



## **NOTICE OF ORDINARY COUNCIL MEETING 28 OCTOBER 2020**

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To be held on

**Wednesday 28 October 2020**

Commencing at 5.00pm

**Balingup Lesser Hall, Balingup**

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

**Ben Rose  
Chief Executive Officer**

**23 October 2020**

### **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 Balingup Hall  
Wednesday, 28 October 2020 at 5.00pm

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

**Shire President – Acknowledgment of Country**

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

The Shire Present to declare the meeting open and welcome the public gallery

**2 ATTENDANCE**

**MEMBERS PRESENT**

<b>COUNCILLORS</b>	<b>STAFF</b>
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Steve Potter – Executive Manager Operations
Cr Shane Atherton	Paul Breman – Executive Manager Corporate and Community
Cr Anita Lindemann	Jaimee Earl – Administration Officer (Minutes)
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Shane Sercombe	
Cr Chris Smith	
Cr Leanne Wringe	

**PUBLIC GALLERY**

**2.1 APOLOGIES**

Nil.

**2.2 APPROVED LEAVE OF ABSENCE**

Nil.

**2.3 APPLICATION FOR A LEAVE OF ABSENCE**

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

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### **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.

Mr Benjamin Rose, Chief Executive Officer declares a financial interest in Confidential Item 12.1.3 Chief Executive Officer Annual Review and Key Performance Indicators. Ben will leave the Chamber for the duration of the item.

Cr Shane Sercombe declared a financial interest in item 12.1.3 and will leave the Chamber for the duration of the discussion and vote on the item.

Cr Shane Atherton declares an impartiality interest in item 9.3.2

Cr Chaz Newman declares an impartiality interest in item 9.3.2

Cr Anne Mitchell declares an impartiality interest in confidential item 12.1.2

### **5 PUBLIC QUESTION TIME**

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

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Mr Simon McInnes

*Currently under discussion is the largest loan and the largest project that the Shire has undertaken. There have been two meetings held with stakeholders in the sports precinct and neither of these meetings have had minutes taken.*

Shire Response

Both these statements are incorrect.

*How are the views and problems raised within these meetings conveyed to the Council accurately?*

Shire Response

Two Councillors are members of the Stakeholder Working Group, both Councillors and staff relay information to Councillors via project briefings, Agenda Briefing Sessions and Ordinary Council Meeting reports. It should be noted, that in recent times where community reference groups have been set up to facilitate and expedite project outcomes, such groups have never been stacked in favour of voting elected members, and staff attend in a non voting role as a coordinating conduit between the reference group and the Shire.

*Why are the discussions between parties being kept secret as the rate payers are stakeholders as well?*

Shire Response

There is no cloak of secrecy in terms of the discussions, deliberations and decisions by the Stakeholder Group, as evidenced by Mc McInness' observations reported in the Preston Press, emanating from Ordinary Council Meeting minutes and attachments. Furthermore, the participating reference group members are at liberty to consult with the community at large and in this instance are encouraged to collaborate within and across all the participating sporting condes and respective stakeholders.

*Has the Shire President indicated to the stakeholders that there will be no increase in the fees and charges levied by the Shire despite the 9 million dollar upgrade?*

Shire Response

No. although the stakeholder reference group entities clearly understand they will be expected to continue the current practice on a user pays basis to meet their respective ongoing lease and outgoings. There is no suggestion that stakeholder will be expected to carry any of the loan facility costs relating to this all-embracing intergenerational community facility.

*Could we have an update on the Shire's involvement in the Bridge Street Project?*

Shire Response

An update was provided to Mr McInnes (and other community members) at a public information session on Shire projects and the Shire budget on 22 September 2020 (the day before this question was lodged).

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**5.2 PUBLIC QUESTION TIME**

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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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## **7 CONFIRMATION OF MINUTES**

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### ***7.1 ORDINARY MEETING OF COUNCIL – 23 SEPTEMBER 2020***

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Minutes of the Ordinary Meeting of Council held 23 September 2020 are attached (*attachment 7.1(1)*)

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Ordinary Meeting of Council held 23 September 2020 be confirmed as a true and accurate record.**

### ***7.2 AUDIT AND RISK MANAGEMENT COMMITTEE – 15 OCTOBER 2020***

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Minutes of the Audit and Risk Management Committee meeting held 15 October 2020 are attached (*attachment 7.2(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Audit and Risk Management Committee held 15 October 2020 be received.**

### ***7.3 SPECIAL MEETING OF COUNCIL – 21 OCTOBER 2020***

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Minutes of the Special Meeting of Council held 21 October 2020 are attached (*attachment 7.3(1)*).

