



## Minutes of Ordinary Council Meeting

Held on 18 December 2024 and commenced at 5:00pm  
Held at the Council Chambers in Donnybrook  
*(1 Bentley Street, Donnybrook)*

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**Authorised:**

A handwritten signature in black ink, appearing to read "Nicholas O'Connor", is positioned to the right of the "Authorised:" label.

Nicholas O'Connor, Chief Executive Officer

**Prepared:**

23 December 2024

**MEASURES OF CONSEQUENCE**

LEVEL	RATING	HEALTH & SAFETY	FINANCIAL	SERVICE INTERRUPTION	COMPLIANCE	REPUTATION	PROPERTY	ENVIRONMENT
1	Insignificant	Negligible injuries	Less than \$5,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, localised low impact on community trust, low profile or no media item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
2	Minor	First aid injuries	\$5,000 - \$20,000 Or < 5% variance in cost of project	Temporary interruption to an activity – backlog cleared with existing resources	Some temporary non compliances	Substantiated, localised impact on community trust or low media item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
3	Moderate	Medical type injuries	\$20,001 - \$100,000 Or > 5% variance in cost of project	Interruption to Service Unit(s) deliverables – backlog cleared by additional resources	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community trust or moderate media profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
4	Major	Lost time injury	\$100,001 - \$1M	Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
5	Catastrophic	Fatality, permanent disability	More than \$1M	Indeterminate prolonged interruption of Service Unit core service deliverables	Non-compliance results in criminal charges or significant damages or penalties	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

### MEASURES OF LIKELIHOOD

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

### RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	MODERATE (5)	HIGH (10)	HIGH (15)	EXTREME (20)	EXTREME (25)
Likely	4	LOW (4)	MODERATE (8)	HIGH (12)	HIGH (16)	EXTREME (20)
Possible	3	LOW (3)	MODERATE (6)	MODERATE (9)	HIGH (12)	HIGH (15)
Unlikely	2	LOW (2)	LOW (4)	MODERATE (6)	MODERATE (8)	HIGH (10)
Rare	1	LOW (1)	LOW (2)	LOW (3)	LOW (4)	MODERATE (5)

### RISK ACCEPTANCE CRITERIA

RISK RANK	DESCRIPTION	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

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## 1. Declaration of Opening / Announcement of Visitors

### Acknowledgement of Country:

The Shire President acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

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

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

*“This Meeting is being livestreamed and digitally recorded in accordance with Council Policy. Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson. Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”*

Suspension of clause 8.2 (members to rise) of *Meeting Procedures Local Law 2017*.

- At the start of each council meeting a resolution should be carried suspending clause 8.2 (members to rise) of the Standing Orders as having councillors stand when debating interferes with the sound quality for livestream.

<b>COUNCIL RESOLUTION:</b> 220/12-24	
<b>MOVED BY:</b> Cr Deanna Shand	<b>SECONDED BY:</b> Cr Grant Patrick

That Council Suspend clause 8.2 (members to rise) of the Standing Orders

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

## 2. Attendance

### Councillors Present:

Cr Vivienne MacCarthy	Cr Lisa Glover	Cr Alexis Davy
Cr Peter Gubler	Cr Anita Lindemann	Cr Anne Mitchell
Cr Grant Patrick	Cr Deanna Shand	

**Staff Present:**

Nick O'Connor, Chief Executive Officer

Loren Clifford, Acting Director Finance and Corporate

Samantha Farquhar, Administration Officer Corporate Services

Ross Marshall, Director Operations

Michelle Dennis, Manager Development Services

**Other Members Present:**

Public Gallery: 1 member of the public in attendance.

2.1. Apologies

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Cr John Bailey

2.2. Approved Leave of Absence

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Nil.

2.3. Application for Leave of Absence

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Cr John Bailey has requested a leave of absence for December 2024.

<b>COUNCIL RESOLUTION:</b> 221/12-24	
<b>MOVED BY:</b> Cr Lisa Glover	<b>SECONDED BY:</b> Cr Deanna Shand

**That Council:**

- 1. Approve Cr John Bailey's request for a leave of absence for the month of December 2024.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

### 3. Announcements from the Presiding Member

The VC Mitchell Park Precinct Business Plan, Draft Licences and Management Model are available for viewing on the Shire's website and may be inspected and obtained from the Shire's Administration Office during business hours. Submissions are invited and may be made to the Chief Executive Officer, Shire of Donnybrook Balingup, via any of the following methods.

- Online: please use the Contact Us form on the page linked below.
- Email: shire@donnybrook.wa.gov.au
- Post: PO Box 94, Donnybrook, WA 6239
- In Person: 1 Bentley St, Donnybrook, WA 6239 (Monday – Friday, 8:30am – 4:00pm)

Submissions close 4:30pm (AWST) on Friday 17 January 2025.

- Lions Club Christmas Carols by Candlelight being held at the amphitheatre on 21 December 4:30pm-9:00pm.
- All Saints Anglican Church – Interactive Christmas Play and Activity being held on Saturday 21st 10:30am-1pm. You can participate or watch the play – cakes and free sausage sizzle available.
- Australia Day breakfast at VC Mitchell Park on 26 January at 9:00am – 11:00am. Lots of community activities and the Australia Day breakfast is provided by the Lions Club.

### 4. Declarations 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 Peter Gubler declared a financial interest regarding item 9.1.2, as he transports guests to and from Linga Longa.

Chief Executive Officer, Nick O'Connor declared a financial interest regarding item 9.2.7, as the item relates to his employment contract.

### 5. Public Question Time

#### 5.1. Responses to previous public questions that were taken on notice

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Nil.

#### 5.2. Public Question Time

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Nil.



## 6. Presentations

### 6.1. Petitions

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Nil.

### 6.2. Presentations

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Mr Marshall presented to Council the Volunteer Employer Recognition Awards that was received from the Department of Fire and Emergency Services.

Cr Gubler left the Chamber at 5:17pm.

### 6.3. Deputations

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Paul Eaton regarding item 9.1.2, Development Application P24052 – Additional Tourist Uses (Reception Centre, Camping Area, and Events) – Linga Longa Estate.

Cr Gubler re entered the Chamber at 5:25pm.

6.4. Delegates' Reports

President MacCarthy presented a verbal report on the South West Development Corporation's inaugural conference: *Innovate Industries of the Future* (IIF).

Cr Davy presented a verbal delegate's report on the WALGA Renewable Energy Forum.

Adoption by Exception

<b>COUNCIL RESOLUTION:</b> 222/12-24		
<b>MOVED BY:</b>	Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That Council adopt the following items 'En-bloc' and resolves in accordance with each of the Executive Recommendations:**

- 7.1 Special Council Meeting held on 9 October 2024**
- 7.2 Ordinary Council Meeting held on 27 November 2024**
- 7.3 Special Council Meeting held on 4 December 2024**
- 8.1 Audit and Risk Management Committee Meeting held on 13 November 2024**
- 8.2 Audit and Risk Management Committee Meeting held on 28 November 2024**
- 8.3 Chief Executive Officer Recruitment and Performance Review Committee Meeting held on 9 December 2024**
- 9.2.1 Schedule of Accounts Paid as at 30 November 2024**
- 9.2.5 District Health Advisory Council Representation**
- 9.2.6 Adoption of Risk Management Framework and Policy and Deferral of Internal Audit**
- 9.2.8 Schedules the Annual General Meeting of Electors 2025**
- 9.3.1 Workforce Plan 2022 – 2026 Preliminary Review**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

7. Confirmation of Minutes

7.1. Special Council Meeting held on 9 October 2024

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Minutes of the Special Council Meeting held 9 October 2024 are attached as [Attachment 7.1\(1\)](#).

**Executive Recommendation:**

**That the Minutes from the Special Council Meeting held 9 October 2024 be confirmed as a true and accurate record.**

<b>COUNCIL RESOLUTION:</b> 223/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the Minutes from the Special Council Meeting held 9 October 2024 be confirmed as a true and accurate record.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by En-bloc resolution 222/12-24</b>

7.2. Ordinary Council Meeting held on 27 November 2024

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Minutes of the Ordinary Council Meeting held 27 November 2024 are attached as [Attachment 7.2\(1\)](#).

**Executive Recommendation:**

**That the Minutes from the Ordinary Council Meeting held 27 November 2024 be confirmed as a true and accurate record.**

<b>COUNCIL RESOLUTION:</b> 224/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the Minutes from the Ordinary Council Meeting held 27 November 2024 be confirmed as a true and accurate record.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

7.3. Special Council Meeting held on 4 December 2024

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Minutes of the Special Council Meeting held 4 December 2024 are attached as [Attachment 7.3\(1\)](#).

**Executive Recommendation:**

**That the Minutes from the Special Council Meeting held 4 December 2024 be confirmed as a true and accurate record.**

<b>COUNCIL RESOLUTION:</b> 225/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the Minutes from the Special Council Meeting held 4 December 2024 be confirmed as a true and accurate record.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

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8. Reports of Committees

8.1. Audit and Risk Management Committee Meeting held on 13 November 2024

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Minutes of the Audit and Risk Management Committee Meeting held 13 November 2024 are attached at Attachment 8.1(1) and **Confidential Attachment 8.1(2)**

**Executive Recommendation:**

**That the Minutes from the Audit and Risk Management Committee Meeting held on 13 November 2024 be received.**

<b>COUNCIL RESOLUTION:</b> 226/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the Minutes from the Audit and Risk Management Committee Meeting held on 13 November 2024 be received.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

8.2. Audit and Risk Management Committee Meeting held on 28 November 2024

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Minutes of the Audit and Risk Management Committee Meeting held 28 November 2024 are attached at Attachment 8.2(1) and **Confidential Attachment 8.2(2)**

**Executive Recommendation:**

**That the Minutes from the Audit and Risk Management Committee Meeting held on 28 November 2024 be received.**

<b>COUNCIL RESOLUTION:</b> 227/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the Minutes from the Audit and Risk Management Committee Meeting held on 28 November 2024 be received.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

8.3. Chief Executive Officer Recruitment and Performance Review Committee Meeting held on 9 December 2024

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Minutes of the Chief Executive Officer Recruitment and Performance Review Committee Meeting held 9 December 2024 are attached at [Confidential Attachment 8.3\(1\)](#)

**Executive Recommendation:**

**That the Minutes from the Chief Executive Officer Recruitment and Performance Review Committee Meeting held on 9 December 2024 be received.**

<b>COUNCIL RESOLUTION:</b> 228/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That the Minutes from the Chief Executive Officer Recruitment and Performance Review Committee Meeting held on 9 December 2024 be received.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-block resolution 222/12-24</b>



## 9. Reports of Officers

### 9.1. Director Operations

#### 9.1.1 Council Policy - Temporary Trading in Public Places

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##### Report Details:

**Prepared by:** Principal Environmental Health Officer

**Manager:** Manager Development Services

**File Reference:** HLT 06                                **Voting Requirement:** Simple Majority

##### Attachment(s):

9.1.1(1) Draft Policy – HLTH/CP-1 – Temporary Trading in Public Places

##### Executive Recommendation

**That Council resolves to advertise draft Council Policy HLTH-CP-1 Temporary Trading in Public Places for public comment for a period of 28 days.**

##### Strategic Alignment

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

**Outcome:** 2 - A safe and healthy community.

**Objective:** 2.3 - Maintain community safety.

**Item:** Nil.

##### Executive Summary

There is an increased interest in the use of food vans/trailers and temporary stalls to offer goods and services for sale. It has been identified that a new policy, Temporary Trading in Public Places, is needed to ensure the safety and suitability when trading on Shire owned land and streamline the approval process for applicants.

##### Background

Mobile trading using food vans/trailers or temporary stalls are commonplace in the Australian foodservice industry. Trading in public places can benefit the community in a number of ways, including:

- Economic development – support local economic development and commercial viability
- Community activation – enhance the vibrancy of public spaces, encourage community participation and promote accessible places

However, trading in public places must be done in a way that is safe and respectful and does not negatively impact the community. Anyone who wants to trade on Shire owned land must apply for a

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permit under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 (Consolidated 2017)*. This is to ensure sites are assessed for safety and access, and ensure activities do not adversely impact on the amenity of the area or cause nuisance.

There is an increase in the use of food vans/trailers and trading in public places. The proposed policy identifies a list of standard conditions and pre-approved sites, which will streamline the assessment process.

### Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Possible	Moderate	Moderate (9)
Risk Description:	Unregulated trading may have access and food safety impacts.		
Mitigation:	Adopt a policy with conditions to manage potential impacts.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Minor	Moderate (6)
Risk Description:	Unregulated trading may impact nearby businesses, particularly those that sell the same products.		
Mitigation:	Adopt a policy which includes a list of appropriate locations and conditions.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Property	Possible	Minor	Moderate (6)
Risk Description:	Unregulated trading on our land may lead to damage or misuse of the land.		
Mitigation:	Adopt a policy which includes a list of appropriate locations and conditions.		

### Financial Implications

The proposed advertising can be accommodated within the Shire's current budget.

### Policy Compliance

#### *Council Policy EXE-CP-8- Policy Framework*

This policy provides direction of the development of policies in response to an issue. It is considered that the proposed policy provides direction in response to trading activities, which involves a multidisciplinary response across the organisation. The referenced Operational Procedure – COMD/OP-3 recommends a minimum 28 day consultation period, where no other statutory provisions apply.

### Statutory Compliance

Section 2.7(2)(b) of the *Local Government Act 1995* stipulates that the role of council is to “determine the local government’s policies”.

The need for a permit is captured within the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* with the proposed policy intending to provide some “pre approved” locations for trading.

### Consultation

Internal consultation has occurred around each proposed sites suitability and conditions for trading. One of the proposed conditions of trading is to consult with Park Donnybrook when an application is received to trade at the Apple Fun Park. This is a condition of the existing lease agreement with the operator.

### Officer Comment

This policy seeks to strike a balance between the regulatory requirements for trading in public places, the potential impacts on residents and businesses, and the benefits of economic development and community activation.

There has always been a requirement for traders to apply for a permit under the Shire of Donnybrook Balingup’s *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 (Consolidated 2017)*. Without a policy this process has been time consuming for applicants where new sites need to be assessed for safety and suitability. The purpose of the policy is to provide a consistent, fair and streamlined approach for applicants.

It should be noted that while the policy includes a list of pre identified locations, this will not exclude other locations from being considered. If an applicant wishes to trade at an alternate location, this will be assessed for safety and suitability prior to a permit being issued.

The policy will primarily address the sale of food in public places, but will also capture the sale of other goods and services.

<b>COUNCIL RESOLUTION:</b> 229/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Lisa Glover

**That Council resolves to advertise draft Council Policy HLTH-CP-1 Temporary Trading in Public Places for public comment for a period of 28 day, with the inclusion of a proposed location in Mullalyup.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

Cr Gubler left the Chamber at 5:42pm.

Suspend standing orders

<b>COUNCIL RESOLUTION:</b> 230/12-24	
<b>MOVED BY:</b> Cr Deanna Shand	<b>SECONDED BY:</b> Cr Lisa Glover

**That Council suspend standing orders.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 7/0</b>

Reinstate standing orders

<b>COUNCIL RESOLUTION:</b> 231/12-24	
<b>MOVED BY:</b> Cr Grant Patrick	<b>SECONDED BY:</b> Cr Anne Mitchell

**That Council reinstate standing orders.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 7/0</b>

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### 9.1.2. Development Application P24052 – Additional Tourist Uses (Reception Centre, Camping Area, and Events) – Linga Longa Estate

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#### Report Details:

<b>Prepared by:</b>	Principal Planner Planning Officer		
<b>Manager:</b>	Manager Development Services		
<b>Applicant:</b>	Paul Eaton on behalf of Outpoint Investments Pty Ltd/Linga Longa Estate		
<b>Location:</b>	Lots 391, 392, 945 & 1244 Southampton/Cassia Roads, Southampton		
<b>File Reference:</b>	A4987 (P24052)	<b>Voting Requirement:</b>	Simple Majority

#### Attachments:

- 9.1.2(1) Development application letter.
- 9.1.2(2) Development Plans P24052 (14 pages).
- 9.1.2(3) Public submissions.
- 9.1.2(4) Agency submissions.
- 9.1.2(5) Bushfire Management Plan V1.1 dated 26 November 2024
- 9.1.2(6) Addendum to BMP (response to DFES comment)
- 9.1.2(7) Bushfire Emergency Plan (received 6 December 2024)
- 9.1.2(8) Assessment under Clause 67.
- 9.1.2(9) DFES Response 2 – dated 10 December 2024

#### Executive Recommendation

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##### That Council:

- A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24052 for:**
- i. private recreation events in addition to the already approved mountain bike events (using tracks on Lots 391, 392, 945 and 1244);**
  - ii. reception centre on Lot 945 (including an incidental forest cathedral on Lot 392) to accommodate weddings, birthdays receptions and other similar events;**
  - iii. camping on Lot 945;**
  - iv. tearoom (café) on Lot 945;**
  - v. construction of eight (8) new chalets on Lot 945;**
  - vi. change of use from a shed to a chalet for bridal room purposes on Lot 945,**
  - vii. change of use to accommodate a caretaker’s dwelling and an ancillary dwelling on Lot 945; and**
  - viii. amenities building on Lot 945,**
- at Linga Longa Estate on Southampton/Cassia Roads, Southampton, subject to the following conditions and advice:**

1. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the approved plans, including any notations, and must not be altered or modified without the further written consent of the Shire.

**Approved plans contained in Attachment 9.1.2(2) (Development Plans P24052 (14 pages)):**

- (i) Map 1 - Linga Longa Estate Overview.
- (ii) Map 2 - Café Area.
- (iii) Map 3 - Forest Cathedral.
- (iv) Map 4 - Forest Cathedral Block Overview.
- (v) Map 5 - Marquee to Hayshed.
- (vi) Map 6 - Parking/Camping.
- (vii) Map 7 - Chalet Locations.
- (viii) Map 9 - Buildings and Water Tanks.
- (ix) Rod Lakelin Design – First Aid Bridal Prep Plan (DRAW#-1) 21 June 2023.
- (x) Rod Lakelin Design – Toilet Elevations/Floor Plan (DRAW#-2) 19 March 2022.
- (xi) Floor Plan and Elevations of chalets at Linga Longa Estate (4 sheets).

