

NOTICE OF ORDINARY COUNCIL MEETING 25 NOVEMBER 2020

Held on

Wednesday 25 November 2020

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

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

**Ben Rose
Chief Executive Officer**

26 November 2020

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY COUNCIL MEETING

Held at the Council Chambers
Wednesday, 25 November 2020 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

The Shire President declared the meeting open at 5.06pm and welcomed the public gallery.

2 ATTENDANCE

MEMBERS PRESENT

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

PUBLIC GALLERY

5 members of the public

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

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

Mr Ben Rose, Chief Executive Officer declared a financial interest in Confidential item 12.1.2 CEO Contract Renewal. Ben will leave the Chamber for the duration of the item.

Cr Wringe declared an impartiality interest in item 9.1.1 Naming of Park – Donnybrook Town Centre Revitalisation Project as she submitted a name for consideration, as well as her son. Cr Wringe will remain in the Chamber for the duration of the item and vote.

Cr Massey declared an impartiality interest in item 9.1.2 Balingup Townscape Committee Request for Funding as she is a member of the Balingup Progress Association. Cr Massey will remain in the Chamber for the duration of the item and vote.

Cr Wringe declared an impartiality interest in item 9.3.2 Corporate Business Plan – Minor Review as it includes recommendation for an improvement to a road where she resides. Cr Wringe will remain in the Chamber for the duration of the item and vote.

Cr Sercombe declared a financial interest in item 9.3.7 as he may be a contractor should the project go ahead. Cr Sercombe will leave the Chamber for the duration of the item and vote.

Cr Mitchell declared an impartiality interest in the presentation provided by Mr Jeff Proctor as she is a distant relative of Josh Sheehan.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Mrs Noelene King

Who implements the Donnybrook Townscape Committee projects?

Shire Response

Shire staff.

Is there a Townscape Committee in Donnybrook?

Shire Response

No.

Does the Shire carry out the \$5,000 worth of budgeted works in Donnybrook?

Shire Response

Yes.

Is there a record of the costs spent delivering these budgeted works in Donnybrook?

Shire Response

There is a record of allocations, I do not have that available at the moment but I estimate a few thousand dollars.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Jeff Proctor made a presentation to Council regarding a suggested statue in recognition Josh Sheehan's career.

6.3 DEPUTATIONS

Helen Christensen made a deputation to Council regarding item 9.1.2 Balingup Townscape Committee – Request for Funding.

ADOPTION BY EXCEPTION

COUNCIL RESOLUTION 160/20

Moved Cr Wringe Seconded Cr Smith

That the following items be adopted 'en bloc':

- 7.1 Confirmation of Minutes – Ordinary Meeting of Council 28 November 2020**
- 7.2 Confirmation of Minutes – Bush Fire Advisory Committee Annual General Meeting 29 October 2020**
- 7.3 Confirmation of Minutes – Audit and Risk Management Committee Meeting – 12 November 2020**
- 8.1 Request for Fire Awareness Signs at Campsites within the Shire of Donnybrook Balingup**
- 8.2 Endorsements of Bush Fire Advisory Committee Office Bearer Positions**
- 8.3 Proposed Amendment of Fire Control Policy Number 8.3 – Road Verge Burning of Shire Controlled Roads**
- 8.4 Summary of Office of the Auditor General Performance Audits**
- 9.2.1 Accounts for Payment**
- 9.2.2 Monthly Financial Report – September 2020**
- 9.3.3 Feedback on the Draft Local Government (Code of Conduct) Regulations 2020 – Mandatory Code of Conduct for Council Members, Committee Members and Candidates**
- 9.3.5 Implementation of the Designated Area Migration Agreement**
- 12.1.1 Confidential – 2021 Community Citizen of the Year Awards**

CARRIED 8/1

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 28 NOVEMBER 2020

Minutes of the Ordinary Meeting of Council held 28 November 2020 are attached (*attachment 7.1(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 28 November 2020 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 161/20

Moved Cr Wringe Seconded Cr Smith

That the Minutes from the Ordinary Meeting of Council held 28 November 2020 be confirmed as a true and accurate record.

CARRIED 8/1 by En Bloc Resolution

7.2 BUSH FIRE ADVISORY COMMITTEE ANNUAL GENERAL MEETING – 29 OCTOBER 2020

Minutes of the Bush Fire Advisory Committee Annual General Meeting held 29 October 2020 are attached (*attachment 7.2(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Bush Fire Advisory Committee Annual General Meeting held 29 October 2020 be received.

COUNCIL RESOLUTION 162/20

Moved Cr Wringe Seconded Cr Smith

That the Minutes from the Bush Fire Advisory Committee Annual General Meeting held 29 October 2020 be received.

CARRIED 8/1 by En Bloc Resolution

**7.3 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING – 12
NOVEMBER 2020**

Minutes of the Audit and Risk Management Committee Meeting held 12 November 2020 are attached (*attachment 7.3(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Audit and Risk Management Committee Meeting held 12 November 2020 be received.

COUNCIL RESOLUTION 163/20

Moved Cr Wringe Seconded Cr Smith

That the Minutes from the Audit and Risk Management Committee Meeting held 12 November 2020 be received.

CARRIED 8/1 by En Bloc Resolution

8 REPORTS OF COMMITTEES

8.1 REQUEST FOR FIRE AWARENESS SIGNS AT CAMPSITES WITHIN THE SHIRE OF DONNYBROOK BALINGUP

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 01
Author	Jessie Cooper, Community Emergency Services Manager
Responsible Manager	Steve Potter, Executive Manager Operations
Attachments	8.1(1) Letter from Mr G Hatch – Mumballup FCO
Voting Requirements	Simple Majority

Committee Recommendation	
<p>That Council instruct the Chief Executive Officer to write to the Department of Biodiversity, Conservation and Attractions to request and seek funding for fire awareness signs to be erected at the following campgrounds in the Shire of Donnybrook Balingup:</p> <ul style="list-style-type: none"> • Glen Mervyn Dam Campsite; • Grimwade Campsite; • Ironstone Gully Falls Campsite; and • Dilley’s Dam Campsite. 	

STRATEGIC ALIGNMENT

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

Outcome	2.3	A natural environment for the benefit of current and future generations.
Strategy	2.3.3	Partner with key stakeholders for effective environmental management.
Action	2.3.3.2	Support emergency services volunteers

EXECUTIVE SUMMARY

The Bush Fire Advisory Committee (BFAC) has expressed concerns regarding a lack of general fire awareness from visitors to various campsites within the Shire of Donnybrook Balingup. The Bush Fire Advisory Committee recommends that signage be installed at identified areas contained within their recommendation.

BACKGROUND

The Bush Fire Advisory Committee received a letter from Mumballup Fire Control Officer Mr Garry Hatch, which outlined a number of concerns relating to fire awareness signage at the Glen Mervyn Campsite. A site visit was carried out to determine what signage existed in relation to fire restrictions. It was found that one small fire danger rating sign exists near the intersection of Best Rd and Collie Preston Rd, which is one of several entrances that is utilised to access the various campsites. It is understood that The Department of Biodiversity, Conservation and Attractions (DBCA) are responsible for this particular sign.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

The popularity of the Glen Mervyn Dam Campsite and what appears to be a general unawareness of fire restrictions during the bushfire season has been a matter of concern for local residents for many years.

This lack of signage to a widely promoted tourist destination could suggest that visitors are unaware that fire restrictions and bushfire risk that exists in the area.

OUTCOME OF BFAC MEETING

The Committee discussed the matter and an alternative motion was moved to increase the number of campgrounds the subject of proposed fire awareness signage and to also seek funding for signs as per the Committee Recommendation and BFAC Minutes.

COUNCIL RESOLUTION 164/20

Moved Cr Wringe Seconded Cr Smith

That Council instruct the Chief Executive Officer to write to the Department of Biodiversity, Conservation and Attractions to request and seek funding for fire awareness signs to be erected at the following campgrounds in the Shire of Donnybrook Balingup:

- **Glen Mervyn Dam Campsite;**
- **Grimwade Campsite;**
- **Ironstone Gully Falls Campsite; and**
- **Dilley's Dam Campsite.**

CARRIED 8/1 by En Bloc Resolution

8.2 ENDORSEMENTS OF BUSH FIRE ADVISORY COMMITTEE OFFICE BEARER POSITIONS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 01
Author	Jessie Cooper, Community Emergency Services Manager
Responsible Manager	Steve Potter, Executive Manager Operations
Attachments	Nil
Voting Requirements	Simple Majority

Committee Recommendation	
<p>That Council endorse the following recommendations for office bearers of the Bush Fire Advisory Committee:</p> <ul style="list-style-type: none"> • Chief Bush Fire Control Officer: Mr Max Walker • Deputy Chief Bush Fire Control Officer: Mr David Tooke • Deputy Chief Bush Fire Control Officer: Mr Ian Ralph • Chairperson: Mr Bevan Dix • Communications and Fire Weather Officer: Mr Murray Webb 	

STRATEGIC ALIGNMENT

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

Outcome	2.3	A natural environment for the benefit of current and future generations.
Strategy	2.3.3	Partner with key stakeholders for effective environmental management.
Action	2.3.3.2	Support emergency services volunteers

EXECUTIVE SUMMARY

The election of Bush Fire Advisory Committee Office Bearers is a process that is undertaken annually as determined by Fire Control Policy 8.2.

BACKGROUND

Pursuant to section 38 of the *Bush Fires Act 1954*, a Local Government is required to appoint a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers. The Bush Fire Advisory Committee nominates suitable persons for these and other office bearing positions for endorsement by Council annually.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Fire Control Policy 8.2 – Bush Fire Advisory Committee Meetings

STATUTORY COMPLIANCE

Section 38 (1) *Bush Fires Act 1954*

Section 67 *Bush Fires Act 1954*

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

It is recommended that Council endorse the nominated persons for Bush Fire Advisory Committee positions, which results in no change to the existing structure.

COUNCIL RESOLUTION 165/20

Moved Cr Wringe

Seconded Cr Smith

That Council endorse the following recommendations for office bearers of the Bush Fire Advisory Committee:

- **Chief Bush Fire Control Officer:** Mr Max Walker
- **Deputy Chief Bush Fire Control Officer:** Mr David Tooke
- **Deputy Chief Bush Fire Control Officer:** Mr Ian Ralph
- **Chairperson:** Mr Bevan Dix
- **Communications and Fire Weather Officer:** Mr Murray Webb

CARRIED 8/1 by En Bloc Resolution

8.3 PROPOSED AMENDMENT OF FIRE CONTROL POLICY NUMBER 8.3 - ROAD VERGE BURNING OF SHIRE CONTROLLED ROADS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 01
Author	Jessie Cooper, Community Emergency Services Manager
Responsible Manager	Steve Potter, Executive Manager Operations
Attachments	8.3(1) Bush Fire Advisory Committee Meeting Minutes
Voting Requirements	Simple Majority

Committee Recommendation

That Council:

- 1. Instruct the Chief Executive Officer to undertake a review of Fire Control Policy 8.3 – Road Verge Burning of Shire Controlled Roads to determine the suitability of the following:**
 - Amending Section (f), Point 6, to allow 500 metres of verge to be burned per roadside within any three kilometre section of road.**
- 2. Instruct the Chief Executive Officer to prepare a further report for the consideration of BFAC (and then Council) at the next BFAC Meeting.**

STRATEGIC ALIGNMENT

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

Outcome	2.3	A natural environment for the benefit of current and future generations.
Strategy	2.3.3	Partner with key stakeholders for effective environmental management.
Action	2.3.3.2	Support emergency services volunteers

EXECUTIVE SUMMARY

At the October 2019 Bush Fire Advisory Meeting the following motion was passed:

“That Fire Control Policy 8.3 Road Verge Burning of Shire Controlled Roads, section f) points 5,6,7 and 8 be amended to allow 500 metres of verge to be burned per roadside within any 3kms”

Upon further review of the above, it has been determined that whilst BFAC has the capacity to make recommendations to Council, it does not have the authority to amend Council Policies. An alternatively worded motion is therefore provided to accurately reflect BFAC’s advisory role to Council.

