane	Renewal of Road	\$90,000	Shire
Steere St	Upgrading of Road	\$174,657	Roads to Recovery
Southampton Rd	Upgrading of Road	\$516,000	SWRRG/Shire
Collins St	Renewal of Road	\$512,044	SWRRG/Shire
Upper Capel Rd	Upgrading of Road	\$414,000	SWRRG/Shire

\*SWRRG – Southwest Regional Road Group

The Victory Lane, Steere Street and Collins Street projects have been awarded to Carbone Bros and are currently under construction. Once all costs for the delivery of these projects is considered, it is estimated that the Shire will have the below approximate

surplus funds remaining for redistribution in accordance with any requirements from the relevant funding body:

- Victory Lane           \$35,000
- Steere Street         \$45,000
- Collins Street         \$40,000

The Southampton Road project has been awarded to DBCEC and is currently under construction. Council at its September 2021 Ordinary Council Meeting supported the below re-allocation of funds between the Shire's SWRRG projects, to enable the completion of the full scope of the Southampton Road Project:

- 2021/22 Upper Capel Road project funding to be decreased by \$126,000, resulting in the 2021/22 project now having a revised total of \$414,000, with a reduced project scope.
- 2021/22 Southampton Road project funding being increased by \$126,000, resulting in the 2021/22 project now having a revised total budget of \$516,000.

Once all costs for the delivery of the Southampton Road project are accounted for, it is estimated that the Shire will have approximately \$10,000 remaining for redistribution from this project.

## **FINANCIAL IMPLICATIONS**

### Existing SWRRG Projects

For the SWRRG projects, it is proposed to re-allocate any remaining surplus funds back to the Upper Capel Road Project in accordance with the estimates outlined above.

The transfer of surplus funds between the Shire's outlined SWRRG projects will require approval from the SWRRG. Requests from all LGAs consistent with what is outlined above are a regular occurrence. The Shire will make application once the surplus amounts are finalised.

MRWA generally provides in-principle support for the reallocation of funds between Shire projects in the interests of road safety and maximising SWRRG expenditure. The Shire will utilise these re-allocated funds within the existing Upper Capel Road project, which has had additional unforeseen costs in the extension of large culverts in the low point of the road.

### New Victory Lane Carpark Project

For any surplus funds available from the Shire's Victory Lane road project, it is proposed to asphalt surface the carpark at the corner of Southwestern Highway and Victory Lane (refer attachment 9.1.4(1)).

This carpark was sealed a few years ago and has proven to be very popular for the parking of long vehicles (Refer attachment 9.1.4(1)). Long vehicles park in this locality as

it provides access to several businesses located at the southern end of the Donnybrook town site.

The surfacing of this area with asphalt, will extend the useful life of the carpark, which is already showing signs of deterioration from the turning movements of these vehicles. The cost of the asphalt surfacing is estimated to be less than \$35,000, thus having no implications on the overall capital works budget.

### New Hunter Street Project

Hunter Street intersects a section of Steere Street which is currently being upgraded to an urban standard as part of the 2021/22 capital works program. Hunter Street is proposed for upgrading in 2022/23 and has already been fully designed (Refer attachment 9.1.4(2)).

It is considered that efficiencies and cost saving can be achieved by utilising the remaining surplus funds from the Steere Street project, along with additional available 'Road to Recovery' (R2R) funding to have this project undertaken in conjunction with the Steere Street project.

Under the R2R funding program, all Councils typically receive an allocation that they can use across a 5-year period for eligible projects. The Shire typically uses its allocation evenly across the 5-year period which equates to \$423,437 per year. The Shire can resolve to use additional funds above the yearly amount, providing it is in accordance with the Roads to "Recovery Funding Conditions 2019" and the project is approved through an application process.

It is estimated that the Hunter Street works as designed will cost \$110,000 to be completed, being fully funded from the Shire's R2R allocation. If supported by Council an application will be made to have this project approved through the R2R application process.

### **POLICY COMPLIANCE**

Not applicable

### **STATUTORY COMPLIANCE**

Not applicable

### **CONSULTATION**

Not applicable

### **OFFICER COMMENT/CONCLUSION**

If supported, the outlined modifications to the 2021/22 capital work program will deliver a greater scope of works this year, with very minimal impact to the overall 2021/22 capital works budget.

