



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

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held on

**Wednesday 24 August 2022**

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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A handwritten signature in black ink, appearing to read 'Ben Rose'.

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

**30 August 2022**

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

held at the Council Chambers  
Wednesday, 24 August 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 digitally recorded in accordance with Council Policy EM/CP-2. The Shire President further stated the following:

*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.*

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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	
Cr Jackie Massey	
Cr Fred Mills	
Cr Chaz Newman	
Cr Chris Smith	

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### **PUBLIC GALLERY**

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Five members of the public were in attendance.

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#### **2.1 APOLOGIES**

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Nil

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#### **2.2 APPROVED LEAVE OF ABSENCE**

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Cr Massey has been approved for a leave of absence for the September 2022 Ordinary Council Meeting.

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

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Nil.

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

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01 August 2022	Regional Road Group Meeting
02 August 2022	Networking with Australia South West – Tourism
02 August 2022	Launch of WBAC Climate Change Policy and Action Plan
02 August 2022	WBAC (Warren Blackwood Alliance of Council) Special Mtg
02 August 2022	WBAC – Ordinary Meeting
03 August 2022	Meeting with CEO, Ben Rose
03 August 2022	Meeting with resident – Mr V Hayes
03 August 2022	Council Leadership Program
05 August 2022	WALGA Online training – LG Culture and Behaviour
10 August 2022	Meeting with CEO, Ben Rose
10 August 2022	Golden Valley Tree Park – meeting
10 August 2022	Council Leadership Program – Workshop
15 August 2022	Meeting with resident – Mr & Mrs Baxter
16 August 2022	Local Emergency Management Committee Meeting
16 August 2022	Meeting with Mr G Hodge – Balingup Music Experience
16 August 2022	Meeting with Members – Donnybrook Dunny Do-Over project
16 August 2022	Council Leadership Program – Road trip to City of Bunbury OCM.
17 August 2022	Meeting with CEO, Ben Rose
17 August 2022	Heritage Information Session
17 August 2022	Agenda Briefing
17 August 2022	Concept Forum including Annual Budget
24 August 2022	Citizenship Ceremony
24 August 2022	August 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 Glover has declared a Proximity Interest in item 9.2.4 Adoption of Statutory Budget 2022/2023 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 9.2.4 Adoption of Statutory Budget 2022/2023 as the above mentioned property is an investment property.*

*Cr Glover has declared an Indirect Financial interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as her partner is a joint owner of the above-mentioned property.*

*Cr Glover has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as she is a Member of the Tennis Club.*

*Cr Glover has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as family members are members of the Donnybrook Tennis Club.*

*Cr Glover has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as she is a Member of the Ladies Hockey Club.*

*Cr Glover has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as a family member is a member of the Preston Thunder Football Club.*

*Cr Glover has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as she is a Volunteer (processing Kidsport Applications) for Donnybrook Football Club.*

*Cr Glover has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as a family member is a member of the Donnybrook Netball Association.*

*Cr Atherton has declared a Financial interest in Item 9.1.1 Formal Road Dedication – Shortell Street, Donnybrook as he has a reasonable expectation of acting as a land sales agent on the impacted properties in the foreseeable future.*

*Cr Massey has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as she is a member of the Balingup Progress Association.*

*Cr Mills has declared an Impartiality interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as he is a member of the Balingup Progress Association/Townscape Committee.*

*Cr Smith has declared a Financial interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as he has a reasonable expectation of benefitting from procurement associated with Pump Track lighting.*

*Cr Wringe has declared a Proximity Interest in Item 9.2.4 Adoption of Statutory Budget 2022/2023 as the draft budget includes funds for works to a bridge within adjacent proximity to a property she has an interest in.*

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## **5 PUBLIC QUESTION TIME**

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

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Nil.

## **5.2 PUBLIC QUESTION TIME**

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### Question: Mr Richard Walker

Could you explain the decision process around the concession on rates?

### Director Corporate and Community Response

In 2020, the Council established a COVID Reserve account of approximately \$95,000 as a contingency for potential COVID related costs over the coming years. Funds in that Reserve Account have not been accessed to date. The proposal for 2022-23 is to use the funds in that Reserve Account as a concession for each rate assessment in the Shire. Whilst the Shire is proposing to raise rates by 8%, the net effect is an increase of 6.47%.

### Question: Sian Blackledge

I have a general query with the cheque run. From what I can see there were two different invoices for the same items as far as it looks. \$204 from Bunnings (EFT 24397) and \$16.80 (EFT 24419) from the local hardware store. Why is there a discrepancy with the costing?

### CEO Response

This question will be taken on notice.

### Question: Mr Simon McInnes

When will the details on the land transaction between the Shire and Alliance Housing be made public?

### CEO Response

I believe you've asked this question previously. The response provided previously was that the Shire published details on the project and the land transaction in the Preston Press some time last year (the exact date escapes me right now, however, it will be available online).

### Question: Mr Simon McInnes

In the long term financial plan, you state that over the first six years of the plan, the average expenditure reductions of 5.24% or \$299,000 per annum have been applied to the forecasted capital renewal works in order for the Shire to progress towards being more financially sustainable. Could you give the ratepayers a specific amount for this coming financial year instead of the average amount over six years?

### Director Corporate and Community Response

This question will be taken on notice.

Question: Mr Simon McInnes

Saving \$299,000 comes close to matching the principal and interest payments for the Shire loan. How will the Shire be more financially sustainable if the reduction in maintaining assets is spent on the Shire loan, because they're about the same amount?

CEO Response

This question will be taken on notice.

Question: Mr Simon McInnes

The Shire currently uses RAMS to help assess the road conditions. Could you explain why the state of the roads has to be kept secret from the ratepayers?

Director Operations

We are actually undertaking an assessment of our roads later this year using a consultant. We're required to do that every few years, to inform our planning and so on. I'll need to confirm with the Manager Works and Services with regards to our ability to share the information that provides a condition assessment of each of the roads.