#### **EXECUTIVE RECOMMENDATION**

**That the Minutes from the Special Meeting of Council held 21 October 2020 be confirmed as a true and accurate record.**

## 8 REPORTS OF COMMITTEES

### 8.1 AUDIT AND RISK MANAGEMENT COMMITTEE CHARTER REVIEW

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	N/A
<b>Author</b>	Maureen Keegan – Manager Executive Services
<b>Responsible Manager</b>	Paul Breman – Executive Manager Corporate and Community
<b>Attachments</b>	8.1(1) Audit Committee Charter July 2019 8.1(2) Shire Code of Conduct
<b>Voting Requirements</b>	Simple Majority

Committee Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Review and accept the amendments to the Audit and Risk Management Committee Charter July 2019 in accordance with the attached reviewed Charter; and</b></li> <li><b>2. Adopt the reviewed Audit and Risk Management Committee Charter.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome	4.1	A strategically focused, open and accountable government
Strategy	4.1.1	Provide accountable and strategic leadership
Action	4.1.1.3	Review Council, Committee and Working Group governance structures and meeting programs

### RESPONSE TO BRIEFING QUESTION

At the October agenda briefing meeting, Elected Members on the Audit and Risk Management Committee raised the issue of why the Audit and Risk Management Committee Charter retained the exclusion of internal audit when the members recalled a request for references to internal audit in the Charter be retained and not excluded.

A check with the minute taker at the Committee meeting (Manager of Executive Services) after the briefing, revealed that the discussion on retention of references to internal audit occurred when discussing the draft Risk Management Framework but not carried on over to consideration of the Committees Charter. This is a technical issue, however, to keep with strict meeting protocol only the Risk Management Framework was changed, hence the reference to internal audit being still in the Council item.



It is open to the Members of the Audit Committee (or any other elected member) to initiate an amendment to the recommendation (Item 8.1) at the Council meeting to ensure the retention of internal audit as a reference within Audit and Risk Management Charter.

## REPORT DETAILS

An Audit Committee is required to be established by Council under the provisions of Section 7.1A of the *Local Government Act 1995*.

The objective of the audit committee is to accept responsibility for the annual external audit and liaise with the Shire’s auditor so that Council can be satisfied with the performance of the Shire in managing its financial affairs. (DLGSC Audit in Local Government)

To assist the Audit and Risk Management Committee in the function of its duties an Audit and Risk Management Committee Charter was developed using the DLGSC Model Terms of Reference and adopted by Council in July 2019. The Committee at the time was not involved in the development of the Charter nor engaged in training in the governance of Audit and Risk Management

At the request of the Committee, the Charter has undergone a review by the Executive Manager Corporate and Community. The review document with comments is attached and outlined within this report.

The recommended amendments are highlighted throughout the Committee Charter as follows:

- Some suggested word changes are highlighted in red text and text to be removed identified by a font strikethrough.
- The content of the Charter was identified as being either a Shire inclusion or direct copy from the Model Terms of Reference these are noted in green text.
- Commentary relating to clauses which include recommendations for improvements, deletion and or further discussion are numbered in blue text through the Charter and listed below for ease of interpretation by the Committee.

Table of Comments	
<b>1. Committee Vision</b>	Remove as the committee is a requirement under the <i>LG Act 1995</i> and does not require a Vision Statement.
<b>2 Internal Audit</b>	Remove any reference to the internal audit function as this is not undertaken at the Shire, at this time.
<b>3. Seek external advice</b>	Remove this clause from the Membership section as it is covered in the Terms of Reference (n)
<b>4. Meetings</b>	Remove the last paragraph as all items put forward will require a vote.

<b>5. Terms of Reference – Clause J</b>	Remove clause J as this refers to an internal auditor.
<b>6. Ethical Practices</b>	Remove in its entirety. The Shire Code of Conduct applies to Committee Members.
<b>7. Evaluation</b>	Remove, as this is not relevant or required.
<b>8. Review</b>	Remove. The Document Control box contains the adoption and review information
<b>9. Approval of the Chair</b>	Remove as the Chairperson and CEO will sign the document once endorsed by Council.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **POLICY COMPLIANCE**

Council Policy 1.15 – Committee Membership

### **STATUTORY COMPLIANCE**

*Local Government Act 1995 (S7.1(A))*

### **CONSULTATION**

Not applicable.

