



MINUTES OF ORDINARY MEETING OF COUNCIL

held on

Wednesday 24 November 2021

Commencing at 5.00pm

Balingup Hall, Balingup

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

Ben Rose
Chief Executive Officer

6 December 2021

Disclaimer

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

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SHIRE OF DONNYBROOK BALINGUP
NOTICE OF ORDINARY COUNCIL MEETING

Held at the Balingup Hall
Wednesday, 24 November 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President to acknowledge 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.

The Shire President advised that the meeting was not being audio recorded.

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	
Cr Jackie Massey	
Cr Fred Mills	
Cr Chaz Newman	
Cr Chris Smith	

PUBLIC GALLERY

26 members of the public were in attendance.

1 member of the Press

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Shire President's Diary

22 October 2021 Meeting with CEO
23 October 2021 Attended Yabberup Hall 125 year celebration
27 October 2021 Meeting with CEO
27 October 2021 Donnybrook Balingup Community Radio
27 October 2021 Councillor Training
27 October 2021 October Ordinary Council Meeting
28 October 2021 Meeting with CEO
03 November 2021 Meeting with Steve Thomas, MLC
03 November 2021 LG Pro Award Presentation – Good Shed
04 November 2021 Donnybrook Historical Society at Upper Capel Gold Mine site
06 November 2021 Visit to Donnybrook Tennis Club
09 November 2021 Meeting at Tuia Lodge
09 November 2021 Meeting with Brad Fowler & Angelo Loguidice
10 November 2021 South West Development Commission Meeting in Manjimup
11 November 2021 DBCA and Donnybrook Historical Society Meeting
12 November 2021 Shire Calendar Photo Competition Judging
13 November 2021 Attended official opening of DBK Community Garden Shed
15 November 2021 Meeting with Cr. Peter Gubler and CEO
15 November 2021 Meeting with Cr. Fred Mills and CEO
15 November 2021 Meeting with Cr. Phil Jones and CEO
15 November 2021 Webinar – LG Reform Update
16 November 2021 Visit to Donnybrook Basketball Association (Rec. Centre)
17 November 2021 Meeting with CEO
17 November 2021 Agenda Briefing and Concept Forum
18 November 2021 Meeting with Wendy Trow
19 November 2021 SW Zone Meeting at Dardanup
19 November 2021 Meeting with Shire President Cr. Sarah Stanley, Shire of Collie.
19 November 2021 Heritage Council Awards, Perth Art Galley
21 November 2021 Attended State Cabinet Ministers Community Reception, Eaton
23 November 2021 Meeting with Cr. Lisa Glover
23 November 2021 Apple Festival and DB Chamber of Commerce Forum

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. Glover declares a proximity interest in item 9.2.7 Donnybrook Community Sporting, Recreation and Events Precinct (VC Mitchell Park) Project – Draft Loan Application as she owns a property directly adjoining the site.

Cr. Massey declares an impartiality interest in item 9.2.6 Balingup and Kirup Progress Associations – Strategic Plans as she is a member of the Balingup Progress Association.

Cr. Wringe declares an impartiality interest in item 9.2.6 Balingup and Kirup Progress Associations – Strategic Plans as she is a member of the Kirup Progress Association.

Cr. Gubler declares an impartiality interest in item 9.2.6 Balingup and Kirup Progress Associations – Strategic Plans as he is a member of the Balingup Progress Association.

Cr. Atherton declares an impartiality interest in item 9.2.7 Donnybrook Community Sporting, Recreation and Events Precinct (VC Mitchell Park) Project – Draft Loan Application as he is a member of the Donnybrook Football Club.

Cr. Glover declares an impartiality interest in item 9.2.7 Donnybrook Community Sporting, Recreation and Events Precinct (VC Mitchell Park) Project – Draft Loan Application as she is a member of the Donnybrook Ladies Hockey Club.

Cr. Jones declares an impartiality interest in item 9.2.7 Donnybrook Community Sporting, Recreation and Events Precinct (VC Mitchell Park) Project – Draft Loan Application as he is a member of the Donnybrook Cricket Club.

Cr Wringe declares an impartiality interest in item 12.1.3 Community Citizen of the Year – Confidential as she was an awards nominator.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Sandra Hough, Lowden

Will you please consider an immediate review of the last Special Electors Meeting and will the Shire President make known her ideas and rules for the conduct of future Meetings?

Shire President Leanne Wringe

I have certainly given lengthy consideration to the recent Special Meeting of Electors, however, I do not believe the application of Shire resources and time towards a formal review (whatever form that might take) is in the best interests of the community. I prefer to look forwards, not backwards. I understand the Minister for Local Government is presently reviewing parts of the Local Government Act which relate to meeting procedures, so we may see a standardisation across the State for these sorts of public meetings in the future. I cannot categorically state what meeting rules I might apply in the future – it would depend on a lot of factors at the time.

Sandra Hough, Lowden

Could the Shire explain what future efforts will be made to explain projects and collect more community feedback? Is the Shire willing to readjust and change ideas as more involvement becomes the norm?

Chief Executive Officer

The Shire uses a mixture of 'online' (e.g. surveys), 'in person' (e.g. information days, Working Groups), 'in print' (e.g. Preston Press, direct mail outs) and 'on air' (e.g. radio) methodologies for engaging with the community on a variety of its projects, initiatives and proposals. The

consultation and engagement approach for each matter needs to be considered on its own merits, balancing the often-competing priorities of time, legislative requirements, resourcing availability and community expectations. As with any organisation (government, private, not-for-profit), there is always room for improvement and the Shire is open and willing to receive feedback as to how consultation and engagement may be undertaken in a more efficient and/or effective manner.

Brad Fowler

Troy Jones, Department of Local Government, Sport and Cultural Industries, mentioned that with regards to the \$6 million COVID Recovery Plan, there is no requirement by the Shire of Donnybrook Balingup to add in the \$3 million. Why have the residents not been told about this before?

Chief Executive Officer

The Hon. Mick Murray outlined the Shire's obligations to co-contribute funding in his detailed note/email presented to the recent Special Meeting of Electors. The Department has never advised the Shire that it can secure the State's \$6m funding without co-contributing \$3m. Never-the-less, the Shire has recently written to the Minister for Sport and Recreation for decisive direction on the matter.

Brad Fowler

What does being 'shovel ready' mean with regards to Master Plan at VC Mitchell Park Precinct?

Chief Executive Officer

I'm not sure that the Shire has been actively promoting the project in the public domain as being 'shovel ready', but I have come across the term a bit in commentary on the project. The colloquial interpretation of 'shovel ready' is that a project is ready for commencement.

Karen Connor

When will the Shire provide answers to the questions raised on VC Mitchell Park Open Day?

Chief Executive Officer

The new Council has only been in place for around 5 weeks; I am arranging a concept forum in the coming weeks to brief Councillors on the whole project before bringing any further items to a Council Meeting.

Karen Connor

Will it be published on the website or as an agenda item?

Chief Executive Officer

It will be on the website, either as a stand-alone document, or as part of an agenda item (one way or the other, it will be online).

Brad Fowler

Why was Peter Kenyon's report not published?

Chief Executive Officer

There was no report to publish; Mr Kenyon did not prepare a report for the Shire. Mr Kenyon provided a quote to the Shire for this work and commenced some background meetings/phone calls, however, after those meetings/phone calls, decided that he did not want to undertake the work.

Brad Fowler

With regards to agenda item 9.2.7, what does broader discussion mean?

Chief Executive Officer

A Councillor Concept Forum.

Rod Atherton

Are you aware of the statement by Mick Murray that the \$6 million grant would not be forthcoming to the Shire without the \$3 million co-contribution by the Shire?

Chief Executive Officer

Yes, I am aware of the Hon. Mick Murray's statement he provided to the recent Special Meeting of Electors about this matter.

Rod Atherton

Are you aware of the printed articles and misleading statements that the \$6 million sporting grant could be achieved by the Shire without co-contribution?

Chief Executive Officer

Yes, I have seen those various statements.

Mike King

Was it appropriate for the Shire to sanction an event sponsored by Barr & Standley and by one of its employees who is also a Councillor?

Chief Executive Officer

The Shire did not sanction this event.

Mike King

Did the Shire provide the venue?

Chief Executive Officer

The venue was booked by a third party (the Donnybrook football Club) who paid the booking fees and bond. There were no waivers, discounts or 'special treatment'.

Peter Hearman

Did the Shire have any other contributions to the centenary celebration?

Chief Executive Officer

No.

Peter Hearman

Did the Shire have any plans to celebrate the centenary?

Chief Executive Officer

Not in October 2021. The Shire was waiting on State-funded works to be completed at the Memorial Hall before hosting a joint celebration to recognise that State funding and the 100th year/anniversary of the Hall.

John Bowden

Is the new subdivision on Walter Road connected to sewer or leach drains?

Director Operations

Approval for the subdivision has been conditionally granted by the WA Planning Commission, with the preparation and approval of an Urban Water Management Plan (to DWER guidelines) required as a condition of approval. ATU treatment systems would be required rather than traditional septic.

Peter Hearman

Does the Shire have any policies for outside sponsorship/funding for the Hall?

Chief Executive Officer

I don't believe so, however, I could check the Shire's list of policies if you wanted.

John Bowden

Can something be done to control speed on Walter and Grimwade Road?

Chief Executive Officer

I would need to review the matter with the Manager of Works and Services and give consideration as to the overall budget needs through the next budget.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Balingup Progress Association: Balingup Strategic Plan.

Kirup Progress Association: Kirup Strategic Plan.

Mr Brad Fowler and Mr Angelo Loguidice: Donnybrook Balingup Residents and Ratepayers Association – Overview of Association.

PROPOSED MOTION

That item 7.1 – Confirmation of Minutes Ordinary Meeting of Council 27 October 2021 be removed from En-Bloc.

COUNCIL RESOLUTION 178/21

Moved: Cr Mills Seconded: Cr Newman

That item 7.1 – Confirmation of Minutes Ordinary Meeting of Council 27 October 2021 be removed from En-Bloc.

CARRIED 9/0

ADOPTION BY EXCEPTION

COUNCIL RESOLUTION 179/21

Moved: Cr Atherton Seconded: Cr Massey

That the following items be adopted ‘en bloc’:

- 7.2 Audit and Risk Committee Meeting – 14 October 2021**
- 7.3 Bushfire Advisory Committee Meeting – 28 October 2021**
- 9.2.2 Monthly Financial Report – September 2021**
- 9.2.3 Monthly Financial Report – October 2021**
- 9.2.4 2021/2022 Donnybrook Recreation Centre: Fees and Charges 2021/2022 – Discount on Bulk Swimming Ticket Purchases**
- 9.2.5 2021/2022 Donnybrook Recreation Centre: Sponsorship Arrangements**
- 12.1.1 RFT 01/2122-Upgrade pf Collins Street and Steere Street - Confidential**

CARRIED 9/0

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 27 OCTOBER 2021

Minutes of the Ordinary Meeting of Council held 27 October 2021 are attached (attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 27 October 2021 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 180/21

Moved: Cr Glover Seconded: Cr Smith

That the Minutes from the Ordinary Meeting of Council held 27 October 2021 be confirmed as a true and accurate record.

CARRIED 7/2

7.2 AUDIT AND RISK MANAGEMENT COMMITTEE MEETING - 14 OCTOBER 2021

Unconfirmed Minutes of the Audit and Risk Management Committee Meeting held 14 October 2021 are attached (attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the unconfirmed Minutes from the Audit and Risk Management Committee Meeting held 14 October 2021 be received by Council.

COUNCIL RESOLUTION 181/21

Moved: Cr Atherton Seconded: Cr Massey

That the unconfirmed Minutes from the Audit and Risk Management Committee Meeting held 14 October 2021 be received by Council.

CARRIED 9/0 by En bloc Resolution

7.3 BUSHFIRE ADVISORY COMMITTEE MEETING – 28 OCTOBER 2021

Minutes of the Bush Fire Advisory Committee Meeting held 28 October 2021 are attached (*attachment 7.3(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Bush Fire Advisory Committee Meeting held 28 October 2021 be received by Council.

COUNCIL RESOLUTION 182/21

Moved: Cr Atherton Seconded: Cr Massey

That the Minutes from the Bush Fire Advisory Committee Meeting held 28 October 2021 be received by Council.