Question: Mr Simon McInnes

At the last meeting the Council passed a resolution for further due diligence and commercial negotiations with Perkins Builders. How much will it cost the ratepayers to have the building contractor write their own contract on a \$10 million build?

CEO Response

The contractors are not going to write their own contract. Contract negotiation includes consideration of timeframes, cost, quality, scope, insurance, and a lot more. All of these elements, and more, will need to be negotiated.

Question: Mr Simon McInnes

The auditor had identified a significant risk due to no contractual oversight. How is this being addressed with the idea of this contract coming into line?

CEO Response

This question has been asked and answered several times before.

Question: Mr Simon McInnes

Two companies lodged expressions of interest. Why weren't both consulted with regards to the contract?

## CEO Response

The expression of interest process included qualitative and quantitative criteria for the Shire to assess. Assessment of the expressions of interest returned, went through a robust process. The results of that assessment were presented to Council and the Council resolution was that the assessment favoured Perkins, hence the resolution to proceed with Perkins. Also, I think you'll find resolution 7 identified that should negotiations or due diligence processes fail with Perkins, the Shire reserves the right to proceed with due diligence and commercial negotiations with Smith Constructions.

### Question: Sian Blackledge

In previous meeting, Brad Fowler asked how many EOI documents had been downloaded and the answer was that you would need to review the upload data. Did you ever find out?

## CEO Response

Yes. It was downloaded 35 times, from 28 unique addresses.

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## **6 PRESENTATIONS**

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### **6.1 PETITIONS**

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### **6.2 PRESENTATIONS**

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### **6.3 DEPUTATIONS**

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## ADOPTION BY EXCEPTION

### **COUNCIL RESOLUTION 104/22**

**Moved: Cr Smith**

**Seconded: Cr Massey**

**That the following items be adopted 'en bloc':**

- 7.1 Ordinary Meeting of Council – 27 July 2022**
- 7.2 Local Emergency Management Committee Meeting – 16 August 2022**
- 9.2.2 Monthly Financial Report – June 2022**
- 9.2.3 Monthly Financial Report – July 2022**

**CARRIED 9/0**

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

**Against:** Nil

## **7 CONFIRMATION OF MINUTES**

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### ***7.1 ORDINARY MEETING OF COUNCIL – 27 JULY 2022***

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Minutes of the Ordinary Meeting of Council held 27 July 2022 are attached (attachment 7.1(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council held 27 July 2022 be confirmed as a true and accurate record.**

#### **COUNCIL RESOLUTION 105/22**

**Moved: Cr Smith**

**Seconded: Cr Massey**

**That the Minutes from the Ordinary Meeting of Council held 27 July 2022 be confirmed as a true and accurate record.**

**CARRIED 9/0 by En Bloc Resolution**

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

**Against:** Nil

### ***7.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING – 16 AUGUST 2022***

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Minutes of the Local Emergency Management Committee Meeting held 16 August 2022 are attached (attachment 7.2(1)).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Local Emergency Management Committee Meeting held 16 August 2022 be received.**

#### **COUNCIL RESOLUTION 106/22**

**Moved: Cr Smith**

**Seconded: Cr Massey**

**That the Minutes from the Local Emergency Management Committee Meeting held 16 August 2022 be received.**

**CARRIED 9/0 by En Bloc Resolution**

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

**Against:** Nil

## 8 REPORTS OF COMMITTEES

*Nil.*

## 9 REPORTS OF OFFICERS

### 9.1 DIRECTOR OPERATIONS

#### 9.1.1 FORMAL ROAD DEDICATION – SHORTELL STREET, DONNYBROOK

<b>Location</b>	Lot 151 on P2170
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	RD 0191
<b>Author</b>	Kira Strange, Principal Planner
<b>Responsible Manager</b>	Steve Potter, Director Operations
<b>Attachments</b>	9.1.1(1) – Location Plan 9.1.1(2) – Proposed Road Dedication 9.1.1(3) – Land Title and Plan 2170 9.1.1(4) – Historic Correspondence for Construction
<b>Voting Requirements</b>	Simple Majority

Cr Atherton left the chamber at 5:22 pm.

Recommendation
<p>That Council, pursuant to Section 56(1)(c) of the <i>Land Administration Act 1997</i>, requests the Minister for Lands to dedicate Lot 151 on Plan 2170, as illustrated on Attachment 9.1.1(2), as ‘road’ subject to:</p> <ol style="list-style-type: none"> <li>1. There being no objections from landowners and/or relevant external agencies that are unable to be addressed or rectified at officer level;</li> <li>2. All associated costs with the request being borne by the Shire; and</li> <li>3. The Minister for Lands being indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred by the Minister in considering granting the request to dedicate the land as road.</li> </ol>

## STRATEGIC ALIGNMENT

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

Outcome	8	Safe and convenient movement of people
Objective	8.1	Improve road safety, connectivity and traffic flow for all users.

## EXECUTIVE SUMMARY

Road dedications are administered by the Local Government in accordance with the *Land Administration Act 1997* (LAA) and *Land Administration Regulations 1998* (LAR) then forwarded to the Minister for Lands for approval.

‘Shortell Street’, Donnybrook, was identified on a plan of survey as early as 1899, however, was never formally dedicated as road reserve or ceded to the Crown at the time of subdivision, as is usually required. Whilst the Shire has had care and control of the subject parcel of land (Lot 151 on Plan 2170) for a period well exceeding 10 years, it is technically still held in private ownership.

Under the LAA land comprising of a private road for which the public has had uninterrupted use for a period of not less than 10 years and is described in a plan of survey, the local government may request the Minister dedicate the land as ‘road’.

In this regard, it is recommended that Council formally resolves to request the Minister dedicate the land in accordance with the LAA subject to no issues being identified.