### **OFFICER COMMENT/CONCLUSION**

Developing an inclusive process to review the Audit and Risk Management Committee Charter will provide the Committee with knowledge and ownership of the Charter.

External training to assist Committee Members to understand the Charter, Governance of risk management relating to the Audit and Risk function at the Shire is imperative to a well-functioning Committee. Training providers are currently being sourced.

## **9 REPORTS OF OFFICERS**

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### **9.1 EXECUTIVE MANAGER OPERATIONS**

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Nil.

## **9.2 EXECUTIVE MANAGER CORPORATE AND COMMUNITY**

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### **9.2.1 ACCOUNTS FOR PAYMENT**

The Schedule of Accounts Paid (*Attachment 9.2.1(1)*) under Delegation (No 3.1) is presented to Council for information.

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### **9.2.2 MONTHLY FINANCIAL REPORT – AUGUST 2020**

The Monthly Financial Report for August 2020 is attached (*attachment 9.2.2(1)*).

### **EXECUTIVE RECOMMENDATION**

**That the monthly financial report for the period ended August 2020 be received.**

### 9.2.3 TUIA LODGE QUARTERLY REPORT - QUARTER ONE (2020/21)

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	CSV 01/2
<b>Author</b>	Bob Lowther, Manager Aged Care
<b>Responsible Officer</b>	Bob Lowther, Manager Aged Care
<b>Manager</b>	Paul Breman, Executive Manager Corporate and Community
<b>Attachments</b>	9.2.3(1) – Tuia Lodge Quarter One Report (Public) 9.2.3(2) – Tuia Lodge Quarter One Report (Confidential)
<b>Voting Requirements</b>	Simple Majority

<b>Recommendation</b>
<b>That Council receive the Tuia Lodge Quarterly Report for Quarter One 2020/21 (July - September).</b>

#### STRATEGIC ALIGNMENT

Outcome:	4.2	A respected professional and trusted organisation
Strategy:	4.2.1	Effective and efficient operation and service provision
Action:	4.2.1.4	Demonstrate sound financial planning and management, including revenue / expenditure review and revenue diversification strategies and long term financial planning

#### EXECUTIVE SUMMARY

This report covers quarter one (1) of the 2020/21 financial year. Comprehensive details including an Executive Summary, Residential Data, Employee Statistics, Occupational Safety and Health, Maintenance and Finance, are provided for Council’s information.

#### BACKGROUND

At its Ordinary Meeting on 23 August 2017 Council resolved to:

- 1) *Direct the Chief Executive Officer to prepare a quarterly report on an ongoing basis, regarding the management and operations of the Tuia Lodge Aged Care facility, with sufficient detail to ensure Elected Members can fulfil their individual obligations associated with the Shire of Donnybrook Balingup being the ‘Approved Provider’ for the facility.*
- 2) *That the report for each quarter, be presented at the next Ordinary Council meeting:*

The above resolution has been implemented and it is recommended the reports continue to be presented to Council on a quarterly basis.

**CONSULTATION**

Not applicable.

**FINANCIAL IMPLICATIONS**

In accordance with 2020/21 Budget allocations.

**POLICY COMPLIANCE**

Not applicable

**STATUTORY COMPLIANCE**

*Aged Care Act 1997.*

**OFFICER COMMENT / CONCLUSION**

It is recommended that the Tuia Lodge Quarterly Report for Quarter One 2020/21 be received by Council.

## 9.2.4 COMMUNITY GRANTS FUNDING SCHEME – POLICY AMENDMENTS

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	FNC 08/6
<b>Author</b>	James Jarvis, Manager, Community Development
<b>Responsible Manager</b>	Paul Breman, Executive Manager, Corporate and Community
<b>Attachments</b>	9.2.4(1) COMD-CP – 1 – Community Grants Funding Scheme 9.2.4(2) COMD-CP – 4 – Interest Free Loans to Clubs and Organisations
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>1. Adopt the amended Community Grants Funding Scheme (CGFS) policy as attached, and which:</b> <ol style="list-style-type: none"> <li><b>a. Introduces an annual funding allocation to the scheme tied at 2.5% of rates;</b></li> <li><b>b. Renames the Budget/Recurrent funding category to Service Level Agreements to enable three-year funding agreements to be created; and</b></li> <li><b>c. Changes the funding process timeline to position the major grant round to be implemented in August to September of each financial year.</b></li> </ol> </li> <li><b>2. Consider in the 2021/22 draft budget an allocation of up to \$100,000 (or a phased implementation approach over successive financial years) to support a proposed Interest Free Loans to Clubs and Organisations policy.</b></li> </ol>

