



Minutes of Ordinary Council Meeting

Held on 24 July 2024 and commenced at 5:00pm

Held at the Council Chambers in Donnybrook

(1 Bentley Street, Donnybrook)

Authorised:

A handwritten signature in black ink, appearing to be "Tim Clynych", is positioned to the right of the "Authorised:" label.

Tim Clynych, Chief Executive Officer (Temporary)

Prepared:

2 August 2024

MEASURES OF CONSEQUENCE

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

MEASURES OF LIKELIHOOD

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

RISK MATRIX

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

RISK ACCEPTANCE CRITERIA

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

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

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

The Shire President declared the meeting open at 5:01pm 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

Councillors Present:

Cr Vivienne MacCarthy, Presiding Member	Cr Lisa Glover	Cr John Bailey
Cr Alexis Davy	Cr Peter Gubler	Cr Anita Lindemann
Cr Anne Mitchell	Cr Deanna Shand	

Staff Present:

Tim Clynych, Chief Executive Officer (Temporary)	Ross Marshall, Director Operations
Loren Clifford, Manager Corporate Services	Samantha Farquhar, Administration Officer Corporate Services
Stuart Eaton, Finance Project Manager	Michelle Dennis, Manager Development Services

Other Members Present:

Public Gallery: 5 Members	Livestream Viewers: 101
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2.1. Apologies

Nil.

2.2. Approved Leave of Absence

At its Ordinary Council Meeting held 27 March 2024 Council resolved the following:

“COUNCIL RESOLUTION 29/24

That Council:

- 1. Approve Cr Grant Patrick’s request for a leave of absence for the Ordinary Council Meeting held on 24 July 2024....”*

2.3. Application for Leave of Absence

Nil.

3. Announcements from the Presiding Member

I would like to highlight a change that has been made to the way the Long Term Financial Plan is presented, and also provide an update on the timing of the release of the 2024-2025 budget.

Budget preparation is underway with an expected delivery in September. Progress is being made and includes discussion of budget parameters with Councillors at our Wednesday workshops.

For the first time, the Shire’s budget is being built up from a zero base to provide improved visibility and reporting of the Shires expenditure across all areas. This work is taking time and will position the Shire well for improved financial analyses and will support future cost savings. It is a first step toward improving the Shire’s accounting software capabilities.

While this work continues, I am pleased to advise that this year’s Long Term Financial Plan (LTFP) is being received by Council at tonight’s meeting.

For those who may not be aware, The LTFP is prepared each year, prior to the budget. It serves to inform and guide Councillors about the Shire’s financial position. It tells us about the timing of when assets need maintenance or replacement and where funds will be sourced – either from annual operating revenue, reserve funds or borrowings. It provides the most financially sustainable pathway to meeting our future objectives.

Unlike the budget, the LTFP is not a binding document.

You may recall when the Shire’s former temporary CEO, Dr Garry Hunt, highlighted to Councillors and Community the decades-long impact of failing to set aside reserve funds to sustain our Assets. An annual funding gap of \$1.75m was presented to Councillors.

Now, following on from this, the LTFP confirms the same message, that the Shire's existing rating yield is 25% below the level required to meet the long-term objectives and responsibilities of the Shire. It provides us with a benchmark from which we can improve.

This is different from how we have prepared the LTFP in the past, where this figure used to show the expected rate increase for the coming budget.

There are at least four (4) other strategies that Councillors are exploring to reduce this benchmark figure. Some of these may be included in the 2024-2025 budget, while others may not be realised until our next or following budget.

The strategies being explored include and are not limited to:

- Asset rationalisation and optimisation.
- Increasing recurring revenue, that is, income from assets, fees and charges and income from rates.
- Decreasing recurring expenditure through the identification of efficiency dividends.
- Increasing Grant Funding applications to provide for major asset renewal and replacement.

The goal for Councillors and Shire Executive is to bring down the 25% benchmark through a mix of these strategies.

Councillors are looking to our community for collaborative support and encouragement as we learn about, engage, and make the decisions about the Shire's future financial position. Our firm wish is that Councillors, Shire and Community, will work together to maintain our *'Focus on the Future'*.

You can read more about the Long Term Financial Plan in the documents being received by Council tonight and a transcript of this message will be placed on the Shire's website, available tomorrow.

If you have any questions about this important change to the way the LTFP is now being prepared, please submit your question online through the link on the Shire's website or contact me or another Councillor.

4. Declarations of Interest

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

Nil.

5. Public Question Time

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

Nil.

5.2. Public Question Time

Question from: David Fishlock

While walking around the cemetery trail walk, I have noticed that mounds of dirt have been made on the fire break. Why is this and surely this defeats the purpose of access for fire fighters if they need access to the area given that it's around the only entry from the fleet street/victoria parade area.

Response from: Manager Works and Services

The mounds are installed primarily to manage overland stormwater flows. As emergency service vehicles typically must access off road areas during emergencies, they are able to continue to traverse along the firebreaks even with the mounds installed.

Public vehicles accessing the firebreak from the Donnybrook Cemetery is also an issue that the Shire needs to manage. The mounds also assist in this management.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

Nil.

6.4. Delegates' Reports

Nil.

7. Confirmation of Minutes

7.1. Ordinary Council Meeting held on 26 June 2024

Minutes of the Ordinary Council Meeting held 26 June 2024 are attached as [Attachment 7.1\(1\)](#).

Executive Recommendation:

That the Minutes from the Ordinary Council Meeting held 26 June 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION: 116/24	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Alexis Davy

That the Minutes from the Ordinary Council Meeting held 26 June 2024 be confirmed as a true and accurate record.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

7.2. Special Council Meeting held on 26 June 2024

Minutes of the Special Council Meeting held 26 June 2024 are attached as Attachment 7.2(1).

Executive Recommendation:

That the Minutes from the Special Council Meeting held 26 June 2024 be confirmed as a true and accurate record.

COUNCIL RESOLUTION: 117/24	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Anita Lindemann

That the Minutes from the Special Council Meeting held 26 June 2024 be confirmed as a true and accurate record.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

8. Reports of Committees

8.1 South West Country Zone Meeting held on 21 June 2024

Minutes of the South West Country Zone Meeting held 21 June 2024 are attached as Attachment 8.1(1).

Executive Recommendation:

That the South West Country Zone Meeting held 21 June 2024 be received.

COUNCIL RESOLUTION: 118/24	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Lisa Glover

That the South West Country Zone Meeting held 21 June 2024 be received.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9. Reports of Officers

9.1. Director Operations

9.1.1. Development Application - Brookhampton Hall external refurbishment - Lot 399 (No. 460) Brookhampton Road, Brookhampton

Report Details:

Prepared by:	Principal Planner Planning Officer		
Manager:	Manager Development Services		
Applicant:	Shire of Donnybrook Balingup		
Location:	Lot 399 (Reserve 48112) Brookhampton Road, Brookhampton		
File Reference:	A3305 (P24024)	Voting Requirement:	Simple Majority

Attachment(s):

- 9.1.1(1) Floor plans and elevations
- 9.1.1(2) Brookhampton Hall External Refurbishment Work Scope
- 9.1.1(3) Department of Planning, Lands and Heritage submission
- 9.1.1(4) Assessment under Clause 67

Executive Recommendation

That Council:

- A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24024 for the Brookhampton Hall external refurbishment on Lot 399 (Reserve 48112) Brookhampton Road, Brookhampton, 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:

Floor plans and elevations (sheets 1 to 6), delete reference to steel ramp and steel handrails.

Note: In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the conditions prevail.

- 2. Replacement Jarrah weatherboarding is to be like for like in style, size and length to match existing cladding and where practicable, original weatherboarding is to be reinstated or reused.**
 - 3. Jarrah weatherboarding is to be oiled with a non-tinted natural penetrating timber oil. Synthetic sealants such as polyurethane or water-based oils are not to be used.**
-

4. All mouldings and beading details are to be Jarrah to match the existing.
5. All external pipework/conduit to be colour matched to the adjacent surface and installed in a discrete, sensitive manner that minimises impact to the fabric and setting.
6. All handrails and ramp to be timber to match the existing.
7. All additional conservation works will be carried out in a like for like manner that matches existing materials, profiles and finishes.

Advice:

a) The Department of Planning, Lands and Heritage advises that:

- i. The proposed Intergrain Ultradeck Timber Oil is not a natural penetrating timber oil and is not to be used.
- ii. The proposed James Hardie stop end mouldings are not appropriate. All mouldings and beading details are to be Jarrah to match existing.
- iii. The proposed steel handrails and ramp would be intrusive and have an adverse impact. Refurbishment of the existing or a like for like timber replacement would be appropriate.
- iv. A maintenance plan should be implemented and include the regular oiling of external timber.

B. Advise the Department of Planning, Lands and Heritage as required under r.42(3) of the *Heritage Regulations 2019* of the decision.

Strategic Alignment

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

- Outcome:** 7 - Heritage assets are valued and respected.
- Objective:** 2.1 - Improve access to facilities and services to support community health and wellbeing.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider an application for development approval for the works involved with the external refurbishment of the Brookhampton Hall as outlined in the [\(Attachment 9.1.1\(2\)\) Brookhampton Hall External Refurbishment Work Scope](#).

The cost of the works to Brookhampton Hall exceeds the delegated authority available to Staff to approve planning applications received for land owned or managed by the Shire of Donnybrook Balingup up to the value of \$20,000 (the budget for the works is \$78,350) and the proposal is required to be submitted to Council for consideration.

Officers recommend the development application be granted approval subject to conditions. The conditions on the approval address the matters raised in the government agency submission.

Background

The Brookhampton Hall is on the Register of Heritage Places as a Permanent Entry (Place No. 00713) and has aesthetic, historic and social cultural heritage values to the community and the register contains the following information:

Brookhampton Hall, a timber framed and timber weatherboard clad hall with a corrugated custom orb profile zincalume roof, and a verandah at one side has cultural heritage significance for the following reasons:

- *It is significant as a surviving example of a timber hall erected around the turn of the twentieth century to serve as a school and hall for the expanding rural community at Brookhampton, also used for Methodist Church services, and later extended to provide a larger hall for the community;*
- *It is significant as the home of the Brookhampton Bell Ringers since their formation in 1904; it is significant for its temporary adaptation during World War Two to accommodate refugees from Singapore and Malaya, and prisoners of war;*
- *The hall, war memorial and the mature oak in front of the hall contribute significant aesthetic qualities to the culturally modified landscape setting;*
- *It is highly valued by the community of the immediate locality, having served as the focal meeting place in their society for since 1899, as the earliest school in this locality, the oldest public building in the immediate locality, and the site of the War Memorial; and,*
- *The fabric reflects all stages of the history of the place making its authenticity very high, and it serves its longest standing use, so that its integrity is high.*

