



— Shire of —
Donnybrook Balingup

MINUTES OF ORDINARY MEETING OF COUNCIL

Held on

Wednesday 24 April 2024

Commenced at 5:00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

A handwritten signature in black ink, appearing to read 'Garry Hunt', is positioned above the printed name.

Garry Hunt
Chief Executive Officer (Temporary)

3 May 2024

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF ORDINARY COUNCIL MEETING

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment 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 5:01pm 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.”

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Vivienne MacCarthy (President)	Garry Hunt – Chief Executive Officer (Temporary)
Cr Lisa Glover (Deputy President)	Ross Marshall – Director Operations
Cr Alexis Davy	Loren Clifford – Manager Corporate Services
Cr Peter Gubler	Samantha Farquhar – Administration Officer Corporate Services
Cr Anita Lindemann	Stuart Eaton – Finance Project Manager
Cr Anne Mitchell	Michelle Dennis – Manager Development Services
Cr Grant Patrick	Belinda Richards – Manager Financial Services
Cr Deanna Shand	

PUBLIC GALLERY

2 members of the public were in attendance.

2.1 APOLOGIES

Cr John Bailey

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

Ross Marshall declared an impartiality interest regarding item 9.1.3, due to previous commercial dealings.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Question: Karyn Connor

I have a question relating to the Draft Local Planning Strategy for 2024 relating to proposed zoning changes for Balingup.

The size and placement of the proposed 92 Residential and 32 Rural Residential, totally 124 lots all right next to the Balingup Golden Valley Tree Park, goes completely against the previous advice included in the March 2022 Community survey included in this report.

As the current Landowner has advised they know nothing of this proposed 124 development Plan, and the land is currently up for sale, can you please advise who proposed this rezoning to allow for this large development in Balingup and the date it was presented to the Shire for consideration?

Response: Manager Development Services

The Shire's current Town Planning Scheme identifies Lot 50 Southampton Road and Lot 450 Old Padbury Road Balingup as a Development Investigation Area – DIA 15 with a land use expectation of Residential with a coding of R2.5. As outlined in the current Scheme, Development Investigation Areas "require comprehensive land use suitability, environmental, planning and service assessment, the formulation of a structure plan and rezoning prior to subdivision and development". The specific matters to be addressed in the Structure Plan for DIA 15 are as follows:

Investigate land capability and suitability for low density residential development/subdivision including –

- *Provision of on-site buffer to adjoining agricultural land;*
- *Lot sizes that support community interaction;*
- *Pedestrian and vehicular movement systems that facilitate accessibility and integrate with the Balingup townsite;*
- *Public open space provision;*
- *Landscaping and vegetation plan;*
- *Visual impact assessment;*
- *Fire management measures;*
- *Urban water management; and;*

- *Development contributions*

The proponent is required to undertake a view shed analysis at their cost, to the satisfaction of the local government. Any proposed subdivision/development within DIA 15 shall not negatively impact upon the values of the Golden Valley Tree Park.

The draft Local Planning Strategy proposes to extend this existing investigation area to incorporate Lot 600 South Western Highway as well as Lot 10 Old Padbury Road, creating a development node between the southern part of the townsite to the Golden Valley Tree Park. Current Shire staff do not have the history of how this additional land was identified, but it is considered to logically flow from the townsite area and provide opportunities for larger residential blocks as a transition from the townsite into the rural area. The inclusion of this area enables consideration for subdivision and development, provided each of the matters to be considered are addressed i.e. it isn't "as of right" and while an approximate lot yield has been nominated it will be dependent upon the outcomes of the further investigations and studies. Any submissions regarding the proposed planning area M of the draft Local Planning Strategy will be presented to Council for consideration as part of the next stage of this project.

Shire staff will endeavour to make a time to meet with the Golden Valley Tree Park committee to discuss this additional investigation area separately.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 27 MARCH 2024

Minutes of the Ordinary Meeting of Council held 27 March 2024 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

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

COUNCIL RESOLUTION 53/24

MOVED: Cr Mitchell

SECONDED: Cr Shand

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

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

7.2 SPECIAL MEETING OF COUNCIL – 27 MARCH 2024

Minutes of the Special Meeting of Council held 27 March 2024 are attached (Attachment 7.2(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 27 March 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 54/24

MOVED: Cr Mitchell

SECONDED: Cr Gubler

That the Minutes from the Special Meeting of Council held 27 March 2024 be confirmed as a true and accurate record.

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

8 REPORTS OF COMMITTEES

8.1 WARREN BLACKWOOD ALLIANCE OF COUNCILS – 6 FEBRUARY 2024

Minutes of the Warren Blackwood Alliance of Councils Meeting held 6 February 2024 are attached (Attachment 8.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Warren Blackwood Alliance of Councils Meeting held 6 February 2024 be received.

COUNCIL RESOLUTION 55/24

MOVED: Cr Lindemann

SECONDED: Cr Patrick

That the Minutes from the Warren Blackwood Alliance of Councils Meeting held 6 February 2024 be received.

CARRIED 8/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

8.2 BUNBURY GEOGRAPHE GROUP OF COUNCILS – 26 MARCH 2024

Minutes of the Bunbury Geographe Group of Councils Meeting held 26 March 2024 are attached (Attachment 8.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Bunbury Geographe Group of Councils Meeting held 26 March 2024 be received.

COUNCIL RESOLUTION 56/24

MOVED: Cr Gubler

SECONDED: Cr Patrick

That the Minutes from the Bunbury Geographe Group of Councils Meeting held 26 March 2024 be received.

CARRIED 8/0

For: Cr Bailey, Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

8.3 SOUTH WEST REGIONAL ROAD GROUP – 8 APRIL 2024

Minutes of the South West Regional Road Group Meeting held 8 April 2024 are attached (Attachment 8.3(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the South West Regional Road Group Meeting held 8 April 2024 be received.

COUNCIL RESOLUTION 57/24

MOVED: Cr Mitchell

SECONDED: Cr Patrick

- 1. Note that the minutes do not reflect that Cr Mitchell raised the Kirup speed zone issue. Cr Mitchell will move to have the minutes corrected to reflect that the issue had been raised during this meeting.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

SUBSTANTIVE MOTION AS AMENDED:

COUNCIL RESOLUTION 58/24

MOVED: Cr Mitchell

SECONDED: Cr Patrick

That Council:

- 1. Receive the Minutes from the South West Regional Road Group Meeting held 8 April 2024; and**
- 2. Note that the minutes do not reflect that Cr Mitchell raised the Kirup speed zone issue. Cr Mitchell will move to have the minutes corrected to reflect that the issue had been raised during this meeting.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 DISABILITY ACCESS AND INCLUSION PLAN 2024-2029

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CSV 21
Author	Susie Delaporte, Senior Community Development Officer
Responsible Manager	Michelle Dennis, Manager Development Services
Attachments	9.1.1(1) Draft Shire of Donnybrook Balingup Disability Access and Inclusion Plan 2024-2029
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

- 1. Adopts the Shire of Donnybrook Balingup Disability Access and Inclusion Plan 2024-2029, as per Attachment 9.1.1(1).**
- 2. Requests the Chief Executive Officer submit the adopted Disability Access and Inclusion Plan 2024-2029 to the Disability Services Commission.**
- 3. Requests the Chief Executive Officer to develop terms of reference for the proposed Disability Reference Group and present to Council by September 2024.**

STRATEGIC ALIGNMENT

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

Outcome	1.3.	Improve access and inclusion for people facing barriers
Objective	1.3.1.	Review the Disability Access and Inclusion Plan

EXECUTIVE SUMMARY

The Disability Access and Inclusion Plan (DAIP) is a statutory requirement for all Local Governments as per the *Disability Act 1993* (the Act). The Shire developed this DAIP (Attachment 9.1.1(1)) after quantitative and qualitative consultation with responses from 121 community members. All strategies identified in this document were informed by this data. Adoption of the DAIP is therefore recommended.

BACKGROUND

The Shire adopted its last DAIP in 2017. According to the Act the Shire should renew the DAIP every five years. If adopted this DAIP will guide the Shire's practices regarding access and inclusion for the next five years.

FINANCIAL IMPLICATIONS

There was no cost attached with the development of the DAIP as it was developed in-house. All the proposed strategies are linked with the Council Plan and so will therefore form part of future budget submissions. Future programs will consider financial implications on a case-by-case basis. It is important to note that some of the identified strategies are at minimal or no cost.

POLICY COMPLIANCE

Council Policy COMD/CP-3 Community Engagement Framework

The development of the DAIP was in accordance with the Shire's Community Engagement Framework.

Cl. 2.1. *The Shire is committed to providing opportunities for members of the community to participate in, and contribute to, local decision-making processes. This policy recognises that the Shire community is a source of knowledge and expertise, and this is accessed to help find solutions to local issues as well as complex shire challenges.*

The community was consulted both through a digital survey, hard copy surveys, one on one conversations and group discussions. The Community Development Officer met with people where they were comfortable and available thus fulfilling Cl. 4.2 c of the policy statement. *"Prioritise accessible, diverse, and inclusive engagement"*.

STATUTORY COMPLIANCE

Disability Services Act 1993

Part 5 of the Act requires that public authorities develop and implement a Disability Access and Inclusion Plan (DAIP) that outlines the way in which the Shire will ensure that people with disability have equal access to its facilities and services. Other relevant legislation includes the *WA Equal Opportunity Act 1984* and the *Commonwealth Disability Discrimination Act 1992*.

The Shire's DAIP was originally due in June 2022 however the Shire procured an extension from the Disability Services Commission until April 2024. There are statutory progress reports due on DAIPs at the end of every financial year which are tabled in Parliament.

CONSULTATION

There was a call for comment in The Preston Press regarding the DAIP.

The Shire developed and disseminated a sixteen-question survey to the community via social media, email networks and hard copies distributed by relevant organisations. The Shire received fifty-three survey responses in total. Most surveys were completed online with eleven hard copy surveys returned. The Shire collected qualitative data through interviews with relevant stakeholder groups and individuals. In total the Shire conducted interviews with sixty-eight community members. Overall, 121 community members were consulted in the development of this DAIP.

OFFICER COMMENT

The DAIP will help guide the Shire's programs, infrastructure, services, events and communications for the next five years. The Shire aims to embed the DAIP across departments with the intent to improve access and inclusion throughout the Shire. This will include an update to the Shire's induction processes, education and awareness training for all staff as well as targeted training for customer service staff in communication strategies.

A centerpiece of this DAIP is the development of a Disability Reference Group, the group would aim to increase the Shires ability to access community expertise on specific projects. This will be a transformational change to the Shire's approach to access and inclusion across infrastructure projects, programs, events and communications. The reference group would require the Chief Executive Officer to develop its terms of reference, to be presented to Council at its Ordinary Council Meeting 25 September 2024, for adoption.

COUNCIL RESOLUTION 59/24

MOVED: Cr Glover

SECONDED: Cr Shand

That Council:

- 1. Adopts the Shire of Donnybrook Balingup Disability Access and Inclusion Plan 2024-2029, as per Attachment 9.1.1(1).**
- 2. Requests the Chief Executive Officer submit the adopted Disability Access and Inclusion Plan 2024-2029 to the Disability Services Commission.**
- 3. Requests the Chief Executive Officer to develop terms of reference for the proposed Disability Reference Group and present to Council by September 2024.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.1.2 DEVELOPMENT APPLICATION P23040: TWO SINGLE BEDROOM GROUPED DWELLING UNITS – No. 3 BROCKMAN STREET, BALINGUP

Location	Lot 501 (No. 3) Brockman Street, Balingup
Applicant	M Willicombe
File Reference	A3267 (P23040)
Author	Cecilia Muller, Principal Planner Phil Shephard, Planning Officer
Responsible Manager	Michelle Dennis, Manager Development Services
Attachments	9.1.2(1) Development Application Details and Plans 9.1.2(2) Submissions 9.1.2(3) Assessment under Clause 67
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

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 P23040 for two Single Bedroom Grouped Dwellings on Lot 501 (No. 3) Brockman Street, Balingup subject to the following conditions and advice:

Conditions

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:

- 1.1 Site Plan (see Advice a).
 - 1.2 Site Survey.
 - 1.3 Grey2Green Design Sections 3 Brockman Street (see Advice a).
 - 1.4 Driveway cross section.
2. The finished floor level of the approved dwellings shall not be more than 103.5 shown on the approved plans.
 3. Prior to the occupation of the development, an enclosed lockable storage area of at least 4m² in area shall be provided for each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.
 4. All landscaping shown on the approved Site Plan shall be planted within 12 months of the occupation of the development and maintained thereafter to the satisfaction of the Shire. The proposed landscaping on the bank along the eastern boundary shall include trees and shrubs to achieve

partial screening of the dwellings from the adjoining property and stabilisation of the bank.

- 5. Prior to the commencement of the development, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and maintained thereafter to the satisfaction of the Shire.**
- 6. Prior to the occupation of the development, the existing crossover to Brockman Street shall be removed and all kerbing/footpaths/verge areas shall be reinstated to the satisfaction of the Shire.**
- 7. Prior to occupation of the development, the driveway, two parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained, and clearly designated to the satisfaction of the Shire and thereafter maintained. The car parking bay for Dwelling A must ensure the vehicle can manoeuvre on-site and leave the property in forward gear.**
- 8. All stormwater from the proposed development including buildings, driveway, parking area and hardstand area(s) shall be managed onsite by the landowner 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.**
- 9. All construction materials, including any associated waste/rubbish, is to be always contained on-site. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and the site left in a tidy state to the satisfaction of the Shire.**

Advice

- a. The Shire Environmental Health Services advises that:**

The development is to be connected to an approved effluent disposal system in accordance with the *Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974*. An "Application to Construct or Install An Apparatus For The Treatment of Sewage" is required at Building Application stage.

- b. Compliance with the Building Code of Australia is required. A Building Permit Application must be submitted to and approved by the Shire prior to the commencement of any development. The Building Permit plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.**

- c. With regards to the condition 3 referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, ‘external fixtures’ is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.**
- d. With regards to the condition 8 relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire’s open and piped drainage infrastructure.**
- e. 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.**
- f. 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.**
- g. 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.**

STRATEGIC ALIGNMENT

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

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.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider an application for development approval for two single bedroom dwellings on Lot 501 (No. 3) Brockman Street, Balingup.

Officers do not have delegation to determine applications for development approval where objections are received. Officers note the comments in the submission received and consider that the proposal is consistent with the planning framework and should be granted approval subject to conditions. The conditions and advice notes address the matters raised in the submissions.

BACKGROUND

The Shire received a development application for two single bedroom grouped dwellings on Lot 501 (No. 3) Brockman Street, Balingup. The development application details and plans are contained in Attachment 9.1.2(1).

Lot 501 is 1610m² in area and mainly cleared land as shown in the image below.



The proposal was referred to adjoining neighbours for comment and one submission expressing concerns with the proposed development was received.

