



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

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Held on

**Thursday 19 October 2023**

Commenced at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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**Kim Dolzadelli  
Acting Chief Executive Officer**

**26 October 2023**

### **Disclaimer**

**Please note the items and recommendations in this document are not final and are subject to change or withdrawal.**

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

Held at the Council Chamber  
Thursday, 19 October 2023 at 5.00pm

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

**Commissioner – Acknowledgment of Country**

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

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

The Commissioner advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Commissioner further stated the following:

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

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

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

**2 ATTENDANCES**

**MEMBERS PRESENT**

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

**PUBLIC GALLERY**

12 members of the public in attendance.

## **2.1 APOLOGIES**

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Ben Rose – Chief Executive Officer.

## **2.2 APPROVED LEAVE OF ABSENCE**

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Nil.

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

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Nil.

## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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Good evening, everyone. It is hard to believe that tonight's meeting marks my last Ordinary Council Meeting as Commissioner. When I swear in the new Councillors at next week's Special Council Meeting, I will take great pleasure in handing over to a new Shire President and the start of what I anticipate will be a bright new chapter in terms of the Shire. More on that later.

I begin tonight by acknowledging the wonderful spirit in which this election campaign has been held. You should be incredibly proud of the candidates and the community more broadly for the positive way the campaign has been conducted. I think this augers well for the future. Special thanks to the Yabberup Community, Donnybrook-Balingup Chamber of Commerce, the Balingup Progress Association and Donnybrook-Balingup Community Radio for providing opportunities for candidates to present their cases for election.

For those who might be watching online or in the gallery tonight, the time to have your say is almost over. If you have not posted your ballot paper in yet, it's too late for the post. However, you can deliver it before 6pm Saturday. That will be during business hours tomorrow to the Shire Office and then on Saturday at the Council Chamber. When I last checked with Loren the participation rate was just on 34% which is a great turnout, but I encourage you to make it even better. Counting of votes will begin at 6pm on Saturday evening.

Next week will be very significant for our newly elected Councillors. Once counting is done and dusted, which is expected to be by Sunday at the latest, the new Council will gather on Monday for a welcome briefing and induction. This will be a full day affair designed to get the Council off to the best possible start. Then on Thursday a Special Meeting of Council has been called for the purpose of swearing in our new Councillors and having them elect their President and Deputy President.

It will signal a return to a democratically elected Council to lead the community through what I anticipate will be an exciting era. I will be available to offer whatever assistance is needed to help in the transition.

I commenced my role some ten months ago and shortly after we were challenged by some very significant bushfires. With the incredibly hot and dry weather of late I do want to urge everyone to make sure they are bushfire ready. This extends to having your bushfire action plan ready and having done the necessary work to reduce risk.

I would also urge everyone to not be complacent about their own safety. This includes appropriate clothing for firefighting as well as being a bit more conscious about day to day activities. There have been a couple of really nasty farm related incidents in WA over the past couple of weeks and during almost a decade I spent with Worksafe, there was sometimes a bit too much complacency or 'making do' in the agricultural sector. As we head to the Christmas season it is so important to take that extra time to avoid placing yourself or others at risk as people are often busy and easily distracted.

Monday marked a significant day for the VC Mitchell Park Project with the official SOD turning – or start of development. Perkins Builders has officially taken control of the site and demolition should commence shortly. We are still awaiting feedback from the State Government on our application for additional funding. I am told it will be considered sometime in November, so fingers crossed.

Can I again acknowledge all those who have helped bring the project to fruition and especially thank the funding partners and representatives of the Football, Tennis and Hockey Clubs who have come together so fantastically during the detailed design and planning phase. The collaboration shows a real commitment to making the facility something for which the community can and should be proud. I am really thrilled that the groups are working so constructively together.

Good news also regarding the long-awaited installation of the CCTV cameras around the Pump Track, the Transit Park, Apple Fun Park and on South Western Highway. The cameras are now in and working, with the Donnybrook Police having direct access to the footage. Thanks go to all those who both advocated for the cameras and helped organise it.

Great work also by the Town Team Movement ably assisted by the Mens Shed and other volunteers in the streetscaping being done alongside the Post Office. That spirit of community exists right across the Shire where volunteers are hard at work. Tonight's deputation on Compassionate Communities will provide food for thought on another possible avenue for showing the caring side of the community and I thank Julieanne for driving this initiative.

