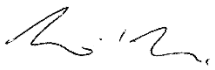
# Minutes of Ordinary Council Meeting

Held on 23 September 2026 and commenced at 5:00pm
Held at the Council Chambers in Donnybrook
*(1 Bentley Street, Donnybrook)*

**Authorised**: 

Nick O'Connor, Chief Executive Officer

**Prepared:** 25 September 2026

**Disclaimer:**

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

| TABLE 2: MEASURES OF CONSEQUENCE | | | | | |
|---|---|---|---|---|---|
| Rating | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Health & Safety | First aid injuries | Medical treatment | Lost time injury of > 5 days | Notifiable incident | Fatality, permanent disability |
| Financial | Less than $2,000 | $2,000 - $20,000 Or < 5% variance in cost of project | $20,001 - $100,000 Or > 5% variance in cost of project | $100,001 - $1M | More than $1M |
| Service Interruption | No material service interruption | Temporary interruption to an activity – backlog cleared with existing resources | Interruption to Service Unit/(s) deliverables – backlog cleared by additional resources | Prolonged interruption of Service Unit core service deliverables – additional resources; performance affected | Indeterminate prolonged interruption of Service Unit core service deliverables |
| Compliance/ Legal | No noticeable regulatory or statutory impact | Some temporary non compliances | Short term non-compliance but with significant regulatory requirements imposed | Non-compliance results in termination of services or imposed penalties | Non-compliance results in criminal charges or significant damages or penalties |
| Reputation | Unsubstantiated, localised low impact on community trust, low profile or no media item | Substantiated, localised impact on community trust or low media item | Substantiated, public embarrassment, moderate impact on community trust or moderate media profile | Substantiated, public embarrassment, widespread high impact on community trust, high media profile, third party actions | Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media profile, third party actions |
| Community | No noticeable effect on constituents, community, organisations, businesses, services, etc. | Limited effect on constituents, community, organisations, businesses, services, etc. | Moderate and manageable effect on constituents, community, organisations, businesses, services, etc. | Substantial effect on constituents, community, organisations, businesses, services, etc. | Devastating effect on constituents, community, organisations, businesses, services, etc. |
| Property | Inconsequential or no damage. | Localised damage rectified by routine internal procedures | Localised damage requiring external resources to rectify | Significant damage requiring internal & external resources to rectify | Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building |
| Environment | Contained, reversible impact managed by on site response | Contained, reversible impact managed by internal response | Contained, reversible impact managed by external agencies | Uncontained, reversible impact managed by a coordinated response from external agencies | Uncontained, irreversible impact |

| TABLE 3: MEASURES OF LIKELIHOOD | | |
|---|---|---|
| Rating | Description | Frequency |
| Almost Certain (5) | The event is expected to occur in most circumstances | More than once per year |
| Likely (4) | The event will probably occur in most circumstances | At least once per year |
| Possible (3) | The event should occur at some time | At least once in 3 years |
| Unlikely (2) | The event could occur at some time | At least once in 10 years |
| Rare (1) | The event may only occur in exceptional circumstances | Less than once in 15 years |

| TABLE 4: RISK MATRIX | | | | | | |
|---|---|---|---|---|---|---|
| | | Consequence | | | | |
| | | Insignificant (1) | Minor (2) | Moderate (3) | Major (4) | Catastrophic (5) |
| Likelihood | 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) |

| TABLE 5: RISK TOLERANCE CRITERIA | | | |
|---|---|---|---|
| Risk Rank | Description | Criteria For Risk Tolerance | Responsibility |
| Low | Tolerated | Risk tolerated with adequate controls, managed by routine procedures and subject to annual monitoring | Operational Manager |
| Moderate | Monitor | Risk tolerated with adequate controls, managed by specific procedures and subject to semi-annual monitoring | Operational Manager |
| High | Urgent Attention Required | Risk tolerated with effective controls, managed by senior management / executive and subject to monthly monitoring | Director / CEO |
| Extreme | Unacceptable | Risk only tolerated with effective 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 John Bailey | Cr Tyler Hall | Cr Reggie Keown |
| Cr Anita Lindemann | Cr Vivienne MacCarthy | Cr Amanda McNab |
| Cr Leanne Wringe | Cr Alex Purich | |

**Staff Present:**

| | |
|---|---|
| Nick O'Connor, Chief Executive Officer | Colin Young, Director Finance and Community |
| Loren Clifford, Executive Manager Corporate | Michelle Dennis, Acting Director Operations |
| Samantha Farquhar, Administration Officer Corporate | |

**Other Members Present:**

Public Gallery: 57 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 *Meeting Procedures Local Laws 2017*, as having councillors stand when debating interferes with the sound quality for livestream.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 149/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Vivienne MacCarthy |

**That Council Suspend clause 8.2 (members to rise) of the *Meeting Procedures Local Law 2017.***

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

## 2.1. Apologies

Ross Marshall, Director Operations

## 2.2. Approved Leave of Absence

At the Ordinary Council Meeting held 24 June 2026, Council resolved the following:

*"COUNCIL RESOLUTION 98/06-26*

*That Council approve Cr Grant Patrick's request for a leave of absence for the September 2026 Ordinary Council Meeting.*

## 2.3. Application for Leave of Absence

Nil.

# 3. Announcements from the Presiding Member

Nil.

## 4. Declarations of Interest

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors, 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.

- Cr Tyler Hall declared an impartiality interest in relation to item 9.3.1, as his family use the services of the Donnybrook Medical Centre.
- Loren Clifford declared an impartiality interest in relation to item 9.3.1, as immediate family members use the services provided by Donnybrook Medical Services.
- Cr Amanda McNab declared an impartiality interest in relation to item 9.3.1, as she uses the services at the Donnybrook Medical Services.
- Cr Anita Lindemann declared an impartiality interest in relation to item 9.3.1, as the lessee is a friend.
- President MacCarthy declared an impartiality interest in relation to item 9.3.1, as immediate family members use the services provided by Donnybrook Medical Services.
- Cr Leanne Wringe declared an impartiality interest in relation to item 9.3.1, as immediate family members use the services provided by Donnybrook Medical Services.

That Council move the order of business.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 150/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council moves the order of business to allow presentations to be presented prior to public question time, and for Item 9.3.1, to be presented to Council following the en-bloc resolution.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** |
| Choose an item.**: 8/0** |

## 6. Presentations

### 6.1. Petitions

Nil.

### 6.2. Presentations

Nil.

### 6.3. Deputations

Please note that no new information is to be raised during the deputation for any matter/s to be determined by Council.

Dr Wietske Van Der Velden Schuijling in relation to item 9.3.1, Donnybrook Medical Centre Lease Arrangements and Strategic Site Review (presented at the Ordinary Council Meeting).

### 6.4. Delegates' Reports

Nil.

## 5. Public Question Time

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

Nil.

### 5.2. Public Question Time

*Question: Judith Morrisey*

*In the report for Agenda item 9.3.1, the officer notes that a new rolling annual lease would likely constitute a disposal of property under section 3.58 of the Local Government Act, requiring public advertising. Has the report officer or the Shire considered Regulation 30(2)(f) of the Local Government (Functions and General) Regulations 1996 (WA), which exempts the leasing of land to a person registered in the medical profession for carrying on their medical practice, from section 3.58 of the Local Government Act? If it applies to 41 Bentley Street, Reserve 52021, does that mean a new lease to the current lessee would not require public advertising and or other requirements of section 3.58 of the Local Government Act?*

Officer response:

Officers are aware of the exemption in Regulation 30(2)(f), which may exempt certain medical leases from the advertising requirements of section 3.58 of the Local Government Act. If the exemption applies, it may mean that public advertising under section 3.58 is not required for a new lease arrangement. However, the key point is that the exemption only relates to the statutory requirement to advertise. It does not require Council to enter into a new lease, nor does it determine the rent, term or lease conditions. Council may still choose to publicly advertise a lease opportunity if it considers doing so is in the public interest, provides greater transparency, or assists Council to understand what options may be available before making a decision.

The report references section 3.58 because a completely new lease arrangement raises legislative considerations that would need to be assessed at the time. If Council wished to pursue a new lease in the future, officers would assess all applicable legislative requirements, exemptions and available options before providing advice to Council.

To clarify, the exemption may remove the obligation to advertise, but it does not prevent Council from advertising if it chooses to do so, nor does it remove Council's responsibility to determine whether a new lease should be offered and on what terms.

*Question: Judith Morrisey*
*In February 2024, Council resolved to not accept the offer to purchase Lot 501 (41 Bentley Street) and to initiate the process of acquiring Reserve 52021 from the Crown. In May 2025, Council resolved that it was unable to proceed with disposal of the site due to land tenure constraints. Can the CEO clarify what progress was made on the Crown acquisition process during those 15 months, and whether the land tenure constraint cited in May 2025 was the same constraint as in 2024, or a new finding?*

Officer response:
In February 2024, Council was unable to accept the purchase proposal because the Shire did not own the land. The land is Crown land and the Shire holds a Management Order over Reserve 52021. Before any sale could occur, the land would first need to be acquired from the State.

Between February 2024 and May 2025, the matter was considered on a number of occasions through Council workshops and discussions involving Councillors and staff. During that period, the discussion evolved from simply looking at how a sale might occur to the broader question of whether Council should sell the site at all. Considerable work was undertaken to better understand the process, costs, risks and practical implications of acquiring the land from the State and potentially disposing of the property in the future. During this time, there were also a number of meetings involving representatives of Donnybrook Medical Services, the CEO and the Shire President to discuss alternative options and opportunities, recognising the complexity, cost and timeframe associated with any potential acquisition and sale process. Those discussions included matters such as future expansion opportunities on the site and other ways of supporting the ongoing operation of the medical service without requiring a sale of the property.

By May 2025, Council formed the view that it was not in a position to proceed with disposal of the site due to the land tenure constraints, the complexity and cost of the acquisition process, the uncertainty of obtaining State approval, and the financial implications associated with both preparing the necessary business case and potentially purchasing the land from the State.

Accordingly, the issue identified in 2025 was not a new land tenure constraint, but rather a recognition of the practical challenges, costs and risks involved in progressing from a Crown reserve managed by the Shire to a privately owned property.

*Question: Samantha Wright*
*Has any contact already been made with WACHS, Hall & Prior, or the SWDC regarding this proposed engagement, and is there a defined timeframe, budget, or resourcing allocated to this stakeholder review? Or is this recommendation being brought to Council without any prior scoping of what that engagement would involve?*

Officer response:
No.

*Question: Samantha Wright*
*The stakeholder engagement outlined in recommendation 6 lists WACHS, Hall & Prior, the SWDC, and the lessees as parties to be consulted during the holdover period, to investigate options that support "health, aged care, community and other strategic service outcomes for the Donnybrook community." Does the scope of this engagement include any process for direct community consultation on what health and lifestyle-medicine services residents want from this site? Does the phrase "health, aged care, community and other strategic service outcomes" include consideration of a preventative, lifestyle-medicine model of care specifically, or is that model not currently within the scope of this review?*

Officer response:
At this stage, the recommendation only authorises discussions with relevant stakeholders and does not prescribe a detailed scope or consultation process. The intention is to keep discussions broad and explore opportunities that may benefit the Donnybrook community.

*Question: Dr Wiestske Van Der Velden Schuijling*
*Could the Shire please explain how the annual rates payable by Donnybrook Medical Centre are calculated, including the GRV, the area of the property to which that valuation applies, and whether the rates relate only to the area leased by the Medical Centre? Could the Shire also clarify why the Medical Centre, as a tenant of a Shire-owned building on crown land, is responsible for these rates in addition to paying commercial rent?*

Officer response:
Landgate provides the Shire with a Gross Rental Valuation on the property, the annual rates are calculated by multiplying this valuation with the rate in the dollar set by Council. Landgate has valued the property with a Gross Rental Value of $67,600. The gross rental value (GRV) is the total annual rent a property might reasonably be expected to earn each year if it was rented out.

To determine a fair rental value for each property, individual property attributes and constraints are considered. Landgate has valued the property on a commercial basis, with having 5 consulting rooms, a reception, treatment room, records, admin and staff rooms and toilets.

Your rates are then calculated by multiplying the GRV (Landgate provided) by the Rate in the dollar set by Council - 2026/2027: $67,600 x 0.106037 = $7,168.10

Further, Clause 4.2 of the lease states:

**4.2 Outgoings**

(1) Subject to the Schedule of Responsibilities, the Lessee agrees to pay to the Lessor or to such person as the Lessor may from time to time direct punctually all the following outgoings or charges (if applicable), assessed or incurred in respect of the Premises:

(a) local government rates, taxes, charges and services, including charges for rubbish removal and the emergency services levy;

This is a standard clause in commercial leases and has been drafted into policy by way of the adopted Property Management Framework to ensure consistency.

*Question: Delphina Bunter*

*Can the Shire confirm whether the Health Precinct Partnership MOU referenced in the February 2024 minutes is still current, and table it for public information? If so, is Donnybrook Medical Centre Pty Ltd a signatory or party to it? If not, does Council intend to include them? If the MOU is no longer current, was Donnybrook Medical Centre Pty Ltd ever a party to it, and what replaced it, if anything?*

Officer response:

A draft MOU was developed in 2023 between a number of health and aged care stakeholders, including WA Country Health Service, Donnybrook Medical Services, Hall & Prior and others. Donnybrook Medical Services was included as a proposed party to the draft MOU. However, the MOU was never fully executed by all parties and was never presented to Council for adoption or endorsement. As a key stakeholder, WA Country Health Service did not execute the document and the MOU therefore did not proceed. As a result, there is no current Health Precinct MOU in place and no replacement agreement has been adopted by Council.

*Question: Donna Kitchen*

*Council's report recognises that the medical-centre site is part of a broader health and aged-care precinct and proposes a review of its long-term strategic, community and financial opportunities. Given Donnybrook Medical Services' vision to expand the existing centre into a rural health hub, will Council include a formal assessment of a pathway for the practice to purchase the Shire-owned building and, subject to State approval, acquire the relevant land as freehold?*

Officer Response:

No. Council's most recent resolution regarding the property is not to proceed with a sale of the site. Since that resolution was made, the Chief Executive Officer has advised the lessee at a Councillor Workshop that Council's financial position and circumstances have changed over the last few years. As a result, if the lessee wished to pursue the matter further, a request to purchase could be presented to Council for consideration again.

*Question: Donna Kitchen*
*If freehold purchase of the land is not possible or is not supported, will Council work with the Department of Planning, Lands and Heritage to identify an alternative secure long-term land-tenure arrangement that would enable Donnybrook Medical Services to fund an extension of the existing building and provide expanded GP, pathology, allied-health, preventative-health and chronic-disease services? Please also advise the anticipated process and timeframe for that assessment and a Council decision.*

Officer Response:
Council is open to exploring all options with the lessee.

*Question: Wendy Ayers*
*Why does the Shire want to demolish the Balingup children's playground.*

Officer Response:
There have been discussions around the scope of the new proposed playground, however no decisions or formal resolutions have been made to remove the current playground.

*Question: Wendy Ayers*
Why was there a proposal to remove the playground.

Officer Response:
This is miscommunication. The working group were discussing options only, and no decision has been made.

*Question: Wendy Ayers*
*Why has the Mullalyup Fire Station closed.*

Officer Response:
The Mullalyup Fire Station has not been closed.

*Question: Michelle Padman*
*How is Council considering the thousands of patients and families across Donnybrook, Balingup, Boyanup, Capel and surrounds, including relevant stakeholders namely Tuia Lodge and the support to Donnybrook Hospital, and not just the financial or commercial value of the building?*

Officer Response:
If Council wishes to look at other factors outside what's already been agreed to within the lease, then that's open to Council to make that determination.

*Question: Michelle Padman*
*Is it a normal thing for rates to go down? Our rates went down three years ago.*

Officer Response:
Yes, rates do go down. GRV within the Shire of Donnybrook Balingup is re-valued every six years. When the re-value happens, the GRV values often move up and down. The actual rates of the Medical Services in 2023/2024 were $10,784, and reduced in 2024/2025 to $6,220. There was a $4000 drop directly related to the GRV. A lot of the time residential will go up, and commercial will go down.

*Question: Greg Strelein*
I understand that the Shire has only offered a short-term lease to the Medical Centre, and that they are looking for alternative tenants for the building. When would the Medical Centre be expected to close, and what notice would be given.

Officer Response:
That is not correct. Council's default position was to renew for another 5 years, and the Council is not looking for alternative tenants for the building.

*Question: Charles Smally*
If the current Drs move towns, will the Councillors take responsibility for this.

Officer Response:
This Council makes decisions that affect the community and affect each other, at every Council Meeting.

*Question: Charles Smally*
*Why have the Shire sold a building to the community bank, but won't sell the building to the Drs. Why doesn't the Shire sell the building and put the money toward debt within the Shire.*

*Officer Response:*
Council owned the bank building freehold, and that matter had formally and informally been on the agenda for a number of years. Council recently undertook a review of its properties and identified that the due to tenure of the bank building being freehold, the building could be solde. The Bendigo Bank confirmed it was willing to buy the building. The requirements of the Local Government Act were met for the sale of the bank building, and a resolution was passed by Council approving the offer to purchase the bank building. To sell the Medical Services building would be a far more protracted process. We would need to convert the land from reserve and into Council's freehold ownership, and then on-sell it. Council hasn't been in a financial position to spend $50,000 to $60,000 of rate payers money to do the business case, or to subsequently purchase the property.

*Question: Harry Ortheil*
Has the Shire in the last four years been approached by or been in negotiations with statewide largescale healthcare providers regarding the possible replacement of the current provider. Has the Shire considered the possible quality deterioration of the service in case of the prover change.

Officer Response:
No, the Shire have had no discussions.

*Question: Fabian Mavath*
Where does the Shire's duty of care end in regards to the maintenance of trees in public spaces.

Officer Response:
This matter will be followed up after the meeting.

## Adoption by Exception

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 151/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

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

**7.1.1 Ordinary Council Meeting held on 26 August 2026**
**8.1.1 Local Emergency Management Committee Meeting held on 28 July 2026**
**8.2.1 Warren Blackwood Alliance of Councils Committee Meeting held on 4 August 2026**
**8.3.1 Audit, Risk and Improvement Committee Meeting held 26 August 2026**
**9.1.1 Reconsideration of Conditions P25070 – Pine Plantation, Mumballup**
**9.1.2 Request to Close Unconstructed Road Parcels ID 3627482, Balingup**
**9.1.3 Dark Down South Open Air Festival – Event Application**
**9.1.4 New Policy – Installation of Public Memorial Seat**
**9.1.5 Rescindment of Council Policies EMERG/CP-1 Fireworks Events and EMERG/CP-2 Permits for Road Verge Burning**
**9.2.1 Schedule of Accounts Paid as at 31 August 2026**
**9.2.2 Monthly Financial Report for the Period Ending 31 July and 31 August 2026**
**9.2.3 Rescindment of Council Policy COMD/CP-4- Community Townscape and COMD/CP-5- Tourism in Donnybrook Balingup**
**9.2.5 Review of Council Policies – FIN/CP-3-Debt, FIN/CP-5- Regional Price Preference and FIN/CP-7 – Purchasing Card**
**9.3.3 Policy Review – EM/CP-3 Legal Representation for Elected Members, Employees and Volunteers**
**9.3.4 New Policy – EXE/CP-19 Information Breach Management**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

## 9.3.1 Donnybrook Medical Centre Lease Arrangements and Strategic Site Review

**Report Details:**

**Prepared by:** Executive Manager Corporate

**Manager:** Chief Executive Officer

**Applicant:** Donnybrook Medical Centre Pty Ltd

**Location:** 41 Bentley Street, Donnybrook

**Monarch:** MONARCH-175587964-122 **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.3.1(1) Donnybrook Medical Services – Request to Review Lease Terms
9.3.1(2) Donnybrook Medical Services – New Correspondence (Received 14/09/26)

### Executive Recommendation

**That Council:**

1. **Notes the correspondence received from Donnybrook Medical Services Pty Ltd, requesting an annual** (Attachment 9.3.1(1)) **rollover lease arrangement and review of the current rental amount;**
2. **Declines the request for an annual rollover lease structure over a five-year period;**
3. **Approves a twelve (12) month holdover tenancy commencing retrospectively from 1 July 2026 and expiring 30 June 2027, subject to the terms and conditions of the existing lease agreement remaining unchanged;**
4. **Notes that, in accordance with Clause 24 of the existing lease agreement, the rent payable during the holdover period will be the existing rental amount plus a three per cent (3%) increase;**
5. **Authorises the Chief Executive Officer to execute all necessary documentation to give effect to the decision; and**
6. **Requests the Chief Executive Officer, during the holdover period, to engage with the Western Australia Country Health Service (WACHS), Hall & Prior (Tuia Lodge), the South West Development Commission (SWDC), the lessees and other relevant stakeholders to investigate and report back to Council on potential medium and long-term opportunities for the site, including options that support health, aged care, community and other strategic service outcomes for the Donnybrook community.**

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

## Executive Summary

Further correspondence has been received from Donnybrook Medical Centre Pty Ltd regarding the future leasing arrangements for the medical centre premises at 41 Bentley Street, Donnybrook. The correspondence advises that the lessee no longer intends to pursue acquisition of the property and requests that Council consider an alternative leasing model comprising successive annual lease terms over a five-year period, together with a review of the rental amount.

The existing lease commenced on 1 July 2021 for an initial term of five years and includes a further five-year option. In accordance with the lease provisions, the Shire obtained an independent market rental valuation to determine the applicable market rent for any continued occupation of the premises. The lessee has subsequently raised concerns regarding the proposed lease structure, rental amount and responsibility for valuation costs, and has requested that Council consider an alternative approach.

This report presents three options for Council's consideration:

### Option 1: Require the Lessee to Exercise the Further Five-Year Option

Request the lessee to exercise the further five-year term available under the existing lease agreement and enter into the renewed term at the reviewed market rental and on the existing lease terms and conditions. This option provides certainty for both parties and allows the tenancy to continue under the current lease framework.

### Option 2: Holdover Tenancy (Executive Recommendation)

Approve a twelve-month holdover period of the existing lease, including terms and conditions, with rent based on the independent market rental valuation and applied retrospectively from 1 July 2026, providing both parties with additional flexibility while longer-term arrangements are considered.

### Option 3: New Rolling One-Year Lease Arrangement

The lessee has requested consideration of an alternative arrangement comprising successive one-year lease terms over a five-year period. As this arrangement is not provided for within the existing lease, it would require Council to enter into a new lease agreement. A new lease is likely to constitute a disposal of property under section 3.58 of the *Local Government Act 1995*, which defines a lease as a form of property disposal and generally requires compliance with the public notice and consideration requirements of that section before the lease can be granted.

The Executive Recommendation seeks to balance continuity of service at the site with Council's strategic interests by providing a short-term leasing arrangement while broader discussions are undertaken with key stakeholders regarding the future use and long-term opportunities associated with the property.

Subsequent to the Agenda Briefing, additional correspondence was received from Donnybrook Medical Services outlining a revised position regarding the tenancy and future arrangements for the Donnybrook Medical Centre. Whilst the correspondence raises broader matters than those originally

contemplated by this report, it has been provided to ensure Council is fully informed prior to making a decision. The primary purpose of this report remains the determination of future tenancy arrangements following the expiry of the lease on 30 June 2026.

## Background

The Shire leases the premises at 41 Bentley Street, Donnybrook, to Donnybrook Medical Centre Pty Ltd for the operation of a medical practice. The lease commenced on 1 July 2021 for an initial term of five years and includes an option for a further five-year term, with rental for the further term to be determined through a market rental review process. To facilitate the review, the Shire commissioned an independent market rental valuation.

Over recent years, Council has considered several matters relating to the future of the Medical Centre site. These discussions have included requests from the lessee to purchase the property, opportunities for future expansion of medical services from the site, and the longer-term strategic use of the asset. In February 2024, Council considered a request to purchase the property and noted that the land could not be sold in its current form due to its Crown land tenure. Council subsequently requested further investigation into the potential acquisition of the reserve from the Crown before any future disposal could be considered.

In May 2025, as part of Council's broader asset and service review process, Council again considered the future of the property and resolved that it was unable to proceed with a disposal of the site due to the land tenure constraints applying to the reserve.

The initial lease term expired on 30 June 2026. Under the existing lease, the lessee may elect to exercise the further five-year term in accordance with the lease provisions. Following completion of the independent market rental valuation process, the Shire advised the lessee that it could either exercise the further term at the assessed market rental or submit an alternative proposal for Council's consideration.

On 24 August 2026, the Shire received further correspondence from the lessee advising that it no longer wished to pursue acquisition of the property and requesting that Council consider an alternative leasing arrangement comprising annual lease terms over a five-year period, together with a review of the rental payable. The lessee has also raised concerns regarding the market rental valuation and responsibility for valuation costs.