2. The development shall not exceed:

Use class and type of activity	Maximum number of guests / patrons per event/function
“Reception Centre” for weddings, birthday receptions or other similar events	99 guests Note: Any increase in capacity would require a further development approval from the Shire.
“Camping area” and “caravan park”	Current combined capacity of existing onsite effluent disposal systems allows for 35 campers only. Note: This number may be increased if upgrades to the current onsite effluent disposal systems are approved and installed to the satisfaction of the Shire.
“Private recreation” for events/public ticketed events (whether it involves mountain bike events or not)	800 patrons (competitors and spectators) Note: Events attracting over 800 people are not covered by this development approval and require a separate events approval from the Shire.

3. Prior to the commencement of use, information is to be provided demonstrating that the measures contained in Tables 6.1 and 6.2 under Part 6 ‘Responsibilities for Implementation and Management of the Bushfire Protection Measures’ of the Bushfire Management Plan (Attachment 9.1.2(5) prepared by Bushfire Prone Planning V1.1

dated 26 November 2024 have been implemented. This information should include a completed 'Certification by Bushfire Consultant' from the Bushfire Management Plan.

4. A copy of the Bushfire Emergency Plan is to be made permanently available to occupants and/or guests of the property with a copy of the Bushfire Emergency Information Poster and Instructions always placed on display at all times. Guests are to be advised on arrival of the recommendations of the Bushfire Emergency Plans (Attachment 9.1.2(7)) in case of a bushfire event.
5. All activities on site are to be conducted in accordance with the Bushfire Emergency Plan prepared by Bushfire Prone Planning including the requirement to close the facility during days with a forecast Fire Danger Rating of Extreme or Catastrophic.
6. Prior to the commencement of use, the applicant is to demonstrate that in addition to the relevant provision of water for firefighting purposes, it will be provided with a suitable potable water supply to the satisfaction of the Shire.
7. Any dust associated with the use is to be managed appropriately in accordance with the Shire of Donnybrook-Balingup *Animals, Environment and Nuisance Local Law 2017*.
8. Vehicle parking is to be within the lot at all times with no parking to occur outside of the lot boundaries along Southampton or Cassia Roads.
9. All stormwater from the proposed development including buildings and hardstand areas shall be managed by the applicant in perpetuity, in accordance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017* to the satisfaction of the Shire.
10. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding properties, including any infrastructure, or watercourses to the satisfaction of the Shire.
11. A manager must always be on-site while functions and events are undertaken including overnight when the camping area is in use. Details of the manager are to be provided to the Shire. Should the dedicated manager change, details of the new manager must be provided to the Shire.
12. Additional conditions for Events:
  - (i) Event grounds are to have adequate lighting after dark.
  - (ii) Adequate potable water is to be available for free to event attendees.
  - (iii) All portable electrical equipment is to be tested and tagged by an appropriately qualified person.

- (iv) An adequate number of portable toilets are to be made available in accordance with the Guidelines for concerts, events, and organised gatherings 2022.
  - (v) All toilets are to be serviceable for the duration of the events.
  - (vi) Applicant to inform all local emergency services and Shire Community Emergency Services Manager of event dates.
  - (vii) All temporary structures must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating.
  - (viii) Food and drink vendors hired for events must provide a copy of their Food Business Registration Certificates.
  - (ix) The placement of temporary roadside signage will require the development and submission of a Traffic Management Plan (TMP) prepared by an appropriately qualified person and subject to separate approval from the Shire and Main Roads WA.
  - (x) Fires permitted in designated pit/structure only and subject to any permits required under the *Bush Fires Act 1954* and the Shire of Donnybrook Balingup's Fire Break Orders as appropriate.
  - (xi) Fireworks or any other pyrotechnic display will be subject to separate approval.
  - (xii) Events attracting over 800 people are not covered by this development approval and require a separate events approval from the Shire of Donnybrook Balingup.
13. Prior to the commencement of an event with more than 300 people and after such event, the gravel portions of Southampton Road (approximately 9.86 km) from the edge of the sealed portion including the portion of Cassia Road up to the lot access point is to be graded at the applicant's costs to the satisfaction of the Shire.
14. Prior to the commencement of an event with more than 300 people signs are to be erected to alert drivers to drive slowly to reduce dust on Southampton Road. Signs are to be on Southampton Road 200 m either side of the existing dwellings at 1200 and 1240 Southampton Road.
15. Prior to the application for the change in building classification of the (bridal room) chalet, the caretaker's dwelling, and the ancillary dwelling the applicant is to demonstrate that the buildings are connected to an approved effluent disposal system to the satisfaction of the Shire, and in consultation with the Department of Health if required.

#### Advice

- a. The Shire Building Services advises that:
  - i) Compliance with the National Construction Code is required. A building application must be submitted to, and approved by the Shire, prior to the commencement of any development or prior to the change of use from storage to habitation use. The building application plans must reflect the relevant conditions and approved plans of this development approval. Any subsequent revisions to the plans may require amended development approval.



- ii) Any temporary structure/tent or marquee greater than 55m<sup>2</sup> will require a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed.
- b. The Shire Works and Services advise that with regard to condition 13:
- i) Maintenance grading to be undertaken by a suitable contractor at the applicant's cost to the Shire's satisfaction. The Shire has a current works program to upgrade Southampton Road to a sealed standard from near the intersection of Spring Gully Road to Southampton Bridge. The Shire has no current plans to seal the sections of Southampton Road and Cassia Road that abut this land. The intent of the condition is to manage the road condition complaints that the Shire receives in this area during and after large events at this property.
  - ii) Patrons to be informed that access is via gravel roads, that road conditions can vary and that drivers will need to drive to the condition of the road. The installation of the following signs at property exits are encouraged:



- c. The Shire Environmental Health Services advises that:
- i) The on-site effluent disposal systems required to support the amenities buildings and chalets will be required to be setback a minimum of 100m from Gregory Brook and the Gavin Gully dam in accordance with the Shire/Department of Water and Environmental Regulation and Department of Health requirements, unless a lesser setback has been approved as shown in a detailed site and soil evaluation report.
  - ii) Current combined capacity of existing onsite effluent disposal systems allows for 35 campers only. A wastewater consultant must be engaged to determine the required capacity and subsequent upgrades required. Submission of an Application to Construct or Install an Apparatus for the Treatment of Sewage will then be required to be referred to the Department of Health for determination.
  - iii) The applicant is to obtain a license under the *Caravan Parks and Camping Grounds Act 1995*. Occupancy in excess of the licence will require separate approval from the Shire. A plan is required with the application to show the location of each camping site, buildings, roads and paths, drainage and wastewater disposal systems, and location of fire hoses and extinguishers.

- iv) Where an application is for a Nature Based Park, a management plan is required to be submitted with the Application for Grant or Renewal of Licence (*Caravan Parks and Camping Grounds Act 1995*). Information regarding a management plan is available from the Department of Local Government, Sport, and Cultural Industries website: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au). A template is available from the Shires Health Services on request.
  - v) An adequate potable water supply to be provided in accordance with Australian Drinking Water Guidelines. Water supply to be provided with an appropriate filtration and disinfection equipment (for example, water filter with UV Treatment). In relation to events and functions a minimum of 2 litres of free drinking water must be available per person or a rate calculated at 500 mL/hour, whichever is the greater, is required to be available.
  - vi) The development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions.
  - vii) The Department of Health advises the subject land is in a region that occasionally experiences problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases have been reported in this region. Any future development needs to avoid the creation of additional mosquito breeding habitats.
  - viii) If to be used for public recreation, the water within the dam should be sampled at least monthly during the period November to March, to demonstrate that the water is suitable for public recreation.
- d. Advertising signage does not form part of this approval. Any advertising signage is subject to a separate assessment and may require prior development approval from the Shire. It is recommended that you contact the Shire prior to the placement of any advertising signage onsite.
- e. With regards to the “Manager” this means an applicant, or a person duly appointed by the applicant/landowner, to have management and care of the site and approved uses and be available to respond to emergencies and complaints.
- f. Clearing of native vegetation may require a clearing permit from the Department of Water and Environmental Regulation (DWER). Clearing of native vegetation that is not exempt, or does not have a valid clearing permit, is an offence under *the Environmental Protection Act 1986*. For further information regarding clearing permits, contact DWER on (08) 6364 7000.
- g. The applicant is advised that Gregory Brook that runs through Lot 945 forms part of the Blackwood River system and is contained on the Department of Planning, Lands and Heritage Aboriginal Cultural Heritage Register Place 20434 (Blackwood River). The applicant is advised to investigate whether approval is required pursuant to the *Aboriginal*

**Heritage Act 1972 and to contact the Department of Planning Lands and Heritage with a request for advice.**

- h. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- i. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**
- j. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

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### **Strategic Alignment**

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

- Outcome:** 2 - A safe and healthy community.
- Objective:** 2.2 - Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities.
- Item:** Nil.
- Outcome:** 6 - The built environment is responsibly planned and well maintained.
- Objective:** 6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.
- Item:** Nil.
- Outcome:** 9 - A thriving economy.
- Objective:** 9.2 - Attract and retain a diverse mix of businesses and investment opportunities.
- Item:** Nil.
- Outcome:** 10 - A popular destination for visitors and tourists.
- Objective:** 10.1 - Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup.
- Item:** Nil.

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### **Executive Summary**

The purpose of this report is for Council to consider an application for retrospective development approval to permit receptions and building use changes and for development approval of camping and chalets at the existing Linga Longa Estate.

Officers do not have delegation to determine applications for development approval where objections are received. Officers consider that the proposal may proceed and recommend it be granted approval subject to conditions and advice that address the matters raised in the submissions.

## Background

In 2016 the landowners obtained development approval (P16012) to hold mountain bike events and construct chalets, car parking areas, camping grounds and ancillary structures. The new proposed layout differs materially from the previous approved proposal. Camping is now being proposed in an area previously identified for car parking. The approval issued in 2016 did not include the use of the property as a wedding venue (i.e. “reception centre”) and there was some confusion around the terms of the development approval. The landowner is now proactively seeking to remedy this through this new development application. The proposal under consideration is to add the following to the approved developments:

- Private recreation to allow other events in addition to the already approved mountain bike events;
- a reception centre to accommodate weddings, birthdays receptions and other similar events;
- camping;
- tearoom (café);
- construction of chalets;
- change of use of various structures to accommodate workers accommodation, an ancillary dwelling, and a bridal room;
- a forest cathedral on Lot 392 incidental to the reception centre on Lot 945;
- tracks on Lots 391, 392, 945 and 1244 used incidental to the private recreation activities and facilities on Lot 945.

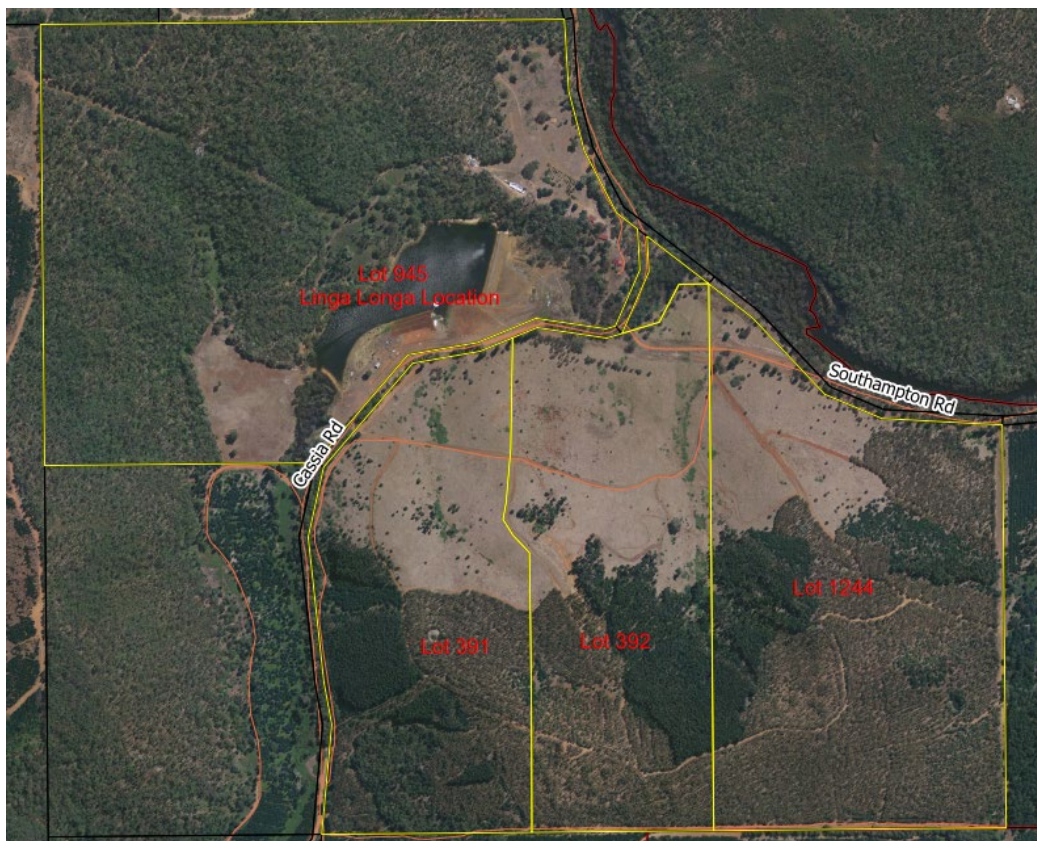


Figure 1 - Subject property (Lots 945, 391, 392 and 1244)

## Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (5)
Risk Description:	Operation of the reception centre, incidental camping, and events at Linga Longa Estate may have off site impacts relating to traffic, noise, and dust.		
Mitigation:	Officers recommend that if approval is granted conditions are to be imposed to mitigate land use impacts and managing potential off-site effects to acceptable levels.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Property	Rare	Catastrophic	Moderate (5)
Risk Description:	Protection of persons and property in the event of a fire.		
Mitigation:	Conditions for specific fire danger levels and fire defence capacity.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	Impact on local community due to operations.		
Mitigation:	Conditional development approval and compliance.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Minor	Low (4)
Risk Description:	Non-compliance with legislation.		
Mitigation:	Conditional development approval and ongoing compliance inspections and licensing.		

## Financial Implications

The applicant has paid all relevant application fees including a penalty component for retrospective approval. If Council refuses the application the applicant may exercise the right to have the decision reviewed by the State Administrative Tribunal. If that is the case, then it may be likely that there will be additional resourcing required (staff time and/or the cost of appointing a consultant to represent the Shire).

## Policy Compliance

### State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The property is identified as bushfire prone by the Department of Fire and Emergency Services mapping. The proposal is not exempt from the requirements of State Planning Policy 3.7 and the application includes a Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) prepared by Bushfire Prone Planning. These have been referred to the Department of Fire and Emergency Services for comment. The applicant's bushfire consultant has been requested to amend the BMP and to address the comments provided by DFES on 14 October 2024. The amended BMP V1.1 is contained in [Attachment 9.1.2\(5\)](#) and the Addendum to the BMP with the response to the DFES comment is

contained in [Attachment 9.1.2\(6\)](#). This matter is further considered in more detail under the “Consultation” section of this report.

#### 9.20 Ancillary Dwellings & Caretaker’s Dwellings (adopted August 2024)

The Policy has the following relevant Objectives:

2.2. *Provide guidance and set minimum standards regarding proposals for Ancillary Dwellings and Caretaker’s Dwellings.*

2.3. *Avoid inappropriate proliferation of residential-type development on individual properties which has the capacity to result in land use conflict and places increased pressure to subdivide rural land.*

The Policy includes standards for ancillary dwellings and caretaker’s dwellings in the General Agriculture zone. Under the policy a development approval is not required for the development if it comply with the following provision: On any lot no more than two dwelling types (e.g. Dwelling and Ancillary Dwelling or Dwelling and Caretaker’s Dwelling) are allowed.

The proposal does not achieve this and needs consideration under this development application process.

#### **Statutory Compliance**

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions and in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in [Attachment 9.1.2\(8\)](#). Overall, the proposal is considered to comply with all requirements.

A key consideration is the permissibility of the uses in the General Agriculture zone under LPS7. The lot is also contained within the Special Control Area 3 – Blackwood Precinct and partly within the Special Control Area 2 – Public Water Source Protection areas.

The proposal involves a number of uses as follows:

- Private Recreation - Lot 945 that contains the existing dwelling, sheds, marquee, amenities block, camping area, already has development approval for “recreation - private” under LPS7 which means the use of land for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge. The applicants request approval for the addition of “recreation – private” permission to their adjoining properties (Lots 391, 392 and 1244) to conduct mountain bike events on the estate including:
  - a. Gravity (mountain bike event 12 days per year - average attendance is 75 per day)
  - b. WAGE (mountain bike event November annually - expectation is 500 riders and 300 spectators)
  - c. True Grit (military-style obstacle course event October annually with separate event approval from Shire - approximately 2,800 people over the two days of the weekend).

- Reception Centre - The applicant requests retrospective approval for the use of Lot 945 as a reception centre, with the inclusion of the Forest Cathedral on Lot 392. Under LPS7 “reception centre” means premises used for functions on formal or ceremonial occasions but not for un-hosted use for general entertainment purposes.
- Camping Area and Caravan Park - The proposed use of the existing lawned area for infrequent camping as described in the application falls within the definition of “camping area” in LPS7 which means land set aside for the erection of tents and other similar structure for temporary accommodation, and “camping” has a compatible meaning. “Caravan Park” under LPS7 has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*.
- Tearoom (café) - The applicant requests retrospective approval for the tearoom/café use as described in the application which falls within the definition of “tearoom” in LPS7 means premises similar to those of a restaurant but from which only snacks and light refreshments are served during normal working hours, and the term includes premises referred to as café.
- Construction of chalets - The proposed 8 chalets as described in the application falls within the definition of “chalet” in LPS7 which means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility. The bridal room would also be considered a chalet under this definition, taking the total proposed number of chalets on site to 9.

These uses, reception centre, camping area, tearoom, chalets are all “A” advertised discretionary use in the General Agriculture zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions.