**COUNCIL RESOLUTION 27/22**

**Moved: Cr Atherton**

**Seconded: Cr Glover**

**That Council:**

1. **Endorses the use of any remaining surplus funds from the 2021-22 Victory Lane project for the asphalt surfacing of the Shire off-street carpark area at the intersection of South Western Highway and Victory Lane;**
2. **Endorses the inclusion of the upgrading of Hunter Street to the 2021-22 Works Program, to be fully funded from the Shire’s Federal ‘Roads to Recovery’ allocation.**
3. **Notes that an application for approval will be made to the South West Regional Road Group to transfer any remaining surplus funds from the Shire’s 2021-22 Collins Street and Southampton Road Regional Road Group Funded Projects to the Shire’s 2021-22 Upper Capel Road Regional Road Group Funded Project.**
4. **Amends the 2021/2022 Budget as follows:**

<b>COA/JOB Code</b>	<b>Description</b>	<b>Current Budget</b>	<b>Change</b>	<b>Proposed Amended Budget</b>
C2103	VICTORY LANE	\$90,000	-\$35,000	\$55,000
C2114	STEEER ST DBK UPGRADE	\$174,657	-\$45,000	\$129,657
C2109	SOUTHAMPTON RD	\$516,000	-\$10,000	\$506,000
C2110	COLLINS ST	\$512,044	-\$40,000	\$472,044
C2108	UPPER CAPEL RD	\$414,000	\$50,000	\$464,000
New	VICTORY LANE OFF STREET CARPARKING	\$0	\$35,000	\$35,000
New	HUNTER STREET ASHPHALT AND KERBING	\$0	\$110,000	\$110,000
3331	GRANTS - ROADS TO RECOVERY	-\$503,657	-\$65,000	-\$568,657
		<b>\$1,203,044</b>	<b>\$0</b>	<b>\$1,203,044</b>

**CARRIED 9/0  
ABSOLUTE MAJORITY ACHIEVED**

**For:** Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil



## **9.2 DIRECTOR CORPORATE AND COMMUNITY**

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### **9.2.1 ACCOUNTS FOR PAYMENT**

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

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### **9.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 2022**

The Monthly Financial Report for February 2022 is attached (*attachment 9.2.2(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended February 2022 be received.**

#### **COUNCIL RESOLUTION 28/22**

**Moved: Cr Massey            Seconded: Cr Atherton**

**That the monthly financial report for the period ended February 2022 be received.**

**CARRIED 9/0 by En bloc Resolution**

**For:**        Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
              Cr Newman and Cr Smith

**Against:** Nil

### 9.2.3 COMPLIANCE AUDIT RETURN 2021

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Loren Clifford, Corporate Planning and Governance Officer
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	9.2.3(1) - 2021 Compliance Audit Return
<b>Voting Requirements</b>	Simple Majority

Committee Recommendation
<p><b>That:</b></p> <ol style="list-style-type: none"> <li><b>1. The 2021 Compliance Audit Return for the Shire of Donnybrook Balingup for the period 1 January 2021 to 31 December 2021 be adopted by Council.</b></li> <li><b>2. Council notes that the Committee has no recommendations to the Council on this matter given the extensive information included by staff in the Compliance Audit Return documentation attached.</b></li> </ol>

### 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

### EXECUTIVE SUMMARY

A Local Government Compliance Audit Return (CAR) is required to be undertaken in accordance with the *Local Government (Audit) Regulations 1996* Reg. 14(1).

The Audit was conducted by staff for the period 1 January to 31 December 2021, within the scope and in the format required by the Department of Local Government, Sport and Cultural Industries.

After conducting the checking process, the 2021 CAR contains a positive compliance response (or not applicable) of 96 out of the 98 compliance items (98%) with a non-compliance response for two items as set out in the table below.

The Officer also notes the comments in relation to the two items and in the case of Item 3 the lack of control the Shire has over the OAG in the delivery of the Annual Financial Report and also the fact that as such there is no statutory timeframe for the CEO to adopt the Employee Code of Conduct.

For all intents and purposes, the officer is of the opinion that 100% compliance has been attained for items that it can control.

Topic	Item Number	Matter
Finance	3	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?
<b>Officer Comment:</b>		
Not received from OAG, Audit exit meeting occurred Tuesday 15 February 2022. Letter from OAG attached apologising for delay previously circulated to all Councillors 4 January 2022 and tabled at the Audit and Risk Management Committee meeting held 9 February 2022.		
Topic	Item Number	Matter
Disclosure of Interest	25	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?
<b>Officer Comment:</b>		
The Draft Code of Conduct will be presented to staff at the March 2022 staff meeting for comment. There is no statutory timeframe for the CEO to adopt the Employee Code of Conduct.		

## BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSCI) requires local governments to conduct an annual assessment of their compliance with key components of the *Local Government Act 1995* (the Act) and associated Regulations. The 2021 CAR is to be provided to the DLGSCI by 31 March 2022.

## FINANCIAL IMPLICATIONS

Nil.

## POLICY COMPLIANCE

Not Applicable.

## STATUTORY COMPLIANCE

Under *Regulation 14 of the Local Government (Audit) Regulations 1996* the 2021 CAR is to be reviewed by Council's Audit Committee and then report the results of that review to Council for adoption.

The Audit and Risk Management Committee considered the 2021 CAR at its meeting held 3 March 2022 and made the following resolution:

### **COMMITTEE RESOLUTION**

*Moved Cr Smith*

*Seconded Cr Wringe*

1. *That the Audit and Risk Management Committee review the Compliance Audit Return for the Shire of Donnybrook Balingup for the period 1 January 2021 to 31 December 2021.*
  
2. *That the Audit and Risk Management Committee recommends to Council that:*
  - a) *The 2021 Compliance Audit Return for the Shire of Donnybrook Balingup for the period 1 January 2021 to 31 December 2021 be adopted, and*
  - b) *The Committee notes they have no recommendations to the Council on this matter given the extensive information included by staff in the Compliance Audit Return documentation attached.*

*CARRIED 3/0*

Following presentation to Council, a certified copy of the 2021 CAR, along with an extract of the minutes of the meeting at which the CAR was adopted by Council, and any additional information, is to be submitted on-line to the Department of Local Government, Sport and Cultural Industries by 31 March 2022.

### **CONSULTATION**

Not Applicable.

### **OFFICER COMMENT/CONCLUSION**

The 2021 CAR contains 98 questions grouped in relation to various compliance areas.

The result of the 2021 CAR was a positive compliance response or not applicable response to 96 of those requirements and two negative responses as set out below:

- **Was the auditor’s report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?** Not received from OAG, Audit exit meeting occurred Tuesday 15 February 2022.
  
- **Did the CEO prepare, and implement and publish an up-to-date version on the local government’s website, a code of conduct to be**

**observed by employees of the local government?** The Draft Code of Conduct will be presented to staff at the February 2022 staff meeting for comment. There is no statutory timeframe for the CEO to adopt the Employee Code of Conduct.

### **COUNCIL RESOLUTION 29/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That:**

- 1. The 2021 Compliance Audit Return for the Shire of Donnybrook Balingup for the period 1 January 2021 to 31 December 2021 be adopted by Council.**
- 2. Council notes that the Committee has no recommendations to the Council on this matter given the extensive information included by staff in the Compliance Audit Return documentation attached.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                         Cr Newman and Cr Smith

**Against:** Nil

### 9.2.4 INTERNAL AUDIT PROPOSAL

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 02A
<b>Author</b>	Kim Dolzadelli, Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	9.2.4(1) - AMD Internal Audit Proposal (Confidential) 9.2.4(2) - AMD Internal Audit List of Modules (Confidential)  <b>Note:</b> the attachments are considered confidential in accordance with the Local Government Act 1995, Section 5.23 (2) (c) <i>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.</i>
<b>Voting Requirements</b>	Simple Majority

Audit and Risk Management Committee Recommendation
<b>That Council accept the proposal 3 Year Internal Audit Proposal from AMD Chartered Accountants.</b>

### 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

### EXECUTIVE SUMMARY

An Expression of Interest for the provision of Internal Audit services was sent out to the following three qualified providers:

- a) Moore Australia - (declined due to conflict of interest as they are appointed as our auditor through the Office of the Auditor General),
- b) Butler Settineri – no response, and
- c) AMD Chartered Accountants (AMD) – response received

The Officer recommends acceptance of the proposal received by AMD.

The Audit and Risk Management Committee considered this matter at its meeting held 3 March 2022 and made the following Resolution:

### **COMMITTEE RESOLUTION**

*Moved Cr Wringe                      Seconded Cr Smith*

*That the Audit and Risk Management Committee:*

- 1. Review the Internal Audit Proposal attached as a confidential document, and*
- 2. Recommends that Council accept the proposal for a 3 Year Internal Audit Function from AMD Chartered Accountants.*

*CARRIED 3/0*

### **FINANCIAL IMPLICATIONS**

The 2021/22 Budget includes a provision of \$15,000 for Internal Audit Services.

### **POLICY COMPLIANCE**

Not Applicable.

