



**MINUTES
ANNUAL GENERAL MEETING OF ELECTORS**

Held on

Tuesday 7 March 2023

Commencing at 6.00pm

RSL Memorial Hall (Town Hall), Donnybrook

Pursuant to Section 5.27 of the *Local Government Act 1995*, a General Meeting of Electors is to be held within a local government district once every financial year.

**Ben Rose
Chief Executive Officer**

14 March 2023

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SHIRE OF DONNYBROOK BALINGUP
MINUTES
ANNUAL GENERAL MEETING OF ELECTORS

Held at RSL Memorial Hall, Donnybrook
Tuesday 07 March 2023 at 6.00pm

1 DECLARATION OF OPENING

Commissioner – Acknowledgment of Country

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

The Commissioner declared the meeting open at 6:00pm and welcomed the public gallery.

The Commissioner advised that the meeting is being audio recorded but not live streamed in accordance with Council Policy EM/CP-2 due to lack of live streaming facilities at the RSL Memorial Hall (Town Hall). The Commissioner further stated the following:

“This meeting is being audio recorded, but cannot be livestreamed, 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.”

2 ATTENDANCE

MEMBERS PRESENT

MEMBERS	STAFF
Gail McGowan - Commissioner	Ben Rose – Chief Executive Officer
	Kim Dolzadelli – Director Corporate and Community
	Kira Strange – Acting Director Operations
	Archana Arun – Admin. Officer Executive Services
	Ross Marshall – Principal Project Manager

PUBLIC GALLERY

97 attendees, excluding staff and Commissioner.

2.1 APOLOGIES

Nil.

3 2021/22 ANNUAL REPORT

3.1 SHIRE OF DONNYBROOK BALINGUP ANNUAL REPORT 2021/22

Presentation of the audited Annual Financial Statements for 2021/22. Presentation available via Shire website.

4 GENERAL BUSINESS

4.1 QUESTIONS FROM ELECTORS

Question: Mike King

What is the interest rate to be paid on the LG Loan of \$2.9m for 20 years. Am I correct in believing this will be a fixed rate loan amounting to approximately 2.35% of Annual Shire expenditure in many of those years?

Commissioner Response

I think I'll mention from my point of view, my understanding is that it is actually a principal and interest loan, but the interest component will be fixed and is calculated.

Director Corporate and Community Response

We've certainly kept our eye on the climbing interest rates. So, we've had an indicative quote for \$2.9 million based on a 20-year loan. It's based on two repayments per year and the indicative rate we've been given by the WA Treasury Corporation in February was 4.6499% (or 4.65%). There is also what's called a Government Guarantee Fee at 0.7%. So, if for any reason you can't pay the loan back, they are covered.

Project Rate Increase LTFP	8.00%	6.50%	6.00%	6.00%	5.50%	5.00%	4.00%	3.00%	3.00%	3.00%
	1	2	3	4	5	6	7	8	9	10
	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32
Rates	6,599,410	7,028,372	7,450,073	7,897,077	8,331,417	8,747,987	9,185,386	9,644,655	10,126,888	10,430,695
Loan Repayment PI and GGF	123,351	244830.83	244095.61	243386.15	242642.42	241906.97	241042.65	240187.59	239292.31	238398.21
% of Rates	1.87%	3.48%	3.28%	3.08%	2.91%	2.77%	2.62%	2.49%	2.36%	2.29%
Impact in Year on Rate Increases	1.87%	1.61%	0	0	0	0	0	0	0	0
Additional General Financial Assistance Grant funding - indexed at 2%	60,000	61,200	62,424	63,672	64,946	66,245	67,570	68,921	70,300	71,706
% of Rates	0.91%	0.87%	0.84%	0.81%	0.78%	0.76%	0.74%	0.71%	0.69%	0.69%
Net Impact on Ratepayer	0.96%	2.61%	2.44%	2.28%	2.13%	2.01%	1.89%	1.78%	1.67%	1.60%
Impact in Year on Rate Increases	0.96%	1.65%	0	0	0	0	0	0	0	0

That first year of \$123,000 is based upon one repayment. We weren't going to go out on 1 July and borrow the money. In real terms, what does that mean? In the 22/23 budget part of that increase was 1.87% of the 8% - to raise the funds to pay that first payment. Because that's already done in year 1, in year 2 the actual impact on a rate increase is 1.61%. Every other year the increase has already happened. So, we don't keep increasing it every year. In actual fact, when you look at it as a percentage of the total rates that are levied the actual percentage actually decreases in terms of the overall percentage of rates. So, at year 10, rather than being for a full year 3.48% of rates it is actually the equivalent of 2.29% of rates. One goes up and the other doesn't, so it's fixed interest for 20 years.