## BACKGROUND

Shire records indicate that Shortell Street, Donnybrook, was identified on a land title plan (Plan 2170) as early as 1899:

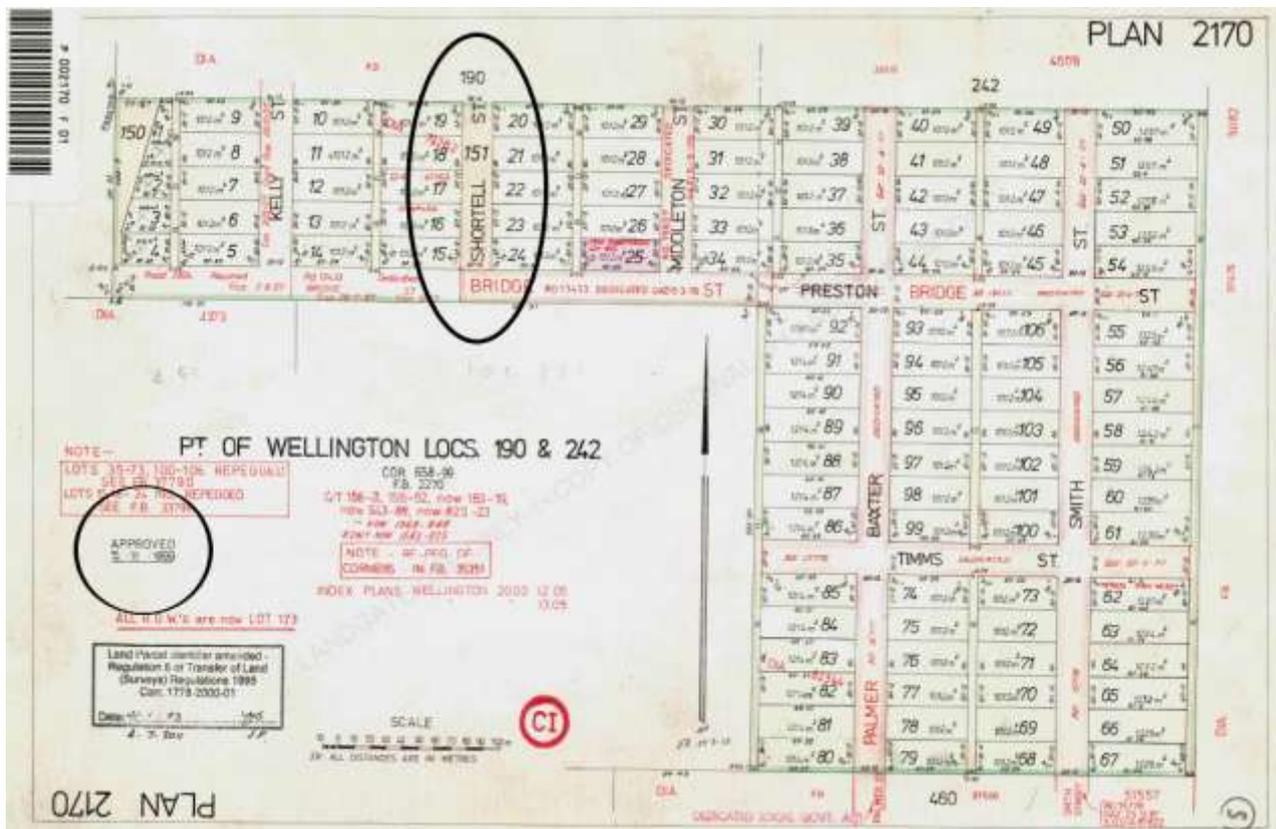


Figure 1 - Plan 2170, dated 1899 showing Shortell Street, also available in Attachment 9.1.1(3).

Plan 2170 has been amended over the years as subdivision of the area has progressed, however remains the current applicable plan for this locality.

The subject parcel of land, Lot 151 on Plan 2170, was never formally dedicated as road or ceded to the Crown, as is usually required as a condition of subdivision approval, which was presumably an historical administrative oversight. Therefore, this parcel of land is still technically in the freehold ownership of four private landowners as well as “All of Donnybrook as Tenants in Common”. The land is currently burdened by 13 easements registered respectively in 1900, 1901, 1975 and 1976 (Attachment 9.1.1(3)).

Whilst the property is technically held in freehold, it has never generated any rates and is currently not a rated parcel of land. Preliminary investigations indicate that the landowners are deceased and as the land has not been rated, there are no contact details for any applicable deceased estate.

The matter has been raised due to an adjoining property owner progressing with an approved subdivision of their property, Lot 9501 Kelly Road (WAPC Approval 158988), as it includes the extension of Shortell Street. During the assessment and subsequent approval of 158988, the Western Australian Planning Commission (WAPC) advised that the formal dedication of Lot 151 on P2170 (Shortell Street) would need to be initiated and completed by the Local Government as is required under the LAA and LAR.



**Figure 2 - Approved WAPC Subdivision 158988 of Lot 9501 Kelly Road, in relation to Shortell Street.**

The proponent of subdivision 158988 has therefore requested this matter be resolved to ensure there are no technical implications as they progress their approved subdivision.

## **FINANCIAL IMPLICATIONS**

There is a 'Land Administration' account (G/L 175620) relevant to matters such as this. It is estimated that costs to undertake the dedication of the land would be in the vicinity of \$1,000 – \$3,000.

Section 56(4) of the LAA requires the local government to indemnify the Minister for Lands against any claim for compensation associated with a road dedication request. Section 56(6) notes that in relation to a road dedication request, a person with an interest in the land is not entitled to compensation because of that dedication. As such, the Shire cannot reasonably expect to have any liability issues arise as a result of the dedication.

## **POLICY COMPLIANCE**

N/A

## **STATUTORY COMPLIANCE**

A request to the Minister for Lands to formally dedicate land as a road is to be made in accordance with Section 56 of the *Land Administration Act 1997*.

