



MINUTES OF ORDINARY MEETING OF COUNCIL

held on

Wednesday 23 February 2022

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

A handwritten signature in black ink, appearing to read 'BGR' followed by a flourish.

Ben Rose
Chief Executive Officer
1 March 2022

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY COUNCIL MEETING

Held at the Council Chambers
Wednesday 23 February 2022 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

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

Recording of Proceedings:

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

This meeting is being digitally recorded in accordance with Council policy.

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

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Leanne Wringe (President)	Ben Rose – Chief Executive Officer
Cr Lisa Glover (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Kim Dolzadelli – Director Corporate and Community
Cr Peter Gubler	Archana Arun – Admin. Officer Executive Services
Cr Phil Jones	Maureen Keegan – Manager Executive Services
Cr Jackie Massey	Katie McIntyre – Manager Finance and Corporate
Cr Chaz Newman	Laura Ellis – Media and Communications Officer
Cr Chris Smith	

PUBLIC GALLERY

Six members of the public were in attendance.

2.1 APOLOGIES

Cr. Fred Mills

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

PRESIDENT'S DIARY – FEBRUARY 2022 OCM

21 December 2021 Special Council Meeting
21 December 2021 Meeting with Kirup Progress Assoc & Shire staff – Mill Park Project
21 December 2021 Presentation by SW Regional Waste Group - Nick Edwards
03 January 2022 Meeting with Golden Valley Tree Park Committee Members
04 January 2022 Meeting with Kirup Progress Assoc – Mill Park Project
17 January 2022 Discussion with T. Clifford – Brookhampton Hall member
25 January 2022 Meeting with CEO – Australia Day arrangements
26 January 2022 Australia Day Breakfast - Kirup
26 January 2022 Australia Day Brunch Celebration – Donnybrook
02 February 2022 Meeting with Craig Dawson General Manager Operations - Talison
– Regarding Re-opening railway line
02 February 2022 Meeting with Toby Vialls, Donnybrook Police
02 February 2022 Interview with GWN, South West Times, DB Community Radio
04 February 2022 Met with residents affected by fires
09 February 2022 Talk of the Shire, DB Community Radio
09 February 2022 Audit and Risk Management Committee Meeting
10 February 2022 Abandoned mine shafts – Meeting DMIRS, DBCA, & Dk Historical
Society
11 February 2022 Meeting at Donnybrook Community Resource Centre
12 February 2022 Official Opening @ Donnybrook Men Shed building Extn
15 February 2022 Meeting with Deputy Shire President
15 February 2022 Audit Exit Meeting
16 February 2022 Meeting with CEO
16 February 2022 Agenda Briefing
18 February 2022 SW Country Zone Meeting
18 February 2022 Meeting with Jodie Hanns MLA
20 February 2022 Kirup Volunteer Bush Fire Brigade – Thank you lunch for fire
fighters.
22 February 2022 Meeting with Alliance Housing @ Bridge Street
23 February 2022 Meeting with CEO
23 February 2022 Ordinary Council Meeting

Cr. Jones congratulated the Shire President on the presentation of the Australia Day Awards and Citizenship Ceremony. Cr Jones also thanked the Shire President, Bronwyn Hodgson –Community Development Officer and the staff team for organising the well run day.

4 DECLARATION OF INTEREST

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

Cr. Smith declared a financial interest in item 9.1.2 Proposed Argyle Irishtown Bush Fire Brigade Station – Reserve 12518 – Corner South Western Highway and Argyle Road, Argyle as he is working on WPC application.

Cr. Smith declared a financial interest in item 9.3.1 Donnybrook Dental Surgery – Partial Surrender of Lease – Option for Shire Use as he may get some work with the refurbishment.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Simon McInnes

Will the administration write to all residents living within the town planning SCA4 zone to inform them of the upcoming Local Planning Scheme Review?

Chief Executive Officer

The Shire hasn't undertaken specific consultation with any particular group at this stage, rather it has undertaken a community-wide engagement process via an online survey to commence the review project. As part of the review process going forward, the Shire will be preparing a consultation plan which will identify which specific groups may require further targeted consultation. In any case, all draft documents are advertised publicly for comment, prior to final consideration by Council as part of the statutory approval process.

Simon McInnes

What was the cost of the soil from the Bridge St project and what was the cost of the transporting of that soil to the tip?

Chief Executive Officer

Management (including costs) for the cut/fill at the Bridge Street Affordable Housing Project site is the responsibility of Alliance Housing – not the Shire. The Shire bears no cost in relation to the site works or building works, as has been explained previously. You would need to direct your question on these costs to Alliance Housing.

Simon McInnes

Why did the Council decide to make the upgrade of Collins St confidential?

Chief Executive Officer

The consideration of tenders are held behind closed doors as the information provided by tenderers is commercially sensitive and involves contractual considerations. This is provided for under Section 5.23 of the Local Government Act 1995 which contains the following relevant provisions:

If a meeting is being held by a Council or by a Committee referred to in subsection (1)(b), the Council or Committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

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

...

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

(ii) information that has a commercial value to a person;

Simon McInnes

Has the treasury been made aware of the sporting clubs lack of support for the project during the loan application?

Chief Executive Officer

WA Treasury Corporation does not take into consideration such matters when considering a loan application.

Simon McInnes

In the financials for November the budgeted year to date amount for transport is \$2,083,925 however the actual spend is \$827,713 a difference of \$1,256,212. Why has this money not been spent maintaining the roads and will the lack of maintenance effect the calculation of the depreciation of this asset?

Chief Executive Officer

The details of this variance are provided on Page 2 of the report as follows:



**SHIRE OF DONNYBROOK BALINGUP
Material Variance Reporting
30/11/2021**

Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, Council adopted a material variance for reporting of \$10,000 for 2021-2022

VAR

Transport	1,256,212	Depreciation \$984k under, Timing variance General; Road Mtc and Bridge Mtc
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It is noted that the cost of many projects is evenly spread over the entire financial year, however the spending of funds are only reflected in the financial documents when the

project is undertaken (which may only be a matter of weeks in some cases rather than across the entire year). At this stage, it is envisaged the majority of projects will be complete within the financial year, however it is noted there are some works that have been delayed by external agencies such as MRWA (eg bridge works) due to difficulty accessing contractors etc.

Simon McInnes

The total YTD expenses budgeted for is \$6,595,551 and yet the actual YTD is \$3,810,038. With a saving of \$2,785,513 in 5 months why do we need the loan at all?

Chief Executive Officer

Depreciation of non-current Assets has not yet been processed pending final Audit sign-off of the 2020/2021 Annual Financial Statements; this variance is also disclosed on Page 2 of the report as follows:



**SHIRE OF DONNYBROOK BALINGUP
Material Variance Reporting
30/11/2021**

**Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, Council adopted a material variance for reporting of \$10,000 for 2021-2022
VAR**

Adjustments for Cash Budget Requirements:		
Depreciation on Assets	(2,399,515)	Depreciation not yet processed

Simon McInnes

Do you have a written statement from the state government that the \$6,000,000 is unencumbered covid funding and the project requires a \$3,000,000 contribution from the ratepayers?

Chief Executive Officer

The Shire has written correspondence from the State that the grant of \$6m is not unencumbered and that to access the State funding (\$6m) requires the Shire to co-contribute at least \$3m.

Simon McInnes

The sporting hubs total cost is \$15,000,000 and with the state government favourable financial position and a federal government election looming shouldn't we be asking for a loan of \$10,000,000 to complete the project?

Chief Executive Officer

The Shire has tested the inclination of the State and the Federal Government to contribute further to this project and has been advised that no further State/Federal funding will be forthcoming for the project.

Simon McInnes

Will the shire pause this project until all these problems are addressed, and the Council and the rate payers are comfortable with this large financial outlay requiring repayments stretching over a large number of years?

Chief Executive Officer

The project has essentially been 'paused' for a number of months. The Council is comfortable with the financial co-contribution, as is the WA Treasury Corporation, with Council having approved the \$3m funding via the 2021-22 Budget and approving a loan to the WA Treasury Corporation at the Council Meeting of November 2021.

5.2 PUBLIC QUESTION TIME

Please note: the recording microphone for people asking questions during public question time was accidentally turned-off by the first person asking a question at the meeting.

Questions emailed prior to the Council Meeting

Shane Sercombe

Why have the Audit and Risk Management Committee meeting minutes, on 9 February '22, been removed from the February '22 OCM agenda?

Chief Executive Officer

The Minutes have not been removed; they were not included in the Agenda Briefing Papers for 16 February 2021. The Minutes are not yet ready/completed for presentation to the Ordinary Council Meeting. They will be presented to the March Meeting.

Shane Sercombe

Why do the Rate Setting Statement and Statement of Comprehensive Income have an illogical format with Operating and Capital figures not separated and therefore unable to be compared with the adopted Statutory Budget?

Chief Executive Officer

They do not have an illogical format; that is an/your opinion. The Statement of Comprehensive Income format follows the Australian Accounting Standards Board format and the Rate Setting Statement follows the recommended format approved by the Shire's Auditor (Office of the Auditor General) and followed by almost all local governments in Western Australia.

Shane Sercombe

Does the shire intend to acquit the \$6m VC Mitchell grant and the \$2.8m social housing grant prior to 31 June '22?

Chief Executive Officer

No.

Questions asked at the Council Meeting

Brian Piesse

With regards to the VC Mitchell Park Project article in the Countryman and South Western Times newspapers from earlier this year, has the Donnybrook Balingup Residents and Ratepayers Association been approached to correct their inaccuracies, on the public record?

Shire President

I am aware of the two articles. I did read the article in the Countryman newspaper. Mr Fowler/DBRRA, as far as I am aware, has not been approached by the Shire to correct the information.

Brian Piesse

Will Donnybrook Balingup Residents and Ratepayers Association be approached to correct the public record?

Chief Executive Officer

In my opinion, there are inaccuracies and potentially misleading information in those two articles. I will be discussing the matter with the Shire President / Councillors in the near future as to what, if any, action is taken.

Brian Piesse

In relation to recent price escalations for these sorts of projects (labour and materials), what is the likely outcome for the scope (range of deliverables) for this project, given it has been delayed.

Shire President

It's something that the Council will be discussing in due course. They will be looking at various aspect of the project, including the scope and budget.