Question: Mike King Response

The amount of rates to be collected by the Shire in those ten years increases from \$7 mil to \$10.4 million, which is a 50% increase in 10 years roughly. But your long term financial plan of several years ago indicated that the actual increase in rates was going to be 50% in five years. So, you're telling us that this is a new long term financial plan or are these figures not exactly according to the long term financial plan. And the other sleight of hand there is that you're claiming a decrease in the amount to be repaid, which is really covered by the increase in rates of 50%.

Director Corporate and Community Response

In relation to question one, the most recent Long Term Financial Plan was adopted in July 2022 and I have copied and pasted all of these numbers from that Plan. So, what I'm trying to say is that over time we've got a fixed loan repayment and a revenue increase. That's not normal. Normally when you've got employees as an example you're going to start paying more. Whether you decide to or whether an Industrial Relations Award just says that you have to, or the Federal Government say you're no longer paying 10.5% superannuation contribution you will now pay 12%. So, the beauty about a fixed term loan through WA Treasury Corporation is the fact that it is as it says. The reality is that in year two it's 3.48% of rates. That's what the equivalent increase is and 3.48% of rates in that year will accommodate the repayments each year for the term of the loan. So, the real question may be, after 20 years, is are you going to reduce rates by 3.48%?

Commissioner Response

The other aspect that's worth clarifying is my understanding is that those numbers there don't mean that the rates are going to go up by that percentage each year for the next 10 years. So, could you just explain that?

Director Corporate and Community Response

It's a Long Term Financial Plan and plans change, there's no doubt about that. For any of you who have read the Council Agendas or Minutes, we're going through a service level hierarchy process for our buildings that the Shire owns or has control over (127). Frankly, it's not sustainable. We have got fourteen halls. So, we're looking at ways to actually make sure that into the future we are sustainable. Where for every building we're going to put it into a hierarchy of 1, which is absolute priority must have, must keep, very important to the community but actually it's only used every two years and it's run down, it's actually dangerous. Do we maintain it, or should we demolish it? That's no easy feat. We can talk asset management but at the end of the day these buildings have been part of this community for decades. An item went recently to Council and it actually asked for the deferment of consideration of the actual service level hierarchy essentially because we want nine community Councillors on Council who the Administration could workshop that with and, then go out talk to the community in general and talk to key users of these facilities. So, we're not just going to go, we'll sit in the office and push

that down. I don't think I'd last too long if I tried that and at the end of the day, it's not a reasonable thing to do. We're here to serve you.

Question: Shane Sercombe

In regard to the loan from WA Treasury Corporation, several Freedom of Information requests spanning the last two years to WA Treasury Corporation has revealed a total of five unsuccessful loan applications for \$2.5 million, the most recent being December 2022. The Shire has since applied again one month ago, this time for \$2.9 million. The time passed since then suggests this application was also unsuccessful. The Shire's next audited financials won't be available until late next year, which we will require before applying again. Why have we entered into a contract to design a \$9.5 million project without having secured any funding neither the loan nor the remaining 6 million?

Commissioner Response

The sequence of supposed applications and things is messy and I'll ask Mr. Dolzadelli to work through that. I am not sure that it was five applications and certainly this current one, there wasn't one in December. Again, from what I've been able to ascertain, the initial inquiry to and this is in also confirming this, we're speaking with officers of the Treasury Corporation, the first application, as it were, was actually an inquiry about getting the loan and they treated it as a loan application. There was another one that was actually put in, but because it hadn't been reflected in the budget it couldn't be progressed. Then there was another one that somewhere along in the decision making processes of the former Council, there was a requirement that the application for loan had to be presented to the Council before it was approved by Treasury Corporation and that step was missed. So, what I've been told by Treasury Corporation is there's been nothing refused as such, but there have been a couple of applications which lapsed because they weren't within the time period. And when I asked the direct question is this something I should be worried about? They said no. It's much more a sign of inexperience, of seeking those loans from a Council. But I'll ask Mr. Dolzadelli to just go through those steps.