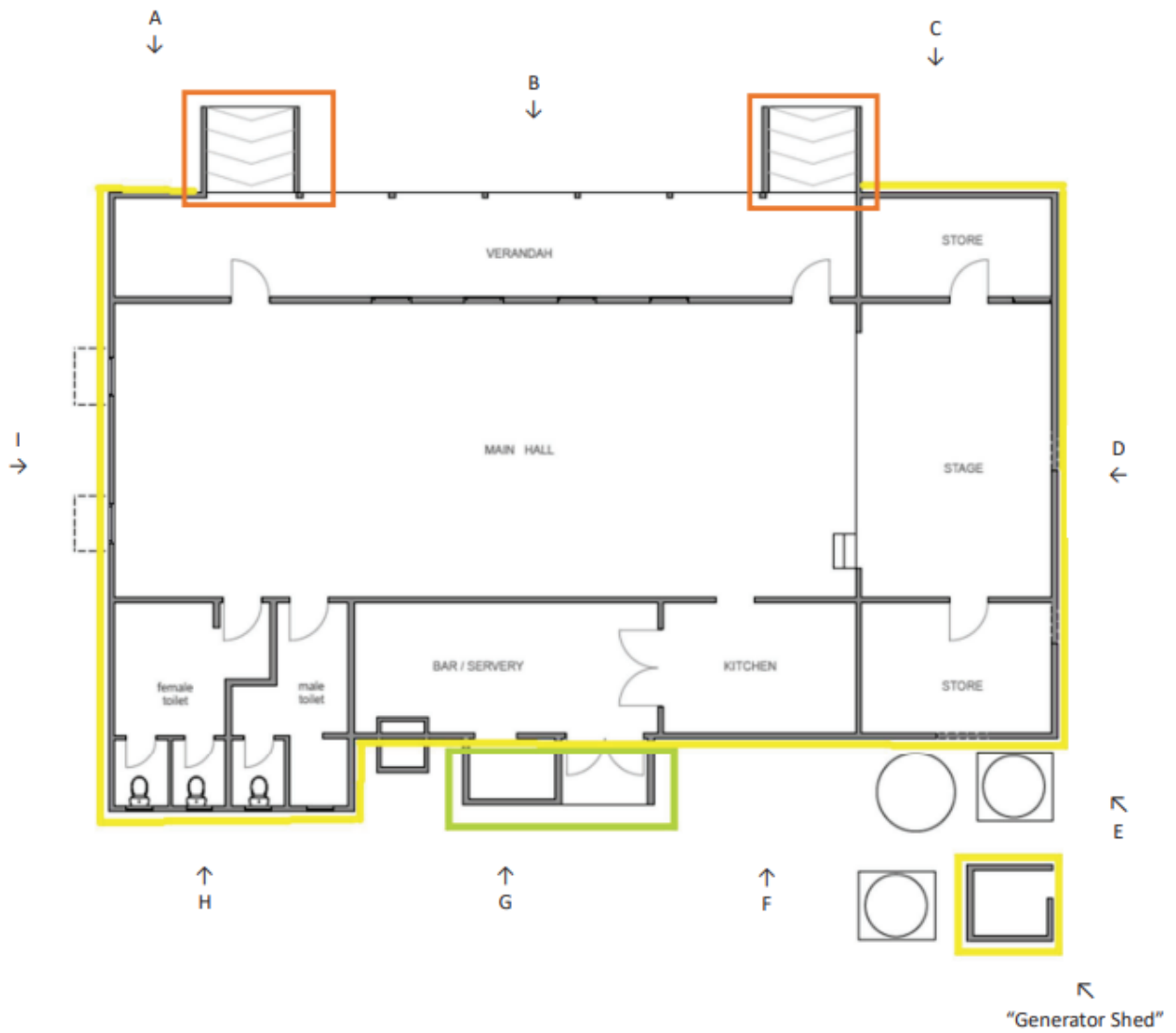
The toilet addition at the north-western end of the building has little cultural heritage significance.

The Brookhampton Hall property also includes the Brookhampton War Memorial (Place No. 03702) which has social cultural heritage values in honouring those residents of the Brookhampton area who gave their lives in the two World Wars of 1914-18 and 1939-45.

As the Brookhampton Hall is on the Permanent Register of Heritage Places, the proposal was referred to the Department of Planning, Lands and Heritage (Historic Heritage Conservation) for assessment and comment.



Figure 1 – Brookhampton Hall Reserve 48112 bordered in red.



Brookhampton Hall

Extent of recladding shown yellow; proposed new steel service ramp and handrail shown green.

Proposed new steel handrails shown orange. Photographs of elevations as follows:

Figure 2 – Floor Plan of Brookhampton Hall and proposed works

Note: The recommended approval conditions require the handrails and ramp to be timber.



Figure 3 – Street view of Brookhampton Hall



Figure 4 – Rear elevation of Brookhampton Hall

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Property	Almost Certain	Moderate	Moderate (5)
Risk Description:	The Brookhampton Hall has cultural heritage significance. The building is a Shire asset, and the Shire is responsible for maintaining it. The building requires extensive works for it to be retained and not to fall in further disrepair.		
Mitigation:	If works are done to the building as per the scope of the project, and subject to the recommendations of the Department of Planning Lands and Heritage then the longevity of the building will be improved.		

Financial Implications

The project is a current project funded through Job No. B372 and the budget for the works is \$78,350. Please note this budget has been increased this year due to previous quotes. Current budget has nil contingency.

Policy Compliance

Nil.

Statutory Compliance

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions as follows:

Part 3 – Zones and the Use of Land

The lot is zoned Priority Agriculture under LPS7. As the proposal involves works only and will not affect the historic and existing land use as a hall, the current zoning does not affect the application.

Part 4 – General Development Requirements

Clause 4.17 General Appearance of Buildings and Preservation of Amenity

The Scheme requires the Shire ensure the development is in harmony with surrounding developments and allows the Shire to place conditions on approvals to ensure 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 will refurbish the appearance of Brookhampton Hall site and have a positive impact on the character and landscape quality of the area through preserving the appearance of this historic building in the area.

Clause 4.42 Bush Fire Hazard and Fire Management Plans

The Scheme requires the Shire assess applications for development approval where the land is a bushfire risk and ensure that development complies with relevant State and local government policy on bushfire protection.

Part of the property is designated as bushfire prone by Department of Fire and Emergency Services mapping. The proposal is considered exempt from the requirements of State Planning Policy 3.7 as it involves works only. Notwithstanding, the existing bushfire protection measures will remain in place.

4.55 Priority Agriculture Zone

The Shire's policies in controlling development and influencing subdivision within the Priority Agriculture zone are to:

- a. *Seek to protect the economic viability of land for rural use given its importance to the economy of the district;*
- b. *Seek to protect the area from uses which will reduce the amount of land available for rural purposes; and*
- c. *Recognise the aesthetic and tourism importance of the scenic landscape, realise the need to retain the rural scenic character of a site and of the district and by ensuring, through siting and landscaping provisions, that any development does not detrimentally change the scenic rural character.*

The proposal is considered to comply with subclause c. above on the basis that the proposal will refurbish the appearance of Brookhampton Hall site and have a positive impact on the rural scenic character and landscape quality of the area through preserving the appearance of this historic building in the area.

Under Cl.4.55.2 of LPS7, there are setbacks required for development within the Priority Agriculture zone. The proposal does not alter any existing setback.

Under Cl.4.54.8.8 of LPS7, in assessing applications for development approval within the Priority Agriculture zone, the Shire will consider the following:

- a. 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;*
- b. 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*
- c. 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 is considered to comply with these requirements on the basis that:

- There are no changes required to servicing and the existing services are adequate.
- It will not generate additional traffic.
- If approval is granted, it will be subject to conditions to ensure the works protect the heritage values of the hall.

Cl.4.54.10 of LPS7, enables the Shire to refuse an application for development approval, where in its opinion, the proposed development will:

- (i) Adversely affect the rural landscape;*
- (ii) Adversely impact upon the agricultural use of the land and adjacent/nearby areas;*
- (iii) Cause detrimental environmental impacts;*
- (iv) Result in unacceptable fire management risk;*
- (v) Place unacceptable servicing requirements which have not been appropriately addressed by the applicant;*
- (vi) Result in the impacts of the proposed use/development not being adequately contained on the application site;*
- (vii) In the opinion of the local government, result in an undesirable planning outcome.*

The proposal is not expected to create any of the adverse impacts mentioned and is not considered to warrant a refusal.

Local Planning Strategy

The lot is identified as Priority Agriculture under the Shire of Donnybrook-Balingup Local Planning Strategy (LPS).

Cl.5.4.1 of the LPS states:

In the consideration of development proposals within the Priority Agriculture areas, the local government will take into account the following:

- *Discourage land uses unrelated to agriculture from locating on agricultural land (unless the proponent suitably demonstrates there are exceptional circumstances and that these can be compatible with agricultural uses to the satisfaction of the local government);*
 - *Provide adequate separation distance between potential conflicting land uses;*
 - *Introduce management requirements that protect existing agricultural land uses;*
 - *Discourage development that may result in land or environmental degradation; and*
 - *Appropriate land management and consideration of sequential land use change.*
-

The proposal does not affect the existing or future use of any surrounding properties for rural purposes and is considered to comply with the LPS requirements.

Consultation

Consultation with Government/Service Agencies

Given the heritage status of Brookhampton Hall, the proposal was referred to the Department of Planning, Lands and Heritage (Historic Heritage Conservation) for comment. The submission is contained in [Attachment 9.1.1\(3\)](#).

The Department provided conditions/advice to be considered on the 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 9.1.1\(4\)\)](#).

The Department of Planning, Lands and Heritage (Historic Heritage Conservation) have provided conditional support for the proposal and their recommendations (including using matching style jarrah weatherboarding/mouldings, use of non-tinted natural penetrating timber oil for weatherboards, colour matching external pipework/conduit etc.) have been incorporated into the works to be completed.

The Department comments *“The removal of the original timber weatherboarding will have a moderate adverse impact on the cultural heritage significance of Brookhampton Hall. However, the proposed works will improve the longevity of the building.”*

The Department also comments *“The proposed steel handrails and ramp would be intrusive and have an adverse impact. Refurbishment of the existing or a like for like timber replacement would be appropriate.”* Based on the recommendation from the Department the ramp will be replaced with a timber ramp instead of a steel ramp as originally proposed. It is accepted that a maintenance plan should be implemented and include the regular oiling of external timber weatherboards.

Development considerations

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

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

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

Staff have assessed the application, including the advice from the DPLH and other Shire service divisions. Staff consider the proposal capable of being approved and managed through reasonable and achievable conditions of approval.

Conclusion

Staff consider that the proposed works are urgent to maintain the Brookhampton Hall and should proceed to ensure the protection of the building structure and improve access to the building. The application complies with the requirement of orderly and proper planning and, therefore, Staff recommend conditional approval.

MOTION:	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Lisa Glover

That Council:

A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24024 for the Brookhampton Hall external refurbishment on Lot 399 (Reserve 48112) Brookhampton Road, Brookhampton, 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:

Floor plans and elevations (sheets 1 to 6), delete reference to steel ramp and steel handrails.

Note: In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the conditions prevail.

- 2. Replacement Jarrah weatherboarding is to be like for like in style, size and length to match existing cladding and where practicable, original weatherboarding is to be reinstated or reused.**
- 3. Jarrah weatherboarding is to be oiled with a non-tinted natural penetrating timber oil. Synthetic sealants such as polyurethane or water-based oils are not to be used.**
- 4. All mouldings and beading details are to be Jarrah to match the existing.**
- 5. All external pipework/conduit to be colour matched to the adjacent surface and installed in a discrete, sensitive manner that minimises impact to the fabric and setting.**
- 6. All handrails and ramp to be timber to match the existing.**
- 7. All additional conservation works will be carried out in a like for like manner that matches existing materials, profiles and finishes.**

Advice:

a) The Department of Planning, Lands and Heritage advises that:

- i. The proposed Intergrain Ultradeck Timber Oil is not a natural penetrating timber oil and is not to be used.
- ii. The proposed James Hardie stop end mouldings are not appropriate. All mouldings and beading details are to be Jarrah to match existing.
- iii. The proposed steel handrails and ramp would be intrusive and have an adverse impact. Refurbishment of the existing or a like for like timber replacement would be appropriate.
- iv. A maintenance plan should be implemented and include the regular oiling of external timber.

B. Advise the Department of Planning, Lands and Heritage as required under r.42(3) of the *Heritage Regulations 2019* of the decision

AMENDMENT: Cr Glover moved the following amendment.

MOTION:	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Deanna Shand

Add new Part C to read:

C. The CEO is to ensure that the Brookhampton Hall Committee is fully engaged prior to and during the refurbishment works period.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

SUBSTANTIVE MOTION AS AMENDED:

COUNCIL RESOLUTION: 119/24	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Lisa Glover

That Council:

A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24024 for the Brookhampton Hall external refurbishment on Lot 399 (Reserve 48112) Brookhampton Road, Brookhampton, 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:

Floor plans and elevations (sheets 1 to 6), delete reference to steel ramp and steel handrails.

Note: In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the conditions prevail.