Having witnessed the enthusiasm of 17 candidates put themselves forward for election and seeing the great work being done by volunteers and other community stalwarts, we are now calling on the community to nominate local heroes for the Annual Community Services awards.

The Auspire – Australia Day Council WA, Community Citizen of the Year awards is your opportunity to acknowledge those making an outstanding contribution to your local community.

Nominations are open for four categories:

- Community Citizen of the Year; and
- Young Community Citizen of the Year; and
- Senior Community Citizen of the Year; and
- Active Citizen – Group or Event.

Nominations close 31 October.

Tonight's meeting is being held under the Caretaker provisions, so the agenda is quite light. The significant matter to be dealt with as a Confidential Item is the appointment of the Temporary CEO.

I intend to ask myself to approve a draft contract which, with luck, will mean we can execute the contract tomorrow. I am confident the Temporary CEO, together with the Leadership Team from the Shire and all the staff will do everything in their power to support the new Council. With the consent of the proposed appointee, I will be able to do the 'big reveal' after the Confidential Item is dealt with and before the meeting is officially closed.

I do want to conclude my remarks tonight with some words of thanks. To the community of Donnybrook-Balingup who have shown me such wonderful support over the past ten months and to those who both regularly turn up in the public gallery or watch the live-stream, it is great to see people taking an active interest in their local government. You won't always agree with comments made or decisions taken but that is democracy at work.

As I said at one of the Meet the Candidates sessions, this role has been one of the highlights of my professional career and an absolute privilege. While I am hoping for great things for the new Council, I will be genuinely sad to conclude my term and will continue to take an active interest in how you seize the opportunities ahead.

Finally, to the Leadership Team and staff at the Shire. I could not have wished for a more professional group of people to work with. The lines of a song 'I get knocked down, but I get up again' spring to mind in terms of what you are asked to do in your roles on a regular basis. Not only do you get up again but time and time again you look at ways to learn and make things better. This community is all the richer for your efforts and I sincerely thank you. I am convinced you are really valued by the local community.

Good luck to all who are contesting the election on Saturday. I have no doubt that for those of you who are successful you will have the goodwill and support of the broad community. To those of you who may not get up, thank you for taking part and enabling people to have a genuine choice in the election.

To the community more broadly – please support your new Council. They are local people who are willing to give up their time and energy to make this community stronger.

Thank you.

## **4 DECLARATIONS OF INTEREST**

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Nil.

## **5 PUBLIC QUESTION TIME**

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

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Question: Walter John Bailey

*What governance lessons have we learnt from the events of the last 12 months?*

Response:

*The primary lesson is not to underestimate the value of good communication and a culture of respect. Good governance has a number of elements including but not limited to a clear delineation of roles and responsibilities, strong communication and cooperation and a sound legal and policy framework. The Council and the Executive team need to have a strong and respectful relationship in order to deliver good governance. These elements are essential to effective decision making and should stand the new Council in good stead.*

Question: Walter John Bailey

*Has the \$3m loan now been approved and has the Perkins contract been signed?*

Response:

WATC approved a new application for the loan for \$2.9 million on Tuesday 12 September 2023.

The Contract with Perkins was executed on the 1 December 2022. The letter approving Hold Point 3 and instruction to proceed with Stage 2 – Construction, was issued to Perkins Builders on the 17 September 2023.

Question: Walter John Bailey

*When do you hope the works funded by Talison's \$3m will be put out to tender?*

Response:

Shire staff are in consultation mode at the moment. The VC Mitchell Park Project Consultation Group members have been requested to provide feedback from their members for priorities. Once these priorities are established workshops will be held. The first workshop is planned with the Donnybrook Tennis Club on Wednesday 11 October 2023.

When the deliverables are understood, we will then plan, scope, design and procure. We would not envisage any procurement until early next year.



Question: Walter John Bailey

Can you confirm the total rate income has increased 9% this year?

Response:

Total rate income as shown in the Statement of Comprehensive Income has increased by 8.88%. It is important to note that this increase does not reflect the general or average rate increase to ratepayers.