Director Corporate and Community Response

There was an item that went to Council because there was a key performance indicator that required the CEO to bring a draft application of the loan to Council. We did a draft application, in actual fact, an officer from WA Treasury Corporation actually completed the application. And then I got an e-mail saying it's been approved. I mentioned we want indicative quotes. We hadn't even signed the application. It did lapse because an approval for a loan only holds for three months. There are good reasons for that. When circumstances could change and the ability of the local government or government entity might not be the same as it was 12 months ago. I fully believe that this loan will be approved by WA Treasury Corporation.

Question: Jill Duncan

What is the current debt level for the Shire of Donnybrook Balingup? I would like to know just how much money do we owe and where is that coming from and is it coming through our rates?

Director Corporate and Community Response

At the end of the financial year, 30 June 2022, the current borrowing liability was \$65,983 and the longer term borrowing (greater than a year) was \$273,004, which is a total of \$338,987. That was the total capital loan borrowing debt for the Shire at that point in time.

Question: Shane Sercombe

Can you provide any comment as to why the two loan applications in December just gone, neither application met the required net debt service cover coverage ratio?

Director Corporate and Community Response

I don't have them in front of me, but what you have probably seen is the raw data in the application. WA Treasury Corporation actually analysed the data there. They make adjustments for things like pre-paid Financial Assistance Grants. You know, if they didn't do adjustments and they looked at our books this year or the year ended 30 June 2022 we've got \$1.571 million cash. And in actual fact, that's not for the year, that's to be used in the new year and conversely, you'll also have adjustments from the prior year. Quite some time ago, the Federal Government (in its wisdom, this is my take on it) with the Financial Assistance Grants had a poor budget year. It was already just horrible, so they decided that, given that it's no good at the moment, we might as well prepay some money because then next year, it'll look better. And since the day they did that, pretty much they've done it every year. So, we'll budget \$600,000 and next minute we get a massive pre-payment. You know it's like last year with the Financial Assistance Grants, we get an extra \$1.571M, they reassess the raw data provided.

Commissioner Response

Can you just confirm, because to my knowledge, post the November 2022 Council meeting which authorised the loan application as well as the Perkins contract, there has only been one formal application to WA Treasury and that's for an amount for \$2.9 million and that is the one that's included in the package that's been released?

Director Corporate and Community Response

That is correct. I think there might be some confusion here. We have asked for indicative quotes. The reason we asked for an indicative quote is because we want to know what's the current interest rate. How are these RBA increases impacting on the lending rate from WA Treasury Corporation? So, it's not always the case that WA Treasury Corporation are just going to put them up by .25% because RBA did, and particularly with the 20 year loan. So, there's not a direct correlation and I've certainly asked for indicative quotes but we've not submitted another formal actual application *per se*.

Commissioner Response

And the other part that's probably pertinent there is that in the last 12 months or so West Australian Treasury Corporation has substantially revised their requirements (and I suppose policies) in relation to loans to local governments. So, the old sort of ratios that everyone is familiar with - the borrowing ratios are now one measure, but they're among a number of other measures, so that's changed as well.

Question: Mike King

When this project was first brought to us and we started to consider, we started to hear of the \$3 million loan. One of the advantages of getting the loan was that we're in a low interest environment and the loan interest would cost us almost nothing. Again, looking at the figures, the loan is now going to cost us over 20 years about \$1.48M plus the Government Guarantee. Is this the cost that ratepayers are going to have to bear for the delays because this project wasn't really shovel ready it? When we got the money, we weren't able to spend it straight away because we really didn't know what we were going to build and quite honestly, we really don't know what we're going to build now.

Commissioner Response

I think it is a very real consequence of those delays which you know for a multitude of reasons I've seen. Various reasons fly around, but the reality is, it was only at a MasterPlan stage at that stage. It had to be worked through. I've likened it to when the original money was offered and the Council at that stage made the commitment to provide \$3 million - people were,

expecting to get what I call the whole dining room suite. Obviously with cost escalations and delays that has come had to be scaled back. Do I think that there is still substantial benefit in proceeding on what I've seen to date? Yes, but that's also why I've actually asked for having to have some independent scrutiny come in before we commit to that next stage. Will that mean that we still spend a fair bit of money before that time? In my estimation, by the time you go through those hold points or gateways with Perkins, before you actually enter into the construction phase. The way the contract is designed as you have those three hold points or gateways and then there is a fixed construction cost but again, with some room for negotiation in there because that there are no rise and fall provisions as I understand at this stage. But we've been doing the current negotiations with Perkins, so perhaps we can sort of just give a bit of an overview of where we're at and some of the things that you've been working through.