### **STATUTORY COMPLIANCE**

The Internal Audit process is not required by any legislation and goes beyond any Statutory Compliance requirements.

### **CONSULTATION**

Not Applicable.

### **OFFICER COMMENT/CONCLUSION**

The officer believes that the proposal from AMD represents good value and the spreading of the detailed scope being spread over a period of three years will ensure that the processes undertaken are thorough and do not simply skim the surface.

Timing provided by AMD for each area is shown in the table below however they have stated that they are willing to adjust these should the Committee/Council so wish.

AMD are also offering a fixed price over the term of the proposal.

Auditable Areas	Year		
	2022	2023	2024
Prepare Strategic Internal Audit Plan	✓		
Annual Review of Strategic Internal Audit Plan		✓	✓
Review of Prior Year recommendations – Internal Audit		✓	✓
Review of Prior Year recommendations – External Audit	✓	✓	✓
Planning	✓	✓	✓
Information Technology		✓	
Security and emergency procedures including accident / incident reporting	✓		
Vehicle fleet management			✓
Lease management (where Local Government Lessor)	✓		
Service contract management	✓		
FBT/GST review	✓		
Assessment of attractive asset control			✓
Compliance (Local Government Act and local laws)		✓	
Asset management (capital expenditure, asset controls, depreciation schedules and preventative maintenance programs)			✓
Insurance management			✓
Stock control			✓
Policy and procedure maintenance		✓	
Review and Reporting	✓	✓	✓

**COUNCIL RESOLUTION 30/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That Council accept the proposal 3 Year Internal Audit Proposal from AMD Chartered Accountants.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil



### 9.2.5 2022-2023 DRAFT BUDGET ASSUMPTIONS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Kim Dolzadelli, Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	9.2.5(1) - Budget Outline 2022-23
<b>Voting Requirements</b>	Simple Majority

Executive Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Endorse the 2022-2023 Draft Budget assumptions as contained within attachment 9.2.5 - Budget Outline 2022-23.</b></li> <li><b>2. Request the Chief Executive Officer to prepare the Draft Budget based on the approved assumptions.</b></li> </ol>

### 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

### EXECUTIVE SUMMARY

Council is being requested to consider and approve a set of under-pinning financial inputs (assumptions) to assist the Executive in preparing the first draft of the 2022-23 Budget.

### BACKGROUND

A ‘Budget Assumptions’ document has been prepared for Councillors and staff for the past two financial years to aid the development of the draft Annual Budget. The same process is recommended this year, which enables the Council’s early consideration of key financial input factors into the Annual Budget. Input factors (assumptions) include items such as the Local Government Cost Index, Long Term Financial Plan recommended rates changes, operating/capital grants, employee costs, utilities costs and many other factors.

## **FINANCIAL IMPLICATIONS**

As the recommendation is for the Draft Budget only, there are no direct financial implications.

## **POLICY COMPLIANCE**

Nil.

## **STATUTORY COMPLIANCE**

As the recommendation is for the Draft Budget only, there are no direct statutory implications.

## **CONSULTATION**

Not applicable.

## **OFFICER COMMENT/CONCLUSION**

Local government budgets are complex (and regulated) financial instruments and the establishment of key financial directions from Council early in the budget development process will assist the Executive and staff in preparing the draft budget documents. The Executive recommendation (if approved by the Council) does not bind the Council in future decision-making in relation to the Budget; the Council maintains the right to review, modify, reject, change or otherwise any decision relating to the Budget.

## **PROCEDURAL MOTION**

**That Standing Orders Clause 10.6 be suspended.**

**Moved Cr Atherton                      Seconded Cr Jones**

## **COUNCIL RESOLUTION 31/22**

**That Standing Orders Clause 10.6 be suspended.**

**CARRIED 9/0**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                    Cr Newman and Cr Smith

**Against:** Nil

## **PROCEDURAL MOTION**

**That Standing Orders Clause 10.6 be resumed.**

**Moved Cr Mills                              Seconded Cr Massey**

### **COUNCIL RESOLUTION 32/22**

**That Standing Orders Clause 10.6 be resumed.**

**CARRIED 9/0**

**For:** Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

### **COUNCIL RESOLUTION 33/22**

**Moved:** Cr Atherton

**Seconded:** Cr Glover

**That Council:**

- 1. Endorse the 2022-2023 Draft Budget assumptions as contained within attachment 9.2.5 - Budget Outline 2022-23.**
- 2. Request the Chief Executive Officer to prepare the Draft Budget based on the approved assumptions.**

**CARRIED 8/1**

**For:** Cr Wringe, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Cr Glover

## 9.2.6 BUILDING ASSET PORTFOLIO REVIEW

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Kim Dolzadelli, Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

Executive Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Endorse the Building Service Level Hierarchy Framework as contained within this report at Table 1.</b></li> <li><b>2. Request the Chief Executive Officer to progress classification of all Council Buildings into the Building Service Level Hierarchy Framework and report back to Council before March 2023.</b></li> </ol>

## 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

## EXECUTIVE SUMMARY

Council is being requested to consider a Building Service Level Hierarchy Framework to assist in the Shire's strategic asset management practices.

