



## **MINUTES OF ORDINARY MEETING OF COUNCIL**

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held on

**Wednesday 26 October 2022**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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

**Ben Rose**  
**Chief Executive Officer**

**4 November 2022**

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

Held at the Council Chambers  
Wednesday, 26 October 2022 at 5.00pm

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

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### **Shire President – Acknowledgment of Country**

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

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

The Shire President advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Shire President further stated 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.”*

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## **2 ATTENDANCE**

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### **MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Leanne Wringe (President)	Ben Rose – Chief Executive Officer
Cr Lisa Glover (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Kim Dolzadelli – Director Corporate and Community
Cr Peter Gubler	Archana Arun – Admin Officer Executive Services
Cr Phil Jones	Shawn Lombard – Principal Project Manager
Cr Fred Mills	
Cr Chaz Newman	
Cr Chris Smith	

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### **PUBLIC GALLERY**

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Three members of the public were in attendance.

## **2.1 APOLOGIES**

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Cr Massey.

## **2.2 APPROVED LEAVE OF ABSENCE**

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Nil.

## **2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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Nil.

## **3 ANNOUNCEMENTS FROM PRESIDING MEMBER**

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### **PRESIDENT'S DIARY – OCTOBER 2022 OCM**

29 September 2022	2022/23 Budget Presentation (hosted by DBCCI)
02 October 2022	WALGA Conference
03 October 2022	WALGA Conference
04 October 2022	WALGA Conference
05 October 2022	Meeting - Balingup Progress Association
10 October 2022	Meeting – Resident, J. Small
12 October 2022	National Economic Development Conference
13 October 2022	National Economic Development Conference
14 October 2022	National Economic Development Conference
17 October 2022	Meeting – Shire of Blayney
18 October 2022	Meeting – Shire of Cowra
18 October 2022	Meeting – Shire of Weddin
25 October 2022	DWER – Online information session.
26 October 2022	Mentornet training
26 October 2022	Citizenship Ceremony
26 October 2022	Ordinary Council Meeting

## **4 DECLARATION OF INTEREST**

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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 Wringe has declared an Impartiality Interest in item 9.1.1 Application for Development Approval – Proposed Public Artwork Installation – Donnybrook Town Centre Ablutions as she is a member of the Donnybrook Town Team.*

*Cr Gubler has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as his business has done some work with members of the Donnybrook Football Club.*

*Cr Glover has declared a Proximity Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as she is a part owner of a property adjoining the VC Mitchell Park site (Emerald Street).*

*Cr Glover has declared a Financial Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as the above mentioned property is an investment property.*

*Cr Glover has declared an Indirect Financial Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as her partner is a joint owner of the above-mentioned property.*

*Cr Glover has declared an Impartiality interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as she is a Member of the Tennis Club.*

*Cr Glover has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement t as family members are members of the Donnybrook Tennis Club.*

*Cr Glover has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as she is a Member of the Ladies Hockey Club.*

*Cr Glover has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as a family member is a member of the Preston Thunder Football Club.*

*Cr Glover has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as she is a Volunteer (processing Kidsport Applications) for Donnybrook Football Club.*

*Cr Glover has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as a family member is a member of the Donnybrook Netball Association.*

*Cr Glover has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as a family member is a member of the Donnybrook Basketball Association.*

*Cr Shane Atherton has declared an Impartiality Interest in item 12.1.2 Confidential – VC Mitchell Park Project Procurement as he is a life member of the Donnybrook Football Club.*

## **5 PUBLIC QUESTION TIME**

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### **5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

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Question: Simon McInnes

Does the CEO have the contact details of all the individuals who downloaded the EOI as required by policy FINCP-4-PURCHASING?

Response

Policy FIN/CP-4 Purchasing did not apply to the EOI process.

Question: Simon McInnes

How were any non-compliant tenders for the VC Mitchell Park Project recorded and are they available for public viewing?

Response

They were recorded in the Shire's recording keeping system. Full tender documentation (for any tender) is not available for public viewing as it includes commercial-in-confidence information from third parties (i.e. private businesses who lodge the tender).

Question: Simon McInnes

Could you please clarify what date tenders were received for the VC Mitchell Park project and also clarify the time the expression of interest was received?

Response

One EOI was lodged in the Shire's tender portal, by mistake by the submitter, at 12.35pm on 12 July 2022. The 'tender opening' time and date was 3pm on 13 July 2022. EOI 1 was received at 7.27am on 13 July 2022 and EOI 2 was received at 3.21pm on 13 July 2022.

Question: Simon McInnes

Is the VC Mitchell Park project EOI bound by Shire Policy FINCP-4-PURCHASING?

Response

No.

Question: Simon McInnes

Please list all the current project team members for the VC Mitchell Park project and their role on the project team?

### Response

The Project Team, currently, is made up of Shire staff and one Project Management Consultancy (Shape Management).

### Question: Simon McInnes

Could you please explain the processes for consultation and due diligence regarding the proposed contract with Perkins Builders for the VC Mitchell Park project. How will the Shire and Perkins avoid a conflict of interest? What checks and balances are in place? Will the minutes of all meetings between the Shire and Perkins be available on the web site?

### Response

Processes (including consultation, due diligence and 'checks and balances') regarding the potential contract between the Shire and Perkins builders are principally guided by the Local Government (Functions and General) Regulations, supplemented with advice from WALGA, the Department of Local Government, Sport and Culture (the Department), professional project management input, and advice and assistance from nearby (much larger) local governments.

Conflicts of interest are managed through conflict disclosure obligations and processes under the Local Government Act.

Meeting minutes / notes between the Shire and Perkins Builders will not be published on the Shire's website (or elsewhere).

### Question: Simon McInnes

Why is the condition of the roads being kept secret from the rate payers?

