



Notice of Agenda Briefing Session

To be held on 18 September 2024 and to commence immediately after the Special Council Meeting

To be held at the Council Chambers in Donnybrook
(1 Bentley Street, Donnybrook)

Authorised:

Tim Clync, Chief Executive Officer (Temporary)

Prepared:

13 September 2024

Disclaimer:

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

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

Information on Agenda Briefing Sessions and Ordinary Council Meetings

Agenda Briefing Sessions

All Agenda Briefing Sessions are held in the Council Chamber at 5:00pm on the third Wednesday of the month (except for the month of December when it is held on the first Wednesday).

Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Ordinary Council Meeting.

Ordinary Council Meetings

All Ordinary Council Meetings are held in the Council Chamber at 5:00pm on the fourth Wednesday of the month (except for the month of December when it is held on the second Wednesday).

Agendas

The Agenda for the upcoming Agenda Briefing Session and Ordinary Council Meeting is available on the Shire's website www.donnybrook-balingup.wa.gov.au from the Friday prior to the Agenda Briefing Session or Ordinary Council Meeting.

Agenda Briefing Guidelines

The objectives of Councillor Agenda Briefing Sessions are:

1. For the Executive to brief Councillors on Agenda items; and
2. For Councillors to ask questions of the Executive, to better inform themselves in relation to Agenda items.

The following guidelines aim to ensure proper standards of probity and accountability at Councillor Agenda Briefing Sessions:

1. There is to be no decision-making during Agenda Briefing Sessions.
2. Agenda Briefing Sessions are to be held in the Council Chamber (or other nominated venue) and are open to the general public, unless discussing confidential items.
3. Agenda Briefing papers will endeavour to be distributed to all Councillors at least three days (72 hours) prior to the meeting.
4. Agenda Briefing documents will be uploaded to the Shire's website 2 days (48 hours) prior to the briefing session.

5. The Agenda Briefing Session Chair is to be the Shire President. If the Shire President is unavailable, the Deputy Shire President shall be the Chair. If the Deputy Shire President is unavailable, the attending Councillors shall select a Chair.
6. Relevant Managers, staff and other parties, as required by the Chief Executive Officer for the provision of information to Councillors, shall attend Agenda Briefing Sessions.
7. Councillors, employees, consultants and other participants shall disclose their financial and conflicting interests in matters to be discussed.
8. Interests are to be disclosed in accordance with the provisions of the Act as they apply to Ordinary Council Meetings. Persons disclosing a financial interest will not participate in that part of the briefing relating to their interest and will leave the meeting room.
9. There is to be no opportunity for a person with an interest to request that they continue in the briefing.
10. As no decisions will be made during the Agenda Briefing Session, there is no requirement to keep a formal record (minutes) for each meeting.
11. Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings.
12. Briefings will only be given by staff or consultants for the purpose of ensuring that Councillors are more fully informed; and
13. There will be no debate-style discussion as this needs to take place in the Ordinary Meeting of Council when the issue is set for decision. This is particularly important when Shire planning matters are discussed. Councillors are to avoid expressing their opinions for or against a proposal. Under the provisions of the Town Planning Scheme and other relevant State Acts, decision-makers are required to maintain a high degree of independence from the process leading up to the decision being made.

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

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

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

“This Briefing Session 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.”

Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Ordinary Council Meeting.

There will be no debate-style discussion as this needs to take place in the Ordinary Meeting of Council when the issue is set for decision.

2. Attendance

Councillors Present:

Cr Vivienne MacCarthy

Cr Lisa Glover

Cr John Bailey

Cr Alexis Davy

Cr Peter Gubler

Cr Anita Lindemann

Cr Anne Mitchell

Cr Grant Patrick

Cr Deanna Shand

Staff Present:

Tim Clynych, Chief Executive Officer (Temporary)

Maurice Battilana, Acting Director Finance and Corporate

Ross Marshall, Director Operations

Loren Clifford, Manager Corporate Services

Stuart Eaton, Manager Finance Projects

Samantha Farquhar, Administration Officer Corporate Services

Other Members Present:

Public Gallery:

Livestream Viewers:

Guests:

2.1. Apologies

Nil.

2.2. Approved Leave of Absence

Nil.

2.3. Application for Leave of Absence

Nil.

3. Announcements from the Presiding Member

Nil.

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

Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

6. Presentations

6.1. Petitions

Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

6.2. Presentations

Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

6.3. Deputations

Not applicable - Agenda Briefings are open to the public to attend and observe however, any questions, deputations or petitions are to be presented to the Council Meeting.

6.4. Delegates' Reports

Nil.

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7. Confirmation of Minutes

7.1. Ordinary Council Meeting held on 28 August 2024

Minutes of the Ordinary Council Meeting held 28 August 2024 are attached as [Attachment 7.1\(1\)](#).

Executive Recommendation:

That the Minutes from the Ordinary Council Meeting held 28 August 2024 be confirmed as a true and accurate record.

8. Reports of Committees

8.1. South West Regional Road Group Meeting held on 27 July 2024

Minutes of the South West Regional Road Group Meeting held 27 July 2024 are attached at Attachment 8.1(1)

Executive Recommendation:

That the Minutes from the South West Regional Road Group Meeting held 20 August 2024 be received.

8.2. Local Emergency Management Committee Meeting held on 20 August 2024

Minutes of the Local Emergency Management Committee Meeting held 20 August 2024 are attached at Attachment 8.2(1)

Executive Recommendation:

That the Minutes from the Local Emergency Management Committee Meeting held 20 August 2024 be received.

8.3. South West Country Zone Meeting held on 23 August 2024

Minutes of the South West Country Zone Meeting held 23 August 2024 are attached at Attachment 8.3(1)

Executive Recommendation:

That the Minutes from the South West Country Zone Meeting held 23 August 2024 be received.

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9. Reports of Officers

9.1. Director Operations

9.1.1 Request for Consent to Mine - Reserve 2052 and Reserve 22860

Report Details:

Prepared by:	Principal Planner	
Manager:	Manager Development Services	
Applicant:	Kulu Gold Limited	
Location:	Lot 515, 516, 517 and 518 (Reserve 2052) Sandhills Road, Brookhampton and Lot 363 and 392 (Reserve 22860) Thomson Road, Donnybrook	
File Reference:	A3475 and A3252 (IND 01/1)	Voting Requirement: Simple Majority
Attachment(s):		
9.1.1(1)	Letter from DMIRS requesting comment relating to Reserve 2052	
9.1.1(2)	Letter from DMIRS requesting comment relating to Reserve R22860	
9.1.1(3)	Crown Land Reserve Reports	

Executive Recommendation

That Council:

Recommends to the Minister for Mines and Petroleum that the proposal by Kula Gold Limited to access the surface at Reserve 2052 Sandhills Road, Brookhampton and Reserve 22860 Thomson Road, Donnybrook for mining purposes is supported subject to the following conditions:

- 1. That no mining occurs on Lots 516 and 518 on Deposited Plan 215417 that are currently used for the purpose of the Sandhills Walk Trail.**
- 2. Mining is not to commence until such time as the proposal has demonstrated that due regard has been given to the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7).**
- 3. Mining is not to commence until such time as the proposal has demonstrated that due regard has been given to the Shire of Donnybrook Balingup Extractive Industry Local Law.**
- 4. Noise from the works and use is to comply with the *Environmental Protection (Noise) Regulations 1997*. This may require restrictions on operating hours and scope of exploration activities.**
- 5. The Shire is to retain access to the basic raw material (sand and gravel) resource located on the land for the benefit of public works.**
- 6. All sand and gravel material to be removed and stockpiled to the satisfaction of the Shire prior to mining or exploration to ensure that it is not contaminated.**
- 7. Should clearing of vegetation be required, a clearing permit or evidence of exemption must be provided to the Shire prior to the commencement of the works.**

8. A site management plan that addresses social and environmental impacts must be provided to the satisfaction of the Shire. This report must outline the scope, methodology and timing of the works, and address the management of the following impacts as a minimum: noise, dust, waste, fuels and chemicals, water management, dieback, vegetation, rehabilitation.
9. Copies of site assessment reports that may assist in future land use planning are to be provided to the Shire, for example, any ecological, environmental, hydrological, and geological reports.
10. A pit rehabilitation plan and closure management plan is to be prepared by a suitably qualified person to the satisfaction of the Shire and pit closure and rehabilitation is to be completed in accordance with this plan to the satisfaction of the Shire.
11. Ensure that all relevant stakeholders, including residents and local businesses, are consulted to gather a broad perspective on the potential impact.
12. Access to the surface of land within Donnybrook Townsite for mining purposes being subject to the approval of the Local Authority or relevant reserve vestees, and mining activities within the first 100 metres below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Strategic Alignment

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

- Outcome:** 3 - The natural environment is well managed for the benefit of current and future generations.
- Objective:** 6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider a proposal by Kula Gold Limited requesting the Minister for Mines and Petroleum for consent to access the surface at Reserve 2052 Sandhills Road, Brookhampton and Reserve 22860 Thomson Road, Donnybrook for mining purposes. The Shire currently holds a management order for Reserve 22860 for quarry sand. The Department of Mines, Industry Regulation and Safety has referred the proposal to the Shire of Donnybrook for comment. It is to be noted that this is not a development application, and that Council is in effect a referral agency not the decision maker. By supporting the proposal Council may request conditions to be imposed on an approval by the Minister.