Chief Executive Officer

The project team are undertaking regular cost estimate updates from Altus Consultants, the Shire's cost estimator engaged for this project. To provide some perspective, approximately \$9m worth of scope (deliverables) able to be delivered 6-8 months ago, is likely to be in the order of \$12.8m worth of scope (same deliverables) today.

Simon McInnes

Will the depreciation financials affect the bottom line?

Director Corporate and Community

No, depreciation as such is a non-cash item. On page 2 of the monthly financial statements, you will find the statement of material variances where there is an explanation as to why depreciation wasn't updated within the database at this stage. And no, it will not affect our surplus position.

Simon McInnes

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

Director Corporate and Community

As the context/accuracy of the question could not be verified, the question was taken on notice.

Simon McInnes

In a letter from the State Government dated 31 August 2020, there was no mention of co-contribution. When does it come in?

Chief Executive Officer

The proposition put to the State Government, approved by the Council, through the COVID recovery plan was on a co-contribution basis where the Shire would contribute up to three million dollars on the basis that it leveraged double that (i.e. \$6m) from the State. The Shire has not yet executed a financial assistance agreement for the full \$6m; the contractual obligation for the Shire's co-contribution commences once the financial assistance agreement is executed. The Shire has accessed \$250k of the \$6m already under a specific financial assistance agreement for detailed design and infrastructure planning; that funding has been provided to the Shire based on no co-contribution requirement. The Shire has recent correspondence from the new Minister for Sport and Recreation, which will be made available at the next Council meeting to provide more clarity with regard to the co-contribution obligation.

Simon McInnes

How is the Shire going to clear up the misinformation surrounding this project?

Chief Executive Officer

I am not sure that it is the role entirely of the Council or Shire to clear up any misinformation being spread. The Shire / Council role is to make good decisions, engaging with community through the decision making processes. The Council and the Shire has done has provided a lot of information to the community and specific stakeholders on the project and on the processes to date.

Simon McInnes

What is the status of the proposed Business Plan for this project?

Chief Executive Officer

Development of the Business Plan has taken longer than anticipated as some stakeholders were unavailable early-on to provide feedback to the appointed consultant. I am looking to present the Business Plan at the next Council Meeting.

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

ADOPTION BY EXCEPTION

COUNCIL RESOLUTION 1/22

Moved: Cr Massey Seconded: Cr Jones

That the following items be adopted 'en bloc':

- 7.1 Confirmation of Minutes Ordinary Meeting of Council – 15 December 2021**
- 7.2 Confirmation of Minutes Special Meeting of Council – 21 December 2021**
- 9.1.1 Shire Submission on Draft Planning for Tourism Guidelines and Position Statement**
- 9.2.2 Monthly Financial Report – December 2021**
- 9.2.3 Monthly Financial Report – January 2022**
- 9.2.5 Long Term Financial Plan and Rating Strategy – 2021-22 Review**
- 9.2.6 Submission to Local Government Advisory Board for District Boundary Adjustment with Shire of Boyup Brook**
- 9.3.2 Local Government Reform – WALGA Positions and Recommendations**
- 9.3.3 Organisation Culture Survey – 2022/23 Budget Consideration**

CARRIED 8/0

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

Against: Nil

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 15 DECEMBER 2021

Minutes of the Ordinary Meeting of Council held 15 December 2021 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 15 December 2021 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 2/22

Moved: Cr Massey Seconded: Cr Jones

That the Minutes from the Ordinary Meeting of Council held 15 December 2021 be confirmed as a true and accurate record.

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

7.2 SPECIAL MEETING OF COUNCIL – 21 DECEMBER 2021

Minutes of the Special Meeting of Council held 21 December 2021 are attached (Attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 21 December 2021 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 3/22

Moved: Cr Massey Seconded: Cr Jones

That the Minutes from the Special Meeting of Council held 21 December 2021 be confirmed as a true and accurate record.

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

8 REPORTS OF COMMITTEES

Minutes of the Audit and Risk Management Committee Meeting held 9 February 2022 will be presented to the March Ordinary Meeting of Council.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 SHIRE SUBMISSION ON DRAFT PLANNING FOR TOURISM GUIDELINES AND POSITION STATEMENT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	TP03
Author	Kira Strange, Principal Planner
Responsible Manager	Steve Potter, Director Operations
Attachments	9.1.1(1) – Draft Planning for Tourism Guidelines 9.1.1(2) – Draft Position Statement - Planning for Tourism 9.1.1(3) – Shire Survey Responses
Voting Requirements	Simple Majority

Recommendation

That Council:

1. **Acknowledges the draft *Planning for Tourism Guidelines* and the *Position Statement: Planning for Tourism* as prepared and advertised by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission;**
2. **Endorses the responses within Attachment 9.1.1(3) as representing the formal views of the Shire of Donnybrook Balingup in response to the draft documents, noting that such responses will be entered in the online survey;**
3. **Instructs the Chief Executive Officer to give due regard to the responses provided within Attachment 9.1.1(3) when preparing and/or reviewing future Shire Planning documents including the Local Planning Scheme and Local Planning Policies.**

STRATEGIC ALIGNMENT

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

Outcome	1.3	An attractive visitor and tourist destination
Strategy	1.3.1.	Actively promote the district as an attractive destination
Action	1.3.1.4	Continue to support local and regional tourism bodies and initiatives

EXECUTIVE SUMMARY

The Department of Planning, Lands and Heritage (DPLH) have released the draft *Planning for Tourism Guidelines* (Guidelines) and associated *Position Statement: Planning for Tourism* (Position Statement) for public comment.

The purpose of the documents is to outline the policy position of the Western Australian Planning Commission (WAPC) and guide appropriate management of tourism land use and development in W.A.. Members of the public, including Local Governments, are invited to complete a survey and provide feedback to the DPLH for consideration, specifically in relation to the proposed exemptions for short-term accommodation.

The purpose of this report is to inform Council of the proposed documents and establish a position on short-term rental accommodation for the Shire, in order to complete the survey and associated submission.

It is recommended that Council supports the Officer's recommendation which reflects the information and comments within this report.

BACKGROUND

The purpose of the Position Statement and the Guidelines is to provide a clear and consistent approach to tourism within local government Planning frameworks.

The Guidelines are broken into six key areas:

1. Local Planning Strategy Considerations;
2. General Statutory Planning Considerations;
3. Tourism Uses;
4. Tourism Accommodation;
5. Local Laws; and
6. Strata and Community Scheme Development.

One of the key elements that is being considered by the WAPC is the role of short-term accommodation. Within the Position Statement, 'short-term accommodation' is defined as:

temporary accommodation provided on a commercial basis, either continuously or from time-to-time with no guest accommodated for periods totalling more than 3 months in any 12-month period.

However, the documents are not intended to capture the following types of short-term or temporary accommodation:

- House swapping and house sitting;
- Lodgers and boarders;
- Personal use of a holiday home with the owner's family and friends;
- Student exchange accommodation; or
- Residential parks, park home parks and lifestyle villages.

These types of accommodation are either not associated with the issues relating to short-term accommodation or they are covered by different legislation.

The WAPC is also considering recommending the following low-scale short-term rental accommodation types be exempt from requiring Development (Planning) Approval:

1. 'Hosted Accommodation' which is defined as:

means a dwelling, or portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.

This new definition is proposed to be included in Planning frameworks. It is proposed that a cap of four adult persons (or one family) and a maximum of two guest bedrooms be applied; and

2. 'Un-hosted Accommodation' in a single house or ancillary dwelling, grouped or multiple dwelling where it is rented for no more than 60 days per calendar year. 'Un-hosted' refers to those proposals where guests have exclusive use of an entire house, unit or apartment. The exemption would only apply to a change of use in the zones that the use was normally permitted (i.e., single dwelling, grouped or multiple dwelling in a residential zone). However, it wouldn't be exempt in a zone where a dwelling could not normally be considered (i.e. an industrial zone).

The DPLH are specifically requesting comments regarding the proposed exemptions through the online submission survey (Attachment 9.1.1(3)). The proposed exemptions do not include the more traditional accommodation options such as motel, hotel, caravan park, chalets, etc.

In addition, the Department of Local Government, Sport and Cultural Industries (DLGSCI) are concurrently investigating the implementation of a new state-wide registration system for short-term rental accommodation providers. The registration requirement would be mandatory regardless of whether it was exempt from obtaining a Development (Planning) Approval.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Any future policy or planning position that Council adopts, will need to take into consideration the Guidelines and Position Statement.

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

The draft documentation was released by the DPLH on 6 December 2021 with all online submissions and/or surveys due by 7 March 2022.

OFFICER COMMENT/CONCLUSION

As outlined within the Position Statement and the Guidelines, Local Governments should consider tourism within their Planning framework, including strategic and statutory documents, relative to its importance to the local government district.

Tourism is a key component of the Shire's profile, so it is important that Council consider the impact of the Position Statement and Guidelines, particularly during the current review of the Local Planning framework including the Local Planning Strategy, Local Planning Scheme and Local Planning Policies.

In recent years, the success of online booking platforms has seen a significant increase in popularity of private short-term accommodation options. However, short-term accommodation can present management and compliance issues for the surrounding community, and in some cases, impact the availability of long-term rentals and housing choice for residents. For example, when a house is being used for the sole purpose of 'un-hosted' short-term accommodation, it is not available for long-term permanent rental accommodation.

Anecdotal information suggests that there may be a shortage of long-term rentals presently available for rent within the Shire of Donnybrook Balingup, which is understood to be an issue currently being experienced in a number of local government areas. It is also noted that there may be a shortage of short-term accommodation options for tourists and visitors which, if accurate, has the potential to impact the Shire's existing and potential tourism opportunities.

In contrast to other Local Governments within the south-west area such as the City of Busselton and the Shire of Augusta Margaret River, the perceived shortage of long-term housing options in the Shire of Donnybrook Balingup is not necessarily a direct result of an increased prevalence of short-term rentals. There are many other factors that influence the availability of long-term housing options for residents within the Shire.

Notwithstanding this, it is important to consider the potential impacts of increased short-term accommodation options when planning for growth and development. The potential impact on surrounding properties and amenity also needs to be considered.