## BACKGROUND

Council has previously considered Draft Policies and actions in relation to the performance of a Building Asset portfolio review at its Ordinary Council meetings of 23 October 2019 and 22 July 2020. To this point in time, adoption of Policies and commencement of any implementation has been deferred by decision of Council in recognition of multiple competing priorities and resourcing constraints.

Council's Building Asset Management records identify 127 buildings which are broadly categorised as follows:

<b>Building Facility Category</b>	<b>Number</b>
Administration Centres	2
Aged Care	36
Depots	8
Emergency Services	12
Other	16
Public Conveniences	13
Public Halls and Community Centres	14
Sport and Recreation	21
Waste Management	5

### **FINANCIAL IMPLICATIONS**

Development of a Building Service Level Hierarchy Framework will assist in the Shire’s asset management planning, through the following considerations (not an exhaustive list):

- 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.

### **POLICY COMPLIANCE**

Not Applicable.

### **STATUTORY COMPLIANCE**

Nil.

### **CONSULTATION**

Not Applicable.

### **OFFICER COMMENT/CONCLUSION**

In order to progress work in this area it is recommended that the following Building Service Level Hierarchy Framework (Table 1) be endorsed by Council to allow staff to commence what is a high-level classification hierarchy for all 127 Buildings.

It is considered that use of this framework will assist in informing decisions regarding financial investment/renewal and prioritisation of Councils’ Building Assets.

It is envisaged that staff would present the results of work undertaken and workshop these with Council prior to finalisation for formal consideration of Council.

**Table 1**

<b>Service Level Hierarchy</b>	<b>Service Level Hierarchy (SLH) Description</b>
1	Core service, high usage and public profile asset with critical results to be in very good condition e.g. Administration Centre, Council Chambers, Donnybrook and Balingup Recreation Centre
2	Core service, moderate usage and /or moderate public profile asset to be in good / very good condition operationally and aesthetically.
3	Core service, low usage and/or public profile asset to be in serviceable / good condition operationally and aesthetically e.g. low use Toilets and Ablutions, Works Depots, Fire Sheds
4	Commercial and Community Leased buildings for which the Shire is responsible to maintain and renew either directly or through coordination of funding programs. e.g. Aged Care Housing
5	Commercial and Community Leased buildings for which the Shire is responsible for the structural integrity only (tenant or lessee responsible for day to day maintenance and minor renewal).
6	Non-core service, some degree of usage and / or profile, condition only needs to meet minimal operational and statutory requirements e.g. Storage sheds, pump houses, minimal use rural halls
7	Commercial and Community Leased buildings for which the Shire has no obligation with respect to the ongoing maintenance and renewal of the building i.e. not required to have a yearly budget allocation for these buildings.
8	Non-core service, little or no usage and / or profile unoccupied or surplus to requirements e.g. buildings awaiting demolition, sale, or decommissioning

## **COUNCIL RESOLUTION 34/22**

**Moved: Cr Massey      Seconded: Cr Atherton**

**That Council:**

- 1. Endorse the Building Service Level Hierarchy Framework as contained within this report at Table 1.**
- 2. Request the Chief Executive Officer to progress classification of all Council Buildings into the Building Service Level Hierarchy Framework and report back to Council before March 2023.**

**CARRIED 9/0 by En bloc Resolution**

**For:**      Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

### 9.2.7 RATING OBJECTIVES STRATEGY REVIEW

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Kim Dolzadelli, Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	9.2.7(1) - Rating Objectives Strategy (Reviewed March 2022)
<b>Voting Requirements</b>	Simple Majority

<b>Executive Recommendation</b>
<p><b>That Council adopt the Rating Objectives Strategy (Reviewed March 2022) as attached to this Agenda.</b></p>

### 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

### EXECUTIVE SUMMARY

Council is being requested to consider the Shire’s Rating Objectives Strategy (the Strategy), which has been reviewed by Officers.