Principal Project Manager Response

It's been a bit of an interesting journey starting at the Shire of Donnybrook Balingup and coming into this project. But what I've enjoyed is certainly the stakeholders I've met with, and I've talked to the project about and gone through drawings and operational ideas. We seem to be on the right track. We've made a few adjustments to the design and what I've done is I've fed that back through to the contractor, being Perkins. They've taken on board all our comments. We've also taken the design to Council (Commissioner) and we've also added a bit more community into the design as well, so it is more of a multi-purpose facility. So, we've got a contract with Perkins and we've got a program, the first part or first milestone in this hold point 1, which they've delivered - and you'll see that in the documents that is the schematic design. There are a couple little things I've just got to tidy up and then we'll submit a report to Council for approval probably next week. I'm hoping to get the finalised documents the end of this week. That basically then puts it in a position where we have to approve hold point 1 and approve to go to hold point 2 and that's the next commitment that we'll be up to.

Commissioner Response

The actual schematic design wasn't released this morning, but I expect it to be released within the next couple of days and that's because as of yesterday, I think we were still negotiating with Perkins on some of the changes. So rather than try and get that added on the Monday public holiday we decided we'd make that available later.

Question: Kevin Johns

Ratepayers are going to have to bear the actual cost of actually paying for the \$2 million or the \$1.8 million or what it was going to cost us over 20 years. I mean, I look around this room and I don't think there's a demographic here that can support that sort of increase in our rates. I can't support that or any sort of increase in my rates and we're not talking about 2% we're talking about 5% every year because I know my rates have gone up, I know everyone else's rates have gone up. So, I don't think we got an answer to the question.

Commissioner Response

There won't be an answer that's going to suit everybody. I, again, am watching closely the impact on rates. You also have to factor in the cost currently to maintain a whole series of buildings that aren't fit for purpose. The rates as explained, are not set to go up every year. There's two years, I think, where the rate impact is most noticeable, but then there will have to be other ways, and this is the absolute challenge facing the community. There will have to be other ways how you fund those future stages of the project. They would have existed regardless of whether you had the grant but I'm also conscious that there are other facilities that are needed across the community and that includes having met with the artisans, the museum project, the Historical Society, etcetera. The community is more than just about sports,

so that will be a factor that gets taken into account, but on balance, I still think it's a good project.

Question: Norm Pendergrast

I live on Steere St. My wife and I purchased our property about nine years ago in full knowledge that the football club was there. We're just across Emerald Street from that facility. What we did not buy into was having a function centre surrounded on three sides by residences raise it up to two stories and we are going to get blasted out. I do not accept that.

Commissioner Response

I think that's a consideration as well in that sense. I think there's one thing that probably needs to be factored in, the median age is around, I think in, in the census is around 50 and going upwards at this point in time. That's going to put enormous pressure on this community and I think you are going to have to look at ways that you attract new and younger residents in the future. I see that you do have some opportunities. I think one of the issues is people will be attracted to vibrant communities and I think you should be incredibly proud of what you've got here to date. We've got steps to go through before we sign off on the final project, but I still think you're actually a fair way down the track and it has, it has to be a consideration.

If you think about the Greenbushes mine, if you think about the revitalization, all those industries obviously changing and closing down in Collie, if you think about the activity in mineral sands in the Capel area, if you think about proximity to Bunbury, Donnybrook, etc., you're incredibly well positioned as a bit of a central hub to attract people. I think that provides an opportunity that as a community, you'll probably need to think about into the future. These sorts of facilities, the amount of opposition often to them is quite strong because people are rightfully worried about what it's going to mean. And I think they're fair comments around the impact on livability of when you've brought into an area. But I think, appropriately managed, they can actually provide an asset to the community and be really attractive for people, but they have to be appropriately managed and has to be appropriately funded and thought through.

Question: Angelo Logiudice

I actually put in a proposal around 20 September last year and it was only a proposal in regards to acquiring some land at 605 Collins Street. To this date, I haven't received a response. Only one response in regard to paying for a valuation. So, I'm just wondering, have you done any background work on it in regard to where we might land?

