



MINUTES OF ORDINARY MEETING OF COUNCIL (COMMISSIONER)

Held on

Wednesday 26 July 2023

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

Ben Rose
Chief Executive Officer

2 August 2023

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SHIRE OF DONNYBROOK BALINGUP
NOTICE OF ORDINARY COUNCIL (COMMISSIONER) MEETING

Held at the Council Chamber
Wednesday, 26 July 2023 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Commissioner – Acknowledgment of Country

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

The Commissioner declared the meeting open at 5.02pm and welcomed the public gallery.

The Commissioner advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The Commissioner to 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 ATTENDANCES

MEMBERS PRESENT

MEMBERS	STAFF
Gail McGowan - Commissioner	Ben Rose – Chief Executive Officer
	Ross Marshall – Director Operations
	Samantha Farquhar – Administration Officer Executive Services
	Susie Delaporte – Senior Community Engagement Officer

PUBLIC GALLERY

11 members of the public in attendance.

2.1 APOLOGIES

Kim Dolzadelli – Director Corporate and Community
Loren Clifford – Acting Manager Executive Services

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Firstly, can I remind people watching about the Café Conversation to be held in Balingup on Saturday evening and thank and commend the Balingup Progress Association for providing this opportunity. It is a great way to engage with prospective Councillors as we rapidly approach the October elections. I look forward to seeing people there. Nominations for the new Council are expected to open on 31 August 2023 and close on 7 September 2023.

A reminder also that the Council will enter caretaker mode on 14 September. This means that the last substantive Ordinary Council Meeting will be the August meeting. I expect that to be a very full agenda with some important decisions to be made. This will include the setting of rates and potentially the decision to proceed to the award of the construction contract for the VC Mitchell Precinct project. There will be Council meetings in both September and October, however, in accordance with the convention these will not determine any significant issues that might bind an incoming Council.

Today senior Council staff and I met with representatives of the South West Development Commission for a briefing on the feasibility study into re-opening of the railway line between Greenbushes and Bunbury. It is early days yet and the group – comprising representatives from the SWDC, Talison Lithium and ARC Infrastructure is just beginning what they describe as an extensive community engagement process.

Next week I will be attending a stakeholder update on the VC Mitchell Precinct. The most recent update I have seen is encouraging in terms of progress and I look forward to a more detailed briefing. People are no doubt aware that the Council has written to the State Government seeking an additional funding contribution in recognition of the substantial increase in construction costs. Staff have met with officers from the Department who will make a recommendation to Government in due course. We are aware that similar projects such as the Hands Memorial Oval and East Fremantle Football Club projects have received ‘top up’ funding and the decision for our Shire to seek the same has arisen from the work of Ronnie Hurst of RCH Consulting who has been assisting with the project.

Tonight's meeting agenda covers a range of subjects. These include consideration of an Extractive Industries licence for an area that sits on the boundary of our Shire and the Bridgetown Greenbushes Shire. I will also be determining the outcome of the Expression of Interest process for the building that sits alongside the Pump Track, as well as considering a request from the Balingup Arts and Cultural Hub for a Service Level Agreement.

The outcome of the annual performance appraisal for the Chief Executive Officer is also on the agenda, though it is a confidential item under the Local Government Regulations. The performance review has been undertaken in accordance with the requirements of the Local Government Act, with the assistance of Jane Nicholson from Price Consulting. I will be using the report from that process to brief the incoming Council. I thank both Mr Rose and Price Consulting for their professionalism during the process.

Over the last few days I have had cause to ask the CEO to direct staff not to answer some questions put to Shire staff. I did so because the competence of staff was being questioned and the person seeking the information, among other things, implied that the Council had been misled. In my first address as the Presiding Member I spoke of the need for courtesy and respect and the need to focus on issues and not individuals. I stand by the comments made at that time and at regular intervals since then. Over my tenure I have sought to develop a culture of openness and transparency, hence not responding to questions does not sit comfortably with me. That said, I have also stressed that there are both rights and responsibilities that come with seeking information and making commentary. As someone who has spent a significant part of my career in the area of occupational health and safety, I am particularly cognisant of the duty of care I have – both from a moral and a legal point of view – to support an environment free of hazards, including psychosocial hazards.

There continues to be a small core of people who hold very strong views about what has happened in the past or have opinions about certain individuals. This is not unusual in any democratic system. What I don't believe they are entitled to do is to make derogatory and unsubstantiated claims that potentially impact the health and wellbeing of individuals or impugn reputations. This applies equally to those who might serve as elected officials, public officers or members of the public. We all have a right to be treated with dignity and respect and to show the same respect to others.

I have spoken previously of the need to provide evidence to support complaints. To date I have seen no substantiated evidence that would support allegations made. I am aware that matters have also been referred to the Department of Local Government, Sport and Cultural Industries and integrity bodies such as the Corruption and Crime Commission. To my knowledge no complaint has been substantiated. In my experience, much of the criticism has been based on conjecture, speculation or a vague assertion or suspicion. Unfortunately, from time to time this gives rise to assertions that I, or others, are siding with the agency or particular staff. I can assure you that I alone am responsible for the decisions I make. I am certainly not captive of any individual or organisation and I will continue to do my very best to apply the principles of good governance to every decision I make.

Members of the public have a right to ask questions and a right to determine their own response to information provided. Council and its staff should always endeavour to respond openly and honestly but equally they should not tolerate unreasonable conduct.

As the Ombudsman points out, over the years there has been an increasing tendency for complainants to overlook the need to balance their right to make a complaint or assertion with the rights of staff to safety and respect and the rights of others to equal time and resources.

Consequently, where I form a view that a question or allegation is without merit or is undermining or derogatory, I will encourage staff not to respond. Equally, I will not engage in debate. People are entitled to their opinions just as I am to mine. From time to time that will mean we will have no choice but to agree to disagree.

I would encourage those who I do believe genuinely have the wellbeing of this Shire and the communities within it, to reflect on their own behaviour. While it is not unusual in contemporary public service to be subject to smear, innuendo or derogatory comments, please take the time to think about how much such behaviours are magnified in a small community. This will be especially relevant as a new Council of elected members is established. Good people will simply not put their hand up for election if they are going to be subject to unreasonable behaviour. And good staff will leave to go to places of employment where they are valued.

On a brighter note, I can say with conviction that I have overwhelmingly enjoyed support and respect from the community as have the staff. It is a fantastic Shire and it deserves strong and effective local representation. But each of us is human and often it is only the criticism that is heard.

4 DECLARATIONS OF INTEREST

The Chief Executive Officer advised a financial interest in item 12.1.1 as the independent report and recommendations include financial implications for Mr Rose.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

Question: Victoria Buckley

I am requesting an upgrade of the road, Palmer Street and for the creation of a footpath. The road condition is poor and unsafe. Some sections are particularly high risk for incidence for cars and pedestrians.

The road is quite narrow causing drivers passing cars or trucks to drive in the gravel or on the breaking away edges of the road; run off ditches are close to the road therefore there isn't much room to create reasonable distance. There are many foot users on the road, people walking for health and wellbeing, walking their dogs, with children on foot, bikes, scooters; mobility impaired using gophers, walking with any mobility aid would be difficult to impossible. In wet conditions the road can be slippery, in some sections, there is gravel run off after rain creating further risks for slips or falls. I do know of an incident a number of years ago where an older neighbour slipped and fell on the gravel on the road resulting in a hospital stay and surgery for a broken hip. This has been brought to the councils' attention previously.

The previous president did take the time to come and review the road and agreed attention was indeed needed, however this didn't result in any action. I am aware of the limitations of space for a wider road and footpath. A solution to this could be to make Palmer St a one-way road, therefore allowing the addition of a footpath and a much safer road, providing access to all people's levels of mobility.

Response: Manager Works and Services

All requests for the upgrading of roads (or construction of new roads), which are not included within a current Forward Works Program or the Long Term Financial Plan, are assessed against all other priorities of the Shire when these documents are reviewed. The next review is expected to occur in 2024/25. The Shire has recently completed a condition assessment of all roads in the Shire and this information will be used in the review/development of future Forward Works Programs also.

The Shire's pathway strategy is scheduled for review in 2023-24, including the development of a 5-year expansion and renewal path program. Currently, however, Palmer Street is not identified in plans for road upgrading (or for footpath works).

Like all other small-medium regional local governments, the Shire of Donnybrook Balingup has very limited own-source funding for road works, which are an expensive infrastructure asset to develop and maintain. Most of the Shire's funding for roadworks is sourced from the State and Federal Government, and that funding is generally required to be allocated to road infrastructure of regional significance. Whilst the Shire will consider the request for improvements to Palmer Street, it is unlikely that any upgrade works will be able to be funded in the short-medium term (i.e., next five years).

Question: Sian Blackledge

My question is about Egan Park and the statement that says it was built as a netball viewing area pavilion. I was wondering where that history came from because it was actually a loan received by men's hockey and the hard court hockey, and they built it themselves. The little building that now has the electricity side was the viewing pavilion. I just wanted to know where that history came from.

Response: Senior Community Engagement Officer

The information regarding the building's history was sourced from the Shire's archives. Any historic information you can provide relating to the building would be much appreciated, to correct the record.

Question: Lisa Glover

My questions are around a decision recently made in regard to awarding money to businesses in the pilot grant scheme funding program. As the scheme funding is at the discretion of the CEO, what checks are in place?

Is it possible that the list of applicants is made public in conjunction with a list of those businesses which have received grants?

How were the businesses identified by the administration and how was the approach made to offer money?

How will any perceived conflict of interest be addressed, as the money will be awarded at the discretion of the CEO?

Will there be an overarching policy or criteria?

Section 6.11 of the Local Government Act 1995 requires that where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose. The suite of asset management plans recommended for adoption in this report requires budgetary allocations to meet the anticipated expenditure requirements. The mechanism for meeting own source funded expenditure identified in the plans is from reserve funds. Therefore, the annual budget aims to fulfill the function of delivering sustainable levels of annual funding into reserves that is calculated to meet the planned expenditure.

Has the money allocated for transfer to the reserves in the budgets for the last five years been transferred in full?

How much money has been transferred into the reserves in each of the last five years and does it match the amount allocated in the budgets and asset management plans for those five years?

In five years time, according to the borrowing liability in the asset management plan, the projected loan amount ie, the amount borrowed will be \$5,727,969. Could you inform the

ratepayers of the amount in interest and principal that they will have to pay in this year using current interest rates?

In the asset management plan there appears to have been adjustments to the \$190,000 of backlogs in maintenance, with regard to halls. Have the boards at the Brookhampton hall now been oiled as this was in the \$22,000 of backlog of maintenance for this heritage listed building and the backlog does not exist in this updated plan.

Response: Commissioner McGowan

Questions taken on notice.

Question: Shane Sercombe

Could you please give an explanation of page six of the monthly financials attachment. Being the end of June, this is unaudited financials for the year, so it gives us an indication of where we are at for the financial year. The budget was for a net result of \$6.3 million and the actual was a \$2.4 million dollar loss. There is an \$8.7 million dollar difference there.

Response: Commissioner McGowan

Question taken on notice.

Question: Shane Sercombe

If we could have an explanation of page 37 of those financials. We have the loss on sale of assets at a million dollars and then the net profit on sale of assets at a million dollars.

Response: Commissioner McGowan

Question taken on notice.

Question: Shane Sercombe

Given we have made a \$2.4 million loss albeit unaudited, it's not a cash loss as such but the value of the Shire has decreased by 2.4 million dollars - what impacts may there be given we have to re-apply for the VC Mitchell loan.

Response: Commissioner McGowan

In our discussions with the WA Treasury Corporation, there seems to be no reason to suggest that there would be any different response. We do have to reapply once we have accepted the financials. Also, the loan interest rate in the Long Term Financial Plan for VC Mitchell Park still sits below the amount that has been projected.

Question: Shane Sercombe

Regarding the property management framework that's just been out for comment, are we able to have an explanation. It refers to what's on the lease fees as being minimum GRV and I take that to be the minimum gross rental value that we pay on our rates. Then

commercial entities we pay a MRV rate (market rental value). The minimum GRV would be \$1,500 for rates. So, regarding VC Mitchell, would the football club be classed as a sporting group or a commercial entity and what category would they fall in? Would they be paying the \$1,500 a year, or would they be paying a market rental value?

Response: Commissioner McGowan

The football club would ordinarily pay a sporting club rate but the terms and conditions for any lease arrangements are yet to be determined for VC Mitchell.

Response: Director Operations

Most sporting clubs are incorporated. As a result, they are not commercial.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATIONS OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL (COMMISSIONER) – 28 JUNE 2023

Minutes of the Ordinary Meeting of Council (Commissioner) held 28 June 2023 are attached (Attachment 7.1(1)).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council (Commissioner) held 28 June 2023 be confirmed as a true and accurate record.

COUNCIL RESOLUTION 87/23

MOVED: Commissioner Gail McGowan

That the Minutes from the Ordinary Meeting of Council (Commissioner) held 28 June 2023 be confirmed as a true and accurate record.

