



NOTICE OF ORDINARY MEETING OF COUNCIL

To be held on

Wednesday 25 May 2022

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

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

Ben Rose
Chief Executive Officer

20 May 2022

Disclaimer

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

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SHIRE OF DONNYBROOK BALINGUP
NOTICE OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers
Wednesday, 25 May 2022 at 2.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

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

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

The Shire President to advice that the meeting is being digitally recorded in accordance with Council Policy EM/CP-2. The Shire President to further state 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.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
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 Chaz Newman	
Cr Chris Smith	

PUBLIC GALLERY

2.1 APOLOGIES

Cr. Mills

2.2 APPROVED LEAVE OF ABSENCE

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Cr. Mills

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

President's Diary – May 2022

27 April 2022 Meeting with Chair, Balingup Rail Group
28 April 2022 Bushfire Advisory Committee Meeting
29 April 2022 Origins Busselton – Investigating promotional opportunity
29 April 2022 Meeting with CEO
02 May 2022 Meeting with Works and Services Manager
02 May 2022 SW Regional Road Group Meeting
02 May 2022 Meeting with President Cr Mick Bennett, Shire of Dardanup
02 May 2022 Meeting with resident - R. Tassone
03 May 2022 Meeting with President Cr Sarah Stanley, Shire of Collie
03 May 2022 Meeting with J. Page, Collie Tourist Centre – Interactive Mine display
04 May 2022 Donnybrook Historical Society – Tidy Towns Award
04 May 2022 Meeting with resident V. Lee
12 May 2022 Meeting with BPA, Balingup Hall & Events sub-committee
12 May 2022 Council Plan workshop
12 May 2022 Meeting with CEO
13 May 2022 Bunbury Geographe Chamber of Commerce State Budget presentation
13 May 2022 Shire of Nannup – Tank 7 MTB Official Opening
13 May 2022 Meeting with President, Cr Richard Walker, Shire of Boyup Brook
14 May 2022 Meeting with resident S. Sercombe
16 May 2022 Warren Blackwood Alliance of Council information session
17 May 2022 Meeting with Deputy Shire President, Cr Lisa Glover
17 May 2022 Donnybrook Balingup Chamber of Commerce Inc. meeting
18 May 2022 Agenda Briefing
18 May 2022 Concept Forum
19 May 2022 Meeting with Kirup Progress Assoc. – Mill Park Sub Committee
19 May 2022 Attended filming of 'State on a Plate' – promotion of local assets
23 May 2022 Meeting with the Donnybrook Historical Society
23 May 2022 Meeting with Promote Preston Community Group
25 May 2022 Meeting with CEO
25 May 2022 Meeting with Tuia Lodge Management
25 May 2022 Citizenship Ceremony
25 May 2022 May 2022 Ordinary Council Meeting

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Wringe has declared an Impartiality interest item 8.2 as she is a member of the Bushfire Advisory Committee, and her husband is a Fire Control Officer.

Cr Massey has declared an Impartiality interest item 9.1.1 as she is a member of the Balingup Progress Association and of the Balingup Rail Group.

Cr Massey has declared an Impartiality interest item 9.3.1 as she is a member of the Balingup Progress Association and of the Balingup Rail Group.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5.2 PUBLIC QUESTION TIME

Question: Mr Rod Atherton

In his latest letter in the Preston Press, Mr King is clearly referring to standard Department of Sport and Recreation grants which require a 1/3 contribution from the applicant. My belief is the \$6m grant achieved by the DBSC is a one-off Covid stimulus grant, and has no resemblance to the DSR grants. Does the DBSC agree with Mr King's version? If not will the Council make a response in the June edition of the Preston Press with the correct information regarding the Covid grant?

CEO Response

The grant of \$6m to the Shire for the VC Mitchell Park precinct was via the State Government's COVID Recovery Plan, and not via the Department of Local Government, Sport and Cultural Industries' Community Sporting and Recreation Facilities Fund (as Mr Rod Atherton correctly identifies). These two funding streams have different obligations/requirements/conditions, as has been explained by the Shire previously. In his letter to the Preston Press editor, Mr King may have confused the different funding streams, however, was generally asserting that the Football Club should contribute one-third of any redevelopment costs to any football related facilities. In this regard, whilst the Shire and Council may share a different opinion, Mr King is free to share his opinion and there is not likely to be any real benefit in contesting Mr King's opinion in a round of letters to the editor in a local newspaper.

Question: Mr Rod Atherton

In his letter to the editor in the most recent Preston Press, Mr Hyland is clearly referring to the Royalties for Regions grants, which are a completely different arrangement to the one-off Covid stimulus grant, and has no resemblance to the RfR grants. Does the DBSC agree with Mr Hyland's version? If not, will the Council make a response in the June edition of the Preston Press with the correct information regarding the Covid grant ?