Section 56(1)(c) of the LAA states:

*(1) If in the district of a local government – ...*

*(c) land comprises a private road of which the public has had uninterrupted use for a period of not less than 10 years, and that land is described in a plan of survey, sketch plan or document,*

*the local government may request the Minister to dedicate that land as a road.*

Section 56(2) of the LAA outlines:

*(2) If a local government resolves to make a request under subsection (1), it must —*

*(a) in accordance with the regulations prepare and deliver the request to the Minister; and*

*(b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.*

In requesting the Minister to dedicate the land as road, in accordance with Regulation 8(c) of the *Land Administration Regulations 1998* the local government must provide the Minister with the following:

*(i) Written confirmation that the public has had uninterrupted use of the private road for a period of not less than 10 years;*

*(ii) A description of the section or sections of the public who have had that use;*

*(iii) A description of how the private road is constructed;*

*and*

- (d) Copies of any submissions received by the local government relating to the request and the local governments comments on those submissions; and*
- (e) A any other information the local government considers relevant to the Minister’s consideration of the request; and*
- (f) Written confirmation that the local government has complied with section 56(2) of the Act.*

## **CONSULTATION**

Whilst in this case there is no technical requirement under the LAA to advertise and/or undertake consultation for the road dedication, the Shire will notify each of the adjacent landowners of the formal dedication.

In addition, as preliminary investigations indicate that the landowners are deceased, public consultation may reveal if there are any living relatives. However, in this case, the intent of any consultation would be to inform of the dedication rather than invite comment.

A Dial Before You Dig enquiry resulted in four responses from agencies identifying assets within Lot 151: Water Corporation, Western Power, NBN Co (WA) and Telstra.

In this regard, the proposed road closure will be referred to relevant external agencies including but not limited to:

- Western Power;
- NBN No (WA);
- Telstra;
- Water Corporation;
- Main Roads Western Australia;
- Department of Planning Lands and Heritage including the Western Australian Planning Commission;
- Department of Mines, Industry Regulation and Safety;
- Department of Biodiversity, Conservation and Attractions;
- Department of Water and Environmental Regulation; and
- Department of Fire and Emergency Services.

As the proposal is to formalise the existing use of the land as a public road, including currently facilitating connection of services to surrounding landowners, the Shire does not anticipate that there will be any objections to the dedication.

## OFFICER COMMENT/CONCLUSION

Shortell Street has been consistently used by the general public and surrounding landowners for a significant period exceeding 10 years. Plan 2170, as outlined earlier in the report (Attachment 9.1.1(3)), demonstrates the existence of Shortell Street from as early as 1899, albeit in an unknown capacity/standard.

The Shire's long-term management of Shortell Street is evidenced by correspondence from the then CEO dated September 2003, responding to a request from the landowners to construct the then unsealed road. The CEO advised that the *"reconstruction and sealing of Shortell Street is scheduled in the works program for the year 2003/4, however the actual timing of the works is not scheduled until March/April 2004. An instruction has been given to Western Power to install one street light in Shortell Street on the centre pole in accordance with accepted standards"*. A full copy of this letter and the initial request from the landowners is provided in Attachment 9.1.1(4).

Shortell Street is also included in the Shire's current valuations and subsequent insurances for road assets demonstrating the Shire's ongoing care and control.

In light of the above, a preliminary assessment of the proposed dedication indicates the following:

- The public has had uninterrupted use of the lot, including the private road, for a period of not less than 10 years (and likely much longer);
- The Shire's Works and Services team have advised that Shortell Street has been in continued care and control of the local government for well over 10 years and is included in the relevant road programs for ongoing management;
- Landgate data identifies Shortell Street as a 'minor road' on freehold land;
- The dedication will formalise the existing public use of this land and constructed 'private road' as a 'public road' and 'road reserve'; and
- The lot contains a number of key public utilities, typically found within road reserves, that facilitate connection to services (power, water, internet, phone) for the adjoining landowners.

It is therefore recommended that Council resolves to request the Minister for Lands dedicate the road in accordance with the Officer's recommendation.

## **COUNCIL RESOLUTION 107/22**

**Moved: Cr Newman**

**Seconded: Cr Smith**

**That Council, pursuant to Section 56(1)(c) of the *Land Administration Act 1997*, requests the Minister for Lands to dedicate Lot 151 on Plan 2170, as illustrated on Attachment 9.1.1(2), as ‘road’ subject to:**

- 1. There being no objections from landowners and/or relevant external agencies that are unable to be addressed or rectified at officer level;**
- 2. All associated costs with the request being borne by the Shire; and**
- 3. The Minister for Lands being indemnified against any costs, including any claims for compensation and costs that may reasonably be incurred by the Minister in considering granting the request to dedicate the land as road.**

**CARRIED 8/0**

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

**Against:** Nil

**Cr Atherton re-entered the Chamber at 5:24 pm**

## **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 – JUNE 2022**

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

#### **EXECUTIVE RECOMMENDATION**

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

#### **COUNCIL RESOLUTION 108/22**

**Moved: Cr Smith**

**Seconded: Cr Massey**

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

**CARRIED 9/0 by En Bloc Resolution**

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

**Against:** Nil

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

The Monthly Financial Report for July 2022 will be prepared and presented to the Ordinary Council Meeting in September 2022.