- Workers Accommodation (Change of Use) - The proposed change of use of the existing storage building to provide workers accommodation as described in the application falls within the definition of “caretaker’s dwelling” in LPS7 which means a dwelling on the same site as a building, operation or plant, and occupied by a supervisor of that building, operation or plant. A caretaker’s dwelling is a “D” discretionary use in the General Agriculture zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.
- Ancillary Dwelling (Change of Use) - The proposed change of use of an existing storage building to an ancillary dwelling as described in the application falls within the definition of “ancillary dwelling (accommodation)” under the R Codes which means a self-contained dwelling on the same site dwelling which may be attached to, integrated with or detached from the dwelling. An ancillary dwelling is a “D” discretionary use in the General Agriculture zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

- Incidental Uses - The proposed additional amenities block (toilets/shower) buildings as described in the application fall within the definition of “incidental use” in LPS7 which means a use of premises which is ancillary and subordinate to the predominant use. These buildings are ancillary and subordinate to the main tourist uses undertaken on the property.

Figure 2 below shows the location of all structures and their proposed uses class under LPS7.



Figure 2 – Plan showing location of buildings and land uses at Linga Longa

Caravan Parks and Camping Grounds Act 1995 and Regulations 1997

Once development approval has been granted, if approved, the applicant would need to obtain a licence to operate the camping ground. A licence will only be issued where the camping ground is assessed as being compliant with the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*. The type of licence that the applicant seeks will determine the infrastructure requirements.

Licence types available are:

- caravan park



- camping ground
- caravan park and camping ground
- park home park
- transit park
- nature based park

Given the remote location of this property, officers consider that this property may be eligible for consideration as a Nature Based Park, which requires less infrastructure than the other licence types. The license issued under the Caravan Parks and Camping Grounds legislation considers the health, safety and operational requirements for the resultant facility and is undertaken under existing delegated authority.

## Consultation

### Public consultation

Staff provided written notification to nearby landowners that are likely to be impacted by the proposal, and a notice was placed on the Shire website in accordance with Schedule 2, Clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* with a submission period of 14 days (concluding on 16 September 2024).

In response to the advertising, three (3) public submissions were received at the conclusion of the public advertising period (1 supporting, 1 providing comment only and 1 objection to the application). The Public Submissions are contained in [Attachment 9.1.2\(3\)](#). A summary of key issues/concerns raised in the submissions is provided and Staff response is provided below.

Issues/Concerns Raised in Submission	Response
Proposal will increase traffic volumes and dust impacts and Southampton Road should be sealed.	The Shire regularly receives requests for maintenance grading following large events at Linga Longa. Please refer to the officer comment section (below) regarding traffic impacts and proposed mitigation.

### Consultation with Government/Service Agencies

The proposal was referred to the Department of Health, Department of Water and Environmental Regulation, Department of Primary Industries and Regional Development, Department of Planning Lands and Heritage (Aboriginal Heritage), Water Corporation, Shire of Bridgetown-Greenbushes, Department of Biodiversity Conservation and Attractions and Department of Fire and Emergency Services for comment. Submissions are contained in [Attachment 9.1.2\(4\)](#) with a summary provided below:

Department of Health

Issues Raised in Submission	Response
<p>Water Supply and Wastewater Disposal</p> <p>In relation to the management of wastewater, the DoH has no objection to the proposal subject to ensuring the disposal of the wastewater that is generated on site is required to comply with the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> and meet the Government Sewerage Policy requirements.</p> <p>If a site and soil evaluation has not been performed, a site-specific Site and Soil Evaluation (SSE) will be required to be undertaken by a qualified consultant during the wettest seasonal time of the year (mid-July/August) as per AS/NZS 1547:2012 as the area is known to have heavy soils and to ensure the land application area is located and sized appropriately.</p> <p>If the existing approved onsite wastewater treatment systems and land application areas are being used by more people since they were approved by the DoH, these will also need to be assessed and possibly upgraded to ensure they can accommodate the increased usage and volumes.</p> <p>The proponent will be required to submit a formal application for each on site wastewater treatment system to the Local Government for assessment who will forward onto the DoH for assessment and approval.</p>	<p>The Department and Shire’s Health Services concur the proposal will need to incorporate New on-site effluent disposal systems and potentially upgrades to existing systems to comply with the Government Sewerage Policy requirements as condition of development approval, if granted. This would include preparing the recommended Site and Soil Evaluation report to support the proposal.</p> <p>The suitability of existing approved systems has been considered with reference to the proposed occupancy limitations referenced in the executive recommendation.</p>
<p>Drinking Water</p> <p>All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Guidelines 2011.</p>	<p>The Department comments are noted, with the provision of potable water being an existing requirement for any public facility.</p>
<p>Medical Entomology</p> <p>The subject land is in a region that occasionally experiences problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases have been reported in this region. Any future</p>	<p>During routine site assessments Shire officers have not observed any disused items or additional manmade areas likely to contribute to additional mosquito breeding. The property is located in a forested area with many potential virus hosts (i.e. kangaroos) and ordinary precautions to minimise mosquito bites are encouraged.</p>

Issues Raised in Submission	Response
<p>development needs to avoid the creation of additional mosquito breeding habitats.</p> <ul style="list-style-type: none"> <li>• The proponents work with the Shire of Donnybrook-Balingup to determine the extent of risk from mosquitoes and mosquito-borne disease for the location. If that risk is considered medium or high by the Shire, a mosquito management plan should be established and adequately funded.</li> <li>• It is the recommendation of the Department of Health that the proponent must ensure proposed site works do not create additional mosquito breeding habitat as follows: <ul style="list-style-type: none"> <li>• Changes to topography resulting from earthworks must prevent run-off from creating surface ponding as it may become mosquito breeding habitat.</li> <li>• Water tanks and other water-holding containers must be sealed or screened to prevent mosquito access and breeding.</li> <li>• Waste items should be filled with sand/soil, kept undercover, or punctured to reduce the chances of these items holding water and becoming mosquito breeding habitat.</li> <li>• Constructed water bodies must be located, designed, and maintained so they do not create or contribute to mosquito breeding.</li> </ul> </li> </ul>	<p>The Department comments will be placed as an advice note on the development approval, if granted.</p>
<p>Food Act Requirements</p> <p>Any handling of food intended for sale, or sale of food at this facility, will need to comply with the <i>Food Act 2008</i>, <i>Food Regulations 2009</i>, and any relevant standards of the <i>Australia New Zealand Food Standards Code</i>. This includes the requirement to notify or register the food business under the <i>Food Act 2008</i> with the appropriate enforcement agency (local government where the business is located) prior to commencing operating.</p>	<p>The existing café/tearoom is registered as a medium risk food business under the provisions of the <i>Food Act 2008</i>.</p>
<p>Health (Miscellaneous Provisions) Act Requirements</p> <p>Any public buildings and events on the property must comply with the:</p> <ul style="list-style-type: none"> <li>• <i>Health (Miscellaneous Provisions) Act 1911</i>, and the</li> <li>• <i>Health (Public Buildings) Regulations 1992</i> and</li> </ul>	<p>While the location of the venue is deemed suitable for large scale events, the permanent facilities available, access (i.e. traffic management), noise considerations necessitate separate event applications and approvals under the <i>Health (Miscellaneous Provisions) Act 1911</i>.</p>

Issues Raised in Submission	Response
<ul style="list-style-type: none"> <li>any conditions or requirements set by the Shire of Donnybrook-Balingup.</li> </ul>	<p>The intent of this development approval is to consider the regular activities with any event larger than the numbers identified being subject to a separate event application.</p>

Department of Primary Industries and Regional Development

Issues Raised in Submission	Response
<p>The Department does not object to the inclusion of weddings and private functions at the abovementioned lot (Linga Longa Estate) as the estate is already hosting several mountain bike and challenge events during the year. Camp facilities are available for competitors and the addition of the proposed chalets will ensure that the estate has the infrastructure to host weddings and private functions. The estate is surrounded by native vegetation and plantations and therefore well isolated from surrounding agricultural activities.</p>	<p>The Department's comments are noted and support the proposal for additional tourism on the property as it does not adversely impact existing rural activities in the area.</p>

Department of Water and Environmental Regulation

Issues Raised in Submission	Response
<p>Issue: On-site sewage disposal and Gavin Gully/on-site dam                      Advice: To mitigate the potential risks of sewage disposal to the receiving waterbodies, the following is advised:</p> <p>a) Where a 100 metre separation distance to the on-stream dam/Gavin Gully cannot be achieved, the proponent is to demonstrate how the risk of on-site sewage disposal can be mitigated, such as by the provision of a site and soil evaluation to the satisfaction of the Shire</p> <p>b) The Shire to note the DoH does not consider nutrients in its assessment of on-site sewage disposal systems.</p> <p>c) The Shire to liaise with its Environmental Health Officer to ensure the risks of on-site sewage disposal to the waterbodies can be adequately mitigated – such as but not limited to the potential reduced separation distance to</p>	<p>See comments in DoH submission.</p> <p>The Department concurs with the DoH and Shire that the proposal will need to incorporate new on-site effluent disposal systems and potential upgrades to existing systems to comply with the Government Sewerage Policy requirements as condition of development approval, if granted.</p>

Issues Raised in Submission	Response
the watercourse and stormwater management.	
<p>Issue: Water supply</p> <p>Advice: The proponent is to quantify their water requirements for all aspects of the proposed activities and provide evidence of a secure water source, to the satisfaction of the Shire.</p>	<p>See comments in DoH submission. The proposal will need to include sufficient potable water for guests. The requirements will be a condition of approval, if granted.</p>
<p>Issue: Aboriginal heritage site</p> <p>Advice: The proponent is advised to consult the Department of Planning, Lands and Heritage (DPLH) in regard to the Aboriginal heritage site (Blackwood River &amp; Gavin Gully).</p>	<p>The Department of Planning, Lands (DPLH) and Heritage online Aboriginal Cultural Heritage Inquiry System includes the Gregory Brook tributary of the Blackwood River (Aboriginal Place ID 20434).</p> <p>The proposal does not affect/alter the existing watercourse. Notwithstanding the applicants will need to comply with the Aboriginal Heritage Legislation. The Department comments will be placed as an advice note on the development approval, if granted. In addition, it is to be noted that the proposal was referred to DPLH (Aboriginal Heritage Branch) with no response received.</p>

Water Corporation

Issues Raised in Submission	Response
<p>Normal potable reticulated water is not immediately available to serve the subject property. But the property does have a Non-Standard Water Service. The Non-Standard Water Service is categorized as 'untreated (raw) water'.</p> <p>The water supply to this property is from a drinking water source. It is untreated (raw) water and does not fully comply with the Australian Drinking Water Guidelines.</p> <p>But the water may be able to be treated to a potable standard. There is a risk untreated water may contain potentially harmful bacteria and other microorganisms. Because of this, the water must not be used for any of the following uses unless it is treated by a point of entry treatment system:</p>	<p>See comments in DoH and DWER submissions. The Corporation concurs with the DoH, Shire and DWER that the proposal will need to provided potable water to meet the Drinking Water Guidelines and incorporate new on-site effluent disposal systems and potential upgrades to existing systems to comply with the Government Sewerage Policy requirements and as condition of development approval, if granted.</p> <p>The approvals by the Water Corporation's Building Services section are not prescribed approvals under the <i>Building Act 2011</i> with the applicant needing to engage with the Water Corporation separately to the Shire's building application process.</p>

Issues Raised in Submission	Response
<ul style="list-style-type: none"> <li>• drinking,</li> <li>• food and beverage preparation,</li> <li>• cooking</li> <li>• brushing teeth,</li> <li>• showering and bathing, or</li> <li>• any scenario that could result in someone swallowing or inhaling the water.</li> </ul> <p>Reticulated sewerage is not immediately available to serve the subject area.</p> <p>This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.</p> <p>For further information about building applications, the developer should follow this link:  <a href="https://www.watercorporation.com.au/home/builders-anddevelopers/building/lodging-a-building-application">https://www.watercorporation.com.au/home/builders-anddevelopers/building/lodging-a-building-application</a></p> <p>The developer may be required to fund new works or the upgrading of existing works and protection of all works.</p> <p>Please provide the above comments to the landowner, developer, and/or their representative.</p>	

Department of Fire and Emergency Services

The application includes a Bushfire Management Plan (BMP), and Bushfire Emergency Plan (BEP) prepared by Bushfire Prone Planning. These have been referred to the Department of Fire and Emergency Services for comment. The applicant’s bushfire consultant has been requested to amend the BMP and to address the comments provided by DFES on 14 October 2024. The amended BMP V1.1 is contained in [Attachment 9.1.2\(5\)](#) and the Addendum to the BMP with the response to the DFES comment is contained in [Attachment 9.1.2\(6\)](#), with the BEP contained in [Attachment 9.1.2\(7\)](#).

Bushfire Prone Planning (BPP) provides the following information in the Addendum:

*An additional site visit has been conducted which confirmed that improvements to fire mitigation around the property have been completed. The property owners of Linga Longa have made considerable progress in property maintenance and fire preparedness.*

The details within the BMP and BEP have been discussed with the Fire Chief, CESM and Shire of Donnybrook-Balingup. There has been agreement that retaining guests on site during a fire emergency is the safest option. A Method 2 calculation has been undertaken and an open space area complies with the regulations.

Issues Raised in Submission	Response
<p>Vegetation classification</p> <p>There are large areas within the site which require maintenance to low threat. They currently are managed however the onsite shelter and BAL ratings depend on these areas being managed to low threat in perpetuity.</p> <p>The decision maker should ensure there is an enforceable mechanism in place to provide certainty that the proposed management measures within the BMP can be enforced.</p> <p>Furthermore, the workers cottages require an APZ of 52 metres on a slope between 15 and 20 degrees. APZ's on steep slopes can be impractical to manage and result in stability issues on the banks of the dam.</p> <p>If unsubstantiated, the vegetation classification should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p> <p><b>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</b></p>	<p>The development, if approved, will be subject to a condition of development approval requiring the implementation of the BMP and BEP.</p> <p>Officers consider the recommended condition would ensure the implementation and ongoing management of the BMP and BEP including the amended APZ's for the workers accommodation.</p> <p>The Shire's Community Emergency Services Manager has provided some comments on the BEP and this information has been referred to the bushfire consultant for updating the BEP.</p> <p>This information should include an inspection by the bushfire consultant and completed 'Certification by Bushfire Consultant' to show the Bushfire Management Plan has been implemented.</p> <p>Proposed condition 3 addresses this matter.</p>
<p>Vegetation classification</p> <p>Vegetation Area 3 appears to have a continuation of trees into Area 2 which is classified as Class G Grassland. It is unclear why Area 3 does not continue to include these trees.</p> <p>The BMP should detail specifically how the Class G Grassland classification was derived as opposed to Class A Forest.</p> <p>If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959, or the resultant BAL ratings may be inaccurate.</p> <p><b>Modification to the BMP is required.</b></p>	<p>This information has been referred to the bushfire consultant for consideration.</p> <p>Bushfire Prone Planning (BPP) provided the following comment in the Addendum: <i>No modification required to the BMP. Vegetation has since been removed as part of fire mitigation works in Area 2. The dimensions from the edge of the cottages to Area 2 vegetation is marked on Fig 3.2 as evidence.</i></p> <p>Additional information received from BPP contained in <a href="#">Attachment 9.1.2(6)</a> that satisfies DFES requirements will form an addendum to</p>

Issues Raised in Submission	Response
	the BMP to provide context and no further modification to the BMP is consider necessary.
<p>Administration</p> <p>Photo ID points for the Western Chalets appear to be incorrectly located. Area 1 has photo ID's 1-5 supporting it in the photographic evidence, however only Photo ID point 1 is close to Area 1. Photo ID's 2-4 appear to be located near Area 2.</p> <p><b>Modification to the BMP is required.</b></p>	Additional information received from BPP confirmed the BMP has been updated to address this <a href="#">Attachment 9.1.2(6)</a> .
<p>Method 2</p> <p>DFES advises that the Method 2 outputs have been validated to support the area of 2kw/m2 to be used as an onsite open refuge area.</p> <p><b>Comment only.</b></p>	The Department's comments are noted, no modification to the BMP/BEP is considered necessary.
<p>Vulnerable Tourism Land Uses - Intent</p> <p>The BMP should address the site context and the serious threat of bushfire to people, property, and infrastructure at this location.</p> <p>The likelihood of a bushfire, its severity and intensity, and the potential impact on life and property posed by the bushfire hazard at this location represents an extreme bushfire risk that cannot be adequately reduced.</p> <p>This location does not provide for appropriate bushfire protection to manage the bushfire risk based on a range of factors including, but not limited to:</p> <ul style="list-style-type: none"> <li>- There are vast tracts of bushfire prone vegetation within 150 metres of the site boundary which represents an extreme bushfire risk.</li> <li>- Due to the extreme bushfire prone vegetation on multiple aspects, catastrophic bushfire behaviour is likely, and a bushfire could develop rapidly and grow to a significant size, resulting in the loss of life, property, and infrastructure.</li> <li>- The site would present significant complexities for response and may not reasonably and realistically be able to be</li> </ul>	<p>This information has been referred to the bushfire consultant for consideration and update to the BMP.</p> <p>Bushfire Prone Planning (BPP) provided the following comment in the Addendum: <i>This proposal has been assessed against SPP 3.7 2015 and the Guidelines for Planning in Bushfire Prone Areas. This project is compliant with these regulations. A BAL-29 rating has been applied to all habitable dwellings and camp area. A Method 2 calculation achieves an onsite safer space for patrons at the property should a bushfire occur. No changes have been made to the BMP or BEP.</i></p> <p>Officers consider that the BMP recommends evacuation of the property during bushfire events and the estate will be closed during days with a forecast Fire Danger Rating of Extreme or Catastrophic which will reduce the risk significantly. Proposed condition 5 addresses this matter.</p>