Location Plan

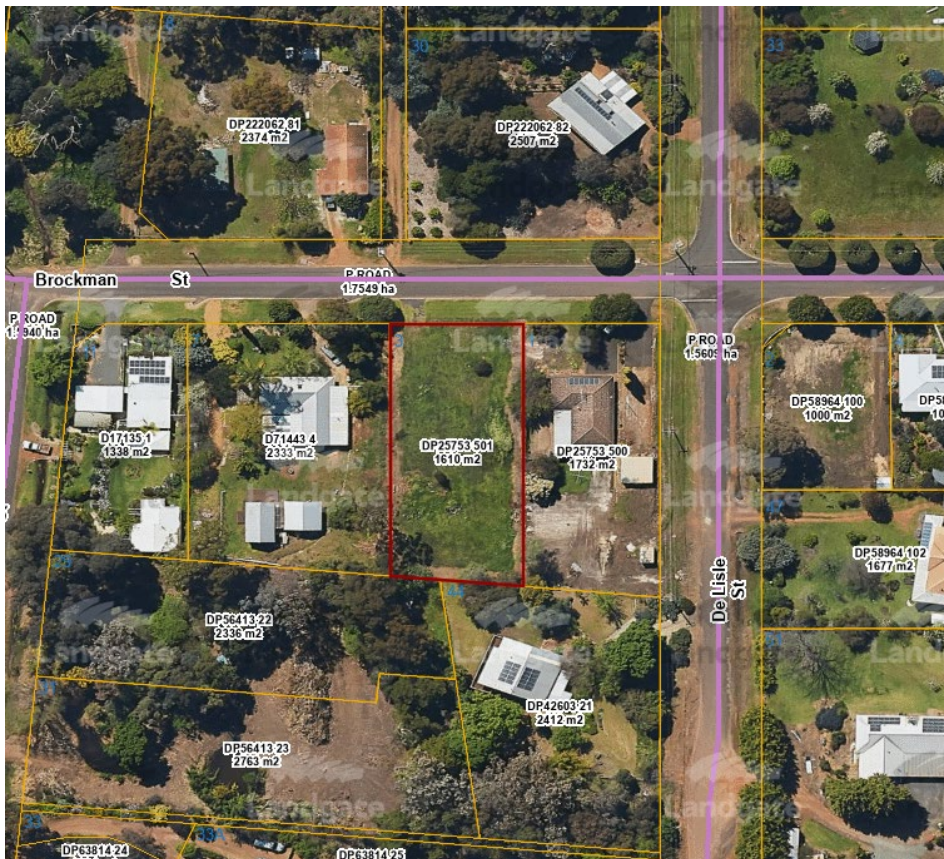
Lot 501 (No. 3) Brockman Street, Balingup is located within the low-density (Residential zone with R10 density coding) area along the eastern side of Balingup.

The Site Survey plan shows the site slopes from 104m along the eastern side to 100m on the western boundary, this is also evident from the photo below.



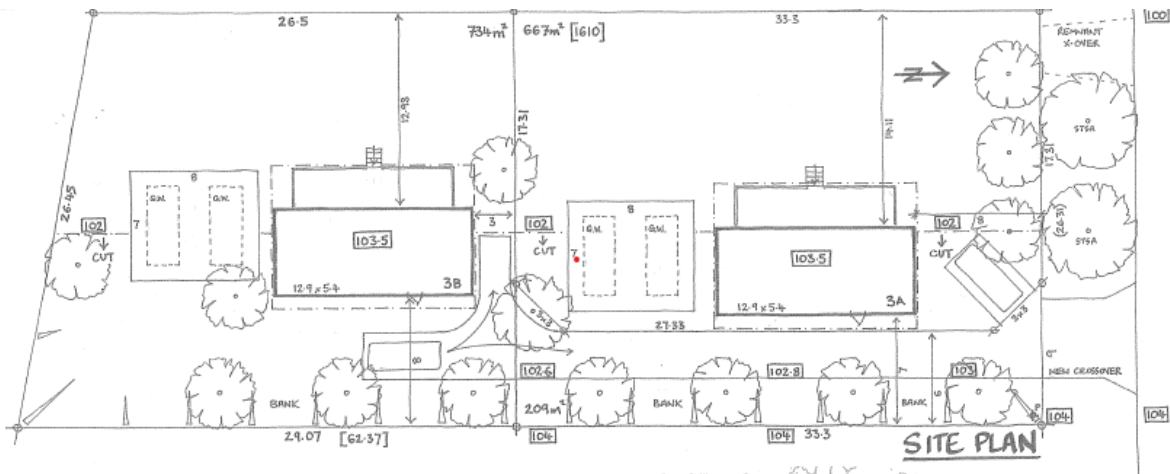
3 Brockman Street, Balingup looking south – photo dated 2 April 2024

The surrounding land is occupied by residential uses (mainly single dwellings) as shown in the image below:

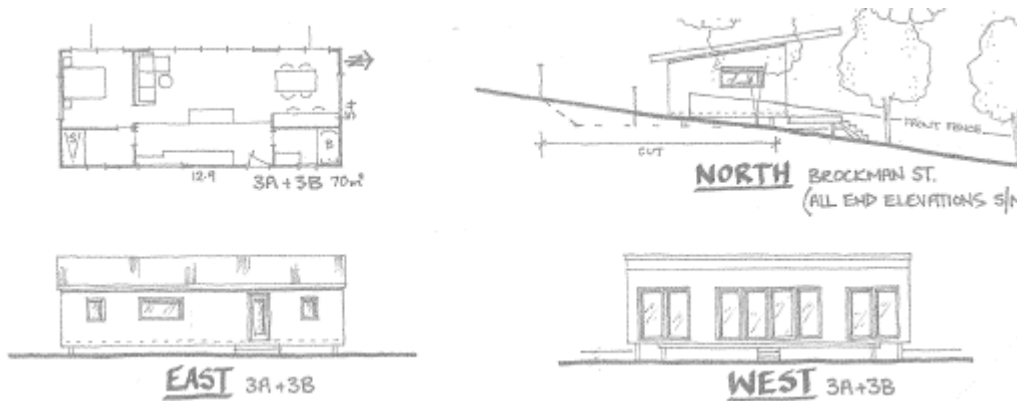


Proposal

The proposal involves the construction of two single bedroom dwellings on the property. The dwellings are 70m² each in floor area, single storey in height (wall height 2.27m) with a skillion roof design overhanging the front deck areas.



The dwellings will be constructed with timber frames and clad with weatherboards for the walls and unspecified coloured metal sheeting for the roofing. Solar panels will be placed on the roofs. On-site parking for one vehicle for each dwelling is shown with a connecting driveway and new crossover onto Brockman Street.



The new driveway (along the eastern side boundary) will be 3m from the boundary and cut approx. 1-1.4m below the boundary level. The dwellings will have a floor level approx. 1-1.3m above natural ground level along the western sides.

Stormwater will be collected and disposed of on-site using soak wells.

FINANCIAL IMPLICATIONS

All relevant application fees have been paid by the applicant.

If the application is refused by Council the applicant may exercise the right to have the decision reviewed by the State Administrative Tribunal, if that is the case then it will be likely that there will be additional resourcing required (staff time and the cost of appointing a consultant to represent the Shire).

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

The application has been assessed against the relevant and applicable statutory provisions as follows.

Shire of Donnybrook Balingup Local Planning Scheme No.7

Part 3 – Zones and the Use of Land

Lot 510 is zoned 'Residential' with a residential density code of R10 under the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7).

The purpose and objectives of the zone are:

3.2.1 Purpose

The purpose of the Residential zone is to cater for the adequate provision of suitably located land in a varied urban residential environment to meet the needs of the community and to promote the amenity of residential areas. In particular, to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

3.7.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Residential zone are to -

- (i) Provide for a range of housing choice with a high level of amenity in residential areas and which reflect the area's rural character;*
- (ii) Provide for the adequate supply of suitably located land to meet the ongoing residential needs of the community consistent with the Residential Design Codes;*
- (iii) Allow aged or dependent persons' dwellings and grouped dwellings if proper servicing is present and the amenity of the locality is not eroded;*
- (iv) Limit non-residential uses to those of which create self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity;*
- (v) Promote and safeguard the health, safety, convenience, general welfare, and the amenity of residents and the residential area;*
- (vi) Require development and use to be appropriately serviced;*
- (vii) Encourage residential development that will achieve efficient use of existing physical and social infrastructure and is economically serviced and affordable;*
- (viii) Require that the density of development takes account of the availability of reticulated sewerage, the effluent disposal capabilities of the land and other servicing and environmental factors; and*
- (ix) Identify, and where appropriate, protect areas of environmental significance including areas of native vegetation and wetlands.*

The proposed development of the single bedroom grouped dwellings complies with the purpose of the zone and the objectives to provide for the development of grouped dwellings where adequate servicing is available, and the proposal does not adversely affect the amenity of the locality.

The proposed development is consistent with the land use definition of ‘Grouped Dwelling’ defined in the R-Codes as ‘*A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below another, except where special conditions of landscape or topography dictate otherwise and includes a dwelling on a survey strata with common property*’.

Under LPS7, this land use is a ‘D’ use in the Residential zone which means that ‘*the use is not permitted unless the local government has exercised its discretion by granting development approval*’.

The development involves ‘Single Bedroom Dwellings’ defined in the R-Codes as ‘*A dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom*’.

Part 4 – General Development Requirements

The proposal has been assessed against the relevant general development requirements of LPS7 as summarised below:

4.2 Residential Design Codes

The Scheme requires the development of land for residential purposes conform with the provisions of the Residential Design Codes (R-Codes).

The proposal generally achieves the requirements for the R10 density code and deemed-to-comply requirements in cl.5.5.3 Single Bedroom Dwellings of the R-Codes.

The proposal must incorporate the requirements in cl.5.4.4 External fixtures, utilities and facilities of the R-Codes and ensure a lockable storage area is provided to each unit (see condition 3).

4.3 Special Application of Residential Design Codes

The property does not have access to deep sewer infrastructure and the Scheme allows the Shire to restrict the density of residential development despite the applicable density code on the property under LPS7 to reflect the Department of Health ‘Government Sewerage Policy 2019’ policy.

It also requires that residential development meet the requirements in cl.4.39 of LPS7 regarding sewerage connection and effluent disposal.

The proposal is for single bedroom dwellings only and the Department of Health have supported the proposed on-site effluent disposal systems.

4.9 Preservation of trees - urban zones

The Scheme seeks to enhance landscape amenity from the negative effects of clearing of a significant tree or trees in the Residential and other zones.

There are no Tree Preservation Orders applying to the land.

4.16 Flood risk land

The Shire shall not grant approval to the carrying out of development on land that is identified as being within a designated floodway or in other areas at risk of flooding.

The Department of Water and Environmental Regulation (DWER) provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage. The proposal was referred to DWER for comment and they advised *'The property is not expected to be affected by flooding in major events and is located outside the 1 in 10 AEP and 1 in 100 AEP floodplain'*.

Clause 4.17 General Appearance of Buildings and Preservation of Amenity

The Scheme requires that the development be in harmony with surrounding developments and allows the Shire to place conditions on approvals to ensure that the development will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.

The proposal achieves the deemed-to-comply requirements under the R-Codes and the dwellings with proposed landscaping throughout the site will provide an attractive appearance and will not have an adverse impact on the character, amenity, or landscape of the locality.

The proposed landscaping is recommended to form part of the conditions of approval, if granted.

Clause 4.27 Car Parking and Vehicle Access Requirements

The Scheme requires on-site car parking for the proposal to satisfy the R-Codes standard of one car parking bay per dwelling. The proposal includes two on-site car parking bays adjoining the dwellings and this achieves the parking requirement.

The proposed car parking for the front unit is recommended to be changed to enable the vehicle parking there to reverse within the lot and enter Brockman Street in forward gear (see relevant condition). The construction of the car parking and driveway is recommended to form part of the conditions of approval, if granted.

Clause 4.32 Vehicle Crossovers/Entrances

The proposal includes a new single crossover onto Brockman Street. The existing poor-quality crossover will not be used.

The construction of the new crossover and removal of the old crossover is recommended to form part of the conditions of approval, if granted.

Clause 4.37 Services to all Development

The Scheme requires all development be connected to a potable water supply, sewerage/drainage connections and has practical vehicle access.

The dwellings will be connected to the Water Corporation reticulated water supply network and domestic effluent will be disposed of through a separate on-site effluent disposal system for the dwellings.

Health staff have recommended advice regarding the on-site effluent disposal system to meet the Department of Health 'Government Sewerage Policy 2019' policy requirements.

4.39 Sewerage Connection for Residential Development

The Scheme requires all residential development in the Residential zone to connect to the deep sewerage system unless the Department of Health are satisfied that on-site effluent disposal systems can adequately treat domestic effluent.

The property does not have access to deep sewer infrastructure and will use separate on-site effluent disposal systems for each dwelling. The Department of Health have supported the proposed on-site effluent disposal systems. However, the applicant is yet to lodge an application demonstrating the agreed outcomes of the negotiations with the Shire and the Department of Health for consideration and approval by the Department of Health.

4.51 Residential Zone

The Shire's policies in controlling development within the Residential zone include:

- '(i) Ensure that subdivision and development comply with a Structure Plan where applicable, the Local Planning Strategy and the principles of any Local Planning Policy adopted by the local government;*
- (ii) Apply the Residential Design Codes to all residential development provided for in this Scheme.'*

The property is within the Structure Plan Area 15 which requires the land to be consolidated and developed with an R10 land use expectation. The proposal does achieve the R10 requirements for single bedroom dwellings which allows a one-third reduction to the normally applied 1000m² average and 875m² minimum lot size down to 670m² average and 586m² minimum lot size.

The proposal includes a Site and Soil Evaluation report to show the site is capable of treating the expected domestic effluent loads produced by the single bedroom dwellings to the satisfaction of Department of Health.

The proposal is consistent with the Structure Plan Area 15 land use expectations for the area.

Local Planning Strategy

Lot 501 is identified as Residential under the Shire of Donnybrook-Balingup Local Planning Strategy; and Existing Urban Footprint under the draft Shire of Donnybrook-Balingup Local Planning Strategy 2024. The proposal is consistent with the future intention of the area.

CONSULTATION

Public consultation

The application was referred to adjoining landowners for comment for a period of 15 days (concluding on 4 October 2023) and involved a written notice to adjoining landowners.

In response to the advertising, one submission was received which contained some concerns with the proposal. The submission is contained in Attachment 9.1.2(2).

The key issues raised in the submission are summarised below along with Officer comments in response.

Issue Raised	Officer Comment
<i>Privacy and overviews from development.</i>	<p>The available privacy to the adjoining dwelling is considered adequate on the basis that:</p> <ul style="list-style-type: none"> • The dwellings comply with the Visual Privacy and Boundary Setback requirements of the R-Codes. • The main open space areas and front of the dwellings face to the west and away from the adjoining dwelling. • The driveway along the eastern side of the lot also increases the available setback between the proposal and adjoining dwelling to over 6m (noting 1.5m could be approved under the R-Codes). • The overall setback between the adjoining dwelling and the proposed dwellings will be over 12m. • The bank along the common boundary is proposed to be landscaped with trees to provide a partial screen barrier between the development and adjoining dwelling.
<i>Fencing is derelict along common boundary.</i>	<p>The fencing along the eastern boundary is a dividing fence and controlled under the Dividing Fences Act. Whilst the concerns with the existing fencing are noted, it is a civil matter and cannot be addressed within this application.</p>
<i>Retaining walls.</i>	<p>The development will need to sufficiently retain the site, and this may require retaining walls to be constructed.</p> <p><i>Some of the siteworks for the car park in front of the front unit will exceed the R-Code requirements. Officers considered that this will not detrimentally affect any neighbouring property.</i></p>

Issue Raised	Officer Comment
<i>Drainage and erosion concerns</i>	<p>Given the land slopes away from the submitter’s land, any natural drainage from the siteworks would also flow away from the submitter’s land.</p> <p>The Shire also places a standard condition on all dwelling developments requiring stormwater to be appropriately managed within the applicant’s lot boundaries.</p>
<i>Grey water disposal system concerns with controls, pests, diseases, and winter runoff.</i>	<p>The greywater system proposed has been considered by the Department of Health and is considered low risk by the Department of Water and Environmental Regulation.</p> <p>The system itself is underground and involves the diffusion of water over the disposal area and it is not expected to generate any pests, diseases, or odours.</p>

Consultation with Government/Service Agencies

The proposal was referred to the Department of Water and Environmental Regulation and Department of Health for comment. Their responses are summarised below along with Officer comments in response.