With this in mind, the following comments are made on the proposed exemptions for the following accommodation types:

1. 'Hosted Accommodation'

It is reasonable to expect that 'hosted accommodation', as per the proposed definition, would have minimal impact in a residential area. In addition, 'hosted accommodation' still allows for long-term residents on a property in addition to providing commercial short-stay accommodation. It is therefore recommended that hosted accommodation be exempt

within the Residential zone as per the recommendation of the WAPC. However, it is also recommended that the proposed definition also include the capacity limitations to provide clarity and ensure the impact remains low.

The Guidelines also indicate that Local Governments should consider exempting hosted accommodation within other appropriate zones. In this regard, Shire Officers will explore this when preparing the draft Local Planning Scheme for Council and community consideration.

2. 'Un-hosted Accommodation' where it is rented for no more than 60 days per calendar year

In theory, this is a reasonable approach, however would be very difficult to regulate and manage from a compliance point of view. It would also be difficult to identify when it would become necessary to apply for Development (Planning) Approval.

It is unclear whether the exemption would cover those dwellings that remain vacant for the remainder of the year. For example, a house that remains vacant (and therefore unavailable for long-term rental) which is only rented out for up to 60 days on a commercial, short-term basis.

3. State-wide Registration Scheme

As per the proposed Position Statement, exempted hosted and/or un-hosted accommodation providers would still be required to register on the state-wide registration if the system is adopted. It is recommended that this registration system be managed at State level and made available to local governments. In order to register on the system, proponents should be required to provide confirmation from the local government that the proposed accommodation is consistent with the local approval requirements (including any exemptions that may apply).

4. General Comments

Other factors for consideration include the impact of other legislation, specifically planning for bushfire, waste management and building construction/classification. Further clarification has been sought from the DPLH regarding the exemptions and how other legislation will relate. This information will be considered in a local context and factored in when drafting Local Planning Scheme No. 8. However, for the purposes of feedback on the Guidelines, it is recommended that further consideration by the DPLH be given to the impact of other legislation.

With these points in mind, it is recommended that Council resolve in accordance with the Officer's recommendation and support the proposed response to the consultation as outlined in Attachment 9.1.1(3).

COUNCIL RESOLUTION 4/22

Moved: Cr Massey Seconded: Cr Jones

That Council:

- 1. Acknowledges the draft *Planning for Tourism Guidelines* and the *Position Statement: Planning for Tourism* as prepared and advertised by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission;**
- 2. Endorses the responses within Attachment 9.1.1(3) as representing the formal views of the Shire of Donnybrook Balingup in response to the draft documents, noting that such responses will be entered in the online survey;**
- 3. Instructs the Chief Executive Officer to give due regard to the responses provided within Attachment 9.1.1(3) when preparing and/or reviewing future Shire Planning documents including the Local Planning Scheme and Local Planning Policies.**

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

9.1.2 PROPOSED ARGYLE IRISHTOWN BUSH FIRE BRIGADE STATION – RESERVE 12518 – CORNER SOUTH WESTERN HIGHWAY AND ARGYLE ROAD, ARGYLE

Location	Lot 500 South West Highway (corner Argyle Road) – Reserve 12518
Applicant	Shire of Donnybrook Balingup / Argyle Irishtown Bushfire Brigade
File Reference	FRC 10A
Author	Steve Potter, Director Operations
Responsible Officer	Steve Potter, Director Operations
Attachments	9.1.2(1) Concept Designs 9.1.2(2) Neighbour submissions 9.1.2(3) Flora and Fauna Assessment
Voting Requirements	Simple majority

Cr Smith left the chamber at 5:22 pm.

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the submissions received from the nearby landowner and relevant agencies with regard to the proposed use of Reserve 12518 for the purpose of the future Argyle Irishtown Bushfire Brigade station; 2. Endorses Reserve 12518 as its preferred location for the future Argyle Irishtown Bushfire Brigade station generally in accordance with the concept designs provided in Attachment 9.1.2(1); 3. Instructs the Chief Executive Officer to make a formal request to the Department of Planning, Lands and Heritage to excise and transfer the management order for the southern portion of Reserve 12518 from the Public Transport Authority to the Shire of Donnybrook Balingup; 4. Instructs the Chief Executive Officer to prepare a funding application for the construction of the facility under the Department of Fire and Emergency Services Local Government Grants Scheme (Capital Grants) for submission in March 2022; 5. Instructs the Chief Executive Officer to liaise with the Department of Fire and Emergency Services to: <ol style="list-style-type: none"> 5.1 confirm accuracy of indicative costs obtained thus far when compared to similar projects; 5.2 clarify items eligible for LGGS funding and those which are the responsibility of the Shire;

- 6. Subject to the matters in Resolution 5 being addressed, instructs the Chief Executive Officer to bring a further report to Council outlining estimated project costs (inclusive of the required Shire contribution), for further consideration;**
- 7. Allocates the provision of \$35,000 as part of the 2021-22 Budget Review for costs associated with undertaking due diligence, land administration, planning, and design actions to facilitate outcomes consistent with Council's resolution(s).**

STRATEGIC ALIGNMENT

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

Outcome	4	Effective leadership and civic responsibility
Strategy	4.2	A respected, professional and trusted organisation
Action	4.2.1	Effective and efficient operations and service provision

EXECUTIVE SUMMARY

At the November 2021 Ordinary Council Meeting, Council resolved to undertake due diligence to determine the suitability of Reserve 12518 (R12518) (corner South Western Highway and Argyle Road) for the purpose of a new brigade building for the Argyle Irishtown Bush Fire Brigade (AIBFB).

The purpose of this report is to bring the findings of actions taken to Council for further consideration.

It is recommended that Council resolves to endorse R12518 as its preferred site for the new building and commence actions to transfer land tenure and submit an application for funding under the Department of Fire and Emergency Services Local Government Grants Scheme (Capital Grants).

Notwithstanding the above, further clarity regarding estimated construction costs (including the Shire's contribution) is required prior to proceeding to the construction phase and therefore it is also recommended that liaison is undertaken with the Department of Fire and Emergency Services in this regard, prior to a further report being brought back to Council for further consideration.

BACKGROUND

At the November 2021 Ordinary Council Meeting, Council resolved the following with regards to the use of Harjadup Reserve (R45450) (corner Gemmell Rd and Howlett Ramble, Argyle) as a potential location of a future new station to accommodate the AIBFB:

“That Council:

1. *Acknowledges the online survey results, written submissions (Attachment 9.1.1 (3)) and petition presented by Mr Paul Delbridge and Mr John Corfe at the Ordinary Council Meeting held 22 September 2021 (Attachment 9.1.1(4)) in response to the proposed brigade station for the Argyle Irishtown Volunteer Bushfire Brigade at Reserve 45450 (Harjadup Reserve);*
2. *Acknowledges the Argyle Irishtown Volunteer Bushfire Brigade and all members of the Argyle and Irishtown communities for their valued feedback and contribution to the proposal to date;*
3. *Resolves to defer any further actions to progress the development of a new brigade station on Reserve 45450 (Harjadup Reserve) at this time;*
4. *Acknowledges the advice received from the Department of Planning, Lands and Heritage that the Public Transport Authority has provided in-principle support for the excision of a portion of Reserve 12518 (corner Argyle Road and South Western Highway) and transferring the management order to the Shire for the construction of a new brigade facility;*
5. *Authorises the Chief Executive Officer to undertake due diligence measures, including:*
 - 5.1 *undertaking nearby landowner consultation;*
 - 5.2 *undertaking a flora and fauna assessment of the relevant portion of Reserve 12518; and*
 - 5.3 *liaising with Main Roads WA, Public Transport Authority, Department of Fire and Emergency Services, Department of Water and Environmental Regulation and any other relevant authority;*

to establish Reserve 12518’s suitability for the intended purpose;
6. *Instructs the Chief Executive Officer to explore access and siting options for a new brigade station on R12518 and liaise with relevant authorities to determine the following:*
 - 6.1 *Possibility of utilising the existing cleared portion of R12518 for the siting of the brigade building, noting that such land is currently under a private lease arrangement;*
 - 6.2 *Possibility of utilising the existing track located on rail reserve to obtain access from Argyle Rd, noting that such land is currently under lease to Arc Infrastructure;*
7. *Instructs the Chief Executive Officer to bring a further report back to the February 2022 Ordinary Council Meeting to outline responses received from nearby landowner consultation, and any further information derived from actions contained in Points 5 and 6 above.”*

Subsequent to Council's resolution the following actions have occurred:

- Consultation has been undertaken with nearby landowners;
- A flora and fauna assessment has been undertaken of the site;
- Further liaison has been undertaken with relevant agencies;
- Several meetings have occurred with senior members of the AIBFB to refine lot and building design and application requirements;
- Staff have sought preliminary pricing details for building and civil works to inform the preparation of a LGGS application.

Further details on each of these points is provided below:

Nearby Landowner Consultation

Letter correspondence was sent to all landowners within close proximity to the property on both sides of the South Western Highway with one submission received. Further liaison has occurred between Shire staff and the submitters who are nearby landowners/residents with further details of the proposed lot design provided for their review.

The submitters have indicated they are generally supportive of the proposal as per the concept designs provided in Attachment 9.1.2(1), however request that consideration be given to minimising vegetation removal as much as possible which provides a visual and noise buffer from the highway.

Copies of the submissions received are provided in Attachment 9.1.2(2).

Flora and Fauna Assessment

The Shire engaged an environmental consultant to undertake a flora and fauna assessment of the southern vegetated portion of R12518 which in summary indicates the following:

The flora and vegetation survey within the site confirmed:

- a total of 110 flora species present from 35 families;
- a total of 27 introduced (weeds) and 83 native flora species;
- no priority or threatened flora species were found during the survey;
- two vegetation types occurred within the site:
 - Eucalyptus patens and Corymbia calophylla Woodland
 - Eucalyptus patens and Corymbia calophylla over Sedgeland

- vegetation condition across the site ranged from Completely Degraded to Excellent, with majority of the site (67.3%) in Very Good condition.

The fauna survey within the site confirmed:

- a total of five fauna species within the survey area consisting of three native and two introduced species;
- evidence of feeding by Forest Red-tailed Black Cockatoo on Marri nuts was observed in two locations;
- total of 21 habitat trees with a diameter at breast height (DBH) of >500 mm were present;
- hollows were identified in a total of eight trees, of which three contained hollows which have sufficient size and opening angle for black cockatoos;
- a total of five trees contained small hollows which presently are too small for use by black cockatoos;
- the site contains foraging opportunities for black cockatoos in the form of *Corymbia calophylla* (Marri) trees.