CARRIED: Commissioner Gail McGowan

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

9.1.1 EXTRACTIVE INDUSTRY (GRAVEL) – LOT 1131 AND 1464 SPRING GULLY ROAD, SOUTHAMPTON

Location	Lot 1131 and 1464 Spring Gully Road, Southampton
Applicant	M Crombie
File Reference	P22059 / A4962
Author	Philip Diamond, Planning Officer
Responsible Manager	Kira Strange, Acting Manager Development Services
Attachment	9.1.1(1) Location Plan 9.1.1(2) Locality Plan 9.1.1(3) Site Plan 9.1.1(4) Initial Access Plan 9.1.1(5) Revised Access Plan and Letter of Consent 9.1.1(6) Full copy of management plan 9.1.1(7) Full copy of Submitter 1 Submissions 9.1.1(8) Full copy of Submitter 2 Submissions 9.1.1(9) Full copy of External Agency Submissions
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner), pursuant to Schedule 2, Part 9, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Application for Development Approval for an Extractive Industry (Gravel) at Lot 1131 and 1464 Spring Gully Road, Southampton, subject to the following:

Conditions:

1. The layout of the site and location of works permitted must always accord with the endorsed plan(s), including any notations and/or conditions of approval, and must not be altered or modified without the further written consent of the Shire of Donnybrook Balingup.
2. This approval is valid for a period of five (5) years after the date of issue or within any extended period as determined, in writing, by the Shire of Donnybrook Balingup.
3. Prior to the commencement of works, a copy of a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
4. All stormwater from the proposed development including building(s) and

hardstand area(s) shall be managed by the landowner in perpetuity, in accordance with the Shire's stormwater management standards and the Animals, Environment and Nuisance Local Law 2017 or superseding standard(s).

5. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any infrastructure, to the satisfaction of the Shire of Donnybrook Balingup.
6. No groundwater is to be exposed on the surface of the pit floor. Should groundwater be exposed during excavation works, all works are to cease and the Shire of Donnybrook Balingup is to be notified. Any remedial works, as required by the Shire, in consultation with the Department of Water and Environmental Regulation, are the responsibility of the operator to rectify.
7. Dust is to be appropriately managed on site at all times in accordance with the relevant provisions of the Application Report (attached), the Shire of Donnybrook Balingup *Animals, Environment and Nuisance Local Law 2017*, and to the satisfaction of the Shire of Donnybrook Balingup.
8. Operating hours of the extractive works are restricted to 7:00 am to 5:00 pm – Monday to Saturday (excluding Public Holidays) unless otherwise agreed, in writing, by the Shire of Donnybrook Balingup.
9. Prior to the submission of an Extractive Industry Licence application, a Pit Rehabilitation and Closure Management Plan prepared by a suitably qualified person is to be submitted to, and approved by, the Shire of Donnybrook Balingup. The Plan is to be prepared in accordance with the requirements of works outlined within the Shire of Donnybrook Balingup *Extractive Industry Local Law* including, but not limited to:
 - 9.1 All site restoration and remediation works including indicative timeframes;
 - 9.2 Maximum batter/slope levels and methods of stabilisation;
 - 9.3 Finished ground levels;
 - 9.4 Watercourse management; and
 - 9.5 Proposed plant species, number and location including any maintenance requirements.
10. Prior to the submission of an Extractive Industry Licence application, a \$10,000 bond (cash or unconditional bank guarantee in favour of the Shire of Donnybrook Balingup) is required for the works identified by the Pit Rehabilitation and Closure Management Plan in Condition 11. Return of the bond will be subject to meeting the completion of works identified in the rehabilitation and closure plan to the satisfaction of the Shire of Donnybrook Balingup.
11. Pit closure works and rehabilitation of the site is to be completed within two (2) years of the end of extraction works or the expiration of this approval

(whichever is sooner) unless otherwise extended, in writing, by the Shire of Donnybrook Balingup.

- 12. Weed management is to be undertaken in accordance with the relevant provisions of the Application Report (attached) and to the satisfaction of the Shire of Donnybrook Balingup. Any declared weeds found to be within the site need to be appropriately treated and removed prior to any further excavation works.**
- 13. Suitable fire management is to be undertaken in accordance with the relevant provisions of the Application Report (attached), the Shire of Donnybrook Balingup *Bush Fire Brigades Local Law* and the *Bush Fires Act 1954*, or superseding standard(s).**
- 14. Prior to the submission of an Extractive Industry Licence application, the endorsed detailed access plan (internal traffic management system), including access and egress locations, is to be fully implemented, constructed and appropriately signposted to the satisfaction of the Shire of Donnybrook Balingup. The internal traffic management system is thereafter to be implemented, and adhered to, to the satisfaction of the Shire of Donnybrook Balingup.**
- 15. Prior to the commencement of works, a traffic management plan for haulage is to be submitted to, and approved by, the Shire of Donnybrook Balingup, in consultation with the Shire of Bridgetown Greenbushes. The traffic management plan is thereafter to be implemented to the satisfaction of the Shire of Donnybrook Balingup.**
- 16. Haulage and other major traffic movements for this extractive industry will not be approved, nor are they to occur:**
 - 16.1 concurrently to haulage related to Extractive Industry Licence IND 01/37; or**
 - 16.2 west along Spring Gully Road from the permitted egress point; without prior written approval from the Shire of Donnybrook Balingup.**
- 17. Prior to the issuing of an Extractive Industry Licence, the applicant and representatives of the Shire of Donnybrook Balingup and Shire of Bridgetown Greenbushes are to jointly inspect the current condition of Spring Gully Road. The applicant is to thereafter provide regular reporting on the road condition to the Shire of Donnybrook Balingup and maintain the road to the satisfaction of the Shire of Donnybrook Balingup, in consultation with the Shire of Bridgetown Greenbushes.**
- 18. Prior to the commencement of the use, appropriate signage is to be installed alerting users of the Bibbulmun Track of the extractive industry to the satisfaction of the Shire of Donnybrook Balingup in consultation with the Department of Biodiversity, Conservation and Attractions.**
- 19. Prior to the commencement of works, suitable safety fencing and warning signage is to be installed on the perimeter of the extraction area and**

thereafter maintained to the satisfaction of the Shire of Donnybrook Balingup.

20. Existing boundary fencing adjoining State Forest is to be appropriately maintained to the satisfaction of the Shire of Donnybrook Balingup in consultation with the Department of Biodiversity, Conservation and Attractions.
21. Native vegetation within the extraction area identified for retention is to be protected and maintained to the satisfaction of the Shire of Donnybrook Balingup in consultation with the Department of Water and Environmental Regulation.

Advice Notes:

- A. This development approval does not equate to an Extractive Industry Licence. No works are to be undertaken until such time as an application for an Extractive Industry Licence is submitted to, and approved by, the Shire of Donnybrook Balingup in accordance with the *Extractive Industry Local Law*.
- B. The proposed operations are likely categorized as a Prescribed Premises, as per Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations). The applicant is advised to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and to contact the Department of Water and Environmental Regulation at info@dwer.wa.gov.au or (08) 6364 7000 regarding requirements.
- C. As per Clause 4.34 of the Shire of Donnybrook Balingup *Local Planning Scheme No. 7*, it is acknowledged that legal access for Lots 1131 and 1464 is currently gained through Lot 2035 as it is currently in the same ownership. If either of the properties change ownership, it is the landowner's responsibility to ensure the development is continued to be provided with legal, constructed access in perpetuity, which may require an easement on the Title(s).
- D. With regards to Condition 10 and 11, return of the bond will be measured against the works identified within the Pit Rehabilitation and Closure Management Plan as determined by the Shire of Donnybrook Balingup.
- E. It is noted that currently there are no identified School Bus routes along the proposed haulage route. Should a School Bus route begin operating along the route, the Department of Education may require further information. In this instance, it is strongly recommended that haulage trucks movements cease during the hours the school bus operates including:
 - (i) 7:30 am to 8:40 am on school days; and
 - (ii) 3:20 pm to 4:20 pm on school days.
- F. Where any clearing works may be required, it is recommended that a fauna

survey be submitted to the Shire of Donnybrook Balingup to ensure the area has been inspected by a suitably qualified person to identify any habitat trees being utilised by fauna including Carnaby's Cockatoo, Baudins Cockatoo, Forest Red Tail Black Cockatoo, Southern Brush Tailed Phascogale, Western Ringtail Possums and/or any other threatened fauna in the area. Where fauna are identified, the applicant should ensure that no clearing of the identified habitat trees/vegetation occurs until such time that the subject fauna are no longer utilising the habitat trees/vegetation.

- G. All on-site work is to be appropriately managed to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and the Shire of Donnybrook Balingup *Animals, Environment and Nuisance Local Law 2017* or superseding standard(s).
- H. The proposed extraction is to be implemented in accordance with the Department of Water and Environmental Regulation's Water quality protection note (WQPN) 15 'Basic raw materials extraction' where applicable, to ensure environmental risks are appropriately mitigated.
- I. Management of all activities involving hazardous chemicals shall be in accordance with the Department of Water and Environmental Regulation's WQPN 56 – 'Toxic and Hazardous Substance Storage and Use' (Dec 2018).
- J. Notwithstanding any approval hereby granted by the local government, the applicant is reminded of their obligations under the *Aboriginal Cultural Heritage Act 2021* with regards to undertaking a due diligence assessment and obtaining all relevant approvals. For further information, you may wish to contact the Department of Planning, Lands and Heritage.
- K. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- L. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.
- M. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan 2022 – 2032 relate to this proposal:

Outcome	6	The built environment is responsibly planned and well maintained
Objective	6.1	Ensure sufficient land is available for residential, industrial, and commercial uses.

EXECUTIVE SUMMARY

An application for development approval was received by the Shire on 10 November 2022 for an Extractive Industry (Gravel) at Lot 1131 and 1464 Spring Gully Road, Southampton.

The application was advertised to all properties within a 1 kilometre radius of the subject lot boundaries with two (2) submissions received, initially objecting to the proposal. Following a preliminary assessment, the applicant amended the initial application to provide safe access in the form of delineating different access and egress crossover locations. Following further liaison one objection was withdrawn as their concerns have been addressed.

Following an extensive assessment, including internal and external stakeholder referrals, Shire officers are satisfied that the proposal is suitable to be approved subject to appropriate management conditions. Therefore, it is recommended that Council (the Commissioner) approve the proposal as per the executive recommendation.

BACKGROUND

On 10 November 2022, the Shire received an application for development approval for an extractive industry (gravel) at Lot 1131 and 1464 Spring Gully Road, Southampton. The subject lots are approximately 54.9 and 40.6 hectares respectively and are both zoned 'General Agriculture' under the Shire of Donnybrook Balingup *Local Planning Scheme No. 7* (LPS7).

In accordance with LPS7, 'industry – extractive' means *"an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry-mining"*.

Under LPS7, 'industry – extractive' is an 'A' use in the General Agriculture zone which means that *"the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions"*. In this regard, all applications for an extractive industry on General Agriculture zoned properties require prior approval from the Shire.

The subject area of the proposal does not adjoin a gazetted road, however, access to the property is through Lot 2035 to Spring Gully Road, as this is in the same ownership. The lots are bounded by private rural land on the south and west, and by State Forest to the east. The site is partially located within a bushfire prone area. A Location Plan is provided

in Attachment 9.1.1(1) and a Locality Plan illustrating the surrounding area in further detail is provided in Attachment 9.1.1(2).

The subject lots are currently vacant and used for grazing of cattle. It is noted that the landowner of the subject lots is also the landowner of several lots to the north of the property which is currently subject to an Extractive Industry approval for gravel (IND 01/37) (Attachment 9.1.1(1)).

The proposed extractive industry includes the following key information:

- Hours of Operation are 7:00 am to 5:00pm, Monday to Saturday (Excluding Public Holidays);
- Extraction Area totals ~9ha of land;
- Length of time for extraction is 1 to 5 years;
- Extraction volume is approximately 50,000 to 70,000 tonnes per annum;
- Depth of extraction varies from 0.5m to 1m;
- Truck haulage volumes are approximately 15 trips per day during haulage operations; and
- Traffic movements are proposed along Spring Gully Road to the east as the product is intended for the nearby mine within the Shire of Bridgetown Greenbushes.

In accordance with the provisions of the LPS7, and the requirements of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the application was referred to:

- All properties within a 1km radius of the subject lot boundaries;
- The Shire's internal Development Control Unit; and
- External government agencies, including:
 - Department of Planning, Lands and Heritage (DPLH) (Aboriginal Heritage);
 - Department of Primary Industries and Regional Development (DPIRD);
 - Department of Mines, Industry, Regulation and Safety (DMIRS);
 - Department of Biodiversity, Conservation and Attractions (DBCA);
 - Department of Water and Environmental Regulation (DWER); and
 - Shire of Bridgetown Greenbushes (SoBG)

Further details regarding the advertising, consultation and submissions received are available in 'Consultation' below.

A preliminary assessment was completed and additional information, including amendments to the proposal, was requested of the applicant. Following the submission of this information and requested changes, a thorough assessment and further consultation was completed.

