



Notice of Special Meeting of Electors

TO:

ELECTORS AND COUNCILLORS

To be held on

Wednesday, 29 September 2021

Commencing at 6.00pm

Soldiers Memorial Hall, Donnybrook

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

Benjamin (Ben) Rose
Chief Executive Officer

29 September 2021

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	ATTENDANCE	4
2.1	APOLOGIES	4
3	ELECTOR QUESTIONS.....	5
4	ELECTOR MOTIONS	19
5	CLOSURE OF MEETING	20
	Appendix 1 – Additional Information for Responses	21
	Appendix 2 – Disallowed Questions	24
	Appendix 3 – Disallowed Motions	27

SHIRE OF DONNYBROOK BALINGUP
NOTICE OF SPECIAL MEETING OF ELECTORS

To be held at the Soldiers Memorial Hall Donnybrook
Wednesday 29 September 2021 at 6:00pm

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 and present.

The Shire President to declare the meeting open and welcome the public gallery.

Shire President - Introduction

The President to advise those in attendance that a Request for a Special Meeting of Electors (in the form of a petition with 344 signatures, of which only 85% are electors) was received by the Shire President on 25 August 2021. The request set out the following:

To: The President of the Donnybrook Balingup Shire Council.

- 1. Under section 5.28 of the Local Government Act 1995, the electors of Donnybrook Balingup Shire whose names, addresses and signatures are set out in the attached list and who comprise of 100 electors request that a special meeting of the electors of the district be held.*
- 2. The details of the matter to be discussed are the special meeting are:*
 - SoDB 2021/22 Budget inclusive of but not limited to the proposed 8.6% rate increase.*
 - The Donnybrook and Districts Sporting Recreation and Events Precinct (known as VC Mitchell Park/Community Hub) regarding all aspects of the project and in respect to the required plans as listed - Feasibility Plan, Business Plan and Governance Model.*
- 3. This request is served on behalf of the listed signatories by: Donnybrook Balingup Ratepayer and Residents Association Inc (DBRRA).*

Shire President to advise - This meeting is a Special Meeting of Electors, defined under the Local Government Act as “*in relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward*”. As such, only questions, motions and voting can be undertaken by electors. Incorporated associations (e.g. DBRRA) are not electors of the district. However, most appropriate points raised by DBRRA have been covered by electors questions. As I have stated on many occasions, under the LG Act, there are many opportunities for community members to seek clarification of local matters and council decisions and determinations e.g. Question time at Council Meetings.

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting is not being digitally recorded as the Soldiers Memorial Hall is not equipped to record meetings.

The Shire President to further state the following:

Attendees are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Presiding Member, including the use of mobile phones for purposes other than emergency services.

Please note, any questions that didn't meet the criteria to be considered at this Elector's Meeting can be asked at any future Ordinary Meeting of Council.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Kim Dolzadelli – Director Corporate and Community
Cr Shane Atherton	Archana Arun – Minute Taker
Cr Leanne Wringe	Maureen Keegan – Manager Executive Services
Cr Chris Smith	Shawn Lombard – Principal Projects Manager

PUBLIC GALLERY

Electors in attendance.

Other community members in attendance.

Press in attendance.

2.1 APOLOGIES

Cr Anita Lindemann

Cr Anne Mitchell

Cr Chaz Newman

3 ELECTOR QUESTIONS

Given the two items on the agenda this evening (as per the petition), the following is presented as important background information:

In a conversation with the Shire President and Chief Executive Officer at 9.30am Tuesday 28 September 2021, former member for Collie Preston and former Minister for Ageing, Volunteering and Sport and Recreation, the Hon. Mick Murray confirmed the following via email to the Shire on 28 September 2021:

1. *“The proposition from the Shire of Donnybrook Balingup (approved via Ordinary Council Meeting), whereby in-principle support for up to one-third co-contribution (capped at \$3m) funding towards the Donnybrook Community Sporting, Recreation and Events Precinct MasterPlan, enabled this project to be elevated as a priority project under the State Government’s COVID Recovery Plan.*
2. *The Shire’s preparedness, in terms of this project (proposition) put it ahead of many other contending projects throughout the State, including those from much larger regional and metropolitan local governments.*
3. *This project is not funded through the ‘normal’ State Government Community, Sport and Recreation Facilities Fund and the Shire has done exceptionally well to leverage two-thirds State funding, instead of the normal one-third State funding ratio.*
4. *Without the funding co-contribution (\$3m) from the Shire, this project will not meet the criteria used by the State Government in developing the State’s COVID Recovery Plan 2020, and unless anything has changed, a reduction in Shire co-contribution is likely to put at risk the State Government’s support for this all-embracing community project.*
5. *Given the above points, any notion that suggests that the State’s funding contribution of \$6m, without any contribution from the Shire, is “totally wrong”.*
6. *As per my media statement 5 August 2020 on this project, I concluded with the following statement “This significant investment, as part of the McGowan Government’s WA Recovery Plan, will help boost the region’s social, and economic recovery while providing much needed facility upgrades at the same time”.*
7. *It has been a pleasure working with a shire that has been proactive by looking not only at the needs of the community for today but into the future.”*

Elector Questions: Responses

Submitted By	Question	Presiding Member Response
<p>Sandra Hough (Elector)</p>	<p>1. Would the Shire and Councillors reconsider this Budget and look at stopping large scale borrowings at a time in history where Covid makes things so uncertain?</p>	<p>The 2021-22 Annual Budget has been adopted and cannot be 'reconsidered', particularly as rates notices have already been issued. A Budget Review is scheduled for the first quarter of 2022, as is undertaken every year by each local government. During the Budget Review, there is an opportunity for the Council to review expenditure and revenue. The Shire's borrowings are presently very low (less than \$350k, with one loan being a self supporting loan) and WA Treasury Corp's loan interest rates are exceptionally competitive presently. Further, the DCSREP Project is still subject to further decisions of Council (newly elected).</p>
	<p>2. Would a careful consideration of alternatives to the VC Mitchell Park Community Hub be a way to save money and still satisfy Sporting Bodies?</p>	<p>Development of the project MasterPlan evolved over 2+ years in close consultation with local sporting groups, Shire staff, Councillors, industry experts, State Sporting Associations, the Minister for Sport and Recreation and the Department of Local Government Sport and Cultural Industries. In any community infrastructure project such as this, there will be a compromise between the available budget and derived benefit (i.e. the cost effectiveness) to respective sporting groups and the community at large across the Shire.</p>
	<p>3. Has any thought been given to the purchase of the Apple Park Hotel as a much cheaper, more centralised, multi-functional Community Hub?</p>	<p>The Apple Tree Inn (Hotel) does not satisfy the objectives of a multi-purpose community and sporting precinct.</p>