### Response

The condition of the Shire's roads is not a 'secret'. Regarding access to asset condition reports undertaken by a third party, the Shire is seeking advice as to the ability to make those reports publicly accessible.

### Question: Simon McInnes

When will the results of the internal audit be published and will it be available to the public?

### Response

This will be a matter for the Audit and Risk Management Committee to provide a recommendation to the Council.



Question: Simon McInnes

The reduction of capital works is \$225,821. This is a very specific amount. Where will these cuts to the maintenance be made on top of the \$500,000 that already hasn't been spent in this from last year?

Response

On the presumption that the question relates to the recommended capital expenditure reduction in the Long Term Financial Plan – then any budgeted reduction (or increase) as compared to the Long Term Financial Plan will be considered as part of the budget deliberation and decision making for each future financial year Annual Budget.

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**5.2 PUBLIC QUESTION TIME**

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Question: Mr Shane Sercombe

What are the remaining steps for the VC Mitchell project?

CEO Response

The Council will need to consider contract documentation with its preferred development partner, Perkins Builders. Once that decision is made, likely in the next month or so, contract documentation will be finalised and then works can commence.

Question : Mr Shane Sercombe

Has the Shire's requests to raise a \$3 million loan been approved by WA Treasury?

CEO Response

The Shire hasn't made an application in the 2022-23 financial year.

Question: Mr Simon McInnes

Can you please explain why my name was recorded in the Minutes as asking certain questions last month, when I advised I was asking those questions on behalf of another organisation?

CEO Response

The Shire's Meeting Procedures Local Law and the Local Government (Administration) Regulations provide guidance on Meeting Minutes and public question time procedures. In accordance with this legislation, it is most appropriate that the person who asked the question at the meeting is recorded in the Minutes as the person who asked the question (not the person/organisation who asked another person to ask the question).

Question: Mr Simon McInnes

Well then, I would have asked those questions on behalf of DBRAA then. Is that correct?

### CEO Response

Whether a person asks a question on behalf of another person or organisation is not really of any relevance – the actual question is what is important.

#### Question: Mr Simon McInnes

Is there a lease fee for the Goods Shed (Park Café) payable this year?

### CEO Response

Question taken on notice.

#### Question: Mr John Bailey

The asset renewal is at half a percent of total, which you've got down to \$28,542. The word provisional is temporary. Now that asset renewal should be a lot higher than that. When will Council give the true figures to other people?

### CEO Response

You have asked this question previously and, again, I have responded to you on email earlier today.

#### Question: Mr John Bailey

Will the Shire President and Council provide the community with accurate figures, costs and how these costs will be met so that the community can make a final decision before the Council make a final decision? Will these features be given to the community before this Council makes the final decision?

### CEO Response

I have responded to you via email earlier today on this question.

#### Question: Mr Shane Sercombe

Has the Shire entered a financial assistance agreement with the State Government for the \$5.75 million remaining from the \$6 million VC Mitchell Park grant?

### CEO Response

No.

#### Question: Mr Shane Sercombe

I am just seeking clarity if the \$3 million loan has been secured yet?

### Shire President Response

There has not been an application for the \$3 million loan in the 2022-23 year.

Question: Mr Shane Sercombe

Under the Local Government Act, is the Council able to approve a contract over \$9 million without a tender process?

CEO Response

No.

Question: Mr Simon McInnes

I have noticed that the Shire pays electricity bills for various buildings/sites (e.g. Park Café) – can you explain if these costs are reimbursed?

CEO Response

Yes, they are reimbursed.

Question: Mr Simon McInnes

Does the Shire pay GST on the electricity bill?

Director Corporate and Community Response

Yes. The net impact on the Shire is \$0.

Question: Mr John Bailey

Have or will Council release all relevant facts on the VC Mitchell Park development prior to the community prior to this Council making a final decision?

CEO Response

Neither the Shire President or I can answer that question on behalf of the Council – there would have to be a resolution of the Council first.

Question: Mr John Bailey

Madame President, will you release the relevant facts?

Shire President Response

We have undertaken community consultation. The long term financial plan contains the information that you are after. It will come to Council as a decision to be made and all the facts will actually be through the Council.

Question: Mr Shane Sercombe

Regarding the \$6 million VC Mitchell Park grant - has the Department of Local Government, Sport and Culture ever indicated that the current project scope may no longer meet their requirements for final funding approval?

Shire President Response

No.

Question: Mr Shane Sercombe

Based on the most current information, what is the likelihood of the project going ahead in its current form?

Shire President Response

Likely.

Question : Mr Shane Sercombe

Has the Office of Auditor General's interim audit report for the 21-22 financial year been received yet?

Shire President Response

I believe that's coming to the Audit and Risk Management Committee Meeting at our next meeting.

Question: Mr Shane Sercombe

Why has the Audit and Risk Committee not met for nearly nine months when the Council policy requires it meet every three months?

CEO Response

There hasn't been a need for the Committee to meet. The point of bringing a Committee together (with external members and Councillors) for the sake of having a meeting with no agenda items is a fairly futile exercise.

Question: Mr Shane Sercombe

Why would the Policy state that you need quarterly audit meetings in that case?

CEO Response

The Terms of Reference are not an exacting guide to what absolutely must be done. I don't see any benefit in bringing together a group of people to have a meeting to tick a box when there's no agenda items to actually consider.

Question: Mr Shane Sercombe

How many views did last month's OCM live stream get on YouTube?

CEO Response

Question taken on notice.

Question: Mr Simon McInnes

I believe there should be an item on the internal audit program to go to the Audit and Risk Management Committee - so when will the Audit and Risk Management Committee be meeting?

CEO Response

The Audit Risk Management Committee meeting will meet when the Chair of that Committee convenes the meeting.

Question: Mr Simon McInnes

About 10 years ago, there was a debate in the Council about whether Councillors should remove their ties for the December meeting. I was just wondering about the dress code for Councillors?