Background

Kula Gold Limited is seeking permission from the Minister for Mines and Petroleum to conduct exploration activities that will involve mining over Reserves 2025 and 22860 in the Shire of Donnybrook Balingup locality. The location of these reserves are illustrated in Figure 1.

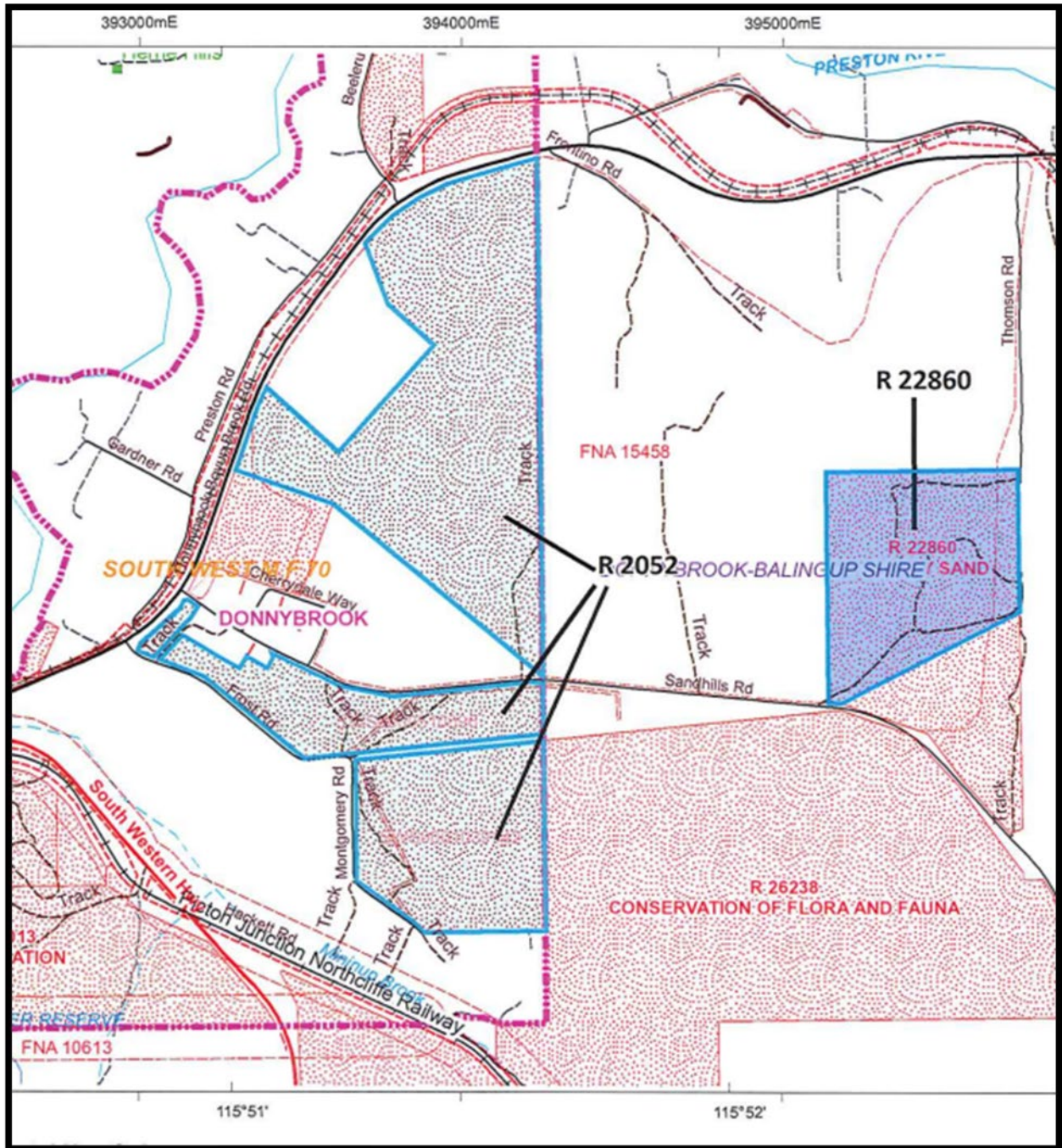


Figure 1 – Reserve 2052 Sandhills Road, Brookhampton and Reserve 22860 Thomson Road, Donnybrook

The process involves consulting the Local Government and the Minister for Lands before the Minister for Mines and Petroleum can grant consent. The Department of Mines, Industry Regulation and Safety has also asked that Council consider the proposed condition of approval to be imposed if the proposal is granted:

Condition:

Access to the surface of land within Donnybrook Townsite for mining purposes being subject to the approval of the Local Authority or relevant reserve vestees, and mining activities within the first

100m below the surface of the land being limited to such exploration activities as may be approved by the Executive Director, Resource and Environmental Compliance, Department of Mines, Industry Regulation and Safety.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Environment	Possible	Moderate	Moderate (5)
Risk Description:	Mining activities may have impacts relating to noise, dust, waste, fuels and chemicals, water management, dieback, vegetation, rehabilitation.		
Mitigation:	Supporting mining activities subject to conditions aimed at mitigating land use impacts and managing potential off-site effects to acceptable levels.		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Mining resources are the property of the state and exploration, and development of these resources is decided by the state in accordance with the *Mining Act*. Although the Shire of Donnybrook Local Planning Scheme and Local Laws cannot prohibit or affect the granting of a mining tenement or the carrying out of any mining operations authorised by the *Mining Act*, consideration of the request received allows the Shire the opportunity to support the proposal subject to conditions.

Mining Act 1978

Part V - General provisions relating to mining and mining tenements

120. Town planning schemes and local laws to be considered but not to derogate from this Act

(1) In considering any application for the grant of a mining tenement the Minister, warden or mining registrar, as the case requires, shall take into account the provisions of any town planning scheme in force under the Town Planning and Development Act 1928 or local laws in force under the Local Government Act 1995 affecting the use of the land concerned, but the provisions of any such scheme or local laws shall not operate to prohibit or affect the granting of a mining tenement or the carrying out of any mining operations authorised by this Act.

(2) Without affecting subsection (1), where -

(a) an application has been made for a mining lease or a general purpose lease; and

(b) the local government has, in writing, informed the Minister and the Minister for the time being administering the Town Planning and Development Act 1928, that the mining lease or general purpose

lease would, if granted, authorise the carrying on of mining operations contrary to the provisions of a town planning scheme or local laws referred to in subsection (1), the Minister shall not dispose of the application until he has first consulted the Minister for the time being administering the Town Planning and Development Act 1928 and obtained his recommendation thereon.

[Section 120 amended by No. 58 of 1994 s. 47; No. 14 of 1996 s. 4; No. 24 of 2000 s. 26(2).]

Consultation

An internal referral of the application was conducted, and the following comments were received:

Health:

The proposal is supported subject to:

Noise from the development and land use is to comply with Environmental Protection (Noise) Regulations 1997.

Works and Services:

The proposal relating to R22860 is supported subject to:

- The Shire retaining full rights to all the sand and gravel material that is within the property.
- Any sand material to be moved for exploration purposes must be extracted and stockpiled to the satisfaction of the Shire, to ensure it is not contaminated.
- The miner to complete the rehabilitation of the land post mining and/or any exploration activities.
- If the land is to be mined in the future, the miner must extract and stockpile all sand from the site at their full cost and stockpile at a Shire site located within 10km of the Shire's main administration site in Donnybrook.

Works and Services has no comment relating to the proposal relevant to R2052.

