



MINUTES OF ORDINARY MEETING OF COUNCIL (COMMISSIONER)

Held on

Wednesday 27 September 2023

Commenced at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

**Kim Dolzadelli
Acting Chief Executive Officer**

4 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
NOTICE OF ORDINARY COUNCIL (COMMISSIONER) MEETING

Held at the Council Chamber
Wednesday, 27 September 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 5.01pm 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

MEMBERS	STAFF
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

7 members of the public in attendance.

2.1 APOLOGIES

Ben Rose – Chief Executive Officer.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

I will begin tonight by formally welcoming our four newest Australian citizens following a Citizenship Ceremony held earlier this afternoon.

Can I also reiterate my welcome to those in the gallery this evening who have put themselves forward for election. The 17 candidates provide for choice and diversity which is all anyone can hope for. Eligible ratepayers and residents should have received their ballot papers in the mail, and I would urge them to exercise their right to vote. I thank each of those people who have expressed a willingness to serve and wish them the very best of luck. I would also encourage people to take the time to attend one of the forthcoming 'meet the candidates' sessions being held in Yabberup, Donnybrook and Balingup to hear directly from candidates. Alternatively tune into Donnybrook-Balingup Community radio to hear the candidates present their case for election.

This evening's meeting is being held under the Shire of Donnybrook-Balingup's caretaker policy. The same will apply to the October meeting which I note will be held at 5pm on Thursday 19 October rather than the traditional Wednesday evening. I would also remind people that a resolution was passed earlier in the year rescheduling the November and December meetings to the Donnybrook Shire Council Chambers.

By way of updates on activity, I would advise that the Western Australian Treasury Corporation has formally advised of the approval of the loan of up to \$2.9m for the VC Mitchell Park precinct project. We are yet to be advised of the outcome of the request to the State Government for top up funding. At this stage demolition works will begin in the precinct around the middle of October.

The timing of the referendum on the Voice to the Parliament and the Local Government elections means there will be polls held on two consecutive weekends in October. The WA Electoral Commission will be conducting the Local Government Election on behalf of the Shire of Donnybrook-Balingup. The introduction of optional preferential voting might make the count process a little slower this year, especially with the large number of candidates. The WAEC has information online for those wishing to understand more about optional preferential voting.

Tonight, I intend to approve a recommendation to formally appoint Mr Kim Dolzadelli to the role of Acting CEO for a period of up to 8 weeks. Mr Dolzadelli has kindly agreed to act in the role. Mr Rose has now proceeded on leave and will formally resign his position at the end of November. I would also advise of my intention to appoint a Temporary CEO with effect from 13 November 2023. I am currently working through the process and once the contractual arrangements are agreed I will need to convene a Special Council meeting for the sole purpose of approving the contract. I anticipate this will occur in the next week or two and may need to be done electronically. Suffice to say that I feel fortunate to have identified an experienced former Local Government CEO who is prepared to support the new Council through the transition process to appointing a long-term CEO. While I am not in a position to identify the individual, I can share with you that the person has some three decades of experience as a CEO, including running Councils' significantly larger than Donnybrook-Balingup.

My term as Commissioner will conclude at a time to be determined in November. Once the results of the election are determined the formalities for getting the new Council on board begin. There will be a formal induction/training program on the Monday following the election followed by a Special Meeting of Council on the 26th October. At that Special Council Meeting the new Councillors will, among other things, elect a President and Deputy President. That should then make me relatively redundant though I have been asked by the Director General if I might consider making myself available for a transition period. This is yet to be finalised but most probably will be an arrangement whereby I am engaged by the Department on an hourly basis as needed.

On other matters, a number of staff and I attended the WA Local Government Association conference last week. It was an informative few days with some great speakers.

On the Sunday afternoon I attended a session by Dominic Thurbon, a futurist talking about how challenging it is to plan for the future. One of his comments I found especially relevant was that the skill needed is not the ability to predict the future but how accurate you can be about the assumptions on which you base your predictions. For instance, he spoke about the emergence of Artificial Intelligence and the rise of Chat GPT. While developments like the internet can be measured over years, Chat GPT as an artificial intelligence platform, reached 100 million users world wide in just two months. Consequently, he reminded us that the better the question, the better the answer and the better the world will work. And if you don't know what Chat GPT is, ask your kids! He also gave a great example of strategic planning in London in 1901 where it was determined that 1 million new horses would be needed while largely ignoring the arrival of the motor vehicle and the existence of 75,000 cars. This is especially relevant in a region like ours where the challenge of the transition to renewable energy sources is likely to impact large areas of the Shire.

The other quote I particularly liked was in the world dominated by social media we need to constantly remind ourselves that while everyone is entitled to their own opinions, they are not entitled to their own facts.

On Friday night I was fortunate to be invited down to the opening of the Colour Exhibition in the arcade in Donnybrook. It was a great evening with some fabulous works of art on display. With the assistance of Susie Delaporte and Barry Green, we chose three pieces as Shire Acquisitions. Congratulations go to all those involved.

I was struck driving down on Friday afternoon and then again yesterday. On Friday early blossoms were beginning to appear. Fast forward a couple of days and many trees are in full bloom. By the time school returns in another week there will no doubt be a riot of colour. Before we know it, the summer fruit season will be here.

Finally, can I acknowledge Kira Strange, a member of the Shire staff who has advised of her resignation to accept a role in the private sector in Perth. Kira has led the planning team at the Shire and more recently branched out into a more general role. She is destined for a great future, and I look forward to hopefully seeing her to return to working in government over coming years. The paper tonight on the finalisation of the regional Waste Management services arrangement is a great outcome and from our Shire's perspective, reflects many hours of work put in by Kira and the team to get the best possible outcome for the community. This sort of effort exemplifies much of the behind the scenes work that goes into what the community might only see as bins getting emptied! Well done Kira and the team.

4 DECLARATIONS OF INTEREST

Nil.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Question: Grant Patrick

At a recent information session from Talison regarding the Community Grants Program they advised that a list of requests were submitted from the Shire for the consideration and that Talison's board settled on the generous contribution towards additional works on the VC Mitchell Project. Can you please advise what other projects or suggestions were forwarded for consideration?

Response: Director Operations

1. CCTV in Donnybrook
2. Balingup skate park
3. Kirup Mill Park
4. Country halls program
5. Building façade improvement grants
6. Donnybrook youth hub
7. VC Mitchell Park project
8. Community wealth building
9. Business incubator units
10. Small business grants
11. Health precinct partnership
12. Apprenticeships
13. Business forums
14. Community cohesion
15. Social prescribing
16. Art trail
17. Munda Bididi Trail realignment
18. Business awards
19. Astro tourism event

Question: Grant Patrick

In relation to the above "list" can you advise who developed the list of priorities and was community consulted?