Commissioner Response

The extent of that work is a number of conversations with you and some e-mail conversations with Mr. Fry and one of the things I have said to the staff and others is that I think it's very unfortunate that that proposal didn't at least get presented to Council for them to know it was on the table. In that sense, there were meetings, so that did happen. The in terms of, have I done anything further? No, because Mr. Fry communicated directly to me to say the offer was off the table, but however, I have talked to the leadership team in terms of saying there have to be better ways to accommodate philanthropic and other donations this community basically has been built off the voluntary efforts - some people managed to do that in a monetary sense others do it in just helping out in lots of ways. All of them are valuable contributions and I think there has to be a better way in looking at the assets as to how you utilise or how, how you actually encourage those philanthropic donations because that's another way of getting things to happen. But as I say, it's been made quite clear that there is there is no proposal at the moment, but I have met with the Historical Society as well and the artisans group, who are

actually very conscious of the fact they don't have fit for purpose premises. So, if an opportunity comes up, I think it needs to be looked at.

Question: Angelo Logiudice

So if I can get that money back on the table at some point it will be revisited. Is that what you're saying?

Commissioner Response

I think it should be revisited if the money is back on the table at any point in time. I don't have a view on where the most suitable location is. Again, I haven't pursued it with vigor because I was categorically told it wasn't on the table, but I am happy to look at it.

Question: Shane Sercombe

Speaking on the 21/22 financial year, what was the rate increase last year?

Director Corporate and Community Response

8.6%.

Question: Shane Sercombe

That in real terms was a \$1,000,000 increase in rate revenue or a 20% increase in rate revenue as stated in the financials? 2021 was \$5,097,000 and 2022 rate income was \$6,122,000.

Director Corporate and Community Response

Part of that variance was the fact that you had the waste levy which was worth about \$500,000 and the waste levy was discontinued and that revenue then raised through rates. So, whilst there was a marked increase in rates, there was a marked decrease in the waste service levy. So, if you look at it, at face value, it looks like a huge jump, but in actual fact, what we've done is we've taken away the waste levy, which used to generate about \$500,000. That revenue is being added to a general rate. And at the end of the day, obviously there are impacts on the variance between those two years.

Question: Shane Sercombe

The acquisition of the clay soil (\$1.65m) from Main Roads WA is listed as operating income in our financials and I asked a question on the operating income at the special meeting in January about the increase in operating income and the \$1.6 million clay soil donation wasn't mentioned. I'm concerned that by classifying the clay soil asset as operating income, it could leave lead the WA Treasury Corporation, Commissioner and community into believing the Shire of Donnybrook Balingup's annual operating income is \$1.6 million higher than actual. Without the acquisition of the \$1.6 million of clay soil, the Shire would have made a net operating loss of \$700,000 for the 21/22 financial year, ruling out any possibility of meeting the Treasury Corporation lending requirements. Can you just provide a comment on that? And is the \$1.65 million listed in the audited financials in the notes anywhere and could I just have this on record as well please?

Director Corporate and Community Response

Yes, it will be on record because it's being recorded and yes, it's been disclosed. Why is it operating income? The presentation that I gave earlier tonight, when I talked about the normal operating statement and we end up with \$15.095 million and how that's great on the left-hand side, but on the right-hand side the write-back of the \$1.65 million. If you pick up a Rate Setting Statement, you'll see the write-back of the \$1.65 million also because it's not cash. So, WATC will make no mistake in terms of the application, they are not being misled whatsoever.

Adjusted Operating Results – Available Cash from Operations attributable to 2021/22 Actual Result

Revenue	2022
	\$
Fees	6,122,936
Operating grants, subsidies and contributions	5,333,289
Fees and charges	1,793,780
Interest earnings	80,288
Other revenue	16,835
Non-operating grants, subsidies and contributions	4,892,961
Profit on asset disposals	130,482
	18,327,521
Expenses	
	2022
	\$
Employee costs	(5,701,415)
Materials and contracts	(3,096,481)
Utility charges	(402,382)
Depreciation on non-current assets	(5,711,771)
Amortisation	(530,249)
Interest expenses	(11,684)
Insurance expenses	(377,200)
Other expenditure	(235,670)
(Loss) on asset disposals	(1,407,197)
	(17,413,659)
Net result for the period	913,862
Other comprehensive income	
Changes in asset revaluation surplus	14,181,440
Total other comprehensive income for the period	14,181,440
Total comprehensive income for the period	15,095,302