Department of Water and Environmental Regulation

- The applicant has provided a ‘*Site and Soil Evaluation Report - 3 Brockman Street, Balingup*’ (SSE) to support this proposal.
- Waterless toilets and land application of greywater via the Grey 2 Green greywater disposal system are proposed.
- The proposed wastewater management system is a replica of a similar development (also owned by the applicant) at nearby property, 38 Roberts Road, Balingup.
- Soils range from loam, light clay to heavy clay and consideration should be given in designing to allow for the limitations presented by the shallow clay, with the recommendation for suitable fill to mitigate this.
- Based on the information provided in the Jan 23 SSE and site situation, the Department views this proposal to be of low risk.
- The Department provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage and have no formal mapping for Balingup.
- Based on our available survey information, the natural surface elevation of the Lot 501 is ~ 120 m AHD (the provided survey was not referenced to the Australian Height Datum). This is over 10 metres above the normal water levels in the waterway located approximately 120 metres east of the property (near intersection of Brockman and Roberts Streets)
- The property is not expected to be affected by flooding in major events and is located outside the 1 in 10 AEP and 1 in 100 AEP floodplain.
- In view of the low-risk situation, the Department has no objection to this proposal.

Response

The Department's comments are noted.

Department of Health

- Regarding the septic system the applicant has proposed to have a 30m bed system and the Department of Health had agreed to support the proposal having incinerating toilets and a 30m bed system for each house.

Response

The Department's comments are noted and in conjunction with Health staff comments are recommended to form part of the advice of approval, if granted.

OFFICER COMMENT

The proposal has been assessed 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(3).

Key considerations identified are zoning, land use class permissibility, consultation which identified minor potential amenity concerns and effluent disposal requirements which are further outlined below.

- Zoning and Land Use Class Permissibility

Under LPS7, the land is zoned Residential with a residential density code of R10. A grouped dwelling is a 'D' use in the Residential zone which means that the use is not permitted unless the local government has exercised its discretion by granting development approval for the proposal.

- Amenity

- Privacy

The proposal achieves the requirements of the R-Codes and should proceed.

The dwellings are sufficiently setback from the common boundaries in compliance with the R Codes. The proposed landscaping on the bank along the common eastern boundary with trees (and some shrubs) will provide a partial screen barrier between the development and adjoining dwelling.

- Effluent Disposal

The site does not have access to deep sewer and the development will include the use of on-site effluent disposal systems to comply with the 'Government Sewerage Policy 2019' requirements.

The proposed effluent disposal systems have been supported by the Shire, Department of Water and Environmental Regulation, and Department of Health and adequately treat the domestic effluent loads expected from the development.

The applicant has included several conditions within the supporting letter relating to effluent treatment requirements, SSE reporting, and Notices on Title to advise 'No sewer available' and 'Residential use is limited to single bedroom dwellings' and some of these are recommended to form part of the conditions and advice of approval, if granted. *The applicants supporting letter included reference to a potential future strata. Any future strata will be considered under a separate application process and on its own merits and does not form part of this proposal and its consideration.*

Conclusion

The proposed single bedroom grouped dwelling development is compatible with the objectives for the Residential zone and complies with the R-Code requirements. It is compatible with the surrounding developments and character of the area.

Matters raised during the advertising period regarding amenity and effluent disposal have been appropriately addressed and can be managed by conditions and advice.

Officers consider that the application complies with the requirement of orderly and proper planning and are therefore recommending conditional approval of the application.

COUNCIL RESOLUTION 60/24

MOVED: Cr Lindemann

SECONDED: Cr Gubler

That Council:

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 P23040 for two Single Bedroom Grouped Dwellings on Lot 501 (No. 3) Brockman Street, Balingup subject to the following conditions and advice:

Conditions

- 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:

- 1.1 Site Plan (see Advice a).**
- 1.2 Site Survey.**
- 1.3 Grey2Green Design Sections 3 Brockman Street (see Advice a).**
- 1.4 Driveway cross section.**

2. **The finished floor level of the approved dwellings shall not be more than 103.5 shown on the approved plans.**
3. **Prior to the occupation of the development, an enclosed lockable storage area of at least 4m² in area shall be provided for each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.**
4. **All landscaping shown on the approved Site Plan shall be planted within 12 months of the occupation of the development and maintained thereafter to the satisfaction of the Shire. The proposed landscaping on the bank along the eastern boundary shall include trees and shrubs to achieve partial screening of the dwellings from the adjoining property and stabilisation of the bank.**
5. **Prior to the commencement of the development, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and maintained thereafter to the satisfaction of the Shire.**
6. **Prior to the occupation of the development, the existing crossover to Brockman Street shall be removed and all kerbing/footpaths/verge areas shall be reinstated to the satisfaction of the Shire.**
7. **Prior to occupation of the development, the driveway, two parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained, and clearly designated to the satisfaction of the Shire and thereafter maintained. The car parking bay for Dwelling A must ensure the vehicle can manoeuvre on-site and leave the property in forward gear.**
8. **All stormwater from the proposed development including buildings, driveway, parking area and hardstand area(s) shall be managed onsite by the landowner 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.**
9. **All construction materials, including any associated waste/rubbish, is to be always contained on-site. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and the site left in a tidy state to the satisfaction of the Shire.**

Advice

- a. **The Shire Environmental Health Services advises that:**

The development is to be connected to an approved effluent disposal system in accordance with the *Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974*. An "Application to Construct or Install An

Apparatus For The Treatment of Sewage” is required at Building Application stage.

- b. Compliance with the Building Code of Australia is required. A Building Permit Application must be submitted to and approved by the Shire prior to the commencement of any development. The Building Permit plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.**
- c. With regards to the condition 3 referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, ‘external fixtures’ is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.**
- d. With regards to the condition 8 relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire’s open and piped drainage infrastructure.**
- 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.**

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.

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.1.3 DEVELOPMENT APPLICATION P23066: REMOVAL OF GRAVEL STOCKPILE AND REHABILITATION WORKS – LOT 5397 BYRON ROAD, UPPER CAPEL

Location	Lot 5397 Byron Road, Upper Capel
Applicant	Carbone Bros Pty Ltd
File Reference	A1836 (P23066)
Author	Cecilia Muller, Principal Planner Phil Shephard, Planning Officer
Responsible Manager	Michelle Dennis, Manager Development Services
Attachments	9.1.3(1) Development Application Details and Plans 9.1.3(2) Development Approval IND 01/36 and Licence 9.1.3(3) Submissions 9.1.3(4) Assessment under Clause 67
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

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 P23066 to extend the Development Approval IND 01/36 (granted 13/2/2019) and Extractive Industry Licence (granted 10/6/2019) for the Industry-Extractive on Lot 5397 Byron Road, Upper Capel for a period of two years to complete the removal of the 5000m³ gravel stockpile and rehabilitation work subject to the same conditions under IND 01/36.

Advice

1. 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.
2. 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.
3. 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.

STRATEGIC ALIGNMENT

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

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.

EXECUTIVE SUMMARY

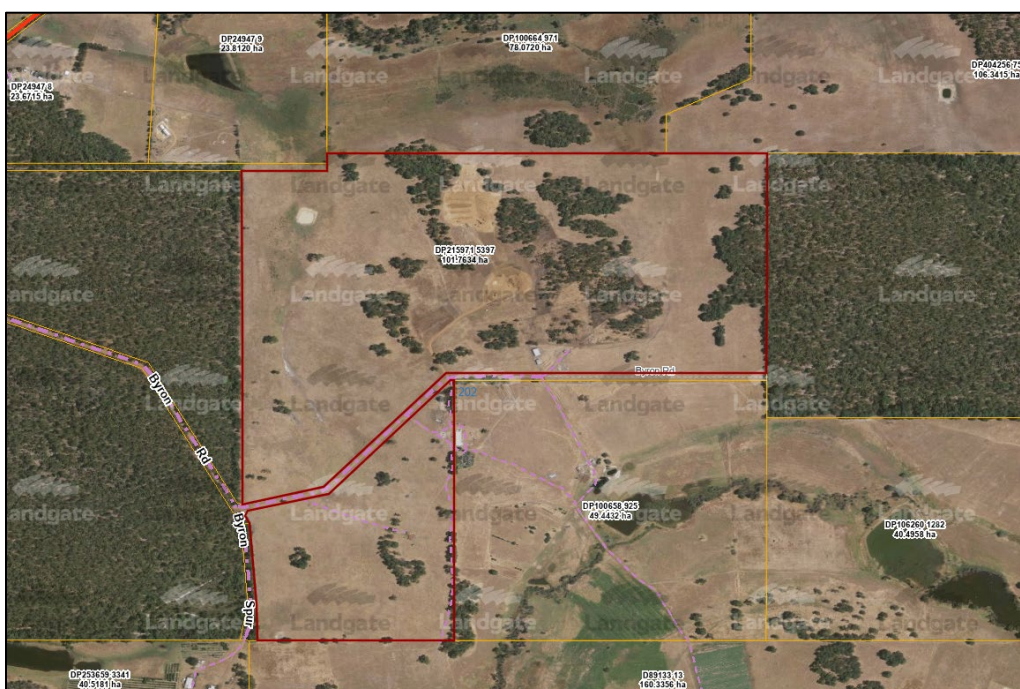
The purpose of this report is for Council to consider an application for development approval to allow the removal of stockpiled gravel and then complete rehabilitation of the pit at Lot 5397 Byron Road, Upper Capel.

Officers do not have delegation to determine applications for development approval where objections are received. Officers note the comments in the submission received and consider that the proposal is consistent with the planning framework and should be granted approval subject to the same conditions as per the previous development approval and licence relating to this gravel pit.

BACKGROUND

The Shire received a development application from Carbone Bros Pty Ltd to continue removal of the already stockpiled 5000m³ gravel and then complete rehabilitation of the pit area back to pasture. The development application details and plans are contained in Attachment 9.1.3(1).

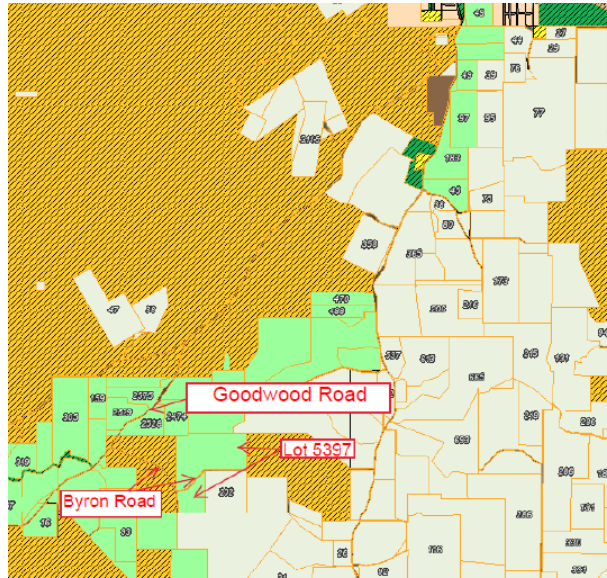
Lot 5397 is 101.76 hectares in area and mainly cleared land as shown in the image below.



The proposal was referred to relevant government agencies and adjoining neighbours for comment and one objection was received as well as a submission in support of the proposal.

Location Plan

Lot 5397 Byron Road, Upper Capel is located within the priority agriculture zoned area to the west of the Shire. The surrounding land is occupied by rural uses including traditional and intensive agricultural uses.



Proposal

The application is to allow Carbone Bros Pty Ltd to continue removal of stockpiled gravel and then complete rehabilitation of the pit over a two-year period. The current Extractive Industries Licence and Development Approval expired on 13 February 2024 and the applicant wishes to extend the Development Approval for two years to allow removal of stockpiled material and fulfill the rehabilitation commitments on site.

The *Extractive Industries Local Law (Consolidated 2016)* requires an application for renewal to be lodged with the Shire 45 days before the expiry date. The proposal was received 60 days before the expiry date of the licence on 13 February 2024 which complies with the local law requirement.

FINANCIAL IMPLICATIONS

All relevant application fees have been paid by the applicant.

If the application is refused by Council the applicant may exercise the right to have the decision reviewed by the State Administrative Tribunal, if that is the case then it will 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

TPP 9.7 Interpretation (Extractive Industry)

As the proposal is not for landowner use of the gravel on the property it is not exempt under the policy from needing to obtain an Extractive Industries Licence.

STATUTORY COMPLIANCE

The application has been assessed against the relevant and applicable statutory provisions as follows.

Shire of Donnybrook Balingup Local Planning Scheme No.7

Part 3 – Zones and the Use of Land

Lot 5397 is zoned 'Priority Agriculture' under the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7).

The purpose and objectives of the zone are:

3.6.1 Purpose

The purpose of the Priority Agriculture zone is to provide for the sustainable use of high quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing for new agricultural production by securing suitable land and water resources. To provide for intensive agricultural and horticultural production; including orchards, market gardens and vineyard enterprises. To also allow, where appropriate, limited forms of non-agricultural development that support, are compatible with and complement agricultural production.

3.6.2 Objectives

The local government's objectives in managing and guiding land use, development and subdivision within the Priority Agriculture zone are to -

- (i) Require the protection of the rural infrastructure and agricultural land resources;*
- (ii) Require planning to avoid the introduction of land uses and subdivision not related to agriculture including rural residential proposals;*
- (iii) Support the improvement of resource and investment security for agricultural and allied industry production;*
- (iv) Require protection and enhancement of biodiversity;*
- (v) Encourage value-adding opportunities to agricultural products at source;*
- (vi) Support a wide variety of productive agricultural and rural activities;*
- (vii) Support subdivision; where it provides for boundary adjustments, realignments, farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement, and infrastructure provision;*
- (viii) Support sensible use and management of resources, and the proper direction and control of development;*
- (ix) Promote the existing intensive agricultural land use; and*

(x) *Encourage other similar or complementary activities.*

The proposed development complies with the purpose of the zone and the objectives to provide for the development of wide variety of rural activities and support the sensible use and management of resources in the zone.

The proposed development is consistent with the land use definition of 'Industry-Extractive' defined in LPS7 as *'means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining;*

Under LPS7, this land use is a 'A' use in the Priority 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'*.

Part 4 – General Development Requirements

The proposal has been assessed against the relevant general development requirements of LPS7 as summarised below:

Clause 4.55 Priority Agriculture zone

This clause requires the Shire to apply the provisions for the General Agriculture zone (cl.4.54) to the Priority Agriculture zone including:

4.54.2.1 In assessing applications for development approval in the Priority Agricultural zone, the local government will have due regard to State Planning Policy 2.5.

The proposal is considered consistent with SPP2.5 Rural Planning and has been supported by the Department of Primary Industries and Regional Development.

4.54.8 Development standards

Development in the Priority Agriculture zone shall conform to the following standards:

- (i) Minimum Front Setback—30 metres;*
- (ii) Minimum Side Setback—20 metres;*
- (iii) Minimum Rear Setback—20 metres; and*
- (iv) Where the land adjoins State Forest, National Park, Conservation Reserve, or other timbered Crown or local government controlled land, in the opinion of the local government the setback from the common boundary shall be 100 metres.*

The proposal exceeds the minimum setbacks required.

4.54.8.7 In assessing applications for development approval for the establishment of plantations, industry - extractive and other development on land within the Priority Agriculture zone, the local government shall seek to ensure that the setbacks assist in maintaining environmental and landscape qualities of the locality, so they are not detrimentally affected.

The proposal effectively extends an existing development approval and does not create a new pit. The existing development approval addressed these considerations when approved in February 2019 and the proposal achieves the requirements of the clause.

4.54.8.8 In assessing applications for development approval within the General Agriculture zone, the local government will consider the following -

(i) The availability of services required to support the proposed development and the economic impact of the provision of, extension or upgrading of those services that may be required;

The proposal effectively extends an existing development approval and does not require any additional infrastructure servicing to proceed.

