



Minutes of Ordinary Council Meeting

Held on 23 April 2025 and commenced at 5:00pm

Held at the Council Chambers in Donnybrook

(1 Bentley Street, Donnybrook)

Authorised:

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

Nicholas O'Connor, Chief Executive Officer

Prepared:

6 May 2025

MEASURES OF CONSEQUENCE

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

MEASURES OF LIKELIHOOD

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

RISK MATRIX

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

RISK ACCEPTANCE CRITERIA

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

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1. Declaration of Opening / Announcement of Visitors

Acknowledgement of Country:

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

The Presiding Member declared the meeting open at 5:00pm and welcomed the public gallery.

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

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

2. Attendance (OCM)

Councillors Present:

Cr Vivienne MacCarthy

Cr John Bailey

Cr Alexis Davy

Cr Peter Gubler

Cr Anita Lindemann

Cr Anne Mitchell

Cr Grant Patrick

Cr Deanna Shand

Staff Present:

Loren Clifford, Acting Director Finance and Corporate

Ross Marshall, Acting Chief Executive Officer

Michelle Dennis, Manager Development Services

Meta Hazeldine, Manager Financial Services

Cecilia Muller, Principal Planner

Samantha Farquhar, Administration Officer Corporate Services

Stuart Eaton, Finance Project Manager

Other Members Present:

Public Gallery: 5 members of the public were in attendance.

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

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

COUNCIL RESOLUTION: 52/04-25		
MOVED BY:	Cr Deanna Shand	SECONDED BY: Cr Anita Lindemann

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

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

2.1. Apologies

Nicholas O'Connor, Chief Executive Officer

2.2. Approved Leave of Absence

At its Ordinary Council Meeting held 26 February 2025 Council resolved the following:

"COUNCIL RESOLUTION 13/02-25

That Council approve Cr Lisa Glover's request for a leave of absence for the April 2025 Agenda Briefing Session and Ordinary Council Meeting.

2.3. Application for Leave of Absence

Cr Alexis Davy requested a leave of absence for the June 2025 Agenda Briefing Session and Ordinary Council Meeting.

COUNCIL RESOLUTION: 53/04-25		
MOVED BY:	Cr Anne Mitchell	SECONDED BY: Cr Deanna Shand

That Council approve Cr Alexis Davy's request for a leave of absence for the June 2025 Agenda Briefing and Ordinary Council Meeting.

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

3. Announcements from the Presiding Member

We are currently in a restricted burning period which ends on Sunday, 27th of April. This brings us into an unrestricted burning period which will last until the 31st of October. During this period you may burn without a permit but there are still some requirements for landowners such as registering your burn with DFES. Burning is still prohibited on land under 2000 square meters. If there are any questions regarding burns, please refer to the Shire website.

On Friday the 25th of April we have a number of Anzac Day ceremonies occurring throughout the Shire.

- Donnybrook: 6:00am dawn service at the War Memorial followed by a gunfire breakfast at the Donnybrook RSL Hall. The parade starts at 9:30am.
- Balingup: 10:45am march followed by a ceremony at the War Memorial.
- Kirup: 9:30am Ceremony at the War Memorial
- Mullalyup: 11:00am ceremony held at the War Memorial.

Forrest Rally will be held in our shire on the 24th of May, and more details can be found online.

4. Declarations of Interest

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

Nil.

5. Public Question Time

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

Nil.

5.2. Public Question Time

Nil.

6. Presentations

6.1. Petitions

Nil.

6.2. Presentations

Nil.

6.3. Deputations

John Fry presented a deputation to Council on group valuations.

Michael Willicombe presented a deputation to Council regarding item 9.1.2 and 9.1.3.

6.4. Delegates' Reports

Cr Alexis Davy provided a delegate's report on the WALGA Aboriginal Engagement Forum held on Wednesday 9 April 2025.

Adoption by Exception

COUNCIL RESOLUTION: 54/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

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

- 7.1 Ordinary Council Meeting held on 26 March 2025
- 8.1 Warren Blackwood Alliance of Councils Meeting held on 28 January 2025
- 8.2 District Emergency Management Committee Meeting held on 18 March 2025
- 9.1.1 Application for Subdivision – Lot 142 Bridge Street, Donnybrook
- 9.2.1 Schedule of Accounts Paid as at 31 March 2025
- 9.2.2 Statement of Financial Activity report as at 31st March 2025
- 9.2.3 Adopt Council Policy ASS/CP-2-Asset Management
- 9.2.4 Rescind Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network and Adopt Council Policy WRKS/CP-1 Land Resumption Compensation

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

7. Confirmation of Minutes

7.1. Ordinary Council Meeting held on 26 March 2025

Minutes of the Ordinary Council Meeting held 26 March 2025 are attached as [Attachment 7.1\(1\)](#).

Executive Recommendation:

That the Minutes from the Ordinary Council Meeting held 26 March 2025 be confirmed as a true and accurate record.

COUNCIL RESOLUTION: 55/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That the Minutes from the Ordinary Council Meeting held 26 March 2025 be confirmed as a true and accurate record.

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

8. Reports of Committees

8.1. Warren Blackwood Alliance of Councils Meeting held on 28 January 2025

Minutes of the Warren Blackwood Alliance of Councils Meeting held 28 January 2025 are attached at Attachment 8.1(1).

Executive Recommendation:

That the Minutes from the Warren Blackwood Alliance of Councils Meeting held on 28 January 2025 be received.

COUNCIL RESOLUTION: 56/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That the Minutes from the Warren Blackwood Alliance of Councils Meeting held on 28 January 2025 be received.

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

8.2. District Emergency Management Committee Meeting held on 18 March 2025

Minutes of the District Emergency Management Committee Meeting held 18 March 2025 are attached at Attachment 8.2(1).

Executive Recommendation:

That the Minutes from the District Emergency Management Committee Meeting held on 18 March 2025 be received.

COUNCIL RESOLUTION: 57/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That the Minutes from the District Emergency Management Committee Meeting held on 18 March 2025 be received.

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

9. Reports of Officers

9.1. Director Operations

9.1.1. Application for Subdivision – Lot 142 Bridge Street, Donnybrook

Report Details:

Prepared by:	Manager Development Services		
Manager:	Ross Marshall, Director Operations		
Applicant:	Harley Dykstra Pty Ltd on behalf of Bunbury Housing Association Inc trading as Alliance Housing		
Location:	Lot 142 Bridge Street, Donnybrook		
File Reference:	A3849	Voting Requirement:	Simple Majority
Attachment(s):			
9.1.1(1)	Deed of Novation		
9.1.1(2)	Development Approval P19022		
9.1.1(3)	Proposed Strata Plan 84589		

Executive Recommendation

That Council:

A. Informs the Western Australian Planning Commission that it supports the strata subdivision of Lot 142 Bridge Street, Donnybrook, subject to the following standard conditions and Shire specific advice notes:

- 1. Written confirmation from the local government that all necessary local government approvals have been issued and that the whole of the project has been completed in accordance with those approvals.**
- 2. Scheme by-laws being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 39 of the *Strata Titles Act 1985* (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:**
 - (a) Development or redevelopment on the [strata] lots is to comply with a development approval issued by the local government.**
 - (b) Amendment to or repeal of the above provision cannot be effected without the Western Australian Planning Commission's agreement.**
- 3. Common walls being shown on the survey strata plan as prescribed "party wall easements", pursuant to Regulation 33 of the *Strata Titles (General) Regulations 2019* and Section 61 of the *Strata Titles Act 1985*.**
- 4. A restriction in accordance with Section 32 (2) of the *Strata Titles Act 1985* is to be placed on the certificates of title of the proposed lots confirming that use of lots is restricted to aged and dependant development. The restriction is to be included on the deposited plan. The restriction is to state as follows:**

"At least one occupant per site shall be 55 years or older, a dependent person, or is the surviving spouse of such a person".

5. The existing access easement over the parent lot, registered 2002, to be maintained. Easement in accordance with Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the Shire of Donnybrook Balingup are to be placed on the certificates of title of the proposed lots specifying access rights. Notice of this easement is to be included on the diagram or plan of survey (deposited plan).
6. That cash in lieu of public open space be provided given there is sufficient existing public open space areas available within the locality as well as significant future public open space proposed within the nearby Kelly Street Structure Plan area. Upon receipt of the funds by the Shire, approval shall be sought from the Minister for Planning for the improvement of open spaces within the locality, with the objective of enhancing their use and accessibility for aged or dependent persons.

Advice Notes:

1. Applicant to note that the development of the common area has not been carried out/completed in accordance with the existing development approval.
2. The proposed notification on use is consistent with the existing restrictive covenant on the parent lot.

- B. Informs the applicant that it no longer holds an interest in Lot 142 Bridge Street Donnybrook and authorises the Chief Executive Officer to relinquish the caveat on the subsequent strata lots.**

Strategic Alignment

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

Outcome: 1 - A diverse and growing population.

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

Item: Nil.

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

Objective: 6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.

Item: Nil.

Executive Summary

The Western Australian Planning Commission (WAPC) have referred subdivision application 205-25 to the Shire for comment. Application 205-25 is for the strata titling of 12 lots over Lot 142 Bridge Street, Donnybrook. While Shire officers have delegated authority to review and respond to referrals for strata applications from the Western Australian Planning Commission, in the opinion of the delegated officer, the application is considered potentially contentious as Shire transactions regarding this land in the past have garnered significant community interest. Determination by Council is therefore requested.

Background

In 2015 Council agreed in principle to a joint venture affordable housing project to be developed at Lot 142 Bridge Street, Donnybrook. Project funding was secured in 2018 via Royalties for Regions and then subsequently reallocated to Bunbury Housing Association Inc. in full via a Deed of Novation ([Attachment 9.1.1\(1\)](#)).

As part of the project negotiations, Council, at its Ordinary Meeting held 22 April 2020, resolved to transfer title of Lot 142 Bridge Street, Donnybrook to Bunbury Housing Association (Inc) for the Bridge Street Affordable Housing Project as follows:

"COUNCIL RESOLUTION 59/20

That Council reaffirm its position on the Bridge Street Affordable Housing Project as per Resolution 145/19 from the September 2019 Ordinary Meeting of Council, subject to an arrangement being put in place to ensure that the land is only transferred once the development has reached practical completion".

Development approval for the construction of 12 aged/dependent living grouped dwelling units was issued in March 2020 ([Attachment 9.1.1\(2\)](#)) with practical completion subsequently achieved April 2024.

The Deed of Novation includes the Shire having the first right of purchase of this land, should the current owner need/choose to sell.

The applicant has indicated that the purpose of the strata title application is to "gain additional borrowing capacity to finance additional housing initiatives". They have also indicated that it "... is not for the purpose of creating separate lots for sale".

Notwithstanding the above, should Council wish to retain the option to purchase, the existing caveat (that references the Deed of Novation) will need to be lifted from the parent lot and then a new caveat placed on the strata titles for all dwellings.

An access easement was registered in 2002 to provide Shire access to the unallocated Crown Land adjacent to the bridge on Bridge Street. It is proposed that this be maintained and included on the new strata plan.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Failure to fulfill statutory, regulatory or compliance requirements - Housing is not used for aged persons.		
Mitigation:	While the Deed of Novation provides an opportunity for the Shire to purchase the land, should the current service provider wish to sell, the use of the land is tied to a development approval. The land use would need to comply with the development approval, regardless of the landowner. The additional condition requested through the strata process further reinforces this expectation for the use of the dwellings for aged persons accommodation.		

Financial Implications

While local government has an existing WAPC delegation to determine strata applications, given the Deed of Novation, officers considered that there was a conflict in the Shire being a determining authority, given its interest in the land. Therefore the prescribed application fee (\$1,285.50) was payable to the WAPC.

It is recommended that should Council wish to retain the first right to purchase the land, that the existing restrictive covenant be maintained at the cost of the applicant.

While the formulae within the Deed of Novation suggests that there may be financial opportunities to retaining this interest, Council may consider that the current landowner's strong position within the Community Housing sector makes it unlikely that the trigger event will occur. Or it may occur at a time in the future where the condition of the asset (due to its age) may represent a liability to the Council for taking over the property. The development approval runs with the land, meaning that to change the occupancy from aged persons would require a future development application, so even if the ownership were to change, the use of the land would remain for aged persons use, unless otherwise approved. Relinquishment of the first right to purchase the land is therefore recommended.

Where cash in lieu is requested this is required to be paid into a nominated account for reporting purposes (e.g. separate Reserve). The Shire has an established Reserve for cash in lieu of public open space. Prior to use, approval must be obtained from the Minister for Planning.

Policy Compliance

Table 1 of Clause 5.4 of Council Policy *EXE/CP-2 Document Execution and Application* of the Common Seal provides authorisation to the Chief Executive Officer for land transaction documents, such as the lifting of a caveat.

Statutory Compliance

Subdivision of land is generally considered under the provisions of the *Planning and Development Act 2005* by the WAPC, with sections 152 and 155 of the Act providing for public open space/cash in lieu payment provisions. In addition, for built strata applications (i.e. where a development has already occurred), these are determined under the provisions of the *Strata Titles Act 1985*.

In providing response to referrals, the WAPC encourage the use of model conditions, as published by the WAPC Chairman, with any deviations from the model conditions to be appropriately justified by the referral agency. In this case the conditions proposed are model conditions, with the addition of Shire specific advice notes to reflect the current status of the development approval and the presence of the existing access easement. The works required to meet the current development approval relate to landscaping elements within the common property areas, specifically the construction of the covered community hub, deck and access to the lower level common property (adjacent to the river).

Consultation

This application was referred to internal Shire departments which alerted the Planning Officers of the additional history regarding this site; necessitating referral to Council for determination.

Officer Comment

The Shire currently holds an access easement across the parent lot (Lot 142) that provides access to Reserved land adjacent to the Preston River. The Shire has a pumping station (two pumps and associated irrigation pipelines) on the Preston River that supplies water for irrigation to all the reserves on the main street, Collins Street, Egan Park precinct, Salvarosa subdivision and Dawson Place.

The access easement also enables access to the back of Preston Village and the foreshore area adjacent to Dawson Place for maintenance (i.e. mowing, tree pruning). This access easement from Bridge Street provides the only access into this area for larger tandem trucks and loaders and it is recommended that this access be retained. While it has been shown on the proposed strata plan, it is recommended that it be included in the feedback to the WAPC.

While the Deed of Novation was initially a confidential item when first considered by Council, it is linked to a caveat that is available to anyone wanting to access details of it via Landgate. As outlined in the financial implications section of this report, should Council wish to retain the first right to purchase this land, then new caveats would be required. Given Council's work towards asset rationalisation and the significant number of aged person's units it currently manages, as well as the current landowner's position within the Community Housing sector and protections within the development approval for these dwellings to be used for aged housing, it is recommended that Council relinquish its option over this land.

Where a subdivision of 5 lots or more is proposed there is generally a requirement to provide Public Open Space within the subdivision. This is generally a standard contribution of 10 percent of the gross subdividable area for public open space. Rather than a contribution of land, it is instead recommended that cash in lieu of public open space be requested in this instance to recognise that there is sufficient

existing public open space areas available within the locality as well as significant future public open space proposed within the nearby Kelly Street Structure Plan area.

The Strata subdivision proposal is therefore recommended for conditional approval.

COUNCIL RESOLUTION: 58/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That Council:

A. Informs the Western Australian Planning Commission that it supports the strata subdivision of Lot 142 Bridge Street, Donnybrook, subject to the following standard conditions and Shire specific advice notes:

1. Written confirmation from the local government that all necessary local government approvals have been issued and that the whole of the project has been completed in accordance with those approvals.
2. Scheme by-laws being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 39 of the *Strata Titles Act 1985* (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
 - (a) Development or redevelopment on the [strata] lots is to comply with a development approval issued by the local government.
 - (b) Amendment to or repeal of the above provision cannot be effected without the Western Australian Planning Commission's agreement.
3. Common walls being shown on the survey strata plan as prescribed "party wall easements", pursuant to Regulation 33 of the *Strata Titles (General) Regulations 2019* and Section 61 of the *Strata Titles Act 1985*.
4. A restriction in accordance with Section 32 (2) of the *Strata Titles Act 1985* is to be placed on the certificates of title of the proposed lots confirming that use of lots is restricted to aged and dependant development. The restriction is to be included on the deposited plan. The restriction is to state as follows:

"At least one occupant per site shall be 55 years or older, a dependent person, or is the surviving spouse of such a person".
5. The existing access easement over the parent lot, registered 2002, to be maintained. Easement in accordance with Sections 195 and 196 of the *Land Administration Act 1997* for the benefit of the Shire of Donnybrook Balingup are to be placed on the certificates of title of the proposed lots specifying access rights. Notice of this easement is to be included on the diagram or plan of survey (deposited plan).
6. That cash in lieu of public open space be provided given there is sufficient existing public open space areas available within the locality as well as significant future public open space proposed within the nearby Kelly Street Structure Plan area. Upon receipt of the funds by the Shire, approval shall be sought from the Minister for Planning for the improvement of

open spaces within the locality, with the objective of enhancing their use and accessibility for aged or dependent persons.

Advice Notes:

1. Applicant to note that the development of the common area has not been carried out/completed in accordance with the existing development approval.
2. The proposed notification on use is consistent with the existing restrictive covenant on the parent lot.

- B. Informs the applicant that it no longer holds an interest in Lot 142 Bridge Street Donnybrook and authorises the Chief Executive Officer to relinquish the caveat on the subsequent strata lots.**

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

9.1.2. Development Application – Grouped Dwelling (3 Units) Lot 93 (No. 39) Roberts Street, Balingup

Report Details:

Prepared by: Principal Planner
Planning Officer

Manager: Manager Development Services

Applicant: Michael Willicombe

Location: Lot 93 (No. 39) Roberts Street, Balingup

File Reference: A5395 (P24082) **Voting Requirement:** Simple Majority

Attachment(s):

- 9.1.2(1) Roberts Street Plans/Survey and Application Letter.
- 9.1.2(2) Public Submission.
- 9.1.2(3) Agency submissions.
- 9.1.2(4) Assessment under Clause 67.

Executive Recommendation

1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24082 for 3 Grouped Dwellings on Lot 93 (No. 39) Roberts Street, Balingup subject to the following conditions and advice:
2. Prior to the endorsement of any plans, amended plans to the satisfaction of the Shire must be submitted to and approved by the Shire. When approved, the plans will be endorsed and will then form part of this approval. The plans must be generally in accordance with the plans in Attachment 9.1.2(1), but modified to show the following:
 - a. The front lot sizes to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements.
3. The finished floor level of the approved dwellings shall not be more than 103m AHD for the front unit, 103.5m AHD for the middle unit and 104.5m AHD for the rear units shown on the approved plans.
4. Prior to the lodgement of a building application, a schedule of colours and materials for the external walls and roofs for the three (3) grouped dwelling units is to be submitted to and approved by the Shire. The development is to be constructed and maintained in accordance with the approved schedule.
5. All external fixtures are to be designed, located and installed in accordance with Clause 5.4.4 of State Planning Policy 7.3 Residential Design Codes so as not to be visible from the primary street or visually obtrusive to the satisfaction of the Shire.

6. Prior to the occupation of any of the grouped dwellings, an enclosed lockable storage area of at least 4m² in area shall be provided for the each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.
7. Bin storage areas shall be conveniently located and screened from view to the satisfaction of the Shire.
8. Prior to the lodgement of a building application, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.
9. No vehicle access is permitted to or from De Lisle Street.
10. Prior to occupation of any of the grouped dwellings, the driveway, parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained and clearly designated to the satisfaction of the Shire and thereafter maintained.
11. Prior to the lodgement of a building application, a Stormwater Management Plan is to be submitted to, and approved by the Shire demonstrating compliance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017*. Stormwater is to be managed thereafter by the landowner in accordance with the approved Stormwater Management Plan the satisfaction of the Shire.
12. All construction materials, including any associated waste/rubbish, is to be contained on-site at all times. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and left in a tidy state to the satisfaction of the Shire.
13. Prior to the occupation of the development, the dwellings being connected to the reticulated potable water supply network.
14. Prior to the occupation of the development, the dwellings must be connected to approved effluent disposal system(s) to the satisfaction on the Shire in consultation with Department of Health. *Note that composting toilets are not supported at this location.*
15. The dwelling located closest to Roberts Street must be constructed to a Bushfire Attack Level (BAL) of 12.5, as determined by Bushfire Smart (report date: 10 December 2024), and in accordance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas (or any superseding standard).

16. The erection of a 1.8m-high solid fence (such as coloured metal sheeting) along the southern lot boundary to the satisfaction of the Shire.

Advice

- a. The Shire Environmental Health Services advises that:
- i. An approved secondary or alternative on-site effluent disposal system adequate to the proposed use of the premises is required to fully comply with the 'Government Sewerage Policy 2019' and *Health (Miscellaneous Provisions) Act 1911* and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Prior to the lodgement of a building application, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is required to be lodged with the Shire's Environmental Health Services for referral to the Department of Health for approval. A building permit is not able to be issued for this development until the onsite effluent disposal application has been determined.
 - ii. If the applicant intends to lodge a strata proposal in future it is likely that the Shire would then require a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* to be placed on the certificates of title of the proposed lots. The notification is to state as follows:

The sewage treatment and disposal system for development must service each dwelling/unit and be owned and operated by a single person or entity contracted to provide the service or the strata company for the strata scheme. An acceptable maintenance program must be in place for the sewage treatment system and disposal area to the satisfaction of the Shire.
- b. Compliance with the Building Code of Australia is required. A Building Application must be submitted to, and approved by, the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- c. With regards to the condition referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, 'external fixtures' is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.
- d. With regards to the condition relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.
- e. Any front fencing shall comply with Clause 5.2.4 of the State Planning Policy 7.3 Residential Design Codes and be visually permeable when 1.2m above natural ground level.

- f. 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.**
- g. 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.**
- h. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application must be made within 28 days of the determination.**

Strategic Alignment

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

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

Executive Summary

The purpose of this report is for Council to consider an application for development approval for the development of three (3) Grouped Dwelling units on the property.

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

Background

The Shire received a development application for three grouped dwellings on Lot 93 (No. 39) Roberts Street, Balingup. The development application details and plans are contained in [Attachment 9.1.2\(1\)](#). Lot 93 (No. 39) is 4145m² in area and cleared land as shown in Figure 1 below.



Figure 1 - Aerial image of 39 Roberts Street, Balingup bordered in red

The proposal was referred to the Department of Water and Environmental Regulation, Department of Health and adjoining/nearby neighbours for comment. One public submission objecting and expressing concerns with the proposed development was received.

Location Plan

Lot 93 (No. 39) Roberts Street, Balingup is located within the low-density (Residential zone with R10 density coding) area along the eastern side of Balingup. The Site Survey plan shows the site slopes from 104m AHD on the southern boundary down to 101m AHD on the northern boundary (see street image below).



Figure 2 - Street view image of 39 Roberts Street, Balingup

The surrounding land is occupied by residential uses (mainly single dwellings) with some vacant land (see image below). St Therese's church and a private residence adjoins the site to the south.

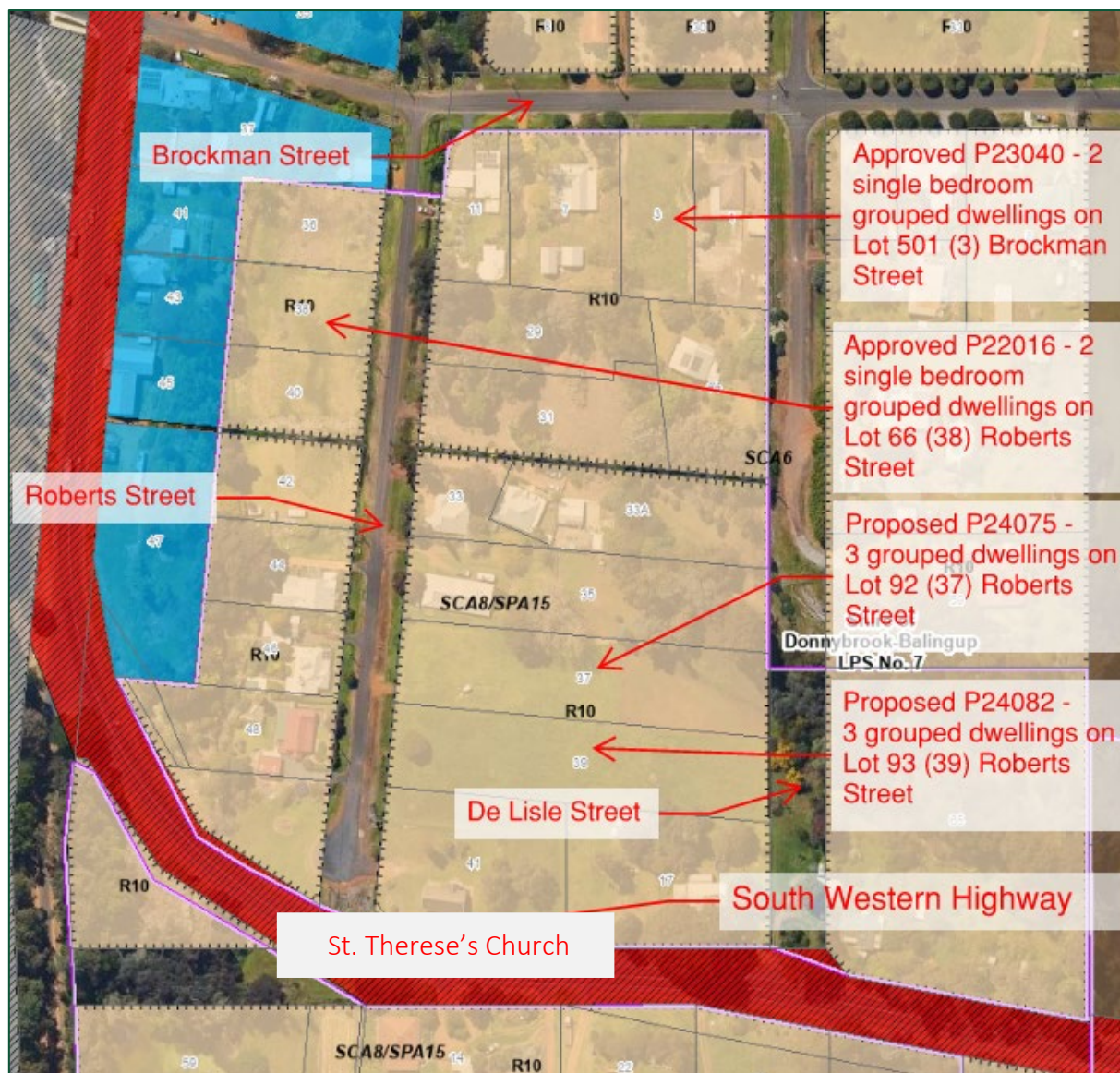


Figure 3 - Aerial image of 39 Roberts Street, with surrounding uses

Proposal

The proposal involves the construction of three 2 bedroom 2 bathroom dwellings on the property. The dwellings are 102m² each in floor area, single storey in height with a skillion roof design, wall height (varying from 4.5m – 6m to the top of the skillion roof pitch including sub-floor stumping below the dwelling) and deck areas along the front of the dwellings (see Figure 4). The dwellings will be constructed on stumps using the natural ground contours with no cutting or filling of the site required.

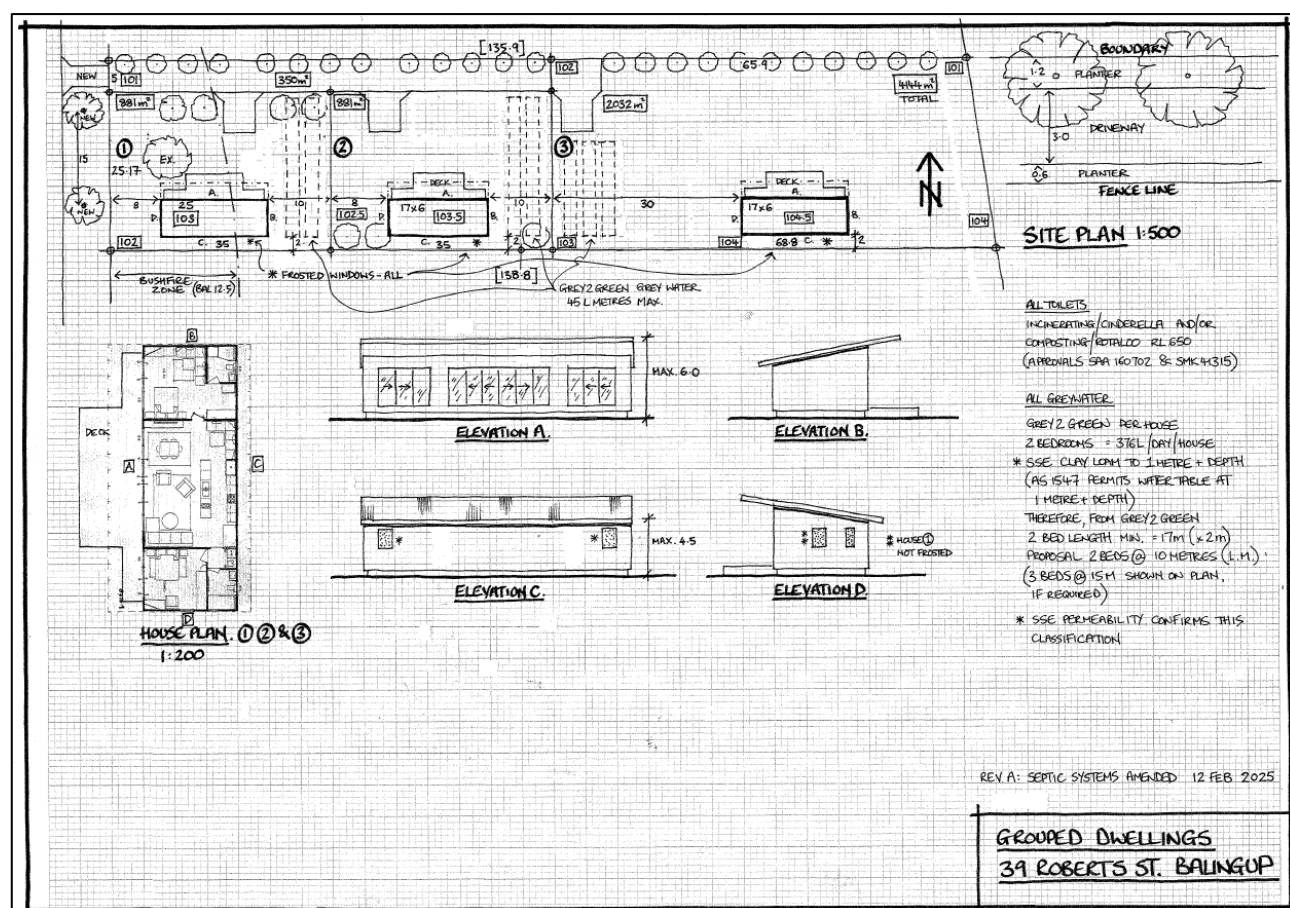


Figure 4 – 39 Roberts Street Plans dated 12 February 2025

The dwellings will be constructed using timber frames and clad with unspecified materials for the walls and roofs. Solar panels will be placed on the roofs and the dwellings will be battery ready with no (bottled) gas appliances to be used.