	<p>4. Could each and every Councillor give an account of the ideas they brought to the table with regards to the spending of the Grant Money? Can they then explain their reasons for voting for the present Project?</p>	<p>Councillor’s contact details are easily available via the Shire website and I encourage you to ask this question to each Councillor outside of this forum. The Council had two representatives on the project Stakeholder Reference Group over two years and it was the Council that approved the Stakeholder Reference group engagement approach. The Council has been kept fully informed on the progress of the project and has made numerous resolutions on the project over the past few years to guide its direction. Under the Local Government Act 1995, it is a balancing act for Councillors between providing strategic oversight and governance on projects versus direct administrative involvement – the latter of which leads to breaches of the Act.</p>
<p>K Connor (Elector)</p>	<p>5. Why is the Council going into debt over an extravagant 6 million 2 storey clubhouse, especially with the current impact of Covid and the extremely high costs of building at this time?</p>	<p>The Shire is not going into debt over an extravagant \$6m two-storey clubhouse, rather, it is proposing to invest in the future of the community with a loan of up to \$2.5m (with \$500k from Reserves) for community and sporting infrastructure. Over the course of a 20 year loan, annual repayments would equate to approximately \$150k per annum, commencing from 2022-23. For comparison, approximately 17% of all Shire rates go towards operating facilities such as the Shire libraries and the Donnybrook Recreation Centre.</p>
	<p>6. Why can’t the Shire build a single storey clubhouse as would be much better value (saving millions) and without the need for costly annual maintenance items, such as lifts etc.?</p>	<p>The Shire accepts there is a cost premium to a two-storey facility, however, it makes better use of the topography opportunities and enables better promotion of non-sporting activities which will be crucial in terms of offsetting operational costs of the asset.</p>
	<p>7. Why does the Shire feel there is a need for another Community Function Centre, when we already have multiple places for functions, such as Recreation Centre, Memorial Hall, new Park Café, Wineries plus existing cafes and restaurants?</p>	<p>While venues like the Soldier’s Memorial Hall are attractive for some community events (dances, small music events), none of the existing facilities can accommodate any larger sized (or concurrent) functions or events such as conferences. Additionally, existing facilities lack modern/contemporary standards (decent toilets, disability access, audio-visual set up etc). Some</p>

		<p>local clubs even need to travel to Bunbury to find a facility large enough to cater for end-of-year functions. Additionally, the proposed facility is not a stand-alone function centre – it is to be integrated with sporting clubs and the ‘function centre’ component will act as a significant revenue opportunity to offset operating costs.</p>
	<p>8. Why was the Survey Monkey relating to the VC Park not widely advertised to all the Community? Most residents were not even aware of such a survey!</p>	<p>Online surveys are a contemporary consultation aid (they are not a poll or a referendum) and are a cost-effective way of seeking community feedback. This online survey was a complementary consultation process in addition to the Stakeholder Reference Group, Open Day, Preston Press articles, intense and prolonged engagement with individual sports groups, visits to other regional facilities and preceding resident and sporting club surveys. While responses to some online surveys are low, others are high (e.g. Apple Fun Park survey with 578 and the Community Scorecard survey with 441).</p>
	<p>9. Due to the lack of advertising and no paper surveys sent out to ALL the Community, only 150 out of approx. 5,000 were completed, how can such low results even be taken into consideration?</p>	<p>As above.</p>
	<p>10. An extensive campaign by Shire should have been made with much more detail for such an important decision and a paper survey could easily have been included in rate notices and sent out to everyone at next to no cost.</p>	<p>As above.</p>
	<p>11. Due to the huge backlash by residents of the Shire and withdrawal of support from almost ALL other Sporting Groups is the Shire going to do a proper unbiased survey with current updated information, so they can then proceed with the overall wishes of the entire community and not just a select few?</p>	<p>The Shire has undertaken a variety of complementary consultation and engagement activities, including an Open Day Forum (7am-7pm) with current updated information. As mentioned above, the previous online survey was used as a consultation aid – not as a poll or referendum.</p>
	<p>12. Given that a current Councillor is heavily involved in the Donnybrook Football Club,</p>	<p>That Councillor does not have a Financial, Indirect Financial or Proximity interest in the matter (although has</p>

	(amongst others) why was he still allowed to vote on this new Clubroom?	declared an Impartiality interest) and in accordance with the Local Government Act 1995 must vote on the matter. Not to vote would be a breach of the LG Act. This situation (Impartiality interests) is not unique to one Councillor.
	13. Although you have previously stated in the minutes that “no financial conflict of Interest” where declared, this Councillor clearly still very much has a personal and private interest and could not possibly act without bias.	Refer above.
	14. Quote from Local Govt Act 2020 relating to a person in public office. “A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.” Why was Shane Atherton therefore not precluded from voting on the VC Clubroom?	Refer above (please note: the LG Act 2020 is Victorian legislation).
Darrin and Nicola Brown (Elector)	15. Why weren't the Residents in the Immediate vicinity given consideration, notified or informed of any intended proposals or plans that would have a significant impact on their properties and livelihoods? for Eg but not limited to (The Avenue Of Honour and Carpark 3 situated right near Property Fence lines)	The proposed entry/exit points are conceptual at this stage and are awaiting more detailed costings to determine their viability. The concept of a new entry/exit point to the Recreation Centre along Marmion Street aligns with an existing road reserve (the extension of Yelverton Street). As more detailed planning proceeds (assuming this alignment is viable), project team members will liaise with adjoining landowners in more detail regarding site-specific issues.
	16. Has or is there going to be any Environmental Impact Assessment or Studies undertaken in regards to the Decimation of the Natural Bushland, Vegetation and Fauna on the Vacant Lot and Areas adjacent to my own and other properties on Marmion Street?	The Shire will follow any environmental impact assessments required by the Department of Water and Environment Regulation. None have been conducted to date as there is minimal vegetation clearing / habitat disturbance across the precinct.
	17. Can buffers be included into the Carpark 3 designs as previously suggested for the residents affected for Eg Buffer consisting of Trees and/or a Retaining wall	Yes, buffers/screens (predominantly vegetation) can certainly be investigated.