Officers note that the current lease already provides a mechanism for continuation of the tenancy through the exercise of the further term. The alternative arrangement proposed by the lessee would require Council to consider a different leasing structure and its associated financial, administrative, legal and statutory implications. The recommendation presented in this report seeks to provide a twelve-month holding arrangement to maintain continuity of occupation while allowing the Chief Executive Officer time to engage with relevant stakeholders and investigate broader strategic opportunities for the site and surrounding health precinct.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Property | Possible | Minor | Moderate (6) |
| Risk Description: | Delayed decision-making may limit Council's ability to optimise the long-term use of the Medical Centre site. | | |
| Mitigation: | Utilise the 12-month holdover period to investigate future site opportunities and report options back to Council. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Moderate | Moderate (9) |
| Risk Description: | Failure to investigate alternative tenancy or service delivery opportunities may result in reduced financial returns, while vacancy could result in loss of rental income and ongoing holding costs. | | |
| Mitigation: | Retain the current tenant under a market-based rental while assessing alternative tenancy, partnership and site use opportunities. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Compliance | Unlikely | Minor | Low (4) |
| Risk Description: | A new lease arrangement outside the current lease provisions may trigger compliance requirements under section 3.58 of the *Local Government Act 1995*. | | |
| Mitigation: | Obtain legal and governance advice and ensure any future lease proposal complies with statutory requirements before implementation. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Possible | Minor | Moderate (6) |
| Risk Description: | Council's decision may attract criticism from stakeholders regarding the management of a community asset or use of public funds. | | |
| Mitigation: | Ensure decision-making is transparent, documented and supported by stakeholder engagement and independent valuation advice. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Community | Possible | Minor | Moderate (6) |
| Risk Description: | Uncertainty regarding the future use of the site may create concern about the ongoing provision of health and related services. | | |
| Mitigation: | Maintain continuity of occupation while engaging with key stakeholders to consider future service delivery opportunities. | | |

## Financial Implications

The recommendation maintains rental income at the independently assessed market rental value for a further 12-month period while providing Council with time to investigate the future strategic and financial opportunities associated with the site. The recommendation also avoids committing Council to a longer-term leasing arrangement before alternative options have been fully explored.

## Policy Compliance

Nil.

## Statutory Compliance

Nil.

## Consultation

Internal consultation:

- Internal discussions with executive and governance staff.

External consultation:

- Donnybrook Medical Centre Pty Ltd met with Council at its workshop to discuss the lease, and next steps.
- Market Rental Valuation sought.

## Officer Comment

The current lease has reached the end of its initial term and the lessee has requested that Council consider an alternative leasing structure comprising successive annual lease terms rather than exercising the further five-year term available under the existing lease. Council is therefore required to determine the most appropriate pathway for the future occupation of the premises. The options available are to require the lessee to exercise the existing five-year option, approve a temporary holdover arrangement under the current lease, or support the negotiation of a new lease structure.

While the existing lease provides a mechanism for the tenant to continue occupation through the exercise of the further term, officers consider that approval of a 12-month holdover tenancy represents the most appropriate course of action at this time. The recommended approach maintains continuity of occupancy, retains rental income and avoids committing Council to a longer-term arrangement while broader strategic opportunities for the site are investigated.

It is noted that the Medical Centre site forms part of a broader health and aged care precinct and has been the subject of several Council discussions in recent years regarding future ownership, expansion opportunities and long-term use. Council has previously considered requests relating to the possible sale of the property and broader strategic planning for the site. As the lessee has now confirmed that it no longer wishes to pursue acquisition of the premises, officers consider that an opportunity exists for Council to undertake a broader review of potential medium and long-term uses of the site in consultation with relevant stakeholders, including the Western Australia Country Health Service, Hall & Prior (Tuia Lodge), the South West Development Commission, the current tenant's and other relevant stakeholders.

Officers also note that the lessee's preferred option of successive one-year lease terms would require ongoing lease administration and repeated Council consideration. Historically, negotiations relating to the Medical Centre lease and associated property matters have extended over several months and involved significant officer time in obtaining valuations, seeking legal and professional advice, preparing reports, negotiating lease terms, corresponding with stakeholders and facilitating Council decision-making processes. A short-term renewal structure would likely result in these processes

recurring at more frequent intervals, resulting in additional administrative effort and associated costs to the Shire.

Should Council ultimately determine that a new lease arrangement is to be pursued rather than continuation under the existing lease framework, further work would be required before a lease could be executed. A new lease will need to be developed in accordance with Council's Property Management Framework, whilst considering statutory obligations under section 3.58 of the *Local Government Act 1995*, including public advertising, consultation processes and returning the matter to Council for further consideration and approval.

Officers consider it appropriate that the rental payable during the holdover period be based on the independent market rental valuation obtained by the Shire. The valuation was commissioned in accordance with the lease provisions and provides an objective assessment of market rent for the premises. Applying the independently assessed rental ensures consistency, transparency and equity in the management of a Shire-owned commercial asset, while supporting Council's responsibility to obtain an appropriate commercial return on behalf of ratepayers.

The recommendation does not prevent the current tenant from continuing to occupy the premises, nor does it predetermine any future leasing, development or asset decisions. Rather, it provides Council with a defined period to maintain occupancy and rental income while the Chief Executive Officer engages with stakeholders and investigates the long-term strategic, community and financial opportunities associated with the property.

UPDATE FROM AGENDA BRIEFING:

Following the Agenda Briefing, Council received further correspondence from Donnybrook Medical Services (Attachment 9.3.1(2)) outlining a revised position in relation to the tenancy and future arrangements for the Donnybrook Medical Centre. Whilst the correspondence provides additional context and raises broader matters for Council's consideration, it was received after the Agenda Briefing and represents a departure from the matters previously being discussed between the parties. As a result, some of the issues raised extend beyond the primary purpose of this report. Given the importance of the matter, officers considered it appropriate to provide the correspondence to Council to ensure Elected Members are fully informed prior to making a decision.

The central matter requiring determination remains the future tenancy arrangements for the Donnybrook Medical Centre following the expiry of the current lease on 30 June 2026. The lease has now expired and Council is required to determine a suitable path forward to provide certainty for both parties regarding occupancy of the premises and to ensure the Shire fulfils its obligations as lessor under the lease arrangements.

While the correspondence raises a number of matters and reflects the lessee's perspective, officers note that it does not provide a complete chronology of all discussions, negotiations, considerations and actions undertaken by both parties throughout the lease review process. Accordingly, officers have assessed the matter having regard to the full history available to the Shire, including the lease

provisions, independent market rental valuation, previous correspondence and discussions held between the parties.

Commercial Sensitivity

Given the ongoing lease negotiations, market rent review process and the commercially sensitive nature of the matters under consideration, officers recommend that any discussion concerning the market rental valuation, rental review process, lease negotiations and future tenancy arrangements be conducted in a confidential session pursuant to section 5.23(2)(c) of the *Local Government Act 1995*, as disclosure of this information could reasonably be expected to prejudice the commercial position of the Shire and/or the tenant.

Cr Hall put the following motion to Council:

| | | | |
|---|---|---|---|
| **MOVED BY:** | Cr Tyler Hall | **SECONDED BY:** | Cr Leanne Wringe |

**That Council:**

1. **Acknowledges the valuable contribution of Donnybrook Medical Services to the health and wellbeing of the local community;**
2. **Acknowledges the important role that Donnybrook Medical Services plays in providing local medical services to the community, values its continued presence at the site, and welcomes its future participation in discussions regarding the long-term health and aged care needs of the Donnybrook community.**

**Lease Arrangements**

3. **Notes the correspondence received from Donnybrook Medical Services Pty Ltd (Attachment 9.3.1(1)) requesting an annual rollover lease arrangement and a review of the current rental amount;**
4. **Declines the request for successive annual rollover lease arrangements over a five-year period as the requested arrangement is not provided for under the existing lease and would require a new lease agreement to be negotiated between the parties.**
5. **Approves a twelve (12) month holdover tenancy commencing retrospectively from 1 July 2026 and expiring on 30 June 2027, subject to the terms and conditions of the existing lease agreement remaining unchanged;**
6. **Notes that, in accordance with Clause 24 of the existing lease agreement, the rent payable during the holdover period will be the existing rental amount plus a three per cent (3%) increase;**
7. **Authorises the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.**

**Strategic Site Review**

8. **Acknowledges that the consideration of the Donnybrook Medical Centre lease has highlighted an opportunity to strengthen the Public Health Plan incorporated within the**

**Shire's Council Plan 2026–2036, particularly in articulating the importance of continued access to local health services, the strategic role of the Donnybrook health and aged care precinct, and the Shire's role in supporting future service provision;**

9. **Requests the Chief Executive Officer to advocate to the Department of Health and WA Country Health Service for the preparation of a strategic review of current and future health and aged care service needs within the Donnybrook district, and to report back to Council on any outcomes, opportunities or recommendations relevant to the future use and development of the Donnybrook Medical Centre site and surrounding health precinct.**

Cr Wringe advised that she was planning to move the following amendment and asked whether Cr Hall, as the mover of the original motion, would accept the changes to the original motion. Cr Hall accepted the changes to his original motion as proposed by Cr Wringe.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 152/09-26 | | |
| **MOVED BY:** | Cr Tyler Hall | **SECONDED BY:** | Cr Leanne Wringe |

**That Council:**

1. **Acknowledges the valuable contribution of Donnybrook Medical Services to the health and wellbeing of the local community;**
2. **Acknowledges the important role that Donnybrook Medical Services plays in providing medical services to the community, values it continued presence at the site, and welcomes its future participation in discussions regarding the long-term health and aged care needs of the District.**

**Lease Arrangements**

3. **Notes the correspondence received from Donnybrook Medical Services Pty Ltd (Attachement 9.3.1 (1)) requesting an annual rollover lease arrangement and a review of the current rental amount;**
4. **Declines the request for an annual rollover lease structure over a five-year period as the requested arrangement is not provided for under the existing lease and would require a new lease agreement to be negotiated between the parties;**
5. **Approves a twelve (12) month holdover tenancy commencing retrospectively from 1 July 2026 and expiring on 30 June 2027, subject to the terms and conditions of the existing lease agreement remaining unchanged;**
6. **Notes that, in accordance with Clause 24 of the existing lease agreement, the rent payable during the holdover period will be the existing rental amount plus a three percent (3%) increase;**
7. **Authorises the Chief Executive Officer to execute all necessary documentation to give effect to this resolution.**

**Strategic Site Review**

8. **Acknowledges that the consideration of the Donnybrook Medical Centre lease has highlighted an opportunity to strengthen the Public Health Plan incorporated within the Shire's Council Plan 2026-2036, particularly in articulating the importance of continued**

**access to local health services, the strategic role of the Donnybrook health and aged care precinct, and the Shire's role in supporting future service provisions;**

9. **Requests the Chief Executive Officer, during the holdover period, to engage with the lessees, WA Country Health Service, Hall & Prior (Tuia Lodge), the SW Development Commission (SWDC), and other relevant stakeholders to investigate and report back to Council on potential medium and long-term opportunities for the site, including options that support health, aged care, community and other strategic service outcomes for the District.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

# 7. Confirmation of Minutes

## 7.1 Ordinary Council Meeting Minutes

### 7.1.1 Ordinary Council Meeting held on 26 August 2026

Minutes of the Ordinary Council Meeting held 26 August 2026 are attached as Attachment 7.1.1(1).

**Executive Recommendation:**

**That the Minutes from the Ordinary Council Meeting held 26 August 2026 be confirmed as a true and accurate record.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 153/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That the Minutes from the Ordinary Council Meeting held 26 August 2026 be confirmed as a true and accurate record.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

# 8. Reports of Committees

## 8.1 Local Emergency Management Committee Meeting Minutes

### 8.1.1 Local Emergency Management Committee Meeting held on 28 July 2026

Minutes of the Local Emergency Management Committee Meeting held 28 July 2026 are attached as Attachment 8.1.1(1).

**Executive Recommendation:**

**That the Minutes from the Local Emergency Management Committee Meeting held 28 July 2026 be received.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 154/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That the Minutes from the Local Emergency Management Committee Meeting held 28 July 2026 be received.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 8.2 Warren Blackwood Alliance of Councils Meeting Minutes

### 8.2.1 Warren Blackwood Alliance of Councils Meeting held on 4 August 2026

Minutes of the Warren Blackwood Alliance of Councils Committee Meeting held 4 August 2026 are attached as Attachment 8.2.1(1).

**Executive Recommendation:**

**That the Minutes from the Warren Blackwood Alliance of Councils Committee Meeting held 4 August 2026 be received.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 155/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That the Minutes from the Warren Blackwood Alliance of Councils Committee Meeting held 4 August 2026 be received.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 8.3 Audit, Risk & Improvement Committee Meeting Minutes

### 8.3.1 Audit, Risk & Improvement Committee Meeting held on 26 August 2026

This report provides the minutes of the Audit, Risk and Improvement Committee Meeting held 26 August 2026 (Attachment 8.3.1(1)). It is noted that, the Audit, Risk and Improvement Committee members confirmed the accuracy of the minutes via a flying minute process conducted by email.

**Executive Recommendation:**

**That Council:**

1. **Receive the confirmed minutes from the Audit, Risk and Improvement Committee Meeting held on 26 August 2026; and**
2. **Adopt the recommendations as detailed in the minutes and summarised in items 7.1-8.1.5, noting that the 2025 Compliance Audit Return (Attachment 8.3.1(2)) will be submitted as part of this resolution.**

**7.1 Audit, Risk and Improvement Committee Meeting held on 24 June 2026**

**That the Minutes from the Audit, Risk and Improvement Committee Meeting held 24 June 2026 be received.**

**8.1.1 Audit Findings Report**

**That the Audit, Risk and Improvement Committee notes the update provided on Audit Findings as outlined in Attachments 8.1.1(1) Annual Audit Findings August 2026 status and 8.1.1(2) Outstanding Financial Management Review/Audit Regulation 17 Review Findings.**

**8.1.2 Compliance Audit Report 2025**

1. **Endorse the adoption of the 2025 Compliance Audit Return for the period 1 January 2025 to 31 December 2025 (Attachment 8.1.2(1) Compliance Audit Report 2025 Summary of Responses); and**
2. **Endorse the certification of the 2025 Compliance Audit Return by the Shire President and Chief Executive Officer prior to submission to the Local Government Inspector by 30 September 2025.**

**8.1.3 Strategic Risk Register Review and Risk Treatment Plan Update**

**That the Audit, Risk and Improvement Committee:**

1. **Notes the updated Risk Register - Strategic Updated 18-08-2026** (Attachment 8.1.3(1)); **and**
2. **Notes that control effectiveness assessments have now been completed for all identified strategic risks and residual risk ratings have been reviewed accordingly; and**
3. **Notes that strategic risk treatment plans have been developed for all strategic risks with residual risk ratings above the Shire's risk tolerance level of 9, as**

**detailed in Strategic Risk Treatment Plan - Updated 18 August 2026** (Attachment 8.1.3(2)); **and**

4. **Notes that implementation and monitoring of the identified treatment actions will be reported to future meetings of the Audit, Risk and Improvement Committee as part of the Shire's ongoing risk management and governance framework.**

**8.1.4 Privacy and Responsible Information Sharing – Implementation Progress**

**That the Audit, Risk and Improvement Committee Meeting note the update provided on the Privacy and Responsible Information Sharing Implementation Progress.**

**8.1.5 Chief Executive Officer Briefing**

**That the Audit and Risk Management Committee Meeting note the update provided to the Committee.**

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 156/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Receive the confirmed minutes from the Audit, Risk and Improvement Committee Meeting held on 26 August 2026; and**
2. **Adopt the recommendations as detailed in the minutes and summarised in items 7.1-8.1.5, noting that the 2025 Compliance Audit Return (Attachment 8.3.1(2)) will be submitted as part of this resolution.**

**7.1 Audit, Risk and Improvement Committee Meeting held on 24 June 2026**

**That the Minutes from the Audit, Risk and Improvement Committee Meeting held 24 June 2026 be received.**

**8.1.1 Audit Findings Report**

**That the Audit, Risk and Improvement Committee notes the update provided on Audit Findings as outlined in Attachments 8.1.1(1) Annual Audit Findings August 2026 status and 8.1.1(2) Outstanding Financial Management Review/Audit Regulation 17 Review Findings.**

**8.1.2 Compliance Audit Report 2025**

1. **Endorse the adoption of the 2025 Compliance Audit Return for the period 1 January 2025 to 31 December 2025 (Attachment 8.1.2(1) Compliance Audit Report 2025 Summary of Responses); and**

2. **Endorse the certification of the 2025 Compliance Audit Return by the Shire President and Chief Executive Officer prior to submission to the Local Government Inspector by 30 September 2025.**

**8.1.3 Strategic Risk Register Review and Risk Treatment Plan Update**

**That the Audit, Risk and Improvement Committee:**

1. **Notes the updated Risk Register - Strategic Updated 18-08-2026** (Attachment 8.1.3(1)); **and**
2. **Notes that control effectiveness assessments have now been completed for all identified strategic risks and residual risk ratings have been reviewed accordingly; and**
3. **Notes that strategic risk treatment plans have been developed for all strategic risks with residual risk ratings above the Shire's risk tolerance level of 9, as detailed in Strategic Risk Treatment Plan - Updated 18 August 2026** (Attachment 8.1.3(2)); **and**
4. **Notes that implementation and monitoring of the identified treatment actions will be reported to future meetings of the Audit, Risk and Improvement Committee as part of the Shire's ongoing risk management and governance framework.**

**8.1.4 Privacy and Responsible Information Sharing – Implementation Progress**

**That the Audit, Risk and Improvement Committee Meeting note the update provided on the Privacy and Responsible Information Sharing Implementation Progress.**

**8.1.5 Chief Executive Officer Briefing**

**That the Audit and Risk Management Committee Meeting note the update provided to the Committee.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

# 9. Reports of Officers
## 9.1. Director Operations

### 9.1.1 Reconsideration of conditions P25070 - Pine Plantation, Mumballup

| **Report Details:** | | | |
|---|---|---|---|
| **Prepared by:** | Principal Planner | | |
| **Manager:** | Manager Development Services | | |
| **Applicant:** | Delta Forestry Pty Ltd for Cultura Australia Pty Ltd | | |
| **Location:** | Lot 212 Hearle Road, Mumballup | | |
| **File Reference:** | A4020 (P25070) | **Voting Requirement:** | Simple Majority |

**Attachment(s):**

| | |
|---|---|
| 9.1.1(1) | Minutes of Council Meeting held on 25 March 2026 |
| 9.1.1(2) | Development Application Plan dated July 2026 |
| 9.1.1(3) | Fire Management Plan dated August 2026 |
| 9.1.1(4) | (Attachment 9.1.1(2) approved under Council Resolution 35/03-26) |

**Executive Recommendation**

**That Council:**

**A. In accordance with section 31 of the *State Administrative Tribunal Act 2004*, and pursuant to clause 68(2)(b) of Schedule 2 (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, resolves to amend Conditions 1, 2, 3, 5, 7, 8 and 9 of Development Approval P25070 for a Pine Plantation on Lot 212 Hearle Road, Mumballup, approved under Council Resolution 35/03-26 on 25 March 2026, as follows:**

**1. The layout of the lot, firebreaks, exclusion, and planting areas to be in accordance with the Forest Management Plan (Attachment 9.1.1(2)) and Development Application Plan dated July 2026 and the conditions of approval and must not be altered or modified without the further written consent of the Shire. Where specific or more detailed requirements are imposed under any other condition of this approval the condition(s) shall prevail.**

**2. The Fire Management Plan dated August 2026 shall form part of this development approval and must be implemented and maintained to the reasonable satisfaction of the Shire.**

**3. The applicant shall ensure that a copy of the single page Fire and Emergency Plan is:**

**a) Stored at all property entrances in secure, weatherproof, and clearly labelled containers at all times; and**

**b) Provided to the Department of Biodiversity, Conservation and Attractions, the Department of Fire and Emergency Services Regional Office, and the relevant local bushfire control brigades.**

**The provision, storage, and accessibility of this map must be maintained to the reasonable satisfaction of the Shire.**

5. **Setbacks:**
   a) **A minimum setback of 6 metres shall be maintained from all native vegetation and from both sides of the watercourse. The setback from native vegetation is to be measured from the outer edge of the tree canopy dripline, where applicable, as it exists at the date of this approval. Unless otherwise required by a Bushfire Notice under the Bush Fires Act 1954 or other written law, firebreaks and vehicle accessways may encroach up to 3 metres into the required 6-metre setback provided a minimum separation distance of 3 metres is always maintained from the tree canopy dripline or watercourse.**
   b) **The plantation shall maintain a minimum setback of 15 metres from all lot boundaries. The applicant/landowner shall undertake regular monitoring and control of pine wildlings within the setback areas inside the lot, at a frequency consistent with weed and pest monitoring activities, to minimise the spread of pine wildlings onto adjoining properties and road reserves.**

7. **At least eighteen (18) months prior to the commencement of any harvesting activities, a Harvesting Plan shall be submitted to and approved by the Shire. The Plan shall be referred to relevant authorities, including Main Roads Western Australia, the Public Transport Authority (PTA), and the Department of Biodiversity, Conservation and Attractions (DBCA), and shall detail the proposed traffic management arrangements associated with the harvesting operation. This includes any required gravel resheeting, or road upgrades or other works necessary to accommodate haulage vehicles if Restricted Access Vehicle (RAV) approval is required. No harvesting activities shall commence until the Harvesting Plan has been approved to the reasonable satisfaction of the Shire. All harvesting activities shall thereafter be undertaken in accordance with the approved Harvesting Plan.**

8. **Prior to the commencement of any planting works, the applicant shall to the reasonable satisfaction of the Shire:**
   i. **construct and thereafter maintain, to the reasonable satisfaction of the Shire, a gravel crossover from Lot 212 to the unconstructed road fronting Lot 212;**
   ii. **construct and thereafter maintain, to the reasonable satisfaction of the Shire, the unconstructed road reserve from the crossover to the Hearle Road intersection, including any drainage culverts, to a gravel standard;**
   iii. **install and maintain an access gate across the constructed road at a location that is as close as reasonably practicable to the Hearle Road intersection while enabling all vehicles to be fully contained within the constructed road before access to or after egress from Hearle Road; and**
   iv. **install reflective signage on the access gate and near the Hearle Road intersection to clearly delineate to those travelling south that the constructed road is not the continuation of Hearle Road.**

9. **The two dams within compartments 4 and 7 be decommissioned to the reasonable satisfaction of the Shire within eight (8) months of the date of this approval. Any future recommissioning of these dams shall require engineering drawings and certification by a suitably qualified engineer to the reasonable satisfaction of the Shire.**

## Strategic Alignment

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

Outcome: 9 - A thriving economy.

Objective: 9.1 - Attract and retain a diverse mix of businesses, investment and employment opportunities.

## Executive Summary

The purpose of this report is for Council to reconsider several conditions attached to Development Approval P25070, granted by Council at its 25 March 2026 meeting, for a pine plantation on Lot 212 Hearle Road, Mumballup.

Following the State Administrative Tribunal (SAT) process a revised set of conditions has been negotiated and agreed in principle. Officers consider the amended conditions appropriately address the matters raised in the SAT application while continuing to protect environmental, fire management and road safety interests.

As the approval was granted by Council resolution, officers do not have delegated authority to determine amendments to the approval. Accordingly, Council is required to consider whether it wishes to reconsider and amend the approval conditions pursuant to section 31(1) of the *State Administrative Tribunal Act 2004*.

## Background

Council approved Development Application P25070 for a pine plantation on Lot 212 Hearle Road, Mumballup at its meeting held on 25 March 2026 (Council Resolution 35/03-26), subject to conditions (Attachment 9.1.1(1)). Subsequently, the applicant's legal representatives, HWLE Lawyers, lodged an application for review with the State Administrative Tribunal pursuant to section 252(1) of the *Planning and Development Act 2005*. The application sought review of several conditions of approval, principally relating to setbacks, road infrastructure requirements and harvesting operations.

Grounds of Review

1. Setback requirements

The applicant submitted that setback requirements are already prescribed within the approved Forest Management Plan (FMP), compliance with which is required under Condition 1. It was argued that Condition 5 duplicates those requirements and, in addition, prevents firebreaks and access tracks from being located within designated setback areas. The applicant contended that there is no planning justification for this additional restriction.

2. Road upgrades
Condition 8 required works to the unconstructed road reserve and intersection with Hearle Road prior to the commencement of planting. The applicant submitted that these works are only necessary to facilitate future harvesting and haulage operations, which are not expected to occur for approximately 20 years. It was argued that there is insufficient planning justification to require the works prior to planting. The applicant further submitted that Hearle Road and the proposed gravel road are capable of accommodating future harvesting activities and that nearby plantations have historically utilised the same road network.

3. Requirement for a further development approval in respect of harvesting plan
The applicant submitted that harvesting operations are an integral component of plantation forestry and should not require a separate future development approval. It was argued that Condition 7 lacks certainty and effectively requires an additional approval for the same land use. The applicant proposed that, instead, the condition require preparation and endorsement of a Harvest Management Plan consistent with the *Code of Practice for Timber Plantations in Western Australia 2014*, focused on operational matters and management of road network impacts.

Orders sought
The applicant sought orders varying the decision to:
a) amend Condition 5 to permit firebreaks within setback areas;
b) amend Condition 7 to require a Harvest Management Plan endorsed by the local government with clearly defined content requirements; and
c) delete Condition 8 in its entirety.

