

## MINUTES OF SPECIAL MEETING OF COUNCIL

---

### Purpose:

1. For Council to consider the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project  
and
  2. For Council to consider the RFT 04/2021 – Design and Construct – Donnybrook Pump Track (Confidential Item)
- 

Held on

**Monday 12 July 2021**

Commencing at 5.00 pm

Shire of Donnybrook Balingup Council Chamber

---

**Benjamin (Ben) Rose**  
Chief Executive Officer

19 July 2021

## TABLE OF CONTENTS

---

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	ATTENDANCE .....	3
2.1	<i>APOLOGIES</i> .....	4
2.2	<i>APPROVED LEAVE OF ABSENCE</i> .....	4
2.3	<i>APPLICATION FOR LEAVE OF ABSENCE</i> .....	4
2.4	<i>REQUEST BY CR WRINGE TO PARTICIPATE BY PHONE</i> .....	4
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	5
4	DECLARATION OF INTEREST .....	5
5	PUBLIC QUESTION TIME .....	5
6	REPORTS OF OFFICERS .....	11
6.1.1	DONNYBROOK COMMUNITY, SPORTING, RECREATION AND EVENTS PRECINCT (VC MITCHELL PARK) PROJECT .....	11
7	MEETING CLOSED TO THE PUBLIC .....	36
7.1	<i>MATTERS FOR WHICH THE MEETING MAY BE CLOSED</i> .....	36
7.1.1	CONFIDENTIAL – RFT 04/2021 – DESIGN AND CONSTRUCT – DONNYBROOK PUMP TRACK .....	36
7.2	<i>PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC</i> .....	37
6	CLOSURE .....	37

**SHIRE OF DONNYBROOK BALINGUP  
SPECIAL COUNCIL MEETING MINUTES**

Monday 12 July 2021 at 5.00pm

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

**Shire President – Acknowledgment of Country**

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

The Shire Present declared the meeting open at 5pm and welcomed the public gallery.

**Shire President - Public Notification of Recording of Meetings**

The Shire President advises that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further states the following:

*If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.*

**2 ATTENDANCE**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Robin Garrett – Director Corporate and Community (Acting)
Cr Anita Lindemann	Maureen Keegan – Manager Executive Services Minutes
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe (by telephone at 5.03pm)	

**PUBLIC GALLERY**

14 people

**2.1 APOLOGIES**

---

Nil

**2.2 APPROVED LEAVE OF ABSENCE**

---

Nil

**2.3 APPLICATION FOR LEAVE OF ABSENCE**

---

Nil

**2.4 REQUEST BY CR WRINGE TO PARTICIPATE BY PHONE**

---

The Shire President requested Cr Leanne Wringe confirm her address and confirmed she is in a 'suitable place' in relation to the Local Government Regulations 14A.

**RECOMMENDATION**

**That Council:**

- 1. Approves 250 Ocean Drive Port Denison Western Australia as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Wringe at the Special Council Meeting held 12 July 2021 via telephone pursuant to Regulation 14A(1)(c).**

**COUNCIL RESOLUTION RES NO 115/21**

**Moved Cr Smith                      Seconded Cr Lindemann**

**That Council:**

- 1. Approves 250 Ocean Drive Port Denison Western Australia as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Wringe at the Special Council Meeting held 12 July 2021 via telephone pursuant to Regulation 14A(1)(c).**

**CARRIED 7/0**

Cr Wringe joined the meeting via phone at 5.03pm.

### **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

---

The Shire President welcomed Mr Robin Garrett Acting Director Corporate and Community to the meeting.

The Shire President acknowledged Ashley Barty's successful Wimbledon Final and the potential onflow to local tennis with young people becoming inspired to take up the sport.

### **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 S Atherton declared an Impartiality Interest in item 6.1.1 *Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project* as he is a Life Member of the Donnybrook Football Club.

### **5 PUBLIC QUESTION TIME**

---

In accordance with the Clause 7(3) of the *Local Government (Administration) Regulations*, public questions must relate to the stated purpose/s of the Special Meeting of Council.

*Mr Brad Fowler 28 Thompson Street Donnybrook on behalf of Donnybrook Balingup Ratepayers Residents Association*

*Do Council recognise, that 4 sporting groups and 1 community group have withdrawn their support for the 'Donnybrook Community Sporting, Recreation and Entertainment Precinct Project' and are requesting the Shire of Donnybrook Balingup to defer an decision making on this project for 6 months or until the: Detailed Project Development Plan, Detailed Feasibility Study, Business Case Study, Operational Model and Governance Model documents are provided for the mutual satisfaction and for a fairer outcome to all stakeholders and the community?*

Shire President response

Yes, as per item No 11 in the resolution of report 6.1.1 contained within this agenda.

*Mr Brad Fowler*

*What revenue will be used to fund the management of this facility for the first 5 years while no sporting club fees increase?*

Shire President response

Subject to the business model once it is identified who will be in the community hub and until that time, I am unable to answer that question.

Mr Shane Sercombe, 5 Cora Street Donnybrook Donnybrook on behalf of Balingup Ratepayers Residents Association  
*Is Donnybrook Community Sporting Recreation and Entertainment Precinct Project a precinct or a hub?*

Shire President response

Both terms have a similar meaning.

Mr Shane Sercombe

*In relation to question 6 of the sporting project survey, is it true only 27 responses supported the hub proposal?*

Chief Executive Officer response

For full transparency all the qualitative and quantitative data is provided in the agenda for your information.

Mr Angelo Logiudice 6440 Logiudice Road Kirup on behalf of Donnybrook Balingup Ratepayers Residents Association

*Would Councillors be happy to meet with DBRRA to work out a pathway forward to achieve the best overall community outcome on the 'Donnybrook Community Sporting, Recreation and Entertainment Precinct Project'?*

Shire President response

Whilst I cannot answer for the other Councillors, I will take this on board for further discussion with Council.

Mr Angelo Logiudice

*Who determines whether a council item is confidential?*

Chief Executive Officer response

The Council decides whether the item is confidential or not. The CEO or the report author can make a recommendation, but it's up to the Council to decide. Guidance on items that should or should not be confidential is provided within the Local Government Act.

Mr Brad Fowler on behalf of Donnybrook Balingup Ratepayers Residents Association

*Why has the community survey held in April 2021 not been analysed and interpreted with possible recommendations? When the survey has asked for residents to engage in a 'review and information sharing process'?*

Shire President response

As outlined in the agenda item part of that proposition is that we do go to the public in the not too distant future in an information forum,

Chief Executive Officer response

This was a simple survey that did not need to undergo a voluminous review. A snapshot of the survey is included in the report in this agenda.

Mr Brad Fowler

*Are Councillors aware the community and most stakeholders' are dissatisfied with the consultation process?*

Shire President response

I am not sure on what basis that statement is made.

Mr Shane Sercombe, on behalf of Mr Mike King

*If Council approves the 'Donnybrook Community Sporting, Recreation and Entertainment Precinct', will they automatically increase rates by 16%.*

Shire President response

No.

Mr Shane Sercombe

*Will they likely increase by 16% over this year and next?*

Shire President response

No.

Mr Shane Sercombe

*Is it intended for the Request for Tender to endorsed by or prior to the Election caretaker period starting on 16 September?*

Chief Executive Officer Response

This will be determined based on the Council Caretaker Period which is based on the Council Policy. That Policy has exclusions within it including directions of Council from preceding resolutions. However, the intention is for the Request for Tender documentation (maybe not necessarily the full document itself, but certainly the key elements of it) to be endorsed by Council during September.