2. Replacement Jarrah weatherboarding is to be like for like in style, size and length to match existing cladding and where practicable, original weatherboarding is to be reinstated or reused.
3. Jarrah weatherboarding is to be oiled with a non-tinted natural penetrating timber oil. Synthetic sealants such as polyurethane or water-based oils are not to be used.
4. All mouldings and beading details are to be Jarrah to match the existing.
5. All external pipework/conduit to be colour matched to the adjacent surface and installed in a discrete, sensitive manner that minimises impact to the fabric and setting.
6. All handrails and ramp to be timber to match the existing.
7. All additional conservation works will be carried out in a like for like manner that matches existing materials, profiles and finishes.

Advice:

a) The Department of Planning, Lands and Heritage advises that:

- i. The proposed Intergrain Ultradeck Timber Oil is not a natural penetrating timber oil and is not to be used.
- ii. The proposed James Hardie stop end mouldings are not appropriate. All mouldings and beading details are to be Jarrah to match existing.
- iii. The proposed steel handrails and ramp would be intrusive and have an adverse impact. Refurbishment of the existing or a like for like timber replacement would be appropriate.
- iv. A maintenance plan should be implemented and include the regular oiling of external timber.

B. Advise the Department of Planning, Lands and Heritage as required under r.42(3) of the *Heritage Regulations 2019* of the decision.

C. The CEO is to ensure that the Brookhampton Hall Committee is fully engaged prior to and during the refurbishment works period.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9.1.2. Dark Down South Open Air – South West Metal Fest – Event Application

Report Details:

Prepared by: Senior Community Development Officer

Manager: Manager Development Services

Applicant: JamArt Sound Lounge

Location: Jim McDonald Oval, Kirup

File Reference: PWF 24A

Voting Requirement: Simple Majority

Attachment(s):

9.1.2(1) Site Plan

Executive Recommendation

That Council:

1. Considers the event application, Dark Down South Open Air – South West Metal Fest, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Dark Down South Open Air – South West Metal Fest, to be held at Jim McDonald Oval Kirup on 22 and 23 November 2024 subject to the following conditions:
 - a) A maximum accommodation number of 650 patrons and 850 people on site at any one time;
 - b) Event organiser to provide evidence of minimum \$20 million public liability insurance to the satisfaction of the Shire;
 - c) All electrical equipment is to be tested and tagged by an appropriately qualified person;
 - d) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 “Certificate of Electrical Compliance” is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;
 - e) A minimum of eight (8) temporary toilets comprising three (3) male toilets, four (4) female toilets and one (1) unisex accessible toilet are to be provided;
 - f) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
 - g) Event grounds are to have adequate lighting after dark;
 - h) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
 - i) All temporary structures (including gazebos) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;
 - j) For the stage and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed;

- k) Camping for event attendees is permitted for two (2) nights and for event organisers a total of five (5) nights and subject to separate written approval from the Shire;
- l) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire;
- m) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include a Noise Management Plan;
- n) Applicant to submit a Traffic Management Plan (TMP) and Traffic Guidance Scheme (TGS's) prepared by an appropriately qualified person, showing temporary warning signs and method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event;
- o) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;
- p) Fires are not permitted for the duration of the event;
- q) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully, cleaning arrangements during and after the event have been made and ensure all premises used for the event are left clean and completely free of rubbish and debris;
- r) Event organiser to submit a list of all food vendors to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
 - A copy of the vendors 'Food Business Registration Certificate (Food Act 2008)' from their "home" Shire (if not from the Shire of Donnybrook-Balingup);
 - A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- s) Notification to residents within 2km of the oval grounds is to be undertaken by the Shire, at the applicant's cost; and;
- t) An event debrief meeting is to be arranged with the Shire before the end of December 2024, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion; and
- u) A separate fire management plan is to be submitted and subject to separate written approval from the Shire.

Strategic Alignment

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

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

Objective: 2.2 - Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities.

Executive Summary

Following the Shire's experiences regarding the Meliora Festival held over New Year's 2023/2024, the Shire is currently developing an Events Policy. Until this policy has been adopted it is considered that multi-day music festivals should be referred to Council for determination.

It is recommended that the Dark Down South Open Air – South West Metal Fest is conditionally approved.

Background

A two-day music festival "Dark Down South Open Air – South West Metal Fest" has been proposed to be held at Jim McDonald Oval on the 22 and 23 of November 2024, with stage and marquee set up to commence from 20 November and pack down on 24 November. It will be a public, ticketed event with a cap of 650 audience members. It is proposed that live music will play from 2:00pm until 11:00pm on both days of the festival in 45 minute to 1 hour intervals. There will be recorded music between live performances. Food will be provided via food trucks and stalls with an opportunity for local community groups to be involved. It is proposed to be a BYO alcohol event with camping available on site.

Along with their completed event application form JamArt Sound Lounge have provided:

- A site plan (refer Attachment 9.1.2(1))
- A risk management plan
- An emergency management plan
- Event risk assessment
- Application to consume liquor on a park reserve (BYO only)
- A temporary camping application

In their event application they have committed to providing:

- Temporary toilets to cater for their audience; acknowledging that the facilities at the Jim McDonald Oval are not adequate for this event
- First aid with three senior first aiders
- Cleaning and waste removal
- Public liability insurance
- Temporary fencing
- Parking management plan
- A camping management plan
- Adequate lighting
- Provision of professional security for the duration of the event
- A traffic management plan
- An application under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* regarding noise

- Notification to residents which includes event information and relevant contact information should they have any concerns. The applicant acknowledges that the postage will be managed by the Shire, at a fee for serve, to ensure that all relevant parties are notified.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Negative community experience; risk to attendants.		
Mitigation:	Event conditions including public notification.		
Health	Rare	Catastrophic	Moderate (5)
Risk Description:	Serious injury to attendants.		
Mitigation:	Risk management plans; presence of appropriately qualified first aiders.		
Compliance	Possible	Major	High (12)
Risk Description:	Event set up and operation not in accordance with approval.		
Mitigation:	Event conditions and compliance site visits in the lead up to the event.		

Financial Implications

The event assessment process is a collaborative effort between Shire staff across the Operations Directorate, who each provide recommendations specific to their area of expertise. Application fees are not intended to fully recover the costs associated with the event assessment process.

This event attracts the following fees (as per Council's adopted fees and charges):

Item	Rate
Event Application Fee	\$52
Oval Hire 20-24/11/2024	\$ 265 /day (\$1,325)
Application fee Temporary Camping	\$110
Application fee Regulation 18	\$1,000
Notification letters	To be determined

Policy Compliance

Nil. As an event policy has yet to be finalised, this application is being referred to Council for determination.

Statutory Compliance

Under clause 61(1)(a)(17) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, events can be considered as exempted development where they meet the definition of “temporary works”. Temporary works are defined as “the works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period”.

Events in Western Australia are assessed under the following legislation:

- The *Health (Public Buildings) Regulations 1992* (primary legislation);
- *Caravan Parks and Camping Grounds Regulations 1997* (Temporary camping);
- Regulation 18 *Environmental Protection (Noise) Regulations 1997* (Noise exemptions);
- *Food Act 2008* (Temporary food businesses/mobile food stalls); and;
- *Bush Fires Act 1954* (Total Fire Bans and Harvest Vehicle Movement Bans).

Due to the proximity of the event to a declared road, Traffic Management will need to be referred to Main Roads for their approval under the provisions of the *Main Roads Act 1930*.

Consultation

Due to the temporary nature of an event, community engagement regarding events is routinely limited to informing the community rather than seeking their feedback for consideration prior to approving an event. It is proposed that a mailout is conducted, at the applicant’s cost, to residents within a 2 kilometer radius, notifying them of this event. This notification will include start and finish times as well as key contact information to assist with any complaint management.

There are currently 131 properties located within 2 kilometers of the oval. If Council wanted to increase the notification to a 5 kilometer radius, this would be a total of 218 properties.

JamArt Sound Lounge intend to promote the event using social media, radio, newspapers, posters and flyers.

Officer Comment

In accordance with Council’s adopted Strategic Community Plan 2032, the Shire has an important role in facilitating a diverse range of events that cater for different tastes and demographics. There is a balance between attracting visitors to the Shire while considering the potential impact of an event on a locality. Events help the Shire by attracting people to spend money in the community as well as providing enjoyable experiences for residents.

The applicant has organized multiple live music events, predominately in Perth, over the last 4 years. They recently organised the Kalbarri Open Air Festival in March 2024. They have identified their aim for their event in Kirup as follows:

“The aim is to provide a metal-only open-air event which will fill a gap in the current music festival market, and also bring economic benefit to a smaller regional centre – such as we did with Kalbarri Open Air”.

It is considered that noise pollution from an open-air metal only concert may be controversial. Generally, noise emitted from any premises must comply with the provisions of the *Environmental*

Protection (Noise) Regulations 1997. The Regulations reference assigned levels, when received at a receiving premises. Regulation 18 allows the Chief Executive Officer of the local government to approve an event if satisfied that “its noise emissions would exceed the assigned noise levels, but would lose its character or usefulness if it had to meet the assigned levels”.

It is widely accepted that music festivals would lose its character if it had to meet the assigned levels. In this regard the applicant has provided a commitment to completing a noise management plan as part of the Regulation 18 application which will include the following measures:

- Placing a dB meter at the boundary line of the two adjacent residential properties as well as the front gate of the oval so that noise levels can be monitored in real time.
- Directing speakers away from nearby residential properties.
- Changeover/interval music between sets will be quieter than the live bands.
- Each band playing for a maximum of 45 minutes, excluding the headlining band that will play for 1 hour.
- Campers will be provided with clear guidelines and etiquette regarding noise after the bands end for the night.
- Key personnel/event organisers will be on site to monitor camper’s activities after the bands end for the night and take corrective actions if necessary.
- Publication of an onsite contact number for residents to contact regarding any aspect of the event. Enables adjustment of noise levels if necessary.

In relation to noise, the Department of Health’s “Guidelines for concerts, events and organised gatherings” includes the following:

Noise management plans should consider measures that will reduce the event’s noise impact on the community, such as maximum sound levels at the mixing desk and noise sensitive premises. Outdoor music concerts and festivals need to operate at sound levels of at least 95 dB(A) at the mixing desk to achieve an acceptable atmosphere. The sound mixing operators for many of the artists may wish to operate at higher levels, typically up to 105 dB(A) at the mixing desk. In most cases, this is unnecessary and a limit of 100 dB(A) at the desk is acceptable. Noise levels are measured as 1-minute LAeq (average) sound levels.

Time and duration of the event

Control over the start and finish times and duration of the event will reduce the noise impact on noise sensitive occupiers. Events should generally be held at reasonable hours of the day such as from 9.00 am to 11.00 pm. Event duration should not exceed 6 hours. Sound check, or practice times should also be limited to no more than 1 to 2 hours and not before 9.00 am or after 10.00 pm. Longer event duration and later hours may be acceptable if it is demonstrated the community does not object or specific noise amelioration measures are implemented.

The applicant proposes 95 dB(A) at the mixing desk. While each day’s event exceeds the recommended 6 hour duration (i.e. 9 hours), there will be breaks between each live performance with

live music to finish at 11:00pm. The event is proposed for a Friday and Saturday night which are generally more socially acceptable nights for later events. Sufficient advance notice of the event enables those residents with sensitivities to be aware of the event and its intended duration.