CARRIED 9/0 by En bloc Resolution

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 ARGYLE IRISHTOWN VOLUNTEER BUSHFIRE BRIGADE STATION – PROPOSED LOCATION

Location	Shire of Donnybrook Balingup
Applicant	Argyle Irishtown Bushfire Brigade / Shire of Donnybrook Balingup
File Reference	FRC 10A
Author	Steve Potter, Director Operations
Responsible Officer	Steve Potter, Director Operations
Attachments	9.1.1(1) Previous Council Report, March 2021 OCM 9.1.1(2) Consultation Package 9.1.1(3) Written Submissions 9.1.1(4) Petition
Voting Requirements	Simple Majority

Recommendation

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 12158's suitability for the intended purpose;

6. Instructs the Chief Executive Officer to explore access and siting options for a new brigade station on R12158 and liaise with relevant authorities to determine the following:

6.1 Possibility of utilising the existing cleared portion of R12158 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.

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

Further to a Council resolution made at the Ordinary Council Meeting of 24 March 2021, to support the construction of a new brigade building on Reserve 45450 (Harjadup Reserve – R45450), the Shire subsequently received feedback from a number of community members, both supporting and objecting to the proposal.



Figure 1 - Reserve 45450

In order to gain an accurate understanding of community sentiments prior to proceeding further, the Shire undertook targeted public notification of the proposal through the distribution of information packages to local residents and the establishment of an online survey with a number of responses being received. Further, at the Ordinary Council Meeting held 22 September 2021, a petition was presented to Council signed by a number of Argyle residents objecting to the proposal.

It was evident from the views expressed during the consultation process and noting the petition received, that progressing the proposal at R45450 had the potential to result in significant community unrest. As such, Shire staff have made further representations to the Department of Planning, Lands and Heritage (DPLH) to determine if there was an opportunity for the Shire to gain access to a parcel of land located at the corner of Argyle Road and South Western Highway, Argyle (R12518) which was previously identified by the AIBFB and a number of submitters during the consultation period as a possible alternative.



Figure 2 - Reserve 12518

The Shire has recently received confirmation via the DPLH that the Public Transport Authority (PTA), which has the current management order over R12518, has provided in-principle support for the excision of the southern portion of the reserve and transferring the management order to the Shire.

Prior to proceeding, it is recommended that the Shire undertake due diligence measures including undertaking nearby landowner consultation and establishing development opportunities and constraints including native vegetation clearing implications, options for site access and confirming the locality of existing services (amongst others). Preliminary approaches have already been made to the Department of Water and Environmental Regulation (DWER) and Main Roads WA (MRWA) with initial responses being mostly favourable.

In order for Council to consider the outcome of such measures, it is recommended that a further report be brought back to Council in February 2022 for consideration.

BACKGROUND

At the March 2021 Ordinary Council Meeting, Council resolved the following:

“That Council:

- 1. Endorses the proposed location of Reserve 45450 (Harjadup Reserve) for a future fire station for the Argyle Irishtown Bush Fire Brigade;*
- 2. Requests the Chief Executive Officer to liaise further with the AIBFB to identify a suitable location on Reserve 45450 (Harjadup Reserve) and to clarify the exact area of land required for the new facility;*
- 3. Subject to such details being determined in Point 2, instructs the Chief Executive Officer to make a formal request to the Department of Planning, Lands and Heritage to excise a portion of Reserve 45450 (Harjadup Reserve) to create a new reserve with a Management Order granted to the Shire for the intended purpose;*
- 4. Authorises the Chief Executive Officer to utilise up to \$5,000 to undertake surveying and other activities associated with Point 3 to be sourced from G/L 121720 (Land Use Planning);*
- 5. Subject to approval being granted by the DPLH under Point 3, requests the Chief Executive Officer make financial provision in 2022/23 for civil works associated with the construction of the new facility that are not funded under the DFES Local Government/Capital Grants Scheme;*
- 6. Subject to approval being granted by the DPLH under Point 3, requests the Chief Executive Officer to make a formal application for the new facility via the DFES Local Government/Capital Grants Scheme in March 2022.*

A full copy of the March OCM Council Report is provided at Attachment 9.1.1(1).

It is noted that Council's decision was in response to a formal request being received from the AIBFB Committee, however it is acknowledged that the AIBFB Committee was not unanimous in endorsing R45450 as the preferred location, with several members voting against the proposal.

The challenge of identifying an appropriate site has been ongoing for some time, mainly due to the absence of suitable land being available in the Argyle – Irishtown locality. Whilst there are a number of development considerations for any proposal, this particular project is subject to external funding from the Department of Fire and Emergency Services (DFES) which has certain requirements for funding such projects. In particular, DFES requires the land on which a new facility is to be constructed to be either owned or under management order to the local government. There are very few landholdings owned or managed by the Shire in the Argyle – Irishtown locality which is largely the reason R45450 was identified as a potential site.

It is further noted that whilst DFES will provide funding for the construction of the building, the Shire is responsible for all other civil works associated with the development and therefore the choice of site is important to ensure it is not cost-prohibitive from a development perspective.

Subsequent to Council's decision as outlined above, the Shire received a number of concerns from local residents and it became apparent that further community consultation was required prior to proceeding further with planning for a building on R45450. As such, 385 consultation packs were posted to all Argyle / Irishtown residents which contained details of possible site layout, building design, access and other management measures and a copy is provided in Attachment 9.1.1(2). Details of an online survey were also provided with residents encouraged to provide feedback.

As a result of the public consultation the following responses were received:

- 81 online survey responses
- 8 written submissions (emails and letters)

In summarising the responses received, the following key points are noted:

Online Survey Results

- 89% of respondents were residents of Argyle or Irishtown with the remainder being residents of the Shire;
- 91% of respondents were generally supportive of a new brigade building somewhere in the Shire to accommodate the AIBFB;
- 48% of respondents were supportive of the new station being constructed on R45450, with 52% not being supportive;
- Of the 48% of supportive respondents referred to in the previous point, 53% were supportive of the proposed location on R45450 as indicated on the provided plans (25% overall);
- 73% of respondents were supportive of the provided building design elevations which were reflective of the existing Balingup VBFB station;

- 55% of respondents were supportive of the indicative access onto Gemmell Road;
- 57.5% of respondents were supportive of a small amount of vegetation being removed to accommodate a building, subject to the Shire's proposal to replace any removed trees at a ratio of 1:10;
- Respondents were provided the opportunity to make any further comments and provide additional information throughout the survey.

Written Submissions (Email / Letter Correspondence)

A total of eight written submissions were received as summarised below:

- Three were supportive of the proposal on R45450;
- Three objected to the proposal on R45450;
- One was making a comment, commending the Shire on the public consultation process;
- One was from the Department of Parks and Wildlife (DPaW) expressing concerns regarding proposed clearing due to the rare type of vegetation complex on R45450, and recommending protection from further disturbance.

Full copies of all written correspondence received are provided in Attachment 9.1.1(3).

Main Themes from Submissions

There were a number of recurring themes in the survey responses and correspondence received from residents on both sides of the debate and these are summarised below:

Main Arguments in Support

- Acknowledgement that AIBFB needs a new station;
- Perception that existing native vegetation does not require protection;
- R45450 considered the most appropriate site being centrally located;
- View that whilst a small minority is impacted, there is benefit to the wider community;
- A perception that R45450 is currently under-utilised as public open space.

Main Arguments Objecting

- Consider there are more appropriate alternative sites;
- View that R45450 was reserved for public open space and should be protected for its intended use;
- Concerns about clearing native vegetation;
- Concerns about impact on nearby wetlands, particularly from fire-fighting foam used in practice exercises;
- Concerns about lack of mobile reception in the locality in the event of an emergency;
- Concerns about inadequacy of local roads to accommodate emergency vehicles and the possible danger this may pose to other road users;
- Concerns about limited vehicle access due to single lane bridges servicing the locality;
- Concerns about the impact on neighbouring landowners both in terms of visual amenity and activities of the AIBFB.

Petition

In addition to the survey responses and written correspondence outlined above, Council at its Ordinary Council meeting held 22 September 2021 was presented with a petition by Mr Paul Delbridge and Mr John Corfe containing 98 signatures of Argyle residents stating the following:

“We the undersigned, being the residents of Argyle, respectfully request the Donnybrook-Balingup Shire Council to reconsider its decision to endorse the proposed new location for the Argyle Irishtown Bushfire Brigade fire shed on Reserve 45450 (Harjadup Reserve) and investigate an alternative location.”

A full copy of the petition is provided in Attachment 9.1.1(4) and the statutory process for dealing with petitions is dealt with later in this report.

FINANCIAL IMPLICATIONS

Whilst DFES will fund the building construction costs (subject to a successful application), the Shire is required to fund any associated civil works such as constructed access, site preparation, native vegetation removal, provision of septics etc.

Dependent on the characteristics of the selected site and based on previous projects such as the Balingup and Beelerup VBFB stations, it is estimated the Shire’s contribution would likely be in the realm of \$100,000-150,000, however this will be further refined once further due diligence and design is undertaken.

Subject to a suitable site being located, an application will need to be lodged through DFES’ Local Government Grants Scheme (LGGs) capital works program in early 2022. This would be assessed against other applications from across the State and if successful, works would likely commence in the 2022/23 financial year. As such, the Shire’s annual budget for the 2022/23 period would need to include the Shire’s necessary contribution.

If Council is supportive of supporting R12158 in the future, it is likely that certain activities would need to be undertaken in this financial year. Two examples of this are commencing the process of excising the relevant portion of R12518 and the undertaking of a flora and fauna assessment to confirm the status of the existing vegetation which will require clearing if the proposal is to proceed on the suggested site.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Dealing with a Petition

The provisions relevant to receiving and dealing with a petition are outlined under Clause 6.10 of the Shire of Donnybrook Balingup *Meeting Procedures Local Law 2017* (Local Law). Section 1 of the clause outlines the form a petition should take with Sections 2 and 3 outlining how a petition should be dealt with as follows:

6.10 Petitions

- 1) *A petition is to—*
 - a) *be addressed to the President;*
 - b) *be made by electors of the district;*
 - c) *state the request on each page of the petition;*
 - d) *contain the name, address and signature of each elector making the request, and the date each elector signed;*
 - e) *contain a summary of the reasons for the request; and*
 - f) *state the name of the person to whom, and an address at which, notice to the petitioners can be given.*

- 2) *Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).*

- 3) *At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—*
 - a) *the matter is the subject of a report included in the agenda; and*
 - b) *the Council has considered the issues raised in the petition.*

This report suitably responds to the requirements of the Local Law as outlined above.

CONSULTATION

As outlined previously in this report, significant consultation has been undertaken with the Argyle – Irishtown community and Shire staff have had ongoing liaison with the AIBFB over the past several years in an attempt to identify an appropriate site for a new brigade station.

Shire staff had also recently had dealings with a number of State Government agencies in negotiating an alternative site and this is outlined further in the Officer Comment section of this report.

OFFICER COMMENT

The AIBFB and Shire staff have been working closely together for an extended period with the goal of achieving a new station as the existing one is clearly no longer fit for purpose. However this process has posed some challenges as there are limited options of available land that meet DFES funding criteria; being land that is either owned or under management order to the Shire. This was largely the reason that R45450 was identified as a possible site as it was reasonably large in area, had flat sections that were deemed suitable for development, could largely be screened from public view, and was under the management of the Shire, therefore was eligible for DFES funding.

Notwithstanding the above, the community consultation and feedback received has indicated that sections of the community hold a number of concerns with this site and whilst some issues could perhaps be managed through design or other measures, there are others that fundamentally cannot. This includes the views of a number of respondents that the land was

originally created as public open space for the purpose of recreation and that the suggested land use for emergency services is inconsistent with the intended and actual use of the reserve.

It is the officer's position that the construction of a significant community facility such as a volunteer bushfire brigade station should be a cause for local celebration, rather than division, and therefore upon reflecting on the deputations of both parties at the September OCM, it was determined to re-examine if there may be an opportunity to identify an alternative site. In particular, focus turned to the southern portion of R12518, located at the corner of Argyle Rd and South Western Highway, Argyle as identified in the below images.