CEO Response

Mr Hyland's letter in the Preston Press identifies several State Government reports and also offers some personal opinions. In this regard, whilst the Shire and Council may share a different opinion, Mr Hyland is free to share his opinion and there is not likely to be any real benefit in contesting Mr Hyland's opinions in a round of letters to the editor in a local newspaper.

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

Malcolm Lee - Deputation in relation to Balingup Rail Group Draft Budget Funding Allocation.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 27 APRIL 2022

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

EXECUTIVE RECOMMENDATION

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

7.2 BUSHFIRE ADVISORY COMMITTEE ANNUAL GENERAL MEETING 28 APRIL 2022

Minutes of the Bushfire Advisory Committee Annual General Meeting held 28 April 2022 are attached (attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the Minutes of the Bushfire Advisory Committee Annual General Meeting held 28 April 2022 be received.

8 REPORTS OF COMMITTEES

8.1 ANNUAL REVIEW OF THE SHIRE OF DONNYBROOK BALINGUP FIRE BREAK ORDER – 2022/23 FINANCIAL YEAR

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 01, FRC 04
Author	Linden Edward, A/Community Emergency Services Manager
Responsible Manager	Steve Potter, Director Operations
Attachments	8.1(1) - Draft 2022/2023 Fire Break Order
Voting Requirements	Simple Majority

Recommended Committee Resolution

That Council:

1. Endorses the 2022/2023 Shire of Donnybrook Balingup Fire Break Order.
2. Instructs the Chief Executive Officer to produce and distribute the 2022/2023 Shire of Donnybrook Balingup Fire Break Order in accordance with Section 33 of the *Bush Fires Act 1956*.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

- A natural environment for the benefit of current and future generations
- Partner with key stakeholders for effective environmental management
- Support Emergency Services Volunteers

EXECUTIVE SUMMARY

The Shire of Donnybrook Balingup Fire Break Order is a notice that is produced and distributed in accordance with Section 33 of the *Bush Fires Act 1954* and is presented for Council endorsement (Attachment 10.1).

BACKGROUND

The Shire of Donnybrook Balingup Fire Break Order determines the fire prevention requirements of owners or occupiers within the Shire of Donnybrook Balingup, such as the installation of firebreaks or the removal of flammable materials that may contribute to the spread of fire.

The Shire of Donnybrook Balingup Fire Break Order is included with the annual rates notice, which is distributed to all ratepayers within the Shire of Donnybrook Balingup. This notice is also available to all residents via advertising in the Preston Press and is published on the Shire website.

Each year, the Shire of Donnybrook Balingup Bush Fire Advisory Committee is provided an opportunity to review the requirements contained within the Shire of Donnybrook Balingup Fire Break Order and then to Council for final approval. Other updates such as dates and contact names are automatically carried out by the Community Emergency Services Manager.

BFAC considered the draft Firebreak Order at its meeting of the 28 April 2022 where it resolved the following:

That BFAC recommends Council:

- 1. Endorse the 2022/2023 Shire of Donnybrook Balingup Fire Break Order.*
- 2. Instructs the Chief Executive Officer to produce and distribute the 2022/2023 Shire of Donnybrook Balingup Fire Break order in accordance with Section 33 of the Bush Fires Act 1956.*

FINANCIAL IMPLICATIONS

The total cost of the production and distribution for the 2021/22 Fire Break Order was \$2,409.00.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Section 33, *Bush Fires Act 1954*

CONSULTATION

Bushfire Advisory Committee Meeting - 28 April 2022.

OFFICER COMMENT/CONCLUSION

It is recommended that the 2022/23 Shire of Donnybrook Balingup Fire Break Order is endorsed by Council.

8.2 ENDORSEMENT OF NOMINATED FIRE CONTROL OFFICERS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 01, FRC 10A-FRC10L
Author	Steve Potter, Director Operations
Responsible Manager	Steve Potter, Director Operations
Attachments	Nil
Voting Requirements	Simple Majority

Recommended Committee Resolution:

That Council:

1. Endorses the following persons as Fire Control Officers for the period 30/06/2022 until 01/07/2023 pursuant to section 38 of the *Bush Fires Act 1954*, and the persons to be advertised pursuant to section 38(2a) of the *Bush Fires Act 1954* and Section 3.11 of the *Shire of Donnybrook Balingup Bushfire Brigades Local Law*, subject to the following:
 - 1.1 Each endorsed FCO having completed the DFES FCO training prior to the October 2022 BFAC Meeting;
 - 1.2 In the event that an FCO has not completed the training by the October 2022 BFAC Meeting the Brigade shall be requested to nominate an alternative member who has completed the FCO training for the remainder of the applicable period.
2. Instructs the Chief Executive Officer to authorise the following persons as Fire Control Officers for their respective brigade areas under Section 38 of *The Bush Fires Act 1956* and delegation 3.1.8 *Appoint Bush Fire Control Officer/s and Fire Weather Officer*.