	<p>which would not only Separate and Soundproof but would also Retain the privacy and provide safety for the properties adjacent to the carpark?</p>	
	<p>18. Instead of shutting off and demolishing existing entrances and carparks and building new, wouldn't it be a lot cheaper and more efficient to extend and upgrade existing Car Parks and entrances according to the Original Plans and use the money saved towards other things needed within the Hub?</p>	<p>Enabling coordinated parking across the precinct is important, and with significant redevelopment of facilities and the provision of new facilities (e.g. hockey pitch and netball courts), access and parking arrangements require re-thinking and re-planning.</p>
<p>Alan Lyon (Elector)</p>	<p>19. My question relates to lack of community consultation on the proposed VC Clubrooms. The Open Day was only a “Show and Tell” of completed plans and was supposed to finally answer all our queries relating to the VC Clubroom, but questions have STILL not been answered (as at 24.9.21) or are so well hidden on Shire website that I cannot find!</p> <p>When are you going to publish all the Answers to the 68 questions? Previously advised it would be prior to Sept Council meeting?</p>	<p>These will be presented to Council (and hence published) later this calendar year – to the newly elected Council, rather than the outgoing Council (this was advised at the September Council Meeting).</p>
	<p>20. Has an amount been allowed for in current Budget for video conferencing equipment to live share Council meetings and if not, why not?</p>	<p>An allocation of \$12k was provisioned in the 2021-22 budget for “Audio Visual upgrades (TV screens etc) - Council Chambers”. The precise scope of works is to be determined, however, the Council has previously identified its preference for the funding to be allocated towards improved audio visual for attendees within the Council Chamber.</p>
<p>Mike King (Elector)</p>	<p>21. The Shire President informed the Budget Presentation that Council had considered the communities capacity to pay in raising rates by more than 250% or 2.5 times the average rate increase (3.4%) of all 11 other Southwest Councils this year. Can he explain the details of this consideration in view of the realities outlined below?</p>	<p>The decision on rates each year is not made by the Shire President alone – it is made by the full Council. For 2021-22, the Shire’s general rate revenue was increased by 8.6%, not 250% as suggested by Mr King.</p>

	<p>In 2019 the Minister for Local Government and WALGA suggested Councils must consider their communities capacity to pay when setting increases in rates. This big spending Council appears to have ignored this in setting an average 8.6% wage rise.</p> <p>This is the average increase, many ratepayers are paying far higher (two or more times).</p> <p>The rates increases in the SoDB have been consistently high over many years (2012/13 to 2018/19 increases were) 7.5%, 6.7%, 6.0%, 5.0%, 5.0%, 5.0% and 6.0% - a cumulative increase of 49.2 % - when many other southwest shire's were often well below 4-5%.</p> <p>In the future the Shire's Long Term Financial Plan (LTFP) suggests that this year and over the next five years increases will be 8.6%, 8.0%, 6.5%, 6.0%, 6.0% and 5.5%, another cumulative increase of 47.8%. The Shire President has warned that "while Federal and State grants are flowing presently, securing confidence in our future will require a greater focus on own-source revenue" (e.g. still higher rates????)</p> <p>During Covid we had some very limited increases, but "we're all in this together" and many individual ratepayers also suffered severely reduced incomes due to low wages growth, low interest rates affecting those depending on savings in their retirement years, and a general downturn in many industries.</p> <p>Covid should not be used as an</p>	<p>I acknowledge the then-Minister's statement, however, it ignores the historic rating strategies of this Shire, with particular reference to the year before the COVID rates moratorium. Also, it fails the current Council's objective to address the adverse financial ratio trends identified by the OAG, as experienced by almost all other local governments in the State.</p> <p>Rating revenue represents just 22% of all revenue for the Shire of Donnybrook Balingup, while rates revenue for other local governments in the south west (e.g. City of Bunbury) account for up to 62% of all revenue.</p> <p>My position on this is no different to my counterparts in almost every local government around WA and such was subject to a special presentation to the WALGA Convention last week. As was the case, and is becoming more so, funding co-contributions to community infrastructure projects are becoming the 'norm' – naturally, local governments with higher rate income are gong to be in a better position to leverage State, Federal and other (e.g. LotteryWest) funding opportunities.</p> <p>The current council is addressing the challenges created by historically 'soft' rating strategies which ignored the local government financial health ratios.</p>
--	--	---

	<p>excuse for exorbitant catchup increases of 8.6% and 8.0%. Councilors should consider the ratepayers capacity to pay. Very few ratepayers incomes have increased between 5.0% to 8.6% year after year in the period 2012-2019, and the Reserve Bank predicts wage growth will remain low post Covid.</p>	
	<p>22. Will the President cease the Smoke and Mirrors deception that the effective average increase is much lower to some ratepayers and accept he has presided over an average 8.6% rate increase? The Presidents use of GRV valuation mid-points, to suggest the bottom-line impact of all Shire controlled charges to the rates notice will be only 3.49% higher than last year, and even less to the ratepayer on the GRV Minimum Payment threshold, is deceptive. When looking at Unimproved Valuations (i.e. mostly rural and farming properties), these figures are 6.24% and 5.6% more than last year, respectively, is also deceptive. On the basis of the GRV and UV graphs provided in the Budget Presentation, 60% of ratepayers will receive a larger increase than the 3.5% and 6.24% the President suggests, and many will be twice and even more.</p>	<p>Refer Appendix 1.</p>
	<p>23. The minimum rates payments on vacant blocks may well be discouraging prospective residents from moving into the SoDB. A vacant block is often the start point for a young family trying to save a deposit to allow them to build a home on the block, or a retiree seeking to build the “til the end” home. A vacant block (cannot be rented and you cannot live in a tent on</p>	<p>Development Approvals and Building Licenses across the Shire have increased over the past 12-18 months by some 25-35%, suggesting that State and local economic conditions are driving owners of vacant land to develop. No doubt, people will have different investment strategies for developed and undeveloped land (GRV and UV), for which market forces will chiefly drive. With a more vibrant and sustainable district, the more attractive it will be to residents and investors and hence land</p>

	<p>the block). Its GRV might be \$2910 which when multiplied by the \$0.097461 rate in the dollar, draws a base rate of \$287.60. This is then adjusted to the GRV Minimum rate by adding \$1028.40 – or roughly four times the nominal rates, to achieve a minimum rate of \$1316. The rate in the dollar for the vacant block (Minimum of \$1316 divided by the GRV of the vacant block) can be 4-5 times as high as for a block with a house. Is this fair, reasonable and equitable Mr President – when the vacant blocks produce no waste material or products, still have fire service levies and breaks to maintain – but no possible income from this vacant land. While the Shire does not set the GR and UV Valuations, it does set the minimum rates. Some ratepayers are paying an effective \$0.452 in the GRV \$ valuation.</p>	<p>values will increase. Lastly, this Shire’s rates, both for GRV and UV, are modest/average in comparison to the average across the south-west.</p> <p>WA local governments’ rating system, as legislated by the State Government, is based on a ‘land franchise philosophy’ that requires all landowners/ratepayers to contribute to a range of service and facilities – it is not a ‘user pays system’. In relation to possible income from vacant land, there are always opportunities – lease, develop, sell.</p>
	<p>24. The shire claims its inclusion of the WML into the general rates will provide an “increased benefit” available to 764 properties across the Shire due to State Government rate concessions.</p> <p>If the WML levy had been included in general rates last year, as it had been in previous rates notices, would the “benefit” have been available to these ratepayers last year.</p> <p>It would seem that the Shires action in separating the WML as an individual line item in last year’s rates notices cost ratepayers the opportunity to claim the benefit amount. Should the Shire be claiming this as a Shire generated saving for concession ratepayers this year?</p>	<p>The premise of the question is incorrect. The Waste Management Levy was not included in the general rates assessment in the years prior to 2020-21 – it was always a stand-alone levy separate to rates (at least for some 20 years prior).</p> <p>Again, the premise of the question is incorrect. The discontinuation of the Waste Management Levy in 2021-22, with the balance of funds now accrued via general rates, does benefit some 764 properties across the Shire.</p>
<p>Derek Louw</p>	<p>25. Over each of the last 4 years, the term of the current council, the</p>	<p>Rating revenue represents just 22.4% of all revenue for the Shire of Donnybrook</p>