(ii) The adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development; and

The proposal effectively extends an existing development approval and does not change any road use from that previously approved. The applicant advises the expected maximum traffic from the site is 3 vehicles per day and in accordance with the present Shire approvals *'Trucks will not operate between the hours of 7.30am and 8.40am and between 3.20pm and 4.20pm on any given school day on a school route.'*

(iii) The need to enforce such conditions as the local government deems appropriate, in order to minimise any adverse effect, the development may have on the general environment of the area

The proposal should be subject to the same conditions previously approved by the Shire that are considered to have adequately controlled the development of the gravel pit. The applicant has committed to implementing the existing approved Water Management Measures and Environmental Management Plan, Noise Management Plan, Dust Management Plan, Weed Management Plan and Bushfire Management Statements and to repair any damage caused to local roads.

Local Planning Strategy

Lot 5397 is identified as Priority Agriculture under the Shire of Donnybrook-Balingup Local Planning Strategy; and High Priority Agricultural Land under the draft LPS 2024. The proposal is considered consistent with the future intention of the area.

Extractive Industries Local Law

Renewal of Licence 4.3

(1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and must submit with the application for renewal

Response

The application for renewal was received on 15 December 2023. This was 60 days before the expiry date of the licence on 13 February 2024 which complies with the Local Law requirement.

(4) Upon receipt of an application for the renewal of a licence, the local government may - a) refuse the application; or b) approve the application on such terms and conditions, if any, as it sees fit.

Response

Officers recommend that the licence be approved subject to the same conditions as listed on the previous approval with copies contained in [Attachment 9.1.3(2) Development approval IND 01/36 and Licence].

- 1. All development shall be undertaken in accordance with the approved Development Plan dated November 2018.*
- 2. All development shall be undertaken in accordance with the conditions of the development approval issued 13 February 2019.*

CONSULTATION

Public consultation

The application was referred to landowners within a 1km radius of the application site for comment for a period of 21-days (concluding on 9 February 2024) and involved a written notification.

In response to the advertising, one objection was received and one submission in support of the proposal. These are contained in Attachment 9.1.3(3).

The key issues raised in the submissions are summarised below along with Officer comments in response.

Issue Raised	Officer Comment
<i>Submission in support. Product is already stockpiled. It will allow the stockpiled gravel to be used where needed. There has been no adverse effect on the submitter's property from all previous gravel extraction.</i>	The submitter's support for the proposal is noted.
<i>Loss of peacefulness and enjoyment from truck use of Goodwood Road.</i>	The proposal is to complete the removal of the existing gravel stockpile and rehabilitation work.

Issue Raised	Officer Comment
	<p>The property has had a series of extraction pits and activities approved by the Shire since 2009.</p> <p>The proposal to use 3 vehicles a day is considered minor to the overall traffic in the area and would be consistent with similar traffic generated from other rural activities.</p>
<p><i>Proposal will affect future short-stay accommodation proposal. Object to weekend use of the pit.</i></p>	<p>Whilst the future accommodation proposal is noted, it cannot be used to determine this proposal.</p> <p>It is noted under LPS7 that only bed and breakfast holiday uses are permitted in the existing dwelling on the property as it is within the Priority Agriculture zone and any future accommodation proposal will be assessed under the Shire of Donnybrook Balingup Local Planning Scheme No. 7 when applied for. It is also to be noted that the stockpile is nearly depleted, and the operation will only be continuing until the gravel is removed and lot rehabilitated.</p> <p>The request to not allow trucks to access the gravel stockpile on Saturdays based on a future proposal cannot be supported.</p>
<p><i>Concerned with proposed truck numbers and applicant's adherence to school route conditions.</i></p>	<p>The complaint regarding truck use during school bus times has been forwarded to the applicant for comment.</p> <p>Carbone Bros Pty Ltd stated in a reply to the complaint that all drivers are aware of bus curfew times and therefore do not use Goodwood Road at this time. Carbone Bros Pty Ltd also stated that they do not often truck from this pit on Saturdays, and when they do it is all over by 11am and usually only one or two loads due to the limited amount of material remaining in the stockpile. No complaints have been received by Carbone Bros Pty Ltd on the pit operation to date.</p>

Consultation with Government/Service Agencies

The proposal was referred to the Department of Energy, Mines, Industry Regulation and Safety, Department of Primary Industries and Regional Development, Department of Biodiversity, Conservation and Attractions, Main Roads WA and Department of Water and Environmental Regulation for comment. Their comments are summarised below along with Officer comments in response.

Department of Energy, Mines, Industry Regulation and Safety (DMIRS)

DMIRS has assessed this proposal with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.

- All but the southernmost portion of the lot overlies a SPP2.4 significant geological supply for gravel. Every effort should be made to ensure this resource is extracted to its full potential.
- Lodges no objections to the above development application.

Response

The Department's comments are noted. The proposal will ensure the gravel resource is utilised.

Department of Primary Industries and Regional Development (DPIRD)

- DPIRD does not object to the proposed extension of the extractive industry licence to accommodate the removal of stockpiled gravel and complete the rehabilitation at the abovementioned lot.
- DPIRD assessed the Weed Management Plan and found that it does fulfil the guidelines.

Response

The Department's comments are noted.

Department of Biodiversity, Conservation and Attractions (DBCA)

- Notes the reference on page 1 of the Lundstrom Environmental Consultants Pty Ltd application letter (23 November 2023) to the approved Department of Water and Environmental Regulation (DWER) clearing permit with reference CPS 3081/5.
- Expects that the environmental values that are likely to be impacted by the renewal of the extraction license will be adequately managed by the DWER approved clearing permit CPS 3081/5 conditions.
- DBCA suggests that if development approval is provided then the approval should be subject to compliance with the approved clearing permit.

Response

The Department's comments are noted. It is to be noted that compliance with the clearing permit conditions is managed by DWER.

Main Roads WA (MRWA)

- Has no objection to the proposed extractive industry subject the following comments.
- The existing intersection of Byron Road and Goodwood is considered satisfactory for the current proposal subject to the proponent providing an undertaking that the intersection will be maintained in a good and safe condition to prevent gravel spill onto Goodwood Road.

Response

The Department's comments are noted.

Department of Water and Environmental Regulation

- The Department has no objection to the renewal of the development application, given it is essentially the removal of stockpiled gravel and land rehabilitation, the end point of operations.
- The clearing permit CPS 3081/5, issued by the Department in accordance with the 'Environmental Protection Act 1986' (EP Act), required certain rehabilitation conditions. They advise that the rehabilitation planting undertaken used a species not native to the area and they have sought clarification from the applicant.
- Regular conditions that avoid dust and noise emissions, and ensure all stormwater is managed appropriately during remaining operations, can be applied under the development application.

Response

The Department's comments are noted. The recommendation is to renew the development approval that would retain all existing conditions where relevant, if granted.

OFFICER COMMENT

The proposal has been assessed 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 9.1.3(4).

Key considerations identified are zoning, land use class permissibility, consultation which identified minor potential amenity concerns which are further outlined below.

- Zoning and Land Use Class Permissibility

Under LPS7, the land is zoned Priority Agriculture. An Industry-Extractive is an 'A' use in the 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.

- Amenity

The proposal achieves the requirements of LPS7 and is effectively to complete previously approved works and should proceed.

The potential impact of the proposal on the future tourist accommodation is not relevant and the impact on the submitters land is expected to be minor and consistent with impacts from other rural activities undertaken in the area.

Conclusion

The proposed renewal of the development approval to remove the gravel stockpile and complete the rehabilitation works is compatible with the objectives for the Priority Agriculture zone and compatible with the surrounding developments and character of the area.

Matters raised during the advertising period regarding amenity have been appropriately addressed and can be managed by the conditions of the previous approval IND 01/36.

Officers consider that the application complies with the requirement of orderly and proper planning and are therefore recommending conditional approval of the application.

EXECUTIVE RECOMMENDATION

MOVED: Cr Patrick

SECONDED: Cr Shand

That Council:

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 P23066 to extend the Development Approval IND 01/36 (granted 13/2/2019) and Extractive Industry Licence (granted 10/6/2019) for the Industry-Extractive on Lot 5397 Byron Road, Upper Capel for a period of two years to complete the removal of the 5000m³ gravel stockpile and rehabilitation work subject to the same conditions under IND 01/36.

Advice

- 1. 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.**
- 2. 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.**
- 3. 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.**

AMENDMENT: Cr Shand put the following amendment.

COUNCIL RESOLUTION

MOVED: Cr Shand

SECONDED: Cr Glover

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 P23066 to extend the Development Approval IND 01/36 (granted 13/2/2019) and Extractive Industry Licence (granted 10/6/2019) for the Industry-Extractive on Lot 5397 Byron Road, Upper Capel for a period of two years to complete the removal of the 5000m³ gravel stockpile and rehabilitation work subject to the same conditions under IND 01/36, subject to condition 8 being reworded to exclude any operations relating to stockpile removal and rehabilitation occurring on Saturdays, and condition 8 being worded as follows:

8. Working hours within the pit area and transportation of materials and rehabilitation shall be restricted to the hours between 7.00am and 5.00pm Monday to Friday only, and excluding public holidays and may be further restricted in specific cases as determined appropriate by the Shire of Donnybrook Balingup.

CARRIED 5/4

For: Cr Glover, Cr Gubler, Cr MacCarthy, Cr Shand

Against: Cr Davy, Cr Lindemann, Cr Mitchell, Cr Patrick

The Presiding Member gave her casting vote in favour of the amended motion.

SUBSTANTIVE MOTION AS AMENDED:

COUNCIL RESOLUTION 61/24

MOVED: Cr Shand

SECONDED: Cr Glover

That Council:

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 P23066 to extend the Development Approval IND 01/36 (granted 13/2/2019) and Extractive Industry Licence (granted 10/6/2019) for the Industry-Extractive on Lot 5397 Byron Road, Upper Capel for a period of two years to complete the removal of the 5000m³ gravel stockpile and rehabilitation work subject to the same conditions under IND 01/36, subject to condition 8 being reworded to exclude any operations relating to stockpile removal and rehabilitation occurring on Saturdays, and condition 8 being worded as follows:

8. Working hours within the pit area and transportation of materials and rehabilitation shall be restricted to the hours between 7.00am and 5.00pm Monday to Friday only, and excluding public holidays and may be further restricted in specific cases as determined appropriate by the Shire of Donnybrook Balingup.

Advice

- a. 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.
- b. 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.
- c. 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.

CARRIED 8/0

For: Cr Davy, Cr Glover, Cr Gubler, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.1.4 ELECTORS MOTION 1 – HARVEST BAN SMS SERVICE

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 10
Author	Ross Marshall, Director Operations
Responsible Manager	Ross Marshall, Director Operations
Attachments	Nil.
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council:</p> <ol style="list-style-type: none"> 1. Requests the Chief Executive Officer to: <ol style="list-style-type: none"> 1.1. Develop a SMS Service Policy, and 1.2. Present the SMS Service Policy to Council to adopt prior to the 2024/25 Bush Fire Season, and 1.3. Prepare a Budget Amendment(s) report to facilitate implementation and usage of the SMS Service to Council.

STRATEGIC ALIGNMENT

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

Objective	1.3	Improve access and inclusion for people facing barriers.
Objective	2.3	Maintain community safety.
Objective	3.2	Develop community readiness to cope with natural disasters and emergencies.
Objective	11.2	Improve community consultation and engagement.

EXECUTIVE SUMMARY

At the Annual General Meeting of Electors in February 2024, the following motion was received.

ELECTOR MOTION 1

Request Council to consider introducing a harvest ban notification policy possibly using an SMS service to both assist staff and inform the community.

MOVED: Shane Sercombe

SECONDED: Neville Fry

BACKGROUND

Harvest Vehicle Movement Bans are issued by Local Government and are put in place when the Chief Bushfire Control Officer identifies the use of engines, vehicles, plant or machinery as high bushfire risk activities, during particular times of the day. These bans are communicated to the Community via the Shire’s website and Meta (socials).

The onus is on the operator to check Emergency WA for Total Fire Ban advice and the Local Government’s website for Harvest Vehicle Movement Bans. All bans may be issued immediately and without prior notice.

The Electors Motion requests a policy and SMS (text) service to assist Shire Staff and inform the Community.

SMS services are now very broadly used, affordable and have the ability to reach a significant number of recipients rapidly.

FINANCIAL IMPLICATIONS

Not only for emergency use but also for community purposes, an SMS service has been investigated with proposals sought from Telstra and TPG Telecom in 2022.

Table 1 – Telstra Integrated Messaging Pricing

MONTHLY COMMITMENT PLANS					PAYG PLANS			
Monthly Volume Commitment	Monthly usage charge		Charge for each additional SMS		From	To	Charge for each SMS	
	GST Excl.	GST Inc.	GST Excl.	GST Inc.			GST Excl.	GST Inc.
10,000	\$880	\$968	8.80¢	9.68¢	PAYG		9.10¢	10.01¢
20,000	\$1,720	\$1,892	8.60¢	9.46¢	40,000	200,000	7.30¢	8.03¢
40,000	\$2,840	\$3,124	7.10¢	7.81¢	200,001	400,000	6.82¢	7.50¢
200,000	\$13,200	\$14,520	6.60¢	7.26¢	400,001	600,000	6.36¢	7.00¢
400,000	\$24,800	\$27,280	6.20¢	6.82¢	600,001	800,000	5.91¢	6.50¢
600,000	\$34,200	\$37,620	5.70¢	6.27¢	800,001	1,000,000	5.45¢	6.00¢
800,000	\$42,400	\$46,640	5.30¢	5.83¢	1,000,001+	Custom		

Table 1 – TPG Telecom Messaging Pricing

Plan Name	Custom Plan (Ex. GST)
Plan Fee (Minimum Monthly Spend)	\$0.06 per message
Minimum Service Period	12 Months
Setup Fee (once-off)	\$25
Web Portal	Included
Email2SMS	Included
REST API	Included
Alpha tag (send from business name)	Included
Dedicated Standard National Number	Included
Total Minimum Cost over 12 months	No minimum fee
Early Termination Charge (ETC)	<i>If you cancel the service within the minimum term, an ETC will apply, calculated as 45% of the average amount we have invoiced you from the service commencement date until the date of termination, multiplied by the number of remaining months (or any part thereof) in the Minimum Term.</i>

The above tables indicate that in 2022 and an average cost per SMS message was 7.4 cents. Pending scope and resultant policy, procurement for SMS services would be sought in accordance with Council Policy FIN/CP-4 Purchasing.

Following consultations with neighbouring local governments (Shire of Collie and the Shire of Bridgetown-Greenbushes), an estimated expenditure of \$800 to \$1,000 has been determined for the implementation of an SMS system.

The expenses incurred per fire season vary according to the number of users involved. Based on the previous fire season the Shire of Collie spent approximately \$500 for this purpose, directing SMS notifications exclusively to contracted personnel. In contrast, the Shire of Bridgetown-Greenbushes spent approximately \$2,000, given their inclusive approach of allowing any interested individuals to subscribe to receive SMS notifications.

POLICY COMPLIANCE

For procurement of a SMS service provider, Council Policy FIN/CP-4 Purchasing is applicable.

Policy for the SMS service to be developed and presented to Council for adoption.

The SMS service will also require an Operational Procedure for usage.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Although informal, consultation has been carried out with Bush Fire Volunteers, Community Emergency Services Manager, and other Local Government Shires.

OFFICER COMMENT

The Electors Motion would support efficient and rapid communication of Harvest Vehicle Movement Bans and provide an alternative means for communication during an emergency. In addition, a procedure could support the use of the SMS service for communication to Community, services and registered stakeholders.

Pros:

- SMS service would support several Council Plan objectives.
- Would be well received by bushfire Volunteers, stakeholders and wider Community.
- Increase Community bushfire awareness.
- Assist in achieving consistency with many WA Local Governments (that are already using SMS services).
- Increased Community satisfaction (approximately 20 written complaints received via Community Emergency Services Manager concerning lack of such a service).
- Value for money – shared costs of service across multiple business units such as Works & Services, Ranger Services, Community Development, Community Emergency, Development Services etc..
- Alternative mechanism to improve Community communication / engagement.