Mr Shane Sercombe,

*Will this project be multi staged, what are the priorities and how were the priorities for stage 1 determined?*

Chief Executive Officer response

The priorities are not set at this stage. At this stage there is a recommendation and there is draft documentation. If the recommendation is approved at the Council Meeting tonight, it will go to a public information forum.

The recommendations are formed through the Project Management Team, Stakeholder Reference Group, Department of Sport and Recreation and other stakeholders.

Mr Steve Dilley

What date did the Council hold a public information forum on the sporting precinct plan?

Shire President response

We have not held one yet.

Chief Executive Officer response

We are proposing to host a community information forum, as listed in the recommendation during July or August. A few years ago we had fairly broadscale

consultation; letters, an open door session in the Council Chamber which wasn't received with high numbers (approximately 32 submissions).

Mr Steve Dilley

Would Council consider deferring the agenda item until 1 month to allow for an open community forum?

Shire President response

The Council has the power to do that in dealing with tonight's motion.

Mr Angelo Logiudice

*Regarding the Pumptrack RFT, is demolition of buildings included in the Tender.*

Chief Executive Officer Response

The demolition of buildings is not being considered as part of the Tender. The shelter that is adjacent to the buildings is up for advisement from the Project Team.

Mr Angelo Logiudice

Would it be difficult to remove the infrastructure?

Chief Executive Officer response

We are going through the process of working out whether that equipment or whether that infrastructure could be moved, whether it should be moved, whether it's economical to move it. I don't have the answer right at this stage but it is something we are looking at.

Mr S McInnes Hardy Place Donnybrook

*Recommendation No 5 acknowledges the ongoing recurrent costs associated with operating and maintaining new facilities at the park can be directly and proportionately offset by revenue generated from the facilities. The chart on page 14 shows you're going to have to generate \$150,000.00 a year every year for the first 10 years and \$300,000.00 a year every year for the next 10 years.*

*How is this going to actually occur? What are you going to do to generate that much money.*

Shire President Response

The statement in the agenda item says the costs are directly proportionate, so if X is the total cost of running the business and Y is achieved from external activities that the hub center might attract? The remainder of that will have to be picked up by the Council.

Mr S McInnes

*If you don't generate that money then the ratepayer have to cover the cost is that correct.*

Shire President response

Yes, that is what it says.



Mr Shane Sercombe

*Without demonstrated evidence of community support and without a project development plan, detailed feasibility study, business case operational model and governance model. What is Council's mandate to proceed with this project?*

Shire President response

Councillors are elected representatives of the Community and the decision made tonight will be made in the best interests of those who elected them as that is the mandate this Council has to the entire community.

Mr Shane Sercombe

What evidence do you use to support that this project is in the community's best interest?

Shire President response

That is a decision Council will make.

Mr Brad Fowler on behalf of Donnybrook Balingup Ratepayers Residents Association  
*Were paper/hard copy surveys represented in the Survey Data?*

Chief Executive Officer Response

Approximately half a dozen hard copy completed surveys were submitted to the Shire which were inputted in the Survey Monkey by a staff member and included in the total response.

Mr Shane Sercombe

*Without significant public consultation how can you gauge community support?*

Shire President Response

This answer was provided previously and is dealt with in the report in this agenda.

Mr Angelo Logiudice on behalf of Donnybrook Balingup Ratepayers Residents Association

*Has any modelling or research been done on the financial viability of the user groups?*

Chief Executive Officer Response

This is dealt with in the recommendation, with a 5-year cap to costs for user groups. In relation to Governance and Finance models this will be resolved over the next 6 months or so.

In addition, I cannot guarantee that Council and all stakeholder groups will come to mutual satisfaction, but we will work through any issues.

Shire President response

This is the reason why the report recommends an open community forum to give the community the opportunity to advise Council if this is a decision, they either support or don't support.

Mr Shane Sercombe

*Is the funding intended solely for a single, shared use facility or will it be utilised for improvements at the Recreation Centre also?*

Shire President Response

The Department had advised it must be a multiuser facility.

Chief Executive Officer response

Funding has been provided to the Shire based on the Masterplan which was adopted by Council in May last year. The funding isn't for the delivery exclusively of buildings or a pavilion. It's for a variety of outcomes.

Mr S McInnes

*There is no management plan, no business plan. What is Council basing its decision on?*

Shire President Response

Until we know who is going to part of this proposition it is very difficult to have a business plan.

## 6 REPORTS OF OFFICERS

### 6.1.1 DONNYBROOK COMMUNITY, SPORTING, RECREATION AND EVENTS PRECINCT (VC MITCHELL PARK) PROJECT

<b>Location</b>	Steere Street, Donnybrook
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	PWT 18T
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Responsible Manager</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	6.1.1(1) Project Scope Inclusions 6.1.1(2) Correspondence 6.1.1 (3) Survey Results 6.1.1(4) Minister Letter 6.1.1(5) Project Timeline
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Recognises and respects that there are divergent opinions within the local community as to the scope of deliverables for the project and how consultation should be undertaken for the project, however, acknowledges that ultimate responsibility for decision-making for the project rests with the Council.</b></li> <li><b>2. Recognises the strategic value of supporting a variety of sporting and recreation options (now and into the future) across the Shire, which add to the lifestyle, health and wellbeing of community members; a key strategy in attracting a new wave of younger families to the Shire.</b></li> <li><b>3. Recognises that existing sporting facilities associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project have passed their ‘use-by date’ in terms of structural and design suitability to address and accommodate evolving multi gender and all-ability access requirements.</b></li> <li><b>4. In terms of a governance and business model, acknowledges the Donnybrook Country Club as a local model that meets membership needs and generates revenue via events and other non-core sporting and recreation activities to offset recurrent management and operating costs.</b></li> <li><b>5. Acknowledges that ongoing recurrent costs associated with operating and maintaining new facilities at VC Mitchell Park can be directly and proportionately offset via revenue generated from the facilities for non-core sporting and recreation activities.</b></li> </ol>

- 6. Acknowledges that Donnybrook Community, Sporting, Recreation and Events Precinct Project was planned as a multi-stage project, as per the MasterPlan adopted by Council in May 2020.**
- 7. Acknowledge that the basis of the funding commitment of \$6M from the State Government was as per the following quote from the Department of Local Government, Sport and Cultural Industries:**

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities.”*
- 8. Supports the appointment of the Project Management Team members and the deliverables of the Project Management Team, to date.**
- 9. Acknowledges that the State Government’s funding commitment of \$6M was on the expectation of a \$3M funding commitment by the Shire of Donnybrook Balingup.**
- 10. Receives and notes the results of the public survey on the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.**
- 11. Acknowledges correspondence, as attached, from the Donnybrook Tennis Club, Donnybrook Ladies Hockey Club, Donnybrook Men’s Hockey Club, Donnybrook Basketball Association and the Donnybrook Netball Association, and notes the resolutions/recommendation contained therein.**
- 12. Thank the members of the Stakeholder Reference Group for their valued and robust contribution to the project inception and planning stage/s of the project, and instruct the Chief Executive Officer to discontinue the Stakeholder Reference Group, as the Stakeholder Reference Group has now completed its remit in the project inception and planning phases of the project.**
- 13. Instructs the Chief Executive Officer to coordinate a Public Information Forum on the project during July or August 2021 (including preferred scope and design documents).**
- 14. Instructs the Chief Executive Officer to present draft Request for Tender documentation to the Council for consideration at an Ordinary or Special Meeting of Council prior to 30 September 2021, with the preferred Scope inclusions as attached.**
- 15. Acknowledges the importance of resolving precinct governance and business models.**

**16. Resolves not to increase fees (except for CPI increments) to sporting groups associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project for a period of five years from practical completion.**

## STRATEGIC ALIGNMENT

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

<b>Outcome</b>	1.1	A diverse, prosperous economy, supporting local business and population growth.
<b>Strategy</b>	1.1.1	Promote, maintain, and diversify investment in the district.
<b>Action</b>	1.1.1.4	Actively partner in regional Growth Planning partnerships and projects.
<b>Outcome</b>	2.1	An attractive and maintained built environment
<b>Strategy</b>	2.1.1	Maintain, renew and improve infrastructure within allocated resources.
<b>Action</b>	2.1.1.2	Seek funding for development and renewal of infrastructure
<b>Outcome</b>	3.3	A safe and healthy community environment for all ages
<b>Strategy</b>	3.3.3	Support a safe, healthy, and active community
<b>Action</b>	3.3.3.2	Review and implement the VC Mitchell Park and Balingup Centre Masterplans.