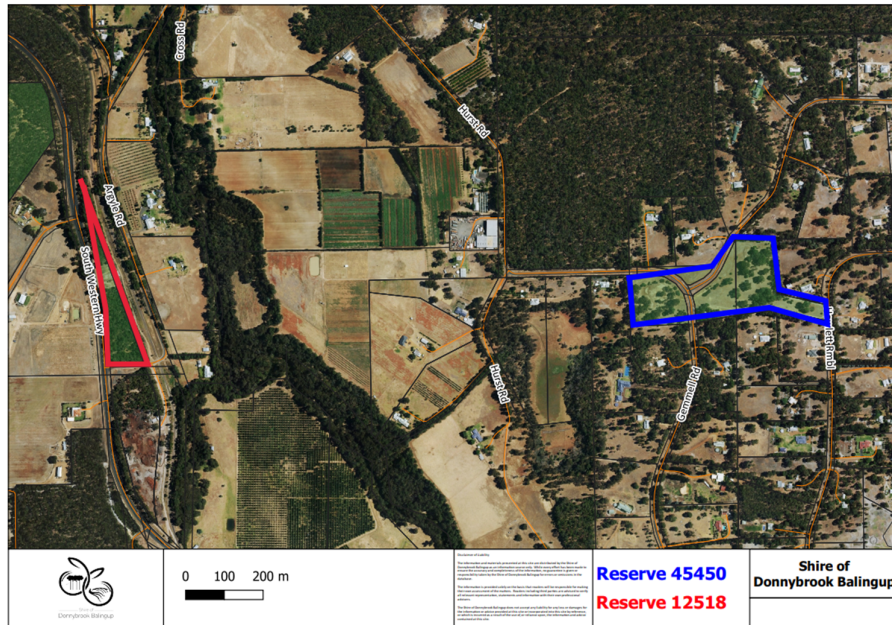


Figure 3: Plans showing locations of both sites



Figure 4: Plan showing southern portion of R12518 subject of excision

This site had previously been considered, however one of the significant constraints that had ruled it out had been that the land was Crown land under management order to the Public Transport Authority (PTA). Whilst significant discussions had taken place between Shire staff, the PTA and DFES about the possibility of the Shire leasing the land from the PTA, the advice from the PTA was that it would not enter into a lease with the Shire longer than 10 years and DFES subsequently advised it would not fund a new facility on leased land.

In reviewing this option further, Shire staff have re-approached the PTA via the Department of Planning, Lands and Heritage (DPLH) and have obtained PTA's in-principle support to excise the southern portion of the reserve, which if supported, would involve the management order being transferred to the Shire for the purpose of a new brigade facility. Since receiving this advice Shire staff have undertaken further liaison with relevant agencies including the Department of Water and Environmental Regulation (DWER) and Main Roads WA (MRWA) to determine if there may be any other significant issues that would prevent the site being developed for the intended purpose. Of particular concern was the need to be able to clear a portion of the existing native vegetation and the site's proximity to the South Western Highway which is controlled by MRWA.

Preliminary advice has been received from both agencies and is provided below:

DWER

- 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 (environmentally sensitive area) and the clearing is less than 5 hectares.
- As long as the structure is built legally, 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.
- If the Shire construes that Regulation 5 item 1 applies to the clearing, the Shire is not required to notify DWER.
- The regulation is structured in such a way that DWER can advise on clearing exemptions but does not grant exemptions. If a proponent construes, they are exempt then clearing may occur as above.

MRWA

- Main Roads has no objection to the proposed development subject to the following:
 - vehicle access being taken from Argyle Road and such access being appropriately set back to the rear/common side boundary with the rail reserve to minimise the potential for conflict to occur at the intersection with SW Highway.
 - It is recommended that appropriate sight lines be maintained to the access, in particular, sight lines towards the east to oncoming Argyle Road traffic given the geometry of the road.

CONCLUSION

The process of identifying an appropriate site for the new AIBFB station has posed some challenges for all concerned including the AIBFB, Shire staff and the Argyle – Irishtown community. Whilst it is apparent that there is wide community support for a new fire station being constructed to accommodate the AIBFB, there were a number of concerns expressed by residents with regard to utilising R45450 for this purpose and staff consider it important for Council to give due regard to the comments and petition received in determining the preferred path forward.

It has always been the intention of Shire staff to identify a suitable site to accommodate a new facility the local community can be proud of. The advice from PTA that it is willing to give in-principle support for excising a portion of R12518 and transferring the management order to the Shire may represent an opportunity for a win-win solution, whereby all sides of the debate could be satisfied with the outcome.

Whilst there are still a number of land administration, development and design aspects that need to be considered, the preliminary advice received from PTA, DWER and MRWA suggests that it may be unlikely any insurmountable issues will be encountered if the site was to be supported by Council.

However, prior to proceeding further it is recommended that the Shire undertake due diligence measures including consulting neighbouring landowners and considering various possible design outcomes, including those relevant to access and siting of the building, with a further report to be brought back to Council for consideration in February 2022.

COUNCIL RESOLUTION 183/21

Moved: Cr Newman

Seconded: Cr Jones

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 12158's suitability for the intended purpose;
- 6. Instructs the Chief Executive Officer to explore access and siting options for a new brigade station on R12158 and liaise with relevant authorities to determine the following:**
 - 6.1 Possibility of utilising the existing cleared portion of R12158 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.**

CARRIED 9/0

9.1.2 DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION – COMPLIANCE INSPECTION – DONNYBROOK WASTE MANAGEMENT FACILITY

Location	Shire of Donnybrook Balingup – Donnybrook Waste Management Facility
Applicant	Shire of Donnybrook Balingup
File Reference	HLT 09/2
Author	Steve Potter, Director Operations
Responsible Manager	Steve Potter, Director Operations
Attachments	9.1.2(1) - DWER Correspondence 9.1.2(2) - Environmental Inspection Report
Voting Requirements	Simple Majority

Recommendation

That Council:

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

STRATEGIC ALIGNMENT

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

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

EXECUTIVE SUMMARY

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

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

It is recommended that Council notes the correspondence and instructs the Chief Executive Officer to liaise with the Shire's appointed management contractor (Hastie Waste Pty Ltd) to address identified issues.

Further, it is recommended that an additional report be brought back to Council to outline actions taken and any necessary changes to ensure ongoing compliance into the future.

BACKGROUND

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

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

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

The inspection of the Shire's facility resulted in correspondence being received on 16 November 2021 consisting of a cover letter (Attachment 9.1.2(1)) and Environmental Inspection Report (EIR) (Attachment 9.1.2(2)).

Of note, the EIR contained 12 alleged incidences of non-compliance with the conditions of the license which are summarised as follows:

- Stormwater is not being managed appropriately resulting in pooling in certain locations;
- The contractor does not have a documented procedure for determining that contaminated solid waste meets the acceptance criteria for a Class II facility, prior to accepting the waste;
- Waste types not permitted under the facility licence are being accepted including treated timber, paint, paint thinners, gas bottles, fire extinguishers and assorted E-waste;
- Landfilling activities are occurring outside the approved area under the licence;
- DWER have requested an update on the Landfill Closure Management Plan for the facility;
- A large portion of the landfill waste is not being covered with soil as required under the licence;
- The perimeter fence was damaged by fallen trees in one location;
- Large amounts of wind-blown waste were observed beyond the boundaries of the premises;
- The contractor was unable to provide sufficient records of waste acceptance and waste rejection which are required to be available at the premises at all times;
- The submitted annual audit compliance report submitted by the Shire referenced an incorrect reporting period;
- The Annual Environmental Report (AER) was submitted late and did not reference a small fire incident that occurred on the property in December 2020;
- DWER was not formally notified of the fire incident immediately after the incident.

FINANCIAL IMPLICATIONS

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

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

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

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

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

Category Description	Production or Design Capacity
<p><u>Category 62</u></p> <p>Solid waste depot: premises on which waste is stored or sorted, pending final disposal or re-use, other than in the course of operating — 500 tonnes or more per year (not including any waste stored or sorted only in the course of operating a refund point or aggregation point)</p> <p>(a) a refund point (as defined in the Waste Avoidance and Resource Recovery Act 2007 section 47C(1)) (a refund point); or</p> <p>(b) a facility or other place (an aggregation point) for the aggregation of containers that have been returned to refund points until those containers are accepted for processing or disposal.</p>	<p>500 tonnes or more per year (not including any waste stored or sorted only in the course of operating a refund point or aggregation point)</p>
<p><u>Category 64</u></p> <p>Class II or III putrescible landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.</p>	<p>20 tonnes or more per year</p>

CONSULTATION

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

OFFICER COMMENT/CONCLUSION

The following comments are made in response to some of the compliance matters identified:

- Upon receiving the DWER correspondence, the Shire's Executive Staff immediately arranged a meeting with the HW Director, where each alleged breach was discussed with a view to responding promptly. At the time of writing this report, the HW Director advised that HW was in the process of undertaking measures to address the operational aspects and was confident these could be achieved by the times required by DWER.
- Shire staff have advised HW to immediately stop accepting waste types not permitted under the facility licence including treated timber, paint, paint thinners, gas bottles, fire extinguishers and assorted E-waste and have issued a further request of the contractor to remove all existing unauthorised waste from the site.
- With regard to the approved area under the licence, Shire staff met with DWER in March 2021 to clarify this aspect as staff had some concerns the active landfill area being used by HW did not appear to correspond with the approved area indicated on the licence. The advice received was that an amendment was required to the licence and that this could be addressed subsequent to the revised Landfill Closure Management Plan (LCMP) being finalised, which would indicate the future extent of intended landfilling activity on the site.
- The LCMP (and accompanying Transfer Station Report) are in the process of being finalised and will be presented to Council for consideration at the December 2021 Ordinary Council Meeting. These documents, if supported by Council and DWER, will provide a clear path forward in terms of the future direction of the facility and will inform a future licence amendment application.
- The contractor has recently taken receipt of a significant amount of soil as a result of the Bridge Street Affordable Housing Project which he has advised will enable the covering of the exposed sections of the landfill as required.
- The perimeter fence which was damaged by a fallen tree, has since been repaired.
- The contractor has indicated HW staff have initiated some cleanup works of wind-blown litter.
- The Shire is in the process of establishing a cloud based management system for the recording of incoming waste utilising tablets and software (rather than hard copy/paper) to record and calculate incoming and outgoing waste. This system is anticipated to be operational in early 2022 and is used in a number of other local governments.
- It is acknowledged the submitted Annual Audit Compliance Report (AACR) submitted by the Shire was for an incorrect reporting period. The reporting officer reported on a financial year (July-June), rather than a calendar year (January – December), however this has since been rectified and re-submitted to DWER.
- It is acknowledged that the Annual Environmental Report (AER) was submitted late in 2021. The AACR and AER are separate reports which are required to be submitted

simultaneously however the reporting officer was unaware of the requirement to submit the AER. The AACR was submitted in March 2021, however DWER did not request further information regarding the AER until October 2021. Upon receiving DWER advice to this effect, the AER was submitted by the officer within seven days. The officer was reasonably new to waste management at the time, however, has since established a clear understanding of the reporting requirements.

- Due to the small scale of the fire in December 2020, the reporting officer did not consider it required reporting or formal notification, however, has since been made aware of the requirements and will ensure any future incidents are dealt with in accordance with the licence conditions.

In addition to the above, Shire staff have made contact with DWER confirming the Shire's commitment to complying with the requirements under the licence and have scheduled an on-site inspection with HW to ascertain progress made and to ensure works are on schedule to achieve DWER's requirements by the required date.

Notwithstanding that there are some urgent actions required in the immediate term to address the issues contained in the DWER correspondence, it is suggested that further dialogue with the Shire's contractor is required to ensure HW establish enduring processes and work schedules to ensure the DWMF is compliant at all times of operation. To this effect, it is recommended that this be given further consideration by staff, in consultation with HW, with a report brought back to Council in early 2022, outlining any actions or amendments that may be required to achieve this outcome.