CEO Response

Councillor's professional standards are covered in the Code of Conduct.

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## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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Nil.

### **6.2 PRESENTATIONS**

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Nil.

### **6.3 DEPUTATIONS**

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Nil.

## **PROPOSED MOTION**

**That item 7.1 – Confirmation of Minutes Ordinary Meeting of Council 28 September 2022 be removed from En-Bloc.**

## **COUNCIL RESOLUTION 132/22**

**Moved: Cr Glover**

**Seconded: Cr Gubler**

**That item 7.1 – Confirmation of Minutes Ordinary Meeting of Council 28 September 2022 be removed from En-Bloc.**

**CARRIED 8/0**

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

**Against:** Nil

### **ADOPTION BY EXCEPTION**

#### **COUNCIL RESOLUTION 133/22**

**Moved:** Cr Jones

**Seconded:** Cr Mills

**That the following items be adopted ‘en bloc’:**

**9.2.2 Monthly Financial Report – August 2022**

**9.2.3 Monthly Financial Report – September 2022**

**CARRIED 8/0**

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

**Against:** Nil

## **7 CONFIRMATION OF MINUTES**

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### ***7.1 ORDINARY MEETING OF COUNCIL – 28 SEPTEMBER 2022***

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Minutes of the Ordinary Meeting of Council held 28 September 2022 are attached (attachment 7.1(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council held 28 September 2022 be confirmed as a true and accurate record.**

**Moved:** Cr Glover

**Seconded:** Cr Gubler

**That the Minutes from the Ordinary Meeting of Council held 28 September 2022 be confirmed as a true and accurate record.**

**Foreshadowed/Alternate motion:** Cr Glover

**Moved** Cr Glover

**Seconded** Cr Gubler

**That the Minutes from the Ordinary Meeting of Council held 28 September 2022 be confirmed as a true and accurate record, subject to the questions from Mr McInnes**

**asked on behalf of the Donnybrook Balingup Residents and Ratepayers Association being recognised as asked by Mr McInnes on behalf of that Association.**

**LOST 4/5 (CASTING VOTE APPLIED)**

**For:** Cr Glover, Cr Gubler, Cr Jones, Cr Mills,

**Against:** Cr Wringe, Cr Atherton Cr Newman and Cr Smith

### **COUNCIL RESOLUTION 134/22**

**Moved: Cr Glover**

**Seconded: Cr Gubler**

**That the Minutes from the Ordinary Meeting of Council held 28 September 2022 be confirmed as a true and accurate record.**

**CARRIED 5/3**

**For:** Cr Wringe, Cr Atherton, Cr Jones, Cr Newman and Cr Smith

**Against:** Cr Glover, Cr Mills, Cr Gubler

## **8 REPORTS OF COMMITTEES**

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Nil.

## 9 REPORTS OF OFFICERS

### 9.1 DIRECTOR OPERATIONS

#### 9.1.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED PUBLIC ARTWORK INSTALLATION - DONNYBROOK TOWN CENTRE ABLUTIONS

<b>Location</b>	South Western Highway, Donnybrook (Donnybrook Main Street)
<b>Applicant</b>	Community Resource Centre / Donnybrook Town Team
<b>File Reference</b>	A4013
<b>Author</b>	Kira Strange – Principal Planner
<b>Responsible Officer</b>	Steve Potter – Director Operations
<b>Attachments</b>	9.1.1(1) - Location Plan 9.1.1(2) - Elevation 9.1.1(3) - Artwork Technical Drawings 9.1.1(4) - Sponsor Signage 9.1.1(5) - Accompanying Information 9.1.1(6) - Support Letter from RAC 9.1.1(7) - Applicant Consultation Results 9.1.1(8) - Heritage Advice from DPLH
<b>Voting Requirements</b>	Simple majority

#### Recommendation

##### That Council:

1. Pursuant to Schedule 2, Part 9, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Application for Development Approval for the installation of artwork on the Donnybrook main street ablutions subject to the following:

##### Conditions:

- a) The layout and size, design and location of the works permitted must generally accord with the endorsed plan(s) as per Attachments 9.1.1(1) to 9.1.1(5), including any notations, and must not be altered or modified without the further written consent of the Shire;
- b) The method of fixing artwork to the building is to be approved by the Shire prior to installation and installed to the satisfaction of the Chief Executive Officer.
- c) The applicant is to liaise with the Shire to ensure suitable safety and operational measures are put in place during the time of installation



**including (but not limited to) signage, fencing and public notification of potential temporary closure of toilets.**

- d) The Shire and the Community Resource Centre, are to enter into a Memorandum of Understanding within 90 days of this approval, outlining responsibilities with regard to future public artwork installations including but not limited to: governance, insurance, maintenance requirements and other relevant measures.**

**Advice Notes:**

- a) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.**
- b) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**
- c) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**
- 2. Authorises the Chief Executive Officer to liaise with the CRC to prepare and execute a Memorandum of Understanding in accordance with Point 1(d) of this resolution; and**
- 3. Instructs the Chief Executive Officer to advise the Heritage Council of Council's resolution and the determination of the development application.**

## **STRATEGIC ALIGNMENT**

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

Outcome	6.3	Create vibrant, attractive and welcoming towns.
Priority Project	6.3.2	Support community groups to design and implement townscape works in Donnybrook, Balingup and Kirup.

## EXECUTIVE SUMMARY

The Shire has received an Application for Development Approval from the Donnybrook Community Resource Centre (CRC), on behalf of the Donnybrook Town Team (DTT), to install a multi-panelled public art piece on the ablution facility within the Donnybrook Railway Precinct in the Donnybrook town centre.

The installation will form part of an overall art trail within the townsite referred to as the 'ArtBeat Trail', that is being developed by the Donnybrook Town Team.