A shared 5m-wide driveway will be constructed along the northern boundary with adjoining on-site parking for 2 vehicles for each dwelling and a new crossover onto Roberts Street.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	Failure to fulfill statutory, regulatory or compliance requirements – There is concern regarding the visual impact of the proposed units, as their small size and modular appearance differ significantly from the traditional single-house developments commonly found in Balingup. This deviation in design may affect the aesthetic character of the area and potentially impact the local community's perception of the development.		
Mitigation:	The proposal complies with the applicable planning framework.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Minor	Low (4)
Risk Description:	Inadequate Environmental Management – Effluent disposal system not designed and constructed with sufficient capacity/redundancy and in compliance with relevant legislation and standards.		
Mitigation:	Local government does not have legislative authority to consider onsite effluent disposal associated with more than the development of a single dwelling. Approval must be obtained from the Department of Health under separate legislation. The applicant will be required to install the system in accordance with the Department of Health’s approval minimising health risks associated with the development.		

Financial Implications

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

Policy Compliance

Nil.

Statutory Compliance

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions, and the proposal has also been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in [\(Attachment 9.1.2\(4\)\)](#).

Although the proposal achieves the requirements of the Residential Design Codes for the low-density R10 coded area for the land that permits 1 dwelling per 875m² (minimum site area per dwelling) and 1 dwelling per 1000m² (average site area per dwelling) the minimum lot area the front lot sizes would need to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements for lots that are not connected to reticulated sewerage.

The proposed development of the three grouped dwellings complies with the purpose of the Residential zone and the relevant objectives to provide for the development of a variety of household types including grouped dwellings where adequate servicing is available, and the proposal does not adversely affect the amenity of the locality as follows:

4.1.3 Purpose

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

4.1.3 Objectives

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

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

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

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

Consultation

Public Submissions

The application was referred to adjoining/nearby landowners along Roberts and De Lisle Streets for comment (9 January 2025 – 23 January 2025) and included a written notice and copy of the plans. In response to the advertising, one submission was received which objects to the proposal. The Public Submission is contained in ([Attachment 9.1.2\(2\)](#)).

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

Issue Raised	Officer Comment
Zoning permissibility for multiple dwellings	As noted in the Statutory Compliance part of the report above, the site is 4145m ² in area and under the R10 density code, this would allow for a maximum of 4 units to be developed at an average of 1000m ² per dwelling.
Vehicle access and parking	Vehicle access is via a common 5m-wide driveway to be constructed along the northern boundary and 2 car parking bays are to be provided to each unit which complies with the R-Codes requirements.
Visitor parking	The R-Codes do not require any visitor parking to be provided for grouped dwellings developments of between 1-3 units. The R-Codes would require 1 visitor bay for a development of 4 units.
Building design and appearance	The objection is noted and is similar in content to the objection lodged for the adjoining grouped dwelling development on Lot 92 (No. 37) Roberts Street. It is accepted that the proposed grouped dwelling unit buildings are smaller in size and modular in appearance as with the proposed development on the adjoining lot to the north (Lot 92 (No. 37) Roberts Street) when compared to the existing and more traditional single dwellings that exist in the area. There is limited power available under LPS7 for the Shire to control building aesthetics and the advent of modern more denser forms of housing allowed under the R-Codes such as aged and dependent persons', single bedroom, accessible and small dwellings which stipulate maximum internal floor area of 70-100m² and which will produce a different housing form/product than has been traditionally the norm in rural settlements such as Balingup. The proposal is consistent with the Shire's intent in the Local Planning Strategy, Townsite Expansion Strategy and LPS7 to encourage a variety of dwelling type in the Shire including Balingup. The grouped dwellings units comply with all the requirements of the R-Codes. Officers recommend that a 1.8m high fence be erected along the southern boundary and a cohesive colour scheme for the development be considered and approved to improve the overall appearance of the site from outside the lot.
Potential fire hazard	There is a 20m-wide area at the front of the lot that is identified as bushfire prone under Department of Fire and Emergency Services mapping which will contain part of the front unit. The applicant has submitted a BAL Report and

Issue Raised	Officer Comment
	Certificate (Bushfire Smart 10 December 2024) that determines the unit will need to satisfy the bushfire requirements for BAL-12.5.
Traffic safety	As noted in P24075 Council Report for the 3 grouped dwelling units on the adjoining lot to the north, there are 18 lots (and 10 existing dwellings) currently using Roberts Street. The new units will add 3 more dwellings and will not substantially increase the amount of traffic on the local streets. The Shire's Works and Services in considering both proposals for grouped dwellings on Lots 92 and 93 have not recommended that any upgrading of Roberts Street is required. Roberts Street is a cul-de-sac/access place (defined in the WA Planning Commission Policy DC2.6 Residential Road Planning) and would be expected to generate a maximum of 200 vehicles per day at any point and operating speeds are expected to be 20km/h or less along them. Given that Roberts Street is a cul-de-sac with no through connection to South Western Highway, this effectively restricts the amount of traffic using Roberts Street to local residents along the street only as opposed to if it was a thoroughfare from South Western Highway to Brockman Street that would be expected to encourage more traffic.

Consultation with Government/Service Agencies

The proposal which will utilise alternative treatment systems incinerating or composting toilets with grey water system dispersed by subsoil irrigation for effluent disposal (rather than traditional septic tank/leach drain effluent disposal systems) was referred to the Department of Health and Department of Water and Environmental Regulation for comment. The Departments have no objection to the use of the alternative treatment systems.

The Government/Services Agencies Submissions are contained in ([Attachment 9.1.2\(3\)](#)).

Officer Comment

The proposal has been assessed in accordance with the relevant State Planning Policy 3.7 Bushfire and State Planning Policy 7.3 Residential Design Codes and the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7.

Key considerations identified:

4.3 Special Application of Residential Design Codes

Under the provisions of the Scheme, the Shire has the authority to restrict the density of residential development, notwithstanding the applicable density code to align with the Department of Health's "Government Sewerage Policy 2019." Additionally, residential development must comply with the requirements outlined in Clause 4.39 of LPS7 concerning sewerage connection and effluent disposal. In this instance, the applicant has proposed the use of incinerating or composting toilets, in

combination with a greywater system dispersed through subsoil irrigation for effluent disposal. This method has been reviewed and supported by both the Department of Health and the Department of Water and Environmental Regulation. It is also important to note that this applicant has previously employed this same effluent disposal method in other similar developments in Balingup:

1. Development Approval P22016, approved under delegation, Lot 66 (38) Roberts Street, Balingup.
2. Development Approval P23040, approved on 24 April 2024, under Council Resolution 60/24 for Lot 501 (3) Brockman Street, Balingup.

Given the increased density of this development and the requirement to bury composted toilet waste onsite, it is recommended that only incinerating toilets be supported when the number of dwellings on the site exceeds 2. It is recommended that an advice note be included to inform the applicant of their obligations, as well as the requirements for any future proposed strata title development.

Clause 4.17 General Appearance of Buildings and Preservation of Amenity

The Scheme requires that the development be in harmony with surrounding developments and allows the Shire to place conditions on approvals to ensure that the development will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality. The proposal achieves the deemed-to-comply requirements under the R-Codes and the dwellings will be setback over 33m to St Therese's church and 24m to the private residence on the adjoining land to the south. With the proposed fencing along the southern boundary, it is not likely to have an adverse impact on the character, amenity, or landscape of the locality.

4.39 Sewerage Connection for Residential Development

As noted in Cl.4.3 above, the Scheme requires all residential development in the Residential zone to connect to the deep sewerage system unless the Department of Health are satisfied that on-site effluent disposal systems can adequately treat domestic effluent. The property does not have access to deep sewer infrastructure and will use separate alternative treatment systems for on-site effluent disposal systems for each dwelling.

The Department of Health have supported the proposed on-site effluent disposal systems for the adjacent development on Lot 92 (No. 37) Roberts Street subject to the following conditions:

- Approval is required for any on-site wastewater treatment process (by the Department of Health or local government) with such proposals being in accordance with the following publications. These may be referenced and downloaded from:
https://ww2.health.wa.gov.au/Articles/A_E/Apply-to-install-a-wastewater-system
- Setback distances based on current health sewage legislation are required from the effluent treatment area(s) and/or land application area(s) to any subsoil drainage system, open drainage channel.
- The above subject to planning/local government signing off that the development meets the minimum lot sizes of the GSP as per Table 5.2.1.

Based on the above submission received from the Department of Health relating to the adjacent development the applicant also updated the plans for this proposal on 12 Feb 2025, these plans are contained in [\(Attachment 9.1.2\(1\)\)](#).

Conditions and advice notes are recommended to ensure the above can be achieved.

4.51 Residential Zone

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

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

The property is within the Structure Plan Area 15 which requires the land to be consolidated and developed with an R10 land use expectation. The proposal achieves the R10 requirements, and the site is considered capable of treating the expected domestic effluent loads produced by the grouped dwellings to the satisfaction of Department of Health.

Local Planning Strategy

The property is identified as Residential under the Local Planning Strategy; and Existing Urban Footprint under the draft Local Planning Strategy 2024. The proposal is considered consistent with the future intention of the area in the strategies to be used for residential developments.

Townsite Expansion Strategy (2008)

The property is identified within the Central Highway Precinct of the Strategy and complies with the following strategies for the area:

- BS3 Provide timely, co-ordinated and sustainable residential development and infill development within the established townsite settlement boundary.*
- BS10 Investigate alternative and innovative effluent systems to service the townsite.*
- BS11 Identify Development Investigation Areas and provide direction on nature and density of uses for the areas.*

Development considerations

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

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

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

Officers have assessed the application, including the public submission and advice from the Department of Health and Department of Water and Environmental Regulation and other Shire service divisions. Officer consider the proposal suitable for conditional approval.

Conclusion

The proposal complies with the requirement of orderly and proper planning for the following reasons:

- Grouped dwellings are a 'D' discretionary land use in the zone which means that the use can be permitted;
- It complies with all of the R-Code requirements for R10 density coded land;
- Is consistent with LPS7 development standards and the objectives for the Residential zone;
- It complies with the recommendations in the existing and draft Local Planning Strategies;
- Can be made to comply with the Government Sewerage Policy 2019 requirements and has been supported by the Department of Health and Department of Water in respect to on-site effluent disposal;
- The matters raised in the public submission from the adjoining/nearby landowner can be addressed through the imposition of conditions.

Whilst Officers note the concerns/objection in the submission that reflects an obvious change to the traditional single house developments in this area, it is considered that the application complies with the requirement of orderly and proper planning. Conditional approval of the application is recommended.

MOVED BY:	Cr Grant Patrick	SECONDED BY:	Cr Anita Lindemann
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- 1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24082 for 3 Grouped Dwellings on Lot 93 (No. 39) Roberts Street, Balingup subject to the following conditions and advice:**
- 2. Prior to the endorsement of any plans, amended plans to the satisfaction of the Shire must be submitted to and approved by the Shire. When approved, the plans will be endorsed and will then form part of this approval. The plans must be generally in accordance with the plans in Attachment 9.1.2(1), but modified to show the following:**
 - b. The front lot sizes to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements.**
- 3. The finished floor level of the approved dwellings shall not be more than 103m AHD for the front unit, 103.5m AHD for the middle unit and 104.5m AHD for the rear units shown on the approved plans.**
- 4. Prior to the lodgement of a building application, a schedule of colours and materials for the external walls and roofs for the three (3) grouped dwelling units is to be submitted to and approved by the Shire. The development is to be constructed and maintained in accordance with the approved schedule.**
- 5. All external fixtures are to be designed, located and installed in accordance with Clause**

5.4.4 of State Planning Policy 7.3 Residential Design Codes so as not to be visible from the primary street or visually obtrusive to the satisfaction of the Shire.

- 6. Prior to the occupation of any of the grouped dwellings, an enclosed lockable storage area of at least 4m² in area shall be provided for the each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.**
- 7. Bin storage areas shall be conveniently located and screened from view to the satisfaction of the Shire.**
- 8. Prior to the lodgement of a building application, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.**
- 9. No vehicle access is permitted to or from De Lisle Street.**
- 10. Prior to occupation of any of the grouped dwellings, the driveway, parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained and clearly designated to the satisfaction of the Shire and thereafter maintained.**
- 11. Prior to the lodgement of a building application, a Stormwater Management Plan is to be submitted to, and approved by the Shire demonstrating compliance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017*. Stormwater is to be managed thereafter by the landowner in accordance with the approved Stormwater Management Plan the satisfaction of the Shire.**
- 12. All construction materials, including any associated waste/rubbish, is to be contained on-site at all times. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and left in a tidy state to the satisfaction of the Shire.**
- 13. Prior to the occupation of the development, the dwellings being connected to the reticulated potable water supply network.**
- 14. Prior to the occupation of the development, the dwellings must be connected to approved effluent disposal system(s) to the satisfaction on the Shire in consultation with Department of Health. *Note that composting toilets are not supported at this location.***
- 15. The dwelling located closest to Roberts Street must be constructed to a Bushfire Attack Level (BAL) of 12.5, as determined by Bushfire Smart (report date: 10 December 2024), and in accordance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone**

Areas (or any superseding standard).

16. The erection of a 1.8m-high solid fence (such as coloured metal sheeting) along the southern lot boundary to the satisfaction of the Shire.

Advice

- a. The Shire Environmental Health Services advises that:
- i. An approved secondary or alternative on-site effluent disposal system adequate to the proposed use of the premises is required to fully comply with the 'Government Sewerage Policy 2019' and *Health (Miscellaneous Provisions) Act 1911* and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Prior to the lodgement of a building application, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is required to be lodged with the Shire's Environmental Health Services for referral to the Department of Health for approval. A building permit is not able to be issued for this development until the onsite effluent disposal application has been determined.
 - ii. If the applicant intends to lodge a strata proposal in future it is likely that the Shire would then require a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* to be placed on the certificates of title of the proposed lots. The notification is to state as follows:
The sewage treatment and disposal system for development must service each dwelling/unit and be owned and operated by a single person or entity contracted to provide the service or the strata company for the strata scheme. An acceptable maintenance program must be in place for the sewage treatment system and disposal area to the satisfaction of the Shire.
- b. Compliance with the Building Code of Australia is required. A Building Application must be submitted to, and approved by, the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- c. With regards to the condition referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, 'external fixtures' is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.
- d. With regards to the condition relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.

- e. Any front fencing shall comply with Clause 5.2.4 of the State Planning Policy 7.3 Residential Design Codes and be visually permeable when 1.2m above natural ground level.
- f. 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.
- g. 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.
- h. 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.

Cr Patrick moved the following amendment:

COUNCIL RESOLUTION: 59/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anita Lindemann

1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24082 for 3 Grouped Dwellings on Lot 93 (No. 39) Roberts Street, Balingup subject to the following conditions and advice:
2. Prior to the endorsement of any plans, amended plans to the satisfaction of the Shire must be submitted to and approved by the Shire. When approved, the plans will be endorsed and will then form part of this approval. The plans must be generally in accordance with the plans in Attachment 9.1.2(1), but modified to show the following:
 - a. The front lot sizes to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements.
3. The finished floor level of the approved dwellings shall not be more than 103m AHD for the front unit, 103.5m AHD for the middle unit and 104.5m AHD for the rear units shown on the approved plans.
- ~~4. Prior to the lodgement of a building application, a schedule of colours and materials for the external walls and roofs for the three (3) grouped dwelling units is to be submitted to and approved by the Shire. The development is to be constructed and maintained in accordance with the approved schedule.~~

5. All external fixtures are to be designed, located and installed in accordance with Clause 5.4.4 of State Planning Policy 7.3 Residential Design Codes so as not to be visible from the primary street or visually obtrusive to the satisfaction of the Shire.
6. Prior to the occupation of any of the grouped dwellings, an enclosed lockable storage area of at least 4m² in area shall be provided for the each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.
7. Bin storage areas shall be conveniently located and screened from view to the satisfaction of the Shire.
8. Prior to the lodgement of a building application, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.
9. No vehicle access is permitted to or from De Lisle Street.
10. Prior to occupation of any of the grouped dwellings, the driveway, parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained and clearly designated to the satisfaction of the Shire and thereafter maintained.
11. Prior to the lodgement of a building application, a Stormwater Management Plan is to be submitted to, and approved by the Shire demonstrating compliance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017*. Stormwater is to be managed thereafter by the landowner in accordance with the approved Stormwater Management Plan the satisfaction of the Shire.
12. All construction materials, including any associated waste/rubbish, is to be contained on-site at all times. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and left in a tidy state to the satisfaction of the Shire.
13. Prior to the occupation of the development, the dwellings being connected to the reticulated potable water supply network.
14. Prior to the occupation of the development, the dwellings must be connected to approved effluent disposal system(s) to the satisfaction on the Shire in consultation with Department of Health. ~~Note that composting toilets are not supported at this location.~~
15. The dwelling located closest to Roberts Street must be constructed to a Bushfire Attack Level (BAL) of 12.5, as determined by Bushfire Smart (report date: 10 December 2024), and

in accordance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas (or any superseding standard).

~~16. The erection of a 1.8m high solid fence (such as coloured metal sheeting) along the southern lot boundary to the satisfaction of the Shire.~~

Advice

- i. The Shire Environmental Health Services advises that:
 - iii. An approved secondary or alternative on-site effluent disposal system adequate to the proposed use of the premises is required to fully comply with the 'Government Sewerage Policy 2019' and *Health (Miscellaneous Provisions) Act 1911* and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Prior to the lodgement of a building application, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is required to be lodged with the Shire's Environmental Health Services for referral to the Department of Health for approval. A building permit is not able to be issued for this development until the onsite effluent disposal application has been determined.
 - iv. If the applicant intends to lodge a strata proposal in future it is likely that the Shire would then require a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* to be placed on the certificates of title of the proposed lots. The notification is to state as follows:

The sewage treatment and disposal system for development must service each dwelling/unit and be owned and operated by a single person or entity contracted to provide the service or the strata company for the strata scheme. An acceptable maintenance program must be in place for the sewage treatment system and disposal area to the satisfaction of the Shire.
- j. Compliance with the Building Code of Australia is required. A Building Application must be submitted to, and approved by, the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- k. With regards to the condition referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, 'external fixtures' is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.
- l. With regards to the condition relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.

- m. Any front fencing shall comply with Clause 5.2.4 of the State Planning Policy 7.3 Residential Design Codes and be visually permeable when 1.2m above natural ground level.
- n. 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.
- o. 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.
- p. 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.

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

Substantive motion as amended by Cr Patrick:

COUNCIL RESOLUTION: 60/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anita Lindemann

1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24082 for 3 Grouped Dwellings on Lot 93 (No. 39) Roberts Street, Balingup subject to the following conditions and advice:
2. Prior to the endorsement of any plans, amended plans to the satisfaction of the Shire must be submitted to and approved by the Shire. When approved, the plans will be endorsed and will then form part of this approval. The plans must be generally in accordance with the plans in Attachment 9.1.2(1), but modified to show the following:
 - a. The front lot sizes to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements.
3. The finished floor level of the approved dwellings shall not be more than 103m AHD for the front unit, 103.5m AHD for the middle unit and 104.5m AHD for the rear units shown on the

approved plans.

4. All external fixtures are to be designed, located and installed in accordance with Clause 5.4.4 of State Planning Policy 7.3 Residential Design Codes so as not to be visible from the primary street or visually obtrusive to the satisfaction of the Shire.
5. Prior to the occupation of any of the grouped dwellings, an enclosed lockable storage area of at least 4m² in area shall be provided for the each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.
6. Bin storage areas shall be conveniently located and screened from view to the satisfaction of the Shire.
7. Prior to the lodgement of a building application, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.
8. No vehicle access is permitted to or from De Lisle Street.
9. Prior to occupation of any of the grouped dwellings, the driveway, parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained and clearly designated to the satisfaction of the Shire and thereafter maintained.
10. Prior to the lodgement of a building application, a Stormwater Management Plan is to be submitted to, and approved by the Shire demonstrating compliance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017*. Stormwater is to be managed thereafter by the landowner in accordance with the approved Stormwater Management Plan the satisfaction of the Shire.
11. All construction materials, including any associated waste/rubbish, is to be contained on-site at all times. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and left in a tidy state to the satisfaction of the Shire.
12. Prior to the occupation of the development, the dwellings being connected to the reticulated potable water supply network.
13. Prior to the occupation of the development, the dwellings must be connected to approved effluent disposal system(s) to the satisfaction on the Shire in consultation with Department of Health.
14. The dwelling located closest to Roberts Street must be constructed to a Bushfire Attack

Level (BAL) of 12.5, as determined by Bushfire Smart (report date: 10 December 2024), and in accordance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas (or any superseding standard).

Advice

- a. The Shire Environmental Health Services advises that:
 - i. An approved secondary or alternative on-site effluent disposal system adequate to the proposed use of the premises is required to fully comply with the 'Government Sewerage Policy 2019' and *Health (Miscellaneous Provisions) Act 1911* and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Prior to the lodgement of a building application, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is required to be lodged with the Shire's Environmental Health Services for referral to the Department of Health for approval. A building permit is not able to be issued for this development until the onsite effluent disposal application has been determined.
 - ii. If the applicant intends to lodge a strata proposal in future it is likely that the Shire would then require a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* to be placed on the certificates of title of the proposed lots. The notification is to state as follows:

The sewage treatment and disposal system for development must service each dwelling/unit and be owned and operated by a single person or entity contracted to provide the service or the strata company for the strata scheme. An acceptable maintenance program must be in place for the sewage treatment system and disposal area to the satisfaction of the Shire.
- b. Compliance with the Building Code of Australia is required. A Building Application must be submitted to, and approved by, the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- c. With regards to the condition referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, 'external fixtures' is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.
- d. With regards to the condition relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.
- e. Any front fencing shall comply with Clause 5.2.4 of the State Planning Policy 7.3 Residential Design Codes and be visually permeable when 1.2m above natural ground level.

- f. 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.**
- g. 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.**
- h. 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.**

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

9.1.3. Development Application – Grouped Dwelling (3 Units) Lot 92 (No. 37) Roberts Street, Balingup

Report Details:

Prepared by: Principal Planner and Planning Officer

Manager: Manager Development Services

Applicant: M Willicombe

Location: Lot 92 (No. 37) Roberts Street, Balingup

File Reference: A808 (P24075)

Voting Requirement: Simple Majority

Attachment(s):

9.1.3(1) Roberts Street Plans/Survey and Application Letter.

9.1.3(2) Public Submissions.

9.1.3(3) Agency submissions.

9.1.3(4) Assessment under Clause 67.

Executive Recommendation

1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24075 for 3 Grouped Dwellings on Lot 92 (No. 37) Roberts Street, Balingup subject to the following conditions and advice:
2. Prior to the endorsement of any plans, amended plans to the satisfaction of the Shire must be submitted to and approved by the Shire. When approved, the plans will be endorsed and will then form part of this approval. The plans must be generally in accordance with the plans in Attachment 9.1.3(1), but modified to show the following:
 - a. The front lot sizes to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements.
3. The finished floor level of the approved dwellings shall not be more than 102m AHD for the front unit and 103m AHD for the rear units shown on the approved plans.
4. The effluent disposal area on the rear lot to achieve a minimum 30m setback to the minor ephemeral creekline at the rear of the property to the satisfaction of the Shire.
5. Prior to the lodgement of a building application, a schedule of colours and materials for the external walls and roofs for the three (3) grouped dwellings is to be submitted to and approved by the Shire. The development is to be constructed and maintained in accordance

with the approved schedule.

6. All external fixtures are to be designed, located and installed in accordance with Clause 5.4.4 of State Planning Policy 7.3 Residential Design Codes so as not to be visible from the primary street or visually obtrusive to the satisfaction of the Shire.
7. Prior to the occupation of any of the grouped dwellings, an enclosed lockable storage area of at least 4m² in area shall be provided for each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.
8. Bin storage areas shall be conveniently located and screened from view to the satisfaction of the Shire.
9. Prior to the lodgement of a building application, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the satisfaction of the Shire.
10. No vehicle access is permitted to or from De Lisle Street.
11. Prior to occupation of any of the grouped dwellings, the driveway, parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained and clearly designated to the satisfaction of the Shire and thereafter maintained.
12. Prior to the lodgement of a building application, a Stormwater Management Plan is to be submitted to, and approved by the Shire demonstrating compliance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017*. Stormwater is to be managed thereafter by the landowner in accordance with the approved Stormwater Management Plan the satisfaction of the Shire.
13. All construction materials, including any associated waste/rubbish, is to be contained on-site at all times. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and left in a tidy state to the satisfaction of the Shire.
14. Prior to the occupation of the development, the dwellings being connected to the reticulated potable water supply network.
15. Prior to the occupation of the development, the dwellings must be connected to approved effluent disposal system(s) to the satisfaction on the Shire in consultation with Department of Health. Note that composting toilets are not supported at this location.

16. The dwelling located closest to Roberts Street must be constructed to a Bushfire Attack Level (BAL) of 12.5, as determined by Bushfire Smart (report date: 10 December 2024), and in accordance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas (or any superseding standard).

Advice:

- a. The Shire Environmental Health Services advises that:
- i. An approved secondary or alternative on-site effluent disposal system adequate to the proposed use of the premises is required to fully comply with the 'Government Sewerage Policy 2019', *Health (Miscellaneous Provisions) Act 1911* and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
 - ii. Prior to the lodgement of a building application an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is required to be lodged with the Shire's Environmental Health Services for referral to the Department of Health for approval. A building permit is not able to be issued for this development until the onsite effluent disposal application has been determined.
 - iii. If the applicant intends to lodge a strata proposal in future it is likely that the Shire would then require a notification, pursuant to Section 70A of the *Transfer of Land Act 1893* to be placed on the certificates of title of the proposed lots. The notification is to state as follows:
The sewage treatment and disposal system for development must service each dwelling/unit and be owned and operated by a single person or entity contracted to provide the service or the strata company for the strata scheme. An acceptable maintenance program must be in place for the sewage treatment system and disposal area to the satisfaction of the Shire.
- b. Compliance with the Building Code of Australia is required. A Building Application must be submitted to, and approved by, the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.
- c. With regards to the condition referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, 'external fixtures' is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.
- d. With regards to the condition relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire's open and piped drainage infrastructure.

- e. Any front fencing shall comply with Clause 5.2.4 of the State Planning Policy 7.3 Residential Design Codes and be visually permeable when 1.2m above natural ground level.
- f. 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.
- g. 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.
- h. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application must be made within 28 days of the determination.

Strategic Alignment

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

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

Executive Summary

The purpose of this report is for Council to consider an application for development approval for the development of three (3) Grouped Dwelling units on the property.

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

Background

The Shire received a development application for three grouped dwellings on Lot 92 (No. 37) Roberts Street, Balingup. The development application details and plans are contained in [Attachment 9.1.3\(1\)](#). Lot 92 (No. 37) is 4059m² in area and cleared land as shown in Figure 1 below.



Figure 1 – Aerial image of 37 Roberts Street, Balingup bordered in red

The proposal was referred to The Department of Water and Environmental Regulation, Department of Health and adjoining/nearby neighbours for comment. Two public submissions objecting and expressing concerns with the proposed development were received.

Location Plan

Lot 92 (No. 37) Roberts Street, Balingup is located within the low-density (Residential zone with R10 density coding) area along the eastern side of Balingup. The Site Survey plan shows the site slopes from 102m AHD on the southern boundary down to 100m AHD on the northern boundary with a winter creek area to the rear of the property (see street image below).