In light of the assessment, the consultant has made the following recommendations for vegetation clearing if Council is supportive of pursuing the site:

- one directional clearing to allow fauna present to flee the area into surrounding vegetation;
- clearing to be conducted outside of nesting season for black cockatoos (late winter into spring) to limit the potential for nesting birds to be occupying the hollows present
- ensure hygiene management procedures are followed for weeds and Dieback (*Phytophthora*) to ensure that spread does not occur.

Further, the consultant has advised the following:

- if the total clearing footprint is greater than 1 ha the clearing application will be required to be assessed by the Department of Water, Agriculture and the Environment (DWAE) under the EPBC Act 1999 due to the presence of potential nesting and foraging habitat within the site.
- Clearing under 1 ha will require the clearing application (Area Permit) to be assessed by the Department of Water and Environmental Regulation (DWER).

It is noted that the proposal will entail less than 1ha of vegetation clearing and therefore is unlikely to require referral to DWAE under the first point above. With regard to the second point, DWER has been contacted with their advice provided within this report.

A full copy of the flora and fauna assessment is provided in Attachment 9.1.2(3).

Liaison with relevant agencies and AIBFB

The Shire has continued liaising with relevant agencies including the Department of Planning, Lands and Heritage (DPLH), Public Transport Authority (PTA), Department of Water and Environmental Regulation (DWER) and Department of Fire and Emergency Services (DFES). Key points from such liaison are provided below:

- A 'Crown Land Enquiry' has been submitted to the Department of Planning, Lands and Heritage (DPLH) regarding the excision and transfer of a portion of R12518. This has facilitated formal referral of the proposal between the DPLH and Public Transport Authority (PTA). Advice received is that PTA has reaffirmed its commitment to supporting the excision and transfer of management. Subject to Council's endorsement of the site, the excision and transfer of management to the Shire would be expected to be supported by both agencies.
- With reference to Resolutions 6.1 and 6.2, staff have liaised with the PTA and the AIBFB on the possibility of utilising the cleared portion of R12518 with access achieved via an existing informal track within the rail reserve which has revealed the following:
 - The cleared portion is the subject of a private lease between the PTA and a third party. The PTA is unwilling / unable to provide details of the lease due to it being a private arrangement, however it suffices to say it is unavailable for Shire use;
 - The PTA has also advised that it would not be supportive of any incursion / use of the rail corridor, which would prevent the ability for the Shire to utilise the corridor for access to the cleared section of the reserve;
 - The AIBFB has indicated they would also not be supportive of utilising the cleared portion as it is considered too small and constrained dimensionally to accommodate the building and provide sufficient space for vehicle movements etc.;
- The Department of Fire and Emergency Services (DFES) was contacted with specific regard to the land tenure aspect of the proposal. Currently the subject land is under the management of the PTA, which, subject to Council support, would be requested to be transferred to the Shire of Donnybrook Balingup. However, the LGGS application is due for submission by March 2022 at which time it is highly unlikely that any supported transfer of management order would be complete. DFES was therefore requested to advise if an application could be submitted based on a pending transfer.

In response, DFES provided the following comments:

"As Capital requests for facility projects are assessed against a 'shovel ready' criteria which includes the immediate availability of land, at first glance it would appear that an application in 2022/23 is premature, based on the land issue alone.

It is also important to note the current construction sector climate and the impact this places on LGGs funded facility projects. As the Shire would be well aware, the market is overheated in terms of costs and capacity with timelines heavily influenced by material and labour shortages. Costs increases currently being asked of the LGGs for facility projects already allocated funding (from what was allocated from estimates provided to actuals based on open market responses) are upward of 50-60%.

The Shire is welcome to apply for LGGs funding in any year and the LGGs Capital Grants Committee (CGC) will consider all requests put forward for 2022/23 in June 2022. It would be appropriate for the Shire to cite the progress and work to date surrounding the proposed land parcel in their application. Regular updates should also be provided to DFES post 25 March as this can be included in CGC pre-meeting material.”

- The Department of Water and Environmental Regulation (DWER) was contacted regarding the vegetation clearing requirements, with the advice received as follows:

“Lot 500 on Plan 76319 is currently listed as crown land. If the shire were to purchase the land and obtain planning approval the shire may be able to clear under the exemption Regulation 5, Item 1- Clearing to construct a building.

This exemption may apply to land that is not riparian vegetation, and not an ESA and the clearing is less than 5 hectares. From the information I have it's not clear if the land is currently under the tenure of the Department of Planning Lands and Heritage (DPLH) or the Public Transport Authority of Western Australia, but as long as the structure is built legally, i.e. planning approval has been obtained, it is highly likely that Regulation 5 item 1 applies and clearing within the envelope of the approved plans, can occur without a clearing permit.”

Liaison with AIBFB

Shire staff have met on several occasions with senior AIBFB members to clearly understand operational requirements and to collaboratively refine design, which consequently will inform cost estimates.

The option presented to Council within this report (Attachment 9.1.2(1)) represents the current preferred position of the AIBFB and Shire staff resulting from this process, noting that further refinements may occur as a result of further consultation between the Shire, the AIBFB and DFES (as the primary funding agency).

Lot and Building Design

The proposed lot design is based on accessing the facility directly from Argyle Road which will require the clearing of up to 5,000m² of vegetation to provide sufficient space for the building, on-site parking, vehicle maneuvering areas and sufficient separation from vegetation from a fire safety perspective.

It is envisaged a one-way system will be implemented to accommodate efficient vehicle movements with private vehicle parking to be provided along the eastern property boundary and within the firebreak area north of the building. The facility is proposed to be a drive-through facility with access doors on each side of the building, thereby removing the requirement for large vehicles to reverse when being parked within the facility.

It is proposed for vegetation to be retained on both the western (SW Hwy) and eastern sides (rail reserve) of the development. It is noted there is an existing vegetation buffer within the rail reserve of between 10-15m in width which will enable the internal access road to be installed reasonably close to the eastern boundary, whilst retaining an adequate vegetation buffer to neighbouring properties. There is also potentially an opportunity to retain some vegetation along the front of the property to partially screen the development from Argyle Road.

Pricing

Under the LGGS funding, DFES will cover the cost of the construction, with the local government responsible for civil works. Further clarification has been sought from DFES as to what this entails which has advised the following:

“With regard to which costs are eligible under the LGGS, site works, including access roads, utility costs to the site boundary etc. are the responsibility of the LG. The LGGS will fund internal utility connection costs, septic, water tanks etc. Off grid solutions, where presented as a viable option, will also be considered.”

Whilst the bulk of the development will be funded by DFES (subject to approval of an LGGS application), the Shire will need to ensure adequate funds are available for the Shire’s contribution.

Staff have obtained preliminary indicative costs for the entire development which suggests costs could be in the vicinity of approximately \$1.58m (not including contingency). However, it is considered that the pricing information (which has just been received) would benefit from being cross-referenced with similar projects funded by DFES for accuracy. This is particularly pertinent given DFES’ advice that many of the projects funded under the previous round of LGGS funding have risen by 50-60%. In addition, further clarification from DFES as to which elements are eligible for funding under the LGGS grant funding and which are the responsibility of the local government will be sought.

FINANCIAL IMPLICATIONS

There have been costs incurred to date associated with undertaking the due diligence measures outlined in the previous Council resolution and preparing a LGGS application including undertaking the flora and fauna assessment and seeking clarity as to utility availability / requirements. Additional planning and due diligence will be required in the future including geotechnical analysis, bushfire assessment and building certification, however wherever possible these will be undertaken only once approval for the project has been granted by DFES. In addition, funds will be required to support the transfer of the management order including site survey and land administration costs.

These due diligence and project planning costs are reflected in the Budget Review currently being considered by Council which incorporates an allocation of \$35,000 for such costs to facilitate the works required.

In the longer term, the Shire will be required to fund civil works associated with the development as outlined previously in this report.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

The development will need to comply with any relevant Planning, Building and Health legislation, however it is noted that under Section 6 of the *Planning and Development Act 2005*, 'public works' are exempt from obtaining development (Planning) approval with 'buildings and structures required for fire brigade purposes' being identified as works that would qualify as 'public works' under the *Public Works Act 1902*.

Under the *PD Act 2005*, exemption from development approval is subject to a proposal complying with the following:

- having regard to the purpose and intent of the local planning scheme;
- having regard to the principles of proper and orderly planning and the amenity of the area; and
- consulting with the local government when a proposal is being formulated for any public work, or the taking of land for a public work.

It is noted that under the Shire's Local Planning Scheme the land is currently zoned 'Priority Agriculture' notwithstanding it is neither used nor suitable for agricultural purposes. In the event that the proposed building is supported and proceeds, it is anticipated that the zoning over the subject land would be amended to become a reserve for 'public purposes' or similar when the Local Planning Scheme is reviewed. Shire staff are of the opinion that the works are consistent with the Scheme to the extent required and represent orderly and properly planning of the locality.

CONSULTATION

As previously outlined in this report, extensive consultation has occurred with the AIBFB, relevant agencies and nearby landowners.

OFFICER COMMENT/ CONCLUSION

Whilst there are several challenges with utilising R12518 for the purpose of a future brigade station for the AIBFB as outlined in this report, the proposed site also possesses

a number of attributes that would make it a suitable site. In particular, it has excellent access to South Western Highway and the separation distance from nearby residential properties means that it will have a limited impact on neighbours, both in terms of visual and noise impacts.

Perhaps the most constraining and potentially contentious element of the proposed design is the requirement to remove up to 5,000m² of native vegetation and it is for this reason that a flora and fauna assessment was commissioned. Whilst consideration will need to be given to approaching the clearing of vegetation in accordance with the recommendations of the consultant in this regard, it is noted the report did not identify significant environmental issues that would prevent the clearing from proceeding. It is acknowledged this aspect was raised as a concern of a neighbouring landowner and therefore endeavours will be made to retain vegetated buffers to both the east and west and along the frontage to Argyle Road to reduce the visual impact and maintain the noise buffer function of the vegetation as much as possible.

As part of the previous Council resolution from November 2021, Council requested that staff investigate the possibility of utilising the cleared portion of R12518 via the existing access track located in the rail reserve, however as outlined in this report, this is unviable as the subject portion of the reserve is under a private lease arrangement and the PTA is not supportive of any incursion into the rail reserve which would be required to use the existing track.