COUNCIL RESOLUTION: 120/24		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Alexis Davy

That Council:

1. Considers the event application, Dark Down South Open Air – South West Metal Fest, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Dark Down South Open Air – South West Metal Fest, to be held at Jim McDonald Oval Kirup on 22 and 23 November 2024 subject to the following conditions:
 - a) A maximum accommodation number of 650 patrons and 850 people on site at any one time;
 - b) Event organiser to provide evidence of minimum \$20 million public liability insurance to the satisfaction of the Shire;
 - c) All electrical equipment is to be tested and tagged by an appropriately qualified person;
 - d) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 “Certificate of Electrical Compliance” is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;
 - e) A minimum of eight (8) temporary toilets comprising three (3) male toilets, four (4) female toilets and one (1) unisex accessible toilet are to be provided;
 - f) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
 - g) Event grounds are to have adequate lighting after dark;
 - h) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
 - i) All temporary structures (including gazebos) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;
 - j) For the stage and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed;
 - k) Camping for event attendees is permitted for two (2) nights and for event organisers a total of five (5) nights and subject to separate written approval from the Shire;
 - l) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire;
 - m) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include a Noise Management Plan;
 - n) Applicant to submit a Traffic Management Plan (TMP) and Traffic Guidance Scheme (TGS’s) prepared by an appropriately qualified person, showing temporary warning signs and

method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event;

- o) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;
- p) Fires are not permitted for the duration of the event;
- q) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully, cleaning arrangements during and after the event have been made and ensure all premises used for the event are left clean and completely free of rubbish and debris;
- r) Event organiser to submit a list of all food vendors to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
 - A copy of the vendors 'Food Business Registration Certificate (Food Act 2008)' from their "home" Shire (if not from the Shire of Donnybrook Balingup);
 - A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- s) Notification to residents within 2km of the oval grounds is to be undertaken by the Shire, at the applicant's cost; and;
- t) An event debrief meeting is to be arranged with the Shire before the end of December 2024, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion; and
- u) A separate fire management plan is to be submitted and subject to separate written approval from the Shire.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Lindemann
Against: Cr Gubler, Cr Shand
Carried: 6/2

9.1.3. Meliora Arts and Lifestyle Festival - Event Application

Report Details:

Prepared by: Senior Community Development Officer

Manager: Manager Development Services

Applicant: Elysian Art & Music

Location: Lot 199 South Western Highway, Newlands

File Reference: PWF 24E

Voting Requirement: Simple Majority

Attachment(s):

9.1.3(1) Site Overview - Plan

Executive Recommendation

That Council:

1. Considers the event application, Meliora Arts and Lifestyle Festival, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Meliora Arts and Lifestyle Festival, to be held at Lot 199 South Western Highway, Newlands from 22 to 24 November 2024 subject to the following conditions:
 - a) The provided site overview plan is to be resubmitted with clear dimensions (or provided to scale) clearly demonstrating the space available within the event and camping grounds and the number and location of sites, parking bays and toilets;
 - b) Provided sufficient space is demonstrated, a maximum accommodation number of 3,000 patrons, 3,500 people on site at any one time;
 - c) Event organiser to provide evidence of minimum \$20 million public liability insurance to the satisfaction of the Shire;
 - d) All electrical equipment is to be tested and tagged by an appropriately qualified person;
 - e) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 "Certificate of Electrical Compliance" is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;
 - f) A minimum of thirty-four (34) temporary toilets comprising fourteen (14) male toilets (or 5 water closets and 6m of urinal space), nineteen (19) female toilets and one (1) unisex accessible toilet and a minimum of eight (8) hand basins are to be provided;
 - g) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
 - h) Event and camping grounds are to have adequate lighting after dark;
 - i) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
 - j) All temporary structures (including gazebos) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;

- k) For the stages and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed;
- l) Camping for event attendees is permitted for three nights and subject to separate written approval from the Shire;
- m) A separate fire management plan is to be submitted and subject to separate written approval from the Shire;
- n) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire;
- o) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include:
 - A Noise Prediction Modelling report completed by a suitably qualified Acoustic Consultant whose qualifications/experience qualifies them for membership to the Australian Acoustical Society;
 - A Noise Management Plan committing to monitoring of sound levels, by a suitably qualified/experienced Acoustic Consultant at the mixing desk and three locations external to the venue for the duration of the event;
- p) Applicant to submit a Traffic Management Plan (TMP) and Traffic Guidance Scheme (TGS's) prepared by an appropriately qualified person, showing temporary warning signs and method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event;
- q) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;
- r) Fires are not permitted for the duration of the event and designated smoking areas are to be marked on the submitted site plan and clearly marked for the duration of the event;
- s) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties;
- t) Event organiser to submit a list of all food vendors to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
 - A copy of the vendors 'Food Business Registration Certificate (Food Act 2008)' from their "home" Shire (if not from the Shire of Donnybrook Balingup);
 - A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- u) Notification to residents identified as likely to experience noise at levels exceeding the assigned levels through the noise modelling is to be undertaken by the Shire, at the applicant's cost (no less than a 2 kilometre radius); and;
- v) An event debrief meeting is to be arranged with the Shire before the end of December 2024, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion.

Strategic Alignment

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

- Outcome:** 2 - A safe and healthy community.
- Objective:** 2.2 - Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities.
-
- Outcome:** 10 - A popular destination for visitors and tourists.
- Objective:** 10.1 - Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup.
- Item:** 10.1.3 - Support the local backpacker industry (possibly through the Donnybrook Balingup Chamber of Commerce and Industry) to host events and community BBQs to attract, engage with, and retain backpackers.

Executive Summary

Following the Shire's experiences regarding the Meliora Festival held over New Year's 2023/2024, the Shire is currently developing an Events Policy. Until this policy has been adopted it is considered that multi-day music festivals should be referred to Council for determination.

In particular, the applicant seeks in principle support for their proposed event duration which will further be refined through the application of the Regulation 18 process. It is recommended that the Meliora Arts and Lifestyle Festival is conditionally approved.

Background

Last year the applicant held an event over New Years Eve called Meliora. The Shire received mixed feedback regarding the event, culminating in a report being presented to the March Ordinary Council Meeting.

Within the March Council report, the following improvements were identified to Shire processes:

- *Timeliness of issuing formal event approvals. It is considered that events could be conditionally approved with deadlines for additional information to be supplied. This would provide event organisers early notification of any additional documents or approvals that will be required to be obtained prior to the event occurring.*
- *Improved neighbour notification. Due to the rural nature of our District, not all residents have road mail boxes. The Shire could undertake the notification, at the applicant's cost, to reduce the number of residents not informed about an upcoming event.*
- *Consideration of a Shire after hours call out service for events.*
- *Clearer direction to event operators regarding Shire expectations in relation to complaint management/responsiveness to complaints.*
- *Additional scrutiny around length of noise exemptions requested with reference to the event duration. Scaled noise levels may also be relevant.*

Another Meliora Arts and Lifestyle Festival has been proposed by the same applicant at the same property over three days being 22 – 24 November 2024, with set up commencing 18 November and

pack down to be completed by 26 November. It will be a public, ticketed event with a cap of 3,000 audience members and 500 contributors i.e. 3,500 people in total. Food will be provided via food trucks and temporary water tanks will supply potable water. It is proposed to be a BYO alcohol event with camping for up to 3,500 people to be available on site.

Along with their completed event application form the applicant have provided:

- A camping and parking management plan
- An event plan including a risk management plan and an emergency and evacuation plan
- A medical plan
- An emergency and evacuation plan
- Event risk assessment
- A temporary camping application
- Quotes for noise modelling, noise monitoring and a noise management plan

In response to specific concerns raised following their New Year’s event, the applicant has committed to the following:

- To address noise concerns the festival has been shortened from four to three days.
- Noise modelling will be undertaken, and a noise management plan developed by a suitably qualified acoustic consultant prior to the event to substantiate the proposed music duration and timeframes. Preliminary noise duration proposed in comparison to the event held in December 2023:

December 2023 Event		November 2024 Event	
Time	Duration	Time	Duration
Friday – 4:30 pm until 3:00 am (Saturday)	10.5 hours	Friday – 2:00 pm until 2:00 am (Saturday)	12 hours
Saturday – 8:30 am until 5:00 am (Sunday)	20.5 hours	Saturday – 10:00 am until 3:00 am (Sunday)	17 hours
Sunday – 9:00 am until 10:30 pm Monday	35.5 hours (1 day; 11.5hours)	Sunday – 9:00 am until 10:00 pm	13 hours

- Concerns about fire risk are addressed by holding the event in November instead of December. The landowner has also stated that he will water the paddock in the lead up to the event.
- Notification to residents which includes event information and relevant contact information should they have any concerns. The applicant acknowledges that the postage will be managed by the Shire, at a fee for serve, to ensure that all relevant parties are notified.

Within their application, the applicant has committed to the following:

- A staffed UHF station for communications
- Lighting towers
- Public liability insurance
- 30 portable toilets that are regularly serviced
- 30 portable bins that are regularly emptied and skip bins to congregate rubbish
- Waste to be completely removed post event

- Waste reduction strategies such as encouraging patrons to bring their own water bottles will be employed
- Local Fire services will be informed about the event
- A water truck spraying water to reduce fire risk
- Grass on the property cut down to less than 10 cm
- Two fire units on standby
- A helicopter landing pad marked out in case of serious medical emergency
- Gas bottles, fireworks and barbecues will be banned and confiscated on arrival
- A first aid tent with rotating two First Aid Officers for the duration of the event.
- An ambulance on site for the duration of the event
- Provision of professional security for the duration of the event (1 per 200 patrons)
- Water stations provided free of charge throughout the event
- Limits on BYO alcohol: 1 carton of beer or one plastic bottle of spirits per patron
- Water sampling of the dam
- Lifeguards to allow for supervision of swimming in the dam

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Negative community experience; risk to attendants.		
Mitigation:	Event conditions including public notification.		
Health	Rare	Catastrophic	Moderate (5)
Risk Description:	Serious injury to attendants.		
Mitigation:	Risk management plans; presence of appropriately qualified first aiders.		
Compliance	Possible	Major	High (12)
Risk Description:	Event set up and operation not in accordance with approval.		
Mitigation:	Event conditions and compliance site visits in the lead up to the event.		

Financial Implications

The event assessment process is a collaborative effort between Shire staff across the Operations Directorate, who each provide recommendations specific to their area of expertise. Application fees are not intended to fully recover the costs associated with the event assessment process.

This event attracts the following fees (as per Council’s adopted fees and charges):

Item	Rate
Event Application Fee	\$52
Application fee Temporary Camping	\$110
Water sampling fee (per sample)	\$175
Application fee Regulation 18	\$1,000
Notification letters	To be determined

Policy Compliance

Nil. As an event policy has yet to be finalised, this application is being referred to Council for determination.

Statutory Compliance

Under clause 61(1)(a)(17) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, events can be considered as exempted development where they meet the definition of “temporary works”. Temporary works are defined as “the works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period”.

Events in Western Australia are assessed under the following legislation:

- The *Health (Public Buildings) Regulations 1992* (primary legislation);
- *Caravan Parks and Camping Grounds Regulations 1997* (Temporary camping);
- *Regulation 18 Environmental Protection (Noise) Regulations 1997* (Noise exemptions);
- *Food Act 2008* (Temporary food businesses/mobile food stalls); and;
- *Bush Fires Act 1954* (Total Fire Bans and Harvest Vehicle Movement Bans).

The water quality of the dam for swimming will be assessed against the National Health and Medical Research Council (NHMRC) *Guidelines for Managing Risks in Recreational Waters*.

Due to the proximity of the event to a declared road, Traffic Management will need to be referred to Main Roads for their approval under the provisions of the *Main Roads Act 1930*.

Consultation

Due to the temporary nature of an event, community engagement regarding events is routinely limited to informing the community rather than seeking their feedback for consideration prior to approving an event. It is proposed that a mailout is conducted, at the applicant’s cost, to residents identified within the noise model as likely to experience noise levels exceeding the assigned levels. This

notification will include start and finish times as well as key contact information to assist with any complaint management.

The applicant intends to promote the event using social media, radio, newspapers, posters and flyers.

Officer Comment

The Shire supports, delivers, and facilitates a wide range of events including fairs, cake stalls, car rallies, concerts, dances, and festivals. It is important for our community to have access to a wide range of different events that cater for different tastes and demographics. There is a balance between attracting visitors to the Shire while considering the potential impacts of an event on a locality. Events help the Shire by attracting people to spend money in the community as well as providing enjoyable experiences for residents. This is congruent with the Council Plan objective 2.2 “Facilitate, encourage, and support a wide range of festivals, community events, arts, and cultural activities.”