Environment:

The proposal is supported subject to:

- Should clearing of vegetation be required, a clearing permit or evidence of exemption must be provided to the Shire, prior to the commencement of the work program.
- A site management plan that addresses social and environmental impacts be provided to the Shire. This report should outline the scope, methodology and timing of the works, and address the management of the following impacts as a minimum: noise, dust, waste, fuels and chemicals, water, dieback, vegetation, sight, rehabilitation.
- Requesting copies of site assessment reports that are beneficial to the Shire, for example, any ecological, environmental, hydrological, and geological reports, to assist in future land use planning.
- A condition that rehabilitation works be undertaken to improve the ecological health of the retained vegetation in a previously highly degraded area as determined by the Shire, should the licence be granted, to offset the environmental and social impacts of the exploration activity on lands identified for public purposes, as both lots are in proximity to conservation areas and public walking trails, and both lots contain vegetation that is contiguous with a Regional Ecological Linkage, which indicates increased ecological significance.

- The Shire to retain access to the basic raw material (sand) resource located on these sites, for the benefit of the Shire community.

Governance:

The Shire previously held a Section 91 Licence that expired on 29/02/2024 on a portion of Reserve 2052 (Lots 516 & 518 on Deposited Plan 215417) from the Department of Planning, Lands and Heritage (DPLH). Licence Number 00097-1892_A10376155 was for the designated use of “Walk Trail” and locally referred to as the Sandhills Track. Figure 2 below illustrates the extent of the Sandhills Track over lots 516 and 518.

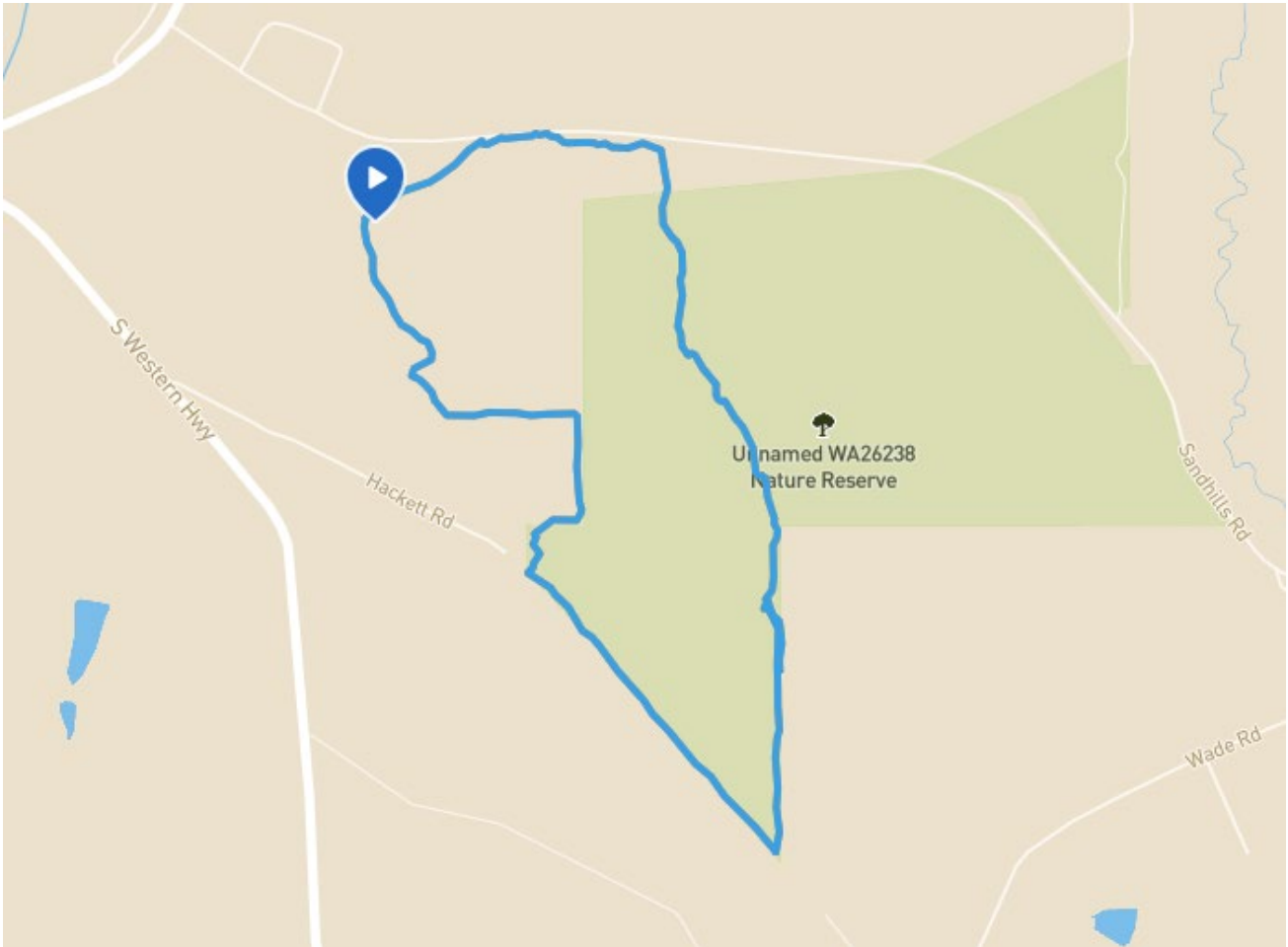


Figure 2 – Sandhills Track, Donnybrook (Trails WA)

Officer Comment

The table below provides planning information relating to the lots impacted by the proposal. Mining is not specifically mentioned in the Zoning Table and may be considered as falling within the type of use class similar to an extractive industry. Table 1 below includes information about the permissibility of an extractive industry relevant to each of the affected lots.

Table 1 - Zoning/reservation under LPS7

Reserve	Lot number	Zone/Reserve	Permissibility of an extractive industry use class under LPS7
2052	515, 517 and 518	Unallocated Crown Land for purpose of 'Government Requirements' Zoned: General Industry Development investigation area - DIA10 Special Control Area - SCA7 – Road protection area Special Control Area - SCA6 – Plantation exclusion area	Extractive Industry is a X use in the General Industry zone. Notwithstanding this under DIA10 sand extraction is supported prior to industrial development occurring on the lot. A development application is to be lodged for consideration and approval prior to any works commencing.
	516	Local Scheme Reserve: Parks and recreation Special Control Area - SCA6 – Plantation exclusion area	Extractive Industry would require Development Approval under LPS7.
22860	363	Crown Reserve vested with Shire of Donnybrook-Balingup for purpose of 'Recreation' Local Scheme Reserve: Parks and recreation Special Control Area - SCA6 – Plantation exclusion area	Extractive Industry would require Development Approval under LPS7.
	392	Zone: General Agriculture Special Control Area - SCA6 – Plantation exclusion area	Extractive Industry is an A use in the General Agriculture area. A development application is to be lodged for consideration and approval prior to any works commencing.

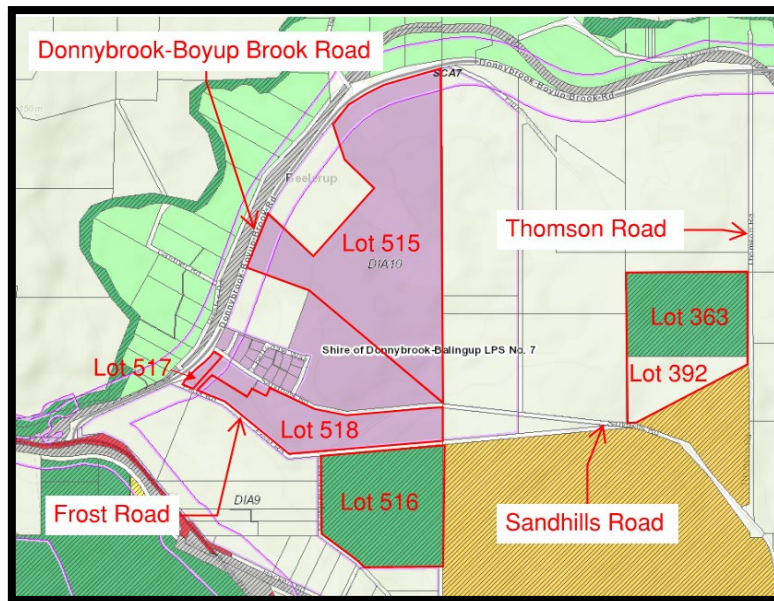


Figure 4 – Excerpt from LPS7 Scheme Map

Mining tenements must consider town planning schemes and local laws that affect land use. However, these provisions cannot prevent or affect the granting of mining tenements, or the execution of mining operations as authorised by the *Mining Act*. Officers recommend to Council that they support Kula Gold Limited's proposal to mine on Reserve 2052 (excluding lots 516 and 518) Sandhills Road, Brookhampton, and Reserve 22860 Thomson Road, Donnybrook subject to conditions aimed at mitigating land use impacts and managing potential off-site effects to acceptable levels. Specific conditions will be recommended to address land use management and off-site impacts, ensuring that the mining activities are conducted responsibly and in alignment with broader community and environmental considerations. This approach balances the legal and regulatory framework with practical measures to minimize adverse effects, which is crucial for maintaining community support and environmental stewardship while advancing mining activities.