Notwithstanding this, in accordance with delegation 9.3.1 *Local Planning Scheme No.7 – Development Applications*, the power of delegation to officers is excluded where:

- (i) *Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval; or*
- (ii) *Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest.*

Hence, the application is presented to Council (the Commissioner) for determination.

FINANCIAL IMPLICATIONS

All relevant application fees have been paid by the applicant. There are no financial implications for the Shire associated with this application.

POLICY COMPLIANCE

The proposal has been assessed against the relevant and applicable provisions of the following policies.

Local Planning Policy 9.7 – Interpretation (Extractive Industry) (LPP 9.7)

LPP 9.7 states that where extraction of raw material is for personal use, it is not considered an extractive industry. Therefore, LPP 9.7 is not applicable to this proposal as it is for a commercial extraction operation.

State Planning Policy 2.4 – Planning for Basic Raw Materials (SPP 2.4)

Applicable clauses of SPP 2.4 and the associated guidelines have been assessed in the table below.

SPP 2.4 Requirement	Officer Comment
<i>Clause 6.3 – Subdivision and development applications to demonstrate:</i>	
<i>(a) that land uses are compatible by avoiding sensitive land uses within SGS areas and/or extraction site separation distances as outlined in the EPA Guidance Statement No 3 – Separation Distances between Industrial and Sensitive Land Uses;</i> <i>Buffer distance required is 1000m without management measures</i>	Nearest sensitive land use is 900m away, management measures are proposed for dust and noise. DWER have reviewed the proposed measures as they relate to the separation distances of EPA Guidance Statement No.3 and have no objections. Condition required for compliance with the proposed management measures.
<i>(d) the application of vertical separation distances to groundwater and other management measures to protect water resources where an extractive industry is proposed.</i>	DWER have reviewed the management plan and are satisfied that the proposal will not impact the groundwater given its topographic position. Condition required to ensure that if groundwater is intercepted, operations are to cease.

SPP 2.4 Guideline Requirement	Officer Comment
<i>Clause 4 – Assessment of Proposals for Extractive Industries</i>	
<i>(a) the avoidance or mitigation of conflicts and detrimental effects on existing and future sensitive land uses and agricultural land in the surrounding areas (that is, noise, dust, vibration, blasting and vehicular traffic);</i>	<p>Management plan addresses impacts to sensitive land uses.</p> <p>Traffic has been noted as a potential issue. The revised access/egress locations, along with the internal traffic arrangement is expected to address the potential issues from traffic.</p> <p>Conditions required regarding maintaining this vehicle access system and for ongoing maintenance of Spring Gully Road.</p>
<i>(b) having an effective consultation process with appropriate stakeholder engagement, including advertising as required;</i>	<p>Consultation has been undertaken in accordance with the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p>
<i>(e) the quantity and quality of resource and scale and duration of extraction</i>	<p>Duration of extraction is a maximum of 5 years.</p> <p>This is relatively short for an extractive industry proposal and is considered reasonable.</p>
<i>(f) management of finished ground levels for BRM extraction and site rehabilitation</i>	<p>Rehabilitation plan has been provided and DWER have noted that they are satisfied with the proposed measures.</p> <p>Condition required to enforce implementation of rehabilitation plan.</p>
<i>(g) the site’s potential for sequential land use and the ability to rehabilitate the land in a manner compatible with its long-term use as defined by the local planning scheme (see note below);</i>	<p>Proposal includes 4 stages to be undertaken.</p> <p>Sequential rehabilitation back to pasture is a common condition of approval for proposals of this nature on existing farm land.</p>
<i>(h) the ability to stage the extraction operations to avoid conflicts with any adjacent sensitive land uses;</i>	<p>Proposal includes 4 stages to be undertaken which will minimise any potential impacts to surrounding land uses as they are sequentially returned to pasture.</p>
<i>(i) the effect of the proposed extractive industry on any adjacent agricultural land</i>	<p>Based on the setbacks to adjacent lots, there are no anticipated impacts to agricultural land surrounding the proposal.</p>

<p><i>(j) the availability and suitability of road access;</i></p>	<p>The road condition is of a standard gravel road.</p> <p>The impact of this proposal to the long term condition of the road is unlikely to be significant, particularly when compared to current use and surrounding existing extractive industries.</p> <p>The applicant operates an existing extractive industry in the locality and the haulage movement for those operations will largely transition to this proposal (i.e. there will not be a net increase in vehicles).</p> <p>Additional measure can be implemented through conditions of approval for a traffic management plan, taking into consideration existing operations.</p>
<p><i>(k) the effect of the proposed extractive industry on any native flora and fauna and general landscape values;</i></p>	<p>Native vegetation identified in the application within the extraction area is to be retained.</p>
<p><i>(l) how all water resources will be protected during BRM extraction including a separation distance to the defined groundwater level plus other management measures to protect water resources during BRM extraction;</i></p>	<p>Water management measures have been provided and DWER have noted that they are satisfied with these.</p> <p>A condition of approval is required to implement these.</p>

State Planning Policy 2.5 – Rural Planning (SPP 2.5)

Applicable clauses of SPP 2.5 have been assessed in the table below.

<p>SPP 2.5 Requirement</p>	<p>Officer Comment</p>
<p><i>Clause 5.9 – Basic raw materials outside the Perth and Peel planning regions</i></p>	
<p><i>(f) sequential land use planning is encouraged whereby extraction and appropriate rehabilitation can take place on a programmed basis in advance of longer-term use and development</i></p>	<p>Proposal includes 4 stages to be undertaken.</p> <p>Sequential rehabilitation to pasture to be required through conditions of approval as each stage concludes.</p>
<p><i>(i) planning decision-makers are to have due regard to advice from environmental agencies and consider potential impacts on fragmentation and connectivity of remnant vegetation;</i></p>	<p>DWER and DBCA have reviewed the application.</p> <p>No objections were raised and conditions applied to application are to be consistent with their advice.</p>

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

The proposal is located within an area designated as bushfire prone area. Clause 2.6 of the *Guidelines for Planning in Bushfire Prone Areas V1.4* provides discretion to exempt proposals from the requirements of SPP3.7 in circumstances where there is no

intensification of land-use, and/or the proposal is not increasing the bushfire threat. An example of this is provided within the Guidelines:

A development application for an extractive industry where the extraction is undertaken in an open cleared area (for example, quarries and open cut mining) and no habitable buildings are proposed.

The proposal is consistent with this example and has been exempted from the requirements of SPP 3.7 accordingly.

STATUTORY COMPLIANCE

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

Shire of Donnybrook Balingup Local Planning Scheme No.7

Part 3 – Zones and the Use of Land

The lots are zoned General Agriculture under LPS7. In accordance with Clause 3.5.2 of LPS7, the objectives of the zone are as follows:

- (i) encourage the protection of rural infrastructure and agricultural land resources;*
- (ii) encourage the use of rural land for commercial agricultural production including grazing, cropping, agro forestry, tree plantations, and intensive agriculture (where permitted);*
- (iii) seek to protect the economic viability of the area;*
- (iv) seek to encourage developments which will improve the Shire's population base;*
- (v) 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 by ensuring through siting and landscaping provision that any development does not detrimentally change the scenic rural character;*
- (vi) recommend support for subdivision where it provides for boundary adjustments, realignments and farm restructuring and new lot creation which promotes effective land management practices, environmental and landscape enhancement and infrastructure provision;*
- (vii) support non-rural uses where they are compatible with adjacent and nearby rural and other uses, and where environmental, landscape and servicing considerations are appropriately addressed;*
- (viii) support the retention and protection of portions of land within that zone that are not cleared of remnant vegetation and that are valuable to the rural and natural landscape values and ecological systems of the district; and*

(ix) *encourage and promote appropriate bush fire risk management.*

Based on the context of the site and the scale of the operations, the proposal is generally consistent with the above objectives of the General Agriculture zone. In addition, the proposal does not jeopardise the intent of the General Agriculture zone and will not adversely or unreasonably impact the surrounding area and future ability of the land for agricultural purposes.

Part 4 – General Development Requirements

The relevant and applicable general development requirements of LPS7 have been assessed and summarised in the below table.

LPS7 Requirement	Proposal	Officer Comment
<i>Clause 4.8 Clearing Native Vegetation</i>	Any native vegetation within the extraction area is proposed to be retained. Some clearing may be required for the endorsed egress route.	Any clearing required for the exit road would be minor. Clearing will need to comply with best practice regarding clearing. Advice note to be provided regarding habitat trees and ensuring that vegetation is not inhabited by protected species.
<i>Clause 4.17 General Appearance of Buildings and Preservation of Amenity</i>	Proposed excavation is at the peak of the topography/slope that faces away from Southampton and Spring Gully Road.	The extraction area is not clearly visible from the road or from any adjacent properties beyond those already owned by the applicant. There is no expected visual amenity impact.
<i>Clause 4.24 Use of Setback Areas</i>	Proposed extraction is within the 20m side/rear setback for the two lots.	Given the lots are under the same ownership, any impact of the reduced setback is solely to the landowner. In addition, providing such a setback to the central boundary can create issues for stormwater as it can create a central gully where water is directed between two extraction areas. The reduced setback will ensure that this does not occur. The reduced setback is acceptable.

<p><i>Clause 4.27 Car Parking and Vehicle Access Requirements</i></p>	<p>Any parking associated with the proposal will be within the subject lot boundaries.</p>	<p>Given the size of the lots there is adequate space for parking of any vehicles associated with the development.</p>
<p><i>Clause 4.32 Vehicle Crossovers/Entrances</i></p> <p><i>Clause 4.32.1 The local government may limit access to a lot to a single entry/exit point or may require separate entrances and exits, or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.</i></p>	<p>Initial proposal was for a single entry/exit point on a crossover close to the Shire Boundary.</p> <p>Revised proposal is for an entry/exit system featuring:</p> <p>1 – Entry Point with vehicles from Bridgetown-Greenbushes (to the east) turning left from Spring Gully Road into access point</p> <p>2 – Exit Point will feature vehicles turning right onto Spring Gully Road towards Bridgetown-Greenbushes</p>	<p>Initial proposal was unacceptable and did not provide for safe entry/egress, particularly for haulage.</p> <p>The revised proposal reduces the direct area of traffic conflict by providing a circular vehicular system where vehicle entry and exit is separated reducing potential traffic conflicts.</p> <p>It ensures that vehicles can easily exit the road, into the property without having to wait / stack on the road when vehicles are exiting the property.</p> <p>The exit point is onto a small sealed section of Spring Gully Road, provides clear sightlines, and allows for stacking inside the property when waiting for safe moments to enter the road.</p> <p>The revised solution is considered acceptable.</p>
<p><i>Clause 4.34 Development of Land without Constructed / Dedicated Road Frontage or Access</i></p> <p><i>Notwithstanding any other provision of the Scheme, development approval is required for any development on land abutting an unconstructed road or a lot or location which does not have frontage to a dedicated road.</i></p>	<p>The subject lots do not adjoin constructed road reserves. Access to the lots is through Lot 2035.</p>	<p>Access to the proposal is ensured by the landowner's ownership of Lot 2035. Condition will need to be placed noting that if this lot is sold, alternative access arrangements will need to be provided for the development and is the sole responsibility of the landowner.</p>
<p><i>Clause 4.42 Bush Fire Hazard and Fire Management Plans</i></p>	<p>The extraction area is within a designated bushfire prone area.</p>	<p>As noted above, the development is exempt from the requirements of SPP 3.7.</p>

	Proposal includes operating procedures for times of bushfire risk.	Notwithstanding this, the proponents operating procedures are reasonable and are to be conditioned as part of the management of the proposal.
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The following LPS7 requirements relate to the specifics of Clause 4.54 General Agricultural Zone.

LPS7 Requirement	Proposal	Officer Comment
<i>Clause 4.54.8 – Development standards</i>		
<i>Setbacks:</i>		
<i>(i) Minimum front setback – 30m</i>	Lot 1464 – >500m proposed Lot 1131 – 0m proposed	Does not comply. Given the lots are under the same ownership, any impact of the reduced setback is solely to the landowner. In addition, providing such a setback to the central boundary can create issues for stormwater as it can create a central gully where water is directed between two extraction areas. The reduced setback will ensure that this does not occur. The reduced setback is acceptable.
<i>(ii) Minimum side setback – 20m</i>	Lot 1464 East – 30m Lot 1464 West – >700m Lot 1131 East – 30m Lot 1131 West – 80m	Complies.
<i>(iii) Minimum rear setback – 20m</i>	Lot 1464 – 0m Lot 1131 – 500m	Does not comply. Given lots are under same ownership, any impact would be to the landowner. In addition, the proposed reduced setback will reduce potential stormwater issues that could occur between the two boundaries.
<i>(iv) Setback to State Forest Boundary – Minimum 100m</i>	Both Lots – 30m	Does not comply. DBCA do not object to the reduced setback.