It is recommended that Council approves the proposal, subject to conditions.

## BACKGROUND

The Shire has received an Application for Development Approval for the installation of a multi-panelled art piece on the external walls of the existing ablution facility located on the main street of the Donnybrook townsite.



Figure 1 – Location of proposed art installation depicted in red.

The ablution facility is located within Reserve 47815 which is identified as a local reserve for public purposes under the *Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7)*. Reserve 47815 is Crown land with a management order issued to the Shire for the purposes of 'Tourism'.

The ablution facility is within the 'Donnybrook Railway Precinct' which is a registered place on the State Heritage Register and is listed on the Shire's *Municipal Heritage Inventory 2013*.

The proposed art installation measures approximately 2.25 metres high by 9.5 metres wide, over four panels. In addition, two A1 sponsor signs will be placed at each of the two entrances to the ablutions. The artwork will be painted on panels which will be fixed to

the north-eastern exterior walls of ablution facility. The DTT has engaged a Perth based arts educator to provide guidance and direction for the proposed “community inspired, community created” artwork.

The DTT has advised the proposed concept has involved the input of approximately 250 residents in response to the question: “*What do you love about living in Donnybrook?*”

This resulted in a ‘mood board’ being created and the identification of ‘key themes’ for the artwork including:

- Flora
- Fauna
- Landscape
- River
- Great Community Spirit
- Country life
- Friendly
- Rail Heritage

## FINANCIAL IMPLICATIONS

Council will need to consider any financial implications associated with the preparation of a Memorandum of Understanding (MOU) and any associated insurance and ongoing maintenance requirements, however these are expected to be relatively minor.

## POLICY COMPLIANCE

The proposed development has been assessed against the relevant provisions of:

1. *Local Planning Policy 9.19: Memorial and Public Art* (LPP 9.19);
2. *State Planning Policy 3.5: Historic Heritage Conservation* (SPP 3.5).

### Local Planning Policy 9.19: Memorial and Public Art

LPP 9.19 provides general guidelines for development of memorials and public art which have been assessed below:

LPP 9.19 Requirement	Proposal	Officer Comment
<p><i>Cl. 6.1 Location</i></p> <p>The location of the artwork must be justified, must be consistent with Council plans and must not jeopardise the existing use of the site.</p>	<p>Multi-panelled art piece fixed to the north-east exterior wall of the public ablution facility on the main street of Donnybrook.</p>	<p>Complies.</p> <p>The art installation is proposed by a community group and will not jeopardise use of the ablution facility.</p>
<p><i>Cl. 6.2 Type</i></p>		

<p>The proposal must represent broad community interest and be mindful of future generations. Public art is to be at the discretion of Council or a delegated Committee / Officer.</p>	<p>DTT have advised that the artwork fundamentally is “from the community, for the community, by the community”.</p>	<p>Complies. The DTT have demonstrated that the proposal has community support. The proposal considers broad themes of the Donnybrook town and has regard to future generations.</p>
<p><i>Cl. 6.3 Design</i></p> <p>The proposal must be of significance to present and future generations, should be complementary to the surrounding area and should contribute to the public domain.</p>	<p>The proposed artwork broadly reflects the physical layout of Donnybrook.</p>	<p>Complies. The themes within the artwork are consistent with the history of Donnybrook such as the rail and the native flora and fauna.</p>

**State Planning Policy 3.5: Historic Heritage Conservation**

SPP 3.5 sets out the principles of sound and responsible planning for conservation and protection of WA’s historic heritage. The relevant provisions of SPP 3.5 have been assessed accordingly:

<b>SPP 3.5 Requirement</b>	<b>Proposal</b>	<b>Officer Comment</b>
<p>Cl. 6.6. Development control principles Development within a heritage area should respect and complement the heritage significance of the area.</p>	<p>The proposed artwork represents a number of historical Donnybrook items and loosely represents the layout of the town.</p>	<p>Complies. The proposal will not negatively impact the Railway Precinct. The artwork refers to the heritage values of the area (rail) whilst also connecting the area to present considerations including the layout of the townsite.</p>

**STATUTORY COMPLIANCE**

The proposed development has been assessed against the relevant provisions of LPS7, the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs) and the requirements of the *Heritage Act 2018*.

**Local Planning Scheme No. 7**

*Part 2 – Reserves*

Clause 2.4 of LPS7 outlines that a person must not use, commence or carry out development on a Local Reserve without first having obtained development approval

which is to be assessed against the matters in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regs). In addition, development should be consistent with the intended purpose of the Reserve. The art installation is considered consistent with the intent of the reserve for public purposes, and therefore complies with Part 2 of LPS7.

*Part 4 – General Development Requirements*

The relevant general development requirements of LPS7 have been assessed accordingly and summarised in the below table.

<b>LPS7 Requirement</b>	<b>Proposal</b>	<b>Officer Comment</b>
Cl. 4.17 General appearance of buildings and preservation of amenity	Multi-panelled art piece fixed to the north-east exterior wall of the public ablution facility on the main street of Donnybrook.	Complies. The proposed scale, dimensions and materials, when appropriately maintained, will have a positive impact on the amenity of the area.
Cl. 4.42 Bushfire hazard and fire management plans	The proposal is located within a designated bushfire prone area.	Not applicable. The proposal is not considered applicable to the provisions of bushfire management as it does not change the existing bushfire status.

Planning and Development (Local Planning Schemes) Regulations 2015

*Schedule 2, Part 9, Clause 67: Consideration of application by local government*

Schedule 2, Part 9, Clause 67 (2) outlines the matters to be considered by a local government when assessing an Application for Development Approval. The relevant matters have been assessed as follows:

<b>LPS Regs Requirement</b>	<b>Proposal</b>	<b>Officer Comment</b>
Cl. (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	The proposal is within a State Registered Place – the Donnybrook Railway Precinct	Complies. The proposed artwork as installed on the ablution facility will not negatively impact the heritage significance of the area. The draft artwork has been created taking into consideration the heritage significance of the area as well as the current features of the town.
Cl. (n)(iii) social impacts of the development	The proposed artwork is being coordinated by the	Complies.