9.1.2. The Wild Campout – Event Application

Report Details:

Prepared by:	Senior Community Development Officer		
Manager:	Manager Development Services		
Applicant:	Jeremy Bos, Royal Jelly Productions Pty Ltd		
Location:	Lot 945 Southampton Road, Balingup		
File Reference:	A4987	Voting Requirement:	Simple Majority
Attachment(s):			

9.1.2(1) The Wild Campout Site Maps

Executive Recommendation

That Council:

1. **Considers the event application, The Wild Campout, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) and 61(2)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the period 26 December 2024 until 4 January 2025.**
2. **Approves the event, The Wild Campout, to be held at Linga Longa, Lot 945 Southampton Road Balingup from 29 December 2024 until 2 January 2025 subject to the following conditions:**
 - a) **A maximum accommodation number of 1,200 patrons and 1,600 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) **Provision of a risk management plan that has been developed in accordance with AS/NZS ISO 31000:2009 Risk Management;**
 - d) **Provision of an emergency management plan that has been developed to comply with the intent of AS 3745:2010, Planning for Emergencies in Facilities is to be submitted and subject to separate written approval from the Shire. This is to include a fire management plan and actions to be considered should a Fire Danger Rating of Extreme or Catastrophic be declared;**
 - e) **All electrical equipment is to be tested and tagged by an appropriately qualified persons;**
 - f) **All temporary generator installations earthed in accordance with Australian Standards, as appropriate. A Form 5 “Certificate of Electrical Compliance” required to be submitted by a licensed electrical contractor for all temporary power installations prior to the commencement of the event;**
 - g) **A minimum of 25 additional temporary unisex toilets to provided and placed so that they are within 90 metres of any camp site;**
 - h) **All toilets are to be serviceable for the duration of the event and all temporary toilets are to be located in a manner to facilitate servicing/replenishment for the duration of the event;**
 - i) **Event grounds are to have adequate lighting after dark;**

- j) Lighting to achieve a minimum of 40 Lux, to be provided in in or above temporary toilets to facilitate safe use after dark;
- k) All temporary structures (including tents, gazebos and marquees) must be suitably secured to prevent movement in wind gusts and not used if winds exceed manufacturer specified rating;
- l) 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;
- m) Camping for event attendees is permitted for four (4) nights 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 Management Plan;
- p) A first aid post with a minimum of four qualified first aid officers is required to be provided and adequately sign posted for the duration of the event;
- q) Adequate potable water is to be available for free to event attendees including campers;
- r) 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 along Southampton and Cassia Roads for the duration of the event. This TMP is subject to separate written approval from the Shire prior to commencement of the event;
- s) 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 time and traffic controllers must be fully accredited for the tasks they are undertaking;
- t) Fires, fireworks or any other pyrotechnic display are not permitted for the duration of the event;
- u) 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 deposited on neighbouring properties;
- v) Notification to residents within 2 km of the event site is to be undertaken by the Shire, at the applicant's cost;
- w) 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; and;
- x) An event debrief meeting is to be arranged with the Shire before the end of February 2025, 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: 9 - A thriving economy.

Objective: 9.2 - Attract and retain a diverse mix of businesses and investment opportunities.

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.

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.

While there is currently a development application being advertised for public comment for a number of land uses at this venue, multi day music festivals are not included with the landowner's preference that third party providers obtain specific event approval. This has been the case for previous events of this nature held at the property.

It is recommended that The Wild Campout be conditionally approved.

Background

Royal Jelly Productions have held The Wild Campout at Linga Longa in 2018, 2019, 2020 and 2022. It is a New Years Eve celebration featuring music and camping over three days.

This year the applicant proposes to permit a limited number of campers (up to 500) early access, resulting in camping for up to four days for some campers. The set up for the event is to commence from 26 December and be completed by 30 December 2024. Campers from the early access area will not be permitted access into the main festival area until all high-risk activities have been completed, instead having access to a food and non-alcoholic beverage vendor, light entertainment and art activation closer to their camping area. Pack down will commence from 2 January and is anticipated to be completed by 4 January 2025.

It will be a public, ticketed event with a cap of 1,200 patrons and up to 400 people comprising volunteers, contractors, artists, performance and food and beverage vendors. The applicant

anticipates the use of some local volunteers so not all 400 people are likely to camp on site. Food will be provided via food trucks and it is proposed to be a BYO alcohol event with no pass outs once entry has been obtained. Swimming is proposed within the existing site dam.

There will be three stages on site as summarised below:

	Main Stage	The Hive	Pop Up
Entertainment description	DJ's playing recorded music with some acts having accompanying live elements (brass, percussion, strings).	Live music and performances.	DJ and background music for interactive, themed sport carnival to be held within the beach area.
Operating Times			
Day 1 (30 Dec)	5:00 pm – 2:00 am (9 hours)	2:00 pm – 1:30 am (11.5 hours)	Not operating
Day 2 (31 Dec)	2:00 pm – 2:00 am (12 hours)	10:00 am – 10:30 pm (12.5 hours)	
Day 3 (1 Jan)	5:00 pm – 9:30 pm (4.5 hours)	Kids activities and cinema only	11:00 am – 5:00 pm (6 hours)

Along with their completed event application form Royal Jelly Productions have provided the following information in support of their event application:

- A site plan ([refer Attachment 9.1.2\(1\)](#))
- A camping site plan
- HIVE layout plan
- Jelly HQ plan
- Main gate traffic plan
- Mainstage layout and design
- Power and lighting plan

It is considered that there are adequate parking bays and camping areas for the proposed number of attendees and support staff.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Negative community experience; risk to attendants.		
Mitigation:	Event conditions.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Rare	Catastrophic	Moderate (5)
Risk Description:	Serious injury to attendants.		
Mitigation:	Risk management plans, presence of appropriately qualified first aiders and lifeguards.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Major	High (12)
Risk Description:	Event set up and operation not in accordance with approval. Offsite impacts. Risk to patrons.		
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	\$500
Application Fee Temporary Camping	\$100
Water sampling fee (if requested)	\$188 (per sample)
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) and 61(2)(f) 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” and “temporary use”. 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”; and temporary use is defined as “the use is 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:

- *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 business/mobile food operator); and
- *Bush Fires Act 1954* (Total Fire Bans and Harvest Vehicle Movement Bans).

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-kilometre 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.

Officer Comment

Royal Jelly Productions have run The Wild Campout four times since 2018 with incremental increases in patrons from 500 patrons in 2018 to 1,200 in 2022. The Shire has had very little feedback from community members regarding the event, with anecdotal information suggesting a past noise complaint has resulted in reorientation of the stage layout for subsequent events. Notwithstanding, it is considered important that noise is addressed particularly given the duration of this event.

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 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.

While the applicant has not provided specific sound levels to be monitored, they have indicated that stage outputs are to be monitored by experienced sound technicians. Given the location of the site and past performance, it is not considered necessary that the applicant provide a formal Noise Prediction Model. However, it is still considered that the noise levels, particularly in the early hours of the morning, will exceed the assigned levels when received at a noise sensitive premises within this rural setting. It is therefore recommended that a condition be included to require the applicant obtain a Regulation 18 approval specific to this event.

Southampton and Cassia Roads pass by/through the event venue. While the applicant has provided a main gate traffic plan, given the area traverses public roads it is recommended that the applicant provide a formal Traffic Management Plan. These are required to be completed by appropriately qualified persons who would be able to provide an assessment as to the most appropriate way to manage through traffic as well as traffic generated by the event. A condition is therefore recommended.