Furthermore, the AIBFB are not supportive of using this portion of the property as it is considered insufficient in size and dimension. Shire staff have also assessed this aspect and formed the position that the preferred arrangement is for the facility to achieve direct access to Argyle Rd which is less complicated from a land tenure perspective, as well as reducing ongoing maintenance requirements of the track which is subject to inundation in winter and would require significant upgrades if it was required to accommodate heavy vehicles.

It is noted that DFES has advised that an application under the LGGGS Capital Works Grants may be 'premature' given the excision and transfer of the management order to the Shire is still under consideration and will still need to be formally administered subject to approval being granted. Further, DFES advised that it has faced a number of cost overruns on existing LGGGS projects approved under the 2021/22 allocation and therefore it is unknown how this may impact on funding for the pending financial year. Notwithstanding, it is recommended that the Shire proceed with a view to making an application in March 2022. In the event that the grant application is not supported from either compliance or budgetary considerations in 2022/23, any actions undertaken will support a further application in the following year.

Whilst the Shire has obtained preliminary indicative costs, such estimates will require further refinement and discussion with DFES to:

- confirm that such estimates are accurate and reflective of costs incurred for similar projects funded by DFES in the current economic climate; and
- clarify which elements of the project are eligible for DFES funding under the LGGGS funding and which will be the responsibility of the Shire.

It is noted that the LGGS application is due for submission in March, however it may require additional time for the above aspects to be resolved. As such, it is recommended that Council endorses staff to submit an LGGS application, however, it be subject to a further report being brought back to Council outlining any estimated required financial contribution from Council once further clarity is obtained from DFES. This will provide Council with a further opportunity to determine if it has the capacity to proceed with the project in 2022/23.

In light of the above, it is recommended that Council endorses Reserve 12518 as the preferred site for the future Argyle Irishtown Bushfire Brigade station and authorises the actions outlined in the officer recommendation.

COUNCIL RESOLUTION 5/22

Moved: Cr Gubler Seconded: Cr Newman

That Council:

- 1. Acknowledges the submissions received from the nearby landowner and relevant agencies with regard to the proposed use of Reserve 12518 for the purpose of the future Argyle Irishtown Bushfire Brigade station;**
- 2. Endorses Reserve 12518 as its preferred location for the future Argyle Irishtown Bushfire Brigade station generally in accordance with the concept designs provided in Attachment 9.1.2(1);**
- 3. Instructs the Chief Executive Officer to make a formal request to the Department of Planning, Lands and Heritage to excise and transfer the management order for the southern portion of Reserve 12518 from the Public Transport Authority to the Shire of Donnybrook Balingup;**
- 4. Instructs the Chief Executive Officer to prepare a funding application for the construction of the facility under the Department of Fire and Emergency Services Local Government Grants Scheme (Capital Grants) for submission in March 2022;**
- 5. Instructs the Chief Executive Officer to liaise with the Department of Fire and Emergency Services to:**
 - 5.1 confirm accuracy of indicative costs obtained thus far when compared to similar projects;**
 - 5.2 clarify items eligible for LGGS funding and those which are the responsibility of the Shire;**
- 6. Subject to the matters in Resolution 5 being addressed, instructs the Chief Executive Officer to bring a further report to Council outlining estimated project costs (inclusive of the required Shire contribution), for further consideration;**

- 7. Allocates the provision of \$35,000 as part of the 2021-22 Budget Review for costs associated with undertaking due diligence, land administration, planning, and design actions to facilitate outcomes consistent with Council's resolution(s).**

CARRIED 7/0

For: Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Massey, Cr Newman

Against: Nil

Cr Smith re-entered the chamber at 5:26 pm.

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

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

9.2.2 MONTHLY FINANCIAL REPORT – DECEMBER 2021

The Monthly Financial Report for December 2021 is attached (*Attachment 9.2.2(1)*).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended December 2021 be received.

COUNCIL RESOLUTION 6/22

Moved: Cr Massey Seconded: Cr Jones

That the monthly financial report for the period ended December 2021 be received.

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

9.2.3 MONTHLY FINANCIAL REPORT – JANUARY 2022

The Monthly Financial Report for January 2022 is attached (*Attachment 9.2.3(1)*) – *to be provided*.

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 7/22

Moved: Cr Massey Seconded: Cr Jones

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

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

9.2.4 BUDGET REVIEW – 2021-22

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 10/4
Author	Kim Dolzadelli – Director Corporate and Community
Responsible Manager	Kim Dolzadelli – Director Corporate and Community
Attachments	9.2.4(1) - Mid-Year Budget Review 2021-22
Voting Requirements	Absolute Majority

Recommendation

That Council adopts the Budget Review 2021-22 as provided at Attachment 9.2.4(1) resulting in a balanced Budget position.

STRATEGIC ALIGNMENT

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

Outcome	4.2	A respected, professional, and trusted organisation.
Strategy	4.2.1	Effective and efficient operations and service provision.
Action	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

EXECUTIVE SUMMARY

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*.

The attached Mid-Year Budget Review document (Attachment 9.2.4(1)) details all proposed amendments culminating in a balanced Amended Budget position.

BACKGROUND

Council adopted its 2021/2022 Municipal Budget at its Council Meeting held 25 August 2021. As required under legislation, the Budget Review is presented to Council for consideration.

FINANCIAL IMPLICATIONS

The 2021/22 adopted Municipal Budget provided for a balanced end of year surplus position.

Assuming Council supports the Officer's recommendation to amend the budget as per the attached document, the net impact on the end of year position would result in the end of year estimated surplus position remaining at a balanced position.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Local Government Act 1995 section 6.2 Municipal Budget

Local Government (Financial Management) Regulations 1996 Regulation 33A

Regulation 33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must —*
 - a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - b) consider the local government's financial position as at the date of the review; and*
 - c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

CONSULTATION

Direct consultation has occurred with the Chief Executive Officer and other appropriate staff.

OFFICER COMMENT

It is recommended that the Council adopts the Budget Review 2021-22 as attached resulting in a balanced Budget position.

EXECUTIVE RECOMMENDATION

Moved: Cr Glover Seconded: Cr Atherton

That Council adopts the Budget Review 2021-22 as provided at Attachment 9.2.4(1) resulting in a balanced Budget position.

AMENDMENT

Amendment: Cr Glover Seconded: Cr Massey

That Council adopts the Budget Review 2021-22 as provided at Attachment 9.2.4(1) resulting in a balanced Budget position, subject to the description for COA1264 (job B320) being changed to “the previous Egan Park Sporting Complex”.

CARRIED 8/0

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

Against: Nil

COUNCIL RESOLUTION 8/22

Moved: Cr Glover Seconded: Cr Atherton

That Council adopts the Budget Review 2021-22 as provided at Attachment 9.2.4(1) resulting in a balanced Budget position, subject to the description for COA1264 (job B320) being changed to “the previous Egan Park Sporting Complex”.

CARRIED 8/0

ABSOLUTE MAJORITY ACHIEVED

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

Against: Nil

9.2.5 LONG TERM FINANCIAL PLAN AND RATING STRATEGY – 2021-22 REVIEW

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

Recommendation	
That Council:	
1.	Acknowledges that the Corporate Business Plan is due for presentation to Council for consideration no later than the April 2022 Ordinary Council Meeting and this has implications for the presentation of the 2021-22 reviews of the Long Term Financial Plan and the Rating Strategy to Council for consideration;
2.	Requests the Chief Executive Officer present the 2021-22 reviews of the Long Term Financial Plan and the Rating Strategy to Council for consideration at the next Ordinary Council Meeting post-adoption of the Corporate Business Plan.

STRATEGIC ALIGNMENT

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

Outcome	4.2	A respected, professional, and trusted organisation.
Strategy	4.2.1	Effective and efficient operations and service provision.
Action	4.2.1.2	Seek a high level of legislative compliance and effective internal controls.

EXECUTIVE SUMMARY

The Corporate Business Plan was originally scheduled to be considered by Council in December 2021 with the reviews of the Long Term Financial Plan and Rating Strategy reviews due for consideration in March 2022.

As the Corporate Business Plan will now be considered in either March or April 2022, this has a flow-on effect with regard to the timing of presentation of the Long Term Financial Plan and Rating Strategy reviews.

BACKGROUND

At the Ordinary Council Meeting held 15 December 2021 Council resolved the following in relation to the Corporate Business Plan Review 2021-22:

COUNCIL RESOLUTION 208/21

That Council:

- 1. Acknowledge the work undertaken to date in the review of the current Corporate Business Plan, including staff and Councillor workshops.*
- 2. Request the Chief Executive Officer to present the reviewed Corporate Business Plan to Council for consideration no later than the April 2022 Ordinary Meeting of Council, in order that it may assist in informing 2022-23 Budget deliberations.*

CARRIED 8/0 by En bloc Resolution

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Regulation 19DA of the Local Government (Administration) Regulations

- “(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.”*

CONSULTATION

Nil

OFFICER COMMENT

It is recommended that Council acknowledges the follow-on implications for the 2021-22 reviews of the Shire’s Long Term Financial Plan and Rating Strategy resulting from the anticipated timeframe for the adoption of the Corporate Business Plan and requests the Chief Executive Officer to present such reviews to Council for consideration at the next available Council Meeting post-adoption of the Corporate Business Plan.