EXECUTIVE RECOMMENDATION

Moved: Cr Glover

Seconded: Cr Smith

That Council:

- 1. Notes the correspondence and Environmental Inspection Report, dated 16 November 2021, received from the Department of Water and Environmental Regulation, including the Inspection Findings and Corrective Actions;**
- 2. Reiterates the Shire's commitment to the safe and environmentally responsible operation of the Donnybrook Waste Management Facility;**
- 3. Instructs the Chief Executive Officer to liaise with the Shire's facility management contractor (Hastie Waste Pty Ltd) to ensure all Corrective Actions are addressed and all operations are compliant with the facility licence;**
- 4. Notes the imminent completion of the Donnybrook Waste Management Facility Landfill Closure Management Plan and accompanying Transfer Station Report which will be presented to the December 2021 Ordinary Council Meeting;**
- 5. Instructs the Chief Executive Officer to bring a further report back to Council by March 2022 to confirm all Department of Water and Environmental Regulation requirements have been addressed and outline any necessary changes to**

existing management measures to ensure ongoing compliance with licence conditions.

Amendment: Cr Glover

Seconded: Cr Jones

That Council:

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

CARRIED 8/1

COUNCIL RESOLUTION 184/21

Moved: Cr Glover Seconded: Cr Smith

That Council:

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

CARRIED 8/1

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 – SEPTEMBER 2021

The Monthly Financial Report for September 2021 is attached (*attachment 9.2.2(1)*).

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 185/21

Moved: Cr Atherton Seconded: Cr Massey

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

CARRIED 9/0 by En bloc Resolution

9.2.3 MONTHLY FINANCIAL REPORT – OCTOBER 2021

The Monthly Financial Report for October 2021 is attached (*attachment 9.2.3(1)*).

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 186/21

Moved: Cr Atherton Seconded: Cr Massey

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

CARRIED 9/0 by En bloc Resolution

**9.2.4 2021/2022 DONNYBROOK RECREATION CENTRE: FEES AND CHARGES
2021/2022 – DISCOUNT ON BULK SWIMMING TICKET PURCHASES**

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	Not applicable
Author	James Jarvis - Manager Community Development
Responsible Manager	Kim Dolzadelli - Director Corporate and Community
Attachments	9.2.4(1) - 2021/2022 Fees and Charges
Voting Requirements	Simple Majority

Recommendation

That Council:

- 1. Amend the 2021/2022 schedules of fees and charges for pool entry and fixed term gym memberships at the Donnybrook Recreation Centre to accurately reflect that advertised percentage discounts, as follows:**

Description	2021/22		
	GST Ex	GST	GST Incl
Swimming Pool			
Concession Swim (Senior Card holder or Health Care Card holder)	\$3.91	\$0.39	\$4.30
Pool - Bulk purchase of tickets			
<i>Book of 10 tickets (10% saving)</i>			
Book of 10 tickets (Child/Pensioner)	\$35.18	\$3.52	\$38.70
Book of 10 tickets (Adult)	\$48.27	\$4.83	\$53.10
Book of 10 tickets (Family)	\$139.91	\$13.99	\$153.90
Book of 10 tickets (Junior Swim Club)	\$45.82	\$4.58	\$50.40
<i>Book of 20 tickets (15% saving)</i>			
Book of 20 tickets (Child/Pensioner)	\$66.45	\$6.65	\$73.10
Book of 20 tickets (Junior Swim Club)	\$86.55	\$8.65	\$95.20
Book of 20 tickets (Adult)	\$91.18	\$9.12	\$100.30
Book of 20 tickets (Family)	\$264.27	\$26.43	\$290.70

Gym	2021/22		
	GST Ex	GST	GST Incl
Gym membership			
3 months (=10% Discount)	\$164.33	\$16.43	\$180.77
6 months (=15% Discount)	\$310.40	\$31.04	\$341.45
12 months (=20% Discount)	\$584.29	\$58.43	\$642.72
Gold pass membership			
<i>Single</i>			
3 months (=10% Discount)	\$230.60	\$23.06	\$253.67

6 months (=15% Discount)	\$435.59	\$43.56	\$479.15
12 months (=20% Discount)	\$819.93	\$81.99	\$901.92
Family (2xAd & 2xCh OR 1 Ad & 3xCh)			
3 months (=10% Discount)	\$461.21	\$46.12	\$507.33
6 months (=15% Discount)	\$871.17	\$87.12	\$958.29
12 months (=20% Discount)	\$1,639.85	\$163.99	\$1,803.84

2. Notes the requirement for Local Public Notice to be given in accordance with section 6.19 of the Local Government Act 1995.

STRATEGIC ALIGNMENT

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

Outcome	3.3	A safe and healthy community environment for all ages
Strategy	3.3.3	Support a safe, healthy and active community
Action	3.1.1.2	Continue to encourage and support community-led events

EXECUTIVE SUMMARY

The review of the Shire of Donnybrook Balingup scheduled fees and charges as set before council for financial consideration in 2021/2022, in part, did not apply the correct discounted rates for multi-pass, bulk purchase of tickets to the swimming pool and percentage discounts for fixed term gym memberships at the Donnybrook Recreation Centre (DRC). The schedule needs to be amended to ensure a consistent application of discounts to these two activity areas such that all patrons pay the correct fee for entry to DRC.

BACKGROUND

The annual review of DRC fees and charges have previously incorporated a discount on bulk purchasing of tickets to the pool and fixed term gym memberships. This is to encourage sales of these items, provide value for money, and incentivised use of the DRC by residents and ratepayers.

Bulk Pool Entry

The Shire Council approved 2021/2022 schedule of fees and charges state that there is a 10% saving if a patron purchases bulk tickets for pool entry, however, it is not reflected in the costs based on the casual entry fees. Similarly, the purchasing of a book of 20 tickets is inconsistent and has an average of 12% saving and not 15% as stated on the schedule of fees and charges.

Table 1 below contains those Fees and Charges that are requested to be amended detailing the current and amended amounts for each category.

Table 1

Description	Currently Adopted			Amended for Adoption		
	GST Ex	GST	GST Incl	GST Ex	GST	GST Incl
Swimming Pool						
Concession Swim (Senior Card holder or Health Care Card holder)	\$3.82	\$0.38	\$4.20	\$3.91	\$0.39	\$4.30
Pool - Bulk purchase of tickets						
Book of 10 tickets (10% saving)						
Book of 10 tickets (Child/Pensioner)	\$36.64	\$3.66	\$40.30	\$35.18	\$3.52	\$38.70
Book of 10 tickets (Adult)	\$52.95	\$5.30	\$58.25	\$48.27	\$4.83	\$53.10
Book of 10 tickets (Family)	\$153.73	\$15.37	\$169.10	\$139.91	\$13.99	\$153.90
Book of 10 tickets (Junior Swim Club)			N/A	\$45.82	\$4.58	\$50.40
Book of 20 tickets (15% saving)						
Book of 20 tickets (Child/Pensioner)	\$69.23	\$6.92	\$76.15	\$66.45	\$6.65	\$73.10
Book of 20 tickets (Junior Swim Club)			N/A	\$86.55	\$8.65	\$95.20
Book of 20 tickets (Adult)	\$94.68	\$9.47	\$104.15	\$91.18	\$9.12	\$100.30
Book of 20 tickets (Family)	\$272.86	\$27.29	\$300.15	\$264.27	\$26.43	\$290.70

Table 2 below contains the singular Fees and Charge for each of the categories where amendments are being sought for bulk ticket purchases.

Table 2

Description	GST Ex	GST	GST Incl
Swimming Pool			
Swimming Club - Junior	\$5.09	\$0.51	\$5.60
Child swim - 4yrs and up	\$3.91	\$0.39	\$4.30
Adult swim - 17yrs and over	\$5.36	\$0.54	\$5.90
Family Swim (2 adults 3 children or 1 adult 3 children)	\$15.55	\$1.55	\$17.10
Concession Swim (Senior Card holder or Health Care Card holder)	\$3.91	\$0.39	\$4.30

Gym Membership

Gym membership prices have also encountered a similar issue in the application of percentage discounts for patrons who prepay in advance.

Table 3 below contains those Fees and Charges that are requested to be amended detailing the current and amended amounts for each category. Note the 1-month fees are not being amended:

Table 3

	Currently Adopted			Amended for Adoption		
	2021/22			2021/22		
Gym	GST Ex	GST	GST Incl	GST Ex	GST	GST Incl
<u>Gym membership</u>						
1 month - single	\$60.86	\$6.09	\$66.95	\$60.86	\$6.09	\$66.95 *
3 months (=10% Discount)	\$167.91	\$16.79	\$184.70	\$164.33	\$16.43	\$180.77
6 months (=15% Discount)	\$315.18	\$31.52	\$346.70	\$310.40	\$31.04	\$341.45
12 months (=20% Discount)	\$595.95	\$59.60	\$655.55	\$584.29	\$58.43	\$642.72
<u>Gold pass membership</u>						
<i>Single</i>						
1 month	\$85.41	\$8.54	\$93.95	\$85.41	\$8.54	\$93.95 *
3 months (=10% Discount)	\$232.68	\$23.27	\$255.95	\$230.60	\$23.06	\$253.67
6 months (=15% Discount)	\$435.91	\$43.59	\$479.50	\$435.59	\$43.56	\$479.15
12 months (=20% Discount)	\$821.77	\$82.18	\$903.95	\$819.93	\$81.99	\$901.92
<i>Family (2xAd & 2xCh OR 1 Ad & 3xCh)</i>						
1 month	\$170.82	\$17.08	\$187.90	\$170.82	\$17.08	\$187.90 *
3 months (=10% Discount)	\$465.36	\$46.54	\$511.90	\$461.21	\$46.12	\$507.33
6 months (=15% Discount)	\$871.86	\$87.19	\$959.05	\$871.17	\$87.12	\$958.29
12 months (=20% Discount)	\$1,642.59	\$164.26	\$1,806.85	\$1,639.85	\$163.99	\$1,803.84

FINANCIAL IMPLICATIONS

Adopting the proposed amended Fees and Charges will return incentive for DRC patrons to purchase bulk tickets for both swimming and gym memberships. This is likely to promote repeat business, customer satisfaction, and use of DRC, which will result in increased revenue generation for the facility.

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Section 6.16 (1) of the Local Government Act 1995 states:

“(1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;

- (c) *subject to section 5.94, providing information from local government records;*
 - (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) *supplying goods;*
 - (f) *such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*

** Absolute majority required.”*

Section 6.19 of the Local Government Act 1995 states:

“If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.”*

CONSULTATION

Consultation occurred with the Manager, Community Development, and the Shire’s Accountant.

OFFICER COMMENT/CONCLUSION

The Officer commends the proposed amended Fees and Charges for consideration by Council.

COUNCIL RESOLUTION 187/21

Moved: Cr Atherton Seconded: Cr Massey

That Council:

- 1. Amend the 2021/2022 schedules of fees and charges for pool entry and fixed term gym memberships at the Donnybrook Recreation Centre to accurately reflect that advertised percentage discounts, as follows:**

Description	2021/22		
	GST Ex	GST	GST Incl
Swimming Pool			
Concession Swim (Senior Card holder or Health Care Card holder)	\$3.91	\$0.39	\$4.30
Pool - Bulk purchase of tickets			
<i>Book of 10 tickets (10% saving)</i>			

Book of 10 tickets (Child/Pensioner)	\$35.18	\$3.52	\$38.70
Book of 10 tickets (Adult)	\$48.27	\$4.83	\$53.10
Book of 10 tickets (Family)	\$139.91	\$13.99	\$153.90
Book of 10 tickets (Junior Swim Club)	\$45.82	\$4.58	\$50.40
Book of 20 tickets (15% saving)			
Book of 20 tickets (Child/Pensioner)	\$66.45	\$6.65	\$73.10
Book of 20 tickets (Junior Swim Club)	\$86.55	\$8.65	\$95.20
Book of 20 tickets (Adult)	\$91.18	\$9.12	\$100.30
Book of 20 tickets (Family)	\$264.27	\$26.43	\$290.70

Gym	2021/22		
	GST Ex	GST	GST Incl
<u>Gym membership</u>			
3 months (=10% Discount)	\$164.33	\$16.43	\$180.77
6 months (=15% Discount)	\$310.40	\$31.04	\$341.45
12 months (=20% Discount)	\$584.29	\$58.43	\$642.72
<u>Gold pass membership</u>			
Single			
3 months (=10% Discount)	\$230.60	\$23.06	\$253.67
6 months (=15% Discount)	\$435.59	\$43.56	\$479.15
12 months (=20% Discount)	\$819.93	\$81.99	\$901.92
Family (2xAd & 2xCh OR 1 Ad & 3xCh)			
3 months (=10% Discount)	\$461.21	\$46.12	\$507.33
6 months (=15% Discount)	\$871.17	\$87.12	\$958.29
12 months (=20% Discount)	\$1,639.85	\$163.99	\$1,803.84

2. Notes the requirement for Local Public Notice to be given in accordance with section 6.19 of the Local Government Act 1995.