Figure 2 – Street view image of 37 Roberts Street, Balingup

The surrounding land is occupied by residential uses (mainly single dwellings) with some vacant land (see image in Figure 3 below).

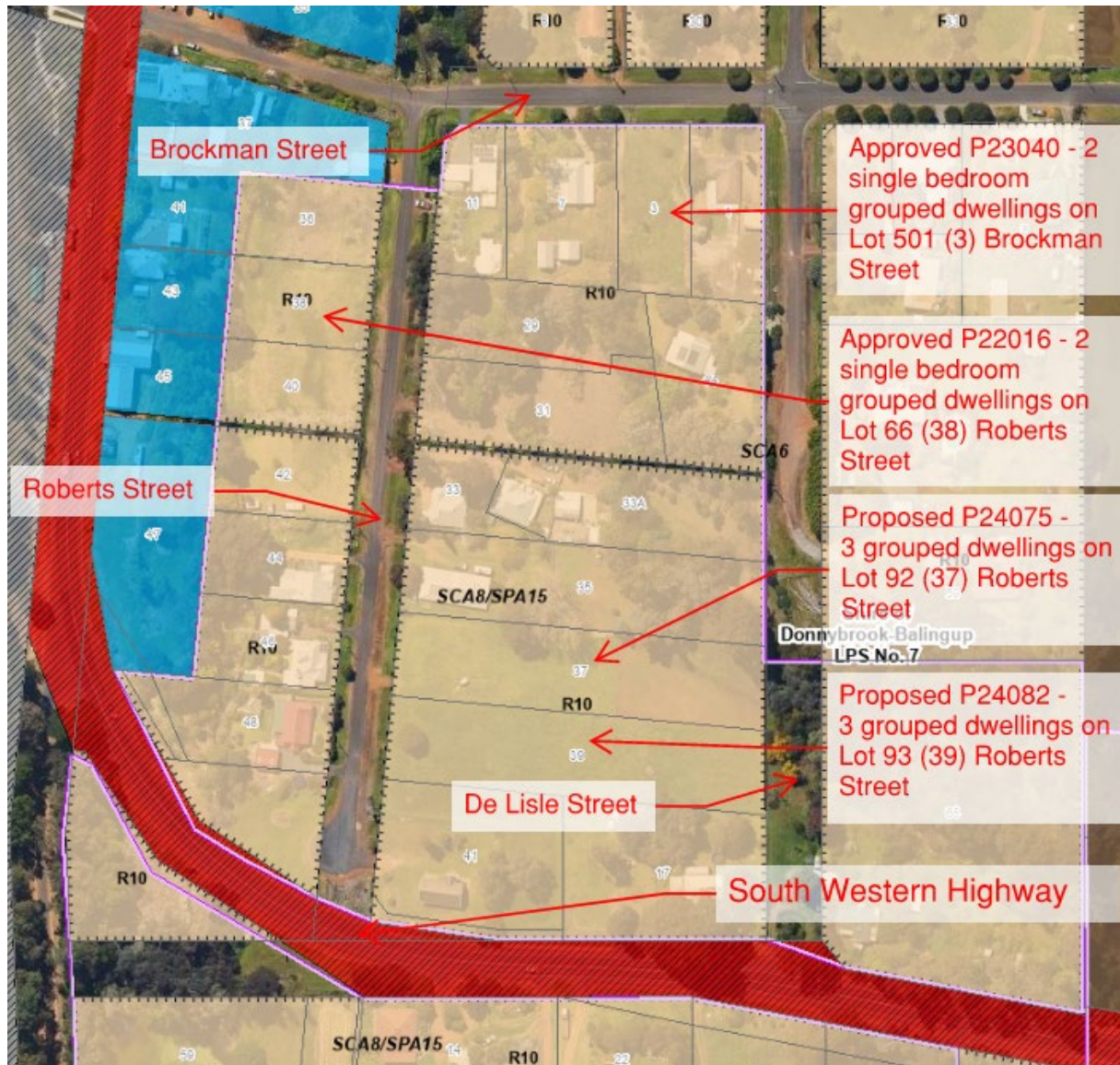


Figure 3 – Aerial image of 37 Roberts Street, with surrounding uses

Proposal

The proposal involves the construction of three 2 bedroom 2 bathroom dwellings on the property. The dwellings are 102m² each in floor area, single storey in height with a skillion roof design, wall height (varying from 2.4m – 3.2m) and deck areas along the front of the dwellings (see Figure 4 below). The dwellings will be constructed on stilts using the natural ground contours with no cutting or filling of the site required.

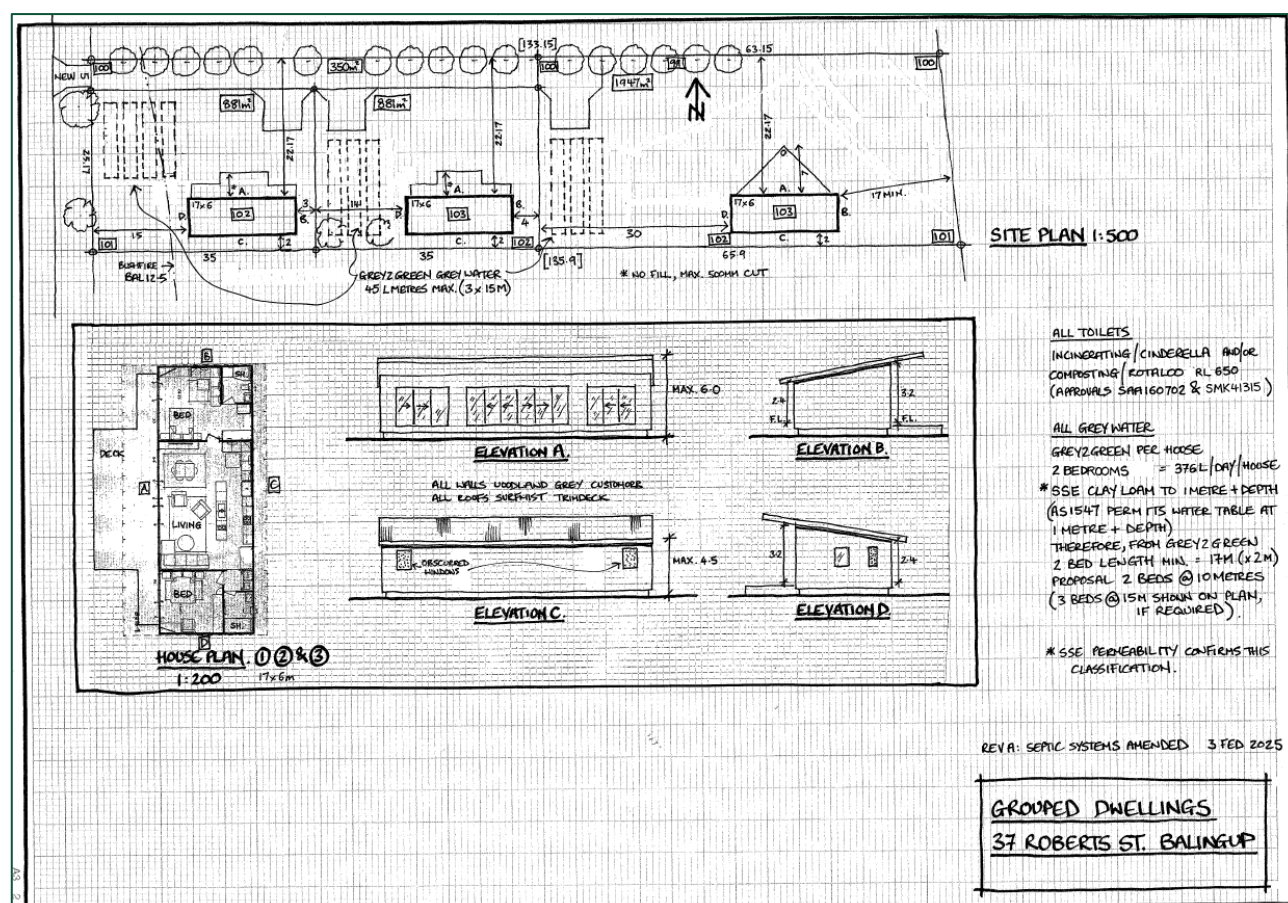


Figure 4 – 37 Roberts Street Plans dated 3 February 2025

The dwellings will be constructed using timber frames and clad with ‘Woodland Grey’ (dark grey) coloured metal sheeting for the walls and ‘Surfmist’ (white) coloured metal sheeting for the roofs. Solar panels will be placed on the roofs and the dwellings will be battery ready with no (bottled) gas appliances to be used.

A shared 5m-side driveway will be constructed along the northern boundary with adjoining on-site parking for 2 vehicles for each dwelling and a new crossover onto Roberts Street.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	Failure to fulfill statutory, regulatory or compliance requirements - There is concern regarding the visual impact of the proposed units, as their small size and modular appearance differ significantly from the traditional single-house developments commonly found in Balingup. This deviation in design may affect the aesthetic character of the area and potentially impact the local community’s perception of the development.		
Mitigation:	The proposal complies with the applicable planning framework.		

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Unlikely	Minor	Low (4)
Risk Description:	Inadequate Environmental Management - Effluent disposal system not designed and constructed with sufficient capacity/redundancy and in compliance with relevant legislation and standards.		
Mitigation:	Local government does not have legislative authority to consider onsite effluent disposal associated with more than the development of a single dwelling. Approval must be obtained from the Department of Health under separate legislation. The applicant will be required to install the system in accordance with the Department of Health's approval minimising health risks associated with the development.		

Financial Implications

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

Policy Compliance

Nil.

Statutory Compliance

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions, and the proposal has also been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in [\(Attachment 9.1.3\(4\)\)](#).

Although the proposal achieves the requirements of the Residential Design Codes for the low-density R10 coded area for the land that permits 1 dwelling per 875m² (minimum site area per dwelling) and 1 dwelling per 1000m² (average site area per dwelling) the minimum lot area the front lot sizes would need to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements for lots that are not connected to reticulated sewerage.

The proposed development of the three grouped dwellings complies with the purpose of the Residential zone and the relevant objectives to provide for the development of a variety of household types including grouped dwellings where adequate servicing is available, and the proposal does not adversely effect the amenity of the locality as follows:

3.2.1 Purpose

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

3.7.2 Objectives

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

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

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

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

The inclusion of conditions/advice to ensure adequate serving is available (to deal with effluent disposal given Balingup does not have access to the Water Corporation deep sewer infrastructure).

Consultation

Public Submissions

The application was referred to adjoining/nearby landowners along Roberts and De Lisle Streets for comment (12 December 2024 – 14 January 2025) and included a written notice and copy of the plans. In response to the advertising, two submissions were received which contained concerns/objections with the proposal. The Public Submissions are contained in ([Attachment 9.1.3\(2\)](#)).

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

Issue Raised	Officer Comment
Building design and appearance/lessen the attractiveness of the street	The objection is noted. It is accepted that the proposed grouped dwelling unit buildings are smaller in size and modular in appearance when compared to the existing and more traditional single dwellings that exist in the area. There is limited power available under LPS7 for the Shire to control building aesthetics and the advent of modern more denser forms of housing allowed under the R-Codes such as aged and dependent persons', single bedroom, accessible and small dwellings which stipulate maximum internal floor area of 70-100m² and which will produce a different housing form/product than has been traditionally the norm in rural settlements such as Balingup. The proposal is consistent with the Shire's intent in the Local Planning Strategy, Townsite Expansion Strategy and LPS7 to encourage a variety of dwelling type in the Shire including Balingup. The grouped dwellings units comply with all the requirements of the R-Codes. Staff have recommended that a cohesive colour scheme for the development be considered and approved to improve the overall appearance of the site from outside the lot.
Use of the residences by mine workers	Whilst the comment is noted, the future occupation of the units is for the landowner to determine and is not a matter that can be controlled under the Scheme or R-Codes or conditioned as part of any approval.
Traffic safety	There are 18 lots (and 10 existing dwellings) currently using Roberts Street. The new units will add 3 dwellings and will not substantially increase the amount of traffic on the local streets. The Shire's Works and Services in considering both proposals for grouped dwellings on Lots 92 and 93 have not recommended that any upgrading of Roberts Street is required. Roberts Street is a cul-de-sac/access place (defined in the WA Planning Commission Policy DC2.6 Residential Road Planning) and would be expected to generate a maximum of 200 vehicles per day at any point and operating speeds are expected to be 20km/h or less along them. Given that Roberts Street is a cul-de-sac with no through connection to SW Highway, this effectively restricts the amount of traffic using Roberts Street to local residents along the street only as opposed to if

Issue Raised	Officer Comment
	it was a thoroughfare from SW Highway to Brockman Street that would be expected to encourage more traffic.

Consultation with Government/Service Agencies

The proposal, which will utilise alternative treatment systems incinerating or composting toilets with grey water system dispersed by subsoil irrigation for effluent disposal (rather than traditional septic tank/leach drain effluent disposal systems), was referred to the Department of Health and Department of Water and Environmental Regulation for comment. The Departments have no objection to the use of the alternative treatment systems.

The Government/Services Agencies Submissions are contained in [\(Attachment 9.1.3\(3\)\)](#).

Officer Comment

The proposal has been assessed in accordance with the relevant State Planning Policy 3.7 Bushfire and State Planning Policy 7.3 Residential Design Codes and the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7.

Key considerations identified:

4.3 Special Application of Residential Design Codes

Under the provisions of the Scheme, the Shire has the authority to restrict the density of residential development, notwithstanding the applicable density code to align with the Department of Health's "Government Sewerage Policy 2019." Additionally, residential development must comply with the requirements outlined in Clause 4.39 of LPS7 concerning sewerage connection and effluent disposal. In this instance, the applicant has proposed the use of incinerating or composting toilets, in combination with a greywater system dispersed through subsoil irrigation for effluent disposal. This method has been reviewed and supported by both the Department of Health and the Department of Water and Environmental Regulation. It is also important to note that this applicant has previously employed this same effluent disposal method in other similar developments in Balingup:

1. Development Approval P23040, approved on 24 April 2024, under Council Resolution 60/24 for Lot 501 (3) Brockman Street, Balingup.
2. Development Approval P22016, approved under delegation, Lot 66 (38) Roberts Street, Balingup.

Given the increased density of this development and the requirement to bury composted toilet waste onsite, it is recommended that only incinerating toilets be supported when the number of dwellings on the site exceeds 2. It is recommended that an advice note be included to inform the applicant of their obligations, as well as the requirements for any future proposed strata title development.

Clause 4.17 General Appearance of Buildings and Preservation of Amenity

The Scheme requires that the development be in harmony with surrounding developments and allows the Shire to place conditions on approvals to ensure that the development will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality. The proposal achieves the deemed-to-comply requirements under the R-Codes and the dwellings will be setback over 20m to the adjoining dwelling to the north and with proposed landscaping throughout the site will provide an attractive appearance and will not be expected to have an adverse impact on the character, amenity, or landscape of the locality.

4.39 Sewerage Connection for Residential Development

As noted in Cl.4.3 above, the Scheme requires all residential development in the Residential zone to connect to the deep sewerage system unless the Department of Health are satisfied that on-site effluent disposal systems can adequately treat domestic effluent. The property does not have access to deep sewer infrastructure and will use separate alternative treatment systems for on-site effluent disposal systems for each dwelling. The Department of Health have supported the proposed on-site effluent disposal systems subject to the following conditions:

- Greywater disposal as per the updated plans (3 Feb 2025).
- Approval is required for any on-site waste water treatment process (by the Department of Health or local government) with such proposals being in accordance with the following publications. These may be referenced and downloaded from:
https://ww2.health.wa.gov.au/Articles/A_E/Apply-to-install-a-wastewater-system
- Setback distances based on current health sewage legislation are required from the effluent treatment area(s) and/or land application area(s) to any subsoil drainage system, open drainage channel.
- The above subject to planning/local government signing off that the development meets the minimum lot sizes of the Government Sewerage Policy as per Table 5.2.1.

An updated site plan is recommended as a condition of approval, to demonstrate compliance with the Government Sewerage Policy.

4.51 Residential Zone

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

- (i) Ensure that subdivision and development comply with a Structure Plan where applicable, the Local Planning Strategy and the principles of any Local Planning Policy adopted by the local government;
- (ii) Apply the Residential Design Codes to all residential development provided for in this Scheme. The property is within the Structure Plan Area 15 which requires the land to be consolidated and developed with an R10 land use expectation. The proposal achieves the R10 requirements, and the site is considered capable of treating the expected domestic effluent loads produced by the grouped dwellings to the satisfaction of Department of Health.

Local Planning Strategy

The property is identified as Residential under the Local Planning Strategy; and Existing Urban Footprint under the draft Local Planning Strategy 2024. The proposal is considered consistent with the future intention of the area in the strategies to be used for residential developments.

Townsite Expansion Strategy (2008)

The property is identified within the Central Highway Precinct of the Strategy and complies with the following strategies for the area:

BS3 Provide timely, co-ordinated and sustainable residential development and infill development within the established townsite settlement boundary.

BS10 Investigate alternative and innovative effluent systems to service the townsite.

BS11 Identify Development Investigation Areas and provide direction on nature and density of uses for the areas.

Development considerations

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

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

(d) Granting development approval without conditions; or

(e) Granting development approval with conditions; or

(f) Refusing to grant development approval.

Officers have assessed the application, including the public submissions and advice from the Department of Health and Department of Water and Environmental Regulation and other Shire service divisions.

Conclusion

The proposal complies with the requirement of orderly and proper planning for the following reasons:

- Grouped dwellings are a 'D' discretionary land use in the zone which means that the use can be permitted;
- It complies with all of the R-Code requirements for R10 density coded land;
- Is consistent with LPS7 development standards and the objectives for the Residential zone;
- It complies with the recommendations in the existing and draft Local Planning Strategies;
- Can be made to comply with the Government Sewerage Policy 2019 requirements and has been supported by the Department of Health and Department of Water in respect to on-site effluent disposal;
- The planning matters raised in the public submissions from adjoining/nearby landowners can be addressed through the imposition of conditions.

Whilst Officers note the concerns/objection in the submissions that reflects an obvious change to the traditional single house developments in this area, it is considered that the application complies with the requirement of orderly and proper planning. Conditional approval of the application is recommended.

Cr Patrick moved the following:

COUNCIL RESOLUTION: 61/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Deanna Shand

1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P24075 for 3 Grouped Dwellings on Lot 92 (No. 37) Roberts Street, Balingup subject to the following conditions and advice:
2. Prior to the endorsement of any plans, amended plans to the satisfaction of the Shire must be submitted to and approved by the Shire. When approved, the plans will be endorsed and will then form part of this approval. The plans must be generally in accordance with the plans in Attachment 9.1.3(1), but modified to show the following:
 - a. The front lot sizes to be enlarged to ensure that a minimum lot size of 1000m² per dwelling unit is achieved to comply with the Government Sewerage Policy 2019 requirements.
3. The finished floor level of the approved dwellings shall not be more than 102m AHD for the front unit and 103m AHD for the rear units shown on the approved plans.
4. Prior to the lodgement of a building application, a schedule of colours and materials for the external walls and roofs for the three (3) grouped dwellings is to be submitted to and approved by the Shire. The development is to be constructed and maintained in accordance with the approved schedule.
5. All external fixtures are to be designed, located and installed in accordance with Clause 5.4.4 of State Planning Policy 7.3 Residential Design Codes so as not to be visible from the primary street or visually obtrusive to the satisfaction of the Shire.
6. Prior to the occupation of any of the grouped dwellings, an enclosed lockable storage area of at least 4m² in area shall be provided for each of the dwellings in accordance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes.
7. Bin storage areas shall be conveniently located and screened from view to the satisfaction of the Shire.
8. Prior to the lodgement of a building application, an application for a vehicular crossover is to be submitted to and approved by the Shire in accordance with the Shire's crossovers standards. Prior to the occupation of the development, the crossover is to be installed in accordance with the crossover approval and continuously maintained thereafter to the

satisfaction of the Shire.

9. No vehicle access is permitted to or from De Lisle Street.
10. Prior to occupation of any of the grouped dwellings, the driveway, parking spaces and all vehicle manoeuvring areas, generally in the locations identified on the approved plans, are to be constructed to a sealed standard, drained and clearly designated to the satisfaction of the Shire and thereafter maintained.
11. Prior to the lodgement of a building application, a Stormwater Management Plan is to be submitted to, and approved by the Shire demonstrating compliance with the Shire's stormwater management standards and the *Animals, Environment and Nuisance Local Law 2017*. Stormwater is to be managed thereafter by the landowner in accordance with the approved Stormwater Management Plan the satisfaction of the Shire.
12. All construction materials, including any associated waste/rubbish, is to be contained on-site at all times. Prior to the occupation of the development, all waste/rubbish is to be removed from the subject site and left in a tidy state to the satisfaction of the Shire.
13. Prior to the occupation of the development, the dwellings being connected to the reticulated potable water supply network.
14. Prior to the occupation of the development, the dwellings must be connected to approved effluent disposal system(s) to the satisfaction on the Shire in consultation with Department of Health.
15. The dwelling located closest to Roberts Street must be constructed to a Bushfire Attack Level (BAL) of 12.5, as determined by Bushfire Smart (report date: 10 December 2024), and in accordance with Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas (or any superseding standard).

Advice:

- a. The Shire Environmental Health Services advises that:
 - i. An approved secondary or alternative on-site effluent disposal system adequate to the proposed use of the premises is required to fully comply with the 'Government Sewerage Policy 2019', *Health (Miscellaneous Provisions) Act 1911* and *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
 - ii. Prior to the lodgement of a building application an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is required to be lodged with the Shire's Environmental Health Services for referral to the Department of Health for approval. A building permit is not able to be issued for this development until the onsite effluent disposal application has been determined.
 - iii. If the applicant intends to lodge a strata proposal in future it is likely that the Shire would then require a notification, pursuant to Section 70A of the *Transfer of Land*

Act 1893 to be placed on the certificates of title of the proposed lots. The notification is to state as follows:

The sewage treatment and disposal system for development must service each dwelling/unit and be owned and operated by a single person or entity contracted to provide the service or the strata company for the strata scheme. An acceptable maintenance program must be in place for the sewage treatment system and disposal area to the satisfaction of the Shire.

- b. Compliance with the Building Code of Australia is required. A Building Application must be submitted to, and approved by, the Shire prior to the commencement of any development. The building plans must reflect the relevant conditions and approved plans of this Development Approval. Any subsequent revisions to the plans may require prior Development Approval.**
- c. With regards to the condition referring to compliance with Clause 5.4.4 of the State Planning Policy 7.3 Residential Design Codes, ‘external fixtures’ is to have the same meaning as within the Residential Design Codes and includes clothes drying structures, solar collectors, communication and television aerials, water heaters, meter boxes etc.**
- d. With regards to the condition relating to stormwater, written approval must first be obtained from the Shire when a landowner proposes to directly discharge the stormwater to the Shire’s open and piped drainage infrastructure.**
- e. Any front fencing shall comply with Clause 5.2.4 of the State Planning Policy 7.3 Residential Design Codes and be visually permeable when 1.2m above natural ground level.**
- f. 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.**
- g. 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.**
- h. 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.**

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

9.1.4 Development Application P25018 – Yabberup Hall Universal Access Toilet Addition – 5 Yabberup Road, Yabberup

Report Details:

Prepared by: Manager Development Services/Planning Officer

Manager: Ross Marshall, Director Operations

Applicant: Shire of Donnybrook Balingup

Location: 5 (Reserve 2883) Yabberup Road, Yabberup

File Reference: A2994 (P25018)

Voting Requirement: Simple Majority

Attachment(s):

9.1.4(1) Floor plans and elevations

9.1.4(2) Assessment under Clause 67

Executive Recommendation

That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25018 for the Yabberup Hall Universal Access Toilet upgrade at 5 (Reserve 2883) Yabberup Road, Yabberup, subject to the following condition and advice:

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

Approved plans:

- i. Site plan (Sheet 1 of 4)
- ii. Floor plan (Sheet 2 of 4)
- iii. Elevation (Sheet 3 of 4)
- iv. Section (Sheet 4 of 4)

Advice notes:

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

Strategic Alignment

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

- Outcome:** 2 - A safe and healthy community.
- Objective:** 2.1 - Improve access to facilities and services to support community health and wellbeing.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider an application for development approval for the works involved with the addition of a universal access toilet at the Yabberup Hall as outlined in [Attachment 9.1.4\(1\)](#). Development approval is required due to a setback relaxation being required, the premises being on the Municipal Inventory and the land being located within a special control area.

The cost of the works to the Yabberup Hall exceeds the delegated authority available to Staff to approve development applications received for land owned or managed by the Shire of Donnybrook Balingup up to the value of \$20,000 (the budget for the works is \$35,000) and the proposal is required to be submitted to Council for consideration.

Officers recommend the development application be granted approval subject to conditions.

Background

The Yabberup Hall is listed within the Shire's Municipal Heritage Survey (Inherit Place No. 00736) with a category 1 classification meaning that the Shire considers the highest level of protection appropriate, with maximum encouragement to conserve the significance of the place. The entry identifies the building condition as "good" and contains the following information:

Statement of significance:

Yabberup Hall is a rare hall of red Flemish bond brickwork with contrasting blue and dark red half bricks. It was constructed with local volunteer labour and has been the focus of social activities in the area since its completion in 1896.

Physical description:

Yabberup Hall is a medium sized hall constructed of Flemish bond brickwork with a moderate to steeply pitched gable roof of corrugated iron. A skillion addition at the rear (west) side is constructed of matching brickwork. A verandah runs along the south (front) wall which butts into the skillion and a tall chimney protrudes from the centre of the same wall. The bricks are red with a blue or dark red brick providing a contrast in the half bricks of the bond work.

The current toilet block was constructed in 1973/1974, prior to the advent of the premises standards and prescribed consideration of universal access for patrons with mobility aids/parents with prams.

For the hall to continue to be successfully used for social activities in the District it has been recognised that a universal access toilet is needed.

The site, while zoned Priority Agriculture within the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), is relatively small in area (2,024m²) (refer Figure 1). The proposed location has been selected to provide access to existing plumbing (both water and waste water, while being clear of the existing onsite effluent disposal system) as well as to be largely screened behind the existing building, when viewed from the road (refer Figure 2). This location requires consideration of a relaxation of a scheme standard, specifically with regards to side setbacks i.e. from 20 m to 1 m.



Figure 1 – Yabberup Hall Reserve 2883 bordered in red

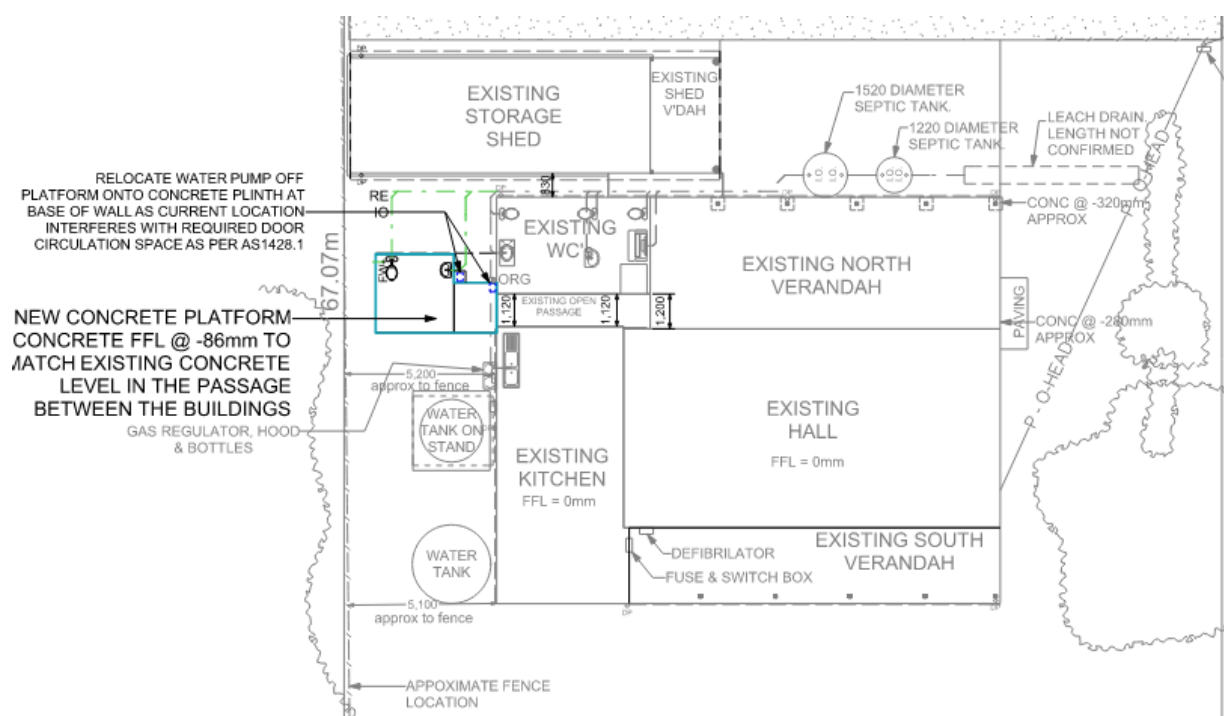


Figure 2 – Site plan showing extent of proposed works with reference to existing features

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Moderate	Moderate (9)
Risk Description:	Inadequate asset sustainability practices i.e. buildings are not adapted to meet the needs of the community.		
Mitigation:	The provision of a UAT goes some way to assist members of the community to continue to participate in activities at the Hall.		