#### **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended July 2022 will be presented to the September 2022 Ordinary Council Meeting for compliance purposes.**

**COUNCIL RESOLUTION 109/22**

**Moved: Cr Smith**

**Seconded: Cr Massey**

**That the monthly financial report for the period ended July 2022 will be presented to the September 2022 Ordinary Council Meeting for compliance purposes.**

**CARRIED 9/0 by En Bloc Resolution**

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

**Against:** Nil

### 9.2.4 ADOPTION OF THE STATUTORY 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>	9.2.4(1) - 2022/2023 Statutory Annual Draft Budget 9.2.4(2) - Appendix to 2022/2023 Statutory Annual Draft Budget 9.2.4(3) - 2022/2023 Schedule of Fees and Charges
<b>Voting Requirements</b>	Absolute Majority

#### Recommendation 1

1. Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the following Items contained within the 2022-2023 Statutory Annual Budget and Appendix to 2022/2023 Statutory Annual Draft Budget, relating to the VC Mitchell Park Project, as attached.

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
8944	R144	Appendix	Capital Expenditure	VC MITCHELL - DESIGN & DEVELOPMENT	9,000,000
0475		Appendix	Non Operating Grant Income	GOVT GRANTS – COMMUNITY FACILITIES	(5,750,000)
		Note7.	Loan Funding	VC Mitchell Park	(3,000,000)
		Note 9.	Transfer From Reserve	Land Development Reserve	(250,000)

**Advice Note: Cr Glover has declared a Financial Interest in the VC Mitchell Park project.**

**ABSOLUTE MAJORITY VOTE REQUIRED**

**Recommendation 2**

**2.1 Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the following Item contained within the 2022-2023 Statutory Annual Budget and Appendix to 2022/2023 Statutory Annual Draft Budget, relating to “Egan Park - Pump Track Lighting Upgrade”, as attached.**

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
New		Appendix	Capital Expenditure	Egan Park - Pump Track Lighting Upgrade (100 Lux)	50,000
		Note 9.	Transfer From Reserve	Parks and Reserves Reserve	(40,500)

**Advice Note: Cr Smith has declared a Financial Interest in the Egan Park - Pump Track Lighting Upgrade.**

**ABSOLUTE MAJORITY VOTE REQUIRED**

**Recommendation 3**

**3.1 Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the following Item contained within the 2022-2023 Statutory Annual Budget and Appendix to 2022/2023 Statutory Annual Draft Budget, relating to the “BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS” project, as attached.**

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
3200	3275	Appendix	Capital Expenditure	BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS	1,800,686
		Appendix	Non Operating Grant Income	GRANTS - LGGC SPECIAL PROJECTS (BRIDGES)	(1,800,686)

**Advice Note: Cr Wringe has declared a Proximity Interest in the “BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS” project.**

**ABSOLUTE MAJORITY VOTE REQUIRED**

**Recommendation 4**

**4.1 Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts all components of the 2022-2023 Statutory Annual Budget and the Appendix to 2022/2023 Statutory Annual Draft Budget, as attached excluding the following Items (previously considered in this Item).**

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
8944	R144	Appendix	Capital Expenditure	VC MITCHELL - DESIGN & DEVELOPMENT	9,000,000
0475		Appendix	Non Operating Grant Income	GOVT GRANTS – COMMUNITY FACILITIES	(5,750,000)
		Note7.	Loan Funding	VC Mitchell Park	(3,000,000)
		Note 9.	Transfer From Reserve	Land Development Reserve	(250,000)
New		Appendix	Capital Expenditure	Egan Park - Pump Track Lighting Upgrade (100 Lux)	50,000
		Note 9.	Transfer From Reserve	Parks and Reserves Reserve	(40,500)
3200	3275	Appendix	Capital Expenditure	BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS	1,800,686
		Appendix	Non Operating Grant Income	GRANTS - LGGC SPECIAL PROJECTS (BRIDGES)	(1,800,686)

**4.2 Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the 2022/2023 Schedule of Fees and Charges, as attached.**

**4.3 Pursuant to Section 6.32 of the Local Government Act 1995, Council adopts the following rates in the dollar and minimum payments for the 2022/2023 financial year on all ratable land:**

**General rate multiplied by each valuation dollar:**

**Unimproved Value (UV) = 0.005931**

**Gross Rental Valuation (GRV) = 0.105258**

**Minimum payment level:**

**UV = \$1,421**

**GRV = \$1,421**

**Note 1: Rate increase based upon 8% increase to total base Rate Revenue.**

**Note 2: Rate Concession applied to all properties - Effective Rate increase 6.43%**

**4.4 Pursuant to Section 6.47 of the Local Government Act 1995, Council adopts the following Rate concessions:**

**Concession rate multiplied by each valuation dollar:**

**Unimproved Value (UV) = 0.000086**

**Gross Rental Valuation (GRV) = 0.001530**

**Concession applied to Minimum payment level:**

**UV = \$20**

**GRV = \$20**

**Note: The following table shows the effect Net Rates:**

<b>Category</b>	<b>General Rate</b>	<b>Concession</b>	<b>Effective Net Rate</b>
<b>UV</b>	0.005931	0.000086	0.005845
<b>GRV</b>	0.105258	0.00153	0.103728
<b>Category</b>	<b>Minimum Payment</b>	<b>Concession</b>	<b>Effective Net Rate</b>
<b>UV</b>	\$1,421	\$20	\$1,401
<b>GRV</b>	\$1,421	\$20	\$1,401

**4.5 Pursuant to Section 6.45 of the Local Government Act 1995, Council sets due dates for the payment of rates and charges as follows:**

**Payment in Full**

<b>Full Payment</b>	<b>14 October 2022</b>
---------------------	------------------------

**Two Instalments**

<b>1st Instalment</b>	<b>14 October 2022</b>
<b>2nd Instalment</b>	<b>13 February 2023</b>

**Four Instalments**

<b>1st Instalment</b>	<b>14 October 2022</b>
<b>2nd Instalment</b>	<b>13 December 2022</b>
<b>3rd Instalment</b>	<b>13 February 2023</b>
<b>4th Instalment</b>	<b>14 April 2023</b>

**4.6 Pursuant to Section 6.51 of the Local Government Act 1995, Council adopts an 7% rate of penalty interest on overdue rates and charges that remain unpaid past the due date.**