Cons:

- Initial setup costs, on-going fees and resource requirements.
- Establishment of procedure for use, registration and privacy.
- Annual maintenance and resources to manage / update registers.
- Reimbursement from DFES is not available, costs would be from Shire's own funds.

The adoption of a SMS (text) service to assist Shire Staff and inform the Community is recommended.

COUNCIL RESOLUTION 63/24

MOVED: Cr Shand

SECONDED: Cr Glover

That Council:

1. Requests the Chief Executive Officer to:

- 1.1. Develop a SMS Service Policy, and**
- 1.2. Present the SMS Service Policy to Council to adopt prior to the 2024/25 Bush Fire Season, and**
- 1.3. Prepare a Budget Amendment(s) report to facilitate implementation and usage of the SMS Service to Council.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.1.5 ELECTOR MOTION 2 RECEIVED AT THE 2024 ANNUAL GENERAL MEETING OF ELECTORS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 10
Author	Michelle Dennis, Manager Development Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.5(1) Donnybrook Water Reserve drinking water source protection plan – Donnybrook Town Water Supply 9.1.5(2) Excerpt Government Gazette 26 July 2016
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council:

- 1. Notes that the Shire of Donnybrook Balingup Local Planning Scheme No. 7 contains provisions consistent with the Donnybrook townsite drinking water protection plan.**
- 2. Notes that the Shire of Donnybrook Balingup draft Local Planning Strategy contains provisions consistent with the Donnybrook townsite drinking water protection plan.**
- 3. Requests the Chief Executive Officer ensure that similar land use considerations are carried throughout the review of the Shire of Donnybrook Balingup Town Planning framework with respect to the Donnybrook townsite drinking water protection plan.**

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.
Outcome	5	A sustainable, low-waste, circular economy.
Objectives	5.3	Reduce landfill

EXECUTIVE SUMMARY

At Council's Ordinary March meeting, Council requested that a detailed report on each of the Elector's Motions received at the Annual General Meeting of Electors held on 22 February 2024 be presented at the April 2024 Ordinary Council Meeting.

This report considers Elector's Motion 2.

BACKGROUND

Elector Motion 2, "Request Council to review the Donnybrook townsite drinking water protection plan" relates to the Department of Water's report of 2009 (refer Attachment 9.1.5(1)). The Department of Water, now Department of Water and Environmental Regulation (DWER), report identified the drinking water sources for the townsite and recommended measures to protect these sources from contamination from land uses. This culminated in the proclamation of Public Drinking Water Source Areas within the Donnybrook townsite in 2016.

These proclaimed areas have the following priority classifications (as defined by WAPC Statement of Planning Policy No. 2.7 Public Drinking Water Source Policy):

Priority 1 (P1) source protection areas are defined and managed to ensure there is no degradation of the water resource in these areas. This is the highest level of protection for the water source and normally will apply to land owned by the State, and that is characterized by low-intensity and low-risk land use, such as forestry. Protection of the public water supply outweighs virtually all other considerations in respect to the use of this land. P1 source protection areas are managed in accordance with the principle of risk avoidance.

Priority 2 (P2) source protection areas are defined to ensure that there is no increased risk of pollution to the water source. P2 areas are declared over land where low-risk development already exists. Protection of public water supply sources is a high priority in these areas. P2 areas are managed in accordance with the principle of risk minimization and so conditional development is allowed.

Priority 3 (P3) source protection areas are defined to manage the risk of pollution of the water source. P3 areas are declared over land where water supply sources need to co-exist with other land uses such as residential, commercial and light industrial developments, although there is some restriction on potentially highly polluting land uses. Protection of P3 areas is otherwise achieved through management guidelines for land use activities. If the water source does become contaminated then water may need to be treated or an alternative water source found.

The specific locations of these designations are illustrated in Schedule 1 of Attachment 9.1.5(2).

FINANCIAL IMPLICATIONS

Development within the Public Drinking Water Source Areas triggers a development application requirement for some land uses. Development applications attract application fees that are used to partially offset the cost of assessment.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Country Areas Water Supply Act 1947

The *Country Areas Water Supply (Donnybrook Water Reserve) Order 2016* was proclaimed by the State Government in the Government Gazette of 26 July 2016 and took effect from the 27 July 2016 (refer Attachment 9.1.5(2)).

The other public drinking water source area within the Shire is the Millstream Catchment Area which was declared in 1961 and has been identified as requiring review by DWER.

Shire of Donnybrook-Balingup Local Planning Scheme No. 7 contains Special Control Areas for Public Drinking Water Source Protection (SCA2) in the Donnybrook townsite. Additional provisions apply to development within these designated areas.

CONSULTATION

Shire staff have made enquiries with the source protection team of the Department of Water and Environmental Regulation (DWER) regarding the status of the 2009 document. The following response was provided:

Water source protection plan review

Consideration for the priority of a review of a drinking water source protection report, depends on:

- Resources available to undertake the review of the water source protection plan.
- Changes in landuse or planning within the catchment.
- Any new hydrogeological information and modelling.
- Risks to the drinking water source and public health.
- Current and future planned use of the source.
- Competing government priorities and other work.

As there are no triggers and while the recommendation in the drinking water source protection report states *A review of this plan should be undertaken after five years (Department of Water)*, the 2009 *Donnybrook Water Reserve Drinking Water Source Protection Plan* is currently not identified for review in our short-term work plan.

The proposed areas for future development outlined in Part 1, Section 3.1 of the draft Local Planning Strategy have been cross referenced with the *Shire of Donnybrook-Balingup Townsite Expansion Strategy – December 2008*, which informed the *Donnybrook Water Reserve drinking water source protection plan (2009)*. While there are a few additional areas not previously considered (e.g. Area D Morgan Road North, 117 lots), this does not result in a significant change in land use or planning within the catchment.

While dated 2009, DWER have confirmed that this document is current and is not currently identified for review.

OFFICER COMMENT

As a consequence of the publishing of the report by the Department of Water in 2009, Special Control Area 2 was included in the Shire of Donnybrook-Balingup Local Planning Scheme No. 7; specifically Parts 5 and 5.3 that was gazetted in 2014. Any proposal within this Special Control Area requires consultation with DWER prior to determination.

The Shire's draft Local Planning Strategy is currently being advertised for public comment. It is proposed to ensure that the proclaimed drinking water catchment areas are clearly identified in the Strategy and continue to be afforded protection under any future Local Planning Scheme.

It is important to note that the Donnybrook Waste Management Facility is currently located within the declared public drinking water source area (P3 classification) and surrounded by State Forest (P1 classification). Noneycup Creek, which passes approximately 500m east of the landfill site, is a recognised surface flow path into the drinking water catchment area. As a precursor to a proposed licence extension application, the Shire installed additional monitoring bores and have undertaken two rounds of monitoring at the Facility in order to demonstrate that activities on site are not impacting ground water quality. The findings of the monitoring to date have been provided to DWER as part of the Shire's application to renew the operating licence at the Facility until 2034.

The proposed Facility operating licence extension timeframe is consistent with the Landfill Closure Management Plan. The future transfer station, currently identified to be located within the gravel hardstand area to the east of the active landfill area, may be impacted upon i.e. in both construction requirements and ongoing licence obligations, given its location within the declared public drinking water source area.

EXECUTIVE RECOMMENDATION

MOVED: Cr Lindemann

SECONDED: Cr Glover

That Council:

- 1. Notes that the Shire of Donnybrook Balingup Local Planning Scheme No. 7 contains provisions consistent with the Donnybrook townsite drinking water protection plan.**

2. **Notes that the Shire of Donnybrook Balingup draft Local Planning Strategy contains provisions consistent with the Donnybrook townsite drinking water protection plan.**

3. **Requests the Chief Executive Officer ensure that similar land use considerations are carried throughout the review of the Shire of Donnybrook Balingup Town Planning framework with respect to the Donnybrook townsite drinking water protection plan.**

AMENDMENT: Cr Davy put the following amendment

COUNCIL RESOLUTION

MOVED: Cr Davy

SECONDED: Cr Patrick

4. **Request Department Water Environmental Regulation and Water Corporation, provide a town hall style meeting to educate and allay public concerns regarding security and quality of drinking water.**

CARRIED: 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

SUBSTANTIVE MOTION AS AMENDED:

COUNCIL RESOLUTION 62/24

MOVED: Cr Shand

SECONDED: Cr Glover

That Council:

1. **Notes that the Shire of Donnybrook Balingup Local Planning Scheme No. 7 contains provisions consistent with the Donnybrook townsite drinking water protection plan.**
2. **Notes that the Shire of Donnybrook Balingup draft Local Planning Strategy contains provisions consistent with the Donnybrook townsite drinking water protection plan.**
3. **Requests the Chief Executive Officer ensure that similar land use considerations are carried throughout the review of the Shire of Donnybrook Balingup Town Planning framework with respect to the Donnybrook townsite drinking water protection plan.**
4. **Request Department Water Environmental Regulation and Water Corporation, provide a town hall style meeting to educate and allay public concerns regarding security and quality of drinking water.**

CARRIED: 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.1.6 ELECTOR MOTION 3 – RECREATIONAL WATER TESTING

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 10
Author	Michelle Dennis, Manager Development Services
Responsible Manager	Ross Marshall, Director Operations
Attachments	9.1.6(1) Application of the NHMRC Guidelines for Managing Risks in Recreational Water within Western Australia 9.1.6(2) Sanitary Inspection Report 9.1.6(3) Field Observation
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION	
That Council:	
<ol style="list-style-type: none"> Notes that the Shire of Donnybrook Balingup undertakes informal Recreational Water monitoring. Requests the Chief Executive Officer further explore opportunities to participate in a Recreational Water monitoring program consistent with the Department of Health guidelines with a future report to be presented to Council prior to October 2024. 	

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.
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.
Priority Project	10.1.4	Advocate for Glen Mervyn Dam eco-tourism opportunities.

EXECUTIVE SUMMARY

At Council’s Ordinary March meeting, Council requested that a detailed report on each of the Elector’s Motions received at the Annual General Meeting of Electors held on 22 February 2024 be presented at the April 2024 Ordinary Council Meeting.

This report considers Elector’s Motion 3.

BACKGROUND

Elector Motion 3, “Request Council to consider delivering recreational water testing at the Donnybrook Amphitheatre, Wrights Bridge as per the Western Australian Health Department recommendations”. The Department of Health have published the document “Application of the NHMRC Guidelines for Managing Risks in Recreational Water within Western Australia” (Attachment 9.1.6(1)). This document provides a rationale for the basis of the Department’s beach grades as published on their website: [Beach grades for South West Recreational Waters \(health.wa.gov.au\)](https://www.health.wa.gov.au)

The Department recommends that at least 13 samples per season, per site, be collected. This would equate to 1 sample per fortnight from November to May.

FINANCIAL IMPLICATIONS

The Shire is currently committed to a monthly sampling (i.e. one sample per month) regime from November to May at the following sites:

1. Preston River - Amphitheatre
2. Preston River - Footbridge
3. Glen Mervyn Dam - North East
4. Glen Mervyn Dam - Campsite South West
5. Hegarty Creek – Wrights Bridge
6. Grimwade Dam
7. Balingup Brook – Balingup Transit Park
8. Balingup Brook - Birdwood Park Brook

The Shire does not currently have the resources to implement a sampling regime in accordance with the Department’s guidelines. The sampling currently being carried out is intended as some baseline monitoring only.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

While the *Public Health Act 2016* aims to reduce the incidence of preventable illness, compliance with the NHRMC guidelines is not a statutory obligation. Participation in a sampling program is discretionary.

CONSULTATION

Nil.

OFFICER COMMENT

Sample locations 1 to 4 as listed above have been listed within the Department of Health for many years, however the Shire, to date, has been unable to fulfill sampling requirements to offer confidence in the sampling data obtained for some time. Locations 5 and 6 were added at the request of the Department of Health with sample locations 7 and 8 being included by the Shire during this current sampling period. To date sanitary inspection reports (refer Attachment 9.1.6(2)) have not been completed for sites 5 to 8 and field observations (refer Attachment 9.1.6(3)) are not completed as part of the current baseline monitoring.

While laboratory costs are currently covered by the Department of Health, other sampling associated costs such as officer time, overheads, courier charges to transfer sampling equipment from Perth and transfer samples to Perth are incurred by the Shire. There may be scope to engage with community groups to assist in this program, should it be something that Council wishes to increase the level of service in; noting that the Shire also provides an Aquatic Facility.

COUNCIL RESOLUTION 63/24

MOVED: Cr Davy

SECONDED: Cr Shand

That Council:

- 1. Notes that the Shire of Donnybrook Balingup undertakes informal Recreational Water monitoring.**
- 2. Requests the Chief Executive Officer further explore opportunities to participate in a Recreational Water monitoring program consistent with the Department of Health guidelines with a future report to be presented to Council prior to October 2024.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell Cr Patrick, Cr Shand

Against: Nil.

9.2 DIRECTOR FINANCE AND CORPORATE

9.2.1 ACCOUNTS FOR PAYMENT - MARCH 2024

The Schedule of Accounts Paid under Delegation (No. 1.2.23) is presented for public information (Attachment 9.2.1(1)).

EXECUTIVE RECOMMENDATION

That the Accounts for Payment Report for the period ended March 2024 be received.

COUNCIL RESOLUTION 64/24

MOVED: Cr Patrick

SECONDED: Cr Gubler

That the Accounts for Payment Report for the period ended March 2024 be received.

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.2.2 MONTHLY FINANCIAL REPORT - MARCH 2024

The Monthly Financial Report for March 2024 is attached (Attachment 9.2.2(1)).

EXECUTIVE RECOMMENDATION

That the Monthly Financial Report for the period ended March 2024 be received.

COUNCIL RESOLUTION 65/24

MOVED: Cr Lindemann

SECONDED: Cr Patrick

That the Monthly Financial Report for the period ended March 2024 be received.

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 COUNCIL PLAN - BIENNIAL PROGRESS REPORT JULY- DECEMBER 2023

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL16
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Garry Hunt, Chief Executive Officer (Temporary)
Attachments	9.3.1(1) July-December 2023 Biennial Progress Report
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives the Council Plan - Biennial Progress Report as shown in Attachment 9.3.1(1). 2. Notes that the Chief Executive Officer will publish the Council Plan - Biennial Progress Report on the Shire’s website.

STRATEGIC ALIGNMENT

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

Outcome	11	Strong, visionary leadership
Objective	11.1	Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

Council adopted its Council Plan 2022-32 on 25 May 2022 at its Ordinary Council Meeting. The Council Plan outlines the Shire’s operational and capital project priorities to meet the aspirations of the community as outlined in the Strategic Community Plan 2040.

It is best practice for the Shire to report progress against the Council Plan to Council on a biennial basis.

This report relates to the period between 1 July 2023 and 31 December 2023 (first half) for the 2023/2024 financial year. Council is asked to receive the Council Plan - Biennial Progress Report as shown in Attachment 9.3.1(1).

BACKGROUND

Under the state government Integrated Planning and Reporting Framework, local governments in Western Australia must deliver reports such as Corporate Business Plans, Strategic Community Plans and Annual Reports. The aim of the Framework is to make sure local governments consult their communities, and plan responsibly and sustainably according to community directions.

To understand local needs and priorities, the Shire of Donnybrook Balingup commissioned an independent review in 2019, when 441 community members completed a MARKYT® Community Scorecard.

In 2021, the Shire embraced elements of the FUTYR® approach to strategic planning. This is a community-led, integrated and streamlined approach designed specifically for local government.

As part of this process the benefits of merging the Shire's 34 page Strategic Community Plan and 21 page Corporate Business Plan became clear. The Department of Local Government confirmed this is acceptable, provided the elements required by the *Local Government Act 1995* were included. Merging the two documents is more efficient in staff time and Shire resources, and delivers a simpler, more easily understood Council Plan to the community.