Feedback from businesses after the applicant’s New Year’s event also identified that Council Plan Objective 10.1 was also positively impacted i.e. “Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup.”

The applicant proposes to reduce their music duration from last year but increase their capacity i.e. from 2,000 to 3,000 patrons and up to 500 contributors/staff. Camping is proposed to be available for 3,500 people. While an indicative site plan has been provided it is currently considered insufficient to demonstrate that parking and camping for the proposed patronage, with sufficient separation from property boundaries, can be achieved. This can be a condition of approval, if Council supports the proposed capacity.

Given the feedback from last year’s event, noise will need careful consideration. Generally, noise emitted from any premises must comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*. The Regulations reference assigned levels, when received at a receiving premises. Regulation 18 allows the Chief Executive Officer of the local government to approve an event if satisfied that “its noise emissions would exceed the assigned noise levels, but would lose its character or usefulness if it had to meet the assigned levels”.

It is widely accepted that music festivals would lose its character if it had to meet the assigned levels. In this regard the applicant has provided a commitment to engaging the services of an acoustic consultant to assist them with lodging the Regulation 18 application which will include the following measures:

- Noise assessment, including noise modelling to determine the potential noise impact of the multi-staged, multi-day event
- A noise management plan that is responsive to potential improvements from last year such as:
 - Placing the sound systems off the ground, reducing their capacity to transmit low frequency noise through the receiving soils, reducing travel distance
 - Real time noise monitoring
 - Modifying noise emissions from 10pm each night

- o Identifying the extent of potential receivers and targeting notifications to the area identified

In relation to noise, the Department of Health’s “Guidelines for concerts, events and organised gatherings” includes the following:

Noise management plans provide reassurance at an early stage that the event is likely to be well managed. Noise management plans should consider measures that will reduce the event’s noise impact on the community, such as maximum sound levels at the mixing desk and noise sensitive premises.

For one-off events that the community has been made aware of, the following reactions from residents are likely:

<i>Residential level</i>	<i>Likely response</i>
<i>below 55 dB(A)</i>	<i>Generally, no complaints</i>
<i>55 - 65 dB(A)</i>	<i>Few complaints, increasing in sensitive areas and later hours</i>
<i>65 - 75 dB(A)</i>	<i>Considerable level of complaints, less in tolerant areas</i>

Time and duration of the event

Control over the start and finish times and duration of the event will reduce the noise impact on noise sensitive occupiers. Events should generally be held at reasonable hours of the day such as from 9.00 am to 11.00 pm. Event duration should not exceed 6 hours. Sound check, or practice times should also be limited to no more than 1 to 2 hours and not before 9.00 am or after 10.00 pm. Longer event duration and later hours may be acceptable if it is demonstrated the community does not object or specific noise amelioration measures are implemented.

While Friday and Saturday nights are generally more socially acceptable nights for late night events, given the event is not proposed over a long weekend, a finish time of 10:00pm on the Sunday may not be palatable to the receiving community. It is anticipated that the extent of community impact will be further outlined in the noise modelling. While sufficient advance notice of the event enables those residents with particular sensitivities to be aware of the event and its intended duration, Council may wish to restrict the start and finish times.

COUNCIL RESOLUTION: 121/24		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Anne Mitchell

That Council:

1. Considers the event application, Meliora Arts and Lifestyle Festival, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Meliora Arts and Lifestyle Festival, to be held at Lot 199 South Western Highway, Newlands from 22 to 24 November 2024 subject to the following conditions:
 - a) The provided site overview plan is to be resubmitted with clear dimensions (or provided to scale) clearly demonstrating the space available within the event and camping grounds and the number and location of sites, parking bays and toilets;
 - b) Provided sufficient space is demonstrated, a maximum accommodation number of 3,000 patrons, 3,500 people on site at any one time;
 - c) Event organiser to provide evidence of minimum \$20 million public liability insurance to the satisfaction of the Shire;
 - d) All electrical equipment is to be tested and tagged by an appropriately qualified person;
 - e) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 "Certificate of Electrical Compliance" is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;
 - f) A minimum of thirty-four (34) temporary toilets comprising fourteen (14) male toilets (or 5 water closets and 6m of urinal space), nineteen (19) female toilets and one (1) unisex accessible toilet and a minimum of eight (8) hand basins are to be provided;
 - g) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
 - h) Event and camping grounds are to have adequate lighting after dark;
 - i) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
 - j) All temporary structures (including gazebos) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;
 - k) For the stages and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed;
 - l) Camping for event attendees is permitted for three nights and subject to separate written approval from the Shire;
 - m) A separate fire management plan is to be submitted and subject to separate written approval from the Shire;
 - n) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire;

- o) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include:
- A Noise Prediction Modelling report completed by a suitably qualified Acoustic Consultant whose qualifications/experience qualifies them for membership to the Australian Acoustical Society;
 - A Noise Management Plan committing to monitoring of sound levels, by a suitably qualified/experienced Acoustic Consultant at the mixing desk and three locations external to the venue for the duration of the event;
- p) Applicant to submit a Traffic Management Plan (TMP) and Traffic Guidance Scheme (TGS's) prepared by an appropriately qualified person, showing temporary warning signs and method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event;
- q) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;
- r) Fires are not permitted for the duration of the event and designated smoking areas are to be marked on the submitted site plan and clearly marked for the duration of the event;
- s) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties;
- t) Event organiser to submit a list of all food vendors to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
- A copy of the vendors 'Food Business Registration Certificate (Food Act 2008)' from their "home" Shire (if not from the Shire of Donnybrook Balingup);
 - A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- u) Notification to residents identified as likely to experience noise at levels exceeding the assigned levels through the noise modelling is to be undertaken by the Shire, at the applicant's cost (no less than a 2 kilometre radius); and;
- v) An event debrief meeting is to be arranged with the Shire before the end of December 2024, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Lindemann
Against: Cr Glover, Cr Bailey, Cr Gubler, Cr Shand
Carried: 5/4

Cr MacCarthy exercised a casting vote in favour of the motion. The motion is therefore Carried 5/4.

9.1.4. Terms of Reference: Access and Inclusion Reference Group

Report Details:

Prepared by: Senior Community Development Officer

Manager: Manager Development Services

Attachment(s): CSV 21 **Voting Requirement:** Simple Majority

9.1.4(1) Terms of Reference: Access and Inclusion Reference Group (AIRG)

Executive Recommendation

That Council endorses the attached Terms of Reference to inform the scope of a proposed Access and Inclusion Reference Group that will guide Shire decisions related to access and inclusion.

Strategic Alignment

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

Outcome: 1 - A diverse and growing population.

Objective: 1.3 - Improve access and inclusion for people facing barriers.

Item: 1.3.1 - Review the Disability Access and Inclusion Plan.

Outcome: 2 - A safe and healthy community.

Objective: 2.1 - Improve access to facilities and services to support community health and wellbeing.

Outcome: 6 - The built environment is responsibly planned and well maintained.

Outcome: 11 - Strong, visionary leadership.

Objective: 11.2 - Improve community consultation and engagement.

Executive Summary

It's requested that the Council endorses the Terms of Reference: Access and Inclusion Reference Group (Attachment 9.1.4(1)). The formation of an Access and Inclusion Reference Group was an identified outcome of the recently adopted Disability Access and Inclusion Plan.

The proposed Terms of Reference sets out the purpose, objectives, membership structure, term, meeting frequency and reporting arrangements for the aims, expectations, and scope for this group.

Background

At its Ordinary Council Meeting held 24 April 2024 Council resolved the following:

“COUNCIL RESOLUTION 59/24

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.”*

The Shire has since developed the Terms of Reference for the proposed Disability Reference Group referred herein as an Access and Inclusion Reference group (AIRG). The Shire has decided to develop the Terms of Reference earlier than planned to build on the momentum created with the consultation for and adoption of the DAIP. For some potential AIRG members time is critical and the Shire does not want to miss the contribution and engagement that could occur if we act now.

The AIRG will not be a Committee of Council, instead it will be a reference group that will meet twice a year at a minimum and will be consulted as necessary by Shire Officers. Being a Reference Group instead of a Committee will allow the group to operate with greater flexibility such as not being required to adhere to Standing Orders and waiving the requirement for a quorum to meet.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Minor	Low (1)
Risk Description:	The possibility that the Shire will not attract enough members to form the group.		
Mitigation:	Advertise membership of the group widely. Provide a comfortable meeting place to ensure the return of members		

Financial Implications

Catering costs for AIRG meetings, approximately an annual cost of \$300.

Policy Compliance

The AIRG is in keeping with the *Council POLICY COMD/CP-3 community engagement framework*, explicitly the AIRG conforms to the policy statement in this document 4.2 c., *Prioritise accessible, diverse and inclusive engagement*. The AIRG will allow the Shire to access an engaged group with insight that can improve the accessibility of our infrastructure, programs and policies before they are developed.

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. The development of the AIRG was a commitment that Council made as part of the adoption of the DAIP.

Consultation

Once Terms of Reference for the AIRG have been endorsed the Shire will advertise for nominations to the AIRG using diverse formats and targeted to multiple locations. The Shire will implement the Preston Press, the Donnybrook Community Radio Station, online resources, community noticeboards and email networks to ensure multiple opportunities for community members to engage and consider membership to the AIRG.

Officer Comment

By establishing a AIRG with clear terms of reference, the Shire can demonstrate its commitment to creating a more inclusive and accessible environment for everyone.

COUNCIL RESOLUTION: 122/24	
MOVED BY: Cr Anne Mitchell	SECONDED BY: Cr Anita Lindemann

That Council endorses the attached Terms of Reference to inform the scope of a proposed Access and Inclusion Reference Group that will guide Shire decisions related to access and inclusion.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9.2. Director Finance and Corporate

9.2.1. Schedule of Accounts Paid as at 30 June 2024

Report Details:

Prepared by: Finance Officer

Manager: Manager Financial Services

File Reference: FNC

Voting Requirement: Simple Majority

Attachment(s):

9.2.1(1) Schedule of Accounts Paid Under Delegation

Executive Recommendation

That Council:

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

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

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

1 Municipal Account – payments totalling \$3,656,309.27.

Credit Card payments	3552-3559
EFT Payments	EFT28807B – EFT28988C
Cheque Payments	53795 – 53799
Direct Debit payments	DD27794 & 27818

Background

In accordance with Delegation 1.2.23 – payments from the Municipal or Trust funds adopted by Council on 30 August 2023, the Chief Executive Officer is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent

budget amendments. In doing so, section 13 of the *Financial Management Regulations 1996* is to be adhered to with a list of accounts for approval to be presented to Council each month.

Risk Management

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

Financial Implications

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

Policy Compliance

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

Statutory Compliance

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

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

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

This list of accounts is to be:

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

Consultation

Relevant staff have been consulted and have authorised the payments.

Officer Comment

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

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

COUNCIL RESOLUTION: 123/24	
MOVED BY: Cr Anne Mitchell	SECONDED BY: Cr Anita Lindemann

That Council:

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

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9.2.2. Interim Statement of Financial Activity report as at 30th June 2024

Report Details:

Prepared by: Manager Financial Services

Manager: Tim Clynych, Chief Executive Officer (Temporary)

File Reference: Nil

Voting Requirement: Simple Majority

Attachment(s):

9.2.2(1) Statement of Financial Activity

Executive Recommendation

That Council receive the Interim Statement of Financial Activity report for the period ending 30 June 2024 as per Attachment 9.2.2(1).

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

Pursuant to Section 6.4 of the *Local Government Act 1995 (the Act) and Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 (the Regulations)*, a local government is to prepare, on a monthly basis, a monthly financial report that reports on the Shire's performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year-to-year basis, for the period ending 30th June 2024.

Background

The Regulations detail the form and manner in which the monthly financial report is to be presented to the Council, and is to include the following:

- Annual budget estimates
- Budget estimates to the end of the month in which the statement relates
- Actual amounts of revenue and expenditure to the end of the month in which the statement relates
- Material variances between budget estimates and actual revenue/expenditure
- Net current assets at the end of the month to which the statement relates

Additionally, and pursuant to Regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year.