Financial Implications

The project is a current project funded through Job No. B369 and the budget for the works is \$35,000.

Policy Compliance

Nil.

Statutory Compliance

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

Part 3 – Zones and the Use of Land

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

Part 4 – General Development Requirements

Clause 4.17 General Appearance of Buildings and Preservation of Amenity

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

The proposal will be screened from the road and improve the amenity for users of the building.

Clause 4.42 Bush Fire Hazard and Fire Management Plans

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

The property is designated as bushfire prone by Department of Fire and Emergency Services mapping. The proposal is considered exempt from the requirements of State Planning Policy 3.7 as it involves works only and will not increase the capacity of the building.

4.55 Priority Agriculture Zone

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

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

The proposal is considered to comply with subclause c. above on the basis that the proposal will not change the appearance of Yabberup Hall from the front and will improve the use of the building by all members of the community.

Under Cl.4.55.2 of LPS7, there are setbacks required for development within the Priority Agriculture zone. The proposal proposes to vary the side setback from 20 m to 1 m. Please refer to the consultation section of this report regarding this relaxation.

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

- a. The availability of services required to support the proposed development and the economic impact of the provision of, extension or upgrading of those services that may be required;*
- b. The adequacy of the roads, existing or proposed in the area which may be needed to support the amount of road traffic expected to be generated by the development; and*

- c. *The need to enforce such conditions as the local government deems appropriate, in order to minimise any adverse effect, the development may have on the general environment of the area.*

The proposal is considered to comply with these requirements on the basis that:

- There are no changes required to servicing and the existing services are adequate.
- It will not generate additional traffic.

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

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

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

Local Planning Strategy

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

Cl.5.4.2 of the LPS states:

The purpose of the Rural Smallholdings zone is to provide for rural lifestyle opportunities and associated small scale agricultural production, where appropriate, in strategic locations consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.

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

Disability Services Act 1993

Within Council's adopted Disability Access and Inclusion Plan 2024-2029 the Shire has committed to reviewing community hall facilities to improve access within heritage requirements. This proposed upgrade will exceed this commitment.

Consultation

Consultation with Government/Service Agencies

Given the local heritage status of the Yabberup Hall, the proposal was referred to the Department of Planning, Lands and Heritage (Historic Heritage Conservation) for comment. As the site is not listed on

the State Register, the Department informed that the Hall *“has not been identified as a place warranting assessment by the Heritage Council”*.

While the land is located within Special Control Area – SCA7 – Road protection area, as there is no proposed changes to the existing access arrangements, or changes to the Hall capacity, it wasn't considered necessary to refer this proposal to Main Roads WA for comment.

Neighbour consultation

The affected neighbour was provided an opportunity to comment on the reduced side setback. At the time of writing, no comment has been received.

Officer Comment

The proposal has been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in [Attachment 9.1.4\(2\)](#).

The current purpose for Reserve 2883 is “Hall Site Agricultural”. The proposed modifications do not change the purpose for the Reserve and it is considered that they assist to enable its continued use by most members of the community.

Development considerations

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

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

- (g) Granting development approval without conditions; or*
- (h) Granting development approval with conditions; or*
- (i) Refusing to grant development approval.*

Officers have assessed the application and consider the proposal capable of being approved as proposed.

In addition, the inclusion of a universal accessible toilet exceeds Council's commitments of improved access within heritage buildings, by enabling those with additional mobility needs the ability to stay longer at the hall, with ablution facilities available.

COUNCIL RESOLUTION: 62/04-25		
MOVED BY:	Cr Deanna Shand	SECONDED BY: Cr Alexis Davy

1. That Council pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), approves the Development Application P25018 for the Yabberup Hall Universal Access Toilet upgrade at 5 (Reserve 2883) Yabberup Road, Yabberup, subject to the following condition and advice:
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the approved plans, including any notations, and must not be altered or modified without the further written consent of the Shire.
Approved plans:
 - i. Site plan (Sheet 1 of 4)
 - ii. Floor plan (Sheet 2 of 4)
 - iii. Elevation (Sheet 3 of 4)
 - iv. Section (Sheet 4 of 4)

Advice notes:

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

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

Cr Patrick left the Chamber at 6:48pm.

Cr Patrick re entered the Chamber at 6:49pm.

9.1.5. Bliss Festival 2025 – Event Application

Report Details:

Prepared by: Manager Development Services

Manager: Director Operations

Applicant: The Liberators

Location: The Berry Delightful, 19503 South Western Highway, Brookhampton

File Reference: A1975

Voting Requirement: Simple Majority

Attachment(s):

9.1.5(1) State Administrative Tribunal Order

9.1.5(2) Applicant's - Berry Delightful Fire Risk Assessment

9.1.5(3) Applicant's - Fire Emergency Management Plan

9.1.5(4) Applicant's - Emergency Evacuation Management and Procedure

Executive Recommendation

That Council:

1. In accordance with Council Policy COMD/CP-6 Events considers the event application, Bliss Festival 2025, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) and 61(2)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Bliss Festival 2025, proposed to be held at The Berry Delightful, 19503 South Western Highway, Brookhampton from 30 December 2025 until 2 January 2026 subject to the following conditions:
 - a) All commitments and undertakings provided for in the application to be complied with. Should there be any discrepancies between the documents and these conditions, the condition prevail to the extent of the inconsistency;
 - b) A maximum accommodation number of 350 people on site at any one time;
 - c) Fires, fireworks or any other pyrotechnic display are not permitted for the duration of the event;
 - d) Event organiser to provide evidence of minimum \$20 million public liability insurance for all proposed activities to the satisfaction of the Shire. Evidence of insurance to be provided at least 7 days prior to the event date;
 - e) Written confirmation of suitability of access and egress, to be supplied by WA Fire, at least 7 days prior to the event date. This is to include that identified emergency routes, are capable of being traversed by 2WD and vehicles under towing conditions;
 - f) Prior to the inflatable water pontoon being deployed to site, the event organiser is to provide a copy of the inflatable's detailed safety inspection report, that is not more than 12 months old, carried out by a competent person;

- g) The risk management plan to be updated to reference the current Department of Health Guidelines for concerts, events and organised gatherings and include risks associated with swimming in farm dams e.g. poor water quality, lack of visibility of submerged persons/objects, risk of cold water shock, represent the changes made to the event layout and proposed mitigation measures as part of the fire safety measures and ensure that the risk mitigation measures are reflected in supporting safety plans. Revised plan to be provided at least 14 days prior to the event date and be to the satisfaction of the Shire;
- h) Recreational bacteriological water sampling to be conducted of the dam by a competent person and tested by a NATA accredited laboratory in the lead up to the event. Two samples four weeks ahead and then two samples two weeks ahead from the event date will be a minimum requirement. Results will be reviewed in line with the Department of Health's Microbial Quality of Recreation Water Guidance Note to demonstrate suitability for recreational use;
- i) All electrical equipment is to be tested and tagged by an appropriately qualified person;
- j) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 "Certificate of Electrical Compliance" is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;
- k) A minimum of seven (7) temporary toilets comprising three (3) male toilets, three (3) female toilets and one (1) unisex accessible toilet and associated hand basins are to be provided for the event use. They are to be placed so that they are within 90 metres of any camp site;
- l) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
- m) Event organiser to provide evidence of a suitable potable water supply for patron use for the duration of the event to the satisfaction of the Shire;
- n) Event and camp grounds are to have adequate lighting after dark;
- o) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
- p) All temporary structures (including gazebos, tents and camping structures) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;
- q) For the stages and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed. Certificate of Structural Adequacy is required to be completed by an authorised installer or structural engineer and submitted prior to commencement of the event;
- r) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire Chief Executive Officer;
- s) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include:
 - i. A Noise Prediction Modelling report completed by a suitably qualified Acoustic Consultant whose qualifications/experience qualifies them for membership to the Australian Acoustical Society;

- ii. A Noise Management Plan committing to monitoring of sound levels, by a suitably qualified/experienced Acoustic Consultant at the mixing desk and three locations external to the venue for the duration of the event; and;
 - iii. Notification to residents identified as likely to experience noise at levels exceeding the assigned levels through the noise modelling is to be undertaken by the Shire, at the applicant's cost. This notification is to include contact details for the applicant for management of complaints throughout the event period;
- t) Camping for event attendees is permitted for three nights and subject to separate written approval from the Shire;
- u) Applicant to submit a Traffic Management Plan (TMP) prepared by an appropriately qualified person, showing temporary warning signs and method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event. Written evidence of Main Roads WA approval required to be submitted at least 7 days prior to the event;
- v) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;
- w) Event organiser to submit a list of all food vendors, including potable water carter if proposed, to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
 - i. A copy of the vendors 'Food Business Registration Certificate (*Food Act 2008*)' from their "home" Shire (if not from the Shire of Donnybrook Balingup); and;
 - ii. A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- x) A first aid post with a minimum of one qualified first aid officers is required to be provided and adequately sign posted for the duration of the event;
- y) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties;
- z) An event debrief meeting is to be arranged with the Shire within two months of the event date, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion.

Advice note:

1. Applicant to note that events during the established high bushfire threat period, particularly over long weekends when volunteer numbers are low, are at greater risk of being impacted by total fire bans and harvest vehicle movement bans.

Strategic Alignment

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

- Outcome:** 2 - A safe and healthy community.
 - Objective:** 2.2 - Facilitate, encourage and support a diverse range of festivals, community events, arts and cultural activities.
 - Outcome:** 9 - A thriving economy.
-

- Objective:** 9.2 - Attract and retain a diverse mix of businesses and investment opportunities.
- Outcome:** 10 - A popular destination for visitors and tourists.
- Objective:** 10.1 - Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup.

Executive Summary

The State Administrative Tribunal has invited the Shire to review the refusal of an event application, Bliss Festival 2025, to be held at 19503 South Western Highway, Brookhampton for 500 people during the established high bushfire threat period. Relevant shire staff have undertaken a site visit with the applicant's fire consultant which has resulted in a number of commitments being made by the applicant including a new event duration of 30 December 2025 until 2 January 2026. While this event duration is still within the established high-risk period, Shire staff consider that an application, with a reduced capacity of 350 people in total, may be supported, with conditions.

Background

At its Ordinary Council meeting held 27 November 2024 Council resolved the following:

"COUNCIL RESOLUTION 204/11-24"

That Council:

- 1. Considers the event application, Bliss Festival 2025, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) and 61(2)(f) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 2. Refuses the event, Bliss Festival 2025, proposed to be held at The Berry Delightful, 19503 South Western Highway, Brookhampton from 24 to 27 January 2025 for the following reasons:*
 - 2.1 Forest fuel loads in the immediate area to the premises are over 10 years old, contributing to a fire risk rating of "extreme".*
 - 2.2 The premises has little to no safe areas of refuge to allow for patrons to muster during a fire emergency response.*
 - 2.3 Limited access and egress to this property would impede the safe evacuation of patrons during an emergency and negatively impact access for firefighting resources.*
 - 2.4 Mobile service and emergency radio communications are limited in this area which may negatively impact emergency response to this premises.*
- 3. Encourages the applicant to consider an event at the premises outside of the Shire's high threat period i.e. outside of the period 1 December to 31 March".*

The landowner, on behalf of the event applicant, referred the matter to the State Administrative Tribunal (SAT) for review. At a mandatory confidential mediation hearing, SAT ordered a number of things to occur including:

“Pursuant to s 31(1) of the *State Administrative Tribunal Act 2004* (WA) the respondent is invited to reconsider the decision on or before 3 February 2025”.

The applicant resubmitted an event application with updated fire safety commitments and a change in event date of 28 February 2025 to 3 March 2025. Officers were prepared to consider an event on this date, subject to a maximum accommodation number of 350 and a number of other conditions relevant to events of this nature. The applicant, during a further deputation to Council at the 29 January 2025 Special Council Meeting, indicated that 350 was not a viable number for an event of this nature and requested that the number be increased to 500. An amendment to the motion to increase the capacity from 350 to 500 was voted upon and lost.

At the January meeting the applicant also indicated that the February/March date was also unlikely to be achieved and that they would need to consider a new date, later in the year. A new date was not available at the time of the meeting. There were some administrative missteps made during the meeting with some confusion over the voting requirement which resulted in there effectively being no decision made on this revised application.

A further SAT mediation conference occurred on 7 February 2025 with relation to an event at this location with the new orders issued as outlined in [Attachment 9.1.5\(1\)](#).

A new completed application form was received 28 February 2025 with supporting documentation received 5 March 2025. Supporting documentation included:

- Berry Delightful Fire Risk Assessment
- Bliss Fest 2025 Main Risk Management Plan
- Waste & Hygiene Management Plan
- Noise Management Plan
- Fire Emergency Management Plan
- Parking and Traffic Management Plan
- Drug and Alcohol Assessment and Management Plan
- Water Safety Assessment and Management Plan
- Emergency Evacuation Procedure
- Proposed Runsheet and Schedule of Events

The revised date for this event is from 30 December 2025 until 2 January 2026 for 500 people, with set up to commence from 26 December 2025 and pack down concluding on 4 January 2026. The organisers describe their event as an “18+, alcohol and drug free, health focussed holistic event”. Camping is proposed, with all food to be provided for from the existing registered food business by an event participant. Swimming is proposed within the existing site dam, with an inflatable device proposed to be deployed onto the dam for the duration of the event.

There will be three activity stages on site with amplified music proposed as follows:

Date	Start Time	Finish Time
30 December 2025	19:00	22:30
31 December 2025	15:00	24:00 (reduced to 55dB(A) from 22:00-24:00)
1 January 2026	10:00	20:00

The proposed event remains within the Shire's established high bushfire threat period.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Health	Likely	Catastrophic	Extreme (20)
Risk Description:	Business and community disruption - Fire risk to attendants; inability to adequately respond to an emergency given the nature of the site and surrounding area at the time of year proposed.		
Mitigation:	Reduction in numbers of people on site to a level that is considered able to be accommodated on site should refuge from radiant heat and ember attack be required.		
Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Likely	Major	High (16)
Risk Description:	Business and community disruption/Providing inaccurate advice/information - Approval of the event during an established high threat period, when response times will be impacted upon by resource availability and an incident occurs.		
Mitigation:	Applications are assessed on a case-by-case basis, through an internal, multi-disciplinary approach. The application outcome is considered with a resultant recommendation determined using a risk based approach. Staff and volunteer local knowledge, specific to this area, understanding the resources available have been consulted as part of the assessment process.		

Financial Implications

Should Council determine to approve the event, the following fees are applicable:

Item	Rate
Application Fee Temporary Camping	\$100
Water sampling fee (if requested)	\$188 (per sample)
Application fee Regulation 18	Up to \$1,2500
Notification letters	To be determined

There have been administrative costs and opportunity costs associated with relevant officers actively attending and participating in the SAT process.

Legal advice may be required should the matter proceed to a formal SAT hearing.

Policy Compliance

As this event involves more than one stage, is a multi day event and requires consideration of approval of a non-complying noise event, under Policy COMD/CP-6 Events, this event application requires Council determination.

The duration of the event and set up/pack down dates meets the criteria for an exemption from Development Approval under item 4 of Policy COMD/CP-6 Events.

Statutory Compliance

Section 31(2) of the *State Administrative Tribunal Act 2004* states:

Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may:

- (a) affirm the decision; or*
- (b) vary the decision; or*
- (c) set aside the decision and substitute its new decision.*

The applicant, if they do not agree with the outcome of the reviewed decision, may have the Council reconsideration decision reviewed by the State Administrative Tribunal.

Under clause 61(1)(a)(17) and 61(2)(f) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, events can be considered as exempted development where they meet the definition of “temporary works”. Temporary works are defined as “the works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period”.

As outlined in the Policy section, the events policy established Council’s agreed period of temporary works and use as follows:

- a. The use of land which is approved through an events approval process;*
- b. The activity does not involve alterations to the land or construction of permanent structure(s);*
- c. Each event is in existence for less than 96 hours (four days);*
- d. Does not require a greater period than 10 days setup and breakdown of event infrastructure; and*
- e. The cumulative total number of events at the property does not exceed more than 5 events in any 12-month period.*

The proposed event meets the exempted development criteria.

Events in Western Australia are assessed under the following legislation:

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

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

Due to the premises being accessed from a declared road, Traffic Management will need to be referred to Main Roads for their specific approval under the provisions of the *Main Roads Act 1930*.

Consultation

Following a SAT Directions Hearing on 12 December 2024, a site visit occurred on 19 December 2024 by the Shire's Community Emergency Services Manager, Manager Development Services, Chief Executive Officer and DFES District Officer in the company of the landowners. The purpose of the site visit was to inform a mediation hearing that was conducted on 20 December 2024.

Following the mediation, a further site visit was conducted on 27 December 2024 between the event organiser's independent fire consultant (WA Fire), the Shire's Community Emergency Services Manager and Chief Executive Officer in the company of the landowners.

Water samples were collected by the Shire's Principal Environmental Health Officer in the company of the Manager Development Services on 15 January 2025 in an effort to establish baseline information and inform potential event conditions. The landowners were present during this sampling.

Main Roads WA were requested to provide comment regarding this application, however no formal feedback has been provided to date.

The updated event application was referred internally across the Operations directorate, with the main concern still being fire, as discussed further under officer comment.

Officer Comment

Fire

As outlined in the November report, the Department of Fire and Emergency Services Bushfire Risk Management System (BRMS) identifies the immediate area of the event location as an extreme bushfire risk.



Figure 1 – Bushfire Risk (Plan generated 8/11/2024)

Figure 2 outlines Bushfire Prone areas, as designated by the Fire and Emergency Services Commissioner, with radiant heat likely to impact areas shaded in pink (subject property outlined in black).



Figure 2 – Excerpt DFES Bushfire Prone Mapping

A new document has been submitted with the revised event date “Berry Delightful Fire Risk Assessment” ([Attachment 9.1.5\(2\)](#)). This assessment was prepared by The Liberators and has been reviewed by the applicant’s Fire consultant who is not currently accredited under bushfire attack level assessment accreditation framework in use across Western Australia.

The Shire’s Community Emergency Services Managers (both current and acting) have reviewed the revised application with no change to their previous recommendations regarding this site for use

during the high threat period from an operational perspective. While the Shire recognises the undertakings proposed by the event organiser, it is considered that the premises has little to no safe areas of refuge to allow for patrons to muster during a fire emergency response at an occupancy rate of 500 patrons. A safe area of refuge is considered an enclosed structure that protects patrons from radiant heat and bushfire smoke i.e. the open grassed areas and dam do not offer this protection.

Based on the commitments made in [Attachments 9.1.5\(3\) and 9.1.5\(4\)](#) i.e.:

- Access and egress to the property has been upgraded to a more appropriate standard as identified at the site visits conducted by shire staff, DFES officers and fire consultants. A condition requiring written confirmation of their suitability in the lead up to the event is proposed.
- Mobile Service and emergency radio communications issues have been addressed and remedies to these issues documented and provided to the Shire; and;
- The availability of the existing shed and patio area adjacent to the tea rooms to offer some protection

a reduction in numbers to 350 persons (patrons and volunteers combined) is considered supportable.

Noise

Shire records have been reviewed and identified a number of noise complaints from past Bliss Festival events at this venue. It is therefore recommended that the Regulation 18 application, required for a multi-day multi-stage event where the assigned levels are likely to be exceeded, be submitted by a suitably qualified consultant incorporating modelling to inform the level of neighbour notification required. While the immediate/closest neighbour has been excluded from noise impacts in the past, updated supporting information is required to be supplied.

Ablutions

While the venue facilities have in the past been utilised for events, recent compliance activity suggests that the onsite effluent disposal system is not approved. For this event, additional toilets will therefore need to be brought into the property and positioned so that they are within a reasonable distance to the camping areas. Under the Caravan Parks and Camping Grounds legislation, 90 m is the maximum distance any campsite should be from a toilet facility.

Water Activities

There are water safety risks associated with the use of farm dams such as:

- The bacteriological quality of the water. Poor water quality can cause ailments such as skin rashes, gastroenteritis (diarrhoea and abdominal pain), fever, respiratory infections. High water temperature increases the risk of amoebic meningitis which is of greater risk where activities cause water to go up the nose.
- The ability for a person to be retrieved, in the case of an incident where they become submerged, where vision is impeded due to dam turbidity/discolouration.
- Thermal shock from the cold layer of water that is often present near the bottom of a dam if a person jumps into the water

- Potential for injuries from submerged objects not clearly visible from the dam surface

The Shire obtained water samples from the dam on 15 January in an effort to inform previous Council reports. At the time of sampling there had been no recent rainwater runoff and the water was clear, with minimal visual turbidity present. The results obtained from this sampling showed a very low level of bacteria. No amoeba was detected. The Department of Health Guidance Notes for Microbial Quality of Recreational Water recommends a minimum of three sample dates to establish a baseline for recreational contact. Conditions are recommended for recreational water sampling to enable this assessment.

Water quality can fluctuate significantly and the applicant is encouraged to consider signage as part of the review of their risk management plan so that participants can make informed decisions about accessing the water, based on their own health circumstances. The Department of Health's Tips for Healthy Swimming provides a general overview of considerations https://www.healthywa.wa.gov.au/articles/s_t/tips-for-healthy-swimming The risk of bacteriological infections is not currently considered in the submitted Water Safety Assessment and Management Plan.

There are also water safety risks associated with a non-scheme potable supply, with event participants from urban areas more susceptible to illness from untreated drinking/tank water. Recent test results from the commercial kitchen confirm that the kitchen water is deemed potable. If volume of water is inadequate, then a portable potable water supply for patrons use for the duration of the event will be required.

COUNCIL RESOLUTION: 63/04-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Anne Mitchell

That Council:

1. In accordance with Council Policy COMD/CP-6 Events considers the event application, Bliss Festival 2025, as temporary works and use and therefore exempt from development approval under clause 61(1)(a)(17) and 61(2)(f) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Approves the event, Bliss Festival 2025, proposed to be held at The Berry Delightful, 19503 South Western Highway, Brookhampton from 30 December 2025 until 2 January 2026 subject to the following conditions:
 - a) All commitments and undertakings provided for in the application to be complied with. Should there be any discrepancies between the documents and these conditions, the condition prevail to the extent of the inconsistency;
 - b) A maximum accommodation number of 350 people on site at any one time;
 - c) Fires, fireworks or any other pyrotechnic display are not permitted for the duration of the event;
 - d) Event organiser to provide evidence of minimum \$20 million public liability insurance for all proposed activities to the satisfaction of the Shire. Evidence of insurance to be provided at least 7 days prior to the event date;
 - e) Written confirmation of suitability of access and egress, to be supplied by WA Fire, at least 7 days prior to the event date. This is to include that identified emergency routes, are capable of being traversed by 2WD and vehicles under towing conditions;
 - f) Prior to the inflatable water pontoon being deployed to site, the event organiser is to provide a copy of the inflatable's detailed safety inspection report, that is not more than 12 months old, carried out by a competent person;
 - g) The risk management plan to be updated to reference the current Department of Health Guidelines for concerts, events and organised gatherings and include risks associated with swimming in farm dams e.g. poor water quality, lack of visibility of submerged persons/objects, risk of cold water shock, represent the changes made to the event layout and proposed mitigation measures as part of the fire safety measures and ensure that the risk mitigation measures are reflected in supporting safety plans. Revised plan to be provided at least 14 days prior to the event date and be to the satisfaction of the Shire;
 - h) Recreational bacteriological water sampling to be conducted of the dam by a competent person and tested by a NATA accredited laboratory in the lead up to the event. Two samples four weeks ahead and then two samples two weeks ahead from the event date will be a minimum requirement. Results will be reviewed in line with the Department of Health's Microbial Quality of Recreation Water Guidance Note to demonstrate suitability for recreational use;
 - i) All electrical equipment is to be tested and tagged by an appropriately qualified person;
 - j) All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 "Certificate of Electrical Compliance" is required to be

submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;

- k) A minimum of seven (7) temporary toilets comprising three (3) male toilets, three (3) female toilets and one (1) unisex accessible toilet and associated hand basins are to be provided for the event use. They are to be placed so that they are within 90 metres of any camp site;
- l) All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;
- m) Event organiser to provide evidence of a suitable potable water supply for patron use for the duration of the event to the satisfaction of the Shire;
- n) Event and camp grounds are to have adequate lighting after dark;
- o) Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;
- p) All temporary structures (including gazebos, tents and camping structures) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;
- q) For the stages and any tent or marquee greater than 55m² the event organiser is to provide a Certificate of Structural Adequacy from a practising structural engineer or authorised installer, confirming structural adequacy of temporary structures installed. Certificate of Structural Adequacy is required to be completed by an authorised installer or structural engineer and submitted prior to commencement of the event;
- r) Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire Chief Executive Officer;
- s) The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include:
 - i. A Noise Prediction Modelling report completed by a suitably qualified Acoustic Consultant whose qualifications/experience qualifies them for membership to the Australian Acoustical Society;
 - ii. A Noise Management Plan committing to monitoring of sound levels, by a suitably qualified/experienced Acoustic Consultant at the mixing desk and three locations external to the venue for the duration of the event; and;
 - iii. Notification to residents identified as likely to experience noise at levels exceeding the assigned levels through the noise modelling is to be undertaken by the Shire, at the applicant's cost. This notification is to include contact details for the applicant for management of complaints throughout the event period;
- t) Camping for event attendees is permitted for three nights and subject to separate written approval from the Shire;
- u) Applicant to submit a Traffic Management Plan (TMP) prepared by an appropriately qualified person, showing temporary warning signs and method of traffic management to control traffic integration with South West Highway. TMP and any proposed event signage will require separate approval from Main Roads WA, prior to commencement of the event. Written evidence of Main Roads WA approval required to be submitted at least 7 days prior to the event;
- v) An accredited traffic management provider must be in control of all Traffic Management for the duration of the event. All aspects of the TMP must be adhered to at all times. Traffic controllers must be fully accredited for the tasks that they are undertaking;

- w) Event organiser to submit a list of all food vendors, including potable water carter if proposed, to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:
- i. A copy of the vendors 'Food Business Registration Certificate (*Food Act 2008*)' from their "home" Shire (if not from the Shire of Donnybrook Balingup); and;
 - ii. A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of \$10 million;
- x) A first aid post with a minimum of one qualified first aid officers is required to be provided and adequately sign posted for the duration of the event;
- y) The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties;
- z) An event debrief meeting is to be arranged with the Shire within two months of the event date, with relevant festival staff to be available to contribute. A list of complaints, issues and successes to be available for discussion.

aa)

Advice note:

1. Applicant to note that events during the established high bushfire threat period, particularly over long weekends when volunteer numbers are low, are at greater risk of being impacted by total fire bans and harvest vehicle movement bans.

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

9.1.6 Development Application P24067 – Pine Plantation Hay and Bathgate Roads, Southampton

Report Details:

Prepared by: Principal Planner and Planning Officer
Manager: Manager Development Services
Applicant: Planned Focus
Location: Lot 3 (No. 180) Hay Road and Lot 341 (No. 213) Bathgate Road, Southampton
File Reference: A2250&A4387 (P24067) **Voting Requirement:** Simple Majority

Attachment(s):

- 9.1.6(1) Application letter
- 9.1.6(2) Forest Management Plan
- 9.1.6(3) Fire Management Plan
- 9.1.6(4) Agency submissions
- 9.1.6(5) Public submissions
- 9.1.6(6) Assessment under Clause 67

Executive Recommendation

That Council:

- A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), retrospectively approves the Development Application P24067 for a Tree Plantation (Pine) on Lot 3 (No. 180) Hay Road and Lot 341 (No. 213) Bathgate Road, Southampton, subject to the following conditions and advice:
1. The layout of the lots, firebreaks, exclusion, and planting areas to be in accordance with the Delta Forestry Bathgate Forest Management Plan (Attachment 9.1.6(2)) to the satisfaction of the Shire and/or conditions of approval and must not be altered or modified without the further written consent of the Shire.
 2. The plantation must maintain a minimum setback of 15 metres from all lot boundaries, except in locations where existing stands of native vegetation are present and a wider setback is necessary to ensure the protection of that vegetation.
 3. The Fire Management Plan prepared by Delta Forestry shall be amended to the satisfaction of the Shire to include the contact details of the Department of Biodiversity, Conservation and Attractions. In addition, both the Fire Management Plan and the Bathgate Plantation Operations Plan must be amended to realign the firebreak in the southeast corner of Lot 3 to the cleared edge of the remnant vegetation within the lot. Once approved by the Shire, the amended Fire Management Plan shall form part of this development approval and must be implemented in full to the satisfaction of the Shire.
 4. The applicant is to ensure that an up-to-date copy of the approved Fire Management Plan and Bathgate Plantation Operations Plan are stored at entrances to the property

in secure, weatherproof and clearly labelled containers at all times and also provided to the Department of Biodiversity, Conservation and Attractions and the Department of Fire and Emergency Services Regional Office and local bushfire control brigades to the satisfaction of the Shire.