Following mediation and subsequent discussions between the parties, revised conditions were drafted and refined. As Council originally determined the application, officers are seeking Council endorsement of the amended conditions before the matter returns to the Tribunal. A directions hearing is scheduled with the Tribunal for 9 October 2026.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Environment | Possible | Insignificant | Low (3) |
| Risk Description: | Potential environmental impacts may arise if required setbacks to native vegetation and watercourses are not appropriately managed. There is also a risk of adverse impacts on the environment and the local community if effects on the local road network are not adequately addressed and managed. | | |
| Mitigation: | The risk would be managed through the imposition of conditions on the development approval, requiring compliance with environmental and infrastructure management requirements. Council would have the ability to undertake compliance and enforcement action in the event of any breach of approval conditions or future non-compliance. | | |

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Almost Certain | Moderate | High (15) |
| Risk Description: | Continued participation through the SAT process is resource intensive. | | |
| Mitigation: | The approval of the amended conditions as per the Executive Recommendation will likely lead to a resolution of the SAT proceeding. | | |

## Financial Implications

The applicant exercised its statutory right to seek a review of the conditions of approval through the State Administrative Tribunal. All applicable application and Tribunal-related fees are the responsibility of the applicant. The reconsideration of the approval conditions has no direct financial implications for the Shire, other than staff time associated with the assessment, participation in mediation, preparation of reports, and attendance at Tribunal proceedings. There is no provision for the recovery of these officer costs.

## Policy Compliance

Council previously considered this matter under the original item. Refer to Attachment 9.1.2(1).

## Statutory Compliance

*State Administrative Tribunal Act 2004*

31 . Tribunal may invite decision-maker to reconsider decision

(1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.
(2) 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.

## Consultation

Both DWER and DBCA provided input into the revised conditions regarding setbacks/firebreaks etc.

## Officer Comment

On 7 August 2026, the State Administrative Tribunal issued orders requiring that:

1. By 14 August 2026, the respondent confirm to the applicant whether Conditions 2 and 8 of the development approval had been satisfied;

2. Pursuant to section 31(1) of the *State Administrative Tribunal Act 2004*, the respondent reconsider its decision on or before 1 October 2026; and
3. The matter be listed for a directions hearing on 9 October 2026.

In response, officers undertook an assessment of compliance with Conditions 2 and 8 and advised all parties accordingly.

### Condition 2

Condition 2 of the March decision required amendment of the Fire Management Plan prior to commencement of planting works. Specifically, the amended plan was required to include:

- relevant local fire agency contact details;
- a georeferenced emergency response map identifying access points, water supplies, assembly areas and critical infrastructure; and
- a minimum 50,000-litre firefighting water tank.

Officers reviewed the Fire Management Plan dated August 2026 and confirmed that these requirements had been incorporated. Accordingly, officers recommend that condition 2 be simplified as presented and that condition 3 be reworded to reflect the changes to condition 2.

### Condition 8

Condition 8 required the construction of:

- a gravel-standard intersection from Hearle Road to the unconstructed road reserve; and
- the unconstructed road reserve up to and including the crossover to Lot 212.

Site inspections and engineering assessment confirmed that the required works have been completed to the satisfaction of the Shire. Access gates have also been installed by the applicant and will be maintained by the applicant as sole user of the road. Accordingly, officers determined that Condition 8 has been satisfied, however propose additional components to recognise the applicant's responsibilities with reference to the unconstructed road reserve that forms part of the access to their lot.

### Amended Conditions

As part of the SAT proceedings, the parties negotiated amendments to Conditions 1, 2, 3, 5, 7, 8 and 9. The amendments provide greater clarity regarding plantation setbacks, access arrangements, fire management obligations and future harvesting requirements.

Officers consider the revised conditions to be reasonable, enforceable and consistent with orderly and proper planning principles while addressing the concerns raised by the applicant through the SAT process. Changes to setback distances have been discussed with DWER and DBCA and are considered to maintain protection for native vegetation and waterways.

Conclusion

In reconsidering the approval, officers have reviewed the issues raised through the SAT proceedings, submissions from relevant stakeholders and advice from referral agencies and internal service areas. The proposed amended conditions reflect the outcomes of mediation and provide a balanced approach to managing environmental, fire management and transport-related impacts associated with the plantation.

Officers are satisfied that the revised conditions remain consistent with the principles of orderly and proper planning and continue to protect the interests of the wider community. It is therefore recommended that Council reconsider its previous decision and amend the conditions of approval as set out in the Executive Recommendation.

| | | | |
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| **COUNCIL RESOLUTION:** | 157/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

**A. In accordance with section 31 of the *State Administrative Tribunal Act 2004*, and pursuant to clause 68(2)(b) of Schedule 2 (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, resolves to amend Conditions 1, 2, 3, 5, 7, 8 and 9 of Development Approval P25070 for a Pine Plantation on Lot 212 Hearle Road, Mumballup, approved under Council Resolution 35/03-26 on 25 March 2026, as follows:**

**1. The layout of the lot, firebreaks, exclusion, and planting areas to be in accordance with the Forest Management Plan (Attachment 9.1.1(2)) and Development Application Plan dated July 2026 and the conditions of approval and must not be altered or modified without the further written consent of the Shire. Where specific or more detailed requirements are imposed under any other condition of this approval the condition(s) shall prevail.**

**2. The Fire Management Plan dated August 2026 shall form part of this development approval and must be implemented and maintained to the reasonable satisfaction of the Shire.**

**3. The applicant shall ensure that a copy of the single page Fire and Emergency Plan is:**

**a) Stored at all property entrances in secure, weatherproof, and clearly labelled containers at all times; and**

**b) Provided to the Department of Biodiversity, Conservation and Attractions, the Department of Fire and Emergency Services Regional Office, and the relevant local bushfire control brigades.**

**The provision, storage, and accessibility of this map must be maintained to the reasonable satisfaction of the Shire.**

**5. Setbacks:**

a) **A minimum setback of 6 metres shall be maintained from all native vegetation and from both sides of the watercourse. The setback from native vegetation is to be measured from the outer edge of the tree canopy dripline, where applicable, as it exists at the date of this approval. Unless otherwise required by a Bushfire Notice under the Bush Fires Act 1954 or other written law, firebreaks and vehicle accessways may encroach up to 3 metres into the required 6-metre setback provided a minimum separation distance of 3 metres is always maintained from the tree canopy dripline or watercourse.**

b) **The plantation shall maintain a minimum setback of 15 metres from all lot boundaries. The applicant/landowner shall undertake regular monitoring and control of pine wildlings within the setback areas inside the lot, at a frequency consistent with weed and pest monitoring activities, to minimise the spread of pine wildlings onto adjoining properties and road reserves.**

7. **At least eighteen (18) months prior to the commencement of any harvesting activities, a Harvesting Plan shall be submitted to and approved by the Shire. The Plan shall be referred to relevant authorities, including Main Roads Western Australia, the Public Transport Authority (PTA), and the Department of Biodiversity, Conservation and Attractions (DBCA), and shall detail the proposed traffic management arrangements associated with the harvesting operation. This includes any required gravel resheeting, or road upgrades or other works necessary to accommodate haulage vehicles if Restricted Access Vehicle (RAV) approval is required. No harvesting activities shall commence until the Harvesting Plan has been approved to the reasonable satisfaction of the Shire. All harvesting activities shall thereafter be undertaken in accordance with the approved Harvesting Plan.**

8. **Prior to the commencement of any planting works, the applicant shall to the reasonable satisfaction of the Shire:**
   i. **construct and thereafter maintain, to the reasonable satisfaction of the Shire, a gravel crossover from Lot 212 to the unconstructed road fronting Lot 212;**
   ii. **construct and thereafter maintain, to the reasonable satisfaction of the Shire, the unconstructed road reserve from the crossover to the Hearle Road intersection, including any drainage culverts, to a gravel standard;**
   iii. **install and maintain an access gate across the constructed road at a location that is as close as reasonably practicable to the Hearle Road intersection while enabling all vehicles to be fully contained within the constructed road before access to or after egress from Hearle Road; and**
   iv. **install reflective signage on the access gate and near the Hearle Road intersection to clearly delineate to those travelling south that the constructed road is not the continuation of Hearle Road.**

9. **The two dams within compartments 4 and 7 be decommissioned to the reasonable satisfaction of the Shire within eight (8) months of the date of this approval. Any future**

**recommissioning of these dams shall require engineering drawings and certification by a suitably qualified engineer to the reasonable satisfaction of the Shire.**

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| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.1.2 Request to Close Unconstructed Road Parcels ID 3627482 and ID 3627483, Balingup

**Report Details:**

**Prepared by:** Principal Planner

**Manager:** Manager Development Services

**Location:** Unconstructed road parcels ID 3627482 and ID 3627483

**File Reference:** A1496 (Lot 7) **Voting Requirement:** Simple Majority

**Attachment(s):**

9.1.2(1) Submissions

### Executive Recommendation

**That Council:**

1. **Pursuant to *Section 58 of the Land Administration Act 1997* and *regulation 9A. Modified requirements for certain requests by local government for closure of road*, resolves to:**

   a. **Authorise the Chief Executive Officer to request the Minister for Planning and Lands to close the subject road reserves as depicted on the location plan, figure 1 (IDs 3627482 (A) and 3627483 (B)), subject to the following comments and conditions:**

      i. **Compliance with Regulation 9A**
      **The proposal satisfies the requirements of regulation 9A, as:**
      1. **The road reserves have been reserved, declared or dedicated as roads and are shown as "No Zone" under Local Planning Scheme No. 7; and**
      2. **The road reserves are currently unconstructed and are not identified for future construction within the Shire's Works and Services Program.**

      ii. **Environmental Approvals**
      **Any future works associated with the construction of an access driveway, clearing of vegetation (including portions of the Melaleuca plantation within road reserve (B)), construction of a watercourse crossing within road reserve (A), installation of drainage infrastructure, or any other improvements within the closed road reserve shall be the responsibility of the new landowner and undertaken at the new landowner's expense and be subject to all relevant approvals and permits from the Department of Water and Environmental Regulation (DWER).**

      iii. **Watercourse Crossing Design**
      **Prior to the construction of any access crossing over the watercourse, the new landowner shall ensure that the crossing is designed by a suitably qualified professional and addresses all relevant environmental, hydraulic, drainage and engineering considerations, in consultation with Department of Water and Environmental Regulation (DWER).**

**iv. Ongoing Maintenance Responsibility**

**The new landowner shall be responsible for all costs associated with the construction and maintenance of the access driveway or other improvements located within the former road reserve.**

**v. Protection of Existing Services**

**Any existing utility infrastructure and associated access rights benefiting service authorities shall be protected to the satisfaction of the relevant service provider. Ongoing access shall be maintained for the purposes of inspection, maintenance, repair and replacement of infrastructure.**

**vi. Costs of Closure and Disposal**

**All costs associated with the road closure and disposal process, including surveying, valuation, plan preparation, Landgate fees and any other associated costs, shall be met by the new landowner.**

**vii. Access Arrangements**

**Prior to the transfer of any portion of the closed road reserve to adjoining landowners, satisfactory legal access shall be maintained for all affected lots. The owners of Lot 2367 have expressed an interest in purchasing the northern half of the road reserve should the road closure proceed. This arrangement would retain a 10-metre-wide battleaxe leg that would be able to provide legal access to Lot 7 and another legal access arrangement would be required to benefit Lot 2366. This would be able to be established by the affected landowners through the appropriate process or legal mechanism prior to the completion of any land transfer arising from the road closure.**

2. **Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that Council supports the closure of the subject road reserves as per the application received from the owner of Lot 7 subject to the above comments and conditions and any other requirements deemed necessary by the Minister for Planning and Lands.**

## 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 a request to close two portions of unconstructed road to facilitate private acquisition by an adjoining landowner.

Road closure requests are administered by local governments in accordance with the *Land Administration Act 1997* (LAA) and *Land Administration Regulations 1998* (LAR), and are subsequently referred to the Minister for Planning and Lands for determination.

The Shire has undertaken a preliminary assessment of the proposal and has not identified any significant issues that would prevent the request from progressing.

It is recommended that the request proceed in accordance with the provisions of the LAA and LAR and, be forwarded to the Minister for Planning and Lands for approval.

## Background

*Proposal*

The Shire has received a request from the landowner of Lot 7 (129) Grimwade Road, Balingup to close two portions of unconstructed road reserve to enable their private acquisition. The proposal would provide legal access to Lot 7 and Lot 2366, owned by a relative.

The subject road reserves extend from Russells Road, Balingup, and are depicted on the location plan, figure 1 (IDs 3627482 (A) and 3627483 (B)).

The road reserves are currently unconstructed and are not identified within the Shire's Works and Services Program for future construction. Historically, Lot 7 benefited from a legal easement over Lot 2258; however, that easement has since been extinguished. As a result, the owner of Lot 7 is seeking to secure legal access through acquisition of the road reserve.

Should the applicant successfully acquire the road reserve, they are proposing to allow an easement to be granted over the land in favour of Lot 2366 to provide ongoing legal access. Lot 2366 does not currently have independent legal access and, consequently, is unable to support future residential development until legal access is established.

Figure 1 – Location Plan

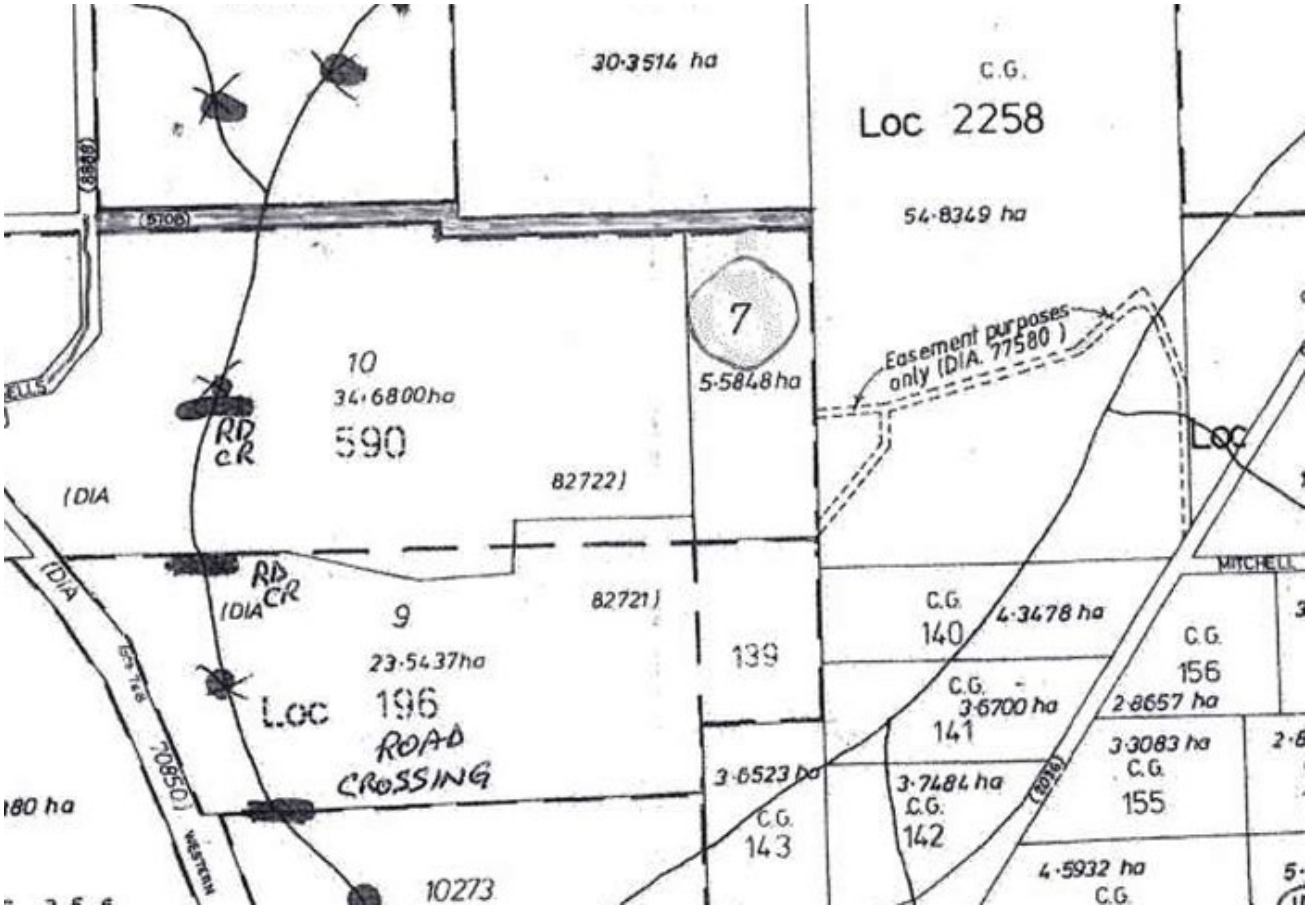


Figure 2 – Shows the now extinguished easement access to Lot 7

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Environment | Possible | Insignificant | Low (3) |
| Risk Description: | Construction of a driveway in the unconstructed road reserve would require a crossing over a creek line. Earthworks and heavy machinery operations associated with the construction of the crossing may result in soil disturbance, erosion, and sediment mobilisation, particularly during periods of heavy rainfall. This could lead to sediment or other contaminants entering the watercourse, adversely affecting water quality, aquatic habitat, and downstream environmental values. | | |
| Mitigation: | The risk can be effectively managed by scheduling construction works during the drier months to minimise the potential for runoff, sediment transport, and erosion. The detailed design and construction of the creek crossing should be undertaken with input from suitably qualified engineering and environmental specialists to ensure appropriate sediment and erosion control measures are incorporated and implemented.<br>All works should comply with relevant environmental and waterway management requirements, with disturbance limited to the minimum extent necessary. As Shire approval is not required for the construction of a driveway, it is the responsibility of the landowner to ensure that all necessary permits and licences, including any approvals required from the Department of Water and Environmental Regulation (DWER) for clearing activities or creek crossings, are obtained prior to the commencement of works. | | |

## Financial Implications

There are no financial implications for the Shire arising from this proposal. The applicant has paid the applicable fee associated with the road closure application.

The applicant has also been advised that, should Council support the proposal, the Shire's recommendation will be forwarded to the Department of Planning, Lands and Heritage (DPLH) for further assessment and determination by the Minister for Planning and Lands. The applicant will be responsible for all costs associated with the road closure and land acquisition process, including (but not limited to) advertising, surveying, plan and document preparation, valuation fees, Landgate fees, and the purchase price of the land.

## Policy Compliance

*Local Planning Policy 9.9 Road Closure* (LPP 9.9) outlines the following parameters relevant to a request of this nature:

1. *Council will not support the closure of any gazetted public road which has any possibility whatsoever of being utilised. There is a general presumption against the closing of roads.*
2. *Council will however consider the closure of a gazetted road where it will have no impact upon legal practical access to any property and will result primarily in the rationalisation of land and roads within the Shire.*

3. *In the event that Council supports the closure of a road the proponent will be liable for all costs involved with the road closure.*

A review of the proposal confirms that the request meets the requirements of LPP 9.9 and can be considered by Council.

## Statutory Compliance

Requests to permanently close a road are made under section 58 of the *Land Administration Act 1997* (LAA). Local governments are required to comply with the relevant provisions of the LAA and the *Land Administration Regulations 1998* (LAR) when preparing and submitting a road closure request to the Minister for Planning and Lands.

Regulation 9A of the *Land Administration Regulations 1998* provides a modified process for certain road closure requests made under section 58 of the LAA. Regulation 9A applies where the land:

- Has been reserved, declared, or dedicated as a road; and
- Has never been used as a road or had a road constructed upon it.

The subject road reserves have been dedicated as road reserve with "No Zone" on the Scheme Maps under LPS7 and have never been constructed or used as public roads. Accordingly, the proposal is considered to satisfy the criteria of Regulation 9A.

As Regulation 9A applies, the Shire is not required to undertake the public advertising and submission process prescribed by Regulation 9 prior to requesting the closure of the road. Instead, the request to the Minister must include:

- Written confirmation that the subject land is of the type described in Regulation 9A and that the requirements of Regulation 9 have not been undertaken because Regulation 9A applies;
- Confirmation of the Council resolution requesting the road closure;
- Sketch plans showing the location of the road reserve and the proposed future disposition of the land; and
- Any other information considered relevant to the Minister's consideration of the request.

Regulation 9A was introduced in 2024 to provide a streamlined process for the closure of road reserves that have never been constructed or used as roads. The proposal is consistent with the intent and requirements of this provision.

## Consultation

As the proposal relates to the closure of an unconstructed road reserve that has never been used as a public road, the modified requirements under Regulation 9A of the *Land Administration Regulations 1998* apply. Accordingly, public advertising is not required.

Notwithstanding, Department of Planning Lands and Heritage (DPLH) was consulted to ensure that the Council report addressed all relevant matters prior to finalisation. In response, Department of Planning Lands and Heritage advised that it has no in-principle objection to the proposal provided that the road

closure does not adversely affect surrounding landowners and that adjoining properties retain legal access.

Although the Shire may be exempt from undertaking the standard advertising process under Regulation 9A of the *Land Administration Regulations*, Department of Planning Lands and Heritage advised that the owners of Lots 2367 and 11 should be consulted before the proposal progresses further.

Subsequently, the Shire contacted the owners of the affected lots. The owners of Lot 11 advised that they support the proposed road closure, as it would facilitate the creation of a private access road. The owners of Lot 2367 indicated that they would be interested in purchasing the northern half of the road reserve should the closure proceed. This arrangement would leave the owners of Lots 7 and 2366 with a 10-metre-wide battleaxe leg to provide legal access to their properties.

DPLH also provided the following comments:

| Topic | Officer Comment |
|---|---|
| • Environmental Approvals and Water Crossing Design<br><br>DPLH agreed that environmental approvals and a suitable water crossing design would be necessary. However, it noted that these requirements may place a significant burden on the landowner. DPLH recommended that the Shire and/or landowner undertake further consultation with the Department of Water and Environmental Regulation (DWER) regarding the proposed access route, including the design plans, scope of works, potential impacts on the waterway, and any clearing required before progressing the road closure.<br><br>DPLH further noted that there is a high likelihood that the underlying site conditions may not support a primary access route capable of providing reliable year-round access. Should year-round access not be achievable, | During the site inspection, the applicant identified a number of existing creek crossings located to the south of the subject site. These crossings are man-made structures that provide access across the waterway.<br><br>It is considered that it is the new landowner's responsibility to obtain any approvals, licences, permits, and clearances required for the construction of the proposed access driveway, including any approvals associated with creek crossings and native vegetation clearing, where applicable. Any necessary consultation with the Department of Water and Environmental Regulation (DWER) and other relevant agencies should be undertaken by the new landowner prior to commencing works.<br><br>It is also acknowledged that the preparation of detailed engineering plans and supporting documentation for DWER assessment may |

| Topic | Officer Comment |
|---|---|
| consideration would need to be given to whether the proposal complies with applicable State and local bushfire planning requirements. | involve considerable cost. In this regard, it would be unreasonable to expect the new landowner to incur these costs before there is certainty that the road reserve closure will proceed and that the underlying land can be acquired. Accordingly, it is considered appropriate that the applicant first establish whether the land acquisition can be achieved before investing in the preparation of detailed designs and obtaining the necessary approvals. |
| • Access Arrangements<br><br>DPLH advised that once the road reserve is closed and transferred to private ownership, it becomes freehold land. Accordingly, any easement or alternative access arrangement required to benefit Lot 2366 would need to be established under the *Transfer of Land Act 1893*. DPLH confirmed that it would have no further requirements or comments regarding such private access arrangements. | The intention of the owner of Lot 7 to establish and register an easement to provide access to Lot 2366 is noted. While DPLH's comments regarding future access arrangements are acknowledged, any easement or other access right benefiting Lot 2366 would be a private matter between the owners of Lots 7 and 2366.<br><br>Should the road closure proceed and the land be transferred into private ownership, the creation of an easement could be facilitated through the relevant process. |

A Dial Before You Dig enquiry identified the presence of infrastructure assets within the vicinity of the subject road reserve. The proposal was subsequently referred to relevant service authorities and government agencies, including:

- Western Power;
- Telstra;
- Water Corporation; and
- Department of Water and Environmental Regulation (DWER).

No objections to the proposed road closure were received, refer (Attachment 9.1.1(1))
Western Power requested that ongoing access to its network infrastructure be maintained. It is not anticipated that the future construction of a private access driveway within the former road reserve would impede Western Power's ability to access, operate, or maintain its assets.

DWER advised that, should the proposal be modified in a manner that may affect environmental values, water resources, or waterway management, the Department should be notified to allow further assessment.
The Shire's Works and Services team supports the proposal on the basis that the land will become privately owned and that any access road or associated infrastructure constructed on the land will be the sole responsibility of the new landowner. It is noted that any future access driveway is likely to cross a watercourse and areas of seasonally wet land. Accordingly, the new landowner will need to ensure that the design and construction of the crossing appropriately addresses environmental, drainage, and engineering considerations.
The matters raised by the referral agencies and the Shire's Works and Services team are not considered to preclude the proposed road closure. However, these matters should be brought to the attention of the new landowners, as it will be their responsibility to address and consider any relevant requirements, approvals, or constraints prior to the commencement of works.

## Officer Comment

Road reserves are Crown land and are generally vested in the care, control and management of the relevant local government, except for roads under the care and control of Main Roads Western Australia.