The table below shows the breakdown of items which together form the total Rate Income:

COA	Description	2022/2023 Original Budget	2023/24 Draft Budget	Increase/ Decrease	2022/2023 Original Budget Growth	2023/24 Draft Budget
0070	RATE CONCESSION	\$94,682.52	\$0.00	-100%		
0011	RATES - GENERAL RATES LEVIED	-\$6,599,115.00	-\$7,089,027.47	7.42%	0.92%	6.50%
0071	RATES - INTERIM & BACK RATES	-\$35,504.00	-\$29,811.76	-16.03%		
0081	LESS: RATES - DISCOUNTS / CONCESSIONS	\$2,916.00	\$878.70	-69.87%		
0131	RATES WRITTEN OFF	\$1,944.00	\$2,500.36	28.62%		
<b>Total Revenue</b>		<b>-\$6,535,076.48</b>	<b>-\$7,115,460.16</b>	<b>8.88%</b>		

Line item “Rates - General Rates Levied” shows an overall increase of 7.42% which is represented by growth in the number of properties and increases to valuation over the course of the previous year 0.92% and a general Rate Increase of 6.5%.

Question: Walter John Bailey

As GRV properties were not revalued this year, should all GRV rate increase be 6.5?

Response:

Yes, the increase for GRV properties is 6.5% with the exception of 53 properties that due to additions, such as, house, other additions or property subdivisions will have had an increase greater than 6.5%.

Question: Walter John Bailey

What is the current timeline for creating VC Mitchell business case?

Response:

Among priorities, staff are currently working on a Business Plan. No timeline has been set however now there is more certainty around construction contract costs, this work along with revisiting of the proposed management model can be undertaken should the new Council consider it necessary.

Question: Walter John Bailey

*On average, each ratepayer is paying \$171 more than last year?*

Response:

On average, each ratepayers' rates have increased by \$120.27pa or as calculated in the table below:

<b>Description</b>	<b>2022/2023</b>	<b>2023/2024</b>
Total Rate Revenue	\$6,599,115	\$7,089,027
No Rateable Properties	3385	3425
Average Rate	\$1,949.52	\$2,069.79

**Average increase between years** \$120.27

Source: 2022/2023 & 2023/2024 Adopted Statutory Budgets.

## **5.2 PUBLIC QUESTION TIME**

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### Question: Kev Johns

*Kev Johns stated that he would like to see more signage at the entrance of Donnybrook, Kirup, and Balingup to say that the town is under CCTV surveillance, and suggested more CCTV coverage within the Donnybrook townsite. Kev Johns then thanked Mr Neville Fry for donating the old fun park equipment to him.*

## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Nil.

### **6.2 PRESENTATIONS**

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Nil.

### **6.3 DEPUTATIONS**

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Julieanne Hilbers – Compassionate Communities.

## **7 CONFIRMATIONS OF MINUTES**

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

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#### **7.1.1 ORDINARY MEETING OF COUNCIL (COMMISSIONER) – 27 SEPTEMBER 2023**

Minutes of the Ordinary Meeting of Council (Commissioner) held 27 September 2023 are attached (Attachment 7.1.1(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council (Commissioner) held 27 September 2023 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 122/23**

**MOVED: Commissioner McGowan**

**That the Minutes from the Ordinary Meeting of Council (Commissioner) held 27 September 2023 be confirmed as a true and accurate record.**

**CARRIED: Commissioner McGowan**

### **7.2 SPECIAL MEETING OF COUNCIL (COMMISSIONER)**

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Nil.

## **8 REPORTS OF COMMITTEES**

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Nil.

## **9 REPORTS OF OFFICERS**

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### **9.1 DIRECTOR OPERATIONS**

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Nil.

## **9.2 DIRECTOR CORPORATE AND COMMUNITY**

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

The Schedule of Accounts Paid under Delegation (No. 1.2.23) is presented for public information (Attachment 9.2.1(1)).

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

The Monthly Financial Report for August 2023 is attached (Attachment 9.2.2(1)).