BACKGROUND

The Bush Fire Advisory Committee has previously discussed the guidelines contained within the current Fire Control Policy 8.3 *Road Verge Burning of Shire Controlled Roads* and consider they may require updating to enable further fuel hazard reduction works to take place whilst ensuring compliance with this policy.

Currently, Section f) points 5,6,7 and 8 read:

- f) *Permits to burn road verges will only be issued to Brigade Fire Control Officers and authorised Shire staff and are to state the measures that must be taken using the following broad guidelines:*
- 1. Prevent damage to infrastructure (i.e. Telstra infrastructure, culverts and fencing);*
 - 2. Where native vegetation is present (depending on species) minimise damage and where possible, carry out burns in autumn or spring;*
 - 3. Ensure acceptable weather conditions have been considered;*
 - 4. Comply with normal permit requirements;*
 - 5. Only one side of a road to be burnt in any one year;*
 - 6. No single hazard reduction burn to exceed 500 metres along a single road verge;*
 - 7. Adjoining strips may not be burnt within three years;*
 - 8. Adjacent verges are not to be burnt within three years*

Upon further review of the above, it has been determined that whilst BFAC has the capacity to make recommendations to Council, it does not have the authority to amend Council Policies. As such, if BFAC is supportive of recommending changes to the Policy, an alternatively worded motion will need to be passed, requesting that Council endorse a review of the policy. Subject to Council endorsing the BFAC recommendation, staff will then undertake the necessary amendments and re-present a report to BFAC for further consideration, prior to Council considering adoption of the amended policy. The recommended alternative wording is contained in the Officer Recommendation.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Fire Control Policy 8.3 – Road Verge Burning of Shire Controlled Roads

STATUTORY COMPLIANCE

Nil

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

That Council supports the Bush Fire Advisory Committee's recommendations to enable a review of Fire Control Policy 8.3 – *Road Verge Burning of Shire Controlled Roads*.

COUNCIL RESOLUTION 166/20

Moved Cr Wringe

Seconded Cr Smith

That Council:

- 1. Instruct the Chief Executive Officer to undertake a review of Fire Control Policy 8.3 – *Road Verge Burning of Shire Controlled Roads* to determine the suitability of the following:**
 - Amending Section (f), Point 6, to allow 500 metres of verge to be burned per roadside within any three kilometre section of road.**
- 2. Instruct the Chief Executive Officer to prepare a further report for the consideration of BFAC (and then Council) at the next BFAC Meeting.**

CARRIED 8/1 by En Bloc Resolution

8.4 SUMMARY OF OFFICE OF THE AUDITOR GENERAL PERFORMANCE AUDITS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Maureen Keegan, Manager Executive Services
Responsible Manager	Paul Breman, Executive Manager Corporate and Community
Attachments	8.4(1) Summary of the OAG Performance Audit findings Report
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive the Recommendations and Findings from the Office of the Auditor General published Performance Audit Reports. 2. Request the Chief Executive Officer to prepare a matrix with Shire of Donnybrook Balingup response to each finding and present for consideration by the Audit and Risk Management Committee prior to the February 2021 Ordinary Council Meeting. 3. Request the Chief Executive Officer to prepare an item for consideration by the Audit and Risk Management Committee prior to the February 2021 Ordinary Council Meeting, to engage a suitably qualified person/organisation to undertake an Internal Audit function for the Shire of Donnybrook Balingup. The item is to identify an estimate of the employment/contract term and the indicative costs to allow Council to consider options for funding this function.

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	4.2.1.4	Demonstrate sound financial planning and management

REPORT DETAILS

Throughout 2018 – 2020 the Office of the Auditor General has undertaken performance audits of a sample of Local Governments in WA pertaining to several focus areas, the Shire of Donnybrook Balingup has not been selected as a participant in the audits to date.

The focus areas for the Performance Audits has been:

- Fraud Prevention in Local Government
- Local Government Building Approvals
- Management of Supplier Master Files
- Records Management in Local Government
- Waste Management Service Delivery
- Regulation of Consumer Food Safety Local Governments
- Local Government Contract Extensions and Variations
- Information Systems Audit Report 2020
- Local Government Procurement
- Controls over Corporate Credit Cards
- Timely Payment to Suppliers
- Verifying Employee identity and credentials.

On completion of the Performance Audits, a report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*. A summary of all recommendations and Key Findings is attached (attachment 6.2(1)) and the individual reports can be accessed at <https://audit.wa.gov.au/>.

Each report provided Key Findings from the audits and recommendations relevant to all local governments.

FINANCIAL IMPLICATIONS

Not Applicable.

POLICY COMPLIANCE

Not Applicable.

STATUTORY COMPLIANCE

Section 25 of the *Auditor General Act 2006*

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

The OAG Performance Audit Reports provide a baseline for the Audit and Risk Management Committee to review the Shires status of compliance.

The attached Summary will be updated to provide the Committee with the Shires status and comments for presentation at a future Audit and Risk Management Committee Meeting.

COUNCIL RESOLUTION 166/20

Moved Cr Wringe Seconded Cr Smith

That Council:

- 1. Receive the Recommendations and Findings from the Office of the Auditor General published Performance Audit Reports.**
- 2. Request the Chief Executive Officer to prepare a matrix with Shire of Donnybrook Balingup response to each finding and present for consideration by the Audit and Risk Management Committee prior to the February 2021 Ordinary Council Meeting.**
- 3. Request the Chief Executive Officer to prepare an item for consideration by the Audit and Risk Management Committee prior to the February 2021 Ordinary Council Meeting, to engage a suitably qualified person/organisation to undertake an Internal Audit function for the Shire of Donnybrook Balingup. The item is to identify an estimate of the employment/contract term and the indicative costs to allow Council to consider options for funding this function.**

CARRIED 8/1 by En Bloc Resolution

8.5 LOCAL GOVERNMENT ACT REVIEW PANEL FINAL REPORT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Maureen Keegan, Manager Executive Services
Responsible Manager	Paul Breman, Executive Manager Corporate and Community
Attachments	8.5(1) Local Government Act Review Panel Final Report
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive the Local Government Act Review Panel Final Report. 2. Request the Chief Executive Officer to schedule a Workshop for the Audit and Risk Management Committee (by no later than March 2021) to review the 65 recommendations contained within the report to identify potential risks to the Shire.

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 Audit and Risk Management Committee (Committee) is provided with Local Government Act Review Panel Final Report as information prior to a workshop to identify key risks to the Shire from the recommendations of the report.

BACKGROUND

Currently, the Local Government Act 1995 establishes the system of local government in Western Australia. It covers a wide range of features of local government and describes:

- the functions of local government
- the election of councillors
- the roles of the council and local government administration

- the framework for the administration and financial management of local government.

In 2017, the McGowan Government announced a review of the Local Government Act. The review is being undertaken by the Department of Local Government, Sport and Cultural Industries (DLGSCI) with an expert panel:

- Mr David Michael MLA, Member for Balcatta (Chair)
- Professor John Phillimore, Executive Director, John Curtin Institute of Public Policy
- Mr Graham Sansom, Adjunct Professor, Institute for Public Policy and Governance, University of Technology Sydney
- Ms Anne Wood, Partner, Kott Gunning Lawyers
- Mr Henry Zelones OAM LGM JP, former Mayor City of Armadale
- Mr Duncan Ord OAM, Director General, Department of Local Government, Sport and Cultural Industries

The current Local Government Act contains ten parts and totals 490 pages. In addition, there are 13 sets of regulations comprising a further 460 pages. This is a legislative burden on the Local Government sector and requires a significant reduction and a move to a principle over prescription approach to a new Act.

The Panel had identified 65 Recommendations that align under one of the following high-level critical elements of the report (attachment 6.3(1))

An overview of each element is detailed below.

Clear Legislative Intent

- An introductory section that acknowledges the status of local government as a sphere of government and the importance of all facets of local democracy; that recognises the rights and interests of Aboriginal peoples; that focuses on the need to enhance community wellbeing, including acceptable standards of local government service delivery for all; and that calls for open, accountable and ethical governance (refer to Attachment 1 for an example).
- A statement of the role and functions of local governments, including the power of general competence.
- Guiding principles for effective local and regional governance, complemented by more detailed policy principles in those parts of the Act for IPR, community engagement, decision-making, financial management, integrity and inter-government relations.

An Agile System

- Establishment of a Local Government Commission that brings together and extends the work of the Grants Commission and Advisory Board to promote and facilitate capacity building and continuous improvement across the sector as well as, where necessary, structural reform (including mergers and/or regional governance).

- A fresh approach to enabling structural reform, including voluntary mergers and the option of replacing merged councils with community boards (see below) – recognising that the ‘Dadour’ provisions can now be by-passed by simply extending the boundaries of one council to subsume its neighbour, and the consequent need for a new pathway for change (refer to Attachment 3 for an example).
- Expanded regional cooperation, including streamlined arrangements for the establishment of joint subsidiaries (which could then replace existing regional local governments); requirements for cooperative regional planning as part of IPR; and if necessary, a new form of ‘regional authority’ that overlays local government areas and can bring together local governments, state and federal agencies and other key stakeholders (for example Aboriginal communities) to address specific issues.
- Advancing inter-governmental relations through a set of legislated principles that could be linked to the State Local Government Partnership Agreement (refer to Attachment 4 for an example); additional consultative mechanisms if required; and arrangements for collaborative governance at the regional level (including involvement of federal agencies where appropriate).

Inclusive Local Democracy

- Specific provisions for engagement with Aboriginal peoples and communities, including new consultative mechanisms and an obligation to plan for, and where appropriate undertake, delivery of essential services to local communities.
- Four-yearly elections for all councillors, plus a continued requirement for regular ‘representation reviews’ that involve the community in consideration of electoral issues such as the number of councillors, how the mayor is elected, the use of wards and whether the councillors are sufficiently representative of the broader community.
- Re-definition of roles and responsibilities for the governing body of council (councillors working collectively), mayors, individual councillors and CEOs, coupled with the new principles for decision-making.
- More effective community engagement and governance, including a requirement for all local governments to formulate and adhere to a Community Engagement Charter and an option to establish community boards in selected localities (similar to the New Zealand model).

Smart Planning and Efficient Service Delivery

- Improved IPR, clearly positioned as the centrepiece of local governments' operations and linking strategic and corporate planning, regional cooperation, community engagement, financial management, service delivery and monitoring and reporting of outcomes.
- Increased Ratepayer Value for Money through the introduction of a Rating and Revenue Strategy to increase transparency in setting rates, fees and charges, aligning services and programs to the IPR framework, a new focus on continuous improvement and reporting on a wider set of financial and service delivery indicators.
- Modernised financial management, based on a new set of principles, and including requirements for program budgets and regular service reviews involving community consultation.
- New provisions for local and joint subsidiaries that enable local governments to play an effective role in economic and regional development, and in the case of joint subsidiaries, provide a vehicle for regional cooperation.
- Ensuring a minimum level of service from local government is available to all Western Australians

Enhanced Accountability, Self-Regulation and Integrity

- Robust accountability and self-regulation through standardised performance and annual reporting; a revamped Annual Community Meeting along the lines of a company Annual General Meeting; and the establishment of independent Audit, Risk and Improvement Committees to undertake a wide range of internal audit functions and ensure good governance and continuous improvement.
- A renewed focus on integrity through the work of Audit, Risk and Improvement Committees and the establishment of a new Office of the Independent Assessor to deal with conduct complaints (similar to the Queensland model).
- Rigorous training and professional development of mayors/presidents, councillors and CEOs.
- A new 'early intervention' framework to support local governments experiencing governance or operational problems (a variation of the Victorian model of municipal monitors).

FINANCIAL IMPLICATIONS

Not Applicable.

POLICY COMPLIANCE

Not Applicable.

STATUTORY COMPLIANCE

Not Applicable

CONSULTATION

WALGA Advocacy Position for a New Local Government Act November 2020

OFFICER COMMENT/CONCLUSION

The Report is extensive and requires the Audit and Risk Management Committee to consider each of the 65 recommendations and consider the risk to the Shire and mitigating strategies. It is recommended the Committee review and analyse the Report before participating in a workshop.

OUTCOME OF MEETING

COMMITTEE RECOMMENDATION

Moved Cr Mitchell Seconded Cr Wringe

That Council:

1. Receive the Local Government Act Review Panel Final Report.
2. Request the Chief Executive Officer to schedule a Workshop for the Audit and Risk Management Committee (by no later than March 2021) to review the 65 recommendations contained within the report to identify potential risks to the Shire.