### STRATEGIC ALIGNMENT

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

Outcome:	3.1	An engaged, supportive, and inclusive community.
	3.2	Well supported community groups and facilities.
Strategy	3.1.1	Facilitate, encourage, and support a diverse range of festivals, community events, arts, and cultural activities.
	3.2.2	Encourage and support volunteers and community organisations.
Action	3.1.1.2	Continue to encourage and support community-led events.
	3.2.2.2	Provide support for community organisations.

### EXECUTIVE SUMMARY

The triennial review of the Community Grants Funding Scheme (CGFS) policy and guidelines has provided an opportunity to refine and re-purpose elements of the Community Grant Guidelines to ensure they reflect the needs of the community. The recommended policy changes introduce flexibility, innovation, funding and process certainty to community groups, clubs and organisations in a grant funding model that is streamlined, effective and efficient.

## **BACKGROUND**

The CGFS Policy was scheduled for review at the time the State of Emergency on the COVID-19 pandemic was announced in February 2020. On 25 March 2020, the COVID-19 Shire Response and Recovery Plan was approved by Council with Item 2.2 stating *Restructure delivery of Shire community grants to encompass community and business support grants.*

The CGFS Policy review considered the Pandemic's impact on community, community groups and businesses to ensure that funding was allocated in a way that produces an enduring public value. That is, the review identified the strengths and weaknesses of the existing Scheme and introduced new elements to tailor the CGFS to be more flexible, encourage innovation and support the social and economic recovery. The policy revision also aimed to eliminate inconsistencies in the current policy and ensure a more 'all encompassing' policy/scheme which would better service the needs of the community.

The review process has involved assessing the Shire's current CGFS Policy and Guidelines, as well as a broader assessment which has incorporated the Shire's current procedure for assessing and granting funds for requests for sponsorship, donations and the waiver of fees.

In addition, the Community Development team conducted a comparative analysis of the community grants/donations/sponsorship/waiver of fees guidelines and policies of seven local governments, including:

- City of Busselton
- City of Augusta Margaret River
- Shire of Nannup
- Shire of Bridgetown Greenbushes
- City of Vincent
- City of Wanneroo, and
- Shire of Exmouth.

The comparative analysis illustrated local governments vary significantly in their approach to managing community grants, sponsorships, donations, and the waiver of fees. Several were in the process of reviewing/restructuring their own guidelines/policies, however several common themes were identified because of the comparative analysis:

- Although some of the larger local governments currently conduct two rounds of community grant funding, there was an overwhelming recommendation to avoid more than one round of funding per year due mainly to the impact on staff resource and the administrative costs;
- All reinforced the need for clarity/consistency in the selection criteria/selection process;
- All reinforced the need for clarity/consistency in the assessment process; and
- Local governments who indicated overall satisfaction with their own policy/guidelines, scheduled their process to coincide with their respective budget planning process.



The CGFS policy (Attachment 9.2.4(1)) and Community Grants – Guidelines – Draft July 2020 adoption is effective from the date of Council approval with implementation commencing for the 2021/2022 financial year, depending on the grant category. The proposed Interest Free Loans to Clubs and Organisations policy (Attachment 9.2.4(2)) will be adopted subject to the allocation of funding in the 2021/22 Budget.

The specific marked-up changes have been highlighted in yellow in Attachment 9.2.4(1) - CGFS Policy.

## **FINANCIAL IMPLICATIONS**

The proposed CGFS funding model ties the financial commitment to 2.5% of rates that in 2020/21 equates to approximately \$125,000. This proportional allocation streamlines the CGFS process and enables certainty in the funding allocated to each annual grant round. An analysis of the approved grants from 2016 to 2020 reveal an average of about 2.0% of rates. The recommended increase from 2.0% to 2.5% of rates relates to introducing three-year Service Level Agreements, which is the most significantly amended funding category in this review process.