#### **EXECUTIVE RECOMMENDATION**

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

#### **COUNCIL RESOLUTION 123/23**

**MOVED: Commissioner McGowan**

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

**CARRIED: Commissioner McGowan**

### 9.2.3 BUDGET AMENDMENTS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 04/1
<b>Author</b>	Belinda Richards, Acting Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Acting Chief Executive Officer
<b>Attachments</b>	Nil.
<b>Voting Requirements</b>	Absolute Majority

#### EXECUTIVE RECOMMENDATION

**That Council (the Commissioner) approves the following Budget amendments resulting in no change to the current projected closing surplus position of \$90,384:**

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0664	NA	Emergency Mgmt. Plan	OPERATING Expenditure	\$0		\$10,000	\$10,000
1303	NA	Grants – Emergency Mgmt. Plan	OPERATING Income	\$0		-\$10,000	-\$10,000
3330	C2221	CUNDINUP KIRUP RD Re-condition shoulders and drains, reseal, edge and centreline marking - State Blackspot project. Stage 2 with Carryover of remaining Stage 1 funding.	Capital Expenditure	\$628,886		\$255,000	\$883,886
3210	C2306	Cundinup Kirup Road	Capital Expenditure	\$75,000	-75000		\$0
3210	C2208	Sundry Construction budget allocations	Capital Expenditure	\$75,000	-10000		\$65,000
0325	N/A	Grants - Blackspot	Operating Income	-\$549,457		-\$170,000	-\$719,457
<b>Subtotal</b>					<b>-\$85,000</b>	<b>\$85,000</b>	
<b>Net Impact (Increase) to Surplus Position</b>							<b>\$0</b>

## STRATEGIC ALIGNMENT

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

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

## EXECUTIVE SUMMARY

Council (Commissioner) approval is recommended to approve the Budget Amendments as outlined in this report to recognise Grant Funding and associated expenditure.

## BACKGROUND

Council (the Commissioner) adopted its 2023/2024 Annual Budget on 30 August 2023 with a balanced budget position showing a zero surplus.

The Budget was amended in September 2023, via Council (Commissioner) Resolution 117/23, that resulted in the projected Closing Surplus position increasing to \$90,384.

### **Balingup Progress Associations' Emergency Management Plan**

Part of the Balingup Progress Associations' Emergency Management Plan was the provision of a portable generator to be used in the event of an extended power outage, to increase community resilience in the face of natural disasters.

The Shires' Senior Community Engagement Officer, successfully applied for a grant of \$10,000 Ex GST to be utilised to purchase a generator for the above project. This income and associated expenditure was not accounted for in adopted Budget.

### **Cundinup Kirup Road, Road Upgrade**

As per Council (Commissioner) Resolution 120/23 Officers have sought additional funding from Main Roads WA (MRWA) with respect to the Cundinup Kirup Road, road upgrade.

Confirmation, from MRWA, has been received approving additional grant funding in the amount of \$170,000, this funding is required to be matched with Council funds of \$85,000 being the 1/3 funding requirement. This income and associated expenditure was not accounted for in adopted Budget.

## **“COUNCIL (COMMISSIONER) RESOLUTION 120/23**

*MOVED: Commissioner McGowan*

1. *Notes MRWA advice that in principle support is provided for the Shire to request additional funding to undertake the full scope of the endorsed Blackspot project.*
2. *Instruct the CEO to seek the required additional funding of up to \$180,000.*
3. *Subject to MRWA endorsement of the increased funding request approve the utilization of the following endorsed budget allocations to satisfy the Shire 1/3 funding requirement (up to \$90,000).*
  - a. *Cundinup Kirup Road allocation (\$75,000)*
  - b. *Sundry Construction budget allocations (\$15,000)*
4. *Instruct the Chief Executive Officer, subject to the completion of parts 1, 2 and 3 of this recommendation, to award, contract for RFT 01/2324 – Cundinup Kirup Road, Road Upgrade, to Carbone Bros Pty Ltd, in accordance with their submitted offer for the “Set Scope of Works” and “Optional Extra 2” scope of works only.*

*Advice Note: At successful completion of parts 1, 2 and 3 a formal Budget Amendment be presented to Council for approval of additional Grant Funding and reallocation of funds from point 3a. & b above to Cundinup Kirup Road, Road Upgrade SBS project.*

*CARRIED ABSOULTE MAJORITY: Commissioner McGowan”*

### **FINANCIAL IMPLICATIONS**

Council (the Commissioner) adopted its 2023/2024 Annual Budget on 30 August 2023 with a balanced budget position. The Budget was amended in September 2023, via Council (Commissioner) Resolution 117/23, that resulted in the projected Closing Surplus position increasing to \$90,384.