		100m setback provides increased separation predominantly for bushfire management. These measures have been addressed within the application and will be conditioned as part of an approval.
<i>Clause 4.54.8.2 – In determining proposed setback reductions, the local government will consider:</i>		
<i>(i) any alternative development sites on the property</i>	As per application documentation.	The available gravel resource is in the location proposed, there are no other alternative sites.
<i>(ii) possible bush fire hazards</i>	As per application documentation.	Bushfire management has been addressed by the applicant.
<i>(iii) environmental impacts</i>	As per application documentation.	The reduced setback to State Forest could have environmental impact if not appropriately managed through conditions of approval, specifically the maintenance of existing fencing. As per DBCA advice, conditioning to be placed on proposal to reduce any potential impact.
<i>(v) visual impact</i>	As per application documentation.	Reduced setback does not involve any visual impact to surrounding lots.
<i>(vi) servicing/infrastructure implications</i>	As per application documentation.	The reduced setback does not have any additional servicing/infrastructure implications.
<i>Clause 4.54.8.4 – local government may consider a lesser setback where applicant can demonstrate land use conflicts may be ameliorated by appropriate management design or buffer planting</i>	As per application documentation.	The reduced setbacks outlined above are internal to the two subject lots and will not have any land use conflict as the lots are under the same ownership. DBCA does not object to the proposed setback to state forest, conditions to reduce

		any potential negative impact to the state forest.
<i>Clause 4.54.8.8 (iii) In assessing applications for development approval within the General Agriculture zone, the local government will consider the following: 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;</i>	As per application documentation.	Refer to assessment against clause 4 (j) of SPP 2.4 above.

Part 5 – Special Control Area

The subject lots are located within Special Control Area 3 – Blackwood Precinct. As per Clause 5.4.3.1 (i) of LPS7, the Shire is required to consult with the Department of Agriculture (now DPIRD) and Department of Fire and Emergency Services unless notified that particular types of development do not necessitate referral.

The proposal has been referred to DPIRD and no objections were received.

Referral was not undertaken to the Department of Fire and Emergency Services (DFES) as previous advice received from DFES has noted that they will only review proposals that require assessment under SPP 3.7.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Part 9, Clause 67 (2) outlines the matters to be considered by a local government when assessing an Application for Development Approval. The relevant matters have been assessed as follows.

LPS Regs Requirement	Proposal	Officer Comment
<i>Clause (m)(ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</i>	Proposed excavation is at the peak of the topography/slope that faces away from Southampton and Spring Gully Road.	The extraction area is not clearly visible from the road or from any adjacent properties beyond those already owned by the applicant. There is no expected visual amenity impact.
<i>Clause (n)(i) environmental impacts of the development</i>	Management plan includes provisions to ensure proposal does not negatively impact the environment.	Management plan is acceptable. Conditions of an approval required to ensure State Forest is not impact by the proposal.

<i>Clause (o) likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate their impact</i>	Management plan includes provisions to ensure proposal does not negatively impact the environment.	Management plan is acceptable. DWER have reviewed plan and do not object to proposed provisions.
<i>Clause (s) (i) the adequacy of the proposed means of access to and egress from the site</i>	Revised proposal is for an entry/exit system featuring: 1 – Entry Point with vehicles from Bridgetown-Greenbushes turning left from Spring Gully Road into access point 2 – Exit Point will feature vehicles turning right onto Spring Gully Road towards Bridgetown-Greenbushes	The revised access/egress locations, along with the internal traffic arrangement has adequately addressed the potential traffic issues. Suitable conditions of approval are required to ensure adherence to this vehicle access system and for maintaining the road.
<i>Clause (t) amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</i>	Refer to assessment against clause 4 (j) of SPP 2.4 above.	Refer to assessment against clause 4 (j) of SPP 2.4 above.

Shire’s Extractive Industries Local Law

The proponent would be required to apply for an Extractive Industry Licence prior to undertaking any extraction activities.

As part of the assessment against the Local Law, the Shire undertakes a preliminary compliance review to ensure all applicable conditions of approval have been fulfilled prior to issuing a licence.

CONSULTATION

Schedule 2, Part 9, Clause 64 (1) (b) (i) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, specifies that the Shire is to undertake advertising when considering an application for development approval for an ‘A’ use.

In accordance with Clause 67 of the Regulations, the Shire must give due regard to any submission received during the consultation period.

External Authority / Agency Referral

The proposal was advertised to relevant external authorities / agencies including:

- Department of Planning, Lands and Heritage (DPLH) (Aboriginal Heritage);
- Department of Primary Industries and Regional Development (DPIRD);
- Department of Mines, Industry, Regulation and Safety (DMIRS);

- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Water and Environmental Regulation (DWER); and
- Shire of Bridgetown Greenbushes (SoBG).

A full copy of the agency responses can be found in Attachment 9.1.1(9) with a summary provided below.

Agency	Agency Comment	Officer Comment
DPLH	No objection – not located within Aboriginal Heritage Place	Noted
DPIRD	No objection	Noted
DMIRS	No objection	Noted
DBCA	No objection, requested that: <ol style="list-style-type: none"> 1. There be no direct or indirect impact to State Forest, that stormwater be directed away from state forest and that there be no dieback impact 2. Vegetation facing Bibbulmun track to be maintained 3. Fencing towards state forest to be maintained in good condition 4. Signage to be implemented to Bibbulmun Track walkers 	Point 1 is addressed by the management measures proposed which are all internal to the lots. Point 2 is noted but not necessary given vegetation towards the Bibbulmun Track is not proposed to be removed. Points 3 and 4 are to be conditioned.
DWER	No objection, requested that: <ol style="list-style-type: none"> 1. Stormwater measures to be appropriately designed and constructed 2. Only single cell to be opened at any given time 3. That the operation is to be in accordance with Water Quality Protection Note 15 4. No dewatering works to be undertaken 5. Local government to be notified if water table intercepted 6. Management of hazardous chemicals to be in accordance with Water Quality Protection Note 56. 7. Shire to sign off on stormwater infrastructure per stage 8. Noted that the operation may be considered a 'Prescribed Premises' requiring DWER approval 	Points 1-6 can be conditioned as part of an approval. The Shire considers that Point 7 is not necessary if the application is undertaken in accordance with the management plan provided. Point 8 can be included as an advice note.
SoBG	Noted that the applicant had not provided for maintenance of road impacted by operation. In addition,	The requested advice note and condition can be implemented in part, however will need to be clarified to

	<p>noted the inadequacy of the initial crossover.</p> <p>Requested condition for applicant's responsibility of proportionate impact to the road and advice note regarding letter received from Talison Lithium Mine.</p>	<p>ensure they reasonable assign proportionate impact to road.</p>
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Internal Development Control Unit

The application was referred to the internal Development Control Unit for assessment where the key issues raised related to internal and external traffic management, specifically the proposed access crossover from Spring Gully Road and its suitability for the proposed development.

After further correspondence with the applicant, the application has been amended to provide an alternative vehicle access system involving two separate entry and exit points (Attachment 9.1.1(5)). The exit point is within an adjacent property and has been appropriately consented to by the landowner of that property (Attachment 9.1.1(5)). This amended plan was reviewed internally by the Shire's Works and Services department, which is satisfied that the concerns have been addressed and can be appropriately managed through suitable conditions of approval.

Neighbour Notification

Based on the potential localised impacts of a proposal of this nature, and considering the EPA's 1000m generic buffer distance for such extractive industry proposals, officer's provided written notification to all landowners within a 1km radius of the subject lot boundaries.

A total of two submissions were received, initially objecting to the proposal - specifically the proposed access and egress. Following the amendments to the proposed traffic management, one of the objections was withdrawn, whilst the other was retained.

A summary of submissions, as they relate to the proposal, and the amended proposal, is provided in the table below. A full copy of all submissions are attached (Attachments 9.1.1(7 and 8)).

Issue Raised in Submission	Officer Comment
<p>Previous traffic safety issues with haulage trucks on Spring Gully Road</p>	<p>Noted.</p> <p>Internal referral raised concerns regarding the initial access and the potential for safety issues related to existing trucks onto Spring Gully Road</p>
<p>Existing crossover noted to be unsafe</p>	<p>Support.</p> <p>Initial access proposed not suitable for both incoming and outgoing vehicle movements. Amendment to original proposed access was required.</p>

<p>Concern around the responsibility for monitoring of the proposal to comply with approvals</p>	<p>Noted.</p> <p>The Shire will be responsible for monitoring of proposal. Reviews of Extractive Industries are undertaken at an annual basis concurrent with licences being issued.</p>
<p>Request that Spring Gully Road be upgraded</p>	<p>Noted, but not supported.</p> <p>The specific proposal, in terms of traffic volume, does not increase this volume to the point where it would warrant the requirement to upgrade the road. There are several extraction operations utilising Spring Gully Road which all contribute to the road's usage.</p> <p>However, approval conditions are to be included that directly relate to the operations through pre and post inspections and ongoing maintenance reporting.</p>
<p>Comment regarding length of licence</p>	<p>Noted.</p> <p>Length of operation is expected to be 1-5 years which will be conditioned as part of an approval.</p>
<p>Request that no major movements occur during weekends or school bus hours</p>	<p>Support in part.</p> <p>Extractive industries commonly operate on Saturday's as per SPP 2.4 (assessed above).</p> <p>The route is not a noted tourist route where traffic volume may be expected to be high on weekends.</p> <p>In addition, the proposed traffic route does not currently operate a school bus.</p> <p>The proposed hours are considered reasonable although an advice note regarding school buses (if a route was to be opened) should be placed, notwithstanding this would be the responsibility of the Department of Education.</p>
<p>Additional extractive industries should not be approved until Spring Gully Road East has been upgraded to at least Ashcroft Road in the Shire of Bridgetown Greenbushes</p>	<p>Not supported.</p> <p>Requested upgraded is within the Shire of Bridgetown-Greenbushes and is not proportionate to the proposed use of the road.</p> <p>SoBG have not requested such a condition however it is considered beyond the scope of the assessment of this application.</p>

<p>Access to the operations should not be approved from the initially proposed crossover</p>	<p>Support.</p> <p>Initial access proposed was not suitable for concurrent incoming and outgoing vehicle movements. Application has been amended to include separate access and egress points.</p>
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The amended application, including revised access and egress point was referred back to submitters for comment. While one of the submitters removed their objection based on the amended plan, the other has retained their objection.

OFFICER COMMENT

Key issues that commonly arise with extractive industries often relate to factors including, but not limited to - potential impact to ground water, native vegetation, noise emissions, dust emissions, stormwater management, traffic management, land use conflict, and visual impact. In this regard, the Shire has assessed the application against all relevant statutory and policy requirements and obtained relevant specialist technical advice through internal referral and appropriate external agency / authority referrals.

In this case, the key area of concern related to the adequacy of the adjoining road network and the proposed access / egress. The initial proposal included a singular access / egress point to Spring Gully Road which was considered insufficient due to site constraints and proximity to two other existing crossovers for extractive industries in the locality.

The amended access / egress proposed now, subject to this report, adequately address concerns by enabling vehicles, specifically heavy vehicles, to have more circular, fluid, safe movements to and from the site. This includes sufficient sightlines for egress by relocating these movements to a crossover further to the west, whilst the entry movement remains at the eastern crossover, and will only be left in movements.

With regards to the condition of the road, specifically Spring Gully Road, the impact of this proposal is not likely to increase the overall long term impact to the road, particularly when compared to current use and surrounding existing extractive industries.

The applicant operates one of two other existing extractive industries in the immediate locality. The applicant has advised that haulage movements from their existing operation (IND 01/37) will predominantly transfer to this proposal (i.e. there will not be a net increase of vehicles). As such, it is anticipated that the impact to the road will not be increased from any existing impact. Notwithstanding this, the proponent should be responsible for reasonable maintenance of the road condition for the haulage route which can be identified and measure through pre and post approval inspections and ongoing condition reports.

With regards to the comments received during the ‘neighbour notification’ process, Shire officers have reviewed all points of concern and addressed each accordingly. The submitter maintains their objection based on their request to:

- Upgrade Spring Gully Road to the east (within the Shire of Bridgetown Greenbushes); and

- Install a single driveway for access and egress.

Both of these issues have been addressed within the report, noting that the upgrade of Spring Gully Road cannot be reasonably required, solely of the applicant, due to the roads' existing use and surrounding extractive industries. Similarly, the installation of a single driveway was thoroughly considered by the Shire's Works and Services department and was determined to be of significantly higher risk than the amended separated access and egress.

In this case, the proponent has adequately addressed all associated potential impacts within the application based on the context of the site and the scale of the proposal, to the satisfaction of the local government and the relevant authorities.

In light of the above assessment, it is recommended that Council (the Commissioner) resolves to approve the application for development approval, subject to the conditions contained in the executive recommendation.