Brigade Area	Officer
Argyle Irishtown	Mr Scott Rowe
Balingup Town	Mr Paul Davis
Beelerup	Mr Stuart Simmonds
Donnybrook Town	Mr David Tooke
Ferndale – Stirling Park	Mr Max Walker
Kirup	Mr Chris Wringe
Lowden	Mr Michael Anderson
Mullalyup	Mr William (Andrew) Scott
Mumballup Noggerup	Mr Garry Hatch
Thomson Brook/Brookhampton	Mr Graham Foan Mr Tim McNab
Munro	Mr Tas Thamo
Upper Capel	Mr Bevan Dix

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

- A natural environment for the benefit of current and future generations
- Partner with key stakeholders for effective environmental management
- Support Emergency Services Volunteers

EXECUTIVE SUMMARY

The authorisation of Fire Control Officers is made pursuant to Section 38 of the *Bush Fires Act 1954*.

BACKGROUND

In accordance with Sections 3.6 and 3.7 of the *Shire of Donnybrook Balingup Bushfire Brigades Local Law*, Shire of Donnybrook Balingup Bush Fire Brigades are to hold an Annual General Meeting (AGM) during the month of March, where a person is to be nominated to the Bush Fire Advisory Committee (BFAC) for the position of Fire Control Officer (FCO) until the next AGM.

Endorsed nominations for FCO by the BFAC are then submitted to Council for consideration and further endorsement. Upon endorsement from Council, the Chief Executive Officer is then instructed to authorise the nominee for FCO under delegation 3.1.8 *Appoint Bush Fire Control Officer/s and Fire Weather Officer* and Section 3.11 of the *Shire of Donnybrook Balingup Bushfire Brigades Local Law*.

The following nominations for FCO have been received by the Shire of Donnybrook Balingup, for consideration of the BFAC:

Brigade Area	Officer
Argyle Irishtown	Mr Scott Rowe
Balingup Town	Mr Paul Davis
Beelerup	Mr Stuart Simmonds
Donnybrook Town	Mr David Tooke
Ferndale Stirling Park	Mr Max Walker
Kirup	Mr Chris Wringe
Lowden	Mr Michael Anderson
Mullalyup	Mr William (Andrew) Scott
Mumballup Noggerup	Mr Garry Hatch
Thomson Brook/Brookhampton (x2)	Mr Graham Foan Mr Tim McNab
Munro	Mr Tas Thamo
Upper Capel	Mr Bevan Dix

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Section 38, *Bush Fires Act 1954*

Section 3.6, *Shire of Donnybrook Balingup Bushfire Brigades Local Law*

Section 3.7, *Shire of Donnybrook Balingup Bushfire Brigades Local Law*

Section 3.11, *Shire of Donnybrook Balingup Bushfire Brigades Local Law*

CONSULTATION

Nil

OFFICER COMMENT/CONCLUSION

With the new *Work Health and Safety Act 2020* coming into effect, Shire staff will need to give increased consideration in the future to nominated individuals' training and experience when making recommendations to Council and it is understood there may be nominated FCOs who may not have completed the FCO training.

To recognise the nominations of the Brigades whilst ensuring that the Shire is fulfilling its duty of care obligations, it is recommended that the endorsement of FCOs be made subject to them completing the FCO training by the time of the next BFAC Meeting to be held in October 2022. In the event that an endorsed FCO has not completed the FCO training by the next BFAC meeting the relevant Brigade will be requested to nominate an alternative Member who has completed the training for the remainder of the applicable period.

To assist this process the Shire will engage with DFES to arrange for FCO training to be made available prior to the next BFAC meeting.

It is recommended Council endorse the received nominations for the positions of FCO for each Bush Fire Brigade within the Shire of Donnybrook Balingup, subject to all FCOs receiving the appropriate training by the October 2022 BFAC Meeting.

8.3 ELECTION OF BUSH FIRE ADVISORY COMMITTEE OFFICE BEARERS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FRC 01
Author	Linden Edward, A/Community Emergency Services Manager
Responsible Manager	Steve Potter, Director Operations
Attachments	Nil
Voting Requirements	Simple Majority

Recommended Committee Resolution:

That Council:

- Endorses the recommended office bearers of the Bush Fire Advisory Committee as follows:**

OFFICE	NOMINATION	MOVED	SECONDED
CHAIRPERSON	Bevan Dix	Tas Thamo	Graham Foan
CHIEF BUSH FIRE CONTROL OFFICER	Max Walker	Ian Ralph	Tim McNab
DEPUTY CHIEF BUSH FIRE CONTROL OFFICER	Ian Ralph	Bevan Dix	Stuart Simmonds
DEPUTY CHIEF BUSH FIRE CONTROL OFFICER	David Tooke	Ian Ralph	Andrew Scott
COMMUNICATIONS OFFICER	Murray Webb	Max Walker	Bevan Dix
FIRE WEATHER OFFICER	Murray Webb	Max Walker	Bevan Dix

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

- A natural environment for the benefit of current and future generations
- Partner with key stakeholders for effective environmental management
- Support Emergency Services Volunteers

EXECUTIVE SUMMARY

The election of Bush Fire Advisory Committee Office Bearers is a process that is undertaken annually as determined by Fire Control Policy 8.2.