Under the Integrated Planning and Reporting Framework (IPRF), Corporate Business Plans are reviewed each year and Strategic Community Plans every four (4) years, with minor reviews every two (2) years.

To make sure the new Plan stays relevant to community goals and aspirations it will have desk top reviews annually, with major reviews every four years in line with the IPRF schedule.

At its Ordinary Council Meeting 25 May 2022 Council resolved.

That Council:

- 1. Acknowledges the renaming of the Corporate Business Plan to Council Plan.*
- 2. Adopts the reviewed Shire of Donnybrook Balingup Council Plan, as attached.*
- 3. Requests the Chief Executive Officer to reference objectives and/or priority project numbers from the Donnybrook Balingup Council Plan in Ordinary Council Meeting Agenda items, in order to clearly articulate the Strategic Alignment, focus of each agenda item.*
- 4. Instructs the Chief Executive Officer to undertake bi-annual reporting on the Council Plan to Council and the community.*

FINANCIAL IMPLICATIONS

The actions and projects which are detailed in the Council Plan are aligned with the Shire's Annual Budget and Long-Term Financial Plan.

Items flagged in this report as red (held or deferred) or yellow (monitor) will continue to be monitored and addressed through budget review and reporting.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995

Section 5.56 (1) requires local governments to have in place a plan for the future of the district.

CONSULTATION

External consultation is not required as part of the biannual reporting. Internally, the Executive Leadership Team, Business Unit Managers and Coordinators were consulted.

OFFICER COMMENT

Key Aspects of The Council Plan

The Shire's Council Plan expresses the community's vision for the future through five (5) focus areas of People, Planet, Place, Prosperity, and Performance.

The Council Plan details the Current Situation, a list of services and facilities that the Shire will strive to continuously improve, and an overview of recent achievements relevant to each focus area.

To ensure that Council allocates resources and meets the current and changing community needs overarching outcomes were developed for each focus area, then broken down into objectives with several priority projects to be prioritise between over the 10-year period of 2022 - 2032. Of the 163 priority projects, 54 have been allocated to 2023/2024.

Reporting Requirements on Plan

Although not legislatively required, it is considered best practice for Council to receive updates on progress against the Council Plan.

At its Ordinary Council Meeting 25 May 2022 Council resolved that the Chief Executive Officer undertake bi-annual reporting on the Council Plan to Council and the community.

Half Yearly Reporting

The Council Plan progress report includes an update against the 54 projects and Milestones adopted by Council for 2023/2024.

Of the 54 priority projects adopted in the Council Plan 2022-2032, 16 have been Achieved, 22 are in progress, 7 Not started to be delivered on time, 5 require monitoring and 11 has been marked for deferment.

Conclusion

Details regarding the performance from, 1 July 2023 to 31 December 2023 for each strategic project/milestone can be found in Attachment 9.3.1(1) to this report.

COUNCIL RESOLUTION 66/24

MOVED: Cr Lindemann

SECONDED: Cr Patrick

That Council:

- 1. Receives the Council Plan - Biannual Progress Report as shown in Attachment 9.3.1(1).**
- 2. Notes that the Chief Executive Officer will publish the Council Plan - Biannual Progress Report on the Shire's website.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.3.2 ANNUAL REVIEW OF ASSET MANAGEMENT PLANS AND FINANCIAL INFORMING PLANS 2024/25

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	FNC 10/2
Author	Stuart Eaton – Manager Finance Projects
Responsible Manager	Dr Garry Hunt PSM, Chief Executive Officer (Temporary)
Attachments	9.3.2(1) Asset Management Plan (Consolidated) - 2024/25 9.3.2(2) Asset Management Plan - Parks & Reserves 2024/25 9.3.2(3) Asset Management Plan – Buildings 2024/25 9.3.2(4) Asset Management Plan – Vehicles 2024/25 9.3.2(5) Asset Management Plan – Roads and Transport 2024/25 9.3.2(6) Reserve Fund Plan 2024/25 9.3.2(7) Borrowings Plan 2024/25 9.3.2(8) Rating Objectives Strategy
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council</p> <ol style="list-style-type: none"> 1. Notes the annual review of the following plans for 2024/25: <ol style="list-style-type: none"> 1.1. Asset Management Plan (Consolidated) - 2024/25; and 1.2. Asset Management Plan - Parks & Reserves 2024/25; and 1.3. Asset Management Plan – Buildings 2024/25; and 1.4. Asset Management Plan – Vehicles 2024/25; and 1.5. Asset Management Plan – Roads and Transport 2024/25; and 1.6. Reserve Fund Plan 2024/25; and 1.7. Borrowings Plan 2024/25; and 1.8. Rating Objectives Strategy. 2. Request the Chief Executive Officer to use the endorsed plans to inform and guide development of the Long Term Financial Plan and Annual Budget

STRATEGIC ALIGNMENT

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

Outcome	11	Strong, visionary leadership
Objective	11.1	Provide strategically focused, open and accountable governance.

EXECUTIVE SUMMARY

Council is requested to review and endorse the annual review of the Shire’s asset management plans and financial informing plans. The review is undertaken annually to inform the,

- Long Term Financial Plan; and
- Annual Budget.

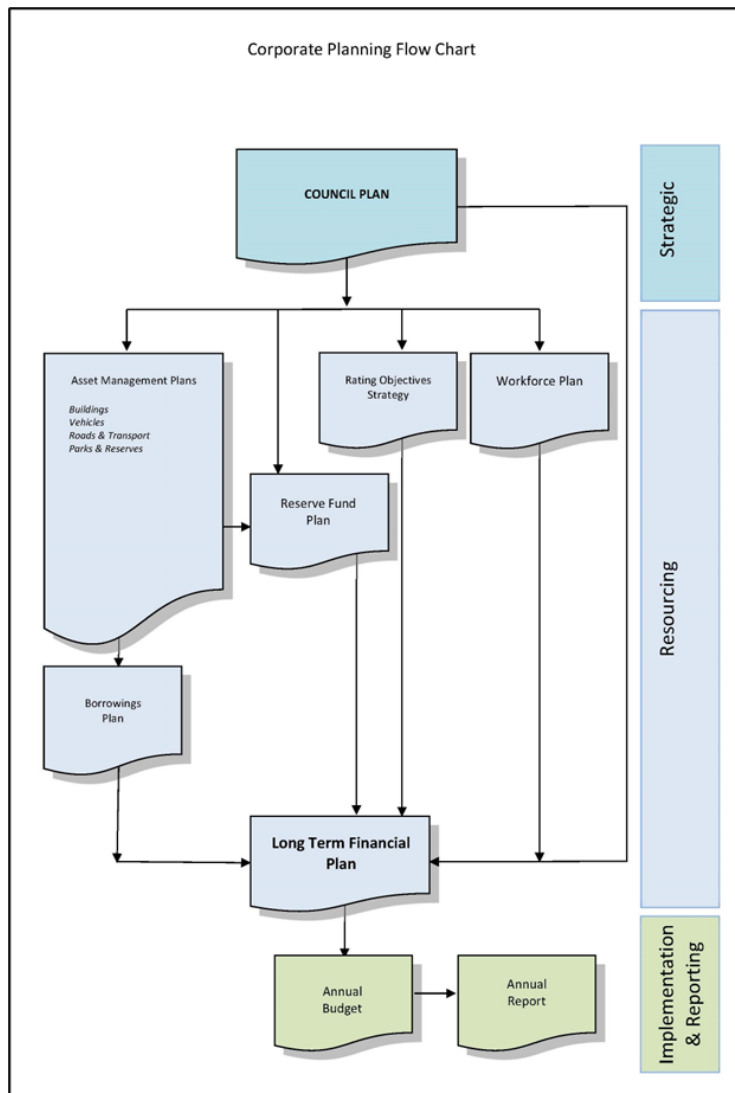


Figure 1

BACKGROUND

In 2010, the Integrated Planning and Reporting (IPR) Framework and Guidelines were introduced in Western Australia (WA) as part of the State Government’s Local Government Reform Program. All local governments were required to have their first suite of IPR documents in place by 1 July 2013.

Past reviews of local government in WA found serious performance and sustainability issues in the sector, in particular:

- Strategic planning systems that did not deliver accountable and measurable linkages between community aspirations, financial capacity and practical service delivery; and
- Financial planning systems that failed to accurately demonstrate a local government's capacity to deliver services and manage assets that can sustain their communities into the future; and
- Asset management systems lacking the rigour of process and integrity of data to accurately reflect true asset management costs; and
- General lack of a formal approach to workforce planning across the sector.

IPR addresses these concerns with processes to:

- Ensure community input is explicitly and reliably generated and informs the long- and medium-term objectives of the local government; and
- Identify the resourcing required to deliver the plans and enable rigorous and transparent prioritisation within resource constraints before finalising the plans

A suite of financial planning systems has been developed and implemented that;

- More accurately determine the Shire's capability to deliver services and manage its asset portfolio that can sustain our community into the future; and
- More accurately determine the cost of managing the Shire's asset portfolio; and
- More accurately determine the cost of delivering services to the community; and
- More accurately determine the contribution residents and users should make to the cost of services & facilities.

A key objective of the financial planning framework is realigning the underlying foundation of the Annual Budget to respond to these matters to improve the long-term financial sustainability for the Shire.

These plans are developed upon the assumption of the continuation of existing services and service levels. In other words, the underlying assumption of 'business as normal'. When organisational strategies are developed to the contrary, asset plans and financial informing plans are amended accordingly in the annual review process.

Asset Management Plans

Asset Management Plan (Consolidated) (Attachment 9.3.2(1))

This document provides a strategic overview and consolidated financial summary of the Shire's asset management planning. It additionally identifies future objectives to continually mature and improve the Shire's asset management framework to enhance available information for strategic decision making.

Asset Management Plan – Parks & Reserves (Attachment 9.3.2(2))

Parks and Reserves comprise numerous items of built or installed depreciable equipment and infrastructure. These assets deteriorate over time and require a program of cyclical replacement at the end of economic life.

The program of renewal works within this plan has been updated and sourced from independent revaluations and asset condition assessments of park & reserve infrastructure undertaken in 2022.

This plans for the timing and financing of:

- Development works; and
- Replacement of aged infrastructure; and
- Major maintenance of infrastructure.

The following future borrowings for park infrastructure are identified.

Year		Amount
2036/37	Apple Fun Park - Equipment Renewal	\$1,360,121

Table 1

It is identified that the long term sustainable annual own source funding level for the Parks & Reserves asset class is as follows:

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2037/38
125,000	300,000	350,000	400,000	450,000	500,000	550,000	600,000	620,000	620,000	620,000	620,000	620,000	620,000	620,000	620,000

Table 2



Figure 2

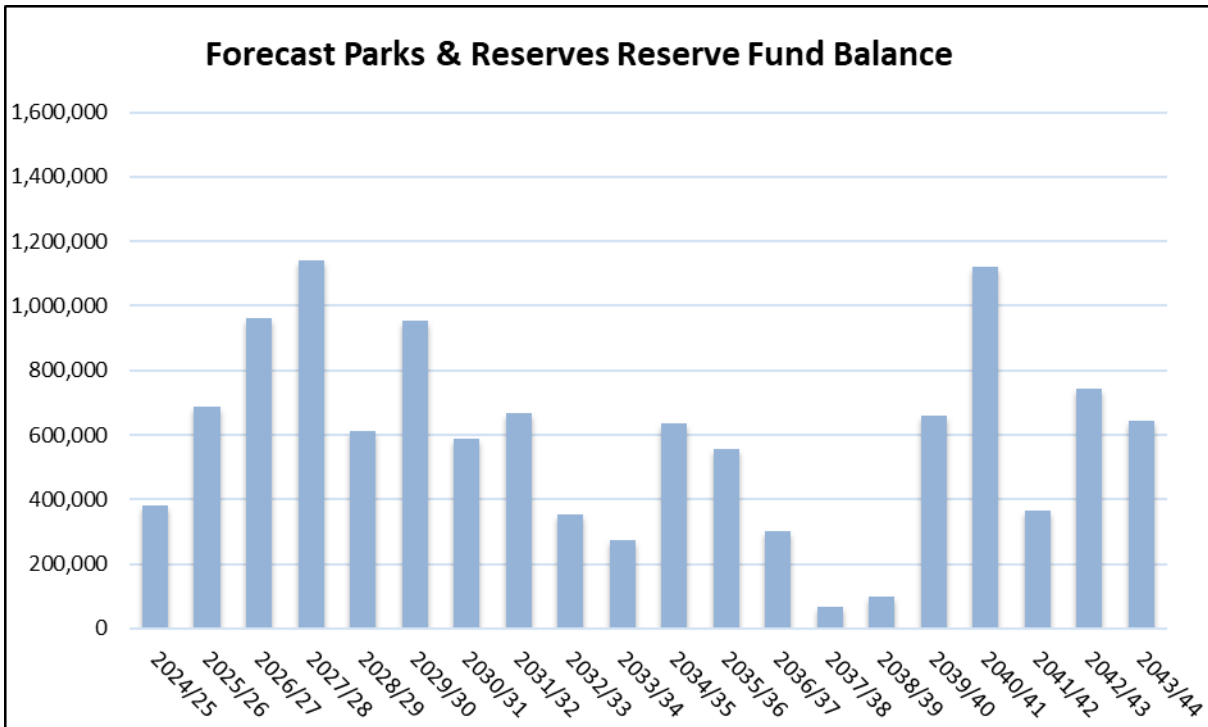


Figure 3

Asset Management Plan – Buildings (Attachment 9.3.2(3))

The purpose of this document is to provide a strategy for funding the Shire’s buildings.

This strategy will plan for the timing and financing of:

- Construction of new buildings; and
- Alterations and extensions of existing buildings; and
- Preservation and maintenance of buildings.

The Asset Management Plan – Buildings, has been developed to provide a systematic method to identify, plan and fund necessary works to maintain the facilities to an acceptable standard that maximise their useful life for the community.

It is identified that the long term sustainable annual own source funding level for the buildings asset class as follows:

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39
80,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000

Table 3



Figure 4

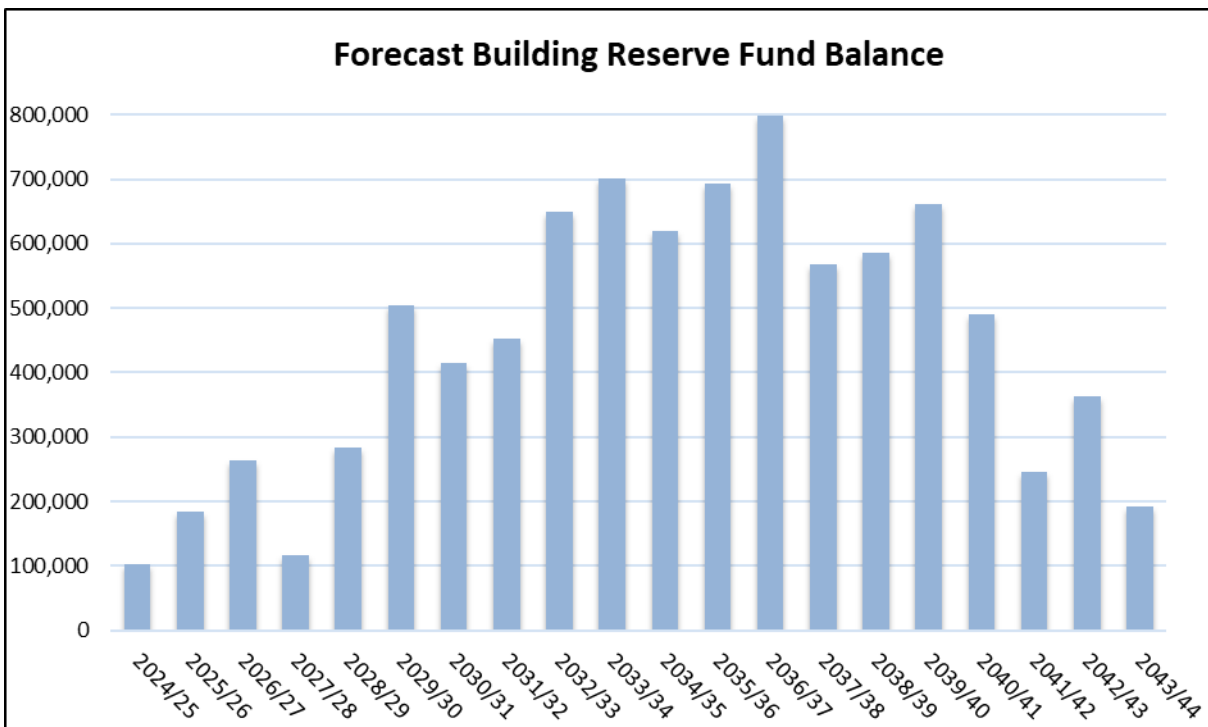


Figure 5

The plan identifies forecast borrowings for future major building works.