LPS Regs Requirement	Proposal	Officer Comment
	Donnybrook Town Team and will be created by community members with the assistance of an artist.	The creation of this artwork will hold its own social benefits due to the significant input from the community.
Cl. (zb) any other planning consideration the local government considers appropriate	The ablution facility where the art will be installed is a Shire facility.	Complies in part. Consideration needs to be given to the technical elements of the proposal including the installation, ongoing maintenance, insurance and liability requirements. An MOU will need to be developed to clarify this.

### Heritage Act 2018

The proposed development is also located within the ‘Donnybrook Railway Precinct’ which is within the Shire’s *Municipal Heritage Inventory 2013* and listed on the *State Register of Heritage Places*.

As outlined in the Register of Heritage Places – Permanent Entry documentation, the ‘Donnybrook Railway Precinct’ is a historic precinct which became the catalyst for the development of the Donnybrook township and district as a major centre in the apple industry in the South West. The place is a good example of a collection of railway buildings that form part of the significant townscape.

The ablutions facility was constructed in the early 2000s in the style of the heritage buildings of the railway precinct, however does not have any heritage significance in isolation. Notwithstanding this, as required under the *Heritage Act 2018*, the proposal has been referred to the Department of Planning, Lands and Heritage (DPLH) for comment on behalf of the Heritage Council of Western Australia, due to location of the proposed development with a State Registered precinct.

DPLH supported the proposal and has provided the following comments:

- The place is a good example of a collection of railway buildings that forms part of a significant townscape, which includes the Donnybrook Hotel and the Post Office.
- Although the WC block sits within the registered curtilage, it is a contemporary structure and of no heritage significance.
- The mural is related to the railway theme of the precinct, is fully reversible and will benefit the community.

## **CONSULTATION**

As outlined above, the application was referred to the DPLH which indicated its support for the proposal. Under the *Heritage Act 2018*, the Shire is required to advise the DPLH / Heritage Council of the outcome of the development application.

In addition, under LPP 9.19, advertising of community artwork proposals is to be undertaken to gauge the level of support from the community. The applicant has conducted two separate consultation processes with substantial input being received from the community (Attachment 9.1.1(7)). The vast majority of the responses received were in support. Shire officers consider the extensive level of consultation undertaken by the DTT adequately satisfies the consultation requirement under the policy and therefore no additional advertising / consultation has been undertaken by the Shire.

## **OFFICER COMMENT/CONCLUSION**

Shire officers are in support of the proposal and commend the CRC/DTT for being proactive in activating the Donnybrook town centre through the proposed art installation.

Whilst there are few details that may need to be worked out to plan for the installation process, it is considered that these matters can be addressed through ongoing collaboration and cooperation between the DTT and the Shire.

Longer term, it is considered that the Shire and the DTT/CRC would both benefit from the development of a Memorandum of Understanding (MoU) to clarify roles and responsibilities with regards to future public artworks including the proposed piece. It is understood that this proposal is the first of a number of public art pieces that the group is proposing for the Donnybrook townsite and a MoU will ensure all issues regarding insurances, liability, responsibility, care and maintenance are appropriately delineated and managed.

In reviewing the application for the community art installation, Shire Officers have determined that the technical elements of the proposal comply with the relevant Planning framework subject to appropriate conditions of approval being imposed.

It is noted that in considering the nature of the artwork itself, this is ultimately a subjective judgement that is unique to each individual. Notwithstanding, officers consider that the DTT has demonstrated strong community input and support in the artwork's design. The process undertaken has brought the community together and has resulted in a piece which is locally relevant and has significant meaning, whilst beautifying a facility in the centre of Donnybrook. It is therefore recommended that Council support the proposed art installation as per the Officers' recommendation.

## **COUNCIL RESOLUTION 135/22**

**Moved: Cr Mills**

**Seconded: Cr Jones**

**That Council:**

- 1. Pursuant to Schedule 2, Part 9, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Application for Development Approval for the installation of artwork on the Donnybrook main street ablutions subject to the following:**

**Conditions:**

- a) The layout and size, design and location of the works permitted must generally accord with the endorsed plan(s) as per Attachments 9.1.1(1) to 9.1.1(5), including any notations, and must not be altered or modified without the further written consent of the Shire;**
- b) The method of fixing artwork to the building is to be approved by the Shire prior to installation and installed to the satisfaction of the Chief Executive Officer.**
- c) The applicant is to liaise with the Shire to ensure suitable safety and operational measures are put in place during the time of installation including (but not limited to) signage, fencing and public notification of potential temporary closure of toilets.**
- d) The Shire and the Community Resource Centre, are to enter into a Memorandum of Understanding within 90 days of this approval, outlining responsibilities with regard to future public artwork installations including but not limited to: governance, insurance, maintenance requirements and other relevant measures.**

**Advice Notes:**

- a) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval will lapse and be of no further effect.**
- b) Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**
- c) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with**



**Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

- 2. Authorises the Chief Executive Officer to liaise with the CRC to prepare and execute a Memorandum of Understanding in accordance with Point 1(d) of this resolution; and**
- 3. Instructs the Chief Executive Officer to advise the Heritage Council of Council's resolution and the determination of the development application.**

**CARRIED 8/0**

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

**Against:** Nil

## **9.2 DIRECTOR CORPORATE AND COMMUNITY**

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### **9.2.1 ACCOUNTS FOR PAYMENT**

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

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### **9.2.2 MONTHLY FINANCIAL REPORT – AUGUST 2022**

The Monthly Financial Report for August 2022 is attached (*attachment 9.2.2(1)*).