<p>(Elector)</p>	<p>Shire of Donnybrook-Balingup has recorded rate increases that are less than the average of the increases recorded by other South West Shires. Please put into perspective this remarkable achievement and discuss the reasons for the rate increase for 2021. How does the change in the method of accounting for the waste management levy affect the rate increase.</p>	<p>Balingup, while rates revenue for other local governments in the south west (e.g. City of Bunbury) account for up to 62% of all revenue. Including this year's general rate increase of 8.6%, across the 12 south west local governments, this Shire has shifted from fourth lowest to sixth lowest for GRV and from sixth lowest to seventh lowest for UV.</p> <p>The key reason for a higher than normal rate increase this year is to address the Shire's financial health ratios - particularly the 'operating surplus ratio' and the 'asset sustainability ratio'.</p> <p>Last year, the Waste Management Levy netted approximately \$500k. By bringing that revenue source into general rates, rather than as a stand-alone levy, the general rates revenue for the Shire increased by \$500k, however, there is no longer any Waste Management Levy. The net effect to the Shire is approximately an additional \$40k (via the 8.6% rate increase). The change of method of accounting for the Waste Management Levy this year required redistribution of previous costs across the ~3,500 rateable properties of the district – some will be paying less than previous years, some will be paying more (based GRV and UV land valuations by the Valuer General's Office).</p>
	<p>26. This council has been extremely successful at securing grant funding for various projects within the Shire. The most significant is the redevelopment of the Goods Shed and the Apple Fun Park. How have the various projects generally impacted in the Shire budget for 2021 – either negatively or positively and with specific reference to ongoing maintenance and upkeep costs.</p>	<p>Goods Shed Almost all expenditure for the Goods Shed was during 2020-21, although there will be some residual State grant expenditure in 2021-22. The business/facility manager leasing the Goods Shed will pay Shire rates on the property, as well as having a commercially negotiated lease fee arrangement. With a contractual Service Level Agreement for the facility as part of the Lease, the Shire will save approximately \$150k in additional staffing costs this year (and forward).</p> <p>Apple Fun Park Federal Grant expenditure of \$1.5m for</p>

		<p>the Fun Park is split over 2020-21 and 2021-22. As a Federal grant funded project with no Shire co-contribution required, there is little impact to the Shire’s budget, other than grant funds being set aside through Reserve Accounts and general revenue. There will be a modest saving in works and services maintenance to the park (e.g. no mowing and no cleaning bbq’s or toilets) while it is closed for redevelopment, however, this is likely to be offset with a temporary increase in complementary works by Shire staff (extra mowing, gardening) to the facility as it nears re-opening.</p>
	<p>27. With reference to the significant additional grant funding secured during the term of this council, this council has secured 2 grants (\$4.5million and \$1.5million) for upgrades to VC Mitchell Park. The total of \$6million is the largest grant ever awarded to a Shire* by the WA govt. Please advise what if any conditions are attached to this funding with respect to:</p> <ol style="list-style-type: none"> a. Timing of the project b. The purposes for which the grant may be used c. What design constraints have been imposed d. Is the grant funding transferable either to other projects or to a design that is different to the design for which the grant funding was awarded. e. How has the WA Recovery Grant team viewed the unedifying opposition from a very small group of electors. <p>*Correction – it’s the largest grant to this Shire (not to any local government).</p>	<p>Presently, the Shire has a Financial Assistance Agreement with the State Government for \$250k – for detailed project planning. The residual State funding of \$5.75m will be subject to a further Financial Assistance Agreement once the Shire is in a position to request that funding agreement. With this in mind:</p> <ul style="list-style-type: none"> • There is presently no contractual timeline for the construction component of the project, however, the Department of Local Government, Sport and Culture (DLGSC) advises <i>“There is no specific deadline, however the funding was allocated as part of the States “WA Recovery Plan”, which assumes that a project will be completed within a reasonable timeframe as part of the economic stimulus aimed at supporting the state during the COVID period.”</i> • The allocation of State funding to the project was on the basis of the project MasterPlan, together with the Shire’s co-funding proposal of up to \$3m. Specifically, the DLGSC advises <i>“It has been made quite clear that the intent of the funding must be on co-location of sports where possible and provision of multi-sport / multi-use. Funding is not for what would be deemed maintenance or general upgrades of existing facilities. It is</i>

		<p><i>imperative that the long-term status of facilities is considered, should consideration be given to using some of the available funds on upgrading existing facilities.”</i></p> <ul style="list-style-type: none"> • There are no specific/detailed design constraints, however, the State funding allocation was on the basis of the project MasterPlan. • Specifically, DLGSC advise that <i>“Ultimately the funding is to deliver on the key aspects of the masterplan, which incorporates the entire precinct. A key aspect of the masterplan was for a shared facility with all clubs in the one area, shared use of facilities and colocation of sports. This development could be staged, focusing on priority areas first and looking at other opportunities later. It is recommended that the priority areas be focused on essential “need” and not aspirational “want”.</i> • This COVID Recovery Plan grant is administered via the DLGSC – that question would need to be put to that State agency.
	<p>28. At the Meet the Candidates meeting on 23rd September one of the candidates was asked about her opposition to redevelopment of VC Mitchell Park given the obvious need including:</p> <ol style="list-style-type: none"> a. Lack of appropriate facilities for the increased number of female participants in sport in 2021 b. The wasteful duplication of facilities such as parking, kitchens, lighting etc c. Lack of a main room for large functions such as wind-ups, training, regional tournaments <p>The candidate’s response referenced the failure of an old community project as a reason for delaying development of VC Mitchell Park. The candidate cited failure of the various community groups involved in the</p>	<p>Accepting the question on the provision that it relates to the Donnybrook Community, Sporting, Recreation and Events Precinct, it is not the Shire’s role to oversee the management of community groups – especially those that have Incorporated Association status. As it relates to this project, if the Shire had membership on (for example) an overarching Incorporated Association for VC Mitchell Park representing some or all sporting groups, it would obviously seek to assist the association with governance, financial, administrative and other managerial skills. This would be even more relevant/pertinent if the Shire was co-funding the operation of the association, as is the case in many other regional WA towns.</p>