Year		Amount
2027/28	Administration Centre - Donnybrook	\$2,261,654
2029/30	Transfer Station Development – Donnybrook Waste Management Facility	\$1,331,418

Table 4

Borrowings for VC Mitchell Park development of \$2.9m has been drawn down in the 2023/24 financial year in accordance with the 2023/24 Annual Budget.

It is recognised within the presented asset plans that the Shire is currently undertaking redevelopment at VC Mitchell Park. Upon completion, asset inspections will be undertaken to determine detailed asset renewal requirements for these new community or upgraded assets.

Asset Management Plan – Vehicles (Attachment 9.3.2(4))

This Asset Management Plan details:

- Acquisition of new vehicles; and
- Cyclical replacement of existing vehicles; and
- Annual funding plan for the Vehicle Reserve Fund.

The Shire operates a fleet of vehicles to carry out service delivery to the community. These range from road construction plant to compliance vehicles.

The Shire engaged an independent review of its vehicle fleet in 2017. The economic change-over life recommended in the independent review guided the development of this asset plan.

It is identified that the long term sustainable annual own source funding level for the vehicle asset class as follows:

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2036/37	2037/38
450,000	520,000	540,000	560,000	580,000	600,000	620,000	640,000	640,000	660,000	680,000	700,000	720,000	740,000	760,000	760,000

Table 5

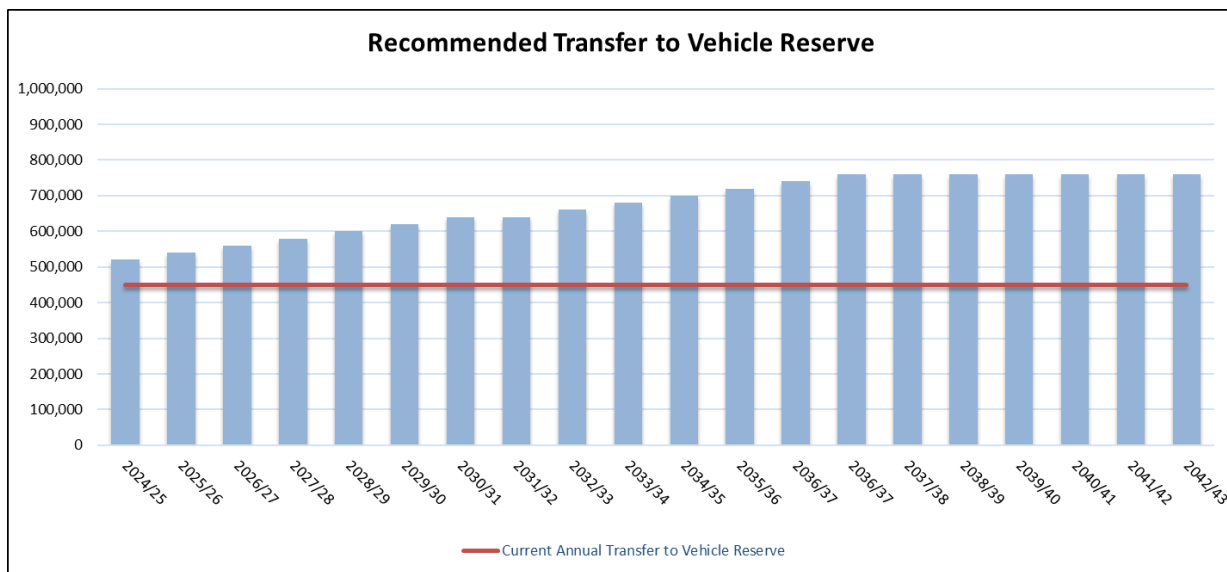


Figure 6

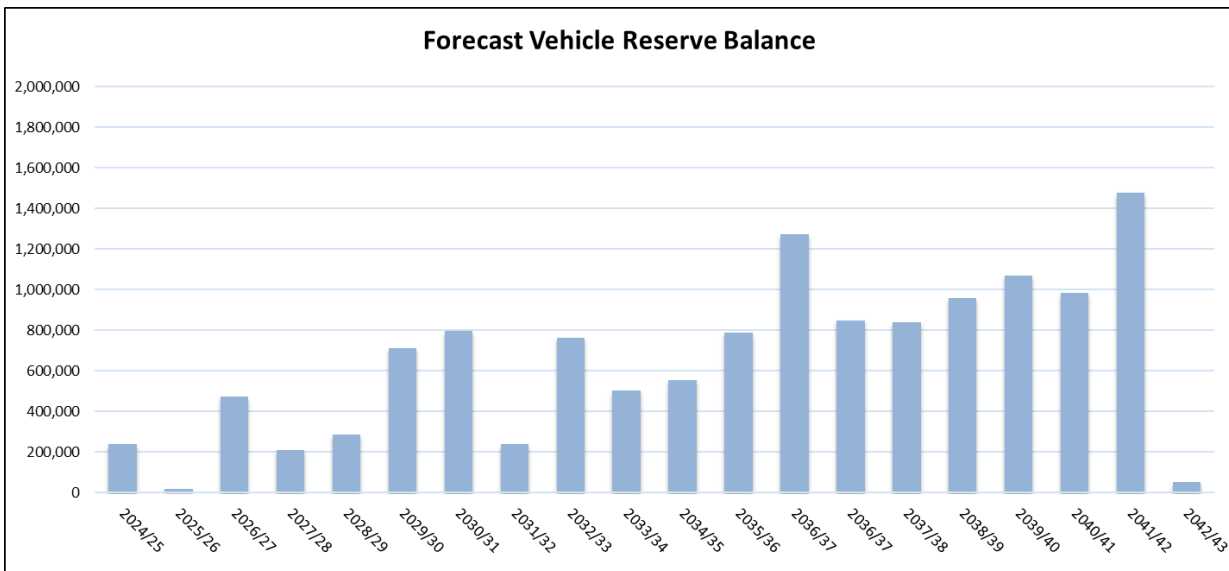


Figure 7

Asset Management Plan – Roads and Transport (Attachment 9.3.2(5))

The information contained in this asset plan is a summary from the Shire’s Road Asset Management and Maintenance System (RAMMS). Estimation of capital renewal funding requirements identified in the Asset Plan has been determined using an annual depreciation methodology. This information is based on independent revaluations and asset condition assessments undertaken in 2022.

The plan provides aggregated level capital renewal indications for the following transport asset classes:

- Carparks,
- Drainage,
- Electrical (Lighting),
- Infrastructure (Railings),
- Footpaths,
- Roads (Sealed), and
- Roads (Unsealed)

It is estimated, based on an annual depreciation methodology, that annual expenditure requirements for capital renewal on roads and transport assets is \$3.93m pa (indexed annually).

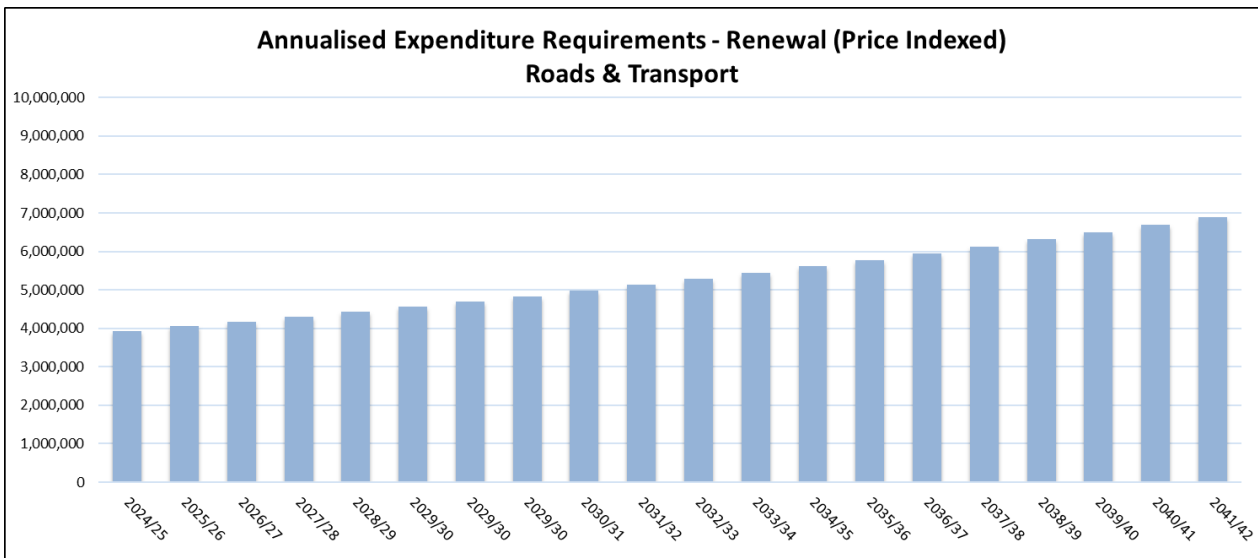


Figure 8

Local Governments are allocated funds for bridges through the Local Grants Commission (LGGC). Project funds for bridges are allocated to renewal type projects, recognising that some of these projects may include some upgrading or replacement when the existing bridge has reached the end of its economic life.

A bridge committee advises the LGGC on priorities for allocating funds for bridges. Membership of the committee is made up of representatives from the following organisations:

- WA Local Government Grants Commission; and
- Western Australian Local Government Association; and
- Main Roads Western Australia (MRWA).

The committee receives recommendations from MRWA on funding priorities for bridges. MRWA inspects and evaluates the condition of local government bridges and has the expertise to assess priorities and make recommendations on remedial measures.

Bridges are therefore excluded from the Shire's asset planning, as this is managed, and funded, at State level.

Reserve Fund Plan (Attachment 9.3.2(6))

s6.11 of the *Local Government Act 1995* requires that where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

The suite of plans recommended for adoption requires budgetary allocations to meet planned expenditure requirements. The mechanism for meeting own source funded expenditure identified in the plans, is from reserve funds. Therefore, the annual budget is required to fulfill the function of delivering the sustainable levels of annual funding into reserves that is calculated to meet the planned expenditure.

The purpose for this document is to provide a consolidated summary of annual transfers to and from the Shire's cash backed reserve funds.

Council maintains several cash reserves for a variety of purposes:

- to provide funds for future liabilities; and
- to provide funds for future asset acquisitions / replacement; and
- to hold unspent funds for specific projects; and
- to reduce the reliance on borrowing by accumulating funds for specific projects.

Where relevant, reserves are supported by comprehensive plans that detail future funding requirements and the necessary annual allocations to reserves.

Should the Shire not allocate recurring budget funding for transfer to reserves as identified in this plan, reserves will become depleted and associated expenditure identified throughout the Shire’s financial planning framework that is sourced from reserves, will not be deliverable in the future. The majority of identified asset renewal works are funded from reserves, therefore a failure to budget the necessary amounts into reserves will lead to long term asset condition decline.

Borrowings Plan (Attachment 9.3.2(7))

The use of borrowings as a means of funding asset acquisitions, renewals and major maintenance is a mechanism for allocating the costs of major works over a period that reflects when residents will benefit from the assets.

The Shire is guided by its adopted policy FIN/CP-3 Debt. This policy sets out the way the Shire may establish and manage a debt portfolio. The objective of this policy is to ensure the sound management of the Shire’s existing and future debt.

The policy outlines the Shire’s borrowings strategy and provides for the responsible financial management of borrowings by ensuring that the level of indebtedness is maintained within acceptable limits and is managed appropriately.

It is therefore necessary that borrowings are appropriately planned and monitored if the Shire is to maintain the capacity to effectively use this funding source.

Strategic planning allows Shire’s to plan for borrowings for strategic purposes, rather than relying on borrowings as a response to immediate financial requirements.

The following future borrowings are identified.

Year		Amount
2027/28	Administration Centre - Donnybrook	\$2,261,654
2029/30	Transfer Station Development – Donnybrook Waste Management Facility	\$1,331,418
2036/37	Apple Funpark	\$1,360,121

Table 6

Borrowings for VC Mitchell Park development of \$2.9m has been drawn down in the 2023/24 financial year in accordance with the 2023/24 Annual Budget. This is now reflected as existing borrowings in the plan.