Where an adjoining landowner seeks to acquire a portion of road reserve, the road must first be formally closed. This process is administered by the local government in accordance with the *Land Administration Act 1997* and the *Land Administration Regulations 1998*, following which a request is submitted to the Minister for Planning and Lands for determination.

The assessment of the proposal has identified the following:

- The subject road reserves are unconstructed and have never been formed or used as public roads.
- The Shire's Works and Services team has advised that there are no current or foreseeable plans to construct roads within these road reserves.
- The proposed road closure is consistent with the objectives and requirements of Local Planning Policy 9.9.
- Lot 7 and Lot 2366 currently do not have legal access to a constructed public road.
- The acquisition of the road reserve by the owner of Lot 7 would provide an opportunity to establish legal access to both Lot 7 and Lot 2366.
- The owner of Lot 7 has indicated a willingness to grant an easement over the land in favour of Lot 2366 to facilitate ongoing legal access.
- Any future access driveway constructed within the former road reserve is likely to require a crossing of a watercourse and areas of seasonally wet land.
- Referral agencies, including Western Power, Telstra, Water Corporation and the Department of Water and Environmental Regulation (DWER), have not raised any objections to the proposed road closure.

Below are photographs of the road reserve taken on 15 July 2026. The western section of the road

reserve is identified as **(A)** and the eastern section is identified as **(B)**.

**Figure 3** – Photograph taken from Russells Road looking towards the creek within the western section of the road reserve **(A)**.

**Figure 4** – Photograph showing the location within road reserve **(A)** where a creek crossing would need to be constructed.

**Figure 5** – Melaleuca plantation within road reserve **(B)** that would need to be removed to facilitate construction of an access driveway.

**Figure 6** – Eastern part of reserve (A)

While the proposed road closure raises some environmental and engineering considerations associated with the future construction of a private access driveway, these matters are not considered to warrant refusal of the proposal. Any future works would be subject to all relevant approvals and would be the responsibility of the new landowner.

Accordingly, should Council resolve to support the proposed road closure, it is recommended that the following conditions be recommended to be imposed by the Minister for Planning and Lands:

Environmental Approvals

Any future works associated with the construction of an access driveway, clearing of vegetation such as some of the Melaleuca plantation within road reserve **(B)**, construction of a watercourse crossing

within road reserve **(A),** installation of drainage infrastructure, or any other improvements within the closed road reserve shall be undertaken at the new landowner's expense and be subject to all relevant approvals, permits and statutory requirements.

Watercourse Crossing Design

Prior to the construction of any access crossing over the watercourse, the new landowner shall ensure that the crossing is designed by a suitably qualified professional and addresses all relevant environmental, hydraulic, drainage and engineering considerations, to the satisfaction and in consultation with the Department of Water and Environmental Regulation (DWER).

Ongoing Maintenance Responsibility

The new landowner shall be responsible for all costs associated with the construction and maintenance of the access driveway or other improvements located within the former road reserve.

Protection of Existing Services

Any existing utility infrastructure and associated access rights benefiting service authorities shall be protected to the satisfaction of the relevant service provider. Ongoing access shall be maintained for the purposes of inspection, maintenance, repair and replacement of infrastructure.

Costs of Closure and Disposal

All costs associated with the road closure and land acquisition process, including surveying, valuation, plan preparation, Landgate fees and any other associated costs, shall be met by the new landowner.

Access Arrangements

The owners of Lot 2367 have expressed an interest in purchasing the northern portion of the road reserve should the proposed road closure proceed. This arrangement would retain a 10-metre-wide battleaxe leg capable of providing legal access to Lot 7. A separate legal access arrangement would be required to benefit Lot 2366.

Such an arrangement could be established by the affected landowners through the appropriate statutory process or legal mechanism prior to the completion of any land transfer resulting from the road closure. Consequently, the proposed road closure is not considered to adversely affect access to the adjoining lots, provided the necessary access arrangements are secured before transfer of the land.

These conditions align with the advice received from referral agencies and the Shire's Works and Services team and will assist in ensuring that environmental, engineering infrastructure and access considerations are appropriately addressed.

The proposal is considered to be reasonable, supported, and it is therefore recommended that Council endorse the request and refer the matter to the Minister for Planning and Lands for consideration under section 58 of the *Land Administration Act 1997*.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 158/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Pursuant to *Section 58 of the Land Administration Act 1997* and *regulation 9A. Modified requirements for certain requests by local government for closure of road*, resolves to:**

   a. **Authorise the Chief Executive Officer to request the Minister for Planning and Lands to close the subject road reserves as depicted on the location plan, figure 1 (IDs 3627482 (A) and 3627483 (B)), subject to the following comments and conditions:**

      i. **Compliance with Regulation 9A**
      **The proposal satisfies the requirements of regulation 9A, as:**
      1. **The road reserves have been reserved, declared or dedicated as roads and are shown as "No Zone" under Local Planning Scheme No. 7; and**
      2. **The road reserves are currently unconstructed and are not identified for future construction within the Shire's Works and Services Program.**

      ii. **Environmental Approvals**
      **Any future works associated with the construction of an access driveway, clearing of vegetation (including portions of the Melaleuca plantation within road reserve (B)), construction of a watercourse crossing within road reserve (A), installation of drainage infrastructure, or any other improvements within the closed road reserve shall be the responsibility of the new landowner and undertaken at the new landowner's expense and be subject to all relevant approvals and permits from the Department of Water and Environmental Regulation (DWER).**

      iii. **Watercourse Crossing Design**
      **Prior to the construction of any access crossing over the watercourse, the new landowner shall ensure that the crossing is designed by a suitably qualified professional and addresses all relevant environmental, hydraulic, drainage and engineering considerations, in consultation with Department of Water and Environmental Regulation (DWER).**

      iv. **Ongoing Maintenance Responsibility**
      **The new landowner shall be responsible for all costs associated with the construction and maintenance of the access driveway or other improvements located within the former road reserve.**

      v. **Protection of Existing Services**
      **Any existing utility infrastructure and associated access rights benefiting service authorities shall be protected to the satisfaction of the relevant service provider.**

**Ongoing access shall be maintained for the purposes of inspection, maintenance, repair and replacement of infrastructure.**

**vi. Costs of Closure and Disposal**

**All costs associated with the road closure and disposal process, including surveying, valuation, plan preparation, Landgate fees and any other associated costs, shall be met by the new landowner.**

**vii. Access Arrangements**

**Prior to the transfer of any portion of the closed road reserve to adjoining landowners, satisfactory legal access shall be maintained for all affected lots. The owners of Lot 2367 have expressed an interest in purchasing the northern half of the road reserve should the road closure proceed. This arrangement would retain a 10-metre-wide battleaxe leg that would be able to provide legal access to Lot 7 and another legal access arrangement would be required to benefit Lot 2366. This would be able to be established by the affected landowners through the appropriate process or legal mechanism prior to the completion of any land transfer arising from the road closure.**

2. **Authorise the Chief Executive Officer to advise the Department of Planning, Lands and Heritage that Council supports the closure of the subject road reserves as per the application received from the owner of Lot 7 subject to the above comments and conditions and any other requirements deemed necessary by the Minister for Planning and Lands.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

## 9.1.3 Dark Down South Open Air Festival – Event Application

**Report Details:**

**Prepared by:** Manager Development Services

**Manager:** Director Operations

**Applicant:** Music on Murray Street

**Location:** Jim McDonald Oval, Kirup

**Monarch:** **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.1.3(1) Site plan

### Executive Recommendation

**That Council:**

1. **In accordance with Council Policy COMD/CP-6 Events considers the event application, Dark Down South Open Air Festival, 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, Dark Down South Open Air Festival, proposed to be held at Jim McDonald Oval Kirup on 20 and 21 November 2026, with setup from 16 November 2026 and pack down completed by 24 November 2026 and authorises the Chief Executive Officer to issue a certificate of approval under section 178(1) of the *Health (Miscellaneous Provisions) Act 1911* subject to the following:**

**Management Plans:**

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. **Subject to review by the Chief Health Officer of the Department of Health, a maximum accommodation of 500 people on site at any one time (that includes event staff, vendors and volunteers) applies to this event;**

**Access and Traffic Management:**

c. **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;**
d. **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 14 days prior to the event;**

e. **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;**

**Risk Management:**

f. **Fires, fireworks or any other pyrotechnic display are not permitted for the duration of the event;**
g. **Event organiser to provide evidence of minimum $20 million public liability insurance for any one event for all proposed activities to the satisfaction of the Shire. Evidence of insurance to be provided at least 14 days prior to the event date;**
h. **All electrical equipment is to be tested and tagged by an appropriately qualified person;**
i. **All temporary generator installations must be earthed in accordance with Australian Standards, as appropriate. A Form 5 "Certificate of Electrical Compliance" is required to be submitted by a licensed electrical contractor for all temporary power installations prior to commencement of the event;**
j. **A minimum of ten (10) temporary toilets comprising four (4) male toilets, five (5) female toilets and one (1) unisex accessible toilet and associated hand basins are to be provided for the event use. They are to be placed so that they are within 90 metres of any camp site;**
k. **All toilets are to be serviceable for the duration of the event and located in a manner to facilitate servicing/replenishment for the duration of the event;**
l. **Event and camp grounds are to have adequate lighting after dark;**
m. **Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;**
n. **All temporary structures (including gazebos, tents and camping structures) must be suitably secured to prevent movement in wind gusts and must not be used if winds will exceed manufacturer specified rating;**
o. **For the stage and any tent or marquee greater than 55m$^2$ 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;**
p. **Camping for event attendees is permitted for two (2) nights and for event organisers a total of eight (8) nights and subject to separate written approval from the Shire;**
q. **Event organiser to submit a list of all food vendors to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:**
    a. **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;**
    b. **A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of $10 million;**
r. **A first aid post with a minimum of two qualified first aid officers is required to be provided and adequately sign posted for the duration of the event;**

s. **The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties or left on site following the event;**

**Noise**

t. **Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire Chief Executive Officer;**

u. **The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include:**

   a. **A Noise Management Plan;**

   b. **Notification to residents within 2km of the oval grounds is to be undertaken by the Shire, at the applicant's cost**

**Debrief**

v. **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:**
**Due to crowds, including children, food safety and animal welfare concerns, the Shire's Ranger Services recommends that dogs are not permitted within the event grounds.**

## Strategic Alignment

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

| | |
|---|---|
| **Outcome:** | 2 - A sense of identity and belonging through culture, heritage and the arts. |
| **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 - Encourage more people to stop, shop and experience the Shire of Donnybrook Balingup. |

## Executive Summary

The Shire is in receipt of an event application for Dark Down South Open Air Festival (the event) to be held at Jim McDonald Oval in Kirup on 20 and 21 November 2026. The applicant describes this event as "family friendly, camp on site 2-day heavy metal music festival". The applicant held this event at this venue over the weekends of 22 and 23 November 2024 and 21 and 22 November 2025 under their former business name of "JamArt Sound Lounge".
As this is a multi-day event that requires consideration of a Regulation 18 noise approval, it is being referred to Council for determination. Conditional approval is recommended.

## Background

A two-day music festival "Dark Down South Open Air Festival" has been proposed to be held at Jim McDonald Oval on the 20 and 21 of November 2026, with stage and marquee set up to commence

from 16 November and pack down to be completed by 24 November. It will be a public, ticketed event with a cap of 400 audience members. There is anticipated to be 75 band members and 25 support/vendor staff. It is proposed that live music will play from 2:00pm until 11:00pm on both days of the festival in 45 minute intervals. There will be recorded music between live performances with sound checks from 12:30pm each day. Food will be provided via food trucks. It is proposed to be a BYO alcohol event with camping available on site.
Along with their completed event application form the applicant has provided:

- A site plan (refer Attachment 9.1.3(1))
- Application for approval of non-complying event (including a noise management plan and example neighbour notification letter)
- Risk Management Plan
- Fire Management Plan
- Application to consume liquor on a park/reserve (BYO only)
- A temporary camping application with camping management plan
- Police notification

In their event application they have committed to providing:

- Temporary toilets to cater for their audience;
- Provision for disability access, including the opportunity to install a hearing loop if required
- First aid with two senior first aiders
- Cleaning and waste removal
- Temporary fencing
- Lighting towers
- Provision of professional security for the duration of the event
- A traffic management plan and accredited traffic controllers

The proposed event is outside the Shire's established high bushfire threat period.

### Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Reputational | Possible | Moderate | Moderate (9) |
| Risk Description: | Negative community experience; risk to attendants. | | |
| 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.<br>Feedback from the two previous events held at this venue by the same applicant was positive. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Catastrophic | High (15) |
| Risk Description: | Injury to participant on Shire land leads to insurance claim for financial damage. | | |

| | | | |
|---|---|---|---|
| Mitigation: | The applicant is required to hold appropriate insurance to mitigate this risk to the Shire. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Property | Possible | Moderate | Moderate (9) |
| Risk Description: | Negative community experience; risk to attendants. | | |
| Mitigation: | The building infrastructure at the Jim McDonald Oval is not fit for purpose and is not being made available to the applicant for this event. The applicant will need to bring in temporary facilities including toilets, structures, lighting towers and generators to facilitate their event. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Health | Unlikely | Catastrophic | High (10) |
| Risk Description: | Injury to attendees from fire risks, crowd behaviour and temporary facilities. | | |
| Mitigation: | The event is occurring outside of the established high threat period, fires will not be permitted, mobile/temporary food businesses are required to be registered and the applicant has committed to crowd control, first aiders and bringing in appropriate facilities. | | |

## Financial Implications

The event assessment process is a collaborative effort between Shire staff across the Operations Directorate, who each provide recommendations specific to their area of expertise. Application fees are not intended to fully recover the costs associated with the event assessment process.
This event attracts the following fees (as per Council's adopted fees and charges):

| Item | Rate |
|---|---|
| Event application fee | $277 |
| Application Fee Temporary Camping | $100 |
| Oval Hire 16-24/11/2026 | $126/day ($1008) |
| Application fee Regulation 18 | $1,000 |
| Notification letters | To be determined as per Council's Fees & Charges schedule |

## Policy Compliance

As this event 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

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).

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

Due to the temporary nature of an event, community engagement regarding events is routinely limited to informing the community rather than seeking their feedback for consideration prior to approving an event. As with last year, it is proposed that a mailout is conducted, at the applicant's cost, to residents within a 2 kilometre radius, notifying them of this event. This notification will include start and finish times as well as 24 hour contact information to assist with any complaint management.

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

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

Last year, in the lead up to the event, a complaint was received during the sound check. With the resident's permission, their contact information was provided to the applicant. As with the 2024 event all feedback after the 2025 event was positive and no formal incidents or complaints were received.

## Officer Comment

### Noise

Noise emitted from any premises must comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*. The Regulations reference assigned levels, when received at a receiving premises. Regulation 18 allows the Chief Executive Officer of the local government to approve an event

if satisfied that "its noise emissions would exceed the assigned noise levels but would lose its character or usefulness if it had to meet the assigned levels".
It is widely accepted that music festivals would lose its character if it had to meet the assigned levels. Similar to the last two events, the applicant has committed to the following within their proposed Noise Management Plan:

- Placing a dB meter at the boundary line of closest adjacent residential properties so that noise levels can be monitored in real time.
- Setting the stage up in front of the existing building on site to provide additional barrier between the stage and the main residential area of town.
- Directing speakers away from nearby residential properties.
- Monitoring the level at the oval entrance during sound check and at least 3 times during the event to understand any impacts from weather conditions on how the sound is travelling
- Changeover/interval music between sets will be quieter than the live bands.
- Each band playing for a maximum of 45 minutes
- Campers will be provided with clear guidelines and etiquette regarding noise after the bands end for the night.
- Key personnel/event organisers will be on site to monitor camper's activities after the bands end for the night and take corrective actions if necessary.
- Publication of an onsite contact number for residents to contact regarding any aspect of the event. Enables adjustment of noise levels if necessary.

In relation to noise, the Department of Health's "Guidelines for concerts, events and organised gatherings" includes the following:
*Noise management plans should consider measures that will reduce the event's noise impact on the community, such as maximum sound levels at the mixing desk and noise sensitive premises. Outdoor music concerts and festivals need to operate at sound levels of at least 95 dB(A) at the mixing desk to achieve an acceptable atmosphere. The sound mixing operators for many of the artists may wish to operate at higher levels, typically up to 105 dB(A) at the mixing desk. In most cases, this is unnecessary and a limit of 100 dB(A) at the desk is acceptable. Noise levels are measured as 1-minute LAeq (average) sound levels.*
*Time and duration of the event*
*Control over the start and finish times and duration of the event will reduce the noise impact on noise sensitive occupiers. Events should generally be held at reasonable hours of the day such as from 9.00 am to 11.00 pm. Event duration should not exceed 6 hours. Sound check, or practice times should also be limited to no more than 1 to 2 hours and not before 9.00 am or after 10.00 pm. Longer event duration and later hours may be acceptable if it is demonstrated the community does not object or specific noise amelioration measures are implemented.*
The applicant proposes 95 dB(A) at the mixing desk. While each day's live music element exceeds the recommended 6 hour duration (i.e. 9 hours), there will be breaks between each live performance with live music to finish at 11:00pm. The event is proposed for a Friday and Saturday night which are

generally more socially acceptable nights for later events. Sufficient advance notice of the event enables those residents with sensitivities to be aware of the event and its intended duration.

### Fire

The event is located within a bushfire prone area as illustrated in Figure 1. The event date is proposed to occur within the Shire's restricted burning period (1 November – 14 December) and outside of the Standardised "High Threat Period" (HTP) for the Lower Southwest being, the second Thursday in December until the last Thursday in March.

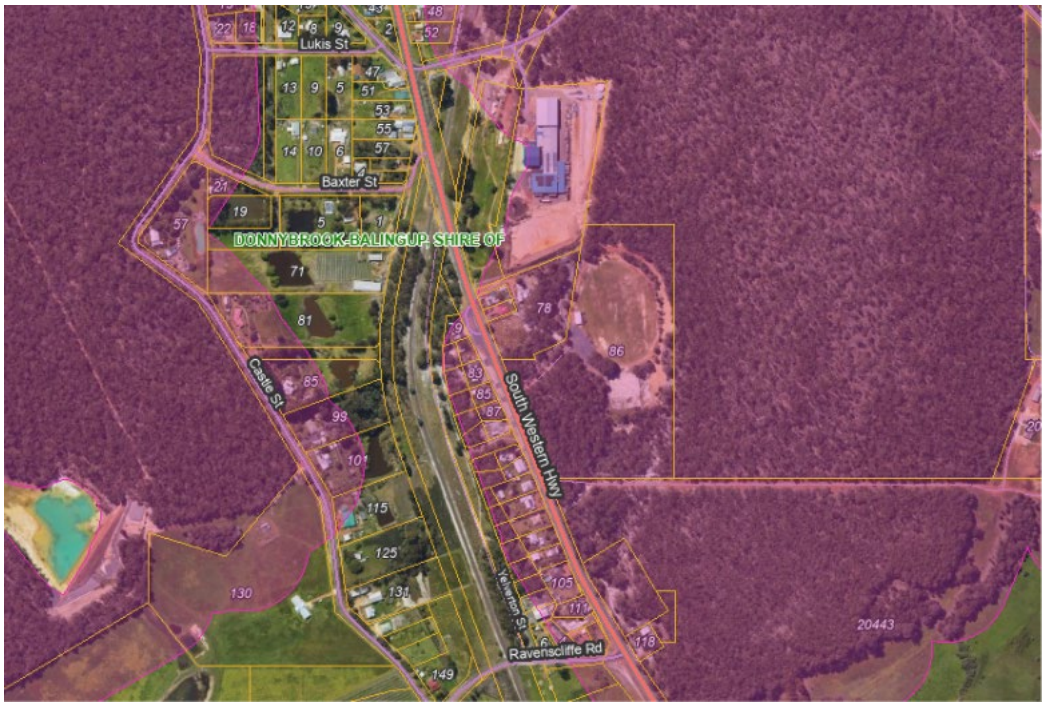


Figure 1 - Map of Bush Fire Prone Areas (marked pink)

The event grounds are flat with multiple emergency egress points available if required. In addition, the proximity to an established townsite further reduces the risk of fire, as well as affording areas of refuge, should a fire occur. On balance, the site is considered suitable for an event at this time of year. Conditional approval is therefore recommended.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 159/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **In accordance with Council Policy COMD/CP-6 Events considers the event application, Dark Down South Open Air Festival, 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, Dark Down South Open Air Festival, proposed to be held at Jim McDonald Oval Kirup on 20 and 21 November 2026, with setup from 16 November 2026**

**and pack down completed by 24 November 2026 and authorises the Chief Executive Officer to issue a certificate of approval under section 178(1) of the *Health (Miscellaneous Provisions) Act 1911* subject to the following:**

**Management Plans:**

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. **Subject to review by the Chief Health Officer of the Department of Health, a maximum accommodation of 500 people on site at any one time (that includes event staff, vendors and volunteers) applies to this event;**

**Access and Traffic Management:**

c. **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;**
d. **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 14 days prior to the event;**
e. **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;**

**Risk Management:**

f. **Fires, fireworks or any other pyrotechnic display are not permitted for the duration of the event;**
g. **Event organiser to provide evidence of minimum $20 million public liability insurance for any one event for all proposed activities to the satisfaction of the Shire. Evidence of insurance to be provided at least 14 days prior to the event date;**
h. **All electrical equipment is to be tested and tagged by an appropriately qualified person;**
i. **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;**
j. **A minimum of ten (10) temporary toilets comprising four (4) male toilets, five (5) 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;**
k. **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;**
l. **Event and camp grounds are to have adequate lighting after dark;**
m. **Lighting, to achieve a minimum of 40 Lux, to be provided in or above temporary toilets to facilitate safe use after dark;**

n. **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;**
o. **For the stage and any tent or marquee greater than 55m$^2$ 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;**
p. **Camping for event attendees is permitted for two (2) nights and for event organisers a total of eight (8) nights and subject to separate written approval from the Shire;**
q. **Event organiser to submit a list of all food vendors to the Shire for separate approval. The following information, for each food vendor, is also required to be submitted:**
    a. **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;**
    b. **A copy of the vendors Certificate of Currency product and public liability insurance, providing minimum cover of $10 million;**
r. **A first aid post with a minimum of two qualified first aid officers is required to be provided and adequately sign posted for the duration of the event;**
s. **The event organiser is to ensure there are sufficient waste receptacles provided to ensure all waste generated by the event is disposed of thoughtfully without any rubbish or debris being deposited on neighbouring properties or left on site following the event;**

**Noise**

t. **Separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to be obtained from the Shire Chief Executive Officer;**
u. **The application required under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* is to include:**
    a. **A Noise Management Plan;**
    b. **Notification to residents within 2km of the oval grounds is to be undertaken by the Shire, at the applicant's cost**

**Debrief**

v. **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:**
**Due to crowds, including children, food safety and animal welfare concerns, the Shire's Ranger Services recommends that dogs are not permitted within the event grounds.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

### 9.1.4 New Policy - Installation of Public Memorial Seat

**Report Details:**

**Prepared by:** Manager Works and Services

**Manager:** Director Operations

**Monarch:** **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.1.4(1) Draft Policy - Installation of Public Memorial Seat (WRKS/CP-5)

**Executive Recommendation**

**That Council:**

**1. Adopt Council Policy WRKS/CP-5 Installation of Public Memorial Seat** (Attachment 9.1.4(1))

**Strategic Alignment**

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

**Outcome:** 7 - Attractive and welcoming public places.

**Objective:** 7.1 - Create vibrant, attractive and welcoming towns and public places.

**Executive Summary**

The purpose of this report is to present the draft Council Policy, Installation of Public Memorial Seat, for Council's consideration and adoption.

The policy establishes a consistent framework for assessing requests from community members wishing to commemorate deceased persons through the installation of memorial seats and plaques within public open spaces owned or managed by the Shire. The policy outlines eligibility requirements, approval processes, design standards, cost responsibilities, maintenance arrangements, and asset life expectations.

The adoption of the policy will improve transparency and consistency in decision-making, ensure equitable treatment of applications, support effective asset management practices, and protect the amenity and long-term functionality of public open spaces.

**Background**

The Shire periodically receives requests from community members seeking to install memorial seats and plaques within parks, reserves, trails, and other public open spaces to commemorate deceased family members, friends, or notable local residents.

Historically, requests have been assessed on a case-by-case basis. While this approach has provided flexibility, it has also highlighted the need for a formal policy to provide clear guidance for applicants and officers and to ensure consistent decision-making.

The draft policy has been developed to establish eligibility criteria and standards for the installation and management of public memorial seats. It recognises the community value of memorialisation while balancing the Shire's responsibilities in relation to public asset management, maintenance obligations, safety, accessibility, and the preservation of public space character.

The policy applies to all applications for memorial seats and associated plaques on land owned or managed by the Shire and provides delegated authority for compliant applications to be determined administratively by the Chief Executive Officer or their authorised delegate.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Reputational | Possible | Minor | Moderate (8) |
| Risk Description: | Members of the public being upset due to a lack of process for them to formally recognize or honor another person | | |
| Mitigation: | Development of a Shire policy providing guidance to staff as to how these requests are to be processed. | | |

## Financial Implications

The policy itself does not create a direct financial impact on the Shire. Applicants are responsible for the costs associated with the purchase, installation, and plaque inscription of memorial seats. Any routine maintenance undertaken by the Shire will be accommodated within existing operational maintenance activities.