	<p>project to properly manage the use of the community facility. While the response is not relevant to the question, the failure of the whole project because of poor governance within the effected community groups is worth noting.</p> <p>Please advise whether it is the Shire’s role to oversee management of community groups. How will the Shire ensure that the lack of managerial skill in community groups will be managed to ensure that a similar failure is prevented.</p>	
<p>Rod Atherton (Elector)</p>	<p>29. Is there any validity to the latest claim that the Shire could have secured \$6,000,000 from the State Government as part of the State Covid Recovery Plan, without any co-contribution from the Shire and/or any local sporting group?</p>	<p>Refer to Hon. Mick Murray comments:</p> <p>In a conversation with the Shire President and Chief Executive Officer at 9.30am Tuesday 28 September 2021, former member for Collie Preston and former Minister for Ageing, Volunteering and Sport and Recreation, the Hon. Mick Murray confirmed the following via email on 28 September 2021:</p> <ol style="list-style-type: none"> 1. “The proposition from the Shire of Donnybrook Balingup (approved via Ordinary Council Meeting), whereby in-principle support for up to one-third co-contribution (capped at \$3m) funding towards the Donnybrook Community Sporting, Recreation and Events Precinct MasterPlan, enabled this project to be elevated as a priority project under the State Government’s COVID Recovery Plan. 2. The Shire’s preparedness, in terms of this project (proposition) put it ahead of many other contending projects throughout the State, including those from much larger regional and metropolitan local governments. 3. This project is not funded through the ‘normal’ State Government Community, Sport and Recreation Facilities Fund and the Shire has

		<p>done exceptionally well to leverage two-thirds State funding, instead of the normal one-third State funding ratio.</p> <ol style="list-style-type: none"> 4. Without the funding co-contribution (\$3m) from the Shire, this project will not meet the criteria used by the State Government in developing the State’s COVID Recovery Plan 2020, and unless anything has changed, a reduction in Shire co-contribution is likely to put at risk the State Government’s support for this all-embracing community project. 5. Given the above points, any notion that suggests that the State’s funding contribution of \$6m, without any contribution from the Shire, is “totally wrong”. 6. As per my media statement 5 August 2020 on this project, I concluded with the following statement <i>“This significant investment, as part of the McGowan Government’s WA Recovery Plan, will help boost the region’s social, and economic recovery while providing much needed facility upgrades at the same time”</i>. 7. It has been a pleasure working with a shire that has been proactive by looking not only at the needs of the community for today but into the future.”
<p>Sian Blackledge (Elector)</p>	<p>30. In the December 2020 OCM accounts paid is the following: EFT 20291 Lucid Economics Pty Ltd - Dbk Sports Precinct - economic impact and cost benefit assessment \$5,390.00</p> <p>Where is this report?</p>	<p>The Shire hosts a copy of the report in its records system.</p>
	<p>31. Why has it not been released?</p>	<p>There has not been a reason to release the document.</p>
	<p>32. Where did Plan B originate from?</p>	<p>Scenario B, as included in the MasterPlan, was prepared by the appointed consultant – an industry expert with volumes of experience in multi-use</p>

		precinct projects. It was based on rigorous and prolonged consultation with local sporting bodies, State Sporting Associations, the project Stakeholder Reference Group, broader consultation, Shire staff and Councillors.
	33. Who designed Plan B?	As above.
	34. When were the Donnybrook Football Club informed that the major part of the precinct development was planned for their site?	The Donnybrook Football Club have not been informed of such, neither have any other sporting group. There is no decision yet on the project in relation to budget, design, scope or even whether it will proceed. Those decisions will be made by the incoming Council. The Donnybrook football Club have been communicated with in the exact same manner as each of the other sporting groups.
	35. Why was the Recreation centre not considered as the site for multi purpose/sport site?	It's lack of proximity to the existing tennis and football playing surfaces, as well as the relative site constraints compared to the proposed footprint on the lower level.
	36. Why were the needs of other sports not fully taken into account?	The desires and needs of all sporting groups have been clearly expressed and documented over the course of 2+ years. To say they have not been taken into account is untrue. With a finite budget, there will always be prioritisation of project scope and deliverables and the latest concept plans (as per the Community Open Day) seek to achieve outcomes across all sports groups, and the community, in Stage 1 of the project.
	37. As the \$6m is a stand alone funding with no requirement for shire funding why has the shire gone ahead with such a big jump in rates?	Refer quote from Hon. Mick Murray.

4 ELECTOR MOTIONS

Nil.

Seven separate motions were proposed by a non-electors of the district and cannot be accepted.

One motion was proposed by an elector of the district, however, the motion does not relate to the purpose of the meeting and cannot be accepted.