## EXECUTIVE SUMMARY

With the concept of a wholesale revitalisation of the VC Mitchell Park precinct in Donnybrook being explored through MasterPlan exercises in 2009 and more recently 2020, the need for significant asset renewal and expansion at this precinct is well documented. A major funding opportunity of \$6m via the State Government requires a significant co-contribution from the Shire of \$3m. Application to WA Treasury Corp for loan funding cannot occur until the Shire’s 2021-22 Budget is completed and the 2020-21 Annual Financial Report is prepared (i.e. late 2021). With stakeholder engagement spanning 2+ years and the State Government’s first primary/capital funding commitment being activated in the 2021-22 State Budget, the project must move past the initiation and planning stages and into the implementation stage if it is to progress at all.

## BACKGROUND

In 2009, the Shire commissioned Jill Powell and Associates to develop a *Mitchell Park and Balingup Sports Master Plan*. At that time, external funding could not be secured by the Shire to fund any of the Master Plan recommendations (redevelopment) and the concept of revitalisation of the precinct was set-aside for the better part of a decade.

In mid-2018, the Shire commenced a process to re-visit the 2009 Master Plan and secured funding (along with its own funding contribution) from the Department of Local Government, Sport and Culture (DLGSC) to undertake that exercise. Community consultation was undertaken, and a sporting body Stakeholder Reference Group was established to provide advice and feedback on the Master Plan to the Council via the Chief Executive Officer as the Chair of the SRG.

The Master Plan was presented to Council for consideration and was endorsed at the 27 May 2020 Ordinary Meeting of Council, recognising that at that time, not all sporting groups supported all elements of the MasterPlan. In August 2020, the Shire was advised it had been successful in securing a \$6M funding co-contribution to the project via the State Government's COVID Recovery Plan (refer attached letter). Consequently, the Stakeholder Reference Group was reconvened in early 2021 to provide advice and feedback to the Council, via the Chief Executive Officer, in relation to sporting group project expectations for the redevelopment.

Between October 2020 and January 2021, a Project Management Team was onboarded by the Shire, utilising early-release funding awarded by the DLGSC. The Project Management Team includes:

- Project Management: Shape Management.
- Architect: MCG Architects;
- Quantity Surveyor;
- Electrical Engineer;
- Civil Engineer;
- Structural Engineer;
- Mechanical Engineer;
- Fire Engineer / Certifier;
- Lighting Engineer;
- Hydraulic Engineer;
- Geotechnical consultant; and
- Surveyor.

Between February and May 2021, the Project Management Team coordinated three Stakeholder Reference Group Meetings, as well as numerous one-to-one stakeholder sessions for detailed input and feedback by sporting groups. In addition, during this period, two community representatives were included in the Stakeholder Reference Group. This stakeholder consultation culminated in the provision of the last round of detailed written feedback by sporting groups to the Project Management Team on 21 May 2021.

## **PREVIOUS COUNCIL RESOLUTIONS**

### **24 APRIL 2019 - COUNCIL RESOLUTION 35/19**

***That Council instruct the Chief Executive Officer to establish a Working Group for the Donnybrook Sporting and Recreation Precinct Masterplan project, incorporating, at a minimum:***

- 1. Two representatives from the Donnybrook Tennis Club; and***

- 2. Two representatives from the Donnybrook Basketball Association; and**
- 3. Two representatives from the Donnybrook Football Club; and**
- 4. Two representatives from the Donnybrook Netball Association; and**
- 5. The Donnybrook Recreation Centre Facility Manager;**
- 6. Shire staff, as required;**
- 7. Councillor Lindemann; and**
- 8. Shire President.**

**CARRIED 8/0**

**18 DECEMBER 2019 - COUNCIL RESOLUTION 216/19**

**That Council:**

- 1. Approve, in principle, loan funding towards the Donnybrook and Districts Sports, Recreation and Events Precinct Project on the basis of:**
  - 1.2 One-third funding from the Shire of Donnybrook Balingup;**
  - 1.3 Two-thirds funding from the State Government; and**
  - 1.4 The Shire of Donnybrook Balingup capital contribution via loan being capped at a maximum of \$3,000,000.**
- 2. Instruct the Chief Executive Officer to seek project funding from the State Government as per resolution 1, above.**
- 3. Approve the addition of the in principle loan funding amount to the Shire's Borrowings Plan 2019/20 – 2033/34 (as attached).**

**CARRIED 9/0**

**27 MAY 2020 - COUNCIL RESOLUTION 76/20**

**That Council:**

- 1. Thank the members of the Working Group for their genuine and robust input to the Master Plan development.**
- 2. Support the Donnybrook and Districts Sports, Recreation and Events Precinct Master Plan in principle, allowing for negotiation and changes to be made that best suit all end user sporting and community groups prior to Request for Tender, including that Scenario B of the Master Plan be the preferred option for funding consideration;**
- 3. Instruct the Chief Executive Officer to seek project funding (for Stages 1 and 2) from:**
  - 3.1 The State Government;**
  - 3.2 Additional funding sources.**

4. ***Instruct the Chief Executive Officer that, in relation to the project, any further precinct design development, grant funding contracts or requests for tender requires the pre-approval of Council.***

CARRIED 8/1

**23 SEPTEMBER 2020 - COUNCIL RESOLUTION 133/20**

***That Council:***

1. ***Authorise the Chief Executive Officer to execute a grant agreement with the State Government for the early release of up to \$250,000 of State project funds for planning and delivery of the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project, acknowledging advice from the Department of Local Government, Sport and Cultural Industries that there is no funding co-contribution requirement from the Shire for this early release of funding.***
2. ***Acknowledges its previous in-principle \$3m (capped) project funding decision (based on details from the Ordinary Meetings of 18 December 2019 and May 2020) and instructs the Chief Executive Officer to review the Shire's Long Term Financial Plan, by no later than the November 2020 Ordinary Meeting of Council, with scenario modelling for provision of borrowings of up to \$3m towards the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project.***
3. ***Authorise the Chief Executive Officer to execute a State Financial Assistance Agreement (for \$6m minus any early release grant funds), subject to:***
  - a. ***Council approving, via resolution, a financial co-contribution (of up to \$3m) to the project.***
  - b. ***WA Treasury Corporation approving a loan facility for the Shire's financial co-contribution (of up to \$3 million) to the project.***
  - c. ***Council approving a more detailed Concept Plan (derived from the Council-supported Master Plan), which includes project staging recommendations and stakeholder consultation and input.***
  - d. ***The Chief Executive Officer lodging a Project Business Case (in the required State Government format) with the Department of Local Government, Sport and Cultural Industries, if required by that Department.***
4. ***Acknowledges initial community response in relation to the discussion (not decision) of relocating Vin Farley Rotary Playground to within the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct and instructs the Chief Executive Officer to exclude planning for the playground relocation from any project plans until, or unless, directed otherwise by the Council.***