#### **EXECUTIVE RECOMMENDATION**

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

#### **COUNCIL RESOLUTION 136/22**

**Moved: Cr Jones**

**Seconded: Cr Mills**

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

**CARRIED 8/0 by En bloc Resolution**

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

**Against:** Nil

### **9.2.3 MONTHLY FINANCIAL REPORT – SEPTEMBER 2022**

The Monthly Financial Report for September 2022 is attached (*attachment 9.2.3(1)*).

#### **EXECUTIVE RECOMMENDATION**

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

#### **COUNCIL RESOLUTION 137/22**

**Moved: Cr Jones**

**Seconded: Cr Mills**

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

**CARRIED 8/0 by En bloc Resolution**

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

**Against:** Nil

### 9.2.4 BUDGET AMENDMENT REQUESTS - BUDGET 2022/2023

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 04/1
<b>Author</b>	Kim Dolzadelli, Director Corporate and Community
<b>Responsible Manager</b>	Kim Dolzadelli, Director Corporate and Community
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Absolute Majority

Recommendation							
<b>That Council approves the following Budget amendments resulting in a projected closing surplus position of \$60,495:</b>							
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0584	FE002	REPLACE PHOTOCOPIERS X 3	CAPITAL	\$19,000	-\$7,492		\$11,508
6022	NA	FURNITURE & EQUIPMENT UNDER THRESHOLD	OPERATING	\$13,520	\$0	\$7,492	\$21,012
				<b>\$32,520</b>	<b>-\$7,492</b>	<b>\$7,492</b>	<b>\$32,520</b>
				<b>Net Impact</b>			<b>\$0</b>
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0272	NA	SALARIES (ADMIN)	OPERATING	\$848,910	-\$36,000		\$812,910
0282	NA	SUPERANNUATION (ADMIN)	OPERATING	\$83,521	-\$5,000		\$78,521
0584	FE001	LIVE STREAMING & IT UPGRADES - COUNCIL CHAMBER	CAPITAL	\$20,000	-\$4,301		\$15,699
0584	FE004	REPLACEMENT OF SERVER AND NETWORK INFRASTRUCTURE	CAPITAL	\$22,000	\$0	\$45,301	\$67,301
				<b>\$974,431</b>	<b>-\$45,301</b>	<b>\$45,301</b>	<b>\$974,431</b>
				<b>Net Impact</b>			<b>\$0</b>
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0384	B326	ARGYLE/IRISHTOWN BFB - BUILDING	CAPITAL	\$1,337,221	-\$1,337,221		\$0
0765	NA	GRANTS (CAPITAL) - VBFB ESL ASSETS	NON-OPERATING GRANT	\$1,146,785	\$1,146,785		\$0
4791	NA	TRANSFER FROM BUILDINGS RESERVE	RESERVE TRANSFER	-\$190,436	\$190,436		\$0
				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
				<b>Net Impact</b>			<b>\$0</b>

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0275	NA	PROCEEDS FROM SALE OF LOTS 3 & 4 BRIDGE STREET, DONNYBROOK	CAPITAL	\$0		\$100,000	\$100,000
NEW	NA	LOAN – VC MITCHELL PARK PRECINCT	LOAN	\$3,000,000	-\$100,000		\$2,900,000
				<b>\$3,000,000</b>	<b>-\$100,000</b>	<b>\$100,000</b>	<b>\$3,000,000</b>
				<b>Net Impact</b>			<b>\$0</b>
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
1031	NA	GRANTS - LGGC LOCAL ROAD GRANT	OPERATING	-\$179,263		-\$504	-\$179,767
0091	NA	GRANTS - LGGC FINANCIAL ASSISTANCE GRANTS	OPERATING	-\$332,660		-\$59,991	-\$392,651
				<b>-\$511,923</b>	<b>\$0</b>	<b>-\$60,495</b>	<b>-\$572,418</b>
				<b>Net Impact</b>			<b>\$60,495</b>
<b>ABSOLUTE MAJORITY VOTE REQUIRED</b>							

## 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	11.1	Deliver effective and efficient operations and service provision

## EXECUTIVE SUMMARY

A number of Budget amendments are recommended to recognise changes required to the 2022/23 Annual Budget.

## BACKGROUND

Council adopted its 2022/23 Annual Budget on 24 August 2022 with a balanced budget position showing a zero surplus.

The following Budget amendments are recommended based upon advice since received, decisions of Council and/or further investigation with respect to capital requirements:

### Amendment 1:

#### Background

The cost to replace three Photocopiers is contained within the current budget; this amendment simply seeks to reallocate funds between Capital and Operating expense accounts as two of the photocopiers do not meet the capitalisation freehold (\$5,000).

#### Financial impact

There is no net financial impact resulting from the following amendment sought.

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0584	FE002	REPLACE PHOTOCOPIERS X 3	CAPITAL	\$19,000	-\$7,492		\$11,508
6022	NA	FURNITURE & EQUIPMENT UNDER THRESHOLD	OPERATING	\$13,520	\$0	\$7,492	\$21,012
				<b>\$32,520</b>	<b>-\$7,492</b>	<b>\$7,492</b>	<b>\$32,520</b>
				<b>Net Impact</b>			<b>\$0</b>

#### Proposed Outcome

Reclassification of Budgeted funds.

### Amendment 2:

#### Background

A comprehensive review has been undertaken with respect to key information technology improvements. Through this review, it has become clear that additional funds are required for the full infrastructure requirements to be met. Due to there being projected surplus funds in the salaries budget as a result of several positions being vacant, it is proposed to transfer funds from the salaries budget to meet these costs.

### Financial Impact

There is no net financial impact resulting from the following amendments sought.