Response: Director Operations

The items were compiled separately by the Principal Project Manager, Economic Development Officer, Senior Community Engagement Officer.

The Shire did not comment on priorities.

The Community was not consulted, due to time constraints for the requested submission.

Question: Sandra Hough

Who has the LG Minister and yourself chosen as the Temporary CEO for the Shire of Donnybrook Balingup? You state it is for an INITIAL 6 month period. Does this indicate a longer stay?

Response: Commissioner

While the Minister, the Department and the Shire leadership team were consulted about the available options including utilising internal appointments, the choice on the Temporary CEO was mine alone. Once a contract is finalised, we will be able to name the person. It will be up to the new Council to determine the timeframe for the recruitment of a new long-term CEO.

Question: Sandra Hough

Please explain why, if an advertisement is placed for the CEO position at the end of October 2023, we couldn't expect a new appointment to start in January 2024. There seems to be numerous people willing to apply for LG CEO positions if we note the number of applicants applying in other Shires.

Response: Commissioner

The new Council won't be sworn in until late October. A Special Council Meeting will be held to swear in the Council on the 26 October where a Shire President and Deputy will be elected. I believe it is more appropriate for them rather than me to determine the qualities wanted in a CEO and manage the recruitment process accordingly. The incoming Council will require to operate in accordance with the Department of Local Government Sport and Cultural Industries, Local Government Operational Guidelines on CEO recruitment and selection, as well as performance review and termination.

Question Lisa Glover

My question is just around the biannual updates. I was just trying to make a bit of sense out of where they were heading and where they were going. I was just wondering, my question is more of a formatting question because at the top it's got what the plan item is. It says the item and then the projects and milestones update and then the status of that too. But on the second column which is the projects and milestones, everything just has a tick box whether it's done or deferred. I'm just wondering if that is a formatting error and if there is a link.

Response: Manager Executive Services

The tick is just to indicate if the item is in that particular financial year, there is another column which shows the colour to indicate if it has been in progress, completed or deferred. If the Column has got the wrong information, we can update that.

Question: Lisa Glover

Regarding the list that was provided to Talison on what items might be funded, I wondered how much of that came off the Council plan. I know there are some direct links to that too but obviously if we are going to get a little bit of a gift of some funds, it would be good to take some of these things away off there and then loosen up the budget again. Was that considered when the list went to Talison? As well how much was in the Council plan? And what we could take off that list?

Response:

The time frame was short at that stage. Talison had wanted a list to go to their board and they were provided with a list. They had been quite clear at that stage that they were looking for things that were substantially progressed for this year. One of the handover items for the new Council will be around what that process might look like and the linages back to the plan.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATIONS OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL (COMMISSIONER) –23 AUGUST 2023

Minutes of the Ordinary Meeting of Council (Commissioner) held 23 August 2023 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council (Commissioner) held 23 August 2023 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 111/23

MOVED: Commissioner McGowan

That the Minutes from the Ordinary Meeting of Council (Commissioner) held 23 August 2023 be confirmed as a true and accurate record.

CARRIED: Commissioner McGowan

7.2 SPECIAL COUNCIL MEETING - 30 AUGUST 2023

Minutes of the Special Council (Commissioner) Meeting held 30 August 2023 are attached (Attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Council (Commissioner) Meeting held 30 August 2023 be received.

COUNCIL RESOLUTION 112/23

MOVED: Commissioner McGowan

That the Minutes from the Special Council (Commissioner) Meeting held 30 August 2023 be received.

CARRIED: Commissioner McGowan

REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 GOODWOOD ROAD – DEDICATION OF LAND

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	WRK 06/1
Author	Damien Morgan, Manager Works and Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.1(1) MRWA Correspondence and Land Dealing Plan drawings 202202-0597 and 202202-0598
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner):

- 1. Endorses the dedication of land being acquired by Main Roads WA, as shown on Main Roads WA Land Dealing Plans 202202-0597 and 202202-0598, as a road pursuant to Section 56 of the *Land Administration Act 1997*.**
- 2. Instructs the Chief Executive Officer to write to Main Roads WA advising of the endorsement outlined under point 1 above.**

STRATEGIC ALIGNMENT

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

Outcome: 8.0 Safe and convenient movement of people in and around the district.

Objectives: 8.1 Improve road safety, connectivity, and traffic flow for all users.

EXECUTIVE SUMMARY

Main Roads WA (MRWA) has recently undertaken upgrade works to Goodwood Road. Upgrade works involved widening and sealing of the shoulders of Goodwood Road, which required the acquisition and inclusion of land into the road reserve.

MRWA has approached landowners and affected parties and is finalising the acquisition of additional land required within the locality. Following the acquisition, the land will be dedicated as road reserve in accordance with Section 56 of the *Land Administration Act 1997* and its regulations.

It is a requirement under the *Land Administration Act 1997* for the relevant local government to resolve to dedicate the land as road.

BACKGROUND

MRWA is proposing to widen the road reserve of Goodwood Road, this will allow for the widening and sealing of shoulders to improve road safety.

FINANCIAL IMPLICATIONS

Nil, MRWA will be responsible for all costs and claims.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Section 56 of the *Land Administration Act 1997*.

CONSULTATION

MRWA has approached all landowners and other affected parties. Arrangements for acquisitions are now being finalised.

OFFICER COMMENT/CONCLUSION

Goodwood Road is a significant regional road to service the transport needs of the region. Our Shire and ratepayer will receive direct benefits from the upgrading of this road, and it is recommended that Council support MRWA's request.

COUNCIL RESOLUTION 113/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Endorses the dedication of land being acquired by Main Roads WA, as shown on Main Roads WA Land Dealing Plans 202202-0597 and 202202-0598, as a road pursuant to Section 56 of the *Land Administration Act 1997*.**
- 2. Instructs the Chief Executive Officer to write to Main Roads WA advising of the endorsement outlined under point 1 above.**

CARRIED: Commissioner McGowan

9.1.2 REQUEST UPGRADING OF JAYES ROAD PETITION

Location	Shire of Donnybrook Balingup
Applicant	Residents of Jayes Road, Balingup
File Reference	RDO130
Author	Damien Morgan, Manager Works & Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.2(1) Petition 9.1.2(2) Site Plan
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION	
<p>That Council (the Commissioner):</p> <ol style="list-style-type: none"> Notes and appreciates the petitioners’ acknowledgement of recent Shire upgrading works, of a 3km section of Jayes Road, Balingup. Instruct the Chief Executive Officer to inform the petitioners’ that the adopted 2023/24 Shire of Donnybrook Balingup Annual Budget includes an allocation for the renewal and upgrading of a 1km section of Jayes Road, between Walter Street and Mauger Road in Balingup. Instruct the Chief Executive Officer to inform the petitioners that the remaining sections of Jayes Road, will continue to be considered for renewal and upgrading works, on a priority basis, against all other infrastructure requirements of the Shire, through the annual Capital Works budget process. 	