## Policy Compliance

In accordance with the Shire's Policy Framework (EXE/CP-8).

## Statutory Compliance

*Local Government Act 1995*

## Consultation

Internal consultation was undertaken during the development of the draft policy with officers from Works and Services and Corporate Services.

## Officer Comment

The draft policy establishes a balanced approach to memorialisation within public open spaces. It recognises the importance of providing community members with opportunities to commemorate deceased persons while ensuring that public spaces remain functional, accessible, visually appropriate, and manageable from an asset maintenance perspective.

The policy introduces clear assessment criteria, defines applicant responsibilities, and provides certainty regarding the lifespan, maintenance, renewal, and removal of memorial seats. Adoption of the policy will improve transparency, consistency, and administrative efficiency in the management of future requests. Accordingly, officers recommend that Council adopt the policy as presented.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 160/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Adopt Council Policy WRKS/CP-5 Installation of Public Memorial Seat** (Attachment 9.1.4(1)).

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.1.5 Rescindment of Council Policies EMERG/CP-1 Fireworks Events and EMERG/CP-2 Permits for Road Verge Burning

**Report Details:**

**Prepared by:** Community Emergency Services Manager

**Manager:** Director Operations

**Monarch:** MONARCH-1594159990-202, 1594159990-201 **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.1.5(1) Council Policy - Fireworks Events (EMERG/CP-1)
9.1.5(2) Council Policy - Permits for Road Verge Burning (EMERG/CP-2)

### Executive Recommendation

**That Council:**

1. **Rescinds Council Policy EMERG/CP-1 Fireworks Events; and**
2. **Rescinds Council Policy EMERG/CP-2 Permits for Road Verge Burning; and**
3. **Notes its intent and content are now fully addressed in the Shire's operational procedures.**

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### Executive Summary

The purpose of this report is to seek Council approval to rescind policy EMERG/CP-1 Fireworks Events and policy EMERG/CP-2 Permits for Road Verge Burning.

As part of the Shire's policy review process, it was identified that both documents contain predominantly operational and administrative requirements rather than matters requiring Council policy direction. To ensure a clear distinction between governance and operational functions, the requirements currently contained within these policies will be incorporated into internal Operational Procedures. This will allow administration to efficiently manage legislative and operational requirements while maintaining appropriate controls and consistency in decision making.

The rescission of these policies will streamline the Shire's policy register and align with contemporary local government governance practices.

### Background

The Shire currently maintains policy EMERG/CP-1 Fireworks Events and policy EMERG/CP-2 Permits for Road Verge Burning.

Policy EMERG/CP-1 Fireworks Events was originally adopted by Council on 23 May 2001 and was most recently revised on 21 December 2021 (Resolution 213/21).
Policy EMERG/CP-2 Permits for Road Verge Burning was originally adopted by Council on 23 January 2008 and was subsequently reviewed on 21 December 2021 (Resolution 213/21) and 9 January 2024 (Resolution 148/23).

As part of an ongoing review of Council policies, these documents have been assessed to determine whether they provide strategic direction requiring Council endorsement or whether they are operational in nature.

The review determined that both policies primarily prescribe administrative processes, assessment requirements and operational actions undertaken by staff in the management of fireworks events and road verge burning activities. As such, they do not establish strategic positions, principles or governance direction requiring ongoing Council policy status.

To ensure operational requirements continue to be applied consistently, the content of both policies will be transitioned into internal Operational Procedures. This approach will maintain effective operational management while reducing unnecessary policies within the Council policy register.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Likely | Moderate | High (12) |
| Risk Description: | The public undertaking the outlined activities on Shire or private land with no control mechanisms for staff to apply consistency in the assessment and or approval of requests | | |
| Mitigation: | Development of operational procedures to guide staff in the assessment and approval of these types of requests | | |

## Financial Implications

There are no direct financial implications associated with the rescission of these policies. Any operational requirements will continue to be managed within existing budget allocations and staff resources.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework (cl 4.10) the policy provides Council with clarity and consistency in decision making in this area.

The recommendation supports the Shire's commitment to maintaining a contemporary and effective policy framework by ensuring Council policies focus on strategic governance matters, while operational matters are managed through administrative procedures.

## Statutory Compliance

There are no statutory requirements mandating that the matters addressed in Policy EMERG/CP-1 Fireworks Events or Policy EMERG/CP-2 Permits for Road Verge Burning be maintained as Council policies. Relevant legislative obligations and regulatory requirements will continue to be administered through operational procedures and applicable legislation.

## Consultation

Consultation has been undertaken internally with relevant officers:

- Director Operations.
- Community Emergency Services Manager.

## Officer Comment

Rescinding these policies will simplify the Shire's policy framework, reduce unnecessary policy maintenance and reinforce the distinction between Council's strategic governance role and Administration's operational responsibilities.

Accordingly, officers recommend that Council rescind Policy EMERG/CP-1 Fireworks Events and Policy EMERG/CP-2 Permits for Road Verge Burning.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 161/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Rescinds Council Policy EMERG/CP-1 Fireworks Events; and**
2. **Rescinds Council Policy EMERG/CP-2 Permits for Road Verge Burning; and**
3. **Notes its intent and content are now fully addressed in the Shire's operational procedures.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.2. Director Finance and Community

### 9.2.1 Schedule of Accounts Paid as at 31 August 2026

**Report Details:**

**Prepared by:** Finance Officer

**Manager:** Manager Financial Services

**Monarch:** **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

Nil.

**Executive Recommendation**

**That Council receive the schedule of accounts paid as detailed in the report for the period ending 31 August 2026.**

**Strategic Alignment**

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

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

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

**Executive Summary**

Council is requested to receive the Schedule of Accounts Paid for the period 1 to 31 August 2026, in accordance with Regulation 13(3) of the *Local Government (Financial Management) Regulations 1996*. The total payments made under delegated authority during this period amount to $1,196,397.90.

**Background**

In accordance with Delegation 1.2.23 – *Payments from the Municipal or Trust Funds* adopted by Council on 26 June 2024, the Chief Executive Officer is authorised to incur expenditure in line with the provisions of the adopted Annual Budget, including limited over-expenditure subject to subsequent budget amendments. Pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of account paid under this delegation is to be prepared and presented to Council on a monthly basis.

**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

All payments have been made in line with Shire policies:

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

## Statutory Compliance

*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 confirmed that all payments were authorised in accordance with their delegated authority.

## Officer Comment

A detailed listing of payments has been provided below for Council's formal receipt. Elected Members are encouraged to raise any queries prior to the Ordinary Council Meeting to allow sufficient time for investigation and preparation of a response. Included in this month's schedule is a direct debit payment of $10,008.76 for WA Treasury Corporation Loan Guarantee Fees (Loans 90, 93 and 94), relating to July 2026 and reported in August due to timing.

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| REFERENCE | DATE | PAYEE | DESCRIPTION | AMOUNT |
|---|---|---|---|---|
| CREDIT CARD | | | | |
| | 29/06/2026 | DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY | RENEWAL OF BUILDING SURVEYOR PRACTITIONER REGISTRATION | 1,200.00 |
| | 01/07/2026 | SYNERGY | ELECTRICITY PAYMENT FOR VACANT UNIT 10 SHARP STREET | 95.93 |
| | 03/07/2026 | AUSTRALIA POST | VERIFICATION OF IDENTITY | 49.00 |
| | 03/07/2026 | SENDGRID | MONTHLY AUTOMATED EMAIL SERVICE, LINKED TO ENVIBE | 134.14 |
| | 09/07/2026 | MICROSOFT | AZURE USAGE CHARGES | 261.22 |
| | 24/07/2026 | MAILCHIMP | MONTHLY MARKETING SUBSCRIPTION | 38.27 |
| | 30/07/2026 | BENDIGO BANK | CARD FEES | 20.00 |
| DD29306.1 | 14/08/2026 | | TOTAL: CREDIT CARD PAYMENTS | 1,798.56 |
| EFT PAYMENTS | | | | |
| EFT33545A | 06/08/2026 | SHIRE OF DONNYBROOK BALINGUP | PAYROLL FOR THE PERIOD ENDING 08.08.26 | 170,146.85 |
| EFT33546 | 13/08/2026 | AUSTRALIA POST - ACCOUNTS | SHIRE POSTAGE | 5,683.45 |
| EFT33547 | 13/08/2026 | AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH | EMPLOYEE UNION DEDUCTIONS | 55.00 |
| EFT33548 | 13/08/2026 | AUSTRALIAN COMMUNICATIONS & MEDIA AUTHORITY | DBK FIXED POINT TO POINT 26/27 | 376.00 |
| EFT33549 | 13/08/2026 | ANIMAL HEALTH CENTRE | DBK POUND - CONSULTATION | 305.90 |
| EFT33550 | 13/08/2026 | WINC AUSTRALIA PTY LTD - ACCOUNTS | STATIONERY SUPPLIES | 90.98 |
| EFT33551 | 13/08/2026 | ABLE SALES | VCMP - LATCH DOOR KEYS | 35.00 |
| EFT33552 | 13/08/2026 | AQUA COOLER PTY LTD | WATER COOLERS PARTS | 417.00 |
| EFT33553 | 13/08/2026 | ABLE TRAILERS | FLAT TOP TIPPER | 8,792.00 |
| EFT33554 | 13/08/2026 | ALCHERINGA FARM | REIMBURSEMENT 50% OF INVOICE FOR BLACKBERRY CONTROL | 2,804.30 |
| EFT33555 | 13/08/2026 | J ALBERTS | REFUND OVERPAYMENT ON SUNDRY DEBTOR | 1,269.60 |
| EFT33556 | 13/08/2026 | BOC LIMITED | FORKLIFT GAS BOTTLES | 186.44 |
| EFT33557 | 13/08/2026 | BDA TREE LOPPING | TREE PRUNING | 18,227.00 |
| EFT33558 | 13/08/2026 | BUNBURY & BUSSELTON AIR | ADMIN - REPAIR AIRCON UNIT, DBK REC CTR - REPAIR POOL HEATER | 360.00 |
| EFT33559 | 13/08/2026 | BALINGUP LIQUOR & GENERAL STORE | BFB - BATTERIES | 61.00 |
| EFT33560 | 13/08/2026 | BOYANUP BOTANICAL | DBK TOWNSITE - PLANTS | 96.36 |
| EFT33561 | 13/08/2026 | BETTER TELCO SOLUTIONS PTY LTD - PHONE ACCOUNT | MONTHLY ACCESS FEE & SIP CHARGES | 935.40 |
| EFT33562 | 13/08/2026 | BRIGHTMARK GROUP PTY LTD | CLEANING - JUL 26, TRANSIT PARK - AMENITY CLEANING, DBK REC CTR - CARPET CLEANING | 18,958.63 |
| EFT33563 | 13/08/2026 | A BANNISTER | REIMBURSE - FIRE EXTINGUISHER - RANGER UTE | 33.25 |
| EFT33564 | 13/08/2026 | CITY & REGIONAL FUELS | PURCHASES ON FUEL CARDS & BULK FUEL - JUL 26 | 16,565.10 |
| EFT33565 | 13/08/2026 | AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT | PAYROLL DEDUCTIONS | 277.89 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| | | | | |
|---|---|---|---|---|
| EFT33566 | 13/08/2026 | BIDFOOD BUNBURY | DBK REC CTR - KIOSK STOCK | 99.26 |
| EFT33567 | 13/08/2026 | COMBINED TEAM SERVICES | HSR COURSE - CATERING FEE | 60.00 |
| EFT33568 | 13/08/2026 | CRS ELECTRICAL | BLN PUBLIC HALL - ATTEND TO LIGHTING ISSUES | 148.00 |
| EFT33569 | 13/08/2026 | CORSIGN WA | GALVANISED POST FOR SIGNAGE | 2,238.50 |
| EFT33570 | 13/08/2026 | DONNYBROOK TENNIS CLUB | VCMP - PAVILION 2 - SPACETOCO BOOKINGS - COLLECTED ON BEHALF OF CLUB - JUN 26 | 262.67 |
| EFT33571 | 13/08/2026 | DONNYBROOK & DISTRICTS PLUMBING SERVICE | REPLACE URINAL, UNBLOCK TOILETS, REPAIR TAP, REPLACE BROKEN TOILET SEAT | 1,342.00 |
| EFT33572 | 13/08/2026 | TYRES AND MORE DONNYBROOK | REPLACEMENT TYRES, PUNCTURE REPAIR | 1,670.00 |
| EFT33573 | 13/08/2026 | DONNYBROOK DISTRICT HIGH SCHOOL | DBK LBRY - ELECTRICITY, WATER, POSTAGE, STATIONERY, GROCERIES, CLEANING CONSUMABLES, GRANT FUNDED PURCHASES | 3,675.38 |
| EFT33574 | 13/08/2026 | DONNYBROOK FARM SERVICE | POOL CHEMICALS. CEMENT, RETIC COMPONENTS, TREE TIES, STAKES, WIRE CONNECTOR | 1,600.27 |
| EFT33575 | 13/08/2026 | DONNYBROOK FOOTBALL & SPORTING CLUB (INC) | VCMP - PAVILION 1 SPACETOCO BOOKINGS - COLLECTED ON BEHALF OF THE CLUB - JUN 26 | 1,083.32 |
| EFT33576 | 13/08/2026 | DATA#3 LIMITED | ADOBE RENEWAL | 9,882.05 |
| EFT33577 | 13/08/2026 | DONNYBROOK FAMILY DOCTORS | PRE-EMPLOYMENT MEDICALS | 350.00 |
| EFT33578 | 13/08/2026 | DONNYBROOK ACCIDENT REPAIR CENTRE | VEHICLE DENT REPAIR | 250.00 |
| EFT33579 | 13/08/2026 | ERGOLINK | OFFICE CHAIR | 616.35 |
| EFT33580 | 13/08/2026 | ESAFETY SUPPLIES | BOOT CLEANERS | 922.68 |
| EFT33581 | 13/08/2026 | FAIRTEL PTY LTD | DBK SES - PHONE AND NBN SERVICE | 159.97 |
| EFT33582 | 13/08/2026 | HARLEY DYKSTRA | EGAN PARK DONNYBROOK - FEATURE & CONTOUR SURVEY | 7,579.00 |
| EFT33583 | 13/08/2026 | HASTIE WASTE PTY LTD | DBK WMF, BLN TRANS STATION - MANAGEMENT, SERVICING OF FRONTLINE BINS, PROCESSING OF MATTRESSES | 43,387.46 |
| EFT33584 | 13/08/2026 | IT VISION | SYNERGYSOFT FRONT COUNTER - ONLINE TRAINING SESSION | 495.00 |
| EFT33585 | 13/08/2026 | INDUSTRIAL AUTOMATION GROUP PTY LTD | REMOTE ACCESS OPERATIONAL CHARGES 2026/27 | 2,329.80 |
| EFT33586 | 13/08/2026 | JACKSON MCDONALD | LEGAL ADVICE | 3,709.20 |
| EFT33587 | 13/08/2026 | LIVING SPRINGS WATER PTY LTD | BOTTLED WATER | 28.00 |
| EFT33588 | 13/08/2026 | MCDONALD FENCING | DBK OLD DEPOT - FENCING REPAIR | 7,326.00 |
| EFT33589 | 13/08/2026 | MICROSOFT REGIONAL SALES CORPORATION | MICROSOFT BUSINESS PREMIUM & EXCHANGE ONLINE PLANS | 2,589.29 |
| EFT33590 | 13/08/2026 | T MCCOSKER | REFUND OF OVERPAYMENT OF SWIMMING LESSONS | 137.52 |
| EFT33591 | 13/08/2026 | NESPRESSO AUSTRALIA | COFFEE | 440.00 |
| EFT33592 | 13/08/2026 | A NIETRZEBA | REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL | 359.50 |
| EFT33593 | 13/08/2026 | OFFICEWORKS | STATIONERY SUPPLIES | 157.99 |
| EFT33594 | 13/08/2026 | N O'CONNOR | REIMBURSE - PROFESSIONAL DEVELOPMENT | 4,246.68 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| | | | | |
|---|---|---|---|---|
| EFT33595 | 13/08/2026 | PRESTON VALLEY MAINTENANCE | DBK CEMETERY - REPAIR & PAINT DAMAGED WALLS TO TOILET BLOCK | 537.90 |
| EFT33596 | 13/08/2026 | PRESTON POWER EQUIPMENT | CHAINS & CHAIN SHARPEN FILE SET, MOWING HEAD AUTOCUT | 230.00 |
| EFT33597 | 13/08/2026 | PROGRAMMED PROPERTY SERVICES | PRESTON VILLAGE - UNIT - REFURBISHMENT | 27,500.00 |
| EFT33598 | 13/08/2026 | D PISCIONERI | REIMBURSE 50% OF INVOICE FOR BLACKBERRY CONTROL | 421.60 |
| EFT33599 | 13/08/2026 | QUANTIFIED TREE RISK ASSESSMENT | QTRA TRAINING & ANNUAL USER LICENCE | 1,078.00 |
| EFT33600 | 13/08/2026 | ROYAL LIFE SAVING SOCIETY WA INC. | POOL LIFEGUARD LICENCE RENEWAL | 187.00 |
| EFT33601 | 13/08/2026 | WREN OIL | DBK WMF - EMPTYING OF WASTE OIL RECEPTACLE | 1,038.95 |
| EFT33602 | 13/08/2026 | REDFISH TECHNOLOGIES PTY LTD | COUNCIL CHAMBER - AV SERVICE & SUPPORT AGREEMENT - 2026/27 | 5,025.64 |
| EFT33603 | 13/08/2026 | RECRUITWEST PTY LTD | CASUAL LABOUR HIRE | 2,545.45 |
| EFT33604 | 13/08/2026 | SPENCER SIGNS | DBK TRANSIT PARK - CCTV SIGNAGE, AUTHORISED ACCESS SIGN | 984.50 |
| EFT33605 | 13/08/2026 | SOUTHERN LOCK & SECURITY | DBK REC CTR - INVESTIGATE ALARM SIREN & REPAIR EVACUATION BUTTON | 325.00 |
| EFT33606 | 13/08/2026 | SURVCON PTY LTD | SURVEYING OF CLAY & GRAVEL STOCKPILES | 3,410.00 |
| EFT33607 | 13/08/2026 | SEEK LIMITED | ADVERTISEMENT - STAFF VACANCY | 500.50 |
| EFT33608 | 13/08/2026 | SHRED-X PTY LTD & AUSTRALIAN PAPER RECYCLING | SECURE BIN PICK UP & DISPOSAL | 220.02 |
| EFT33609 | 13/08/2026 | SCOPE BUSINESS IMAGING | DBK SES - PREVENTATIVE SERVICE PLAN FOR PRINTER/COPIER | 11.78 |
| EFT33610 | 13/08/2026 | SYKES ENGINEERING PTY LTD TRADING AS SOUTHWEST ELECTRICAL & COMMUNICATION | LANGLEY VILLAS - CALLOUT POWER OUTTAGE, PRESTON RIVER - REPAIR BBQ, SUPPLY & INSTALL CABLE FOR VEHICLE CHARGER | 2,157.10 |
| EFT33611 | 13/08/2026 | SOUTH WEST PROPERTY MANAGEMENT | RENTAL SUBSIDY FOR CHILDCARE WORKER | 869.05 |
| EFT33612 | 13/08/2026 | TELSTRA - MELBOURNE ACCOUNTS | TELEPHONE, MOBILE & INTERNET CHARGES | 1,622.25 |
| EFT33613 | 13/08/2026 | TREEHOUSE CHILDCARE CENTRE INC. | CHILDCARE WORKER - REIMBURSE FIRST AID TRAINING | 2,145.00 |
| EFT33614 | 13/08/2026 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT CHARGES | 245.81 |
| EFT33615 | 13/08/2026 | TELAIR PTY LTD | NBN SERVICES | 687.90 |
| EFT33616 | 13/08/2026 | TELAIR PTY LTD | MOBILE DEVICE PLANS | 79.99 |
| EFT33617 | 13/08/2026 | UNIVERSAL COFFEE TECH | REPAIRS TO COFFEE MACHINE | 308.00 |
| EFT33618 | 13/08/2026 | LANDGATE - VALUATION SERVICES | INTERIM VALUATIONS | 590.98 |
| EFT33619 | 13/08/2026 | VOLUNTEERS SOUTH WEST | EVENTS TRAILER | 2,200.00 |
| EFT33620 | 13/08/2026 | VOCUS | MONTHLY IP LINE, STANDARD ACCESS & FAST FIBRE | 1,304.60 |
| EFT33621 | 13/08/2026 | WATER CORPORATION - ACCOUNTS | WATER & SEWERAGE CHARGES | 3,408.99 |
| EFT33622 | 13/08/2026 | SYNERGY | ELECTRICITY CHARGES | 25,316.55 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| | | | | |
|---|---|---|---|---|
| EFT33623 | 13/08/2026 | WA LOCAL GOVERNMENT ASSOCIATION (WALGA) | WALGA SUBSCRIPTIONS 2026-27 - ASSOCIATION, EMPLOYEE RELATIONS, TAX SERVICES, PROCUREMENT SERVICES, GOVERNANCE, LOCAL LAWS, SOUTH WEST COUNTRY ZONE - ANNUAL SUBSCRIPTION | 31,562.30 |
| EFT33624 | 13/08/2026 | WORK CLOBBER | W&S - PPC | 1,038.55 |
| EFT33625 | 13/08/2026 | WML CONSULTANTS PTY LTD | PRESTON RIVER STAIRCASE DESIGN | 6,891.50 |
| EFT33626 | 13/08/2026 | WURTH AUSTRALIA PTY LTD | PROTECTIVE CLOTHING - GLOVES, EARPLUGS, SIGNAGE | 317.98 |
| EFT33627 | 13/08/2026 | THE WARREN BLACKWOOD ALLIANCE OF COUNCILS (INC) | WBAC PROJECTS COSTS, WBAC TRAILS DEVELOPMENT, SOUTHERN FORESTS & VALLEYS TOURISM PROJECT, WBAC REGIONAL TRAIL MASTER PLAN | 35,540.52 |
| EFT33628 | 13/08/2026 | WA COUNTRY HEALTH SERVICE | MEDICAL CTR QRTLY ELECTRICAL CHARGES | 2,631.84 |
| EFT33629 | 13/08/2026 | L WORSFOLD | REMIBURSE - WORK BOOTS & JACKET | 248.99 |
| EFT33629A | 20/08/2026 | SHIRE OF DONNYBROOK BALINGUP | PAYROLL FOR THE PERIOD ENDING 19.08.26 | 166,448.47 |
| EFT33630 | 27/08/2026 | AUSTRALIAN SERVICES UNION WESTERN AUSTRALIAN BRANCH | EMPLOYEE UNION DEDUCTIONS | 55.00 |
| EFT33631 | 27/08/2026 | AMITY SIGNS | REPLACEMENT ROAD SIGN & RURAL ROAD NUMBER PLATES | 256.85 |
| EFT33632 | 27/08/2026 | ALL TECH PLUMBING | DBK REC CTR - INVESTIGATE AND FIX BLOCKED TOILETS | 913.00 |
| EFT33633 | 27/08/2026 | AUSRECORD PTY LTD | FOLDER FILES | 224.40 |
| EFT33634 | 27/08/2026 | AFGRI EQUIPMENT AUSTRALIA PTY LTD | TRANSPORT GRADER - FILTERS | 291.97 |
| EFT33635 | 27/08/2026 | P ANASTASAKIS | ARIC MEETING ATTENDANCE FEE | 2,430.00 |
| EFT33636 | 27/08/2026 | BUNBURY & BUSSELTON AIR | DBK REC CTR - SUPPLY & INSTALL NEW IO BOARD ON POOL HEATER | 1,815.00 |
| EFT33637 | 27/08/2026 | BOYANUP BOTANICAL | DBK TOWNSITE & PRESTON RIVER FORESHORE - PLANTS | 4,000.49 |
| EFT33638 | 27/08/2026 | BLUE FORCE PTY LTD | PRESTON VILLAGE - MONTHLY EMERGENCY HELP MONITORING | 433.29 |
| EFT33639 | 27/08/2026 | BRIGHTMARK GROUP PTY LTD | CLEANING CONSUAMBLES, DBK & BLN HALL CLEANS | 1,627.21 |
| EFT33640 | 27/08/2026 | BLUE STEEL ROOFING | NEWLANDS HALL - ROOF COVER REPLACEMENT PROJECT, BLN REC CTR - RECTIFY CEILING WATER DAMAGE | 32,413.85 |
| EFT33641 | 27/08/2026 | COATES HIRE OPERATIONS PTY LTD - BUNBURY BRANCH | HIRE OF MULTI TYRE ROLLER | 6,973.32 |
| EFT33642 | 27/08/2026 | AUSTRALIAN GOVERNMENT - SERVICES AUSTRALIA - CHILD SUPPORT | PAYROLL DEDUCTIONS | 323.20 |
| EFT33643 | 27/08/2026 | CLEANAWAY OPERATIONS PTY LTD. | BLN TRANSFER STATION - RECYCLING | 882.96 |
| EFT33644 | 27/08/2026 | CRS ELECTRICAL | EGAN PARK - PHNEUMATIC TIMER | 398.50 |
| EFT33645 | 27/08/2026 | CLEANAWAY | KERBSIDE BIN COLLECTION | 64,692.47 |
| EFT33646 | 27/08/2026 | CROSS SECURITY SERVICES | DBK TRANSIT PARK - SUPPLY & INSTALL TOILET & SHOWER ACCESS CONTROL, WMS SOFTWARE MAINTENANCE AGREEMENT | 15,290.00 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
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| | | | | |
|---|---|---|---|---|
| EFT33647 | 27/08/2026 | CAFE 48 | BEERLERUP FIRE STATION - CATERING | 1,030.00 |
| EFT33648 | 27/08/2026 | CONNECT CALL CENTRE SERVICES | AFTERHOURS CALL CENTRE - W&S, P&G, RANGERS | 97.90 |
| EFT33649 | 27/08/2026 | CLEANAWAY PTY LTD | DBK WMF - RECYCLING BIN TRANSFER/PROCESSING - JUL 26 | 1,272.57 |
| EFT33650 | 27/08/2026 | CLEANAWAY OPERATIONS PTY LTD | BLN TRANSFER STATION - GENERAL WASTE | 5,549.15 |
| EFT33651 | 27/08/2026 | CHOOKY'S LAWNS & MORE | COMMUNITY HOUSING - GROUND MAINTENANCE | 858.00 |
| EFT33652 | 27/08/2026 | D CRIBB | REIMBURSEMENT POLICE CLEARANCE | 64.90 |
| EFT33653 | 27/08/2026 | DONNYBROOK HARDWARE & GARDEN | HEATERS, EAR PLUGS, DEFENDERS, BOLTS, NUTS, WASHERS, FERTILISER, PLANTS, SPRAY PAINT, TREE STAKES, POTTING MIX, GALVANISED CHAIN, SPRAYER, KWIKSET, BIN SWING TOP | 900.80 |
| EFT33654 | 27/08/2026 | TYRES AND MORE DONNYBROOK | REPLACEMENT TYRES | 3,697.00 |
| EFT33655 | 27/08/2026 | DONNYBROOK DISTRICT HIGH SCHOOL | DBK LBRY - CLEANING, SUBSCRIPTIONS, STATIONERY, CRAFT ITEMS, GRANT FUNDED PURCHASES, ELECTRICITY, WATER | 8,313.50 |
| EFT33656 | 27/08/2026 | DONNYBROOK FRESH SUPA IGA | ADMIN, DBK REC CTR, W&S - GROCERIES, COUNCIL WORKSHOP - REFRESHMENTS, CITIZENSHIP CEREMONY - PLANTS, BFB PRESENTATION REFRESHMENTS, DBK POUND - DOG FOOD | 780.11 |
| EFT33657 | 27/08/2026 | DATA#3 LIMITED | ADOBE EDITOR LICENCES | 1,135.83 |
| EFT33658 | 27/08/2026 | DELL FINANCIAL SERVICES PTY LTD | LEASE PAYMENTS FOR DELL PCS | 3,106.38 |
| EFT33659 | 27/08/2026 | DBCEC (WA) PTY LTD | INSTALL JUNCTION PIT | 6,607.26 |
| EFT33660 | 27/08/2026 | DONNYBROOK FAMILY DOCTORS | PRE-EMPLOYMENT MEDICAL | 175.00 |
| EFT33661 | 27/08/2026 | DE ROSA FARM MACHINERY PTY LTD | COMPRESSOR BELT | 27.60 |
| EFT33662 | 27/08/2026 | ENVIRONMENTAL AND AGRICULTURAL TESTING SERVICES | VC MITCHELL - WATER LEVEL MONITORING SUPPORT | 180.00 |
| EFT33663 | 27/08/2026 | HERSEY'S SAFETY PTY LTD | AIR FRESHENERS, HYDRALITE STICKS, CLEANING CLOTHS | 836.55 |
| EFT33664 | 27/08/2026 | INFIELD SERVICES PTY LTD | BFB - SERVICE & REPAIR GENERATOR | 603.24 |
| EFT33665 | 27/08/2026 | SOUTH WEST ISUZU | BRAKE LIGHT LENS COVER | 37.16 |
| EFT33666 | 27/08/2026 | R KENNEDY | REIMBURSE - CAR PARKING | 20.26 |
| EFT33667 | 27/08/2026 | LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA | 2026-27 ANNUAL MEMBERSHIP FEES | 560.00 |
| EFT33668 | 27/08/2026 | LGISWA | LGIS EMPLOYEE ASSISTANCE PROGRAM | 6,352.50 |
| EFT33669 | 27/08/2026 | LIGHTBASE BATTERIES PTY LTD | BFB - BATTERIES | 150.00 |
| EFT33670 | 27/08/2026 | MALATESTA ROAD PAVING & HOTMIX | EMULSION | 720.00 |
| EFT33671 | 27/08/2026 | CEMETERIES & CREMATORIA ASSOCIATION OF WESTERN AUSTRALIA | CEMETERIES & CREMATORIA ASSOC - ORDINARY MEMBERSHIP 2026-27 | 130.00 |
| EFT33672 | 27/08/2026 | MCLEODS BARRISTERS & SOLICITORS | LEGAL ADVICE & REPRESENTATION | 1,207.80 |
| EFT33673 | 27/08/2026 | MANJIMUP FREIGHT DISTRIBUTORS & BMI LOGISTICS | FREIGHT CHARGES | 30.86 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| | | | | |
|---|---|---|---|---|
| EFT33674 | 27/08/2026 | C MCQUADE | REFUND STANDPIPE WATER CREDIT & CARD | 53.65 |
| EFT33675 | 27/08/2026 | NOLAN DRAFTING | DESIGN WORKS - ROAD UPGRADE | 1,094.92 |
| EFT33676 | 27/08/2026 | OBAN GROUP PTY LTD | DBK REC CTR - CHANGING ROOM UPGRADES, RESOLVE BLOCKED DRAIN, REPAIR WIRING IN CHANGING ROOM | 53,768.50 |
| EFT33677 | 27/08/2026 | OTIUM PLANNING GROUP PTY LTD | BALINGUP RECREATIONAL AND SPORTING MASTER PLAN | 24,112.00 |
| EFT33678 | 27/08/2026 | PRESTON PRESS | FIRE PREVENTION, BUSH FIRE CONTROL OFFICERS - 2026-27, PRESTON PRESS - AUG 26 | 1,750.00 |
| EFT33679 | 27/08/2026 | PARKS & LEISURE AUSTRALIA | CORPORATE ANNUAL SUBSCRIPTION | 869.00 |
| EFT33680 | 27/08/2026 | PRESTON VALLEY MAINTENANCE | BLN TRANSIT PARK - REPAIR & PAINT ABLUTION BLOCK DOORS, APEX PARK TOILETS - PAINT OVER GRAFFITI, DBK REC CTR - REMOVE FOOT PATH HANDRAIL, BLN PUBLIC TOILETS - LOCATE SEPTIC TANKS, DBK COMMUNITY CTR - ASSESS WATER INGRESS | 1,441.00 |
| EFT33681 | 27/08/2026 | PRIME INDUSTRIAL PRODUCTS | DBK DEPOT - BENCH WIRE & STONE WHEELS, BLOWPIPE CUTTING HANDLE | 120.63 |
| EFT33682 | 27/08/2026 | G PATRICK | COUNCILLOR TRAVEL ALLOWANCE | 722.28 |
| EFT33683 | 27/08/2026 | ROYAL LIFE SAVING SOCIETY WA INC. | POOL LIFEGUARD LICENCE RENEWAL | 1,309.00 |
| EFT33684 | 27/08/2026 | REPCO - DONNYBROOK | P&G MOWER - IMPACT SOCKET | 17.11 |
| EFT33685 | 27/08/2026 | RECRUITWEST PTY LTD | CASUAL LABOUR HIRE | 5,626.24 |
| EFT33686 | 27/08/2026 | SOUTHERN LOCK & SECURITY | BLN TRANSIT PARK - SUPPLY LOCK & BARRELLS | 162.73 |
| EFT33687 | 27/08/2026 | SOS OFFICE EQUIPMENT | MONTHLY PRINTER METER READS | 920.67 |
| EFT33688 | 27/08/2026 | J SCHUIJLING | REIMBURSE - FIRST AID COURSE | 180.00 |
| EFT33689 | 27/08/2026 | SIGMA TELFORD GROUP | DBK REC CTR - POOL CHEMICAL TESTING TABLETS | 1,087.13 |
| EFT33690 | 27/08/2026 | SOUTHWEST SURFACING PTY LTD | BALINGUP - NANNUP RD - ASPHALT FOOTPATH REINSTATEMENT | 5,060.00 |
| EFT33691 | 27/08/2026 | SOUTH WEST PROPERTY MANAGEMENT | RENTAL SUBSIDY CHILDCARE WORKER | 869.05 |
| EFT33692 | 27/08/2026 | SUPAGAS | DBK LIBRARY - GAS SUPPLY | 50.60 |
| EFT33693 | 27/08/2026 | S&D NELSON AUTOMOTIVE | VEHICLE SERVICE | 392.50 |
| EFT33694 | 27/08/2026 | SOUTH WEST SEPTICS | EMPTY SEPTIC TANKS | 3,768.50 |
| EFT33695 | 27/08/2026 | J SOUTHCOTT | REFUND OVERPAYMENT OF RATES | 806.50 |
| EFT33696 | 27/08/2026 | SOUTH WEST AUTISM NETWORK INC | SENSORY TENT FOR BALINGUP MEDIEVAL CARNIVALE | 1,200.00 |
| EFT33697 | 27/08/2026 | K SCALLY-CHADWICK | REFUND SWIMMING LESSONS | 153.27 |
| EFT33698 | 27/08/2026 | TELSTRA - MELBOURNE ACCOUNTS | TELEPHONE, MOBILE & INTERNET CHARGES | 1,419.52 |
| EFT33699 | 27/08/2026 | TEAM GLOBAL EXPRESS PTY LTD | FREIGHT CHARGES | 40.90 |
| EFT33700 | 27/08/2026 | TENDERLINK | ADVERTISING - TENDERS | 541.20 |
| EFT33701 | 27/08/2026 | TOTALLY WORKWEAR BUNBURY | STAFF UNIFORMS | 1,225.47 |
| EFT33702 | 27/08/2026 | WATER CORPORATION - ACCOUNTS | WATER & SEWERAGE CHARGES | 11,603.13 |
| EFT33703 | 27/08/2026 | SYNERGY | ELECTRICITY CHARGES | 18,104.68 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| | | | | |
|---|---|---|---|---|
| EFT33704 | 27/08/2026 | WA LOCAL GOVERNMENT ASSOCIATION (WALGA) | 2026 WALGA CONVENTION, WALGA TRAINING - STRATEGIC DECISION MAKING, POLICY DEVELOPMENT | 4,785.00 |
| EFT33705 | 27/08/2026 | WA LASER ENGRAVING | NAME PLAQUES FOR COUNCIL CHAMBERS | 1,099.56 |
| EFT33706 | 27/08/2026 | EVENTS WEST WA | MEDIEVAL FESTIVAL - TOILET, LIGHTING & GENERATOR HIRE | 1,534.50 |
| EFT33707 | 27/08/2026 | ZIPFORM | PRINT & SUPPLY FIRE PREVENTATION BROCHURES & DL FIRE PREVENTION FLYER | 3,164.32 |
| | | | TOTAL: EFT PAYMENTS | 998,975.19 |
| CHEQUES | | | | |
| 53859 | 04/08/2026 | DEPARTMENT OF TRANSPORT | CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATES | 450.00 |
| 53860 | 05/08/2026 | DEPARTMENT OF TRANSPORT | CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE | 225.00 |
| 53861 | 05/08/2026 | SHIRE OF DONNYBROOK BALINGUP | 2026-27 - SHIRE RATES | 12,228.00 |
| 53862 | 19/08/2026 | DEPARTMENT OF TRANSPORT | CUSTOMER PURCHASE OF SHIRE LOGO NUMBER PLATE | 225.00 |
| | | | TOTAL: CHEQUES | 13,128.00 |
| BANK FEES | | | | |
| | 31/08/2026 | BENDIGO | BANK FEES | 436.31 |
| | 31/08/2026 | COMMONWEALTH | BANK FEES | 275.21 |
| | 31/08/2026 | TYRO | BANK FEES | 924.18 |
| | 31/08/2026 | PAYPAL | TRANSACTION FEES | 0.71 |
| | 31/08/2026 | EZIDEBIT | TRANSACTION FEES | 4.27 |
| | 31/08/2026 | SPACETOCO | TRANSACTION FEES | 1,313.18 |
| | | | TOTAL: BANK FEES | 2,953.86 |
| DIRECT DEBITS | | | | |
| DD29312.1 | 23/07/2026 | WA TREASURY CORPORATION | LOAN 90, 93, 94 - GUARANTEE FEES - JUL 26 | 10,008.76 |
| DD29293.1 | 05/08/2026 | AWARE SUPER | EMPLOYEE SUPER DEDUCTIONS | 23,680.25 |
| DD29293.2 | 05/08/2026 | GESB SUPER SCHEME | EMPLOYEE SUPER DEDUCTIONS | 437.87 |
| DD29293.3 | 05/08/2026 | ONEPATH MASTERFUND | EMPLOYEE SUPER DEDUCTIONS | 411.55 |
| DD29293.4 | 05/08/2026 | HOSTPLUS | EMPLOYEE SUPER DEDUCTIONS | 447.92 |
| DD29293.5 | 05/08/2026 | AUSTRALIAN RETIREMENT TRUST | EMPLOYEE SUPER DEDUCTIONS | 355.95 |
| DD29293.6 | 05/08/2026 | HESTA SUPER FUND | EMPLOYEE SUPER DEDUCTIONS | 335.23 |
| DD29293.7 | 05/08/2026 | AUSTRALIAN RETIREMENT TRUST | EMPLOYEE SUPER DEDUCTIONS | 344.65 |
| DD29293.8 | 05/08/2026 | UNISUPER | EMPLOYEE SUPER DEDUCTIONS | 396.92 |
| DD29293.9 | 05/08/2026 | IOOF PORTFOLIO SUPERANNUATION FUND | EMPLOYEE SUPER DEDUCTIONS | 52.40 |
| DD29293.10 | 05/08/2026 | COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER | EMPLOYEE SUPER DEDUCTIONS | 1,040.17 |
| DD29293.11 | 05/08/2026 | AUSTRALIAN SUPER | EMPLOYEE SUPER DEDUCTIONS | 5,476.30 |
| DD29293.12 | 05/08/2026 | REST SUPERANNUATION | EMPLOYEE SUPER DEDUCTIONS | 1,192.35 |
| DD29293.13 | 05/08/2026 | MERCER SUPER TRUST | EMPLOYEE SUPER DEDUCTIONS | 956.41 |
| DD29293.14 | 05/08/2026 | MLC PLUM SUPER | EMPLOYEE SUPER DEDUCTIONS | 778.20 |
| DD29293.15 | 05/08/2026 | AMP LIFE LIMITED | EMPLOYEE SUPER DEDUCTIONS | 473.73 |
| DD29293.16 | 05/08/2026 | CBUS SUPER | EMPLOYEE SUPER DEDUCTIONS | 417.67 |
| DD29293.17 | 05/08/2026 | BRIGHTER SUPER | EMPLOYEE SUPER DEDUCTIONS | 381.89 |
| DD29308.1 | 15/08/2026 | SG FLEET AUSTRALIA PTY LIMITED | CESM - VEHICLE LEASE PAYMENT | 1,018.60 |
| DD29315.1 | 19/08/2026 | AWARE SUPER | EMPLOYEE SUPER DEDUCTIONS | 22,373.77 |