AMENDMENT

Moved Cr Mitchell Seconded Cr Smith

1. Receive the Local Government Act Review Panel Final Report.
2. Request the Chief Executive Officer to schedule a Workshop for the Audit and Risk Management Committee *and interested Councillors* (by no later than March 2021) to review the 65 recommendations contained within the report to identify potential risks to the Shire.

CARRIED 9/0

COUNCIL RESOLUTION 167/20

Moved Cr Mitchell Seconded Cr Wringe

That Council:

- 1. Receive the Local Government Act Review Panel Final Report.**
- 2. Request the Chief Executive Officer to schedule a Workshop for the Audit and Risk Management Committee and interested Councillors (by no later than March 2021) to review the 65 recommendations contained within the report to identify potential risks to the Shire.**

CARRIED 9/0

9 REPORTS OF OFFICERS

9.1 EXECUTIVE MANAGER OPERATIONS

9.1.1 NAMING OF PARK – DONNYBROOK TOWN CENTRE REVITALISATION PROJECT

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	PWF18V
Author	Steve Potter, Executive Manager Operations
Responsible Officer	Steve Potter, Executive Manager Operations
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the submissions received and thanks the community for submitting proposed names for the new precinct the subject of the Donnybrook Town Centre Revitalisation Project; 2. Determines that Council’s preferred name for the new precinct is ‘Station Square’; 3. Formally requests the name ‘Station Square’ be approved by Geographic Names Committee (Landgate); 4. In the event that the Geographic Names (Landgate) does not support the name ‘Station Square’, selects the name ‘Lady Williams Park’ as a backup name; 5. Upon receiving confirmation from Geographic Names (Landgate) of its endorsement of either of the suggested names, instructs the Chief Executive Officer to formally thank and advise all submitters of the outcome and release the new name publicly. 6. Instruct the Chief Executive Officer to write to Mr Fritz Gewerth advising of the Council resolution and invite Mr Gewerth to the official opening event.

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:	2.1.1.2	Seek funding for the development and renewal of infrastructure.

EXECUTIVE SUMMARY

Further to Council's resolution to engage with the community to request suggested names for the new park area located within the Donnybrook Town Centre Revitalisation Project (DTCRP), the matter was advertised through local media channels with 12 submissions received.

Staff have reviewed the submissions received and liaised with the Geographic Names Committee on their suitability.

As a result, Staff are recommending the name 'Station Square' be selected as the preferred option, with 'Lady Williams Park' being the backup option.

BACKGROUND

At the Ordinary Council Meeting held on 23 September 2020, Council resolved the following:

That Council:

- 1. Endorses the proposal to conduct a public competition for the naming of the park the subject of the Donnybrook Town Centre Revitalisation Project;*
- 2. Authorises the Chief Executive Officer to undertake public advertising of the competition;*
- 3. At the conclusion of the advertising period, instructs the Chief Executive Officer to liaise with Landgate to determine the eligibility of nominated names and bring a further report back to Council with a list of all compliant names and a recommended name for Council's further consideration.*

Advertising of the competition was undertaken in the following ways:

- Preston Press – October Edition (1/10/2020)
- Shire website – Latest News (Projects)
- Facebook – Social Media Posts
- Shire E-Connect – October E-Newsletter

As a result of the advertising, a total of 12 names were submitted for consideration. The proposed names and the reasons provided by the submitters are provided in the below table.

No.	Submitter	Proposed name	Submitter Reason
1.	Melissa (no surname provided)	Minninup Place Park	No information provided
2.	Barbara Pursell	Gardiner Park	Gardiner family very early pioneers of Donnybrook and surrounding areas
3.	Debbie Bourke	Minninup Heritage Park	Minninup is the name that was given to the first railway line that went through this area in 1893 from Bunbury and this area will be a heritage site showcasing our region's heritage.
4.	Ashley Green	The Crossroads	The name The Crossroads builds on the rich history of Donnybrook and the railway running through the heart of the town and is a great way to commemorate the centre of town and it's past, present and future.
5.	Shane Sercombe	John Oliver Thomson Park	<p>Name suggested by Neville Fry</p> <p>Info provided by Johns daughter, Kerrie Downes John Oliver Thomson 1932 – 2018</p> <p>Thomson Brook Fire Brigade - held Committee positions and Fire Chief during his time with Donnybrook Amateur Basketball Association- Founding member with Edith Thomson, became life member, went on to chair Basketball WA - which covered every Basketball association in Country WA.</p> <p>Became life member of Basketball WA & Southwest Basketball Referees association Donnybrook Ambulance Service - first joined in Denmark as a cadet in 1945 whilst attending Denmark Ag School.</p> <p>Was member of Donnybrook Ambulance Sub Centre as committee, Vice President or President for 55 plus years. Was instrumental in getting the additional Ambulance bays to current Ambulance Centre Donnybrook Historical Society Inc - Foundation Member !!</p>

No.	Submitter	Proposed name	Submitter Reason
			Was only member of Historical Society for 8 plus years as no one wished to take it on. Became life member in last two years of life.
6.	Rodney Spitz	Once again I put forward the name of the Late David Jones, your CEO, to have something named after him.	What else can I say his record speaks for itself
7.	Kerrie Downes	John Thomson Heritage Park	<p>2003 Premiers Australia Day Active Citizenship Award - for fostering Australian pride and spirit through active citizenship to community.</p> <p>Founding member of Thomson Brook Fire Brigade Founding member of Historical Society & for 8 years only active member Member of St John Ambulance for over 50 years of active service.</p>
8.	Fritz Gewerth	Station Park	<p>A short name providing identification being near the old railway station.</p> <p>Donnybrook also hold the Donnybrook Station Markets nearby hence a name in accord.</p>
9.	Leanne Wringe	Railway or Rail Retreat	Historical recognition
10.	Phillip Wringe	Shunters Square	Past train driver activities relevant to the location.
11.	Name not provided	Railway Park	No information provided
12.	Barry Green	The Lady Williams Park	The Lady Williams apple originated in Donnybrook. It is the parent of both the Pink Lady and Sundowner varieties. The story is told on page 113 of Green Gold. I have spoken to Maud William's son Ron, who still lives in Busselton, he is happy with the idea.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

The naming of roads, parks and other public places is governed by Geographic Names (Landgate) which has the delegated authority from the Minister for Lands to administer naming actions as per the Land Administration Act.

The Geographic Names Team administer all naming actions as per the Policies and Standards for Geographical Naming in Western Australia.

In accordance with Landgate requirements, proposed names generally need to fall under one of the following categories:

- named after an adjoining road name (e.g. Collins Park);
- names from Aboriginal languages formerly identified with the general area;
- names of pioneers who were relevant to the area;
- names of persons who died during war service;
- names associated with historical events connected with the immediate area.

Shire staff have provided the proposed names to Landgate for preliminary comment. The advice received against each name is provided below:

No.	Proposed Name	Landgate Comment
1.	Minninup Place Park	OK. The eastern portion of Donnybrook townsite was once known as Minninup (circa 1893-1894). More information on the name would be needed.
2.	Gardiner Park	OK. Depends on community contribution.
3.	Minninup Heritage Park	As per No. 1.
4.	The Crossroads	No. The use of "The" in a name is no longer suitable.
5.	John Oliver Thomson Park	OK, with family support of his name being used.
6.	David Jones Park	No, fails 1.4.2 [of the Guidelines] which states: <i>The following will not be considered as appropriate grounds for a commemorative naming request:</i> <ul style="list-style-type: none"> • <i>current or past ownership of the land is not considered sufficient grounds;</i> • <i>precedence of existing names;</i> • <i><u>past or ongoing public service within all levels of government;</u></i> • <i>names will not be supported after a person who has sponsored the development of the area, or was a commercial developer.</i>

No.	Proposed Name	Landgate Comment
7.	John Thomson Heritage Park	As per No. 5.
8.	Station Park	OK
9.	Railway or Rail Retreat	OK
10.	Shunters Square	OK
11.	Railway Park	As per No. 9.
12.	Lady Williams Park	OK. Is the name a protected name/trade name etc seeing as it is the name of a commercially sold apple? Would be a good choice, especially if ties in with an “apple” theme.

CONSULTATION

The matter was advertised publicly and staff have liaised with Geographic Names (Landgate) through the process.

Depending on Council’s decision, further consultation with specific individuals may be necessary, particularly if Council’s preferred option is associated with an individual or family connection.

OFFICER COMMENT/CONCLUSION

Selecting new names for public places is always a challenging task and Council received a number of excellent proposals that would be appropriate for the new precinct.

Upon reviewing the names presented, officers applied the following criteria in determining a preferred option:

1. The proposed name should be simple and memorable;
2. The proposed name should be relevant to Donnybrook and/or the location of the park within the railway heritage precinct;
3. The proposed name should have significance to the local community, however should also appeal to visitors and tourists;
4. The proposed name should have strong market appeal for future destination marketing purposes.

In applying these criteria to the proposed names, the following two names were considered the standout options:

- Station Park; and
- Lady Williams Park.

In considering the first option, officers consider that the use of the name ‘Station’ meets all of the criteria outlined and clearly links with the location and historical use of the site. However,

in considering criteria (1) and (4), officers suggest the use of the suffix 'Square' may have greater impact than 'Park' to create the distinguished name of 'Station Square'.

The second option has clear historical links to the Donnybrook district and once again achieves the objectives of each of the criteria. It is noted the submission proposes the name 'The Lady Williams Park', however if supported, the use of the word '*The*' would need to be excluded, due to GN naming conventions, to become 'Lady Williams Park'.

Notwithstanding the recommendation to apply 'Square' to the previous name, it is considered the use of the suffix 'Park' is the appropriate combination if this name were to be supported. The submitter indicates that the family of the late Mrs Maud Williams supports the proposed use of the name, however staff would seek to make direct contact with the family if this name was likely to eventuate. The comments from GN with regard to potential trademarking of the Lady Williams brand may be a consideration and therefore further investigation on this front may also be required.

In light of the above, it is recommended that Council resolves to endorse the name 'Station Square' as its preferred option, with 'Lady Williams Park' as the back-up option.

OUTCOME OF MEETING

Cr Wringe declared an impartiality interest in the item and will remain in the Chamber for the discussion and vote on the matter.

EXECUTIVE RECOMMENDATION

Moved Cr Mitchell Seconded Cr Massey

That Council:

- 1. Acknowledges the submissions received and thanks the community for submitting proposed names for the new precinct the subject of the Donnybrook Town Centre Revitalisation Project;**
- 2. Determines that Council's preferred name for the new precinct is 'Station Square';**
- 3. Formally requests the name 'Station Square' be approved by Geographic Names Committee (Landgate);**
- 4. In the event that the Geographic Names (Landgate) does not support the name 'Station Square', selects the name 'Lady Williams Park' as a backup name;**
- 5. Upon receiving confirmation from Geographic Names (Landgate) of its endorsement of either of the suggested names, instructs the Chief Executive Officer to formally thank and advise all submitters of the outcome and release the new name publicly.**
- 6. Instruct the Chief Executive Officer to write to Mr Fritz Gewerth advising of the Council resolution and invite Mr Gewerth to the official opening event.**

AMENDMENT

Moved Cr Mitchell Seconded Cr Newman

1. Acknowledges the submissions received and thanks the community for submitting proposed names for the new precinct the subject of the Donnybrook Town Centre Revitalisation Project;
2. Determines that Council's preferred name for the new precinct is 'Station Square';
3. Formally requests the name 'Station Square' be approved by Geographic Names Committee (Landgate);
4. In the event that the Geographic Names (Landgate) does not support the name 'Station Square', selects the name 'Lady Williams Park' as a backup name;
5. Upon receiving confirmation from Geographic Names (Landgate) of its endorsement of either of the suggested names, instructs the Chief Executive Officer to formally thank and advise all submitters of the outcome and release the new name publicly.
6. Instruct the Chief Executive Officer to write to Mr Fritz Gewerth and Mr Phillip Wringe advising of the Council resolution and invite Mr Gewerth and Mr Wringe to the official opening event.