At its meeting on 30th August 2023, the Council adopted the following material variance reporting thresholds for the 2023/24 financial year:

A material variance for reporting of \$10,000, for 2023/2024, pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Unlikely	Moderate	Moderate (6)
Risk Description:	Monetary loss that may or may not be managed within existing budget or may not impact a program or services		
Mitigation:	Reporting financials monthly		
Compliance	Unlikely	Minor	Low (4)
Risk Description:	Meeting legislative requirement of financial reporting to the Council		
Mitigation:	Monthly reporting on financial reports.		

Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

As no assets/infrastructure are being created, there are no long-term financial implications relevant to this proposal.

Policy Compliance

Nil.

Statutory Compliance

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 detail the form and manner in which a local government is to prepare financial activity statements.

Consultation

The Shire's Executive Team, Department Managers and Finance staff monitor the Shire's monthly revenue and expenditure.

Approved budget amendments are recorded in the financial statements to always reflect the Shire's current budget and financial position.

Officer Comment

To fulfil the statutory reporting requirements, the statement of financial activity report is provided in [Attachment 9.2.2\(1\)](#) and reports on the following information for the reporting period:

- Rate Setting Statement
- Material Variances
- Net Current Assets
- Statement of Comprehensive Income
- Capital Expenditure
- Plant Replacement Program
- Investments
- Statement of Reserves
- Borrowings and Leases
- Trust Funds
- Delegation Write Off
- Public Works and Plant Operation Costs

June 2024 Financial Analysis Summary

The June Financial Activity Statement is an interim report, there are still transactions being processed into the 2024/25 financial year. Including but not limited to committed expenditure for outstanding creditor invoices, journal adjustments for employee provisions, accrued income, amortisation and stock surveys. The reserve transfers also require finalisation and include additions to the asset register.

The Rate Setting Statement for the year to date (YTD) shows an overall net current position of \$4,837,519 compared to the budget of \$124,295. Included in this variance is \$2,024,518 being the advance payment of the Financial Assistance Grant which was received in June for the 2024/25 financial year and any unspent proceeds of the VC Mitchell Park loan.

The Capital expenditure for the full year actual shows a total of \$12,277,083 compared to the budget of \$19,886,994. This equates to \$7,609,911 less than the budget estimate. This was largely due to timing of the following construction projects that will be carried forward to the 2024/2025:

- Administration Centre Exterior Improvements project under budget \$41,200
- Social Housing Economic Recovery (SHERP) project under budget \$319,809
- Donnybrook Community Centre & Infant Health Clinic project under budget \$86,154
- Christmas decorations under budget \$27,243
- Community Resource Centre project under budget \$4,947

- Donnybrook Rec Centre building works under budget \$88,255
- Various Hall building projects under budget \$194,487
- Donnybrook Arboretum project under budget \$21,911
- VC Mitchell redevelopment under budget \$3,412,658
- VC Mitchell supplementary works under budget \$2,823,514
- Balingup Skatepark project under budget \$20,000
- Road infrastructure projects under budget \$285,063
- Bridge infrastructure projects under budget \$36,549
- Plant purchases under budget \$201,715

Other items that are positively affecting the end of year position are:

- Interest revenue \$418,682 compared to budget \$394,515 - \$24,167 ahead of full year budget.
- Increase in revenue for Donnybrook Rec Centre \$315,827 compared to budget \$283,042 - \$32,785 ahead of full year budget.
- Transit Park revenue \$114,201.12 compare to budget \$102,000 - \$12,201 ahead of full year budget.
- Building revenue \$76,399 compared to budget \$68,648 - \$7,751 ahead of full year budget.
- Contribution to works revenue \$68,113 compared to budget \$53,007 - \$15,106 ahead of full year budget.

COUNCIL RESOLUTION: 124/24	
MOVED BY: Cr Anne Mitchell	SECONDED BY: Cr Anita Lindemann

That Council receive the Interim Statement of Financial Activity report for the period ending 30 June 2024 as per Attachment 9.2.2(1).

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9.2.3. Annual review of the Long-Term Financial Plan for the 15 year period 2024/2025 – 2038/2039

Report Details:

Prepared by: Manager Finance Projects

Manager: Tim Clynch, Chief Executive Officer (Temporary)

Applicant: Shire of Donnybrook Balingup

Location: Shire of Donnybrook Balingup

File Reference: FNC 10/2

Voting Requirement: Simple Majority

Attachment(s):

9.2.3(1) Long Term Financial Plan 2024/2025 – 2038/2039

Executive Recommendation

That Council:

1. **Receives the annual review of the Long-Term Financial Plan 2024/2025 - 2038/2039; and**
2. **Notes that the Long-Term Financial Plan does not commit Council to the financial details within.**

Strategic Alignment

The annual review of the Long-Term Financial Plan 2024/2025 – 2038/2039 will meet the following objectives of the Shire of Donnybrook Balingup Council Plan.

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

Outcome: 11 - Strong, visionary leadership.

Objective: 11.1 - Provide strategically focused, open and accountable governance.

Item: Nil.

Executive Summary

Council is requested to consider and receive the annual review of Council's Long Term Financial Plan for the 15 year period 2024/25 – 2038/39.

Background

In 2010, the Integrated Financial Planning and Reporting (IFPR) 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 IFPR 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.
- 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.
- Asset management systems lacking the rigour of process and integrity of data to accurately reflect true asset management costs.
- General lack of a formal approach to workforce planning across the sector.

IFPR 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.
- Identify the resourcing required to deliver the plans and enable rigorous and transparent prioritisation within resource constraints before finalising the plans.

As part of the IFPR, all local governments in Western Australia are required to plan for future of the district, comprising at a minimum of a Strategic Community Plan and Corporate Business Plan (now combined by the Shire under the Council Plan).

Supporting these plans are several informing documents required under Regulation 19DA (3)(c) of the Local Government (Administration) Regulation 1996 which include:

- a. Workforce Plan.
- b. Asset Management Plans.
- c. Long Term Financial Plan.

The LTFP is particularly important in Local Government where there is responsibility for a significant amount of long-lived assets and substantial asset management responsibilities. There are long periods with modest levels of asset renewal requirements, and then other periods when very significant outlays are necessary.

This requires planning to ensure the necessary generation of revenue in a sustainable manner over time to ensure that there is capacity to finance peaks in asset management and other outlays when necessary.

The LTFP reflects changes in economic conditions and to ensure its alignment to the Shire's recently reviewed asset management plans and financial informing plans.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Almost Certain	Major	Extreme (20)
Risk Description:	<p><u>Future Financial Sustainability</u></p> <p>Identifying necessary funding for Council services and the maintenance and renewal of assets is an essential part of the LTFP. Historical levels of financial allocations have not been sufficient to achieve this, which leaves the Shire with a material shortfall in funding. This position cannot be rectified quickly. The LTFP identifies necessary increases from own source funds into asset management reserves to ensure future identified works can be sustainably funded. If this does not occur, the Shire will be faced with future financial challenges. The LTFP enables Council to understand its future financial obligations beyond immediate budget considerations. The LTFP helps Council assess the need for early intervention to reduce future risks and associated future revenue raising requirements.</p>		
Mitigation:	<ul style="list-style-type: none"> a) Rationalising assets to reduce future asset renewal obligations. b) Reducing existing service levels. c) Increasing cost recovery from user fees 		
Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Possible	Moderate	Moderate (9)
Risk Description:	<p><u>Financial Forecasts used in the LTFP</u></p> <p>Although the LTFP is based upon the latest available information, it is a future projection and is therefore subject to risk. It cannot anticipate inherent risks such as unforeseen economic, political, environmental and market changes. On this basis should be considered as a guide for Council to assess the long-term financial sustainability.</p> <p>Consideration has been given to the economic drivers that will influence the estimated future cost of providing assets, facilities, and services for the period of the LTFP. This plan is set against future periods of economic uncertainty with the values reported representing estimated future prices and costs.</p>		
Mitigation:	<ul style="list-style-type: none"> a) The LTFP and other financial informing plans will be reviewed every 12 months to reflect the prevailing economic conditions, together with changing community services and service levels. 		

b) Assumptions of forward estimates used in preparing the LTFP are disclosed within the LTFP document.

Financial Implications

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

Based on existing service levels 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 existing knowledge, it is identified that approximately \$2m annually is required to be transferred to reserves on a sustainable basis. The 2023/2024 budget provided for \$739k.



FIGURE 1

	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 1

In addition to identified future reserve transfers, the Borrowings Plan identifies three new borrowings over the life of the LTFP to meet identified asset management/development requirements. (Note: Borrowings for VC Mitchell Park are identified as existing borrowings as were drawn down in 2023/24).

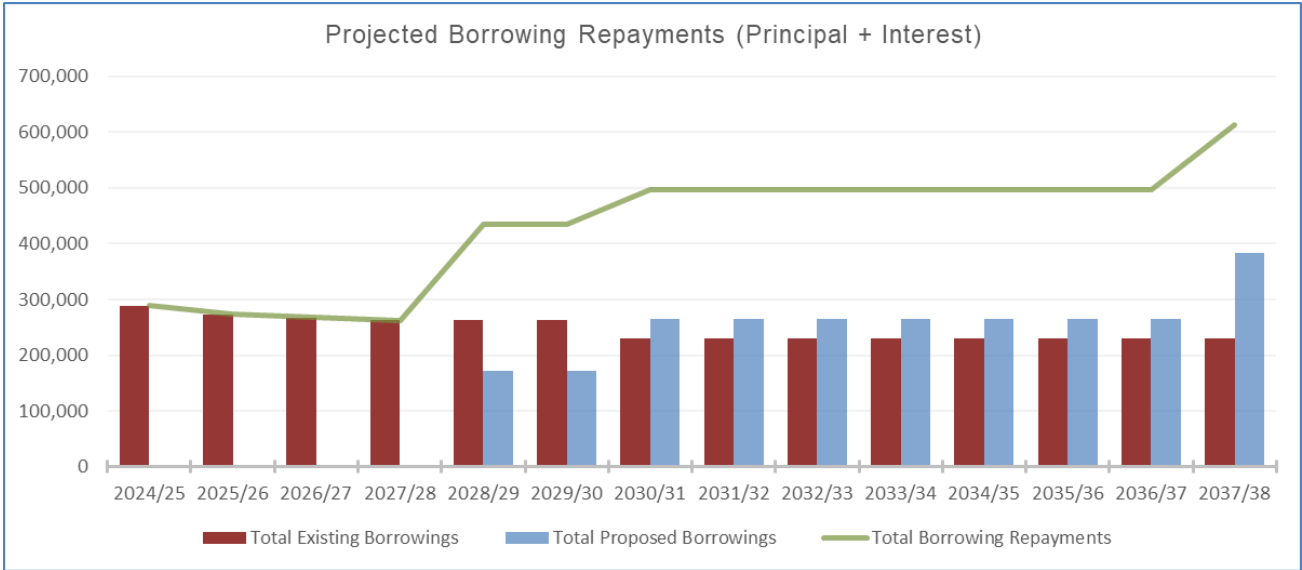


FIGURE 2

Consolidated Budget Effect - Transfer to Reserve & Borrowing Repayments																
	Budget 2023/24	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	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	122,761	21,212	26,078	(149,647)	21,219	21,221	142,547	21,225	6,228

TABLE 2

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

The 2023/2024 budget currently funds a combined = \$802k.

Based on the stated assumptions, objectives and known revenue sources, the LTFP identifies that existing rating yield is approximately 25% below the levels necessary to meet long term objectives and responsibilities of the Shire.

Rates has been used as the metric to measure the sustainable funding gap. The identified rate yields can be mitigated with measures such as (but not limited to).

- a. Rationalising assets to reduce future asset renewal obligations.
- b. Reducing existing service levels.
- c. Increasing cost recovery from user fees.
- d. Continued efforts to source grants and contributions for capital projects.