Issues Raised in Submission	Response
<p>defended in the event of a bushfire emergency.</p> <ul style="list-style-type: none"> <li>- Evacuation from the site, with its uncertain and unsealed access routes, may not be possible and if attempted could pose an unacceptable risk to human safety.</li> <li>- Shelter on site is not considered an acceptable alternative to evacuation given the extreme risk to life and property at this location.</li> </ul> <p>The topography, type and extent of bushfire prone vegetation may result in landscape-scale destruction as it interacts with the bushfire hazard on and close to the site.</p> <p><b>Does not comply.</b></p>	
<p>Vulnerable Tourism Land Uses – Siting and Design</p> <p>A5.7 – not demonstrated.</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p> <p><b>Modification to the BMP is required.</b></p>	<p>This information has been referred to the bushfire consultant for consideration and update to the BMP.</p> <p>Bushfire Prone Planning (BPP) provided the following comment in the Addendum: <i>This proposal has been assessed against SPP 3.7 2015 and the Guidelines for Planning in Bushfire Prone Areas. This project is compliant with these regulations. A BAL-29 rating has been applied to all habitable dwellings and camp area. A Method 2 calculation achieves an onsite safer space for patrons at the property should a bushfire occur. No changes have been made to the BMP or BEP.</i></p>
<p>Vulnerable Tourism Land Uses - Vehicular Access</p> <p>A5.8.1b – not demonstrated.</p> <p>The BMP incorrectly states that compliance has been achieved.</p> <p>The proposed entrance to the western chalets is from Cassia Road approximately 1km from the intersection with Southampton Road. The BMP states that the road is owned and controlled by the Shire, this appears correct in relation to the Cassia Road reserve, however</p>	<p>Bushfire Prone Planning (BPP) provided the following comment in the Addendum: <i>The proponents will liaise with the Department of Water and Rivers in consultation with the Shire of Donnybrook-Balingup to request an easement across this land tenure for the purposes of a secondary access to the Western Chalets. The BMP has been revised to reflect this.</i></p>

Issues Raised in Submission	Response
<p>the driveway entrance leaves Cassia Road and traverses through Crown land (owned by the Water Resources Minister). An easement or a reserve in favour of the Shire would be required to allow access over this land and this driveway entrance to be upgraded / maintained to the required standard for the life of the development. Should this driveway no longer be accessible it is unclear if there is an alternative route the occupants could take within the lot boundary which meets the driveway standard.</p> <p><b>Modification to the BMP is required.</b></p>	<p>The development if approved will be subject to the following recommended condition:</p> <p>Information is to be provided demonstrating that the measures contained in Tabel 6.1 and 6.2 of the Bushfire Management Plan prepared by Bushfire Prone Planning dated 26 November 2024 have been implemented. This information should include a completed 'Certification by Bushfire Consultant' from the Bushfire Management Plan. Officers consider the recommended condition would ensure the implementation of Implementation Action No. 12 that read as follows:</p> <p><i>Liaise with the Department of Water and Rivers to negotiate an easement across land tenure for a secondary access to the Western Chalets.</i></p>
<p>Vulnerable Tourism Land Uses - Vehicular Access</p> <p>A5.8.2d / A5.14e – not demonstrated.</p> <p>Southampton Road appears to cross a number of rivers/creeks. It is unclear if the road meets the requirements for accessibility, width, and weight capacity at these crossing points for a 3.4 fire appliance. It should also be demonstrated that Five Gates Road meets the width requirements for passing vehicles until the intersection with Maranup Road.</p> <p><b>Modification to the BMP is required.</b></p>	<p>Bushfire Prone Planning (BPP) provided the following comment in the Addendum:</p> <p><i>Both Southampton Road and Five Gates Road meets the technical requirements of a public road. Both of these roads are regularly used by plantation trucks for hauling pine logs. The bridges meet technical requirements.</i></p> <p>Officers consider that the existing crossings along Southampton Road are adequate to cater for a 3.4 fire appliance.</p>
<p>Vulnerable Tourism Land Uses – Water</p> <p>A5.6 / A5.9 / A5.12 – not demonstrated.</p> <p>It has not been demonstrated that there is sufficient water for firefighting purposes.</p> <p>The BMP states that there is 1 x 23,000L tank and 1 x 33,000L tank for the chalets and short-term accommodation. Another 20,000L tank is available for the campground. The BMP then mentions a further 33,000L tank for the day use but it is unclear if this is referencing the</p>	<p>Bushfire Prone Planning (BPP) provided the following comment in the Addendum: <i>All tanks have coupling for firefighting attached and have hardstand turnaround areas for a 3.4 appliance. Water tanks that are dedicated for fire-fighting capabilities are marked on the map Fig 3.1.1, 3.1.2 and Fig 3.2 contained in the BMP. In addition to the existing water tanks noted in the BMP there are now a total of 16 hydrants located around the property (marked on Fig 3.1.1, 3.1.2 and Fig 3.2) and an</i></p>

Issues Raised in Submission	Response
<p>first 33,000L tank. 10,000L of water dedicated for firefighting is required under schedule 2 of the Guidelines per habitable building. The BMP should clarify exactly how many habitable buildings are onsite (including the café / function centre / existing dwelling etc.) and ensure that there is enough water dedicated for firefighting onsite.</p> <p>Furthermore, it is not clear which tanks shown in the various maps in the BMP are the tanks proposed for firefighting so it is unknown if the water tanks have adjacent hard-standings and can achieve BAL-29 or below and are accessible for a type 3.4 appliance.</p> <p><b>Modification to the BMP is required.</b></p>	<p><i>additional 12 x 2 inch camlocks with couplings installed. (marked on Fig 3.1.1, 3.1.2 and Fig 3.2). These are all pump fed from header tanks next to the workers cottages, with water drawn from the lake.</i></p> <p>The development, if approved, will be subject to a condition of development approval requiring the implementation of the BMP and BEP. Officers consider the recommended condition would ensure the implementation and ongoing management of the BMP and BEP including the provision of sufficient water for bushfire fighting purposes.</p> <p>As above, this information should include an inspection by the bushfire consultant and completed 'Certification by Bushfire Consultant' to show the Bushfire Management Plan has been implemented.</p>
<p>Bushfire Emergency Evacuation Plan (BEEP)</p> <p>The referral has not included a '<i>Bushfire Emergency Evacuation Plan</i>' for the purposes of addressing the policy requirements. Consideration should be given to the Guidelines Section 5.5.4 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.</p> <p><b>Given the extreme location a BEEP should be developed.</b></p>	<p>This information has been referred to the bushfire consultant for consideration and BPP has developed a BEEP.</p>

The amended BMP V1.1, contained in Attachment 9.1.2(5), and the Addendum to the BMP, contained in Attachment 9.1.2(6), have been referred back to DFES for final comments. On 10 December 2024, DFES advised that "*the development application does not meet the intent of Element 5: Vulnerable Tourism Land Uses. The proposal is intensifying land use in a bushfire-prone area with an extreme bushfire hazard both in and surrounding the lot. Notwithstanding the above, if the decision maker is inclined to approve the proposal, it is critical that the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The decision maker should be satisfied that by removing the need to apply*

*for events on a case-by-case basis, the BMP (modified as required above) will be complied with on an ongoing basis."*

The additional information received from the bushfire consultant (BPP), contained in Attachment 9.1.2(6), which satisfies DFES requirements, will form part of the Addendum to the BMP to provide context. No further modification to the BMP is considered necessary. Conditions are recommended to be imposed to guarantee ongoing implementation and compliance with the BMP, BEP, and BEEP.

### **Officer Comment**

The proposal has been assessed in accordance with the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7.

The development is considered consistent with the objectives of the General Agriculture zone. The proposal was advertised, and submissions received from nearby landowners and some agencies. Key considerations identified includes traffic/road condition, bushfire, and adequacy of services for the proposal.

### Traffic/road condition

Southampton Road has been progressively widened and sealed as part of the Shire's Works Program. The current gravel road grading service level for Southampton Road is 3 grades per year consisting of one winter grade and 2 summer grades (if deemed required by Works and Services).

The proposals will increase the volume of traffic using the road and the current maintenance of the road is not sufficient to cater for the impacts to ensure safety. It is recommended that a condition be imposed for the applicant to contribute to the increased maintenance grading of Southampton Road, including the erection of warning signs and messaging to inform patrons that use the site, that access is via gravel roads, that road conditions can vary and that drivers will need to drive to the condition of the road. These actions are considered crucial for ensuring compliance with Shire requirements and improving overall safety for all road users. Implementing these changes will minimise the additional impacts created from the activities on other landholders, and aligning with the increased traffic expected from the proposal. The Shire's Works and Services also recommends advising the applicants that there are no current plans to seal the sections of Southampton Road and Cassia Road that abut this land. This may create a nuisance for patrons of the site but is not considered sufficient justification for the Shire to seal both these sections of road.

Figure 3 and 4 below demonstrate the 9.86 km length of the road to be graded by the applicant.

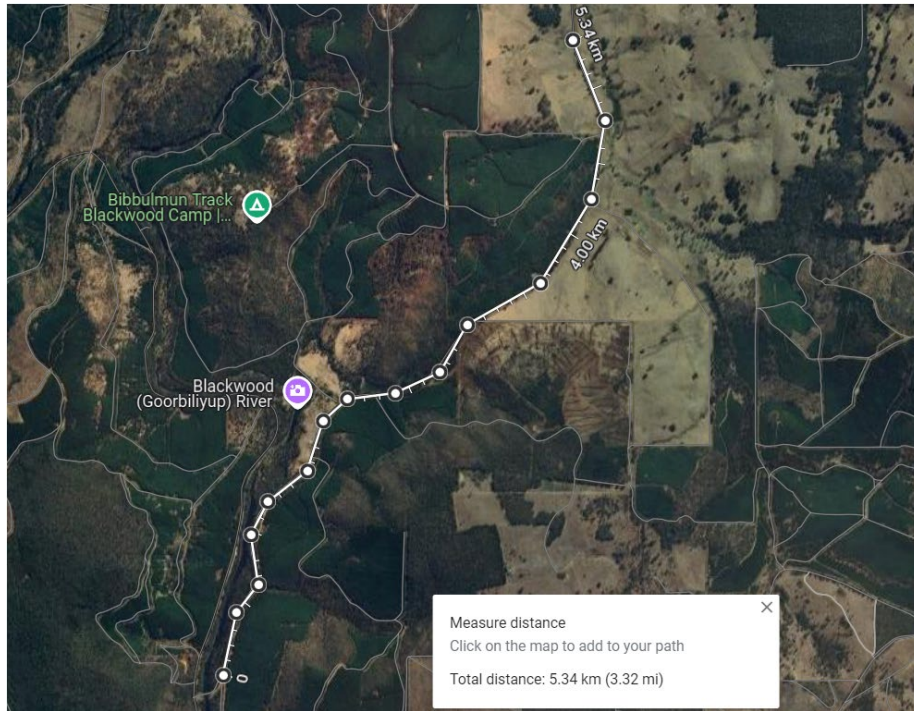


Figure 3 – The line shows the 5.34 km distance of a section of the road to be graded by the applicant.

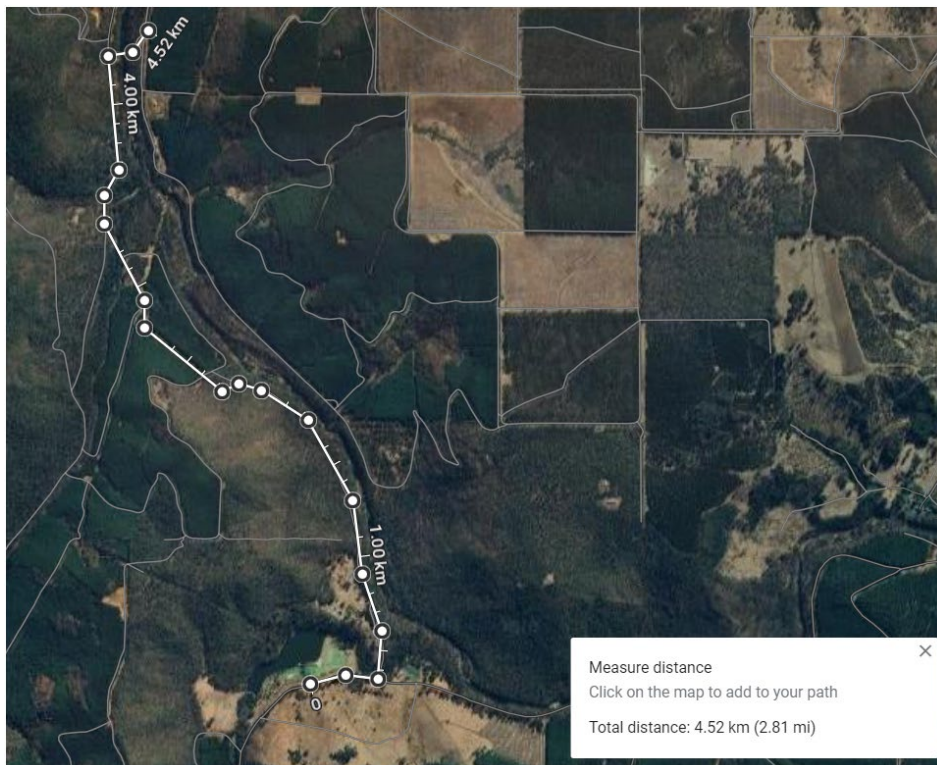


Figure 4 – The line shows the 4.52 km distance of a section of the road to be graded by the applicant.

A condition is recommended that reads as follows:

Prior to the commencement of an event with more than 300 people and after such event, the gravel portions of Southampton Road (approximately 9.86 km) from the edge of the sealed portion including the portion of Cassia Road up to the lot access point is to be graded at the applicant's costs to the satisfaction of the Shire.

#### Dust

To address the concerns raised by the submitters relating to dust impacts on existing dwellings during events when there are more road users on the gravel road, a condition is recommended that reads as follows:

Prior to the commencement of an event with more than 300 people signs are to be erected to alert drivers to drive slowly to reduce dust on Southampton Road. Signs are to be on Southampton Road 200 m either side of the existing dwellings at 1200 and 1240 Southampton Road.

Figure 5 below demonstrate where the signs are to be placed.

It is important to note that wetting down of this section of the road has been considered. However, officers identify that the increased risk to driver on wet gravel roads was deemed too high and reduced speed signs were deemed more appropriate.

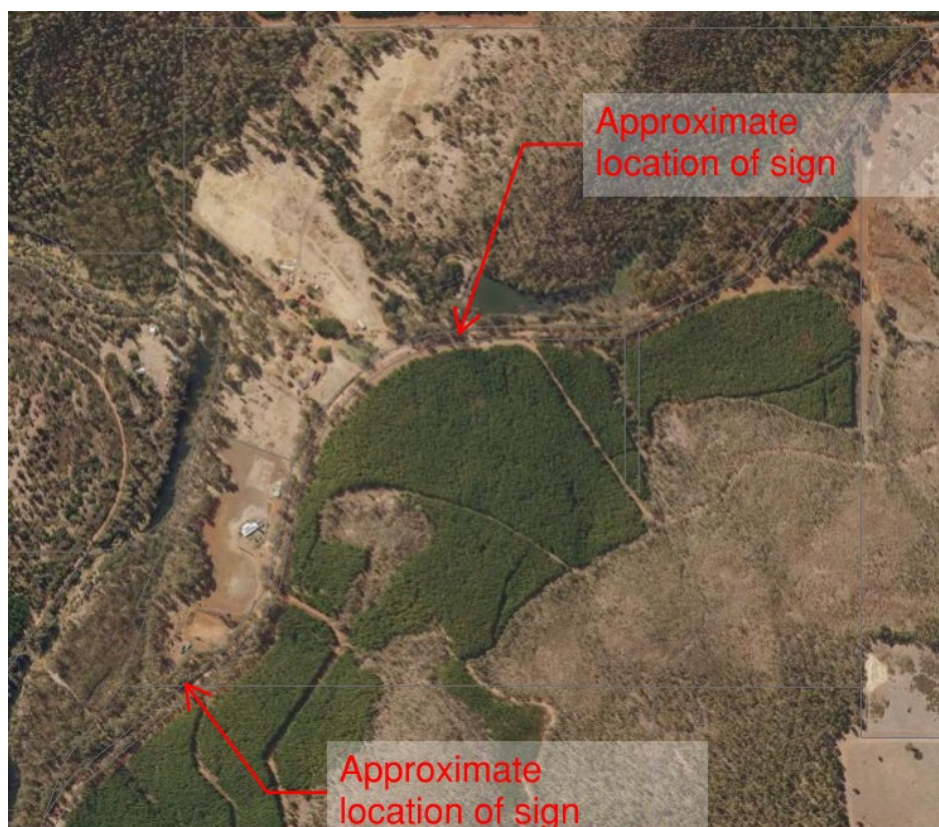


Figure 5 – Approximate location of 'drive slowly' signs.

### Bushfire

The applicant will be responsible for implementing the measures outlined in the Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP). The preparation of a Bushfire Emergency Evacuation Plan (BEEP) has also been recommended due to the site's location. Before the commencement of any use, a 'Certification by Bushfire Consultant' must be submitted to the Shire to confirm compliance with all actions specified in the BMP. This certification will serve as an assurance that all necessary precautions and strategies are in place to mitigate bushfire risks. Additionally, the applicant has proposed to close the facility on days when the forecast Fire Danger Rating is categorized as Extreme or Catastrophic. To ensure the effective management of bushfire risks, it is recommended that conditions be imposed to guarantee ongoing implementation and compliance with both the BMP, BEP, and BEEP. This will help maintain a safe environment for all users and protect the surrounding area from potential fire hazards.

### Servicing

The property has limited access to supporting servicing infrastructure. Key additions such as the chalets, amenities block and tearoom, and access to effluent disposal and potable water, are necessary for compliance with regulations. Prior to the commencement of use the applicant will need to meet all Health requirements and the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*.

### Development considerations

When considering a development application, clause 68 (2) of the Deemed Provisions outlines the following options for determination:

*The local government may determine an application for development approval by -*

- (a) Granting development approval without conditions; or*
- (b) Granting development approval with conditions; or*
- (c) Refusing to grant development approval.*

### Conclusion

The application complies with the requirement of orderly and proper planning and, therefore, Staff consider that the proposal may proceed and recommend it be granted approval subject to conditions and advice. The conditions and advice on the approval address the matters raised in the public and agency submissions.

Reinstate standing orders

<b>COUNCIL RESOLUTION:</b> 232/12-24		
<b>MOVED BY:</b>	Cr Anita Lindemann	<b>SECONDED BY:</b> Cr Grant Patrick

**That Council:**

**B.** Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24052 for:

- i. private recreation events in addition to the already approved mountain bike events (using tracks on Lots 391, 392, 945 and 1244);
- ii. reception centre on Lot 945 (including an incidental forest cathedral on Lot 392) to accommodate weddings, birthdays receptions and other similar events;
- iii. camping on Lot 945;
- iv. tearoom (café) on Lot 945;
- v. construction of eight (8) new chalets on Lot 945;
- vi. change of use from a shed to a chalet for bridal room purposes on Lot 945,
- vii. change of use to accommodate a caretaker's dwelling and an ancillary dwelling on Lot 945; and
- viii. amenities building on Lot 945,  
at Linga Longa Estate on Southampton/Cassia Roads, Southampton, subject to the following conditions and advice:

1. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the approved plans, including any notations, and must not be altered or modified without the further written consent of the Shire.