CARRIED 9/0

COUNCIL RESOLUTION 168/20

Moved Cr Mitchell Seconded Cr Massey

1. Acknowledges the submissions received and thanks the community for submitting proposed names for the new precinct the subject of the Donnybrook Town Centre Revitalisation Project;
2. Determines that Council's preferred name for the new precinct is 'Station Square';
3. Formally requests the name 'Station Square' be approved by Geographic Names Committee (Landgate);
4. In the event that the Geographic Names (Landgate) does not support the name 'Station Square', selects the name 'Lady Williams Park' as a backup name;
5. Upon receiving confirmation from Geographic Names (Landgate) of its endorsement of either of the suggested names, instructs the Chief Executive Officer to formally thank and advise all submitters of the outcome and release the new name publicly.
6. Instruct the Chief Executive Officer to write to Mr Fritz Gewerth and Mr Phillip Wringe advising of the Council resolution and invite Mr Gewerth and Mr Wringe to the official opening event.

CARRIED 9/0

9.1.2 **BALINGUP TOWNSCAPE COMMITTEE – REQUEST FOR FUNDING**

Location	Shire of Donnybrook Balingup
Applicant	Balingup Progress Association
File Reference	FNC08/6
Author	Steve Potter, Executive Manager Operations
Responsible Officer	Steve Potter, Executive Manager Operations
Attachments	9.1.2(1): Letter from BTC (Item 1) 9.1.2(2): Letter from BTC (Item 2)
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the correspondence received from the Balingup Townscape Committee and expresses the Shire’s gratitude for the ongoing contribution of its members in improving the Balingup townsite; 2. Advises the Balingup Townscape Committee that no additional funds are available in the 2020/21 financial year for BTC activities; 3. Advises the Balingup Townscape Committee that no additional funds are available in the 2020/21 financial year to undertake works to raise and/or restore the Rothery Walk Bridge; 4. Advises the Balingup Townscape Committee that it is the intention of Council to coordinate any future works associated with the Rothery Walk Bridge due to compliance and safety considerations; 5. Confirms it is the position of Council that the role of the Balingup Townscape Committee is to undertake low risk beautification activities and to provide recommendations to Council on larger infrastructure projects; 6. Instructs the Chief Executive Officer to develop a draft Council Policy in collaboration with the Balingup Townscape Committee to provide guidance to Council, Staff and the Balingup Townscape Committee on the application of Shire funds and administration of projects which is to include the following: <ol style="list-style-type: none"> 6.1 Calculation of annual Shire funds allocated to BTC; 6.2 Eligible activities for BTC volunteers; 6.3 Activities that will remain the responsibility of the Shire; 6.4 BTC annual application process for Shire funds; 6.5 Shire assessment of BTC applications and proposed projects; 6.6 Project oversight by Shire of BTC activities; 6.7 Fund acquittal process.

7. Instructs the Chief Executive Officer to provide a copy of the draft Policy to the Balingup Townscape Committee for review and comment by 28 February 2021.

8. Instructs the Chief Executive Officer to bring a further report back to Council for further consideration at the April 2021 Ordinary Council Meeting, subject to comments being provided by the Balingup Townscape Committee by 31 March 2021.

STRATEGIC ALIGNMENT

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

Outcome:	3.2	Well supported community groups and facilities.
Strategies:	3.2.1	Provide and maintain appropriate community facilities.
	3.2.2	Encourage and support volunteers and community organisations.
Actions:	3.2.1.2	Maintain community facilities within resource capacity.
	3.2.2.2	Provide support for community organisations.

EXECUTIVE SUMMARY

The Shire has received two individual letters of correspondence from the Balingup Townscape Committee (BTC) which, in summary, include the following:

- Item 1: Notes a reduction in the 2020/21 Budget allocated to the BTC and requests Council re-allocate more funding (Attachment 9.1.2(1)).
- Item 2: Notes issues concerning the Balingup Rothery Walk Bridge in Balingup and requests Council allocate funds immediately to address these issues (Attachment 9.1.2(2)).

With regard to both items, it is recommended that Council acknowledge the correspondence received, however advises the BTC that it is unable to allocate further funds to the BTC in the 2020/21 financial year.

Furthermore, staff recommend that Council consider the creation of a Policy to guide the future administration of funds and projects associated with the BTC.

BACKGROUND

The Shire has received two pieces of correspondence from the Balingup Townscape Committee (BTC), both of which request additional funding be allocated to enable the BTC to complete local projects in Balingup.

The first piece of correspondence (Attachment 9.1.2(1)) notes that there has been a reduction in funding from \$15,000 in 2019/20 to \$5,000 in 2020/21, which the BTC has advised has

prevented it from being able to undertake the range of projects it had identified for the current financial year which was estimated to be of \$15,000 in value.

The projects the BTC advises that are unable to be complete due to the reduced funding include:

- Beautification of the southern entrance to town;
- Solar lights highlighting the significant trees in town;
- Banner Poles (promoting local events in town);
- Tree planting;
- Canoe Launch Ramp at Birdwood Park.

The second piece of correspondence (Attachment 9.1.2(2)) relates to the Rothery Walk Bridge, which traverses the Balingup Brook, and which the BTC wishes to have restored and raised to prevent deterioration.

The BTC suggests that the bridge sits underwater for five months of the year, which it considers has potentially resulted in the framework becoming fragile and possibly unsafe for users. The proposal is for the bridge to be raised by one metre, as well as sandblasting and painting the frame to protect it into the future. It is also proposed to raise the path leading up to the bridge to the new level on the southern side.

The BTC is proposing to organise the works and requests that funding be made immediately available so that work can be carried out in the summer months when the water level drops. The BTC's intent is to have it complete for the April 2021 Small Farm Field Day.

FINANCIAL IMPLICATIONS

Any approval for additional funds to be allocated would represent unbudgeted expenditure.

The BTC requests that Drought Communities Funding be made available for the Rothery Bridge Project, however all funds are fully allocated to other projects under this funding.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Construction works and works associated with waterways are required to comply with a range of planning, engineering, building and State Government Agency (e.g. DWER) standards.

CONSULTATION

Works associated with waterways often requires consultation with key stakeholders including Indigenous representatives and relevant State Government agencies including the Department of Water and Environmental Regulation (DWER).

OFFICER COMMENT/CONCLUSION

Officers consider there are two matters for consideration when responding to the requests from the Balingup Townscape Committee as follows:

1. Consideration of the BTCs' request for additional 2020/21 funds; and
2. Clarifying the roles and responsibilities of Council and the Balingup Townscape Committee in delivering projects in Balingup.

Each of these will be addressed separately.

1. Allocation of funds

The Shire's current Budget was prepared taking into account a freeze on rates (as well as fees and charges and other cost saving approaches), to reduce the impact of COVID-19 on the community. As a result, there was the need to identify a range of savings across the Shire's operations in order to deliver a balanced budget for the current financial year. The funds allocated to the Balingup townscape fund in 2020/21 is the same as allocated towards the equivalent fund in Donnybrook and therefore an equitable approach was adopted.

Notwithstanding the reduced funds allocated towards the Balingup townscape funds, Balingup has been the beneficiary of funding for a suite of projects through the Drought Communities Funding in the current financial year including the following:

- New bore to be installed for the watering of the Balingup Oval;
- Associated remedial works to be undertaken on Balingup Brook (low flow by-pass) as a result of the construction of the weir by the BTC;
- New automated standpipe for public access to bulk water to be installed adjacent to the Balingup VBFB;
- New public toilets to be installed at the Community Centre;
- New all access footpaths to be installed at the Golden Valley Tree Park.

2. Roles and Responsibilities of Shire and BTC

Staff would like to establish further clarity around the types of projects that the Balingup Townscape Committee are approved to undertake on behalf of the Shire. Staff have spent considerable time and resources over the past 12-18 months retrospectively resolving matters for works in and adjacent to the Balingup Brook where appropriate approvals and consultation had not been undertaken prior to the BTC projects commencing. This has resulted in the Department of Water and Environmental Regulation (DWER), South West Aboriginal Land and Sea Council and the State Ombudsman Office all raising concerns with the Shire about the project management of the various works. With regard to just the State Ombudsman request, it is estimated that between 20-25 hours of officer time was spent compiling the requested information.

Considerable Shire resources are also still being utilised to rectify some of the previous works undertaken by the BTC. This will include the installation of a low flow bypass pipe along the bank of the Balingup Brook to make the weir compliant with the *Rights in Water and Irrigation*

Act 1914 and will possibly require additional works on the weir itself to address erosion issues identified by DWER.

It is the position of staff that the role of the Balingup Townscape Committee should primarily focus on beautification works that carry a low level of risk. However, staff also see the BTC should play an important role in making recommendations to Council as to larger infrastructure works that it believes should be undertaken by the Shire to improve the townscape of Balingup.

Staff consider there needs to be a distinction between the types of activities undertaken by the BPA and the Shire so each party has clarity going forward. To this effect, it is recommended that Council endorse the creation of a draft policy to guide the future application of Shire funds and the roles and responsibilities of each party. Generally, the position of staff is that if a proposal requires formal approvals in the form of planning, building, engineering, compliance (eg DWER) or warrants significant public consultation, then the Shire should manage and coordinate these larger projects to ensure any compliance matters are addressed and that the wider implications on the community are adequately considered as part of any proposal.

The creation of a policy would also address a range of administrative matters that would benefit from greater clarity including the allocation of funds, the application process, assessment of proposed projects against established criteria, project oversight and fund acquittal. The introduction of policy measures addressing these aspects will ensure both parties are clear on expectations and responsibilities going forward.

The request from the BTC to remedy issues associated with the Rothery Walk Bridge is considered to represent an infrastructure project that ideally should be undertaken by the Shire. There are a range of safety, design, compliance and liability measures that need to be considered and it is the view of staff that whilst it may appear more cost effective for the BTC to undertake the works, the risks posed to the Shire and the public mean that the Shire is the appropriate party for coordinating such works. Furthermore, the Shire will be responsible for the long-term asset management of this facility and therefore needs to ensure it is designed and constructed to a suitable standard that meets regulatory requirements.

The Shire engaged an engineering consultant to undertake a condition assessment on the bridge in 2017, which indicated that the bridge was in reasonable condition, however would benefit from the steel structure being sandblasted and painted with a suitable coating system for the environment in which it is situated. The report suggests this would involve the complete removal of all timberwork, which would subsequently facilitate a complete inspection of all steel work to confirm the condition of the areas which were difficult for the engineer to access at the time. The assessment indicates that consideration should be given to transporting the steelwork to an off-site workshop for cleaning, remedial works and painting prior to being reinstalled.

It is noted that remedial works on the bridge are scheduled in the Shire's Parks and Reserves Asset Management Plan in 2033/34. Based on the consultant's assessment, staff are of the opinion that whilst there may be benefit in raising the bridge to prevent deterioration and improve the appearance of the bridge, there are no urgent works required from a public safety perspective. If Council is of the view that scheduled works and/or the raising of the bridge should be brought forward, then the recommended approach would be to amend the PRAMP when it is next under review.

Cr Massey declared an impartiality interest in the item and remained in the Chamber for the duration of discussion and the vote on the matter.