CARRIED 7/2



**28 OCTOBER 2020 - COUNCIL RESOLUTION 153/20**

***That Council approves the Chief Executive Officer to prepare and lodge an application for up to \$3.8 million funding from the soon to be advertised Australian Government's Building Better Region Fund for leveraged funding for the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project that will complement the State Government's \$6 million commitment and the Shire's \$3 million in-principle commitment to the Project.***

**CARRIED 8/1**

**24 MARCH 2021 OCM - COUNCIL RESOLUTION 37/21**

***That Council instruct the Chief Executive Officer to develop a hockey training facility at VC Mitchell Park, Donnybrook, at a cost of no more than \$250,000, conditional upon:***

- 1. Shire funding for the works to be allocated from the Shire of Donnybrook Balingup Public Open Space (Donnybrook) Reserve Account;***
- 2. The Department for Planning, Lands and Heritage and/or the Minister for Planning approving the use of these funds for this purpose; and***
- 3. The Department of Local Government, Sport and Cultural Industries advising the Chief Executive Officer of its acceptance of these Shire works and Shire funding as a formal co-contribution towards its overall \$3,000,000 project funding allocation.***

**CARRIED 8/0**

A more detailed project timeline is appended for reference, noting that it includes the key decisions/activities only, and is not an exhaustive list of all project activities.

## **DETAILS**

The 2020 MasterPlan identifies the need for rejuvenation of sport and recreation facilities within the Shire, whilst recognising the opportunity for shared-use community events and sporting facilities in the VC Mitchell Park precinct to deliver broader social, health and economic benefits to the local community. Indeed, the 2009 MasterPlan identified the same opportunities, and with the passing of 12 years since that MasterPlan, the state of most of the facilities has declined, some to the point of near-dilapidation.

In relation to the driver for shared-use facilities, the DLGSC (previously called Department of Sport and Recreation) Decision-Making Guide for Sport and Recreation Facilities (2007) identifies through its Sustainability Matrix Assessment Guidelines (pg. 30) that:

*“Shared use facilities generally rate high from a feasibility point of view as they encourage synergies, expand the catchment potential or increase its financial robustness. Programs that promote or enhance the level of shared use of a facility should be rated high.*

### **Rating guidelines**

- 1 - A single user group will control and dominate use*
- 2 - A limited and fixed number of users will share access*
- 3 - Regular users will make most of the use but other groups will be encouraged to access the facility or program*
- 4 - The facility or program will accommodate a wide variety of users at different times and for different purposes*

Whilst this DLGSC report is now some 14 years old, the shared-use principles it sets out are still valid and supported by the DLGSC. For example, recent advice (23 June 2021) to sporting groups and the Shire from the DLGSC Regional Manager advises in relation to the State’s \$6m funding commitment:

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities”.*

With the 2020 MasterPlan and preliminary project work in 2021 identifying some \$13-\$15m worth of redevelopment works, and project funding of \$9m available (pending approval of WA Treasury Corp loan to the Shire of \$2.5m), the key challenge for delivery of this project is in scope definition. Attached to this report / agenda item is the recommended scope inclusions for Stage 1 of the project. Additional scope items (i.e. subsequent stages) are identified for future delivery, subject to funding availability. To assist in addressing scope inclusion/exclusion challenges, a ‘capped price design and construct’ procurement methodology has been proposed by the Project Management Team. This procurement methodology is being used to good effect increasingly by local governments (including this Shire), particularly in the south west, where there is limited internal budget and resources to progress detailed tender specifications for larger capital works projects with a significant built-form element (i.e. not for simpler capital works projects).

An additional key consideration for the project is future governance and business models for the precinct/facilities. Inter-relationships between sports clubs, the Shire, event organisers, potential lessors (e.g. leasing kitchen) and other stakeholders are required to be negotiated, agreed, documented and managed over time. This is an important element in enabling sustainability (social and economic sustainability) of the precinct for the long term and has significant impact to sports groups in terms of financial management. Whilst various governance models have been explored, an agreed model is yet to be identified/created. This will be a focus area for the project for the Shire over the remainder of the year. To assist sports groups and the Shire to move forward with some certainty in relation to recurrent costs, it is recommended

that the Council resolve to ‘cap’ Shire fees (e.g. lease fees) for sports groups involved in the project for a period of five years (except for CPI increments).

It is noted that a shared-use sporting governance model already exists within the Shire, being the Donnybrook Country Club. Incorporated under one Constitution, with separate sub-committees for Golf and Bowls, the Donnybrook Country Club effectively manages the interests of both sporting/recreation activities, whilst managing a facility, employing staff, coordinating private and community events, hiring/leasing a commercial kitchen and running large regional sporting events.

## **FINANCIAL IMPLICATIONS**

The State Government has committed \$6M to this project over the 2021-22 and 2022-23 financial years. \$250K of that \$6M has been accessed by the Shire to fund preparatory work in order to progress the project to tender stage. The Shire has undertaken to co-contribute \$3M to the project, with funding via existing cash-backed Reserves (\$500K) and a loan through WA Treasury Corp (\$2.5M, yet to be applied for), although the Shire has some flexibility with this Reserve-Loan revenue ratio. The project funding proposition from the Shire to the State Government was, as per the December 2019 Council resolution, on a one-third basis, capped at \$3M. The Shire’s most recent Long Term Financial Plan identifies this own-source funding contribution. Confirmation of loan approval from WA Treasury Corp cannot occur until the 2021-22 Shire Budget is approved and the Annual Financial Statement for 2020-21 is prepared.

The Shire’s 2019/20 Asset Management Plan estimates asset maintenance costs for sporting facility infrastructure associated with the VC Mitchell Park project at \$2,6016,22 for the 15 year period to 2033/34.

The following table identifies indicative lifecycle costs for a 50-year horizon. Notes to accompany this table include:

- The indicative costs are modelled on Stage 1 costs only (i.e. expenditure of \$9m) as per the scope inclusions identified in the attachment.
- Indicative estimates are provided at this stage only, as precise design outcomes, building materials and many other factors will not be known until a tender is awarded and the construction complete.
- The table identifies both indicative recurrent maintenance costs and indicative asset replacement costs.
- Indicative asset replacement costs are identified for context purposes only. It is highly unlikely that the Shire would contemplate such a major project in the future (and indeed, presently) without significant State, Federal or other external funding.