**4.7 Pursuant to Section 6.45 of the Local Government Act 1995, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.**

**4.8 Pursuant to Section 6.45 of the Local Government Act 1995, Council adopts an instalment administration charge where the owner has elected to pay rates and charges through an instalment option being \$12.00 payable on the 2nd (and each subsequent) instalments:**

**\$12.00 total fee for two (2) instalment option.  
\$36.00 total fee for four (4) instalment option.**

**4.9 Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, Council adopts a material variance for reporting of \$10,000 for 2022/2023.**

**4.10 Pursuant to section 67 of the Waste Avoidance and Resource Recovery Act 2007, Council sets the 2022/2023 Waste Receptacle Charges.**

<b>Bin Service - 3 Bin Service</b>	<b>\$323.00</b>
<b>Bin Service - 2 Bin Service</b>	<b>\$295.00</b>
<b>Optional Bin - Rubbish (Fortnightly)</b>	<b>\$124.00</b>
<b>Optional Bin - Rubbish (Weekly)</b>	<b>\$245.00</b>
<b>Optional Bin - Recycling</b>	<b>\$51.00</b>
<b>Optional Bin - Organics</b>	<b>\$149.00</b>
<b>Aged Care Bin Service - 3 Bin Service</b>	<b>\$108.00</b>
<b>Aged Care Bin Service – Optional Organics</b>	<b>\$50.00</b>

**ABSOLUTE MAJORITY VOTE REQUIRED**

## **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

The Executive recommendations are required to adopt the 2022/23 Annual Budget and associated Fees and Charges.

## BACKGROUND

Council has reviewed the proposed Annual Budget through detailed workshops leading up to the presentation of this report.

The 2022/2023 Annual Budget has regard to various cost pressures including but not limited to the following:

- Perth Consumer Price index which as of 31 March 2022 was 7.6% and Nationally 5.1%,
- Insurance cost increases 15%,
- Materials and contract increases (General) 4%,
- Waste Service Contract Increases 7.6%,
- Utility Charges 18%,
- Superannuation 5%,
- Wages and Salaries 2.5%

Significant capital works are included in this Annual Budget which include:

<b>Asset Classes</b>	<b>2022/23 Draft Budget</b>
Infrastructure - Roads	2,897,764
Infrastructure - Bridges	1,932,686
Infrastructure - Footpaths	221,590
Infrastructure - Other	239,367
Plant And Equipment	899,341
Furniture And Equipment	119,841
Land	0
Buildings	12,680,663
	<b>18,991,251</b>

<b>Type Classification</b>	<b>2022/23 Draft Budget</b>
Renewal	18,777,443
Upgrade	117,116
New	96,692
	<b>18,991,251</b>

A detailed breakdown of projects can be found in the attached “Appendix to 2022/2023 Statutory Annual Draft Budget”.

New borrowings of \$3.0M are proposed to fund the works (not covered by grants) required for the VC Mitchell Park Project for 2022/23.

The Draft Budget is premised on an 8% increase to total base Rate Revenue noting that it also includes a “Rate Concession” meaning the Net average rate increase will be 6.43%. It is critical to note that this is the average increase, and some Ratepayers will be impacted below and some above this average if their properties Rateable Value has increased by the Office of the Valuer General above or below the average for the district. These variations will predominantly impact Unimproved Valuation (UV) properties as these have all been revalued effective from 1 July 2022.

Unimproved Valuation (UV) properties are most commonly defined as ‘rural/farming’ properties, whilst Gross Rental Valuation (GRV) properties are all remaining properties not defined as UV.

The Draft Statutory Budget (Attachment 9.2.3(2)) has been produced in accordance with provisions of the Local Government Act 1995 (with additional supplementary budget papers) and will be provided under separate cover.

## **FINANCIAL IMPLICATIONS**

This report will adopt the Annual Budget 2022/2023 as required by the *Local Government Act 1995* and facilitate the provision of services and facilities to the community in accordance with identified needs.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Section 6.2 of the Local Government Act requires that:

*“Not later than 31st August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.”*

Note: The form and manner prescribed is detailed in Part 3 of the Local Government (Financial Management) Regulations 1996.

## **CONSULTATION**

Detailed Councillor consultation has been undertaken through two workshops.

**OFFICER CONCLUSION**

The Executive recommendations set out in the item comprise the resolution to adopt the 2022/2023 Annual Budget in statutory format.

**Cr Glover left the chamber at 5:25 pm.**

**COUNCIL RESOLUTION 110/22**

**Moved: Cr Smith**

**Seconded: Cr Jones**

**Recommendation 1**

**1. Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the following Items contained within the 2022-2023 Statutory Annual Budget and Appendix to 2022/2023 Statutory Annual Draft Budget, relating to the VC Mitchell Park Project, as attached.**

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
8944	R144	Appendix	Capital Expenditure	VC MITCHELL - DESIGN & DEVELOPMENT	9,000,000
0475		Appendix	Non Operating Grant Income	GOVT GRANTS – COMMUNITY FACILITIES	(5,750,000)
		Note7.	Loan Funding	VC Mitchell Park	(3,000,000)
		Note 9.	Transfer From Reserve	Land Development Reserve	(250,000)

**Advice Note: Cr Glover has declared a Financial Interest in the VC Mitchell Park project.**

**CARRIED 6/2  
ABSOLUTE MAJORITY VOTE ATTAINED**

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

**Against:** Cr Massey and Cr Mills

**Cr Glover re-entered the Chamber at 5:35 pm.**

**Cr Smith left the Chamber at 5:35pm**

**COUNCIL RESOLUTION 111/22**

**Moved: Cr Atherton**

**Seconded: Cr Newman**

**Recommendation 2**

**2.1 Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the following Item contained within the 2022-2023 Statutory Annual Budget and Appendix to 2022/2023 Statutory Annual Draft Budget, relating to “Egan Park - Pump Track Lighting Upgrade”, as attached.**