Adjustments:	
Non Cash Items	
Profit on asset disposals	(130,482)
(Loss) on asset disposals	1,407,197
Depreciation on non-current assets	5,711,771
Amortisation	530,249
	7,518,735
Income for Capital Works	
Non-operating grants, subsidies and contributions	(4,892,961)
Other comprehensive income	
Changes in asset revaluation surplus	(14,181,440)
Net Cash from Operations	3,539,636
Less Prepayment of Financial Assistance Grants attributable to 2022/2023	(1,571,428)
Available cash from Operations for use in Capital Works or Transfers to Reserve	1,968,208

Question: Shane Sercombe

So, is the community and Commissioner completely aware that without that donation of clay, our financials for the year would have been a \$700,000 loss?

Director Corporate and Community Response

There are losses and there are losses. If you look at my presentation it clearly actually shows that from operations there is a cash surplus of \$1.968 million.

Commissioner Response

That has actually been through the Auditor General. I am aware of what that situation is. It's also been through the Audit and Risk Committee.

Question: Simon McInnes

My first comment is on what you said about attracting people to the Donnybrook Shire. The local planning scheme now should have been reviewed 10 years ago. There's no land in the Shire and there are no houses in the Shire for sale, or very few. Where are these people going to go to use this football club?

Commissioner Response

This is one of the opportunities I think you've got to look at is some of that land that is around what I would call the lazy land, or opportunities. People keep talking about the land by the Shire, people talk about other land. It is an issue and you've raised some issues around subdivision, etcetera as well. I think it's not just Donnybrook, it's across the board. The planning scheme and the planning strategy review give an opportunity to look at zoning and those sorts of things for those areas. They're not quick processes though.

Acting Director Operations Response

We acknowledge that we are working with quite an old (town planning) scheme. By way of an update, we are anticipating that the (town planning) strategy will go to the March Council meeting. We're just waiting on some final mapping to be produced by the Department (of Planning, Lands and Heritage). I've been told that we will have that by the end of this week. So, if that is all correct, the Strategy will be going to the Commissioner for the March meeting. The process to follow is that we have to send that up to the (WA Planning) Commission to be certified. They may or may not instruct us to make changes prior to us advertising that document. So, the document we put forward to the Commissioner may not necessarily be the draft that's advertised, but there's still an advertising process to comment. As far as the Scheme goes, we're expecting that that will follow on by the middle of this year, so that is well underway in terms of where that's at in the drafting process and the policies and Scheme, ideally, will be put forward together or a staggered approach depending on how many policies we end up developing. In answer to your question about where are they (houses) all going to go, the Strategy does include population projections - our current population, based on the 2021 census, and population projections based on the WA Tomorrow forecasting modelling, as well as some modelling provided by the Department (of Planning, Lands and Heritage) - to estimate our projected population for the 10 to 15 year period of that Strategy, which we then translate into the number of dwellings anticipated to accommodate the number of the population projection, and then we have to go through and basically do an audit of our existing land to find out how much land exactly is needed to accommodate that population projection. So, the Strategy has identified more than enough land, on paper, to accommodate people. There are obviously lots of constraints and things associated with that, but I'm confident that the Strategy has identified more than enough land to accommodate those population projections.

Question: Mark Hardisty

We've been a resident of this Shire since September 1977. We applied for and got approval for a restaurant, 2 rooms in July of 1992, catering on our property for the last 30 years at the Berry Delightful. This particular administration was contacted in June 2022, requesting mediation regarding the stance that the administration had taken. We were told that we would get back to us after taking legal advice rather than subjecting his administration to the considerations of the State Administrative Tribunal, he chose to issue with us with criminal charges. I asked if this Donnybrook Balingup Shire is prepared to cover the cost of this administration's legal costs when they're sued for misfeasance?

Commissioner Response

In terms of any consideration of any legal cost for any action taken, that would be a matter for the courts to determine and then a matter for Council policy. So, I think given that it is a matter under consideration at the moment, best I don't give any more comment on that one.

Question: Fred Mills

Over the last three or four years there's been a number of rumours that go around our community in regarding to the delays for the VC Mitchell Park project. I'm just wondering whether at this stage, if you have been able to get a handle on the facts and the reasons for the delays that have cost us a lot of money?