**Approved plans contained in Attachment 9.1.2(2) (Development Plans P24052 (14 pages)):**

- (i) Map 1 - Linga Longa Estate Overview.
- (ii) Map 2 - Café Area.
- (iii) Map 3 - Forest Cathedral.
- (iv) Map 4 - Forest Cathedral Block Overview.
- (v) Map 5 - Marquee to Hayshed.
- (vi) Map 6 - Parking/Camping.
- (vii) Map 7 - Chalet Locations.
- (viii) Map 9 - Buildings and Water Tanks.
- (ix) Rod Lakelin Design – First Aid Bridal Prep Plan (DRAW#-1) 21 June 2023.
- (x) Rod Lakelin Design – Toilet Elevations/Floor Plan (DRAW#-2) 19 March 2022.
- (xi) Floor Plan and Elevations of chalets at Linga Longa Estate (4 sheets).



**2. The development shall not exceed:**

Use class and type of activity	Maximum number of guests / patrons per event/function
<p>“Reception Centre” for weddings, birthday receptions or other similar events</p>	<p>99 guests                      Note: Any increase in capacity would require a further development approval from the Shire.</p>
<p>“Camping area” and “caravan park”</p>	<p>Current combined capacity of existing onsite effluent disposal systems allows for 35 campers only.                      Note: This number may be increased if upgrades to the current onsite effluent disposal systems are approved and installed to the satisfaction of the Shire.</p>
<p>“Private recreation” for events/public ticketed events (whether it involves mountain bike events or not)</p>	<p>800 patrons (competitors and spectators)                      Note: Events attracting over 800 people are not covered by this development approval and require a separate events approval from the Shire.</p>

3. Prior to the commencement of use, information is to be provided demonstrating that the measures contained in Tables 6.1 and 6.2 under Part 6 ‘Responsibilities for Implementation and Management of the Bushfire Protection Measures’ of the Bushfire Management Plan (Attachment 9.1.2(5)) prepared by Bushfire Prone Planning V1.1 dated 26 November 2024 have been implemented. This information should include a completed ‘Certification by Bushfire Consultant’ from the Bushfire Management Plan.
4. A copy of the Bushfire Emergency Plan is to be made permanently available to occupants and/or guests of the property with a copy of the Bushfire Emergency Information Poster and Instructions always placed on display at all times. Guests are to be advised on arrival of the recommendations of the Bushfire Emergency Plans (Attachment 9.1.2(7)) in case of a bushfire event.
5. All activities on site are to be conducted in accordance with the Bushfire Emergency Plan prepared by Bushfire Prone Planning including the requirement to close the facility during days with a forecast Fire Danger Rating of Extreme or Catastrophic.
6. Prior to the commencement of use, the applicant is to demonstrate that in addition to the relevant provision of water for firefighting purposes, it will be provided with a suitable potable water supply to the satisfaction of the Shire.

7. Any dust associated with the use is to be managed appropriately in accordance with the Shire of Donnybrook-Balingup *Animals, Environment and Nuisance Local Law 2017*.
8. Vehicle parking is to be within the lot at all times with no parking to occur outside of the lot boundaries along Southampton or Cassia Roads.
9. All stormwater from the proposed development including buildings and hardstand areas shall be managed by the applicant in perpetuity, in accordance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017* to the satisfaction of the Shire.
10. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding properties, including any infrastructure, or watercourses to the satisfaction of the Shire.
11. A manager must always be on-site while functions and events are undertaken including overnight when the camping area is in use. Details of the manager are to be provided to the Shire. Should the dedicated manager change, details of the new manager must be provided to the Shire.
12. Additional conditions for Events:
  - (i) Event grounds are to have adequate lighting after dark.
  - (ii) Adequate potable water is to be available for free to event attendees.
  - (iii) All portable electrical equipment is to be tested and tagged by an appropriately qualified person.
  - (iv) An adequate number of portable toilets are to be made available in accordance with the Guidelines for concerts, events, and organised gatherings 2022.
  - (v) All toilets are to be serviceable for the duration of the events.
  - (vi) Applicant to inform all local emergency services and Shire Community Emergency Services Manager of event dates.
  - (vii) All temporary structures must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating.
  - (viii) Food and drink vendors hired for events must provide a copy of their Food Business Registration Certificates.
  - (ix) The placement of temporary roadside signage will require the development and submission of a Traffic Management Plan (TMP) prepared by an appropriately qualified person and subject to separate approval from the Shire and Main Roads WA.
  - (x) Fires permitted in designated pit/structure only and subject to any permits required under the *Bush Fires Act 1954* and the Shire of Donnybrook Balingup's Fire Break Orders as appropriate.
  - (xi) Fireworks or any other pyrotechnic display will be subject to separate approval.

- (xii) Events attracting over 800 people are not covered by this development approval and require a separate events approval from the Shire of Donnybrook Balingup.
13. If reasonably required by the Shire, prior to the commencement of an event with more than 300 people and after such event, the gravel portions of Southampton Road (approximately 9.86 km) from the edge of the sealed portion including the portion of Cassia Road up to the lot access point is to be graded a maximum of 2 times per year at the applicant's costs to the satisfaction of the Shire.
14. Prior to the commencement of an event with more than 300 people signs are to be erected to alert drivers to drive slowly to reduce dust on Southampton Road. Signs are to be on Southampton Road 200 m either side of the existing dwellings at 1200 and 1240 Southampton Road.
15. Prior to the application for the change in building classification of the (bridal room) chalet, the caretaker's dwelling, and the ancillary dwelling the applicant is to demonstrate that the buildings are connected to an approved effluent disposal system to the satisfaction of the Shire, and in consultation with the Department of Health if required.

#### Advice

- k. The Shire Building Services advises that:
- i) Compliance with the National Construction Code is required. A building application must be submitted to, and approved by the Shire, prior to the commencement of any development or prior to the change of use from storage to habitation use. The building application plans must reflect the relevant conditions and approved plans of this development approval. Any subsequent revisions to the plans may require amended development approval.
  - ii) Any temporary structure/tent or marquee greater than 55m<sup>2</sup> will require a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed.
- l. The Shire Works and Services advise that with regard to condition 13:
- i) Maintenance grading to be undertaken by a suitable contractor at the applicant's cost to the Shire's satisfaction. The Shire has a current works program to upgrade Southampton Road to a sealed standard from near the intersection of Spring Gully Road to Southampton Bridge. The Shire has no current plans to seal the sections of Southampton Road and Cassia Road that abut this land. The intent of the condition is to manage the road condition complaints that the Shire receives in this area during and after large events at this property.
    - ii) Patrons to be informed that access is via gravel roads, that road conditions can vary and that drivers will need to drive to the condition of the road. The installation of the following signs at property exits are encouraged:



m. The Shire Environmental Health Services advises that:

- i) The on-site effluent disposal systems required to support the amenities buildings and chalets will be required to be setback a minimum of 100m from Gregory Brook and the Gavin Gully dam in accordance with the Shire/Department of Water and Environmental Regulation and Department of Health requirements, unless a lesser setback has been approved as shown in a detailed site and soil evaluation report.
- ii) Current combined capacity of existing onsite effluent disposal systems allows for 35 campers only. A wastewater consultant must be engaged to determine the required capacity and subsequent upgrades required. Submission of an Application to Construct or Install an Apparatus for the Treatment of Sewage will then be required to be referred to the Department of Health for determination.
- iii) The applicant is to obtain a license under the *Caravan Parks and Camping Grounds Act 1995*. Occupancy in excess of the licence will require separate approval from the Shire. A plan is required with the application to show the location of each camping site, buildings, roads and paths, drainage and wastewater disposal systems, and location of fire hoses and extinguishers.
- iv) Where an application is for a Nature Based Park, a management plan is required to be submitted with the Application for Grant or Renewal of Licence (*Caravan Parks and Camping Grounds Act 1995*). Information regarding a management plan is available from the Department of Local Government, Sport, and Cultural Industries website: [www.dlhc.wa.gov.au](http://www.dlhc.wa.gov.au). A template is available from the Shires Health Services on request.
- v) An adequate potable water supply to be provided in accordance with Australian Drinking Water Guidelines. Water supply to be provided with an appropriate filtration and disinfection equipment (for example, water filter with UV Treatment). In relation to events and functions a minimum of 2 litres of free drinking water must be available per person or a rate calculated at 500 mL/hour, whichever is the greater, is required to be available.
- vi) The development the subject of this development approval must comply with the *Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997* in relation to noise emissions.

- vii) **The Department of Health advises the subject land is in a region that occasionally experiences problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River (RRV) and Barmah Forest (BFV) viruses. Human cases of RRV and BFV diseases have been reported in this region. Any future development needs to avoid the creation of additional mosquito breeding habitats.**
- viii) **If to be used for public recreation, the water within the dam should be sampled at least monthly during the period November to March, to demonstrate that the water is suitable for public recreation.**
- n. **Advertising signage does not form part of this approval. Any advertising signage is subject to a separate assessment and may require prior development approval from the Shire. It is recommended that you contact the Shire prior to the placement of any advertising signage onsite.**
- o. **With regards to the “Manager” this means an applicant, or a person duly appointed by the applicant/landowner, to have management and care of the site and approved uses and be available to respond to emergencies and complaints.**
- p. **Clearing of native vegetation may require a clearing permit from the Department of Water and Environmental Regulation (DWER). Clearing of native vegetation that is not exempt, or does not have a valid clearing permit, is an offence under *the Environmental Protection Act 1986*. For further information regarding clearing permits, contact DWER on (08) 6364 7000.**
- q. **The applicant is advised that Gregory Brook that runs through Lot 945 forms part of the Blackwood River system and is contained on the Department of Planning, Lands and Heritage Aboriginal Cultural Heritage Register Place 20434 (Blackwood River). The applicant is advised to investigate whether approval is required pursuant to the *Aboriginal Heritage Act 1972* and to contact the Department of Planning Lands and Heritage with a request for advice.**
- r. **If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
- s. **Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**
- t. **If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 7/0</b>

Cr Gubler re entered the room at 6:27pm.

## 9.2. Director Finance and Corporate

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### 9.2.1. Schedule of Accounts Paid as at 30 November 2024

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#### Report Details:

**Prepared by:** Finance Officer

**Manager:** Manager Financial Services

**File Reference:** FNC **Voting Requirement:** Simple Majority

#### Attachment(s):

9.2.1(1) Schedule of Accounts Paid Under Delegation

#### Executive Recommendation

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##### That Council:

**Receive the accounts for payment report for the period ended November 2024 as per Attachment 9.2.1(1)**

#### Strategic Alignment

---

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

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

#### Executive Summary

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That in accordance with Regulation 13 (3) of the *Local Government (Financial Management) Regulations 1996*, Council receive the "Schedule of Accounts Paid" covering the period 1 November 2024 to 30 November 2024, the schedule contains details of the following transactions:

#### 1 Municipal Account – payments totalling \$2,143,934.14.

Credit Card payments	3587
EFT Payments	EFT29662C – EFT29874C
Cheque Payments	53815 – 53817
Direct Debit payments	DD28103, 28105, 28107 & 28129

## Background

In accordance with Delegation 1.2.23 – payments from the Municipal or Trust funds adopted by Council on 18 September 2024, the Chief Executive Officer is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent budget amendments. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to Council each month.

## Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Unlikely	Minor	Low (2)
Risk Description:	Additional checks and balances of accounts paid by the Shire.		
Mitigation:	Monthly reporting on accounts paid.		
Compliance	Unlikely	Minor	Low (2)
Risk Description:	Meeting legislative requirement of financial reporting to the Council		
Mitigation:	Monthly reporting on accounts paid.		

## Financial Implications

All liabilities settled have been in accordance with the annual budget provisions.

## Policy Compliance

- FIN/CP-4 Purchasing
- FIN/CP-5 Regional Price Preference
- FIN/CP-7 Credit Card

## Statutory Compliance

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

Where the local government has delegated the CEO the exercise of its power to make payments from the municipal fund or the trust funds, Regulation 13 requires that a list of accounts paid by the CEO is to be prepared each month showing for each account paid:

- (a) The payee's name; and
- (b) The amount of the payment; and
- (c) The date of the payment; and
- (d) Sufficient information to identify the transaction.

This list of accounts is to be:

- (a) Presented to Council at the next ordinary meeting of the Council after the list is prepared; and
- (b) Recorded in the minutes of that meeting.



### Consultation

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Relevant staff have been consulted and have authorised the payments.

### Officer Comment

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For a detailed listing of payments see [Attachment 9.2.1\(1\)](#)

Please raise any queries prior to the meeting to enable questions to be investigated and a response prepared.

<b>COUNCIL RESOLUTION:</b> 233/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

### That Council:

**Receive the accounts for payment report for the period ended November 2024 as per** Attachment 9.2.1(1)

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

## 9.2.2. 2023-2024 Annual Report

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### Report Details:

Prepared by:	Acting Director Finance and Corporate		
Manager:	Chief Executive Officer		
Location:	Shire of Donnybrook Balingup		
File Reference:	ADM 36	Voting Requirement:	Absolute Majority
Attachment(s):			
9.2.2(1)	2023-2024 Annual Report		

### Executive Recommendation

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#### That Council:

- 1. Accept the 2023-2024 Annual Report for the year ending 30 June 2024 as per Attachment 9.2.2(1) in accordance with section 5.54 of the *Local Government Act 1995*.**
- 2. Notes the 2023/2024 Annual Financial Statements including Auditors Report (Opinion) endorsed by the Audit and Risk Management Committee are incorporated in Attachment 9.2.2(1).**

### Strategic Alignment

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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.
Item:	Nil.
Outcome:	12 - A well respected, professionally run organisation.
Objective:	12.1 - Deliver effective and efficient operations and service provision.
Item:	Nil.

### Executive Summary

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The *Local Government Act 1995* (the Act) requires local governments to prepare an Annual Report for each financial year. The Act prescribes the minimum content, including a full copy of the Annual Financial Report and Auditor's Report. The Annual Report is to be accepted no later than 31 December after a financial year, subject to the Auditor's Report being available. After acceptance by Council the Annual Report is to be made publicly available to the community by way of local public notice, publishing on the Shire website and presentation to the Annual General Meeting of Electors.

## Background

The 2023-2024 Annual Report ([Attachment 9.2.2\(1\)](#)) seeks to provide a consolidated record of significant operations, achievements and events of the Shire for the past financial year. The minimum content for the Annual Report is prescribed by the Act and includes a full copy of the Annual Financial Report and Auditor’s Report for the corresponding year, being 1 July 2023 to 30 June 2024.

At its committee meeting on 28 November 2024, the Audit and Risk Management Committee resolved:

“COMMITTEE RESOLUTION: ARMC15/11-24

*That the Audit and Risk Management Committee:*

1. *Receives and endorses the 2023/2024 Annual Financial Statements including Auditors Report (Opinion) (Attachment 7.1.1(1)) and Audit Management Letter (confidential Attachment 7.1.1(2)) for Councils receipt; and*
2. *Confirms that it has fulfilled the requirements of section 7.12AD(2) of the Local Government Act 1995, to meet with a representative from the Office of the Auditor General on 13 November 2024; and*
3. *Note that a report on significant findings in accordance with Section 7.12A(4) of the Local Government Act 1995, for the year ending 30 June 2024, is not required.”*

## Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Minor	Moderate (6)
Risk Description:	Breach of legislative requirements if the 2023-2024 Annual Report is not accepted by 31 December 2024.		
Mitigation:	Accept the 2023-2024 Annual Report.		

## Financial Implications

Nil.

## Policy Compliance

Nil.

## **Statutory Compliance**

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Division 5 of the *Local Government Act 1995*, sections:

### **5.53. Annual reports**

(1) *The local government is to prepare an annual report for each financial year.*

(2) *The annual report is to contain —*

*(a) a report from the mayor or president; and*

*(b) a report from the CEO; and*

*[(c), (d) deleted]*

*(e) an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*

*(f) the financial report for the financial year; and*

*(g) such information as may be prescribed in relation to the payments made to employees; and*

*(h) the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and*

*(ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*

*(hb) details of entries made under section 5.121 during the financial year in the register of complaints, including —*

*(i) the number of complaints recorded in the register of complaints; and*

*(ii) how the recorded complaints were dealt with; and*

*(iii) any other details that the regulations may require; and*

*(iv) such other information as may be prescribed.*

### **5.54. Acceptance of annual reports**

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* Absolute majority required.*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

### **5.55. Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

### **5.55A. Publication of annual reports**

*The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.*

## Consultation

Shire staff were consulted as part of the preparation of the Annual Report.

At its committee meeting on 28 November 2024, the Audit and Risk Management Committee reviewed and endorsed the 2023/2024 Annual Financial Statements, Auditor's Report (Opinion), and Management Letter for Council's receipt.

## Officer Comment

The 2023-2024 Annual Report at [Attachment 9.2.2\(1\)](#) is presented to Council for acceptance prior to calling the Annual General Meeting of Electors. Local public notice on the availability of the Annual Report will be given as soon as practicable after Council's acceptance, including being published on the Shire website within 14 days in accordance with legislative requirements.

<b>COUNCIL RESOLUTION:</b> 234/12-24	
<b>MOVED BY:</b> Cr Grant Patrick	<b>SECONDED BY:</b> Cr Deanna Shand

## That Council:

- 1. Accept the 2023-2024 Annual Report for the year ending 30 June 2024 as per Attachment 9.2.2(1) in accordance with section 5.54 of the *Local Government Act 1995*.**
- 2. Notes the 2023/2024 Annual Financial Statements including Auditors Report (Opinion) endorsed by the Audit and Risk Management Committee are incorporated in Attachment 9.2.2(1).**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried by absolute majority: 8/0</b>

Suspend standing orders

<b>COUNCIL RESOLUTION:</b> 235/12-24	
<b>MOVED BY:</b> Cr Deanna Shand	<b>SECONDED BY:</b> Cr Alexis Davy

**That Council suspend standing orders.**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Patrick, Cr Shand
<b>Against:</b> Cr Lindemann, Cr Mitchell
<b>Carried: 8/0</b>

Reinstate standing orders

<b>COUNCIL RESOLUTION:</b> 236/12-24	
<b>MOVED BY:</b> Cr Grant Patrick	<b>SECONDED BY:</b> Cr Lisa Glover

**That Council re instate standing orders.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

### 9.2.3. Council Meeting Consultation and 2025 Meeting Dates

#### Report Details:

**Prepared by:** Administration Officer, Corporate Services

**Manager:** Acting Director Finance and Corporate

**File Reference:** CNL 33

**Voting Requirement:** Simple Majority

**Attachment(s):**

Nil.