CARRIED 9/0 by En bloc Resolution

9.2.5 2021/2022 DONNYBROOK RECREATION CENTRE: SPONSORSHIP ARRANGEMENTS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PRO 01/9
Author	James Jarvis, Manager Community Development
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
That Council request the Chief Executive Officer to include appropriate Sponsorship/Advertising categories for the Donnybrook Recreation Centre in the 2022/23 Draft Schedule of Fees and Charges.

STRATEGIC ALIGNMENT

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

Focus Area	People	A healthy, safe, and inclusive community.
Outcome	2	A safe and healthy community.
Objective	2.1	Improve access to facilities and services to support community health and wellbeing.

EXECUTIVE SUMMARY

To ensure the Donnybrook Recreation Centre (DRC) sponsorship development and management is formalised and incorporated as an annual process, it is recommended that the 2022/23 Shire of Donnybrook Balingup Fees and Charges (adopted with the budget each year) include appropriate Sponsorship/Advertising categories.

BACKGROUND

Since 1991, DRC stadium advertising and sponsorship has been open to local (and broader south west) businesses and other groups.

As part of the Community Development Team’s review of DRC governance, systems and operations, an analysis of sponsorship advertising in the stadium identified sponsorship arrangements have been dealt with in an informal manner in the past, with systems and processes for their management being ad hoc.

A formalised DRC sponsorship package is being researched and drafted/designed by staff with the intention to approach local and regional businesses. In exchange for a sponsorship fee, a local or regional business will be able to place their sign, logo and contact details on the DRC stadium wall. Following initial installation, an annual sponsorship fee will be incurred (so long as the signage remains in-situ).

The sponsorship package will highlight that each sponsor is responsible for the cost of designing and manufacture of their advertising board and that the Shire will provide the space and installation of the signs.

Formalising sponsorship arrangements presents the opportunity to generate a recurrent revenue stream to supplement DRC operations, whilst presenting a marketing/branding opportunity to local and regional businesses and/or groups.

FINANCIAL IMPLICATIONS

There are no Financial Implications with respect to the Officer Recommendation as any decision to adopt additional Fees and Charges would be the subject of separate Council consideration (through the 2022-23 Budget deliberations).

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Section 6.16 (1) of the Local Government Act 1995 states:

“(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
- (b) supplying a service or carrying out work at the request of a person;*
- (c) subject to section 5.94, providing information from local government records;*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) supplying goods;*
- (f) such other service as may be prescribed.*

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and*
- (b) amended* from time to time during a financial year.*

** Absolute majority required.”*

Section 6.19 of the Local Government Act 1995 states:

“If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of—

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.”*

CONSULTATION

Nil.

OFFICER COMMENT/CONCLUSION

The Community Development Team's review and development of Sponsorship Package options, including terms and conditions, is to be commended. The Executive believe the formalisation of appropriate Sponsorship Fees and Charges for the DRC is a positive initiative that will generate income for the facility into the future, whilst returning a reciprocal marketing/branding benefit to those businesses and groups participating in the arrangement.

COUNCIL RESOLUTION 188/21

Moved: Cr Atherton

Seconded: Cr Massey

That Council request the Chief Executive Officer to include appropriate Sponsorship/Advertising categories for the Donnybrook Recreation Centre in the 2022/23 Draft Schedule of Fees and Charges.

CARRIED 9/0 by En bloc Resolution

9.2.6 BALINGUP AND KIRUP PROGRESS ASSOCIATIONS – STRATEGIC PLANS

Location	Shire of Donnybrook Balingup
Applicant	Kirup Progress Association and Balingup Progress Association
File Reference	OKIRUP013 & OBALIN041
Author	James Jarvis, Manager, Community Development
Responsible Manager	Kim Dolzadelli, Director, Corporate and Community
Attachments	9.2.6(1) Balingup Progress Association – Balingup Strategic Plan 9.2.6(2) Balingup Progress Association – Balingup Strategic Plan Annexes 9.2.6(3) Kirup Progress Association – Kirup Strategic Plan August 2021 9.2.6(4) Kirup Progress Association – Appendix to Strategic Plan August 2021
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the efforts of both the Balingup Progress Association, and the Kirup Progress Association in the development of their respective Strategic Plans. 2. Receive the attached Balingup Progress Association’s and Kirup Progress Association’s Strategic Plans and associated annexures.

STRATEGIC ALIGNMENT

The Balingup and Kirup Progress Associations were engaged as part of the community consultation process that occurred during the major review of the Shire of Donnybrook Balingup’s Strategic Community Plan 2027.

In developing their individual Strategic Plans both Associations have taken into consideration the Shire of Donnybrook Balingup’s Strategic Community Plan 2032 which was adopted by Council 25 August 2021.

EXECUTIVE SUMMARY

In 2021, the Shire of Donnybrook Balingup were required to undertake a major review of its Strategic Community Plan 2027. A comprehensive community consultation process was developed that enabled the Shire to engage residents in the review process and actively involve key community organisations in developing residents’ ideas and actions into local plans for their community.

Following the above consultation both Balingup and Kirup Progress Associations' have developed their own Strategic Plans and through Council's deputation process will present them for Councillor's information.

BACKGROUND

Direct engagement/consultation regarding the Shire of Donnybrook Balingup's Strategic Community Plan 2027 occurred with:

- Balingup Progress Association,
- Kirup Progress Association, and
- Yabberup Community Association.

Balingup and Kirup Progress Associations acted as community catalysts and worked with the Shire to engage residents in conversations using methods that worked for the people they represented.

The result of this community consultation informed the Shire's Strategic Community Plan 2032 and development of local strategic plans by the Balingup and Kirup Progress Associations.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Not applicable.

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

That Council acknowledges the efforts of both the Balingup Progress Association, and Kirup Progress Association in the development of their respective Strategic Plans.

COUNCIL RESOLUTION 189/21

Moved: Cr Atherton

Seconded: Cr Mills

That Council:

- 1. Acknowledges the efforts of both the Balingup Progress Association, and the Kirup Progress Association in the development of their respective Strategic Plans.**
- 2. Receive the attached Balingup Progress Association's and Kirup Progress Association's Strategic Plans and associated annexures.**

CARRIED 9/0

**9.2.7 DONNYBROOK COMMUNITY SPORTING, RECREATION AND EVENTS
PRECINCT (VC MITCHELL PARK) PROJECT - DRAFT LOAN APPLICATION**

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	FNC 06
Author	Kim Dolzadelli, Director Corporate and Community
Responsible Manager	Kim Dolzadelli, Director Corporate and Community
Attachments	9.2.7(1) Draft Loan Application 9.2.7(2) WA Treasury Corporation Email Advice of Loan Approval
Voting Requirements	Simple Majority

Cr Glover left the chamber at 6:40pm

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receive the Draft Loan Application for the amount of \$2,500,000, as attached. 2. Request the Chief Executive Officer to formally lodge the application, as attached, with WA Treasury Corporation. 3. Direct the Chief Executive Officer not to proceed with entering into a Loan Agreement with WA Treasury Corporation until such time that broader discussion and final approval of the Council is given with respect to the Donnybrook Community Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.

STRATEGIC ALIGNMENT

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

Focus Area	People	A healthy, safe, and inclusive community.
Outcome	2	A safe and healthy community.
Objective	2.1	Improve access to facilities and services to support community health and wellbeing.

EXECUTIVE SUMMARY

One of the Key Result Areas determined by Council for the Chief Executive Officer for the 2021/22 Financial Year is to:

“Draft a loan application to Treasury for DCSREP and provide to Council”.

BACKGROUND

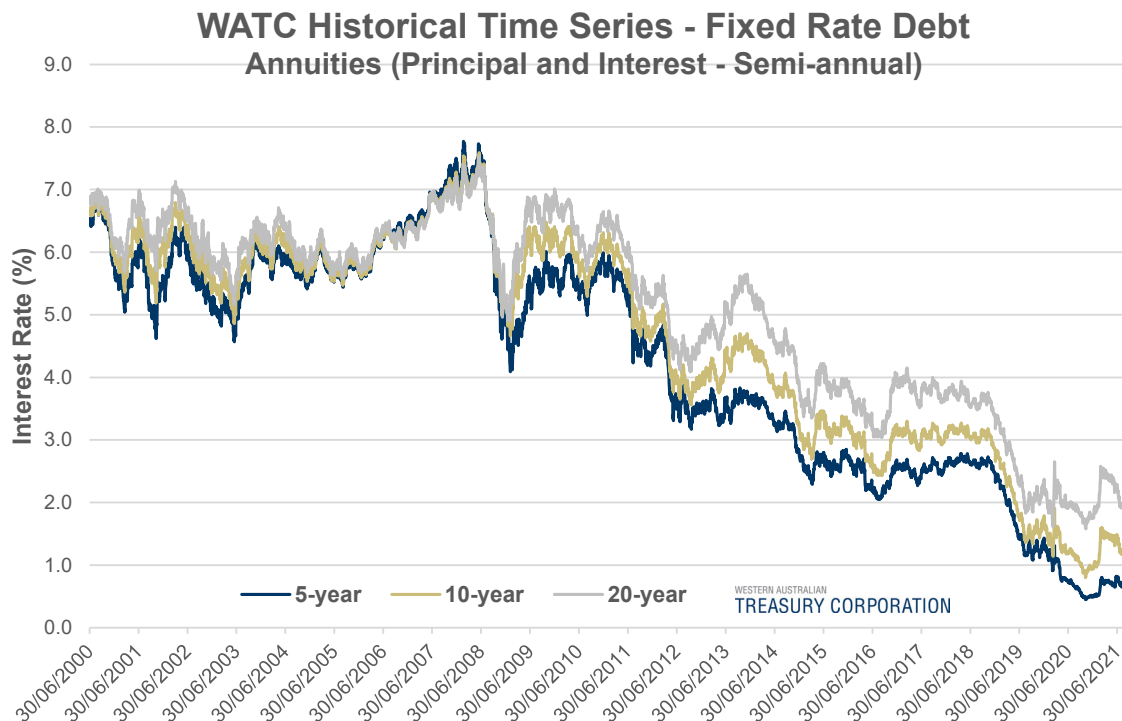
As part of the 2021/22 Budget, Council approved the establishment of a loan facility for the amount of up to \$2,500,000 to be utilised as part of the Shire's contribution to the Donnybrook Community, Sporting, Recreation and Events Precinct Project (VC Mitchell Park). The residual Shire funding of \$500k was budgeted via Reserve transfers.

In accordance with the above KPI set by Council, a Draft Loan Application has been prepared by staff. The WA Treasury Corporation (WATC) assisted in the preparation of the Draft Loan Application and, whilst not requested to, have completed their assessment process and have advised that the Loan Application has been approved.

The Director Corporate and Community has spoken with WATC and advised that no Loan agreement with WA Treasury Corporation would be entered into until such time that broader discussion and final approval of the Council is given with respect to the project.

WATC have further advised that the Loan Approval stands for a period of 3 months after which a new application would be required.

WATC have also provided the following statistical information which shows the historical Fixed Debt Interest rates for the last 20-year period. The graph shows that interest rates for Fixed Rate Debt, whilst historically very low in 2020, are starting to increase.