<b>INDICATIVE LIFE CYCLE COSTING FOR 50 YEARS</b>						
	Annual rate per 10 year period					
	Y1-10	Y11-20	Y21-30	Y31-40	Y41-50	
<b>Multipurpose Sports Pavilion - Building Works (Stage 1)</b>						
Standard Replacement without Design Element ("Like-for-Like")	97,915	132,272	162,659	315,016	371,003	
Standard Yearly Maintenance	25,123	65,818	93,840	123,450	159,757	
Total:	123,038	198,090	256,499	438,466	530,760	
<b>Recreation Centre Additions - Building Works (Stage 1)</b>						
Standard Replacement without Design Element ("Like-for-Like")	37,856	47,594	52,402	100,770	145,714	
Standard Yearly Maintenance	18,545	48,583	69,268	85,013	117,924	
Total:	56,401	96,177	121,670	185,782	263,638	
<b>Notes</b>						
1 Expected life after repair and replacement is based on ATO Effective Lives Table TR2020/5						
2 Escalation assumed at 3% per annum factored into the expenditure tabulation						
3. Replacement cycle is assumed at the year after the estimated effective life (e.g first replacement for an item with effective life span of 5 years will be replaced in year 5; the next replacement will be in year 11 and so on)						
4 Budgets exclude GST						

Potential additional funding sources include:

- Grant application to the Federal Government via the Building Better Regions Fund (\$3.8M), lodged earlier this year;
- Grant application to the State Government via the Community Sporting and Recreation Facilities Fund and the Club Night Lights Program (up to \$2M), closes August 2021;
- Australian Football League Facilities Fund (potentially \$100-\$200K), no fixed funding round.
- Federal funding via the Local Roads and Community Infrastructure Fund (up to \$920K), funding round three opens 1 January 2022.
- LotteryWest.

An additional financial implication / risk, is the present construction industry cost escalation. Other South West local governments are reporting significant construction sector cost escalations for their projects during the first half of 2021. Whilst the continued mid-long escalation (or a de-escalation) trend is problematic to predict, it is not expected to retreat in the short term (advice via WALGA Economic Briefing report).

## **POLICY COMPLIANCE**

Shire Policy 2.48 stipulates the requirements for purchasing, tendering and 'buy local' provisions for the Shire, which will apply to project procurement exercises.

## **STATUTORY COMPLIANCE**

Section 3.57 of the Local Government Act 1995 (and subsidiary Regulations) provides the head of power and requirements in relation to tender processes for local governments.

The Financial Assistance Agreement/s from the State Government to the Shire also form a legally binding contract.

## **CONSULTATION**

In relation to consultation following the State Government's announcement of \$6M funding for this project, the Shire has coordinated:

- Five (5) meetings of the Stakeholder Reference Group;
- Two additional members (community representatives) have been introduced to the Stakeholder Reference Group;
- One-to-one information sessions with individual sporting groups;
- A public survey (results attached);
- Meetings and advice from the DLGSC, as the funding administrator on behalf of the State Government;
- Multiple briefing sessions for Elected Members.

On 28 June 2021, the Donnybrook Tennis Club provided a copy of their Extraordinary General Meeting (25 June 2021) Minutes to the Shire, with the following resolution:

***“MOVED: John Attwood   SECONDED: Alan Coxall***

***The Donnybrook Tennis Club advise the Shire of Donnybrook Balingup that they withdraw their support for the Donnybrook Community Sporting, Recreation and Entertainment Precinct - Project until such time as the following points are addressed to all stakeholders’ mutual satisfaction:***

- 1. Detailed Project Development Plan***
- 2. Feasibility Study***
- 3. Business case study***
- 4. Operational Model***
- 5. Governance model***

***Therefore the Donnybrook Tennis Club request the Shire of Donnybrook Balingup Council to defer any decision making on this project for six months to allow the above documents to be provided to all stakeholders and the community.***

***CARRIED: ALL”***

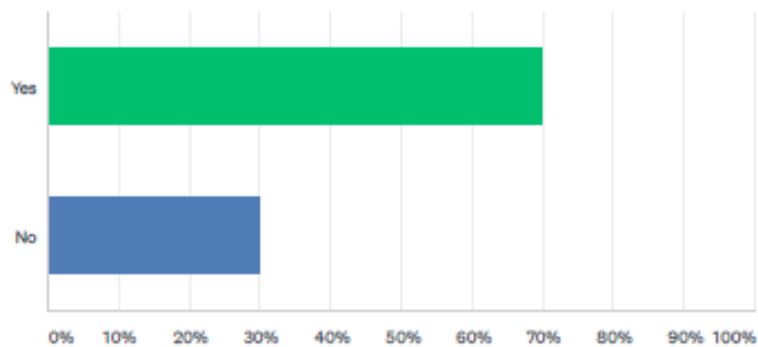
Following the above correspondence from the Donnybrook Tennis Club, similar advice was received from the Men’s Donnybrook Hockey Club, the Donnybrook Basketball Association and the Donnybrook Netball Association.

It is recommended that Council formally acknowledge (in addition to emails already acknowledging correspondence) receipt of advice from these clubs and note the caveat related to those club’s preferred ongoing involvement in the project going forward.

A broadscale community survey was conducted by the Shire on the project earlier in 2021. The full results are appended to this agenda item, however, a snapshot of the results is as follows:

**Q6 Do you support the integration of community and sporting facilities in a multifunctional precinct designed for purpose?**

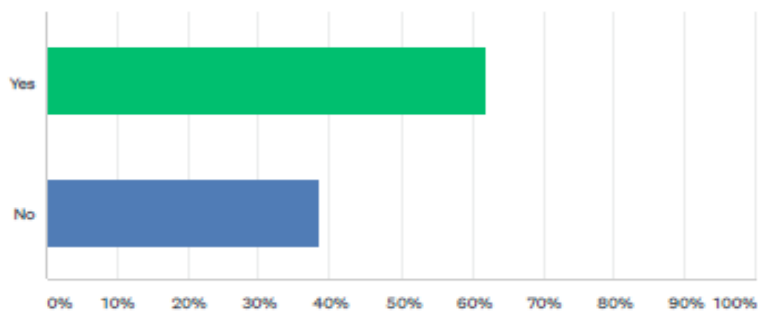
Answered: 150 Skipped: 1



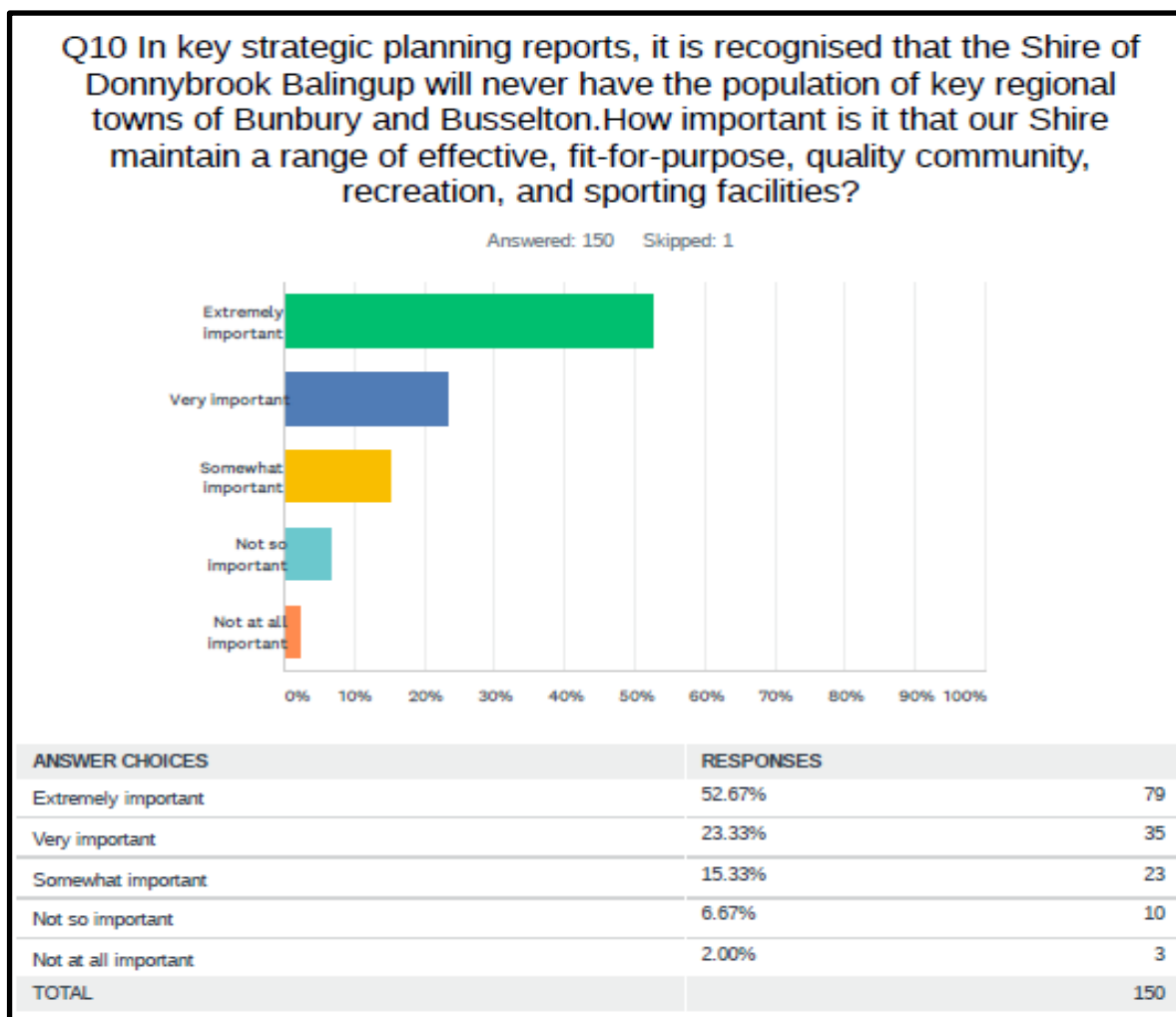
ANSWER CHOICES	RESPONSES	
Yes	70.00%	105
No	30.00%	45
TOTAL		150