#### Executive Recommendation 1

That Council:

1. Adopt the 2025 Agenda Briefing and Ordinary Council Meeting dates as follows:

Agenda Briefing	Ordinary Council Meeting	Venue
19 February (5pm)	26 February (5pm)	Council Chamber Donnybrook
19 March (5pm)	26 March (5pm)	Council Chamber Donnybrook
16 April (5pm)	23 April (5pm)	Council Chamber Donnybrook
21 May (5pm)	28 May (5pm)	Council Chamber Donnybrook
18 June (5pm)	25 June (5pm)	Council Chamber Donnybrook
16 July (5pm)	23 July (5pm)	Council Chamber Donnybrook
20 August (5pm)	27 August (5pm)	Council Chamber Donnybrook
17 September (5pm)	24 September (5pm)	Council Chamber Donnybrook
15 October (5pm)	22 October (5pm)	Council Chamber Donnybrook
19 November (5pm)	26 November (5pm)	Council Chamber Donnybrook
10 December (5pm)	17 December (5pm)	Council Chamber Donnybrook

2. Directs the Chief Executive Officer to undertake all statutory advertising in this regard.

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## Executive Recommendation 2

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### That Council:

1. Adopt the 2025 Ordinary Council Meeting dates as follows:

Ordinary Council Meeting	Venue
26 February (5pm)	Council Chamber Donnybrook
26 March (5pm)	Council Chamber Donnybrook
23 April (5pm)	Council Chamber Donnybrook
28 May (5pm)	Council Chamber Donnybrook
25 June (5pm)	Council Chamber Donnybrook
23 July (5pm)	Council Chamber Donnybrook
27 August (5pm)	Council Chamber Donnybrook
24 September (5pm)	Council Chamber Donnybrook
22 October (5pm)	Council Chamber Donnybrook
26 November (5pm)	Council Chamber Donnybrook
17 December (5pm)	Council Chamber Donnybrook

2. Directs the Chief Executive Officer to facilitate at least two, two-hour Council workshops each month; and
3. Directs the Chief Executive Officer to ensure that Councillors receive the agenda and that it is uploaded to the website no later than seven days prior to the Ordinary Council Meeting; and
4. Directs the Chief Executive Officer to undertake all statutory advertising in this regard.

### Strategic Alignment

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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:** 12.1 - Deliver effective and efficient operations and service provision.

### Executive Summary

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Council is requested to consider the Ordinary Council Meeting consultation process and set its meeting dates for 2025. No public holidays occur on the dates recommended.



## Background

Council currently conducts one Ordinary Council Meeting (OCM) on the fourth Wednesday of each month commencing at 5.00pm, a process which was adopted on 19 December 2008. These meetings are livestreamed and open to the public.

Historically there has been no Ordinary Council Meeting be held in January.

Council also holds an Agenda Briefing session on the third Wednesday of each month, these sessions are livestreamed and open to the public. However, unlike the OCM there are no deputations or public question time at these sessions.

Workshops are consultation sessions for Councillors to remain informed on current issues and topics relevant to Council. These sessions, held on the first and second Wednesday of each month prior to the Agenda Briefing and Ordinary Council Meeting provide Councillors with an opportunity to discuss complex issues and collaborate with staff who possess subject matter expertise.

## Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Failure to set and publish the 2025 meeting dates on the council's website may result in non-compliance with regulatory requirements.		
Mitigation:	Adopt the 2025 meeting dates and publish on the Shire's website.		

## Financial Implications

The cost to hold the Agenda Briefing Sessions and Ordinary Council Meetings are provided in the 2024/25 Budget.

## Policy Compliance

*EM/CP-2-Live Streaming and Recording of Council Meetings* sets the requirements around livestreaming the meetings, thus setting the meeting location to the Council Chamber.

## Statutory Compliance

Local Government (Administration) Regulations 1996, R.12(3)

- (2) *The CEO must publish on the local government's official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —*
- (a) *ordinary council meetings;*
  - (b) *committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.*

*Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government's official website as soon as practicable after the change is made.*

## **Consultation**

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Councillors discussed this matter at workshop 20, held on 13 November 2024.

## **Officer Comment**

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Council is requested to review the information presented in this report, along with their own experiences and community feedback before deliberating on the two executive recommendations concerning the consultation requirements, and subsequently setting the meeting dates for 2025.

### Balancing Transparency and Trust

It's Council's role to maintain transparency with the community, and it is equally important to ensure that information is accurate and complete before it is shared. Workshops provide an opportunity for Councillors to engage in detailed discussions and consultations.

By finding a balance between these two formats, the Council can maintain the community's trust and keep them informed, while also ensuring that complex and sensitive matters are thoroughly vetted before being made public. This approach helps prevent the dissemination of incomplete or misunderstood information, which could inadvertently cause unnecessary concern among community members.

### Agenda Briefing Sessions

Agenda Briefing Sessions are livestreamed, promoting transparency and allowing the public to stay informed about Council deliberations. This openness is a significant advantage, fostering trust and connection with the community. However, the current format of Agenda Briefings has limitations. Feedback indicates that Councillors often do not receive sufficient consultation with subject matter experts during these sessions. As a result, they frequently request additional information after the briefings, leading to additional coordination efforts for staff and the need to update the agenda with new information. This process can cause confusion for both Councillors and the public, as well as increased workload for staff.

At workshop 20 some Councillors indicated that they are hesitant to ask questions on livestream, which can hinder the depth of discussion. There have also been complaints from both Councillors and the public about changes to the agenda between the Agenda Briefing and the Ordinary Council Meeting (OCM), causing distrust and the perception that information is being hidden or deliberately excluded.

### Councillor Workshops

Councillor Workshops provide a structured environment where topics are prelisted, ensuring that Councillors are aware of the discussion points in advance. This format is particularly beneficial for

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complex planning matters, which will be automatically included on the workshop agendas. This approach allows for thorough consultation with staff who are subject matter experts, enabling Councillors to delve deeply into these issues. Consequently, comprehensive information can be gathered and included in the agenda before it is released to the public. This method ensures that Councillors have sufficient opportunity to understand and discuss intricate matters, leading to more informed decision-making.

Workshops offer a setting where Councillors and staff can speak frankly and openly about matters, including potential risks, without prematurely alarming the community. This candid dialogue helps in aligning the recommendations with the consensus of the Councillors as a whole. Feedback has indicated that workshops reduce the number of follow-up emails and questions, thereby easing the coordination burden on staff and ensuring that reports are tailored to the Councillors' needs before decisions are made.

In summary, while Agenda Briefings enhance transparency, they may not provide the depth of consultation required for complex issues. On the other hand, workshops offer a more detailed and consultative approach but lack the public visibility of Agenda Briefings. Balancing these two formats could help optimise both transparency and thoroughness in Council decision-making.

#### Location

It is recommended that all meetings be conducted exclusively within the Donnybrook Council Chamber. This venue stands as the singular facility equipped with the necessary livestreaming and video recording infrastructure, to ensure compliance with Council Policy EM/CP-2-Live Streaming and Recording of Council Meetings. This technology serves to greatly enhance public access to critical Council decisions, debates, and discussions. It effectively mitigates the geographical and personal constraints that might otherwise hinder in-person attendance at these vital proceedings.

#### Executive Recommendation 1

No change to the current consultation process is proposed in this recommendation.

#### Executive Recommendation 2

This approach proposes Councillors receive the agenda and that it is uploaded to the website no later than seven days prior to the Ordinary Council Meeting. The workshop dates listed below are listed as a guide and can be changed to suit.

Month	Workshop 1	Workshop 2	Workshop 3	Ordinary Council Meeting	Agenda Notification Date (1 week prior)
January	No workshop	15/01/25	22/01/25	No OCM	N/A
February	05/02/25*	12/02/25	19/02/25	26/02/25	19/02/25
March	05/03/25*	12/03/25	19/03/25	26/03/25	19/03/25
April	02/04/25*	09/04/25	16/04/25	23/04/25	16/04/25
May	07/05/25*	14/05/25	21/05/25	28/05/25	21/05/25

Month	Workshop 1	Workshop 2	Workshop 3	Ordinary Council Meeting	Agenda Notification Date (1 week prior)
June	04/06/25*	11/06/25	18/06/25	25/06/25	18/06/25
July	02/07/25*	09/07/25	16/07/25	23/07/25	16/07/25
August	06/08/25*	13/08/25	20/08/25	27/08/25	20/08/25
September	03/09/25*	10/09/25	17/09/25	24/09/25	17/09/25
October	01/10/25*	08/10/25	15/10/25	22/10/25	15/10/25
November	05/11/25*	12/11/25	19/11/25	26/11/25	19/11/25
December	03/12/25*	10/12/25	17/12/25	24/12/25	17/12/25

*\*Optional workshop*

The proposed Ordinary Council Meeting dates are same in both recommendations.

Councillors should be aware that meeting dates may be adjusted throughout the year. It is essential that any changes are promptly published on the Shire's website. It is recommended to implement a trial period or conduct a six-month review if Recommendation 2 is adopted to ensure that Council have found the right balance of consultation.

<b>COUNCIL RESOLUTION:</b> 237/12-24		
<b>MOVED BY:</b>	Cr Deanna Shand	<b>SECONDED BY:</b> Cr Alexis Davy

**That Council:**

- 1. Adopt the 2025 Agenda Briefing and Ordinary Council Meeting dates as follows:**

<b>Agenda Briefing</b>	<b>Ordinary Council Meeting</b>	<b>Venue</b>
<b>19 February (5pm)</b>	<b>26 February (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>19 March (5pm)</b>	<b>26 March (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>16 April (5pm)</b>	<b>23 April (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>21 May (5pm)</b>	<b>28 May (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>18 June (5pm)</b>	<b>25 June (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>16 July (5pm)</b>	<b>23 July (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>20 August (5pm)</b>	<b>27 August (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>17 September (5pm)</b>	<b>24 September (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>15 October (5pm)</b>	<b>22 October (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>19 November (5pm)</b>	<b>26 November (5pm)</b>	<b>Council Chamber Donnybrook</b>
<b>10 December (5pm)</b>	<b>17 December (5pm)</b>	<b>Council Chamber Donnybrook</b>

- 2. Directs the Chief Executive Officer to undertake all statutory advertising in this regard. Executive Recommendation 2**

<b>For:</b> Cr Davy, Cr Glover, Cr Gubler, Cr Lindemann, Cr Shand
<b>Against:</b> Cr MacCarthy, Cr Mitchell, Cr Patrick
<b>Carried: 5/3</b>

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## 9.2.4 Making Shire of Donnybrook Balingup Waste Amendment Local Law 2024

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### Report Details:

<b>Prepared by:</b>	Acting Manager Corporate Services		
<b>Manager:</b>	Acting Director Finance and Corporate		
<b>Location:</b>	Shire of Donnybrook Balingup		
<b>File Reference:</b>	CNL 25	<b>Voting Requirement:</b>	Absolute Majority

### Attachment(s):

- 9.2.4(1) Shire of Donnybrook Balingup Waste Amendment Local Law 2024
- 9.2.4(2) *Shire of Donnybrook Balingup Waste Local Law 2017*
- 9.2.4(3) Draft Local Public Notice
- 9.2.4(4) Changes to as proposed Waste Amendment Local Law 2024

### Executive Recommendation

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#### That Council:

1. In accordance with section 3.12(4) of the *Local Government Act 1995*, resolve to make the Shire of Donnybrook Balingup Waste Amendment Local Law 2024 as per Attachment 9.2.4(1);
2. In accordance with section 3.12(5) of the *Local Government Act 1995*, after making the Shire of Donnybrook Balingup Waste Amendment Local Law 2024:
  - 2.1. Publish the local law in the Western Australian Government Gazette; and
  - 2.2. Provide a copy of the local law to the Minister for Local Government, Minister for Environment and Director General of the Department of Water and Environmental Regulation;
3. In accordance with section 3.12(6) of the *Local Government Act 1995*, after the Shire of Donnybrook Balingup Waste Amendment Local Law 2024 has been published in the Western Australian Government Gazette, give local public notice (Attachment 9.2.4(3)):
  1. Stating the title of the local law;
  2. Summarizing the purpose and effect of the local law;
  3. Specifying the date on which the local law comes into operation;
  4. Advising that the local law is published on the Shire of Donnybrook Balingup website; and
  5. Advising that copies of the local law may be inspected at or obtained from the Shire of Donnybrook Balingup Administration Office;
4. In accordance with section 3.12(7) of the *Local Government Act 1995* and *Local Laws Explanatory Memoranda Directions 2010* given by the Minister for Local Government, within ten working days of the publication date of the Shire of Donnybrook Balingup Waste Amendment Local Law 2024 in the Western Australian Government Gazette, provide a copy of the local law with Explanatory Material to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation;
5. Authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Donnybrook Balingup to the Shire of Donnybrook Balingup Waste Amendment Local Law 2024 (Attachment 9.2.4(1)).

## Strategic Alignment

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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.
- Item:** 11.1.2 - Provide a review of local laws.

## Executive Summary

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At its 28 August 2024 Meeting, Council resolved to commence the process of making the Shire of Donnybrook Balingup Waste Amendment Local Law 2024. This stage of the legislative process included advertising and seeking submissions on the proposed local law, with results of the public consultation to be presented to Council for consideration after the closing date.

Council is now asked to consider the submissions received from public advertising and Ministerial referral, and to make the Shire of Donnybrook Balingup Waste Amendment Local Law 2024.

## Background

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At the Ordinary Council Meeting on 28 August 2024, Council resolved the following:

*“Council Resolution: 145/08-24*

1. *In accordance with section 3.12(3)(a) of the Local Government Act 1995, resolves that local public notice be given stating that:
  - 1.1. *The Shire of Donnybrook Balingup propose to make the ‘Shire of Donnybrook Balingup Waste Amendment Local Law 2024’, with a summary of its purpose and effect as follows:
    - 1.1.1. *Purpose: To amend the Shire of Donnybrook-Balingup Waste Local Law 2017 to replace clause 2.1(1) to address drafting issues, and to add clause 5.1 that provides a right to object and appeal a decision made under the Local Law.*
    - 1.1.2. *Effect: The Shire of Donnybrook-Balingup Waste Local Law 2017 is amended.*
    - 1.1.3. *Copies of the proposed local law may be inspected or obtained from the Shire’s Administration Office and the Shire’s website; and*
    - 1.1.4. *Submissions on the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;***
2. *In accordance with section 3.12(3)(b) of the Local Government Act 1995, resolves that as soon as the notice is given, a copy of the proposed local law and public notice be sent to the Minister for Local Government and Minister for the Environment;*
3. *In accordance with section 3.12(3)(c) of the Local Government Act 1995, resolves that a copy of the proposed local law be supplied to any person requesting it; and*
4. *Resolves that the results of the public consultation be presented to Council for consideration of any submissions received.*

*Carried by absolute majority: 8/0”*

The *Shire of Donnybrook Balingup Waste Local Law 2017* (Attachment 9.2.5(2)) was published in the Western Australian Government Gazette on 14 June 2017. After gazettal and subsequent submission as required to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation (JSCDL), the JSCDL wrote to the Shire requesting several amendments be made.

The Shire of Donnybrook Balingup Waste Amendment Local Law 2024 (Attachment 9.2.5(1)) has been prepared to incorporate the amendments specified by the JSCDL. In accordance with Council's resolution detailed above, local public notice seeking submissions and Ministerial referral of the proposed local law has been undertaken.

To progress the making of the amendment local law, Council is to consider the submissions received and resolve to make the local law either as proposed, or in a form that is not significantly different. If Council wishes to make a significant change to the proposed local law, it would be required to recommence the procedure for making a local law in accordance with s. 3.13 of the *Local Government Act 1995*.

### Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Almost Certain	Moderate	High (15)
Risk Description:	Non-compliance with legislation for the <i>Shire of Donnybrook Balingup Waste Local Law 2017</i> .		
Mitigation:	Resolve to make the Shire of Donnybrook Balingup Waste Amendment Local Law 2024.		

### Financial Implications

The cost associated with Council's decision to make the proposed local law for this stage of the process is estimated at:

- a) Local public notice: \$347.50 (half of total costs given joint advertising with proposed Shire of Donnybrook Balingup Animals, Environment and Nuisance Amendment Local Law 2024: \$550.00 South Western Times and \$145.00 Preston Press).
- b) Publication in the Western Australian Government Gazette: between \$300.00 to \$400.00. The quoted amount is based on one page of text, with the final cost determined on submission, review and formatting by the Government Gazette.

### Policy Compliance

Nil.

### Statutory Compliance

Section 3.5 of the *Local Government Act 1995* (the Act) enables local governments to make local laws. Section 3.12 of the Act sets out the process for making a local law.



Section 3.12(8) of the Act further defines *making* in relation to a local law, which encompasses making a local law to amend the text of, or repeal, a local law.

Section 3.12(7) of the Act enables the Minister for Local Government to give directions to local governments requiring them to provide to the Parliament of Western Australia copies of local laws they have made and any explanatory or other material relating to them. The *Local Laws Explanatory Memoranda Directions 2010* issued in Ministerial Circular No. 04-20210, stipulate that within ten working days of the publication date of a local law in the Western Australian Government Gazette, a copy of the local law with specific Explanatory Material must be submitted to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation for review.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* outlines the requirement for the Presiding Member of a meeting to give notice of the purpose and effect of the local law.

Section 61 of the *Waste Avoidance and Resource Recovery Act 2007* specifies that waste local laws are to be made in accordance with the process set out in sections 3.11 to 3.17 of the Act. This also applies to amendments to local laws as per section 3.12(8) of the Act.

## Consultation

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Conway Highbury, a consultant specialising in local government matters, particularly local laws, was engaged to assist with drafting the proposed Shire of Donnybrook Balingup Waste Amendment Local Law 2024. An internal review of the local law has also been undertaken by Shire staff.