The DCCS would like to highlight the ratios contained within the loan application as follows:

Latest Financial Information			
Date of Latest Monthly Financials:	31-Aug-21	Restricted Cash/Reserve Items	
Cash & Cash Equivalents:	8,784,530.00	Employee Leave:	-
Current Borrowings Outstanding:	56,554.00	Unspent Loans:	\$0.00
Non Current Borrowings Outstanding:	338,988.00	Unspent Grants:	-
Limit on Overdraft Account:	\$0.00	Additional Reserves:	1,108,466.00
Less Budgeted Principal Repayments for new loans not raised:			\$0.00
Less Budgeted Interest Repayments for new loans not raised:			\$0.00

Financial Information			
	Net Debt Ratio %	Debt Service Cover Ratio	Source
Immediately Preceding Financial Year (2020/21)	-49.0%	14.9	Unaudited
Current Financial Position Based on (31/08/2021) Current financial year	-46.7%	-0.2	Latest Financials
Budget 2021/22 (projected to 30 June)	-14.4%	-0.5	Adopted

Is the Local Government a participant in a Regional Local Government

Yes

The above ratios are based upon actual figures stated in the associated financial documents required to be provided by the WATC.

The WATC then look at the application and adjust for any revenues that has been received in advance in the prior year, for example, the advanced payment of Financial Assistance Grants.

On 8 June 2021 the following advanced payments were received by the Shire, the funding being for the 22021/22 financial year.

Description	Account Description	Amount
50% ADVANCE PAYMENT 21/22 FOR GENERAL PURPOSE FUNDS	GRANTS - LGGC FINANCIAL ASSISTANCE GRANTS	-\$ 695,720
50% ADVANCE PAYMENT 21/22 FOR LOCAL ROADS GRANT	GRANTS - LGGC LOCAL ROAD GRANT	-\$ 388,538
Total		-\$ 1,084,258

When this adjustment is made the following Ratios are achieved:

Financial Information			
	Net Debt Ratio %	Debt Service Cover Ratio	Source
Immediately Preceding Financial Year (2019/20)	-49.0%	14.9	Audited
Current Financial Position Based on (31/08/2021) financials	-42.3%	4.8	Latest Financials
Current Financial Year Budget 2021/22 (projected to 30 June)	-48.0%	13.8	Adopted

Is the Local Government a participant in a Regional Local Government

Yes

Financial information is to be based on:

1. Audited Financial Statements for the immediately preceding financial year;
2. The Adopted Annual Budget for the current financial year; and
3. The most recent monthly financial report submitted to Council at an ordinary meeting; or
4. Where either 1. or 2. above is unavailable, the Corporation will accept for the purpose of calculating the relevant financial ratios:
 - i. preliminary current year budget forecasts, where the current year's annual budget has not yet been adopted by Council;
 - ii. draft financial statements, where the previous years annual report has not been audited
 - iii. such other financial information as the Corporation may in its absolute discretion agree to accept for this purpose. (In this case, please consult your Client/Account Manager at the Corporation.)

Ratio benchmarks set by WATC are as follows:

Net Debt Ratio %	<50%
Debt Service Coverage Ratio %	minimum of 3x

The Shire of Donnybrook Balingup comes well within these benchmarks in the assessment of the application by WATC with the Net Debt Ratio sitting between -42 & -49% i.e. approximately 100% better than the benchmark and the Debt Service Coverage Ratio sitting between 4.8x and 14.9x above the benchmark.

Presently, a contractor/consultant has been engaged to develop recommendations in relation to a Business Plan (i.e. feasibility) and governance models. That work is expected to be completed December 2021 – January 2022, and includes consultation with the stakeholder sporting groups.

FINANCIAL IMPLICATIONS

There are no immediate financial implications with respect to the Officer Recommendation, as approval for activation of the loan is not recommended at this stage – until further project decisions are considered by the Council.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

Local Government Act 1995 states the following:

“Subdivision 3 — Borrowings

6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
 - (a) *borrow or re-borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
 - (a) *unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*

- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
- (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,*

the local government may resolve to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*

** Absolute majority required.*

- (4) *A local government is not required to give local public notice under subsection (3) —*
 - (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.”*

CONSULTATION

Extensive stakeholder consultation has been undertaken over several years in relation to the project, as well as broader community consultation.

OFFICER COMMENT/CONCLUSION

Whilst the WA Treasury Corporation has already provided formal advice of approval for the \$2.5m loan (despite the Shire not yet formally applying), the Draft Loan Application is attached for Council consideration. The Executive does not recommend formalising of the loan approval until the Council has considered the broader project in more detail.

COUNCIL RESOLUTION 190/21

Moved: Cr Newman

Seconded: Cr Smith

That Council:

- 1. Receive the Draft Loan Application for the amount of \$2,500,000, as attached.**
- 2. Request the Chief Executive Officer to formally lodge the application, as attached, with WA Treasury Corporation.**
- 3. Direct the Chief Executive Officer not to proceed with entering into a Loan Agreement with WA Treasury Corporation until such time that broader discussion and final approval of the Council is given with respect to the Donnybrook Community Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.**

CARRIED 5/3

Cr Glover re-entered the chamber at 6:59 pm

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 COUNCIL POLICY REVIEW

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 11/4
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Manager	Maureen Keegan – Manager Executive Services
Attachments	9.3.1(1) – Policy review table 9.3 1(2) – New policies 9.3 1(3) – Amended policies 9.3 1(4) – Policies to be rescinded 9.3 1(5) – Policies with no change 9.3 1(6) - Current policies prior to amendments 9.3 1(7) - EXE/CP-8-Policy Framework
Voting Requirements	Simple Majority – Absolute Majority
Conflicts of Interest	N/A

Recommendation

That Council:

1. **Adopts by an ABSOLUTE MAJORITY, the proposed new policies:**
 - EXE/CP-5-Attendance at Events and Functions; and
 - HR/CP-4-Temporary Employment or Appointment of CEO
2. **Notes the Council Policy major review.**
3. **Adopts the Council Policies as listed below:**
 - ADM/CP-1-Records Management
 - ASS/CP-1-Infrastructure Asset Management
 - COMD/CP-1-Community Grants Funding Scheme
 - COMD/CP-3-Community Engagement Framework
 - COMD/CP-4-Community Townscape Activities
 - COMD/CP-5-Tourism in Donnybrook Balingup
 - EM/CP-1-Council Member Induction, Training and Professional Development
 - EM/CP-2-Audio Recording of Council Meetings
 - EM/CP-3-Legal Representation for Elected Members and Employees
 - EM/CP-4-Honorary Freeman of Local Government
 - EM/CP-5-Elected Members Allowances and Entitlements
 - EM/CP-6-Caretaker
 - EMERG/CP-1-Fireworks at Events
 - EMERG/CP-2-Permits for Road Verge Burning

- **EXE/CP-1-Commercial Lease**
- **EXE/CP-2-Document Execution and Application of the Common Seal**
- **EXE/CP-4-Welcome to and Acknowledgement of Country**
- **EXE/CP-6-Organisational Risk Management**
- **EXE/CP-7-Occupational Safety and Health**
- **EXE/CP-9-Communications and Social Media**
- **FIN/CP-1-COVID19 Hardship Policy**
- **FIN/CP-2-Investments**
- **FIN/CP-3-Debt**
- **FIN/CP-4-Purchasing**
- **FIN/CP-5-Regional Price Preference**
- **FIN/CP-7-Credit Card**
- **FIN/CP-8-Building Insurance**
- **FIN/CP-9-Related Party Disclosure**
- **HR/CP-2-Gratuity Payments**
- **HR/CP-3-Employee Recreation Centre Subsidy**
- **WRKS/CP-1-Land Resumption Compensation**
- **WRKS/CP-2-Rural Verge Management**
- **WRKS/CP-3-Urban Verge Management**
- **WRKS/CP-4-Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network**

4. Rescinds Council policies listed below, noting their content is of an operational nature, and instructs the Chief Executive Officer to classify and implement as per Council's Policy Framework:

- **1.2 Public Interest Disclosures**
- **1.2 Smoking in Council Buildings and Vehicles**
- **1.3 Recruitment and Selection**
- **2.1 Hiring of Council Hall Equipment or Other Property**
- **2.18 Volunteers**
- **2.24 Community Events Board**
- **2.29 Staff Training Travel Costs**
- **2.30 Playing Fields and Amenities - General Use**
- **2.34 Private Motor Vehicle Use - Managers**
- **2.35 Use of Pool Vehicles**
- **2.36 Close Circuit Television (CCTV)**
- **2.37 Community Service Leave**
- **2.6 Hiring of Council Halls**
- **3.1 Annual Performance Appraisal**
- **3.2 Employee Education, Training and Study Assistance**
- **3.3 Employee Training and Development**
- **3.3 Staff Attendance at Conferences and Reimbursement of Expenses**
- **3.4 Granting of Study Leave**
- **3.5 Rates Recovery**
- **3.9 Petty Cash**
- **4.1 Outside Staff Protective Clothing**

- **4.2 Elimination of Harassment in the Workplace**
- **4.22 Requirements for Subdivisional Land Developments**
- **4.26 Gravel Acquisition**
- **4.27 Stormwater Management Private Land**
- **4.28 Requests for Upgrades or Expansions of Council Assets**
- **4.4 Employee Exit**
- **4.5 Grievance**
- **4.6 Prevention of Bullying in the Workplace**
- **4.7 Construction Crossovers**
- **5.1 Staff Leave**
- **5.10 Retaining Walls**
- **5.2 Leave without Pay**
- **5.3 Footing Details**
- **5.4 Foundation Levels and Stormwater Requirements**
- **5.4 Parental Leave**
- **5.5 Balconies or Verandahs erected over Road Reserves**
- **5.7 Owner Builder Occupation of Town Site Land**
- **5.8 Owner Builder Occupation of Rural Land**
- **5.9 Requirement for Survey**
- **6.1 Corporate Uniforms**
- **6.1 Staff Seeking Secondary Employment**
- **6.13 Transition to Retirement**
- **6.14 Work Experience**
- **6.15 Working from Home**
- **6.17 Higher Duties**
- **6.2 Displaying Offensive Materials**
- **6.5 Employee Sharing Arrangements**
- **6.6 Balingup Waste Transfer Station**
- **6.8 Loss of Drivers Licence**
- **6.9 Rostered Day Off**
- **8.6 Procedures for Hiring Contractors & Equipment for Fire Fighting**

5. Rescinds Council policies listed below, noting their reasons as listed in Attachment 1 – Policy Review Table:

- **1.1 Apprenticeship, Traineeship and Cadetship**
- **1.11 Council Elected Members records**
- **1.11 Redundancy**
- **1.12 Use of Shire Specific Email Addresses by Elected Members**
- **1.13 Councillor- Staff Contact**
- **1.16 Media Spokesperson**
- **1.2 Equal Employment Opportunity**
- **1.5 Civic Receptions - Invitations List**
- **1.5 Staff Appointments**
- **1.6 Severance Pay (Under Review)**
- **1.6 Staff Code of Behaviour**
- **1.9 Committee Membership (Under Review)**

- 2.1 Employment Contracts
- 2.2 Reimbursement of Relocation Expenses
- 2.3 Remuneration Packaging
- 2.31 Cemeteries Flower and Ornament
- 2.33 CEO Vehicle Use
- 2.39 Leased Hall Maintenance
- 2.40 Emergency Generator for Community Events
- 2.41 Governance of Accommodation Bonds
- 2.42 Integrated Workforce Planning and Management
- 3.1 Financial Assistance to Organisations and Clubs
- 3.1 Payment for Private Works Performed by the Shire
- 3.2 Vandalism - Council Property
- 3.6 Tuia Lodge Accommodation Bonds Liquidity Strategy
- 4.1 Counselling, Disciplining and Dismissing Employees
- 4.3 Employee Assistance Program
- 6.12 Telephone Use
- 6.16 Staff Matters
- 6.18 Social Media
- 6.3 Employee Records
- 6.4 Employee References
- 6.5 Waste Management Levy Exemption
- 8.2 Bush Fire Advisory Committee Meetings

STRATEGIC ALIGNMENT

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

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.2	Maintain effective and efficient policies, planning, operating procedures and practices

EXECUTIVE SUMMARY

This report details the major review of Shire of Donnybrook Balingup policies and provides recommendations to adopt, amend or rescind policies to align with Council's Policy Framework (EXE/CP-8-Policy Framework - 9.3 1(7)). Council is therefore requested to review the outcomes and the recommendations contained within.

BACKGROUND

At the September 2021 Ordinary Council Meeting, the policy EXE/CP-8- Policy Framework 9.3.1(7) was adopted and Council instructed a review of its policies in line with the adopted Policy Framework.