STRATEGIC ALIGNMENT

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

- Outcome: 8.0 Safe and convenient movement of people in and around the district.
- Objectives: 8.1 Improve road safety, connectivity, and traffic flow for all users.

EXECUTIVE SUMMARY

Council has received a petition requesting it to consider the upgrading of the remaining sections of Jayes Road, Balingup. Requests of this nature, that are not already incorporated within a Works Program or Long-Term Financial Plan, will be assessed, and prioritised in accordance with Council’s adopted strategies, Asset Management Plans and through the development of Annual Budgets.

The Shire has recently completed the renewal/upgrading of a 3km section of Jayes Road in 2022/23, with a further 1km section planned for 2023/24.

BACKGROUND

The Shire of Donnybrook Balingup received on the 27 July 2023, a signed petition from the residents and users of Jayes Road, requesting the upgrading of the remaining sections. A full copy of the petition is provided in Attachment 9.1.2(1).

The section of Jayes Road to which the petition refers, is the 8.3km section between South Western Highway and Greenbushes Grimwade Road in Balingup (refer to Attachment 9.1.2(2)). The road is fully sealed, however the width of seal along the road does vary, with several sections not of sufficient width to allow 2 cars to pass, with all wheels remaining on the seal.

The Shire renewed and widened the existing seal to 6m wide, for a 3km section (SLK 1.5 to 4.5) in 2022/23, utilising State Blackspot funding. This section was eligible for State Blackspot funding (2/3 of total cost), due to the recorded crash history along this section. The remaining sections along Jayes Road, currently do not meet the criteria for funding under this program.

The current adopted budget for 2023/24 also has an endorsed project for another section of Jayes Road, being the renewal and widening of the existing seal to 6m wide, for a 1km section (SLK 0.5 to 1.5). This project is fully funded by the Federal “Local Roads and Community Infrastructure” program (LRCI).

FINANCIAL IMPLICATIONS

There are no additional implications for the 2023/24 adopted budget associated with the officer’s recommendation. Any planned future works along Jayes Road will continue to be considered against all other Shire priorities, through the preparation of Annual Budgets.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Dealing with a Petition

The provisions relevant to receiving and dealing with a petition are outlined under Clause 6.10 of the Shire of Donnybrook Balingup *Meeting Procedures Local Law 2017*.

Section 1 of the clause outlines the form a petition should take with Sections 2 and 3 outlining how a petition should be dealt with as follows:

6.10 Petitions

- (1) A petition is to—
 - a) be addressed to the President;
 - b) be made by electors of the district;
 - c) state the request on each page of the petition;
 - d) contain the name, address and signature of each elector making the request, and the date each elector signed;

- e) contain a summary of the reasons for the request; and
- f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.

- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

- a) the matter is the subject of a report included in the agenda; and
- b) the Council has considered the issues raised in the petition.

CONSULTATION

Nil.

OFFICER COMMENT

Expectations of the public regarding the level of service provided by the Shire's road and path networks are constantly increasing, plus vehicle movements on the network can vary depending on many factors.

The total length of the Shire's road network is approximately 656kms, with 300kms of sealed roads and 356 kms of unsealed roads. There is significant cost to maintain our roads at their existing levels of service, with far greater cost to upgrade roads.

When original constructed Jayes Road was built to a rural standard, with a seal width of approximately 4 to 5m. The topography and existing roadside vegetation are significant factors that present challenges to the upgrading of the road, plus there is significant community support for the retention of roadside trees.

The Shire has essentially three sources of funding for road infrastructure upgrades, being:

- Shire rates
- State and/or Federal Government Grants; and
- Developer or private contributions

By far, the Shire relies the most on State and/or Federal Government grants for the renewal and upgrade of Shire roads. This is why the Shire needs to prioritise these types of works based on many factors, including the eligibility criteria of the various funding programs.

As is evident by the works that have already been undertaken and planned by the Shire, sections of Jayes Road have been assessed as a high priority for renewal and upgrade when suitable external funding can be identified and secured. However, like all roads that have high priority for renewal/upgrade, the timing of works is subject to many factors, including ultimately being endorsed as a project within a works program of the Shire's Annual Budget.

The Shire intends to continue to explore funding options for the renewal and upgrade of the remaining sections of Jayes Road. It is considered that the highest priority for Jayes Road is for the section between SLK 4.5 to 6.5 (Prowse Road intersection), however, due to the length of this section, it is likely that the works would need to be staged over several years dependent on funding availability. The remaining sections beyond this SLK range will likely only have isolated treatments at locations where vehicles consistently cut corners, resulting in gravel shoulder degradation. This would likely only occur when future road maintenance shoulder works are scheduled.

COUNCIL RESOLUTION 114/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Notes and appreciates the petitioners' acknowledgement of recent Shire upgrading works, of a 3km section of Jayes Road, Balingup.**
- 2. Instruct the Chief Executive Office to inform the petitioners that the adopted 2023/24 Shire of Donnybrook Balingup Annual Budget includes an allocation for the renewal and upgrading of a 1km section of Jayes Road, between Walter Street and Mauger Road in Balingup.**
- 3. Instruct the Chief Executive Office to inform the petitioners that the remaining sections of Jayes Road, will continue to be considered for renewal and upgrading works, on a priority basis, against all other infrastructure requirements of the Shire, through the annual Capital Works budget process.**

CARRIED: Commissioner McGowan

9.1.3 WASTE MANAGEMENT SERVICES – RELEASE OF CONFIDENTIAL RESOLUTION AND GENERAL UPDATE

Location	Shire of Donnybrook Balingup
Applicant	N/A
File Reference	COB/5427; and HLT 08/7
Author	Kira Strange, Acting Manager Development Services
Responsible Officer	Ross Marshall, Director Operations
Attachments	9.1.3 (1) – Waste Fee Comparisons 2021/22 to 2023/24
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council (the Commissioner):</p> <ol style="list-style-type: none"> 1. Formally release Council Resolution 48/23 from the confidential item determined at the Special Council Meeting (Commissioner) from 2 May 2023; 2. Acknowledge the actions undertaken by relevant staff as per Council Resolution 48/23 as they relate to the execution of contracts with Cleanaway Pty Ltd as the preferred respondent for Tender COB/5427 – South West Regional Waste Management Services; 3. Acknowledge the updates, the Shire’s website and commitment of staff to provide more electronic communications regarding Waste Services for the Shire of Donnybrook Balingup.

STRATEGIC ALIGNMENT

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

- Outcome 5.0. A sustainable, low-waste, circular economy.
- Objective 5.1. Reduce waste generation.
- Objective 5.2. Increase material recovery and recycling.
- Objective 5.3. Reduce landfill.