Following the Council resolution at its Meeting on 28 August 2024 and to pursuant to section 3.12(3)(a) of the *Local Government Act 1995* (the Act), the Shire gave local public notice of the proposed local law, including its purpose and effect, and invited submissions from the public over a 7-week (52-days) consultation period. This meets the minimum requirement of 6-weeks (42-days), of which must be 'clear' days – s. 61 of the *Interpretation Act 1984* prescribes this to mean that the day on which it is published and the day on which submissions close cannot be counted in the 42-day period. In addition, the final day for submissions must not fall on a Saturday, Sunday or public holiday. If it does, the final day is taken to be the next normal working day.

The public submission period officially commenced on Monday 9 September 2024 and closed on Friday 1 November 2024. The Council endorsed local public notice was advertised to comply with legislative requirements as follows:

1. Published on the Shire's website under the 'Latest News' section from 9 September 2024;
2. Displayed on the Shire Administration Office noticeboard from 9 September 2024;
3. Displayed on the Shire's Donnybrook Library and Balingup Library noticeboards;
4. Published in the South Western Times newspaper on 12 September 2024;
5. Published in the Shire's E-Connect email newsletter on 9 October 2024;
6. Published on the Shire's Facebook page on 11 September 2024; and
7. Published in the Preston Press community newspaper October 2024 edition.

A copy of the proposed local law, along with a copy of the *Shire of Donnybrook Balingup Waste Local Law 2017* and local public notice was also referred to the Minister for Local Government and Minister for Environment in accordance with s.3.12(3)(b) of the Act.

## Officer Comment

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### Submissions received

No submissions from members of the public were received during the advertised community consultation period for the proposed Shire of Donnybrook Balingup Waste Amendment Local Law 2024.

A submission was received on 4 October 2024 by the Department of Local Government, Sport and Cultural Industries (Department), as a result of the referral of the proposed local law to the Minister for Local Government (Minister) during the consultation period. The Department advised they had no critical comments to make with regards to the local law, however suggested minor editing changes which are shown in [Attachment 9.2.5\(4\)](#).

The changes are considered not significantly different to the local law as proposed by Council resolution at its Meeting on 28 August 2024. The changes have been incorporated into the proposed Waste Amendment local law at [Attachment 9.2.5\(1\)](#). In accordance with s. 3.12(4) of the *Local Government Act 1995* (the Act), Council can progress the making of the amendment local law in a form that is not significantly different from what was proposed. If Council decides to make a local law that would be significantly different from what it first proposed, it would be required to recommence the procedure for making a local law in accordance with s. 3.13 of the Act.

Information was also provided by the Department in relation to the Minister's Directions pursuant to s.3.12(7) of the Act, advising that once the Shire has published the local law in the Government Gazette, it must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. As per the provided information the Shire must, within 10 working days of the gazettal publication date, submit the completed and signed Explanatory Memoranda material to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation (JSCDL) for review. Failure to comply with the Minister's Directions may render the local law inoperable.

A submission was received on 26 November 2024 by the Director General of the Department of Water and Environmental Regulation (DWER), from the referral of the proposed local law to the Minister for Environment during the consultation period. DWER confirmed consent to the proposed Waste Amendment local law, with their decision to provide consent based on policy considerations. DWER request that a copy of the local law as gazetted be provided to the Minister for Environment, the Minister for Local Government and the Director General of DWER.

### Local law-making procedure

The procedure for making local laws is detailed in the Act. There is a specific legislative process that must be adhered to for the proposed local law to be accepted by the JSCDL and ultimately by Parliament.

In accordance with s.3.12(4) of the Act, after the last day for submissions Council is to consider any submissions made and may resolve to make the local law by Absolute Majority as proposed, or that is not significantly different from what was proposed and advertised. Should Council wish to make a significant change to the local law, in accordance with s. 3.13 of the Act the procedure for making a local law is required to recommence.

In the event that Council resolves to make the Shire of Donnybrook Balingup Waste Amendment Local Law 2024, incorporating the minor changes not significantly different to the local law as was proposed, the following sequence of events will commence for this stage of the process:

1. The Council resolved version of the local law will be published in the Western Australian Government Gazette and provided to the Minister for Local Government, Minister for Environment and Director General of the Department of Water and Environmental Regulation;
2. After publication in the Government Gazette, local public notice will be given:
  - a. Stating the title of the local law;
  - b. Summarising its purpose and effect;
  - c. Advising that the local law is published on the Shire website; and
  - d. Advising that copies of the local law may be inspected at or obtained from the Administration Office;
3. Within ten working days of publication in the Government Gazette, a copy of the local law with required Explanatory Material will be submitted to the JSCDL.

Regulation 3 of the *Local Government (Functions and General) Regulations 1996* also requires that, in making a local law, the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that:

- a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

In view of this, the purpose and effect of the proposed Shire of Donnybrook Balingup Waste Amendment Local Law 2024 is:

- a) Purpose: To amend the *Shire of Donnybrook Balingup Waste Local Law 2017* to replace clause 2.1(1) to address drafting issues, and to add clause 5.1 that provides a right to object and appeal a decision made under the local law.
- b) Effect: The *Shire of Donnybrook Balingup Waste Local Law 2017* is amended.

<b>COUNCIL RESOLUTION:</b> 238/12-24	
<b>MOVED BY:</b> Cr Alexis Davy	<b>SECONDED BY:</b> Cr Lisa Glover

**That Council:**

1. In accordance with section 3.12(4) of the *Local Government Act 1995*, resolve to make the **Shire of Donnybrook Balingup Waste Amendment Local Law 2024 as per Attachment 9.2.4(1)**;
2. In accordance with section 3.12(5) of the *Local Government Act 1995*, after making the **Shire of Donnybrook Balingup Waste Amendment Local Law 2024**:
  - 2.3. Publish the local law in the Western Australian Government Gazette; and
  - 2.4. Provide a copy of the local law to the Minister for Local Government, Minister for Environment and Director General of the Department of Water and Environmental Regulation;
3. In accordance with section 3.12(6) of the *Local Government Act 1995*, after the **Shire of Donnybrook Balingup Waste Amendment Local Law 2024 has been published in the Western Australian Government Gazette, give local public notice (Attachment 9.2.4(3))**:

1. **Stating the title of the local law;**
  2. **Summarizing the purpose and effect of the local law;**
  3. **Specifying the date on which the local law comes into operation;**
  4. **Advising that the local law is published on the Shire of Donnybrook Balingup website; and**
  5. **Advising that copies of the local law may be inspected at or obtained from the Shire of Donnybrook Balingup Administration Office;**
4. **In accordance with section 3.12(7) of the *Local Government Act 1995* and *Local Laws Explanatory Memoranda Directions 2010* given by the Minister for Local Government, within ten working days of the publication date of the Shire of Donnybrook Balingup Waste Amendment Local Law 2024 in the Western Australian Government Gazette, provide a copy of the local law with Explanatory Material to the Parliament of Western Australia, Joint Standing Committee on Delegated Legislation;**
5. **Authorise the Shire President and Chief Executive Officer to affix the Common Seal of the Shire of Donnybrook Balingup to the Shire of Donnybrook Balingup Waste Amendment Local Law 2024 (Attachment 9.2.4(1)).**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried by absolute majority: 8/0</b>

## 9.2.5 District Health Advisory Council Representation

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### Report Details:

**Prepared by:** Acting Director Finance and Corporate

**Manager:** Acting Director Finance and Corporate

**File Reference:** ADM 11/4

**Voting Requirement:** Simple Majority

### Attachment(s):

9.2.5(1) District Health Advisory Council brochure

### Executive Recommendation

**That Council Authorises Shire President Vivienne MacCarthy and Cr Anne Mitchell as Council representatives on the WA Country Health Service District Health Advisory Council.**

### 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.

**Item:** Nil.

### Executive Summary

Council is requested to consider endorsing Shire President Vivienne MacCarthy and Cr Anne Mitchell as an Agency Representatives on behalf of Council on the District Health Advisory Council.

### Background

The District Health Advisory Council (DHAC) is a vital component of the WA Country Health Service (WACHS). It consists of community members and health service representatives who work together to improve and inform health service planning, access, safety, and quality. The DHACs play a crucial role in representing the views of the community, consumers, and carers, ensuring that local health services meet the needs of the population.

Having a representative on the DHAC is essential for the Shire of Donnybrook Balingup for several reasons:

1. Community Voice - It ensures that the health concerns and priorities of our community are heard and addressed at the district and state levels.
2. Health Service Improvement - DHAC members provide valuable feedback and suggestions to improve the quality, safety, and accessibility of health services.
3. Strategic Planning - The council's input helps shape the strategic direction of health services, ensuring they align with community needs.

### Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	<p><u>Inadequate Engagement Practices - Engagement and Consultation</u></p> <ol style="list-style-type: none"> <li>Inadequate Engagement: Not engaging with the community and stakeholders regularly.</li> <li>Lack of Consultation: Failing to consult stakeholders on important decisions.</li> <li>Ignoring Feedback: Not taking feedback into account or acting on it.</li> <li>One-Way Communication: Communication that is not interactive or participatory.</li> </ol> <p><u>Inadequate Engagement Practices - Community and Stakeholder Expectations</u></p> <ol style="list-style-type: none"> <li>Unmet Expectations: Failing to meet the expectations of the community and stakeholders.</li> </ol>		
Mitigation:	Share regular updates and provide meeting minutes to Council. Also, manage stakeholder expectations through transparent and proactive engagement.		

### Financial Implications

Nil.

### Policy Compliance

Nil.

### Statutory Compliance

Nil.

### Consultation

On 2 October 2024, members of the Leschenault/Wellington District Health Advisory Council presented to the Council during its workshop. They provided a comprehensive overview of the DHAC's purpose and role. The members extended an invitation to any interested Council Member to join the DHAC, aiming to enhance advocacy for the Donnybrook Balingup region.

**Officer Comment**

Role and Responsibilities of DHAC Members

DHAC members are expected to:

- Engage with the Community: Talk with health service consumers, carers, and community members about important health issues.
- Advocate for the Community: Present the views and opinions of consumers, carers, and community members to the WACHS Board.
- Inform Health Planning: Contribute to local health service planning and strategic directions from a consumer and community perspective.
- Propose Improvements: Offer creative ideas to enhance community health, focusing on service safety, quality, access, and health gain.
- Stay Informed: Become familiar with WACHS strategic priorities to provide informed comments and share information with the community.

Benefits to the Shire

Representation on the DHAC will:

- Strengthen Community Representation: Ensure that the health needs and concerns of Donnybrook Balingup residents are effectively communicated and addressed.
- Enhance Health Services: Contribute to the continuous improvement of health services in our region.
- Foster Collaboration: Build stronger connections between the Shire, WACHS, and other health-related community groups.

<b>COUNCIL RESOLUTION:</b> 239/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That Council Authorises Shire President Vivienne MacCarthy and Cr Anne Mitchell as Council representatives on the WA Country Health Service District Health Advisory Council.**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

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## 9.2.6. Adoption of Risk Management Framework and Policy and Deferral of Internal Audit

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### Report Details:

**Prepared by:** Loren Clifford, Acting Director Corporate Services

**Manager:** Loren Clifford, Acting Director Corporate Services

**File Reference:** Synergy Reference      **Voting Requirement:** Simple Majority

### Attachment(s):

8.1(1) ARMC Minutes 13 November 2024 inc. ARMC Attachments

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### Audit and Risk Management Committee Recommendation

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#### That Council:

- 1. Adopt the draft – Council policy EXE/CP-6-Organisational Risk Management and the Risk Management Framework as per the Audit and Risk Management Committee Meeting Minutes from 13 November 2024 Attachment 8.1(1).**
- 2. Deferrers the internal audit to the 2025/2026 financial year, noting the Chief Executive Officer will present a report detailing an updated scope for the 2025/2026 Internal Audit, for the ARMC’s consideration, following the Financial Management Systems Review and Audit Regulation 17 Review.**
- 3. Notes the Chief Executive Officer will present an alternative use of the allocated budget for the internal audit to address risk mitigation.**

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### Strategic Alignment

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

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

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### Executive Summary

Council is requested to consider the Audit and Risk Management committee’s recommendation to Adopt the draft – Council policy EXE/CP-6-Organisational Risk Management, the Risk Management Framework, and to deferrers the internal audit to the 2025/2026 financial year, noting the Chief Executive Officer will present a report detailing an updated scope for the 2025/2026 Internal Audit, for the ARMC’s consideration, following the Financial Management Systems Review and Audit Regulation 17 Review.

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### Background

At its Audit and Risk Management committee meeting on 13 November 2024, the committee endorsed the following for Councils consideration.

*“COMMITTEE RESOLUTION: ARMC10/11-24*

*That the Audit and Risk Management Committee:*

- 1. Receives the report presenting the:*



- 1.1. Draft – Council policy EXE/CP-6-Organisational Risk Management as per Attachment 7.1.1(1), requesting amendments discussed to be made to clause 8,9,10,18,19a, 21, and table at clause 22 inclusive of any subsequential changes to the framework; and
- 1.2. Risk Management Framework as per Attachment 7.1.1(3).
2. Recommend that Council adopt the draft – Council policy EXE/CP-6-Organisational Risk Management as per Attachment 7.1.1(1) inclusive of the above amendments, and the Risk Management Framework as per Attachment 7.1.1(3).”

**“COMMITTEE RESOLUTION: ARMC11/11-24**

That the Audit and Risk Management Committee:

1. Recommend to Council deferring the internal audit to the 2025/2026 financial year; and
2. Requests the Chief Executive Officer to present a report detailing an updated scope for the 2025/2026 Internal Audit, for the ARMC’s consideration, following the Financial Management Systems Review and Audit Regulation 17 Review.
3. Requests the CEO prepare a proposal to present to Council with an alternative use of the allocated budget for the internal audit to address risk mitigation.”

**Risk Management**

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Possible	Major	High (12)
Risk Description:	Increased likelihood of workplace accidents, injuries, and illnesses due to inadequate safety protocols without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Major	High (12)
Risk Description:	Financial losses from fraud, theft, operational inefficiencies, and unplanned expenditures without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Possible	Moderate	Moderate (9)
Risk Description:	Disruptions in service delivery due to unpreparedness for emergencies or IT failures without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Major	High (12)
Risk Description:	Non-compliance with laws and regulations, leading to legal actions and fines without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Damage to the organization’s reputation from incidents such as data breaches, fraud, or service failures without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:

Choose an item.	Possible	Moderate	Moderate (9)
Risk Description:	Negative impact on the community due to poor service delivery, environmental incidents, or safety issues without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Property	Possible	Moderate	Moderate (9)
Risk Description:	Damage to physical assets from natural disasters, vandalism, or inadequate maintenance without a RMF and policy.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (9)
Risk Description:	Environmental damage due to inadequate management of environmental risks without a RMF and policy.		
Mitigation:	Adopting a risk management policy and framework can help mitigate the risks associated with the 16 risk themes. Ongoing quarterly updates will ensure that controls and treatments plans are addressing risks.		

### Financial Implications

Nil.

### Policy Compliance

As per the Audit and Risk Management Committee Meeting Minutes as per [Attachment 8.1\(1\)](#).

### Statutory Compliance

As per the Audit and Risk Management Committee Meeting Minutes as per [Attachment 8.1\(1\)](#).

### Consultation

As per the Audit and Risk Management Committee Meeting Minutes as per [Attachment 8.1\(1\)](#).

### Officer Comment

As per the Audit and Risk Management Committee Meeting Minutes as per [Attachment 8.1\(1\)](#).

<b>COUNCIL RESOLUTION:</b> 240/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That Council:**

- 1. Adopt the draft – Council policy EXE/CP-6-Organisational Risk Management and the Risk Management Framework as per the Audit and Risk Management Committee Meeting Minutes from 13 November 2024 Attachment 8.1(1).**
- 2. Defer the internal audit to the 2025/2026 financial year, noting the Chief Executive Officer will present a report detailing an updated scope for the 2025/2026 Internal Audit, for the ARMC’s consideration, following the Financial Management Systems Review and Audit Regulation 17 Review.**
- 3. Notes the Chief Executive Officer will present an alternative use of the allocated budget for the internal audit to address risk mitigation.**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

Mr O'Connor left the Chamber at 7:02pm.

### 9.2.7 Approve the CEO Probationary Performance Review Process, Appoint CEO Performance Reviewers and Authorise the President to Approve CEO Leave Applications

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#### Report Details:

**Prepared by:** Acting Director Finance and Corporate

**Manager:** Acting Director Finance and Corporate

**File Reference:** CNL 46

**Voting Requirement:** Simple Majority

#### Attachment(s):

8.3(1) **Confidential Attachments** – Minutes CEO Recruitment & Performance Review Committee 9 December 2024.

### CEO Recruitment & Performance Review Committee Recommendation

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#### That Council:

- 1. Approve the following documentation included in Confidential Attachment 9.2.7(1) for the purpose of assessing the performance of Chief Executive Officer, Nick O'Connor, throughout the probationary period:**
  - 1.1. Draft Probationary Performance Review process;**
  - 1.2. Draft CEO Performance Reporting Tool;**
  - 1.3. Draft Councillor (Individual) Performance Assessment Tool;**
  - 1.4. Draft CEO Committee Performance Assessment Tool; and**
  - 1.5. Model Standards for CEO Recruitment, Performance and Termination.**
- 2. Appoint the Performance Reviewer as President Cr MacCarthy, Deputy President Cr Glover, and Committee Chair Cr Patrick.**
- 3. Authorise the Shire President to approve the Chief Executive Officer's applications for leave.**

### Strategic Alignment

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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.

**Item:** Nil.

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

## Executive Summary

It is requested that Council consider approving the CEO Recruitment & Performance Review Committee's recommendation to approve documentation as per (Confidential Attachment 8.3(1)) for the purpose of assessing the performance of Chief Executive Officer (CEO), Nick O'Connor, throughout the probationary employment period and authorising the Shire President to approve requests for leave from the Chief Executive Officer.