COUNCIL RESOLUTION 88/23

MOVED: Commissioner Gail McGowan

That Council (the Commissioner), pursuant to Schedule 2, Part 9, Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the Application for Development Approval for an Extractive Industry (Gravel) at Lot 1131 and 1464 Spring Gully Road, Southampton, subject to the following:

Conditions:

- 1. The layout of the site and location of works permitted must always accord with the endorsed plan(s), including any notations and/or conditions of approval, and must not be altered or modified without the further written consent of the Shire of Donnybrook Balingup.**
- 2. This approval is valid for a period of five (5) years after the date of issue or within any extended period as determined, in writing, by the Shire of Donnybrook Balingup.**
- 3. Prior to the commencement of works, a copy of a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.**
- 4. All stormwater from the proposed development including building(s) and hardstand area(s) shall be managed by the landowner in perpetuity, in accordance with the Shire's stormwater management standards and the Animals, Environment and Nuisance Local Law 2017 or superseding standard(s).**

5. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any driveway or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any infrastructure, to the satisfaction of the Shire of Donnybrook Balingup.
6. No groundwater is to be exposed on the surface of the pit floor. Should groundwater be exposed during excavation works, all works are to cease and the Shire of Donnybrook Balingup is to be notified. Any remedial works, as required by the Shire, in consultation with the Department of Water and Environmental Regulation, are the responsibility of the operator to rectify.
7. Dust is to be appropriately managed on site at all times in accordance with the relevant provisions of the Application Report (attached), the Shire of Donnybrook Balingup *Animals, Environment and Nuisance Local Law 2017*, and to the satisfaction of the Shire of Donnybrook Balingup.
8. Operating hours of the extractive works are restricted to 7:00 am to 5:00 pm – Monday to Saturday (excluding Public Holidays) unless otherwise agreed, in writing, by the Shire of Donnybrook Balingup.
9. Prior to the submission of an Extractive Industry Licence application, a Pit Rehabilitation and Closure Management Plan prepared by a suitably qualified person is to be submitted to, and approved by, the Shire of Donnybrook Balingup. The Plan is to be prepared in accordance with the requirements of works outlined within the Shire of Donnybrook Balingup *Extractive Industry Local Law* including, but not limited to:
 - 9.1 All site restoration and remediation works including indicative timeframes;
 - 9.2 Maximum batter/slope levels and methods of stabilisation;
 - 9.3 Finished ground levels;
 - 9.4 Watercourse management; and
 - 9.5 Proposed plant species, number and location including any maintenance requirements.
10. Prior to the submission of an Extractive Industry Licence application, a \$10,000 bond (cash or unconditional bank guarantee in favour of the Shire of Donnybrook Balingup) is required for the works identified by the Pit Rehabilitation and Closure Management Plan in Condition 11. Return of the bond will be subject to meeting the completion of works identified in the rehabilitation and closure plan to the satisfaction of the Shire of Donnybrook Balingup.
11. Pit closure works and rehabilitation of the site is to be completed within two (2) years of the end of extraction works or the expiration of this approval (whichever is sooner) unless otherwise extended, in writing, by the Shire of Donnybrook Balingup.
12. Weed management is to be undertaken in accordance with the relevant provisions of the Application Report (attached) and to the satisfaction of the

Shire of Donnybrook Balingup. Any declared weeds found to be within the site need to be appropriately treated and removed prior to any further excavation works.

- 13. Suitable fire management is to be undertaken in accordance with the relevant provisions of the Application Report (attached), the Shire of Donnybrook Balingup *Bush Fire Brigades Local Law* and the *Bush Fires Act 1954*, or superseding standard(s).**
- 14. Prior to the submission of an Extractive Industry Licence application, the endorsed detailed access plan (internal traffic management system), including access and egress locations, is to be fully implemented, constructed and appropriately signposted to the satisfaction of the Shire of Donnybrook Balingup. The internal traffic management system is thereafter to be implemented, and adhered to, to the satisfaction of the Shire of Donnybrook Balingup.**
- 15. Prior to the commencement of works, a traffic management plan for haulage is to be submitted to, and approved by, the Shire of Donnybrook Balingup, in consultation with the Shire of Bridgetown Greenbushes. The traffic management plan is thereafter to be implemented to the satisfaction of the Shire of Donnybrook Balingup.**
- 16. Haulage and other major traffic movements for this extractive industry will not be approved, nor are they to occur:**
 - 16.1 concurrently to haulage related to Extractive Industry Licence IND 01/37;**
 - or**
 - 16.2 west along Spring Gully Road from the permitted egress point;****without prior written approval from the Shire of Donnybrook Balingup.**
- 17. Prior to the issuing of an Extractive Industry Licence, the applicant and representatives of the Shire of Donnybrook Balingup and Shire of Bridgetown Greenbushes are to jointly inspect the current condition of Spring Gully Road. The applicant is to thereafter provide regular reporting on the road condition to the Shire of Donnybrook Balingup and maintain the road to the satisfaction of the Shire of Donnybrook Balingup, in consultation with the Shire of Bridgetown Greenbushes.**
- 18. Prior to the commencement of the use, appropriate signage is to be installed alerting users of the Bibbulmun Track of the extractive industry to the satisfaction of the Shire of Donnybrook Balingup in consultation with the Department of Biodiversity, Conservation and Attractions.**
- 19. Prior to the commencement of works, suitable safety fencing and warning signage is to be installed on the perimeter of the extraction area and thereafter maintained to the satisfaction of the Shire of Donnybrook Balingup.**
- 20. Existing boundary fencing adjoining State Forest is to be appropriately maintained to the satisfaction of the Shire of Donnybrook Balingup in consultation with the Department of Biodiversity, Conservation and**

Attractions.

- 21. Native vegetation within the extraction area identified for retention is to be protected and maintained to the satisfaction of the Shire of Donnybrook Balingup in consultation with the Department of Water and Environmental Regulation.**

Advice Notes:

- 1. This development approval does not equate to an Extractive Industry Licence. No works are to be undertaken until such time as an application for an Extractive Industry Licence is submitted to, and approved by, the Shire of Donnybrook Balingup in accordance with the *Extractive Industry Local Law*.**
- 2. The proposed operations are likely categorized as a Prescribed Premises, as per Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations). The applicant is advised to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and to contact the Department of Water and Environmental Regulation at info@dwer.wa.gov.au or (08) 6364 7000 regarding requirements.**
- 3. As per Clause 4.34 of the Shire of Donnybrook Balingup *Local Planning Scheme No. 7*, it is acknowledged that legal access for Lots 1131 and 1464 is currently gained through Lot 2035 as it is currently in the same ownership. If either of the properties change ownership, it is the landowner's responsibility to ensure the development is continued to be provided with legal, constructed access in perpetuity, which may require an easement on the Title(s).**
- 4. With regards to Condition 10 and 11, return of the bond will be measured against the works identified within the Pit Rehabilitation and Closure Management Plan as determined by the Shire of Donnybrook Balingup.**
- 5. It is noted that currently there are no identified School Bus routes along the proposed haulage route. Should a School Bus route begin operating along the route, the Department of Education may require further information. In this instance, it is strongly recommended that haulage trucks movements cease during the hours the school bus operates including:
(iii) 7:30 am to 8:40 am on school days; and
(iv) 3:20 pm to 4:20 pm on school days.**
- 6. Where any clearing works may be required, it is recommended that a fauna survey be submitted to the Shire of Donnybrook Balingup to ensure the area has been inspected by a suitably qualified person to identify any habitat trees being utilised by fauna including Carnaby's Cockatoo, Baudins Cockatoo, Forest Red Tail Black Cockatoo, Southern Brush Tailed Phascogale, Western Ringtail Possums and/or any other threatened fauna in the area. Where fauna are identified, the applicant should ensure that no clearing of the identified habitat trees/vegetation occurs until such time that the subject fauna are no longer utilising the habitat trees/vegetation.**

7. **All on-site work is to be appropriately managed to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and the *Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017* or superseding standard(s).**
8. **The proposed extraction is to be implemented in accordance with the Department of Water and Environmental Regulation's Water quality protection note (WQPN) 15 'Basic raw materials extraction' where applicable, to ensure environmental risks are appropriately mitigated.**
9. **Management of all activities involving hazardous chemicals shall be in accordance with the Department of Water and Environmental Regulation's WQPN 56 – 'Toxic and Hazardous Substance Storage and Use' (Dec 2018).**
10. **Notwithstanding any approval hereby granted by the local government, the applicant is reminded of their obligations under the *Aboriginal Cultural Heritage Act 2021* with regards to undertaking a due diligence assessment and obtaining all relevant approvals. For further information, you may wish to contact the Department of Planning, Lands and Heritage.**
11. **If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.**
12. **Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought or obtained.**
13. **If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.**

CARRIED: Commissioner Gail McGowan

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

The Schedule of Accounts Paid under Delegation (1.2.2(1)) is presented for public information (attachment 9.2.1(1)).

9.2.2 INTERIM MONTHLY FINANCIAL REPORT – JUNE 2023

The Interim Monthly Financial Report for June 2023 is attached (Attachment 9.2.1(1)).

EXECUTIVE RECOMMENDATION

That the Interim Monthly Financial Report for June 2023 be received.

COUNCIL RESOLUTION 89/23

MOVED: Commissioner Gail McGowan

That the Interim Monthly Financial Report for June 2023 be received.

CARRIED: Commissioner Gail McGowan

9.2.3. EXPRESSION OF INTEREST ASSESSMENT – VACANT BUILDING AT LOT 51 AND 616 RESERVE STREET, DONNYBROOK

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	N/A
Author	Susie Delaporte – Senior Community Engagement Officer
Responsible Officer	Kim Dolzadelli – Director Corporate and Community
Attachments	9.2.3 (1) Expression of Interest (EOI) 9.2.3 (2) EOI Criteria – Blackwood Youth Action 9.2.3 (3) EOI Criteria – Donnybrook Community Resource Centre Inc. 9.2.3 (4) EOI Criteria – Veteran Car Club of WA (Inc)
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council (the Commissioner):</p> <ol style="list-style-type: none"> 1. Acknowledge the three submissions received for the Expressions of Interest for the vacant building at Lot 51 and 616 Reserve Street, Donnybrook, adjacent to the Donnybrook Pump Track. 2. Authorise the Chief Executive Officer to negotiate, and formally enter into, suitable occupancy arrangements with Blackwood Youth Action and the Donnybrook Community Resource Centre (including the three sub-groups: Women Together; Donnybrook Friends with Disability; and Food Relief Program) once the Property Management Framework has been adopted by Council (Commissioner). 3. Authorises the Chief Executive Officer to include the Donnybrook Veteran Car Club as a co-occupant to the building, if, following more detailed negotiation between all parties, suitable co-occupancy arrangements can be negotiated. 4. Instruct the Chief Executive Officer to formally advise the submitters of the outcome of this resolution.

STRATEGIC ALIGNMENT

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

Outcome	1	A diverse and growing population
Objective	1.1	Attract and retain more families with children, and younger adults.
Priority Project	1.1.1	Establish a Youth Leadership Group to develop a youth plan for Council's consideration
Priority Project	1.1.2	Develop a campaign to promote the Donnybrook Adventure Zone with the Pump Track, Skate Park and Apple Fun Park
Objective	13.1	Enable community organisations and community champions to deliver services and projects to meet local needs.

EXECUTIVE SUMMARY

In accordance with Council's (the Commissioner's) resolution from 22 March 2023, the Shire advertised an Expression of Interest (EOI) for the use of the vacant building on Lot 51 and 616 Reserve Street, Donnybrook, adjacent to the Donnybrook Pump Track.

The EOI has formally closed, and three (3) submissions were received.

It is requested that Council (the Commissioner), review the responses received, the assessment within this report, and award the EOI to the successful community group/s as per the officer's recommendation. This will enable Shire officers to establish a suitable occupancy agreement with the subject community groups for use of the subject building.

BACKGROUND

Council (the Commissioner), at the Ordinary Meeting held 22 March 2023, resolved to:

- 1. Request the Chief Executive Officer to seek Expressions of Interest (EOI) [Attachment 9.2.2(1)] in relation to leasing the building adjacent to the Donnybrook Pump Track.*
- 2. Request the Chief Executive Officer to present all lodged EOI submissions to a future meeting of Council (Commissioner) for deliberation.*
- 3. Acknowledge that the 2022-23 Budget Review makes expenditure provision for the development of 'clubhouse' facilities for local netball and basketball associations within the existing Donnybrook Recreation Centre.*
- 4. Acknowledge that Shire staff will continue consulting with the Donnybrook Ladies Hockey Club, seeking to identify and secure a clubhouse for that sporting association.*

The subject EOI (Attachment 9.2.2(1)) was advertised to the public from 8 May 2023 to 5 June 2023 with three submissions received during this period, being from:

1. Blackwood Youth Action;
2. Donnybrook Community Resource Centre including Women Together, Donnybrook Friends with Disability, and Food Relief Program; and
3. Veteran Car Club of Western Australia.

The three submissions have been assessed by relevant officers, with a description of each organisation and summary of their proposals provided in the 'Officer Comment / Recommendation' section below.

FINANCIAL IMPLICATIONS

The preparation of all relevant occupancy documentation will be completed by Shire officers. No significant financial implications are anticipated that are not already borne by the Shire (e.g. ongoing maintenance, insurance).

POLICY COMPLIANCE

Draft EXE/CP-11-Property Management Framework

At the Ordinary Meeting held 22 March 2023, Council (the Commissioner) resolved to endorse the draft Property Management Framework for the purposes of further community consultation, including draft policy EXE/CP-11. Shire officers will refer to this draft Policy and associated documentation for consideration during the preparation of the relevant occupancy agreement.