Importantly, the Strategy is not a document which sets out expected rates increases/decreases over outgoing financial years (it is the Long Term Financial Plan which sets out planned changes to rates revenue).

### BACKGROUND

Council initially adopted this Strategy at its Ordinary Meeting held on 24 April 2018.

The document provides guidance to staff and also allows members of the public to understand the Shire’s objectives in relation to local government rating systems.

The document has been reviewed and updated to ensure compliance with current legislation and practice within the Shire of Donnybrook Balingup.



## **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the Strategy, as the document simply establishes the objectives of the Shire in relation to the various aspects of the local government rating system.

## **POLICY COMPLIANCE**

Not Applicable.

## **STATUTORY COMPLIANCE**

The statutory environment surrounding each element of the local government rating systems is outlined in the Strategy itself.

## **CONSULTATION**

Not Applicable.

## **OFFICER COMMENT/CONCLUSION**

The review of Strategy has provided the opportunity to update and ensure compliance with current legislation and practices within the Shire of Donnybrook Balingup.

The Executive recommends the Rating Objectives Strategy (Reviewed March 2022) as attached for adoption by Council.

## **COUNCIL RESOLUTION 35/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That Council adopt the Rating Objectives Strategy (Reviewed March 2022) as attached to this Agenda.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                    Cr Newman and Cr Smith

**Against:** Nil

## 9.2.8 FINANCIAL MANAGEMENT SYSTEMS – CONTINUOUS IMPROVEMENT PLANNING

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Kim Dolzadelli, Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

<b>Executive Recommendation</b>	
<p><b>That Council, with respect to the Financial Management Systems - Improvement Plan, note the improvement actions as detailed within this report.</b></p>	

### 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

### EXECUTIVE SUMMARY

Officers are providing an update with regard to internal continuous improvement practices related to financial management systems

### BACKGROUND

The Financial Management Continuous Improvement Plan (the Plan) was developed to guide continuous improvement opportunities arising from internal and external reviews such as the Financial Management Systems Review, Regulation 17 Review, Audits etc.

The Plan seeks to guide continuous improvement to the existing finance systems by achieving the following seven (7) focus areas:

1. A focus for the financial services business unit to transform into an internal service provider and enabler.
2. Modify existing systems to streamline management and financial reporting obligations across the organisation.

3. Develop new systems to improve accessibility and transparency to financial information by staff, management and Elected Members.
4. Develop improved strategic financial management outcomes by establishing supporting policies and integrating long term financial planning into the annual budget cycle.
5. Develop guidance and training to improve the flow of information within the organisation.
6. Continuously improve the organisation's financial management performance by defining the expectations of financial accountability and budget monitoring responsibilities.
7. Review of existing controls and procedures for improvements in efficiency and effectiveness.

### **FINANCIAL IMPLICATIONS**

Nil.

### **POLICY COMPLIANCE**

Not Applicable.

### **STATUTORY COMPLIANCE**

Nil.

### **CONSULTATION**

Not Applicable.

### **OFFICER COMMENT/CONCLUSION**

The following represent completed and planned continuous improvement actions arising from the Plan:

1. New Statements of Financial Activity were introduced at the Ordinary Council meeting held November 2021 – these statements are integrated with Council's Enterprise Software Systems.
2. To negate potential for misallocation of costs, over 1,400 General Ledger accounts have had posting barred and their description appended such that an end user can clearly see that posting are not allowed on the account.

3. The Budget Review document has been aligned to the format of the Statement of Financial Activity – this allows for familiarity of format and presentation to all stakeholders.
4. The Management Budget for 2022/23 will also be aligned with the format of the Statement of Financial Activity. This will be a 'live' document allowing real time Budget Surplus/Deficit position definition.
5. Reports have been developed for End Users at the following levels:
  - Program Summary by Income and Expenditure,
  - Program by Sub Program summary by Income and Expenditure,
  - Detailed Nature and Type by Summary Codes,
  - Detailed Account and Job Reports,
  - Detailed Account and Job Reports by Nature and Type,
  - Capital works reporting.

These reports have gone through a testing phase and are to be rolled out to staff via desktop access. The user will also be able to specify variance reporting limits (less than greater than) and specify the date to which the data retrieved.

The reports will allow for a high level view and also the ability to drill down into the detail.

6. Discussion has been held with respect to the use of Responsible Officer codes and potential to introduce other reporting levels, for example Business Units/Specific Operations.
7. Officers are working on the introduction of EFTSURE.