**Q9 High quality and sustainable community, sporting, and recreation facilities require significant investment from Federal, State, and Local Governments. While the State Government is the major project funding source for the Precinct project, do you support Shire investment in this project, which would include a modest increase in rates to service a 20-25 year, long-term, low fixed interest State Treasury loan towards this once-in-a-generation community precinct development in our Shire?**  
**NOTE: The State Government contribution of \$6 million is contingent on a significant contribution from current and future ratepayers/community members.**

Answered: 146 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	61.64%	90
No	38.36%	56
TOTAL		146



A community meeting on the project was hosted at the Donnybrook Country Club on 8 July 2021, where a motion ‘from the floor’ (moved A. Logiudice, seconded M. King) requested the Shire pause any decision making on the project for six months (or sooner/later as the outcomes are achieved) in order that the following tasks could be achieved to the mutual satisfaction of all related sports and community groups:

- Detailed Project Development Plan;
- Feasibility Study;
- Business Case;
- Operational Model;
- Governance Model; and
- A fair outcome for all sporting groups.

At the time of writing this report, the precise minutes/resolution of the public meeting are not available, however, the above information provides an overview.

Advice on this matter from the DLGSC to the Donnybrook Tennis Club, when advising DLGSC of the Club’s request to pause decision making on the project for six months is as follows (29 June 2021):



*“The allocated funding is not a rolling fund that just gets extensions as the agreement will have various milestones that need to be achieved for the funds to be retained.”*

In relation to consultation and engagement, the Executive recommends to Council that:

- The results of the public survey (attached) are received and noted by the Council, and uploaded to the Shire’s website;
- That a Public Information Forum on the project is hosted by the Shire in July or August 2021 (including scope and design documents); and
- The Stakeholder Reference Group be discontinued on the basis that it has achieved its remit of providing advice and feedback to the Shire on sporting-specific design development for public tendering purposes.

## **CONCLUSION**

Sporting and recreation groups across the Shire, powered almost exclusively by volunteers, make an enormously positive contribution to the lifestyle, health and wellbeing of the residents of the Shire. A \$9m investment (pending approval of WA Treasury Corp loan to the Shire of \$2.5m) is a once-in-a-generation funding opportunity for sporting groups and the Shire to work together to bolster sport, recreation, health, social and economic outcomes for the district. Cognizant that each project stakeholder will use a different ‘lens’ to view the project and the funding opportunity, and therefore express differences of opinion in terms of recommended outcomes, the Shire seeks to achieve the best overall community outcome.

## **EXECUTIVE RECOMMENDATION**

### **That Council:**

- 1. Recognises and respects that there are divergent opinions within the local community as to the scope of deliverables for the project and how consultation should be undertaken for the project, however, acknowledges that ultimate responsibility for decision-making for the project rests with the Council.**
- 2. Recognises the strategic value of supporting a variety of sporting and recreation options (now and into the future) across the Shire, which add to the lifestyle, health and wellbeing of community members; a key strategy in attracting a new wave of younger families to the Shire.**
- 3. Recognises that existing sporting facilities associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project have passed their ‘use-by date’ in terms of structural and design suitability to address and accommodate evolving multi gender and all-ability access requirements.**
- 4. In terms of a governance and business model, acknowledges the Donnybrook Country Club as a local model that meets membership needs and generates revenue via events and other non-core sporting and recreation activities to offset recurrent management and operating costs.**
- 5. Acknowledges that ongoing recurrent costs associated with operating and maintaining new facilities at VC Mitchell Park can be directly and proportionately offset via revenue generated from the facilities for non-core sporting and recreation activities.**
- 6. Acknowledges that Donnybrook Community, Sporting, Recreation and Events Precinct Project was planned as a multi-stage project, as per the MasterPlan adopted by Council in May 2020.**
- 7. Acknowledge that the basis of the funding commitment of \$6M from the State Government was as per the following quote from the Department of Local Government, Sport and Cultural Industries:**

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities.”*
- 8. Supports the appointment of the Project Management Team members and the deliverables of the Project Management Team, to date.**

- 9. Acknowledges that the State Government’s funding commitment of \$6M was on the expectation of a \$3M funding commitment by the Shire of Donnybrook Balingup.**
- 10. Receives and notes the results of the public survey on the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.**
- 11. Acknowledges correspondence, as attached, from the Donnybrook Tennis Club, Donnybrook Ladies Hockey Club, Donnybrook Men’s Hockey Club, Donnybrook Basketball Association and the Donnybrook Netball Association, and notes the resolutions/recommendation contained therein.**
- 12. Thank the members of the Stakeholder Reference Group for their valued and robust contribution to the project inception and planning stage/s of the project, and instruct the Chief Executive Officer to discontinue the Stakeholder Reference Group, as the Stakeholder Reference Group has now completed its remit in the project inception and planning phases of the project.**
- 13. Instructs the Chief Executive Officer to coordinate a Public Information Forum on the project during July or August 2021 (including preferred scope and design documents).**
- 14. Instructs the Chief Executive Officer to present draft Request for Tender documentation to the Council for consideration at an Ordinary or Special Meeting of Council prior to 30 September 2021, with the preferred Scope inclusions as attached.**
- 15. Acknowledges the importance of resolving precinct governance and business models.**
- 16. Resolves not to increase fees (except for CPI increments) to sporting groups associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project for a period of five years from practical completion.**