5. Access tracks, firebreaks, and turnaround areas for emergency fire vehicles, as depicted in the approved plans, must be adequately installed with a trafficable surface. These areas must include appropriate surface water engineering structures to control and capture surface water, minimizing the risk of soil erosion. The access tracks, firebreaks, and turnaround areas must thereafter be maintained to the satisfaction of the Shire.
6. The applicant shall, within 3 months of this approval, prepare and submit a Pest/Weed and Dieback Management Plan to the Shire. The plan must address the mitigation of dieback spread from the plantation into the adjacent Department of Biodiversity, Conservation, and Attractions managed land. The plan will be reviewed and approved by the Shire in consultation with the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation, and Attractions. Once approved, the Pest/Weed and Dieback Management Plan shall form part of this approval and must be adhered to at all times for the duration of the approval.
7. A minimum 6-metre setback must be maintained on either side of the watercourse/drains, and a minimum 6-meter setback must be provided between all proposed plantation areas and existing native vegetation areas, with the setback located on the outside of the tree crown drip line. The setback areas must be clearly demarcated on-site to ensure that vehicles and planting works remain outside of these areas, to the satisfaction of the Shire.
8. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any firebreak or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any road infrastructure, to the satisfaction of the Shire.
9. At least 6-months prior to any harvesting, a Timber Harvesting Plan and separate application for development approval is required to be approved by the Shire prior to any harvesting activity occurring. All harvesting movements from the site shall be confined to Hay Road back to South Western Highway.

ADVICE NOTES

- a. It is recommended that the applicant undertake public consultation, including to surrounding residences prior to:
 - i. Planned/Prescribed burns;
 - ii. Boundary fencing;
 - iii. Use of herbicides/insecticides; and

iv. Any other activity that the applicant considers may impact surrounding residences.

b. The Department of Water and Environmental Regulation have advised:

- I. It is the applicant's responsibility to check that any clearing complies with the *Environmental Protection Act 1986* and associated Regulations.
- II. The applicant is advised to refer to the *Code of Practices for Timber Plantations in Western Australia* (FIFWA 2014) to assist them with their operations, as practical and appropriate to their site situation:
 - i. Maintaining the 6-metre buffer on either side of the watercourse and avoiding applying herbicides and fertilisers within the buffer.
 - ii. Taking particular care to prevent pesticides being washed or leached into the watercourses.
 - iii. Ensuring machinery does not enter the riparian zone or its designated buffers.
 - iv. Ensuring any potential ground disturbing works during harvesting does not mobilise sediment into the watercourse.
 - v. Asbestos-containing materials, if encountered during the operation of the site, should be managed in accordance with guidance published by the Department of Health and WorkSafe. Water supplies obtained from dams and rainwater tanks should be managed in accordance with relevant guidance published by enHealth and the Department of Health to ensure that the water is suitable for the intended use.

c. The Department of Biodiversity, Conservation and Attractions have advised:

- I. The subject land adjoins DBCA-managed Greenbushes State Forest to the south east and Greenbushes Nature Reserve to the south west. The main access for the proposal is via Bathgate Road which lies within the Greenbushes State Forest. There should be no impacts from the tree-farm on the biodiversity values and management of the adjacent DBCA-managed lands. A Forest Management Plan (FMP) was included with the application. FMP Section 7 refers to the site having a moderate-high water erosion risk rating. There should be no direct or indirect impacts, including surface water run-off, drainage, erosion, weed spread and/or *Phytophthora* dieback spread from the proposed plantation into the adjacent DBCA-managed land. Although the subject land is not adjacent to a declared Disease Risk Area (DRA), reasonable measures to mitigate the risk of *Phytophthora* dieback spread should be included within the FMP.
- II. FMP Section 6 refers to plantation setbacks and buffers to retained native vegetation, to enhance the biodiversity and conservation values of the property. DBCA recommends that buffers to retained native vegetation be located outside the tree crown drip zone, consisting of suitable demarcation materials to protect the retained native vegetation and tree roots, from accident vehicle damage and soil compaction.

III. The Fire Management Plan emergency contacts list should include the DBCA Blackwood District Duty officer, in addition to other bushfire contacts, via the DBCA Blackwood District office (9752 5555). The applicant should liaise with the DBCA District Manager (blackwood@dbca.wa.gov.au) about the location of heaps and fire protection measures prior to any works being undertaken.

d. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

Strategic Alignment

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

- Outcome:** 3 - The natural environment is well managed for the benefit of current and future generations.
6 - The built environment is responsibly planned and well maintained.
- Objective:** 3.1 - Care for the natural environment, including weed and pest management.
6.1 - Ensure sufficient land is available for residential, industrial and commercial uses.
- Item:** Nil.

Executive Summary

The purpose of this report is for Council to consider an application for retrospective development approval for a Plantation (Pine trees) on the lots as outlined in the ([Attachments 9.1.6\(1\) – \(3\)](#)) Operations Plan, Forest Management Plan and Fire Management Plan.

Officers do not have delegation to determine applications for development approval where objections are received. Officers note the comments and concerns in the submissions received. The conditions/advice proposed on the approval address the matters raised in the public/government agency submissions.

It is noted that the use of land for a Plantation is a P (permitted use) in the General Agriculture zone and cannot be refused although the Shire may impose conditions on the use or development of the land to comply with any LPS7 development standards or requirements.

Officers recommend that the proposal be granted approval subject to conditions/advice consistent with other previous plantation approvals and LPS7 requirements.

Background

Proposal

The applicant advises the proposal would establish plantings of *Pinus radiata* trees (softwood) for future supply to domestic/international markets mainly for timber house frames and associated products including fence posts, pulp logs, saw logs and power poles.

The properties have a total area of 160 hectares with the plantation comprising 113.6 hectares of the properties and the remainder to be retained as native vegetation (10.6 hectares) and used for buffers and watercourses (16 hectares), firebreaks/tracks (17.8 hectares) and dams (2 hectares).

The plantation will be comprised of 10 cells ranging between 3.9 – 27 hectares in area as shown in the Operations Plan ([Attachment 9.1.6\(1\)](#)). The development of the plantation including mounding, spraying, planting, buffer areas, maintenance etc are described in the Forest Management Plan ([Attachment 9.1.6\(2\)](#)).

The property has been previously used for grazing and existing dams and sheds will be retained with the existing transportable house removed from the property under demolition permit granted 24 August 2024.



Figure 1 - Lot 3 (No. 180) Hay Road and Lot 341 (No. 213) Bathgate Road, Southamptom

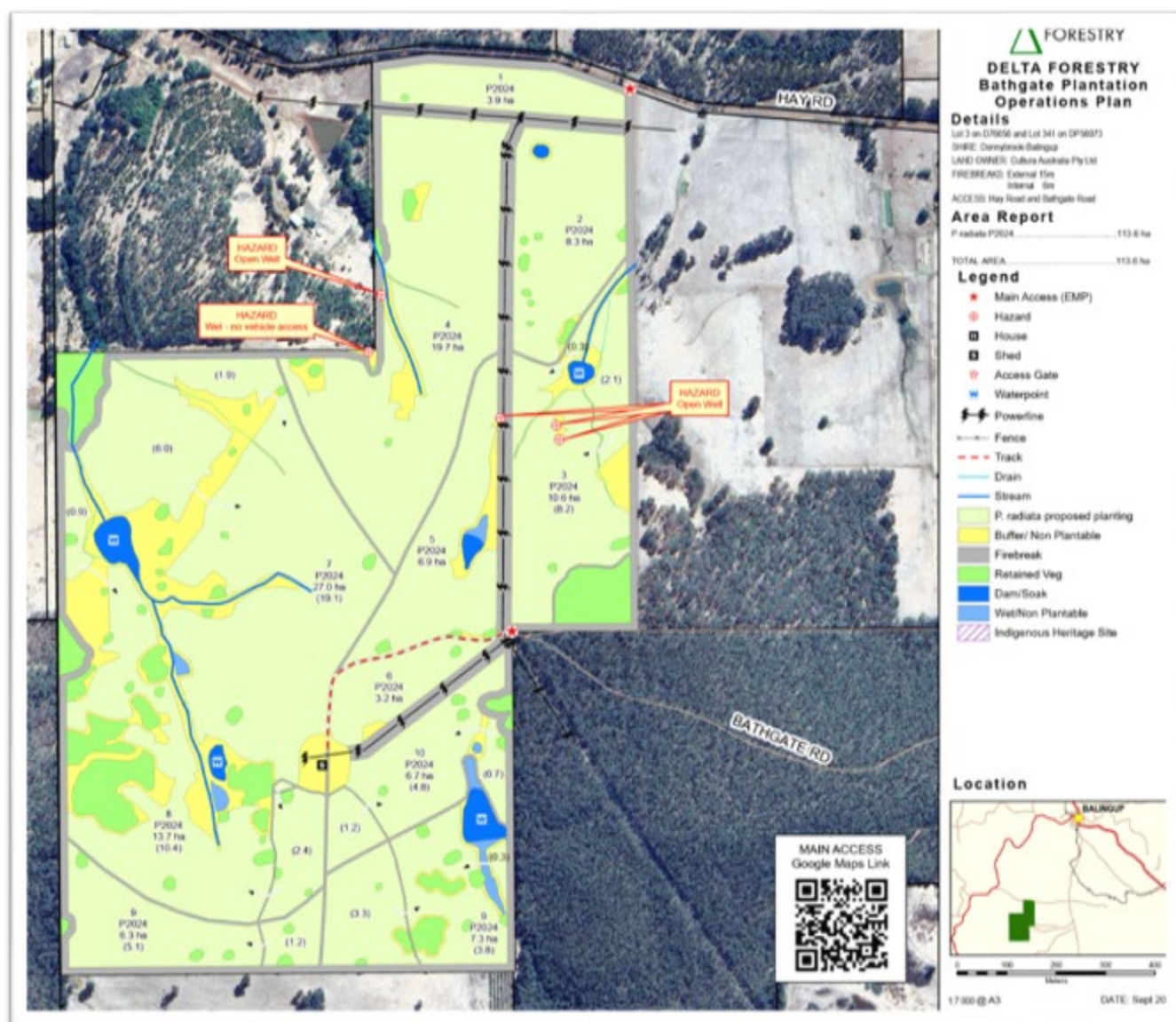


Figure 2 - Bathgate Plantation Operations Plan

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Reputational	Possible	Insignificant	Low (3)
Risk Description:	Business and community disruption/Failure to fulfil statutory, regulatory or compliance requirements - Impact on local community due to operations.		
Mitigation:	Conditional development approval and compliance.		

Financial Implications

The applicant has paid all relevant application fees, including the retrospective application penalty fee. If Council refuses the application the applicant may exercise the right to have the decision reviewed by the State Administrative Tribunal. If that is the case, then it may be likely that there will

be additional resourcing required (staff time and/or the cost of appointing a consultant to represent the Shire).

Policy Compliance

See details in Cl.67 assessment ([Attachment 9.1.6\(6\)](#)).

Statutory Compliance

The application has been assessed against the relevant and applicable statutory Shire of Donnybrook Balingup Local Planning Scheme No.7 (LPS7) provisions, and the proposal has also been assessed in accordance with Schedule 2, Part 9, Clause 67 (2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. A full assessment is contained in ([Attachment 9.1.6\(6\)](#)).

The proposal is considered compatible with the purpose and relevant objectives for the General Agriculture zone and is compatible with the surrounding developments and the amenity and rural character of the area.

The subject land is located within Special Control Area 3 (SCA3) Blackwood Precinct with the objective to ensure that land use and development with the SCA3 is consistent with the precinct's physical characteristics, land capability and land suitability. In accordance with SCA3 requirements the proposal was referred to the Department of Primary Industries and Regional Development and Department of Fire and Emergency Services for advice.

The proposal is considered to comply with the relevant parts of the State Planning Policy 2.5 Rural Planning and Plantation Fire Protection Guidelines and the matters raised during the advertising period have been appropriately addressed and can be managed by conditions/advice.

Staff consider that the application complies with the requirement of orderly and proper planning and therefore recommend conditional retrospective approval of the application.

Consultation

Public Submissions

The application was referred to adjoining/nearby landowners of the subject properties. In total, two public submissions were received at the conclusion of the public advertising period. The Public Submissions are contained in ([Attachment 9.1.6\(5\)](#)).

The matters raised in the submissions related to the application and the applicant's ability to adhere to the Shire's planning requirements and policies for tree plantations and requesting the Shire ensures these are enforced noting that:

- Plantations are a permitted use in the zone.
- The Operations Plan does not address the obvious increase in bushfire hazard levels from the plantation and no Bushfire Management Plan appears to have been provided.
- Plantation managers in the district unfortunately have a habit of irresponsible practices which cause significant harm and puts them at odds with other land users, including complete failure

to manage weeds and feral pests, causing major bushfires that have destroyed properties and livestock, and causing significant erosion following harvest.

- The applicants failed to lodge the required application for approval prior to commencing plantation works.
- Removed some mature native trees as part of planting preparation.
- Undertook inappropriate earthworks during Winter that ran across land contours instead of along them, causing a washout that encroached onto adjoining properties.
- This does not give confidence that they will comply with their legal and 'good neighbour' obligations going forward.
- Hold significant concerns that their plantation will contribute to weeds and pests encroaching onto adjoining properties, as well as increasing the risk of fires.

Applicant's responses

The submissions were provided to the applicant and their responses to the matters raised are below:

- *Tree Farm has beneficial impacts on land regeneration including managing overland flow, limiting erosion, reducing salinity, and improving soil quality. As areas of native vegetation and waterways are not grazed, these areas are also able to regenerate. Plantation is about custodianship of a planted forest. Generalised statements about character and ability of the operator offend and are not relevant planning considerations.*
- *This is a very generalised statement with no evidence provided. It also shows some lack of knowledge about how tree farming operates. Plantations are at risk of lightening strike and arson like any landholder are, and there is no evidence that plantations themselves cause bushfires. Plantation is a valuable crop that takes a long time to grow. It is in the interests of the operator to protect and manage their trees to ensure a viable crop. Pine does not regenerate after fire like native species do so fire is a big risk to a plantation operator to manage carefully. The Shire and other authorities have powers under various legislation if a plantation operator does not meet their management plan obligations, conditions of a Development Approval, manage feral animals and weeds or maintain their firebreaks.*
- *Yes, this is a retrospective application. The reasons for this are thoroughly explained in the application material. There is limited scope as to why a Development Approval is required. Regardless the plantation has been developed as per industry standards. Some existing vegetation was removed prior to planting as follows however this was permitted. This included:*
 - *Two (2) native jarrah that were deemed dangerous with rotting and cracked trunks and a third that was dying due to ringbarking by cattle by the former landowner. Records have been kept and where possible, timber has been salvaged for reuse.*
 - *Introduced species and ornamentals were removed, including around the house to enable its removal.*
 - *In terms of alleged soil wash there was an area (approx. 20 metres) where some soil from the mounds was carried across the grassed firebreak and this entered the neighbouring property at the shared fence line. This was after a rare and unexpected 80mm rain event. There was no erosion damage (no rutting, no soil loss, no pasture loss, no washouts) to the neighbouring property just surface silt that covered a small area adjoining the dividing fence.*
 - *Weeds (Blackberry, Apple of Sodom) and pest (grey rabbits and pigs) have been controlled as part of the development. Control work will continue as part of the applicant's obligation under other legislation. The Plantation Manager has already*

demonstrated its regard for fire control with graded firebreaks, signposting and water point improvement. "Increasing the risk of fires" is disputed. There is no evidence that plantations are directly attributed to increasing risk of fires. Control mechanisms are written into the Forest Management Plan and Fire Management Plan.

- *A Development Approval, including the Forest Management Plan, Fire Management Plan and plantation map, are enforceable.*
- *It is unclear what hydrology, dendrology or logging should also be covered. Tree cover is known to reduce erosion and improve soils. Plantation operators are experts in dendrology and harvest is explained in the application material.*
- *SPP3.7 does not apply. Fire risk management is as per the DFES Guidelines for Plantation Fire Protection. There is no requirement for a BAL assessment. The DFES Guidelines for Plantation Fire Protection have evaluated fire risk of plantation land use relative to species type and established requirements. No further risk assessment is required.*
- *Tree cover and the removal of grazing animals from riparian zones is known to reduce erosion and overland flow and improve soils. The land is elevated and the plantation setback from boundaries as per the Code of Practice and DFES Guidelines for Plantation Fire Protection to manage off site impacts. Unforeseen major rain events aside, this includes with regards to cropping techniques and weed management. Unlike other types of cropping in the shire, plantation is a low input broadacre crop.*

Planning Officer response

The matters raised in the submissions are important considerations and have been addressed in the assessment. The applicant's responses are noted and the placement of conditions and advice on the approval will address the matters raised.

It is important that the Shire strictly enforce the conditions as the plantation progresses (see Implementation of TPP 9.3 Private Tree Plantations/Agroforestry) which states "Additionally, any approved application, if implemented, shall be carried out in full compliance with any conditions imposed with that planning approval.) This will assist restore the community's faith in plantations developed in the Shire and create the 'good neighbour' relationships between the traditional and new rural activities such as plantations being developed in the Shire. The submissions do not warrant a refusal of the proposal.

Consultation with Government/Service Agencies

The proposal was referred to the Department of Primary Industries and Regional Development, Department of Biodiversity, Conservation and Attractions, Department of Fire and Emergency Services and Department of Water and Environmental Regulation for comment.

The Government/Services Agencies Submissions are contained in [\(Attachment 9.1.6\(4\)\)](#) and summarized below:

Department of Primary Industries and Regional Development

The Department does not object to the proposed pine plantation at the abovementioned lots, but DPIRD would like to provide the following comments:

Fire management and erosion control.

Firebreaks are anticipated in the plantation areas to assist with property access and fire control. Formed tracks without measures to control surface water flow can increase the risk of mild to severe water erosion. The applicant has obligations under the *Soil and Land Conservation Act 1945* to mitigate and prevent land degradation (soil erosion from water and wind). DPIRD requests that fire breaks and tracks include appropriate surface water engineering structures to control/capture surface water to minimise the risk of soil erosion.

Biosecurity

DPIRD recommends that the applicant monitors and, when required, implement controls for weeds and pests for the entire duration of the project. This is an important commitment to meet their obligations under the *Biosecurity and Agriculture Management Act 2007*.

Applicant's response

The submission was provided to the applicant and their responses to the matters raised are below:

- *Note comments on firebreak construction, slope and maintaining all weather access is critical to the plantation operations and an Advice Note to this effect is accepted.*
- *Note comments on weed control, managing weeds is integral to success of the pine crop and an Advice Note to this effect is accepted.*

Department of Water and Environmental Regulation

The Department has identified that the proposal has the potential for impact on the environment and water resource values management. Key issues and recommendations are provided below, and these matters should be addressed:

Issue 1: Native vegetation and the *Environmental Protection Act 1986* (EP Act)

Advice 1: If the clearing of native vegetation is required for fire mitigation purposes for the asset protection zone (APZ):

- it is likely to be exempt under Regulation 5, Item 1 under the EP Act – after the building / structure has been erected.
- it is likely to be exempt under Schedule 6, Clause 10 (clearing in accordance with section 33 of the *Bush Fires Act 1954* (BF Act) if the proposed clearing for the APZ is in accordance with the Shire's Firebreak and Fuel Hazard Reduction.

Advice 2: Waterways and environmental protection

Advice 2: The applicant is advised to refer to the *Code of Practices for Timber Plantations in Western Australia* (FIFWA 2014) to assist them with their operations, as practical and appropriate to their site situation:

- Maintaining the 6-metre buffer on either side of the watercourse and avoiding applying herbicides and fertilisers within the buffer.
- Taking particular care to prevent pesticides being washed or leached into the watercourses.
- Ensuring machinery does not enter the riparian zone or its designated buffers.
- Ensuring any potential ground disturbing works during harvesting does not mobilise sediment into the watercourse.

Advice 3: Contaminated Sites

Advice 3: The following advice note be applied to the Development Approval:

- “Asbestos-containing materials, if encountered during the operation of the site, should be managed in accordance with guidance published by the Department of Health and WorkSafe. Water supplies obtained from dams and rainwater tanks should be managed in accordance with relevant guidance published by enHealth and the Department of Health to ensure that the water is suitable for the intended use.”

Applicant's response

The submission was provided to the applicant and their responses to the matters raised are below:

- *Note comments on clearing regulations and compliance with Code of Practice for Timber Plantations and these are reflected in the application.*
- *Note comments on asbestos materials and an Advice Note to this effect is accepted.*

Department of Biodiversity, Conservation and Attractions

The following comments are provided pursuant to DBCA's responsibilities under the *Conservation and Land Management Act 1984* and the *Biodiversity Conservation Act 2016*.

DBCA-managed Lands

The subject land adjoins DBCA-managed Greenbushes State Forest to the south east and Greenbushes Nature Reserve to the south west. The main access for the proposal is via Bathgate Road which lies within the Greenbushes State Forest. There should be no impacts from the tree-farm on the biodiversity values and management of the adjacent DBCA-managed lands. A Forest Management Plan (FMP) was included with the application. FMP Section 7 refers to the site having a moderate-high water erosion risk rating. There should be no direct or indirect impacts, including surface water run-off, drainage, erosion, weed spread and/or Phytophthora dieback spread from the proposed plantation into the adjacent DBCA-managed land. Although the subject land is not adjacent to a declared Disease Risk Area (DRA), reasonable measures to mitigate the risk of Phytophthora dieback spread should be included within the FMP.

Native Vegetation

FMP Section 6 refers to plantation setbacks and buffers to retained native vegetation, to enhance the biodiversity and conservation values of the property. DBCA recommends that buffers to retained native vegetation be located outside the tree crown drip zone, consisting of suitable demarcation materials to protect the retained native vegetation and tree roots, from accident vehicle damage and soil compaction. DBCA notes that the *Code of Practice for Timber Plantations in Western Australia* (2014) refers to six metre non-planted buffers being maintained from the edge of a watercourse, however there is no reference to buffers to retained native vegetation. The *Tree Protection Standards* (AS-4970-2007) refer to a formula for determining appropriate buffers between retained trees and development. Generally, a 10-metre buffer is recommended by DBCA being an average of the standards for trees in a forested environment. For example, the Tree Protection Standard Table 2.0 indicates that a tree with DBH greater than 830mm has a Tree Protection Zone of 10m or greater. However, for this plantation proposal, DBCA is satisfied that a 6-metre demarcated buffer would be acceptable given the applicant has committed to retaining vegetation within the proposed planting area as indicated on the Delta Forestry Bathgate Plantation Operations Plan (September 2024).

Fire Management

- A Fire Management Plan for the proposal has been prepared (Delta Forestry P/L September 2024). The vegetation on the nearby DBCA-managed land would be considered to be an extreme

bushfire hazard. Properties adjacent to land considered to be an extreme bushfire hazard should recognise the potential fire hazard in the adjoining bushland.

- The Fire Management Plan emergency contacts list should include the DBCA Blackwood District Duty officer, in addition to other bushfire contacts, via the DBCA Blackwood District office (9752 5555).
- The fire management plan identifies a range of plantation setbacks to minimise the risk of any adverse bushfire impacts to surrounding land uses and to protect the plantation itself. DBCA is supportive in principle of the setbacks proposed, including the 15m setback to the property boundary. However, DBCA recommends that this setback be varied to align with the edge of existing native vegetation that is contiguous with native vegetation on adjoining lots. Generally, this is what is proposed on the Delta Forestry Bathgate Plantation Operations Plan (September 2024), however, DBCA recommends that the proposed firebreak in the south east corner of Lot 3 be realigned to the cleared edge of the remnant vegetation within the lot.
- Any heaps or burning areas of vegetated debris should be located a sufficient distance from the adjacent State Forest/Nature Reserve to protect the DBCA-managed bushland from the spread of weeds, scorch, or risk of bushfire. The applicant should liaise with the DBCA District Manager (blackwood@dbca.wa.gov.au) about the location of heaps and fire protection measures prior to any works being undertaken.

Applicant's response

The submission was provided to the applicant and their responses to the matters raised are below:

- *The setbacks proposed accord with the Code of Practice and the DFES Guidelines for Plantation Fire Protection, which were designed to limit off site impacts and collectively apply all legislative requirements. Plantation is low input farming that removes grazing animals.*
- *No construction works are proposed and the AS formula of setback to existing trees DBCA mentions relates to permanent, built development. Only planting of other trees is involved in a plantation, no development works. Planting of deep-rooted perennials are known to have positive impacts on existing vegetation, soils, drainage and both ground and surface water movement.*
- *Accept dieback mitigation measures as an Advice Note. Dieback is a risk to the plantation as well.*
- *Note DBCA acceptance of 6m demarcated buffer to remnant vegetation.*
- *Accept inclusion of DBCA contact details within Fire Management Plan.*
- *Note setback comments, there is already a 15m firebreak in the south east corner, which is being maintained however, it is obstructed at one point by a single jarrah tree that we do not want to remove. The combination of other firebreaks is sufficient and compliant.*
- *Note comments on heaps or burning of vegetated debris, this is standard practice as per the Code of conduct and the DFES Guidelines for Plantation Fire Protection, addressed in the Harvest Management plan as well as the Forest Management Plan.*

Department of Fire and Emergency Services

This advice relates only to the 2011 Guidelines for Plantation Fire Protection (Plantation Guidelines). It is the responsibility of the applicant to ensure the proposal complies with relevant planning and building requirements. This advice does not exempt the applicant from obtaining approvals that apply to the proposal including planning, building, health, or any other approvals required by a relevant authority under written laws.

Assessment

- The plantation is situated in an area designated as bushfire prone.
 - The plantation involves an intensification of land use due to the change in use, presence of onsite workers and maturity of vegetation over long timeframes.
 - The proposed plantation lots contain habitable buildings that would require assessment against State Planning Policy 3.7: Planning in Bushfire Prone Areas. This is of particular relevance due to the proposal introducing new bushfire prone vegetation contiguous with existing, into the area surrounding the existing dwelling.
- Further clarification is required within the FMP as outlined in our assessment below.

Assessment against the Guidelines for Plantation Fire Protection 2011

An FMP (or Plantation Management Plan) must be submitted that adequately addresses all management responsibilities for the plantation and covers all elements raised in section 3 of the Plantation Guidelines.

Planning for Plantation Fire Management	The submitted information has not demonstrated compliance with the requirements. 2 Risk Management The FMP does not adequately consider the possible risks to the wider community. 2.1 100m separation between habitable buildings (existing or approved) / 50m separation between non habitable structures (sheds). • The FMP states that there is one outbuilding on site and that the 50m separation distances will be observed. However, this has not been demonstrated in the FMP. A BAL assessment for the dwelling and outbuildings is required. 2.2 Fuel Reduction • The FMP does not adequately describe or commit to fuel reduction/management mechanisms or timeframes. The FMP only commits to the consideration of fuel management if the native vegetation exceeds 8 tonnes/hectare.
Fire Management Plan	The submitted information has not demonstrated compliance with the requirements. 3e) Fire detection and reporting mechanisms • Section 14 states that that an overarching annual fire management plan will be prepared. The submitted FMP should be the overarching FMP, and any annual changes made accordingly. • The FMP lists 'neighbours' as appropriate fire detection methods. • The FMP should be updated to detail an onsite manager and/or detection patrols on days of high risk as a more appropriate method of detection and reporting. • Harvesting procedures are not adequately addressed in the FMP. • Where and how the plantation map will be housed and when the location will be regularly checked.
Plantation Fire Protection Specifications	The submitted information has not demonstrated compliance with the requirements. 4.3 Water Supplies

	- The FMP states that there are a number of reliable water sources. The definition of 'reliable' has not been provided. The plantation map and FMP denote four dams as water sources. The use of a dam as a water source would not be supported as 'reliable' unless the proposal is accompanied by a hydrology report which demonstrates that the water level would be maintained above the highest fire brigade suction point in perpetuity. The coupling details, or specific location, of the 50,000L tank have not been provided. Recommendation - Compliance with Guidelines not demonstrated – modifications required. Consideration should be given to modifying the FMP to comply with the Guidelines as listed in the above table. The FMP should provide a more detailed assessment of the following: - Planning for Plantation Fire Management; - Fire Management Plan; and - Plantation Fire Protection Specifications. As per section 3.2.2 of the Guidelines for Planning in Bushfire Prone Areas, the decision maker should inform the Office of Bushfire Risk Assessment (OBRM) at obrm@dfes.wa.gov.au, of any approval of a development that increases the area of bushfire hazard for consideration in the next revision of the Map of Bushfire Prone Areas.
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Applicant's response

The submission was provided to the applicant and their responses to the matters raised are below:

- SPP 3.7 does not apply. These DFES statements are factually incorrect. The existing dwelling has been sold, a demolition / removal Building Permit has been obtained.*
- The DFES Guidelines for Plantation Fire Protection are a risk-based assessment that considers risks to the broader community. This is different to SPP3.7 which requires each habitable development to do its own risk assessment. In any event, SPP3.7 does not apply. These are DFES endorsed Guidelines, accepted as industry best practice.*
- The Guidelines require a 50m setback from non-habitable development. As officers saw in their site visit, the shed is not habitable, and planting is setback 50m. A BAL assessment of a 50m firebreak zone would not be useful.*
- The Forest Management Plan duly commits to fuel reduction as per the DFES Guidelines for Plantation Fire Protection requirements which only require fuel management if the native vegetation exceeds 8 tonnes / ha. This said, pine does not regenerate after fire. A plantation is a valuable crop which requires careful management by qualified foresters to mitigate risks.*
- The lodged plans set prescriptive guiding principles which are continuously implemented by the operator, including to satisfy Annual Firebreak Notice requirements which must be implemented during the fire season.*
- There is no accommodation on site. Fire detection is a shared responsibility. The operator employs qualified foresters to manage their plantation operations and this includes 24/7 duty managers on heightened alert to monitor all assets during the fire season for preparedness and emergency response, as well as being available as additional capacity through FIFWA agreements (see further discussion below).*

- *Pine does not regenerate after fire. A plantation is a valuable crop which requires careful management by qualified foresters to mitigate risks. The Guidelines and the Forest and Fire Management plans set out an accepted risk response and management regime.*
- *It is premature to prepare a Harvest Management Plan. As per usual practice a Harvest Management plan is to be prepared and approved prior to harvest at age ~15 years and ~25 years.*
- *The Forest Management Plan states a Plantation Map in the prescribed form including emergency contact information will be kept as a matter of course at each entrance in maintained red Fire Tubes. These are checked as part of routine maintenance and checking of the plantation, and they are updated annually pre the commencement of the fire season. These readily accessible maps are essential for first responders in an emergency fire event, particularly nominating water sources and firebreak locations.*
- *Adequate water supply is a critical element in the pre-purchase process because pine does not regenerate after fire. A plantation is a valuable crop which requires careful management by qualified foresters to mitigate risks. Water points denoted on the Fire Management Plan are deemed reliable given their size and capacity. It is unrealistic to expect that water levels will be maintained in perpetuity even with a hydrology report. This is a clear lack of understanding in some of these comments about water and climate. The Plantation Manager has the responsibility of checking all water points prior to the onset of the fire season. Where water points are either shallow or a distance to water beyond the capability of suction hoses, the Plantation Manager will signpost and amend mapping information on the Plantation Map to reliable water sources. In addition, this property also has a reliable water tank. Given this, further expensive hydrology studies are not required. A 50mm Camlock coupling is the standard fitted to the tank for fire purposes.*

Community Emergency Services Manager (CESM)

Comments that this area has a history of significant and uncontrollable fires, due to the terrain, accessibility, and high fuel loads (notably plantations and native forest). This history of major fires has had significant negative impacts on the forestry industry, the most recent being the 2019 Lewana fire. Whilst the area is subject to an enhanced bushfire response plan during summer, it cannot be guaranteed that firefighters will be able to actively defend this property, due to the intensity of fires that have been experienced in this area. Note that the Fire Management plan is a little unclear – in order for the Enhanced Bushfire Response Plan to be activated, please ensure that all fires are reported to 000 in the first instance.