EXECUTIVE SUMMARY

The Shire has recently executed a 7 year contract with Cleanaway for the provision of kerbside waste services following a successful tender process with the South West Regional Waste Group. The Contract has been executed in accordance with Special Council Meeting (Commissioner) held 2 May 2023, Council Resolution 48/23, of which is now publicly available.

The collaborative regional procurement process was successful from an efficiency and financial perspective for the Shire, with regards to the group procurement process and the services obtained. However, there are inevitable financial implications for the community to deliver the services, particularly when considering the changes in the waste sector over the last decade, which are discussed within this report.

In addition, throughout this process, there have been a number of potential opportunities identified for improvement within the Shire's waste services that should be further explored and brought to the attention of the future elected Council.

The purpose of this report is to summarise the results of the confidential procurement process and provide advice for the general public.

BACKGROUND

The City of Bunbury, on behalf of the South West Regional Waste Group (SWRWG), issued a Tender (Tender COB/5427) with a view to engage a suitably qualified and experienced contractor to undertake a range of Waste Management Services within each of the participating local governments, including:

- City of Bunbury;
- Shire of Harvey;
- Shire of Collie;
- Shire of Capel;
- Shire of Donnybrook Balingup;
- Shire of Bridgetown Greenbushes; and
- Shire of Nannup.

Whilst each local government within the SWRWG has been committed to prioritising their individual waste service needs and resources, the intent of the collaborative tender process was to obtain the best value for service through the weight of a combined regional approach.

At the Special Council Meeting (Commissioner) held 2 May 2023, Council (the Commissioner) considered the tender evaluation within confidential item 7.1.1 and awarded the applicable contract to Cleanaway Pty Ltd as the preferred respondent.

In order for the regional price model to be applicable, all Councils of the SWRWG needed to award the contract to the same preferred respondent. This depended on each individual Council Resolution/s which was needed based on the respective meeting dates of each local government. Therefore, in the interest of commercial sensitivity and competitive advantage for the SWRWG, the resolution of the report remained confidential, until the contract was executed.

The preferred respondent was notified and the contract has been awarded, therefore the purpose of this report is to formally release the subject resolution and provide an update on the applicable contract:

1. Kerbside Waste Collections, Transport and Disposal (7 year term with 3, 1 year extension options); and
2. Transfer Station Services (to be finalised).

Council (the Commissioner) at the Special Council Meeting held 2 May 2023 confidentially resolved as follows:

That Council (the Commissioner):

- 1. Confirm Cleanaway Pty Ltd as the preferred respondent for COB/5427 – South West Regional Waste Management Services to provide Waste Management Services within the Shire of Donnybrook Balingup;*
- 2. Instruct the Chief Executive Officer to allocate appropriate funding within the 2023/24 draft Budget to cater for the proposed rates of services as demonstrated within Cleanaway's conforming regional tender offer and the applicable waste management data available;*
- 3. Instruct the Chief Executive Officer to negotiate minor variations with Cleanaway Pty Ltd with the view to finalising the relevant contractual documentation;*
- 4. Subject to recommendation 1, 2 and 3 above, authorise the Chief Executive Officer to enter into a contract with Cleanaway Pty Ltd for the provision of Waste Management Services within the Shire of Donnybrook Balingup; and*
- 5. If contract agreement cannot be reached with Cleanaway Pty Ltd, authorise the Chief Executive Officer to negotiate with the next preferred respondent with the view to finalising the relevant contractual documentation.*
- 6. Maintain the confidentiality of its decision, until all participating Local Government's have resolved a decision on the appointment of a contractor for their respective waste management services.*

FINANCIAL IMPLICATIONS

There are a number of financial implications associated with the appointment of a waste contractor, as well the procurement process to do so.

Procurement Process

The SWRWG engaged Talis Consulting to assist with the procurement and evaluation process. Costs associated with this were apportioned to each of the local governments within the SWRWG. In total, the Shire was allocated 10% of the cost of the services which equated to \$16,654 ex GST (of a total \$167,301).

Overall Service Cost Increases

Prior to the issuing of this new contract commencing 1 July 2023, the Shire's waste service rates were based on a fixed rate from a regional/joint tender established 10 years prior (factoring in the ordinary annual increases in cost indexation). The previous contract expired on 30 June 2023 with no further options for extension, therefore, new services needed to be procured. However, there have been a number of market changes in the last decade that have resulted in an overall increase in the cost of waste services across the sector.

Increase to Recyclables Processing Rates

A substantial cost that Council (the Commissioner) considered is based on the significant increase to recyclable processing, increasing by 295% (\$50.75 per tonne to \$200 per tonne). This is largely due to the Shire's historically lower rate set at the beginning of the

contract in 2013 which is markedly less than current market rate. Most notably, in January 2018, China implemented their ‘National Sword Program’ which placed greater restrictions on their importation of recyclable materials. As a result, recyclable materials became harder to sell. As the Shire was within the previous contract period, the price was fixed and therefore not impacted. During the tender process the SWRWG correctly predicted that this price would be significantly higher to account for this global market issue.

Fees and Charges

The increased overall cost in the provision of waste services to our community has had a flow-on effect to the required Fees and Charges implemented by Council (the Commissioner) for the 2023/24 financial year.

On average, there was an 18% (\$26) increase to the 2023/24 kerbside service fees from the previous 2022/23 financial year. However, this was less than the increase of 33% (\$45) from the 2021/22 to the 2022/23 financial year. A full breakdown on the fee comparison is available in Attachment 9.1.3 (1).

KERBSIDE SERVICE	2021/22	2022/23	2023/24
Bin Service - 3 Bin Service	\$250	\$323	\$375
Bin Service - 2 Bin Service	\$203	\$ 295	\$360
Optional Bin - Rubbish (Fortnightly)	\$79	\$124	\$140
Optional Bin - Rubbish (Weekly)	\$155	\$245	\$275
Optional Bin - Recycling	\$48	\$51	\$86
Optional Bin - Organics	\$124	\$149	\$149
Aged Care Bin Service - 3 Bin Service	\$84	\$108	\$121
Aged Care Bin Service - Optional Organics	\$42	\$50	\$50
Average increase in \$ from previous FY	-	\$45	\$26.38
Average increase in % from previous FY	-	32.95%	17.99%

Similarly, a full comparison of the “gate” Fees and Charges implemented at the Balingup Transfer Station (BTS) and Donnybrook Waste Management Facility (DWMF) have been provided in Attachment 9.1.3 (1). On average, there was a 41% (\$6.61) increase to the 2023/24 financial year gate fees which is significantly higher than the increase of 9% (\$3.54) from the previous financial year. This is largely due to the increase in the cost of disposal of mattresses, and large furniture items increasing by 67% - 334% respectively, which has significantly impacted the overall average increase. In removing these specific increases, the average increase from last financial year would be significantly less at 10% (\$3.25).