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0272	NA	SALARIES (ADMIN)	OPERATING	\$848,910	-\$36,000		\$812,910
0282	NA	SUPERANNUATION (ADMIN)	OPEERATING	\$83,521	-\$5,000		\$78,521
0584	FE001	LIVE STREAMING & IT UPGRADES - COUNCIL CHAMBER	CAPITAL	\$20,000	-\$4,301		\$15,699
0584	FE004	REPLACEMENT OF SERVER AND NETWORK INFRASTRUCTURE	CAPITAL	\$22,000	\$0	\$45,301	\$67,301
				<b>\$974,431</b>	<b>-\$45,301</b>	<b>\$45,301</b>	<b>\$974,431</b>
				<b>Net Impact</b>			<b>\$0</b>

### Proposed Outcome

Proposed improvements will increase work output, security, and the level of disaster recovery. It will also replace infrastructure which is considered to be end of life.

### **Amendment 3:**

#### Background

The current Budget contains the following expenditure, income, and transfer of funds from reserve to undertake the planned Argyle/Irishtown Bush Fire Brigade building.

Since Budget adoption, the Department of Fire and Emergency has formally advised that the Shire's grant application was unsuccessful, in fact, no grant applications for new building were approved for the 2022/2023 year within the state.

### Financial Impact

There is no net financial impact resulting from the following amendments sought.

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0384	B326	ARGYLE/IRISHTOWN BFB - BUILDING	CAPITAL	\$1,337,221	-\$1,337,221		\$0
0765	NA	GRANTS (CAPITAL) - VBFB ESL ASSETS	NON-OPERATING GRANT	-\$1,146,785	\$1,146,785		\$0
4791	NA	TRANSFER FROM BUILDINGS RESERVE	RESERVE TRANSFER	-\$190,436	\$190,436		\$0
				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
				<b>Net Impact</b>			<b>\$0</b>

## Proposed Outcome

Amendments sought will remove all associated items of expenditure and funding sources for the project for the 2022/2023 financial year.

### **Amendment 4:**

#### Background

At the Ordinary Council meeting held 28 September 2022 the following resolution of Council was made:

#### **"COUNCIL RESOLUTION 131/22**

*Moved Cr Smith*

*Seconded Cr Jones*

*That Council:*

- 1. Accepts the Water Corporation's offer to purchase Lots 3 and 4 Bridge Street, Donnybrook for a combined total of \$100,000.*
- 2. Authorises the Chief Executive Officer to undertake all actions to enact the sale of the properties in accordance with Point 1, subject to the sale price being not less than \$100,000.*
- 3. Allocates all proceeds from the sale of Lots 3 and 4 Bridge Street to the VC Mitchell Park Project, and reduce the budgeted loan by the corresponding value.*
- 4. Requests the Chief Executive Officer to prepare a budget amendment report for Council to recognize the proceeds of the sale and the corresponding reduction of the loan amount associated with the VC Mitchell Park Project.*
- 5. Acknowledges receipt of the letter from residents of Kelly Street opposing the sale to Water Corporation because of the proposed development.*
- 6. Acknowledges reticulated sewer is a requirement for current and future urban land development.*
- 7. Acknowledges Water Corporation have considered various locations in this process.*
- 8. Instruct the Chief Executive Officer to request Water Corporation to consider reducing visual, noise and other impacts to neighbouring and nearby residents.*

**CARRIED 6/0**

**Financial Impact**

There is no net financial impact resulting from the following amendments sought.

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0275	NA	PROCEEDS FROM SALE OF LOT 3 & 4 BRIDGE STREET, DONNYBROOK	CAPITAL	\$0		\$100,000	\$100,000
New	NA	LOAN – VC MITCHELL PARK PRECINCT	LOAN	\$3,000,000	-\$100,000		\$2,900,000
				<b>\$3,000,000</b>	<b>-\$100,000</b>	<b>\$100,000</b>	<b>\$3,000,000</b>
<b>Net Impact</b>							<b>\$0</b>

**Proposed Outcome**

The proposed amendment gives effect to the financial implications of Council Resolution 131/22.

**Amendment 5:**

**Background**

As previously advised the Shire received a pre-payment of Financial Assistance Grants in 2021/22 for the 2022/2023 financial year.

No advice had been received as to the balance of Grant funding that would be forthcoming in the 2022/2023 year at the time of budget adoption. The Shire has since received formal advice of the remaining Grant allocation. It is apparent that the most recent Census has resulted in a positive outcome for the Shire with the increases shown below.

**Financial Impact**

There is a positive Budget impact of \$60,495 with respect to increased funding via the grants.

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
1031	NA	GRANTS - LGGC LOCAL ROAD GRANT	OPERATING	-\$179,263		-\$504	-\$179,767
0091	NA	GRANTS - LGGC FINANCIAL ASSISTANCE GRANTS	OPERATING	-\$332,660		-\$59,991	-\$392,651
				<b>-\$511,923</b>	<b>\$0</b>	<b>-\$60,495</b>	<b>-\$572,418</b>
<b>Net Impact</b>							<b>\$60,495</b>

**Proposed Outcome**

The proposed amendment recognises the advice received.



## FINANCIAL IMPLICATIONS

Council adopted its 2022/23 Annual Budget on 24 August 2022 with a balanced budget position showing a zero surplus. Should Council adopt the recommend amendments it would see the projected Closing Surplus position increase to \$60,495.

It is recommended to retain this amount given the fact that it is still the first quarter of the Budget year.

## POLICY COMPLIANCE

Not applicable.

## STATUTORY COMPLIANCE

Section 6.8 of the *Local Government Act* 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

Not Applicable

## OFFICER CONCLUSION

It is recommended that Council supports the proposed amendments as outlined in the Executive Recommendation.