## **AMENDMENT**

**Moved Cr Massey                      Seconded Cr Atherton**

**That recommendations 13 and 14 include emphasis in bold the reference to “preferred” and “draft”.**

**CARRIED 8/0**

## **AMENDMENT**

**Moved Cr Massey                      Seconded Cr Atherton**

**That Council:**

- 1. Recognises and respects that there are divergent opinions within the local community as to the scope of deliverables for the project and how consultation should be undertaken for the project, however, acknowledges that ultimate responsibility for decision-making for the project rests with the Council.**
- 2. Recognises the strategic value of supporting a variety of sporting and recreation options (now and into the future) across the Shire, which add to the lifestyle, health and wellbeing of community members; a key strategy in attracting a new wave of younger families to the Shire.**
- 3. Recognises that existing sporting facilities associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project have passed their ‘use-by date’ in terms of structural and design suitability to address and accommodate evolving multi gender and all-ability access requirements.**
- 4. In terms of a governance and business model, acknowledges the Donnybrook Country Club as a local model that meets membership needs and generates revenue via events and other non-core sporting and recreation activities to offset recurrent management and operating costs.**
- 5. Acknowledges that ongoing recurrent costs associated with operating and maintaining new facilities at VC Mitchell Park can be directly and proportionately offset via revenue generated from the facilities for non-core sporting and recreation activities.**
- 6. Acknowledges that Donnybrook Community, Sporting, Recreation and Events Precinct Project was planned as a multi-stage project, as per the MasterPlan adopted by Council in May 2020.**
- 7. Acknowledge that the basis of the funding commitment of \$6M from the State Government was as per the following quote from the Department of Local Government, Sport and Cultural Industries:**

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities.”*

8. Supports the appointment of the Project Management Team members and the deliverables of the Project Management Team, to date.
9. Acknowledges that the State Government’s funding commitment of \$6M was on the expectation of a \$3M funding commitment by the Shire of Donnybrook Balingup.
10. Receives and notes the results of the public survey on the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.
11. Acknowledges correspondence, as attached, from the Donnybrook Tennis Club, Donnybrook Ladies Hockey Club, Donnybrook Men’s Hockey Club, Donnybrook Basketball Association and the Donnybrook Netball Association, and notes the resolutions/recommendation contained therein.
12. Thank the members of the Stakeholder Reference Group for their valued and robust contribution to the project inception and planning stage/s of the project, and instruct the Chief Executive Officer to discontinue the Stakeholder Reference Group, as the Stakeholder Reference Group has now completed its remit in the project inception and planning phases of the project.
13. Instructs the Chief Executive Officer to coordinate a Public Information Forum on the project during July or August 2021 (including preferred scope and design documents).
14. Instructs the Chief Executive Officer to present draft Request for Tender documentation to the Council for consideration at an Ordinary or Special Meeting of Council prior to 30 September 2021, with the preferred Scope inclusions as attached.
15. a) Acknowledges the importance of resolving precinct governance and business models.  
b) Request the CEO to continue discussions with sports clubs and community stakeholders about preferred models.
16. Resolves not to increase fees (except for CPI increments) to sporting groups associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project for a period of five years from practical completion.

CARRIED 8/0

## **AMENDMENT**

**Moved: Cr Massey                      Seconded: Cr Lindemann**

**That Council:**

- 1. Recognises and respects that there are divergent opinions within the local community as to the scope of deliverables for the project and how consultation should be undertaken for the project, however, acknowledges that ultimate responsibility for decision-making for the project rests with the Council.**
- 2. Recognises the strategic value of supporting a variety of sporting and recreation options (now and into the future) across the Shire, which add to the lifestyle, health and wellbeing of community members; a key strategy in attracting a new wave of younger families to the Shire.**
- 3. Recognises that existing sporting facilities associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project have passed their ‘use-by date’ in terms of structural and design suitability to address and accommodate evolving multi gender and all-ability access requirements.**
- 4. In terms of a governance and business model, acknowledges the Donnybrook Country Club as a local model that meets membership needs and generates revenue via events and other non-core sporting and recreation activities to offset recurrent management and operating costs.**
- 5. Acknowledges that ongoing recurrent costs associated with operating and maintaining new facilities at VC Mitchell Park can be directly and proportionately offset via revenue generated from the facilities for non-core sporting and recreation activities.**
- 6. Acknowledges that Donnybrook Community, Sporting, Recreation and Events Precinct Project was planned as a multi-stage project, as per the MasterPlan adopted by Council in May 2020.**
- 7. Acknowledge that the basis of the funding commitment of \$6M from the State Government was as per the following quote from the Department of Local Government, Sport and Cultural Industries:**

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities.”*
- 8. Supports the appointment of the Project Management Team members and the deliverables of the Project Management Team, to date.**

9. **Acknowledges that the State Government’s funding commitment of \$6M was on the expectation of a \$3M funding commitment by the Shire of Donnybrook Balingup.**
10. **Receives and notes the results of the public survey on the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.**
11. **Acknowledges correspondence, as attached, from the Donnybrook Tennis Club, Donnybrook Ladies Hockey Club, Donnybrook Men’s Hockey Club, Donnybrook Basketball Association and the Donnybrook Netball Association, and notes the resolutions/recommendation contained therein.**
12. **Thank the members of the Stakeholder Reference Group for their valued and robust contribution to the project inception and planning stage/s of the project, and instruct the Chief Executive Officer to discontinue the Stakeholder Reference Group, as the Stakeholder Reference Group has now completed its remit in the project inception and planning phases of the project.**
13. **Instructs the Chief Executive Officer to coordinate a Public Information Forum on the project during July or August 2021 (including preferred scope and design documents).**
14. **Instructs the Chief Executive Officer to present draft Request for Tender documentation to the Council for consideration at an Ordinary or Special Meeting of Council prior to 30 September 2021, with the preferred Scope inclusions as attached.**
15. a) **Acknowledges the importance of resolving precinct governance and business models.**  
b) **Request the CEO to continue discussions with sports clubs and community stakeholders about preferred models.**
16. **Resolves not to increase fees (except for CPI increments) to sporting groups associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project for a period of five years from practical completion.**
17. **That Council give strong consideration to the allocation to this project of a significant amount from the next Local Roads and Community Infrastructure Federal Funding (LRCI) round 3 in order to reduce the amount to be borrowed and to allow for fine-tuning of project implementation details.**

**CARRIED 8/0**

## **Amendment**

**Moved Cr Mitchell**

**Seconded Cr Massey**

### **That Council:**

- 1. Recognises and respects that there are divergent opinions within the local community as to the scope of deliverables for the project and how consultation should be undertaken for the project, however, acknowledges that ultimate responsibility for decision-making for the project rests with the Council.**
- 2. Recognises the strategic value of supporting a variety of sporting and recreation options (now and into the future) across the Shire, which add to the lifestyle, health and wellbeing of community members; a key strategy in attracting a new wave of younger families to the Shire.**
- 3. Recognises that existing sporting facilities associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project have passed their ‘use-by date’ in terms of structural and design suitability to address and accommodate evolving multi gender and all-ability access requirements.**
- 4. In terms of a governance and business model, acknowledges the Donnybrook Country Club as a local model that meets membership needs and generates revenue via events and other non-core sporting and recreation activities to offset recurrent management and operating costs.**
- 5. Acknowledges that ongoing recurrent costs associated with operating and maintaining new facilities at VC Mitchell Park can be directly and proportionately offset via revenue generated from the facilities for non-core sporting and recreation activities.**
- 6. Acknowledges that Donnybrook Community, Sporting, Recreation and Events Precinct Project was planned as a multi-stage project, as per the MasterPlan adopted by Council in May 2020.**
- 7. Acknowledge that the basis of the funding commitment of \$6M from the State Government was as per the following quote from the Department of Local Government, Sport and Cultural Industries:**