The event organisers are aware that Linga Longa have recently reviewed their Bushfire Management Plan as part of their current development application which will provide valuable insight in relation to bushfire management relevant to this site. For entertainment venues with occupancy of more than 1,000 people there is a requirement under the *Health (Public Buildings) Regulations 1992* for an emergency plan to be prepared in accordance with *AS 3745:2010, Planning for Emergencies in Facilities*. The Department of Health's "Guidelines for concerts, events and organised gatherings" recommends that event managers consider the following emergencies within their emergency plan:

- Crowd crush
- Fire
- Flood or flash flood

- Severe weather
- Civil disturbance
- Loss of key supplier or customer
- Explosion
- Biological agent release (bioterrorism)
- Communications failure

A condition is therefore recommended, with fire specifically referenced for consideration within the resultant plan.

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

Item	Rate
Event Application Fee	\$500
Application Fee Temporary Camping	\$110
Water sampling fee (if requested)	\$188 (per sample)
Application fee Regulation 18	\$1,000
Notification letters	To be determined

DRAFT

9.1.3. Shire of Donnybrook Balingup Interim Local Recovery Plan Update

Report Details:

Prepared by: Community Emergency Services Manager

Manager: Ross Marshall, Director Operations

File Reference: CSV 20

Voting Requirement: Simple Majority

Attachment(s):

9.1.3(1) Updated Local Recovery Plan

Executive Recommendation

That Council:

1. Adopts the updates to the Local Recovery Plan as endorsed by the Local Emergency Management Committee.
2. Requests that the Chief Executive Officer forward an updated copy of the Local Recovery Plan to the District Emergency Management Advisor for noting.

Strategic Alignment

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

Outcome: 3 - The natural environment is well managed for the benefit of current and future generations.

Objective: 3.2 - Develop community readiness to cope with natural disasters and emergencies.

Item: 3.2.4 - Provide support for emergency services volunteers.

Executive Summary

The Shire of Donnybrook Balingup has undertaken an interim review of the Local Recovery Plan.

In Preparation for the 2024/25 bushfire season, the current Local Recovery Plan was provided to the Shire's Local Emergency Management Committee and relevant Shire Staff for review, to ensure that the information and terminology within the document accurately reflect current practices.

Background

The Shire's Local Emergency Management Committee consists of numerous stakeholders who are responsible for contributing to the development of the Shire's Local Emergency Management Arrangements, which includes the Local Recovery Plan.

Due to the wide range of stakeholders that contribute to the Recovery Plan outcomes, it was identified that some terminology and procedures within the plan were outdated and would benefit from an interim review.

Each agency from the Shire's Local Emergency Management Committee was invited to review the document and provide feedback as displayed below:

Page Number	Amendment
6	Change 'Department of Communities' to 'Regional Coordinator Bunbury'
11	Correct spelling error – 'Opeartions' amended to 'Operations'
14	'Welfare Centre' updated to 'Evacuation Centre'
14	'Welfare Services' deleted and updated to 'emergency relief and support services'
19	Title: 'Arrangements' corrected to 'Arrangements'
19	Paragraph 4 - update document title to updated version 'Local Emergency Relief and Support Plan – Shire of Donnybrook Balingup
19	Existing Plans and Arrangements – update document title to updated version 'Local Emergency Relief and Support Plan'
22	Change venue from Balingup Fire Station to Balingup Recreation Centre
36	5.2 Update term 'Welfare Agencies' to 'Support Agencies'
37	5.3 Update title to 'Emergency Support and Health Services'
37	Update terminology – remove term 'welfare' amend to 'emergency relief and support'
37	Update name of plan to 'State Support Plan – Emergency Relief and Support'
37	Update dot point 2 – 'State Support Plan – Emergency Relief and Support'
37	Update dot point 3 – 'Local Emergency relief and Support Plan'
64	Update terminology – delete 'welfare' update terminology 'emergency relief and support services'
64	Update terminology to 'emergency food, emergency clothing and personal requisites' to align with State EM Plan section 5.5.4
64	Delete paragraph referring to State EM Plan 6.10 (now obsolete)
Throughout Document	Update 'Balingup Community Advisory Committee' to Balingup Progress Association and Balingup Resilience Committee'

At its August meeting, the Local Emergency Management Committee was provided a summary of the suggested amendments for consideration. The committee resolved to endorse the above amendments to Council as per the following resolution:

“RECOMMENDATION

“That the Local Emergency Management Committee endorse the amendments to the Shire of Donnybrook Balingup Recovery Plan.

Carried: 15/0”

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Moderate	Moderate (8)
Risk Description:	Poor organisation in the recovery space		
Mitigation:	Perform regular reviews and updates to recovery plans		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Moderate	Moderate (8)
Risk Description:	Negative community experience		
Mitigation:	Ensure recovery plan outcomes are achievable and relevant		

Financial Implications

Nil.

Policy Compliance

Nil.

Statutory Compliance

Emergency Management Act 2005.

Consultation

The Shire's Local Emergency Management Committee consisting of the following agencies were invited to review the Local Recovery Plan:

Balingup Progress Association	Department of Biodiversity, Conservation and Attractions
Department of Communities	Department of Fire and Emergency Services
District Emergency Management Advisor	Donnybrook SES
Donnybrook Volunteer Fire and Rescue Service	Main Roads WA
Shire of Donnybrook Balingup	St John Ambulance
Water Corporation	WA Police
Shire of Donnybrook Balingup Bushfire Service	Community Home Care
Department of Primary Industries and Regional Development	Donnybrook Hospital
Red Cross	St John Ambulance
Tuia Lodge	WA Country Health service
Western Power	

Officer Comment

The Shire identified that an interim review of the Local Recovery Plan would be beneficial in preparation for the 2024/25 bushfire season.

Whilst it is not mandatory to perform interim updates of the Local Recovery Plan, it was determined that it would be best practice to ensure that the Shire's Local Emergency Management Arrangement documents remain current and accurate.

DRAFT

9.2. Director Finance and Corporate

9.2.1. Schedule of Accounts Paid as at 31 August 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 August 2024 as per Attachment 9.2.1

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

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 August 2024 to 31 August 2024, the schedule contains details of the following transactions:

1 Municipal Account – payments totalling \$2,570,087.30.

Credit Card payments	3568-3576
EFT Payments	EFT29160A – EFT29290B
Cheque Payments	53804 – 53806
Direct Debit payments	DD27907 & 27927

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](#)

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

DRAFT

9.2.2. Statement of Financial Activity report as at 31st July 2024

Report Details:

Prepared by: Acting Manager Financial Services

Manager: Acting Director Finance & Corporate

File Reference: Nil

Voting Requirement: Simple Majority

Attachment(s):

9.2.2(1) Statement of Financial Activity July 2024

Executive Recommendation

That Council receive the Statement of Financial Activity report for the period ending 31st July 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 presented to Council details the Shire's performance in relation to its adopted/amended budget and actuals.

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 for the period ending 31st July 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 Special Meeting of Council on 18th September 2024 it was recommended Council adopt the following material variance reporting thresholds for the 2024/25 financial year:

A material variance for reporting of \$10,000, for 2024/2025, 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

Due to end of financial year processing, presentation of the July 2024 Financial Activity Statements to Council was deferred to the September 2024 ordinary meeting. Also, with the timing of preparing the report for inclusion in the September agenda and the lateness of the 2024/2025 budget being adopted the figures shown in the Financial Activity Statements are compared to **draft** budget amounts only. Material variance reporting will have anomalies due to the budget timing data yet to be included at the time this Agenda Report was completed. This will be addressed at subsequent Financial Reports to Council once the 2024/2025 Budget is adopted and timing data updated.