The LTFP comprises underlying assumptions and forecast estimates. These do not commit the Shire to the financial details of the LTFP rather it is intended to act as a guide towards structurally steering the Annual Budget towards the financially sustainable foundation necessary to meet identified community service levels and 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) of the Local Government (Administration) Regulation 1996 further requires the development of supporting plans which include:

- a. Workforce Plan.*
- b. Asset Management Plans.*
- c. Long Term Financial Plan*

Consultation

Councillors attended workshops to discuss the Long-Term Financial Plan.

MOTION:	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Alexis Davy

That Council:

- 1. Receives the annual review of the Long-Term Financial Plan 2024/2025 - 2038/2039; and**
- 2. Notes that the Long-Term Financial Plan does not commit Council to the financial details within.**

AMENDMENT: Cr Davy moved the following Amendment.

MOTION:	
MOVED BY: Cr Alexis Davy	SECONDED BY: Cr John Bailey

Add Part 3 to read:

- 3. Requests the Chief Executive Officer develop a process for rationalisation of Shire property and land assets and reports this back to Council at the November 2024 Ordinary Council Meeting.**

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Choose an item.: 8/0

SUBSTANTIVE MOTION AS AMENDED:

COUNCIL RESOLUTION: 125/24	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Alexis Davy

That Council:

- 1. Receives the annual review of the Long-Term Financial Plan 2024/2025 - 2038/2039; and**
- 2. Notes that the Long-Term Financial Plan does not commit Council to the financial details within.**
- 3. Requests the Chief Executive Officer develop a process for rationalisation of Shire property and land assets and reports this back to Council at the November 2024 Ordinary Council Meeting.**

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9.2.4. Adoption of 2024/2025 Fees and Charges

Report Details:

Prepared by: Manager Financial Services

Manager: Tim Clynych, Chief Executive Officer (Temporary)

File Reference: FNC 04/3

Voting Requirement: Absolute Majority

Attachment(s):

9.2.4(1) Draft 2024/25 Schedule of Fees and Charges

Executive Recommendation

That Council:

1. **Adopt the 2024/25 Schedule of Fees and Charges; and**
2. **Requests the CEO to provide local public notice of the proposed 2024/2025 fees and charges, with these to take effect from Thursday 8th August 2024.**

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

Executive Summary

For Council to consider and adopt the Schedule of Fees and Charges for 2024/2025. Adoption of the fees and charges in advance of adoption of the annual budget will enable them to take effect earlier.

Background

Council adopts its schedule of fees and charges annually. The process for reviewing fees and charges commenced in May with relevant managers assessing the 2023/2024 fees against the estimated costs of providing the service the subject of the fee. Via this process a generic increase of 7.5% to the majority of fees and charges (subject to appropriate rounding) was identified and is represented in the draft 2024/2025 Schedule of Fees and Charges that forms an attachment to this report.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Unlikely	Minor	Low (4)
Risk Description:	Delaying the adoption of fees and charges until budget adoption may have an impact on the Shire's forecast revenue for 2024/2025		
Mitigation:	That Council adopts the fees and charges in July		

Financial Implications

The draft 2024/2025 budget will contain a number of income streams that will be estimated using the Schedule of Fees & Charges. General discussion about the generic 7.5% increase occurred at the Council workshop held on 3 July 2024.

In 2023/2024 fees and charges accounted for 17.85% of operating revenue.

Policy Compliance

Nil.

Statutory Compliance

Under section 6.16 of the *Local Government Act 1995* a local government may impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. Fees and charges are to be imposed when adopting the annual budget but may be imposed during a financial year and/or amended from time to time during a financial year (by absolute majority).

Section 6.16(1) and (2) of the *Local Government Act 1995* states:

- (1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

Section 6.17(1) of the *Local Government Act 1995* states:

In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

- (a) the cost to the local government of providing the service or goods;
- (b) the importance of the service or goods to the community; and
- (c) the price at which the service or goods could be provided by an alternative provider.

Section 6.19 of the *Local Government Act 1995* states:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

It should be noted: that the power to levy Rubbish and Waste Charges is under the provisions of sections 67 and 68 of the *Waste Avoidance and Resource Recovery Act 2007*.

Consultation

Internal consultation with staff responsible for delivering various services occurred in the preparation of the 2024/2025 fees and charges.

Officer Comment

A number of new fees are proposed for introduction in 2024/2025 and these are marked accordingly in the Schedule.

There are a number of non-regulatory fees proposed for an increase or decrease outside of the default 7.5% in order to set a fee that better fits the cost of providing the service. Examples of fees with a proposed increase greater than 7.5% (other than rounding) are:

- Dishonour Payment Administration fee +20% (\$2.50 to \$3.00).
- Various photocopying fees +25%-114% (\$20c to 30c; 25c to 40c; 30c to 40c; 40c to 80c - these fees have been increased to reduce competition with private enterprise providing same service).
- Sale of water from standpipes +9.4% (\$7.86 to \$8.60 Donnybrook; \$11.38 to \$12.45 Balingup - linked to increase in supply costs).
- Food Safety Service Charge – Medium Risk Business +29.41% (\$170 to \$220 - linked to estimated cost to provide this service).
- Outdoor Eating Areas Initial Application +200% (\$50 to \$150 - linked to estimated cost to provide this service).
- Public Building (including commercial events) for over 500 people +316.67% (\$120 to \$500 - linked to estimated cost to provide this service).
- Public Building (including community events) for over 500 people +108.33% (\$120 to \$250 - linked to estimated cost to provide this service with a discount for a community run event)
- Regulation 13 Application for Approval of a Noise Management Plan +33.33% (Public Building (including commercial events) for over 500 people +316.67% (\$120 to \$500 - linked to estimated cost to provide this service).
- Various Housing Bonds – increased to recognize value of units and cost of repairs to any damage (\$300 to either \$723 or \$846).
- Various waste charges and Tip Passes (linked to estimated cost to provide this service).
- Assessment and Issuing of a Section 40 Certificate – liquor licensing +61% (\$100 to \$161 - linked to estimated cost to provide this service).
- Grants of Rights of Burial +10-33% (\$718 to \$790 - linked to estimated cost to provide this service).

- Internment Saturdays Sundays and Public Holidays +100% (\$548 to \$1,096 - linked to estimated cost to provide this service).
- Late Arrival at Cemetery Gates +53.37% (\$163 to \$250 - estimated extra staff time due to late arrival).
- Permission to Erect a Nameplate on Headstone or Monument =164% (\$32 to \$84.50 - to make this fee consistent with similar headstone and monument fees.
- Lesser Hall Kitchen Hire +70.08% (\$122 to \$207.50 - hire of kitchen only is typically for commercial activity not community activity therefore cost shouldn't be subsidised).
- Bond for Hires Involving Liquor Consumption +233% (\$300 to \$1,000 - in acknowledgement that damage to facility is more likely to occur if alcohol is being consumed. Note bond is refundable if facility left in clean and undamaged condition).
- Creche up to 2 Hour Session +42.86% (\$3.50 to \$5: Better reflects cost of providing the service)
- Casual Fitness Class Pass +22-50% (\$14 to \$17.10 - linked to estimated cost to provide this service).
- Group Fitness Multipass +33-46% (\$115 to \$153.90; \$70 to \$102.50 - provides for a 10% discount compared to purchasing equivalent number of casual passes).
- Casual Gym Pass +10-36% (higher fee to encourage purchase of monthly or longer memberships).
- Balingup Transit Park Rates (\$33-\$40; \$40 to \$50; \$8-\$12.50; \$15 to \$20; \$7 to \$12.58 - higher fees determined by researching similar facilities in region).
- Swimming Pool Inspections +74.2% (linked to estimated cost to provide this service).

New fees/charges proposed for 2024/2025 are:

- Health Inspection Fees for Specific Premises changed to an hourly rate.
- Public Building Assessments.
- Call out fee for after-hours attendance to assess noise complaints (only charged if complaint is validated). Also, a new Noise Management Plan Bond is proposed.
- Disposal of Treated Timber at Waste Sites (licence conditions require treated timber to be sent to another waste facility).
- Electronic waste (these products must be transported to a specific recycling facility).
- Amendment or Cancellation of a Development Approval (this is a regulatory fee that Council has discretion to impose).
- Hourly Rates for Hire of various parks and reserves (allows for hires less than all day).
- Power and Lighting tower Hire at various reserves.
- Permission to Consume and/or Sell Alcohol in Shire Facility.
- Establishing a Direct Debit Charges Arrangements at Recreation Centre.
- Discounted creche fees if multiple children from same family.
- 2 Week Gym Membership Renewal.
- 'Strength for Life' Program Charges.

Many fees (e.g. development application fees, building fees, swimming pool inspection fees, dog/cat fees, etc.) are regulatory and Council does not have the discretion to set fees higher than permitted

by the applicable legislation. Should legislative amendments change these fees during the year the revised fee automatically replaces the fee referenced in Council’s Schedule of Fees & Charges without the need for Council to formally modify the schedule.

Historically Council sets its rubbish and recycling collection charges and waste rate at the time of budget adoption. These items are imposed on a cost recovery basis and cannot be estimated until all income and expenditure estimates are finalised.

The Schedule of Fees and Charges details the fees and charges that applied in 2023/2024 and the recommended charges for 2024/2025. The proposed 2024/2025 Fees and Charges if adopted by Council will apply from 26 July 2024.

COUNCIL RESOLUTION: 126/24	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Vivienne MacCarthy

That Council:

- 1. Adopt the 2024/25 Schedule of Fees and Charges; and**
- 2. Requests the CEO to provide local public notice of the proposed 2024/2025 fees and charges, with these to take effect from Thursday 8th August 2024.**

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann
Against: Cr Shand
Carried: 7/1

9.3 Chief Executive Officer

9.3.1. Council Plan - Biannual Progress Report January - June 2024

Report Details:

Prepared by: Manager Corporate Services

Manager: Tim Clynch, Chief Executive Officer (Temporary)

File Reference: CNL 16

Voting Requirement: Simple Majority

Attachment(s):

9.3.1(1) Council Plan - Biannual Progress Report 1 January 2024 – 30 June 2024

Executive Recommendation

That Council:

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

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

Objective: 11.1 - Provide strategically focused, open and accountable governance.

Item: Nil.

Executive Summary

Council adopted its Council Plan 2022-2032 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 biannual basis.

This report relates to the period between 1 January 2024 and 30 June 2024 (last half) for the 2023/2024 financial year. Council is asked to receive the Council Plan - Biannual Progress Report as shown in [Attachment 9.3.1\(1\)](#).

Background

Under the state government Integrated Planning and Reporting Framework (IPRF), 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 desktop reviews annually, with major reviews every four years in line with the IPRF schedule.

At its Ordinary Council meeting held 25 May 2022 Council resolved the following:

“COUNCIL RESOLUTION 70/22

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.”*

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Insignificant	Low (4)
Risk Description:	Council don’t receive ongoing progress updates on Council Plan Items, which undermines transparency and accountability.		
Mitigation:	Report progress against the Council Plan to Council on a biannual basis.		

Financial Implications

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

Items flagged in this report as red (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, 15 have been Achieved, 28 are in progress, 4 require monitoring and 7 have been marked for deferment.

Conclusion

Details regarding the performance from, 1 January 2024 to 30 June 2024 for each strategic project/milestone can be found in [Attachment 9.3.1\(1\)](#) to this report.

COUNCIL RESOLUTION: 127/24	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Anita Lindemann

That Council:

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

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

9.3.2. WALGA Local Government Convention 2024

Report Details:

Prepared by: Manager Corporate Services

Manager: Tim Clynych, Chief Executive Officer (Temporary)

File Reference: DEP 22/4D

Voting Requirement: Simple Majority

Attachment(s):

Nil.

Executive Recommendation

That Council:

1. Authorise the attendance of the following Elected Members to attend the Local Government Convention to be held in Perth from Tuesday, 8 October to Thursday, 10 October 2024:

1.1. Cr _____; and

1.2. Cr _____; and

1.3. Cr _____.

Strategic Alignment

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

Outcome: 11 - Strong, visionary leadership.