Current amendments being sought will have no impact the current budgeted closing surplus position.

### **POLICY COMPLIANCE**

Nil.

### **STATUTORY COMPLIANCE**

Section 6.8 of the *Local Government Act 1995* refers to expenditure from the municipal fund that is not included in the Annual Budget. In the context of this report, where no



budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

## **CONSULTATION**

External consultation was sought by staff from the following stakeholders:

- Balingup Progress Associations; and
- Main Roads WA.

## **OFFICER CONCLUSION**

It is recommended that Council (the Commissioner) supports the proposed Budget amendment as outlined in the Executive Recommendation.

**COUNCIL RESOLUTION 124/23**

**MOVED: Commissioner McGowan**

**That Council (the Commissioner) approves the following Budget amendments resulting in no change to the current projected closing surplus position of \$90,384:**

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0664	NA	Emergency Mgmt. Plan	OPERATING Expenditure	\$0		\$10,000	\$10,000
1303	NA	Grants – Emergency Mgmt. Plan	OPERATING Income	\$0		-\$10,000	-\$10,000
3330	C2221	CUNDINUP KIRUP RD Re-condition shoulders and drains, reseal, edge and centreline marking - State Blackspot project. Stage 2 with Carryover of remaining Stage 1 funding.	Capital Expenditure	\$628,886		\$255,000	\$883,886
3210	C2306	Cundinup Kirup Road	Capital Expenditure	\$75,000	-75000		\$0
3210	C2208	Sundry Construction budget allocations	Capital Expenditure	\$75,000	-10000		\$65,000
0325	N/A	Grants - Blackspot	Operating Income	-\$549,457		-\$170,000	-\$719,457

**Subtotal** -\$85,000 \$85,000

**Net Impact (Increase) to Surplus Position** \$0

**CARRIED: Commissioner McGowan**

### **9.3 CHIEF EXECUTIVE OFFICER**

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Nil.

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With the approval from the Commissioner, the Acting Chief Executive Officer stated the following.

In December 2022, the former Local Government Minister, Mr. John Carey, appointed Ms. Gail McGowan as Commissioner of the Shire of Donnybrook Balingup. Naturally, this decision sparked the interest of our community and, indeed, our administrative staff, as we contemplated the implications of this appointment. Gail throughout your tenure as Commissioner you have consistently demonstrated a profound sense of responsibility and a genuine commitment to enhancing the quality of life within the Shire of Donnybrook-Balingup for all its residents. Your unwavering resolve to make well-informed, professional, and respectful decisions, even in the face of challenging circumstances, has been commendable. Furthermore, your openness and willingness to engage in meaningful dialogues with our community members, while actively listening to their concerns and ideas, have not gone unnoticed. This approach reflects a genuine dedication to fostering inclusivity and ensuring that all voices are heard. On behalf of the community, I wish to convey our deep and heartfelt appreciation for your devoted service to the Shire of Donnybrook Balingup. Your contributions will be remembered with respect and appreciation. Gail, we wish you well in your future endeavours and look forward to seeing you back in the district visiting and enjoying all on offer.

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

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Nil.

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

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Nil.

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

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

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#### **12.1.1 APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE**

##### **EXECUTIVE RECOMMENDATION**

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

**12.1.1 Appointment of Temporary Chief Executive Officer.**

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

*(a) a matter affecting an employee or employees; and*

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

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

##### **COUNCIL RESOLUTION 125/23**

**MOVED: Commissioner McGowan**

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

**12.1.1 Appointment of Temporary Chief Executive Officer.**

**CARRIED: Commissioner McGowan**

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**The meeting was closed to the public at 5:43pm.**

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**EXECUTIVE RECOMMENDATION**

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

**COUNCIL RESOLUTION 127/23**

**MOVED: Commissioner McGowan**

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

**CARRIED: Commissioner McGowan**

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**The meeting was opened to the public at 5:46pm.**

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

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Nil.

**13 CLOSURE**

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

The Commissioner declared the meeting closed at 5:49pm.