DESCRIPTION	21/22	22/23	23/24
Putrescible and Household Waste			
Domestic - per 0.25m ³ (1 x 240L Bin) (min. charge 0.25m ³)	\$11	\$12	\$13
Domestic - per m ³ (4 x 240L Bins)	\$44	\$48	\$51
Commercial - per 0.25m ³ (1 x 240L Bin) (min. charge 0.25m ³)			\$13
Commercial - per m ³ (4 x 240L Bins)	\$44	\$48	\$51
Construction and Demolition (C&D) Waste			
Domestic - per m ³	\$33	\$48	\$51

DESCRIPTION	21/22	22/23	23/24
Commercial - per m ³	\$33	\$48	\$51
Greenwaste			
Domestic - up to 300mm in diameter (per m ³)	\$11	\$0	\$5
Domestic - logs and stumps - greater than 300mm in diameter (per m ³)	\$22	\$48	\$51
Commercial - up to 300mm in diameter (per m ³)	\$11	\$12	\$13
Commercial - logs and stumps - greater than 300mm in diameter (per m ³)	\$50	\$48	\$51
Re-useable Intact Pallets (broken charged as standard waste under 10.4.1)	\$100	\$0	\$0
Recyclable Cardboard			
Domestic - per 0.25m ³ (1 x 240L Bin) (min. charge 0.25m ³)		\$0	\$0
Domestic - per m ³ (4 x 240L Bins)	\$11	\$0	\$13
Commercial - per m ³ (min. charge 1m ³)	\$11	\$12	\$13
Domestic Co-mingled Recycling			
Domestic - per 0.25 ³ (1 x 240L Bins) (min. charge 0.25m ³)	\$11	\$0	\$0
Domestic - m ³ (4 x 240L Bins)	\$22	\$0	\$13
Commercial - per m ³ (4 x 240L Bins)	\$22	\$24	\$25
Empty Drums			
Drum Muster eligible drums (all others charged as general waste under 10.4.1)	\$2	\$0	\$0
Steel drums	\$0	\$0	\$0
Cooking and Motor Oil			
Up to 20L	\$0	\$0	\$0
Per litre above 20L, to a maximum of 200L		\$0.40	\$0.45
Asbestos (DWMF Only - wrapped)			
Quantities up to 0.01m ³ or less than 1m ²	\$22	\$24	\$26
Quantities between 0.01m ³ - 0.5m ³ (maximum amount accepted)	\$66	\$69	\$73
Vehicle Bodies			
Per vehicle	\$22	\$24	\$25
Tyres			
Car or motorcycle / per tyre	\$7.50	\$10	\$11
4x4 / per tyre	\$15	\$20	\$21
Truck / per tyre	\$30	\$30	\$54
White Goods			
Refrigerator / Freezers / Airconditioners	\$5.50	\$15	\$16
Dishwasher / Washing Machine / Dryer	\$5.50	\$5.50	\$6
Empty Gas Bottles			
Up to 9kg	\$5.50	\$6	\$6.50
Greater than 9kg	\$11	\$12	\$13
Electronic Waste (E-Waste)			
Electronic item (other than TV)	\$5.50	\$6	\$6.50
TV (up to 1m ³)	\$11	\$12	\$13
Large Items (eg Photocopier) per 1m ³		\$48	\$50
Separated Scrap Metal including Wire			
Domestic - up to 1m ³ (4 x 240L Bins)		\$0	\$0

DESCRIPTION	21/22	22/23	23/24
Domestic - per m3, over 1m3	\$22	\$22	\$22
Commercial - per m3 (4 x 240L Bins)	\$22	\$24	\$24
Furniture			
Small Item (eg coffee table)		\$0	\$13
1m ³ (inc Single seat couch)	\$0	\$6	\$26
2m ³ (inc. Double seat couch)	\$0	\$12	\$52
3m ³ (inc. Triple seat couch)	\$0	\$18	\$78
Additional m ³	\$0	\$6	\$13
Bed base - non-sprung (sprung base to be charged same as mattress as per 10.4.16)	\$0	\$6	\$13
Mattresses			
Per mattress	\$22	\$30	\$50
Batteries			
Household Batteries	\$0	\$0	\$0
Light Vehicle Batteries	\$3	\$0	\$0
Heavy Vehicle Batteries	\$5	\$0	\$0
Paint and Thinners			
Per litre	\$2	\$2.50	\$3
Fluorescent Tubes			
Per tube	\$1	\$1	\$1
Special Burial (DWMF Only)			
Animal carcass (less than 5kg)	\$2	\$11	\$13
Animal carcass (5 - 50kg) / per animal (by prior arrangement only)	\$20	\$20	\$23
Animal carcass (50 - 100kg) / per animal (by prior arrangement only)	\$50	\$50	\$58
Animal carcass (100kg+) / per animal (by prior arrangement only)		\$150	\$173
Average increase in \$ from previous FY	-	\$3.45	\$6.61
Average increase in % from previous FY	-	8.54%	40.96%
Average increase in \$ from previous FY excluding increases to mattresses and furniture	-	\$2.57	\$3.25
Average increase in % from previous FY excluding increases to mattresses and furniture	-	7.81%	9.96%

***The average percentage increase does not represent the increase to the overall average fee, rather an average of all of the percentage increases to the individual fees. Refer to Attachment 9.1.3 (1) for a full comparison of fees.*

It should be noted that the proposed fees and charges don't necessarily cover the total cost of the actual service. For example, mattresses, under the new contract, Cleanaway will be responsible for the on-site container and transport from the Shire's Waste Facility as well as the appropriate disposal (at an alternative facility) of mattresses which involves the following approximate costs:

SITE	BTS	DWMF
Storage Container, Collection and Transport	\$43	\$28
Disposal	\$50	\$50

Total Cost per Mattress	\$93	\$78
2023/24 Fee	\$50	\$50
Difference	-\$43	-\$28

Similarly, the Shire has re-introduced a fee and allocation of a tip pass for the disposal of greenwaste for the 2023/24 financial year. The reason for this is to recover a percentage of the cost it incurs to process on site which will increase 5.8% as it aligns with the current contract to the site manager. A comparison of tip pass allocation, fees, and the actual cost to the Shire to process is provided, per cubic metre, below. Unless otherwise stated, the tip pass allocation is used in lieu of a payment of fees.