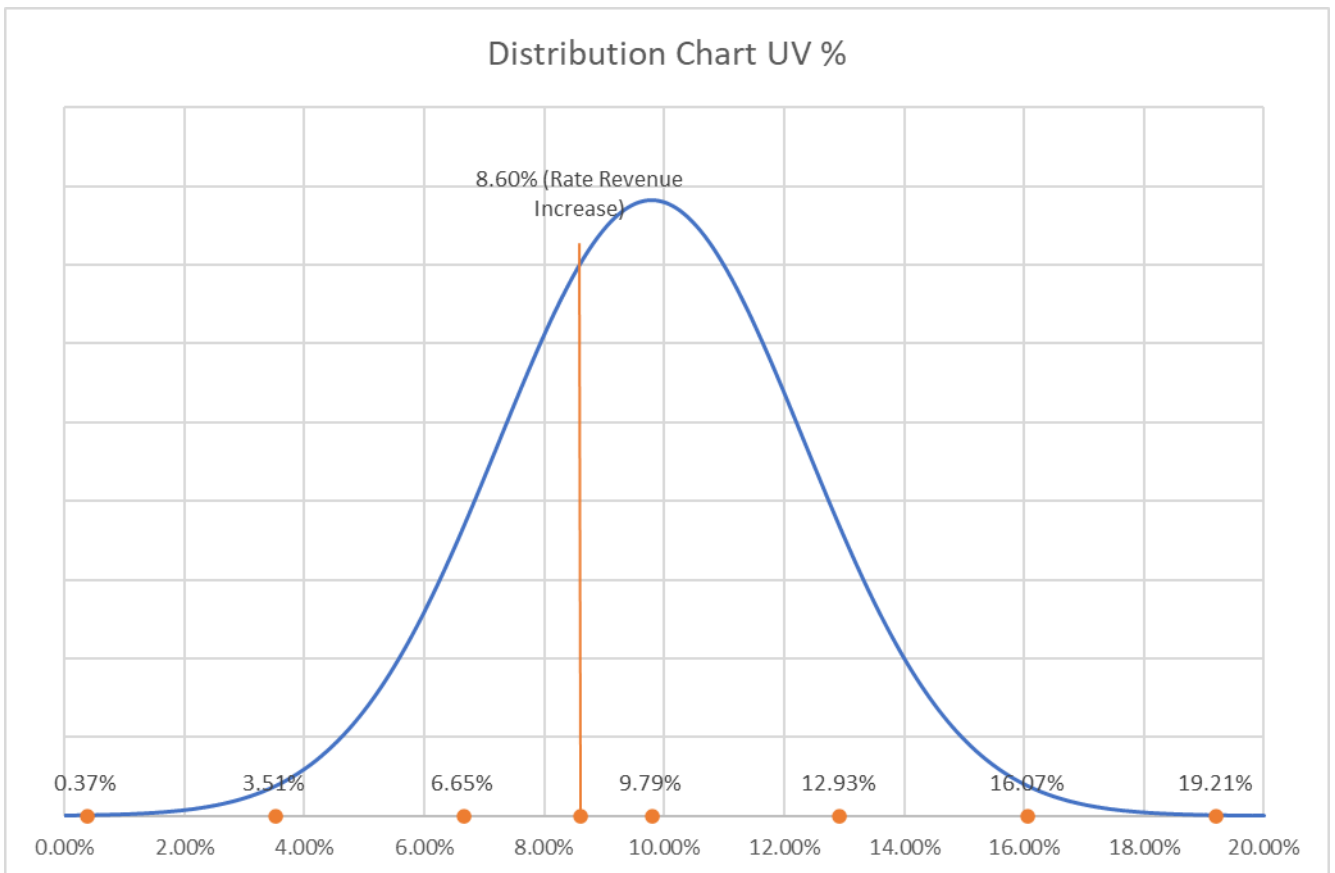
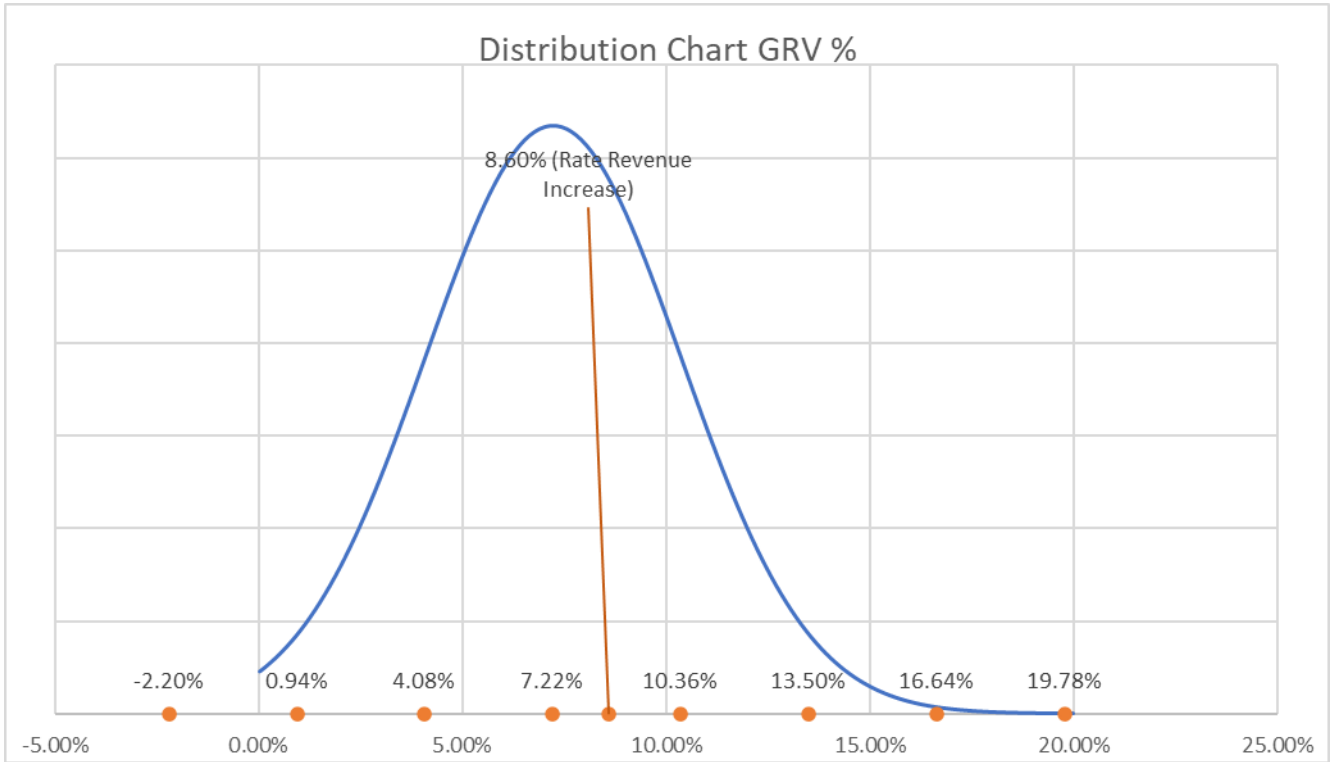
5 CLOSURE OF MEETING