COUNCIL RESOLUTION 169/20

Moved Cr Newman Seconded Cr Atherton

That Council:

- 1. Acknowledges the correspondence received from the Balingup Townscape Committee and expresses the Shire’s gratitude for the ongoing contribution of its members in improving the Balingup townsite;**
- 2. Advises the Balingup Townscape Committee that no additional funds are available in the 2020/21 financial year for BTC activities;**
- 3. Advises the Balingup Townscape Committee that no additional funds are available in the 2020/21 financial year to undertake works to raise and/or restore the Rothery Walk Bridge;**
- 4. Advises the Balingup Townscape Committee that it is the intention of Council to coordinate any future works associated with the Rothery Walk Bridge due to compliance and safety considerations;**
- 5. Confirms it is the position of Council that the role of the Balingup Townscape Committee is to undertake low risk beautification activities and to provide recommendations to Council on larger infrastructure projects;**
- 6. Instructs the Chief Executive Officer to develop a draft Council Policy in collaboration with the Balingup Townscape Committee to provide guidance to Council, Staff and the Balingup Townscape Committee on the application of Shire funds and administration of projects which is to include the following:**
 - 6.1 Calculation of annual Shire funds allocated to BTC;**
 - 6.2 Eligible activities for BTC volunteers;**
 - 6.3 Activities that will remain the responsibility of the Shire;**
 - 6.4 BTC annual application process for Shire funds;**
 - 6.5 Shire assessment of BTC applications and proposed projects;**
 - 6.6 Project oversight by Shire of BTC activities;**
 - 6.7 Fund acquittal process.**
- 7. Instructs the Chief Executive Officer to provide a copy of the draft Policy to the Balingup Townscape Committee for review and comment by 28 February 2021.**
- 8. Instructs the Chief Executive Officer to bring a further report back to Council for further consideration at the April 2021 Ordinary Council Meeting, subject to comments being provided by the Balingup Townscape Committee by 31 March 2021.**

CARRIED 9/0

9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

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

9.2.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2020

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

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 170/20

Moved Cr Wringe Seconded Cr Smith

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

CARRIED 8/1 by En Bloc Resolution

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 AGENDA BRIEFING AND COUNCIL MEETING DATES 2021

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	CNL 33
Author	Maureen Keegan, Manager Executive Services
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation		
That Council:		
<p>1. Adopt the 2021 Agenda Briefing and Ordinary Council Meeting Dates as follows:</p>		
Agenda Briefing	Ordinary Council Meeting	Venue
17 February	24 February	Council Chamber Donnybrook
17 March	24 March	Council Chamber Donnybrook
21 April	28 April	Council Chamber Donnybrook
19 May	26 May	Council Chamber Donnybrook
16 June	23 June	Council Chamber Donnybrook
21 July	28 July	Council Chamber Donnybrook
18 August	25 August	Council Chamber Donnybrook
15 September	22 September	Council Chamber Donnybrook
20 October	27 October	Council Chamber Donnybrook
17 November	24 November	Balingup Hall
8 December	15 December	Council Chamber Donnybrook
<p>2. Instructs the Chief Executive Officer undertake all statutory advertising in this regard.</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 requested to adopt the 2021 calendar for Agenda Briefing and Ordinary Council Meetings (OCM) as presented below:

Agenda Briefing	Ordinary Council Meeting	Venue
17 February	24 February	Council Chamber Donnybrook
17 March	24 March	Council Chamber Donnybrook
21 April	28 April	Council Chamber Donnybrook
19 May	26 May	Council Chamber Donnybrook
16 June	23 June	Council Chamber Donnybrook
21 July	28 July	Council Chamber Donnybrook
18 August	25 August	Council Chamber Donnybrook
15 September	22 September	Council Chamber Donnybrook
20 October	27 October	Council Chamber Donnybrook
17 November	24 November	Balingup Hall
8 December	15 December	Council Chamber Donnybrook

Agenda Briefings commence at 2pm

Ordinary Council Meetings commence at 5pm

To allow Councillors and Officers to take extended leave throughout December/January it is proposed that no Ordinary Council meeting be held in January 2021. The last meeting of 2020 is Wednesday 16 December and the first meeting for 2021 is 17 February.

No public holidays occur on the dates recommended.

Meetings are held in the Shire Chambers at Donnybrook; it is recommended that the November meeting in Balingup to allow greater community participation. In the recent past, the OCM held in Balingup has been in October each year. It is recommended to shift this to November to avoid conflicting with the Local Government Elections every second year.

In the past, the April OCM has been held at another location within the Shire, however it is recommended that only one meeting per year be held away from the Council Chamber. This is due to limited access to facilities and resources and inability to record the meeting.

BACKGROUND

Council currently conducts one ordinary meeting on the 4th Wednesday of each month commencing at 5.00pm, a process which was adopted on 19th December 2008.

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

FINANCIAL IMPLICATIONS

The cost to hold the Ordinary Meetings are provided for in the 2019/20 Budget.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Local Government Act 1995 Section 5.3

Shire of Donnybrook Balingup Meeting Procedures Local Law 2017

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

Nil

OUTCOME OF MEETING

EXECUTIVE RECOMMENDATION

Moved Cr Mitchell Seconded Cr Smith

That Council:

- 1. Adopt the 2021 Agenda Briefing and Ordinary Council Meeting Dates as follows:**

Agenda Briefing	Ordinary Council Meeting	Venue
17 February	24 February	Council Chamber Donnybrook
17 March	24 March	Council Chamber Donnybrook
21 April	28 April	Council Chamber Donnybrook
19 May	26 May	Council Chamber Donnybrook
16 June	23 June	Council Chamber Donnybrook
21 July	28 July	Council Chamber Donnybrook
18 August	25 August	Council Chamber Donnybrook
15 September	22 September	Council Chamber Donnybrook
20 October	27 October	Council Chamber Donnybrook
17 November	24 November	Balingup Hall
8 December	15 December	Council Chamber Donnybrook

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

AMENDMENT

Moved Cr Mitchell Seconded Cr Smith

That Council:

1. Adopt the 2021 Agenda Briefing and Ordinary Council Meeting Dates as follows:

Agenda Briefing	Ordinary Council Meeting	Venue
17 February	24 February	Council Chamber Donnybrook
17 March	24 March	Council Chamber Donnybrook
21 April	28 April	Council Chamber Donnybrook
19 May	26 May	Council Chamber Donnybrook
16 June	23 June	Council Chamber Donnybrook
21 July	28 July	Council Chamber Donnybrook
18 August	25 August	Council Chamber Donnybrook
15 September	22 September	Council Chamber Donnybrook
20 October	27 October	Council Chamber Donnybrook
17 November	24 November	<u>Council Chamber Donnybrook</u>
8 December	15 December	Council Chamber Donnybrook

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

LOST 1/8

COUNCIL RESOLUTION 171/20

Moved Cr Mitchell

Seconded Cr Smith

That Council:

- 1. Adopt the 2021 Agenda Briefing and Ordinary Council Meeting Dates as follows:**

Agenda Briefing	Ordinary Council Meeting	Venue
17 February	24 February	Council Chamber Donnybrook
17 March	24 March	Council Chamber Donnybrook
21 April	28 April	Council Chamber Donnybrook
19 May	26 May	Council Chamber Donnybrook
16 June	23 June	Council Chamber Donnybrook
21 July	28 July	Council Chamber Donnybrook
18 August	25 August	Council Chamber Donnybrook
15 September	22 September	Council Chamber Donnybrook
20 October	27 October	Council Chamber Donnybrook
17 November	24 November	Balingup Hall
8 December	15 December	Council Chamber Donnybrook

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

CARRIED 9/0

9.3.2 CORPORATE BUSINESS PLAN - MINOR REVIEW

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.3.2(1) Corporate Business Plan Review November 2020
Voting Requirements	Simple Majority

Recommendation
<p>That Council endorse the review of the Shire of Donnybrook Balingup Corporate Business Plan 2017 – 2021, as attached at 9.3.2(1).</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

Local governments are required to plan for the future of their district in accordance with *Section 5.56 (1) of the Local Government Act 1995*. The minimum requirement of the plan for the future is the development of:

- A Strategic Community Plan – 10 year minimum horizon; and
- A Corporate Business Plan – 4 year minimum horizon.

Section 19C(4) of the *Local Government (Administration) Regulations* requires local governments to review the Strategic Community Plan for its district at least once every 4 years.

Section 19DA(4) of the *Local Government (Administration) Regulations* requires local governments to review the Corporate Business Plan for its district at least once every year.

The Shire is planning to undertake a major strategic review of its Integrated Planning and Reporting Framework documentation between January and July 2021, which will include the Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan and Long-Term Financial Plan.

Due to the major review commencing in January 2021, the Strategic Community Plan does not form part of this report and it is predominantly an update on the Corporate Business Plan with recommendations to flow into the planning for the major review that align with the first year of the Long Term Financial Plan.

The Capital Project list has been updated to reflect the projects within the Budget for 2020-2021 and the individual actions for each strategy were reviewed, with a recommendation provided against each.

BACKGROUND

The Corporate Business Plan 2017 – 2021 was originally adopted 8 August 2017. The preceding Corporate Business Plan (2013 – 2017) was adopted 26 June 2013.

FINANCIAL IMPLICATIONS

The review aligns with the 2020-2021 Budget.

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Section 5.56 (1) of the Local Government Act 1995.

CONSULTATION

The minor (desktop) review is completed internally and utilises the Project Updates from the Quarterly Information Bulletin, Community Perception Survey and input from the Executive Group.

OFFICER COMMENT/CONCLUSION

The amendments from the minor review of the Corporate Business Plan will be transposed into the documentation for the Strategic Community Plan major review as standing items for consideration by the Community and Council.

Cr Wringe declared an impartiality interest in the item and remained in the Chamber for the duration of the discussion and vote on the matter.

COUNCIL RESOLUTION 172/20

Moved Cr Atherton

Seconded Cr Mitchell

That Council endorse the review of the Shire of Donnybrook Balingup Corporate Business Plan 2017 – 2021, as attached at 9.3.2(1).

CARRIED 9/0

9.3.3 FEEDBACK ON THE DRAFT LOCAL GOVERNMENT (CODE OF CONDUCT) REGULATIONS 2020 – MANDATORY CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.3(1) Draft Legislation 9.3.3(2) Explanatory Notes 9.3.3(3) WALGA Position Paper 2019 9.3.3(4) WALGA Info Page
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive and support the ‘WALGA Draft Submission - Mandatory Code of Conduct for Council Members, Committee Members and Candidates 2019’, as attached at Attachment 9.3.3(3). 2. Authorise the Shire President to vote in accordance with point 1, above, at the South West Zone of WALGA meeting/s.

STRATEGIC ALIGNMENT

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

Outcome	4.1	A Strategically focused, open and accountable local government
Strategy	4.1.1	Provide accountable and strategic leadership
Action	4.1.1.5	Support initiatives to nurture local civic, social and community leadership

EXECUTIVE SUMMARY

WALGA is seeking to coordinate a sector response and seeks feedback from Member Local Governments on the draft *Local Government (Code of Conduct) Regulations 2020*.

BACKGROUND

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including a requirement for Local Governments to adopt a mandatory Code of Conduct for council members, committee members and candidates that is yet to take effect.

In 2019 the Department of Local Government, Sport and Cultural Industries invited WALGA and other parties to participate in the Mandatory Code of Conduct Working Group. The Department discontinued the Working Group and released a Consultation Paper without endorsement by the Working Group in September 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop an endorsed mandatory Code of Conduct for further sector consultation. State Council also identified several concerns with the proposals in the Consultation Paper.

Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Model Code of Conduct) Regulations 2020 (Draft Regulations)*, to prescribe the mandatory Code of Conduct, together with Explanatory Notes.

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector.

Among concerns previously noted is the requirement for Local Governments to determine behavioural breach allegations specified in Division 3 of the Draft Regulations. The administrative process for dealing with breach allegations is unspecified and the option to use external consultants so that impartial and procedurally fair outcomes can be achieved will prove costly, particularly where numerous allegations arise. It is also open for 'any person' to make a complaint which may in extreme circumstances, according to WALGA, lead to a proliferation of vexatious or inconsequential complaints.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Once promulgated, the legislation requires all Local Governments to adopt the model Code of Conduct within three months.

CONSULTATION

- Local Government sector via WALGA

OFFICER COMMENT/CONCLUSION

WALGA is seeking to coordinate a sector response and seeks feedback from Member Local Governments on the Draft Regulation. WALGA's Draft Submission - Mandatory Code of Conduct for Council Members, Committee Members and Candidates addresses several issues identified by WALGA and the other invited parties who participated in the Working Group.

COUNCIL RESOLUTION 173/20

Moved Cr Wringe Seconded Cr Smith

That Council:

- 1. Receive and support the 'WALGA Draft Submission - Mandatory Code of Conduct for Council Members, Committee Members and Candidates 2019', as attached at Attachment 9.3.3(3).**
- 2. Authorise the Shire President to vote in accordance with point 1, above, at the South West Zone of WALGA meeting/s.**

CARRIED 8/1 by En Bloc Resolution

9.3.4 LOCAL GOVERNMENT ACT REVIEW WALGA ADVOCACY PAPER

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 14/1
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.4(1) WALGA Advocacy Positions for a New Local Government Act: <i>Key Issues from Recent Inquiries into Local Government</i>
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive and support the ‘WALGA Advocacy Positions for a New Local Government Act: Key Issues from Recent Inquiries into Local Government’ and recommendations, as attached at Attachment 9.3.4(1). 2. Authorise the Shire President to vote in accordance with point 1, above, at the South West Zone of WALGA meeting/s.