## Background

At its CEO Recruitment & Performance Review Committee meeting held 9 December 2024 the Committee resolved the following:

**"COMMITTEE RESOLUTION CRP18/12-24**

*That the Chief Executive Officer Recruitment and Performance Review Committee recommend to Council to:*

1. *Approve the following documentation for the purpose of assessing the performance of Chief Executive Officer, Nick O'Connor, throughout the probationary period:*
  - 1.1. *Draft Probationary Performance Review process (Attachment 7.1.1(3));*
  - 1.2. *Draft CEO Performance Reporting Tool (Attachment 7.1.1(4));*
  - 1.3. *Draft Councillor (Individual) Performance Assessment Tool (Attachment 7.1.1.1(5));*
  - 1.4. *Draft CEO Committee Performance Assessment Tool (Attachment 7.1.1(6)); and*
  - 1.5. *Model Standards for CEO Recruitment, Performance and Termination (Attachment 7.1.1(8)).*
2. *Appoint the Performance Reviewer as President Cr MacCarthy, Deputy President Cr Glover, and Committee Chair Cr Patrick.*
3. *Request the Acting Director Finance and Corporate includes the recommendation to Council as a Confidential Item at the Ordinary Council Meeting in December 2024."*

**"COMMITTEE RESOLUTION CRP19/12-24**

*That the Chief Executive Officer Recruitment and Performance Review Committee recommend to Council to authorise the Shire President to approve Chief Executive Officer applications for leave."*

The Council is now asked to consider the Committee's recommendations.

## Risk Management

As per confidential Attachment 8.3(1)

## Financial Implications

As per confidential Attachment 8.3(1)

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**Policy Compliance**

As per confidential Attachment 8.3(1)

**Statutory Compliance**

As per confidential Attachment 8.3(1)

**Consultation**

As per confidential Attachment 8.3(1)

**Officer Comment**

As per confidential Attachment 8.3(1)

<b>COUNCIL RESOLUTION:</b> 241/12-24	
<b>MOVED BY:</b> Cr Lisa Glover	<b>SECONDED BY:</b> Cr Deanna Shand

**That Council:**

1. **Approve the following documentation included in Confidential Attachment 9.2.7(1) for the purpose of assessing the performance of Chief Executive Officer, Nick O’Connor, throughout the probationary period:**
  - 1.1. **Draft Probationary Performance Review process;**
  - 1.2. **Draft CEO Performance Reporting Tool;**
  - 1.3. **Draft Councillor (Individual) Performance Assessment Tool;**
  - 1.4. **Draft CEO Committee Performance Assessment Tool; and**
  - 1.5. **Model Standards for CEO Recruitment, Performance and Termination.**
2. **Appoint the Performance Reviewer as President Cr MacCarthy, Deputy President Cr Glover, and Committee Chair Cr Patrick.**
3. **Authorise the Shire President to approve the Chief Executive Officer’s applications for leave.**

<b>For:</b> Cr MacCarthy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Cr Davy
<b>Carried: 7/1</b>

Nicholas O'Connor re entered the room at 7:05pm.

### 9.2.8. Schedules The Annual General Meeting of Electors 2025

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#### Report Details:

**Prepared by:** Acting Director Finance and Corporate

**Manager:** Acting Director Finance and Corporate

**File Reference:** CNL 10

**Voting Requirement:** Simple Majority

**Attachment(s):**

Nil.

#### Executive Recommendation

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**That Council:**

1. Schedules the Annual General Meeting of Electors for Monday, 3 February 2025 commencing at 6:00pm in the Community Room at VC Mitchell Park, Donnybrook; and
2. Directs the Chief Executive Officer to undertake all statutory advertising.

#### Strategic Alignment

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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.

**Item:** Nil.

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** Nil.

#### Executive Summary

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The purpose of this report is for Council to confirm a date for the Annual General Meeting of Electors.

#### Background

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In accordance with the provisions of section 5.27 of the *Local Government Act 1995*, a general meeting of electors of a district is to be held once every financial year, but not more than 56 days after the local government accepts the annual report for the previous financial year.

In addition, section 5.29(1) of the Act requires a minimum 14-day notice period of the annual meeting of electors be given via local public notice.

## Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Unlikely	Moderate	Moderate (6)
Risk Description:	Business and Community Disruption		
Mitigation:	Ensure the AGM date does not conflict with other significant events or emergencies. Develop a contingency plan to address potential disruptions.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Major	Moderate (8)
Risk Description:	Failure to Fulfil Statutory, Regulatory or Compliance Requirements		
Mitigation:	Verify all statutory requirements are met by scheduling the AGM within the required timeframe. Conduct regular compliance checks.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Moderate	Moderate (6)
Risk Description:	Providing Inaccurate Advice/Information		
Mitigation:	Double-check all advertising content for accuracy before publication. Establish a review process involving multiple stakeholders to catch any errors.		

## Financial Implications

Nil.

## Policy Compliance

Nil.

## Statutory Compliance

Local Government Act 1995

### 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government (Administration) Regulations 1996 regulation 15:



**15. Matters to be discussed at general meeting (Act s. 5.27(3))**

*For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.*

**5.29. Convening electors' meetings**

- (1) *The CEO is to convene an electors' meeting by giving —*
  - (a) *at least 14 days' local public notice; and*
  - (b) *each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time the notice is first given and is to continue in the prescribed way until the meeting has been held.*

Local Government Act 1995

**1.7. Local public notice**

*Where under this Act local public notice of a matter is required to be given, notice of the matter must be —*

- (a) *published on the official website of the local government concerned in accordance with the regulations; and*
- (b) *given in at least 3 of the ways prescribed for the purposes of this section.*

Local Government (Administration) Regulations 1996 regulation 3A

**3A. Requirements for local public notice (Act s. 1.7)**

- (1) *For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —*
  - (a) *the period specified in or under the Act in relation to the notice; or*
  - (b) *if no period is specified in relation to the notice — a period of not less than 7 days.*
- (2) *For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —*
  - (a) *publication in a newspaper circulating generally in the State;*
  - (b) *publication in a newspaper circulating generally in the district;*
  - (c) *publication in 1 or more newsletters circulating generally in the district;*
  - (d) *publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —*
    - (i) *the period specified in or under the Act in relation to the notice; or*
    - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days;*
  - (e) *circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;*

- (f) *exhibition on a notice board at the local government offices and each local government library in the district for —*
  - (i) *the period specified in or under the Act in relation to the notice; or*
  - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days;*
- (g) *posting on a social media account administered by the local government for —*
  - (i) *the period specified in or under the Act in relation to the notice; or*
  - (ii) *if no period is specified in relation to the notice — a period of not less than 7 days.*

### Consultation

Local public notice will be via Shire Website, Shire notice boards and the Shire’s social media platforms and e-connect.

### Officer Comment

Given that the annual report will be adopted on 18 December 2024, and to ensure compliance with Section 5.27(2) of the *Local Government Act 1995*, the Annual General Meeting (AGM) must be held before 12 February 2025. The Council is requested to consider the executive recommendation to schedule the AGM of Electors for 2025 on Monday, 3 February 2025, commencing at 6:00pm in the Community Room at VC Mitchell Park, Donnybrook.

<b>COUNCIL RESOLUTION:</b> 242/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

### That Council:

- 1. Schedules the Annual General Meeting of Electors for Monday, 3 February 2025 commencing at 6:00pm in the Community Room at VC Mitchell Park, Donnybrook; and**
- 2. Directs the Chief Executive Officer to undertake all statutory advertising.**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

### 9.3. Chief Executive Officer

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#### 9.3.1 Workforce Plan 2022 – 2026 Preliminary Review

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##### Report Details:

**Prepared by:** Nick O'Connor, Chief Executive Officer

**Manager:** Nick O'Connor, Chief Executive Officer

**File Reference:** Synergy Reference      **Voting Requirement:** Simple Majority

**Attachment(s):**

Nil.

##### Executive Recommendation

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**That Council:**

1. Notes the Workforce Plan progress review provided by the Chief Executive Officer at Council Workshop 20, held 13 November 2024; and
2. Notes the Workforce Plan has been uploaded to the Shires website; and
3. Notes the annual review of the Workforce Plan has been added to the Shire's Governance Calendar; satisfying Council resolution 147/08-24.

##### Strategic Alignment

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

**Outcome:** 12 - A well respected, professionally run organisation.

**Objective:** 12.1 - Deliver effective and efficient operations and service provision.

**Item:** 12.2.1 - Review the Workforce Plan.

##### Executive Summary

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Council has requested the Chief Executive Officer to undertake a preliminary and subsequent full review of the Shire's Workforce Plan 2022 – 2026. The purpose of this report is to provide Council with formal confirmation of completion of the preliminary review, thus ensuring compliance with the resolution (147/08-24) at the August 2024 OCM.

##### Background

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At its Ordinary Council Meeting held August 2024 Council resolved the following:

*"COUNCIL RESOLUTION 147/08-24*

*That Council*

1. *Instruct the Chief Executive Officer to annually review and update the Donnybrook Balingup Shire Workforce Plan and present it to the Council no later than April each year. Furthermore the 2025 review is to include an assessment of the current organisational structure and is to contain recommendations to identify potential operational cost savings*

*in order to assist with addressing the current financial deficit in the Shire of Donnybrook Balingup.*

2. *The plan is to be reviewed and updated using existing policies and procedures and will be no additional cost for the Shire.*
3. *The Chief Executive Officer is to provide progress of the review to councillors by November 2024.*
4. *Completed workforce plan will become a public document and will be published on the Shire of Donnybrook Balingup website the strategic and corporate planning documents link.”*

### Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Possible	Moderate	Moderate (9)
Risk Description:	Ineffective Employment Practices - Inadequate Workforce Planning: Poor planning for future workforce needs.		
Mitigation:	Regularly review the Workforce Plan.		

### Financial Implications

Nil.

### Policy Compliance

Nil.

### Statutory Compliance

#### Local Government Act 1995

All local governments are required to plan for the future of their district under Section 5.56 (1) of the *Local Government Act 1995*. Regulations under Section 5.56(2) of the Act outline the minimum requirements to achieve this. A workforce plan is a critical element of the Shire’s Integrated Planning and Performance Framework.

### Consultation

The Chief Executive Officer consulted internally with key staff regarding the status of the Workforce Plan Actions.

The Chief Executive Officer presented a preliminary review of the Shire’s Workforce Plan 2022 – 2026 at a Councillor Workshop held on 13 November 2024.

## **Officer Comment**

Council resolution 147/08-24 from the August Ordinary Council Meeting resolved four (4) items. These items have been addressed below:

### Item 1 & 2

The Shire's Governance calendar has been updated to include the annual review of the Workforce plan in accordance with Council's policies and procedures.

### Item 3

The Chief Executive Officer has undertaken a preliminary review of the Workforce Plan. A discussion was held with Councillors at the November 13, 2024, Workshop regarding the Chief Executive Officer's observations, workforce plan implementation to date, and future directions. A precis of the review is as follows:

- An overview of the workforce plan's strategic intent and link with other Integrated Planning and Performance elements,
- The current Organisational Structure and FTE overview,
- A status update of the 17 Workforce Plan Actions (grouped within the five (5) strategic workforce plan themes), three (3) had been completed, five (5) are progressing, and nine (9) are yet to be progressed,
- Chief Executive Officer observations indicate the Full Time Equivalent (FTE) level of 65 is suitable for maintaining the existing breadth and depth of the Shire current service levels,
- There are current resourcing deficiencies (due to budget constraints) in a range of service areas including, but not limited to: Work Health and Safety, Economic Development, and Asset/Facilities Management,
- Development of an ICT Strategy would drive innovation and efficiency in the medium to long term and allow staff to re-focus on 'value adding' tasks,
- The focus of the 2025 comprehensive review will be as follows:
  - Developing a strong workforce direction – i.e. 'build, borrow, buy',
  - Establish a 'values-based' organisational culture,
  - Addressing the Ageing workforce,
  - Attraction and retention,
  - Reward and Recognition initiatives,
  - Traineeship and Apprenticeship opportunities.

### Item 4

The Workforce Plan 2022-2026 has been uploaded to the Shire's website.

This report requests Council note the Chief Executive Officer has satisfied Council resolution 147/08-

<b>COUNCIL RESOLUTION:</b> 243/12-24	
<b>MOVED BY:</b> Cr Peter Gubler	<b>SECONDED BY:</b> Cr Anita Lindemann

**That Council:**

- 1. Notes the Workforce Plan progress review provided by the Chief Executive Officer at Council Workshop 20, held 13 November 2024; and**
- 2. Notes the Workforce Plan has been uploaded to the Shires website; and**
- 3. Notes the annual review of the Workforce Plan has been added to the Shire's Governance Calendar; satisfying Council resolution 147/08-24.**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0 by en-bloc resolution 222/12-24</b>

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  
Nil.

12. Meetings Closed to the Public

12.1. Matters for which the Meeting may be closed

12.1.1 RFQ 335 - Bridge 5224 Emergency Repair Works

This report is confidential in accordance with Section 5.23(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 RFT 07-2425 – Bridge 3616 Irishtown Road – Repair of Fire Damage

This report is confidential in accordance with Section 5.23(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.

<b>COUNCIL RESOLUTION:</b> 244/12-24	
<b>MOVED BY:</b> Cr Anita Lindemann	<b>SECONDED BY:</b> Cr Lisa Glover

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

**12.1.1 RFQ 335 - Bridge 5224 Emergency Repair Works**

**12.1.2 RFT 07-2425 – Bridge 3616 Irishtown Road – Repair of Fire Damage**

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

The meeting was closed to the public at 7:06pm.

<b>COUNCIL RESOLUTION:</b> 247/12-24	
<b>MOVED BY:</b> Cr Deanna Shand	<b>SECONDED BY:</b> Cr Grant Patrick

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

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

The meeting was reopened to the public at 7:16pm.

## 12.2. Public reading of Resolutions that may be made public

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### 12.1.1. RFQ 335 - Bridge 5224 Emergency Repair Works

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**That Council:**

1. Notes that the owners of Lots 3195, 486 and 4223 support the following to resolve the Bridge 5224 matter:
  - 1.1. Bridge 5224 being the full responsibility of all property owners that requiring ongoing private access across bridge 5224 at the conclusion of the detailed emergency works;
  - 1.2. The Shire and Main Roads WA (MRWA) having no further responsibility to bridge 5224 at the conclusion of the detailed emergency works, with the standard of the emergency repair works being undertaken to the satisfaction of the Shire and MRWA, in accordance with the detailed design drawings that form part of RFQ 335;
  - 1.3. No warranties from the Shire and/or MRWA will be provided to landowners for the rectified bridge following the completion of the works;
  - 1.4. The applicable landowners being responsible for affecting and maintaining an appropriate ongoing public liability insurance policy for Bridge 5224;
  - 1.5. At the Shire's expense, a notification under section 70A of the *Transfer of Land Act 1893* shall be placed on individual certificates of title for applicable properties, outlining the ongoing landowner responsibilities for Bridge 5224;
  - 1.6. The applicable landowners being responsible for contributing \$40,000 (inc gst) towards the undertaking of the works outlined in RFQ 335, with the contribution required to be paid to the Shire prior to the Shire awarding the works.



- 1.7. The applicable landowners being required to establish a “Deed of Easement” with the Department of Planning Lands and Heritage for their ongoing access rights through the crown land on which Bridge 5224 is located.
- 1.8. The applicable landowners signing to a legal “Deed of Settlement, Release and Indemnity” (“Deed” {or similar}), prepared at the Shire’s expense and executed, to the satisfaction of the Shire of Donnybrook Balingup’s Chief Executive Officer and MRWA, that is reflective of the above and other requirements of this resolution, prior to RFQ 335 being awarded and commenced.
2. Request the Chief Executive Officer to obtain legal services to prepare the “Deed” outlined in 1.8 and have all parties to the document sign, ensuring full execution, prior to awarding the works to the recommended contractor for RFQ 335, noting these costs will be charged to existing Shire account 108920 “Legal Expenses”.
3. Request the Chief Executive Officer to obtain written confirmation from MRWA that they will fund \$154,650 (ex gst) towards the cost of the emergency repair works of Bridge 5224. This confirmation is required to be received prior to awarding the works of RFQ 335.
4. Subject to 2 and 3 being resolved to the satisfaction of the Chief Executive Officer, request the applicable landowners responsible for contributing \$40,000 (inc gst) towards the undertaking of the works of RFQ 335, to make payment. RFQ 335 is not to be awarded or commenced until this contribution is received in full by the Shire.
5. Subject to point 4 being satisfied, amends the 2024/2025 Shire of Donnybrook Balingup budget as follows:

COA/Job Code	Description	Current Budget Allocation	External Funding Increase	Own Source Funding Increase	Proposed Amended Budget Allocation
134500	Maintenance - Bridges	\$199,560	+\$191,014	+\$29,141	\$419,715

6. Request the Chief Executive Officer to allocate the required own source funding of \$29,141 from the Shire’s Roadworks Reserve.
7. Subject to all the above being resolved to the Chief Executive Officers satisfaction, award the contract for RFQ 335 – Bridge 5224 Emergency Repair Works, to Jonor Construction Pty Ltd, in accordance with their submitted offer.
8. At the completion of all works required by RFQ 335, requests the Chief Executive Officer to ensure all Shire requirements of the “Deed” referred to in 1.8, have been executed to his satisfaction and have Bridge 5224 identified as a privately owned asset in Shire records, with reference to the “Deed”.
9. At the completion of all works required by RFQ 335, requests the Chief Executive Officer to have MRWA confirm in written correspondence that they acknowledge that Bridge 5224 is a privately owned bridge.

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<b>For:</b> Cr MacCarthy, Cr Glover, Cr Davy, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

### 12.1.2. RFT 07-2425 Irishtown Road Bridge 3616

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**That Council:**

1. Requests the Chief Executive Officer to award the contract for the Separable Portion 1 (Emergency Repairs only) component of RFT 07-2425 – Bridge 3616 Irishtown Road Emergency Repairs and Maintenance to Jonor Construction Pty Ltd, for \$497,749.41 (ex GST); and
2. Approves unbudgeted expenditure of a further \$497,749.41 (ex GST), noting that an insurance claim for the reimbursement of these costs is pending.; and
3. Requests the Chief Executive Officer to advise Jonor Construction Pty Ltd that Separable Portion 2 will not be awarded as part of this contract.
4. Requests the Chief Executive Officer to further consult with Main Roads Western Australia with regards to the timing and funding of Separable Portion 2 (Preventative, Routine and Specific Maintenance only) component of RFT 07-2425 – Bridge 3616 Irishtown Road Emergency Repairs and Maintenance.

<b>For:</b> Cr MacCarthy, Cr Davy, Cr Glover, Cr Gubler, Cr Mitchell, Cr Lindemann, Cr Patrick, Cr Shand
<b>Against:</b> Nil.
<b>Carried: 8/0</b>

### 13. Closure

The Shire President advised that the next Agenda Briefing Session will be held on 19 February 2025 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7:24pm.