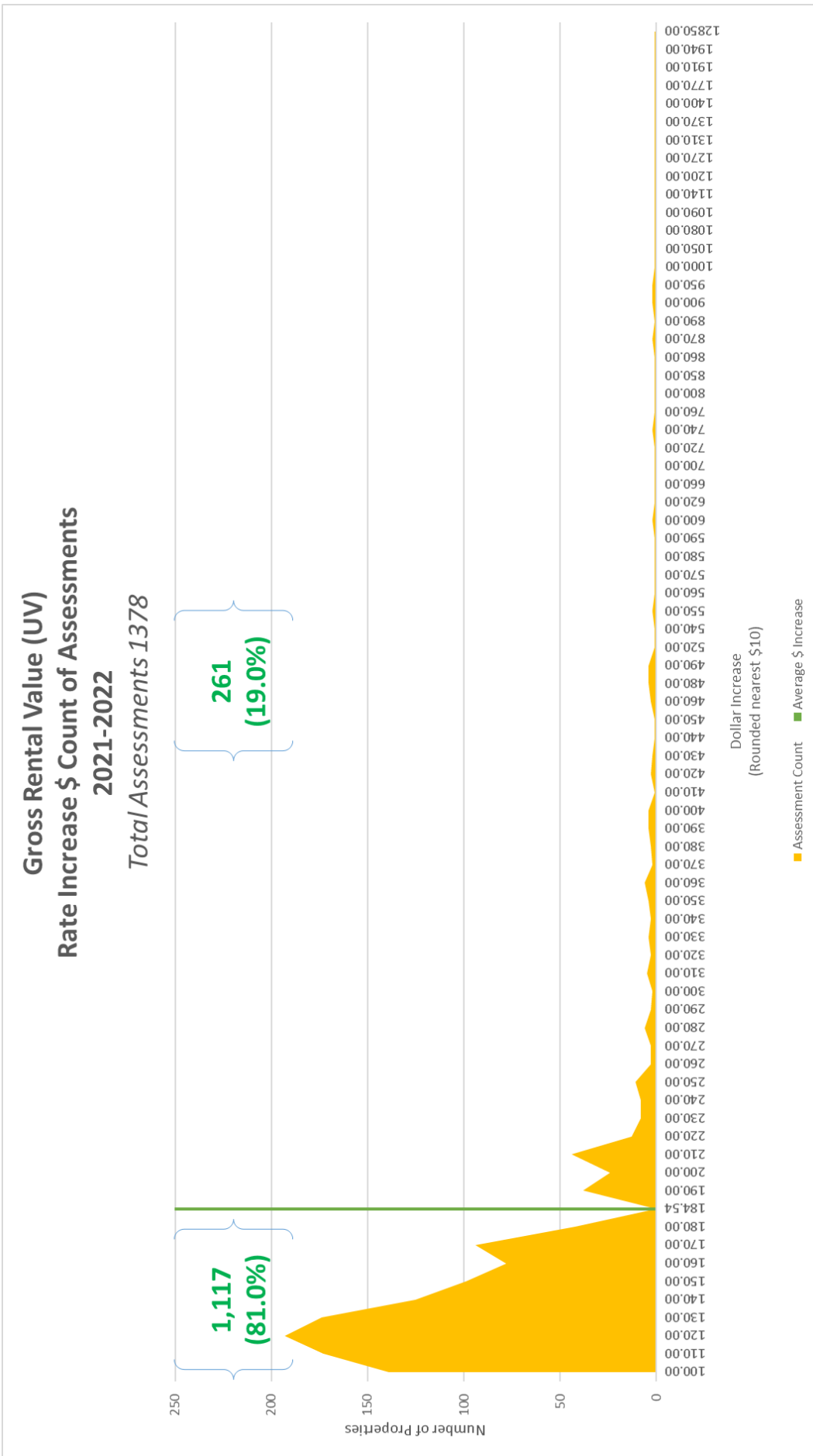
The President to thank everyone for attending the Special Meeting of Electors and for their participation.

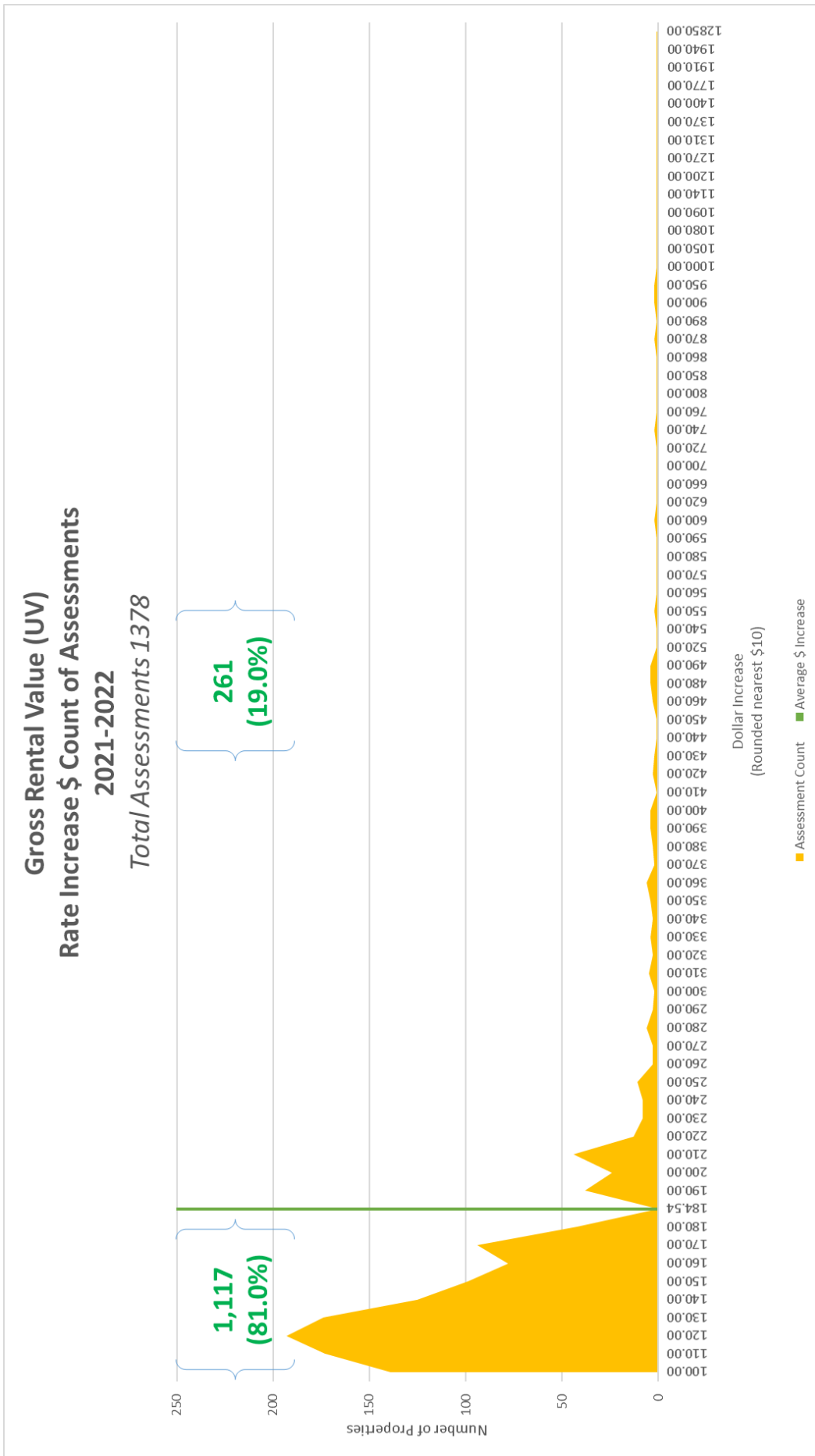
The Shire President to advise that the date of the next Ordinary Council Meeting will be held on Wednesday, 27 October 2021, commencing at 5.00pm at the Shire of Donnybrook-Balingup Council Chambers.

Presiding Member to declare the meeting closed.