Objective: 11.1 - Provide strategically focused, open and accountable governance.

Item: Nil.

Executive Summary

The West Australian Local Government Association (WALGA) has advised that the Annual Local Government Convention will be held in Perth from Tuesday 8 October to Thursday 10 October 2024. Council is requested to consider nominating attendees at the event.

Background

Elected Members and Chief Executive Officers from Local Governments have been invited to the Annual Western Australian Local Government Association Convention to be held at Perth Convention & Exhibition Centre between Tuesday 8 October to Thursday 10 October 2024. A preliminary program is available on the following website <https://walga.eventsair.com/walga-lgc-2024/program> and the deadline for all Registrations is Friday, 6 September 2024.

In 2022, the Chief Executive Officer, Shire President and 3 Elected members attended the Convention, in 2023 Council (Commissioner) endorse attendance for the Commissioner, Chief Executive Officer and two (2) senior staff.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Rare	Minor	Low (2)
Risk Description:	All Elected Members want to attend the 2024 Convention.		
Mitigation:	Council limits the amount of Elected Members to attend the event.		

Financial Implications

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

Convention Registration Fees	Estimated cost
Full Delegate – Local Government	\$1,295.00
Single Day Delegate	\$650.00
Accommodation* (Parmelia Hilton Perth, Rendezvous Perth Central, Fraser Suites, Duxton, Citadines St Georges Terrace)	Starting from \$240.00 pp/per night
Optional Extras	
Welcome Drinks	\$120.00
Cocktail Gala	\$198.00
Icons Breakfast	\$110.00
Parking	\$36.00 per day

**Offer special rates for local government bookings during Local Government week.*

Expenditure for this purpose will be incurred from the 2024/25 Elected Member Conferences budget allocation.

Policy Compliance

Council Policy EXE/CP-5 Attendance at Events and Functions

Cl. 4.4. sets out Council's considerations when making a decision on attendance at an event:

- a. who is providing the invitation or ticket to the event?
- b. the location of the event in relation to the Shire of Donnybrook Balingup (within the district or out of the district).
- c. the role of the elected member or CEO when attending the event (participant, observer, presenter) and the value of their contribution.
- d. whether the event is sponsored by the Shire of Donnybrook Balingup.
- e. the benefit of the Shire of Donnybrook Balingup representation at the event.
- f. the number of invitations / tickets received; and

- g. the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

Cl. 4.7. States that decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Cl. 4.10. States that if the Council determines that an Elected Member or CEO should attend a paid event, the Shire will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Statutory Compliance

Nil.

Consultation

Nil.

Officer Comment

The theme for the 2024 Local Government Convention is “Innovation Ecosystem”, which speaks to the ability of WALGA and the sector to foster dynamic change within the fabric of WA through collaboration, promotion and daring to think big. Hoping it will evoke new ideas, heightened passion for communities and facilitate connections for ongoing skills and ideas sharing within the Local Government sector. It serves the purpose of highlighting the expertise base within WALGA available as a resource to members and the benefits that can be leveraged for all of WA when we work as a collective.

The Convention program has been developed to specifically support and encourage Local Government representatives. Programme details will be updated in coming months.

Councillors’ attendance at this convention will serve to benefit the determining of future long term strategic economic, social, environmental and sustainability issues. In addition to the specific items listed on the conference programme, Elected Members that attend the convention have the opportunity to network with other local governments. This is one of the local government specific events which bring together a wide range of local governments and elected members.

Held in conjunction with Local Government week is the Annual General Meeting of the WA Local Government Association, to be held on Wednesday, 9 October 2024. An item will be presented to Council at the August Ordinary Council Meeting to authorise voting delegates on behalf of the Shire.

COUNCIL RESOLUTION: 128/24	
MOVED BY: Cr Vivienne MacCarthy	SECONDED BY: Cr Anita Lindemann

Council suspend Clause 8.10 of the Standing Orders to allow Councillors to speak more than once during debate on Item 9.3.2.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

COUNCIL RESOLUTION: 129/24	
MOVED BY: Cr Vivienne MacCarthy	SECONDED BY: Cr Anne Mitchell

Council reinstate Clause 8.10 of the Standing Orders.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

COUNCIL RESOLUTION: 130/24	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Lisa Glover

That Council:

1. Authorise the attendance of the following Elected Members to attend the Local Government Convention to be held in Perth from Tuesday, 8 October to Thursday, 10 October 2024:

- 1.1. Cr Patrick; and**
- 1.2. Cr Davy; and**
- 1.3. Cr Glover.**

For: Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Lindemann
Against: Cr MacCarthy, Cr Gubler, Cr Shand
Carried: 5/3

10. Elected Member Motions of which previous notice has been given

10.1.1. Proposed Bi-Monthly Report for the Memorandum of Understanding for the Health Precinct Partnership

Report Details:

Prepared by: Cr Lisa Glover

Manager: Tim Clynych, Chief Executive Officer (Temporary)

Location: Shire of Donnybrook Balingup

File Reference: CNL 33 **Voting Requirement:** Simple Majority

Attachment(s):

10.1.1(1) Memorandum of Understanding

Elected Member Motion

That Council instruct the CEO to provide bi-monthly reports to update on the progress of the development of the Memorandum of Understanding for the health precinct partnership.

Strategic Alignment

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

Outcome: 1 - A diverse and growing population.

Objective: 1.2 - Support older people in the community to positively age in place.

Objective: 1.2.1 - Provide a Positively Ageing in Place Strategy, in collaboration with local service providers, to enable improved access to aged care accommodation, services and facilities.

Outcome: 2 - A safe and healthy community.

Objective: 2.1 - Improve access to facilities and services to support community health and wellbeing.

Priority Project: 2.1.4 - Partner with health and allied health organisations (e.g. WACHS, Hall and Prior, St Johns Ambulance) to consolidate the Donnybrook health precinct as a viable and vital suite of local health services and facilities.

Outcome: 9 - A thriving economy.

Objective: 9.4 - Facilitate access to quality education, training and work opportunities to attract and retain students.

Outcome: 13 - Increased Community Capacity

Outcome: 13.1 - Enable community organisations and community champions to deliver services and projects to meet local needs.

Elected Member Summary

According to the Donnybrook Balingup Council Plan 2022-2023 Bi-Annual Update 1 April 2023 – 30 June 2023. An inaugural meeting of health organisations and Shire took place in early April 2023. An agreement in principle to form a health precinct partnership and work more closely together was formed

Another meeting was held in May 2023 where it was decided to widen the membership group to include the South West Aboriginal Medical Service and the District Area Health Committee. A Memorandum of Understanding was agreed in principle and is currently with governance departments of each organisation for review. The next meeting was set for a half day in July 2023 to workshop specific objectives/outcomes and explore community consultation methods.

Elected Member Background

It has been identified in the REMPLAN Report Community Profile that currently the need for assistance with core activities is 5.38% of our overall population, which is slightly higher than the southwest average of 5.29%. The Shire of Donnybrook Balingup's current median age is 49 which is three years higher than the average in the southwest and the largest life stage group is 50-64 years of age representing 23.7% of the shire's population.

Overall, the need for localised health care will be increasing, it is paramount to work towards building capacity within our communities to meet the growing need. At present community services are unable to meet transport needs for people requiring specialised or allied health services out of the district. With transportation costs ever increasing many people will not be able to afford to pay for transport to access required services. The lack of locally provided services places our growing vulnerable community members at a disadvantage as they will not be receiving the supports similar to their counterparts in the greater Bunbury region or the Perth metro areas.

There are many challenges facing our ageing population and most people wish to remain in their homes and supported in the community. This is also the preference for the aged care sector as there are currently insufficient residential placements for those in need. This places a higher reliance on community services. The ultimate preference is a wellness approach to enable access to the types of supports and services required promptly to ensure a proactive approach in preventing disease or falls, etc. within the home. However, the services need to be available and within close proximity to the people who require it.

Access to medical support is vital for our community and the need to enable community organisations and businesses to deliver services to meet the growing requirements of our community members needs to be nurtured. Partnering with state and community organisations is a move towards finding solutions to meet our growing community needs in conjunction with providing quality education, training, and work opportunities for upcoming or new graduates in the medical field, allied health or other.

In order to provide a safe and healthy community for our diverse and growing population the Shire of Donnybrook Balingup needs to work in collaboration with others and form partnerships as stated in the MOU. This Elected Member Recommendation is aimed at ensuring the Council is regularly *updated with bi-monthly reports identifying the progress of the proposal to develop a MOU and the outcomes achieved.*

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Insignificant	Low (2)
Risk Description:	Council being uninformed on on the progress of the development of the Memorandum of Understanding for the health precinct partnership		
Mitigation:	Regular reporting to occur		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Nil.

Consultation

Nil.

Officer Comment

Bi-monthly reports can be provided. Direction from Council on where/how these reports are provided is requested. Are they presented to Council meetings or just circulated to elected members? There hasn't been much progress in recent months on the development of the MOU.

MOTION:	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Alexis Davy

That Council Instruct the CEO to provide bi-monthly reports to update on the progress of the development of the Memorandum of Understanding for the health precinct partnership.

AMENDMENT: Cr Glover moved the following amendment:

MOTION:	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Deanna Shand

Amend the motion to read:

That Council Instruct the CEO to provide an update in the quarterly information bulletin on the progress of the development of the Memorandum of Understanding for the health precinct partnership.

For: Cr MacCarthy, Cr Davy, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Cr Mitchell
Carried: 7/1

COUNCIL RESOLUTION: 131/24	
MOVED BY: Cr Lisa Glover	SECONDED BY: Cr Deanna Shand

That Council Instruct the CEO to provide bi-monthly reports to update on the progress of the development of the Memorandum of Understanding for the health precinct partnership.

For: Cr MacCarthy, Cr Davy, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Shand
Against: Nil.
Lost: 8/0

11. New Business of an urgent nature introduced by Decision of the Meeting
Nil.

12. Meetings Closed to the Public

12.1. Matters for which the Meeting may be closed

12.1.1 RFT 05 2324 Buildings, Public Toilets and Barbeque Facilities Cleaning

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

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

COUNCIL RESOLUTION: 132/24	
MOVED BY: Cr Peter Gubler	SECONDED BY: Cr Deanna Shand

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

12.1.1 RFT 05 2324 Buildings, Public Toilets and barbeque Facilities Cleaning.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

The meeting was closed to the public at 7:03pm.

COUNCIL RESOLUTION: 134/24	
MOVED BY: Cr Vivienne MacCarthy	SECONDED BY: Cr Anita Lindemann

That the meeting be reopened to the public.

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

The meeting was reopened to the public at 7:09pm.

12.2. Public reading of Resolutions that may be made public

COUNCIL RESOLUTION: 95/24		
MOVED BY:	Cr Lisa Glover	SECONDED BY: Cr Deanna Shand

That Council:

- 1. Requests the Chief Executive Officer to award the contract for RFT 05-2324 – Building, Public Toilet and BBQ Facilities Cleaning, to Brightmark Group Pty Ltd, based on:**
 - 1.1. Their submitted price and rates,**
 - 1.2. The contract being for a period of two (2) years; and**
 - 1.3. The Chief Executive Officer having the option to extend the contract by a further one (1) year, in accordance with the tender documentation, subject to the contractor achieving satisfactory performance throughout the term of the contract, outlined in 1.2.**
- 2. Requests the Chief Executive Officer to publish this Council decision in the minutes of the 24 July 2024 Ordinary Meeting of Council.**

For: Cr MacCarthy, Cr Davy, Cr Mitchell, Cr Glover, Cr Bailey, Cr Gubler, Cr Lindemann, Cr Shand
Against: Nil.
Carried: 8/0

13. Closure

The Shire President advised that the next Agenda Briefing Session will be held on 21 August 2024 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 7:11pm.

These minutes were declared as a true and accurate record at the Ordinary Council Meeting held 28 August 2024.



Vivienne MacCarthy
President – Shire of Donnybrook Balingup