SHIRE OF DONNYBROOK BALINGUP
SCHEDULE OF ACCOUNTS PAID UNDER DELEGATION (NO.1.2.23) IS PRESENTED FOR PUBLIC INFORMATION
PAYMENT FROM 1 AUGUST TO 31 AUGUST 2026

| | | | | |
|---|---|---|---|---|
| DD29315.2 | 19/08/2026 | BRIGHTER SUPER | EMPLOYEE SUPER DEDUCTIONS | 357.70 |
| DD29315.3 | 19/08/2026 | GESB SUPER SCHEME | EMPLOYEE SUPER DEDUCTIONS | 451.75 |
| DD29315.4 | 19/08/2026 | ONEPATH MASTERFUND | EMPLOYEE SUPER DEDUCTIONS | 338.40 |
| DD29315.5 | 19/08/2026 | HOSTPLUS | EMPLOYEE SUPER DEDUCTIONS | 487.92 |
| DD29315.6 | 19/08/2026 | AUSTRALIAN RETIREMENT TRUST | EMPLOYEE SUPER DEDUCTIONS | 343.23 |
| DD29315.7 | 19/08/2026 | HESTA SUPER FUND | EMPLOYEE SUPER DEDUCTIONS | 412.01 |
| DD29315.8 | 19/08/2026 | AUSTRALIAN RETIREMENT TRUST | EMPLOYEE SUPER DEDUCTIONS | 366.24 |
| DD29315.9 | 19/08/2026 | UNISUPER | EMPLOYEE SUPER DEDUCTIONS | 399.32 |
| DD29315.10 | 19/08/2026 | IOOF PORTFOLIO SUPERANNUATION FUND | EMPLOYEE SUPER DEDUCTIONS | 52.40 |
| DD29315.11 | 19/08/2026 | COLONIAL FIRSTCHOICE WHOLESALE PERSONAL SUPER | EMPLOYEE SUPER DEDUCTIONS | 982.95 |
| DD29315.12 | 19/08/2026 | VANGUARD SUPER | EMPLOYEE SUPER DEDUCTIONS | 464.54 |
| DD29315.13 | 19/08/2026 | REST SUPERANNUATION | EMPLOYEE SUPER DEDUCTIONS | 1,565.76 |
| DD29315.14 | 19/08/2026 | AUSTRALIAN SUPER | EMPLOYEE SUPER DEDUCTIONS | 4,321.97 |
| DD29315.15 | 19/08/2026 | AMP LIFE LIMITED | EMPLOYEE SUPER DEDUCTIONS | 465.93 |
| DD29315.16 | 19/08/2026 | MERCER SUPER TRUST | EMPLOYEE SUPER DEDUCTIONS | 796.44 |
| DD29315.17 | 19/08/2026 | MLC PLUM SUPER | EMPLOYEE SUPER DEDUCTIONS | 857.27 |
| DD29315.18 | 19/08/2026 | CBUS SUPER | EMPLOYEE SUPER DEDUCTIONS | 417.67 |
| DD29329.1 | 17/08/2026 | SUMMIT FLEET LEASING AND MANAGEMENT | CESM - VEHICLE LEASE PAYMENT | 2,386.10 |
| DD29330.1 | 06/08/2026 | AUSTRALIAN TAX OFFICE | PAYG PE: 05.08.26 | 48,529.00 |
| DD29330.2 | 20/08/2026 | AUSTRALIAN TAX OFFICE | PAYG PE: 19.08.26 | 44,766.00 |
| DD29333.1 | 28/08/2026 | MAGISTRATES COURT OF WESTERN AUSTRALIA | COURT HEARING NOTICE LODGEMENT | 199.10 |
| | | | TOTAL: DIRECT DEBITS | 179,542.29 |
| | | | TOTAL: PAYMENTS MADE FROM MUNICIPAL ACCOUNT | 1,196,397.90 |

CERTIFICATION BY CHIEF EXECUTIVE OFFICER

This Schedule of Accounts Paid is submitted to the Council Meeting on 23 September 2026 in accordance with the *Local Government (Financial Management) Regulations 1996* Section 13. These accounts have been checked and are fully supported by vouchers and invoices, which have been duly certified as to the receipts of goods and the rendition of services and as to prices, computations and costings.

Chief Executive Officer

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 162/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council receive the schedule of accounts paid as detailed in the report for the period ending 31 August 2026.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.2.2 Monthly Financial Report for the period ending 31 July and 31 August 2026

**Report Details:**

**Prepared by:** Manager Financial Services

**Manager:** Director Finance & Community

**Monarch:** **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.2.2(1) Monthly Financial Report for the period ending 31 July 2026
9.2.2(2) Monthly Financial Report for the period ending 31 August 2026

### Executive Recommendation

**That Council receive the Monthly Financial Report for the period ending 31 of July and 31 August 2026 as per Attachment 9.2.2(1) and Attachment 9.2.2(2).**

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### 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 31 July and 31 August 2026.

### 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 the 15 July 2026, it was recommended Council adopt the following material variance reporting thresholds for the 2026/27 financial year:

*a) Variances equal to or greater than 10% of the year-to-date budget amounts detailed in the Statement of Financial Activity, however variances due to timing differences are to be reported only if not to do so would present an incomplete picture of the financial performance for a particular period; and*

*b) Reporting of variances only applies for amounts greater than $25,000.*

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Unlikely | Moderate | Moderate (6) |
| Risk Description: | Failure to adhere to adopted budget. | | |
| Mitigation: | Prepare and review Monthly Financial Report. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Compliance | Unlikely | Minor | Low (4) |
| Risk Description: | Not complying with legislative requirements | | |
| Mitigation: | Monthly reporting that aligns with legislative requirements. | | |

## 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.

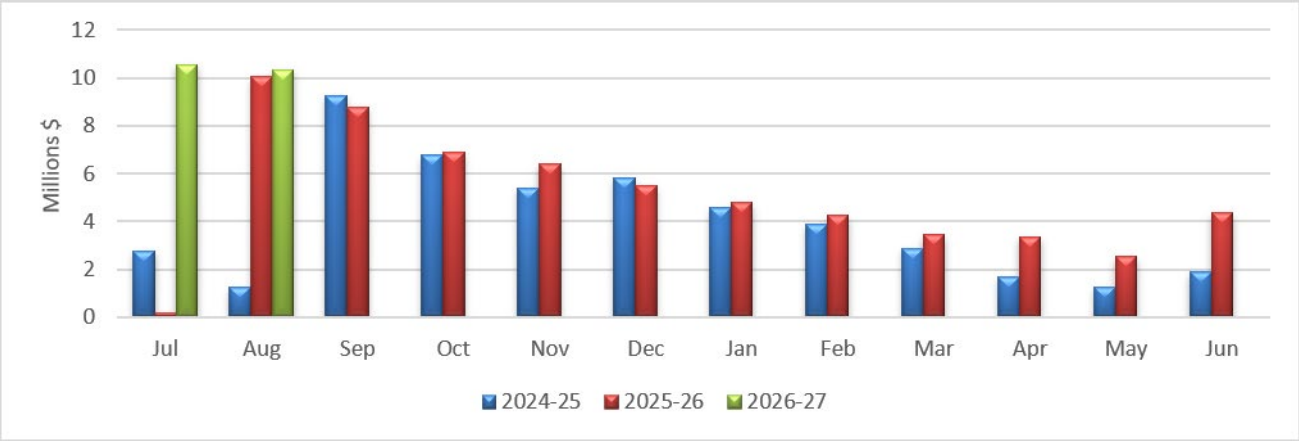
## Consultation

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

These statements compare year-to-date expenditure and revenue against the 2026/27 Adopted Original Budged. They are provided in an interim state, as several transactions are still being processed for the current financial year and the 2025/26 financial year. These include but are not limited to committed expenditure relating to outstanding creditor invoices, journal adjustments for employee provisions, accrued income and amortisation entries, stock survey results, finalisation of reserve transfers, and additions to the asset register. These adjustments are necessary to ensure accurate representation of the Shire's financial position prior to audit and final adoption of the 2025/26 Annual Financial Statements.

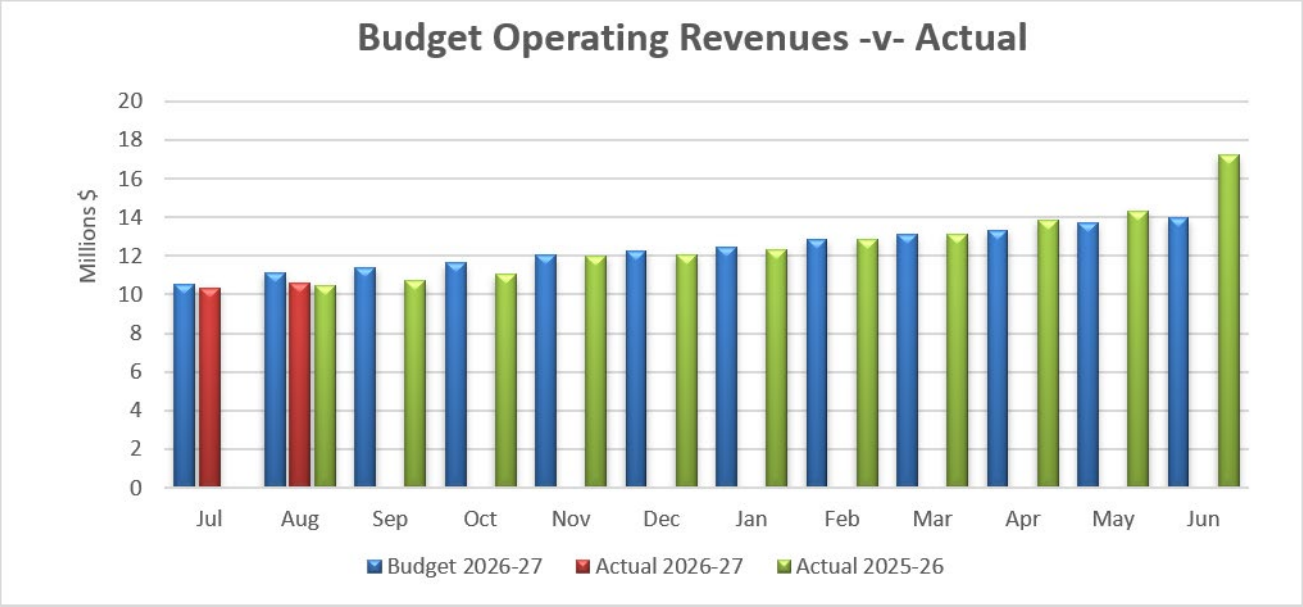
The Shire's surplus after imposition of rates was $10,348,959, with July showing it was substantially greater than 2024/25 & 2025/26 due directly to the earlier raising of rates.