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities.”*
- 8. Supports the appointment of the Project Management Team members and the deliverables of the Project Management Team, to date.**



9. Acknowledges that the State Government’s funding commitment of \$6M was on the expectation of a \$3M funding commitment by the Shire of Donnybrook Balingup.
10. Receives and notes the results of the public survey on the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.
11. Acknowledges correspondence, as attached **in the minutes**, from the Donnybrook Tennis Club, Donnybrook Men’s Hockey Club, Donnybrook Basketball Association, Donnybrook Netball Association **and the Donnybrook Balingup Ratepayers and Residents Association Inc** and notes the resolutions/recommendation contained therein.
12. Thank the members of the Stakeholder Reference Group for their valued and robust contribution to the project inception and planning stage/s of the project, and instruct the Chief Executive Officer to discontinue the Stakeholder Reference Group, as the Stakeholder Reference Group has now completed its remit in the project inception and planning phases of the project.
13. Instructs the Chief Executive Officer to coordinate a Public Information Forum on the project during July or August 2021 (including preferred scope and design documents).
14. Instructs the Chief Executive Officer to present draft Request for Tender documentation to the Council for consideration at an Ordinary or Special Meeting of Council prior to 30 September 2021, with the preferred Scope inclusions as attached.
15. a) Acknowledges the importance of resolving precinct governance and business models.  
b) Request the CEO to continue discussions with sports clubs and community stakeholders about preferred models.
16. Resolves not to increase fees (except for CPI increments) to sporting groups associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project for a period of five years from practical completion.
17. That Council give strong consideration to the allocation to this project of a significant amount from the next Local Roads and Community Infrastructure Federal Funding (LRCI) round 3 in order to reduce the amount to be borrowed and to allow for fine-tuning of project implementation details.

CARRIED 8/0

## **COUNCIL RESOLUTION 116/21**

**Moved Cr Atherton                      Seconded Cr Lindemann**

**That Council:**

- 1. Recognises and respects that there are divergent opinions within the local community as to the scope of deliverables for the project and how consultation should be undertaken for the project, however, acknowledges that ultimate responsibility for decision-making for the project rests with the Council.**
- 2. Recognises the strategic value of supporting a variety of sporting and recreation options (now and into the future) across the Shire, which add to the lifestyle, health and wellbeing of community members; a key strategy in attracting a new wave of younger families to the Shire.**
- 3. Recognises that existing sporting facilities associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project have passed their ‘use-by date’ in terms of structural and design suitability to address and accommodate evolving multi gender and all-ability access requirements.**
- 4. In terms of a governance and business model, acknowledges the Donnybrook Country Club as a local model that meets membership needs and generates revenue via events and other non-core sporting and recreation activities to offset recurrent management and operating costs.**
- 5. Acknowledges that ongoing recurrent costs associated with operating and maintaining new facilities at VC Mitchell Park can be directly and proportionately offset via revenue generated from the facilities for non-core sporting and recreation activities.**
- 6. Acknowledges that Donnybrook Community, Sporting, Recreation and Events Precinct Project was planned as a multi-stage project, as per the MasterPlan adopted by Council in May 2020.**
- 7. Acknowledge that the basis of the funding commitment of \$6M from the State Government was as per the following quote from the Department of Local Government, Sport and Cultural Industries:**

*“from a department perspective the basis of the commitment was on the VC Mitchell Masterplan which showed a shared facility. While variation to the specifics of the masterplan will be considered, the principles of that masterplan was around bringing groups together into shared, but greatly improved facilities.”*
- 8. Supports the appointment of the Project Management Team members and the deliverables of the Project Management Team, to date.**

- 9. Acknowledges that the State Government’s funding commitment of \$6M was on the expectation of a \$3M funding commitment by the Shire of Donnybrook Balingup.**
- 10. Receives and notes the results of the public survey on the Donnybrook Community, Sporting, Recreation and Events Precinct (VC Mitchell Park) Project.**
- 11. Acknowledges correspondence, as attached in the minutes, from the Donnybrook Tennis Club, Donnybrook Men’s Hockey Club, Donnybrook Basketball Association, Donnybrook Netball Association and the Donnybrook Balingup Ratepayers and Residents Association Inc and notes the resolutions/recommendation contained therein.**
- 12. Thank the members of the Stakeholder Reference Group for their valued and robust contribution to the project inception and planning stage/s of the project, and instruct the Chief Executive Officer to discontinue the Stakeholder Reference Group, as the Stakeholder Reference Group has now completed its remit in the project inception and planning phases of the project.**
- 13. Instructs the Chief Executive Officer to coordinate a Public Information Forum on the project during July or August 2021 (including preferred scope and design documents).**
- 14. Instructs the Chief Executive Officer to present draft Request for Tender documentation to the Council for consideration at an Ordinary or Special Meeting of Council prior to 30 September 2021, with the preferred Scope inclusions as attached.**
- 15. a) Acknowledges the importance of resolving precinct governance and business models.  
b) Request the CEO to continue discussions with sports clubs and community stakeholders about preferred models.**
- 16. Resolves not to increase fees (except for CPI increments) to sporting groups associated with the Donnybrook Community, Sporting, Recreation and Events Precinct Project for a period of five years from practical completion.**
- 17. That Council give strong consideration to the allocation to this project of a significant amount from the next Local Roads and Community Infrastructure Federal Funding (LRCI) round 3 in order to reduce the amount to be borrowed and to allow for fine-tuning of project implementation details.**

**CARRIED 8/0**

## **7 MEETING CLOSED TO THE PUBLIC**

---

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

#### **7.1.1 CONFIDENTIAL – RFT 04/2021 – DESIGN AND CONSTRUCT – DONNYBROOK PUMP TRACK**

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

- (a) *a 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*

#### **EXECUTIVE RECOMMENDATION**

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

#### **7.1.1 CONFIDENTIAL – RFT 04/2021 – DESIGN AND CONSTRUCT – DONNYBROOK PUMP TRACK**

### **COUNCIL RESOLUTION 117/21**

**Moved: Cr Newman      Seconded: Cr Massey**

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

#### **7.1.1 CONFIDENTIAL – RFT 04/2021 – DESIGN AND CONSTRUCT – DONNYBROOK PUMP TRACK**

**CARRIED 8/0**

The meeting was closed to the public at 6.51pm.

### **COUNCIL RESOLUTION 119/21**

**Moved Cr Newman      Seconded Cr Lindemann**

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

**CARRIED 8/0**

The meeting was re-opened to the public at 7.06pm.

## **7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

That Council:

1. Pursuant to RFT04/2021 Design and Construct – Donnybrook Pump Track, accept the tender from the Common Ground Pty Ltd, subject to minor variations (such as design changes, value added additions, latent conditions) to be negotiated in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996.
2. Delegate’s authority to the Chief Executive Officer to negotiate and agree with the Preferred Contractor minor variations in accordance with regulation 20 of the Local Government (Functions and General) Regulations 1996, subject to there being sufficient funds available within the approved budget expenditure and the variation being limited to 10% of the contract value (as per existing delegation).
3. Subject to resolutions 1 and 2, authorise the Chief Executive Officer to enter into a contract with the Preferred Contractor to deliver the works as set out in RFT04/2021 Design and Construct – Donnybrook Pump Track.
4. Release this resolution in the Meeting Minutes.

## **6 CLOSURE**

---

The Shire President to advise that the next Ordinary Council Meeting will be held on Wednesday 28 July 2021 commencing at 5.00pm.

The Shire President declared the meeting closed at 7.08pm.