Applicant's response

The comments were provided to the applicant and their responses to the matters raised are below:

- *Comments noted. The DFES Guidelines for Plantation Fire Protection have been designed to respond to risk within the plantation and to assist with control of fire within plantation compartments, at a site specific, localised as well as district / landscape level.*
- *There have been other recent fires in this area that have impacted plantation, and the firebreaks within the plantation have prevented the fire from spreading further.*
- *Fire is known risk impacting on plantations which is why fire risk management, including application of the DFES Guidelines for Plantation Fire Protection is critical.*

Planning Officer response

There were no objections to the proposal from any government agency. The matters and recommendations raised in agency submissions, including comments from the Community Emergency Services Manager (CESM), along with the applicant's responses, are noted and will be addressed through conditions and advice notes on the development approval.

The applicant has acknowledged the fundamental risk of fire, as reflected in their responses to submissions, which demonstrate compliance with the relevant bushfire management guidelines. The DFES Guidelines are the appropriate and recognised standard for assessing bushfire risk in relation to plantation land use. The reference to State Planning Policy 3.7 (SPP3.7) is noted; however, this policy primarily applies to habitable buildings, and there are no such buildings proposed on the subject lots.

Officer Comment

The proposal has been assessed in accordance with the relevant State Planning Policy 2.5, deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7.

Key considerations identified:

- The proposed Plantation is a 'P' permitted land use in the zone which means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- The proposal is consistent with LPS7 development standards, the objectives for the General Agriculture zone and relevant Local Planning Policy;
- The proposal complies with the recommendations in the existing and draft Local Planning Strategies;
- In accordance with LPS7 requirements, the proposal was referred to DFES and DPIRD for comment and their advice has been incorporated into the approval;
- As the land borders State Forest, the proposal was referred to DBCA and DWER for comment and their advice has been incorporated into the approval;
- The proposal was also referred to adjoining/nearby landowners and 2 submissions were received commenting on the application.
- The use of Hay Road (RAV approved route) for harvesting traffic requires some upgrading and this will be considered under a separate development application process prior to harvesting.

Development considerations

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

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

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

Officers have assessed the application, including the public submissions and advice from DFES, DBCA, DWER and DPIRD and other Shire service divisions. Officers consider the proposal capable of being approved retrospectively with conditions and advice.

Conclusion

The application complies with the requirement of orderly and proper planning and, therefore, Officers recommend it be granted retrospective approval subject to conditions and advice. The conditions and advice on the approval address the matters raised in the public and government agency submissions.

MOVED BY:	Cr Anita Lindemann	SECONDED BY:	Cr Anne Mitchell
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That Council:

- A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), retrospectively approves the Development Application P24067 for a Tree Plantation (Pine) on Lot 3 (No. 180) Hay Road and Lot 341 (No. 213) Bathgate Road, Southampton, subject to the following conditions and advice:**
- 1. The layout of the lots, firebreaks, exclusion, and planting areas to be in accordance with the Delta Forestry Bathgate Forest Management Plan (Attachment 9.1.6(2)) to the satisfaction of the Shire and/or conditions of approval and must not be altered or modified without the further written consent of the Shire.**
 - 2. The plantation must maintain a minimum setback of 15 metres from all lot boundaries, except in locations where existing stands of native vegetation are present and a wider setback is necessary to ensure the protection of that vegetation.**
 - 3. The Fire Management Plan prepared by Delta Forestry shall be amended to the satisfaction of the Shire to include the contact details of the Department of Biodiversity, Conservation and Attractions. In addition, both the Fire Management Plan and the Bathgate Plantation Operations Plan must be amended to realign the firebreak in the southeast corner of Lot 3 to the cleared edge of the remnant vegetation within the lot. Once approved by the Shire, the amended Fire Management Plan shall form part of this development approval and must be implemented in full to the satisfaction of the Shire.**
 - 4. The applicant is to ensure that an up-to-date copy of the approved Fire Management Plan and Bathgate Plantation Operations Plan are stored at entrances to the property in secure, weatherproof and clearly labelled containers at all times and also provided to the Department of Biodiversity, Conservation and Attractions and the Department of Fire and Emergency Services Regional Office and local bushfire control brigades to the satisfaction of the Shire.**
 - 5. Access tracks, firebreaks, and turnaround areas for emergency fire vehicles, as depicted in the approved plans, must be adequately installed with a trafficable surface. These areas must include appropriate surface water engineering structures to control and capture surface water, minimizing the risk of soil erosion. The access tracks, firebreaks, and turnaround areas must thereafter be maintained to the satisfaction of the Shire.**

6. The applicant shall, within 3 months of this approval, prepare and submit a Pest/Weed and Dieback Management Plan to the Shire. The plan must address the mitigation of dieback spread from the plantation into the adjacent Department of Biodiversity, Conservation, and Attractions managed land. The plan will be reviewed and approved by the Shire in consultation with the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation, and Attractions. Once approved, the Pest/Weed and Dieback Management Plan shall form part of this approval and must be adhered to at all times for the duration of the approval.
7. A minimum 6-metre setback must be maintained on either side of the watercourse/drains, and a minimum 6-meter setback must be provided between all proposed plantation areas and existing native vegetation areas, with the setback located on the outside of the tree crown drip line. The setback areas must be clearly demarcated on-site to ensure that vehicles and planting works remain outside of these areas, to the satisfaction of the Shire.
8. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any firebreak or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any road infrastructure, to the satisfaction of the Shire.
9. At least 6-months prior to any harvesting, a Timber Harvesting Plan and separate application for development approval is required to be approved by the Shire prior to any harvesting activity occurring. All harvesting movements from the site shall be confined to Hay Road back to South Western Highway.

ADVICE NOTES

- a. It is recommended that the applicant undertake public consultation, including to surrounding residences prior to:
 - i. Planned/Prescribed burns;
 - iii. Boundary fencing;
 - iv. Use of herbicides/insecticides; and
 - v. Any other activity that the applicant considers may impact surrounding residences.
- b. The Department of Water and Environmental Regulation have advised:
 - I. It is the applicant's responsibility to check that any clearing complies with the *Environmental Protection Act 1986* and associated Regulations.
 - II. The applicant is advised to refer to the *Code of Practices for Timber Plantations in Western Australia* (FIFWA 2014) to assist them with their operations, as practical and appropriate to their site situation:
 - vi. Maintaining the 6-metre buffer on either side of the watercourse and avoiding applying herbicides and fertilisers within the buffer.
 - vii. Taking particular care to prevent pesticides being washed or leached into the watercourses.
 - viii. Ensuring machinery does not enter the riparian zone or its designated buffers.

- ix. Ensuring any potential ground disturbing works during harvesting does not mobilise sediment into the watercourse.
 - x. Asbestos-containing materials, if encountered during the operation of the site, should be managed in accordance with guidance published by the Department of Health and WorkSafe. Water supplies obtained from dams and rainwater tanks should be managed in accordance with relevant guidance published by enHealth and the Department of Health to ensure that the water is suitable for the intended use.
- c. The Department of Biodiversity, Conservation and Attractions have advised:
- I. The subject land adjoins DBCA-managed Greenbushes State Forest to the south east and Greenbushes Nature Reserve to the south west. The main access for the proposal is via Bathgate Road which lies within the Greenbushes State Forest. There should be no impacts from the tree-farm on the biodiversity values and management of the adjacent DBCA-managed lands. A Forest Management Plan (FMP) was included with the application. FMP Section 7 refers to the site having a moderate-high water erosion risk rating. There should be no direct or indirect impacts, including surface water run-off, drainage, erosion, weed spread and/or Phytophthora dieback spread from the proposed plantation into the adjacent DBCA-managed land. Although the subject land is not adjacent to a declared Disease Risk Area (DRA), reasonable measures to mitigate the risk of Phytophthora dieback spread should be included within the FMP.
 - II. FMP Section 6 refers to plantation setbacks and buffers to retained native vegetation, to enhance the biodiversity and conservation values of the property. DBCA recommends that buffers to retained native vegetation be located outside the tree crown drip zone, consisting of suitable demarcation materials to protect the retained native vegetation and tree roots, from accident vehicle damage and soil compaction.
 - III. The Fire Management Plan emergency contacts list should include the DBCA Blackwood District Duty officer, in addition to other bushfire contacts, via the DBCA Blackwood District office (9752 5555). The applicant should liaise with the DBCA District Manager (blackwood@dbca.wa.gov.au) about the location of heaps and fire protection measures prior to any works being undertaken.
- d. 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.

Cr Shand moved the following amendment:

MOVED BY:	Cr Deanna Shand	SECONDED BY:	Cr John Bailey
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6. The applicant shall, prepare and submit a Pest/Weed and Dieback Management Plan to the Shire. The plan must address the mitigation of dieback spread from the plantation into the adjacent Department of Biodiversity, Conservation, and Attractions managed land. The plan will be reviewed and approved by the Shire in consultation with the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation, and Attractions. Once approved, the Pest/Weed and Dieback Management Plan shall form part of this approval and must be adhered to at all times for the duration of the approval.

For: Cr Bailey, Cr Lindemann Cr Shand
Against: Cr MacCarthy, Cr Davy, Cr Gubler, Cr Mitchell Cr Patrick,
Lost: 3/5

Substantive motion:

COUNCIL RESOLUTION: 64/04-25	
MOVED BY: Cr Anita Lindemann	SECONDED BY: Cr Anne Mitchell

That Council:

- A. Pursuant to Schedule 2, Part 9, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Donnybrook Balingup Local Planning Scheme No. 7 (LPS7), retrospectively approves the Development Application P24067 for a Tree Plantation (Pine) on Lot 3 (No. 180) Hay Road and Lot 341 (No. 213) Bathgate Road, Southampton, subject to the following conditions and advice:
1. The layout of the lots, firebreaks, exclusion, and planting areas to be in accordance with the Delta Forestry Bathgate Forest Management Plan (Attachment 9.1.6(2)) to the satisfaction of the Shire and/or conditions of approval and must not be altered or modified without the further written consent of the Shire.
 2. The plantation must maintain a minimum setback of 15 metres from all lot boundaries, except in locations where existing stands of native vegetation are present and a wider setback is necessary to ensure the protection of that vegetation.
 3. The Fire Management Plan prepared by Delta Forestry shall be amended to the satisfaction of the Shire to include the contact details of the Department of Biodiversity,

Conservation and Attractions. In addition, both the Fire Management Plan and the Bathgate Plantation Operations Plan must be amended to realign the firebreak in the southeast corner of Lot 3 to the cleared edge of the remnant vegetation within the lot. Once approved by the Shire, the amended Fire Management Plan shall form part of this development approval and must be implemented in full to the satisfaction of the Shire.

4. The applicant is to ensure that an up-to-date copy of the approved Fire Management Plan and Bathgate Plantation Operations Plan are stored at entrances to the property in secure, weatherproof and clearly labelled containers at all times and also provided to the Department of Biodiversity, Conservation and Attractions and the Department of Fire and Emergency Services Regional Office and local bushfire control brigades to the satisfaction of the Shire.
5. Access tracks, firebreaks, and turnaround areas for emergency fire vehicles, as depicted in the approved plans, must be adequately installed with a trafficable surface. These areas must include appropriate surface water engineering structures to control and capture surface water, minimizing the risk of soil erosion. The access tracks, firebreaks, and turnaround areas must thereafter be maintained to the satisfaction of the Shire.
6. The applicant shall, within 3 months of this approval, prepare and submit a Pest/Weed and Dieback Management Plan to the Shire. The plan must address the mitigation of dieback spread from the plantation into the adjacent Department of Biodiversity, Conservation, and Attractions managed land. The plan will be reviewed and approved by the Shire in consultation with the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation, and Attractions. Once approved, the Pest/Weed and Dieback Management Plan shall form part of this approval and must be adhered to at all times for the duration of the approval.
7. A minimum 6-metre setback must be maintained on either side of the watercourse/drains, and a minimum 6-meter setback must be provided between all proposed plantation areas and existing native vegetation areas, with the setback located on the outside of the tree crown drip line. The setback areas must be clearly demarcated on-site to ensure that vehicles and planting works remain outside of these areas, to the satisfaction of the Shire.
8. Any erosion and/or sedimentation issues that occur due to insufficient drainage and/or stormwater management from the proposed development, including any firebreak or accessway, is to be rectified, so as not to impact any surrounding waterways and/or properties, including any road infrastructure, to the satisfaction of the Shire.
9. At least 6-months prior to any harvesting, a Timber Harvesting Plan and separate application for development approval is required to be approved by the Shire prior to any harvesting activity occurring. All harvesting movements from the site shall be confined to Hay Road back to South Western Highway.

ADVICE NOTES

- a. It is recommended that the applicant undertake public consultation, including to surrounding residences prior to:
 - i. Planned/Prescribed burns;
 - ii. Boundary fencing;
 - iii. Use of herbicides/insecticides; and
 - iv. Any other activity that the applicant considers may impact surrounding residences.
- b. The Department of Water and Environmental Regulation have advised:
 - I. It is the applicant's responsibility to check that any clearing complies with the *Environmental Protection Act 1986* and associated Regulations.
 - II. The applicant is advised to refer to the *Code of Practices for Timber Plantations in Western Australia* (FIFWA 2014) to assist them with their operations, as practical and appropriate to their site situation:
 - i. Maintaining the 6-metre buffer on either side of the watercourse and avoiding applying herbicides and fertilisers within the buffer.
 - ii. Taking particular care to prevent pesticides being washed or leached into the watercourses.
 - iii. Ensuring machinery does not enter the riparian zone or its designated buffers.
 - iv. Ensuring any potential ground disturbing works during harvesting does not mobilise sediment into the watercourse.
 - v. Asbestos-containing materials, if encountered during the operation of the site, should be managed in accordance with guidance published by the Department of Health and WorkSafe. Water supplies obtained from dams and rainwater tanks should be managed in accordance with relevant guidance published by enHealth and the Department of Health to ensure that the water is suitable for the intended use.
- c. The Department of Biodiversity, Conservation and Attractions have advised:
 - I. The subject land adjoins DBCA-managed Greenbushes State Forest to the south east and Greenbushes Nature Reserve to the south west. The main access for the proposal is via Bathgate Road which lies within the Greenbushes State Forest. There should be no impacts from the tree-farm on the biodiversity values and management of the adjacent DBCA-managed lands. A Forest Management Plan (FMP) was included with the application. FMP Section 7 refers to the site having a moderate-high water erosion risk rating. There should be no direct or indirect impacts, including surface water run-off, drainage, erosion, weed spread and/or Phytophthora dieback spread from the proposed plantation into the adjacent DBCA-managed land. Although the subject land is not adjacent to a declared Disease Risk Area (DRA), reasonable measures to mitigate the risk of Phytophthora dieback spread should be included within the FMP.
 - II. FMP Section 6 refers to plantation setbacks and buffers to retained native vegetation, to enhance the biodiversity and conservation values of the property. DBCA recommends that buffers to retained native vegetation be located outside the tree crown drip zone,

consisting of suitable demarcation materials to protect the retained native vegetation and tree roots, from accident vehicle damage and soil compaction.

III. The Fire Management Plan emergency contacts list should include the DBCA Blackwood District Duty officer, in addition to other bushfire contacts, via the DBCA Blackwood District office (9752 5555). The applicant should liaise with the DBCA District Manager (blackwood@dbca.wa.gov.au) about the location of heaps and fire protection measures prior to any works being undertaken.

d. 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.

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

9.2. Director Finance and Corporate

9.2.1. Schedule of Accounts Paid as at 31 March 2025

Report Details:

Prepared by: Finance Officer

Manager: Manager Financial Services

File Reference: FNC

Voting Requirement: Simple Majority

Attachment(s):

9.2.1(1) Schedule of Accounts Paid Under Delegation

Executive Recommendation

That Council:

Receive the accounts for payment report for the period ended March 2025 as per Attachment 9.2.1(1).

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

That in accordance with Regulation 13 (3) of the *Local Government (Financial Management) Regulations 1996*, Council receive the “Schedule of Accounts Paid” covering the period 1 March 2025 to 31 March 2025, the schedule contains details of the following transactions:

1 Municipal Account – payments totalling \$1,576,997.47.

Credit Card payments	DD28323.1
EFT Payments	EFT30433A – EFT30621
Cheque Payments	53824-53825
Direct Debit payments	DD28272, DD28296, DD28298 & DD28322

Background

In accordance with Delegation 1.2.23 – payments from the Municipal or Trust funds adopted by Council on 18 September 2024, the Chief Executive Officer is authorised to incur expenditure in accordance with the Annual Budget provisions and limited over-expenditure subject to subsequent

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

Risk Management

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

Financial Implications

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

Policy Compliance

FIN/CP-4 Purchasing

FIN/CP-5 Regional Price Preference

FIN/CP-7 Credit Card

Statutory Compliance

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

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

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

This list of accounts is to be:

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

Consultation

Relevant staff have been consulted and have authorised the payments.

Officer Comment

For a detailed listing of payments see [Attachment 9.2.1\(1\)](#). Please raise any queries prior to the meeting to enable questions to be investigated and a response prepared.

COUNCIL RESOLUTION: 65/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That Council:

Receive the accounts for payment report for the period ended March 2025 as per Attachment 9.2.1(1).

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

9.2.2. Statement of Financial Activity report as at 31st March 2025

Report Details:

Prepared by: Acting Manager Financial Services

Manager: Acting Director Finance & Corporate

File Reference: Nil

Voting Requirement: Simple Majority

Attachment(s):

9.2.2(1) Statement of Financial Activity March 2025

Executive Recommendation

That Council receive the Statement of Financial Activity report for the period ending 31st March 2025 as per Attachment 9.2.2(1)

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

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

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance for the period ending 31st March 2025.

Background

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

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

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

At its Special Meeting of Council on 18th September 2024 it was recommended Council adopt the following material variance reporting thresholds for the 2024/25 financial year:

A material variance for reporting of \$10,000, for 2024/2025, pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.

Risk Management

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

Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

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

Policy Compliance

Nil.

Statutory Compliance

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

Consultation

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

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

Officer Comment

The March Financial Statements are compared to year-to-date expenditure and revenue against the 2024-25 Amended Budget.

March 2025 Financial Analysis Summary

The issuing of rates for 2024/25 was completed in September 2024. Payment options were as follow:

- First instalment and due date for single full payment occurred 11th November 2024
- Second rates instalment due date occurred 10th January 2025

- Third rates instalment due occurred 11th March 2025.
- Fourth and final instalment due date is 12th May 2025

The rates and service charges collected at 31st March 2025 is 86.9%, which is slightly lower than previous year due to the third instalment being a later date.

The Shire's surplus after imposition of rates was \$2,896,212 which is 211.51% higher than the year-to-date budgeted surplus of \$929,720 at the end of March 2025.

Explanation of current material variances is included in Note 3 of the attached financial report, with additional commentary below noting the reason for variances in some main cost centres/work.

Operating Activities

Revenue: The total inflow from revenue activities was \$11,568,233, which is on track with budget estimates. Key areas include:

- Fees and charges and interest revenue are slightly higher than budget estimates due to timing
- Operating grants, subsidies and contribution are 3.14% lower than budget estimates due to timing of expenditure.

Expenditure: The total outflow from expenditure activities was \$15,170,847, which is 2.33% lower than budget estimates. Key areas include:

- Materials and contracts 8.24% lower than budget estimates due to timing
- Utilities charges 11.47% lower than budget estimates due to billing cycles

Investing Activities

Inflows: The total inflows from investing activities was \$3,463,709, which is \$139,812 (4.14%) below the YTD budget estimates. Key contributors include:

- Proceeds from capital grants, subsidies, and contributions: \$3,240,550 (4.14% below budget)

Outflows: The total outflows from investing activities was \$8,603,577, which is \$1,525,729 (15.06%) below the YTD budget estimates. Key areas include:

- Payments for property, plant, and equipment: \$6,457,119 (12.40% below budget)
- Payments for construction of infrastructure: \$2,146,458 (22.17% below budget)

COUNCIL RESOLUTION: 66/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That Council receive the Statement of Financial Activity report for the period ending 31st March 2025 as per Attachment 9.2.2(1)

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

9.2.3 Adopt Council Policy ASS/CP-2-Asset Management

Report Details:

Prepared by:	Finance Projects Manager		
Manager:	Loren Clifford, Acting Director Finance & Corporate		
Applicant:	N/A		
Location:	N/A		
File Reference:	CNL 33	Voting Requirement:	Simple Majority
Attachment(s):			
9.2.3(1)	Policy ASS/CP-1 Infrastructure Asset Management (Recommended for rescinding)		
9.2.3(2)	New Policy ASS/CP-2 Asset Management		

Executive Recommendation

That Council:

1. Rescind Council Policy ASS/CP-1 Infrastructure Asset Management
2. Adopt Council Policy ASS/CP-2 Asset Management

Strategic Alignment

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

Outcome:	11 - Strong, visionary leadership.
Objective:	11.1 - Provide strategically focused, open and accountable governance.
Item:	11.1.1 - Provide an annual review of key informing strategies to the Integrated Planning and Reporting Framework to inform the Annual Budget.

Executive Summary

Council is requested to consider rescinding policy ASS/CP-1 Infrastructure Asset Management and replacing it with a new policy 'Asset Management'

Background

Following review of policy ASS/CP-1 Infrastructure Asset Management it was deemed that due the scope of required changes it is simpler to rescind the existing policy and adopt a new policy.

The review of ASS/CP-1 Infrastructure Asset Management deemed the following problems

- a) Prescribed officer position titles that no longer exist due to past organisation restructures. By removing position titles, the new policy is proofed against future restructures.
- b) New policy only describes the role of the CEO as this is the only position required by the *Local Government Act 1995*. Council Policy should not specify other officer responsibilities as the CEO is responsible for administrative matters and will delegate tasks accordingly.
- c) The policy is titled 'Infrastructure Asset Management' however the policy body references other asset classes throughout.

- d) The policy prescribes some asset classes that are not used. Prescribing asset classes limits the ability to create new asset management plans without amending the policy.

The 2025 Regulation 17 Review (item 4.2.7) recommend the following improvement to policy ASS/CP-1 Infrastructure Asset Management.

“Consider reviewing the policy to ensure it reflects the context of the organisation and current requirements.”

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Service Interruption	Almost Certain	Moderate	High (15)
Risk Description:	Prescribing position roles (other than that of the CEO) in a Council policy that are subject to change from organisation restructures. Incorrect titles in a policy can lead to delays in decision-making, miscommunication, operational inefficiencies, compliance issues, and employee frustration		
Mitigation:	Removal of prescribing positions (other than the CEO) from the policy.		

Financial Implications

Nil.

Policy Compliance

This Council Policy has been developed in line with the *Council Policy EXE-CP-8- Policy Framework*.

Statutory Compliance

Local Government Act 1995

Section 2.7(2)(b) of the Local Government Act 1995 (the Act) prescribes one of the roles of Council as being to determine the local government's policies.

Section 5.41(c) of the Act prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented, and this includes giving effect to Council's adopted policies.

Consultation

Internal consultation with Executive team members.

Officer Comment

Council is requested to:

- Rescind Council policy ASS/CP-1 *Infrastructure Asset Management* as attached
- Replace this policy with Council Policy ASS/CP-2 *Asset Management* as attached

The changes made to ASS/CP-2 is to future proof against organisational changes and to provide greater flexibility in establishing new asset classes and asset plans while remaining compliant with Council's Asset Management policy.

The 2025 Regulation 17 Review (item 4.2.7) recommend the following improvement to policy ASS/CP-1 Infrastructure Asset Management

"Consider reviewing the policy to ensure it reflects the context of the organisation and current requirements."

By adopting ASS/CP-2- Asset Management will resolve item 4.2.7.

COUNCIL RESOLUTION: 67/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That Council:

- 1. Rescind Council Policy ASS/CP-1 Infrastructure Asset Management**
- 2. Adopt Council Policy ASS/CP-2 Asset Management**

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

9.2.4. Rescind Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network and Adopt Council Policy WRKS/CP-1 Land Resumption Compensation

Report Details:

Prepared by: Acting Manager Corporate Services

Manager: Loren Clifford, Acting Director Finance and Corporate

File Reference: ADM 11/4

Voting Requirement: Simple Majority

Attachment(s):

9.2.4(1) Council Policy WRKS/CP-4 Road Use Approval For Restricted Access Vehicles (RAVS) on Council's Road Network

9.2.4(2) Council Policy WRKS/CP-1 Land Resumption Compensation

Executive Recommendation

That Council:

- 1. Rescind Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network at Attachment 9.2.4(1); and**
- 2. Adopt the amendments to Council Policy WRKS/CP-1 Land Resumption Compensation at Attachment 9.2.4(2).**

Strategic Alignment

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

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

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

Item: Nil.

Executive Summary

A review of Council policies relevant to the Shire's Works and Services department has been undertaken in accordance with the Policy Framework process. The purpose of this report is to present the findings to Council and to seek Council resolution to rescind Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network ([Attachment 9.2.4\(1\)](#)) and adopt the minor amendments to Council Policy WRKS/CP-1 Land Resumption Compensation ([Attachment 9.2.4\(2\)](#)).

Background

Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network

As part of the review, it has been identified that the policy provides direction on administrative and operational functions. Therefore, requiring classifying it an Administration policy. Further details have been outlined under the Policy Compliance section of this report.

Reclassifying Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network from a Council Policy to an Administration Policy was a recommendation by Moore Australia, as part of their findings from the Audit Regulation 17 Review undertaken in December 2024, required by the *Local Government (Audit) Regulations 1996*. The auditors noted the content of several Council policies which appear operational in nature and not necessarily intended to provide direction on how different operational functions are to be executed, given these are the responsibility of the Shire Chief Executive Officer.

Should Council resolve to rescind the policy, it will subsequently be revised for approval by the Chief Executive Officer as an Administration Policy.

Council Policy WRKS/CP-1 Land Resumption Compensation

This Council Policy has been in place in various formats since it was first adopted in January 1993 and was due for its next review in 2024. The policy is required to be considered where proposed road works impact on adjoining properties, potentially requiring road widenings or road reserve closures. The policy details to Shire Officers the considerations and process that need to be undertaken if land resumptions are required as part of a project.

The review of the policy has identified only minor amendments, consistent with a change of formatting and updating of language. The changes are considered as 'Minor Amendments' in accordance with the definition specified in Council Policy EXE/CP-8 *Policy Framework* and do not impact on the application of the policy.

References to specific sections of applicable legislation has been removed, as per the recommendation by Moore Australia, as previously outlined above. The auditors noted the content of several Council policies contain detail relating to legislation and other external references, and that this practice may result in conflict between the policy and legislation or guidance in the instance of a change in legislation, guidance or other external references.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Possible	Moderate	Moderate (9)
Risk Description:	Providing Inaccurate Advice/Information - Council policies that have not been reviewed for compliance with current requirements and legislation could lead to inconsistent or incorrect information/advice being provided.		
Mitigation:	Ensure Council policies are reviewed in accordance with the Shire's adopted Policy Framework process to ensure they are concise, clear, consistent and compliant with legislation, standards and strategic objectives.		