The Shire will be required to make a financial commitment to the CGFS each year commencing in the 2021/2022 budget. This commitment will be in line with the total level of support previously committed by the Shire to categories such as:

- Minor and Major Community Grants
- Event funding
- Arts Sponsorship/Grants
- Youth Grants
- Sponsorship requests
- Donations requests
- Waiver of fee requests
- Recurrent funding.

The proposed funding allocation for the Interest Free Loans to Clubs and Organisations category will be sourced from a proposed Community Development Reserve fund, subject to allocation in the 2021/22 Budget. The proposed allocation for consideration in the draft 2021/22 budget is \$100,000 in total, or with the quantum being phased in over successive financial years. Eligible entities can apply for no more than 30% of the total of the Reserve fund at any time. In the situation where a supplementary loan is requested by an eligible entity, the application may be considered if the total of all applications does not exceed 30% of the reserve fund per entity.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

- *Local Government Act (1995).*
- *Local Government (Financial Management) Regulations (1996).*

## **CONSULTATION**

The Community Development team have regular conversations with current and former CGFS recipients and the new CGFS policy is consistent with that feedback.

A comparative analysis across seven Local Government authorities was undertaken.

## **OFFICER COMMENT/CONCLUSION**

The attached draft CGFS Policy and Guidelines seeks to streamline the current policy, plus introduce innovation, flexibility, and funding certainty. The CGFS policy retains most of the existing categories but amends the recurrent funding category to a Service Level Agreement category to accurately reflect the services the Shire has been procuring within that category over successive years. The recommended CGFS categories include:

- Minor and Major Community Grants,
- Minor and Major Event funding,
- Sponsorship/Grants,
- Cash Donations,
- Waiver of fee requests, and
- Service Level Agreements.

A proposed Interest Free Loans to Clubs and Organisations policy is being introduced, subject to allocation in the 2021/22 Budget, to enable those organisations with capacity to service a debt to undertake important projects for the benefit of their members and the broader Shire community.

The purpose of the CGFS is now more closely aligned to the Shire's strategic vision and objectives and enables the strategic impact and administrative burden of the assessment process to occur at Shire officer level.

### 9.2.5 REQUEST FOR RATES WRITE OFF – ASSESSMENT A4856

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Not applicable
<b>File Reference</b>	A4856
<b>Author</b>	Paul Breman, Executive Manager Corporate and Community
<b>Responsible Officer</b>	Paul Breman, Executive Manager Corporate and Community
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

Recommendation
<p><b>That Council write off \$796.12 in outstanding rates and penalty interest, in relation to A4856, from the date of the Department of Planning, Land and Heritage application being 3 May 2019 to 29 December 2019.</b></p>

### STRATEGIC ALIGNMENT

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

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.1	Maintain effective and efficient policies, planning, operating procedures and practices

### EXECUTIVE SUMMARY

An application was made to the Department of Planning, Lands and Heritage (DPLH), to surrender the ownership of land to the State. The application was received by DPLH on 3 May 2019 and has subsequently been approved. The land is now owned by the State.

The land, which is the subject of the application, is located within an area where its use and development options are restricted due to limited access. In previous years, property owners in this location (Victoria Parade, Donnybrook) were offered a concession on rates for these affected land areas, however, the concession was removed by Council effective 1 July 2018.

The immediate past owner has made application to the Shire requesting consideration for partial write-off of rates applicable to their period of ownership during 2018/2019 and 2019/2020. The applicant has requested consideration of partial write-off of rates for the period 3 May 2019 to 29 December 2019, referring to a similar application previously considered by the Council at the Ordinary Council meeting in June 2020.

### BACKGROUND

The current outstanding balance of rates and charges is \$898.65, with penalty interest accruing daily on overdue amounts.

Landgate has provided advice that the property is non-ratable effective from 30 April 2020. The required interim rates transaction has been processed, removing rates and charges for the non-ratable period 1 May 2020 to 30 June 2020. The balance outstanding on the account (\$898.65) relates to the period when the property was considered ratable.