### Operating Activities

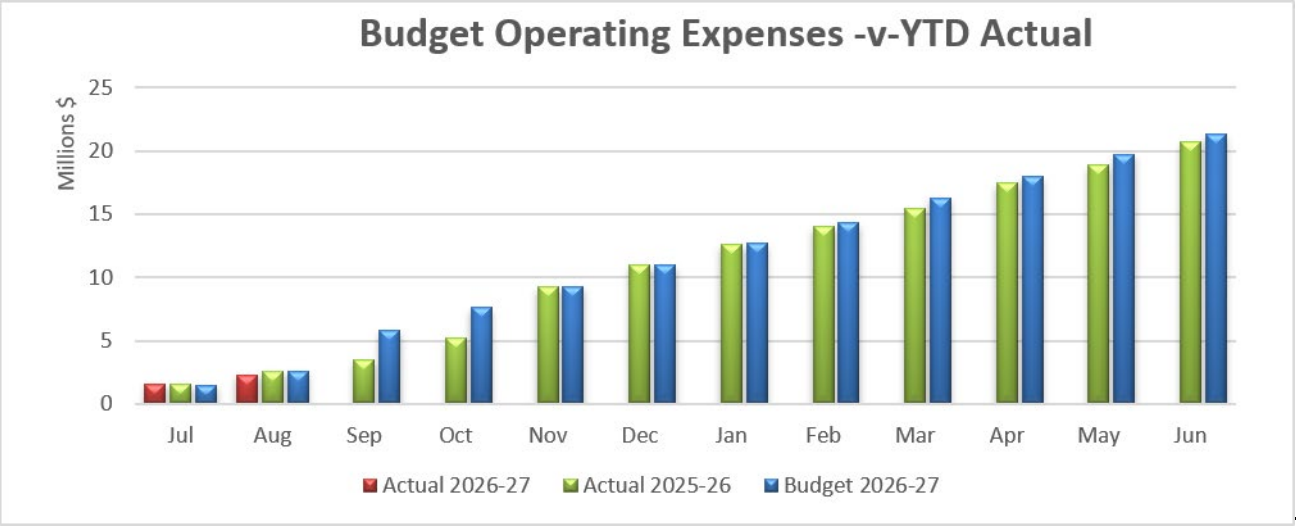
Revenue was $10,602,856 which is less than the budget estimate of $11,130,365. Key areas include:

- Operating grants, subsidies, and contributions is 73% under budget estimates, predominantly due to the timing of;
    - Mainroads Direct Grant, $247,000
    - ESL Operating Grants, $68,260
- Interest is under budget, $73,395 due to not being brought to account as yet for the 2026/27 financial year.
- Profit on Disposal of assets is under budget, $106,232 due to the timing of assets disposal.




Expenditure was $2,305,451 being 10.44% below budget estimates. Key areas include:

- Materials and contracts 19.82% under budget, driven predominantly by the following favourable variances, that are all relating to timing;
    - Regional Alliances, $30,000
    - Consultant Expenditure, $84,000
    - ICT Expenditure, $26,000
- Finance costs above budget due to accrual of interest charges that were completed as part of year end processing, $57,961.
- Profit on Sale of Assets under budget by $106,232 due to the timing of asset disposals.

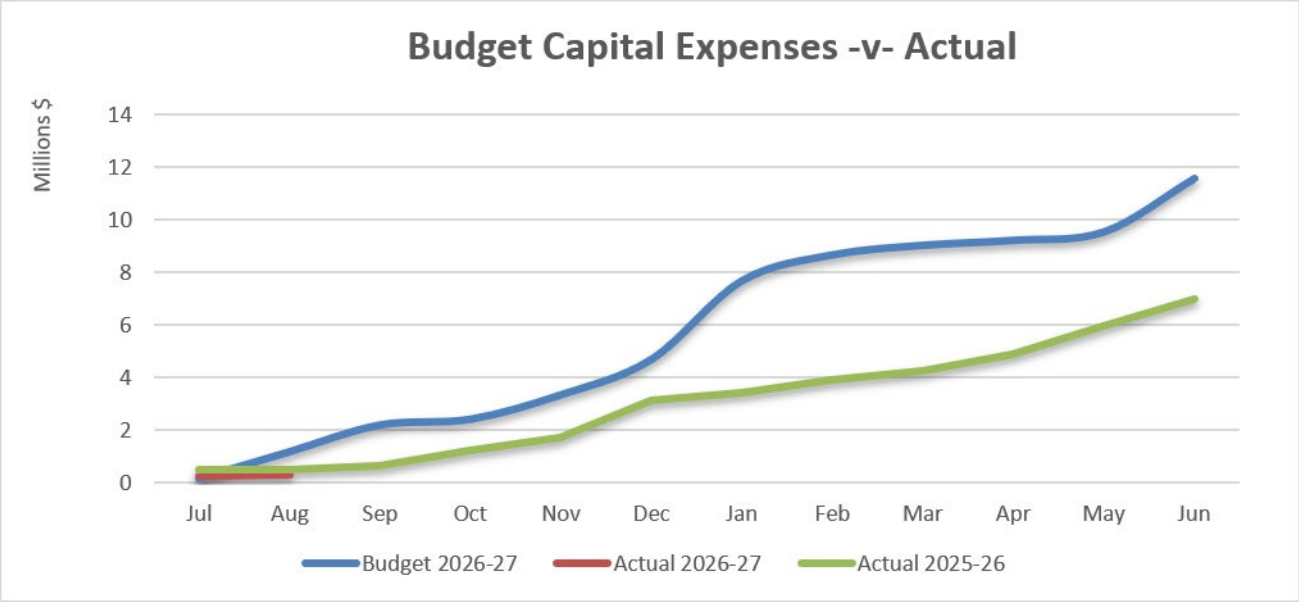



## Acquisition of Assets

Capital expenditure on assets is below budget predominantly due to the items disclosed below;

- Argle/Irishtown BFB Building, $508,000 due to the timing of payments associated with the earthworks.

- Donnybrook Recreation Centre, $109,000, delays to the construction have resulted in delayed payment compared to budgeted payment.
- MC Mitchell Park, $158,000, (timing)
- Roads construction under budget $210,000, (timing).




| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 163/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council receive the Monthly Financial Report for the period ending 31 of July and 31 August 2026 as per Attachment 9.2.2(1) and Attachment 9.2.2(2).**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.2.3 Rescindment of Council Policy COMD/CP-4- Community Townscape Activities and COMD/CP-5- Tourism in Donnybrook Balingup

**Report Details:**

**Prepared by:** Director Finance and Community

**Manager:** Chief Executive Officer

**Monarch:** MONARCH-1594159990-145, 1594159990-142

**Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:**

**Type:** Nil.

**Attachment(s):**

9.2.3(1) Council Policy - Community Townscape Activities (COMD/CP-4)

9.2.3(2) Council Policy - Tourism in Donnybrook Balingup (COMD/CP-5)

### Executive Recommendation

**That Council:**

1. **Rescinds Council Policy COMD/CP-4 Community Townscape Activities;**
2. **Rescinds Council Policy COMD/CP-5 Tourism in Donnybrook Balingup; and**
3. **Notes the Shire's Economic Development and Tourism Strategy will provide Council's strategic direction.**

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### Executive Summary

The purpose of this report is to seek Council approval to rescind Council policies COMD/CP-4 Community Townscape Activities and COMD/CP-5 Tourism in Donnybrook Balingup.

As part of the Shire's policy review process, the policies have been assessed for relevance, effectiveness and alignment with current governance practices.

It was identified that COMD/CP-4 no longer reflects the Shire's current practices and does not provide strategic guidance or governance value to Council. Similarly, COMD/CP-5 has outlived its usefulness and is no longer relevant to the current operating environment. Strategic direction for tourism is now more appropriately provided through the Shire's Economic Development and Tourism Strategy.

## Background

Council Policy COMD/CP-4 Community Townscape Activities was initially adopted by Council on 28 April 2021 (Resolution 59/21). The policy was developed to provide governance and coordination arrangements for community-led townscape projects undertaken within Donnybrook, Balingup and Kirup. A review of the policy has determined that it no longer reflects the Shire's current practices for delivering and supporting townscape activities and provides limited benefit as a strategic Council policy. The matters addressed by the policy are operational in nature and are managed through existing administrative processes, asset management planning and budget considerations.

Council Policy COMD/CP-5 Tourism in Donnybrook Balingup was inherited from an earlier policy framework and was renumbered as COMD/CP-5 on 21 December 2021 (Resolution 213/21), with the policy noting that no substantive review was undertaken at that time. The policy established broad objectives for tourism development and promotion within the Shire. However, the policy no longer reflects the current strategic environment and has outlived its usefulness as a Council policy. Strategic direction for tourism is now provided through the Shire's to be adopted Economic Development and Tourism Strategy, which will provide a more contemporary and targeted framework for supporting tourism and economic development initiatives. Some items to note are;

a) Section 2.1, these tourism associations have changed over time.
b) Section 2.3, is restrictive on Council to support organisations and events after the first year.
c) Section 2.14, currently not being carried out.
d) It also suggests Council looks at developing additional policies, none of which have been developed.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Reputational | Likely | Moderate | Moderate (5) |
| Risk Description: | Policies are not adhered to as they are too Restrictive. | | |
| Mitigation: | Rescind the Policy. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Moderate | Moderate (5) |
| Risk Description: | Poor financial decisions are made to align with the policy. | | |
| Mitigation: | Rescind the Policy. | | |

## Financial Implications

There are no direct financial implications associated with the rescindment of these policies.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework.

## Statutory Compliance

Section 2.7(2)(b) of the *Local Government Act 1995* provides that the role of Council includes determining the policies of the local government.
The Act also enables Council to amend or rescind policies where they are no longer required or considered appropriate.

## Consultation

Consultation has been undertaken internally with relevant officers:

- Senior Community Development Officer
- Manager Community Services
- Chief Executive Officer
- Senior Management

## Officer Comment

Following review, it has been determined that:

### COMD/CP-4 Community Townscape Activities

The policy no longer reflects the manner in which community townscape activities are managed and delivered by the Shire. The policy does not provide meaningful guidance to Council and has limited practical application within current operations.

### COMD/CP-5 Tourism in Donnybrook Balingup

The policy has outlived its usefulness and no longer reflects the Shire's approach to tourism development. The policy was developed in a different context and has since been overtaken by more contemporary strategic planning documents. The Economic Development and Tourism Strategy provides a clear and current framework for guiding tourism priorities, initiatives and investment decisions.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 164/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Rescinds Council Policy COMD/CP-4 Community Townscape Activities;**
2. **Rescinds Council Policy COMD/CP-5 Tourism in Donnybrook Balingup; and**
3. **Notes the Shire's Economic Development and Tourism Strategy will provide Council's strategic direction.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 165/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Alex Purich |

**That Council adjourn the meeting for a 5 minute break.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

The meeting was adjourned at 6:47pm.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 166/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Alex Purich |

**That Council re-convene the meeting.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

Council re-convened the meeting at 6:53pm.

## 9.2.4. Policy Review – HR/CP-4 Temporary Employment or Appointment of CEO

**Report Details:**

**Prepared by:** Director Finance and Community

**Manager:** Chief Executive Officer

**Monarch:** MONARCH-1594159990-131 **Voting Requirement:** Absolute Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.2.4(1) Reviewed Policy - HR/CP-4 Temporary Employment or Appointment of CEO

### Executive Recommendation

**That Council:**

1. **Notes the review and adopts the revised Council Policy HR/CP-4 Temporary Employment or Appointment of CEO, as contained in** Attachment 9.2.4(1).

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### Executive Summary

Council Policy HR/CP-4 Temporary Employment or Appointment of CEO has been reviewed and is presented to Council for consideration and adoption.

The policy establishes the framework for the appointment of Acting and Temporary Chief Executive Officers during periods of planned or unplanned absence of the substantive CEO and during any vacancy in the position.

No substantive changes to the intent of the policy are proposed.

### Background

Council adopted HR/CP-4 Temporary Employment or Appointment of CEO on 24 November 2021. The review considered the requirements of the *Local Government Act 1995*, current administrative practices, and organisational structure.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Unlikely | Minor | Low (4) |
| Risk Description: | Appointment does not meet statutory requirements. | | |
| Mitigation: | Comply with the presented policy. | | |

## Financial Implications

Nil.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework the policy provides Council with clarity and consistency in decision making in this area.

## Statutory Compliance

The policy reviews have been undertaken with consideration of the *Local Government Act 1995,* associated regulations and relevant governance and auditing best practice requirements.

## Consultation

Consultation has been undertaken internally with relevant officers:

- Chief Executive Officer
- Executive Manager Corporate
- Governance Coordinator

## Officer Comment

Proposed changes include:

- Transfer to the current Council policy template.
- Updating references to legislative requirements.
- Clarifying appointment processes for Acting and Temporary CEOs.
- Updating position titles and administrative responsibilities where required.
- Minor formatting and wording amendments to improve readability and interpretation.

The objective and intent of the policy remain unchanged.

The proposed amendments are considered minor and administrative in nature. The changes improve the accuracy and usability of the policies while ensuring alignment with current practices and audit recommendations. Adoption of the reviewed policies will support the Shire's commitment to sound governance and continuous improvement.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 167/09-26 | | |
| **MOVED BY:** | Cr Tyler Hall | **SECONDED BY:** | Cr Reggie Keown |

**That Council:**

1. **Notes the review and adopts the revised Council Policy HR/CP-4 Temporary Employment or Appointment of CEO, as contained in** Attachment 9.2.4(1).

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by absolute majority vote** |

## 9.2.5 Review of Council Policies – FIN/CP-3-Debt, FIN/CP-5- Regional Price Preference and FIN/CP-7 – Purchasing Card

**Report Details:**

**Prepared by:** Director Finance and Community

**Manager:** Chief Executive Officer

**Monarch:** MONARCH-1594159990-153, 1594159990-155, 1594159990-160

**Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:**

**Type:** Nil.

**Attachment(s):**

9.2.5(1) Current Council Policy – Debt (FIN/CP-3)
9.2.5(2) Reviewed Council Policy – Debt (FIN/CP-3)
9.2.5(3) Reviewed Council Policy – Regional Price Preference (FIN/CP-5) – Tracked Changes
9.2.5(4) Reviewed Council Policy – Purchasing Card (FIN/CP-7) – Tracked Changes

### Executive Recommendation

**That Council:**

1. **Notes the review and adopts the revised FIN/CP-3 Debt Policy** (Attachment 9.2.5(2);
2. **Notes the review and adopts the revised FIN/CP-5 Regional Price Preference Policy** (Attachment 9.2.5(3);
3. **Notes the review and adopts the revised FIN/CP-7 Purchasing Card Policy** (Attachment 9.2.5(4)).

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### Executive Summary

As part of the ongoing policy review program, three finance-related Council Policies have been reviewed to ensure they remain relevant, current and aligned with applicable legislation, auditing recommendations and operational practices.

The proposed amendments are primarily administrative and do not materially alter the intent of the policies. The review has identified opportunities to remove obsolete provisions, update terminology and improve policy clarity.

### Background

FIN/CP-3 Debt Policy

The Debt Policy was initially adopted by Council on 26 June 2013 and was subsequently renumbered and reaffirmed on 21 December 2021 (Resolution 213/21) as part of a broader policy review process.

### FIN/CP-5 Regional Price Preference Policy

The Regional Price Preference Policy was originally adopted on 9 August 2006 and was last reviewed by Council on 21 December 2021 (Resolution 213/21).

### FIN/CP-7 Credit Card Policy

The Credit Card Policy was initially adopted on 26 June 2013 and was renumbered on 21 December 2021 (Resolution 213/21) from former Policy 3.7 Use of Corporate Credit Cards. A comprehensive review was subsequently undertaken on 27 November 2024 (Resolution 214/11-24).

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Financial Impact | Possible | Moderate | Moderate (9) |
| Risk Description: | Outdated policy settings may result in ineffective debt recovery, procurement practices or purchasing card controls, increasing the risk of financial loss or inefficiencies. | | |
| Mitigation: | Implement the revised policies, provide staff guidance, and monitor compliance through periodic audits and reporting. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Major | High (10) |
| Risk Description: | Poor decisions are made when seeking to Borrow Funds. | | |
| Mitigation: | Ensure Policy FIN/CP-3 Debt Policy is applied to all borrowings. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Compliance | Unlikely | Moderate | Moderate (6) |
| Risk Description: | Delayed adoption may result in policies not reflecting current legislative, regulatory or best practice requirements. | | |
| Mitigation: | Adopt the revised policies and undertake periodic reviews to ensure ongoing compliance. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Service Interruption | Unlikely | Minor | Low (4) |
| Risk Description: | Delays in adopting updated policies may create uncertainty in operational processes, resulting in inconsistent decision-making and service delivery. | | |
| Mitigation: | Communicate policy changes to relevant staff and ensure procedures and delegations align with the adopted policies. | | |

## Financial Implications

There are no direct financial implications arising from the proposed policy amendments.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework the policy provides Council with clarity and consistency in decision making in this area.

## Statutory Compliance

The policy reviews have been undertaken with consideration of the *Local Government Act 1995,* associated regulations and relevant governance and auditing best practice requirements.

## Consultation

Consultation has been undertaken internally with relevant officers:

- Manager Financial Services
- Senior Finance Officer
- Chief Executive Officer
- Senior Managers

## Officer Comment

### FIN/CP-3 Debt Policy

The current review has identified that the sections relating to Structure of Borrowings and Breaches are either no longer required within the policy framework or are adequately addressed through legislative requirements and internal operational controls. Changes to note are;

- Made wording clearer under leading Agreements to ensure the policy covers Lending Facilities and is not Limited to Western Australian Treasury Corporation.
- Removed Reference to Delegated Authority under Borrowing Arrangements as this is now covered by Council policy EXE/CP-2- Documentation Execution and Application of Common Seal.
- Removed the entire Structure of Borrowings Section as it is unnecessary as all loans are approved and considered Council either during the budget process or as an individual motion of Council.
- Condensed sections under Repayments
- Removed the Breaches section, if the policy is followed breaches should not be possible or acceptable to occur.

### FIN/CP-5 Regional Price Preference Policy

The current review proposes a single amendment, being the removal of Boyup Brook from the definition of a local/regional supplier.

### FIN/CP-7 Credit Card Policy

The current review proposes changing the policy name from Credit Card Policy to Purchasing Card Policy to align with terminology recommended by the Office of the Auditor General and recognised best-practice procurement controls. Additional minor administrative amendments have also been made to improve readability, consistency and policy clarity which align with improvements recommended in the Regulation 17 audit carried out in December 2024 that sets out what documentation is required to justify and reconcile purchases.

The proposed amendments are considered minor and administrative in nature. The changes improve the accuracy and usability of the policies while ensuring alignment with current practices and audit recommendations. Adoption of the reviewed policies will support the Shire's commitment to sound governance and continuous improvement.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 168/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Notes the review and adopts the revised FIN/CP-3 Debt Policy** (Attachment 9.2.5(2);
2. **Notes the review and adopts the revised FIN/CP-5 Regional Price Preference Policy** (Attachment 9.2.5(3);
3. **Notes the review and adopts the revised FIN/CP-7 Purchasing Card Policy** (Attachment 9.2.5(4)).

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.3. Chief Executive Officer

### 9.3.2 Lot 597 (2) Collins St (Good Shed), Donnybrook – Further Lease Extension Request

**Report Details:**

**Prepared by:** Executive Manager Corporate

**Manager:** Chief Executive Officer

**Applicant:** Mac and Wood Pty Ltd

**Location:** Lot 597 (2) Collins Street (Goods Shed), Donnybrook

**Monarch:** MONARCH-175587964-117 **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.3.2(1) Mac and Wood Pty Ltd - Further Lease Extension Request

**Executive Recommendation**

**That Council:**

1. **Notes the request** (Attachment 9.3.2 (1)) **from Mac and Wood Pty Ltd for a further extension of the current holdover arrangement for the lease of Lot 597 (2) Collins Street, Donnybrook (Goods Shed);**
2. **Notes that Council previously approved a short-term holdover arrangement to facilitate continued occupation while outstanding matters were addressed and Council considered the long-term use and management of the facility; and**
3. **Approves a further extension of the holdover arrangement until 31 December 2026 on the existing terms and conditions.**

**Strategic Alignment**

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

**Executive Summary**

Mac and Wood Pty Ltd has requested a further extension, expiring 31 December 2026, to the current holdover arrangement relating to the Goods Shed at Lot 597 (2) Collins Street, Donnybrook.

Council previously resolved to support a short-term holdover arrangement following the expiry of the lease, recognising the existence of outstanding matters requiring resolution, the ongoing operation of the facility, and the need for Council to consider the long-term use and management of the Goods Shed. Council is now requested to determine whether a further extension should be granted.

## Background

At its meeting held 24 June 2026, Council considered the status of the lease and resolved to support a short-term holdover arrangement. In doing so, Council noted:

- The expiry of the lease;
- The existence of outstanding matters requiring resolution; and
- The ongoing operation of the facility and its role within the community.

Council further resolved that the short-term arrangement would:

- Enable continued occupation of the Goods Shed on a strictly time-limited basis;
- Provide an opportunity for outstanding matters to be addressed in a structured and collaborative manner; and
- Allow Council sufficient time to consider the long-term use and management of the facility.

The Chief Executive Officer was authorised to negotiate and implement the holdover arrangement, including appropriate safeguards and conditions, with the express intention that the arrangement would be time-limited and would not create any presumption of an ongoing lease.

Subsequently, correspondence was received from Mac and Wood Pty Ltd requesting a further extension of the holdover arrangement. A copy of the request is provided (Confidential Attachment 9.3.2(1)).

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Possible | Moderate | Moderate (9) |
| Risk Description: | Repeated extensions may be perceived as inconsistent with Council's original intention that the holdover arrangement be strictly temporary and not create an expectation of an ongoing lease. | | |
| Mitigation: | Clearly document reasons for the extension and maintain a fixed end date with no expectation of further renewal. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Moderate | Moderate (9) |
| Risk Description: | Ongoing occupation may increase Council's exposure to unpaid rent, arrears or unrecovered costs if the tenant's financial position deteriorates. | | |
| Mitigation: | Continue regular monitoring of payments, enforce existing lease obligations and pursue arrears in accordance with the lease. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Property | Unlikely | Minor | Moderate (6) |
| Risk Description: | Deferral of a long-term decision may delay strategic planning, maintenance and future use of the Goods Shed facility. | | |
| Mitigation: | Progress assessment of future leasing and management options during the extension period. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |

| | | | |
|---|---|---|---|
| Reputational | Possible | Minor | Moderate (6) |
| Risk Description: | Extensions may create a perception of preferential treatment or indecision if Council does not demonstrate progress towards a long-term outcome. | | |
| Mitigation: | Communicate that the extension is temporary and required to finalize outstanding matters and determine future use. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Community | Unlikely | Moderate | Low (4) |
| Risk Description: | If matters remain unresolved at the end of the extension, future disruption to facility operations or community expectations may occur. | | |
| Mitigation: | Use the extension period to work towards a sustainable long-term arrangement and contingency planning. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Possible | Moderate | Moderate (9) |
| Risk Description: | Continued reliance on holdover arrangements delays Council's strategic determination regarding the long-term use and management of the facility. | | |
| Mitigation: | Establish a clear timeline and milestones for bringing a long-term recommendation back to Council. | | |

## Financial Implications

The current holdover arrangement generates rental income of approximately $23,541 per annum. Approval of the extension will maintain this revenue stream until 31 December 2026 while allowing Council additional time to consider the long-term use and management of the facility. The recommendation avoids potential vacancy costs and loss of rental income that may arise if the tenancy ceases before Council has determined its preferred future direction for the Goods Shed.

## Policy Compliance

Nil.

## Statutory Compliance

Nil.

## Consultation

Internal consultation:

- Chief Executive Officer
- Executive Manager Corporate
- Governance Coordinator

External consultation:

- Mac and Wood Pty Ltd

## Officer Comment

Council previously approved a short-term holdover arrangement to enable the continued operation of the Goods Shed while outstanding matters were addressed and Council considered the long-term use and management of the facility. Since that time, the directors of Mac and Wood Pty Ltd have been progressing personal and financial separation arrangements which remain unresolved and have taken longer than initially anticipated. Officers have been advised that one of the parties wishes to continue operating the business from the premises, however the future ownership and operating structure of the business has not yet been finalised.