Commissioner Response

I wouldn't say I've got a full handle on it. I think there have certainly been a lot of questions posed and debate which are quite legitimate. I think that it is unfair to then label people who ask questions as being a reason for the delay. But having said that it's not helpful sometimes when everything is continually picked apart. So, one of the reasons I've actually asked to get

someone in to do some of the documentation, is to try and reset some of those relationships and figure out if there is a way forward rather than just continually trying to unpick and play a blame game. It is complicated, there is not a single reason or a single set of reasons. I think there's a myriad of reasons.

Question: Murray Wells

There have been many comments on social media and around the town about the lack of transparency and the lack of communication from the Shire. Do you have the authority or the will, if you do have the authority, to put something in place that requires better transparency?

Commissioner Response

As to whether I have the authority, I have the authority of the role of Shire President and of all the Council, so yes, to that extent there are certain things I can expect and require. I'm doing my very best to try and model what I believe good behaviors are. Equally, looking quite closely at some of the current reforms proposed to the Local Government Act that are due to come into effect in October. They've just been introduced into the Parliament. I've posed the question to the CEO and the staff as to why we can't model some of those first-up because I think it is a real issue. One of the comments that I have made before is, it's a hard issue in the sense that it's a two-way street sometimes. I agree with you on the use of social media, there has been some really nasty stuff said and done, and it has no place in my view. Equally, there has been a lack of respect shown to people who have genuinely sought to find information and asked legitimate questions. Some of the stuff that I have seen both in e-mail trails that have been provided with, and various exchanges, does no one any credit. In conversations with some of the former Councillors, I think there are legitimate comments that we need a better approach to inducting and making welcome and bringing new Councillors up to speed when there's a change, particularly when there's a significant project going on because I think that's actually added to some of that uncertainty. Am I a magician? No. I can only do so much. And for instance, some of the things I've done in the last little while of trying to explain why I've done things the way I have, is part of that. Will I get things wrong? Absolutely I will. But I suppose I'm a great believer in - if people feel as though they understand why you're doing things or they feel heard and listen, they will generally accept a decision, even if it's a decision they don't support. I don't think there's been enough of that, but I can see the reasons why, because if you attempt to provide information and then it's used maliciously or mischievously or else, sort of it's not used in the spirit of an open, transparent and respectful debate, then you pull your head back and you put up the barricades. And so the behaviour comes from some, you know, some poor behaviour all around, not from one course. And I would like to see that change.

Question: Lisa Glover

My question comes from the Shire of Donnybrook Balingup Council Plan, which is equivalent to a strategic plan and this was voted on and accepted last year. My question is regarding Outcome 9, Objective 9.4. Outcome 9 is “a thriving community” and Objective 9.4 is “facilitate access to quality education, training and work opportunity”. And in conjunction, it's also around Outcome 11, which is “strong visionary leadership” and Objective 11.1 “provides strategically focused, open and accountable governance”. The last workforce plan was dated 2020-2021 and it was actually insinuating that there was no further funding required to update that to reach these objectives. So my question is, has the workforce plan been completed?

Commissioner Response

OK, my understanding is that there's not been a recent one, but I will ask the CEO to give it an update.

Chief Executive Officer Response

Yes, the document has been completed. We haven't found the time yet to spend with the Commissioner, to workshop it and work through it, but the document has been completed.

Question: Lisa Glover

Can you advise when it got completed?

Chief Executive Officer Response

I don't have the precise date, but it would have been late November, early December.

Question: Shane Atherton

In order to appeal to well respected, qualified and intentioned candidates to run for Council in our Shire at the upcoming October 2023 Local Government Elections, does the Commissioner have any advice for such people?

Commissioner Response

I mean the only advice I would give is keep the interests of the entire community at the forefront of your thinking and for everyone else to think about what sort of representation they want. I think good people put their hands up for local government. It's important we continue to encourage good people to put their hands up, and once they are elected, they should be supported.

Question: Shane Atherton

Further to my first question (and assuming the Commissioner feels qualified and comfortable to do so), can she offer her on thoughts on any community behaviours she would like to see 1 - Start, 2 - Stop and 3 - Continue?

Commissioner Response

I believe I've answered that in some of the comments I've made before, so I won't add anything more to that.

Question: John Bailey

You were showing the percentage against rates for the interest and principal payments on the loan and like you say it's quite low. That's not factoring in life cycle cost, maintenance cost and management, is it? Why has that been hidden? As a percentage of the cost and you say you've released the package. Can you tell me what the total yearly cost is for the VC Mitchell Park development?