In this regard, the key considerations when preparing the documentation include:

- The tenant is to submit a formal approval including their Organisational Legal Status, Proof of Insurance, Business Plan and Whole of Life Costing for proposed building;
- Consent from ARC Infrastructure (refer to 'Statutory Compliance' below);
- A report to Council for approval to commence Licence and/or Management Agreement negotiations (this report);
- Submission of an Annual Community Group Health Check form to the Shire; and
- Preparation of an appropriate Licence (using tenants' classification).

STATUTORY COMPLIANCE

Land Tenure and Occupancy

The subject building is located partly within Lot 51 on D9062 and Lot 616 P38225 (Reserve 47822).

Lot 51 is freehold land owned by the Shire and includes 'Egan Park'.

As all three submissions for the EOI are by an incorporated not-for-profit community group, the process is exempt from any applicable disposition requirements of the *Local Government Act 1995* pursuant to Regulation 30 (2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*:

“(2) A disposition of land is an exempt disposition if — ...

(b) the land is disposed of to a body, whether incorporated or not —

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;...”

Lot 616 is Crown land (under control of the Public Transport Authority) which is leased to ARC Infrastructure. The Shire has a licence agreement with ARC Infrastructure for use of this land including for the purposes of:

1. *Pump track;*
2. *Basketball court;*
3. *Park land; and*
4. *Situation and use of the four existing buildings located on the Licensed Area (and identified on the plan at Schedule 2) by community interest groups. The Shire must seek written consent prior to executing a licence agreement to a third party.*

In this regard, the Shire must obtain written consent from ARC Infrastructure prior to executing a licence with a third party on this site.

Land Use and Development

As outlined within the EOI documentation, in considering any of the statutory land use and development requirements, the proponent will be responsible for obtaining all relevant and applicable approvals.

The EOI submissions received were referred to all relevant internal service units (refer to ‘Consultation’ below). The key areas of relevant statutory compliance relate to:

Planning

Lot 51 and 616 are zoned ‘Local Reserve’ for ‘Parks and Recreation’ under the *Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7)*. In accordance with LPS7, all land use and development on Reserve is to be consistent with the overall intent of the Reserve – in this case ‘Parks and Recreation’.

Whilst currently vacant, based on the original use of the subject building as by local sporting groups, it’s land use is best considered as ‘club premise’ under LPS7:

“club premises” means premises used by a legally constituted club or association or other body of persons united by a common interest.

All three submissions will likely fall within this land use definition, therefore, at this stage, it is not anticipated that a Development Application will be required as there will not be a change in use (notwithstanding that there is a change in occupant).

Environmental Health

The subject building is considered a public building under the *Health (Miscellaneous Provisions) Act 1911*:

public building means —

(a) a building or place or part of a building or place where persons may assemble for

—

- (i) civic, theatrical, social, political or religious purposes; and*
- (ii) educational purposes; and*
- (iii) entertainment, recreational or sporting purposes; and*
- (iv) business purposes; and*

(b) any building, structure, tent, gallery, enclosure, platform or other place or any part of a building, structure, tent, gallery, enclosure, platform or other place in or on which numbers of persons are usually or occasionally assembled but does not include a hospital.

A public building is to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the *Building Code of Australia*.

As part of this compliance, a Form 5 Certificate of Electrical Compliance for the building is required to be completed by a licensed electrical contractor. Further assessment of the building is required in order to determine specific accommodation numbers, however, based on the current floor area, it may suitably accommodate approximately 70 people.

Building

The building was constructed in the 1980's for the purposes of a "Netball Pavilion and Viewing Shelter" and would therefore be classified as a Class 9b Assembly Building under the Building Code of Australia.

Notwithstanding that the building does not have to retrospectively comply with current building standards as there is no change to the current use, should the building be used for a group with specific needs (as indicated in the EOI submissions), then upgrades may be recommended, including the construction of accessible toilets.

CONSULTATION

The Shire publicly advertised the subject EOI from 8 May 2023 to 5 June 2023 via:

- The Shire's social media;
- The Shire's website; and
- The Preston Press.

All three submissions were referred to internal service units including:

- Planning;
- Environmental Health;
- Building;
- Economic Development;

- Works and Services;
- Governance;
- Finance; and
- Community Engagement.

Whilst no other significant issues were identified, the statutory matters have been outlined in 'Statutory Compliance' above, whilst other general considerations raised for the Shire and any future occupant included:

- The Shire has no current plans to upgrade the surrounding area(s) of the building (i.e. gravel carpark, paths, access etc.);
- Public activities and patrons in the general area, particularly the use of the adjacent Pump Track, could impact the occupants of the building;
- The Shire undertakes regular general maintenance activities in the surrounding area of the building which may impact planned activities;
- Group bookings and activities should be well coordinated to ensure there are no conflicts between groups and/or Shire maintenance programs; and
- Where rates and/or rubbish removal forms any part of the occupancy agreement, further consultation with the Rates Officer is required.

OFFICER COMMENT / CONCLUSION

The submissions received have been reviewed and assessed by Shire officers taking into consideration the 'Encouraged Use/s' as listed within the EOI:

- *Services that benefit young people whether it be education, training, mental health services, recreational activities, the headquarters for a Youth Action Group (YAG) or Youth Reference Group (YRG);*
- *Community groups that promote the wellbeing and/or interests of its members and contribute to the wider community; and*
- *Groups involved in a charitable purpose for the wellbeing of the community.*

Applicants were required to address each of the listed EOI Criteria:

1. *What is the nature of your community group?*
2. *How will your group contribute to the local community?*
3. *Does your group have a current premises?*
4. *What days / hours would you use the premises?*
5. *Will your group be happy to share the premises with other community groups?*
6. *What date would your community group wish to occupy the premises?*
7. *Would your community group need to modify the premises? If so, how?*
8. *What services and/or programs (if any) will you offer to the young people of the Donnybrook Balingup Shire?*

Full copies of all responses are located within Attachments 9.2.2 (2), (3) and (4), however, the following summary and assessment is provided below, taking into consideration the overall objectives of the EOI, specifically Criteria 2, 5 and 8 (above).

1. Blackwood Youth Action

Blackwood Youth Action Inc (BYA) is a community based, non-profit organisation that has been supporting at-risk and marginalised young people in the Shires of Boyup Brook, Donnybrook Balingup, Bridgetown Greenbushes, Nannup and Manjimup in the southwest of Western Australia since 2013. BYA's vision is for every young person to be living their best life. BYA's mission is to work collaboratively in the community to give youth a strong foundation on which to build their lives, and to provide youth support services and facilities to enable marginalised and at-risk young people to flourish and be the best they can be.

Assessment Against EOI Criteria (Attachment 9.2.2(2))

In addition to addressing the eight (8) EOI Criteria points, the BYA have provided three (3) letters of support from the Principal of the Donnybrook District High School; the Sergeant of the Donnybrook Police Station; and the Youth of Donnybrook and Khloe Watson.

The BYA currently have premise in Bridgetown and Manjimup, however, are wanting to expand their services to Donnybrook. BYA are seeking the space for several afternoons per week plus some time on the weekend and would be able to occupy the space "almost immediately". BYA have indicated that they would not need to modify the building to meet their service delivery needs.

2. How will your group contribute to the local community?

BYA have outlined that they will "contribute to the local community by improving mental health outcomes, promoting early intervention and prevention, providing a safe and supportive environment, raising awareness and education, collaborating with schools and organisations, supporting families and caregivers, and reducing the societal impact of mental health issues". In turn, BYA believe that this will "create a healthier and more resilient community that fosters the well-being of its young population.

5. Will your group be happy to share the premises with other community groups?

BYA have expressed that they value "collaborating with existing community groups and welcome the opportunity to share the premises". BYA have indicated that whilst they would require a private space to ensure confidentiality for some mental health services provided, however for other "get together sessions" they could share the space with others.

8. What services and/or programs (if any) will you offer to the young people of the Donnybrook Balingup Shire?

BYA have indicated that they would "very much like to replicate the services it delivers to the Shire's of Bridgetown Greenbushes [Shire of BG] and the Shire of Manjimup". This includes psychological services, case management practical supports, training programs, belonging groups, after school activities like Art/Gaming/Cooking/Drop in. In addition,

BYA expressed that a Youth Advisory Group would be created as is the case in the Shire of Bridgetown Greenbushes.

2. Donnybrook Community Resource Centre

The Donnybrook Community Resource Centre Inc. (DCRC) provides various services to the community of Donnybrook Balingup ranging from training and support, video conferencing, business and social development, as well as support for not-for-profit community groups.

As outlined in the submission, the proposed use of the building includes three groups under the auspices of the DCRC, including:

- 2.1. Women Together** – A women’s connection and leadership development group run by the DCRC in collaboration with South West Women’s Health and Information Centre.
- 2.2. Donnybrook Friends with Disability** – An inclusion and friendship group for adults living with disability within the Shire of Donnybrook Balingup. The group is run for the purpose of networking, friendship, and wellbeing of members of the community who are living with disability, and their families.
- 2.3. Food Relief Program** – Aims to support those in the community who are struggling with the increased cost of living.

Assessment Against EOI Criteria (Attachment 9.2.2 (3))

The DCRC have addressed all points of the EOI Criteria in relation to each of the sub-groups intended uses. Each of the three sub-groups are looking to establish a more suitable space that complements their existing groups, nurture inclusion, and expand existing capacity.

Each of the three groups have indicated that they would require use of the building for a couple of hours each week, including weekdays and weekends, however, are all willing to coordinate suitable times with all occupants. The groups are able to occupy the building as soon as possible, however, may have to modify the building to enable all ability use (i.e. toilets and access).

2. How will your group contribute to the local community?

The DCRC have expressed individual contributions to the community by each of the three sub-groups.

Women Together has the “potential to foster the growth of many women in the community who have various passions, interests, and skills to share”. By using the building, it is hoped that Women Together can “continue to offer a space where women can connect with others and support each other to build on their skills and strengths”.

Donnybrook Friends with Disability wants to provide a “safe judgement free space to nurture friendship, confidence, and a sense of belonging to people with disability”. In

addition, the group believes this will help “provide community awareness of the needs of those with disability”.

Food Relief Program are seeking to expand on their existing operation to “offer food items and financial relief to a those in need in our community”. The existing services of this group require more space to expand operations within the DCRC building. The positive impacts the group envisages are a reduction in stress and mental health issues; privacy for patrons; united community; and access to vegetables.

5. Will your group be happy to share the premises with other community groups?

The DCRC has indicated that they would welcome the shared use of the building as their “vision is to have an inclusive, vibrant space shared by many community groups”. The sub-groups have already been in conversation with BYA regarding potential sharing of space.

8. What services and/or programs (if any) will you offer to the young people of the Donnybrook Balingup Shire?

Each of the outlined sub-groups provide individual services to the community.

Women Together have indicated that they would be open to meeting with the youth of the Shire to discuss what they could contribute to the space including their potential ability to “contribute time, resources, and support to school holiday and after school programs”.

Donnybrook Friends with Disability would like to establish a parent support group and believe this space will make it possible for children to attend. This will facilitate social outings for the children as well as their siblings who may be able to “socialise and engage with peers”.

Food Relief is a program available to all community members with the Donnybrook Community Garden offering the donation of fresh vegetables. The proximity of the Garden to the subject building will facilitate greater interaction and the ability to “develop and run programs around growing food, food preparation and sustainability”.

3. Veteran Car Club of Western Australia

The Veteran Car Club of Western Australia (VCCWA) has various branches across the State, including Donnybrook. The group promotes the restoration of vintage and classic vehicles to put on display to the public.

Assessment Against EOI Criteria (Attachment 9.2.2 (4))

The Donnybrook VCC currently have a shared meeting room with the Donnybrook Mens Shed, however, with their growing membership they are looking for larger premises. Donnybrook VCC meetings are generally held on the first Sunday of every month with other social events and workshops held at varying times depending on the nature of the event. In most cases, use of the premise would be on weekends.

The Donnybrook VCC have indicated that they would not need to modify the building at this stage however would like the ability to display photos of their cars. In addition, they have a book shelf with a motoring library and a lockable cabinet would assist for personal property and records.

2. How will your group contribute to the local community?

VCCWA have indicated that Donnybrook has over 200 motoring enthusiasts with vehicles on display at all major events in Donnybrook. The Donnybrook group encourage all ages to share their knowledge and assist each other in restoration of vehicles such as tractors, vintage cars, trucks, motor bikes and stationary motors.

5. Will your group be happy to share the premises with other community groups?

The Donnybrook VCC has indicated that they would be “happy to share”, however have queried how this would be managed to “benefit all”.

8. What services and/or programs (if any) will you offer to the young people of the Donnybrook Balingup Shire?

The Donnybrook VCC have indicated that with this larger space, they would be in a position to hold open days “inviting younger people to workshops”. Members could assist with their knowledge on “how to maintain their vehicles, in return making safer vehicles on the road”. In addition, the Donnybrook VCC have stated that they “could also have guest speakers and safety talks given by our local police”.