BACKGROUND

Pursuant to section 38 of the *Bush Fires Act 1954*, a Local Government is required to appoint a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers. The Bush Fire Advisory Committee nominates suitable persons for these and other office bearing positions for endorsement by Council annually.

FINANCIAL IMPLICATIONS

Nil

POLICY COMPLIANCE

Fire Control Policy 8.2 – *Bush Fire Advisory Committee Meetings*

STATUTORY COMPLIANCE

Section 38 (1) *Bush Fires Act 1954*

Section 67 *Bush Fires Act 1954*

CONSULTATION

Nil

OFFICER COMMENT / CONCLUSION

It is recommended Council endorse the recommended Office Bearers of the Bush Fire Advisory Committee.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 BALINGUP TOWNSCAPE COMMITTEE – PROPOSED 2022/23 PROJECTS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC08/6
Author	Steve Potter, Director Operations
Responsible Officer	Steve Potter, Director Operations
Attachments	9.1.1(1) - Balingup Progress Association – Letter of Support
Voting Requirements	Simple majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the project updates provided by the Balingup Townscape Committee for approved projects for 2021/22 and authorises the carrying over of unspent funds for unfinished projects into 2022/23; 2. Provides preliminary support for the following proposed Balingup Townscape Committee projects for 2022/23: <ol style="list-style-type: none"> 2.1 Metal Push Bike stands x 2; 2.2 Street tree planting as follows: <ul style="list-style-type: none"> • Tree Planting of 15 Blackbutt trees adjacent to the path to the Golden Valley Tree Park; • Claret Ash on the Bibbulman Track near the bus stop; • Additional deciduous trees on the Village Green (opposite the Post Office). 2.3 Construction of new planter boxes in the Balingup town site to match existing; 2.4 Plants for planter boxes; 2.5 Small footbridge over drain near the Recreation Centre;

3. Advises the Balingup Townscape Committee that Council is not supportive of the BPA/BTC undertaking the following projects:

- 3.1 Raising the footbridge on Rothery Walk; and/or**
- 3.2 Raising of the footpath on Rothery Walk;**

for the following reason:

- **The proposals are considered to be infrastructure works that should remain the responsibility of the Shire in accordance with Points 4.8 and 4.9 of Council Policy COMD/CP-4 (*Community Townscape Activities*) due to them requiring engineering and design compliance and having the potential to pose a safety risk to those undertaking the work and the general public, and consequently posing a liability risk to the Shire.**
- 4. Instructs the Chief Executive Officer to support the BPA/BTC to identify appropriate funding opportunities to improve infrastructure associated with Rothery Walk;**
- 5. Instructs the Chief Executive Officer to make provision for \$8,600 in the draft 2022/23 Annual Budget for proposed Balingup Townscape Activities;**
- 6. Advises the Balingup Townscape Committee that approved projects will be confirmed through the Annual Budget and further written advice will be provided in this regard.**

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

- Effective leadership and civic responsibility
- A strategically focused, open and accountable local government
- Provide accountable and strategic leadership.

EXECUTIVE SUMMARY

In accordance with Council's adopted Community Townscape Policy and associated Operational Procedure, the Balingup Townscape Committee has made application for a number of proposed projects for the 2022/23 financial year. In addition the Balingup Progress Association (BPA) has submitted a letter of support for the projects as per Attachment 9.1.1(1).

Staff have assessed the proposals and are generally supportive, with the exception of two proposals associated with Rothery Walk. It is the view of staff that these proposals are infrastructure projects that should remain the responsibility of the Shire if they are to proceed in the future, due to the need for engineering design and compliance.

It is recommended that Council provides its preliminary support for specified proposed projects as outlined in the officer recommendation, for inclusion and further consideration in the draft 2022/23 Annual Budget. Further, it is recommended that the Shire support the BPA/BTC to seek any external funding opportunities that may be appropriate to achieve the goal of improving the path and bridge on Rothery Walk.

BACKGROUND

In accordance with Council Policy COMD/CP-4 (*Community Townscape Activities*) the Balingup Townscape Committee has submitted its proposals for the 2022/23 financial year which are summarised below:

Project 1: Metal Push-bike stands

Estimated Cost: \$1,000

Description: Two metal bike racks - one to be installed in the car park adjacent to the War Memorial and the second one within the verge parking area alongside the Village Green in Forrest Street.

Project 2: Raising of footbridge on Rothery Walk

Estimated Cost: \$5,000

Description: The BTC's long term objective is to replace the bridge at some point, however is proposing as an interim measure to raise and prop the existing bridge until funds become available. The BTC contends this is required as the bridge goes underwater each winter.