Property A4857 was affected by similar land use and development restrictions and was transferred to the State. The past owner of A4857 made application in June 2020 to the Council seeking a write off of rates, and the Council resolved:

*Resolution 88/20, June 2020 OCM*

*That:*

- 1. Council approve a partial waiver of outstanding rates only, in relation to A4857, which results in rates charged for a period of six months from the date of the DPLH application 29 July 2019 to 29 December 2019.*
- 2. All other fees and charges remain outstanding.*

*CARRIED 7/2*

## **FINANCIAL IMPLICATIONS**

A write off of outstanding rates and penalty interest, for the period from the date of the DPLH application 3 May 2019 to 29 December 2019, would result in a total amount written off of \$796.12 being:

- \$729.21 in rates; and
- \$66.91 in penalty interest.

## **POLICY COMPLIANCE**

The CEO has delegated authority to write off rates and charges up to \$1,000 however this item has been put to the Council due to its sensitivity and the potential precedent.

## **STATUTORY COMPLIANCE**

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
  - (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,

which is owed to the local government.

## **CONSULTATION**

Not applicable.

## **OFFICER COMMENT/CONCLUSION**

The property was been rated correctly in accordance with the information provided by Landgate and in accordance with the Local Government Act.

As the land has been successfully transferred to the State, rates have been re-calculated pro rata from 1 July 2019 to the date of extinguishing the title.

It is recognised the land is situated within a location where a concession was provided in previous years. The staff recommendation in the past has been not to write off rates in these circumstances however due to the Council's previous resolution the recommendation has now been framed to maintain equity and consistency with previous decisions.

### **9.3 CHIEF EXECUTIVE OFFICER**

#### **9.3.1 IMPLEMENTATION OF THE SOUTH WEST REGIONAL COUNCILS DESIGNATED AREA MIGRATION AGREEMENT MEMORANDUM OF UNDERSTANDING**

<b>Location</b>	Shire of Donnybrook Balingup
<b>Applicant</b>	Shire of Donnybrook Balingup
<b>File Reference</b>	Not applicable
<b>Author</b>	Maureen Keegan – Manager Executive Services
<b>Responsible Manager</b>	Ben Rose – Chief Executive Officer
<b>Attachments</b>	9.3.1(1) MOU 9.3.1(2) DAMA Submission template 9.3.1(3) DAR Regional Workforce Needs Survey
<b>Voting Requirements</b>	Simple Majority

<b>Recommendation</b>
<b>That Council instructs the Chief Executive Officer to execute the South West Regional Councils Designated Area Migration Agreement Memorandum of Understanding as attached.</b>

#### **STRATEGIC ALIGNMENT**

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

Outcome	1.1	A diverse, prosperous economy, supporting local business and population growth.
Strategy	1.1.1	Promote, maintain, and diversify investment in the district.
Action	1.1.1.4	Actively partner in regional growth planning partnerships and projects.

#### **EXECUTIVE SUMMARY**

Council is requested to consider partnering with South West Regional Councils through a Memorandum of Understanding for the development of a Feasibility Study and Implementation Plan into the establishment of the ‘South West Regional Councils Designated Area Migration Agreement’ (DAMA).

Councils approached to participate in the MOU are the: Shires of Augusta-Margaret River; Boyup Brook; Capel; Collie; Greenbushes-Bridgetown; Harvey; Manjimup; Nannup and the Cities of Bunbury and Busselton.

The Cities of Bunbury, Busselton, and the Shires of Augusta Margaret River, Dardanup and Manjimup have confirmed their involvement.

The remaining Shires have indicated they will take the proposal to Council before committing.

The Shire of Dardanup will coordinate the management and preparation of the Feasibility Study and Implementation Plan with the appointed Consultant.

The purpose of the feasibility study is to identify regional workforce needs in each location and overall, as a region. The study will focus on the south-west regions high growth industries including agribusiness, forestry, health and social services, tourism and hospitality, construction, and mining.

Upon completion of the feasibility study the consultant will provide recommendations as part of the implementation plan to establish the DAMA and ongoing administrative support.

Each Council is responsible for liaising and providing support to the appointed Consultant, by identifying relevant stakeholders, employers and labour agencies within each local government's area.

## **BACKGROUND**

DAMA is an agreement negotiated between the Department of Home Affairs for the Commonwealth and a Regional, State or Territory authority, such as local government to cover a specific regional area.

The key elements of the DAMA are:

- It allows regional employers to sponsor employees in different occupations than the skills available under Standard Business Sponsorship for the 482 TSS Visa or the 494 Regional Visa. This includes semi-skilled occupations or skills not classified under the Australian and New Zealand Standard Classification of Occupations.
- It will provide pathways to permanent residency for DAMA visa holders in the South West (including transitional arrangements for existing visa holders).
- It offers English language concessions for some occupations.
- It offers salary concessions that reflect South West market rates, ensuring that worker terms and conditions of employment are not eroded, and local businesses and consumers are not subjected to inflationary costs.
- It incorporates a range of risk and integrity actions to ensure that the rights of both employees and employers are protected.
- It is usually a five-year agreement.