Officer Summary and Recommendation

All three submissions received are a strong representation of the Shire’s active community groups and the importance they have on our residents and surrounding networks.

The Donnybrook VCC is a valued local community group that attracts a substantial amount of tourists, residents and general motor enthusiasts to the Shire. Whilst the submission received indicated that there may be potential integration options with other community groups, this may be difficult to achieve based on their required resources and specific use needs (i.e. display of photos/memorabilia and library of resources).

Similarly, the BYA and the DCRC are invaluable community groups that provide vital, tangible benefits to a variety of residents within the Shire and surrounding networks. Both the BYA and the DCRC sub-groups have indicated that they would work together and have already identified many crossovers between community services that they provide that could easily be integrated into this space. In addition, the Donnybrook Pump Track being adjacent to the building directly complements the proposed group activities given there are direct correlations and relationships between users.

In addition, as identified within the *Council Plan 2022 – 2032*, there is a strong focus on actions and priority projects that attract and encourage retention of youth and younger people in the Shire. Both the BYA and DCRC submissions directly link to these actions through the services that they provide and the benefits to the community and surrounding area.

In light of the information presented within the three submissions and the assessment against the Criteria within advertised EOI, it is recommended that Council (the Commissioner) authorise the Chief Executive Officer to commence the preparation of suitable occupancy agreements with:

- Blackwood Youth Action; and
- Donnybrook Community Resource Centre.

Additionally, there is potential for the Donnybrook VCC to co-occupy the building (with BYA and DCRC) for its administrative needs, such as a meeting space. This would necessitate the Donnybrook VCC relocating its administrative 'headquarters' from the nearby co-occupied Donnybrook Mens Shed to the co-occupied building at the Pump Track. This may, or may not, be appealing to the Donnybrook VCC on the basis that it is chiefly a 'like-for-like' transition. For this reason, it is recommended that the option is kept open, subject to the continued interest of the Donnybrook VCC and the various parties arriving at an agreed co-occupancy arrangement, facilitated by the Shire.

It is recommended that occupancy agreements (e.g. lease) for the site/building should align to the Shire's new Property Management Framework, which is expected to be presented to Council (the Commissioner) for final approval in August or September 2023.

COUNCIL RESOLUTION 90/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Acknowledge the three submissions received for the Expressions of Interest for the vacant building at Lot 51 and 616 Reserve Street, Donnybrook, adjacent to the Donnybrook Pump Track.**
- 2. Authorise the Chief Executive Officer to negotiate, and formally enter into, suitable occupancy arrangements with Blackwood Youth Action and the Donnybrook Community Resource Centre (including the three sub-groups: Women Together; Donnybrook Friends with Disability; and Food Relief Program).**
- 3. Authorises the Chief Executive Officer to include the Donnybrook Veteran Car Club as a co-occupant to the building, if, following more detailed negotiation between all parties, suitable co-occupancy arrangements can be negotiated.**
- 4. Instruct the Chief Executive Officer to formally advise the submitters of the outcome of this resolution.**

CARRIED: Commissioner McGowan

9.2.4 REQUEST FOR SERVICE LEVEL AGREEMENT – BALINGUP ARTS AND CULTURE HUB

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	PRO 02/4, A3260
Author	Ben Rose – Chief Executive Officer
Responsible Officer	Kim Dolzadelli – Director Corporate and Community
Attachments	9.2.4(1) – Request Correspondence
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner):

- 1. Acknowledge the work undertaken by the Balingup Arts and Culture Hub (as a sub committee of the Balingup Progress Association) on the proposal, to date.**
- 2. Directs the Chief Executive Officer to include consideration of the requested Service Level Agreement funding within the Draft 2023-24 Shire Budget.**
- 3. Directs the Chief Executive Officer to advise the Balingup Arts and Culture Hub of resolutions 1 and 2, above, with further advice that inclusion of funding in the Draft 2023-24 Shire Budget is not an indication or pre-approval of funding for the requested Service Level Agreement.**

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 7 | Heritage assets are valued and respected. |
| Objective 7.1 | Identify, preserve and showcase local heritage. |
| Outcome 9 | A thriving economy. |
| Objective 9.2 | Attract and retain a diverse mix of businesses and investment opportunities. |

EXECUTIVE SUMMARY

The Shire has received a request for Service Level Agreement funding from the Balingup Arts and Culture Hub (BACH), which is a sub-committee of the Balingup Progress Association. Officers recommend consideration of the funding request as part of the 2023-24 Annual Budget deliberations.

BACKGROUND

Shire Officers and the Commissioner met with members of BACH on 28 June 2023, to review and discuss the request for Service Level Agreement funding (Attachment 9.2.3(1)). The objectives of BACH are as follows:

- To return the Balingup Town Hall to the centre of community life.
- To create a thriving and vibrant community, cultural and receptions hub.
- To move towards the creation of a community-managed, Shire-owned asset as part of a broader Shire initiative to achieve greater consistency and transparency across its community-managed assets.

BACH is seeking a three year Service Level Agreement of \$8,000 per year, with the details of year 1 included in Attachment 9.2.3(1).

FINANCIAL IMPLICATIONS

Consideration of the financial implications of the request is most appropriately undertaken through detailed deliberations on the 2023-24 draft Budget, over the coming month. Whilst the allocation of \$8,000 in any financial year is fairly modest, consideration needs to be given to the multiple competing demands on the Shire's budget at any one time.

POLICY COMPLIANCE

Council Policy COMD/CP-1 Community Grants Funding Scheme, outlines the Shire's approach to community grants, including Service Level Agreements. If funding is available for this new Service Level Agreement via the 2023-24 Budget, the development of a formal Agreement would need to align with Council Policy COMD/CP-1.

STATUTORY COMPLIANCE

Nil.

CONSULTATION

If funding is made available via the 2023-24 Shire Budget, further detailed consultation will occur with BACH prior to finalising a Service Level Agreement, to ensure appropriate performance indicators and reporting measures are identified.

OFFICER COMMENT

The proposal from BACH aligns closely to the Shire's community development and economic development objectives set out in the Council Plan. Increased visitation and usage of Balingup Hall, as one of the Shire's premier heritage assets, also supports the Shire's Council Plan. Whilst the proposal, on preliminary review, aligns to the Shire's strategic objectives, as well as the Council Policy on Community Grants and Service Level Agreements, proceeding with an Agreement will be contingent on funding availability. As such, it is recommended that Shire funding for the request is considered in the broader context of the annual budget for 2023-24. If funding is identified through the adopted budget, staff will work with BACH to formalise a Service Level Agreement, which will include performance and reporting measures.

COUNCIL RESOLUTION 91/23

MOVED: Commissioner Gail McGowan

That Council (the Commissioner):

- 1. Acknowledge the work undertaken by the Balingup Arts and Culture Hub (as a sub committee of the Balingup Progress Association) on the proposal, to date.**
- 2. Directs the Chief Executive Officer to include consideration of the requested Service Level Agreement funding within the Draft 2023-24 Shire Budget.**
- 3. Directs the Chief Executive Officer to advise the Balingup Arts and Culture Hub of resolutions 1 and 2, above, with further advice that inclusion of funding in the Draft 2023-24 Shire Budget is not an indication or pre-approval of funding for the requested Service Level Agreement.**

CARRIED: Commissioner Gail McGowan

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 CARETAKER PERIOD

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 11/4
Author	Loren Clifford, Acting Manager Executive Services
Responsible Officer	Ben Rose, Chief Executive Officer
Attachments	9.3.1(1) – EM/CP-6- Caretaker
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner) notes the provisions within Council Policy EM/CP-6-Caretaker, (Attachment 9.3.1(1)) and the commencement of the caretaker period from 14 September 2023.

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

This report seeks the Council (Commissioner) to note the provisions within Council Policy EM/CP-6-Caretaker (Attachment 9.3.1(1)), and the commencement date of the Caretaker Period.

The Shire of Donnybrook Balingup 2023 Local Government Election is scheduled for Saturday, 21 October 2023. The Caretaker Period applies from the close of nominations (37 days prior to the Election Day. This period will commence Thursday, 14 September 2023, until 6.00pm on Election Day.

BACKGROUND

Council first adopted the Caretaker Policy in August 2017. The policy was introduced to:

- Guide the Council away from making major decisions, immediately prior to an election, that would bind an incoming Council;
- Prevent the use of public resources in ways that are seen as advantageous or disadvantageous to elected members seeking re-election, or to new candidates; and

- Recognise the requirement for the Shire’s administration to act impartially in relation to all candidates.

The policy has since been reviewed by Council in December 2021, adopting changes made to allow for the introduction of the *Local Government (Rules of Conduct) Regulations 2021*.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Council Policy EM/CP-6-Caretaker (Attachment 9.3.1(1)).

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

The Caretaker Period applies from the close of nominations, being 37 days prior to the Election Day. This period will commence Thursday, 14 September 2023, until 6.00pm on Election Day – Section 4.49 (a) of the Act. The Shire of Donnybrook Balingup 2023 Local Government Election is scheduled for Saturday, 21 October 2023.

Key policy provisions relevant to the 2023 Caretaker period are outlined below.

MAJOR POLICY OR SIGNIFICANT DECISIONS OF COUNCIL

- Major policy or significant decisions should be avoided during a Caretaker Period, these decisions need to be scheduled prior to the commencement of the Caretaker period or deferred where possible for determination by the incoming Council.
- All announcements regarding decisions made by the Council (the Commissioner), prior to the Caretaker Period, shall be publicised prior to the Caretaker Period.

CARETAKER STATEMENT

A Caretaker Statement will be included in each report submitted to the Council where the Council’s decision would, or could, be a Major Policy Decision (defined in the Policy).

PUBLIC CONSULTATION LIMITATIONS

Public consultation is discouraged to be undertaken during the Caretaker Period (either new consultation or existing) on an issue which, in the CEO's opinion, could be perceived as intended or calculated to affect the result of an election. However, this policy provision does not prevent any mandatory public consultation required by the Act or any other relevant Act which is required to be undertaken to enable the Shire to fulfil its functions.

SHIRE EVENTS/FUNCTIONS RESTRICTIONS

Events and/or functions organised by the Shire and held during the Caretaker Period will be limited to only those that the CEO considers essential to the operation of the Shire and should not in any way be associated with any issues that, in the CEO's opinion, are considered relevant to, or likely to, influence the outcome of an election.

INTERACTIONS WITH CANDIDATES

- All known candidates are to be invited to civic events/functions organised by the Shire during the Caretaker Period.
- Shire employees must not be asked to undertake any tasks connected directly or indirectly with an election campaign by any candidate.
- All candidates will have equal rights to access public information, such as the electoral rolls (draft or past rolls), monthly enrolment details, and information relevant to their election campaigns from the Shire administration.
- Any assistance and advice provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.
- All election process enquiries from candidates will be directed to the Returning Officer or, where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer.

COUNCIL RESOLUTION 92/23

MOVED: Commissioner McGowan

That Council (the Commissioner) notes the provisions within Council Policy EM/CP-6-Caretaker, (Attachment 9.3.1(1)) and the commencement of the caretaker period from 14 September 2023.

CARRIED: Commissioner McGowan

9.3.2 WALGA ANNUAL GENERAL MEETING AND CONVENTION

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	DEP 22/4D
Author	Loren Clifford, Acting Manager Executive Services
Responsible Officer	Ben Rose, Chief Executive Officer
Attachments	9.3.2(1) Convention Program
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION

That Council (the Commissioner):

- 1. Authorise Commissioner McGowan and the Chief Executive Officer as voting delegates for the 2023 WALGA Annual General Meeting.**
- 2. Authorise attending senior staff members as proxy delegates for the 2023 WALGA Annual General Meeting.**
- 3. Endorse attendance at the WALGA Convention 2023 for the Commissioner, Chief Executive Officer and up to two (2) senior staff.**

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 West Australian Local Government Association (WALGA) has advised that the Annual WA Local Government Convention will be held in Perth between Sunday 17 and Tuesday 19 September 2023. The Annual General Meeting of the WA Local Government Association will be held on Monday 18 September 2023, where Member Councils are entitled to be represented by two (2) voting delegates at the meeting.

BACKGROUND

Local Government Elected Members and staff have been invited to the Annual Western Australian Local Government Association Convention to be held at Crown Perth between Sunday 17 and Tuesday 19 September 2023. A copy of the program is attached (Attachment 9.3.2 (1)).

The theme for the 2023 Local Government Convention is ‘Local Futures’, which will explore how local governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local. The Convention program has been developed to specifically support and encourage local government representatives with sessions delving into topical issues and, for the first time, a Supplier Showcase featuring WALGA preferred suppliers showcasing the latest innovations across service industries such as transport and waste management.

As part of the Convention, the Annual General Meeting of the WA Local Government Association is to be held on Monday 18 September 2023.

All Member Councils are entitled to be represented by two (2) voting delegates at the AGM. In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers.

FINANCIAL IMPLICATIONS

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

Convention Registration

Full Delegate – Local Government	\$1,296.00
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Accommodation

Crown Perth – Estimated	\$650.00
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Optional Extras

Gala Event	\$135.00
Convention Breakfast with Guest speaker	\$93.30

Expenditure for this purpose will be incurred from the 2023/24 budget.