Whilst details are limited, the BTC has indicated it intends to hire a crane and hydraulic jacks, with the project being managed by the Committee using local expertise.

Project 3: Raising of the Rothery Walk footpath

Estimated Cost: \$4,000

Description: The raising of the bridge would necessitate the raising of the adjoining footpath, presumably to align with the amended bridge height.

Project 4: Tree Planting

Estimated Cost: \$1,000

Description: Tree planting as follows:

- Tree Planting of 15 Blackbutt trees adjacent to the path to the Golden Valley Tree Park;
- Claret Ash on the Bibbulman Track near the bus stop;

- Additional deciduous trees on the Village Green (opposite the Post Office).

Project 5: Planter Boxes

Estimated Cost: \$3,000

Description: Constructing new planter boxes for the Balingup town centre, using recycled bricks to match existing planter boxes.

Project 6: Plants for Planter Boxes

Estimated Cost: \$600

Project 7: Footbridge

Estimated cost: \$3,000

Description: Small footbridge over the drain along the path from the northern entry to the Recreation Centre.

2021/22 Projects

In 2021/22 the BTC had a number of projects approved and has recently provided an update as follows:

Project 1: Installation of five steel stencil cut-outs at the northern entry to the Balingup townsite

BTC Update: Two stencil cutouts have been complete. The steel has been ordered for the remaining three, however there has been a delay with receiving the steel. The BTC is requesting the remainder of this project be carried over into 2022/23.

Project 2: Replacing the banners on the existing poles at the northern entry to the Balingup townsite

BTC Update: The design for the banners is complete, however this project is also experiencing delays due to availability of steel. The BTC is requesting the remainder of this project be carried over into 2022/23.

Project 3: Installing solar lighting over the existing picnic table adjacent to the Balingup Brook

BTC Update: The BTC has advised that it has decided not to proceed with the solar lighting as there is adequate lighting from an existing Western Power pole and have re-allocated some of the funds to digging out the pond on the northern entry into town which is expected not to silt up for a number of years now this work has been done.

Project 4: Installing a canoe launch platform in the Balingup Brook

BTC Update: The canoe platform blocks have been ordered, once these arrive the job will be completed.

Project 5: Replacement seedlings for planter boxes / baskets.

BTC Update: Complete.

FINANCIAL IMPLICATIONS

If all projects as proposed by the Balingup Townscape Committee were to be supported by Council, it would require an allocation of \$17,600 in the 2022/23 Annual Budget.

It is noted that the 2021/22 Budget contains the following allocations for townscape activities:

- Kirup Townscape Works (\$5,750)
- Donnybrook Townscape Works (\$11,500)
- Balingup Townscape Works (\$11,500)

Cl. 5.1.4 of the Shire's new Policy (Community Townscape Activities), states:

“Council will endeavour to achieve a balanced approach to allocating funds between Balingup and Donnybrook, with Kirup to receive an amount equivalent to 50% of the amount allocated to the two larger towns, however all final allocations are at the absolute discretion of Council.”

Council will therefore need to consider the implications of approving \$17,600 of funding for the BTS as requested, as this would potentially result in \$17,600 and \$8,800 being allocated to the Donnybrook and Kirup townsites respectively in the 2022/23 Budget.

When compared to the current year's allocation, this collectively would represent an overall increase of \$15,250 to the current allocation if Cl. 5.1.4 were to be strictly adhered to.

Based on the officer recommendation, the budget for next year for Balingup townscape projects would equate to \$8,600 (which includes the removal of the Rothery Walk projects).

POLICY COMPLIANCE

COMD/CP-4 (*Community Townscape Activities*)

STATUTORY COMPLIANCE

Projects will need to obtain any relevant approvals, with further advice to be provided to the BTC once more detail is established.

CONSULTATION

Shire staff are in regular contact with the BTC and BPA.

OFFICER COMMENT / CONCLUSION

The BPA / BTC continue to endeavor to improve the Balingup community and should be commended for their efforts. This extends to the volunteer work undertaken to beautify the town through initiatives proposed and undertaken by members of the Balingup Townscape Committee.

It is noted that the past 12 months have been somewhat challenging with COVID restrictions and the knock-on effects impacting on availability of materials. As such, it is noted that several BTC projects approved for the previous financial year remain incomplete, however the Shire understands this has often been outside of the BTC's control. As such it is suggested that the Shire take a lenient approach and continue to work with the BTC to finalise the projects.

With regard to the proposed projects for 2022/23, Shire staff are generally supportive with the exception of the two projects related to the Rothery Walk footbridge and raising of the footpath. Whilst staff acknowledge that there is merit in seeking to improve this infrastructure, both the bridge and the footpath are located in a floodway which is inundated in winter and therefore any improvements will need to be constructed to the appropriate standard, informed by engineering design. Staff have previously explored options to replace the bridge and upgrade the adjoining pathways which, if done to the appropriate standards would be estimated to cost in excess of \$100,000. The interim solution proposed by the BTC gives rise to some concern from both safety and liability perspectives.