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

WALGA is seeking feedback and support from Member Local Governments on the *Advocacy Positions for a New Local Government Act: Key Issues from Recent Inquiries into Local Government* paper.

BACKGROUND

The Review of the Local Government Act 1995 has been a key focus of the Local Government sector and WALGA since the review was announced in 2017.

Stage one, focusing on priority reforms, are now mostly in place following the passage of the Local Government Legislation Amendment Act 2019.

As part of Phase two of the Review, which focuses on wide ranging reforms, the Government established the Local Government Review Panel in November 2019.

The Final Report of the Local Government Review Panel was released in August 2020.

In addition, the final reports of the following two key inquiries were released in September 2020:

- Report of the Inquiry into the City of Perth
- Select Committee into Local Government Final Report

The three reports make recommendations relating to a range of topics and issues relevant to the Review of the Local Government Act.

The paper aims to distil key issues raised by these reports and identify strategic advocacy positions of the Local Government sector to inform the strategic direction of legislative reform.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Nil

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

Leveraging the concurrent release of the final reports of three Inquiries, an advocacy paper highlighting key issues has been prepared.

The advocacy paper addresses the issues listed below:

- New Local Government Act
- Legislative Intent
- Intergovernmental Cooperation
- Elections
- Rating Exemptions
- Fees and Charges
- Road Funding
- Regional Collaboration
- Community Engagement
- Roles and Responsibilities
- External Oversight

- Financial Management and Procurement
- Accountability and Audit

The Advocacy Paper approach aims to:

- Ensure the Local Government sector's key concerns are prominent during stage two of the Local Government Act Review
- Leverage the timing and inherent legitimacy of the three key reports to highlight ongoing strategic advocacy priorities
- Concentrate engagement at the strategic policy level, rather than the detail of specific proposals that may or may not represent government policy, and
- Link to WALGA's state election advocacy campaign.

The Advocacy Paper does not replace or diminish existing detailed policy positions, which are underpinned by multiple consultation processes and State Council deliberations.

Key Local Government sector policy positions are listed in the Recommendations section of the paper, attached at 9.3.4(1).

COUNCIL RESOLUTION 174/20

Moved Cr Atherton

Seconded Cr Wringe

That Council:

- 1. Receive and support the 'WALGA Advocacy Positions for a New Local Government Act: Key Issues from Recent Inquiries into Local Government' and recommendations, as attached at Attachment 9.3.4(1).**
- 2. Authorise the Shire President to vote in accordance with point 1, above, at the South West Zone of WALGA meeting/s.**

CARRIED 9/0

9.3.5 IMPLEMENTATION OF THE DESIGNATED AREA MIGRATION AGREEMENT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	South West Zone Report
Voting Requirements	Simple Majority

Recommendation
<p>That Council instruct the Chief Executive Officer to allocate \$5,000 in the Draft 2021-2022 Budget towards the Designated Area Representative operational expenses and include provision for recurrent funding for a further four years in the Long Term Financial Plan.</p>

STRATEGIC ALIGNMENT

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

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

EXECUTIVE SUMMARY

Council at its October Ordinary Meeting, resolved (Res. 152/20):

That Council instructs the Chief Executive Officer to execute the South West Regional Councils Designated Area Migration Agreement Memorandum of Understanding as attached.

At the October meeting, Council were advised the background study would be funded through a private business which has occurred under the auspice of the Bunbury Geographe Chamber of Commerce and Industry (BGCCI) who has engaged a consultant to develop the Designated Area Migration Agreement (DAMA) for submission to Department of Home Affairs (DHA) on behalf of the South West region.

Upon acceptance and approval by DHA, the SW Regional DAMA will become the Designated Area Representative (DAR) for a term of five years. The private sector, however, is not eligible to be the Designated Area Representative and cannot enter into the Agreement directly with the Federal Government; this must be a Local or Regional Government Agency.

Upon the DHA approving the DAMA, it will become the responsibility of South West Local Governments to administer the DAR and it is envisaged to appoint a 0.5FTE Officer to service the entire South West during the 5 year agreement. The Shire of Dardanup and Harvey has offered to be the employing/hosting Local Government.

Council is now further requested to approve an allocation of \$5000 per year for the engagement of a resource to service the entire South West during the 5-year agreement.

BACKGROUND

The 12 South West Local Governments have expressed a willingness to participate in the development of the DAMA and each will discuss with their individual Councils the request for the optional financial contribution.

FINANCIAL IMPLICATIONS

A financial contribution of \$5,000 per year is requested from each participating local government, for each year of the five years of the proposed operation of the DAR.

Council are requested to consider the financial contribution during the draft 2021-2022 budget discussions and the inclusion into the Long Term Financial Plan until 2024-2025.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

- All South West local governments
- Regional Development Australia South West
- Hon Nola Marino, Assistant Minister for Regional Development and Territories

OFFICER COMMENT/CONCLUSION

This is a good example of a collaborative South West partnership model where local governments can achieve more collectively than they could individually.

Four Local Governments have confirmed they will contribute to the DAR, the 9 remaining Local Governments are awaiting a decision from Council.

COUNCIL RESOLUTION 175/20

Moved Cr Wringe Seconded Cr Smith

That Council instruct the Chief Executive Officer to allocate \$5,000 in the Draft 2021-2022 Budget towards the Designated Area Representative operational expenses and include provision for recurrent funding for a further four years in the Long Term Financial Plan.

CARRIED 8/1 by En Bloc Resolution

9.3.6 COMMERCIAL LEASE POLICY ADOPTION

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 11/4
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.6(1) Draft Commercial Lease Policy
Voting Requirements	Simple Majority
Conflicts of Interest	N/A

Recommendation
That Council adopt the <i>Commercial Lease Policy</i> as per Attachment 9.3.6(1).

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	Maintain effective and efficient policies, planning, operating procedures and practices

EXECUTIVE SUMMARY

For Council to consider and adopt the proposed Commercial Lease policy.

BACKGROUND

The Shire currently has no policy in place to provide the Administration with guidance in its approach to dealing with commercial leases, which has led to historically inconsistent outcomes across the commercial lease portfolio.

The Shire presently hosts six commercial leases:

- Donnybrook Medical Services - Doctors Surgery, 41 Bentley Street, Donnybrook.
- Sonic Healthcare - Clinipath Pathology, 41 Bentley Street, Donnybrook.
- Dental Corporation Pty Ltd (BUPA) - 116A South Western Highway, Donnybrook.
- Dental Corporation Pty Ltd (BUPA) – 116B South Western Highway, Donnybrook.
- Donnybrook, Capel Districts Community Bank – 70 South Western Highway, Donnybrook.
- Goods Shed (to be leased in the future).

FINANCIAL IMPLICATIONS

If associated commercial lease costs are not on-charged, as per the attached Commercial Lease Policy, Council will need to give budget considered for the following:

- Market Valuation is approximately \$2,000 - \$3,000, per valuation (required by LG Act).
- Drafting of a commercial lease and is approximately \$1,000 - \$2,000, per lease

The Advertising costs associated with giving local public notice pursuant to sec.3.58(3)(a) is approximately \$250.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Local Government Act 1995

Commercial Tenancy (Retail Shops) Act 1985

Land Administration Act 1997

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

An analysis of six other local governments policies relating to commercial leases was undertaken to compare and considered for this draft Commercial Lease Policy.

Lease Rent

Of the six local governments benchmarked, five have a policy which bases its rent at market valuation, one by negotiation. The rent methodology in this draft policy has been based on a market valuation obtained from an independent certified valuer. Rent will be reviewed annually in accordance with the Consumer Price Index adjustments as stated in the Standard Commercial Lease.

Phasing in

Rent shall be phased-in at the commencement of this Policy to allow for any significant increases where a new lease is being prepared for an existing lessee. A significant increase is to be considered a market valuation 10% or more than the lessees' current rent.

Where:

- There is an existing lessee at the premises; and
- a new lease is being prepared; and
- the current Market Valuation is 10% above the current rent amount.

Rent shall increase in equal increments over a three-year period to bring it up to the current Market Valuation. After the third year the rent will be reviewed annually in accordance with Consumer Price Index adjustments as stated in the Standard Commercial Lease.

Where:

- There is an existing lessee at the premises; and
- a new lease is being prepared; and
- the current rent amount is 10% below the current Market Valuation.

Rent shall increase to the current Market Valuation for the first year and will be reviewed annually in accordance with the Perth Consumer Price Index adjustments as stated in the Standard Commercial Lease.

Lease Terms (timeframe)

Standard lease terms (timeframes) varied between the six local governments benchmarked. Of the five that specified terms, two were based on a minimum five-year term, two were by case-by-case negotiation and one had a term of no longer than 20 years.

To ensure a balance between the need for security of tenure and utilisation of the Shire owned premises, the draft policy terms are to be negotiated by the Chief Executive Officer in accordance with current market conditions, with a minimum five-year term for the first term.

Consideration for the *Commercial Tenancy (Retail Shops) Act 1985* have been made to ensure compliance with legislation.

Standard Lease Document

Any new commercial lease, or renewal of an existing lease, shall be based on the Shire's 'Standard Commercial Lease' incorporating the requirements in this draft policy. Any variations to the Standard Commercial Lease will be detailed in an Item in the Schedule (Additional Terms and Covenants) in the lease document.

Allowance has been made for the Chief Executive Officer to make minor changes to the Standard Community Lease, to ensure any necessary changes are not held up in process.

Lease Renewals

In accordance with section 3.58(3) of the *Local Government Act 1995*, whenever premises become available, a market value will be obtained, and Expressions of Interest will be sought for commercial lessees.

Where there is an existing lessee at the premises and the lease has expired with no further options, a Market Valuation will be obtained, and they will be given the first option of renewal for a new lease.

Costs

The responsibility of all legal and associated costs varied between the local governments benchmarked. Of the three that specified who is responsible for these costs, two were by negotiation and one 100% of all costs by the Lessee. The Shire's current arrangement is for the lessee to pay for half of all legal and associated costs.

The draft policy has outlined that the lessee will be responsible for 100 % of all legal costs incurred for the drafting of the lease document.

The costs of obtaining a market valuation in accordance with section 3.58(3)(a) of the *Local Government Act 1995* for the initial lease rental assessment and during the term of the lease for any rent reviews will be split 50:50 between the Shire and lessee.

The Shire will bear all costs in accordance with section 14B *Commercial Tenancy (Retail Shops) Act 1985* for any lease being prepared for a retail shop.

OUTCOME OF MEETING

EXECUTIVE RECOMMENDATION

Moved Cr Mitchell Secoded Cr Lindemann

That Council adopt the *Commercial Lease Policy* as per Attachment 9.3.6(1).

AMENDMENT

Moved Cr Wringe Secoded Cr Smith

That Council adopt the *Commercial Lease Policy* as per Attachment 9.3.6(1), **subject to the following amendments to the Policy:**

- **Points 1.1.1 and 1.1.2 – inclusion of the words ‘up to’ before ‘10% above the current rent amount’.**

CARRIED 9/0

COUNCIL RESOLUTION 176/20

Moved Cr Mitchell Secoded Cr Lindemann

That Council adopt the *Commercial Lease Policy* as per Attachment 9.3.6(1), subject to the following amendments to the Policy:

- **Points 1.1.1 and 1.1.2 – inclusion of the words ‘up to’ before ‘10% above the current rent amount’.**

CARRIED 8/1

Cr Atherton requested his vote against be recorded

9.3.7 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – EXTENSION ROUND

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	NA
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.7(1) - BPA Correspondence 9.3.7(2) - Pump Tracks Information A 9.3.7(3) – Pump Tracks Information B
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the expenditure of approximately \$67,000 from the Local Roads and Community Infrastructure Program (Extension Round) for works to the Balingup Recreation Centre facility/surrounds. 2. Instruct the Chief Executive Officer to undertake online/web-based community consultation in relation to the development of a Pump Track within the Donnybrook townsite, to be funded at approximately \$400,000 from the Local Roads and Community Infrastructure Program Funding – Extension Round; 3. In relation to point 2, above, instruct the Chief Executive Officer to present the results of community consultation as well as a potential location and arrangements to Council at its December 2020 Ordinary Meeting.