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
New		Appendix	Capital Expenditure	Egan Park - Pump Track Lighting Upgrade (100 Lux)	50,000
		Note 9.	Transfer From Reserve	Parks and Reserves Reserve	(40,500)

**Advice Note: Cr Smith has declared a Financial Interest in the Egan Park - Pump Track Lighting Upgrade.**

**CARRIED 6/2  
ABSOLUTE MAJORITY VOTE ATTAINED**

**For:** Cr Wringe, Cr Atherton, Cr Jones, Cr Massey, Cr Mills and Cr Newman

**Against:** Cr Glover and Cr Gubler

**Cr Smith re-entered the Chamber at 5:37pm**

**Shire President Wringe left the Chamber at 5:38 pm.**

**Deputy President Glover presided over Recommendation 3.**

**COUNCIL RESOLUTION 112/22**

**Moved: Cr Smith**

**Seconded: Cr Gubler**

<b>Recommendation 3</b>					
<p><b>3.1 Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts the following Item contained within the 2022-2023 Statutory Annual Budget and Appendix to 2022/2023 Statutory Annual Draft Budget, relating to the “BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS” project, as attached.</b></p>					
<b>COA</b>	<b>Job</b>	<b>Note/Section</b>	<b>Type</b>	<b>Description</b>	<b>2022/2023 Draft Budget \$</b>
3200	3275	Appendix	Capital Expenditure	BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS	1,800,686
		Appendix	Non Operating Grant Income	GRANTS - LGGC SPECIAL PROJECTS (BRIDGES)	(1,800,686)
<p><b>Advice Note: Cr Wringe has declared a Proximity Interest in the “BRIDGE #3275 UPPER CAPEL ROAD - REPAIRS” project.</b></p>					

**CARRIED 8/0  
ABSOLUTE MAJORITY VOTE ATTAINED**

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

**Against:** Nil

**Shire President Wringe re-entered the Chamber at 5:39pm.**

**COUNCIL RESOLUTION 113/22**

**Moved: Cr Atherton**

**Seconded: Cr Newman**

**Recommendation 4**

**4.1 Pursuant to Section 6.2 of the Local Government Act 1995, Council adopts all components of the 2022-2023 Statutory Annual Budget and the Appendix to 2022/2023 Statutory Annual Draft Budget, as attached excluding the following Items (previously considered in this Item).**

COA	Job	Note/Section	Type	Description	2022/2023 Draft Budget \$
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		Appendix	Non Operating Grant Income	GRANTS - LGGC SPECIAL PROJECTS (BRIDGES)	(1,800,686)

**4.2 Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the 2022/2023 Schedule of Fees and Charges, as attached.**

**4.3 Pursuant to Section 6.32 of the Local Government Act 1995, Council adopts the following rates in the dollar and minimum payments for the 2022/2023 financial year on all ratable land:**

**General rate multiplied by each valuation dollar:**

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**Note 1: Rate increase based upon 8% increase to total base Rate Revenue.**

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**Concession applied to Minimum payment level:**

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**GRV = \$20**

**Note: The following table shows the effect Net Rates:**

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<b>Category</b>	<b>Minimum Payment</b>	<b>Concession</b>	<b>Effective Net Rate</b>
<b>UV</b>	\$1,421	\$20	\$1,401
<b>GRV</b>	\$1,421	\$20	\$1,401

**4.5 Pursuant to Section 6.45 of the Local Government Act 1995, Council sets due dates for the payment of rates and charges as follows:**

**Payment in Full**

<b>Full Payment</b>	<b>14 October 2022</b>
---------------------	------------------------

**Two Instalments**

<b>1st Instalment</b>	<b>14 October 2022</b>
<b>2nd Instalment</b>	<b>13 February 2023</b>

**Four Instalments**

<b>1st Instalment</b>	<b>14 October 2022</b>
<b>2nd Instalment</b>	<b>13 December 2022</b>
<b>3rd Instalment</b>	<b>13 February 2023</b>
<b>4th Instalment</b>	<b>14 April 2023</b>

**4.6 Pursuant to Section 6.51 of the Local Government Act 1995, Council adopts an 7% rate of penalty interest on overdue rates and charges that remain unpaid past the due date.**

**4.7 Pursuant to Section 6.45 of the Local Government Act 1995, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and charges through an instalment option.**

**4.8 Pursuant to Section 6.45 of the Local Government Act 1995, Council adopts an instalment administration charge where the owner has elected to pay rates and charges through an instalment option being \$12.00 payable on the 2nd (and each subsequent) instalments:**

**\$12.00 total fee for two (2) instalment option.  
\$36.00 total fee for four (4) instalment option.**

**4.9 Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, Council adopts a material variance for reporting of \$10,000 for 2022/2023.**

**4.10 Pursuant to section 67 of the Waste Avoidance and Resource Recovery Act 2007, Council sets the 2022/2023 Waste Receptacle Charges.**

<b>Bin Service - 3 Bin Service</b>	<b>\$323.00</b>
<b>Bin Service - 2 Bin Service</b>	<b>\$295.00</b>
<b>Optional Bin - Rubbish (Fortnightly)</b>	<b>\$124.00</b>
<b>Optional Bin - Rubbish (Weekly)</b>	<b>\$245.00</b>
<b>Optional Bin - Recycling</b>	<b>\$51.00</b>
<b>Optional Bin - Organics</b>	<b>\$149.00</b>
<b>Aged Care Bin Service - 3 Bin Service</b>	<b>\$108.00</b>
<b>Aged Care Bin Service – Optional Organics</b>	<b>\$50.00</b>