It is noted that under COMD/CP-4 it states the following:

- 4.8 *The Shire will be responsible for undertaking larger infrastructure projects including the construction of roads, footpaths, bridgeworks, pedestrian crossings, statutory signage, water bores, and any other projects it deems appropriate.*
- 4.9. *The Shire may determine that a particular project contained within a community group application should preferably be undertaken by the Shire if it:*
- a. *involves a high level of complexity (e.g. requires approvals from multiple agencies);*
 - b. *warrants significant community consultation;*
 - c. *requires engineering or design compliance;*
 - d. *poses a potential risk to public safety;*
 - e. *is of a scale or nature that warrants it being a Shire project.*

It is therefore recommended that Council does not support the BTC to modify the bridge structure and/or the adjoining footpaths, but supports the BTC/BPA to identify appropriate funding opportunities that would enable such works to be professionally undertaken to a safe standard.

In light of the above, it is recommended that Council endorse the remainder of the BTC proposed projects for inclusion in the draft 2022/23 Annual Budget.

9.1.2 SHIRE OF DONNYBROOK BALINGUP WASTE MANAGEMENT CONTRACTS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	HLT 08/1
Author	Steve Potter, Director Operations
Responsible Manager	Steve Potter, Director Operations
Attachments	Nil
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the pending expiry of the Shire’s waste management contracts on 30 June 2023 as per the following: <ol style="list-style-type: none"> 1.1 Kerbside Collection of Waste – Municipal / Recycling / FOGO (Cleanaway); 1.2 Processing of Recycling (SUEZ); 1.3 Provision and Repair of Bins for Kerbside Collection (Cleanaway); 1.4 Provision of Bulk Bins for Balingup Waste Transfer Station (Cleanaway)*; 1.5 Management of Donnybrook Waste Management Facility (Hastie Waste)*; 1.6 Management of Balingup Waste Transfer Station (Hastie Waste)*; <p style="margin-left: 40px;"><i>*denotes where an extension option is available under the existing contract</i></p> 2. Instructs the Chief Executive Officer to make provision in the 2022/23 Draft Annual Budget to fund a waste management consultant to review, make recommendations and prepare procurement documents for future waste contracts. 3. Subject to Council approving funding through the 2022/23 Annual Budget authorises the Chief Executive Officer to engage a suitable waste management consultant to: <ol style="list-style-type: none"> 3.1 undertake a comprehensive review of the current status of all Shire waste management contracts; 3.2 make recommendations to Council on a preferred model for the structure and nature of waste management contracts beyond 30

June 2023 that achieves cost and operational efficiencies with delivery of waste management services to the community;

3.3 subject to Council considering the consultant’s recommendations and determining its preferred model, prepare all procurement documentation to enable the Shire to go to tender.

STRATEGIC ALIGNMENT

The following outcome from the Corporate Business Plan relates to this proposal:

- Provide efficient and effective waste services

EXECUTIVE SUMMARY

The Shire of Donnybrook Balingup has a number of waste management related contracts that are due to simultaneously expire on 30 June 2023 which provides an opportunity for the Shire to review its current operations to determine if the existing structure and delivery of services represents the best approach from operational, cost and community perspectives.

It is recommended that Council supports the officer recommendation which will enable the Shire to take advantage of any opportunities that may be identified whilst ensuring sufficient time is provided to complete the necessary processes to procure and execute new contracts by 30 June 2023.

BACKGROUND

The Shire of Donnybrook Balingup has a number of individual waste management contracts which cumulatively fulfill the Shire’s responsibilities for providing waste services to the community. Whilst some of these contracts have been around for a number of years, others have only recently been entered into, however all existing contracts share a common factor in that they are all due to expire on 30 June 2023 (noting that several contracts have extension options). This is in equal parts the result of chance and design with more recent contracts being deliberately allocated end dates to coordinate with older contracts to provide the Shire with the opportunity to review the entire suite of contracts.

The following represents a summary of the Shire’s existing waste management contracts:

Kerbside Collection of Waste – Municipal / Recycling / FOGO

<u>Contractor:</u>	Cleanaway
<u>Commencement date:</u>	1 July 2018
<u>Expiry Date:</u>	30 June 2023

Processing of Recycling

Contractor: SUEZ
Commencement date: 1 July 2013
Expiry Date: 30 June 2023

Supply and Maintenance of Bins for Kerbside Collection

Contractor: Cleanaway
Commencement date: 1 July 2018
Expiry Date: 30 June 2023

Provision of Bins for Balingup Waste Transfer Station

Contractor: Cleanaway
Commencement date: 1 July 2021
Expiry Date: 30 June 2023* (includes 2 x 2 year options)

Management of Donnybrook Waste Management Facility

Contractor: Hastie Waste
Commencement date: 1 July 2019
Expiry Date: 30 June 2023* (includes 2 x 2 year options)

Management of Balingup Waste Transfer Station

Contractor: Hastie Waste
Commencement date: 1 July 2021
Expiry Date: 30 June 2023* (includes 2 x 2 year options)

FINANCIAL IMPLICATIONS

As per the 2021/22 Annual Budget, waste management services cost the Shire approximately \$850,000 per annum.