Officers consider that, in the current circumstances, a further short-term extension provides a practical mechanism to maintain continuity of operations while these matters are resolved. The recommended extension is not intended to defer Council's decision-making indefinitely, but rather to provide a finite period for the parties to finalise their arrangements whilst allowing Council to continue assessing future options for the facility.

The risks associated with extending the arrangement are mitigated through the retention of the existing holdover terms and conditions, ongoing monitoring of the tenant's compliance with its obligations, active management of outstanding matters by officers, and the establishment of a fixed end date. The recommended extension remains temporary in nature and does not create any entitlement, expectation or presumption of a future lease. Any proposal for a new lease or longer-term occupation arrangement would be subject to a separate assessment and formal consideration by Council.

Accordingly, officers recommend that Council approve the extension of the existing holdover arrangement until 31 December 2026 on the current terms and conditions.

Cr Hall put the following motion to Council.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 169/09-26 | | |
| **MOVED BY:** | Cr Tyler Hall | **SECONDED BY:** | Cr Reggie Keown |

**That Council:**

1. **Notes the request (Attachment 9.3.2 (1)) from Mac and Wood Pty Ltd for a further extension of the current holdover arrangement for the lease of Lot 597 (2) Collins Street, Donnybrook (Goods Shed);**
2. **Notes that Council previously approved a short-term holdover arrangement to facilitate continued occupation while outstanding matters were addressed and Council considered the long-term use and management of the facility; and**
3. **Approves a further extension of the holdover arrangement until 31 December 2026 on the existing terms and conditions.**

4. **Requires a representative of the lessee, as a condition of this holdover arrangement, to nominate an authorised representative to attend a monthly in-person meeting with the Shire administration, for the duration of this extension. The purpose of which is for the lessee to provide an update of the proposed resolution of the tenancy arrangements and arrears.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

## 9.3.3 Policy Review - EM/CP-3 Legal Representation for Elected Members, Employees and Volunteers

**Report Details:**

**Prepared by:** Governance Coordinator

**Manager:** Executive Manager Corporate

**Monarch:** MONARCH-1594159990-101 **Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:** **Type:** Nil.

**Attachment(s):**

9.3.3(1) EM/CP-3 Legal Representation for Elected Members, Employees and Volunteers

### Executive Recommendation

**That Council:**

1. **Notes the review and adopts the revised policy EM/CP-3 Legal Representation for Elected Members, Employees and Volunteers** (Attachment 9.3.3(1)).

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### Executive Summary

This report presents a revised version of Council Policy EM/CP-3 Legal Representation for Elected Members, Employees and Volunteers following a scheduled policy review. The proposed amendments improve clarity, reflect legislative and governance requirements, and expand the application of the policy to include Shire volunteers. Council is requested to adopt the revised policy.

### Background

Council Policy EM/CP-3 Legal Representation for Elected Members and Employees has been reviewed twice since its adoption in 2021. This review was part of the regular cycle of policy review undertaken by Shire officers.

The review forms part of Council's ongoing policy review program and has identified several amendments to improve clarity, reflect legislative changes, strengthen governance requirements, and extend the application of the policy to include Shire volunteers.

### Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Possible | Insignificant | Low (3) |

| | | | |
|---|---|---|---|
| Risk Description: | The current policy does not require Elected Members to declare interests when Council considers an application, creating a risk of perceived or actual conflicts of interest. | | |
| Mitigation: | Adopt the revised policy, including the proposed disclosure requirements. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Compliance | Possible | Minor | Moderate (6) |
| Risk Description: | The policy may not adequately reflect current legislative, governance and operational requirements, resulting in inconsistent application. | | |
| Mitigation: | Adopt the revised policy and undertake periodic reviews. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Service Interruption | Possible | Minor | Moderate (6) |
| Risk Description: | If urgent legal representation assistance is required and the CEO is unable to approve limited financial assistance, the Shire may need to convene an urgent Special Council Meeting to consider the request, creating administrative burden, delays and potential prejudice to the applicant's legal position. | | |
| Mitigation: | Retain the CEO's ability to approve urgent assistance within a defined financial limit, with subsequent reporting to Council. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Unlikely | Minor | Low (4) |
| Risk Description: | Failure to extend the policy to volunteers may result in inconsistent treatment of individuals acting on behalf of the Shire and create perceptions of inequity. | | |
| Mitigation: | Extend the policy to include Shire volunteers. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Financial Impact | Possible | Minor | Moderate (6) |
| Risk Description: | Council may be required to make funding decisions without a clear framework for staged consideration of ongoing legal costs where legal proceedings are prolonged. | | |
| Mitigation: | Clarify Council's ability to consider subsequent applications on their merits where previously approved limits are reached. | | |

## Financial Implications

Nil.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework (cl 4.10) the policy provides Council with clarity and consistency in decision making in this area.

## Statutory Compliance

*Local Government Act 1995*

- Section 2.7(2)(b) of 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:

Internal consultation with relevant Executive staff was undertaken.

### External:

A review of comparable policies adopted by other local governments was undertaken as part of the policy review process and informed the development of the proposed amendments to ensure the policy reflects contemporary governance practices.

## Officer Comment

Council Policy EM/CP-3 Legal Representation for Elected Members and Employees has been reviewed as part of Council's ongoing policy review program. The review identified a number of opportunities to strengthen governance provisions, improve clarity, align the policy with current legislative requirements and extend its application to Shire volunteers.

The most significant amendment is the expansion of the policy to include Shire volunteers, recognising that volunteers act on behalf of the Shire, are subject to the Shire's Code of Conduct, and are expected to meet standards of behaviour consistent with those applying to Elected Members and employees. As a result, the policy title has also been amended to reflect its broader application.

The proposed amendments further strengthen governance by requiring Elected Members to disclose any interest in an application considered under the policy. The review also clarifies that where Council approves financial assistance subject to a funding limit, an applicant may make a further application should that limit be reached. This enables Council to consider ongoing support requests on a case-by-case basis, particularly where legal proceedings are lengthy or complex, while retaining full discretion over any subsequent application.

In addition, a financial limit of $3,000 has been introduced for urgent matters where the CEO is authorised to approve financial assistance without first referring the matter to Council. This amendment reflects good governance practice identified through benchmarking with other local governments and provides an appropriate balance between responsiveness and financial oversight. Minor administrative and legislative updates have also been incorporated to improve the readability and operation of the policy.

The proposed amendments will provide greater clarity regarding the application of the policy, strengthen governance controls and ensure Council has a contemporary framework for considering requests for legal representation assistance. Tracked changes are provided in Attachment 9.3.3(1) for Council's reference.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 170/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Notes the review and adopts the revised policy EM/CP-3 Legal Representation for Elected Members, Employees and Volunteers** (Attachment 9.3.3(1)).

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

### 9.3.4 New Policy – EXE/CP-19 Information Breach Management

**Report Details:**

**Prepared by:** Community Housing Officer

**Manager:** Executive Manager Corporate

**Monarch:** MONARCH-1594159990-194 **Voting Requirement:** Simple Majority

**Attachment(s):**

9.3.4(1) EXE/CP-19-Information Breach Management

**Executive Recommendation**

**That Council:**

1. **Adopts the Information Breach Management Policy (EXE/CP-19)** (Attachment 9.3.4(1) **in accordance with the requirements of the *Privacy and Responsible Information Sharing Act 2024 (WA).***
2. **Notes the Information Breach Register and Information Breach Response Plan as supporting internal operational documents; and**
3. **Notes that the implementation of the policy and supporting compliance framework will be undertaken by the Shire.**

**Strategic Alignment**

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

**Executive Summary**

Council is requested to consider the adoption of a new policy EXE/CP-19-Information Breach Management, in response to the requirements of the *Privacy and Responsible Information Sharing Act 2024 (WA)* (PRIS Act).

The Policy supports the Shire's staged implementation of the *Privacy and Responsible Information Sharing Act 2024 (WA)* and is intended to operate with supporting internal documents, including the Information Breach Register and Information Breach Response Plan.

**Background**

*The Privacy and Responsible Information Sharing Act 2024 (WA)* introduces a new privacy and responsible information sharing framework for Western Australian public sector entities, including local governments.

The State Government's PRIS Readiness Guidance identifies the development and publication of an information breach policy as a key readiness action. The guidance describes an information breach

policy as a public-facing document that outlines how an agency identifies, responds to and manages information breaches.

An information breach is defined under the PRIS Act as unauthorised access to, unauthorised disclosure of, or loss of information. Information breaches may involve digital or physical records and may arise through human error, system failure, malicious activity, physical loss or unauthorised access.

The Shire has prepared the new policy to establish a clear governance position for suspected or actual information breaches, supported by an Information Breach Register and an Information Breach Response Plan, which will assist officers to record, assess, respond to and review incidents in a consistent manner.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Possible | Major | High (12) |
| Risk Description: | Failure to establish governance arrangements for identifying, managing and recording information breaches may result in non-compliance with PRIS requirements and reduced organisational readiness. | | |
| Mitigation: | Adopt the Policy, maintain supporting response documentation and register, and progressively implement training, reporting and review processes. | | |
| Risk: | Likelihood: | Consequence: | Risk Rating: |
| Reputational | Possible | Major | High (12) |
| Risk Description: | Poor handling of a suspected or actual information breach may reduce public trust and confidence in the Shire's information handling practices. | | |
| Mitigation: | Use a clear breach management framework, timely escalation, consistent record keeping, appropriate notifications and post-incident review. | | |

## Financial Implications

Implementation of the policy will require the introduction of Microsoft Purview at an estimated cost of approximately $12,600 per annum. Microsoft Purview will assist the Shire to manage privacy and information security obligations by providing enhanced controls to reduce the risk of information breaches, particularly those resulting from human error.

The annual subscription cost will be incorporated into future ICT operational budgets.

In addition, officer resources are currently being dedicated to broader PRIS Act implementation activities, including staff training, awareness programs, induction updates, development of supporting procedures and operational processes, and ongoing compliance activities. These implementation activities are being undertaken as part of the Shire's overall privacy and information management program and are not dependent on the adoption of the policy.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework (cl 4.10) the policy provides Council with clarity and consistency in decision making in this area.

In accordance with Council Policy EXECP-18-Privacy-and-Responsible-Information-Sharing

## Statutory Compliance

*Privacy and Responsible Information Sharing Act 2024 (WA)*
Establishes the new privacy and responsible information sharing framework and introduces Information Privacy Principles, governance obligations and information breach requirements relevant to public sector entities, including local governments.

*Local Government Act 1995*

- Requires the local government to ensure proper governance, accountability and administration of its operations, including adopting policies that guide responsible decision-making and organisational practices.
- Section 2.7(2)(b) provides Council with the function of determining policies for the local government, and Section 5.41(g) requires the Chief Executive Officer to implement Council decisions, including adopted policies.
- The adoption of this Policy does not fall within any category requiring an absolute majority decision under the *Local Government Act 1995.*

*State Records Act 2000 (WA)*
Requires appropriate creation, management, retention and disposal of State records, including records that may contain personal or sensitive information.

*Freedom of Information Act 1992 (WA)*
Provides for access to documents while protecting personal and exempt information in accordance with statutory processes.

## Consultation

Internal Consultation:

- Executive Leadership Team
- Corporate Services / Governance

External Consultation:
State Government's PRIS readiness training and guidelines.

## Officer Comment

The Information Breach Management Policy provides Council with a clear governance position on how the Shire will approach suspected or actual information breaches. It is deliberately high-level and public facing, with operational detail contained in supporting internal documents.

The policy establishes the Shire's commitment to protecting information, reporting suspected breaches promptly, containing incidents, assessing risk, mitigating harm, recording decisions and applying lessons learned. These principles are consistent with the approach recommended in the State Government's PRIS readiness material.

The Information Breach Register will provide an internal record of suspected and confirmed breaches, actions taken, notifications made, corrective actions and lessons learned. This will support accountability, trend monitoring and continuous improvement.

The Information Breach Response Plan will provide practical internal guidance for officers, including immediate reporting steps, containment actions, risk assessment, escalation, mitigation, notification assessment and post-incident review.

Adoption of this policy is recommended to support the Shire's staged and risk-based implementation of PRIS obligations and to demonstrate a proactive approach to responsible information management.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 171/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That Council:**

1. **Adopts the Information Breach Management Policy (EXE/CP-19)** (Attachment 9.3.4(1) **in accordance with the requirements of the *Privacy and Responsible Information Sharing Act 2024 (WA).***
2. **Notes the Information Breach Register and Information Breach Response Plan as supporting internal operational documents; and**
3. **Notes that the implementation of the policy and supporting compliance framework will be undertaken by the Shire.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0 by en-bloc resolution 151/09-26** |

## 9.3.5 Review of Council Policies ADM/CP-1 Records Management, EM/CP-4 Honorary Freeman and EXE/CP-8 Policy Framework

**Report Details:**

**Prepared by:** Executive Manager Corporate

**Manager:** Chief Executive Officer

**Monarch:** MONARCH-1594159990-138, 1594159990-140, 1594159990-93

**Voting Requirement:** Simple Majority

**Disclosure of Interests and Gifts:**

**Name:**

**Type:** Nil.

**Attachment(s):**

9.3.5(1) Reviewed Policy – ADM/CP-1 Records Management
9.3.5(2) EM/CP-4 Honorary Freeman
9.3.5(3) EXE/CP-8 Policy Framework Tracked Changes

### Executive Recommendation

**That Council:**

1. **Notes the review and adopts the revised Council Policy ADM/CP-1 Records Management,** (Attachment 9.3.5(1); **and**
2. **Notes the review and adopts the revised Council Policy EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup** (Attachment 9.3.5(2); **and**
3. **Notes the review and adopts the revised Council Policy EXE/CP-8 Policy Management** (Attachment 9.3.5(3).

### Strategic Alignment

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

**Outcome:** 10 - Effective governance and partnerships.

**Objective:** 10.1 - Provide strategically focused, open and accountable governance.

### Executive Summary

This report presents three Council policies that have been reviewed as part of the Shire's ongoing policy review program:

- ADM/CP-1 Records Management;
- EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup; and
- EXE/CP-8 Policy Management.

Adoption of the revised policies will ensure the Shire's policy framework remains contemporary, clear and aligned with current legislation, governance requirements and organisational practices.

## Background

The Shire undertakes periodic reviews of Council policies to ensure they remain current, relevant and consistent with applicable legislation, Council's strategic direction and the Shire's operating environment.

The three policies presented through this report have been reviewed as part of this program. While each policy addresses a separate governance area, the reviews share the common objective of improving clarity, accuracy and alignment with current Shire practices.

ADM/CP-1 Records Management

The Shire is required to create, maintain and manage records in accordance with the *State Records Act 2000* and its approved Recordkeeping Plan. Records are important corporate assets that support accountability, transparency, decision-making, service delivery and compliance with statutory obligations.

ADM/CP-1 Records Management was last substantively reviewed in December 2021. Since that time, significant changes have occurred in the Shire's information management environment, including:

- implementation of the Monarch Electronic Document and Records Management System;
- commencement of the Privacy and Responsible Information Sharing Act 2024;
- development of additional privacy and information governance frameworks; and
- increased reliance on corporate electronic systems for creating, capturing and managing records.

The policy has therefore been reviewed to ensure that it accurately reflects current legislative obligations, information governance requirements and contemporary electronic recordkeeping practices.

EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup

EM/CP-4 establishes the framework for the nomination, assessment and conferral of the title of Honorary Freeman of the Shire of Donnybrook Balingup, including applicable eligibility criteria, nomination requirements and entitlements.

The policy became due for review under its existing three-year review cycle. As part of the review, the policy was assessed for currency, relevance and consistency with the Shire's current Council policy template.

The review confirmed that the policy remains relevant and appropriate.

EXE/CP-8 Policy Management

EXE/CP-8 establishes Council's approach to the creation, classification, review and administration of policies. The policy was first adopted by Council in September 2021 and was due for review in 2024.

The policy identifies when Council may consider establishing a policy, outlines the application of Council policies, assigns responsibilities for policy development and administration, and describes the categories of policies used by the Shire.

The review identified opportunities to clarify the policy's objective, recognise its application to Shire volunteers where appropriate, better explain the circumstances in which a Council policy response may be warranted, and improve administrative wording and usability.

## Risk Management

| Risk: | Likelihood: | Consequence: | Risk Rating: |
|---|---|---|---|
| Compliance | Possible | Minor | Moderate (6) |
| Risk Description: | Council policies become outdated, inconsistent or misaligned with current legislative, governance and operational requirements. | | |
| Mitigation: | Regular policy reviews are undertaken to ensure Council policies remain current, compliant and aligned with organisational requirements. Adoption of the reviewed policies will strengthen governance, information management and policy administration practices | | |

## Financial Implications

Nil.

## Policy Compliance

In accordance with Council Policy EXE/CP-8 Policy Framework (cl 4.10) the policy provides Council with clarity and consistency in decision making in this area.

## Statutory Compliance

Relevant legislation includes:

- *Local Government Act 1995*
- *State Records Act 2000*
- *Freedom of Information Act 1992*
- *Privacy and Responsible Information Sharing Act 2024*
- *Electronic Transactions Act 2011*

## Consultation

Internal Consultation

Internal consultation was undertaken with officers responsible for governance, records management, information governance and policy administration. The Chief Executive Officer was also consulted in relation to the review of EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup.

External Consultation

External public consultation was not undertaken. The proposed amendments primarily relate to legislative alignment, governance requirements, administrative clarification and the operation of the Shire's internal policy framework. The reviews do not propose material changes requiring broader community consultation

## Officer Comment

ADM/CP-1 Records Management

ADM/CP-1 has been reviewed to support improvements in information governance associated with the implementation of the Monarch Electronic Document and Records Management System (EDRMS) and to ensure consistency with contemporary legislative and operational requirements relating to records management, privacy, information security and access to information.

The revised policy:

- updates and corrects legislative references;
- incorporates privacy and information governance considerations arising from the *Privacy and Responsible Information Sharing Act 2024*;
- strengthens requirements relating to information security, record capture, access, retention and disposal;
- clarifies the responsibilities of employees, managers, Elected Members and records management personnel;
- aligns recordkeeping requirements with current electronic records management practices and approved corporate systems; and
- updates references to related governance policies and procedures.

The proposed amendments do not substantially alter the intent of the policy. They provide clearer direction regarding the records that must be captured, the responsibilities applying to different users and the requirement to manage Shire information through approved corporate systems. Adoption of the revised policy will support consistent recordkeeping practices, strengthen information governance controls and assist the Shire to meet its statutory and organisational obligations.

EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup

The review confirmed that EM/CP-4 remains relevant and continues to provide an appropriate framework for recognising individuals who have provided distinguished service to the Shire and its community.

The proposed amendments include:

- Defining "Absolute Majority";
- Clarifying that nominees must be living when the honour is conferred;
- Confirming that any person may submit a nomination;
- Requiring nomination approvals and revocations to be determined by Absolute Majority;
- Introducing expected standards of conduct for recipients; and
- Establishing a formal process for revocation of the title where serious misconduct occurs.
- transferring the policy to the current Council policy template;
- renumbering and reorganising provisions;
- updating strategic alignment and governance information;
- refining definitions and administrative wording; and
- extending the review frequency from three years to five years.

The longer review frequency is considered appropriate given the policy's limited and specialised application and the absence of significant legislative or operational change affecting its operation. The policy can still be reviewed earlier should a legislative, governance or organisational need arise.

The policy's objectives, eligibility criteria, nomination process and entitlements remain substantially unchanged. Adoption of the revised policy will ensure it remains contemporary, consistent with the Shire's policy framework and clear to administer.

EXE/CP-8 Policy Management

EXE/CP-8 is an important governance document that establishes the basis on which the Shire's policies are developed, considered, adopted, reviewed and rescinded.

The proposed amendments:

- clarify the objective of the policy;
- clarify the circumstances in which Council may consider establishing a policy;
- recognise that Council policies may apply to Shire volunteers where appropriate;
- improve the explanation of responsibilities for developing, implementing and reviewing policies; and
- make minor administrative and wording changes to improve clarity and usability.

The revised policy supports a clear distinction between matters requiring Council's strategic or governance direction and matters that are more appropriately addressed through operational procedures or administrative processes. This assists in maintaining a focused and manageable Council policy register and reduces the risk of operational detail being unnecessarily elevated into Council policy.

The proposed amendments are minor and administrative in nature and do not materially change the purpose of the framework. Adoption of the revised policy will improve its accuracy and usability while supporting sound governance and continuous improvement.

The three policy reviews have confirmed that each policy remains required, while identifying amendments necessary to improve clarity, legislative alignment, governance consistency and administrative usability.

It is recommended that Council adopt the revised ADM/CP-1 Records Management, EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup and EXE/CP-8 Policy Management policies as presented.

| COUNCIL RESOLUTION: | 172/09-26 | | |
|---|---|---|---|
| MOVED BY: | Cr Leanne Wringe | SECONDED BY: | Cr Tyler Hall |

**That Council:**

1. **Notes the review and adopts the revised Council Policy ADM/CP-1 Records Management,** (Attachment 9.3.5(1).

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

| COUNCIL RESOLUTION: | 173/09-26 | | |
|---|---|---|---|
| MOVED BY: | Cr Amanda McNab | SECONDED BY: | Cr Anita Lindemann |

**That Council:**

2. **Notes the review and adopts the revised Council Policy EM/CP-4 Honorary Freeman Shire of Donnybrook Balingup (Attachment 9.3.5(2).**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

| COUNCIL RESOLUTION: | 174/09-26 | | |
|---|---|---|---|
| MOVED BY: | Cr John Bailey | SECONDED BY: | Cr Tyler Hall |

**That Council:**

3. **Notes the review and adopts the revised Council Policy EXE/CP-8 Policy Management** (Attachment 9.3.5(3).

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

## 10. Elected Member Motions

Nil.

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

Nil.

## 12. Meeting Closed to the Public

### 12.1. Matters for which the Meeting may be closed

#### 12.1.1 Road Upgrades and Construction Works- RFT2627-375, RFT2627-376 & RFT2627-377

This report is confidential in accordance with Section 5.23(4)(c) and (d) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(c) Information contained in a tender received by the local government for a contract to the extent that the information –
   i. Is a tendered price; or
   ii. Is a tendered methodology for calculating the price;

(d) Information in a tender received by the local government for a contract to the extent that –
   i. The information discloses any technology, or any manufacturing, industrial or trade process, that the tenderer proposes to use in performing the contract; and
   ii. The information has not previously been made public; and
   iii. The making public of the information would be likely to have an adverse effect on the tenderer's business interests;

The Presiding Member put to the Council that the meeting be closed to the public to address the confidential report.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 175/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Anita Lindemann |

**That the meeting be closed in accordance with section 5.23(c) of the *Local Government Act 1995* to discuss the following confidential item:**
**12.1.1 Road Upgrades and Construction Works- RFT2627-375, RFT2627-376 & RFT2627-377**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

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

The Presiding Member put to the Council that the meeting be re-opened to the members of the public following consideration of the confidential item.

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 177/09-26 | | |
| **MOVED BY:** | Cr Vivienne MacCarthy | **SECONDED BY:** | Cr Alex Purich |

**That Council re-open the meeting to the public.**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

The meeting re-opened to the public at 7:05pm.

## 12.2. Public reading of Resolutions that may be made public

| | | | |
|---|---|---|---|
| **COUNCIL RESOLUTION:** | 176/09-26 | | |
| **MOVED BY:** | Cr Tyler Hall | **SECONDED BY:** | Cr Leanne Wringe |

**That Council:**

1. **Endorses the following adjustments to 2026/27 annual Budget, based on it being a net zero impact:**

| COA/Job Code | Description | Current Budget Allocation | Budget Adjustment (R2R) | Proposed Amended Budget Allocation |
|---|---|---|---|---|
| C2601 | Palmer Steet, Donnybrook | $550,000 | -$50,000 | $500,000 |
| C2604 | Brockman St and Bailey Heights Intersection | $92,000 | +$50,000 | $142,000 |

2. **Subject to point 1 being endorsed by Council, awards the following Request for Tenders to:**

**2.1. RFT 2627-375 – Palmer Street, Donnybrook – Road Upgrade, to Carbone Bros Pty Ltd, in accordance with their submitted offer for the defined scope of works.**

**2.2. RFT 2627-376 – Brookhampton Road, Donnybrook – Road Upgrade, to Carbone Bros Pty Ltd, in accordance with their submitted offer for the defined scope of works**

**2.3. RFT 2627-377 – Brockman Street, Balingup – Road Upgrade, to Carbone Bros Pty Ltd, in accordance with their submitted offer for the defined scope of work and the optional extra one (1) scope of works.**

**3. Authorises the Chief Executive Officer to execute all documentation necessary to give effect to the contracts**

| |
|---|
| **For:** Cr Bailey, Cr Hall, Cr Keown, Cr Lindemann, Cr MacCarthy, Cr McNab, Cr Purich, Cr Wringe |
| **Against:** Nil. |
| **Carried: 8/0** |

## 13. Closure

The Presiding Member advised that the next Agenda Briefing Session will be held on 21 October 2026 at 5:00PM, in the Shire of Donnybrook Balingup Council Chamber.

The Presiding Member declared the meeting closed at 7:07pm.