**CARRIED 9/0  
ABSOLUTE MAJORITY VOTE ATTAINED**

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

**Against:** Nil

### 9.3 CHIEF EXECUTIVE OFFICER

#### 9.3.1 WALGA ANNUAL GENERAL MEETING AND CONVENTION

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	DEP 22/4D
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Responsible Officer</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	9.3.1(1) - Convention Program
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li>1. <b>Endorse the Shire President and Cr _____ as voting delegates and the Chief Executive Officer as Proxy for attendance at the WALGA Annual General Meeting to be held in Perth on Monday 3 October 2022.</b></li> <li>2. <b>Authorise the attendance the Following Councillors to attend the Local Government Convention to be held in Perth from Sunday 2 to Tuesday 4 October 2022 inclusive:</b> <ul style="list-style-type: none"> <li>• <b>Shire President, Councillor Wringe;</b></li> <li>• <b>Cr _____</b></li> <li>• <b>Cr _____</b></li> <li>• <b>Cr _____.</b></li> </ul> </li> </ol>

#### 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

#### EXECUTIVE SUMMARY

The West Australian Local Government Association (WALGA) has advised that the Annual Local Government Convention will be held in Perth from Sunday 2 to Tuesday 4 October 2022. Held in conjunction with Local Government week is the Annual General Meeting of the WA Local Government Association (on Monday 3 October 2022), where

Member Councils are entitled to be represented by two (2) voting delegates at the meeting.

## **BACKGROUND**

Elected Members and Chief Executive Officers from Local Governments have been invited to the Annual Western Australian Local Government Association Convention to be held at Crown Perth between Sunday 2 and Tuesday 4 October 2022. A copy of the program is attached and the deadline for all Registrations is Wednesday, 14 September 2022.

The theme for the 2022 Local Government Convention is “Embracing Change”, which will explore changes to the Local Government Landscape over the coming years. The Convention program has been developed to specifically support and encourage Local Government representatives. Previous conference programs have explored issues relevant to Shire of Donnybrook Balingup including Local Impact, Financing Local Government, Financial Assistance Grants, Expenditure Priorities and Constitutional Recognition of Local Government.

Held in conjunction with Local Government week is the Annual General Meeting of the WA Local Government Association, to be held on Monday 3 October 2022.

All Member Councils are entitled to be represented by two (2) voting delegates at the meeting. In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

## **FINANCIAL IMPLICATIONS**

Convention fees are as follows and prices are per person and are all inclusive of GST:

### Convention Registration

Full Delegate – Local Government	\$1,200
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### Accommodation

Crown Perth – Estimated	\$600
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### Optional Extras

Gala Dinner	\$125
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#### Breakfast

ALGWA Breakfast (Monday)	\$80
Guest speaker (Tuesday)	\$95

Expenditure for this purpose will be incurred from the 2022/23 Elected Member Conferences budget allocation.

## **POLICY COMPLIANCE**

Council Policy EXE/CP-5 Attendance at Events and Functions applies to this matter.

## **STATUTORY COMPLIANCE**

Nil.

## **CONSULTATION**

Nil.

## **OFFICER COMMENT/CONCLUSION**

Councillors' attendance at this convention will serve to benefit the determining of future long term strategic economic, social, environmental and sustainability issues.

Council's representation at the WALGA Annual General Meeting will contribute to the potential development of policy and future planning processes to assist the Shire's strategic capacity to provide good governance, service and facilities for its greater community.

In addition to the specific items listed on the conference programme, Elected Members that attend the convention have the opportunity to network with other local governments and engage with suppliers of local government goods and services in an effort to bring new thinking back to Council. This is one of the local government specific events which bring together a wide range of local governments and elected members.

## **PROCEDURAL MOTION**

**That Meeting Procedures Clause 10.6 be suspended.**

## **COUNCIL RESOLUTION 114/22**

**Moved : Cr Smith**

**Seconded : Cr Massey**

**That Meeting Procedures Clause 10.6 be suspended.**

**CARRIED 9/0**

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

**Against:** Nil

## **PROCEDURAL MOTION**

**That Meeting Procedures Clause 10.6 be resumed.**

### **COUNCIL RESOLUTION 115/22**

**Moved :Cr Mills**

**Seconded : Cr Massey**

**That Meeting Procedures Clause 10.6 be resumed.**

**CARRIED 9/0**

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

**Against:** Nil

### **COUNCIL RESOLUTION 116/22**

**Moved: Cr Newman**

**Seconded: Cr Jones**

**That Council:**

- 1. Endorse the Shire President and Cr Glover as voting delegates and the Chief Executive Officer as Proxy for attendance at the WALGA Annual General Meeting to be held in Perth on Monday 3 October 2022.**
- 2. Authorise the attendance the Following Councillors to attend the Local Government Convention to be held in Perth from Sunday 2 to Tuesday 4 October 2022 inclusive:**
  - Shire President, Councillor Wringe;**
  - Cr Jones**
  - Cr Glover**
  - Cr Mills.**

**CARRIED 9/0**

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

**Against:** 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 CONFIDENTIAL - RFT 05/2122 – TRAFFIC MANAGEMENT SERVICES**

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 – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2022/23**

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

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

**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 CONFIDENTIAL - RFT 05/2122 – TRAFFIC MANAGEMENT**

**12.1.2 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2022/23**

**COUNCIL RESOLUTION 117/22**

**Moved : Cr Massey**

**Seconded : Cr Mills**

**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 CONFIDENTIAL - RFT 05/2122 – TRAFFIC MANAGEMENT**

**12.1.2 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2022/23**

**CARRIED 9/0**

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

**Against:** Nil

**The meeting was closed to the public at 5:51pm**

**COUNCIL RESOLUTION 121/22**

**Moved: Cr Mills**

**Seconded: Cr Glover**

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

**CARRIED 9/0**

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

**Against:** Nil

**The meeting was re-opened to the public at 6:08pm.**

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

## **13 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 28 September 2022 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 6:08 pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 28 September 2022.



Cr Leanne Wringe  
**SHIRE PRESIDENT**