The engagement of a suitable waste management consultant to undertake the range of tasks outlined in the officer recommendation is estimated at approximately \$20,000 - \$30,000.

Due to the time that has expired since some of the expiring contracts were originally entered into, it is anticipated that contract costs may increase significantly when re-tendered.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Waste management is governed by a range of legislation with two of the most significant being the *Waste Avoidance and Resource Recovery Act 2007* and the *Environmental Protection Act 1986*.

CONSULTATION

As part of the review process it is recommended that the consultant be required to engage with existing Shire contractors to identify any issues and/or opportunities with existing arrangements.

If there are any proposed changes emanating from the consultant's review that are likely to impact on the community, it may be prudent to undertake community consultation, however it is recommended that this take place once any initial review is complete and Council has further considered the matter.

OFFICER COMMENT / CONCLUSION

Providing waste management services to the community is complex and has social, environmental, financial and governance implications. It is a critical Shire function that utilises a significant portion of the Shire's budget and involves numerous contracts as well as significant officer time and resources to ensure operations run efficiently and effectively.

The present situation, in which numerous contracts are due for expiry simultaneously provides a unique opportunity for the Shire to review the structure and nature of the contracts to determine if there may be a better approach. This approach will ensure that any future direction and/or decisions are making best use of Shire funds and resources, whilst complying with current and future legislative requirements.

9.2 DIRECTOR CORPORATE AND COMMUNITY

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)).

9.2.2 MONTHLY FINANCIAL REPORT – APRIL 2022

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

EXECUTIVE RECOMMENDATION

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

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 BALINGUP RAIL GROUP DRAFT BUDGET FUNDING ALLOCATION

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ASS24DEP34
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose - Chief Executive Officer
Attachments	9.3.1(1) - Correspondence received 28 April 2022 9.3.1(2) - Leisure Rail WA 9.3.1(3) – Correspondence received 6 May 2022
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Allocate \$5,000 in the 2022-2023 Draft Annual Budget to the Balingup Rail Group (auspiced by the Balingup Progress Association) to enable the commissioning of a feasibility study into re-opening the rail line between Bunbury and Bridgetown for a tourist rail and potential rail freight service on the South West rail line. 2. Will only provide the \$5,000 funding to the Balingup Rail Group (auspiced by the Balingup Progress Association) if all other co-contribution funding of \$45,000 from local governments and the South West Development Commission is first secured.

STRATEGIC ALIGNMENT

The following outcomes and objectives from the Strategic Community Plan relate to this proposal:

- A strong diverse and resilient economy
- Encourage more people to stop and, shop and experience the Shire of Donnybrook Balingup
- Build and strengthen stakeholder relations.

EXECUTIVE SUMMARY

The Balingup Rail Group (BRG) are requesting support to progress the commissioning of a feasibility study to review the viability of re-opening the rail line between Bunbury and Bridgetown for the purpose of a tourist rail service and possible freight rail service.

Council is requested to include an allocation of \$5,000 in the 2022-2023 Draft Budget to support this proposal.

BACKGROUND

The Shire President and Chief Executive Officer met with a representative of the BRG where the proposal for re-opening the rail line was outlined with the intention to ultimately seek financial support from the Government to restore the line for tourism and freight transport.

The Shires of Capel, Bridgetown-Greenbushes, Dardanup and the City of Bunbury have all been approached to contribute funding towards the feasibility study. The South West Development Commission is also soon to be approached by the BRG for funding assistance.

Attached is a copy of the Leisure Rail WA document that was presented to Council in 2001 setting out details of a proposed tourist rail service between Perth and Bridgetown, forming part of the established business case for the Leisure Rail WA project (attachment 9.3.1(2)).

FINANCIAL IMPLICATIONS

BRG anticipate the cost for the feasibility study is \$50,000, with funding proposed as follows:

- Shire of Donnybrook Balingup - \$5,000.
- Shire of Bridgetown Greenbushes - \$5,000.
- Shire of Dardanup - \$5,000.
- Shire of Capel - \$5,000.
- City of Bunbury - \$5,000.
- South West Development Commission - \$25,000.

An allocation of \$5,000 (conditional) is recommended to be included into the Draft Budget.