COUNCIL RESOLUTION 9/22

Moved: Cr Massey Seconded: Cr Jones

That Council:

- 1. Acknowledges that the Corporate Business Plan is due for presentation to Council for consideration no later than the April 2022 Ordinary Council Meeting and this has implications for the presentation of the 2021-22 reviews of the Long Term Financial Plan and the Rating Strategy to Council for consideration;**

- 2. Requests the Chief Executive Officer present the 2021-22 reviews of the Long Term Financial Plan and the Rating Strategy to Council for consideration at the next Ordinary Council Meeting post-adoption of the Corporate Business Plan.**

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

9.2.6 SUBMISSION TO LOCAL GOVERNMENT ADVISORY BOARD FOR DISTRICT BOUNDARY ADJUSTMENT WITH SHIRE OF BOYUP BROOK

Location	Shire of Donnybrook Balingup / Shire of Boyup Brook
Applicant	Shire of Donnybrook Balingup
File Reference	A2491, A1732, A2671, A4390, A4389, A1393
Author	Stuart Eaton – Finance Projects
Responsible Manager	Kim Dolzadelli – Director Corporate and Community
Attachments	9.2.6(1) Guiding Principles. 9.2.6(2) Boundary change proposal letter and Landowner Survey – Boundary Adjustment 9.2.6(3) Officer Assessment under Guiding Principles
Voting Requirements	Simple Majority

Recommendation						
That Council:						
1. Endorses a proposed district boundary adjustment for the following properties:						
Land ID	VEN	Assess No	Cert of Title	Lot	Address	Proposed district that the property to be wholly located
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup	Shire of Donnybrook Balingup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup	Shire of Donnybrook Balingup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup	Shire of Donnybrook Balingup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West	Shire of Boyup Brook
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West	Shire of Boyup Brook
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West	Shire of Boyup Brook
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West	Shire of Boyup Brook
2. Subject to the Council of the Shire of Boyup Brook resolving to support the proposed boundary adjustment in accordance with Resolution 1, request the Chief Executive Officer to:						
<ul style="list-style-type: none"> a. Prepare a joint submission document to the Local Government Advisory Board in conjunction with the Shire of Boyup Brook. b. Present the joint submission document to Council for endorsement. 						

STRATEGIC ALIGNMENT

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision

EXECUTIVE SUMMARY

The purpose of this report is to seek a joint Council resolution between the Shire of Donnybrook and Shire of Boyup Brook to determine the preferred district boundary alignment for properties where the shire boundary bisects individual properties along the Shire of Donnybrook Balingup / Shire of Boyup Brook boundary. This determination is necessary to provide direction to officers to prepare the formal Local Government Advisory Board (Board) submission document.

The Board is the body established by the *Local Government Act 1995 (Act)* to assess proposals for changes to local government district boundaries.

The proposed boundary change is to permanently resolve issues relating to the Shire of Donnybrook Balingup and Shire of Boyup Brook shared boundary bisecting individual lots. This anomaly results in landowners having a single lot of land located in two local government districts.

BACKGROUND

Seven individual lots have been identified as being bisected by the Shire of Donnybrook Balingup / Shire of Boyup Brook local government boundary.

Table 1 Affected Properties

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

At the Ordinary Council Meeting on 22 September 2021, the Council of the Shire of Donnybrook Balingup resolved unanimously to support a joint submission to change the boundary as follows (Res: 154/21):

“That Council:

- 1. Endorse support for a joint submission to the Local Government Advisory Board with the Shire of Boyup Brook for a district boundary adjustment on the following properties where the Shire of Donnybrook-Balingup / Shire of Boyup Brook boundary dissects the individual lot.*

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

2. *Subject to the Council of the Shire of Boyup Brook resolving to support a joint submission in accordance with resolution 1, endorse the Chief Executive Officer to undertake consultation with landowners resolved in Resolution 1 to determine the preferred district for each affected lot.*
3. *That the Chief Executive Officer reports back to Council following the completion of landowner consultation undertaken in accordance with Resolution 2.”*

At the Ordinary Meeting of Council on 30 September 2021 Council of the Shire of Boyup Brook resolved unanimously to support a joint submission to change the boundary.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.1

MOVED: Cr Sarah E G Alexander

SECONDED: Cr Helen C O’Connell

That Council

1. **Endorse support for a joint submission to the Local Government Advisory Board with the Shire of Donnybrook Balingup for a district boundary adjustment on the following properties where the Shire of Donnybrook-Balingup / Shire of Boyup Brook boundary dissects the individual lot.**

Land ID	VEN	Assess No	Cert of Title	Lot	Address
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West

2. **Subject to the Council of the Shire of Donnybrook Balingup resolving to support a joint submission in accordance with resolution 1, endorse the Chief Executive officer to undertake consultation with landowners resolved in Resolution 1 to determine the preferred district for each affected lot.**
3. **That the Chief Executive Officer reports back to Council following the completion of landowner consultation undertaken in accordance with Resolution 2.**

CARRIED 6/0

Res 22/9/130

The following plan is guiding the joint submission to the Board with relevant completed sections shown.

The resolution that is the subject of this report relates to Stage 3 only (highlighted).

Table 1 Stages

Stages - Boundary Change		Council Decision Required	Landowner Consultation	Status
1	Joint Council resolution with Shire of Boyup Brook			Completed
	a. Endorse boundary change process	√		Completed
	b. Endorse initiating consultation with affected landowners	√		Completed
2	Letter to landowners advising process - Include a return form where landowner indicates preferred district for the affected lot		√	Completed
3	Joint Council resolution with Shire of Boyup Brook			
	a. Endorse proposed changes to boundary alignment	√		
	b. Authorise CEOs to prepare a submission for a district boundary change to Local Government Advisory Board	√		
4	Officers prepare Local Government Advisory Board submission report			
5	Joint Council resolution with Shire of Boyup Brook adopting the submission report for a district boundary change to Local Government Advisory Board	√		
6	Submit to Local Government Advisory Board			
7	Resolve matters raised from the Local Government Advisory Board assessment process			
8	Local Government Advisory Board considers proposal and makes recommendation to Minister for Local Government			
9	Minister makes determination on proposal and advises proponent via Local Government Advisory Board			

The subject properties are clustered in two distinct, geographically separated nodes. The two nodes are approximately 10km apart.

1. Northern Node (Noggerup) – 3 properties.
2. Southern Node (Wilga) – 4 properties.

Figure 2 - Northern (Noggerup) Node (3 properties) - Existing Boundary

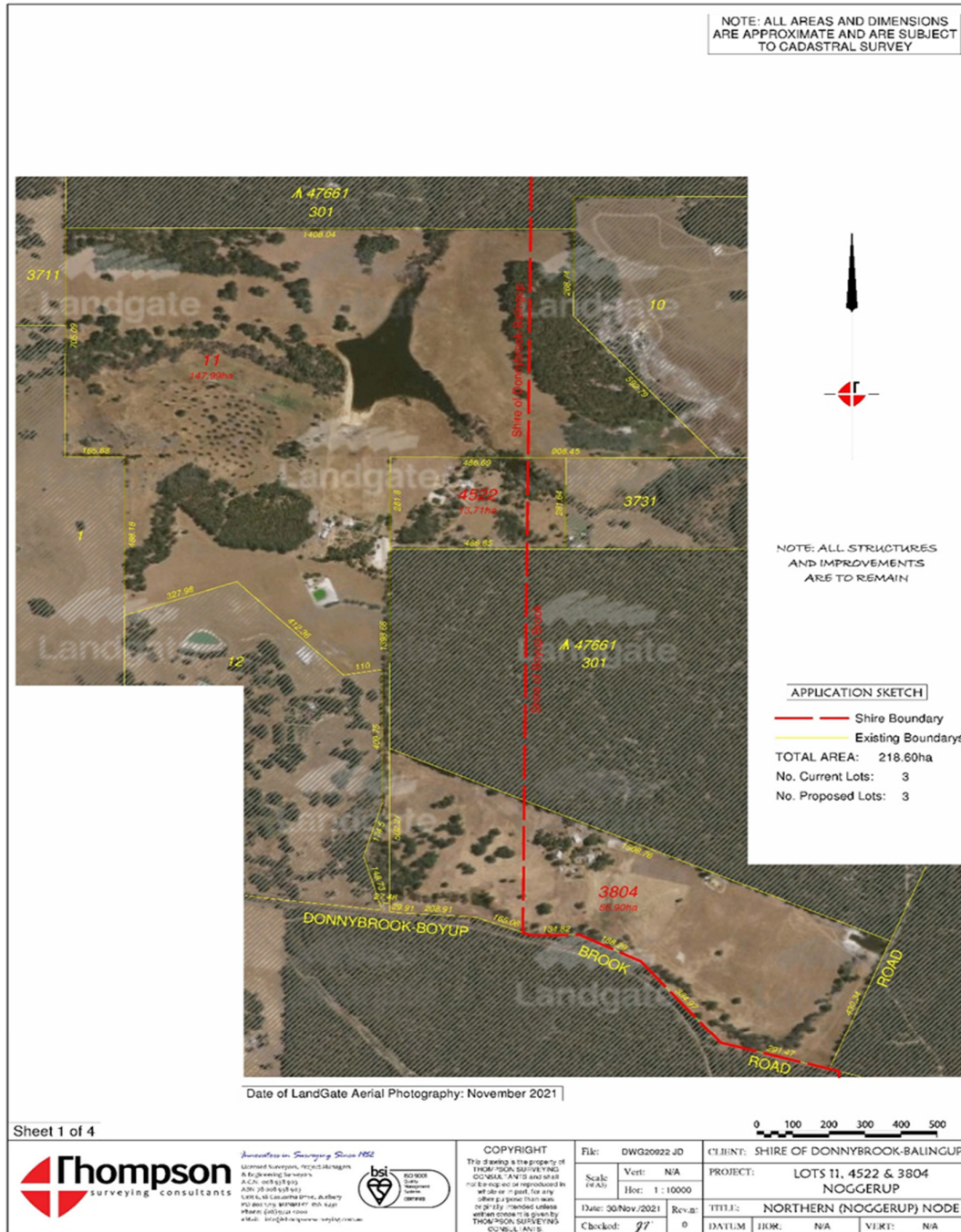
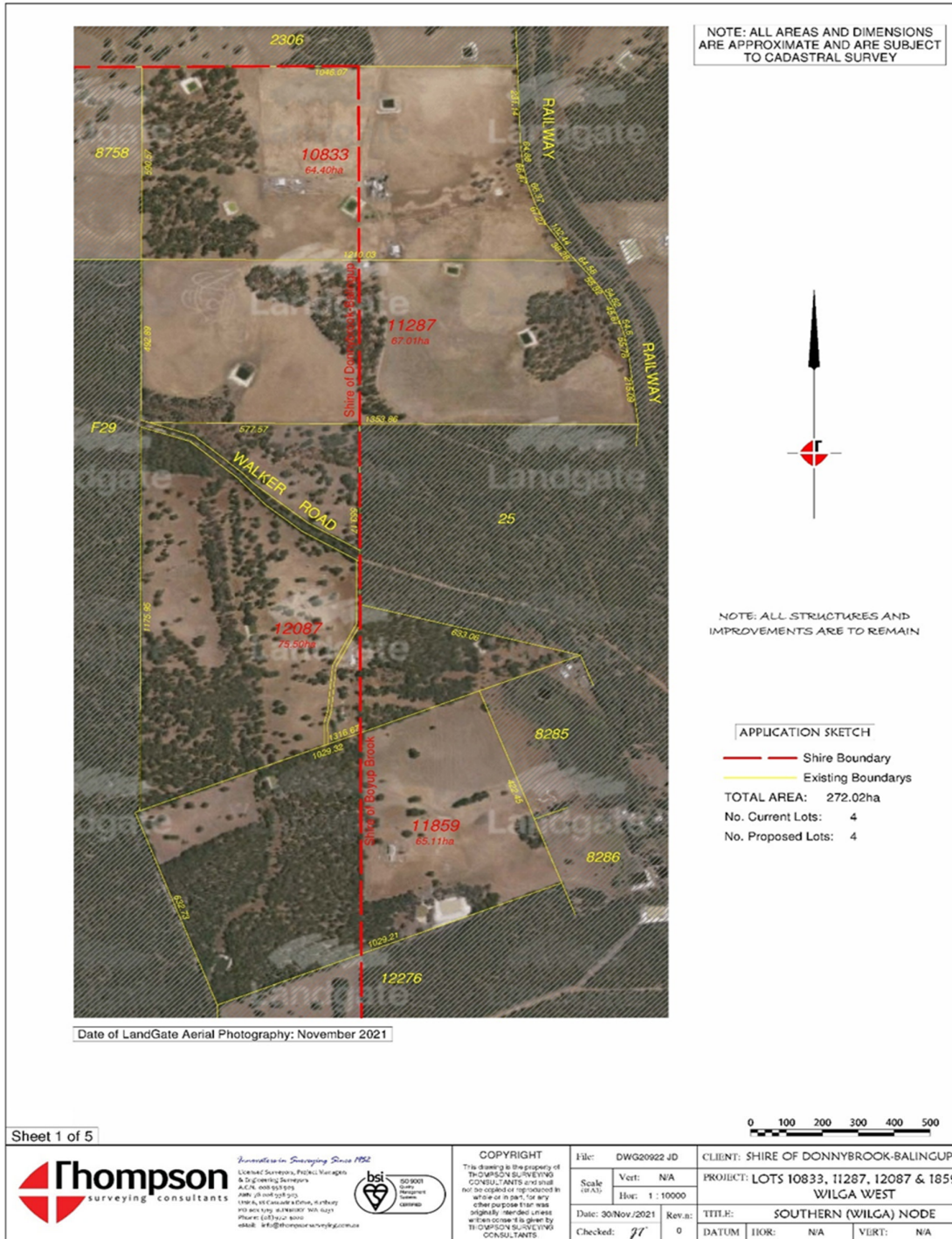