POLICY COMPLIANCE

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

STATUTORY COMPLIANCE

Nil.

CONSULTATION

Nil.

OFFICER COMMENT

The Commissioner, Chief Executive Officer and two senior staff members are recommended to attend the 2023 convention. In addition to the specific items listed on the convention program, attendees have the opportunity to network with other local governments and engage with suppliers of local government goods and services in an effort to bring new thinking back to the district. This is one of the local government specific events which bring together a wide range of local governments and elected members.

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.

COUNCIL RESOLUTION 93/23

MOVED: Commissioner McGowan

That Council (the Commissioner):

- 1. Authorise Commissioner McGowan and the Chief Executive Officer as voting delegates for the 2023 WALGA Annual General Meeting.**
- 2. Authorise attending senior staff members as proxy delegates for the 2023 WALGA Annual General Meeting.**
- 3. Endorse attendance at the WALGA Convention 2023 for the Commissioner, Chief Executive Officer and up to two (2) senior staff.**

CARRIED: Commissioner McGowan

9.3.3 COUNCIL PLAN - BIANNUAL PROGRESS REPORT: APRIL 2023-JUNE 2023

Location	Shire of Donnybrook Balingup
Applicant	Not applicable
File Reference	CNL16
Author	Loren Clifford – Acting Manager Executive Services
Responsible Manager	Ben Rose – Chief Executive Officer
Attachments	9.3.3(1) Council Plan 2022/2023 Biannual Update 1 April 2023 to 30 June 2023
Voting Requirements	Simple Majority

EXECUTIVE RECOMMENDATION
<p>That Council (Commissioner):</p> <ol style="list-style-type: none"> 1. Receives the Council Plan 2022/2032 – Bi-annual Update (April 2023 – June 2023) as shown in Attachment 9.3.3(1). 2. Acknowledges the status update of 2022-23 Priority Projects for consideration in the next review of the Council Plan (during 2023-24). 3. Directs the Chief Executive Officer to publish the Council Plan Bi-annual Update on the Shire’s website.

STRATEGIC ALIGNMENT

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

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

EXECUTIVE SUMMARY

Council adopted its Council Plan 2022-2032 on 25 May 2022 at its Ordinary 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 good practice for the Administration to provide an update on the progress of the priority projects in the Council Plan to Council and the community. Council elected for this to be completed on a bi-annual basis.

This bi-annual update outlines the progress made on each priority project between April 2023 and June 2023 for the 2022-23 financial year. Council (Commissioner) is requested

to receive the update as shown in Attachment 9.3.3(1), and to direct the CEO to publish the update on the Shire's website.

BACKGROUND

Under the State Government Integrated Planning and Reporting Framework (the Framework), local governments in Western Australia must deliver reports such as Corporate Business Plans, Strategic Community Plans and Annual Reports. The aim of the Framework is to ensure local government's plan responsibly and sustainably.

To understand local needs and priorities, the Shire of Donnybrook Balingup commissioned an independent review in 2019, where 441 community members completed a Community Scorecard. This feedback was used to help inform the Shire's Strategic Community Plan.

In 2021, the Shire embraced a new approach to strategic community planning, responding to upcoming changes in local government legislation arising from the local government reform process. As part of this approach, the Shire's Strategic Community Plan and Corporate Business Plan were merged into one plan known as the Council Plan. Merging the two plans is more efficient in staff time and Shire resources, and delivers a simpler, more easily understood Plan to the community. Additionally, upcoming local government reforms identify the need to 'merge' the Strategic Community Plan and the Corporate Business Plan and the Shire was keen to 'get ahead' of the upcoming reforms.

The Department of Local Government, Sport, and Cultural Industries (DLGSCI) confirmed this approach is acceptable, provided the elements required by the *Local Government Act 1995* were included. Under the Framework, Corporate Business Plans undergo a review each year and Strategic Community Plans every four years, with minor reviews every two years.

At its Ordinary Meeting on 25 May 2022, Council resolved:

That Council:

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

FINANCIAL IMPLICATIONS

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

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

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Section 5.56 (1) of the *Local Government Act 1995* requires local governments to have in place a “plan for the future”.

CONSULTATION

External consultation is not required as part of the bi-annual update. Internally, the Executive Leadership Team, Business Unit Managers and Coordinators were consulted, and have provided feedback on the priority projects under their responsibility.

OFFICER COMMENT

KEY ASPECTS OF THE COUNCIL PLAN

The Shire’s Council Plan expresses a vision for the future through five 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 to meet the current and changing community needs, overarching outcomes were developed for each focus area, then broken down into objectives with several priority projects. These projects have been prioritised over a 10-year period (2022 – 2032). Of the 165 priority projects, 57 were been allocated to 2022/2023.

REPORTING REQUIREMENTS ON PLAN

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

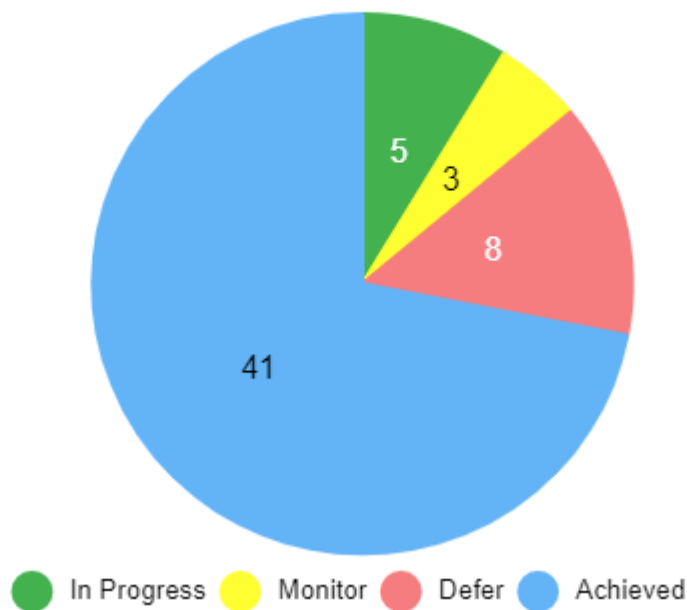
At its Ordinary Council Meeting 25 May 2022 Council resolved that the Chief Executive Officer undertake bi-annual reporting on the Council Plan to Council and the community.

BI-ANNUAL UPDATE

The Council Plan Update includes an update against the 57 projects and Milestones adopted by Council for 2022/2023.

Of the 57 priority projects adopted in the Council Plan 2022-2032 for 2022/2023, 41 have been Achieved, 5 are in progress, 3 require monitoring and 8 have been recommended for deferral.

2022/2023 Projects / Milestones Status (Apr - Jun)



Details have below outlined below relating to the priority projects with a status of Monitor or Defer.

	Priority Project	Officer Comment
Defer	1.1.2 Develop a campaign to promote the Donnybrook Adventure Zone with the Pump Track, Skate Park, and Apple Fun Park.	<ul style="list-style-type: none"> Officers continue to work on a tourism campaign, outlining consistent advertising themes. Officers are building relationships with local videographers and photographers to engage in this campaign. Initial quotes and time constraints have caused some delay; officers are seeking other options and plan to commence work 2023-2024. Shire Calendar marketing campaign began in June, with the theme being "On the Map" which ties into this marketing campaign.

	<ul style="list-style-type: none"> • OCM resolution (May 2023) to defer media campaign to 2023-24 year.
<p>1.3.1 Review the Disability Access and Inclusion Plan.</p>	<ul style="list-style-type: none"> • The Senior Community Engagement Officer has liaised with the Department of Communities and established a new timeline for the new Disability Access and Inclusion Plan which will be adopted by November 2023. The Senior Community Engagement Officer is networking with the South West Access and Inclusion Network to ascertain and adopt best practice in relation to developing an updated Disability Access and Inclusion Plan. • The Senior Community Engagement Officer has attended a Disability and Access Inclusion Plan workshop which informed the senior Community Engagement Officer how the outcomes for the current plan can be addressed. This review is due on the 31st of July. • Senior Community Engagement Officer has been reviewing the current plan and establishing a network of stakeholders with whom to consult. • The Senior Community Engagement Officer is having ongoing meetings with the Seniors Club to assist in identifying and remediating (where possible) accessibility issues in the Shire.
<p>3.1.1 Review weed management practices on Shire managed land.</p>	<ul style="list-style-type: none"> • Report is being compiled based on peer reviewed articles relating to chemical methods of weed treatment, alternative method, and information relating to practices of similar Shires.
<p>8.3.1 Review the Shire's pathway strategy including the development of a 5-year expansion and renewal path program.</p>	<ul style="list-style-type: none"> • Recommended for deferral due to resource constraints. • External funding for Preston River pathway announced.
<p>10.1.3 Support the local backpacker industry (possibly through the Donnybrook Balingup Chamber of Commerce and Industry) to host events</p>	<ul style="list-style-type: none"> • In discussions with Brook Lodge Backpackers about hosting a John Curtin Volunteers Weekend event in

<p>and community BBQs to attract, engage with, and retain backpackers.</p>	<p>September wherein they'll host volunteers from Curtin University in exchange for assistance with grounds keeping.</p> <ul style="list-style-type: none"> • This will promote the Brook Lodge Backpackers to an appropriate demographic and provide the business with some support via the volunteers. Working with Brook Lodge backpackers on potential expansion plan which will mean they can accommodate more workers.
<p>11.1.2 Provide a review of local laws.</p>	<ul style="list-style-type: none"> • Arrangements are being made with an external consultant to conduct full review of Waste Local Law and Animals, Environment and Nuisance Local Laws.
<p>11.2.3 Review best practice approaches for conducting council meetings and consider recommendations to enhance community engagement.</p>	<ul style="list-style-type: none"> • Council resolution (May) to defer item until following LG elections in October. • Along with the full redesign of the Council Meetings webpage, information regarding Public Question Time and the submission of Petitions was added to the website along with online and printable forms. The forms guide the questioner through the process and ensure that questions and petitions can be addressed in a timely manner.
<p>13.1.2 Develop a Standardised community lease for community and sporting groups.</p>	<ul style="list-style-type: none"> • The Draft Property Management Framework (PMF) was endorsed by Council (the Commissioner) at the March Ordinary Council Meeting for further community consultation. • In light of the extensive amount of information involved in the PMF the stakeholder engagement strategy chosen was consultation via the Shire's website. The PMF was broken down into three categories, over three easy to follow pages including flowcharts, info graphs and FAQs which were designed to assure the PMF is easily understood to ensure suitable feedback could be provided by the community. The

	<p>website allowed users to submit feedback or questions anonymously to encourage all types of feedback. The consultation period ends on 21 July 2023. Officers will consider feedback from consultation and report recommended changes to Council (Commissioner) for consideration.</p>
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	Project/Milestone	Officer Comment
Monitor	2.3.2 Advocate for the State Government to provide safer pedestrian crossings across South Western Highway.	<ul style="list-style-type: none"> A request has been submitted to MRWA to consider improved pedestrian crossing in Balingup when undertaking future planned works.
	4.2.2 Provide energy efficient lighting across the Shire, in line with the Shire’s Cities Power Partnership pledge.	<ul style="list-style-type: none"> Nil progress. Requires external grant funding to implement.
	9.3.1 Advocate for Development WA to further develop Sandhills Industrial Area.	<ul style="list-style-type: none"> No additional action this reporting period.

Full details of the progress for the period 1 April 2023 to 30 June 2023 for each priority project can be found in Attachment 9.3.3(1).

COUNCIL RESOLUTION 94/23

MOVED: Commissioner McGowan

That Council (Commissioner):

- 1. Receives the Council Plan 2022/2032 – Bi-annual Update (April 2023 – June 2023) as shown in Attachment 9.3.3(1).**
- 2. Acknowledges the status update of 2022-23 Priority Projects for consideration in the next review of the Council Plan (during 2023-24).**
- 3. Directs the Chief Executive Officer to publish the Council Plan Bi-annual Update on the Shire’s website.**

CARRIED: Commissioner McGowan

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

RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2) of the Local Government Act 1995 to discuss agenda item 12.1.1 Chief Executive Officer – Annual Performance Appraisal.

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

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person.

COUNCIL RESOLUTION 95/23

MOVED: Commissioner Gail McGowan

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

CARRIED: Commissioner McGowan

The meeting was closed to the public at 5.54pm

RECOMMENDATION

That the meeting be opened to the public.

COUNCIL RESOLUTION 97/23

MOVED: Commissioner McGowan

That the meeting be re-opened to the public.

CARRIED: Commissioner McGowan

The meeting was opened to the public at 5.56pm

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

13 CLOSURES

The Commissioner advised that the next Ordinary Council Meeting will be held on 23 August 2023 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Commissioner declared the meeting closed at 5.57pm.

These Minutes were confirmed by the Council as a true and accurate record at the Special Council Meeting held 26 July 2023.


Gail McGowan

COMMISSIONER – SHIRE OF DONNYBROOK BALINGUP