As the funding request is above \$2,000, it cannot be considered as part of the Shire's annual Community Grants Program.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

In mid-late 2018, the South West Development Commission, Talison Lithium and ARC Infrastructure co-funded a pre-feasibility study which investigated re-instatement of the Greenbushes to Picton rail line, chiefly to service the burgeoning lithium mine in Greenbushes. Whilst the study has never been publicly released, the pre-feasibility results advised to the Shire (in 2018) were that the Cost-Benefit Ratio did not indicate a sufficient return on investment to warrant further detailed feasibility analysis. With this background/context in mind, the Shire has sought feedback from the South West Development Commission, who are yet to provide reply advice.

Separate, but related to the funding request from the BRG, the Rail Heritage WA group (based in Boyanup and recently restored the Leschenault Lady train) provided recent correspondence (see attachment 9.3.1(3)) to the Shire CEO in relation to re-instatement of the Boyanup to Donnybrook rail line to operate the Leschenault Lady as a tourism venture. Advice from ARC Infrastructure to Rail Heritage WA indicates that operation of the Leschenault Lady on local rail networks would present exceptionally high funding and governance/risk management thresholds to initiate.

Additionally, advice from other local governments on the Bridgetown-Bunbury/Picton rail line has been sought, with only the Shire of Capel responding so far. The Shire of Capel advise that they support, in principle, the concept of rail line reinstatement, however, the broader implications and decision-making around freight rail reinstatement should be resolved first.

OFFICER COMMENT

Council is requested to support this initiative by the BRG to enable a feasibility study of the rail line between Bunbury and Bridgetown being reopened. The study will assist the Shire to develop a clearer understanding of the future use of the line and how this will lead and impact upon future projects surrounding tourism in the district and broader south-west. Noting the feedback/advice from other local governments and the South West Development Commission, there is a low likelihood of the full \$50k funding being achieved. In this regard, it is recommended to Council that the Shire's \$5k contribution (if approved in the 2022-23 Budget), be withheld until/unless all other funding has been secured by the BRG.

9.3.2 CORPORATE BUSINESS PLAN REVIEW

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 8/11J
Author	Maureen Keegan – Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.3.2(1) Council Plan 2023
Voting Requirements	Absolute Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the renaming of the Corporate Business Plan to Council Plan. 2. Adopts the reviewed Shire of Donnybrook Balingup Council Plan, as attached.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

- A respected, professional, and trusted organisation.
- Effective and efficient operations and service provision.
- Seek a high level of legislative compliance and effective internal controls.

EXECUTIVE SUMMARY

Following the major Strategic Community Plan Review in 2021, the Council Plan (formally known as the Corporate Business Plan) was developed to guide the Administration to achieve the community and Council’s outcomes and objectives detailed in the Strategic Community Plan.

The Council Plan incorporates many elements of the Strategic Community Plan with the addition of priority projects (actions), timeframes, and responsible department. A status update on the progress of the priority projects will be presented to Council twice a year.

BACKGROUND

Section 19C of the Local Government (Administration) Regulations requires that local governments review the Strategic Community Plan for its district at least once every four years and section 19DA of the Local Government (Administration) Regulations requires local governments review its Corporate Business Plan at least once for every year.

The Department of Local Government, Sport and Cultural Industries (DLGSCI) is currently updating the Integrated Reporting and Planning Framework. Part of the update is the terminology of the Plans, hence the Corporate Business Plan renamed as the Council Plan. When Council next review the Integrated Planning and Reporting Framework suite of documents, further legislative changes from the State Government may be in place.

The previous review of the Shire's Corporate Business Plan was presented to Council (and approved) in November 2020, with the major review of the Strategic Community Plan occurring in 2021 (August).

Catalyse consultants were engaged to assist the Shire in the major review of its Corporate Business Plan. Catalyse undertook the Shire's most recent Community Scorecard and assisted with the recent major review of the Strategic Community Plan.

Workshops were held throughout November 2021 with Councillors and Senior staff to develop the priority projects, and these were further refined by the respective managers taking into consideration workforce capability, current projects and works schedules.

The Council Plan is attached at attachment 9.3.2(1).

FINANCIAL IMPLICATIONS

Not applicable

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

Section 5.56 of the *Local Government Act 1995*.

CONSULTATION

The DLGSCI Advisory Standards for Corporate Business Planning do not recommend public consultation for the Council Plan; rather, they recommend detailed consultation on the Strategic Community Plan. Development of the Council Plan has involved Councillor and staff workshops.

OFFICER COMMENT/CONCLUSION

Catalyse recommends that the plan be formally known as the 'Shire of Donnybrook Balingup Council Plan', as this is the direction the Department of Local Government is heading, and the term has been adopted by other Local Governments.

It is recommended that Council adopt the Council Plan, which will assist in informing the Long-Term Financial Plan and 2022-23 Budget deliberations.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 CONFIDENTIAL - CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL – SELECTION OF CONSULTANT

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

(b) the personal affairs of any person; and

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

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 22 June 2022 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.