Financial Year	21/22			22/23			23/24		
	Tip Pass	Gate Fee	Shire Cost	Tip Pass	Gate Fee	Shire Cost	Tip Pass	Gate Fee	Shire Cost
Greenwaste per m ³	1	\$11	\$12.70	0	\$0	\$12.70	1	\$5	\$13.45

The key reason for the subsidisation of fees is that there is a need to encourage responsible disposal of waste with the increasing costs to do so. The costs (financial and environmental) to rectify incorrect waste disposal pose a potentially greater risk. These costs and resources (time and staff) it takes to recover illegal dumping of waste needs to be considered.

Based on the differing costs for each of the facilities, consideration will be given to the types of waste received at each to ensure the most cost effective result for the community.

Similarly, the alternative disposal options for items have been considered in order to find the most sustainable solution (environmentally and financially). For example, mattresses can also be stripped on site and disposed of in the landfill at a marginally lower cost to the Shire (however not resulting in a change to the 2023/24 fee). This presents greater challenges for the remaining limited lifespan of the landfill which, will be at capacity within approximately 5 to 10 years (followed by appropriate rehabilitation). Therefore, on balance, offsite disposal currently presents as the better outcome overall.

In this regard, strategic consideration should be given to the medium to long term sustainability of the landfill and whether more immediate alternative options would be of greater benefit to the community (environmentally and/or financially).

POLICY COMPLIANCE

Council Policy FIN/CP-5 Regional Price Preference

Under the definitions in FIN/CP-5, a 'local tender' *“shall be deemed to be a tenderer whose business is located within the boundary of the Shire of Donnybrook Balingup or Boyup Brook.”*

In accordance with clause 4.2 (c) of FIN/CP-5, *“where the total ‘net cost’ of the lowest submitted tender is greater than \$50,001 5% shall be applied to the ‘net cost’, up to a maximum of \$10,000”.*

Council Policy FIN/CP-5 was considered during the procurement process.

STATUTORY COMPLIANCE

Waste Avoidance and Resource Recovery (WARR) Act 2007

Section 50 of the WARR Act 2007 allows for a local government to provide, or enter into a contract for the provision of, waste services. Section 66 outlines the ability of a local government to set an annual rate, to applicable rateable land within its district, for the waste services it provides (general waste services). Similarly, section 67 may also set an annual charge per waste receptacle to the owner or occupier of any premise provided with a waste service by the local government (kerbside collection services). This is particularly relevant when considering the financial implications for waste services within the Shire and the associated costs to the community.

Local Government (LG) Act 1995

Section 3.57 of the *LG Act 1995*, requires that local government invite tenders before it enters into a contract of a prescribed kind where another person is to supply good or services. The LG Regulations make certain provisions for tenders and the associated processes.

In addition, section 6.16 and 6.17 outline the ability of the local government to set Fees and Charges for the provisions of service, including waste services.

Local Government (Functions and General) Regulations 1996 (the Regulations)

Regulation 11 (2)(b) allows for an exemption to public tender where the supply of goods or services is to be obtained through the Western Australian Local Government Association (WALGA) Preferred Supplier Program.

Shire of Donnybrook Balingup Waste Local Law 2017

The Shire's Waste Local Law outlines the general provisions and duties of Council and the community in relation to the requirements, management, cost and enforcement / offences relating to waste services.

CONSULTATION

Based on the overall increases to waste services expected, the Shire is committed to undertaking greater community engagement to ensure better understanding and education regarding the importance of sustainable waste management.

Shire officers have recently updated the website to incorporate a clearer, more user-friendly, page of information as it relates to the Shire's waste services. Additional communications via the Shire's social media pages will be undertaken that complement the information on the website and provide more up-to-date news and information.

OFFICER COMMENT/CONCLUSION

The rising costs associated with waste management across the sector has a direct impact on the cost to provide these services to the community.

Each year, the Shire reviews the Fees and Charges associated with waste services, specifically:

1. Fees for kerbside services; and

2. “Gate” fees at the Waste Management Facilities.

The payment of fees imposed is mandatory and charged as per the relevant legislation outlined in ‘Statutory Compliance’.

Similarly, in relation to the differing kerbside services, i.e. the 2 bin and 3 bin, the kerbside organics waste bin collection areas (i.e. the 3 bin service area) was formally designated by Council at the Ordinary Meeting held 25 June 2014 as follows (extract):

“That Council:

1. Designate the following collection areas for domestic kerbside organics waste bin collection service:

- Donnybrook townsite – Residential and Special Residential zonings (excludes Rural Residential zonings);*
- Balingup townsite – Residential and Special Residential zonings (excludes Rural Residential zonings);*
- Kirup townsite – Residential and Special Residential zonings (excludes Rural Residential zonings)...”*

To enable the continuation of these services for the community, the SWRWG successfully tendered and negotiated a contract with Cleanaway for kerbside waste management for each of the respective local governments, including the Shire of Donnybrook Balingup, from 1 July 2023 for a minimum of 7 years (with 3, 1 year extension options). In addition, further negotiations are continuing with Cleanaway for transfer station services at the BTS and DWMF with a completed contracted expected in the coming months.

Notwithstanding, the successful result of this process, these two contracts form only part of the Shire’s Waste Management Services including:

1. Kerbside waste management including:

- a. ‘3 Bin’ services consisting of the collection, transport and processing of:
 - i. A weekly organics bin (FOGO)
 - ii. A fortnightly general waste bin (Rubbish); and
 - iii. A fortnightly recycling bin.
- b. ‘2 Bin’ services consisting of the collection and processing of:
 - i. A weekly general waste bin (Rubbish); and
 - ii. A fortnightly recycling bin.

2. Shire owned waste management and processing facilities including:

- a. The Balingup Transfer Station; and
- b. The Donnybrook Waste Management Facility including:
 - i. Transfer station facilities; and
 - ii. A general waste landfill.

3. Electronic tip pass distribution with annual rates including:

- a. '16 clip' tip pass for properties containing a dwelling, and within a locality serviced by the kerbside 3-bin or 2-bin services; and
- b. '52 clip' tip pass for properties containing a dwelling, and not in a location serviced by kerbside bin collection.

4. Other general waste management services:

- a. Strategic and long-term waste management planning;
- b. Public bin management;
- c. Waste education and customer service;
- d. Data collection and reporting; and
- e. Licence management.

Shire officers are continuing to review the current services to ascertain the long-term direction for waste management that results in reasonable and sustainable outcomes specifically in relation to balancing:

- Environmental impacts;
- Reasonable service provision; and
- Financial impacts to the community.

Whilst the kerbside management contract has been executed for a minimum period of 7 years, officers have already identified areas of opportunity that may result in better long-term outcomes for the community. The Shire will need to consider the sustainability of other waste management services, particularly as they relate to the two facilities (BTS and DWMF) and the varied implications of the landfill site.