STRATEGIC ALIGNMENT

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

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

EXECUTIVE SUMMARY

On 30 October 2020, the Shire was advised that it will be eligible to apply for up to \$467,000 in Federal funding under the Local Roads and Community Infrastructure Program – Extension Round (LRCI – Extension Round). The Executive recommend:

- Exploring the opportunity for a Pump Track to be developed within the Donnybrook townsite, with notional funding allocated at \$400,000; and
- Allocating approximately \$67,000 towards works at the Balingup Recreation Centre.

BACKGROUND

This Federal funding is available to all local governments in Australia and its purpose is to enable local governments to deliver local employment outcomes and local economic development through the COVID19 recovery phase.

Applications under the LRCI – Extension Round will open in January 2021, with projects required to be delivered by 31 December 2021.

Whilst the LRCI – Extension Round funding guidelines have not yet been released, it is reasonable to assume the guidelines will not differ materially from the Round 1 guidelines (as this round is termed an ‘extension round’ to Round 1). The key provision of the guidelines for project selection is that the project/s nominated by the local government must be “additional to an Eligible Funding Recipient’s existing work plan”. That is, the nominated project/s cannot be works the local government was intending to undertake in 2020-21 or 2021-22; they must be new works, or works brought forward from an existing Asset Management Plan.

The LRCI Round 1 Project Nomination Form required the approved project/s to comply with one of the following work categories:

Road Infrastructure	Community Infrastructure
General maintenance	Closed Circuit TV (CCTV)
Construction of a new road	Bicycle and Walking Paths
Sheeting/re-sheeting	Painting/Improvements to community facilities
Reconstruction	Repairs/Replacement of fencing
Rehabilitation	Improved Accessibility of Community Facilities and Areas
Widening	Landscaping Improvements
Sealing	Picnic Shelters or Barbeque Facilities at Community Parks
Resealing	Playgrounds and Skateparks (including all ability playgrounds)
Bridge works	Toilet blocks
Tunnel works	Replacement of light bulbs in street lights
Drainage	Noise and Vibration Mitigation Measures
Traffic improvement	Off-road Car Parks (such as those at sporting grounds or parks)
Street lighting equipment	Other, please specify.
Other, please specify.	

Both the identified works to Balingup Recreation Centre and development of a Pump Track would comply with work categories under Community Infrastructure.

DETAILS

Works to Balingup Recreation Centre

On 26 October 2020, the Balingup Progress Association and Balingup and Districts Sports Association (via Wendy Trow, Chairperson of the Balingup Progress Association) wrote to the Chief Executive Officer identifying various works recommended to be delivered to the Balingup Recreation Centre (refer Attachment). Whilst the works are mostly identified as requiring actioning (with various levels of priority), Shire budget restrictions for 2020-21 do not allow for the capital expenditure.

The unsolicited, but welcomed, Federal funding via the LRCI – Extension Round provides an opportunity to bring forward the works to the Balingup Recreation Centre.

Pump Track

A Pump Track is defined by Common Ground Trails Pty Ltd in Attachment 9.3.7(3) (page 20) as follows:

“A pump track is a 1-3 metre wide track that can be used for bicycle, skateboard, in-line skates and scooter riders to practice skills on a series of features, such as berms and rollers placed in quick succession. Essentially they are scaled down BMX tracks which do not require pedaling. ‘Pump’ refers to the action made by riders pushing down with their arms and legs to manoeuvre the bike or board over features to maintain momentum without pedaling or pushing-off the ground. Typically, tracks can be ridden continuously, and different combinations of features can be linked to provide a varied challenge. Bike handling skills can be transferred to other mountain bike tracks. Well designed pump tracks cater for all abilities, with all features being roll-able for beginners, and allowing for progression to pumping, and even jumping for more advanced riders. Riding a pump track is easy and children are typically comfortable using them within 10-20 minutes.

A well designed pump track provides enough challenges to stay attractive for years, because the rollers and berms can be combined and transitioned in different directions, creating opportunity for skilled riders to do jumps and maneuvers. Pump tracks can be made from natural soil, hardened surfaces, wood, fibreglass, concrete or asphalt. Historically pump tracks were constructed from natural soil blends and required significant ongoing maintenance. More recently, world’s best practice is tending toward lower maintenance surfacing techniques and materials, such as asphalt, which are inclusive for a larger user base of wheeled-sports including skateboarding, scooters, in-line skates and non-off road bikes.”

FINANCIAL IMPLICATIONS

To be explored in further detail for the December 2020 Ordinary Meeting of Council.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Nil

CONSULTATION

The Balingup Progress Association and Balingup and Districts Sports Association have approached the Shire, identifying the need for works to the Balingup Recreation Centre. The Shire's Asset Management Plan also identifies required works to the Balingup Recreation Centre. Further detailed consultation would be required with key stakeholders as to the priority of expenditure of LRCI – Extension Round grant funding at the Balingup Recreation Centre, if the Council resolves to expend funding at this facility.

The proposal for development of a Pump Track in central Donnybrook was raised through community consultation for both the Donnybrook Town Centre Revitalisation Project (late 2019) and the Apple Fun Park Revitalisation Project (early 2020). The concept has also been raised by several Councillors through Concept Forums.

In preparation for this agenda item, the Chief Executive Officer has contacted Common Ground Trails Pty Ltd, a south-west based company that specialises in cycle infrastructure, and particularly Pump Tracks. Background information provided by Common Ground Trails is attached to this agenda item. Additionally, Common Ground Trails advised the Chief Executive Officer:

- There are currently no Pump Tracks in the south-west, with other local governments and cycling groups focusing on mountain bike trails. This provides a strategic advantage to this Shire in 'moving first' in the Pump Track market.
- The agglomeration effect of a revitalised Apple Fun Park and a newly developed Pump Track in Donnybrook would work well together for visitor attraction numbers / economic development.
- A budget of approximately \$400k would enable development of local-regional level Pump track facility.
- The Shire of Irwin (in Port Dennison) recently completed a Pump Track with a contractor budget of \$350,000 however, that Shire contributed plant, labour and materials which enabled delivery of approximately \$500,000 worth of value for the completed Pump Track and associated landscaping.

If the Council resolves to support the development of a Pump Track in Donnybrook, the Executive will review potential locations, undertake preliminary consultation with any relevant stakeholders and present back to the December 2020 Ordinary Meeting of Council with a recommend site and arrangements.

OFFICER COMMENT/CONCLUSION

The unsolicited, but welcomed, Federal funding via the LRCI – Extension Round provides an excellent opportunity to invest into community infrastructure. The approach recommended by the Executive is to apply a portion of the funding towards capital renewal works (Balingup Recreation Centre) and apply the greater portion of funding towards a youth-focused visitor attraction facility that will complement the Apple Fun Park.

Cr Sercombe declared a financial interest in the item and left the Chamber at 6.24pm for the duration of discussion and the vote on the matter.

COUNCIL RESOLUTION 177/20

Moved Cr Atherton

Seconded Cr Massey

That Council:

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

CARRIED 7/1

Cr Mitchell requested her vote against be recorded

Cr Sercombe returned to the Chamber at 6.38pm.

9.3.8 LONG TERM FINANCIAL PLAN REVIEW

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that the review of Shire Long Term Financial Plan will no longer be presented at the November 2020 Ordinary Council Meeting. 2. Instructs the Chief Executive Officer to present the review of the Shire’s Long Term Financial Plan at a Special Council Meeting in late November, early December 2020.

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	4.2.1.4	Demonstrate sound financial planning and management, including revenue/expenditure review and revenue diversification strategies and long term financial planning

EXECUTIVE SUMMARY

To resolve to review the Long Term Financial Plan at a Special Council Meeting in late November / early December 2020.

BACKGROUND

At its September 2020 Ordinary Meeting, Council resolved (in part):

2. *Acknowledges its previous in-principle \$3m (capped) project funding decision (based on details from the Ordinary Meetings of 18 December 2019 and May 2020) and instructs the Chief Executive Officer to review the Shire’s Long Term Financial Plan, by no later than the November 2020 Ordinary Meeting of Council, with scenario modelling for provision of borrowings of up to \$3m towards the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project.*

Whilst the review of the existing Long Term Financial Plan can be presented to the November 2020 Ordinary Meeting of Council, there will be insufficient time to workshop the Plan with Elected Members prior to that meeting. In this regard, it is recommended that consideration of

the Plan be 'pushed back' by several weeks to enable robust review and due diligence by Elected Members prior to formal consideration at a Special Meeting of Council.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT/CONCLUSION

A Special Council Meeting will be scheduled for late November / early December 2020 to review the Long Term Financial Plan.

COUNCIL RESOLUTION 178/20

Moved Cr Atherton

Seconded Cr Mitchell

That Council:

- 1. Notes that the review of Shire Long Term Financial Plan will no longer be presented at the November 2020 Ordinary Council Meeting.**
- 2. Instructs the Chief Executive Officer to present the review of the Shire's Long Term Financial Plan at a Special Council Meeting in late November, early December 2020.**

CARRIED 9/0

9.3.9 DONNYBROOK TOWN CENTRE REVITALISATION PROJECT – GOODS SHED LEASE PRE-FUNDING CONSIDERATION

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PWF18V
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.9(1): Public Expression of Interest
Voting Requirements	Absolute Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Amend the 2020-21 Budget by approving expenditure of up to \$240,000 on development of food and beverage facilities at the Goods Shed, Donnybrook, with funds sourced from the Buildings Reserve, subsequent to: <ul style="list-style-type: none"> ○ Transfer of the funds balance of the Apple Fun Park Reserve into the Building Reserve - \$99,521 ○ Transfer from the Land Development Reserve into the Building Reserve - \$100,000 ○ The balance to be sourced from the Buildings Reserve - \$40,479. 2. Instruct the Chief Executive Officer to undertake public notification in relation to point 1, above, as per requirements of the Local Government Act 1995. 3. Instruct the Chief Executive Officer to negotiate commercial terms with any lessee at the Goods Shed so as to (amongst other terms) recoup reasonable costs, over a reasonable period, associated with non-fixed assets of the food and beverage component of the development. Such negotiation is to seek a financial co-contribution by the lessee to the kitchen and bar servery fit out so as to reduce the Shire’s pre-funding costs. 4. In accordance with point 3, above, instruct the Chief Executive Officer to present the negotiated terms of any lease to the Council for consideration for approval prior to execution of any lease for the Goods Shed. 5. In accordance with point 4, above, instruct the Chief Executive Officer that the recouped funding for non-fixed assets provided to the Shire via any lease of the Goods Shed is to be directed into the Buildings Reserve. <p style="text-align: right;">ABSOLUTE MAJORITY VOTE REQUIRED</p>

STRATEGIC ALIGNMENT

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

Outcome	1.2	Available land for residential, industrial and commercial development
Strategy	1.2.1	Support and promote appropriate development of land within the district
Action	1.2.1.1	Attract, promote and facilitate land development initiatives within the district

EXECUTIVE SUMMARY

The approved tender for the Donnybrook Town Centre Revitalisation Project (to Perkins Builders) specifically excluded completion of the kitchen and servery bar (including fit out). This funding/work was proposed to be undertaken by an incoming food and beverage operator, as is a common occurrence in commercial lease arrangements. Following a public Expression of Interest process earlier in the year, an alternative funding methodology is proposed, whereby the Shire pre-funds works to the kitchen and servery bar and recoups appropriate pre-funded costs over a set term of the commercial lease. This type of pre-funding arrangement has been undertaken by the Shire previously for both commercial and community/sporting projects. Shire funds for the pre-funded works can be sourced from either existing Reserve accounts, or via a new loan facility. As the Shire has sufficient cash-backed Reserves, it is recommended to pre-fund via Reserves rather than establishing a new loan facility.