#### **About EFTSURE**

##### **“Prepare payments in a secure environment:**

Review any payment or ABA file prior to banking. Our powerful thumb alerts will confirm you're paying the right account name and number (green thumb) or in the case of red thumb, signal there is a mismatch between the bank account name, BSB Account number and ABN.

- Detect fraudulent invoices early when preparing eft payments.
- Automate verification of ABA files or single eft payments.
- Set customised user roles to manage segregation of duties.

**Approve and release funds with confidence**

Across all the major Australian banks, efsure will provides simple ‘traffic light’ alerts on your online bank payment screen. A green thumb indicates a verified vendor with a three-way match between Bank Account Name, BSB and Account Number and ABR data. A red thumb indicates a mismatch and is a lead indicator of error or fraud.”

- A web-browser based plugin that allows you to check payment files in 78+ online banking portals.
- Automatically check all line items for accuracy in seconds.
- Receive fraud and error warnings before releasing funds, not after.”

8. ALTUS procurement - staff have been investigating a change from the Shire’s current Purchase Ordering system and moving to ALTUS Procurement which will fully integrate with the Shire’s Enterprise Software Systems. The current system does not allow for governance controls to be embedded and does not allow for any request for quotation – essentially it is simply used to issue a Purchase Order.

**Benefits of ALTUS Procurement:**

- Ensure all staff meet purchasing policy requirements with a customisable rules engine,
- Monitor supplier certifications and qualifications (including expiry notification),
- Rate the performance of individual suppliers,
- With automated email generation and the ability for suppliers to respond electronically,
- nominate suppliers who are on a Panel Contract (e.g. Local Buy Preferred Suppliers,
- Capture all data including requests for quotations and responses all in one place.

The next step is to arrange for a product demonstration to all key users of the system which is expect to occur within the next two months.

**COUNCIL RESOLUTION 36/22**

**Moved: Cr Massey                      Seconded: Cr Atherton**

**That Council, with respect to the Financial Management Systems - Improvement Plan, note the improvement actions as detailed within this report.**

**CARRIED 9/0 by En bloc Resolution**

**For:**            Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills, Cr Newman and Cr Smith

**Against:** Nil

## **9.3 CHIEF EXECUTIVE OFFICER**

### **9.3.1 PROPOSED APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT AND RISK MANAGEMENT COMMITTEE**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Responsible Manager</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	9.3.1(1) - Application – Vivienne MacCarthy
<b>Voting Requirements</b>	Simple Majority

#### **Executive Recommendation**

**That Council approve the appointment of Vivienne MacCarthy to the presently vacant role of Independent Member of the Audit and Risk Management Committee, until the ordinary local government election in October 2023.**

#### **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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

#### **EXECUTIVE SUMMARY**

The Shire of Donnybrook Balingup Audit and Risk Management Committee (the Committee) comprises two independent Committee members (i.e. non-Councillors) and three Councillor members. One independent Committee member position is vacant; with a recommendation from the Executive to fill the position.

#### **BACKGROUND**

Mr Telfer and Ms Anderson have been the independent Committee members for the past approximately two years. Both members were re-appointed at the Ordinary Council Meeting in October 2021, however, Ms Anderson registered her intention to discontinue in the role (i.e., resign) late last year. Whilst the Committee can continue to operate with only one independent member, it is preferable to establish the full membership.

Local public advertising was undertaken early this year, with one registered expression of interest being lodged – Mrs Vivienne MacCarthy.

### **FINANCIAL IMPLICATIONS**

Nil. The independent Committee member positions are voluntary, with no remuneration, stipend or other payment offered. The Local Government Act prevents independent Committee member roles being remunerated.

### **POLICY COMPLIANCE**

Not Applicable.

### **STATUTORY COMPLIANCE**

Whilst not a statutory requirement to include independent membership on the Committee, it is recognised through the likes of the Australian Institute of Company Directors as best practice governance.

### **CONSULTATION**

Public advertising was undertaken via the Preston Press and Shire website during February 2022. One application was received only.

A verbal update on the advertising process and the application received was provided to the Audit and Risk Management Committee on 3 March 2022. Decision-making on the membership of Committees is made by Council and whilst a verbal update on the advertising process and the application/s received can be provided to the Committee, it would be inappropriate for the Committee to make a recommendation or decision.

### **OFFICER COMMENT / CONCLUSION**

Ms MacCarthy's application (attached) for the vacant independent member position includes an overview of her professional appointments, qualifications and professional memberships. Her experience and skills complement the role of the Committee and it is the Executive's recommendation that she be offered the position, for review at the next ordinary local government election (October 2023).