DRAFT

9.2.3. Nomination of WALGA 2024 Annual General Meeting Voting Delegates

Report Details:

Prepared by: Administration Officer – Corporate Services

Manager: Manager Corporate Services

Location: Shire of Donnybrook Balingup

File Reference: DEP 22/4D

Voting Requirement: Simple Majority

Attachment(s):

9.2.3(1) WALGA AGM Agenda 2024

Executive Recommendation

That Council:

1. Nominates the following two delegates for the 2024 Annual General Meeting of the WA Local Government Association to be held on Wednesday 9 October 2024 at Perth Convention and Exhibition Centre.
 - 1.1 Cr Davy and
 - 1.2 Cr Glover.
2. Notes that no Councillors will be nominated as proxy voting delegates for the 2024 Annual General Meeting.
3. Requests the Chief Executive Officer to advise the WA Local Government Association (WALGA) of Council's nominees.
4. Requests the two delegates vote on the proposed motions as follows:
 - 4.1 Vote For Motion 7.1 Amendments to the *Cat Act 2011* - Allow Local Governments to Make Local Laws to Contain Cats to The Owner's Property; and
 - 4.2 Vote Against Motion 7.2 Advocacy for Legislative Reforms to Counter Land-Banking
 - 4.3 Vote For Motion 7.3 Advocacy for Expansion of Differential Rating to Include Long Term Unoccupied Commercial Buildings (Property Activation Levy); and
 - 4.4 Vote Against Motion 7.4 Action on Asbestos for Western Australia; and
 - 4.5 Vote Against Motion 7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and Government Regional Officer Housing; and
 - 4.6 Vote For Motion 7.6 Advocacy for Accessibility.
5. Notwithstanding Part 4, voting delegates are given authority to vote on motions or amendments contrary to the positions determined by Council where new information is provided in the debate. In the event of this occurring the voting delegates are to provide a report to the Chief Executive Officer for distribution to Councillors, explaining the reasons and circumstances of those decisions.

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.

Executive Summary

The Annual General Meeting (AGM) provides an opportunity for members to review WALGA's annual financial statements, the President's annual report, and to consider any motions submitted by the executive or Council Members, this year there are six (6) motions Council's delegates will need to vote on. The AGM will be held on Wednesday, 9 October 2024, at the Perth Convention and Exhibition Centre, in conjunction with the Local Government Convention 2024.

Background

The Western Australian Local Government Association (WALGA) has announced that the Annual Local Government Convention will take place in Perth from Tuesday, 8 October to Thursday, 10 October 2024.

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

"COUNCIL RESOLUTION 130/24

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.

As part of Local Government Week, the Annual General Meeting (AGM) of WALGA will be held on Wednesday, 9 October 2024. Council is entitled to be represented by two voting delegates at the AGM. Each Council is entitled to appoint two voting delegates and two proxy delegates to represent them at WALGA's Annual General Meeting (AGM). The Chief Executive Officer (CEO) has received a request from WALGA for Council to submit its nominated voting delegates by Friday, 27 September 2024.

Cr Patrick has since informed the CEO that he is unable to attend.

The 2024 WALGA AGM Agenda has six (6) motions submitted by other councils for consideration.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Insignificant	Low (1)
Risk Description:	Council does not nominate voting delegates to vote on the matters being considered by WALGA.		
Mitigation:	The nominating of two suitable voting delegates.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	Council's delegates vote contrary to the position of Council or without knowledge of Council's preferred position		
Mitigation:	Council to provide guidance to its delegates.		

Financial Implications

Attendance at the AGM is free for all Elected Members and officers from Local Governments, but it is necessary to register the designated voting delegates and proxies in advance.

Policy Compliance

Council Policy EXE/CP-5 Attendance at Events and Functions applies to this matter.

Statutory Compliance

Nil.

Consultation

Nil.

Officer Comment

The Council should be aware that the absence of nominated proxy voting delegates will result in the inability to cast a vote on any motions presented at the AGM if one of the designated voting delegates is unable to attend.

Council's representation at the WALGA Annual General Meeting will contribute to the potential development of policy and future planning processes to assist the Shire's strategic capacity to provide good governance, service, and facilities for its greater community.

During the AGM, Council’s voting delegates will be called upon to vote on the various motions contained within the Agenda Papers. Motions for consideration are contained in the attachment, together with member comments and secretariat (WALGA) comment.

Council’s voting delegates at the AGM will be directed to vote in accordance with the Council resolutions, unless new information arises during the debate which, in the opinion of the voting delegates, changes the prospective position of Council (this also includes the consideration of any amendments moved at the AGM).

The 2024 WALGA AGM Agenda ([Attachment 9.2.3\(1\)](#)) has six (6) motions submitted by the executive or Council Members for Council consideration. The motions and comments have been provided below, together with Shire officer comments in support or opposition of the proposed motions.

In addition to the 6 member motions there are a number of “procedural” items (adoption of AGM Standing Orders, Adoption of Annual Report and Confirmation of 2023 AGM Minutes) that voting delegates are authorized to vote on.

Motion	Executive Comments:
<p>7.1 Amendments to the Cat Act 2011 - Allow Local Governments to Make Local Laws to Contain Cats to The Owner’s Property (Composite Motion from Shire of Esperance and Shire of Dardanup).</p>	<p>It is recommended Council delegates support this motion.</p> <p>The motion is simply seeking amendments to the Cat Act to provide local governments with the discretion to make a new Cat Local Law or amend a current Cat Local Law to introduce requirements for cat owners to contain cats on their property. The process to make or amend a local law has its own community consultation requirements.</p> <p>The subject of wandering cats and responsible cat ownership is commonly raised by community members and there is often an expectation that local governments have the legislative capacity to impose controls.</p> <p>The arguments often used to support the introduction of increased controls on cats include:</p> <ul style="list-style-type: none"> • Protection of wildlife • Reduction of public nuisance • Cat safety • Reducing stray and feral cat populations • Improving neighbour relationships • Making cat ownership legal responsibilities consistent with dog ownership
<p>7.2 Advocacy for Legislative Reforms to Counter Land-Banking (Motion from Town of Bassendean)</p>	<p>It is recommended Council delegates not support this motion however it is recognised that the content of debate on this motion may reveal new information that causes the delegates to support it.</p> <p>In assessing whether Council should support or oppose the proposal addressing land-banking practices, it is important to weigh the proposal's</p>

Motion	Executive Comments:
	<p>potential impacts on community wellbeing, economic prosperity, and broader town planning goals. The proposal seems designed to discourage speculative land-holding practices (land-banking) that can hinder development, limit housing availability, and negatively affect community growth.</p> <p>Arguments in support of the motion include:</p> <ul style="list-style-type: none"> • The measures outlined discourage land-banking, ensure more timely development, help keep housing available and neighbourhoods vibrant. • Prohibiting the premature demolition of habitable housing aligns with sustainable development goals. It prevents vacant lots from lying unused, often leading to urban blight or increased maintenance costs. By requiring a development application before demolition, the proposal ensures that the intention behind demolishing housing is clear and part of a broader development plan. Housing stock and community vibrancy would be retained, reducing vacant lots. • Imposing time limits on development after demolition ensures that projects are completed in a reasonable period, preventing speculative land-banking where land lies vacant for long durations. This assists in ensuring that surrounding properties aren't disrupted by prolonged periods of inactivity following demolitions, thus helping maintain property values and aesthetic appeal. • Implementing penalty fees for failing to meet project timelines adds an incentive for developers to follow through with their projects in a timely manner. It also compensates the local government for any increased costs associated with delayed developments. This can help prevent unsightly or underutilized spaces from remaining dormant for extended periods, improving liveability. • Creating a register of unoccupied residential properties provides transparency, while applying rates or levies on unoccupied properties disincentivizes land-banking. <p>Arguments in opposition of the motion include:</p> <ul style="list-style-type: none"> • The creation of new systems, such as a mandatory register of unoccupied properties and the enforcement of time limits on development projects, could require significant additional resources for monitoring compliance, issuing penalties, and maintaining the register. • Implementing and managing these new requirements could impose costs on the local government. This might include software for the register, legal processes to enforce penalties, and the need for inspections to ensure compliance with demolition and development timelines.