As a result of this process, Shire officers have identified areas within waste services that require further medium to long term review including:

1. The cost of the provision of the number of tip passes which is generally higher than average when compared to surrounding local governments;
2. The financial and environmental implications of managing and maintaining a landfill site where alternative options may be more viable (i.e. the provision of bulk waste bins for general waste as part of the Transfer Station Service);
3. The financial and environmental implications of managing two separate waste management facilities (currently externally contracted); and
4. The general availability of information and education relating to good practice waste management.

In any case, the Shire has committed to engaging further with the community and the new incoming Council to ensure a greater understanding of waste management services across the sector and the challenges and opportunities for the Shire of Donnybrook Balingup.

COUNCIL RESOLUTION 115/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Formally release Council Resolution 48/23 from the confidential item determined at the Special Council Meeting (Commissioner) from 2 May 2023;**
- 2. Acknowledge the actions undertaken by relevant staff as per Council Resolution 48/23 as they relate to the execution of contracts with Cleanaway Pty Ltd as the preferred respondent for Tender COB/5427 – South West Regional Waste Management Services;**
- 3. Acknowledge the updates, the Shire’s website and commitment of staff to provide more electronic communications regarding Waste Services for the Shire of Donnybrook Balingup.**

CARRIED: Commissioner McGowan

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT – AUGUST 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 – JULY 2023

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

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 116/23

MOVED: Commissioner McGowan

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

CARRIED: Commissioner McGowan

9.2.3 BUDGET AMENDMENT REQUESTS – ANNUAL BUDGET 2023/2024

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 04/1
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	Nil.
Voting Requirements	Absolute Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner):

- Approves the following Budget amendments resulting in a projected closing surplus position of \$90,384:**

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
1031	NA	GRANTS - LGGC LOCAL ROAD GRANT	OPERATING Income	-\$2,000		-\$39,718	-\$41,718
0091	NA	GRANTS - LGGC FINANCIAL ASSISTANCE GRANTS	OPERATING Income	-\$5,000		-\$56,534	-\$61,534
1373	NA	BIODIVERSITY MGMT PROGRAM GRANTS	OPERATING Income	\$0		-\$20,000	-\$20,000
7252	NA	BIODIVERSITY MGMT PROJECT	OPERATING Expenditure	\$0		\$20,000	\$20,000
0564	B366	COUNCIL CHAMBER CAR PARK SEALING (BENTLEY ST)	CAPITAL Expenditure	\$80,000	-\$40,000		\$40,000
4791	NA	Transfer from Buildings Reserve	Transfer from Reserve	\$352,892	\$45,868		-\$307,024

Subtotal \$5,868 -\$96,252

Net Impact (Increase) to Surplus Position -\$90,384

ABSOLUTE MAJORITY VOTE REQUIRED

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 accountal governance.
Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and servi provision.

EXECUTIVE SUMMARY

A number of Budget amendments are recommended to recognise changes required to the 2023/24 Annual Budget.

BACKGROUND

Council (the Commissioner) adopted its 2023/24 Annual Budget on 30 August 2023 with a balanced budget position showing a zero surplus.

The following Budget amendments are recommended based upon advice received since the decision of Council (the Commissioner) and/or further investigation with respect to capital requirements:

Financial Assistance Grants

A prepayment of Financial Assistance Grants was received by the Shire on 30/06/2023 this prepayment has formed part of the opening surplus position for the 2023/24 Annual Budget.

The Budget for 2023/24 contained a nominal amount of \$7,000 to be received in the year with advice since being received that the Shire of Donnybrook Balingup is entitled to a total amount of \$103,252 which is represented by an underpayment of 2022/2023 Grant Funding.

Biodiversity Management Program

The Shires' Environmental Officer, Ms Claire Palmer, has successfully applied for a grant of \$20,000 Ex GST to be utilised for the above project.

The project seeks to increase the capacity for the Shire to conserve biodiversity, by facilitating access to better information about native vegetation values on Local Government managed lands and supporting the development of local biodiversity strategies and/or policies, proven mechanisms for effective consideration of biodiversity in decision making.

Council Chamber Car Park Sealing (Bentley St)

There was a sum error in the Capital Works program whereby the amount of this project was added twice to the total expenditure requirement. This amendment seeks to rectify this error.

Transfer from Buildings Reserve

Required transfers from the Building Reserve were overstated by the amount of \$45,868. This amendment seeks to rectify this error.

FINANCIAL IMPLICATIONS

Council (the Commissioner) adopted its 2023/24 Annual Budget on 30 August 2023 with a balanced budget position showing a zero surplus. Should Council (the Commissioner) adopt the recommend amendments it would see the projected Closing Surplus position increase to \$90,384.

It is recommended to retain this amount given the fact that it is still the first quarter of the Budget year.

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

Nil.

OFFICER CONCLUSION

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

COUNCIL RESOLUTION 117/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Approves the following Budget amendments resulting in a projected closing surplus position of \$90,384:**

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
1031	NA	GRANTS - LGGC LOCAL ROAD GRANT	OPERATING Income	-\$2,000		-\$39,718	-\$41,718
0091	NA	GRANTS - LGGC FINANCIAL ASSISTANCE GRANTS	OPERATING Income	-\$5,000		-\$56,534	-\$61,534
1373	NA	BIODIVERSITY MGMT PROGRAM GRANTS	OPERATING Income	\$0		-\$20,000	-\$20,000
7252	NA	BIODIVERSITY MGMT PROJECT	OPERATING Expenditure	\$0		\$20,000	\$20,000
0564	B366	COUNCIL CHAMBER CAR PARK SEALING (BENTLEY ST)	CAPITAL Expenditure	\$80,000	-\$40,000		\$40,000
4791	NA	Transfer from Buildings Reserve	Transfer from Reserve	\$352,892	\$45,868		-\$307,024

Subtotal

\$5,868 -\$96,252

Net Impact (Increase) to Surplus Position

-\$90,384

CARRIED by ABSOLUTE MAJORITY : Commissioner McGowan

Mr Kim Dolzadelli Declared a Financial Interest in Item 9.3.1 “APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER FOR A PERIOD EXCEEDING SIX WEEKS” and left the room at 5.35pm.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER FOR A PERIOD EXCEEDING SIX WEEKS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	EMP
Author	Loren Clifford, Acting Manager Executive Services
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.1(1) Council Policy HR/CP-4-Temporary Employment or Appointment of CEO 9.3.1(2) Council Policy EM/CP-6-Caretaker
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner):

- Notes Council Policy HR/CP-4-Temporary Employment or Appointment of Chief Executive Officer (Attachment 9.3.1(1)) and Council Policy EM/CP-6-Caretaker (Attachment 9.3.1(2)).**
- Appoint Kim Dolzadelli, Director Corporate and Community, as Acting Chief Executive Officer for a period of up to eight weeks where he will be remunerated at 100% of the cash component of the substantive Chief Executive Officer total reward package.**

STRATEGIC ALIGNMENT

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

Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

CARETAKER STATEMENT

The decision that the Council (Commissioner) may make in relation to this item could constitute a ‘Major Policy Decision’ within the context of the Shire of Donnybrook Balingup Caretaker Policy (Attachment 9.3.1(2)), however, an exemption should be made because

the appointment of an Acting Chief Executive Officer (A/CEO) for a period of more than six weeks is necessary to ensure the fulfilment of the statutory position and the continued operations of the Shire.