Financial Implications

Nil.

Policy Compliance

Council Policy *EXE/CP-8 Policy Framework* provides direction on the development and implementation of policies to reflect the Shire's strategic goals and meet statutory requirements.

In accordance with Council Policy *EXE/CP-8 Policy Framework*, a Council Policy:

- Provides for the rationale and guiding principles of what can be done relating to a topic;
- Focuses on the strategic and statutory decision-making obligations of the Council;
- Sets governing principles and guides the direction of the organisation to align with community values and aspirations; and
- Applies to Council, Elected Members and Shire employees when fulfilling their decision-making responsibilities.

In contrast, an Administration Policy:

- Explains how the Shire Administration will implement or carry out a policy;
- Are developed for administrative and operational purposes, with an internal focus;
- The Chief Executive Officer is the decision-maker for the approval, amendment or rescinding of these policies; and
- Elected Members are not bound by these policies.

Statutory Compliance

Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) prescribes one of the roles of Council as being to determine the local government's policies.

Section 5.41(c) of the Act prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented, and this includes giving effect to Council's adopted policies.

Consultation

Internal Consultation

Shire Officers undertook a review of Council policies relevant to the Works and Services department, in accordance with the Shire's Policy Framework process.

External Consultation

Moore Australia evaluated the suitability of the Shire's current Council and Administration Policies as part of the Audit Regulation 17 Review undertaken in December 2024, required by the *Local Government (Audit) Regulations 1996*.

Officer Comment

As part of supporting Council in its role to set policies for the Shire by considering policies presented for adoption, amendment and rescindment, it is advised that Council accept the Executive Recommendation to rescind Council Policy WRKS/CP-4 Road Use Approval For Restricted Access Vehicles (RAVS) on Council's Road Network ([Attachment 9.2.4\(1\)](#)) and adopt the amendments to Council Policy WRKS/CP-1 Land Resumption Compensation ([Attachment 9.2.4\(2\)](#)) as outlined in this report.

COUNCIL RESOLUTION: 68/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That Council:

- 1. Rescind Council Policy WRKS/CP-4 Road Use Approval for Restricted Access Vehicles (RAVS) on Council's Road Network at Attachment 9.2.4(1); and**
- 2. Adopt the amendments to Council Policy WRKS/CP-1 Land Resumption Compensation at Attachment 9.2.4(2).**

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell, Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by en-bloc resolution 54/04-25

9.2.5 Local Government Ordinary Election – October 2025

Report Details:

Prepared by:	Acting Manager Corporate Services		
Manager:	Loren Clifford, Acting Director Finance and Corporate		
Applicant:	Western Australian Electoral Commission		
File Reference:	CNL 09/1	Voting Requirement:	Absolute Majority
Attachment(s):			
9.2.5(1)	Cost Estimate		
9.2.5(2)	Written Agreement		

Executive Recommendation

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner of the Western Australian Electoral Commission to be responsible for the conduct of the 2025 Ordinary Election, together with any other elections or polls which may be required; and
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the 2025 Ordinary Election will be as a postal election; and
3. Instruct the Chief Executive Officer to allocate an amount of \$45,000 (GST exclusive) in the 2025/2026 Annual Budget to conduct the 2025 Ordinary Election.

Strategic Alignment

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

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

Executive Summary

The next Local Government Ordinary Election is scheduled to be held on 18 October 2025 in accordance with legislative requirements. The purpose of this report is for Council to consider appointing the Electoral Commissioner of the Western Australian Electoral Commission (WAEC) to conduct the 2025 Shire of Donnybrook Balingup (Shire) Ordinary Election.

Background

WAEC has conducted postal elections for the Shire since 1999.

An Ordinary Election for the Shire is scheduled to be held on 18 October 2025.

To meet the requirements specified in the *Local Government Act 1995*, the Shire has received a Cost Estimate ([Attachment 9.2.6\(1\)](#)) and Written Agreement ([Attachment 9.2.6\(2\)](#)) from WAEC seeking a

Council decision regarding appointment to conduct the 2025 Ordinary Election as a postal election for the Shire.

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Compliance	Unlikely	Moderate	Moderate (6)
Risk Description:	Non-compliance with legislation for the 2025 Ordinary Local Government Election.		
Service Interruption	Possible	Catastrophic	High (15)
Risk Description:	2025 Ordinary Local Government Election does not take place as the Shire lack the necessary resources to manage the election independently.		
Mitigation:	Resolve to appoint the WAEC Electoral Commissioner to undertake the 2025 Ordinary Election as a postal election, as per the Executive Recommendation to this report.		

Financial Implications

WAEC has estimated the cost to conduct 2025 Ordinary Election for the Shire as a postal election at \$38,307.00 (ex GST) as per the Cost Estimate provided at [Attachment 9.2.6\(1\)](#). This cost is based on the following assumptions:

- The method of election will be postal; and
- Four (4) Councillor vacancies; and
- 4,900 electors; and
- A response rate of approximately 45%; and
- Appointment of a local Returning Officer; and
- Count to be conducted at the Shire Administration Office using the CountWA system.

In accordance with the *Local Government (Elections) Regulations 1997*, WAEC conducts elections on the basis of full accrual cost recovery. This means the final cost may differ from the Cost Estimate provided. Should a significant change in the estimated cost become evident prior to, or during, the 2025 Ordinary Election, Council will be advised as early as possible.

The 2025/2026 Budget will need to have an allocate of \$45,000 to meet the total costs associated with undertaking the 2025 Ordinary Election. This amount includes operational costs such as staff wages and overheads and is based on incurred costs from the 2023 Ordinary Council Election. An amount of \$20,000 will be transferred from the Election Reserve, which has a current balance of \$20,000.

Policy Compliance

Nil

Statutory Compliance

Part 4 of the *Local Government Act 1995* specifies the requirements for elections and other polls for local government.

The decision by Council to appoint the Electoral Commissioner to conduct the 2025 Ordinary Election and determine the method to be as a postal election, must be by absolute majority in accordance with sections 4.20(4) & 4.61(2) OF the *Local Government Act 1995*.

Consultation

Staff have consulted with WAEC regarding the 2025 Ordinary Election process.

The Electoral Commissioner will arrange the Statewide public election notice as required by the s. 4.64 of the *Local Government Act 1995*. The Shire will promote the Ordinary Election through the Shire's website and social media.

Officer Comment

The postal voting system is considered an efficient and cost-effective system which provides for a high level of objectivity during the election process. The voter response rate for the Shire's 2023 Ordinary Election was 41.95%.

It is recommended that Council adopt the Executive Recommendation to this report should Council wish to proceed with appointing the Electoral Commissioner to undertake the 2025 Ordinary Election as a postal election and ensure that it is undertaken in accordance with applicable legislation.

COUNCIL RESOLUTION: 69/04-25	
MOVED BY: Cr Grant Patrick	SECONDED BY: Cr Anne Mitchell

That Council:

1. **Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner of the Western Australian Electoral Commission to be responsible for the conduct of the 2025 Ordinary Election, together with any other elections or polls which may be required; and**
2. **Decide, in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the 2025 Ordinary Election will be as a postal election; and**
3. **Instruct the Chief Executive Officer to allocate an amount of \$45,000 (GST exclusive) in the 2025/2026 Annual Budget to conduct the 2025 Ordinary Election.**

For: Cr MacCarthy, Cr Bailey, Cr Davy, Cr Gubler, Cr Lindemann, Cr Mitchell Cr Patrick, Cr Shand
Against: Nil.
Carried: 8/0 by absolute majority vote

Cr Shand left the Chamber at 7:25pm.
Cr Shand re entered the Chamber at 7:27pm.

9.2.6. Annual review of Asset Management Plans and Financial Informing Plans 2025/26

Report Details:

Prepared by: Finance Projects Manager
Manager: Loren Clifford, Acting Director Finance and Corporate
Applicant: Shire of Donnybrook Balingup
Location: Shire of Donnybrook Balingup
File Reference: FNC 10/2 **Voting Requirement:** Simple Majority

Attachment(s):

- 9.2.6(1) Asset Management Plan (Consolidated) - 2025/26
- 9.2.6(2) Asset Management Plan - Parks & Reserves 2025/26
- 9.2.6(3) Asset Management Plan – Buildings 2025/26
- 9.2.6(4) Asset Management Plan – Vehicles 2025/26
- 9.2.6(5) Asset Management Plan – Roads and Transport 2025/26
- 9.2.6(6) Asset Management Plan – Bridges 2025/26
- 9.2.6(7) Reserve Fund Plan 2025/26
- 9.2.6(8) Borrowings Plan 2025/26
- 9.2.6(9) Rating Objectives Strategy

Executive Recommendation

That Council

1. Endorse the annual review of the following plans for 2025/26:
 - a. Asset Management Plan (Consolidated) - 2025/26
 - b. Asset Management Plan - Parks & Reserves 2025/26
 - c. Asset Management Plan – Buildings 2025/26
 - d. Asset Management Plan – Vehicles 2025/26
 - e. Asset Management Plan – Roads and Transport 2025/26
 - f. Asset Management Plan – Bridges 2025/26
 - g. Reserve Fund Plan 2025/26
 - h. Borrowings Plan 2025/26
 - i. Rating Objectives Strategy
2. Request the Chief Executive Officer to use the endorsed plans to inform and guide development of the Long Term Financial Plan and Annual Budget for 2025/26; and
3. Establish the Bridges Reserve Account in accordance with s6.11 of the *Local Government Act 1995* for the purpose of “Established to accumulate funds for the construction, renewal and maintenance of bridge infrastructure”.

Strategic Alignment

Endorsing the review of the 2025/26 asset management plans and financial informing plans will meet the following objectives of the Shire of Donnybrook Balingup Council Plan.

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

Outcome: 11 - Strong, visionary leadership.

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

Item: Nil.

Executive Summary

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

- a) Long Term Financial Plan
- b) Annual Budget.

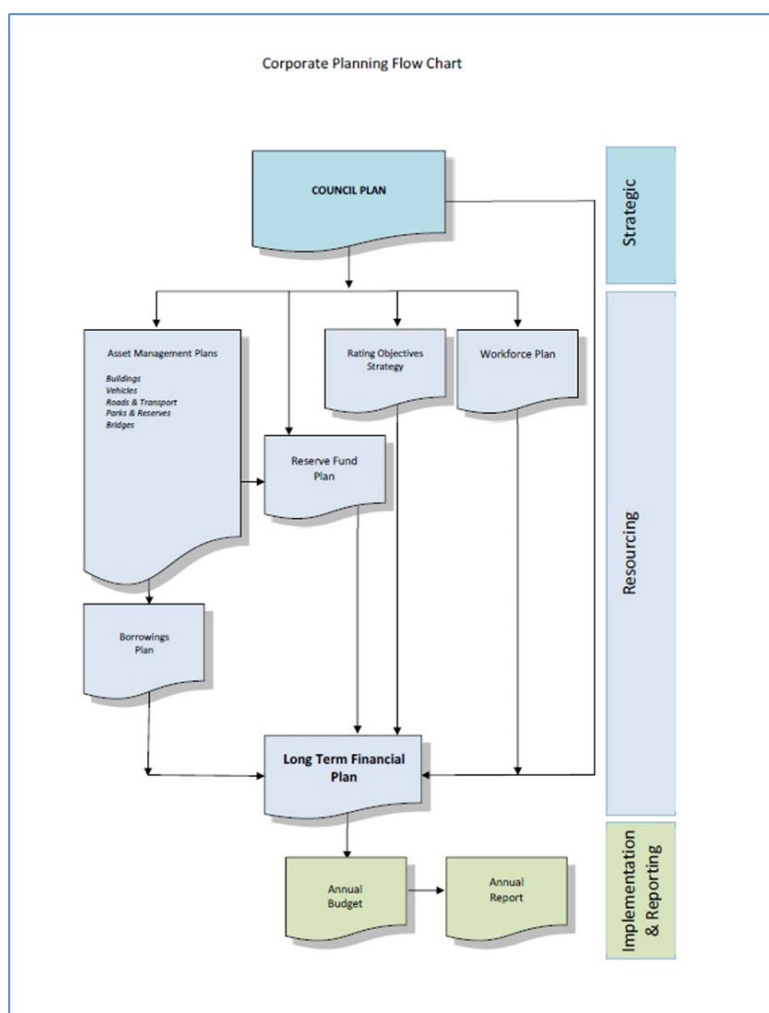


FIGURE 1

Background

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

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

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

IPR addresses these concerns with processes to:

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

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

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

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

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

Asset Management Plans

Asset Management Plan (Consolidated) ([Attachment 9.2.6\(1\)](#))

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

Asset Management Plan – Parks & Reserves (*Attachment 9.2.6(2)*)

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

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

This plans for the timing and financing of:

- a) Development works
- b) Replacement of aged infrastructure
- c) Major maintenance of infrastructure

The following future borrowings for park infrastructure are identified.

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

TABLE 1

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

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40
223,750	312,908	372,002	431,465	484,400	536,240	573,541	616,914	649,202	657,362	649,103	655,886	664,103	655,394	644,580	641,551

TABLE 2

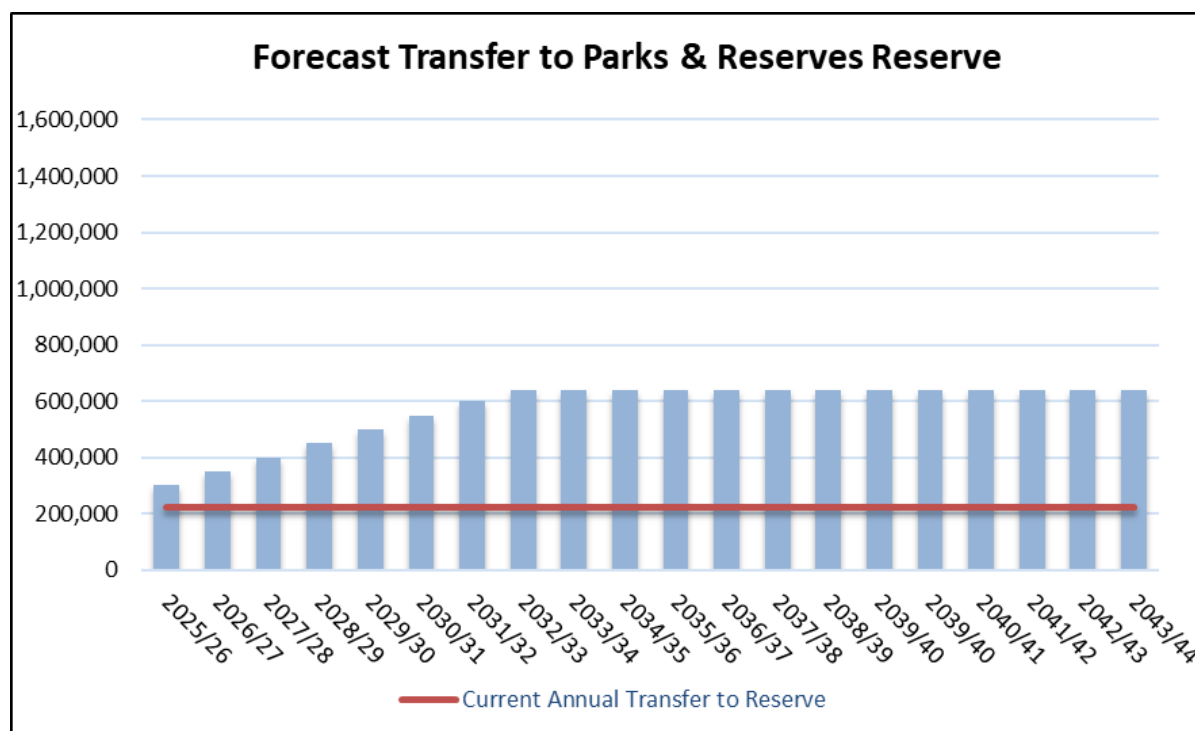


FIGURE 2

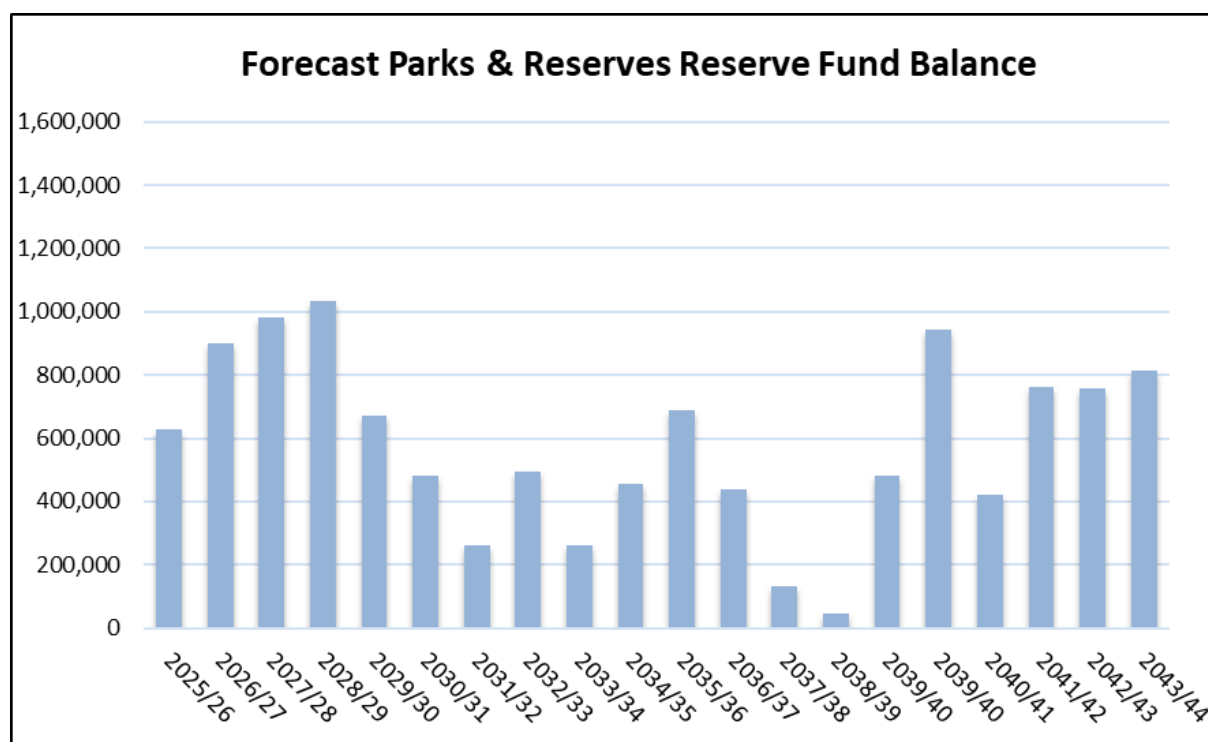


Figure 3

Asset Management Plan – Buildings ([Attachment 9.2.10\(3\)](#))

The purpose of this document is to provide a strategy for funding Council’s buildings. This strategy will plan for the timing and financing of:

- a) Construction of new buildings
- b) Alterations and extensions of existing buildings
- c) Preservation and maintenance of buildings

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

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

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2025/26	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40
253,965	400,000	450,000	500,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000	550,000

TABLE 3

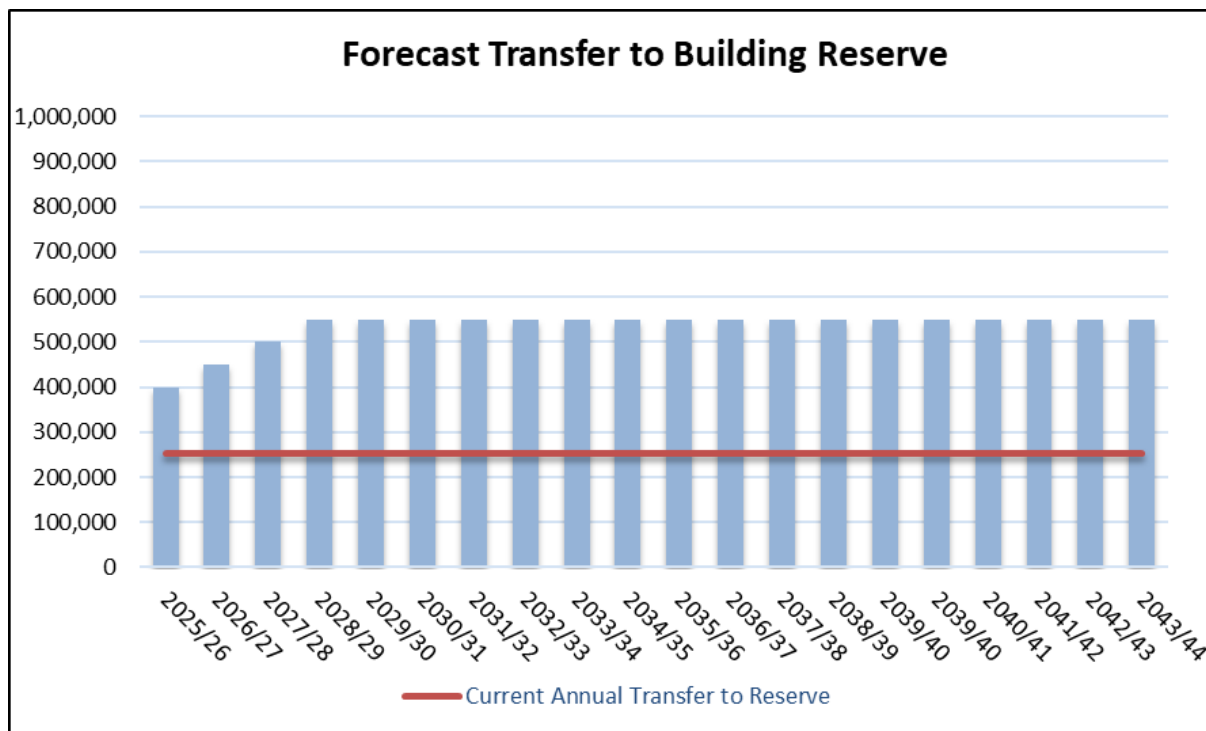


FIGURE 4

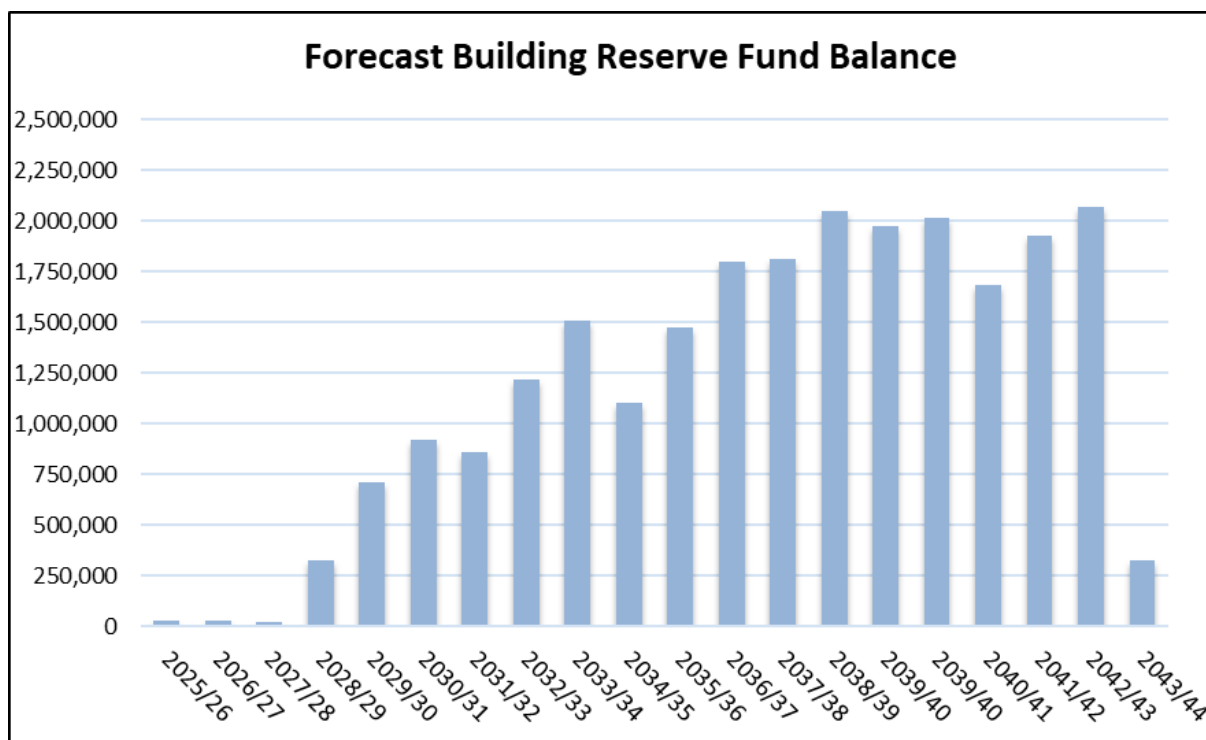


FIGURE 5

The plan identifies forecast borrowings for future major building works.

Year		Amount
2028/29	Administration Centre Extension	\$2,261,654
2029/30	Transfer Station Development – Donnybrook Waste Management Facility	\$1,331,418

TABLE 4

New for 2025/26 review is the asset renewal plan for:

- VC Mitchell Park Multi-Purpose Clubrooms & Function Centre (Page H7-H8).
- Donnybrook Tennis Clubrooms (page H11).