Currently 7 DAMAs are in place in Australia, and Western Australia has 1 signed agreement being the 'Goldfields DAMA' managed by the City of Kalgoorlie-Boulder.

## **FINANCIAL IMPLICATIONS**

A south-west based private business has agreed to fund the cost of the Feasibility Study, meaning no direct financial contribution will be required from local governments.

## **POLICY COMPLIANCE**

Not applicable.

## **STATUTORY COMPLIANCE**

Not applicable.

## **CONSULTATION**

- All South West local governments
- Regional Development Australia South West
- Hon Nola Marino, Assistant Minister for Regional Development and Territories

## **OFFICER COMMENT/CONCLUSION**

This is a good example of a collaborative South West partnership model where local governments can achieve more collectively than they could individually.

The Feasibility Study will identify return on investment, methodology, participating membership, skill shortages to target and a governance/administrative model, which will be presented to a further Council meeting prior to the Shire entering into a formal agreement.



**9.3.2 DONNYBROOK AND DISTRICTS SPORTING, RECREATION AND ENTERTAINMENT PRECINCT – FEDERAL FUNDING APPLICATION**

<b>Location</b>	Steere Street, Donnybrook
<b>Applicant</b>	Shire of Donnybrook
<b>File Reference</b>	PWT 18T
<b>Author</b>	Ben Rose, Chief Executive Officer
<b>Responsible Manager</b>	Ben Rose, Chief Executive Officer
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority

<b>Recommendation</b>	
<p><b>That Council approves the Chief Executive Officer to prepare and lodge an application for \$3.8 million funding from the soon to be advertised Australian Government’s Building Better Region Fund for leveraged funding for the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project that will complement the State Government’s \$6 million commitment and the Shire’s \$3 million in-principle commitment to the Project.</b></p>	

**STRATEGIC ALIGNMENT**

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

- Outcome: 3.3 A safe and healthy community
- Strategy: 3.3.2 Support a safe, healthy, and active community
- Action: 3.3.3.2 Review and implement the VC Mitchell Park and Balingup Recreation Centre Masterplans

**EXECUTIVE SUMMARY**

The Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project (the Project) has progressed significantly with the completion of the Master Plan, the State Government’s commitment of \$6 million funding as part of the State’s WA COVID Recovery Plan, and the Shire’s in-principle commitment to seek a \$3 million loan facility with WA Treasury Corporation.

This report seeks to further develop the Project by seeking Council approval for the CEO to apply for \$3.8 million leveraged funding from the Australian Government’s soon to be announced Building Better Regions Fund (BBRF).

## BACKGROUND

At its September 2020 Ordinary meeting, Council resolved:

*“That Council:*

1. *Authorise the Chief Executive Officer to execute a grant agreement with the State Government for the early release of up to \$250,000 of State project funds for planning and delivery of the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project, acknowledging advice from the Department of Local Government, Sport and Cultural Industries that there is no funding co-contribution requirement from the Shire for this early release of funding.*
2. *Acknowledges its previous in-principle \$3m (capped) project funding decision (based on details from the Ordinary Meetings of 18 December 2019 and May 2020) and instructs the Chief Executive Officer to review the Shire’s Long Term Financial Plan, by no later than the November 2020 Ordinary Meeting of Council, with scenario modelling for provision of borrowings of up to \$3m towards the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct Project.*
3. *Authorise the Chief Executive Officer to execute a State Financial Assistance Agreement (for \$6m minus any early release grant funds), subject to:*
  - a. *Council approving, via resolution, a financial co-contribution (of up to \$3m) to the project.*
  - b. *WA Treasury Corporation approving a loan facility for the Shire’s financial co-contribution (of up to \$3 million) to the project.*
  - c. *Council approving a more detailed Concept Plan (derived from the Council-supported Master Plan), which includes project staging recommendations and stakeholder consultation and input.*
  - d. *The Chief Executive Officer lodging a Project Business Case (in the required State Government format) with the Department of Local Government, Sport and Cultural Industries, if required by that Department.*
4. *Acknowledges initial community response in relation to the discussion (not decision) of relocating Vin Farley Rotary Playground to within the Donnybrook and Districts Sporting, Recreation and Entertainment Precinct and instructs the Chief Executive Officer to exclude planning for the playground relocation from any project plans until, or unless, directed otherwise by the Council.”*