Appendix 1 – Additional Information for Responses







Appendix 2 – Disallowed Questions

Submitted By	Question	Presiding Member Reason for Disallowance
Sandra Hough (Elector)	1. Could the Shire explain why greater efforts are not made to Explain Projects, Collect more Community Feedback, Readjust and Change ideas as more involvement becomes the norm. Bunbury Central Revival Plans have great ideas for involving their community in this new Project. Could the Shire look into some of these ideas and use them to prevent feelings that have led to a Special Electors Meeting?	Question does not relate to either of the two nominated topics of the meeting.
Mike King (Elector)	2. The Shire constantly whinges that it has a lower rate income than larger and surrounding shires. (eg. Larger local governments across the South West have rates income representing up to 62% of all revenue). Everyone recognizes the differences. The Shire also has a large sections of its countryside tied up in State Government forests which require little specific infrastructure, but which do not pay rates – but which the State government recognizes, and compensates within the grants framework, resulting in the Shire having intrinsically a heavy reliance on Federal and State grants to fund capital and some operational expenditure (which we are presently taking advantage of). In the past five years, this Shire has received tied and untied grant income which has increased by some 70% (or approximately \$54M) compared to the previous five years. If there is doubt within the Council that this will continue to be the case, should Council be hellbent on constructing monument buildings and other grandiose schemes which many ratepayers object to, which may not be supported by many of the ratepayers, and the maintenance of which may burden the community with excessive rates increases far into the future, or should it take a more cautious and conservative to expenditure?	Question does not relate to either of the two nominated topics of the meeting.
Donnybrook Balingup Ratepayers and Residents Association (Non-electors)	3. Donnybrook Community Sporting Recreation Events Precinct Why - after Minister Murray urged careful 'due diligence' be done before committing ratepayers to this costly project - were some members of the stakeholder group asked to "PRETEND" to support the project FIRST and do due diligence LATER?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	4. Was the stakeholder group shut down because some of its members insisted on due diligence being done first and not later and if it wasn't shut down because of that then why?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the

		district.
5. Why was the original preferred “Plan A” in the master plan substituted after months of volunteer stakeholder group work for “Plan B” and who made this recommendation?		The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
6. Was Plan B proposed by the Donnybrook Football Club (DFC), Shire President Piesse, Shire CEO or others?		The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
7. Was/is Plan B supported without appropriate ‘due diligence’ by DFC, Shire President, Shire CEO and the current Minister for Sport?		The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
8. Why weren’t the public, Shire Councillors and Minister Murray properly informed that the projects long serving Stakeholder Group had been disbanded after indicating their concern for appropriate ‘due diligence’?		The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
9. Why was a public meeting held to inform ratepayers and residents of the more than two years work that community volunteers had put into helping councillors and community make an informed decision about the project, purposely disrupted by an organised mob which appeared to have been organised by a sitting councillor and supported by the Shire President and CEO as well as officials, members and supporters of the Donnybrook Football Club?		The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district. DBRRA requested this question be withdrawn (via email 10.06am 28 September).
10. Will the Donnybrook CEO call on the Minister for Local Government and the Minister for Sport to instigate departmental inquiries into the actions of officials of the Shire of Donnybrook-Balingup to ensure that due processes, procedures, compliances, accountability and transparency have been followed through the process thus far in seeking upfront funds and onward commitments for this project and to ensure the future integrity of all projects being managed and or committed to by people in positions of trust on behalf of		The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.

	ratepayers?	
	11. Why were the Men’s Hockey club and the Ladies Hockey club forced to relocate from Egan Park to VC Mitchell Park against their will?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	12. Troy Jones from the DLGSCI stated at the Donnybrook Balingup OCM 22/09/2021 in his deputation to council “The \$6M funding was WA Covid Recovery money and there was no requirement for the DB Shire to co-contribute towards this funding” Why have the Ratepayers and Residents of Donnybrook Balingup not been told this before?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	13. The Donnybrook Community Sporting Recreation Events Precinct master plan was presented to minister Mick Murry as shovel ready. What does shovel ready mean?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	14. The Donnybrook Balingup CEO engaged Mr Peter Kenyon from “The Bank of Ideas”, who is an expert in governance, why has his report not been made public?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
Donnybrook Balingup Ratepayers and Residents Association (Non-elector)	15. When did the CEO receive the Financial Assistance Agreement (FAA) for the \$6M Covid Recovery Funding and when was this agreement presented to council for approval?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	16. When did the CEO sign the Financial Assistance Agreement (FAA) as instructed by council at the 23 rd September 2020 council meeting - Agenda Item 9.3.1?	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	17. At what point in time or date, did the CEO, or the Shire President, or the council know that the \$6M Covid Recovery Funding from the state government had no requirement for the Donnybrook Balingup Shire to co-contribute \$3M towards the funding.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.

Appendix 3 – Disallowed Motions

Submitted by	Motion	Presiding Member Reason for Disallowance
Donnybrook Balingup Ratepayers and Residents Association Inc (Non-elector)	1. We the people gathered here tonight request the Presiding Member of the Meeting (the Shire President) to allow Questions and Motions be submitted from the floor as per the previous Special Meeting of Electors held in September 2017.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district. Question does not relate to either of the two nominated topics of the meeting.
	2. That Council move a vote of no confidence in the CEO for misleading council on the funding requirement for the Donnybrook Community Sporting Recreation Events Precinct as there was no requirement for ratepayers to co-contribute \$3,000,000 to the \$6,000,000 WA Covid Recovery Funding.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	3. That Council move a vote of no confidence in the Shire President for misleading council on the funding requirement for the Donnybrook Community Sporting Recreation Events Precinct as there was no requirement for ratepayers to co-contribute \$3,000,000 to the \$6,000,000 WA Covid Recovery Funding.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	4. That Council accept reasonability for misleading the public on the funding requirement for the Donnybrook Community Sporting Recreation Events Precinct as there was no requirement for ratepayers to co-contribute \$3,000,000 to the \$6,000,000 WA Covid Recovery Funding.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	5. That Council move a vote no confidence in the Management Team of the Donnybrook Community Sporting Recreation Events Precinct. The information required by the Sporting Stakeholder groups and the public has not been forthcoming regarding a Feasibility study, Business Plan and Governance Model.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.
	6. That Council investigates the implementation of live streaming of council meetings to YouTube on the basis of open and accountable governance.” Not all members of the public can attend council meetings at 5:00pm and some people have large distances to travel, in some cases more than 100km.	The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district. Question does not relate to either of the two nominated topics of the meeting.

<p>Simon McInnes (Elector)</p>	<p>7. That the shire asks the state government auditor general to conduct an independent forensic audit of the shire finances and report directly to council and should the auditor general decline the request that the shire make funds available and engage a suitably qualified person to conduct this audit.</p>	<p>Question does not relate to either of the two nominated topics of the meeting.</p>
<p>Donnybrook Balingup Ratepayers and Residents Association Inc (Non-elector)</p>	<p>8. That Council instigate an independent investigation into the CEO for making misleading recommendations in council agendas regarding the Shires \$3M co-contribution towards the state governments \$6M Covid Recovery Funding. Then report the findings back to the council and community by the November 2021 ordinary council meeting.</p>	<p>The Donnybrook Balingup Ratepayers and Residents Association is not an elector of the district.</p>