A review of the Shire's policies was conducted in line with Council's Policy Framework, and the outcomes of this review are detailed in this report and attachments.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

The major policy review aligns with EXE/CP-8- Policy Framework.

STATUTORY COMPLIANCE

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes one of the roles of Council as being to determine the local government's policies.

Section 5.41(c) of the *Local Government Act 1995* prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented and this includes giving effect to Council's Policies.

CONSULTATION

- Shire staff.
- Western Australia Local Government Association (WALGA).

OFFICER COMMENT/CONCLUSION

The review identified 147 policies of the Shire, as follows:

- 2 new policies have been created (Attachment 9.3.1(2)).
- 11 policies have been renumbered and will be further reviewed by Shire Staff when possible (Attachment 9.3.1(3)).
- 18 policies have amendments (9.3.1(3)); the amendments are shown in Table 1 below.
- 6 policies have recently been adopted by Council and do not require reviewing (9.3.1(5)).
- 86 policies are recommended for rescindment (Attachment 9.3.1(4)). The reasons are detailed in the Policy Review Table (Attachment 9.3.1(1)).
- 24 Local Planning Policies - due for a broader strategic review in early 2022.

The following matters were taken into consideration through the review process:

- A comparison of the Shire's current policies with five other local governments' policies (City of Armadale, City of Busselton, Shire of Dardanup, City of Joondalup and Shire of Manjimup), these Councils were chosen as their policies were available at the time of the review; and
- Findings and recommendations from the *Local Government (Audit) Regulations 1996*, 2018 Regulation 17 Review; and
- Legislative changes (Acts/Regulations/Local Laws) which have a bearing on a particular policy; and

- Council decisions which affect the continued validity or applicability of a policy; and
- Important technological or social changes; and
- Any other such circumstance that staff have noted from past experiences.

The recommended addition and amendments to the Shire's policies are as follows:

New Policy

EXE/CP-5- Attendance at Events and Functions (Attachment 9.3.1(2))

On 20 October 2019 the *Local Government Legislation Amendment Act 2019* came into operation that introduced a range of amendments to the *Local Government Act 1995*.

Several of these amendments related to introducing a new gifts framework for Elected Members and the Chief Executive Officer.

Due to these changes, local governments must also prepare and adopt a policy that relates to the attendance of Elected Members and Chief Executive Officers at events such as concerts, conferences, and functions. The policy must address the provision of tickets to events; payments in respect of attendance and approval of attendance by the local government; and the criteria for approval.

In view of this, a new 'Attendance at Events and Functions Policy' has been developed to address the new legislative requirements which also extends to the Shire's employees, not just Elected Members and the Chief Executive Officer.

The policy was created based on the Department of Local Government, Sport and Cultural Industries draft policy and operational guidelines. The policy is to be adopted by an absolute majority.

HR/CP -4- Temporary Employment or Appointment of CEO (Attachment 9.3.1(2))

On 3 February 2021, the *Local Government (Administration) Amendment Regulations 2021* (CEO Standards) introduced mandatory minimum standards for the recruitment, selection, performance review and termination of employment in relation to local government Chief Executive Officers (CEOs).

Section 5.39C of the *Local Government Act 1995* requires that a local government must prepare and adopt (by absolute majority) a policy that sets out the process to be followed in relation to:

- a) the employment of a person in the position of Chief Executive Officer for a term not exceeding 1 year;
- b) the appointment of an employee to act in the position of Chief Executive Officer for a term not exceeding 1 year.

The policy was created based on Western Australian Local Government Association's (WALGA) draft policy.

The Model CEO Standards for recruitment and selection do not apply to the employment or appointment of an acting or temporary CEO for less than one year.

Amendments

Amendments have not been made showing tracked changes, as the template and new policy format did not allow for this. See Attachment 9.3.1(3) to view the amended policies. Attachment 9.3.1(6) includes the current policies prior to amendment.

Policy Name:	EM/CP-2-Audio Recording of Council Meetings
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.17 and added new policy ID; and • Added scope and definitions; and • Updated legislation; and • Added information on: <ul style="list-style-type: none"> - Recording proceedings; and - Official record is the written minutes not the recording; and - Subject to FOI; and - Recording as per the <i>State Records Act 2000</i>; and - Transparency to the Purpose of the policy; and - Absolute privilege; and - Public notification of recording of meetings; and - Retention and access of audio recording.
Policy Name:	EM/CP-3-Legal Representation for Elected Members and Employees
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.8 and added new policy ID; and • Added objective, scope, definitions and delegation; and • Updated legislation and legal representation costs that may be approved; and • Added information on to ensure the policy aligns with the LG Guidelines: <ul style="list-style-type: none"> - Payment Criteria - Application for payment - Councils Powers - Repayment of Legal Representation costs
Policy Name:	EM/CP-4-Honorary Freeman of Local Government
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.4 and added new policy ID; and • Added objective and scope; and • Updated legislation; and • Added information on: <ul style="list-style-type: none"> - Eligibility - Selection Criteria - Nomination and Acceptance Procedure - Entitlements
Policy Name:	EM/CP-5-Elected Members Allowances and Entitlements
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.21 and added new policy ID; and • Added scope.
Policy Name:	EM/CP-6-Caretaker Period
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.18 and added new policy ID; and • Add a scope and definitions for 'the Act' and 'CEO'; and • Changed the word 'staff' to 'shire employees', changed 'the caretaker Policy' to 'this policy', changed 'The Shire's Code of Conduct and the <i>Local Government (Rules of Conduct)</i>

	<p><i>Regulations 2007</i> ' to ' The Code of Conduct for Council Members, Committee Members and Candidates and the <i>Local Government (Code of Conduct Regulations 2021</i> under the heading Use of Shire Resources; and</p> <ul style="list-style-type: none"> • Updated references to other clause numbers within the policy; and • Removed section 17. Media Attention, as it's covered in the Code of Conduct Div 4 Sec 17; and • Removed <i>Local Government (Rules of Conduct) Regulations 2007</i>; and • Added <i>Local Government (Model Code of Conduct) Regulations 2021</i>.
Policy Name:	EXE/CP-2-Document Execution and Application of the Common Seal
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.32 and added new policy ID; and • Added scope, definitions, legislation and delegation and authorisation; and • Added information on: <ul style="list-style-type: none"> - Affixing the common seal - Witness of signature - Deputising or signing on behalf of another person - Authority to sign documents on behalf of the shire - Included a table of execution of documents
Policy Name:	EXE/CP-4-Welcome to and Acknowledgement of Country
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.15 and added new policy ID; and • Added objective and scope; and • Removed procedural information • Added information on: <ul style="list-style-type: none"> - Reference to Noogar people - Acknowledgement of Country updated to include event and document types - Referenced the SWALSC and their protocols
Policy Name:	EXE/CP-7-Occupational Safety and Health
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.44 and added new policy ID.
Policy Name:	EXE/CP-8-Communications and Social Media
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.49 and added new policy ID; and • Removed references to <i>Local Government (Rules of Conduct) Regulations 2007</i> • Included references to the Code of Conduct for Elected Members, Committee Members and Candidates and Employee's Code of Conduct • Removed Council delegation 1.1 as this is no longer relevant. • Added Employees, contractors and consultants working for the Shire of Donnybrook Balingup to the Scope.
Policy Name:	HR/CP-3-Employee Recreation Centre Subsidy
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 6.11 and added new policy ID; and • Renamed; and • Updated objective; and

	<ul style="list-style-type: none"> • Added scope and definitions; and • Removed: <ul style="list-style-type: none"> - Procedural information - Benefits information - Benefit offered to rec centre employee's family members
Policy Name:	ADM/CP-1-Records Management
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.10 and added new policy ID; and • Added new scope and definitions; and • Added information to: <ul style="list-style-type: none"> - Include the State Records Commissions Standard 2 to meet minimum requirements. - Merged information from 1.11 Council Elected Members records & 1.12 Use of Shire Specific Email Addresses by Elected Members.
Policy Name:	FIN/CP-2-Investments
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 3.4 and added new policy ID; and • Renamed • Added scope and delegation and authorisation; and • Removed: <ul style="list-style-type: none"> - "The CEO has delegated authority to appoint an investment adviser when considered appropriate"- Day to day management no need for extra authorisation. - Administration information regarding authorisations as this information is built into the delegation conditions - Wording to "Report and Review" to "Reporting" and removed duplicated information.
Policy Name:	FIN/CP-5-Regional Price Preference
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.21 and added new policy ID; and • Added new scope; and • Updated legislation
Policy Name:	EMERG/CP-1-Fireworks at Events
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 8.5 and added new policy ID; and • Added scope, legislation, moved definitions and delegation and authorisation; and • Updated departmental name
Policy Name:	EMERG/CP-2-Permits for Road Verge Burning
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 8.3 and added new policy ID; and • Renamed; and • Added scope and legislation; and • Moved delegation and authorisation under the heading.
Policy Name:	WRKS/CP-1-Land Resumption Compensation
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 4.3 and added new policy ID; and • Added objective, scope, definitions and delegation and authorisation. • Removed:

	<ul style="list-style-type: none"> - Additional allowance - Procedural information regarding actions staff is to take after an agreement has been finalised
Policy Name:	WRKS/CP-2-Rural Verge Management
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 4.24 and added new policy ID; and • Added objective, scope, and definitions; and • Corrected the legislation
Policy Name:	WRKS/CP-3-Urban Verge Management
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 4.25 and added new policy ID; and • Added strategic outcome the policy supports; and • Added Objective, scope, and definitions; and • Corrected the legislation
Policy Name:	FIN/CP-9-Related Party Disclosure
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.19 and added new policy ID; and • Added strategic outcome the policy supports; and • Moved the scope and definitions under new headings; and • Added numbering; and • Updated: <ul style="list-style-type: none"> • References to Executive Manager to Director; and • CI 4.1 from “as an attachment to this policy” to “will be provided by the CEO”; and • CI 4.11 from “set out in the attachment” to “provided by the CEO”; and • CI 4.12 from “Executive Managers” to “Senior Employees”; and • CI 4.16 from “CEO, MFA, Accountant, an auditor... and other officers as determined by the CEO” to “CEO, DCC, an Auditor... and other staff as determined by the CEO”.

Table 1 – Policy Amendments

Rescinding Policies

See Attachment 9.3.1(4) for copies of current policies recommended for rescinding.

Other Policy Matters

The Shire’s Local Planning Policies are reviewed and adopted under a separate ‘head of power’ than the Local Government Act 1995 (i.e. the Planning and Development Act) and were not reviewed as part of this process due to a broader strategic review already underway with the review of the Local Planning Scheme in early 2022. 24 Local Planning Policies were identified.

In addition, it is recommended that additional policies are researched, developed and presented to Council for future consideration, as resourcing permits. The following topics are examples of future policies for consideration:

- Disposal of Assets;
- Recognition of Achievement in the Community;
- Sponsorship of the Shire's Events, Programs, Facilities and Publications;
- Bush Fire Brigade Training and Qualifications;
- Environmental Management;
- Sustainability;
- Misconduct, Fraud and Corruption;
- Traders and Stallholders Permits;
- Employer of Choice;
- Tip Pass for eligible community groups and not-for-profit organisations;
- Interest Free Loans to Clubs and Organisations;
- Lease and Licence Management;
- Waste management; and
- Litigation and claims.