## COUNCIL RESOLUTION 138/22

Moved: Cr Atherton

Seconded: Cr Smith

Recommendation							
<b>That Council approves the following Budget amendments resulting in a projected closing surplus position of \$60,495:</b>							
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0584	FE002	REPLACE PHOTOCOPIERS X 3	CAPITAL	\$19,000	-\$7,492		\$11,508
6022	NA	FURNITURE & EQUIPMENT UNDER THRESHOLD	OPERATING	\$13,520	\$0	\$7,492	\$21,012
				<b>\$32,520</b>	<b>-\$7,492</b>	<b>\$7,492</b>	<b>\$32,520</b>
				<b>Net Impact</b>			<b>\$0</b>

COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0272	NA	SALARIES (ADMIN)	OPERATING	\$848,910	-\$36,000		\$812,910
0282	NA	SUPERANNUATION (ADMIN)	OPERATING	\$83,521	-\$5,000		\$78,521
0584	FE001	LIVE STREAMING & IT UPGRADES - COUNCIL CHAMBER	CAPITAL	\$20,000	-\$4,301		\$15,699
0584	FE004	REPLACEMENT OF SERVER AND NETWORK INFRASTRUCTURE	CAPITAL	\$22,000	\$0	\$45,301	\$67,301
				<b>\$974,431</b>	<b>-\$45,301</b>	<b>\$45,301</b>	<b>\$974,431</b>
				<b>Net Impact</b>			<b>\$0</b>
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0384	B326	ARGYLE/IRISHTOWN BFB - BUILDING	CAPITAL	\$1,337,221	-\$1,337,221		\$0
0765	NA	GRANTS (CAPITAL) - VBFB ESL ASSETS	NON-OPERATING GRANT	-\$1,146,785	\$1,146,785		\$0
4791	NA	TRANSFER FROM BUILDINGS RESERVE	RESERVE TRANSFER	-\$190,436	\$190,436		\$0
				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
				<b>Net Impact</b>			<b>\$0</b>
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
0275	NA	PROCEEDS FROM SALE OF LOTS 3 & 4 BRIDGE STREET, DONNYBROOK	CAPITAL	\$0		\$100,000	\$100,000
NEW	NA	LOAN – VC MITCHELL PARK PRECINCT	LOAN	\$3,000,000	-\$100,000		\$2,900,000
				<b>\$3,000,000</b>	<b>-\$100,000</b>	<b>\$100,000</b>	<b>\$3,000,000</b>
				<b>Net Impact</b>			<b>\$0</b>
COA	Job	Description	Account Type	Current Budget	Decrease	Increase	Amended Budget
1031	NA	GRANTS - LGGC LOCAL ROAD GRANT	OPERATING	-\$179,263		-\$504	-\$179,767
0091	NA	GRANTS - LGGC FINANCIAL ASSISTANCE GRANTS	OPERATING	-\$332,660		-\$59,991	-\$392,651
				<b>-\$511,923</b>	<b>\$0</b>	<b>-\$60,495</b>	<b>-\$572,418</b>
				<b>Net Impact</b>			<b>\$60,495</b>

**CARRIED 8/0**

**ABSOLUTE MAJORITY ACHIEVED**

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

**Against:** Nil

**9.3 CHIEF EXECUTIVE OFFICER**

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Nil.

**10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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Nil.

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

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**12 MEETINGS CLOSED TO THE PUBLIC**

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**12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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**12.1.1 RFQ 293 – CONFIDENTIAL - SUPPLY OF BITUMINOUS PRODUCTS 2022-23**

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

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

**12.1.2 CONFIDENTIAL – VC MITCHELL PARK PROJECT PROCUREMENT**

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

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

**RECOMMENDATION**

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

**12.1.1 RFQ 293 – CONFIDENTIAL - SUPPLY OF BITUMINOUS PRODUCTS 2022-23**

**12.1.2 CONFIDENTIAL – VC MITCHELL PARK PROJECT PROCUREMENT**

## **COUNCIL RESOLUTION 139/22**

**Moved: Cr Atherton**

**Seconded: Cr Newman**

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

**12.1.1 RFQ 293 – CONFIDENTIAL - SUPPLY OF BITUMINOUS PRODUCTS 2022-23**

**12.1.2 CONFIDENTIAL – VC MITCHELL PARK PROJECT PROCUREMENT**

**CARRIED 7/1**

**For:** Cr Wringe, Cr Atherton, Cr Gubler, Cr Jones, Cr Mills, Cr Newman and Cr Smith

**Against:** Cr Glover

**The meeting was closed to the public at 6:08pm**

## **COUNCIL RESOLUTION 143/22**

**Moved: Cr Atherton**

**Seconded: Cr Newman**

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

**CARRIED 8/0**

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

**Against:** Nil

**The meeting was re-opened to the public at 6:16pm.**

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

## **COUNCIL RESOLUTION 141/22**

**That Council:**

- 1. Award the contract for RFQ 293 – Supply of Bituminous Products 2022-23 to Fulton Hogan Industries Pty Ltd in accordance with their submitted offer.**
- 2. Release this resolution in the Minutes.**

## **COUNCIL RESOLUTION 142/22**

### **That Council:**

- 1. Receive the procurement update within this report to Council;**
- 2. Acknowledge that a Councillor workshop on the proposed contract documentation will be held in late October / early November 2022;**
- 3. Acknowledge that contract documentation will be presented for Council consideration at an Ordinary or Special Meeting of Council in November 2022.**
- 4. Release this resolution in the Minutes.**

## **13 CLOSURE**

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The Shire President advised that the next Ordinary Council Meeting will be held on 23 November 2022 commencing at 5.00pm in the Balingup Hall.

The Shire President declared the meeting closed at 6:19 pm.

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



Cr Leanne Wringe  
**SHIRE PRESIDENT**