## **COUNCIL RESOLUTION 37/22**

**Moved: Cr Massey          Seconded: Cr Atherton**

**That Council approve the appointment of Vivienne MacCarthy to the presently vacant role of Independent Member of the Audit and Risk Management Committee, until the ordinary local government election in October 2023.**

**CARRIED 9/0 by En bloc Resolution**

**For:**        Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                 Cr Newman and Cr Smith

**Against:** Nil



### 9.3.2 PROPOSED COUNCIL POLICY – MANAGING PUBLIC QUESTION TIME

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Responsible Manager</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	9.3.2(1) - Draft Policy 9.3.2(2) - Local Government Operational Guidelines Number 03 – August 2002 (Managing Public Question Time)
<b>Voting Requirements</b>	Simple Majority

<b>Executive Recommendation</b>	
That Council adopt Policy EXE-CP-10 Managing Public Question Time, as appended.	

#### 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	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

#### EXECUTIVE SUMMARY

Council consideration of a new Policy to assist in providing clarity and certainty to the management of Public Question Time at Council Meetings is proposed. The proposed Policy is chiefly based on the State Government’s ‘Local Government Operational Guidelines Number 03 – August 2002 (Managing Public Question Time)’ document.

#### BACKGROUND

The Shire has not had a Policy on Public Question Time previously, however, this type of Policy is common to local governments in this State. Similar Policies from nine other local governments in Western Australia were reviewed in the preparation of the recommended Policy (attached).

#### FINANCIAL IMPLICATIONS

Nil.

## **POLICY COMPLIANCE**

The Shire's Policy Framework (EXE-CP-8) provides guidance on the format, content and purpose of policies.

## **STATUTORY COMPLIANCE**

A Shire Policy cannot contradict the provisions of legislation (the Act, Regulation or a Local Law in this instance). Rather, a Shire Policy is intended to 'add to' or 'fill in the blanks' created by legislation. The development of this Policy is adopted primarily from the Department of Local Government, Sport and Culture's 'Local Government Operational Guidelines Number 03 – August 2002 (Managing Public Question Time)'

## **CONSULTATION**

Internal (organisational) consultation and consultation with other local governments has been undertaken in the development of the recommended Policy. As the Policy relates to the Shire's / Council's own processes, broader community consultation is not recommended in this instance.

## **OFFICER COMMENT / CONCLUSION**

The Local Government Act, Administration Regulations and the Shire's own meeting Procedures Local Law all provide legislative provisions for the management of Public Questions at Council Meetings. These legislative instruments all provide basic 'guideposts' for the management of Public Question Time, however, there is a substantial degree of flexibility within those 'guideposts' for each local government in Western Australia. In order to provide a greater degree of clarity and consistency in the management of Public Question Time, the adoption of a Council Policy is recommended.

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**Moved: Cr Glover**

**Seconded: Cr Atherton**

**That Council adopt Policy EXE-CP-10 Managing Public Question Time, as appended.**

**LOST 3/6**

**For:** Cr Wringe, Cr Atherton, and Cr Smith

**Against:** Cr Glover, Cr Gubler, Cr Jones, Cr Massey, Cr Mills and Cr Newman

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

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

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

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

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#### ***12.1.1 HISTORICAL BRIDGE 5224 – PROGRESS OF ACTIONS***

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

*(b) the personal affairs of any person; and*

*(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; and*

*(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*

*(e) a matter that if disclosed, would reveal —*

*(iii) information about the business, professional, commercial or financial affairs of a person.*

## **RECOMMENDATION**

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

### ***12.1.1 Historical Bridge 5224 – Progress of Actions***

## **COUNCIL RESOLUTION 38/22**

**Moved: Cr Massey            Seconded: Cr Jones**

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

### ***12.1.1 Historical Bridge 5224 – Progress of Actions***

**CARRIED 9/0**

**For:**        Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                 Cr Newman and Cr Smith

**Against:** Nil

**The Meeting was closed to the public at 9:15 pm.**

## **COUNCIL RESOLUTION 40/22**

**Moved: Cr Glover            Seconded: Cr Newman**

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

**CARRIED 9/0**

**For:**        Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Mills,  
                 Cr Newman and Cr Smith

**Against:** Nil

**The meeting was re-opened to the public at 9:57pm.**

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

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## 13 CLOSURE

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The Shire President to advise that the next Ordinary Council Meeting will be held on 27 April 2022 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 9:57pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 27 April 2022.



Cr Leanne Wringe  
**SHIRE PRESIDENT**