At its May 2020 Ordinary Meeting, Council resolved:

*“That Council:*

1. *Thank the members of the Working Group for their genuine and robust input to the Master Plan development.*
2. *Support the Donnybrook and Districts Sports, Recreation and Events Precinct Master Plan in principle, allowing for negotiation and changes to be made that best suit all end user sporting and community groups prior to Request for Tender,*

*including that Scenario B of the Master Plan be the preferred option for funding consideration;*

3. *Instruct the Chief Executive Officer to seek project funding (for Stages 1 and 2) from:*
  - 3.1 *The State Government;*
  - 3.2 *Additional funding sources.*
4. *Instruct the Chief Executive Officer that, in relation to the project, any further precinct design development, grant funding contracts or requests for tender requires the pre-approval of Council.”*

At its December 2019 Ordinary Meeting, Council resolved:

*That Council:*

1. *Approve, in principle, loan funding towards the Donnybrook and Districts Sports, Recreation and Events Precinct Project on the basis of:*
  - 1.1 *One-third funding from the Shire of Donnybrook Balingup;*
  - 1.2 *Two-thirds funding from the State Government; and*
  - 1.3 *The Shire of Donnybrook Balingup capital contribution via loan being capped at a maximum of \$3,000,000.*
2. *Instruct the Chief Executive Officer to seek project funding from the State Government as per resolution 1, above.*
3. *Approve the addition of the in principle loan funding amount to the Shire’s Borrowings Plan 2019/20 – 2033/34 (as attached).*

## **DETAILS**

The Federal Government will soon announce the next round of BBRF which supports the Australian Government’s commitment to:

- Create jobs,
- Drive economic growth, and
- Build stronger regional communities into the future.

As per the May 2020 Ordinary Council Meeting recommendation 3.2 instructing the CEO to seek additional funding sources for the Project, there is a significant opportunity to leverage the State Government’s \$6 million commitment and the Shire’s in-principle \$3 million commitment to attract up to \$3.8 million from the next BBRF round.

## **FINANCIAL IMPLICATIONS**

The Project is a once in a generation opportunity to upgrade a critical Shire sport and community asset, which the Master Plan costs at about \$12.8 million delivered over two stages. A successful BBRF application will enable the project to be completed in full, in one stage,

leveraged against the State Government’s \$6 million commitment and the Shire’s \$3 million in-principle commitment.

**POLICY COMPLIANCE**

Nil.

**STATUTORY COMPLIANCE**

Nil.

**CONSULTATION**

Nil.

**OFFICER CONCLUSION**

There is an opportunity for Federal, State and Local Government to work together to deliver the Project through a leveraged financial partnership. With \$9 million already committed to the project by State and Local government (in-principle), preparing an early BBRF application and seeking the support of the Shire’s Australian Government elected representative is both timely and convenient.

## **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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Nil.

## **12 MEETINGS CLOSED TO THE PUBLIC**

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

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The following confidential reports and recommendations have been distributed separately and are not for circulation:

#### **12.1.1 CONFIDENTIAL – RFQ 244 SUPPLY OF BITUMINOUS PRODUCTS 2020/21**

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (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 - TUIA LODGE RESIDENTIAL AGED CARE FACILITY – EXPRESSIONS OF INTEREST**

This report is confidential in accordance with Section 5.23(2) 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.*
- (e) *a matter that if disclosed, would reveal — (i) a trade secret; or (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

**12.1.3 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2020/21**

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

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

**EXECUTIVE RECOMMENDATION**

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

- 12.1.1 CONFIDENTIAL – RFQ 244 SUPPLY OF BITUMINOUS PRODUCTS 2020/21
- 12.1.2 CONFIDENTIAL – TUIA LODGE RESIDENTIAL AGED CARE FACILITY – EXPRESSIONS OF INTEREST
- 12.1.3 CONFIDENTIAL – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE REVIEW 2020/21

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

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**13 CLOSURE**

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The Shire President to advise that the next Ordinary Council Meeting will be held on 25 November 2020 commencing at 5.00pm at the Council Chamber.