Motion	Executive Comments:
	<ul style="list-style-type: none"> • Developers and investors could view the proposal as too restrictive or punitive, particularly with the introduction of penalties for non-compliance with development timelines and additional levies on vacant properties. Some developers may prefer flexibility in project timelines due to the unpredictability of construction, financing, and market conditions. If the penalties and restrictions are perceived as too harsh, they might discourage investment in the area. • Even well-intentioned developers sometimes face unexpected delays due to supply chain issues, labour shortages, financing problems, or environmental concerns. Imposing rigid time limits on development could penalize developers who face legitimate obstacles beyond their control, creating an unfair burden. • There is a potential risk that the new requirements could be viewed as excessive regulation, which could lead to criticisms that the government is overreaching or micromanaging private property decisions. • Developers might pass the costs of compliance (penalty fees, additional levies, or the costs of speeding up development) onto future buyers or renters, potentially increasing housing prices rather than making housing more affordable.
<p>7.3 Advocacy for Expansion of Differential Rating to Include Long Term Unoccupied Commercial Buildings (Property Activation Levy) (Motion from Town of Bassendean)</p>	<p>It is recommended Council delegates support this motion.</p> <p>The motion is seeking to commence a consultative process for WALGA to review its current advocacy position on differential rating, specifically to consider amending the advocacy position to allow local governments the ability to apply a differential rate to long term unoccupied commercial buildings.</p> <p>The motion proposes WALGA amend its advocacy position and refer it to all West Australian local governments for comment, and that a subsequent report be made available for consideration by WALGA Zones. Council will be able to determine its position if and when this process occurs.</p>
<p>7.4 Action on Asbestos for Western Australia (Motion from Shire of Dundas)</p>	<p>It is recommended Council delegates not support this motion however it is recognised that the content of debate on this motion may reveal new information that causes the delegates to support it.</p> <p>It isn't clear in the information provided with the motion under what circumstances the Shire of Dundas is seeking assistance from State and Federal governments. The responsibility for asbestos management and disposal rests with the owner of the property. This includes local governments and their building maintenance obligations.</p> <p>Local governments also deal with illegal disposal of asbestos, where disposed on its property, such as vacant vested reserves and waste management facilities.</p>

Motion	Executive Comments:
<p>7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and Government Regional Officer Housing (Motion from Shire of Dundas)</p>	<p>It is recommended Council delegates not support this motion however it is recognised that the content of debate on this motion may reveal new information that causes the delegates to support it.</p> <p>Local governments aren't compelled to enter partnerships with State agencies for development of housing. Any such proposal should be supported by a business case or similar financial assessment that addresses the construction costs, whole of life costs and risks of the investment.</p>
<p>7.6 Advocacy for Accessibility (motion from Town of Victoria Park)</p>	<p>It is recommended Council delegates support this motion.</p> <p>As per the Secretariat comments in the AGM agenda, the goal of the National Construction Code (NCC) is to enable the achievement of nationally consistent, minimum necessary standards of relevant safety (including structural safety and safety from fire), health, amenity and sustainability objectives efficiently. The NCC has traditionally included a part focused on access for people with a disability, setting out deemed-to-comply solutions and general building requirements for buildings based on their classification, for class 2-9 buildings.</p> <p>New requirements introduced into the NCC in 2022 apply to all dwelling types and are intended to increase the stock of housing that is adaptable and better able to meet the needs of older people and people with mobility limitations. However, the WA Government has determined that the mandatory liveable (accessible) housing provisions would not be applied.</p> <p>The Disability Services Act requires local and State government agencies to develop and implement a Disability Access and Inclusion Plan (DAIP) to assist in the promotion of access and inclusion of people with disability, and to achieve access and inclusion outcomes. DAIPs act as a framework for the implementation of strategies and initiatives to ensure people with disability are supported to have the same opportunities as others to access services, facilities and information. They can be an important tool to make a tangible difference to the lives of people with disability in Western Australia.</p> <p>The decision by the WA Government to not apply the mandatory liveable (accessible) housing provisions appears contrary to the objectives enshrined under the Disability Services Act.</p>

9.2.4. Adoption of changes to Council Policy EM/CP-5- Elected Member Allowances and Entitlements

Report Details:

Prepared by: Manager Corporate Services

Manager: Acting Director Finance and Corporate

File Reference: ADM 11/1

Voting Requirement: Simple Majority

Attachment(s):

9.2.4(1) Draft Council Policy EM/CP-5- Elected Member Allowances and Entitlements

Executive Recommendation

That Council:

1. **Adopts the draft Council Policy EM/CP-5- Elected Member Allowances and Entitlements, noting the amendments to the payment frequency from quarterly in arrears to paid monthly in arrears, as well as minor grammatical changes.**

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

Elected Members have requested that the payment frequency of all Elected Member Allowances and Entitlements be paid monthly instead of quarterly. Council is requested to adopt the changes made to Council Policy EM/CP-5- Elected Member Allowances and Entitlements ([Attachment 9.2.4\(1\)](#)) to allow for this.

Background

Council first adopted an Elected Member Allowances and Entitlements policy at its Ordinary Council meeting held 26 June 2019 (Resolution 84/19), with further minor amendments made at its Ordinary Council meeting held 21 December 2021 (Resolution 213/21) to renumber the policy and add a scope to the policy.

Council discussed the Elected Member Allowances and Entitlements at its Budget workshop #11, on 3 July 2024, where Elected Members raised the query regarding changes to the payment frequency.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Rare	Insignificant	Low (1)
Risk Description:	More frequent payments could delay or add more time to the creditor's payment run process.		
Mitigation:	Streamline payment processes.		

Financial Implications

Nil.

Policy Compliance

Council Policy EXE/CP-8- Policy Framework

Amendments made to Council Policy EM/CP-5- Elected Member Allowances and Entitlements are in line with the requirements of the Council Policy EXE/CP-8- Policy Framework.

Statutory Compliance

Nil.

Consultation

Council discussed the Elected Member Allowances and Entitlements at its Budget workshop #11, on 3 July 2024, where Elected Members raised the query regarding changes to the payment frequency.

Officer Comment

Council is requested to adopt the draft Council Policy EM/CP-5- Elected Member Allowances and Entitlements ([Attachment 9.2.4\(1\)](#)) which has been amended to allow for the payment frequency to be monthly instead of quarterly.

Council should note that are minor grammatical changes were made including changes to replace gender-specific pronouns ('her' or 'she') with the gender-neutral pronoun 'they'.

The next quarterly payment (July-September quarter) is scheduled for 3 October 2024. If Council adopt these changes, they can expect their monthly payments to be incorporated into the first payment run of each month commencing 14 November 2024.

9.2.5 Annual Concession on Split Local Government Boundary

Report Details:

Prepared by:	Rates Officer		
Manager:	Maurice Battilana, Acting Director Finance and Corporate		
Location:	Shire of Donnybrook Balingup		
File Reference:	A1394	Voting Requirement:	Absolute Majority
Attachment(s):	Nil.		

Executive Recommendation

That Council:

1. Grant a concession of 58%, on rates for Lot 8314 Greenbushes Grimwade Road, North Greenbushes (A1394), effective from 1 July 2024, noting the reason being:
 - 1.1. That the land parcel is intersected by the boundary between the Shire of Donnybrook-Balingup and Shire Bridgetown-Greenbushes boundary, with 58% of the land parcel located within the Shire of Bridgetown Greenbushes boundary.

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 purpose of this report is for Council to consider a concession on rates for Lot 8314 Greenbushes-Grimwade Road, North Greenbushes (A1394). Due to the land parcel being intersected between the Shire of Donnybrook-Balingup and Shire Bridgetown-Greenbushes boundaries, with 58% of the land parcel located within the Shire of Bridgetown Greenbushes boundary

Background

Council has previously been requested to consider applications for rate concessions on properties intersected by the boundaries of the Shire of Donnybrook Balingup, the Shire of Boyup Brook, and the Shire of Bridgetown Greenbushes.

At its Ordinary Council Meeting held 24 April 2013, Council considered an approach from the Shire of Boyup Brook to initiate a Shire boundary adjustment to resolve the issue of the intersecting boundary. Council considered the application and resolved the following;

"COUNCIL DECISION

That the CEO write to the Shire of Boyup Brook advising that it would not be in favour of a Shire boundary adjustment but would be prepared to offer a 50% rating concession and a 50% concession on any waste management charges currently levied on the affected properties, specifically crown grants 11859 (A4390), 12087 (A4389) and 4522 (A2491). The provision of these concessions is subject to the Shire of Boyup Brook providing a 50% concession to the affected landowners for land situated within the Boyup Brook Shire."

Since 2020, Council has issued an annual rates concession of 58% on this particular property, which is the last remaining property affected by this boundary intersection.

At its Ordinary Council meeting held 23 August 2023 Council resolved the following:

"COUNCIL RESOLUTION 102/23

That Council (the Commissioner) grant a concession of 58% on the 2023/2024 rates charged against Lot 8314 Greenbushes-Grimwade Road, North Greenbushes (A1394), effective 1 July 2023."

The Rates Assessment Council is requested to consider in this application is:

Assessment: A1394
Address: Lot 8314, Greenbushes-Grimwade Road, North Greenbushes
Lot and Plan: 8314 P157864

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Insignificant	Low (4)
Risk Description:	Annual rates concession on split local government boundary not approved.		
Mitigation:	Approve the rate concession.		