EXECUTIVE RECOMMENDATION

Moved: Cr Atherton

Seconded: Cr Newman

That Council:

- 1. Adopts by an ABSOLUTE MAJORITY, the proposed new policies:**
 - a. EXE/CP-5-Attendance at Events and Functions; and**
 - b. HR/CP-4-Temporary Employment or Appointment of CEO**
- 2. Notes the Council Policy major review.**
- 3. Adopts the Council Policies as listed below:**
 - **ADM/CP-1-Records Management**
 - **ASS/CP-1-Infrastructure Asset Management**
 - **COMD/CP-1-Community Grants Funding Scheme**
 - **COMD/CP-3-Community Engagement Framework**
 - **COMD/CP-4-Community Townscape Activities**
 - **COMD/CP-5-Tourism in Donnybrook Balingup**
 - **EM/CP-1-Council Member Induction, Training and Professional Development**
 - **EM/CP-2-Audio Recording of Council Meetings**
 - **EM/CP-3-Legal Representation for Elected Members and Employees**
 - **EM/CP-4-Honorary Freeman of Local Government**
 - **EM/CP-5-Elected Members Allowances and Entitlements**
 - **EM/CP-6-Caretaker**
 - **EMERG/CP-1-Fireworks at Events**
 - **EMERG/CP-2-Permits for Road Verge Burning**

- **EXE/CP-1-Commercial Lease**
 - **EXE/CP-2-Document Execution and Application of the Common Seal**
 - **EXE/CP-4-Welcome to and Acknowledgement of Country**
 - **EXE/CP-6-Organisational Risk Management**
 - **EXE/CP-7-Occupational Safety and Health**
 - **EXE/CP-9-Communications and Social Media**
 - **FIN/CP-1-COVID19 Hardship Policy**
 - **FIN/CP-2-Investments**
 - **FIN/CP-3-Debt**
 - **FIN/CP-4-Purchasing**
 - **FIN/CP-5-Regional Price Preference**
 - **FIN/CP-7-Credit Card**
 - **FIN/CP-8-Building Insurance**
 - **FIN/CP-9-Related Party Disclosure**
 - **HR/CP-2-Gratuity Payments**
 - **HR/CP-3-Employee Recreation Centre Subsidy**
 - **WRKS/CP-1-Land Resumption Compensation**
 - **WRKS/CP-2-Rural Verge Management**
 - **WRKS/CP-3-Urban Verge Management**
 - **WRKS/CP-4-Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network**
- 4. Rescinds Council policies listed below, noting their content is of an operational nature, and instructs the Chief Executive Officer to classify and implement as per Council's Policy Framework:**
- a. **1.2 Public Interest Disclosures**
 - b. **1.2 Smoking in Council Buildings and Vehicles**
 - c. **1.3 Recruitment and Selection**
 - d. **2.1 Hiring of Council Hall Equipment or Other Property**
 - e. **2.18 Volunteers**
 - f. **2.24 Community Events Board**
 - g. **2.29 Staff Training Travel Costs**
 - h. **2.30 Playing Fields and Amenities - General Use**
 - i. **2.34 Private Motor Vehicle Use - Managers**
 - j. **2.35 Use of Pool Vehicles**
 - k. **2.36 Close Circuit Television (CCTV)**
 - l. **2.37 Community Service Leave**
 - m. **2.6 Hiring of Council Halls**
 - n. **3.1 Annual Performance Appraisal**
 - o. **3.2 Employee Education, Training and Study Assistance**
 - p. **3.3 Employee Training and Development**
 - q. **3.3 Staff Attendance at Conferences and Reimbursement of Expenses**
 - r. **3.4 Granting of Study Leave**
 - s. **3.5 Rates Recovery**
 - t. **3.9 Petty Cash**
 - u. **4.1 Outside Staff Protective Clothing**
 - v. **4.2 Elimination of Harassment in the Workplace**
 - w. **4.22 Requirements for Subdivisional Land Developments**
 - x. **4.26 Gravel Acquisition**

- y. 4.27 Stormwater Management Private Land
- z. 4.28 Requests for Upgrades or Expansions of Council Assets
- aa.4.4 Employee Exit
- bb.4.5 Grievance
- cc.4.6 Prevention of Bullying in the Workplace
- dd.4.7 Construction Crossovers
- ee.5.1 Staff Leave
- ff. 5.10 Retaining Walls
- gg.5.2 Leave without Pay
- hh.5.3 Footing Details
- ii. 5.4 Foundation Levels and Stormwater Requirements
- jj. 5.4 Parental Leave
- kk.5.5 Balconies or Verandahs erected over Road Reserves
- ll. 5.7 Owner Builder Occupation of Town Site Land
- mm. 5.8 Owner Builder Occupation of Rural Land
- nn.5.9 Requirement for Survey
- oo.6.1 Corporate Uniforms
- pp.6.1 Staff Seeking Secondary Employment
- qq.6.13 Transition to Retirement
- rr. 6.14 Work Experience
- ss.6.15 Working from Home
- tt. 6.17 Higher Duties
- uu.6.2 Displaying Offensive Materials
- vv.6.5 Employee Sharing Arrangements
- ww. 6.6 Balingup Waste Transfer Station
- xx.6.8 Loss of Drivers Licence
- yy.6.9 Rostered Day Off
- zz. 8.6 Procedures for Hiring Contractors & Equipment for Fire Fighting

5. Rescinds Council policies listed below, noting their reasons as listed in Attachment 1 – Policy Review Table:

- a. 1.1 Apprenticeship, Traineeship and Cadetship
- b. 1.11 Council Elected Members records
- c. 1.11 Redundancy
- d. 1.12 Use of Shire Specific Email Addresses by Elected Members
- e. 1.13 Councillor- Staff Contact
- f. 1.16 Media Spokesperson
- g. 1.2 Equal Employment Opportunity
- h. 1.5 Civic Receptions - Invitations List
- i. 1.5 Staff Appointments
- j. 1.6 Severance Pay (Under Review)
- k. 1.6 Staff Code of Behaviour
- l. 1.9 Committee Membership (Under Review)
- m. 2.1 Employment Contracts
- n. 2.2 Reimbursement of Relocation Expenses
- o. 2.3 Remuneration Packaging
- p. 2.31 Cemeteries Flower and Ornament
- q. 2.33 CEO Vehicle Use
- r. 2.39 Leased Hall Maintenance
- s. 2.40 Emergency Generator for Community Events

- t. 2.41 Governance of Accommodation Bonds
- u. 2.42 Integrated Workforce Planning and Management
- v. 3.1 Financial Assistance to Organisations and Clubs
- w. 3.1 Payment for Private Works Performed by the Shire
- x. 3.2 Vandalism - Council Property
- y. 3.6 Tuia Lodge Accommodation Bonds Liquidity Strategy
- z. 4.1 Counselling, Disciplining and Dismissing Employees
- aa.4.3 Employee Assistance Program
- bb.6.12 Telephone Use
- cc.6.16 Staff Matters
- dd.6.18 Social Media
- ee.6.3 Employee Records
- ff. 6.4 Employee References
- gg.6.5 Waste Management Levy Exemption
- hh.8.2 Bush Fire Advisory Committee Meetings

LOST 0/9

FORESHADOWED MOTION

Cr Mills

That Council:

1. Adopts by an **ABSOLUTE MAJORITY**, the proposed new policies:
 - a. EXE/CP-5-Attendance at Events and Functions; and
 - b. HR/CP-4-Temporary Employment or Appointment of CEO
2. Notes the Council Policy major review.
3. Instructs the CEO to coordinate a Councillor Concept Forum for the remaining policies, prior to the Council considering the final policies.

COUNCIL RESOLUTION 191/21

Moved: Cr Mills Seconded: Cr Jones

That Council:

1. Adopts by an **ABSOLUTE MAJORITY**, the proposed new policies:
 - a. EXE/CP-5-Attendance at Events and Functions; and
 - b. HR/CP-4-Temporary Employment or Appointment of CEO
2. Notes the Council Policy major review.
3. Instructs the CEO to coordinate a Councillor Concept Forum for the remaining policies, prior to the Council considering the final policies.

CARRIED 9/0

9.3.2 REQUEST FOR THIRD PARTY PAYMENT OF INVOICE

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	CSV 01/2
Author	Ben Rose, Chief Executive Officer
Responsible Officer	Ben Rose, Chief Executive Officer
Attachments	9.3.2(1) - Correspondence
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Authorise the Chief Executive Officer to make a 50% payment to the HHG Legal Group for Invoice 0129052. 2. Request the Chief Executive Officer to write to Mr Foale, Mr Payton and Mr Tuia advising that the Shire will not make any further third party payments, following the 50% payment of HHG Legal Group invoice 0129052.

STRATEGIC ALIGNMENT

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

Outcome	4.2	A respected, professional and trusted organization
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.4	Demonstrate sound financial planning and management, including revenue/ expenditure review and revenue diversification strategies and long term financial planning

EXECUTIVE SUMMARY

The Shire has been requested to make payment to a legal firm (HHG Legal Group) to the value of \$440 on behalf of a third party.

BACKGROUND

Mr Foale, Mr Payton and Mr Tuia engaged HHG Legal Group (Bunbury Office) to prepare and send correspondence to Hall & Prior as the new operators of Tuia Lodge, Donnybrook, in relation to previously bequeathed funding from the Estate of the late Mr Herbert (Jack) Denning. The funding is held by the Shire of Donnybrook Balingup.

Mr Foale, Mr Payton and Mr Tuia did not liaise with the Shire on the matter prior to engaging HHG Legal Group. The Shire was made aware of the correspondence from HHG Legal Group to Hall & Prior by way of a scanned email copy from the Facility Manager of Tuia Lodge on 6 October 2021.

Following a meeting on the matter raised in the HHG Legal Group letter to Hall & Prior with Mr Foale, Mr Tuia, the Shire President (Cr Wringe), the Chief Executive Officer (Mr Rose) and the

Facility Manager (Dr Holloway), Mr Foale wrote to the Shire (letter dated 9 November 2021), requesting the Shire make payment to HHG Legal Group for the written correspondence.

A similar matter was considered by Council at its November 2018 Ordinary Meeting, involving the same third party/parties.

FINANCIAL IMPLICATIONS

The requested third-party payment is for \$440 and is not materially/financially significant in terms of the Shire's operating budget.

POLICY COMPLIANCE

There are no direct policy compliance matters that relate to this matter.

STATUTORY COMPLIANCE

There are no direct statutory compliance matters that relate to this matter.

CONSULTATION

The Shire was not consulted on the matter prior to engaging the HHG Legal Group by the third parties.

OFFICER COMMENT

It is unusual that a third party would request the Shire to make payment to a legal firm on their behalf. If the matter was discussed with the Shire prior to engaging the legal firm, the matter would have been resolved and the requirement for legal advice/correspondence avoided. Whilst the materiality of the sum (\$440) involved is minimal, the approval for third-party payments by the Shire could be seen as a precedent.

The approach by the third parties to the HHG Legal Group regarding a scholarship fund was initiated, in the author's opinion, with good intentions and respect for the original intent of the bequeathed funding.

On balance of these considerations, it is recommended that the Shire authorise the Chief Executive Officer to make a 50% payment, and to prepare a letter to the third parties advising that future third-party payments will not be approved.

COUNCIL RESOLUTION 192/21

Moved: Cr Smith

Seconded: Cr Gubler

That Council:

- 1. Authorise the Chief Executive Officer to make a 50% payment to the HHG Legal Group for Invoice 0129052.**
- 2. Request the Chief Executive Officer to write to Mr Foale, Mr Payton and Mr Tuia advising that the Shire will not make any further third party payments, following the 50% payment of HHG Legal Group invoice 0129052.**

CARRIED 6/3

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 CONFIDENTIAL – OFFER TO PURCHASE PROPERTY

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

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

12.1.2 RFT 01-2122 – UPGRADE OF COLLINS STREET AND STEERE STREET - CONFIDENTIAL

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

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

12.1.3 COMMUNITY CITIZEN OF THE YEAR - CONFIDENTIAL

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

(b) the personal affairs of any person

RECOMMENDATION

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

12.1.1 CONFIDENTIAL – OFFER TO PURCHASE PROPERTY

12.1.2 RFT 01-2122 – UPGRADE OF COLLINS ST & STEERE ST - CONFIDENTIAL

12.1.3 COMMUNITY CITIZEN OF THE YEAR – CONFIDENTIAL

COUNCIL RESOLUTION 193/21

Moved: Cr Newman Seconded: Cr Mills

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

12.1.1 CONFIDENTIAL – OFFER TO PURCHASE PROPERTY

12.1.2 RFT 01-2122 – UPGRADE OF COLLINS ST & STEERE ST - CONFIDENTIAL

12.1.3 COMMUNITY CITIZEN OF THE YEAR – CONFIDENTIAL

CARRIED 9/0

The meeting was closed to the public at 7:21pm

COUNCIL RESOLUTION 199/21

Moved: Cr Newman Seconded: Cr Massey

That the meeting be re-opened to the public.

CARRIED 9/0

The meeting was re-opened to the public at 7:54pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 15 December 2021 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7:54pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 15 December 2021.



Cr Leanne Wringe
SHIRE PRESIDENT