BACKGROUND

At its May 2020 Ordinary Meeting, Council approved the tender from Perkins Builders for the Donnybrook Town Centre Redevelopment Project, including heritage refurbishment and adaptation of the Goods Shed for co-location of a food and beverage operation. As part of this decision-making process, it was identified and acknowledged that completion of the kitchen and servery bar (including fit out) would be an additional project cost.

Perkins has confirmed that the following is excluded from its price:

- Shade structures;
- The fabrication and installation of the exhibit displays within the interpretive area of the Goods Shed;
- The fabrication and installation of the external interpretation and small scale sculptured arts works within the landscaping area;
- Kitchen and servery bar fit out;
- Media screen to be located on the eastern wall of the Goods Shed; and
- Mechanism for lifting the Draw Bridge and associated rail signals.

If the tender from Perkins is accepted, then additional funds will be required for the elements listed above to complete the project.

Extract copied from Minutes of May 2020 Ordinary Council Meeting

Under the project funding model, it was proposed that the costs for completion and fit out of the kitchen and servery bar would be borne by a future lessee of the Goods Shed, with funding

negotiated as part of the commercial lease arrangement, as is common-place in commercial leases.

After a public Expression of Interest process earlier in the year, the Executive believes a modified approach is required in order to secure and retain a quality operator that will provide a market differentiation to the existing food and beverage offering in Donnybrook. Securing an operator is vital to the success of the project and the precinct, as without such the opening hours of the heritage refurbished Goods Shed interpretive centre are likely to require resourcing directly by the Shire.

DETAILS

Shire staff have sought cost estimates for the completion of the kitchen and bar servery and fit out of both with commercial kitchen plant and equipment (dishwashers, ovens, fridges etc). The costs are approximately \$120k for the kitchen and bar servery completion and a further \$120k for fit out of the kitchen and bar servery – making \$240k in total. These works will create a fully functional, walk-in facility.

The Shire has a precedence of pre-funding arrangements, for both commercial and not-for-profit projects (as do most local governments), for example:

- Donnybrook Dental Clinic (Dental Corporation Pty Ltd):
 - The Shire pre-funded \$307,224 worth of refurbishment and fit out works to 116A South Western Highway (converting from a GP Clinic to a Dental Clinic):
 - \$180,000 via Shire loan;
 - \$127,224 via Municipal fund and Reserves.
 - 20 year payback term, concluding 2026.
- Donnybrook Country Club Incorporated Association:
 - The Shire pre-funded \$94,250 as a self supporting loan for development of the synthetic bowls rink:
 - 10 year payback term, concluding 2026.

FINANCIAL IMPLICATIONS

Expenditure of \$240k by the Shire will (if approved) represent an 11% own source capital investment in the project. To date, the project is funded via \$2M State investment and \$115k Federal investment; the Shire has not yet contributed any capital investment into the project (although has contributed operating/staff costs). As the State Government funding for the project was made available prior to a business case or proposition being presented to government, the project delivery has not followed the 'normal course' of a grant funded project (i.e. application precedes funding commitment). In the 'normal course' of events, the Shire would have been expected to have contributed somewhere between a third (\$785,000) and a half (\$1,177,500) of the project funding. Therefore, although a significantly material allocation by the Shire, investment of \$240,000 is only a minor contribution in the scheme of the project – and is a contribution that can be partially recouped in any case.

The pre-funding methodology recommended by the Executive is via existing Reserve accounts. It is recommended to transfer sufficient funds into the Buildings Reserve, with all costs attributed to that one Reserve account, rather than attributed across multiple Reserve accounts. As such, it is recommended to:

- Amend the 2020-21 Budget by approving expenditure of up to \$240,000 on development of food and beverage facilities at the Goods Shed, Donnybrook, with funds sourced from the Buildings Reserve, subsequent to:
 - Transfer of the funds balance of the Apple Fun Park Reserve into the Building Reserve - \$99,521.
 - Transfer from the Land Development Reserve into the Building Reserve - \$100,000.
 - The balance to be sourced from the existing Buildings Reserve - \$40,479.

The Reserves account balances, as per the 2020-21 Shire Budget, are as follows (red highlighted rows for highlighting of referenced Reserve accounts):

8. CASH BACKED RESERVES				
(a) Cash Backed Reserves - Movement				
	2020/21 Budget Opening Balance	2020/21 Budget Transfer to	2020/21 Budget Transfer (from)	2020/21 Budget Closing Balance
	\$	\$	\$	\$
(a) Waste Management Reserve	1,535,974	0	(125,000)	1,410,974
(b) Bushfire Control & Management Reserve	2,282	0	0	2,282
(c) Aged Care Reserve	1,187,133	0	(42,180)	1,144,953
(d) Employee Entitlements Reserve	192,881	0	(7,500)	185,381
(e) Arbuthnott Memorial Scholarship Reserve	3,585	0	(300)	3,285
(f) Strategic Planning Studies Reserve	40,051	0	0	40,051
(g) Land Development Reserve	450,271	0	0	450,271
(h) Vehicle Reserve	402,000	212,000	(237,310)	376,690
(i) Roadworks Reserve	435,434	0	0	435,434
(j) Revaluation Reserve	10,700	0	0	10,700
(k) Central Business District Reserve	3,054	0	0	3,054
(l) Buildings Reserve	758,523	0	(511,307)	247,216
(m) Building Maintenance Reserve	0	0	0	0
(n) Apple Funpark Reserve	99,521	0	0	99,521
(o) Information Technology Reserve	107,523	0	(8,000)	99,523
(p) 27 Pay Period	0	0	0	0
(q) Unspent Grants Reserve	0	0	0	0
(r) Contribution To Works Reserve	0	0	0	0
(s) Park and Reserves Reserve	153,744	0	0	153,744
(t) Carried Forward Project Reserve	1,139,556	0	(200,616)	938,940
(u) COVID 19 Reserve	102,532	0	0	102,532
	6,624,764	212,000	(1,132,213)	5,704,551

If the Council is to support the pre-funding arrangement via Reserves, the 2020-21 closing budget balance would be \$5,464,551.

In the commercial lease negotiation process, it would be appropriate for the Shire to seek to negotiate repayment terms which reflect the Shire's foregone accrued interest on the Reserve funds accessed (in addition to the principal). Given that approximately \$120k of the required expenditure relates to fixed assets (completion of the kitchen and servery bar), the Executive recommends any costs recouped from a lessee relate to the non-fixed assets (fit out of the kitchen and bar servery including plant and equipment) – which are also \$120k.

If a loan facility was to be the preferred pre-funding methodology, the WA Treasury Corp's present borrowing rate is 1.59%, with the State Government Guarantee fee at 0.7% (totalling 2.29%). A 10 year payback period would be recommended.

Both pre-funding methodologies (Reserve Account or Loan Facility) are equally appropriate for this proposition, however, given the Shire's capacity to use Reserves for this initiative, it is recommended in preference to establishing a loan which will incur interest payments (however modest they presently are). By way of comparison of Reserve balances with other similar sized band three local governments in the south west:

- The Shire of Collie project a year-end closing balance of \$873,563.
- The Shire of Bridgetown Greenbushes project a year-end closing balance of \$2,614,383.

POLICY COMPLIANCE

The Council will be considering adoption of a Commercial Lease policy at the November 2020 Ordinary Meeting. Application of the new Policy, if approved, will relate to the Goods Shed once a lease with a tenant is contemplated.

STATUTORY COMPLIANCE

Prior to executing a lease agreement for the Goods Shed, the Shire must comply with s3.58 of the *Local Government Act 1995*, which relates to public notice requirements for the key terms of a lease.

Outside of annual Budget adoption, any re-purposing of Reserve account funds (or establishment of a new loan) requires public notification in a locally circulating newspaper, as per s6.11 of the *Local Government Act 1995*. Note, this is not a public consultation process seeking feedback, but rather, is a public notification process only. The public notification process is for four weeks.

CONSULTATION

The Shire has identified a commercial party interested in the lease of the Goods Shed for a food and beverage operation and has undertaken preliminary discussions with that party. No agreements or contracts have been contemplated with the party at this stage, however, the outcome of this Council agenda item will provide direction to the Chief Executive Officer in furthering those discussions before any formal proposition is presented to Council for consideration.

OFFICER COMMENT/CONCLUSION

Establishment of a viable and dynamic food and beverage operation from the Goods Shed is paramount to the success of the interpretive centre and the entire precinct; without an operator, the Shire will be required to resource the opening, closing and 'manning' of the centre. To date, the Shire has been fortunate to not have contributed any capital investment in to the project; in a normal grant funded scenario, the Shire would have been expected (by the State Government) to have funded around a third to half of the capital costs. Investment of \$240k into the project will represent an 11% contribution by the Shire.

COUNCIL RESOLUTION 179/20

Moved Cr Lindemann

Seconded Cr Wringe

That Council:

- 1. Amend the 2020-21 Budget by approving expenditure of up to \$240,000 on development of food and beverage facilities at the Goods Shed, Donnybrook, with funds sourced from the Buildings Reserve, subsequent to:**
 - **Transfer of the funds balance of the Apple Fun Park Reserve into the Building Reserve - \$99,521**
 - **Transfer from the Land Development Reserve into the Building Reserve - \$100,000**
 - **The balance to be sourced from the Buildings Reserve - \$40,479**
- 2. Instruct the Chief Executive Officer to undertake public notification in relation to point 1, above, as per requirements of the Local Government Act 1995.**
- 3. Instruct the Chief Executive Officer to negotiate commercial terms with any lessee at the Goods Shed so as to (amongst other terms) recoup reasonable costs, over a reasonable period, associated with non-fixed assets of the food and beverage component of the development. Such negotiation is to seek a financial co-contribution by the lessee to the kitchen and bar servery fit out so as to reduce the Shire's pre-funding costs.**
- 4. In accordance with point 3, above, instruct the Chief Executive Officer to present the negotiated terms of any lease to the Council for consideration for approval prior to execution of any lease for the Goods Shed.**
- 5. In accordance with point 4, above, instruct the Chief Executive Officer that the recouped funding for non-fixed assets provided to the Shire via any lease of the Goods Shed is to be directed into the Buildings Reserve.**

CARRIED 5/4

ABSOLUTE MAJORITY VOTE ATTAINED

Crs Mitchell, Atherton and Sercombe requested their votes against be recorded

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR

Nil.

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

12.1.1 CONFIDENTIAL – 2021 COMMUNITY CITIZEN OF THE YEAR AWARDS

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

(b) the personal affairs of any person

12.1.2 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER CONTRACT RENEWAL

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

(a) a matter affecting an employee or employees.

EXECUTIVE RECOMMENDATION

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

- 12.1.1 CONFIDENTIAL – 2021 COMMUNITY CITIZEN OF THE YEAR AWARDS
- 12.1.2 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER CONTRACT RENEWAL

COUNCIL RESOLUTION 180/20

Moved Cr Mitchell Seconded Cr Smith

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

- 12.1.1 CONFIDENTIAL – 2021 COMMUNITY CITIZEN OF THE YEAR AWARDS
- 12.1.2 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER CONTRACT RENEWAL

CARRIED 9/0

The meeting was closed to the public at 7.16pm.

COUNCIL RESOLUTION 183/20

Moved Cr Massey

Seconded Cr Mitchell

That the meeting be re-opened to the public.

CARRIED 9/0

The meeting was re-opened to the public at 7.57pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

COUNCIL RESOLUTION 155/20

That Council:

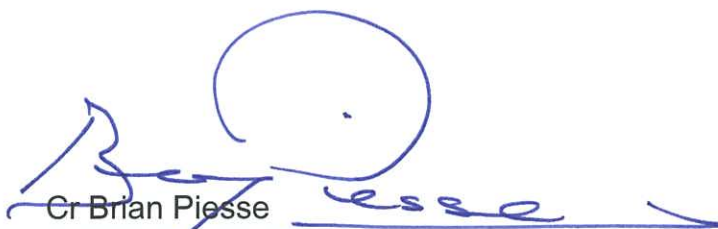
- 1. Approve the AUSPIRE Community Citizen of the Year Award winners recommended by the selection panel as provided in the Confidential Minutes.*
- 2. Note that Award recipients are kept confidential until they are awarded at the Australia Day event on 26 January 2021.*

13 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on 16 December 2020 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President closed the meeting at 7.57pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 16 December 2020.


Cr Brian Piesse
SHIRE PRESIDENT