Financial Implications

If Council grants the concession, there would be a reduction in revenue of \$966.86. The 2024/2025 Draft Budget makes provision for concessions relating to this property.

Assessment	Based on 2024/25 Draft Budget Figures		Reduction in Revenue (Proposed Concession)	
	Valuation	Rates Levied	Rates Concession %	Rates Concession \$
A1394	\$216,000	\$1,667.00	58%	\$966.86

Policy Compliance

Nil.

Statutory Compliance

Local Government Act 1995

S6.28 of the *Local Government Act 1995* (the Act) requires a Local Government to rate in accordance with the valuation provided by the Valuer General these valuations are required to be applied to a property by the local government, without amendment.

Council has the authority to resolve to grant discounts and concessions per s6.47 and s6.12 of the Act.

Consultation

Nil.

Officer Comment

The Valuer General (VG) has provided both Shires with a pro-rata property valuation equivalent to the apportioning land parcel within each Shire's boundary.

Assessment	Lot	Area (ha)			Valuation 2024/2025		
		Donnybrook Balingup	Other Shire	Total Area (ha)	Donnybrook Balingup	Other Shire	Total Valuation
A1394	8314	48.5	67.9	116.4	216,000	341,000	557,000

The Shire rates the properties in accordance with s6.28(4) of the *Local Government Act 1995* (the Act), where it is required to apply the valuations supplied by the Valuer General.

It is recommended that Council grants the rates concession pursuant to Section 6.47 of the *Local Government Act 1995*, on rates for Lot 8314 Greenbushes Grimwade Road, North Greenbushes (A1394).

9.2.6 Windy Arbor Pty Ltd- Lease Assignment

Report Details:

Prepared by:	Governance Coordinator		
Manager:	Loren Clifford, Manager Corporate Services		
Applicant:	Windy Arbor Pty Ltd		
Location:	Goods Shed, 2 Collins Street, Donnybrook WA		
File Reference:	L108	Voting Requirement:	Simple Majority

Attachment(s):

- | | |
|----------|--|
| 9.2.6(1) | Draft Deed of Assignment of Lease - Confidential |
| 9.2.6(2) | Lease of Goods Shed |
| 9.2.6(3) | 3 Assignees Financial Documents- Confidential |

Executive Recommendation

That Council:

- 1. Authorises the Chief Executive Officer and Shire President to execute the Deed of Assignment of Lease** (Confidential Attachment 9.2.6(1)) **subject to any non-substantive changes approved by the Chief Executive Officer, and other appropriate documentation for the lease assignment from Windy Arbor Pty Ltd to Mac and Wood Pty Ltd for the Goods Shed, 2 Collins Street, Donnybrook WA, subject to:**
 - 1.1. The draft deed be amended to insert a clause specifically stating that the assignment is subject to and conditional upon the repayment of the outstanding amounts.**
 - 1.2. All amounts payable due and payable have been paid and there is no existing unremedied breach in accordance with Lease clause 18.3(b)** (Attachment 9.2.6(2)).
 - 1.3. The prior written consent of the Minister for Lands being obtained in accordance with Lease clause 18.1** (Attachment 9.2.6(2)).

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

The Shire was contacted on 9 July 2024 by legal representatives for Windy Arbor Pty Ltd, Tolson & Co. Barristers and Solicitors, to request consent of an assignment of lease to Mac and Wood Pty Ltd for the Goods Shed, located at 2 Collins Street, Donnybrook WA.

Council is requested to consider the lease assignment from Windy Arbor Pty Ltd to Mac and Wood Pty Ltd for the Goods Shed, 2 Collins Street, Donnybrook, authorising the Chief Executive Officer and Shire President to execute the Deed of Assignment of Lease ([Confidential Attachment 9.2.6\(1\)](#)) and related documentation, subject to the prior written consent being obtained from the Minister for Lands.

Background

Windy Arbor Pty Ltd (Windy Arbor) operates the licensed café business known as Park Donnybrook from the leasehold premises, leased by Windy Arbor (Lessee) from the Shire of Donnybrook Balingup (Lessor) under a registered lease dated 30 June 2021 ([Attachment 9.2.6\(2\)](#)). The premises, known as the Goods Shed, located at 2 Collins Street, Donnybrook, is located on a portion of Crown Reserve 47814 with the responsible agency being Department of Planning Lands and Heritage (DPLH). The management order is vested with the Shire with the purpose of Recreation and Tourism. The Shire has the power to lease for any term not exceeding 21 years subject to the consent of the Minister for Lands.

On 4 June 2024, Windy Arbor entered into an agreement for the sale of a business as a going concern, subject to conditions, with Mac and Wood Pty Ltd (Mac and Wood), with the proposal for assignment of lease of the premises in accordance with the Lease requirements. The Shire was contacted on 9 July 2024 by legal representatives for Windy Arbor, Tolson & Co. Barristers and Solicitors, to request consent for an assignment of lease from Windy Arbor to Mac and Wood.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Unlikely	Moderate	Moderate (6)
Risk Description:	The Shire's reputation may be negatively impacted if the Assignee does not uphold the terms of the Lease or engages in undesirable activities.		
Mitigation:	Lawyers have drafted the Lease assignment to ensure compliance with relevant legislation and to ensure due diligence concerning the assignment considerations.		

Financial Implications

All costs for the lease assignment incurred by the Shire as Lessor are required to be paid by the Lessee in accordance with the provisions of the Lease.

Policy Compliance

Nil.

Statutory Compliance

The Lease between the Shire and Windy Arbor ([Attachment 9.2.6\(2\)](#)) and the draft Deed of Assignment of Lease ([Confidential Attachment 9.2.6\(1\)](#)) have been prepared by McLeod's Lawyers (McLeod's) to ensure compliance with relevant legislation, including the *Land Administration Act 1997*, *Transfer of Land Act 1893*, *Commercial Tenancy (Retail Shops) Agreements Act 1985*, and *Local Government Act 1995*.

Consultation

The Shire's appointed lawyers, McLeod's, have coordinated with the Lessee's and Assignee's legal representatives to ensure due diligence concerning the lease assignment. The Shire's Chief Executive Officer and Manager Corporate Services met with the Assignee on 6 August 2024 to discuss the Lease assignment requirements, including the management obligations in relation the Interpretive Centre.

The Shire has acquired financial documents ([Confidential Attachment 9.2.6\(3\)](#)) from Mac and Wood Pty Ltd to assess the suitability and financial stability of the proposed assignees, in accordance with lease conditions. After a review within available resources, staff believe that Mac and Wood Pty Ltd are respectable and financially sound, however the final determination is best made by the Council.

The Shire has also consulted with the Assignee's settlement agent to ensure that the settlement process will incorporate all the requirements of the deed.

Officer Comment

Reason for Assignment

Windy Arbor (Lessee) have sold their business to Mac and Wood (Assignee). The Contract of Sale is conditional upon the buyer receiving written consent from the Shire (Lessor) to an assignment of the Lease.

Lease Requirements

In accordance with Lease clause 18.1, the prior written consent of the Shire, the Minister for Lands and any other person whose consent is required under the Lease or at law, is required for the assignment of lease. Amongst other requirements, in accordance with Lease clause 18.3(b) the Shire as Lessor may not unreasonably withhold its consent to the lease assignment if all amounts payable due and payable have been paid and there is no existing unremedied breach, whether notified to the Shire or not, of any of the Lessee's Covenants of the Lease.

The draft Deed of Assignment of Lease ([Confidential Attachment 9.2.6\(1\)](#)), prepared by McLeod's Lawyers, sets out the terms and conditions of the assignment of the Lease. It contains representations, warranties and covenants, including a covenant by the Assignee with the Shire to pay all amounts payable and to perform and observe all the Lessee's Covenants.

It is recommended that Council consider the request for consent of lease assignment from Windy Arbor to Mac and Wood for the Goods Shed, 2 Collins Street, Donnybrook, authorising the Chief Executive Officer and Shire President to execute the Deed of Assignment of Lease ([Confidential Attachment 9.2.6\(1\)](#)) as per the Executive Recommendation.

DRAFT

9.3 Chief Executive Officer

Nil.

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

Nil.

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

Nil.

12. Meetings Closed to the Public

12.1. Matters for which the Meeting may be closed

12.1.1 RFT 03/2425 VC Mitchell Park, Carpark Upgrade

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

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

12.2. Public reading of Resolutions that may be made public

Nil.

13. Closure

The Shire President to advise that the next Ordinary Council Meeting will be held on 25 September 2024 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.