Commissioner Response

What the life cycle costs that are taken, and it is in the package, is an industry standard. I forget the actual name of it, but it apportions certain percentages for each of the components until such time as those components are known and fixed through the contract, they will be the estimates used.

Director Corporate and Community Response

No, the presentation in terms of the numbers that I put up was just loan servicing cost, certainly through the Long Term Financial Plan and Asset Management Plans (the Asset Management Plan is a 20 year plan). So in terms of renewal for the assets that we currently hold and those that we intend to build into future years, there is certainly allowance made for capital renewal. In terms of the operating, to my knowledge, we've not increased any operational costs for the venue as such.

Commissioner Response

The other point I would make is that they also have to one of the issues will be to include costs that you would have otherwise spent on maintaining old and dilapidated buildings as a bit of an offset. So, I think that it becomes a fairly complex calculation.

Question: John Bailey

I understand that's the case, but you would have the figures and you would know how much money are you putting away for maintenance on that building. What percentage are you putting away of the total build construction for maintenance every year?

Director Corporate and Community Response

I can't offer answer that off the top of my head. It's in the Asset Management Plan.

Question: John Bailey

So, the department says 7.5% to 10%. So, if we've got a \$6 million bill because we allow the other stuff for earthworks and everything else, that's a lot of money and it worries me that you don't know or you're not prepared to say.

Commissioner Response

There are some figures in there or percentages that can be applied that will respond to that. And yes, as we find the costs further, clearly the ongoing maintenance costs have to be included. So, I would be confident.

4.2 MOTIONS FROM ELECTORS

Motions made by Electors at an Annual General Meeting of Electors are presented to a meeting of Council for consideration per Section 5.33 of the *Local Government Act 1995*, which reads:

'All decisions made at an electors' meeting are to be considered at the next ordinary council meeting, or if that is not practicable, at the first ordinary council meeting after that meeting or at a special meeting called for that purpose, whichever happens first.'

Moved: Simon McInnes

Seconded: John Bailey

Will the Commissioner ask the Minister for Local Government to do a full forensic audit of the Shire's finances?

LOST 30/39

ELECTOR'S DECISION

Moved: Lisa Glover

Seconded: Kevin Johns

Instruct the CEO to update the Shire of Donnybrook Balingup website in order to include all Shire owned or part owned property lease agreements and associated arrangements.

CARRIED

ELECTOR'S DECISION

Moved: Angelo Logiudice Seconded: Lisa Glover

Re-establish a Shire statutory committee with Councillor and Community stakeholder representation, to discuss develop and acquire relevant information to inform full Council on all matters concerning infrastructure new and existing.

Committee to be approved at the next OCM and implemented as soon as practicable after the OCM.

CARRIED 34/29

ELECTOR'S DECISION

Moved: Lisa Glover Seconded: Alan Coxall

Instruct the CEO to immediately notify the landholders if they will be affected by any application for a mining exploration tenements within 7 days of being served a notice of Application by a mining company or individual applicant. The information should be conveyed by public notice and direct contact to the land owner.

CARRIED

ELECTOR'S DECISION

Moved: Lisa Glover Seconded: Alan Coxall

Instruct the CEO to inform Councillors and the Shire President within 24 hours of being served a notice of application by a mining company or individual applicant.

CARRIED

ELECTOR'S DECISION

Moved: Lisa Glover Seconded: Alan Coxall

Engage in consultation with the community in regard to the future of mining within the Shire.

CARRIED

ELECTOR'S DECISION

Moved: Lisa Glover Seconded: Alan Coxall

Instruct the CEO to investigate a rating value of the current tenements and whether such rate can be applied directly to the tenement holder.

CARRIED

ELECTOR'S DECISION

Moved: Lisa Glover

Seconded: Alan Coxall

In keeping with the Donnybrook-Balingup Local Planning Strategy that states:

- a) discourage land uses unrelated to agriculture from location on agricultural land (unless the proponent suitably demonstrates there are exceptional circumstances and that these can be compatible with agricultural uses to the satisfaction of the local government) and;**
- b) discourages development that may result in land or environmental degradation;**

Instruct the CEO to pursue a policy of lodging objections to mining tenement applications, which do not align with the above Local Planning Strategy. This is also in line with other affected Councils such as Collie, Murray and Serpentine-Jarrahdale Shire Councils.

CARRIED

5 CLOSURE

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

The Commissioner declared the meeting closed at 8:30 pm.