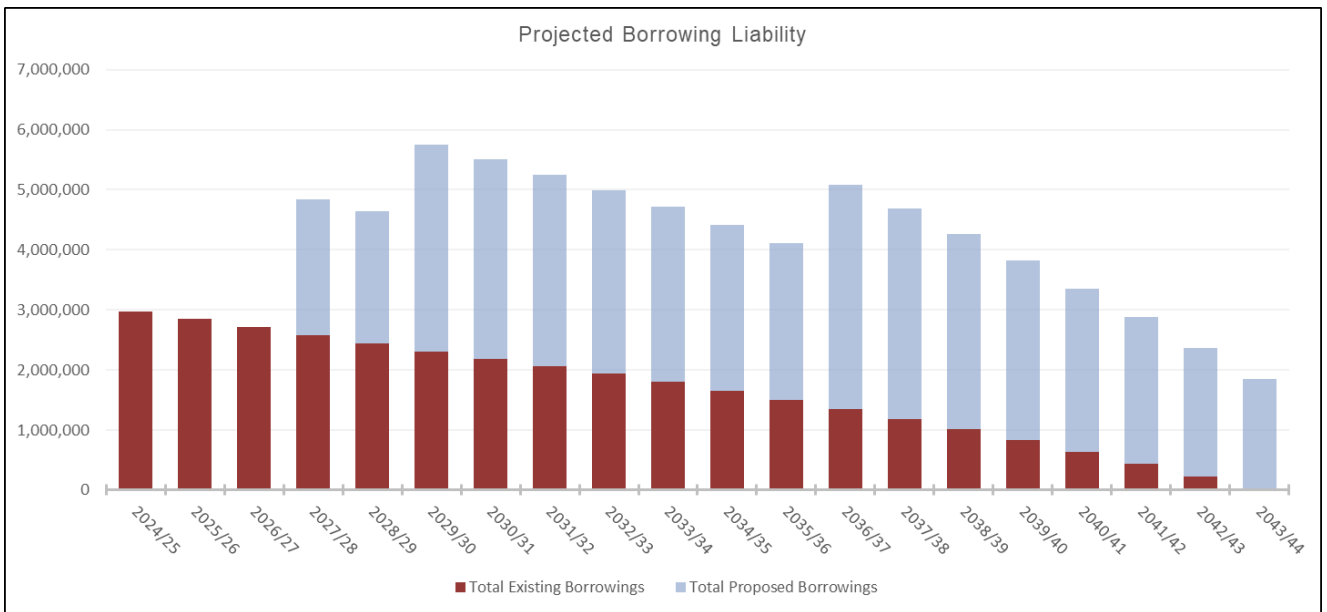


Figure 9

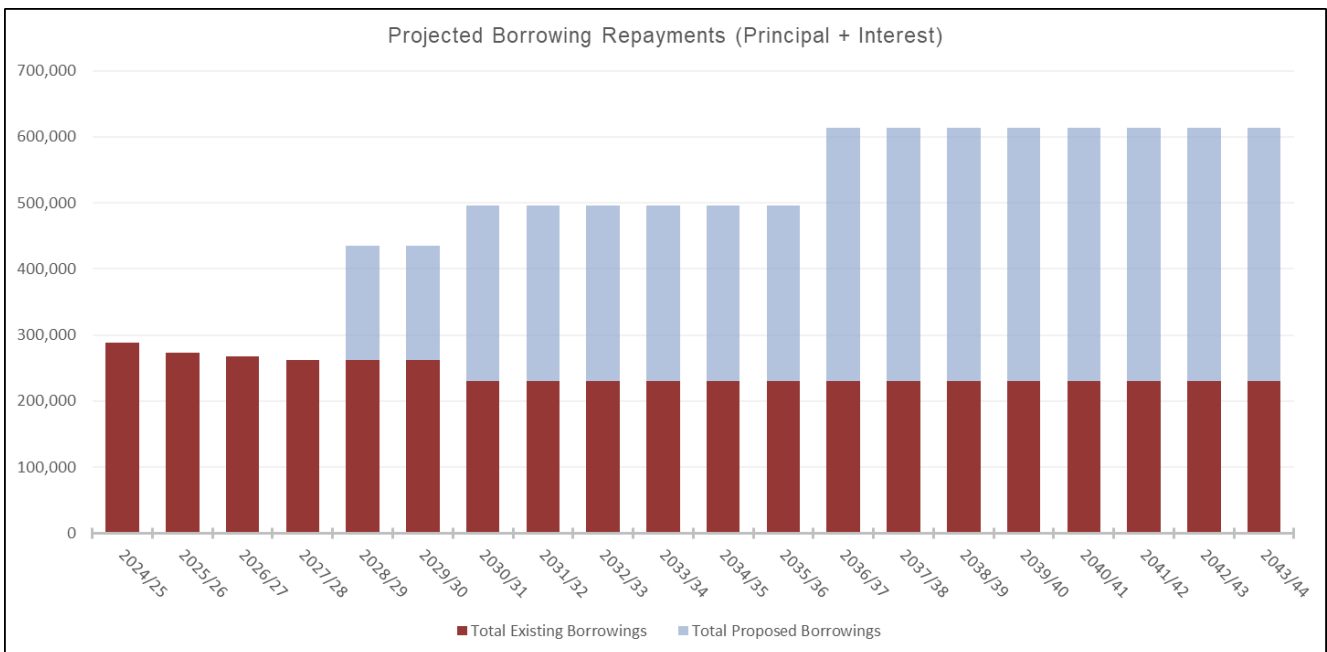


Figure 10

Rating Objectives Strategy (Attachment 9.3.2(8))

Council initially adopted this Strategy at its Ordinary Meeting held on 24 April 2018 and reviewed at its Ordinary Meeting on 23 March 2020.

A rating strategy is the method by which the Shire systematically considers factors of importance that informs its decisions about the Shire’s rating. A rating strategy assists Council in striking a balance between competing principles to come up with a mixture of rates that provides the income needed for its annual budget, whilst meeting the tests of fairness and equity.

The Shire levies rates from residents and businesses to help fund its community infrastructure and service obligations. It is important that the Shire’s rating be underpinned by sound principles that are well understood and compliant with current legislation.

It is important to note that the focus of the Rating Strategy is different to that of the Annual Budget. In that the Annual Budget, the primary focus is the amount of rates required to be raised for the Shire to deliver the required services and capital works.

Similarly, the Strategy is not a document which sets out expected levels of rate revenue increases/decreases over outgoing financial years (it is the Long Term Financial Plan which sets out planned changes to rates revenue).

The focus of this Rating Strategy is the types of rates to be charged and how the required amounts are fairly and equitably distributed amongst the Shire’s ratepayers.

FINANCIAL IMPLICATIONS

It is recommended that Council endeavors to achieve identified sustainable asset funding levels over time through increases in the annual budget allocation to respective reserves. A considerable funding gap exists between the identified levels of transfer to reserves and the level currently funded in the annual budget.

Based on existing service standards to the community, the shire’s current recurring revenue is materially below the level required to meet the identified future expenditure, (including future asset renewal obligations). Based on current knowledge, it is identified that approximately \$2m annually is required to be transferred to reserves on a sustainable basis. The 2023/24 budget provided for \$739k.



Figure 11

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39
Transfer to Reserves - Recommended	1,559,400	1,620,600	1,696,802	1,768,006	1,844,212	1,911,420	1,982,630	2,003,843	2,029,921	1,880,274	1,901,492	1,922,713	1,948,937	1,970,162	1,976,389
Transfer to Reserves - Current Budget	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961	739,961
Reserve Funding Gap	(819,439)	(880,639)	(956,841)	(1,028,045)	(1,104,251)	(1,171,459)	(1,242,669)	(1,263,882)	(1,289,960)	(1,140,313)	(1,161,531)	(1,182,752)	(1,208,976)	(1,230,201)	(1,236,428)

Table 7

In addition to identified future reserve transfers, the Borrowings Plan identifies the requirement for 3 new borrowings over the life of the plans to meet identified asset

management/development requirements. The forecast annual borrowing repayments for the next 20 years is reflected in the following graph.

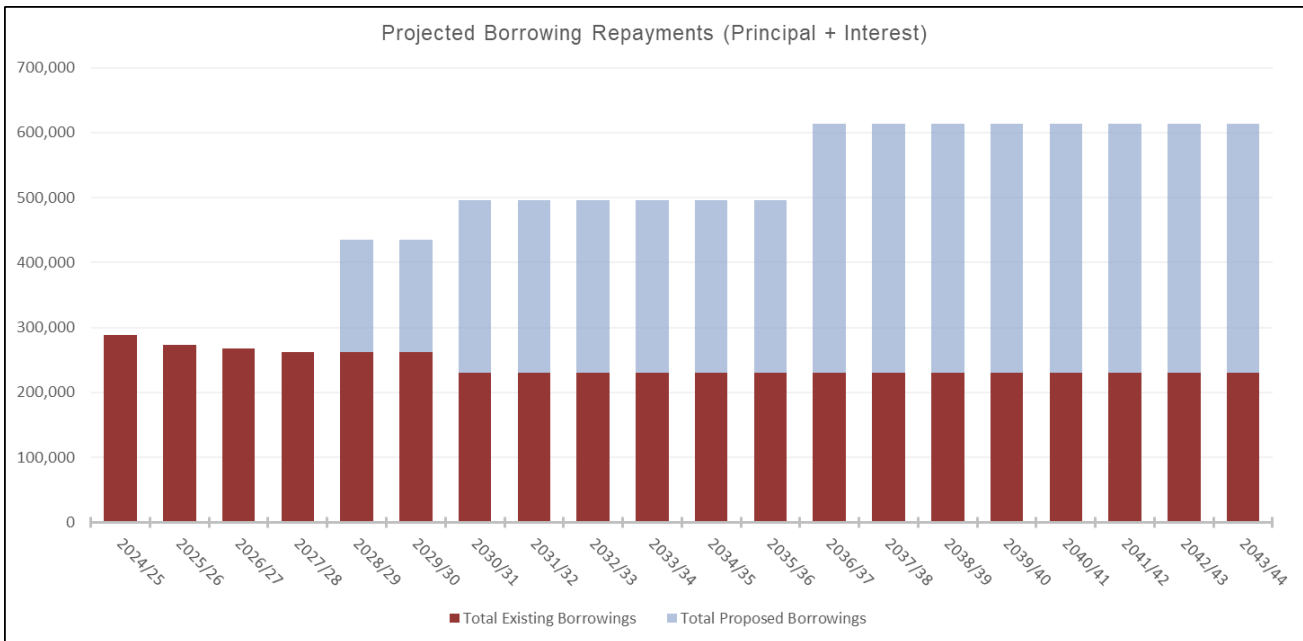


Figure 12

Consolidated Budget Effect - Transfer to Reserve & Borrowing Repayments																
	Budget 2023/24	1 2024/25	2 2025/26	3 2026/27	4 2027/28	5 2028/29	6 2029/30	7 2030/31	8 2031/32	9 2032/33	10 2033/34	11 2034/35	12 2035/36	13 2036/37	14 2037/38	15 2038/39
Transfer to Reserves	739,961	1,559,400	1,620,600	1,696,802	1,768,006	1,844,212	1,911,420	1,982,630	2,003,843	2,029,921	1,880,274	1,901,492	1,922,713	1,948,937	1,970,162	1,976,389
Borrowing Repayments																
Borrowing Repayments (net of SSL)	62,972	277,672	262,311	262,311	262,311	434,999	434,999	496,550	496,550	496,550	496,550	496,550	496,550	613,873	613,873	613,873
Total Borrowings	62,972	277,672	262,311	262,311	262,311	434,999	434,999	496,550	496,550	496,550	496,550	496,550	496,550	613,873	613,873	613,873
Total	802,933	1,837,072	1,882,911	1,959,113	2,030,317	2,279,211	2,346,419	2,479,180	2,500,393	2,526,471	2,376,824	2,398,042	2,419,263	2,562,810	2,584,035	2,590,263
Change from previous year		1,034,139	45,839	76,202	71,204	248,894	67,208	132,761	21,212	26,078	(149,647)	21,219	21,221	143,547	21,225	6,228

Table 8

The identified long term future annual transfer to reserves + identified future annual borrowings repayments are estimated at a level of circa \$2.5m annually.

The 2023/24 budget currently funds a combined = \$802k.

Endorsing the plans do not commit the Shire to the financial details. It is intended to advise and guide restructuring the Annual Budget and service levels to a financially sustainable foundation necessary to meet community service levels and identified future obligations of the Shire.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

S5.56(1) of the *Local Government Act 1995* requires local governments produce a plan for the future.

Regulation 19DA (3)(c) *Local Government (Administration) Regulation 1996* requires local government to ‘develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning’.

CONSULTATION

Nil.

OFFICER COMMENT

Effective management of the Shire’s asset portfolio is crucial to the sustainable delivery of services to meet the current and future needs of the community. Local governments are typically rich in assets and are responsible for managing a large stock of long-lived assets. Planning is therefore essential to ensure that assets are created, maintained, renewed, and retired (or replaced) at appropriate intervals to ensure continuity of services.

The suite of plans that form the Integrated Financial Planning and Reporting framework are intended to facilitate sound long-term financial planning decisions and identify the true cost of managing the Shire’s asset portfolio.

It is advised that Council has careful regard to longer-term considerations in making service level an annual budget decisions. If it does not, it may find that the Shire is faced with future financial challenges. These long-term financial plans enable the Council to understand its future financial obligations beyond immediate budget considerations. The plans assist Council assessing the need for early intervention to reduce future risks and associated revenue raising requirements of future generations.

COUNCIL RESOLUTION 67/24

MOVED: Cr Patrick

SECONDED: Cr Glover

That Council

- 1. Notes the annual review of the following plans for 2024/25:**
 - 1.1. Asset Management Plan (Consolidated) - 2024/25; and**
 - 1.2. Asset Management Plan - Parks & Reserves 2024/25; and**
 - 1.3. Asset Management Plan – Buildings 2024/25; and**
 - 1.4. Asset Management Plan – Vehicles 2024/25; and**
 - 1.5. Asset Management Plan – Roads and Transport 2024/25; and**
 - 1.6. Reserve Fund Plan 2024/25; and**
 - 1.7. Borrowings Plan 2024/25; and**
 - 1.8. Rating Objectives Strategy.**
- 2. Request the Chief Executive Officer to use the endorsed plans to inform and guide development of the Long Term Financial Plan and Annual Budget**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.3.3 2024 ELECTORS MOTION 4 – LIVESTREAMING OF AUDIT AND RISK MANAGEMENT COMMITTEE MEETINGS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 16
Author	Loren Clifford - Manager Corporate Services
Responsible Manager	Dr Garry Hunt PSM - Chief Executive Officer (Temporary)
Attachments	Nil.
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION	
<p>That Council:</p> <ol style="list-style-type: none"> Does not support ‘Elector Motion 4’ to live stream the Shire’s Audit and Risk Management Committee Meetings; and Notes that the unconfirmed minutes of each Audit and Risk Management Committee meeting are made available to the public via the Shire's official website within a period of seven (7) days following the meeting. 	

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.

EXECUTIVE SUMMARY

Council is asked to consider Elector Motion 4, to live stream the Shire’s Audit and Risk Management Committee Meetings. The Executive recommendation advise against the livestreaming due to the associated confidentiality and sensitivity risks.

BACKGROUND

The Annual General Meeting (AGM) of Electors was held on 22 February 2024, members of the public put forward four (4) motions for Council’s consideration, these motions highlight areas of concern and potential avenues for community enhancement.

Elector Motion 4 is outlined below:

ELECTOR MOTION 4

That the Audit and Risk meeting be live streamed.

MOVED: Neville Fry

SECONDED: Shane Sercombe

CARRIED

At the Ordinary Council Meeting on 27 March 2024, Council resolved to:

COUNCIL RESOLUTION 44/24

That Council:

- 1. Notes the four (4) Electors Motions received at the Annual General Meeting of Electors held on 22 February 2024; and*
- 2. Requests the Chief Executive Officer to present a detailed report for each motion to Council at the April 2024 Ordinary Council Meeting.*

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Council Policy EM/CP-2- Live streaming and recording of Council Meetings

Clause 2.3 of the Council Policy EM/CP-2- Live streaming and recording of Council Meetings states that the policy does not apply to Committee meetings.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

In consideration of the role of a Committee of Council such as the Audit and Risk Management Committee, it is crucial to recognise that their function primarily involves making recommendations to the Council rather than making direct decisions. Therefore, the live streaming of these meetings may not be appropriate, as it could potentially mislead the public into believing that final decisions are being made during these sessions.

Instead, the Shire adopts a transparent approach by promptly making the unconfirmed minutes of each Audit and Risk Management Committee meeting available to the public via the official website within seven (7) days following the meeting. This practice ensures transparency and accessibility, providing interested parties with timely access to the proceedings and recommendations conducted during the meeting.

Furthermore, the decision to refrain from live streaming discussions related to sensitive financial information, internal controls, legal or compliance matters, cybersecurity practices, and vulnerabilities is grounded in the recognition of the risks associated with exposing such information to potential cyber threats. Cybercriminals possess sophisticated capabilities to exploit any available information, potentially compromising the Shire's defences and infrastructure.

Additionally, the complexity of audit findings, risk assessments, and discussions on internal control deficiencies highlights the importance of avoiding the live streaming of such deliberations. Misinterpretation or exaggeration of these discussions could lead to unwarranted concerns or misunderstandings among the community, undermining public trust and confidence in the Shire.

These meetings remain open to the public for attendance which allows the Shire to verify the identities of those present. The Shire is unable to ascertain the identities of online viewers if the meetings were to be livestreamed.

COUNCIL RESOLUTION 68/24

MOVED: Cr Davy

SECONDED: Cr Patrick

That Council:

- 1. Does not support 'Elector Motion 4' to live stream the Shire's Audit and Risk Management Committee Meetings; and**
- 2. Notes that the unconfirmed minutes of each Audit and Risk Management Committee meeting are made available to the public via the Shire's official website within a period of seven (7) days following the meeting.**

CARRIED 6/2

For: Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick,

Against: Cr Glover, Cr Shand.

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

Nil.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

13 CLOSURE

The Shire President advised that the next Agenda Briefing Session will be held on 15 May 2024 commencing at 5:00pm in the Shire of Donnybrook Balingup Council Chamber.

The President declared the meeting closed at 6:24pm.

These Minutes were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 May 2024.



Vivienne MacCarthy
PRESIDENT – SHIRE OF DONNYBROOK BALINGUP