Figure 3 - Southern (Wilga) Node (4 properties) – Existing Boundary



POLICY COMPLIANCE

Not Applicable

STATUTORY COMPLIANCE

Schedule 2.1 of the *Local Government Act 1995* prescribes the requirements for changing boundaries of a local government district

2. Making a proposal

- (1) *A proposal may be made to the Advisory Board by —*
 - (a) *the Minister; or*
 - (b) *an affected local government; or*
 - (c) *2 or more affected local governments, jointly; or*
 - (d) *affected electors who —*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*
- (2) *A proposal is to —*
 - (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
 - (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
 - (c) *comply with any regulations about proposals.*

CONSULTATION

In accordance with joint resolutions of the Shires of Donnybrook Balingup and Boyup Brook, consultation was undertaken with affected landowners.

Landowner consultation was undertaken for a period of 6 weeks, commencing on 1 December 2021, and concluding on 14 January 2022.

Consultation consisted of:

- a) advising landowners of the Shires' intention to submit a boundary change proposal (Attachment 9.2.6(2)).
- b) surveying respective landowners to obtain a preference for the alignment of a future boundary change (Attachment 9.2.6(2)).

Of the seven subject properties, five survey responses were received.

Table 2 Submissions

Support	Oppose	No Response	Total
5	0	2	7

The results of the consultation surveys are detailed as follows:

Table 3 Landowner consultation responses

Owner Last Name	Owner Initials	Lot Number	Street Number	Road	Suburb	Postcode	Support	Landowner Preferred District
Stockton	DJ	Lot 4522	3853	Donnybrook - Boyup Brook Road	Noggerup	6225	Yes	Shire of Boyup Brook
Scott	BF & RA	Lot 11	3851	Donnybrook - Boyup Brook Road	Noggerup	6225	Yes	Shire of Donnybrook Balingup
McAndrew	MA	Lot 3804	3905	Donnybrook - Boyup Brook Road	Noggerup	6226	Yes	Shire of Boyup Brook
Charteris	GW	Lot 11859	N/A	Walker Road	Wilga West	6243	Yes	Shire of Boyup Brook
Charteris	EN	Lot 12087	199	Walker Road	Wilga West	6243	Yes	Shire of Donnybrook Balingup
Moir	EMM & KJ	Lot 10833	118	Walker Road	Wilga West	6243	N/A	No Response Received
Moir	EMM & KJ	Lot 11287	118	Walker Road	Wilga West	6243	N/A	No Response Received

OFFICER COMMENT/CONCLUSION

The proposed boundary recommendations are based on officer assessment undertaken against the following prescribed guiding principles (Attachment 9.2.4(1) Guiding Principles. Proposal to create, change the boundaries of, or abolish a local government district). These guiding principles form the basis for The Board considering changes to local government boundaries.

1. Community Interests
2. Physical and Topographic Features
3. Demographic Trends
4. Economic Factors
5. History of the Area
6. Transport and Communication
7. Matters Affecting the Viability of Local Governments
8. The Effective Delivery of Local Government Services

A full copy of the officer assessment against the guiding principles is provided in Attachment 9.2.6(3) with a summary provided below:

Table 4 Summary of Assessment Under the Guiding Principles

	Northern (Noggerup) node	Southern (Wilga) node
Community of Interests	Donnybrook Balingup	Boyup Brook
Physical and Topographic Features	Donnybrook Balingup	Boyup Brook
Demographic Trends	Not Applicable	Not Applicable
Economic Factors	Donnybrook Balingup	Boyup Brook
History of the Area	Not Applicable	Not Applicable
Transport and Communication	Not Applicable	Not Applicable
Matters Affecting the Viability of Local Governments	Not Applicable	Not Applicable
The Effective Delivery of Local Government Services	Not Applicable	Not Applicable
Summary	Northern (Noggerup) node	Southern (Wilga) node
Shire of Donnybrook Balingup	3	0
Shire of Boyup Brook	0	3
Not Applicable	5	5

The assessment has informed the following proposed realignments which are reflected in the officer recommendation.

Table 5 Assessed Proposed District Boundary

Lot Number	Street Number	Road	Suburb	Postcode	Proposed district that the property to be wholly located	Landowner Preference
Lot 4522	3853	Donnybrook - Boyup Brook Road	Noggerup	6225	Shire of Donnybrook Balingup	Shire of Boyup Brook
Lot 11	3851	Donnybrook - Boyup Brook Road	Noggerup	6225	Shire of Donnybrook Balingup	Shire of Donnybrook Balingup
Lot 3804	3905	Donnybrook - Boyup Brook Road	Noggerup	6226	Shire of Donnybrook Balingup	Shire of Boyup Brook
Lot 11859	N/A	Walker Road	Wilga West	6243	Shire of Boyup Brook	Shire of Boyup Brook
Lot 12087	199	Walker Road	Wilga West	6243	Shire of Boyup Brook	Shire of Donnybrook Balingup
Lot 10833	118	Walker Road	Wilga West	6243	Shire of Boyup Brook	No Response Received
Lot 11287	118	Walker Road	Wilga West	6243	Shire of Boyup Brook	No Response Received

It is noted that three recommendations are at odds with individual landowner preference. Having taken in account landowner survey responses, it is considered that the officer assessment against the guiding principles provide a robust basis for a submission to the Board and therefore forms the basis of the recommendation.

COUNCIL RESOLUTION 10/22

Moved: Cr Massey Seconded: Cr Jones

That Council:

- 1. Endorses a proposed district boundary adjustment for the following properties:**

Land ID	VEN	Assess No	Cert of Title	Lot	Address	Proposed district that the property to be wholly located
4522P162073/2	1076360	A2491	2215/767	Lot 4522	3853 Donnybrook-Boyup Brook Road, Noggerup	Shire of Donnybrook Balingup
11P20750/1	1075849	A1732	2048/547	Lot 11	3851 Boyup Brook Road Noggerup	Shire of Donnybrook Balingup
3804P153547/2	1076419	A2671	1897/282	Lot 3804	3905 Donnybrook-Boyup Brook Road, Noggerup	Shire of Donnybrook Balingup
11859P157909/2	1630596	A4390	1245/290	Lot 11859	Lot 11859 Walker Road, Wilga West	Shire of Boyup Brook
12087P163478/2	1630597	A4389	1328/357	Lot 12087	199 Walker Road, Wilga West	Shire of Boyup Brook
10833P140931/2	1076069	A1393	1039/55	Lot 10833	118 Walker Road, Wilga West	Shire of Boyup Brook
11287P159733/2	1076069	A1393	1175/249	Lot 11287	118 Walker Road, Wilga West	Shire of Boyup Brook

- 2. Subject to the Council of the Shire of Boyup Brook resolving to support the proposed boundary adjustment in accordance with Resolution 1, request the Chief Executive Officer to:**
 - a. Prepare a joint submission document to the Local Government Advisory Board in conjunction with the Shire of Boyup Brook.**
 - b. Present the joint submission document to Council for endorsement.**

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 DONNYBROOK DENTAL SURGERY – PARTIAL SURRENDER OF LEASE - OPTION FOR SHIRE USE

Location	116B South Western Highway Donnybrook (Donnybrook Dental Surgery)
Applicant	Shire of Donnybrook Balingup
File Reference	L087
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	Nil
Voting Requirements	Simple Majority

Cr Smith left the chamber at 5:37pm

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the advice from Bupa Dental Care that the premise located at 116B South Western Highway, Donnybrook is surplus to needs and that Bupa intends to surrender this portion of the lease; 2. Notes that there is a current and future requirement for additional office space to accommodate Shire staff as the existing Administration building is constrained and provides limited opportunity for further growth; 3. Resolves to support the establishment of a satellite Shire office at 116B South Western Highway, Donnybrook to enable a portion of Shire staff to re-locate which will provide increased space and separation between staff for health and operational benefits; 4. Endorses provision of \$50,000 as part of the Budget Review to suitably furnish and provide essential services to the building to accommodate staff.

STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome	12	A well respected, professionally run organisation.
Objective	12.2	Continuously improve workplace culture.

EXECUTIVE SUMMARY

The current tenants at Units 116A and 116B Southwestern Highway - 'Donnybrook Dental Surgery' have approached the Shire indicating they wish to surrender the lease on Unit 116B whilst retaining the lease on Unit 116A to continue the dental practice.

This provides an opportunity for the Shire to convert Unit 116B into additional Shire office space to accommodate a portion of Shire staff from the current Administration building, thereby releasing the pressure of overcrowding in certain areas.

Further, it has the potential to increase the Shire's resilience in the event of a COVID outbreak potentially facilitating services to be provided from an alternative office in the event of an office lockdown.

BACKGROUND

The tenant (Bupa) of both Units 116A and 116B Southwestern Highway, Donnybrook has requested to surrender their current lease for Unit 116B whilst continuing to lease 116A in its current state as "Donnybrook Dental Surgery".

The Commercially zoned property is situated within the Donnybrook Town Centre and is located on the eastern side of South Western Highway. The site is improved with two detached buildings each currently being occupied as dental surgeries.

This 157m² 1980's space currently contains:

- A reception/office area,
- Staff room,
- Treatment room,
- Three individual consulting rooms,
- Storeroom with existing IT infrastructure (ownership of infrastructure unknown)
- A waiting room, and
- Two toilets

The Lease states that the tenants upon exiting the lease are to:

- Fix any holes in walls (Sec 4.15);
- Repaint walls and ceiling (Sec 5.3);
- Replace floor coverings (Sec 5.4);
- Remove all fixtures and fittings and repair the building to its original state at the commencement of the lease (Sec. 15.2).

Staff have assessed the building and determined that subject to some minor works, it may be suitable for use as an additional Shire office space. An initial assessment has indicated that the space could potentially accommodate 7-10 staff and possesses suitable meeting space, a staff room and ample ablutions.

FINANCIAL IMPLICATIONS

The Budget Review is proposing a transfer of \$50,000 from 'Buildings Reserve' to a new capital works project of "Administration Centre/Dentist Building Renewal".

Ceasing to lease the premise privately will result in a reduction of potentially \$20,000 per annum of private lease income based on the existing lease arrangement.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Whilst it is acknowledged there is an opportunity for Council to re-lease the property on a commercial basis to a separate party, the Executive are of the view that it may also present a unique opportunity to be utilised internally by the Shire to prepare for the future and ensure existing staff have appropriate working conditions.

Many staff within the existing Administration building are required to work in close proximity to each other which has operational implications in terms of noise, human movement, privacy etc. Further, with the increased prevalence of COVID in W.A. additional and separate office space will provide health benefits to staff and may potentially enable the Shire to continue providing services to the community in the event that either of the two facilities is required to close for whatever reason.

It is noted that the refurbishment or replacement of the current Shire Administration Building has been considered from time to time by the Shire over a number of years, however there are still no firm plans in place for any action in this regard. The re-location of a portion of staff to a satellite office will release the immediate pressure on the existing Administration building and provide some breathing space for Council over the next few years whilst it determines how it wishes to approach this challenge.

COUNCIL RESOLUTION 11/22

Moved: Cr Glover Seconded: Cr Jones

That Council:

- 1. Acknowledges the advice from Bupa Dental Care that the premise located at 116B South Western Highway, Donnybrook is surplus to needs and that Bupa intends to surrender this portion of the lease;**
- 2. Notes that there is a current and future requirement for additional office space to accommodate Shire staff as the existing Administration building is constrained and provides limited opportunity for further growth;**
- 3. Resolves to support the establishment of a satellite Shire office at 116B South Western Highway, Donnybrook to enable a portion of Shire staff to re-locate which will provide increased space and separation between staff for health and operational benefits;**
- 4. Endorses provision of \$50,000 as part of the Budget Review to suitably furnish and provide essential services to the building to accommodate staff.**

CARRIED 7/0

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

Against: Nil

Cr Smith re-entered the chamber at 5:41pm

9.3.2 LOCAL GOVERNMENT REFORM – WALGA POSITIONS AND RECOMMENDATIONS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.2(1) WALGA Advocacy Positions and Recommendations 9.3.2(2) Local Government Review Panel Final Report
Voting Requirements	Simple Majority

Recommendation
That Council supports the WALGA Advocacy Positions and Recommendations provided in Attachment 9.3.2(1) regarding the Local Government Reform.

STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

The Department of Local Government, Sport and Cultural Industries (DLGSC) is inviting comments from local governments and the wider community to inform implementation of the proposed local government reforms announced by the Minister for Local Government on 10 November 2021.

WALGA has prepared a paper (Attachment 9.3.2(1)) which includes advice on the sector’s current positions that are covered in the reform proposal together with recommendations on establishing new positions for matters not previously canvassed.

BACKGROUND

On 10 November 2021 the Minister for Local Government released a consultation paper on the Local Government legislative reform initiatives. The proposed reforms have been developed based on findings identified as part of the Local Government Act Review and recommendations of various reports, including the Local Government Review Panel Final Report (Attachment 9.3.2(2)).

The DLGSC has advised that major changes to the Local Government Act and Regulations will provide for a stronger, more consistent framework for local government across Western Australia. The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

The proposed reforms are based on six themes:

- Earlier intervention, effective regulation, and stronger penalties
- Reducing red tape, increasing consistency and simplicity
- Greater transparency and accountability
- Stronger local democracy and community engagement
- Clear roles and responsibilities
- Improved financial management and reporting.

The DLGSC has invited comments from local governments and the wider community to inform the implementation of the proposed reforms.

WALGA contacted local governments requesting feedback in relation to the local government reforms. A copy of WALGA's Advocacy Positions and Recommendations is contained in Attachment 9.3.2(1).

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT/CONCLUSION

It is recommended Council endorse the positions and recommendations provided by WALGA as contained in Attachment 9.3.2(1).

COUNCIL RESOLUTION 12/22

Moved: Cr Massey Seconded: Cr Jones

That Council supports the WALGA Advocacy Positions and Recommendations provided in Attachment 9.3.2(1) regarding the Local Government Reform.

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

9.3.3 ORGANISATIONAL CULTURE SURVEY–2022/23 BUDGET CONSIDERATION

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PSN12
Author	Ben Rose – Chief Executive Officer
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.3.3(1) – LG People and Culture 9.3.3(2) – Catalyse 9.3.3(3) – Integral
Voting Requirements	Simple Majority

Recommendation	
<p>That Council requests the Chief Executive Officer allocate \$7,000 in the Draft 2022-23 Budget for the purpose of undertaking an organisational culture survey.</p>	

STRATEGIC ALIGNMENT

The following outcomes from the Strategic Community Plan relate to this proposal:

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision

EXECUTIVE SUMMARY

Quotes for an organisational culture survey have been sought to determine an appropriate budget allowance (consideration) for the 2022-23 Budget.

BACKGROUND

In March 2017, the Australian Institute of Company Directors (AICD) undertook a Governance and Culture Survey for the Council, which was funded by the Department of Local Government, Sport and Cultural Industries. The same Governance and Culture Survey was undertaken by the AICD in March 2018, following a significant change to the Council membership (following the LG election). Both the 2017 and 2018 surveys were for the Council / Councillors however did not include the administration / staff.

Council is requested to consider allocation of funding via the 2022-23 draft Budget for the undertaking of an organisation culture survey. Three quotes were sought:

- LG People and Culture: \$4,950 (ex GST)
- Catalyse: \$5,000 (ex GST)
- Integral: \$11,680.00 (ex GST) this does not include Periodic Pulse Surveys (additional \$4,615.00)

FINANCIAL IMPLICATIONS

Council is being requested to consider the quotes provided for possible inclusion of funding in the Draft 2022-23 Budget. Actual determination of the funding will be via Council's consideration of the Final 2022-23 Budget in July/August this year.

Whilst two of the quotes do not exceed \$5k, it is recommended that an additional allowance of \$2k (i.e. total of \$7k) is budgeted for to allow for any required additional presentations (above/beyond the contract allowance) and price increases between now and later in the year when the survey would be undertaken (if supported).

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

If funding is available for the survey exercise via the 2022-23 Budget, consultation with all staff and Councillors will precede the commencement of any surveys.

OFFICER COMMENT

Shire records indicate that, whilst general workforce surveys have been undertaken over the past decade, an organisational culture survey for staff has never been undertaken. During a period of significant Council membership change in 2017-2018, two Council Governance and Culture Surveys were undertaken for Councillors.

Contemporary organisational management practices would suggest recurring culture surveys (between 1-2) years) to develop meaningful, robust and longitudinal data. The availability of workforce organisational culture data is a key management tool in maintaining (and or developing) a high performance organisation and enables the staff/Executive to identify areas or initiatives for focus. Additionally, in small-to-medium sized organisations (such as the Shire of Donnybrook Balingup), there are likely to be benefits in including the Board/Council as an additional/separate cohort in the survey. Understanding the cultural alignment within the Council membership and between the Council and the Administration is an important factor in developing and maintaining an aligned and high performing organisation.

The scope of works for each quote is similar, including: survey design, survey implementation (electronic and/or hard copy), data collation, data interpretation, report preparation and distribution.

The Council is not being requested to select a preferred quote/candidate, or to approve any expenditure at this stage. Rather, the Council is being requested to support an allocation of funding for the Draft 2022-23 Budget for the purpose of an organisational culture survey. The quotes received/attached, are provided to assist Council in determining an appropriate amount of funding for the 2022-23 Budget.

COUNCIL RESOLUTION 13/22

Moved: Cr Massey Seconded: Cr Jones

That Council requests the Chief Executive Officer allocate \$7,000 in the Draft 2022-23 Budget for the purpose of undertaking an organisational culture survey.

CARRIED 8/0 by En bloc Resolution

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

Against: Nil

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

Nil.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

13 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 23 March commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber and that the Agenda Briefing Session on 16 March will be at the Kirup Hall.

The Shire President declared the meeting closed at 5:42 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 23 March 2022.



Cr Leanne Wringe
SHIRE PRESIDENT