EXECUTIVE SUMMARY

Council (Commissioner) approval is recommended for the appointment of Kim Dolzadelli, Director Corporate and Community, for a period of up to eight weeks as the A/CEO whilst Ben Rose, Chief Executive Officer, is on leave. The appointment is recommended to include the remuneration being 100% of the cash component of the substantive CEO's total reward package.

BACKGROUND

Ben Rose, Chief Executive Officer, notified the Commissioner on 25 August 2023 of his resignation from the Shire, providing a three-month notice period as per contract requirement. Mr Rose's last day of employment with the Shire will be 26 November 2023. Mr Rose has requested to take most of his notice period as Long Service Leave. An A/CEO will need to be appointed during this period of leave, prior to an incoming Temporary CEO commencing.

The short time frame to recruit and appoint a Temporary CEO does not allow for the position to be advertised. The Commissioner, in consultation with the Department of Local Government Sport and Cultural Industries and responsible Minister, has identified a suitable candidate for an initial six-month period for the role and negotiations are being arranged. However, the candidate cannot commence in the role until early to mid-November 2023. This leaves a period of up to eight weeks in which an A/CEO will need to be appointed to ensure the fulfilment of the statutory position and the continued operations of the Shire.

Kim Dolzadelli, Director Corporate and Community, has the experience and expertise to undertake the A/CEO role until mid-November 2023. Given this period will cover the election of nine Councillors and include transition from the appointment of the Commissioner to an elected Council, it is recommended that the A/CEO should be paid at 100% (rather than 90%) of the substantive role, as outlined in clause 4.15 of Council Policy HR/CP-4- Temporary Employment or Appointment of CEO (Attachment 9.3.1(1)).

FINANCIAL IMPLICATIONS

The A/CEO is recommended to be remunerated at 100% of the cash component only of the substantive CEO total reward package.

POLICY COMPLIANCE

Council Policy EM/CP-6- Caretaker (Attachment 9.3.1(2))

Clause 4.6 Appointment or Removal of the CEO allows for the appointment of an Acting CEO during the voluntary Caretaker period in which the Shire is currently in.

Council Policy HR/CP-4- Temporary Employment or Appointment of CEO (Attachment 9.3.1(1))

In accordance with Section 5.39C of the *Local Government Act 1995*, the Council Policy HR/CP-4-Temporary Employment or Appointment of CEO (Attachment 9.3.1(1)) details the Shire's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Clause 4.15 the Council Policy HR/CP-4-Temporary Employment or Appointment of CEO (Attachment 9.3.1(1)) outlines the remuneration for the Acting CEO position.

STATUTORY COMPLIANCE

Local Government Act 1995.

Section 5.39C of the *Local Government Act 1995* sets the requirements for Council to adopt a policy for temporary employment or appointment of CEO.

Section 5.36(2)(a) of the *Local Government Act 1995* outlines that, the Council (Commissioner) determines that employees appointed to the substantive position of Director are considered suitably qualified to perform the role of Acting or Temporary CEO.

CONSULTATION

The Commissioner has consulted internally with the Executive and Leadership Teams to ensure that considerations were given to the performance, availability, and operational requirements to fulfill the role of A/CEO.

OFFICER COMMENT

Clause 4.6 of the Council Policy HR/CP-4-Temporary Employment or Appointment of CEO (Attachment 9.3.1(1)) outlines that when appointing an A/CEO, the line of succession is the Director Operations, then the Director Corporate and Community. However, due to availability and operational requirements, Mr Dolzadelli (Director Corporate and Community) is better placed during the required period.

Clause 4.15 of the Council Policy HR/CP-4-Temporary Employment or Appointment of CEO (Attachment 9.3.1(1)) outlines that unless Council otherwise resolves, an employee appointed as A/CEO shall be remunerated at 90% of the cash component only of the substantive CEO total reward package. Given the unique circumstances surrounding an appointed Commissioner, and that the period of cover falls where a full Council will be elected to the nine current vacancies, (including the appointment of the Deputy President and President), it is recommended that the A/CEO should be paid at 100%, rather than 90%.

It is recommended that Council (the Commissioner) approve the appointment of Kim Dolzadelli, Director Corporate and Community, for a period of up to eight weeks as the A/CEO and be remunerated at 100% of the cash component of the substantive CEO total reward package.

The Commissioner requested an amendment to the Executive Recommendation.

COUNCIL RESOLUTION 118/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Notes Council Policy HR/CP-4-Temporary Employment or Appointment of Chief Executive Officer (Attachment 9.3.1(1)) and Council Policy EM/CP-6- Caretaker (Attachment 9.3.1(2)).**
- 2. Appoint Kim Dolzadelli, Director Corporate and Community, as Acting Chief Executive Officer for a period of up to eight weeks where he will be remunerated at 100% of the cash component of the substantive Chief Executive Officer total reward package.**
- 3. Note the intention of Council (the Commissioner) to enter into a contract with an experienced Local Government CEO to perform the role of Temporary CEO from 13 November 2023 until a new CEO is appointed or Council terminates the arrangement with a minimum of one calendar month's notice.**

CARRIED: Commissioner McGowan

Mr. Kim Dolzadelli reentered the room at 5.40pm.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 REQUEST FOR TENDER RFT 01/2324 CUNDINUP KIRUP ROAD UPGRADE

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 Request for Tender RFT 01/2324 – Cundinup Kirup Road Upgrade

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

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

COUNCIL RESOLUTION 119/23

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 Request for Tender RFT 01/2324 – Cundinup Kirup Road Upgrade

CARRIED: Commissioner McGowan

The meeting was closed to the public at 5.44pm.

EXECUTIVE RECOMMENDATION

That the meeting be re-opened to the public.

COUNCIL RESOLUTION 121/23

MOVED: Commissioner McGowan

That the meeting be re-opened to the public.

CARRIED: Commissioner McGowan

The meeting was opened to the public at 5.48pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

13 CLOSURE

The Commissioner advised that the next Ordinary Council Meeting will be held on 19 October 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Commissioner declared the meeting closed at 5.48pm.

These Minutes were confirmed by the Council (the Commissioner) as a true and accurate record at the Ordinary Council Meeting held 19 October 2023.



**Gail McGowan
COMMISSIONER – SHIRE OF DONNYBROOK BALINGUP**