The newly constructed VC Mitchell Park Multi-Purpose Clubrooms & Function Centre will require an estimated annualised amount of \$112,000 pa to be additionally set aside into the Building Reserve for asset renewal. This is consistent with the provision of \$150,000 pa for combined asset renewal and own source operating costs made in the 2024/25 Long Term Financial Plan

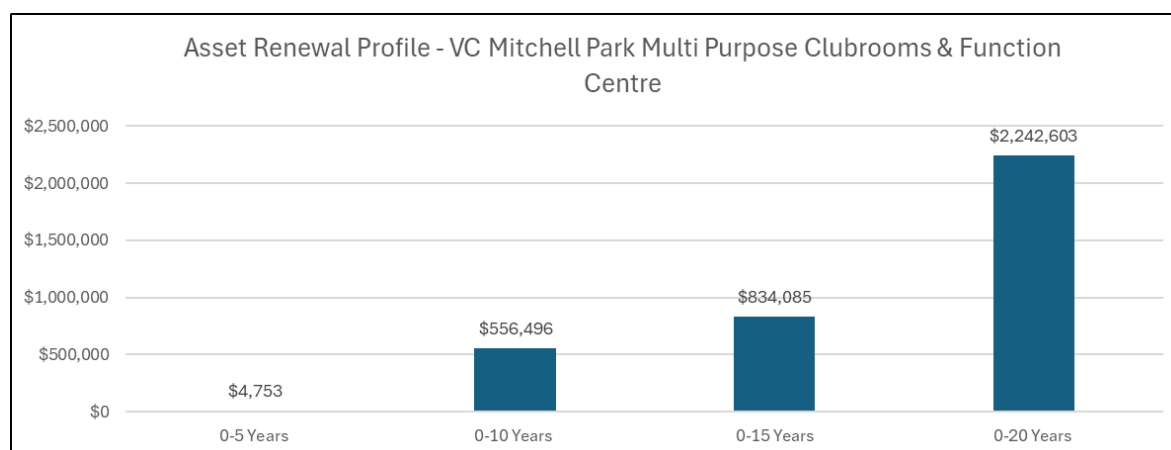


FIGURE 6

Asset Management Plan – Vehicles ([Attachment 9.2.6\(4\)](#))

This Asset Management Plan details:

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

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

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

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

Budget	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40
520,000	550,000	575,000	580,000	600,000	620,000	640,000	660,000	680,000	680,000	680,000	680,000	680,000	700,000	700,000	700,000

TABLE 5

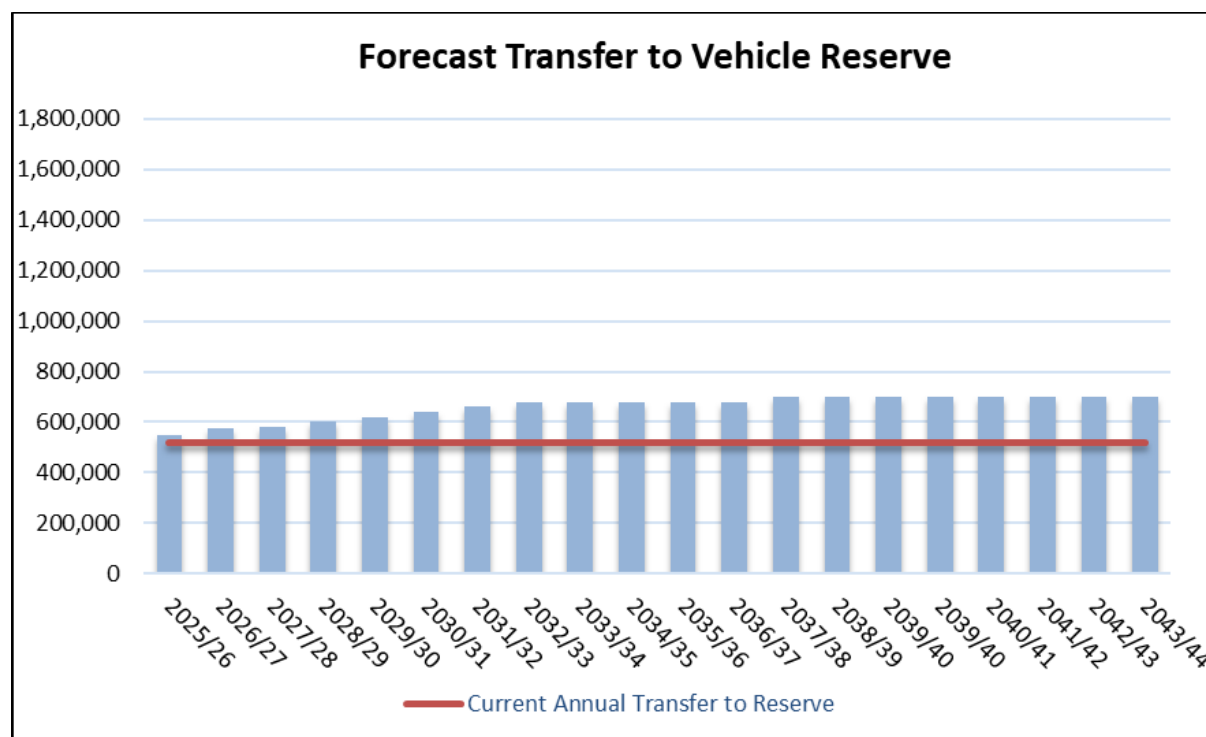


FIGURE 7

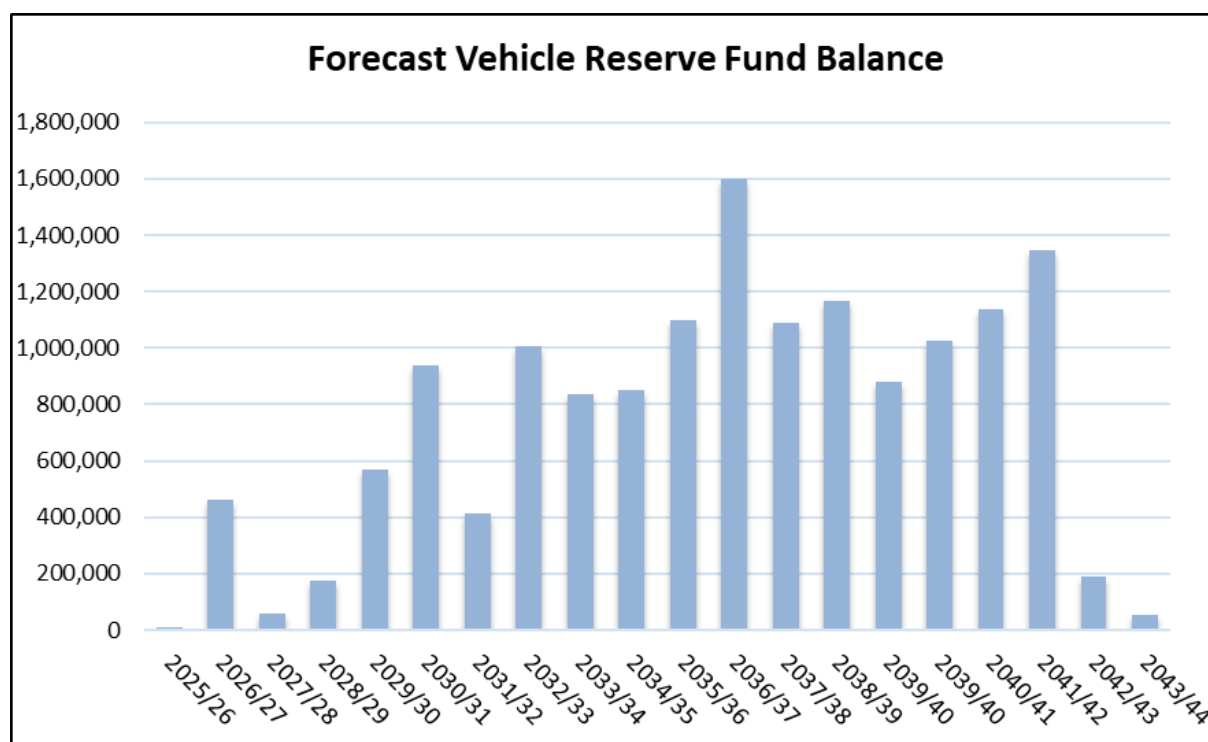


FIGURE 8

Asset Management Plan – Roads and Transport (Attachment 9.2.6(5))

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

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

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

It is estimated, based up an annual depreciation methodology, that annual expenditure requirements for capital renewal on roads and transport assets is \$4.05m pa (indexed annually).

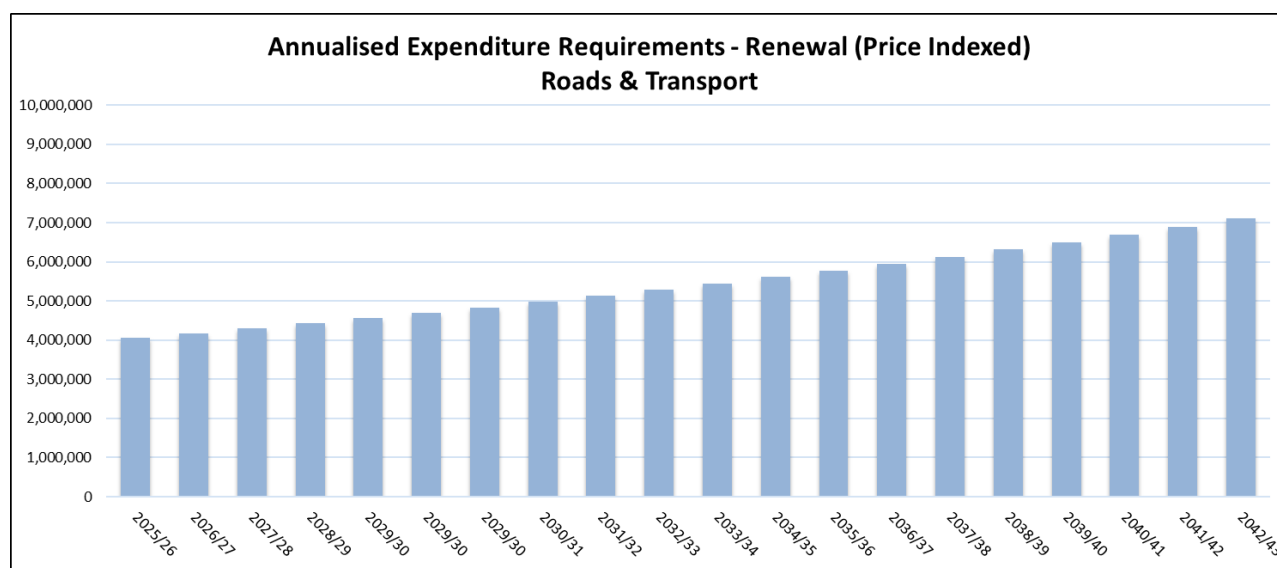


FIGURE 9

Asset Management Plan – Bridges ([Attachment 9.2.6\(6\)](#))

Asset Plan for bridges is a newly developed plan for 2025/26.

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

A Bridge Committee advises the Commission on priorities for allocating funds for bridges. Membership of the Committee is made up of representatives from the following organisations:

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

The Committee receives recommendations from MRWA on funding priorities for bridges in its 10 year bridge strategy. MRWA inspects and evaluates the condition of local government bridges and has the expertise to assess priorities and make recommendations on remedial measures.

In addition, the Shire is responsible for preventative maintenance which is own source funded. This requires funding being set aside into reserve to fund the periodic work.



FIGURE 10

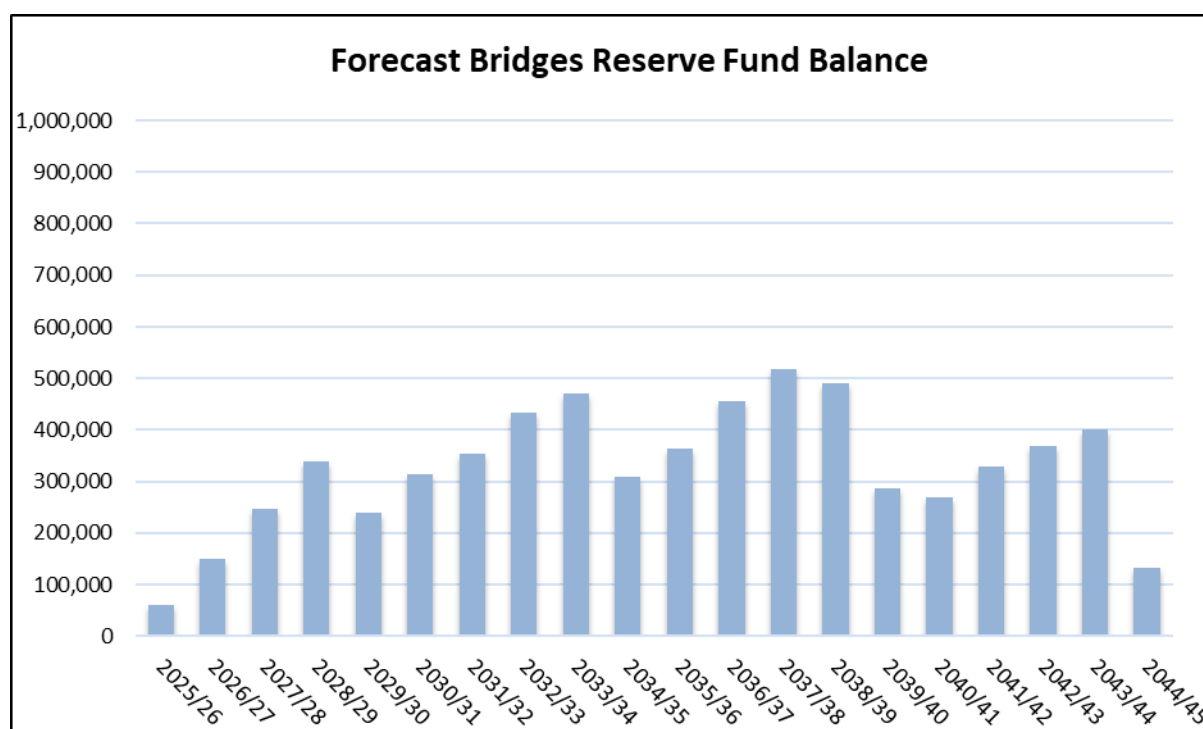


FIGURE 11

The plan identifies forecast borrowings for future major bridge renewal works.

Year		Amount
2043/44	Bridge 9315 - Preston River Suspension Bridge	\$1,227,454

TABLE 6

Reserve Fund Plan ([Attachment 9.2.6\(7\)](#))

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

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

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

Council maintains several cash reserves for a variety of purposes:

- a) to provide funds for future liabilities
- b) to provide funds for future asset acquisitions / replacement
- c) to hold unspent funds for specific projects
- d) to reduce the reliance on borrowing by accumulating funds for specific projects

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

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

Borrowings Plan ([Attachment 9.2.6\(8\)](#))

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

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

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

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

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

The following future borrowings are identified.

Year		Amount
2028/29	Administration Centre Extension	\$2,261,654
2029/30	Transfer Station Development – Donnybrook Waste Management Facility	\$1,331,418
2036/37	Apple Funpark - Equipment Renewal	\$1,360,121
2043/44	Bridge 9315 - Preston River Suspension Bridge	\$1,227,454

TABLE 7

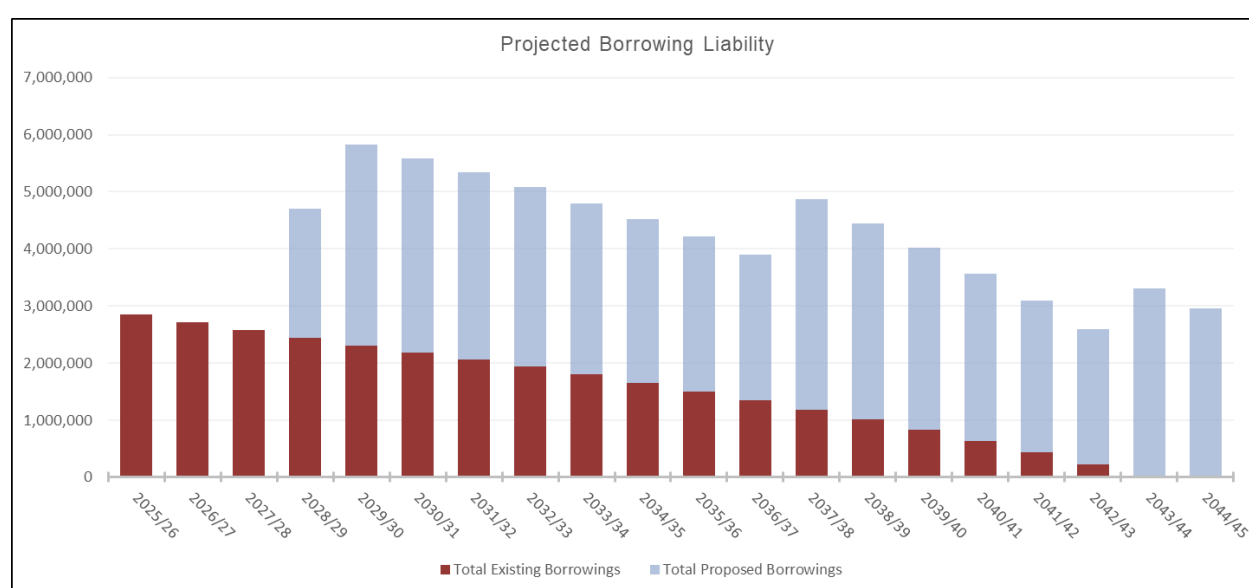


FIGURE 12

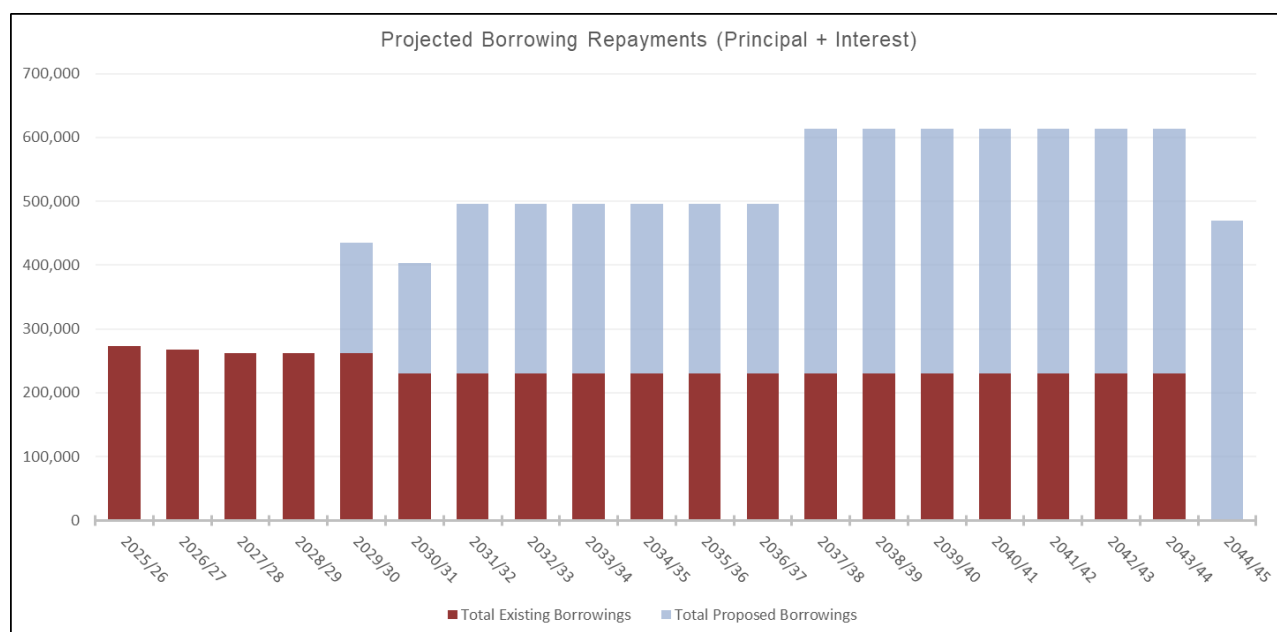


FIGURE 13

Rating Objectives Strategy ([Attachment 9.2.6\(9\)](#))

Council initially adopted this Strategy at its Ordinary Meeting held on 24 April 2018.

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

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

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

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

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

Risk Management

Risk:	Likelihood:	Consequence:	Risk Rating:
Financial Impact	Almost Certain	Major	Extreme (20)
Risk Description:	<u>Future Financial Sustainability</u> Identifying necessary funding for Council services and the maintenance and renewal of assets is an essential. Historical levels of financial allocations have not been sufficient to achieve this, which leaves the Shire with a material shortfall in funding. This position cannot be rectified quickly. The financial informing plans identifies necessary increases from own source funds into asset management reserves to ensure future identified works can be sustainably funded. If this does not occur, the Shire will be faced with future financial challenges. This enables Council to understand its future financial obligations beyond immediate budget considerations and helps Council assess the need for early intervention to reduce future risks and associated future revenue raising requirements.		
Mitigation:	a) Rationalising assets to reduce future asset renewal obligations. b) Reducing existing service levels. c) Increasing cost recovery from user fees		
Financial Impact	Possible	Moderate	Moderate (9)
Risk Description:	<u>Financial Forecasts used</u> Although the forecasts are based upon the latest available information, it is a future projection and is therefore subject to risk. The Shire cannot anticipate inherent risks such as unforeseen economic, political, environmental and market changes.		
Mitigation:	Asset Plans and other financial informing plans will be reviewed every 12 months to reflect the prevailing economic conditions, together with changing community services and service levels.		

Financial Implications

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

Based on existing service standards to the community, the shire's current recurring revenue is materially below the level required to meet the identified future expenditure, (including future asset renewal obligations). Based on current knowledge, it is identified that approximately \$2.4m annually is required to be transferred to reserves on a sustainable basis. The 2024/25 budget provided for \$1.16m.

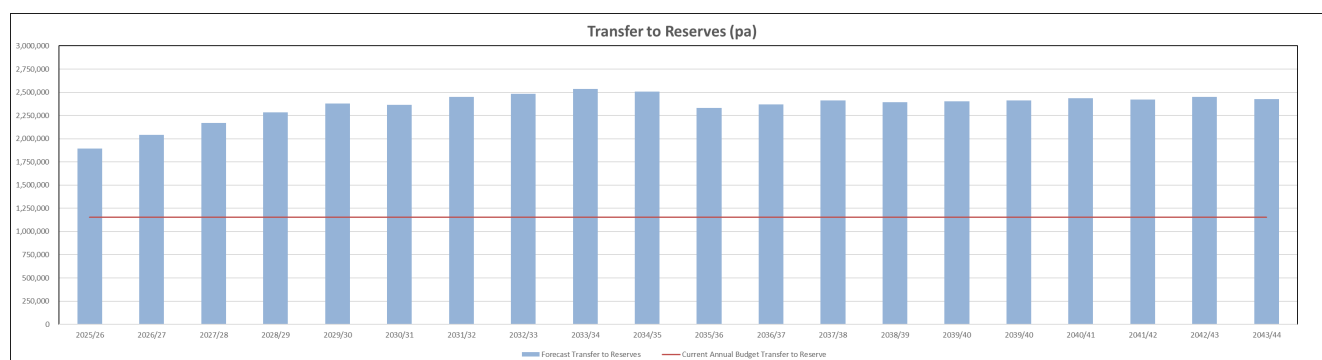


FIGURE 14

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40
Transfer to Reserves - Recommended	1,894,937	2,040,281	2,170,501	2,281,491	2,378,111	2,365,240	2,448,899	2,483,530	2,535,023	2,504,996	2,332,634	2,371,168	2,411,063	2,392,897	2,400,860
Transfer to Reserves - Current Budget	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865	1,155,865
Reserve Funding Gap	(739,072)	(884,416)	(1,014,636)	(1,125,626)	(1,222,246)	(1,209,375)	(1,293,034)	(1,327,665)	(1,379,158)	(1,349,131)	(1,176,769)	(1,215,303)	(1,255,198)	(1,237,032)	(1,244,995)

TABLE 8

In addition to identified future reserve transfers, the Borrowings Plan identifies the requirement for four new borrowings over the life of the plans to meet identified asset management/development requirements. The forecast annual borrowing repayments for the next 20 years is reflected in the following graph.

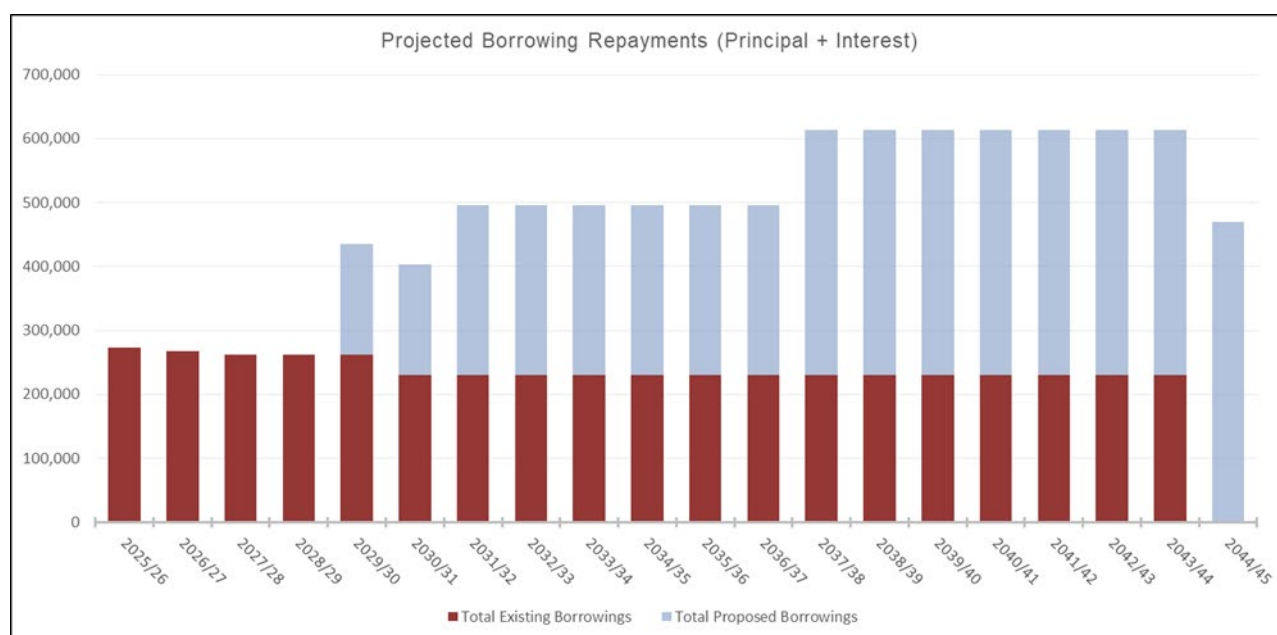


FIGURE 15

	Budget 2024/25	1 2025/26	2 2026/27	3 2027/28	4 2028/29	5 2029/30	6 2030/31	7 2031/32	8 2032/33	9 2033/34	10 2034/35	11 2035/36	12 2036/37	13 2037/38	14 2038/39	15 2039/40
Transfer to Reserves	1,155,865	1,894,937	2,040,281	2,170,501	2,281,491	2,378,111	2,365,240	2,448,899	2,483,530	2,535,023	2,504,996	2,332,634	2,371,168	2,411,063	2,392,897	2,400,860
Borrowing Repayments																
Borrowing Repayments (net of SSL)	279,668	262,311	262,311	262,311	261,831	434,999	403,425	496,550	496,550	496,550	496,550	496,550	496,550	613,873	613,873	613,873
Total Borrowings	279,668	262,311	262,311	262,311	261,831	434,999	403,425	496,550	496,550	496,550	496,550	496,550	496,550	613,873	613,873	613,873
Total	1,435,533	2,157,248	2,302,592	2,432,812	2,543,322	2,813,111	2,768,665	2,945,449	2,980,080	3,031,573	3,001,546	2,829,184	2,867,718	3,024,936	3,006,770	3,014,734
Change from previous year		721,715	145,345	130,219	110,511	269,788	(44,446)	176,784	34,631	51,493	(30,027)	(172,362)	38,534	157,218	(18,166)	7,963

TABLE 9

The identified long term future annual transfer to reserves + identified future annual borrowings repayments are estimated at a level of circa \$3m annually.

The 2024/25 budget funds a combined = \$1.4m.

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

Policy Compliance

Nil.

Statutory Compliance

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

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

Consultation

A presentation and discussion of the 2025/26 review of the asset plans and financial informing plans were held with Executive staff, and Councillors at the budget development workshop on Wednesday, 2 April 2025.

Officer Comment

Material new elements for 2025/26 review are:

- a) Newly developed Bridge Asset Plan
- b) Asset renewal program for the newly completed VC Mitchell Park Multi-Purpose Clubrooms & Function Centre (Building Asset Plan, pages H7-H8).

The newly constructed VC Mitchell Park Multi-Purpose Clubrooms & Function Centre will require an estimated annualised amount of \$112,000 pa to be additionally set aside into the Building Reserve for asset renewal. This is consistent with the provision of \$150,000 pa for combined asset renewal and own source operating costs made in the 2024/25 Long Term Financial Plan

The Bridge Asset Plan identifies an annualised amount of \$200,000 pa of own source funds to be transferred into the Bridges Reserve Fund to fund planned long term preventive maintenance. Funding of this amount will be offset from the Bridge Maintenance budget resulting in no net increase in the budget.

Effective management of Council's asset portfolio is crucial to the sustainable delivery of services to meet the current and future needs of the community. Local governments are typically rich in assets and are responsible for managing a large stock of long-lived assets. Planning is therefore essential to

ensure that assets are created, maintained, renewed, and retired (or replaced) at appropriate intervals to ensure continuity of services.

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

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

COUNCIL RESOLUTION: 70/04-25		
MOVED BY:	Cr Anne Mitchell	SECONDED BY: Cr Peter Gubler

That Council

1. Endorse the annual review of the following plans for 2025/26:
 - a. Asset Management Plan (Consolidated) - 2025/26
 - b. Asset Management Plan - Parks & Reserves 2025/26
 - c. Asset Management Plan – Buildings 2025/26
 - d. Asset Management Plan – Vehicles 2025/26
 - e. Asset Management Plan – Roads and Transport 2025/26
 - f. Asset Management Plan – Bridges 2025/26
 - g. Reserve Fund Plan 2025/26
 - h. Borrowings Plan 2025/26
 - i. Rating Objectives Strategy
2. Request the Chief Executive Officer to use the endorsed plans to inform and guide development of the Long Term Financial Plan and Annual Budget for 2025/26; and
3. Establish the Bridges Reserve Account in accordance with s6.11 of the *Local Government Act 1995* for the purpose of “Established to accumulate funds for the construction, renewal and maintenance of bridge infrastructure”.

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

9.3. Chief Executive Officer

Nil.

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

Nil.

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

Nil.

12. Meetings Closed to the Public

12.1. Matters for which the Meeting may be closed

12.1.1 VCMP Tennis Court Lighting

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

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

12.1.2 RFQ336 – Supply of Loader

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

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

COUNCIL RESOLUTION: 71/04-25		
MOVED BY:	Cr Anita Lindemann	SECONDED BY: Cr Deanna Shand

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

12.1.1 VCMP Tennis Court Lighting

12.1.2 RFQ336 – Supply of Loader

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

The meeting was closed to the public at 7:40pm.

COUNCIL RESOLUTION: 74/04-25		
MOVED BY:	Cr Alexis Davy	SECONDED BY: Cr Anne Mitchell

That the meeting be re opened to the public

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

The meeting was re opened to the public at 7:48pm.

12.2. Public reading of Resolutions that may be made public

12.1.1 VCMP Tennis Court Lighting

COUNCIL RESOLUTION: 72/04-25		
MOVED BY:	Cr Grant Patrick	SECONDED BY: Cr Alexis Davy

That Council:

Authorise the Chief Executive Officer to:

- Award the Tender on the merit of the Tender Evaluation Report content and recommendation to Southwest Electrical & Communication.**
- Provide an update for the community and stakeholders of the successful award.**

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

12.1.2 RFQ336 – Supply of Loader

COUNCIL RESOLUTION:	73/04-25		
MOVED BY:	Cr Alexis Davy	SECONDED BY:	Cr Grant Patrick

That Council:

1. **Endorses the disposal of the existing Caterpillar 924K loader to Victor Starling for the offered price of \$120,000 (ex GST) and organise for its removal from the Shire's fleet.**
2. **Requests the Chief Executive Officer notify WesTrac Pty Ltd of the outcome of the Disposal of Property process for the existing Caterpillar 924K.**
3. **Authorise the Chief Executive Officer to dispose of the Caterpillar 924K via an alternative trade in arrangement or auction, in accordance with Section 3.58 of the *Local Government Act 1995*, should the offer be withdrawn.**

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

13. Closure

The Presiding Member to advise that the next Agenda Briefing Session will be held on 21 May 2025 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 7:50pm.

These minutes were confirmed as a true and accurate record at the Ordinary Council Meeting held 23 April 2025.



Vivienne MacCarthy
President - Shire of Donnybrook Balingup