



NOTICE OF ORDINARY MEETING OF COUNCIL (COMMISSIONER)

To be held on

Thursday 19 October 2023

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

**Kim Dolzadelli
Acting Chief Executive Officer**

11 October 2023

Disclaimer

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

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	4
2	ATTENDANCES.....	4
2.1	APOLOGIES	5
2.2	APPROVED LEAVE OF ABSENCE	5
2.3	APPLICATION FOR A LEAVE OF ABSENCE.....	5
3	ANNOUNCEMENTS FROM PRESIDING MEMBER.....	5
4	DECLARATIONS OF INTEREST	5
5	PUBLIC QUESTION TIME	5
5.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE....	5
5.2	PUBLIC QUESTION TIME.....	8
6	PRESENTATIONS	8
6.1	PETITIONS	8
6.2	PRESENTATIONS.....	8
6.3	DEPUTATIONS	8
7	CONFIRMATIONS OF MINUTES	9
7.1	ORDINARY MEETING OF COUNCIL (COMMISSIONER).....	9
7.1.1	ORDINARY MEETING OF COUNCIL (COMMISSIONER) – 27 SEPTEMBER 2023.....	9
7.2	SPECIAL MEETING OF COUNCIL (COMMISSIONER).....	9
8	REPORTS OF COMMITTEES.....	9
9	REPORTS OF OFFICERS	9
9.1	DIRECTOR OPERATIONS	9
9.2	DIRECTOR CORPORATE AND COMMUNITY.....	10
9.2.1	ACCOUNTS FOR PAYMENT – SEPTEMBER 2023.....	10
9.2.2	MONTHLY FINANCIAL REPORT – AUGUST 2023.....	10
9.2.3	BUDGET AMENDMENTS	11
9.3	CHIEF EXECUTIVE OFFICER	15
10	ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	15
11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	15
12	MEETINGS CLOSED TO THE PUBLIC	15
12.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	15

12.1.1 APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE 15
12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC 15
13 CLOSURE 15

SHIRE OF DONNYBROOK BALINGUP
NOTICE OF ORDINARY COUNCIL (COMMISSIONER) MEETING

To be held at the Council Chamber
Thursday, 19 October 2023 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Commissioner – Acknowledgment of Country

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

The Commissioner to declare the meeting open and welcome the public gallery.

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

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

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

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

2 ATTENDANCES

MEMBERS PRESENT

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

PUBLIC GALLERY

2.1 APOLOGIES

Ben Rose – Chief Executive Officer.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

4 DECLARATIONS OF INTEREST

Nil.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Question: Walter John Bailey

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

Response:

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

Question: Walter John Bailey

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

Response:

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

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

Question: Walter John Bailey

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

Response:

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

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

Question: Walter John Bailey

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

Response:

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

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

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

COA	Description	2022/2023 Original Budget	2023/24 Draft Budget	Increase/ Decrease	2022/2023 Original Budget Growth	2023/24 Draft Budget
	Total Revenue	-\$6,535,076.48	-\$7,115,460.16	8.88%		

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

Question: Walter John Bailey

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

Response:

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

Question: Walter John Bailey

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

Response:

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

Question: Walter John Bailey

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

Response:

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

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

Average increase between years \$120.27

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

5.2 PUBLIC QUESTION TIME

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Julianne Hilbers – Compassionate Communities

7 CONFIRMATIONS OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL (COMMISSIONER)

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

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

EXECUTIVE RECOMMENDATION

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

7.2 SPECIAL MEETING OF COUNCIL (COMMISSIONER)

Nil.

8 REPORTS OF COMMITTEES

Nil

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

Nil

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2023

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

9.2.2 MONTHLY FINANCIAL REPORT – AUGUST 2023

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

EXECUTIVE RECOMMENDATION

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

9.2.3 BUDGET AMENDMENTS

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

EXECUTIVE RECOMMENDATION

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

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

STRATEGIC ALIGNMENT

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

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

EXECUTIVE SUMMARY

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

BACKGROUND

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

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

Balingup Progress Associations' Emergency Management Plan

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

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

Cundinup Kirup Road, Road Upgrade

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

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

“COUNCIL (COMMISSIONER) RESOLUTION 120/23

MOVED: Commissioner McGowan

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

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

CARRIED ABSOULTE MAJORITY: Commissioner McGowan”

FINANCIAL IMPLICATIONS

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

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

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

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

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

CONSULTATION

External consultation was sought by staff from the following stakeholders:

- Balingup Progress Associations; and
- Main Roads WA.

OFFICER CONCLUSION

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

9.3 CHIEF EXECUTIVE OFFICER

Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE

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

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

(b) the personal affairs of any person; and

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

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

13 CLOSURE

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